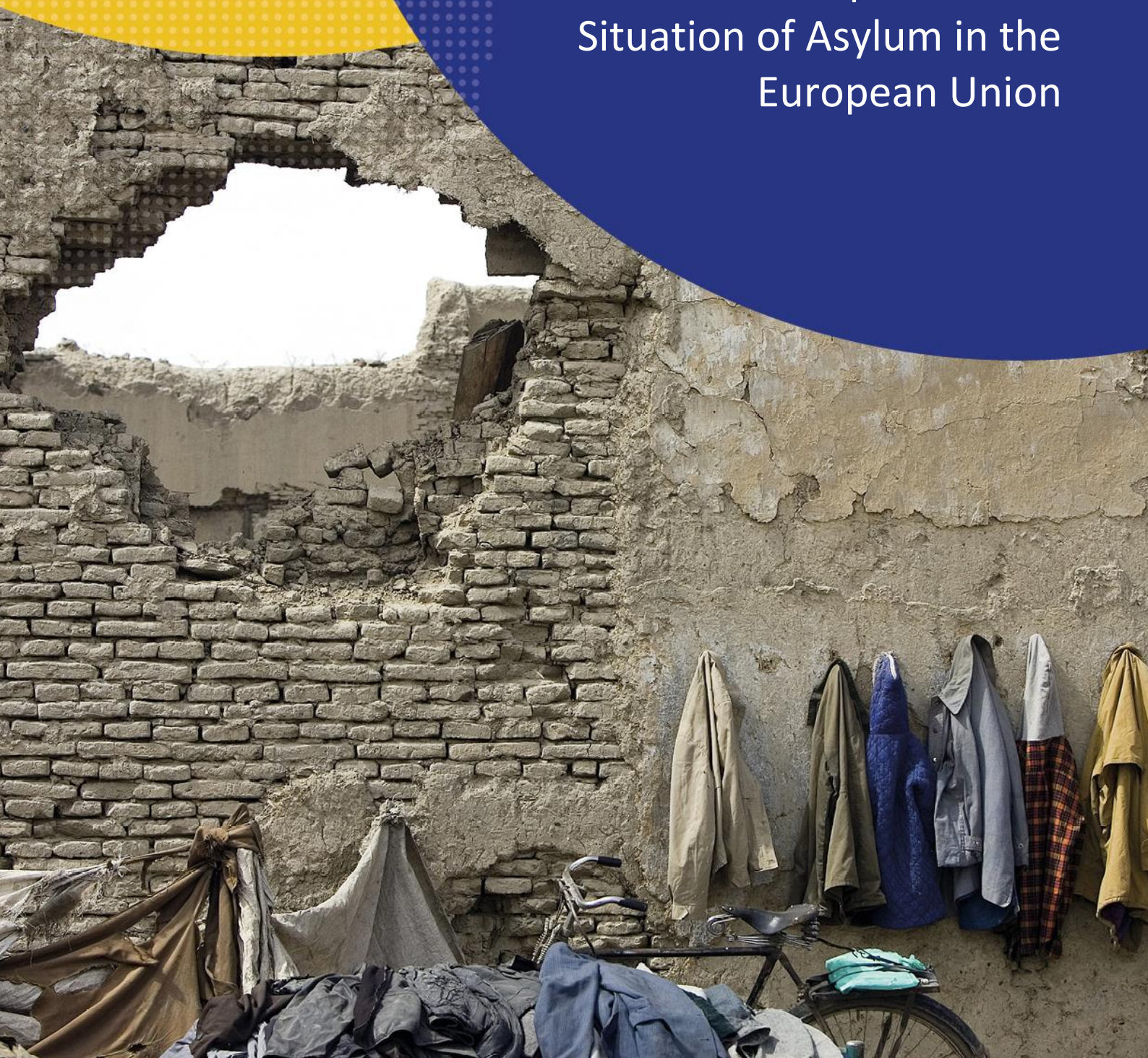
EASO Asylum Report 2020

Annual Report on the Situation of Asylum in the European Union



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Foreword

With Europe experiencing yet again an increase in the number of applications for international protection in 2019 (for the first time since 2015), asylum remains a high priority in the EU policy agenda. As the trends change over time, we remain collectively working toward providing optimal solutions to persons in need of protection, while maintaining the integrity of national asylum systems.

The 2020 edition of the *EASO Asylum Report* offers a concise and comprehensive overview of key developments in international protection and the functioning of the Common European Asylum System (CEAS). To produce its annual flagship report, the European Asylum Support Office (EASO) collects and analyses information from a wide range of reliable sources to provide an in-depth look at policy changes and improvements over the course of the year, while underlining challenges which remain to be addressed.

As EASO celebrates its 10-year anniversary in 2020, we are reminded of the agency's growing importance in providing operational and technical assistance in asylum matters to EU+ countries. The information produced by EASO is vital to enable policy-makers to make informed decisions, to enable countries to cope with an ever-changing landscape of migratory patterns and to empower national administrations in processing, case by case, a continuous stream of applications.

We look forward to the long-awaited adoption of a new regulation for the European Union Asylum Agency, which will transform EASO into a fully-fledged EU agency, strengthen its role and expand its mandate. As the centre of expertise on asylum, EASO will continue to provide service-oriented, impartial and transparent support toward the effective implementation of CEAS.

I am grateful for the on-going collaboration with all our partners towards common, transparent and sustainable asylum systems across Europe. Efficient systems can respond rapidly to the changing patterns in migration flows and ensure a clear, fair and dignified process to each applicant for international protection. We are already seeing global and national situations emerging in 2020 which may lead to more people seeking refuge. Now, more than ever, we must continue to work towards a truly common European asylum system by attaining convergence in addressing the needs for international protection and showing solidarity with Member States which are under the greatest pressure.

Nina Gregori

Executive Director
European Asylum Support Office

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We would like to thank a number of partner organisations which actively contributed to this year's edition of the *EASO Asylum Report 2020* through contributions, consultations or feedback during the drafting process.

Primary facts and information were obtained from EU+ countries with the coordination of the European Migration Network (EMN). We are also grateful to the European Commission for its continued support and feedback during the drafting process. Colleagues from the United Nations High Commissioner for Refugees (UNHCR) also provided input produced by its experts.

In particular, we express our gratitude to asylum and reception authorities in EU+ countries for the continuous cooperation in the area of information exchange throughout the year. The contributions of national asylum experts involved in EASO's thematic networks are invaluable in helping EASO maintain an accurate and up-to-date overview of asylum-related developments in Europe and beyond.

Through various channels, civil society organisations, academia and research institutions provide EASO with research findings and input from the ground. To present the full picture of asylum in 2019 and take account of all perspectives, contributions from these institutions and organisations were included in this report. To this end, EASO would like to acknowledge the following organisations, which contributed to *EASO Asylum Report 2020* through direct submissions or consultations:

Are you Syrious (Croatia)
Associazione My Lawyer (Italy)
AsyLex (Switzerland)
Asylum Protection Center (Serbia)
Asylum Research Centre Foundation (United Kingdom)
Caritas Austria
Caritas Wien Rechtsberatung (Austria)
Cyprus Council for Refugees
Danish Refugee Council Greece
Dutch Advisory Committee on Migration Affairs (the Netherlands)
European Council on Refugees and Exiles (ECRE) (Belgium)
Forum réfugiés-Cosi (France)
Fundación Cepaim (Spain)
Helsinki Foundation for Human Rights (Poland)
HumanRights360 (Greece)
Hungarian Helsinki Commitee (Hungary)
Ludwig Boltzmann Institute of Human Rights (Austria)
Migrant Integration Center Brasov (Romania)
Missing Children Europe (Belgium)
Network for Children's Rights (Greece)
Safe Passage International (United Kingdom)
Sexual Orientation and Gender Identity Claims of Asylum (SOGICA) Project, University of Sussex (United Kingdom)
Spanish Commission for Refugees - CEAR (Spain)
Stichting Nidos (the Netherlands)
Volontariato Internazionale per lo Sviluppo (VIS) (Italy)
European Network on Statelessness (Consultations*)

Acronyms and abbreviations

ACSG	Asylum Capacity Support Group
AVRR	Assisted Voluntary Return and Reintegration Programme
AWAS	Agency for the Welfare of Asylum Seekers
AZC	Asylum seekers' centre in the Netherlands *(asielzoekerscentrum)*
BBU	Federal Agency for Care and Assistance Services in Austria *(Bundesagentur für Betreuungs- und Unterstützungsleistungen)*
BVMN	Border Violence Monitoring Network
CALL	Council for Alien Law Litigation in Belgium
CAT	UN Committee against Torture
CEAS	Common European Asylum System
CEDAW	United Nations Committee on the Elimination of Discrimination against Women
CEF	Episcopal Conference of France
CEPOL	EU Agency for Law Enforcement Training
CGRS	Commissioner General for Refugees and Stateless Persons in Belgium
CIR	Republican Integration Contract in France
CJEU	Court of Justice of the European Union
COA	Central Agency for the Reception of Asylum Seekers in the Netherlands *(Centraal Orgaan opvang asielzoekers)*
COI	Country of origin information
CPH	Temporary accommodation centres in France
CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
DPAR	Measures assisted returns in France *(dispositifs de préparation de l'aide au retour)*
DT&V	Repatriation and Departure Service in the Netherlands
EASO	European Asylum Support Office
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
ECRE	European Council on Refugees and Exiles
EDAL	European Database of Asylum Law
EEAS	European External Action Service
EIGE	European Institute for Gender Equality
EMCDDA	European Monitoring Centre for Drugs and Drug Addiction
EMN	European Migration Network
ENS	European Network on Statelessness
EPS	EASO's Early Warning and Preparedness System (
EQPR	European Qualifications Passport for Refugees
ETCC	Employer Tailored Chain Cooperation
EU+	European Union Member States, Iceland, Liechtenstein, Norway and Switzerland
eu-LISA	European Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice
EUAA	EU Asylum Agency
Eurojust	EU Judicial Cooperation Agency
Europol	European Union Agency for Law Enforcement Cooperation
Fedasil	Federal Agency for the Reception of Asylum Seekers in Belgium
FEP	Protestant Federation of Mutual Aid
FGM	Female genital mutilation
FRA	European Union Agency for Fundamental Rights

Frontex	European Border and Coast Guard Agency
GDP	Gross domestic product (
GRETA	Council of Europe Group of Experts on Action against Trafficking in Human Beings
GRSI	Global Refugee Sponsorship Initiative
ICC	Inter-Cultural Cities programme
ICCPR	International Covenant on Civil and Political Rights
ICMC	International Catholic Migration Commission
ICMPD	International Centre for Migration Policy Development
IDMC	Internal Displacement Monitoring Centre
IDP	Internally displaced person
IGAD	Intergovernmental Authority on Development
IGI-DAI	General Inspectorate for Immigration–Asylum and Integration Directorate in Romania
IOM	International Organization for Migration
IPSN	Identification of Persons with Special Needs
IRPP	Irish Refugee Protection Programme
JHA	European Union Justice and Home Affairs
JRS	Jesuit Refugee Service
KIS	Knowledge Platform on Integration in Netherlands *(Kennisplatform Integratie & Samenleving)*
LBGTI	Lesbian, gay, bisexual, trans-gender and intersex
MENA	Middle East and North African
MIRPS	Comprehensive Regional Framework for Protection and Solutions in Central America and Mexico
MPI	Migration Policy Institute
OAU	Organization of African Unity
OFII	*Office Français de l'Immigration et Intégration* in France
ONA	*Office national de l'accueil* in Luxembourg
PFI	Push Factor Index
POL	Process reception centres in the Netherlands *(processopvanglocatie)*
REVIS	Law on social inclusion income in Luxembourg
SCIFA	Strategic Committee on Immigration, Frontiers and Asylum
SEM	Swiss State Secretariat for Migration
SIPRIOMI	Protection System for Beneficiaries of International Protection and Unaccompanied Foreign Minors in Italy
SOGI	Sexual orientation and gender identity
SRA	Specific Residence Authorisation in Malta
SSAR	Support Platform for the Solutions Strategy for Afghan Refugees
TFEU	Treaty on the Functioning of the European Union
THB	Trafficking in human beings
UNCRC	United Nations Committee on the Rights of the Child
UNHCR	United Nations High Commissioner for Refugees
Vw	Dutch Aliens Act *(Vreemdelingenwet)*
WODC	Dutch Scientific Research and Documentation Centre

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Introduction

Facing an 11 % increase in the number of applications for international protection lodged in Europe in 2019, countries responded to changing migratory patterns by introducing new measures or practices throughout the year to ensure effective implementation of the European asylum acquis. Some countries, such as Cyprus, France, Greece, Malta and Spain, received more asylum applicants in 2019 than during the migration crisis of 2015. Urgent measures were put in place to address an influx of migrants, disembarkations and rising backlogs of pending cases, while endeavouring to protect the rights of asylum seekers and share responsibility amongst Member States.

As the go-to source of information on international protection in Europe, the *EASO Asylum Report* series provides a comprehensive overview each year of key developments in asylum in European Union Member States, Iceland, Liechtenstein, Norway and Switzerland (EU+ countries). All aspects of the Common European Asylum System (CEAS) are covered step by step by summarising changes to legislation, policy and practice at the European and national levels. The report presents selected case law which has shaped the interpretation of European and national laws, as well as key indicators for the 2019 reference year which highlight emerging trends and measure the effectiveness of asylum systems.

Global, European and national trends and events shaped developments in asylum in 2019. To set the scene, Section 1 presents an overview of forced displacement globally. It addresses the international community's response to large refugee movements and zooms in on two topics gaining attention on the world stage: statelessness and displacement due to environmental factors. The section also presents the outcomes of the first Global Refugee Forum, which was organised in December 2019 to build solidarity between refugees and host countries.

Section 2 narrows in on the context in the European Union, presenting the evolution of CEAS and major developments in legislation and policy at the EU level. The new European Commission kept migration high among its priorities and the section provides updates on building a more structured solution for disembarkations through the Central Mediterranean route. It details EU initiatives under the European Agenda on Migration and jurisprudence by the Court of Justice of the EU (CJEU) in the area of international protection.

As the centre of expertise on asylum, EASO provides technical and operational assistance to Member States to manage the influx of applicants and share best practices. Section 3 outlines the role EASO plays in building capacity and fostering the exchange of information. It describes the agency's key partnerships and work with third countries to establish or reinforce their national asylum systems s. Projects under EASO's umbrella, which cultivate a harmonised approach across Europe to address international protection needs, are described.

The overall number of asylum applications increased in 2019 but different stories unfolded at the country level. Some asylum and reception systems were heavily taxed, while other countries handled far fewer cases than in 2018. Section 4 presents the latest published data on key indicators to identify and monitor trends in countries receiving asylum applicants and countries of origin. It outlines the main trends in applications received, countries of origin of applicants, withdrawn applications, decisions on applications and pending cases. A special sub-section looks deeper into socio-economic indicators which can influence trends in asylum.

Sections 5 and 6 take an in-depth look into specific areas of asylum in Europe: the Dublin procedure which sets out the criteria and mechanisms to determine the Member State which is responsible for an application for international protection, and vulnerable groups. The sections combine quantitative, qualitative and legal information, as well as key indicators, to provide the current state of play on two complex topics. The section on vulnerable applicants focuses in particular on unaccompanied minors, reviewing changes to reception conditions, guardianship and procedures throughout the asylum process.

And finally, Section 7 analyses developments in each EU+ country and how countries shaped their legislation and policies throughout 2019. The section covers each stage of the asylum procedure, including access to procedure and information, legal assistance, interpretation services, special procedures, procedures for first and second applications, reception conditions, detention, country of origin information, the content of protection, return of former applicants and resettlement. As seen in this section, countries focused on different areas at the national level with the aim of building sustainable systems.

To bring diverse perspectives together in one place, observations by civil society organisations and other partners are presented throughout the report by topic. In 2019, their concerns mainly centred around access to procedure, reception conditions and criteria for the detention of applicants. Throughout the sections, relevant case law is also described as national courts continued to interpret a wide range of aspects related to CEAS.

The report serves as a main reference for developments in asylum in EU+ countries. It collates a wide range of sources to provide accurate information to policymakers, national asylum authorities, researchers and practitioners involved in the field of asylum.

Section 1. Global overview of asylum in 2019

To provide context for developments in the field of asylum in Europe, Section 1 presents a global overview of forced displacement and the need for protection worldwide. The section covers recent events and trends related to displacement and discusses the international community's response to large refugee movements. Two topics which have gained attention over recent years in the global context are addressed: statelessness and the emerging phenomenon of displacement due to environmental reasons, which falls outside of the EU acquis. A glimpse at the broader landscape helps to set the scene for trends in asylum in the European Union which unfolded in 2019.

Forced displacement due to conflict, persecution, human rights violations, natural disasters and degrading ecosystems is a reality for millions of people across the globe who flee their homes in search of security for themselves and their families. Those seeking protection find refuge either within their home country or by crossing international borders.

Official statistics distinguish between two groups of forcibly displaced persons: a) refugees and asylum seekers who have crossed international borders; and b) internally displaced persons (IDPs) who are displaced within their own country. The 1951 Refugee Convention provides the common definition for the first group as individuals who have fled their country due to a "well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion"[1] and crossed an international border to seek safety.

There is no internationally-agreed legal definition for IDPs, even though guidelines exist, according to which IDPs are "persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalised violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally-recognised state border".[2] As such, IDPs legally fall under the jurisdiction of their own government and relevant national and international laws.

Both refugees and IDPs find themselves in need of substantial material and psycho-social support, often facing challenges to receive, access and effectively benefit from such support. Apart from emergency responses and short- to medium-term arrangements, countries struggle to find durable solutions. Voluntary repatriation of forcibly displaced individuals (including asylum seekers, refugees and IDPs), which can be considered to be the preferred long-term outcome, is at times not possible due to the persistence of the original causes of displacement, such as a lack of political solutions to protracted conflicts and recurrent violence in the country of origin.[3]

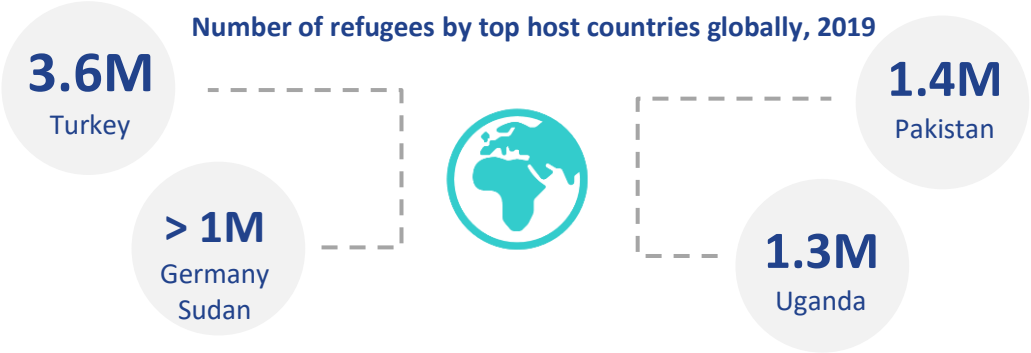
A number of events around the world have resulted in major displacements over the past few years due to conflict (Afghanistan, Central African Republic, the Democratic Republic of Congo, Somalia, South Sudan and Syria), ongoing widespread, systematic, grave human rights violations (Myanmar/ Rohingya) and severe political instability and economic hardship (Venezuela).[4]

On 30 June 2019, the United Nations High Commissioner for Refugees (UNHCR) reported a total population of concern of 79.4 million people.[i] This included 20.2 million refugees under UNHCR's mandate, 3.7 million asylum seekers, 531 000 returned refugees, 43.9 million IDPs, 2.3 million returned IDPs and 3.9 million stateless people. In addition, a report from the Internal Monitoring Centre[5] highlights that the total number of IDPs due to violence reached 50.8 million in 2019.

Since 2014, the largest number of refugees have originated from Syria[6]. In June 2019, there were 6.6 million Syrian refugees, accounting for approximately one-third of the global refugee population.[7] With the count continuously rising, the next highest numbers of refugees in 2019 originated from Afghanistan and South Sudan, with 2.7 million and 2.2 million respectively. These countries of origin were followed by Myanmar, with 1.2 million refugees and Somalia with 0.8 million.[8] A new trend emerged in the first half of 2019, with Venezuelan nationals accounting for the largest group of asylum seekers, although their cumulative number did not reach the levels of the top countries of origin.[9]

Communities and countries neighbouring the epicentre of a crisis are generally the first in line to accommodate displaced persons, often placing a strain on their resources. This is seen in low- and middle-income countries in particular, which host the majority of refugees worldwide, receiving 84 % of the global share or more than 4 out of 5 refugees.[10]

In absolute terms, Turkey continued to host the largest number of refugees, with 3.6 million registered Syrian refugees under temporary protection in 2019. Pakistan, with 1.4 million, is the second-largest host for refugees with almost all originating from Afghanistan. This is followed by Uganda which hosts 1.3 million refugees, originating from countries like Burundi, the Democratic Republic of Congo, Rwanda, Somalia and South Sudan. Other countries which have received a high number of refugees[ii] include: Germany (hosting over 1.1 million refugees, half of whom originate from Syria); Sudan (with approximately 1.1 million, the majority of whom come from South Sudan); Iran (approximately 980 000, mostly Afghans); Lebanon (approximately 930 000, mostly Syrians); and Bangladesh (approximately 912 000, almost exclusively Rohingya from Myanmar).[11]



[i] It is important to note that UNHCR uses the term 'refugee' to refer, not only to people who have been formally granted refugee status, but to all people under the UNHCR mandate and of concern to UNHCR, including people who have fled war, violence, conflict or persecution and have crossed an international border to find safety in another country (as defined in the 1951 Convention on the Status of Refugees and other legal acts, such as the 1969 Organization of African Unity (OAU) Refugee Convention in Africa and the 1984 Cartagena Declaration in Latin America). This notion differs from the one used by Eurostat to estimate the number of refugees which covers only individuals who have been formally granted international protection.

[ii] UNHCR defines the category 'refugees' as: "Persons recognised as refugees under the 1951 UN Convention/1967 Protocol, the 1969 OAU Convention, in accordance with the UNHCR Statute, persons granted a complementary form of protection and those granted temporary protection. In the absence of government figures, UNHCR has estimated the refugee population in many industrialised countries based on 10 years of individual asylum seeker recognition."

Turning from absolute numbers, a different pattern emerges when comparing the share of refugees to the population size of the host country. In relative terms, at the end of 2018, the top countries to host refugees were Lebanon (156 refugees per 1 000 inhabitants),[iii] Jordan (72) and Turkey (45).[12] All three countries are neighbouring Syria and this geographic proximity, independent of the host country's size, naturally facilitates access for large numbers of displaced Syrians who cross country borders in search of security.

As the number of displaced persons continues to grow globally, governments and international organisations are working to develop strategies to respond effectively, comprehensively and predictably to large refugee movements.[13] Complex challenges require more comprehensive, multifaceted, integrated responses that go beyond ad hoc interventions and connect political, developmental and humanitarian action to ensure that both refugees and host communities have adequate and sustainable support and protection.

By adopting the New York Declaration for Refugees and Migrants at the UN General Assembly in 2016, UN Member States expressed their solidarity with forcefully displaced persons; reaffirmed their obligation to respect the human rights of refugees and migrants; agreed that protecting refugees and assisting host countries is a shared responsibility to be borne in an equitable and predictable way; agreed to work together toward the development and adoption of a Global Compact on Refugees; and, most importantly, agreed on the core dimensions of a comprehensive mechanism for responding to large-scale refugee movements and protracted situations.[14] The New York Declaration set out key elements of the Comprehensive Refugee Response Framework, an integrated, holistic approach to refugee protection aiming to:

> Ease pressures on host countries;
> Enhance refugee self-reliance;
> Expand access to solutions in third country; and
> Support conditions in countries of origin for return in safety and dignity.[15]

In 2018, the Global Compact for Refugees was agreed upon by the UN General Assembly. Based on fundamental principles of humanity and solidarity, the global compact is supported by a diverse group of stakeholders to protect refugees and support host communities. The compact's Programme of Action sets out concrete measures for responsibility, from refugee reception and admission to addressing refugee needs and supporting host communities in a sustainable way.[16]

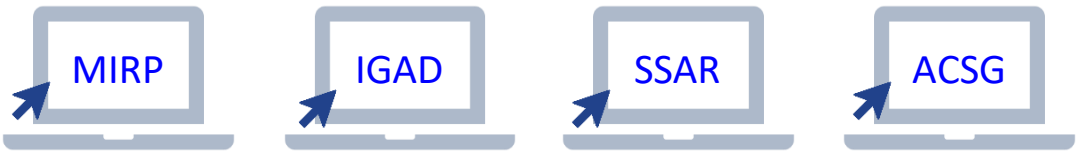
To monitor developments and review progress on the action plan, the first Global Refugee Forum took place in December 2019, bringing together governments, international organisations, local authorities, civil society organisations, the private sector, host community members and refugees.[17] The European Union was represented at the forum by various EU services as well as EASO, reaffirming their commitment to a multilateral response to forced displacement, working in partnership with EU Member States, other UN members, UNHCR and the UN family. Commissioners Lenarčič, Urpilainen and Várhelyi underlined the magnitude of EU efforts in helping refugees and host countries and asserted the ambition to continue and deepen EU engagement. The Commission, among others, announced continued support to resettlement in 2020, providing EU funding to support EU Member States to resettle around 30 000 refugees.

The forum provided a platform to exchange best practices, provide financial and technical support, and discuss policy changes to help reach the goals of the compact.[18] Key discussions at the forum centred around resettlement and complementary legal pathways to third countries, pressures on host

[iii] This figure excludes Palestinian refugees living in Lebanon under UNRWA's mandate.

communities, improved protection for refugees, integration, access to education for refugee children and the involvement of refugees in policy development.[19]

Emphasis was placed on the formal establishment of a number of regional refugee support platforms to further responsibility-sharing in regional contexts, anchored in pre-existing Comprehensive Refugee Response Framework (CRRF)-related initiatives, such as:



> The Comprehensive Regional Framework for Protection and Solutions (MIRPS) in Central America and Mexico;
>
> The Nairobi process in East Africa and the Horn of Africa facilitated by the Intergovernmental Authority on Development (IGAD); and
>
> The Support Platform for the Solutions Strategy for Afghan Refugees (SSAR).[20]

The forum also led to the establishment of the Asylum Capacity Support Group (ACSG) to support national asylum authorities in strengthening their systems in order to provide timely admission, reception, registration, documentation and identification of persons needing international protection.[21] ACSG serves as a platform to share expertise and experiences, where countries may request or offer capacity-building assistance.[22]

In October 2019, UN Secretary General Antonio Guterres announced the creation of a High-Level Panel on Internal Displacement to "increase global attention on and support for IDPs and to develop concrete recommendations to states, the UN and other stakeholders to improve the approach and response, with a particular focus on durable solutions". With an initial 12-month mandate, the panel started its work in February 2020, focusing on all categories of IDPs, e.g. persons internally displaced in the context of armed conflicts, generalised violence, human rights violations, as well as disasters and the adverse effects of the climate change.

As new initiatives addressing forced displacement continue to surface globally, a wider range of themes are pushed to the forefront and complex aspects of displacement can be addressed within wider audiences. Two topics which attracted increased attention in 2019 are statelessness and human mobility due to climate- and environment-related reasons.

Statelessness

The 1954 UN Convention relating to the Status of Stateless Persons defines a stateless person as someone "who is not considered as a national by any State under the operation of its law".[23] A stateless person does not have the nationality of any country, whether born stateless or having become stateless later in life.

Nationality is the legal bond between a person and a state. International law establishes the right of every person to a nationality. States are free to regulate nationality, but this must be within the limits of international law (being non-discriminatory and non-arbitrary, avoiding statelessness, ensuring gender equality, etc.). Nationality is generally acquired at birth by descent *(jus sanguinis)* and/or place of birth *(jus soli)*, or later in life based on residence, marriage or adoption.

The UN Convention on the Rights of the Child, Article 7 establishes that every child has the right to a legal identity and to acquire a nationality,[24] and the 1961 UN Convention on the Reduction of Statelessness sets out detailed provisions for states to prevent statelessness.[25] Nonetheless, nationality laws vary significantly, do not always adhere to international standards and conflicts between the laws of different states can arise, leading to statelessness.

How does someone become stateless? Causes can include:

Gaps or conflicts in nationality laws governing who is considered to be a national;

Gender discrimination in nationality laws preventing women from conferring their nationality to their children on an equal basis with men;[26]

Barriers to children born abroad acquiring a nationality from their parents, e.g. requirement to register with consular authorities but parent/s are refugees or unaware of the requirement; female-headed household but women are prohibited from conferring nationality to child born abroad; or inability to prove links to the state without possessing a birth certificate or identification;

The emergence of new states and changes in borders, leading to administrative or legal barriers and gaps making it difficult for some people (particularly marginalised populations) residing in a new state to prove their entitlement to nationality;

Discrimination toward ethnic, racial and religious minorities residing in a state, explicitly excluding them from nationality by law or failing to address barriers to prove entitlement to a nationality (e.g. lack of civil documentation);

Loss of nationality because of a prolonged stay outside the country of origin (as foreseen in legislation in some countries) or deprivation of nationality on national security or other grounds (e.g. identity criteria);[27] and

The lack of civil registration documents, including birth certificates, necessary to acquire or confirm nationality, creates additional risks of statelessness.

Stateless persons are considered to be particularly vulnerable since not being recognised as nationals by any state may leave them without any state protection. This exposes them to discrimination and unequal treatment because they may be denied access to education, health care, housing, employment, social welfare and documentation.[28]

Data by UNHCR[29] reported for 75 countries globally indicate a total of 3.9 million stateless people. Covering all countries, it is estimated that 12 million people around the world are stateless, although data collection is a significant challenge because most countries in the world do not report statistics on statelessness.[30] Most of the largest stateless populations in the world are *in situ*, so they have lived in the same place for generations. However, statelessness can also be a cause and a consequence of displacement.[31] Discrimination and a lack of access to rights may force stateless people to migrate internally or across borders.[32] A person may be both stateless and a refugee. Considering the significant obstacles they face in obtaining official travel documents and accessing regular migration pathways, stateless persons are more likely to cross borders irregularly.[33] Statelessness may also arise as a consequence of displacement due to lack of access to civil documentation (particularly birth registration and certification), inability to prove links to a country of (former) nationality, long-term residence abroad leading to a loss of nationality or conflicts in nationality laws.

While an often overlooked aspect of forced migration, statelessness gained more notice over 2019.[34] This is particularly pertinent to the area of asylum, since many displaced individuals originate from countries with large stateless populations, gaps or discrimination in nationality laws, or issues with access to civil documentation, meaning they or their children may have been stateless before they were displaced or have become stateless since. This has been seen, for example, in populations from Eritrea, Iran, Iraq, Somalia, Sudan and Syria. [35]

Despite the scale of the situation, many countries around the world do not have a comprehensive framework in place to deal effectively with statelessness.[36] In the context of the European region, research conducted by the European Network on Statelessness (ENS) revealed a number of challenges associated with statelessness and displacement and identified adverse consequences that stateless persons may face in five areas of the asylum process:[37]

- Failure to identify and register statelessness on arrival leads to registration with imputed or 'unknown' nationality.
- Statelessness being missed or inadequately addressed in international protection procedures may lead to delays or a higher risk that protection is refused.
- Statelessness being missed or inadequately addressed in international protection procedures may increase the risk of prolonged or arbitrary detention, especially in removal proceedings as no country can be found to which stateless persons can be returned.
- Issues with nationality being missed or inadequately addressed heightens the risk of children being born stateless in Europe if they are unable to establish nationality through their parents and the countries in which they are born lack adequate safeguards. In addition, countries of origin may not be willing to re-admit a child who is not a national following the rejection of an application when return is considered in the best interests of the child.
- Stateless people cannot meet the requirements for naturalisation due to a general lack of documentation, including identity documents and permanent residence permits (often being required to apply for naturalisation) or there is no facilitated route to naturalisation for stateless people.

Awareness-raising, especially among policymakers and asylum officials, on the nuances of statelessness and its implications for the asylum procedure is important to trigger changes to existing policies and define specific action to respond more effectively to the situation. Indisputably, addressing the diverse challenges surrounding statelessness in the context of asylum is not straightforward, but guidance is available[38] and good practices exist to draw from in some European States.[39] The UNHCR Handbook on Protection of Stateless Persons 2014 affirms that stateless persons may have protection needs and need to have access to the asylum procedure. Where available, stateless persons should be referred to a dedicated statelessness determination procedure within international protection proceedings (i.e. after a final decision has been made on any asylum application) to have their status determined. Even if a stateless person is granted another form of protection, the statelessness determination procedure will ensure that, should that protection cease in the future, the person will still receive protection as having been determined to be stateless.[40]

The Council of the European Union adopted its first Conclusions on Statelessness in December 2015, highlighting the importance of nationality as a fundamental right and drawing on international human rights law and the Treaty on the Functioning of the European Union (TFEU). The Council underlined the precarious situation of stateless persons who are often excluded from participating in economic, social and political life in their host states or in their states of birth. It reiterated the commitment in

the EU's Action Plan on Human Rights and Democracy (2015-2019) to address statelessness in relation to priority countries and focus efforts on preventing the emergence of stateless populations as a result of conflict, displacement and the dissolution of states.[41]

In addition, the Council's Conclusions tasked the European Migration Network (EMN) to establish a dedicated platform to exchange information and good practices and raise awareness about statelessness. The platform brings together all relevant stakeholders in the field: representatives of Member States, the European Commission, the European Parliament, European agencies, international organisations and NGOs.[42]

The UN General Assembly has entrusted UNHCR with a global mandate for the identification and protection of stateless persons, and the prevention and reduction of statelessness. In October 2019, an international High-Level Segment on Statelessness marked the mid-point of the #IBelong campaign, an initiative launched by UNHCR in 2014 to end statelessness by 2024. The event reviewed the achievements made to date on the 10 goals of the Global Action Plan to End Statelessness, which aims to resolve existing situations of statelessness, prevent the emergence of new s and enhance identification and protection of stateless people.[43] The conference provided an opportunity for stakeholders to showcase good practices, and states were encouraged to commit concretely by changing legislation, policy and practices.[44] [45] As a result of these efforts, a total of 358 pledges were made to address statelessness in the remaining next five years of the campaign. 252 of these pledges were made by 66 States and 106 pledges by 33 international/regional organisations and civil society organisations. Since the launch of the campaign, 19 countries have acceded to one or both of the United Nations Statelessness Conventions; 2 countries removed gender considerations from their nationality laws; 11 countries introduced statelessness determination procedures; and 11 countries took concrete steps to resolve protracted situations of statelessness.[46]

Emerging discussions on climate- and disaster-related displacement and protection

While displacement and migration due to the impacts of the climate, the environment and disasters are not new phenomena, they are gaining a more central place in humanitarian and developmental policies and legislative discourses. Population displacement may also come as a consequence of or be amplified by long-term changes to local environments, often as a result of climate change and/or environmental degradation, which may limit the availability of natural resources or may even render certain areas uninhabitable.

The growing recognition of the impact of environmental factors on human mobility has triggered discussions on policy frameworks, both at the regional and global levels. In addition, competition over depleted natural resources may instigate inter-group conflict or compound pre-existing vulnerabilities.[47] These conditions place affected populations in a vulnerable position in need of substantial support. The EU is instrumental in financing assistance to cover the immediate needs of displaced persons, while also supporting efforts to boost resilience, prevention and preparedness.

In 2018 and 2019, large-scale displacement triggered by climate and weather-related hazards occurred in many parts of the world, including in China, India, Mozambique, the Philippines and the United States of America.[48] According to data on conflict-related and disaster-related internal displacements collected by the Internal Displacement Monitoring Centre (IDMC) since 2008, there are more people who are newly displaced within their own country due to natural disasters in any given year compared to those newly displaced by conflict and violence.[49] A large qualitative difference, however, is that people displaced by disasters are often associated evacuated quickly in a relatively safe and orderly way.[50]

Most disaster-related displacement is 'internal', so affected populations remain mostly within national borders. However, displacement across state borders does take place as well and may interplay with situations of conflict or violence.[51] This nexus between environmental degradation, disasters and other drivers of displacement – such as human rights abuses, non-inclusive governance and conflict – was explicitly acknowledged both in the New York Declaration for Refugees and Migrants and in the Global Compact on Refugees as a matter of growing concern.[52]

A fundamental challenge in identifying concrete solutions is that, while there are policy frameworks related to global climate change and other environmental stressors triggering human mobility,[53] no legal definition exists for persons displaced due to environmental reasons, and derivatively, what the criteria are for one to qualify as such. A challenge regarding persons displaced solely by the effects of climate-related disasters and natural hazards and who cross international borders is that they do not generally become refugees under the definition of the 1951 Geneva Convention. In such cases, however, other normative frameworks may apply to address protection needs, including international human rights law, regional instruments and, in some cases, national legislation. In cases where displacement occurs as a result of natural disasters or climate-related factors, interlinked with conflict or persecution, the provisions of the 1951 Geneva Convention may also apply

A number of efforts at the international level have emerged to bring solutions to protect environmentally-displaced persons. In its Strategic Directions for 2017-2021, UNHCR set as one of its key objectives to "contribute to advancing legal, policy and practical solutions for the protection of people displaced by the effects of climate change and natural disasters, in recognition of the acute humanitarian needs associated with displacement of this kind, and its relationship to conflict and instability".[54]

Similarly, the Global Compact for Safe, Orderly and Regular Migration lists among its key objectives the need to address the adverse effects of natural disasters, climate change and environmental degradation on persons affected by them.[55] The Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change is another large-scale international initiative to enhance understanding, develop a conceptual framework and identify effective practices for strengthening the protection of cross-border, disaster-displaced persons.[56] The agenda, which supports the integration of effective practices by states and regional organisations into their own normative frameworks, was first developed through the Nansen Initiative launched by Norway and Switzerland. It is now managed by the Platform on Disaster Displacement, a state-led initiative, of which the EU is a member.

Some EU+ countries have actively participated and contributed to these initiatives. While the European Commission does not currently include displacement due to climate disasters in the definition of a refugee, the issue has regularly given rise to questions in the EU Parliament.[57,58,59,60]

Turning from migration due to climate disasters to climate change, it is important to note that protection grounds in international and European laws are not applicable to displacement due to climate change. However, Member States may decide to grant national forms of protection or legal stay, in accordance with domestic law, should the return of people displaced by the effects of climate change expose them to life-threatening risks (the International Covenant on Civil and Political Rights (ICCPR), Article 6) or to a risk of facing cruel, inhuman or degrading treatment (ICCPR, Article 7).

For the first time in January 2020, the UN Human Rights Committee ruled on a complaint by a Kiribatian national who was denied asylum in New Zealand due to the effects of climate change. The Committee stated that countries may not deport individuals who face climate change-induced conditions that violate the right to life. The Committee highlighted the role that the international community must play in providing support to countries adversely affected by climate change, stating that the situation may trigger non-refoulement obligations on the part of receiving states.[61]

When accurate data are collected more extensively on statelessness and environmental displacement, an interlinkage between the two may start to emerge. It has been projected that statelessness may also become a consequence of certain states losing their territory or having their territory become uninhabitable due to climate change.[62] Unless the territory is ceded by another country, the affected country's statehood would cease and the population would be rendered stateless.[63] Apart from the populations directly affected, this will likely present a significant challenge for the international community, as the international legal regime on statelessness does not nominally apply to such situations.

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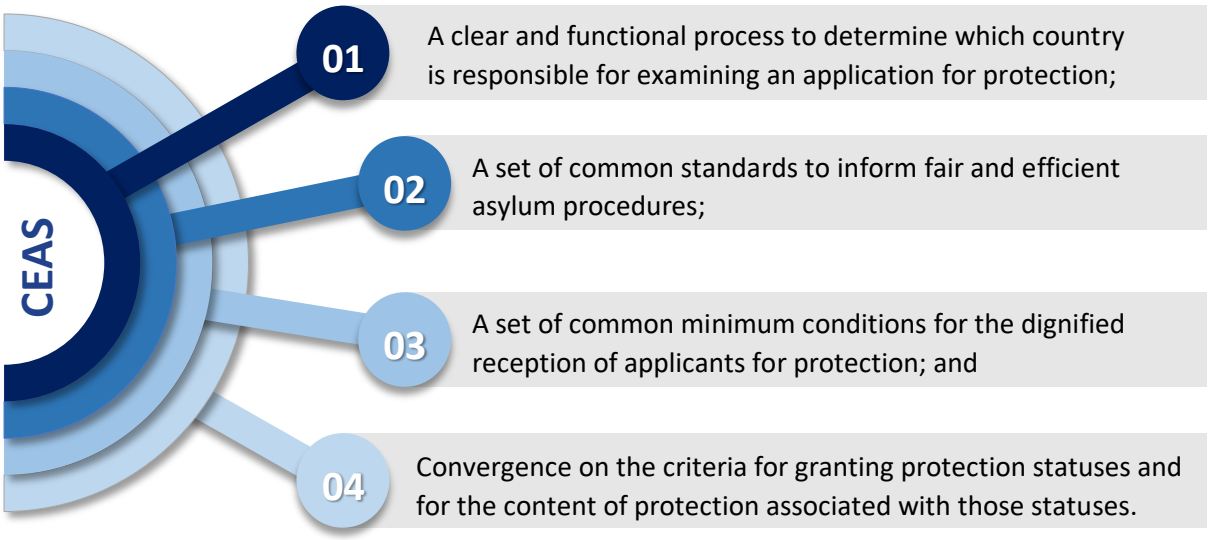
Section 2. Major developments in asylum in the European Union in 2019

Section 2 presents an overview of the Common European Asylum System (CEAS) and the latest developments in its evolution. It covers key asylum-related legislative and policy developments at the EU level, the implementation of EU policy initiatives under the European Agenda on Migration and an overview of jurisprudence by the Court of Justice of the EU (CJEU) in the area of international protection. Issues related to managing migration and asylum remained high on the EU policy agenda, and progress was achieved in many areas of practical cooperation across EU+ countries in 2019.

2.1 The Common European Asylum System and current issues

Background

The Common European Asylum System (CEAS) is a legal and policy framework developed to guarantee harmonised and uniform standards for people seeking international protection in the EU. It is based on an understanding that the EU, an area of open borders and freedom of movement where countries share the same fundamental values, needs to have a common approach to implement transparent, effective and equitable procedures.[65] CEAS emphasises a shared responsibility to process applicants for international protection in a dignified manner, ensuring fair treatment and similar procedures in examining cases, irrelevant of the country where the application is lodged.[66] At its core, CEAS aims to achieve:



[67]

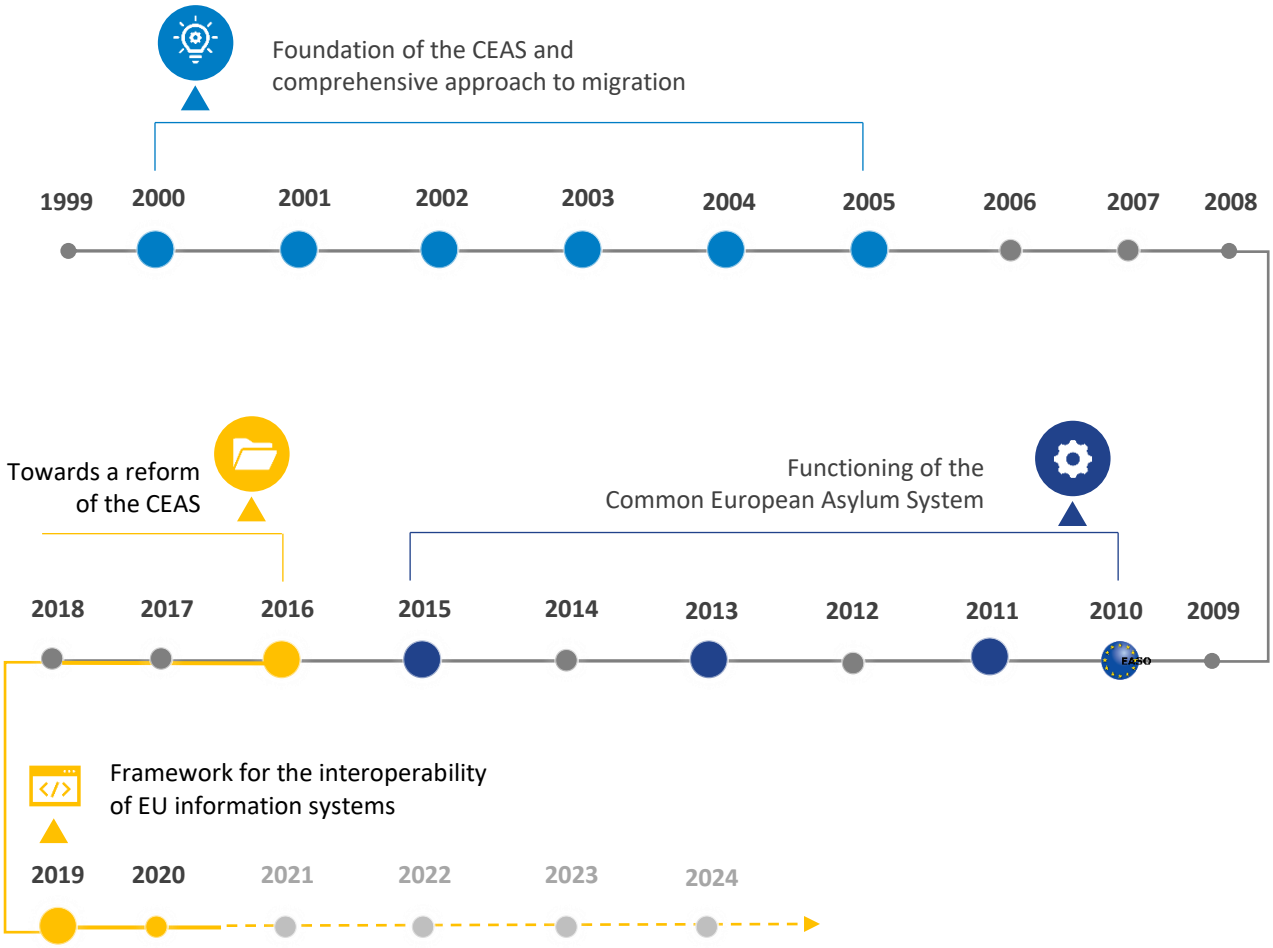
Within the context of CEAS, the Tampere Declaration set out the foundation for a comprehensive approach to migration by addressing political, human rights and developmental issues in countries and regions of origin and transit.[68] Through this agreement with governments, legislative and policy measures were adopted at the EU level to set a framework to manage high influxes of displaced persons by accommodating persons in need of protection while supporting Member States experiencing pressure on their asylum systems.[69]

After the first phase (from 1999 to 2005), Member States reflected on the functioning of CEAS and implemented improvements to the five legislations that govern the minimum standards of the European asylum system:[70]

> Recast Asylum Procedures Directive;[71]
> Recast Reception Conditions Directive;[72]
> Recast Qualification Directive;[73]
> Recast Dublin III Regulation;[74] and
> Recast Eurodac Regulation.[75]

The increased – and often uneven – pressure that national asylum and reception systems in EU+ countries faced since 2015 presented both a challenge and an opportunity for EU+ countries to take bold steps toward systemic and commonly-agreed solutions for further harmonisation, on the basis of solidarity and responsibility-sharing. Above all, it underlined the importance of the very existence of CEAS and a common migration policy – to have an EU-wide framework to manage mixed migratory flows,[iv] including border management, international protection and the return of rejected applicants. In the EU context, mixed migratory flows are defined as "complex migratory population movements, including refugees, asylum seekers, economic migrants and other types of migrants as opposed to migratory population movements that consist entirely of one category of migrants".

Towards the reform of the Common European Asylum System



Source: EASO.

[iv] Definition provided in the EMN Glossary: https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/glossary_search/mixed-migration-flow_en

To further refine CEAS, in 2016 the EU Commission published a report, *Communication Towards a Reform of the Common European Asylum System and Enhancing Legal Avenues to Europe,*[76] where five priority areas were defined:

- Establishing a sustainable and fair system for determining the Member State responsible for asylum seekers;
- Achieving greater convergence in the EU asylum system;
- Reinforcing the Eurodac system, an EU asylum fingerprint database which makes it easier for EU Member States to determine the state responsible for examining an asylum application;[77]
- Preventing secondary movements within the EU;[v] and
- Establishing a new mandate for the EU's Asylum Agency.

Subsequently, in May and July 2016, the European Commission presented two packages of reform proposals for the core components of the CEAS. These included:

- A reform of the Dublin system to better balance responsibility and solidarity for asylum applications among EU+ countries;[78]
- Steps toward reinforcing the Eurodac regulation, including increasing the efficiency of the EU database on fingerprints for asylum applicants;[79]
- Strengthening the mandate of EASO toward a fully-fledged agency for asylum;[80]
- Replacing the Asylum Procedures Directive with a regulation directly applicable in national asylum systems to harmonise asylum procedures across EU+ countries and achieve convergence in recognition rates;[81]
- Replacing the Qualification Directive with a regulation directly applicable in national asylum systems to further harmonise protection standards and rights for beneficiaries of international protection;[82] and
- Reforming the Reception Conditions Directive to ensure that applicants for international protection benefit from harmonised and dignified reception standards and prevent secondary movements and abuse.[83, 84]

For a detailed description of the proposals, see the EASO Annual Report on the Situation of Asylum in the European Union 2017. Finally, as part of the initiatives on reforming the CEAS, the Commission put forth a proposal to establish a permanent Union Resettlement Framework, which aims to replace existing ad hoc schemes and:

- Provide legal and safe pathways to the EU and reduce the risk of massive irregular arrivals in the long term;
- Provide common rules for resettlement and humanitarian admission;
- Contribute to global resettlement and humanitarian admission initiatives; and
- Support third countries which host many persons in need of international protection.[85]

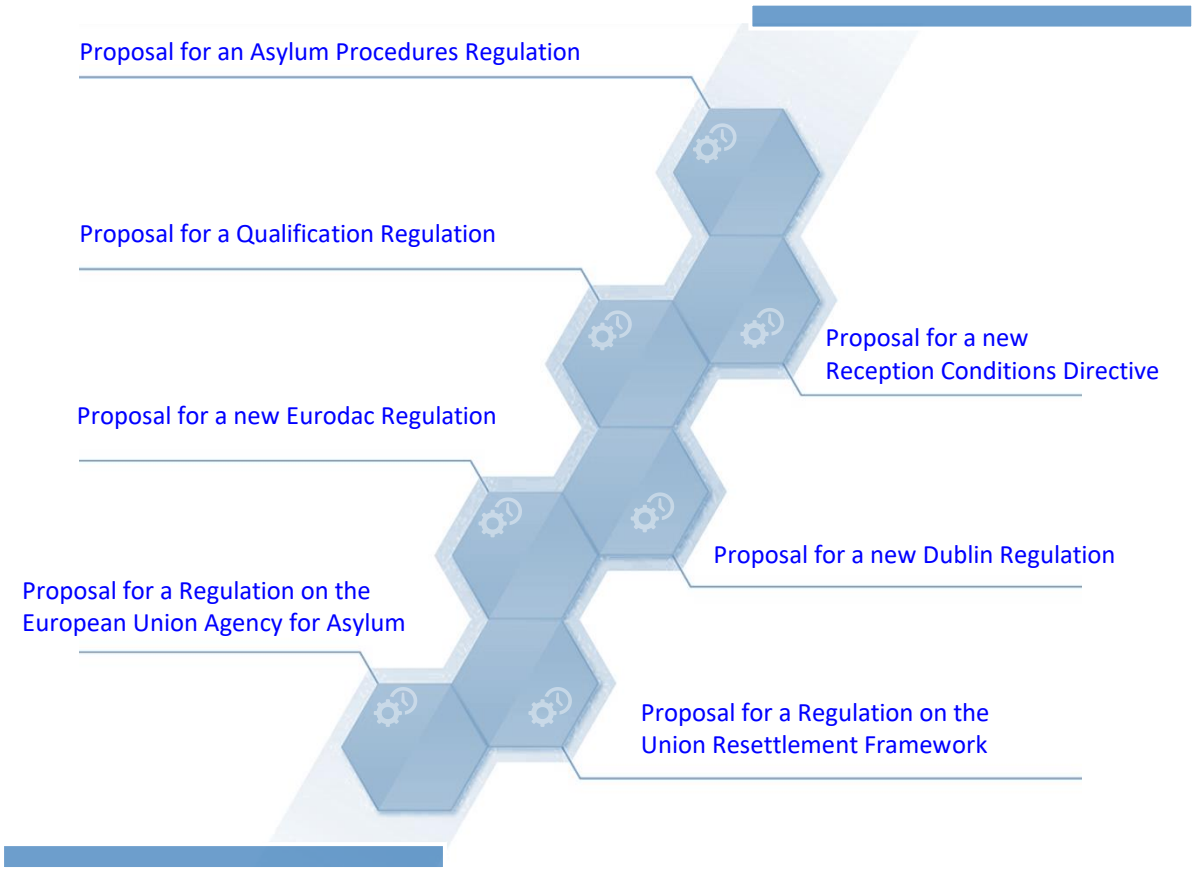
[v] The term 'secondary movements' refers to the movement of migrants, including refugees and asylum seekers, who for different reasons move elsewhere from the country in which they first arrived to seek protection or permanent resettlement. Definition provided in the EMN Glossary: https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/glossary_search/secondary-movement-migrants_en

Recent developments

Since the new proposals were set forth *(see Table 2.1)*, significant progress has been made, in particular concerning the EU Asylum Agency, the Eurodac Regulation, the Union Resettlement Framework Regulation, the Qualification Regulation and the Reception Conditions Directive.[86] However, due to fundamental political differences among EU Member States, agreement on the proposals for a reformed Dublin system and an Asylum Procedures Regulation could not be reached. [87] In addition, the majority of Member States expressed reservations in adopting one or more of the proposals separately before all were ready for adoption. With 2019 being a year of elections for the European Parliament, the negotiations for the reform package were referred to the next parliamentary term. Accordingly, in 2019 no major legislative progress was noted regarding the adoption of the CEAS reform package.[vi]

Given the deadlock in negotiations on the CEAS package, in a policy note published in October 2019, the European Council on Refugees and Exiles (ECRE) identified key priorities and provided recommendations to enhance the functionality of CEAS. ECRE's position is that the focus should be on compliance, not reform, with two exceptions: a) while the proposal for Dublin IV Regulation should be withdrawn, a legislative reform of the Dublin system is ultimately needed; and b) a new legal base for the transformation of EASO into the EU Asylum Agency remains necessary.[88]

Detailed information on the specifics of the procedure and progress made to date concerning each of the proposals may be found on the EUR-Lex webpage, as follows:



[vi] For key achievements on the Common European Asylum System during the legislative term 2014-2019, please see: European Parliament. (2019). *Common European Asylum System: Achievements during the legislative term 2014-2019*. https://www.europarl.europa.eu/RegData/etudes/BRIE/2019/608877/IPOL_BRI(2019)608877_EN.pdf

At the legislative level, progress was made in areas directly related to asylum. In May 2019, the Council of the EU adopted two regulations establishing a framework for the interoperability of EU information systems in the area of justice and home affairs, which include:

- A European search portal through which competent authorities will be able to perform searches across multiple information systems using biographical and biometric data;
- A shared biometric matching service to compare biometric data (fingerprints and facial images across several system);
- A common identity repository of biographical and biometric data of third country nationals available in EU information systems; and
- A multiple identity detector to check whether biographical identity data exist in other systems, which would enable the detection of multiple identities linked to the same set of biometric data.[89]

This information-sharing enables more efficient checks at the external borders of the EU, facilitates the detection of multiple identities and assists in maintaining the integrity of asylum systems. [90] It also is of crucial importance to the work of EASO as under Article 39 there is a potential to extract non-personal statistics from each of the large-scale EU IT systems to create the first cross-system comprehensive overview of asylum and migration to and within the European Union. Such a system would allow linked data to be extracted which count individuals rather than procedures. This would enable analysts to deliver much-needed evidence to policy-makers in Member States and the EU and EASO could design effective operational responses to support Member States under disproportional pressure. But there are prerequisites to such a system: it must be legal, the data must be extracted in the correct format and appropriate agencies need to have access.

In addition, in June 2019, the Council adopted its partial common position on the recast Return Directive which was proposed by the Commission in September 2018. The overall aim of the proposed new rules is to render return procedures less time-consuming, prevent absconding and secondary movements, and increase the rate of implemented returns. It is still essential, however, to respect the fundamental rights of migrants and the principle of non-refoulement so that an asylum seeker is not expelled from a territory without due process to file an application for international protection .

The topic of asylum remained high on the EU political agenda in 2019 and considerable work was accomplished in policy implementation and practical cooperation among Member States. In a number of meetings of the Strategic Committee on Immigration, Frontiers and Asylum (SCIFA), it was underlined that, pending legislative negotiations, much could be achieved through practical cooperation. Moreover, both presidencies of the Council of the European Union in 2019 set migration and asylum among their key priorities. The Romanian Presidency of the first semester listed among its main aims to:

- Seek consensus on the CEAS reform package;
- Advance interoperability and the implementation of IT systems developed at the EU level and support the adoption of the interoperability package as soon as possible;
- Enhance the external dimension of migration policy by strengthening cooperation with countries of origin and transit;
- Facilitate the discussion on the proposal to strengthen the operational capacity of the European Border and Coast Guard Agency (Frontex);
- Support a more effective return policy at the European level through a sustainable approach, with full regard for migrant rights; and
- Discuss visa liberalisation in parallel with the signing of readmission agreements.[91]

Offering its recommendations to the Romanian Presidency, UNHCR called for a number of priority areas to be addressed: for the EU to actively contribute to the implementation of the Global Compact on Refugees both inside and outside the EU; to engage outside of the EU to expand protection globally; to support the development of a fair, effective and well-managed EU asylum system; and to promote integration and access to equal opportunities for refugees to foster social cohesion.[92]

With regard to issues of migration and asylum, the programme of the Finnish Presidency, in the second semester of 2019, noted that, despite strong efforts, adopting the CEAS reform as a package proved, until then, unachievable. The programme, therefore, proposed to adopt individually the proposals on which consensus was reached. It also placed emphasis on resettlement and the establishment of the Union Resettlement Framework as an effective mechanism to assist those in the most vulnerable positions, while creating a more controlled way to ease migration pressures and to demonstrate solidarity towards countries receiving large numbers of displaced persons.

The Finnish EU Presidency programme further suggested to establish a temporary relocation mechanism for migrants rescued at sea. In terms of returning applicants to countries of origin, the Programme noted that the EU must use all means at its disposal – including positive and negative incentives in trade, development and visa policy – to make policy on returned applicants effective and sustainable. With regard to border management, the programme underlined that strengthening Frontex would help Member States to better control their borders and make the return of illegal immigrants more effective.[93]

In its recommendations, UNHCR called on the Finnish Presidency to improve the protection of refugees through enhanced responsibility-sharing in the EU and globally, in line with the Global Compact on Refugees; foster the development of fair, effective and well-managed asylum systems, including by reforming CEAS; and promote pledges by EU Member States ahead of the 2019 High-Level Segment on Statelessness.[94]

The EU's Strategic Agenda for 2019-2024, which was adopted by the European Council in June 2019, set the main priorities for the next institutional cycle. In regards to migration and asylum, the agenda refers to external border management based on the principles and values of the EU; the need to strengthen cooperation with countries of origin and transit; and the need to achieve consensus on the reform of the Dublin system to achieve a balance of responsibility and solidarity, taking into account persons disembarked after search and rescue operations.[95]

The new European Commission, which took office in December 2019, acknowledged in its priorities for 2019-2024 that migration and border security are common challenges that are best addressed jointly by EU Member States. The five policy priorities in these area focus on: saving lives while preventing irregular migration flows; protecting borders with Frontex, which will have its own standing force and equipment to respond to emergencies swiftly; providing safe and legal pathways to people in need of protection through resettlement; and overhauling the EU's asylum rules.[96]

In January 2020, the European Commission published its new work programme. The Commission plans to launch a new Pact on Migration and Asylum which will acknowledge the interconnectedness of internal and external aspects of migration and build more resilient, more humane and more effective migration and asylum systems.[97] This proposal for a new pact was included in the political guidelines that the President of the European Commission, Ursula von der Leyen, presented during her candidacy. She also stressed relaunching the reform of the Dublin system; reinforcement of Frontex; overall modernisation of CEAS based on stable external borders and solidarity with Member States facing increased pressure; and stronger cooperation with countries of origin and transit countries through, for example, development initiatives to improve the conditions of young women and men in their countries of origin.[98] In her speech at the European Parliament Plenary Session in November

2019, the President of the Commission reiterated her commitment to ensure that the EU will always provide shelter to those who are in need of protection, while ensuring that those who do not have the right to stay are returned to their country of origin.[99]

In January 2020, UNHCR presented a set of recommendations on the Commission's pact on how the EU can achieve a functional approach to manage asylum-related movements by: a) engaging beyond its borders; b) offering protection through a well-managed common asylum system; and c) welcoming and integrating refugees.[100] Similarly, in February 2020, various NGOs issued a joint statement on the new pact, seeing it as an opportunity to promote rights-based asylum and migration policies but cautioning against a disproportionate emphasis on border management and its negative implications on the rights of persons seeking protection in the EU.[101]

2.2 Policy implementation based on the European Agenda on Migration

The rapid inflow of persons seeking protection in the EU in 2015 resulted in exceptional challenges for asylum systems in EU countries and highlighted existing limitations associated with the lack of a collective policy on migration management and border security. It became clear that individual Member States would not be able to effectively address the complex challenges alone, so in May 2015 the European Commission presented a policy framework to respond to emergencies in the short term, while setting the foundation for medium- and long-term solutions in the areas of irregular migration, border management, asylum and legal migration.[102]

And thus, the European Agenda on Migration was developed. Through a combination of internal and external policies founded on mutual trust and solidarity among EU Member States, the policy set out four levels of action that respect the right to seek asylum, respond to the humanitarian challenge, provide a clear European framework for a common migration policy and function over time.[103] While the pace of legislative reforms has been gradual *(see Table 2.1),* progress was made at a faster pace in 2019 in policy implementation and consolidating the EU toolbox for migration and asylum management.

