



European Asylum Support Office

# Annual Report on the Situation of Asylum in the European Union 2017



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## 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>(1)</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 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 2017 in respective thematic areas.

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

Primary factual information was obtained by EASO from EU+ countries in a process coordinated with the European Migration Network (EMN) <sup>(2)</sup>, to avoid duplication with the 2017 Annual Report on Migration and Asylum. Furthermore, the European Commission was consulted during the drafting process and actively contributed. 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 (indicated as UNHCR input).

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, as well as for the section on Dublin procedures (due to unavailability of respective Eurostat data at the time of writing).

As in previous years, the report aims to provide an analysis based on a wide range of sources of information – duly referenced - to reflect the ongoing debate at European level and 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. To that end, EASO takes due account of information already available from other relevant sources, as stipulated in the EASO Regulation, including EU+ countries, EU institutions, civil society, 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.

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 2017 inclusive, but also refers to major recent relevant developments in the year of writing. Whenever possible, information referring to 2018 was based on the most up-to-date sources available at the time of adoption of the Report by EASO Management Board.

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<sup>(1)</sup> Regulation (EU) No 439/2010 of the European Parliament and of the Council of 19 May 2010 establishing a European Asylum Support Office <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:132:0011:0028:EN:PDF> .

<sup>(2)</sup> Unless otherwise stated, information on state practices refers to that input.

## Executive Summary

The EASO Annual Report on the Situation of Asylum in the European Union 2017 provides a comprehensive overview of developments at European level and at the level of national asylum systems. Based on a wide range of sources, the Report looks into main statistical trends and analyses changes in EU+ countries as regards their legislation, policies, practices, as well as national case law. While the report focuses on key areas of the Common European Asylum System, it often makes necessary references to the broader migration and fundamental rights context.

### *Developments at EU level*

Significant developments were reported in 2017 in the area of international protection in the European Union.

While the transposition of the recast asylum acquis package has been practically finalised, the new package to reform the Common European Asylum System remained under negotiations. The package was composed of proposals for strengthening the mandate of EASO by transforming it into the European Union Agency on Asylum; reform of the Dublin system; amendments to the Eurodac system; proposals for the new Asylum Procedures Regulation and Qualification Regulation; and revision of the Reception Conditions Directive.

In alignment with its responsibility to ensure correct application of EU law, the European Commission took steps in the framework of infringement procedures regarding Hungary, Czech Republic and Poland, and Croatia.

The Court of Justice of the European Union issued a number of judgments, seven of which concerned the implementation of the Dublin Regulation, indicating the impact of the mass influx of asylum seekers during 2015 and 2016, as well as the impact of secondary movements. Specifically, the CJEU analysed issues pertaining to the legality of mass border crossings; the rights of asylum seekers in relation to Dublin III Regulation and the applicable time limits; the automatic transfer of responsibility, when the transfer has not been carried out; the transfer of seriously ill asylum seekers; detention in the context of the Dublin III Regulation; and applicability of Dublin III to persons granted subsidiary protection in the Member State of first entry. Other issues considered by the Court included the requirement to hold a hearing in the appeal proceedings; the right to be heard; exclusion from refugee status; and the use of homosexuality tests in asylum procedures. In the area of reception, the Court confirmed the grounds of detention of asylum applicants. The Court also dismissed the actions brought by Slovakia and Hungary against the relocation mechanism.

The implementation of the European Agenda on Migration continued in 2017, summarised in the Commission's Communication on the Delivery of the European Agenda on Migration in September 2017. Reference was made to the hotspots approach, which was defined as the cornerstone of the response to migration challenges in the Mediterranean, with support provided in the framework of the approach by EASO to Italy and Greece.

In Italy, EASO deployed national experts, supported by interim staff and cultural mediators, providing information to arriving migrants, helping to accelerate the formal registration of requests for international protection across the country, supporting the National Asylum Commission and Territorial Commissions in their activities, and assisting the implementation of recent legislation on strengthening the protection of migrant children. In Greece, the hotspot approach is linked to the implementation of the EU-Turkey Statement, under which EU Heads of State or Government and Turkey agreed to tackle irregular migration, following the massive influx of migrants into the EU. The commitment of EU Member States to the EU-Turkey statement was reiterated in the Malta Declaration adopted by the members of the European Council on the external aspects of migration.

A key emergency mechanism launched under the Agenda concerned relocation activities, meant to provide a response to the high volumes of arrivals to the EU, which put particular pressure on frontline Member States. Relocation was established as a temporary and exceptional mechanism consisting in the transfer of up to 160 000 applicants in clear need of international protection from Greece and Italy over a period of two years until September 2017. The Council decisions on relocation expired on 26 September 2017. From Greece, all remaining eligible applicants were relocated by March 2018, while

only 35 remained to be relocated from Italy as of 22 May 2018. By the end of 2017, there were 33 151 persons relocated, 11 445 from Italy and 21 706 from Greece. By end of March, the total number of relocated persons stood at 34 558 (12 559 from Italy and 21 999 from Greece). EASO provided broad operational support to the relocation process in Greece and Italy, since the launch of the process, and EASO activities have significantly expanded during the implementation period.

Throughout 2017, the European Union continued its cooperation with external partners. The Partnership Framework on Migration, introduced in June 2016, included initiatives carried out in and in cooperation with a number of priority countries of origin and transit, including Mali, Nigeria, Niger, Senegal and Ethiopia. Activities aimed at enhancing political dialogue; fighting trafficking and smuggling; strengthening protection and developing a new resettlement scheme for refugees from Turkey, the Middle East, and Africa by the end of 2019; improving management of returns; and launching job programmes under the EU Emergency Trust Fund for Africa and the European External Investment Plan (EIP). These programmes support investments in partner countries in Africa and the European Neighbourhood.

#### *International Protection in the EU+*

In terms of statistical trends, in 2017, there were 728 470 applications for international protection in the EU+, representing a decrease of 44 % compared to 2016, but remaining at a higher level than prior to the refugee crisis, which started in 2015. Migratory pressure at the EU external borders remained high, but decreased for second consecutive year, mostly at the eastern and central Mediterranean routes, whereas there was an unprecedented upsurge on the western Mediterranean route.

Syria (since 2013), Iraq, and Afghanistan were the three main countries of origin of applicants in the EU+. Approximately 15 % of all applicants originated from Syria, with Iraq ranking second and Afghanistan third, each representing 7 % of all applications in the EU+. These three countries were followed by Nigeria, Pakistan, Eritrea, Albania, Bangladesh, Guinea and Iran.

In Syria's neighbouring countries, Iraq, Jordan, Lebanon, Turkey, Egypt and other northern African countries, UNHCR indicated that the number of registered Syrian refugees by the end of 2017 amounted to approximately 5.5 million.

In 2017, similar to 2016, just over two thirds of all applicants were male and a third were female. Half of the applicants were in the age category between 18 and 35 years old, and almost a third were minors.

Overall in 2017, some 99 205 applications were withdrawn across EU+ countries, a sizeable decrease of 41 % compared to 2016, when 168 195 applications were withdrawn. The ratio of applications withdrawn to the total number of applications lodged in the EU+ was 14 %, a proportion similar to previous years. According to EASO data, again similar to previous years, most withdrawals were implicit, meaning applicants abandoned the asylum procedure without explicitly informing the authorities.

In terms of pending cases, for the first time in several years, at the end of 2017 the stock of pending cases was reduced compared to the year before, while approximately 954 100 applications were awaiting a final decision in the EU+, 16 % fewer than at the same time in 2016. At the end of 2017, just half of all pending cases were awaiting a decision at first instance, whereas an increasing proportion were pending at second or higher instance, which is a new phenomenon. The number of cases awaiting decision at second and higher instance almost doubled since the end of 2016, pointing to the transfer of workload in national systems from the first instance to the appeal and review stage.

The largest number of applications awaiting a decision concerned Afghans, Syrians and Iraqis. At the end of 2017, most of the pending cases (443 640) were still reported in Germany. However, the stock decreased by more than a quarter compared to 2016. Italy continued to be the second EU+ country in terms of pending cases, while considerable increases occurred in Spain and Greece.

The reduction in the backlog in the majority of the EU+ states was due to a combination of factors, including fewer new applications, coupled with the issuing of more decisions. Specific organisational and policy measures implemented in EU+ states to tackle the problem of heavy processing backlogs also had an impact.

In terms of decisions issued, in 2017, EU+ countries issued 996 685 decisions in first instance, a 13 % decrease compared to 2016. The year-on-year decrease clearly reflects the lower number of applications

lodged: 2016 represented a record year in terms of volume of applications for international protection, with EU+ countries intensifying their efforts to deal with a growing backlog.

Of all the first instance decisions issued in 2017, nearly half (462 355) were positive, but this overall EU+ recognition rate was 14 percentage points lower than in 2016. Despite fewer decisions issued overall, the number of negative decisions actually increased: from 449 910 in 2016 to 534 330 in 2017. Concerning positive decisions, in 2017 there was a distinct decrease in the share of decisions granting refugee status (down to 50 %, from 55 % in 2016) or subsidiary protection (34 %, from 37 %) with a parallel increase in the proportion of those granting humanitarian protection (15 %, up from 8 %).

This reduction of the EU+ recognition rate to 46 % (dropping by 14 percentage points compared to 2016) is at least partially due to fewer decisions being issued to applicants with rather high recognition rates, combined with more decisions being issued to applicants with rather low recognition rates. While there were fewer decisions issued to applicants from Syria and Eritrea, decisions issued to Afghan, Iranian and Nigerian applicants were considerably more than in 2016.

Importantly, recognition rates tend to vary across EU+ countries, at both relatively low and high values of the recognition rates, in particular for applicants from Afghanistan, Iran and Iraq, where the recognition rate ranged between 0 and 100 %. For others, there was relatively more convergence at higher (e.g. Eritrea and Syria) and lower (e.g. Albania and Nigeria) recognition rates.

For individual citizenships, variation in recognition rates among EU+ countries may suggest, to some extent, a lack of harmonisation 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). However, it may also indicate that even among applicants from the same country of origin, some EU+ countries may receive individuals with very different protection grounds, such as, for example, specific ethnic minorities, people from certain regions within a country, or applicants who are unaccompanied children.

As regards decisions issued in appeal or review, in 2017, EU+ countries issued 273 960 decisions at second or higher instance, a 20 % increase compared to 2016, reinforcing an upward trend in the number of decisions, which has been noticeable since 2015. Three quarters of all decisions at second or higher instance were issued in Germany (58 % of the EU+ total), France (12 %), and Sweden (7 %). More specifically, Syrians received four times as many (38 675), Afghans three times as many (34 505) and Iraqis almost three times as many (19 935) decisions. In contrast, in 2016 a third of all decisions issued in appeal were received by applicants of three Western Balkan countries (Albania, Kosovo and Serbia), with much lower recognition rates.

For the functioning of the Dublin system in 2017, a number of developments can be reported on the basis of EASO data, which indicated an increase in decisions on Dublin requests. For every received decision on a Dublin request in 2017 there were close to five applications lodged in the pool of countries reporting on this Dublin indicator, which may imply that a considerable number of applicants for international protection pursue secondary movements in the EU+ countries. In 2017, most decisions were taken in a small group of countries. Italy and Germany were the partner countries for almost half of all responses, followed at a distance by Bulgaria, Sweden, France, and Hungary. The overall acceptance rate for decisions on Dublin requests in 2017 was 75 %; however, the acceptance rate varied considerably between responding countries. Decisions were most commonly reached on Dublin requests for citizens of Afghanistan (11 % of the total), Syria (8 %), Iraq (8 %), and Nigeria (6 %). EASO data also indicated that about two thirds of these decisions were in response to 'take back' requests, which means that the majority of decisions relate to cases in which a person lodges an application in one EU+ country and afterwards moves to another country. In 2017, Article 17(1) of the Dublin Regulation, known as one of the discretionary clauses, was evoked nearly 12 000 times (more than half of these cases were applied by Germany or Italy). In 2017, the 26 reporting countries implemented just over 25 000 transfers, an increase of a third compared to 2016. Three quarters of all transfers in 2017 stemmed from five EU+ countries: Germany, Greece, Austria, France, and the Netherlands. More than half of the transferees were received by Germany and Italy.

In general, main developments in EU+ countries with regard to Dublin procedure reflected the volume of cases that needed to be processed. Like in 2016, in 2017, the suspension (either full or partial) of Dublin transfers to Hungary and Bulgaria was also noted. On 8 December 2016, the European Commission

recommended measures for strengthening the Greek asylum system as well as a gradual resumption of transfers to Greece for certain categories of asylum applicants) and a number of Dublin Member States sent in 2017 transfer requests to Greece following the recommendation.

A number of EU+ countries amended their legislation concerning international protection. These included significant changes in Austria, Belgium, Hungary and Italy, while other countries also amended their legislation in diverse areas, including changes to the national lists of safe countries of origin.

Many EU+ countries also made changes as regards internal restructuring and transfer of competencies among various entities in national asylum administration, including the creation of specialised task forces to tackle thematic issues.

Significant efforts of EU+ countries were also aimed at ensuring the integrity of their national systems, by preventing and combating unfounded claims for international protection and detection of security concerns. This was facilitated by the implementation of advanced identification and registration systems, supported by modern technology, and the implementation of procedures of age assessment, an area where many developments were noted in 2017.

Various initiatives were undertaken by EU+ countries in 2017 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, speeding up award of protection in justified cases and avoiding lengthy procedures for cases with no merit. The main trends concerned digitalisation and introduction of new technologies (information system, databases, videoconferencing for interviews and interpretation), that also helped in exchange of information among various actors. Similar objectives were pursued with measures toward better organising asylum systems by setting up specialised processing centres, such as in Germany, and by using measures for the distribution of cases, channelling certain categories through specifically dedicated channels. Measures also included prioritisation and fast-track procedures.

In addition, to maintain and enhance quality, EU+ countries implemented quality assurance mechanisms, developed guidance materials, and offered capacity-building activities to staff members, in particular as regards complex areas of asylum, such as issues relating to vulnerability. These measures were supplemented by rich and comprehensive training offered by EASO. Despite these efforts, civil society and UNHCR underlined the need to continue pursuing systematically and in a consistent way the improvement of quality in daily practice.

The European Resettlement Scheme, launched at the Justice and Home Affairs Council on 20 July 2015, came to an end on 8 December 2017. By then, 19 432 people in need of international protection had been resettled under the scheme to 25 Member and Associated States, which amounts to 86 % of the 22 504 resettlements initially pledged and agreed upon by the parties.

The Commission issued a Recommendation on 27 September 2017 on enhancing legal pathways for persons in need of international protection, thus introducing a new scheme that aims at resettling at least 50 000 persons by 31 October 2019. By 26 May 2018, over 50 000 pledges had been already made by 19 Member States, making it the largest EU collective engagement on resettlement to date. So far, almost 2 000 persons have already been resettled under this new scheme.

Meanwhile, the resettlement scheme under the 1:1 mechanism of the EU-Turkey Statement also continued to be implemented, with 12 476 persons resettled to 16 Member States since it came into force on 4 April 2016.

Under these EU joint resettlement schemes, people have been and will be resettled mainly from Turkey, Jordan and Lebanon. The new scheme of 27 September 2017 will have a particular focus on resettling from the African countries along the Central Mediterranean route.

Throughout 2017, EU+ countries also noted many developments in national resettlement programmes, building their experience and capacity.

At the same time, EASO continued delivering on its mandate by facilitating practical cooperation among Member States and providing support to countries, whose asylum and reception systems were under pressure, that is, Bulgaria, Cyprus, Italy and Greece. EASO also enhanced its dialogue with civil society, organising thematic meetings on key areas of interest (operational support to hotspots and relocation, provision of information). EASO Early warning and Preparedness System expanded, delivering an

analytical portfolio based on standardised data on the asylum situation in the EU+, which the EPS community of Member States shared with EASO on a weekly and monthly basis.

### *Functioning of the CEAS*

Important developments were noted in main thematic areas of the Common European Asylum System:

As regards access to procedure, in 2017, the main receiving countries for asylum applicants were Germany, Italy, France, Greece and the United Kingdom. The top four remained the same as in 2016, whereas the United Kingdom replaced Austria as the fifth main receiving country. These five countries jointly accounted for three quarters of all applications lodged in the EU+.

Germany was the main receiving country for the sixth consecutive year. Despite a 70 % decrease in applications lodged in 2017 compared to 2016, its total of 222 560 applications was almost double that of any other receiving country. Italy was the second main receiving country, with 128 850 applications. France followed with a total over 100 000 applications. In terms of country share, Germany alone accounted for 31 % of all applications lodged in the EU+ in 2017. In 2016, however, Germany's share in the total was at 58 %, almost twice as large. At the same time, the proportion of applicants in the other main receiving countries, in particular Italy, France, Greece, the United Kingdom and Sweden, almost doubled between 2016 and 2017. Greece was the country with the highest proportion of applicants to the number of inhabitants.

While several EU+ countries continued in 2017 to use temporary reintroduction of border control (when necessary) at internal Schengen borders, civil society reported on limited access to the territory including the occurrence of pushbacks in several Member States stressing the need to ensure effective access to protection to those in need. Important developments were related to a swift and efficient registration process, which assisted in increasing efficiency at later stages of the procedure. An example was registration in Greece of applicants previously pre-registered in the summer of 2016 at the time of mass influx.

Access to procedure has also been given through dedicated channels, where persons fulfilling certain criteria were brought to the territory of EU+ countries in an organised manner, such as humanitarian admission mechanisms implemented by several countries. These included humanitarian corridors, as well as humanitarian visa and family reunification programmes, which constitute a legal pathway to Europe for migrants.

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. Both EU+ countries' national administrations and civil society implemented a wide range of information initiatives at all stages of the asylum process, employing a broad variety of means of communication, using social media and smartphone applications.

Civil society emphasised the need to ensure that information is available and is suited to the needs of its target groups, especially as regards vulnerable individuals. On a related issue, in terms of legal assistance and representation, developments in EU+ countries during 2017 were diverse with some countries broadening the scope or taking steps toward enhancing effectiveness of legal assistance, and others reducing availability of aid. In addition, a number of challenges were identified in the area of legal assistance and representation by civil society actors operating in the field.

Both information provision and legal assistance are catalysed by effective interpretation, which is an equally important factor in the procedure for international protection. Effective interpretation ensures proper communication between the applicant and the authorities at every step of the process, including access to asylum procedure, application, examination, and appeal stage. Overall, in 2017, EU+ countries received applications from nationals of 54 different countries of origin, as opposed to 35 in 2016, which points to the ever-increasing challenges encountered to secure interpretation services for more and more different languages. That prompted a wider use of technical measures to facilitate interpretation in the asylum process.

Regarding examination of applications for international protection at first instance, Member States can use special procedures, such as accelerated, border zones, or prioritised procedures, while remaining in accordance with the basic principles and guarantees envisaged in European asylum legislation. EASO data indicates that these procedures are used in a targeted way and as an exception rather than as a rule.

Importantly, most decisions issued in the EU+ using accelerated or border procedures lead to a rejection of the application at a significantly higher rate than for decisions made via normal procedures. The recognition rate for decisions issued using accelerated procedures was 11 %, while for those using border procedure it was 8 %. In terms of organisation of their procedures, EU+ countries often resorted to fast-track and prioritised procedures for specific categories of cases, aligned with the workload faced by the specific country. There were also developments in procedures conducted at the border and in transit zones, while many EU+ countries also resorted to the use of safe country concepts, primarily safe country of origin, where several countries amended their national lists of safe countries of origin.

In terms of reception, overall in 2017 decreased pressure was noted on the reception systems of most EU+ countries. Consequently, several administrations reduced their reception capacity by closing various types of reception facilities, combined with progressively replacing emergency or temporary reception centres by more permanent ones, based on previous planning. Against that backdrop, exceptions were noted, as in some other countries the reception capacity was expanded with a view to accommodating an increasing pressure or a demand that was still to be matched. 2017 saw the adoption of new law provisions in a number of Member States regulating the conduct, rights, and duties of asylum seekers while in reception, also pending their removal. In parallel, monitoring standards were developed and related programmes implemented to ensure appropriate reception conditions. In terms of material reception conditions (food, clothing, housing, and financial allowance), as well as healthcare, access to schooling and access to labour market, the developments in specific countries varied significantly, leading to either reduction or extension of offer. Among concerns raised by civil society organisations, the most frequent referred to the lack of reception capacity, poor reception conditions, and/or issues related to the reception of unaccompanied minors.

Similar to reception, in the area of detention diverse developments were noted in individual countries. Overall, a number of EU+ countries revised their legal framework regarding grounds for detention and its implementation in practice. Many countries introduced or planned to introduce new forms of alternatives to detention, in the context of both asylum and return procedures. Concerns about the duration and conditions of detention, and the detention of vulnerable groups, were expressed by UNHCR and civil society in a number of EU+ countries. On a related note, in various EU+ countries new legal provisions entered into force in the course of 2017 limiting the freedom of movement or restricting the residence of people staying in reception. Overall, those developments led to a significant volume of national case law on matters related to freedom of movement and application of detention in various stages of the asylum process.

In 2017, there were 996 685 decisions issued at first instance in EU+ countries. At the national level, similar to 2016, Germany was the country issuing the most decisions (524 185), accounting for 53 % of all decisions in the EU+. Other countries that issued large numbers of decisions included France (11 % of the EU+ total), Italy (8 %), Sweden and Austria (6 % each).

Compared to 2016, fewer decisions were issued at first instance in the majority of EU+ states. The most sizable decreases took place in Germany (a drop by 106 900) and Sweden (a drop by 34 705). In relative terms, among the countries with more than 1 000 decisions at first instance in 2017, the most substantial declines in decisions concerned Finland and Norway (by 65 % each). In contrast, markedly more decisions than in 2016 were issued in France (an increase by close to 24 000), Austria (13 870 more) and in Greece, where the number of decisions increased by 13 055. With respect to decisions issued at first instance, for countries that issued at least 1 000 decisions in 2017, Switzerland had the highest overall recognition rate; 90 % of the decisions were positive. Relatively high recognition rates were also apparent in Norway (71 %), Malta (68 %) and Luxembourg (66 %). Conversely, the Czech Republic had the lowest recognition rate at 12 %, followed by Poland (25 %), France (29 %), Hungary, and the United Kingdom (31 % each).

Differences in recognition rates between countries are the result of the citizenship of the applicants to whom decisions are issued. For example, in 2017 France had a 29 % recognition rate and issued most decisions to Albanian citizens, a nationality with a generally very low recognition rate. In contrast Switzerland, with a 90 % overall recognition rate, issued more than a third of its decisions to Eritreans, a nationality with a considerably high level of positive decisions in the EU+.

Main developments in EU+ countries with regard to procedures at first instance mostly concerned measures taken toward the optimisation of processing of applications for international protection, as well as the reduction of processing times.

In 2017, the EU+ recognition rate of cases decided at second or higher instance was 35 %, considerably higher than in 2016 (17 %). Compared to first instance, the recognition rate is expected to be lower in appeal or review because these cases are examined subsequent to a negative first-instance decision. Indeed, the higher instance recognition rate was 11 percentage points lower than for decisions issued at first instance, but this was a much smaller difference than in 2016, which suggests that in 2017 a higher percentage of negative first instance decisions were overturned in appeal. Among the EU+ countries issuing at least 1 000 second instance decisions, more than half of all higher instance decisions were positive in Finland (65 %), in the Netherlands (58 %), in the United Kingdom (57 %) and in Austria (56 %).

In 2017, developments in EU+ countries concentrated on measures to enhance institutional efficiency, accelerate procedures in second instance with a view to address the high numbers of appeals, and revise procedural rules (mainly in terms of revising the time limits to submit an appeal). With a view to further improve appeal procedures, EU+ countries also implement structural institutional changes.

In 2017, it was also noted that EU+ countries decentralised the procedures on second instance with a view to further enhancing the processing of appeals. Similar to first instance, measures were taken to tackle backlog of pending cases, streamline procedures and make use of technology to support efficient decision-making.

The provision of country of origin information (COI) on a wide range of third countries and themes continues to be vital for well-informed, fair and well-reasoned asylum decisions and evidence-based policy development. While at EU+ level, fewer asylum applications were lodged in 2017 compared to 2016, applications considerably increased in a number of EU+ countries, and overall the applications lodged were distributed among a wider number of nationalities, resulting in a continued need for relevant country of origin information.

In terms of COI production, in addition to a wide range of regular publications by long-established COI Units, many of which are available through the EASO COI Portal, some countries reported their new, if not first ever, outputs in 2017. Overall, EU+ countries further enhanced standards and quality assurance of COI products in the course of 2017, while as a general trend, many national COI Units engaged in a form or collaboration with their counterparts in other countries, including in the framework of EASO COI Networks.

The EU asylum acquis includes rules on the identification of and provision of support to applicants, who are in need of special procedural guarantees (in particular as a result of torture, rape, or any other form of psychological, physical, or sexual violence). One of the key groups is unaccompanied minors seeking protection without care of a responsible adult.

In 2017, approximately 32 715 unaccompanied minors (UAM) applied for international protection in the EU+, half as many as in 2016, with the share of UAMs relative to all applicants being at 4 %. More than three quarters of all UAMs applied in five EU+ countries: Italy, Germany, Greece, the United Kingdom, and Sweden.

The presence of unaccompanied minors drove a number of developments in EU+ countries. Those included, in particular, establishment and enhancing of specialised reception and alternative care modalities, revision of rules for appointment of guardians, and procedural arrangements related to the assessment and securing of the best interest of the child. Similarly, specialised reception facilities and services were at the core of developments concerning other vulnerable groups with many countries creating specialised facilities, as well as mechanisms for identification and referral. Civil society emphasised that efforts are still needed so that support provided is comprehensive, in line with established standards, and ensures early identification of vulnerability in practice.

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. Specific rights granted to beneficiaries of international protection are usually laid down in national legislation and policies, often as part of larger-scale integration plans concerning multiple categories of third country nationals, and embedded in national migration policies, where such have been defined at national level. Many countries have adopted national integrations plans and strategies at national level, while others amended existing instruments, often introducing integration courses and mechanisms of integration in the labour market. This fosters the prospects of beneficiaries of protection in gaining their own means of support, while at times access to financial allowances was reduced.

Return policies and measures gained major significance in the course of 2017 among the EU+ countries. Although those relate to the general migration context, in light of increasing numbers of rejected applicants and prospective returnees, various countries adopted new legal provisions in order to facilitate return procedures. Besides the usual support provided in the form of Assisted Voluntary Return, which was also boosted, adopted measures addressed, among others, the enforcement of return decisions and regulated the period prior to departure.

In the course of 2017 most EU+ countries promoted Assisted Voluntary Return initiatives, in various forms: financially, through information campaign, engaging directly in return activities, providing support to other actors, such as IOM or civil society organisations.

# 1. MAJOR DEVELOPMENTS IN 2017 AT EU LEVEL

## 1.1. Legislative developments at EU level

### 1.1.1. 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>(3)</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>(4)</sup> that will transform EASO into a fully fledged agency <sup>(5)</sup>, as well as proposals for the reform of the Dublin system <sup>(6)</sup> and for amendments to the Eurodac system <sup>(7)</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 and shift of responsibility and shortening applicable time limits. A corrective allocation mechanism would be introduced to be activated automatically when a Member State receives a disproportionate number of asylum applications. The proposal also envisages stricter obligations for applicants to apply in the first country of entry 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 technical and operational 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>(8)</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. The intended reform takes into consideration

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<sup>(3)</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>(4)</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>(5)</sup> <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1485250747141&uri=CELEX:52016PC0271>.

<sup>(6)</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>(7)</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>(8)</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).

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>(9)</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 (free legal assistance and representation already at the administrative stage of the procedure). Particular attention is given to 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 movements. The Commission is also proposing to further harmonise the application of safe country concepts, including the designation of safe countries of origin and safe third countries at EU level. The proposed Qualification Regulation <sup>(10)</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>(11)</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 the 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.

In addition, a Union Resettlement Framework was proposed <sup>(12)</sup>. The above legislative proposals to reform CEAS <sup>(13)</sup> are at various stages of advancement within the legislative process. The aim is to reach political agreement on four proposals (recast Reception Conditions Directive, Qualification Regulation, Eurodac, Union Resettlement Framework Regulation), consensus on the proposal for a Dublin Regulation, and obtain a mandate for negotiations with the European Parliament on the Asylum Procedures Regulation by the end of June 2018 <sup>(14)</sup>.

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<sup>(9)</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>(10)</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>(11)</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>(12)</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52016PC0468>.

<sup>(13)</sup> See also European Commission, Factsheets Compilation 2016-2017: Migration and Borders-State of Play of Main Proposals, p.20. Available at: <https://ec.europa.eu/home-affairs/sites/homeaffairs/files/compilation-factsheets-2016-2017.pdf>. The European Parliament provides an overview of the legislative process of various instruments related to migration policies at: <http://www.europarl.europa.eu/legislative-train/theme-towards-a-new-policy-on-migration>.

<sup>(14)</sup> In his 2017 State of the Union Letter of Intent the Commission president Juncker called upon the EP and the Council to adopt the CEAS proposals by the end of 2018.

### 1.1.2. Continued transposition of recast asylum acquis

Member States continued transposing<sup>(15)</sup> the provisions of the recast asylum Directives as extensively presented in EASO's Annual Report on the Situation of Asylum in 2015<sup>(16)</sup> and 2016<sup>(17)</sup>. In **Belgium** the Law of 21 November 2017 amended the Belgian Immigration Act (*Law on Access to the Territory, Residence, Establishment and Removal of Foreigners*)<sup>(18)</sup> and finalised the transposition of the the recast APD and RCD<sup>(19)</sup>. Greece continues working on the implementation of the recast Reception Conditions Directive.

On 21 November 2017, **Ireland** announced that it will opt into the EU (recast) Reception Conditions Directive (2013/33/EU)<sup>(20)</sup>.

### 1.1.3. Infringement procedures by the European Commission

Under the EU Treaties, the European Commission is responsible for ensuring that EU law is correctly applied. As the guardian of the Treaties, the Commission may commence infringement proceedings under Article 258 (ex Article 226 TEC) of the Treaty on the Functioning of the European Union if it considers that a Member State has breached Union law. The purpose of the procedure is to bring the infringement to an end. The infringement procedure starts with a letter of formal notice, by which the Commission allows the Member State to present its views regarding the breach observed. If no reply to the letter of formal notice is received, or if the observations presented by the Member State in reply to that notice cannot be considered satisfactory, the Commission may move to the next stage of the infringement procedure, which is the reasoned opinion; if the Member State does not comply with the opinion the Commission may then refer the case to the Court of Justice<sup>(21)</sup>.

#### *Infringement procedure against Hungary regarding asylum law*

In May 2017, the European Commission decided to move forward on the infringement procedure against Hungary concerning its asylum legislation by sending a complementary letter of formal notice. According the EC Fact Sheet on May infringements<sup>(22)</sup>, following a series of exchanges both at political and technical level with the Hungarian authorities, the letter set out concerns raised by the amendments to the Hungarian asylum law introduced in March 2017 and came as a follow-up to an infringement procedure initiated by the Commission in [December 2015](#). The Commission considered that of the five issues identified in the letter of formal notice from 2015, three remained to be addressed, in particular in the area of asylum procedure. In addition, the letter outlined new incompatibilities of the Hungarian asylum law, as modified by the amendments of 2017. The incompatibilities focused mainly on three areas: asylum procedures, rules on return and reception conditions. The Commission considered that the Hungarian legislation does not comply with EU law, in particular the Asylum Procedures Directive, the Return Directive, the Reception Conditions Directive and several provisions of the Charter of Fundamental Rights.

In December, the European Commission decided to send a reasoned opinion. Following the analysis of the reply provided by the Hungarian authorities on the Commission's complementary letter of formal notice on 17 May 2017, which was considered unsatisfactory as it failed to address the majority of the

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<sup>(15)</sup> Recast Directives should have been transposed into national law by the general deadline of 20 July 2015. Denmark is not bound by the Directives. UK has opted out of both recast Directives and thus continues to be bound by the Asylum Procedures Directive (Directive 2005/85/EC) and the Reception Conditions Directive (Directive 2003/9/EC). Ireland opted into the Reception Conditions Directive (Directive 2003/9/EC) and continues to be bound only by the Asylum Procedures Directive (Directive 2005/85/EC).

<sup>(16)</sup> EASO, *Annual Report on the Situation of Asylum in 2015*, 2017, pp. 56-59.

Available at: [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)

<sup>(17)</sup> EASO, *Annual Report on the Situation of Asylum in 2016*, 2017, p. 57.

Available at: <https://www.easo.europa.eu/sites/default/files/annual-report-2016.pdf>

<sup>(18)</sup> Loi modifiant l'article 39/73-1 de la loi du 15 décembre 1980 sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers, C – 2017/13845. Available: <http://www.ejustice.just.fgov.be/eli/loi/1980/12/15/1980121550/justel>.

<sup>(19)</sup> The Belgian Immigration Act was already largely in compliance with the recast of the APD en RCD, but the Law of 21 November 2017 (adopted in the Parliament on 9 Nov. 2017) finalised this transposition. The Law was published in the Belgian Official Gazette on 12 March 2018 to come into force ten days later on 22 March 2018.

<sup>(20)</sup> Department of Justice and Equality, Press Release, 21 November 2017, available at: <http://www.justice.ie/en/JELR/Pages/PR17000394>

<sup>(21)</sup> [https://ec.europa.eu/transport/media/media-corner/infringements-proceedings\\_en](https://ec.europa.eu/transport/media/media-corner/infringements-proceedings_en).

<sup>(22)</sup> European Commission, Fact Sheet May infringements package – Part 1: key decisions, Brussels, 17 May 2017. Available at: [http://europa.eu/rapid/press-release MEMO-17-1280\\_en.htm](http://europa.eu/rapid/press-release_MEMO-17-1280_en.htm).

concerns and in view of the new legislation adopted by the Hungarian Parliament in October, the Commission considered that the Hungarian legislation does not comply with EU law, in particular Directive 2013/32/EU on Asylum Procedures, Directive 2008/115/EC on Return, Directive 2013/33/EU on Reception Conditions and several provisions of the Charter of Fundamental Rights<sup>(23)</sup>. Hungary has responded in February, now it is up to the European Commission to decide whether it turns to the European Court of Justice.

#### *Infringement procedure against the Czech Republic, Hungary and Poland regarding relocation*

The temporary emergency relocation scheme was established in two Council Decisions in September 2015 (Council Decision (EU) 2015/1523 and Council Decision (EU) 2015/1601), in which Member States committed to relocate persons in need of international protection from Italy and Greece. The Commission has been reporting regularly on the implementation of the two Council Decisions through its regular relocation and resettlement reports, which it has used to call for the necessary action to be taken<sup>(24)</sup>.

In its 13th report on relocation and resettlement<sup>(25)</sup>, the European Commission noted that despite repeated calls for action, the **Czech Republic, Hungary and Poland** remained in breach of their legal obligations stemming from the Council Decisions and have shown disregard for their commitments to Greece, Italy and other Member States<sup>(26)</sup>. More specifically, despite the Council Decisions requiring Member States to pledge available places for relocation at least every three months to ensure a swift and orderly relocation procedure, **Hungary** had not pledged or relocated anybody since the relocation scheme started, **Poland** had not relocated anybody and had not pledged since December 2015, whereas the **Czech Republic** had only relocated 12 persons and had not pledged or relocated since August 2016. The Commission had previously called in its 12th Relocation and Resettlement report presented on 16 May all Member States that had not relocated or pledged for almost a year or longer in breach of their legal obligations, to start proceedings immediately and within a month.

Consequently, in June 2017, the Commission launched infringement procedures against the **Czech Republic, Hungary and Poland** on non-compliance with their obligations under the 2015 Council Decisions on relocation and addressed letters of formal notice to these three Member States<sup>(27)</sup>. On 26 July 2017, the Commission considered the replies provided by the three Member States not satisfactory and decided to move to the next stage of the infringement procedure by sending reasoned opinions<sup>(28)</sup>. The replies received were found to be not satisfactory and three countries gave no indication on the potential implementation of the relocation decisions. Moreover, the validity of the relocation scheme was confirmed by the Court of Justice of the EU in its ruling on 6 September. Consequently, the Commission decided on 7 December 2017 to refer the three Member States to the Court of Justice of the EU<sup>(29)</sup>.

#### *Infringement procedure against Croatia*

The Commission decided to send a reasoned opinion to **Croatia** requesting that it correctly implement the Eurodac Regulation (Regulation (EU) No 603/2013)<sup>(30)</sup>. The Eurodac Regulation provided for the effective fingerprinting of asylum seekers and irregular migrants apprehended having crossed an external border and the transmission of this data to the central Eurodac database. The Commission sent a letter

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<sup>(23)</sup> European Commission, Press release: Migration: Commission steps up infringement against Hungary concerning its asylum law, Brussels, 7 December 2017. Available at: [http://europa.eu/rapid/press-release\\_IP-17-5023\\_en.htm](http://europa.eu/rapid/press-release_IP-17-5023_en.htm).

<sup>(24)</sup> As of November 2017, the reporting on the relocation and resettlement schemes is included in a consolidated report on the progress made under the European Agenda for Migration.

<sup>(25)</sup> Report from the Commission to the European Parliament, the European Council and the Council, Thirteenth report on relocation and resettlement, Strasbourg, 13.06.2017, COM(2017) 330 final. Available at: [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170613\\_thirteenth\\_report\\_on\\_relocation\\_and\\_resettlement\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170613_thirteenth_report_on_relocation_and_resettlement_en.pdf).

<sup>(26)</sup> European Commission, Fact Sheet: June infringements package: key decisions, Brussels, 14 June 2017. Available at: [http://europa.eu/rapid/press-release\\_MEMO-17-1577\\_en.htm](http://europa.eu/rapid/press-release_MEMO-17-1577_en.htm).

<sup>(27)</sup> European Commission, Press release: Relocation: Commission launches infringement procedures against the Czech Republic, Hungary and Poland, Brussels, 14 June 2017. Available at: [http://europa.eu/rapid/press-release\\_IP-17-1607\\_en.htm](http://europa.eu/rapid/press-release_IP-17-1607_en.htm).

<sup>(28)</sup> European Commission, Press release: Relocation: Commission moves to next stage in infringement procedures against the Czech Republic, Hungary and Poland, Brussels, 26 July 2017. Available at: [http://europa.eu/rapid/press-release\\_IP-17-2103\\_en.htm](http://europa.eu/rapid/press-release_IP-17-2103_en.htm).

<sup>(29)</sup> European Commission, Press release: Relocation: Commission refers the Czech Republic, Hungary and Poland to the Court of Justice, Brussels, 7 December 2017. Available at: [http://europa.eu/rapid/press-release\\_IP-17-5002\\_en.htm](http://europa.eu/rapid/press-release_IP-17-5002_en.htm).

<sup>(30)</sup> European Commission - Fact Sheet, June infringements package: key decisions, Brussels, 14 June 2017. Available at: [http://europa.eu/rapid/press-release\\_MEMO-17-1577\\_EN.htm](http://europa.eu/rapid/press-release_MEMO-17-1577_EN.htm).

of formal notice to the Croatian authorities in December 2015 for failing to fully implement the Eurodac regulation. The Commission's concerns were not addressed, which is why the Commission has followed up with a reasoned opinion. Croatia's reply announced practical and technical efforts geared towards achieving compliance with the Eurodac Regulation. Eurodac figures and the latest figures received from Frontex as well data provided by the Croatian authorities indicate that progress is being made.

## 1.2 Jurisprudence of the Court of Justice of the EU

The Court of Justice of the European Union as the guardian of EU Law ensures that, *in the interpretation and application of the Treaties, the law is observed* <sup>(31)</sup>. As part of its mission, the Court of Justice of the European Union ensures the correct interpretation and application of primary and secondary Union law in the EU, reviews the legality of acts of the Union institutions and decides whether Member States have fulfilled their obligations under primary and secondary law. The Court of Justice also provides interpretation of Union law when so requested by national courts.

The Court thus constitutes the judicial authority of the European Union, which, in cooperation with the courts and tribunals of the Member States, ensures the uniform application and interpretation of EU law <sup>(32)</sup>.

2017 was a particularly active year for the CJEU with regard to asylum law. 16 judgements were issued while another 16 are still pending <sup>(33)</sup>. Out of them, 7 judgements were related to the implementation of the Dublin Regulation, which is indicative of the impact of the mass influx of asylum seekers in 2015-16, the secondary movements thereafter and the particular challenges encountered in this specific area in the light of the European Charter of Fundamental Rights.

### *Dublin III Regulation*

The legality of mass border crossings, tolerated by the authorities of the first Member State faced with an exceptionally large number of third country nationals wishing to transit through that Member State in order to make an application for international protection in another Member State, in the light of Dublin III Regulation, was questioned in Cases C-490/16 <sup>(34)</sup> and C-646/16 <sup>(35)</sup>. The Court observed that the admission of a national from a non-EU country to the territory of a Member State is not tantamount to the issuing of a visa, even if the admission is explained by exceptional circumstances characterised by a mass influx of displaced people into the EU. Moreover, the Court considered that the crossing of a border in breach of the conditions imposed by the rules applicable in the Member State concerned must necessarily be considered 'irregular' within the meaning of the Dublin III Regulation. Consequently, the Court found that the term 'irregular crossing of a border' also covered the situation in which a Member State admits into its territory non-EU nationals on humanitarian grounds, by way of derogation from the entry conditions generally imposed on non-EU nationals. In addition, referring to the mechanisms established by the Dublin III Regulation, to Directive 2001/553 and to Article 78(3) TFEU, the Court considered that the fact that the border crossing occurred upon the arrival of an unusually large number of non-EU nationals seeking international protection is not decisive. It further observed that the taking charge of such non-EU nationals may be facilitated by the use by other Member States, unilaterally or bilaterally in a spirit of solidarity, of the 'sovereignty clause', which enables them to decide to examine applications for international protection lodged with them, even if they are not required to carry out such an examination under the criteria laid down in the Dublin III Regulation. Finally, the Court reiterated that an applicant for international protection should not be transferred to the Member State responsible if, following the arrival of an unusually large number of non-EU nationals seeking international protection,

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<sup>(31)</sup> Article 19 TEU, Articles 251 to 281 TFEU, Article 136 Euratom, and Protocol No 3 annexed to the Treaties on the Statute of the Court of Justice of the European Union (hereinafter 'the Statute').

<sup>(32)</sup> [https://curia.europa.eu/jcms/jcms/Jo2\\_6999/en/](https://curia.europa.eu/jcms/jcms/Jo2_6999/en/).

<sup>(33)</sup> As of March 2018.

<sup>(34)</sup> Judgment of the Court (Grand Chamber) of 26 July 2017, *A.S. v Republic of Slovenia*, Case C-490/16, [ECLI:EU:C:2017:585](https://eur-lex.europa.eu/eli/cej/cj/2017/585).

<sup>(35)</sup> Judgment of the Court (Grand Chamber) of 26 July 2017, *Proceedings brought by Khadija Jafari and Zainab Jafari*, Case C-646/16, [ECLI:EU:C:2017:586](https://eur-lex.europa.eu/eli/cej/cj/2017/586).

there is a genuine risk that the person concerned may suffer inhuman or degrading treatment if transferred<sup>(36)</sup>.

The rights of asylum seekers in relation to the Dublin III Regulation and the applicable time limits were also under review. In Case C-670/16<sup>(37)</sup>, which the Court examined under the expedited procedure, it stated that the Dublin III Regulation did not merely introduce organisational rules governing relations between Member States for the purpose of determining the Member State responsible, but decided to involve asylum seekers in that process, by conferring on them, *inter alia*, the right to an effective remedy in respect of any transfer decision that may be taken against them. To this end, an applicant for international protection may rely, in the context of an action brought against a decision to transfer him, on the expiry of the three-month period at issue, even if the requested Member State is willing to take charge of him. Second, the Court stated that a take-charge request cannot legitimately be made more than three months after the application for international protection has been lodged. The two-month period which the Dublin III Regulation provides for such a request in the event of receipt of a Eurodac hit does not constitute a supplementary period, which is added to the three-month period, but a shorter period which is justified by the fact that such a hit constitutes evidence of illegal crossing of an external frontier of the EU and accordingly simplifies the process of determining the responsible Member State. Third, as regards the substantive definition of the application for international protection (the lodging of which starts the three-month period), the Court held that: ‘an application for international protection is deemed to have been lodged if a written document, prepared by a public authority and certifying that a non-EU national has requested international protection, has reached the authority responsible for implementing its obligations arising from the Dublin III Regulation, or, as the case may be, if only the main information contained in that document (but not that document itself or its copy) has reached that authority’<sup>(38)</sup>.

In addition, in the judgement in Case C-201/15 *Shiri*, the Court affirmed<sup>(39)</sup> that an applicant for international protection can rely, before a court or tribunal, on the expiry of the period laid down for his removal to another Member State. In particular, the Court replied that, where the transfer does not take place within the six-month time limit, responsibility is transferred automatically to the Member State which requested that charge be taken of the person concerned (in this instance, Austria), without it being necessary for the Member State responsible (in this instance, Bulgaria) to refuse to take charge of, or take back, that person. Such a solution ensures that, in the event of a delay in the take charge or take back procedure, the examination of the application for international protection will be carried out in the Member State where the applicant is, so as not to delay that examination further. The Court held that an applicant for international protection can rely on the expiry of the six-month period. That is true irrespective of whether that period expired before or after the transfer decision was adopted. The Member States are obliged to provide in this regard for an effective and rapid remedy<sup>(40)</sup>.

With regard to the transfer-back procedure of seriously ill asylum seekers, the Court interpreted<sup>(41)</sup> Articles 3(2) and 17(1) of Dublin III Regulation in relation to Article 267 TFEU and Article 4 of the Charter of Fundamental Rights of the European Union. The Court held that the application of the ‘discretionary clause’ is not governed solely by national law and by the interpretation given to it by the constitutional court of the Member States, but is a question concerning the interpretation of EU law. The court clarified that even in the absence of substantial grounds for believing that there are systemic flaws in the Member State responsible for examining the application for asylum, the Dublin transfer can take place only in conditions which exclude the possibility that it might result in a real and proven risk of the person concerned suffering inhuman or degrading treatment. 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

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<sup>(36)</sup> CJEU, Press Release No 86/2017: 26 July 2017. Available at: <https://curia.europa.eu/jcms/upload/docs/application/pdf/2017-07/cp170086en.pdf>.

<sup>(37)</sup> Judgment of the Court (Grand Chamber) of 26 July 2017, *Tsegezab Mengesteab v Bundesrepublik Deutschland*, Case C-670/16, [ECLI:EU:C:2017:587](https://eur-lex.europa.eu/eli/EU/j/o/2017/587).

<sup>(38)</sup> CJEU, Press Release No 87/2017: 26 July 2017. Available at: <https://curia.europa.eu/jcms/upload/docs/application/pdf/2017-07/cp170087en.pdf>.

<sup>(39)</sup> Judgment of the Court (Grand Chamber) of 25 October 2017, *Majid auch Madzhdi Shiri v Bundesamt für Fremdenwesen und Asyl*, Case C-201/16, [ECLI:EU:C:2017:805](https://eur-lex.europa.eu/eli/EU/j/o/2017/805).

<sup>(40)</sup> CJEU, Press Release No 111/2017 : 25 October 2017. Available at: <https://curia.europa.eu/jcms/upload/docs/application/pdf/2017-10/cp170111en.pdf>.

<sup>(41)</sup> Judgment of the Court (Fifth Chamber) of 16 February 2017, *C. K. and Others v Republika Slovenija*, Case C-578/16 PPU, [ECLI:EU:C:2017:127](https://eur-lex.europa.eu/eli/EU/j/o/2017/127).

significant and permanent deterioration in the state of health of the person concerned, that transfer would constitute inhuman and degrading treatment. In this regard, 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. Where necessary, if it is noted that the state of health of the asylum seeker concerned 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' laid down in Article 17(1) of Regulation No 604/2013.

Detention in the context of Dublin III Regulation was also subject of the Court's activity. Case C-528/15 <sup>(42)</sup> *Al Chodor*, concerned the detention of applicants in order to secure transfer procedures when there is a significant risk of absconding. In this regard, to be able to apply detention Member States must establish, in a binding provision of general application, objective criteria underlying the reasons for believing that an applicant for international protection who is subject to a transfer procedure may abscond. The absence of such a provision leads to the inapplicability of Article 28(2) of the Dublin regulation.

Further in Case C-60/16 <sup>(43)</sup>, the Court ruled that Article 28 of Dublin Regulation read in conjunction with Article 6 of the Charter of Fundamental Rights of the European Union, does not preclude national legislation, which provides that, where the detention of an applicant for international protection begins after the requested Member State has accepted the take charge request, that detention may be maintained for no longer than two months, provided, first, that the duration of the detention does not go beyond the period of time which is necessary for the purposes of that transfer procedure, assessed by taking account of the specific requirements of that procedure in each specific case and, second, that, where applicable, that duration is not to be longer than six weeks from the date when the appeal or review ceases to have suspensive effect, as well as national legislation, which allows, in such a situation, the detention to be maintained for 3 or 12 months during which the transfer could be reasonably carried out. It also clarified that the number of days during which the person concerned was already detained after a Member State has accepted the take charge or take back request need not be deducted from the six-week period established by that provision, from the moment when the appeal or review no longer has suspensive effect. The six-week period beginning from the moment when the appeal or review no longer has suspensive effect, established by that provision, also applies when the suspension of the execution of the transfer decision was not specifically requested by the person concerned.

The applicability of Dublin III was also questioned with regard to an asylum seeker who had been granted subsidiary protection in the Member State of first entry. More analytically, on 7 December 2015, Mr Ahmed applied for asylum in **Germany** and lodged an application for international protection with the Office on 30 June 2016. As a search on the Eurodac system showed that the applicant had already applied for international protection in Italy on 17 October 2013, the Office requested the Italian authorities to take him back on the basis of Regulation No 604/2013. The Italian authorities refused the request for a take-back on the grounds that the applicant benefits from subsidiary protection in Italy, so that his transfer there should take place in accordance with the readmission agreements in force. Consequently, the application was rejected as inadmissible, whereas it found there were no grounds preventing his deportation to Italy, informed him that he could be deported to that Member State if he did not leave Germany, and imposed a ban on his entry and residence for 30 months from the date of deportation. The decision was taken before the referring court, which requested a preliminary ruling to clarify if Dublin III Regulation is applicable to asylum applicants to whom subsidiary protection has already been granted in

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<sup>(42)</sup> Judgment of the Court (Second Chamber) of 15 March 2017, *Policie ČR, Krajské ředitelství policie Ústeckého kraje, odbor cizinecké policie v Salah Al Chodor and Others*, Case C-528/15, [ECLI:EU:C:2017:213](#).

<sup>(43)</sup> Judgment of the Court (Third Chamber) of 13 September 2017, *Mohammad Khir Amayry v Migrationsverket*, Case C-60/16, [ECLI:EU:C:2017:675](#).

a Member State. The Court in this case ruled that the provisions and principles of Regulation (EU) No 604/2013 which govern, directly or indirectly, the time limits for lodging an application for a take-back are not applicable in a situation such as that at issue in the main proceedings, in which a third country national has lodged an application for international protection in one Member State after being granted the benefit of subsidiary protection by another Member State <sup>(44)</sup>.

In early 2018, the Court also determined responsibility of Member States when an applicant, after lodging a second asylum application in another Member State, was transferred to the Member State having original responsibility for the first asylum application because of a court's rejection of his application for suspension of the transfer decision under the Dublin III Regulation, and then immediately returned illegally to the second Member State, and interpreted relevant procedural aspects in application of Dublin III Regulation <sup>(45)</sup>.

Among the pending cases <sup>(46)</sup>, the application of the Dublin III Regulation in relation to Brexit is of special interest, as the Court has been asked whether a national authority when dealing with the transfer of an applicant to the UK should take into account circumstances in relation to the withdrawal of the UK from the EU, as they stand at the time of such consideration <sup>(47)</sup>.

#### *Asylum Procedures Directive*

The issue of the requirement to hold a hearing in the appeal proceedings was considered by the Court upon request for a preliminary ruling from the Tribunale di Milano in Case C-348/16 <sup>(48)</sup>. In this regard, the Court ruled that the national court or tribunal hearing an appeal against a decision rejecting a manifestly unfounded application for international protection is not precluded from dismissing the appeal without hearing the applicant, where the factual circumstances leave no doubt as to whether that decision was well founded and under two conditions: first, during the proceedings at first instance, the applicant was given the opportunity of a personal interview on his or her application for international protection, in accordance with Article 14 of the directive, and the report or transcript of the interview, if an interview was conducted, was placed on the case file, in accordance with Article 17(2) of the directive, and, second, the court hearing the appeal may order that a hearing be conducted if it considers it necessary for the purpose of ensuring that there is a full and ex nunc examination of both facts and points of law.

Cases are also pending on the content of effective remedy with regard to court's power to amend administrative decisions of the competent asylum authority refusing international protection <sup>(49)</sup> and its competence to grant protection to the applicant, even if it does not have such competence under national law <sup>(50)</sup>; the suspensory effect of appeals <sup>(51)</sup>; clearly unfounded applications due to acceptable protection based on country of origin information <sup>(52)</sup>; the applicability of the recast Asylum Procedures Directive to applications lodged before 20 July 2015 so as to regard an application inadmissible if the applicant has been granted subsidiary protection in another Member State <sup>(53)</sup>; admissibility of an application on the ground that refugee status has been granted in another Member State where, although the living conditions do not satisfy the requirements of Article 20 et seq. of Directive 2011/95/EU, they do not amount to an infringement of Article 4 of the Charter of Fundamental Rights of the European Union or Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms <sup>(54)</sup>; possibility to preclude a national court or tribunal of first instance to take into account a ground for asylum put forward for the first time in the judicial proceedings <sup>(55)</sup>.

#### *Qualification Directive*

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<sup>(44)</sup> Order of the Court (Third Chamber) of 5 April 2017, *Daher Muse Ahmed v Bundesrepublik Deutschland*, Case C-36/17, [ECLI:EU:C:2017:273](#).

<sup>(45)</sup> Judgment of the Court (Third Chamber) of 25 January 2018, *Bundesrepublik Deutschland v Aziz Hasan*, Case C-360/16, [ECLI:EU:C:2018:35](#).

<sup>(46)</sup> As of March 2018, the following cases are pending: [C-647/16](#), [C-47/17](#), [C48/17](#), [C-56/17](#), [C-163/17](#), [C-213/17](#), [C-577/17](#), [C-583/17](#).

<sup>(47)</sup> [Case C-661/17](#).

<sup>(48)</sup> Judgment of the Court (Second Chamber) of 26 July 2017, *Moussa Sacko v Commissione Territoriale per il riconoscimento della Protezione internazionale di Milano*, Case C-348/16, [ECLI:EU:C:2017:591](#).

<sup>(49)</sup> [Case C-556/17](#).

<sup>(50)</sup> [Case C-113/17](#).

<sup>(51)</sup> <sup>(51)</sup> Cases [C-175/17](#), [C-180/17](#).

<sup>(52)</sup> [Case C-404/17](#).

<sup>(53)</sup> Cases [C-297/17](#), [Case C-438/17](#).

<sup>(54)</sup> [Case C-517/17](#).

<sup>(55)</sup> [Case C-586/17](#).

In the *M* Judgement<sup>(56)</sup>, the Court clarified the right to be heard as applicable in the context of Council Directive 2004/83/EC. In this regard, the Directive does not require – where national legislation provides for two separate but successive procedures for examining applications for refugee status and applications for subsidiary protection respectively – a separate interview relating to an application and the right to call or cross-examine witnesses when that interview takes place. Nonetheless, an interview must be arranged where specific circumstances, relating to the elements available to the competent authority or to the personal or general circumstances in which the application for subsidiary protection has been made, render it necessary in order to examine that application with full knowledge of the facts, a matter which is for the referring court to establish.

With regard to **exclusion**, the Court reviewed exclusion from refugee status for ‘acts contrary to the purposes and principles of the United Nations’ where an applicant has been convicted in a criminal court of participation in the activities of a terrorist group but has not himself committed a terrorist act in the *Lounani* case<sup>(57)</sup>. The Court noted in particular that, in Resolution 2178 (2014), the United Nations Security Council expressed its ‘grave concern over the acute and growing threat posed by foreign terrorist fighters’ and its concern with regard to the international networks established by terrorist entities enabling them to move between States fighters of all nationalities and the resources to support them. Consequently, application of the ground for exclusion of refugee status laid down in the Directive cannot be confined to the actual perpetrators of terrorist acts, but can also extend to the persons who engage in activities of recruitment, organisation, transportation or equipment of individuals who travel to a State other than their States of residence or nationality for the purpose of, *inter alia*, the perpetration, planning or preparation of terrorist acts. The Court stated that the final assessment of an application for international protection is the task of the competent national authorities, subject to review by the national courts. However, the Court went one step further clarifying that participation in the leadership of a terrorist group which operates internationally and was registered on the United Nations list identifying certain individuals and entities that are subject to sanctions and has continued to be named on that list, as updated since that date, logistical support to the activities of that group, involvement in the forgery of passports and assistance to volunteers who wanted to travel to Iraq, are acts that can justify exclusion from refugee status<sup>(58)</sup>.

The judgment of the Court in the *F* case, issued in early 2018, also bears particular significance on the use of homosexuality tests in asylum procedures. In this context, the Court ruled that the Directive must be interpreted as meaning that it does not preclude the determining authority, or where applicable, courts or tribunals, from ordering an expert report to be obtained in the context of the assessment of the facts and circumstances relating to the declared sexual orientation of an applicant, provided that the procedures for such a report are consistent with the fundamental rights guaranteed by the Charter. However, the authorities should not base their decision solely on the conclusions of the expert’s report whereas it is up to their discretionary power to endorse or reject those conclusions when assessing the applicant’s statements relating to his sexual orientation<sup>(59)</sup>.

The inadequate living conditions of persons qualifying as refugees as well as the lack or, if provided, very limited subsistence benefits by comparison with those available in other Member States, and the factual difficulty in accessing the corresponding benefits if there is no integration programme appropriately tailored to address the special needs of the persons concerned will be reviewed in the Case C-540/17<sup>(60)</sup>, currently pending before the Court.

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<sup>(56)</sup> Judgment of the Court (Third Chamber) of 9 February 2017, *M v Minister for Justice and Equality Ireland and the Attorney General*, C-560/14, [ECLI:EU:C:2017:101](#).

<sup>(57)</sup> Judgment of the Court (Grand Chamber) of 31 January 2017, *Commissaire général aux réfugiés et aux apatrides v Mostafa Lounani*, Case C-573/14, [ECLI:EU:C:2017:71](#).

<sup>(58)</sup> CJEU, Press Release No 9/2017 : 31 January 2017. Available at: <https://curia.europa.eu/jcms/upload/docs/application/pdf/2017-01/cp170009en.pdf>.

<sup>(59)</sup> Judgment of the Court (Third Chamber) of 25 January 2018, *F v Bevándorlási és Állampolgársági Hivatal*, Case C-473/16, [ECLI:EU:C:2018:36](#).

<sup>(60)</sup> [Case C-540/17](#).

Joint cases are pending on the validity of EU law as regards withdrawal of refugee status based on criminal or security grounds <sup>(61)</sup> and another judgment is pending on the interpretation of serious crime in *Ahmed* <sup>(62)</sup>.

The Court also confirmed recently the applicability of subsidiary protection due to the real risk of serious harm to the physical or psychological health of the applicant if returned to the country of origin, resulting from previous torture or inhuman or degrading treatment for which the country of origin was responsible <sup>(63)</sup>.

More cases are also pending regarding: application of the Directive to stateless persons of Palestinian origin who are registered as refugees with the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and, who previously resided in the agency's area of operations (the Gaza Strip) <sup>(64)</sup>; social assistance to beneficiaries of international protection <sup>(65)</sup>; withdrawal of international protection without a change in the factual circumstances themselves which are relevant for the purpose of granting that status, but rather only where the state of knowledge of the authority in this regard has undergone a change <sup>(66)</sup>.

#### *Reception Conditions Directive*

In Case C-18/16 <sup>(67)</sup> *K* the Court confirmed the validity of Article 8(3)(a) and (b) of the RCD concerning the grounds of detention of asylum applicants (a) in order to determine or verify his or her identity or nationality; and (b) in order to determine those elements on which the application for international protection is based which could not be obtained in the absence of detention, in particular when there is a risk of absconding of the applicant. The Court noted that the limitation on the exercise of the right to liberty resulting from the first subparagraph of Article 8(3)(a) and (b) of Directive 2013/33 is provided for by EU legislation and that it does not affect the essence of the right to liberty laid down in Article 6 of the Charter given the strictly circumscribed framework in which such a measure may be used. Additionally, the Court highlighted that the EU legislature struck a fair balance between, on the one hand, the applicant's right to liberty and, on the other, the requirements relating to the identification of that applicant or of his nationality, or to the determination of the elements on which his application is based, which are necessary for the proper functioning of the Common European Asylum System.

With regard to detention a pending case C-704/17 <sup>(68)</sup> concerns the concerns compatibility with EU law of national legislation which would prevent a national court from reviewing a judicial decision concerning lawfulness of detention of a foreign national after the foreign national has been released from detention.

#### *Provisional mechanism for the mandatory relocation of asylum seekers*

On September 2017, the Court dismissed the actions brought by **Slovakia** <sup>(69)</sup> and **Hungary** <sup>(70)</sup> against the provisional mechanism for the mandatory relocation of asylum seekers set out in Council Decision (EU) 2015/1601 ('second relocation decision').

In response to the exceptional migratory flows that affected Europe in the summer of 2015, the Council of the European Union adopted a decision <sup>(71)</sup> in order to help **Italy** and **Greece** deal with the massive inflow of migrants. The decision provides for the relocation from those two Member States to other EU Member States, over a period of two years, of 120 000 persons in need of international protection. **Slovakia** and **Hungary** which, like the **Czech Republic** and **Romania**, voted against the adoption of the contested decision in the Council, asked the Court of Justice to annul the decision. In the proceedings

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<sup>(61)</sup> [C-391/16, C-77/17 and C-78/17](#).

<sup>(62)</sup> [Case C-369/17](#).

<sup>(63)</sup> [Case C-353/16](#).

<sup>(64)</sup> [Case C-585/16 Alheto](#).

<sup>(65)</sup> [Case C-713/17 Ayubi](#).

<sup>(66)</sup> [Case C-720/17 Bilali](#).

<sup>(67)</sup> Judgment of the Court (Fourth Chamber) of 14 September 2017, *K. v Staatssecretaris van Veiligheid en Justitie*, Case C-18/16, [ECLI:EU:C:2017:680](#).

<sup>(68)</sup> [Case C-704/17](#).

<sup>(69)</sup> Judgment of the Court (Grand Chamber) of 6 September 2017, *Slovak Republic and Hungary v Council of the European Union*, C-643/15, [ECLI:EU:C:2017:631](#).

<sup>(70)</sup> [Case C-647/15, Hungary v Council](#), (Joined Cases C-643/15, C-647/15).

<sup>(71)</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 2015 L 248, p. 80).

before the Court, Poland intervened in support of Slovakia and Hungary, while Belgium, Germany, Greece, France, Italy, Luxembourg, Sweden and the Commission intervened in support of the Council.

By its Judgment, the Court dismissed their actions entirely. The following points were highlighted in the Court's Press Release <sup>(72)</sup>:

TFEU enables the EU institutions to adopt all the provisional measures necessary to respond effectively and swiftly to an emergency situation characterised by a sudden inflow of displaced persons. Those measures may also derogate from legislative acts, provided, in particular, that their material and temporal scope is circumscribed and that they have neither the object nor the effect of replacing or permanently amending legislative acts.

Since the decision was a non-legislative act, its adoption was not subject to the requirements relating to the participation of national Parliaments and to the public nature of the deliberations and vote in the Council (as those requirements apply only to legislative acts). The Court then pointed out that the temporal scope of the contested decision (from 25 September 2015 to 26 September 2017) was precisely delineated; the provisional nature of the decision therefore cannot be denied.

The Court further held that the Conclusions of the European Council of 25 and 26 June 2015, which stated that the Member States were to agree 'by consensus' on the distribution of persons in clear need of international protection and were to do so in a manner 'reflecting the specific situations of Member States', could not prevent the adoption of the contested decision. Those conclusions in fact related to another relocation plan which, in response to the inflow of migrants witnessed in the first six months of 2015, aimed to allocate 40 000 persons between the Member States. That plan formed the subject matter of Decision 2015/1523 rather than of the decision challenged in this case. The Court added that the European Council cannot under any circumstances alter the voting rules laid down by the Treaties.

The Court also held that the Council was not required to act unanimously when it adopted the contested decision, even though, for the purpose of adopting the above-mentioned amendments, it had to depart from the Commission's initial proposal. The Court found that the amended proposal was in fact approved on behalf of the Commission by two of its Members, who were authorised by the College of Commissioners for that purpose. Moreover, the Court considered that the relocation mechanism provided for by the contested decision is not a measure that is manifestly inappropriate for contributing to achieving its objective, namely helping Greece and Italy to cope with the impact of the 2015 migration crisis.

In that regard, the legality of the decision cannot be called into question on the basis of retrospective assessments of its efficacy. Where the EU legislature must assess the future effects of a new set of rules, its assessment can be challenged only where it appears manifestly incorrect in the light of the information available to the legislature at the time of the adoption of the rules in question. That was not the case here, given that the Council carried out, on the basis of a detailed examination of the statistical data available to it at the time, an objective analysis of the effects of the measure on the emergency situation in question. Concerning the last point, the Court observed in particular that the small number of relocations so far carried out under the contested decision can be explained by a series of factors that the Council could not have foreseen at the time when the decision was adopted, including, in particular, the lack of cooperation on the part of certain Member States.

### **1.3. Policy implementation based on European Agenda on Migration**

Migration management is a shared responsibility, not only among EU Member States, but also vis-à-vis non-EU countries of transit and origin of migrants. By combining both internal and external policies, the European Agenda on Migration <sup>(73)</sup> continues to provide a comprehensive approach grounded in mutual trust and solidarity among EU Member States and institutions <sup>(74)</sup>. The Agenda set out four levels of action for an EU migration policy which respects the right to seek asylum, responds to the humanitarian

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<sup>(72)</sup> CJEU, Press Release No 91/17. Available at: <https://curia.europa.eu/jcms/upload/docs/application/pdf/2017-09/cp170091en.pdf>.

<sup>(73)</sup> Brussels, 13.5.2015 COM(2015) 240 final. Available at: [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/background-information/docs/communication\\_on\\_the\\_european\\_agenda\\_on\\_migration\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/background-information/docs/communication_on_the_european_agenda_on_migration_en.pdf)

<sup>(74)</sup> [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). In September 2017.

Commission took stock of the implementation of the Agenda in its Communication on the Delivery of the European Agenda on Migration COM(2017) 558 final <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52017DC0558>.

challenge, provides a clear European framework for a common migration policy, and stands the test of time <sup>(75)</sup>. Relevant developments have been periodically reported in the Progress report on the European Agenda on Migration.

### *Hotspots*

The hotspot approach remained a cornerstone of the broad range of measures set out by the Commission in the European Agenda on Migration in response to the unprecedented migration challenges in the Mediterranean.

The Commission's Communication on the Delivery of the European Agenda on Migration of 27 September 2017, underlined that the hotspot approach is a tangible operational achievement and a concrete example of the principles of solidarity and responsibility in responding to the pressure faced by Greece and Italy <sup>(76)</sup>. In addition, the Commission realised the development of technical guidance, including a template for standard operating procedures, on the implementation of the hotspot approach in case of disproportionate migratory pressure at the external border of any Member State. Based on the lessons learned and best practices gained in the implementation of hotspots in Greece and Italy as well as various reports, most notably the European Court of Auditor's Special Report of 28 April 2017 which contained a number of recommendations how to improve the functioning of hotspots, the Commission identified and set best practices to be followed <sup>(77)</sup>. Developments with regard to the hotspot approach were periodically reported in the Progress report on the European Agenda on Migration.

In practice, support to the implementation of the hotspot approach (screening, identification, fingerprinting, registration, information, debriefing and channelling of migrants to the follow-up procedures) in Greece and Italy continued in 2017. In this context, the European Asylum Support Office remained a key partner in the implementation of the EU hotspot approach.

In **Italy**, EU agencies (EBCG/Frontex, Europol, EASO) continued to provide significant support to the functioning of the hotspot approach. The European Asylum Support Office deployed national experts, supported by interim staff and cultural mediators, providing information to arriving migrants, helping to accelerate the formal registration of requests for international protection across the country and supporting the National Asylum Commission and Territorial Commissions. EASO has also been supporting Italy in implementing recent legislation on strengthening the protection of migrant children <sup>(78)</sup>. For more information on EASO activities in support of Italy see [Section 3.5](#).

The EU provided substantial financial assistance to Italy in the area of migration and border management. Following the Action Plan of 4 July 2017, the immediate additional emergency assistance under the ISF borders of EUR 35 million to Italy for the implementation of reforms has been surpassed, with the allocation of EUR 39.92 million emergency support by the end of 2017 for strengthening capacities in the hotspots and other areas of disembarkation of migrants. As a result, the EU emergency assistance support allocated to Italy amounts to a total of EUR 189 million <sup>(79)</sup>.

The Italian Ministry of Interior intends to establish three additional hotspots in 2018.

In **Greece**, the hotspot approach is interlinked with the implementation of the EU-Turkey Statement <sup>(80)</sup>. The continued arrivals on the Aegean islands and the slow pace of returns were a source of persisting pressure on the hotspots' reception capacity. The Greek authorities have responded by carrying out transfers to the mainland of vulnerable asylum seekers and persons for which the Dublin family reunification criteria applied. To ensure the ongoing effectiveness of the EU-Turkey Statement a more streamlined and vigorous approach to the identification of vulnerable asylum seekers has been agreed. A medical vulnerability assessment template has been drafted and is being used to improve consistency in

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<sup>(75)</sup> Ibid, p. 7.

<sup>(76)</sup> European Commission, Staff Working Document - Best practices on the implementation of the hotspot approach - accompanying the report from the Commission to the European Parliament, the European Council and the Council - Progress report on the European Agenda on Migration, Brussels, 15.11.2017, SWD(2017)372final, p.1. Available at: [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20171114\\_commission\\_staff\\_working\\_document\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20171114_commission_staff_working_document_en.pdf).

<sup>(77)</sup> Ibid.

<sup>(78)</sup> European Commission, Progress report on the Implementation of the European Agenda on Migration, Brussels, 14.3.2018 COM(2018) 250 final, p.9.

<sup>(79)</sup> Ibid.

<sup>(80)</sup> Read more under [EU-Turkey Statement](#).

the definition of vulnerability. An operational manual is under preparation. This assessment is carried out by medical professionals deployed at the Reception and Identification Centres by the Ministry of Health.

Despite progress in terms of improving conditions in the existing capacity, reception places available in hotspots remained insufficient. On 16 May 2018, 16 769 migrants were present on the islands (of which 13 580 in the hotspots), substantially higher than the official number of places available (6338). Efforts have been made to expand the capacity and to ensure that facilities are appropriately equipped for winter. 60 new housing units have been installed in Moria, providing an extra capacity of 700 places. Conditions have improved in Kos and Leros. However, the provision by local authorities of sites for additional reception and pre-removal capacity remains a major issue as reported by the European Commission <sup>(81)</sup>.

More generally, there is a persistent lack of adequate shelters for unaccompanied minors on the islands and on the mainland. According to the Commission, the Greek authorities should accelerate the process to set up, with EU financial support, 2 000 additional reception places for unaccompanied minors across Greece. Child protection teams were appointed and trained in all the hotspots: this is part of a wider effort to prioritise the needs of children in migration following the Commission's Communication of April 2017 <sup>(82)</sup>.

### *EU-Turkey statement*

In March 2016, EU Heads of State or Government and Turkey agreed on the EU-Turkey Statement <sup>(83)</sup> in order to break the business model of the smugglers and to offer migrants an alternative to putting their lives at risk, the EU and Turkey decided to end the irregular migration from Turkey to the EU. To achieve this goal, they agreed, *inter alia*, that all new irregular migrants crossing from Turkey into the Greek islands as from 20 March 2016 will be returned to Turkey, and a resettlement scheme will be implemented; for every Syrian being returned to Turkey from the Greek Islands, another Syrian will be resettled from Turkey to the EU taking into account the UN Vulnerability Criteria <sup>(84)</sup>, whereas Turkey will adopt any necessary measures to prevent new sea or land routes for irregular migration opening from Turkey to the EU, and will cooperate with neighbouring states as well as the EU to this effect.

In 2017, three Progress Reports <sup>(85)</sup> on the implementation of the EU-Turkey Statement were published by the European Commission. Reference was also made under the Progress reports on the European Agenda on Migration. From their perspective, civil society raised concerns <sup>(86)</sup> with regard to the Statement.

The commitment of EU Member States to the EU-Turkey statement was reiterated in the Malta Declaration adopted by the members of the European Council on the external aspects of migration <sup>(87)</sup>. Further, at the EU-Turkey High-Level Political Dialogue meeting on 25 July 2017 both sides reaffirmed their commitment to implement the EU-Turkey Statement.

The effects of the EU-Turkey Statement as reported in the Progress Reports were immediate. Daily crossings reduced significantly, while the number of deaths in the Aegean also decreased.

Returns from the Greek islands to Turkey remain however much lower than the number of arrivals, thus continuously adding pressure on the hotspot facilities on the islands. In 2017, this was the combined result of the accumulated backlog in the processing at second-instance of the asylum applications

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<sup>(81)</sup> Ibid.

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

<sup>(83)</sup> <http://www.consilium.europa.eu/en/press/press-releases/2016/03/18-eu-turkey-statement/>.

<sup>(84)</sup> As of 4 September 2017, the total number of Syrians resettled from Turkey to the EU under the 1:1 framework was 8,834. 2 580 Syrians have been resettled, to 15 Member States (Austria, Belgium, Estonia, Finland, France, Germany, Italy, Latvia, Lithuania, Luxembourg, Portugal, Romania Spain, Sweden, the Netherlands). The total number of persons approved and awaiting resettlement was 1,831. <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52017DC0470&from=EN#footnote20>.

<sup>(85)</sup> Seventh Report on the Progress made in the implementation of the EU-Turkey Statement, 6.9.2017, COM(2017) 470 final, Sixth Report on the progress made in the implementation of the EU-Turkey Statement, 13.6.2017, COM/2017/0323 final, Fifth Report on the Progress made in the implementation of the EU-Turkey Statement, 2.3.2017, COM(2017) 204 final.

<sup>(86)</sup> Joint statement of Amnesty, Caritas, GCR, HRW, Oxfam, Praxis, Refugee Rights Europe and CEAR <http://www.gcr.gr/index.php/en/news/press-releases-announcements/item/793-almost-two-years-after-eu-turkey-statement-people-are-still-trapped-on-the-islands>.

<sup>(87)</sup> Council of the EU, Malta Declaration by the members of the European Council on the external aspects of migration: addressing the Central Mediterranean route, 3.2.2017, Press 43/17. Available at: <http://www.consilium.europa.eu/en/press/press-releases/2017/02/03/malta-declaration/>.

submitted on the Greek islands and of the insufficient pre-return processing and detention capacity notably in Chios and Samos. The pre-removal detention capacity has increased in Lesbos and Kos. A lack of up-to-date information regarding shelter allocation complicates the identification and apprehension of asylum applicants for whom negative second-instance asylum decisions have been issued. To this end, adequate registration of migrants present in official accommodation on the islands needs to be urgently improved, to be followed up with a regular monitoring of migrants' presence and asylum case status.

In 2017, the EU supported Turkey in its efforts to host refugees<sup>(88)</sup> through its Facility for Refugees in Turkey with EUR 1 billion from the EU budget and EUR 2 billion contributed by EU Member States. By the end of 2017, the EU had fully committed and contracted the EUR 3 billion under the Facility. Further, the Commission and the EU Member States provided significant support, both operational and financial, to the Greek authorities in the implementation of the EU-Turkey Statement, to improve migration management and reception conditions in Greece. EU actions focused in particular on helping to alleviate the situation on the Greek islands. Over EUR 1.3 billion in EU funding has been allocated to Greece to support migration management since the start of 2015, including EUR 393 million in emergency assistance and over EUR 440 million for projects under the EU Emergency Support Instrument.

To secure the progress achieved through the EU-Turkey Statement and to ensure full implementation of the EU actions to alleviate the pressure on the Greek Islands, the EU Coordinator for the implementation of the EU-Turkey Statement, Maarten Verwey, elaborated a Joint Action Plan with the Greek authorities to further accelerate asylum processes, increase the number of migrants returning from the Greek islands to Turkey, establish appropriate security measures in the hotspots and to accelerate relocation. The Commission further highlighted the need to enhance progress on returns to Turkey<sup>(89)</sup> given that the pace of returns to Turkey from the Greek islands under the Statement remained very slow, with only 2 164 migrants returned since March 2016<sup>(90)</sup>. It is noted that significant additional efforts should be made to reduce the backlog of asylum applications, and address the insufficient pre-return processing and detention capacity in Greece to improve returns.

For more information on EASO activities related to the implementation of EU-Turkey Statement see [Section 3.4](#).

### *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>(91)</sup> consisting in the transfer of up to 160 000<sup>(92)</sup> applicants in clear need of international protection from Greece and Italy over two years until September 2017. Council decisions on relocation<sup>(93)</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>(94)</sup>.

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<sup>(88)</sup> European Commission, EU-Turkey Statement: Two years on, March 2018. Available at: [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20180314\\_eu-turkey-two-years-on\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20180314_eu-turkey-two-years-on_en.pdf).

<sup>(89)</sup> Ibid.

<sup>(90)</sup> In addition, 2 401 migrants have returned voluntarily from the islands since June 2016, supported by the Assisted Voluntary Return and Reintegration Programme (AVRR). Since the beginning of 2016 a total of 12 569 migrants have returned voluntarily from both the Greek islands and mainland through the programme. Analytically see European Commission, EU-Turkey Statement: Two years on, March 2018.

<sup>(91)</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>(92)</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>(93)</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>(94)</sup> Defined in the annexes to both decisions in line with the agreement reached in the Council Conclusions of 20 July 2015.

The second Council decision on relocation<sup>(95)</sup> expired on 26 September 2017, while all remaining eligible applicants were relocated from Greece by March 2018 and only around 35 remained to be relocated from Italy as of 30 May 2018.

Eligible for relocation were applicants of certain nationalities, in principle nationals (or in case of stateless persons – former habitual residents) of countries that had an average recognition rate of 75 % at EU level<sup>(96)</sup>. Initially, eligible nationalities were Syrians, Eritreans and Iraqis<sup>(97)</sup>. As of the end of the programme, nationalities eligible for relocation were: Eritrea, Bahamas, Bahrain, Bhutan, Qatar, Syria, United Arab Emirates and Yemen.

The European Commission reports regularly on the progress of the relocation mechanism via publicly available communications<sup>(98)</sup>, including information on the number of persons relocated from Italy and Greece<sup>(99)</sup>. By the end of 2017, there were 33 151 persons relocated, 11 445 from Italy and 21 706 from Greece. By end of March the total number of relocated persons stood at 34 558 (12 559 from Italy and 21 999 from Greece).

EASO provided broad 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.

#### *Enhancing protection on children in migration*

In the light of the increased number of migrant children arriving in Europe and of the growing pressure on national migration management and child protection systems, the European Commission addressed a Communication to the Parliament and the Council<sup>(100)</sup> in April 2017 setting out a series of urgent actions to be implemented by the Member States with the support of the EU and the relevant EU agencies (European Border and Coast Guard Agency; EASO and the European Union Agency for Fundamental Rights (FRA).

In March 2018, the European Commission published the survey responses provided in December 2017 by several Member States on what was accomplished in 2017 in terms of the recommendations in the Communication of 12 April 2017, as well as a Table informing of the actions that were delivered by the Commission and EU agencies in 2017 on the same account<sup>(101)</sup>.

Developments related to resettlement at EU and national level are described in [Section 3.4](#).

## **1.4. External Dimension and third country support**

Throughout 2017, the European Union continued its cooperation with external partners toward addressing constructively the question of migration. This section presents briefly some of this year's highlights in regard to the external dimension of the EU migration policy. As part of the overall orchestrated effort to deal with the phenomenon of migration in comprehensive ways, the Partnership Framework on Migration was introduced in June 2016. The aim of this ongoing Framework is to prevent irregular migration and enhance cooperation on returns and readmission, as well as address the root causes of migration, improve opportunities in countries of origin, step up investments in partner countries and ensure legal pathways to Europe for those in need of international protection. **The implementation of the Framework in 2017** included initiatives carried out in and in cooperation with a

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<sup>(95)</sup> 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>(96)</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>(97)</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>(98)</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>(99)</sup> [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20171114\\_annex\\_6\\_relocation\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20171114_annex_6_relocation_en.pdf).

<sup>(100)</sup> Brussels, 12.4.2017 COM(2017) 211 final. Available at: [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170412\\_communication\\_on\\_the\\_protection\\_of\\_children\\_in\\_migration\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170412_communication_on_the_protection_of_children_in_migration_en.pdf).

<sup>(101)</sup> [https://ec.europa.eu/info/strategy/justice-and-fundamental-rights/rights-child/children-migration\\_en#documents](https://ec.europa.eu/info/strategy/justice-and-fundamental-rights/rights-child/children-migration_en#documents).

number of priority countries of origin and transit, including Mali, Nigeria, Niger, Senegal and Ethiopia. Progress has been made in regard to the following areas <sup>(102)</sup>:

- **Cooperation:** Political dialogue with partner countries has reached an unprecedented level. More than 30 high-level visits or meetings involving Member State or EU politicians have taken place in the last quarter of 2017. In addition, twelve dedicated European migration liaison officers have been deployed to priority countries of origin and transit; and cooperation between partner countries and the European Border and Coast Guard Agency and Europol is being stepped up.
- **Fighting trafficking and smuggling:** In Niger, the EU and Niger have set up a Joint Investigation Team. The Joint Investigation Team model will be expanded to other countries, as called for by the European Council in October 2017. In parallel, to provide alternative income sources to smuggling, the EU is providing income support to local communities in northern Niger. The EU will further support the G5 Sahel Joint Force in taking action in the region, with EUR 50 million in funding.
- **Protection:** Under the EU–IOM partnership, five transit centres where migrants receive assistance, medical care and psychosocial support have been funded in Niger. EU-financed projects will assist and protect more than 64 500 persons in detention centres, at disembarkation points or in host communities in Libya. Over 15 000 migrants stranded along the route have been assisted in voluntarily returning to their homes.
- **Better management:** Returning those who do not have the right to stay in the EU in full respect of fundamental rights is an essential part of the EU’s migration policy. To this end, the EU is collectively working with partner countries on concluding readmission agreements and, in parallel, ensuring safe and legal pathways to Europe. For example, Standard Operating Procedures on return have been concluded with Bangladesh, providing a clear framework. The EU is also supporting partners in their migration management systems, through developing for example innovative IT solutions to better manage migration and contribute to good governance and development (monitoring of flows, registry of population).
- **Opportunities:** Alternative job programmes have been launched in regions where trafficking used to be the main source of income. In the Horn of Africa, projects now under way with support from the EU Emergency Trust Fund for Africa will create over 44 000 jobs across Ethiopia, Kenya and Somalia, and will directly finance a further 30 000 jobs in South Sudan. Projects are supporting the delivery of basic social services to over 1.6 million beneficiaries. In West Africa and the Sahel, ongoing work targets the creation of 114 000 jobs and supports almost 10 000 micro, small and medium enterprises. Most of these actions include support for returning migrants, to provide them with reintegration opportunities.
- **Investments:** A European External Investment Plan (EIP) to support investments in partner countries in Africa and the European Neighbourhood is also being made operational swiftly.

Moreover, with regard to the central Mediterranean route in particular, the members of the European Council on the external aspects of migration signed on 3 February 2017, the Malta Declaration, in which, among other topics, they expressed the intention to step up work with Libya as the main country of departure, as well as its North African and sub-Saharan neighbours. Courses of action described in the declaration centred on building capacity to assist Libyan authorities acquire effective control over the land and sea borders and combat transit and smuggling activities. In particular, priority is to be given to <sup>(103)</sup>:

- Training, equipment and support to the Libyan national coast guard and other relevant agencies;
- Further efforts to disrupt the business model of smugglers through enhanced operational action, within an integrated approach involving Libya and other countries on the route and relevant international partners, engaged Member States, CSDP missions and operations, Europol and the European Border and Coast Guard;

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<sup>(102)</sup> European Commission, Working with Partner Countries: The Commission's Contribution to the Leader's Agenda. Available at: [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20171207\\_working\\_with\\_partner\\_countries\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20171207_working_with_partner_countries_en.pdf).

<sup>(103)</sup> Council of the EU, Malta Declaration by the members of the European Council on the external aspects of migration: addressing the Central Mediterranean route, 3 February 2017. Available at: <http://www.consilium.europa.eu/en/press/press-releases/2017/02/03/malta-declaration/pdf>.

- Supporting, where possible, the development of local communities in Libya, especially in coastal areas and at Libyan land borders on the migratory routes, to improve their socio-economic situation and enhance their resilience as host communities;
- Seeking to ensure adequate reception capacities and conditions in Libya for migrants, together with the UNHCR and IOM;
- Supporting IOM in significantly stepping up assisted voluntary return activities;
- Enhancing information campaigns and outreach addressed at migrants in Libya and countries of origin and transit, in cooperation with local actors and international organisations, particularly to counter the smugglers' business model;
- Helping to reduce the pressure on Libya's land borders, working both with the Libyan authorities and all neighbours of Libya, including by supporting projects enhancing their border management capacity;
- Keeping track of alternative routes and possible diversion of smugglers' activities, through cooperative efforts with Libya's neighbours and the countries under the Partnership Framework, with the support of Member States and all relevant EU agencies and by making available all necessary surveillance instruments;
- Continuing support to efforts and initiatives from individual Member States directly engaged with Libya; in this respect, the EU welcomes and is ready to support Italy in its implementation of the Memorandum of Understanding signed on 2 February 2017 by the Italian Authorities and Chairman of the Presidential Council al-Serraj;
- Deepening dialogue and cooperation on migration with all countries neighbouring Libya, including better operational cooperation with Member States and the European Border and Coast Guard on preventing departures and managing returns.

In March 2018, the European Commission reported<sup>(104)</sup> on the progress made to date under the European Agenda on Migration. Key highlights of what has been achieved so far include:

- More than **285 000 migrants have been rescued** by EU operations in the Mediterranean since February 2016 and, in 2017, more than **2 000 migrants were saved in the desert** after having been abandoned by smugglers.
- The **joint African Union – European Union – United Nations Taskforce** set up in November 2017 has helped more than 15 000 migrants return from Libya to their home countries in cooperation with the International Organisation for Migration (IOM). In addition, over 1 300 refugees have been by now evacuated from Libya under the new, EU-funded UNHCR **Emergency Transit Mechanism** and should now be swiftly resettled. Joint efforts will continue to evacuate migrants in detention and put an end to the dire conditions in which they are held, as well as to **dismantle smuggling and trafficking networks**.
- The **EU Trust Fund for Africa** continues to play a critical role in addressing root causes and providing protection to migrants and refugees along the route and fighting migrants smuggling and trafficking, with now 147 programmes for a total of **EUR 2.5 billion approved** across the Sahel and Lake Chad, the Horn of Africa and north Africa. However, more than EUR 1 billion is currently still lacking for the important work ahead.
- The **External Investment Plan** with its European Fund for Sustainable Development has attracted a lot of interest from partner financial institutions and the private sector. The response to the first invitation for investment proposals under the Guarantee Fund has been very encouraging.
- **The EU-Turkey Statement** continues to deliver results with irregular and dangerous arrivals remaining 97 % down compared to the period before the Statement became operational. In March 2018, the Commission launched the mobilisation for the **second EUR 3 billion tranche of the Facility for Refugees in Turkey** after the first part of the Facility was fully contracted by the end of 2017<sup>(105)</sup>.

<sup>(104)</sup> European Commission, Press Release, 'European Agenda on Migration: Continuous Efforts Needed to Sustain Progress, 14 March 2018. Available: [http://europa.eu/rapid/press-release\\_IP-18-1763\\_en.htm](http://europa.eu/rapid/press-release_IP-18-1763_en.htm).

<sup>(105)</sup> For a detailed presentation of progress vis-à-vis the EU-Turkey Statement, please see Section 1.2 *Policy Implementation based on the European Agenda on Migration*.

In the near future, with regard to the external dimension and third country support, additional resources are to be mobilised toward developing an EU Facility for Refugees in Turkey; reinforcing the strategic partnership with the African Union and its Member States; delivering the first wave of projects under the EU External Investment Plan; and replenishing the North Africa Window of the EU Trust Fund <sup>(106)</sup>.

### **EASO External dimension activities**

EASO external dimension activities in 2017 concentrated on continuing the **capacity building support** to the Western Balkans (WB) and stepping up the support to Turkey as the region increasingly became a priority for the EU. EASO is a crucial implementing partner of the Regional IPA II Programme on protection sensitive migration management in the WB and Turkey (see box below). In close cooperation with the Third Countries concerned, EASO developed and implemented technical Roadmap documents laying out the capacity building support with Serbia and the former Yugoslav Republic of Macedonia, as well as, in a Pilot Roadmap for cooperation, with the Directorate General for Migration Management (DGMM) of Turkey. The joint effort of establishing the technical cooperation documents led to a closer and more collaborative engagement with the countries concerned in anticipation of possible Working Arrangements with key Third Countries in the future. The initial Pilot Roadmap with DGMM was agreed for the period of September 2017 to February 2018 and more than 15 activities took place in 2017. This led to discussions and agreement to continue the cooperation in a second phase starting in May 2018 (TBC) for a fourteen months period. EASO has also continued a dialogue with the countries in the Middle East and North Africa (MENA) region to follow up on the European Neighbourhood Policy Instrument (ENPI) financed project related to the participation of Jordan in the work of EASO and the participation of Tunisia and Morocco in work of EASO and Frontex (2014-2016), including in support of the Regional Development and Protection Programme (RDPP) for North Africa where EASO is a Steering Committee member.

Under the External Dimension mandate of EASO and upon request by the European Commission and Member States, the work related to **resettlement and complementary pathways** was significantly stepped up, including by placing a resettlement expert (SNE) in support of the EU Migration Policy Team operating out of the EU Delegation to Turkey. EASO initiated consultations with Member States to identify their needs in resettlement operations in Turkey and significantly increased its support to and active engagement in the European Union Action on Facilitating Resettlement and Refugee Admission through the New Knowledge (EU-Frank) project led by Sweden. EASO furthermore initiated a pilot project on Private Sponsorship Programmes which will be further elaborated in 2018.

Two **External Dimension Network meetings** were held in 2017; first in Malta in May and then in Belgrade in November. The meetings brought together EU+ countries external dimension contact points. During the meetings 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 May meeting was followed by a multi-cultural communication workshop and the November meeting was followed by a negotiation skills workshop with specific focus on the WB. These workshops were organised by EASO as a tool to equip EU+ countries' experts with valuable skills when deployed in third countries.

In 2017 EASO also translated around 20 EASO products (mainly practical guides and tools) into four non-European languages (Turkish, Albanian, Serbian and Macedonian language).

With respect to future External Dimension interventions, the EASO Work Programme for 2018 includes the development of further cooperation with the countries in the main regions of geographic interest for EASO: WB, Turkey and MENA. This will be done through the implementation of the IPA project which includes continued implementation of the two existing Roadmaps with Serbia and the former Yugoslav Republic of Macedonia and a number of regional meetings to foster cooperation and harmonisation in the WB, as well as through the second phase of the Turkish Roadmap (as explained above). In 2018, EASO also foresees to implement capacity-building activities with Egypt and Jordan in particular. On the resettlement and complementary pathway side, EASO plans to continue

<sup>(106)</sup> European Commission, News, Political Roadmap for a Sustainable Migration Policy, 7 December 2017, Retrieved from: [https://ec.europa.eu/commission/news/political-roadmap-sustainable-migration-policy-2017-dec-07\\_en](https://ec.europa.eu/commission/news/political-roadmap-sustainable-migration-policy-2017-dec-07_en).

technical consultations with MS on their needs and the feasibility of EASO support in resettlement operations as well as to further the work in the pilot project on Private Sponsorship Programmes.

### **Regional IPA II Programme on protection sensitive migration management in the Western Balkans and Turkey (1 January 2016 – 31 December 2018)**

The implementation of the Regional IPA II Programme continued in 2017 with FRONTEX as leading partner in close cooperation with EASO, UNHCR and IOM. The programme runs until the end of 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. It is also involved in the intervention focusing on identification of asylum seekers and screening procedures. Within this framework, EASO organised a number regional activities to which Turkey also participated: a train-the-trainers session (Interviewing Vulnerable Persons), a training session based on EASO Module for Managers, a workshop on EASO tools/guides, a policy meeting with the Migration, Asylum, Refugees Regional Initiative (MARRI), and first discussions on the set up of a practitioner's network in the WB (not with Turkey). As regards national activities, EASO's own budget complemented the IPA-funded project by organising the roll out of national training sessions of the two EASO Core Modules (Inclusion and Interview Techniques) in five WB countries and will complete the roll out in all 6 WB countries by the end of 2018.

As reported under the External Dimension activities, closer cooperation with the former Yugoslav Republic of Macedonia and Serbia has also been established through the Roadmap documents (endorsed by the former Yugoslav Republic of Macedonia in September 2017 and by Serbia in March 2018). A mix of the IPA project funds and EASO's own funds finances the Roadmaps. Within that framework, in 2017, officials of these two countries have participated to train-the-trainer EASO sessions on Country of Origin Information and Reception, a joint workshop on the Common European Asylum System and the Asylum Procedures Directive was organised and both countries benefitted from a coaching/on-the-job training on Country of Origin Information. As regards Serbia only, a specific workshop on Identification of persons with special needs was organised as well as a workshop targeting the Serbian judges of the Administrative Court.

The project and establishment of Roadmaps have proved to be useful for coordination between the various stakeholders involved, especially the IPA project partners, Frontex, UNHCR and IOM. EASO participated to a number of regional and national meetings with DG NEAR, the EU Delegations, EU office and national authorities (Steering Committee) to strengthen coordination on protection-sensitive migration management in the WB. In light of the end of the implementation period of the project in 2018 and of the newly released Western Balkan Strategy of the European Commission in February 2018, there is ongoing discussion between the European Commission and the four IPA project partners on a phase II of the existing IPA project (2019-2021). Support to asylum procedures will be one of the results of the project in which EASO will lead the implementation. Phase II will initiate the start of additional Roadmaps in WB as per needs of the individual countries, in light of the accession process. In 2018, the implementation of the regional IPA programme will remain a priority with continued capacity-building activities planned in the framework of the two roadmaps as well as a number of follow up meetings at regional level, e.g. on the establishment of a regional practitioners' network, on providing support to MARRI through technical assistance and on Country of Origin Information.

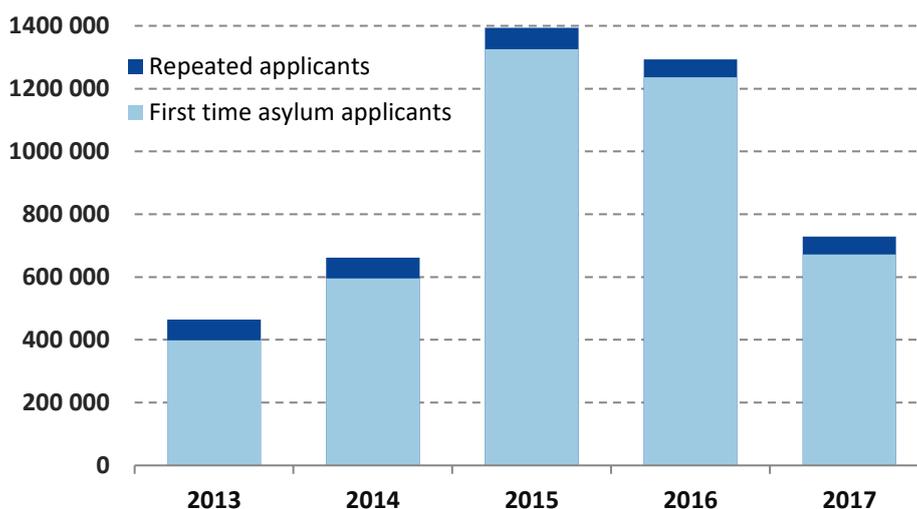
## 2. INTERNATIONAL PROTECTION IN THE EU+

### 2.1. Applicants for international protection in the EU+ <sup>(107)</sup>

In 2017, there were 728 470 applications for international protection in EU+ countries <sup>(108)</sup> <sup>(109)</sup>, which amounts to a single applicant for every 710 inhabitants <sup>(110)</sup>.

The number of applications decreased by 44 % compared to 2016 - when close to 1.3 million applications were lodged in the EU+ <sup>(111)</sup>, and was almost half the total of 2015, the year with the highest number of applications lodged since harmonised EU-level data collection <sup>(112)</sup> began in 2008. Still, more applications were lodged in 2017 than back in 2014, the year before the migratory and asylum crisis gained full momentum (Fig. 1).

**Applicants for international protection in the EU+, by type <sup>(113)</sup>**



**Figure 1: The level of applications lodged remained slightly higher than during the pre-crisis era**

The number of applications remained remarkably stable throughout the year, fluctuating between approximately 59 000 and 64 000 per month (Fig. 2). The main exceptions to this trend were April and December, when considerable declines took place likely related to fewer working days during Easter and Christmas holidays. The highest number of applications was recorded in March, probably because in at least the two main receiving countries, it was the month with the highest number of working days in 2017. The relative stability at EU+ level however conceals stark variation at the national level (read more in 4.1. [Access to Procedure](#)).

Migratory pressure at the EU external borders remained high, but decreased for the second consecutive year. In 2017, there were 204 719 detections of illegal border crossing along the EU's external border, compared to more than half a million in 2016. The overall decrease mostly mirrored developments along the Eastern and Central Mediterranean routes, whereas there was an unprecedented upsurge on the Western Mediterranean route <sup>(114)</sup>.

<sup>(107)</sup> At the date of extraction, 20 March 2018, data from all EU+ countries were available.

<sup>(108)</sup> If not stated otherwise EU+ will be understood as EU28 plus Norway, Switzerland, Liechtenstein and Iceland.

<sup>(109)</sup> This figure does not include the number of citizens of EU+ countries who applied for international protection in another EU+ country.

<sup>(110)</sup> The population on 1 January 2017 of the 32 EU+ countries was 517 165 566. Eurostat, Population on 1 January by age and sex ([demo\\_pjan](#)).

<sup>(111)</sup> As described in EASO Annual Report on the Situation of Asylum in the EU 2016, 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.

<sup>(112)</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>.

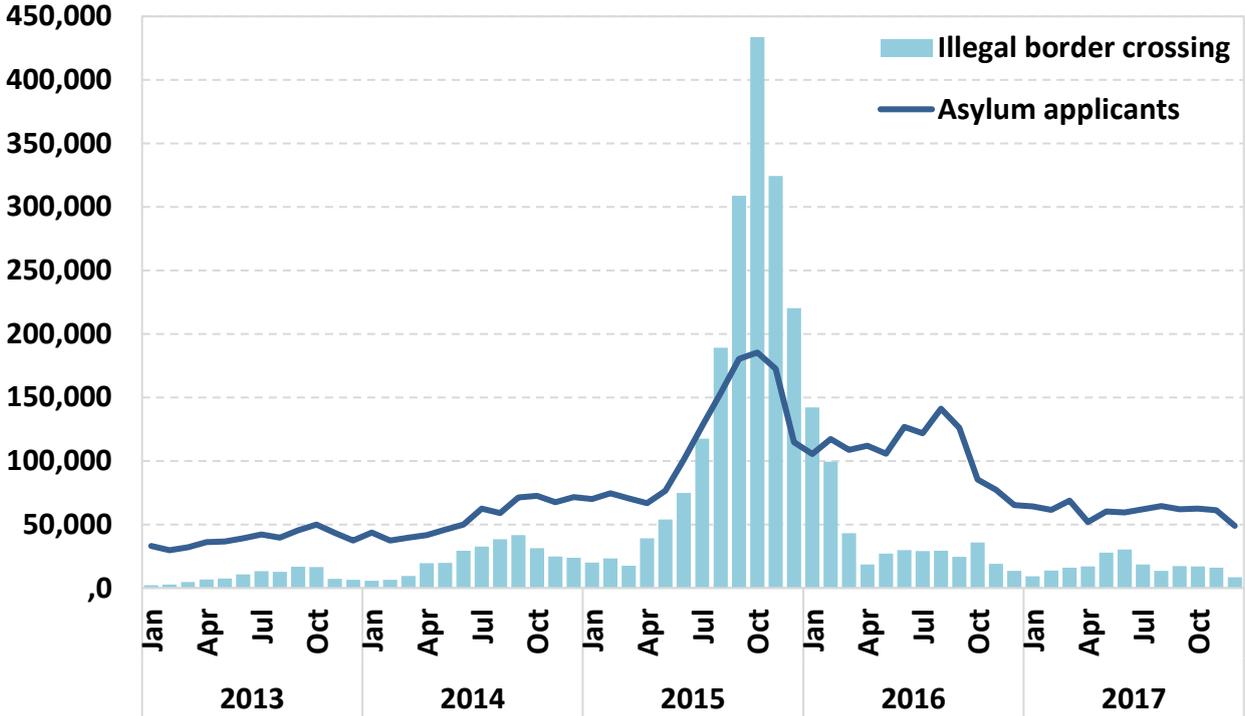
<sup>(113)</sup> 'Repeated applicants' is a Eurostat statistical category, referring to a person who made a further application for international protection, in a given Member State, after a final decision (positive/negative/discontinuation) has been taken on a previous application. The concept includes, but is not limited to Subsequent applicants ([http://ec.europa.eu/eurostat/cache/metadata/EN/migr\\_asyapp\\_esms.htm](http://ec.europa.eu/eurostat/cache/metadata/EN/migr_asyapp_esms.htm)).

<sup>(114)</sup> Frontex, Risk Analysis for 2018, February 2018, retrieved on 19 March 2018 from:

[https://frontex.europa.eu/assets/Publications/Risk\\_Analysis/Risk\\_Analysis/Risk\\_Analysis\\_for\\_2018.pdf](https://frontex.europa.eu/assets/Publications/Risk_Analysis/Risk_Analysis/Risk_Analysis_for_2018.pdf).

Of these main entry routes, the Central Mediterranean route recorded the largest number of irregular migrants, but in the second half of the year a sudden substantial decline occurred following developments in Libya. Detections along the Eastern Mediterranean route (and consequently also the Western Balkan route) showed the largest year-to-year decline, but remained roughly on a level with the months after the implementation of the EU-Turkey statement in March 2016. However, attempts to cross the Eastern Aegean seem to have increased, detections of illegal border crossings at the Greek-Turkish land border were at the highest level since 2012, there was a temporary re-emergence of the Black Sea route, and many potential migrants remain stranded in Turkey. The number of irregular migrants detected along the Western Mediterranean route, on the other hand, reached a new record high in 2017, mostly in the second half of the year, when there was an increase in the detection of mostly sub-Saharan migrants using rubber dinghies likely provided by people smuggling networks <sup>(115)</sup>.

**Applications for international protection vs detections of illegal border crossing**



**Figure 2: First instance asylum applications tend to exceed detections of illegal border crossing**

While both detections of irregular border crossing at the EU external borders and applications lodged in EU+ countries decreased, there is clearly a gap between the two: throughout 2017 there were consistently more applications for international protection than detections of illegal border crossing (Fig. 2). Potential reasons for this gap may be plentiful, but remain difficult to ascertain. For example: some applicants may have irregularly entered the EU undetected; others may have been staying irregularly in the EU for some time, only applying for asylum when intercepted; others still may have entered the EU regularly (with a visa or under a visa-free scheme); and finally, some applicants may have lodged an additional application after being issued a final decision on a previous application.

The latter category are repeated applicants. In 2017, some 8 % of all applications lodged involved repeated applicants. This share doubled compared to 2016, when 4 % involved repeated applicants. Nevertheless, the absolute number of repeated applicants has remained relatively similar in both 2016 and 2017. Considering the large decrease in applications overall, and a lower direct influx from outside the EU+, the share of repeated applications logically heightened.

**An accurate situational picture on asylum in Europe?**

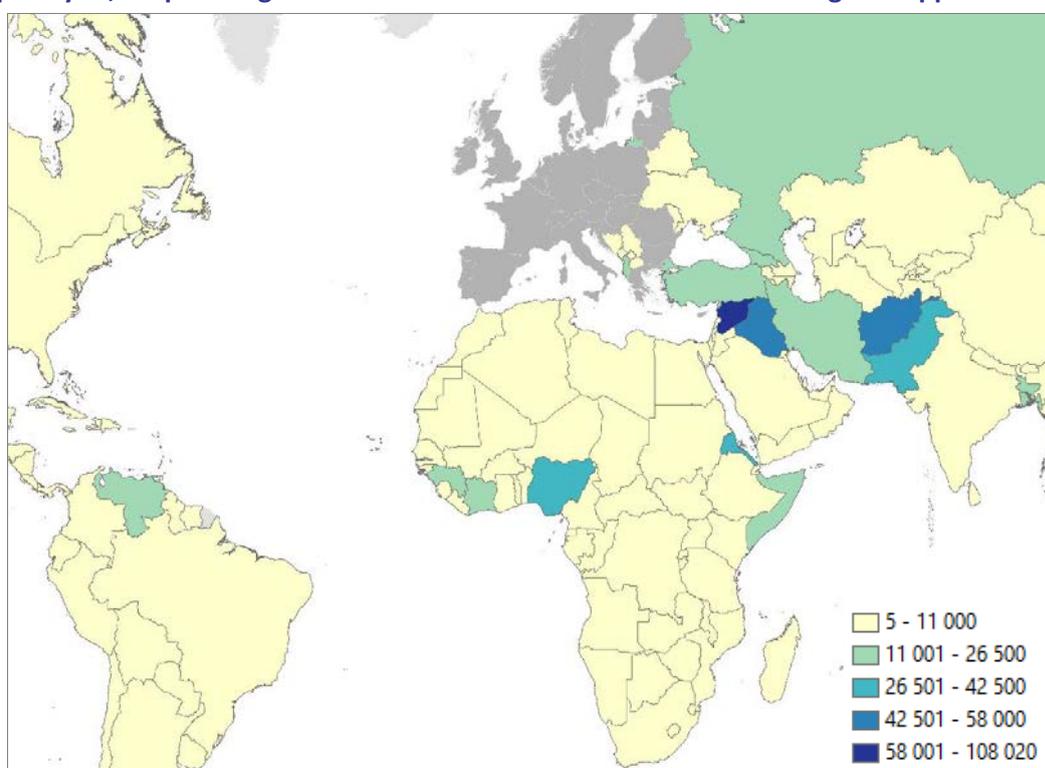
<sup>(115)</sup> Frontex, Risk Analysis for 2018, February 2018, retrieved on 19 March 2018 from: [https://frontex.europa.eu/assets/Publications/Risk\\_Analysis/Risk\\_Analysis/Risk\\_Analysis\\_for\\_2018.pdf](https://frontex.europa.eu/assets/Publications/Risk_Analysis/Risk_Analysis/Risk_Analysis_for_2018.pdf).

Double counting and gaps are possible weaknesses of any data exchange, and analysis of asylum trends at the European level is no exception. Quantifying applications may include double countings, some of which are known (e.g. repeated applicants having applied previously in the same EU+ country, or relocated applicants), while others are unknown (e.g. individuals who lodged an application previously in another EU+ country). Conversely, data may also be based upon partial gaps, generally causing an underestimation. Some doubles and gaps in the data can be estimated, while others cannot. However, weaknesses in the data are likely to cancel each other out, with the result that signals in the analytical space remain strong, repeatable and realistic.

The proportion of repeated applicants versus first-time applicants varied greatly between citizenships. For example, among the 30 main citizenships of applicants, the share of repeated applicants was significantly higher for applicants from Serbia (37 % were repeated applicants), Kosovo (28 %) and Russia (25 %), whereas it was visibly low for applicants from Venezuela (0.33 %), Côte d'Ivoire and Cameroon (2 % each). This may to some extent separate citizenships into those that have been applying for asylum in the EU for some time, from those who are newly arriving and seeking international protection.

### Main countries of origin of applicants in the EU+ in 2017

Map 1: Syria, Iraq and Afghanistan were the three main countries of origin of applicants in the EU+



Syria remained by far the main citizenship of origin of applicants, continuing a trend observed uninterruptedly since 2013. Some 15 % of all applicants originated from Syria – down from 26 % in 2016 (Fig. 3). Iraq ranked second and Afghanistan third, each representing 7 % of all applications in the EU+. These three most common citizenships of origin remained the same as in 2016. In 2017, almost one in three applicants (29 %) in the EU+ originated from these three countries.

The top 10 citizenships of origin in 2017 also included Nigeria (6 %), Pakistan, Eritrea, Albania (4 % each), Bangladesh, Guinea and Iran (3 % each). Altogether, the top 10 countries of origin accounted for 55 % of all applications. In 2016, the top 10 represented a much larger share of the total: 72 % of all applications. This shows that, in 2017, applications became more evenly distributed among citizenships, with implications for the workload for EU+ countries' national asylum authorities that increased and decreased accordingly.

### Applications more evenly distributed among citizenships

In 2017, the number of applications for international protection became more evenly distributed among citizenships. Both in 2015 and 2016, half of the applicants originated from just three countries: Syria, Afghanistan and Iraq (Fig. 3). Although individuals from these three countries continued to lodge the

most applications, in 2017 they accounted for just 29 % of the total. In contrast, the number of applications lodged by citizens of other top nationalities, such as Bangladesh and Guinea, increased in both absolute and relative terms. Despite an absolute decline in the number of applicants, multiple citizenships represented a larger share of the EU+ total in 2017.

Main countries of origin of applicants in the EU+, 2016 (left) and 2017 (right)

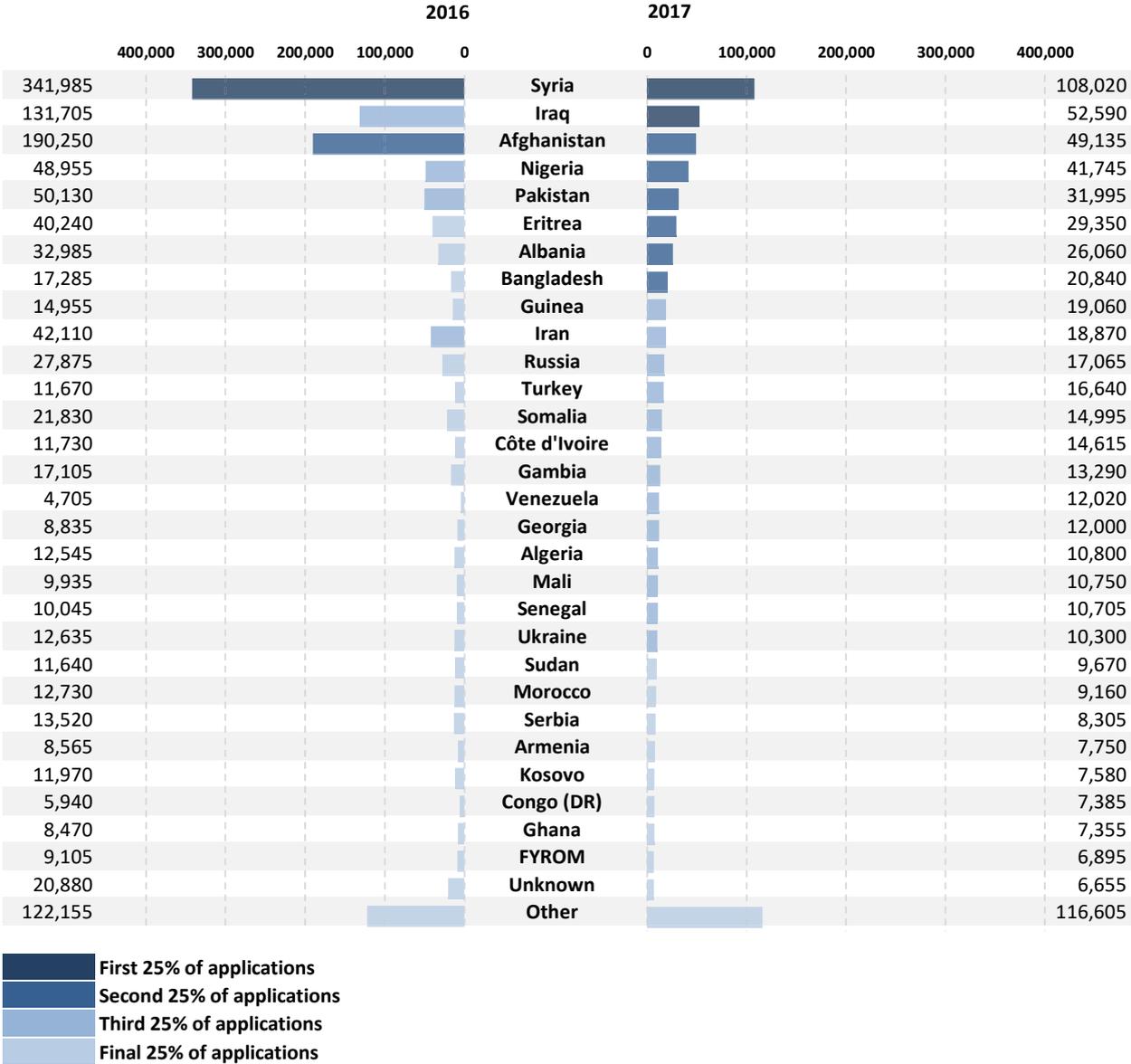


Figure 3: In 2017, applications for asylum were more equally distributed among citizenships than in 2016

Six years after the beginning of the conflict, in 2017 Syria was the main country of origin of applicants for international protection in the EU+ for the fifth consecutive year. In 2017, Syrian nationals lodged 108 040 applications, or 15 % of the total number of applications lodged in the EU+. Syrian applicants stood out significantly: they lodged twice as many applications as any other nationality in 2017. Nevertheless, compared to the previous year, there were 68 % fewer Syrian applications. On a monthly basis, Syrian applications averaged 9 000, with the highest level recorded in August (11 110), and the lowest in December (6 605).

In Syria’s neighbouring countries, Egypt, Iraq, Jordan, Lebanon, Turkey and other northern African countries, UNHCR counted almost 5.5 million registered Syrian refugees by the end of 2017. Some

660 000 of those were newly registered during the year – six times as many as Syrian applicants in the EU+ <sup>(116)</sup>.

**Iraq** became the second main country of origin of applicants in the EU+ in 2017, with 52 625 applications or 7 % of the total. In both 2015 and 2016, Iraq was the third most common citizenship, after Afghanistan. In 2017, the number of Iraqi applicants more than halved compared to 2016. August, September and October were the three months with the highest number of Iraqi applications in 2017, each exceeding 5 000.

With 49 280 applicants, **Afghanistan** completed the top three of main countries of origin. Similar to Iraq, Afghanistan represented 7 % of the total, but the year-on-year decrease (- 74 %) of Afghan applicants was the most significant among the main countries of origin. Afghanistan was the main country of origin between 2009 and 2012, and later remained constantly among the top three. In 2017, Afghans lodged more applications in the first half of the year than in the second half; in January and March the monthly totals exceeded 5 000, whereas in the second half of the year the highest monthly total was 4 220 in August.

**Nigeria** was the fourth main country of origin in 2017, and the first African country. Some 41 775 Nigerians applied for international protection, representing 6 % of the EU+ total. Compared to the top three countries, the year-to-year decrease in the number of Nigerian applicants was more modest at - 15 %. However, this was the second highest annual total of Nigerian applicants since 2008, when EU-harmonised data became available. There were fewer Nigerian applications towards the second half of the year, in line with the decrease in arrivals along the Central Mediterranean route <sup>(117)</sup> – the main entry point of Nigerian applicants who mostly lodged their claims in Italy.

**Pakistan** completed the top five of countries of origin, with 32 035 applicants. This represented a 36 % decrease compared to 2016. Pakistani applicants have been among the five main citizenships of origin since the start of EU-harmonised data collection in 2008. The monthly number of Pakistani applicants was relatively stable throughout the year, fluctuating between 3 195 in March 2017 and 2 120 in December 2017.

### Combining countries of origin and receiving EU+ countries

The main asylum influxes, more specifically dyads combining citizenships of origin with receiving countries, provide a slightly more nuanced picture than separate considerations of countries of origin and receiving countries (Fig. 4). The main influxes in 2017 were directed to Germany, Italy, France, Greece and Spain. The United Kingdom was not at the receiving end of any of the main flows despite being the fifth receiving country overall; this hints at the more diverse pool of applicants applying in the United Kingdom.

The ten main flows involved nine citizenships, of which two did not belong to the ten main citizenships across the EU+: Venezuelan and Gambian applicants. This analysis highlights that Germany received four of the largest influxes from specific citizenships (Syrians, Iraqis, Afghans and Eritreans), while for Italy it was three (Nigerians, Pakistanis and Bangladeshis). Other main influxes involved Albanian applicants in France, and Syrian and Pakistani applicants in Greece. This analysis also highlights that main influxes may not be visible in overviews of the top 10 citizenships at the EU+ level, as some countries of origin were concentrated in a single EU+ country, as was the case for the Venezuelan influx in Spain.

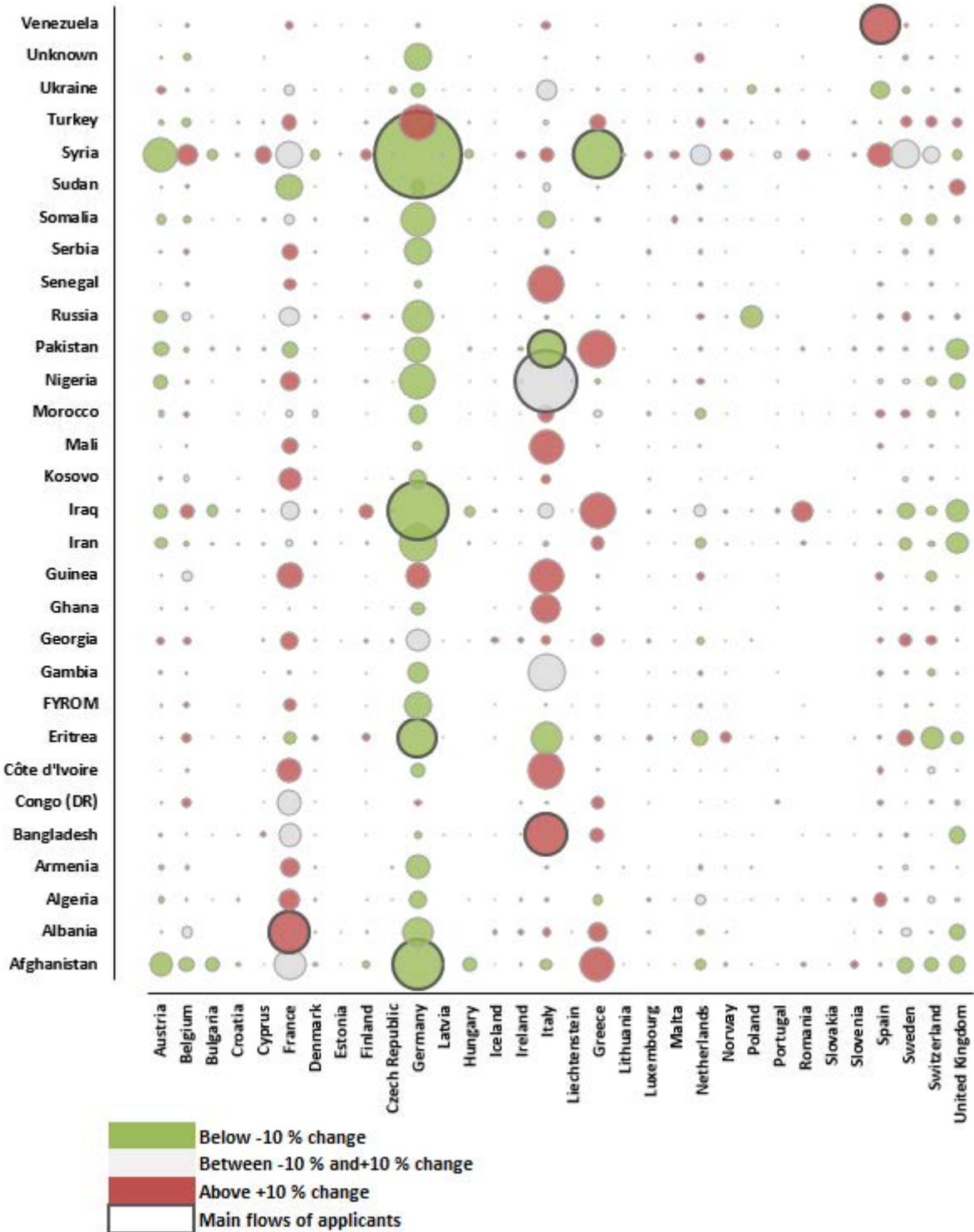
Figure 4 highlights whether the specific flow increased more than 10 %, decreased more than 10 %, or remained relatively stable in 2017 compared to 2016. Some of the main flows increased: Bangladeshi applicants to Italy, Albanians to France, and Venezuelans to Spain. Most of the flows were directed towards Germany, including the four main ones consisting of Syrians, Iraqis, Afghans and Eritreans, decreased compared to the previous year. Also Greece's flow of Syrian applicants decreased. The flow of Nigerians to Italy remained relatively stable. The main flows involving Italy varied: that of Nigerians remained more or less stable, the flow of Bangladeshi increased, and the one of Pakistanis decreased.

For a more detailed analysis of EU+ receiving countries, please consult [4.1. Access to Procedure](#).

<sup>(116)</sup> UNHCR, Syria Regional Refugee Response, Inter-agency Information Sharing Portal, <http://data.unhcr.org/syrianrefugees/regional.php>

<sup>(117)</sup> Frontex, Risk Analysis for 2018, February 2018, retrieved on 19 March 2018 from: [https://frontex.europa.eu/assets/Publications/Risk\\_Analysis/Risk\\_Analysis/Risk\\_Analysis\\_for\\_2018.pdf](https://frontex.europa.eu/assets/Publications/Risk_Analysis/Risk_Analysis/Risk_Analysis_for_2018.pdf).

Applications in 2017 by main country of origin, receiving country and extent of the yearly change (red=increase, grey=stable, green=decrease). Top ten flows are shown with bold borders



#### Figure 4: The composition of applicants and the yearly changes differed between EU+ countries.

Among the 20 most common citizenships of asylum applicants in 2017, more than half of all citizenships applied in fewer numbers than in the previous year (Fig. 5). The largest absolute decreases took place for the three main countries of origin: Syria, Afghanistan, and Iraq. Other countries with year-on-year decreases of more than 10 000 applications included Iran, Pakistan, Eritrea and Russia. Also in terms of relative decreases, these countries stood out.

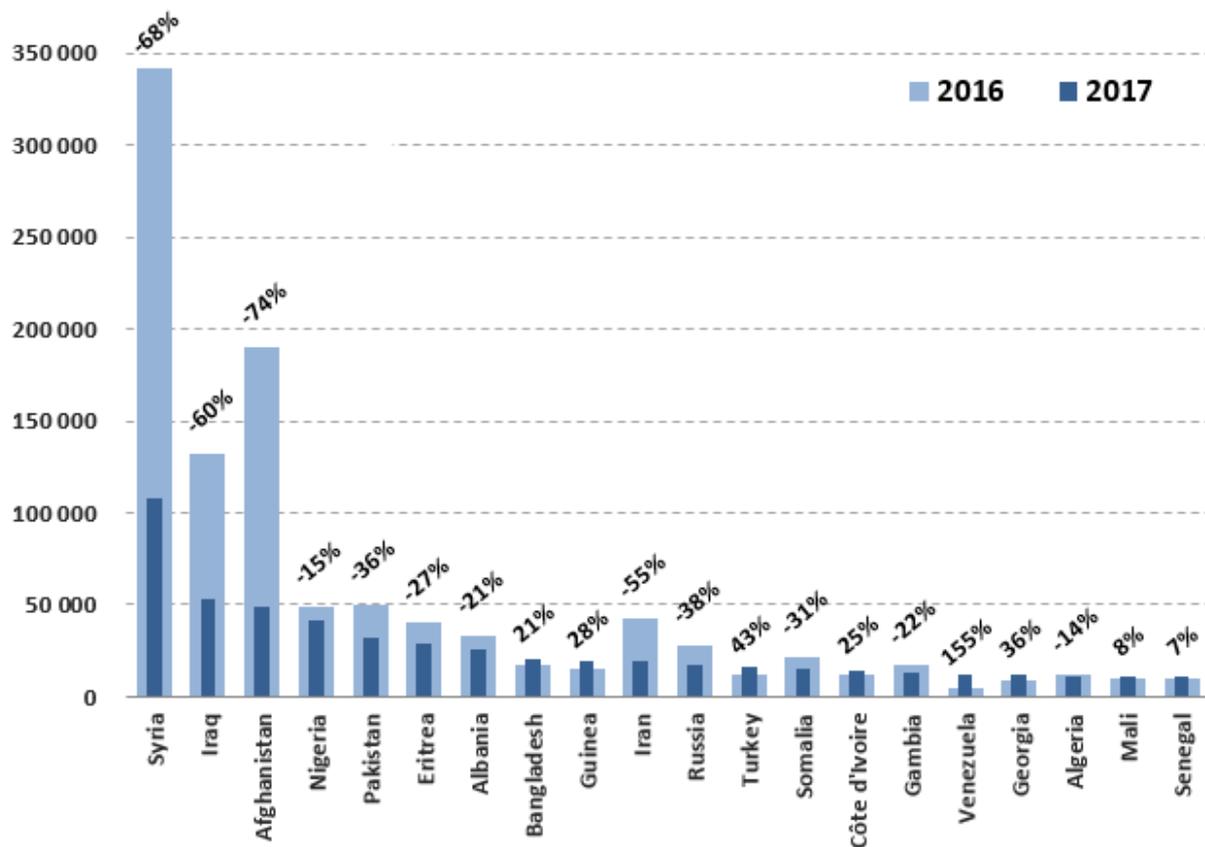
Despite the overall decrease in applications in 2017 compared to 2016, certain countries of origin applied in higher numbers than in 2016. Venezuela was notable as the country with the largest absolute and relative increase. Whereas prior to 2014, Venezuelans lodged just 100 or so applications per year, the number increased rapidly reaching 12 020 applicants in 2017. Venezuela became the 16<sup>th</sup> main country of origin in 2017, and Venezuelans applying in Spain even ranked among the ten main flows of specific citizenships to specific EU+ countries (Fig. 4).

Other citizenships with considerable year-on-year increases included Turkey, Guinea, Bangladesh, Georgia and Côte d'Ivoire. Numbers of Turkish applicants increased by 43 % (Fig. 5) compared to 2016, with most applications and increasing numbers in Germany, Greece and France. Guinea entered the top ten of countries in origin for the first time in 2017, with 19 080 applicants, some 4 000 more than in 2016, and almost three times as many as in 2015. They lodged most, and increasing numbers of, applications in Italy, France and Germany. Ivoirian applicants reached 14 615 and followed a similar trend over the past three years as Guinean applicants. They also applied mostly in Italy and France. Georgian applicants increased by one quarter to reach 12 000. The increase started in the fall, half a year after the visa exemption to travel to the Schengen Area entered into force<sup>(118)</sup>. This was the highest number of Georgian applications lodged since 2008, when EU-harmonised data collection was established, and it exceeded the number of applications lodged by Georgians in 2009 during the aftermath of the conflict in South Ossetia. Georgians lodged most applications in Germany, but the year-on-year increase was not reflected there; several other EU+ countries recorded more Georgian applicants in 2017 than in 2016, among which France, Greece, Sweden, Switzerland and Italy.