Since 2015, the EU has provided financial and practical support to Member States, especially those most affected by migratory pressure. As reported in October 2019, the EU has provided a total of EUR 23.3 billion in financial support to EU Member States, agencies, neighbouring and partner third countries.[104] In addition, staff from EASO, Frontex and the European Union Agency for Law Enforcement Cooperation (Europol) – including experts from Member States deployed under the agencies' operations – have assisted frontline Member States on land and at sea to manage and strengthen external borders, save lives, provide protection to those who need it and return those who do not.[105] At the same time, the EU has worked closely with neighbouring and partner third countries to protect migrants and refugees, address root causes of forced displacements, support host communities, fight trafficking and smuggling, and provide safe and legal pathways for persons in need of protection.

In October 2019, the European Commission published a Progress Report on the Implementation of the European Agenda on Migration which took stock of major achievements since 2015 with a focus on developments in 2019.[106] The report presents an overview of the main migration routes to the EU and the actions taken by the EU to provide support to Members States and third countries. While the overall number of arrivals decreased in 2019,[vii] different trends emerge when looking at migration

[vii] Data collected by Frontex also indicated a 4.9 % decline in illegal border crossings along the EU's external borders, about 141 800 in 2019 compared to 149 800 in 2018. Source: Frontex. (2020). *Risk Analysis for 2020.* https://frontex.europa.eu/assets/Publications/Risk_Analysis/Risk_Analysis/Annual_Risk_Analysis_2020.pdf

routes. The Western and Central Mediterranean routes had fewer arrivals compared to 2018, while the Eastern Mediterranean and Western Balkans experienced an increase in arrivals.

Eastern Mediterranean route

A sharp increase in irregular border crossings was reported by Frontex[107] for the Eastern Mediterranean route, with about 83 300 crossings in 2019 compared to 56 600 in 2018.[108] This trend has placed additional pressure on the Cypriot and Greek asylum and reception systems.

In Greece, most arrivals entered through the Aegean islands, where the hotspot approach remained the key strategy in addressing migratory pressures. Greece has five hotspots operating in the islands,[viii] and new arrivals led to the further deterioration of conditions. Despite the transfer of over 20 000 applicants to the mainland during 2019, reception centres remained overcrowded, hosting more than 31 000 people in structures originally designed to accommodate approximately 8 000.[109]

After an onsite visit, in October 2019, the Council of Europe Commissioner for Human Rights, Dunja Mijatović, called for urgent measures to address the deteriorating situation in the hotspots, making reference to unhygienic conditions and deficiencies in the provision of medical care.[110] Likewise, in January 2020 in her opening statement at the European Parliament plenary debate about the humanitarian situation on the Greek islands, Commissioner Ylva Johansson acknowledged the grim conditions in the hotspots; expressed the commitment of the Commission to support Greek authorities through the creation of new centres on the mainland to relocate people from the islands; and urged Member States to express their solidarity with Greece by participating in the voluntary relocation of unaccompanied minors.[111]

The 2019 update of the 2016 "European Union Agency for Fundamental Rights (FRA) Opinion" on fundamental rights in the hotspots stated that, despite genuine efforts for improvement, many of the suggestions contained in the 21 opinions formulated by FRA remained valid, including delays in first interviews, legal aid capacity, child protection and safety of all who are in the hotspots.[112]

A key dimension of the EU approach in addressing the Eastern Mediterranean route is the partnership with Turkey through the EU-Turkey Statement. It is important to note that, since March 2016, the Statement has played a crucial role in reducing irregular crossings in the Aegean Sea, supporting Syrian refugees and host communities in Turkey, and providing safe resettlement opportunities for Syrians from Turkey to Europe.[113]

However, the return of rejected applicants to Turkey under the EU-Turkey Statement remained low. Nonetheless, Greece introduced national strategies to improve reception conditions, especially for unaccompanied minors, accelerate processes and increase the pace of returns. Throughout 2019, the European Commission and EU agencies offered support through funding and expertise, EASO and Frontex deployed experts in the hotspots, and international organisations, funded by the EU, focused on improving protection and reception conditions and the provision of on-site support in reception facilities. The Commission also supported programmes carried out by Greek authorities to address existing gaps in the provision of legal aid, medical care and interpretation.[114] To address increased needs in Cyprus, the EU also provided financial and operational support toward developing an action plan for effective migration management.

[viii] Through this approach, EASO, Frontex, Europol and Eurojust work with national authorities of frontline Member States to assist in screening, identification, fingerprinting, registration, information-sharing, debriefing and channelling of migrants to follow-up procedures. Source: European Commission. (2015). *The Hotspot Approach to Managing Exceptional Migratory Flows*. https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/background-information/docs/2_hotspots_en.pdf

The EU has taken steps to address migratory trends across the Eastern Mediterranean route. Examples of initiatives include facilitating political dialogue between Afghanistan, Pakistan and Iran to identify durable solutions for Afghan refugees in host countries and providing financial support through various projects targeting refugees, host communities and returnees.[115] In addition, the EU Regional Trust Fund, which receives contributions from 22 Member States and Turkey, was set up to respond to the Syrian crisis[116] by supporting refugees, host communities and internally displaced persons in Iraq, Jordan, Lebanon and Turkey.[117]

Central Mediterranean route

Although Malta received more migrants in 2019 than previously, the combined number of arrivals for Malta and Italy was significantly lower than in 2018. Frontex reported[118] that the number of irregular border crossings through this route dropped to approximately 14 000 in 2019, significantly lower than the almost 23 500 crossings in 2018.[119] In addition to providing financial support to Malta in 2019, the Commission – with assistance from EASO - facilitated the relocation of disembarked migrants and refugees, and provided emergency assistance to the International Organisation of Migration (IOM) to support Malta in relocating 500 irregular migrants.[120] In 2019, EASO and the Maltese authorities signed an operating plan for the deployment of asylum support teams and the provision of technical and operational assistance.[121]

EU support to Italy included funding to enhance the asylum and migration systems, security and border management, as well as the provision of expertise from EU agencies and Member States through the deployment of experts in the context of EASO and Frontex operations.

Addressing the volatile situation in Libya has been a key dimension of EU actions regarding migratory trends along the Central Mediterranean route. In 2019, armed conflict in Libya escalated, leading to the displacement of thousands of Libyans.[122] The joint African Union-European Union-United Nations Task Force, in place since 2017, has been the main channel for providing support and protection to internally displaced Libyans, refugees and migrants in the country. Despite the volatile security situation, EU support continues. In July 2019, a new set of programmes were adopted in the frames of the EU Emergency Trust Fund for Africa[123] to protect refugees and vulnerable migrants in Libya, improve living conditions for Libyans and foster economic opportunities and labour migration in Northern Africa.[124] In conjunction with emergency and medical assistance, EU support in Libya comprises funding UNHCR's Emergency Transit Mechanism in Niger[125] for evacuations from Libya; direct evacuations to Italy and to the Emergency Transit Centre in Romania; and cooperation with the IOM with voluntary returns of migrants from Libya to countries of origin.

The EU has supported the Libyan Coast Guard by providing training, in particular on human rights, and equipment to enhance interception and search and rescue capacity at sea.[126] In a report by the UN Support Mission in Libya, published in August 2019, the UN Secretary General Antonio Guterres expressed serious concerns about the transfer of migrants rescued or intercepted at sea by the Libyan Coast Guard to unofficial detention centres in Khums. Hundreds of them, according to the report, were later listed as missing, and it is believed that they may have been trafficked or sold to smugglers.[127]

Western Mediterranean route

In 2019, there was a significant decrease in the number of irregular arrivals along the Western Mediterranean route, largely as a result of collaboration between the EU and Morocco.[128] In January 2020, Frontex reported that there were about 24 000[129] arrivals in 2019, compared to about 57 000 in 2018.[130]

Spain receives the largest volume of mixed migratory flows in the Western Mediterranean. The EU provided assistance to Spain, including financial support under the Asylum, Migration and Integration Fund to strengthen its asylum and reception systems, enhance border management and increase effectiveness in return applicants. Emergency funding was allocated to create local reception centres and reinforce civil and police authorities to improve assistance to migrants upon arrival. In addition, Frontex experts were deployed in the country to assist in border management.[131]

To address migratory trends along the Western Mediterranean route, the EU worked in close cooperation with Morocco, which in recent years has faced pressure both as a destination and transit country. The focus of EU support has been on strengthening Morocco's capacity to manage migratory flows within and from its territory; addressing irregular migration and dismantling smuggling networks; providing protection and legal support of vulnerable migrants and refugees; and promoting voluntary return and reintegration.[132] Efforts have also been made to address the root causes of migration through support for initiatives aiming at job creation and improving the business environment.[133]

Western Balkan route

The number of irregular arrivals along the Western Balkan route more than doubled in 2019, with Frontex reporting about 15 150 arrivals, compared to about 5 900 in 2018.[134] In addition to financial assistance, the EU supports Western Balkan countries by sharing expertise through EU agencies and Member States, focusing on transposing EU norms and standards into national migration frameworks.[135] Support also includes the deployment of guest border guards by EU Member States, for example in North Macedonia and Serbia, and cooperation with humanitarian partners to provide basic services to refugees and migrants. To increase operational support, the EU negotiated status agreements with five Western Balkan countries (Albania, Bosnia and Herzegovina, Montenegro, North Macedonia and Serbia) to enable deployment of teams with executive powers in their territories.[136]

Overall, as migrants continued to arrive through the EU's external borders in 2019, initiatives aimed to enhance border management and address migratory pressures along the routes from countries of origin through transit countries. At the same time, while acknowledging the need for secure borders, it is important to ensure that migrants have the right to apply for protection and effective access to territory. Throughout 2019, this message was reiterated by the EU, UNHCR and civil society organisations alike.[137,138] Nevertheless, as seen year over year, a number of incidents were reported, where effective access to territory and, subsequently to the asylum procedure, were inhibited across all four routes: from the Greek-Turkish border in Evros[139] and the Western Balkan region[140] to difficult deliberations on disembarkations in the Central Mediterranean and the Spanish-Moroccan border at Ceuta and Melilla.[141] *(See Section 6.1 for more details on access to procedure.)*

This section presented key policy developments under the European Agenda on Migration in response to migratory pressures along the four main routes to Europe. The following sections address four key dimensions of EU policy in the areas of asylum and migration: the EU-Turkey Statement; temporary arrangements for disembarkation and relocation; resettlement; and the external dimension and third country support.

2.3 EU-Turkey Statement

To address migratory pressure on the Eastern Mediterranean route, the EU and Turkey concluded the EU-Turkey Statement in March 2016,[142] with a three-fold aim to:

> End irregular migration flows from Turkey to the EU;
> Enhance reception conditions for refugees in Turkey; and
> Offer safe and legal pathways for Syrian refugees from Turkey to the EU.

To achieve these ends, one of the provisions requires that all new irregular migrants crossing from Turkey into the Greek islands would be returned to Turkey. In addition, a resettlement scheme stipulates that for every Syrian returned to Turkey from the Greek islands, another Syrian would be resettled from Turkey to the EU, taking into account the UN Vulnerability Criteria. The statement also specifies that Turkey would take necessary measures to prevent the emergence of new sea or land routes for illegal migration from Turkey to the EU, in cooperation with neighbouring states and the EU.

In March 2020, the European Commission published a report, taking stock of the cumulative results of the statement after four years of implementation. As a result of the agreement, irregular arrivals from Turkey to the EU were 94 % lower than before its implementation. The number of deaths in the Aegean Sea also decreased from 1 175 in the 20 months prior to the implementation of the statement to 439 since the statement became operational.[143] This indicates, however, that in relative terms the crossing became increasingly dangerous for those attempting it.

The resettlement of Syrian refugees under the statement continued in 2019, with a cumulative total of about 27 000 who were resettled from Turkey to an EU Member State by March 2020. To help refugees and host communities in Turkey, a total of EUR 6 billion has been allocated through the Facility for Refugees for the period 2016-2025, focusing on humanitarian assistance, education, health, municipal infrastructure and socio-economic support. These funds are used to increase school attendance among refugee children, offer catch-up and back-up educational support, construct new schools, provide health consultations and vaccines for infants, and provide support for basic needs of approximately 1.7 million refugees.[144]

More progress is needed in implementing returns from the Greek islands to Turkey. The pace has been slow with only 2 735 returns concluded since the agreement came into force. Another 4 030 migrants have returned voluntarily from the islands since June 2016, supported by the Assisted Voluntary Return and Reintegration Programme (AVRR).[145]

2.4 Temporary arrangements for disembarkation and relocation

The arrival of migrants and refugees rescued in the Mediterranean Sea continued in 2019, underlining the need for a more systematic and coordinated EU approach on first reception, registration and relocation due to disembarkations. Throughout the year, multilateral discussions took place on temporary arrangements.

A new security decree adopted by the Council of Ministers in Italy in June 2019 (IT LEG 01), according to which boats suspected of facilitating irregular migration may be refused entry into Italian ports, slowed down search and rescue operations in the Central Mediterranean and gave new impetus to the discussion on a more structured temporary solution.[146] The Finnish Presidency of the Council of the European Union included in its programme a suggestion to establish a temporary relocation mechanism for migrants rescued at sea,[147] and the issue was also a priority in the Ministerial Meeting on Migration, held in Malta in September 2019.

During the Ministerial Meeting, which gathered a number of Member States, the Presidency of the Council of the EU and the European Commission, NGOs in Malta issued a joint statement underlining that the existing ad hoc system of negotiating relocations on a ship-by-ship basis was not sustainable. They urged for a system based on the principles enshrined in CEAS, including registration and protection of asylum seekers, appropriate provision of information, restoration of family ties, and identification of and support to vulnerable persons.[148] A Joint Declaration of Intent was concluded at the meeting by France, Germany, Italy and Malta for a structured, temporary emergency procedure to manage disembarkations and relocation arrangements.[149]

The Joint Declaration marked the commitment of participating countries to develop a predictable and efficient temporary solidarity mechanism which includes:

- The participation of Member States on a voluntary basis, taking into account their reception capacity and existing caseload of applications for international protection;
- Relocation within four weeks after disembarkation, coordinated by the Commission with the support of EU agencies like EASO, using a fast-track system based on pre-declared pledges before the disembarkation;
- Effective and quick return of migrants not eligible for international protection;
- Provision of necessary financial, technical and operational assistance to all Member States involved;
- Requirement of all vessels involved in rescue operations to comply with instructions given by the competent Rescue Coordination Centre;
- Continued efforts for the sustainable reform of CEAS;
- Greater cooperation with countries of origin and transit to deter illegal migration and enhance incentives for return;
- Enhanced EU-led aerial surveillance to ensure early detection and minimise the risk of loss of life at sea;
- Enhanced capacities of coast guards of third countries in the southern Mediterranean; and
- Fostering cooperation with UNHCR and the IOM to support disembarkation modalities.

The Joint Declaration was presented at the Justice and Home Affairs Council in October 2019 and the Strategic Committee on Immigration, Frontiers and Asylum meeting in November 2019, where divisions persisted between those in favour of mandatory relocation involving all Member States and those arguing for a more flexible approach to solidarity. The European Commission launched a process to develop Standard Operating Procedures based on the declaration, which led to a common understanding among participating Member States and is currently applied.[150]

UNHCR, international organisations and civil society organisations, have expressed concerns about the possible detrimental consequences that the absence of a sustainable mechanism may have for the dignity, physical integrity and fundamental rights of migrants. They urge for a predictable mechanism for the timely, effective and safe disembarkation and relocation of migrants rescued at sea.[151,152,153,154] In its recommendations to the Finnish Presidency of the EU Council, UNHCR reiterated the call for practical and reliable arrangements among Member States to share responsibility for the disembarkation of people rescued in the Mediterranean Sea.[155]

2.5 Resettlement at the EU level

In the global context, resettlement refers to the selection and transfer of refugees from a state in which they have sought protection to a third state which has agreed to admit them as refugees with permanent residence status.[ix] In the EU context, resettlement is initiated by a request from UNHCR based on a person's need for international protection and the third country national is transferred from a third country and established in a Member State, where they are permitted to reside with one of the following statuses: refugee status, subsidiary protection status or any other status which offers similar rights and benefits under national and EU laws.[156]

Providing for safe and legal pathways for persons in need of protection is a key priority for the European Commission, enabling the most vulnerable refugees to reach Europe without becoming victims to smuggling networks or undertaking dangerous journeys. The first European Resettlement Programme was launched in July 2015 and, by December 2019, two successful resettlement programmes have assisted more than 65 000 people.[157] Responding to a call by the European Commission, Member States pledged almost 29 500 resettlement places for 2020.

Turkey, Lebanon and Jordan (in decreasing order) account for the highest number of refugees who have been resettled into Europe, while developments have also taken place in countries of the Central Mediterranean route, notably Chad, Egypt, Libya and Niger.[158] The EU provides financial support to UNHCR in operating emergency evacuations from Libya to Niger and Rwanda for the purpose of onward resettlement or other solutions. By December 2019, approximately 4 600 persons in need of protection were evacuated from Libya, and over 2 000 were resettled from Niger, mostly in Europe.[159] Pending adoption, the Union Resettlement Framework will define a unified resettlement procedure and common criteria.[160]

As an integral component of the collective efforts by the EU to provide protection to those who need it, resettlement remained high on the asylum policy agenda during 2019. The Programme of the Finnish Presidency of the Council of the European Union placed emphasis on resettlement and the establishment of the Union Resettlement Framework, as effective ways to help the most vulnerable in migration crises, while creating a more controlled way to ease migration pressures and demonstrate solidarity towards countries receiving high numbers of migrants.[161] A specific task in the mission letter of the new Commissioner for Home Affairs, Ylva Johansson, was to ensure legal pathways to the EU, including through resettlement.[162]

During 2019, EASO continued to assist EU Member States in their resettlement efforts by facilitating practical cooperation. Within the mandate of the EU-Frank project, EASO and project partners (UNHCR, the IOM, the International Catholic Migration Commission (ICMC) and the Migration Policy Institute (MPI)) developed new tools, provided training and launched a pilot Resettlement Support Facility currently in operation in Istanbul, Turkey. *(See Section 7.14 for information on resettlement-related developments at the national level.)*

2.6 External dimension and third country support

Throughout 2019, the EU continued its cooperation with external partners to manage migratory pressures through a comprehensive approach rooted in multilateralism. The aims of activities implemented under the external dimension of the EU migration policy included preventing irregular migration; enhancing cooperation with third countries on returns and

[ix] Definition provided in the EMN Glossary: https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/glossary_search/resettlement_en

readmission; addressing the root causes of migration by improving opportunities in countries of origin and increasing investments in partner countries; and ensuring legal pathways to Europe for those in need of international protection.

Since 2015, EUR 9 billion have been allocated to these ends. Key initiatives include the Facility for Refugees in Turkey, the EU Trust Fund for Africa and the EU Trust Fund in Response to the Syrian Crisis.[163] Support to Afghanistan, Libya, Morocco, Syria and its neighbouring countries, and Turkey were presented in previous sections. Highlights of the progress achieved to date in working with third countries include:[164]

Addressing root causes of migration: Initiatives in this area focused on creating economic and employment opportunities, enhancing local governance, providing support in the areas of health and education, and improving overall migration management. Programmes were implemented in the Horn of Africa and the Sahel and Lake Chad regions, as well as in sub-Saharan Africa and the 'EU Neighbourhood' through the External Investment Plan. Particular attention is placed on creating opportunities for displaced persons hosted in these areas to prevent further mobility.

Combating smuggling networks: In 2019, efforts in this area have been carried out through the implementation of the EU Action Plan against migrant smuggling and the complementary set of operational measures, with Europol's European Migrant Smuggling Centre serving as a hub to coordinate action. Initiatives to address migrant smuggling included cross-border anti-smuggling operations; information and awareness-raising campaigns engaging migrant communities; and law enforcement cooperation with partner countries to dismantle smuggling networks.

Facilitating returns and readmission: The 23 readmission agreements and arrangements between the EU and partner countries have improved operational flows in returning migrants to countries of origin. However, results have been poor on the number of persons actually returned. Improving the implementation of return agreements in practice is needed, including using broad policy leverage, such as restrictive visa measures for third countries not cooperating in readmissions. The full operationalisation of the mandate of Frontex will also assist in rendering the EU return policy more effective.

Working with partner countries toward border management: Progress was noted on the conclusion of status agreements with Western Balkan countries, enabling the deployment of teams with executive powers on the borders with the EU. The agreements have been signed with Albania, Montenegro and Serbia. In May 2019, the agreement with Albania entered into force, placing Frontex teams on Albania's border with Greece. The ratification process with Montenegro was completed in May 2020 and the agreement is set to enter into force on 1 July 2020. The Council decision on the conclusion of the status agreement with Serbia was adopted on 25 May 2020, but ratification by Serbia is still needed before the agreement can enter into force. The agreements with Bosnia and Herzegovina and with North Macedonia are close to being finalised.

EU support for protection abroad: Providing assistance in protecting refugees and migrants abroad has been a key theme in the external dimension of EU's migration policy. EU support in this area comprises humanitarian aid, emergency relief and development programmes. In 2019, the EU continued to provide support to displaced Venezuelans, both within Venezuela and in host countries, as well as to Rohingya refugees in Bangladesh.

2.7 Jurisprudence of the Court of Justice of the EU (CJEU)

As the guardian of EU law, the CJEU ensures that "in the interpretation and application of the Treaties, the law is observed" (TEU, Article 19(1)). As part of its mission, the CJEU ensures the correct interpretation and application of primary and secondary European Union laws; reviews the legality of acts of EU institutions; and decides whether Member States have fulfilled their obligations under primary and secondary laws.

The CJEU also provides interpretations of EU law when requested by national judges. The Court, thus, constitutes the judicial authority of the European Union and, in cooperation with the courts and tribunals of Member States, ensures the uniform application and interpretation of EU law. [165]

In 2019, the CJEU issued 12 judgments related to preliminary rulings on interpreting CEAS, compared to 16 cases in 2018. The decisions are described below.

Recast Asylum Procedures Directive

The applicability of the recast Asylum Procedures Directive in relation to existing international protection in Member States and the role of judicial institutions in reversing first instance decisions were under the Court's review.

Joined Cases C-540/17 and C-541/17 concerned two Syrian nationals who, after obtaining refugee status in Bulgaria, entered Germany during 2014 and made a new application for asylum. The applications were rejected as inadmissible. The case was referred to the CJEU by the Federal Administrative Court *(Bundesverwaltungsgericht)* in reference to the compatibility of the recast Asylum Procedures Directive, in particular when rejecting an application as inadmissible due to refugee status which had been granted in another Member State (in this case Bulgaria). The Court reaffirmed the general and absolute nature of the prohibition set out in the EU Charter, Section 4, which is closely linked to respect for human dignity and which prohibits, without any possibility of derogation, inhuman or degrading treatment at any stage of the asylum procedure. Consequently, the Court ruled that an application for international protection may not be rejected as inadmissible on the ground that the applicant has already been granted refugee status by another Member State where the foreseeable living conditions in this particular case would expose the beneficiary to a serious risk of inhuman or degrading treatment.

In Case C-556/17, the referring court did not comply with the judgment of 25 February 2017 on granting international protection unless a threat to public security was proven. Given the situation, Mr Torubarov had lived, in absence of a final decision on the application, in a situation of legal uncertainty without the benefit of any status of protection on Hungarian territory. In this case, the referring court considered that Hungarian law did not guarantee the right to an effective remedy enshrined in the recast Asylum Procedures Directive, Article 46(3) and the EU Charter, Article 47. It sought clarity from the CJEU on whether the provisions of EU law allow it to vary a decision through the disapplication of the national legislation that denies it that power. The Court ruled that the recast Asylum Procedures Directive, Article 46(3), read in conjunction with the EU Charter, Article 47 and the recast Qualifications Directive, must be interpreted as meaning that, in circumstances where a first instance court or tribunal – after making a full and *ex nunc* examination of all the relevant elements of fact and law submitted by an applicant for international protection – had found that the applicant must be granted protection when the administrative or quasi-judicial body adopts a contrary decision without establishing new elements to justify a new assessment, that court or tribunal must vary that decision. The court decision can be taken even if it does not comply with its previous judgment and

substitute its own decision for it, disapplying as necessary the national law that would prohibit it from proceeding in that way.[x]

In Joined Cases C-297/17, C-318/17, C-319/17 and C-438/17, the Court clarified issues in regard to the applicability of the recast Asylum Procedures Directive in relation to Dublin requests and the conditions provided to beneficiaries of international protection. The Court precluded the application of the directive in a situation where both the application for asylum and the take back request were lodged before the entry into force of the directive. In this case, the Asylum Procedures Directive, Article 33 must be interpreted to mean that a Member State can reject an asylum application as being inadmissible and is not obliged to have recourse, as the first resort, to the take charge or take back procedures under the Dublin III Regulation. Furthermore, the Court ruled that a Member State can reject an application for refugee status as inadmissible when an applicant has been previously granted subsidiary protection by another Member State and where the living conditions for the applicant as the beneficiary of subsidiary protection does not expose a substantial risk of suffering inhuman or degrading treatment. However, the fact that the beneficiary of subsidiary protection does not receive any subsistence allowance, or that the allowance is markedly less than in another Member State, can lead to the finding that the applicant could be in a situation of extreme material poverty and, thus, at risk.

Finally, the recast Asylum Procedures Directive, Article 33(2)(a) must be interpreted as not precluding a Member State from exercising the option to refuse refugee status, without examination, when another Member State has granted subsidiary protection to the applicant.

Recast Qualification Directive

Preliminary requests centred around revoking international protection and the validity of certain provisions of the directive. There were a six requests for preliminary rulings addressed to the CJEU by Member State courts in 2019.

For example, Case C-720/17, *Mr Mohammed Bilali v. the Federal Office for Immigration and Asylum in Austria (Bundesamt für Fremdenwesen und Asyl),* involved the revocation of subsidiary protection status in the context of an error on the part of the administrative authorities with respect to the facts of the case. The Court ruled that the recast Qualification Directive, Article 19(1), read in conjunction with Article 16, must be interpreted as meaning that a Member State must revoke subsidiary protection status if it is later verified that the conditions for granting the status were not met, facts were subsequently found to be incorrect or the person is accused of having misled the authorities.

The revocation of international protection status based on Articles 14(4) to (6) in light of TFEU, TEU and the EU Charter was examined in Joined Cases C-391/16, C-77/17 and C-78/17. The Court ruled that the consideration of the recast Qualification Directive, Articles 14(4) to (6) had disclosed no factor to affect the validity of provisions in the TFEU, Article 78(1) and the EU Charter, Article 18. A third country national whose refugee status has been revoked when he/she has committed a crime will continue to be a refugee but will lose the formal refugee status with the result that he/she will no longer be entitled to all the rights and benefits that the directive reserves for persons with refugee status.

[x] Following the CJEU ruling, the Hungarian Administrative and Labour Court amended the Immigration and Asylum Office decision and granted refugee status to Alekszij Torubarov. The Court decision was issued on the 26 September 2019 and is not yet published.

The Court also found that EU law (the recast Qualification Directive and the EU Charter) provides for a more extensive international protection than that guaranteed by the Geneva Convention (i.e. as regards respect for private and family life, freedom to choose an occupation and right to engage in work, social security, social assistance and health protection). It is important to note that the CJEU declares itself competent to examine the validity of provisions in the recast Qualification Directive in light of EU primary law, and in the context of that examination, "to verify whether [Articles 14(4) to (6)] can be interpreted in a way which is in line with the level of protection guaranteed by the rules of the Geneva Convention".

Recast Reception Conditions Directive

The withdrawal of material reception conditions as a form of sanction was reviewed by the CJEU in the Haqbin Case (C-233/18) in light of the recast Reception Conditions Directive, Article 20(4). The Court ruled that such sanctions must be objective, impartial, motivated and proportionate to the particular situation of the applicant and must, under all circumstances, ensure a dignified standard of living. Consequently, Member States cannot provide for a sanction consisting of even a temporary withdrawal of material reception conditions related to housing, food or clothing if it deprives the applicant of basic needs (Articles 2(f) and (g)). It also underlined that, in the case of an unaccompanied minor, those sanctions must be determined by taking particular account of the best interests of the child (EU Charter, Article 24).

Family Reunification Directive

The assessment of broader family members (not immediate family) as dependents and procedural aspects of the family reunification procedure were brought before the CJEU.

Following the request made in proceedings between *TB v. the Hungarian Immigration and Asylum Office (Bevándorlási és Menekültügyi Hivatal)*, Case C-519/18, the Court interpreted the Family Reunification Directive, Article 10(2) concerning the refusal to grant a residence permit for purposes of family reunification to a beneficiary of international protection. The Court ruled that a Member State may authorise family reunification for a refugee's sibling within certain conditions. Specifically, if the sibling is unable to provide for his/her own needs due to his/her state of health, first, the inability is assessed based on the particular situation of the refugee and on a case-by-case basis, and second, it is assessed if the material support of the family member is provided by the refugee or if the refugee is the family member most able to provide the material support required.

Case C-706/18 concerned an Afghan national who submitted an application for a family reunification visa to the Belgian Embassy in Islamabad, Pakistan in order to join her alleged spouse, an Afghan national with refugee status in Belgium. The referring court asked whether the Family Reunification Directive must be interpreted as precluding national legislation under which, in the absence of a decision within six months of the date on which the application for family reunification is lodged, the competent national authorities must automatically issue a residence permit to the applicant, without necessarily having to establish that the applicant actually meets the requirements for residence in the host Member State in accordance with EU law. The CJEU highlighted that the competent national authority is required to establish the existence of the relevant family links between the sponsor and the third country national before authorising family reunification.

The CJEU also affirmed in Case C-635/17 its jurisdiction, on the basis of TFEU, Article 267, to interpret the Family Reunification Directive, Article 11(2), where a national court must rule on an application for family reunification lodged by a beneficiary of subsidiary protection if the provision is applicable under national law. The Court clarified that an application for family reunification by a sponsor with subsidiary protection for a minor of whom she is the aunt and allegedly the guardian, and who resides

as a refugee and without family ties in a third country, cannot be rejected solely on the ground that the sponsor has not provided official documentary evidence of the death of the minor's biological parents and, consequently, that she has an actual family relationship with him. The Court noted that the explanation given by the sponsor to justify her inability to provide such evidence was deemed implausible by the competent authorities solely on the basis of the general information available about the country of origin, without taking into consideration the specific circumstances of the sponsor and the minor and the particular difficulties they have encountered, according to their testimony, before and after fleeing their country of origin.

Dublin III Regulation

The CJEU interpreted key concepts and technical aspects of the Dublin system in light of the EU Charter and clarified preliminary issues due to the withdrawal of the United Kingdom from the EU (Brexit).

In Case C-163/17, the Court interpreted 'absconding' as meaning that an applicant deliberately evades the reach of the national authorities responsible for carrying out a transfer in order to prevent the transfer. It may be assumed that the transfer cannot be carried out because the applicant has left the accommodation knowing that he/she must inform the competent national authorities first. The applicant retains the possibility to demonstrate that there are valid reasons for the absence and it was not for the intention to evade the authorities.

Furthermore, the right to effective remedy against a transfer decision must be interpreted as meaning that the person may rely on the Dublin III Regulation, Article 29(2) to claim that, since he/she had not absconded, the six-month transfer time limit had expired. With regard to the extension of the transfer time limit to a maximum of 18 months, the requesting Member State must inform the Member State responsible before the expiry of the six-month transfer time limit that the person has absconded and specify a new transfer time limit.

The interrelation with the EU Charter's modalities and time limits and the Dublin III Regulation, Article 29 was reviewed. The Court found that, where the applicant is at risk of extreme material poverty, the threshold for "substantial risk of suffering inhuman or degrading treatment" has been reached.

In Joined Cases C-582/17 and C-583/17, the CJEU was requested to clarify the applicability of the right to an effective remedy against a transfer decision under the Dublin III Regulation. In particular, the Court ruled that the regulation should be interpreted to mean that a third country national who lodged an application for international protection in a first Member State, then left that Member State and subsequently lodged a new application for international protection in a second Member State, is not in principle entitled to rely on action (under Article 27(1)) in the second Member State against a decision to transfer on the criterion for determining responsibility (set out in Article 9). As an exception, the applicant may refer to Article 20(5) and provide the requesting Member State with information clearly establishing that it should be regarded as the Member State responsible for examining the application.

With regard to Brexit's impact on the Dublin system, the Court ruled in Case C-661/17 that the fact that a responsible Member State has notified its intention to withdraw from the EU in accordance with TEU, Article 50 does not oblige the determining Member State to examine an application for protection, under the discretionary clause set out in Article 17(1). Furthermore, the Court clarified that the Dublin III Regulation does not require the determination of the Member State responsible and the exercise of the discretionary clause set out in Article 17(1) to be undertaken by the same national authority. A Member State which is not responsible for examining an application for

international protection is not required to take into account the best interests of the child and to examine the application.

Article 27(1) must be interpreted to mean that a remedy is not required against the decision not to use the option in Article 17(1), without prejudice that the decision may be challenged in an appeal against a transfer decision. Lastly, in the absence of evidence to the contrary, Article 20(3) establishes a presumption that it is in the best interests of the child to treat that child's situation as indissociable from that of his/her parents

Section 3. Support to countries and cooperation with other organisations

In its nine years of operation, EASO has actively contributed to the implementation of the Common European Asylum System (CEAS) by fostering practical cooperation among EU+ countries, facilitating the sharing of information and expertise, providing evidence-based input to inform policy-making, providing operational and technical support to EU Member States experiencing pressure on their asylum and reception systems, and providing assistance to and promoting cooperation with third countries. This section offers a summary of the multiple ways in which EASO cultivates a harmonised approach across Europe to address international protection needs.

Under Regulation EU No 439/2010, EASO was established in 2010 as a centre of expertise on asylum, contributing to the implementation of CEAS. To this end, EASO plays a key role in:

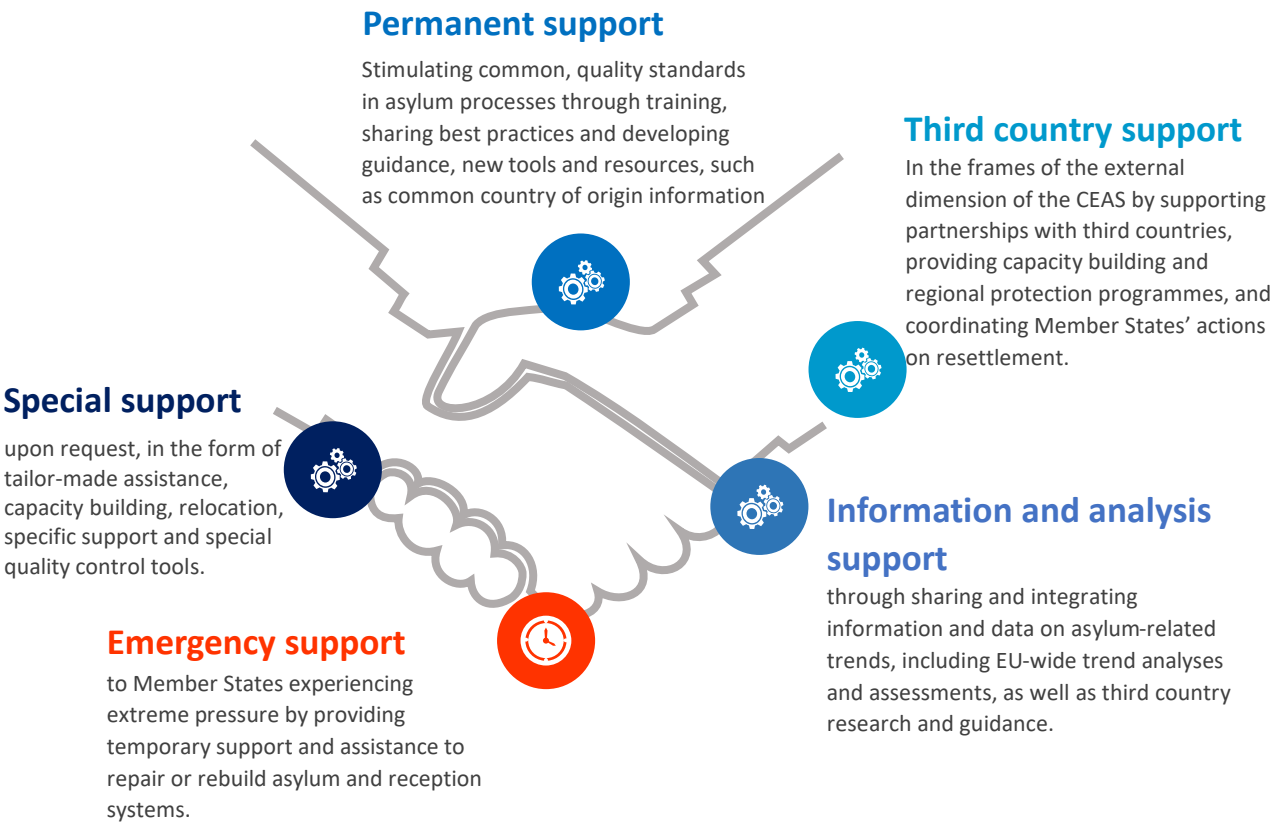
- Managing the exchange of information and best practices;
- Ensuring transparency and convergence in the assessment of protection needs;
- Monitoring developments;
- Building capacity in countries and developing material to train and develop experts; and
- Providing operational and technical assistance to Member States where asylum and reception systems are under particular pressure.

As part of the CEAS reform, the European Commission presented a proposal on 6 April 2016 for a new regulation to transform the European Asylum Support Office (EASO) into a fully-fledged agency, the EU Asylum Agency (EUAA).

The proposed regulation for the EU Asylum Agency aims to strengthen and expand the mandate of the agency in providing technical and operational support to EU+ countries. Within its new role, the agency would further:

- Play an active role in promoting practical cooperation and information exchange among EU+ countries;
- Monitor the operational and technical application of CEAS;
- Promote operational standards on asylum procedures, reception conditions and protection needs;
- Foster harmonisation in the assessment of applications for international protection across EU+ countries;
- Play an important role in developing and providing training to members of its own staff, members of national administrations, courts, tribunals and national services responsible for asylum matters in Member States;
- Provide analysis of the situation in countries of origin and develop guidance notes; and
- Providing technical and operational support to EU+ countries facing disproportionate pressure on their asylum systems.

Currently, EASO provides different types of support to EU+ countries, policy-makers in Europe and third countries, including:



To achieve these ends, EASO works in close cooperation with other EU institutions and agencies, international and regional organisations, civil society organisations and third countries. While the scope of EASO's activities is multifaceted, highlights in this section are provided for seven key areas: a) operational support; b) enhancing quality standards in national asylum systems; c) third country information and guidance; d) providing information and analysis; e) training; f) external cooperation and third country support; and g) cooperation with key stakeholders, including EU institutions, partner EU agencies, international organisations and civil society organisations.

For more detailed information on EASO's activities, work programme and budget, please refer to the EASO Annual General Report (forthcoming). For EASO's governance documents, please refer to the EASO website.

3.1 Operational support

To date, EASO has provided direct operational assistance to seven EU countries: Bulgaria, Cyprus, Greece, Italy and Malta, in addition to Luxembourg and Sweden also having received support for brief periods of time.

Currently, four of these Member States which are experiencing pressure on their asylum and reception systems receive direct support from EASO: Cyprus, Greece, Italy and Malta *(see Table 3.1)*. Indeed, data from Eurostat showed an 11 % increase in applications for international protection (about

740 000 applicants) in 2019, with frontline countries like Cyprus, Greece and Malta receiving more applications than during the migration crisis.

The assistance, which is provided upon request, is defined in an operating plan with the aim of immediate technical and operational support to national asylum and reception systems, generally including the deployment of personnel coordinated by EASO.

EASO Asylum Support Teams, which also comprise seconded experts from Member States, are deployed on the ground to provide rapid and direct support, for example, by assisting in asylum processes, clearing existing backlogs and training national staff. The needs in each country vary, but generally assistance with registration is provided to all countries requesting support. In fact, in 2019 more than one-half of all registrations in Cyprus, Greece and Italy were handled with EASO's assistance.

EASO also provides assistance on the Dublin procedure, interviews, assessment of applications, vulnerability assessments, identification of persons with special needs, best interests of the child assessments, country of origin information, the appeal process and the reception system in general. Furthermore, the agency ensures that applicants are duly informed of the process and their rights, using a variety of media including in-person information provision, mobile apps, videos and leaflets in different languages. To support EASO operations in Cyprus, Greece and Italy, EASO developed new practical tools and refined existing tools to address specific needs of the national asylum administrations in these three countries.

Box 3.1 EASO operational support in 2019

In 2019, EASO's operational assistance reached unprecedented levels, coordinating the deployment of over 900 persons (including EASO staff, experts from Member States, interpreters, cultural mediators and security personnel) in four Member States (Cyprus, Greece, Italy and Malta). Close to 40 % of the agency's annual budget was spent on rapid operational support in 2019. Responding to ever-growing needs in Member States, EASO announced in early 2020 that it would double the size of its operations in Greece in order to provide assistance with the critical situation in the reception centres.

In addition to national authorities, in the framework of direct operations EASO works closely with relevant EU agencies, including Frontex, Europol and the EU Judicial Cooperation Agency (Eurojust) to quickly identify, register and fingerprint migrants, with applicants for international protection falling under EASO's direct mandate. Through partnerships with international organisations, such as UNHCR and IOM, EASO plays a role in coordinating action and avoiding the duplication of work on the ground.

Cyprus

EASO has been providing special support to Cyprus since 2014. Technical and operational assistance was expanded in early 2019 due to increased pressure on the asylum and reception systems in the country. Specifically, EASO supported the registration of applications, processing at first instance (including implementing standard operating procedures for registration, providing registration assistants and interpreters, conducting interviews and issuing recommendations for decisions) and improving reception conditions in both Kofinou and Kokkinotrimithia. The support also focused on COI, reducing the backlog of pending cases, providing information to applicants, vulnerability assessments and enhancing data management and coordination. EASO has also started laying the groundwork for new areas of work, including its support to the newly-established International Protection Administrative Court. Finally, EASO also provided training to Cypriot staff and arranged study visits.

Greece

EASO has been deploying asylum support teams to Greece since 2011. Specifically, the experts have supported the implementation of the EU-Turkey Statement on five Greek islands under the fast-track border procedure, by conducting interviews and giving recommendations to the asylum administration on the admissibility and eligibility of applications. EASO also provided support in the provision of information, registration, processing of outgoing Dublin take charge requests, COI, reception and second instance applications. Since the second half of 2019, EASO also supported the regular procedure, both in Lesvos and on the mainland, conducting interviews and drafting eligibility opinions.

Given the expanding pressures on the asylum system in Greece, EASO has continued to ramp up operational support to the country to help with the backlog of cases. At the beginning of 2020, EASO announced that it would double the number of persons deployed in Greece, from 500 to 1 000 over the year, including case workers, field support staff, reception staff, research officers for the Appeals Authority, interpreters and administrative staff.

Italy

Since 2013, EASO has provided technical and operational support to Italy. In 2019, EASO continued to register applicants, prepare case files to absorb the backlog, strengthen the Italian country of origin

information unit and implement a process to support management of the reception system. EASO staff do not, however, conduct interviews in Italy. EASO also handled outgoing Dublin take charge requests and has helped to transfer in total more than 8 000 applicants from Italy to other EU countries since 2015, under both the regular relocation programme and disembarkations.

Malta

As disembarkations in Malta began to increase, the country requested EASO's support for the first time in 2019 and an operating plan was signed in June. EASO provided tailor-made assistance, including backlog management support, technical expertise, capacity building, COI support, quality control tools, information provision, registration and lodging of applications and enhancing the capacity of the Dublin Unit. Under the 2020 Operating Plan, EASO will double its support to the Maltese authorities and, for the first time, provide support in terms of reception, including age assessment procedures and vulnerability assessments.

Box 3.2 Planning, monitoring and evaluation of EASO operations

A more robust, results-based planning approach was applied to the implementation of the 2019 Operating Plans for Cyprus, Italy, Greece and, for the first time, Malta. This approach brought about greater transparency and accountability when assessing progress and achievements. Building on a comprehensive needs assessment and design phase for the development of new operating plans in 2018, a similar exercise was successfully carried out for the 2019 operating plans.

Disembarkations

In the context of the Central Mediterranean route, EASO works in close coordination with the European Commission, other EU agencies and Member States after the disembarkations of migrants rescued at sea. The first coordinated operation took place in December 2018-January 2019 when efforts were pooled together to disembark migrants from the *Sea-Watch-3* vessel. Since then, EASO has taken a key role throughout 2019 to provide urgent assistance with voluntary relocations resulting from disembarkations of migrants rescued at sea. EASO specifically supported 24 such events in 2019, involving 2 716 applicants.

In cooperation with the European Commission, EASO developed the 'Messina Model' to establish clear procedures and protect the rights of asylum applicants during disembarkations. Under the model, EASO teams are dispatched immediately to carry out information provision, registration and pre-selection interviews; support unaccompanied minors and other vulnerable groups in terms of vulnerability assessments; and assist in relocation schemes to other Member States. In 2020, EASO will continue to be extensively involved in disembarkations and voluntary relocations based on Standard Operating Procedures which were agreed in the autumn of 2019.

3.2 Support in enhancing quality standards

As an EU centre of expertise on asylum, EASO contributes to the effective, coherent and consistent implementation of the EU asylum acquis, with the ultimate goal of an efficient common European asylum system. To this end, EASO supports EU+ countries in improving the quality of their asylum and reception systems through a number of initiatives. For example, EASO conducts the Quality Matrix process, a mapping of practices in EU+ countries in key areas of the asylum acquis. The matrix

highlights examples of good practices and available tools, identifies existing challenges and gaps, and presents sound solutions to address them. In 2019, two Quality Matrix thematic reports were produced on quality management and the withdrawal of international protection. An update of the Quality Matrix report on personal interviews is underway and planned to be published in 2020.

EASO regularly produces thematic reports on the latest developments based on information collected in consultation with Member States, the European Commission, UNHCR and other relevant stakeholders. The agency also develops user-friendly practical tools, such as checklists, guidance material and web-based, interactive tools to support the work of teams on the ground. The material covers a wide array of themes, including access to the asylum procedure, implementation of the Dublin III Regulation, examination of applications for international protection, quality assurance in the asylum procedure, reception, applicants with special needs and COI research.

For example, an EASO practical guidance on *Operational Standards and Indicators for the Asylum Procedure* was published in September 2019 to strengthen and further develop national asylum procedures. In November 2019, EASO's Management Board adopted the *Guidance on the Dublin Procedure: Operational Standards and Indicators* to support Member States in the implementation of key provisions of the Dublin III Regulation. In addition, to assist practitioners in the field, EASO published a report on practices among Member States and civil society organisations related to staff well-being. Based on the findings, EASO is currently developing guidance on staff well-being for first-line practitioners.

EASO supports and facilitates practical cooperation on issues related to applicants with vulnerabilities and special needs. This includes activities focused on children and unaccompanied children, addressing issues such as age assessment, family tracing, best interests of the child and trafficking of children. EASO has incorporated specific programmes in its work on victims of trafficking in human beings (THB), exploring the potential links between THB and the asylum procedure in order to activate special responses in this context and increasing awareness among asylum officials in identifying, detecting and referring THB victims. Through expert meetings and practical workshops, EASO has developed practical guides and tools addressing applicants with vulnerabilities.

IPSN

Box 3.3 Identification of persons with special needs and support for vulnerable applicants

The EASO Identification of Persons with Special Needs (IPSN) is a practical support tool for officials working in asylum procedures and reception.It aims to facilitate the timely identification of persons with special procedural or reception needs at any stage of the reception process.

In addition, EASO developed in 2019 more guidance material on handling minor applicants:

- The *EASO Practical Guide on the Best Interests of the Child in Asylum Procedures* guides authorities in Member State in applying the principle of the best interests of the child and enhancing the guarantees for children within asylum procedures.
- The *Report on Asylum Procedures for Children* presents national practices and policies, identifies gaps and good practices across EU+ countries, and provides key recommendations to strengthen the protection of children in the EU territory.
- The *EASO Animation on Age Assessment* provides EU+ countries with a visual tool to guide the implementation of the principle of the best interests of the child when assessing the need for age examination and the design and undertaking of age assessments. A child-friendly animation on the same topic is currently being developed for children undergoing an age assessment.

To promote common standards and further harmonisation in the implementation of the asylum acquis, EASO cooperates with members of courts and tribunals in EU+ countries. Through a dedicated network and with multi-stakeholder cooperation, EASO creates professional development materials to provide courts and tribunal members with an overview of CEAS and key topics encountered in their day-to-day decision-making. As part of the professional development series, in 2019 EASO produced a judicial analysis, a judicial trainer's guidance note and a compilation of jurisprudence on legal standards for the reception of applicants for international protection. The agency also organises workshops for members of the courts and tribunals to share expertise on asylum law and provides ad hoc support, including training, when needed.

Box 3.4 EASO's network approach

EASO has developed networks to engage experts in different asylum-related areas to exchange expertise and develop analysis, guidance and practical tools for professionals in the field and policy-makers. Thematic networks managed by EASO include:

- Asylum Processes Network
- COI Strategic Network and Specialist COI Networks on key countries/areas of origin
- Country Guidance Network
- Early Warning and Preparedness System (EPS) Network and Advisory Groups on Early Warning and Secondary Movements
- Exclusion Network
- Information and Documentation System (IDS) Advisory Group
- Network of Courts and Tribunal Members
- Network of Dublin Units
- Network of Reception Authorities
- Resettlement and Humanitarian Admission Network
- Third Country Cooperation Network
- Vulnerability Expert Network

3.3 Third country information and guidance

To support well-informed and fair asylum decisions and policy development, EASO collects reliable, accurate and up-to date information on countries of origin of persons applying for international protection in a transparent and impartial manner, according to an established methodology. Through a network approach and in cooperation with COI experts from Member States, EASO drafts joint COI reports, sometimes focusing on a specific topic within a country. These reports, in addition to a variety of COI resources produced by national and international institutions, are available on the EASO COI Portal. In addition, EASO organises practical cooperation meetings about specific countries in regions of interest with the participation of experts from the EU.

Box 3.5 Country of origin information (COI) produced by EASO in 2019

65 products on COI, including query responses, reports and methodology, including a COI Writing and Referencing Guide.

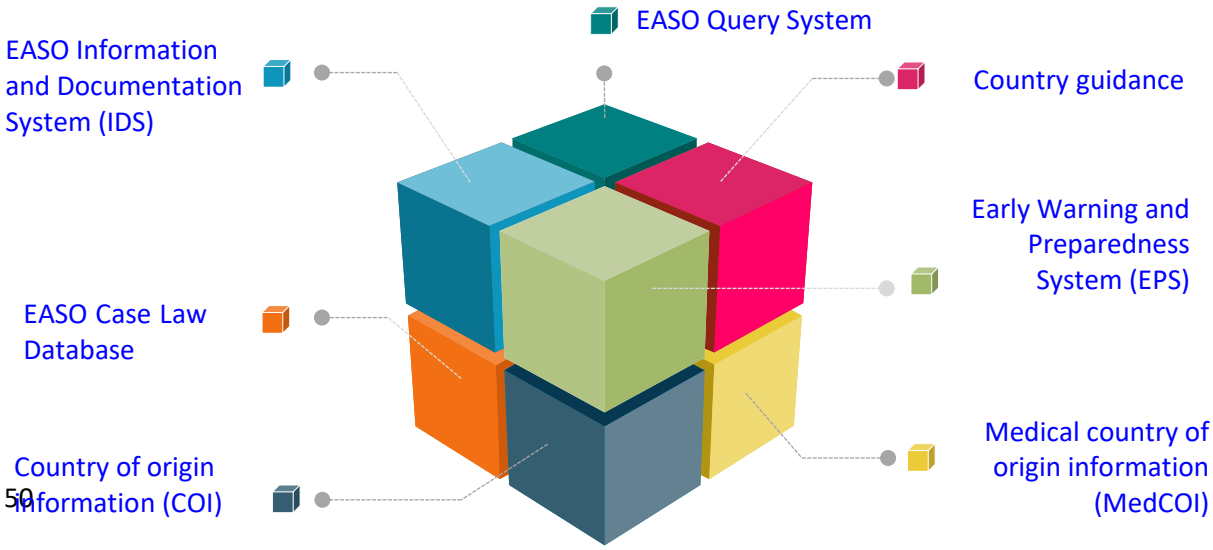
24 thematic or methodological COI events organised, including on specific countries of origin.

Over 500 queries processed regarding medical treatments (MedCOI).

In 2019, EASO continued to develop the medical country of origin information (MedCOI) transfer project. The MedCOI project is currently implemented by the Netherlands and Belgium, together with the International Centre for Migration Policy Development (ICMPD). The specialised system was established to improve access to medical information in countries of origin for European migration and asylum authorities. With a centrally-managed database of information, accurate and fair decisions in international protection and migration procedures can be taken at the national level. The transfer is expected to be completed in 2020 when EASO will have the full capacity to deliver the MedCOI services.

To assist decision-makers and policy-makers in the assessment of the situation in main countries of origin and to foster convergence, EASO engages EU+ countries in the development of Country Guidance. The agency coordinates the development of country-specific common analysis and guidance by the Country Guidance Network of senior policy officials. The process is further supported by teams of national experts, and with input from the European Commission and UNHCR. Country guidance is based on common COI, analysed in accordance with EU legislation, CJEU jurisprudence and, where appropriate, the jurisprudence of the European Court of Human Rights (ECtHR). It also builds on the general EASO guidance on the assessment of applications for international protection (EASO practical tools) and takes note of the relevant UNHCR eligibility guidelines. To date, country guidance has been developed on Afghanistan (updated June 2019), Iraq (June 2019) and Nigeria (February 2019). A new development on Syria and updates to the guidance on Afghanistan and Iraq are envisaged in 2020.

EASO Information and analysis tools to support countries and policy-makers



3.4 Information and analysis support

To provide evidence-based input to policy-makers, practitioners and the general public, EASO collects, processes and synthesises information across a number of asylum-related areas. EASO's Data Hub manages a range of data allowing the agency to monitor and analyse the situation of asylum in EU+ countries. Through the EPS data exchange, EASO gathers information on a set of harmonised indicators on the key stages of CEAS, identifies emerging patterns and produces analysis to share timely information amongst Member States.

Throughout 2019, key data were shared monthly by 30 EU+ countries with EASO. The agency then analyses and assesses developments at the country level, information which is crucial to all Member States and partner organisations to anticipate trends, achieve common standards and implement effective procedures. EASO also conducts analysis on its operations in the four countries which receive direct operational support, for the purposes of monitoring and evaluation.

Furthermore, EASO's research programme on early warning and the root causes of migration uses advanced technology to monitor the situation in countries of origin and transit. It produces a 'big data' estimation of push factors around the globe. Five early warning reports were produced in 2019.

EASO has also developed a central database, the Information and Documentation System (IDS) on CEAS, on information related to the implementation of CEAS in 31 EU+ countries. IDS on CEAS is a searchable knowledge base that provides users, including policy-makers and officials from more than 50 national authorities, a comprehensive overview of each stage of the asylum process, including information on legislation, policy and practice. New information is regularly validated by members of the IDS Advisory Group, consisting of experts in national asylum and reception authorities, for quality assurance. The restricted platform is only accessible to national administrations and EASO staff.

In line with this centralised information provision, EASO has also developed the EASO Case Law Database, which is an online, publicly-available resource. The platform collects jurisprudence related to the implementation of CEAS issued by national courts, CJEU and ECtHR. Currently, the Case Law Database includes approximately 1 000 registered cases.

Box 3.6 EASO queries

Asylum officials at EU and national levels frequently need information on specific asylum-related issues in a short timeframe to adapt policies and practices to emerging trends. To respond to this, EASO developed a Query System through which officials from EU+ countries can make publish written questions and receive replies on practices in other countries related to CEAS.

The replies are consolidated in the system, and EASO prepares summary reports of the findings. Queries and the subsequent reports cover an array of precise topics, including asylum policies and processes, profiles of applicants, reception, the Dublin system, exclusion and COI.

Development is currently underway for an automated EASO Query Portal, which will manage all query processes by the different thematic networks.

3.5 Training

Through systematic training, countries can implement common procedures into their asylum systems and share best practices to achieve harmonisation in CEAS. To this end, EASO provides training to national experts and produces manuals and technical guides for reference. The training curriculum is continuously updated to respond to changing trends in migration.

Box 3.7 EASO training

EASO continues to develop and provide standardised training to asylum experts and national administrations. Training courses are continuously tailored to address current trends and challenges. This is a key method by which EASO can build capacity in countries and ensure effective implementation of the CEAS.

Interactive modules cover all stages of the asylum procedure through blended learning methodology, combining e-learning and face-to-face sessions. Training modules are available in several languages.

How is the Dublin system applied in practice? Which country has the responsibility to examine an application for international protection? What measures should be taken when interviewing vulnerable persons? Questions like these are addressed in a systematic way through the training modules, directed at case officers and other asylum officials or based on a multiplier effect by training the national trainer.

EASO's training modules cover each stage of the asylum process, and new courses are continuously developed to address emerging trends and challenges. Over 2019, EASO held new train-the-trainers sessions focused on the Dublin III Regulation, identifying potential Dublin cases, country of origin information and MedCOI. EASO also continued to provide ad hoc training sessions to address specific needs of Member States in the framework of Operational Support and third countries in the framework of the External Dimension.

Box 3.8 Training in 2019

EASO continued to enhance its training curriculum with new and updated material, responding to new developments and changes in the field of asylum in Europe. In addition, EASO undertook close consultations with EU+ countries to understand their training needs and training plans.

Three training modules were completed in 2019 on medical country of origin information (MedCOI), country of origin information (COI) and management in the asylum context. New training modules were developed on reception for vulnerable persons and registration of applications for international protection, while modules on evidence assessment and exclusion were updated.

Together with Member States, EASO created a baseline for quality assurance in training. It mapped the current EASO system against the 10 quality standards of the European Standards and Guidelines for Quality Assurance (ESG 2015).

3.6 External cooperation and third country support

As the centre of expertise on asylum and reception, EASO plays an important role in strengthening CEAS by working with third countries *(see Figure 3.1)*. The ultimate goal is to build a stable, functioning CEAS by, not only improving legislation and procedures within Europe, but also working in collaboration with third countries located along migration routes into the EU. The work on this external dimension aims to:

> Develop or strengthen asylum and reception systems and manage migration with a view to protecting applicants and beneficiaries of international protection;
>
> Facilitate access to the EU for persons in need of international protection through common resettlement programmes and legal pathways; and
>
> Foster information-sharing about CEAS.

In view of changing patterns in the field of asylum and the increased support requested by third countries, in February 2019 EASO adopted a revised and improved strategy for external cooperation. The strategy calls for reinforcing cooperation with priority third countries, namely Western Balkan countries (Albania, Bosnia and Herzegovina, Kosovo, North Macedonia, Montenegro and Serbia), Turkey, and the Middle East and North African (MENA) region. EASO's work in this area includes the provision of support on resettlement schemes and delivery of capacity-building activities in third countries.

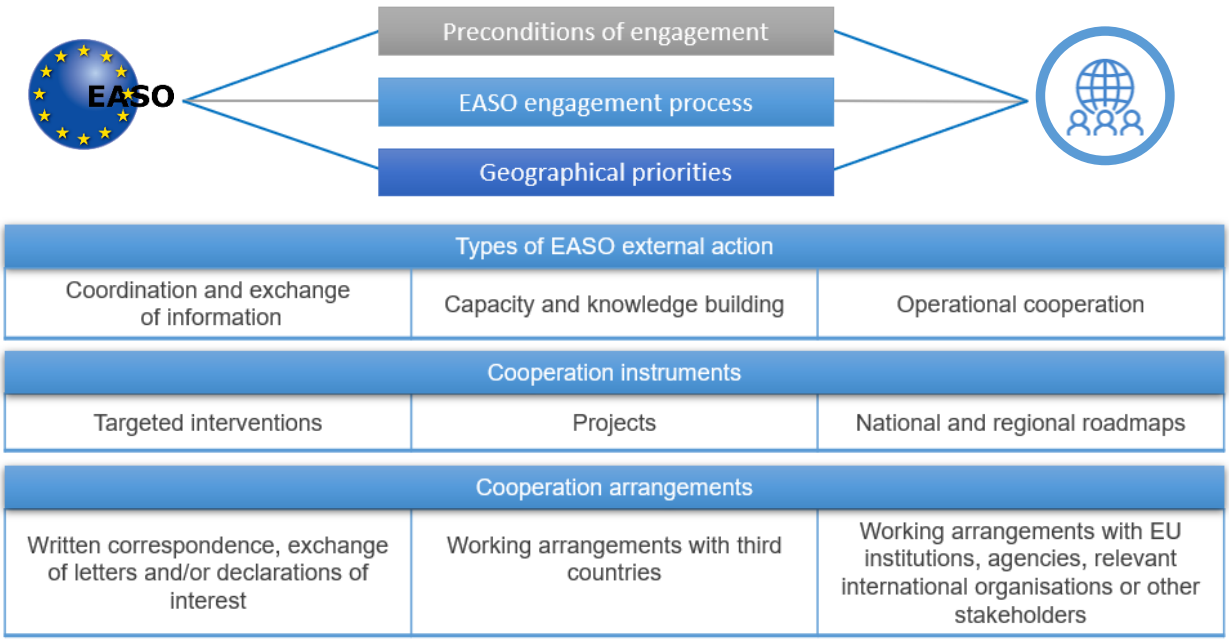
All EASO programmes to support third countries are developed and implemented in consultation and close cooperation with EU+ countries, the European Commission, the European External Action Service (EEAS) and the European Union Justice and Home Affairs (JHA) agencies and their networks. When necessary, work is also coordinated with UNHCR, IOM and other key organisations to align efforts and add value to common goals.

EASO supports the implementation of resettlement efforts by EU+ countries in the framework of European resettlement schemes. In Turkey, EASO also works closely with the EU Delegation and EU Member States to assist resettlement operations from Turkey to the EU. In 2019, the agency launched a pilot project for a Resettlement Support Facility in Istanbul, where selection and cultural orientation missions are conducted as part of the resettlement process. In this project, EASO works in close cooperation with the ICMC.

In the area of information exchange and knowledge-building, EASO provides a forum for discussion among EU+ countries on resettlement and complementary pathways. In the context of the EU-FRANK project led by the Swedish Migration Agency, EASO with key partners, such as the MPI, the IOM, the ICMC and various national institutions, helped to develop training modules on resettlement and supported the creation of joint tools for future resettlement operations.