#### Year-on-year change in numbers of applicants between 2016 and 2017, by citizenship

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<sup>(118)</sup> Regulation (EU) 2017/372 of the European Parliament and of the Council of 1 March 2017 amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (Georgia), <http://data.europa.eu/eli/reg/2017/372/oj>



**Figure 5: In 2017, most of the main citizenships lodged fewer applications compared to 2016.**

In 2017, similar to 2016, just over two thirds of all applicants were male and a third were female. Half of the applicants were in the age category between 18 and 35 years old, and almost a third were minors.

The demographic profiles of asylum applicants varied by country of origin. Figure 6 illustrates the demographic profiles of the 20 main citizenships of origin. Applicants from Bangladesh, Senegal, Pakistan, Mali, Algeria, Guinea and Côte d'Ivoire were mostly male adults (Fig. 6 – pink). Syrian, Iraqi, and Russian applicants were more gender balanced and minors constituted approximately half of these groups, possibly indicating a higher proportion of families (Fig. 6 – green). For these citizenships, a higher share of female applicants usually corresponded to a higher proportion of children.

A large share of Afghan applicants was made up minors, while more than two thirds were male. In 2017, Syrians had the highest proportion of minors. Further analysis of vulnerable applicants, including unaccompanied minors, can be found in [Section 4.10](#).

Georgians and Venezuelans lodged increasing numbers of applications in 2017, but importantly they were also exempt from a visa requirement to enter the Schengen Area. Venezuelan applicants had the highest percentage of females among applicants, suggesting they often applied as family groups (Fig. 6 – dark green). Georgian applicants were composed of two-thirds men and one-third women, and for 80 % were adults between 18-64 years. Only in the age category between 18 and 34 years old was there a higher share of males.

### Demographic profiles for the main citizenships

Bubble size corresponds to number of applications lodged in 2017

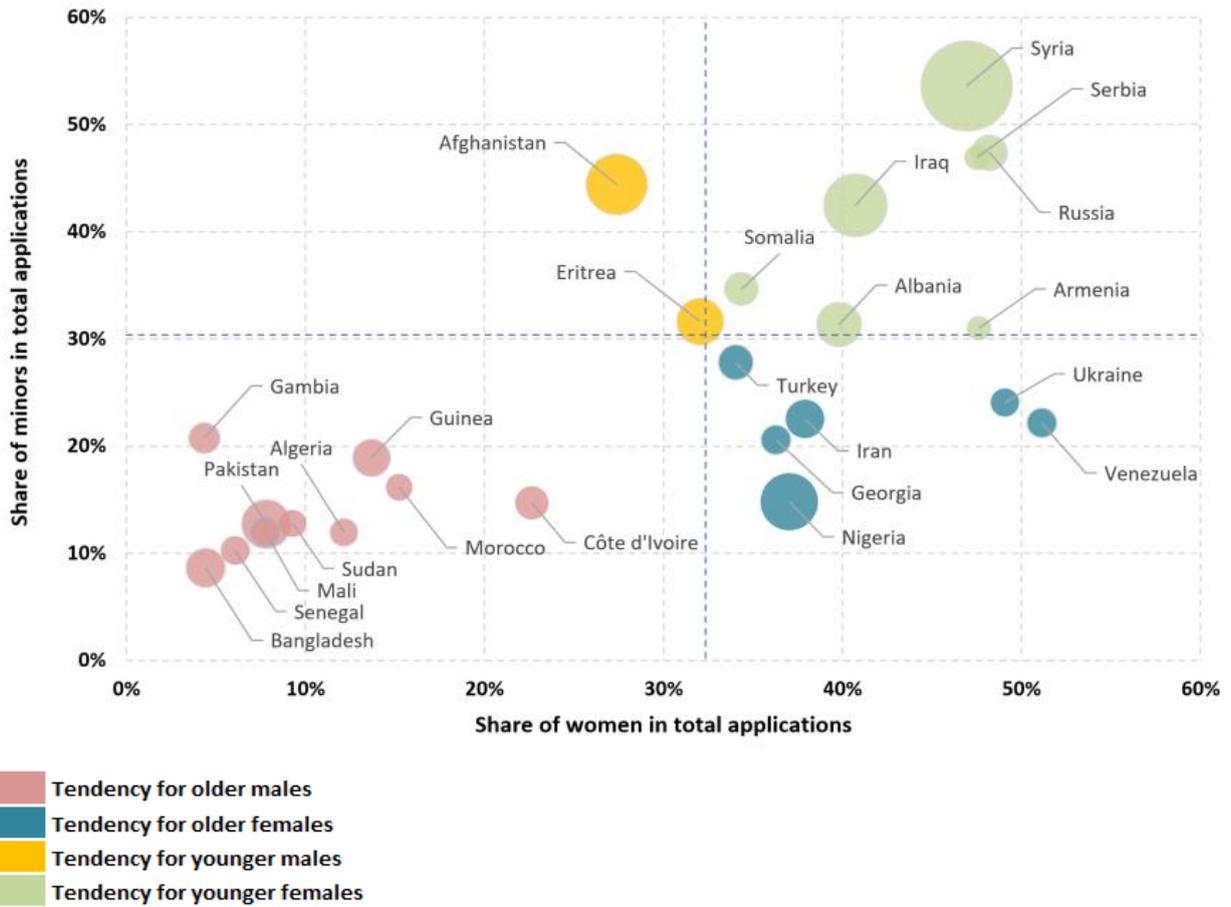
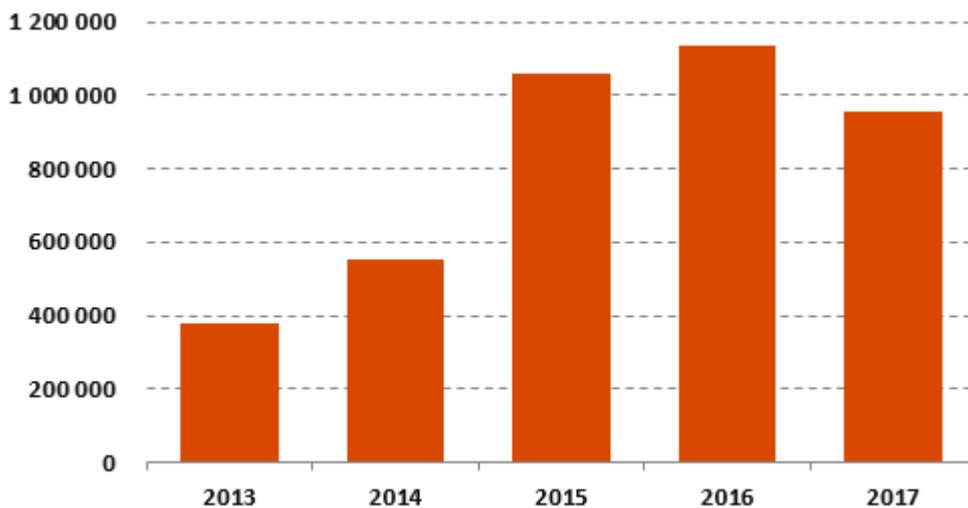


Figure 6: Among citizenships, higher percentages of minors were associated with higher percentages of women (top right).

## 2.2. Pending cases awaiting a final decision

The processing of an application begins once a person lodges an application for international protection at a responsible national authority. The final outcome of this process should normally come in the form of a decision at first instance or at higher instance in case of appeal. The application for international protection could also be closed for other reasons, including an explicit withdrawal by the applicant or an implicit withdrawal, for example in case of absconding. While an application is under consideration with the responsible authority, it is part of the stock of pending cases. Pending cases are an important measure of the workload that national asylum authorities face as well as of the pressure on the national asylum systems.

Pending cases in the EU+ at the end of each year



**Figure 7: For the first time in several years, at the end of 2017 the stock of pending cases was reduced compared to the year before**

At the end of 2017, some 954 100 applications were awaiting a final decision in the EU+, 16 % fewer than at the same time in 2016 (Fig. 7). The number of pending cases represented a decline also compared to the end of 2015 (- 10 %) but it was higher by almost three quarters than the stock at the end of 2014.

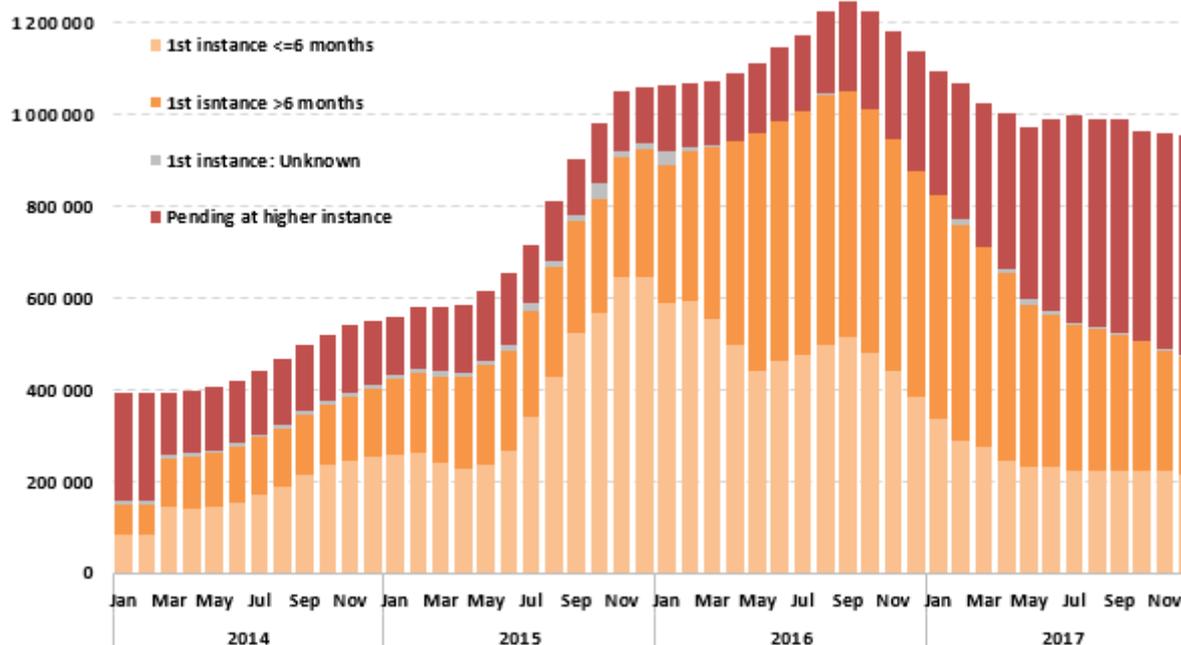
A decrease occurred gradually throughout the first half of 2017, then the stock enlarged slightly over the summer, and towards the end of the year the downward trend continued. Unfortunately, Eurostat data neither distinguishes between the procedural stage at which the application is pending nor provides a breakdown of the time that has elapsed since the application. In contrast, EASO data focuses on the cases pending at first instance and distinguishes between duration of up to six months and longer. While EASO data are provisional and unvalidated, they are sufficient to indicate overall trends. Juxtaposing Eurostat and EASO statistics provides important insights.

Figure 8 clearly illustrates that at the end of 2017 just half of all pending cases were awaiting a decision at first instance <sup>(119)</sup> whereas an increasing proportion were pending at second or higher instance. This constitutes a considerable novelty. Throughout 2015 and 2016, at least three quarters of the pending cases (but often even a higher proportion) were still processed at first instance. In fact, the overall number of cases awaiting a decision at first instance declined gradually throughout 2017. In contrast, the number of cases awaiting decision at second and higher instance almost doubled since the end of 2016. This implies that the pressure on national systems to process asylum cases has partially been transferred from the asylum authorities to judicial bodies.

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<sup>(119)</sup> The overall number of pending cases presents Eurostat statistics, while the temporal breakdowns are derived from EASO data.

### Evolution of pending cases in EU+ at first and higher instance



**Figure 8: During the second half of 2017 the number of pending cases remained stable, but the proportion of cases pending at higher instance increased.**

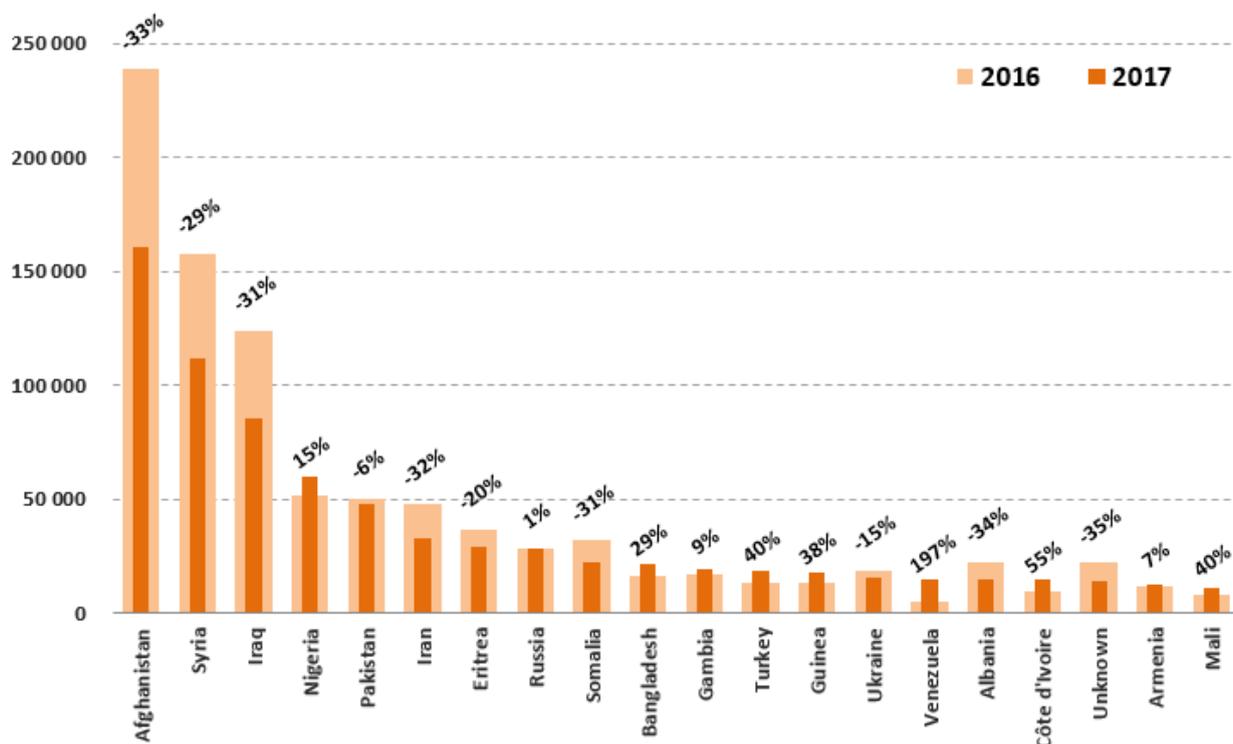
Source: Eurostat and EASO.

In the first few months of 2017, the decrease in the overall stock at first instance mirrored declining trends in both cases pending for up to six months and those pending longer. Since May, the decreasing trend in the cases awaiting a decision for longer than six months persisted, whereas the number of cases pending for a shorter period remained relatively stable. This relative stability was probably a consequence of the steady monthly number of applications for international protection in the EU+.

The top three nationalities of asylum applicants in the stock of pending cases remained the same as in 2016 (Fig. 8). The largest number of applications awaiting a decision were those of **Afghan** nationals, representing 17 % of the stock in the EU+. Afghan applicants remained the most numerous among the persons awaiting a decision despite a decrease of the pending cases on Afghans by a third compared to 2016. The other two main groups of applicants awaiting a decision were **Syrian** (12 % of the stock) and **Iraqi** (9 %) citizens. Each of them recorded a decline in the total number of pending cases of approximately 30 % compared to a year earlier. Germany remained the main country in terms of pending cases for each of three citizenships, accounting for 70 % of the pending cases of Syrians and 55 % of the pending cases for both Afghans and Iraqis. All of these citizenship groups were also largely awaiting decisions in Austria, Greece and Sweden.

In line with 2016, **Nigerian** and **Pakistani** applicants continued to rank fourth and fifth in terms of pending cases. However, while Nigerian applications awaiting a decision increased by 15 % compared to 2016, the stock of Pakistani cases decreased slightly. The majority of the Nigerian nationals were awaiting a decision in Italy (54 %) but a considerable part of the cases (33 %) were still pending in Germany. The EU+ countries with the highest number of Pakistani applications being processed were Germany (39 %), Italy (27 %) and Greece (18 %).

## Pending cases at the end of 2016 and 2017 for the main citizenships



**Figure 9: By the end of 2017, pending cases were much reduced, and to the same extent for most but not all the top citizenships.**

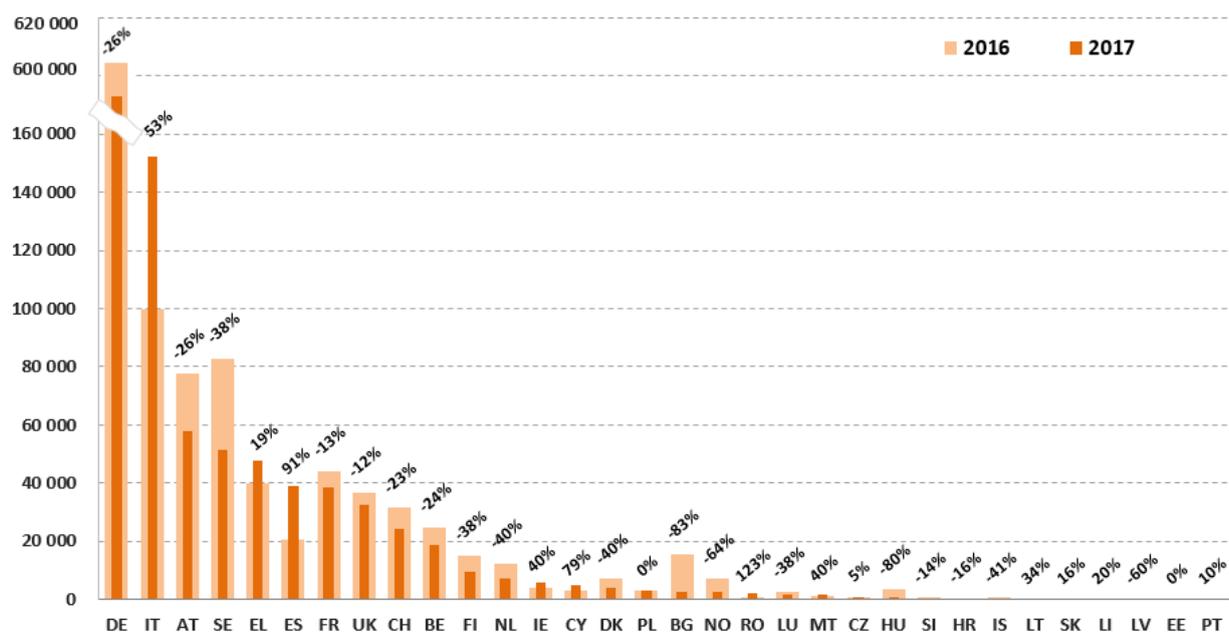
Figure 9 presents the changes in the stock between the end of 2016 and the end of 2017 for the top 20 citizenships of applicants awaiting a decision. The number of pending cases decreased for most nationalities compared to the end of 2016. The largest absolute reductions in the stock occurred for the top three countries of origin in terms of pending cases: Afghanistan, Syria and Iraq. Considerable absolute declines in the stock took place also for citizens of Iran, Somalia, Albania, Eritrea, and Kosovo. The most significant relative decrease was observed for applicants from Moldova (- 68 %) awaiting a decision.

Compared to 2016, the largest increase in the stock of pending cases occurred for citizens of Venezuela – a three-fold upsurge to close to 15 000 cases. Other notable absolute increases in the stock were recorded for nationals of Nigeria, Turkey, Côte d'Ivoire, Guinea and Bangladesh. In relative terms, the largest increases took place for citizens from several South American countries: Colombia (+ 212 %), Peru (+ 212 %), Venezuela (+ 197 %), and Honduras (+ 155 %) <sup>(120)</sup>.

At the end of 2017, most of the pending cases (443 640) were still reported in **Germany** (Fig. 10). In fact, Germany continued to be the EU+ country with the highest number of pending cases for a seventh consecutive year. However, the stock declined by more than a quarter compared to 2016 (Fig. 11). EASO data suggest that this was largely a result of a considerable reduction in the caseload at first instance, while the cases awaiting a final decision at a higher instance actually grew in number. Similar to a year earlier, at the end of 2017 the nationalities with the largest amount of pending cases in Germany were Afghan (20 % of the stock), Syrian (18 %) and Iraqi (11 %).

<sup>(120)</sup> Only citizenships with at least 100 applications in 2017 are considered in this calculation in order to avoid sensitivity to small numbers.

## Distribution of pending cases by EU+ countries at the end of 2016 and 2017



**Figure 10: Despite a considerable reduction in the stock, Germany remained the country with the highest number of pending cases.**

**Italy** continued to be the second EU+ country in terms of pending cases (Fig. 10). The stock more than doubled to over 152 000 and the increase was distributed among a range of citizenships. The main countries of origin of the applicants awaiting a decision in Italy were Nigeria (21 % of the stock), Pakistan (9 %) and Eritrea (9 %). The caseload on Nigerians nationals in Italy increased by 40 % to over 32 000. The number of cases of Bangladeshi citizens awaiting a decision in Italy more than doubled to some 12 500 cases.

Besides Italy, a considerable increase in the volume of pending cases occurred in **Spain** (by over 20 000 to almost 39 000) and **Greece** (by 40 000 to some 47 800 at both first and second instance) (Fig. 10). In Spain, the increase was largely attributed to the tripling of applications by Venezuelan citizens (to over 13 000), as well as the considerable rise in the caseload for citizens from other South American countries such as Colombia, El Salvador and Honduras. In Greece, the increased caseload was mostly due to more pending cases for nationals of Pakistan, Afghanistan, Iraq, Albania and Turkey. While at the end of 2017, most of the pending cases in Greece were for Syrian applicants (21 %), the stock for this nationality in Greece decreased by more than a quarter over the year.

In relative terms, as Figure 10 shows the number of applications awaiting a decision augmented mostly in **Romania** (+ 123 %), **Spain** (+ 91 %) and **Cyprus** (+ 79 %). Nevertheless, in most EU+ countries the stock declined. The largest relative declines occurred in **Bulgaria** (- 83 %) and **Hungary** (- 80 %), while extensive absolute decreases took place in **Germany**, **Sweden** and **Austria**. Similar to Germany, EASO data for Sweden and Austria suggest that the reduction in the caseload in these two countries reflected a lower number of cases awaiting a decision at first instance despite an absolute increase in the number of cases at higher instance.

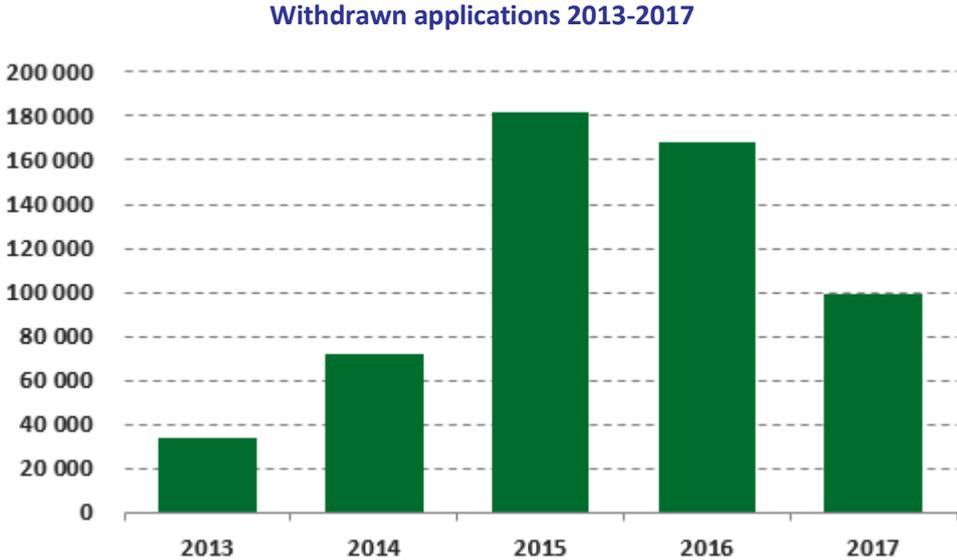
The overall reduction in pending cases at the EU+ level was mirrored in 18 of the 32 EU+ states; in two other states the number of pending cases remained almost the same, and in six further states the number of pending cases increased slightly. Hence, in just seven EU+ states the stock of cases awaiting to be processed actually expanded considerably. The most notable increases took place in Italy, Spain and Greece, three countries at the external EU borders that represent the main entry points for migrants seeking to reach Europe. This development was partially a consequence of the higher number of applications for international protection lodged in the three countries in 2017 compared to the previous year. At the same time, the national decision-making capacity did not expand to the extent necessary to mitigate the increased caseload. Moreover, the rise in pending cases in Italy and Greece occurred despite an increase in the number of applicants withdrawing their applications (either explicitly or implicitly).

The reduction in the backlog in the majority of the EU+ states was due to several factors. Fewer new applications certainly played a major role in several countries, including Bulgaria and Hungary. Fewer applications combined with more decisions being issued appeared to be a decisive factor in the case of Austria. In some countries, most notably France, an increasing number of decisions helped to reduce the backlog despite a rise in applications lodged. In other countries, such as Sweden, there was no need to issue progressively more decisions since the overall number of decisions remained much higher than that of applications in 2017. Last but not least, specific organisational and policy measures implemented in EU+ states to tackle the problem of heavy processing backlogs also had an impact.

### 2.3. Withdrawn applications <sup>(121)</sup>

Persons may decide to withdraw their application for international protection during the asylum procedure i.e. before a final decision has been issued. In line with procedures laid down in national laws and regulated by the Asylum Procedures Directive, an application can be withdrawn either explicitly (where the applicant officially informs 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).

Practices in reporting on withdrawn applications vary considerably across countries. More importantly, a time lag often exists between the actual event (e.g. the applicant not showing up to the asylum interview) and the registration of the administrative event (the application is formally recorded as withdrawn). This time lag can vary between and within reporting countries. Thus, withdrawals might refer to an event taking place much earlier than the reference period.



**Figure 11: Withdrawn applications in 2017 dropped by nearly half compared to 2016, at least partially related to fewer applications lodged.**

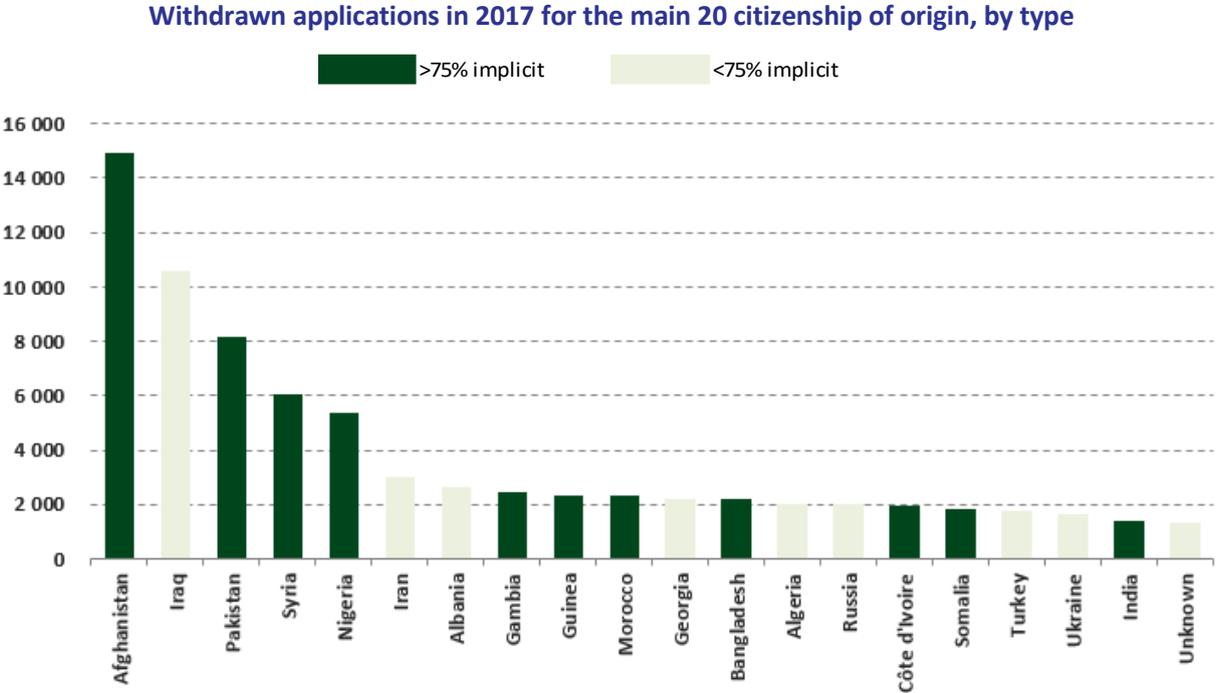
Overall in 2017, some 99 205 applications were withdrawn across EU+ countries, a sizeable 41 % decrease compared to 2016, when 168 195 applications were withdrawn (Fig. 11). Notably, the number of applications withdrawn each month constantly decreased throughout the last quarter of 2017. The ratio of applications withdrawn to the total number of applications was 14 % of all applications lodged in the EU+, a proportion similar to previous years <sup>(122)</sup>. Among the top 20 citizenships with most withdrawals, the ratio of applications withdrawn to the applications lodged was comparatively lower among Syrian nationals (6 %), followed by Bangladeshi and Albanian (10 % each) nationals. Conversely, higher rates were apparent among

<sup>(121)</sup> At the date of extraction, 20 March 2018, information was missing for Ireland, Lithuania, Poland, Slovakia and Switzerland. Austria reported that no applications were withdrawn.

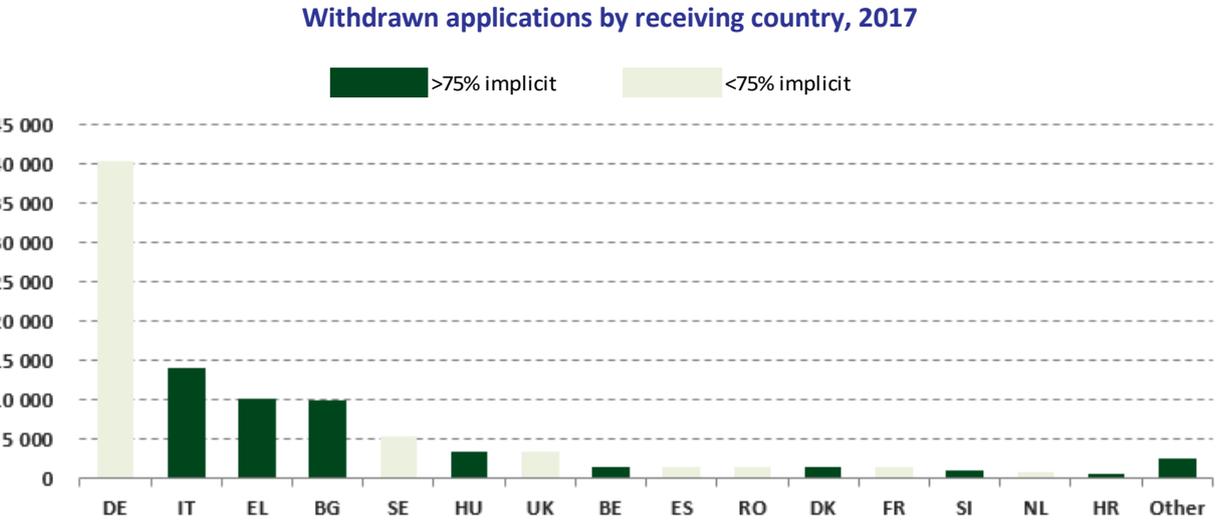
<sup>(122)</sup> This ratio calculation is only illustrative because withdrawn applications in 2017 are not linked to applications lodged in 2017 (it is not cohort data). As a result, in 2017 in Bulgaria the number of applications withdrawn (10 045) was three times higher than that of applications lodged (3 695). Part of this difference may reflect the fact that administrative files are updated with regular delays i.e. the procedure may be terminated after three months from cessation.

Afghan (30 %) and Indian (27 %) applicants.

According to EASO data <sup>(123)</sup> and similar to previous years, most withdrawals were implicit. Among the 20 citizenships of origin with most withdrawals, three quarters of the withdrawals were implicit. While this indicates that the share of implicit withdrawals was substantial for most citizenships, it is important to analyse the numbers within individual citizenships, where some differences emerged (Fig. 12). For instance, almost the totality of the applications withdrawn by nationals of Côte d'Ivoire (92 %) and Mali (91 %) were withdrawn implicitly. In contrast, citizens of Albania (66 %) and Ukraine (52 %) tended to withdraw explicitly.



**Figure 12: According to EASO data, most but not all of the top citizenships tended to implicitly withdraw applications, which implies high levels of absconding.**



**Figure 13: Germany had by far the highest number of withdrawals, but according to EASO data these tended to be explicit, in contrast to Italy and Greece where most withdrawals were implicit.**

<sup>(123)</sup> In the framework of the EASO’s EPS data exchange, 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 EASO’s 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 dates differ: for EASO, 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.

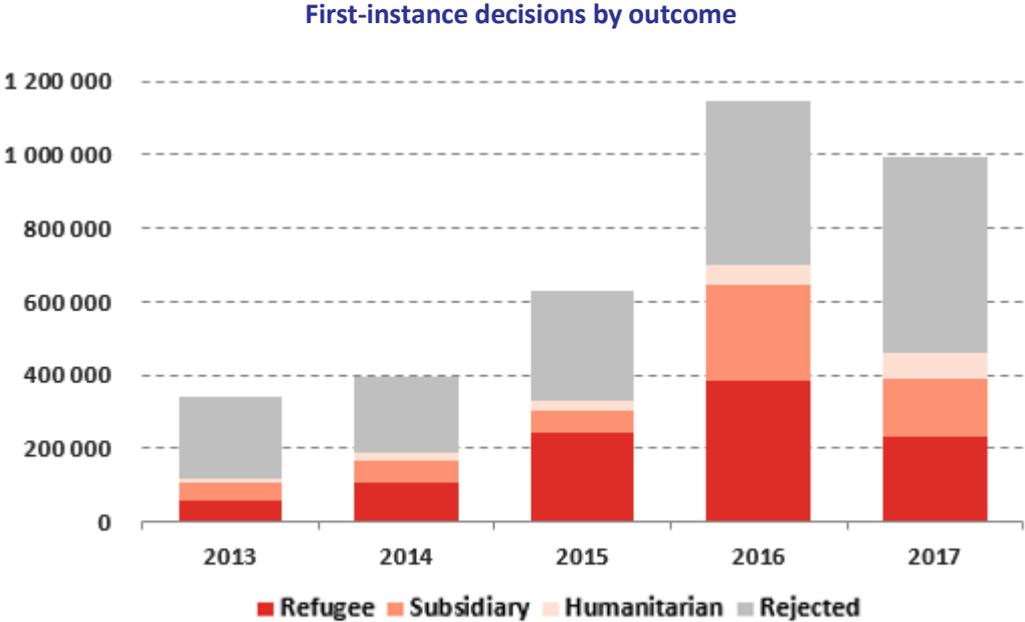
Some 41 % of all withdrawals took place in Germany (Fig. 13). Considerable numbers of applications were also withdrawn in Italy (14 % of the total), Greece and Bulgaria (10 % each) but in these cases most were withdrawn implicitly. This may imply that a high number of applicants might have absconded and moved to another EU+ country before receiving a decision in first-instance.

**2.4. Asylum decisions – first instance <sup>(124)</sup>**

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 (defined by reference to the Qualification Directive) 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>(125)</sup>;
4. Temporary protection status (under EU legislation) <sup>(126)</sup>;
5. Rejection of the application.

The EU temporary protection mechanism has not yet been used so this section will focus on the granting of positive decisions via refugee status, subsidiary protection and 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 the share of positive decisions (granting of refugee status, subsidiary protection or an authorisation to stay for humanitarian reasons) within the total decisions issued in 2017 (see box Defining recognition rate below).



**Figure 14. Decision issuing is still at a much higher level compared to previous years.**

<sup>(124)</sup> At the time of extraction, on 20 March 2018, information was available for all EU+ countries.  
<sup>(125)</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 to Eurostat 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 %). It should also be noted that sometimes various forms of humanitarian protection can be granted within a specific procedure, separate from the asylum procedure. Regarding practices of specific countries, useful insights are available in the EMN Ad-Hoc Query on ES Ad hoc Query on Humanitarian Protection, [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/2017.1197 - es\\_ad\\_hoc\\_query\\_on\\_humanitarian\\_protection.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/2017.1197 - es_ad_hoc_query_on_humanitarian_protection.pdf).  
<sup>(126)</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>.

In 2017, EU+ countries issued 996 685 decisions in first instance, a 13 % decrease compared to 2016 (Fig. 14) <sup>(127)</sup>. The year-on-year decrease clearly reflects the lower number of applications lodged: 2016 represented a record year in terms of volume of applications for international protection, with EU+ countries intensifying their efforts to deal with a growing backlog. Nevertheless, the relative decrease in the number of decisions issued was less precipitous than the number of applications lodged, testifying to a continued focus on decision-making effort on the side of national asylum systems. In particular, in 2017 the majority (59 %) of decisions were issued during the first half of the year, with levels similar (or higher) to those recorded during the same period in 2016. Instead, a decline was observed as of the third quarter of 2017, when the number of decisions issued sharply dropped (by 26 %) compared to the previous reference period.

Of all the first instance decisions issued in 2017, nearly half (462 355) were positive but this overall EU+ recognition rate was 14 percentage points lower than in 2016. Despite fewer decisions being issued overall, the number of negative decisions actually increased: up from 449 910 in 2016 to 534 330 in 2017. Concerning positive decisions, in 2017 there was a distinct decrease in the share of decisions granting refugee status (down to 50 %, from 55 % in 2016) or subsidiary protection (34 %, from 37 %) with a parallel increase in the proportion of those granting humanitarian protection (15 %, up from 8 %).

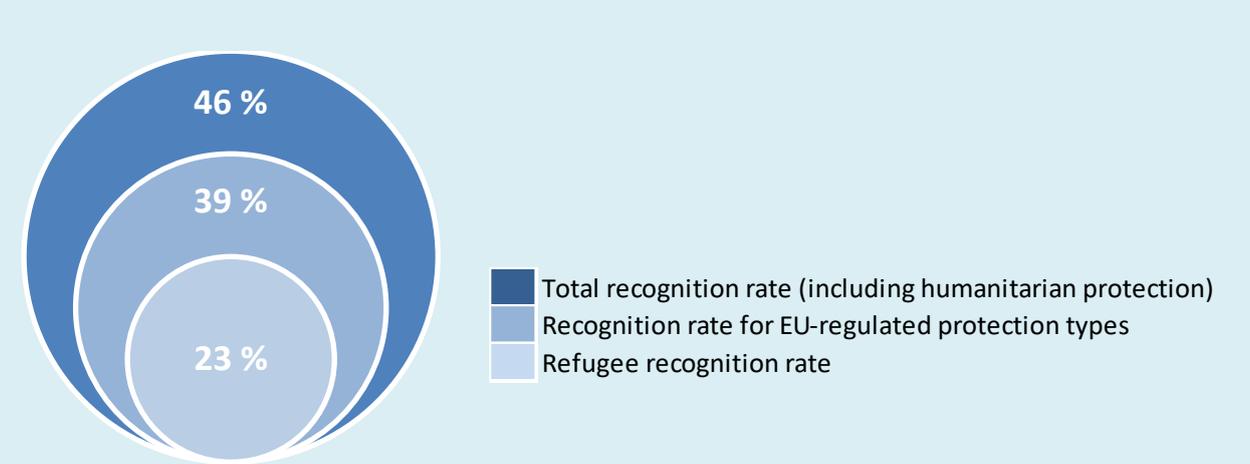
An overview of shares of each form of protection granted in positive decisions issues by individual EU+ countries is provided in [section 4.7](#).

**Defining recognition rate**

No internationally agreed methodology for calculating recognition rates currently exists. Ideally, the recognition rate should measure the success of asylum applications lodged. However, information on applications and their outcomes – in the form of decisions – is not directly linked in the Eurostat dataset (nor in the EASO EPS dataset). For the most part, decisions are not necessarily issued in the same reference period as applications are lodged, resulting in separate indicators for applications and decisions in each reference period.

For this reason, the recognition rate is in most cases defined as a measure of successful decisions issued: the number of positive outcomes relative to the total number of decisions issued.

This definition should, however, be further analysed to also clarify which types of protection are included, and which stage of the asylum procedure is taken into account, as a minimum. For this analysis, the total recognition rate is calculated considering refugee status, subsidiary protection and national protection schemes under the collective name humanitarian protection as positive decisions. First instance is also taken into account separately from second and higher instance. This recognition rate is defined by Eurostat as ‘the share of positive decisions in the total number of asylum decisions for each stage of the asylum procedure’ (i.e. first instance and final on appeal). The total number of decisions consists of the sum of positive and negative decisions) <sup>(128)</sup>.



<sup>(128)</sup> Eurostat, *Glossary: Asylum recognition rate*, retrieved on 23 March 2018 from: [http://ec.europa.eu/eurostat/statistics-explained/index.php/Glossary:Asylum\\_recognition\\_rate](http://ec.europa.eu/eurostat/statistics-explained/index.php/Glossary:Asylum_recognition_rate).

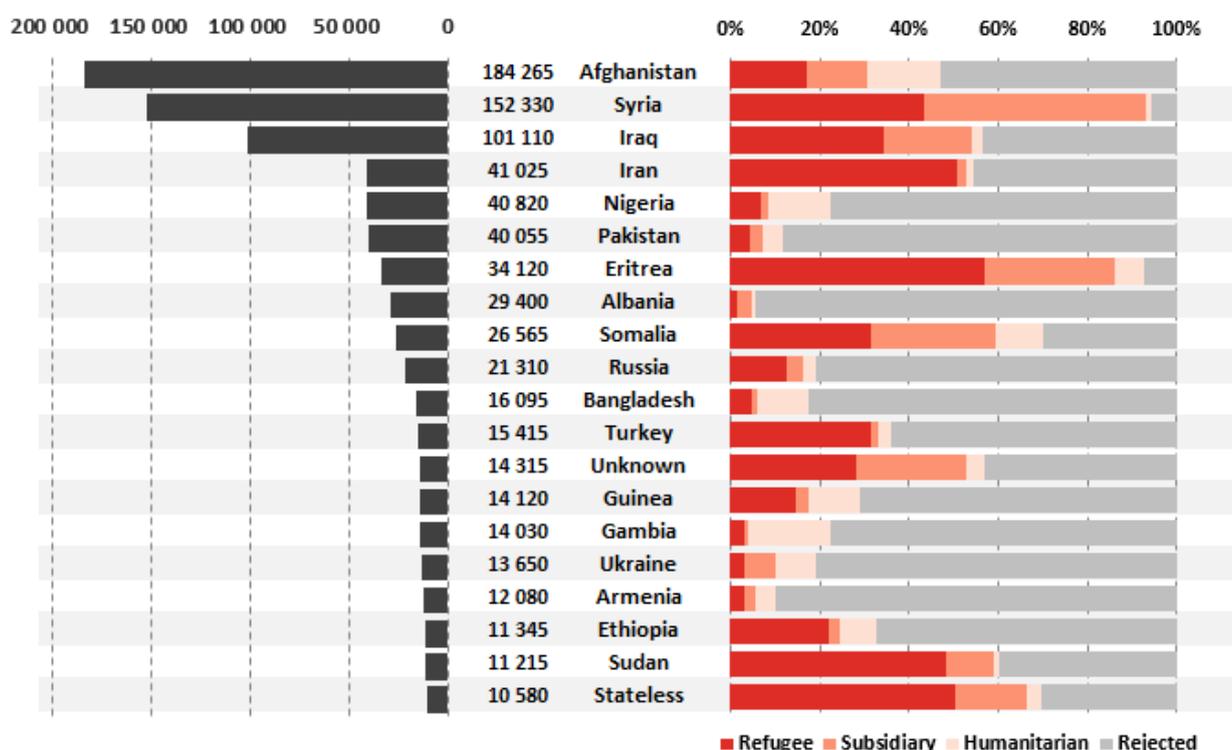
**Figure 15: Overall EU+ recognition rates in first instance according to three different definitions**

This total recognition rate may differ significantly from calculations that consider only refugee status as a positive decision (refugee recognition rate) or that consider only EU-regulated types of protection (refugee status and subsidiary protection) as a positive decision (recognition rate for EU-regulated types of protection). Figure 16 shows the difference in results these different calculating methods yield.

In terms of citizenships, most decisions were issued to nationals of the three main countries of origin of applicants in 2017 (Fig. 16). A significant change compared to a year ago is that Afghanistan was the country of origin with most decisions issued in 2017, after four consecutive years in which this position was held by Syria. In 2017 the number of decisions issued to Afghan applicants rose by 68 % to 184 265; accounting for 18 % of all decisions issued. Concurrently, the number of decisions issued to Syrian applicants dropped by 63 % to 152 330 (15 % of the total). Applicants from Iraq were issued 101 110 decisions, in line with the number observed in 2016.

Thus, in 2017 two key developments were apparent in terms of decision-making practice: a moderate downturn in the overall number of decisions; and a marked shift in the citizenships for which most decisions were issued. Regarding the second point, the sizeable drop in the number of decisions issued to Syrian applicants is of the utmost significance, because during the previous year they received more than a third of all decisions issued. The trend was reversed for a range of citizenships of origin (in addition to Afghanistan), which were issued more decisions than in 2016 (Fig. 16). The sharpest increases were for applicants from Iran (41 025) - who were subject to twice as many decisions as in 2016 - and Turkish applicants (15 415) - who received four times as many decisions as in 2016. Applicants from Nigeria (40 820) also received considerably more decisions – up by 51 % compared to a year earlier.

**Number of first-instance decisions (left) issued in 2017 and outcome (right), by country of origin.**



**Figure 16. Citizenships that were subject to the most decisions did not necessarily have the highest recognition rates**

The EU+ recognition rate in 2017 was 46 %, dropping by 14 percentage points compared to 2016. This reduction is at least partially due to fewer decisions being issued to applicants with rather high recognition rates, combined with more decisions being issued to applicants with rather low recognition rates. For example, among the countries with higher recognition rates <sup>(129)</sup>, there were fewer decisions

<sup>(129)</sup> In 2016, the EU+ recognition rate was 98 % for Syria and 91 % for Eritrea.

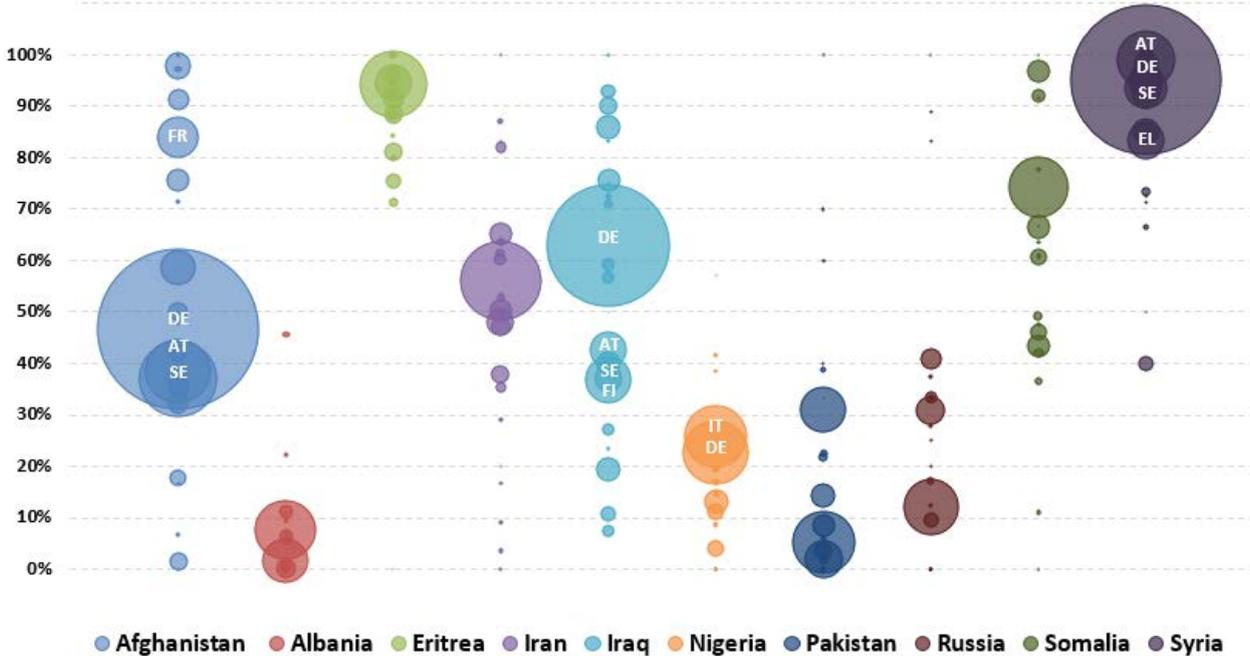
issued to applicants from Syria (152 330, down by 63 %) and Eritrea (34 120, a 24 % decrease compared to 2016). Whereas, Afghan, Iranian and Nigerian applicants were issued considerably more decisions than in 2016 (Fig. 16) <sup>(130)</sup>.

However, further analysis reveals that the recognition rate also dropped within individual citizenships. For example, recognition rates fell for nearly half of the top citizenships of origin with most decisions issued. This was the case for Afghanistan (47 %, 9 percentage points lower than 2016), Syria (94 %, 4 percentage points lower) and Iraq (57 %, 6 percentage points lower). Other sizeable decreases were observed in the recognition rates of Pakistani (12 %, 5 percentage points lower), Ethiopian (33 %, 12 points lower) and Stateless (70 %, 19 points lower) applicants (specific developments concerning statelessness were described in detail in [Section 2.4.1.](#)). Conversely, increased recognition rates were observed for some citizenships: Turkish (36 %, up by 12 percentage points compared to 2016) and Sudanese (61 %, 7 percentage points higher).

Analyses of recognition rates should also take into account the underlying composition in terms of specific decision outcomes. Figure 16 shows that for most citizenships of origin, the majority of positive decisions granted EU-regulated forms of protection (Refugee status or Subsidiary protection). This was the case, for instance, for Syria, Iraq, Iran, Sudan and Eritrea. Moreover, certain countries had high shares of positive decisions granting refugee status: Iran (93 % of all positive decisions), Turkey (88 %), Sudan (81 %) and Stateless (72 %) applicants. In contrast, for other citizenships of origin, humanitarian protection represented a large share of positive decisions: these include The Gambia (83 %), Bangladesh (66 %), Nigeria (62 %) and Ukraine (46 %). The latter four countries had an overall recognition rate lower than 25 %.

Importantly, recognition rates tend to vary across EU+ countries, at both relatively low and high values of the recognition rates. Figure 17 clearly shows that, for applicants from Afghanistan, Iran and Iraq, the recognition rate varied considerably between the countries issuing decisions, ranging between 0 and 100 %. For others, there was relatively more consensus at higher (Eritrea and Syria) and lower (Albania and Nigeria) recognition rates. Clearly, the overall EU+ recognition rate for any citizenship is highly influenced by the countries issuing most decisions.

**Distribution of 2017 recognition rates for citizenships with most decisions issued. Each bubble identifies a single EU+ country: its vertical placement represents the recognition rate; while the size of the bubble indicates the number of decisions issued.**



**Figure 17. For some citizenships of origin, the recognition rates considerably varied between EU+ countries.**

<sup>(130)</sup> In 2016, the EU+ recognition rate was 56 % for Afghanistan, 53 % for Iran and 51 % for Nigeria.

For individual citizenships, variation in recognition rates among EU+ countries may, to some extent, suggest a lack of harmonisation 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). However, it may also indicate different profiles of applicants lodging applications in different countries. For example, from among applicants from the same country of origin, some EU+ countries may receive applicants with very different protection grounds, such as, for example, specific ethnic minorities, or people from certain regions within a country, applicants who are unaccompanied children.

### 2.4.1. Statelessness

Due to the specific situation of stateless persons, the present section outlines the main developments in relation to stateless persons in the EU+ countries that may affect the determination of their applications and their protection in compliance with international standards.

Statelessness refers to the condition of an individual who is not considered as a national by any state under the operation of its law<sup>(131)</sup>. Although stateless people may sometimes also be refugees, the two categories are distinct in international law.

Statelessness stems from issues related to nationality. Its main causes are gaps in nationality laws, arbitrary deprivation of nationality, processes relating to state succession and restrictive administrative practices, for example in relation to issuance of documents which prove nationality. A person may or may not have become stateless on persecutory grounds.

Statelessness as a legal anomaly prevents people from accessing a large range of fundamental human, civil, political, economic, social and cultural rights: they are often unable to access services and state protection; they cannot obtain identity documents; they may be detained for reasons linked to their statelessness; they may be unable to receive medical assistance, enrol in educational programs, acquire property, be legally employed, become married or open a bank account.

UNHCR estimates that there are at least 10 million stateless people worldwide including over half a million in Europe, the vast majority of whom (80 %) are in Estonia, Latvia, the Russian Federation and Ukraine alone<sup>(132)</sup>. Amongst the stateless population in Europe, a large group are migrants originating from both European and non-European countries. Most of the stateless people present in the EU+ countries today can trace their situation back to the dissolution of the USSR and Yugoslavia. However, due to the recent increase in arrivals of third country nationals to the EU and the so-called migration crisis, statelessness has gradually arisen as a phenomenon deriving from migration too. In this case, people may arrive in Europe from a country where they were already regarded as stateless. As a matter of fact, many among the top countries of origin of asylum applicants in the EU have an already existing stateless population.

According to the Qualification Directive (recast), the country of origin for stateless person means the country of former residence, and not the country of nationality as it is the case for other applicants. It is worth highlighting that, according to Eurostat data, the recognition rate for stateless persons is relatively high. In 2017, it stood at around 70 %. Further analysis based on data aggregated by Eurostat is however not possible as the data does not specify the country of habitual residence of the stateless persons.

In recent years there has been greater recognition of the need for more concerted action to combat statelessness at a global, regional and national level – including by EU institutions. In December 2015, the Council of the EU's first Conclusions on Statelessness<sup>(133)</sup> were adopted. These highlighted the importance of exchange of good practices and information relating to statelessness among Member States, and tasked the European Migration Network (EMN) with establishing a dedicated platform to facilitate this process. Three EMN regional roundtables have since been held, including a multi-

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<sup>(131)</sup> Article 1 of the 1954 Convention relating to the Status of Stateless Persons. This definition is universally accepted and is considered as part of customary international law.

<sup>(132)</sup> <http://www.unhcr.org/statelessness-around-the-world.html>.

<sup>(133)</sup> See: <http://www.consilium.europa.eu/en/press/press-releases/2015/12/04/council-adopts-conclusions-on-statelessness/>.

stakeholder conference in Brussels in January 2017 <sup>(134)</sup> to launch a Policy Inform <sup>(135)</sup>. In parallel to these developments, the European Parliament has produced a dedicated study on statelessness <sup>(136)</sup> in 2015, and held a hearing on the issue in June 2017 <sup>(137)</sup>.

In the EU, identification of nationality is a competence that rests with Member States, and so statelessness remains an issue that needs to be addressed first and foremost at national level. Major developments in EU+ countries concerning the matter of statelessness are presented below.

#### *Accession to international Conventions*

In 2017, **Luxembourg** acceded to the 1961 Convention on the Reduction of Statelessness <sup>(138)</sup>, which next to the 1954 Convention relating to the Status of Stateless Persons <sup>(139)</sup>, constitutes the most important instrument addressing statelessness. The Convention was approved by the law of 8 March 2017 <sup>(140)</sup>. In addition, the new law approved two remaining international Conventions which intend to fight statelessness, namely: the European Convention on Nationality of 6 November 1997 and the Council of Europe Convention on the Avoidance of Statelessness in Relation to State Succession. The law was adopted at the same time as the law of 8 March 2017 on the Luxembourgish nationality that introduces new provisions to prevent cases of statelessness.

#### *Specific statelessness determination procedures*

As, in general, there is no common model of administrative procedure for the determination of statelessness amongst countries, general administrative procedures, an administrative practice or the determination procedure within other administrative procedures (i.e. citizenship, residence permit, international protection procedures or ex-officio) may be used <sup>(141)</sup>.

In this vein, in **Bulgaria**, provisions providing for the introduction of a statelessness determination procedure <sup>(142)</sup> entered into force on 6 December 2017. The works on introducing a similar procedure were ongoing in the **Netherlands**.

UNHCR noted that certain shortcomings in the procedure exist in **the United Kingdom**. Concerns raised related mainly to the fact that the procedure is inadequately resourced and that there is a need for fair and timely decisions <sup>(143)</sup>.

#### *Rights granted to recognised stateless persons*

In **Latvia**, as of 2017, the rights to receive state-funded medical aid was ensured for persons, to whom the status of a stateless person has been granted in Latvia.

#### *Remaining concerns*

Among other challenges related to the issue of statelessness, the following have been noted by international organisations and civil society:

- A need to speed up the naturalisation of stateless children between 15 and 18 of age in **Estonia** <sup>(144)</sup>;

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<sup>(134)</sup> See: [https://www.statelessness.eu/sites/www.statelessness.eu/files/EMN\\_UNHCR\\_ENS%20conference\\_agenda.pdf](https://www.statelessness.eu/sites/www.statelessness.eu/files/EMN_UNHCR_ENS%20conference_agenda.pdf).

<sup>(135)</sup> See: [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european\\_migration\\_network/reports/docs/emn-informs/emn-informs-00\\_inform\\_statelessness\\_final.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/emn-informs/emn-informs-00_inform_statelessness_final.pdf).

<sup>(136)</sup> See: [http://www.europarl.europa.eu/RegData/etudes/STUD/2015/536476/IPOL\\_STU%282015%29536476\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2015/536476/IPOL_STU%282015%29536476_EN.pdf).

<sup>(137)</sup> See: <http://www.europarl.europa.eu/committees/en/libe/events-hearings.html?id=20170626CHE02021>.

<sup>(138)</sup> See: [http://www.unhcr.org/ibelong/wp-content/uploads/1961-Convention-on-the-reduction-of-Statelessness\\_ENG.pdf](http://www.unhcr.org/ibelong/wp-content/uploads/1961-Convention-on-the-reduction-of-Statelessness_ENG.pdf).

<sup>(139)</sup> See: <http://www.unhcr.org/uk/protection/statelessness/3bbb25729/convention-relating-status-stateless-persons.html>.

<sup>(140)</sup> See: [http://www.chd.lu/wps/PA\\_ArchiveSolR/FTSShowAttachment?mime=application%2fpdf&id=1417307&fn=1417307.pdf](http://www.chd.lu/wps/PA_ArchiveSolR/FTSShowAttachment?mime=application%2fpdf&id=1417307&fn=1417307.pdf).

<sup>(141)</sup> European Migration Network, EMN Inform: Statelessness in the EU, November 2016, available at: [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european\\_migration\\_network/reports/docs/emn-informs/emn-informs-00\\_inform\\_statelessness\\_final.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/emn-informs/emn-informs-00_inform_statelessness_final.pdf).

<sup>(142)</sup> See: <http://dv.parliament.bg/DVWeb/showMaterialDV.jsp?sessionid=4EEDCC1B24B522B2758931B4D44652C6?idMat=109964>.

<sup>(143)</sup> See: <https://www.asylumaid.org.uk/update-statelessness-determination-status-uk-need-fair-timely-decisions/>.

<sup>(144)</sup> See: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=1042&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=1042&Lang=en).

- Hesitance of e.g. **Malta** <sup>(145)</sup> and **Switzerland** <sup>(146)</sup> to ratify the 1961 Convention on the Reduction of Statelessness, mostly based on the Convention's requirement that children born to stateless parents acquire the nationality of their country of birth (Malta) <sup>(147)</sup>;
- A need to ensure procedural guarantees to stateless people in **Switzerland** <sup>(148)</sup>;
- The condition of statelessness is not accurately recognised among asylum applicants arriving to **Greek hotspots** <sup>(149)</sup>;
- A protection of stateless people from arbitrary detention in e.g. **the United Kingdom** <sup>(150)</sup>;
- Incomplete and inaccurate data on stateless people (e.g. stateless people being registered under different labels at national level, such as 'third country nationals' or 'unknown') <sup>(151)</sup>;

### Case law

The High Court of Justice in **the United Kingdom** in its decision of 14 June 2017 ([2017] EWHC 1365 (Admin)) considered whether the definition of 'stateless' includes those who do not automatically acquire nationality at birth, but who would be able to if they would go through a registration procedure. The case claimant was a 7-year-old girl who was born in the UK to Indian national parents. Indian law does not grant nationality automatically at birth, and the parents must register the child at an Indian consulate. The claimant's parents failed to do so, and the child was stateless. The Court found in the claimant's favour and ordered the government to allow the child to access UK citizenship <sup>(152)</sup>.

The **Dutch** Supreme Administrative Court (201506952/1/A3) dismissed on appeal a request to change the status of the appellant's (A) foster children from 'nationality unknown' to 'stateless' within the Dutch Municipal Personal Records Database (BRP). This decision was based on A not having produced documents to testify for the children's statelessness and the Court saw no obligation whatsoever, on the basis of the Law on the BRP, for the municipality to investigate statelessness status further nor for them to determine someone's statelessness. The Court moreover did not consider the dismissal to interfere with Article 1 of the 1954 Convention on the Status of Stateless Persons or with the right for respect to private and family life as protected by Article 8 of the European Convention on Human Rights as there are no consequences for the children's stay right therefore enabling them to enjoy family life with the appellant. This reinforces the need for the Netherlands to move ahead with planned reforms to its statelessness policy and ensure that these changes address the difficulties that stateless persons in the country currently face <sup>(153)</sup>.

In its decision in the case of *K2 v the United Kingdom*, the European Court of Human Rights (ECtHR) ruled against a Sudanese man, known as K2, who challenged the deprivation of his British nationality. The man was born Sudanese and obtained his British nationality through naturalisation. He was suspected of having ties with Al-Shabaab terrorist group and of engaging in 'terror-related activities' after travelling to Somalia, assisted by extremists. He was deprived of his British nationality in 2010, which barred him from reentering the UK. He challenged this deprivation under Articles 8 (right to private and family life) and 14 (prohibition of discrimination) of the European Convention on Human Rights (ECHR). The ECtHR found that even though deprivation of nationality can amount to a violation of Article 8, in this case it did not. The Court found the deprivation to be 'in accordance with the law' <sup>(154)</sup>.

The Federal Administrative Court in **Switzerland**, in a decision of 6 April 2017 (F-6073/2014), rejected the application of a family to be recognised as stateless. Despite the fact that Swiss authorities had

<sup>(145)</sup> See: <http://www.unhcr.org/mt/news-and-views/press-releases/837-unhcr-urges-malta-to-sign-statelessness-conventions->

<sup>(146)</sup> See: [https://www.humanrights.ch/upload/pdf/170417\\_ISI\\_-\\_UPR\\_Submission\\_Switzerland\\_-\\_28th\\_Session.pdf](https://www.humanrights.ch/upload/pdf/170417_ISI_-_UPR_Submission_Switzerland_-_28th_Session.pdf).

<sup>(147)</sup> Statement by the Deputy Prime Minister of Malta in a seminar held on the island on December 2017, <https://www.statelessness.eu/news-events/news/ens-member-aditus-foundation-says-its-time-malta-ratify-1954-convention>.

<sup>(148)</sup> See: [https://www.humanrights.ch/upload/pdf/170417\\_ISI\\_-\\_UPR\\_Submission\\_Switzerland\\_-\\_28th\\_Session.pdf](https://www.humanrights.ch/upload/pdf/170417_ISI_-_UPR_Submission_Switzerland_-_28th_Session.pdf).

<sup>(149)</sup> UNHCR input.

<sup>(150)</sup> See: <https://www.statelessness.eu/protecting-stateless-persons-from-detention>.

<sup>(151)</sup> See:

[https://www.statelessness.eu/sites/www.statelessness.eu/files/attachments/resources/ENS\\_LockInLimbo\\_Detention\\_Agenda\\_online.pdf](https://www.statelessness.eu/sites/www.statelessness.eu/files/attachments/resources/ENS_LockInLimbo_Detention_Agenda_online.pdf).

<sup>(152)</sup> See: <http://www.bailii.org/ew/cases/EWHC/Admin/2017/1365.html>.

<sup>(153)</sup> See: [https://www.raadvanstate.nl/uitspraken/zoeken-in-uitspraken/tekst-uitspraak.html?id=89568&summary\\_only=&q](https://www.raadvanstate.nl/uitspraken/zoeken-in-uitspraken/tekst-uitspraak.html?id=89568&summary_only=&q).

<sup>(154)</sup> See: <https://hudoc.echr.coe.int/eng-press#%7B%22itemid%22:%7B%22003-5648370-7152422%22%7D%7D>

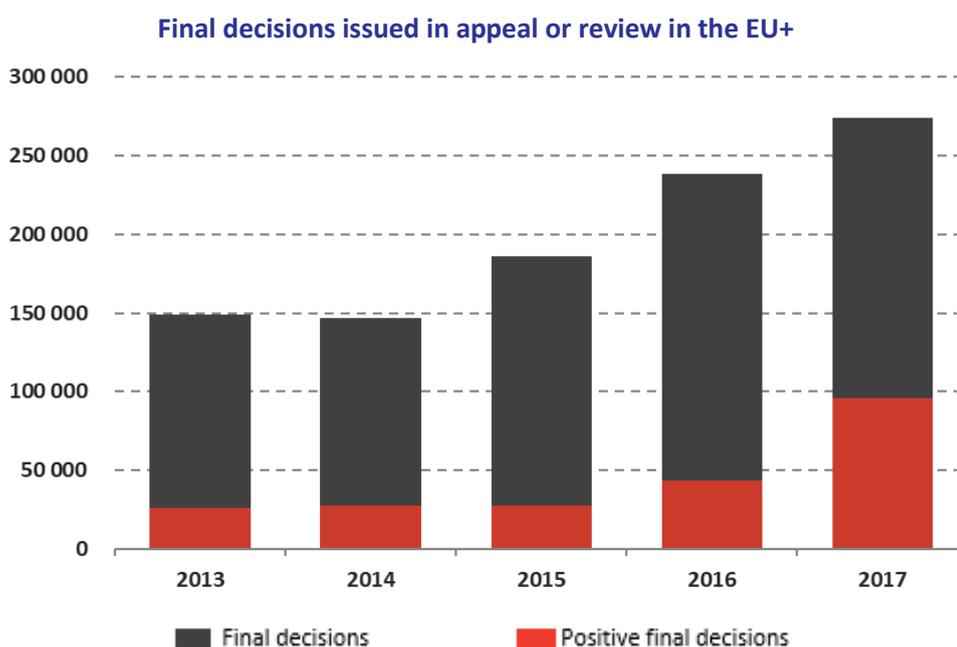
unsuccessfully tried to return the applicants for the past 17 years, the Court found that the applicants had not done everything possible to obtain travel documents from their countries of origin <sup>(155)</sup>.

The Nantes Administrative Court in **France**, in its decision of 10 January 2017, confirmed the dismissal of stateless status on the basis that the applicant was unable to demonstrate that he had actively sought to obtain citizenship from either Azerbaijan, Armenia or Russia, or that any of those countries had opposed such request for citizenship; and because the applicant has made contradictory claims regarding his origin upon applying for international protection on the basis of his status as stateless <sup>(156)</sup>.

## 2.5. Asylum decisions – second and higher instance

### 2.5.1. Recognition rate for higher instances

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 decisions on the merits of each application, while in others they instead order the first instance body to review its first-instance decision. As a result, analyses of decisions of higher instances are extremely challenging and so results should be interpreted with care.



**Figure 18: In 2017, more decisions were issued at second or higher instances than in 2016, plus a larger proportion of the decisions were positive.**

In 2017, EU+ countries issued 273 960 decisions at second or higher instance, a 20 % increase compared to a year before in 2016, reinforcing an upward trend in the number of decisions that has been taking place since 2015 (Fig. 18). Three quarters of all decisions at second or higher instance were issued by Germany (58 % of the EU+ total), France (12 %) and Sweden (7 %).

The overall increase concealed different developments taking place in certain EU+ countries. More specifically, 17 out of 32 EU+ countries increased the output of the relevant second instance bodies; the largest upturns occurred in Germany (+ 28 %), Italy (+ 29 %) and Sweden (+ 56 %). In contrast, a noteworthy decrease took place in Greece (- 24 %). [Chapter 4.8 Procedures at second instance](#) provides some insights on the reasons behind the changes in the number of decisions issued in appeal or review.

<sup>(155)</sup> See: <http://www.refworld.org/pdfid/59394f0f4.pdf>.

<sup>(156)</sup> See:

<https://www.legifrance.gouv.fr/affichJuriAdmin.do?oldAction=rechJuriAdmin&idTexte=CETATEXT000033858926&fastReqId=1311368353&fastPos=1>.

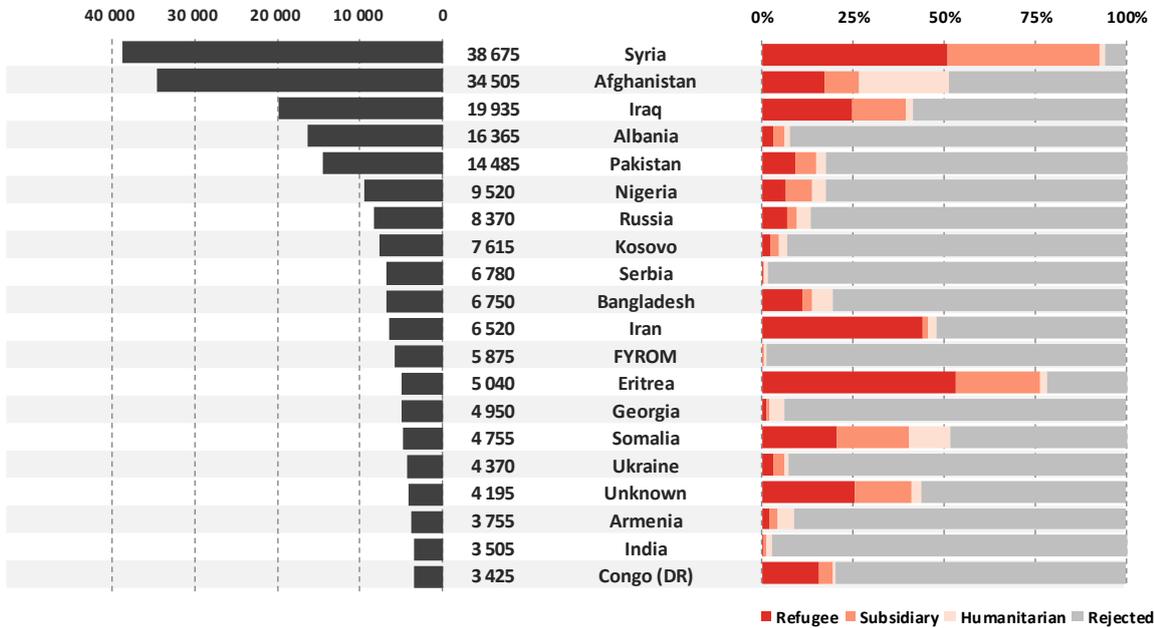
It is worth mentioning that Iceland was the only EU+ country issuing more decisions in appeal or review (555) than at first instance (390).

**2.5.2. Recognition rate by country of origin – second and higher instances**

In 2017, a clear shift took place in the composition of nationalities for which most decisions were issued in appeal or review, contributing to the higher percentage of negative first instance decisions that were reversed in appeal. In 2017, a third of decisions were issued based on appeals lodged by nationals of Syria (14 %), Afghanistan (13 %) and Iraq (7 %), suggesting that these countries lodged considerably more appeals than a year earlier <sup>(157)</sup>, and were issued considerably more decisions at higher instances than in 2016. More specifically, Syrians received four times as many (38 675), Afghans three times as many (34 505) and Iraqis almost three times as many (19 935) decisions. In contrast, in 2016 a third of all decisions issued in appeal were received by applicants of three Western Balkan countries (Albania, Kosovo and Serbia), with much lower recognition rates.

The left-panel in Figure 19 displays the number of decisions issued at second or higher instance for the top 20 nationalities, while the right-panel illustrates the outcome of the decisions.

**Number of decisions issued at final instance (left) in 2017 and outcome (right) by country of origin**



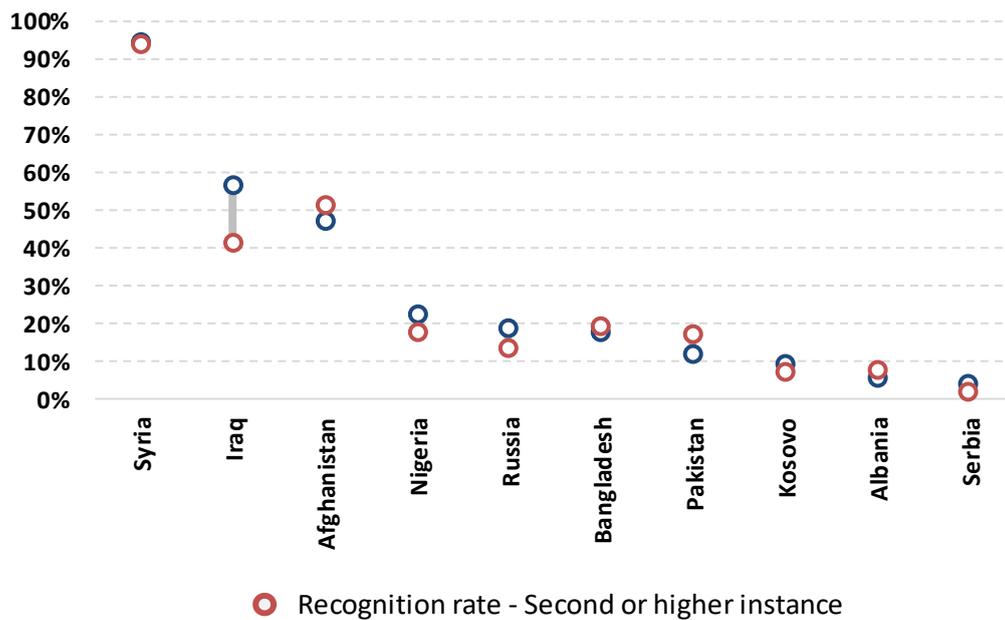
**Figure 19: in 2017, a large proportion of decisions in appeal were issued to just three citizenships, each with recognition rates higher than the EU+ average**

When considering the moderate discrepancy between the recognition rates at first and higher instance, it must be noted that a large number of decisions were issued, at both stages, to the same three citizenships: Syrian, Afghan and Iraqi applicants, all with a first instance recognition rate higher than the EU+ average <sup>(158)</sup>. Moreover, for several citizenships of origin, the recognition rate was unexpectedly higher in appeal than at first instance. In particular, this was the case for four of the ten countries receiving most decisions in appeal, accounting for more than three quarters of all those issued (Fig. 20): Afghanistan (51, + 4 percentage points than at first instance), Pakistan (17 %, + 5 percentage points), Albania (8, + 2 percentage points) and Bangladesh (19 %, 1 percentage point higher) while for Syrian applicants remained stable at 94 %.

<sup>(157)</sup> It must be noted that the time lag between the lodging of an appeal and the final decision might be considerable. A certain proportion of decisions could refer to appeals lodged in a different reporting period.

<sup>(158)</sup> More generally, seven countries were included in the list of the ten with most decisions issued in both first and second instance.

## Recognition rates in first instance (blue) and second/higher instance (red) for selected citizenships



**Figure 20: Recognition rates were higher in appeal than at first instance for four of the 10 citizenships with most decision issued.**

### 2.6. Dublin system

The Dublin system is a set of ‘criteria and mechanisms for determining which Member State is responsible for considering an application for international protection’ (Article 78 of the Treaty on the functioning of the European Union, TFEU) <sup>(159)</sup>. It was originally established as a ‘flanking measure’ to the abolition of checks at the internal borders in the Schengen area, i.e. as a measure compensating for the control deficits that may arise from the lifting of internal borders.

The first objective of the system is to guarantee a person wanting to apply for international protection a quick and effective access to procedures for granting international protection and the examination of an application on the merits by a single, clearly determined Member State. This is important for avoiding a situation of ‘asylum seekers in orbit’, where no Member State would be willing to accept responsibility for examining an application. Moreover, the Dublin system is to prevent abuse of the asylum procedure in the form of multiple applications for asylum submitted by the same person in several Member States with the sole aim of extending his/her stay in the Member States.

The system establishes the principle that only one Member State is responsible for examining an asylum application. The Regulation (EU) 604/2013, commonly referred to as the Dublin III Regulation, together with its Implementing Regulations, is the cornerstone of the Dublin system, which sets out specific criteria for establishing responsibility. The criteria run, in hierarchical order, from family considerations (respect for family life and the best interest of the child are a primary consideration when applying the Regulation), to recent possession of a visa or residence permit in a Member State, to whether the applicant has entered EU irregularly, or regularly <sup>(160)</sup>.

In general, the Dublin procedure has the following key components: interaction between two Member States (sending a request and receiving a reply - either acceptance or rejection of the request – within certain time frames) as well as between the Member State and the applicant. While a reply from a

<sup>(159)</sup> The Dublin system is currently operated by twenty-eight EU Member States and four other participating countries (Norway, Iceland, Switzerland and Liechtenstein).

<sup>(160)</sup> A hierarchy of responsibility criteria is laid down in Chapter III of the Dublin III Regulation. The criteria must be applied in order in which they are set out in the chapter. This means that a higher article number (e.g. Article 9) cannot be applied if a lower article number is already applicable (e.g. Article 7).

Member State does not entail an obligation for the requesting Member State, the interaction between the Member State and the applicant always concludes with a formal decision that has legal obligations for the applicant to be transferred to the responsible country.

At EU+ level, the official statistics on Dublin procedure are collected by Eurostat on an annual basis <sup>(161)</sup>. Despite the time limit of three months for data transmission laid down in the EU regulations, the completeness of Eurostat Dublin annual statistics at the time of writing the EASO Annual Report was insufficient to describe the state of play of the Dublin system in the EU+. Therefore, the analysis presented in this chapter relies on EASO data, which are provisional and unvalidated, and therefore might differ from validated data subsequently submitted to Eurostat <sup>(162)</sup>. Moreover, the conclusions made on specific points below can be considered as partial as EASO data cover only three Dublin indicators: decisions on outgoing Dublin requests, decisions to apply the discretionary clause based on Article 17(1) <sup>(163)</sup> and implemented outgoing transfers.

### *Decisions*

In 2017, 26 EU+ countries regularly shared data on the decisions they received on their outgoing Dublin requests <sup>(164)</sup>. These 26 countries received 138 601 decisions on their Dublin transfer requests throughout the year. In 2017, the same reporting countries received 10 % more decisions on Dublin requests than in 2016 <sup>(165)</sup>. For every received decision on a Dublin request in 2017 there were close to five applications lodged in the pool of countries reporting on this Dublin indicator, which may imply that a considerable number of applicants for international protection pursue secondary movements in the EU+ countries.

Receiving two-fifths of all decisions in 2017, **Germany** was the Dublin Member State with the highest number of decisions received on its transfer requests, followed by **France, Austria, Greece the Netherlands and Switzerland**. Some 90 % of all Dublin decisions were in response to requests sent by these six countries. Compared to 2016, France, Germany and Greece received more decisions on requests. In contrast, Austria, Sweden and Switzerland received far fewer responses to Dublin requests compared to the year before. It may be that both in France <sup>(166)</sup> and Germany, improving the implementation of the Dublin Regulation became one of the governmental priorities. In 2017, most decisions were taken by a small group of countries. Italy and Germany were the partner countries for almost half of all responses, followed at a distance by Bulgaria, Sweden, France, and Hungary. Compared to 2016, the number of decisions taken by Italy almost doubled, and increased considerably in France, Sweden, Romania, and Greece. In Greece, this may be linked to a gradual resumption of transfers sent from other Member States which was planned in 2017 (read more below). In contrast, Hungary, Croatia and Poland reached substantially fewer decisions in 2017.

The overall acceptance rate for decisions on Dublin requests in 2017 was 75 %, up 12 percentage points compared to 2016. However, the acceptance rate varied considerably between responding countries. For example, there were extremely high shares of positive responses coming from Portugal, the Czech Republic, Italy and Malta but low shares from Greece and Hungary.

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<sup>(161)</sup> Based on Article 4.4 of Regulation (EC) 862/2007 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.

<sup>(162)</sup> Iceland and Liechtenstein do not participate in EASO data exchange.

<sup>(163)</sup> Through the discretionary clauses, the Dublin system makes it possible for the Member States to take fully into account the legitimate concerns of applicants for international protection and to derogate from both the mechanical application of the responsibility criteria and the one-chance-only principle. The first one is the 'sovereignty clause' in [Article 17\(1\) of Dublin III Regulation](#). This clause authorises any Member State with which an application for international protection is lodged to examine it, by derogation from the responsibility criteria and/or the readmission rules; the second one is the 'humanitarian clause' in [Article 17\(2\) of the Dublin III Regulation](#). This clause authorises and encourages Member States to bring family relations together in cases where the strict application of the criteria would keep them apart.

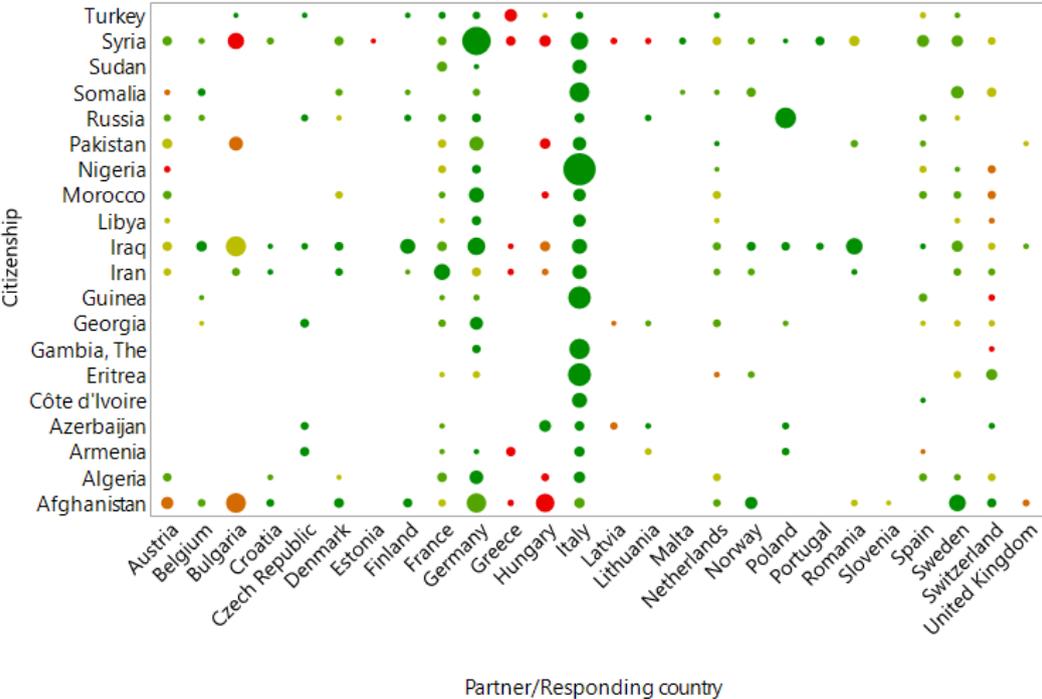
<sup>(164)</sup> In addition to Iceland and Liechtenstein, data are not available for Belgium, Cyprus, Hungary, and the United Kingdom. Data were also missing for December 2017 for Spain. France generally provides data with a one-month delay. Thus, data for France in this report covers the period December 2016 – November 2017.

<sup>(165)</sup> For the sake of consistency, EASO data is also used for 2016. Data were missing for a single month in 2016 for Malta and Slovakia. Additionally, data were missing for several months for Romania and Spain.

<sup>(166)</sup> Press conference of 12 July 2017, <https://www.interieur.gouv.fr/fr/Actualites/Accueil-des-etrangers-en-France/Garantir-le-droit-d-asile-mieux-maitriser-les-flux-migratoires> with press release annexed.

Decisions were most commonly reached on Dublin requests for citizens of Afghanistan (11 % of the total), Syria (8 %), Iraq (8 %), and Nigeria (6 %). Figure 21 presents the acceptance rates of the partner countries per citizenships for the top 20 citizenships. The estimates are based on data exchanged by 25 EU+ reporting countries (167). The size of the bubbles corresponds to the total number of decisions on Dublin requests (168). The colour of the bubble indicates the acceptance rate (green = high, red = low). In most cases the responding countries followed a relatively consistent pattern of responses irrespective of citizenship.

**Numbers of decisions reached in response to Dublin requests (size of circle) and acceptance rates (green = high, red = low), by partner country and top 20 citizenships**



**Figure 21: Partner countries generally had systematic acceptance rates, independent of the citizenships**

EASO data do not contain information on the specific article of the Dublin regulation on the basis of which a request is sent. However, it is possible to distinguish between responses to take back and take-charge requests (169). This information was reported for 74 % of the decisions in 2017 (170). About two thirds of these decisions were in response to take back requests, which means that the majority of decisions relate

(167) France is generally unable to indicate the citizenship of the third country national in the cases when its request has been rejected by the partner country. Since including these data in the overall calculation would significantly bias acceptance rates, the French reporting is not considered.

(168) Combinations of partner countries and citizenships with less than 50 decisions are not shown because small samples could bias the interpretation of the results.

(169) Take back requests comprise all Dublin transfer requests to take responsibility for an applicant who applied for international protection in the partner country, in accordance with Articles 18(1)b-d and 20.5 of Dublin III Regulation. More specifically, this refers to situations in which Member State A (reporting country) requests Member State B (partner country) to take responsibility for an applicant because:

- the person has already previously made an application for international protection in Member State B (and afterwards he/she has left that Member State); or
- Member State B has already previously accepted its responsibility following a take charge request from some other Member State.

Take charge requests comprise all Dublin transfer requests to take responsibility for an application for international protection lodged by a person who applied for international protection in the reporting country and not in the partner country, in accordance with Articles 8-16 and 17 (2) of the Dublin III Regulation. More specifically, Member State A (reporting country) requests in such a case Member State B (partner country) to take responsibility for an application for international protection although the applicant in question has not submitted an application in Member State B (partner country) previously, but where the Dublin criteria indicate that Member State B (partner country) is responsible. These indications include e.g. family unity reasons (including specific criteria for unaccompanied minors), documentation (e.g. visas / residence permits), and entry or stay reasons (e.g. using Eurodac proof) and humanitarian reasons.

(170) The legal basis was not reported for all decisions received by France, some of the decisions received by the Netherlands and Slovakia, and only four decisions received by Norway.

to cases in which a person lodges an application in one EU+ country and afterwards moves to another country.

The acceptance rate on take back requests (69 %) was 13 percentage points lower than for take-charge requests (82 %) but considering the high share of cases with unknown legal basis, this difference should be interpreted with care. There were no major differences in the distribution of decisions on requests among the EU+ countries across the two categories of legal basis.

#### *Discretionary clause* <sup>(171)</sup>

In 2017, Article 17(1) of the Dublin Regulation, known as one of the discretionary clauses, was evoked nearly 12 000 times <sup>(172)</sup>. More than half of these cases were applied by Germany or Italy. Other Dublin Member States that made considerable use of the discretionary clause included France, Switzerland, and Belgium. Two thirds of the decisions to apply the discretionary clause pertained to cases where Italy and Greece would have otherwise potentially been the responsible Member State had a Dublin transfer request been sent. In a much smaller number of cases, the responsible countries would most likely have been Hungary, Germany or Bulgaria. In almost a quarter of the decisions citing Article 17(1), the responsible country could not be identified. Decisions were most commonly related to nationals of Afghanistan (15 %), Syria (12 %), Pakistan (10 %), Iraq, and Nigeria (7 % each) <sup>(173)</sup>.

Among the EU+ countries that reported both on decisions on Dublin requests and use of the sovereignty clause, overall for every decision to apply Article 17(1), eight Dublin transfer requests were accepted by the partner countries. This implies that EU+ countries more often decided to send out requests rather than to evoke the discretionary clause and thereby assume responsibility themselves.

#### *Transfers*

In 2017, the 26 reporting countries implemented just over 25 000 transfers <sup>(174)</sup>, an increase of a third compared to 2016. Three quarters of all transfers in 2017 stemmed from five EU+ countries: Germany, Greece, Austria, France, and the Netherlands. More than half of the transferees were received by Germany and Italy. The remainder were spread among the remaining Dublin MSs, with the highest shares occupied by Sweden, France, and Poland <sup>(175)</sup>. Generally, those Dublin MSs which implemented the most transfers also had a wider range of recipients. Just under half of all transfers were conducted between contiguous countries, i.e. with a common land border <sup>(176)</sup>. This means that the remaining half of the transfers pertained to individuals who had crossed at least one intra-Schengen border. A narrow majority of the transfers were conducted on the basis of take-back requests (53 % of the transfers with reported legal basis) <sup>(177)</sup>.

Persons transferred under Dublin procedures originated from a diverse set of countries. The top three countries of origin of the transferees – Syria (17 %), Afghanistan (10 %) and Iraq (7 %) – together accounted for over a third of all transfers. The remaining nationalities in the top 10 were Nigeria, Russia, Eritrea, Morocco, Algeria, Pakistan, and Iran. Nearly two thirds of all transfers involved citizenships from this top 10 list but there were 39 countries of origin from which at least 100 individuals were transferred between EU+ countries. This diversity indicates that the implementation of the Dublin Regulation concerns many citizenships from different parts of the world.

Figure 22 illustrates the 10 largest combinations of sending country, citizenship and receiving country for implemented transfers. The top combination involved Syrian nationals transferred from Greece to

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<sup>(171)</sup> See: footnote no. 166.

<sup>(172)</sup> Data on the use of the discretionary clause were shared by 25 reporting countries but seven of them did not report every month. In addition to Iceland and Lichtenstein, data for 2017 are missing for Bulgaria, Greece, Hungary, Romania and the United Kingdom.

<sup>(173)</sup> The citizenship of the persons involved in decisions to apply the discretionary clause were reported in 85 % of the cases. The nationality of the citizens could not be ascertained in all cases reported by Belgium and France, several cases reported by Germany and a negligible number of cases reported by Italy and the Netherlands.

<sup>(174)</sup> The countries reporting on implementation of Dublin transfers are the same as those reporting on decisions on Dublin requests. Data were not available for several months in 2017 for Croatia.

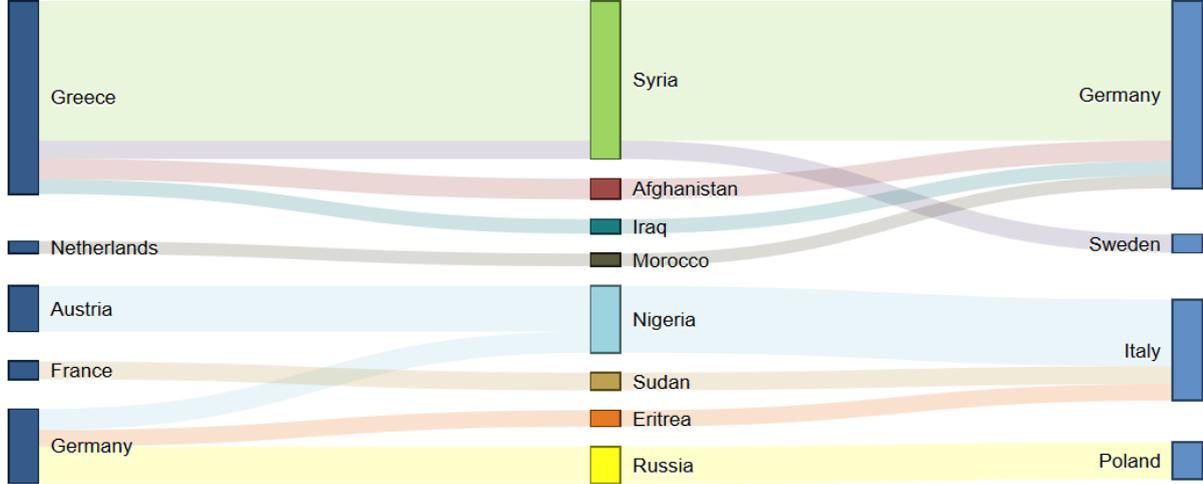
<sup>(175)</sup> However, in cases where it is clear that the applicant is vulnerable, Dublin requests are still not sent to Greece, Croatia, Hungary, Italy and Bulgaria.

<sup>(176)</sup> Denmark and Sweden are considered as having a common land border (The Øresund Bridge).

<sup>(177)</sup> The legal basis could not be identified for 14 % of the transfers: all cases stemming from Finland, France and Poland and a selected number of transfers originating with Switzerland and the Netherlands.

Germany, accounting for 9 % of all transferred persons in 2017. Nigerian citizens were represented in two of the top 10 flows: from Austria to Italy, and from Germany to Italy. The third main flow featured Russian citizens from Germany to Poland. It is notable that the top 10 flows included eight different citizenships, which further testifies to the diversity of countries of origin of Dublin transferees.

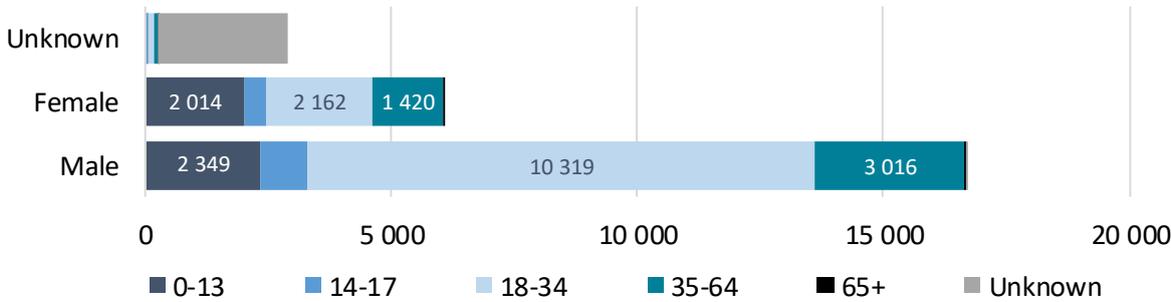
**Top 10 combinations of sending country (left), citizenship (middle) and receiving country (right) for implemented Dublin transfers**



**Figure 22: The top 10 flows represented 22 % of all transferees.**

The vast majority of transferees were males aged 18 to 34 (Fig. 23) but a quarter of all transferees were minors, most of whom were younger than 14 <sup>(178)</sup>. More than two fifths of the minors were Syrian citizens, almost 15 % were Afghans and 9 % were Russians. The number of male and female minors was remarkably similar, which might suggest that the minors in Dublin transfers were largely involved in asylum applications with their families. This proposition is further supported by the fact that Dublin Member States generally do not transfer UAMs.

**Gender of the transferees in 2017, by age**



**Figure 23: The majority of the transferees were adult males.**

In general, main developments in EU+ countries with regard to Dublin procedure reflected the volume of cases that needed to be processed.

*Intra-EU measures aimed at transferring vulnerable people*

The **United Kingdom** and **France** took specific intra-EU measures aimed at transferring unaccompanied minors between the two countries under the Dublin Regulation. On 18 January 2018, Theresa May and Emmanuel Macron signed the Sandhurst Treaty, which aims to reinforce the cooperation and coordination of their shared border <sup>(179)</sup>. As part of the agreement, the French and British governments

<sup>(178)</sup> Among the 26 EU+ reporting countries, France was unable to provide information on the age of the transferees.  
<sup>(179)</sup> See: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/674885/Treaty\\_Concerning\\_the\\_Reinforcement\\_Of\\_Cooperation\\_For\\_The\\_Coordinated\\_Management\\_Of\\_Their\\_Shared\\_Border.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/674885/Treaty_Concerning_the_Reinforcement_Of_Cooperation_For_The_Coordinated_Management_Of_Their_Shared_Border.pdf).

committed to speeding up the process by which applicants in France are able join family in the UK. This will see waiting times decrease from 6 months to 1 month for adults and down to 25 days for children. This initiative was welcomed by civil society as, according to a study by Refugee Rights Europe published in October 2017, 40 % of the applicants living in Calais declared to be aged under 18 and 85 % to have family in the UK <sup>(180)</sup>. Also, a centre was opened in Paris where young people can stay during the day and at which NGOs, e.g. Safe Passage, are present to identify children with the family links in the UK.

In addition, in January 2018, the UK Department for Education commissioned a study on the effectiveness of existing support for unaccompanied children and families reunited under the Dublin Regulation and whether more help is needed <sup>(181)</sup>.

#### *IT systems for managing Dublin-related cases*

Several EU+ countries (**Greece and the United Kingdom**) experienced practical difficulties and communication problems via DubliNet (electronic communication system for Dublin-related cases), particularly when certificate changes/renewals are implemented.

In **Slovenia, Slovakia and Hungary**, work has been ongoing to migrate to the new DubliNet domains (the whole technical process should be completed by all MS in the first half of 2018). In **Greece**, discussions were undertaken with the competent authorities concerning the connection of the Asylum Service with the VIS system.

#### *Suspension of transfers to Bulgaria and Hungary*

Similarly to 2016, in 2017, the suspension (either full or partial) of Dublin transfers to Hungary and Bulgaria was also noted.

As for **Bulgaria**, the courts/appeal authorities in some Dublin States ruled suspension of Dublin transfers with respect to certain categories of applicants due to reports regarding material conditions and safeguards for the rights of the individuals concerned. It therefore led to specific arrangements (e.g. requesting individual guarantees for persons to be transferred) which requesting countries made with the Bulgarian authorities in order to ensure a carefully organised transfer.

**Figure 24: EU+ countries which introduced special safeguards for the Dublin transfers to Bulgaria or in which courts/appeal authorities ruled suspension of transfers**

EU+ country	Comments
<b>Austria</b>	Individual guarantees in regard to the person who is being transferred are required from the Bulgarian authorities on a case-by-case basis. In 2017, on several occasions, the courts – in individual cases - suspended transfers, e.g. Judgement of the Administrative High Court No Ra 2017/18/0036 of 30 August 2017, No Ra 2017/19/0100 of 13 December 2017, Judgement of the Constitutional Court No E484/2017 of 9 June 2017, No E86/2017 of 24 November 2017.
<b>Belgium</b>	Transfers suspended (for all Dublin cases) based on the ruling of 13 October 2017 of the Council of Alien Law Litigation, (File: 193 680). The Court judged that the shortage of translators of key languages such as Pashto, Dari, Kurdish and the poor quality of interpretation in Bulgaria, as reported by the latest AIDA-report, imply a possible breach of article 3 of the ECHR.
<b>Croatia</b>	Certain vulnerable persons e.g. persons with serious health problems are exempted from transfers. There was however no specific change in policy/practice concerning transfers to Bulgaria in 2017.
<b>Germany</b>	Due to national jurisprudence, individual guarantees in regard to the person who is being transferred are required from the Bulgarian authorities. On several occasions in 2017, courts suspended transfers, e.g. Judgement of the Administrative Court Hannover No 15 B 2468/17 of 8 April 2017, Judgement of the Federal Constitutional Court No 2 BvR 863/17 of 29 August 2017.
<b>Italy</b>	Further to recent judgements of the Council of State (No 3999/2016, No 3998/2016, No 4000/2016, No 4002/2016 and No 05085/2017), Italian authorities await a legal assessment of the Attorney General as to suspend transfer to Bulgaria.
<b>Hungary</b>	Certain vulnerable persons e.g. UAMs, families with minor children, persons with serious medical problems or requiring special kind of medical treatment are exempted from transfers. On several occasions in 2017, the courts suspended transfers, e.g. Decision of the Administrative and Labour Court of Szeged No 11.Kpk.27.469/2017/12, 3 July 2017.

<sup>(180)</sup> See: [http://refugeerights.org.uk/wp-content/uploads/2017/11/RRDP\\_TwelveMonthsOn.pdf](http://refugeerights.org.uk/wp-content/uploads/2017/11/RRDP_TwelveMonthsOn.pdf).

<sup>(181)</sup> See: <https://www.contractsfinder.service.gov.uk/Notice/61123f81-7844-4a55-8a32-19c4faa8b0d3?p=@jJNT08=UFQxUIRRPT0=N>

<b>Finland</b>	Certain vulnerable groups are exempted from transfers as recommended by UNHCR in 2014. There was no specific change in policy/practice concerning transfers to Bulgaria in 2017.
<b>Poland</b>	In general, transfers to Bulgaria has been not suspended. However, certain vulnerable groups are exempted from transfers e.g. unaccompanied minors, persons with mental disorders or several medical problems / subject to torture or other degrading treatment, women in advanced pregnancy. Also, due to national jurisprudence, individual guarantees are systematically required for all the requests send to Bulgaria (the decisions on transfer are issued only when the Bulgarian authorities provide the individual assurances). There was no specific change in policy/practice concerning transfers to Bulgaria in 2017.
<b>Netherlands</b>	On several occasions in 2017, the courts suspended transfers, e.g. Decision of the Council of State No 201704656/1/V3 of 20 November 2017.
<b>Romania</b>	On several occasions in 2017, the courts suspended transfers, e.g. Judgement of the Regional Court Bucharest No 4865/2017 of 12 April 2017, Judgement of the Regional Court Galați No 5362/2017 of 30 June 2017 and Judgement of the Regional Court Baia Mare No 9685/2017 of 4 December 2017 <sup>(182)</sup> . There was however no specific change in policy/practice concerning transfers to Bulgaria in 2017.
<b>Slovenia</b>	An important change in policy/practice concerning transfers to Bulgaria took place in 2017. In the judgement of the Administrative Court IU 2341/2017-5 of 10 November 2017, the court confirmed the decision of the Ministry of the Interior to transfer a person to Bulgaria. The transfer was successfully carried out in the same month. This was the first time in several years that it was possible to carry out a transfer to Bulgaria of a person who is not considered vulnerable.
<b>Slovakia</b>	Individual guarantees with regard to the vulnerable persons who are to be transferred are required from the Bulgarian authorities before carrying out the transfer. There was no specific change in policy/practice concerning transfers to Bulgaria in 2017.
<b>Switzerland</b>	On several occasions in 2017, the courts suspended transfers, e.g. Judgement of the Federal Administrative Court No E-305/2017 of 5 September 2017. There was, however, no specific change in policy or practice regarding Dublin transfers to Bulgaria in 2017.
<b>Norway</b>	In individual cases, the Immigration Appeals Board (UNE) suspend transfer decisions to Bulgaria under the Dublin III Regulation, e.g. in some cases concerning families. Each case concerning vulnerable person is however considered individually. There was no specific change in policy/practice concerning transfers to Bulgaria in 2017.
<b>United Kingdom</b>	Certain vulnerable groups are exempted from transfers as recommended by UNHCR in 2014. <a href="#">Case law</a> of November 2017 from Court of Appeal confirmed the approach to Dublin transfers to Bulgaria.

Similar practice has followed with regard to **Hungary**, particularly since the country's new asylum law became effective as of 28 March 2017, on account of risks of inhuman or degrading treatment and or indirect *refoulement* (mainly due to jurisprudence at the level of national courts). In the case of Hungary, it was however more common to halt Dublin transfers in general.

**Figure 25: EU+ countries, which suspended Dublin transfers to Hungary**

EU+ country	Date of suspension taking effect	Comments
<b>2015</b>		
<b>Luxembourg</b>	December 2015	Transfers suspended (for all Dublin cases) based on the <a href="#">judgment of 8 December 2015</a> of the Administrative Tribunal (File: 37149) <sup>(183)</sup> .
<b>Netherlands</b>	December 2015	Transfers suspended (for all Dublin cases) based on the <a href="#">ruling of 26 November 2015</a> of the Council of State, (File: 201507322/1/V3). In 2017, mediation procedure was initiated by the Dutch Secretary of State.
<b>Norway</b>	2015/2016	The Immigration Appeals Board (UNE) has given suspensive effect to Dublin transfers since 7 September 2015 and from 2016 all the decisions of the Norwegian Directorate of Immigration (UDI) regarding transfers to Hungary, where it was assessed that there was a risk of chain <i>refoulement</i> , were overruled. The magnitude of overruled decisions can be regarded as an outlined policy from the UNE. The UDI therefore does not make decisions on transferring those who entered Hungary from Serbia.
<b>2016</b>		

<sup>(182)</sup> Beside those three specific cases, Romania did not face any problems/issues with Dublin transfers to Bulgaria.

<sup>(183)</sup> The Tribunal found that currently there are systemic deficiencies in Hungary as regards asylum procedures and the reception conditions for applicants which may lead to risk of harsh or demeaning treatment within the meaning of Article 4 of the Charter of Fundamental Rights of the European Union.

<b>Switzerland</b>	March 2016	Transfers suspended (for particularly vulnerable persons, e.g. families with children under 6 years old and medical cases) as well as for persons with a potential risk of a chain deportation to Serbia) based on the <a href="#">ruling of 7 March 2016 of the</a> Federal Administrative Court, (File: E-2249/2014) <sup>(184)</sup> . Assessment by the State Secretariat for Migration (SEM) of whether there are real risks for asylum seekers in Hungary and/or systemic weaknesses according to the Dublin Regulation is being carried out.  As reported by AIDA, in 2017, Switzerland was the third biggest country from which transfers were carried out to Hungary (11 persons were transferred) <sup>(185)</sup> .
<b>Finland</b>	20 April 2016	Transfers suspended (for all Dublin cases) based on the <a href="#">ruling of 20 April 2016 of the</a> Supreme Administrative Court (File: KHO:2016:53) <sup>(186)</sup> .
<b>Belgium</b>	26 May 2016	No official policy decision concerning suspension of transfers was taken. However, in practice no Dublin transfers to Hungary were performed since 26/05/2016. While in 2016 the Dublin transfers were refused by the Hungarian authorities as they argued that Greece was responsible for examining the applications, in 2017 the Belgian authorities received refusals based on lack of capacity.
<b>Slovakia</b>	15 June 2016	No official policy decision concerning suspension of transfers was taken. However, in practice no Dublin transfers to Hungary were carried out since 15 June 2016, due to the Hungarian government's practice not to accept the transfers.
<b>Italy</b>	2016	No official policy decision concerning suspension of transfers was taken. However, in practice the appeal authority applied suspension of the implementation of every transfer decision that it had examined.
<b>United Kingdom</b>	August 2016	Transfers suspended (for all Dublin cases) based on the <a href="#">ruling of 5 August 2016</a> of the High Court, (File: CO/5201/2015 & CO/5067/2015) <sup>(187)</sup> .
<b>Czech Republic</b>	12 September 2016	Transfers suspended (for all Dublin cases) based on the <a href="#">judgement of 12 September 2016 of the</a> Supreme Court, (File: 5 Azs 195/2016) <sup>(188)</sup> .
<b>Poland</b>	2016	In general, transfers to Hungary has been not suspended. However, certain groups of migrants are exempted from transfers e.g. unaccompanied minors, persons with mental disorders or several medical problems / subject of torture or other degrading treatment, women in advanced pregnancy. Also, due to national jurisprudence, individual guarantees are systematically required for all the requests sent to Hungary (the decisions on transfer are issued only when the Hungarian authorities provide the individual assurances). In other cases, transfers are suspended on case-by-case basis only.
<b>2017</b>		
<b>Germany</b>	10 April 2017	Transfers suspended on case-by-case basis only, particularly in case of persons for whom Hungary did not provide individual assurances.  As reported by AIDA, in 2017, Germany was the second biggest country from which transfers were carried to Hungary (30 persons were transferred) <sup>(189)</sup> .
<b>Sweden</b>	27 April 2017	Transfers suspended (for all Dublin cases) based on the <a href="#">judicial position SR 13/2017</a> .

<sup>(184)</sup> In the ruling, the access to medical care in Hungary was examined. The judgement stated that the number of persons in detention had increased and that there was a lack of identification of vulnerable persons. The court stated: 'On the basis of these considerations it can be assumed that a fast screening and treatment of an asylum seeker with psychological problems who is sent back to Hungary is not ensured [...]. Therefore the barrier to assume a breach of Article 3 ECHR is reached.'

<sup>(185)</sup> AIDA, Country Report Hungary, 2017 Update: <http://www.asylumineurope.org/reports/country/hungary>.

<sup>(186)</sup> The Court found that the case law of other European Union Member States and other material assessed by the Supreme Administrative Court strongly implicate that there are systemic flaws (as defined by paragraph 2 of Article 3 of the Dublin regulation) in Hungary. Additionally, when the principle of benefit of doubt, as well as the principle of interpreting laws in a fundamental and human rights friendly manner were taken into consideration, the case under such circumstances had to be decided in favour of the appellant. Taking into account the up-to-date country information, it was not possible to reliably conclude that transferring the appellant to Hungary would not be in violation of Article 4 of the Charter of Fundamental Rights of the European Union or Article 3 of the European Convention of Human Rights.

<sup>(187)</sup> In its ruling the Supreme Court concluded that the transfer to Hungary gives rise to a real risk of chain refoulement to Iran along a chain of state, including Serbia, Macedonia, Greece and Turkey. The judgment noted that the relevant evidence may change the assessment of risk in the future.

<sup>(188)</sup> The Court found that changes in asylum and migration law in Hungary could lead to infringement of human rights according to Article 4 of Charter of Fundamental Rights of EU, resp. Article 3 of ECHR. Systemic flaws may exist in asylum procedure and reception conditions.

<sup>(189)</sup> AIDA, Country Report Hungary, 2017 Update: <http://www.asylumineurope.org/reports/country/hungary>.

Denmark	3 May 2017	Transfers suspended (for all Dublin cases) based on the <a href="#">ruling of 3 May 2017</a> of the Danish Refugee Appeals Board <sup>(190)</sup> .
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While, in 2017, Dublin transfers to Hungary remained fully or partially suspended in eight EU+ countries (**Luxembourg, the Netherlands, Norway, Switzerland, Finland, Belgium, Slovakia, Italy, the United Kingdom, Czech Republic and Poland**), they were officially suspended to all Dublin transfers by two additional countries: **Sweden** and **Denmark**. Certain levels of scrutiny were also instituted in April 2017 in **Germany**; transfers are only carried out when the Hungarian authorities provide an individual assurance that the person to be transferred (based on take-charge request) will be accommodated in accordance with Directive 2013/33/EU and the person's application will be processed in accordance with Directive 2013/32/EU <sup>(191)</sup>.

In **Switzerland**, further to the ruling of the Federal Administrative Court No D-7853/2015 (given on 31 May 2017), in which it approved the pending appeals against Dublin transfers to Hungary and referred the cases back to the State Secretariat for Migration (SEM), the Secretariat has to assess whether there are real risks for asylum seekers in Hungary and/or systemic weaknesses according to the Dublin Regulation, and whether this excludes transfers to Hungary <sup>(192)</sup>.

The issue of halting transfers to Hungary was also broadly commented by the UNHCR and civil society which urged the remaining countries to introduce a temporary suspension of all transfers of asylum seekers to Hungary <sup>(193)</sup>.

On a separate note, due to differences in interpretation of some of the criteria in the Dublin Regulation between Dutch and Hungarian experts, the Dutch Secretary of State initiated a mediation procedure with Hungarian authorities. This however does not mean that Dublin transfers will be resumed automatically <sup>(194)</sup>.

#### *Resumption of transfers to Greece*

On 8 December 2016, the European Commission recommended measures for strengthening the Greek asylum system as well as a gradual resumption of transfers to Greece for 'asylum applicants who have entered Greece irregularly at external borders from 15 March 2017' and 'other persons for whom Greece is responsible under criteria other than Article 13 in Chapter III of Regulation (EU) No 604/2013' with the same reference date <sup>(195)</sup>. The Recommendation did not apply to vulnerable asylum applicants. According to the Recommendation, a transfer should only take place after individual assurances from Greek authorities that the applicant will be treated in accordance with EU law. As a result, in 2017 a number of Dublin MSs sent a transfer request to Greece <sup>(196)</sup> following the recommendation, in particular **Belgium** <sup>(197)</sup>, **Croatia**, **Czech Republic**, **Estonia**, **Finland**, **Germany** <sup>(198)</sup>, **Luxembourg**, the

<sup>(190)</sup> The full decision is not public but only the grounds. In four cases it was decided that Dublin transfers to Hungary cannot be conducted due to substantial grounds attesting to systematic deficiencies in the asylum procedure and in the reception conditions for applicants in Hungary.

<sup>(191)</sup> The assurance is to be provided in the letter agreeing to readmission. In cases in which Hungary fails to provide these assurances, the decisions are deferred.

<sup>(192)</sup> Case D-7853/2015 (UNHCR input).

<sup>(193)</sup> UNHCR, 'UNHCR urges suspension of transfers of asylum-seekers to Hungary under Dublin', 10 April 2017, available at: <http://bit.ly/2E1cF3R>.

<sup>(194)</sup> See: <https://zoek.officielebekendmakingen.nl/dossier/19637/kst-19637-2355?resultIndex=2&sorttype=1&sortorder=4>.

<sup>(195)</sup> European Commission, *Commission Recommendation (EU) 2016/2256 addressed to the Member States on the resumption of transfers to Greece under Regulation (EU) No 604/2013 of the European Parliament and of the Council, C(2016)8525*, 8 December 2016. Retrieved from: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016H2256&from=EN>.

<sup>(196)</sup> According to the Greek Asylum Service's data, the highest number of requests were sent by Germany, Switzerland, Norway, Belgium and Slovenia (Source: Hellenic Republic, Ministry of Migration Policy, Asylum Service, *Statistical Data of the Greek Dublin Unit (7.6.2013 - 30.04.2018)*, 3 May 2018). Retrieved from: [http://asylo.gov.gr/wp-content/uploads/2018/05/Dublin-stats\\_April18GR.pdf](http://asylo.gov.gr/wp-content/uploads/2018/05/Dublin-stats_April18GR.pdf)

<sup>(197)</sup> Belgium decided to resume its Dublin transfers to Greece in March 2017.

<sup>(198)</sup> Germany has resumed Dublin procedures with Greece as a result of the Federal Ministry of the Interior's decree of 15 March 2017. Since 15 March 2017, take charge requests have been submitted for single persons, married couples and unproblematic family units, but not for unaccompanied minors or other vulnerable persons. Transfers are carried out only after Greece has explicitly agreed and provided individual assurances that the person to be transferred will be accommodated in accordance with Directive 2013/33/EU and the person's application will be processed in accordance with Directive 2013/32/EU).

**Netherlands** <sup>(199)</sup>, **Norway** <sup>(200)</sup>, **Slovakia, Slovenia, Sweden, Switzerland**, and **Poland**. Denmark did not send a transfer request to Greece in 2017, however requests for information were sent according to Article 34 of the Dublin Regulation. Some civil society organisations raised concerns regarding the intention of Member States (in particular the Netherlands and Norway) to resume Dublin transfers to Greece <sup>(201)</sup>.

On the contrary, **the United Kingdom**, in its published guidance (issued in November 2017), confirmed that it continued to suspend transfers to Greece <sup>(202)</sup>.

In terms of data, in total, approximately 2 400 requests were sent to Greece. It is however worth reiterating that despite a formal resumption of transfers to Greece, only one transfer has been carried out in 2017 <sup>(203)</sup>.

#### *Resumption of transfers to Italy*

In 2017, both **Germany** and **Belgium** resumed Dublin transfers of vulnerable applicants (mainly families with minor children) back to Italy.

On the contrary, **the United Kingdom**, in its published guidance (issued in November 2017), confirmed that it continued to suspend transfers to Italy <sup>(204)</sup>.

#### *Changes in the organisational framework*

Organisational changes also took place in the following EU+ countries:

- As part of the restructuring of the Federal Office for Migration and Refugees in **Germany**, the Dublin Unit was reorganised to allow for further centralisation of processing of Dublin cases. According to the changes, the division in Dortmund is responsible for outgoing requests and the one in Nuremberg for incoming requests) <sup>(205)</sup>. Similarly, in **the United Kingdom**, the implementation of the Dublin Regulation was split between two units: the Third Country Unit which deals with outgoing requests and the European Intake Unit is a new Unit that considers requests from other States for the UK (incoming requests), including requests for information. Finally, in **Switzerland**, a decentralised Dublin-Out Unit was also established in the pilot processing centre of Perreux (community of Boudry in the French-speaking part of Switzerland) as of 1 April 2018;
- **Malta** and **Sweden** introduced or planned to introduce changes with regard to authorities responsible for different stages of the Dublin procedure <sup>(206)</sup>;

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<sup>(199)</sup> The decision to resume transfers was taken only at the end of 2017. The first requests were sent in early 2018.

<sup>(200)</sup> The guidelines concerning the resumption of transfers to Greece under the Dublin III Regulation were presented by the Ministry of Justice on 1 June 2017.

<sup>(201)</sup> Dutch Council for Refugees, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/Dutch-Council-Refugees.pdf>; Norwegian Organisation for Asylum Seekers (NOAS), input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/noas.pdf>

<sup>(202)</sup> See: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/656666/dublin-III-regulation-v1\\_0.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/656666/dublin-III-regulation-v1_0.pdf) and <https://publications.parliament.uk/pa/cm201719/cmselect/cmeuleg/301-ii/30134.htm>.

<sup>(203)</sup> Hellenic Republic, Ministry of Migration Policy, Asylum Service, *Statistical Data of the Greek Dublin Unit (7.6.2013 – 30.04..2018)*, 3 May 2018. Retrieved from: [http://asylo.gov.gr/wp-content/uploads/2018/05/Dublin-stats\\_April18GR.pdf](http://asylo.gov.gr/wp-content/uploads/2018/05/Dublin-stats_April18GR.pdf).

<sup>(204)</sup> See: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/656666/dublin-III-regulation-v1\\_0.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/656666/dublin-III-regulation-v1_0.pdf) and <https://publications.parliament.uk/pa/cm201719/cmselect/cmeuleg/301-ii/30134.htm>.

<sup>(205)</sup> Whereas Dublin cases were formerly dealt with in the branch offices, this is now the task of one Dublin Group. Within the Dublin group, there are six units. Some changes became effective as of 1 June 2017, whereas the remaining ones on 1 February 2018.

<sup>(206)</sup> In Malta, work has been ongoing between the different entities concerned to shift the operational part of the Dublin Unit from the Immigration Police to the Office of the Refugee Commissioner, whereas in Sweden, as of 1 November 2017, the police became responsible for handling cases of people transferred to Sweden under the Dublin Regulation who hold return decisions (previously, the Swedish Migration Agency was responsible for them).

- **Greece, Italy** <sup>(207)</sup>, **Czech Republic** <sup>(208)</sup>, **Croatia** and **Germany** increased staff capacity of their Dublin Units by recruiting new employees, whereas **Belgium** <sup>(209)</sup> and **Norway** <sup>(210)</sup> decreased the number of staff;
- Since December 2017, the European Intake Unit of **the United Kingdom** has a full-time member of staff working in Greece to assist with Dublin and National Relocation Program transfers to the UK.

### *Implementation of transfers*

In 2017, for the purpose of increasing the efficiency of the transfers, several EU+ countries have been increasingly resorting to charter flights when carrying out transfers, e.g. in **Germany** <sup>(211)</sup> and **Finland, the United Kingdom, and Greece**. Regarding **France**, it is dedicated flights in which a maximum of 5 asylum seekers can be transferred.

At the same time, **Germany** recorded fluctuating delays (in many cases exceeding the 6-month time limit) in receiving transfers from Greece (mainly people being reunited with their family members who reside in Germany) due to the high workload of the Dublin Unit. This led to a large backlog between the two countries <sup>(212)</sup>.

According to UNHCR, **Greece** reported temporary difficulty covering transfer-related expenses; until July 2017 costs were covered by UNHCR through EU funding and until December 2017 (when the costs were borne by the Asylum Service), applicants were called to cover costs themselves. As of December 2017, Greek Authorities cover related costs through AMIF funding.

**Sweden** has introduced changes as a result of which a time limit for notification of transfers was increased from three to seven working days.

### *Anchor children phenomenon*

Several EU+ countries recorded an increase in the number of unaccompanied minors who lodge an application in one country and for which, soon afterwards, that country is requested (mainly by Greece) to take over the parents or other family members in the framework of the Dublin III Regulation (so-called anchor children phenomenon), as well as an increase in the number of unaccompanied children who request to be reunited with their family members in other EU+ countries. This was, for example, the case in **Austria, Belgium, Cyprus** <sup>(213)</sup>, **Germany, the Netherlands, Sweden and Norway**.

More detailed information on this phenomenon is available in the EMN Ad-hoc query on unaccompanied asylum-seeking children followed by family members under the Dublin Regulation <sup>(214)</sup>.

### *Other developments*

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<sup>(207)</sup> Under AMIF funds, the Dublin Unit recruited 20 additional caseworkers for one year time.

<sup>(208)</sup> Two new caseworkers were recruited.

<sup>(209)</sup> The administrative capacity of the Dublin unit in 2017 was reduced compared to previous years, making it challenging to handle all the cases within the set time limits.

<sup>(210)</sup> Due to the reduced inflow of asylum seekers, the Directorate of Immigration had to cut down on staff. In the Dublin Unit, there was a minor adjustment and the unit currently comprises 19 staff members including the Head of Unit.

<sup>(211)</sup> Germany implemented a first charter transfer of persons to Finland in 20 October 2017, with a total of 32 persons.

<sup>(212)</sup> In the second half of 2017, the number of monthly Dublin transfers from Greece to Germany significantly increased (See: <http://dip21.bundestag.de/dip21/btd/19/002/1900273.pdf>). As submitted by the Greek Asylum Service, transfers to Germany were delayed due to non-acceptance from the German Authorities to use charter flights as a standard operational procedure. Operational constraints were caused by the logistics of air carriers in combination with specific requested time span of arrival, capacity issues of specific airports etc. Three charter flights were implemented in March 2017, but from that date onwards only a specific small number of applicants per month were accepted for transfer. In September 2017 the relevant constraints were uplifted and German authorities accepted the extension of the six months deadline for transfer, since the backlog of pending transfer could not be implemented within the provided time limits due to the situation described above.

<sup>(213)</sup> Most unaccompanied children who arrived in Cyprus in 2017 requested family reunification under the Dublin Regulation, mainly minors from Somalia who arrive via Turkey and who request to be reunited with their aunts/uncles mainly in the United Kingdom, but also in other western European countries. According to UNHCR, difficulties to prove the family link in such cases were observed. In mid-2017, the UK stopped accepting DNA test results other than from accredited Genetic Institutes which are based in the UK, which caused Dublin 'take charge' requests to be rejected. The Cypriot Genetics Institute now liaises with one accredited UK Genetics Institute.

<sup>(214)</sup> See: [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/2017\\_1199\\_be\\_unaccompanied\\_asylum\\_wider\\_dissemination.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/2017_1199_be_unaccompanied_asylum_wider_dissemination.pdf).

Other measures introduced in the course of 2017 related to the adoption of practical guidelines and secondary legislation (in the **United Kingdom** <sup>(215)</sup> and **Ireland** <sup>(216)</sup>), legislative changes as regards suspensive effect of transfer decisions (in **Sweden**) <sup>(217)</sup>.

#### *Concerns regarding the application of Dublin-related provisions expressed by UNHCR and civil society*

Civil society and the UNHCR raised several remaining general concerns with regard to Dublin procedures, including differences in practices between EU+ countries with regard to standards of proof, the lengthy procedures and delays caused in accessing the asylum procedure, which in practice led to many asylum seekers moving on in secondary movements, including children <sup>(218)</sup>.

Moreover, the difficulties related to the family criteria <sup>(219)</sup>, separation of family members, insufficient psychological support provided to transferees (especially unaccompanied minors) and a low rate of transfers was also signalled <sup>(220)</sup>.

According to civil society and UNHR, among other particular challenges in relation to Dublin procedures the following were stated:

- Lack of best interest assessment being conducted for children in the context of Dublin procedures <sup>(221)</sup>.
- Lack of current and reliable data published by the **United Kingdom** relating to the Dublin procedure (however, for the first time the UK, in November 2017, published data on the numbers of children transferred from Calais) <sup>(222)</sup>;
- Application of specific Dublin procedure (as of December 2017) in the **Italian** region of Friuli-Venezia Giulia; <sup>(223)</sup>;
- Notification of transfer decisions in **Switzerland** <sup>(224)</sup>;
- Appointment of legal representatives to act on behalf of unaccompanied minors in **Greece** <sup>(225)</sup>;
- Lack of practice to investigate by the border police in **the United Kingdom** whether children they intercept in Calais have family in the United Kingdom <sup>(226)</sup>.
- The application of Dublin III Regulation for reunification purposes in cases of unaccompanied minors within the EU is not applied automatically by the **Spanish** authorities, unless there is a specific request and follow-up by UNHCR to do so.

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<sup>(215)</sup> The Home Office published, for the first time, guidance to caseworkers on how to apply and implement provisions under the Dublin III procedure. For further details see their Asylum Instruction "Dublin III Regulation", version 1, published November 2017 [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/656666/dublin-iii-regulation-v1\\_0.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/656666/dublin-iii-regulation-v1_0.pdf).

<sup>(216)</sup> The operation of the Dublin procedures was streamlined through a revision of its secondary legislation transposing the Dublin III Regulation into domestic law. This was done with the aim of simplifying the domestic procedures and aligning them better with new International Protection legislation commenced at the beginning of 2017. The statutory instrument revising the national procedure for the Dublin Regulation was issued in March 2018 and came into effect as of 7 March 2018 in S.I. 62/2018 European Union (Dublin System) Regulations 2018.

<sup>(217)</sup> On 1 July 2017 the Aliens Act was adapted to the Dublin III Regulation. Applicants for international protection who have been issued a transfer decision can request a court to suspend the decision. This has already been implemented in practice and does not imply any change in the Swedish Migration Agency's procedure.

<sup>(218)</sup> Save the Children, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/save-the-children.pdf>.

<sup>(219)</sup> Refugee Rights Europe, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/refugee-rights-europe-uk.pdf>; and Safe Passage, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/safe-passage.pdf>.

<sup>(220)</sup> European Association for the Defence of Human Rights, AEDH, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/AEDH.pdf>; Forum réfugiés-COSI, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/forum-refugiés-cosi-webv.pdf>.

<sup>(221)</sup> Save the Children, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/save-the-children.pdf>.

<sup>(222)</sup> See: <https://www.gov.uk/government/publications/transfers-of-children-to-the-uk-from-the-calais-operation-november-2017> (UNHCR input).

<sup>(223)</sup> AIDA, Country Report Italy, 2017 Update, <http://www.asylumineurope.org/reports/country/italy>. As reported by the Ministry of the Interior, the Dublin interview is always held and a Dublin transfer decision is issued only in cases in which there were previous applications lodged in other countries.

<sup>(224)</sup> According to Swiss Refugee Council, in certain cantons, Dublin decisions are only handed out at the time of transfer. See also: <https://www.dublin-appell.ch/de/>.

<sup>(225)</sup> UNHCR input.

<sup>(226)</sup> Safe Passage, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/safe-passage.pdf>.

Further challenges that Member States face in effectively implementing the Dublin Regulation can be found in a comparative study led by the UNHCR Bureau of Europe, which was published in August 2017: *Left in Limbo: UNHCR Study on the Implementation of the Dublin III Regulation* <sup>(227)</sup>. The objective of the study was to examine how the Dublin III Regulation is applied in several Member States (namely Denmark, France, Germany, Greece, Italy, Malta, Norway, Poland, and the United Kingdom) and to assess the extent to which the procedures, safeguards and guarantees under the Dublin III Regulation are implemented and deliver on the aims of determining swiftly the Member State responsible for examining an application for international protection in accordance with the criteria under the Regulation.

#### **EASO Network of Dublin Units**

The EASO Network of Dublin Units was established in February 2016. The aim of the EASO Dublin Network is to enhance cooperation and information sharing among the national Dublin units in the 32 Member States of the Dublin Regulation. To date, 30 Dublin Units have joined the EASO Dublin Network. The key objectives of the Network are to:

- a) Provide a forum for discussion of current needs and priorities within the Dublin context;
- b) Facilitate enhanced communication and coordination between national Dublin Units;
- c) Provide easy access to relevant information to Dublin experts across the Member States;
- d) Pool expertise on Dublin-related issues to enhance practical cooperation.

The EASO Dublin Network issues a Periodic Update every three months, organises Steering Group meetings as well as thematic expert meetings, shares queries in order to collect information, facilitates an electronic Platform hosted by EASO and develops practical tools targeted at certain aspects of the Dublin Procedure.

In 2017 EASO started the development of a practical tool regarding the implementation of the Dublin Regulation: Personal Interview and Evidence Assessment. This is a practical guide to assist the practitioners in conducting a Dublin interview with an applicant for international protection and an individual assessment in order to determine which Dublin State is responsible for examining the application for international protection lodged in one of the Member States by a third country national or a stateless person. The tool is scheduled for publication in the third quarter of 2018.

Following the work programme for 2018, the Network will continue to organise senior level and expert discussions with a particular focus on the implementation of Dublin transfers. It will also further continue the cooperation initiated with EU-LISA in 2017 <sup>(228)</sup> on the operation of the DubliNet system.

#### *National jurisprudence*

Some administrative courts in **Germany** recognised an individual right for a timely transfer of family members from Greece to Germany within the six-month time limit. The respective courts ordered interim measures by which BAMF was obliged to cooperate with the Greek Dublin Unit in order to ensure a timely transfer <sup>(229)</sup>. However, this court practice is not uniform since other courts denied such claims, arguing i.a. that the responsibility in this regard lies with the transferring Member State; moreover, it was argued that Article 17(2) Dublin III Regulation allows ensuring Dublin transfers also after six months have already elapsed and the BAMF had already declared that they would implement transfers irrespective of the expiry of the six-month time limit <sup>(230)</sup>.

<sup>(227)</sup> See: <http://www.refworld.org/docid/59d5dcb64.html>.

<sup>(228)</sup> In July 2017, EASO organised a workshop in cooperation with eu-LISA during which issues related to the use of DubliNet were addressed (including problems arising from installation of new security certificates). As acknowledged by the United Kingdom, since the workshop DubliNet has remained reasonably stable with a good level of service.

<sup>(229)</sup> See: AC Wiesbaden, order of 15.09.2017 - 6 L 4438/17.WI; AC Berlin, order of 23.11.2017 - 23 L 836.17 A; AC Halle, order of 14.11.2017 - 5 B 858/17 HAL.

<sup>(230)</sup> See: AC Augsburg, order of 24.11.2017 - Au 4 E 17.50353; AC Würzburg, order of 02.11.2017 - W 2 E 17.50674.

In the beginning of 2018, the Federal Administrative Court in **Switzerland** followed the Court of Justice of the European Union and declared that an asylum seeker can challenge the incorrect application of responsibility criteria under Dublin III in court <sup>(231)</sup>.

In **Portugal**, the Administrative Court of Lisbon, in its decision of 24 November 2017 (Case 2334/17.5BELSB) offered clear guidance to SEF regarding the interpretation of Article 6 of the Dublin Regulation and quashed a transfer decision to Germany of an unaccompanied child under the care of CPR for failing to give due consideration to the best interest of the child in its reasoning, notably regarding the minor's well-being, social development and views <sup>(232)</sup>.

In **Switzerland**, the Federal Court (Judgement 2C\_1052/2016, 2C\_1053/2016 of 26 April 2017 <sup>(233)</sup>) found that the separation of the children from their parents pending transfer under the Dublin Regulation constituted a violation of the right to family life (Article 8 ECHR) and that the parents' suffering almost amounted to inhuman treatment (Article 3 ECHR).

In the **Czech Republic**, the Constitutional Court decided (Ruling III. ÚS 3289/14 of 10 May 2017 <sup>(234)</sup>) that the 50-day long detention for the purpose of Dublin transfer to Hungary was in violation with Article 8 (right to private and family life) and Article 5 (right to liberty and security) of the ECHR. However, the Constitutional Court has not found the detention of children and conditions in detention in violation of Article 3 ECHR (freedom from torture and inhuman or degrading treatment), which does not reflect current developments of ECtHR case law.

The **Danish** Refugee Appeals Board decided to halt the transfers of vulnerable refugees to Greece.

## 2.7. Overview of developments in 2017 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 2017. For each of these countries a short update is given of some major developments in 2017, 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.

### Afghanistan

In August 2017, the UN Secretary General changed its assessment of Afghanistan, for the first time since the fall of the Taliban regime in 2001, from a country in a situation of 'post-conflict' to 'a country undergoing a conflict that shows few signs of abating' <sup>(235)</sup>. Similarly, the UN Office for the Coordination of Humanitarian Aid stated in December 2017 that 'what was once a low intensity conflict has now escalated into a war' <sup>(236)</sup>. In December 2017, the UN Secretary General stated that 'Afghanistan continues to face manifold political, electoral, security and economic challenges'. On the security situation, the UN Secretary General stated that it 'remained highly volatile, as conflict between

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<sup>(231)</sup> See: [https://www.bvger.ch/dam/bvger/en/dokumente/2018/01/E-19982016%20Dublin-IIIVerordnung%20St%C3%A4rkerer%20Rechtsschutz%20f%C3%BCr%20Asylsuchende.pdf.download.pdf/MM\\_E-1998-2016\\_En\\_ohne-Embargo.pdf](https://www.bvger.ch/dam/bvger/en/dokumente/2018/01/E-19982016%20Dublin-IIIVerordnung%20St%C3%A4rkerer%20Rechtsschutz%20f%C3%BCr%20Asylsuchende.pdf.download.pdf/MM_E-1998-2016_En_ohne-Embargo.pdf).

<sup>(232)</sup> AIDA Country Report: Portugal (2017) available at: <http://www.asylumineurope.org/reports/country/portugal>.

<sup>(233)</sup> See: [http://www.servat.unibe.ch/dfr/bger/170426\\_2C\\_1052-2016.html](http://www.servat.unibe.ch/dfr/bger/170426_2C_1052-2016.html).

<sup>(234)</sup> See: <https://nalus.usoud.cz/Search/ResultDetail.aspx?id=97478&pos=1&cnt=1&typ=result>.

<sup>(235)</sup> UNSG, Special report on the strategic review of the United Nations Assistance Mission in Afghanistan, 10 August 2017 ([url](#)), accessed 27 March 2018, p.p. 3.

<sup>(236)</sup> UNOCHA, Humanitarian Needs Overview 2018, 1 December 2017 ([url](#)), p. 5.

government and anti-government forces continued throughout most of the country' <sup>(237)</sup>. According to data from NATO's Resolute Support Mission, quoted by the US Special Inspector General for Afghanistan Reconstruction (SIGAR), the Afghan government controls only 73 of the country's 407 districts, while exerting influence in 154. Controlling or influencing 55.8 % of the districts, the Afghan government control or influence is at its lowest point since 2015 <sup>(238)</sup>.

Yet, in 2017 UNAMA recorded a nine percent decrease in civilian casualties compared to 2016, the first year-on-year decrease since 2012. Still more than 10 000 people were killed or injured in the conflict in 2017 according to UNAMA. UNAMA attributed this decrease in civilian casualties mainly to a decrease in civilian casualties from ground engagements <sup>(239)</sup>. The level of fighting was, according to UNAMA 'only slightly lower' <sup>(240)</sup>. In fact, the UN recorded 23 744 security related incidents in 2017, the highest number it ever recorded, of which almost 15 000 or 63 % still were ground engagements <sup>(241)</sup>. The reasons mentioned for the drop in civilian casualties from ground engagements were on one hand new measures taken by the Afghan security forces to protect civilians during their operations and on the side of the insurgents less major assaults on district centres or provincial capitals, as witnessed in 2015 and 2016 <sup>(242)</sup>. Still, ground engagements caused 3 484 civilian casualties and displaced nearly half a million people in 2017 <sup>(243)</sup>.

One reason for the decline in large scale insurgent attacks may be the increase in air operations, both from the Afghan air force as from the international military forces <sup>(244)</sup>. The US changed its rules of engagements, to a much more offensive approach <sup>(245)</sup>. Airstrikes are said to have prevented several provincial capitals from falling into insurgent hands <sup>(246)</sup>. The number of US airstrikes and weapons released was at its highest in six years' time <sup>(247)</sup>. The number of civilian casualties from airstrikes subsequently also reached a record level since 2009 <sup>(248)</sup>. Apart from directly hitting Taliban targets, the US are also targeting the opium cultivation and production facilities. In an attempt to dry up the sources of income for the Taliban, observers claim the US will little impact and alienate local inhabitants further by depriving poor farmers from their income and making civilian casualties in the process <sup>(249)</sup>.

UNAMA documented 57 suicide and complex attacks that caused 2 295 civilian casualties in 2017, a 17 % increase from 2016 and 70 % of which all occurred in Kabul city. Most significantly, on 31 May a truck laden with explosives detonated in central Kabul city during rush hour and caused 583 civilian casualties. This was the deadliest attack recorded by UNAMA since 2001 <sup>(250)</sup>. In total 830 civilian casualties of suicide and complex attacks were attributed to the Islamic State – Khorasan Province (ISKP), who

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<sup>(237)</sup> UNSG, The situation in Afghanistan and its implications for international peace and security, 15 December 2017 ([url](#)), accessed 27 March 2018, pp. 5, 13.

<sup>(238)</sup> SIGAR, Addendum to SIGAR's January 2018 Quarterly Report to the United States Congress, February 2018 ([url](#)), p. 1-2.

<sup>(239)</sup> UNAMA, Afghanistan Protection of Civilians in Armed Conflict Annual Report 2017, February 2018 ([url](#)), accessed 19 February 2018, p.p. 1.

<sup>(240)</sup> UNAMA, Afghanistan Protection of Civilians in Armed Conflict Annual Report 2017, February 2018 ([url](#)), accessed 19 February 2018, p.p. 21.

<sup>(241)</sup> UNSG, The situation in Afghanistan and its implications for international peace and security, 27 February 2018 ([url](#)), accessed 27 March 2018, p. 5.

<sup>(242)</sup> UNAMA, Afghanistan Protection of Civilians in Armed Conflict Annual Report 2017, February 2018 ([url](#)), accessed 19 February 2018, p.p. 3.

<sup>(243)</sup> UNAMA, Afghanistan Protection of Civilians in Armed Conflict Annual Report 2017, February 2018 ([url](#)), accessed 19 February 2018, p.p. 2-3.

<sup>(244)</sup> Clark, K., Nine Per Cent Reduction in Civilian Casualties in 2017: Better news (but still bad), 15 February 2018 ([url](#)), accessed 27 March 2018.).

<sup>(245)</sup> Washington Post (The), A new U.S. air blitz in Afghanistan isn't stopping for winter. But will it stop the Taliban?, 16 January 2018 ([url](#)).

<sup>(246)</sup> RFE/RL, Airstrikes Deliver Mixed Results in Frontline Afghan Province, 16 March 2018 ([url](#)), accessed 27 March 2018.).

<sup>(247)</sup> US Centcom, AFCENT Airpower Summary, 31 December 2017 ([url](#)), accessed 27 March 2018.).

<sup>(248)</sup> UNAMA, Afghanistan Protection of Civilians in Armed Conflict Annual Report 2017, February 2018 ([url](#)), accessed 19 February 2018, p.p. 45.

<sup>(249)</sup> Washington Post (The), A new U.S. air blitz in Afghanistan isn't stopping for winter. But will it stop the Taliban?, 16 January 2018 ([url](#)); ICG, U.S. Bombing of Afghan Drug Labs Won't Crush the Taliban, 11 December 2017 ([url](#)); RFE/RL, Airstrikes Deliver Mixed Results in Frontline Afghan Province, 16 March 2018 ([url](#)), accessed 27 March 2018; Bjelica, J., A Low-Risk Crop in a High-Risk Environment: Annual opium survey shows Afghan poppy cultivation at a record high, 15 November 2017 ([url](#)); Gossman, P., Commentary: What U.S. generals get wrong about Afghanistan, 12 April 2018 ([url](#)).

<sup>(250)</sup> UNAMA, Afghanistan Protection of Civilians in Armed Conflict Annual Report 2017, February 2018 ([url](#)), accessed 19 February 2018, pp.pp. 28-30.

increasingly targeted Shi'ites in their places of worship or at other gatherings, primarily in larger cities such as Kabul and Herat <sup>(251)</sup>.

ISKP and Taliban continued to engage in heavy clashes over territorial control in eastern Afghanistan, primarily in Nangarhar, and as a new development in 2017, this extended to northern Jawzjan. This resulted in a violent three legged conflict with also ANSF and international military forces involved and causing major displacements <sup>(252)</sup>.

Government personnel, educational personnel, healthcare workers, religious scholars and leaders, tribal elders, journalists and several other civilian profiles continued to be targeted by the insurgents <sup>(253)</sup>.

There was little progress towards peace negotiations between the Government and the Taliban <sup>(254)</sup>. 2017 also saw political instability and impasse amid growing rifts between the Government of National Unity on one hand and Jamiaat-e Islami and its governor of Balkh province Mohammad Atta Noor on the other <sup>(255)</sup>. The continued number of high-casualty attacks in Kabul amidst the political instability, has left many residents of Kabul with a state of fear, depression and despondency <sup>(256)</sup>.

From 1 January 2017 to 4 January 2018, 512 830 individuals fled their homes due to conflict. A total of 31 out of 34 provinces had recorded some level of forced displacement. The provinces with both relatively high numbers of the displacement by origin and displacement are Kunduz in the north and Faryab in the west <sup>(257)</sup>. Conflict-induced displacement took place in 2017 at an average rate of 1 100 persons per day in 2017 <sup>(258)</sup>. Following 1 million returnees from abroad in 2016, 2017 saw over 610 000, both documented and undocumented migrants returning to Afghanistan from Pakistan and Iran <sup>(259)</sup>. Together with Jalalabad city, Kabul city receives large IDP and returnee populations, putting further strain on the city's services and absorbing a large share of the humanitarian needs related to displacement and returnees <sup>(260)</sup>. According to data from UNHCR, more than one in four of all returnees since 2002, or almost 1 million individuals, have settled in Kabul <sup>(261)</sup>. A study by OXFAM among returnee populations in Kabul found that most returnees depend on relatives for accommodation and other in-kind support. Those who have returned some years ago reported a deterioration of the situation for returnees in Kabul, because of increased prices, unemployment, insecurity and crime <sup>(262)</sup>. Around 80 % of Kabul's population, a mix of recent and long term IDPs, returnees, economic migrants and original inhabitants,

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<sup>(251)</sup> UNAMA, Afghanistan Protection of Civilians in Armed Conflict Annual Report 2017, February 2018 ([url](#)), accessed 19 February 2018, pp.pp. 38-39.

<sup>(252)</sup> UNSG, The situation in Afghanistan and its implications for international peace and security, 27 February 2018 ([url](#)), accessed 27 March 2018, p.p. 5; Ali, O., Qari Hekmat's Island: A Daesh enclave in Jawzjan?, 11 November 2017 ([url](#)), accessed 27 March 2018; Ruttig, T., More violent, more widespread: Trends in Afghan security in 2017, 29 January 2018 ([url](#)), accessed 27 March 2018; UNOCHA, Situation update: Khogyani displacements and response, 8 December 2017 ([url](#)), accessed 27 March 2018.

<sup>(253)</sup> EASO, Afghanistan. Individuals targeted by armed actors in the conflict, December 2017 ([url](#)), accessed 27 March 2018.

<sup>(254)</sup> UNSG, The situation in Afghanistan and its implications for international peace and security, 27 February 2018 ([url](#)), accessed 27 March 2018, p.p. 2.

<sup>(255)</sup> UNSG, The situation in Afghanistan and its implications for international peace and security, 27 February 2018 ([url](#)), accessed 27 March 2018, p.p. 1.

<sup>(256)</sup> DW, Why Central Asian states want peace with the Taliban, 27 March 2018 ([url](#)), accessed 27 March 2018; CBS, Kabul under siege while America's longest war rages on, 14 January 2018 ([url](#)), accessed 12 April 2018; Tolonews, Psychologists Claim Attacks Creating Fear Among The Public, 29 January 2018 ([url](#)), accessed 6 March 2018; Los Angeles Times, An increase in bombings spreads fear in Afghanistan. It could also be a message to President Trump, 29 January 2018 ([url](#)), accessed 6 March 2018; DW, Kabul residents in shock after wave of violence, 31 January 2018 ([url](#)), accessed 6 March 2018; PRI, Violence in Kabul is so extreme, citizens are carrying around 'in case I die' notes, 31 January 2018 ([url](#)), accessed 6 March 2018; Economist (The), Afghanistan's fragile government picks a dangerous fight, 1 March 2018 ([url](#)), accessed 6 March 2018; Washington Post (The), Afghans, fearing more insurgent violence, feel abandoned by struggling government, 11 February 2018 ([url](#)), accessed 6 March 2018; Guardian (The), New wave of Afghans seek a way out as fear grips Kabul, 3 February 2018 ([url](#)), accessed 6 March 2018.

<sup>(257)</sup> UNOCHA, Afghanistan: Conflict Induced Displacements (as of 07 May 2018). Actual displacements between 1 January 2017 and 4 January 2018 ([url](#)).

<sup>(258)</sup> UNOCHA, Humanitarian Needs Overview 2018, 1 December 2017 ([url](#)), p. 8.

<sup>(259)</sup> IOM and UNHCR, Return to Afghanistan 2017, 28 February 2018 ([url](#)), p. 4.

<sup>(260)</sup> UNOCHA, Afghanistan Humanitarian Needs Overview 2018, December 2017 ([url](#)), p. 18.

<sup>(261)</sup> UNHCR, Refugee returnees to Afghanistan by province, last updated: 21 April 2018 ([url](#)).

<sup>(262)</sup> OXFAM, Returning to Fragility. Exploring the link between conflict and returnees in Afghanistan, January 2018 ([url](#)), p. 23.

lives in informal settlements. Not only newly displaced or returnees, but also some older generation displaced people still find it hard to integrate in the city, find stable employment and are often cut off from humanitarian help destined for recent arrivals <sup>(263)</sup>.

Since 2014, EASO has been managing a COI Specialist Network on Afghanistan, members of which met in November 2017. In August 2017, EASO published a COI report on socio-economic factors in Afghanistan and in December 2017, EASO published an update of its COI report on the security situation in Afghanistan and two new COI reports on the targeting of individuals. Still in 2017, EASO was finalising a COI report on Networks in Afghanistan, published in January 2018 <sup>(264)</sup>. EASO produced these reports in cooperation with EU+ countries' COI experts. The reports aim to offer an information basis for a pilot project on country guidance on Afghanistan, with the objective to increase the level of convergence in decision practices among EU+ countries, which continued throughout 2017.

## Bangladesh

March 2017 saw three failed suicide bombings around Dhaka and one suicide bomb attack in Sylhet, which killed six people. All attacks were claimed by IS and Al-Qaeda in the Indian Subcontinent (AQIS) <sup>(265)</sup>. Over the year, at least 35 militants were killed in 15 anti-militancy operations in nine districts <sup>(266)</sup>.

In June, a mob burned down at least 100 indigenous homes in the Chittagong Hill Tracts, following decades of land based dispute and discrimination against the indigenous population <sup>(267)</sup>. Police and army personnel were reportedly present during the attack without interfering sufficiently <sup>(268)</sup>.

Arrests, extrajudicial killings and enforced disappearances of opposition activists and militant suspects continued to occur in 2017. According to Human Rights Watch, Bangladeshi security forces have a long history of impunity for such violations <sup>(269)</sup>. According to Amnesty International, more than 80 people forcibly disappeared in 2017 <sup>(270)</sup>. Measures to combat impunity includes a complaint-monitoring cell introduced in November 2017, where complaints against the police can be lodged at all hours <sup>(271)</sup>. All complaints are internally investigated <sup>(272)</sup>, and the process have been criticised for lacking 'transparency or credibility' <sup>(273)</sup>. In 2017, 25 police officers were dismissed due to various offences <sup>(274)</sup>. In a high-profile case in January 2017, 16 members of the army-controlled Rapid Action Battalion (RAB) were sentenced to death and nine sentenced to prison terms, for involvement in a 2014 politically motivated murder <sup>(275)</sup>.

Attacks and assaults by extremist groups on activists and journalists continued, with one killing reported. According to rights groups, the government harassed and arrested journalists and human rights defenders in order to stifle dissent or criticism <sup>(276)</sup>. Reporters Without Borders assess that Bangladesh have 'real [media] pluralism', but that self-censorship is increasing due to violence against journalists and the impunity enjoyed by the perpetrators <sup>(277)</sup>.

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<sup>(263)</sup> Guardian (The), Pressure builds in 'powderkeg' Kabul as refugees return home, 15 March 2018 ([url](#)).

<sup>(264)</sup> EASO COI reports are available on the EASO website: <https://www.easo.europa.eu/information-analysis/country-origin-information/country-reports>

<sup>(265)</sup> Kugelman, M. and Ahmad, A., Why Extremism is on the rise in Bangladesh, 27 July 2017 ([url](#)); National Institute of Advanced Studies, Bangladesh 2017: Resurgence of Radicalism, March 2017 ([url](#)), p. 4.

<sup>(266)</sup> Daily Star (The), Interactive: Bangladesh's fight against militancy gained new grounds in 2017, 3 January 2018 ([url](#)).

<sup>(267)</sup> Human Rights Watch, World Report 2018 - Bangladesh, 18 January 2018 ([url](#)).

<sup>(268)</sup> Amnesty International, Bangladesh: Investigate vicious mob violence against Indigenous Peoples, 5 June 2017 ([url](#)); International Crisis Group, CrisisWatch June 2017, n.d. ([url](#)).

<sup>(269)</sup> Human Rights Watch, World Report 2018 - Bangladesh, 18 January 2018 ([url](#)).

<sup>(270)</sup> Amnesty International, Bangladesh 2017/2018, 22 February 2018 ([url](#)).

<sup>(271)</sup> Daily Star (The), IGP's complaint cell opened, 13 November 2017 ([url](#)).

<sup>(272)</sup> Dhaka Tribune, Most allegations against police involve harassment, threats, 17 February 2018 ([url](#)).

<sup>(273)</sup> Australian Government. Department of Foreign Affairs and Trade, DFAT Country Information Report Bangladesh, 2 February 2018 ([url](#)), p. 33.

<sup>(274)</sup> Dhaka Tribune, Most allegations against police involve harassment, threats, 17 February 2018 ([url](#)).

<sup>(275)</sup> Human Rights Watch, After Narayanganj verdict, Bangladesh should disband RAB, 19 January 2017 ([url](#)).

<sup>(276)</sup> Human Rights Watch, World Report 2018 - Bangladesh, 18 January 2018 ([url](#)); Amnesty International, Bangladesh 2017/2018, 22 February 2018 ([url](#)).

<sup>(277)</sup> Reporters Without Borders, Islamist threats and violence, n.d. ([url](#)).

Underage marriage is prevalent in Bangladesh, with 52 % of girls married by the age of 18 <sup>(278)</sup>. Despite pledges in 2014 to end child marriages, legislation passed in February 2017 permits girls under the age of 18 to marry in ‘special circumstances’, such as pregnancy, with the permission from their parents and a court. No age limit exists under this exception <sup>(279)</sup>.

The floods in the summer of 2017 are estimated to have destroyed more than 100 000 houses, damaged over 630 000 houses, and caused the deaths of 145 people. An estimated 8 million people were affected by the floods <sup>(280)</sup>. The monsoon rains also triggered landslides in June, killing 160 people and destroying 6 000 buildings. Approximately 80 000 people in the south-east of Bangladesh were affected <sup>(281)</sup>.

Following an army crackdown in Rakhine state, Myanmar <sup>(282)</sup>, an estimated 655 500 stateless Rohingyas crossed into Cox’s Bazar, Bangladesh between 25 August and 31 December 2017 <sup>(283)</sup>, joining the approximately 400 000 Rohingya refugees already there <sup>(284)</sup>. In November, Bangladesh and Myanmar signed a repatriation agreement to facilitate the return of the Rohingya to Myanmar, though international rights groups have raised concerns regarding its terms and the reception conditions <sup>(285)</sup>.

In December 2017, EASO produced a COI country focus on Bangladesh, in the framework of the EASO Operating Plan to Italy <sup>(286)</sup>.

## Eritrea

Eritrea is considered an authoritarian ‘one-man dictatorship’, a highly militarised state with a lack of independent judiciary, press, and civil society <sup>(287)</sup>. The Special Rapporteur for the Human Rights Council, in her statement to the General Assembly on 26 October 2017, noted ‘on the key human rights violations, namely death in custody, extrajudicial executions, arbitrary detention, breaches of the rights to freedom of expression and religion, among others, I have received further information indicating that these have not stopped’ <sup>(288)</sup>. She added that ‘there is no change in the duration of the national service, which remains indefinite, beyond the eighteen months provided for by the laws of Eritrea. The country still has no constitution [...] no independent judiciary, no legislative assembly, in fact no institutions that could ensure checks and balances, as well as invaluable protection against the misuse of power by the state’ <sup>(289)</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>(290)</sup>. In 2016, the Commission of Inquiry had characterised some of the violations as crimes against humanity for which the Eritrean government bears no accountability <sup>(291)</sup>. There is no rule of law

<sup>(278)</sup> UNICEF, The state of the world’s children 2016, June 2016 ([url](#)), p. 150.

<sup>(279)</sup> Human Rights Watch, World Report 2018 - Bangladesh, 18 January 2018 ([url](#)).

<sup>(280)</sup> UN Resident Coordinator for Bangladesh, Monsoon Floods: Bangladesh Humanitarian Coordination Task Team (HCTT) - Situation Report N. 5, 28 September 2017 ([url](#)).

<sup>(281)</sup> UN Resident Coordinator for Bangladesh, Bangladesh: HCTT Response Plan (June-December 2017), 12 July 2017 ([url](#)).

<sup>(282)</sup> UNHCR, 100 days of horror and hope: A timeline of the Rohingya crisis, 1 December 2017 ([url](#)).

<sup>(283)</sup> Reliefweb, ISCG Situation Report: Rohingya Refugee Crisis, Cox’s Bazar 31 December 2017, 31 December 2017 ([url](#)).

<sup>(284)</sup> Amnesty International, Bangladesh 2017/2018, 22 February 2018 ([url](#)).

<sup>(285)</sup> Human Rights Watch, World Report 2018 - Bangladesh, 18 January 2018 ([url](#)); Amnesty International, Bangladesh 2017/2018, 22 February 2018 ([url](#)).

<sup>(286)</sup> EASO COI reports are available on the EASO website: <https://www.easo.europa.eu/information-analysis/country-origin-information/country-reports>

<sup>(287)</sup> HRW (Human Rights Watch), World Report 2017 - Eritrea, 18 January 2018 ([url](#)); Freedom House, Freedom in the World 2017 - Eritrea, 1 September 2017 ([url](#)).

<sup>(288)</sup> OHCHR, Statement by Sheila B. Keetharuth, Special Rapporteur on the situation of human rights in Eritrea at the Seventy-second session of the General Assembly, Item 69 (a & b), 26 October 2017 ([url](#)).

<sup>(289)</sup> OHCHR, Statement by Sheila B. Keetharuth, Special Rapporteur on the situation of human rights in Eritrea at the Seventy-second session of the General Assembly, Item 69 (a & b), 26 October 2017 ([url](#)).

<sup>(290)</sup> HRW, World Report 2017 - Eritrea, 18 January 2018 ([url](#)); OCHCR, Report of the Special Rapporteur on the situation of human rights in Eritrea, 24 July 2017 ([url](#)).

<sup>(291)</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 ([url](#)), p. 16.

in practice; the security apparatus and justice system are arbitrary<sup>(292)</sup>. The rights to freedom of expression and of religion remain restricted. According to Amnesty International, ‘arbitrary detention without charge or trial continued to be the norm for thousands of prisoners of conscience’<sup>(293)</sup>.

The infinite duration of enforced National Service is cited as the main reason why Eritreans flee their country<sup>(294)</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>(295)</sup>. Deserters, including those who leave Eritrea without an exit visa, who return to Eritrea ‘risk being detained in inhumane conditions and are most likely to be assigned or re-assigned to military training and service’ according to the Special Rapporteur<sup>(296)</sup>.

Eritrea ranks among the most repressive media environments in the world, according to Freedom House<sup>(297)</sup>, with 15 journalists detained in 2017<sup>(298)</sup>. The country has been ranked one of the lowest in RSF’s press freedom index for many years<sup>(299)</sup>.

Freedom of religion is also highly restricted. Only four denominations (Sunni Islam and the Eritrean Orthodox, Roman Catholic, and Evangelical (Lutheran) churches) are allowed, albeit under strict governmental control. In 2017, about 170 Evangelical Christians have allegedly been arrested. As of August 2017, 53 Jehova’s Witnesses had been imprisoned<sup>(300)</sup>.

The UN Security Council arms embargo against Eritrea was extended until at least April 2018, after a report from the UN Monitoring Group on Somalia and Eritrea that the country ‘continued to arm and train anti-Ethiopia and anti-Djibouti militias, in violation of the UN embargo’<sup>(301)</sup>.

In 2016, 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>(302)</sup>. In 2017, the EU approved a EUR 13 million project under the Trust-fund for stability and migration in Africa ‘to support creation of employment opportunities and skills development in Eritrea’<sup>(303)</sup>.

Since 2015, EASO has been managing a COI Specialist Network on Eritrea. In November 2017, EASO held a COI workshop on Eritrea for COI researchers, involving expert speakers.

## Guinea

In 2017, Guinean applicants entered the top 10 main nationalities applying for international protection in the EU+ countries, with an increase of 28 % compared to 2016<sup>(304)</sup>. Some progress was reported with regard to Guinea’s human rights situation; nonetheless, according to Human Rights Watch (HRW), concerns about the role of law institutions continue to exist. The country was unable to hold the

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<sup>(292)</sup> HRW, World Report 2017 - Eritrea, 18 January 2018 ([url](#)); OCHCR Report of the Special Rapporteur on the situation of human rights in Eritrea, 24 July 2017 ([url](#)).

<sup>(293)</sup> Amnesty International, Eritrea 2017/2018, 22 February 2018 ([url](#)).

<sup>(294)</sup> HRW, World Report 2017 - Eritrea, 18 January 2018 ([url](#)); OCHCR Report of the Special Rapporteur on the situation of human rights in Eritrea, 24 July 2017 ([url](#)); Amnesty International, Eritrea 2017/2018, 22 February 2018 ([url](#)).

<sup>(295)</sup> UN Office of the High Commissioner for Human Rights (OHCHR), Statement by Sheila B. Keetharuth, Special Rapporteur on the situation of human rights in Eritrea at the Seventy-second session of the General Assembly, Item 69 (a & b), 26 October 2017 ([url](#)); EASO, COI Report, Eritrea – National service and illegal exit, 16 December 2016 ([url](#)), p. 11.

<sup>(296)</sup> OCHCR Report of the Special Rapporteur on the situation of human rights in Eritrea, 24 July 2017 ([url](#)), p. 10.

<sup>(297)</sup> Freedom House, Freedom in the World 2017 - Eritrea, 1 September 2017 ([url](#)).

<sup>(298)</sup> Committee to Protect Journalists, Journalists Imprisoned in Eritrea in 2017, 31 December 2017 ([url](#)).

<sup>(299)</sup> RSF, 2017 World Press Freedom Index, n.d. ([url](#)).

<sup>(300)</sup> HRW, World Report 2017 - Eritrea, 18 January 2018 ([url](#)).

<sup>(301)</sup> HRW, World Report 2017 - Eritrea, 18 January 2018 ([url](#)).

<sup>(302)</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 ([url](#)). The NIP can be found [here](#). For all EU projects with Eritrea, see the webpage of the European Commission, International Cooperation and Development – Eritrea ([url](#)).

<sup>(303)</sup> EEAS, EU Trust-Fund for stability and migration in Africa - New project approved for Eritrea, 12 January 2017 ([url](#)).

<sup>(304)</sup> EASO, Latest Asylum Trends 2017, 1 February 2018 ([url](#)).

communal election in 2017; hence during the last year Guinea found itself in a political gridlock<sup>(305)</sup>. Security forces reportedly applied excessive force against demonstrators. A new piece of legislation, the new Military Code of Justice was adapted; the Code could abolish the death penalty and refers to the right to fair trial<sup>(306)</sup>. On 5 December 2017, and after successive postponements, President Alpha Conde announced the long-awaited communal elections would be held on 4 February 2018<sup>(307)</sup>.

Despite the existence of a national decree from 1965 banning Female Genital Mutilation/Cutting (FGM/C), rates remain one of the highest of the world. In 2000, the existing law was amended; nonetheless, the practice remains nearly universal in Guinea. According to UNICEF, 97 % of women aged 15-49 years old have undergone FGM/C<sup>(308)</sup>. In Guinea, FGM/C is mainly performed by traditional excisors followed in some cases by nurses, midwives or other health workers<sup>(309)</sup>. In April 2017, a joined campaign by UNICEF and UNFPA was launched against the practice of FGM/C<sup>(310)</sup>.

UNICEF, UNFPA and OHCHR have reported instances of child rape<sup>(311)</sup>. According to UN Women, Guinea has a 54 % rate of child marriage<sup>(312)</sup> and concerns on the high level of violence against women are stated by the United Nations Committee on the Elimination of Discrimination Against Women (CEDAW)<sup>(313)</sup>. Some progress was made with regard to trials concerning the rape of over 100 women in 2009<sup>(314)</sup>. Guinea is rated at 122 out of 144 of the World Economics Forums' Gender Gap Index<sup>(315)</sup>.

Under Guinean legislation, Article 325 of the Guinea Penal Code<sup>(316)</sup>, punishment in form of imprisonment of six month and up to three years apply for sex with the same gender or any indecent act as well as acts against nature<sup>(317)</sup>. Homosexuality remains a taboo topic and is socially non-acceptable; there are reports of persons arrested in 2017<sup>(318)</sup>.

Although freedom of expression is embedded in Guinean constitution, human rights defenders, journalists and those expressing opposing positions were arbitrarily arrested and impunity was widespread<sup>(319)</sup>. Several journalists have mentioned that they suffered from political prejudices<sup>(320)</sup>. A number of incidents have occurred in 2017 with regard to freedom of expression and freedom of assembly: some people were killed during demonstrations; a sit-in was dissolved while participants were charged with 'disturbing the public order'; a radio reporter was arrested; a journalist was beaten while another was suspended<sup>(321)</sup>.

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<sup>(305)</sup> HRW (Human Rights Watch), Guinea, 2017 ([url](#)); EC-UNDP Joint Task Force on Electoral Assistance, Guinea holds first local elections since 2005, February 2018 ([url](#)).

<sup>(306)</sup> Amnesty International, Report 2017/18, Guinea, 2018 ([url](#)), pp. 182-183.

<sup>(307)</sup> AFP, Guinea to hold first local elections in 12 years, 5 December 2017 ([url](#)). The 4 February elections gave the majority of the seats to President Alpha Conde's ruling party, the Rassemblement du Peuple de Guinée. The opposition has accused the authorities of 'massive fraud' and strongly contested the results. Demonstrations in Conacry and other parts of the country have resulted in several deaths during or related to the protests. International Crisis Group, Global Overview, Guinea, February 2018 ([url](#)); Garda, Guinea: Nationwide opposition protests from March 27, 27 March 2018 ([url](#)).

<sup>(308)</sup> UNICEF, Guinea, Statistical Profile on female Genital Mutilation/cutting, 2012 ([url](#)); US National Library of Medicine – National Institutes of Health, 2017, Thirty-year trends in the prevalence and severity of female genital mutilation: a comparison of 22 countries ([url](#)); UNICEF, New statistical report on female genital mutilation shows harmful practice is a global concern - UNICEF, 2016 ([url](#)); UNICEF, 29 countries, more than 2125 million girls and women ([url](#)). Please note the percentage varies according to different sources and within UNICEF sources, 2016/2017 data indicates a prevalence rate of 97 % while previous years had a prevalence rate of 92 %.

<sup>(309)</sup> United Nations Population Fund, Female Genital Mutilation Dashboard (FGM) - Guinea, 2012 ([url](#)).

<sup>(310)</sup> The Woman's Torch, Guinea: Launch of 'Fatwa@ Campaign against FGM, 4 May 2017 ([url](#)).

<sup>(311)</sup> HRW, Guinea events of 2016 ([url](#)).

<sup>(312)</sup> UN WOMEN, Global Database on Violence Against Women – Guinea ([url](#)).

<sup>(313)</sup> Immigration and Refugee Board of Canada, Guinea: Domestic Violence, including legislation, protection provided to victims and support services, September 2015 ([url](#)); United Nations, Conventions on the elimination of All forms of Discrimination against women, concluding observations on the combined seventh and eighth periodic reports of Guinea, November 2014 ([url](#)); UN General Assembly, Report of the working Group on the Universal Periodic Review - Guinea, April 2015 ([url](#)).

<sup>(314)</sup> Amnesty International, Report 2017/18, Guinea, 2018 ([url](#)), pp. 182-183.

<sup>(315)</sup> Freedom House, Freedom in the world 2017 - Guinea Profile ([url](#)); World Economic Forum, The Global Gender Gap Report Guinea ([url](#)).

<sup>(316)</sup> Equaldex, LGBT Rights in Guinea ([url](#)).

<sup>(317)</sup> Research Directorate, Immigration and Refugee Board of Canada, Ottawa, Guinea: The situation of sexual minorities, including legislation; the treatment of sexual minorities by society and the authorities; state protection and support services available to victims, September 2017 ([url](#)); Freedom House, Freedom in the world 2017 - Guinea Profile ([url](#)).

<sup>(318)</sup> Office of the Commissioner General for Refugees and Stateless Persons Belgium, L'homosexualite, November 2017 ([url](#)).

<sup>(319)</sup> Amnesty International, Report 2017/18, Guinea, 2018 ([url](#)), pp. 182-183.

<sup>(320)</sup> OFPRA, Rapport de mission en Guinée du 7 au 18 November 2017, 2018 ([url](#)); CPJ (Committee to Protect Journalists), Guinea, Africa ([url](#)).

<sup>(321)</sup> AI (Amnesty International), Guinea 2017/2018 ([url](#)).

## Iran

The United Nations Special Rapporteur states that significant amount of evidence was received indicating that the Right to freedom of expression, opinion, information and the press, continued to be disregarded <sup>(322)</sup>. Concerning the freedom of assembly, towards the end of the year, protests erupted sparked by deteriorating economic conditions, which lead to hundreds of people being detained while several were killed in clashes with security forces <sup>(323)</sup>. According to Amnesty International, ‘freedom of religion [...] was systematically violated, in law and practice’, furthermore, religious minorities faced attacks, arrests, torture, ill treatment and equally systematic discrimination <sup>(324)</sup>.

The death penalty continued to be implemented. In 2017, according to the Iran Human Rights Documentation Centre, 524 <sup>(325)</sup> people were executed during Rouhani’s second four-year term in office, compared to a significantly lower number of 259 <sup>(326)</sup> in 2016 <sup>(327)</sup>. Adolescents continued to be among the executions - indicating that the 2013 juvenile sentencing provisions of the Islamic Penal Code have been disregarded <sup>(328)</sup>.

During the presidential elections held in May 2017, all female candidates running for president were disqualified, while only six out of the 1 600 male candidates were allowed to run for office. President Hassan Rouhani easily won a second four-year term <sup>(329)</sup>. An amendment to the drug-trafficking law was passed in August and approved in October; this could possibly lead to a reduced number of executions for drug offenses. In Iran, approximately 5 000 people are currently awaiting execution for drug-related crimes <sup>(330)</sup> while according to the Prosecutor of Tehran, ‘3 300 individuals convicted of drug offences have filed appeals under the new law’ <sup>(331)</sup>.

Prisoners continue to live in overcrowded conditions with poor detention conditions; hunger strikes were reported in 2017 <sup>(332)</sup>.

Since 2014, EASO has been managing a COI Specialist Network on Iran. In May 2017, EASO organised a COI workshop on Iran for COI researchers, and in December 2017 a COI meeting on Iran was held in Ankara in the framework of capacity-building support to Turkey. In both events expert speakers participated.

## Iraq

During 2017, military operations continued against the extremist armed group Islamic State (IS), with Iraqi and Kurdish security forces and a 73-nation coalition carrying out major operations to push back the group <sup>(333)</sup>. Armed conflict and terrorism continued to severely impact civilians, including through widespread violations of human rights <sup>(334)</sup>, particularly in major operations such as the 2017 liberation of Mosul <sup>(335)</sup>. Since 2014, and into 2017, in territory controlled by IS, members carried out serious human rights abuses against civilians, including being responsible for war crimes and genocide, as determined

<sup>(322)</sup> UN, Situation of human rights in the Islamic Republic of Iran, 14 August 2017 ([url](#)).

<sup>(323)</sup> Freedom House, Freedom in the World 2018 ([url](#)).

<sup>(324)</sup> AI (Amnesty International), *Iran 2017/2018* ([url](#)); HRW (Human Rights Watch), Tara Sepehri Far, *Iran’s Guardian Council Trounces Religious Freedom*, 28 October 2017 ([url](#)) accessed 7 May 2018.

<sup>(325)</sup> Please note that the numbers of execution per year vary according to different reports.

<sup>(326)</sup> Please note that the numbers of execution per year vary according to different reports.

<sup>(327)</sup> IHRDC (Iran Human Rights Documentation Centre), Chart of Executions by the Islamic Republic of Iran - 2016, 29 September 2016 ([url](#)); IHRDC, Chart of Executions by the Islamic Republic of Iran - 2017, 15 January 2018 ([url](#)); HRW (Human Rights Watch), Iran events of 2017, 2017 ([url](#)); European Parliament Directorate-General for External Policies - Policy Department, Human rights in Iran after the Nuclear deal: Business as usual or time for change, 13 March 2017 ([url](#)), p. 12.

<sup>(328)</sup> UN (United Nations), Situation of human rights in the Islamic Republic of Iran, 14 August 2017 ([url](#)).

<sup>(329)</sup> Freedom House, Freedom in the World 2018 ([url](#)).

<sup>(330)</sup> Freedom House, Freedom in the World 2018 ([url](#)); New York Times, Iran Eases Death Penalty for Drug Crimes, Saving Potentially Thousands of Lives, January 2018 ([url](#)); Library of Congress, Global Legal Monitor, Iran: Drug Law Amended to Restrict Use of Capital Punishment, 31 August 2017 ([url](#)).

<sup>(331)</sup> HRW (Human Rights Watch), *Iran events of 2017* ([url](#)) accessed 7 May 2018.

<sup>(332)</sup> Freedom House, Freedom in the World 2018 ([url](#)); HRW (Human Rights Watch), Iran events of 2017 ([url](#)).

<sup>(333)</sup> Human Rights Watch, 18 January 2018, World Report 2018/Events of 2017 – Iraq ([url](#)).

<sup>(334)</sup> UNSG, 17 January 2018, Report of the Secretary-General pursuant to resolution 2367 (2017), (S/2018/42) ([url](#)), para. 48-55; UNAMI,

<sup>(335)</sup> UNAMI/OHCHR, 2 November 2017, Report on the Protection of Civilians in the context of the Ninewa Operations and the retaking of Mosul City, 17 October 2016 – 10 July 2017 ([url](#)).

by an independent UN Commission of Inquiry<sup>(336)</sup>. In terms of casualty rates recorded due to the violence, the UN provides an ‘absolute minimum’ estimate that 82 750 civilian casualties (29 104 killed and 53 646 wounded) occurred from 1 January 2014 to 30 June 2017<sup>(337)</sup>. In 2017, Ninewa, Baghdad, and Anbar had the most casualties<sup>(338)</sup>.

According to IOM, as of 31 January 2018, approximately 2.5 million IDPs are displaced by the conflict and 3.3 million people have returned to their places of origin, marking a decline in IDPs and an increase in returnees to their places of origin during 2017<sup>(339)</sup>. On 9 December 2017, the Iraqi government declared ‘victory’ over IS<sup>(340)</sup>. However, Baghdad continued to experience targeted attacks by IS, with a total of 124 attacks occurring in the space of one month between November and December 2017<sup>(341)</sup>. IS suspects were screened, detained and prosecuted, though authorities reportedly did not respect the due process<sup>(342)</sup> and detainees in the justice system faced abuses<sup>(343)</sup>. Populations in former ISIS-held areas were reportedly forcibly displaced or prevented from returning<sup>(344)</sup>.

Elections for the Iraqi Council of Representatives were set for 15 May 2018<sup>(345)</sup>. The Kurdistan region voted for independence in a referendum on 25 September 2017, though the Iraqi government called the vote unconstitutional and insisted on the annulment of the results<sup>(346)</sup>. Kurdish forces had been in *de facto* control of the disputed territories; however, after the referendum, Iraqi forces retook some regions<sup>(347)</sup>. The disputed territories remained in an ‘uneasy truce’ at the end of 2017<sup>(348)</sup>. Widespread demonstrations occurred in the Kurdish region to protest against poor economic conditions<sup>(349)</sup>.

Women continue to face discrimination, and both women and children were in particular faced with gender-based and sexual violence due to the conflict<sup>(350)</sup>. Few legal protections exist for gender-based violence<sup>(351)</sup>. Ethnic and religious minorities experienced ‘large-scale displacement and destruction of communities’ as a result of the conflict, as well as direct targeting on the basis of identity. Attacks and discrimination also occurred against people who are LGBT, according to the UN<sup>(352)</sup>.

Since 2014, EASO has been managing a COI Specialist network on Iraq. In April 2017, EASO held a practical cooperation meeting on Iraq. EASO published a selection of the expert presentations in the [EASO COI Meeting Report on Iraq](#).

## Nigeria

The security situation in Nigeria continued to be affected by the terrorist actions of Boko Haram in the north-east, the Biafra separatist group in the south-east, and the escalation of clashes among herders and farmers in the middle belt, far northern states and part of southern Nigeria<sup>(353)</sup>.

<sup>(336)</sup> Human Rights Watch, 18 January 2018, World Report 2018/Events of 2017 – Iraq ([url](#)).

<sup>(337)</sup> UNAMI, 14 December 2017, Report on Human Rights in Iraq – January to June 2017 ([url](#)), p. ix

<sup>(338)</sup> UNAMI, 14 December 2017, Report on Human Rights in Iraq – January to June 2017 ([url](#)) p. 3

<sup>(339)</sup> IOM, IDPs Master List – 31 January 2018 ([url](#)) and IOM, Returnees Master List – 31 January 2018 ([url](#)).

<sup>(340)</sup> UNSG, 17 January 2018, Report of the Secretary-General pursuant to resolution 2367 (2017), (S/2018/42) ([url](#)), para. 2, 25

<sup>(341)</sup> UNSG, 17 January 2018, Report of the Secretary-General pursuant to resolution 2367 (2017), (S/2018/42) ([url](#)), para. 26

<sup>(342)</sup> Human Rights Watch, 18 January 2018, World Report 2018/Events of 2017 – Iraq ([url](#)); UNAMI, 14 December 2017, Report on Human Rights in Iraq – January to June 2017 ([url](#)) p. 3-6

<sup>(343)</sup> UNAMI, 14 December 2017, Report on Human Rights in Iraq – January to June 2017 ([url](#)), p. 3-6

<sup>(344)</sup> Human Rights Watch, 18 January 2018, World Report 2018/Events of 2017 – Iraq ([url](#)).

<sup>(345)</sup> UNSG, 17 January 2018, Report of the Secretary-General pursuant to resolution 2367 (2017), (S/2018/42) ([url](#)), para. 12

<sup>(346)</sup> UNSG, 17 January 2018, Report of the Secretary-General pursuant to resolution 2367 (2017), (S/2018/42), ([url](#)), para. 19; Human Rights Watch, 18 January 2018, World Report 2018/Events of 2017 – Iraq ([url](#)).

<sup>(347)</sup> Human Rights Watch, 18 January 2018, World Report 2018/Events of 2017 – Iraq ([url](#)).

<sup>(348)</sup> UNSG, 17 January 2018, Report of the Secretary-General pursuant to resolution 2367 (2017), (S/2018/42) ([url](#)), para. 21

<sup>(349)</sup> UNSG, 17 January 2018, Report of the Secretary-General pursuant to resolution 2367 (2017), (S/2018/42) ([url](#)), para. 17

<sup>(350)</sup> UNAMI, 14 December 2017, Report on Human Rights in Iraq – January to June 2017 ([url](#)), p. 11-13

<sup>(351)</sup> Human Rights Watch, 18 January 2018, World Report 2018/Events of 2017 – Iraq ([url](#)); UNAMI, 14 December 2017, Report on Human Rights in Iraq – January to June 2017 ([url](#)), p. x.

<sup>(352)</sup> UNAMI, 14 December 2017, Report on Human Rights in Iraq – January to June 2017 ([url](#)), p. 17

<sup>(353)</sup> International Crisis Group, Watch List 2017 – Second Update, Nigeria: Growing Insecurity on Multiple Fronts, 20 July 2017 ([url](#)).

The resurgence of militant group attacks in the Niger Delta pipeline in mid-2017 interrupted a government-militants' negotiated truce and increased concerns over stability in the region <sup>(354)</sup>.

The Nigerian government and President Muhammadu Buhari have expressed their commitment to defeating Boko Haram <sup>(355)</sup>. Despite having 'managed to drive Boko Haram back to a considerable extent', the insurgents still control a large portion of the north-east Nigerian territory <sup>(356)</sup>, challenging 'the state and country unity' <sup>(357)</sup>.

The number of fatalities related to terrorism in Nigeria decreased when compared to 2016. Nigeria recorded 1 832 fatalities – 3 100 less than in 2016. Still, the country ranks ranking third (out of 163) in the Global Terrorist Index 2017 (Iraq and Afghanistan are numbers one and two, respectively) <sup>(358)</sup>.

Discrimination of LGBT people by government and society, together with anti-LGBT violence has increased in 2017, and several cases of 'mass arrests based on perceived sexual orientation' occurred. In 2017, however, the Nigerian National Human Rights Commission (NHRC) has demonstrated increased action 'against violence based on sexual orientation, gender identity and expression (SOGIE)' <sup>(359)</sup>. The Same Sex Marriage (Prohibition) Act (SSMPA) passed in January 2014 has been used to 'legitimize abuses against LGBT people, including mob violence, sexual abuse, unlawful arrests, torture and extortion by police' <sup>(360)</sup>. Generally, victims do not report the crimes to the police for fear of being prosecuted as criminals under the SSMPA <sup>(361)</sup>. Although the law is not implemented in a 'systematic way, it nevertheless sends a very negative message which has an inhibiting effect on LGBT populations, and it also creates a climate in which violence occurs' <sup>(362)</sup>.

For the second consecutive year, Nigeria slipped down the rankings in the World Press Freedom Index, ranking 122 (out of 180) in 2017, 11 places lower than in 2015 <sup>(363)</sup>. Various reports of government harassment and detention of journalists and media workers during 2017 <sup>(364)</sup> contrast with reports of a 'largely free' Nigerian press <sup>(365)</sup>. Reporters Without Borders (RSF) registered over '70 cases of violence against journalists and media outlets' since 2016, including arbitrary arrests and random acts of violence, perpetrated both by the authorities and civilians. Although at times investigations were triggered, no results were achieved <sup>(366)</sup>.

The June 2016 bill that envisages establishing a federal commission to regulate civil society organisations had its second hearing in the National Assembly in December 2017, and approval is pending <sup>(367)</sup>. This bill raises concerns over the vast powers it grants the government over non-governmental organisations (NGOs) <sup>(368)</sup>.

The Office of the EU Anti-Trafficking Coordinator, quoting data from OIM and UNHCR, indicated a 'sharp increase in the number of Nigerian women and girls arriving to the EU through Libya (11 000 in 2016, double the number in 2015), of whom 80 % are estimated to be victims of THB [trafficking in human beings] for the purpose of sexual exploitation in the EU' <sup>(369)</sup>. The Nigerian government has demonstrated

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<sup>(354)</sup> Reuters, Nigerian militants threaten oil rig attacks within days, 17 January 2018 ([url](#)), accessed 26 March 2018; Oilprice, Oil Pipeline Attack Breaks Months Of Truce In Nigeria, 23 May 2017 ([url](#)); Vanguard, Suspected oil rebels attack Niger Delta pipeline, 23 May 2017 ([url](#)).

<sup>(355)</sup> Doukhan, David, Nigeria's War Against Boko Haram Is Far From Being Over, 19 October 2017, available at: ([url](#)).

<sup>(356)</sup> Bertelsmann Stiftung, Transformation Index 2018, BTI 2018 – Nigeria Country Report, 2018 ([url](#)).

<sup>(357)</sup> Bertelsmann Stiftung, Transformation Index 2018, BTI 2018 – Nigeria Country Report, 2018 ([url](#)).

<sup>(358)</sup> Institute for Economics and Peace, Global Terrorism Index 2017, November 2017 ([url](#)).

<sup>(359)</sup> TIERS, 2017 Report on Human Rights Violations based on Real or Perceived Sexual orientation and Gender Identity in Nigeria, 2018 ([url](#)).

<sup>(360)</sup> Human Rights Watch, Human Rights Watch Country Profiles: Sexual Orientation and Gender Identity, 23 June 2017 ([url](#)).

<sup>(361)</sup> Human Rights Watch, Tell Me Where I can Be Safe, The Impact of Nigeria's Same Sex Marriage (Prohibition) Act), 2016 ([url](#)).

<sup>(362)</sup> Human Rights Watch, An Interview with Graeme Reid on Defending LGBT Rights, 1 December 2017 ([url](#)).

<sup>(363)</sup> RSF, 2017 World Press Freedom Index, Ranking 2017, Nigeria, n.d. ([url](#)); RSF, 2016 World Press Freedom Index, Ranking 2016, Nigeria, n.d. ([url](#)); RSF, 2015 World Press Freedom Index, Ranking 2015, Nigeria, n.d. ([url](#)).

<sup>(364)</sup> Human Rights Watch, Nigeria, Events of 2017, Freedom of Expression, Media, and Association, 18 January 2018 ([url](#)).

<sup>(365)</sup> Human Rights Watch, Nigeria, Events of 2017, Freedom of Expression, Media, and Association, 18 January 2018 ([url](#)).

<sup>(366)</sup> RSF, Nigerian reporters under yoke of all-powerful governors, 31 May 2017 ([url](#)).

<sup>(367)</sup> Civicus, Nigeria: Proposed NGO bill will be a death knell for civil society, 14 December 2017, ([url](#)).

<sup>(368)</sup> Civicus, Nigeria: 'If passed, the NGO Bill will reduce the ability of CSOs to hold the government accountable and ensure that human rights are respected' ([url](#)).

<sup>(369)</sup> EASO, COI Meeting Report, Nigeria, Practical Cooperation Meeting, 12-13 June 2017, August 2017 ([url](#)), p. 46.

significant efforts to eliminate THB, despite ‘increased reports of government complicity in human trafficking’<sup>(370)</sup>.

Since 2016, EASO has been managing a COI Specialist network on west Africa. This network shares sources and information on several west African countries, including Nigeria. In June 2017, EASO organised a COI conference on Nigeria in Rome. In the event expert speakers participated and a [COI Meeting Report on Nigeria](#) was published on the COI Portal. In June 2017, EASO published a COI Country Focus on Nigeria<sup>(371)</sup>.

## Pakistan

In 2017, Pakistan witnessed armed conflict, political violence, and ethnic and sectarian violence<sup>(372)</sup>.

In February 2017, the military operation *Zarb-e Azb* against non-state armed groups in Khyber Pakhtunkhwa and the Federally Administrated Tribal Areas (FATA), was replaced by the nationwide operation *Radd-ul-Fassaad* in an effort to eliminate terrorism in all areas of Pakistan. Some criticism highlighted that certain groups in society, such as Pashtuns and Afghan refugees were disproportionately and indiscriminately targeted during these military operations<sup>(373)</sup>. During counter terrorism operations, security forces were accused of torture, enforced disappearances and extrajudicial killings<sup>(374)</sup>.

Armed groups continued to carry out violent attacks against civilians, including targeted attacks and improvised explosive devices (IEDs), which resulted in hundreds of casualties<sup>(375)</sup>. The number of attacks attributed to militants and violent extremists in 2017 and the number of victims from these attacks however decreased compared to 2016<sup>(376)</sup>. Such attacks included an attack on a Sufi shrine in Sehwan claimed by Islamic State (IS), in which 83 people were killed and more than 250 injured<sup>(377)</sup>, and in July there was a suicide attack near a crowded market in Lahore claimed by the Pakistani Taliban, in which 26 people died and more than 50 were injured<sup>(378)</sup>.

Human rights defenders, media workers and social media activists experienced threats, harassment abuse and violence from both state security forces and non-state actors<sup>(379)</sup>. The state enforced the Prevention of Electronic Crimes Act to arrest critical journalists and those accused of posting blasphemous content online<sup>(380)</sup>. Several individuals were sentenced to death under blasphemy laws, considered ‘vague and broad’<sup>(381)</sup>. There were also several cases of mob violence against people accused of blasphemy and for posting their opinions online<sup>(382)</sup>.

Most of those accused of blasphemy are from religious minorities<sup>(383)</sup>. Provisions in Pakistan’s Penal Code discriminate against Ahmadi and militants have committed suicide attacks against religious groups<sup>(384)</sup>.

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<sup>(370)</sup> US DoS, Trafficking in Persons Report, June 2017 ([url](#)).

<sup>(371)</sup> EASO COI reports are available on the EASO website: <https://www.easo.europa.eu/information-analysis/country-origin-information/country-reports>

<sup>(372)</sup> EASO, EASO COI Report on Pakistan: Security Situation, August 2017 ([url](#)), p. 14-17.

<sup>(373)</sup> EASO, EASO COI Report on Pakistan: Security Situation, August 2017 ([url](#)), p. 32-33.

<sup>(374)</sup> UN Human Rights Committee, Concluding observations on the initial report of Pakistan, 23 August 2017 ([url](#)), p4-5; HRW, Pakistan Country Summary, January 2018 ([url](#)), p. 6.

<sup>(375)</sup> EASO, EASO COI Report on Pakistan: Security Situation, August 2017 ([url](#)), p. 33-34.

<sup>(376)</sup> Rana, A., EASO (European Asylum Support Office), COI Meeting Report – Pakistan, 16-17 October 2017, Rome, February 2018 ([url](#)), p. 54; HRW, Pakistan Country Summary, January 2018 ([url](#)), p. 6; Amnesty International, Amnesty International Report 2017/18 - Pakistan, 2018 ([url](#)), p. 291.

<sup>(377)</sup> AFP, Death toll from attack at Lal Shahbaz Qalandar shrine climbs to 83, 17 February 2017, available at: ([url](#)).

<sup>(378)</sup> BBC News, Pakistan blast: Taliban bomb kills 26 in Lahore, 24 July 2017 ([url](#)).

<sup>(379)</sup> RSF, Pakistan – Religious extremists and intelligence agencies, n.d. ([url](#)); Amnesty International, Amnesty International Report 2017/18 - Pakistan, 2018 ([url](#)), p. 290.

<sup>(380)</sup> Amnesty International, Amnesty International Report 2017/18 - Pakistan, 2018 ([url](#)), p. 289; Aziz, F., Pakistan’s cybercrime law: boon or bane?, 14 February 2018 ([url](#)).

<sup>(381)</sup> Amnesty International, Amnesty International Report 2017/18 - Pakistan, 2018 ([url](#)), p. 289.

<sup>(382)</sup> Amnesty International, Amnesty International Report 2017/18 - Pakistan, 2018 ([url](#)), p. 289.

<sup>(383)</sup> HRW, Pakistan Country Summary, January 2018 ([url](#)), p. 3.

<sup>(384)</sup> UNHCR, UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Members of Religious Minorities from Pakistan, January 2017 ([url](#)), p. 29-38; HRW, Pakistan Country Summary, January 2018 ([url](#)), p. 4; AFP, Death toll from attack at Lal Shahbaz Qalandar shrine climbs to 83, 17 February 2017, available at: ([url](#)).

Executions of the death penalty continued in 2017 <sup>(385)</sup> – including those convicted by secret and military courts <sup>(386)</sup> - after the government lifted an informal moratorium on the use of the death penalty in 2014 and pushed through a constitutional amendment permitting military courts to prosecute civilian terrorism suspects, whose mandate was reinstated for two more years by a constitutional amendment in March 2017 <sup>(387)</sup>.

So-called honour crimes, murders to protect family or community ‘honour’, continued to be reported. There were estimates of around 1 000 ‘honour killings’ per year <sup>(388)</sup>. Other forms of violence against women and children, such as rape, acid attacks, domestic violence, child marriages and child labour remained problematic issues <sup>(389)</sup>.

In August 2017, a bill recognizing ‘third gender’ was approved. However, violence against transgender people continued <sup>(390)</sup>. Same-sex conduct also remains punishable under the penal code and sharia law, and this includes sexual relations between men and transgender women <sup>(391)</sup>.

Since 2013, EASO has been managing a COI Specialist Network on Pakistan. In May 2017, EASO organised COI workshop on Pakistan for COI researchers and in October 2017, a COI conference on Pakistan in Rome. In both events expert speakers participated and the conference proceedings of the October meeting have been published ([EASO COI Meeting Report Pakistan](#), 16-17 October 2017). In August 2017, EASO published an update of its COI report on the security situation in Pakistan <sup>(392)</sup>.

## Somalia

The Federal Republic of Somalia currently counts six regional states in south/central Somalia. The most recent step in the ongoing federalisation process was the creation of the HirShabelle Interim Administration on 9 October 2016 <sup>(393)</sup>. Presidential elections were held on 8 February 2017 and won by Mohamed Abdullahi Mohamed ‘Farmajo’ <sup>(394)</sup>.

The general security situation in Somalia is determined by several factors. The main factor is the long-term armed conflict between the Somali National Army (SNA), supported by the African Union Mission in Somalia (AMISOM), and anti-government elements or insurgents, the main being Al-Shabaab (AS) <sup>(395)</sup>. Apart from violence by insurgent groups such as AS, parts of Somalia are also hit by violence from inter-clan conflicts, leading to ‘extrajudicial killings, extortion, arbitrary arrests and rape’, according to Amnesty International <sup>(396)</sup>. Factors influencing the security situation are the insecurity on the roads, drought, floodings and land disputes <sup>(397)</sup>.

During 2017, the armed conflict between SNA, AMISOM, and AS continued in certain areas in central and southern Somalia. The areas with most violent incidents were Mogadishu, Lower Shabelle, Bay and

<sup>(385)</sup> HRCP, Total Executions 2017, n.d. ([url](#)); UN Human Rights Committee, Concluding observations on the initial report of Pakistan, 23 August 2017 ([url](#)), p. 4.

<sup>(386)</sup> HRW, Pakistan Country Summary, January 2018 ([url](#)), p. 7; Amnesty International, Amnesty International Report 2017/18 - Pakistan, 2018 ([url](#)), p. 291.

<sup>(387)</sup> HRW, Dispatches: Pakistan’s Death Penalty Hypocrisy, 27 July 2016 ([url](#)); HRW, Pakistan Country Summary, January 2018 ([url](#)), p. 1.

<sup>(388)</sup> HRW, Pakistan Country Summary, January 2018 ([url](#)), p. 4.

<sup>(389)</sup> UN Human Rights Committee, Concluding observations on the initial report of Pakistan, 23 August 2017 ([url](#)), p. 3, 8; HRW, Pakistan Country Summary, January 2018 ([url](#)), p. 4.

<sup>(390)</sup> HRW, Pakistan Country Summary, January 2018 ([url](#)), p. 5.

<sup>(391)</sup> ILGA, State-sponsored Homophobia, May 2017 ([url](#)), pp. 133-134; HRW, Pakistan Country Summary, January 2018 ([url](#)), p. 5-6.

<sup>(392)</sup> EASO COI reports are available on the EASO website: <https://www.easo.europa.eu/information-analysis/country-origin-information/country-reports>

<sup>(393)</sup> UN Security Council, Report of the Secretary-General on Somalia (S/2017/21), 9 January 2017 ([url](#)), p. 2.

<sup>(394)</sup> New York Times, Former Prime Minister Is Elected President of Struggling Somalia, 8 February 2017 ([url](#)); UN Security Council, Report of the Secretary-General on Somalia (S/2017/408), 9 May 2017 ([url](#)), p. 1.

<sup>(395)</sup> EASO, COI Report - Somalia security situation, December 2017 ([url](#)).

<sup>(396)</sup> AI, 2016/17 International Report – Somalia, 20 February 2017 ([url](#)).

<sup>(397)</sup> DIS/DRG, South and Central Somalia Security Situation, March 2017 ([url](#)), p. 7.

Bakool<sup>(398)</sup>. Increased activity of AS in Puntland was also noted in 2017<sup>(399)</sup>. Somaliland was relatively calm<sup>(400)</sup>.

Between January and September 2017, 1 228 civilian casualties were counted by the United Nations Assistance Mission in Somalia (UNSOM) of which about 60 % were caused by AS<sup>(401)</sup>. A 'significant number' of the civilian casualties recorded were attributed to clan militias, and 'a smaller number' to state security actors and AMISOM<sup>(402)</sup>. On 14 October 2017, a particularly devastating, unclaimed attack took place in Mogadishu, causing, depending on the source, 358<sup>(403)</sup> or 512 deaths<sup>(404)</sup>.

Human rights violations committed by AS included targeted killings, executions, including of those accused of spying and collaborating with the government, forced recruitment of adults and children; and extorting 'taxes' through threats. The increased use of vehicle-borne IEDs against civilian objects caused a sharp increase in civilian casualties<sup>(405)</sup>. In south/central Somalia, AS attacked SNA and AMISOM forces through remote controlled IEDs, ambushes, hit-and-run attacks, leading to military and civilian casualties<sup>(406)</sup>.

Both state and non-state actors reportedly carried out extrajudicial executions, sexual and gender-based violence, arbitrary arrests and detention, and abductions<sup>(407)</sup>. Unlawful killings of civilians by SNA and AMISOM forces were reported in the context of fighting over land, control of roadblocks, disarmament, aid distribution, and operations against AS. Arbitrary arrests of civilians by intelligence services were reported as well<sup>(408)</sup>. The government took steps to establish a national human rights commission<sup>(409)</sup>.

By 1 January 2018, more than two million Somalis were internally displaced due to drought and conflict. One million of these – mainly in central and northern Somalia – were newly displaced in 2017<sup>(410)</sup>.

EASO has been managing a COI Specialist Network on Somalia since 2013. In March 2017, EASO held a COI workshop for COI specialists on Somalia to discuss the current situation in the country and research challenges together with external experts. In December 2017, EASO published an update of its COI report on the security situation in Somalia<sup>(411)</sup>.

## Syria

During the seventh year of the war in Syria, the government of Bashar Al Assad gained the advantage in the conflict, with backing from Russia and Iranian-backed forces<sup>(412)</sup>. More than 400 000 people have died due to the conflict since 2011<sup>(413)</sup>. The UN estimates that 540 000 people are still living in areas under siege by the government<sup>(414)</sup>. The Islamic State (IS) extremist group, which continued to be present in both Syria and Iraq, was depleted following intensive campaigns during the year by Kurdish-organised

<sup>(398)</sup> OHCHR/UNSOM, Protection of Civilians: Building the Foundation for Peace, Security and Human Rights in Somalia, December 2017 ([url](#)); UN Security Council, Report of the Secretary-General on Somalia, S/2017/1109, 26 December 2017 ([url](#)).

<sup>(399)</sup> ACLED, Real-Time analysis of African political violence, Conflict Trends No.60, July 2017; UN Security Council, Report of the Secretary-General on Somalia, S/2017/1109, 26 December 2017 ([url](#)).

<sup>(400)</sup> UN Security Council, Report of the Secretary-General on Somalia, S/2017/1109, 26 December 2017 ([url](#)), p. 3.

<sup>(401)</sup> HRW, World Report 2017 - Somalia, 18 January 2018 ([url](#)); OHCHR/UNSOM, Protection of Civilians: Building the Foundation for Peace, Security and Human Rights in Somalia, December 2017 ([url](#)), p. 7.

<sup>(402)</sup> OHCHR/UNSOM, Protection of Civilians: Building the Foundation for Peace, Security and Human Rights in Somalia, December 2017 ([url](#)), p. 7.

<sup>(403)</sup> HRW, World Report 2017 - Somalia, 18 January 2018 ([url](#)).

<sup>(404)</sup> OHCHR/UNSOM, Protection of Civilians: Building the Foundation for Peace, Security and Human Rights in Somalia, December 2017([url](#)).

<sup>(405)</sup> HRW, World Report 2017 - Somalia, 18 January 2018 ([url](#)).

<sup>(406)</sup> UN Security Council, Report of the Secretary-General on Somalia, S/2017/1109, 26 December 2017 ([url](#)).

<sup>(407)</sup> OHCHR/UNSOM, Protection of Civilians: Building the Foundation for Peace, Security and Human Rights in Somalia, December 2017 ([url](#)), p. 7.

<sup>(408)</sup> HRW, World Report 2017 - Somalia, 18 January 2018 ([url](#)); UN Security Council, Report of the Secretary-General on Somalia, S/2017/1109, 26 December 2017 ([url](#)).

<sup>(409)</sup> HRW, World Report 2017 - Somalia, 18 January 2018 ([url](#)).

<sup>(410)</sup> UN OCHA (UN Office for the Coordination of Humanitarian Affairs), Somalia: Deep concern over reports of the unannounced destruction of IDP settlements, 2 January 2018 ([url](#)); UN OCHA, Humanitarian Response plan January-December 2018, December 2017 ([url](#)).

<sup>(411)</sup> EASO COI reports are available on the EASO website: <https://www.easo.europa.eu/information-analysis/country-origin-information/country-reports>

<sup>(412)</sup> ICG, 10 Conflicts to Watch in 2018, 2 January 2018 ([url](#)).

<sup>(413)</sup> Human Rights Watch, 18 January 2018, World Report 2018 – Syria ([url](#)); AI, Report 2017/2018 – Syria ([url](#)).

<sup>(414)</sup> Human Rights Watch, 18 January 2018, World Report 2018 – Syria ([url](#)).

forces, the US coalition, and pro-regime Syrian forces, who, between them, retook most IS territory <sup>(415)</sup>. This included the taking of Raqqa, IS's 'capital' in Syria, after months of intense fighting and air strikes <sup>(416)</sup>. Military operations and heavy fighting late in 2017 caused the internal displacement of hundreds of thousands of people in Deir ez-Zor (124 000), Idlib (90 000) and Hama. Eastern Ghouta remained under siege, trapping nearly 400 000 people <sup>(417)</sup>.

Throughout the year, the Syrian regime continued to use chemical weapons against civilians in opposition areas, conducted indiscriminate attacks, withheld or blocked humanitarian aid, and used siege warfare and starvation as a tactic against civilians <sup>(418)</sup>. Air strikes and ground-based attacks killed and injured civilians indiscriminately <sup>(419)</sup>. ISIS continued to use human shields, launch indiscriminate attacks on civilians, and use excessive force to enforce its ideology <sup>(420)</sup>. So-called de-escalation zones were negotiated at the Astana talks in January 2017 by Russia, Iran and Turkey. These agreements contributed to the decrease in civilian casualties in some areas, but such ceasefires were violated with regularity by the Syrian government and other forces <sup>(421)</sup>. In Idlib province, the largest remaining rebel stronghold, extremist groups such as Hay'at Tahrir Al-Sham (HTS) have emerged and committed human rights violations against civilians in areas under their control and those it attacked <sup>(422)</sup>. It also reportedly used siege tactics to restrict humanitarian access <sup>(423)</sup>. HTS is considered a terrorist organisation by Western and pro-Assad powers <sup>(424)</sup>.

In government-controlled areas, tens of thousands of people have been forcibly disappeared, and government agents have detained, ill-treated, tortured and extra-judicially executed perceived opponents and civilians <sup>(425)</sup>. Forces in the Kurdish region of Syria which are under control of the PYD detained and harassed opposition activists <sup>(426)</sup>.

The UN has established an independent panel to investigate and prosecute potential war crimes and crimes against humanity occurring in Syria <sup>(427)</sup>. Efforts to reach a peace deal through the UN were vetoed by Russia <sup>(428)</sup>.

Since 2013, EASO has been managing a COI Specialist Network on Syria. On 30 November and 1 December 2017, EASO held a COI workshop for COI specialists on Syria to discuss the current situation in the country and research challenges together with external experts. EASO published a summary of the presentations made by the external experts in the [EASO COI Meeting Report on Syria](#) of March 2018.

### 3. IMPORTANT DEVELOPMENTS AT THE NATIONAL LEVEL

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

Extensive changes in the area of international protection were enacted in **Austria** as part of the 2017 Act Amending the Aliens Law <sup>(429)</sup>, as regards:

- asylum seekers' obligations to cooperate in the procedure (see [Section 4.7](#));

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<sup>(415)</sup> ICG, 10 Conflicts to Watch in 2018, 2 January 2018, [url](#); AI, Report 2017/2018 – Syria [url](#).

<sup>(416)</sup> AI, Report 2017/2018 – Syria [url](#); UN, Implementation of Security Council resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 15 December 2017 [url](#).

<sup>(417)</sup> UN, Implementation of Security Council resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 15 December 2017 [url](#).

<sup>(418)</sup> Human Rights Watch, 18 January 2018, World Report 2018 – Syria [url](#); AI, Report 2017/2018 – Syria [url](#).

<sup>(419)</sup> UN, Implementation of Security Council resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 15 December 2017 [url](#).

<sup>(420)</sup> Human Rights Watch, 18 January 2018, World Report 2018 – Syria [url](#); AI, Report 2017/2018 – Syria [url](#).

<sup>(421)</sup> Human Rights Watch, 18 January 2018, World Report 2018 – Syria [url](#).

<sup>(422)</sup> Human Rights Watch, 18 January 2018, World Report 2018 – Syria [url](#); AI, Report 2017/2018 – Syria [url](#).

<sup>(423)</sup> AI, Report 2017/2018 – Syria [url](#).

<sup>(424)</sup> ICG, Averting Disaster in Syria's Idlib Province, 9 February 2018 [url](#).

<sup>(425)</sup> AI, Report 2017/2018 – Syria [url](#).

<sup>(426)</sup> Human Rights Watch, 18 January 2018, World Report 2018 – Syria [url](#); AI, Report 2017/2018 – Syria [url](#).

<sup>(427)</sup> UN News, UN chief appoints head of panel laying groundwork for possible war crimes, 3 July 2017 [url](#); AI, Report 2017/2018 – Syria [url](#);

<sup>(428)</sup> AI, Report 2017/2018 – Syria [url](#).

<sup>(429)</sup> FLG I No. 145/2017.

- residence restrictions for asylum seekers introduced to accelerate processing of their cases (see [Section 3.3.](#));
- introduction of an accelerated procedure for withdrawing refugee status from individuals who are convicted of a crime (see [Section 4.4.](#));
- simplification of family reunification procedure and expansion of the definition of ‘family member’ (see [Section 4.11](#)).

Further to that:

- Changes to the Aliens Police Act increased the normal maximum period of detention pending removal, as well as the maximum possible period of detention (see [Section 4.6](#));
- Major portions of the new Integration Act became effective as of June 2017 stating measures aimed at facilitating integration of, among others, beneficiaries of international protection. This is supplemented by the Integration Year Act, which allows persons granted asylum, beneficiaries of subsidiary protection and asylum seekers who will most likely receive protection status to participate in programmes to prepare for labour market entry (see [Section 4.11](#)).

A major legal development in **Belgium** is the adoption of the Laws of 21 November 2017 and 17 December 2017 <sup>(430)</sup> which finalised the transposition of the Asylum Procedures Directive 2013/32/EU and the Reception Conditions Directive 2013/33/EU. These new laws have implications for all stages of the asylum procedure and came into force on 22 March 2018. Among others, these laws:

- Introduces the concepts of making, registering and lodging of applications (see [Section 4.1](#));
- Introduces the concept of safe third country (see [Section 4.4](#));
- Amends the identification procedure and introduces rules regarding retention of applicant’s ID and travel documents during procedure (see [Section 3.3.](#));
- Transforms existing procedures where a decision ‘not to take into consideration the application’ was taken into actual admissibility procedures in accordance with the APD (see [Section 4.4.](#));
- Provides for several new duties and rights of the applicant, as regards duty to cooperate, personal interview and verification of electronic carriers (see [Section 4.7](#));
- Provides for the possibility to deny or limit further material support in all cases listed in the Reception Conditions Directive (see [Section 4.5](#));
- Explicitly stipulates that no foreigner can be put in detention for the mere reason that he has applied for asylum and outlines the possible grounds for detention for applicants for international protection, at the border and on the Belgian territory (see [Section 4.6](#));
- Simplifies and harmonises time limits to lodge an appeal as well as simplifies measures that can be taken against manifestly improper appeals lodged with the CALL (see [Section 4.8](#));
- Defines the risk of absconding in the context of detention in the framework of Dublin procedure (see [Section 2.6](#)).

The Reception Act <sup>(431)</sup> adopted on 12 January 2017 regulates entitlements for material aid from the moment of submission of an application.

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<sup>(430)</sup> Law of 21 November 2017 modifying the law of 15 December 1980 on the entry, residence, settlement and removal of foreign nationals and modifying the Law of 12 January 2007 regarding the reception of asylum seekers and other categories of foreign nationals, and the Law of 17 December modifying the law of 15 December 1980 on the entry, residence, settlement and removal of foreign nationals, B.G., 12 March 2018

([https://www.stradalex.com/?page=Stradalex.Controller.PublicHome&action=display&nav=monitorHome&goto=2017032079&lang=fr&utm\\_medium=email&utm\\_source=moniteur&redirect\\_counter=1](https://www.stradalex.com/?page=Stradalex.Controller.PublicHome&action=display&nav=monitorHome&goto=2017032079&lang=fr&utm_medium=email&utm_source=moniteur&redirect_counter=1)) and

([https://www.stradalex.com/?page=Stradalex.Controller.PublicHome&action=display&nav=monitorHome&goto=2017014422&lang=fr&utm\\_medium=email&utm\\_source=moniteur](https://www.stradalex.com/?page=Stradalex.Controller.PublicHome&action=display&nav=monitorHome&goto=2017014422&lang=fr&utm_medium=email&utm_source=moniteur)) adopted by the Federal Parliament on 9 November 2017, <http://www.dekamer.be/FLWB/PDF/54/2548/54K2548012.pdf>.

<sup>(431)</sup> [Law of 12 January 2007 regarding the reception of asylum seekers and other categories of foreign nationals, BG, 7 May 2007.](#)

In **Bulgaria** zones for movement of applicants for international protection on the territory of the Republic of Bulgaria, accommodated in the registration and reception centers of the State Agency for Refugees, were approved by Council of Ministers Decision o 550/ 27.09.2017 (see [Section 4.6](#)) and an Ordinance on the conditions and procedures for concluding, implementing and terminating an agreement on the integration of foreigners with granted asylum or international protection was adopted by Decree No 144 of 9 July 2017 of the Council of Ministers.

In **Czech Republic** an amendment to the Act No 325/1999 Coll. on Asylum came into force on 15 August 2017 regarding changes in the scope of registration (see [Section 4.1](#)) and using videoconferencing in appeal proceedings (see [Section 4.2](#)). Provision of legal assistance at administrative instance was changed with an amendment to Act No 85/1996 Coll., as from 1 July 2018 (see [Section 4.2](#)).

In **Croatia** the Amendments on the Law on Administrative Disputes entered into force on 1 April 2017 (OG 29/17) changing the organisation of the appeal process (see [Section 4.8](#)).

In **Germany** the Act to Improve the Enforcement of the Obligation to Leave the Country, which entered into force on 29 July 2017 introduced Section 42 (2), fifth sentence, of the Social Code, Book VIII dealing with access to international protection procedures by unaccompanied minors (see [Section 4.1](#)).

Significant changes were brought in **Hungary** with the new law passed in March 2017 (Act XX of 2017 on the Amendment of Certain Acts Relating to Strengthening the Procedure Conducted in Border Surveillance Areas), according to which:

- Extraordinary rules apply as regards crisis situations caused by mass immigration <sup>(432)</sup> for which a specific legal framework was created (see [Sections 4.1](#) and [4.5](#)) where asylum seekers are required to remain in one of the transit zones for a final ruling on their asylum requests, whereas applications are examined in line with general procedural rules. The new regulations regarding unaccompanied minors distinguish those minors who have no legal capacity from those who have. In case of minors above 14 the regulations for crisis situations will be applicable as in the asylum procedure, but legal capacity is granted to asylum seekers between the age of 14 and 18;
- New rules on the field of the judicial review were introduced (see [Section 4.8](#)).

In **Greece** major legislative changes concerned the following matters:

- Possibility to provide assistance, including by EASO, to the Independent Boards of Appeal introduced by Law 4461/2017 Article 101 on Amendment of No 4375/2016 (A51) <sup>(433)</sup> (see [Section 4.8](#));
- Changes in validity period of cards issued to applicants for international protection introduced by Decision No 14720, Government Gazette B 3264 18/09/2017 (see [Section 4.1](#)) <sup>(434)</sup>;
- The Hellenic Council of State issued a Judgment (No. 805/2018) annulling the Decision of GAS' Director regarding the geographical restriction of asylum seekers in the islands after the EU-Turkey Statement in order to undergo the exceptional border procedure after March 2016. (see [Section 4.5](#)). A new decision was issued in that regard on 20.04.2018 Decision No 7001/9/37-vy', Government Gazette B 1366 20.04.2018 <sup>(435)</sup>;

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<sup>(432)</sup> A crisis situation caused by mass immigration can be declared if the number of foreigners arriving in Hungary and seeking recognition exceeds five hundred people a day as a month's average or seven hundred and fifty people per day as the average of two subsequent weeks or eight hundred people per day as a week's average. It can be declared also when the number of people staying in the transit zones in Hungary exceeds one thousand people per day as a month's average, or one thousand five hundred people per day as the average of two subsequent weeks or one thousand and six hundred people per day as a week's average. In addition to the instances specified in paragraphs a) and b), a crisis situation can be declared in the following cases as well: the development of any circumstance related to the migration situation directly endangering the protection of the Hungarian border corresponding to Section 2 of the Schengen Borders Code or directly endangering the public security, public order or public health of territory of Hungary within 60 meters from the Hungarian border corresponding to Section 2. of the Schengen Borders Code, as well as of any settlement, in particular the breakout of unrest or the occurrence of violent acts in the reception center or another facility used for accommodating foreigners located within or in the outskirts of the settlement concerned.

<sup>(433)</sup> Available at: [http://www.asylumineurope.org/sites/default/files/resources/nomos\\_4461\\_2017.pdf](http://www.asylumineurope.org/sites/default/files/resources/nomos_4461_2017.pdf).

<sup>(434)</sup> Available at: <http://asylo.gov.gr/wp-content/uploads/2017/09/ΔΙΑΡΚΕΙΑ-ΙΣΧΥΟΣ-ΔΕΛΤΙΩΝ-.pdf>.

<sup>(435)</sup> <http://asylo.gov.gr/wp-content/uploads/2018/04/ΠΕΡΙΟΡΙΣΜΟΣ-ΚΥΚΛΟΦΟΡΙΑΣ.pdf>

- Arrangements concerning voluntary return based on Circular of the Hellenic Police 1604/17/681730/03/04/2017 (see [Section 4.12](#)) <sup>(436)</sup>;
- Transposition of Reception Conditions Directive (Law 4540/2018, Government Gazette A' 91, 22/05/2018) <sup>(437)</sup>.

In **Italy** legal developments concerned a number of diverse areas:

- Law No 47/2017 redefined the protection of the unaccompanied foreign minors as regards their equal rights to Italian minors and the right to be received by SPRAR, as well as the establishment of a national information system for unaccompanied minors within the Ministry of Labour and Social Policies (Article 9) and a list of voluntary guardians to be established at each Juvenile Court (see [Section 4.10](#));
- Law 13/2017, amended by Law 46/2017 introduced the following:
  - Definition of the 'hotspot' <sup>(438)</sup> (see [Section 4.1](#));
  - New measures to make procedures before the Territorial Commissions for the recognition of international protection simpler and more efficient (see [Section 3.3](#));
  - Establishment of 26 specialised court sections on immigration, international protection, and free movement of EU citizens, including appeals against Dublin transfers decision as well as abolishment of second level appeal (see [Section 4.7](#));
  - Creation of a network of detention centres preparatory to repatriation (*Centri di Permanenza per il Rimpatrio*) in different regions of the country (see [Section 4.12](#));
  - 250 additional posts assigned to the Territorial Commissions for the recognition of international protection and to the National Commission for the right to asylum <sup>(439)</sup>.
- The Ministry of the Interior also published two plans: 'Dispersed Reception Plan' (*Piano Accoglienza diffusa*, entered into force on 5 January 2017) aiming at an increase in the reception capacity (see [Section 4.5](#)) and National Integration Plan <sup>(440)</sup>.

In **Lithuania** a ministerial order <sup>(441)</sup> stipulated the authorities' obligation to provide information to the applicant, while a government resolution <sup>(442)</sup> was approved concerning accommodation of asylum applicants (see [Section 4.5](#)). The Lithuanian Seimas further in 2017 adopted amendments to six laws <sup>(443)</sup> harmonising conditions of provision of state support to refugees and beneficiaries of subsidiary protection (see [Section 4.12](#)).

**Latvia** amended the legislation concerning health checks for applicants <sup>(444)</sup> as well as rules concerning allowances paid to beneficiaries of international protection <sup>(445)</sup>.

<sup>(436)</sup> Available at: [https://www.synigoros.gr/resources/docs/20170512-egkyklios-el\\_as.pdf](https://www.synigoros.gr/resources/docs/20170512-egkyklios-el_as.pdf).

<sup>(437)</sup> <http://asylo.gov.gr/wp-content/uploads/2018/05/NOMOΣ-4540-22.05.2018.pdf>

<sup>(438)</sup> Art. 10 ter into Legislative Decree No. 286/98.

<sup>(439)</sup> Public competition announced by the Ministry of the Interior with the decree of 26 April 2017.

<sup>(440)</sup> [http://www.interno.gov.it/sites/default/files/piano\\_nazionale\\_integrazione\\_eng.pdf](http://www.interno.gov.it/sites/default/files/piano_nazionale_integrazione_eng.pdf).

<sup>(441)</sup> By Order 1V-80 of the Minister of the Interior of the Republic of Lithuania of 30 January 2017 Amending Order No 1V-131 of the Minister of the Interior of the Republic of Lithuania of 24 February 2016 on Approval of the Description of the Procedure for Granting and Withdrawing Asylum in the Republic of Lithuania.

<sup>(442)</sup> The Description of the Procedure for Accommodation of Asylum Applicants was approved by Resolution No 171 of the Government of the Republic of Lithuania.

<sup>(443)</sup> Law of the Republic of Lithuania on the Social Integration of the Disabled, Law of the Republic of Lithuania on Benefits for Children, Law of the Republic of Lithuania on Assistance in the Case of Death, Law of the Republic of Lithuania on Cash Social Assistance for Low-Income Families (Single Residents), Law of the Republic of Lithuania on State Social Assistance Benefits and Law of the Republic of Lithuania on Target Compensation Payments.

<sup>(444)</sup> Cabinet Regulation No. 686 "Procedure According to Which the Examination of Health Condition and Sanitary Treatment of Asylum Seeker Shall be Performed and Results Thereof shall be Registered", adopted on 21 November 2017 (*Latvijas Vēstnesis* No. 232, 23.11.2017) developed in order to ensure a single approach for performance of examinations of health condition and sanitary treatment of asylum seekers as well as registration of results.

<sup>(445)</sup> Law "Amendments to the Asylum Law". - *Latvijas Vēstnesis*, No. 90, 10.05.2017 [came into force on 24.05.2017] and Cabinet Regulation No. 302 "Regulations On the Single Financial Support and a Benefit for Covering of Expenses of Staying for a Refugee and the Person Acquiring

In **Malta** in line with a change in Refugees Act, Chapter 420 of the Laws of Malta, the Refugee Appeals Board started appeals from decisions for the transfer of a third country national from Malta to another Member State under the Dublin Regulation.

In the **Netherlands** the provisions concerning the ‘period of rest and preparation’ were amended as regards two categories: applicants who have been criminally detained but have not been not convicted yet (they could possibly impose a threat on security) and applicants who cause nuisance <sup>(446)</sup>. (see [Section 4.5](#)).

In the case of **Norway**, most of temporary amendments that were made to the Norwegian Immigration Act in 2015 became permanent in 2017, including as regards applications made by foreigners who have stayed in a safe third country (see [Section 3.3](#)). The legislative amendments also allow for the Police to use coercive measures.

In **Slovenia**, following adoption of the new International Protection Act in 2016, in 2017 several executive acts were adopted detailing its implementation <sup>(447)</sup>.

In **Sweden**, amendments have been made to the Aliens Act in line with which the Swedish Migration Agency now assesses an alien's age earlier in the asylum process (see [Section 3.3](#)).

In March 2017, the **UK** Government laid Regulations in order to set out objective criteria to determine ‘significant risk of absconding’ in respect of cases subject to transfer from the UK under the Dublin III Regulation <sup>(448)</sup>.

Changes related to the national lists of safe countries of origin and related developments are reported in [Section 4.4](#).

### 3.2. Institutional changes

In 2017, a number of EU+ countries changed the internal organisation of their asylum administrations (including by re-allocating their human and material resources, as well as transfer of competencies), as a response to qualitative and quantitative shifts in asylum-related trends and current needs.

Main changes in 2017 concerned internal restructuring and transfer of competencies:

In the **Czech Republic**, the Refugee Facility Administration became the general provider of integration services of the State Integration Programme for beneficiaries of international protection, which is managed by the Ministry of the Interior.

In **Finland**, the Finnish Immigration Service assumed full responsibility of questions related to asylum investigations (establishing entry into the country, identity, and travel route as part of the asylum interview). A legislative amendment on transferring these tasks from the Police and the Border Guard to the Finnish Immigration Service entered into force on 1 January <sup>(449)</sup>. In addition, in January 2017, the

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the Alternative Status”, adopted on 6 June 2017. - *Latvijas Vēstnesis*, No 114, 08.06.2017 [came into force on 09.06.2017; applicable as of 01.06.2017].

<sup>(446)</sup> Decree of the Minister of Migration of 15 September 2017, Aliens Act Implementation Guidelines (Amendment) Decree (WBV) no. 2017/9, comprising changes to the Aliens Act Implementation Guidelines 2000, *Government Gazette* 2017, 53847.

<sup>(447)</sup> Decree on the methods and conditions for ensuring the rights of persons with international protection (Official Gazette RS, no. 72/17), Decree on the implementation of the relocation of persons in the Republic of Slovenia adopted on the basis of quota and on the basis of burden sharing between Member States of the European Union (Official Gazette RS, no. 24/17), Rules on the procedure for aliens who want to apply for the international protection in the Republic of Slovenia and on the procedure for the acceptance of application for international protection (Official Gazette RS, no. 29/17), Rules on manners of access of applicants of international protection to refugee counselors and of the criteria for remuneration and reimbursement of expenses to refugee counsellors (Official Gazette RS, no. 22/17), Decree on the implementation of the statutory representation of unaccompanied minors and the method of ensuring adequate accommodation, care and treatment of unaccompanied minors outside the Asylum Centre or a branch thereof (Official Gazette RS, no. 35/17), Rules on the remuneration and reimbursement of the expenses of statutory representatives of unaccompanied minors (Official Gazette RS, no. 34/17), Decree on rights of applicants for international protection (Official Gazette RS, no. 27/17), Decree on House rules of Integration House (Official Gazette RS, no. 22/17) and Decree on Asylum Centre House Rules (Official Gazette RS, no. 24/17).

<sup>(448)</sup> The Transfer for Determination of an Application for International Protection (Detention) (Significant Risk of Absconding Criteria) Regulations 2017, [http://www.legislation.gov.uk/uksi/2017/405/pdfs/ukxi\\_20170405\\_en.pdf](http://www.legislation.gov.uk/uksi/2017/405/pdfs/ukxi_20170405_en.pdf).

<sup>(449)</sup> In practice, the transfer of authority had already been carried out in 2016 pursuant to Section 210 of the Aliens Act, according to which the Finnish Immigration Service may take up a matter which is to be decided by the Police. Therefore there were no major changes in practices in 2017.

Immigration Service, upon considerations related to financial and administrative efficiency, took over the state-owned reception centres in Oulu and Joutseno, while the transfer of the Metsälä detention unit from the city of Helsinki to the Immigration Service was also foreseen to take place in January 2018. Finally, since January 2017, the Finnish Immigration Service is entitled to decide on the opening or closing, and determine locations of non-state reception and registration centres without specific authorisation from the Ministry of Interior.

In **Germany**, as part of the restructuring of the Federal Office for Migration and Refugees (BAMF), the Dublin procedure was consolidated within one group effective 1 June 2017. The group comprises Division DU 1, which addresses fundamental and general issues; Division DU 2, which focuses on procedures for apprehending migrants, including the organisation of transfer procedures; Division DU 3, which is responsible for transfers to the EU Member States as well as take charge requests and information requests from the Member States in accordance with Article 34 of the Dublin III Regulation; and the Dublin processing centres in the Directorate Generals in Berlin (DU 4), Bochum (DU 5), and Bayreuth (DU 6), where the Dublin cases are processed <sup>(450)</sup>. The tasks within the Dublin Group were also reorganised effective 1 February 2018 <sup>(451)</sup>.

In **Greece**, the Asylum Service amended the competence or the composition of the following offices in an effort to enhance its processing capacity: a) the Asylum Unit on Relocation was abolished and replaced by the Regional Office of Alimos. Its competence is limited to applicants, who fall under the territorial jurisdiction of the Regional Asylum Office (RAO) of Attica and are stateless of Palestinian origin, Egyptians and Syrians, who do not fall under the jurisdiction of the Asylum Unit for the fast-track processing of applications by Syrian nationals; b) the Asylum Unit of Piraeus was transformed into a Regional Asylum Office, dealing with applicants who fall under the territorial jurisdiction of the RAO of Attica and are Afghans or Bangladeshi nationals; c) similarly, the Asylum Unit of Crete was transformed into a Regional Office having competence over all applicants residing in the island of Crete; d) the Asylum Unit for applicants detained in correctional facilities was set up at the premises of the Attica Police Directorate for Aliens; e) an Asylum Unit was set up for the examination of applications submitted by Albanian and Georgian nationals within the territorial jurisdiction of Thessaloniki <sup>(452)</sup>.

In **Hungary**, as of 1 January 2017 the name of 'Office of Immigration and Nationality' has changed into 'Immigration and Asylum Office', reflecting the fact that it no longer deals with nationality-related cases. Moreover, since January 2017 the operation of the Reception Centre in Bicske has been suspended for an indefinite duration, while since March 2017 the transit zones in Tompa and Röske operate with increased capacity. Both zones are set up with four separate accommodation areas for families, single men, single women, and unaccompanied minors between 14-18 years.

In **Iceland**, as of 1 January 2017, in line with the revised Act on Foreigners, Article 6(3), the Immigration and Appeals Board now comprises seven members instead of the three members that were previously foreseen.

In **Ireland**, changes in the organisation of first instance procedure were accompanied by the abolishment of the first instance body, the Office of the Refugee Applications Commissioner (ORAC), and its

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<sup>(450)</sup> National Contribution to the EMN Annual Report on Migration and Asylum.

<sup>(451)</sup> Division DU 2 assumed responsibility for 'take charge' requests, including transfers from the Member States, and for responding to information requests from the Member States in accordance with Article 34 of the Dublin III Regulation. DU 2 will also continue to be responsible for 'take charge' requests to the Member States in cases of detention and apprehension, in which no request for protection was submitted. In cases of detention and apprehension in which a request for protection was made, the nearest Dublin processing centres (DU 4 – DU 6) are responsible. Division DU 3 in Dortmund will have exclusive responsibility for all transfers from the Federal Republic of Germany to the Member States. It will also coordinate the transfer of detention and apprehension cases to the Member States.

<sup>(452)</sup> Decision No. 16654 (Government Gazette B - 3614 - 12/10/2017): Launch of Regional Asylum Offices of Piraeus and Alimos; Decision No. 14715 (Government Gazette B - 3370 - 27/09/2017): Establishment of Regional Asylum Bodies in the Attica region; Decision No. 12634 (Government Gazette B' - 2476 - 19/07/2017): Launch of the Regional Office of Asylum in Crete and determination of the responsibilities of the Regional Offices of Asylum of Attica and Crete <sup>(452)</sup> RAO Crete with local competence to Crete; Decisions No. 9778 and 9807/2017 (Government Gazette B' - 1936 - 02/06/2017): Launch of Asylum Regional Offices, Determination of the responsibilities of Regional Asylum Bodies, Establishment of Asylum Separation Stages, Responsibilities of Individual Asylum Sections and Determination of Types of Service Seals the Central Asylum Service and the Regional Services of the Asylum Service.- redefines the competences for RAOs; Decision No. 4199/2017 (Government Gazette B' - 881 - 16/03/2017): Establishment of an Independent Unit for Applications for the International Protection of Albanian and Georgian Nationals - Competences of Individual Asylum Sections - Duration of validity of applicants; Decision No. 2380/2017 (Government Gazette B' - 393 - 10/02/2017): Duration of validity of application forms for applicants for international protection.

replacement by the International Protection Office within the Department of Justice. International protection officers at all levels remained independent in their decision-making functions. Similarly, under the Act, the Refugee Appeals Tribunal was abolished and replaced by the International Protection Appeals Tribunal.

In **Italy**, following a reform approved in 2017 (see [section 3.1](#)), the composition of the Territorial Commissions for the Recognition of International Protection is to change. From collegiate bodies comprising four members of different backgrounds (both interviewers and decisions makers), the Commissions will turn into specialised professional collegial bodies having two decision makers and specialised staff dedicated to interviewing, who will also participate in decision-making. At second instance level (26 specialised court sections on immigration, international protection, and free movement of EU citizens), return (centres for the purpose of detention pending return in different regions of the country) as well as opening a new hotspot in Messina (see [Section 4.1](#)).

In **Lithuania** additional channels were established between the State Border Guard and the Migration Department to strengthen cooperation between the two bodies, especially at the level of exchanging information about applicants' countries of origin and general asylum-related trends.

In **Luxembourg**, due to the increase in staff members and the overall growth of the Reception and Integration Agency (OLAI), a new organogram was put in place, reflecting the creation of five divisions, each with designated Head and Deputy Head: the Directorate and Communications Division; the Reception Division; the Integration and Diversity Division; the Human Resources Division; and the Administration and Finances Division<sup>(453)</sup>. Also, a European Affairs Unit was established within the Directorate of Immigration at the Ministry of Foreign and European Affairs. The unit deals with European files on questions of migration, borders, asylum, and return, as well as negotiations over and implementation of relocation and resettlement. In **Austria**, supplementing an increase in staff at the Federal Administrative Court, Unit III/5/c (Resettlement, Return, and International Affairs) was established within the Ministry of Interior. The competencies of the new unit include issues pertaining to international protection and the aliens law<sup>(454)</sup>.

In the **Netherlands**, (in parallel to the decrease of reception facilities due to the reduced number of applicants) the number of staff was reduced at the Dutch Immigration and Naturalisation Service and at the Central Agency for the Reception of Asylum Seekers, while the Repatriation and Departure Service (DT&V) expanded its staff as a response to an increase in the number of third country nationals in the return process. Finally, with regard to integration processes, municipalities were assigned the task of advising individuals eligible for asylum about the country's civic integration programme, which is coupled with social counselling services. In addition, the obligatory participation declaration is to be signed by the individual by which they adhere themselves to Dutch values and standards and oblige themselves to actively participate in and contribute to society (see also [section 4.11](#)).

In the **UK**, competencies regarding the implementation of the Dublin Regulation were divided between two units: the Third Country Unit implements provisions related to 'outgoing requests' (requests to another state to take responsibility for examining an application), while the newly established European Intake Unit reviews 'incoming requests' (requests from other countries for the UK to take responsibility for examining an application).

Several institutional changes were noted in the area of reception: In **Slovenia**, as foreseen by the newly amended Aliens Act, in force since February 2017, the Government Office for Support and Integration of Migrants (UOIM) was established. UOIM undertook the responsibilities of accommodation and care of applicants for international protection, and integration of refugees, previously held by the Ministry of Interior. Also in **Croatia**, after amendments passed on the Act of International and Temporary Protection, on 13 December 2017, the State Office for Reconstruction and Housing Care assumed responsibility of catering for the accommodation of beneficiaries of international protection.

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<sup>(453)</sup> Information provided by OLAI, contribution to the EMN Annual Report on Migration and Asylum.

<sup>(454)</sup> Federal Ministry of the Interior, *Referat III/5/c (Resettlement, Return and International Affairs)*, available at [www.bmi.gv.at/103/Sektion\\_III/Gruppe\\_B/Abteilung\\_III\\_05/III\\_05\\_c.aspx](http://www.bmi.gv.at/103/Sektion_III/Gruppe_B/Abteilung_III_05/III_05_c.aspx).

Some EU+ countries created also specialised task forces (often inter-institutional and interdisciplinary) to address specific complex issues in the national context. An Interagency Working Group was established in **Croatia** tasked with the development of a Protocol for the Treatment of Unaccompanied Minors, whether they are applying for international protection or not. In **Ireland**, moreover, following a judgement by the Irish Supreme Court on 30 May 2017 in the case of [NVH v Minister for Justice and Equality](#), an Inter-Departmental Taskforce was established to examine the implications for the judgement and suggest solutions on the question of applicants' access to the labour market. The Taskforce recommended to Government that the best option available to the State was to opt into the EU (recast) Reception Conditions Directive (2013/33/EU), and the Government decided for Ireland to exercise its discretion to participate in Directive 2013/33/EU under Protocol 21 of the Treaty of Lisbon, on 22 November 2017. Subsequently, an Implementation Group was established to oversee the opt-in process. Finally, in **Luxembourg**, in July 2017 the Council of the Government approved the establishment of a committee in charge of determining the best interest of unaccompanied minor applicants for international protection. The committee will start operating in 2018 and will be presided by the Directorate of Migration, including members from the Reception and Integration Agency (OLAI), the National Office for Childhood, and the Public Prosecution Office.

### 3.3 Key policy changes related to integrity, efficiency and quality

#### 3.3.1. Integrity

Integrity measures concern EU+ countries' 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 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, and may eventually, unless detected, lead to protection being granted to individuals who do not qualify for such protection, or who constitute a threat to public security or public order.

Integrity of asylum systems comprises several factors. A primary circumstance of the case is the identity of the applicant, their country of origin (towards which the risks upon eventual return are assessed) and age. Asylum authorities need to be satisfied that they have correct information on all those aspects at their disposal to be able to properly assess protection needs and apply procedural guarantees, as needed in the course of the procedure.

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.

A further 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, situation in the country of origin and other means of evidence. Finally, integrity measures may also concern beneficiaries of protection, as regards assessment of continued need for protection and its potential withdrawal.

With regard to all above, EU+ countries noted a number of developments, adding to changes described further in [sections 4.1](#) and [4.4](#) and [4.7](#).

#### *Information gathering and verification*

In **Germany**, within an overall improvement of IT connections among actors involved in the asylum procedure, the following systems were tested to optimise the procedures for collecting applicants' data: retrieval of data indicating identity and country of origin from mobile or smartphone data storage media; language analysis programme using voice biometrics to identify various regions of origin for Arabic speakers; name transcription <sup>(455)</sup>; and collection of biometric photos, making possible IT-supported

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<sup>(455)</sup> Applicants who are unable to present valid identity documents may use a programme for transcribing their names to record them in the relevant data processing programme. This requires knowledge of written Arabic and, in combination with the language analysis, offers clues as to the applicant's region of origin.

comparisons with existing photos of applicants. Some of these systems are already in use. Measures to tighten the identification and registration procedure were implemented also in the **Netherlands** (see [Section 4.1](#)) and **Belgium**.

**Italy** established a national information system for unaccompanied minors within the Ministry of Labour and Social Policies. The system draws information for each unaccompanied minor from the social file created by staff at the minor's reception facilities; the file is also transferred to the social services and the juvenile prosecutor's office.

#### *Age assessment*

Age assessment procedures are another branch of integrity measures where in 2017 new developments were extensively applied by EU+ countries. Assessing age of applicants is fundamental to prevent fraudulent claims of minor age from adults attempting to get access to higher levels of guarantees normally envisaged for minors. At the same time, it is equally important to identify underage applicants, so as to channel them into their dedicated procedure and reception facilities.

New age assessment procedures were introduced in **Malta**, with the establishment of three phases, each one with a different assessing panel <sup>(456)</sup>. The procedure has to be concluded within 10 working days, and in case there is still a doubt on the age of the applicant at the end of the procedure, a further age verification assessment takes place, that is either another assessment where a different panel asks more questions, or a skeletal assessment of the hand (wrist bone test) inside the Initial Reception Centre. In **Norway**, BioAlder results are planned to be used in the age assessment process of the Norwegian Directorate of Immigration (UDI) <sup>(457)</sup>; and in **Finland** the carrying out of medical age assessments was transferred from the University of Helsinki to the National Institute for Health and Welfare from 1 January 2017, meaning that they are now conducted by the state authorities. Moreover, in **Finland** interview practices in relation to age assessment were revised in 2017, so that the applicant and his or her representative are now heard before changing the applicant's status from minor to adult. Amendments to the Aliens Act in Sweden allows the Swedish Migration Agency to make a temporary, appealable decision on an applicant's age in the beginning of the asylum process, provided there is reason to question if the applicant is below 18 years. Medical age assessments may be used as evidence in the decision procedure. The assessments are performed by the National Board of Forensic Medicine and requires the consent of the applicant, e.g. through appointed legal counsel or guardian. <sup>(458)</sup>. In **Italy**, a new procedure for age assessment was also set out <sup>(459)</sup>. This procedure foresees the adoption of a multidisciplinary approach, to be conducted in accordance with the Best Interest of the Child (BIC) principle, at a public health facility <sup>(460)</sup>. The possibility to challenge the age assessment decision was opened up, and the individual and the guardian are now allowed to access the age assessment report, which should indicate the margin of error of the methods used. In addition, pending the determination of age, the person concerned has to be considered as minor for immediate access to assistance and protection. UNHCR underlined also how in the **United Kingdom**, following a case before the Court of Appeal which found that a child had erroneously been detained as an adult on the basis of a visual assessment, the government has still not changed its policy to reflect the conclusion of the judgement. In

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<sup>(456)</sup> The three phases are: an initial assessment, a full age assessment, and a final decision.

<sup>(457)</sup> BioAlder is a statistical calculation model on the basis of studies of the development of the hand skeleton and lower left wisdom tooth in more than 14 000 young persons of known chronological age. The model provides an estimate of the applicant's chronological age range. Its algorithms will be updated as new research results become available. The long-term aim is to develop molecular biological methods of age estimation (DNA methylation).

<sup>(458)</sup> <http://www.regeringen.se/rattsdokument/lagratsremiss/2017/02/aldersbedomning-tidigare-i-asylprocessen/>. In 2017, a debate arose within the scientific community in Sweden, as well as in the media, about the age assessment methods chosen by the National Board of Forensic Medicine, which performs medical age assessments on behalf of the UAM and in cooperation with the Migration Agency. Sweden was apparently the first country to adopt an MRI-based method (regarding the examination of knee joints), which naturally has been the main focus point of these discussions. Also the other method of examining the age of a person, x-ray of the wisdom teeth, has been debated.

<sup>(459)</sup> UNHCR reported that different practices for age assessment are observed in the national territory, at times not in line with the principles enshrined in Law 47/2017.

<sup>(460)</sup> Social interview, an auxologic pediatric visit and a psychological or neuropsychiatric evaluation will be also part of it, and a cultural mediator will be present. In cases where, considering the margin of error, the age remains in doubt, the individual will be alleged as minor.

addition, specific concerns were also raised by civil society organisations with regard to age assessment procedures in **Switzerland** <sup>(461)</sup>, **Spain** <sup>(462)</sup> and **France** <sup>(463)</sup>.

### 3.3.2 Efficiency

Various initiatives were taken by EU+ countries in 2017 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). In 2017, this was especially important in countries that received high numbers of applicants (see [sections 2.1.](#) and [4.1](#) for statistical data) and/or who have been tackling the backlog of cases from previous years (see [Section 2.2](#) for statistical data).

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.

To this end, technological solutions such as digitalisation of processes and employment of new technologies, coupled with organisational measures were implemented in 2017 by various Member States, mostly with the aim of reducing costs and time frames in the asylum system.

#### *Digitalisation and new technologies*

Digitalisation of procedures was introduced in some countries as a means to foster efficiency. In the **Netherlands**, a new digital system for legal proceedings in asylum and detention cases was introduced to increase efficiency in the processing of applications and appeals. Immigration lawyers now have the obligation to submit new cases digitally, procedural acts are conducted during the court case in a digital file, and parties can communicate digitally with the clerk of the court <sup>(464)</sup>. The case is controlled with the Quality and Innovation (KEI) programme. Digitalisation of the litigation process (in particular communication between the determining authority and the administrative courts) was one of the organisational measures taken also in **Germany**, to counter the strong increase in the number of lawsuits. In **France**, a new asylum information system envisaged in the reform of 29 July 2015 was further developed in 2017, establishing the principle of a single, personal dossier for each asylum applicant, removing the risk of duplication of case files, often due to subsequent applications and multiple EURODAC hits. Other developments in 2017 included the integration of the Dublin procedures management into the information system (see [Section 2.6](#)).

In the **United Kingdom**, the Home Office increased personnel in a newly established office in Bootle, which is planned to make use of technology such as: video conferencing, digital interviewing, and the assisted decision-making tool (ADMT), as well as trial other innovative methods of increasing efficiency, thus increasing capacity for efficient decision-making. Specifically, the ADMT, which has been applied nationally after an initial pilot trial, is intended to ensure consistency and standardise decision letters, with no influence on the decision outcome. However, both UNHCR and the Independent Chief Inspector

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<sup>(461)</sup> Asylex, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/Asylex-web.pdf>.

<sup>(462)</sup> Consejo General de la Abogacía Española, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/Consejo-General-Abogacia-Espanola.pdf>.

<sup>(463)</sup> European Association for the Defence of Human Rights, AEDH, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/AEDH.pdf>.

<sup>(464)</sup> [https://www.rechtspraak.nl/Organisatie-en-contact/Organisatie/Raad-voor-de-rechtspraak/Nieuws/Paginas/Start-verplicht-digitaal-procederen-in-asiel--en-bewaringzaken.aspx?pk\\_campaign=rssfeed&pk\\_medium=rssfeed&pk\\_source=Alle-landelijke-actualiteiten](https://www.rechtspraak.nl/Organisatie-en-contact/Organisatie/Raad-voor-de-rechtspraak/Nieuws/Paginas/Start-verplicht-digitaal-procederen-in-asiel--en-bewaringzaken.aspx?pk_campaign=rssfeed&pk_medium=rssfeed&pk_source=Alle-landelijke-actualiteiten).

of Borders and Immigration identified deficiencies related to this tool <sup>(465)</sup>. Moreover, the Home Office piloted the Preliminary Information Form (PIF) to assist applicants in setting out their claim in advance of their substantive asylum interview. The completed PIF would give the interviewing officer an opportunity to be better prepared for the interview, as well as to conduct a more focused interview. It also ensures the interviewer and the individual have the opportunity to address any arising concerns or credibility issues that may not have been possible in the absence of the PIF. The PIF will be rolled out in early 2018.

In **Belgium**, following a positive evaluation of a pilot project launched by the CGRS, which involved interviewing applicants for international protection staying in the detention facility in Merksplas, video conferencing interviews was also started at the centre for illegal aliens in Bruges. This development enhanced efficiency due to the fact that video interviews can be planned at shorter notice and the protection officer and the interpreter spend less time travelling back and forth to the detention facility. The possibility to use video conferencing for interviews and remote interpretation was also introduced in **Germany**, where it extensively reduced waiting times for applicants, as well as in **Hungary**. In **France**, an OFPRA Decision of 11 October 2017 has established the list of approved premises for conducting personal interviews through videoconference with applicants for refugee status, subsidiary protection status or statelessness.

#### *Prioritisation and fast track procedures*

**Greece** introduced the use of new templates for specific procedures (e.g. fast-track for Syrian nationals) to speed up processing of cases; while **Luxembourg** put in place an ultra-accelerated procedure for people coming from safe countries of origin, notably the Western Balkans, which however raised concerns on the side of UNHCR, especially regarding respect of procedural guarantees <sup>(466)</sup>. This practice, which respects all the procedural guarantees, is accepted by national NGOs and lawyers who are assisting the applicants for international protection. In **Ireland**, the International Protection Office (IPO) and UNHCR developed a note on the prioritisation of applications for international protection under the International Protection Act 2015, which outlines the categories of cases to be prioritised by the IPO <sup>(467)</sup>, supporting processing of those cases in line with arrangements outlined in [Section 4.1](#). In **Sweden**, a new fast-track procedure was applied to nationals of countries with generally high rejection rates, where rapid enforcement is possible and the case does not require extensive processing measures. This resulted in a higher level of efficiency and reduced the processing time.

#### *Organisation of asylum procedures*

In **Germany**, several measures were implemented in a consolidated manner to improve efficiency in the asylum procedure included: a new system to transmit security-relevant information to the responsible division at any time in the asylum process, as well as to rapidly forward information relevant for the procedure to the decider; the introduction of special centres where all Dublin-related tasks are consolidated (see [Section 2.6](#)), to optimise procedures in this area and send take charge/back requests to the relevant Member State at an early stage; and the division of the asylum procedure into four stages (receipt of application, interview, decision and final tasks), which had a direct impact on the time required for handling the case <sup>(468)</sup>, as well as on the quality of the procedure (see below [Section 3.3.3](#)).

In **Sweden** the Director of Operations has decided to redistribute asylum cases (unaccompanied minors excluded) among Swedish Migration Agency (SMA) geographical regions, mainly to even the distribution of cases between the regions, taking into account their capacity and processing time.

In **Austria**, residence restrictions were introduced with the aim of accelerating asylum procedures. Specifically, asylum seekers are now permitted to establish their residence or usual place of stay only

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<sup>(465)</sup> Namely, that decision-makers felt that they needed more training in using the tool before the ADMT would improve their efficiency [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/662769/An\\_Inspection\\_of\\_Asylum\\_intake\\_and\\_casework.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/662769/An_Inspection_of_Asylum_intake_and_casework.pdf), page 27.

<sup>(466)</sup> According to the Directorate of Immigration, one reason for the creation of this ultra-accelerated procedure is to “avoid creating false hopes amongst applicants for international protection with regard to a long-term stay in Luxembourg”.

<sup>(467)</sup> [http://www.ipo.gov.ie/en/IPO/Prioritisation\\_of\\_International\\_Protection\\_Applications\\_IPO\\_UNHCR\\_Notice\\_2017.pdf/Files/Prioritisation\\_of\\_International\\_Protection\\_Applications\\_IPO\\_UNHCR\\_Notice\\_2017.pdf](http://www.ipo.gov.ie/en/IPO/Prioritisation_of_International_Protection_Applications_IPO_UNHCR_Notice_2017.pdf/Files/Prioritisation_of_International_Protection_Applications_IPO_UNHCR_Notice_2017.pdf).

<sup>(468)</sup> In December 2017, procedures initiated since 1 January 2017 took an average of 2.3 months to complete, as opposed to 7 months in 2016

within the province which provides the benefits specified in the Agreement between the Federal State and the Provinces on Basic Care (Article 15c 2005 Asylum Act). This restriction allows for a better traceability of applicants by the authorities, and is applied automatically. Alternatively, applicants may be required to reside at designated quarters (Article 15b 2005 Asylum Act), yet such an obligation is not applied automatically, and can only be imposed on grounds of public interest or public order, or to ensure the expeditious processing and effective monitoring of the application for international protection. In either case, the restriction applies from the admission to basic care until the final decision on the asylum application.

In **Malta**, in order to improve the overall efficiency of the system, starting from the very end of 2016 and throughout all 2017, the making and lodging of an application for international protection have been generally done on the same day. This has resulted in a reduction of costs related to a decrease in the amount of printed material, as well as better staff management as existing resources are no longer divided to cater for two separate procedures.

The Office of the Commissioner General for Refugees and Stateless Persons (CGRS) in **Belgium** in order to increase efficiency planned interviews of applicants with similar profiles (e.g. land or region of origin) within the same period. These efforts indeed led to a reduction of the backlog from 18 300 cases in April 2016 to 7 559 cases in December 2017.

In **Finland**, an AMIF-funded project (FLOW) implemented between 2016-2017 contributed to the improvement of the initial stages of the procedure for international protection, cooperation between authorities, professional competences as well as investigation methods and tools so as to ensure the quality and efficiency of the asylum process.

#### *Increasing human capacity*

Increases in personnel in the national asylum systems or ongoing recruitment processes to that end took place in 2017 in several Member States, as a means to increase efficiency in handling large backlogs and high numbers of applications <sup>(469)</sup>. Specifically, caseworkers specialised in handling the applications from UAMs were employed in **Slovakia** <sup>(470)</sup> and **Belgium** <sup>(471)</sup>, where new personnel was also employed in foster care <sup>(472)</sup>. Regional unaccompanied minor liaison officers were appointed for all offices of the Immigration Service in **Finland** to improve the effectiveness of guidance and communication in matters related to minors.

Similarly, **Greece** implemented various new measures to increase efficiency in second instance, whereby the number of Independent Appeals Committees was increased, the role of rapporteurs was re-introduced, and Regional Asylum Offices with specific competences or specialised in certain countries of origin were established (see also [Section 4.8](#)).

**Luxembourg** registered increased effectiveness with 867 more decisions issued compared to last year, mostly due to an increase in personnel at the Asylum Unit of the Directorate of Immigration and the internal reorganisation that took place in 2016.

### **3.3.3. Quality**

Improving quality and evaluation tools in asylum-related decision-making processes serves the purpose of producing sound and well-reasoned decisions, thus providing a higher level of fairness in guaranteeing international protection to be awarded to those individuals who are entitled to it. Quality measures can also be introduced in the field of reception, where they allow for better management, which directly translates into improved conditions for applicants as well as beneficiaries.

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<sup>(469)</sup> Increases in staff or ongoing recruitment processes to that end were noted, among others, in Croatia, Greece, Ireland, Italy, Luxembourg, Malta, the UK.

<sup>(470)</sup> One caseworker was employed.

<sup>(471)</sup> 20 new protection officers were employed.

<sup>(472)</sup> The Flemish Community in Belgium recruited a FTE (full time employee) for each of the five provincial foster services, to be dedicated to the matching of UAMs under the age of 15 with foster parents. The French Community has recruited 4 FTE for their foster service, 2 social workers and 3 staff members, but they are also partly working to support other UAMs than those in foster care.

Quality measures often involve higher degrees of cooperation among stakeholders, delivery of training or production of guidelines for the actors directly employed in the process (often aimed at specific caseloads and categories of cases considered to be more complex), as well as comprehensive quality assurance systems, based on pre-defined sets of standards the implementation of which is verified on a regular basis.

#### *Quality assurance systems*

In **Germany**, an expanded system of quality assurance in the asylum procedure was introduced to ensure good quality at various levels. The system is made up of local quality assurance measures combined with an additional central check of quality by the quality division after the asylum decision has been delivered (all decisions are reviewed by a second staff member, while central quality assurance is based on random checks in the final stages of the process). Standardised monthly quality assurance reports are used at the executive level to identify training needs and for planning trainings in the medium term. Besides, in order to increase the number of asylum procedures reviewed centrally, the number of staff in the quality division was increased. Similarly, new personnel was also added to the central complaints management system, which forwards individual cases to the quality division for further assessment.

Quality assurance initiatives were introduced also in **Ireland**, which established a Quality Assurance Committee comprising representatives of the UNHCR and International Protection Office (IPO) staff to oversee the IPO's quality process in relation to recommendations made.

In **Finland**, the Immigration Service introduced a new review plan, containing pre-determined evaluating measures tailored to each unit. Following this plan, the review of asylum decision-making is now conducted at multiple levels<sup>(473)</sup>. A new phenomenon in 2017 was the judicial review of cases in which the decision made by the Asylum Unit was publicly questioned. In these cases, the Asylum Unit's legal and support services had the main responsibility for reviews, informing, where necessary, the head of the section that had made the decision and the Legal Service of the Finnish Immigration Service. Moreover, **Finland** launched an AMIF-funded project (LAAVA) to develop a systematic and standardised method for assessing the quality of asylum decision-making and for compiling related statistics. A total of five targeted samples will be taken in the context of this project with different themes: Dublin procedure, trafficking in human beings, unaccompanied minors, converts to Christianity, and a fifth theme yet to be chosen.

Another project on quality assurance was conducted in **Hungary** by the Asylum Directorate of the IAO. The project assessed 500 personal interviews and decisions taken in 2016-2017, and produced a quality assurance manual with the result of the assessment.

A quality monitoring project was implemented in **Italy**, as reported by UNHCR, in cooperation with the National Commission. The project developed tools and methodologies to measure quality of interviewing, decision-making, and decision drafting (internal documents). A new decision template was also adopted with input from UNHCR. Further to that, **Italy**<sup>(474)</sup> clarified standards for assessing the credibility of asylum applicants' statements and well-founded fear of persecution. Similar standards were elaborated in **Lithuania**, where work also commenced on methodological recommendations for the staff of the Asylum Division of the Migration Department concerning methods for detection of elements of fraud in conducting and assessing interviews, including the Strategic Use of Evidence (SUE) model and the Evidence Framing Matrix (EFM) method.

In **Malta**, in an effort to further enhance the quality of the national asylum system, the Office of the Refugee Commissioner has also updated the format and content of the international protection application form and of the evaluation report used to take decisions on the applications. In addition, in

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<sup>(473)</sup> For instance, one decision by each caseworker was cross-checked in 2017 by the manager of another section. Additionally, Asylum Unit managers followed one interview by each interviewer, filling in a form on the basis of which it was determined whether all the necessary facts had been established and open questions asked. Additional review was also conducted at the Asylum Unit of the Finnish Immigration Service to respond to ad hoc needs.

<sup>(474)</sup> A Circular by the Ministry of Interior instructed the determining authority (*Commissioni Territoriali*) to always carry out accurate checks on the existence of offences carried out by asylum applicants in their country of origin, as well as of the actual risk of "serious harm" they would face in case they are returned back there.

the context of the new age assessment procedure (see above [Section 3.3.1](#)), trainings were delivered to the coordinator of such procedure.

The Migration Agency in **Sweden** introduced in September 2017 a new support function to coordinate and support the work of LGBTI specialists. After being fully implemented, the function is expected to secure the quality and efficiency of the management and decision-making in LGBTI cases. Also, new measures are planned to improve the safeguarding of the rights of children in the asylum process. As an example, the development of a tool used to evaluate if an authoritative action is in the best interest of the child started in 2017.

#### *Guidance materials*

A number of guidelines and informative documents were produced in some EU+ countries to support the work of national asylum officers. In the **United Kingdom**, several asylum-related instructions were updated or first-published to provide thematic guidance to Home Office officials <sup>(475)</sup>. In **Luxembourg**, different internal guidelines for the staff were developed to improve the quality and the coherence of the decisions made; and in **Malta**, the Office of the Refugee Commissioner has continued the process of reviewing and updating of existing Memos, SOPs and Guidelines, as well as the issuance of new ones.

#### *Capacity-building measures*

Trainings, practical workshops and other informative tools targeted at human resources rather than procedures are another way of improving processes.

Specific trainings to improve the quality in personal interview, decision-making in the asylum procedure and the motivation of the decision were organised by national authorities in **Austria**, **France** <sup>(476)</sup>, **Hungary** and **Luxembourg**. In **Czech Republic**, a training module for caseworkers was prepared in cooperation with the Faculty of Law of the Charles University in Prague during 2017. The pilot training is planned for the first half of 2018.

Specific trainings on human trafficking and identification of victims thereof were organised for asylum caseworkers in **Croatia** <sup>(477)</sup>, **Hungary** and for the first time in **Latvia**. **Italy** with the collaboration of UNHCR, developed in December 2016, guidelines for the identification of human trafficking victims, with focus on referral procedures between the determining authorities and associations that protect their rights. Specific trainings have been delivered in 2017, to the Italian case workers and the anti-trafficking operators. In **Belgium**, training co-financed by the European Asylum, Migration and Integration Fund (AMIF), instructed interpreters from the Office of the Commissioner General for Refugees and Stateless Persons (CGRS) on how to better address gender-based asylum claims <sup>(478)</sup>. The training, delivered between December 2016 and January 2017, reached out to 110 interpreters. Again in **Belgium**, the project Safe Heavens, with a focus on training reception facilities staff with regard to the accompaniment

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<sup>(475)</sup> These include: Refugee Leave [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/597990/Refugee-Leave-v4.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/597990/Refugee-Leave-v4.pdf) ; Humanitarian protection [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/597377/Humanitarian-protection-v5\\_0.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/597377/Humanitarian-protection-v5_0.pdf); Dublin III Regulation [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/656666/dublin-III-regulation-v1\\_0.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/656666/dublin-III-regulation-v1_0.pdf); Asylum Claims in Detention [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/646438/Asylum-claims-in-detention-v4.0EXT.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/646438/Asylum-claims-in-detention-v4.0EXT.pdf); Language Analysis [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/685203/Language-analysis-AI-v21.0EXT.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/685203/Language-analysis-AI-v21.0EXT.pdf); Applications for additional support [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/598944/Applications-for-additional-support-v1\\_0.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/598944/Applications-for-additional-support-v1_0.pdf); Assessing destitution <https://www.gov.uk/government/publications/assessing-destitution-instruction>; Asylum accommodation requests <https://www.gov.uk/government/publications/asylum-accommodation-requests-policy> and Nationality: disputed, unknown and other cases [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/649602/Nationality-Disputed-unknown-and-other-cases-v6\\_0.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/649602/Nationality-Disputed-unknown-and-other-cases-v6_0.pdf).

<sup>(476)</sup> Workshops delivered by CNDA to improve quality in decision-making processes and the motivation of the decision related to court procedures, as reported by UNHCR.

<sup>(477)</sup> Trainings delivered by national Red Cross.

<sup>(478)</sup> <http://www.cgrs.be/en/news/gender-training-interpreters>.

of LGBTI asylum seekers, continued in 2017. Similarly, in **Luxembourg**, trainings are offered on issues relating to LGBTI applicants to staff members of OLAI (both social workers and educators) <sup>(479)</sup>. Trainings focusing on topics and procedures specifically related to migrant children and unaccompanied minors were delivered in **Bulgaria** <sup>(480)</sup>; in **Austria** to managers of reception centres and asylum caseworkers <sup>(481)</sup>; in the **United Kingdom** to foster carers and social workers supporting children <sup>(482)</sup>; and in **Belgium** to staff of the Flemish foster care service, as well as to protection officers within the CGRS <sup>(483)</sup>. In **Luxembourg**, OLAI is elaborating a specialised training aimed at educators and social workers accompanying applicants for international protection, as well as collaborators of the Ministry of Health <sup>(484)</sup>. In **Latvia**, State Border Guard Officials received trainings on identification and protection of vulnerable persons; whereas in **Sweden** a new training is planned with the aim to improve the capacity to detect married children in all parts of the asylum procedure, as well as to better understand links between forced marriages and international protection <sup>(485)</sup>.

Furthermore, UNHCR reported of trainings delivered in **Croatia, Ireland, Italy, Malta** <sup>(486)</sup> and **Greece** on topics ranging from refugee status determination to identification of victims of human trafficking and gender-related asylum claims. UNHCR trainings were also conducted in **Greece** to the staff of the 6 Reception and Identification Centres (RICs) of Fylakio, Lesvos, Samos, Chios, Leros and Kos.