In the area of third country support, EASO has delivered capacity-building activities in Western Balkan countries, Turkey and countries in the MENA region. For the first two, part of the support is provided through the EU-funded, multi-country IPA II project, Regional Protection-Sensitive Migration Management in the Western Balkans and Turkey, which was launched in 2019 to mainstream protection in migration management and align asylum legislation, practices and reception conditions.

Framework for EASO's external action



Turkey

Globally, Turkey hosts the highest number of refugees, and as a result, its asylum system is under long-term strain and social tensions are increasing in the country. In an effort to help reinforce the Turkish asylum system, throughout 2019 EASO supported the Turkish Directorate General for Migration Management and the Provincial Directorates of Migration Management by sharing knowledge and expertise. The special support is defined in the February 2018-June 2019 expanded roadmap, namely to develop methodology in asylum processes and train staff working with vulnerable groups. Through EASO's capacity-building activities, the DGMM now has:

> A pool of trainers for EASO modules;
>
> Core immigration experts and case workers trained on country of origin information produced by EASO, specifically on Somalia, Iraq, Pakistan and Palestine;
>
> A contingency plan to improve the response to emergency situations of a sudden inflow of migrants; and
>
> Increased technical knowledge of asylum procedures.

As a result of the successful implementation of previous assistance programmes since 2014, EASO and DGMM renewed and expanded a roadmap covering September 2019 to August 2021, with a focus on country of origin information, supporting DGMM decision centres, contingency planning, strengthened internal training programmes, special needs for vulnerable groups and assisting with information analysis and management.

Western Balkan region

Western Balkan countries which receive additional support from EASO and its partners include Albania, Bosnia and Herzegovina, Kosovo, North Macedonia, Montenegro and Serbia. While benefitting from general capacity-building activities under the second phase of the IPA II project, these countries received tailored interventions in 2019 to address specific needs in the region.

At the regional level, EASO's efforts in 2019 focused on training specific groups. In particular, EASO held a workshop for Western Balkan courts and tribunals on country of origin information. In addition, case officers received training on country of origin information related to Iraq and Pakistan.

At the country level, the implementation phase of two specific roadmaps covering 2017-2019 for Serbia and North Macedonia were concluded in 2019. The action plan focused on strengthening procedures in national administrations and reception of applicants for international protection. Within the project, EASO published its Identification of Persons with Special Needs (IPSN) tool into Macedonian and Serbian. EASO staff also undertook site visits to Albania and Bosnia and Herzegovina to identify gaps in their systems and to define roadmaps for capacity building.

MENA region

EASO participates in the EU Migration Dialogues in the context of asylum. During 2019, EASO began implementing bilateral cooperation with Egypt and Morocco to assist in the development of asylum legislation and systems which are aligned with international standards. The aim is to build capacity in these countries to implement sound asylum policies, provide international protection and improve reception conditions. As part of the capacity-building activities, planned site visits by experts from EU+ countries and training visits within Europe have been undertaken or planned for the near future. These exchanges of information promote further cooperation between EU and third countries when managing migration patterns.

3.7 Cooperation with institutions, agencies and organisations

Throughout 2019, EASO ramped up its efforts to work closely with partner organisations. To better align common projects and share information systematically, EASO has established working arrangements with several key partners, with the overarching goal of building sustainable practices in countries to protect persons in need.

EASO cooperates closely with EU institutions, since the agency's work is also framed by policy and legislation at the EU level. This includes the European Commission, particularly the Directorate General for Migration and Home Affairs (DG Home) and the Directorate General for Neighbourhood and Enlargement Negotiations (DG Near), as well as the Council of the European Union and the European Parliament. EASO also cooperates with the EEAS, including EU delegations in third countries by briefing them on work undertaken in the country. In 2019, EASO contributed to the work of the Migration Policy Team in the EU Delegation to Turkey by deploying a resettlement expert. EASO's Brussels Liaison Office contributes by ensuring close coordination.

To foster a holistic approach in tackling issues of migration and asylum, coordinate action and avoid duplication of efforts, EASO has concluded formal partnerships with the following:

> eu-LISA to share data, analyses and risk assessments.
>
> Frontex: In July 2019, EASO and Frontex signed a renewed Cooperation Plan for the period 2019-2021 with the aim of strengthening the management of asylum, migration and border crossings. The plan details joint work in operational cooperation, information and analysis, capacity building and horizontal cooperation. The agencies are working together to implement Migration Management Support Teams and deliver a Common Situational Picture on irregular migration. Through this collaboration, both agencies assist in the hotspots and provide information on migratory flows to allow Member States to prepare better. EASO has also deployed a Liaison Officer to Frontex to further facilitate cooperation.

FRA: Collaborative work ranges from networking with courts and tribunals to working on protection for vulnerable groups.

IOM: Signed in July 2019, the working arrangement sets the framework for collaboration in the areas of early warning, preparedness and contingency planning, reception conditions, returns to countries of origin, resettlement, voluntary relocation and special support to vulnerable groups.

UNHCR: Mutual cooperation aims to foster the promotion of international and EU laws and covers many aspects of asylum, including, resettlement; identification and protection of vulnerable groups; country of origin information and country guidance; sharing best practices, trends and analysis; and third country support.

In addition, EASO forms part of the JHA network and works regularly in close cooperation with the other eight JHA network agencies managing security, justice, fundamental rights and gender equality. The JHA network of agencies includes EASO, Frontex, the European Institute for Gender Equality (EIGE), the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA), FRA, Europol, the EU Agency for Law Enforcement Training (CEPOL), eu-LISA and Eurojust.

Box 3.9 EASO Consultative Forum

The EASO Consultative Forum was established to open dialogue and share information with civil society organisations working in asylum at local, national, European and international levels.

Civil society organisations attend EASO meetings, provide feedback on EASO reports and participate in EASO training, workshops and activities related to vulnerable groups. The input from NGOs, academia and research institutions provides EASO with a diverse perspective from the ground, highlighting the human aspect of policies and procedures.

In 2019, the Consultative Forum organised two meetings: a thematic meeting on gender-related persecution and the plenary meeting on initial steps in the asylum procedure. In addition, a series of workshops were organised during the year, providing a platform to contribute to EASO's work, and selected civil society organisations participated in reference groups on training and practical tools.

EASO works closely with EMN, for example, by coordinating query systems to avoid duplication of efforts, aligning and expanding the EMN Glossary and co-hosting workshops on key themes in the area of asylum for experts from EU+ countries.

Overall, EASO provided timely resources to countries in managing their asylum systems during 2019. It worked together with partners to address new challenges in the field and to systematise protection solutions. Meanwhile EASO also underwent staff restructuring to better align work programmes to the needs in the field and implemented more rigorous internal checks to address any gaps in governance. In September 2019, the European Parliament recognised the outcomes of EASO's work for having implemented 79 % of its ambitious Governance Action Plan in just one year. EASO will continue its efforts to provide expertise on asylum and respond to the needs on the ground.

Section 4. Data on the Common European Asylum System

EASO uses both data published by Eurostat and through the EASO Early Warning and Preparedness System (EPS) data exchange to produce both public and restricted analyses of asylum trends. Key indicators to identify and monitor trends in countries receiving asylum applicants and countries of origin are presented in this section. Data related specifically to Dublin requests and unaccompanied minors are featured in Section 5 and Section 6, respectively.

EASO manages extensive information exchanges with Member States, the European Commission, other JHA agencies and partner organisations. In addition, EASO cites official Eurostat statistics and uses machine learning to analyse big data on conflict and disruptive events in countries of origin and transit in order to clarify the root causes of individual displacement events. This information is used by EASO to deliver strategic analysis and design effective operational support. It is shared with core stakeholders on a regular basis so that the EU can understand and predict arrivals of third country nationals that might exert particular pressure on national asylum and reception authorities.

EASO works actively to improve the quality of information. Nonetheless, some discrepancies have been found which affect the interpretation of data on asylum, namely:

- In 2020, data integration has become the most pressing issue in the area of analysis and research. In other words, the utility of data is now measured by the extent to which it can be 'linked' to other data in order to multiply its potential. For example, data on Schengen visa applications and the number of asylum applications are available, but these data originate from different sources and are not linked. As a result, it cannot be deduced how many people first applied for a visa and then applied for asylum. The more data become linked with the necessary level of precision, the more the EU can design a future-proof and efficient asylum system based on a detailed understanding of the underlying trends.

- Administrative data tend to count administrative procedures rather than individuals, so information exists on how many applications were lodged but it is not clear how many people were involved in these procedures. This can have considerable consequences on the interpretation of the data and how they are used to support decision-making. For example, counting applications may produce over-estimations at the EU+ level when some individuals submit multiple applications at different times or in different countries. At the same time, applications might under-estimate the actual pressure on national asylum authorities because their number is dependent on administrative capacity to register applications.

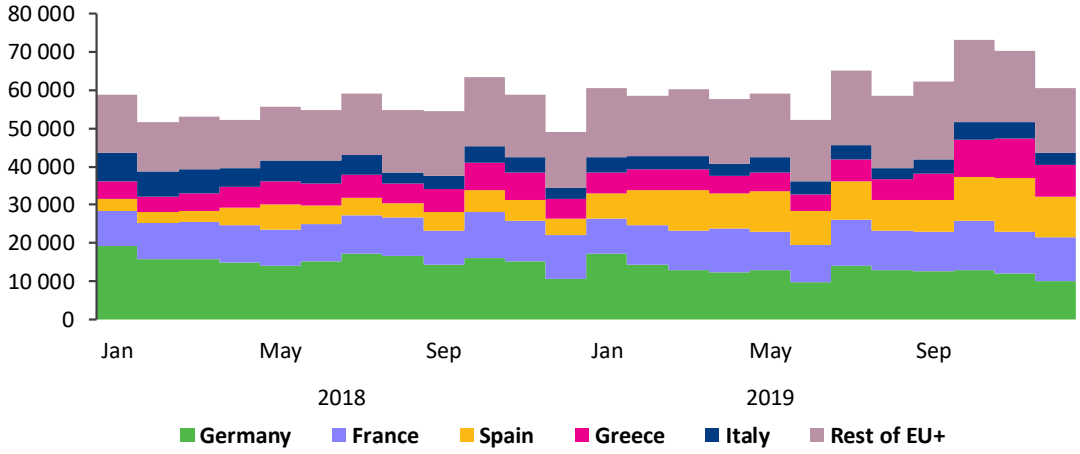
4.1 Data on applications for international protection

At the EU level

In 2019, almost 740 000 applications for international protection were lodged in EU+ countries, an increase of 11 % compared to 2018. This was the first time since the migration crisis of 2015 that the number of applicants started to climb, in part due to a sharp rise in applications from Venezuelan and other Latin American nationals. In fact, top receiving countries, such as France, Greece and Spain, received more applicants in 2019 than during the migration crisis.

Broadly speaking, asylum applications already started to increase back in 2018, but this increase continued and even accelerated throughout 2019. Correspondingly, more applications were registered at the end of 2019 than at the beginning of the year *(see Figure 4.1)*.

Figure 4.1 Number of applications by top receiving countries in Europe, 2018-2019



Source: Eurostat.

Following the usual trend, there were five times as many applications for international protection than detections of illegal border crossings at the external border in 2019, approximately 740 000 compared to 140 000, respectively.[166] Nonetheless, border countries such as Bulgaria, Cyprus, Greece and some Western Balkans countries detected an increase in illegal border crossings compared to 2018.[167]

With regard to the characteristics of applicants, the number of female applicants increased in 2019 by 14 %, but still nearly two-thirds of all applications were lodged by males. The proportion of male applicants, however, far exceeded that of females in countries such as Slovenia (95 % of applications were lodged by males), Malta and Bulgaria (86 % each). The opposite trend occurred in Hungary, Germany, Norway, Poland, Spain and Sweden, where the share of female applicants was the highest across EU+ countries, ranging between 41 % and 45 %.

The age of applicants can also be important, for example to plan adequate health care. Most applicants were young adults, aged between 18 and 34 years, accounting for nearly one-half of all applicants for international protection. For older cohorts, over one-fifth of applicants fell into the 35- to 64-year-old age group and just 1 % were older than 64 years.

From 2015 to 2019, there have been more minors younger than 14 years old who have lodged applications than applicants aged 35 to 64 years. These minors accounted for almost one-quarter of all applicants in 2019, although the gap with the older cohort is narrowing. The number of unaccompanied minors applying for international protection declined in 2019. This group accounted for just 2 % of applications in 2019, a share which has declined since 2016.

At the country level

Applications continued to be concentrated in a small number of Member States. For instance, in 2019 France, Germany and Spain received more than one-half of all applications in EU+ countries, followed at a distance by Greece *(see Figure 4.1).* For the sixth consecutive year, Germany continued to receive the highest number of applications (about 166 000), albeit a smaller proportion of the total caseload (22 % of all applications in 2019, down from 28 % in 2018).

At the country level, trends varied considerably compared to 2018. For example, applications for international protection more than doubled in Spain (about 118 000) despite relatively low levels of irregular migration. This can be explained by the rise in applications from Latin American nationals. Asylum applications also increased in France (about 129 000 in total) where secondary movements remained important and in Greece (about 77 000) where arrivals from Turkey increased.

Conversely, Italy received far fewer applications (about 44 000 in total) for the second consecutive year, associated with significantly reduced irregular migration across the Central Mediterranean. As a result, for the first time since at least 2015, Italy was no longer among the Top 5 receiving countries.

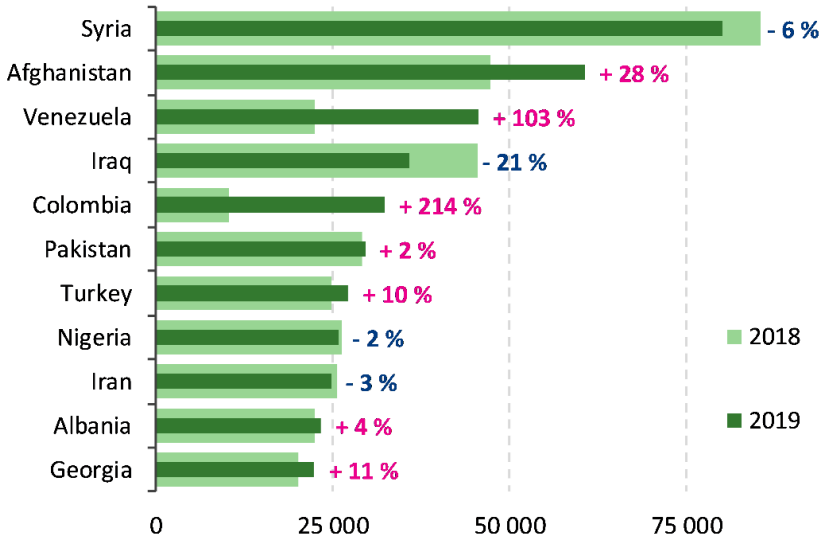
At the same time, upward asylum trends took place in other EU+ countries. Among countries which received more than 4 000 applications in 2019, the increases were most notable in Malta (+ 92 %), Cyprus (+ 76 %), Ireland (+ 30 %), Belgium (+ 22 %) and Sweden (+ 22 %).[xi] Among countries which received fewer than 4 000 applications, increases were also reported in several EU+ countries located around the Western Balkan region, such as Croatia (+ 75 %), Slovenia (+ 33 %) and Romania (+ 21 %), in addition to Lithuania (+ 59 %), Portugal (+ 42 %), Slovakia (+ 31 %) and Czechia (+ 13 %).

Countries of origin

Three countries accounted for one-quarter of all applications for international protection in EU+ countries in 2019. In absolute numbers, applicants from Syria lodged about 80 000 applications, followed by Afghanistan (about 61 000) and Venezuela (about 46 000) *(see Figure 4.2)*.

Indeed, for the last six years Syrians have lodged the most applications in EU+ countries. While the number of applications from Syrian nationals declined slight from 2018, the number of applications from Afghan and Venezuelan nationals increased sharply over the year, with 28 % and 103 % increases, respectively. Afghanistan and Venezuela – together with Colombia, El Salvador and Peru – accounted for most of the increase in applications for international protection in EU+ countries in 2019. Other countries of origin with increased applications in Europe compared to the previous year included Moldova (+ 49 %), the Democratic Republic of the Congo (+ 30 %), China (+ 26 %) and Turkey (+ 10 %).

Figure 4.2 Top countries of origin of applicants for international protection in EU+ countries, 2018-2019



Source: Eurostat.

[xi] Increases ranged between + 5 885 and + 1 110 applications.

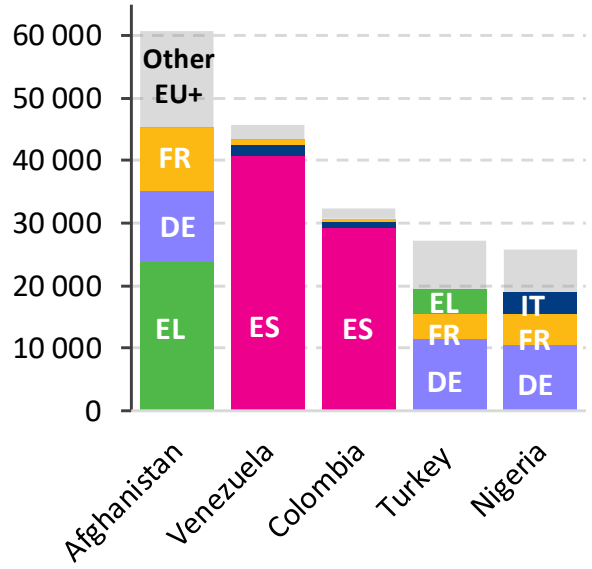
It is important to note that many Latin-American nationals have visa-free entry into the Schengen Area and so their arrivals and (increased) applications are not expected to be linked to irregular migration. But this is not the case for all countries in Latin America. For example, nationals of Haiti do not have visa exemptions to travel to Europe, but they lodged twice as many applications (about 5 000) than in 2018, almost exclusively in France, due to its overseas territories where applicants from Haiti travel to lodge their applications.

Following a decrease in arrivals through the Central Mediterranean route, citizens of several African countries lodged fewer applications in EU+ countries than in the previous year, namely Côte d'Ivoire, Eritrea, Libya, Sudan and The Gambia (among countries with more than 3 000 applications in 2019).

Receiving countries

Often language, cultural connections or geographical proximity can influence where an application is lodged. Indeed, trends emerge with some nationals applying for international protection in a limited number of countries *(see Figure 4.3).* This was typically the case for Latin Americans (Venezuelans and Colombians, but also nationals of Guatemala, Honduras and Nicaragua) who lodged applications primarily in Spain. Similarly, applications by Afghans were mostly lodged in Greece, in line with increased arrivals along the Eastern Mediterranean route.

Figure 4.3 Applications for international protection lodged in EU+ countries, by selected countries of origin, 2019



Source: Eurostat.

4.2 Global overview of applications for international protection

The comparison of asylum applications lodged in EU+ countries and the rest of the world is hindered by the lack of systematic global data collection with standardised indicators. Nevertheless, comparing preliminary UNHCR data with Eurostat data, it is possible to draw conclusions about the distribution of asylum applicants worldwide.[xii]

In 2019, more than 2 million people sought international protection globally. [xiii] Over one-third applied for international protection in EU+ countries. In other words, almost twice as many applications for international protection were lodged in other regions. However, in relative terms Europe has been receiving more asylum seekers. The ratio of applications per capita was approximately 1:715 in EU+ countries, while it was 1:5 360 in the rest of the world. Nevertheless, it should be noted that the global number of asylum seekers might be underestimated because of differences in categorisation. For example, applicants from Syria who seek asylum in Turkey receive temporary protection *prima facie* and are not included in the number of applicants outside of EU+ countries.

Figure 4.4 presents an overview of asylum applications lodged in EU+ countries and in the rest of the world for the Top 15 countries of origin of citizens seeking international protection in each of the two groupings. In the graph, Venezuela is highlighted as an outlier due to the greatest difference in the scale of applications lodged.

There appears to be a regional pattern of applicants from certain countries of origin lodging applications for international protection within the region where the country is located. For example, more than three-quarters of applications by citizens of Turkey were lodged in EU+ countries, with the remainder being lodged mostly in countries such as Canada, Japan and the United States. Other applicants from the European region (most notably, Albania, Georgia and Russia) also tended to lodge more applications within EU+ countries than elsewhere in the world (although the difference for citizens of Russia was less pronounced).[xiv] The number of Albanians and Georgians lodging applications for international protection outside of EU+ countries was negligible.

In contrast, nationals of countries in the Americas, in particular Latin America, sought international protection mostly outside of EU+ countries. But following the pattern, most applications were lodged within the region. The largest group of applicants globally were Venezuelans, who went primarily to Peru, followed at some distance by other countries in the Americas, such as Brazil, the United States, Ecuador and Colombia (in decreasing order). Nonetheless, it is worth noting that the number of applications from Venezuelans in Spain was similar to that in Brazil.

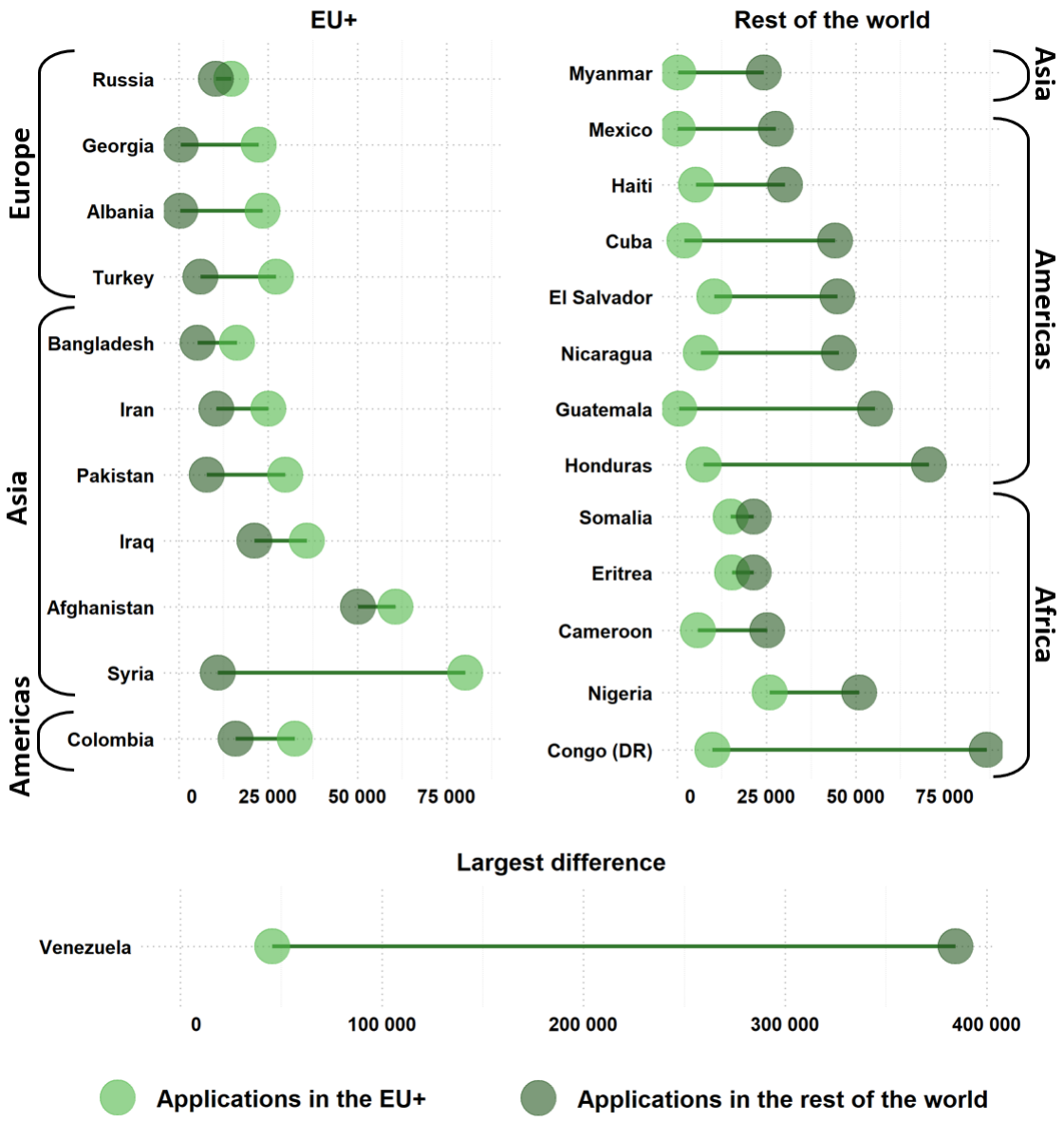
Other applicants from Latin America, such as Guatemalans, Hondurans and Salvadorans, went primarily to Mexico and the United States, and Nicaraguans mainly to Costa Rica. Applicants from Cuba had a more diverse set of destinations, including Uruguay, the United States, Mexico and Brazil (in decreasing order). An exception was applicants from Colombia, where about twice as many Colombians applied for asylum in Europe – in Spain, in particular – as in the rest of the world (almost exclusively in the Americas).

[xii] Eurostat data are used for estimating the number of applications at the EU+ level (as throughout this report) and preliminary UNHCR data are used for the rest of the world. It should be noted that the discrepancies between Eurostat statistics and UNHCR estimates for the number of new or repeated asylum applications lodged by nationals of a given country of origin in EU+ countries are quite low.

[xiii] UNHCR, *Global Trends 2019*, forthcoming.

[xiv] Outside of EU+ countries, Russians applied mostly in Israel, the Republic of Korea and the United States of America.

Figure 4.4 Applications for international protection in EU+ countries compared to the rest of the world for selected countries of origin of applicants, 2019



Note: The figure contains a selection of the Top 15 countries of origin of applicants lodging an applications in EU+ countries and the Top 15 countries of origin for the rest of the world. There is an overlap for five of these countries (Afghanistan, Eritrea, Nigeria, Somalia and Venezuela). The left side of the graph portrays the top countries of origin which lodged more applications for international protection in EU+ countries than elsewhere. The right side of the graph portrays the top countries of origin which lodged more applications in the rest of the world. Venezuela is shown separately because of large differences in the scale.
Source: Eurostat and UNHCR.

A similar pattern is found in Africa, with most applications for international protection being lodged within the region. Applicants from this region most commonly originated from the Democratic Republic of Congo, with almost all of their applications being lodged in Africa, particularly in Uganda[xv] and other neighbouring countries, such as Burundi, the Republic of Congo and Zambia. Similarly,

[xv] For nationals of the Democratic Republic of Congo in Uganda, in addition to applications lodged (about 1 500), the figure includes persons granted protection *prima facie* (about 46 600), which represents the majority of cases.

nationals of Nigeria sought refuge mostly in Niger, and nationals of Cameroon in Nigeria. Eritreans and Somalis seeking international protection also stayed predominantly within the African region, but large numbers also applied in EU+ countries.

Breaking from the regional pattern, applicants from the top countries of origin in Asia mainly lodged applications in EU+ countries in 2019. The only exception were citizens of Myanmar who sought asylum primarily within Asia, particularly in Malaysia. Nationals from Syria accounted for the largest number of applicants from Asia, mainly lodging their applications in Germany and Greece. Citizens from Iraq also applied more often in EU+ countries than elsewhere, but their number of applications lodged was similar in Germany and Turkey. Germany was the top global destination for Iranians and France for Bangladeshis.

Geographical location seems to influence the choice of the destination country where an application for international protection is lodged, as seen in the trends with applicants from Africa, Europe and Latin America. However, this is not always the case, as exemplified by applicants from Asia.

4.3 Push factors in third countries

Events such as conflict, economic hardship, deteriorating governance, political tensions and social exclusion of marginalised groups have the potential to internally displace entire communities or force them to leave their homes to seek refuge in other countries. EASO uses big data on global media reports[168] to quantify the frequency of such events, which are selected and weighted according to the magnitude of the effect they are likely to have on asylum-related migration. In the interests of simplification and to enable further analyses, these data have been aggregated into a composite indicator for each country of the world, referred to as the Push Factor Index (PFI).

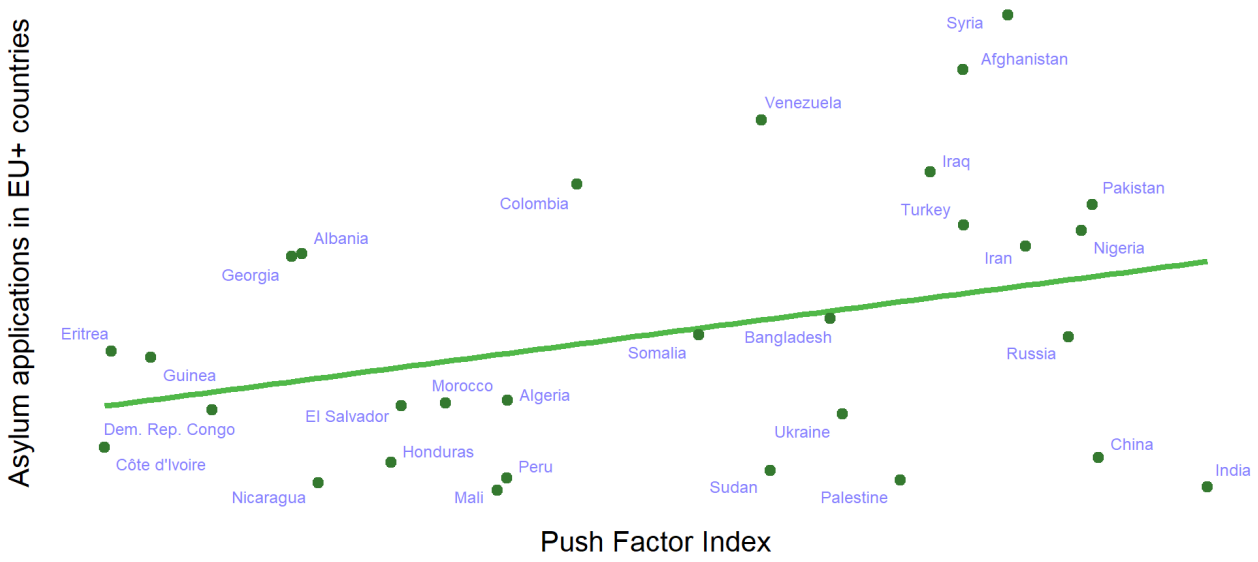
The PFI correlates with administrative indices, such as the number of asylum applications lodged by citizens of a specific country. Due to the complexity of asylum-related migration, no single indicator can entirely explain or predict patterns. However, the PFI, which can be updated on a daily basis, provides an estimation of the root causes of asylum-related migration and delivers a robust framework for predictive analyses.

Figure 4.5 shows that the PFI correlates with the number of asylum applications lodged in EU+ countries. In fact, 29 % of the variation (R^2) in applications lodged is explained by between-country differences in push factors, with a correlation coefficient of 0.54 for all countries that have PFI greater than 0. The relationship between the PFI and applications is strong and clear for countries placed along the trend line (for example, Bangladesh and Somalia), but the placement of each country in the analytical space also raises thought-provoking questions and adds information to better understand migratory patterns.

Countries placed above the line lodged more applications than expected based on push factors. Potential explanations include repeat applications in the same year but also pull factors generated by family members already living in Europe. A trend in 2019 showed that many visa-free countries lodged more applications than push factors would predict, possibly related to the enabling factor of visa-free travel. For example, Albania and Georgia have very low Push Factor Indices but lodged a high number of applications, possibly because nationals from these countries can enter the EU without a visa [169] and so may not be fleeing in response to specific push factors. In countries like Eritrea, push factors may exist that are not reported in the media due to low press freedom[170].

Conversely, countries placed below the trend line lodged fewer applications for asylum than expected based on their push factors. Some of these, such as China, India, Palestine, Russia, Sudan and Ukraine had high push factors but a low number of applications which could be explained in several ways, including barriers to migration, internal displacements or seeking refuge in neighbouring countries rather than in EU+ countries.

Figure 4.5 Correlation between the Push Factor Index and number of applications for international protection in EU+ countries, Top 30 countries of citizenship of applicants, 2019



Note: Data are log transformed to reduce the skew and induce symmetry.
Sources: Administrative data from Eurostat for applications for international protection. EASO for the Push Factor Index.

Overall, in 2019 the correlation was lower than in previous years, especially for African countries of origin. This can be explained by the closure of the Central Mediterranean route in mid-2018[171] and an increase in patrolling by Libyan coast guards. In other words, although push factors remained high in many countries, migration flows were reduced due to common routes being closed or monitored.

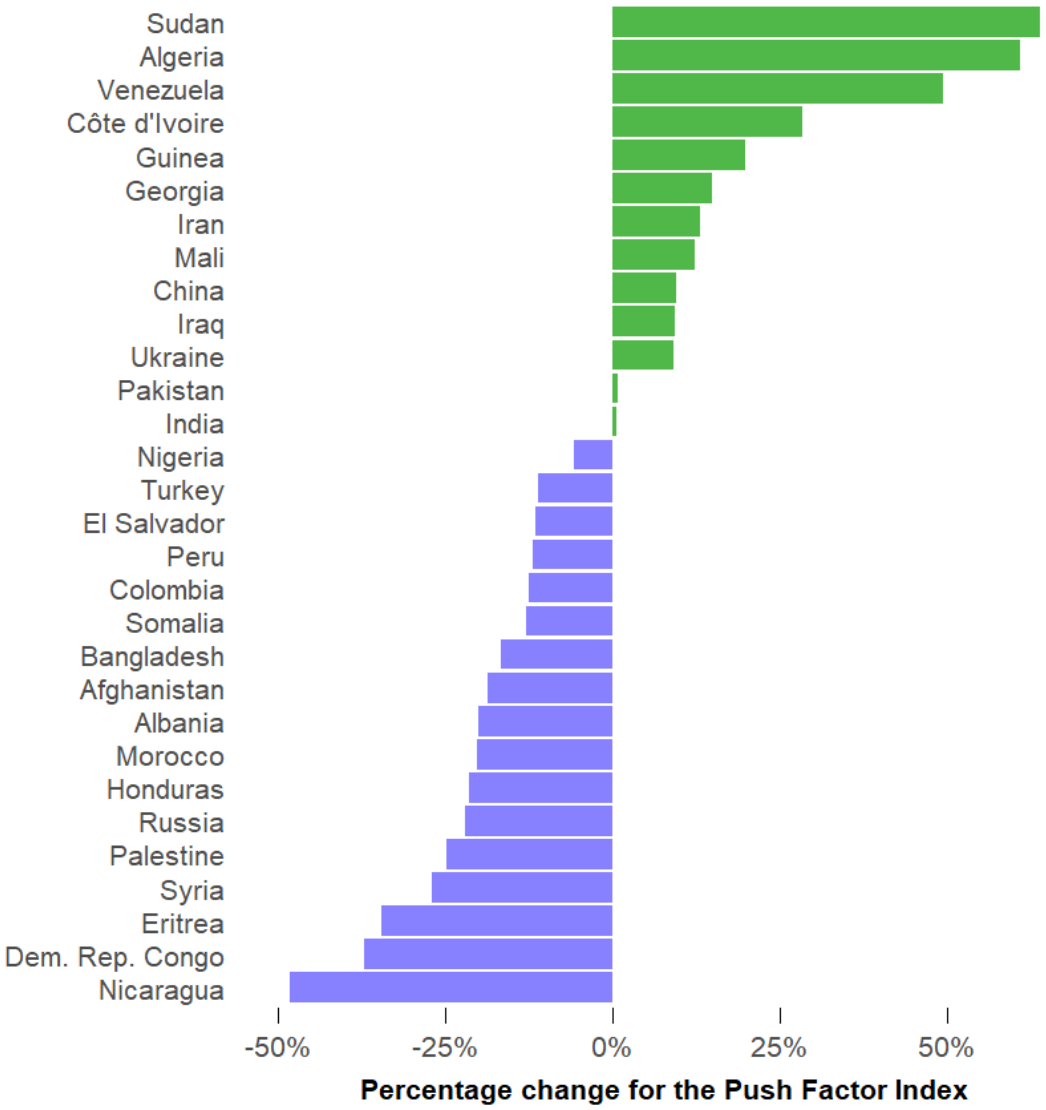
Intensity and change of push factors

Figure 4.6 presents the Top 30 countries of origin for applicants, indicating where push factors increased or decreased. In many cases, changes in the PFI were closely related to similar changes in the number of applications lodged *(see Figure 4.7)*. For instance, push factors increased in Venezuela by 50 % and in Georgia by 15 %, while citizens from these countries also lodged more applications for asylum in EU+ countries: Venezuelans with 103 % more applications in 2019 and Georgians with 11 % more. Similarly, the PFI fell in Nigeria by 6 % and Eritrea by 34 %, while citizens from these countries lodged fewer applications overall in Europe: applications by Nigerians fell by 2 % in 2019 and by Eritreans by 17 %. Likewise, Syrian nationals lodged 6 % fewer applications for asylum following a decrease in push factors of 27 %.

Nonetheless, changes in the PFI were not always related to the number of applications lodged. For example, the PFI decreased in Afghanistan and Turkey, by 19 % and 11 % respectively, but applications by nationals of these countries increased by 28 % and 10 %, respectively, in 2019. The opposite was true for Iran and Iraq, where push factors increased by 13 % and 9 % respectively, while asylum applications by their nationals fell by 3 % and 19 % respectively.

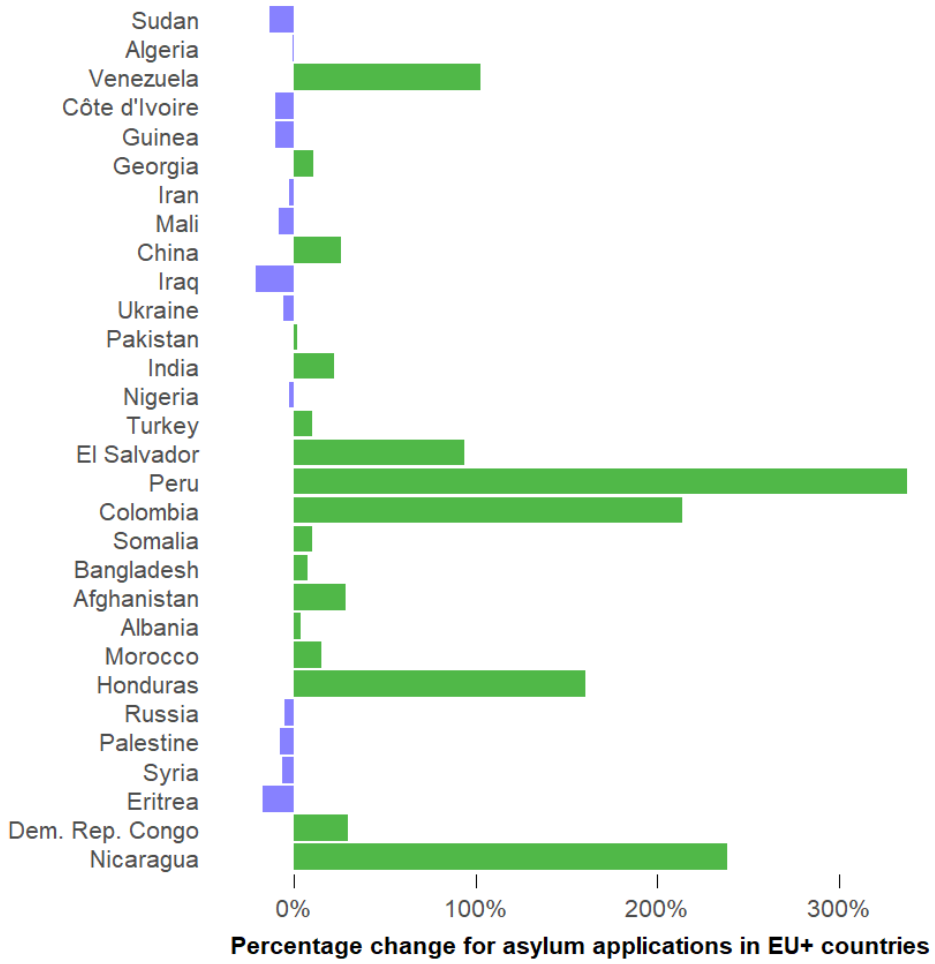
Such discrepancies may be the result of a multitude of factors which are not captured by this approach. Explanations include the delay between the development of push factors in countries of origin and the arrival of migrants in EU+ countries, additional push factors not reported by media, alternative migration destinations and barriers to migration.

Figure 4.6 Annual percentage change for the Push Factor Index in EU+ countries, Top 30 citizenship of applicants, 2018-2019



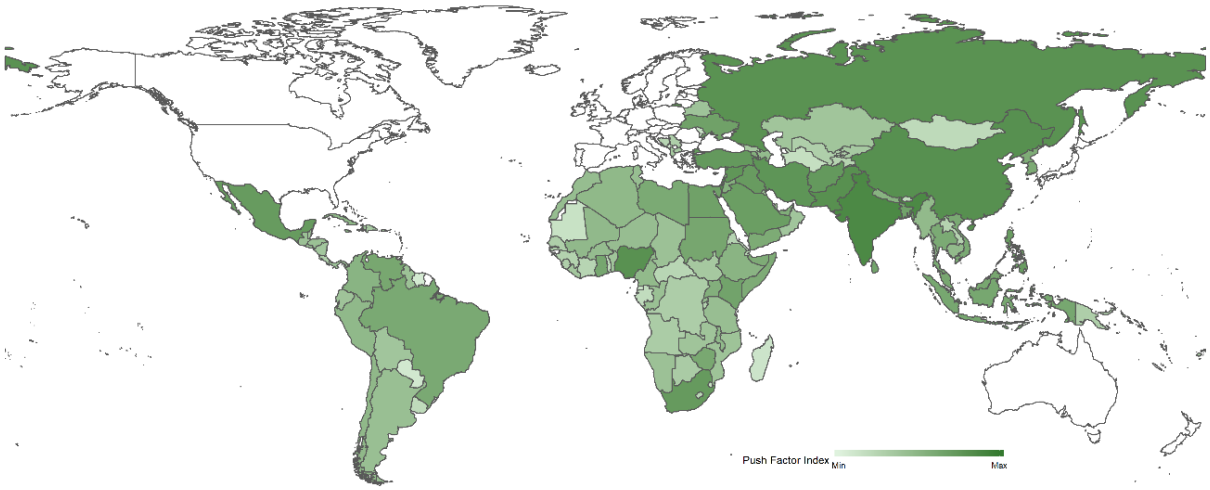
Source: EASO.

Figure 4.7 Annual percentage change in the number of applications for international protection in EU+ countries, Top 30 citizenship of applicants, 2018-2019



Source: Eurostat.

Figure 4.8 World map of the Push Factor Index, 2019



Source: EASO.

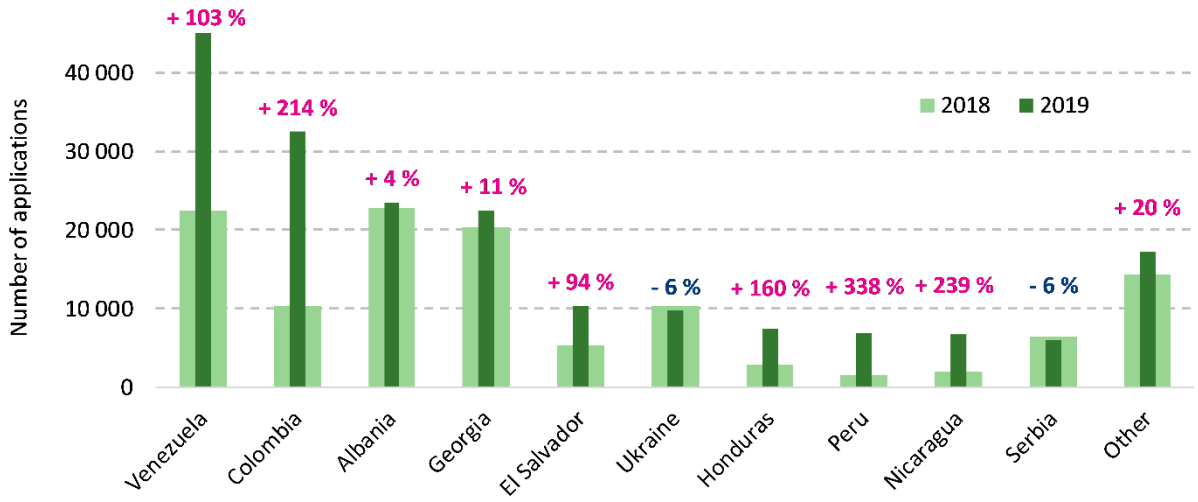
4.4 Applications from visa-exempt countries

Citizens of more than 60 countries and territories around the world are exempt from visa requirements when crossing the external borders of the Schengen area, Bulgaria, Croatia, Cyprus and Romania.[172] A significant new trend in 2019 was an increase in the number of applications for international protection received from citizens of countries who do not need a visa to enter the Schengen area. Of the total 740 000 applications received, about 188 500 were from applicants from visa-free countries, representing more than one-quarter of all applications or a 59 % rise from 2018.

Much of this increase was due to a surge in applications lodged by nationals of Latin American countries, in particular Venezuela, followed by Colombia. In fact, more than two out of five applications from visa-exempt countries were lodged by Venezuelans and Colombians. A rise was also seen for applicants from: Georgia, Honduras, El Salvador, Nicaragua and Peru (in decreasing order) (*see Figure 4.9*).

As a result, by the end of the year almost one-fifth of all pending cases concerned applicants from visa-free countries. The overall number of pending cases for visa-exempt citizens increased in 2019 compared to 2018, despite the fact that EU+ countries issued 60 % more decisions on their cases than the year before.

Figure 4.9 Applications for international protection by citizens from the top visa-exempt countries, 2018 and 2019



Source: Eurostat.

Applicants from Latin America

In 2019, there was a significant surge of applications from the Latin American region. Three-fifths of all applications from visa-liberalised countries (approximately 113 500) were lodged by citizens of Latin American countries, the majority from Venezuela, Colombia, El Salvador, Honduras, Peru and Nicaragua (in decreasing order).

Among Latin American applicants, citizens of Venezuela have lodged the highest number of applications since 2015. And this number has kept on rising, culminating to almost nine times more applications by Venezuelans in 2019 than in 2016. This trend is set against the background of an ongoing socio-economic and political crisis in Venezuela and a period of hyperinflation.[173] As of early April 2020, more than 5 million refugees, migrants and asylum seekers were considered to have left

Venezuela and to be living abroad – mostly within the region, with Colombia and Peru being the top receiving countries.[174]

Since 2017 to 2018, increasing numbers of Colombians and Peruvians have sought asylum in EU+ countries. In fact, in 2019, the rate of annual growth in applications lodged by nationals of Colombia and Peru in Europe even exceeded that of Venezuelan applicants.

Facing political and security crises since 2018, nationals of Honduras and Nicaragua[175] also applied for international protection in EU+ countries at higher levels than a year ago (*see Figure 4.9*). Citizens of El Salvador ranked third among visa-free Latin American applicants in 2019, even though the volume of their applications grew at a lower rate than those of Hondurans or Nicaraguans.

The majority of applicants from Latin American countries lodged their applications in Spain, followed at a far distance by Italy.

Applicants from the Western Balkan region

Nearly 20 % of all visa-exempt applications (about 36 000) were lodged by nationals of Western Balkan countries. The trend remained stable for Albania and Serbia, while decreasing numbers for at least the fourth consecutive year were reported for applicants from Montenegro, Bosnia and Herzegovina, and North Macedonia (in decreasing order).

While applications from visa-exempt Latin American countries were concentrated in a few countries, nationals of Western Balkan countries sought asylum in a broader range of countries. France and Germany received the most applications from these countries of origin, followed to a lesser extent by the United Kingdom, Greece, Italy, Belgium, Sweden, the Netherlands and Ireland (in order of the number of applications).

Applicants from the Eastern Partnership

The Eastern Partnership includes post-Soviet countries, namely Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine[xvi]. Just over 20 % of all applications from visa-liberalised countries (about 38 000) were lodged by nationals of the visa-exempt Eastern Partnership countries, but patterns varied by the country of origin. In 2019, applications from nationals of Moldova increased by 49 % compared to 2018, accounting for 3 % of all visa-exempt applications. The number of applications by Georgians also increased, by 11 %, although their share of all visa-exempt applications dropped from 17 % to 12 %. Finally, there was a slight decrease for Ukrainian applicants.

The top receiving countries for applications from visa-exempt Eastern Partnership states were the same as for applicants from Western Balkan countries – namely, France and Germany. To a lesser extent, they also sought asylum in Spain, Italy, Sweden, Greece, the Netherlands and Cyprus (by decreasing order).

Decisions issued on applications from visa-exempt countries

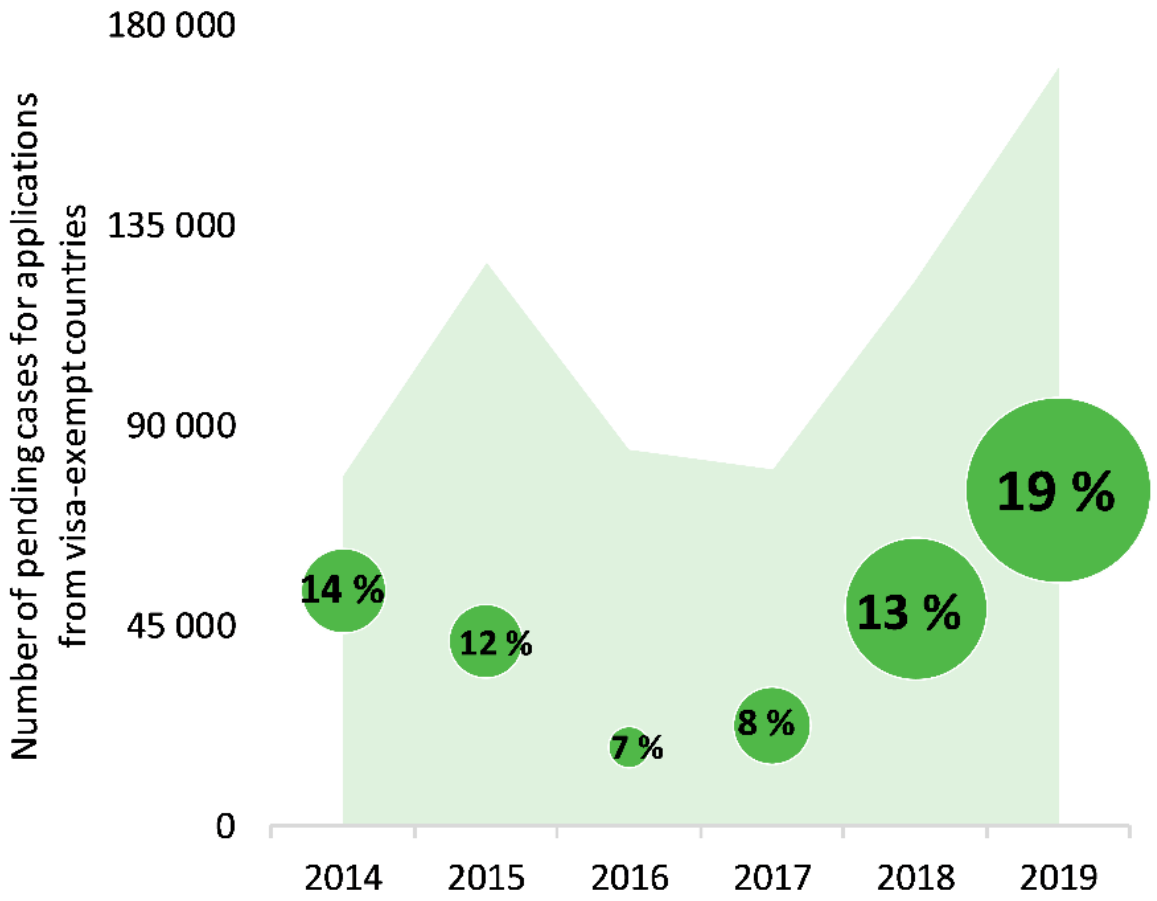
The number of first-instance decisions issued by asylum authorities to applicants from visa-liberalised countries almost doubled in 2019 compared to 2018. The increase was mostly due to a notably higher volume of decisions rendered in Spain (almost eight times as many decisions as in 2018), accounting for 38 % of all first-instance decisions for visa-exempt countries. Similarly, Italy almost tripled its number of first-instance decisions.

[xvi] Of the Eastern Partnership countries, Armenia, Azerbaijan and Belarus do not have visa-free access to the Schengen area.

The number of second or higher instance decisions issued by judiciary or appeals authorities to applicants from visa-exempt countries also increased in 2019, although to a much lesser extent than for first-instance decisions. The increase in second or higher instance decisions was mostly driven by France, Greece and Sweden (among countries with at least 1 000 second-instance decisions on applications from visa-exempt countries). Germany was the only country where fewer decisions were issued in 2019 (at both first and second instance).

Nonetheless, at the end of 2019, the number of pending cases for visa-exempt nationals continued to rise. About 170 500 applicants from visa-liberalised countries were awaiting a decision either at first or second instance in 2019, an increase of about 48 000 cases compared to 2018. In relative terms, 19 % of applications from these countries were awaiting a decision in 2019, compared to just 7 % in 2016 *(see Figure 4.10).*

Figure 4.10 Pending cases at both first and second instance for applications from visa-exempt countries and their share of all pending cases in EU+ countries, 2014-2019



Note: The solid area represents all pending cases at first and second instance. The bubbles represent the share of pending cases for applications from visa-exempt countries.
Source: Eurostat.

4.5 Decisions rendered on applications for international protection

4.5.1 Decisions on first instance applications

At the EU level

A first instance asylum application is considered to be closed once a decision has been issued by national authorities. According to Regulation (EC) 862/2007,[176] there are five decision outcomes that should be reported by EU+ countries:

- Refugee status (as per the 1951 Geneva Convention);
- Subsidiary protection status;
- Authorisation to stay based on humanitarian reasons under national law (humanitarian protection);[xvii]
- Temporary protection status (under EU legislation);[xviii] and
- A negative decision resulting in the rejection of the application.

Since 2016, the number of decisions rendered on applications for international protection have been declining. Furthermore, the number of decisions taken in EU+ countries continued to be lower than the total number of applications lodged in the region. In 2019, approximately 585 000 decisions on first instance applications were taken, compared to about 740 000 applications lodged during the year. The number of total decisions in 2019 remained similar to the 2018 figure, largely due to the high number of decisions issued by Spain towards Latin American applicants.

With regard to the characteristics of applicants, 64 % of all first instance decisions concerned males and 36 % females, which mirrors the ratios for the number of applications lodged.

At the country level

Five countries accounted for three-quarters of all decisions taken on international protection in Europe in 2019: France, Germany, Greece, Italy and Spain. Spain issued almost five times as many first instance decisions in 2019 compared to 2018, and by the end of the year, decision-making in Spain exceeded that of Germany (which has generally issued the highest number of decisions). While the number of decisions in Europe has been declining, the high number rendered in Spain accounted for the 2019 total to be comparable to that of 2018. Most decisions issued by Spanish authorities granted automatic national protection for some Latin American citizenships, which entails a faster procedure in terms of case processing.

Excluding Spain from the overall totals, the number of decisions issued in the remaining EU+ countries dropped by 11 % compared to 2018. The decrease was most noteworthy in Germany, the country which generally issues the most decisions. With continuously declining numbers since the peak of 2016, Germany issued around 25 000 fewer decisions in 2019 than in 2018.

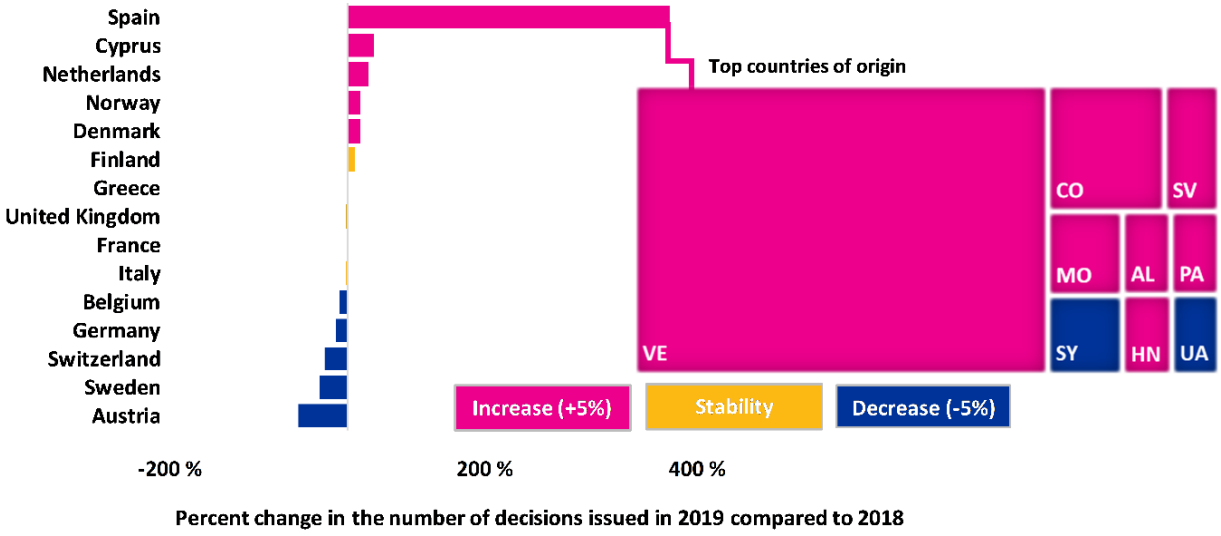
[xvii] Granting humanitarian protection is not harmonised at the EU level and is only reported to Eurostat in the framework of asylum statistics by 24 of the 32 EU+ countries (Austria, Cyprus, Croatia, Czechia, Denmark, Estonia, Finland, Germany, Greece, Hungary, Iceland, Italy, Liechtenstein, Lithuania, Malta, the Netherlands, Norway, Poland, Romania, Slovakia, Spain, Sweden, Switzerland and the United Kingdom). In addition, various forms of humanitarian protection can be granted, separate from the asylum procedure, and thus the positive decisions may not be reported to Eurostat under this indicator. More information on country-level practices are available at: EMN, Ad hoc Query on Humanitarian Protection.

[xviii] Based on the Temporary Protection Directive, Regulation 2001/55/EC, this mechanism has not yet been used in EU countries, and therefore, it is not further analysed in this report.

A similar absolute decline occurred in Austria, with approximately 21 000 fewer decisions in 2019. However, when looking at the decline in relation to the total number of decisions issued, Austria had the sharpest decline among EU+ countries in relative terms. Fewer decisions were issued also by Sweden and Switzerland.

Trends remained stable for France, Greece and Italy. In contrast, Cyprus and the Netherlands issued more decisions than in the previous year *(see Figure 4.11).*

Figure 4.11 Relative year-to-year changes in first instance decisions by issuing EU+ country and decisions by nationality of applicants in Spain, 2019



Note: The graph presents countries which issued more than 2 000 decisions in 2019.
Source: Eurostat.

Citizenship of applicants

Most first instance decisions were issued to nationals of Afghanistan, Syria and Venezuela, accounting for one-quarter of all decisions issued in EU+ countries in 2019. While the trend remained stable for Syrian applicants, there was a sharp increase in decisions on applications by Venezuelans, similar to the number of applications lodged by these two citizenships. In contrast, fewer decisions were issued to Afghans, despite the increase in the number of applications lodged by them in 2019.

In addition to applicants from Venezuela, other Latin American nationals received more decisions in 2019 than in previous years. There were more than three times as many decisions issued in 2019 compared to 2018 to nationals of Colombia and El Salvador, largely in Spain.

Noticeably more decisions were also issued to Palestinians, especially in Greece and Spain, to Tunisians and Moroccans, particularly in Spain and for the latter also in Italy, and to Yemenis, mostly in the Netherlands and Spain. In fact, Spain issued more decisions to most nationalities (*see Figure 4.4*).

In relative terms, a rise in decisions was noted for Moldovan applicants in France and the Netherlands, and Turkish applicants in Norway and Finland. Conversely, the share of decisions issued to Gambians, Ethiopians and Armenians declined.

4.5.2 Recognition rates for first instance decisions

The first instance recognition rate refers to the number of positive outcomes as a percentage of the total number of first instance decisions. More specifically, the total recognition rate is calculated considering refugee status, subsidiary protection and humanitarian protection as positive decisions.

In 2019, two fifths of all first instance decisions were positive, on par with 2018. Just over one-half of all positive decisions (approximately 128 700) granted refugee status, with the remainder granting subsidiary protection status and humanitarian protection in almost equal shares. The overwhelming majority of decisions granting humanitarian protection were issued by Spain to Venezuelan applicants.

In general, recognition rates and the types of protection granted in positive decisions varied considerably across citizenships. While the situation likely reflects differences in caseloads in terms of the nationalities of applicants and their protection needs, it may also signal a lack of harmonisation across EU+ countries in the implementation of CEAS.

Recognition rates by issuing country

In 2019, among EU+ countries issuing the most decisions, recognition rates ranged from 10 % in Czechia to 88 % in Switzerland. [xix] Such variation has been persistent throughout the years. For many citizenships, the outcome depended strongly on where the application was lodged. For example, recognition rates for Afghan nationals ranged from 32 % in Belgium[xx] to 97 % in Switzerland. Almost all applicants (more than 90 %) from Turkey were granted international protection in the Netherlands, Norway and Switzerland, compared to just 51 % of Turks lodging an application in Germany and 26 % in France.

However, such variations did not exist for all citizenships. For instance, applicants from Albania and Syria received similar recognition rates across all EU+ countries.

In terms of changes over time, in Italy – which issues more decisions to applicants from Nigeria than any other country – the number of positive decisions issued to Nigerian applicants decreased, from a 24 % recognition rate in 2018 to 18 % in 2019. In contrast, the United Kingdom granted refugee status to more Nigerians, with the recognition rate rising from 24 % in 2018 to 36 % in 2019.

There was a noticeable decrease in recognition rates for some nationalities. For example, 62 % of Syrians in Belgium were granted international protection in 2019, compared to 86 % in 2018.[xxi] Similarly, slightly more than one-fifth of Iraqis were granted protection in Finland in 2019, compared to one-half the year before.