### *Remaining concerns*

Finally, deficiencies with regard to quality and efficiency were also reported by UNHCR in some national asylum systems. In **Cyprus**, training remains an area of concern in relation to the rights of children and Best Interest Assessment and Best Interest Determination. Moreover, an internal quality audit system is yet to be established in **Cyprus** and similarly in **Estonia**, which is deemed to lack systemic approach in assessing the efficiency of asylum procedures and the quality of decisions taken. In **Spain**, regarding migrant children's rights and needs, UNHCR reported that interviews and decisions are not taken by qualified officials, as it is established in Article 25.3 of the EU Procedures Directive <sup>(487)</sup>. In **Germany**, challenges in the quality of the asylum procedures have led UNHCR to call for a 'quality campaign' <sup>(488)</sup>. In **Greece**, significant discrepancies were observed in the results of nationality assessment (conducted by the Hellenic Police and supported by FRONTEX in the context of irregular arrivals) and the results of

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<sup>(479)</sup> A further national training session on LGBTI applicants for international protection should be provided to interviewers and decision-makers of the Asylum Unit in the second semester of 2018.

<sup>(480)</sup> Trainings on children, including unaccompanied minors, organised for the State Agency for Refugees' employees by the EASO, UNHCR, BRC, UNICEF, LUMOS and others.

<sup>(481)</sup> Federal Ministry of the Interior, *Trainings für Bedienstete der Grundversorgung*, available at <http://www.bmi.gv.at/news.aspx?id=59356861744A547A5557633D> (accessed on 4 April 2018).

<sup>(482)</sup> The training, which will be made available to 1 000 people, is to be organised as part of a new strategy to improve the care of unaccompanied children between 2017 and 2019. The training is backed by updated statutory guidance on caring for unaccompanied migrant children and child victims of modern slavery, a review of local authority funding and a drive to improve inter-agency advice and information sharing. It complements the guidance already available to every foster carer as part of their duties under the government's Prevent strategy. These measures are part of a wider government strategy to improve support for councils as they care for these children, and delivers on a commitment made last year as part of the Children and Social Work Act. Other measures in the strategy will help prevent children from going missing and support those who are reunited with family members.

<sup>(483)</sup> On top of those provided by EASO, some of these trainings were provided by Solentra, <http://www.solentra.be/en/Home> an organisation linked to the department of psychiatry for infants, children and adolescents of UZ Brussels University, which provides diagnostic and therapeutic support to refugee and migrant children and their families. In Belgium, capacity-building initiatives have been launched by both the authorities and civil society to fill the training gaps of professionals working with UASC, such as a 2-year training network programme (2016-2018) for the three associations of cities and municipalities (Flanders, Brussels, Wallonia) funded by the King Baudouin Foundation <http://www.vvsg.be/kalender/Paginas/20180323loi.aspx>.

<sup>(484)</sup> The development of this training is occurring in the context of a cooperation with the Group for the Abolition of Female Genital Mutilation in Belgium. <http://www.endfgm.eu/partnerships/gams-group-for-the-abolition-of-female-genital-mutilation/>.

<sup>(485)</sup> When child marriage is detected in the framework of an asylum procedure, the Swedish Migration Agency is obliged to further investigate the matter with regard to a possible need for protection.

<sup>(486)</sup> Specific training delivered to government officials, including the staff employed in open centres and caseworkers of the first instance body, on sex and gender based violence prevention and response.

<sup>(487)</sup> UNHCR also reported the need to establish a code of conduct and a policy of zero tolerance on sexual and exploitation abuse for personnel working on asylum reception centres and premises, including Ceuta and Melilla, as well as a safe and confidential complaint mechanism for asylum seekers.

<sup>(488)</sup> <http://www.unhcr.org/dach/wp-content/uploads/sites/27/2017/10/Vorschl%C3%A4ge-von-UNHCR-anl%C3%A4sslich-der-Konstituierung-des-19.-Deutschen-Bundestages.pdf>, page 6.

nationality verification (conducted by the Asylum Service in the context of the asylum procedure)<sup>(489)</sup>. In the **United Kingdom**, the Independent Chief Inspector of Borders and Immigration published a report following an inspection on the quality of decision-making in asylum <sup>(490)</sup>. The report identifies concerns with the approach to both interview and decision-making, noting that there was limited evidence of identification and consideration of material facts, plus evidence of speculation or assumption as well as factual inaccuracies.

### **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 2017 the Training Curriculum was composed of 19 interactive modules <sup>(491)</sup> (2 of which were piloted for the first time) 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 2017, EASO organised 16 train-the-trainers sessions in Malta, 10 regional train-the-trainer sessions organised by EASO in various locations, 5 regional train-the-trainer sessions organised in Germany and 1 train-the-trainer session organised in the context of the external dimension. In total 484 participants were trained in EASO train-the-trainers sessions. EASO administered 331 national training sessions on its e-learning platform for 5 149 participants. The overall number of participants trained in the EASO Training Curriculum in 2017, encompassing both train-the-trainer sessions and national trainings, was 5 633. The main target group were the employees of national asylum administrations.

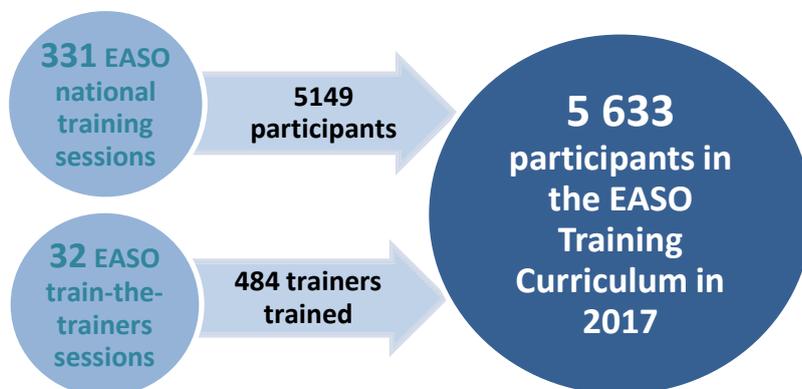
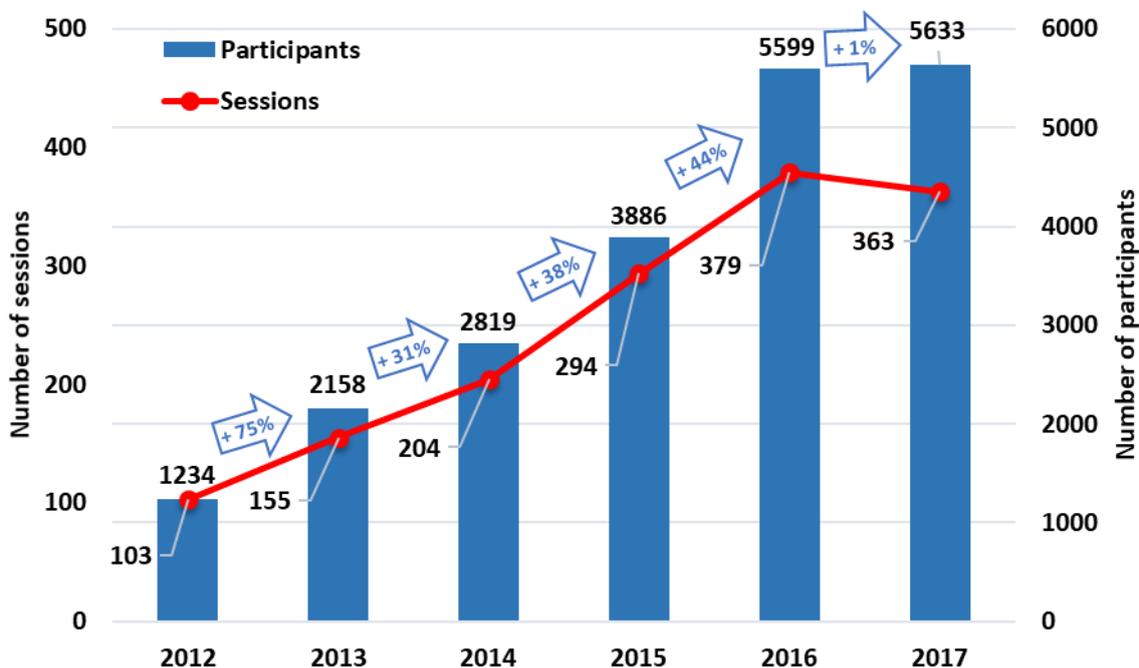
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<sup>(489)</sup> As submitted by the Greek Asylum Service, these discrepancies can be partly explained by the fact that asylum applicants are "instructed" by traffickers to declare certain nationalities upon entry in the country. The applicants themselves may change these nationalities during the asylum procedure. Also, the Hellenic Police commonly records nationality based simply on the statements of the asylum seekers, whilst Asylum Service case workers often conduct a more thorough nationality assessment, especially in cases of doubt.

<sup>(490)</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/662769/An\\_Inspection\\_of\\_Asylum\\_intake\\_and\\_casework.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/662769/An_Inspection_of_Asylum_intake_and_casework.pdf).

<sup>(491)</sup> Asylum Procedures Directive, Common European Asylum System, Country of Origin Information, Didactics, Dublin III Regulation, End of Protection, Evidence Assessment, Exclusion, Fundamental Rights and International Protection in the EU, Gender, Gender Identity and Sexual Orientation, Inclusion, Inclusion Advanced Interview Techniques, Interviewing Children, Interviewing Vulnerable Persons, Introduction to International Protection, Module for Managers, Reception, and Trafficking in Human Beings.

### Total number of sessions and participants in the EASO Training Curriculum (2012-2017)



In 2017, EASO also continued development of new training modules and upgraded existing ones. Pilot trainings in Inclusion Advanced and Trafficking in Human Beings were organised. EASO also continued the development of new training modules particularly a *Module on Resettlement*, a *Module for Interpreters* and also initial works on a *Module for Reception of Vulnerable Persons*. Additionally, EASO finalised the *Handbook for the Inclusion Advanced Module* and continued the upgrade of the Interviewing Modules (*Interview Techniques*, *Interviewing Vulnerable Persons*, and *Interviewing Children*) together with the continuation of the upgrades of the *Module for Managers*, *Exclusion*, and *COI*. EASO has also started the process of updating the CEAS module.

According to the work programme for 2018, some modules within the Training Curriculum will be updated and upgraded in 2018 as per EASO’s module life cycle principle.

EASO also continued working on a European Certification process for the EASO Training Curriculum to support EU+ countries in ensuring that their personnel responsible for asylum matters is trained as referred to in the Asylum Procedures Directive and have the adequate knowledge and skills. To this end

thirteen EASO Training Curriculum modules in the English language version have been accredited and certified by Middlesex University under the National Qualification Framework of England and Wales. Together with the Certification and Accreditation Working Group, EASO developed a programme to train trainers in the certified and accredited versions of the EASO Training Curriculum. The launch of the training took place during the annual Trainers' Network Meeting in September.

The certification and accreditation is limited in scope and does not encompass all current modules; it only applies to the English language version. For this reason, the current certification and accreditation constitutes a pilot which will be evaluated in view of the fully fledged certification and accreditation exercise covering all current and future modules in all available language versions.

The thirteen certified and accredited modules were uploaded on the EASO Learning and Management System during the first semester of 2017, and in the second semester EASO offered the certified and accredited version in eight train-the-trainer sessions: COI, Dublin, Evidence Assessment, Exclusion (2 sessions), Inclusion and Gender, Gender Identity and Sexual orientation.

The number of participants enrolled in the certified sessions amounted to 141 out of which 97 chose to take the final assessment. Out of the 97 who took the final assessment, 86 persons were successful which corresponds to 89 %. One certified and accredited session in the Evidence Assessment module was delivered in a national training (English language version).

In 2017, the Training Unit continued to develop tailor-made training programmes and material for those involved in the EASO operational activities. In line with the signed Operating Plans, the Training Unit organised trainings in Greece, Italy, Cyprus and Bulgaria. Furthermore, EASO delivered trainings on the request of the Maltese authorities.

A total of 47 operational trainings (composed of 65 sessions) were organised, with 930 participants trained. Both, the number of trainings delivered and the number of participants trained in 2017 were 3 times higher than targeted. Additionally, EASO supported 10 Frontex Operational Briefings with a total number of participants amounting to 648.

**Operational Training in 2017: Target vs Performance**



The operational training sessions targeted diverse audiences, such as EASO deployed experts (caseworkers, team leaders, vulnerability experts), EASO interim caseworkers, EASO deployed interpreters, asylum officials of the MS where EASO is involved in operations, reception officials, amongst others. The dominant type of activity was the operational training for EASO deployed experts, aimed to provide the participants with the knowledge, skills and competences necessary to perform their tasks when supporting the asylum procedure of the Member State in the framework of the EASO's operation.

**Main components of the Operational Training in Greece and Italy:**

- Refreshers on the EASO core training modules (Inclusion, Interview Techniques, Evidence Assessment)
- Exclusion
- Overview of the national asylum system / Standard operating procedures and templates
- Session on vulnerability
- Practical case studies
- Country of origin information
- Dublin III Procedure
- Security briefing
- Press and media.

Furthermore, an extensive training programme was developed for interim caseworkers hired by EASO to further support the Member States under particular pressure in line with the agreed Operating Plans. The training programme consisted of different phases (Phase 1 (for Italy and Greece): EASO Training Curriculum core modules: Inclusion, Interviewing Techniques and Evidence Assessment; Phase 2 (for Italy and Greece): Tailor-made operational training session; Phase 3 (for Greece): On-the-job coaching), with a duration of 4 to 6 weeks. Through these trainings, 80 EASO interims were trained in 2017.

The Training Unit also heavily invested in the development of training material. This material included three Operational Trainer's Manuals (I: Interpreter, II: Access to the asylum procedure and III: Reception), several training programmes and other material in preparation to the training session. A Trainer's Manual and Guidelines for registration of applications for international protection in Italy is being developed.

In line with the Operating Plans signed for 2018, the training-related activities in the context of operations are foreseen to considerably increase when compared to previous years. EASO will again train diverse target groups, including approximately 250 interims hired to support Member States' national authorities.

### 3.4. Implementation of resettlement schemes

The European Resettlement Scheme launched at the JHA Council on 20 July 2015 came to an end on 8 December 2017 <sup>(492)</sup>.

By then, 19 432 people in need of international protection had been resettled under such scheme to 25 Member and Associated States <sup>(493)</sup> which amounts to 86 % of the 22 504 resettlements initially pledged and agreed upon by the parties <sup>(494)</sup>. **Poland, Slovakia, Slovenia, Bulgaria, Cyprus and Greece** did not comply with the commitments made under the EU Migration agenda to receive refugees through this resettlement scheme; whereas **Hungary** did not make any pledge to it.

The Commission issued a Recommendation on 27 September 2017 on enhancing legal pathways for persons in need of international protection, thus launching a new scheme that aims at resettling at least 50 000 persons by 31 October 2019 <sup>(495)</sup>. By 16 May 2018, more than 50 000 pledges had already been

<sup>(492)</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. <http://data.consilium.europa.eu/doc/document/ST-11130-2015-INIT/en/pdf>.

<sup>(493)</sup> Austria, Belgium, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Portugal, Romania, Spain, Sweden, Switzerland and the United Kingdom.

<sup>(494)</sup> [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20180314\\_progress-report-progress-report-european-agenda-migration\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20180314_progress-report-progress-report-european-agenda-migration_en.pdf).

<sup>(495)</sup> [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170927\\_recommendation\\_on\\_enhancing\\_legal\\_pathways\\_for\\_persons\\_in\\_need\\_of\\_international\\_protection\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170927_recommendation_on_enhancing_legal_pathways_for_persons_in_need_of_international_protection_en.pdf).

made by 20 Member States<sup>(496)</sup>, making it the largest EU collective engagement on resettlement to date<sup>(497)</sup>. By 16 May, over 4 000 persons have already been resettled under this new scheme<sup>(498)</sup>.

Meanwhile, the resettlement scheme under the 1:1 mechanism of the EU-Turkey Statement also continued to be implemented, with 13 313 persons resettled to 16 Member States since it came into force on 4 April 2016<sup>(499)</sup>.

Under these EU joint resettlement schemes, people have and will be resettled mainly from Turkey, Jordan and Lebanon, with a particular focus for the new scheme of 27 September 2017 to be placed also on resettling from the African countries placed along the Central Mediterranean route<sup>(500)</sup>.

In parallel to the implementation of the EU resettlement programmes, EU+ countries continued to implement other mechanisms. Overall, for 2017, Eurostat reported 27 450 persons, predominantly Syrians, resettled to EU+ countries. This section provides an overview of developments reported by EU+ countries as regards practical implementation of resettlement at national level.

In national resettlement programmes, national authorities make pledges on the number of resettled individuals they can take per year, based on their estimated reception and integration capacity, and also taking into consideration the projected number of arrivals to the country. In 2017, for instance, **Norway** and the **Netherlands**, which resettled respectively 2818 and 145 individuals, both announced an increase in the national resettlement quota for 2018, but stated that the low numbers of arrivals persist<sup>(501)</sup>.

**Sweden** implemented a resettlement programme of 3 400 places, an increase by 79 % compared to 2016. This was described as the first step in a gradual upscaling to 5 000 places in 2018, officially confirmed by the Government at the end of 2017. The main focus of this exercise was the selection of individuals from the MENA region (1 780), the Horn of Africa/east and central Africa and the Great Lakes area (820); persons were also resettled out of Iran (200) while 600 places were reserved for the urgent processing of priority cases worldwide.

On the basis of the EU Council Decision of 20 July 2015, **Germany** participated in the EU resettlement programme. According to this Decision, Germany admitted 1600 persons combined in 2016 and 2017, taking the annual national quota of 500 resettlement places into account. Within this programme, 1060 persons (Syrian refugees and their relatives) had been resettlement from Turkey, 363 persons had been resettlement from Egypt (Syrian, Eritrean, Sudanese, South Sudanese, Iranian, Iraqi, Zimbabwean, Somali, Ethiopian, Chadian refugees and their relatives) and 177 persons (Syrian refugees and their relatives) had been resettled from Lebanon. In addition to that, Germany admitted 2737 persons (Syrian refugees and their relatives) from Turkey to Germany in 2017 within the context of humanitarian admission. This programme will be continued in 2018. Germany has decided to take part in the selection missions to Niger. Germany will resettle 300 persons from Niger in 2018.

**Belgium**, which was due to resettle 1 150 persons in 2017 under a structural resettlement scheme designed in 2013, stepped up its activities and resettled 1 309 persons during the year (118 from DRC and

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<sup>(496)</sup> Belgium, Bulgaria, Croatia, Cyprus, Estonia, Finland, France, Germany, Ireland, Italy, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Romania, Slovenia, Spain, Sweden, United Kingdom.

<sup>(497)</sup> [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20180516\\_annexes\\_progress-report-european-agenda-migration\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20180516_annexes_progress-report-european-agenda-migration_en.pdf)

<sup>(498)</sup> 4,790 (by 16 May 2018) persons resettled under this scheme fall also within the scope of the 20 July 2015 scheme, as well as of the new 27 September 2017 scheme. More information available here: [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20180516\\_progress-report-european-agenda-migration\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20180516_progress-report-european-agenda-migration_en.pdf) and here: [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20180516\\_annexes\\_progress-report-european-agenda-migration\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20180516_annexes_progress-report-european-agenda-migration_en.pdf).

<sup>(499)</sup> 4 449 (by 7 March 2018) persons resettled under this scheme fall also within the scope of the 20 July 2015 scheme, as well as of the new 27 September 2017 scheme. More information available here: [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20180314\\_progress-report-progress-report-european-agenda-migration\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20180314_progress-report-progress-report-european-agenda-migration_en.pdf) and here: [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20180314\\_annex-5-progress-report-european-agenda-migration\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20180314_annex-5-progress-report-european-agenda-migration_en.pdf).

<sup>(500)</sup> [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20180314\\_progress-report-progress-report-european-agenda-migration\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20180314_progress-report-progress-report-european-agenda-migration_en.pdf).

<sup>(501)</sup> Coalition Agreement “*Vertrouwen in de toekomst*” [Confidence in the future] (2017). VVD, CDA, D66 and ChristenUnie. p. 51. <https://www.kabinetformatie2017.nl/documenten/publicaties/2017/10/10/regeerakkoord-vertrouwen-in-de-toekomst>.

1 191 Syrians). Besides, in a CGRS<sup>(502)</sup> identification mission in Lebanon in September 2017, State Secretary Francken pledged to resettle another 1 150 persons in 2018, 50 of which from the central Mediterranean route<sup>(503)</sup>.

The **United Kingdom** operated four resettlement schemes in 2017: Gateway (750 individuals per UK financial year); Mandate (which has no set quota, but is based on criteria such as family links)<sup>(504)</sup>; and the Vulnerable Persons Resettlement Scheme (VPRS)<sup>(505)</sup> and Vulnerable Children's Resettlement Scheme (VCRS) – with a goal of resettling 23 000 refugees by May 2020 altogether<sup>(506)</sup>. A community sponsorship scheme, launched in 2016 and enabling community groups to become directly involved in supporting families resettled through the VPRS and VCRS, contributed to resettling 53 refugees<sup>(507)</sup>.

In **France**, while the engagements made in 2014-2015 were maintained and complemented with the 2016-2017 programme, allowing a total of 5053 refugees to arrive in France – the President of the Republic in October announced a commitment to resettle 10 000 additional refugees and potential beneficiaries for the period 2018-2019. Among these, 3 000 will be resettled from Chad and Niger, as envisaged in the conclusion of the 28 August summit in Paris, which was held in response to the Commission's Action Plan of 4 July<sup>(508)</sup>. On that occasion, France, Germany, Italy, Spain and the EU committed to expand resettlement opportunities for refugees in Sahel countries. France has taken the lead of the initiative and has organised selection missions to Chad (217 identified) and Niger (68 identified) in October and November 2017<sup>(509)</sup>.

A total of 273 Syrian and Iraqi refugees transferred from Lebanon were resettled to **Ireland** in 2017 under the UNHCR resettlement programme and the resettlement strand of the 2015-2017 Irish Refugee Protection Programme (IRPP). Ireland pledged to resettle 1 200 people between 2018 and 2019. Ireland also admitted 515 Syrian and Iraqi people from Greece under the EU Relocation Programme in 2017<sup>(510)</sup>.

In terms of other relevant developments, as reported by UNHCR, **Spain** resettled 1 071 individuals from Turkey and Lebanon, while **Iceland** accepted 51 individuals from a national resettlement scheme in 2017. The Finnish Immigration Service carried out two interview missions to Ankara and one to Zimbabwe, during which 530 Syrian refugees and 120 Congolese refugees were selected, respectively, in accordance with the allocation decision made by the Minister of Interior in December 2016. **Finland** also selected 100 refugees defined by UNHCR as emergency cases, representing various nationalities, thus fulfilling its resettlement commitments. Similar commitments were made for 2018<sup>(511)</sup>. **Switzerland** continued upholding its commitments under the three resettlement programmes for the Syrian situation launched in 2013 (whereof 2 091 resettled refugees, out of a total number of 3 500 initially pledged, had already arrived in Switzerland, as of end of December 2017). The last programme will end in 2019<sup>(512)</sup>. Additionally, in December 2017, the Swiss Federal Council agreed to resettle 80 vulnerable refugees from

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<sup>(502)</sup> First instance asylum body in Belgium.

<sup>(503)</sup> <https://www.fedasil.be/fr/actualites/reinstallation/reinstallation-1150-refugies-en-2018>.

<sup>(504)</sup> Gateway and Mandate resettlement schemes <http://www.unhcr.org/40ee6fc04.html>.

<sup>(505)</sup> UNHCR published a study on the integration of refugees arriving under the VPRS programme. The study showed the programme working relatively well in terms of initial reception and early integration and highlighted areas for improvement, notably in English language provision, the need for support on the road to employment and further assistance for housing. <http://www.unhcr.org/uk/protection/basic/5a0ae9e84/towards-integration-the-syrian-vulnerable-persons-resettlement-scheme-in.html>.

<sup>(506)</sup> In 2017, as of June, 916 individuals had been resettled through the Gateway scheme, 28 through Mandate, 280 through the VCRS and 5 637 people the VPRS, including those financed under community sponsorship. Statistics published by the UK authorities: <https://www.gov.uk/government/collections/immigration-statistics-quarterly-release>.

<sup>(507)</sup> The UK Government released funding of GBP 1 million to build the capacity of community sponsorship groups <https://www.gov.uk/government/news/1-million-community-sponsorship-capacity-building-fund-opens-for-bids>.

<sup>(508)</sup> EC Action Plan to support Italy, reduce pressure along the Central Mediterranean route and increase solidarity, [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170704\\_action\\_plan\\_on\\_the\\_central\\_mediterranean\\_route\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170704_action_plan_on_the_central_mediterranean_route_en.pdf).

<sup>(509)</sup> <http://www.elysee.fr/declarations/article/declaration-conjointe-missions-de-protection-en-vue-de-la-reinstallation-de-refugies-en-europe/>.

<sup>(510)</sup> Department of Justice and Equality, Office for the Promotion of Migrant Integration – Resettlement Statistics. Available at: [www.integration.ie](http://www.integration.ie).

<sup>(511)</sup> [http://intermin.fi/en/article/-/asset\\_publisher/suomi-vastaanottaa-syrialaisia-ja-kongolaisia-pakolaisia-ensi-vuoden-pakolaiskiintiassa](http://intermin.fi/en/article/-/asset_publisher/suomi-vastaanottaa-syrialaisia-ja-kongolaisia-pakolaisia-ensi-vuoden-pakolaiskiintiassa).

<sup>(512)</sup> SEM, *Kommentierte Asylstatistik 3. Quartal 2017*, 19 October 2017, available at: <https://www.sem.admin.ch/dam/data/sem/publiservice/statistik/asylstatistik/2017/stat-q3-2017-kommentar-d.pdf>.

Libya by mid-2018 following UNHCR's call<sup>(513)</sup>. **Austria** successfully concluded its third Humanitarian Admission Programme in 2017, bringing the total number of resettled persons since 2013 to 1 902.

In the context of resettlement schemes with UNHCR, there are also countries running Emergency Transit Centres, which are special facilities established to provide emergency protection and accommodation to refugees evacuated from other countries, before they are resettled to a third country<sup>(514)</sup>. Currently, two of these centres are operating in **Slovakia** (Humenné)<sup>(515)</sup> and **Romania** (Timișoara)<sup>(516)</sup>.

Regarding new developments in national policies and practices related to relocation and resettlement, the European Affairs Unit was created within the **Luxembourgish** Directorate of Immigration of the Ministry of Foreign and European Affairs, which is also in charge of negotiations and implementation of relocation and resettlement. In **Ireland** a fourth Emergency Reception and Orientation Centre (EROC) was opened in Ballaghaderreen. The EROCs, whose establishment was foreseen under the Irish Refugee Protection Programme (IRPP), are used to provide initial accommodation for resettled refugees and relocated asylum seekers. In the **Czech Republic**, the Government passed a decision in June 2017 suspending the resettlement programme based on the worsening security situation in the EU. In **Denmark**, the Government paused the UNHCR resettlement scheme in 2016 and 2017, and introduced a new one starting as of January 2018. In addition, an amendment to the national Aliens Act was introduced, providing for the Minister for Foreigners and Integration to decide on the number of refugees to be resettled during the year<sup>(517)</sup>. This measure is in contrast to the previous measure, in which Denmark had agreed to accept a fixed number of 1 500 resettled refugees over a three-year period.

In the **United Kingdom**, new provisions concerning the VPRS and VCRS schemes were approved in July 2017. On the one hand, both schemes were opened to the most vulnerable refugees in the MENA region, regardless of their nationality (previously the scheme was only open to Syrian nationals). On the other hand, the status given to resettled individuals changed from humanitarian protection to refugee status. This change was made automatically for new arrivals, whilst those already in the UK are able to request to change their status<sup>(518)</sup>.

This development was welcomed by the UNHCR<sup>(519)</sup>. A similar approach applied in a case in **Spain**, which was overturned in a judgement by the Spanish National High Court (*Audencia Nacional*) on 11 December 2017. The court revoked the administrative decision to grant subsidiary protection to a Syrian family resettled to Spain from Lebanon, and granted refugee status instead. The decision was taken based on the Supreme Court jurisprudence, UNHCR guidelines on Syria, as well as on the fact that the family had already been recognised as refugee by UNHCR in Lebanon<sup>(520)</sup>.

For information on national Humanitarian Admission Schemes, see the corresponding section under [4.1 Access to procedure](#).

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<sup>(513)</sup> Secrétariat d'Etat aux migrations SEM, *La Suisse participe à l'évacuation de réfugiés se trouvant en Libye*, 8 December 2017, available at: [https://www.sem.admin.ch/sem/fr/home/aktuell/news/2017/ref\\_2017-12-083.html](https://www.sem.admin.ch/sem/fr/home/aktuell/news/2017/ref_2017-12-083.html).

<sup>(514)</sup> UNHCR, ETC Timisoara, 14 December 2016, available at: <http://bit.ly/2DuZqDN>; Operations in Romania, 16 December 2016, available at: <http://bit.ly/2D00jKO>. The last valid trilateral *Agreement between the Government of the Slovak Republic, UNHCR and the IOM concerning Humanitarian Transfer of Refugees in Need of International Protection through the SR* was closed on 18 November 2015.

<sup>(515)</sup> In 2017, 1 038 persons - including 502 children (17 of which born in Slovakia) - were transferred from Humenné.

<sup>(516)</sup> In 2017, 176 people were transferred from Timișoara (UNHCR input).

<sup>(517)</sup> The text of the amendment is available at: *Lov om ændring af udlændingeloven (Ny kvoteordning)*. <https://www.retsinformation.dk/Forms/R0710.aspx?id=196940> UNHCR's observations on the amendment are available at: <http://www.refworld.org/docid/59dcde544.html>.

<sup>(518)</sup> The UK Government decision to grant all refugees resettled in the UK Refugee rather than Humanitarian Protection status was welcomed by UNHCR and civil society. <http://www.unhcr.org/uk/5a0ae9e84.pdf>.

<sup>(519)</sup> UNHCR on the other side expressed its concerns vis-à-vis a growing trend in **France** to grant subsidiary protection by OFPRA to resettled individuals, instead of the forms of protection envisaged under the Geneva Convention. In that context, it should be noted that Candidates to resettlement schemes are registered and submitted by UNHCR to France but they are not necessarily already recognised as refugees by UNHCR. Therefore, their situation requires a full and individual examination by the determining authority which may either grant refugee status or subsidiary protection status depending on the candidate's personal circumstances.

<sup>(520)</sup> <http://www.poderjudicial.es/search/contenidos.action?action=contentpdf&database=AN&reference=8259071&links=Siria%20Y%20asilo&optimize=20180117&publicinterface=true>. It was noted by UNHCR that this decision has not been extended to other cases and that the trend to majorly grant subsidiary protection over Refugee status continues.

### 3.5. Practical cooperation and operational support

This section outlines main activities undertaken by EASO to enhance practical cooperation among EU+ countries and to provide operational support to Member States whose asylum systems are under pressure.

#### **EASO Consultative Forum and cooperation with civil society in 2017**

The Consultative Forum (CF) is a mechanism for the exchange of information and pooling of knowledge, created to ensure that a close dialogue is established between the Agency and civil society.

Throughout 2017, EASO has continued to engage in a two-way dialogue with civil society organisations through the organisation of CF meetings, electronic consultations on key EASO documents as well as by directly involving selected civil society organisations in various areas of EASO's work.

A total of four Consultative Forum Meetings took place in 2017, including the annual Plenary Meeting and a Regional Thematic meeting. The seventh Plenary Meeting took place in Brussels on 17 November. It brought together 230 participants to discuss and assess EASO's operational activities to frontline Member States and cooperation with civil society, including possible changes to the CF under the EUAA. A Thematic Regional meeting was organised in Trapani in September during which participants discussed the practical implementation of the hotspot approach and relocation. Members of the Forum had previously been consulted on the planning of these two events during an informal CF planning meeting in July. Finally, a small-scale CF workshop also took place in June where selected civil society organisations discussed and validated the findings of EASO's internal evaluation on the CF as conducted during April-June 2017.

The forum was further consulted on various key EASO documents through nine electronic consultations, including: the 2016 Annual Report on the Situation of Asylum; draft 2018 EASO Work Programme; 2016 Annual EASO General Report; draft Practical Judicial Guide on COI; draft Judicial Analysis on Asylum procedures; draft EASO training module on Interpreting in the Asylum Context; guidance on contingency planning; reception standards for (un)accompanied children, as well as; a survey on the satisfaction with the Annual Report on the Situation of Asylum.

EASO also continued to involve selected civil society organisations directly in various areas of its work through invitations to meetings, workshops, conferences, targeted consultations, etc. Throughout 2017, more than 160 meetings/activities took place with the involvement of civil society representatives.

Priorities for the CF in 2018, as stipulated in the 2018 EASO Work Programme, include the implementation of smaller-scale Regional/Thematic Meetings <sup>(521)</sup>, the optimisation of the implementation of CF activities by involving civil society in their organisation as well as the strengthening of EASO's relationship with operational NGOs, particularly in those Member States where EASO implements its support activities.

#### **Expansion of EASO's Early warning and Preparedness System**

In 2017, EASO focused its efforts on delivering an analytical portfolio to support decision-making in Member State asylum services and policy makers in Brussels, and to produce a more effective operational response at the external border. To this end, on a weekly and monthly basis, the EPS community of Member States shared with EASO standardised information on the asylum situation in the EU+. These asylum-related exchanged data were additionally supplemented by detailed information on root causes, migratory and refugee flows as well as on possible arrivals of large numbers of third country nationals which may cause disproportionate pressure on Member States' asylum and reception systems.

In 2017, EASO collaborated with the EPS community on the following thematic areas:

<sup>(521)</sup> First such meeting was organised by EASO on 28 March 2018 under the theme 'Access to Information: Exploring Existing Resources, Good Practices, and Ways Forward', where 30 organisations participated.

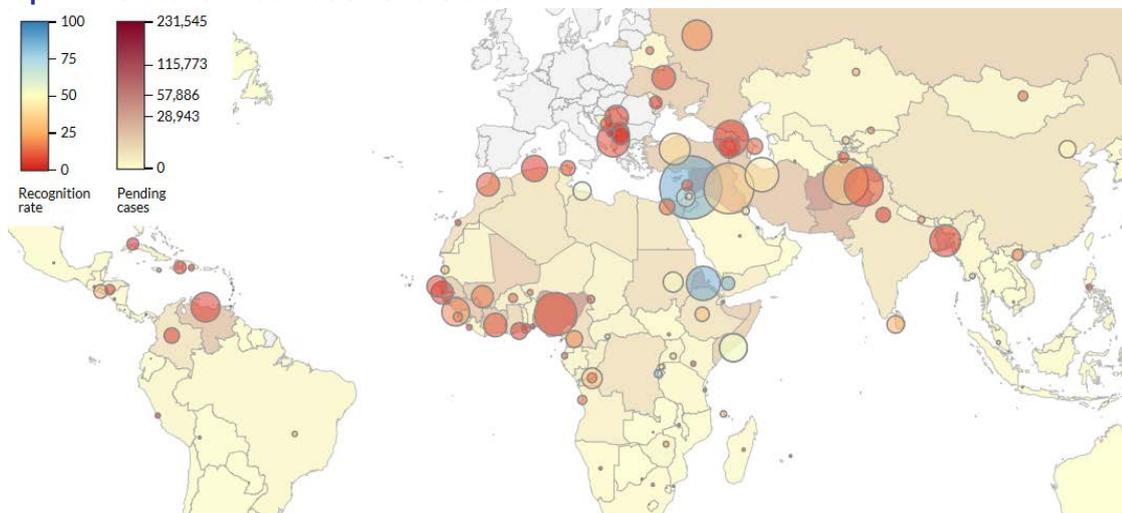
- **Data Hub:** Setting-up, maintaining and enhancing frameworks of data exchange, providing for a comparable and comprehensive view on the practical functioning of the CEAS with useful timescales. Interactive reports with the use of business intelligence tools were developed, enabling EPS network members to gain direct access and efficiently analyse up-to-date asylum data at EU+ level;
- **Analysis Team:** Carrying out joint analyses and producing regular analytical reports on the situation of asylum in the EU+ as well as on particular topics of interest identified on the basis of trends in asylum-related indicators. The delivered analyses aimed to support the work of EPS network members and enhance evidence-based policy making by high-level decision makers.
- **Research Team:** Better understanding the root causes and developing real early warning. A searchable database of literature on push and pull factors, as well as a report on the methodologies for the quantitative assessment of asylum-related migration, were published on the website of the [EASO Research Programme](#). In collaboration with the University of Siena, a review of surveys of asylum-related migrants was also carried out. The report will be published on the EASO website alongside of a searchable database of surveys. Moreover, a feasibility study for an EASO survey also received in preparation of the actual survey pilot project that will take place in 2018. Finally, EASO has started a feasibility study to assess the potential of monitoring big data and media events for the purpose of analysis and early warning.

Since March 2014, EASO exchanges information with EU+ countries, in a systematic and harmonised manner, in the context of the Early warning and Preparedness System (EPS), with an aim of achieving an accurate, timely and complete monitoring of the practical functioning of the CEAS.

Although the EU+ countries, voluntarily providing their monthly operational data to EASO, remain the owners of this information at country level, all participating countries have consented for EASO to disseminate aggregated figures at the EU+ level in order to provide the general public with an overview of some key indicators, such as the number of asylum applications, the main countries of origin of the applicants, the number and outcome of the examination of asylum applications at first-instance, as well as the stock of pending cases awaiting a first-instance decision.

A brief analysis of the developments during the most recent reference period alongside with an interactive visualisation of the data, updated on a monthly basis, can be accessed [via EASO's website](#)

**Map 2: Interactive visualisation of the data**



EASO's Information and 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>(522)</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. In total, 30 EU+ countries are now part of the IDS network.

Information provided in this section concerns Member States where operational support was provided by EASO during 2017. Additional details of EASO activities in terms of operational support and beyond are provided in the *EASO Annual General Report 2017*.

It should be noted that in addition to Member States listed below who received EASO support in 2017, 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](#).

#### *EASO support to Bulgaria*

EASO's support to Bulgaria began in 2013<sup>(523)</sup> and the current Special Operating Plan covers activities until the end of October 2018. In 2017, the support provided by EASO to Bulgaria comprised primarily capacity-building measures and support of competent authorities with the application of quality tools in the asylum procedure and compliance with the EU Asylum Acquis. Several EASO quality tools and practical guides were translated into the Bulgarian language. EASO, moreover, organised a number of training sessions. In the area of reception, workshop and study visit took place. To ensure efficient identification of special needs and early referral of vulnerable asylum applicants, including unaccompanied minors EASO supplied advice on guardianship, undertook a mapping of the Bulgarian childcare system and organised a workshop on age assessment.

#### *EASO support to 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 2019<sup>(524)</sup>. In 2017, In Cyprus, EASO delivered four training workshops in 2017 on the medico-legal aspects of torture for medical professionals and asylum caseworkers. Furthermore, EASO organised two study visits for Cypriot officials to Germany and Sweden on access to education, and one study visit to the Netherlands on the screening of asylum seekers. EASO also supported reception activities in the Kofinou centre and experts. EASO deployed experts and interim caseworkers in Nicosia for backlog management; operational training sessions were held and a standard operating procedure was drafted on the subject.

#### *EASO support to Greece*

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<sup>(522)</sup> More information can be found in EASO Newsletter for January 2016, available at: <https://www.easo.europa.eu/sites/default/files/public/EASO-Newsletter-January-2016.pdf>, page 4.

<sup>(523)</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, This plan will continue until October 2018 based on the most recent amendment to the Plan: <https://www.easo.europa.eu/sites/default/files/EASO-SSP%20to-BG-Amendment%20No-3-final-for-website.pdf>.

<sup>(524)</sup> The Special Support Plan to Cyprus was signed on 5 June 2014 available at: [https://www.easo.europa.eu/sites/default/files/EASO-CY-OP\\_0.pdf](https://www.easo.europa.eu/sites/default/files/EASO-CY-OP_0.pdf) and was extended with four consecutive amendments to the plan. The most recent amendment was done in December 2017: <https://www.easo.europa.eu/sites/default/files/SSP-CY-Amendment-No-4-web.pdf>. See: <https://www.easo.europa.eu/news-events/press-release-easo-signs-new-special-support-plan-cyprus>.

Greece was first provided with emergency support by EASO in 2011 <sup>(525)</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>(526)</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.

The Special Operating Plan signed in December 2016 aimed to provide timely, active and flexible support to the identified needs of the Host Member State. The plan was implemented over a period of 12 months, from January 2017 to December 2017.

During 2017, EASO's support focused on three main priority areas:

- Support to the implementation of the EU relocation programme

EASO supported the national authorities on the Greek mainland with the provision of information to potential relocation candidates, the referral to the Greek AS and the registration of applications for international protection. In this regard registration of eligible applicants for relocation was finalised in mid-March 2017, with approximately 27 000 persons having been registered in total; 24 904 requests for relocation were sent by Greece whereas 22 814 acceptances were sent by Member States. Over 7 500 calls were received weekly on the EASO hotlines, providing applicants with concrete and accurate information on their cases and the relocation procedure while over 50 site visits for information provision were performed.

Furthermore, EASO played a significant role in supporting the Dublin Unit in Athens, with asylum support teams supporting the processing of outgoing requests and transfers, on-the-job coaching and advice, training, capacity-building and operational support for Dublin caseworkers.

- Support to the operationalisation of the EU-Turkey Statement

More than 300 Member State experts, interpreters and interim caseworkers were deployed to the islands to support with the implementation of the EU-Turkey statement and enhancement of the Asylum and Reception system. EASO AST teams performed asylum interviews and drafted concluding remarks under the border procedure. EASO caseworkers conducted 9 134 interviews i.e. almost 68 % of the total interviews conducted at the five hotspots under the border procedure during the reference period. Moreover, in the framework of admissibility and eligibility procedures and the merged workflow, 645 vulnerability interviews and 2 274 assessments took place in 2017. In line with the European Commission's Joint Action Plan on the Operationalisation of the EU-Turkey Statement, enhancement of resources available for caseworkers, templates, guidance, quality checks at regular intervals and COI support in the production of factsheets have led to a reduction in the average processing time and enhanced the quality of work.

- Capacity building of concerned national authorities on the Common European Asylum System (CEAS), with a particular focus on reception, identification, assessment and referral of vulnerable applicants.

Activities for capacity building in the national authorities were implemented in the field of asylum and reception through the organisation of study visits, thematic meetings, workshops at the central level and on the islands and the secondment of key staff. Experts from EU+ countries were deployed in the context

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<sup>(525)</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>(526)</sup> EASO Special Support Plan to Greece First amendment in December 2015 [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 second amendment in April. <https://www.easo.europa.eu/sites/default/files/EASO%20HOTSPOT%20OPERATING%20PLAN%20TO%20GREECE-Amendment%20No%201.pdf>

of reception capacity building and interims were seconded to support operational needs. The main area of focus has been the identification, categorisation and referral of vulnerabilities.

EASO Operational Support in numbers:

- -9 experts were deployed for the provision of on-demand advice, tools and presentations to support the Dublin Unit of the Greek Asylum Service (AS) along with 6 interim support staff;
- -51 experts were deployed to provide support for the implementation of the EU Relocation Programme;
- -308 experts were deployed for the implementation of the EU-Turkey Statement
- -58 interim caseworkers were hired and trained by EASO, and complemented the deployed experts;
- -25 interim registration assistants, 1 ICT assistant and 2 interim statisticians;
- -11 interim assistant legal rapporteurs were hired by EASO and seconded to the Independent Appeal Committees for file preparation in support of the processing of asylum claims at second instance.

### *EASO support to Italy*

EASO has been supporting Italy since 2013 <sup>(527)</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>(528)</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>(529)</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>(530)</sup> was signed, serving as a uniform basis for EASO support activities to be implemented there in 2017.

On 22 December 2016, EASO and Italy signed an Operating Plan 2017, which defined EASO activities and support to Italian authorities related to relocation and Dublin procedures. With the signature of the Amendment to the Operating Plan of July 2017, two measures of operational support were added. EASO support can be summed up as follows:

- Support with the provision of relevant information on relocation to potential applicants for international protection and pre-identification of those eligible to be relocated or transferred under Dublin procedures.
- Support with handling registration of applicants for international protection, in view of the relocation procedure and Dublin procedures.

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<sup>(527)</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>(528)</sup> More information in EASO Newsletter for January 2016 <https://www.easo.europa.eu/sites/default/files/public/EASO-Newsletter-January-2016.pdf>

<sup>(529)</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>(530)</sup> <https://www.easo.europa.eu/sites/default/files/20161214%20EASO%20OP%20Italy.pdf>

- Support with handling outgoing Dublin take-charge requests for relocation cases and support for processing Dublin cases.
- Strengthening the reception capacity, especially regarding unaccompanied minors.
- Professional development activities and study visits.
- Strengthening the Ombudsperson for Children and Adolescents in implementing protection measures for unaccompanied children. In July 2017, EASO agreed with Italy on joint cooperation on the protection of unaccompanied children by supporting future legal guardians on asylum matters and access to international protection. The cooperation protocol also foresaw the involvement of EASO in the training of voluntary guardians who are currently recruited in the framework of Law 47/2017 on unaccompanied children.

All activities under the Operating Plan were implemented in support of the Italian asylum and reception system over a period of 12 months, from January 2017 until December 2017.

EASO Operational Support in numbers:

- 371 experts were deployed (34 experts for training and capacity building of the COI Unit; 327 experts were involved in procedures and tools),
- 18 interim staff provided operational and related administrative support.
- Interpreters/cultural mediators were made available via framework contracts to support the implementation of the relevant measures
- 10 interim experts supported the implementation of protection measures for unaccompanied children under the direct responsibility of the Ombudsperson.
- Almost 44 000 migrants arriving in Italy via the Central Mediterranean route were informed about the relocation scheme and the Dublin procedure by EASO asylum support teams.
- Support was provided for the registration of 10 726 applications for international protection for the relocation procedure, family unity criteria under the Dublin III Regulation, and national asylum procedure. Most of the registrations (6 349 applications) were related to the national asylum procedure, while 3 363 were registered under the relocation scheme and 1 014 applications were related to the Dublin procedure. Moreover, in the second quarter of 2017, EASO provided support with the modification/update of the templates for detection of potential exclusion cases, for vulnerability check and for the registration of family members in the relocation context.
- 10 726 candidates have been registered for relocation, the Dublin procedure or the national asylum procedure. 7 999 relocation requests were sent and 9 203 relocation decisions prepared. Additionally, 1 320 outgoing Dublin requests were processed. By the end of 2017, 11 436 candidates were transferred under the relocation scheme from Italy. The transfer of a number of outstanding candidates for relocation is foreseen in 2018.

On 15 December 2017, EASO and the Italian authorities signed a new Operating Plan for 2018, which enlarged EASO mandate in Italy adding new measures and activities related to different areas of operational support.

## **4. THE FUNCTIONING OF THE CEAS – DEVELOPMENTS AND CASE LAW IN KEY AREAS**

### **4.1. Access to procedure**

In 2017 there were 728 470 applications for international protection in the EU+, compared with 204 719 detections of illegal border crossing at the EU external borders (see [2.1 Applicants for international protection in the EU+](#)). The difference between these two numbers suggests that only a small proportion of asylum applicants may have been detected illegally crossing the external border. This might mean that

at least some applicants may have crossed the external border undetected. However, some might have arrived at Border Crossing Points (BCPs) as regular passengers either using fraudulent documents, holding authentic visas, or even gaining access via a visa-free regime. Finally, it is not unreasonable to assume that some applicants may have been in the EU for some time before applying for asylum.

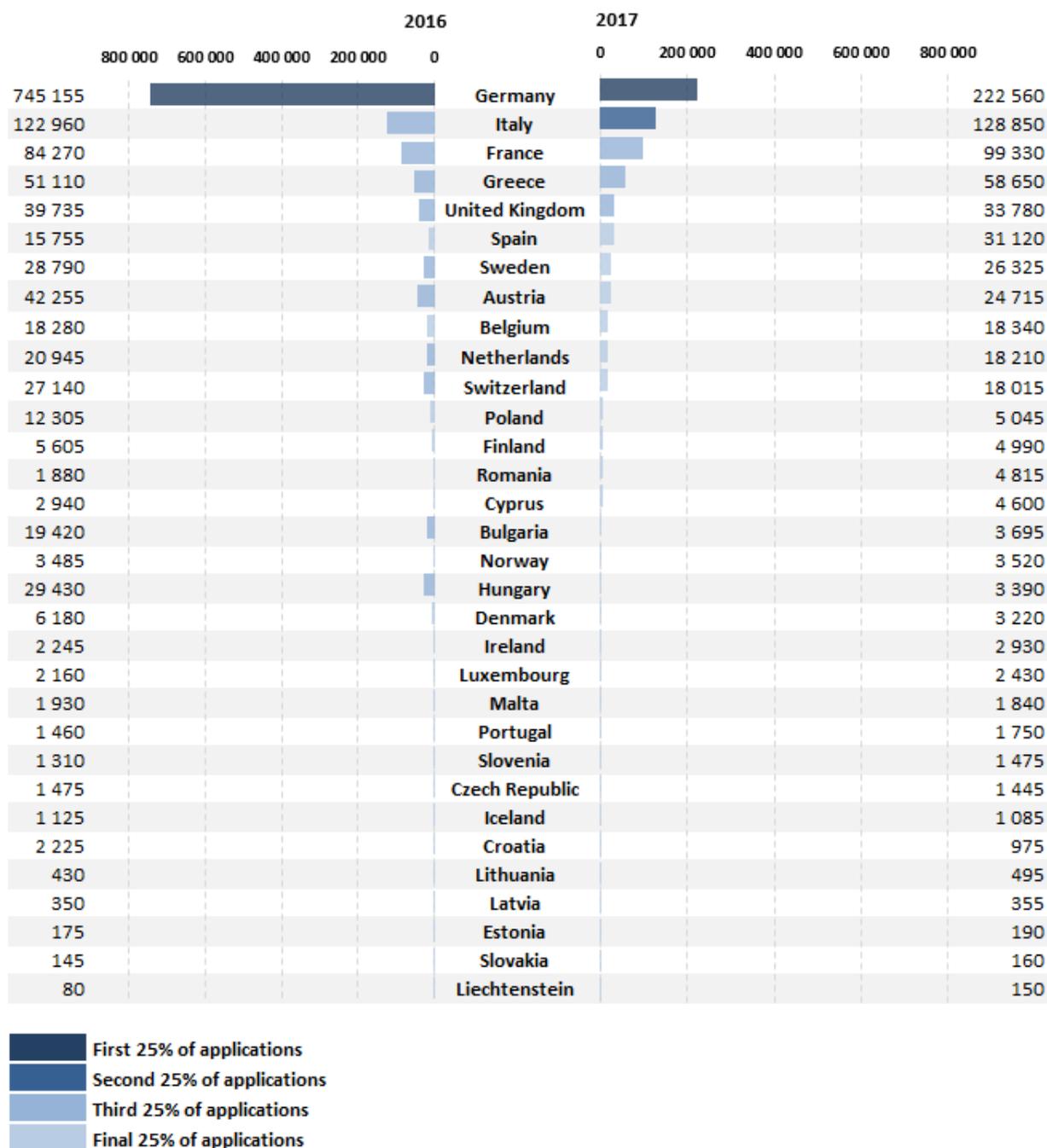
Distinguishing persons in need of protection from other groups of migrants is key for the swift management of mixed migration flows. This will ensure that individuals are channelled into respective procedures according to their needs and in line with applicable legal standards under international and 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.

This section provides further details as regards the number of applicants received in 2017 by individual EU+ countries, as well as information on measures taken by countries in areas relevant to access to procedure, including both applications made by persons arriving to the territory spontaneously and those transferred by dedicated organised channels – such as humanitarian admission.

In 2017, the main receiving countries for asylum applicants were **Germany, Italy, France, Greece and the United Kingdom** (Fig. 26). The top four remained the same, whereas the United Kingdom replaced Austria as the fifth main receiving country. These five countries jointly accounted for three quarters of all applications lodged in the EU+.

Germany was the main receiving country for the sixth consecutive year. Despite a 70 % decrease in applications lodged in 2017 compared to 2016, its total of 222 560 applications was almost double that of any other receiving country. Italy was the second main receiving country, with 128 850 applications. France followed with a total over 100 000 applications. At a distance, Greece recorded 58 650 applications (which in relation to the number of inhabitants makes Greece the main receiving country), and the United Kingdom - 33 780. In Spain the number of applications doubled and almost reached the same level as the United Kingdom: 31 120. In Austria, still the fifth main receiving country in 2016, the number of applications were halved, and it was the eighth main receiving country in 2017 with 24 715 applications (Fig. 26).

**Main destination countries of applicants in 2016 (left) and 2017(right)**



**Figure 26: In 2017 Germany still received the most applications.**

While in the EU+ as a whole the number of applications decreased by 44 % in 2017 compared to 2016, this decrease was only reflected in half of all EU+ countries (Fig. 27). In the other half, there was a slight to substantial increase. It is important to look at those changes in both absolute and relative terms. High increases in the absolute numbers of applicants automatically represent an increased workload to process those cases. But also an increase in seemingly lower absolute numbers may pose a significant challenge for a country if, in relative terms, it is significant compared to the volume of applicants previously received by the country.

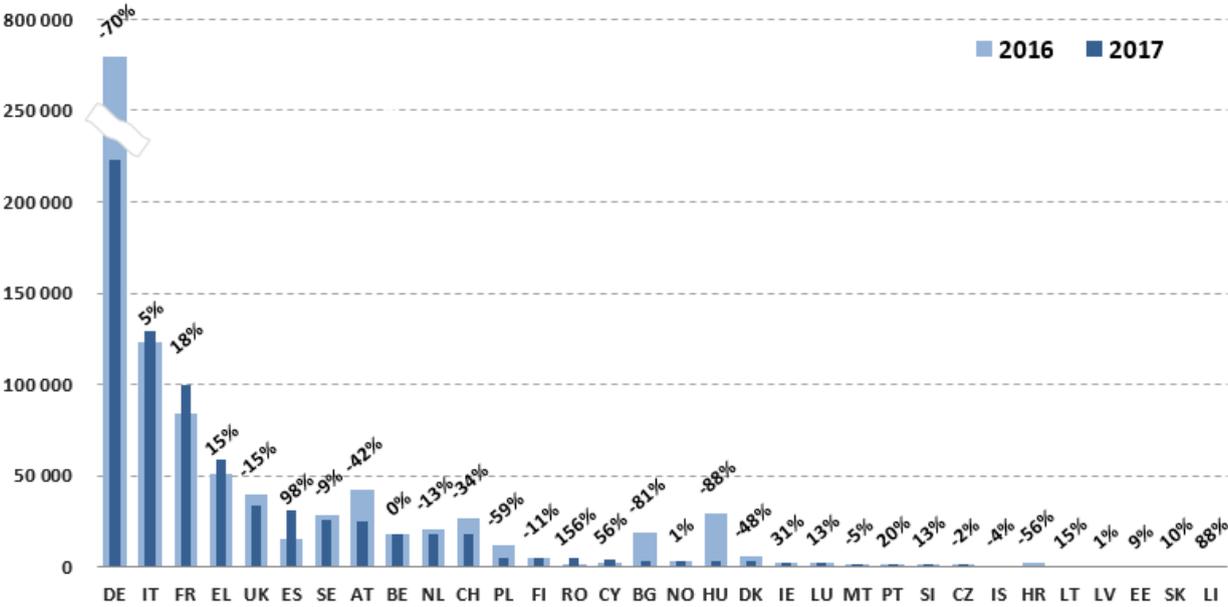
Two countries stood out in 2017 because of their significant increases, both in absolute and relative terms. In Spain there was a 98 % increase, doubling the absolute number of applications (+ 15 365). This was related to a varied range of citizenships, but most of all Venezuelan applicants who lodged 2.5 times more applications. Romania's relative increase was even more substantial at + 156 %, or an absolute increase by 2 935 applications. Also, here the increase was spread over a range of citizenships, but mostly

caused by larger numbers of Iraqi applicants. Also Liechtenstein (+ 88 %), Cyprus (+ 56 %) and Ireland (+ 31 %) were among the countries with the highest relative increases.

Germany, despite remaining the main receiving country, experienced the largest absolute and relative decrease. There were more than half a million fewer applications, or a 70 % decrease compared to 2016. The decrease was spread over most citizenships, with exceptions for Turkish and Guinean applicants.

Also **Hungary** and **Bulgaria** stood out with considerable decreases. In **Hungary** the total decreased by 26 040, or an 88 % decrease. In Bulgaria the absolute decrease was of 15 725 applications, in relative terms an 81 % decrease. Austria should also be highlighted with an absolute decrease of - 17 540 or - 42 %. In these three countries, the largest decrease took place for Afghan applicants. Decreases in relative terms were also significant in Poland (- 59 % or - 7 260, mostly lower numbers of Russian applicants) and in Croatia (- 56 % or - 1 250, mostly Afghans along with other citizenships).

**Year-to-year absolute and relative change in number of applications issued in EU+, by country 2016-2017**



**Figure 27: Applications in Germany decreased precipitously, but significant increases took place in both Spain and France**

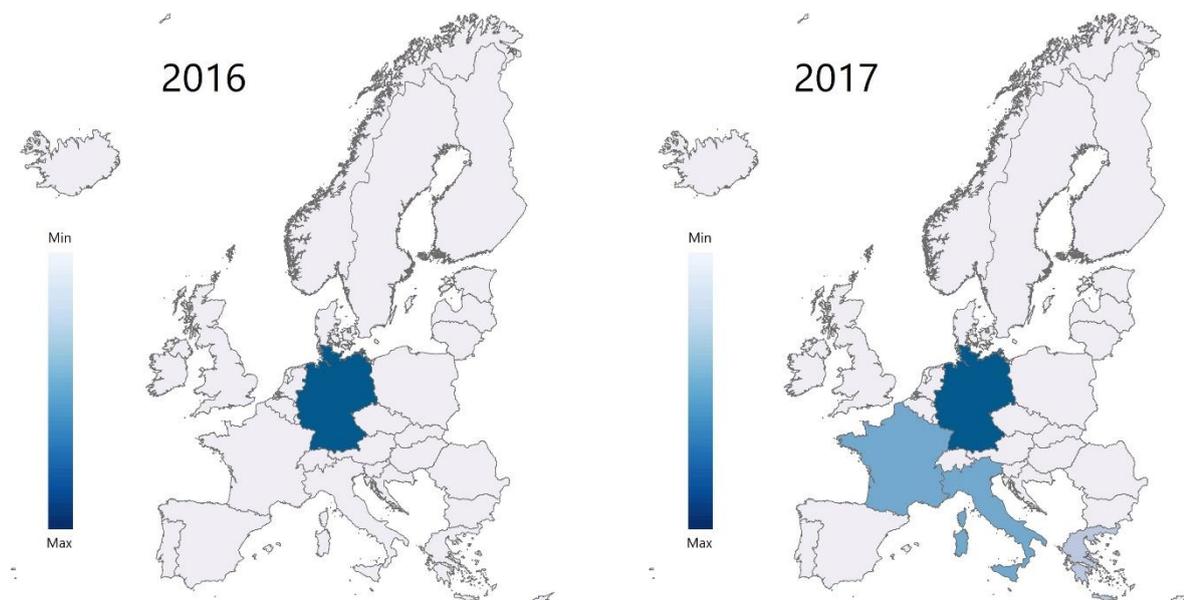
In 2017, the number of applications lodged in these EU+ countries each month remained relatively stable throughout the year. In Germany applications averaged around 18 500 monthly, with higher levels in January and August and a drop in December.

**Towards a more balanced distribution of applications among EU+ countries**

Germany remained the main receiving country, despite decreased applications. Applications in Germany fell from 745 155 applications lodged in 2016 to 222 560 in 2017, a 70 % decrease.

Germany alone accounted for 31 % of all applications lodged in the EU+ in 2017. In 2016, however, Germany’s share in the total was almost twice as large at 58 %. At the same time, the proportion of applicants in the other main receiving countries, in particular Italy, France, Greece, the United Kingdom and Sweden, almost doubled between 2016 and 2017. These data indicate that the distribution of applications among EU+ countries became more balanced.

**Map 3: Distribution of applications for international protection across EU+ countries in 2016 (left) and 2017 (right)**



Note: The minimum and maximum values in the two figures refer to within-year variation. The colour scheme divides countries into five clusters with equal ranges, which allows for comparison of the dispersion of applications across receiving countries.

#### *Access to territory*

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. While several EU+ countries continued in 2017 to use temporary reintroduction of border control (when necessary) at internal Schengen borders<sup>(531)</sup>, the **Swedish** Government decided to phase out the extraterritorial identity checks on persons travelling to Sweden on public transportation from Denmark<sup>(532)</sup>.

Various concerns were raised by civil society stakeholders in several EU+ countries with regard to access to the territory including the asylum procedure. Civil society reported on limited access to the territory including the occurrence of pushbacks in several Member States, and concerns were also reported by the Fundamental Rights Agency<sup>(533)</sup>.

In that context, civil society reported in **Greece** an increased occurrence of pushbacks on the land border with Turkey in 2017, prompting a reaction from the Greek Ombudsman and the Council of Europe<sup>(534)</sup>.

In **Spain**, especially at the enclaves of **Ceuta** and **Melilla**, various civil society organisations reported on cases concerning refusal of entry, alleged *refoulement*, collective expulsions and push-back operations<sup>(535)</sup>. In its judgment issued in October 2017 ECtHR found that the law and practice at the

<sup>(531)</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).

<sup>(532)</sup> These ID-checks, which were carried out by public transportation operators in the border region between Denmark and Sweden, had originally been introduced in January 2016, on a temporary basis and in response to the extraordinary refugee situation at the time. The checks had made it harder for migrants without travel documents to reach Swedish territory while they had also slowed down cross-border commuting for people living and working in the Swedish-Danish border region. The Swedish Network of Refugee Support Groups (FARR) assessed that it impacted on the number of applications that were filed. Input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/swedish-network-farr.pdf>.

<sup>(533)</sup> <http://fra.europa.eu/en/news/2018/migrant-pushbacks-growing-concern-some-member-states>.

<sup>(534)</sup> See ECRE contribution with reference to GCR, 'Αναφορές για συστηματικές επαναπροωθήσεις στον Έβρο από εξυτηρητούμενους του ΕΣΠ', <http://bit.ly/2HE16MS>. Amnesty International *Greece: A blue print for despair. Human rights impact of the EU-Turkey deal* (February 2017) <https://www.amnesty.org/en/documents/eur25/5664/2017/en/>.

<sup>(535)</sup> Consejo General de la Abogacía Española, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/Consejo-General-Abogacia-Espanola.pdf>; European Council for Refugees and Exiles (ECRE), input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/ecre.pdf>. Save the Children, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/save-the-children.pdf>; and Servicio Juridico Area de Programas.

Spanish border was in violation of Article 4 Protocol 4 (prohibition of collective expulsion of aliens) <sup>(536)</sup>. Moreover, at the mainland, especially at the southern borders of Almeria, Motril, Malaga, Algeciras, Murcia and Cartagena, obstacles of accessing the procedure were also identified, including cases of asylum seekers who, after rescue at sea, were detained in detention centres without having had the possibility to lodge an application for international protection <sup>(537)</sup>.

In **France**, the **French-Italian border** remained placed under the regime of re-establishment of internal border controls, leading to various civil society organisations pointing to consequent non-admission to the territory of many migrants at this border <sup>(538)</sup>. The increased border controls further resulted in a shift of migratory routes, with migrants taking routes that are more dangerous to arrive from Italy to France via the mountains. Along the **Swiss-Italian border**, similar obstacles were encountered, with people seeking asylum in Switzerland being returned to Italy without reportedly having had the opportunity to lodge a claim for asylum <sup>(539)</sup>. This also included underage asylum seekers <sup>(540)</sup>. The Swiss government (Federal Council) has rejected these criticisms as unfounded. Persons, who request asylum at the border or following their detention for illegal entry in the vicinity of the border or within Switzerland, shall normally be assigned by the competent authorities to a reception and processing centre. Finally, difficulties in accessing the country's territory were also reported by civil society <sup>(541)</sup> in **Bulgaria** <sup>(542)</sup>, **Croatia** <sup>(543)</sup>, **Romania** <sup>(544)</sup>, and **Poland** <sup>(545)</sup>. In **Poland**, the Helsinki Foundation for Human Rights, for example, reported that strict border controls remained in place along the Polish-Belarusian border and Polish-Ukrainian border; few asylum seekers were in a position to lodge and register their application (limited to only approximately 8-9 persons per day). Such practice led to the registration of 34 court cases concerning the non-admission of asylum seekers to the asylum procedure, as well as four cases that are currently pending at the ECtHR <sup>(546)</sup>.

#### *Legislative changes regarding access to procedure*

In **Hungary** following the adoption of the relevant legislation setting out extraordinary measures in times of crisis situation (see [Section 3.1](#)) from 28 March 2017 all asylum applications shall only and exclusively be made and lodged in person to the authority in the transit zones <sup>(547)</sup>. Information is provided to the

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<sup>(536)</sup> ECtHR, *N.D. and N.T. v. Spain*, October 2017.

<sup>(537)</sup> Consejo General de la Abogacía Española, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/Consejo-General-Abogacia-Espanola.pdf>

<sup>(538)</sup> AEDH, ECRE, Forum Refugiés-Cosi, European Association for the Defence of Human Rights, AEDH, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/AEDH.pdf>; European Council for Refugees and Exiles (ECRE), input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/ecre.pdf>; Forum réfugiés-COSI, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/forum-refugiés-cosi-webv.pdf>.

<sup>(539)</sup> Asylex, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/Asylex-web.pdf>.

<sup>(540)</sup> Asylex, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/Asylex-web.pdf>.

<sup>(541)</sup> Friedrich Ebert Stiftung *The EU-Turkey Refugee Deal and the Not Quite Closed Balkan Route (June 2017)* discussing pushbacks in Bulgaria, Croatia and Hungary. <http://library.fes.de/pdf-files/bueros/sarajevo/13436.pdf>. Médecins Sans Frontières *Games of violence: unaccompanied children and young people repeatedly abused by EU Member State border authorities* <http://www.msf.org/sites/msf.org/files/serbia-games-of-violence-3.10.17.pdf>.

<sup>(542)</sup> Asylum Protection Center, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/Asylum-Protection-Centre-Serbia.pdf> and ECRE with reference to the AIDA Country Report Bulgaria, 2017 Update, <http://bit.ly/2ErP7Qz>.

<sup>(543)</sup> European Association for the Defence of Human Rights, AEDH, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/AEDH.pdf>. The Croatian Ministry of Interior emphasised in that regard the Croatian police is applying Article 13. paragraph 2. of the Schengen Borders Code to prevent and deters migrants from illegal entry, using all available human and technical resources, at the same time respecting the human rights of migrants. Police officers are required to identify those in need of international protection.

<sup>(544)</sup> AIDA, Country Report Romania, forthcoming.

<sup>(545)</sup> Contribution from Helsinki Foundation for Human Rights (input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/helsinki-foundation-for-human-rights.pdf>) and ECRE with reference to the AIDA, Country Report Poland, 2017 Update, <http://bit.ly/2ozUJm5>.

<sup>(546)</sup> Helsinki Foundation for Human Rights, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/helsinki-foundation-for-human-rights.pdf>. As opposed to this, according to the Office for Foreigners, the situation resulted from the constant pressure on one border crossing in Terespol, where around 60 % of applications for international protection are submitted. The registration process can be lengthy due to the fact that the lodging of the application takes place during the border control and there is a need to obtain detailed information about the foreigner. Also, according to the Border Guard, many foreigners, instead of the need to seek protection, declare economic reasons for entry without meeting the necessary criteria, whereupon they are issued a decision on refusal of entry.

<sup>(547)</sup> Unless the applicant is subjected to a measure restricting personal freedom as a criminal sanction or as a previously ordered alien policing measure; where the conditions for ordering asylum detention are met, or where the applicant is already lawfully residing in Hungary and does not request placement in a reception center.

applicants when they submit their application in front of the competent asylum authority in the transit zones, where all applications are registered.

The legal changes in **Hungary** have been commented upon by the Hungarian Helsinki Committee <sup>(548)</sup> who assessed that it would lead to migrants being blocked at the border fence without the possibility to lodge an asylum application and being pushed back towards Serbia. It was pointed out that only a very limited number is let into each transit zone per day (no more than 1 per day) and while at these transit zones, asylum seekers are accommodated in detention centres for the entire duration of the asylum procedure. UNHCR issues a statement that physical barriers and restrictive policies have resulted in effectively denying access to territory and asylum <sup>(549)</sup>.

The Council of Europe published in June 2017 their report of the fact-finding mission by Ambassador Tomáš Boček, Special Representative of the Secretary General on migration and refugees to Serbia and two transit zones in Hungary <sup>(550)</sup>.

In **France** as regards asylum applications made at the border, 2017 saw the implementation of the provisions of the law of 29 July 2015 making it possible to determine the State responsible for processing the asylum application in accordance with the Dublin Regulation as part of the procedure conducted at the border (3 transfer decisions were made in this context in 2017). In **Belgium** the concept of making, registering and lodging of the asylum application as described under Article 6 of the Asylum Procedures Directive were introduced into national legislation <sup>(551)</sup>. The law also provides a number of changes related to the procedures used to determine identity within the procedure for international protection, at the registration stage and beyond (see [Section 3.3.](#)).

In **Italy** legislation defining the so-called hotspots (*punti di crisi*) was introduced <sup>(552)</sup> stipulating that ‘the foreigner who is contacted on the occasion of the irregular crossing of the internal or external border or who has arrived in the national territory as a result of rescue operations at sea is to be conducted for the needs of first aid and assistance to appropriate crisis points set up within the framework of [the respective legislation]’ <sup>(553)</sup>. The new rules provide that in such structures the “digital fingerprinting and identification operations” must be carried out, where [the foreigner must be] provided with the information on the international protection procedure, on the programme for relocation in other EU Member States and on the possibility of recourse to assisted voluntary repatriation’.

Significant developments took place in **Ireland** where the International Protection Office (IPO) focused in 2017 on putting the new single application procedure in place, in line with the International Protection Act 2015 that was fully commenced from 31 December 2016. Further developments in Ireland concerned subsidiary protection applications, where new regulations came into operation from 2 October 2017 <sup>(554)</sup>. The Regulations applied to persons who had been refused refugee status in Ireland since the introduction of the European Communities (Eligibility for Protection) Regulations 2006 <sup>(555)</sup> and who had been invited to make applications for subsidiary protection under those Regulations or the subsequent European Union (Subsidiary Protection) Regulations 2013 <sup>(556)</sup>, but had not made the application within the 15-working day time limit or had not had their application considered on the basis that the 15-working day time limit to make an application had expired. The 2017 Regulations provided for a 30-working day time frame from 2 October 2017 up to and including 13 November 2017 for applicants to request to be

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<sup>(548)</sup> See AIDA, Country Report Hungary, 2017 Update, <http://bit.ly/2Fnqu8V>; Hungarian Helsinki Committee, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/hungarian-helsinki-committee.pdf>.

<sup>(549)</sup> UNHCR urges suspension of transfers of asylum-seekers to Hungary under Dublin: <http://www.unhcr.org/news/press/2017/4/58eb7e454/unhcr-urges-suspension-transfers-asylum-seekers-hungary-under-dublin.html>.

<sup>(550)</sup> Available at: [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=090000168075e9b2#\\_Toc494960724](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=090000168075e9b2#_Toc494960724).

<sup>(551)</sup> The Draft Law adopted by the Parliament on 9 November 2017 modified accordingly Article 50 of the Immigration Act .

<sup>(552)</sup> Decree Law 13/2017 converted by Law No. 46/2017 inserted Art. 10 *ter* into Legislative Decree No. 286/98.

<sup>(553)</sup> Decree Law of 30 October 1995, No 451, converted, with amendments, into the Law of 29 December 1995, No. 563.

<sup>(554)</sup> European Union (Subsidiary Protection) Regulations 2017 (S.I. No. 409 of 2017). These regulations were introduced to take into account of the judgment of the CJEU in the *Case C-429/15 E.D. v Minister for Justice and Equality* and of the Irish Court of Appeal in the same case *E.D. v Minister for Justice and Equality (No. 2)* [2017] IECA 20.

<sup>(555)</sup> S.I. No. 518 of 2006.

<sup>(556)</sup> S.I. No. 426 of 2013.

admitted to the subsidiary protection process <sup>(557)</sup>. Provision was also made for late applications after that date.

In **Germany** youth welfare offices are now in principle required to submit an asylum application for all unaccompanied minors without delay, as standard procedure, if international protection is a possibility and if conducting the asylum process would not conflict with the well-being of the child or young person.

### *Registration*

After an application is made, it must be registered. The registration should be completed as soon as possible, respecting the time limits prescribed by the Asylum Procedure Directive (APD). When an application has been made to an authority that is competent to register such application, then it must be registered, in principle, within 3 working days <sup>(558)</sup>. At this stage of the access to the asylum procedure, authorities are required to collect basic personal details about the applicant, thus this process may also in practice be linked to identification and screening activities.

In the **Netherlands** in 2017 the Identification and Registration (I&R) procedure of asylum seekers was tightened by the police, partly due to an increasing attention for national security. The Foreigner and Migration Criminality Task Force was set up to redesign the I&R procedure <sup>(559)</sup>. The entire procedure is supported by a digital file tracking system. After several try-outs carried out in 2017, the renewed procedure will be implemented in 2018.

The **Belgian** Government decided on 7 July 2017 to open a separate registration centre in Neder-Over-Heembeek in order to make the registration of asylum seekers and the allocation to reception structures more efficient <sup>(560)</sup>.

A minor amendment to the Act No 325/1999 Coll., on Asylum came into force on 15 August 2017 in the **Czech Republic**. An amendment includes among others the provision regarding the obligation to register the sex of the asylum seeker, his or her family background including spouse and children at the time of lodging an application.

### *Accessing procedure within reasonable time*

Civil society organisations reported practical obstacles in accessing the asylum procedure within reasonable time: In **Bulgaria**, civil society raised delays <sup>(561)</sup>. Also in **France**, civil society alleged that, despite changes in the registration procedure, delays in lodging applications (where France has been facing a constant increase of applicants since 2015, and their concentration in some regions) remain to be fully solved <sup>(562)</sup>.

### *Court proceedings regarding access to procedure*

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<sup>(557)</sup> International Protection Office (22 September 2017) Information Note European Union (Subsidiary Protection) Regulations 2017 IPO (SP) 05. Available at: [www.ipo.gov.ie](http://www.ipo.gov.ie).

<sup>(558)</sup> There is a possibility for an extension on this time limit in two situations: when applications were made to an authority not competent to register – it should be referred to a competent authority and must be registered no later than 6 working days; and when there is a large influx of simultaneous application - the time limit may be extended to a maximum of 10 working days.

<sup>(559)</sup> The renewed procedure assumes that the first identification process is executed locally, followed by monitored transportation to the Application Centre (AC). At the Application Centre, an interdisciplinary team works according to a standardised procedure. Where necessary, an individualised approach will be adopted. The eventual file is provided with a process-oriented recommendation for each third country national. Here international private law verification also takes place in respect of the manner of registration of the name of the asylum seeker. This ensures that the first registration in the immigration process is immediately in conformity with the method of registration in the Persons Database.

<sup>(560)</sup> Innovative reception centre will be the only registration point for people who want to apply for international protection in Belgium. With a capacity of 750 places, this centre should be able to rapidly respond to fluctuations in the influx of applicants for international protection. The application centre will thus fulfil both a reception and registration function and will meet three objectives: 1) the determination of the identity of the applicant for international protection; 2) a security screening of the applicants for international protection in order to assess the public security risks; 3) an initial reception with observation of the situation of the applicant for international protection; 4) the further harmonisation of the arrival phase of the reception pathway. The opening of this new centre is planned for summer 2019.

<sup>(561)</sup> According to Bulgarian Helsinki Committee (BHC) access to the asylum procedure was delayed for those held in detention, rising from an average of 9 days in 2016 to an average of 19 days in 2017, despite a substantial decrease in new arrivals and asylum applications AIDA, Country Report Bulgaria, 2017 Update, <http://bit.ly/2ErP7Qz>. The State Agency for Refugees objects to the findings of BHC concerning delays in the AIDA report. Each person held in detention center has access to the asylum procedure within the set deadline.

<sup>(562)</sup> AIDA, Country Report France, 2017 Update, <http://bit.ly/2BsOFmB>; Safe Passage, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/safe-passage.pdf>.

Some judgments concerned the situation of applicants at the external borders of the EU - in this respect, the European Court of Human Rights (ECtHR) has communicated to the **Lithuanian** Government a case initiated by a Chechen family who claim that their asylum applications were ignored several times at different Border Crossing Points at the external border with Belarus<sup>(563)</sup>. In a similar vein, on 14 December 2017, the Vilnius Regional Administrative Court partly satisfied the complaint of another Chechen family who had been refused entry into Lithuania<sup>(564)</sup>. On 14 February 2018, the Supreme Administrative Court of Lithuania confirmed the above findings rejecting the appeal lodged by the State Border Guard Service<sup>(565)</sup>.

#### *Legislation related to emergency situations*

Some EU+ countries adopted legislation related to possible mass influx resulting in an emergency situation.

In **Norway**, in 2017 most of the temporary amendments introduced in 2015<sup>(566)</sup> were made permanent, allowing the police to use coercive measures, i.e. detention and orders to stay in a specific location, to a greater extent in cases where an asylum application is likely to be dismissed. The objective is to maintain public order, prevent absconding and ensure fast, efficient return procedures, especially during a mass influx. In 2016, a new section to the Asylum Act was introduced, allowing the **Austrian** Federal Government to adopt a decree in which it determines that the maintenance of public order and the safeguarding of internal security are endangered; allowing foreigners to be returned to neighbouring countries, unless border guards determine there would be a risk of violation of Articles 2, 3 or 8 of the ECHR<sup>(567)</sup>. On 1 July 2017, the new Emergency Act<sup>(568)</sup> came into force in **Estonia**, which provides a legal basis for crisis management, including preparing for and resolving an emergency, as well as ensuring the continuity of vital services. According to the Act, events that could lead to an emergency and that are subject to a risk assessment are, among others, a mass influx of refugees and a mass border violation. A related amendment to the Act on Granting International Protection was initiated to enable the Police and Border Guard to perform its duties in the situation of mass influx of asylum seekers.

#### *Practical policies and measures*

EU+ countries also implemented a number of practical policies and measures to ensure access to asylum procedure and swift registration, as well as to counteract secondary movement.

**Italy** opened a new hotspot in Messina (adding to the already operational hotspots in Lampedusa, Trapani, Pozzallo, and Taranto). The establishment of more centres in is also foreseen.

In **Greece** in January 2017, the lodging appointments of approximately 2 500 asylum seekers who had been registered in the 'pre-registration exercise' of summer 2016 were expedited, leading to conclusion of the lodging of the applications of the pre-registered population already in early March instead of end of April as initially planned.

In March 2017, the **Greek** Asylum Service in the mainland started fingerprinting (category GR1) international protection applicants when they were being registered and they were issued with their

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<sup>(563)</sup> M.A. and Others against Lithuania lodged on 25 July 2017, Application no. [59793/17](https://hudoc.echr.coe.int/eng#{), available at [https://hudoc.echr.coe.int/eng#{"itemid":\["001-178422"\]}](https://hudoc.echr.coe.int/eng#{).

<sup>(564)</sup> According to the applicants, their asylum requests were ignored by border guards. The Court found that the border guards failed to take appropriate steps with a view to ensuring that the asylum applications were received and examined, and imposed an obligation on the State Border Guard Service to allow the applicants to enter the territory of the Republic of Lithuania and to lodge applications for asylum.

<sup>(565)</sup> Lietuvos vyriausiasis administracinis teismas, 2018 m. vasario 14 d. nutartis, administracinė byla Nr. eA-3309-575/2018, available at <http://liteko.teismai.lt/viesaspredimupaieska/tekstas.aspx?id=1b369b5e-9d0d-4f8f-b0fc-ccaa863d2af6>.

<sup>(566)</sup> Temporary amendments were made to the Norwegian Immigration Act on 20 November 2015.

<sup>(567)</sup> UNHCR argued against the law amendment and the subsequent draft proposal for an emergency decree as (i) the fast track procedure at the border would be at variance with international refugee protection standards and (ii) the actual situation in Austria could not be considered as a risk for public order and internal security. See: UNHCR Position Papers: <http://www.refworld.org/docid/58789ea34.html>, <http://www.refworld.org/docid/5878a00f4.html> and press releases: <http://www.unhcr.at/presse/pressemitteilungen/artikel/43166048dac9b06e39b8f501c7527f13/besorgnis-ueber-geplante-sondervorordnung.html>, <http://www.unhcr.at/presse/pressemitteilungen/artikel/3372552b897a3ef21509fb765d25f694/unhcr-warnt-vor-einschraenkung-des-fluechtlingssschutzes.html>.

<sup>(568)</sup> <https://www.siseministerium.ee/en/news/emergency-act-entered-force-1-july>.

registration asylum seeker card <sup>(569)</sup>. This practice was adopted in order to detect international protection applicants who had been fingerprinted on the islands, had breached their geographical restriction, and had booked another lodging appointment through Skype. These applicants were issued with registration asylum seeker cards. It was only when they were lodging their application that the Asylum Service could establish –through their Eurodac fingerprinting- that they had breached their geographical restriction or that they had lodged an application in the islands. Certain challenges remained with the system for lodging and registration in 2017 <sup>(570)</sup>.

**Lithuania** strengthened the cooperation between the Migration Department and the State Border Guard Service and the Police Department, including communication of main countries whose citizens lodge the majority of applications for asylum in the EU <sup>(571)</sup>. In **Iceland**, Identification and fingerprinting of applicants was consolidated to one office in the municipality of Hafnarfjörður, while previously these were conducted at different police stations. In **Luxembourg**, the Directorate of Immigration continues to organise a daily bus from the primary reception facility to its premises, in order to avoid that individuals reside in the primary reception facility without registering at the Directorate of Immigration and to combat the phenomenon of individuals disappearing from the primary reception facility without previously having registered <sup>(572)</sup>.

#### *Humanitarian admission mechanisms*

Access to procedure has also been given through dedicated channels where persons fulfilling certain criteria were brought to the territory of EU+ countries in an organised manner, such as humanitarian admission mechanisms implemented by several countries:

As of 2017, a total of 1 902 especially vulnerable Syrian refugees have been admitted to **Austria** within the framework of the Humanitarian Admission Programmes I–III (HAP I–III), in response to the request by UNHCR. HAP III was completed in December 2017, after 401 Syrian refugees had arrived in Austria from Jordan, Lebanon and Turkey. The measures provided prior to departure included: preparation of refugees by means of cultural orientation training, medical examinations to ensure safe travel, and organisation of travel including the provision of assistance at airports on departure and arrival <sup>(573)</sup>. The initial integration measures provided as part of HAP III accommodate and are oriented towards the needs of Syrian refugees, and are designed to assist them in starting independent lives in Austria. Although the admission programme concludes in 2017, the integration measures will continue until September 2018.

In **Germany**, since 2013, a large number of federal states have been conducting humanitarian admission programmes receiving private support for Syrian refugees. In 2017, five federal states still conducted such

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<sup>(569)</sup> Since 30 January 2018, by Decision 868/12.1.2018 of the Director of the Asylum Service the validity of the card for all applicants with lodged applications is 6 months; this period was shorter for certain categories of applicants. In February 2017, by decision of the Director of the Asylum Service the validity of the international protection applicant's card after the lodging of the application was set at 6 months with the following two exceptions: a) the cards of those who lodged their application at the Asylum Unit of Pireaus would expire at the date of their asylum interview – in case their interview was scheduled after a year had elapsed from the lodging – the validity would be one year; b) the cards of those who had lodged their application at the Asylum Unit for the examination of applications by Pakistani nationals had 2 months validity. In September 2017 the above decision was amended and the validity of the international protection applicant's card issued after the lodging of the application was set at 6 months with the exception of Albanian, Georgian and Pakistani nationals.

<sup>(570)</sup> Throughout 2017, asylum seekers were booking appointments for having their application registered and later on lodged in the mainland mostly through Skype. Difficulties in accessing the asylum procedure in the mainland have been reported especially in relation to Northern Greece. The limited processing capacity of Regional Asylum Office of Thessaloniki compared to the Attica area, in combination with the difficulties of the Skype system especially with regard to certain languages (e.g. like Sorani and Kurmanji) and the fact that a number of individuals wishing to apply for asylum enter Greece through Evros without being apprehended and thus without going through the relevant procedures in the Registration and Identification Centre of Fylakio, results in a number of persons with limited and delayed access to asylum.

<sup>(571)</sup> Upon establishing that an alien comes from such a state, it is suggested to follow the assumption that he may wish to apply for asylum. In other cases, the likelihood of applying for asylum should be assessed in the light of the circumstances of the entry and/or detention of the alien, the explanations provided by him and other individual-level information.

<sup>(572)</sup> At its premises, the Directorate of Immigration completes the registration procedure of the individual within the same day. Individuals who fail to register will consequently no longer be admitted at the primary reception facility. Exceptions to this rule exist for non-accompanied minors (Parliamentary document P.V. AEDCI 31 and P.V.FAIN 07).

<sup>(573)</sup> Written input by the Federal Ministry of the Interior, Department III/5/c (Resettlement, Return and International Affairs), 17 January 2018; Austrian National Contact Point in the European Migration Network, Annual Report 2016 on Immigration and Asylum in Austria – Contribution to Commission and EASO Annual Reports, available at [www.emn.at/de/publikationen/jahresberichte/](http://www.emn.at/de/publikationen/jahresberichte/) (accessed on 2 January 2018).

admission programmes. Within the framework of these programmes, 23 595 visas have been issued since 2013.

As part of a collaboration effort between Libya, Italy, UNHCR and the Italian Episcopal Conference (CEI) on 22 December 2017, 162 asylum seekers were transferred to **Italy** from Libya. **Italy** also continued the implementation of the Opening humanitarian corridors project<sup>(574)</sup>, aimed at transferring vulnerable individuals and potential beneficiaries from Ethiopia (500), Lebanon and Morocco (1 000) in the period 2017-2019. The first phase of the project, concerning 1 000 individuals of Syrian nationality transferred from Lebanon to Italy, came to an end on 27 October 2017.

A similar project was launched in **France** between the Ministries of Interior and Foreign Affairs, the Community of Sant'Egidio France, the French Protestant Federation, the Federation of Protestant Mutual Help<sup>(575)</sup>, the NGO Secours Catholique-Caritas and the Conference of Bishops of France, foreseeing the humanitarian transfer and admission of 500 individuals from Lebanon to France. First arrivals occurred in July 2017 and continued afterwards. In addition, France granted 1 500 humanitarian visas to Syrians in 2016, and 1 400 in 2017, allowing the fulfilment of the French pledge toward UNHCR.

Building on previous experiences in Italy and France, the Community of Sant'Egidio has also opened a 'humanitarian corridor' to **Belgium** for Syria refugees. On 22 November 2017, the Belgian Secretary of State for Asylum signed an agreement with Sant'Egidio Belgium<sup>(576)</sup> to allow for 150 Syrian refugees from Turkey and Lebanon to be granted humanitarian visas to come to Belgium. While their asylum requests are processed, they will be hosted by religious communities from various areas in Belgium, the Sant'Egidio community explained. The project involves Jewish and Muslim groups as well as Christian churches. It will be financed entirely by various religious communities without any contribution from the Belgian government. On 22 December 2017 the first two families arrived in Belgium in the framework of programme.

A new Family Reunification Humanitarian Admission Programme (FRHAP) was announced in November 2017 which will see up to 530 family members of refugees come to **Ireland**. In addition, on the anniversary on the New York Declaration the Irish government announced that it is developing a community sponsorship programme for refugees<sup>(577)</sup>. A humanitarian admission programme in **Switzerland** temporarily allows Syrians with provisional admission to bring their core family members (501 entries between May 2015 and the end of the programme in January 2018<sup>(578)</sup>).

The above mentioned programmes constituted a legal pathway to Europe for migrants and persons recognised as refugees in third countries. In that regard, they are often closely linked to resettlement schemes, described in [Section 1.2](#).

Related to admission and resettlement programmes, in the **United Kingdom** the Immigration Minister publicly announced on 8 February the final quota (480) to accept during the 2016-2017 financial year under the so called Dubs amendment, which provided for unaccompanied children to be resettled from Calais<sup>(579)</sup>.

For information on the implementation of Resettlement schemes, see [section 3.4](#).

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<sup>(574)</sup> On 12 January 2017, the Ministry of Foreign Affairs and International Cooperation, the Ministry of the Interior, the Italian Episcopal Conference (CEI) and the Community of Sant'Egidio signed a memorandum of understanding on the implementation of the project. The project mainly focuses on vulnerable individuals, vulnerability as determined by their condition in terms of personal situation, age and health and almost all of whom are recognised, prima facie, as refugees by the UNHCR. See: <http://www.libertacivilimmigrazione.dlci.interno.gov.it/it/notizie/firmato-protocollo-corridoi-umanitari>. On 7 November 2017 the Ministry of Foreign Affairs and International Cooperation, the Ministry of the Interior, the Community of Sant'Egidio, the Federation of Evangelical Churches and the Waldensian Board signed the renewal of the agreement.

<sup>(575)</sup> See <http://www.santegidio.fr/>, <http://www.protestants.org/> and <http://www.fep.asso.fr/>.

<sup>(576)</sup> see [http://www.santegidio.be/?post\\_type=persartikels&p=5594&lang=fr&lang=fr](http://www.santegidio.be/?post_type=persartikels&p=5594&lang=fr&lang=fr).

<sup>(577)</sup> Amnesty Ireland, [Irish Refugee and Migrant Coalition welcomes Irish government's commitment to new community sponsorship refugee programme](#), 19 September 2017.

<sup>(578)</sup> SEM, Humanitäre Krise in Syrien, 24 August 2017, available at: <https://www.sem.admin.ch/sem/de/home/asyl/syrien.html>.

<sup>(579)</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/675202/Dubs\\_policy\\_statement\\_UPDATE\\_18012018\\_v2.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/675202/Dubs_policy_statement_UPDATE_18012018_v2.pdf); government statistics published in November 2017 showed that 220 children had been transferred from Calais already. <https://www.gov.uk/government/publications/transfers-of-children-to-the-uk-from-the-calais-operation-november-2017>.

## 4.2. Access to information and legal assistance

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 time frames 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.

### 4.2.1. Access to information

For applicants for international protection, effective access to information is a primary constituent of procedural fairness<sup>(580)</sup>. Applicants have the right to be informed so that: a) they understand the different stages of the process; b) they know their rights and obligations in each of these stages; and c) they are aware of the means available to them to exercise their rights and fulfil their duties. Accordingly, having effective access to information enables them to make informed decisions throughout the process, being aware of what consequences each decision they make entails.

#### *Initiatives undertaken by asylum authorities in EU+ countries*

In 2017, authorities in EU+ countries undertook a number of initiatives in the area of information provision. For the first instance examination in **Cyprus**, the recently amended Refugee Law introduces the obligation of the State to ensure, upon request, and in any form the State so decides, that applicants are provided with legal and procedural information free of charge<sup>(581)</sup>. This should include at least information on the procedure in light of the applicant's particular circumstances and, in case of a rejection of the asylum application, information that explains the reasons for the decision and the possible remedies and deadlines (Section 18(7C)(a) Refugee Law). In **Estonia**, a new provision added in the Act on Granting International Protection to Aliens stipulates that applicants or beneficiaries of international protection or third country nationals received within the framework of resettlement or relocation shall be informed about their rights and obligations in writing against signature. Similarly, in **Lithuania**, the obligation to inform asylum applicants about the purpose of the initial interview, the principle of non-disclosure of information, their rights and duties, and the consequences of non-compliance with these duties was stipulated<sup>(582)</sup>. In **Germany**, since July 2017, neutral, standardised information on possibilities for voluntary return is provided when creating an applicant's file. This includes information on possible funding, local advising and contact persons, while the federal states follow up with individual advising on voluntary return. In addition, a pilot project on procedural counselling was carried out by the Federal

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<sup>(580)</sup> The right of access to information for applicants for international protection is well established in EU legislation. Among others, the Asylum Procedures Directive (Directive 2013/32/EU) stipulates that all applicants *shall be informed in a language, which they understand or are reasonably supposed to understand of the procedure to be followed and of their rights and obligations during the procedure and the possible consequences of not complying with their obligations and not cooperating with the authorities. They shall be informed of the time-frame, the means at their disposal for fulfilling the obligation to submit the elements as referred to in Article 4 of Directive 2011/95/EU (Qualification Directive), as well as of the consequences of an explicit or implicit withdrawal of the application. That information shall be given in time to enable them to exercise the rights guaranteed in this Directive and to comply with the obligations described in Article 13 (APD Recast, Article 12, Guarantees for Applicants)*. Similar stipulations are also made in Article 29 of Regulation 603/2013 (Eurodac Regulation), and Article 4 of Regulation 604/2013 (Dublin regulation).

<sup>(581)</sup> In practice, the Asylum Service has decided to take up the responsibility to provide such information and has appointed an officer from the Asylum Service who does not examine asylum applications to do so. As this has yet to start operating, there is no information on how effective it is. AIDA, Country Report Cyprus, Update, March 2017, <http://bit.ly/2mEU8zB>.

<sup>(582)</sup> By Order 1V-80 of the Minister of the Interior of the Republic of Lithuania of 30 January 2017 Amending Order No 1V-131 of the Minister of the Interior of the Republic of Lithuania of 24 February 2016 on Approval of the Description of the Procedure for Granting and Withdrawing Asylum in the Republic of Lithuania.

Office for Migration and Refugees (BAMF) in three reception facilities, in cooperation with three welfare organisations. Depending on evaluation results, the project may be carried out in the future and in more facilities <sup>(583)</sup>. In **Hungary**, the asylum authority prepared a multi-page written information translated into 7 foreign languages (English, Kurdish, Pashto, Arabic, Dari-Fars, Somali, Urdu), which is also presented and printed for the applicants.<sup>(584)</sup> In **Latvia**, an information guideline <sup>(585)</sup> was prepared for applicants, which among others includes information on receipt of personal identity documents (passport and residence permit), the right to employment and to a single-time financial support, as well as information for individuals, to whom international protection status has been granted <sup>(586)</sup>. Similarly, the Migration Office of the Ministry of Interior of the **Slovak Republic** issued a new handbook for asylum applicants and beneficiaries of international protection entitled *A New Start in the Slovak Republic* <sup>(587)</sup>. The guide provides information on the practical aspects related to the arrival of a person in the Slovak Republic including the asylum procedure and following integration and informs third country nationals on cultural habits in the country. It is to be distributed in the asylum facilities of the Ministry of Interior and will also serve as a tool for social workers educating applicants within the cultural orientation programmes. The **UK** Home Office is currently updating the 'Point of Claim' leaflet, provided to all applicants <sup>(588)</sup>. Finally, in **Norway**, starting in 2017, all applicants, who have been granted three-year protection, receive, along with the decision, a document detailing their 'duties and rights' in their own language. If translation is not available in the applicant's language, the English translation is used.

### *Integration-related matters*

A number of information provision initiatives undertaken during 2017 focused on integration-related matters. In **Bulgaria**, the State Agency for Refugees along with the Council of Ministers took measures to facilitate access to education for asylum seeking minors. An information leaflet on conditions and procedures for enrolment in education institutions was developed to that end. In connection with the measures taken, 193 children seeking international protection were enrolled in state and municipal schools for the academic years 2017/2018. In the **Czech Republic**, throughout 2017, regional integration centres, operating in 13 out of the country's 14 regions, served as hubs for the provision of information to beneficiaries of international protection. According to Resolution entitled Policy for Integration of Foreign National – In Mutual Respect, issued by the Czech Government, integration measures were focused on informing foreigners about the Czech education system and on supporting collaboration between parents and school administrations, education of the Czech language and courses of social and cultural orientation. Along similar lines, in September 2017, the **Italian** Ministry of Interior published the 'National Integration Plan for Holders of International Protection', which, among others, included measures to provide information on integration-related services available to beneficiaries. In **Lithuania**, a series of AMIF-funded projects targeting individuals residing at the Refugee Reception Centre, took place, offering among others integration-related information, such as information on access to education and civic engagement and participation <sup>(589)</sup>. Similarly, in **Luxembourg**, in March 2017, the Council of Government approved the introduction of a guided integration trail for applicants and beneficiaries of

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<sup>(583)</sup> Evaluation findings have not been published yet, but some public comments are available here: [http://www.bagfw.de/uploads/media/2017-11-14\\_Unabhaengige\\_Asylverfahrenberatung.pdf](http://www.bagfw.de/uploads/media/2017-11-14_Unabhaengige_Asylverfahrenberatung.pdf).

<sup>(584)</sup> In addition, the information is posted, hearable as an audio file, and can be read on the bulletin board before the entry is made to the transit zone from Serbia. The presentation of the information is done every working day, and there is opportunity for consultation of its content with the 24-hour social service, which is constantly present in the transit zone. In addition, according to their competence the asylum administrators, together with social workers and interpreters, provide information to asylum seekers' questions about their placement and the status of their case.

<sup>(585)</sup> Guideline for asylum seekers in Latvia. Available: <http://www.pmlp.gov.lv/sakums/jaunumi/aktualitates/2018/01/15/ce%C4%BCvedis-patv%C4%93ruma-mekl%C4%93t%C4%81jiem-latvij%C4%81/>.

<sup>(586)</sup> The guideline was prepared within the framework of the project implemented by the Office of Citizenship and Migration Affairs within the framework of the programme of the Asylum, Migration and Integration Fund (2014 - 2020) "Support measures for persons in need of international protection, reception and accommodation in Latvia". Information in the booklet is available in English, Russian, Arabic, French, Dari and Farsi languages, whereas it is also offered in Pashto and Tigrinya in an electronic form.

<sup>(587)</sup> The guide is available in Arabic, English, Farsi, French, Pashto, and Russian. The translation took place with assistance by UNHCR, which also provided for the printed version. The guide is available online, here: <https://www.minv.sk/?novy-start-v-sr>.

<sup>(588)</sup> The leaflet is available in 15 languages, here: <https://www.gov.uk/government/publications/information-leaflet-for-asylum-applicants#history>.

<sup>(589)</sup> For more information on each project, please visit: <http://esf.socmin.lt/index.php?341372824>.

international protection, offering information session and courses on integration-related matters. In addition, the National Employment Agency organised a conference with the title 'How to Employ a Refugee', with the participation of employers and beneficiaries of international protection. The conference provided a forum for the exchange of information on practices relating to hiring or training beneficiaries of international protections and their integration into the labour market.

Apart from state authorities, civil society actors also undertook information provision initiatives in 2017. These initiatives were sometimes carried out in cooperation with public authorities and sometimes they came as a result of cooperation among various actors. In **Estonia**, the Estonian Refugee Council opened a support centre for refugees, where among other activities, two hotlines were set up for the provision of information to beneficiaries of international protection in Estonian, English, Russian, and Arabic. In **Latvia**, the Society 'Shelter "Safe House"' updated the information material for applicants and beneficiaries of international protection *Latvia: a country on the Baltic Sea Coast* <sup>(590)</sup>. Apart from Latvian, this reference material is also available in Arabic, Dari, English and French. Indicative of broader synergies in the area of information provision is the current practice in the five Reception and Identification Centres (RICs) on the Greek islands and the RIC in the land border of Fylakio, **Greece**. The provision of information upon arrival and throughout the process is conducted by RIC staff and UNHCR personnel with the support of interpreters. Apart from the introductory information provided upon arrival and prior to registration, the provision of legal, procedural and practical information in group or individual sessions continues on a daily basis throughout the stay in the RICs. In all islands, Info Desks have been established in the RICs, where Reception and Identification Service (RIS) and UNHCR provide information. EASO, IOM, the Hellenic Centre for Disease Control and Prevention (KEELPNO), Regional Asylum Offices/Asylum Units may also be engaged at the Info Desk, depending on availability and presence. In some Greek islands, other NGOs have access to RICs and are involved in the provision of information on an ad hoc basis. Finally, in 2017, UNHCR finalised the development of the '<http://help.unhcr.org/greece/>' website, which contains information for refugees and asylum seekers in Greece, and is currently accessible in all RICs. In **Cyprus**, UNHCR launched a similar platform <http://help.unhcr.org/cyprus/> and, in cooperation with the Asylum Service, introduced a special leaflet on the Dublin Regulation process, which is available in Arabic, English, Farsi, French, and Somali. Moreover, a partnership agreement between UNHCR and an NGO was signed focusing on monitoring access to the French territory and providing relevant information to individuals crossing the French-Italian border. In **Hungary**, the Hungarian Helsinki Committee with the support of UNHCR, developed an updated version of the 'Information Leaflet for Asylum Seekers' <sup>(591)</sup>. In January 2018 the **Swedish** Network of Refugee Support groups (FARR) produced an updated version of its booklet, with the title 'Good Advice', which includes information on the entirety of the asylum procedure, also focusing on what applicants can do themselves to contribute to a fair process <sup>(592)</sup>.

#### *Development of new information technology tools*

Special reference needs to be made to the development of new information technology tools, which are used as easily accessible media for the provision of information, catering specifically to an audience with higher digital literacy level. Italian Caritas with support from the US embassy in **Italy** launched, a smart-house application called MigrAdvisor <sup>(593)</sup>, which allows migrants to identify the nearest help centres, police stations, post offices, embassies and consular officers and other relevant services thanks to geolocalisation. The app is available in English, French, Arabic and Italian. A similar application,

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<sup>(590)</sup> Available here: [https://www.km.gov.lv/uploads/ckeditor/files/Sabiedribas\\_integracija/Petijumi/DrosaMaja-buklets-EN-A4.pdf](https://www.km.gov.lv/uploads/ckeditor/files/Sabiedribas_integracija/Petijumi/DrosaMaja-buklets-EN-A4.pdf). It includes general information about Latvia; personal identity documents in Latvia; rights, obligations and responsibilities of inhabitants of Latvia; history of Latvia; official holidays; Latvian climate and weather conditions; public transportation; banks; road traffic rules in Latvia; telephone, postal service and internet; rights and obligation of an asylum seeker; health care; social security network in Latvia; social support system in Latvia; looking for apartments and apartment market; education; employment and looking for a job; possibilities for spending leisure time; religion; acquisition of Latvia; where to call in emergency cases.

<sup>(591)</sup> The leaflet is available in eight languages, here: <https://www.helsinki.hu/en/info/>.

<sup>(592)</sup> Available in six languages here: <http://www.farr.se/sv/in-english/good-advice>.

<sup>(593)</sup> ANSA, MigrAdvisor brings services closer to migrants, 02/07/2018. Retrieved from: <http://www.infomigrants.net/en/post/7428/migradvisor-brings-services-closer-to-migrants>.

The App is available here: <https://play.google.com/store/apps/details?id=com.spicybit.intime.migradvisor>.

MigApp<sup>(594)</sup>, with a broader geographic scope was developed by IOM to provide migration-related information, as well as a platform for migrants to share their experiences. A similar online project, InfoMigrants<sup>(595)</sup>, was developed through cooperation between Deutsche Welle, France Médias Monde and the Italian news agency ANSA, financed by the European Commission. This online tool is available in Arabic, French, and English, and aims to reach people in sub-Saharan Africa, the Middle East, Afghanistan and Pakistan.

Also, a mobile application called First Steps in Poland for persons applying for international protection was launched by the Caritas **Poland**, in cooperation with the Polish Office for Foreigners. By using the application (available in Arabic, Russian, English and Polish), applicants can learn more, *inter alia*, about how to legalise their stay in Poland, how the social assistance system works, where they can find support as well as what are their rights at the labour market and in the area of medical care. **Austria** supported the Aware Migrants campaign financially, which is an information campaign jointly developed by the Italian Ministry of Interior and the IOM Coordination Office for the Mediterranean in Rome. The project addresses migrants in transit and potential migrants in their countries of origin and aims to raise awareness on the risks associated with migration.

In **Greece** the Asylum Service Application (ASA) was developed by the Greek Asylum Service in association with the IT Department of the Harokopeion University and funded by AMIF. ASA can be downloaded for free and is available in Greek, English, French, Arabic, Farsi/Dari, Urdu, Amharic and Tigrinya. ASA provides, in a user friendly manner, a wealth of authoritative information on the asylum procedure in Greece and on the rights and obligations of asylum seekers. ASA has been available to interested users since May 2017 and is continuously updated and improved.

#### *Information needs of vulnerable persons and groups*

In addition, during 2017 a series of information provision initiatives were specifically tailored to address information needs of populations with vulnerability. The Office of the Commissioner General for Refugees and Stateless Persons (CGRS) in **Belgium**, developed a 'Guide for Unaccompanied Minors who Apply for Asylum'<sup>(596)</sup>. The guide, which was produced with financial support by AMIF, is provided to Unaccompanied Minors upon registration at the Aliens Office and presents information on the stages unaccompanied or separated children (UASC) go through when they apply for asylum in Belgium. In addition, with the support of the King Baudouin Foundation and the European Programme for Integration and Migration, the three federations of Brussels, Flemish, and Walloon Public Social Welfare Centres continued their 2-year project (2016-2018) to provide information and training to their staff so that they provide effective services to unaccompanied minors. Among others, the project includes awareness raising and information sessions for the centres' mandatories. At the end of the process, a practical brochure will be compiled. Moreover, the **Croatian** Law Centre developed audio information materials for children, available in Arabic, Croatian, English, and Pashto, in a project funded by the Ministry for Demography, Family, Youths and Social Policy. In **Germany**, the Federal Association for Unaccompanied Minor Refugees published a guide for Unaccompanied Minors with the title 'Welcome to Germany: A Guide for Unaccompanied Minors'<sup>(597)</sup>. In a video with the title 'First Steps for Young Unaccompanied Refugees in Germany'<sup>(598)</sup> Deutsche Welle has put together information on how to apply for asylum, find accommodation, work, and health care, learn the language, and understand Germans better. The video features young refugees, who share stories about their first month after arriving in Germany and about the conversations they had with the youth welfare office. The video is part of the programme 'Welcome among Friends', which intends to inform, as well as encourage Refugee Minors, who arrived in Germany unaccompanied. The **Greek** Asylum Service produced a leaflet for minors under 18 years old, describing

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<sup>(594)</sup> More information on MigApp is available here: <https://www.iom.int/migapp>.

<sup>(595)</sup> Deutsche Welle, Press Release: 'InfoMigrants:' International media cooperation for refugees and migrants. Retrieved from: <http://www.dw.com/en/infomigrants-international-media-cooperation-for-refugees-and-migrants/a-38206155>.

<sup>(596)</sup> The guide is available in different languages here: <http://www.cgrs.be/en/publications>.

<sup>(597)</sup> The guide is available in Arabic, Dari, English, French, and German, here: <http://www.b-umf.de/de/publikationen/willkommensbrochuere>.

<sup>(598)</sup> The video is available in English here (also available in Arabic, Farsi, and German): <https://www.youtube.com/watch?v=FKAlbMrrWZs>

the asylum procedure in a child-friendly manner<sup>(599)</sup>. The International Protection Office in **Ireland** published an information booklet for unaccompanied minors applying through Tusla, the Child and Family Agency, for international protection<sup>(600)</sup>. The booklet is designed to inform unaccompanied minors about the application process, once Tusla has made an application on their behalf<sup>(601)</sup>. In December 2017 and January 2018, the **Swedish** Migration Agency produced two brochures specifically tailored to address accompanied and unaccompanied minors<sup>(602)</sup>. A number of information provision initiatives also targeted members of the LGBTIQ community, who are applicants or beneficiaries of international protection. In **Austria**, the organisation Queer Base offers information to LGBTIQ applicants and beneficiaries through a variety of media, including a website, a leaflet, calling cards, posters, and social media. In **Netherlands**, the Ministry of Education, Culture, and Science, in cooperation with the Dutch Association for the Integration of Homosexuality (COC) and the Central Agency for the Reception of Asylum Seekers (COA) developed a mobile application with the title 'Rainbow Refugees NL'. The application provides information on the LGBTIQ refugee rights and on actors offering support on matters of health and safety. It also contains information about the Dutch asylum procedure. LGBTIQ refugees can use the app to contact LGBTIQ organisations and receive information on 'buddy' projects. The application is available in Arabic, English, Farsi and French. Interestingly, 10 refugees contributed actively to the development of the application<sup>(603)</sup>, a fact reflecting of an increasing trend among developers of these type of information resources to consult with and actively engage members of the target audience in the development of information materials.

The developments presented in the above paragraphs are indicative of the continuous efforts carried out by state authorities and civil society actors toward effectively providing asylum-related information to individuals concerned. In spite of these developments, the high number of arrivals over the past years posed challenges to the effective, timely, and accurate delivery of information to intended audiences. Accordingly, concerns were expressed by civil society actors as regards the provision of information in several EU+ countries. These concerns were primarily related to the following areas: a) availability of information; b) content and quality of information, including methods for communicating information; and c) provision of information to minors and other groups with vulnerability.

#### *Concerns regarding information provision raised by civil society and UNHCR*

General concerns regarding the availability of information were noted, among others in **Cyprus**<sup>(604)</sup>, **France**<sup>(605)</sup>, **Greece**, **Hungary**, **Italy**, and **Switzerland**. For example, Refugee Rights Europe<sup>(606)</sup> found, following research and onsite visits, that many migrants lacked access to information about their rights and opportunities as well as information about EU asylum law and immigration policies in **France**, **Italy**<sup>(607)</sup> and **Greece**. Similarly, in **Switzerland**, Asylex reported issues in provision of information about

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<sup>(599)</sup> Available here: [http://asylo.gov.gr/?page\\_id=6210](http://asylo.gov.gr/?page_id=6210).

<sup>(600)</sup> In Ireland, unaccompanied minors arriving at ports of entry are referred to the care of the Separated Childrens' Team in Tusla, the Child and Family Agency. Tusla decide whether it is in the best interests of the child to make an international protection application and makes the application to the International Protection Office on their behalf.

<sup>(601)</sup> International Protection Office *Information Booklet for Unaccompanied Minors/Separated Children who are applicants for international protection*. IPO 03. Available at: [www.ipo.gov.ie](http://www.ipo.gov.ie).

<sup>(602)</sup> 'How to Apply for Asylum: for children who are applying for Asylum with a parent or other guardian' and 'How to Apply for Asylum: for children who are applying for Asylum without a parent or other guardian', both available here: <https://www.migrationsverket.se/English/Private-individuals/Protection-and-asylum-in-Sweden/Children-seeking-asylum.html>.

<sup>(603)</sup> Government of the Netherlands news, 22 January 2017, <https://www.rijksoverheid.nl/actueel/nieuws/2017/01/22/bussemaker-lanceert-app-voor-lhbt-vluchtelingen>.

<sup>(604)</sup> As reported by UNHCR, no state structure for the provision of information to applicants for international protection seems to be in place. In a positive development the recently amended Refugee Law introduces the obligation of the state to ensure that upon request applicants are provided with legal and procedural information free of charge. The Asylum Service has decided to undertake the responsibility to provide such information. Such provision of information is expected to start soon.

<sup>(605)</sup> UNHCR pointed out the need to strengthen the information provided to the UASC with the support of interpreters and cultural mediators See: *L'expérience des centres d'accueil en France*, Octobre 2017 <http://www.unhcr.org/fr-fr/59e9c70b4>.

<sup>(606)</sup> Refugee Rights Europe, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/refugee-rights-europe-uk.pdf>

<sup>(607)</sup> In addition, general lack of information about the reunification procedures was noted, as it was reported that Italian authorities do not the information about the right for family reunion (Executive Regulation 118/2014).

the asylum procedure <sup>(608)</sup>. In **Spain**, at times, no information was provided at all <sup>(609)</sup>. Moreover, in some Member States, access to information was limited in certain locations. For example, in **France**, lack of information was noted by Forum réfugiés-COSI, in particular in the waiting zones at the border <sup>(610)</sup>, whereas in **Hungary**, the Hungarian Helsinki Committee reported a lack in the provision of information in border transit zones <sup>(611)</sup>. Similarly, in **Ireland**, concerns have been voiced by civil society organisations with regard to transparency in the provision of information at the Irish border <sup>(612)</sup>. Particular difficulties were also, noted in **Poland**, where information was difficult to access by asylum seekers held in detention <sup>(613)</sup>.

Concerns by civil society actors were also expressed regarding the content and quality of information, among others, in **Austria, Greece, Spain, and Switzerland**. In **Switzerland**, issues were noted as regards provision of information about available legal aid <sup>(614)</sup>. In **Spain**, information provided by the police was assessed to be limited and unclear <sup>(615)</sup>. In **Greece**, it was reported that lack of trust between applicants and authorities constitutes an impediment to the effective provision of information, which is also coupled with misinformation coming from smugglers/traffickers <sup>(616)</sup>. In **Sweden**, it was noted that in practice there are many misunderstandings or a complete lack of understanding on the part of the applicants concerning asylum procedures <sup>(617)</sup>.

Finally, civil society stressed the need of provision of information to minors and other groups with vulnerability, such as members of the LGBTIQ community. In **Greece**, gaps in the provision of information were signalled for UAMs, with the majority not having received specifically tailored information from the Greek authorities <sup>(618)</sup>. This limitation is expected to be addressed through the leaflet for minors that was recently produced by the Greek Asylum Service, which describes the asylum procedure in a child-friendly manner <sup>(619)</sup>. In **France**, OFPRA has published an information booklet focused on the asylum procedures

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<sup>(608)</sup> Asylex, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/Asylex-web.pdf>.

<sup>(609)</sup> Consejo General de la Abogacía Española, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/Consejo-General-Abogacia-Espanola.pdf>.

<sup>(610)</sup> Forum réfugiés-COSI, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/forum-refugies-cosi-webv.pdf>.

<sup>(611)</sup> Hungarian Helsinki Committee, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/hungarian-helsinki-committee.pdf>.

<sup>(612)</sup> Input provided by UNHCR. The UN Committee against Torture considered the second periodic report on Ireland in 2017 and published its concluding observations on 11 Aug 2017 which included a recommendation that the State: [...] ensure that all persons who are refused leave to land are provided with access to legal advice and information regarding international protection in a language they can understand, and provide the Committee in its next periodic report with data on the countries of origin of the persons denied leave to land and their point of embarkation for the State party, to which they were returned.

[http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/IRL/INT\\_CAT\\_COE\\_IRL\\_28491\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/IRL/INT_CAT_COE_IRL_28491_E.pdf).

<sup>(613)</sup> Helsinki Foundation for Human Rights, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/helsinki-foundation-for-human-rights.pdf>. According to the Office for Foreigners however, the information available to foreigners (available both to asylum seekers and to irregular migrants) in detention centers is full and complete (it includes information on the rights and obligations of detainees, the internal rules applicable in the centers, and on the possibility of applying for international protection). The information is made available in writing and is translated to more than 20 languages. In addition, each detainee is assigned a 'social guardian' and a 'return guardian' who also provide the most important information to the detainee. The Office for Foreigners also reiterated that the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) which in May 2017 carried out a periodic visit to two detention centres managed by the Border Guard, did not state any objections in this respect (See: <https://www.coe.int/en/web/cpt/-/council-of-europe-anti-torture-committee-visits-poland>).

<sup>(614)</sup> Asylex, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/Asylex-web.pdf>. It should be noted that there is no *ex officio* free legal aid during the first instance procedure, hence SEM is not providing such information. Nevertheless, when a person has made a claim for asylum at an airport or a reception centre, the SEM provides information on and facilitates contact with non-governmental organisations that may act as advisors and consultants to the asylum-seeker. NGO representatives acting as advisors have access to reception centres during visiting hours. UNHCR noted that legal aid services are financed by the churches and relief organisations providing free legal advice and in some cases free legal representation.

<sup>(615)</sup> Consejo General de la Abogacía Española, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/Consejo-General-Abogacia-Espanola.pdf>.

<sup>(616)</sup> Safe Passage, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/safe-passage.pdf>.

<sup>(617)</sup> Swedish Network of Refugee Support Groups (FARR), input to the Annual Report, available at:

<https://www.easo.europa.eu/sites/default/files/swedish-network-farr.pdf>.

<sup>(618)</sup> Network for Children's Rights (Network - NCR), input to the Annual Report, available at:

<https://www.easo.europa.eu/sites/default/files/network-for-children-rights-el.pdf>.

<sup>(619)</sup> In January 2018, the Greek Asylum Service published an illustrated booklet with information on the asylum procedure, specially aimed at UAMs. The booklet is available in English, French, Arabic, Farsi/Dari, Urdu and Bengali. The production and publication of the booklet was funded by AMIF. Available at: [http://asylo.gov.gr/?page\\_id=6210](http://asylo.gov.gr/?page_id=6210).

for UAMs and their accompanying actors <sup>(620)</sup>, which is to be updated in 2018. Civil society actors noted that this effort needs to be further complimented with additional support provided to UAMs by interpreters and cultural mediators to facilitate comprehension of information <sup>(621)</sup>. In **Spain**, it was noted that unaccompanied minors face obstacles in accessing the territory, and are often pushed back as there are no sufficient screening mechanisms for vulnerable profiles at borders <sup>(622)</sup>. In practice, at border points Melilla and Ceuta, this often leads to minors declaring themselves as adults to speed up their transfer to the mainland <sup>(623)</sup>. Finally, in **Italy** access to information on services available for the prompt identification and referral of persons with specific needs was reported as lacking <sup>(624)</sup>. Civil society also indicted that in their experience some LGBTIQ asylum seekers seemed to be unaware that Sexual Orientation and Gender Identity may be a ground for asylum <sup>(625)</sup> and may need information in that regard.

### Lessons from the field

On 28 March 2018, EASO, in the framework of its Consultative Forum, hosted a Thematic Meeting with the title **'Access to Information: Exploring Existing Resources, Good Practices, and Ways Forward'**, bringing together 30 civil society organisations to discuss different approaches and activities as to the provision of information to applicants for international protection. Prior to the meeting, a survey was administered among a number of operational NGOs, beyond the ones participating in the meeting, on practices regarding information provision. In total, 49 organisations operating in 44 countries provided input to the survey \*. Among others, survey respondents were asked to share insights on lessons learned from their field experiences. Key lessons from the field include:

- The provision of information needs to take place in a way that **does not put in jeopardy the physical and psychological well-being of the individuals it caters to**. This is particularly relevant for individuals with vulnerability.
- **Consulting with members of the target audience** and allowing space for them to offer their substantive input in the development of information services may render information provision more relevant (in terms of content, form, and time of communication). **Actively involving members of the target audience** or individuals who are close to the target audience (e.g. former applicants) **in the distribution of information** may also facilitate extension of outreach and may increase the level of trust between the information provider and the intended users.
- It is important to use **media and language that are situation-appropriate, culturally sensitive, accessible, and appealing to the target audience**. Providers need to use diverse media to accommodate different perceptive styles, literacy levels, and variable extent of familiarity with technology. It is also necessary to **have a built-in routine in everyday practice to verify that information is properly understood** – a practice that goes beyond verbal confirmation.
- Providing information and **training on cultural specifics and possible vulnerabilities** of the target audience to officials and professionals in the field of asylum is a key. This will assist in taking cultural sensitivities into consideration while delivering information services.
- **Connecting personally**, through one-on-one interactions, with members of the target audience is important. Such connection, when possible, may assist in easing the process and developing trust between the information provider and the individuals concerned. This interactive element also allows **more room for questions and detailed explanation on issues of interest**.

<sup>(620)</sup> OFPRA, *Guide de l'asile, pour les mineurs isolés étrangers en France*. Available at:

[https://ofpra.gouv.fr/sites/default/files/atoms/files/ofpra\\_guide\\_de\\_lasile\\_mie\\_en\\_france.pdf](https://ofpra.gouv.fr/sites/default/files/atoms/files/ofpra_guide_de_lasile_mie_en_france.pdf).

<sup>(621)</sup> UNHCR, *L'Experience des Centres D'Accueil en France*, October 2017. Available at: <http://www.unhcr.org/fr-fr/59e9c70b4>.

<sup>(622)</sup> Save the Children, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/save-the-children.pdf>.

<sup>(623)</sup> Save the Children, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/save-the-children.pdf>.

<sup>(624)</sup> Input provided by UNHCR.

<sup>(625)</sup> QueerBase, input to EASO Annual Report. It should be noted that in Austria asylum seekers whose application for international protection will be potentially denied get free legal advice to ensure all matters of the specific case were considered.

- Information needs to be **constantly updated** to ensure it accurately reflects the state of affairs at any given point.
- **Synergistic action and cooperative approaches** across different actors tasked with the provision of information may facilitate the integration of expertise and resources and increase the overall effectiveness of information provision.
- **Gathering information resources**, which are otherwise dispersed, **in one place/service/ platform** may provide consolidated, easy access to needed information.
- The **provision of information in multiple occasions and different settings** may serve a dual purpose: a) it increases the likelihood that information provided resonates with the target audience; and b) allows for placing emphasis on the specific needs of targeted individuals at that given time.
- Finally, an insight that applies in particular to individuals in the asylum process, is the importance of **communicating to them that there are moments in the process that may be psychologically straining** (e.g. psychological implications of undergoing a long interview to substantiate one's claim for international protection). Providing information on what is expected may help identify coping mechanisms and reduce overall stress levels.

\* The outcomes of the thematic meeting, along with survey findings, will be presented in a Briefing Paper, which will be produced by EASO in May 2018.

### Highlights from EASO's Information Provision Activities

In the frames of the Operating Plans for **Italy** and **Greece**, EASO undertook a series of information provision activities in the two countries. Among others, emphasis was placed on providing information on the EU Relocation Scheme through an orchestrated communications campaign launched in both countries. More analytically:

In **Italy**, information on asylum, relocation, family reunification, and the Dublin procedure was provided by EASO teams based in Hotspots, as well as mobile teams in Catania, Rome and Reggio Calabria. Services were also provided during and after disembarkation through regular visits to reception centres and follow-up on individual cases. Information resources were developed in multiple languages and included leaflets, a mobile app on relocation, EASO's website and social media, relocation videos, a social media outreach campaign on relocation focusing on the Eritrean community, and a relocation hotline available in Arabic, Tigrinia, English, and Italian.

In **Greece**, EASO staff provided information in the hotspots, in reception centres, and at Regional Asylum Service offices, using a variety of media such as leaflets, social media, and a hotline. Mobile teams also conducted site visits both in the mainland and on the islands providing asylum-related information to individuals concerned.

Target audience reached to date	
Italy	Greece
<b>12 329</b> Relocated persons from Italy	Relocation: approximately <b>27 000</b> persons registered in total and as of December 2017
<b>43 621</b> informed people (36 % on Family Reunification and Dublin Procedure; 64 % on Asylum and Relocation)	Over <b>175</b> site visits for information provision across Greece
More than <b>630</b> visits to reception centres	Over <b>4 000</b> applicants were reached in the site visits
More than <b>950</b> disembarkation events covered	<b>Over 9 000</b> applicants reached by provision of information in the hotspots
More than <b>830</b> information sessions	Over <b>10 500</b> calls received on the EASO hotlines
<b>6 444</b> total calls received on the Hotline	

#### 4.2.2. Legal assistance and representation

Vis-à-vis legal assistance and representation – a necessary condition for applicants’ effective participation in the asylum process – current EU legislation requires Member States to provide aid on request during appeal procedures. Provision of legal assistance at first-instance is left at the discretion of Member States, thus is contingent upon authorities’ willingness and availability of resources. Civil society actors commonly undertake the task of providing legal assistance to applicants, often making use of available EU funding, such as the Asylum Migration and Integration Fund. Developments in EU+ countries during 2017 were diverse with some countries broadening the scope or taking steps toward enhancing effectiveness of legal assistance, and others reducing availability of aid. In addition, a number of challenges were identified by civil society actors operating in the field of asylum.

In **Belgium**, free legal assistance continues to be guaranteed. A legislative amendment, in force as of 16 November 2017, fine-tunes and simplifies the measures that can be taken against manifestly improper appeals lodged with the Council of Alien Law Litigation (CALL). This is also made possible by a change in the pro bono procedure. In **Bulgaria**, legal aid was for the first time provided to applicants at first instance under AMIF funding<sup>(626)</sup>. In **Hungary**, there is also a free legal assistance service in the transit zones, available to Hungarian citizens as well. In addition to the free legal assistance, within the framework of an AMIF project, from 21 June 2017 to 31 January 2018, 5 lawyers – selected in a tender – granted legal representation and counseling for asylum seekers in the transit zones with the assistance of 3 interpreters. In the **Czech Republic**, an amendment to Act No 85/1996 Coll., on attorney’s services, provides the possibility for applicants to ask the Chamber of Attorneys for free legal assistance paid by the Ministry of Justice in administrative proceedings. This amendment will come into force on 1 July 2018 and it is without prejudice of the possibility to ask for free legal assistance at the level of judicial review. The provision of free legal assistance paid from the AMIF and other EU funds is not affected either. In addition, a proposal was prepared during 2017 for an amendment to the Act on Residence of Foreign Nationals, which foresees among others an explicit obligation to inform in the written house rules that the applicant residing in an asylum facility is entitled to use the free legal assistance provided in that facility. In **Greece**, a state-funded legal assistance scheme for second instance processes started operating as of September 2017. The scheme operates on the basis of a list managed by the Greek Asylum Service and a Registry of Lawyers within the Asylum Service was established to this end. In **Italy**, Law No 47/2017 provided for the possibility for the unaccompanied foreign minors to be able to appoint their own lawyer or to avail of the free legal aid of the State in case of involvement in a judicial proceeding. Moreover, in 2017, the **Swiss** government continued preparations for the implementation of a major legislative and organisational reform in the asylum system, introduced in 2016, that will enhance its fairness and efficiency. Key elements of the reform, which is expected to be operational by 2019, are the regionalisation of the decision-making process, the expediting of the procedures, and the provision of free legal assistance. The last will be an important safeguard given the short timelines for the processing of asylum claims in the new procedure<sup>(627)</sup>. The **United Kingdom** planned to expand the provision of state-funded advocates for all child trafficking victims<sup>(628)</sup>.

Despite continuous efforts to facilitate the effective provision of legal assistance, a number of challenges were also identified by civil society actors with regard to the provision of legal aid. Concerns voiced touched upon: a lack of systematic or uneven provision of legal assistance in some countries; plans announced by authorities to reduce aid; and the quality of provided legal assistance in practice. Concerning systematic access to legal assistance, limitations were reported, among others, in **Austria**,

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<sup>(626)</sup> In 2017 the National Bureau for Legal Aid received funding under AMIF to provide such legal aid. The actual implementation of the project is scheduled for 2018 (UNHCR input).

<sup>(627)</sup> Input provided by UNHCR.

<sup>(628)</sup> The government has yet to expand the scheme but has published statutory guidance pursuant to s.49 of the Modern Slavery Act 2015 effective from January 2017. It provides guidance to the three Early Adopter Sites where Independent Child Trafficking Advocates will be implemented, namely Hampshire & Isle of Wight, Greater Manchester and Wales. <https://www.gov.uk/government/publications/child-trafficking-advocates-early-adopter-sites>.

**Cyprus** <sup>(629)</sup>, **Estonia**, **France** <sup>(630)</sup>, **Germany**, **Greece**, **Hungary**, **Italy**, **Malta**, **the Netherlands**, **Norway**, **Poland**, **Spain**, and **Switzerland**. In **Poland**, as reported by the Helsinki Foundation for Human Rights, the provision of legal assistance provided by non-governmental organisations, including in closed and open centres, is not systematic, as AMIF funding has been suspended.<sup>(631)</sup> In **Hungary**, in June 2017 the Hungarian Immigration and Asylum Office terminated their long-standing cooperation agreement with the Hungarian Helsinki Committee (HHC), which can no longer provide legal counselling to applicants <sup>(632)</sup>. A significant lack of legal counselling was also noted in the transit zones <sup>(633)</sup>. In **Germany**, Save the Children reported that legal assistance is not provided systematically to every asylum seeker due to a lack of capacity in reception centres and difficulties with interpretation <sup>(634)</sup>.

Moreover, in other EU+ countries legal assistance was reported as being unevenly provided depending on location or being focused on specific stages of the process alone. For example, in **France** during 2017 applicants had, according to some NGOs, uneven access to legal assistance, depending on the type of reception facility they were hosted in <sup>(635)</sup>. Those in temporary facilities, created in a context of emergency in order to accommodate the increasing number of applicants, had an access to legal assistance that is not equivalent to individuals accommodated in the CADA centres <sup>(636)</sup>. However, measures are taken by the authorities in order to ensure sufficient assistance in this kind of accommodation. Free legal assistance will be introduced in **Switzerland** in 2019 <sup>(637)</sup> and is already available in the test centre. As reported by UNHCR, access to state-provided legal aid was not guaranteed for all applicants in **Estonia**, as it was subject to the discretionary decision of the administrative judge <sup>(638)</sup>. Assistance in **Cyprus** is available only at the judicial appeal level, and is subject to a means and merits test. In **Spain**, legal assistance was not guaranteed in closed centres <sup>(639)</sup> and in **Italy** legal counselling services, foreseen by Article 11(6) of Legislative Decree 286/98, were limited at the border due to funding constraints <sup>(640)</sup>. Along similar lines, as reported by UNHCR, free legal assistance was not provided in **Greece** in pre-removal closed centres and facilities, where both applicants and individuals awaiting review of return are hosted.

In addition, in **Austria**, **Norway**, and **Sweden**, legal assistance varies depending on the stage of the asylum procedure. In **Austria**, legal assistance is provided during admission procedures and in second instance procedures. In the time upon termination of admission procedure legal assistance is provided by AMIF; UNHCR reported that there has been limited availability of legal counsellors at first instance administrative procedure, as counselling is only available at the branches of the Federal Office for Immigration and Asylum during office hours. In **Norway**, after the initial phase, access to legal assistance

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<sup>(629)</sup> Civil society pointed out that in Cyprus, children do not have legal representation during asylum procedures as social workers, who are appointed as guardians, act as ‘representatives’ both at the Asylum Service and before the Refugee Reviewing Authority, but have no legal expertise to effectively represent and advocate on complex areas of refugee law. Legal representation is provided before the Administrative Court only. See: AIDA, Country Report Cyprus, Update, March 2017, <http://bit.ly/2mEU8zB>.

<sup>(630)</sup> Forum réfugiés-COSI, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/forum-refugies-cosi-webv.pdf>.

<sup>(631)</sup> It was submitted by the Head of the Office for Foreigners that it should be underlined that the legal assistance in Poland is provided not only by the NGOs. According to the art 69c p.1 of Act of granting protection to foreigners in the territory of the Republic of Poland (13.06.2003), the applicant for international protection and the foreigner who is subject to the proceeding of revoking refugee status or complementary protection, has a right to unpaid legal information during first instance proceeding. According to the art 69e of the abovementioned Act, unpaid legal assistance involves preparing the appeal on the widely understood negative decision and legal representation during appeal proceeding.

<sup>(632)</sup> As submitted by the Immigration and Asylum Office, the agreement has been terminated first of all because of the repeated violations of the law by the Hungarian Helsinki Committee. In accordance with the law, which applies to the generally authoritative rules, the asylum seekers may still authorise lawyers of the Helsinki Committee as well to represent them in legal matters. In this regard the termination of the agreement with the Hungarian Helsinki Committee does not concern these asylum seekers and lawyers. Practice shows that the authorisation given to a legal representative continues after the termination of the agreement with the Hungarian Helsinki Committee.

<sup>(633)</sup> Hungarian Helsinki Committee, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/hungarian-helsinki-committee.pdf>.

<sup>(634)</sup> Save the Children, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/save-the-children.pdf>.

<sup>(635)</sup> Input provided by AEDH, ECRE, Forum Refugies-Cosi.

<sup>(636)</sup> Input provided by Forum Refugies-Cosi, available at: <https://www.easo.europa.eu/sites/default/files/forum-refugies-cosi-webv.pdf>.

<sup>(637)</sup> With the revision of the Asylum Law and the accelerated procedure, which enters in force in 2019, Switzerland introduces free legal aid in the new federal asylum centers.

<sup>(638)</sup> Assistance and advisory services are offered to the applicants on every step of the asylum procedure by the specially employed migration advisors both in the service bureaus of the Harjumaa county and at the Vao accommodation centre.

<sup>(639)</sup> Input provided by Servicio Jurídico Area de Programas.

<sup>(640)</sup> Input provided by UNHCR.

was amended <sup>(641)</sup>. In **Sweden**, legal aid is provided in levels 1 to 3 of the asylum procedure, but not after that, whereas no legal assistance is further available in case the application is considered manifestly unfounded. A plan to downsize legal assistance to applicants at second instance procedures was also announced by the **Dutch** government, who plans to only provide legal assistance to applicants in cases where there is an intention to decline the application. Moreover, free legal assistance at first instance will be limited to the moment when applicants need to submit their views against the IND's written intention to reject the application.

Finally, concerns were raised in **France** and **Spain** as regards the quality of the provision of legal assistance in practice. In **France**, it was reported by the European Association for the Defence of Human Rights (AEDH) that lawyers are not always sufficiently compensated for their services <sup>(642)</sup>, which may have an impact on the quality of the service <sup>(643)</sup>. In **Spain**, it was reported that legal assistance can only be provided in group sessions (and not in private), which impacts on the quality of the service <sup>(644)</sup>. In **Belgium**, UNHCR noted that free legal assistance is provided, yet quality of services provided varies strongly.

### 4.3 Providing interpretation services

Interpretation is essential in the procedure for international protection to ensure proper communication between the applicant and the authorities and (other relevant stakeholders) at every step of the process, including access to asylum procedure, 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](#)).

Legal standards concerning provision of interpretation are set out in the Asylum Procedures Directive, as regards interpretation arrangements ensuring basic communication necessary to enable the competent authorities to understand if persons declare their wish to apply for international protection (recital 28 in the preamble), arrangements for interpretation to the extent necessary to facilitate access to the asylum procedure in detention facilities and at border crossing points (Article 8), as well interpretation needed to request granting the right to remain on the territory pending remedy (Article 46.7). Legal standards concerning provision of interpretation in procedures at first instance are set out in the Asylum Procedures Directive, in particular as part of the guarantees for applicants (Article 12).

Overall, in 2017, EU+ countries received applications from nationals of an average of 54 different countries of origin, as opposed to 35 in 2016, which points to the ever increasing challenges encountered to secure interpretation services for more and more different languages.

EU+ countries can be classified by the requirements they face in terms of provision of interpretation due to language requirements of asylum applicants, building on the information on main countries of origin of applicants provided in [Section 2.1](#). As shown in Figure 28 <sup>(645)</sup>, in 2017 the situation in the EU+

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<sup>(641)</sup> Norwegian Organisation for Asylum Seekers (NOAS), input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/noas.pdf>. There have been some changes here. Asylum seekers in Norway are offered individual conversations with an independent organisation (currently NOAS) in the first phase of asylum processing, they also receive general information from NOAS. Those who receive negative decision in the first instance receive free legal aid in the appeal phase. In addition, some groups have the right to free legal aid already while the case is being processed at first instance (UAMs, those who face Exclusion from refugee status, according to Art. 1F of the Refugee Convention. Those who are refused pursuant to section 32 a and d lost the right to a free legal aid after the amendments in 2015 but still receive information from NOAS.

<sup>(642)</sup> It should be noted that in France, lawyers providing legal assistance are paid the same way when working for French citizens and for foreigners such as asylum seekers. Their compensation is determined by a decree that is publicly available: <https://www.legifrance.gouv.fr/affichTexteArticle.do?cidTexte=JORFTEXT000000721124&idArticle=LEGIARTI000006496362&dateTexte=&categorieLien=cid>.

<sup>(643)</sup> European Association for the Defence of Human Rights (AEDH), input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/AEDH.pdf>.

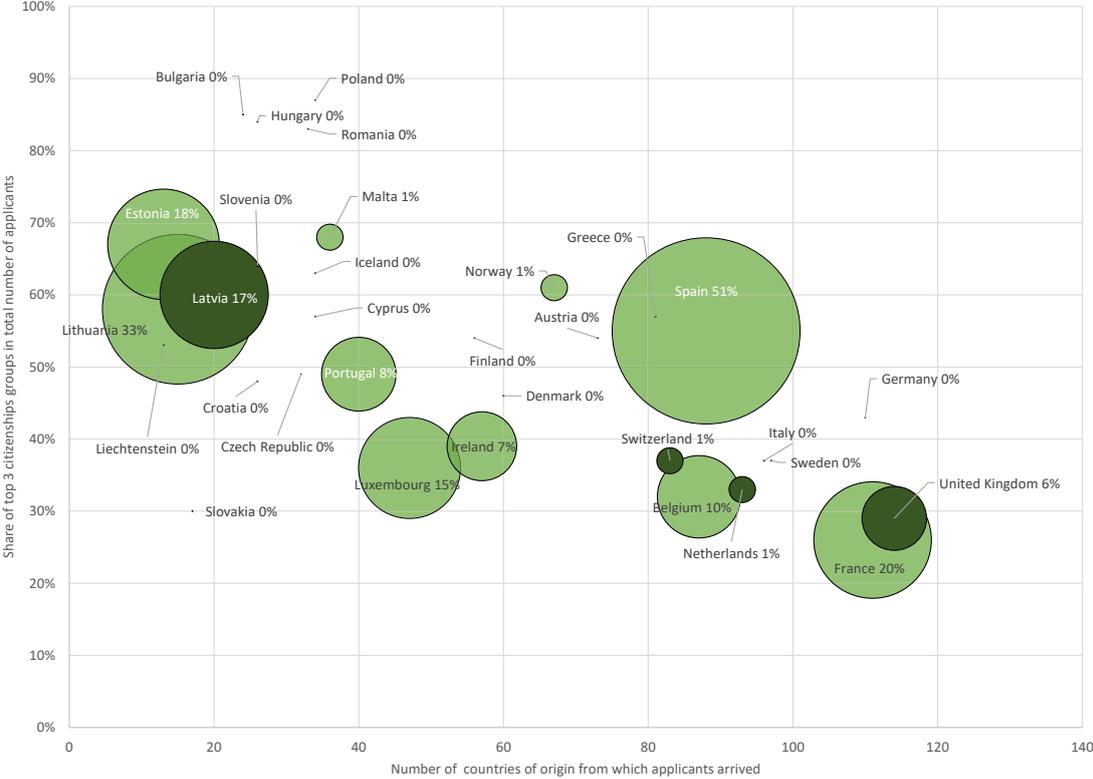
<sup>(644)</sup> Consejo General de la Abogacía Española, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/Consejo-General-Abogacia-Espanola.pdf>.

<sup>(645)</sup> Three variables were taken into account as proxies for interpretation requirements faced by a given EU+ country: the number of countries of origin from which applicants arrived (X-axis), the share of top 3 citizenships groups in total number of applications (Y-axis) and the share of applications from countries which share common spoken language with the EU+ country where the application was lodged, thus no interpretation is needed (the size of the bubble). The shades of colour of the bubble were only introduced to help distinguish the countries visually. The third variable was coded based on the information from the ling-web database which was proposed by Jacques Melitz and Farid

countries in terms of planning and organisation of provision of the interpretations' service to asylum applicants was quite diverse.

Firstly, there was quite a high variation regarding the number of countries of origin represented among applicants. For example, countries like **United Kingdom, France** and **Germany** received applications from more than 100 countries of origin, whilst in **Lithuania, Latvia** and **Estonia** applicants originated from less than 15 countries. Secondly, in some EU+ countries (e.g. **Poland, Bulgaria, Hungary, Romania**) the citizenship composition of the applicants was quite homogenous and the three main citizenships groups accounted for almost the total number of all applications (approximately 85 %). In other countries (e.g. **France, United Kingdom**) the share of top three groups was only equal to one third of all applications, which pointed at more diversity in countries of origin for which interpretation needed to be provided. Thirdly, in some countries like **Spain**, that received applicants from more than 80 countries, half of the total number of applicants still arrived from countries that share the common spoken language. This share was also high in **Lithuania, Latvia** or **Estonia**, which received high numbers of asylum applicants from countries from countries, which had been formerly part of the USSR. In these cases, competence in the use of Russian language serves as a common reference frame between countries of origin and receiving countries. A similar high share could be noted for France, which receives many applications from francophone countries in Africa. Still for the majority of EU+ countries there was no common language shared with the main groups of applicants, this necessitating ensuring interpretation services.

**EU+ countries categorised by interpretation requirements of asylum applicants <sup>(646)</sup>, 2017**



**Figure 28: In Spain half of asylum applicants originated from countries with the same common language**

Toubal from Centre D'Etudes Prospectives et D'Informations Internationales (CEPII, WP no. 2012-17). As Luxembourg and Liechtenstein were not included in this database those countries were coded as Belgium and Germany, respectively. Among countries of origin of applicants, the following countries were missing and therefore excluded from the analysis: British overseas countries and territories, Federated States of Micronesia, Kosovo, RNC, Stateless, Unknown and Vatican City. The average loss of the information due to this introduced data manipulations on the Member State level was 2%. In order to compute the share of applications from countries that share common spoken language the variable was coded as '0' meaning the lack of common spoken language between destination country and country of applicants' origin for 'csi' values below 0.5.

<sup>(646)</sup> The size of bubble corresponds to the share of applications from countries which share common spoken language

While the above analysis offers certain insights with regard to the size of the translation issue in view of different national contexts, it should be noted that the provision of interpretation remains challenging across the board in all EU+ countries. Such objective challenges were indicated by several asylum administrations: **Estonia** and **Finland** voiced difficulties experienced with arranging interpretation services for relocated applicants (especially as regards languages spoken by Eritreans). In **Croatia**, lack of interpreters for Pashto language was regarded as one of the main challenges for 2017. Similar concerns were identified in **Spain** (as pointed out by civil society organisations <sup>(647)</sup>). In the **Netherlands**, to address the issue of interpreters' shortages during periods of high inflows, the Ministry of Justice and Security launched a programme in cooperation with local civil society organisations <sup>(648)</sup>.

As regards technical developments to facilitate interpretation in the asylum process, in **Germany** (still the EU+ country with the highest number of applications and the highest volume of pending asylum applications) new interpreting workstations (hubs) were introduced to connect interpreters via video conferencing to asylum interviews being held elsewhere in the national territory. This measure proved successful in addressing application backlogs and overcoming scarcity of interpreters. In parallel, standards for interpreters from several languages were raised to C1 level as regards proof of German language proficiency <sup>(649)</sup>. In the **Netherlands**, phone interpretation services were made available to beneficiaries of international protection to communicate with their general practitioner <sup>(650)</sup>.

Further measures concerned organisation of work of interpreters: in **Greece**, an amendment to the Asylum Service Operation Regulation introduced a register of interpreters at the Central Asylum Service <sup>(651)</sup>. Interpretation service were also enhanced as regards specific procedures related to asylum: in **Slovakia**, interpreters were involved for the first time in the information provision concerning assisted voluntary return (AVR); while in **Malta**, the Ministry for Home Affairs and Security ensured that an interpreter was made available for relocated applicants upon their arrival, and for the first period following it.

UNCHR and civil society organisations alike raised various other concerns in 2017 regarding both quality and availability of interpretation services in several EU+ countries. Among those, interpretation provision reportedly remains a serious issue in **Bulgaria**, where the service is not systematically accessible to certain applicants at approximately any stage of the asylum procedure, and interpreters from languages such as Tamil, Tigrinya and Bengali are largely unavailable <sup>(652)</sup>. Difficulties concerning interpretation services were identified in the islands in **Greece** <sup>(653)</sup> and at the border in **Italy** and **France** <sup>(654)</sup>, especially with regard to certain languages <sup>(655)</sup>.

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<sup>(647)</sup> AIDA, *Country Report Spain, 2017 Update*, March 2018, [http://www.asylumineurope.org/sites/default/files/report-download/aida\\_es\\_2017update.pdf](http://www.asylumineurope.org/sites/default/files/report-download/aida_es_2017update.pdf), 25.

<sup>(648)</sup> Dutch Council for Refugees, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/Dutch-Council-Refugees.pdf>;

<sup>(649)</sup> <http://www.bamf.de/SharedDocs/Pressemitteilungen/DE/2017/20170928-033-pm-online-videotraining-sprachmittler.html>

<sup>(650)</sup> This service will be available until 1 May 2019, and is accessible to beneficiaries of international protection for a period of six months from their registration at the practitioner's office. For more information see <https://www.rijksoverheid.nl/actueel/nieuws/2017/05/01/telefonische-tolkdienst-voor-statushouders-bij-huisarts-van-start>. Consulted on 8 January 2018.

<sup>(651)</sup> Available at: <http://asylo.gov.gr/wp-content/uploads/2017/06/%CE%A6%CE%95%CE%9A-2089-19.6.2017-%CE%9C%CE%97%CE%A4%CE%A1%CE%A9%CE%9F-%CE%94%CE%99%CE%95%CE%A1%CE%9C%CE%97%CE%9D%CE%95%CE%A9%CE%9D.pdf>

<sup>(652)</sup> AIDA, *Country Report Bulgaria, 2017 Update*, February 2018, [http://www.asylumineurope.org/sites/default/files/report-download/aida\\_bg\\_2017update.pdf](http://www.asylumineurope.org/sites/default/files/report-download/aida_bg_2017update.pdf), 20. As reported by the State Agency for Refugees, through the hiring of an AMIF-funded pool of interpreters and EASO organized videoconferences, issues related to interpretation provision from rare languages during both 2017 and 2018 have largely been resolved.

<sup>(653)</sup> Network for Children's Rights (Network - NCR), input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/network-for-children-rights-el.pdf>.

<sup>(654)</sup> In France, low levels of accessibility to interpretation at the airport waiting zones remained a concern, and issues with interpretation quality were also encountered in overseas departments, especially in Guyana and Mayotte, as reported by UNHCR.

<sup>(655)</sup> In its Order of 22 January 2018 the Juge des Référéés of the Administrative Tribunal of Nice stressed the need for providing a person who wants to access to the French territory at the French-Italian border with comprehensive information with regard to rights and obligations relating to asylum procedure and in a language he/she understands (See the Order at: <https://www.ldh-france.org/wp-content/uploads/2018/01/JRTA-Nice-22-janvier-2018-M-H-Anaf%C3%A9-n1800195.pdf>, page 5).

Concerns regarding the quality of interpretation services and the need to enhance training for interpreters continued to be raised by civil society in **Cyprus, Lithuania, Romania** <sup>(656)</sup> and **Spain** <sup>(657)</sup>. One of the instruments commonly used to enhance quality is a dedicated code of conduct for interpreters. However, in **Bulgaria** it was also pointed out how the interpreters' Code of Conduct – adopted in 2009 – remains unapplied in practice, resulting in episodes of improper interferences from interpreters on applicants' statements <sup>(658)</sup>. Interpreters not being objective in their duty were also reported with regard to procedures in **Switzerland** <sup>(659)</sup>; whereas the lack of a code of conduct or prescribed quality standards for interpreters was also deemed by the Hungarian Helsinki Committee to undermine the quality of interpretation services in **Hungary** <sup>(660)</sup> and **Croatia** <sup>(661)</sup>. In **Austria**, a handbook for interpreters in the asylum procedures was developed by UNHCR <sup>(662)</sup>.

#### 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 2017. Four specific requests were received from Lithuania, Finland and Greece regarding a number of rare languages, which were addressed.

#### 4.4. Special procedures: admissibility, border and accelerated procedures

The Asylum Procedures Directive sets the framework for the examination of applications for international protection at first instance under an accelerated, border or transit zones, or prioritised procedure, while remaining in accordance with the basic principles and guarantees.

Given that 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, Member States can provide for admissibility and/or substantive examination procedures which would make it possible for such applications to be decided upon at those locations in well-defined circumstances.

<sup>(656)</sup> Training for interpreters is provided in Romania under an AMIF project.

<sup>(657)</sup> AIDA, *Country Report Romania*, February 2018, [http://www.asylumineurope.org/sites/default/files/report-download/aida\\_ro.pdf](http://www.asylumineurope.org/sites/default/files/report-download/aida_ro.pdf), 21; AIDA, *Country Report Spain, 2017 Update*, March 2018, [http://www.asylumineurope.org/sites/default/files/report-download/aida\\_es\\_2017update.pdf](http://www.asylumineurope.org/sites/default/files/report-download/aida_es_2017update.pdf), 25. CEAR, "Refugiados y Migrantes en España: Los Muros Invisibles tras la frontera sur", pages 12-15, 16 January 2018, available at: <https://www.cear.es/wp-content/uploads/2018/02/INFORME-FRONTERA-SUR.pdf>; AIDA, *Country Report Cyprus, 2017 Update*, February 2018, [http://www.asylumineurope.org/sites/default/files/report-download/aida\\_cy\\_2017update.pdf](http://www.asylumineurope.org/sites/default/files/report-download/aida_cy_2017update.pdf), 24; concerns were reported regarding the quality of interpretation in Lithuania by UNHCR.

<sup>(658)</sup> AIDA, *Country Report Bulgaria, 2017 Update*, February 2018, [http://www.asylumineurope.org/sites/default/files/report-download/aida\\_bg\\_2017update.pdf](http://www.asylumineurope.org/sites/default/files/report-download/aida_bg_2017update.pdf), 20

<sup>(659)</sup> Asylex, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/Asylex-web.pdf>. There were, however, no such incidents reported to the Swiss State Secretariat for Migration (SEM). Since 2010, SEM has been significantly enhancing and enlarging its quality management measures for interpreters (high-standard recruitment system with two-way tests of interpreting, coaching of new interpreters, internal feedback-system, info-letters for interpreters covering different subjects relevant to their work, etc.). The sum of these measures lead to an overall improvement of the quality of interpreting offered. Further measures are planned on a short term perspective (asylum vocabulary app for the top languages used) and on a longer term perspective (tailored-made courses with third party certification).

<sup>(660)</sup> AIDA, *Country Report Hungary, 2017 Update*, February 2018, [http://www.asylumineurope.org/sites/default/files/report-download/aida\\_hu\\_2017update.pdf](http://www.asylumineurope.org/sites/default/files/report-download/aida_hu_2017update.pdf), 24. In **Hungary**, new amendments to the Asylum Decree that entered into force on 1 January 2018 provide, among others, for asylum interviews to be held in videoconference with remote interpretation. Hungarian Helsinki Committee argued that remote interpretation affects the quality of interpretation as well as the required level of privacy (Hungarian Helsinki Committee, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/hungarian-helsinki-committee.pdf>). It was submitted by the Immigration and Asylum Office that interviewing people by means of telecommunication is a common practice of Hungarian courts as well and the Office is not aware of any objections taken by the Hungarian Helsinki Committee on this matter.

<sup>(661)</sup> European Association for the Defence of Human Rights, AEDH, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/AEDH.pdf>. In Croatia a lack of official interpreters from Pashto was noted, but authorities are looking into potential Pashto interpreters for the first-instance determination. In addition, in lieu of a code of contact, interpreters are provided with instructions for interpretation in asylum procedures.

<sup>(662)</sup> UNHCR Austria, "Handbook for Interpreters in Asylum Procedures" <http://www.refworld.org/docid/59c8b3be4.html>.

When an application is likely to be unfounded or where there are specific grounds, Member States may accelerate the examination procedure<sup>(663)</sup>, in particular by introducing shorter, but reasonable, time limits for certain procedural steps, without prejudice to an adequate and complete examination being carried out and to the applicant's effective access to basic principles and guarantees provided for in the Directive. Accordingly, Member States may provide that an examination procedure in accordance with the basic principles and guarantees of ADP be accelerated and/or conducted at the border or in transit zones. Applicants in need of special procedural guarantees should be exempted from special procedures.

Where an applicant makes a subsequent application without presenting new evidence or arguments, it would be disproportionate to oblige Member States to carry out a new full examination procedure. In those cases, Member States have the possibility to dismiss an application as inadmissible in accordance with the *res judicata* principle. In addition to cases in which an application is not examined in accordance with Dublin III Regulation (EU), Member States are not required to examine whether the applicant qualifies for international protection where an application is considered inadmissible<sup>(664)</sup>.

In order to shorten the overall duration of the procedure in certain cases, Member States have the flexibility, in accordance with their national needs, to **prioritise the examination** of any application by examining it before other, previously made applications, *without* derogating from normally applicable procedural time limits, principles and guarantees.

EASO has included in its EPS data exchange a disaggregation regarding the 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 EASO data exchange first began, disaggregated by type of procedure (normal, border, admissibility, accelerated).

#### Decisions issued by main country (left) by procedure (right)

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<sup>(663)</sup> According to the APD, Article 31 an examination procedure may be accelerated where (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; (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.

<sup>(664)</sup> According to the APD, Article 33: Member States may consider an application for international protection as inadmissible only if: (a) another Member State has granted international protection; (b) a country which is not a Member State is considered as a first country of asylum for the applicant, pursuant to Article 35(c) a country which is not a Member State is considered as a safe third country for the applicant, pursuant to Article 38; (d) the application is a subsequent application, where no new elements or findings relating to the examination of whether the applicant qualifies as a beneficiary of international protection by virtue of Directive 2011/95/EU have arisen or have been presented by the applicant; or (e) a dependant of the applicant lodges an application, after he or she has in accordance with Article 7(2) consented to have his or her case be part of an application lodged on his or her behalf, and there are no facts relating to the dependant's situation which justify a separate application.

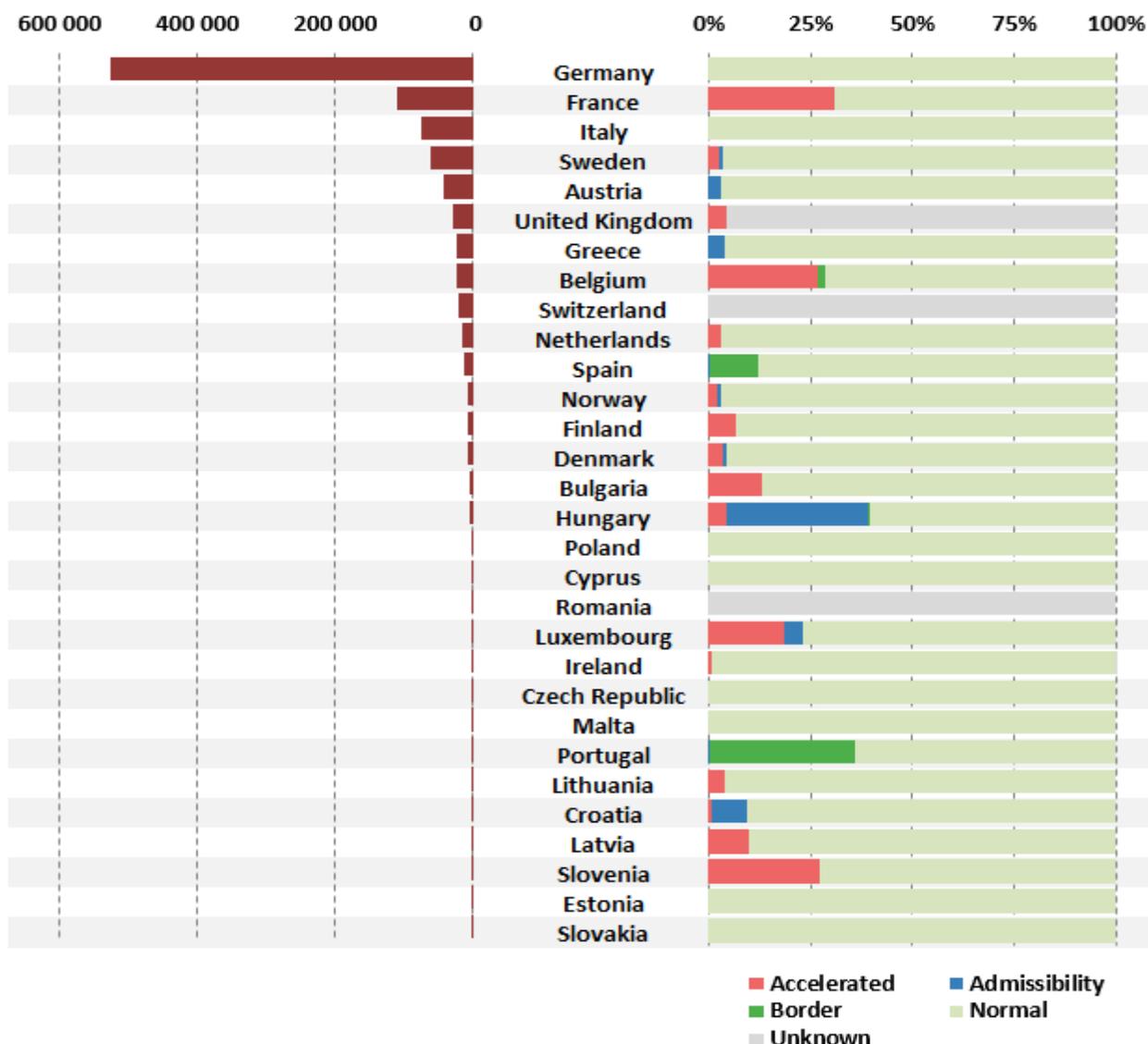


Figure 29. The proportion of decisions issued using special procedures varied across EU+ counties

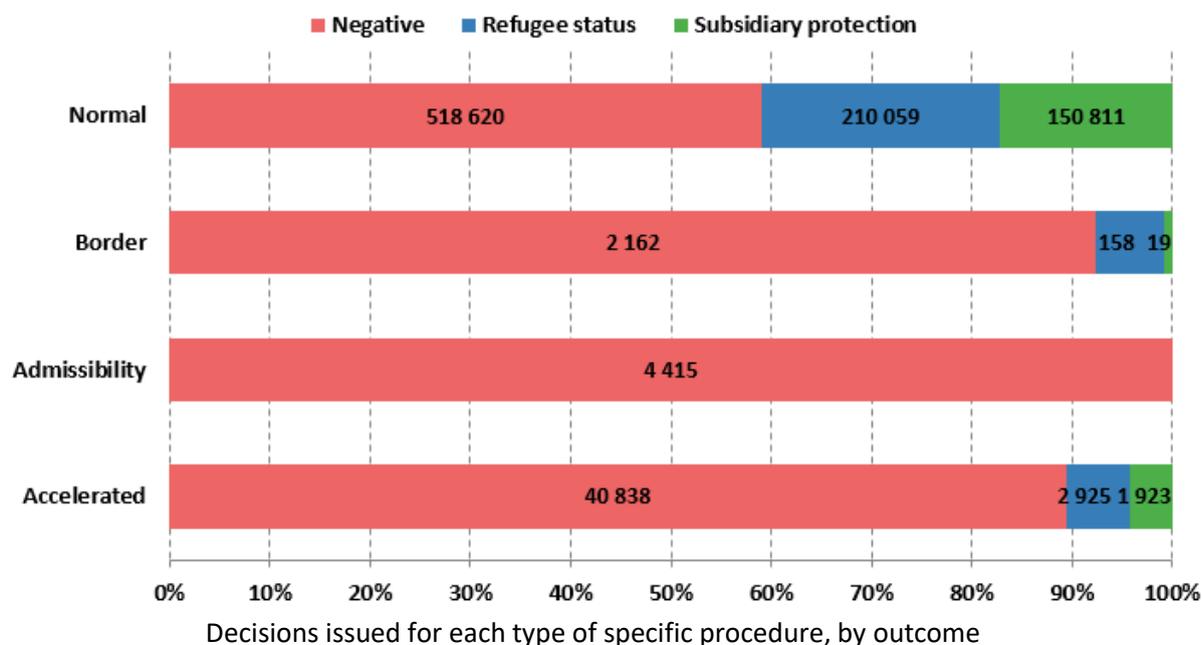
Of the countries issuing more than 1 000 decisions, the accelerated procedure was used most often in **France** (31 % of all decisions) and **Belgium** (27 %). Admissibility procedure was used in a third of the decisions issued in **Hungary**, and less frequently in **Greece** (4 % of decisions) <sup>(665)</sup>. The border procedure was used the most in **Portugal** (36 %) and to a lesser extent in **Spain** (12 %), and **Belgium** (2 %).

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 <sup>(666)</sup>. 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. In contrast, the recognition rate for decisions issued using accelerated procedures was 11 %, while for those using border procedure 8 %.

#### Decisions issued using specific procedures, by outcome and type of procedure

<sup>(665)</sup> In Greece in particular, the admissibility procedure is applied in accordance to Article 54 of Law 4375/2016 (Article 33 of Directive 2013/32/EC), notably 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.

<sup>(666)</sup> Note that this chart is based on EASO EPS data, which only covers EU-regulated statuses (refugee status and subsidiary protection). Therefore, national forms of protection (for humanitarian reasons), are reported as negative decisions.



**Figure 30. The outcome of the majority of decisions issued using specific procedures was negative**

### Legislative and Policy Developments

In 2017, some EU+ countries continued transposing the APD and implementing relevant procedures with a view to addressing high numbers of applications on first instance.

#### Admissibility Procedure <sup>(667)</sup>

**Belgium** transposed in November 2017 Article 33 APD on the admissibility procedure. According to the new legislative provisions, if the CGRS decides to take a decision on non-admissibility, in principle the decision has to be taken within 15 working days upon the transfer of the file by the Immigration Office.

In application of admissibility procedures in **Germany**, the Federal Administrative Court clarified that if it is not clear whether an asylum applicant has already been granted international protection in another European Union Member State, the administrative courts must investigate this, if the admissibility of a new application for protection depends on that element <sup>(668)</sup>. Additionally, with regard to decisions on inadmissible asylum applications, the courts are still obligated to thoroughly examine possible deportation bans <sup>(669)</sup>.

Legal provisions made permanent in **Norway** as from 1 January 2018 <sup>(670)</sup> stipulate that the Norwegian immigration authorities must conclude that an application is non-admissible when the applicant arrives in Norway from a country where he has received a form of protection or has travelled to Norway after having been present in a country or area where he was not subjected to persecution. The decision of dismissal of an asylum application does not entail an assessment on merits.

Except for Dublin decisions, inadmissibility grounds were rarely applied in **Slovenia** <sup>(671)</sup>.

During the latest law reform **Italy** has not introduced an admissibility procedure.

#### Accelerated Procedure

<sup>(667)</sup> For Admissibility procedure used in connection to safe country concepts, see more below.

<sup>(668)</sup> Federal Administrative Court, Judgments of 21 November 2017 - 1 C 39.16 <5431701-423>, 1 C 40.16 <5435634-273> and 1 C 42.16 <5439592-273>, available at:

<https://beck-online.beck.de/Dokument?vpath=bibdata%2Fents%2Fbeckrs%2F2017%2Fcont%2Fbeckrs.2017.139297.htm&pos=0&hlwords=on>

<sup>(669)</sup> Federal Administrative Court, Judgments of 25 July 2017 - 1 C 19.17 and 1 C 13.17, available at: <https://beck-online.beck.de/Dokument?vPath=bibdata%2Fents%2Fbeckrs%2F2017%2Fcont%2Fbeckrs.2017.121803.htm&ShowParallelFundstellenReadabl e=True&lsSearchRequest=True&HLWords=on>

<sup>(670)</sup> That had been previously adopted as temporary measures since November 2015.

<sup>(671)</sup> AIDA, *Country Report: Slovenia 2017, 2018*, p.27.

**Austria** introduced an accelerated procedure of no more than one month for withdrawing the asylum status of individuals convicted of a criminal offence in its 2017 Act Amending the Aliens Law. Such an accelerated procedure is to be initiated where an individual is convicted with final effect, or where the public prosecutor brings charges because of an intentional criminal act, where an individual is remanded in custody or caught in the act of committing a crime. The one-month period for withdrawing the status can be exceeded if detailed investigations are needed to adequately and fully assess whether the conditions for withdrawal are met <sup>(672)</sup>. The accelerated procedure will not apply to applicants in need of procedural guarantees <sup>(673)</sup>.

**Luxembourg** also introduced an ‘ultra-accelerated’ procedure for applicants for international protection stemming from safe countries of origin, thus principally nationals from the Western Balkans. The procedure lasts around 10 days <sup>(674)</sup>.

According to the French Ministry of Interior, 38.9 % of all asylum applications were channelled in **France** into the accelerated procedure in 2017, a stable trend compared to 38.8 % in 2016 <sup>(675)</sup>.

With regard to procedural aspects of the accelerated procedure under the Italian Procedure Decree, the Court of Appeal of Naples (**Italy**) delivered a judgment on 3 January 2018 <sup>(676)</sup>. The Court recalled that in order to safeguard the asylum seeker’s rights of defence, the accelerated procedure must be triggered by the Territorial Commission before a decision is taken, rather than retrospectively applied after a rejection decision has been issued following the regular procedure <sup>(677)</sup>.

Although not previously activated, the Refugee Commissioner in **Malta** started using the accelerated procedure in 2017.

In the context of institutional reforms in **Switzerland**, the SEM confirmed the implementation of another pilot phase in the asylum region in the west of Switzerland: the federal centre of Boudry (in the French-speaking canton of Neuchâtel), as a procedure centre, and in the federal centre of Giffers (German-speaking part of the canton of Fribourg) as a departure centre, to enhance accelerated procedures. Their operation will start in April 2018 <sup>(678)</sup>.

**Cyprus** maintained accelerated procedures in law but not in practice <sup>(679)</sup>.

### *Subsequent Applications*

The exceptionally large number of subsequent applications, over 2 000, caused practical challenges in **Finland**, where a large proportion of the applications were estimated to have been submitted to delay return. OFPRA also registered 7 582 subsequent applications in 2017, representing 7.5 % of the total number of applications in **France** <sup>(680)</sup>. In **Poland**, it was noted that 2 201 subsequent applications were submitted in 2017, mainly by Russian, Ukrainian and Tajik nationals <sup>(681)</sup>.

The new law in **Belgium** brought changes with regard to non-admissible subsequent applications. Accordingly, the decision has to be taken within 10 working days and for the subsequent applications

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<sup>(672)</sup> Written input to EMN Annual Report by the Federal Ministry of the Interior, Department III/1/c (Alien-related legislation), 26 January 2018.

<sup>(673)</sup> This exemption was welcomed by UNHCR. UN High Commissioner for Refugees (UNHCR), *Commentaires du Haut Commissariat des Nations Unies pour les réfugiés (HCR) relatifs aux : - Projet de loi 2548/003 modifiant la loi du 15 décembre 1980 sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers et la loi du 12 janvier 2007 sur l'accueil des demandeurs d'asile et de certaines catégories d'étrangers (ci-après « Projet de loi monocaméral »). - Projet de loi 2549/003 modifiant la loi du 15 décembre 1980 sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers (ci-après « Projet de loi bicaméral »)*, 4 October 2017, available at: <http://www.refworld.org/docid/59e85fd44.html>.

<sup>(674)</sup> Read more on safe country concepts below.

<sup>(675)</sup> OFPRA.

<sup>(676)</sup> [https://www.asgi.it/wp-content/uploads/2018/01/20181\\_3\\_CDA\\_Napoli\\_asilo\\_procedura\\_accelerata.pdf](https://www.asgi.it/wp-content/uploads/2018/01/20181_3_CDA_Napoli_asilo_procedura_accelerata.pdf).

<sup>(677)</sup> Accordingly, it annulled the ruling of the Court of Naples and examined the case on the merits, resulting in a grant of humanitarian protection.

<sup>(678)</sup> AIDA, *Country Report: Sweden 2017 Update*, February 2018.

<sup>(679)</sup> ECRE, *Accelerated, prioritised and fast-track asylum procedures, Legal frameworks and practice in Europe*, May 2017.

<sup>(680)</sup> <https://www.immigration.interieur.gouv.fr/Info-ressources/Etudes-et-statistiques/Statistiques/Essentiel-de-l-immigration/Chiffres-clefs/LES-PRINCIPALES-DONNEES-DE-L-IMMIGRATION-EN-FRANCE>.

<sup>(681)</sup> AIDA, *Country Report: Poland 2017 Update*, February 2018, p.34.

handed in by applicants detained in a detention facility a decision has to be taken within two working days.

In **Czech Republic**, the Supreme Administrative Court confirmed <sup>(682)</sup> that an interview it is not required in the event of a subsequent application. However, when the case concerns a vulnerable applicant who insists on a new interview to eliminate potential doubts about her/his reliability, the Ministry should take in consideration her/his personal situation and allow her/him to do new interview.

In the **Netherlands**, the Council of State underlined with regard to subsequent applications that a subsequent application can only be successful when new elements or findings are presented and the applicant can be held accountable for omitting these facts in first instance. This means that in the event of a subsequent application it could be invoked that during an earlier procedure the third country national had failed to obtain and/or provide elements or findings <sup>(683)</sup>. Further, the Coalition Agreement of October 2017, expressed its intention to omit the interview if it appears that this application has no chance of success based on the documents of a subsequent application <sup>(684)</sup>, while it aims to ensure that the asylum procedure will last eight days, whereas a one-day review will take place within two days in the event of a repeat application <sup>(685)</sup>.

#### *Fast-track or differentiated procedures for specific groups*

The procedure for Syrians and Iraqis, in general, was concluded within the 15-month time limit in **Austria**, however, other nationalities faced longer delays for a decision <sup>(686)</sup>. Refugees resettled from Syria were granted asylum immediately upon arrival (asylum ex officio).

With regard to applicants from Algeria, Bangladesh, Pakistan, Sri Lanka, Turkey and Ukraine, practice in **Bulgaria** was questioned<sup>(687)</sup>.

In 2017, OFPRA (French determining authority) developed the process introduced during the 2015 law reform in **France**, which provides the possibility to prioritise applications introduced by vulnerable persons. OFPRA also conducted decentralised and external missions in order to accelerate the examination of claims from asylum seekers with specific nationalities or having specific needs. This has resulted in 2017 in 34 decentralised missions in metropolitan departments, Cayenne (French Guyana) and Mayotte. In 2017, 21 external missions were led in Turkey, Italy, Greece, Lebanon, Chad and Niger.

The Syria fast-track procedure applicable to Syrians and stateless persons from Syria continued in **Greece** for applications submitted in the mainland, which were not eligible to relocation. UNHCR reported that in 2017, GAS faced an enormous caseload – with appointments being booked for 2019 – due to limited capacity compared to the high numbers of Syrians in the procedure. Further, the Greek Asylum Service established specific regional asylum offices with competence on specific countries of origin, e.g. Palestine, Egypt, Albania, Georgia, with a view to speed up processing time in first instance <sup>(688)</sup>.

Also in **Luxembourg**, the Directorate of Immigration continued prioritising applications for international protection, which are likely to get international protection (i.e. of Syrian nationals).

In **Ireland**, the International Protection Office (IPO) and UNHCR developed a note on the prioritisation of applications for international protection under the International Protection Act 2015, which outlines the

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<sup>(682)</sup> Supreme Administrative Court, 6 Azs 66/2017 – 49, 13 September 2017, available at:

[http://www.nssoud.cz/files/SOUDNI\\_VYKON/2017/0066\\_6Azs\\_1700049\\_20170925133441\\_prevedeno.pdf](http://www.nssoud.cz/files/SOUDNI_VYKON/2017/0066_6Azs_1700049_20170925133441_prevedeno.pdf).

<sup>(683)</sup> Administrative Jurisdiction Division of the Council of State (ABRVS), 6 October 2017, no. [201604251/1/V3](https://www.rechtspraak.nl/documenten/publicaties/2017/10/10/regerakkoord-vertrouwen-in-de-toekomst).

<sup>(684)</sup> Coalition Agreement “*Vertrouwen in de toekomst*” [Confidence in the future] (2017). VVD, CDA, D66 and ChristenUnie. P.52. <https://www.kabinetformatie2017.nl/documenten/publicaties/2017/10/10/regerakkoord-vertrouwen-in-de-toekomst>.

<sup>(685)</sup> Coalition Agreement “*Vertrouwen in de toekomst*” [Confidence in the future] (2017). VVD, CDA, D66 and ChristenUnie. P.52. <https://www.kabinetformatie2017.nl/documenten/publicaties/2017/10/10/regerakkoord-vertrouwen-in-de-toekomst>.

<sup>(686)</sup> AIDA, *Country Report: Austria 2017 Update*, February 2018. Available at: [http://www.asylumineurope.org/sites/default/files/report-download/aida\\_at\\_2017update.pdf](http://www.asylumineurope.org/sites/default/files/report-download/aida_at_2017update.pdf).

<sup>(687)</sup> Bulgarian Helsinki Committee raised questions with regard to their treatment as manifestly unfounded in pre-removal detention facilities. AIDA, *Country Report: Bulgaria 2017 Update*, February 2018 [http://www.asylumineurope.org/sites/default/files/report-download/aida\\_bg\\_2017update.pdf](http://www.asylumineurope.org/sites/default/files/report-download/aida_bg_2017update.pdf). The State Agency for Refugees submitted that each application for international protection is individually assessed. The final decision is taken on the basis of relevant facts and circumstances, including the current situation in the country of origin.

<sup>(688)</sup> Read more in [Chapter 4.1](#).

categories of cases prioritised by the IPO. Prioritisation relates solely to the scheduling of interviews and does not predetermine any recommendation to be made. All applications, whether prioritised or not, receive the same full and individual assessment under the procedure <sup>(689)</sup>.

**Italy** generally prioritised applications by detained asylum seekers in a pre-removal facility, while for the other cases practices vary based on the competent Territorial Commission.

In **Lithuania**, the Migration Department clearly prioritised cases of relocated asylum seekers leading to delays in delivering asylum determinations with respect to newly arrived asylum seekers.

In **Romania** according to the legislation in place, the asylum application is assessed individually; therefore, there is no one national practice regarding the application of the accelerated procedure for asylum seekers coming from specific countries, for example applications from Pakistan and Afghanistan were assessed in an accelerated procedure in the Regional Centre of Giurgiu.

In **Sweden**, the Migration Agency worked with different tracks depending on the specific profile of the individual case. The Agency revised the procedures for inter alia manifestly unfounded applications and cases related to countries of origin with high, general refusal rate (e.g. Serbia or Kosovo), which are managed by specialized units or teams.

**Switzerland** continued prioritisation of applications for applicants from countries with low recognition rates. According to the AIDA report, 4 945 cases were treated in the fast-track procedure or the 48-hour procedure. Out of these cases, 33 were granted asylum and 201 persons were granted temporary admission <sup>(690)</sup>.

The Detained Fast Track (DFT) remained suspended throughout 2017 in the **United Kingdom** <sup>(691)</sup> following relevant jurisprudence <sup>(692)</sup>.

#### *Border or Transit Zone Procedures*

The new law adopted <sup>(693)</sup> in **Belgium** finetunes the accelerated procedure at the border. When the CGRA does not make a decision on the merits via an accelerated procedure or decision of inadmissibility within four weeks, the person concerned is granted access to the territory. UNHCR particularly welcomed the exemption of applicants with special procedural needs from the border procedure <sup>(694)</sup>.

**Germany** established transit centres to conduct faster procedures, e.g. with regard to applicants from safe countries of origin. Since 1 July 2017, two centres operate in Manching and Bamberg.

Resort to the border procedure increased in 2017 in **Lithuania**, despite concerns raised by UNHCR on reception conditions.

In **Spain**, the Border Procedure entailed an admissibility procedure of 72 hours, as the second phase of the process takes place regularly in the Spanish territory <sup>(695)</sup>. Concerns were raised regarding the short deadlines in the border procedure and the fast execution of removals and forced return as impacting to the right to an effective remedy <sup>(696)</sup>. As clarified by Audiencia Nacional, the border procedure is not applicable to applications made in Migrant Temporary Stay Centres (CETI) in Ceuta and Melilla, which are

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<sup>(689)</sup> International Protection Office and UNHCR (27 February 2017) "Prioritisation of applications for international protection under the International Protection Act 2015." Available at: [www.ipo.gov.ie](http://www.ipo.gov.ie).

<sup>(690)</sup> [http://www.asylumineurope.org/sites/default/files/report-download/aida\\_ch\\_2017update.pdf](http://www.asylumineurope.org/sites/default/files/report-download/aida_ch_2017update.pdf).

<sup>(691)</sup> The Ministry of Justice published their findings following the Consultation on expedited immigration and asylum appeals for detained applicants in April 2017: <https://www.gov.uk/government/news/new-fast-track-immigration-appeal-rules-proposed>.

<sup>(692)</sup> *TN (Vietnam) & US (Pakistan), R (On the Applications Of) v Secretary of State for the Home Department & Anor* [2017] EWHC 59 (Admin): <http://www.bailii.org/ew/cases/EWHC/Admin/2017/59.html>.

<sup>(693)</sup> The Law amending the Belgian Immigration Act, which was adopted last 9 November 2017, entered into force on 22 March 2018. The Law is available at: [http://www.ejustice.just.fgov.be/cgi\\_loi/change\\_lg.pl?language=fr&la=F&cn=1980121530&table\\_name=loi](http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&cn=1980121530&table_name=loi).

<sup>(694)</sup> UN High Commissioner for Refugees (UNHCR), *Commentaires du Haut Commissariat des Nations Unies pour les réfugiés (HCR) relatifs aux : - Projet de loi 2548/003 modifiant la loi du 15 décembre 1980 sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers et la loi du 12 janvier 2007 sur l'accueil des demandeurs d'asile et de certaines catégories d'étrangers (ci-après « Projet de loi monocaméral »). - Projet de loi 2549/003 modifiant la loi du 15 décembre 1980 sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers (ci-après « Projet de loi bicaméral »)*, 4 October 2017, available at: <http://www.refworld.org/docid/59e85fd44.html>.

<sup>(695)</sup> Read more in [Chapter 4.1](#).

<sup>(696)</sup> AIDA, *Country Report: Spain 2017*, 2018, p.36.

considered to be made on the territory and fall under the regular procedure<sup>(697)</sup>. With regard to the border procedure, challenges were reported in Madrid Barajas Airport during the summer of 2017, as applications quadrupled compared to 2016<sup>(698)</sup>.

**Switzerland** implemented border procedure only in the airports<sup>(699)</sup>. According the latest AIDA report, 169 asylum claims were lodged in the international airports of Zurich and Geneva, two of which by unaccompanied children. The main countries of origin were Turkey, Iran, Syria and Sri Lanka.

No border procedure was introduced in **Bulgaria, Cyprus, Italy, Malta, Poland**<sup>(700)</sup> and **United Kingdom**, whereas in **Croatia, Hungary, Slovenia** the relevant procedure remained inapplicable.

#### *The impact of Emergency Schemes on Special Procedures*

The mass influx of asylum seekers in 2015-2016, resulted in the introduction of emergency schemes in EU+ countries in order to maintain public order and safeguard internal security. Once the emergency schemes are activated, derogation of regular procedures or special rules may apply.

Although such a scheme was introduced under national law, in the year under review, it was not activated in the case of **Austria**<sup>(701)</sup>.

In **Greece**, one of the main modifications introduced in 2016 was the activation of an extremely truncated fast-track border procedure in the exceptional case of mass influx of third country nationals<sup>(702)</sup>. In practice, this fast-track border procedure, which applied to arrivals in the Aegean islands following the EU-Turkey statement<sup>(703)</sup>, continued to apply in 2017 in the context of the Hotspot approach<sup>(704)</sup> in Lesbos, Chios, Samos, Leros and Kos. Accordingly, the entire procedure at first and second instance has to be completed within 14 days. However, in practice, the average waiting time until the complete processing of an application at first instance was 48 days from the full registration date and 82 days from the pre-registration date<sup>(705)</sup>. UNHCR noted that the time frames between the registration until the lodging of the application differ from one location to the other and it largely depends on the processing capacity of the Asylum Service and the number of arrivals. Further, applications undergo an admissibility procedure to examine whether they may be dismissed on the ground that Turkey is a 'safe third country' or a 'first country of asylum'. Although these concepts already existed in Greek law, they have only been applied following the EU-Turkey statement. The legality of applying the safe third country concept in the case of Turkey was confirmed by the **Hellenic Council of State** (Simvoulío tis Epikrateias)<sup>(706)</sup>. Since the

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<sup>(697)</sup> Audiencia Nacional, Decision SAN 1780/2017, 24 April 2017.

<sup>(698)</sup> AIDA, *Country Report: Spain 2017*, 2018.

<sup>(699)</sup> [http://www.asylumineurope.org/sites/default/files/report-download/aida\\_ch\\_2017update.pdf](http://www.asylumineurope.org/sites/default/files/report-download/aida_ch_2017update.pdf).

<sup>(700)</sup> However, on 30 January 2017, the Minister of the Interior and Administration presented a draft amendment to the Law on Protection which was followed by the political debate. This proposal introduce, among other things, a border procedure for granting international protection during which applicants could be detained. The border procedure would be introduced in order to decide on the admissibility of an application and the substance of an application in accelerated procedure, as stipulated by the Directive 2013/32/EU (Article 43). The Ombudsman, as well as the main NGOs in Poland, have criticised the draft law for failing to provide sufficient safeguards such as access to effective remedies. AIDA, *Country Report Poland, 2017 Update*, 2018.

<sup>(701)</sup> The emergency scheme adopted in 2016 was severely criticised by UNHCR. Read more UN High Commissioner for Refugees (UNHCR), *UNHCR-Kurzanalyse der Asylgesetznovelle 2016 (Sonderbestimmungen zur Aufrechterhaltung der öffentlichen Ordnung und des Schutzes der inneren Sicherheit)*, 21 April 2016, available at: <http://www.refworld.org/docid/58789ea34.html> ; UNHCR-Analyse zum Entwurf einer Verordnung der Bundesregierung zur Feststellung der Gefährdung der Aufrechterhaltung der öffentlichen Ordnung und des Schutzes der inneren Sicherheit, 4 October 2016, available at: <http://www.refworld.org/docid/5878a00f4.html>.

<sup>(702)</sup> Law 4375/2016.

<sup>(703)</sup> According the General Court of the EU, the EU-Turkey statement, as published by means of Press Release No 144/16, cannot be regarded as a measure adopted by the European Council, or, moreover, by any other institution, body, office or agency of the European Union, or as revealing the existence of such a measure that corresponds to the contested measure. General Court of the European Union, *Cases T-192/16, T-193/16 and T-257/16 NF, NG and NM v. European Council*, Order of 28 February 2017, press release available at: <https://curia.europa.eu/jcms/upload/docs/application/pdf/2017-02/cp170019en.pdf>.

<sup>(704)</sup> Read more in [Chapter 1.2](#).

<sup>(705)</sup> Greek Asylum Service, Press Release on 2 years since the Common Statements between EU and Turkey, 27 March 2018, available at: [http://asylo.gov.gr/en/wp-content/uploads/2018/03/EU-Turkey-Common-Statement-2-years\\_EN.pdf](http://asylo.gov.gr/en/wp-content/uploads/2018/03/EU-Turkey-Common-Statement-2-years_EN.pdf). See also Greek Asylum Service, Press Release, 13 December 2017 (in Greek), Available at: <http://asylo.gov.gr/wp-content/uploads/2017/12/ΔΕΛΤΙΟ-ΤΥΠΟΥ-13122017.pdf>.

<sup>(706)</sup> The Hellenic Council of State (Simvoulío tis Epikrateias) issued two decisions (no 2347/2017, 2348/2017). The Council of State (Plenary) ruled that the third country is not required to have ratified the Geneva Convention (and without geographical limitation), but it suffices if in that country the refugee protection is equivalent to the protection accorded by the Geneva Convention. With regard to Turkey as a 'safe country', the Court affirmed the ruling of the 3rd Appeal Committee which was based on the existing legal framework in Turkey (under which

beginning of 2017, the admissibility procedure applied to all nationalities with a recognition rate of over 25 % (e.g. Afghans, Iraqis) <sup>(707)</sup>.

**Hungary** also put in force extraordinary rules due to mass immigration. Since 28 March 2017, border procedures do not apply in Hungary. Instead, all applications are registered by the competent authority in the transit zones. These procedures are not considered as special once, since applications are examined according to the general rules <sup>(708)</sup>.

#### *Application of safe country concepts*

In respect of the 'safe country of origin' and 'safe third country' concepts, a numerous developments took place in 2017.

#### *Safe country of origin*

**Estonia** introduced the concept of safe country of origin into their laws and established its first list of safe countries of origin. The new legal provisions were subject to criticism by the UNHCR, which voiced concerns with regard to the possibility of designating as safe only part of a country.

Similarly, in **Poland**, a draft law amending the Act on granting protection to foreigners in the territory of the Republic of Poland which foresees introduction of both safe country of origin and safe third country concept was under consultation via an inter-ministerial procedure (at the time of writing, the draft was still pending submission before the Parliament) <sup>(709)</sup>.

In the course of 2017, several EU+ countries undertook measures to create or revise a list of safe countries. The following countries updated their national lists of safe countries of origin with a view to speeding up the processing of applications:

- **Estonia:** Albania, Armenia, Bosnia and Herzegovina, Georgia, Kosovo, FYROM, Montenegro, Serbia and Ukraine were designated as safe;
- The **Netherlands:** Brazil (with special attention to cases of LGBTI), Trinidad and Tobago (except for LGBTIs) were declared safe (in April). Civil society raised concerns that some countries designated as safe are not safe for LGBTI people <sup>(710)</sup>;
- **Luxembourg:** Georgia was added to the list (in December). In 2017, the number of applications lodged in the country almost tripled compared to one year earlier;
- **Iceland:** Georgia (in August), Kosovo (in August), Ukraine (with the exception of Donetsk, Luhansk and Crimea; in August) were defined as safe <sup>(711)</sup>. Notably, Georgia became the main country of origin of applicants in Iceland, marking a sevenfold increase in the number of applications lodged in 2017, compared to 2016. More than half of the applications were registered between May and August. Numbers declined gradually since the inclusion of Georgia in the list of safe countries of origin.
- **Norway** (September) <sup>(712)</sup>: Applicants from Ukraine (with the exception of the regions of Donetsk, Luhansk and Crimea) was included in the 48 hour procedure. This is a procedure for citizens

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Syrian nationals are granted Temporary Protection providing, *inter alia*, protection against *non refoulement*, access to basic services such as health insurance, education, access to employment) as affirmed in bilateral communication between EU and Turkey. More analytically, letters from the Ambassador of Turkey to the EU were accepted as providing 'diplomatic guarantees'.

<sup>(707)</sup> In the meantime, for nationalities with a rate below 25%, the procedure entails an examination of the application on the merits without prior admissibility assessment as of July 2016. A Joint Action Plan of the EU Coordinator on the implementation of certain provisions of the EU-Turkey statement recommends that Dublin family reunification cases be included in the fast-track border procedure and vulnerable cases be examined under an admissibility procedure. Greece, *Input to EMN Annual Report 2017*, February 2018.

<sup>(708)</sup> Read more in [Chapter 4.1](#).

<sup>(709)</sup> One of the proposed articles in the amendment includes a delegation to issue a regulation of the Council of Ministers, which will establish a list of safe countries of origin and a list of safe third countries for a period of two years.

<sup>(710)</sup> COC Netherlands, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/coc-netherlands.pdf>.

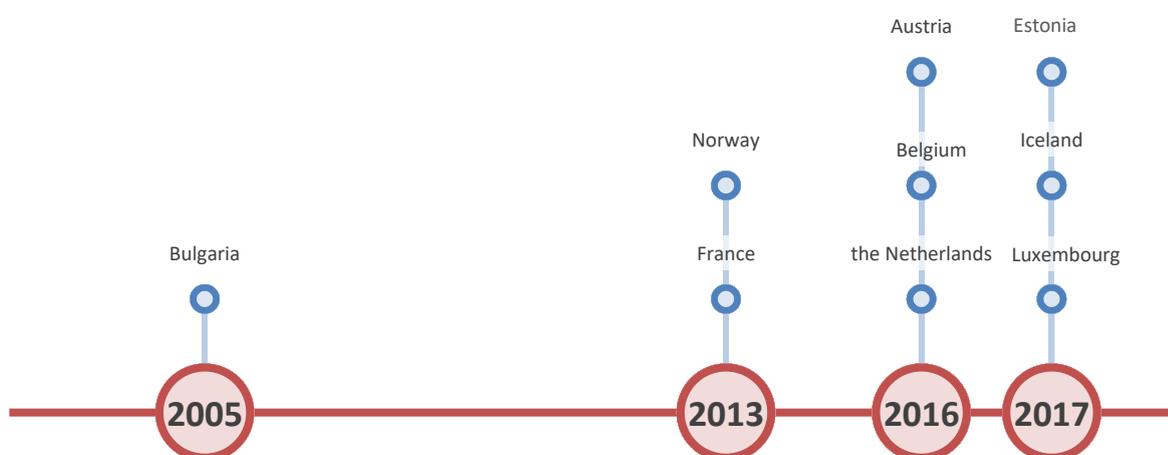
<sup>(711)</sup> UNHCR input.

<sup>(712)</sup> Norway does not have a safe country of origin list. However, applications that Norway presumes to be manifestly unfounded are handled in an accelerated procedure ("the 48-hour procedure") based on a list of countries where Norway considers security and compliance with human rights to be on a satisfactory level.

coming from countries were their claims very often are considered manifestly unfounded. All the normal safeguards are included in the procedure, but the cases are given priority and the cases are also handled out of office hours. If there is any doubt that the current asylum seeker has a manifestly unfounded case the case will immediately be transferred to the ordinary procedure...Norway also updated the list with regard to Botswana, Ghana, India, Namibia and Tanzania as a result of which several groups of applicants coming from those countries (mainly LGBTIs, single women and girls under 18 years old) were exempted from the accelerated procedure.

Moreover, in **Belgium**, **Germany** and the **Netherlands**, several countries have been examined by authorities, but were not placed on the list of safe countries of origin<sup>(713)</sup>. In particular, in the Netherlands, as of October 2017 a substantial increase in the number of Cuban nationals lodging an asylum application took place: three quarters of all Cuban applicants were registered in the last three months of 2017.

**Figure 31: EU+ countries which added Georgia to their national lists of countries of origin**



### *Safe third country*

The legislative changes adopted on 9 November 2017 by the Belgian Parliament (they entered into force on 22 March 2018) introduced the concept of safe third country into national legislation<sup>(714)</sup>.

Regarding applicability of the concept in practice, as a result of a new procedure for applying for international protection (in place since 28 March 2017), **Hungary** stopped applying a safe third country concept in relation to Serbia, as arriving to Hungary via Serbia became the only legal way for foreigners to submit an application<sup>(715)</sup>.

### *Concerns regarding safe country concepts*

Civil society and UNHCR expressed concerns in respect to the following practical application on safe country concepts:

<sup>(713)</sup> In Belgium: Morocco, Algeria, Tunisia, Moldavia, Benin and Senegal, in Germany: Algeria, Morocco and Tunisia, whereas in the Netherlands: Colombia, Cuba, Honduras, Bangladesh, Jordan, Lebanon, Moldova and Nepal.

<sup>(714)</sup> Practical guidelines still need to be developed on how to apply this legal provision. An individual assessment will always take place by the CGRS to assess whether the third country can in practice be considered as a safe third country for the applicant. A connection between the applicant and the third country concerned on the basis of which it would be reasonable for the person to go to that country will be required.

<sup>(715)</sup> See: AIDA, Country Report Hungary, 2017 Update, <http://bit.ly/2Fnqu8V>.

- Issuing by **Spain** of decisions on inadmissibility without prior verification of the possibility to accept an applicant by the country of origin <sup>(716)</sup> as well as applying the safe third country concept increasingly in the case of Morocco, regardless of several rulings of the Audiencia Nacional which upheld the first-instance decisions <sup>(717)</sup>;
- The practice of **Malta** to apply accelerated procedure to applicants coming from safe countries of origin in order to dismiss their claims as inadmissible <sup>(718)</sup>.

The use of safe country concepts was also examined by national courts in 2017.

The Dutch Council of State delivered a preliminary injunction (No 201702914/2/V1, of 3 May 2018) quashing a previous decision by the Court of The Hague, which had judged <sup>(719)</sup> on 29 March that the Secretary of State of Security and Justice had not sufficiently justified why Tunisia was to be regarded as a safe country of origin and, for this reason, had declared the Ministerial decree of 11 October 2016 (establishing the list of safe countries of origins) non-binding with respect to Tunisia. The Council of State decided to quash this decision based on the understanding that declaring the decree non-binding went beyond the case and would have implications for the assessment of other applications submitted by Tunisian nationals.

The Council of State in **the Netherlands** also ruled in four cases regarding the criteria for applying the safe third country concept. In these cases the Council of State judged that a third country could be considered as a safe third country only when the asylum seeker is admitted to the third country. Furthermore, it held that the Secretary of State is allowed to consider a third country as a safe on the basis of country of origin information, but this information should also be transparent and apply to the asylum seeker in the individual case. The Council of State affirmed that Article 38 of the recast Asylum Procedures Directive does not require the third country to have ratified the Refugee Convention. Nevertheless, the third country should abide to the principle of *non-refoulement*. <sup>(720)</sup>

The **Greek** Council of State delivered two long-awaited judgments (No 2347/2017 and No 2348/2017, of 22 September 2017) in which *inter alia* Turkey was affirmed, under specific conditions, as a safe third country for Syrian nationals.

In **Norway**, the provision regulating the safe third country concept that had been amended temporarily in November 2015 was made permanent as of 1 January 2018. In the amendment, the requirements for when to consider a third country safe for an asylum seeker were changed <sup>(721)</sup>. Civil society expressed concern that this may effectively obstruct access to the asylum procedure for certain nationalities <sup>(722)</sup>.

#### 4.5. Reception of applicants of international protection

Overall, 2017 registered decreased pressure on reception systems of most EU+ countries. Consequently, several administrations reduced their reception capacity by closing various types of reception facilities, combined with progressively replacing emergency or temporary reception centres by more permanent ones, based on previous planning. Against that backdrop, there are exceptions though where in some other countries the reception capacity was expanded with a view to accommodating an increasing pressure or a demand that was still to be matched.

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<sup>(716)</sup> UNHCR input.

<sup>(717)</sup> See: AIDA, Country Report Spain, 2017 Update, <http://www.asylumineurope.org/reports/country/spain>.

<sup>(718)</sup> See: AIDA, Country Report Malta, 2017 Update, <http://www.asylumineurope.org/reports/country/malta>.

<sup>(719)</sup> <https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:RBDHA:2017:3186&showbutton=true&keyword=grens>.

<sup>(720)</sup> See: AIDA, Country Report the Netherlands, 2017 Update, <http://www.asylumineurope.org/reports/country/netherlands>.

<sup>(721)</sup> According to the Immigration Act section 32 first paragraph *litra d*, the immigration authorities may refuse to examine the substance of asylum applications lodged by asylum seekers who have come to Norway after having stayed in a third country where they were not persecuted. In the amendments, the requirement "... and, where the foreign national's application for protection will be examined" was deleted. The substance of an application may still be examined in Norway in cases where the asylum seeker is at real risk of treatment contrary to the European Convention on Human rights upon return to the third country, and in cases where the foreign national has a connection to Norway which makes it most logical that Norway examines the application.

<sup>(722)</sup> Norwegian Organisation for Asylum Seekers (NOAS), input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/noas.pdf>.

### *Scaling down of reception capacity.*

The reception capacity was scaled down in following countries: **Belgium** (overall decrease from 26 383 to 23 283 places) **Switzerland** (closure of several cantonal asylum centres, with remaining 7 923 residents in other specialised facilities), **Denmark** (overall decrease from 55 to 25 asylum centres), **Finland** (overall decrease from 19 550 to 13 400 places), and **Luxembourg** (overall decrease from 4 308 to 4 156 beds). In **Sweden** the Swedish Migration Agency continued the decommissioning of most of the additional and temporary housing that had been acquired during 2015 and 2016. A total of 29 687 beds were decommissioned and at the end of 2017, the regular Swedish reception system consisted of 47 034 beds <sup>(723)</sup>. **Finland** announced the reduction of various reception centres in the course of 2018 (by about 2 000 places).

In **Greece** a decrease from 20 000 to 12 000 places occurred in the mainland where 15 state-run camp-based reception facilities were closed, which - as UNHCR - reported led to shortages in reception places resulting in the activation of hotels managed by IOM <sup>(724)</sup>. The number of homeless asylum seekers who could not access camp-based reception facilities increased considerably by the end 2017, especially in Thessaloniki. On the islands, the insufficient reception capacity and the use of RICs as long-term accommodation facilities complicated the situation <sup>(725)</sup>.

In some countries decrease in one type of facilities was coupled with increase in others. In **the Netherlands**, the total capacity for the centralised reception of asylum seekers decreased to about 31 000 reception places (end of 2017), compared to about 48 700 places in April 2017 <sup>(726)</sup>. At the same time, two specific reception facilities for asylum seekers that cause nuisance in the regular centres were opened (see [Section 4.6](#)). In **Hungary**, the operation of the reception centre in Bicske was suspended for indefinite duration as from on 1 January 2017, while from 28 March the transit zones in Tompa (250) and Rösztke (450) operate with upgraded capacity <sup>(727)</sup>.

### *Expanding reception capacity*

With the adoption of the CAES (*centre d'accueil et d'évaluation des situations*), **France** aimed at improving the efficiency of the reception system and the channelling of the different profiles in the various procedures (applicants, rejected applicants, Dublin cases, accelerated applicants, etc.) <sup>(728)</sup>. The national reception system (*Dispositif National d'Accueil*, DNA) reached a reception capacity of 84 659 places at the end of 2017 <sup>(729)</sup>. This entailed the dismantling of makeshift camps in several cities, including particularly Paris, and the opening of first line reception centres (*Centre d'Accueil et d'Evaluation des Situations*, CAES) in Hauts-de-France and in Paris vicinity. The plan is to expand it further with additional 12 500 places (including 7 500 in 2018) <sup>(730)</sup>. Acknowledging these developments, civil society stressed that further action is needed.

Other countries where reception capacity increased included: **Italy** (in January 2017, the 'Piano Accoglienza Diffusa' (Dispersed Reception Plan) entered into force by the Ministry of Interior, aiming at

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<sup>(723)</sup> Also the downsizing of reception-related operations continued. By the end of 2017, a total of 76.640 people were enrolled in the Swedish reception system, compared to 122.708 at the end of 2016. 33 221 asylum seekers (43 %) had arranged their own accommodation and 35,496 (46 %) relied on accommodation provided by the Migration Agency.

<sup>(724)</sup> In the same report it is stated that approximately 700 persons were reported as residing unofficially in the reception facilities in the mainland.

<sup>(725)</sup> Overcrowding, inadequate hygiene conditions and insufficient winterisation in the RICs, especially on Lesbos and Samos, have been of high concern (UNHCR has issued press releases calling for the improvement of conditions).

<sup>(726)</sup> Central Agency for the Reception of Asylum Seekers (2017), *Reception capacity at COA down to 31,000 places by end of 2017*, <https://www.coa.nl/nl/actueel/nieuws/opvangcapaciteit-coa-voor-eind-2017-naar-31000-plaatsen>. Consulted on 10 January 2018.

<sup>(727)</sup> Asylum seekers were transferred to the transit zones. As reported by UNHCR, Requests for interim measures submitted to the European Court of Human Rights forced the asylum authority to halt the transfer of asylum-seekers from open reception facilities to transit zones, and ordered the authorities to release vulnerable asylum-seekers from the transit zones. See Ahmed Hersi Muhyadin and others (Application no. 22934/17); Nalubega v. Hungary (Application no. 23321/17).

<sup>(728)</sup> For further details see (in French) Circulaire INTK1721274J du 12 décembre 2017 relative à l'examen des situations administratives dans l'hébergement d'urgence, [http://circulaires.legifrance.gouv.fr/pdf/2017/12/cir\\_42811.pdf](http://circulaires.legifrance.gouv.fr/pdf/2017/12/cir_42811.pdf).

<sup>(729)</sup> 39,697 places in CADA, and 44 962 in emergency accommodation (ATSA, PRAHDA, HUDA, and CAO).

<sup>(730)</sup> In an information note to the prefectures from 4 December 2017 the government plans: to establish a reception and evaluation centre in each region (with 200 places); to establish suited accommodation centres for people in the Dublin or accelerated procedure; a reinforced reception system for the people in the CADA (centres d'accueil pour demandeurs d'asile).

an increase in the reception capacity, reaching 193 000 places at the end of 2017), **Latvia** (extension of the reception centre in Mucenieki), **Lithuania** (where a reception centre was reconverted and community based reception scheme was used instead)<sup>(731)</sup>, **Portugal** (new reception centre for 90 places under development<sup>(732)</sup>), **Spain** (increase up to 8 000 places<sup>(733)</sup>) and **Luxembourg** (new structures are in the process of being established based on land-use plans (*plan d'occupation du sol – POS*) for modular housing for applicants for international protection, rejected applicants, and beneficiaries of international protection).

Further developments planned include **Belgium** where a separate registration centre is to be opened in Neder-Over-Heembeek as from spring 2019<sup>(734)</sup> and a one stop shop initial reception facility is to be created in 2018 (opening 2019). The new facility will regroup all the different services involved in the early stages of the asylum procedure (Aliens Office, Police, Fedasil, etc.).

There were no major changes in the reception capacity of **Estonia, Slovakia, Cyprus, Malta, Croatia**<sup>(735)</sup>, **Ireland**<sup>(736)</sup>, and **Czech Republic**. For **Romania**, due to the increased arrivals of asylum seekers, the overall occupancy rate at the six Reception Centres has almost reached its total existing capacity<sup>(737)</sup>. Also in **Ireland** centres were at almost full occupancy<sup>(738)</sup>.

In terms of contingency planning, **Belgium** throughout 2017 kept about 5 000 buffer places through specific agreements with reception partners (to be increased by 7 500 places). Contingency planning trainings were held in **Latvia** and in **Lithuania**, in cooperation with UNHCR. **Italy** and **Cyprus** continue working on national contingency plans.

#### *Regulating reception rights and duties*

2017 saw the adoption in several Member States of new law provisions regulating the conduct, rights, and duties of asylum seekers while in reception, also pending their removal:

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<sup>(731)</sup> UNHCR expressed concern that the existing Refugee Reception Center was and is being used for the integration activities on behalf of refugees was authorised to host vulnerable asylum-seekers (families with children in particular). The Foreigners Registration Center (FRC) started to be used as an alternative to detention for some cases. Overall in 2017 the reception capacity of Lithuania has been challenging and very often FRC was overcrowded, hence negatively affecting material and other conditions for asylum-seekers both in the open and closed parts of the center (UNHCR input).

<sup>(732)</sup> Earlier during the year (April – June) the CPR's Reception Centre for Refugees (CAR) suspended the acceptance of new arrivals between April and June due to overcrowding. The new reception centre is developed by the CPR with the financial support of the Council of Europe Development Bank and in partnership with the Ministry of Internal Administration.

<sup>(733)</sup> UNHCR expressed its concern about Ceuta and Melilla's reception centres, which were, reportedly, highly inadequate for asylum seekers and did not meet the requirements laid down in the Reception Conditions Directive.

<sup>(734)</sup> With a capacity of 750 places, this centre should be able to rapidly respond to fluctuations in the influx of applicants for international protection. As a consequence, the largest centre of the reception network, the "Petit Chateau" in Brussels, will be shut down.

<sup>(735)</sup> Croatia employed one social worker in the Reception Unit of the Ministry of Interior. Additionally, the Ministry of Interior is in the process of establishing a third reception centre for asylum seekers with maximum capacity of 600 applicants. However, AEDH reported that reception centres were overcrowded and conditions difficult, in particular as regards access to healthcare. European Association for the Defence of Human Rights (AEDH), input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/AEDH.pdf>. As submitted by the Ministry of the Interior, in the reception centres in Croatia, in line with the provisions of the Law on International and Temporary Protection, every asylum seeker has the right to healthcare which includes emergency medical assistance and necessary treatment of illnesses and serious mental disorders. Applicants who are in need of special reception and/or procedural guarantees, especially victims of torture, rape or other serious forms of psychological, physical or sexual violence, shall be provided with the appropriate health care related to their specific condition or the consequences of those offences. There are several procedures for screening/identifying health issues: identification procedures, health screening, screening interview, specific interview and regular activities and consultations with specially trained employees of the Reception Centre.

<sup>(736)</sup> 34 centres operating throughout Ireland - one reception centre in Dublin, two self-catering centres and 31 accommodation centres, for 5 503 persons.

<sup>(737)</sup> General Inspectorate for Immigration, Activity Report for 2017, 13 February 2018, [http://igi.mai.gov.ro/sites/default/files/evaluarea\\_activitatii\\_in\\_anul\\_2017.pdf](http://igi.mai.gov.ro/sites/default/files/evaluarea_activitatii_in_anul_2017.pdf).

<sup>(738)</sup> RIA, Monthly Statistics Report, December 2017 available here:

<http://www.ria.gov.ie/en/RIA/RIA%20Monthly%20Report%20December%202017.pdf/Files/RIA%20Monthly%20Report%20December%202017.pdf>. UNHCR noted that in 2017 Ireland continued to experience a critical shortage of houses, in particular affordable and social housing, impacting on the government's ability to resettle refugees from Emergency Reception and Orientation Centres and Direct Provision centres onwards to new homes in the community. As of December 2017 the Reception and Integration Agency (RIA) centres were at 92.6 % occupancy rate (UNHCR input).

In **Belgium**, based on the Reception Act of 12 January 2007 (Article 6(1)) every asylum seeker is entitled to material aid from the moment of submitting his application for asylum <sup>(739)</sup>. In parallel, the asylum law adopted on 9 November 2017 provided for the possibility to deny or limit further material support in all cases enumerated by the Return Directive (2013/33/EU) <sup>(740)</sup>. In **Finland**, according to the Finnish legislation <sup>(741)</sup>, reception services were no longer provided to rejected applicants whose removal could not be enforced by the authorities and who refused to return voluntarily to their home country <sup>(742)</sup>. In parallel, in terms of reception policy objectives **Finland** encouraged independence of asylum seekers by favouring centres in which customers could buy their own food and cook their own meals, and improved asylum seekers' opportunities to engage in gainful employment and earn their own livelihood <sup>(743)</sup>. **Lithuania** defined rights and duties of asylum applicants and the consequences of non-compliance <sup>(744)</sup>. **Sweden** set out the rights and entitlements of asylum seekers, based on which EU citizens and persons that are to be returned to another Member State under the Dublin procedure (following a decision by the Swedish Migration Agency) are excluded from the benefits of reception <sup>(745)</sup>. **Iceland** regulated the consequences of bad behaviour in reception facilities <sup>(746)</sup>. **Ireland** announced in November 2017 its opt-in to the EU (recast) Reception Conditions Directive (2013/33/EU) <sup>(747)</sup>. In **Hungary**, in line with new legislation since 28 March 2017 (see [Section 3.1](#)), asylum seeking unaccompanied minors of at least 14 years of age could be placed in the transit zones during a mass immigration crisis.

### *Monitoring Reception Standards*

In terms of reception standards some EU+ countries adopted mechanisms to monitor reception conditions.

In **Belgium** an audit system was developed and tested in order to start auditing reception facilities in 2018, based on standards on reception conditions.

In **Ireland** the Standard Setting Committee was established in 2017 to help draft and oversee the development of standards for reception centres. In the **UK** the Home Affairs Select Committee published a report in January 2017 analysing the standards of living in the facilities managed in the framework of the COMPASS contract: <sup>(748)</sup>.

In **Switzerland** as from June 2017, the National Commission for the Prevention of Torture visits Federal Reception and Procedure Centres periodically in order to monitor the reception conditions for asylum seekers. In **Sweden** the Government commissioned an inquiry to propose measures to create a coherent system for the reception and settlement of asylum seekers and new arrivals in Sweden, the terms of reference of which were updated in 2017, and the work on which is still on-going. In **Finland**, the Finnish Immigration Service implemented a reception centre monitoring programme. In **Portugal**, a resolution of

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<sup>(739)</sup> This implies that after the pre-registration at the Immigration Office, asylum seekers who are entitled to material aid have the opportunity to stay in a temporary reception centre pending the convocation for the formal registration of the asylum application. Once the asylum seeker is formally registered, the Dispatching Service of Fedasil will allocate a regular reception place.

<sup>(740)</sup> However, if material support is denied, the authorities still have to provide urgent medical support, and, as Article 20 of the Directive 2013/33/EU points out, also a decent living standard. For an overview of existing sanctions in the reception network and the implementation of these sanctions see Rekenhof, *Opvang van asielzoekers*, 2017, pp.52-53.

<sup>(741)</sup> Act on the Reception of Persons Applying for International Protection, Section 14 a.

<sup>(742)</sup> Even though voluntary return was possible. For this reason, the reception services of just below 800 persons have been discontinued. Information received from the Migration Department of the Ministry of the Interior.

<sup>(743)</sup> Information received from the Reception Unit of the Finnish Immigration Service.

<sup>(744)</sup> By Order 1V-80 of the Minister of the Interior of the Republic of Lithuania of 30 January 2017 Amending Order No 1V-131 of the Minister of the Interior of the Republic of Lithuania of 24 February 2016 on Approval of the Description of the Procedure for Granting and Withdrawing Asylum in the Republic of Lithuania

<sup>(745)</sup> Law on Reception of Asylum Seekers and Others which came into effect 1 august 2017. Additionally, a new legislative amendment in the Swedish Reception of Asylum Seekers Act makes it possible for the Migration Agency to request assistance from the Police Authority to make sure that a person, who is no longer entitled to accommodation for asylum seekers, effectively leaves the Migration Agency's reception system.

<sup>(746)</sup> A part of the weekly allowance can be withheld under certain circumstances, according to Articles 25 and 29 of regulation 540/2017. Regulation no. 540/2017: available [here](#).

<sup>(747)</sup> According to the European Council for Refugees and Exiles (ECRE), opt-in is not actually envisaged until at least June 2018. Input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/ecre.pdf>.

<sup>(748)</sup> Link to the report: <https://publications.parliament.uk/pa/cm201617/cmselect/cmhaff/637/637.pdf>. The reception system was under strain and the holders of the COMPASS contracts were struggling to meet demand besides guaranteeing quality standards. COMPASS (Commercial and Operating Managers Procuring Asylum Support) contracts refer to the agreements for the provision of services in the accommodation of asylum seekers signed by the Home Office in the UK.

the Portuguese Parliament recommended the publication by the Government of an assessment report on the Portuguese policy concerning the reception of asylum seekers and refugees <sup>(749)</sup>. The report, concluded in December 2017, opted for a more limited assessment of the national relocation programme. The evaluation is based on a set of general indicators drawn from the priority areas of the Working Group for the Agenda for Migration's <sup>(750)</sup> national plan for the reception and integration of relocated persons <sup>(751)</sup>.

#### *New Management Structure.*

In **Belgium**, the last private operator active in the reception of applicants of international protection closed its reception facility <sup>(752)</sup>. In **Spain** five more NGOs entered the reception system in 2016 and many more in 2017, reaching a total of 20 <sup>(753)</sup>. In **Finland**, on 1 January 2017, the Finnish Immigration Service took over the state-owned reception centres <sup>(754)</sup>, and starting from 1 January 2018 both of Finland's detention units <sup>(755)</sup>. In **Slovenia** responsibility for the implementation of care and accommodation of international protection applicants as well as persons under international protection and temporary protection has been transferred from the Ministry of Interior to UOIM (RS Government Office for Support and Integration of Migrants) <sup>(756)</sup>.

#### *Material Reception Conditions (Food, Clothing, Housing, and Financial Allowance)*

Several specific developments in EU+ countries concerned the provision of material conditions as stipulated in the Reception Conditions Directive.

- **Food.** In **Ireland** one key recommendation which was progressed throughout 2017 was the provision of self-catering (in three centres) or communal cooking facilities in state-provided accommodation centres <sup>(757)</sup>.
- **Cash Allowance.** In **France**, the financial allowance for those without accommodation, complementing the 'allowance for asylum seeker' (*allocation pour demandeur d'asile*, ADA), has been increased to EUR 5.40 per day <sup>(758)</sup>. In **UK** cash support levels for destitute asylum seekers were harmonised to GBP 37.75 per week for each member of the household (increase 80 pence) starting from 5 February 2018. In **Greece** by mid-2017 as part of UNHCR's ESTIA programme, all officially registered persons residing in state-run facilities (and eligible for cash allowance), by the end of 2017 were receiving cash assistance aiming to cover food, clothing, hygiene products, local transportation and communication. In **Finland** a payment card in the reception system was introduced in 2017, to be fully rolled out across the entire reception system in 2018.

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<sup>(749)</sup> No. 167/2017. A working group was created with the aim of improving the existing welcoming and integration model, which applies to both spontaneous and relocated asylum seekers.

<sup>(750)</sup> A Working Group for the Agenda for Migration was created in 2015 to assess existing capacities, plan and prepare an action plan for relocation under the political coordination of the Deputy Minister. However, it should be noted that in 2017 the Working Group only met in December.

<sup>(751)</sup> ACM, *Relatório de Avaliação da Política Portuguesa de Acolhimento de Pessoas Refugiadas, Programa de Recolocação*, December 2017, unpublished. Despite the general acknowledgement of some challenges, the overall evaluation of the programme is positive. The results presented regarding reception and integration conditions are based on very general quantitative indicators and provide limited qualitative information. The qualitative information presented in the report is mostly based on the consultation conducted with hosting and refugee community organisations and points to challenges such as insufficient financial support and the need for longer reception programmes; gaps in pre and post departure information; lack of translators; and insufficient and ill adapted language training as well as insufficient professional training opportunities - see: AIDA Country Report: Portugal (2017) available at: <http://www.asylumineurope.org/reports/country/portugal>.

<sup>(752)</sup> Other reception facilities affected were the emergency places which were all cancelled.

<sup>(753)</sup> Since the 2015 increase of available places for refugees' reception, the Spanish government has reformed the system regarding financing for NGOs service providers for asylum seekers and refugees. For further details see European Council for Refugees and Exiles (ECRE), input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/ecre.pdf>.

<sup>(754)</sup> Legislative amendment 1161/2016.

<sup>(755)</sup> Information received from the Reception Unit of the Finnish Immigration Service. Since Since 1 January 2017, the Finnish Immigration Service has been entitled, without specific authorisation from the Ministry of the Interior, to agree on the opening, closing and locations of non-state reception and registration centres. Legislative amendment 1161/2016.

<sup>(756)</sup> The UOIM started to work fully from June 2017 onwards.

<sup>(757)</sup> Department of Justice and Equality (21 December 2017) "The Minister for Justice and Equality, Charlie Flanagan TD, today attended the annual Christmas party at Montague Accommodation Centre in Emo, Co. Laois" *Press Release* Available at: [www.justice.ie](http://www.justice.ie).

<sup>(758)</sup> For further details see (in French), décret n° 2017-430 du 29 mars 2017 portant diverses dispositions relatives à l'allocation pour demandeur d'asile, <https://www.legifrance.gouv.fr/eli/decret/2017/3/29/INTV1705703D/jo>.

- *Issues reported.* In **Switzerland**, on UNHCR accounts, the canton of Zurich decided to reduce welfare for provisionally admitted persons (F-Permits). This decision raised concerns of cities and municipalities and civil society actors, which feared they will have to fill the gap created by this decision in order to provide basic integration measures such as language classes <sup>(759)</sup>. In **Cyprus**, based on UNHCR report, the cash allowance was not enough to meet the needs, amounting to less than 50 % of the Minimum Guaranteed Income Scheme <sup>(760)</sup>.

### Health Care

- *Medical examinations.* In various EU+ countries during the 2017 period, new regulations entered into force providing for the obligation for asylum seekers to undergo medical examination. In **Luxembourg** Health Inspection circulated a note to all educational institutions outlining that all applicants for international protection are obliged to undergo a medical examination upon their arrival. It advised educational institutions to limit participation in their courses to individuals who can certify having taken part in a medical examination. In **Latvia**, on 21 November 2017, a new regulation was adopted in order to ensure a single approach for performance of examinations of health condition and sanitary treatment of asylum seekers as well as registration of results thereof <sup>(761)</sup>.
- *Tendering.* In **Finland**, the Finnish Immigration Service conducted a competitive tendering process for part of the health care services provided for asylum seekers outside reception centres (including basic medical services, initial health examinations and screening tests).
- *Issues reported.* Based on UNHCR input to the Annual Report various issues proved to be particularly relevant in the course of 2017 in terms of access to health care while in reception. Among them, **France, Italy, Poland** and **Malta** have reportedly experienced following single issues (or a combination of them): lack of adequate interpretation services (France, Malta, Poland), lack of adequate access to mental health care (France, Italy, Poland), lack of standard operating procedures (Italy), lack of qualified staff for the identification<sup>(762)</sup> and treatment of vulnerabilities (Malta, Poland), lack of awareness of asylum seekers' rights (Malta) <sup>(763)</sup>. Also administrative obstacles were reported: in **Cyprus** pending the issuance of the relevant certificate those receiving an independent living allowance were asked in some cases to subsidise medical charges; in **Greece** asylum seekers faced problems in accessing secondary and tertiary state medical care due to the non-issuance of the AMKA (social security number), also lack of medical specialties at local hospitals on the islands severely hampered the full medical coverage and needs.

### Language Classes and Integration

In general, various countries at EU+ level started to provide language classes for the purposes of asylum seekers' integration while in reception, sometimes within the framework of broader integration paths and projects.

- *Language classes.* In **Greece** special supporting courses for Greek as a foreign language were set up to ease integration of children in reception in the national education system. Similarly, in **Poland**, from 2017, children who start compulsory education are given opportunity to participate

<sup>(759)</sup> Tagesanzeiger, *Sozialhilfestopp: Sogar die Stadtzürcher stimmten zu*, 24 September 2017, available at: <https://www.tagesanzeiger.ch/zueroch/region/Weniger-Geld-fuer-Fluechtlinge/story/28847918>.

<sup>(760)</sup> The payment card is meant to be used for paying financial benefits and possible earned income to asylum seekers. The payment card is set to be introduced in all parts of the reception system in 2018.

<sup>(761)</sup> Cabinet Regulation No. 686.

<sup>(762)</sup> As submitted by the Polish Border Guard, there are rules of procedures applied in detention centres in order to carry out a process of identification of vulnerabilities among detainees, then to provide a relevant treatment including engagement of external specialists + the special inquiries have been included to these rules of procedures - they are being fulfilled during the stay in detention by different staff members (they were mentioned in HFPC report as well).

<sup>(763)</sup> UNHCR Input to the Annual Report 2017 for France (UNHCR *L'expérience des centres d'accueil en France*", octobre 2017 <http://www.unhcr.org/fr-fr/59e9c70b4>), Italy, Malta, and Poland.

in Polish language courses intended for them that are organised in the centres for foreigners and whose aim is to facilitate their adaptation to the school community.

- *Integration paths.* In **Luxembourg**, starting from 8 March 2017, the Council of Government approved the introduction of a guided integration trail (*parcours d'intégration accompagné* - PIA) for applicants for international protection and beneficiaries of international protection <sup>(764)</sup>. In **Norway** five 'integration reception centres' with fulltime qualification programs for asylum seekers who had been granted asylum or who had good prospects for refugee status were established.

#### *Access to Education and Schooling*

On a general note, UNHCR welcomed improvements in several EU+ countries as regards access to schooling and education. In **Greece** new guidelines for the school enrolment of children hosted in accommodation were adopted, and special reception classes were set up in the ZEP (Zones of Educational Priority) meant specifically for the most vulnerable groups (700 classes were foreseen, for up to 14 000 children) <sup>(765)</sup>. In **Croatia**, access to education improved for asylum seeking children and led to timely enrolment <sup>(766)</sup>. In **Ireland** the pilot student support scheme was extended to 2018. In **Poland**, the Ministry of Education introduced a possibility of organising preparatory units for pupils not speaking Polish language, including asylum seekers <sup>(767)</sup>. In **Latvia**, a pre-school education programme in the asylum seekers accommodation centre in Mucenieki was implemented in 2017. In **Hungary**, in the transit zones, school education was organised by the responsible Ministry of Human Capacities from September 2017. In **Spain** though, on UNHCR accounts, the situation was quite critical in Ceuta and Melilla, where access to schooling was not provided or took too long.

#### *Access to Job Market*

Access to the job market while in reception continues to be fairly limited in the course of 2017 across all EU+ countries. Despite a general trend to ease access and reduce the waiting time once the application is registered in some countries, in general practices can differ quite substantially, as reflected in the main developments noted for specific countries:

- *Lifting or reduction of the waiting time from the lodging of the application.* In **Cyprus** the waiting time was reduced from 9 to 6 months in the course of 2017. In **Ireland** the Supreme Court formally declared the ban on access to the labour market for asylum seekers as unconstitutional <sup>(768)</sup>.
- *Getting prepared for the Job Market.* In **Belgium** a cooperation agreement was signed by the State Secretary for Asylum Policy and Migration and the Walloon Minister for Employment in order to establish a structural cooperation between the federal reception agency Fedasil and the Walloon Public Employment Agency (Forem).

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<sup>(764)</sup> Council of Government, 8 March 2017, *Résumé des travaux du 8 mars 2017*, <http://www.gouvernement.lu/6780315/08-conseil-gouvernement?context=519177>.

<sup>(765)</sup> Additionally, in December 2017 the operation *Kindergartens* started, with a view to establishing kindergartens in 18 open sites, complementing the setting up of afternoon classes in the open sites centres, and the attending of regular school together with Greek nationals.

<sup>(766)</sup> FRA, Periodic data collection on the migration situation in the EU – February 2018 Highlights, <http://fra.europa.eu/en/publication/2018/migration-overviews-february-2018>.

<sup>(767)</sup> Ministry of National Education website: <https://men.gov.pl/wspolpraca-miedzynarodowa/ksztalcenie-cudzoziemcow/informacja-o-ksztalceniu-cudzoziemcow-w-polskim-systemie-oswiaty.html>. As submitted by the Polish Border Guard, the same rules are applied in detention centres, where children have access to educational system as well.

<sup>(768)</sup> See also European Council for Refugees and Exiles (ECRE), input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/ecre.pdf>: the Irish Supreme Court dealt with Ireland's prohibition on employment for asylum seekers in the case of *N.V.H v Minister for Justice & Equality and ors*, 30 May 2017, which in its judgment declared the existing prohibition on employment to be unconstitutional. The State was provided with six months to respond to the Court with a solution, which it did in November 2017 by announcing that it would provide a legislative framework for employment for asylum seekers by opting in to the EU (recast) Reception Conditions Directive (2013/33/EU). Opt-in is not actually envisaged until at least June 2018, provided the EU Commission is satisfied that Ireland has met the compliance standards for opt-in. This will also be the first time that Ireland has put accommodation of asylum seekers on a legislative footing, which is likely to have a profound impact on the quality of reception conditions in Ireland generally.

- *Allowing Restricted Access to the Job Market.* In **Austria** asylum seekers who had been admitted to the asylum procedure for 3 months could be employed, without a work permit, to perform ‘typical household duties in private household’ <sup>(769)</sup>. In **Ireland** a temporary scheme allowed for self-employment of eligible international protection applicants, while the process to opt into the recast Reception Conditions Directive is still underway <sup>(770)</sup>.
- *Voluntary (Social) Work.* In **Austria**, based on the 2017 Act Amending the Aliens Law, asylum seekers were allowed to perform community service work for the Federal State, the Provinces, the Municipalities, and the Municipal Associations (engagement in charitable activities, e.g. landscape preservation and gardening, servicing of sports facilities and parks) <sup>(771)</sup>. In **Italy**, based on the Law Minniti-Orlando, municipalities had the possibility to engage asylum seekers in voluntary unpaid work.
- *Requested Work Permit.* In **Ireland** from the 9 February 2018, all Protection Applicants in the system had the right to apply for an employment permit from the Department of Business, Enterprise and Innovation <sup>(772)</sup>. In **Luxembourg** 26 AOTs (*autorisation d’occupation temporaire – AOT*) were issued to applicants for international protection. In **Malta**, where the employer only can apply for the work permit on behalf of the asylum seekers, these struggled to get access to the job market (UNHCR).
- *Unemployment registration.* In **Greece**, on UNHCR accounts, asylum seekers were not registered as unemployed, thus they were excluded from benefiting of OAED services. They also faced problems with the issuance of the social security number (AMKA) <sup>(773)</sup>, that is a prerequisite for asylum seekers’ and refugees’ legal employment and social security’s coverage.

#### *Concerns about reception conditions from civil society*

Various civil society organisations raised concerns about the general reception conditions in many EU+ countries. In their input to the Annual Report, they touched upon the lack of reception capacity, poor reception conditions, and/or issues related to the reception of unaccompanied minors, notably for:

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<sup>(769)</sup> As a result of an exception defined in the Austrian regulation governing the employment of foreigners (FLG No. 609/1990, in the version of FLG II No. 89/2017). Financial acknowledgement is provided through the “service cheque” system (Art. 1 subpara 16 of the regulation). This option has been utilised in over 800 cases since its introduction.

<sup>(770)</sup> The process was triggered by the Irish Supreme Court judgment on 30 May 2017 in the case *NVH v Minister for Justice and Equality*. Daily Debates (23 January 2018) *Reception Conditions Directive: Motion* Available at: [www.kildarestreet.com](http://www.kildarestreet.com). The interim scheme also covers self-employment. For further information see the INIS Information Booklet on Access to the Labour Market for Eligible International Protection Applicants available here: <http://www.inis.gov.ie/en/INIS/Information%20Booklet%20for%20Applicants%20on%20Access%20to%20Labour%20Market.pdf/Files/Information%20Booklet%20for%20Applicants%20on%20Access%20to%20Labour%20Market.pdf>.

<sup>(771)</sup> Art. 7 para 3 subpara 2 2005 Federal Basic Care Act 2005 amended by 2017 Act Amending the Aliens Law.

<sup>(772)</sup> This is an interim scheme until the transposition by in Ireland of the recast RCD.

<sup>(773)</sup> In Greek: <https://tinyurl.com/ybtb84r9>. On 13 February 2018, a circular was issued (Reference Number:31547/9662) regulating attribution of the Social Security Number (A.M.K.A.), according to the provisions of the Joint Ministerial Decision No. 7791/245/Φ80321/1-4-2009, to beneficiaries of international protection and asylum seekers.

Hungary<sup>(774)</sup>, Spain<sup>(775)</sup>, Greece<sup>(776)</sup>, Romania<sup>(777)</sup>, Sweden<sup>(778)</sup>, Italy<sup>(779)</sup>, Croatia<sup>(780)</sup>, Switzerland<sup>(781)</sup>, Portugal<sup>(782)</sup>, Germany<sup>(783)</sup>, Denmark<sup>(784)</sup>, Cyprus<sup>(785)</sup>.

More in general, Refugee Rights Europe called for the urgent need to address reception of third country nationals arriving in the EU<sup>(786)</sup>.

## EASO Network of Reception Authorities

<sup>(774)</sup> The European Council for Refugees and Exiles (ECRE) reports that in Hungary, 94 % of asylum seekers are not placed in open reception centers but are rather accommodated in detention centres in the transit zone or in asylum detention. Input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/ecre.pdf>. The Hungarian Helsinki Committee reports overall significant deterioration in reception conditions: i) permanent reception centres have been replaced with temporary ones. The only remaining open reception facility includes the Kiskunhalas temporary container camp and the Vamosszabadi reception centre; ii) No alternatives exist for the detention of asylum seekers in the transit zones. Input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/hungarian-helsinki-committee.pdf>.

<sup>(775)</sup> According to Consejo de la Abogacia, reception conditions remain poor, reception facilities are deficient, it is difficult to access rental housing and social benefits, and when reception facilities are assigned, links to possible family member already present in Spain are not taken into account presenting problems for future integration. Input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/Consejo-General-Abogacia-Espanola.pdf>. According to Save the Children there is a lack of adequate accommodation places for children and vulnerable groups. Input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/save-the-children.pdf>. According to Servicio Juridico Area de Programas, access to reception centres was delayed in Spain in 2017 due to high numbers of arrivals. Consejo General de la Abogacia Española, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/Consejo-General-Abogacia-Espanola.pdf>.

<sup>(776)</sup> Safe Passage deplored a lack of adequate reception conditions for UAMs and voiced strong criticism as to the situation for UAMs at the Greek islands: the situation is called "highly critical" with living conditions being the worse observed since 2015 due to increased numbers of asylum seekers, lack of sufficient police presence, reduction of UNHCR and NGO staff (due to transfer of response to national authorities in July 2017). Safe Passage, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/safe-passage.pdf>.

<sup>(777)</sup> Reception conditions reportedly deteriorated due to the rise in asylum applications and the difficulties faced by the authorities to reduce the pressure on the system. Timisoara Centre was the most affected due to its proximity to the border with Serbia. See Report of the Ombudsman regarding the visit undertaken at the Timisoara Regional Centre for Accommodation and Procedures for Asylum Seekers, March 2017, [http://www.avp.ro/rapoarte\\_mnp/2017/raspunsuri/raspuns4\\_2017.pdf](http://www.avp.ro/rapoarte_mnp/2017/raspunsuri/raspuns4_2017.pdf).

<sup>(778)</sup> According to Save the Children, UAMs ageing out, e.g. in Sweden after the age of 18, are moved from the municipality to the Migration Agency affecting their living situation and education. Input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/save-the-children.pdf>. According to the Swedish Network of Refugee Support Groups (FARR), reception is spread out over the country, with applicants being accommodated in rural sub-urban areas far away from cities, which is not ideal for integration. The consequences of the restrictions imposed on rejected asylum seekers (provided they have no child in the family) as introduced in 2015 became clear in 2017. For example, many single minors when reaching the age of 18 and who were denied protection lost the right to reception and became homeless. Swedish Network of Refugee Support Groups (FARR), input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/swedish-network-farr.pdf>.

<sup>(779)</sup> According to Save the Children in Italy children often have to stay too long in first reception centres which are not fit for the long-term stay of children. Input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/save-the-children.pdf>. According to Safe Passage, UAMs have to stay in first reception centres for about a year without access to legal and psycho-social assistance. Input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/safe-passage.pdf>. According to ECRE there are remaining concerns as to how transfers for asylum seekers take place between different accommodation places. Civil society organised several protests and these prevented, in some cases, the transfer of asylum seekers to different accommodation places. Input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/ecre.pdf>.

<sup>(780)</sup> According to the European Association for the Defence of Human Rights (AEDH), in Croatia, reception centres were overcrowded and conditions therefore difficult. Input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/AEDH.pdf>. According to input received from the Croatian Ministry of..., not all applicants are accommodated in reception centres. In addition, the Ministry of Interior is currently establishing a third reception centre in the country, with a maximum capacity of 600.

<sup>(781)</sup> Asyllex raised concerns regarding accessibility of language classes and work, as well as medical and psychological support. Input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/Asyllex-web.pdf>. It should be noted that Switzerland does not confiscate mobile phones any more definitively since November 2017. The assets are confiscated only for amounts greater than CHF 1000.

<sup>(782)</sup> According to ECRE, Portugal suspended the acceptance of new arrivals of asylum seekers at the CPR Reception Centre for Refugee (CAR) from April to June due to overcrowding as to ensure adequate living standards for those accommodated therein.

<sup>(782)</sup> According to Save the Children there are delays in the appointment of guardians.

<sup>(783)</sup> According to Save the Children, there are delays in the appointment of guardians. Input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/save-the-children.pdf>.

<sup>(784)</sup> The Danish Immigration Service started accommodating 17 year old UAMs in a special section in one particular residence center for families and single adults during the asylum procedure. Danish Refugee Council criticises this practice as it believes that this group should be accommodated with other children and separate from adults who are not related to them.

<sup>(785)</sup> According to Hope for Children COC reception capacity is not sufficient and Cyprus experienced problems with the provision of material reception conditions in practice, e.g. delays in receiving basic needs vouchers, delays in depositing the rent allowance and insufficient rent allowance provided (not in conformity with the market prices). Input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/hope-children-crc-policy-centre.pdf>.

<sup>(786)</sup> According to Refugee Rights Europe research indicates that TCNs arriving in the EU "feel unsafe and reported incidence of violence carried out by police and citizens and experienced also significant health problems". Respondents raised concerns about their living environment which was referred to as "dirty or unclear". Input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/refugee-rights-europe-uk.pdf>.

The EASO Network of Reception Authorities (hereafter, the Reception Network) was launched in March 2016 and, to date, 29 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 different EASO guidance documents in the field of Reception:

- Guidance on Reception Conditions: Operational Standards and Indicators, published in September 2016 and translated in 22 languages;
- Guidance on contingency planning in the context of reception: published in March 2018 and currently being translated in 22 languages;
- Guidance on Reception Conditions for unaccompanied children: Operational standards and indicators – publication expected in the second semester of 2018.

### EASO Guidance on Contingency Planning

Following the release of its EASO Guidance on reception conditions: operational standards and indicators in December 2016, EASO has published the EASO guidance on contingency planning in the context of reception. The Guidance is available in English on the EASO website <sup>(787)</sup>.

## 4.6. Detention

Detention <sup>(788)</sup> of asylum seekers is governed by specific provisions of EU asylum law, namely by the recast Reception Conditions Directive, recast Asylum Procedure Directive and Dublin III Regulation, which include a permissible exhaustive list of grounds under which applicants can be detained during the asylum procedure <sup>(789)</sup>, detailed procedural safeguards (e.g. regarding the length of detention and judicial review) and conditions of detention, including of vulnerable applicants.

In practice, depending on the circumstances, detention may occur at different stages of the asylum procedure:

- At the start of the procedure - when an individual lodges application for international protection while in detention;
- Pending the examination of the claim - when an applicant is placed in detention facility, based on grounds enlisted in the EU acquis, e.g. for the purpose of organising Dublin transfer (for details on the use of detention in the context of Dublin procedure, see [Section 2.6.](#));
- Upon completion of procedure - when a former applicant is detained pending return.

In 2017, the following developments occurred in respect of detention during the asylum procedure and pending return.

### *Detention capacity*

Detention capacity of facilities where people seeking international protection may be accommodated was

<sup>(787)</sup> <https://www.easo.europa.eu/sites/default/files/easo-guidance-contingency-planning-2018.pdf>.

<sup>(788)</sup> According to Article 2 (h) of the Reception Conditions Directive (recast), detention is defined as a confinement of an applicant by a Member State within a particular place, where the applicant is deprived of his or her freedom of movement.

<sup>(789)</sup> The Reception Conditions Directive (recast) foresees a limited exhaustive list of six grounds that may justify the detention of asylum seekers: (1) to determine the identity or nationality of the person; (2) to determine the elements of the asylum application that could not be obtained in the absence of detention (in particular, if there is a risk of absconding); (3) to decide, in the context of a procedure, on the asylum seeker's right to enter the territory; (4) in the framework of a return procedure when the Member State concerned can substantiate on the basis of objective criteria that there are reasonable grounds to believe that the person tries to delay or frustrate it by introducing an asylum application; (5) for the protection of national security or public order; (6) in the framework of a procedure for the determination of the Member State responsible for the asylum application under the so-called Dublin III Regulation when there is a significant risk of absconding.

increased in **Finland** <sup>(790)</sup> and **Latvia** <sup>(791)</sup> and further reduced in **the United Kingdom** <sup>(792)</sup>.

In **Hungary**, although there has not been any reduction in detention capacity, the need for such capacity has significantly decreased during the year due to a major shift in the policy approach in the area of asylum. The only operating asylum detention facility was the centre in Nyírbátor with a maximum reception capacity of 105 persons. Human resources have been redirected to reinforce capacity of the transit zones.

Occasional shortages of detention capacity were recorded in **Sweden** and **Spain** (especially in the context of the new sea arrivals during the first 72 hours) <sup>(793)</sup>.

In **Belgium**, a number of FITT-units, centres specifically dedicated for detention of families with minor children, increased to up to 29 units at the end of 2017 <sup>(794)</sup>. In addition, the Council of Ministers decided to gradually increase the detention capacity from approximately 600 to 1 066 places by the year 2020 <sup>(795)</sup>. This is however aimed at increasing detention and return of persons in irregular stay and not detention of applicants for international protection. Similarly in **Greece** <sup>(796)</sup>, **Bulgaria**, **France** (in early 2018) <sup>(797)</sup>, **Sweden** and **Italy** <sup>(798)</sup>, the detention capacity of pre-removal detention centres was further increased. In **Ireland** and **Estonia**, plans were underway for the development of a small immigration detention facility to be completed in 2018 <sup>(799)</sup>.

**Denmark** introduced changes, according to which, as of February 2018, rejected asylum seekers are accommodated in the Center Avnstrup run by Red Cross. If the rejected asylum seeker agrees to return voluntarily he/she will continue to be accommodated in Center Avnstrup until departure. If not the rejected asylum seeker will be accommodated in a departure centre (Center Kærshovedgård or Sjælsmark) <sup>(800)</sup>.

#### *Grounds for detention*

New laws, amendments, or governmental instructions which, in many cases, broadened the grounds for detention were introduced in the following EU+ countries:

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<sup>(790)</sup> Further to the approval of the [Action Plan Against Illegal Migration 2017 – 2020](#), the detention capacity was increased from 70 to 80 places in 2017. In January 2018, the detention capacity will be raised to 110 places.

<sup>(791)</sup> A new Accommodation Centre for Detained Foreigners - Mucenieki - was opened (with the capacity of 84 people), where both irregular migrants and asylum seekers are detained.

<sup>(792)</sup> Following the closures in 2015 and 2016 of Haslar and Dover Immigration Removal Centres, the Verne was returned to the Prison Estate in December 2017 and is no longer used for immigration purposes (See: <http://www.justice.gov.uk/contacts/prison-finder/verne>).

<sup>(793)</sup> Some facilities closed for renovation (e.g. Algeciras). A soon to be prison “Archidona” was adapted as a detention centre for migrants. This led to a number of challenges as highlighted by the civil society, particularly in the area of accessing asylum and identifying specific needs (See: CEAR, “Refugiados y Migrantes en España: Los Muros Invisibles tras la frontera sur”, 16 January 2018, page 16, available at: <https://www.cear.es/wp-content/uploads/2018/02/INFORME-FRONTERA-SUR.pdf>; “El Defensor del Pueblo cuestiona que se recluya a los inmigrantes en la cárcel de Archidona”, available at: [https://politica.elpais.com/politica/2017/12/01/actualidad/1512121347\\_302423.html](https://politica.elpais.com/politica/2017/12/01/actualidad/1512121347_302423.html); [https://www.defensordelpueblo.es/wp-content/uploads/2018/02/Intervencion\\_Defensor\\_Comision\\_Mixta\\_15\\_02\\_2018.pdf](https://www.defensordelpueblo.es/wp-content/uploads/2018/02/Intervencion_Defensor_Comision_Mixta_15_02_2018.pdf)).

<sup>(794)</sup> FITT stands for Family Identification and Return Team. FITT-units (or open family units) consist of individual houses and apartments. Residents have freedom of movement with certain restrictions and rules.

<sup>(795)</sup> Three new detention centres (Holsbeek, Jumet and Zandvliet) will be constructed within 4 years (see <http://www.dekamer.be/doc/CCRI/pdf/54/ic698.pdf> and [http://www.myria.be/files/171030\\_Myriadoc\\_5\\_Detentie\\_terugkeer\\_en\\_verwijdering\\_NL.pdf](http://www.myria.be/files/171030_Myriadoc_5_Detentie_terugkeer_en_verwijdering_NL.pdf) p. 42).

<sup>(796)</sup> Two new facilities started to be operational in early 2017 on Kos (with a capacity of 500 detainees) and Lesvos (in Moria – Section B, with a total capacity of 420 detainees) with the aim of accelerating the implementation of the EU-Turkey statement. These are however separate from the Reception and Identification Centres on the hotspots where newly arrived refugees and migrants are initially detained (See: ECRE, [New Detention Centres at the External EU Borders](#), 24 February 2017, accessed 30 March 2017).

<sup>(797)</sup> 5 new open centres have been opened during 2017 for the accommodation of rejected asylum seekers (mostly families.), for the purpose of voluntary returns. The government is planning to further expand its detention capacity).

<sup>(798)</sup> In accordance with the new Law Decree, the so-called Orlando Minniti Decree (adopted in February 2017), the Identification and Expulsion Centres (CIE) were renamed into the pre-removal detention centres (CPR) and will be established in all the regions (with the overall capacity of 1 600 places). Before only four CIE were operational in Italy, with the overall capacity standing at 700 places.

<sup>(799)</sup> In Ireland, the centre will be located at Cloverhill Prison. The detention capacity of the centre in Estonia will be 120 persons.

<sup>(800)</sup> See: <https://www.dr.dk/nyheder/indland/avnstrup-bliver-danmarks-foerste-hjemreisecenter>. Center Kærshovedgaard <http://www.uckhg.dk/> and Center Sjælsmark <http://www.kriminalforsorgen.dk/Omr%C3%A5de-Sj%C3%A6lland-4590.aspx> accommodates those who will not leave Denmark voluntarily, e.g. rejected asylum seekers, convicted (non-citizens) criminals, those whose residency permit has been ceased.

- **Belgium**, on 9 November 2017, adopted a new law to transpose the recast RCD and APD, as a result of which, among others, the grounds for detention were revised<sup>(801)</sup>. In its comments to the draft law, UNHCR drew up a series of recommendations, including introduction of the necessity test and more limited detention grounds and a more restrictive definition of risk of absconding<sup>(802)</sup>;
- **Ireland** decided to opt in to the recast RCD which foresees different grounds for detention than current practice in Ireland<sup>(803)</sup>;
- A new law was introduced in **Italy** introducing two additional grounds for detention, including in case an asylum seeker repeatedly refuses to submit his/her fingerprints<sup>(804)</sup>;
- Amendments to the **Norwegian** Immigration Act introduced two new legal grounds for detention, allowing detention in cases where the application for asylum is most likely not to be assessed on the merits, and in cases where the application is considered manifestly unfounded<sup>(805)</sup>. The risk of absconding is not a required precondition under these two provisions;
- In **Poland**, draft amendment to the Law on Granting Protection for Foreigners introduces a new ground for detention – for the purpose of the border procedure<sup>(806)</sup>;
- In **Hungary**, legislative amendments to the 2007 LXXX Act on Asylum (which came into force on 28 March 2017) introduced detention for all asylum seekers present in the transit zone on the southern border of the country<sup>(807)</sup> as an ‘emergency measure’ for the whole of the asylum procedure. This was highly contested by the UNHCR and the civil society<sup>(808)</sup>. On 14 March 2017, the ECtHR issued a judgment in the case of *Ilias and Ahmed v Hungary* stipulating that confinement in the transit zone amounts to unlawful detention. After the appeal of the Hungarian government, the Grand Chamber of the European Court of Human Rights is expected to pass a final judgment on the case in 2018<sup>(809)</sup>;
- Further to the amendments to the Refugee Law in 2016, the grounds for the detention of asylum seekers in **Cyprus** increased from three to six. Also, draft amending Refugee Law was submitted to the Parliament in March 2017 to introduce fifteen separate grounds on the basis of which the authorities may consider that there is a ‘significant risk of absconding’<sup>(810)</sup>. Civil society pointed to the lack of sufficient procedural safeguards regarding the detention of an applicant at the

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<sup>(801)</sup> The grounds for detention in the new legislation are simply those of the recast RCD. As such, there are fewer grounds, but less specific than the former grounds for detention. The legislative changes explicitly stipulate that no foreigner can be put in detention for the mere reason he has applied for asylum and outlines the possible grounds for detention for applicants for international protection, at the border and on the Belgian territory. Detention at the border (up to 4 weeks) is meant for applicants who are insufficiently documented at arrival (illegal entry) or who misled the Belgian authorities regarding their identity and/or nationality. The Office of the Commissioner General for Refugees and Stateless Persons (CGRS) can decide that applicants for international protection held in detention at the border have special needs or that further inquiry is required. In this situation, the asylum applicant can enter the Belgian territory. As regards detention on the territory, the law stipulates an exhaustive list of six grounds mentioned in the Reception Conditions Directive (including the “risk of absconding” in Dublin cases which was concretely set out in Article 4) and prescribes an individual and proportional examination. It also stipulates that alternatives to detention have to be considered.

<sup>(802)</sup> See: <http://www.refworld.org/docid/59e85fd44.html>. As a follow-up to the CJEU judgement of 15 March 2017 (C-528/15 Al Chador), since June 2017, persons awaiting a Dublin transfer were no longer detained due the absence of a definition of a serious risk of absconding in Belgian legislation.

<sup>(803)</sup> AIDA, Country Report Ireland, 2017 Update, forthcoming.

<sup>(804)</sup> See Article 17(c)(3) of Decree Law 17 February 2017, No 13, see contribution from Emergency Programme Italia.

<sup>(805)</sup> Norwegian Organisation for Asylum Seekers (NOAS), input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/noas.pdf>.

<sup>(806)</sup> See: <https://bip.mswia.gov.pl/bip/projekty-aktow-prawnyc/2017/24478,Projekt-ustawy-o-zmianie-ustawy-o-udzielaniu-cudzoziemcom-ochrony-na-terytorium-.html>.

<sup>(807)</sup> Unless the applicant is subject to a measure restricting personal freedom or a measure or a punishment, or is subject to refugee detention ordered by the refugee authority, or the applicant is lawfully residing in Hungary and does not request placement at an accommodation centre (Source: AIDA, Country Report Hungary, 2017 Update, <http://bit.ly/2Fnqu8V>).

<sup>(808)</sup> See: <http://www.unhcr.org/ceu/9247-unhcr-deeply-concerned-by-hungary-plans-to-detain-all-asylum-seekers.html>.

<sup>(809)</sup> See: <http://hudoc.echr.coe.int/eng?i=001-172091>. The Grand Chamber hearing in the case took place on 18 April 2018, see press release of the Court at: <http://hudoc.echr.coe.int/eng-press?i=003-6062857-7802253>.

<sup>(810)</sup> The relevant Parliamentary Committee did not approve the draft law and it was sent back to the Ministry of Interior. In 2018, the law was reintroduced to Parliament without any amendments (UNHCR input).

border or transit zone (including abolition of the automatic and periodic judicial review of the detention order) <sup>(811)</sup>;

- In **the Netherlands**, a new legislation introduced the obligation for the authorities to further motivate the application of some heavy grounds (not only the light ones) when assessing the ‘risk of absconding’ in the context of detention pending return <sup>(812)</sup>. Moreover, following parliamentary elections on 15 March 2017, the new coalition agreement foresees increased possibilities for the use of detention;
- In **Finland**, the possibility to expand the grounds for detention specified in the Aliens Act was discussed, so to include grounds related to public policy and security;
- **Slovakia** adopted a broader definition of the risk of absconding, which is one of the grounds for detention in Dublin/return procedures;
- In March 2017, the **United Kingdom** laid regulations in order to set out objective criteria to determine ‘significant risk of absconding’ in respect of cases subject to transfer from the UK under the Dublin III Regulation <sup>(813)</sup>;
- In **France**, in response to the Court of Cassation ruling delivered on 27 September 2017 <sup>(814)</sup>, a draft law was introduced to define the criteria for the existence of a ‘significant risk of absconding’ specifically in the Dublin context <sup>(815)</sup>;
- **Austria** introduced changes, according to which rejected asylum seekers, who do not leave the country voluntarily or re-enter Austria, can be put in detention and subject to fines <sup>(816)</sup>.

#### *Time limit for detention*

As for the duration of detention of asylum applicants, **Belgium** <sup>(817)</sup> and **Luxembourg** <sup>(818)</sup> adopted legal changes which extended the detention period, including for vulnerable groups. At the same time, **Austria** increased the period of detention pending removal. According to the Aliens Act Amendment <sup>(819)</sup>, since 1 November 2017, the general time limit for detention pending deportation in **Austria** was prolonged from 4 to 6 months for adults (2 to 3 months for minors above 14 years). The maximum time limit was set to 18 consecutive months (previously 10 months).

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<sup>(811)</sup> See: <http://www.asylumineurope.org/reports/country/cyprus/grounds-detention>.

<sup>(812)</sup> Decree of the Minister of Migration of 15 September 2017, Aliens Act Implementation Guidelines (Amendment) Decree (WBV) no. 2017/9, comprising changes to the Aliens Act Implementation Guidelines 2000, *Government Gazette* 2017, 53847.

<sup>(813)</sup> See: [http://www.legislation.gov.uk/ukxi/2017/405/pdfs/ukxi\\_20170405\\_en.pdf](http://www.legislation.gov.uk/ukxi/2017/405/pdfs/ukxi_20170405_en.pdf).

<sup>(814)</sup> In line with the CJEU’s ruling in *Al Chodor*, the Court of Cassation clarified (Decision No. 1130) that the absence of a legislative provision setting out the objective criteria for determining the existence of a “significant risk of absconding”, specific to the Dublin system, precluded the applicability of detention for the purpose of carrying out a Dublin transfer.

<sup>(815)</sup> According to the draft which was adopted by the National Assembly on 15 February 2018, the following criteria are indicative of ‘significant risk of absconding’: an applicant has previously absconded from the Dublin procedure in another country; has received a negative decision in the responsible Member State; has been found on French territory following the execution of a transfer (See: Proposition de loi permettant une bonne application du régime d’asile européen, 24 October 2017, available in French at: <https://www.legifrance.gouv.fr/eli/loi/2018/3/20/INTX1734902L/jo/texte/fr>. See also the concerns raised by the Ombudsman: Opinion No 18-02, 10 January 2018, available in French at: <http://bit.ly/2Dvkpte> (Source: AIDA, Country Report France, 2017 Update: <http://www.asylumineurope.org/reports/country/france>).

<sup>(816)</sup> Between 5 000 and 15 000 EUR.

<sup>(817)</sup> In **Belgium** there has there been an extension of duration from 1 month to 6 weeks only in the case of Dublin-related detention, in accordance with the Dublin III Regulation.

<sup>(818)</sup> Based on the amended law of 28 May 2009 on the Detention Centre, the maximum duration of detention of families with children was extending from 72 hours to 7 days. This applies both to rejected asylum seeking families and applicants under Dublin procedure. This change faced criticism from NGOs (see: [http://chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServletImpl?path=/export/exped/sexpdata/Mag/0001/049/2492.pdf](http://chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=/export/exped/sexpdata/Mag/0001/049/2492.pdf)) and the Council of Europe’s Commissioner for Human Rights (see: [http://www.coe.int/en/web/commissioner/view/-/asset\\_publisher/ugj3i6gSEkhZ/content/luxembourg-should-not-etend-the-period-of-detention-of-migrant-children-but-work-to-eliminate-the-practice?\\_101\\_INSTANCE\\_ugj3i6gSEkhZ\\_language=en\\_GB](http://www.coe.int/en/web/commissioner/view/-/asset_publisher/ugj3i6gSEkhZ/content/luxembourg-should-not-etend-the-period-of-detention-of-migrant-children-but-work-to-eliminate-the-practice?_101_INSTANCE_ugj3i6gSEkhZ_language=en_GB)). Consequently, the Parliament adopted a motion to closely monitor the implementation of this new provision and its impact on children (see: [http://chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServletImpl?path=/export/exped/sexpdata/Mag/0001/007/2078.pdf](http://chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=/export/exped/sexpdata/Mag/0001/007/2078.pdf)).

<sup>(819)</sup> See: <https://www.ris.bka.gv.at/Dokumente/Bundesnormen/NOR40198502/NOR40198502.pdf>.

Concerns about the length of detention were expressed by UNHCR and civil society in a number of EU+ countries:

- In **Greece**, the time limit for detention is calculated in practice from the day that the application for international protection is lodged at the Asylum Service, and not from the day of expression of the intention to ask for international protection;
- According to the Article 36(5) of the Act on Granting International Protection to Aliens, in **Estonia**, no necessity and proportionality tests are applied when deciding on an extension of the period of detention (detention is automatically prolonged by 4 months);
- In **the United Kingdom**, during the course of 2017, UNHCR continued to call for the introduction of a time limit for detention in the UK and remained concerned that there is currently no time limit assigned to general immigration detention <sup>(820)</sup>;
- In **Cyprus**, a ministerial decision setting strict deadlines for the processing of the applications of asylum seekers in detention, which if not met should lead to the release of the applicants, was retracted once the authorities began to implement the new detention provisions of the Refugee Law in early 2018 <sup>(821)</sup>;
- In **Italy**, for certain categories of asylum seekers, detention is foreseen for up to 12 months as opposed to the 3-month long detention as in the case of irregular migrants. In addition, Law No 46/2017 allowed for an additional extension of 15 days of detention, on top of the already foreseen time limit, for foreigners in identification and expulsion centres.

#### *Alternatives to detention*

Several EU+ countries introduced or were planning to introduce new forms of alternatives to detention, in the context of both asylum and return procedures. In some cases this was to counterbalance stricter rules on the detention of applicants. Alternatives introduced in **Finland** in February 2017 include the obligation to stay at an assigned place (with a reporting obligation to certain reception centres) for adults and children above 15 years old who have been issued with a negative asylum decision and a return decision. On the basis of case-by-case discretion, an adult applicant can be subjected to the residence obligation even before the asylum decision to ensure the smooth flow of the asylum process <sup>(822)</sup>.

In April 2017, **Luxembourg** set up a semi-open facility for people to be transferred to other MS under Dublin procedure <sup>(823)</sup>.

In **Belgium**, Article 74/6(1) of the Belgian Immigration Act now provides a designation of a mandatory residence as an alternative to detention. A royal decree will outline the other alternatives to detention in Belgium for the applicants for international protection, such as, the deposit of a financial guarantee and the duty to report regularly. This development was welcomed by the UNHCR <sup>(824)</sup>.

Concerning alternatives to detention in return procedures, **Slovakia** introduced amendments which enable the police authorities to apply alternatives to detention in each case, as opposed to only in cases of administrative expulsion <sup>(825)</sup>. In the **United Kingdom**, bail and temporary admission procedures were

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<sup>(820)</sup> See: UNHCR's "priorities for the UK Government", issued May 2017 <http://www.unhcr.org/uk/protection/basic/590b09ca4/unhcrs-priorities-for-the-uk-government.html> and "UNHCR's evidence to the select committee's inquiry into Brook House immigration removal centre", published October 2017 <http://www.unhcr.org/uk/protection/basic/59dddae4/unhcrs-evidence-to-the-home-affairs-select-committees-inquiry-into-brook.html>.

<sup>(821)</sup> UNHCR input; AIDA, Country Report Italy, 2017 Update: <http://www.asylumineurope.org/reports/country/italy>.

<sup>(822)</sup> See the press release of the Ministry of the Interior: [http://valtioneuvosto.fi/artikkeli/-/asset\\_publisher/1410869/turvapaikanhakijan-asumisvelvollisuus-ulkomaalaislakiin?\\_101\\_INSTANCE\\_3wyslLo1Z0ni\\_languageId=en\\_US](http://valtioneuvosto.fi/artikkeli/-/asset_publisher/1410869/turvapaikanhakijan-asumisvelvollisuus-ulkomaalaislakiin?_101_INSTANCE_3wyslLo1Z0ni_languageId=en_US).

<sup>(823)</sup> In April 2017, a 'semi-open return structure' (*Structure d'hébergement d'urgence au Kirchberg* – SHUK), with the overall capacity of 216 people, was put in place in Kirchberg, intended for, *inter alia*, single men and couples without children to be transferred to states applying the Dublin Regulation (in case there is a 'hit' in EURODAC). It was formerly a reception center for newly arrived asylum seekers. Those residing in the SHUK must be inside the structure between 8pm and 8am, but are free to leave the facility during the daytime. If the request for taking back is refused, the individual is transferred to a regular reception facility. Average duration of stay in SHUK is 28 days. The intention is that the SHUK is only a provisional structure and will be replaced by an official "Return House" (fr. *Maison de Retour*).

<sup>(824)</sup> See: <http://www.refworld.org/docid/59e85fd44.html> para 45.