Recognition rates by the nationality of applicants

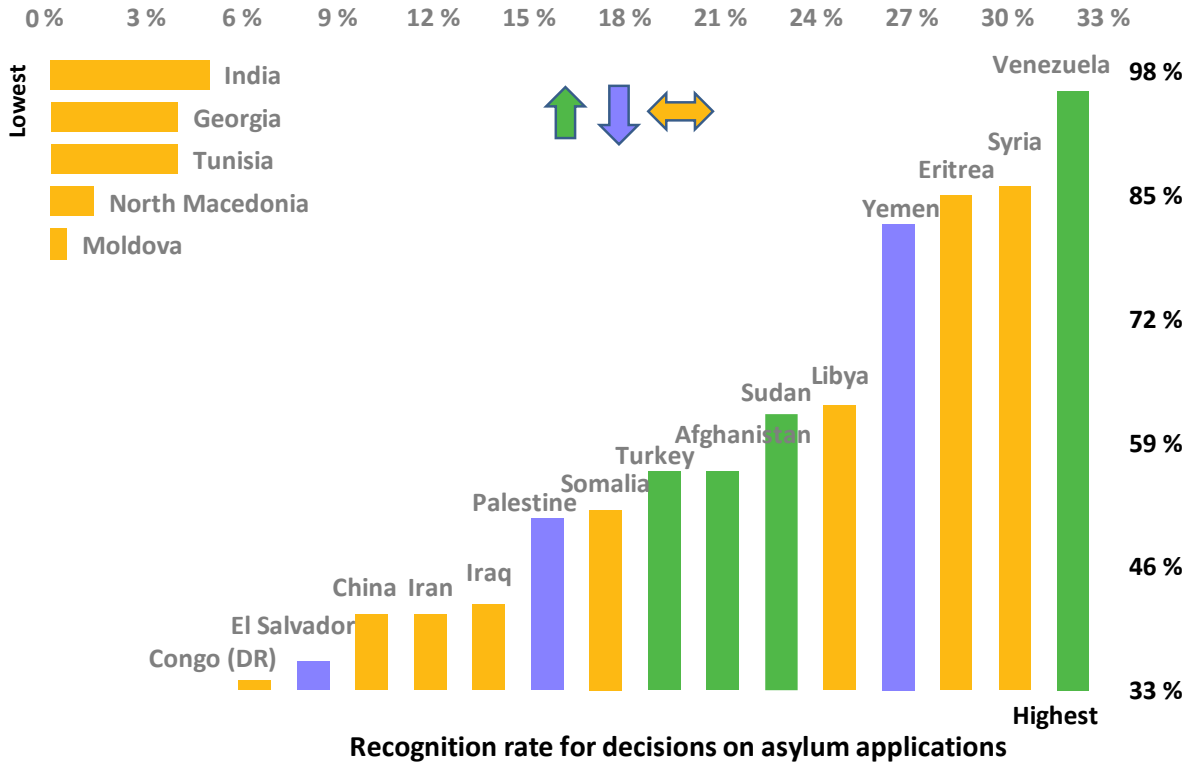
A noticeable development in 2019 was the number of positive decisions granted to applicants from Venezuela. The recognition rate for Venezuelans was 96 % in 2019, compared to just 29 % in 2018. Other nationalities to receive a high share of positive decisions included: Syrians (86 %), Eritreans (85 %) and Yemenis (82 %).

In contrast, applicants from North Macedonia and Moldova received the lowest proportion of positive decisions, at 1 % each *(see Figure 4.12).* In fact, some Western Balkan and Eastern Partnership visa-

[xix] Only countries issuing at least 1 000 decisions in 2019 are considered.
[xx] In Belgium, this was due to a considerable share of subsequent applications by Afghans.
[xxi] This drop was mainly due to a high number of decisions on applications by Syrians who already had a protection status in another EU+ country.

exempt countries were among the countries which are steadily having lower recognition rates, for example, only 5 to 7 of every 100 applicants from Serbia, Montenegro and Albania were granted international protection in EU+ countries in 2019.

Figure 4.12 Lowest and highest recognition rates on first instance decisions for the main citizenships of applicants in 2019 and changes compared to 2018



Source: Eurostat.

When looking at the rise in applications lodged by Latin American nationals, different trends emerged in the share of positive decisions by country. While the recognition rate for Venezuelans increased in 2019, the opposite trend was apparent for applicants from El Salvador (36 %) and Colombia (7 %). This represented a decline of 31 and 9 percentage points, respectively, compared to 2018. A considerable drop was also noted for Palestinians, with 51 % receiving positive decisions, representing a decrease of 27 percentage points over 2018. In contrast, the recognition rates continued to rise for nationals from Turkey (56 %, +8 percentage points) and Sudan (62 %, + 7 percentage points).

Different trends in types of protection granted also emerged in 2019. Applicants from many countries were granted refugee status far more often than subsidiary protection – this was especially the case for applicants from China, Egypt, Eritrea, Iran, Nigeria, Sudan and Turkey. However, most positive decisions issued to Venezuelans granted humanitarian protection, representing 94 % of all positive decisions.

4.5.3. Decisions on second or higher applications

The recast Asylum Procedures Directive, Article 46 ensures the right to an effective remedy but it does not prescribe harmonised standards in terms of the organisation of the appeal or the procedure to be followed. In some Member States, the appeal instance examines and decides on the case *de novo* in fact and in law, while in others, the appeal is only decided on the legality of the decision taken in the first instance. In other words, in some Member States, the relevant second instance bodies take

decisions on the merits of each application, while in others responsible authority is ordered to review its first instance decision.

Data are not disaggregated by the type of decision appealed, thus it is not possible to imply in how many cases a positive final decision reversed a negative decision. As a result, analyses of decisions of higher instances are extremely challenging and results should be interpreted with caution.

At the EU level

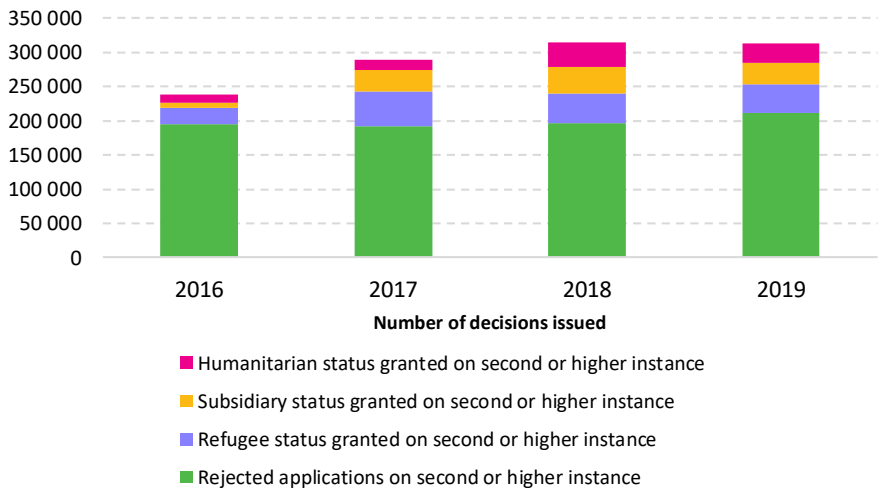
Progressively more decisions have been issued at higher instances each year since 2014, but in 2019 decision-making slowed down. In 2019, EU+ countries issued about 313 000 decisions on second or higher instance applications, similar to 2018 *(see Figure 4.13).* In the absence of data on appeals or on the capacity available to appeal bodies, it is not possible to provide any explanations behind this trend.

Decision-making remained stable, but fewer final decisions were positive: the inclusive recognition rate was 32 %,[xxii] down from 38 % in 2018. This drop might be due to the pool of citizenships receiving most decisions, characterised by relatively lower recognition rates and a likely larger number of decisions issued on appeals lodged against negative first instance decisions. Exceptionally in 2018 recognition rates were more or less the same at first instance and higher instances, but in 2019 the gap reappeared whereby the first instance recognition rate (40 %) was higher than at higher instances (32 %). Nevertheless, positive decisions more often granted refugee status (in 41 % of cases in 2019), with a concurrent decrease in decisions granting subsidiary protection (31 %) and humanitarian protection (28 %).

At the country level

Three countries, France, Germany and Italy, issued three-quarters of all decisions at higher instances in EU+ countries in 2019. The appeals body in Germany continued to issue far more final decisions than any other EU+ country, with 131 000 decisions representing 42 % of all decisions. Nonetheless, the number of decisions in Germany is decreasing each year, in 2019 there were 11 % fewer decisions than in 2018, and in 2018 it was 17 % fewer than in 2017.

Figure 4.13 Final decisions issued in appeal or review in EU+ countries, 2016-2019



Source: Eurostat.

[xxii] The inclusive recognition rates include decisions granting national forms of protection as positive decisions.

The opposite took place in France, where output rose sharply with 66 500 decisions issued, presenting a 43 % increase compared to 2018. In France, the number of asylum applications has been increasing over the past four years, so it is reasonable to assume that many cases entered the appeal stage, accounting for a higher workload for appeal bodies.

Fewer final decisions were issued in Italy (35 500 or a 17 % decrease) after the peak of 2018, but there were still nearly three times as many decisions as in 2017. At some distance, fewer final decisions were also issued in Sweden (19 400, - 22 %). There was sharp increase in the number of decisions in Greece (12 315, + 71 %), followed by the United Kingdom (15 605, + 28 %).

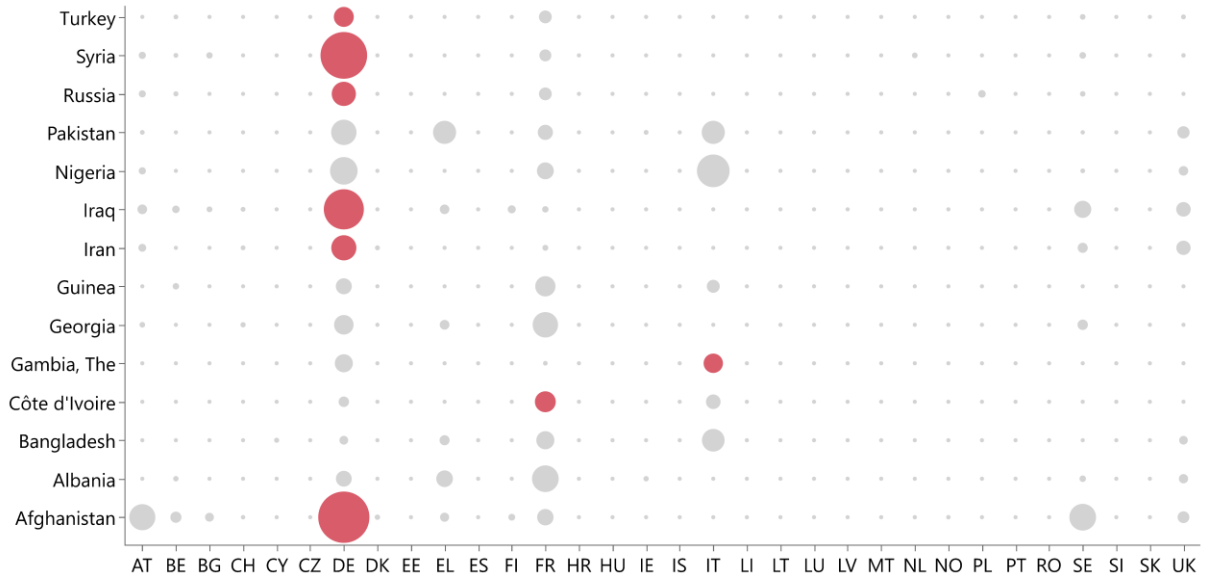
Nationality of applicants

In EU+ countries, the most decisions were still issued for appeals lodged by citizens of Afghanistan (41 885 or 13 % of the total), Iraq (22 280 or 7 %) and Syria (22 125 or 7 %). Altogether these three citizenships received more than one-quarter of all final decisions in 2019, but a lower proportion than in 2018 (when they accounted for one-third of all decisions). In fact, Afghans received 14 % fewer decisions in 2019 than in 2018 and Syrians 38 % fewer. Since, the overall output was stable with 2018, it is evident that decision-making increased for other citizenships.

Nationals of Georgia were issued 78 % more final decisions in 2019, at about 11 500, than in 2018. Rises in decisions were also noted for citizens of Côte d'Ivoire (50 % rise with 6 700 decisions), Turkey (45 % rise with 6 000 decisions), Guinea (29 % rise with 7 700 decisions) and Iran (18 % rise with 10 000 decisions).

Germany issued decisions on applications for international protection to many citizenships, including Afghans, Iraqis and Syrians *(see Figure 4.14).* Appeal bodies in France issued the majority of decisions to applicants from Côte d'Ivoire, followed by nationals of Albania, Georgia and Guinea. For Gambians, most decisions were issued in Italy, which also issued a large part of the output to applicants from Bangladesh, Nigeria and Pakistan.

Figure 4.14 Countries of origin of applicants who received the most final decisions, by issuing EU+ country, 2019



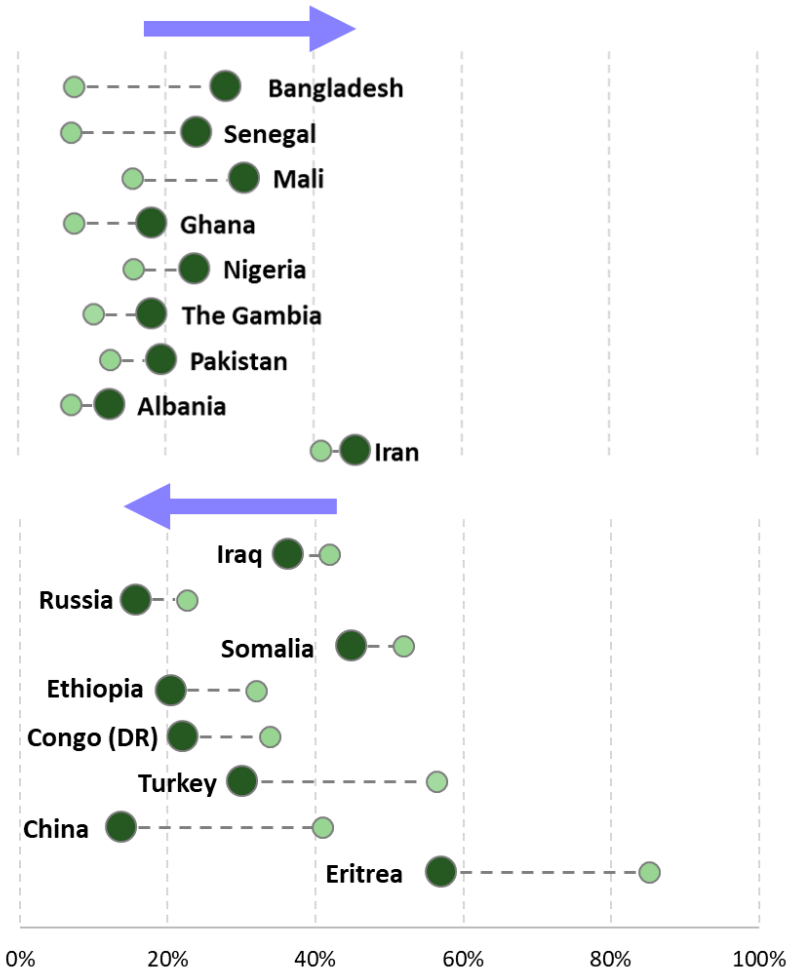
Notes: The size of the bubble indicates the number of decisions; red bubbles are those that represent one-half (or more) of all decisions issued to that citizenship.
Source: Eurostat.

Overall, the recognition rate in appeals tends to be lower than that at first instance but this is not always the case *(see Figure 4.15).* In particular, the largest differences were noted for nationals of Bangladesh (with a final recognition rate of 28 % at second or higher instances, compared to just 8 % at first instance), Senegal (24 % compared to 7 % at first instance) and Mali (31 % compared to 16 % at first instance). Much of this variation took place in Italy and, to a lesser extent, France.

In contrast, for many citizenships the final recognition rates were much lower than at first instance. The largest drops were for applicants from Eritrea (57 % recognition rate at second or higher instances, compared to 85 % at first instance), China (14 % compared to 41 % at first instance) and Turkey (30 % compared to 56 % at first instance).

With regard to the outcome of positive decisions, most decisions at higher instances were issued for nationals of Bangladesh, Senegal, Ghana and The Gambia. In these cases, the majority of positive final decisions granted humanitarian protection. In contrast, the vast majority of positive final decisions issued to applicants from the Democratic Republic of the Congo, Eritrea, Iran and Turkey granted EU-regulated forms of protection, most notably refugee status.

Figure 4.15 Variation in final versus first instance recognition rates for decisions on applications for international protection, 2019



Note: The horizontal axis indicates the recognition rates at first instance (light green) and higher instances (dark green).
Source: Eurostat.

4.6 Withdrawn applications

An asylum application can be withdrawn for various reasons before a final decision has been issued. For reporting purposes, withdrawn applications can be measured based on two indicators:

> 'Explicit' withdrawals refer to cases where the applicant no longer needs international protection and notifies the authorities to withdraw the application; and
>
> 'Implicit' withdrawals concern cases where the authorities fail to locate the applicant and therefore it is considered that the applicant has abandoned the procedure.

Data on implicit withdrawals may cover cases prior to the reference year since an applicant may have absconded long before the withdrawal was noted and reported.

The number of applications that were withdrawn in 2019 rose by 20 % to reach approximately 69 500. Withdrawals occurred largely in Greece and Italy. The data also show that males were much more likely to withdraw their applications, representing almost three-quarters of all withdrawals. This was especially the case for young adult males, aged 18 to 34 years.

At the country level

Withdrawn applications, especially implicit ones, can serve as a proxy indicator of absconding and the beginning of secondary movements towards other EU+ countries. While Eurostat data do not indicate the type of withdrawal, EASO's provisional EPS data[xxiii] suggest that almost three-quarters of all withdrawn applications in 2019 were implicit. Consistent with this interpretation, most withdrawals took place in frontline Member States, such as Greece and Italy, which together accounted for more than two-fifths of all withdrawals.

Among the countries with the highest number of withdrawals, the largest increases from 2018 to 2019 were seen in: Cyprus, Greece, Italy, Slovenia and Spain. In contrast, withdrawals decreased in some of the so-called destination countries such as Austria, Denmark, Germany and Sweden.

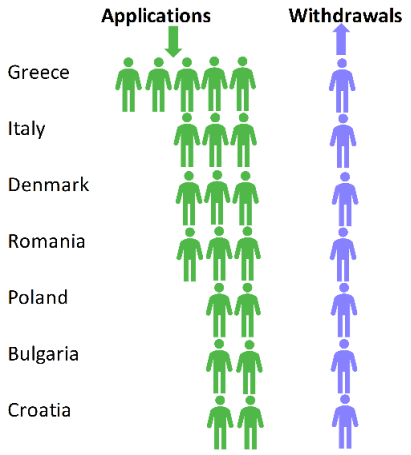
Withdrawals by country

In 2019, approximately 1 in every 10 applications for international protection that was lodged was withdrawn. At the country level, the ratio rose to 1 withdrawal for every 5 applications in Greece and 1 in 3 in Italy.

While representing a much smaller share, withdrawals were proportionately common also in Slovakia and Slovenia (a ratio of about four to five lodged to withdrawn applications), as well as in Bulgaria, Croatia, Latvia and Poland (one withdrawal for about every two applications lodged) and Denmark and Romania (one for every three) *(see Figure 4.16).*

[xxiii] In the framework of the EASO's EPS data exchange, the indicator on withdrawn applications is disaggregated by type of withdrawal (explicit or implicit). Direct comparison of EASO and Eurostat data is not possible. The EASO indicator refers to applications withdrawn during the first instance determination process related to first instance decision-making, while Eurostat data cover applications withdrawn at all instances of the administrative and/or judicial procedure. In addition, the reporting dates differ: EASO uses the date of the decision on the withdrawn application, while Eurostat uses the date the application is considered withdrawn. Furthermore, the EPS data collection does not cover Iceland or Liechtenstein.

Figure 4.16 Ratio of withdrawn to lodged applications in EU+ countries, 2019



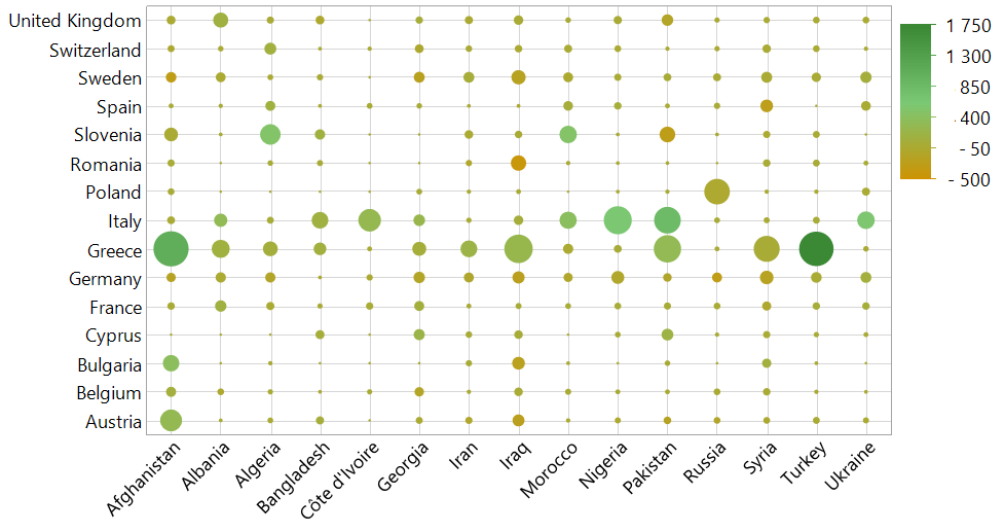
Note: The graph presents countries with over 1 000 withdrawn applications for international protection.
Source: Eurostat.

Withdrawals by the nationality of applicants

It has been noted that withdrawn applications can be a sign of secondary movement by the applicants from the country of lodging an application to another EU+ country. It was observed that more nationals of Turkey and Afghanistan withdrew their applications for international protection in 2019 compared to other countries. They also accounted for more withdrawals compared to the previous year. This trend was particularly noted for applications lodged in Greece for both nationalities and in Austria and Bulgaria for Afghans.

Other notable trends involved a rise in applicants from Algeria and Morocco withdrawing applications lodged in Slovenia, and also in Italy for Moroccans. Likewise, more Nigerians withdrew their applications, mainly in Italy *(see Figure 4.17).* These findings are in line with well-known secondary movements for these citizenships.

Figure 4.17 Number of withdrawn applications in 2019 and changes compared to 2018, by EU+ country and citizenship



Note: The size of the bubble indicates the number of withdrawals in 2019 and the colour represents changes compared to 2018. Only the Top 15 EU+ countries and citizenships are presented.
Source: Eurostat.

4.7 Pending cases awaiting final decision

Once an application for international protection has been lodged with the responsible authority, the processing phase begins. The final outcome of this process is a decision at first instance, which can be appealed and followed by a decision at second or higher instances. The examination of a case can be closed for other reasons, including an explicit withdrawal initiated by the applicant, an implicit withdrawal, for example due to absconding, or acceptance of responsibility by a partner country in the context of a Dublin procedure.

While an application is under examination, it is part of the stock of pending cases. The number of pending cases is an important indicator of the workload experienced by national authorities and the pressure on national asylum systems, including reception systems.

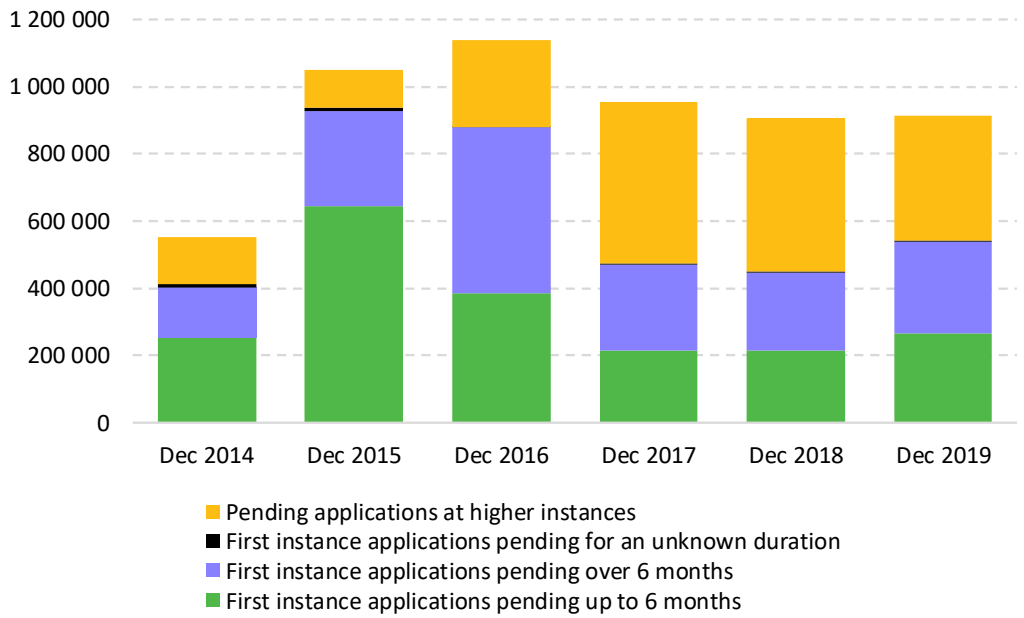
Data published by Eurostat are not disaggregated by the procedural stage at which an application is pending nor the time elapsed since the lodging. However, the Eurostat indicator can be combined with EASO data on cases pending at first instance, which can be disaggregated according to a duration of six months and longer. While EASO data are provisional and not validated, this calculation indicates the overall trend at the EU+ level.

At the EU level

There was no reduction in the backlog of pending applications across EU+ countries at the end of 2019. In fact, the close to 912 000 cases awaiting a decision represented almost 1 % more than in 2018. The regional total was still much higher than the pre-migration crisis level in 2014.

More than one-half of pending applications, or over 540 000, were awaiting a decision at first instance. In fact, the first instance backlog increased by over one-fifth compared to the end of 2018, while there was a reduction in the number of cases pending at higher instances *(see Figure 4.18).*

Figure 4.18 Pending applications for international protection in EU+ countries, at the end of the year, 2014-2019



Source: EASO and Eurostat.

At the national level

Germany had the highest number of pending applications at the end of 2019, accounting for more than one-third (36 %) of all cases across EU+ countries. Despite the considerable backlog, Germany continued to reduce the number of pending cases throughout the year, decreasing the total caseload by about 58 000 cases (15 %) when compared to the end of 2018 *(see Figure 4.19).* A considerable decline also occurred in Italy, where the number of pending cases decreased by almost 56 000 (54 %). In addition, Austria and Sweden reduced their numbers of pending cases over 2019.

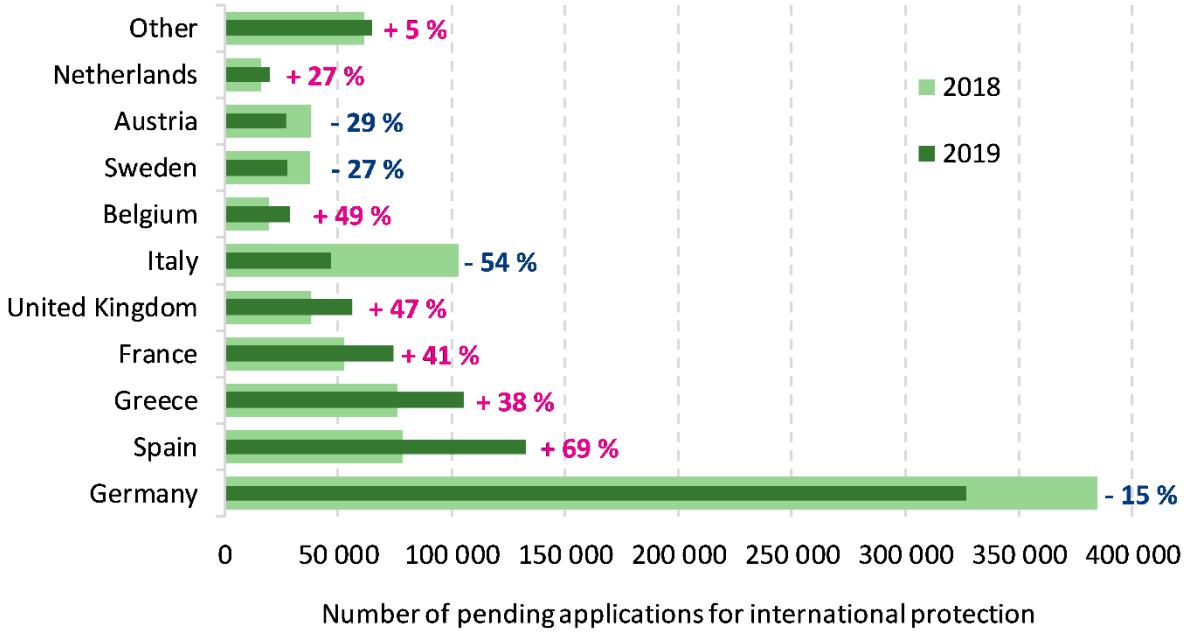
The opposite trend occurred in other countries with high numbers of pending cases in 2019. The number of applications awaiting decision increased in Spain (by 69 %), Belgium (by 49 %), the United Kingdom (by 47 %), France (by 41 %) and Greece (by 38 %). In absolute terms, the number of pending cases increased by about 54 000 in Spain.

Among the countries with significant increases in the number of pending cases, the trend was largely driven by the fact that more applications were lodged, so most of the backlog was accrued at first instance. This was particularly the case in Spain, where more first instance decisions were issued than previously but not enough to offset the surge of applications that were being lodged.

Likewise, new applications for international protection contributed largely to the rising stock of pending cases in France, despite more decisions being issued at higher instances. Other countries, such as Cyprus, Greece and the Netherlands, registered slight increases in decisions at both first and higher instances, indicating that they could not keep up with the rising numbers of applications.

In Belgium, the number of pending cases increased by almost one-half during 2019 due to a rise in applications being lodged and a decrease in decisions at both first and higher instances. A drop in the number of applications lodged allowed Germany and Italy to decrease the number of pending cases. Preliminary analysis using Eurostat and EASO data suggests that Italy's backlog reduction mostly took place at first instance, whereas in Germany it occurred at higher instances.

Figure 4.19 Pending applications for international protection in EU+ countries, at the end of 2018 and 2019

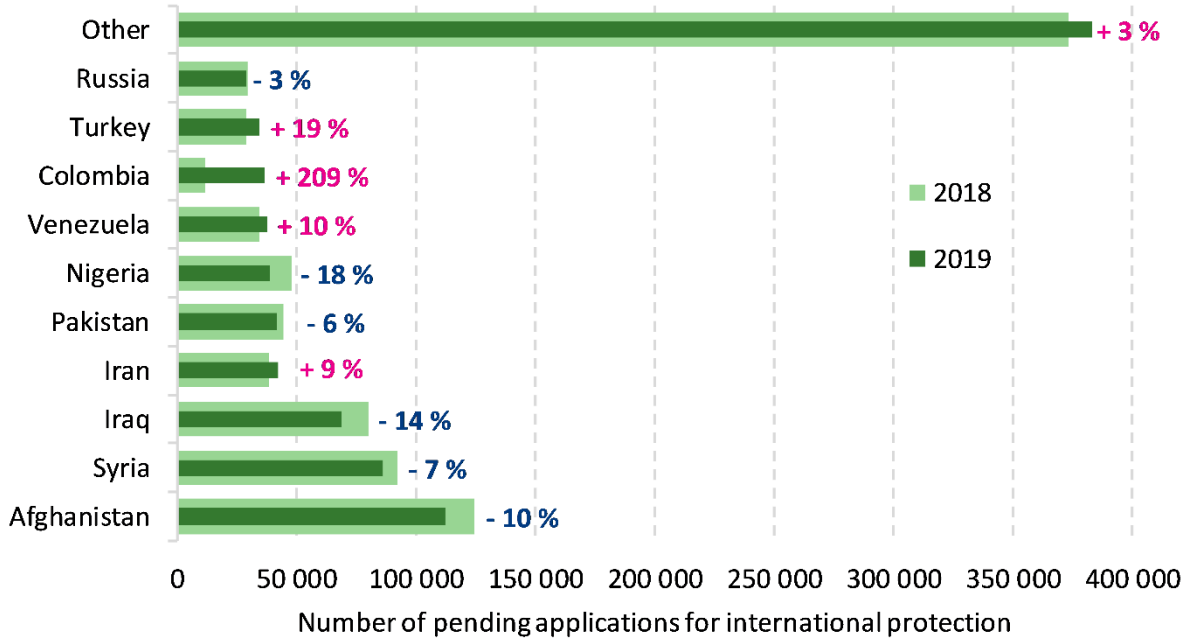


Source: Eurostat.

Nationality of applicants

Applicants from Afghanistan continued to have the most pending cases (accounting for 12 % of all applications awaiting a decision in EU+ countries), despite a notable reduction compared to the end of 2018 (a decrease of 12 445 pending cases, see Figure 4.20). They were followed by Syrians (9 %) and Iraqis (8 %), who at the end of 2019 also had fewer cases awaiting a decision than a year earlier. For each of these three nationalities, most cases were pending in Germany and Greece.

Figure 4.20 Pending cases in EU+ countries, by country of origin of applicants for international protection, at the end of 2018 and 2019



Source: Eurostat.

A significant decrease in pending cases was also noted for Nigerians applying for international protection, dropping by 8 655 cases compared to the end of 2018. To a somewhat lower extent, declines also occurred for nationals of Eritrea, Pakistan, Senegal and The Gambia.

At the same time, there were considerable increases in the number of cases pending for various citizenships from Latin American countries. In absolute terms, the largest rises affected nationals of Colombia, with pending cases more than tripling in volume (by over 24 000), followed by nationals of Honduras, Nicaragua, Peru, El Salvador and Venezuela. It is worth noting that citizens of all of these countries are exempt from the requirement to hold a visa to enter into the Schengen zone.

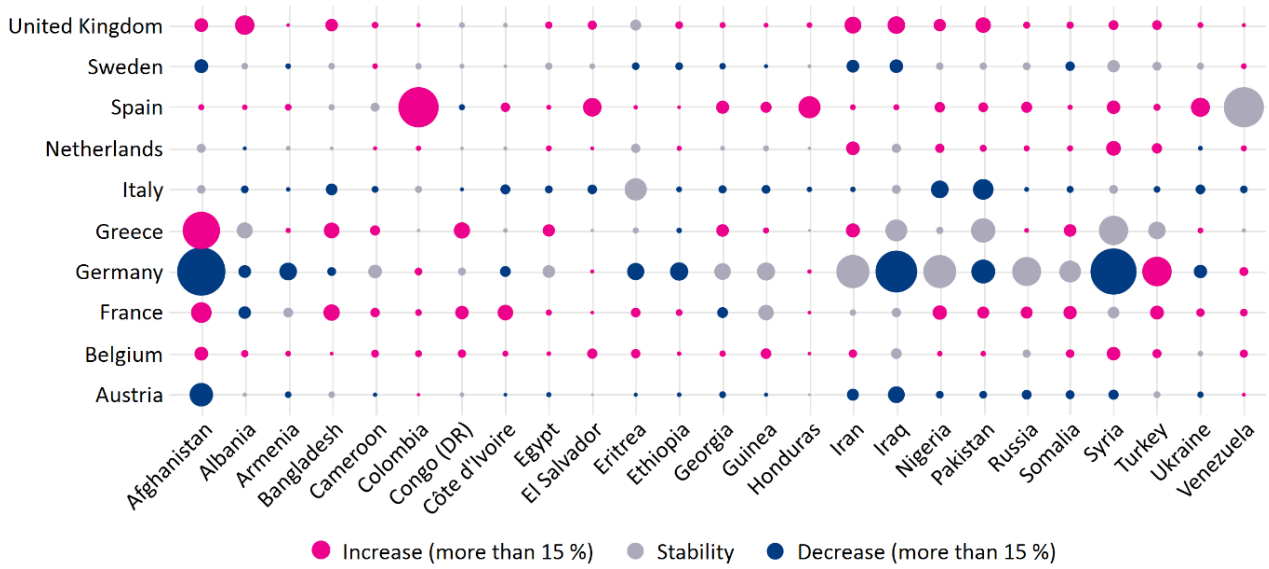
Increases in the number of applications awaiting a decision were also registered for nationals of Iran, the Democratic Republic of the Congo and Turkey.

Receiving countries

Figure 4.21 shows that at the end of 2019 the largest pairs of receiving countries and citizenships for pending cases included Afghans, Iraqis and Syrians in Germany, jointly accounting for 15 % of all pending cases in EU+ countries despite decreases for each.

Colombians and Venezuelans also faced high numbers of pending cases in Spain. While the number of pending cases for Colombians in Spain rose throughout 2019, for Venezuelans the trend was moderated by an increase in the number of issued decisions (particularly at first instance). Similar to Colombians but on a lower scale, increases also affected other Latin American nationalities in Spain (partially visible in Figure 4.20). The number of applicants from Afghanistan awaiting a decision in Greece more than doubled at the end of 2019 compared to the end of 2018.

Figure 4.21 Number of pending cases (end of 2019) and relative change compared to the end of 2018, by top countries of pending cases and top citizenships



Notes: The size of the bubble corresponds to the total number of pending cases at the end of 2019. The colour of each bubble indicates the change in pending cases compared to the end of 2018, with red representing an increase by more than 15 %, blue representing a decrease by more than 15 % and grey representing stability.
Source: Eurostat.

4.8 Socio-economic indicators to analyse trends in asylum in Europe

Number of applications

To better interpret the impact of asylum-related migration at the country level, it is important to analyse socio-economic indicators and the geographical area of a country for a more contextual perspective. While one country may receive fewer applications than another overall, its capacity to absorb more applicants may not be comparable. This perspective gives a more proportional interpretation of the situation of asylum currently and reinforces the essential role of solidarity and sharing responsibility within the context of asylum in Europe.

Turning from absolute to relative numbers, Cyprus, Greece and Malta received the most applications for international protection relative to their population sizes *(see Figure 4.22)*, based on EASO calculations. Cyprus, with the highest number of applicants in relative terms, had one of the sharpest increases in the number of applications in 2019, an increase of + 76 % compared to 2018. Malta received the most applications relative to its area (85 times higher than the EU+ baseline, which represents the total number of applications relative to a variable), despite receiving just 0.5 % of all applications lodged in EU+ countries. Greece ranked relatively lower in relation to its area, but

pressure was particularly concentrated in the hotspots, indicating that also relative estimates could be further contextualised at the sub-national level.

Figure 4.22 presents three indicators which rank the number of applications for international protection relative to population size, the area of a country and the national gross domestic product (GDP). Population and country sizes can provide a perspective on the capacity to absorb applications, while the GDP can shed light on a country's capacity to integrate refugees. Most countries rank similarly across the three variables, indicating a correlation across the indicators, but there are some notable exceptions.

The countries shaded in blue received a relative volume of applications lower than the EU+ baseline, for example countries located in Eastern Europe and the Baltic region. Yet in absolute numbers, several of these countries registered many more applications in 2019 than in 2018. It is worth noting that, while receiving the fifth and sixth highest number of applications in absolute terms, the United Kingdom and Italy ranked below the EU+ baseline in relative terms when considering population, country size and GDP.

On the other side of the spectrum, countries that received a higher number of applications than the EU+ baseline in relative terms also featured in the Top 10 countries with the highest number in absolute terms. In particular, Belgium and Spain stand out in this pattern, along with France and Germany. Of particular note is the case of Luxembourg, which was one of the Top 5 countries in relative terms (as also indicated by long-term pressure on its reception system) but received just 0.3 % of the overall EU+ caseload.

Pending cases

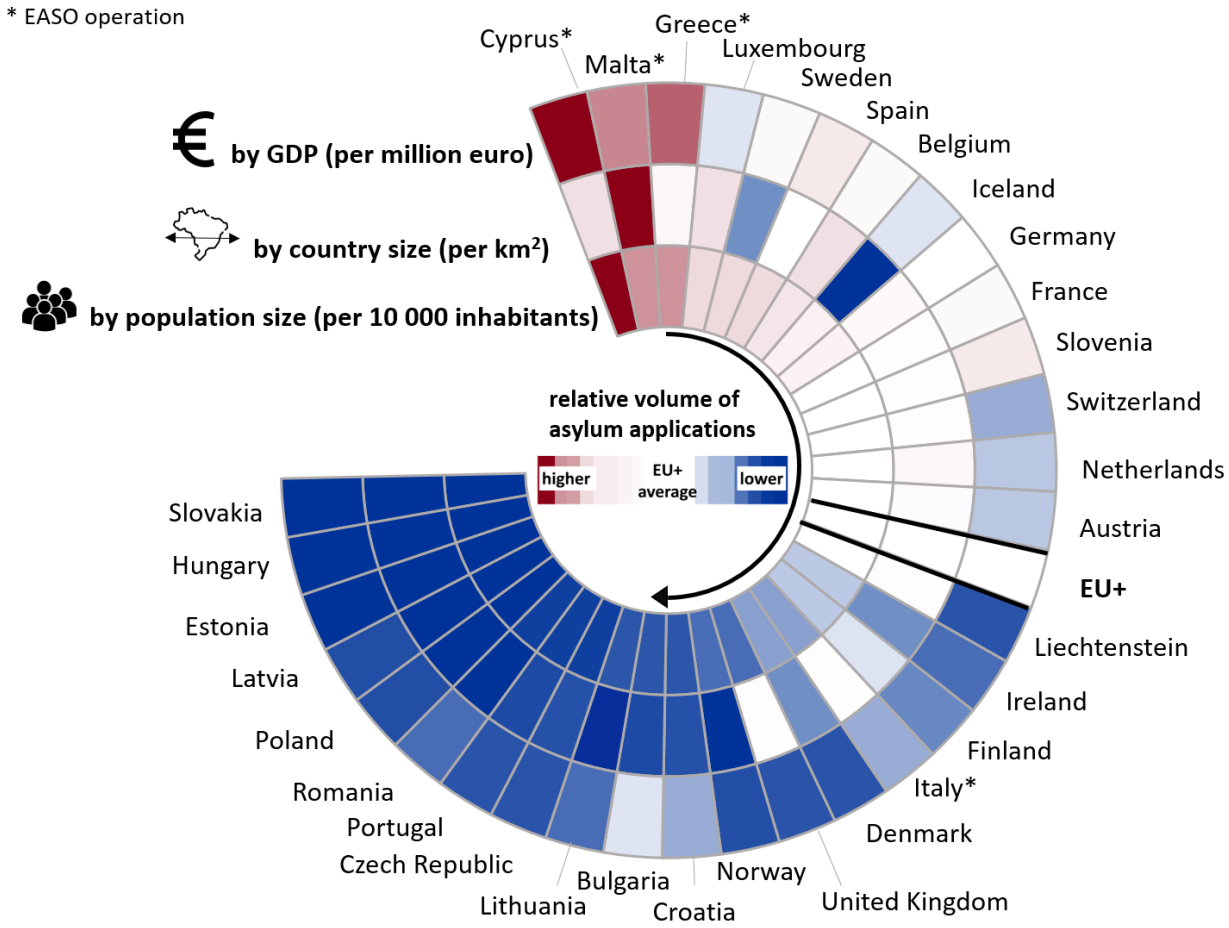
Analysing cases awaiting a final decision in relation to the population size of a country offers an informative perspective of the relative pressure on national asylum and reception systems. The two indicators are stock measures and compare two different populations – those of asylum applicants and of the general population – at the same moment in time (end of the year). As such, this technique offers an estimate of the density of the population of applicants for international protection relative to the overall national population.

Cases may be pending in appeal with second instance determination bodies (for Member States in which these bodies take decisions on the merits of each application) or in review with first instance authorities (in Member States where second instance determination bodies issue an order to first instance determination bodies to review the case).

This indicator shows that at least nine EU+ countries had more pending cases relative to their population sizes than EU+ countries as a whole *(see Figure 4.23).* Again, Cyprus, Greece and Malta were under the highest pressure, reasonably as a result of a persisting inflow of asylum applications. Cyprus faced the largest relative backlog, with more than 2 000 pending cases for every 100 000 inhabitants. In relative terms, Greece and Malta also had many more open cases than the rest of the EU+ countries, but less than one-half that of Cyprus. Yet in absolute terms, Greece and Malta accounted for slightly more than 14 % of all applications awaiting a final decision in the EU+, the majority of which were in Greece.

Germany followed at a distance, with fewer than 400 cases open for every 100 000 inhabitants in relative terms – but this still represented more than twice the EU+ baseline. In absolute terms, Germany accounted for more than one-third of all open cases in Europe, the vast majority of which was estimated to be pending in appeal or review.

Figure 4.22 Applications for international protection in 2019 relative to population size (2019), country size (2015) and GDP (2018)

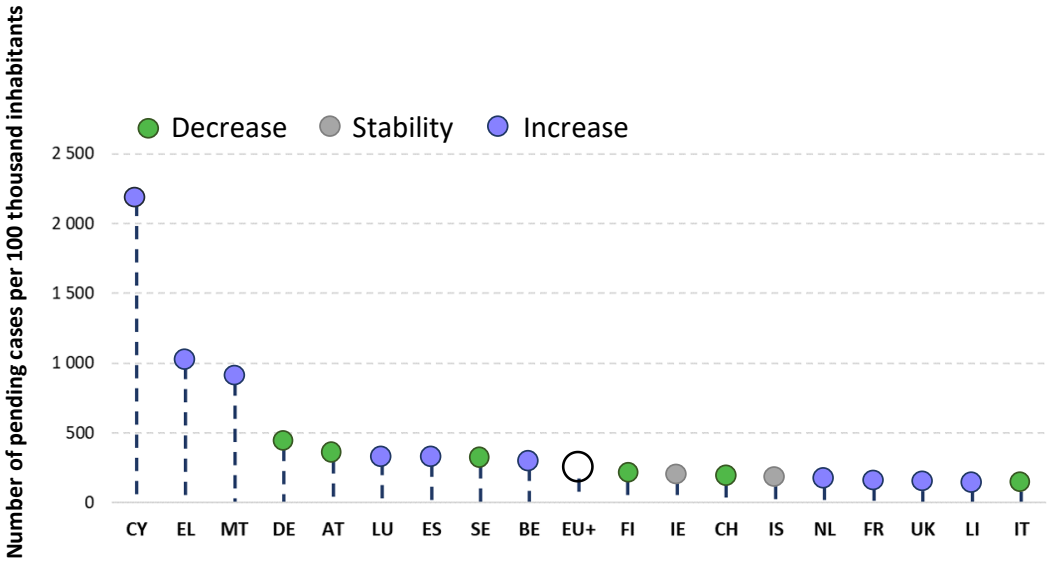


Notes: Countries are sorted by the number of applications relative to population size (from higher to lower volumes, indicated by the arrow). The shades indicate the number of relative applications received compared to the EU+ baseline.
Source: Eurostat.

A large number of cases pending with bodies examining applications at second or higher instances was likely the main explanation for the high number per capita in Austria and Sweden. Both countries received a considerable volume of applications between 2015 and 2016 but much fewer since. The remaining countries with more pending cases than the EU+ average were all subject to rising asylum trends in 2019 and, in turn, had increases in the number of open cases.

Similar considerations can be made for EU+ countries falling below the EU+ baseline. In spite of a low absolute number of pending cases, Iceland (425) seemed to be subject to a relative pressure higher than for France or Italy. Most Eastern European countries had a very low number of pending cases, both in absolute and relative terms, resulting in limited pressure on their national asylum systems.

Figure 4.23 Number of cases awaiting a final decision relative to population size in EU+ countries, December 2019



Note: The colours of the caps indicate the degree of change from 2018 (decrease < - 10 %; increase > + 10 %). EU+ countries with fewer than 50 pending cases for every 100 000 inhabitants are not displayed.
Source: Eurostat

Section 5. The Dublin procedure

This section combines quantitative, qualitative and legal information on selected elements of the functioning of the Dublin system. In particular, it offers an overview of data on decisions issued in response to outgoing Dublin requests, the use of discretionary clauses and transfers which were implemented. In addition, it presents developments in legislation, policy and practice, as well as a selection of case law from national courts reported throughout 2019.

The Dublin III Regulation is the cornerstone of CEAS with the goal of defining a clear and workable method to determine which Member State is responsible for the examination of each application for international protection. Its objective is to guarantee that a person in need of protection has effective access to asylum procedures to prevent a situation where no Member State is willing to accept responsibility for examining the application. It also aspires to prevent the misuse of the asylum system so that the same person does not submit multiple applications in several Member States with the sole purpose of extending their stay in the territory of an EU+ country.

To achieve these objectives, the Dublin III Regulation establishes a set of hierarchical criteria under Chapter III to determine the one Member State responsible for the examination of the asylum application. These include:

- Family considerations (protection of unaccompanied minors and family unity);
- The possession of a visa or residence permit in a Member State;
- Irregular entry into or stay in the EU territory;
- Entry into the territory of a Member State in which the need for a visa is waived for the applicant; and
- Applications made in the international transit area of an airport.

Member States may also assume responsibility based on the clause linked to dependent persons or the discretionary clauses of the regulation.

The European Commission proposed a reform to the current Regulation in 2016, but without an agreement being reached between Member States, the Dublin system continued to be at the heart of public debates in 2019 *(see Section 2.7)*. Pending the future reform of the Dublin system, European and national courts continued to interpret some of the rules, delivering guidance based on each individual case. EASO estimates show that many applicants continued with secondary movements in 2019, while implemented transfers remained relatively low. Nonetheless, relatively few legislative and policy developments occurred in 2019, with the exception of countries experiencing a significant rise in the number of asylum applicants placed in Dublin procedures, such as Belgium and the Netherlands. It is relevant to note that the discretionary clause in Article 17(2) was used as the legal basis for ad hoc relocation schemes (*see Section 2.4*).

5.1 Developments in legislation, policy, practice and jurisprudence

Most of the reported legislative and policy developments concerning the Dublin procedure in 2019 were related to institutional and organisational changes. Examples include:

- **Croatia:** The Ministry of the Interior in Croatia underwent a major re-organisation, as a result of which a separate Department for Dublin Procedures was established under the new Service for International Protection.
- **Denmark:** Some of the responsibilities, including tasks related to Dublin transfers that do not include the use of force, will be transferred to the Ministry of Immigration and Integration from the Ministry of Justice and consequently to a new government agency (to be established by August 2020) from the Danish Police.
- **Germany:** The Dublin Unit within BAMF (Bundesamt für Migration und Flüchtlinge) became responsible for admissibility decisions on applications from beneficiaries of international protection from another Dublin state. In parallel, the maintenance of DubliNet was also centralised to the same unit at BAMF's headquarters.
- **France**: Regional Dublin Procedural Hubs became operational,[177] and a decree (FR LEG 01) and circular (FR LEG 02) further defined the role and tasks of the *préfectures.* Only the *préfectures* at the regional level are now responsible for the implementation of Dublin procedures. The Ministry of the Interior advised that material reception conditions should be offered near the competent *préfecture* for Dublin applicants, and the Council of State clarified that the travel costs must be covered by the *préfectures* as well.
- **Lithuania:** The transfer of asylum applicants to the responsible Dublin state became the task of the State Border Guard Service, which previously shared this responsibility with the police.
- **Luxembourg:** The Dublin Unit of the Directorate of Immigration was moved from the Return Unit to the Asylum Unit.
- **United Kingdom:** Three teams from the Home Office, UK Visas and Immigration, Third Country Unit in London were transferred to Glasgow under the newly-established Home Office Immigration Enforcement Third Country Unit, taking over responsibility for Dublin out cases. The fourth team remained in London and became the Dublin Cessation Team, continuing to process cases of applicants who cross to the United Kingdom from France by boat.

Dublin procedures are generally conducted by specialised officers. Significant staff changes were only reported from Belgium, where the Immigration Office increased its staff and managed to eliminate its backlog of information-sharing requests by the end of 2019.

In an effort to reduce its backlog, the Dublin Unit of the Office of the Refugee Commissioner in Malta received support from EASO in the framework of the 2019 Operational and Technical Assistance Plan agreed by EASO and Malta.[178]

EU+ countries undertook several changes in 2019 to increase the efficiency of Dublin procedures. The Swedish Migration Agency revised its Dublin tracks based on the estimated handling time for each case. Furthermore, the Agency is now able to send information to Eurodac on the actual date of an incoming transfer due to updates in its IT system.

Bulgaria piloted a new software to store files of applicants who are subject to incoming Dublin requests from other states.

Following the CJEU judgement in Jawo, the Norwegian Directorate of Immigration adjusted its written procedures to present more information on the assessment, the reasons for a decision and on the situation in another Dublin state to provide clarity on why a transfer can take place.

Germany concluded new administrative arrangements with Luxembourg (which entered into force on 11 April 2019) and with the Netherlands (which entered into force on 10 January 2020) to facilitate the implementation of Dublin procedures.

Specific developments concerning information provision in the Dublin procedure were noted only by Luxembourg, where the Dublin information leaflets for applicants and for unaccompanied minors were revised and were distributed since the beginning of 2019.

The Netherlands reported several significant legislative and policy changes related in part to the changing profile of Dublin applicants. Following a ruling by the Council of State, the Dutch Aliens Act (Vw, *Vreemdelingenwet*) was amended (Article 50a) to permit applicants or Dublin claimants residing legally after the decision on the asylum application and awaiting a transfer to be stopped, transferred to a place to be questioned, questioned and kept in custody for a maximum of six hours to assess whether detention is necessary in the framework of the Dublin procedure (decision on the responsible state and implementation of the Dublin transfer) (NL LEG 01). Previously this was only possible when there was a reasonable suspicion of irregular stay.

The Dutch State Secretary for Justice and Security sent a letter to the House of Representatives detailing possible measures to handle disruptive applicants in reception facilities, and the possibility to reduce material reception conditions for Dublin applicants was examined.[179] Under a pilot project launched by the Repatriation and Departure Service (DT&V), disruptive applicants under the Dublin procedure can be placed in detention during the appeal stage.

Major changes were implemented in the Netherlands for applicants in the Dublin procedure who claimed to be victims of human trafficking *(see Section 6)* and for Moldovan nationals under the Dublin procedure returning voluntarily to Moldova *(see Section 7.5.6).* For Moldovan applicants, a policy decision was made to no longer process their applications under the Dublin regime and the IND would take responsibility for their applications, after which typically return to Moldova was initiated. Issues around the determination of the best interests of the child are currently in front of the Council of State and are pending judgement, following a hearing in October 2019.[180]

Finally, take back requests were initiated again, based on Dublin III Regulation, Article 20(5), and following the CJEU judgement in Joined Cases C-582/17 and C-583/17, regarding effective remedy in take back procedures. The Dutch Council of State also delivered its ruling on the cases that gave rise to the request for a preliminary ruling related to implicit withdrawal of an asylum application submitted in a Member State while the procedure to establish the responsible Member State was not yet concluded. The Council of State determined that, if the third country national has provided clear evidence that the Minister for Migration is responsible for handling the application for international protection based on Chapter III criterion, it will not be able to submit a valid readmission request to another Member State.

Following the CJEU ruling in Joined Cases C-47/17 and C-48/17 related to the time limit for Member States to respond to requests for taking back and taking charge under the Dublin III Regulation, Chapter VI, the Federal Administrative Court in Switzerland ruled that a new request for taking charge or taking back must be addressed to a Member State other than the one which rejected the first

request and which also rejected the subsequent request for remonstration or failed to reply to it within the mandatory time limits of the Dublin III Regulation.

The same court also ruled on an exception to the principle of family unity in the case of two separate asylum applications submitted by family. If a Member State agrees to examine an application based on the first asylum application made by the applicant, Switzerland does not need to scrutinise all the criteria for determining the Member State responsible as stated in the Dublin III Regulation. Consequently, this means that the family can be separated, as was the case in the ruling. The Swiss Court gave two possibilities to one of the applicants, to stay or be transferred alone to Germany.

The Council of State in Belgium ruled that the decision of the Immigration Office to extend the transfer time limit must be motivated, notified in writing to the applicant and can be separately appealed.

German national courts have extensively ruled on the time limit for a Dublin transfer and on the interpretation of the Dublin III Regulation, Article 29. For instance, the German Regional Administrative Court confirmed that an applicant absconding was a prerequisite for an extension of a transfer in accordance with Article 29.1.

The link between national law and the time limit to carry out a Dublin transfer was analysed by several Higher Administrative Courts of different German states (for example, Lower Saxony) in cases in which applicants requested so-called 'church asylum'. The courts interpreted the second part of Article 29.2 and determined that the fact that an applicant is staying in the church asylum is not enough to extend the time limit for carrying out a Dublin transfer to 18 months. A final decision by the Supreme Federal Administrative Court on the matter of applying the 18-month time limit to applicants who are staying in church asylum is still pending.

Section 7.8 details developments related to detention and the criteria allowing its use in asylum procedures, but Belgium noted that the use of detention in the Dublin procedure had increased after amendments to its Immigration Act entered into force in March 2018.[181]

The government in Luxembourg plans to replace the Kirchberg Emergency Shelter Structure, which is temporary, with a new permanent semi-open structure to serve as an alternative to the detention center and which would take into account the needs of different groups of persons.[182]

In terms of detention pending a transfer, the Court of Cassation in France determined that a foreigner can only be placed or kept in detention for only the time necessary until his/her departure and the administration must exercise all due diligence with this aim. Any delay must be justified by unforeseeable, insurmountable or external circumstances preventing the administrative authority from acting. If not, the detained person must be released.

The Slovenian Supreme Court stated the need to transpose in its national law the risk of absconding as a criterion to detain an applicant while waiting for a Dublin transfer, as foreseen in the Dublin III Regulation.

Transfers to other countries were not systematically suspended to any one Member State based on the Dublin III Regulation, Article 3(2). However, the practices in Member States varied greatly in suspending transfers to other specific Member States. Most Dublin states resumed transfers to Greece, but many countries noted that their requests were not accepted. Therefore, for example, the Department for Dublin Procedures in Croatia did not send requests for re-examination to Greece when the applicant was from a safe country of origin and the chances of a positive decision were deemed to be unlikely.

Germany continued to suspend transfers to Hungary, while Belgium continued to suspend all transfers to Bulgaria and Hungary, following several decisions of the Council for Alien Law Litigation (CALL).

In the absence of an agreement on the reform of the Dublin system at the European level, the CJEU *(see Section 2.7)* and national courts continued to deliver guidance on individual cases. The Dutch Council of State ruled that the Minister for Migration first must examine if the Greek authorities will assign legal aid before transferring applicants back to Greece. In contrast, the Administrative Court of Munich ruled in the transfer of a Syrian applicant to Greece in January 2019. In its decision, the court held that the application would not specifically and individually be affected by systematic weaknesses in Greece and ruled against the applicant's possible return to Germany. In its reasoning, the court noted that transfers to Greece were reinitiated since the European Commission Communication of December 2016, which recognised the improvement of the Greek asylum system.

The adoption of the Immigration and Security Decree in Italy at the end of 2018 reshaped the reception system. This drove developments in Member States concerning Dublin transfers to Italy. For example, the Danish Immigration Service resumed issuing transfer decisions to Italy for families in March 2019 after evaluating the Italian Circular Letter of 8 January 2019.[183] These decisions were appealed, and the Danish Refugee Appeals Board upheld a number of decisions regarding transfers to Italy in August 2019. Likewise, the Swedish Migration Agency issued legal guidance stating that the Italian Circular Letter provided new general guarantees on the reception of families with children and considered this to be sufficient for transfers, without individual guarantees to be sought.[184] However, the German Federal Constitutional Court, for example, found that the conditions in Italy cannot be assumed to be adequate for families with children following the new legal amendments.

The Court of the Hague in the Netherlands addressed the issue in several judgements and found for example in one case that the transfer to Italy can take place, while underlined the need to further investigate the situation in another. The Swiss Refugee Council continued the Dublin Returnees Monitoring Project in 2019, focusing on the impact of the Italian legislative changes for persons transferred under the Dublin III Regulation.[185]

The German court ruled on the suspension of Dublin transfers based on the risk of chain refoulement to Turkey if an applicant is returned to Greece. Similarly, the Greek Administrative Courts of Appeal granted interim measures and temporarily suspended the execution of a Dublin transfer to Bulgaria based on the applicant's possible refoulement to Afghanistan .

The Swiss Federal Administrative Court annulled a transfer to Croatia due to summary returns at the border with Bosnia and Herzegovina. Other cases with annulled transfers included the Irish Court of Appeal suspending the transfer of a Pakistani family to the United Kingdom and the Dutch Council of State cancelling the transfer of a minor applicant to Hungary based on the best interests of the child.

In the context of human trafficking investigations, the Court of the Hague in the Netherlands ruled that the Dublin III Regulation, Article 17(1) was insufficiently motivated in the Dublin decision of an applicant who claimed to be victim of human trafficking in another Member State.

The Slovenian Supreme Court ruled on the discretionary clause and stated that it is the right of a country based on its sovereignty to decide to examine an application, even if it is not its obligation under the provisions of the Dublin III Regulation.

5.2 Data on Dublin indicators

It is important to note that the data presented in this section are exchanged by EU+ countries with EASO to provide timely information but they are provisional and not validated. The official statistics on the Dublin procedure are collected by Eurostat on an annual basis.[xxiv] As EU regulations foresee a three-month time limit for data transmission, the Eurostat data were incomplete at the time of writing to adequately describe developments in 2019. Therefore, EASO data were used in this section, but they may differ from validated data subsequently submitted to Eurostat.[xxv] The conclusions drawn from the dataset can also be considered partial, as EASO data cover only three Dublin indicators: decisions received in response to outgoing Dublin requests, decisions to apply the discretionary clause based on Article 17(1)[xxvi] and implemented outgoing transfers.

Decisions in response to outgoing Dublin requests

This indicator includes all persons covered by decisions received by a reporting country in response to outgoing Dublin requests sent to another (partner) country. The data are regularly exchanged between EASO and 30 EU+ countries.[xxvii] The number of decisions on Dublin requests increased slightly, with 3 % more decisions taken in 2019 than in 2018. This represented almost 145 000 decisions in total in 2019 (the figure includes both requests and re-examination requests). The ratio of received Dublin decisions to lodged asylum applications was 20 % in 2019, which may imply that a high number of applicants for international protection continued with secondary movements across EU+ countries.

As seen in previous years, France and Germany received the most decisions in response to their Dublin requests, each representing close to one-third of the total decisions. However, Germany received fewer decisions than in 2019 as a result of an overall drop in national asylum cases. At the same time, responses for France increased due to a bilateral arrangement between the two countries. Decisions on Dublin requests also increased for Belgium, which received two-thirds more decisions in 2019 than in 2018, as well as in Greece, Ireland and the Netherlands.

Turning to countries issuing decisions on Dublin requests, Italy remained the main partner country, issuing one-quarter of all decisions taken, despite a decrease in the overall number of decisions issued. Germany accounted for 15 % of all decisions on requests in Europe, followed by Spain, Greece and France. Each of these three countries took significantly more decisions than in 2018, more than one-half in Spain and Greece and almost one-third in France.

[xxiv] 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.

[xxv] Iceland and Liechtenstein do not participate in EASO data exchange.

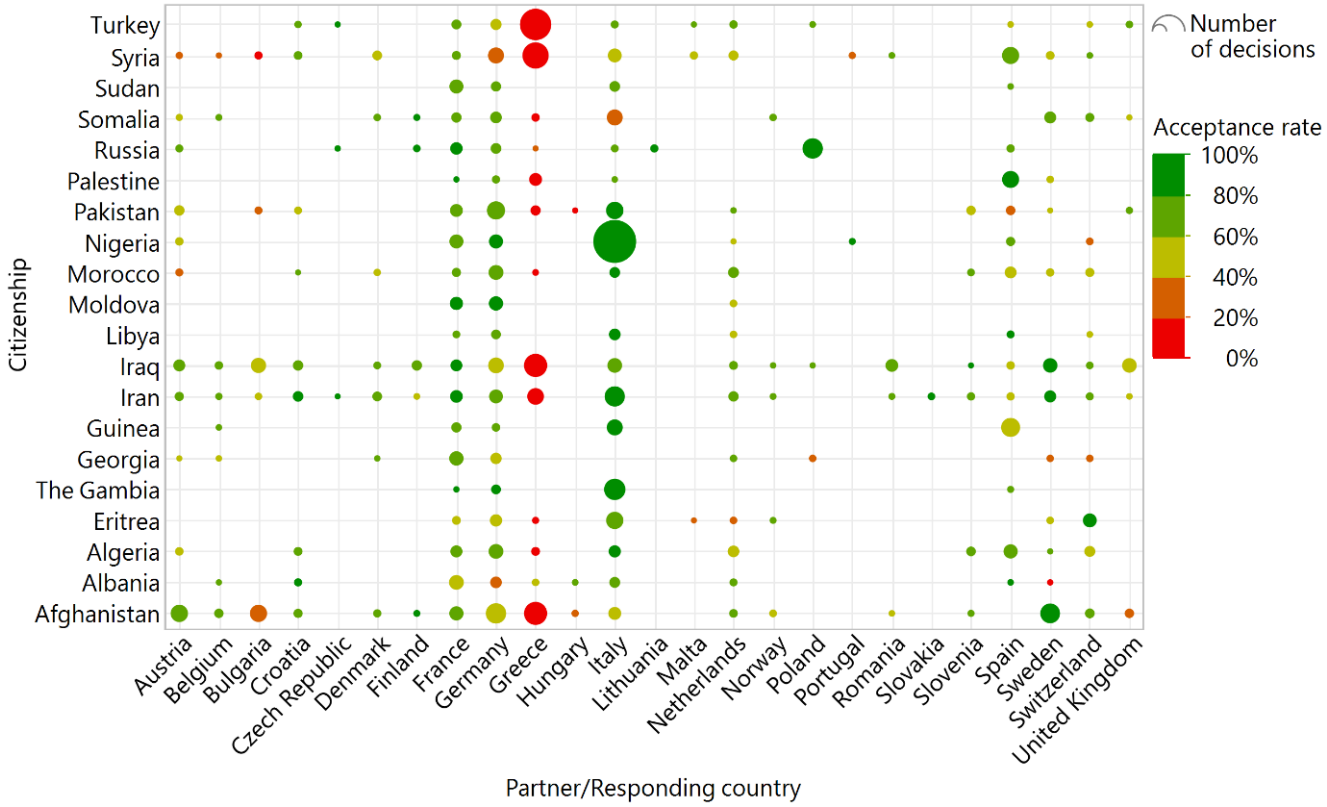
[xxvi] Through the discretionary clauses, the Dublin system makes it possible for the Member States to take fully into account the legitimate concerns of applicants for international protection and to derogate from both the mechanical application of the responsibility criteria and the one-chance-only 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.

[xxvii] In addition to Iceland and Liechtenstein, data were not available for several months for Cyprus. France generally provides data with a one-month delay. Thus, data for France for 2019 cover the period December 2018 to November 2019.

The acceptance rate for decisions on Dublin requests measures the proportion of decisions accepting responsibility (explicitly or implicitly) for an application out of all decisions issued in 2019. The overall acceptance rate dropped for the second year in a row, to 62 % in 2019. But the total share masks great variations across countries. About 90 % of all decisions issued by Latvia, Lithuania and Portugal accepted responsibility for the case, whereas this was just 6 % in Greece. Among countries deciding on the most requests in 2019, acceptance rates were the highest in France, Italy, Spain and Sweden.

Most countries responding to Dublin requests tended to consistently issue positive or negative decisions, irrespective of the country of origin of the third country national *(see Figure 5.1)*. Citizens of Afghanistan, Nigeria, Iraq and Syria were issued the greatest share of decisions overall in 2019, receiving 9 %, 8 %, 6 % and 5 % of the total decisions respectively (citizenship was not reported in about 11 % of all cases). Within this group, the number of decisions for Nigerian and Afghan citizens rose compared to 2018, whereas there was a drop in decisions for Syrian and Iraqi nationals.

Figure 5.1 Number of decisions issued in response to Dublin requests and acceptance rates, by partner country and Top 20 citizenships, 2019



Notes: The size of the bubble corresponds to the total number of decisions on Dublin requests.[xxviii] The colour of each bubble indicates the acceptance rate, with green representing a high rate and red representing a low rate. Data from France are not disaggregated by citizenship of the third country national when a partner country has rejected a request from France. Therefore, data from France are not included in the total calculation as they would significantly bias the acceptance rates.
Source: EASO.

Turning to absolute terms, the number of decisions increased for citizens of Turkey and Palestine by more than 900 each compared to 2018. In contrast, decisions fell significantly for Sudanese (by almost 1 600) and Eritrean (by close to 1 300) nationals.

[xxviii] Combinations of partner countries and citizenships with fewer than 50 decisions are not shown because small samples could bias the interpretation of the results.

Take charge and take back requests

In accordance with the Dublin III Regulation, Articles 8-16 and 17(2), **take charge** requests refer to Member State A (reporting country) requesting Member State B (partner country) to take responsibility for an application for international protection although the applicant submitted an application in Member State A and has not submitted an application in Member State B, but the Dublin criteria indicate that Member State B is responsible. Reasons can be due to, for example, family reunion (in particular for unaccompanied minors), documentation (visas, residence permits), entry or stay reasons (e.g. using Eurodac proof) and humanitarian reasons.

Under the Dublin III Regulation, Articles 18(1)b-d and 20(5), **take back** requests refer to Member State A (reporting country) requesting Member State B (partner country) to take responsibility for an applicant who applied for international protection within the reporting country because:

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

Of the decisions taken[xxix] in 2019, two-thirds were in response to take back requests, meaning that most decisions on Dublin requests concerned applications which had already been lodged in another EU+ country. Nevertheless, the data should be interpreted with caution due to the high number of cases in which the legal basis could not be verified. The acceptance rate for take back requests was 60 %, similar to the 61 % rate for take charge requests. The acceptance rate for both types of legal basis (as well as those of unknown legal basis) dropped due to decreases in the share of positive decisions.

Use of the discretionary clause

The evocation of the Dublin III Regulation, Article 17(1), known as the discretionary or sovereignty clause, largely decreased in 2019 compared to 2018. It was evoked over 6 900 times in 2019,[xxx] compared to about 12 300 times in 2018. This decrease is mainly explained by the fact that there were fewer cases in which Germany, and to a lesser extent the Netherlands, made use of this legal provision. In contrast, France evoked Article 17(1) much more often than in 2018. Germany still continued to use the sovereignty clause the most often, followed by France, Belgium and Switzerland.

In just over one-quarter of the cases, Italy was identified as the partner country to which a request could have been sent. In another quarter of cases, the identified partner was Greece. Other countries included Hungary (9 %), Spain and Germany (5 % each). However, in 17 % of the decisions to apply the sovereignty clause, the potential partner country was not reported.

The citizenship of the applicant was not identified in 36 % of all cases involving the evocation of the discretionary clause. Of the cases with reported citizenship, 12 % concerned nationals of Nigeria, 11 % of Turkey, 9 % of Afghanistan and 6 % of Syria.

[xxix] EASO data do not contain information on the specific article of the Dublin III Regulation used as a basis for sending a request. However, 69 % of all decisions in 2019 distinguished between responses to take charge and take back requests.

[xxx] Data on the use of the discretionary clause were shared by 27 reporting countries, but one country did not report every month. In addition to Iceland and Liechtenstein, which do not participate in the EASO data exchange, data for 2019 were completely missing for Bulgaria, Cyprus and Greece, and partially for Croatia.

Transfers

Under the Dublin procedure, a transfer occurs when Member State B (partner country) accepts to take responsibility for an application for international protection from Member State A (reporting country) in line with the conditions set out in the Dublin III Regulation.

Reporting countries implemented just under 27 200 transfers in 2019,[xxxi] a 3 % decrease compared to 2018, which is in line with the small decrease in accepted requests. About 30 % of the transfers were implemented by Germany, followed by France (20 %), the Netherlands (11 %), Greece (9 %), Poland and Austria (5 % each). While France and the Netherlands (and to a lesser extent Poland) carried out considerably more transfers than in 2018, there was a large drop for Greece and smaller decreases for Austria and Germany, even though the latter could actually raise its ratio of successfully implemented transfers in regard to the total number of national Dublin cases. Nearly one-half of all Dublin transfers were to Italy and Germany. Other countries receiving significant numbers of transfers included France, Spain, Sweden, the Netherlands and Switzerland.

The persons who were transferred originated from diverse countries. The majority were nationals of nine countries: Afghanistan, Algeria, Guinea, Iran, Iraq, Nigeria, Pakistan, Russia and Syria. More transfers of Nigerians were realised in 2019 compared to 2018, consistent with an increase in the number of accepted requests for this nationality. In contrast, there were markedly fewer transfers of Syrians compared to the previous year, in line with a considerable drop in their number of accepted requests.

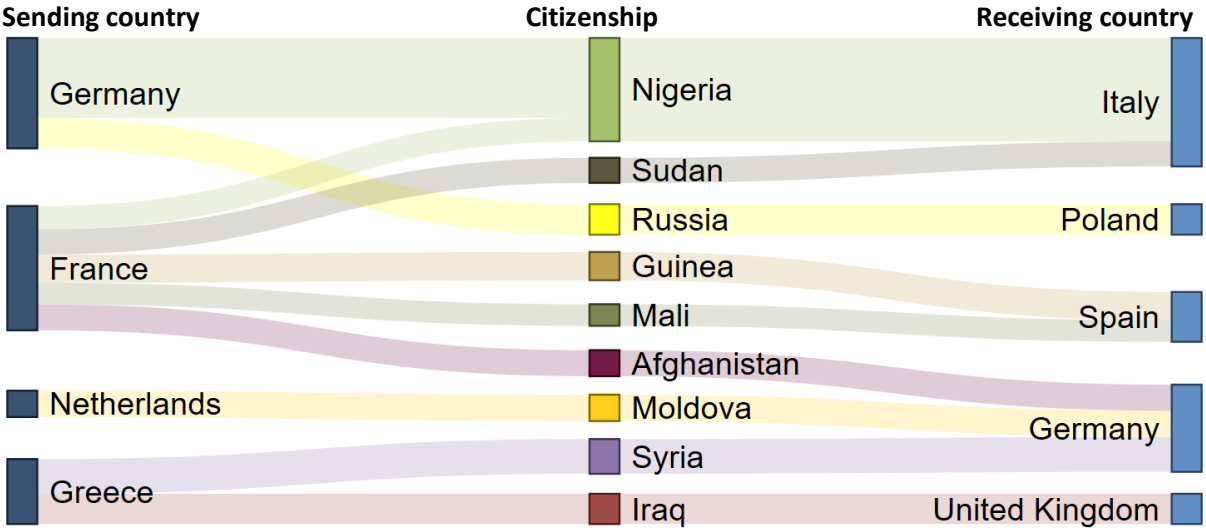
Figure 5.2 illustrates the Top 10 combinations of sending country, citizenship and receiving country for implemented Dublin transfers in 2019, representing 13 % of all transfers. The top flow featured Nigerians sent from Germany to Italy, accounting for 3 % of all transfers and becoming even more prominent than in 2018. Another major flow comprised Syrians transferred from Greece to Germany, although the total number of transferees dropped significantly. Other important flows included Russians (in particular Chechens) sent from Germany to Poland and Iraqis sent from Greece to the United Kingdom.

Turning to the characteristics of transferees, almost two-thirds of all transferred persons were adults aged 18 years and older *(see Figure 5.3).* There were almost 3.5 times as many male transferees than female ones. Among the cases with reported data on age and sex, about two-thirds of all transferees were adult males.

While Dublin Member States generally do not transfer unaccompanied minors, the number of girls and boys younger than 14 years who were transferred was relatively similar, potentially implying that minors in this age group in Dublin transfers were largely involved in asylum applications with their families. This seems to be case for Syrian families, as nearly one-half of all transferred Syrians were under 18 years of age.

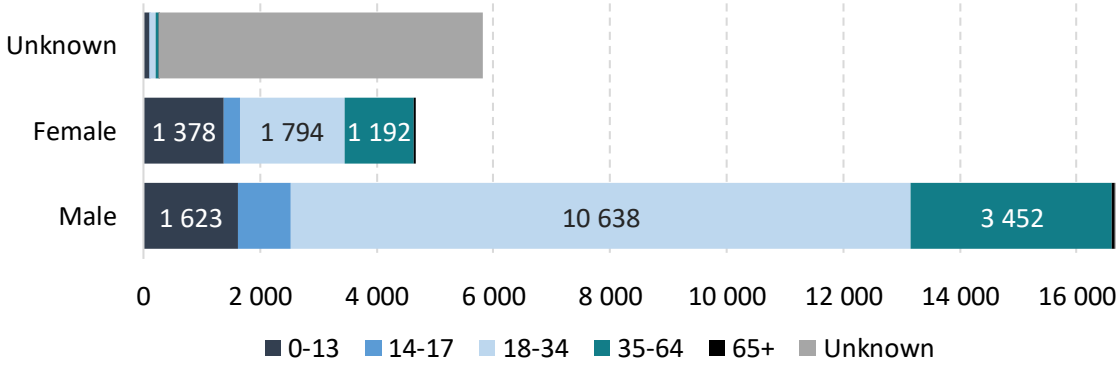
[xxxi] Data were partially missing for Cyprus.

Figure 5.2 Top 10 combinations of sending country, citizenship and receiving country for implemented Dublin transfers, 2019



Source: EASO.

Figure 5.3 Transferees in the Dublin procedure, by sex and age group, 2019



Source: EASO.

Existing challenges reported by civil society organisations

Input from civil society organisations complements this picture. ECRE published two reports on the implementation of the Dublin III Regulation in 2018 (covering 23 countries) and in the first half of 2019 (covering 21 countries), based on publicly-available information and input from other organisations. A third report was commissioned by the European Parliament Research Service to analyse the implementation of the Dublin system. The ECRE reports concluded that the aim of the Dublin III Regulation – to ensure that the Member State responsible is rapidly determined in order to guarantee effective access to procedures and swift processing of applications – in practice is not functioning as envisaged and gaps in its methodology should be addressed to take account of the rights of applicants.

The Dutch Advisory Committee on Migration Affairs also concluded that the Dublin system is not functioning efficiently to combat secondary movements and a fundamental reform should include positive incentives for both applicants and Member States to follow the procedures of the system, instead of increasing restrictions.[186]

In 2019, the Hungarian Helsinki Committee facilitated a Dublin procedure for several unaccompanied minors from Hungary to Germany.[187]

Safe Passage International was concerned that the authorities in the United Kingdom used the CJEU Joined Cases C-47/17 and C-48/17 to circumvent responsibility for Dublin requests by failing to respond within two weeks to a re-examination request sent by another state. This resulted in the responsibility for unaccompanied children reverting back to the requesting country. The organisation underlined that this practice denies the right to family life and the best interests of the child.[188]

Swiss NGOs, which were united under the Dublin Appell coalition in 2017,[189] continued to advocate for a more lenient approach on the use of the discretionary clauses by authorities.[190] In particular, the coalition brought attention to the family criteria which were applied narrowly[191] and to the short timeframe of five days for Dublin appeals.[192]

Caritas Austria noted issues related to the legal standing of Dublin applicants and the scope of the legal remedy[193] in view of denials of family reunion, where the Supreme Administrative Court had decided that no legal remedy was available.

The 2019 update of the AIDA report on Bulgaria highlighted that communication between local reception centres and the Dublin Unit of the State Agency for Refugees was unduly lengthy to gather the necessary documentation for a Dublin request. To address this, a new draft proposal for the Law on Asylum and Refugees aims to accelerate the process by removing some of the administrative burdens.[194]

In Poland, the length of the appeal procedure before the Refugee Board in Dublin cases was reported to have increased. This was linked to the expiry of term of the former Board and the appointment of a new composition of the Board in February 2019 and the related transitional period of new members taking on their tasks.

The Spanish *Fundación Cepaim* observed instances when Dublin applicants had to cover the costs of travel for a transfer[195] and access to reception facilities for applicants returned to Spain under the Dublin III Regulation remained a challenge.

Regarding the operation of Regional Dublin Procedural Hubs in France, the civil society organisation, Forum réfugiés – Cosi, signalled that applicants often face difficulties travelling to the appointments and missing an appointment can likely result in the withdrawal of their reception conditions.[196]

Section 6. Unaccompanied minors and vulnerable applicants

This section provides qualitative and quantitative information on developments and challenges reported on the situation of vulnerable applicants in the asylum system, covering identification of vulnerable applicants, training initiatives, material reception conditions, case law and data on the number and profiles of unaccompanied minors in 2019. Changes in the methodology for age assessment and procedures to appoint legal guardians are presented. The section also describes developments and challenges in the provision of information and procedures at first instance covering all vulnerable applicants. Other sections of this report also cover developments not addressed in detail in this section, such as detention (Section 7.8), content of protection (Section 7.12) and return of former applicants (Section 7.13).

The term 'unaccompanied minor' 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 he/she has entered the territory of the Member State".[xxxii]

Special provisions are in place in EU legislation for vulnerable groups in the asylum system, specified in the recast Asylum Procedures Directive and in the recast Reception Conditions Directive. The recast Asylum Procedures Directive, Article 2(d) defines applicants in need of special procedural guarantees as those with a limited ability to benefit from rights and fulfil the obligations granted in the directive due to individual circumstances. Recital 29 gives examples of these circumstances although it is not an exhaustive list: age; gender; sexual orientation; gender identity; disability; serious illness; mental disorders; consequences of torture, rape or other serious forms of psychological; and physical or sexual violence.

The recast Asylum Procedures Directive, Article 24 outlines the elements of special procedural guarantees for applicants in general, and Article 25 specifies the guarantees for unaccompanied minors. Member States are required to assess within a reasonable time whether there is a need to implement these guarantees for individual applicants and provide adequate support.

The recast Reception Conditions Directive defines applicants with special reception needs. It also lists examples, which are non-exhaustive, but the examples cover a slightly different scope. It explicitly mentions unaccompanied minors, single parents with minor children, victims of human trafficking and victims of female genital mutilation (FGM), but it does not refer to gender, sexual orientation or gender identity. Detailed provisions are listed in the recast Reception Conditions Directive, Chapter IV and require Member States to take into account the specific situation of a vulnerable applicant, assess within a reasonable period whether an applicant is vulnerable and ensure that the needs are addressed. Chapter IV also lists specific provisions for minors, unaccompanied minors and victims of torture and violence. Article 11 lists the conditions for detaining vulnerable persons and applicants with special reception needs.

[xxxii] See EMN Glossary – unaccompanied minor, as derived from the recast Qualification Directive, Article 2(l).

As in previous years, many initiatives were launched in 2019 to improve the situation of vulnerable applicants. Nevertheless, it is an aspect of the asylum process which raises many concerns and new challenges arose over the year, pointing to possible detrimental effects of newly-adopted asylum laws and policies.

6.1 Identification of vulnerable applicants

Developments in legislation, policy and practice

Belgium stood out in 2019 for undertaking great efforts to improve its identification system. Many initiatives were piloted in the new temporary Arrival Centre set up in December 2018 in Brussels to identify more efficiently all applicants with special reception needs or in need of special procedural guarantees. There are both medical and social screenings in the arrival path, followed by a more in-depth examination for all applicants. The Federal Agency for the Reception of Asylum Seekers (Fedasil) defines the material reception conditions and recommends special procedural needs to the Commissioner General for Refugees and Stateless Persons (CGRS) based on the information gathered through appointments with the applicants. Unaccompanied minors are prioritised and separated from adult applicants within the arrival path (in addition to the Arrival Centre, there are also 4 specific centres dedicated to the assessment of unaccompanied minors needs). Fedasil has also been developing and testing a new early screening tool to support social workers at the Arrival Centre.

Many initiatives were ongoing in Cyprus as well. A screening system was developed in the First Reception Centre "Pournara", where UNHCR and EASO supported the Asylum Service with the process, but the tool is still to be implemented in practice.[197] UNHCR and the Cyprus Refugee Council, a local NGO, stepped in and carried out vulnerability screening as there was no systematic mechanism in place. The Social Welfare Services developed and launched a standard referral form to improve the identification of potential victims of human trafficking, which is now also used in this reception centre.

The increasing number of arrivals in Malta triggered a review of identification processes. For example, funded through an AMIF project, a psychosocial team was set up to identify vulnerabilities related to mental health. These applicants are then referred to the care team.

In France, a national working group and three thematic working groups were set up to elaborate an action plan to draft a circular on detecting and addressing vulnerabilities of applicants and beneficiaries of international protection throughout the entire asylum and integration process. The aim is to detect vulnerabilities as soon as possible and to take them into account and adapt responses during the whole instruction process. Four main issues were targeted: physical and mental health; women victim of violence and human trafficking; lesbian, gay, bisexual, trans-gender and intersex (LGBTI) asylum seekers; and refugees and unaccompanied minors. This plan will be put into practice in 2020/2021. A new automated data processing system for unaccompanied children *(see Section 5.3)* was introduced to support the evaluation of the situation of unaccompanied minors, and a new order requires evaluators to be attentive to any signs of trafficking and exploitation, and ensure adequate follow-up (FR LEG 03). Civil society organisations, however, found that the measures were applied differently across the country's departments, where some departmental authorities focused more on controlling applicants rather than determining a child's protection needs.[198]

Similarly, legal changes entered into force in Germany to enhance the identification and registration of children (DE LEG 01). Fingerprinting will become obligatory after April 2021 for all children older than 6 years. The local Youth Welfare Office responsible for the initial screening of unaccompanied minors is now obliged to ensure that the minor is identified and the data are transmitted to the Central Register of Foreigners *(*AZR, *Ausländerzentralregister)*.

The State Agency for Refugees in Bulgaria did not yet adopt standard operating procedures for the identification of vulnerable applicants, but the Bulgarian Helsinki Committee observed improvements in their process. However, it signalled that the documentation related to the assessment is typically not included in the applicant's file.[199]

National authorities assessed that the identification of vulnerable applicants improved in Czechia due to changes in the form used to register applications for international protection.

As a result of institutional changes in Lithuania, the Migration Department took over responsibility from the police for tasks related to the identification of unaccompanied minors, determination of the child's best interests and cooperation with the Child Rights Protection Service in family tracing.

Since 16 June 2019, every asylum applicant who is registered in the reception centre in Poland is subject to a vulnerability screening with regard to social assistance which should be provided (for example, type of accommodation, special diet, and long-term medical or psychological treatment). A new contract was signed on 4 June 2019 with a provider of medical care services for applicants.

Existing challenges reported by civil society organisations

There were diverse developments and concerns over 2019 related to the identification of vulnerable applicants. While Member States have established various mechanisms, these may not always be effective to detect vulnerabilities when the profile of applicants changes.

Effective and swift identification of vulnerable applicants remains a challenge overall, especially with regard to non-visible vulnerabilities, such as psychological consequences of torture or trauma, human trafficking or sexual orientation and gender identity (SOGI). Civil society organisations underlined the need for standard operating procedures for the identification of vulnerabilities in Austria,[200] Portugal[201] and Switzerland,[202] and to further strengthen existing practices and steps in the vulnerability assessment in Croatia.[203],[xxxiii] The Irish Refugee Council signalled that in practice it was not clear which authority is responsible for conducting a vulnerability assessment.[204]

UNHCR urged for more protection for LGBTI refugees[205] and launched a consultation process on the issue.[206] In addition, the SOGICA project pointed to a lack of information on arrival about the possibility to claim asylum on SOGI grounds, which undoubtedly hinders identification.[207]

[xxxiii] The Ministry of the Interior elaborated on the procedure: The identification of personal circumstances that would classify a person as a vulnerable person is an ongoing process that starts with the applicant's claim for the international protection and ends with delivering the decision on the claim. Employees in reception centres and case workers underwent national EASO training on "Interviewing Vulnerable Groups" and "Interviewing Children" for early identification of applicants in need of special procedural guarantees. Therefore, the officers may determine whether an individual falls into a vulnerable group during or after lodging the application, during the interview, based on given statements and other circumstances with regard to health and other conditions. Each applicant fills a questionnaire for early identification of asylum seekers having suffered traumatic experiences. If a vulnerability is detected, the individuals are provided with special procedural and reception guarantees. For example, if an applicant is found to have been a victim of sexual violence (usually a woman), the person is given sufficient time to prepare for the interview and is, in practice, interviewed by an official of the same sex. Furthermore, if during or after the interview the officer becomes aware that, for example, a person is a victim of trafficking in human beings, the information is relayed to the police department to take further action.

In its 2019 review of selected countries, the UN Committee against Torture (CAT) noted insufficiencies and the need for appropriate identification mechanisms for torture victims in several EU Member States, including Cyprus,[208] Germany,[209,xxxiv] Greece,[210] Latvia,[211] Poland[212] and Portugal.[213] According to the Rehabilitation Centre for Stress and Trauma, such mechanisms would also bring added value in Croatia,[214] where such mechanism would accompany existing practices.[xxxv]

In regard to human trafficking, the Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA) monitored several states in 2019 and underlined the need to improve identification mechanisms for victims of human trafficking within asylum procedures, for instance in Germany,[215,xxxvi] Hungary,[216] Italy,[217] Lithuania[218] and Switzerland.[219] The 2019 update of the AIDA report for Spain noted the government's efforts to improve the identification of trafficked persons – for example, UNHCR provided support in a referral mechanism for victims of human trafficking identified at Barajas Madrid Airport, coordinated by the General Directorate for Inclusion and Humanitarian Aid and the Government Delegation against Gender Violence, with the participation of the main NGOs specialised in trafficking of human beings – but still assessed that it remains one of the major challenges in the country.[220]

The situation of transiting unaccompanied minors was of concern for both national authorities and civil society organisations across Europe. Due to diverse and complex reasons, including the length of the asylum process and the provisions of the Dublin III Regulation, unaccompanied children frequently try to remain unidentified and transit through one or several countries to arrive in a particular Member State.[221]

6.2 Data on unaccompanied minors

According to the Eurostat Technical Guide, applications for international protection lodged by unaccompanied minors are counted as such when the age of the applicant has been accepted by the national authority. When an age assessment is carried out by the Member State, the age reported shall be the age determined by the age assessment procedure.

[xxxiv] For Germany, CAT did not mention that some case workers have been specially trained to interview victims of torture. The review also does not mention that the case workers receive internal instructions on how to identify applicants who have suffered trauma and victims of torture, and that there is an identification concept which states that a medical examination is provided by law in reception facilities. Physical symptoms can be identified during the initial examination. It is also legally regulated that victims of torture get medical or other help.

[xxxv] The Ministry of the Interior underlined existing mechanisms: Reception officials are staffed with social workers and employees of related professions who are educated on identification and work with victims of torture, rape or other severe forms of psychological, physical or sexual violence. They also receive EASO training on "Trafficking in Human Beings". In addition, during 2019, employees regularly participated in all available training related to psychosocial assistance for victims of torture, rape or other severe forms of psychological, physical or sexual violence. In addition, during 2019, employees regularly participated in all available training on psychosocial assistance for victims of torture, rape or other severe forms of psychological, physical or sexual violence. Examples included the Coordination Workshop "Development of guidelines for dealing with cases sexual violence against children and women refugees and migrants" organised by MDM within the PROTECT project and the IOM workshop "Prevention of sexual and gender-based violence against migrants and strengthening support to victims".

[xxxvi] For Germany, the GRETA report does not mention that all case workers of the Federal Office for Migration and Refugees are sensitised to human trafficking and that there are case workers who have been specially trained to interview victims of human trafficking. The report also does not mention that all of these employees are provided with in-house instructions on how to proceed when detecting indicators of trafficking through an identification concept.

In 2019, about 17 700 applications for international protection were lodged by unaccompanied minors, representing 2 % of the total 740 000 applications overall. While total applications increased in EU+ countries, the share of unaccompanied minors decreased compared to the share in 2018 (3 %).

In absolute numbers, there was a 13 % decrease in the number of applications by unaccompanied minors between 2019 and 2018. But the regional total can mask great variations at the country level.

Countries receiving applications

More than one-half of all applications by unaccompanied minors were registered in just three EU+ countries, namely the United Kingdom (21 % of the total), Greece (19 %) and Germany (15 %).

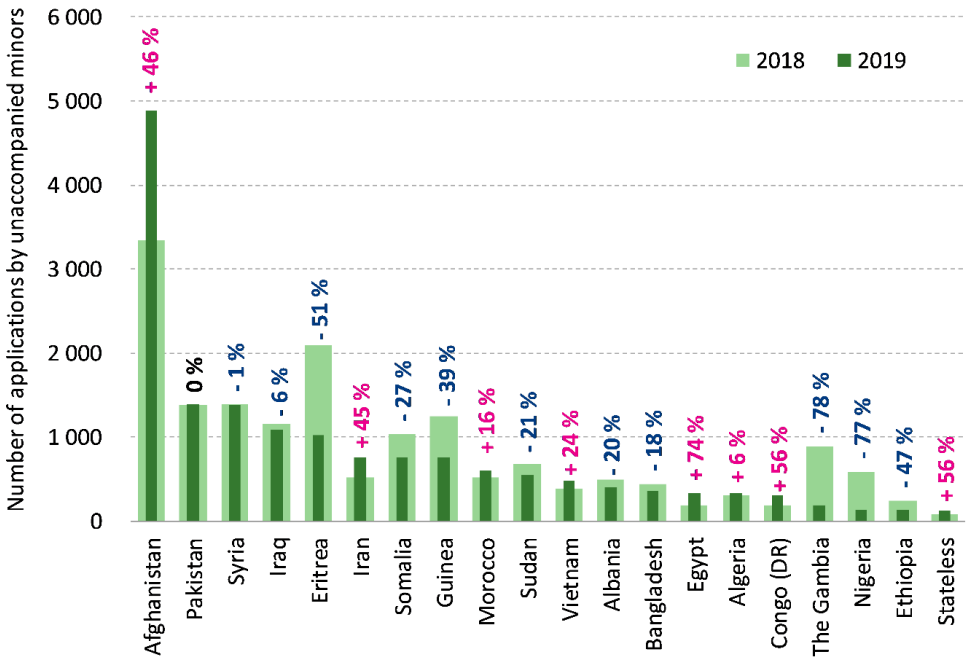
In addition, many EU+ countries (with more than 500 applications by unaccompanied minors) received higher numbers than previously. For example, Austria received more than double, with 121 % more applications from minors in 2019 than in 2018. This was followed by Belgium (+ 63 %), Greece (+ 26 %), Slovenia (+ 21 %) and the United Kingdom (+ 19 %).

In contrast, Germany received far fewer applications from minors, with 34 % less than in 2018. The most dramatic development took place in Italy, where applications from unaccompanied minors dropped by 83 %, from almost 3 900 in 2018 to less than 700 applications in 2019.

Nationality of unaccompanied minor applicants

While the origin of all applicants, including unaccompanied minors, can fluctuate from year to year, in 2019 there was a sharp increase in unaccompanied children from Afghanistan, with a 46 % rise compared to 2018 *(see Figure 6.1).*

Figure 6.1 Number of applications for international protection lodged by unaccompanied minors, by citizenship, 2018 and 2019



Source: Eurostat.

Countries receiving applications from unaccompanied minors

One-quarter of all unaccompanied Afghan minors lodged applications in Greece. Their number of applications also increased in Belgium (where they more than doubled to 650 applications), Austria (almost four times higher at 640 applications) and the United Kingdom (almost doubling with 425 applications). In contract, Afghan minors applied less often in Germany than in previous years, with a 32 % drop.

Greece also attracted the vast majority of applications from unaccompanied minors from Egypt (78 %) and most from the Democratic Republic of the Congo (44 %). The United Kingdom was the destination for 92 % of minor applicants from Vietnam and 69 % of those from Iran, (an increase compared to 2018.

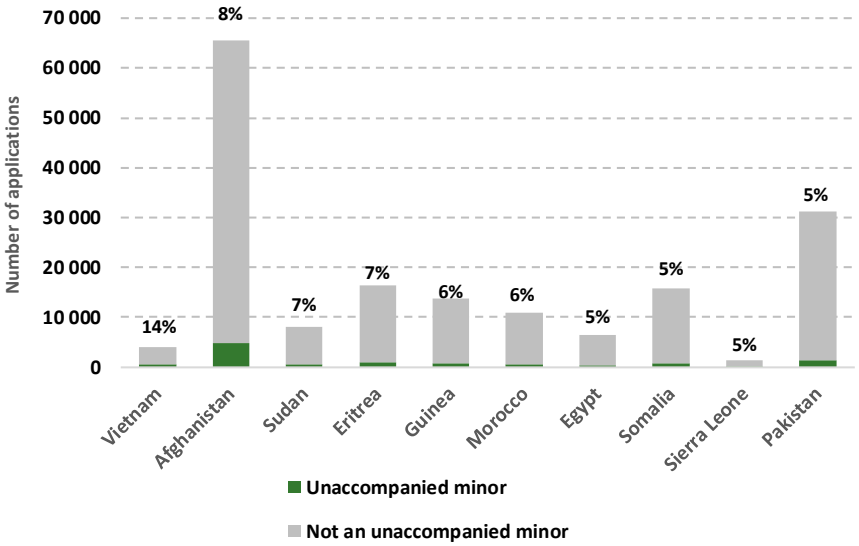
A significant trend in 2019 was a sharp drop in the number of unaccompanied minors from sub-Saharan Africa compared to 2018. This accounted for the decline in applications lodged by minors in Italy due in part to a drop in irregular entries via the Central Mediterranean route and a cessation of search and rescue operations . As such, far fewer unaccompanied minors from Eritrea applied for international protection overall in EU+ countries, and particularly in Germany (- 77 %), the Netherlands (- 74 %) and Italy (- 64 %).

Italy also had the largest decrease of applications by minors from Gambian (15 applications in 2019 compared to 645 in 2018), Guinea (15 in 2019 compared to 385 in 2018) and Nigeria (30 in 2019 compared to 415 in 2018). Applications from unaccompanied minors from these countries of origin remained stable in the rest of EU+ countries in 2019 when compared with figures from 2018.

Although in absolute numbers most unaccompanied minors were from Afghanistan, in relative terms Vietnam had the highest share of minors, representing 14 % of the total applications lodged by nationals of this country *(see Figure 6.2).*

As seen in previous years, higher shares of unaccompanied minors were more common among applicants from sub-Saharan African countries, while their absolute numbers decreased to different degrees in 2019. In particular, minor applicants from The Gambia dropped from accounting for 17 % of all applications by Gambians in 2018 to just 4 % in 2019.

Figure 6.2 Share of applications for international protection lodged by unaccompanied minors, by country of origin, 2019



Source: Eurostat.

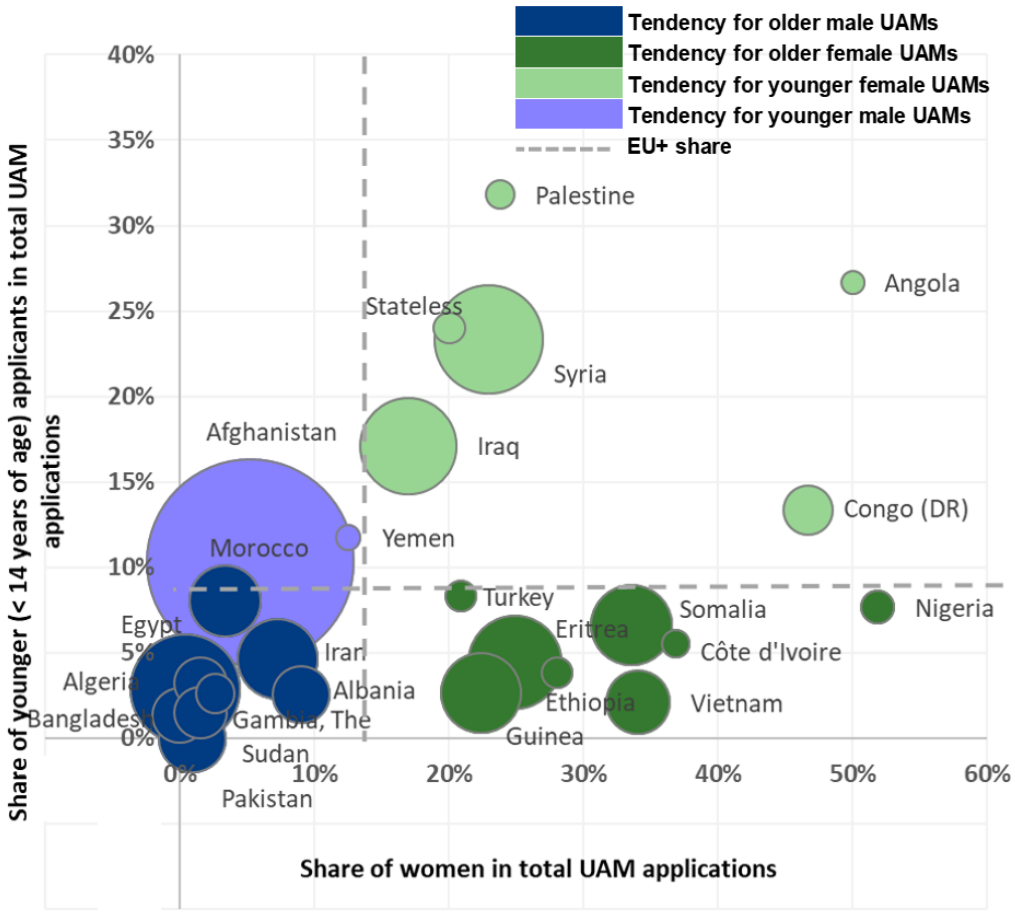
Characteristics of unaccompanied minor applicants

As seen in previous years, the overwhelming majority of unaccompanied minors applying for international protection in EU+ countries were male (86 %) between the ages of 14 and 18 (91 %). This was particularly the case for nationals of most north African countries (for example, Algeria, Egypt and Morocco) and Asian countries (Afghanistan, Bangladesh and Iran) (represented in dark blue in Figure 6.3).

A few sub-Saharan African countries had relatively high shares of female minor applicants as well. In fact, there were more girls from Nigeria than boys (52 %) seeking asylum in EU+ countries in 2019. The female applicants, however, tended to be of an older age cohort, generally older than 14 years.

Applicants younger than 14 years of age are considered to be a particularly vulnerable group. As seen in Figure 6.3, Palestine had the highest share of applicants younger than 14 years, at 33 %. This was followed by Angola (27 %) and stateless persons (24 %). The countries plotted in light green in the top-right quadrant of the figure had higher shares of young female applicants than the average for EU+ countries, at 9 %. Among applicants seeking asylum in Europe from Angola and the Democratic Republic of the Congo, nearly one-half were girls.

Figure 6.3 Share of applications for international protection lodged by unaccompanied minors, by sex and age group, 2019



Note: The size of the bubble indicates the total number of unaccompanied minors.
Source: Eurostat.

6.3 Age assessment of minors

Developments in legislation, policy and practices

Establishing if an applicant is a minor is a critical step in the identification and vulnerability assessment process, with important consequences, for example, for the conduct of the asylum procedure and reception rights. Improving processes for age assessment has been steadily on the policy agenda over the past years, while civil society and international organisations continue to observe gaps and deficiencies in the process.

Significant changes occurred in France where a new database *(Appui à l'évaluation de minorité)* was created under Decree No. 2019-57 to provide support from central state authorities to the *départements* in carrying out age assessments (FR LEG 04). The system was rolled out in 68 out of 101 *départements* at the end of 2019. The Circular of 20 November 2019 includes provisions on the age assessment of persons claiming to be unaccompanied minors and underlines that the evaluator should compare physical appearance, behaviour, degree of independence and autonomy, ability to reason and ability to understand questions with the stated age throughout the whole assessment process (FR LEG 03).

The French Constitutional Council examined and affirmed the constitutional conformity of the Civil Code's provisions on age assessment through bone X-ray and highlighted that these tests can only be carried out if the applicant agrees, the judicial authority approves and the margin of error inherent to these tests must be indicated in the results. A new guide on best practices for age assessment was published as a result of a multi-partner collaboration initiated by the Ministry of Justice, the Ministry of Solidarity and Health, the Ministry of the Interior and the Ministry of Territorial Cohesion and Relations with Local and Regional Authorities.[222] Human Rights Watch noted issues in the Hautes-Alpes region, where flaws in the age assessment procedure led to summary returns of unaccompanied minors to Italy.[223]

A decree in Hungary entered into force in January 2019 clarifying the types of administrative actions that the Aliens Policy can carry out in the absence of a legal guardian when the applicant is presumed to be an unaccompanied minor, including asking the minor's consent for health and age assessments (HU LEG 01). The Hungarian Helsinki Committee underlined that in practice this means that the age assessment takes place before a guardian is appointed and the child is alone in a process where a military doctor measures the child's height and size of hips, looks at the teeth and examines the shape of the body with signs of sexual maturity. Military doctors are usually not specifically trained for the process and a psycho-social assessment is typically not carried out. The National Directorate General for Aliens Policing (NDGAP) does not have an age assessment protocol and considers that this is a medical competence. The results of an age assessment still cannot be appealed separately by law (it can only be appealed against a negative asylum decision).[224]

A multi-disciplinary board was established in Malta to carry out age assessments. The 2019 update of the AIDA report on Malta noted that the procedure was extended to 21 days but in practice took much longer, while children were kept in closed centres.[225] Maltese authorities clarified that minor applicants were kept in closed centres due to a temporary lack of space in open centres, and an age assessment was performed upon release to an open centre. In the framework of the new operating plan for 2020, EASO will provide support for the age assessment process through the deployment of an expert team.[226]

Some other countries also made adjustments to their methodologies. The Department for Asylum and Migration Policy of the Ministry of Interior in Czechia launched a pilot project using non-medical methods for age assessment. The Ministry of Foreign and European Affairs in Luxembourg announced that the authorities discontinued the inspection of genitals as part of the age assessment process. The Dutch Aliens Circular was amended following a Council of State ruling to clarify that an age assessment takes place in two separate sessions, one with the AVIM and one with the IND. Employees of the same public authority assess the age independently, but they can attend the same assessment session. The UK Home Office updated its guidance on age assessment[227] following the ruling of the Court of Appeal and clarified that an applicant may only be assessed as an adult if the physical appearance and demeanour strongly suggest that he/she is at least 25 years old.

Existing challenges reported by civil society organisations

There was still room for improvement in conducting age assessments in Spain, according to some civil society organisations,[228] the Spanish Ombudsman[229] and the United Nations Committee on the Rights of the Child (UNCRC). The UN Committee on the Rights of the Child considered that an age determination procedure undergone by the applicant, who claimed to be a child, and provided evidence to support this claim, was not accompanied by the safeguards needed to protect his rights under the Convention. Given the fact that he was not accompanied by a representative during this procedure and the state party rejected the documents provided as evidence,[xxxvii] including a passport, the Committee was of the view that the best interests of the child were not a primary consideration in the age determination procedure, contrary to the Convention, Articles 3 and 12.

Spain is working to improve the age determination procedure. For this purpose, a group of experts is updating the Framework Protocol on Certain Actions Concerning Unaccompanied Foreign Minors, which regulates the procedure for age assessments and establishes measures of protection of unaccompanied foreign minors.

In another case, the Committee determined that an age assessment should be based on a global evaluation of the physical and psychological development of the child, carried out by specialists, not merely based on bone and teeth analyses.[xxxviii] The evaluation should be based on scientific criteria,[xxxix] security and impartiality, taking into account the child's interest and gender considerations, and in

[xxxvii] According to the Organic Law 1/1996, Article 12.4 on the protection on minors, "When a person's legal age cannot be established, he shall be considered a minor for the purposes of this Law, pending determination of his age. For this purpose, prosecutors shall make a proportionality assessment that adequately considers the reasons why the passport or equivalent identity document presented, if any, is not considered reliable. Medical tests to determine the age of minors shall be subject to the principle of celerity, shall require the prior informed consent of the person concerned and shall be carried out with respect for their dignity and without posing a risk to their health, and may not be applied indiscriminately, especially if they are invasive".

[xxxviii] The medical practitioner determines the appropriate and sufficient examination to eliminate uncertainty about the applicant's age. A physical and personal examination of the applicant is required prior to other tests, such as determining bone or dental maturity through an X-ray of the left carpal or an examination of the dentition, in particular the third molar, through orthopantomography and an X-ray of the clavicle to quantify the changes in ossification).

[xxxix] The committee advocates a holistic (not merely scientific) assessment in which the interest of the alleged child is unrelated, since two issues are at hand: age determination which must be objective and the protection of the alleged child.

case of uncertainty, granting the individual the benefit of the doubt[xl] so that the applicant is treated as a minor. These requirements, namely identity check and assessment of the particular situation, should also apply in deportation procedures.

The Border Violence Monitoring Network reported on several instances in Croatia, when police officers convinced or coerced children to declare themselves adults.[230] Croatian authorities underlined their rebuttal of those reports and contested the methodology of the reporting, which relied on mostly anonymous complaints that are considered by the authorities to be unverified and thus not credible.

The Belgian authorities interestingly reported that the number of age assessments and the appeals lodged against age decisions considerably increased in Belgium, while the age assessment process itself became shorter.

The Norwegian Supreme Court heard a case on evidence requirements and reaffirmed that preponderance of evidence in civil cases, which is satisfied if there is a greater than 50 % chance that the alleged fact is credible, must be applied in the assessment of whether an applicant is younger or older than 18 - not a reduced evidence requirement. In a similar case, the Court of Appeal in Norway assessed to what extent the medical age survey can provide guidance in the procedure.

The Constitutional Court in France reviewed the use of bone assessments to determine the age of applicants, asserting the constitutional character of such practice. It concluded that, according to current scientific knowledge, the results of this type of examination may include a significant margin of error. However, the legislator took into account the existence of this margin in the guarantees he established. . In contrast, the Federal Administrative Court in Switzerland noted the margin of error of age assessment examinations after the age of 16. Due to a low probative value, authorities should carry out an overall assessment of the evidence.[xli] In Belgium, the Council of State ruled on the consequences of an age assessment that could lead to the cessation of guardianship.

6.4 Legal representation of minors

Typically Member States which faced an increasing number of applications from unaccompanied minors implemented changes in their legislation and policy related to legal representation in 2019. Guardianship systems remain widely diverse across the EU, and international organisations and civil society organisations continued raising awareness about major gaps in the appointment process, the scope of a guardian's tasks, communication between the representative and the child, and the guardian's workload and training in general.

[xl] It should be recalled that the proceedings initiated by prosecutors under the provisions of the Organic Law 4/2000, Article 35.3 on the rights and freedoms of aliens in Spain and their social integration seek to determine the age of the applicant as a precautionary measure and as a matter of urgency in order to provide the protection and assistance prescribed in the Spanish legal system. Prosecutors are bound by strict compliance with the law in accordance with the provisions of the Spanish Constitution, Article 124 and the Organic Statute of the Public Prosecutor's Office. To determine the age of an applicant without documentation, the prosecutors guarantee and protect fundamental rights in general and the best interests of minors, supervising administrative and institutional processes. The best interests of the child are guarded by a) preventing, even against their will, that minors are treated as adults and removed from the system of institutional protection and b) preventing adults posing as minors being a detriment to minors who have the right not to live with adults. In addition, in cases of doubt, the decision goes in the favour of a minor child and the necessary procedures are implemented.

[xli] Information is based on the European Database of Asylum Law (EDAL) summary.

The Ministry of Labour, Social Security and Social Solidarity in Greece issued several ministerial decisions throughout the year related to the registry of professional guardianship, guardian selection criteria, training and the procedures for the assessment and determination of the best interests of the child. These changes, however, were assessed by NGOs to not have achieved significant improvement within the system.[231] In addition, civil society organisations expressed concern about the transition of the implementation of the Guardianship Law from the NGO, METAdrasi, to the National Centre of Social Solidarity by 1 March 2020, since state-employed guardians would not fulfil the full scope of protection services currently offered and the process is dependent on other psycho-social assessment procedures, which will be carried out by already-overstretched public services.[232]

In order to prevent delays, a fast-track procedure was put in place in Malta with an interim care order to appoint the Head of the Agency for the Welfare of Asylum Seeker (AWAS) as a legal guardian for unaccompanied minors. The head of the agency may delegate this task to AWAS social workers. Nonetheless, the NGO, aditus, reported that delays persisted in the appointment process throughout the year.[233] UNHCR also expressed some concerns on how the lack of staff and resources to AWAS resulted in some basic standards falling short in the best interests of the child and guardianship.[234]

Slight delays were also observed in Hungary in the appointment of guardians. NGOs generally had a good working relationship with guardians. However, it was noted that many guardians did not receive training or have any prior experience with unaccompanied minors, while they were often tasked to care for 40 to 45 children in parallel, not leaving sufficient time to properly look after each individual child.[235] The 2019 updates of the AIDA reports also underlined the need for interpreters to assist guardians so establish clear communication between the guardian and a child.[236]

In Romania, the process to amend the legislation on child protection was initiated. In this respect, UNHCR and GII proposed that clear provisions be introduced on the responsibilities of a legal representative when providing assistance to an unaccompanied minor during the asylum procedure. The draft is currently under approval.[237]

Civil society organisations in Switzerland noted that duties need to be defined in law or it could lead to discrepancies in practice.[238]

Among initiatives to improve the quality of the guardianship system, the Guardianship Service in Belgium continued with an AMIF-funded project to develop a methodology for monitoring guardians and the assessment of the best interests of minors. It worked on improving communications with all stakeholders.[239] The protocol agreements between the Guardianship Service and the guardians' associations were adjusted as the allowances of the associations were increased, following the amendment of the relevant Royal Decree in 2018.[240] The country faced challenges in retaining guardians: while 42 new guardians were recruited in 2019, their overall number decreased slightly.

To address a similar issue, the federal government in Germany funded a project to attract more voluntary guardians. The AMIF-funded Competent Representative *(Osaava edustaja)* project was launched in Finland to develop online training for representatives of unaccompanied minors. Universities from Cyprus, Greece, Italy and Lithuania developed Standard Operating Procedures for Guardians in the framework of the Alliance for Children on the move project.[241] The European Guardianship Network was formalised in the framework of the Touchstone project aiming to improve the quality of guardianship through exchanging expertise with organisations from Austria, Belgium, Croatia, Cyprus, Denmark, Germany, Greece, Ireland, Malta, Poland, Spain, Switzerland and the United Kingdom.[242]

6.5 Provision of information

Member States reported changes in policy to adapt asylum and reception information to the specific needs of minors, while other vulnerable groups were typically not covered in these initiatives in 2019. For example, the CGRS in Belgium updated its guide for unaccompanied minors applying for international protection[243] and published two new guides on accompanied children's right to be heard in the asylum procedure – one catering to children[244] and the other to their parents or guardians.[245] In addition, the Belgian Federal Public Service Interior launched a video on unaccompanied minors in the asylum procedure.[246]

OFPRA in France updated the "Asylum Guide for Unaccompanied Minors" which was published in January 2020. The authorities in Norway launched the website, *Asylbarn,* dedicated specifically for children in the asylum procedure.[247] The Central Agency for the Reception of Asylum Seekers (COA, *Centraal Orgaan opvang asielzoekers*) in the Netherlands began implementing recommendations based on the results of a commissioned report[248] by developing a comic strip for minor applicants about everyday life in a reception centre,[249] appointing a contact person and organising swimming lessons for children. The Swedish Migration Agency developed information on the asylum procedure specifically for children aged 7 to 12 years, available through a mobile application.

To bridge the gaps, civil society organisations provided targeted information to unaccompanied minors, for example in Croatia and Italy, while UNHCR developed a leaflet for minor applicants and other information materials on international protection in Spain.[250]

6.6 Procedures at first instance and vulnerable applicants

Only a few Member States reported policy and guidance updates or new quality monitoring measures for applicants with special procedural needs. The aim of new measures was usually to improve procedures for minors, but a noted development was enhancing procedures for girls at risk of FGM, victims of domestic violence, victims of trafficking and LGBTI applicants.

The Swedish Migration Agency introduced several policy changes in preparation for the entry into force of the UNCRC Act (2018:1197) on 1 January 2020. It developed guidelines on assessing the best interests of the child, in accordance with UNCRC, Article 3, as well as on the placement of minor applicants assigned to a municipality. It created a technical tool to support the determination of the best interests of the child. Since 1 January 2019, Sweden does not recognise the validity of child marriages from abroad, so the agency updated its standards for handling cases related to married child applicants and developed relevant information material in collaboration with the National Board of Health and Welfare. The Finnish Migration Agency was developing a new electronic personal interview form with child-friendly language and structure, which were not yet fully implemented in 2019.

The IND in the Netherlands launched a special project and hired additional staff to reduce the backlog in applications from unaccompanied minors and shorten the overall length of the asylum procedure. Likewise, the number of case officers managing applications from unaccompanied minors increased from two to four in Cyprus, and they were tasked to handle approximately 570 cases.

UNHCR and civil society organisations expressed concern about the new Law 4636/2019 on international protection in Greece, which allows authorities to process the application of unaccompanied minors older than 15 years in the fact-track procedure if they do not show other vulnerabilities.[251]

In Spain, the processing of applications related to SOGI was analysed and some reports indicated[252] that specialised training for interviewers should be provided and decision-making should be more standardised, especially in accelerated border procedures (at border points and detention centres). Other areas that need to be addressed are post-recognition support, guiding applicants to social protection services and development of a national integration programme for LGBTI refugees.[253] Enhanced identification mechanisms for international protection needs of unaccompanied children need to be further developed together with training programmes on asylum aimed at professionals working with children in Spain.[254]

Another group of developments further shaped protection for women and girl applicants. For example, the amended provisions of CESEDA in France on the protection of girls at risk of FGM entered into force in 2019.[255] The Equality Council in France also stated that OFPRA remarkably improved its sensitivity and professionalism on women's applications.[256]

The Finnish Immigration Service published a guide for case workers on domestic violence in the context of asylum. Internal guidelines for case workers were also updated on reporting FGM or the risk thereof to the police and child protection services.

The Federal Council in Switzerland adopted a report on the situation of female applicants and beneficiaries of international protection, with the objective to further enhance the support available. The report specified that more training and sensitisation of staff, provision of information, support for applicants and identification of victims of sexual violence were needed.[257] UNHCR welcomed the recommendations of the report.[258]

In line with CJEU decision of October 2018, C-652/16, the CGRS in Belgium continued to give refugee status to minor girls with a well-founded fear of persecution due to FGM, but the parents were no longer granted derived refugee status automatically. The parents need to submit a request for regularisation based on the Immigration Act, Article 9bis.

In Croatia, standard operating procedures on response to sexual and gender-based violence in reception centres for seekers of international protection is being developed, through collaboration with UNHCR, the IOM, Médecins du Monde, HCK and the Ministry of the Interior. They include procedures, roles and responsibilities for service providers involved in the prevention and response to SGBV at reception centres.[259]

UNHCR provided guidance in Spain on supporting applicants who are survivors of sexual and gender-based violence.[260]

Three countries reported new developments to assess applications on SOGI grounds. The Swedish Migration Agency published instructions on handling and assessing LGBTI cases. In the Netherlands, the State Secretary for Justice and Security did not implement policy changes but rather decided to monitor the implementation of the recently-updated IND instructions,[261] based on a report from the Dutch Scientific Research and Documentation Centre (WODC) on the credibility assessment of LGBTI and conversion cases.[262] The CGRS in Belgium implemented a quality control process for gender-related cases, starting with cases which invoked sexual orientation as a ground to monitor the application of its Sexual Orientation Guideline.

The assessment of asylum applications from victims of human trafficking underwent important changes in the Netherlands. The country experienced an increase in the number of applicants through the Dublin procedure who claimed to be victims of human trafficking, resulting in an amendment to the related provisions in the Dutch Aliens Circular. This group of applicants now receives only a temporary residence permit, and as a consequence, the Netherlands only takes responsibility for their

application if their presence is considered to be essential for the investigation and prosecution of the case. The prosecutor has one month to assess the case. Previously, all third country nationals who reported human trafficking received a residence permit within a target period of 24 hours. Additionally, the police established the National Coordination Centre to provide support in processing the backlog of these cases.[263]

6.7 Training

Experienced, trained staff are needed in national authorities throughout the asylum process to effectively identify and manage the procedural and reception requirements accorded to vulnerable applicants. Training efforts continued throughout 2019, mainly focused on the situation of minors. This section mentions training initiatives provided by national authorities, which generally build on EASO's training modules. It should be noted as well that UNHCR, the IOM and national NGOs frequently provided training in countries as well. Various countries reported the use of EASO training modules, typically on interviewing vulnerable applicants and interviewing children, including for example, Croatia, Cyprus, Germany and Malta.

Training on working with unaccompanied minors was offered to reception centre staff in Finland and Lithuania and State Border Guard officers in Latvia.

UNHCR organised several workshops related to minor applicants. For example, in Croatia police officers, social workers and childcare professionals were trained on identifying unaccompanied minors, best interest assessments, health care assessments and access to international protection. In Romania, UNHCR organised a series of workshops on guardianship for unaccompanied children, in partnership with the National Child Protection Agency and General Inspectorate for Immigration.

The Swedish Migration Agency trained around 500 case officers and 40 head of units in children's rights. Senior case workers in Germany received additional training in detecting child labour. OFPRA provided several training courses on unaccompanied minors in the asylum procedure to both external stakeholders and staff, in particular to senior protection officers.

Female applicants and their procedural and reception needs were less prominent as a training topic in 2019. However, the Swedish Migration Agency launched a new online training programme on gender-based violence within the asylum procedure for its staff. In addition, Germany provided advanced training on FGM for senior case workers.

Extensive training initiatives were reported in Belgium, covering a wide range of stakeholders and topics. Among others, the staff of two Fedasil reception centres and one Red Cross centre underwent intensive training in restorative practices developed by the Oranjehuis NGO to prevent and reduce conflicts between unaccompanied minors and staff, provide sustainable measures for minors and reduce the need for disciplinary transfers. This project started in 2018 and should continue throughout 2020.[264] OFPRA in France also reported on extensive training for senior protection officers on sexual orientation and gender identity.

In Denmark, a number of employees of the Danish Immigration Service, the Danish Refugee Appeals Board and other relevant stakeholders participated in a week-long specialised training course on asylum interviews with unaccompanied minors. The training included sessions on children's cognitive development, memory and suggestibility, and provided relevant tools for interviewing children while taking into account these factors.

UNHCR Austria and the UNHCR Representation to the European Institutions in Strasbourg jointly organised, with the Council of Europe, two workshops for case workers and adjudicators of the Austrian BFA on claims to refugee status of LGBTIQ persons. UNHCR Austria, together with the NGO Queer Base, organised a similar workshop for judges of the Federal Administrative Court.[265]

Authorities organised several training courses to support asylum and reception staff in identifying and supporting victims of human trafficking, for instance in France and Germany. The Asyl-Train project implemented by IOM Austria continued in 2019 and provided training to relevant national authorities and service providers to help identify trafficked persons in the framework of the asylum procedure.[266] The Croatian Red Cross held training on the same topic for border police officers.

6.8 Material reception conditions for vulnerable applicants

Legislative and policy efforts in Member States – and concerns raised by UNHCR and civil society organisations – focus on reception capacity, funding, the quality of material reception conditions and reception rights and obligations for unaccompanied minors.

Reception capacity and funding

Reception capacity and funding was increased in some Member States. The overall reception capacity for unaccompanied minors remained stable in Belgium, with a slight increase in places in the first reception phase in Observation and Orientation Centres and a reduction of places in the second phase in collective reception centres, which were typically converted to adult places due to a shortage in the reception network.

The Belgian federal authorities signed an agreement between Fedasil and both the Flemish government and the Fédération Wallonie-Bruxelles which applies to unaccompanied applicants younger than 15 years old or older unaccompanied minors with distinct vulnerabilities, re-enforcing the policy of regional co-financing for the reception of minors.

Within the Protection System for Beneficiaries of International Protection and Unaccompanied Foreign Minors (SIPRIOMI), the Ministry of the Interior in Italy allocated funds to finance projects related to unaccompanied minors organised by local authorities.

The Royal Decree 631/2019 of 31 October 2019 in Spain mandated the reception centres for unaccompanied minors in Ceuta and Melilla to receive funding directly, making it easier to adjust resources to the increasing challenge of providing material reception conditions (ES LEG 01). By the end of 2019, authorities responsible for reception conditions had drafted standard operating procedures for preventing and responding to SGBV incidents applicable to women and girls.

The Order of 28 June 2019 in France settled the state's financial contribution to the *départements* for accommodating and assessing the health of applicants claiming to be unaccompanied minors (FR LEG 05). The reception conditions in the country were also further expanded, for example, with wheelchair accessibility and special areas for victims of violence or human trafficking. Indeed, 300 accommodation places were created for female victims of violence and human trafficking, offering proper support. A special experimental accommodation centre was opened for LGBTI refugees, providing 30 places in Maine et Loire. The project will be further developed in 2021.

In Lithuania, a newly-built dormitory opened for a maximum of 15 vulnerable persons at the Foreigners' Registration Centre of the State Border Guard Service. A safe zone for vulnerable applicants was designed with EASO's support in the First Reception Centre "Pournara" in Cyprus, but it is not yet operational.