<sup>(825)</sup> See: [Act no. 82/2017 Coll. of 1 May 2017](#), amending the [Aliens Act no. 404/2011](#).

replaced by a single new concept of immigration bail on 15 January 2018<sup>(826)</sup>. The government committed also to provide satellite tracking for foreign national offenders, meant to facilitate the closer management of non-detained foreign national offenders<sup>(827)</sup>. In line with the amendments to the Act on Foreigners in the Republic of **Bulgaria** (which entered into force in January 2018), the following alternatives to detention may be applied pending return: reporting obligation, bail and/or deposit of passport or travel documents. In France and **Austria**<sup>(828)</sup>, provisions relating to alternatives to detention were amended in order to include an obligation to stay at an assigned place. Additional alternatives to detention in return procedure were also proposed by the **Czech Republic** in the bill amending the Act on Residence of Foreign Nationals. Plans to further develop the use of reporting obligation as an alternative to detention were also discussed in **Sweden**.

#### *Detention of vulnerable groups*

As for detention of children, in **Slovakia**, an amendment to the Residence of Aliens Act entered into force in May 2017, which improved detention conditions for children and extended their outdoor hours, access to leisure activities and provides them with better access to education.

In terms of pre-departure detention, a specialised facility for families in return procedures was established in **Norway** in Hurdal municipality in December 2017, while a new and modern detention centre will be built in Dal, Eidsvoll in 2018<sup>(829)</sup>. In February 2017, the Home Office in **the United Kingdom** awarded Security Company G4S the contract to run the welfare services at the new family detention unit at Tinsley House, which have met with a negative response by UNHCR and civil society (before, families were placed in Cedars pre-departure accommodation, where welfare services had been provided by the children's charity Barnardo's).

In **Belgium**, preparatory works took place to resume in early 2018 the detention of families with minor children as a measure of last resort. While it remains to be seen if this would also apply to potentially asylum seeking families at the border and families under Dublin procedure, the plans were strongly criticised by civil society<sup>(830)</sup> and the Federal Ombudsman<sup>(831)</sup>. In line with the changes adopted by **Bulgaria**<sup>(832)</sup>, short-term detention of unaccompanied minors is no longer permitted. In **Norway**, a new amendment to the Immigration Act's provisions governing the use of coercive measures was proposed which clarifies the rules and foresees special rules for the detention of children pending return.

On a general note, the UNHCR and civil society called on states to end detention of children<sup>(833)</sup>. Concerns related to detention of children were raised by civil society, *inter alia*, in **Spain**<sup>(834)</sup>, **Italy**<sup>(835)</sup>, **Poland**<sup>(836)</sup>,

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<sup>(826)</sup> See: <http://www.legislation.gov.uk/ukpga/2016/19/schedule/10/enacted>.

<sup>(827)</sup> In order to reduce the potential harm posed to the public, make them easier to locate for removal, and offer an alternative to detention for some.

<sup>(828)</sup> According to the amendments to the § 57 of the Asylum and Aliens Police Act [Fremdenrechtsänderungsgesetz 2017], which entered into force on 1 November 2017, an applicant with a final transfer decision may be given a residence obligation under certain circumstances (individual decision, indications that the applicant will not comply with the transfer decision).

<sup>(829)</sup> Families with children were previously placed in the detention centre Trandum outside Oslo, which was deemed inappropriate for the detention of children, see: <https://www.aftenposten.no/norge/i/9mOjBW/Her-skal-barnefamilier-internerer-for-de-sendes-ut-av-Norge> and <https://www.nrk.no/norge/politiet-sluttet-a-sende-barnefamilier-til-trandum-1.13837245>.

<sup>(830)</sup> AIDA, Country Report Belgium, 2017 Update, forthcoming.

<sup>(831)</sup> See: <http://youdontlockupachild.be/> and [http://www.federaalombudsman.be/sites/default/files/jaarverslag\\_-\\_rapport\\_annuel\\_-\\_2016\\_-\\_web\\_0.pdf](http://www.federaalombudsman.be/sites/default/files/jaarverslag_-_rapport_annuel_-_2016_-_web_0.pdf) p. 70-73.

<sup>(832)</sup> The changes will enter into force on 6 June 2018 (UNHCR input).

<sup>(833)</sup> UN High Commissioner for Refugees (UNHCR), UNHCR's position regarding the detention of refugee and migrant children in the migration context, January 2017, available at: <http://www.refworld.org/docid/5885c2434.html>.

<sup>(834)</sup> Save the Children reported that UAMs and children are held in detention, i.a. at Melilla and Ceuta. Input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/save-the-children.pdf>. Human Rights Watch denounced the conditions in these centres and the Spanish Ombudsman also expressed significant concerns as regards the inadequate conditions in which children were held.

<sup>(835)</sup> It was argued that the closed centres at the hotspots in which children are held are de facto detention centres, on grounds of lack of availability in first-line children reception centres or time needed to carry out the transfer. This, despite the fact that Italy recently adopted a law (47/2017) prohibiting child immigration detention (See: UNHCR input and AIDA, Country Report Italy, 2017 Update: <http://www.asylumineurope.org/reports/country/italy>).

<sup>(836)</sup> The regional courts reportedly often do not consider the principle of the best interests of the child when deciding on detention measures (See: HFHR input to the EASO Annual Report; Ombudsman for Child Rights statement to the Courts on placing children in detention, <http://brpd.gov.pl/aktualnosci-wystapienia-generalne/orzekanie-o-umieszczeniu-maloletnich-cudzoziemcow-w-strzezonych>). As reported by the Office for Foreigners, the families with children are always accommodated together and no separation of children is applied. Moreover, only

**Switzerland** <sup>(837)</sup>, **Estonia** <sup>(838)</sup>, and **Latvia** <sup>(839)</sup>. Concerns relate mainly to inadequate conditions in which children are kept and separation of families.

In relation to **other vulnerable persons**, the following concerns were also raised by UNHCR and civil society:

- Vulnerable asylum seekers in **Poland** happen to be placed in detention despite specific safeguards as prescribed by the Polish law <sup>(840)</sup>, leading to two court judgments instructing the release of e.g. vulnerable female asylum seeker, a family of asylum seekers, etc. <sup>(841)</sup>;
- In **Hungary**, according to the Hungarian Helsinki Committee, many families with small children were detained for a period of an average 6-9 months <sup>(842)</sup>;
- In **Italy**, persons with specific needs were detained without a clear procedure to assess vulnerability as a reason for discharge in line with the legal framework <sup>(843)</sup>;

#### *Conditions in detention facilities*

**Estonia** adopted changes in the internal rules of the detention centre, which introduced facilitated access to external communication; detainees are entitled to more frequent visits and to phone cards.

According to the first overview on the operation of the Detention Centre <sup>(844)</sup> in **Luxembourg**, the conditions in the centre further improved in 2017, especially in terms of availability of medical assistance and privacy during telephone conversations.

The conditions of detention were widely contested by civil society and UNHCR. For example, very poor detention conditions were observed in **Spain** as reported upon in the media <sup>(845)</sup>. Similarly, sub-standard conditions in pre-removal detention centres were signalled in **Greece** in violation of national and international law <sup>(846)</sup> (e.g. lack of provision of information in a language that detainees understand, lack of psychosocial support, medical care and legal assistance due to funding problems). In **Poland**, the Ombudsman published a report of monitoring visits in one of the detention centres documenting for that one centre searches in undignified conditions, limitations to psychological assistance and ineffective identification of special needs for those held in detention <sup>(847)</sup>.

#### *Judicial review of the detention order*

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three detention centres have been designated to accommodate families with children. The conditions in these centres were also widely improved to best accommodate specific needs of this group of detainees.

<sup>(837)</sup> Families were sometimes separated and there was no separation between criminal detention and asylum detention. Asylex, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/Asylex-web.pdf>. It should be noted that according to the Aliens Act the detention of children and young persons under 15 years of age is not permitted and unaccompanied minors and families with minors shall only be detained as a measure of last resort and for the shortest appropriate period of time.

<sup>(838)</sup> UNHCR is concerned that accompanied children are still detained in Estonia. There is no absolute prohibition of detention of children in Estonian legislation (UNHCR input).

<sup>(839)</sup> According to UNHCR, though the material conditions in the Daugavpils accommodation centre for detained foreigners are satisfactory, it is not suitable for the needs of children; it lacks personnel (social workers) who could work with children. Furthermore, alternatives to detention are rarely sought for persons with specific needs, in particular children as care options outside the centre are unavailable.

<sup>(840)</sup> According to the law, the asylum seeker shall not be placed in detention if: 1) it could endanger his or her life or health; 2) his or her psychophysical condition may justify the presumption that he / she was subjected to violence; 3) is an unaccompanied minor or a person with disabilities.

<sup>(841)</sup> Helsinki Foundation for Human Rights, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/helsinki-foundation-for-human-rights.pdf>.

<sup>(842)</sup> Hungarian Helsinki Committee, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/hungarian-helsinki-committee.pdf>. The Immigration and Asylum Office submitted that according to their standpoint the placement in the transit zones is not detention because the entry to the transit zone, the stay in the transit zone, and leaving the territory of the transit zone is all voluntary. According to the Asylum Act the asylum detention shall last no longer than thirty days in the case of family with minors, while the average stay in the transit zones was 47 days.

<sup>(843)</sup> UNHCR input and AIDA, Country Report Italy, 2017 Update: <http://www.asylumineurope.org/reports/country/italy>.

<sup>(844)</sup> Centre de rétention, *Premier bilan du fonctionnement du Centre de rétention*.

<sup>(845)</sup> AIDA, Country Report Spain, 2017 Update, forthcoming.

<sup>(846)</sup> AIDA, Country Report Greece, 2017 Update, forthcoming.

<sup>(847)</sup> AIDA, Country Report Poland, 2017 Update, <http://bit.ly/2ozUJm5>. The Polish Border Guard submitted that all of the findings mentioned were met in one detention centre. Every Ombudsman's report is analysed very carefully and then all possible corrective actions are taken.

The amendments to the Asylum and Aliens Act (in force since August 2017) introduced in the **Czech Republic** established that all judicial proceedings are to be terminated upon the release of the detained which means that the judicial review of detention orders is excluded if the claimant is released from detention. In UNHCR's and civil society's view, this substantially curbs the right to effective legal remedy against a detention decision <sup>(848)</sup>.

The **United Kingdom** introduced an automatic judicial oversight of detention (in force since January 2018). As a result, the Immigration and Asylum Chamber of the First-tier Tribunal will automatically list bail hearings every four months for those persons who remain in immigration detention <sup>(849)</sup>.

#### *Developments regarding freedom of movement*

In various EU+ countries new legal provisions entered into force in the course of 2017 limiting the freedom of movement or restricting the residence of people staying in reception. In general, the following developments were reported:

- In **Austria**, the Act Amending the Aliens Law introduced a residence restriction (applicants can residence within the indicated province), and the possibility to require applicants to reside at designated quarters;
- In **Bulgaria**, the Council of Ministers formally designated (Council of Ministers Decision No 550 from 27 September 2017) restricted zones of movement within the territory of the country to applicants accommodated at reception centres (the applicants for international protection are bound to move only within those zone) <sup>(850)</sup>;
- In **Cyprus**, the Refugee Law stipulated that the freedom of movement of applicants for international protection concerns areas under the effective control of the Government of Cyprus;
- In the **Netherlands**, two Additional Counselling and Monitoring Facilities (nl. *extra begeleiding en toezichtlocaties*, 'EBTLs') were established as a special reception centre with a stricter regime for asylum seekers who cause tension or any form of nuisance in the regular asylum seekers centres (e.g. aggression, vandalism, intimidating behaviour) <sup>(851)</sup>; In **Denmark**, new rules have been added to the Danish Aliens' Act in 2017 which allows the Danish authorities to place the unaccompanied and separated children in different types of institutions, including secured institutions but not in ordinary prisons <sup>(852)</sup>; The UAMs can only be placed in these institutions if there is an obvious risk that the health or development of the UAM will suffer serious harm if the child is not being placed in such an institution.

#### *Other developments*

In **Sweden**, the time limit for the temporary placement of a detainee in a correctional facility, a remand prison or a police custody (while arrangements are made for his or her transportation to one of the Migration Agency's detention centres), has been explicitly codified, and extended to three days. Before this change, the authorities found it difficult to carry out transports of detainees within the given (shorter) time frames, due to e.g., geographic and practical factors.

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<sup>(848)</sup> See: <https://ec.europa.eu/migrant-integration/news/czech-republic-controversial-amendment-proposals-to-aliens-act>, <https://ec.europa.eu/migrant-integration/news/czech-republic-stricter-rules-for-foreigners-approved-by-president>, <https://www.opu.cz/en/2018/01/tz-nejvyssi-spravni-soud-vyloucen-i-soudniho-prezkumu-zaji-steni-cizince-po-propusteni-je-v-rozporu-s-evropskym-pravem-2/>.

<sup>(849)</sup> See: <http://www.legislation.gov.uk/ukpga/2016/19/schedule/10/enacted>.

<sup>(850)</sup> In case of a second violation of the residence obligation, an administrative sanction is prescribed; the applicant will be accommodated in a closed center until the procedure is completed and a decision is issued.

<sup>(851)</sup> The rules in these centres are stricter than regular AZC; inhabitants are obliged to report whenever they leave or return to the centre, residents do not receive any financial benefits. There is one EBTL in Amsterdam, which opened in November 2017, and one in Hoogeveen, which opened in December 2017. Both EBTL have a capacity of 50 places each.

<sup>(852)</sup> See: [http://www.folketingstidende.dk/Rlpdf/samling/20161/lovforslag/L204/20161\\_L204\\_som\\_vedtaget.pdf](http://www.folketingstidende.dk/Rlpdf/samling/20161/lovforslag/L204/20161_L204_som_vedtaget.pdf).

In the **Netherlands**, people who apply for international protection while they are detained on grounds of criminal law were deprived of the Period of Rest and Preparation <sup>(853)</sup> on grounds of being a possible threat to public order <sup>(854)</sup>.

#### *Concerns regarding widespread use of detention practices*

Other various concerns were raised with regard to **detention practices** across EU+ countries. Civil society emphasised that detention practices had **remained widespread** <sup>(855)</sup>. Two trends were in particular highlighted by the UNHCR and NGOs: i) EU+ countries introducing broader grounds for the use of detention, and; ii) arbitrary and increased use of detention in general, often in unsuitable facilities:

- In **Greece**, the number of asylum seekers and other third country-nationals (i.a. vulnerable individuals and families arriving in the Evros region, selected newly arriving third country nationals coming on the islands as well as children while awaiting provision of care arrangement, in particular for placement in shelters, or until they are reunited with the persons that may take care of them <sup>(856)</sup>) detained in pre-removal detention facilities, police stations and hospitals increased in 2017.<sup>857</sup> This was to a large extent due to limited capacity in the reception and identification centres. Concerns were also raised regarding the reasoning of detention orders based on the ‘delinquent behaviour’, continued practice of prolonged detention of persons having violated the geographical restriction on the islands and applicants (mainly single men) who come from countries with a low recognition rate or Syria. On the contrary, according to the UNHCR, cases of family reunification under Dublin Regulation and vulnerable persons continued to be exempted from the border procedure. No detention measures are also imposed to applicants whose applications are examined under Dublin Regulation;
- **Spanish** authorities resorted to an increased use of 72-hour automatic detention, including children and families, at police stations in Almeria, Tarifa, Motril and Algeciras: many were reportedly detained without proper and justified judicial decision hence in violation of procedural guarantees <sup>(858)</sup>. In Motril, collective detention orders were ordered to groups of newly arrived, which were upheld by the Provincial Court of Granada. Despite alternatives to detention of vulnerable persons being available (accommodation in facilities run by NGOs), challenges were posed regarding sufficient places and coordination between the police and the NGOs to ensure takeover of the persons <sup>(859)</sup>;
- In **Lithuania**, due to lack of appropriate reception arrangements, persons subject to return procedures, including vulnerable groups, frequently ended up in detention during the voluntary departure period;
- In the context of border control operations in the **French** area of Alpes-Maritimes, the border police detained newly arrived asylum seekers without any formal order in a ‘temporary detention zone’ made up of prefabricated containers in the premises of the Menton Border Police <sup>(860)</sup>. This was done on the basis of an informal decision of the Prefect of Alpes-Maritimes;

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<sup>(853)</sup> The aim of the Period of Rest and Preparation, which lasts at least 6 days, is to give asylum seekers time to recover from their journey. The asylum procedure does not begin until after this period. During the rest and preparation period they are given: information about the asylum procedure; legal assistance and medical declaration for use during their asylum procedure.

<sup>(854)</sup> Decree of the Minister of Migration of 15 September 2017, Aliens Act Implementation Guidelines (Amendment) Decree (WBV) no. 2017/9, comprising changes to the Aliens Act Implementation Guidelines 2000, *Government Gazette* 2017, 53847.

<sup>(855)</sup> European Association for the Defence of Human Rights, AEDH, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/AEDH.pdf>.

<sup>(856)</sup> Although the design of some temporary care arrangement for unaccompanied and separated children as the establishment of “safe zones” by the Ministry of Migration Policy in camp-like accommodation facilities has shortened the period of their detention, the capacity is still limited.

<sup>(857)</sup> AIDA, Country Report Greece, 2017 Update, forthcoming; UN High Commissioner for Refugees (UNHCR), Explanatory Memorandum pertaining to UNHCR’s submission to the Committee of Ministers of the Council of Europe on developments in the management of asylum and reception in Greece, April 2017, available at: <http://www.refworld.org/docid/595675554.html>, p. 10.

<sup>(858)</sup> Consejo de la Abogacia and AIDA, Country Report Spain, 2017 Update, forthcoming.

<sup>(859)</sup> See Human Rights Watch, News Release, Spain: Migrants Held in poor conditions, Automatic Detention, obstacles to seeking asylum, available at: <https://www.hrw.org/news/2017/07/31/spain-migrants-held-poor-conditions>.

<sup>(860)</sup> Forum réfugiés-COSI, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/forum-refugies-cosi-webv.pdf>.

- The **Danish** police reportedly started a new practice in 2017 of detaining especially Iraqi rejected asylum seekers to "motivate" them to cooperate in their return to Iraq <sup>(861)</sup>;
- In **Poland**, use of detention was signaled with up to 1,300 migrants who had been detained in 2017 including 282 children. In the course of the year there were 15 UAMs located in the Border Guard specialised detention centre, however due to submission of the asylum application minors were transferred to the foster center <sup>(862)</sup>; concerns related to the practice of detaining UAMs were also in the case of **Slovakia** and **Czech Republic** <sup>(863)</sup> (the majority of detained applicants were awaiting Dublin transfers).
- The number of detained persons also increased in **Sweden** raising concerns from civil society <sup>(864)</sup>;
- The UN Committee against Torture, in its second periodic report on **Ireland**, remained concerned that detained international protection applicants are kept in prisons and/or police stations with remand and convicted prisoners <sup>(865)</sup>.
- In **Estonia**, UNHCR expressed concerns regarding the criteria which are used for assessing the risk of absconding.
- In **Malta**, the risk of absconding is heavily relied upon as a ground for detention (mainly for Dublin returnees), with no alternatives to detention applied;
- In **Cyprus**, although alternatives to detention were introduced in the refugee law in 2016, they were not applied in practice in 2017.

A comprehensive overview of detention policies and practices was discussed in the AIDA legal briefing entitled *The detention of asylum seekers in Europe. Constructed on shaky ground?* <sup>(866)</sup>. This report provides an overview on the scale of detention of asylum seekers, detention infrastructure and capacity, and explores the extent of legal expansion of detention. The overview reveals significant gaps and inconsistencies in data collection on immigration and asylum detention and raises concerns on the legal and infrastructural expansion of detention at state level as well as reflected in the reform CEAS package. The detention of persons seeking protection was further analysed in the AIDA comparative report 'Boundaries of Liberty: Asylum and de facto detention in Europe' <sup>(867)</sup>.

#### *National case law relating to detention*

In terms of **national case law** on matters relevant to the detention, the judgements delivered in 2017 touched upon the following thematic areas:

- Judicial review of decision on detention:

The Supreme Administrative Court in the **Czech Republic** (resolution 10 Azs 252/2017-20 of 29 November 2017) concluded that the exclusion of judicial review of detention orders if the claimant was released from detention (as introduced by the Aliens and Asylum Act in summer 2017) shall be referred to CJEU for preliminary ruling due to possible contradiction with EU law.

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<sup>(861)</sup> Rejected asylum seekers were moved to two removal centres - one for single men (*Kaershovedgaard*) and one for families and single women (*Sjaelmarks*) – Source: UNHCR input and Danish Refugee Council input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/Danish-Refugee-Council.pdf>.

<sup>(862)</sup> Concerns related to the detention of UAMs were mentioned in the HFHR input to the EASO Annual Report. As reported by the Polish Border Guard, the alternatives to detention can be ordered by the Border Guard or by the court. In 2017, 3 961 alternatives measures were applied with regard to 2 139 foreigners. Detention is applied only as a last resort, especially in cases where the foreigner did not respect the decision on alternative measures and was apprehended afterwards or was transferred to Poland under the Dublin procedure).

<sup>(863)</sup> UNHCR input.

<sup>(864)</sup> Swedish Network of Refugee Support Groups (FARR), input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/swedish-network-farr.pdf>. The use of detention is regulated by the Swedish Aliens Act and may only be considered if: the identity is unclear upon arrival; it is necessary to enable an investigation to be conducted; or it is probable that the alien will be refused entry or expelled or a refusal-of-entry or expulsion order shall be enforced, provided there is a risk of absconding, that the alien is engaged in criminal activities or avoid or hampers the preparation of return or the removal process. Detention is always preceded by a decision that can be appealed at any time.

<sup>(865)</sup> UNCAT, *Concluding observations on the second periodic report of Ireland*, 31 August 2017.

<sup>(866)</sup> See: [https://www.ecre.org/wp-content/uploads/2017/06/AIDA-Brief\\_Detention-1.pdf](https://www.ecre.org/wp-content/uploads/2017/06/AIDA-Brief_Detention-1.pdf).

<sup>(867)</sup> See: <http://www.asylumineurope.org/2018>.

- Detention grounds:

In its ruling, the Administrative High Court in **Austria** (5 October 2017, 2017/21/0009-7) stated that, under current law and where the specific case falls under the Reception Directive, individuals must not be detained pending removal, except where the conditions specified in the Dublin Regulation are met (Dublin-related cases). The court's reasoning was that the 'risk of absconding', the criterion specified in Article 76(2)(1) of the Aliens Police Act, could not be subsumed under one of the conditions defined in the Reception Directive. Thus, the imposition of detention continues to be permitted for asylum seekers only in following cases: Dublin constellations; persons applying for asylum during detention to prolong procedures; in case of an immediately enforceable administrative decision on asylum; withdrawal of de facto protection according to Article 12a Abs 2 AsylG with immediate enforceability according to Article 22 BFA-VG; and where no de facto protection according to Article 12a Abs 4 AsylG was granted.

In **Greece**, on 30 October 2017, the Administrative Court of Mytilene issued a ruling on three cases of Syrians who had applied for asylum in Greece earlier the same month and had been held in detention. The ruling (Decisions 217/2017, 218/2017, and 219/2017) held that the justifications for holding the asylum applicants in detention had not been objectively substantiated<sup>(868)</sup>.

- Alternatives to detention:

In **Switzerland**, on 8 June 2017, the Administrative Court in Zurich ruled that the restriction on movement imposed by cantonal authorities on an Iraqi national whose asylum claim had been rejected was inadmissible. The Federal Supreme Court (FSC) now has to clarify whether restrictions on movement as a more lenient means to administrative detention are permitted in expulsion cases<sup>(869)</sup>. The FSC ruled that the freedom of movement of a rejected Ethiopian asylum seeker from the canton of Zurich could be restricted to prepare his referral to Ethiopia, even though he could not be forcibly deported. The regional court had previously considered this restriction by regional authorities as disproportionate and inappropriate<sup>(870)</sup>.

- Time limit for detention:

The Supreme Court in **Norway** ruled<sup>(871)</sup> that the 18-month limit on detention stipulated in the fifth paragraph of Article 106 of the Immigration Act must include the entire detention period that is justified by the need to prepare and effectuate the dispatch of a foreigner. This also applies when there has been a break in the detention.

On 4 April 2017 the European Court of Human Rights ruled that in the case of *Thimothawes v Belgium* (Application No 39061/11) there had been no violation of Article 5 (right to liberty and security) of the European Convention on Human Rights. The case concerned the five-month detention of an Egyptian asylum seeker at the Belgian border. The Court found in particular that any measure depriving a person of his liberty had to be prescribed by law. Where the legal provision in question originated in international law, only the domestic courts, except in the case of an arbitrary or manifestly unreasonable interpretation, were empowered to interpret domestic law pursuant to the supranational provisions in question. The Court only scrutinised the conformity of the effects of that interpretation with the Convention. In the present case, the scrutiny of lawfulness conducted by the domestic courts of the detention order had taken account of the case law of the Court.

- Detention of vulnerable groups:

In the **United Kingdom**, on 10 October 2017, the High Court issued a ruling stipulating that the UK Home Office has wrongly held in detention migrants and asylum seekers who have been victims of torture because of improperly constraining the definition of torture to that exercised by state agents only.

<sup>(868)</sup> Asylum Information Database, [Greece: Court curtails detention policy for Syrians on the islands](#), 8 November 2017, accessed 15 November 2017.

<sup>(869)</sup> Neue Zürcher Zeitung, *Migrationsamt in die Schranken gewiesen*, 8 June 2017, available at: <https://www.nzz.ch/zuerich/aktuell/verwaltungsgericht-migrationsamt-in-die-schranken-gewiesen-ld.1299810>.

<sup>(870)</sup> The Federal Court, *Medienmitteilung Eingrenzung auf Aufenthaltsrayon*, 8 December 2017, available at: [https://www.bger.ch/files/live/sites/bger/files/pdf/de/2C\\_287\\_2017\\_2017\\_12\\_08\\_T\\_d\\_14\\_01\\_39.pdf](https://www.bger.ch/files/live/sites/bger/files/pdf/de/2C_287_2017_2017_12_08_T_d_14_01_39.pdf)

<sup>(871)</sup> <https://www.udiregelverk.no/no/rettskilder/hovesterettsavgjorelser/hr-2017-283-u/>.

In **Norway**, the High Court ([ruling LB-2016-8370](#) of 31 May 2017) found that the two weeks detention of four children together with their parents violated Article 3, Article 5.1 and Article 8 of the ECHR, the Convention on the Rights of the Child and the Norwegian Constitution.

In the above-mentioned case of *Thimothawes v Belgium* (Application No 39061/11) the issue of the applicant's mental health was not deemed sufficient, on its own, for a finding that his detention had been arbitrary. The assessment of the facts of the case supported a finding that his period of detention had not been unreasonably long.

In October 2017, the High Court in **the United Kingdom** ruled that the Government redefinition of torture in immigration detention policy was unlawful. The ruling found that the Home Office narrowing the definition of torture lacked 'rational or evidence base'. The judge stated that the definition of 'torture' intended for use in the policy would require medical practitioners to 'reach conclusions on political issues which they cannot rationally be asked to reach' <sup>(872)</sup>.

- Other judgements:

The First Instance Court of Thessaloniki in **Greece** ruled that the accused persons, two third country nationals who had left Leros Island in breach of the geographical restriction and their obligation to remain there should be pronounced innocent as they acted in order to maintain their personal health and integrity (Decision No 2627/2017 Thessaloniki First Instance Criminal Court).

Supreme Administrative Court in **Bulgaria** (4 May 2017, No 952/2017) ruled that the Administrative Court of Sofia in Bulgaria incorrectly extended for a period of six months the placement of a third country national in a detention center for foreigners and dismissed his appeal against an order for detention. <sup>(873)</sup>

Detention according to the Reception Condition Directive in conjunction with the Charter of Fundamental Rights of the EU was reviewed by the Court in the Case C-18/16 <sup>(874)</sup> (see [Section 1.3](#))

#### 4.7. Procedures at first instance

As discussed in [Section 2.4](#), in 2017 there were 996 685 decisions issued at first instance in EU+ countries.

At the national level, similar to 2016, **Germany** was the country issuing the most decisions (524 185), accounting for 53 % of all decisions in the EU+ (Fig. 32). Other countries that issued large numbers of decisions included **France** (11 % of the EU+ total), **Italy** (8 %), **Sweden** and **Austria** (6 % each).

Compared to 2016, fewer decisions were issued at first instance in the majority of EU+ states. The most sizable decreases took place in **Germany** (a drop by 106 900) and **Sweden** (a drop by 34 705). In relative terms, among the countries with more than 1 000 decisions at first instance in 2017, the most substantial declines in decisions concerned **Finland** and **Norway** (by 65 % each). In contrast, markedly more decisions than in 2016 were issued in **France** (an increase by close to 24 000), **Austria** (13 870 more) and in **Greece** where decisions doubled to 13 055.

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<sup>(872)</sup> See: <http://www.medicaljustice.org.uk/wp-content/uploads/2017/10/Press-Release-AAR-Judgement-10-10-2017-.pdf> and <http://www.medicaljustice.org.uk/wp-content/uploads/2017/10/CO-5386-2017-Medical-Justice-v-SSHD-Approved-Judgment.pdf>.

<sup>(873)</sup> See: <http://www.sac.government.bg/court22.nsf/d038edcf49190344c2256b7600367606/08ee8ab60842f3cbc225811400371110?OpenDocument>.

<sup>(874)</sup> Judgment of the Court (Fourth Chamber) of 14 September 2017, K. v Staatssecretaris van Veiligheid en Justitie, Case C-18/16, [ECLI:EU:C:2017:680](#).

2017 first-instance decisions (left) and outcomes (right), by issuing country

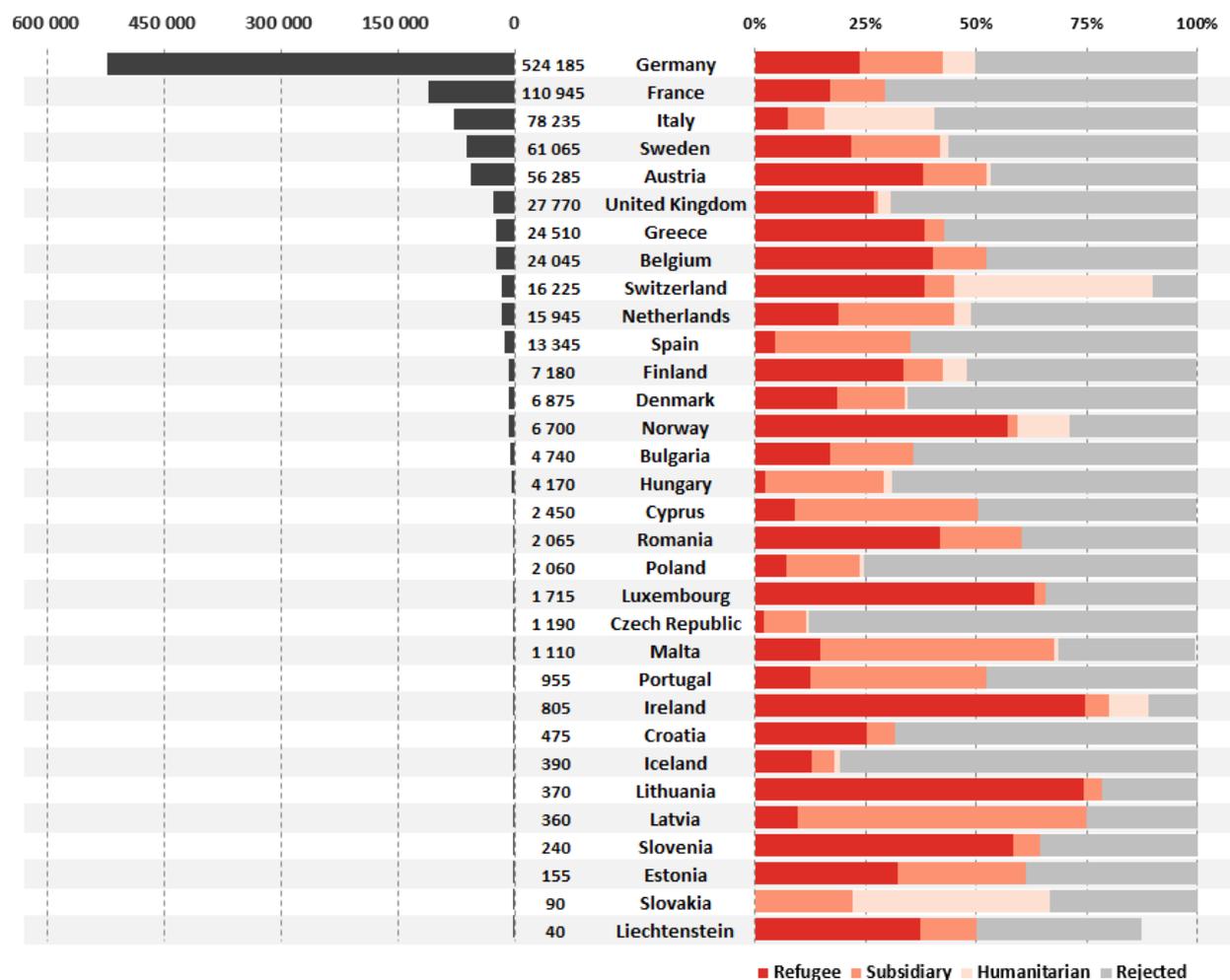


Figure 32: The number of decisions issued and recognition rates both varied between EU+ countries.

Section 2.4 discussed in detail the notion of ‘recognition rate’. With respect to decisions issued at first instance, for countries that issued at least 1 000 decisions in 2017, Switzerland had the highest overall recognition rate; 90 % of the decisions were positive. Relatively high recognition rates were also apparent in Norway (71 %), Malta (68 %) and Luxembourg (66 %).

Conversely, the Czech Republic had the lowest recognition rate at 12 % <sup>(875)</sup>, followed by Poland (25 %), France (29 %), Hungary, and the United Kingdom (31 % each).

As discussed in Section 2.4, to a large extent, differences in recognition rates between countries are the result of the citizenship of the applicants to whom decisions are issued. For example, in 2017 **France** had a 29 % recognition rate and issued most decisions to Albanian citizens, a nationality with a generally very low recognition rate (see Section 2.4). In contrast **Switzerland**, with a 90 % overall recognition rate, issued more than a third of its decisions to Eritreans, a nationality with a considerably high level of positive decisions in the EU+ (see Section 2.4).

#### EASO Country Guidance Pilot

Following the 21 April 2016 Council Conclusions on convergence in asylum decision practices and in preparation for its new mandate, in 2017 EASO continued the work on the pilot country guidance

<sup>(875)</sup> It should be noted that the recognition rate in the Czech Republic is significantly influenced by the composition of asylum seekers from source countries. The main nationalities claiming asylum in the Czech Republic are Ukrainians, Russians, Cubans, Vietnamese, Georgians and Armenians, which means that none of them are nationals from the “traditional” countries with international protection needs, and their claims are usually unfounded.

development, focusing on Afghanistan. With the ultimate aim of ensuring convergence in the assessment of applications for international protection throughout the EU, EASO coordinates the efforts of a network of senior-level policy makers from EU+ States in developing a common analysis on the situation in Afghanistan and a guidance note to inform decision practices.

The country guidance builds on two important blocks: country of origin information and horizontal guidance on the implementation of the CEAS. The Country Guidance Network, supported by a Drafting Team of selected national experts, looks into the current EU legislation, relevant case law and EASO guidance, in particular the EASO Practical Guides (see box on Asylum Processes below), and takes into account relevant UNHCR guidelines. Based on this common horizontal guidance, the Network jointly analyses the relevant country of origin information. In order to support the pilot exercise, in 2017 EASO produced four country of origin information reports on Afghanistan, focusing on all relevant aspects covered by the common analysis and guidance note (see [Chapter 4.9](#)). In 2017, the Country Guidance Network continued to exchange information on current national decision practices and jurisprudence and to analyse the underlying factors of divergences observed in recognition rates and types of protection granted, and made significant progress in the development of common analysis and guidance on Afghanistan. It is expected that the pilot exercise will be completed in 2018, and following its evaluation, the EASO Country Guidance Network will continue with the development of guidance notes and common analysis on other countries of origin.

Main developments in EU+ countries in regard to procedures at first instance concerned mostly measures taken toward the optimisation of processing of applications for international protection, as well as the reduction of processing times. As this section focuses on general first instance procedures, developments regarding special procedures are presented in [Section 4.4](#), while measures taken by EU+ countries to enhance the efficiency of the procedures overall are analytically presented in [Section 3.3](#).

Extensive changes in the area of international protection overall were introduced in **Austria**, through the 2017 Act Amending the Aliens Law <sup>(876)</sup> (see [Section 3.1](#)). In regard to first instance, an additional requirement was introduced for applicants to cooperate with authorities in presenting any available medical records and examination results where these are relevant for assessing this person's special needs, as specified in Article 2(1) of the Agreement between the Federal State and the Provinces on Basic Care <sup>(877)</sup>.

A number of developments related to first instance procedures also took place in **Belgium** in 2017. The new law, adopted on 9 November 2017, provides for new duties and rights of the applicant of international protection.

- In accordance with Article 17 of the APD, the applicant shall have the opportunity to make comments and provide clarification with regard to the report of the personal interview done by the CGRS. Applicant will be able to make their comments within 8 working days after the report was sent to them.
- The law also provides explicitly for the right for dependent children of the applicant to be interviewed individually by CGRS and/or to lodge a separate asylum application. To some extent, this legislative innovation formalises an already existing practice.
- Furthermore, the law will enable the CGRS to verify electronic information carriers (such as smartphones, social media, USB) of the applicant for international protection. Although CGRS was already using publically accessible information on social media in its assessment of asylum claims, an investigative strategy accepted by the CALL, the new law expands this power. On this point, the law explicitly stipulates that CGRS can only use this private information, if the applicant authorises the CGRS to access it on the applicant's electronic devices. A refusal of the asylum

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<sup>(876)</sup> FLG I No 145/2017

<sup>(877)</sup> FLG I No 80/2004.

applicant to provide access to private information on an electronic device can be an element to be taken into account when assessing the application.

- In addition, law, approved by the Federal Parliament on 9 November 2017, allows for other staff to conduct asylum interviews, in addition to staff from CGRS, in the event of a sharp increase in arrivals.<sup>(878)</sup> A new second paragraph was added in Article 48/8 of the Aliens Act, stipulating the possibility of a medical exam to corroborate elements of the asylum claim.

For the first instance examination in **Cyprus**, the recently amended Refugee Law introduces the obligation of the State to ensure, upon request, and in any form the State so decides, that applicants are provided with legal and procedural information free of charge (see [Section 4.2](#)).

In **Finland** a new project (Flow 2) launched at the Asylum Unit is looking into the possibility of developing a model for using information gathered from social media in establishing an asylum seeker's identity and background.

In **France**, in July 2017, the French Prime Minister presented a new migration plan to the Council of Ministers, with a view to accelerating the processing of asylum applications in France. Among others, the plan foresees a reduction of processing time of applications to reach six months in total, first appeal included. This governmental plan is consistent with the European objective to make asylum procedures more efficient, and has a twofold purpose: to guarantee faster access to international protection for those in need, and to prevent persons with unfounded claims to remain for a long time on the territory, while strictly respecting the guarantees provided by the Directives. Following this plan, a draft law on immigration and asylum was presented by the government on 21 February 2018. As reported by UNHCR, according to concerns expressed by civil society actors <sup>(879)</sup>, the reduction in processing times may entail negative consequences in regard to the quality of the process.

In **Germany**, the Federal Office for Migration and Refugees (BAMF) undertook a number of organisational measures to safeguard the effective function of the country's asylum system, through the optimisation of collection of applicants' data as part of a system of integrated identity management. Measures aimed, among others, at preventing unfounded applications, facilitating the establishment of an applicant's identity, verifying an applicant's nationality, detecting security concerns, and identifying age fraud. For a more detailed presentation of these measures, see [section 3.3.1](#))

In **Hungary**, for asylum cases started from January 2018 onwards, the time frame for processing applications is 60 days, which can be extended once by 21 days by decision of a manager from the asylum authority. Some interviews in these cases are held via electronic audio-visual connection with distant interpretation.

In January 2017, the **Irish** International Protection Office (IPO) published guidance on transitional arrangements for international protection applicants who had made applications prior to the commencement of the single application procedure <sup>(880)</sup>. Existing applications were divided into categories: Category One (applicants who had made applications for refugee status in respect of which a recommendation had not been made under the Refugee Act 1996) <sup>(881)</sup>, Category Two (applicants whose applications for refugee status were on appeal to the Refugee Appeals Tribunal (RAT) and the appeal had not been determined prior to the commencement date) <sup>(882)</sup>, Category Three (subsidiary protection applications made before the commencement date of the new legislation and where the investigation of

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<sup>(878)</sup> Article 57/5ter §1: The Minister can decide, in agreement with the Commissioner-General, to allow staff from other organisations to conduct those interviews (no specific mention of Immigration Office).

<sup>(879)</sup> Amnesty International [https://www.francetvinfo.fr/monde/europe/migrants/demandes-d-asile-oui-a-la-reduction-des-delaix-mais-pas-au-detrimet-de-la-qualite-de-l-examen\\_2302313.html](https://www.francetvinfo.fr/monde/europe/migrants/demandes-d-asile-oui-a-la-reduction-des-delaix-mais-pas-au-detrimet-de-la-qualite-de-l-examen_2302313.html).

<sup>(880)</sup> International Protection Office (January 2017) Information Note- Transitional Arrangements IPO 12. Available at: [www.ipo.gov.ie](http://www.ipo.gov.ie)

<sup>(881)</sup> Such applications were transferred to IPO for determination on refugee and subsidiary protection grounds under the International Protection Act 2015.

<sup>(882)</sup> Such applicants are deemed to have made an application for international protection under the International Protection Act 2015, and their files were transferred to IPO for consideration of subsidiary protection grounds only. The earlier determination under the Refugee Act 1996 in relation to refugee status remains in place.

the application had not been started by the Office of the Refugee Applications Commissioner) <sup>(883)</sup> and Category Four (subsidiary protection applications where investigation had commenced prior to the commencement date) <sup>(884)</sup>. At end 2017, some 2 800 applications transferred under the transitional arrangements were awaiting processing in the IPO <sup>(885)</sup>.

In an effort to expedite processing times, the **Italian** Ministry of Interior recruited 250 additional caseworkers. As presented in [Section 3.2](#), changes have been introduced in the composition of the Territorial Commissions for the Recognition of International Protection and the organisation of the refugee status determination process, which will now be conducted by two specialised interviewers and two decision makers. In addition, a new law was introduced (Law 46/2017, Article 6), prescribing video-recording of the first-instance interview <sup>(886)</sup>. Regarding assessment of real risk of 'serious harm', the Court of Appeal (Corte di Cassazione) in its Judgement No 14700 on 16 May 2017, decided that in all cases, where the applicant purports to have committed offences for which there are disproportionate or inhuman penalties in the home country, the Territorial Commissions must always assess whether there is a real risk of 'serious harm' for the applicant, if returned to the home country. A circular from the National Commission for the Right to Asylum, issued in July 2017, called on the Territorial Commission to make careful assessment both about the existence of the offences, which the applicant claims to have committed, and about the type and extent of the penalties for those offences stipulated by that jurisdiction. If penalties are assessed as disproportionate or inhumane, the applicant is to be granted some form of protection and, in particular, subsidiary protection <sup>(887)</sup>.

On 1 January 2017, the amended Asylum Act entered into force in **Liechtenstein** with the objective to establish a more efficient procedure and to introduce new inadmissibility grounds in order to filter out unfounded asylum claims <sup>(888)</sup>. UNHCR has welcomed the reform in principle, but expressed concerns about the risk of exclusions from refugee status beyond the 1951 Convention's exclusion clauses and restrictions of the right to an effective remedy <sup>(889)</sup>.

In **Malta**, a new decision template was drafted with the help of UNHCR to increase efficiency in decision-making, while the standards for assessing the credibility of applicants' asylum claims were formalised in **Lithuania**, including methodological recommendations as to the detection of elements of fraud in asylum interviews (see [Section 3.3](#)).

In April 2017, the **Swedish** Migration Agency introduced a separate asylum sub process for temporary permits, which are to be re-examined. In July 2016, a new law had entered into force, under which all permits for protection purposes were temporary, but could be extended. When a beneficiary of protection applies for an extension, the temporary permit must be re-examined and this re-examination process has had an impact on the organisation of Sweden's asylum procedures at first instance. The introduction of the new sub process in April 2017, aimed at exactly addressing this new increased workload. Under the new policy, an application for extension of a residence permit can be made by personal appointment at an asylum application unit, which is responsible for receiving such applications. When the application is made, a photograph and fingerprints are taken to be used for the residence permit card, and a shorter interview is conducted. For the majority of cases, this is the only verbal processing carried out in this sub process, and a decision is taken at an early stage in the process. If there is a need for further verbal processing, the case is referred to units specialising in extension applications,

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<sup>(883)</sup> In such cases the application was transferred to the IPO for determination of subsidiary protection grounds only. The earlier determination in relation to refugee status (and a determination related to appeal of the refugee status determination, if applicable) remains in place.

<sup>(884)</sup> These applications are considered under the previous subsidiary protection regulations in force.

<sup>(885)</sup> Department of Justice and Equality (30 January 2018) Response to Parliamentary Question 3929/18. Available at: [www.justice.ie](http://www.justice.ie)

<sup>(886)</sup> Territorial commissions have not implemented this measure yet, as technological equipment is lacking for the time being

<sup>(887)</sup> Ministry of Interior, National Commission for the right to asylum, Circular No. 0005801 of 19.7.2017

<sup>(888)</sup> Liechtensteinisches Landesgesetzblatt, Jahrgang 2016, Nr. 411, ausgegeben am 1. Dezember 2016, 152.31, available at: <https://www.fluechtlingshilfe.li/wp-content/uploads/AsylGesetz-2017.pdf>.

<sup>(889)</sup> UNHCR, Stellungnahme zum Bericht und Antrag der Regierung an den Landtag des Fürstentums Liechtenstein betreffend die Abänderung des Asylgesetzes (AsylG) sowie des Gesetzes über die Ausländer (Ausländergesetz, AuG), Juli 2016, available at: [http://www.unhcr.org/dach/wp-content/uploads/sites/27/2017/05/LIE\\_UNHCR-Stellungnahme-Bericht-und-Antrag-an-Landtag\\_Abaenderung-des-Asylgesetzes\\_2016.pdf](http://www.unhcr.org/dach/wp-content/uploads/sites/27/2017/05/LIE_UNHCR-Stellungnahme-Bericht-und-Antrag-an-Landtag_Abaenderung-des-Asylgesetzes_2016.pdf) and UNHCR, Stellungnahme zum Vernehmlassungsbericht der Regierung des Fürstentums Liechtenstein betreffend die Abänderung des Asylgesetzes (AsylG) sowie des Gesetzes über die Ausländer (Ausländergesetz, AuG), März 2016, available at: [http://www.unhcr.org/dach/wp-content/uploads/sites/27/2017/05/LIE\\_UNHCR-Stellungnahme-Abaenderung-des-Asylgesetzes\\_2016.pdf](http://www.unhcr.org/dach/wp-content/uploads/sites/27/2017/05/LIE_UNHCR-Stellungnahme-Abaenderung-des-Asylgesetzes_2016.pdf).

who examine and decide on the case. In case an application is rejected (expulsion decision), the case is referred to the return process. However, rejections can be appealed. This separate sub process for extensions of residence permits handles cases of adults, children in families and unaccompanied minors<sup>(890)</sup>. Moreover, amendments to the Aliens Act in **Sweden** provided for a temporary age assessment to be carried out immediately in the asylum process, when needed, and for a temporary appealable decision on the age of the applicant to be taken at the initial phase of the procedure.

In **Switzerland**, a major legislative and organisational reform of the asylum system to enhance its fairness and efficiency adopted in 2016 is currently being implemented and planned to be operational by 2019. Key elements are the regionalisation of the decision-making process, faster procedures with tight deadlines, and free legal assistance<sup>(891)</sup>.

In the **UK**, as a response to the growing recognition that remedial action was needed in order to reduce the size of ‘initial decision work in progress’, the ‘Next Generation Casework Project’ was introduced. The Home Office sought to recruit 140 new decision makers for a period of two months, while the project also aimed at developing and testing new ways of working. A new office was opened in Bootle, enabling greater capacity, including through the use of technology, such as videoconferencing, digital interviewing, and an assisted decision-making tool (ADMT) – for more details, see [Section 3.3](#).

Developments described in previous paragraphs reflect efforts by authorities in EU+ countries to increase efficiency and effectiveness in first instance procedures. Despite these efforts, concerns have been expressed by civil society actors in a number of EU+ countries, in regard to procedures at first instance, mostly focusing on the length of procedures and the quality of decision-making. As far as processing times are concerned, civil society emphasised that procedures were lengthy and decisions were not taken within the prescribed deadlines, among others, in **Austria**<sup>(892)</sup>, **Croatia**<sup>(893)</sup>, **Hungary**<sup>(894)</sup>, **Ireland**<sup>(895)</sup>, **Lithuania**<sup>(896)</sup>, **Slovenia**<sup>(897)</sup>, **Spain**<sup>(898)</sup>, **Sweden**<sup>(899)</sup>, and **Switzerland**<sup>(900)</sup>. Times in the procedure differed from 10 months for an appointment for the first interview in **Austria**, to 19 months before a substantive interview in **Ireland**, where delays followed the introduction of a single application procedure, which had led to difficulties with the rollout of the new procedure<sup>(901)</sup>. In **Sweden**, the average handling time for cases at first instance increased from 10.5 months as of December 2016 to 16.5 months in 2017<sup>(902)</sup>.

### EASO Asylum Processes

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

<sup>(890)</sup> National Contribution to the EMN Annual Report on Migration and Asylum.

<sup>(891)</sup> Input provided by UNHCR.

<sup>(892)</sup> AIDA, Country Report Austria, 2017 Update, <http://www.asylumineurope.org/reports/country/austria>.

<sup>(893)</sup> European Association for the Defence of Human Rights (AEDH), input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/AEDH.pdf>. Given the increased number of cases and the additional checks in order to determine all the facts and circumstances that are important for making a decision, deadlines were difficult to be adhered to.

<sup>(894)</sup> AIDA, Country Report Hungary, February 2017 Update. <http://www.asylumineurope.org/reports/country/hungary>. While asylum interviews for adults regularly took place on the same day of their admission into the transit zones, unaccompanied children experienced delays due to the need to appoint temporary guardians. Their asylum interviews were conducted through remote interpretation system (video link). It was submitted by the Immigration and Asylum Office that there is a legal obligation – which is described by the European Union legislation as well – not to conduct the interview with the unaccompanied minor without his/her temporary guardian. The guardian shall be appointed without delay, at least within 8 days according to the legal regulation.

<sup>(895)</sup> AIDA, Country Report Ireland, 2017 Update, [http://www.asylumineurope.org/sites/default/files/report-download/aida\\_ie\\_2017update.pdf](http://www.asylumineurope.org/sites/default/files/report-download/aida_ie_2017update.pdf).

<sup>(896)</sup> UNHCR reported that the formal maximum six-month limit for issuing first instance decisions was often not observed.

<sup>(897)</sup> National Contribution to the EMN Annual Report on Migration and Asylum.

<sup>(898)</sup> Consejo de la Abogacía referred to “unacceptable delays of interview appointments and decisions, sometimes taking up to more than 2 or 3 years”. Input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/Consejo-General-Abogacia-Espanola.pdf>.

<sup>(899)</sup> AIDA, Country Report Sweden, 2017 Update, [http://www.asylumineurope.org/sites/default/files/report-download/aida\\_se\\_2017update.pdf](http://www.asylumineurope.org/sites/default/files/report-download/aida_se_2017update.pdf).

<sup>(900)</sup> Asylex, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/Asylex-web.pdf>.

<sup>(901)</sup> Minister for Justice and Equality response to parliamentary question 30 January 2018: <http://justice.ie/en/JELR/Pages/PQ-30-01-2018-274>.

<sup>(902)</sup> According to information provided by the Swedish Migration Agency, an average handling time in 2017 was approximately 14 months.

and initiatives. The activities further focused on the development of practical tools targeted at certain aspects of the asylum processes. These tools support the daily work of asylum and migration officials by providing common guidance in various user-friendly formats and contribute to achieving common standards. The existing EASO 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)*, *EASO Practical Guide: Exclusion* and the *EASO – Frontex toolkit on Access to the Asylum Procedure*) are available at <https://www.easo.europa.eu/practical-tools> in a number of EU languages.

In 2017, two practical tools were developed in the context of the Asylum Processes Network, the *EASO Practical Guide: Qualification for international protection* and the *EASO Quality Assurance Tool*. The first is a practical guide to assist the case officers in examining each application for international protection individually, objectively and impartially, and in applying the same legal criteria and common standards when determining who qualifies for international protection. The second, is a tool providing for a common framework for the assessment of the quality of the examination of applications for international protection, including two modules one for the interview and the other for the decision for international protection. Both practical tools will be published in 2018.

In 2017, the Quality Matrix mapping was focused on withdrawal of international protection, covering selected aspects of the implementation of the recast Qualifications Directive.

The annual meeting of the Asylum processes Network took place in November 2017. The thematic focus of this year's meeting was the use of information and communications technology (ICT) in EU+ asylum systems. The work programme for 2018 includes a new Quality Matrix mapping exercise on Content of Protection, while a practical cooperation workshop will be held on the identification of applicants.

EASO also organised its second meeting on quality management in October 2017. The Quality Matrix Report on Quality Management will be published in 2018.

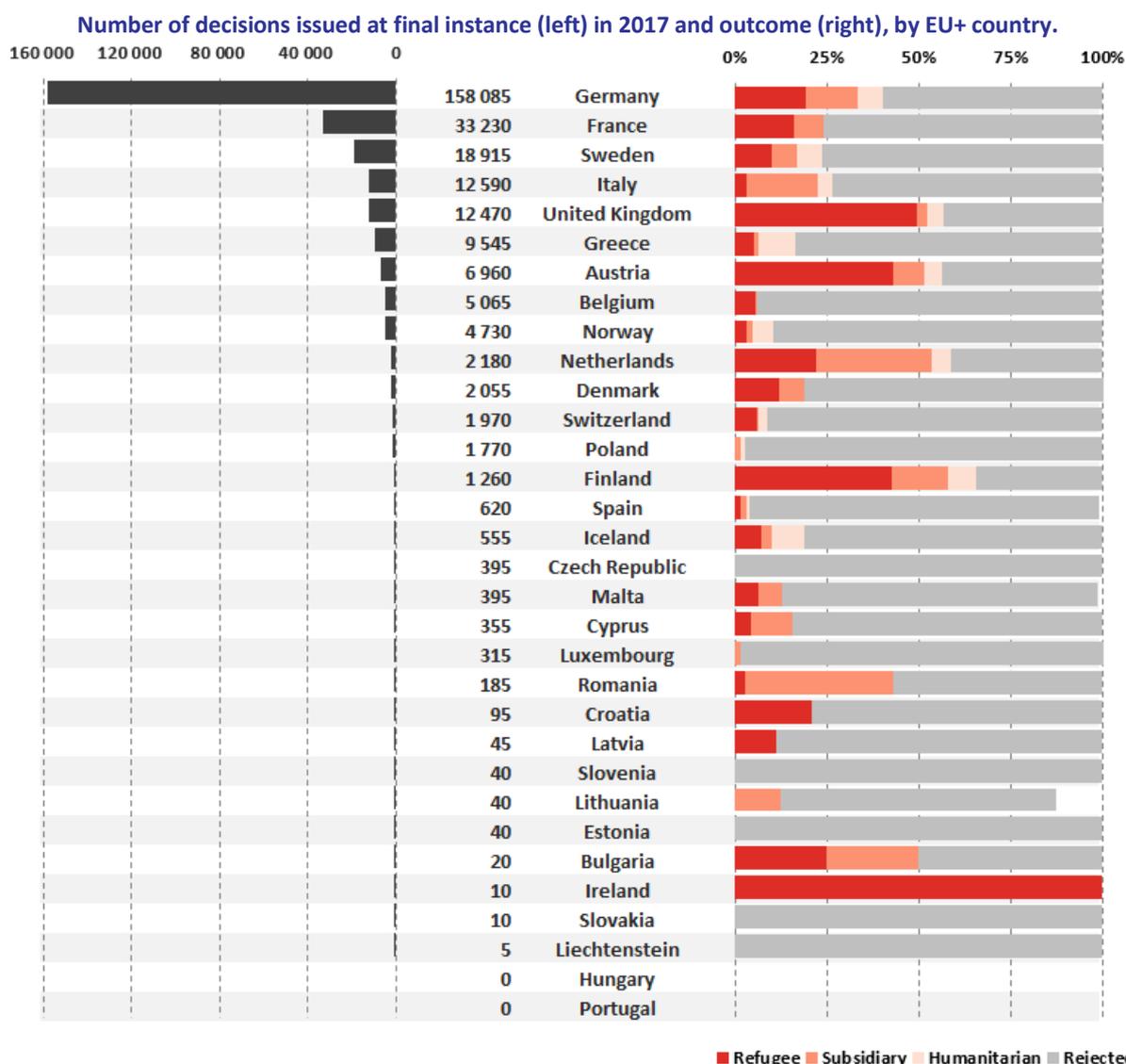
#### 4.8. Procedures at second instance

The current EU level legislative framework of appeals procedures is outlined in Chapter V of the Asylum Procedures Directive. 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 as listed in this Article. The right to an effective remedy includes not only decisions on the merits of the claim (e.g. decisions rejecting the case as unfounded or granting subsidiary protection, which the applicant may wish to appeal claiming refugee status), but also, decisions on inadmissibility, taken at the border or transit zones, applying the concept of European safe third country, as well as decisions refusing to re-open a case which was discontinued or withdrawing international protection.

The current APD sets no specific time frame nor prescribes 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.

The Proposal for a Regulation of the European Parliament and of the Council establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU (First reading), aims to ensure a speedy and efficient procedure to all Member States. In this regard, the discussions currently focus on setting time limits for an individual to accede to the appeal procedure and streamlining the examination of first level appeals by judicial authorities.

Figure 33 presents an overview of the number of final decisions issued in appeal or review by the EU+ countries in 2017, the legal regimes used, as well as the proportion of positive outcomes on appeal or review.



**Figure 33: In four EU+ countries, more than half of all decisions issued in appeal or review were positive**

In 2017, the EU+ recognition rate of cases decided at second or higher instance was 35 %, considerably higher than in 2016 (17 %). Compared to first instance, the recognition rate is expected to be lower in appeal or review because these cases are examined subsequent to a negative first-instance decision. Indeed, the higher instance recognition rate was 11 percentage points lower than for decisions issued at first instance, but this was a much smaller difference than in 2016, which suggests that in 2017 a higher percentage of negative first instance decisions were overturned in appeal. Among the EU+ countries issuing at least 1 000 second instance decisions, more than half of all higher instance decisions were positive in Finland (65 %), in the Netherlands (58 %), in the United Kingdom (57 %) and in Austria (56 %) (Fig. 33). Surprisingly, in these four countries plus Ireland, the recognition rate at second instance was actually higher than at first instance.

The majority of positive decisions granted refugee status (52 %), a third granted subsidiary protection, while the remainder were for humanitarian status (16 %).

In 2017, developments in EU+ countries concentrated on measures to enhance institutional efficiency, accelerate procedures in second instance with a view to address the high numbers of appeals and revision of procedural rules (mainly in terms of revising the time limits to submit an appeal).

*Enhancing the institutional and processing capacity*

With a view to further improve appeal procedures through expediting the procedure on second instance and addressing the increasing workload, EU+ countries continued to implement institutional structural changes. More analytically:

In **Austria**, according to the 2017-2022 government programme, one of the measures, aimed at increasing efficiency in asylum procedures, is the exclusion of the extraordinary appeal<sup>(903)</sup> before the Administrative High Court in asylum procedures<sup>(904)</sup>. The budget allocated to the Federal Administrative Court for 2017 was increased by 32 % to a total of EUR 67.8 million, allowing for a staff capacity increase of an additional 120 planned positions<sup>(905)</sup>.

**Cyprus** restructured the judicial framework in 2015, introducing an Administrative Court<sup>(906)</sup> with a view to replace the Refugee Reviewing Authority (RRA), which was reviewing applications of international protection at second instance. Accordingly, the Refugee Law was amended and all Articles related to RRA were removed. The Refugee Law specifically mentioned that the termination of operations of the RRA will enter into force upon decision of the Council of Ministers published in the Official Gazette. Until now, no Ministerial Decision has been issued. Since the RRA is not yet officially abolished, both appeal bodies work in parallel. In practice, following a negative decision on first instance by the Asylum Service, an asylum seeker may opt for either filing an appeal at the RRA within 20 calendar days, and if rejected submit a recourse before the Administrative Court within 75 calendar days, or directly submit a recourse before the Administrative Court within 75 calendar days<sup>(907)</sup>. In 2017, 965 new appeals were lodged with the RRA in 2017<sup>(908)</sup>.

Although RRA has not ceased its operation, the law reform has resulted to staff reduction, leaving only five examining officers for a backlog of some 1 400 applications, many of which have been pending for several years. The backlog of pending cases at the Administrative Court follows the same increasing trend<sup>(909)</sup>. In order to address these challenges, the Ministerial Council prepared a Bill in December providing for the establishment of an Administrative Court of International Protection with a view to examine appeals within a 6 months' time limit.

Due to backlog of cases from DIS the processing time at the Refugees Appeals Board also increased significantly in **Denmark**. To address the increased backlog the Refugee Appeals Board in 2017 aimed at an average length of procedures of approximately 180 days. Due to the huge influx in 2015 to 2016, the RAB increased the number of board meetings from 45 to 60 per month with the aim of reducing the average length of proceedings. Consequently the aim for 2018 is to have 680 board meetings.

**Germany** made efforts to address the increased backlog, as more than 350 000 asylum cases are pending in German administrative courts<sup>(910)</sup> by employing more judges. In addition, BAMF took various organisational measures, including the ongoing digitisation of the litigation process to facilitate inter-institutional communication between the BAMF and the administrative courts.

**Greece** continued the implementation of institutional reforms in 2017. The five additional Independent Appeals Committees (rising to 12 in total) became fully operational<sup>(911)</sup>. Following requests of two NGOs which challenged the legality of the new Committees based on the participation of administrative judges, the Hellenic Council of State<sup>(912)</sup> confirmed their constitutionality as committees with quasi-judicial

<sup>(903)</sup> In case the Administrative Court does not allow the regular appeal, the asylum seeker may request for an "extraordinary" revision. See AIDA, *Country Report: Austria*, 2017 Update, p. 25. Available at: [http://www.asylumineurope.org/sites/default/files/report-download/aida\\_at\\_2017update.pdf](http://www.asylumineurope.org/sites/default/files/report-download/aida_at_2017update.pdf).

<sup>(904)</sup> The Federal Administrative Court and the Constitutional Court raised concerns, as this will result in practice to a complete exclusion of the invocation of the Administrative Court in asylum matters. VwGH, 'Verwaltungsgerichtshof spricht sich gegen den geplanten Ausschluss der außerordentlichen Revisionen in Asylverfahren aus', 19 December 2017, available in German at: [https://www.vwgh.gv.at/medien/mitteilungen/regierungsprogramm\\_2017\\_2022.html](https://www.vwgh.gv.at/medien/mitteilungen/regierungsprogramm_2017_2022.html).

<sup>(905)</sup> Federal Administrative Court, *Tätigkeitsbericht 2016. Bundesverwaltungsgericht. 1. Februar 2016–31. Jänner 2017*, available at [www.bvwwg.gv.at/allgemeines/taetigkeitsbericht/taetigkeitsbericht\\_start.html](http://www.bvwwg.gv.at/allgemeines/taetigkeitsbericht/taetigkeitsbericht_start.html) (accessed on 5 January 2018).

<sup>(906)</sup> Law on the Establishment and Functioning of Administrative Court (131 (I)/2015).

<sup>(907)</sup> All decisions issued by the Administrative Court can be appealed before the Supreme Court within 42 days. Asylum seekers are informed about their right to appeal in the first instance decision. The appeal before the RRA and the Administrative Court has suspensive effect and both examine both facts and points of law. There is no specific time limit set for the issuance of a decision but rather the law provides that a decision must be issued as soon as possible. The onward appeal before the Supreme Court examines only applicable law (Appeal on Legality and Cassation) and does not have suspensive effect.

<sup>(908)</sup> AIDA, *Country Report: Cyprus*, 2017 Update, February 2018, p. 28-29. <http://www.asylumineurope.org/reports/country/cyprus>.

<sup>(909)</sup> UNHCR reported the increasing backlog of cases at the RRA in absence of measures to reduce the caseload, whereas the Administrative Court is presently prioritising older cases inherited from the Supreme Court over new judicial recourses.

<sup>(910)</sup> <http://dip21.bundestag.de/dip21/btd/19/003/1900385.pdf> p.32.

<sup>(911)</sup> Joint Ministerial Decision 8480 O.J. YOODD' 683/14.12.2016, implemented in 2017.

<sup>(912)</sup> Hellenic Council of State, Judgments [1237/2017](https://www.hcc.gov.gr/1237/2017), [1238/2017](https://www.hcc.gov.gr/1238/2017), [2347/2017](https://www.hcc.gov.gr/2347/2017).

functions. Further, two amendments were introduced <sup>(913)</sup> expanding the duties of the personnel of the Department for Legal Support, Training and Documentation of the Appeals Authority to include ‘if necessary’ the preparation of detailed reports on the facts of cases pending before the Committees, on the appellant’s arguments and on COI, which are then submitted to the Committees to decide on the case and setting the base for EASO support in appeal procedures. According the new provision, if a ‘large number of appeals is submitted’, the Independent Appeals Committees may be assisted by ‘rapporteurs’ and administrative personnel deployed by EASO. The rapporteurs study the file in particular the application, the interview report, the first instance decision, the appeal and all relevant documents and information and they also perform research on updated and valid sources of information and prepare detailed reports, in Greek, on the facts and the appellants’ claims based on available COI, which are then submitted to the Committees to decide on the case. Eleven interim assistant legal rapporteurs were seconded by EASO to the Independent Appeal Committees for file preparation in support of the processing of asylum claims at second instance in 2017.

According to data reported by UNHCR, the intake of new appeals by the Independent Appeals Committees is larger than the issuance of decisions, which has resulted in a significant backlog <sup>(914)</sup>. In addition, the restructuring of the institutional framework in 2016 <sup>(915)</sup> has led to a pending caseload of 2 800 appeals submitted under the previous Appeals Authority, and for which there is no existing competent adjudication body. In parallel, the Backlog Appeals Committees under P.D. 114/2010 <sup>(916)</sup> which functioned to review appeals against 1<sup>st</sup> instance decisions of the Asylum Service under Law 4275/2016 during the transitional period until the Appeals Committees of the new Appeals Authority were established, ceased functioning as of 30 June 2017. As a result, around 250 cases are still pending with no prospect of immediate solution, as their regularisation is pending.

The Immigration and Asylum Appeals Board in **Iceland** increased to seven members instead of three as of 1 January 2017, in line with the revised Act on Foreigners (Article 6(3)) <sup>(917)</sup>.

**Ireland** continued the implementation of the institutional framework introduced in 2016. Under the International Protection Act 2015, the Refugee Appeals Tribunal was abolished and replaced by the International Appeals Tribunal. The Tribunal now hears appeals in relation to inadmissibility decisions and subsequent proceedings. Following the introduction of the International Protection Act on 31 December 2016, appointment of members of the International Protection Appeals Tribunal (IPAT) may only take place following a competition organised by the Public Appointments Service <sup>(918)</sup>. A competition to appoint new part time tribunal members was organised in the early part of 2017, which resulted in the creation of a panel of 80 successful candidates who were in receipt of specialist training in several tranches in the latter part of the year. By December 2017, a total of 74 part-time members had been appointed to the International Protection Appeals Tribunal <sup>(919)</sup>. Section 62(1)(b) of the International Protection Act also provides for two positions of deputy chairperson (these are new IPAT positions which did not exist in the former RAT) and two such deputy chairs were appointed during the reporting period. In January 2017, the International Protection Office published guidance on transitional arrangements for international protection applicants who had made applications prior to the commencement of the single application procedure under the International Protection Act 2015 from 31 December 2016. In this regard, around 2 800 applications were transferred under the transitional arrangements to the

<sup>(913)</sup> Art. 101 of Law 4461/2017, in force as of 28.3.2017, amended Art. 5 and Art. 62 of L. 4375/2016.

<sup>(914)</sup> UNHCR, *UNHCR Input to Annual Report for Greece in 2017*, 2018.

<sup>(915)</sup> The competent body to examine the appeals, depends on the time they were lodged:

- *Before 7 June 2013*: Appeals Committees of P.D.114/2010 (art. 26);
- *After 7 June 2013 to 3 April 2016*: Appeals Committees under the Appeals Authority of Law 3907/2011. These Appeals Committees have been suspended. An Interim Appeals Committee was established from 18-07-2017 until 31-12-2017, in order to examine backlog cases pending until 3-4-2016;
- *After 3 April 2016 to 20 July 2016*: Appeals Committees of P.D.114/2010 (art. 26);
- *After 20 July 2016*: (new) Appeals Authority (Law 4375/2016). Five (5) Independent Appeals Committees were originally established. The number of Independent Appeals Committees has been increased to twelve (12) since 14.12.2016.

<sup>(916)</sup> The Backlog Appeals Committees were established and functioned as second instance administrative bodies competent to adjudicate on appeals (a) against 1 first instance decisions rejecting asylum applications issued by the Hellenic Police pending under the old asylum procedure in Greece (before 6.6.2013) and (b) as an interim solution in the context of the exceptional border asylum procedure.

<sup>(917)</sup> UNHCR, *UNHCR Input to Annual Report for Iceland in 2017*, 2018.

<sup>(918)</sup> Section 62(4) of the International Protection Act 2015.

<sup>(919)</sup> In 2016, thirty-five part time members were listed as holding office with the former Refugee Appeals Tribunal (RAT). Refugee Appeals Tribunal (March 2017) *Annual Report 2016*, pp.19-20.

International Protection Office at end of 2017 <sup>(920)</sup>. In this context, existing applications pending on appeal to the Refugee Appeals Tribunal (RAT) were transferred to the International Protection Office for consideration of subsidiary protection grounds only. If the application for subsidiary protection is refused, the Minister for Justice and Equality immediately proceeds to determining permission to remain on other grounds. The appeal on refugee status grounds is transferred from the RAT to the new International Protection Appeals Tribunal (IPAT). If the application for subsidiary protection is also refused, the applicant can appeal this decision to the IPAT and both appeals are heard together. Refusals of permission to remain are not appealable to the International Protection Appeals Tribunal <sup>(921)</sup>.

**Italy** also implemented reforms on appeal procedures with a view to speeding up processing of applications at second instance <sup>(922)</sup>. Following the entry into force of Law 13/2017, as amended by Conversion Law No 46/2017, the possibility to lodge an appeal before the Court of Appeal was abolished <sup>(923)</sup>. According to UNHCR, the abolition of the second-instance review before the Court of Appeals may have limited positive impact on the overall duration of the proceedings, as it is likely to increase the number of last-instance appeals before the Corte di Cassation, and hence to adversely impact the efficiency of this remedy. Additionally, Law 46/2017 <sup>(924)</sup> established specialised divisions in the courts <sup>(925)</sup>, responsible for asylum cases (including appeals related to family reunification and more general family unit issues, e.g. permit of stay for family reasons, Dublin cases, etc.) <sup>(926)</sup>. The appeal must be filed before the *Tribunali Ordinari* (First instance Courts) within 30 days of notification <sup>(927)</sup>.

Furthermore, asylum cases, previously decided by a single judge, will now be decided in three-judge panels. The conduct of the trial, however, including the gathering of evidence and the hearing, will remain the responsibility of single judges (Article 3(4)bis). The collegiality, combined with increased guarantees of specialisation, are expected to generate more consistency, at least at local level.

Following the amendment to the Refugees Act in April 2017, **Malta** expanded the competences of the Refugee Appeals Board to hear and determine appeals against a recommendation of the Commissioner including appeals against decisions for the transfer of a third country national from Malta to another Member State in accordance Dublin Regulation. Despite the reforms, the absence of procedural clarity <sup>(928)</sup> <sup>(929)</sup> has been criticised in the case of Appeals Procedures in Malta as impeding the right to effective remedy <sup>(930)</sup>. UNHCR continued to express concerns on the quality of decisions issued by the RAB, which often lack substantive legal analysis and it is advocating for further reform of the RAB proposing widespread judicial review and enhanced oral procedures as hearings are brief and there is no substantial discussion of the case <sup>(931)</sup>.

In **Norway**, *Storting*, the Norwegian Parliament, amended the regulations providing unaccompanied minors who have been granted time-limited permits the right to re-apply for protection. The

<sup>(920)</sup> Department of Justice and Equality (30 January 2018) Response to Parliamentary Question 3929/18. Available at: [www.justice.ie](http://www.justice.ie).

<sup>(921)</sup> Ireland, *Input to EMN Annual Policy Report 2017*, 2018.

<sup>(922)</sup> Law n. 46, 13 April 2017. Available at: <http://www.gazzettaufficiale.it/eli/id/2017/04/18/17G00059/sg>. See also, F. Esposito (2017), A Critical Look at the Italian Immigration and Asylum Policy: Building ‘Walls of Laws’, Border Criminology Blog, University of Oxford. Available at: <https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2017/07/critical-look>; L. Trucco (2017), Lorenzo Trucco (Asgi) on Minniti-Orlando decree: “A wall of laws that limit the right to asylum”, interview to SIR translated by A. Pasquero. Available at: <http://www.asgi.it/english/lorenzo-trucco-asgi-minniti-orlando-decree-not-reform-but-wall-of-laws-that-limit-the-right-to-asylum/>; EDAL (2017), Italy: Appeals lodged before the entry into force of new Asylum Law have automatic suspensive effect. Available at: <http://www.asylumlawdatabase.eu/en/content/italy-appeals-logged-entry-force-new-asylum-law-have-automatic-suspensive-effect>.

<sup>(923)</sup> This provision has been criticised as impinging on the asylum seekers’ right to judicial remedy. Input provided by Individual contribution, PhD Candidate, Sant’Anna School of Advanced Studies, Pisa, available here: <https://www.easo.europa.eu/sites/default/files/Alessio-de-Pascali.pdf>.

<sup>(924)</sup> Law n. 46, 13 April 2017. Available at: <http://www.gazzettaufficiale.it/eli/id/2017/04/18/17G00059/sg>.

<sup>(925)</sup> By virtue of the intertemporal provisions in Article 21.1 of legislative Decree No 13/2017, two different asylum process sets of rules are in place: the old ones, still applicable for appeals initiated before mid-August 2017, and the new ones, for the appeals lodged after that date. Both the old caseload and the new one are often dealt with by the same Specialised Divisions. UNHCR, *UNHCR Input to Annual Report for Italy in 2017*, 2018.

<sup>(926)</sup> AIDA, *Country Report: Italy*, March 2018, p.37. Available at: <http://www.asylumineurope.org/news/21-03-2018/aida-2017-update-italy>.

<sup>(927)</sup> Previously, this was to be filed before the regional administrative court within 60 days of notification.

<sup>(928)</sup> Previously Immigration Appeals Board was responsible.

<sup>(929)</sup> UNHCR notes that the Board Secretary allocates the cases to the different Chambers and also sits on one of the Chambers. It is unclear what system is used to allocate cases. It is also unclear how the Board Secretary deals with backlog management (UNHCR input)

<sup>(930)</sup> Read more on obstacles in appealing a decision at AIDA, *Country Report: Malta Update*, February 2018, Available at: [http://www.asylumineurope.org/reports/country/malta/asylum-procedure/procedures/regular-procedure#footnoteref12\\_84ixot0](http://www.asylumineurope.org/reports/country/malta/asylum-procedure/procedures/regular-procedure#footnoteref12_84ixot0).

<sup>(931)</sup> UNHCR, *UNHCR Input to Annual Report for Malta in 2017*, 2018.

amendments will enter into force on 1 February 2018<sup>(932)</sup>. In addition, the *Storting* repealed a temporary legislative amendment entitling the Ministry to issue general instructions to the Immigration Appeals Board (UNE) on matters of interpretation of the law and the exercise of discretionary judgment. The change came into force on 15 December 2017. This means that UNE is now independent of political control, a development which was welcomed by UNE as this will 'strengthen UNE's reputation as an independent appellate body'<sup>(933)</sup>.

In 2017, it was also noted that EU+ countries decentralised the procedures on second instance with a view to further enhancing the processing of appeals. Based on the Amendments on the Law on Administrative Disputes, which entered into force on 1 April 2017, in **Croatia**, four administrative courts with specific local competence (Zagreb, Osijek, Split and Rijeka) are reviewing the appeals against first instance decisions. Also in **Finland**, the appeal process was decentralised to four administrative courts to address the workload as by October 2017, 8 500 appeals were still pending. Since 1 February 2017<sup>(934)</sup>, the Administrative Courts of eastern Finland, northern Finland and Turku, in addition to that of Helsinki, are competent to resolve complaints on applications for international protection<sup>(935)</sup>. The Courts' jurisdiction *ratione loci* depends on the locally competent office of the Asylum Unit of the Finnish Immigration Service, which issued the decision subject to appeal. Additional resources have been also allocated to the administrative courts from the state budget to speed up appeal processing.

The exceptionally large number of asylum applicants that arrived in Sweden in 2014-2015 led to a rising number of appeal cases at the four **Swedish** migration courts. In 2017, the migration courts were expected to receive more than 25 000 asylum appeal cases, compared to roughly 7 500 cases in 2015. To improve the migration courts' ability to deal with a rising caseload, new legislative amendments entered into force on 1 January 2017. The amendments have made it possible for the migration courts to hand open appeal cases over to other administrative courts<sup>(936)</sup>.

On the other hand, on some occasions concerns have been raised on the regionalisation of appeal procedures. For instance, the disparity in likelihood of success across tribunal centres was highlighted in a Research realised by the BBC, according which, appeals are twice as likely to be successful at some tribunal centres compared with others in **UK**. Access to good quality legal representation in certain parts of the country and a different 'culture' at hearing centres were also repeatedly cited as reasons for the differing rates<sup>(937)</sup>. To address these challenges, the Immigration tribunals have undertaken judicial review training in the regional centres with a view to supporting staff members and enhancing consistency of approach nationwide. In addition, periodic assignment of judges from other Chambers has enabled the dialogue between judges to cultivate a common understanding<sup>(938)</sup>.

Differentiation in procedures before regional courts was also pointed out by civil society as regards **Romania**<sup>(939)</sup>.

### *Procedural aspects*

<sup>(932)</sup> <https://www.une.no/en/see-more-news/archive/2018/reconsideration-following-storting-decision/>.

<sup>(933)</sup> New circular establishing that the changes in Immigration Regulations Section 8-8 and the new Section 8-8a regarding applications from single, minor asylumseekers enters into force on 1 February 2018. See: <https://www.udiregelverk.no/en/documents/circulars-and-instructions-from-the-ministries/g-032018/>. The circular provides guidance on how the new provisions are to be understood and practiced. The regulatory changes and this circular replace the ministry's instruction GI-02/2017. The now replaced instruction has meant that lack of a network and / or resources to cope in the internal displacement area, as well as the social and humanitarian circumstances of the return situation, could not alone justify granting a single, minor asylum seeker a "regular" residence permit under Section 38 of the Immigration Act. This is no longer valid from 1 February 2018.

<sup>(934)</sup> Until February 2017, the Administrative Court of Helsinki was the only competent judicial authority to review appeals on international protection.

<sup>(935)</sup> Ministry of Justice, *Processing of asylum appeals to be decentralised to four administrative courts*, Press Release, 12.1.2017. Available at: [http://oikeusministerio.fi/en/article/-/asset\\_publisher/turvapaikkavalitusten-kasittely-hajautetaan-neljaan-hallinto-oikeuteen](http://oikeusministerio.fi/en/article/-/asset_publisher/turvapaikkavalitusten-kasittely-hajautetaan-neljaan-hallinto-oikeuteen).

<sup>(936)</sup> <http://www.regeringen.se/pressmeddelanden/2016/10/forvaltningsdomstolarna-far-hjalpas-at-nar-migrationsmalen-okar-kraftigt/>.

<sup>(937)</sup> <http://www.bbc.co.uk/news/uk-42153862>.

<sup>(938)</sup> Senior President of Tribunals, Annual Report 2017, 2017. p. 31-32. Available at: <https://www.judiciary.gov.uk/wp-content/uploads/2017/07/The-Senior-President-of-Tribunals-Annual-Report-2017-2.pdf>.

<sup>(939)</sup> According to AIDA Report, practices vary as regards hearings being always held *ex officio* (in Galați, Giurgiu, Baia-Mare), on request of the judge or the lawyer in some case (in Timișoara) or almost never (Regional Court of Bucharest District 4). Having said that, if a hearing is requested by the applicants, the court would normally grant it' AIDA, *Country Report: Romania, 2017*, March 2018, p. 22. Available at <http://www.asylumineurope.org/reports/country/romania>. It should be noted that according to the legislation gives the Court the opportunity to decide on allowing the hearing of the asylum seekers if considered useful for assessing the application, hence differences in practice in individual cases are to be expected.

EU+ countries reportedly implemented written procedures as a rule on second instance procedures e.g. **Iceland** <sup>(940)</sup>, **Lithuania** <sup>(941)</sup>, **Greece** <sup>(942)</sup>, **Malta** <sup>(943)</sup>, **Switzerland** <sup>(944)</sup>, **Italy**.

As recourse to **oral hearings** conducted by the Judge was unclear under the previous legal framework (see the CJEU ruling in *Moussa Sacko* <sup>(945)</sup>) in **Italy**, Decree No 25/2017 <sup>(946)</sup>, as amended by Law 46/2017, now stipulates that, in principle, the Judge should refrain from scheduling a hearing if the asylum interview at the administrative stage is duly video-recorded <sup>(947)</sup>, and the video-recording is made available to the Court. As reported by UNHCR, for the time being, however, because of lack of technical instructions and means, no Territorial Commission is recording its interviews. This means that, interpreting Article 35bis of Legislative Decree 25/2008 literally, the Specialised Divisions should in all cases systematically schedule a hearing for interviewing the applicant anew. However, not all the Courts endorse this interpretation <sup>(948)</sup>.

Legislative amendments to enable the use of video conference were also introduced in **Czech Republic** <sup>(949)</sup>. In this regard, the use of ‘videoconference’ was foreseen in hearings before the courts in appeals against decisions on international protection and detention of asylum seekers. It also enabled the court to terminate the appeals proceedings when reviewing detention and the person in question has been released (the grounds when the detention shall be terminated are provided by Asylum Act). This amendment was motivated by a constitutional complaint submitted by members of the Senate.

Under the new law in Italy, the **automatic suspensive effect** of the judicial review is preserved. Protection ceases, in principle, when a judicial decision on the merits is made, even not yet being final (Article 35bis, Legislative Decree No 25/2008) <sup>(950)</sup>. On the other hand, the suspensive effect vis-à-vis an expulsion order <sup>(951)</sup> of the appeal occurs only following a decision of the Tribunal. This provision may curtail asylum seekers’ effective access to justice as previously, the Italian Court of Cassation <sup>(952)</sup> has confirmed that an expulsion could in almost every case not be enforced pending the appeal decision <sup>(953)</sup>. In **France**, the new legislative proposal presented in February 2018 aims at adjusting the systematically suspensive nature of the appeal before the CNDA. In this regard, the appeal would not be systematically suspensive when the first instance decision applied the safe country of origin concept or re-examines the application, or the applicant poses a serious threat to public order. Further, the decision of the CNDA would produce its effects as soon as it is read, and no longer at the notification of the decision <sup>(954)</sup>.

In **respect of costs** made during judicial review proceedings, it is worth noting recent jurisprudence at national level affecting national policies. The Court of Appeal in **UK** has confirmed that, in judicial review claims heard by the Upper Tribunal, and in respect of costs made during judicial review proceedings, the test to be applied by the Upper Tribunal when considering whether to grant permission to appeal to the Court of Appeal is the first appeals test, and not the second appeals test. The Secretary of State had conceded that the applicable test when the Upper Tribunal is exercising its original jurisdiction (rather

<sup>(940)</sup> UNHCR, *UNHCR Input to Annual Report for Iceland in 2017*, 2018.

<sup>(941)</sup> The Supreme Administrative Court of Lithuania started using, as a rule, written procedures in asylum cases. According to UNHCR, the average duration before the Vilnius Regional Administrative Court and the Supreme Administrative Court was 2-3 months.

<sup>(942)</sup> See AIDA Report.

<sup>(943)</sup> It is also reported that practice varies significantly along the Chambers where some hold hearings systematically, yet the scope of information gathered during the hearing is limited to developments, while other Chambers organise hearings only in selected cases and then conduct more in-depth questioning with the applicant. AIDA, Country Report: Malta Update, February 2018, p.20, available at: <http://www.asylumineurope.org/reports/country/malta>.

<sup>(944)</sup> AIDA, *Country Report: Switzerland, 2017*, February 2018, p. 24. Available at [http://www.asylumineurope.org/sites/default/files/report-download/aida\\_ch\\_2017update.pdf](http://www.asylumineurope.org/sites/default/files/report-download/aida_ch_2017update.pdf).

<sup>(945)</sup> <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62016CJ0348>.

<sup>(946)</sup> Art. 35bis, para 10.

<sup>(947)</sup> Article 14 Legislative Decree No 25/2017, as amended by Decree Law No 13/2017 as concerted into Law No 46/2017.

<sup>(948)</sup> Ibid.

<sup>(949)</sup> Amendment to the Act No 325/1999 Coll. on Asylum came into force in August 2017.

<sup>(950)</sup> The judicial decisions taken on the asylum caseload under the new rules are no longer subjected to further judicial review before the Court of Appeals. Those decisions can only be challenged before the Court of Cassation, whose jurisdiction is limited to points of law (Art. 35 bis, legislative Decree No. 25/2008, as amended) (UNHCR input).

<sup>(951)</sup> Article 3, Law 46/2017.

<sup>(952)</sup> Court of Cassation, Ordinanza n. 18737, 27 July 2017. Available at: [https://www.asgi.it/wp-content/uploads/2017/09/2017\\_18737\\_Cassazione\\_asilo\\_sospensione\\_appello.pdf](https://www.asgi.it/wp-content/uploads/2017/09/2017_18737_Cassazione_asilo_sospensione_appello.pdf).

<sup>(953)</sup> UNHCR, *UNHCR Input to Annual Report for Italy in 2017*, 2018.

<sup>(954)</sup> France, *Input to EMN Annual Policy Report 2017*, 2018. See also, P. Januel, *Les grandes lignes du projet de loi asile-immigration*, Dalloz Actualite, 11.1.2018 available at: <https://www.dalloz-actualite.fr/flash/grandes-lignes-du-projet-de-loi-asile-immigration#.Wroct4huaUI>.

than its appellate jurisdiction on appeal from the First-tier Tribunal) is the first appeal test. However, the Court of Appeal's judgment provides helpful confirmation as to the correct permission to appeal test to be applied by the Upper Tribunal in circumstances where Section 13 of the Tribunals, Courts and Enforcement Act 2007 and the Tribunal Procedure (Upper Tribunal) Rules 2008 are silent as to the applicable test<sup>(955)</sup>. In **Switzerland**, also the Federal Court ordered the Federal Administrative Court (the only asylum appeal body) to waive the requirement of an advance payment for unaccompanied asylum-seeking children in appeal procedures. According to the Court, the present practice of the Federal Administrative Court in requiring an advance payment in such situations constitutes a measure that disproportionately restricts access to justice for unaccompanied asylum-seeking children<sup>(956)</sup>.

Jurisprudence also had significant impact in **Estonia** with regard to rejected applications on first judicial instance. In this context, the Supreme Court ruled that when a negative decision from the Administrative court is issued, applicants would no longer have the status of 'asylum seeker', including the right to remain in the territory unless the courts of second and third judicial instances grant interim measures and suspend the involuntary return of the applicant<sup>(957)</sup>. UNHCR has noted that the implementation of this decision may lead to denying access to reception assistance to all rejected asylum seekers immediately after adoption of a negative judgment by an administrative court (first judicial instance) since applicants will not be entitled to rights and guarantees accorded to asylum seekers under the law.

#### *Setting or revisiting time limits*

EU+ countries attempted to revisit the time limits on second instance procedures in an effort to accelerate the appeal procedures and reduce overall processing time.

In **Austria**, the time limit for appealing a negative decision was harmonised for all cases, following a ruling of the Constitutional Court<sup>(958)</sup>. On 26 September 2017, the Constitutional Court repealed a rule under asylum law that had specified a shortened period of two weeks for lodging complaints against decisions on Dublin or inadmissibility by the Federal Office for Immigration and Asylum. Consequently, the time limit for appeals was set to 4 weeks for all procedures.

In **Belgium**, a Law amending the Belgian Immigration Act, was adopted in November 2017 and entered into force in 22 March 2018<sup>(959)</sup> with a view to addressing 'abuse of appeal procedure'<sup>(960)</sup>. The legislative changes aim to simplify and harmonise the time limits to lodge an appeal. In principle, the time limit to lodge an appeal with the Council for Aliens Law Litigation (CALL) is set to 30 days, whereas the judgment has to be issued within 3 months. Shorter terms apply:

- When appealing decisions on inadmissibility. The appeal should be lodged within 10 days, and the decision is issued within 2 months;
- For detainees, when appealing decisions on inadmissibility or under accelerated procedure. The appeal should be submitted within 10 days (or 5 days in case it concerns a non-admissible subsequent applicant in detention) and the decisions have to be taken within 13 working days, (or 8 working days when it concerns a non-admissible subsequent applicant in detention).

<sup>(955)</sup> England and Wales Court of Appeal (Civil Division) Decisions, *Nwankwo & Anor v Secretary of State for the Home Department* [2018] EWCA Civ. 5 (12 January 2018), available at: <http://www.bailii.org/ew/cases/EWCA/Civ/2018/5.html>.

<sup>(956)</sup> AIDA, *Country Report: Switzerland, 2017 Update*, February 2018, p.10.

<sup>(957)</sup> Elnour Abdelrahman Abdalla Yousifi *complaint on the PBGB decision nr 7001510012-2 rejecting asylum application and refusing to grant a temporary residence permit*, 2 March 2017. Available at: <https://www.riigikohus.ee/et/lahendid?asiaNr=3-3-1-54-16&sortVaartus=LahendiKuulutamiseAeg&sortAsc=false&kuvadaVaartus=Pealkiri&pageSize=25&defaultPageSize=25>.

<sup>(958)</sup> Constitutional Court, *G134/2017 and others*, (G134/2017-12, G207/2017-8, 26 September 2017. For full text see Federal Administrative Court, *Tätigkeitsbericht 2016. Bundesverwaltungsgericht. 1. Februar 2016–31. Jänner 2017*, available at [www.bvwwg.gv.at/allgemeines/taetigkeitsbericht/taetigkeitsbericht\\_start.html](http://www.bvwwg.gv.at/allgemeines/taetigkeitsbericht/taetigkeitsbericht_start.html) (accessed on 5 January 2018). See also, Constitutional Court, *VfGH hebt verkürzte Beschwerdefrist in Asylverfahren als verfassungswidrig auf*. Press Release, Vienna, 9 October 2017, available at [www.vfgh.gv.at/medien/VfGH\\_hebt\\_verkuerzte\\_Beschwerdefrist\\_in\\_Asylverfahren.de.php](http://www.vfgh.gv.at/medien/VfGH_hebt_verkuerzte_Beschwerdefrist_in_Asylverfahren.de.php).

<sup>(959)</sup> Draft Law modifying the law of 15 December 1980 on the entry, residence, settlement and removal of foreign nationals, adopted in the Parliament on 10 November 2017, DOC 54 2549/008, available at: <http://www.dekamer.be/FLWB/PDF/54/2549/54K2549008.pdf>.

<sup>(960)</sup> The State Secretary for asylum and migration emphasised the need to fight against the abuse of appeal procedures in applications for international protection and stated that quite often an appeal is lodged merely to extend the right on accommodation in reception facilities. The State Secretary stated that the reform of the *pro bono* procedure and the simplification of the procedure for the CALL to consider an appeal as clearly unjustified. A third measure to address the abusive appeals in asylum cases is the legislative reform with the reduced appeal terms in accelerated and admissibility as procedures as mentioned above and the fact that it will no longer be possible to introduce a new asylum application before a judgement was issued on the previous application. See Belgian House of Representatives, *General Policy Note on Asylum and Migration*, 19 October 2017, DOC 54 2708/017, pp. 18-19.

Appeals entail full examination (*en plein contentieux*) and have suspensive effect with the exception of some subcategories of subsequent applications (non-admissible subsequent applications lodged by applicants in detention within less than one year after the decision issued in the framework of the first application and when it concerns a non-admissible third (or more) application). In this regard, UNHCR expressed some concerns on the restrictions imposed<sup>(961)</sup>. In order to avoid abusive recourse to second instance procedures, the new law also enables the CALL to impose a fine of up to EUR 2 500 in case of a manifestly abusive appeal. On 1 December 2017, the backlog on second instance amounted to 4 370<sup>(962)</sup> cases.

In **Croatia**, the amendments on the Law on Administrative Disputes entered into force on 1 April 2017<sup>(963)</sup> setting the general time frame for appealing to 30 days from the day of receiving the first instance decision considering an application to be unfounded. Time limits for lodging an appeal against decisions taken at the border or in transit zones is 5 days, whereas for decisions considering an application to be (manifestly) unfounded within the accelerated procedure, inadmissibility decisions or when conduct an examination following the 'European safe third country' concept is set to 8 days. Appeals against decisions taken at the border or in transit zones are issued within 16 days<sup>(964)</sup>.

The draft Bill in **France** also proposes a shorter period for recourse to the CNDA, limiting the time frame provided from 1 month to 15 days.

In **Hungary**, the new legal framework applicable in a crisis situation introduced new rules in the field of judicial review. Accordingly, against decisions on inadmissibility and under accelerated procedure judicial review may be requested only within 3 days (and not 7 days) from the communication of the decision.<sup>(965)</sup>

The new Act on Foreigners<sup>(966)</sup>, which came into effect on 1 January 2017 in **Iceland**, set a five-day limit with regard to appeals against decisions on manifestly unfounded cases/safe countries.

**Ireland** continued the implementation of the new institutional framework. In this context, the International Protection Act Regulations 2017 (on Procedures and Periods for Appeals) were signed into law on 29 March 2017<sup>(967)</sup>. The Regulations set out the time period for appealing recommendations of an International Protection Officer under the International Protection Act 2015 as follows: (a) 10 working days in relation to recommendations that an application is inadmissible<sup>(968)</sup>; (b) 10 working days in relation to refusal to make a subsequent application<sup>(969)</sup>; (c) 15 working days in relation to recommendations to refuse refugee status or both refugee and subsidiary protection status<sup>(970)</sup>; and (d) 10 working days in relation to accelerated appeals procedures in certain cases<sup>(971)</sup>. An applicant may also request an extension of the prescribed period.

In **UK**, the Ministry of Justice announced proposals for a new fast-track system for immigration and asylum appeals. According the proposal, the time between the Home Office's decision and determination

<sup>(961)</sup> UN High Commissioner for Refugees (UNHCR), *Commentaires du Haut Commissariat des Nations Unies pour les réfugiés (HCR) relatifs aux : - Projet de loi 2548/003 modifiant la loi du 15 décembre 1980 sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers et la loi du 12 janvier 2007 sur l'accueil des demandeurs d'asile et de certaines catégories d'étrangers (ci-après « Projet de loi monocaméral »). - Projet de loi 2549/003 modifiant la loi du 15 décembre 1980 sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers (ci-après « Projet de loi bicaméral »)*, 4 October 2017, available at: <http://www.refworld.org/docid/59e85fd44.html>.

<sup>(962)</sup> Figures shared by the CALL at the monthly contact meeting held by Myria, see [http://www.myria.be/files/20180117\\_Verslag\\_contactvergadering.pdf](http://www.myria.be/files/20180117_Verslag_contactvergadering.pdf) p. 7.

<sup>(963)</sup> OG 29/17.

<sup>(964)</sup> To-date, the border or transit zone procedure has not been used in practice in Croatia.

<sup>(965)</sup> As submitted by the Immigration and Asylum Office, previously (before 1 August 2015) the deadline to appeal used to be 3 days, the introduction of 7 days deadline was necessary because under the modified regulations a negative decision may also include an expulsion decision. 586 rejection decisions were issued on applications submitted after 28 March 2017 and only in 57 cases those were based on inadmissibility or accelerated procedure. By default there is an 8 day deadline to submit the appeal, and less than 10% of the decisions is affected by the 3 day deadline. Furthermore, it is important to mention that since the 1st of January 2018 the Act on the *Administrative Proceedings* entered into force, these cases are judged in judicial proceedings too, which can be considered an improvement of the judicial system.

<sup>(966)</sup> <http://www.althingi.is/lagas/148a/2016080.html>.

<sup>(967)</sup> International Protection Act 2015 (Procedures and periods for appeals) Regulations 2017 (S.I. No. 116 of 2017).

<sup>(968)</sup> Section 21(6) of the International Protection Act 2015.

<sup>(969)</sup> Section 22(8) of the International Protection Act 2015.

<sup>(970)</sup> Section 41(2)(a) of the International Protection Act 2015.

<sup>(971)</sup> Section 43(a) of the International Protection Act 2015.

of the appeal by the First-tier Tribunal should be set at between 25 and 28 working days, with an additional 20 working days for determination of permission to appeal to the Upper Tribunal (UT) <sup>(972)</sup>.

Time limits were under judicial review in **Slovakia**. The Supreme Court of the SR stated <sup>(973)</sup> that if an applicant, before bringing an appeal, requests a legal representative from the Centre for Legal Aid, the deadline for bringing the appeal before administrative court runs from the time a lawful decision upon this issue is provided it. The resolution concerned the decision of BAP PF on prolonging detention, however, it can be used also when calculating the deadlines in asylum matters. The deadline for bringing an administrative appeal against the decision issued in the asylum granting procedure including the Dublin cases can therefore be, under certain circumstances, longer than 30 days (decision on non-granting asylum, decision on withdrawing asylum etc.) or 20 days (decision on refusing the application as inadmissible, decision on refusing the application as manifestly unfounded).

With regard to the duration of the proceedings, it is also worth mentioning that the average times vary significantly, as EU legislation on appeal procedures does not define a strict harmonised framework. Indicatively, **Lithuania** reported the average duration to 2-3 months before the Vilnius Regional Administrative Court as well as the Supreme Administrative Court. In **Malta**, the processing time at the appeal stage, scaled up to 4 months on average in 2017, (from 2 months in 2016) according information provided by the Refugee Appeals Board <sup>(974)</sup>. In **Germany**, the average processing period for appeals was 7.8 months (from 7.6 months in 2016) according the latest AIDA report <sup>(975)</sup>, which underlines that a high number of appeal procedures (45.5 %) was terminated without an examination of the substance of the case, and accordingly, without a hearing at the court; e.g. if the appeal was withdrawn by the asylum seeker or if an out-of-court settlement is reached between the asylum seeker and the BAMF. Consequently, the average duration of appeal procedures is likely to increase significantly due to a dramatic increase in the number of appeals filed in 2017, as 361 059 cases were pending before the Administrative Courts (compared to 131 856 cases in 2016). In **Romania**, the average duration was 2 months, however this may differ along the counties <sup>(976)</sup>. In **France**, the second instance recognition rate at CNDA level (National Court of Asylum (*Cour Nationale du Droit d'Asile* – CNDA) was 16.7 % according to statistics by the Ministry of Interior reported in the AIDA Report for 2017 <sup>(977)</sup>. In 2017, the CNDA registered 53 581 appeals and took 47 814 decisions, marking an increase in its activity from previous years whereas the average processing time decreased to 5 months and 6 days, from 6 months and 26 days in 2016, and 7 months and 3 days in 2015. As per the new rules in **Italy**, asylum appeals should be decided within 4 months from the application for judicial review. As pointed out by UNHCR, in light of the historical data available, a number of Courts may find it difficult to observe this time frame. A survey undertaken by the Consiglio Superiore della Magistratura shows, however, that as of 31 December 2016, the average duration of an asylum appeal before the Tribunals was 278 days <sup>(978)</sup>. A sample survey by the SPRAR shows that almost 80 % of all asylum proceedings lasted, before the Tribunals, more than 181 days, and almost 27.6 % of them lasted more than a year <sup>(979)</sup> <sup>(980)</sup>. Also in **Malta**, the processing time at the appeal stage increased in average from 2 months in 2016 to 4 months on average in 2017, as reported by civil society <sup>(981)</sup>.

### Legal aid

<sup>(972)</sup> <https://www.gov.uk/government/news/new-fast-track-immigration-appeal-rules-proposed>.

<sup>(973)</sup> Resolution of the Supreme Court of the Slovak Republic of 27 January 2017 revoking the resolution of Regional Court in Bratislava to dismiss an administrative appeal as filed late and returning the case for further proceedings (No. 1Szak/2/20).

<sup>(974)</sup> AIDA, *Country Report: Malta, 2017 Update*, February 2018, p. 20.

<sup>(975)</sup> AIDA, *Country Report: Germany, 2017 Update*, February 2018, p. 25. Available at: [http://www.asylumineurope.org/sites/default/files/report-download/aida\\_de\\_2017update.pdf](http://www.asylumineurope.org/sites/default/files/report-download/aida_de_2017update.pdf).

<sup>(976)</sup> AIDA, *Country Report: RomaniaCyprus, 2017 Update*, March/February 2018, p.25.

<sup>(977)</sup> AIDA, *Country Report on France, Update 2017*, February 2018, p. 32. Available at: <http://www.asylumineurope.org/reports/country/france>.

<sup>(978)</sup> <https://www.csm.it/documents/21768/137951/Analisi+dei+flussi+in+materia+di+protezione+internazionale/072ff6df-3d2c-0440-97b7-348b823e5f48>.

<sup>(979)</sup> [http://www.cittalia.it/images/Atlante\\_Sprar\\_2016\\_2017\\_RAPPORTO\\_leggero.pdf](http://www.cittalia.it/images/Atlante_Sprar_2016_2017_RAPPORTO_leggero.pdf).

<sup>(980)</sup> UNHCR, *UNHCR Input to Annual Report for Italy in 2017*, 2018.

<sup>(981)</sup> Civil society also remarked that negative decisions are only provided in English making it challenging to appeal them for applicants who do not read English. Furthermore, the procedure for appealing the negative decision by applicants in detention is not established and standards appeal forms are mostly provided by NGOs who are not present in detention on a daily basis. See: AIDA, *Country Report: Malta, 2017 Update*, February 2018, p.20. Available at: <http://www.asylumineurope.org/reports/country/malta>.

Access to legal aid remained critical in **Cyprus** given that legal aid is not provided by the state before RRA or the Supreme Court. With regard to the Administrative Court, civil society raised concerns that free legal assistance and representation may be granted only to those applicants who fulfil the ‘means and merit test’<sup>(982)</sup>, that is: lack sufficient resources<sup>(983)</sup> and ‘have real chances of success according the Court’s discretion’<sup>(984)</sup>.

In the **Czech Republic**, the amendment to the Act No 85/1996 Coll. on attorney’s services provided the possibility to request the Chamber of Attorneys for free legal assistance paid by the Ministry of Justice in administrative proceedings. This amendment will come into force on 1 July 2018 and it is without prejudice to the possibility to ask for the free legal assistance at the level of judicial review. The providing of the free legal assistance paid from the AMIF and others EU funds also remains unaffected.

In **Greece**, METAdrasi and GCR provided legal assistance at the appeal stage of the asylum procedure in the framework of UNHCR’s Memorandum of Cooperation with the MoMP. Around 3 600 appellants benefited from free legal assistance at second instance in 2017<sup>(985)</sup>. In addition, the creation of a Register of Lawyers, which was provisioned in Law 4375/2016 (Article 7 par. 8), was enacted upon the Decision of the Asylum’s Service Director<sup>(986)</sup> for 21 lawyers<sup>(987)</sup>. The lawyers were selected according their qualifications and after a written examination. UNHCR participated in the selection Committee and assisted with the training and capacitation of the new lawyers<sup>(988)</sup>. The free legal aid system became operational in July 2017. The free legal aid system became operational in 29.9.2017. Since the 29<sup>th</sup> of September and until 30.12.2017, 941 applicants had received free legal aid from lawyers registered in the Asylum Service’s relevant Register of Lawyers. In 2018, a call to supplement the Register of Lawyers with 30 additional lawyers was issued<sup>(989)</sup>.

In **Romania**, although CNRR stated that there are no problems and that the court accepts legal aid applications, there has reportedly been a significant number of cases in 2017 where the Regional Court of Giurgiu rejected legal aid applications<sup>(990)</sup>.

#### 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 2017, EASO continued to advance the development of materials for use in professional development activities for members of courts and tribunals. A Judicial Practical Guide on Country of Origin Information was completed by a working group composed of judges. In addition, under the terms of a contract concluded with the International Association of Refugee Law Judges (IARLJ), Judicial Analyses on Evidence and Credibility Assessment in the context of the CEAS and on Asylum Procedures and the principle of *non-refoulement* have been developed. Both analyses are accompanied by Compilations of Jurisprudence and Judicial Trainer’s Guidance Notes intended to assist the organisation of national professional development workshops.

Throughout 2017, 175 members of courts of tribunals have participated in EASO professional development sessions. This includes support provided by EASO to the judiciary in Greece by organising

<sup>(982)</sup> As stressed by UNHCR, it is asylum-seekers who have to argue the means and merits themselves, without the assistance of a lawyer. It is only one legal aid is granted that legal representation becomes available (UNHCR input).

<sup>(983)</sup> Civil society emphasised that with the recent amendment to the Legal Aid Law the wording has been changed from “*the appeal is likely to be successful*” to “*the appeal has a real chance of success*” makes it extremely difficult to satisfy this requirement. AIDA, *Country Report: Cyprus, 2017 Update*, February 2018, p. 28-29. <http://www.asylumineurope.org/reports/country/cyprus>.

<sup>(984)</sup> Art. 6 B, Law on Legal Aid of 2002 (L. 165(I) 2002. Available at: [http://www.cylaw.org/nomoi/enop/non-ind/2002\\_1\\_165/full.html](http://www.cylaw.org/nomoi/enop/non-ind/2002_1_165/full.html).

<sup>(985)</sup> UNHCR, *Fact Sheet on Greece*, January 2018. Available at: <https://data2.unhcr.org/ar/documents/download/62216>.

<sup>(986)</sup> Director of the Asylum Service, Decision – Call for the creation of the Register of Lawyers for Legal Assistance to applicants of International Protection, no 5713, 29.3.2017. Available at: [http://asylo.gov.gr/wp-content/uploads/2017/04/Προκήρυξη\\_Υπηρεσία\\_Ασύλου.pdf](http://asylo.gov.gr/wp-content/uploads/2017/04/Προκήρυξη_Υπηρεσία_Ασύλου.pdf).

<sup>(987)</sup> The limited number of Lawyers has been criticised given the number of cases on second instance. AIDA, *Country Report: Greece, 2017 Update*, February 2018, See also: [http://asylo.gov.gr/en/wp-content/uploads/2017/12/Greek\\_Asylum\\_Service\\_Statistical\\_Data\\_EN.pdf](http://asylo.gov.gr/en/wp-content/uploads/2017/12/Greek_Asylum_Service_Statistical_Data_EN.pdf).

<sup>(988)</sup> UNHCR, *UNHCR Input to Annual Report for RRCE in 2017*, 2018.

<sup>(989)</sup> Director of the Asylum Service, Decision – Call to Supplement the Register of Lawyers for Legal Assistance to applicants of International Protection, no 3217, 2.2.2018. Available at: <http://asylo.gov.gr/wp-content/uploads/2018/02/Απόφαση-Προκήρυξη-Συμπλήρωσης-Μητρώου-Δικηγόρων.pdf>.

<sup>(990)</sup> AIDA, *Country Report: Romania, 2017 Update*, February 2018, p.29.

dedicated Judicial Training Workshops for the Greek Independent Appeals Committees. EASO also continued to provide support to external dimension activities. In 2017, two study visits were organised for Tunisian judges to Greece and Serbian and Macedonian Judges to Poland respectively.

In 2018, EASO will continue working towards creating professional development materials in support of the promotion of quality and harmonisation in the area of asylum law specifically tailored to the needs of members of courts and tribunals in EU+ countries. This year EASO is developing a set of materials on Detention of applicants for international protection in the context of CEAS.

#### 4.9. Country of origin information

As illustrated in [Section 2.1](#) in the course of 2017, while at EU+ level, fewer asylum applications were lodged in the EU+ compared to 2016, applications considerably increased in a number of EU+ countries, and the applications lodged were distributed among a wider number of nationalities. In light of this, and of the still substantial number of pending cases, the provision of COI on a wide range of third countries and themes continues to be vital for well-informed, fair and well-reasoned asylum decisions and evidence-based policy development. Some EU+ countries, such as **Greece**, reported also additional pressure due to a widened scope of COI requested (including, for instance, more requests regarding medical treatment in countries of origin).

##### *EASO Thematic COI activities*

###### *Medical COI (MedCOI)*

In September 2017, EASO initiated a project for the transfer of MedCOI activities and services from the MedCOI4 project, currently funded by AMIF and implemented by project teams in the Belgian and Dutch migration authorities and the ICMPD, into its own operations. The MedCOI service provides medical country of origin information services to Member States, including individual requests, country factsheets and fact-finding mission reports on the availability and accessibility of medical treatments and medicines. The EASO MedCOI transfer project was initiated by way of a kick-off meeting for stakeholders.

In terms of COI production, in addition to a wide range of regular publications of long established COI Units, many of which available through the EASO COI Portal, some countries reported their new, if not first ever, outputs in 2017. Among them, the **Greek** COI Unit produced a number of targeted COI outputs, especially thematic reports (e.g. concerning religious minorities in Bangladesh and LGBTI persons in Morocco) on countries of origin with low recognition rates and also produced a targeted report on the security situation in Iraq. In **Malta** the Office of the Refugee Commissioner published its first ever internal COI reports (both country of origin information and country guidance) on Libya and Ukraine. In **Czech Republic**, the COI unit produced brief reports on very specific issues strictly based on ad hoc queries, while in **Luxembourg** task forces for **Afghanistan** and **Iraq** continued to be operative.

##### *EASO COI Reports*

In 2017, 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. All EASO COI reports are published on the EASO COI Portal: <https://coi.easo.europa.eu/>.

In March 2017, EASO published a COI report on the Russian Federation, on the topic of '[State Actors of Protection](#)'. COI specialists from Belgium, Poland, Sweden and Norway co-drafted this report, and specialists from Denmark, Switzerland and ACCORD reviewed it. In June 2017, EASO published a '[country focus](#)' report on Nigeria. EASO deployed COI specialists from Norway and The Netherlands to the Italian National Asylum Commission in Rome in order to co-draft this report in cooperation with a COI specialist from Italy in the framework of EASO's support activities. COI specialists from Denmark, Portugal, the Republic of Slovenia and Switzerland reviewed the report.

In August 2017, EASO published a COI report on Afghanistan, '[Key socio-economic indicators, state protection, and mobility in Kabul City, Mazar-e Sharif, and Herat City](#)'. EASO and a COI specialist from Poland co-drafted this report, which was reviewed by COI specialists from Belgium, Finland, The Netherlands, and Sweden. Furthermore, UNHCR and several external experts reviewed the report, which was produced in the framework of an ongoing country guidance pilot exercise on Afghanistan. Also in August, EASO published a COI report on Pakistan, '[security situation](#)'. A COI specialist from Belgium

drafted this report and specialists from Norway reviewed it. In addition, an external expert reviewed the report.

In December 2017, EASO drafted and published two COI reports on Afghanistan: '[Individuals targeted by armed actors in the conflict](#)' and '[Individuals targeted under societal and legal norms](#)'. EASO also published a COI report on the '[security situation](#)' in Afghanistan, co-drafted by COI specialists from ACCORD, Belgium, France, Finland, Poland and Slovakia. COI specialists from Austria, Sweden, The Netherlands, UNHCR, and external experts were involved in the review of these reports, which were produced in the framework of the ongoing country guidance pilot exercise on Afghanistan. Furthermore, EASO published a '[country focus](#)' report on The Gambia. A COI specialist from Switzerland drafted this report in the framework of EASO's support activities to Italy. COI specialists from Belgium, Norway, and The Netherlands reviewed the report. In addition, one external expert also reviewed the report. Also in December 2017, EASO published a COI report on Somalia, '[security situation](#)'. COI specialists from Denmark and EASO co-drafted this report, which is to a large extent based on a joint fact-finding mission report by the Austrian and Swiss national COI units, as well as a joint fact-finding mission report by the Danish Immigration Service and the Danish Refugee Council. COI specialists from Belgium, Italy, Norway and The Netherlands reviewed the report. Finally, in December 2017, EASO published a '[country focus](#)' report on Bangladesh. EASO deployed COI specialists from Bulgaria and the UK to the Italian National Asylum Commission in Rome in order to co-draft this report in cooperation with a COI specialist from Italy in the framework of EASO's support activities. COI specialists from Czech Republic, Norway, the Republic of Slovenia and Slovak Republic reviewed the report.

In addition to the mentioned COI publications, EASO published COI meeting reports with selected material from expert speakers from meetings and conferences organised in 2017 on [Iraq](#), [Nigeria](#), [Syria](#), [Pakistan](#).

Broadly speaking, EU+ countries further enhanced standards and quality assurance of COI products in the course of 2017. In **Finland**, for instance, the Country Information Service was in the process of preparing reference guidelines for researchers. In the **UK**, the Home Office COI service underwent an extensive review by the Independent Chief Inspector of Borders and Immigration (ICIBI), resulting in a number of recommendations<sup>(991)</sup>.

Regarding the scope and quality of COI in general, civil society indicated specific shortcomings and opportunities for improvement, such as the lack of gender perspective and FGM insights in COI production in general<sup>(992)</sup>, or the limits of some national COI outputs, e.g. with regards to LGBTBI<sup>(993)</sup>.

<sup>(991)</sup> As reported by UNHCR and *Asylum Research Consultancy*, (ARC, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/Asylum-Research-Consultancy-uk.pdf>), the Independent Chief Inspector of Borders and Immigration (ICIBI) released its review of Country of Origin Information in March 2017 to which the Home Office (HO) published its response [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/628104/HO\\_Response\\_-\\_Country\\_of\\_Origin\\_Information\\_-\\_July\\_2017.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/628104/HO_Response_-_Country_of_Origin_Information_-_July_2017.pdf). Additionally, ICIBI released in January 2018 the report "An inspection of the Home Office's production and use of Country of Origin Information" for April – August 2017, containing several suggestions (available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/677556/An\\_inspection\\_of\\_the\\_production\\_and\\_use\\_of\\_Country\\_of\\_Origin\\_Information.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/677556/An_inspection_of_the_production_and_use_of_Country_of_Origin_Information.pdf), to which the HO issued its response, available here: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/677540/Use\\_of\\_COI\\_Home\\_Office\\_Response.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/677540/Use_of_COI_Home_Office_Response.pdf). Among others, the HO rejected the recommendation by the ICIBI to "Adhere to the European Asylum Support Office (EASO) Methodology for Country of Origin Information (COI) products, or publish (on GOV.UK) its own methodology with a clear explanation of where this deviates from EASO and why". The HO responded that it already provided information on its methodology and followed the general principles of COI research and presentation set out in the Common EU Guidelines for Processing COI and the ACCORD Training Manual. However, the HO stated that it will agree to review the need for an external consultancy to provide quality assurance of draft Country of Origin Information products, seek ministerial views and, if approved, formalise the relationship. The HO also accepted the recommendation to produce and maintain a risk register covering Country of Origin Information production and use. *ECPAT UK* also stated that the ICIBI report found that the quality of research was variable and that use of "policy" information was being used to direct the user towards a pre-determined outcome. Every Child Protected against Trafficking (ECPAT) input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/ecpat-uk.pdf>

<sup>(992)</sup> *End FGM European network*, in its contribution to the AR, put forward few concerns: 1) that MS do not adopt a gender perspective in their COI analysis, which undermines the decision-making in asylum cases and creates discrepancies and inequality of treatment of asylum seekers between MSs; 2) few MS COI analysis take into account FGM, negatively influencing the assessment of an asylum claim; 3) safe countries of origin lists often overlook the potential of real harm for potential victims of FGM. *End FGM*, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/End-fgm-european-network.pdf>.

<sup>(993)</sup> In Austria, *Queer Base AT* pointed out that COI is incomplete and does not take into account the LGBTBI context. In Sweden the *Swedish Network of Refugee Support Groups (FARR)* expressed concern that the COI reports that Swedish Migration Agency publishes on its website (both in-house produced as well as those from Civil Society) often contradict each other, whereas SMA follows its own publications. Input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/swedish-network-farr.pdf>.

As a general trend, many national COI Units engaged in a form or collaboration with other national COI Units, especially in the context of the EASO COI Network Approach, but also on a more bilateral level. For instance, Belgium, France and the United Kingdom launched a project in the summer of 2016 which was reinforced in 2017, aiming at sharing the production, planning and dividing of COI workloads between their COI units <sup>(994)</sup>. **Finland**, along with **Denmark**, intensified its cooperation with the Norwegian ID-Centre in 2017 <sup>(995)</sup>.

### **EASO COI Network Approach**

EASO established by 2017 in total 10 COI specialist networks on Afghanistan, Eritrea, Iran, Iraq, Pakistan, Russian Federation, Somalia, Syria, Ukraine and West Africa. Within the specialist networks, national COI researchers share information and exchange on COI needs, on recent and upcoming national COI products and on fact-finding missions, in order to avoid duplication and overlapping of efforts. Networks also jointly assess COI sources 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 2017, EASO organised one or more seminars or meetings for each specialist network. These meetings also involve selected external topical experts on countries of origin.

At managerial level, the Strategic Network, composed of COI Heads of Units or experts otherwise responsible for COI from all EU+ countries, gathered twice in 2017, providing strategic input and feedback on EASO COI activities and exchanging managerial experiences on COI research. In the November meeting, EASO launched an evaluation of the COI Network Approach, involving an external consultant specialised in the functioning of expert collaborative networks.

EASO also organised in November 2017 a COI Conference on EASO's COI Report Methodology, which is being reviewed. The event also included training for COI researchers from EU+ countries and selected civil society organisations on 'copyrights' of materials used in COI research and 'concise drafting' in COI research.

Several EU+ countries engaged in fact-finding missions. Among them, following missions were reported in 2017: **Austria** to Bosnia and Herzegovina, Somalia (with Switzerland), and Syria; **Belgium** to Albania, Pakistan, and Turkey; **Denmark** to Russia, Iran and Syria; **Finland** to Iraq; **France** to Haiti and Guinea; **Sweden** to Afghanistan, Iraq, and Kazakhstan. **Finland**, within the framework of the FAKTA project, engaged in the development of effective and resource-efficient practices for planning and implementing fact-finding missions <sup>(996)</sup>.

In the course of 2017, some COI Units developed or upgraded their knowledge management systems for the provision of information to end users: in **Czech Republic** the initial version of the new COI database was built (to be further developed throughout 2018). In **Finland** the Country Information Service launched the modernisation of its Tellus database to make the portal more user-friendly. In **Austria** the Federal Office for Immigration and Asylum started installing a new COI-CMS (Country of Origin Information – Content Management System), unifying the office's existing databases and information storage systems.

### **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 also upload and share COI documents. Since the launch of the public version, as of December 2017, there had been nearly 25 000 downloads from the COI Portal and on average, 110 users accessed the portal per day.

<sup>(994)</sup> Moreover, CEDOCA organised workshops and received guests from several countries, including overseas colleagues from New Zealand and Australia.

<sup>(995)</sup> Finland will participate in the provision and updating of information for ID-database and will have the right to use it. Finland, in association with Denmark, submitted information for the section on Russia.

<sup>(996)</sup> The Country Information Service belonging to the Legal and Country Information Unit of the Finnish Immigration Service launched the FAKTA project, which is funded by the AMIF and lasting until 2020. Within the framework of this project, two missions were planned, one of which was carried out to Iraq.

In 2017, EASO worked on new developments for the COI Portal, including collaboration spaces for EASO COI Specialists Networks and dedicated country of origin home pages, which will be implemented during 2018.

In the course of 2017, some COI Units expanded or reorganised their staff. In **Belgium** a New Media Unit was established (including 2 fulltime experts on new media research and 3 COI experts with advanced knowledge on the use of social media). In **Estonia** a dedicated COI expert was hired. In terms of organising internal cooperation, at EU+ level several countries, and their respective COI Units, organised dissemination activities of their Country of Origin Information, reaching out to caseworkers and other relevant stakeholders in the national asylum systems. This was complemented by trainings, such as those held in **Germany** <sup>(997)</sup>, **France** <sup>(998)</sup> and **Belgium** <sup>(999)</sup>.

#### **COI-related Operational Support**

In the framework of the Special Support Plan **Italy**, the Italian COI unit received support in the drafting of COI reports on Nigeria ([country focus](#)) and The Gambia ([country focus](#)). Furthermore, EASO organised two COI conferences in Rome (on Nigeria and Pakistan) in which Italian decision makers (first and second instance) met with the National Asylum Commission and colleagues from other EU+ countries to discuss the respective caseloads and relevant decision matters.

Within the scope of the implementation of the EU-Turkey Statement in the Greek hotspots, EASO provided training to deployed experts on general COI and on specific countries of origin in order to support both the admissibility and eligibility procedures in the Greek hotspots. Furthermore, EASO deployed COI experts to Athens to support the operations in **Greece** with the provision of relevant COI.

In 2017, EASO also provided technical support and training to Western Balkan countries in the framework of the Instrument for Pre-Accession Assistance (IPA II). In the framework of an EASO-DGMM roadmap for capacity building activities, which included measures on COI, EASO provided technical advice, translated several COI products and organised a COI Conference on Iran in Ankara (December).

### **4.10. Vulnerable applicants**

The recast version of the Asylum Procedures Directive (APD) expanded the previously limited <sup>(1000)</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 (in particular 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 protection, housing, social care, health care and interviews can be tailored to these applicants' needs <sup>(1001)</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>(1002)</sup> and Chapter IV comprises a set of provisions concerning

<sup>(997)</sup> Germany organised five training seminars for multipliers on Syria as country of origin between July and August 2017. Similar training for Afghanistan as country of origin is planned for 2018.

<sup>(998)</sup> The French COI unit is involved in the training of new staff, along with the regular training of caseworkers on specific countries of origin or thematic issues, as soon as it is deemed necessary.

<sup>(999)</sup> In Belgium, Cedoca invested in country training for new Protection Officers or Protection Officers who started to assess applications from a new country of origin, and the training on the use of social media to assess asylum applications.

<sup>(1000)</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>(1001)</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>(1002)</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'.

this category, including provisions on assessment of the special reception needs of vulnerable persons, minors, unaccompanied minors, and victims of torture and violence.

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 may also result in erroneous decisions on their application for international protection. In particular, providing for unaccompanied minors in the asylum process raises a number of complex legal issues, with a strong psychological and social aspect, comprising but not limited to: age assessment, where needed, appointment of a guardian, ensuring best interest of the child, including family tracing, conducting the process in a child-friendly manner, and ensuring suitable reception.

At EU+ level, the only available statistics on vulnerable applicants collected in a comparable manner are numbers of unaccompanied minors <sup>(1003)</sup>.

In 2017, some 32 715 unaccompanied minors (UAMs <sup>(1004)</sup>) applied for international protection in the EU+, half as many as in 2016 (65 570) <sup>(1005)</sup>. In 2017, the share of UAMs relative to all applicants was 4 %. More than three quarters of all UAMs applied in five EU+ countries: Italy (30 %), Germany (28 %), Greece (8 %), the United Kingdom (7 %) and Sweden (5 %). Despite the downward year-on-year trend, the number of UAMs varied across countries. Notably, a large increase was noticed in Italy (+ 3 925 or + 65 %) compared to 2016. Other countries with increasing numbers of UAM applications were, among others, Romania (+ 220, + 489 %), Slovenia (+ 145 or + 59 %) Spain (+ 135, + 450 %), France (+ 115 or + 24 %) and Greece (+ 105 or + 5 %). Thus, the decline in UAM applicants at the EU was driven by a dramatic drop in the number of UAMs seeking international protection in Germany: in 2017, 9 085 applications were lodged by unaccompanied minors in Germany, dropping by 75 % compared to the previous year.

In terms of share of unaccompanied minors compared to asylum applicants, UAM applicants accounted for a relatively larger proportion of the total in Slovenia (21 %), Denmark (12 %), Bulgaria (11 %) and Italy (7 %). In terms of age, more than three quarters of all UAM applicants were between 16 and 17 years old, with tinier proportions being between 14 and 15 years old (16 %) and less than 14 years old (7 %).

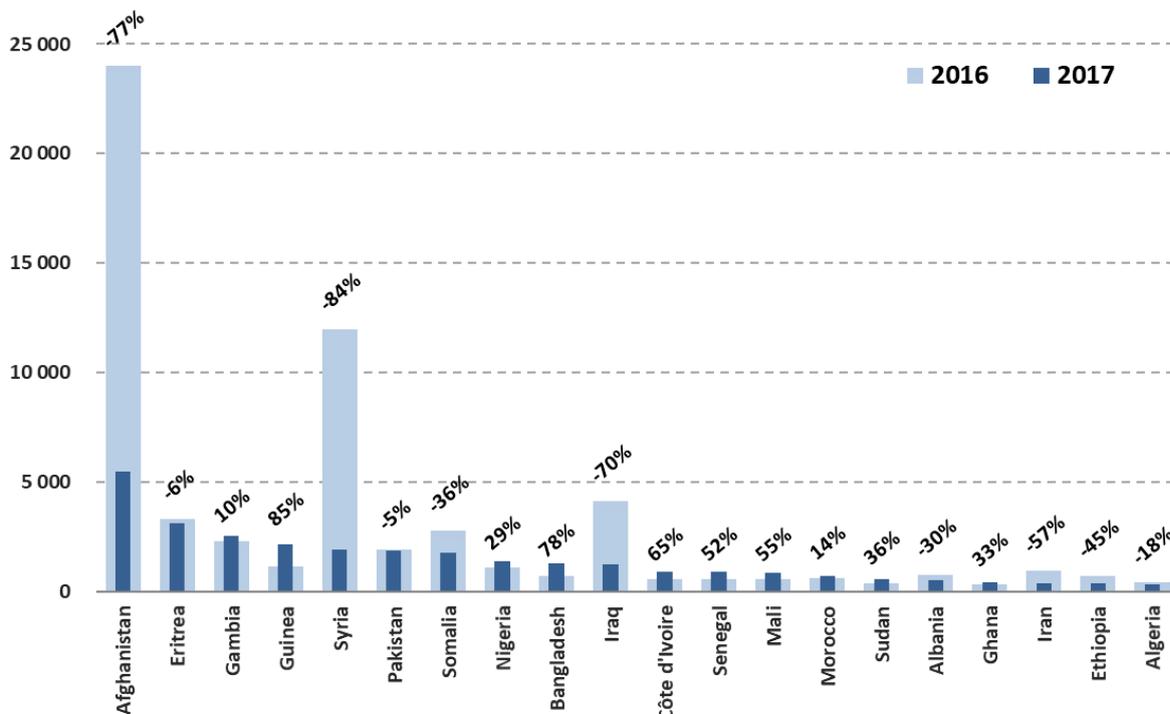
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<sup>(1003)</sup> EU+ countries may collect statistics on other vulnerable groups applying for international protection at national level but no comparable picture can be drawn.

<sup>(1004)</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'.

<sup>(1005)</sup> Estonia, Czech Republic Liechtenstein, Lithuania reported no UAM applicants. Luxembourg did not provide any data.

About half of all UAM applicants were from five countries of origin: Afghanistan (5 655 or 17 % of all UAM applicants in the EU+), Eritrea (3 255 or 10 %) Gambia (2 600 or 8 %), Guinea (2 255 or 7 %) and Syria (1 990 or 6 %). In 2017, UAM applicants were more evenly distributed across citizenships of origin. In fact, one year earlier, more than half of all UAMs were nationals of two countries only: Afghanistan and Syria (Fig. 34).