Reception conditions for vulnerable groups

Other notable initiatives aimed at improving the quality of material reception conditions mainly intended for minors, but some catered to vulnerable groups overall or women. The new Foster Care Act entered into force on 1 January 2019 in Croatia, allowing unaccompanied minors to stay with a foster family (HR LEG 01). The legislative process is ongoing in Croatia to update the method and procedure to assess foster families.[267] The Department for Reception and Accommodation of Asylum Seekers of the Ministry of Interior also initiated the development of standard operating procedures for rapid response in addressing sexual and gender-based violence in reception centres.

The Federal State and the provinces in Austria concluded an agreement which aimed to harmonise the child and youth welfare system in general. The agreement entered into force on 1 January 2020 and defines the responsibilities of the provinces in providing care and support to unaccompanied minors (AT LEG 01). Children and families with children with a final return decision were no longer accommodated at the facilities in Schwechat and Fieberbrunn, as they do not provide adequate access to schools.[268]

The Committee on the Rights of the Child expressed their continued concern about the differentiated application of the legislation in Austria and inconsistencies in the implementation of children's rights, as reported in their periodic reports.[269] In its recommendations to improve the guardianship system, UNHCR called for guardianship as of the first day of the arrival of unaccompanied or separated children.[270] Currently, legal guardians for unaccompanied or separated children are appointed only after a child is assigned to a provincial reception facility which may take time due to age assessments.

In Spain, there continues to be a need to establish procedures to prevent separating children from their families and to expedite status determination procedures in urgent cases for the purposes of family reunification, especially in the autonomous city of Melilla.[271]

Fedasil in Belgium continued to subsidise several projects. For example, the KU Leuven project aimed to improve care and protection for unaccompanied minors, with a focus on psychological and psychiatric care [272] and the Xtra MENA project, implemented by Minor Ndako and Caritas International, focused on minors in transit.[273]

The Let's Talk about Children method was introduced in additional reception centres in Finland, to be rolled out in full by 2020.[274]

UNHCR published a report and recommendations in the interest of unaccompanied minors in the Netherlands.[275] The COA and Nidos already prepared and started implementing plans to improve accommodation and counselling for unaccompanied minors, based on a report from the Health and Youth Care Inspectorate and the Justice and Security Inspectorate. This includes, for example, adapting the methodology to develop a future-oriented counselling plan, a safety plan and improve information exchange between mentors when an unaccompanied minor needs to be relocated within the country. Nidos developed a new project to offer minors the possibility to live with a family over the weekend or to swap families for weekends (OWGplus), created an after-care programme for teens who turn 18 (OWG18plus)[276] and launched a pilot programme for accommodating and counselling unaccompanied minors with disruptive behaviour.

The Asylum Act, Article 44(2a) in Germany was amended to underline that federal states were obliged to provide reception conditions which ensure the protection of women and other vulnerable applicants (DE LEG 02). The AWAS in Malta established the Therapeutic Services Unit for migrants suffering from psychological disorders due to trauma, with a team for children and unaccompanied minors.

UNHCR in Poland published guidelines on working with children suffering from stress and mental trauma.[277] The Czech NGO, Organization for Aid to Refugees, published recommendations for procedures on placing unaccompanied minors in foster care,[278] as part of the FORUM project.[279]

Amendments to the Act No 305/2005 Coll. on Social and Legal Protection of Children and on Social Guardianship, adopted in 2018, came into force in Slovakia on 1 January 2019.[280] In 2019, for instance, the capacity of the centre for children and family (established by the Act's amendment and replacing former facility for minors) was enhanced due to an increase of unaccompanied minors. In cooperation with the IOM, a role of cultural mediator was introduced to the facility.

The Law on Asylum and Refugees in Bulgaria was amended following the letter of formal notice of the European Commission sent on 8 November 2018 to address the shortcomings identified in the accommodation and legal representation of unaccompanied minors and identification and support for vulnerable applicants in general (BG LEG 01). The AIDA report noted that these changes did not result in a substantial improvement of the overall situation.[281]

Temporary arrangements for unaccompanied minors in Slovenia were further extended until the implementation of a comprehensive accommodation, care and support strategy.

Existing challenges reported by civil society organisations and UNHCR

The quality of material reception conditions continued to raise significant concerns in some Member States. Reception conditions remained dire in Greece and especially worrying for women, children and minor applicants.[282] The Ministry of Labour, Social Security and Social Solidarity worked on a strategy to gradually decrease the use of hotels and urgent accommodation schemes for unaccompanied minors in an effort to develop a pilot programme for supervised apartments. But progress remained slow due to the rapid increase in the number of unaccompanied minors.

Conditions for vulnerable persons, including families with minor children and unaccompanied minors over the age of 14, continued to be severe in the transit zones in Hungary, as noted by UNHCR,[283] the Commissioner for Human Rights of the Council of Europe,[284] the UN High Commissioner for Human Rights,[285] the UN Special Rapporteur on the human rights of migrants[286] and civil society organisations, like ECRE[287] and the Hungarian Helsinki Committee.[288] The ECtHR issued 12 interim measures throughout 2019 to ensure that applicants, including families with children, were not refused food.[289] The European Commission addressed a reasoned opinion to Hungary on this issue.[290]

The conditions in the centre for unaccompanied minors in Melilla, Spain deteriorated throughout 2019.[291] The creation of additional places within the centre and re-distribution throughout other Spanish regions are part of the plan to improve the situation in the future.[292]

The poor conditions for children and women within the Ħal Far accommodation centre in Malta were observed by UNHCR[293] and civil society organisations.[294] The organisations also welcomed the adoption of Law No. 47 of 7 April 2017 on measures to protect unaccompanied foreign children in Italy, but noted that its implementation remained uneven across the country, resulting in diverse conditions for children.[295]

The detention of vulnerable applicants, especially children, continued to raise fundamental questions in many Member States *(see Section 6.10 on detention).*

Few changes were introduced on reception rights and obligations of vulnerable applicants. The Flemish family allowance system was reformed in Belgium and transformed into a so-called Growth Package (*Groeipakket*):[296] Every unaccompanied minor in Flanders is now entitled to this allowance since 1 January 2019.

The work permit for professional training or apprenticeship delivered to unaccompanied minors in France became valid, even when the child lodges an asylum application (FR LEG 06, entry into force 1 June 2019). In Spain, an Instruction by the Ministry of Inclusion was passed in January 2020, granting unaccompanied asylum seeking children the right to work for working-age children(ES LEG 02).

UNHCR launched a campaign about the substantial barriers faced by asylum-seeking children in Europe to access education.[297] It highlighted that the overwhelming majority of asylum-seeking and refugee children in the Greek islands did not attend school.[298]

A project implemented in the special homes in Rijeka and Ivanec by the Croatian Law Centre, and financed by the Ministry for Demography, Family, Social Policy and Youth, focused on improving access to education for unaccompanied minors in Croatia,[299] in addition to existing clear instructions from the education and health ministries.[xlii]

The continued need to ensure adequate reception conditions, in particular with regard to sanitary conditions, access to information on rights and obligations, identification of vulnerabilities and access to education for children, was highlighted by the Romanian Ombudsman following visits to reception facilities across the country. [300] In reply to these observations, GII stated that within a maximum of three months all minors who apply for international protection are registered in the public education system.[301] It added that the facilities had been repaired and disinfected, the applicants are provided with hygienic products and are informed about internal rules of reception facilities.[302] For vulnerable applicants, the GII stated that a mechanism had been established to identify vulnerable persons and their needs.[303]

[xlii] The Protocol on the Treatment of Unaccompanied Children sets out how to access health care and steps on enrolling unaccompanied children in the educational system. The Ministry of Demography, Family, Youth and Social Policy is responsible for appointing a special guardian for unaccompanied children. The guardian is responsible for representing the child in accordance with the legal framework which protects children's rights and interests. The Protocol on the Treatment of Unaccompanied Children represents a major accomplishment in establishing a solid and efficient national system in the treatment of unaccompanied children. In addition, during 2020, new sub-law, Ordinance on Health Care for Applicants for International Protection, was adopted which clearly states that vulnerable groups, including children, are entitled to adequate health care. Children up to the age of 18 have the right to full health care and psychosocial support and assistance. In terms of access to education, all minor applicants are allowed to enrol in elementary and secondary education under the same conditions as Croatian citizens. They can exercise this right within 30 days of lodging an application until a final decision is rendered on return. If the minor does not speak Croatian or speaks it insufficiently, he/she is provided with preparatory classes or supplementary classes in the Croatian language, as well as supplementary classes in individual subjects if needed.

Section 7. Highlights at the national level

This section provides an overview of developments in legislation, policy, practice and case law in EU+ countries throughout 2019. Concerns with aspects of national asylum systems are included from national authorities, civil society organisations, UNHCR and other international organisations.

The sub-sections are organised by theme, following the steps of the asylum procedure:

7.1 Access to procedure: presents developments surrounding access to territory and the first steps of the asylum procedure, including making, registering and lodging an application.

7.2 Access to information: details new initiatives in information provision throughout the different stages of the asylum process.

7.3 Legal assistance and representation: changes are outlined in the provision of free legal counselling and advice to applicants.

7.4 Interpretation services: amendments and concerns around the provision of interpretation are provided.

7.5 Special procedures: presents new practices around border procedures, the safe country of origin concept, accelerated procedures, admissibility procedures, subsequent applications and prioritised caseloads.

7.6 Procedures at first instance: new approaches, measures, working methods and policies are presented, along with legislative amendments, institutional changes, technological developments and projects on monitoring and quality assurance.

7.7 Reception of applicants for international protection: shows how Member States reacted to trends in international protection in terms of reception capacities and policies.

7.8 Detention: provides an overview of changes in detention capacity, conditions, duration and alternatives to detention.

7.9 Procedures at second instance: presents initiatives to make the procedures at second instance more efficient and details changes regarding the suspensive effect of appeals against first instance decisions, time limits for appeals, institutional changes for the authorities dealing with appeals, ways of tackling the backlog of cases pending on appeal and safeguards provided to applicants.

7.10 Country of origin information: briefly describes research and production of information on countries of origin information.

7.11 Statelessness: explores the relationship between statelessness and asylum, highlighting associated challenges.

7.12 Content of protection: presents initiatives taken for the integration of recognised beneficiaries of international protection based on the recast Qualification Directive.

7.13 Return of former applicants: overviews changes in procedures after a final negative decision on an application is taken.

7.14 Resettlement and humanitarian admission programmes: presents resettlement efforts taken by EU+ countries and developments in the framework of humanitarian admission programmes.

7.1 Access to procedure

The term access to procedure covers access to territory and the first steps of the asylum procedure which include making, registering and lodging an application for international protection. Effective access to procedure implies that people seeking international protection need to be able to reach the authorities of a Member State and they must be granted access to a fair and efficient process. The EU's recast Asylum Procedures Directive guides EU countries on common procedures to undertake when an asylum application is submitted in the territory of a Member State, including at the border, in territorial waters or in transit zones.

The Directive outlines access to procedure as a three-step process:

Making an application: A person expresses the wish to any national authority to apply for international protection.

Registering an application: This is a procedural step where the competent authority officially records the application for international protection.

Lodging an application: The application is formally lodged when all administrative formalities have been completed.

Time limits for the examination of an application start running when the claim is lodged.

No major legislative or policy changes were reported for access to procedure in 2019. Most EU+ countries focused on implementing and improving national asylum procedures according to changes in legislation, policy and practice which had been introduced over recent years.[304] Continuing to improve access to procedures and addressing flows of irregular migrants are essential when public debate centred around fundamental legal, political and social issues regarding the EU's external borders, in particular in relation to search and rescue in the Mediterranean Sea, disembarkation and relocation.

7.1.1 Access to territory

Access by sea

As challenges with territorial borders and sea arrivals continued throughout 2019, Member States focused on strengthening measures for border management. At the same time, UNHCR and civil society organisations underlined that the right to asylum and access to territories should be respected.[305]

The debate continued over which authority is responsible for search and rescue operations and identifying countries which will share the responsibility more evenly with states at the frontline of disembarkations. Deliberations on disembarkations and receiving states further increase the time migrants spend at sea and increase the risks of their journey.[306]

In an effort to address irregular migration flows, a new security decree was adopted by the Council of Ministers in Italy in June 2019, which significantly slowed down search and rescue operations in the Central Mediterranean (IT LEG 01). According to the decree, boats suspected of facilitating irregular migration may be refused entry into Italian ports, and boats violating the ban could face substantial fines and be seized by the authorities.[307] At the end of June 2019, the Sea Watch vessel entered Lampedusa port against the ban, and the ECtHR did not grant interim measures which would have

allowed disembarkation in Italy.[308] The captain of the ship was arrested for docking without authorisation, but the Italian court later cleared all charges.[309]

The Sea Watch 3 case is not unique. The FRA Fundamental Rights Report 2020 lists 28 incidents in 2019 when vessels were kept at the sea for longer than 24 hours, including 8 instances when boats needed to wait more than a week.[310]

The European Commission recognised the need for a more structured temporary solution[311] and began to coordinate action to ensure safe disembarkation and rapid relocation of rescued migrants. On 23 September 2019, the Ministers of France, Germany, Italy and Malta met in the presence of the Commission and the Finnish EU Presidency to agree on a predictable and structured approach to disembarkations and relocation. The proposal was discussed in October at the JHA Council and the European Commission launched the process to develop Standard Operating Procedures based on the declaration, encouraging Member States to sign on.[312]

As mentioned in the progress report on the European Agenda on Migration, the European Commission, with the assistance of EASO, coordinated ad hoc relocations from disembarkations in Italy and Malta throughout 2019 upon requests from Member States. The 14 cases up to October 2019 involved 1 187 pledges from Member States (including, for example, Germany, Finland, France, Lithuania, Luxembourg, the Netherlands, Portugal, Slovenia and Spain) and 368 relocated migrants.[313]

The Italian authorities noted that applicants waiting for ad hoc relocation, who are accommodated in different facilities in Italy, typically remain there for a substantial period of time due to lengthy interview processes and organisation of transfers. To address challenges with relocation, ECRE published recommendations for a mechanism which is based on a fair and effective implementation of existing EU rules, without adding new obligations for Member States.[314]

While some countries may receive a higher number of disembarkations due to geographical location, migrants arrive by boat to other Member States as well. For example, Cyprus generally received relatives of Syrians who have been granted subsidiary protection, possibly because this status in the country does not allow for family reunification.[315]

Access by land

Access to territory can be impeded by 'pushbacks', when migrants are forced back over land borders without the possibility to apply for international protection. As a measure to control land borders more tightly, several Member States have temporarily reintroduced controls at internal Schengen borders.[316]

Nonetheless, as in previous years, international organisations and civil society organisations continued to report on pushbacks at sea and land borders, in particular along the Evros River at the Greek-Turkish border.[317] Indeed, the Greek Council for Refugees filed several complaints throughout 2019, including a report to the Prosecutor of the Supreme Court.[318] As the situation continued to escalate, several thousands of people arrived at the Turkish side of the Greek border at the end of February 2020 attempting to enter Greek territory, but they were denied access.[319]

The Spanish-Moroccan border at Ceuta and Melilla was also an area which received attention for limiting access to protection. The UN Committee on the Rights of the Child condemned the pushbacks of unaccompanied minors, and other international and civil society organisations also reported on the same issue.[320] However, the ECtHR Grand Chamber judgement in *N.D. and N.T. v Spain*, delivered in early 2020, found that Spain did offer legal entry into the country but the applicants acted unlawfully by attempting to cross in a group of 600 people. Furthermore, it ruled that their immediate return

without the possibility to challenge the removal was not in breach of the right to effective remedy, under the European Convention on Human Rights (ECHR) in conjunction with the prohibition of collective expulsion under Protocol No. 4.

In Hungary, the state of crisis remained in effect throughout 2019, and an application for international protection could only be lodged in one of the transit zones at the Hungarian-Serbian border, unless the applicant already has the right to stay or is detained. However, the Hungarian Helsinki Committee has signalled that the State Border Act still allows the police to remove third country nationals who are staying on the territory unlawfully to the Serbian side of the border fence without the right to seek asylum or without any procedure.[321] Excessive use of force has also been reported.[322] Access to the two transit zones also remained restricted, with just 394 applicants allowed to enter in 2019.[323] In response, the European Commission formally brought Case C-808/18 before the CJEU, which concerned – among other issues – the compliance of these provisions with EU legislation on asylum and return.

Turning to the Western Balkan region, the Border Violence Monitoring Network[324] – which has been reporting on the area since 2016 –noted an increasing number of reported chain pushbacks and use of excessive police force.[325] Croatian authorities rebutted the reports and contested the methodology of the reporting, which relied mostly on anonymous complaints that are considered by the authorities to be unverified and thus not credible. Slovenian authorities stated that the reports do not correspond to the actual findings of authorities competent for the supervision of the work of the police or the monitoring of proceedings with foreigners.

Other sources also reported occurrences of pushbacks persisted in Bulgaria,[326] Croatia[327] and Slovenia.[328] In February 2019, the Ombudsperson in Slovenia published the results of its investigation at the borders and noted several shortcomings preventing people from making and registering an application for international protection.[329] Slovenian authorities underlined that there was no restriction to access asylum procedures and the allegations were not confirmed by the police within internal controls nor reported by UNHCR when conducting police monitoring of the procedure with foreigners and access to the procedure of international protection. In addition, the Constitutional Court ruled on the constitutionality of the Aliens Act on the temporary suspension of the right to asylum with regard to the principle of non-refoulement.

Based on a tripartite agreement and protocol between the Croatian Ministry of the Interior, the Croatian Law Centre and UNHCR Croatia, a report presenting the findings from monitoring police conduct towards (potential) applicants for international protection in 2018 was published. Several issues were brought to the attention of the Ministry of the Interior, such as the lack of interpreters, recording identical statements for a group of foreigners or police officers not recognising intentions to apply for international protection.[330]

In Bulgaria, the Ministry of the Interior and the Chief Directorate Border Police continued to implement measures in response to increased pressure on the Bulgarian-Turkish border, including the deployment of specialised police operations at the border and the preparation of an emergency action plan.[331] A border fence was set up along the Bulgarian-Turkish border already in 2014, but the AIDA report on Bulgaria noted that this can be crossed easily and those who are able to access the territory are also typically able to transit through without being detected.[332]

In Poland, pushbacks were reported at the border crossing point in Terespol by various sources, as has been the case in previous years.[333] The Polish authorities have explained this situation as a typical border deciding process where persons not fulfilling the conditions of entry and not declaring the wish of applying for asylum are were refused entry. In April 2019, the Helsinki Foundation for Human Rights published an overview of legal challenges and access to procedure in Poland for the period 2015 to 2019.[334] The issue was highlighted again by a coalition of NGOs which held a protest in Terespol in

December 2019.[335] Following ECtHR interim measures set in 2017, which aim to prevent the removal of persons who try to apply for international protection at this border crossing point, four cases are still pending in front of the ECtHR.

Removal without proper identification remains a concern at the Swiss-Italian border.[336] The Swiss Refugee Council noted that asylum seekers attempting to enter the country with fake documents through the airport were typically admitted to the territory after a 24-hour retention, but the Public Prosecutor often charged them with the offence of document forgery.[337]

In France, local NGOs requested in December 2019 that a parliamentary commission be established to investigate violations reported at the French-Italian, French-Spanish and French-British borders, including restricted access to asylum and pushbacks.[338]

7.1.2 Access to asylum procedure

In 2019, changes introduced in previous years were further developed and implemented, such as the establishment of arrival centres, the introduction of new technologies to support applicant identification and the extension of the applicant's duty to cooperate and provide all documents and relevant information at the early stages of the procedure.

Several EU+ countries noted a change in applicant profiles. Belgium and the Netherlands, for example, reported a significant increase in the number of applicants under the Dublin system and applicants who have already obtained international protection in another EU Member State or Dublin state. Following the entry into force in 2018 of the amendment granting accompanied minors the explicit right to lodge a separate application in their own name, Belgium also experienced an increase in the number of applications from accompanied minors, typically after a parent's application was rejected, with the aim to maintain material reception rights.[339]

While these developments had an impact on the length of procedures at first instance *(see Section 7.6)*, they did not increase the length of the registration and lodging procedures. In December 2018, Belgium opened a temporary arrival centre in Brussels, and throughout 2019, Fedasil made improvements to the arrival path, rendering registration and lodging procedures quicker and more efficient. The International Protection Department of the Immigration Office, responsible for registration within the arrival path, also increased its staff.

Registration staff was also significantly increased, for example, in France to decrease the waiting times for appointments at the one-stop services *(Guichet unique pour demandeurs d'asile).* As a result, the average time for registration significantly decreased, but long waiting periods persisted in the Île-de-France region. In response, the Administrative Court of Paris ordered the *préfecture* to increase the number of daily appointments.

In Italy, the Civil Court of Napoli ordered the Police Office to accept and register the asylum application of an applicant who could not register via the online form.

Long waiting periods for registration and lodging persisted in other Member States. In Spain, civil society organisations reported a restricted number of daily appointments and other bureaucratic burdens in several locations across the country to register and lodge an application.[340] In addition, an applicant's legal situation is unclear in this situation, and there is a risk of detention and removal if the applicant is found to be unlawfully on the territory. Applicants also cannot access material reception conditions until they are registered.[341]

The situation is similar in Greece. People arriving along the Evros River and in need of international protection may in some cases have to wait for months or sometimes even years before the applications are registered.[342] Access to procedures is somewhat better for persons transferred from the islands to mainland Greece, but registration still typically takes five to six months and documentation is often lacking to prove the applicant's legal situation.[343]

In an effort to provide faster access to procedures, EASO provided additional support for registrations in Cyprus, Greece and Malta, based on respective Operational and Technical Assistance Plans signed in 2019.[344]

France and Lithuania implemented legislative changes in 2019 aimed to accelerate the initial steps of the asylum procedure. In France, new measures were implemented with the Law of 10 September 2018 (FR LEG 06) and Decree 2018-1159 (FR LEG 07), which entered into force in January 2019. The measures specified the conditions to orient applicants to the appropriate authority to lodge an application. The Circular of 10 May 2019 lists the jurisdiction of the *préfectures* responsible for registering applications on the territory and issuing the first certificate of asylum application (FR LEG 02). Furthermore, the Inter-Ministerial Instruction of 16 August 2019 set up a new protocol model to manage applications from detention and the entire procedure – including registration – is now undertaken remotely and in written (FR LEG 08).

In Lithuania, the Migration Department took over all asylum-related tasks from the police and applicants can now lodge an application directly with the institution (or the State Border Guard). In addition, since 1 July 2019, the initial interview with the applicant must be recorded (video or audio) and attached to the personal file. The department can now also issue a Certificate of Acceptance of an Application for Asylum, confirming an applicant's status and serving as a Foreigner's Registration Certificate, pending the issuance of the latter.

Germany and Finland amended their legislations to better establish an applicant's identity and any other circumstances of the case. In Germany, the Second Data Exchange Improvement Act was adopted, making fingerprinting obligatory for children over 6 years old as of 1 April 2021, while the current age limit is 14 years (DE LEG 01). In Finland, the authorities can now take and retain an applicant's travel documents at any time in the asylum procedure (FI LEG 01).

In regard to subsequent applications, the IND in the Netherlands introduced a change to policy and practice for registrations. Applicants must now submit a subsequent application in person at the application centre in Ter Apel, together with any family members. In case an application is not submitted in person or is incomplete, the person has one week to present at the Ter Apel centre and complete his application. If applicants do not present themselves at the centre within one week, the application is considered to be withdrawn and the right to reception is no longer applicable. The change in policy and practice was a result of a ruling from the Council of State in 2018, when applicants had no entitlement to reception until the IND had examined, accepted and declared the letter expressing a wish to submit a subsequent application as admissible.[345]

In Spain, local NGOs have flagged a lack of information on the asylum procedure as a potential barrier for making an application, especially at the Spanish .[346] They have also noted that the border procedure applicable in the Spanish enclaves at the border with Morocco may impede access to potential applicants.[347]

7.2 Access to information

Persons seeking international protection need information regarding their situation in order to be able to fully communicate their protection needs and personal circumstances and to have them comprehensively and fairly assessed. Under the recast Asylum Procedures Directive, Member States need to ensure that relevant information is made available to applicants, for example where and how applications for international protection may be lodged. Obligations also include the provision of information to potential applicants who are in detention facilities and at border crossing points.

Effective access to information is a primary constituent of procedural fairness.[xliii] 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 the consequences of each decision.

During each procedure, applicants are to be informed of:

- Their rights and obligations and the possible consequences of not complying with their obligations and not cooperating with the authorities;
- The timeframe for each stage of the procedure; and
- Consequences of withdrawing an application.

For persons with pending cases, it is crucial to receive information about their situation, because a lack of clarity can be a contributing factor to absconding and secondary movement.

In 2019, EU+ countries continued to expand the methods of information provision to both asylum seekers and beneficiaries of international protection, at times through joint projects with NGOs or international organisations. Information was typically provided in various languages through information platforms, leaflets, brochures, video clips or smartphone applications. The information currently provided by countries includes not only aspects of the asylum procedure but also everyday life situations in the host country, integration, return and resettlement. As in 2018, projects in EU+ countries focused on providing information to vulnerable groups.

7.2.1 Information on rights and obligations in the asylum procedure

In 2019, EU+ countries continued to develop and revise guides, information leaflets and videos on the asylum procedure to provide information to both asylum applicants and protected persons. The information is often made available in several languages, for example in Finland, France and Luxembourg.

[xliii] 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 of their rights and obligations in a language which they understand or are reasonably supposed to understand. They shall be informed of the timeframe, the means at their disposal for fulfilling the obligation to submit the elements as referred to in the recast Qualification Directive, Article 4, 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 (recast Application Procedures Directive, Article 12, Guarantees for Applicants). Similar stipulations are also made in the Eurodac Regulation, Article 29 and the Dublin III Regulation, Article 4.

New legislation entered into force in March 2019 in Switzerland which improved the information provided to applicants. Under the new procedure, all applicants for international protection are provided with information on the asylum procedure through a short film, followed by question with counsellors.[348]

In Belgium, Fedasil launched a multi-lingual information platform, www.fedasilinfo.be, which is accessible only from Belgium and available in 12 languages (Albanian, Arabic, Dutch, English, Farsi, French, Pashto, Russian, Somali, Spanish, Tigrinya and Turkish). The platform also has an audio version for 8 of these 12 languages. The website provides information on procedures for international protection, accommodation, living in Belgium, return of rejected applicants, employment, unaccompanied minors, health and learning.[349]

In 2019, Lithuania introduced recordings (video and audio) during the initial interview. Applicants must be properly informed of the recording.

While countries made great strides in 2019 to provide information on the rights and obligations of applicants, civil society organisations underlined that information provision should be comprehensive and tailored to the needs of different groups. For example, they found that information was lacking on the procedural steps for Dublin cases in Hungary.[350]

Similarly, a lack of information was noted in Malta concerning applicants in detention, with information being delivered by UNHCR Malta or NGOs on a case-by-case basis.[351] Maltese authorities clarified that all applicants for international protection, irrespective of their place of residence (e.g. detention, open centres or the community) are provided with information on their rights and obligations as asylum applicants during the lodging of the application.

7.2.2 Information on rights and obligations in the context of everyday life, protection and integration

Information on the conditions in the country of asylum are fundamental, not only to foster the applicant's prospects for integration in a new society but also for the overall well-being of the person during and after the asylum procedure. With this goal in mind, new measures were introduced in some EU+ countries.

Czechia organised a seminar for beneficiaries of international protection on their rights and obligations and everyday situations. Within the same project, a book, *The Czech Republic – Your New Home*, was translated into seven languages and provides information on housing, employment, business, the social welfare system and social security, health care, the education system, leisure time, shopping, finance, transport and basic facts about the country.

France published an information note in April 2019 on the mission and functioning of temporary accommodation centres (CPH), describing the conditions of admission into the centres and their relationships with integration schemes.[352] The CPHs host newly-arrived vulnerable refugees and provide enhanced support to facilitate access to rights (such as work, housing, language and health) and integration. Other information notes were published in France on housing for refugees and promoting national and local projects to help integrate refugees into all sectors. In addition, France supports global projects on accommodation, professional training and employment (such as the ex-HOPE Project).

In Lithuania, the Refugee Reception Centre launched lectures for refugees and asylum applicants on the differences in status, rights and responsibilities, as well as general information on Lithuania (history, geography, education labour law, domestic violence, medical services, etc). With the use of new technologies, the Rukla Refugee Reception Centre also provided similar information through its new Facebook social network account.

Latvia developed two video tutorials with information for applicants on everyday issues at the Asylum Accommodation Centre (internal rules on fire safety, room cleaning, prohibitions, etc.), funded within the AMIF project "Support Measures for the Reception and Accommodation of Persons in Need of International Protection in Latvia (Phase 2)". A booklet, entitled "A Guide for Asylum Seekers in Latvia",[353] already available in ten languages, was translated into Azerbaijani and Georgian.

In Croatia, the Office for Human Rights and Rights of National Minorities updated its "Guide for Integration – Basic Information for the Integration of Foreigners into Croatian Society". The guide is translated into English,[354] French, Arabic, Farsi, Urdu and Ukrainian.

The UK Home Office published two new information guides on rights, expectations[355] and support offered[356] to applicants staying in temporary accommodation.

To raise awareness and facilitate integration, in 2019 several EU+ countries launched campaigns to connect refugees with communities through integration and cultural activities. The initiatives included open day events and training on discrimination and equality, taking place in schools, police academies and offices (Croatia, Cyprus, France and Latvia). As in previous years, Malta and Poland[357] organised awareness-raising campaigns on modern slavery and human trafficking and launched new applications for smartphones to inform the public and victims about different types of exploitation, how to recognise such situations and how to support victims (Portugal[358]). In addition, Croatia produced materials on family reunification.

France provided pre-departure information in the country of origin of refugees on practical, administrative and legal aspects. The guide, entitled "Living in France", was drafted by *La direction de l'accueil, de l'accompagnement des étrangers et de la nationalité* and is available in seven languages. Following the renewal of the French integration policy which came into effect on 1 March 2019, the guide is currently being updated.

7.2.3 Information on return, relocation and resettlement

In 2019, EU+ countries continued their efforts to provide adequate information in order to ease the return of rejected applications, relocation and resettlement. The Ministry of the Interior in Croatia provided Syrian refugees in Turkey with information about life in Croatia and rights and obligations of refugees in the country. The Ministry also provided support for a Cultural Orientation Programme that all accepted refugees must attend. The three-day programme provides information on rights, obligations and cultural values.

In Portugal, the Immigration and Borders Service, in collaboration with the IOM, implemented the ARVoRe VII project, co-funded by AMIF, to assist in safe and dignified returns of rejected applicants and sustainable reintegration by providing information, counselling and operational support.

7.2.4 Information for vulnerable groups

Applicants for international protection are themselves vulnerable persons who are faced with the challenges of navigating a complex process and integrating into a new society. Yet among them, there are those with particular vulnerabilities (children, victims of violence, victims of trafficking in human beings, etc.) which may impact the way a person processes information. Vulnerable groups require tailored support and a specific means of communication so that they are not disadvantaged within the asylum process. In order to provide this, countries need trained staff to recognise vulnerabilities and properly handle these cases.

Over the course of 2019, many EU+ countries developed new procedures to provide information as early as possible in the asylum procedure.

The CGRS in Belgium published two brochures in 2019, both available in Albanian, Arabic, Dari, Dutch, English, French, Pashto and Russian. The brochures are distributed at the Immigration Office. The "Guide for Accompanied Children in the Asylum Procedure in Belgium"[359] provides information to children accompanying their parents or a guardian about their right to be heard during the asylum procedure and their right to file their own application in exceptional cases. The "Guide for Parents or Guardians Accompanied by Minor Children" informs parents and guardians about the right of children to be heard.[360] The CGRS also updated the **"**Guide for Unaccompanied Minors who Apply for Asylum in Belgium" which explains the stages of the asylum procedures to unaccompanied minors. The brochure is available in Albanian, Arabic, Dari, Dutch, English, French, Pashto, Pular, Somali and Tigrinya.[361] In addition, the Federal Public Service Interior launched a video on unaccompanied minors applying for international protection in Belgium, explaining the steps of the application and the role of different institutions, including the Immigration Office, Fedasil and the CGRS.[362]

Luxembourg started to distribute a leaflet for unaccompanied minors, providing specific information in a child-friendly language. Norway created a new website, asylbarn.no, with the aim of informing asylum-seeking children about the process in a language they understand. The website includes input from children who have already been through the asylum process.

In November 2019, the Spanish Ombudsman, in collaboration with UNHCR and Save the Children, published a child-friendly video and leaflet in four languages (Arabic, English, French and Spanish) in order to inform unaccompanied and separated children about their right to asylum.[363]

7.3 Legal assistance and representation

Legal assistance is fundamental to inform applicants of their rights and obligations during the asylum process. A legal representative can ensure that the applicant fully comprehends the process and that the case file is complete and accurate. EU legislation requires Member States to make legal assistance and representation available on request during appeal procedures.

The provision of legal aid in the early stages increases the efficiency of the entire asylum process by allowing case workers to assess a complete file, reducing the burden on decisionmakers, reducing the rate of appeals and safeguarding the right to non-refoulement.[364] In a first instance application, legal assistance is typically contingent on the availability of resources and is left at the discretion of Member States. In many EU+ countries, civil society organisations have played a key role in providing legal assistance to applicants, often with EU funding, such as the Asylum Migration and Integration Fund.

In 2019, EU+ countries introduced legislative changes to provide free legal counselling and advice to all applicants for international protection through various national programmes. EU+ countries implemented new projects or continued and expanded existing projects related to legal assistance. However, civil society organisations raised concern with regard to certain aspects.

7.3.1 Legislative changes

Several EU+ countries introduced new legislation or amendments in 2019. For example, Austria amended the Federal Office for Immigration and Asylum Procedures Act to provide free legal counselling in proceedings taking place before the Federal Office for Immigration and Asylum.[365] Furthermore, in June 2019 Austria promulgated the act establishing the Federal Agency for Care and Support Services, and as of 1 January 2021, the new agency will provide legal counselling, return counselling and return assistance. This change, however, has raised concern for civil society organisations since independent legal advice for asylum seekers and legal advice in return proceedings taken over by the government. Counselling was previously provided by *ARGE Rechtsberatung*, which is run by two non-governmental organisations *(Diakonie and Volkshilfe, and Verein Menschenrechte Österreich)*. The Federal Agency for Care and Support Services and the first instance asylum authority report to the Ministry of the Interior

In Czechia, the amended Act on Asylum provides for the obligation to include information about free legal advice at the reception centres in the house rules. The aim of the new obligation is to strengthen the quality of information providing to asylum applicants (CZ LEG 01).

Likewise, the Asylum Act in Germany was amended in August 2019, mandating BAMF to provide group counselling sessions on the asylum procedure before an application is lodged. BAMF also offers individual counselling to all applicants before lodging an application (DE LEG 02).

In March 2019, Switzerland introduced the right to receive free counselling and legal representation in first instance procedures for asylum applicants. This accompanying measure, which aims to ensure fair asylum procedures, was introduced in order to accelerate the process leading to a decision.

Notable developments in 2019 also concern the “Stop Soros” legislation passed by Hungary in 2018. After unsatisfactory replies from the government to a letter sent by the European Commission highlighting concerns raised by this legislation, on 25 July 2019, the European Commission referred Hungary to the CJEU as the legislation continues to criminalise activities linked to asylum applications.[366]

7.3.2 Expanded programmes

Other programmes offering legal counsel in EU+ countries have continued or been expanded. In Croatia, the AMIF project, "Providing legal advice in the process of granting international protection", was implemented as of 1 April 2019 and will run until 30 March 2020.[367] A leaflet is provided to applicants when submitting their application, providing them with detailed information on the right to legal counselling (who can request, what the right includes and where it can be requested). The project is currently operating in Zagreb, Kutina and Ježevo.

In Czechia, the Ministry of Labour and Social Affairs expanded its projects providing individual counselling for applicants. In Finland, the AMIF-funded ONE-project,[368] which facilitated access to legal aid from reception centres and to information throughout the whole asylum procedure, was completed in 2019. Finland is now developing general legal counselling in reception centres.[369]

Existing challenges reported by civil society organisations and UNHCR

While new developments and improvements are continuously unfolding, civil society organisations have expressed specific concerns at the country level. For example, applicants in remote federal asylum centres in Switzerland have limited access to NGOs and legal advice due to geographical location. If a mandated legal representative does not appeal a negative decision, the applicant has few alternatives to find another representative under tight deadlines and limited office hours.[370]

Concerns were raised regarding the low financial compensation for legal assistance (Hungary),[371] the lack of adequate facilities to carry out preparatory and private interviews with applicants (Spain),[372] and the lack of legal aid provided by the government for applicants in detention centres which results in NGOs providing *pro bono* legal aid (Bulgaria[373] and Greece[374]).

Civil society organisations have also highlighted the importance of training newly-appointed judges and lawyers working in asylum law as they might not be aware of particular legal assistance aspects that concern asylum applicants (Portugal[375] and Romania[376]). In Romania, there is on-going AMIF project, "Specialised Judicial Assistance for Asylum Seekers in Romania", in addition to training activities for legal counsellors (both from GII and from NGOs) and lawyers. They also have legal debates with all decision-makers from GII and judges from the competent courts.

A UNHCR report made several recommendations to improve access to legal aid in Estonia. The report suggested to provide legal advice as early as possible in the asylum process; expand access to NGOs or other legal counsellors at the border; provide special guarantees for vulnerable applicants, for example, by assigning a lawyer immediately after identification of unaccompanied children; ensure free legal aid at all stages of the procedure (including while preparing the application and at the interview stage); and implement legislative changes and review the quality of state legal aid.[377]

7.4 Interpretation services

Interpretation services can play a fundamental role throughout the asylum procedure to ensure that the exchange of information between the applicant and the asylum authority is accurate and understood by both parties. While the recast Asylum Procedure Directive sets out the legislative provisions for interpretation, in practice the quality, integrity and efficiency of the interpretation services impact the applicant's ability to fully understand all the steps of the asylum procedure. All the necessary details of the case must be communicated clearly through the interpreter, taking account of cultural nuances, or the applicant may be disadvantaged from receiving a fair decision. It is also important that interpreters are specially trained and sensitised to the asylum procedure, in particular when interacting with vulnerable applicants.

During 2019, EU+ countries made amendments to improve the interpretation services which are available to applicants for international protection. Changes included expanding budgets, increasing the number of interpreters, providing more information in more languages, launching modern technologies to support interpretation and adjusting practices to current needs.

7.4.1 Legal and policy changes

Some EU+ countries amended their national legal and policy frameworks in 2019. For example, a new Federal Agency for Care and Assistance Services was established in Austria which will have exclusive responsibility to provide accommodation and care to asylum applicants in the federal reception system, providing interpretation and translation during the asylum procedure (AT LEG 02). This includes the provision of interpreters both at first and second instances, oral hearings in front of the Federal Administrative Court (BVwG) and in procedures concerning basic support. The pilot phase includes 5 interpreters for the first half-year of 2021, reaching 15 employees in the second half. The authorities and courts can still hire external interpreters as well.[378]

With the aim of streamlining procedures in France, as of January 2019 the applicant has to choose, during the registering of his application, the language for the personal interview conducted by the determining authority. The choice of language is binding throughout the entire procedure (FR LEG 06). and can only be contested at the appeal stage before the CNDA.

Due to scarce use, the Netherlands did not extend the temporary subsidy scheme for the provision of interpretation services for a visit to a general practitioner in the first six months after registration with the GP for beneficiaries of protection.[379]

Since concluding an operational plan with Malta in July 2019, EASO has supported the country in providing interpretation during registration and lodging of applications, as well as during personal interviews. The IOM has also supplied Malta with a pool of interpreters in different languages who are specifically trained on identifying vulnerable applicants.

Luxembourg increased its translation and interpretation budget by about EUR 180 000 since the main applicants for international protection in the country were from Eritrea and interpreters of Tigrinya needed to travel from Belgium and Germany to assist during interviews (LU LEG 01).

Belgium increased the number of interpreters to speed up social and medical intakes in the arrival centre. The Ministry of the Interior in Slovakia provided a legal exception allowing for interpretation outside of the scope of the current framework agreement which significantly eased the process. These services can be used also by social workers in asylum facilities depending on the availability of interpreters.

7.4.2 New technologies

The Norwegian Directorate of Immigration developed an IT system to book interpreters, order translations and manage the logistics and finances related to interpretation. Likewise, BAMF in Germany launched a new software for the administration of interpreting services with agile methods. The authority will have a new team of quality assurance interpreters to implement structural improvements and train employees to communicate via an interpreter.

In July 2019, Belgium launched a new information platform available inside Belgium in 12 languages to provide applicants with objective and factual information on the asylum process. OFPRA in France used video conferences to train interpreters working in French Guyana on interviewing vulnerable applicants, such as victims of human trafficking and female victims of violence.

Videoconferencing has been successfully used in Romania in remote interviews in the administrative and judicial phases and during hearings in court, ensuring access to interpretation services when an applicant cannot attend in person for acceptable reasons.

7.4.3 Provision of translations

With an increase in the number of applicants for international protection from Georgia, the Swedish Migration Agency translated written information on the asylum procedure into Georgian. Luxembourg translated its information leaflet into Georgian and Tigrinya, and the Minister of National Education, Childhood and Youth developed a trilingual dictionary in close collaboration with the Eritrean community. The dictionary contains 1 590 French and Luxembourgish words translated into Tigrigna. It was produced within the Successful Migration Project, implemented by ASTI and financially supported by the Grand Duchess Charlotte National Relief Service, the Luxembourg Office for Reception and Integration and the Asylum Migration and Integration Fund.

In early 2019, the Office for Human Rights and Rights of National Minorities in Croatia published a new edition of the *Guide for Integration* and translated it into six languages (Arabic, English, Farsi, French, Ukrainian and Urdu). In addition, a leaflet on the family reunification procedure for persons who have been granted international protection was translated into Arabic, Farsi and English. A booklet on life in Czechia (including information on housing, employment, business, social welfare system and social security, health care, education, free time, shopping, finance, transport and basic facts about the country) was translated into seven languages to help refugees integrate.

The provision of translation was also analysed in the courts. For instance, the court in France reaffirmed its jurisprudence according to which the CNDA may refer cases back to OFPRA if applicants had not been able to make themselves understood during their first instance interview and if OFPRA was responsible for the lack of providing interpretation. In the case, a national of Niger had requested that he be heard by OFPRA in the Zarma language. However, since the office had no interpreters with this language, the interview was held in French. French is the official language of Niger, but the applicant only had a cursory understanding of French because he had not attended school. In another case, the availability of linguistic assistance was deemed a prerequisite as the applicant had an insufficient understanding and mastery of the English language.

Existing challenges reported by civil society organisations

Availability of languages

While countries aimed to provide better interpretation services throughout 2019, it is difficult to cover all linguistic families and dialects. The absence of interpretation in specific languages was noted by civil society organisations in various countries. For example, while Bulgaria provided interpretation in Arabic, English and French, it was unavailable in Ethiopian, Kurdish (Sorani or Pehlewani), Pashto, Swahili, Tamil and Urdu.[380] In Greece, there was a particular lack of Bengali interpreters,[381] and the RIC of Orestiada was unable to meet the demand in interpretation services in a large number of dialects and languages.[382]

There was a difficulty in securing interpreters who speak Bambara and Soninke in Spain, and provision of interpretation in Kurdand and Tigrinya to the large number of asylum seekers relocated from Greece and Italy was also a challenge.[383] Croatia strived to provide interpretation in Kurdish Sorani, Kurmanji and Pashto while the availability of interpreters was limited to assist the rising profile of applicants speaking these languages – for instance, in several cases in order to improve the quality and speed of the process, interpretation service was provided remotely through Skype.

In Switzerland, the absence of translation services in hospitals or for psychological treatments was noted,[384] while NGOs in Portugal found a shortage of interpreters with an adequate command of Bambara, Kurdish, Lingala, Pashto, Tamil and Tigrinya.[385]

Access

A lack of access to interpretation services in remote areas has been highlighted by NGOs (for example in Bulgaria[xliv] and Spain[xlv]), in addition to access to interpretation in general noted by civil society organisations Slovenia[xlvi] and Croatia[386] (where the authorities pointed out that proceedings are done in a language understood by the applicants, and in accordance with national regulations, translation and interpretation can also be ensured through technical means).

In Greece, cases were noted where rejected applicants were not granted an interview due to an absence of interpreters in their language (rare dialects of Western Africa, for example) and the matter has been referred to the appeal instance.[387]

[xliv] Interpretation is available only in Arabic, English and French, and mainly in reception centres in Sofia. See: AIDA Bulgaria. (2020). *Country Report: Bulgaria—2019 Update*. Edited by ECRE. Written by Bulgarian Helsinki Committee. https://www.asylumineurope.org/sites/default/files/report-download/aida_bg_2019update.pdf.

[xlv] Interpreters were available mostly in Barcelona, Madrid, Sevilla or Valencia. See: Spanish Commission for Refugees - CEAR. (2020). *Input to "EASO Asylum Report 2020: Annual Report on the Situation of Asylum in the European Union"*. https://www.easo.europa.eu/sites/default/files/easo-annual-report-2019-Spanish-Commission-for-Refugees-CEAR-contribution.pdf

[xlvi] In total, 37 % of the case reports collected by BVMN mentioned the absence of interpreters during pushback procedures. Additionally, respondents frequently reported being forced by the police to sign documents in another language without understanding the content. Police officers use contracted intepreters during proceedings for the language spoken by the foreigner.

Training and qualifications

Adequate training for and qualifications of interpreters were deficient in some countries, for example in Hungary[xlvii] and Spain[388]. Additionally, no quality assessments on the work of interpreters were undertaken in Hungary[xlviii] and Slovenia,[389] which impacted the quality of the services provided to applicants.

NGOs in Poland also reported cases where inaccurate interpretation led to inconsistencies in the applicant's statements made during interviews,[390] while the Office for Foreigners underlined that there were only a few contested cases and they have not led to cases being rejected at the second instance or the Administrative Court (on the basis of inaccurate interpretation which led to inconsistencies in the applicant's statements). The UK Lesbian and Gay Immigration Group noted that some interpreters do not have the necessary language skills.[391] The quality of interpretation in Bulgaria[392] was also described as unsatisfactory.

Using technology for interpretation

While Hungary resorted to using videoconferencing in transit centres which have no on-site interpreter, several practical problems were reported. For example, poor quality connections had led to audio difficulties and transmission delays. In addition, confidentiality and personal data protection were concerns as more people were involved in the conducting of a videoconference. Similarily, civil society organisations in Spain observed issues with the quality of interpretations provided by telephone.[393]

[xlvii] In June 2016, the contract for the provision of interpreters was awarded to Ofilingua, a private translation company, in Hungary. Since then, several shortcomings and a lack of proper expertise in interpretation techniques have been detected, mainly because the agency does specialise in migration and asylum. See: AIDA Hungary. (2020). *Country Report: Hungary—2019 Update*. Edited by ECRE. Written by Hungarian Helsinki Committee. https://www.asylumineurope.org/sites/default/files/report-download/aida_hu_2019update.pdf.
[xlviii] In the Vámosszabadi reception facility in Hungary, a lawyer reported that English interpreters could not understand the Nigerian applicants. See: AIDA Hungary. (2020). *Country Report: Hungary—2019 Update*. Edited by ECRE. Written by Hungarian Helsinki Committee. https://www.asylumineurope.org/sites/default/files/report-download/aida_hu_2019update.pdf.

7.5 Special procedures

In addition to regular examination procedures, the recast Asylum Procedures Directive sets the framework to examine applications for international protection at first instance under special conditions involving accelerated procedures when:

an application is presumably unfounded;

applications are made at border or transit zones; or

when the admissibility of the application is in question. Cases which require special procedural guarantees should normally be processed within regular procedures, but for other categories of applicants, Member States have developed various systems based on special procedures.

7.5.1 Border procedures

Many applications for international protection are made at the border of a country or in a transit zone before an applicant gains entry into the territory. In well-defined circumstances, a Member State can handle the application directly in such a location, either to assess its admissibility or to fully determine the case as to its substance.

In 2019, Italy and Switzerland implemented new procedures for applications made at the border. In Italy, the Decree of the Ministry of the Interior of 5 August 2019 identified border or transit areas: in several provinces along the Slovene border; along the Ionian Sea coast; in Apulia; in Sicily; and in Sardinia (Trieste, Gorizia, Crotone, Cosenza, Matera, Taranto, Lecce, Brindisi, Caltanissetta, Ragusa, Siracusa, Catania, Messina, Trapani, Agrigento, Metropolitan City of Cagliari and South Sardinia) (IT LEG 02). In addition, two additional sections of the Territorial Commissions, which determine asylum cases in first instance, were set up in Apulia and Sicily for the examination of applications for international protection submitted in those areas.

In Poland, the Minister of the Interior and Administration presented a revised draft of the amendment to the Law on Protection first proposed in 2017, which proposes to introduce a border procedure to grant international protection.[xlix] The drafted amendment has not yet been finalised and is still under discussion.

Since the introduction of the new asylum procedure in Switzerland on 1 March 2019, persons who apply for asylum at the airport are confined to the transit area systematically. Applicants have access to free legal representation like all other asylum seekers, and authorised organisations can access the area to provide support to an applicant.[394]

In July 2019, ECRE expressed concern about increasing – and sometimes mandatory – use of border procedures in the context of the EU asylum acquis. The special procedure could be seen to obstruct a fair examination of an application, impede the rights of vulnerable applicants and lead to increased detention.[395]

Among relevant case law, in Spain the court confirmed that the re-examination request of an application does not need to be submitted where the applicant originally lodged the application, in this case at the border.

[xlix] According to the new proposal, if the decision issued in the border procedure is negative, the Office for Foreigners will also decide on return in the same decision. Appeals would be determined by the Voivodeship Administrative Court (not by the Refugee Board responsible for the regular procedure) with no automatic suspensive appeal. The draft law also provides for the adoption of a list of safe countries of origin and safe third countries.

7.5.2 Safe country of origin concept

Within EU law, a safe country of origin is where the law is applied democratically and political circumstances do not generally and consistently lead to persecution, torture, inhuman or degrading treatment or punishment, and threat by reason of indiscriminate violence in situations of international or internal armed conflict, as defined in the recast Qualification Directive. The assessment of a country as a safe country of origin considers aspects such as: relevant laws and regulations of the country and the manner in which they are applied; observance of human rights, in particular non-derogable ones; respect for the non-refoulement principle; and provision for a system of effective remedies against violations of rights and freedoms. When a third country is regarded as a safe country of origin, it is usually included in a national list and presumed to be safe for applicants originating from that country, unless evidence to the contrary is provided.

In 2019, some countries made changes to their national lists of safe countries of origin, while others, such as Cyprus and Italy, introduced these lists for the first time. In Cyprus, the safe country of origin concept was used for the first time in mid-2019 with the issuance of a Ministerial Decision determining Georgia as a safe country of origin, which subsequently triggered the accelerated procedure for the first time for Georgian applicants (CY LEG 01).

In Italy, the Ministry of Foreign Affairs and the Minister of the Interior and Justice issued the new Inter-Ministerial Decree of 4 October 2019 which lists the following as safe countries of origin: Albania, Algeria, Bosnia and Herzegovina, Cape Verde, Ghana, Kosovo, North Macedonia, Morocco, Montenegro, Senegal, Serbia, Tunisia and Ukraine (IT LEG 03). The assessment of the security status of an applicant's country of origin is based on information provided by the National Asylum Commission, EASO, UNHCR, Council of Europe and other relevant organisations. Applications for international protection lodged by applicants from one of these countries are processed under the accelerated procedure and are considered manifestly unfounded unless evidence to the contrary is provided by the applicant. The accelerated procedure applies even if the foreigner has arrived in Italy as part of a search and rescue operation.

The Swedish government began to explore the possibility of introducing a list of safe countries of origin. The necessary legislative changes were documented in a memorandum and are envisaged to be implemented by the fall of 2020.

Countries with existing lists of safe countries of origin made the following amendments:

In Austria, Sri Lanka was removed from the list, while Namibia, South Korea and Uruguay were added;

In Czechia, 12 countries were added to the list: Algeria, Australia, Ghana, Georgia (excluding Abkhazia and South Ossetia), India, Canada, Morocco, Moldova (excluding Transnistria), New Zealand, Senegal, Tunisia and Ukraine (excluding the Crimea peninsula and parts of Doneck and Luhansk Districts under the control of pro-Russian separatists);

In Slovenia, Turkey was removed from the list, while Georgia, Nepal and Senegal were added;

In November 2019, the Management Board of OFPRA in France decided to maintain the current list of safe countries of origin but added that the situation in Benin will be reviewed within six months; and

In December 2018, the Dutch Secretary of Justice had suspended Togo as a safe country of origin while further assessment of the security situation in the country took place in 2019. In addition, Serbia was reassessed and remained a safe country of origin, except for those who risk criminal detention, and special attention was given to LGBT asylum seekers.

In Croatia, applications made by Turkish nationals were processed in the regular procedure in 2019, while Turkey remained listed as a safe country of origin (Official Gazette 45/2016), together with Algeria, Morocco, Tunisia, Bosnia and Herzegovina, Montenegro, Albania, Kosovo, North Macedonia and Serbia.

The Directorate of Immigration in Iceland has added Moldova to the list of safe countries of origin.[396] Citizens from countries on this list still undergo general procedures, to the list is for guidance only.[397]

Safe country concepts were also analysed by the courts. The challenges in the applicable procedure in the Hungarian transit zone were assessed by the ECtHR. The Court reviewed the safe third country concept with regard to Serbia and reaffirmed that, when applying EU law, Hungary remains bound by ECHR obligations and that "it is the duty of the removing state to examine thoroughly the question whether or not there is a real risk of the asylum seeker being denied access, in the receiving third country, to an adequate asylum procedure, protecting him or her against refoulement".

The Federal Administrative Court in Switzerland clarified that the Asylum Act does not require recognition as a refugee in the first receiving state that is a party to the Refugee Convention. Rather, it is to be considered sufficient that the recognised refugee in the state of initial admission has been granted effective protection. Similarly, Turkey as a safe country was reviewed in light of chain refoulement to Greece by the Administrative Court of Munich.

7.5.3 Accelerated procedures

According to the recast Asylum Procedures Directive, when an application for international protection is likely to be unfounded ('manifestly unfounded application') or where there are specific grounds, such as the applicant is from a safe country of origin or presented false information, Member States may accelerate its examination, in particular by introducing shorter, but reasonable, time limits for certain procedural steps without compromising the right to a fair process or the applicant's access to basic principles and guarantees.

Cyprus introduced an accelerated procedure in practice for the first time. While this is already foreseen in its law, the procedure was applied in view of a high influx of applicants from Georgia, which was deemed a safe country of origin.

As of March 2019, Switzerland applied the accelerated asylum procedure across six regions with a federal asylum centre that conducts the asylum procedure. The aim was to reach a decision in a majority of cases within 140 days. If a decision could not be taken immediately after the interview and required further clarifications, those cases were transferred into the extended procedure, which typically lasted a maximum of one year.

In Czechia, the time limit for the accelerated procedure for international protection was extended from 30 to 90 days in cases of a decision rejecting the application on the ground that it was manifestly unfounded, while the time limit for the border procedure remained at 30 days (CZ LEG 01).

As of 1 January 2019, in France the notice of a hearing for applicants under the accelerate procedure and applicants who have filed a re-examination request must be sent at least two weeks before the hearing date.

7.5.4 Admissibility procedures

Admissibility procedures are conducted when a Member State does not have to examine whether an applicant qualifies for international protection because of specific circumstances, for example:

- Another Member State is responsible for the application under the Dublin III Regulation;
- Another Member State has already granted protection;
- Another country is considered to be the first country of asylum or a safe third country for the applicant;
- The application is a subsequent one with no new elements; or
- A dependent lodges an application after consenting to be a part of an application.

In these special cases, a Member State conducts the admissibility procedure to verify if the application may still be admitted for examination.

Only one policy change was noted within EU countries in 2019 in this area. The German Dublin Unit became the competent organisational branch within BAMF for admissibility decisions concerning asylum claims of applicants who already are beneficiaries of international protection in another Member State.

7.5.5 Subsequent applications

Lodging a subsequent application has sometimes been used by applicants to prevent or delay a return decision. When an applicant makes a subsequent application without presenting new evidence or arguments, it would be disproportionate to oblige a Member State to carry out a new, full examination. In these cases, a Member State has the possibility to dismiss an application as inadmissible in accordance with the *res judicata* principle. In addition to cases where an application is not examined in accordance with the Dublin III Regulation, a Member State is not required to examine whether the applicant qualifies for international protection when the application is already considered inadmissible.

In June 2019, an amendment to the Finnish Aliens Act further specified the criteria for subsequent asylum applications in an effort to prevent misuse. Well-founded grounds must be stated for not having previously presented the arguments made in the subsequent application. The Finnish Immigration Service assesses the reasons given when considering whether a subsequent application will be examined or not, and the applicant must show that he/she was incapable of presenting the new grounds in the previous application.[398]

In the Netherlands, as of 1 July 2019 a new procedure regarding lodging and assessing subsequent asylum applications was introduced, and the updated Aliens Circular, as well IND Work Instruction, were published. The main change in the new system is verifying if the applicant has fully completed the subsequent application and whether the IND will examine the subsequent application if it lacks sufficient relevant information for a new claim. Another relevant amendment is that an interview does not always take place when assessing a subsequent asylum application. The IND will check if the preliminary examination in subsequent applications can be conducted on the sole basis of written submissions and without a personal interview, a change which was contested by the Dutch Council for Refugees.

In Czechia, the list of grounds for subsequent applications was clarified in July 2019 if there is reason to believe that asylum or subsidiary protection for the purpose of family reunification will be granted. It is not possible to decide on the inadmissibility of the subsequent application.

In Cyprus, following an opinion issued by the Attorney General in 2019, the Asylum Service was determined to be the competent authority to receive and examine subsequent applications and/or new elements or findings on a claim. Based on this, the Asylum Service set up a procedure for the submission of subsequent applications, new elements or findings, and introduced a form which applicants are required to submit. Given the rise in the numbers of subsequent applications, processing times remained lengthy.

The French Council of State examined the procedural consequences of the new regime known as 'family request' instituted by the Law of 10 September 2018, Article L.741-1 regarding accompanying minors. The council concluded that the existence of a previously processed family asylum application does not constitute an obstacle to hearing an accompanied minor during a request for reconsideration, as long as the minor can provide new facts or elements which increase the likelihood that the claimant can justify the conditions required to claim protection.

7.5.6 Practices concerning prioritised caseloads

Within the framework of both regular and special procedures, a Member State may prioritise certain categories of cases so that they are processed with priority before other types of cases. Prioritisation may concern both well-founded and unfounded cases and is a practical tool to make processing more efficient.

In July, the Minister of Justice in Iceland issued Decree No. 638/2019 according to which the Directorate of Immigration must shorten the processing time for refugee applications and designated additional funding to the directorate (IS LEG 01). Applications by minors should be prioritised[399] and the directorate consider the substance of an application by a minor who has received protection in another state.

The Netherlands introduced specific measures[400] to manage the high number of applications submitted in November 2019 by nationals of Moldova, many of whom had had their application rejected previously in other EU+ countries. Measures included handling these applications with priority and by a special team within the IND, aiming to reduce the application procedure to a maximum of three to four weeks and to effectuate the return to Moldova as soon as possible. In addition, more austere reception facilities were offered, return procedures were strengthened and detention was applied when necessary.

Responding to a rapid influx, Spain prioritised applications lodged by Venezuelan and other Latin American nationals. Due to increased applications from Georgian nationals, the Swedish Migration Agency applied the fast-track procedure to this specific profile of applicants.

Existing challenges reported by civil society organisations

In 2019, civil society organisations observed generally short deadlines with regard to border procedures and challenges in providing legal assistance.[401] In addition, they warned that the structure and timelines for special procedures may not allow for specific circumstances related to sexual orientation and gender identity to be adequately addressed.[402]

The now-discontinued draft amendment to the Law on Protection in Poland was criticised by the Helsinki Foundation for Human Rights as it advocates automatic detention for the majority of applicants under border procedures and does not ensure the right to effective remedy before the court. CAT also expressed concerns that the amendment may limit access to Polish territory since applications involving border proceedings under accelerated procedures were rejected within 20 days and appeals to the court do not have a suspensive effect.

7.6 Procedures at first instance

CEAS is based on the principle of common standards for fair and efficient procedures for granting and withdrawing international protection across Member States. The standards set in the recast Asylum Procedures Directive aim to ensure that decisions on applications for international protection are taken on the basis of facts and by persons with appropriate knowledge and training, after an adequate and complete examination undertaken without undue delay. Within this framework, Member States have established their asylum systems and procedures in various ways to reflect the standards in the directive.

7.6.1 New approaches and measures in asylum systems

Some EU+ countries proposed new approaches to asylum and migration in 2019, announcing new packages of measures. The package presented in Austria on 25 February 2019 and implemented as of 1 March 2019 included measures related to reception; further acceleration of the asylum procedure to 20 days; and taking steps at the European and national levels on the withdrawal of the asylum status for certain criminal offences.

Linked to a rising number of asylum applications and, thus, pressure on the asylum and reception systems in Belgium, the Council of Ministers approved several measures in March and November 2019 to speed up the procedures for international protection by hiring more staff in asylum authorities, increasing reception capacity to accelerate outflow and cooperating closer with all federal government departments.

The Swiss State Secretariat for Migration (SEM) published in November 2019 a list of measures to optimise the functioning of their asylum system, including closing two federal asylum centres without processing facilities, speeding up the processing of asylum applications lodged under the previous legislation and increasing the efficiency of returns. This followed the entry into force of the new Swiss asylum law in March 2019.

In Greece, a new Asylum Law 4636/2019 was adopted by the Hellenic Parliament on 31 October 2019 and entered into force on 1 January 2020. The new law brings changes in several areas: specific profiles will be prioritised; subsequent applications should be examined within five days (or two days for a removal procedure); the vulnerability assessment is only intended to trigger the provision of reception needs and prioritise the application but does not exempt the applicant from specific procedures; and the reception and identification procedures were organised into five stages.

A civil court in Italy assessed mental illness and degrading and inhuman treatment of people. The court granted international protection to a Gambian national due to discriminatory laws and the lack of medical structures in the country of origin.