Number of UAMs in 2016 and 2017 by citizenships and relative change

Figure 34: In 2017, half as many UAMs applied for international protection than in 2016.

Figure 34 shows that, while most countries of origin had fewer UAM applicants than in 2016 - obviously mirroring the declining number of unaccompanied minors applying for international protection in the EU+ - some others marked the opposite trend. In fact, nearly half of the main countries of origin of UAM applicants had more UAM applicants than in 2017; importantly, seven of those were located in western Africa, indicating a clear geographical pattern. The increase was particularly evident among Guinean (2 155 UAMs in 2017, + 85 %), Bangladeshi (1 315, + 78 %) and Ivoirian (915, + 65 %) applicants; the majority of these citizenships lodged an application in Italy, indicative of the remarkable increase of UAMs in this EU+ country.

It is also reasonable to gauge the share of UAM applicants within individual citizenships (Fig. 35). The number of UAM applicants certainly correlates with the overall number of applicants from a given country: 8 countries out of the 10 with the highest number of applications lodged were also featured in the list of the countries with most UAM applicants. Nevertheless, Figure 45 shows that UAMs accounted for a sizeable share of foreign nationals from Gambia (19 %) and Somalia (12 %), despite having, overall, relatively fewer applicants. As a result, these citizenships group are relatively younger, and characterised by a higher degree of vulnerability.

Share of UAMs to total number of applicants by country of origin, 2017

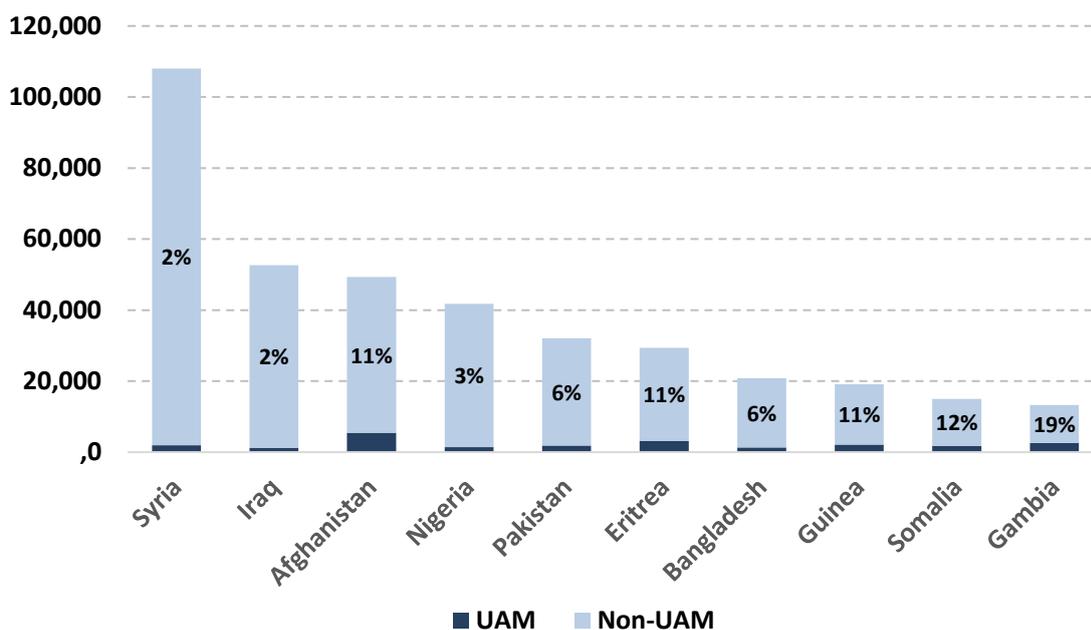


Figure 35. For some citizenships, the share of UAMs was considerably higher, suggesting a higher degree of vulnerability

The overwhelming majority of unaccompanied minors lodging an application in 2017 were male (88 %), similar to the previous years. Nevertheless, some citizenships had relatively more female UAMs than others (Fig. 36). Among the countries of origin with at least 500 UAM applicants this was the case for Nigeria (35 % of all UAMs from Nigeria were female), Syria (25 %), Somalia (22 %) and Eritrea (21 %). Moreover, although much fewer, female UAMs tended to be younger than male. In 2017, there were proportionally more female applicants (17 % of all female UAMs) than male (5 % of all male UAMs) who were younger than 14 years old. As shown in Figure 36, these female applicants were prevalently nationals of Iraq and Syria.

Share of female UAMs (x-axis) and share of UAMs younger than 14 years old (y-axis) in total UAM applicants

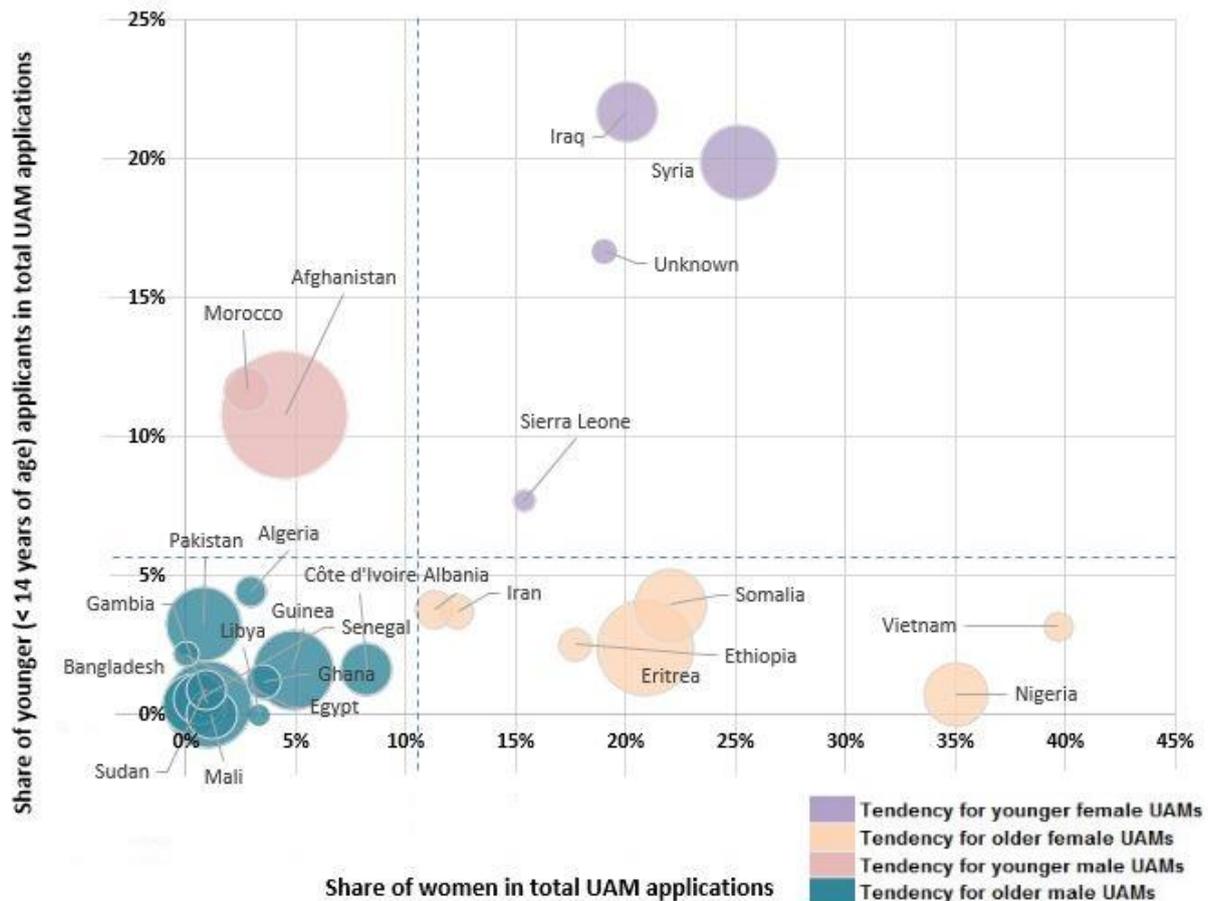


Figure 36: the proportion of UAM applicants who was younger than 14 years old was larger among females than males

#### 4.10.1. Unaccompanied minors <sup>(1006)</sup>

##### Specialised reception for unaccompanied minors

In **Belgium** the reception capacity for UAMs both decreased and increased at various types of reception <sup>(1007)</sup>. Fedasil has subsidised several projects, related to reception of UAMs <sup>(1008)</sup>. Under national funding by Fedasil, new priorities were 1) to ‘increase the participation of beneficiaries of reception in social life’ <sup>(1009)</sup>; and 2) to ‘strengthen the knowledge of applicants for international

<sup>(1006)</sup> The term ‘unaccompanied minor (UAM) refers to ‘a *minor who arrives on the territory of the Member States unaccompanied by the adult responsible for them by law or by the practice of the Member State concerned, and for as long as they are not effectively taken into the care of such a person. It includes a minor who is left unaccompanied after they have entered the territory of the Member States*’ (see: EMN Glossary [https://ec.europa.eu/home-affairs/content/unaccompanied-minor-0\\_en](https://ec.europa.eu/home-affairs/content/unaccompanied-minor-0_en), as derived from Art. 2(l) of the Recast Qualification Directive. In the present Report the term ‘unaccompanied minor’ (UAM) is used to indicate UAMs seeking asylum in the EU+ countries.

<sup>(1007)</sup> The capacity of the first reception for UAMs in the Observation and Orientation Centres decreased from 190 in 2016 to 183 places in 2017. The number of reception places for the second reception phase decreased from 2,052 places in 2016 to 1,706 places in 2017 (including the reception places offered by the Flemish and Walloon Youth Care Services for UAM under 15 years of age. It concerns 130 places organised by the Walloon and 145 places by the Flemish Youth Care Services). Regarding the third reception phase, the number of reception places increased from 318 places in 2016 to 334 places (Local Reception Initiatives for UAMs) in 2017. Another 91 reception places were available for UAMs with specific reception needs, such as teenage mothers, UAMs with behavioural problems, UAMs with mental health problems, etc.

<sup>(1008)</sup> Four of the AMIF subsidised projects concerns psychological support, such as the CARDA-project of the Red Cross (Croix-Rouge de Belgique) which aims to improve the context in which applicants of international protection, including UAMS, with mental health problems are accommodated through problem analysis, stabilisation of the people involved, starting psychotherapeutic follow-up and referral to adapted reception. Furthermore, the project offered support to professionals in the reception network by awareness-raising actions, information and consultations in the reception structures in Wallonia and Brussels. Three other projects selected by Fedasil and funded by AMIF focus exclusively on minors such as the project of non-profit association Cirkant, which aims to facilitate the outflow of UAMs with international protection from the reception network by offering transit places and arranging for the introduction to school, work or language lessons. The project aims to offer a bridging function to specialised aid and integral individual guidance for highly vulnerable profiles.

<sup>(1009)</sup> Under national funding, Fedasil selected 19 projects. The selected projects organised day trips, (theatre) workshops and public performances or residential care (between 14 and 18 years) to give the youngsters the opportunity to deal with their experiences in a safe and confidential environment, to help them to ‘root’ in a new environment and to create a moment of rest for both young people and the staff of the reception facilities. Four of these projects, under the objective ‘meet the specific reception needs and needs of vulnerable groups’ were so-

protection on values and standards of Belgian society' <sup>(1010)</sup>. UNHCR reiterated in that context civil society concerns <sup>(1011)</sup> that although both Flemish and French-speaking public authorities invested substantially in 2016 and 2017 in capacity increase of youth welfare service and small-scale reception centres for the second phase reception of UASC, current capacities are not able to cover the needs. UNHCR was also concerned that the latest legislative amendment of October 2017 with the introduction of new provisions in the 2007 Reception law for limitation or even in some cases withdrawal of the right to reception, notably in the case of serious and repeated infringements of the publically run reception centre's internal rules, could have a serious negative impact on UASC's right to adequate reception as this group has not been explicitly excluded from the scope of this provision.

Also in **Italy** within the expansion of the SPRAR network for reception, dedicated funding was allocated to the establishment of additional places for unaccompanied foreign minors <sup>(1012)</sup>. Still, there was an insufficient capacity in governmental first reception centres and in SPRAR for UAMs, leading to an extended stay of UAMs in first reception centres (frequently even up to the age of 18) and the presence of UAMs in reception facilities for adults <sup>(1013)</sup>. UNHCR was also concerned with overall presence of minors in extraordinary (CAS) centres, rather than first-line/second-line centres.

In addition, for unaccompanied foreign minors who are victims of trafficking, a specific program of assistance was provided to ensure adequate reception conditions and psycho-social, health and legal assistance, offering long-term solutions, even after reaching the age of majority, for the implementation of which an expenditure of EUR 154 080 per year was foreseen, starting from the year 2017.

**Switzerland** continued implementation of the 2015 state directive of housing UAMs in dedicated institutions, opening another centre in Basel, Lausanne and Zurich <sup>(1014)</sup>. It was also planned that UAMs will be accommodated separately from adults <sup>(1015)</sup>.

Up to the end of July 2017 the shelters for unaccompanied children in **Greece** were funded by various funding sources. As of 1 August 2017 most of the shelters were transitioned to the AMIF National Programme managed by the Responsible Authority (RA) under the Ministry of Economy and Development.

With the aim to further increase and diversify the safe arrangements for unaccompanied children and to promote alternative care modalities, Ministry of Migration Policy (MoMP) and Ministry of Labour, Social Insurance and Social Solidarity (MoL) have supported the creation of a legal taskforce with the competent authorities to work on the legal framework for Supported Independent Living under the leadership of the Public Prosecutor of the Supreme Court as well as for the creation of a working group (UNHCR, UNICEF, NGO Metadrasi) in order to initiate standards and procedures for the selection and care of UAMs. MoMP has also reached out to UNHCR for the inclusion of unaccompanied children (UAC) who reach adulthood in UNHCR's accommodation scheme.

MoMP also launched the initiation of 10 Safe Zones (run by NGOs) with a total capacity to accommodate 300 UAC. MoMP and MoL endorsed the Minimum Standards for the implementation of the Safe Zones proposed by the relevant coordination mechanism (in place since March 2016 and chaired by UNHCR). In the same spirit, MoMP is also active in the development and drafting of SoPs on the identification and

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called time-out initiatives aimed at unaccompanied minors (over the age of 12) who have difficulties adjusting to life in the reception network and to their new life in general.

<sup>(1010)</sup> In this framework trainings were organised on gender equality and sexual harassment for Afghan men and women (15 year and older).

<sup>(1011)</sup> [http://www.aidealajeunesse.cfwb.be/index.php?eID=tx\\_nawsecuredl&u=0&g=0&hash=d67b62828d8d2384982c17cd1f6dbc7d88cd8263&file=fileadmin/sites/ajss/upload/ajss\\_super\\_editor/DGAJ/Documents/Reperaj/ReperAJ\\_n\\_5\\_nov\\_2016\\_brochure.pdf](http://www.aidealajeunesse.cfwb.be/index.php?eID=tx_nawsecuredl&u=0&g=0&hash=d67b62828d8d2384982c17cd1f6dbc7d88cd8263&file=fileadmin/sites/ajss/upload/ajss_super_editor/DGAJ/Documents/Reperaj/ReperAJ_n_5_nov_2016_brochure.pdf)  
<https://wvg.vlaanderen.be/jongerenwelzijn/assets/docs/publicaties/andere/2-0-aanpak-jeugdhulp-Vlaanderen.pdf>  
<https://sociaal.net/ opinie/we-verwachten-veel-van-jeugdhulp/>.

<sup>(1012)</sup> Moreover, reception in the SPRAR system is foreseen for all unaccompanied minors regardless of whether they applied for international protection or not.

<sup>(1013)</sup> See: [http://www.sprar.it/wp-content/uploads/2017/11/Rapporto\\_protezione\\_internazionale\\_2017\\_extralight.pdf](http://www.sprar.it/wp-content/uploads/2017/11/Rapporto_protezione_internazionale_2017_extralight.pdf) and AIDA, Country Report Italy, 2017 Update, forthcoming.

<sup>(1014)</sup> Foyer Saint Martin, run by Fondation Maison de la Porte Ouverte, is to host 10 UAMs. See: Luxembourgish Red Cross and Fondation Maison de la Porte Ouverte, Communiqué de Presse – Inauguration de deux foyers d'accueil pour réfugiés mineurs non-accompagnés Villa Nia Domo et St Martin Jeunes. [http://www.croix-rouge.lu/wp-content/uploads/2016/11/CP\\_Inauguration\\_Villa\\_Nia\\_Domo\\_25112016\\_vf.pdf](http://www.croix-rouge.lu/wp-content/uploads/2016/11/CP_Inauguration_Villa_Nia_Domo_25112016_vf.pdf). Other four centres were open in 2016.

<sup>(1015)</sup> See: Aargauer Zeitung, *Pilotprojekt für minderjährige Flüchtlinge startet im Juli*, 26 April 2017, available at: <https://www.aargauerzeitung.ch/schweiz/pilotprojekt-fuer-minderjaehrige-fluechtlinge-startet-im-juli-131267511>.

transfer of UAC from RICs and detention to Safe Zones in coordination/collaboration with UNHCR, UNICEF, IOM and other stakeholders.

Further in **Greece**, UNHCR was concerned about unaccompanied minors remaining for long periods of time in the RICs in precarious conditions, due to lack of availability of spaces in the shelters. As further concern, UNHCR pointed out that in **Spain** with regard to reception facilities of UASC, protection standards are particularly inadequate in Ceuta and Melilla <sup>(1016)</sup>. With regard to **Cyprus**, UNHCR raised a concern that reception standards for unaccompanied minors differ significantly between the NGO and the state-run shelters, including accommodation standards, recreational activities, and as regards facilities for practising religion. It was also pointed out that transitional measures comprising social and psychosocial counselling and other practical assistance is required to ensure their smooth transition from the State-run shelters to the community upon reaching the age of 18 years.

In **Bulgaria**, development of ‘safe zones’ for unaccompanied minors in reception centres was launched; currently UAMs were accommodated in separate premises in the Registration-and-Reception Centres of the State Agency for Refugees.

#### *Legal guardianship and foster care*

- Rules for the appointment of guardians

In **Hungary**, pursuant to the new law, unaccompanied children above the age of 14 are not assigned a child protection guardian to be their permanent legal guardian but a temporary guardian (‘case guardian’ or ‘ad hoc guardian’). Unaccompanied minors over the age of 14 do not enter child protection service until their asylum application is lodged (they are not covered by the Child Protection Act) and therefore do not have a child protection status, which means that no child protection guard can be ordered.

The Child Protection Act was approved in **Malta** (in January 2017), which contains references to the guardianship for unaccompanied asylum seeking children. The law was changed so that the tutor’s responsibilities include guardianship and providing unaccompanied migrant children with added protection <sup>(1017)</sup>.

In **Italy**, according to the new Law 47/2017 on protection measures for unaccompanied minors (so-called Zampa Law), the person in charge of the reception facility in which the unaccompanied foreign minor is accommodated is entitled to carry out the necessary formalities for the application for a residence permit and for the submission of an application for international protection until a guardian has been appointed. New Law Decree n. 220/2017 <sup>(1018)</sup> also entered into force, which amends Article 11 of Law 47/2017, pursuant to which the Juvenile Court solely, and not the Guardianship Judge, is to appoint the guardian for UAMs <sup>(1019)</sup>. Additionally, the Ombudsperson for Children and Adolescents has now a monitoring role, and the maximum number of children under the competency of a voluntary guardian is 3. A list of voluntary guardians into which private citizens can be enrolled, selected and adequately trained by the Regional Agencies for Children and Adolescents was also established at each Juvenile Court.

In **Norway**, the Norwegian Parliament instructed the Government to legalise the care responsibility for unaccompanied minors between the age of 15 and 18 in reception centres, and the requirements for these reception centres.

In **Greece**, steps have been taken regarding the guardianship of UAMs according to the newly adopted law 4540/22.05.2018 (Government Gazette No.91 A’ of 22.05.2018) <sup>(1020)</sup>. EKKA (National Center for Social Solidarity) is the responsible authority to contract and supervise professional guardians with specific terms of reference and provide them with training for the pilot phase of the SIL projects.

- Practical guidelines/implementing regulations

<sup>(1016)</sup> Committee on the Rights of the Child, Concluding observations on the combined fifth and sixth periodic reports of Spain, CRC/C/ESP/CO, Pages13-15, Parr.42-45, February 2018.

<sup>(1017)</sup> UNHCR indicated that other concerns regarding children persist, such as unaccompanied and separated children living with relatives of unclear identity in the community and not having access to a procedure aimed at objectively establishing their need for legal guardianship (UNHCR input). As reported by the Ministry for Home Affairs and National Security, with regard to the concerns expressed on separated children action is being taken to find a solution that is in the best interest of these children.

<sup>(1018)</sup> See: <http://www.gazzettaufficiale.it/eli/id/2018/1/16/18G00005/sg>.

<sup>(1019)</sup> See: <http://www.governo.it/articolo/comunicato-stampa-del-consiglio-dei-ministri-n62/8672>.

<sup>(1020)</sup> <http://asylo.gov.gr/wp-content/uploads/2018/05/%CE%9D%CE%9F%CE%9C%CE%9F%CE%A3-4540-22.05.2018.pdf>

In **Latvia** draft guidelines were developed on provision of representation to unaccompanied minors and cooperation between authorities.

In **Slovenia**, in accordance with the adoption of the new International Protection Act in 2016, one of the implementing regulations was adopted in July 2017 - the Decree on the implementation of the statutory representation of unaccompanied minors and the method of ensuring adequate accommodation, care and treatment of unaccompanied minors outside the Asylum Centre or a branch thereof.

In **Portugal**, changes were introduced to the procedure for communication/coordination with the Public Prosecutor's Office (Family and Minors Court) to ensure the prompt appointment of a legal representative. Also, an internal study was conducted in order to define the term 'unaccompanied minor', listing all the steps to be taken and contacts to be made (especially with the Juvenile Court and Social Security) from detection until institutionalisation. The adoption of conclusions depends on a higher decision.

- Trainings for guardians

In **Belgium**, the Guardianship Service for UAMs provided trainings to 60 guardians on how to intervene in situations of child smuggling or trafficking. Other trainings for guardians were set up on family reunification, reception conditions, voluntary return, prevention of radicalisation and psychosocial well-being of UAMs. In **Germany** the Federal Government has funded a project to maintain mentors, host families, and legal guardians to promote the integration of the unaccompanied minor foreigners. Within this program, quality standards for the staff of the child welfare sector as well as the foster families, legal guardians and personal sponsors have been developed and curricula and training has been put into place. (*Menschen stärken Menschen* <sup>(1021)</sup>)

- Availability of guardians

In **Belgium**, in 2017 the number of volunteer guardians remained stable and no new guardians had to be selected and trained. However, at the end of 2017 a new recruitment campaign was launched as a response to the increased number of UAMs <sup>(1022)</sup>.

- Selection of foster families

In **Belgium**, Fedasil subsidised the project 'Culture-sensitive support for foster care for unaccompanied minors' organised by the organisation Minnor-Ndako. The aim is to increase the culture sensitive aspect in foster care by selecting foster families of different origins and to support the existing foster care services to make their selection procedures culture sensitive and better adapted to the specific needs of UAMs <sup>(1023)</sup>.

In **Cyprus**, a foster care pilot programme was set up, 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. The programme was administered by the NGO Hope for Children <sup>(1024)</sup>.

- Family foster care placement

In the **Flemish Community of Belgium**, an increase was noted in number of children placed in foster care. This was partly due to the increasing information on the programme among legal guardians and families who had already hosted an UAM outside the official network of foster care. Still, one of the challenges noted is the matching of candidate foster families with the UAM; while foster families were keen to care for very young children, the children above 12 years old are overrepresented. A new procedure was also developed for UAMs under the age of 13: within a week after arrival in Belgium the UAM is matched with a foster family. On the other hand, in the **French Community of Belgium**, a shortage of foster families was recorded thus causing a long waiting time for some UAMs under 15. To meet the increased demand,

<sup>(1021)</sup> <https://www.bmfsfi.de/bmfsfi/themen/engagement-und-gesellschaft/fluechtlingspolitik-und-integration/menschen-staerken-menschen>.

<sup>(1022)</sup> See: [https://justice.belgium.be/fr/nouvelles/autres\\_communiques\\_94](https://justice.belgium.be/fr/nouvelles/autres_communiques_94).

<sup>(1023)</sup> Minor-Ndako also supports the foster family, the foster child, the counsellor and the guardian of the UAM. The primary target group are UAMs younger than 13 who wish to be admitted to a foster family (additionally UAMs older than 13 are part of the project).

<sup>(1024)</sup> <http://uncrcpc.org.cy/index/news/press-release-fifty-eight-unaccompanied-children-were-placed-in-foster-families-within-this-year.html>.

Communitarian public welfare services recruited new foster families, often in coordination with asylum-related NGOs <sup>(1025)</sup>.

Specific **concerns** were raised by the UNHCR and civil society with regard to guardianship and foster care:

- Insufficient number of legal guardians in relation to number of UAMs (**Croatia, Italy** <sup>(1026)</sup>, **France** <sup>(1027)</sup>) and foster care opportunities in **Greece** <sup>(1028)</sup>, and **France**;
- Guardian appointment (**Switzerland** <sup>(1029)</sup>), criteria for assigning guardian and different standards regarding the reception and care for UAMs compared to non-asylum-seeking children in **Austria** <sup>(1030)</sup>;
- Lack of permanent guardianship in **Greece** <sup>(1031)</sup>.

#### *Procedural Safeguards*

**Sweden** strengthened the procedural safeguards for unaccompanied minors in the event of a considerably higher influx of such minors to Sweden, such as in 2015. Guidelines were adopted, according to which, in the event of considerably high influx the applications, the registry and appointment of municipality (tasked with provision of accommodation, health care, legal guardianship etc.) responsible for unaccompanied minors must be prioritized in relation to other cases.

On 22 January 2018, in France, the Administrative Tribunal of Nice passed a judgment on the Préfet of the Alpes Maritimes region for not providing to a 12-year-old unaccompanied child at the border a representative and comprehensive information with regard to the rights and obligations relating to the asylum procedure <sup>(1032)</sup> and stressed the need for providing a person who wants to access to the French territory at the French-Italian border with comprehensive information with regard to rights and obligations relating to asylum procedure and in a language he/she understands. <sup>(1033)</sup>

- Best interest of child

In **France**, unaccompanied minors are interviewed by specialised caseworkers. In order to strengthen the ability of the determining authority to deal with applications from unaccompanied minors, five training sessions were organised in 2017 for new staff in charge with processing these applications.

**Bulgaria** developed and adopted tools for assessing the best interests of the child, which include: a Quick Assessment Form for the best interest for child protection; Full Evaluation form; Case Transfer Form and Case Termination Form). A Risk Assessment Guide for Children seeking International Protection has been also prepared and approved.

In **Luxembourg**, the Council of Government approved the creation of a commission in charge of determining the best interest of UAM applicants for international protection in the context of the return

<sup>(1025)</sup> See the project 'Geef de Wereld een thuis': <https://www.vluchtelingenwerk.be/geef-de-wereld-een-thuis#sub-154> and also Mentor Escale's project in coordination with Fedasil and the French-speaking youth welfare authorities: <http://www.mentorescale.be/our-impact/familles-accueil-mena/>. The French Community, until July 2018 allocated, 2.4 million euro and 447 000 for foster care.

<sup>(1026)</sup> The ratio 1:1 initially proposed by the law has proven challenging, as it is difficult to find sufficient voluntary guardians to match with UASC in most regions, See: <https://www.savethechildren.it/sites/default/files/files/Attuazione%20Legge%20Zampa.pdf>.

<sup>(1027)</sup> While insufficient nominations of guardians may be perceived as a challenge, regarding foster care, it should be highlighted that it is not always the most adapted solution to UAMs, particularly the older ones. Some French *départements* are developing projects to offer new solutions.

<sup>(1028)</sup> According to the UNHCR, the provision of foster care is only offered by UNHCR/ Metadrasis' project for a limited number of unaccompanied minors.

<sup>(1029)</sup> According to the legal framework: The responsible cantonal authorities shall immediately appoint an authorised representative for unaccompanied minor asylum seekers, to take care of the minor's interests for the duration: a. of the procedure at the airport if decisive procedural steps are carried out there; b. of the minor's stay in a reception and processing centre, if, decisive procedural steps are carried out; or c. of the procedure following allocation to the canton. d. of the Dublin procedure. Asylex raised concerns with regard to that procedure Asylex, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/Asylex-web.pdf>.

<sup>(1030)</sup> Appointment of a guardian is only initiated after the admissibility procedure, when a child is assigned to a provincial reception facility

(See: report published in December 2017 by the Austrian Ombudsmen Board: <http://volksanwaltschaft.gv.at/downloads/4sjlu/Sonderbericht%20Kinder%20und%20ihre%20Rechte%20in%20C3%B6ffentlichen%20Einrichtungen%202017.pdf> and press release: <http://volksanwaltschaft.gv.at/artikel/tragischer-suizid-eines-11-jaehrigen-fluechtlings>).

<sup>(1031)</sup> The prosecutors lack the capacity to handle the large number of unaccompanied minors who are referred to them. The long awaited laws on Guardianship and Foster care have not yet been passed by the Parliament (UNHCR input).

<sup>(1032)</sup> <https://www.ldh-france.org/wp-content/uploads/2018/01/JRTA-Nice-22-janvier-2018-M-H-Anaf%20C3%A9-n1800195.pdf>. (UNHCR input)

<sup>(1033)</sup> UNHCR input

procedure, which will start operating at the beginning of 2018<sup>(1034)</sup>. To facilitate the determination process, the Directorate of Immigration concluded an agreement with IOM, which will collect the necessary information on the parents of UAMs in the country of origin<sup>(1035)</sup>.

Due to ambiguity in the current practice, **Finland** identified a need to clarify the assessment of adequate reception of unaccompanied minors in the country of return. Temporary guidelines for harmonising the assessment in practical decision-making were therefore drawn up.

**Belgium** was drafting a report on the best interests of the child. In addition, the Flemish children's rights commissioner and national ombudsmen set up a consultative process in 2017 on the application of the best interests principle in asylum and migration including the organisation of a roundtable on this topic<sup>(1036)</sup>. Lack of formal multi-disciplinary and independent Best Interest Assessment and Determination mechanisms in Belgium which would examine all relevant factors and involving the participation of the child raised concerns of the UNHCR. Similar concerns were expressed with regard to **Greece**, which reportedly lacks an institutionalised procedure for the determination of best interests of the child.

- Notification of a decision

Under the new practice, the **Finnish** Immigration Service will communicate all positive decisions issued to unaccompanied minors to both the applicant and his or her representative through an interpreter (previously, a positive decision issued to an unaccompanied minor aged 15 to 17 was sent only to the minor's representative, who informed the applicant in the manner that they deemed best). Negative decisions continue to be served by the Police). This change was introduced following a decision by the Supreme Administrative Court on 3 July 2017 (30491/210/2015).

- Personal interview

The practice with regard to interviews with unaccompanied minors was changed in **Finland**. As of summer 2017, an entire day is to be reserved for the interview with unaccompanied minors by default. This increases the probability of establishing all facts in one interview and reduces the need for minors to travel to a second interview<sup>(1037)</sup>.

#### *Processing of applications*

In **the United Kingdom**, the Home Office published update policy guidance on children's asylum claims<sup>(1038)</sup>. UNHCR raised concern about not including in the guidance an expanded section of guidance on the subject of credibility assessment in children's claims and for best interests to be used to inform decisions on durability of leave where there is no prospect of return.

**Sweden** and **Ireland** decided to prioritise the examination of UAMs cases. In **Sweden**, asylum cases involving 17-year-old unaccompanied minors are to be prioritised against all other UAM cases. This is to avoid loss of rights in case the unaccompanied minor reaches 18 before a decision is issued. In February 2017, **Ireland** accorded priority (in terms of scheduling of interviews) to certain classes of applications, including cases of UAMs in the care of Tusla, the Child and Family Agency and UAMs who have now aged out. UNHCR offered advice on the prioritisation and supported the process<sup>(1039)</sup>.

#### *Tracing the family members*

<sup>(1034)</sup> The commission will be in charge of carrying out individual assessments regarding the best interest of the child with the aim of delivering an authorisation of stay or a return decision.

<sup>(1035)</sup> More precisely, IOM establishes contact with the child's family and drafts a report, which includes information on the reception conditions awaiting the child in case of return to the country of origin, the existence of family members and their relations with the child as well as on the child's perspectives within the family environment. This new process kicked off in October 2017.

<sup>(1036)</sup> See: <https://www.kinderrechtencommissariaat.be/advies/belang-van-het-kind-op-de-vlucht>.

<sup>(1037)</sup> The duration of all asylum interviews had previously been shortened to increase efficiency after the influx of asylum seekers in 2015.

<sup>(1038)</sup> See: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/650514/children\\_s-asylum-claims-v2\\_0.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/650514/children_s-asylum-claims-v2_0.pdf).

<sup>(1039)</sup> Joint UNHCR IPO Information Note on Prioritisation: [http://www.ipo.gov.ie/en/IPO/Prioritisation\\_of\\_International\\_Protection\\_Applications\\_IPO\\_UNHCR\\_Notice\\_2017.pdf/Files/Prioritisation\\_of\\_International\\_Protection\\_Applications\\_IPO\\_UNHCR\\_Notice\\_2017.pdf](http://www.ipo.gov.ie/en/IPO/Prioritisation_of_International_Protection_Applications_IPO_UNHCR_Notice_2017.pdf/Files/Prioritisation_of_International_Protection_Applications_IPO_UNHCR_Notice_2017.pdf).

**The United Kingdom** updated asylum policy guidance on tracing the family members of unaccompanied asylum seeking children in July 2017 <sup>(1040)</sup>.

New Law No 47/2017 in **Italy**, introduced an obligation to carry out family tracing activities for each foreign minor. If family members are identified to take care of the unaccompanied minor and this solution is in his/her best interests, this must be preferred option.

#### *Strengthening protection of UAMs*

The first ever safeguarding strategy was published in **the United Kingdom** in November 2017. This set out the government's commitments to safeguard and promote the welfare of unaccompanied asylum seeking and refugee children. Part of this strategy was a commitment to specialist training for 1 000 foster carers and support workers to improve their skills and confidence in caring for unaccompanied child migrants <sup>(1041)</sup>.

**Sweden** introduced new regulations in the Social Services Act and the Health and Medical Services Act to guarantee access to healthcare for unaccompanied minors. Municipalities and County Councils were tasked to implement the new policies. Additional funds have been also allocated to strengthen the capacity for authorities working to prevent mental ill health and suicide. More stakeholders got involved in efforts to promote health and to prevent illness (e.g. the Authority for Civil and Youth Affairs, sports associations and the Swedish Red Cross). The National Board of Health and Welfare has as well reinforced its efforts to support professionals working to prevent mental ill health among minors.

In **Sweden**, a new draft proposal envisages to extend the duration of residence permits for unaccompanied minors. The proposal has met with criticism over the coverage, as the bill would cover only unaccompanied children who arrived before November 2015 <sup>(1042)</sup>.

In February 2018, amendments to the **Norwegian** Immigration Regulations on the issuance of temporary and humanitarian residence permits to unaccompanied minors came into force (followed by the Ministry's instructions G-03/2018 providing detailed guidance on interpretation and practice and a new circular RS 2018-001) <sup>(1043)</sup> which enables unaccompanied minors who have received a negative decision in asylum proceedings but have been granted a temporary residence permit in Norway to lodge a new asylum application (also from abroad). This is in the context of a number of unaccompanied and separated children who have disappeared from Norway after receiving a temporary residence permit, most of them having gone missing during 2017.

New [Law No 47/2017](#) on the national protection of foreign UAMs in **Italy** (entered into force in May 2017), reinforces the protection of unaccompanied minors by specifically introducing a national form of protection on account of their minority only. It prohibits the refusal of entry to UAMs and places a further condition for their possible return <sup>(1044)</sup>. It also introduces procedures for the acceleration of identification of unaccompanied minors as well as the guarantee of medical assistance (children received the right to be registered in the National Health System). The new law also introduced the principle of equal treatment for unaccompanied foreign minors, compared to minors of Italian and EU citizens. On 24 February 2017, the Ministry of Labour and Social Policies published also the Guidelines for the conversion of the residence permit of unaccompanied foreign minors on their reaching the age of majority. In general, developments in the care for children and UAMs were noted as positive by the civil society <sup>(1045)</sup>.

In **Sweden**, in September 2017, the SMA revised its standards for the initial process for unaccompanied minors in order to be in line with legislative amendments and to further improve the identification and accommodation of minors' needs and rights.

<sup>(1040)</sup> See: <https://www.gov.uk/government/publications/tracing-family-members-of-unaccompanied-asylum-seeking-children>.

<sup>(1041)</sup> See: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/656425/UASC\\_Safeguarding\\_Strategy\\_2017.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/656425/UASC_Safeguarding_Strategy_2017.pdf).

<sup>(1042)</sup> Government Offices of Sweden, *A new possibility for residence permit for single persons*, 27 November 2017.

<sup>(1043)</sup> See: <https://www.udiregelverk.no/no/rettskilder/departementets-rundskriv-og-instrukser/g-032018/>, [https://udiregelverk.no/no/rettskilder/sentrale/Immigration\\_Regulations/](https://udiregelverk.no/no/rettskilder/sentrale/Immigration_Regulations/) and <https://udiregelverk.no/no/rettskilder/udi-rundskriv/rs-2018-001>.

<sup>(1044)</sup> If the conditions are met, it requires a further order from the Juvenile Court to be made within 30 days from the request of the *Questore* and after a concrete assessment that it does not involve a risk of serious damage to the child.

<sup>(1045)</sup> Emergency Programme Italia input to the EASO Annual Report.

*Intra-EU cooperation*

As reported for 2016, **Ireland** agreed, on 10 November 2016, to work with the French authorities to identify up to 200 unaccompanied minors previously living in the unofficial migrant camp at Calais and who have expressed a desire to relocate to Ireland. A first mission to meet unaccompanied minors in France took place in January 2017 and included officials from Tusla, the Child and Family Agency, the Irish Refugee Protection Programme Office of the Department of Justice and Equality and members of An Garda Síochána who carried out security assessments. By the end of 2017, 39 unaccompanied minors had been relocated to Ireland under this programme <sup>(1046)</sup>.

*New legislation, instruments and policies*

In **Hungary**, on the basis of new legal provisions since 28 March 2017 (see [Section 3.1](#)) it is allowed to place unaccompanied minors, who are asylum seekers of at least 14 years of age, in the transit zone during a mass immigration crisis <sup>(1047)</sup> where they are offered respective services while unaccompanied minors under 14 years instead are not accommodated in transit zones <sup>(1048)</sup>.

In July 2017 in **Denmark** new regulations for order at reception centres for UASC <sup>(1049)</sup> came into force, indicating how to behave (drugs and alcohol not allowed), curfews, right to representation and related issues.

*Integration measures for UAMs*

**Germany** continued efforts in strengthening networks and partnerships between different local actors. The federal programme Welcome Among Friends <sup>(1050)</sup> supporting local communities in admission, care and accommodation of young refugees expanded in 2017. The website [www.willkommen-bei-freunden.de](http://www.willkommen-bei-freunden.de) has been expanded into an extensive portal for different topics, combined with an app helping match volunteers with refugee projects that need them.

In **Belgium** in 2017 efforts focused on increasing the number of places where UAMs are assisted to solve the bottleneck in providing individual reception for these UAMs and in preparation of them living independently (transit period of 6 months). Fedasil enables UAMs who are beneficiaries of international protection and 16 years of age to move towards more individual reception structures, mostly Local Reception Initiatives. By December 2017 there were 334 places in Local Reception Initiatives for UAMs and the ratio of staff to UAMs is 5:3. Other initiatives are developed by the Youth Care Services of the French, German and Flemish community to coach UAM who receive international protection to life independently and in particular for those UAMs who are vulnerable <sup>(1051)</sup>.

<sup>(1046)</sup> To coordinate Tusla's role in this effort, Tusla established the Calais Special Project which is led by the Separated Children's Team. Additional resources were allocated – including additional social workers, aftercare workers and administrative support, and three new residential intake units specifically for separated children were opened in 2017.

<sup>(1047)</sup> Accordingly, unaccompanied minors over the age of 14 do not enter the child protection system until their application for refugee status is handed down (they are not covered by the Child Protection Act) and therefore do not have a child protection status. As a result of this amendment, unaccompanied minors over the age of 14 will only be allowed to enter the country if they have been granted refugee or protected status. Asylum seeker unaccompanied minors under the age of 14 and unaccompanied minors for non-migration (for other reasons without accompaniment: parent accident, illness, criminal procedure, etc.) are still in the process of being placed in the Károlyi István Children's Center during a mass immigration crisis.

<sup>(1048)</sup> Children receive 5 meals a day, pregnant women and mothers with new-born children and children receive fruit and dairy products daily.

<sup>(1049)</sup> [http://www.folketingstidende.dk/Rlpdf/samling/20161/lovforslag/L204/20161\\_L204\\_som\\_vedtaget.pdf](http://www.folketingstidende.dk/Rlpdf/samling/20161/lovforslag/L204/20161_L204_som_vedtaget.pdf).

<sup>(1050)</sup> Relevant parts of the programme (which is not aimed solely at unaccompanied minors) promotes cooperation between local administration, carers of the youth welfare system, other social work specialists, and young refugees themselves, with measures like counselling, trainings, workshops, process supports and dialogues, implemented in 167 municipalities in all federal states. Key topics for the actors include the transition from school to vocational training/occupation; young refugees attaining the age of majority; municipal integration strategy/plan; building a network of child day-care centres. The programme is implemented since 2015, funded by Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ).

<sup>(1051)</sup> An agreement was concluded between the organisation *Soziale Integration und Alltagshilfe* (SIA) and the government of the German speaking community related to the protection and care of UAMs to provide co-housing and professional coaching for UAMs from 2018. Similarly, Mentor-Escale was engaged by the service MENA (Unaccompanied minors) of the Youth Care Service of the French community to coach ten UAMs from the age of 16 onwards to life independently. In Flanders so-called Small Living Units (*Kleine wooneenheden*) were created by various private partners of the Flemish Youth Care Service for unaccompanied minors from 16 years of age onwards who need long-term support. These are individual reception facilities where 4 to 6 UAMs live together in co-housing under flexible supervision of the youth care services. About a hundred beneficiaries of international protection receive in these units a support tailored on individual needs. They can stay there until the age of 25.

In **Slovenia**, the Government decided that unaccompanied minors would still be accommodated in a Students Home in Postojna, where round the clock expert care is provided, regardless of the status they have in Slovenia <sup>(1052)</sup>.

**Austria** developed a separate youth curriculum for unaccompanied minors between 15 and 18 years of age, in which they are instructed on the Austrian school system and how to manage their daily activities and personal finances <sup>(1053)</sup>.

In September 2017, the government in **France** has taken over the previous government's pledge and launched a reflection on the sheltering of declared minors (not only the ones seeking asylum) during the age assessment period, through a fact-finding mission.

In **Italy**, eight projects devoted to UAMs' support and integration in 12 Italian regions, mainly southern ones, have been awarded for a total of EUR 3.5 million.

#### *Allocation mechanisms*

In the **United Kingdom** on 7 December 2017 it was announced that the Home Office's National Transfer Scheme is to be rolled out to Wales, Scotland and northern Ireland. Once passed, this legislation will enable local authorities across Scotland and Wales, and Health and Social Care Trusts in northern Ireland, to participate in the voluntary scheme where local authorities which are caring for a disproportionate number of unaccompanied children can transfer children to another council with capacity <sup>(1054)</sup>.

#### *Coordination mechanisms*

In **Bulgaria** State Agency for Refugees (SAR) participated in the elaboration of a Coordination Mechanism for interaction between institutions and organisations guaranteeing the rights of unaccompanied foreign children residing in the Republic of Bulgaria, including those seeking and receiving international protection.

**Finland** sought to improve the effectiveness of guidance and communication in matters related to minors by naming unaccompanied minor liaison officers for all offices of the Finnish Immigration Service.

#### *Reception standards, monitoring and evaluation mechanisms*

In **Austria**, in September 2017, the Federal Ministry of the Interior conducted a workshop for raising awareness of issues related to the protection of children and youth in refugee accommodation facilities. In **Sweden**, the Government commissioned the National Board of Health and Welfare to establish and host a national knowledge centre on unaccompanied minors and young adults <sup>(1055)</sup>.

In the **Netherlands**, the Youth Care Inspectorate and the Inspectorate of Security and Justice in September 2017 published a re-evaluation of the quality of protected shelter for unaccompanied minors, concluding that the quality of shelter has improved and scoring ten out of twelve inspection criteria as sufficient <sup>(1056)</sup>.

In **Ireland**, as from 3 April 2017, complaints from residents of direct provision centres could be accepted by the Ombudsman and Ombudsman for Children offices <sup>(1057)</sup>. In July 2017, a report was published of

<sup>(1052)</sup> Students home also cooperates intensively with UOIM and the minors' legal representatives, guardians and centres for social work as well as with local communities that provide unaccompanied minors with different leisure time activities.

<sup>(1053)</sup> The Austrian Integration Fund, *ÖIF präsentiert Jugendcurriculum für Wertekurse*, available at [www.integrationsfonds.at/news/detail/article/oeif-praesentiert-jugendcurriculum-fuer-wertekurse/](http://www.integrationsfonds.at/news/detail/article/oeif-praesentiert-jugendcurriculum-fuer-wertekurse/) (accessed on 4 January 2018).

<sup>(1054)</sup> Local authorities are currently providing support to over 4 500 unaccompanied asylum-seeking children. Since the scheme was introduced last July, over 550 children have been transferred between English local authorities, see: <https://www.gov.uk/government/publications/asylum-transparency-data-november-2017>.

<sup>(1055)</sup> The idea is to highlight the need for accommodation and increase knowledge about what the assignment involves in order to secure access to foster homes. In line with this assignment, the National Board of Health has undertaken various information activities including, *inter alia*, a website ([www.mininsats.se](http://www.mininsats.se)). The centre was established on 1 April 2017.

<sup>(1056)</sup> The Central Agency for the Reception of Asylum Seekers has informed the inspectorate that further improvements have been made and that it now expects to score sufficient on all qualifications. The Inspectorate will continue with closely following the developments concerning protected shelter of unaccompanied minors. This initiative follows from previous state of play, when in 2016 it was found by the Youth Care Inspectorate and Justice and Security Inspectorate that the quality of the protected reception was inadequate and a discussion was sparked in the Dutch House of Representatives relating to disappearances of UAMs from COA's protected reception.

<sup>(1057)</sup> Office of the Ombudsman (30 March 2017) "Ombudsman and Ombudsman for Children can now investigate complaints from those in Direct Provision." *Press Release* Available at: [www.ombudsman.ie](http://www.ombudsman.ie)

*Consultations with children and young people living in Direct Provision.* This was the first direct consultation with young persons living in State-provided asylum seeker accommodation <sup>(1058)</sup>.

In **the United Kingdom**, the Department for Education published updated statutory guidance for local authorities and professionals who support unaccompanied migrant children, who may be victims, or potential victims, of modern slavery in November 2017 <sup>(1059)</sup>. The guidance was expanded from the original to set out how those undertaking the initial assessment of an unaccompanied child should be mindful of the issues facing this group of children. It also reflects recent changes, including an increase in children being brought to the UK under the Dublin III regulation, and the introduction of the National Transfer Scheme, launched in July 2016.

#### *Other developments*

In **Croatia**, a meeting with a number of stakeholders including the social welfare services and the child protection international authorities was held under the project Protecting children in the context of the refugee and migrant crisis in Europe, led by IOM Budapest. The aim of the meetings was to develop a flowchart mechanism on Unaccompanied Migrant Children proceedings, which will be piloted in two services: the Institution for education of children and juveniles Dugave and Children Institution A.G. Matoš located in Zagreb.

On 20 June 2017, the Ombudscommittee for the Rights of the Child, in collaboration with Brainiact, published a report on UAMs in **Luxembourg**, presenting testimonies and reflections based on visits of three facilities for UAMs in Luxembourg.

In **Germany**, the Federal Government's second report on the situation of unaccompanied minor foreigners in Germany was drafted. The report will probably be published in the first half of 2018.

#### *Other concerns voiced by the UNHCR and civil society*

- In **Spain**, separated children (mostly between 15-17 years old) who live with relatives other than their parents (i.e. brother, uncle) or with friends of the family in Spain encountered obstacles in accessing the asylum procedure due to a lack of legal documents establishing the *de facto* care situation <sup>(1060)</sup>. In the absence of a legal representative, competent asylum authorities did not allow them to lodge their asylum claims, but referred them to child protection authorities who did not provide solutions. In addition, due to increased numbers of applications, asylum authorities have abandoned a positive practice of conducting additional interviews for unaccompanied minors in order to guarantee a proper first-hand disclosure of information;
- Standard Operating Procedures in **Bulgaria** which have been developed for the treatment of unaccompanied children due to objections from the Bulgarian Ministry of Labour and Social Policy are reportedly not applied;
- In **Croatia**, concerns relate to the high rate (close to 90 %) of absconding unaccompanied minors; an insufficient number of interpreters; and difficulties in accessing secondary education and vocational trainings. It was also noted that further cooperation among relevant stakeholders would be required <sup>(1061)</sup>.

### 4.10.2. Others vulnerable groups

<sup>(1058)</sup> Department of Justice and Equality (18 July 2017) "Minister Flanagan and Minister of State Stanton publish the report of Consultations with Children in Direct Provision." *Press Release*. Available at: [www.inis.gov.ie](http://www.inis.gov.ie)

<sup>(1059)</sup> See: <https://www.gov.uk/government/publications/care-of-unaccompanied-and-trafficked-children>.

<sup>(1060)</sup> See: Committee on the Rights of the Child, Concluding observations on the combined fifth and sixth periodic reports of Spain, CRC/C/ESP/CO, February 2018: [http://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/ESP/CRC\\_C\\_ESP\\_CO\\_5-6\\_30177\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/ESP/CRC_C_ESP_CO_5-6_30177_E.pdf).

<sup>(1061)</sup> Ombudsperson for Children, Preporuka pravobraniteljice o zaštiti djece stranaca bez pratnje (Recommendations of the Ombudsperson for Children on Protection Unaccompanied Children), <http://www.dijete.hr/www/?p=4920>. As reported by the Ministry of the Interior, unaccompanied minors who have expressed the intention to apply for international protection are placed in Residential Institutions for Children, which provide social welfare services to unaccompanied children. Since those facilities are of open type, it is difficult to guarantee the prevention from absconding. Also, according to the Article 58 of the Act on International and Temporary Protection, unaccompanied minors who have expressed the intention to apply for international protection have the same rights to secondary education and vocational trainings as Croatian citizens.

*Special reception facilities and services*

In October 2017, the first care centre in **Austria**, which focuses exclusively on women with refugee background, was opened in Vienna <sup>(1062)</sup>.

In **Latvia**, based on a new legislative provisions, vulnerable applicants are to be accommodated within the reception system (accommodation facilities or temporary housing). A separate part was established in the detained foreigners accommodation centre Mucenieki, providing for accommodation of women, children and families. Further rooms suitable for families with children were arranged in the open accommodation centre in Mucenieki and a pilot project for provision of the pre-school education programme was launched.

**Croatia** established a reception Centre with capacity of 100 beds specially designed for vulnerable persons in Kutina. MoI developed an AMIF funded project for provision of psychosocial support and social services in the reception centres for asylum seekers <sup>(1063)</sup>.

The **Finnish** Immigration Service maintained a small unit with 20 places as part of an existing reception centre to cater for applicants in need of special and intensified support (including various symptoms of mild mental health problems that are considered not to necessitate hospital care but do require support that a normal reception centre cannot provide). While the overall reception capacity was reduced in Finland and adjusted to the prevailing situation, the plan is to establish another such unit during 2018. In addition, three reception centres have places especially for asylum seekers belonging to LGBTI minorities, should they need such places <sup>(1064)</sup>.

In **Italy**, funding of reception projects for vulnerable categories of applicants was also approved for the period 2017-2019, within the expansion of the SPRAR network for reception. While pointing out to remaining needs, UNHCR welcomed the increasing numbers of emergency facilities specialised in assistance and response to vulnerable groups within the ordinary first- and second-line reception system.

In **Croatia**, an AMIF-funded project was developed for provision of psychosocial support and social services in the reception centres for asylum seekers <sup>(1065)</sup>. The project covers only special reception guarantees.

In **Belgium**, the state-subsidised project of Çavaria aimed at lesbian, gay, bisexual and transgender applicants for international protection in individual and collective reception facilities, Safe Havens <sup>(1066)</sup>, initiated in 2016, was prolonged to 2017. Also a project that supports staff in the reception facilities in addressing issues related to drug use by residents and refers asylum seekers to specialised medical, psycho-social centres for addiction treatment, was prolonged.

In **Finland**, a project was launched to develop the initial health examination of asylum seekers. The project will first collect information on the health, well-being and service needs of asylum seekers who have arrived in Finland. Based on this information, a national model will be developed for identifying the various service needs of asylum seekers. The Finnish Immigration Service will be responsible for implementing the model in reception centres. In addition, on 7 November 2017, the Finnish Immigration Service announced the launch of a special project called The Let's Talk about Children method in reception services – psychosocial support for families with children and the vulnerable. This project aims to support the well-being and development of asylum seeker families and unaccompanied minors and will first be piloted in a number of reception centres for adults and families, and in units for minors. Subsequently, training sessions will be provided to introduce the operating model throughout the reception system.

<sup>(1062)</sup> It offers individual counselling on language acquisition, education or contraception as well as group offers, such as a women's café.

<sup>(1063)</sup> Ministry of Interior, Independent Sector for Schengen Coordination and European Union, *Dodjela financijskih sredstava za provedbu projekta „Psihosocijalna podrška i socijalne usluge tražiteljima međunarodne zaštite“*, 24.01.2017, <http://eufondovi.mup.hr/novosti/dodjela-financijskih-sredstava-za-provedbu-projekta-psihosocijalna-podrška-i-socijalne-usluge-traziteliima-medjunarodne-zastite/153>.

<sup>(1064)</sup> The places are in reception centres located in larger cities, enabling asylum seekers to participate in services intended for LGBTI minorities outside the reception centres.

<sup>(1065)</sup> Ministry of Interior, Independent Sector for Schengen Coordination and European Union, *Dodjela financijskih sredstava za provedbu projekta „Psihosocijalna podrška i socijalne usluge tražiteljima međunarodne zaštite“*, 24.01.2017, <http://eufondovi.mup.hr/novosti/dodjela-financijskih-sredstava-za-provedbu-projekta-psihosocijalna-podrška-i-socijalne-usluge-traziteliima-medjunarodne-zastite/153>.

<sup>(1066)</sup> The project provides training to the staff of the reception facilities with regard to the accompaniment of LGBT asylum seekers with regard to the accompaniment of LGBT asylum seekers and organises meetings for LGBT asylum seekers where they can meet representatives of LGBT associations and other LGBT asylum seekers in order to increase the self-reliance of the target group by informing them about their rights and by expanding their social network.

In **Slovenia**, a new tender was published for provision of psychiatric treatment (4-hour long consultations with a psychiatrist once a week) to applicants for international protection regardless of where they are accommodated. The project also includes assistance and training for persons who provide psycho-social care of applicants for international protection.

In **Luxembourg**, awareness-raising campaigns on sexual practices were carried out in reception facilities, in order to prevent sexually transmitted diseases. These also included information on sexual mutilation.

UNHCR raised concern that there are no special reception facilities for vulnerable groups in **Cyprus**. Also civil society noted that, although efforts are made in **Cyprus** to ensure prioritisation is given to vulnerable cases, especially to victims of torture, violence or trafficking, it does not necessarily imply that other important safeguards are followed, such as the evaluation of their vulnerability and psychological condition and how this may affect their capability to respond to the questions of the interview. In addition these cases may start out prioritised but there are often delays due to lack of interpreters or requirements for other examinations to be concluded before a decision can be made such as examination of victims of torture by the Medical Board or victims of trafficking by the Anti Trafficking Department of the Police <sup>(1067)</sup>.

With regard to **Greece**, UNHCR pointed out that while in the first semester of 2017 positive developments were observed in the shelter allocation with special areas for families, single women and UAMs in RICs, due the congestion the system collapsed in most of the RICs, with reception conditions dramatically deteriorating, with a specific impact on vulnerable groups. Overall, the reception capacity is however lower than actual needs, in particular for unaccompanied children, sexual and gender-based violence (SGBV) survivors and persons at risk of SGBV <sup>(1068)</sup>. Furthermore, serious gaps are observed in the referral of persons with critical mental health condition due to the limited specialised facilities and treatment. Also, with regard to **Spain**, while acknowledging that some new special reception facilities were opened, i.e. for LGBTI and persons with mental disabilities, UNHCR indicated that there remains the need to establish and increase specific reception facilities for people with specific needs, such as women survivors of SGBV and victims of human trafficking.

#### *Identification mechanisms/referrals*

Developments to help improve the identification of vulnerable needs took place in e.g. **Latvia**, **Greece**, the **Netherlands**, **Luxembourg**, **Malta**, **Slovenia** and **Sweden**. In **Sweden**, a pilot project to test the EASO tool Identification of Persons with Special Needs (IPSN) was conducted in 2017. At the same time, the **Swedish** Migration Agency's IT-system was improved to make it easier to define vulnerable groups <sup>(1069)</sup>. All staff are also obliged to report vulnerabilities into a common database. IPSN also started to be used during the asylum procedure in **Latvia**.

In the **Netherlands**, the Dutch parliament adopted a motion with a view to improving the vulnerability assessment of LGBTI asylum seekers <sup>(1070)</sup>.

In **Slovenia**, a new contract was signed with NGOs participating in the PATS <sup>(1071)</sup> project. The project's goal is to identify and inform potential victims of human trafficking, sexual and gender based violence in asylum procedures with a view of providing them an adequate treatment. Under the new contract, in case of an unaccompanied minor, information session must take place immediately after he/she submits an application.

<sup>(1067)</sup> See: AIDA, Country Report Cyprus, Update, March 2017, <http://bit.ly/2mEU8zB>.

<sup>(1068)</sup> Currently vulnerable individuals, both at the border locations or the mainland, can be referred to UNHCR's apartments or partners' accommodation/hotels, special shelters for women, shelters for unaccompanied children. Single parent families can be referred to sites with residents of the same profile.

<sup>(1069)</sup> The pilot project resulted in a decision on a standard procedure for the documentation of results from the identification of vulnerable persons. As another outcome of the project, it was observed that there was a lack of knowledge among the staff of the Migration Agency about how to identify vulnerable persons and about what to do next in case an asylum seeker is identified as vulnerable. Therefore, new educational material will be developed in 2018.

<sup>(1070)</sup> Asylum Research Consultancy, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/Asylum-Research-Consultancy-uk.pdf>.

<sup>(1071)</sup> "Introducing a mechanism for identification of, assistance to and protection of victims of trafficking in human beings and/or sexual abuse in asylum procedures in Slovenia (PATS)", [http://www.vlada.si/en/projects/combating\\_trafficking\\_in\\_human\\_beings/pomoc\\_in\\_zascita\\_zrtcev\\_trgovine\\_z\\_ljudmi/](http://www.vlada.si/en/projects/combating_trafficking_in_human_beings/pomoc_in_zascita_zrtcev_trgovine_z_ljudmi/).

In order to improve the detection of vulnerability (for instance in the case of victims of torture) of people accommodated in the SHUK (*structure d'hébergement d'urgence Kirchberg* - emergency accommodation structure in Kirchberg) in the context of Dublin procedure, **Luxembourg** planned to adapt appropriately the Dublin questionnaire.

Changes were also introduced specifically with regard to vulnerability assessment. In July 2017, the Hellenic Centre for Disease Control and Prevention (KEELPNO) became responsible for carrying out the medical screening and vulnerability assessment (previously subcontracted to NGOs) in **Greece**. A dedicated template was also developed for that purpose. UNHCR noted that, although the transition was considered to be a positive development, it has been very challenging due the delays in the deployment of the required staff by KEELPNO.

In **Malta**, the Office of the Refugee Commissioner started carrying out a preliminary vulnerability assessment in relation to all new applicants for international protection when lodging an application. This assessment is based on readily apparent signs or the applicant's own declarations, and is done by non-medical practitioners for the sole purpose of identifying vulnerable persons for possible procedural guarantees that might be needed.

Two trainings sessions and one national awareness meeting for national stakeholders were held in **Portugal** in the framework of the project Time for Needs: Listening, Healing, Protecting aimed at the dissemination of a tool and of information materials pertaining to the identification and provision of special procedural needs and special reception needs of survivors of torture and/or serious violence developed in the framework of the project <sup>(1072)</sup>.

Various **concerns** were raised by the UNHCR and civil society in relation to the identification of persons with special needs (both reception and procedural).

Civil society emphasised that there is a lack of a proper legal framework (in **Hungary** <sup>(1073)</sup>), standard mechanism (in **Norway** <sup>(1074)</sup>), comprehensive system (in **Cyprus** and **Lithuania**), specific mechanisms, standard operating procedures / protocols (in **Portugal** <sup>(1075)</sup> and **Spain** <sup>(1076)</sup>) for the identification of vulnerable applicants and further referral.

In other EU+ countries, despite procedures and mechanism in place for the identification of vulnerable applicants, civil society highlighted several challenges to actually identify vulnerability in practice. In **Poland**, in September 2017, the Polish Ombudsman published a report in which it is clearly set out that there is an ongoing problem with the system of identification of vulnerable groups in detention – the system as envisaged in law does not work in practice <sup>(1077)</sup>. In the **UK**, significant concerns were raised with regard to the identification of trafficked asylum seekers, including children and their possibility to receive asylum in the UK due to problems related to their credibility assessment <sup>(1078)</sup>. In **Greece**, according to the UNHCR, concern was raised concerning limited involvement of national authorities in applying referral pathways of vulnerable individuals and lack of efficient identification and referral of

<sup>(1072)</sup> See press releases available at: <https://goo.gl/VCG3UM>, project materials available at: <https://goo.gl/2BP2vh>, and AIDA Country Report: Portugal (2017), <http://www.asylumineurope.org/reports/country/portugal>.

<sup>(1073)</sup> Hungarian Helsinki Committee, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/hungarian-helsinki-committee.pdf>.

<sup>(1074)</sup> According to the Norwegian Organisation for Asylum Seekers (NOAS), especially torture victims' injuries are not properly investigated/documentated in Norway. Input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/noas.pdf>

<sup>(1075)</sup> See AIDA Country Report: Portugal (2016) available: <http://www.asylumineurope.org/reports/country/portugal> and in the particular case of survivors of torture and/or serious violence, see: Italian Council for Refugees et al., Time for Needs: Listening, Healing, Protecting, October 2017, available at: <http://bit.ly/2xZqCGh>.

<sup>(1076)</sup> According to UNHCR, there is lack of identification and referral mechanism for asylum seekers with specific needs (including for victims of human trafficking or potential victims of human trafficking) mainly in Ceuta and Melilla, but also at airports and detention centres. Due to Madrid airport situation during 2017 (higher presence of women asylum seekers potential victims of trafficking) an *ad hoc* mechanism between the OAR, Ministry of Employment, Spanish Red Cross and NGO assisting Victims of Human Trafficking was established at the Madrid airport. Although the measure is a positive step in the correct direction, it proved to be insufficient and very precarious not responding efficiently to the challenges these situations posed (recently the police working at the airport premises has received a training on detection of victims of human trafficking). Moreover, such mechanism was not applicable to other airports and detentions centres. Civil society also reiterated a need to establish a protocol for the prevention and response to SGBV incidents for reception facilities, including in Melilla and Ceuta as well as a need to develop guidelines and checklists in order to better process and assess asylum claims of persons with specific needs (UNHCR input).

<sup>(1077)</sup> AIDA, Country Report Poland, 2017 Update, <http://bit.ly/2ozUJm5>. As reported by the Office for Foreigners, to address specific shortcomings in this area, trainings addressed to border guards were conducted by external experts throughout 2017.

<sup>(1078)</sup> Every Child Protected against Trafficking (ECPAT) input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/ecpat-uk.pdf>.

vulnerable individuals to further administrative treatment in accordance with their specific needs directly upon arrival, while it was pointed out by the Greek Asylum Service that during 2017, the Asylum Service issued 15 812 decisions (of an overall 26 758 lodged applications in the five islands with hotspots) referring vulnerable applicants to the normal procedure thus allowing their transfer to the mainland and excluding them from the border procedure being implemented exceptionally according to Article 60.1 of Law 4375/2016.

Furthermore, even when vulnerable applicants are identified, civil society noted **that there is room for improvement in catering to their special needs in practice**, in e.g. **Croatia** <sup>(1079)</sup> and **Switzerland** <sup>(1080)</sup>. In Switzerland, this concerned in particular traumatised asylum seekers as well as vulnerable female asylum seekers.

### *Strengthening protection*

In **Sweden**, a proposal on stricter rules for the recognition of foreign marriages concluded by children without a previous connection to Sweden was tabled. According to the proposal, foreign child marriages, where neither party is affiliated with Sweden, shall not be recognised if any of the parties were under 18 when one of them came to Sweden <sup>(1081)</sup>.

In **Luxembourg**, on 10 August 2017, the bill approving the Council of Europe Convention on preventing and combating violence against women and domestic violence was submitted to Parliament. The bill foresees to modify Luxembourg's immigration law by adding the possibility that the victims of a forced marriage who were coerced to leave the territory can recover their residence permit. Furthermore, victims of domestic violence can be granted an authorisation of stay for personal reasons under a number of conditions.

In **the United Kingdom**, on 27 April 2017, the Children and Social work Act came into force <sup>(1082)</sup>. It is intended to improve support for looked after children and care leavers, promote the welfare and safeguarding of children, and make provisions about the regulation of social workers <sup>(1083)</sup>. In addition, the Refugee Council worked with the Home Office on the Epione project to provide a gender sensitive early intervention treatment to asylum seeking women presenting with experiences of sexual violence to help address their psychosocial needs in a safe and nurturing environment <sup>(1084)</sup>. **Luxembourg** and **Belgium** put a focus on asylum seekers with psycho-social problems, in particular victims (or in danger of becoming victims) of female genital mutilation. In **Belgium**, a guidance pathway or trajectory (developed under the 'FGM Global Approach' project) to support and refer them was adapted to be applied in both collective and individual reception facilities. In **France**, more than 6 000 girls and young women were placed under the OFPRA protection against the risk of female genital mutilation (+ 14 % compared to 2016) <sup>(1085)</sup>.

In **Malta**, the Bill on Gender-Based Violence and Domestic Violence was presented in October 2017 to fully integrate and implement the provisions of the Istanbul Convention in national law.

<sup>(1079)</sup> European Association for the Defence of Human Rights (AEDH), input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/AEDH.pdf>. As reported by the Ministry of the Interior, special procedural and reception safeguards (including proper identification mechanisms, prioritisation of applications, modalities of the personal interview, regular consultation visits with the pediatrician and gynecologist etc.) are guaranteed to vulnerable applicants by the law (e.g. Article 15 of the Act on the international and Temporary Protection). Once a vulnerable applicant is placed in the reception centre, employees of the Ministry of Interior and other competent bodies, in cooperation with the Croatian Red Cross, Medecins du Monde and other NGOs are responsible for taking care of special needs of all vulnerable applicants on a daily basis. In general, efforts are made by the Ministry of the Interior and its partner organisations to improve reception conditions provided to vulnerable applicants, including their mental health and their inclusion into society.

<sup>(1080)</sup> Asylex, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/Asylex-web.pdf>.

<sup>(1081)</sup> See: <http://www.regeringen.se/pressmeddelanden/2017/12/starkt-skydd-mot-barnaktenskap/>.

<sup>(1082)</sup> See: <https://www.basw.co.uk/resource/?id=6748>.

<sup>(1083)</sup> The Act sets out corporate parenting principles for the council as a whole to be the best parent it can be to children in its care. Local authorities will be required to publish their support offer to care leavers and to promote the educational attainment of children who have been adopted or placed in other long-term arrangements. The legislation extends the current considerations of the court when making decisions about the long-term placement of children to include an assessment of current and future needs and of any relationship with the prospective adopter. The Act makes changes to the arrangements for local child safeguarding partnerships and the serious case review process, including provision for a central Child Safeguarding Practice Review Panel for cases of national importance. It also establishes a new regulatory regime for the social work profession.

<sup>(1084)</sup> See: [https://www.refugeecouncil.org.uk/what\\_we\\_do/therapeutic\\_casework/epione\\_project](https://www.refugeecouncil.org.uk/what_we_do/therapeutic_casework/epione_project).

<sup>(1085)</sup> OFPRA.

*Processing of applications*

In September 2017, the **Swedish** Migration Agency introduced a new support function on handling LGBTI cases with the purpose to secure the quality and efficiency of the handling and decision-making in LGBTI cases through coordination and support. New legal guidelines on how to investigate and make decisions in asylum cases involving women who are persecuted because of their gender (Legal Guidelines SR 26/2017) were also developed. The guidelines are also implemented in manuals for caseworkers.

In February 2017, **Ireland** accorded priority (in terms of scheduling of interviews) to certain classes of applications, including cases of applicants over the age of 70 who are not part of a family group. UNHCR offered advice on the prioritisation and supported the process <sup>(1086)</sup>.

*Integration measures*

In **Belgium**, the state-subsidised project Buddy's for female refugees of the Women's Council, initiated in 2016 to provide support to single female beneficiaries of international protection (with or without children) during the transition period from material aid to financial assistance, was prolonged in 2017 <sup>(1087)</sup>.

**Italy** issued the Decree of 03 April 2017, which set out the guidelines for the programming of assistance and rehabilitation measures as well as for the treatment of mental disorders among people granted refugee status and subsidiary protection who have undergone torture, rape or other serious forms of psychological, physical or sexual violence.

*Other developments*

In November 2017, the Home Office in **the United Kingdom** published for the first time data on asylum claims made on the basis of sexual orientation <sup>(1088)</sup>.

On 24 April 2017, **Switzerland** acceded to the Optional Protocol to the UN Convention on the Rights of the Child which introduces an individual complaint procedure <sup>(1089)</sup>. On 31 May 2017, the National Council approved also Switzerland's accession to the CoE's Convention on preventing and combating violence against women and domestic violence. The Federal Council considers this will require no legislative change. <sup>(1090)</sup>. On 14 December 2017, Switzerland ratified the Convention, becoming its 28<sup>th</sup> state party. The Convention enters into force on 1 April 2018 <sup>(1091)</sup>.

In **Luxembourg**, the law of 7 November 2017 placed the Centre for Equal Treatment (CET) under the authority of the Parliament, previously working under the aegis of the Ministry of Family, Integration and the Greater Region. This institutional change allows the CET to highlight its independence from the Government and to group itself with other services active in the domain of protection and promotion of human rights. In addition, the Ombudsscommittee for the Rights of the Child published its Report to the Government and Parliament, in which it focuses on children's rights in a society that is becoming increasingly international and multi-faceted and issues recommendations on a range of issues, notably on children applicants for international protection, child victims of human trafficking and unaccompanied minors.

*National case law*

In **Iceland**, the Asylum Appeals Board recommended that specific guidelines and certain questionnaires be used if there is a reason to believe that an applicant may have been the victim of torture <sup>(1092)</sup>.

<sup>(1086)</sup> International Protection Office and UNHCR (27 February 2017) "Prioritisation of applications for international protection under the International Protection Act 2015", paragraph 4. Available at: [www.ipo.gov.ie](http://www.ipo.gov.ie).

<sup>(1087)</sup> The project helps refugee women, who are just recognised, to find housing on the regular rental market, contributes to the development of a social network and supports them at the start in their new society.

<sup>(1088)</sup> See: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/663468/asylum-claims-basis-sexual-orientation.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/663468/asylum-claims-basis-sexual-orientation.pdf).

<sup>(1089)</sup> The Federal Council, *Switzerland joins the Third Optional Protocol to the UN Convention on the Rights of the Child*, 24 April 2017, available at: <https://www.admin.ch/gov/en/start/documentation/media-releases.msg-id-66468.html>.

<sup>(1090)</sup> Neue Zürcher Zeitung, *Parlament spricht sich für Beitritt zur Istanbul-Konvention aus*, 31 May 2017, available at:

<https://www.nzz.ch/schweiz/gegen-gewalt-an-frauen-parlament-spricht-sich-fuer-beitritt-zur-istanbul-konvention-aus-ld.1298655>.

<sup>(1091)</sup> Humanrights.ch, *Übereinkommen des Europarats zur Verhütung und Bekämpfung von Gewalt gegen Frauen und häuslicher Gewalt (Istanbul-Konvention)*, available at: <https://www.humanrights.ch/de/menschenrechte-schweiz/europarat/istanbul-konvention/>.

<sup>(1092)</sup> See: <http://www.ruv.is/frett/logdu-ekki-fullnaegjandi-mat-a-pyntingar>.

On 30 August 2017, the **Austrian** Administrative High Court lifted a decision denying subsidiary protection to an Iraqi family with five minor children. According to the Administrative High Court, the vulnerability of the minor children was not taken duly into account by the Federal Administrative Court <sup>(1093)</sup>.

On 29 August 2017, the **German** Federal Constitutional Court ruled on Case 2 BvR 863/17 concerning a Syrian mother with four minor children (of 4, 9, 11 and 16 years of age) who had international protection status in Bulgaria and were ordered by the national authority, which was confirmed by the Administrative Court, to return to Bulgaria. The applicant successfully complained before the Federal Constitutional Court, which rejected the lower court's decision, because it failed to take into account the special needs and vulnerability of the family, and remitted the case to that Court for a new decision <sup>(1094)</sup>.

In addition, the Supreme Administrative Court highlighted the matter in two of its yearbook decisions, emphasising that it is the responsibility of the authorities to ensure the safe return and adequate reception of an unaccompanied minor (Decisions 2017:172 and 2017:173).

The **Swiss** Federal Court ruled that no advanced payments shall be asked from unaccompanied minor asylum seekers during their asylum procedure as such an administrative mechanism represents an insurmountable obstacle to the access to courts and is incompatible with Swiss and international rules of law concerning the legal protection of the child <sup>(1095)</sup>.

#### 4.11. 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).

Specific rights granted to beneficiaries of international protection are usually laid down in national legislation and policies, often as part of larger-scale integration plans concerning multiple categories of third country nationals, and embedded in national migration policies, where such have been defined at national level. A comprehensive overview of integration policies is provided in the Annual Policy Report of the European Migration Network (upcoming). Developments concerning beneficiaries of international protection, as well as related to measures implemented as pre-integration of asylum applicants are presented below.

##### *Adoption of national integrations plans and strategies and amendment of existing instruments*

In **Austria** major portions of the new Integration Act <sup>(1096)</sup> became effective as of June 2017, one effect of which was the initial creation of a central framework for integration measures. The act is intended to facilitate and accelerate the integration of persons granted asylum and beneficiaries of subsidiary protection aged 15 and over as well as legally residing third country nationals. Among the items specified in the act are compulsory German courses <sup>(1097)</sup> as well as values and orientation courses <sup>(1098)</sup> (Article 4,

<sup>(1093)</sup> Administrative High Court, 30 August 2017, Ra 2017/18/0089.

<sup>(1094)</sup> EDAL, *Germany: Federal Constitutional Court ruled against a return of a single mother with four minor children to Bulgaria*, 29 August 2017, accessed 28 September 2017.

<sup>(1095)</sup> Decision 12T 2/2016 from 16 October 2017, available at: [https://entscheide.weblaw.ch/cache.php?link=16.10.2017\\_12T\\_2-2016&q=&sel\\_lang=de](https://entscheide.weblaw.ch/cache.php?link=16.10.2017_12T_2-2016&q=&sel_lang=de).

<sup>(1096)</sup> FLG I No. 68/2017, in the version of FLG I No. 86/2017.

<sup>(1097)</sup> The act provides for language courses based on a model for promoting language acquisition up to level A2. The first module, offered by the Austrian Integration Fund, comprises proficiency in the Latin alphabet and A1-level language courses. Once language skills at level A1 have been obtained, persons granted asylum and beneficiaries of subsidiary protection are provided with German courses at the A2 level by the Public Employment Service, while supplementary instruction in job-specific language is also given.

<sup>(1098)</sup> The Integration Act requires individuals belonging to this group to sign an integration declaration, thereby committing themselves to comply with the fundamental values of the legal and social system (declaration of values) and to attend, participate in and complete the German and values courses provided, to the extent that can be reasonably expected (Art. 6 para 1 Integration Act).

5 and 6 Integration Act). In these courses, participants also receive detailed instruction in values and orientation (Article 4 paragraph 2 of the Integration Act).

Similarly, in the **Netherlands** with effect from 1 October 2017, the participation statement became a compulsory component of civic integration for newcomers <sup>(1099)</sup>.

The Government of the Republic of **Croatia** at its session held on 23 November 2017 adopted the Action Plan for Integration of Persons Who Have Been Granted International Protection for the period from 2017 to 2019 <sup>(1100)</sup>. Implementation of specific measures under the action Plan will be supported by bespoke IT systems for enrolment in institutions of higher education for persons who have been granted international protection as well as for a more efficient definition of the manner and procedures for exercising rights to health care.

The Migrant Integration Strategy which provides the framework for Government action on migrant integration from 2017 – 2020 was published in **Ireland** in February 2017 <sup>(1101)</sup>. A Communities Integration Fund was launched with a total amount of EUR 500 000 to be made available throughout 2017 to local community based groups to promote integration in their area.

On 27 September 2017, the **Italian** Ministry of the Interior published the National Integration Plan for beneficiaries of international protection <sup>(1102)</sup>.

On 27 September 2017, the Council of Government in **Luxembourg** approved the elaboration of a new multiannual national action plan on integration. The finalisation of the plan will likely take place in 2018 <sup>(1103)</sup>.

**Czech Republic** approved modifications to the State Integration Programme (SIP) for beneficiaries of international protection on 16 January 2017. Following the new resolution the Refugee Facilities Administration (RFA) of the Ministry of the Interior acts as the general provider of integration services in 2017 <sup>(1104)</sup>. In **Latvia** the Cabinet approved the implementation plan of the Guidelines on National Identity, Civil Society and Integration Policy (2012–2018) <sup>(1105)</sup> for 2017 - 2018, including a number of

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<sup>(1099)</sup> This not only concerns asylum seeking migrants, but also third country nationals who come in the context of family formation or family reunification. The participation statement programme consists of an introduction to the core values of Dutch society and the signing of the participation statement. Via this programme, municipalities get newcomers acquainted with their rights and obligations and the fundamental values of Dutch society. The programme is concluded with the signing of a participation statement. With this, the newcomer declares to have learnt the values and ground rules of Dutch society, to respect them, and to want to contribute actively to that society (Bulletin of Acts and Decrees: [2017/285](#) and [2017/287](#)). Persons obliged to participate in a civic integration programme who refuse to sign the participation statement may be liable for a penalty of up to EUR 340. This penalty can be repeated.

<sup>(1100)</sup> <https://judskaprava.gov.hr/UserDocImages//dokumenti//AKCIJSKI%20PLAN%20ZA%20INTEGRACIJU%202017-2019.pdf>. National Plan for Combating Discrimination is a strategic document that sets out the priorities of the Government of the Republic of Croatia, proposes targets and directs its efforts to build a comprehensive system of protection against discrimination in the Republic of Croatia for a six-year period, while the Action Plan for implementation of the National Plan for the fight against discrimination for the period 2017-2019 presents a following operational document that sets out specific measures for the implementation of the National Plan for the first three years. 76 measures were planned in the field of work and employment, education and science, social welfare and family matters, health insurance, housing, public information and media. In order to monitor the implementation of the National Anti-Discrimination Plan 2017 to 2022, a Working Group is to be set up to monitor the implementation of the National Plan and report to the Government of the Republic of Croatia. See also: Paola Mikaba (Migration Policy Group), Croatian Action plan for the integration of beneficiaries of international protection (2017-2019), European Web Site on Integration, Migrant Integration Information and good practices, at <https://ec.europa.eu/migrant-integration/librarydoc/croatian-action-plan-for-the-integration-of-beneficiaries-of-international-protection-2017-2019>.

<sup>(1101)</sup> Department of Justice and Equality: Irish Naturalisation and Immigration Service (7 February 2017) "Tánaiste and Minister Stanton launch the Migrant Integration Strategy and the Communities Integration Fund." *Press Release* Available at: [www.inis.gov.ie](http://www.inis.gov.ie).

<sup>(1102)</sup> The programming document identifies the following areas of intervention: inter-religious dialogue, language training and access to education, training and capacity enhancement, access to health care, access to housing and residence, family reunification, information and guidance to services, prevention and fight against discrimination, participation processes and active citizenship. In line with the provisions of the National Integration Plan, 3 000 beneficiaries of international protection will be provided with places in the civic welfare service starting from 2018 (<http://www.serviziocivile.gov.it/media/703106/integrazione-avviso-3-8-17-fami.pdf>). In November 2017, the Ministry of the Interior, together with IOM, launched a student-tutoring project to support university students who are beneficiaries of international protection.

<sup>(1103)</sup> A draft plan was elaborated by OLAI in collaboration with an interministerial committee in the last quarter of 2017. After consultation with various stakeholder (civil society, municipalities, Parliament and the National Council of Foreigners), the draft will undergo further revision by OLAI and the interministerial committee. The plan is based on two axes: the reception and follow-up of applicants for international protection and the integration of Luxembourg's non-Luxembourgish residents.

<sup>(1104)</sup> Regional integration centres currently operate in 13 out of 14 regions of the Czech Republic. There is an intention to open the integration centre in the Central Bohemian Region (thus covering all regions) in 2018. Further projects were implemented in 15 municipalities, focusing on language skills and socio-cultural understanding etc.

<sup>(1105)</sup> Cabinet Order No. 268 "Regarding implementation plan of the Guidelines on National Identity, Civil Society and Integration Policy (2012–2018) for 2017 - 2018" of 31 May 2017 - *Latvijas Vēstnesis* No. 108, 02.06.2017 (came into force on 31.05.2017).

measures, driven towards promotion of the integration of third country nationals: trainings of Latvian and training materials of Latvian for specific groups of languages <sup>(1106)</sup>.

An Ordinance for the conditions and the order to conclude, implement and revoke an agreement for integration for persons with international protection status was adopted in **Bulgaria** in July 2017 <sup>(1107)</sup>. UNHCR reported that the ordinance remained unimplemented due to unwillingness of municipalities to play the key role they have been assigned, the lack of effective funding mechanisms, and the absence of a coordinating body.

Amnesty International held a comprehensive campaign 'Take injustice personally' <sup>(1108)</sup> listing a number of actions that different stakeholders can do to facilitate the integration of refugees <sup>(1109)</sup>.

### *Integration courses*

In **Germany**, on 21 June 2017 the Federal Cabinet adopted a revision to the Ordinance on Integration Courses (*Integrationskursverordnung*) to enable participants to enrol in courses faster and more easily <sup>(1110)</sup>. Child care for course participants was re-introduced during the first quarter of 2017, making it easier for families with small children to attend the courses <sup>(1111)</sup>. Initial orientation courses were developed primarily for asylum applicants whose chances of being allowed to stay in Germany are uncertain. This concept was tested in a model project which ran until the end of June 2017 <sup>(1112)</sup>. Following the ten-month model project, the initial orientation courses will gradually become a permanent service throughout Germany, funded by the Federal Ministry of the Interior via the Federal Office for Migration and Refugees in the amount of EUR 40 million in 2017.

Five 'integration reception centres' with fulltime qualification programs for asylum seekers who have been granted asylum or who have good prospects for refugee status were launched in **Norway**. In connection with the establishment of the centres, a scheme is being tested in which residents are offered financial incentives to participate in qualifying activities.

On integration related case law, on 10 January 2017, ECtHR in the case of *OSMANOĞLU ET KOCABAŞ c. SUISSE* (29086/12) ruled that the decision of **Swiss** authorities to fine parents that refused to send their girls to the compulsory mixed swimming classes did not violate Article 9 of the ECHR (freedom of thought, consciousness and religion) <sup>(1113)</sup>.

In **Hungary**, remaining concerns were reiterated by the Hungarian Helsinki Committee with regard to the complete withdrawal of all forms of integration assistance following legislative changes introduced in June 2016 <sup>(1114)</sup>. New concerns were also highlighted however including the government's withdrawal of its call under the AMIF for 13 areas, several of them related to integration services such as housing

<sup>(1106)</sup> Individual consultations for asylum seekers regarding the possibilities of finding a job afterwards, when they have acquired the refugee or alternative status take place in the asylum seekers accommodation centre in *Mucenieki*, and via an electronic material <https://begluintegracija.nva.gov.lv/>, while the Latvian Language Agency provided education to 281 asylum seekers in 2017.

<sup>(1107)</sup> According to the provisions of the Ordinance a person with international protection status has the right to conclude an integration agreement with a mayor of a municipality. The agreement comprises an individual integration plan with all necessary measures for effective integration, with indicators such as: access to education and training, employment, accommodation, health care and social services.

<sup>(1108)</sup> <https://www.amnesty.org/en/documents/org10/6719/2017/en/>.

<sup>(1109)</sup> 5 things you can do to welcome refugees: <https://www.amnesty.org/en/documents/act30/6912/2017/en/>; 5 things universities and schools can do to welcome refugees: <https://www.amnesty.org/en/documents/act30/6915/2017/en/>; 5 things faith groups can do to welcome refugees: <https://www.amnesty.org/en/documents/act30/6913/2017/en/>; 5 things businesses can do to welcome refugees: <https://www.amnesty.org/en/documents/act30/6914/2017/en/>.

<sup>(1110)</sup> A new enrolment procedure is currently being tested in 23 regions. The process starts with integration already at the arrival centre and is intended to ensure that participants (in particular asylum applicants) can start an integration course no later than two months after being required or found eligible to enrol. This procedure will eventually be applied throughout Germany.

<sup>(1111)</sup> The Federal Ministry of the Interior and the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth provide lump-sum funding for course providers offering child care for course participants.

<sup>(1112)</sup> In 300 hours of instruction, participants learn how to deal with daily life in Germany and about the values and laws which apply in the country, while gaining basic German language skills.

<sup>(1113)</sup> ECtHR, 10 January 2017, *OSMANOĞLU ET KOCABAŞ c. SUISSE* (29086/12). Available at: The full text of the decision is available here: [https://hudoc.echr.coe.int/eng#{"documentcollectionid2":\["GRANDCHAMBER","CHAMBER"\],"itemid":\["001-170346"\]}](https://hudoc.echr.coe.int/eng#{).

<sup>(1114)</sup> Hungarian Helsinki Committee, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/hungarian-helsinki-committee.pdf>. It was submitted by the Immigration and Asylum Office that recognised foreigners have nearly the same rights as the Hungarian citizens (with minor differences e.g. certain rights of voting are limited in the election law) and they are entitled to the same provisions as the Hungarians. They are entitled to the same rights concerning healthcare, education, labour-market provision/assistance.

assistance, training for professionals, psycho-social assistance, provision of assistance to UAMs, etc <sup>(1115)</sup>. UNHCR also pointed out that the potential for integration remained limited as the Government has terminated its integration support framework for refugees, and the only assistance available is from projects funded through AMIF and UNHCR <sup>(1116)</sup>.

#### *Access to language training*

In 2017 measures were taken in the **Netherlands** to improve an early integration and participation in the Netherlands for asylum seekers, starting even before a residence status has been received, e.g. from the first day (even without a residence status) access to professional language lessons is possible.

Another change in **Austria** was to move the integration agreement from the Settlement and Residence Act <sup>(1117)</sup> to the Integration Act. The provisions of the agreement serve to integrate third country nationals who are legally settled in Austria and aim to enable such individuals to acquire German language skills and, in contrast to the previous agreement, knowledge of the democratic system and its underlying fundamental principles (Article 7 paragraph 1 of the Integration Act) <sup>(1118)</sup>.

Also, in 2017 the **Croatian** Ministry of Science and Education concluded the contracts with the institutions in Zagreb, Velika Gorica, Kutina, and Crikvenica regarding the implementation of Croatian language, history and culture learning Program for asylum seekers and foreigners under subsidiary protection to be included into Croatian society.

#### *Access to labour market*

The new Integration Act in **Austria** is supplemented by the Integration Year Act. <sup>(1119)</sup> The latter, which entered into force in September 2017, allows persons granted asylum, beneficiaries of subsidiary protection and asylum seekers who will most likely receive protection status to participate in programmes to prepare for labour market entry. The integration year is administered by the Public Employment Service and is structured in modules, with the content depending on individuals' abilities and knowledge, and consisting of German courses beginning with the A2 level as well as values and orientation courses, administered by the Austrian Integration Fund. Participants are also placed in community service work by the Public Employment Service. This measure is intended to support long-term labour market integration <sup>(1120)</sup>.

On 29 August 2017, a cooperation agreement was signed in **Belgium**, by the State Secretary for Asylum Policy and Migration and the Walloon Minister for Employment in order to establish a structural cooperation between the federal reception agency Fedasil and the Walloon Public Employment Agency (Forem). The agreement's main aim is to increase the cooperation between the organisations involved in order to prepare applicants for international protection/ beneficiaries of international protection for employment as early as possible. UNHCR pointed out that access to employment remains difficult despite numerous new initiatives since 2015 <sup>(1121)</sup>.

Integration of beneficiaries of international protection into the labour market was realised through a number of large-scale projects in **Germany**: The German ESF programme Strong in the work place –

<sup>(1115)</sup> Hungarian Helsinki Committee, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/hungarian-helsinki-committee.pdf>.

<sup>(1116)</sup> Study commissioned by the European Parliament entitled 'Integration of Refugees in Greece, Hungary and Italy Comparative Analysis': [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/614194/IPOL\\_STU\(2017\)614194\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/614194/IPOL_STU(2017)614194_EN.pdf).

<sup>(1117)</sup> FLGI No. 100/2005, in the version of FLG I No. 145/2017.

<sup>(1118)</sup> The integration agreement consists of two consecutive modules, the second building on the first (Art. 7 Integration Act). The obligation to fulfil the agreement begins when an individual is granted a residence title for the first time. Module 1 must be completed within two years (Art. 7 para 2 Integration Act). Each module ends with a review, referred to as an integration exam, for the purpose of evaluating the participant's level of language acquisition and knowledge of the legal and social system (Art. 11 Integration Act). Although residence title holders are not generally required to complete module 2, successful completion is a prerequisite for obtaining the Permanent Residence – EU title and for acquiring Austrian citizenship (Art. 10 para 1 Integration Act). Help.gv.at, *Integrationsvereinbarung 2017*, available at [www.help.gv.at/Portal.Node/hlpd/public/content/12/Seite.120500.html](http://www.help.gv.at/Portal.Node/hlpd/public/content/12/Seite.120500.html) (accessed on 2 January 2018).

<sup>(1119)</sup> FLG I No. 75/2017.

<sup>(1120)</sup> Federal Ministry for Europe, Integration and Foreign Affairs, *Integrationsgesetz im Ministerrat beschlossen*. Press Release, Vienna, 28 March 2017, available at [www.bmeia.gv.at/das-ministerium/presse/aussendungen/2017/03/integrationsgesetz-im-ministerrat-beschlossen/](http://www.bmeia.gv.at/das-ministerium/presse/aussendungen/2017/03/integrationsgesetz-im-ministerrat-beschlossen/) (accessed on 18 December 2017).

<sup>(1121)</sup> See Fédération des Entreprises de Belgique, *Taskforce FEB Crise des réfugiés, 2015-2017 Bilan après 2 ans*, September 2017, <http://www.vbo-feb.be/en/business-issues/ethics--corporate-responsibility/egalite-des-chances/la-taskforce-feb-crise-des-refugies-a-2-ans-2017-10-16/>.

Migrant mothers get on board of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ) aims at facilitating the entry into employment of mothers with a migrant background, including refugee women who have a high probability of qualifying for residence status <sup>(1122)</sup>. With the programmes for refugees (*Perspektive für Flüchtlinge*, PerF), young refugees (*Perspektive für junge Flüchtlinge*, PerjuF) <sup>(1123)</sup> and female refugees (*Perspektive für weibliche Flüchtlinge*), occupational orientation can be combined with practical experience at work <sup>(1124)</sup>. A cooperation model ("*Step by Step in die betriebliche Ausbildung*") focuses on guiding young refugees into workplace training <sup>(1125)</sup>. Based on a cooperation agreement between the Federal Employment Agency, the Federal Ministry of Education and Research (BMBF) and the German Confederation of Skilled Crafts, an initiative was launched to help refugees enter vocational training (*Wege in die Ausbildung für Flüchtlinge*) <sup>(1126)</sup>. The Kommit programme is a cooperation model that combines language training, employment and qualification. It supports the 'work first' approach of the Federal Employment Agency and focuses on refugees aged 25 and over.

In the **Netherlands**, the *Further Integration in the Labour Market* (VIA) programme was launched by the Ministry of Social Affairs and Employment <sup>(1127)</sup>.

In 2017, there were a number of new initiatives launched in the area of integrating Third Country Nationals in **Estonia** yet the majority focused on the integration of the beneficiaries of international protection. A new project by the Estonian Unemployment Insurance Agency, 'My First Job in Estonia', aimed at boosting the rate of employment among beneficiaries of international protection by wage subsidies <sup>(1128)</sup>.

The Seimas of the Republic of **Lithuania** adopted amendments to six laws harmonising conditions of provision of state support to refugees and beneficiaries of subsidiary protection. Importantly the Law of the Republic of Lithuania on Employment was supplemented to stipulate that refugees or beneficiaries of subsidiary or temporary protection were to be included in the group of additionally supported persons in the labour market, coupled with active labour market policy measures (support for learning and recruitment subsidies at a rate of 75 % of wage for up to 24 months). In addition, it was established that municipalities could develop employment support programmes for refugees or beneficiaries of subsidiary or temporary protection.

On 30 May 2017, the **Irish** Supreme Court ruled in the case of *N.H.V. v Minister for Justice & Equality and ors* (IESC 35) that in circumstances where there is no temporal limit on the asylum process, the absolute prohibition on seeking of employment contained in Article 9(4) (and re-enacted in Article 16(3)(b) of the 2015 Act) is contrary to the constitutional right to seek employment. However, since this situation arises because of the intersection of a number of statutory provisions, and could arguably be met by alteration of some of them, and since that is first and foremost a matter for executive and legislative judgement, the Court adjourned consideration of the order. The Court invited the parties to make submissions on the

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<sup>(1122)</sup> Germany-wide around 80 projects show migrant mothers and refugee women individual ways of entering the labour market and aim at improving the access to already existing opportunities for labour market integration. Project management agencies, include training institutes, migrant self-help organisations and associations, provide counselling and information opportunities for the target group; point out possibilities for the reconciliation of work and family obligations; and provide support in the first phase of employment. Approximately 18 million euros of ESF funds are available for this programme during the first funding period (from 2015 until the end of 2018). A second funding period from January 2019 until mid-2022 is in planning.

<sup>(1123)</sup> In the PerjuF programme, young refugees can find out more about how to gain access to the German labour and training market, how it is organised and how it functions. This is intended to enable them to choose an occupation on their own and above all to encourage them to start vocational training.

<sup>(1124)</sup> The main objectives of these measures are introduction to the German labour and occupational training market, acquisition of specialised occupational knowledge and skills, and the teaching of basic and advanced occupational language skills.

<sup>(1125)</sup> The model supports systematic learning of German, practical vocational orientation and a start in the dual system of vocational training in the near future. It builds on successful participation in the integration course, but can also start sooner and is in principle suitable for all branches of industry. Cooperation partners are employers, unions, the Federal Office for Migration and Refugees (BAMF) and the Federal Employment Agency.

<sup>(1126)</sup> In this initiative, vocational orientation for refugees (BOF), funded by the BMBF, follows the Federal Employment Agency's programme to provide job prospects for young refugees in the skilled crafts (PerjuF-H). The initiative calls for providing vocational training places or employment opportunities for 70 % of those who complete the programme.

<sup>(1127)</sup> *Parliamentary Papers II*, 2017-2018, 34775-XV no. 2. The programme focuses on different groups; for beneficiaries of international protection, for example, the focus lies on development of the intake for municipalities, the strengthening of screening, and stepping up language skills.

<sup>(1128)</sup> Employers participating in this project receive a wage subsidy; compensation of the cost of obtaining qualifications; compensation of the cost of work-related translation services; compensation of the cost of Estonian language training and/or payment of a professional mentoring fee.

form of the order in the light of circumstances then obtaining <sup>(1129)</sup>. In addition, in November 2017, the Minister of State at the Department of Justice and Equality in **Ireland** announced funding from the Dormant Accounts Fund of EUR 485 000 to support the labour market integration of female refugees.

In February 2017, **Luxembourg's** National Employment Agency (*Agence pour le Développement de l'Emploi – ADEM*) set up a *cellule BPI* (BIP Cell) in its Employer Service. This cell provides employers with information regarding job applications and evaluations of the competences of beneficiaries of international protection.

In **Italy**, Article 22bis of Law No 46/2017 provided that prefects should promote, in agreement with the Municipalities, the Regions and the Autonomous Provinces, any initiative that is useful for the implementation of the employment of applicants for international protection on a voluntary basis, in socially useful activities for the benefit of local communities.

The Migration Policy Institute published a report called *Improving the Labour Market Integration of Migrants and Refugees: Empowering Cities through Better Use of EU Instruments* <sup>(1130)</sup>.

With regard to **Switzerland**, it was reported that integration into the labour market was particularly challenging due to a lengthy asylum procedure during which working is limited <sup>(1131)</sup> (and free language courses are provided by civil society only) <sup>(1132)</sup>.

#### *Access to education and vocational training*

In August 2017, the **Finnish** Ministry of Economic Affairs and Employment and the Ministry of Education and Culture completed a joint report, with the aim of providing measures to accelerate the transition of migrants to the labour market and improve their access to the education system <sup>(1133)</sup>. The funding of basic education has changed from 1 January 2017 <sup>(1134)</sup> making it possible for migrants to enrol in basic education year round, instead of once a year in the autumn as it was previously <sup>(1135)</sup>. As a response to the increased need of basic education for migrants who have passed the age of compulsory education, the Ministry of education and culture has given permission for private providers of basic education (primarily folk high schools) to increase their number of students. Both changes aim to shorten the waiting times and study paths. Also vocational education can be applied for throughout the year <sup>(1136)</sup>, enabling places to be offered in the middle of the year, for example, to migrants right after integration training. The new qualification system increases opportunities for individual choices within study programmes and enables flexible study paths <sup>(1137)</sup>.

On a related note, new legislation entered into force in **Sweden**, stipulating that - under certain conditions – young people (aged 17 to 24), who study at upper secondary level schools (*gymnasium*), are granted a

<sup>(1129)</sup> Supreme Court, 30 May 2017, *N.H.V. v Minister for Justice & Equality and ors* (IESC 35). Available at: <http://www.courts.ie/Judgments.nsf/0/BBA87F6E90EA3C5D80258130004199FE>. N.B. by way of response, the Irish government has subsequently decided to seek to opt into the Recast Receptions Directive. The full text of the decision is available here: <http://www.courts.ie/Judgments.nsf/0/BBA87F6E90EA3C5D80258130004199FE>.

<sup>(1130)</sup> This report identifies concrete actions that could be taken to better leverage EU's soft law, funding, and knowledge exchange mechanisms to support cities' activities in the area of labour market integration for migrants and refugees.

<https://www.migrationpolicy.org/research/improving-labour-market-integration-migrants-and-refugees-empowering-cities-through-better>.

<sup>(1131)</sup> For the first three months after filing an application for asylum, asylum seekers may not engage in any gainful employment (Asylum Act). Afterwards, a/s in theory are allowed to work, yet it is limited to certain sectors and furthermore a/s hardly receive a work permit because priority is given to nationals and other residents incl. people from EU/EFTA countries (UNHCR input).

<sup>(1132)</sup> Asylex, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/Asylex-web.pdf>.

<sup>(1133)</sup> The report is called "Polut ja siirtymät" (Paths and transitions) and it is currently being implemented. Report available at [https://julkaissut.valtioneuvosto.fi/bitstream/handle/10024/80625/TEMjui\\_36\\_2017\\_verkkojulkaisu.pdf?sequence=1](https://julkaissut.valtioneuvosto.fi/bitstream/handle/10024/80625/TEMjui_36_2017_verkkojulkaisu.pdf?sequence=1) (the whole report available only in Finnish, abstract also in English).

<sup>(1134)</sup> Legislative changes 1486/2016 and 1487/2016.

<sup>(1135)</sup> According to the new funding system, the education provider gets funding for each course the student has done instead of based on the amount of students at one specific day of the year, which was the funding system earlier. Previously the funding was based on the number of students enrolled in study programmes on 20 September, which in effect meant that all programmes were begun in the autumn.

<sup>(1136)</sup> Act on Vocational Education (531/2017) was approved on 17 August 2017 and entered into force on 1 January 2018.

<sup>(1137)</sup> Students can now complete entire qualifications or parts of them. In addition to the year-round application system mentioned above, applications for vocational upper secondary education and training can still also be submitted through the joint application system. The vocational education reform also facilitated the latter application process, as the compulsory language test is no longer required when applying for vocational upper secondary education and training through the joint application system. This improves the opportunities of migrants and others with insufficient proficiency in Finnish or Swedish to access vocational education, complete a qualification and integrate into the Finnish labour market. It will be at the training provider's discretion to assess, during student selection, whether the student's language skills are sufficient.

right to a resident permit. The legislation covers individuals who at some point have been granted a temporary residence permit after an asylum application, whether or not the grounds for that permit have remained valid.

**Greece** adopted a number of legislative acts to facilitate access to education <sup>(1138)</sup>, pilot training projects were also implemented <sup>(1139)</sup>.

In **Italy** a notice was published by the Ministry of Labour and Social Politics regarding funding of paths to social and work integration for unaccompanied minors and young migrants <sup>(1140)</sup>. On a related note, concerns were expressed by civil society about the phenomenon of illegal hiring <sup>(1141)</sup>; areas with a large concentration of refugee camps have become fertile ground for the recruitment of illegal workers. Many asylum seekers abandon reception centres to move into informal settlements and live there in inhumane conditions deprived of basic sanitation and hot water.

#### *Social assistance benefits*

As from 1 April 2017, the Integration Transition Grant was implemented in the **United Kingdom** under AMIF funding. This project aims to prevent asylum seekers, who had applied for asylum and have been granted refugee status or humanitarian protection in the UK, from becoming destitute, by providing 28 days of financial support to those who are granted leave to remain in the UK, allowing individuals enough time to apply for mainstream state benefits or other assistance paid by other UK government departments supporting their first steps of integration into the UK <sup>(1142)</sup>. On 22 June 2017, the Court of Appeal (England and Wales) ruled in the Case *JK v Secretary of State* for the Home Department (EWCA Civ. 433). The Court rejected the claimant's arguments and refused permission to appeal a judicial review claim that the cash allowances provided to destitute asylum seekers with children are too low. The decision brings an end to the litigation in England <sup>(1143)</sup>.

Amendments to the Asylum Law <sup>(1144)</sup> in **Latvia** changed the procedure for provision of state benefits to refugees and persons with alternative status having insufficient means. Financial support is now provided as a one-time payment for the whole period <sup>(1145)</sup>. For refugees the period for payment of the benefit was reduced from 12 months to 10 months, but for persons with alternative status - from 9 months to 7 months. The State Social Insurance Agency shall pay the benefit within 12 months from the day of acquisition of the status. Amendments to the Asylum Law also prescribe that for persons being of age when they can be employed the benefit is only payable if they indeed entered employment in the first three months (or registered with the State Employment Agency).

In its Circular No 61 of 16 March 2017, the **Italian** INPS (*Istituto nazionale della previdenza sociale* - national pension institution) provided for the award of an EUR 800 allowance for the birth or adoption of

<sup>(1138)</sup> Ministerial Decision No 193/DG4, Government Gazette 3974 B '13/11/2017, on Establishment of Reception Structures for Refugee Education (DIP). Establishment of school units for the school year 2017-2018 within which Host Structures for Refugee Education will operate; Ministerial Decision No 180/2017, Government Gazette 3878 B '03/11/2017, on the Establishment of a Task Force for the Management, Coordination and Monitoring of Refugee Education; Ministerial Decision No 139/2017, Government Gazette 2985 B '30/08/2017, on the Organisation, Operation, Coordination and Training of Refugee Structures for the Education of Refugees, criteria and procedure for staff recruitment. because of structures; Ministerial Decision No. 667/2017, Government Gazette 1524 B '04/05/2017, on the Operation of reception structures for the education of refugees as annexes of kindergartens within the Hospitality Centers for the school year 2016-17; Ministerial Decision No 115/2017, Government Gazette 227 B '01/02/2017, on the "Determination of the school units of the Regional Directorates of Primary and Secondary Education of Central Macedonia, Attica and Central Greece for the school year 2016-2017 within the Refugee Education Facilities".

<sup>(1139)</sup> Implementation of a pilot agricultural training program for refugees aged 15-18. The objective of the action is to help trainees acquire technical skills that they can use to join the labour market or meet personal needs and/or welfare goals. Available at: <http://www.amifisf.gr/wp-content/uploads/2017/06/Πρόσκληση-010.pdf>.

<sup>(1140)</sup> As of 13 March 2017, the start-up deadline, 1 013 traineeships were authorised.

<sup>(1141)</sup> Emergency Programme Italia.

<sup>(1142)</sup> The grant also provides a level of basic subsistence for those not wishing to apply for state benefit, for example those who are taking up employment but have not yet received their first salary payment. A total of 72 875 eligible asylum seekers and their dependents are expected to receive financial support of GBP 5.28 per person per day for a period of 28 days (GBP 147.84 each) from 01/04/17 – 31/12/19 which is the current lifetime of the project.

<sup>(1143)</sup> Court The full text of Appeal, 22 June 2017, *JK v Secretary of State for the Home Department* (EWCA Civ. 433). Available at decision is available here: <http://www.bailii.org/ew/cases/EWCA/Civ/2017/433.html>. There is a near identical challenge proceeding in the Scottish courts. The case was heard in February 2017. The outcome is still awaited.

<sup>(1144)</sup> The Amendments to the Asylum Law, - *Latvijas Vēstnesis* No 90, 10.05.2017 [came into force on 24.04.2017].

<sup>(1145)</sup> A one time equivalent of two months allowance was introduced in an attempt to facilitate rental of housing as the owners often request advance rent and a guarantee. For the rest of the period 7 or 10 months the respective payments are monthly, subject to participation in the integration activities and registration with the Employment Agency (UNHCR input).

a minor also for beneficiaries of subsidiary protection (equivalent to Italian citizens due to the effect of Article 27 of Legislative Decree No 251/2007).

The Constitutional Court in **Austria** judged <sup>(1146)</sup> that there are no objections based on constitutional law against excluding beneficiaries of subsidiary protection from benefits specified in the Lower Austrian Act on Minimum Resources, in view of the benefits under basic care. The Constitutional Court nonetheless insisted that benefits had to be granted so that the individuals affected are not subject to inhumane conditions as referred to in Article 3 of the ECHR. UNHCR reported in that context that in three Austrian Provinces, recognised refugees only have limited access to the social welfare scheme <sup>(1147)</sup>.

On 2 March 2017, the **Estonian** Supreme Court decided on the Elnour Abdelrahman Abdalla Yousifi complaint on the PBGB decision number 7001510012-2 rejecting asylum application and refusing to grant a temporary residence permit. The Supreme Court ruled that asylum seekers, who receive negative decision from Administrative courts to their appeal will no longer have the status of ‘asylum seeker’, including the right to remain in the territory unless the courts of second and third judicial instances grant interim measures and suspend involuntary return of the applicant. The implementation of this decision may lead to denying access to reception assistance to all rejected asylum seekers immediately after adoption of a negative judgment by an administrative court (first judicial instance) since applicants will not be entitled to rights and guarantees accorded to asylum seekers under the law <sup>(1148)</sup>.

In **Switzerland**, restrictions were introduced for people with temporary protection such as reductions in social support by the canton in Zurich <sup>(1149)</sup>.

#### *Access to documentation*

Handling the large number of travel documents required for persons granted asylum and beneficiaries of subsidiary protection in **Austria** had proved particularly challenging for the passport centre in Vienna. In response, a new appointment system was introduced at the Vienna passport centre in March 2017. Passports are now also sent by regular mail when ready <sup>(1150)</sup>.

In **France**, civil society reported delays with regard to the issuance of the residence permit <sup>(1151)</sup>, even though those delays have decreased in 2017. Such delays are encountered as the issuance of the residence permit relies on the reconstitution of the civil status of beneficiaries of international protection by Ofpra. However, in 2017, the authorities have taken measures to encourage the *préfectures* to deliver the first residence permit without awaiting OFPRA’s documents. In **Cyprus**, UNHCR noted with concern that the Refugee Travel Documents issued still do not meet required standards <sup>(1152)</sup>.

On 31 October 2017, the Supreme Court of **Norway** ruled in the case of *The State/the Norwegian Appeals Board v A,B,C*, (HR-2017-2078-A) that it is consistent with the 1951 Convention to refuse to issue travel documents, if it is more likely that the identity claimed by the asylum seeker is false. The Supreme

<sup>(1146)</sup> Constitutional Court, 28 June 2017, 3297/2016. Constitutional Court, *Mindestsicherung NÖ: Subsidiär Schutzberechtigte können ausgeschlossen werden*. Press Release, Vienna, 7 July 2017, available at [www.vfgh.gv.at/medien/Mindestsicherung\\_NOe\\_Subsidiaer\\_Schutzberechtigte.de.php](http://www.vfgh.gv.at/medien/Mindestsicherung_NOe_Subsidiaer_Schutzberechtigte.de.php).

<sup>(1147)</sup> Overview provided here: <http://gemeindegund.at/fleckerlteppich-mindestsicherung/>. UNHCR position paper from 2016 available at: <http://www.refworld.org/pdfid/5878a04c4.pdf>.

<sup>(1148)</sup> Supreme Court, 2 March 2017, *Elnour Abdelrahman Abdalla Yousifi complaint on The full text of the PBGB decision number 7001510012-2 rejecting asylum application and refusing to grant a temporary residence permit, Case number 3-3-1-54-16*.

<https://www.riigikohus.ee/et/laheidid?asjaNr=3-3-1-54-16&sortVaartus=LahendiKuulutamiseAeg&sortAsc=false&kuvadaVaartus=Pealkiri&pageSize=25&defaultPageSize=25>.

<sup>(1149)</sup> Asylex, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/Asylex-web.pdf>. UNHCR indicated that those people referred to UNHCR as provisionally admitted are granted the same social allowances as asylum seekers. The allowances are considerably lower than for locals. In the past there were ca. three cantons, including Zurich, that granted to provisionally admitted persons the same amount of social allowances as for locals. Recently, these cantons gave up that practice and this is why now all provisionally admitted persons in Switzerland are granted the same (low) social allowances as granted to asylum seekers (UNHCR input).

<sup>(1150)</sup> Federal Office for Immigration and Asylum, Neues Ladungssystem im Passcenter der Regionaldirektion Wien. Press Release, Vienna, 27 March 2017, available at [www.bfa.gv.at/presse/news/detail.aspx?nwid=6667675770726C73414E513D&ctrl=796C386F347944696937796A68352F47503437326B513D3D&nwo=0](http://www.bfa.gv.at/presse/news/detail.aspx?nwid=6667675770726C73414E513D&ctrl=796C386F347944696937796A68352F47503437326B513D3D&nwo=0).

<sup>(1151)</sup> The average delivery time for the issuance of first residence permits amounted to 98 days in 2017.

<sup>(1152)</sup> The situation has disproportionately affected subsidiary protection beneficiaries, who are issued with only a Laissez-Passer comprising of a one-page A4 paper document for a single journey, which meets none of the minimum security standards of the International Civil Aviation Organisation and the EU Regulation 444/2009.

Court concluded that it is the state that has the burden of proof to establish that the applicants' identity is more likely to be false <sup>(1153)</sup>.

#### *Access to family reunification*

The rules governing family reunification were simplified in **Austria** as a result of the 2017 Act Amending the Aliens Law. In regard to the continuation of family life as codified in Article 8 of the European Convention on Human Rights <sup>(1154)</sup>, a decision to grant protection status to a person residing in Austria, who is a family member of an individual already granted that status, now no longer depends on the possibility of such status being granted in another country <sup>(1155)</sup>. In addition, the definition of the term 'family member' has been expanded. Pursuant to Article 35(5) of the 2005 Asylum Act, any marriage or registered partnership must now only have existed prior to entering Austria and not, as previously, in the country of origin.

In **Denmark** the Supreme Court judged <sup>(1156)</sup> that national limitations for family reunifications (delayed for three years) for those granted temporary subsidiary protection are not in violation of ECHR Article 8. On 15 June 2017, the **Irish** Supreme Court ruled on the Case *HAH v SAA* [2017] IESC 40, that the Minister is not entitled to rely on the fact of a marriage being potentially polygamous as a ground for refusing residency on the basis of family reunification. Recognition of an actually polygamous marriage, however, would be contrary to the principle of equality under Article 40.1 of the Constitution of Ireland. Notwithstanding, as it may be desirable in the area of immigration 'to have some regard to the reality of family bonds', a polygamous marriage may be given recognition for certain purposes, such that 'there is probably scope [...] for a discretionary approach to the question of whether the mother of a child should be admitted to the State even where she is not recognised as a wife of the applicant', although this is primarily a matter of policy for parliament. Public policy likely requires non-recognition of a marriage contracted at a very young age <sup>(1157)</sup>. In **Spain**, on 17 December 2017, the National High Court ruled on a case - Case SAN 5372/2017 (Appeal No 656/2016), concerning a Syrian father and a Palestinian mother sponsored by their Syrian daughter with refugee status in Spain. Spanish authorities had rejected the case as they considered that the dependency criteria requested by the Asylum Law in cases of family reunification of ascendants was not accredit in this case. Nevertheless, the National High Court considered, in line with UNHCR's report presented at the Eligibility Commission in this case, that the requirements for granting family reunification based on Article 39 to 41 of the Spanish Asylum Law were met. The security situation in Syria was also taken into account by the National High Court in order to grant the right to family reunification <sup>(1158)</sup>.

Civil society expressed several concerns as to accessing family reunification rights in 2017. In **Croatia**, difficulties included, for example, challenges experienced by applicants in obtaining necessary documents and difficulties reaching the competent embassies <sup>(1159)</sup>. In **Sweden** the introduction of the temporary asylum law (July 2016) significantly hampered access to family reunification, with problems reportedly having become very visible throughout 2017 <sup>(1160)</sup>. The law recognises exclusively refugee status and subsidiary protection status, with only refugees being able to apply for family reunification. Other problems related to family reunification included the travel distance to embassies and the lengthy procedures to apply for family reunification from a third country. Family reunification in **Switzerland** was

<sup>(1153)</sup> Supreme Court, 31 October 2017, *The State/full text of the Norwegian Appeals Board v. A,B,C, (HR-2017-2078-A)*. Available at decision is available here: <https://www.domstol.no/no/Enkelt-domstol/-Norges-Hoyesterett/Avgjorelser/avgjorelser-2017/avdeling---sivile-saker/reisebevis-for-flyktninger-kan-nektes-utstedt-ved-tvil-om-identitet/>

<sup>(1154)</sup> FLG No. 210/1958, in the version of FLG III No. 144/2016.

<sup>(1155)</sup> Written input by the Federal Office for Immigration and Asylum, Directorate, 26 January 2018.

<sup>(1156)</sup> A. v. the Danish Immigration Appeals Board (107/2017) 24 October 2017, <http://domstol.fe1.tangora.com/New-Sogeseide.31488.aspx?recordid31488=1477>.

<sup>(1157)</sup> Supreme Court, 15 June 2017, *HAH v SAA* [2017] IESC 40. AvailableThe full text of the decision is available here: <http://www.courts.ie/Judgments.nsf/0/EECA604B7F1E66D8025814000437810>.

<sup>(1158)</sup> National High Court, 17 December 2017, Case SAN 5372/2017 (nºFull text of appeal 656/2016). Availablethe decision available here: <http://www.poderjudicial.es/search/contenidos.action?action=contentpdf&database=AN&reference=8260822&links=Siria%20Y%20asil-o&optimize=20180118&publicinterface=true>.

<sup>(1159)</sup> These were reported for Croatia by the European Association for the Defence of Human Rights (AEDH). Input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/AEDH.pdf>. Croatian authorities acknowledge existing difficulties and are currently working toward addressing them.

<sup>(1160)</sup> Save the Children, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/save-the-children.pdf>; and Swedish Network of Refugee Support Groups (FARR), input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/swedish-network-farr.pdf>.

criticised for being heavily restricted for those with temporary protection status (beneficiaries are only allowed to apply after 3 years and are required to have sufficient financial resources). Such strict requirements often lead to separation of family members in practice <sup>(1161)</sup>. UNHCR pointed out that family reunification for beneficiaries of subsidiary protection is still not possible in **Cyprus**.

#### *Access to healthcare*

In **Finland** a project called PALOMA (Developing National Mental Health Policies for Refugees) coordinated by the National Institute for Health and Welfare, is creating a national model for the various stages of the mental health services of refugees and migrants from comparable backgrounds <sup>(1162)</sup>. In the **Netherlands** with effect from 1 May 2017, general practitioners may consult an *ad hoc* telephonic interpreter service for conversations with beneficiaries of international protection <sup>(1163)</sup>.

In terms of civil society concerns, difficulties accessing health care were observed in **Croatia** <sup>(1164)</sup> and **Switzerland**, in particular with regard to dental and mental health care <sup>(1165)</sup>.

The Department for Social Inclusion of Persons with Disabilities in **Cyprus** revised schemes extending disability schemes available to locals and EU nationals to beneficiaries of international protection <sup>(1166)</sup>.

#### *Access to housing*

The Act on Amendments and Supplements to the Act on International and Temporary Protection defining the competence of the Central State Office for Reconstruction and Housing and provision of housing units to persons who have been granted international protection came into force in **Croatia** January 2018. Also in **Lithuania**, support to rental of accommodation was provided <sup>(1167)</sup>, while **Slovenia** received additional flats (from the Ministry for Public Administration and the Ministry of the Interior) for providing adequate accommodation for persons with international protection status.

In the **Netherlands**, the Platform *Opnieuw Thuis* (Home Again) <sup>(1168)</sup>, which was established in 2014, discontinued its activities as agreed on 17 July 2017. According to the final report published in 2017, the municipalities complied at national level with the programme target (quota) for housing beneficiaries of international protection <sup>(1169)</sup>.

In **France**, many beneficiaries were accommodated in reception facilities, a total of 13 000 by the end of 2017. Beneficiaries have a three-month period (renewable once) to find housing after they have been

<sup>(1161)</sup> Asylex, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/Asylex-web.pdf>.

<sup>(1162)</sup> Based on AMIF funding, the PALOMA model will provide recommendations for the prevention, identification and treatment of mental health problems. The project will continue in 2018.

<sup>(1163)</sup> From the time of registration at the general practitioner's practice, beneficiaries of international protection are entitled to a telephonic interpreter for six months when they go to the doctor for a consultation or treatment. This provision is available until 1 May 2019. The costs hereof are borne by the Ministry of Health, Welfare and Sport. For more information see <https://www.rijksoverheid.nl/actueel/nieuws/2017/05/01/telefonische-tolkdienst-voor-statushouders-bij-huisarts-van-start>.

<sup>(1164)</sup> European Association for the Defence of Human Rights (AEDH), input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/AEDH.pdf>. As submitted by the Ministry of the Interior, although there are certain issues in accessing health care, still these issues are raised and recognised by all responsible bodies to be solved in the near future, in cooperation with the health care institutions and Ministry of Healthcare. In addition to that, the Croatian Baptist Aid is cooperating with the Ministry regarding dental care of asylum seekers and organises on a daily basis visits to dental clinics.

<sup>(1165)</sup> Asylex, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/Asylex-web.pdf>. There is paid access to basic health care (illness, accident, and maternity) via the compulsory basic health insurance that is paid for every asylum seeker. If needed for the mental or physical health of the person, the basic insurance takes the costs in charge. The only difficulties is to find specialists with intercultural and linguistic competence in mental health care. As dental treatments are usually not part of the compulsory health care insurance scheme and have to be paid in Switzerland by the patient directly to the dentist, the dental healthcare treatment for asylum seekers has to be approved by the social services as for any other person in Switzerland depending on social aid, if the person cannot pay it themselves.

<sup>(1166)</sup> Severe Motor Disability Allowance Scheme, the Care Allowance Scheme for Quadriplegic Persons, the Care Allowance Scheme for Paraplegic Persons, allowances for persons on kidney dialysis, the Allowance for the Provision of a Disability Car, the Scheme for the Provision of Financial Assistance for the Purchase of a Wheelchair, the Financial Assistance Scheme/loan for the provision of technical means, instruments and other aids, and the Disability Parking Card Scheme. [http://www.mlsi.gov.cy/mlsi/dsid/dsid.nsf/dsdpd10\\_gr/dsdpd10\\_gr?OpenDocument](http://www.mlsi.gov.cy/mlsi/dsid/dsid.nsf/dsdpd10_gr/dsdpd10_gr?OpenDocument).

<sup>(1167)</sup> On 11 October 2017 the Government of the Republic of Lithuania also adopted Resolution No 882, the amendments were adopted to the Description of the Procedure for Providing State Support for the Integration of the Persons who have been Granted Asylum which provide for the possibility for the persons who have been granted asylum to receive reimbursement of a part of their rental fees. It is expected that this will encourage landlords to rent housing and will ease the tax burden on the persons who have been granted asylum during the integration period.

<sup>(1168)</sup> Platform *Opnieuw Thuis* (home again platform) was a collaboration between the State, the Association of Netherlands Municipalities (VNG), Association of Provincial Authorities, COA and Aedes, assigned to support municipalities and corporations in housing refugees who are in possession of a residence permit (residence permit holders).

<sup>(1169)</sup> For more information see <https://www.opnieuwthuis.nl/>. Consulted on 15 January 2018.

granted protection. For **Belgium** UNHCR indicated that access to adequate and affordable housing remains challenging for refugees <sup>(1170)</sup>.

## 4.12 Return

Return policies and measures gained major significance in the course of 2017 among the EU+ countries. In the light of increasing numbers of rejected applicants and prospective returnees, various countries adopted new legal provisions in order to facilitate return procedures. Besides the usual support provided in the form of Assisted Voluntary Return (more under point 4 below), which was also boosted, adopted measures addressed, among others, the enforcement of return decisions and regulated the period prior to departure.

Main legislative/policy changes at national level included:

- *New Legislation/Policy Framework on (Forced) Return.* In **Austria**, the 2017 Act Amending Aliens Law and Aliens Police Act were approved with implications at various level. In **Belgium**, new law provisions modified the Immigration Act in order to reinforce the protection of public order and national security <sup>(1171)</sup>. In **Bulgaria**, the Amendments to the Law on Foreigners in the Republic of Bulgaria were adopted. In **Germany**, the Act to improve the enforcement of the duty to leave was approved. The **United Kingdom** adopted measures to implement the Government's manifesto commitment on Foreign National Offenders (FNOs). In **France**, a new immigration law started to be debated <sup>(1172)</sup>. The government also presented (12 July 2017) a plan meant to improve the effectiveness of the asylum system and to enhance the return system <sup>(1173)</sup>. In **Italy**, Law No 46/2017, for the acceleration of the international protection procedures and the contrast to illegal immigration, entered into force <sup>(1174)</sup>. In **Croatia** return procedures were improved and standardised <sup>(1175)</sup>. In **the Netherlands**, the coalition agreement of 10 October 2017 focussed necessary attention on return measures <sup>(1176)</sup>. In **Norway**, return and migration as an integral part of foreign relations was further cemented. In **Sweden**, legislative and regulatory changes entered into force aiming at streamlining the co-operation between the competent authorities responsible for voluntary return (the Swedish Migration Agency) and forced return (the Police Authority), and to clarify their respective tasks and responsibilities.

More in details, in the course of 2017, following relevant measures - thematically grouped together - were adopted, often in the context of the wider immigration law reforms listed above:

- *Enforcement of removal orders and departure from detention.* In **Austria**, the Act Amending Aliens Law entered into force allowing the serving of a prison sentence or substitute imprisonment penalty to be interrupted for the purpose of departure from Austrian territory. Moreover, people who have received an infringement notice – not a conviction – can be ordered to leave the country. The provisions on administrative detention were adapted to the EU Return Directive, which means that under certain requirements detention may now be up to a maximum time period of up to 18 months. In **Belgium**, the new law stipulates that the Minister (or a person acting by the Minister's delegation) can remove the right to stay or a third country national (admitted to the territory or authorised to stay) and order that person to leave the territory for reasons of public order or national security <sup>(1177)</sup>.

<sup>(1170)</sup> CIRE, *Réfugié cherche logement, un parcours du combattant !*, September 2017: <https://www.cire.be/publications/analyses/refugie-cherche-logement-un-parcours-du-combattant>.

<sup>(1171)</sup> Laws from 24.02.2017 and 15.03.2017. As a result, the reasons for which Third Country Nationals (TCNs) can be removed from Belgium have been refined and duration of entry bans expanded.

<sup>(1172)</sup> On UNHCR accounts, the new Immigration Law (still under discussion) will speed up the return of rejected asylum seekers (from 3 to 2 months).

<sup>(1173)</sup> The plan is meant to: 1) speed up the channelling of asylum seekers into different procedures, based on their profile: would-be refugees or in need of international protection, and economic migrants; 2) improve the measures against illegal immigration in order to improve the number of returns towards the countries of origin.

<sup>(1174)</sup> At the same time, law n. 47/2017 "Zampa" on the (national protection) of foreign UAMs also entered into force in the course of 2017. Based on this law, UAMs cannot be forcibly returned or refused entry at the border. The law also sets a further condition for their possible expulsion providing that, if conditions are met, an order from the Juvenile Court is necessary for enforcement, and only after a concrete assessment that this is in the best interest of the child.

<sup>(1175)</sup> New SOPs have been issued also for rejected asylum applications. Return decisions forms were to be issued in more languages.

<sup>(1176)</sup> VVD, CDA, D66 and ChristenUnie (2017), *Vertrouwen in de toekomst* [Confidence in the future]: *Coalition Agreement 2017 – 2021*. Moreover, with effect from the end of 2016 the DT&V (Dutch Repatriation and Departure Service) has expanded its staff compliment in connection with the high influx of third country nationals in the return procedure. Additional capacity was granted until 1 January 2019.

<sup>(1177)</sup> These categories can now be denied a further stay in Belgium even if they have resided uninterruptedly in Belgium for at least ten years or if they are long-term resident. It still does not fall under the purview of the Immigration Office to take this decision. Only the State Secretary can

However, persons with international protection are exempt, as for them, their international protection status has first to be revoked by the CGRS. Moreover, removal orders no longer disappear but are only temporarily suspended during the period covered by the temporary residence permit <sup>(1178)</sup>. Once the suspension of the removal order is lifted, it is often no longer possible to appeal against it <sup>(1179)</sup>. Finally, criminal detainees can be released and returned directly from prison to their country of origin or country of residence <sup>(1180)</sup>. **Finland** is preparing a legislative change to accelerate the enforcement of deportation decisions in cases in which the grounds for the decision have to do with public policy and security <sup>(1181)</sup>. In **Italy**, Law No 110/2017, introducing the crime of torture, has forbidden the refusal of entry or expulsion or extradition of foreign citizens if it is to a State where there are reasonable grounds to believe that they might be subject to torture.