Adequate protection of minors in Afghanistan was reviewed by the CALL in Belgium in the case of two brothers. The Court granted them refugee status based on country of origin information and the vulnerability of the applicants given their young age.

Claims based on sexual orientation represent a vulnerability factor for asylum seekers. In this context, the Tallinn Court of Appeals assessed the credibility of a Namibian applicant for international protection and accepted the lack of detailed statements, while noting that ignorance of LGBT groups does not necessarily indicate the applicant's lack of credibility. FGM practices and forced marriages in countries of origin were also assessed by the courts in France and Switzerland.

7.6.2 Amendments to existing legislation

An amendment to the Aliens Act in Finland, which came into force on 1 June 2019, clarified when an asylum applicant's right to work ends, granted the Finnish Immigration Service the right to seize the applicant's travel document for the length of the process and introduced a limit on the number of times an applicant could reapply (FI LEG 01). In addition, a decision of the Ministry of the Interior clarified that from 1 January 2020 residence permit applications submitted in parallel to an asylum c

In France, on 1 January and 1 March 2019 several provisions of Law No. 2018-778 of 10 September 2018 came into effect for managed immigration, an effective right of asylum and successful integration (FR LEG 06). The amendments aimed to reduce the general processing time of asylum applications, improve the functioning of the national reception scheme, strengthen measures to deter irregular migration and implement prompt processing of residence permit applications by asylum seekers.

In Lithuania as of 1 July 2019, information related to lodging and the examination of an application for international protection may be classified in accordance with the procedure established by the Law of the Republic of Lithuania on State Secrets and Official Secrets (prior to that change all such information was classified). Among other changes, a separate decision on issuing or renewing a foreigner's registration certificate is no longer required. Similarly, no separate justification in the Migration Department's decision is required when extending the period for examination of an application (up to six months). In addition, certain categories of intermediate decisions[l] do not require a separate written decision of the Migration Department (LT LEG 01).

Ministerial decisions were issued in Greece on several matters, including Decision 1139/2019 on the procedure for issuing travel documents to refugee beneficiaries (EL LEG 01), Decision 1140/2019 on the restriction of movement of applicants of international protection and subsidiary protection recipients (EL LEG 02), and Joint Decision 1333/2019 on the implementation of exceptional border procedures (EL LEG 03).

In September 2019, the Hungarian government extended Government Decree 41/2016 (III. 9.)[403] by six more months, stating that there is a continued state of crisis caused by mass migration (HU LEG 02).

7.6.3 Institutional changes

There were several institutional changes reported by EU+ countries concerning determining authorities, including internal reorganisation, redefined mandates and changes in the authorities which handle first instance procedures.

Bulgaria, Croatia, France and Sweden made changes to the internal organisation of their asylum agencies in 2019. In Bulgaria, a separate Social Adaptation Department was established in the Registration and Reception Centre in Harmanli.

The Croatian Ministry of the Interior formed the Directorate for Immigration, Citizenship and Administrative Affairs with a sector for foreigners and international protection and a sector for

[l] This includes decisions on admission into the territory of the Republic of Lithuania; provision with accommodation or permission to reside at a place of one's choice; and procedural decisions for examining an application and the steps involved (examination of the application as to substance; examination of the application as a matter of urgency; determination of the responsible EU Member State; extension of the period for taking of a decision; extension of the period for examination of the application; suspension of examination of the application; and resumption of examination of the application).

administrative affairs and citizenship. The sector for foreigners and international protection has three services: service for international protection, service for the reception and accommodation of applicants for international protection and service for foreigners. The service for international protection is responsible for three sections: the section for international protection section, the section for Dublin procedure and the section for integration section). The service for reception and accommodation of applicants for international protection is responsible for reception centres in Zagreb and Kutina.

As of May 2020, the Swedish Migration Agency and its head office will be restructured and the number of regions will be reduced from six to three. Decentralised missions in French cities outside of the Paris region doubled in 2019 in order to accelerate the examination of claims.

In Estonia, migration-related services were transferred from the Ministry of Social Affairs to the Social Insurance Board, while the mandate for policy-making on those services remained with the Ministry of Social Affairs. On 1 July 2019, the Immigration and Asylum Office of Hungary was transformed into the National Directorate-General for Aliens Policing and became a law enforcement body (while remaining under the Ministry of the Interior) with policing, rather than civilian, functions. The legal basis of the asylum procedures did not change. On 1 January 2019, regional asylum offices were closed and the central department based in Budapest took over all asylum procedures.

In Greece, The Ministry of Citizen Protection and the Ministry of Migration Policy were merged into a new Ministry of Citizen Protection in July 2019. On 15 January 2020, the Ministry of Migration and Asylum was re-established. The role of a national coordinator was introduced to manage migration and refugee matters. A new Asylum Unit Nikaia was established to process pending cases.

Belgium, Cyprus, France, Germany, Malta and Spain reinforced the number of staff working on asylum and provided introductory training.

ECRE's report, *Asylum Authorities: An Overview of Internal Structures and Available Resources*, published in October 2019, provides a comprehensive overview of the structure, composition and functioning of asylum authorities at first instance.

7.6.4 New working methods and policies

Sweden and Belgium applied revised methodologies for case management. Sweden extended the "Asylum360" pilot projects of 2018 to more regions, combining the accommodation of asylum seekers and the examination of their applications into one continuous process to handle as many cases as possible without interruptions. This project contributed to reduce the handling time of new applicants by approximately 220 days during 2019.

In Belgium, an integrated approach (chain management) was set up to reinforce cooperation among various asylum institutions (Fedasil, CGRS and the Immigration Office) and budgetary provisions. A key component of the approach concerns prioritising several categories of cases (detention, persons who obtained protection in another Member State, applications from safe countries of origin, applications by minors accompanied by their parents, withdrawals based on a danger to national security or society, subsequent applications, already pending cases, unaccompanied minor applicants, applications for which the first instance decision was cancelled by the court, and applications by applicants who are in a prison). The remainder of the workload focused on older and already ongoing cases (first-in, first-out principle).

Changes in interviewing practices were introduced in France and Ireland. Based on a decision of 2 July 2019 by OFPRA's Director General, interviewing practices were adjusted whereby the presence of only one lawyer or representative of an accredited association is authorised, and trainee lawyers and interns are prohibited from accompanying their supervisor. An exception may be granted in the case of disabled applicants.

In Ireland, a pilot project allows for some substantive regular interviews now to take place through teleconference or videoconference in Cork and from video suites in courthouses.

Interviews were also a subject of court deliberations in 2019. For instance, the French Council of State specified the conditions under which the recording of an interview could be requested by an applicant and submitted to CNDA. The Supreme Court in Slovakia reviewed a request for an additional personal interview and ruled the request as redundant, as the previously conducted interview and subsequent evidence included in the administrative file (e.g. country of origin information) did not result in any inconsistencies that needed clarification in an additional interview.

Policies related to family applications changed in Belgium and Lithuania. In line with CALL jurisprudence, the Belgian CGRS changed its policy in April 2019 on applications for international protection submitted by parents in the name of a daughter who fears female genital mutilation. Parents are no longer granted a derived refugee status on the basis of the principle of family unity; instead they can submit a request for regularisation based on the Immigration Act and granted by the Immigration Office). In Lithuania as of 1 July 2019, the Migration Department may take joint decisions on asylum applicants of the same family (previously they were always taken jointly), provided that a joint decision does not disclose personal circumstances of an applicant which could pose a threat to best interests (LT LEG 01).

Latvia made improvements to the efficiency of the Asylum Seekers Register, aiming to reduce paper files and process data on applicants more efficiently. The country is also transitioning to fully digitalised documents. In late 2019, the Office of the Refugee Commissioner in Malta started implementing changes to reporting on case allocation and backlog.

As of September 2019, the PBGB in Estonia started to issue "3 in 1 decisions". Together with a negative asylum decision, a person receives a return decision and a decision to impose an entry ban with the same administrative act. After a final decision on international protection, the court still has the right to suspend the enforcement of the return decision as an interim measure.

As of September 2019, Executive Officers in the International Protection Office (IPO) in Ireland were granted the authority for single sign-off on certain cases. In addition, some legal panel members and case workers are assigned to handle caseloads from specific countries to improve their knowledge for swift decision-making.

7.6.5 New technologies

To increase efficiency and the quality of asylum procedures, some EU+ countries introduced new technologies for case processing. For example, BAMF in Germany implemented the XAVIA project that enables real-time electronic exchange of case-related information between different public entities (municipalities, states and the federal office), replacing communication by post or fax. The Norwegian Directorate of Immigration launched the LOS system to book interpreters for interviews, order translations and undertake age assessments. The system also manages logistics and finances.

The Ministry of the Interior in Czechia joined the Videoconferences for Identification project, which focuses on creating and supporting a national and European network for return cases, asylum and

residence procedures. In Estonia, a new information system for international protection procedures is being developed and should go live at the end of 2020.

7.6.6 Monitoring and quality assurance

EU+ countries continuously implement projects to monitor and improve the quality of asylum procedures. The programmes are implemented by the asylum authority or external stakeholders, such as UNHCR.

Previously at BAMF in Germany, quality assurance employees were located in every branch office, with a central quality assurance unit in Nuremberg. In 2019, this was changed to rotate quality assurance employees across branch offices to gain more homogeneity in decisions. In Croatia, the project "Monitoring the conduct of the Ministry of the Interior police officers in the area of irregular migration and asylum" was launched to monitor that the rights of irregular migrants and potential applicants for international protection were consistently protected. A Quality Control Unit was established in Cyprus in the Asylum Service, with the participation of the Asylum Service, EASO and UNHCR experts.

New and updated quality guidance was issued in several EU+ countries in 2019. The Belgian CGRS developed and published several quality tools (job descriptions for supervisors, indicators for work output, an updated quality guide and monitoring tools for gender-based cases). Indicators to monitor and assess cases lodged by minors were developed, with random checks of 100 files by the children coordinator. Lithuania implemented internal guidelines on the conduct of interviews and information-gathering in the asylum procedure.

Malta continued to review and update guidance and launched new internal standard operating procedures for radicalisation and extremism and an internal guide on the application of internal protection alternatives. Following an internal review of national processes and consultations with EASO, the decision template was also updated. Spain issued case-handling guidelines (for example related to gender issues, credibility assessments and the assessment of medical reports).

Other specific monitoring and evaluation activities were implemented by various actors. In Finland, an independent survey report of the asylum procedure was published in June 2019 on the standards and efficiency of the asylum procedure and the applicant's legal protection. The survey, examining the entire procedure and all authorities involved, was the first of its kind, commissioned in 2018 by the Finnish Ministry of Interior to identify developmental needs, examine the cooperation between different authorities and assess the practices of the administrative courts for dealing with asylum-related issues.

In the Netherlands, the State Secretary for Justice and Security gave a formal response to the WODC report, published in early 2020. The WODC conducted a study on assessing the credibility of LGBTI and conversion-motivated asylum applications.[404] The findings of the WODC will not lead directly to a policy change, but to a further evaluation of recent policy measures that the IND has made.[405]

The Austrian Court of Audit performed an audit of the Federal Office for Immigration and Asylum, examining its organisation, strategies, procedures related to the Asylum and Aliens Law, quality management, and internal control systems.[406] With regard to procedures, the Court of Audit made recommendations on reviews of individual cases involving applicants convicted of criminal offences, specifically to stress accelerated procedures and to harmonise the system to handle procedures in the provinces. To ensure a uniform standard of training, a new training model for procedural assistants and special training for quality assurance staff was developed in line with the Court of Auditors' recommendation.

The Estonian PBGB organised a large-scale exercise, "HotSpot 2019", by which it rehearsed the mass influx of thousands of migrants at the border checkpoint located in Koidula, south-eastern part of Estonia. The exercise tested the performance of initial procedural acts in an emergency situation (screening of health issues, vulnerability assessment,s security checks, identification, fingerprinting, photographing, etc.) with the participation of nearly 400 PBGB officials. The exercise was evaluated by local experts, and partners from Finland and Frontex.

UNHCR appointed an independent expert to perform an external quality assessment on a selection of first instance decisions in Luxembourg. Courts also looked into the main principles to be observed in asylum procedures. For instance, the objectivity of decision-making in conjunction to the four-eye principle was contested before the Dutch Council of State. According to its ruling, not applying the dual control principle in all asylum cases does not contradict with a legal provision or the due care principle.

Existing challenges reported by civil society organisations

Concerns raised by civil society organisations often pointed to exceedingly long first instance procedures, going beyond legal limits, and the detrimental effect it had on applicants. For example in Cyprus,[407] Greece[408] and Spain,[409] delays were frequent in the regular procedure, while improvements were noted in the duration of fast-track cases. In Switzerland, swifter procedures and access to legal aid were welcomed, but it was pointed out by Amnesty International[410] and the Swiss Refugee Council[411] that fast processing and very strict deadlines can lead to less robust assessments and decision-making, illustrated by a higher number of cases remitted by the court for re-examination.[412]

Issues in interviewing were raised in Switzerland as a side effect of strict timelines under new procedural deadlines[413] and in Bulgaria due to the absence of standard questions during eligibility interviews and lack of guidelines or a code of conduct. The Hungarian Helsinki Committee flagged the presence of armed security guards during asylum interviews in transit zones in Hungary.[414]

Civil society organisations continued to advocate for transparent asylum procedures. In Spain a concern was raised about incomplete information-gathering and case assessments that rely excessively on the personal interview as the main source, while no reference is made to evidence produced during the procedure.[415] The asylum authority in Spain responded that it undertakes second interviews when required and takes into consideration all submissions by the applicant as per administrative legal provisions before taking a final decision on a case. Also related to transparency and compliance, in Bulgaria the case worker's superior can request a re-examination of an asylum claim if he/she disagrees with the proposed decision without any written procedure or documentation in the file.[416]

Related to institutional arrangements, NGOs criticised that the Greek Ministry of Migration Policy no longer has a separate portfolio,[417] in addition to the division of tasks between the police and the BFA in Austria.[418] The Swedish Refugee Law Centre examined which indicators the Swedish Migration Agency used in its credibility assessment in decisions where the application was rejected.[419] In the United Kingdom, a coalition including Freedom from Torture published a report, *Lessons not Learned: The Failures of Asylum Decision-Making in the UK*, based on findings from 50 publications issued in the last 15 years.[420]

Related analysis was also provided by several actors. MPI Europe-Bertelsmann Stiftung published a report on operational changes made by Member States in their national systems, making an argument for the policy changes and stating that implementing tools was key in achieving efficiency.[421]

7.7 Reception of applicants for international protection

The recast Reception Conditions Directive sets the standards for the conditions which must be met during the reception phase of an asylum procedure and aims to ensure that rights and obligations are harmonised across all Member States. The reception of applicants for international protection encompasses rules on material reception conditions, financial allowance, freedom of movement, access to health care, education for children, access to the labour market, language instruction and socio-cultural orientation.

The recast Reception Conditions Directive describes the conditions and processes under which applicants need to be informed about reception benefits and duties. The directive also outlines the circumstances when Member States may reduce or very exceptionally withdraw material reception conditions. Member States must have appropriate guidance, monitoring and controls to ensure that the EU standards are upheld. They also need to provide suitable staff training and allocate sufficient resources. Member States are required as well to take into account the specific situation of vulnerable applicants. *(see Section 6).* Furthermore, the directive lists the criteria, guarantees and conditions for the detention of applicants *(see Section 7.8).* The standards in the directive, however, can be imposed differently in national laws and thus variations exist in reception conditions across countries.

As a result of significant changes in the organisation of national reception procedures in 2018, Member States in 2019 focused on implementing these changes without embarking on new, major initiatives.

Several countries fine-tuned their institutional framework to facilitate the implementation process, and others continued with efforts to increase the number of places available to accommodate an increase in the number of applications. A few countries descaled reception capacity. Some initiatives over the year reduced (or planned to reduce) material reception conditions for certain groups of applicants.

UNHCR and civil society organisations identified major gaps in several EU+ countries, especially in terms of access to housing, health care and education for children and youth.

7.7.1 Organisation and functioning of reception systems

7.7.1.1 Reception capacity

Due to different migration patterns into Europe in 2019, Member States made diverse changes to their reception capacity. Substantial increases to reception capacity were necessary, for example, in Belgium, France, Ireland and the Netherlands. Belgium created 5 411 new reception places when it faced an acute shortage due to a reduction of temporary places (which were set up for a limited period of time to address the 2015 asylum crisis) in the first half of 2018,[422] longer processing periods, a lack of sufficient buffer capacity and a surge in the number of applicants.

Despite the substantial growth in capacity (+ 25 % in 2019), the Belgian reception agency, Fedasil, faced some difficulties in opening new sites due to constraints to find appropriate sites and, in some cases, protests from local authorities or from a part of the local population, including an incident where a building that was being converted into reception centre in Bilzen was set on fire.[423] The Council of Ministers approved urgent measures in February and November 2019 by increasing the number of staff to improve the processing time of applications, by strengthening cooperation among the relevant federal government departments and launching procurement procedures to open additional reception places and create buffer places without delay. Fedasil and the Red Cross

established an agreement with the Flemish Integration and Civic Integration Agency to notify the public of the opening of any new reception centre and the Agency would appoint a liaison officer to support the local administration in addressing residents.

The number of places was substantially increased in France. Since 2017, 13 000 placed for accommodation have been opened, with overall accommodations accounting for 107 200 places (as of 31 December 2019). Meanwhile, the changes still only provided accommodation for just 50 % of applicants in France. Nevertheless, 8 710 places have been created in temporary accommodation centres (CPH) for vulnerable refugees. The share of these temporary accommodation places has increased of more than 300 % since 2015. The accommodation facilities for refugees being particularly tense in the Paris metropolitan area, specific programmes have been supported in this area, including the creation of a new type of reception facility in Île-de-France (CAIR), which accommodates up to 200 single men for six months, renewable once, and special reception places for vulnerable applicants *(see Section 6.8).* But the changes still only provided accommodation for only around 50 % of applicants in France.[424]

Ireland used emergency accommodation in hotels and guesthouses to meet demand due to a rise in applicants. Emergency accommodation was used only for as short a time as possible, but – as seen in Belgium – national authorities faced difficulties in procuring new standard reception facilities.

To address a shortage in reception capacity, the Minister for Migration in the Netherlands announced the creation of 5 000 additional places.[425]

Pressure on reception systems continued in Luxembourg, Malta and Slovenia. The occupancy rate was almost 80 % at the end of 2019 in Luxembourg, but reporting was skewed as unavailable spaces appeared as unoccupied due to occupation by several large families.[li]

The maximum capacity of the initial reception centres and open centres was reached in Malta. An intra-ministerial committee was set up to find solutions to this challenge and address the sharp rise in unaccompanied minors *(see Section 6).*

Implementing the third phase of its contingency plan, the government in Slovenia created additional places in reception and hired more staff in 2019. Nonetheless, civil society organisations noted a continued lack of capacity resulting in lower hygienic standards.[426]

A new peak occurred in Lithuania with a rise in arrivals. Reception capacity remained stable, but some applicants were accommodated in second line reception facilities which are intended for recognised beneficiaries of international protection. UNHCR and NGO monitoring indicated that in-land reception capacity was exhausted in Lithuania from September to December 2019, leading to the placement of newly-arrived asylum seekers, mostly families with minor children, at border crossing points and frontier stations; the asylum seekers stayed up to one month in these locations in challenging conditions.[427]

New facilities opened in Czechia (in Bělá pod Bezdězem, offering 186 places) and Portugal (in S. João da Talha, Municipality of Loures, with 90 places, 30 of which are reserved for unaccompanied children and 60 as transitory accommodation for resettled refugees). As the Regional Centre of Timisoara in Romania reached full capacity, applicants were transferred to other regional centres. An ongoing AMIF project will create 500 new places in the country.[428]

[li] It should be noted that an occupancy rate above 80 % is difficult to be achieved in family and mixed reception structures since the use of all capacities is impossible as, for example, a free bed in a family room cannot be occupied by a person outside of the family.

Some reception facilities were closed, for example, in Austria (but maintained as reserve capacity), Finland, Norway and Sweden.

AIDA published an update of an earlier ECRE report on reception capacity, focusing on the management of reception capacity and the implications of over-stayers (recognised beneficiaries of international protection who cannot move out of reception facilities).[429]

7.7.1.2 Institutional changes

Many countries implemented institutional changes to reception in 2019, more than in previous years. For example, Austria, Croatia and Luxembourg established new administrative bodies related to reception.

The Austrian Parliament adopted a law establishing a new Federal Agency for Care and Assistance Services (BBU, *Bundesagentur für Betreuungs- und Unterstützungsleistungen*) (AT LEG 02). The BBU, located in Vienna, falls under the responsibility of the Federal Ministry of the Interior, similar to the BFA. The tasks of the BBU include: the provision of reception conditions falling under federal competence; the provision of independent legal counselling for asylum procedures at first and second instance; return and repatriation counselling and assistance; the provision of human rights observers to systematically monitor removals; and the provision of interpreters and translators for asylum procedures. The BBU is expected to take up operations on the provision of reception conditions in 2020, while other tasks, such as providing legal counselling and return counselling, will begin as of 2021. Legal counselling was previously outsourced to civil society organisations, and with the change in mandate, UNHCR highlighted the importance of NGOs in independent counselling and the risks of excluding them from the process.[430]

A Service for Reception and Accommodation of Applicants for International Protection was established in Croatia within the Ministry of the Interior, with sections in Zagreb and Kutina. In addition, a Governmental Inter-Agency Committee for the Protection of Unaccompanied Children was established.

The National Reception Office (ONA, *Office national de l'accueil*) was created by the Law of 4 December 2019 in Luxembourg and the provisions of the new reception policy entered into force on 1 January 2020, thereby taking over tasks from the Luxembourg Reception and Integration Agency *(Office luxembourgeois de l'accueil et de l'intégration)* (LU LEG 02). A Department for Integration was created in parallel within the Ministry of Family Affairs, Integration and the Greater Region, coordinating and implementing the national integration policy

Hungary and Ireland re-organised existing structures. The Reception Facilities Supervisory Unit became responsible for operating and managing reception facilities in Hungary and individual reception centres and community shelters ceased to exist as independent legal entities.

The tasks for reception and accommodation were divided into two new sections within the Immigration Service Delivery Function in Ireland: International Protection Accommodation services and International Protection Procurement Services. This took place within the context of a broader transformation process throughout the Department of Justice and Equality.

Cyprus and Lithuania made adjustments in funding rules. The Refugee Law in Cyprus was amended to allow the management of a reception centre to be transferred to a private organisation or NGO, based on calls for proposal. The Asylum Service worked in cooperation with other relevant authorities to develop a strategic plan for the accommodation of applicants. The plan will be submitted to the

European Commission and will be the basis of a grant to an international or civil society organisation to establish a corresponding pilot project.

Lithuania also amended its rules on funding for material reception conditions. The "Description of the Procedure for Accommodation of Asylum Applicants" clarified that costs exceeding the rates defined in the document might be covered by funds from international organisations, the European Union, non-governmental organisations or private entities.

7.7.1.3 Organisation of reception

As a result of the major changes in 2018 which centralised the first steps of the asylum procedure in arrival centres, 2019 saw the consolidation of these concepts.

Fedasil implemented new procedures to establish and improve the arrival path in the new Arrival Centre in Brussels (set up in December 2018) to ensure that applicants were further distributed to the most suitable place for their profile *(see Sections 6.1 and 7.1)*. Some of these ambitious initiatives had to be postponed or suspended due to a shortage of places in the Belgian reception network. Additionally, Fedasil updated its list of nationalities likely to be granted international protection (with an 80 % recognition rate) as they can request to be transferred to an individual reception place after two months in a collective accommodation centre, if their procedure is still pending before the CGRS.

The AnkER concept, gathering all relevant authorities and proceedings under one roof, was adopted in three federal states in Germany: Brandenburg, Schleswig-Holstein and Mecklenburg-Western Pomerania. ECRE published a report analysing this reception model and identified risks to the quality of the asylum procedure and the provision of material reception conditions.[431]

The asylum reform in Switzerland *(see Section 7.6)* brought changes to the organisation of reception. Generally, applicants stay in a federal reception centre for the entire period of the accelerated procedure and only recognised beneficiaries or persons with an extended procedure of more than 140 days are placed into cantonal centres.

7.7.1.4 Quality of material reception conditions

Many policy developments were implemented in EU+ countries to improve material reception conditions. To this end, Member States established guidelines, implemented monitoring, increased funding and undertook simulation exercises.

The Federal Ministry of the Interior in Austria, in cooperation with UNHCR, assessed the conditions in the Fieberbrunn and Schwechat facilities, following hunger strikes by several rejected asylum applicants in Fieberbrunn. The Ministry drew up a list of recommendations building on UNHCR input[432] to improve the situation, but NGOs reported that these suggestions were not strictly followed by authorities.[433]

The Police and Border Guard Board in Estonia organised a large-scale exercise to simulate mass arrivals and practiced setting up an adequate reception system in this situation.

The Finnish Immigration Service gave reception centres several operating guidelines, including on health care services and on work and study activities. The implementation of the new revisited monitoring programme of the national reception system has begun. The position of crisis and family counsellor was introduced in reception centres.

Four Orders were issued in France to harmonise operational rules in emergency accommodation and regular accommodation centres (FR LEG 09, FR LEG 10, FR LEG 11, FR LEG 12). Emergency accommodation centers had been created since 2015 in urgent conditions and as a result were very diversified. The aim of the government is to provide more quality and harmonised emergency accommodation centers.

The "National Standards for Accommodation Offered to People in the Protection Process" were published in Ireland following a consultative process with UNHCR and civil society organisations to improve the quality of care and ensure consistency across reception facilities.[434] An expert advisory group was set up to examine long-term approaches to accommodation and support.[435] The NGO, Irish Refugee Council, published a report assessing the impact of the transposition of the recast Reception Conditions Directive[436] and made recommendations to further improve the implementation of the legislation.[437] The Joint Oireachtas Committee on Justice and Equality also published a report on direct provision in Ireland, acknowledging recent improvements in the system while suggesting others.[438] UNHCR welcomed the report and highlighted the importance of establishing effective monitoring mechanisms on the implementation of new standards.[439]

Italy allocated funding to local authorities to improve reception conditions of unaccompanied minors and other vulnerable applicants *(see Section 6).* However, Emergency Accommodation Centres which house the majority of applicants received less funding since the adoption of Decree Law 113/2018, limiting the support provided to applicants.[440]

Repairs and refurbishment of the Foreigners' Registration Centre in Lithuania was funded by AMIF.

One mandate of the new *Office national de l'accueil* (ONA) in Luxembourg was to further enhance quality standards for housing structures. The government also started working on an update of its contingency plan, and ONA is now included in the consultation process.

During 2019, the State Secretariat for Migration in Switzerland started working on specifications for employees of reception partners, administration and security staff in its Quality Management Standards. The Swiss Refugee Council noted that reception facilities are typically located in remote areas and nearby localities are difficult to reach by public transport.[441]

The UK Home Office updated its guidance on assessing applicants who are destitute and eligible for support.[442]

Existing challenges reported by UNHCR and civil society organisations

As seen in previous years, the overall quality of material reception conditions remained insufficient in many Member States.[443] Acute shortages in accommodation or inadequate conditions were reported, for example, in Cyprus, France, Greece, Hungary, Malta and Spain.[444]

Material reception conditions were enhanced in Cyprus. Nevertheless, UNHCR,[445] the Ombudsman's Office,[446] the Commissioner for Children's Rights[447] and civil society organisations ascertained that the resources provided still did not ensure dignified living.[448] Homelessness persisted as a reality among applicants, even though Social Welfare Services tried to engage private entities and private landlords to arrange housing.[449] Applicants also faced long delays in accessing material reception conditions. The Alien's Certificate, which is necessary for financial support, was frequently issued after a long processing time by the Aliens and Immigration Unit of the police, in addition to the Social Welfare Services which took two to three months to process requests related to rent and utilities.

Despite notable efforts in France to increase capacity in accommodations (by introducing 13 000 additional places since 2017 and with a total of 107 200 places at the end of 2019), around one-half of applicants for international protection are left without accommodation due to a continued rise in asylum flows to the country in 2018 and 2019. Furthermore, capacity is saturated due to the difficulty to house refugees and to transfer Dublin applicants and rejected applicants, although work has been done on increasing fluidity. Many asylum seekers find accommodation in the emergency common law network in their community. Nevertheless, many applicants have resorted to sleeping outdoors in illegal camps without access to the support services usually provided in reception facilities.[450] To handle this situation, the government works with local authorities and NGOs to evacuate the camps, in particular in the north of France and Paris, and to provide shelter for migrants.

The quality of material reception conditions remained concerning in Greece and led to several incidents both on the island and the mainland.[451] UNHCR called for decisive action to end the atrocious conditions on the island.,[452] FRA referred to the situation as deplorable[453] and the Commissioner for Human Rights was reportedly alarmed following her visits to Corinth, Lesvos and Samos.[454] In addition, members of the European Parliament raised questions over the conditions on the islands and at Evros River.[455] The conditions were especially alarming with regard to vulnerable applicants *(see Section 6.8).*

In Hungary, all applicants for international protection were kept in transit zones, with the exception of unaccompanied minors younger than 14 years. Only a few applicants were released to an open reception facility by court order in 2019.[456] The conditions and services remained inadequate and limited, especially for vulnerable applicants *(see Section 6).*

Overcrowding led to deteriorating conditions in reception facilities in Malta, causing tensions throughout 2019. Aditus observed the lack of cleaning, issues with access to bathrooms, limited availability of hot water and the lack of heating or air-conditioning.[457] UNHCR was deeply concerned about the circumstances.[458] A rise in termination of services (as referred to under the contract and in national legislation) from reception facilities was observed, because – due to a shortage of spaces – AWAS rigorously applied the rule that applicants could stay a maximum of 9 to 12 months in the reception system. Applicants often became homeless because they could not afford their own accommodation with the rental increases on the private housing market.[459] Maltese authorities underlined that vulnerable applicants were not affected by the termination of service and people who declared themselves as homeless were given extensions.

Spain's reception facilities remained overcrowded throughout the year, especially in Ceuta and Melilla, Barcelona, the Canary Islands and Madrid.[460] Many applicants did not have access to accommodation at all and were homeless.[461] However, accommodation – including emergency access – has been significantly improved throughout 2019 considering the number of applications for international application which were received. In this respect, it can be noted that data from the Ministry of Social Security, Inclusion and Migration indicate that the Spanish reception system has provided support to a monthly average of about 27 600 persons, representing an increase of 8 % of access compared to 2018 in the emergency or preliminary phase, 23 % in the temporary reception phase and 51 % in the second phase of economic support.

The 2019 update of the AIDA report for Spain acknowledged efforts by asylum authorities to shorten waiting periods to access reception and create new places; nonetheless, they often observed delays of one to three months.[462] The situation seems to have been particularly difficult in Madrid, where the employees of the Social Service for the Municipal Assistance to Social Emergencies *(Samur Social)* organised a strike because many applicants, including children, did not have access to accommodation for months.[463] The Spanish Ombudsman continued its monitoring activities[464] and urged authorities to find a solution.[465] The new Ministry of Inclusion, Social Security and Migration started negotiations

with a private company in the beginning of 2020 to use empty apartments for reception.[466] Excessive documentation requirements have also hindered access to support services and to work, since an applicant's identification is valid for six months but renewals can frequently take six to seven months (during which time access to services and the labour market are suspended).[467]

7.7.2 Access to material reception conditions

7.7.2.1 Entitlement to material reception conditions

Changes implemented by Member States in 2019 affected the duration, scope and conditions of the entitlement to material reception conditions. For example, changes in Poland based on national jurisprudence (whereby administrative courts have started to suspend the enforcement of negative decisions during onward appeals) extended the duration of entitlements by making them available also during the appeal procedure since appeals became suspensive.[468]

A new proposal was put forward by the Icelandic Minister of Social Affairs that would ensure that persons who were granted asylum in Iceland receive the same reception conditions as refugees who have been resettled in the country as part of international agreements. Municipal authorities and the Icelandic Red Cross have criticised the discrepancy in treatment of the two groups. Under the terms of the new proposal, drafted by a committee that was appointed to review the refugee reception process, local municipalities would shoulder more of the responsibilities related to refugee services and the role of the Multicultural Information Centre would also be enhanced. Additionally, the Directorate of Labor would ensure the provision of Icelandic lessons and social education to newly-arrived asylum seekers. [469]

Courts in the Netherlands and Spain clarified the scope of entitlements. Changes in policy to register subsequent applications in the Netherlands *(following the ruling of the Council of State, see Section 7.1)* ensured that applicants are entitled to reception while waiting for the IND's admissibility decision. However, in case an application is not submitted in person in the application centre of Ter Apel or the application is incomplete, the applicant has one week to present at the application centre of Ter Apel and complete his application. After this period, the application is considered to be withdrawn and the entitlement to reception ends. In addition, the COA specified that applicants whose application was declared to be inadmissible because they were already beneficiaries of international protection in another Member State were not entitled to reception after submitting a request for provisional measure to a court for suspensive effect. However, several domestic courts rebutted this position and established the right to reception in these cases as well.[470]

Following judgements from the Spanish Superior Court of Madrid,[471] the Ministry of Labour, Migration and Social Security issued new instructions to ensure that applicants who are returned to Spain through a Dublin procedure are entitled to material reception conditions.[472]

An ordinance was amended in Croatia to clarify that applicants may request an absence of longer than 24 hours and up to 15 days from a reception facility, and it specified the deadlines and the type of documentation they need to submit to request this leave and the necessary documentation to be submitted when an applicant resides longer than 15 days outside of a reception facility. Not complying with these rules may result in losing the entitlement to material reception conditions and the reallocation of the applicant's place in the reception facility.

Stricter provisions now apply to certain applicants in Belgium, France and Germany. The Minister of Asylum and Migration in Belgium announced new measures in January 2020 to prevent abuse of the asylum system. Persons already benefitting from international protection in another EU Member State no longer received material reception conditions. Dublin applicants who absconded and re-applied for

reception after six months were also no longer entitled to material reception conditions. Fedasil evaluates these rejections on a case-by-case basis, taking into account any specific vulnerabilities of the applicant. The 2019 update of the AIDA report on Belgium notes that the instruction has no legal basis and possibly violates the provisions of the recast Reception Conditions Directive.[473]

In France, rejected applicants can remain in the accommodation centre for one month to plan their move. The Law of 10 September 2018 provides that, after formal notice, the administrative authority and the reception facilities can ask the administrative court to allow the police to evict over-stayers. In practice, administrative authorities take priority action in this field. Material reception conditions under the Asylum Seekers Benefits Act in Germany can now be restricted to a greater extent when the applicant does not respect the duty to cooperate. Applicants awaiting a Dublin transfer are entitled only to limited material reception conditions. For applicants who have already been granted international protection in another EU Member State and whose obligation to leave the territory is enforceable, material reception conditions are limited to core benefits until leaving the country *(Überbrückungsleistungen)* (DE LEG 02).

7.7.2.2 Financial allowance

A few countries implemented changes related to the level of financial allowance and the method of payment. The level of benefits for applicants in Germany was adjusted to be more aligned with the general level of social security, for example with the level of basic support for job seekers. Electricity and maintenance are now provided as in-kind benefits, and therefore, their costs are deducted from cash benefits. The financial allowance rates were adjusted for different applicant profiles. As such, a new type of beneficiary group was established: applicants in reception centres are presumed to form a community with common benefits, hence individual applicants in reception centres are now entitled to reduced benefits. Applicants and persons whose stay is tolerated *(Duldung)* became entitled to student benefits, and the exclusion from the relevant study support under the Twelfth Book of Social Code is no longer applicable to them. (DE LEG 03)

Applicants in Malta are not entitled to financial allowance, but due to the lack of spaces in reception centres, AWAS amended its policies and provided allowances to applicants who hold an asylum certificate and are registered with the Refugee Commissioner. However, Aditus observed that there was a lack of information about this possibility, and applicants at times waited several weeks for registration and their certificates before being entitled to an allowance.[474] According to AWAS, most cases were resolved immediately or within 48 hours.

The French government planned to cease the parallel payment of allocations for asylum seekers *(Allocation pour demandeur d'asile)* and the solidarity income support *(Revenu de solidarité active).* The allocation was paid monthly to a payment card instead of a withdrawal card since November 2019, which was strongly criticised by civil society organisations for limiting the use of the allowance.[475] The Forum Réfugiés-Cosi highlighted that the allocation, EUR 7.40 per day, does not allow applicants to find accommodation on the private market.[476]

Helsinki Foundation for Human Rights reported that applicants face similar challenges in Poland, where the amount of the allowance is not sufficient to find adequate housing in the capital city, where most applicants aim to stay for the period of the asylum procedure.[477] This affects applicants who want to stay outside of the reception centre by choice. About 55 % of applicants registered in the reception system opt for the financial allowance. Applicants can return to the centre, although the number of requests to terminate the allowance is very low. Applicants can also receive assistance for organisational, safety or family reasons or to prepare for an independent life after receiving a form of protection.

The pilot project for using prepaid cards for allowances in Luxembourg was considered to be a success and will be expanded in 2020. The implementation of the new payment card system in Finland continued, but the Finnish Immigration Service noted several technical issues throughout the process.

7.7.2.3 Freedom of movement

Only Germany reported a notable legislative change in 2019, where adult applicants without children are now required to live in an initial reception centre for a maximum period of 18 months, while federal states can extend this period to 24 months. The previous law defined a six-month maximum period (DE LEG 02).

7.7.2.4 Access to health care

An important change was introduced in the field of health care in the Netherlands, where applicants in process reception centres (POL, *processopvanglocatie*) became entitled to non-emergency health care treatments. These facilities were originally designed to accommodate applicants for only one to two weeks before they are transferred to the asylum seekers' centre (AZC, *asielzoekerscentrum*), where the full scope of medical care is available. The provision of medical services was adjusted due to lengthy waiting periods where applicants generally stay about one and a half years in a POL. Adult applicant remain covered for essential treatments during the first two months following registration. Restrictions are planned to be introduced in France, where applicants for international protection were previously exempted from the three-month residence requirement for third country nationals. This will be revoked so applicants will no longer have access to the universal health care insurance (PUMA) until after three months of residence in the country. However, urgent care is still available to asylum applicants and France finances support measures in health care (for example through Comede - *Comité pour la santé des exilés*, Parcours d'exil, Primo Levi Centre for Care and Support of Victims of Torture and Political Violence).

Staff changes were reported by Lithuania, where medical staff was increased in the Foreigners' Reception Centre and agreements were concluded with health care institutions to ensure continuity of services, even when a physician is not present in the reception centre.

AMIF co-funded several projects to facilitate access to health care in Croatia (psycho-social support provided by the Croatian Red Cross), Cyprus (provision of mental health services in the Kofinou Reception Centre) and Finland (the TERTTU project came to an end, having developed a health examination protocol for assessing health, well-being and health care needs and the PSYYK project was launched, aiming to train reception staff on mental health and developing a mental health work manual for them).

The Belgian Health Care Knowledge Centre published the results of a stakeholder consultation on applicants' access to health care and made recommendations for a more equitable approach.[478] Fedasil started stakeholder consultations to follow up on these suggestions.[479]

Civil society organisations noted concerns in several Member States related to the availability of practitioners in reception facilities and hindered access due to bureaucratic practices. For example, Médecins du Monde Belgique provided health care services and psychological support in reception

facilities in Croatia[lii] and observed that mental health support should be substantially increased, especially for Dublin returnees. It also signalled that more children, women, pregnant women and families arrived, and overall applicants had worse health conditions, such as infectious diseases, which could be associated with long-term stay in poor conditions in camps in Bosnia and Herzegovina.[480]

Cyprus transferred to a new health care system in 2019, but applicants continue to receive services under the previous provisions. This created some confusion for health care practitioners, and applicants often had issues in accessing health services before the Council of Ministers issued a clarifying decision.[481]

The Danish Refugee Council in Greece observed issues in accessing non-emergency medical services since the conditions for issuing the social security number were unclear. The clarifying amendment was adopted in November 2019 but did not improve the situation in practice[482] as technical issues persisted.

Psychological support was sporadically available in transit zones in Hungary throughout 2019, subject to funding and not more than a few hours per week.[483] In Poland, In Poland, pediatrician duty hours have been introduced in each center for foreigners, in place of part of hours dedicated to general practitioners.[484] Access to health care services was reported to be difficult in Spain, with varied bureaucratic practices.[485]

7.7.2.5 Access to education

In 2019, UNHCR launched an awareness-raising campaign on the challenges faced by minor applicants and refugee children in accessing education in Europe.[486] Civil society organisations also signalled specific gaps in Ireland and Spain, in addition to the negative impact of poor reception conditions on children's education in Greece[487] and Hungary,[488] where access to formal education was generally unattainable *(see Sections 6 and 7.12.9)*.

The Irish Refugee Council expressed particular concern about access to education for children in emergency accommodation.[489] A pilot support scheme continued in 2019 to facilitate access to higher education for applicants. The scheme was altered in light of a review which indicated that a requirement to have been in school in Ireland for at least five years was too restrictive.[490] The majority of universities, institutes of technology and the Irish Refugee Council continued to offer scholarships and grants to support access to higher education.[491]

Children accommodated in the Temporary Migrants Stay Centres in Ceuta and Melilla in Spain were often excluded from education due to extreme overcrowding in the centres.[492]

The reception facilities in Zagreb and Kutina in Croatia considered their cooperation with local primary schools successful in enrolling applicant children quickly. The Jesuit Refugee Service was offered a short-term contract to re-establish child-friendly spaces in the reception centres.[493] They re-established child-friendly spaces in reception centres and assist children in completing homework and learning the Croatian language.

[lii] Medicines du Monde provided compulsory medical examinations, psychological assistance and translation services at reception centres, while health services are provided within the public health system at the nearest health center. The Ministry of the Interior has contracts with several NGOs to provide services in reception centres (medical care, legal counselling, psychosocial support, organising free time and everyday activities for applicants, training and educational programmes). Several associations operate in the reception centres (Croatian Red Cross, Medecins du Monde, Jesuit Refugee Service, Croatian Baptist Aid, Rehabilitation Centre for Stress and Trauma, Volunteer Centre Osijek, Are you Syrious, etc.).

Poland launched an AMIF-funded project in 2017, "Material and Educational Support for Foreigners Applying for International Protection in Poland", to support children and vulnerable applicants. As a part of the project, the Office for Foreigners started educational and adaptation activities for children aged 3 to 6. This classes are essential to prepare children for the education path in the national system and create opportunities for leisure and fun activities. These lessons are organised also to inform children about their rights.

7.7.2.6 Access to employment

Several countries introduced changes or new initiatives that sought to facilitate access to the labour market for applicants, but some new national restrictions arose as well in 2019.

Examples of relevant legislative amendments include the revision of the Law on the Legal Status of Foreigners in Lithuania, which granted applicants the right to work if the Migration Department had not taken a decision on their application within six months of the lodging and the applicants were not responsible for the delay.

In France, access to the labour market was shortened from nine months to six months with the Law of 10 September 2018, this provision of which entered into force in March 2019.

Applicants in Belgium do not need to obtain a separate work permit since 1 January 2019; their right to work is noted in the residence permit. Applicants in private accommodation in Hungary have again the right to work after nine months from lodging an application, but since only a few are released from the transit zones, these measures have no impact in practice.[494] A legislative amendment in Finland clarified the start and end point of an applicant's right to work (FI LEG 01).

A new law facilitates access to vocational training for all persons with a right to work in Germany, regardless of the initial residence. Unemployment benefits may now also be paid during the period of the integration course or the employment-related language course, when the federal employment agency considers the participation in such courses necessary for the sustainable labour market integration of the applicant (DE LEG 04). Labour market tests are no longer applied for the employment of foreigners whose removal has been suspended or those who have a permission to stay pending the asylum decision (DE LEG 05).

Among reported projects, the Employer Tailored Chain Cooperation (ETCC) brings together organisations from seven countries (Belgium, Cyprus, France, Germany, Italy, the Netherlands and the United Kingdom) and Eurochambers at the EU level, with the support of AMIF funding, to bring together employers, supporting organisations and applicants and beneficiaries of international protection. The project screens the skills of applicants and examines the needs of employers to bridge the gap and create long-term, sustainable employment.[495]

The project Participation and Language, was extended to all reception centres (AZC) in the Netherlands and a participation desk was set up in all facilities to inform applicants about activities supporting their integration, including language courses, volunteering possibilities, sports, building a social network and getting accustomed to Dutch traditions. The AMIF-funded OSAKA project was finalised, focusing on the assessment and recognition of previous education, work experiences and skills. Regulations were issued by the Federal Minister of the Interior in Austria, specifying the terms for the employment of applicants and other foreigners at unskilled community service jobs, in addition to the corresponding honorarium to be paid. One of the provisions of the regulation stated that applicants who do community service jobs shall receive a maximum of €1.50/hour. UNHCR expressed a negative opinion on the provisions.[496] Following the dissolution of the Austrian Federal Government in May 2019, the provision was revoked. Applicants under 25 years who fulfilled certain additional

criteria were able to commence in restricted economic sectors from June 2012 to September 2018 due to a respective government decree. This decree was revoked in September 2018.

The Aliens Police Act 2005 was amended in December 2019 to give applicants who started an apprenticeship in this period the opportunity to complete their apprenticeships in Austria. Based on the amendment, applicants who started an apprenticeship before the date of 12 September 2018 and whose asylum procedure is still pending have the possibility to complete their apprenticeships despite a negative decision on international protection. This is achieved by a postponement of the period granted for voluntary departure (Aliens Police Act 2005, Article 55a). Furthermore, the amendment allows a former applicant who lodged an appeal with suspensive effect to supreme courts to have the removal postponed in order to finish an apprenticeship (Aliens Police Act 2005, Article 125(31-34)).

Applicants in federal asylum centres in Switzerland cannot engage in gainful employment since the entry into force of the asylum reform in March 2019.[497]

Diverse practical barriers continued to be reported in Portugal[498] and Slovenia[499]. In addition, applicants in Spain faced long, bureaucratic and expensive procedures to have their qualifications recognised.[500]

7.7.2.7 Language instruction and socio-cultural orientation

Relatively few developments were reported in access to language instruction for applicants. Some initiatives are detailed in Section 7.12.11, and they typically target recognised beneficiaries of international protection but are often accessible to applicants as well.

All applicants became entitled to participate in an integration course after nine months of stay in Germany and have access to employment-related language courses after registering as a job seeker at the federal employment agency. This opportunity was previously reserved for applicants with high chances of recognition. Tolerated persons may participate in employment-related German courses after six months of stay (DE LEG 04).

Greek language courses were offered to applicants in the Kofinou Reception Centre in Cyprus through an AMIF-funded project targeting third country nationals in general.

In Poland, Polish language classes are organised within AMIF-funded project, they are both for children and adults. The programme for adults was prepared taking into account their special needs – to support their functioning in everyday life and handling official matters. In 2019, a special programme was created for group of children who begin compulsory education in polish schools (at the age of 6-18), which aims at helping them to adapt to the formal education. The third type of Polish language courses is designed for pupils who already have attended Polish schools. During classes, teachers support children with their homework, explain problematic topics and carry out compensatory activities.

7.7.2.8 Reduction or withdrawal of material reception conditions

Only a few, but important, legislative and policy changes were reported in 2019 on the possibility to reduce or withdraw material reception conditions for certain applicants.

The Decree of 28 December 2018 concerning material reception conditions came into force in January 2019 in France, specifying the grounds and modalities for rejecting or withdrawing material reception conditions.

The Office of Foreigners in Poland ceased applying the legal provision on the full withdrawal of material reception conditions for seriously disruptive applicants following the CJEU ruling in Haqbin.

New legislation in Sweden enabled withdrawing certain allowances when applicants chose to live outside of the reception facilities in socio-economic areas with high rates of immigrants and socio-economic challenges. The aim of the provision is to avoid segregation and foster social inclusion.

7.7.2.9 Strengthening security and ensuring peaceful daily life

As in 2018, some Member States continued to introduce changes to legislation, policy and practice to strengthen security in reception facilities.

The Federal Minister of the Interior in Austria presented a package of new measures in February 2019, including an additional action to accelerate asylum procedures; the implementation of preventive detention according to the Reception Conditions Directive, Article 8(2); imposing a curfew at night for applicants in reception centres; and transforming initial reception centres into 'departure centres'. After the dissolution of the Austrian Federal Government in May 2019, some measures were no longer pursued. The new term 'departure centre' was revoked in May 2019.

The issue of disruptive applicants remained at the forefront of the political agenda in the Netherlands. The State Secretary for Justice and Security announced in December 2019 that reception centres which needed additional guidance and supervision (EBTL, *extra begeleiding en toezicht locatie*) would be transformed into an enforcement and supervision centre (HTL, *handhaving en toezichtslocatie*) as of February 2020. All applicants with serious disruptive behaviour can be placed in the HTL. Strict rules apply to residents and they are enforced by community service officers (BOAs, *buitengewone opsporingsambtenaren*). The centres provide material reception conditions in kind, and shops and services are available on the territory as applicants are no longer allowed to leave the facility.[501] It was also planned to reduce material reception conditions for applicants in the Dublin procedure *(see Section 5)*. The role of the so-called "chain marines" was established (chain referring to the organisations involved in the migration process: AVIM, IND, COA, DT&V, and marines can be deployed to all reception centres when residents cause disruption.

The Migration Office in Slovakia continued to cooperate closely with NGOs and private security services to address the disruptive behaviour of some applicants and improve the security and protection of applicants and local communities in general.

The entry into force of the asylum reform in Switzerland provided a legal basis for establishing a new type of reception facility for uncooperative applicants. Only one such facility was functioning for nine months in Les Verrières (Neuchâtel canton) before it was temporarily closed in September 2019 – it was planned to accommodate 20 applicants at first, increasing progressively to 60 places. In reality, only 33 applicants had been assigned there between December 2018 and July 2019 due to the relatively low number of applications at the time in Switzerland.

7.7.3 Jurisprudential developments

Decisions by the European Court of Human Rights

The role of ECtHR jurisprudence related to detention is crucial for reception as well, as it sets standards through the interpretation and application of the law. The ECtHR[liii] reviews cases related to reception conditions based on Article 3 (prohibition of inhuman and degrading treatment) of the European

[liii] To avoid issues on arbitrary presentation or interpretation of cases, wording is similar to official press releases.

Convention on Human Rights. In 2019, the Court on various occasions assessed the conditions in the hotspots in Greece, in particular in Vial and the safe zone for unaccompanied minors in the Diavata Centre, as well as the Calais camp in France. In Greece, the Court ruled that remedies proposed to detained migrants in emergency reception centres were neither accessible nor sufficient. In another case, the ECtHR indicated interim measures to be implemented in Greece regarding the living conditions of a vulnerable applicant (pregnant woman) which should be compatible with her state of health.

In Calais, the Court found France in violation of its obligations concerning the conditions in the makeshift camps and failure to enforce the court order to secure protection for applicants. It concluded that the severity threshold of Article 3 had been reached. Other complaints concerning conditions in a temporary tent camp on Metz's Avenue de Blida in 2014 was declared inadmissible by the Court.

In *Szurovecz vs Hungary,* the Court confirmed the freedom of the press to access and report on conditions in reception facilities (in line with ECHR, Article 10) as reporting on the refugee crisis was sufficiently justified as a matter of public interest.

Decisions by national courts

In 2019, national courts took urgent action to address deficiencies in national reception systems. For example, the Council of State in France ordered the *Préfecture du nord* to install, within eight days, sufficient water points, showers and sanitary facilities. It also reviewed the framework of the emergency facilities regarding to data exchange between various institutions, which was necessary to coordinate the management of the accommodation and enable the emergency shelter system.

Some national judges reviewed reception standards beyond national borders in the context of Dublin transfers. The German Federal Constitutional Court reviewed the accommodation of families with children in Italy and ruled on its suitability. The Dutch Council of State ruled on the suitability of transfers in conjunction with existing reception conditions in Greece and Italy. Similarly, the Court of Hague underlined the need to further investigate the actual care provided by Italy to families with children in various temporary reception centres *(Centri di Accoglienza Straordinaria)* and first reception centres. The Court named UNHCR as the most suitable organisation to conduct the assessment.

7.8 Detention

Detention is defined as the confinement of an applicant for international protection by a Member State, where the applicant is deprived of his or her freedom of movement. The detention of asylum seekers is governed by specific provisions of EU law, namely by the recast Reception Conditions Directive, recast Asylum Procedure Directive and the Dublin III Regulation. They include an exhaustive list of grounds under which applicants can be detained during the asylum procedure, detailed procedural safeguards (e.g. regarding the length of detention and judicial review) and conditions of detention, including for vulnerable applicants.

The recast Reception Conditions Directive, Article 8 foresees a list of six grounds that may justify the detention of asylum applicants:

To determine the identity or nationality of the person;

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);

To decide, in the context of a procedure, on the asylum seeker's right to enter the territory;

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 tried to delay or frustrate it by introducing an asylum application;

For the protection of national security or public order; and

In the framework of a procedure for the determination of the Member State responsible for the asylum application under the Dublin III Regulation when there is a significant risk of absconding.

The Return Directive establishes common rules concerning detention as a last resort in order to prepare the return of a rejected applicant or carry out a removal process.

In practice, detention may occur at different stages of the asylum procedure:

At the start of the asylum procedure, when an individual lodges an application for international protection;

Pending the examination of a claim for international protection, based on grounds set out in the EU acquis, for example in order to determine or verify the applicant's identity or nationality, decide on the applicant's right to enter the territory or organise a transfer to another Member States under the Dublin procedure.

Upon completion of the asylum procedure, when a former applicant is detained pending return.

Member States must ensure that the rules concerning alternatives to detention are defined in national law. The ECHR supplements existing legal frameworks in countries by setting additional constraints and safeguards during detention, mainly based on Article 3 on inhuman or degrading treatment and Article 2 on the liberty of movement.

7.8.1 Legislative changes and recourse to detention in practice

Several EU+ countries amended their national legislations concerning detention in the asylum procedure in 2019. For example, Hungary added new criteria for compulsory confinement of third country nationals under the Aliens Policing Procedure with a legal amendment in 2018, which entered into force in 2019 (HU LEG 03).

Lithuania introduced non-cooperation with authorities during the asylum application as a ground for detention. As of 1 July 2019, when grounds for detention are established, the Migration Department must inform the SBGS, and the SBGS refers to a district court requesting to sanction the detention of an asylum applicant. Prior to 1 July 2019, the institution in charge of accepting an asylum application referred to the court.

Luxembourg addressed the prolongation of detention by initiating a systemic verification process by administrative jurisdictions on the conditions for prolonged administrative detention of third country nationals in case of a fourth and fifth renewal of the decision to detain (LU LEG 03).

The issue of asylum seekers posing a threat or a danger to national security was of particular concern to various EU+ countries in the context of applying detention, such as Austria, Czechia and Cyprus.

Recourse to detention within the Dublin procedure reportedly increased in Belgium due to the legal modification of the criteria for the risk of absconding and in the Netherlands for applicants whose disruptive and aggressive behaviour regularly caused nuisance in the reception centres. They are placed in detention by the DT&V during the appeal stage of their procedure, provided there are sufficient grounds for detention. Following a ruling by the Council of State, the Dutch Aliens Act (Vw, *Vreemdelingenwet*) was amended (Article 50a) to permit applicants to be stopped, transferred to a place to be questioned, questioned and kept in custody for a maximum of six hours if it is necessary for the assessment of whether detention is necessary in the framework of the Dublin procedure (decision on the responsible state and implementation of the Dublin transfer) (NL LEG 01). Previously this was only possible when there was a reasonable suspicion of irregular stay.

Similarly, the United Kingdom Supreme Court ruling on the risk of absconding affected the detention of applicants in the asylum procedure between January 2014, when the Dublin III Regulation came into force and March 2017 when the United Kingdom regulations were changed.[502]

Detention was further linked to the acceleration of asylum procedures and the enforcement of return. Germany enhanced its framework by amending the prerequisites for placing a person in detention pending deportation to prevent absconding. Cyprus reported an increase in migrants who submitted applications for international protection while in detention to halt deportation. This concerned a few specific nationalities, for example, Georgians.

France strengthened various follow-up measures based on a new protocol model in order to improve the effectiveness of the supervision of foreign nationals subject to a return decision and extend the scope of return assistance to third country nationals in detention for irregular stay. This model was introduced with the Inter-Ministerial Instruction dated 16 August 2019 on improved coordination of follow-up on detained foreign nationals for whom a removal order has been issued and stipulates the procedures for registration and follow-up of asylum applications submitted in detention. This new protocol model sets forth that the registration and follow-up of asylum applications submitted in detention are to be performed without the foreign detainee leaving the detention centre. The entire asylum application is thus managed remotely and in written form. The detention centre is notified by the *préfecture* of the *département* about the outcomes of the asylum application procedure. Once OFPRA has processed the application, the decision is sent to the head of the detention centre, who then delivers it in a sealed envelope to the applicant, who in turn counter-signs the official notification.

To address the disappearance of minors, the Netherlands announced that its policy will be amended relating to unaccompanied minors whose departure can in principle be effected within no more than four weeks and can be detained in the secure family facility.[503] In the context of return, discussions took place Greece[504] to transform reception centres into departure centres. In Austria, targeted activities were carried out to identify asylum seekers who had absconded after receiving a negative

decision and to take security measures,[505] while the average time for detention was estimated at 42 days.

Detention practices and conditions are monitored by human rights treaty bodies, specifically by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) and CAT. In addition, national practices have been strongly criticised by civil society organisations. For example, the Border Violence Monitoring Network (BVMN) has raised concerns about detention conditions and detention in informal facilities breaching CPT standards.[506]

In Spain,[507] detention pending removal has been criticised to further increase the vulnerability of stateless persons, although according to Spanish National Police no stateless persons were detained as of 10 October 2019.[508] In Poland, criticism was aimed at the detention of minors and the procedures to identify victims of torture. There is an explicit prohibition under Polish law to detain victims of torture, however survivors of torture are often identified during detention due to complexity of the identification process. [509,510]

Concern was also raised on the lack of identification mechanisms for detained applicants and removal without legal orders in Germany,[511] the detention of vulnerables in Austria[512] and the prolonged detention of minors in Greece[513,514]and Switzerland.[515] General conditions for detention in Hungary,[516] including chain refoulement,[517] was also criticised. The lack of interpreters in detention facilities was noted in some countries, for example in Bulgaria.[518] France was criticised for prolonged detention.[519]

7.8.2 Capacity in detention facilities

In 2019, EU+ countries took various measures to increase detention capacity. For example, a detention centre for women staying irregularly was opened in Holsbeek (Leuven), Belgium. The centre has capacity for 28 women (to be extended to 50 women in 2020).

In order to address a shortage in Germany, detainees can be placed in any detention facility as a temporary solution pending deportation. The law still stipulates that, within such facilities, detainees will be kept separately from criminal offenders (DE LEG 03).

The Swedish Migration Agency was mandated to increase detention capacity and by the end of December 2019, the number of places had risen from 417 to 528. The occupancy rate varied from 97 % to 100 % in the six detention centres. In late April, it opened a new detention centre in the town of Ljungbyhed. The new centre has a capacity of 44 detainees, and the Migration Agency recruited around 60 employees to ensure the operation of the centre.

Changes were also reported in Slovakia, where third country nationals were temporarily transferred from PDCF Medveďov to PDCF Sečovce within the implementation of the extraordinary measure.

Institutional changes in the Hungarian Immigration and Asylum Office affected the Asylum Detention Reception Centres (with facilities at Békéscsaba, Kiskunhalas, Nyírbátor and Röszke) which ceased to exist as independent legal entities with their own budget. Instead, operations remained at the following facilities: Community Shelter at Balassagyarmat, Asylum Detention Centre at Nyírbátor, Reception Centre at Vámosszabadi and the transit zones at Röszke and Tompa.

In Greece, the number of detained persons in the pre-detention centre, Fylakio, increased by 160 to 180 people by the end of October 2019. The average time under pre-RIC detention was 8 to 12 days before new arrivals are transferred to the RIC. Transfers were conducted in order to maintain free space in the Fylakio pre-detention centre for new arrivals, and thus, the full asylum registration may take place only after a transfer to a new pre-detention centre.[520]

7.8.3 Services in detention facilities

Many EU+ countries took measures to renovate or update existing facilities and services. In Austria, improvements were made to the provision of services in the Fieberbrunn and Schwechat facilities, for example medical and psychological support and expanding the shuttle service.[521]

In Estonia, a legal counsellor was assigned to the detention centre to ensure legal aid for detainees. Croatia, renovated the Centre for Foreigners to add functional common areas and equipment, while the monitoring of detention conditions in three centres was funded under AMIF.

7.8.4 Duration of detention

In 2019, the maximum length of retention was extended from 45 to 90 days in France, with a judge's approval. Nevertheless, less than 10 % of applicants stayed more than 45 days. In order to improve the conditions of detention, psychologists have been hired to work in the centres a few days each week. Also, activities like music or sport classes have been implemented in order to improve the conditions of detention.

In 2019, 276 children were retained in the country with their parents; unaccompanied minor children are not retained. An NGO reported that this situation resulted in tensions and violence in the centres.[522]

Concerns were also raised about the United Kingdom's use of detention without a time limit, including SOGI minorities.[523]

Among case law developments, in Cyprus, an application by a Georgian national led to his prolonged detention. Given his delay in making an asylum application, the claim was considered to have been made for the sole purpose of delaying or frustrating removal, however the Constitutional Court ruled that delays in the asylum procedure which cannot be imputed to the applicant do not justify the continuation of detention.

7.8.5 Alternatives to detention

Various EU+ countries started to shift policies to find alternatives to detention. For example, Hungary started detaining persons within the reception centre, within police stations in Cyprus and Lithuania, and in a designated residence with regular checks in Czechia (CZ LEG 01). Lithuania also introduced guardianship of a foreigner by a citizen.

A range of alternatives to detention was practiced in Malta, where 1 375 orders were issued. In contrast, the number of detention orders issued by the police to asylum applicants amounted to 256. In July 2019, the United Kingdom Immigration Minister issued a statement on improvements and continued reforms made to immigration detention, including promoting voluntary return and a pilot project to support vulnerable women outside of detention while their cases are resolved. Practical changes have also been made to Immigration Removal Centres, such as reducing the number of beds and rolling out the use of Skype.