- *Police powers & inspections.* In **Germany** for the purposes of identification, the asylum authority has been entitled to facilitate it by retrieving and searching data stored in electronic devices held by asylum seekers <sup>(1182)</sup>. In **Estonia**, the planned amendment act (for 2018) includes, among other things, granting the Estonian Police and Border Guard Board the right to use special measures in the event of an emergency situation <sup>(1183)</sup>. In **Finland**, a national return pool was set up in order to escort returnees to challenging countries of return <sup>(1184)</sup>. In **Luxembourg**, a new bill proposes to enable the Grand ducal Police to access the place of residence of a foreign resident, if the latter is refusing access to this place in order to prevent his or her removal. The same bill gives the Ministry the power to take all the measures necessary for the execution of the decision of removal by the Grand ducal Police <sup>(1185)</sup>. In **Sweden**, planned regulatory changes include increased possibilities for the Police Authority to conduct workplace inspections based on risk assessments.
- *Obligation to cooperate.* In **Austria**, on account of the new legislation, foreigners not entitled to stay and whose asylum applications have been rejected in an admission procedure and whose complaint is not recognised as having suspensive effect, are not entitled to basic care support unless they cooperate in departing voluntarily. In **Slovakia** the returnee's cooperation has now an impact on the duration of the period for voluntary departure. In **Germany** further sanctions for persons who are ordered to leave but do not cooperate in their identification have been adopted <sup>(1186)</sup>.
- *Entry and Travel Bans.* In **Austria** the list of entry ban cases was expanded. In **Belgium** the duration of entry bans has been prolonged <sup>(1187)</sup>. In **Czech Republic**, legal amendments have been prepared with the aim of significantly moderating the period of an entry ban in case the irregular migrant applies for voluntary return and cooperates on implementation of voluntary return (with special focus on irregular migrants from Ukraine and Moldova). In **Croatia**, according to the amendments of the Act on Foreigners, entry ban is now valid for the whole EEA. In **the Netherlands**, due to a ruling

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decide to deny their continued stay. Several limits are imposed on the power of the State Secretary. Beneficiaries of international protection remain exempt from the absolute power of the Belgian executive, however, these beneficiaries of international protection can also become eligible for removal, but only after the withdrawal of their protection status.

<sup>(1178)</sup> If the application for residence or international protection is rejected, the suspension of the removal order is lifted. The possibility to appeal against the return decision is given only one time. Moreover, these removals of convicts / suspects are possible provided that they have no (more) right to stay in Belgium. Irregular migrants, who are not yet convicted, could also be removed under the previous legislative provisions. However: it is possible on the basis of the new law provisions – in very specific cases where the migrant is suspected of a very serious crime or terrorist activities – to already start a procedure to withdraw the staying permit on those grounds.

<sup>(1179)</sup> (as the deadline for appeal has lapsed since then). The Council of State stipulated on 11 May 2017 that issuing a return decision is only possible after a final decision, which implies that the delay in which the alien can appeal a decision has lapsed or that the appeal procedure is finalised. The Immigration Office has already adapted its policy, but the Immigration Act is still to be amended.

<sup>(1180)</sup> Condemned TCNs in prison no longer have to be brought to a detention centre prior to removal. This has released space for TCNs staying illegally in Belgium.

<sup>(1181)</sup> According to the proposal, certain deportation decisions related to public policy and security could be enforced within 30 days of notification. At present, decisions are not enforceable unless they are final.

<sup>(1182)</sup> Act to Improve the Enforcement of the Obligation to Leave the Country.

<sup>(1183)</sup> Amendment Act on the Obligation to Leave and Prohibition on Entry Act (OLPEA) and Act on Granting International Protection to Aliens (AGIPA).

<sup>(1184)</sup> The return pool is intended to increase the effectiveness of returns to Iraq in particular. Only individual returns to Iraq are currently possible, and three escorts are needed for each person to be returned, as it takes so long to travel to the country (source, National Police Board).

<sup>(1185)</sup> Bill n. 7238.

<sup>(1186)</sup> Act to Improve the Enforcement of the Obligation to Leave the Country.

<sup>(1187)</sup> If no period for voluntary return is given or if a former return decision has been ignored, the maximum is three years; up to five years in cases of fraud or the use of unlawful means in order to get legal stay or to maintain legal stay; between five and ten years is imposed when there is a serious threat to public order or national security. Longer-term bans can now exceptionally be imposed, but these have to be legitimised with strong arguments.

by the highest administrative authority, in some cases it has become more difficult to issue a travel ban<sup>(1188)</sup>. Moreover, since 1 April 2017, the possibilities to issue a travel ban to third country nationals in cases where a departure period has been granted have been enhanced<sup>(1189)</sup>.

- Developments regarding the definition of risk of absconding in the context of grounds for detention of failed asylum seekers, alternatives to detention and time limit of detention pending return are covered in [section 4.6](#)

Additionally:

- *Obligation for the persons to be returned to procure Travel Documents independently.* It was introduced in **Austria** (2017 Act Amending Aliens Law).
- *European Travel Document* (EU Laissez Passer). In accordance with the provisions of Regulation EU 2016/1953, their issuance was introduced in **Bulgaria**, in **Slovakia**, and in **Hungary**.
- *Period of Voluntary Departure.* In **Malta** the Schengen evaluation had noted the fact that there were no reported instances of voluntary departure up to that time. Subsequently, requests for voluntary departure started to be acceded to in the appropriate circumstances.
- *Voluntary Return.* In **Czech Republic** the amendment of the Asylum Act introduced more flexible provisions regarding the application for voluntary return of unsuccessful asylum seekers and/or former beneficiaries of international protection<sup>(1190)</sup>.

#### *Implementation of Forced Return*

In the course of 2017 several EU+ countries expanded (forced) return channels, facilities, and activities for the purposes of return and the enforcement of return decisions and/or removal orders, including expulsions. Such implementing measures can be grouped as follows:

- *Detention Capacity and Rules pending the Enforcement of Return Decisions.* **Greece** launched tenders concerning the chartering of aircrafts and the issuing of tickets for the return of irregular foreigners.
- *Readmissions agreements.* The following countries reported signing in the course of 2017 readmission agreements: **Bulgaria** concluded agreements<sup>(1191)</sup> with Islamic Republic of Pakistan, Democratic Socialist Republic of Sri Lanka, Republic of Azerbaijan, FYROM, Republic of Turkey, Republic of Moldova, Ukraine, Georgia, Bosnia and Herzegovina, Republic of Serbia. **Czech Republic** is in the process of negotiating with Armenia and Turkey, and **Germany** with Tunisia, Morocco, and Algeria. In **Finland** the joint declaration between Finland and Afghanistan on cooperation in the field of migration became operational. **France**, along with other Member States, held Joint Readmission Committees with Albania, Armenia, FYROM, Azerbaijan, Bosnia, Georgia, Montenegro, Russia, Serbia, Sri Lanka, and Ukraine. Moreover, **France** was the leading country in the working group on Algeria within the EURINT<sup>(1192)</sup> project. **Croatia** signed a readmission agreement with Russia. **Hungary** signed an implementing protocol with Montenegro, and prepared the protocol for Ukraine. A Protocol signed between **Malta** and Sri Lanka, implementing the Agreement between the European Community and the Democratic Socialist Republic of Sri Lanka on the readmission of persons residing without authorisation, was signed on 5 October 2017. **Lithuania** with Armenia and Ukraine, **Latvia** with Georgia, Azerbaijan, and Ukraine (planned with Kyrgyzstan, Vietnam, Russia). The **Netherlands** was in the process of concluding implementing protocols with Azerbaijan, Armenia, Sri Lanka, Ukraine, Turkey, Cape Verde. **Slovakia** signed agreements with Ukraine and Turkey. As regards **Benelux** countries, **Belgium** is responsible for negotiations for implementation protocol on the basis of EU readmission agreement with Ukraine (finalised, not signed yet) and Turkey (negotiations to be started); **Netherlands** is responsible for Armenia (finalised, not signed yet), Sri Lanka (idem),

<sup>(1188)</sup> Administrative Jurisdiction Division of the Council of State (ABRvS), 24 March 2017, ECLI:NL:RVS:2017:793.

<sup>(1189)</sup> The possibility was also created to issue a travel ban to a third country national who, without providing an excusable reason, withdraws the application for a temporary asylum residence permit before a decision is taken, while there are indications that the application is not deemed to be promising. Decree of the Minister of Migration of 28 March 2017, Aliens Act Implementation Guidelines (Amendment) Decree (WBV) no. 2017/3, comprising changes to the Aliens Act Implementation Guidelines 2000, *Government Gazette* 2017, 17943.

<sup>(1190)</sup> After given up or withdrawal of the status. Amendment of the Act No 326/1999 Coll. (Alien Act) should widen the target group of voluntary return – including legal migrants who are not able to extend the period of legal stay in the territory of the Czech Republic.

<sup>(1191)</sup> This refers to bilateral protocols concluded on the basis of EU readmission agreements with these countries.

<sup>(1192)</sup> On EURINT project see: [https://ec.europa.eu/home-affairs/what-we-do/networks/european\\_migration\\_network/expert-groups\\_en/eurint-network\\_en](https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/expert-groups_en/eurint-network_en).

Azerbaijan (under negotiation), and **Luxemburg** is responsible for Cape Verde (under negotiation). Finally, the readmission agreement between Kazakhstan and **Benelux**, which was signed in 2015, came into effect in 2017.

- *Contacts, Delegations Visits, and Collaborations.* **Austria** received delegations visits from Ghana, Liberia, and Sierra Leone. **France** met with Albanian and Georgian authorities. France launched a *feuille de route*, with the aim to prevent irregular migration and support third countries, meant to address the following countries: Morocco, Tunisia, Senegal, Ivory Coast, Mali, and Guinea. **Lithuania** started a collaboration with the Socialist Republic of Vietnam. **Slovenia** is planning a Centre for Foreigners - a policy body - responsible for detention and return of third country nationals, whose main objective is to enhance the cooperation with certain third country representations such as Morocco, Algeria, Pakistan, and Afghanistan. In **Sweden**, at the end of 2016/beginning of 2017, the Swedish Migration Agency deployed three additional return liaison officers <sup>(1193)</sup>. They add to the EU Return Liaison Officer (EURLO) in Kabul (Afghanistan) and to the EURLO in Morocco <sup>(1194)</sup>. In **Finland**, collaborations were on-going with key countries of origin.
- *Cooperation and Partnership Agreements with Countries of Origin:*
  - a. **Afghanistan:** within the framework of the Joint Way Forward on Migration Issues a cooperation and partnership agreement was signed by **Germany** (an operational memorandum) and by **Luxembourg**.
  - b. **Kosovo:** **Sweden**, together with the **Netherlands** and **Austria**, signed a pilot project with Kosovo <sup>(1195)</sup>. **France's** and **Germany's** twinning project (URA2) for the return and reintegration of Kosovans continued.
  - c. **Cameroon:** **Belgium** signed an MoU with the aim of strengthening identification, return and reintegration, which has already contributed to shortening the time needed for identification.
  - d. **Iraq:** an intention declaration was signed by **Belgium** with the national government and local Kurdish-Iraqi authorities in Irbil regarding cooperation both in support of AVR's and enabling forced returns. The agreement with the authorities in Erbil had little or no results as following the independence referendum the airports in Kurdistan were closed.
- *Cooperation with European Border and Coast Guard Agency (FRONTEX) and Joint Return Flights:* **Bulgaria** continued cooperation with Frontex. **Greece** started a stronger cooperation with Frontex. For the first time **Hungary** organised a joint return operation to Afghanistan (Kabul) as a leading Member State <sup>(1196)</sup>. **Italy** continued its collaboration with Frontex, in joint repatriation operations. **Austria** continued its active role in organising JRO and implementation of the FRONTEX Application for Return. **Slovakia** started to use FAR (Frontex Application for Return) within the scope of the IRMA – Integrated Return Management Application – platform <sup>(1197)</sup>.
- *Monitoring Forced Return.* **Austria** has consistently implemented the monitoring for years and in 2017 also provided 100 % monitor support for all charters. In **Belgium**, a more systematic monitoring of beneficiaries of international protection who return to their country of origin, was carried out based on the intensified administrative cooperation <sup>(1198)</sup>. **Bulgaria** carried out various projects in order to strengthen the national monitoring capacity for forced return. In **Denmark** the Danish

<sup>(1193)</sup> The new liaison officers were deployed in Amman, Jordan (with responsibility for Jordan, Lebanon, the State of Palestine, Israel and Iraq), Tbilisi, Georgia (with responsibility for Georgia, Azerbaijan, Armenia and Ukraine), and Nairobi, Kenya (with responsibility for Somalia and Eritrea).

<sup>(1194)</sup> Here a new procedure has been put in place whereby fingerprints are sent directly to Moroccan authorities via the EURLO, with a request to verify the person's identity (and age, of applicants claiming to be minors).

<sup>(1195)</sup> During 2017, the Swedish Migration Agency, together with the Kosovan interior ministry, launched a pilot project in relation to the exchange of information during the return process.

<sup>(1196)</sup> Under the umbrella of the 'Joint Way Forward on migration issues between Afghanistan and the EU', with the coordination and finance of FRONTEX.

<sup>(1197)</sup> FRONTEX experts have trained Slovak national experts on the usage of this application and the SR took part in the joint return operation to Pakistan.

<sup>(1198)</sup> Between the Federal Police at the airport, the Immigration Office and the CGRS.

Ombudsman conducted a monitoring visit at Kaershovedgaard<sup>(1199)</sup>. In **Finland**, the Non-Discrimination Ombudsman will have more resources for monitoring purposes in 2018<sup>(1200)</sup>. In **Croatia** the National Return Monitoring System became fully functional. In **Germany**, since January 2017, the Federal Office for Migration and Refugees (Bundesamt für Migration und Flüchtlinge) is responsible for contributing Germany's forced return monitors to the Frontex-pool of monitors. In **Italy** a project was approved to implement a system for monitoring forced returns. In **Malta** Training of Trainers in Forced Return Monitoring was held at the Academy for Disciplined Forces in Malta<sup>(1201)</sup>. In **Slovenia** monitoring activities were smoothly carried out by Caritas. In **Sweden**, since 1 January 2018, the Swedish Migration Agency is responsible for coordinating a national forced return monitoring system. In the **United Kingdom** the Exit Checks initiative concerned those who had not complied with restrictions placed on their stay in the UK as part of the return procedure<sup>(1202)</sup>. UK also introduced a first-time reporting event interview which will form part of the new operating model. Pre Departure Teams (PDTs) were created with a view to ensure that vulnerability issues were identified and managed at the earliest opportunity.

- *UAMs and vulnerable groups' return.* **Czech Republic** dealt with only a few cases of vulnerable returnees with specific needs during 2017. In **Greece**, UAMs were sent, after a public prosecutor's order and the care of the National Center of Social Solidarity (EKKA), to accommodation facilities appropriately designed for their stay. In **Finland**, the Repatriation project, which is meant to develop return measures and improve effectiveness of returns also with regards to unaccompanied minors - was still under way<sup>(1203)</sup>. In **France**, vulnerable people needs were taken into consideration during the removal procedure: among others residence assignation was preferred to administrative detention. In the **Netherlands**, there were policy developments in respect of the return of (seriously) ill third country nationals. For their removal to be dropped not only will availability of the necessary medical care in the country of origin be considered, but also accessibility to such care for the individual third country national<sup>(1204)</sup>. As to minors, the new government plans to provide for adequate reception for minors in the country of origin. In **Norway**, a new project, initiated in the summer 2017, is meant to increase immigration authorities' taking extra responsibility for the return of unaccompanied minors<sup>(1205)</sup>. In **Sweden** specialised case officers within the Swedish Migration Agency met regularly with unaccompanied minors who have received return decisions to discuss the return process with them<sup>(1206)</sup>.
- *Return Management.* In **Germany** a Joint Centre for the Support of Return was established in Berlin. In the **United Kingdom** a new case-triaging tool was adopted, which is meant to assess the removability and level of harm posed by offenders, automate the identification and prioritisation of cases, and provide information on the length of time a barrier to removal has been in place. In **Slovenia** the development of a national strategy based on the European Integrated Border Management Strategy was underway. In **Malta** a stronger collaboration between the asylum authorities and the authorities responsible for return was promoted.

<sup>(1199)</sup> In October 2017, no report available until May 2018.

<sup>(1200)</sup> Information received from the Office of Non-Discrimination Ombudsman. The Office of Non-Discrimination Ombudsman is in charge of the national forced return monitoring system in Finland.

<sup>(1201)</sup> Trained Maltese monitors also participated in the pool for return monitors and have monitored two return operations for Germany - on 16 May and on the 4 July.

<sup>(1202)</sup> The initiative is due to be completed by April 2018.

<sup>(1203)</sup> Within this context, the project is looking into the opportunities of returning minors. In 2017 it examined the return practices of different countries regarding unaccompanied minors, and carried out a fact-finding mission to Afghanistan. In general, the Finnish Immigration Service identified a need to clarify the assessment of adequate reception of unaccompanied minors in the country of return (as per Article 10 Section 2 of the Return Directive). Information received from the Repatriation project at the Finnish Immigration Service.

<sup>(1204)</sup> Section 64 of the Aliens Act: it is up to the third-country national to make it plausible that care for him/her is not accessible.

<sup>(1205)</sup> The main aim is reunification with caregivers in their home country. This means that immigration authorities will have the opportunity to make use of instruments from both forced return and voluntarily return. A precondition for return is that the minor is returned to parents/ legal guardians (or other care arrangements). So far, the main obstacle for return is that Norwegian authorities *only* may return an unaccompanied minor if there is a parent, responsible care person or an acknowledged care institution in place to receive them on arrival, physically on the airport (cf. Immigration Act § 90, sentence 8). Within this framework, the Directorate of Immigration (UDI) and the National Police Immigration Service (NPIS) started close cooperation.

<sup>(1206)</sup> The Migration Agency has taken the initiative to start an AMIF-funded project entitled "Best Interest of the Child and Return" together with the municipality of Strömsund. The aim of the project is to increase the knowledge and coordination among stakeholders in order to develop a more sustainable return process.

Additionally:

- *Second Generation Schengen Information System (SIS II)*. In **Lithuania** the adoption of the system is still under discussion. In **Sweden** fewer entry bans registered in the SIS are expected as a result of the Case C-225/16 of 26 July 2017. **Slovakia** has been preparing for a systematic entering of the fingerprints in the SIS II system.
- *Training*. In **Malta** training continued for the Malta Police Force with regards to forced return. In **Slovakia** the BBAP's project named Capacity Building in the field of Returns II was aimed at the capacity building of employees directly involved in return policy, in the form of training for policemen carrying out returns as well as for representatives of selected diplomatic missions of the SR abroad.
- *Issues & Challenges*. In **Finland**, asylum seekers who have stayed for a long time have built a life in the country and become familiar with the Finnish society, thus resisting removal further. In 2017, there were situations in which the Finnish civil society prevented returns both by concrete means and by supporting the irregular stay of rejected asylum seekers <sup>(1207)</sup>. In response to the risk of an increase in the number of irregular migrants, a group was established in 2017 to create a situational picture of irregular stay. A multi-year action plan for the prevention of illegal immigration and residence (2017–2020) has been prepared under the direction of the National Police Board, and started to be implemented in 2017 <sup>(1208)</sup>. Finland was able to organise returns to nearly all countries (about 100 countries) but Iraq remained a challenge.

Civil society raised a number of concerns as regards return practices in EU+ countries, including the following issues:

- *Forced return practices of following nationalities/cases deemed at risk*. About Kurds returned to Turkey from **Switzerland** <sup>(1209)</sup>; about Sudanese returned to Sudan from **Belgium** <sup>(1210)</sup>; about Somali likely to be returned to Somalia from **Norway** <sup>(1211)</sup>; about rejected asylum seekers returned to Afghanistan from **Sweden** <sup>(1212)</sup>.
- *Rejected asylum seekers who cannot be returned*: in **Denmark** the Danish Refugee Council raised concerns about those who remain in limbo <sup>(1213)</sup>.
- *Children supposed to be returned to their countries of origin*: Save the Children was worried about general trends at EU level such as: the introduction of more restrictive measures in the field of return, negligence of the Best Interest of the Child, more common use of detention of children before return, lack of monitoring systems after return, absence of a child perspective in bilateral agreements <sup>(1214)</sup>.

<sup>(1207)</sup> Information received from the National Police Board of Finland.

<sup>(1208)</sup> National Police Board's publication series 1/2017, Action plan for the prevention of illegal immigration and residence 2017-2020, available at [https://www.poliisi.fi/tietoa\\_poliisista/julkaisut/julkaisu/laittoman\\_maahantulon\\_ja\\_maassa\\_oleskelun\\_vastainen\\_toimintaohjelma\\_2017-2020?docID=58035](https://www.poliisi.fi/tietoa_poliisista/julkaisut/julkaisu/laittoman_maahantulon_ja_maassa_oleskelun_vastainen_toimintaohjelma_2017-2020?docID=58035). (the whole report available only in Finnish, abstract also in English)

<sup>(1209)</sup> Asylex, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/Asylex-web.pdf>.

<sup>(1210)</sup> The Sudanese nationals were part of a group of hundreds of transits migrants that were staying in the Maximilian Park in Brussels. They were staying irregularly on the Belgian territory and did not want to request asylum. According to information collected by the Tahrir Institute for Middle East Policy some of these Sudanese nationals were tortured after they were returned to Sudan. On 22 December 2017 the Deputy Prime Minister Jan Jambon asked the Commissioner General for Refugees and Stateless to carry out an independent enquiry regarding the risk they would face in case of return to Sudan. The report was handed over to Deputy Prime Minister Jan Jambon on 8 February (see report at <http://www.cgrs.be/en/news/report-sudan>). According to ECRE, the apprehension of irregular Sudanese around the Gare du Nord area in Brussels led in some cases to their detention upon removal and their return. On the same account the government processed the cases without first carefully assessing the risks they may incur upon repatriation and one case ended in court with the court finding that the national authority had failed to grant the Sudanese the opportunity to be heard first. European Council for Refugees and Exiles (ECRE), input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/ecre.pdf>.

<sup>(1211)</sup> According to the Norwegian Organisation for Asylum Seekers (NOAS), the Norwegian government is currently reviewing 1 600 cases of Somali beneficiaries to see if the circumstances of protection have been ceased and/or whether their protection can be withdrawn. Input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/noas.pdf>. NOAS expressed concerns as regards this practice and refers to UNHCR's standpoint on this as also expressed in a letter to the Norwegian government (<http://www.noas.no/stortingets-vedtak-hindrer-ikke-brudd-pa-flyktningkonvensjonen/>).

<sup>(1212)</sup> Concerns raised by the Swedish Network of Refugee Support Groups. Input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/swedish-network-farr.pdf>.

<sup>(1213)</sup> Danish Refugee Council, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/Danish-Refugee-Council.pdf>.

<sup>(1214)</sup> Concerns as mentioned by Save the Children include more in details: i) The introduction of more restrictive measures in the field of return (as introduced over the last years) has tragic consequences. For example, new legislation has allowed for the forced return of migrants and asylum seekers to unsafe countries such as Afghanistan, Iraq and Somalia. ii) Families with children are returned without adequate regard for

On other accounts, in the **United Kingdom** child trafficking victims are granted limited leave to remain but lose this right when they turn 17.5 <sup>(1215)</sup>. In **Norway**, close to 42 % of all UAMs received a temporary residence permit only until the age of 18 <sup>(1216)</sup>.

- **Austria** supported the “Aware Migrants” campaign financially, which is an information campaign jointly developed by the Italian Ministry of Interior and the IOM Coordination Office for the Mediterranean in Rome. The project addresses migrants in transit and potential migrants in their countries of origin and aims to raise awareness on the risks associated with migration.

#### *Assisted Voluntary Return*

In the course of 2017 most EU+ countries promoted Assisted Voluntary Return initiatives, in various forms: financially, through information campaign, engaging directly in return activities, giving support to other organisation, such as IOM or national Civil Society Organisations (CSOs).

- *Information & Information Campaigns:* **Austria** launched the information campaign with the slogan Voluntary departure – a new start with perspectives, to inform asylum seekers and foreigners of options for voluntary departure and assistance benefits <sup>(1217)</sup>. In 2017, in **Belgium** Fedasil extended its network of return desks to smaller cities in order to expand the coverage of the programme also among undocumented immigrants. Besides, different projects are being implemented at city-level with local stakeholders to reach specific target groups by using street workers and native speaking counsellors. In **Finland**, 15 voluntary return advisers, who provide guidance on voluntary return were hired (VAPA project) <sup>(1218)</sup>. In **France** a website of the OFII has been set up for the purpose of Assisted Voluntary Return and Reintegration <sup>(1219)</sup>. **Germany** has established counselling centres by April 2018 in all accommodation facilities run by NGOs or governmental authorities. This regime enables asylum seekers (in particular those with low perspectives for a legal stay) to get comprehensive information on (voluntary) return and reintegration at a very early stage of the asylum procedure. **Italy** published a tender and concluded the selection of an operator for the implementation of an integrated information campaign on AVR. In **Malta**, an information and outreach campaign was developed by IOM Malta, in close coordination with MHAS, and the involvement of representatives of the Malian community and the Ghanaian community <sup>(1220)</sup>. In **Portugal**, migration agents gained easier access to information on the Assisted Return Programme with a direct link to the IOM Portugal website <sup>(1221)</sup>. **Sweden** adopted new measures to ensure that the perspective of return is taken into account from the beginning of each asylum process <sup>(1222)</sup>. In **Slovenia**, return counselling featured prominently among the measures used by Slovenia to incentivise return, also in detention <sup>(1223)</sup>. In **Slovakia** new measures were introduced in 2017, including awareness-raising activities, and the involvement of interpreters in the process of informing foreigners about the AVR. Moreover, in 2017 IOM launched an information campaign on social media (Facebook). In the **United Kingdom** the Voluntary Returns Service undertook a comprehensive redesign of its marketing materials and updated its website. The

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the best interest principle. iii) Detention of children before return is becoming more and more common. iv) Children are returned in the middle of the school year which is highly traumatic and contravenes their best interests. v) There are no monitoring systems in place to assess what happens to children once returned. vi) Bilateral agreements with countries such as Afghanistan and Morocco do not contain a child perspective. Save the Children, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/save-the-children.pdf>.

<sup>(1215)</sup> According to Every Child Protected against Trafficking (ECPAT, UK) this would undermine the ability of the child to find a durable solution as required under the EU Trafficking Directive 2011. Input to the Annual Report available at: <https://www.easo.europa.eu/sites/default/files/ecpat-uk.pdf>.

<sup>(1216)</sup> Once they reach 18, they are expected to go back to their country of origin. NOAS expressed significant concerns. Input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/noas.pdf>.

<sup>(1217)</sup> As part of the campaign, the special initiative entitled “1,000 euros for 1,000 people” was introduced to supplement existing return assistance.

<sup>(1218)</sup> Information received from REG Finland.

<sup>(1219)</sup> <http://www.retourvolontaire.fr/>, <http://www.voluntaryreturn.fr/> inspired by FEDASIL website: <https://www.retourvolontaire.be/fr>.

<sup>(1220)</sup> Diplomatic representations of following countries in Malta or organisations were also informed about the project: Mali, Egypt, Sierra Leone, Nigeria in Tripoli, governmental agencies (including AWAS, Appogg), international organisations (UNHCR, Red Cross), and NGOs (including Malta Emigrants Commission, JRS Malta). In February 2017, MHAS and AWAS identified focal points for AVRR in 5 open centres. A fixed schedule of an IOM representative to be available in the 5 open centres, for 1 hour in each centre per week was devised, in coordination with the focal points for AVRR in the centres; posters were placed in their premises to inform the residents. The project included 2 awareness raising lunches in migrant-owned restaurants.

<sup>(1221)</sup> IOM/Portugal diversified its target audience, using more appealing actions such as TV ads.

<sup>(1222)</sup> Different track procedure based on likelihood of protection.

<sup>(1223)</sup> Along with early information about the consequences of forced return, notably the imposition of an entry ban.

Service also introduced a new online application form to present a digital alternative to its telephone offer, in order to reach a wider audience <sup>(1224)</sup>.

- *Increased Incentives and Staged Approach Assistance.* Most countries adopted a new approach to AVR based on the principle of providing more assistance benefits to asylum seekers who return to their countries of origin at an earlier stage in the asylum procedure. A first set of measures are meant to assist in the *return phase* (travelling costs, documents, travel arrangements, etc.). A second set of measures are meant instead to promote *reintegration* in the country of origin. For instance: in **Austria**, replacing the existing programme, the Federal Office for Immigration and Asylum developed a new, two-stage model of return assistance <sup>(1225)</sup>. In **Czech Republic**, the government started its own voluntary return programme for irregular migrants. In **Germany**, in addition to the humanitarian programme REAG/GARP, the Federal Government implemented in 2017 additional financial assistance to asylum seekers who bindingly opted for a voluntary return <sup>(1226)</sup>. In **Finland**, the amounts of cash assistance for voluntary return was increased for certain countries. In-kind assistance was increased instead for all countries of return <sup>(1227)</sup>. In **Lithuania** many more persons departed voluntarily with the AVR programme <sup>(1228)</sup>. In **Slovenia**, AVRR programs were carried out by IOM, based on a renewed agreement in force until 31.12.2018 <sup>(1229)</sup>.
- *Decreased incentives.* Against this general trend, in the **Netherlands**, the return and/or reintegration support for nationals for visa-free countries and countries neighbouring Europe was reduced <sup>(1230)</sup>. Additionally, as of 1 July 2017, the additional departure and reintegration support - both financially and in kind - was reduced.
- *AVRR and collaboration with IOM.* In **Austria** the Federal Ministry of the Interior funded two reintegration projects RESTART II and Irma Plus<sup>(1231)</sup> within which 329 returnees were assisted. The Austrian Development Cooperation approved funding for a total of nine projects and programmes, aimed among other things at assisting in the reintegration of returnees <sup>(1232)</sup>. In **Belgium**, enhanced support was offered to the most vulnerable migrants, migrants with a significant medical condition, UAMs, Victims of Trafficking (VoT) and country-specific projects and activities. Moreover, Fedasil developed the Adapted Medical Assistance After Arrival (AMAAR) project <sup>(1233)</sup>. In **Bulgaria** cooperation with IOM continued, with 855 foreigners being returned in 2017. In **Czech Republic**, new

<sup>(1224)</sup> The Voluntary Returns Service continued to use the dedicated referral hotline brought in at the end of 2016. The online application form has already received 150 responses (January 2018), and will be promoted further to anyone who expresses an interest in voluntary return.

<sup>(1225)</sup> Moreover, the special initiative entitled “1,000 euros for 1,000 people” was introduced to supplement existing return assistance. The first 1,000 voluntary returnees each received EUR 1,000 in startup assistance, with families granted up to EUR 3,000. <sup>(1225)</sup> In response to the great demand, the number eligible for startup assistance was increased to 1 500 individuals, with grants awarded up to 31 December. Written input by the Federal Office for Immigration and Asylum, Directorate, 19 January 2018.

<sup>(1226)</sup> For reintegration purposes the two programs Starthilfe Plus (“Starting Aid Plus”) and Dein Land! Deine Zukunft! Jetzt! (“Your Country! Your Future! Now!”) were launched. A coherent, holistic approach is pursued in order to interlink AVR and reintegration programmes with the goal to achieve a more sustainable approach to reintegration. Additionally, the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), on behalf of the German Federal Ministry for Economic Cooperation and Development (BMZ), started the programme “Perspektive Heimat” which aims at assisting in return and reintegrating. (<https://www.build-your-future.net/>).

<sup>(1227)</sup> Those returning to category A countries (the most significant of which are Iraq and Afghanistan) now receive more in-cash assistance. Additionally, the joint project called AUDA - “Voluntary return to Iraq, Afghanistan and Somalia” – was designed in 2017, and will start in 2018. Information received from REG Finland.

<sup>(1228)</sup> 157 migrants used of such assistance. The persons were citizens of the Russian Federation (28 persons), Tajikistan (27 persons), Ukraine (26 persons), Belarus (20 persons), Azerbaijan (15 persons).

<sup>(1229)</sup> The maximum amount for in-kind assistance is 2.000 EUR, for in-cash 500 EUR.

<sup>(1230)</sup> These reductions form part of a wider review of the departure and reintegration support which aims to prevent any possible pull effects. Third country nationals from visa-free countries are no longer eligible for participation in the IOM’s REAN scheme and for additional departure and reintegration support either financially or in kind as of 1 January 2017. Since 1 January 2017 countries neighbouring Europe (Morocco, Algeria, Tunisia, Egypt, Lebanon, Turkey, Kosovo, Moldova, Georgia, Ukraine, Russia and Belarus) are no longer able to apply for additional departure support either financially or in kind. Furthermore, as of 1 January 2017, Mongolians (also non-Dublin claimants) are excluded from reintegration support (financial and in kind) due to indications of improper use.

<sup>(1231)</sup> The Projects are implemented by nongovernmental organisations IOM (Restart II) and Caritas Austria (Irma Plus). Restart II provides reintegration support for returnees to Afghanistan and Iran, while Irma Plus focuses on reintegration support for vulnerable groups and provides the assistance in 10 different countries. The amount for reintegration support differs between two projects: RESTART II provides 500 EUR in-cash and 2800 EUR in-kind; Irma Plus 3000 EUR only in-kind

<sup>(1232)</sup> The funding, totalling about EUR 11 million, primarily went to UN organisations such as IOM, mainly to support projects and programmes in Afghanistan, Iraq, Kenya, Somalia and the Syrian Arab Republic. Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, Department IV.2 (Tourist and Cross-Border Traffic, Residence Matters, Combating Trafficking in Human Beings, Refugee and Migration Affairs), 17 January 2018.

<sup>(1233)</sup> This project consists of a cooperation between Fedasil’s medical unit, IOM and Caritas International Belgium.

model of cooperation with IOM focused on so called hardly returnable irregular migrants<sup>(1234)</sup>. In **Greece**, over the period June 2016 to 8 February 2018, 9 551 immigrants were returned<sup>(1235)</sup>. In **Malta** reintegration grants for AVRR returnees under 18 years of age returning to countries of origins with their families/single parents were included in the programme. In **Hungary** continued AVR programme meant to support the vulnerable and returnees with chronic medical conditions (up to 60 people until June 2018). In **Italy**, a government-funded project to provide up to 1 500 assisted voluntary returns was run in 2017, which also expanded cooperation with IOM and its presence on the national territory. The RISTART project is currently suspended, while a new project aimed at activating and developing the institutional network on AVRs and training of sector operators was launched with AMIF funds. In **Lithuania** the IOM office in Vilnius provided reintegration assistance to 15 aliens<sup>(1236)</sup>. **Latvia**, in collaboration with IOM, provided assistance to 63 persons<sup>(1237)</sup>. In the **Netherlands**, a renewed financial reintegration support for former asylum seekers replaced HRT (Return and Reintegration Regulation), and it is now available for asylum seekers as well as third country nationals who do not have an asylum background. In **Portugal**, 261 people (232 from Brazil) benefitted of the AVR Programme (75 were minors and only 3 were asylum seekers)<sup>(1238)</sup>. In **Sweden** the number of voluntary returnees was on the rise, higher than both the share of rejected applicants who absconded and the share of cases that were transferred to the Police for forced return. In **Slovakia** a new IOM project, which follows up on the previous one, started to be implemented<sup>(1239)</sup>.

- *Return from Third Countries.* The **United Kingdom** aid supported IOM to assist vulnerable migrants return home from Libya and Niger<sup>(1240)</sup>. The **Netherlands** increased its efforts in the voluntary return of migrants from transit countries – notably Libya and other North African countries - back to their countries of origin.
- *ERIN, European Reintegration Network (ERIN).* In **Austria** a total of 956 individuals, including programme participants and family members, departed voluntarily for their home countries<sup>(1241)</sup> in 2017, by means of ERIN<sup>(1242)</sup>. **Denmark** joined ERIN and concluded agreements to provide reintegration assistance to rejected asylum seekers returning to Afghanistan, Pakistan, Nepal and Iraq<sup>(1243)</sup>. In **Germany** 1 901 returnees have been assisted in 2017. Regarding the reintegration aims, Germany is going to enlarge the range of contracts/Service Providers in further return countries. There are also considerations to use bilateral agreements with the German development organisation GIZ operating in several target countries like Western Balkans, northern/middle African states. The **Netherlands** is the leading country of the programme. In the course of 2017 the number of countries of origin where ERIN is operational were doubled (from 11 to 22, including Bangladesh, Brazil and India)<sup>(1244)</sup>. In 2017, the **Swedish** Migration Agency actively offered reintegration measures to persons returning to the following countries: Afghanistan, Iran (until 31 May 2017), Iraq, Morocco, Nigeria (until 20 October 2017), Pakistan, Russia, and Somalia (until 20 October 2017).

### *Jurisprudence*

- In **Lithuania**: The Supreme Administrative Court of Lithuania has found in the case of 3 August 2017 that, under the Return Directive, priority should be given to voluntary return against forced return,

<sup>(1234)</sup> (illegal transit migrants from Pakistan, Afghanistan, Iraq and Nigeria)

<sup>(1235)</sup> On UNHCR account, in 2017 only, 5 657 have been returned with IOM support. 1 925 of them have received reintegration assistance in kind in their countries of origin such as Pakistan, Afghanistan, Georgia, Iraq, Iran, Morocco, India, Bangladesh, Egypt, etc.

<sup>(1236)</sup> Coming from the Russian Federation, Azerbaijan and Belarus.

<sup>(1237)</sup> Within the framework of the project of the Asylum, Migration and Integration Fund “Voluntary Return and Reintegration assistance in Latvia, 2016 - 2018”.

<sup>(1238)</sup> Under the framework of ARVoRe VI Project, IOM Portugal has revised its reintegration methodology. The reintegration subsidy is granted to as many as 60 beneficiaries and can reach a maximum amount of EUR 2000, depending on the needs identified in the Individual Reintegration Plan.

<sup>(1239)</sup> “Voluntary Return and Reintegration in the Country of Origin”.

<sup>(1240)</sup> In Libya UK Aid supported more than 1,400 people to return home, and helped more than 800 return from Niger.

<sup>(1241)</sup> Afghanistan, Iraq, Iran, Morocco, Nigeria, Pakistan, Russian Federation and Somalia.

<sup>(1242)</sup> With support from the Federal Ministry of the Interior and funding by the European Commission. Written input by the Federal Office for Immigration and Asylum, Directorate, 19 January 2018. The assistance comprises EUR 500 in cash and as much as EUR 3 000 in material benefits, which are granted based on business models presented by returnees. Return counselling is provided by Caritas Austria and Verein Menschenrechte Österreich, under contract with the Federal Ministry of the Interior.

<sup>(1243)</sup> Danish Refugee Council, input to the Annual Report, available at: <https://www.easo.europa.eu/sites/default/files/Danish-Refugee-Council.pdf>.

<sup>(1244)</sup> Moreover, with DT&V as leader, the Netherlands was involved in establishing the European Return and Reintegration Network (ERRIN) programme, which is in the start-up phase and within which ERIN will be embedded.

and an alien should be issued a return decision and granted a period for voluntary departure, aside from in exceptional circumstances.

- In **Italy**: the Constitutional Court ruled with its Judgement No 275 of 20 December 2017 on the deferred refusal of entry and accompaniment to the border of irregular foreign citizens temporarily admitted to Italy, declaring it involves a limitation of personal freedom, and therefore requires the guarantees provided for by the Constitution, thus inviting the legislator to intervene in this regard.
- Following the **Ouhrami case** of the EUCJ (Case C-225/16 of 26 July 2017):
  1. In **Belgium**, the Council of Alien Law Litigation has reminded the Immigration Office in several judgments the implication of the Ouhrami case of the EUCJ.
  2. In **Sweden**: the period of an entry ban will start when a person leaves the Schengen area (and not when the return decision gains legal force).
  3. **Finland** is currently in the process of changing its practices to correspond to the said decision. The Ministry of Justice also drafted a proposed legislative amendment that would add a new provision on the breach of an entry ban to the Criminal Code of Finland. Such an offence would be committed by a person who enters Finland despite a valid entry ban imposed on him or her. The entry ban could have been imposed by Finland or, with regard to certain breaches of an entry ban, by another Schengen country.
- In the **Netherlands**, the highest Administrative Court of the Netherlands delivered several judgements (<sup>1245</sup>) which, in a number of cases, makes it more difficult to (a) deprive a third country national who has received a return decision of the period of voluntary departure, (b) to detain a third country national while awaiting departure, and (c) to (indirectly) impose a travel ban.

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<sup>(1245)</sup> Administrative Jurisdiction Division of the Council of State (ABRvS) 24 March 2017, ECLI:NL:RVS:2017:793; ABRvS 4 July 2017, ECLI:NL:RVS:2017:1725 (201604476/1).

## Conclusions

The 2017 EASO Annual Report on the Situation of Asylum in the European Union reflects an ongoing effort to provide, as in previous years, a summarising yet comprehensive overview of quantitative and qualitative information on major developments and trends in the area of asylum and the functioning of the Common European Asylum System.

Reflecting the growth and increasing maturity of EASO work on information and analysis, the Report comprises an even wider range of sources and provides more detail, allowing for an in-depth analysis of relevant developments and the underlying context.

The complexity of the asylum reality EU+ countries are called to address illustrates the need for collaborative action among diverse stakeholders to effectively respond to existing needs. This includes national authorities, European institutions, international and regional organisations, and local communities, with each actor bringing their own resources and expertise in developing integrative strategies to cater to the needs of people seeking protection. In alignment with this inclusive approach, the Report comprises a multiplicity of voices, which may at times be of a constructively critical nature.

In a year that, compared to 2016, saw a 44 % decrease in the number of applications for international protection received by EU+ countries, the number of pending cases was still slightly below a million. With their asylum and reception systems continuing to be under pressure, EU+ countries kept focusing their efforts on enhancing registration and optimising processing of applications both in terms of quality and in terms of timing. Common patterns in organisational changes included the adjustment of reception facilities (with mixed trends among EU+ countries, according to needs), coupled with an enhancement of the Dublin Units within national administrations.

Specific thematic sections of the Report pointed to certain trends present in the practices and policies of European countries. Based on those, some predictions can be made with regard to the key areas of interest in the near future, including:

- The reform of the Dublin system towards a more efficient and effective determination of the responsible Member State;
- Emphasis on the use of technology and various organisational modes of processing asylum cases to enable swift identification of the main factors of individual cases and addressing them in a targeted way;
- Continued flexibility of national reception systems, as regards adjustment to needs and specialisation of services delivered to various groups;
- The large volume of decisions that continue to be issued in appeal or review may translate into a number of landmark cases where judgment delivered by highest national courts will play a role in shaping the policy and hopefully further harmonisation of practices across EU+ countries;
- Further enhancement of overall migration management based in mutual trust and solidarity among EU+ countries through the coordinated implementation of internal and external policies of the European Agenda for Migration.

Since 2015, EU+ countries have strived, through orchestrated efforts at multiple levels (legislative, policy, operational, and technical) and by employing innovative approaches, to effectively address the largest influx of asylum applicants in Europe in the recent years. As illustrated in this report, significant steps have been taken toward reinforcing the capacity of the CEAS to fully deliver on the European values, which lie at its very foundation. EASO will continue to be a key actor in the process, delivering on its core tasks as envisaged in its mandate: providing operational support; engaging with partner actors to deliver trainings and enhance capacity; facilitating dialogue and practical cooperation among EU+ countries; collecting and analysing qualitative and quantitative information; and contributing to the implementation of the external dimension of the EU migration policy.

## Statistical annex

### *Disclaimer*

Figures used in this Report relate to annual datasets published on the Eurostat website on 2 May 2018 (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>[1]</sup>;
- 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'.

Annex D1: Asylum applicants in the EU+ by EU+ country and main citizenship, 2013-2017

	2017					% chg. on last year	Share in EU+	Highest share	Sparkline
	2013	2014	2015	2016	2017				
<b>Reporting country</b>	<b>Citizenship</b>								
Germany	126 705	202 645	476 510	745 155	<b>222 560</b>	↓ -70	31%	Syria (23%)	
Italy	26 620	64 625	83 540	122 960	<b>128 850</b>	→ +5	17.7%	Nigeria (20%)	
France	66 265	64 310	76 165	84 270	<b>99 330</b>	↗ +18	13.6%	Albania (12%)	
Greece	8 225	9 430	13 205	51 110	<b>58 650</b>	↗ +15	8.1%	Syria (28%)	
United Kingdom	30 585	32 785	40 160	39 735	<b>33 780</b>	↘ -15	4.6%	Iraq (10%)	
Spain	4 485	5 615	14 780	15 755	<b>31 120</b>	↗ +98	4.3%	Venezuela (33%)	
Sweden	54 270	81 180	162 450	28 790	<b>26 325</b>	↘ -9	3.6%	Syria (21%)	
Austria	17 500	28 035	88 160	42 255	<b>24 715</b>	↘ -42	3.4%	Syria (30%)	
Belgium	21 030	22 710	44 660	18 280	<b>18 340</b>	→ +0	2.5%	Syria (15%)	
Netherlands	13 060	24 495	44 970	20 945	<b>18 210</b>	↘ -13	2.5%	Syria (17%)	
Switzerland	21 305	23 555	39 445	27 140	<b>18 015</b>	↘ -34	2.5%	Eritrea (19%)	
Poland	15 240	8 020	12 190	12 305	<b>5 045</b>	↓ -59	0.7%	Russia (70%)	
Finland	3 210	3 620	32 345	5 605	<b>4 990</b>	↘ -11	0.7%	Iraq (29%)	
Romania	1 495	1 545	1 260	1 880	<b>4 815</b>	↑ +156	0.7%	Iraq (57%)	
Cyprus	1 255	1 745	2 265	2 940	<b>4 600</b>	↗ +56	0.6%	Syria (39%)	
Bulgaria	7 145	11 080	20 365	19 420	<b>3 695</b>	↓ -81	0.5%	Afghanistan (31%)	
Norway	11 930	11 415	31 110	3 485	<b>3 520</b>	→ +1	0.5%	Syria (29%)	
Hungary	18 895	42 775	177 135	29 430	<b>3 390</b>	↓ -88	0.5%	Afghanistan (42%)	
Denmark	7 170	14 680	20 935	6 180	<b>3 220</b>	↘ -48	0.4%	Syria (24%)	
Ireland	945	1 450	3 275	2 245	<b>2 930</b>	↗ +31	0.4%	Syria (19%)	
Luxembourg	1 070	1 150	2 505	2 160	<b>2 430</b>	↗ +13	0.3%	Syria (17%)	
Malta	2 245	1 350	1 845	1 930	<b>1 840</b>	→ -5	0.3%	Syria (27%)	
Portugal	500	440	895	1 460	<b>1 750</b>	↗ +20	0.2%	Syria (24%)	
Slovenia	270	385	275	1 310	<b>1 475</b>	↗ +13	0.2%	Afghanistan (39%)	
Czech Republic	695	1 145	1 515	1 475	<b>1 445</b>	→ -2	0.2%	Ukraine (30%)	
Iceland	125	170	345	1 125	<b>1 085</b>	→ -4	0.1%	Georgia (27%)	
Croatia	1 075	450	210	2 225	<b>975</b>	↓ -56	0.1%	Afghanistan (19%)	
Lithuania	400	440	315	430	<b>495</b>	↗ +15	0.1%	Syria (27%)	
Latvia	195	375	330	350	<b>355</b>	→ +1	0.0%	Syria (39%)	
Estonia	95	155	230	175	<b>190</b>	↗ +9	0.0%	Syria (42%)	
Slovakia	440	330	330	145	<b>160</b>	↗ +10	0.0%	Afghanistan (16%)	
Liechtenstein	55	65	150	80	<b>150</b>	↗ +88	0.0%	Serbia (43%)	
<b>Citizenship</b>	<b>Reporting country</b>								
Syria	52 755	127 890	383 685	341 985	<b>108 040</b>	↓ -68	15%	Germany (47%)	
Iraq	11 340	21 925	130 385	131 705	<b>52 625</b>	↓ -60	7%	Germany (45%)	
Afghanistan	27 840	42 735	196 255	190 250	<b>49 280</b>	↓ -74	7%	Germany (37%)	
Nigeria	13 960	21 330	32 340	48 955	<b>41 775</b>	↘ -15	5.7%	Italy (61%)	
Pakistan	21 195	22 455	48 725	50 130	<b>32 035</b>	↘ -36	4.4%	Italy (30%)	
Eritrea	20 300	46 750	47 050	40 240	<b>29 365</b>	↘ -27	4.0%	Germany (36%)	
Albania	11 400	17 305	68 950	32 985	<b>26 075</b>	↘ -21	3.6%	France (47%)	
Bangladesh	9 355	11 905	19 125	17 285	<b>20 850</b>	↗ +21	2.9%	Italy (60%)	
Guinea	6 900	6 635	6 405	14 955	<b>19 080</b>	↗ +28	2.6%	Italy (41%)	
Iran	13 170	11 175	28 555	42 110	<b>18 900</b>	↓ -55	2.6%	Germany (49%)	
Russia	42 275	20 235	22 570	27 875	<b>17 175</b>	↘ -38	2.4%	Germany (36%)	
Turkey	6 135	5 560	5 490	11 670	<b>16 645</b>	↗ +43	2.3%	Germany (51%)	
Somalia	18 820	18 155	22 875	21 830	<b>15 020</b>	↘ -31	2.1%	Germany (50%)	
Côte d'Ivoire	2 640	3 520	5 850	11 730	<b>14 635</b>	↗ +25	2.0%	Italy (58%)	
Gambia, The	4 055	11 935	13 405	17 105	<b>13 295</b>	↘ -22	1.8%	Italy (67%)	
Other	202 365	272 655	362 210	291 930	<b>253 675</b>	↘ -13	35%	Germany (24%)	
<b>EU+</b>	<b>464 505</b>	<b>662 165</b>	<b>1 393 875</b>	<b>1 292 740</b>	<b>728 470</b>	↘ -44		Germany (31%)	

## Annex D2: First-time asylum applicants by EU+ country and main citizenship, 2013-2017

						2017			Sparkline
	2013	2014	2015	2016	2017	% chg. on last year	Share in EU+	Highest share	
<b>Reporting country</b>									<b>Citizenship</b>
Germany	109 375	172 945	441 800	722 265	<b>198 255</b>	↓ - 73	30%	Syria (25%)	
Italy	25 720	63 655	83 245	121 185	<b>126 550</b>	→ + 4	18.8%	Nigeria (20%)	
France	60 475	58 845	70 570	76 790	<b>91 965</b>	↗ + 20	13.7%	Albania (12%)	
Greece	7 860	7 585	11 370	49 875	<b>56 940</b>	↗ + 14	8.5%	Syria (29%)	
United Kingdom	29 640	32 120	39 720	39 240	<b>33 310</b>	↘ - 15	5.0%	Iraq (10%)	
Spain	4 285	5 460	14 600	15 570	<b>30 445</b>	↗ + 96	4.5%	Venezuela (34%)	
Austria	:	25 675	85 505	39 875	<b>22 455</b>	↘ - 44	3.3%	Syria (32%)	
Sweden	49 225	74 980	156 110	22 330	<b>22 190</b>	→ - 1	3.3%	Syria (24%)	
Switzerland	19 315	21 940	38 060	25 820	<b>16 615</b>	↘ - 36	2.5%	Eritrea (19%)	
Netherlands	9 815	21 780	43 035	19 285	<b>16 090</b>	↘ - 17	2.4%	Syria (18%)	
Belgium	11 965	14 045	38 990	14 250	<b>14 035</b>	→ - 2	2.1%	Syria (19%)	
Romania	1 405	1 500	1 225	1 855	<b>4 700</b>	↑ + 153	0.7%	Iraq (57%)	
Cyprus	1 150	1 480	2 105	2 840	<b>4 475</b>	↗ + 58	0.7%	Syria (40%)	
Finland	2 985	3 490	32 150	5 275	<b>4 325</b>	↘ - 18	0.6%	Iraq (23%)	
Bulgaria	6 980	10 805	20 165	18 990	<b>3 470</b>	↓ - 82	0.5%	Afghanistan (30%)	
Norway	11 430	10 910	30 470	3 240	<b>3 350</b>	→ + 3	0.5%	Syria (30%)	
Denmark	7 170	14 535	20 825	6 055	<b>3 125</b>	↘ - 48	0.5%	Syria (24%)	
Hungary	18 565	41 215	174 435	28 215	<b>3 115</b>	↘ - 89	0.5%	Afghanistan (44%)	
Poland	13 970	5 610	10 255	9 780	<b>3 005</b>	↓ - 69	0.4%	Russia (71%)	
Ireland	940	1 440	3 270	2 315	<b>2 910</b>	↗ + 26	0.4%	Syria (19%)	
Luxembourg	990	1 030	2 360	2 065	<b>2 320</b>	↗ + 12	0.3%	Syria (17%)	
Malta	2 205	1 275	1 695	1 735	<b>1 610</b>	↘ - 7	0.2%	Syria (27%)	
Slovenia	240	355	260	1 265	<b>1 435</b>	↗ + 13	0.2%	Afghanistan (40%)	
Czech Republic	490	905	1 235	1 200	<b>1 140</b>	↘ - 5	0.2%	Ukraine (26%)	
Iceland	:	:	:	1 100	<b>1 065</b>	→ - 3	0.2%	Georgia (27%)	
Portugal	500	440	870	710	<b>1 015</b>	↗ + 43	0.2%	Congo (DR) (16%)	
Croatia	1 045	380	140	2 150	<b>880</b>	↓ - 59	0.1%	Afghanistan (20%)	
Lithuania	250	385	275	415	<b>520</b>	↗ + 25	0.1%	Syria (33%)	
Latvia	185	365	330	345	<b>355</b>	→ + 3	0.1%	Syria (39%)	
Estonia	95	145	225	150	<b>180</b>	↗ + 20	0.0%	Syria (44%)	
Slovakia	290	230	270	100	<b>150</b>	↗ + 50	0.0%	Afghanistan (17%)	
Liechtenstein	:	:	:	75	:	:	n.a		
<b>Citizenship</b>									<b>Reporting country</b>
Syria	48 525	124 750	377 910	337 485	<b>105 255</b>	↓ - 69	16%	Germany (47%)	
Iraq	8 630	15 290	126 810	128 620	<b>48 350</b>	↓ - 62	7%	Germany (45%)	
Afghanistan	22 260	39 135	193 015	186 545	<b>45 090</b>	↓ - 76	7%	Germany (36%)	
Nigeria	12 245	20 060	31 040	47 385	<b>39 815</b>	↘ - 16	5.9%	Italy (63%)	
Pakistan	19 440	20 770	47 210	47 855	<b>29 780</b>	↘ - 38	4.4%	Italy (32%)	
Eritrea	19 615	45 885	45 760	38 965	<b>28 370</b>	↘ - 27	4.2%	Germany (36%)	
Albania	10 780	16 465	66 990	29 655	<b>22 565</b>	↘ - 24	3.4%	France (51%)	
Bangladesh	7 465	10 205	17 995	16 065	<b>19 325</b>	↗ + 20	2.9%	Italy (63%)	
Guinea	5 930	5 510	5 770	14 360	<b>18 520</b>	↗ + 29	2.8%	Italy (42%)	
Iran	11 150	9 910	27 280	40 875	<b>17 670</b>	↓ - 57	2.6%	Germany (49%)	
Turkey	5 040	4 725	4 650	10 660	<b>15 570</b>	↗ + 46	2.3%	Germany (52%)	
Côte d'Ivoire	2 400	3 300	5 675	11 545	<b>14 370</b>	↗ + 24	2.1%	Italy (58%)	
Somalia	16 895	16 335	21 320	20 675	<b>13 605</b>	↘ - 34	2.0%	Germany (50%)	
Gambia, The	3 840	11 700	13 215	16 775	<b>12 890</b>	↘ - 23	1.9%	Italy (68%)	
Russia	35 650	14 355	18 680	23 270	<b>12 850</b>	↘ - 45	1.9%	Germany (38%)	
Other	168 705	237 135	322 245	265 625	<b>227 975</b>	↘ - 14	34%	Germany (21%)	
<b>EU+</b>	<b>398 570</b>	<b>595 530</b>	<b>1325 565</b>	<b>1 236 360</b>	<b>672 000</b>	↘ - 46		<b>Syria (16%)</b>	

Annex D3: Pending cases at the end of the year in the EU+ by EU+ country and main citizenship, 2013-2017

	2017					% chg. on last year	Share in EU+	Highest share	Sparkline
	2013	2014	2015	2016	2017				
<b>Reporting country</b>	<b>Citizenship</b>								
Germany	133 855	221 005	424 760	601 905	<b>443 640</b>	↘ - 26	46%	Afghanistan (20%)	
Italy	13 655	45 750	60 155	99 920	<b>152 420</b>	↗ + 53	16.0%	Nigeria (21%)	
Austria	22 175	29 675	79 665	77 445	<b>57 655</b>	↘ - 26	6.0%	Afghanistan (43%)	
Sweden	27 675	54 285	156 690	82 960	<b>51 480</b>	↘ - 38	5.4%	Afghanistan (35%)	
Greece	49 800	31 930	26 150	40 015	<b>47 815</b>	↗ + 19	5.0%	Syria (21%)	
Spain	4 345	7 525	16 430	20 365	<b>38 880</b>	↗ + 91	4.1%	Venezuela (35%)	
France	38 915	36 520	34 125	44 070	<b>38 405</b>	↘ -12.9	4.0%	Afghanistan (8%)	
United Kingdom	22 940	32 455	33 870	36 860	<b>32 575</b>	↘ - 12	3.4%	Albania (9%)	
Switzerland	19 215	19 195	34 075	31 475	<b>24 155</b>	↘ - 23	2.5%	Afghanistan (23%)	
Belgium	17 520	15 325	36 455	24 735	<b>18 715</b>	↘ - 24	2.0%	Afghanistan (21%)	
Finland	2 495	1 795	27 750	15 000	<b>9 335</b>	↘ - 38	1.0%	Iraq (46%)	
Netherlands	3 440	8 685	29 635	12 245	<b>7 385</b>	↘ - 40	0.8%	Syria (11%)	
Ireland	3 805	3 635	4 865	4 055	<b>5 670</b>	↗ + 40	0.6%	Pakistan (16%)	
Cyprus	:	1 775	2 055	2 860	<b>5 120</b>	↗ + 79	0.5%	Syria (30%)	
Denmark	1 485	8 240	14 975	7 020	<b>4 205</b>	↘ - 40	0.4%	Iran (20%)	
Poland	1 990	2 685	3 305	2 880	<b>2 885</b>	↔ + 0	0.3%	Russia (75%)	
Bulgaria	5 650	6 750	9 500	15 595	<b>2 725</b>	↘ - 83	0.3%	Iraq (38%)	
Norway	2 755	4 465	24 545	7 005	<b>2 525</b>	↘ - 64	0.3%	Afghanistan (19%)	
Romania	345	390	405	935	<b>2 085</b>	↗ + 123	0.2%	Iraq (61%)	
Luxembourg	1 670	1 370	2 475	2 465	<b>1 525</b>	↘ - 38	0.2%	Eritrea (16%)	
Malta	905	695	815	1 070	<b>1 500</b>	↗ + 40	0.2%	Somalia (24%)	
Czech Republic	310	535	655	770	<b>810</b>	↗ + 5	0.1%	Ukraine (23%)	
Hungary	1 885	15 685	36 695	3 415	<b>675</b>	↘ -80	0.1%	Afghanistan (36%)	
Slovenia	100	110	170	555	<b>475</b>	↘ - 14	0.0%	Afghanistan (24%)	
Croatia	235	120	55	495	<b>415</b>	↘ - 16	0.0%	Afghanistan (23%)	
Iceland	165	210	275	580	<b>345</b>	↘ - 41	0.0%	Iraq (20%)	
Lithuania	125	175	115	190	<b>255</b>	↗ + 34	0.0%	Russia (27%)	
Slovakia	170	220	275	95	<b>110</b>	↗ + 16	0.0%	Afghanistan (18%)	
Liechtenstein	10	30	100	75	<b>90</b>	↗ + 20	0.0%	Serbia (39%)	
Latvia	195	255	225	225	<b>90</b>	↘ - 60	0.0%	Russia (28%)	
Estonia	40	100	120	70	<b>70</b>	↔ + 0	0.0%	Russia (21%)	
Portugal	60	30	45	50	<b>55</b>	↗ + 10	0.0%	Angola (27%)	
<b>Citizenship</b>	<b>Reporting country</b>								
Afghanistan	34 685	40 855	159 390	238 515	<b>160 410</b>	↘ - 33	17%	Germany (55%)	
Syria	29 335	69 060	220 825	157 740	<b>111 455</b>	↘ - 29	12%	Germany (70%)	
Iraq	13 430	19 615	104 710	124 050	<b>85 510</b>	↘ - 31	9%	Germany (55%)	
Nigeria	11 770	21 415	32 130	51 925	<b>59 765</b>	↗ + 15	6.3%	Italy (54%)	
Pakistan	31 870	31 995	43 985	50 450	<b>47 495</b>	↘ - 6	5.0%	Germany (39%)	
Iran	14 205	14 195	29 780	47 730	<b>32 585</b>	↘ - 32	3.4%	Germany (56%)	
Eritrea	13 470	36 205	42 365	36 720	<b>29 310</b>	↘ - 20	3.1%	Italy (44%)	
Russia	25 400	22 035	22 435	28 345	<b>28 670</b>	↔ + 1	3.0%	Germany (69%)	
Somalia	12 955	17 385	27 790	31 795	<b>22 055</b>	↘ - 31	2.3%	Germany (49%)	
Bangladesh	11 530	13 965	16 710	16 580	<b>21 410</b>	↗ + 29	2.2%	Italy (58%)	
Gambia, The	3 170	9 625	11 525	17 325	<b>18 900</b>	↗ + 9	2.0%	Italy (47%)	
Turkey	6 690	6 315	6 965	13 490	<b>18 895</b>	↗ + 40	2.0%	Germany (57%)	
Guinea	6 295	6 850	6 015	13 140	<b>18 125</b>	↗ + 38	1.9%	Italy (45%)	
Ukraine	895	10 655	20 305	18 505	<b>15 760</b>	↘ - 15	1.7%	Spain (31%)	
Venezuela	80	300	905	5 015	<b>14 880</b>	↗ + 197	1.6%	Spain (90%)	
Other	162 135	231 135	315 600	286 085	<b>268 875</b>	↘ - 6	28%	Germany (38%)	
<b>EU+</b>	<b>377 915</b>	<b>551 605</b>	<b>1061 435</b>	<b>1 137 410</b>	<b>954 100</b>	↘ - 16		<b>Afghanistan (17%)</b>	

**Annex D4: Withdrawn applications in the EU+ by EU+ country and main citizenship, 2013-2017**

						2017				Sparkline
	2013	2014	2015	2016	2017	% chg. on last year	Share in EU+	Highest share		
<b>Reporting country</b>						<b>Citizenship</b>				
Germany	4 750	8 190	14 530	45 245	<b>40 285</b>	↘ - 11	41%	Afghanistan (10%)		
Italy	15	1 555	6 750	8 640	<b>14 000</b>	↗ + 62	14%	Nigeria (17%)		
Greece	4 090	19 225	6 255	7 475	<b>10 210</b>	↗ + 37	10.3%	Syria (17%)		
Bulgaria	195	195	14 730	10 050	<b>10 045</b>	↔ - 0	10.1%	Afghanistan (57%)		
Sweden	4 825	5 020	9 085	13 875	<b>5 400</b>	↘ - 61	5.4%	Iraq (17%)		
Hungary	1 195	18 150	103 015	44 905	<b>3 460</b>	↘ - 92	3.5%	Afghanistan (45%)		
United Kingdom	2 615	2 500	3 130	3 255	<b>3 400</b>	↔ + 4	3.4%	India (14%)		
Belgium	1 705	1 785	1 320	3 360	<b>1 515</b>	↘ - 55	1.5%	Georgia (13%)		
Spain	:	645	875	1 870	<b>1 505</b>	↘ - 20	1.5%	Ukraine (19%)		
Romania	115	110	105	210	<b>1 485</b>	↗ + 607	1.5%	Iraq (61%)		
Denmark	3 005	1 235	1 730	3 255	<b>1 480</b>	↘ - 55	1.5%	Morocco (17%)		
France	305	575	690	1 045	<b>1 460</b>	↗ + 40	1.5%	Albania (14%)		
Slovenia	175	215	90	620	<b>950</b>	↗ + 53	1.0%	Afghanistan (48%)		
Netherlands	425	495	910	2 080	<b>805</b>	↘ - 61	0.8%	Iraq (17%)		
Croatia	740	255	80	1 255	<b>565</b>	↘ - 55	0.6%	Afghanistan (19%)		
Iceland	:	35	55	200	<b>560</b>	↗ + 180	0.6%	Georgia (32%)		
Finland	310	300	3 175	3 750	<b>555</b>	↘ - 85	0.6%	Iraq (41%)		
Cyprus	560	480	445	470	<b>510</b>	↗ + 9	0.5%	Egypt (14%)		
Luxembourg	355	150	245	545	<b>280</b>	↘ - 49	0.3%	Albania (11%)		
Malta	90	560	140	115	<b>185</b>	↗ + 61	0.2%	Libya (24%)		
Czech Republic	55	55	125	110	<b>150</b>	↗ + 36	0.2%	Cuba (13%)		
Norway	220	60	360	475	<b>145</b>	↘ - 69	0.1%	Albania (14%)		
Latvia	85	185	225	150	<b>140</b>	↘ - 7	0.1%	Vietnam (18%)		
Portugal	10	30	50	55	<b>80</b>	↗ + 45	0.1%	Syria (38%)		
Estonia	25	25	75	20	<b>20</b>	↔ +	0.0%	Egypt (25%)		
Liechtenstein	0	20	40	30	<b>10</b>	↘ - 67	0.0%			
Austria	1 880	0	0	0	<b>0</b>	n.a.	0.0%			
Ireland	535	1 690	1 330	1 140	:	n.a.	n.a.			
Switzerland	3 345	2 525	2 855	5 075	:	n.a.	n.a.			
Slovakia	285	135	125	35	:	n.a.	n.a.			
Poland	1 765	5 520	9 360	8 835	:	n.a.	n.a.			
Lithuania	125	150	155	65	:	n.a.	n.a.			
<b>Citizenship</b>						<b>Reporting country</b>				
Afghanistan	1 585	7 855	37 950	27 450	<b>14 900</b>	↘ - 46	15%	Bulgaria (38%)		
Iraq	1 200	2 655	16 740	22 635	<b>10 600</b>	↘ - 53	11%	Germany (34%)		
Pakistan	2 620	6 720	11 800	11 775	<b>8 155</b>	↘ - 31	8%	Germany (37%)		
Syria	1 495	6 610	38 420	23 930	<b>6 060</b>	↘ - 75	6.1%	Greece (29%)		
Nigeria	925	1 880	2 665	3 910	<b>5 370</b>	↗ + 37	5.4%	Germany (46%)		
Iran	875	1 075	2 240	4 845	<b>2 990</b>	↘ - 38	3.0%	Germany (49%)		
Albania	605	1 595	6 355	7 230	<b>2 630</b>	↘ - 64	2.7%	Germany (38%)		
Gambia, The	265	320	1 325	1 455	<b>2 460</b>	↗ + 69	2.5%	Germany (71%)		
Guinea	265	430	375	1 125	<b>2 335</b>	↗ + 108	2.4%	Italy (56%)		
Morocco	965	1 130	1 240	3 335	<b>2 305</b>	↘ - 31	2.3%	Germany (33%)		
Georgia	1 450	3 395	1 840	2 165	<b>2 185</b>	↔ + 1	2.2%	Germany (51%)		
Bangladesh	920	2 135	3 355	2 735	<b>2 175</b>	↘ - 20	2.2%	Italy (32%)		
Algeria	900	990	1 340	3 040	<b>2 020</b>	↘ - 34	2.0%	Germany (45%)		
Russia	3 835	5 455	7 950	8 810	<b>2 000</b>	↘ - 77	2.0%	Germany (84%)		
Côte d'Ivoire	125	490	615	1 005	<b>1 965</b>	↗ + 96	2.0%	Italy (86%)		
Other	15 760	29 330	47 845	42 750	<b>31 055</b>	↘ - 27	31%	Germany (50%)		
<b>EU+</b>	<b>33 790</b>	<b>72 065</b>	<b>182 055</b>	<b>168 195</b>	<b>99 205</b>	↘ - 41		<b>Afghanistan (15%)</b>		

Annex D5: Unaccompanied minors in the EU+ by country and main citizenship, 2013-2017

	2017					% chg. on last year	Share in EU+	per million inhabitants	Highest share	Sparkline
	2013	2014	2015	2016	2017					
<b>Reporting country</b>	<b>Citizenship</b>									
Italy	805	2 505	4 070	6 020	<b>9 945</b>	↗ + 65	30%	164	Gambia, The (21%)	
Germany	2 485	4 400	22 255	35 935	<b>9 085</b>	↘ - 75	27.8%	112	Afghanistan (24%)	
Greece	325	440	420	2 350	<b>2 455</b>	↔ + 4	7.5%	226	Pakistan (48%)	
United Kingdom	1 265	1 945	3 255	3 175	<b>2 205</b>	↘ - 31	6.7%	34	Sudan (15%)	
Sweden	3 850	7 045	34 295	2 160	<b>1 565</b>	↘ - 28	4.8%	161	Afghanistan (22%)	
Austria	935	1 975	8 275	3 900	<b>1 350</b>	↘ - 65	4.1%	157	Afghanistan (51%)	
Netherlands	310	960	3 855	1 705	<b>1 180</b>	↘ - 31	3.6%	70	Eritrea (41%)	
Switzerland	355	775	2 670	1 985	<b>765</b>	↘ - 61	2.3%	93	Afghanistan (19%)	
Belgium	415	470	2 545	1 020	<b>735</b>	↘ - 28	2.2%	65	Afghanistan (41%)	
France	365	270	320	475	<b>590</b>	↗ + 24	1.8%	9	Afghanistan (31%)	
Denmark	350	815	2 125	1 185	<b>460</b>	↘ - 61	1.4%	81	Morocco (42%)	
Bulgaria	185	940	1 815	2 750	<b>440</b>	↘ - 84	1.3%	61	Afghanistan (64%)	
Slovenia	30	65	40	245	<b>390</b>	↗ + 59	1.2%	189	Afghanistan (69%)	
Romania	15	95	55	45	<b>265</b>	↗ + 489	0.8%	13	Iraq (70%)	
Hungary	380	605	8 805	1 220	<b>230</b>	↘ - 81	0.7%	23	Afghanistan (80%)	
Cyprus	55	50	105	215	<b>225</b>	↔ + 5	0.7%	266	Syria (47%)	
Norway	670	940	4 790	270	<b>175</b>	↘ - 35	0.5%	34	Eritrea (29%)	
Finland	160	195	2 535	370	<b>175</b>	↘ - 53	0.5%	32	Syria (23%)	
Spain	10	15	25	30	<b>165</b>	↗ + 450	0.5%	4	Syria (24%)	
Poland	255	185	150	140	<b>115</b>	↘ - 18	0.4%	3	Russia (65%)	
Luxembourg	45	30	105	50	<b>50</b>	↔ + 0	0.2%	89	Albania (20%)	
Portugal	55	15	50	25	<b>40</b>	↗ + 60	0.1%	4	Afghanistan (25%)	
Croatia	55	10	5	170	<b>40</b>	↘ - 76	0.1%	9	Afghanistan (63%)	
Ireland	20	30	35	35	<b>30</b>	↘ - 14	0.1%	6	Albania (33%)	
Iceland	0	0	5	20	<b>10</b>	↘ - 50	0.0%	30	Albania (50%)	
Slovakia	5	10	5	0	<b>10</b>	:	0.0%	2	Vietnam (50%)	
Latvia	5	0	10	5	<b>10</b>	↗ + 100	0.0%	5	Vietnam (100%)	
Malta	335	55	35	15	<b>5</b>	↘ - 67	0.0%	12	Syria (100%)	
Czech Republic	0	5	15	0	<b>0</b>	:	0.0%	0		
Lithuania	0	5	5	0	<b>0</b>	:	0.0%	0		
Liechtenstein	0	0	5	5	<b>0</b>	↘ - 100	0.0%	0		
Estonia	5	0	0	0	<b>0</b>	:	0.0%	0		
<b>Citizenship</b>	<b>Reporting country</b>									
Afghanistan	3 310	5 800	47 370	23 990	<b>5 460</b>	↘ - 77	17%	173	Germany (41%)	
Eritrea	730	3 635	5 890	3 330	<b>3 115</b>	↘ - 6	10%	610	Germany (50%)	
Gambia, The	205	1 065	1 510	2 320	<b>2 555</b>	↗ + 10	7.8%	1 325	Italy (82%)	
Guinea	270	235	440	1 165	<b>2 155</b>	↗ + 85	6.6%	176	Italy (48%)	
Syria	1 030	3 060	17 240	11 990	<b>1 910</b>	↘ - 84	5.8%	86	Germany (37%)	
Pakistan	340	220	995	1 945	<b>1 850</b>	↔ - 5	5.7%	10	Greece (64%)	
Somalia	1 580	2 180	3 670	2 765	<b>1 770</b>	↘ - 36	5.4%	168	Germany (68%)	
Nigeria	145	400	890	1 085	<b>1 400</b>	↗ + 29	4.3%	8	Italy (84%)	
Bangladesh	195	295	735	740	<b>1 315</b>	↗ + 78	4.0%	8	Italy (86%)	
Iraq	200	380	5 195	4 155	<b>1 245</b>	↘ - 70	3.8%	36	Germany (37%)	
Côte d'Ivoire	50	70	260	555	<b>915</b>	↗ + 65	2.8%	41	Italy (84%)	
Senegal	85	315	535	585	<b>890</b>	↗ + 52	2.7%	63	Italy (96%)	
Mali	170	370	415	565	<b>875</b>	↗ + 55	2.7%	51	Italy (90%)	
Morocco	525	605	610	635	<b>725</b>	↗ + 14	2.2%	21	Sweden (32%)	
Sudan	60	100	295	405	<b>550</b>	↗ + 36	1.7%	14	United Kingdom (61%)	
Other	4 860	4 420	16 630	9 290	<b>5 985</b>	↘ - 36	18.3%	n.a.	Germany (23%)	
<b>EU+</b>	<b>13 755</b>	<b>23 150</b>	<b>102 680</b>	<b>65 520</b>	<b>32 715</b>	↘ - 50		<b>63</b>	<b>Afghanistan (17%)</b>	

Annex D6: Refugee status granted at first instance in the EU+ by EU+ country and main citizenship, 2013-2017

	2017					% chg. on last year	Share in EU+	Highest share	Sparkline
	2013	2014	2015	2016	2017				
<b>Reporting country</b>	<b>Citizenship</b>								
Germany	10 910	33 310	137 135	256 135	<b>123 895</b>	↓ - 52	53%	Syria (28%)	
Austria	3 160	5 655	12 590	24 685	<b>21 335</b>	↔ - 14	9.2%	Syria (58%)	
France	9 140	11 980	16 790	18 715	<b>19 005</b>	↔ + 2	8.2%	Sudan (18%)	
Sweden	6 750	10 245	12 740	16 875	<b>13 330</b>	↔ - 21	5.7%	Afghanistan (35%)	
Belgium	3 910	6 460	8 825	11 760	<b>9 655</b>	↔ - 18	4.2%	Syria (22%)	
Greece	255	1 270	3 665	2 470	<b>9 420</b>	↑ + 281	4.1%	Syria (51%)	
United Kingdom	7 525	9 000	12 175	8 410	<b>7 475</b>	↔ - 11	3.2%	Iran (20%)	
Switzerland	3 115	6 140	6 285	5 850	<b>6 240</b>	↔ + 7	2.7%	Eritrea (55%)	
Italy	3 080	3 640	3 575	4 800	<b>5 895</b>	↔ +22.8	2.5%	Syria (17%)	
Norway	4 490	3 590	5 410	11 565	<b>3 835</b>	↓ - 67	1.7%	Syria (48%)	
Netherlands	1 150	2 485	6 660	9 740	<b>3 030</b>	↓ -69	1.3%	Syria (31%)	
Finland	570	490	1 060	4 320	<b>2 400</b>	↔ - 44	1.0%	Iraq (41%)	
Denmark	1 600	3 765	7 605	4 275	<b>1 280</b>	↓ -70.1	0.6%	Iran (42%)	
Luxembourg	110	105	170	740	<b>1 085</b>	↔ + 47	0.5%	Syria (41%)	
Romania	385	370	240	600	<b>865</b>	↔ + 44	0.4%	Syria (50%)	
Bulgaria	180	5 165	4 705	765	<b>800</b>	↔ + 5	0.3%	Syria (91%)	
Ireland	130	130	150	445	<b>600</b>	↔ + 35	0.3%	Syria (78%)	
Spain	205	385	220	355	<b>595</b>	↔ + 68	0.3%	Palestine (19%)	
Lithuania	15	15	15	180	<b>275</b>	↔ + 53	0.1%	Syria (71%)	
Cyprus	35	55	195	210	<b>220</b>	↔ + 5	0.1%	Somalia (25%)	
Malta	45	190	265	165	<b>165</b>	↔ + 0	0.1%	Syria (42%)	
Poland	195	260	350	110	<b>150</b>	↔ + 36	0.1%	Ukraine (37%)	
Slovenia	25	30	35	140	<b>140</b>	↔ + 0	0.1%	Syria (64%)	
Portugal	20	20	35	105	<b>120</b>	↔ + 14	0.1%	Eritrea (71%)	
Croatia	5	15	35	85	<b>120</b>	↔ + 41	0.1%	Syria (63%)	
Hungary	175	240	145	155	<b>105</b>	↔ - 32	0.0%	Iran (29%)	
Iceland	5	15	30	50	<b>50</b>	↔ + 0	0.0%	Iraq (30%)	
Estonia	5	20	20	65	<b>50</b>	↔ - 23	0.0%	Syria (90%)	
Latvia	5	5	5	45	<b>35</b>	↔ - 22	0.0%	Afghanistan (43%)	
Czech Republic	90	75	55	140	<b>25</b>	↓ - 82	0.0%	Myanmar/Burma (20%)	
Liechtenstein	0	0	0	20	<b>15</b>	↔ - 25	0.0%	Syria (67%)	
Slovakia	5	0	5	5	<b>0</b>	↓ - 100	0.0%		
<b>Citizenship</b>	<b>Reporting country</b>								
Syria	10 320	40 080	137 055	219 795	<b>65 910</b>	↓ - 70	28%	Germany (53%)	
Iraq	3 360	5 305	19 925	47 300	<b>34 565</b>	↔ - 27	15%	Germany (70%)	
Afghanistan	4 900	6 320	5 955	20 870	<b>31 210</b>	↔ + 50	13.4%	Germany (57%)	
Iran	5 585	5 175	5 175	10 135	<b>20 815</b>	↑ + 105	9.0%	Germany (68%)	
Eritrea	7 110	13 830	26 135	27 895	<b>19 475</b>	↔ - 30	8.4%	Germany (52%)	
Somalia	3 515	2 960	2 940	5 545	<b>8 320</b>	↔ +50	3.6%	Germany (59%)	
Sudan	1 150	1 630	4 465	4 530	<b>5 440</b>	↔ +20	2.3%	France (63%)	
Stateless	1 490	3 915	8 935	12 925	<b>5 325</b>	↓ - 59	2.3%	Germany (26%)	
Turkey	715	900	720	535	<b>4 860</b>	↑ +808.4	2.1%	Germany (68%)	
Unknown	395	2 495	6 200	9 385	<b>4 040</b>	↓ -57.	1.7%	Germany (76%)	
Nigeria	370	535	740	1 115	<b>2 795</b>	↑ +151	1.2%	Germany (56%)	
Russia	2 720	2 810	2 545	2 555	<b>2 710</b>	↔ + 6	1.2%	France (35%)	
Ethiopia	610	705	1 055	1 630	<b>2 485</b>	↔ + 52	1.1%	Germany (43%)	
Guinea	1 170	1 365	1 580	1 095	<b>2 085</b>	↔ +90	0.9%	France (44%)	
Pakistan	2 245	2 020	1 725	1 580	<b>1 745</b>	↔ + 10	0.8%	Germany (29%)	
Other	11 625	15 085	16 040	17 080	<b>20 425</b>	↔ + 20	8.8%	France (37%)	
<b>EU+</b>	<b>57 280</b>	<b>105 130</b>	<b>241 190</b>	<b>383 970</b>	<b>232 205</b>	↔ - 40		<b>Syria (28%)</b>	

## Annex D7: Subsidiary protection status granted at first instance in the EU+ by EU+ country and main citizenship, 2013-2017

						2017				
	2013	2014	2015	2016	2017	% chg. on last year	Share in EU+	Highest share	Sparkline	
<b>Reporting country</b>						<b>Citizenship</b>				
Germany	7 005	5 175	1 705	153 695	<b>98 065</b>	↓	-36	62%	Syria (57%)	
France	1 565	2 835	3 845	10 040	<b>13 560</b>	↑	+35	9%	Afghanistan (40%)	
Sweden	16 145	19 095	18 125	47 210	<b>12 265</b>	↓	-74	7.7%	Syria (48%)	
Austria	1 760	1 380	2 100	5 355	<b>8 195</b>	↑	+53	5.2%	Afghanistan (44%)	
Italy	5 565	7 625	10 270	12 090	<b>6 385</b>	↓	-47	4.0%	Afghanistan (22%)	
Netherlands	3 350	9 290	9 400	10 705	<b>4 135</b>	↓	-61	2.6%	Syria (38%)	
Spain	325	1 200	800	6 500	<b>4 080</b>	↓	-37	2.6%	Syria (85%)	
Belgium	2 370	1 585	1 650	3 290	<b>2 930</b>	↓	-11	1.8%	Afghanistan (59%)	
Hungary	185	250	275	270	<b>1 110</b>	↑	+311	0.7%	Afghanistan (46%)	
Switzerland	870	2 640	2 630	1 805	<b>1 070</b>	↓	-41	0.7%	Eritrea (51%)	
Denmark	1 130	1 625	2 245	2 805	<b>1 045</b>	↓	-63	0.7%	Syria (65%)	
Greece	175	590	355	245	<b>1 035</b>	↑	+322	0.7%	Afghanistan (44%)	
Cyprus	125	940	1 390	1 090	<b>1 020</b>	↓	-6	0.6%	Syria (95%)	
Bulgaria	2 280	1 840	890	585	<b>895</b>	↑	+53	0.6%	Syria (89%)	
Finland	785	475	460	1 705	<b>650</b>	↓	-62	0.4%	Afghanistan (32%)	
Malta	1 445	900	915	970	<b>585</b>	↓	-40	0.4%	Libya (44%)	
Romania	530	370	235	200	<b>380</b>	↑	+90	0.2%	Syria (53%)	
Portugal	115	90	160	215	<b>380</b>	↑	+77	0.2%	Syria (59%)	
Poland	120	165	165	150	<b>340</b>	↑	+127	0.2%	Ukraine (59%)	
United Kingdom	70	105	125	210	<b>250</b>	↑	+19	0.2%	Libya (50%)	
Latvia	20	20	15	90	<b>235</b>	↑	+161	0.1%	Syria (89%)	
Norway	995	1 140	675	400	<b>150</b>	↓	-63	0.1%	Afghanistan (37%)	
Czech Republic	240	285	390	290	<b>115</b>	↓	-60	0.1%	Syria (30%)	
Ireland	20	270	180	40	<b>45</b>	↑	+13	0.0%	Congo (DR) (22%)	
Estonia	0	0	55	65	<b>45</b>	↓	-31	0.0%	Syria (56%)	
Luxembourg	25	15	15	25	<b>40</b>	↑	+60	0.0%	Afghanistan (50%)	
Croatia	15	10	5	15	<b>30</b>	↑	+100	0.0%	Syria (83%)	
Iceland	5	10	15	40	<b>20</b>	↓	-50	0.0%	Afghanistan (25%)	
Slovakia	30	95	40	10	<b>20</b>	↑	+100	0.0%	Afghanistan (25%)	
Slovenia	15	10	10	30	<b>15</b>	↓	-50	0.0%	Syria (67%)	
Lithuania	40	55	65	15	<b>15</b>	→	+0	0.0%	Eritrea (67%)	
Liechtenstein	5	0	0	10	<b>5</b>	↓	-50	0.0%	Afghanistan (100%)	
<b>Citizenship</b>						<b>Reporting country</b>				
Syria	23 135	30 605	27 595	185 780	<b>76 070</b>	↓	-59	48%	Germany (73%)	
Afghanistan	5 055	4 890	6 030	17 870	<b>24 985</b>	↑	+40	15.7%	Germany (28%)	
Iraq	1 420	1 985	2 160	15 945	<b>19 895</b>	↑	+25	12.5%	Germany (72%)	
Eritrea	3 800	5 420	7 715	11 490	<b>9 930</b>	↓	-14	6.2%	Germany (74%)	
Somalia	4 030	3 315	2 610	4 060	<b>7 485</b>	↑	+84	4.7%	Germany (58%)	
Unknown	515	630	240	7 050	<b>3 495</b>	↓	-50	2.2%	Germany (95%)	
Stateless	3 900	4 650	1 410	3 375	<b>1 720</b>	↓	-49	1.1%	Germany (66%)	
Yemen	25	40	125	605	<b>1 370</b>	↑	+126	0.9%	Germany (53%)	
Pakistan	445	1 085	1 790	2 300	<b>1 175</b>	↓	-49	0.7%	Italy (82%)	
Sudan	120	270	325	585	<b>1 160</b>	↑	+98	0.7%	Germany (47%)	
Ukraine	20	250	1 250	960	<b>1 000</b>	→	+4	0.6%	Spain (25%)	
Libya	85	125	760	780	<b>995</b>	↑	+28	0.6%	Malta (26%)	
Albania	150	530	425	690	<b>995</b>	↑	+44	0.6%	France (95%)	
Iran	360	275	165	390	<b>870</b>	↑	+123	0.5%	Germany (75%)	
Russia	615	565	435	575	<b>775</b>	↑	+35	0.5%	Germany (57%)	
Other	3 635	5 450	6 175	7 710	<b>7 195</b>	↓	-7	4.5%	Germany (32%)	
<b>EU+</b>	<b>47 310</b>	<b>60 085</b>	<b>59 210</b>	<b>260 165</b>	<b>159 115</b>	↓	-39		<b>Syria (48%)</b>	

**Annex D8: Humanitarian protection status granted at first instance in the EU+ by EU+ country and main citizenship, 2013-2017**

						2017				Sparkline	
	2013	2014	2015	2016	2017	% chg. on last year	Share in EU+	Highest share			
<b>Reporting country</b>											<b>Citizenship</b>
Germany	2 205	2 075	2 070	24 080	<b>39 655</b>	↗ + 65	56%	Afghanistan (66%)			
Italy	5 750	9 315	15 770	18 515	<b>19 515</b>	↗ + 5	27%	Nigeria (17%)			
Switzerland	2 405	6 630	5 080	5 535	<b>7 300</b>	↗ + 32	10%	Afghanistan (36%)			
Sweden	1 120	1 310	1 495	2 500	<b>1 185</b>	↘ - 53	1.7%	Afghanistan (52%)			
United Kingdom	960	1 010	1 650	1 315	<b>835</b>	↘ - 37	1.2%	Afghanistan (19%)			
Norway	280	175	165	810	<b>780</b>	↔ - 4	1.1%	Afghanistan (73%)			
Netherlands	1 465	775	390	365	<b>645</b>	↗ + 77	0.9%	Afghanistan (23%)			
Austria	:	140	355	330	<b>470</b>	↗ + 42	0.7%	Russia (23%)			
Finland	295	300	160	1 045	<b>380</b>	↘ - 64	0.5%	Afghanistan (34%)			
Hungary	5	20	5	5	<b>75</b>	↗ +1 400	0.1%	Afghanistan (67%)			
Ireland	:	:	:	:	<b>70</b>	:	0.1%	Nigeria (29%)			
Denmark	80	90	70	50	<b>45</b>	↘ - 10	0.1%	Afghanistan (78%)			
Slovakia	35	75	35	195	<b>40</b>	↘ - 79	0.1%	Cuba (25%)			
Poland	370	295	120	50	<b>20</b>	↘ - 60	0.0%	Russia (50%)			
Malta	115	165	75	55	<b>10</b>	↘ - 82	0.0%	Ukraine (50%)			
Iceland	0	5	5	5	<b>5</b>	↔ + 0	0.0%				
Czech Republic	15	15	15	5	<b>5</b>	↔ + 0	0.0%				
Spain	5	0	0	0	<b>0</b>	:	:				
Romania	5	0	0	0	<b>0</b>	:	:				
Greece	70	115	10	0	<b>0</b>	:	:				
Cyprus	10	0	0	0	<b>0</b>	:	:				
Lithuania	:	0	0	0	<b>0</b>	:	:				
Liechtenstein	0	0	0	15	<b>0</b>	↘ - 100	:				
Croatia	:	:	0	0	<b>0</b>	:	:				
Estonia	0	0	0	0	<b>0</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	2 935	3 540	2 330	22 575	<b>30 800</b>	↗ + 36	43%	Germany (86%)			
Nigeria	1 160	1 525	2 710	3 535	<b>5 630</b>	↗ + 59	7.9%	Italy (58%)			
Iraq	545	660	540	1 385	<b>2 875</b>	↗ + 108	4.0%	Germany (57%)			
Somalia	1 410	1 135	660	2 580	<b>2 785</b>	↗ + 8	3.9%	Germany (78%)			
Gambia, The	365	1 090	2 575	2 390	<b>2 620</b>	↗ + 10	3.7%	Italy (92%)			
Eritrea	245	470	790	1 525	<b>2 165</b>	↗ + 42	3.0%	Switzerland (63%)			
Bangladesh	300	285	1 115	1 510	<b>1 880</b>	↗ + 25	2.6%	Italy (95%)			
Pakistan	635	1 205	1 505	1 830	<b>1 845</b>	↔ + 1	2.6%	Italy (80%)			
Syria	585	2 870	2 365	2 300	<b>1 830</b>	↘ - 20	2.6%	Switzerland (66%)			
Guinea	155	240	545	710	<b>1 625</b>	↗ + 129	2.3%	Italy (69%)			
Senegal	220	755	1 335	1 465	<b>1 410</b>	↔ - 4	2.0%	Italy (96%)			
Mali	455	1 695	1 945	1 625	<b>1 355</b>	↘ - 17	1.9%	Italy (95%)			
Ghana	495	315	730	1 250	<b>1 350</b>	↗ + 8	1.9%	Italy (89%)			
Côte d'Ivoire	245	355	640	915	<b>1 340</b>	↗ + 46	1.9%	Italy (90%)			
Ukraine	40	180	1 155	1 410	<b>1 215</b>	↘ - 14	1.7%	Italy (84%)			
Other	5 400	6 195	6 540	7 860	<b>10 310</b>	↗ + 31	15%	Germany (44%)			
<b>EU+</b>	<b>15 190</b>	<b>22 515</b>	<b>27 480</b>	<b>54 865</b>	<b>71 035</b>	↗ + 29		<b>Afghanistan (43%)</b>			

Annex D9: Rejections at first instance in the EU+ by EU+ country and main citizenship, 2013-2017

	2017					% chg. on last year	Share in EU+	Highest share	Sparkline
	2013	2014	2015	2016	2017				
<b>Reporting country</b>									<b>Citizenship</b>
Germany	56 040	56 715	108 370	197 180	262 565	↗ +33	49%	Afghanistan (22%)	
France	51 010	53 685	57 280	58 730	78 380	↗ +33	15%	Albania (18%)	
Italy	9 175	14 600	41 730	54 470	46 440	↘ -15	9%	Nigeria (27%)	
Sweden	11 935	9 255	16 210	29 185	34 285	↗ +17	6.4%	Afghanistan (46%)	
Austria	11 690	2 230	6 050	12 045	26 285	↗ +118	4.9%	Afghanistan (42%)	
United Kingdom	13 895	15 695	24 115	20 980	19 205	↘ -8	3.6%	Pakistan (12%)	
Greece	12 580	11 335	5 610	8 740	14 055	↗ +61	2.6%	Pakistan (42%)	
Belgium	15 110	12 290	8 945	9 915	11 460	↗ +16	2.1%	Afghanistan (19%)	
Spain	1 835	2 035	2 220	3 395	8 675	↗ +156	1.6%	Ukraine (35%)	
Netherlands	6 225	6 240	4 015	8 065	8 135	↔ +1	1.5%	Afghanistan (15%)	
Denmark	4 155	2 580	2 305	3 285	4 510	↗ +37	0.8%	Afghanistan (25%)	
Finland	1 565	1 070	1 280	13 685	3 745	↘ -73	0.7%	Iraq (59%)	
Bulgaria	355	430	580	1 700	3 045	↗ +79	0.6%	Afghanistan (45%)	
Hungary	4 180	4 935	2 915	4 675	2 880	↘ -38	0.5%	Afghanistan (42%)	
Norway	6 015	2 735	3 225	6 535	1 935	↘ -70.4	0.4%	Afghanistan (39%)	
Switzerland	10 210	6 390	7 840	9 395	1 610	↘ -83	0.3%	Eritrea (19%)	
Poland	2 210	1 980	2 870	2 185	1 550	↘ -29	0.3%	Russia (57%)	
Cyprus	635	310	480	675	1 205	↗ +79	0.2%	India (23%)	
Czech Republic	555	625	875	860	1 045	↗ +21.5	0.2%	Ukraine (42%)	
Romania	515	845	840	490	820	↗ +67	0.2%	Iraq (36%)	
Luxembourg	1 115	765	590	485	590	↗ +22	0.1%	Albania (22%)	
Portugal	170	115	180	270	455	↗ +69	0.1%	Congo (DR) (25%)	
Malta	300	475	240	245	345	↗ +41	0.1%	Syria (25%)	
Croatia	165	210	145	185	325	↗ +76	0.1%	Afghanistan (22%)	
Iceland	120	25	130	445	315	↘ -29	0.1%	FYROM (25%)	
Latvia	65	70	145	125	95	↘ -24	0.0%	Russia (16%)	
Ireland	695	660	665	1 645	90	↘ -95	0.0%	Pakistan (28%)	
Slovenia	160	50	85	95	90	↘ -5	0.0%	Afghanistan (28%)	
Lithuania	120	110	95	85	85	↔ +0	0.0%	Russia (24%)	
Estonia	45	35	100	60	60	↔ +0	0.0%	Albania (17%)	
Slovakia	125	110	50	45	30	↘ -33	0.0%	Libya (17%)	
Liechtenstein	35	10	25	35	15	↘ -57	0.0%	Serbia (67%)	
<b>Citizenship</b>									<b>Reporting country</b>
Afghanistan	11 150	7 210	7 480	48 605	97 270	↗ +100	18%	Germany (60%)	
Iraq	4 770	3 320	4 095	38 565	43 775	↗ +14	8.2%	Germany (54%)	
Pakistan	15 240	11 850	14 150	27 135	35 290	↗ +30	6.6%	Germany (45%)	
Nigeria	8 840	7 865	14 395	21 300	31 685	↗ +49	5.9%	Germany (43%)	
Albania	6 915	12 610	41 025	41 895	27 775	↘ -34	5.2%	France (52%)	
Iran	5 040	3 630	3 040	9 920	18 685	↗ +88	3.5%	Germany (63%)	
Russia	22 245	9 860	10 275	13 675	17 275	↗ +26	3.2%	Germany (67%)	
Bangladesh	7 740	6 795	9 465	11 715	13 260	↗ +13	2.5%	Italy (29%)	
Ukraine	765	2 495	6 890	8 895	11 030	↗ +24	2.1%	Germany (39%)	
Armenia	5 145	3 600	2 875	4 380	10 865	↗ +148	2.0%	Germany (69%)	
Gambia, The	1 410	3 110	6 725	7 635	10 855	↗ +42	2.0%	Germany (57%)	
Guinea	4 485	3 435	4 025	4 845	10 045	↗ +107	1.9%	Germany (35%)	
Turkey	4 270	3 715	2 640	2 855	9 870	↗ +246	1.8%	Germany (74%)	
Kosovo	11 075	13 095	37 345	22 295	9 235	↘ -59	1.7%	Germany (46%)	
Serbia	15 430	21 960	21 840	22 635	9 210	↘ -59	1.7%	Germany (75%)	
Other	98 485	94 075	113 955	163 560	178 205	↗ +9	33%	Germany (43%)	
<b>EU+</b>	<b>223 005</b>	<b>208 625</b>	<b>300 220</b>	<b>449 910</b>	<b>534 330</b>	↗ +19		<b>Afghanistan (18%)</b>	

Annex D10: Decisions at first instance in the EU+ by EU+ country and main citizenships, 2013-2017

	2017					% chg. on last year	Share in EU+	Highest share	Sparkline
	2013	2014	2015	2016	2017				
<b>Reporting country</b>	<b>Citizenship</b>								
Germany	76 165	97 275	249 280	631 085	<b>524 185</b>	↔ -17	53%	Afghanistan (21%)	
France	61 715	68 500	77 910	87 485	<b>110 945</b>	↗ +27	11.1%	Albania (14%)	
Italy	23 565	35 180	71 345	89 875	<b>78 235</b>	↔ -13	7.8%	Nigeria (21%)	
Sweden	35 950	39 905	48 570	95 770	<b>61 065</b>	↘ -36	6.1%	Afghanistan (41%)	
Austria	16 610	9 405	21 095	42 415	<b>56 285</b>	↗ +33	5.6%	Afghanistan (32%)	
United Kingdom	22 445	25 815	38 070	30 915	<b>27 770</b>	↘ -10.2	2.8%	Iran (12%)	
Greece	13 080	13 305	9 640	11 455	<b>24 510</b>	↗ +114	2.5%	Pakistan (25%)	
Belgium	21 390	20 335	19 420	24 960	<b>24 045</b>	↔ -4	2.4%	Afghanistan (21%)	
Switzerland	16 595	21 800	21 840	22 580	<b>16 225</b>	↘ -28	1.6%	Eritrea (35%)	
Netherlands	12 190	18 790	20 465	28 875	<b>15 945</b>	↘ -45	1.6%	Syria (18%)	
Spain	2 365	3 620	3 240	10 250	<b>13 345</b>	↗ +30	1.3%	Syria (27%)	
Finland	3 215	2 340	2 960	20 750	<b>7 180</b>	↘ -65	0.7%	Iraq (49%)	
Denmark	6 965	8 055	12 225	10 410	<b>6 875</b>	↘ -34	0.7%	Iran (21%)	
Norway	11 785	7 640	9 475	19 310	<b>6 700</b>	↘ -65	0.7%	Syria (29%)	
Bulgaria	2 810	7 435	6 175	3 045	<b>4 740</b>	↗ +56	0.5%	Syria (34%)	
Hungary	4 540	5 445	3 340	5 105	<b>4 170</b>	↘ -18	0.4%	Afghanistan (43%)	
Cyprus	800	1 305	2 065	1 975	<b>2 450</b>	↗ +24	0.2%	Syria (40%)	
Romania	1 435	1 585	1 320	1 295	<b>2 065</b>	↗ +59	0.2%	Iraq (35%)	
Poland	2 895	2 700	3 510	2 495	<b>2 060</b>	↘ -17	0.2%	Russia (48%)	
Luxembourg	1 245	885	775	1 255	<b>1 715</b>	↗ +37	0.2%	Syria (27%)	
Czech Republic	900	1 000	1 335	1 300	<b>1 190</b>	↘ -8	0.1%	Ukraine (39%)	
Malta	1 905	1 735	1 490	1 435	<b>1 110</b>	↘ -23	0.1%	Syria (29%)	
Portugal	305	230	370	590	<b>955</b>	↗ +62	0.1%	Syria (24%)	
Ireland	840	1 060	1 000	2 130	<b>805</b>	↘ -62	0.1%	Syria (58%)	
Croatia	185	235	185	285	<b>475</b>	↗ +67	0.0%	Syria (32%)	
Iceland	130	55	180	540	<b>390</b>	↘ -27.8	0.0%	FYROM (21%)	
Lithuania	175	185	180	280	<b>370</b>	↗ +32	0.0%	Syria (53%)	
Latvia	95	95	170	260	<b>360</b>	↗ +38	0.0%	Syria (58%)	
Slovenia	195	95	130	265	<b>240</b>	↘ -9	0.0%	Syria (42%)	
Estonia	55	55	180	190	<b>155</b>	↘ -18	0.0%	Syria (45%)	
Slovakia	190	280	130	250	<b>90</b>	↘ -64	0.0%	Afghanistan (11%)	
Liechtenstein	45	10	30	75	<b>40</b>	↘ -47	0.0%	Serbia (25%)	
<b>Citizenship</b>	<b>Reporting country</b>								
Afghanistan	24 040	21 960	21 800	109 915	<b>184 265</b>	↗ +68	18%	Germany (60%)	
Syria	36 730	77 335	172 580	416 310	<b>152 330</b>	↘ -63	15.3%	Germany (63%)	
Iraq	10 095	11 275	26 720	103 195	<b>101 110</b>	↔ -2	10.1%	Germany (63%)	
Iran	11 305	9 350	8 640	20 990	<b>41 025</b>	↗ +95	4.1%	Germany (66%)	
Nigeria	10 660	10 760	18 875	27 005	<b>40 820</b>	↗ +51	4.1%	Germany (43%)	
Pakistan	18 565	16 160	19 170	32 845	<b>40 055</b>	↗ +22	4.0%	Germany (42%)	
Eritrea	13 145	22 150	39 910	44 760	<b>34 120</b>	↘ -24	3.4%	Germany (56%)	
Albania	7 530	13 690	42 130	43 235	<b>29 400</b>	↘ -32	2.9%	France (53%)	
Somalia	13 850	10 975	10 705	18 835	<b>26 565</b>	↗ +41	2.7%	Germany (58%)	
Russia	26 015	13 710	13 700	17 170	<b>21 310</b>	↗ +24	2.1%	Germany (62%)	
Bangladesh	8 335	7 580	11 250	14 085	<b>16 095</b>	↗ +14	1.6%	Italy (36%)	
Turkey	5 410	5 120	3 725	3 760	<b>15 415</b>	↗ +310	1.5%	Germany (70%)	
Unknown	2 805	5 225	8 690	21 095	<b>14 315</b>	↘ -32	1.4%	Germany (84%)	
Guinea	5 930	5 245	6 375	6 900	<b>14 120</b>	↗ +105	1.4%	Germany (34%)	
Gambia, The	1 985	4 655	9 930	10 650	<b>14 030</b>	↗ +32	1.4%	Germany (47%)	
Other	146 390	161 165	213 900	258 160	<b>251 710</b>	↔ -2	25%	Germany (40%)	
<b>EU+</b>	<b>342 790</b>	<b>396 355</b>	<b>628 100</b>	<b>1148 910</b>	<b>996 685</b>	↘ -13		<b>Afghanistan (18%)</b>	

**Annex D11: Refugee status granted at second or higher instance in the EU+ by EU+ country and main citizenship, 2013-2017**

	2017					% chg. on last year	Share in EU+	Highest share	Sparkline
	2013	2014	2015	2016	2017				
<b>Reporting country</b>	<b>Citizenship</b>								
Germany	2 960	4 330	5 170	8 515	<b>30 590</b>	↑ + 259	61%	Syria (58%)	
United Kingdom	3 770	2 700	4 030	6 170	<b>6 170</b>	⇒ + 0	12%	Eritrea (21%)	
France	4 270	4 245	3 830	4 510	<b>5 400</b>	↔ + 20	11%	Bangladesh (11%)	
Austria	1 180	2 050	1 740	835	<b>2 985</b>	↑ + 257	6.0%	Afghanistan (53%)	
Sweden	685	750	745	1 120	<b>1 890</b>	↔ + 69	3.8%	Afghanistan (30%)	
Finland	50	75	50	185	<b>535</b>	↑ + 189	1.1%	Iraq (74%)	
Greece	325	805	1 355	770	<b>510</b>	↓ - 34	1.0%	Syria (39%)	
Netherlands	450	260	255	340	<b>480</b>	↔ + 41	1.0%	Iran (22%)	
Italy	5	10	0	385	<b>385</b>	⇒ + 0	0.8%	Nigeria (25%)	
Belgium	370	440	395	320	<b>290</b>	↓ - 9	0.6%	Albania (24%)	
Denmark	265	160	210	205	<b>245</b>	↔ + 20	0.5%	Iran (67%)	
Norway	345	240	200	130	<b>145</b>	↔ + 12	0.3%	Afghanistan (45%)	
Switzerland	50	45	70	95	<b>115</b>	↔ + 21	0.2%	Syria (43%)	
Iceland	5	0	15	5	<b>40</b>	↑ + 700	0.1%	Iraq (38%)	
Malta	0	10	30	25	<b>25</b>	⇒ + 0	0.1%	Libya (40%)	
Croatia	0	0	0	0	<b>20</b>	:	0.0%	Iraq (50%)	
Cyprus	10	10	45	25	<b>15</b>	↓ - 40	0.0%	Iraq (33%)	
Ireland	55	90	180	205	<b>10</b>	↓ - 95	0.0%	Zimbabwe (50%)	
Spain	15	0	5	15	<b>10</b>	↓ - 33	0.0%	Pakistan (50%)	
Romania	390	5	10	5	<b>5</b>	⇒ + 0	0.0%	Turkey (100%)	
Bulgaria	0	5	0	0	<b>5</b>	:	0.0%		
Latvia	5	0	0	0	<b>5</b>	:	0.0%	Lebanon (100%)	
Slovenia	0	0	5	5	<b>0</b>	↓ - 100	0.0%		
Hungary	25	20	25	5	<b>0</b>	↓ - 100	0.0%		
Slovakia	0	0	0	5	<b>0</b>	:	0.0%		
Czech Republic	0	5	0	0	<b>0</b>	:	0.0%		
Portugal	0	0	0	0	<b>0</b>	:	0.0%		
Poland	5	5	10	20	<b>0</b>	↓ - 100	0.0%		
Luxembourg	0	5	15	5	<b>0</b>	↓ - 100	0.0%		
Lithuania	0	0	0	0	<b>0</b>	:	0.0%		
Liechtenstein	0	0	0	0	<b>0</b>	:	0.0%		
Estonia	0	0	0	0	<b>0</b>	:	0.0%		
<b>Citizenship</b>	<b>Reporting country</b>								
Syria	1 115	2 010	3 430	6 210	<b>19 650</b>	↑ + 216	39%	Germany (90%)	
Afghanistan	2 095	2 460	2 310	1 825	<b>5 875</b>	↑ + 222	11.8%	Germany (46%)	
Iraq	545	910	1 095	1 170	<b>4 920</b>	↑ + 321	9.9%	Germany (76%)	
Iran	2 070	1 500	1 390	1 485	<b>2 885</b>	↔ + 94	5.8%	Germany (57%)	
Eritrea	315	360	765	2 325	<b>2 690</b>	↔ + 16	5.4%	United Kingdom (47%)	
Pakistan	1 270	950	1 075	1 080	<b>1 345</b>	↔ + 25	2.7%	United Kingdom (41%)	
Unknown	225	225	285	335	<b>1 070</b>	↑ + 219	2.1%	Germany (95%)	
Sri Lanka	1 230	1 125	960	1 075	<b>1 005</b>	↓ - 7	2.0%	United Kingdom (71%)	
Somalia	250	275	410	390	<b>980</b>	↑ + 151	2.0%	Germany (51%)	
Stateless	115	155	310	450	<b>860</b>	↔ + 91	1.7%	Germany (53%)	
Sudan	230	285	350	540	<b>805</b>	↔ + 49	1.6%	France (62%)	
Bangladesh	510	470	480	640	<b>745</b>	↔ + 16	1.5%	France (77%)	
Nigeria	145	250	295	470	<b>610</b>	↔ + 30	1.2%	France (38%)	
Russia	825	960	765	705	<b>585</b>	↓ - 17	1.2%	France (50%)	
Albania	150	240	280	455	<b>545</b>	↔ + 20	1.1%	United Kingdom (61%)	
Other	4 155	4 105	4 200	4 730	<b>5 295</b>	↔ + 12	11%	France (48%)	
<b>EU+</b>	<b>15 245</b>	<b>16 280</b>	<b>18 400</b>	<b>23 885</b>	<b>49 865</b>	↑ + 109		<b>Syria (39%)</b>	

**Annex D12:** Subsidiary protection granted at second or higher instance in the EU+ by EU+ country and main citizenship, 2013-2017

						2017		Highest share	Sparkline
	2013	2014	2015	2016	2017	% chg. on last year	Share in EU+		
<b>Reporting country</b>						<b>Citizenship</b>			
Germany	950	935	525	855	<b>22 395</b>	↑ +2519	72%	Syria (69%)	
France	1 180	1 580	1 555	1 910	<b>2 605</b>	↗ +36	8%	Sudan (21%)	
Italy	60	35	10	2 365	<b>2 450</b>	→ +4	8%	Pakistan (29%)	
Sweden	990	800	325	1 180	<b>1 330</b>	↗ +13	4.3%	Afghanistan (44%)	
Netherlands	435	340	255	575	<b>685</b>	↗ +19	2.2%	Syria (45%)	
Austria	240	790	850	355	<b>605</b>	↗ +70	1.9%	Afghanistan (50%)	
United Kingdom	120	85	180	375	<b>370</b>	→ -1	1.2%	Libya (35%)	
Finland	75	60	45	50	<b>195</b>	↑ +290	0.6%	Afghanistan (49%)	
Denmark	285	130	70	75	<b>140</b>	↗ +87	0.4%	Afghanistan (68%)	
Greece	220	295	355	160	<b>95</b>	↘ -41	0.3%	Afghanistan (37%)	
Norway	175	110	105	60	<b>80</b>	↗ +33	0.3%	Iraq (63%)	
Romania	535	30	35	15	<b>75</b>	↑ +400	0.2%	Iraq (33%)	
Cyprus	55	205	240	100	<b>40</b>	↓ -60	0.1%	Syria (63%)	
Poland	25	15	30	50	<b>30</b>	↘ -40	0.1%	Ukraine (67%)	
Malta	0	25	40	40	<b>25</b>	↘ -38	0.1%	Egypt (20%)	
Belgium	60	30	30	30	<b>20</b>	↘ -33	0.1%	Albania (50%)	
Iceland	0	0	5	0	<b>15</b>	:	0.0%	Afghanistan (67%)	
Switzerland	15	15	10	15	<b>15</b>	→ +0	0.0%	Eritrea (33%)	
Spain	0	0	5	0	<b>10</b>	:	0.0%	Congo (DR) (50%)	
Bulgaria	35	15	5	15	<b>5</b>	↓ -67	0.0%	Syria (100%)	
Luxembourg	10	5	10	0	<b>5</b>	:	0.0%	Albania (100%)	
Lithuania	5	5	0	0	<b>5</b>	:	0.0%		
Ireland	:	5	40	100	<b>0</b>	↓ -100	0.0%		
Slovenia	0	0	0	0	<b>0</b>	:	0.0%		
Hungary	35	15	15	0	<b>0</b>	:	0.0%		
Slovakia	5	0	0	0	<b>0</b>	:	0.0%		
Czech Republic	15	10	0	10	<b>0</b>	↓ -100	0.0%		
Portugal	0	0	0	0	<b>0</b>	:	0.0%		
Liechtenstein	0	0	0	0	<b>0</b>	:	0.0%		
Croatia	0	0	0	0	<b>0</b>	:	0.0%		
Estonia	0	0	0	0	<b>0</b>	:	0.0%		
Latvia	0	0	10	10	<b>0</b>	↓ -100	0.0%		
<b>Citizenship</b>						<b>Reporting country</b>			
Syria	1 785	1 160	530	1 085	<b>16 200</b>	↑ +1393	52%	Germany (96%)	
Afghanistan	940	1 330	1 210	840	<b>3 325</b>	↑ +296	11%	Germany (55%)	
Iraq	205	225	235	475	<b>2 960</b>	↑ +523	9.5%	Germany (76%)	
Eritrea	85	105	95	345	<b>1 160</b>	↑ +236	3.7%	Germany (83%)	
Somalia	380	390	335	595	<b>930</b>	↗ +56	3.0%	Germany (51%)	
Pakistan	60	80	70	745	<b>805</b>	↗ +8	2.6%	Italy (88%)	
Nigeria	40	65	80	645	<b>685</b>	↗ +6	2.2%	Italy (82%)	
Unknown	95	55	25	50	<b>650</b>	↑ +1 200	2.1%	Germany (95%)	
Sudan	100	135	250	435	<b>585</b>	↗ +34	1.9%	France (94%)	
Albania	85	305	340	240	<b>455</b>	↗ +90	1.5%	France (84%)	
Mali	15	15	20	415	<b>415</b>	→ +0	1.3%	Italy (94%)	
Stateless	195	175	55	80	<b>310</b>	↑ +288	1.0%	Germany (79%)	
Senegal	10	5	5	150	<b>250</b>	↗ +67	0.8%	Italy (94%)	
Russia	230	250	240	220	<b>215</b>	→ -2	0.7%	Germany (47%)	
Bangladesh	75	50	55	170	<b>195</b>	↗ +15	0.6%	France (56%)	
Other	1 240	1 195	1 215	1 855	<b>2 065</b>	↗ +11	7%	France (39%)	
<b>EU+</b>	<b>5 540</b>	<b>5 540</b>	<b>4 760</b>	<b>8 345</b>	<b>31 205</b>	↑ +274		<b>Syria (52%)</b>	

**Annex D13: Humanitarian protection granted at second or higher instance in the EU+ by EU+ country and main citizenship, 2013-2017**

	2017					% chg. on last year	Share in EU+	Highest share	Sparkline
	2013	2014	2015	2016	2017				
<b>Reporting country</b>	<b>Citizenship</b>								
Germany	2 045	1 730	1 615	1 935	<b>10 765</b>	↑ +456.3	72%	Afghanistan (74%)	
Sweden	705	830	1 175	875	<b>1 240</b>	↔ +42	8%	Afghanistan (23%)	
Greece	365	775	140	4 900	<b>955</b>	↓ -81	6%	Bangladesh (27%)	
United Kingdom	1 065	1 265	485	595	<b>550</b>	↔ -8	3.7%	Albania (25%)	
Italy	5	5	5	2 020	<b>500</b>	↓ -75	3.3%	Gambia, The (20%)	
Austria	:	20	115	190	<b>335</b>	↔ +76	2.2%	Russia (24%)	
Norway	485	610	595	225	<b>275</b>	↔ +22	1.8%	Afghanistan (35%)	
Netherlands	190	100	85	100	<b>115</b>	↔ +15	0.8%	Iran (22%)	
Finland	50	30	15	60	<b>95</b>	↔ +58	0.6%	Afghanistan (53%)	
Iceland	0	0	15	10	<b>50</b>	↑ +400	0.3%	Ghana (30%)	
Switzerland	150	100	55	40	<b>45</b>	↔ +13	0.3%	Afghanistan (22%)	
Poland	20	0	15	15	<b>20</b>	↔ +33	0.1%	Russia (100%)	
Spain	5	10	0	5	<b>5</b>	↔ +0	0.0%	Egypt (100%)	
Ireland	:	:	:	:	<b>0</b>	:	0.0%		
Denmark	0	0	0	0	<b>0</b>	:	0.0%		
Hungary	0	5	0	0	<b>0</b>	:	0.0%		
Romania	0	0	0	0	<b>0</b>	:	0.0%		
Czech Republic	5	15	0	0	<b>0</b>	:	0.0%		
Malta	0	0	0	0	<b>0</b>	:	0.0%		
Cyprus	25	5	0	0	<b>0</b>	:	0.0%		
Slovakia	0	0	0	0	<b>0</b>	:	0.0%		
Lithuania	0	0	0	0	<b>0</b>	:	0.0%		
Liechtenstein	0	0	5	0	<b>0</b>	:	0.0%		
Croatia	0	0	0	0	<b>0</b>	:	0.0%		
Estonia	0	0	0	0	<b>0</b>	:	0.0%		
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	1 600	1 280	865	860	<b>8 535</b>	↑ +892	57%	Germany (94%)	
Somalia	100	80	140	205	<b>550</b>	↑ +168	4%	Germany (85%)	
Syria	15	25	80	420	<b>520</b>	↔ +24	3%	Germany (90%)	
Iraq	310	320	150	190	<b>410</b>	↑ +115.8	2.7%	Germany (61%)	
Nigeria	175	240	130	735	<b>375</b>	↓ -49	2.5%	Germany (33%)	
Bangladesh	40	80	25	1 555	<b>370</b>	↓ -76	2.5%	Greece (70%)	
Pakistan	135	360	105	1 305	<b>370</b>	↓ -72	2.5%	Greece (53%)	
Russia	195	230	260	255	<b>335</b>	↔ +31	2.2%	Germany (49%)	
Albania	110	150	135	350	<b>295</b>	↓ -16	2.0%	United Kingdom (46%)	
Palestine	10	10	65	120	<b>240</b>	↑ +100	1.6%	Sweden (98%)	
Georgia	60	185	60	1 130	<b>210</b>	↓ -81	1.4%	Greece (64%)	
Kosovo	160	160	150	155	<b>190</b>	↔ +23	1.3%	Germany (74%)	
Stateless	65	80	265	150	<b>175</b>	↔ +17	1.2%	Sweden (74%)	
Armenia	65	90	125	135	<b>175</b>	↔ +30	1.2%	Germany (46%)	
Iran	250	105	140	115	<b>145</b>	↔ +26	1.0%	Germany (38%)	
Other	1 825	2 110	1 625	3 295	<b>2 060</b>	↓ -37	14%	Germany (35%)	
<b>EU+</b>	<b>5 115</b>	<b>5 505</b>	<b>4 320</b>	<b>10 975</b>	<b>14 955</b>	↔ +36		<b>Afghanistan (57%)</b>	

**Annex D14: Rejections at second or higher instance in the EU+ by EU+ country and main citizenship, 2013-2017**

	2017						% chg. on last year	Share in EU+	Highest share	Sparkline
	2013	2014	2015	2016	2017					
<b>Reporting country</b>	<b>Citizenship</b>									
Germany	30 705	37 340	86 535	112 395	<b>94 335</b>	↔	-16	53%	Albania (10%)	
France	32 100	31 260	29 190	34 870	<b>25 225</b>	↔	-28	14%	Albania (15%)	
Sweden	10 575	10 755	7 435	8 950	<b>14 460</b>	↗	+62	8.1%	Afghanistan (32%)	
Italy	20	10	5	5 000	<b>9 255</b>	↗	+85	5.2%	Nigeria (27%)	
Greece	2 990	5 785	5 810	6 655	<b>7 985</b>	↗	+20	4.5%	Pakistan (38%)	
United Kingdom	8 730	8 250	7 735	6 595	<b>5 385</b>	↘	-18	3.0%	Pakistan (13%)	
Belgium	11 060	7 480	7 260	5 030	<b>4 755</b>	↘	-5	2.7%	Iraq (18%)	
Norway	9 425	7 470	3 930	4 550	<b>4 230</b>	↘	-7	2.4%	Afghanistan (44%)	
Austria	5 435	1 210	2 390	2 100	<b>3 030</b>	↗	+44	1.7%	Afghanistan (15%)	
Switzerland	3 185	2 295	1 905	1 840	<b>1 795</b>	↔	-2	1.0%	Eritrea (11%)	
Poland	1 000	1 360	1 820	1 200	<b>1 720</b>	↗	+43	1.0%	Russia (64%)	
Denmark	1 110	1 495	1 050	1 150	<b>1 675</b>	↗	+46	0.9%	Afghanistan (35%)	
Netherlands	820	745	490	745	<b>900</b>	↗	+21	0.5%	Afghanistan (15%)	
Spain	1 085	905	570	495	<b>590</b>	↗	+19	0.3%	Mali (12%)	
Iceland	60	25	35	135	<b>450</b>	↑	+233	0.3%	FYROM (23%)	
Finland	55	45	55	395	<b>435</b>	↗	+10	0.2%	Iraq (62%)	
Czech Republic	395	530	395	395	<b>395</b>	↔	+0	0.2%	Ukraine (39%)	
Malta	135	225	300	265	<b>340</b>	↗	+28	0.2%	Syria (25%)	
Luxembourg	660	725	445	315	<b>315</b>	↔	+0	0.2%	Albania (29%)	
Cyprus	875	275	285	130	<b>300</b>	↑	+131	0.2%	Vietnam (27%)	
Romania	625	135	65	100	<b>105</b>	↗	+5	0.1%	Iraq (38%)	
Croatia	95	110	85	105	<b>75</b>	↘	-29	0.0%	Afghanistan (33%)	
Slovenia	60	65	30	35	<b>40</b>	↗	+14	0.0%	Afghanistan (25%)	
Estonia	0	5	10	40	<b>40</b>	↔	+0	0.0%	Albania (13%)	
Latvia	45	35	65	30	<b>40</b>	↗	+33	0.0%	Russia (25%)	
Lithuania	30	10	10	5	<b>30</b>	↑	+500	0.0%	Belarus (17%)	
Bulgaria	5	5	5	10	<b>10</b>	↔	+0	0.0%	Afghanistan (50%)	
Slovakia	110	55	25	20	<b>10</b>	↘	-50	0.0%	Afghanistan (0%)	
Liechtenstein	35	0	15	30	<b>5</b>	↘	-83	0.0%	Serbia (100%)	
Ireland	525	115	305	385	<b>0</b>	↘	-100	0.0%	Afghanistan (.%)	
Hungary	625	800	435	765	<b>0</b>	↘	-100	0.0%	Afghanistan (.%)	
Portugal	100	95	85	185	<b>0</b>	↘	-100	0.0%	Afghanistan (.%)	
<b>Citizenship</b>	<b>Reporting country</b>									
Afghanistan	6 345	4 225	2 640	8 285	<b>16 770</b>	↑	+102	9%	Germany (46%)	
Albania	2 025	6 020	28 170	35 025	<b>15 070</b>	↓	-57	8%	Germany (60%)	
Pakistan	7 200	6 320	7 200	9 440	<b>11 970</b>	↗	+27	6.7%	Germany (49%)	
Iraq	4 025	2 430	1 520	5 560	<b>11 645</b>	↑	+109	6.5%	Germany (54%)	
Nigeria	3 290	3 120	2 755	3 850	<b>7 850</b>	↑	+104	4.4%	Germany (36%)	
Russia	5 885	6 685	5 625	5 810	<b>7 235</b>	↗	+25	4.1%	Germany (59%)	
Kosovo	4 845	6 495	25 370	19 010	<b>7 075</b>	↓	-63	4.0%	Germany (76%)	
Serbia	11 290	13 045	18 255	16 215	<b>6 650</b>	↓	-59	3.7%	Germany (92%)	
FYROM	5 630	5 595	7 545	9 585	<b>5 790</b>	↘	-40	3.3%	Germany (92%)	
Bangladesh	5 090	5 135	4 285	4 680	<b>5 440</b>	↗	+16	3.1%	France (39%)	
Georgia	3 010	3 140	3 635	3 920	<b>4 640</b>	↗	+18	2.6%	Germany (56%)	
Ukraine	500	710	2 315	3 610	<b>4 045</b>	↗	+12	2.3%	Germany (52%)	
Armenia	3 635	2 730	2 135	2 040	<b>3 425</b>	↗	+68	1.9%	Germany (61%)	
India	1 265	1 200	810	2 945	<b>3 410</b>	↗	+16	1.9%	Germany (82%)	
Iran	3 175	2 225	1 555	1 920	<b>3 395</b>	↗	+77	1.9%	Germany (51%)	
Other	55 470	50 555	44 965	63 010	<b>63 525</b>	↔	+1	36%	Germany (46%)	
<b>EU+</b>	<b>122 680</b>	<b>119 630</b>	<b>158 780</b>	<b>194 905</b>	<b>177 935</b>	↘	-9		<b>Afghanistan (9%)</b>	

Annex D15: Resettled persons in the EU+ by EU+ country and main citizenship, 2013-2017

						2017		Highest share	Sparkline
	2013	2014	2015	2016	2017	% chg. on last year	Share in EU+		
<b>Reporting country</b>									<b>Citizenship</b>
United Kingdom	965	785	1 865	5 180	6 210	↗ +20	23%	Syria (78%)	
Sweden	1 820	2 045	1 850	1 890	3 410	↗ +80	12%	Syria (46%)	
Germany	280	280	510	1 240	3 015	↗ +143	11%	Syria (93%)	
Norway	955	1 285	2 375	3 290	2 815	↘ -14	10.3%	Syria (95%)	
France	90	450	620	600	2 620	↗ +337	9.5%	Syria (89%)	
Netherlands	310	790	450	695	2 265	↗ +226	8.3%	Syria (96%)	
Italy	0	0	95	1 045	1 515	↗ +45	5.5%	Syria (88%)	
Spain	0	125	0	375	1 490	↗ +297	5.4%	Syria (100%)	
Belgium	100	35	275	450	1 310	↗ +191	4.8%	Syria (91%)	
Finland	675	1 090	1 005	945	1 090	↗ +15	4.0%	Syria (89%)	
Switzerland	0	0	610	620	665	↗ +7	2.4%	Syria (81%)	
Austria	0	390	760	200	380	↗ +90	1.4%	Syria (100%)	
Ireland	85	95	175	355	275	↘ -23	1.0%	Syria (95%)	
Luxembourg	0	30	45	50	180	↗ +260	0.7%	Syria (97%)	
Iceland	0	10	15	55	45	↘ -18	0.2%	Syria (100%)	
Romania	0	40	0	0	45	:	0.2%	Syria (100%)	
Croatia	0	0	0	0	40	:	0.1%	Syria (100%)	
Latvia	0	0	0	5	40	↗ +700	0.1%	Syria (100%)	
Estonia	0	0	0	10	20	↗ +100	0.1%	Syria (100%)	
Malta	0	0	0	0	15	:	0.1%	Syria (100%)	
Denmark	575	370	450	310	5	↘ -98	0.0%		
Slovenia	0	0	0	0	0	:	0.0%		
Hungary	0	10	5	5	0	↘ -100	0.0%		
Slovakia	0	0	0	0	0	:	0.0%		
Portugal	0	15	40	0	0	:	0.0%		
Bulgaria	0	0	0	0	0	:	0.0%		
Czech Republic	0	0	20	0	0	:	0.0%		
Croatia	0	0	0	0	0	:	0.0%		
Poland	0	0	0	0	0	:	0.0%		
Cyprus	0	0	0	0	0	:	0.0%		
Lithuania	0	0	5	25	0	↘ -100	0.0%		
Liechtenstein	0	5	20	0	0	:	0.0%		
<b>Citizenship</b>									<b>Reporting country</b>
Syria	265	3 060	6 525	14 095	22 945	↗ +63	84%	United Kingdom (21%)	
Congo (DR)	755	875	1 120	830	1 065	↗ +28	3.9%	Sweden (51%)	
Eritrea	570	710	325	385	640	↗ +66	2.3%	Sweden (73%)	
Iraq	360	365	270	240	535	↗ +123	1.9%	United Kingdom (64%)	
Sudan	245	195	465	200	500	↗ +150	1.8%	United Kingdom (56%)	
Somalia	1 045	630	660	370	405	↗ +9	1.5%	United Kingdom (67%)	
Afghanistan	770	870	750	475	315	↘ -34	1.1%	Sweden (65%)	
Ethiopia	95	215	330	260	305	↗ +17	1.1%	Sweden (61%)	
Stateless	170	155	255	210	180	↘ -14	0.7%	Sweden (58%)	
Palestine	5	15	20	20	95	↗ +375	0.3%	Italy (53%)	
Unknown	0	85	60	10	80	↗ +700	0.3%	Netherlands (69%)	
South Sudan	5	20	10	50	75	↗ +50	0.3%	United Kingdom (47%)	
Burundi	45	10	15	45	60	↗ +33	0.2%	Sweden (83%)	
Central African Republi	15	20	0	10	40	↗ +300	0.1%	France (38%)	
Iran	335	130	35	35	35	↔ +0	0.1%	France (29%)	
Other	1 175	495	355	120	175	↗ +46	0.6%	Sweden (50%)	
<b>EU+</b>	<b>5 855</b>	<b>7 850</b>	<b>11 195</b>	<b>17 355</b>	<b>27 450</b>	↗ +58.2		<b>Syria (84%)</b>	



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<sup>[1]</sup> 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.

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