Poland applied alternatives to detention to a majority of foreigners and the infrastructure of guarded centres for aliens with families has been adjusted to the needs of minors. Following pressure from the Helsinki Foundation for Human Rights, the Polish authorities indicated that the number of children placed in the administrative detention is decreasing and the use of alternatives to detention is on the rise.[524]

However, the Finnish Government Programme included a proposal on the technical monitoring of persons whose applications have been refused. According to the proposal, this would serve as an alternative to detention and the residence obligation, constituting a less restrictive and more appropriate precautionary measure.[525] Similar initiatives to enhance alternatives to detention was reported in Luxembourg.

7.8.6 Jurisprudential developments

The role of jurisprudence in detention is decisive in interpreting the law and amending practices. The ECtHR[liv] reviews detention practices and conditions on the basis of the EU Charter and grants interim measures to address urgent situations, for example in Greece[526] and Hungary.[527]

In 2019, the Court reaffirmed the right to a rapid decision on the lawfulness of detention for example in *O.S.A. and Others vs Greece* and *Haghilo vs Cyprus*, the requirements of a "reasonable" interval in the context of periodic judicial review of detention in asylum proceedings and the availability of remedies. In particular regarding the detention of unaccompanied minors in police stations, the Court ruled in *H.A and Others vs Greece* that the detention conditions to which the minor applicants had been subjected in various police stations represented degrading treatment and explained that detention on those premises could have caused them to feel isolated from the outside world, with potentially negative consequences for their physical and moral well-being.

Similar deliberations were reached in another case involving five unaccompanied minors from Afhganistan. In another case involving the United Kingdom, it urged that the minors be placed in reception centres for unaccompanied minors as a priority. As in the case of vulnerable people, authorities have to act with appropriate due diligence.

In other cases, the Court ruled in *Kaak and Others vs Greece* and in *O.S.A. and Others vs Greece* that remedies proposed to detained migrants in emergency reception centres were neither accessible nor sufficient.

The long-awaited *Ilias Ahmed vs Hungary* was ruled in November 2019. Upon request from Hungary, the case had gone from the ECtHR to the Grand Chamber for decision. The Grand Chamber held unanimously that there had been a violation of the ECHR,, Article 3 (prohibition of torture or inhuman or degrading treatment) regarding the removal of the applicants to Serbia and found no violation of Article 3 on the conditions in the transit zone. The Court found in particular that the Hungarian authorities had failed in their duty to assess the risks of the applicants not having proper access to asylum proceedings in Serbia or being subjected to chain refoulement, most likely to Greece where conditions in refugee camps had already been found to be in violation of Article 3. The Chamber held that Article 5 was not applicable to the case as there had been no *de facto* deprivation of liberty in the transit zone. The Court found that the applicants had entered the transit zone of their own initiative and it had been possible in practice for them to return to Serbia, where they had not previously faced any danger. Their fears of a lack of access to Serbia's asylum system or refoulement to Greece were not considered to make the stay in the transit zone involuntary.[lv]

[liv] To avoid issues on arbitrary presentation/interpretation of cases, wording is similar to press releases.
[lv] Read more on differences or similarities between the two judgments at: Council of Europe, ECHR. (2019). *Q & A : Ilias and Ahmed v. Hungary, Grand Chamber judgment of 21 November 2019*. https://echr.coe.int/Documents/Press_Q_A_Ilias_and_Ahmed_Hungary_ENG.pdf

Progress on the execution of ECtHR cases regarding detention conditions is followed closely by the Committee of Ministers within the Council of Europe. Under the enhanced supervision procedure, compliance by Member States is periodically reviewed, as was done in 2019 in Greece,[528] Lithuania,[529] and Poland.[530]

Decisions by national courts

Judges in national courts can review detention practices which have direct impact on national policies. Following the Gnandi judgement, the decision in *Case C. et al.* and related judgment by the Administrative Law Division of the Council of State of 5 June 2019 in the Netherlands, a proposal was submitted to amend the Aliens Act (Vw) (NL LEG 04). The aim of the amendment was to address the void in legislation regarding third country nationals who submitted an asylum application at the border. They cannot be held in detention after a negative decision if they have the right to appeal.

Similarly, the Council of State in Belgium suspended the decree about the detention of children in the 'family home' of the closed centre 127bis as they were exposed to noise pollution due to its proximity to the airport.[531]

In other cases, national courts clarified practical elements and key concepts. In particular, jurisprudence addressed the detention of applicants for international protection with falsified documents, applicants for international protection with regard to subsequent applications,[294] the strict prerequisites for detention of applicants subject to a return procedure when there are reasonable grounds to believe that the application is merely in order to delay or frustrate the enforcement of the return decision,[295] the proportionality and possibility to implement less coercive alternatives when detention exceeds reasonable time limits, the obligation to review changes that might result in continued restriction of personal freedom, judicial remedies against a detention order, detention at the borders, and the calculation of maximum limits.

The implementation of the Dublin III Regulation in relation to detention was also brought before the courts addressing its legality and the interpretation of the risk of absconding in the United Kingdom.

7.9 Procedures at second instance

The EU level legislative framework of appeals procedures is outlined in the Asylum Procedures Directive, Chapter V. Article 46 obliges Member States to ensure that applicants have the right to an effective remedy before a court of a tribunal with regard to a decision issued on first instance application. 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 a European safe third country, as well as decisions refusing to re-open a case which was discontinued or withdrawing international protection.

The main areas of second instance procedures in which developments took place in 2019 include the suspensive effect of appeals against first instance decisions, changes regarding time limits for appeals, institutional changes establishing the authority responsible for appeals, managing a backlog of cases pending on appeal, safeguards provided to applicants and measures to improve the efficiency of second instance procedures.

7.9.1 Legislative changes

In 2019, Greece and Switzerland adopted changes to their second instance procedures and Bulgaria drafted proposals for amendments to second instance procedures on the automatic suspensive effect of appeals against negative asylum decisions.

Among the most notable developments in 2019 was the new asylum law adopted by Greece on 1 November 2019. For second instance procedures, this asylum law provides new time limits to submit appeals, schedule the hearings on appeal depending on the day of the submission of an appeal, and issue appeals decisions. It provides for the suspensive effect of appeals for deportation, readmission and return procedures. With regard to the time limits to issue a decision on appeal, civil society organisations noted that the Greek Appeals Committees did not issue decisions within the deadlines provided in the Asylum Law.[532]

In Switzerland, a new Asylum Act entered into force in March 2019. For second instance procedures, the new legislation shortened time limits for appeals, with new time limits ranging from 5 working days (for inadmissibility decisions for instance) to 30 days (for substantive decisions), depending on the type of procedure.[533]

Bulgaria drafted amendments to the Law on Foreigners based on the judgment *C.G. and Others v. Bulgaria* issued by the ECtHR, in which it was held that Bulgarian authorities failed to provide adequate procedural safeguards relating to expulsion. The proposed amendments to the Law on Foreigners include the introduction of the automatic suspensive effect of appeals against expulsion orders on the ground of public order and a proposed reduction of the time limits for examining appeals against orders for compulsory accommodation in a special home (under the Law on Foreigners in the Republic of Bulgaria, Article 46a(2)).[534]

In February 2019, Poland presented draft amendments to the Law on Protection (PL LEG 01), including a border procedure and appeals before the administrative court. The Polish Helsinki Foundation for Human Rights criticised these draft amendments as they do not provide sufficient safeguards and effective remedies against negative asylum decisions.[535]. The work on this draft amendment is now discontinued.

7.9.2 Institutional changes

In 2019, institutional changes took place as EU countries established new branches or chambers within their appeals authorities. In addition, previously-established appeals authorities started operating in 2019.

As part of the changes introduced in December 2019, Greece established the Thessaloniki branch of the Appeal Authority. The new branch reviews appeals against first instance decisions issued by the Regional Asylum Offices and Asylum Units operating in the Ionian Islands, Ipeiros, West Macedonia, Central Macedonia, East Macedonia and Thrace.

In Malta, a new chamber was created within the Refugee Appeals Board in April 2019 due to the increased backlog of asylum cases at the appeals stage.

The new Administrative Court for International Protection in Cyprus began operating as of 18 June 2019 and appeals were submitted before the court as of July 2019. They have suspensive effects and both facts and points of law are examined. In addition, all appeals decisions can be further appealed before the Supreme Court; they will not have a suspensive effect and only points of law are examined.[536] With regard to the appeals already submitted to the Refugee Reviewing Authority, they remained to be examined by them to the end of 2020, when it will cease operations.[537]

7.9.3 Backlogs and length of proceedings on appeal

The backlog of appeals cases and the length of proceedings remained two notable aspects for procedures at second instance in 2019. Due to an increase in the appeals backlog, EU+ countries took measures to reduce the number of pending appeals.

From March 2019, Austria took measures aimed at accelerating asylum procedures and reducing the number of appeals against first instance decisions. France increased the CNDA's budget in 2019 and continued to increase it in 2020, seeking to reduce the length of procedures at second instance (usually lasting for seven months and five days on average in 2019) (FR LEG 13).

7.9.4 Assessment of the case and safeguards on appeal

The length of proceedings on appeal have influenced the scope of an appeal and the provision of an effective remedy for the applicant. In the Netherlands, new reasons for requesting asylum or reasons that have been withheld in the first instance and invoked on appeal might be taken into consideration if this does not result in an impermissible delay in disposing of the case. This change comes as a result of judgments from the Administrative Jurisdiction Division of the Council of State.

7.9.5 Use of electronic means for more efficient second instance procedures

In 2019, some EU+ countries transferred to electronic means in order to increase the efficiency of second instance procedures. Since July 2019, France introduced the possibility to lodge appeals electronically to the CNDA. Lawyers who are signed up for the CNDém@t system can submit appeals, briefs and other procedural documents electronically. In addition, interviews by videoconference are possible even without the consent of the applicant, which is already possible in overseas territories. In practice, such videoconferencing were used in 2019 only for appeals lodged overseas.[538]

Likewise, Sweden allowed the submission of appeals to the Migration Court digitally through a secure portal. In addition, Latvia continued to reduce the use of files and documents in hard copy kept by authorities involved in the asylum procedure, including the courts on appeal.

7.9.6 Jurisprudential developments

Procedural aspects of second instance applications were revised in some countries. For instance, the Supreme Court in Slovakia ruled that a lack of interpreters or time constraints were not sufficient to limit an applicant's right to be heard during court proceedings.

The Council of State in France ruled that CNDA has no obligation to grant a request to postpone an oral hearing (except when there are exceptional reasons which require a contradictory debate), and its refusal to grant a request for a joinder has no effect on the regularity of its decisions. In another case, it clarified that the request for legal aid within 15 days from the notification of the OFPRA decision interrupts the time limit to file an appeal. The French Council of State also ruled on error of law in the notification of decisions as a letter containing the OFPRA decision had been presented to the address indicated by the person but given to a third person with the same name. Consequently, the time limit for appeal could not be triggered.

In Austria, the Supreme Administrative Court ruled on the suspensive effect of a remedy in an accelerated asylum procedure, while the Dutch Council of State addressed the suspensive effect in asylum cases brought before it.

Following the CJEU judgement on the request for a preliminary ruling (C-180/17) stating that the recast Asylum Procedures Directive and the Return Directive do not stipulate that a further appeal must have a suspensive effect *'ipso jure'* (by the law itself), the Court noted that third country nationals do not automatically have to be given the possibility to await their appeal in the Netherlands. Notwithstanding, this does not prevent the interim relief judge of the court from granting the third country national the possibility to await their appeal in the Netherlands in cases that an 'arguable claim' under ECHR, Article 3 is raised. This is acknowledged in the judgment as an established practice since December 2016.

With regard to the scope of an appeal, the Council of State in the Netherlands, following, ECJ jurisprudence linked to cases C-652/16 and the withdrawal of the request for preliminary ruling in case C- 586/17, assessed the requirements for asylum grounds invoked for the first time in appeal.

Higher courts ruled on the assessment of an application of international protection under second instance procedures. In this regard, the Dutch Council of State referred a case back to the Administrative Court as it failed to examine whether different infringements on the female applicant's rights were sufficient to consider a fear of persecution upon returning to Surinam. It also noted that those occurrences can actually be a reason to grant her protection in the Netherlands.

Similarly, in Italy the Supreme Court recognised that the Court of Appeal did not verify *ex officio* the situation in the country of origin in light of accurate and up-to-date information, nor include any source to support the findings as required by law.

With regard to the application of exclusion clauses, the French Council of State asserted that the threshold of gravity required is serious reasons to believe there has been a serious crime of ordinary law or acts contrary to the purposes and principles of the United Nations. It also held that *res judicata* arising from an international criminal jurisdiction (or indeed from a French criminal jurisdiction) only applied to the findings of fact and not to the reasoning behind a judgement of dismissal or acquittal stemming from an inability to substantiate the allegations or assuage doubts as to their veracity. Similarly, in the investigative process to end international protection, the Administrative Court has a duty to approach the Ministry of the Interior instead of the abstract use of a *Note Blanche* from the intelligence services tendered in the course of adversarial proceedings.

7.10 Country of origin information

Up-to-date, quality information on countries of origin is an essential component to make well-informed, fair decisions on international protection and to develop evidence-based asylum policy. EASO and countries alike continuously gather well-founded information on a wide range of topics covering various third countries.

The recast Qualification Directive, Article 4(3a) specifies that the assessment of an application for international protection must take account of all relevant facts about the applicant's country of origin. Along the same lines, the recast Asylum Procedures Directive, Article 10(3b) stipulates that precise and up-to-date information about the general situation in the countries of origin of applicants and, where necessary, in countries through which they have transited is to be obtained from various sources, such as EASO, UNHCR, the Council of Europe and other relevant international organisations.

Facing a high influx of applicants for international protection from diverse countries of origin over recent years, EU+ countries have taken concrete steps to enhance both the range and the quality of the information they produce. A trend seen in 2019 was the increase in collaboration and sharing of expertise between EU+ countries, frequently coordinated by EASO through specialised networks. Through the networks, best practices are shared and coherent, integrated work programmes are developed among all partners. Such collaboration in 2019 included joint production of COI reports on specific countries and joint development of training curricula on COI.

While cooperation among asylum authorities in EU+ countries was strengthened, so was collaboration between authorities and research institutions and civil society organisations. For example, German authorities had exchanges of information with human rights organisations working in the field, while Sweden laid the groundwork to initiate a project with an academic institution with the aim of enhancing the methodology to create a more harmonised and academic approach to the information cycle.

7.10.1 Institutional changes and human resources

In Sweden in 2019, the COI unit merged with other offices managing migration intelligence and coordinating the Swedish Asylum Agency’s involvement with national security and organised crime, to form a newly-established Section for Information Analysis.

In Malta, plans are underway to establish a COI unit within the Office of the Refugee Commissioner by the end of 2020. Currently, case workers are responsible for carrying out their own COI research by using a variety of reliable, open sources.

Mixed trends were noted on staffing within national COI units. Some asylum administrations, like in Germany and Slovenia, increased the number of staff working on COI, while others, such as Finland and Lithuania, reduced staff.

Many countries invested in staff training to increase knowledge on the methodology of COI research in order to enhance capacity in conducting and reporting on COI research and foster informed use of COI research products. In addition, general, background knowledge of key countries of origin was strengthened among asylum officials, so that they can better understand and contextualise information reported through new COI products and use this knowledge for informed decision-making. This was coupled with a new approach to reporting, focused on the incremental provision of updates on new developments in countries of origin and building on already-existing repositories of knowledge.

7.10.2 Publications

Adding to a large spectrum of regular publications by established COI units, some countries reported new outputs in 2019. For example:

- Austria: 58 country reports were uploaded to the national database (www.staatendokumentation.at). Two analytical reports – on Afghanistan (socio-economic situation in Herat) and Iraq (socio-economic dynamics in Baghdad) – were published. In addition, a report on Somalia/Ethiopia focusing on youth migration was produced.
- Belgium: 365 COI reports were produced. Cedoca invested heavily in publishing more reports and 103 COI reports were published on the CGRS website. Belgium also contributed to several EASO reports.
- Denmark: 23 short COI reports were produced through desk research and Skype meetings to update the findings of previous fact-finding missions.
- Germany: 22 country reports were produced, including a report on Venezuela and one on the situation of LGBTI individuals in Chechnya.
- France: 133 COI reports were published on the OFPRA website by the Division of Information, Documentation and Research.
- Sweden: A number of reports were published, including on Afghanistan, Armenia, Azerbaijan, Cameroon, Georgia, Iraq, Kyrgyzstan, Nigeria, Palestine, Somalia, Sudan and Syria.
- Slovakia: 445 COI queries related to 88 applications were processed, mainly covering Afghanistan, Iran and the Ukraine.
- United Kingdom: New and updated country policy and information products were published on the government's website.

7.10.3 Fact-finding missions

Fact-finding missions continued to be a primary tool for collecting information and gathering detailed knowledge about the situation in a particular country of origin or transit. To this end, EU+ countries conducted a number of fact-finding missions in 2019.

Austria conducted two fact-finding missions to Afghanistan (in cooperation with Landinfo) and Nigeria (in cooperation with the Austrian Federal Administrative Court). The aim of these missions were to gather information about specific issues and to find and establish for future information-gathering.

The COI unit of the Danish Immigration Service undertook five fact-finding missions during the year, three of which focused on stateless Palestinians. Three of these five missions were undertaken with partners like the Danish National ID Centre, Danish Refugee Council and Norwegian Landinfo.

In France, OFPRA – with participation from the National Court for Right of Asylum – organised two fact-finding missions in 2019 to Central Asia (Kazakhstan, Kyrgyzstan and Tajikistan) and Côte d'Ivoire. Sweden carried out fact-finding missions to Ethiopia, Georgia, the United Kingdom and Uzbekistan.

In Finland, the FAKTA project continued, aiming to develop a more resource-efficient model for planning and executing fact-finding missions. This model enables researchers to collect more specific and detailed data on countries of origin, which is increasingly utilised by the asylum unit. In 2019, missions were conducted to Afghanistan, Ethiopia, Eritrea and Iraq.

7.10.4 Innovations

To better align COI products with evolving user needs and to improve information provision to end users (usually first and second instance decision-makers), EU+ countries introduced a number of innovations in the area of COI production and management.

In Germany, COI experts contributed to the pilot of the Support System for Interviews *(*ASA, *Assistenzsystem für Anhörungen)*, which was first introduced in late 2018. The system supports case officers during interviews in clarifying facts by providing case-specific COI and additional case-specific questions. The time required for information collection is thus considerably reduced. ASA also facilitates the comparison of applicant statements with statements presented in country guidance notes. A rule-based examination will replace the previous manual search in the guidance notes. The system is currently available for Georgia, Iraq, Iran, Togo and Turkey.

In October 2019, the Country Information Service of the Finnish Immigration Service introduced the Sopu project, which aims at developing a new reporting model on COI based on a more continuous, regularly-updated reporting model. The process will lighten the workload of COI researchers. Finland also continued developing a new, user-friendly COI database, set to be launched in 2020. The database will improve the quality of COI services and increase access to relevant COI, thus enhancing support to other units.

In Lithuania, a three-year project to update the information portal of the Asylum Division of the Migration Department was completed in September 2019. Staff gained easy access to up-to-date newsletters, international news agency services, a platform through which to cooperate and exchange information on countries of origin with relevant authorities in other European Union countries, access to Factiva's global news database, and information from the Austrian Centre for Country of Origin and Asylum Research and Documentation. These sources are used to prepare notes on countries of origin of applicants for international protection.

In Belgium, the COI unit invested in the innovation of training methods and developed to this aim several tutorials. In order to increase the harmonization of products they developed several COI thematic templates which are shared with international partners. The New Media Unit continued to develop their expertise by testing new software and following OSINT training in specialised organisations. They answered 250 specific queries for resettlement cases and for normal procedures.

Existing challenges reported by national authorities and civil society organisations

In the context of these advances, a number of challenges were reported by national authorities and civil society organisations alike, including a lack of sources in the national language, lack of detailed information on some countries of origin or applicant profiles, and challenges in accessing updated information on countries in which the situation changes rapidly.

For example, the Danish Immigration Service reported difficulties in accessing the Syrian territory and thus having updated information on the situation. Likewise, Germany reported that meeting the requests and expectations of case officers for fast and comprehensive COI remained a challenge. Alternative measures of collecting information and international corporation have proven to be valuable in this regard.

Apart from insufficient COI resources in respective national languages, civil society organisations reported that existing databases were not user-friendly and there was great disparity in a high volume of reports on some countries and a shortage on others.[539] They also noted that COI information on

SOGI was scarce. It was suggested that COI on SOGI minorities should cover a range of legal and social aspects beyond generalisations. Data could be collected, for example, by involving relevant NGOs in the countries of origin of the profile of applicants.[540]

Similarly, civil society organisations reported that existing COI resources on issues related to statelessness are insufficient.[541] It was also noted that, at times, COI was not shared with applicants or their representatives prior to issuing a first instance decision. Therefore, it was not possible to provide comments or feedback about the COI before the appeal phase.[542]

In general, the inaccessibility of COI reports produced at a national level, but not made public, has been raised as an issue by civil society groups.[543] At the same time, such reports include information that may be deemed confidential by national authorities.

Finally, the Asylum Research Centre, together with the Dutch Council for Refugees, provided feedback to EASO COI reports on Eritrea, Iraq and Pakistan, which were published in 2019.[544]

7.11 Statelessness in the asylum context

7.11.1 Developments in EU+ countries

> Statelessness is a legal anomaly, which affects those who are not considered a national by any state. Lacking any state's protection means stateless persons may not be able to fully realise their fundamental rights, including access to education, health care, housing, employment, social welfare and documentation.

The issue of statelessness in the field of asylum has continued to gain attention over 2019. UNHCR reported an estimated total of about 537 000 stateless persons[lvi] in Europe, as published in its Mid-Year Trends Report in June 2019. In the EU context, questions surrounding the acquisition of nationality fall within the competence of Member States and, under international law, it is up to each Member State – having due regard to EU law and within the limits set by international law – to lay down the conditions for the acquisition and loss of nationality. At the same time, the Council Conclusions of December 2015 underlined the EU's commitment to address statelessness, to prevent the emergence of statelessness and to encourage non-EU countries to take measures to address statelessness.[545] The conclusions also invited Member States to actively participate in the exchange of information and good practices through a dedicated platform on statelessness managed by EMN.

Under this initiative, EMN published an inform on statelessness in the EU and Norway in December 2019. Key findings included:[546]

- At the end of 2019, 25 EU Member States and Norway were party to the 1954 Convention Relating to the Status of Stateless Persons and 21 EU Member States were party to the 1961 Convention on the Reduction of Statelessness.
- The process through which it is determined whether a person is stateless varies considerably across countries. A stateless determination procedure is used to establish who qualifies as stateless and grant a legal status that enables the person to enjoy the rights set forth in the 1954 Convention relating to the Status of Stateless Persons,[547] including the right to residence, work, education, health care and facilitated naturalisation.[548] Some Member States have established an administrative procedure for this purpose. Others have embedded this process into more general procedures or apply ad hoc or judicial procedures.
- Most Member States that have a dedicated statelessness determination procedure do not have a child-rights adapted procedure in place for stateless children, that would take into account specific vulnerabilities of this group. However, a guardian is typically appointed in the case of unaccompanied minors.
- Only a few Member States have dedicated statelessness determination procedures in place. In the majority of Member States, stateless persons must apply for a residence permit on other grounds. This can become complex as stateless persons may not fulfil the criteria for securing a residence permit on other grounds, which may leave them in a legal vacuum in some countries.
- Most Member States have measures in place to facilitate, under certain conditions, access to nationality for children born stateless on their territory. Yet, only one-half of Member States have

[lvi] The estimate comprises persons who are not considered to be nationals under the operation of the law in any state. This category refers to persons who fall under the agency's statelessness mandate because they are stateless according to the international definition. Data for some countries may include undetermined nationality in the total number of stateless persons.

full safeguards in place against statelessness at birth. Absence of such legal provisions or partial safeguards results in children being born stateless.

- Very few Member States have provisions in place to protect the right to acquire a nationality for children born en route to Europe and who have no birth certificate or an equivalent document.

Stateless persons and refugees are two distinct categories in international law, but a person can be both a refugee and stateless.[549] In the context of asylum, statelessness may be relevant to the determination process for an application for protection. It is important that both claims are assessed and both statuses explicitly. In instances where refugee status ceases without the person having acquired a nationality, this may necessitate international protection as a stateless person.

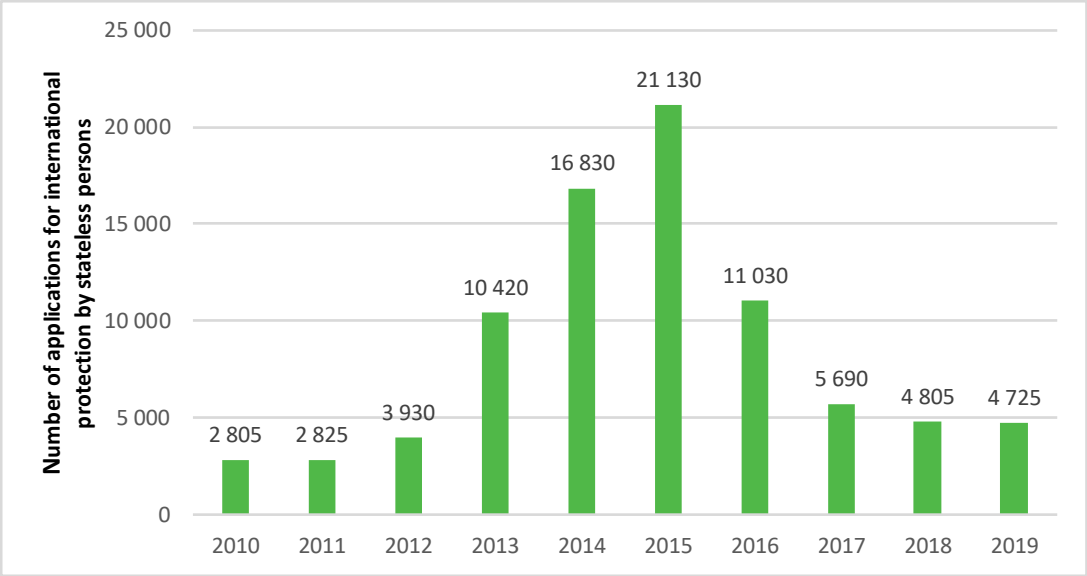
The link between statelessness and asylum has gained attention among EU+ countries, especially considering that two of the top countries of origin of applicants for protection in Europe – Iraq and Syria – have historically the large stateless populations, including Kurds and Palestinians in Syria,[550] and Bidoon, Dom and Kurds in Iraq.[551] In addition, both countries retain gender discrimination in nationality laws, which has also been a source of statelessness.[552] As set forth in the recast Qualification Directive, Article 2(n), the country of origin for stateless persons means the country of former habitual residence and not the country of nationality, as is the case for other applicants for international protection.

According to Eurostat data, between 2010 and 2019, EU+ countries received approximately 84 200 applications for international protection by stateless persons *(see Figure 7.1).* In 2015, the number reached a peak of 21 100 applications in one year, followed by a decreasing trend. The share of applications by stateless persons to the total number of applications received in EU+ countries followed an increasing trend from 2010 to 2015, from approximately 1 % to 2.5 % respectively, and then a decreasing trend until 2019, when it reached approximately 0.6 %. It is worth noting that the share of positive decisions on asylum decisions at first instance, or the recognition rate,[lvii] for stateless persons in EU+ countries is generally high, but a decreasing trend has been noted since 2015, with a 90 % recognition rate in 2015 compared to 64 % in 2019.

It is also important to highlight that, while applications lodged by stateless persons may have a relatively high recognition rate, this is the case only if statelessness is properly identified during the registration of an application. Often it is not, and these individuals are registered under the nationality of their country of former habitual residence or as having 'unknown' nationality. Yet, for some applicants, their statelessness in the country of origin may be wholly or partially linked to their fear of being persecuted.

[lvii] The recognition rate is defined as the number of positive outcomes relative to the total number of decisions issued. The recognition rate is calculated by considering refugee status, subsidiary protection and national protection schemes as positive decisions.

Figure 7.1 Number of applications lodged by stateless persons in EU+ countries, 2010-2019



Source: Eurostat.

The recognition rate for applicants registered as of 'unknown' nationality has been consistently lower from 2010 to 2019 than for applicants registered as stateless (53 % compared to 64 %, respectively, according to Eurostat data). If not identified, statelessness and its consequences will not be taken into account during the asylum process, and the applicant's protection needs are likely not to be fully understood and adequately addressed.[553] In addition, the status registered during the application for international protection (e.g. national, stateless or unknown) has an impact on the nationality rights of the applicant's children and access to procedures, such as family reunification and naturalisation.[554] As such, identifying potential cases of statelessness and referring these cases to a statelessness determination process are of paramount importance.

7.11.2 Legislative and policy developments

A number of EU+ countries took steps toward addressing statelessness in 2019, including acceding to relevant international legal instruments, establishing dedicated statelessness determination procedures, providing access to citizenship at birth, facilitating access to naturalisation, enhancing the content of protection for stateless persons, speeding up the statelessness determination process and collecting census data on stateless persons.

In December 2019, Malta acceded to the 1954 Convention relating to the Status of Stateless Persons and is currently developing a process for statelessness determination.

Sweden has withdrawn two reservations concerning the 1954 Convention – one relating to Article 8 on exceptional measures and one on Article 24(1)b on labour legislation and social security, in addition to the corresponding reservations in the 1951 Refugee Convention. Sweden also established an Inquiry on Nationality to limit statelessness, for example by providing nationality automatically at birth to children of stateless persons, instead of using the current simplified notification process. In June 2019, the Swedish Riskdag adopted a two-year extension of the temporary law on residence permits, which includes restricted duration of residence permits for beneficiaries of international protection. Along with the extension, a provision was also adopted which, in some cases, renders a permanent residence permit to persons born in Sweden and who have been stateless since birth (SE LEG 01).[555]

In Czechia, the proposal for the amendment of the Asylum Act and Foreigners Act put forth in 2019 foresees the establishment of a dedicated statelessness determination procedure.

In the Netherlands, a legislative proposal to establish a statelessness determination procedure has been pending since 2016. Because of the delay in enacting this legislative proposal, the municipalities of Amsterdam and Utrecht developed their own policy for stateless residents.[556] Utrecht, for instance, intends to employ an expert team to assist the municipality in the registration of stateless persons. In addition, Utrecht will actively assist stateless residents in getting proper registration. Previously, this was fully the applicant's responsibility. Other municipalities are also investigating how to support stateless persons better. In Amsterdam, the mayor and aldermen have given a positive recommendation for a similar proposal. Furthermore, the Municipality of The Hague has finished a proposal for stateless persons, and a political party in Rotterdam (the Labour Party, PvdA) is working on a similar proposal.[557]

In December 2019, Latvia introduced legislation to provide citizenship automatically to children born to non-citizens in the country, unless the parents have agreed to grant to the child citizenship of another country (LV LEG 01).

France, through Decree No. 2019-141 of 27 February 2019, provided for a multi-year residence permit stating “beneficiary of stateless person status” or “family member of a beneficiary of stateless person status” instead of a one-year residence permit (FR LEG 14).

In Bulgaria, amendments to the Law on Foreigners entered into force on 24 October 2019, enabling a stateless person who does not meet the requirements for permanent or long-term residence to obtain permission for a one-year prolonged stay.

In Lithuania, the Migration Department under the Ministry of the Interior and its territorial units provided information in July 2019 to stateless persons on the requirements for naturalisation and assistance in collecting the necessary documents for those who apply for naturalisation. If necessary, a municipality covers the state fee for the examination of applications. Prior to July 2019, these functions were performed by the Police Migration Unit.

In June 2019, Slovakia adopted the *Act on Census of Population and Housing 2021*, which provides for information collection, not only on Slovak citizens, but also on other EU nationals, third country nationals and stateless persons (SK LEG 01).

In March 2019, the United Kingdom introduced changes to the stateless leave policy to clarify that, to qualify for stateless leave, applicants must show that they cannot acquire a nationality or a right to permanent residence in another country to which they could reasonably expect to be entitled. These changes are designed to better reflect the intention of the policy and to deter abuse of the system by those who deliberately renounce their citizenship or refuse to take reasonable steps to acquire a nationality or right to permanent residence to which they can expect to be entitled if they registered with the relevant national authorities.[558] Furthermore, changes were introduced to increase the initial period of leave for those who qualify from 30 months to 5 years, after which they can apply for settlement.

In Spain, the pace for conducting and concluding statelessness determination increased with the objective to clear the backlog of pending cases rapidly. Similarly, in Sweden the number of stateless persons being granted Swedish nationality increased. From 2014-2019, more than 22 000 stateless persons were granted Swedish nationality.

Existing challenges reported by civil society organisations

The ENS, an alliance of civil society organisations with presence in 41 countries, conducts systematic research on statelessness and supports legal and policy development, awareness-raising and capacity building. The ENS' Statelessness Index offers comparative data on national legislation, policy and practice related to statelessness for 24 European countries. The indicators cover five key areas:

> Acceding to international and regional legal instruments on statelessness;
>
> Data on the stateless population;
>
> Procedures or mechanisms by which statelessness can be identified and a legal status determined;
>
> Detention of stateless persons; and
>
> Measures to prevent and reduce statelessness.[559]

Focusing specifically on asylum, the ENS – in cooperation with the Open Society Foundation and the Institute on Statelessness and Inclusion – launched the "Stateless Journeys" initiative in 2017 to examine the relationship between statelessness and forced migration in Europe. Their research has revealed a number of challenges faced by stateless persons in the asylum procedure. Key findings include:[560]

- *Difficulties in accessing the asylum procedure.* This could be in part due to distrust toward authorities based on previous negative experiences in their country of origin. A lack of documentation and information about administrative procedures can also play a role. A compounding factor may include a lack of awareness about statelessness among officials involved in the initial registration.

- *Prolonged periods in reception centres.* This can be a result of delays in determining the stateless person's status or identity, or uncertainty about nationality status.

- *Lack of proper identification.* Without official documents and a lack of awareness, among applicants and officials alike, about the relevance of statelessness and the need for referral to status determination procedures (where available), the protection needs of the applicants may not be adequately addressed during the assessment of the application. It can result in stateless persons being registered with imputed nationality or as nationality 'unknown'.

- *Denied family reunification and complementary pathways to protection.* A lack of civil documentation and proof of family links for stateless persons may block access to provisions, such as family reunification, resettlement or other complementary pathways to protection. These barriers may be exacerbated by inflexible procedures and strict eligibility requirements.

- *Birth registration and children's rights.* Migrants and refugees may face barriers in registering and/or certifying the birth of a child in Europe, or in transit, which can lead to a risk of statelessness, as a birth certificate is key to establishing a child's nationality. Legal safeguards in EU Member States' laws on nationality are not sufficient to prevent children from being born stateless in their territory.

- *Denied integration prospects.* Stateless persons who have not been granted a stateless status or any form of protection status run the risk of being denied certain rights under the 1954 Convention relating to the Status of Stateless Persons. These rights facilitate integration in the host country and include access to education, employment, social security and facilitated naturalisation.

- *Obstacles to naturalisation*. This can result from a lack of required documentation and the inflexibility of naturalisation procedures to accommodate specificities related to statelessness. (e.g. in some countries a passport or birth certificate is required for naturalisation).

- *Detention and return.* Stateless persons who have not been granted a protection status or found a route to legal residence in Europe may have no country to which they can return. Thus, they may be subject to repeated unsuccessful removal attempts and prolonged periods of detention, which may be unlawful.

Similar concerns were reported by civil society organisations. For example, Fundación Cepaim reported that, in Spain, stateless persons may face difficulties in accessing the country's territory. Stateless persons who applied for the recognition of their status in the country may encounter problems when, upon leaving the country for a short stay abroad, they return to Spain with the applicant identification card. With regard to reception conditions, stateless applicants may not be granted a work permit. Stateless applicants may also not receive the same safeguards as other applicants for protection, such as the right to an interview or legal assistance at first instance and are not protected against removal.[561]

In addition, in April 2020, the ENS published a report on the effects of statelessness on migrant children in Europe. The report identifies existing protection gaps and proposes key actions to prevent child statelessness. In addition, to raise awareness on how statelessness emerges in a countries of origin, the Stateless Journeys initiative produced a number of country position papers for Kuwait,[562] Iran,[563] Iraq,[564] Myanmar[565] and Syria.[566]The papers provide information on the profiles of stateless individuals and persons who may be at risk of statelessness in these countries due to gaps or discrimination in nationality laws or issues with civil documentation.

7.12 Content of protection

The recast Qualification Directive outlines the content of international protection, and its provisions shape the integration of beneficiaries of international protection, including standards on residence permits, employment, education, social welfare and health care. Relevant articles of the directive also outline the criteria for the cessation and revocation of international protection status.

Developments in legislation, policy and practice on the content of protection were diverse across EU+ countries in 2019, and thus, general trends continued to be difficult to identify. Initiatives were typically tailored to the overall characteristics of migration in a particular country and to the specific profiles of beneficiaries within those countries. Many major developments throughout the year were related to national integration strategies in general and to the review, cessation and revocation of the protection status.

7.12.1 National forms of protection and regularisation measures

Germany, the Netherlands and Spain introduced measures to regularise the situation of some specific groups of applicants who did not qualify for international protection.

The scope of tolerated status based on education was extended in Germany and now the status includes those in education and training for care services *(Helfer- und Assistenzausbildungen)* in occupations with a shortage of workers. In addition, persons with a tolerated stay can receive a two-year residence permit if they continue to work directly after completing their education (DE LEG 06). The same act introduced the tolerated status related to employment *(Beschäftigungsduldung)* for persons who can cover their living costs and are well integrated. The criteria include: a minimum of 12 months of tolerated status *(Vorduldung)*, clear identity, employed for at least 18 months working at least 35 hours per week, stable livelihood and sufficient knowledge of the language(DE LEG 06).

A new protection status was established in the Netherlands, where a temporary residence permit can be granted to a resident third country national who is terminally ill. In addition, the final regulation implemented a children's pardon *(kinderpardon)* that allowed a certain group of rejected minor applicants and their family members to request a residence permit before 25 February 2019. The IND received 1 070 such requests in 2019.[567] The procedure granting a residence permit for persons in a distressing situation was also re-shaped. The Minister for Migration no longer has the possibility based on its discretionary power to grant such residence permits when the beneficiary does not qualify for any other type of residence permit. The Managing Director of the IND was mandated to consider within the assessment of the first application whether a distressing situation exists.[568]

Spain established a policy granting a one-year, renewable residence permit on humanitarian grounds for Venezuelan nationals whose application for international protection was rejected. UNHCR prepared an information note for this target group.[569]

Following up on the implementation of measures adopted in 2018, civil society organisations in Malta observed that many people could not register an application for Specific Residence Authorisation (SRA) when Identity Malta frequently considered the application incomplete without in-depth examination or explanation. It also remained unclear how a negative in-merit decision could be appealed.[570] The Maltese government established the SRA policy in 2018 for rejected applicants who fulfilled a number of criteria.[571] Maltese authorities clarified that prior to the registration of an SRA application, Identity Malta examines the application and relative documentation. Inadmissible applications and all documentation are returned to the applicant with a note specifying the reasons for inadmissibility, for example missing documentation or not qualifying due to the minimum

residence period. Identity Malta is often in contact with NGOs which provide assistance to applicants. A detailed register is kept about inadmissible cases for accountability.

7.12.2 Review, cessation and revocation of international protection status

Debates around the increased use of status reviews and more rigorous use of cessation (recast Qualification Directive, Articles 11 and 16) and revocation grounds (recast Qualification Directive, Articles 14 and 19) further transformed the status of international protection towards a more temporary, less stable status.

For example, withdrawal procedures remained a priority for the BFA in Austria.[572] The Federal Minister of the Interior called for the modification of national and EU legislation at the beginning of 2019 to allow for the withdrawal of refugee status based on a conviction of a serious crime or repeated crimes, including sexual assault and violence against women.[573]

The Ministry of Justice and Emergency Management instructed the Norwegian Directorate of Immigration *(Utlendingsdirektoratet)* to review 150 asylum cases from Eritrea in a random manner and consider the revocation of the protection status following news that several Eritrean refugees participated in public events, gatherings and meetings in support of or together with current Eritrean government representatives.[574]

Legislation was amended in Lithuania and a new ground was added to withdraw subsidiary protection: when there is a serious ground that the person's stay in the country would represent a threat to national security or the community.

Legislative amendments in Denmark changed the criteria for assessing the derivative circumstances for cessation, and the residence permit of refugees and their family members may be revoked in a wider range of circumstances (DK LEG 01). The amendments concern situations where it has been determined that that the refugee is no longer in need of international protection and imply that residence permits given to refugees and family members of refugees will be revoked if the need for protection no longer exists, unless revocation would be contrary to Denmark's international obligations. In cases concerning the revocation of a temporary residence permit, the authorities will assess whether or not the alien in question will risk persecution if returned to his/her home country. If it is not the case, the residence permit will be revoked unless it is contrary to Denmark's international obligations. The amendments also imply that residence permits given to refugees and family members will be granted with a view to a temporary stay and that the Danish Immigration Service is responsible for initiating automatic reviews of residence permits given to refugees when they expire. UNHCR Denmark commented on the draft law which was presented originally in 2018 and underlined that periodic reviews done frequently risk undermining the security of the status and, thus, risks hindering the integration process.[575]

The Council of State in France ruled that refugee status can end due to divorce when the status was obtained based on family unity. OFPRA and, if necessary, CDNA assess the circumstances of the case and if the person can continue to benefit from previously-granted protection.

EMN prepared an overview of national debates, challenges, policies and practices of EU countries, Norway and Switzerland on using cessation due to travel or contact with national authorities of the country of origin, and on the procedures for and consequences of withdrawing the status.[576] For example, the Act on Foreigners and Integration was amended in Switzerland and it allows the SEM to prohibit refugees to travel to another country in order to prevent that they travel further to their country of origin.[577] UNHCR warned about the practical limits of this new legislation[578] and proposed amendments to the draft law.[579]

7.12.3 Family reunification

Court rulings continued to shape policy and practice concerning family reunification. Legislative initiatives touched on the scope of entitlement to and criteria for family reunification. Civil society organisations noted concerns related to the administrative burden of the process and to the scope of family members who may join the beneficiary. The ReSOMA project pointed out the hardship of family reunification for beneficiaries of international protection.[580]

The Aliens Act was amended in Finland to implement changes based on Case C-550/16, and the Finnish Immigration Service updated its guidelines to ensure that unaccompanied minors who are beneficiaries of international protection are considered to be minors for the purposes of family reunification if they were minors when lodging the application but turned 18 during the procedure. Practice had already been adapted to the judgement and it was enacted in law in 2019. The new Finnish government stated that it will re-examine family reunification rules and planned to abandon the requirement of sufficient resources for minors sponsoring family members.

The Council of State in the Netherlands ruled that the IND policy to reject a request for family reunification when unofficial documents and explanations are considered to be insufficient or not plausible are in accordance with the Case C-635/17 (*see Section 7.12.16)*. The Dutch Refugee Council signalled that this policy has a negative impact on beneficiaries of international protection, who often lack official documents to make their identity and family ties plausible.[581] UNHCR published a report on the challenges that refugees trying to reunite with their families face in the Netherlands and put forward recommendations on improving the situation.[582]

The amendment of the law on temporary limitations on obtaining a residence permit in Sweden lifted the ban on family reunification for beneficiaries of subsidiary protection. This development was due to litigation efforts and was welcomed by civil society organisations [583] and UNHCR.[584]

Following the end of the temporary suspension of family reunification for beneficiaries of subsidiary protection in 2018 in Germany,[585] UNHCR called for a more flexible approach[586] and underlined the importance of extending the scope of family to siblings as well.[587]

There was a debate in the Belgian Parliament over a legislative proposal that plans to reduce the period of exemption from the requirement to have sufficient economic resources from one year to three months (BE LEG 01). UNHCR noted that this modification would make family reunification for beneficiaries of international protection more burdensome.[588]

A new concern arose when the Civil Registry and Migration Department in Cyprus started requesting all family reunification applicants to provide evidence of stable and regular resources to sufficiently maintain themselves and their family members, including refugees submitting the application within the three-month exemption period from this economic resource requirement. The Cyprus Refugee Council submitted complaints to the Commissioner of Administration and Human Rights and the Commissioner for the Rights of the Child, and both of them assessed this practice to be a violation of law. Additionally, the Commissioner for the Rights of the Child also condemned the total ban of family reunification for beneficiaries of subsidiary protection and suggested amending the law.[589]

The authorities in Slovenia were reported to strictly apply the criteria on documents to establish identity and family links, which was noted to be particularly difficult for beneficiaries of international protection.[590]

The United Kingdom did not opt in the Family Reunification Directive, and a civil society source noted that refugee children still cannot sponsor their parents or siblings for family reunification.[591]

Family reunification is an area of international protection which is frequently brought before the courts. In 2019, the UN Human Rights Committee considered that the immigration authorities in Denmark failed to adequately consider the applicant's marital relationship in the cultural context of the country of origin and in the personal situation. It also observed that this action resulted in blocking the family from being reunited in Denmark. Based on the Committee's decision, the Danish Immigration authorities reconsidered the case and decided to conduct an interview with the applicant and the spouse living in Denmark in order to clarify the information. However, the applicant later withdrew the application for the residence permit.

In another case, the ECtHR found that the authorities in Sweden had implemented immigration policy effectively and struck a fair balance between individual and state interests when an applicant and his wife knew at the time of starting to lead a family life that they would likely not be able to establish and maintain their family life in Sweden.

The Berlin Regional Administrative Court ruled that applications for family reunification submitted by beneficiaries of subsidiary protection who are close to turning 18 years old are to be treated urgently. Furthermore, the immigration office must ensure that such applications are processed in a short timeframe.

The court in Switzerland affirmed that family reunification of persons who had already been granted refugee status in a Member State with a family member entitled to asylum in Switzerland will not be processed by the asylum authorities but rather in accordance with the Law on Aliens and the ECHR, Article 8.

In Ireland, the prolonged delay beyond the 12-month limit for making an application for refugee family reunification was upheld and found not to be in breach of the ECHR.

7.12.4 Residence permits

Changes continued to be made to the length and type of residence permits delivered to beneficiaries, shaping the content of international protection. Civil society organisations welcomed more stable permits and underlined the risks and consequences of shorter, temporary permits. Administrative hurdles were also noted within the process.

The amendments of the Law of 10 September 2018 came into effect in France, by which beneficiaries of subsidiary protection and their family members receive a multiannual residence permit for four years. This change was welcomed by civil society organisations.[592]

In contrast, the length of residence permits for beneficiaries of subsidiary protection was decreased in Greece to one year (from three years), renewable for two years. The Greek Council of Refugees underlined that beneficiaries need to apply for the renewal of the permit no later than 30 days before the expiry, but the guarantee that a delay cannot lead to the rejection of the renewal application remained only in force for refugees, as it was revoked for beneficiaries of subsidiary protection.[593] Beneficiaries of international protection who were granted status under the previous procedure in Greece faced additional issues, as only a few renewal decisions were issued by the Alien Police Directorate, preventing access to employment, social security and social welfare.[594]

The application of the law on temporary limitations on the possibility of obtaining a residence permit in Sweden was extended until 19 July 2021, through which beneficiaries of international protection continue to receive temporary residence permits instead of a permanent one. A Parliamentary Committee of Inquiry was set up to develop proposals on Sweden's migration policy, including the type and length of the residence permits for beneficiaries of international protection. A report from

the Swedish Employment Office found that women with temporary residence permits participated less in the 24-month integration support programme than women with permanent residence permits. This was exacerbated for women with poorer labour market perspectives, for example, due to lower educational levels.[595]

The method of issuing or extending residence permits for beneficiaries of international protection was simplified in Czechia. The documents are no longer re-issued and a new expiration date is noted directly on the existing permit.

Civil society organisations still noted that administrative barriers in obtaining residence permits persisted. For example, the Cyprus Refugee Council observed that the Civil Registry and Migration Department stopped issuing residence permits for family members of beneficiaries of international protection and requested them to turn to the Asylum Service for a decision. The Asylum Service took steps to solve this situation.[596]

7.12.5 Eligibility for naturalisation

The criteria for naturalisation in general stayed at the forefront of political debates, but there were relatively few developments in 2019.

Amendments to the regulations on acquiring and losing the Norwegian citizenship came into force in 2019, and persons who are convicted or received a fine may be disqualified from naturalisation for a longer period. The Norwegian Parliament also put forward a proposal to amend the Citizenship Act and raised the requirement of language knowledge to Level B1 from A2 to be eligible for naturalisation.

The Court of Appeal in Ireland clarified the rules around the continuous residence requirement to be eligible for naturalisation. The Supreme Court in Ireland also ruled on the absence of providing a fully-justified decision for rejecting an application for naturalisation due to national security considerations. The Court recognised that decisions on naturalisation are at the discretion of the Minister and that the court can only decide on the lawfulness of such decisions. Nonetheless, it held that an independent assessment could have established whether any version of the information could be provided in a way that would not affect state interests.

The fee for naturalisation of beneficiaries of subsidiary protection was reduced from EUR 700 to EUR 550 in Greece.

7.12.6 Travel documents

As an important development, the Ministerial Decision 1139/2019 in Greece brought changes to the issuance of travel documents to regulate the procedure for minors who are accompanied by their parents and lack documentation establishing parental care. It also excludes refugees from receiving a travel document for five or ten years when they have been convicted of falsification or the use of false travel documents.

7.12.7 Integration

Many countries revised their national integration strategies throughout 2019 or started the process to review existing programmes. Indeed, UNHCR recommended to the Croatian and German EU Presidencies to continue to encourage Member States to further invest in integration.[597]

The ReSOMA project published a synthetic report on future EU funding to support the integration of beneficiaries of international protection and migrants.[598] MPI Europe presented a new toolkit for integration policies. [599]

In addition, FRA provided an overview of good practices and challenges in particular concerning the integration of young refugees. It emphasised the importance of swift asylum procedures and effective family reunification mechanisms, and addressed mental health needs.[600]

Integration mechanisms in Germany, as the top destination country in Europe, were analysed by the MPI.[601]

New strategies and programmes

In 2019, Norway reconfirmed the strategy "Integration through Knowledge: 2019-2022"[602], which emphasises improved access to tailored education, vocational training and qualification programmes. On 17 January 2019, the four governmental parties entered a coalition agreement which focuses on strengthening Norway's integration policy to ensure that immigrants participate in work and social life to a greater extent.[603]

The government of Norway also proposed a new Integration Act to put more emphasis on training participants in the introduction programme (mostly refugees) on the skills required by Norwegian employers or needed to qualify for further education. New legislation would make the mapping of skills and career guidance mandatory before beginning the introduction programme and would change the provision of language support from required hours to a required level. The standard two-year programme is planned to be replaced by a wider range of programmes from three months to four years (NO LEG 01).

Furthermore, the Parliament in Norway transferred some central integration tasks to regional authorities, including giving information and advice to municipalities on good practices and on the qualifications of refugees. New criteria were introduced on the allocation of refugees to municipalities, including the state of the local labour market, the results of the integration programme in a municipality and the municipality's success and capacity to foster integration.

In Denmark, the integration and job training programme, IGU,[604] which combines work and language training, has been extended by an additional three years.

In Iceland, the Ministry of Social Affairs issued a report including a plan on how to address differentiated treatment by aligning the service support provided to resettled and other refugees in Icelandic society.[605]

Law No. 178/2019 made important changes in the integration programme for beneficiaries of international protection in Romania. The deadline for submitting an application for the integration programme was extended from 30 days to 3 months. The previous legislation established that the integration programme for beneficiaries of international protection had a duration of 12 months with the possibility of revision at 6 months, and the new legislation foresees that the reference period can be prolonged with another 6 months only in exceptional situations for a total duration of 18 months. An NGO representative may be present during the interview conducted by an integration officer of the General Inspectorate for Immigration–Asylum and Integration Directorate (IGI-DAI), who determines the scope of the support measures to be provided. The socio-cultural counselling and activities must be organised by IGI-DAI in collaboration with local authorities, while this collaboration was optional under previous legislation. Local support teams may be established involving IGI-DAI, local authorities, public institutions and NGO representatives to support beneficiaries of international protection in having their rights and benefits fulfilled (RO LEG 01).[606]

The Integrated Communities Action Plan was published in the United Kingdom in February 2019. The plan includes cross-government measures aimed at building a stronger, integrated society based on shared rights, responsibilities and opportunities.[607]

The Finnish Parliament reviewed the effectiveness of migrant integration in the country and requested the government to prepare a comprehensive action plan and propose reforms to the current system. In response, the Ministry of Economic Affairs and Employment began preparations for an inter-sectoral government integration programme for the period 2020-2023.

The French government launched a debate in the National Assembly and the Senate on French and European migration policy. The Prime Minister evaluated the results of amendments introduced in September 2018 and put forward several major guidelines shaping the French migration policy, including improving integration policies and the reception of applicants for international protection. Both the Inter-ministerial Committee on Integration (C2I), which was held on 5 June 2018 under the chairmanship of the Prime Minister, and the Act for Controlled Immigration, Effective Right of Asylum and Successful Integration took ambitious measures for the renewal of the French integration policy.

Several measures concerning language training courses, civic training and access to employment came into effect on 1 March 2019 in France. Additional funding considerably strengthened the integration policy for newcomers; beneficiaries of international protection are considered as newly-arrived foreigners.

Finally, the C2I, missioned the Inter-ministerial Delegation for the Hosting and Integration of Refugees (Diair) to lead the implementation of the National Strategy for the Integration of Refugees.

Cyprus signed a grant agreement for 2020-2022 to develop and monitor a national integration plan for legally-residing third country nationals. Six other grant agreements were signed with local authorities and civil society organisations for a variety of integration activities.

In Estonia, the development plan, Integrating Estonia 2030,[608] was merged into a new plan, A Vibrant Population and a Cohesive Society 2030.[609] The Internal Security Development Plan 2020-2030, currently being completed, highlights the importance of Estonian language training and lists support services (adaption, integration, employment services, counselling and rehabilitation) which are available for applicants and recipients of international protection. The Ministry of the Interior commissioned a study on the integration of newly-arrived migrants, including beneficiaries of international protection, the results of which were published in 2019. The study presented best practices and remaining challenges in the country's integration process. [610]

The new action plan for the integration of beneficiaries of international protection was under discussion in Croatia in 2019, and the new Permanent Commission for the Integration of Foreigners in Croatian Society, responsible for the coordination of the plan's implementation, widened its membership to include representatives from local and regional authorities and NGOs.[611] The Ministry of the Interior launched a tender under AMIF to select a civil society organisation to carry out a three-year project in providing assistance in the integration of beneficiaries of international protection.[lviii]

[lviii] Quality integration into Croatian society of asylees and persons under subsidiary protection is carried out through a project based on individual approach based on needs, goals and abilities of a person in the early stage. The project "Support in providing assistance in the inclusion of persons with granted international protection in Croatian society" is financed through AMIF in the amount of EUR1.950.000,00 (75 % of the funding from the European Union and 25 % from the state budget).

The elaboration of a new strategic plan for immigrant integration continued in Spain. The Forum for Social Integration of Immigrants, which involves several public administration bodies, civil society organisations and migrant associations, was reactivated in 2019.

The Expert Commission on the Framework Conditions for Integration met for the first time in Germany. Its objective is to look at the structural issues of integration and propose initiatives to improve integration standards.

Implementation of existing strategies

Other countries focused on the implementation of current strategies. For example, the Greek government launched in 2019 the HELIOS 2 project as part of the National Integration Strategy, implemented by the IOM and its partners. The project aims to support beneficiaries residing in temporary accommodation schemes to integrate into Greek society and offers integration courses and support in acquiring accommodation and employment. It monitors progress and will launch initiatives to sensitise the host community.

The Czech government approved the action plan for 2020 to implement its integration strategy adopted in 2016.[612]

To review the implementation of policies, the first Austrian Integration Summit was organised at the end of the year in Vienna.[613]

The Ministry of Social Security and Labour in Lithuania continued to implement the National Integration Action Plan (LT LEG 03), in close collaboration with UNHCR and all relevant stakeholders in integration.

The Irish government published the mid-term review of the Migrant Integration Strategy 2017-2020[614] and noted that a number of significant milestones were achieved, such as the establishment of the Communities Integration Fund[615] and the adoption of the Second National Intercultural Health Strategy.[616] The Communities Integration Fund continued to offer grants for local integration projects, providing a total of EUR 526 000 in 2019.

As an important institutional change, the Department of Integration was created in Luxembourg within the Ministry of Family Affairs, Integration and the Greater Region. Its mandate includes to further develop the three phases of the Guided Integration Trail. The Ministry also granted funding to the Luxembourgish Red Cross, LISKO, to promote integration at the local level and support local authorities in fostering the integration of beneficiaries of international protection.

The Hungarian Helsinki Committee signalled again that Hungary had withdrawn integration services to beneficiaries of international protection since 2016[617] and the country was assessed to provide the least advantageous integration framework for refugees and beneficiaries of subsidiary protection.[618] Similarly, no new targeted integration strategy was adopted in Bulgaria since the first National Integration Programme for the Integration of Refugees came to an end in 2013.

The National Integration Evaluation Mechanism assessed the integration framework for beneficiaries of international protection in 14 countries (Czechia, France, Greece, Hungary, Italy, Latvia, Lithuania, the Netherlands, Poland, Portugal, Romania, Slovenia, Spain and Sweden) and published the European benchmark for the integration of refugees.[619] The report noted that the quality of integration policies varies to a great extent, despite EU standards, and all assessed countries could provide more integration services, even those which have integration frameworks in place.

The Dutch Advisory Committee on Migration Affairs published two evaluations related to the current integration system. The first report assessed the civic integration system and concluded that the policy focus should be more on encouragement, reward and adequate support with a more-developed role for municipalities, instead of coercion and punishment.[620] The second assessment monitored the functioning of the market of educational activities related to civic integration, based on the idea that private language schools would compete with each other for participants by increasing the quality of services. The Committee noted that the structure of the system was inadequate, and thus, participants did not act as empowered and informed consumers.[621]

The UK Home Office published the third edition of the *Indicators of Integration* framework, which was created in collaboration with academics, local authorities, civil society organisations and beneficiaries of international protection to understand and measure the integration of migrants and beneficiaries.[622]

Strengthening local authorities

Continuing on efforts of previous years, the role of local authorities and municipalities was further enhanced throughout the integration process. For example, local authorities in Italy received more responsibilities and more funding to implement the System of Protection for Beneficiaries of International protection and Unaccompanied Foreign Minors (SIPROIMI).

Civil society organisations were active at the local level in many countries, for example in Austria, Croatia, France, Germany and Spain. To help local governments, the ReSOMA project published several documents on formulating a long-term comprehensive approach to integration at local level.[623]

Following discussions between the Ministry of Social Security and Labour in Lithuania, stakeholders and UNHCR, AMIF funding was tailored in Lithuania[624] to provide EUR 1.7 million to engage six municipalities in refugee and migrant integration by creating local-level action plans, improving integration infrastructure and strengthening competences.

In Iceland, UNHCR and the Ministry of Social Affairs arranged three training sessions on the Inter-Cultural Cities programme (ICC) in different parts of Iceland.[625] The aim was to equip municipal employees with basic skills to engage with refugees.

In Estonia and Latvia, the ICC organised seminars on “Diversity and Inclusion in Cities”.[626] Events were also organised to introduce the ICC concept and approach to local and regional authorities, inviting them to join the programme.[627]

In a cooperation with Latvian Red Cross, UHNCR conducted training sessions[628] in five Latvian municipalities. The training aimed to build capacity and expertise for more than 100 service providers, public authorities and representatives of local communities. It focused on refugee inclusion, inter-cultural competencies, diversity and inclusion policies at the regional and local levels.

Among major developments, municipalities in the Netherlands received an additional EUR 40 million for 2019 and 2020 to become more involved in the counselling of beneficiaries of international protection in their civic integration and language learning. The new civic integration system will enter into force in 2021, which will shift some responsibility from the individual to the municipality to ensure that participants in the civic integration programmes, including beneficiaries of international protection, learn Dutch and find employment as quickly as possible. Pilot programmes were launched in 57 municipalities to test the proposed changes before their entry into force.[629]

Various initiatives analysed public attitudes towards beneficiaries of international protection and foreigners in general, for example in Austria,[630] Cyprus,[631] Latvia[632] and Lithuania.[633]

7.12.8 Access to employment

A few countries developed comprehensive measures to increase the participation of third country nationals in the labour market, involving also specific, targeted measures for beneficiaries of international protection.

Among the more robust initiatives, the government in Sweden increased funding for fast tracks, which were established to support entry into the job market for beneficiaries of international protection who have education, work or training experience. It also continued the development of entry agreements to support newly-arrived migrants and long-term unemployed people to establish themselves in the labour market. Under the initiative, which will be launched in the second half of 2020, employees would receive an indirect wage subsidy and agreements could be made with companies without collective agreements and recruitment agencies.

Other initiatives continued throughout 2019 in Sweden, including bridging programmes for persons with foreign qualifications who needed complementary training to engage in professional activities in the host country, for example in the field of medicine, nursing, dentistry, engineering, teaching or law. To be able to further build on lessons learnt, the Swedish Public Employment Service evaluated a 2014-2015 pilot project which used a systematic method to support labour market integration. The agency found that the approach was especially beneficial for women who had increased rates of employment and overall the method reduced gender differences in the programme.[634]

Temporarily-admitted persons in Switzerland may work anywhere in the country since January 2019 if the employment conditions for the specific location, profession and sector are fulfilled.[635]

Austria continued to focus on the labour market integration of beneficiaries of international protection, for example with targeted employment fairs[636] and mentoring programmes specifically tailored to migrant women.[637]

The Public Employment Services in Belgium worked closely with integration and civic integration agencies to expedite the labour market integration of beneficiaries of international protection, for example through intensive or tailored language classes.

The Integrated Communities Action Plan in the United Kingdom focused, in particular, on supporting beneficiaries of international protection in acquiring employment. For example, with funding from the UK Home Office and the National Lottery Fund, a refugee entrepreneur pilot programme was launched with the Centre for Entrepreneurs to identify local business support organisations which can provide tailored start-up programmes assisting refugees from business idea to launching. The centre worked with academia to conduct a comprehensive evaluation of the pilot programme.[638]

The Ministry of Labour and Social Policies in Italy launched a project, *Protezione Unita a Obiettivo Integrazione*, which provided effective pathways to the labour market for beneficiaries of international protection, persons with humanitarian status or persons who entered the country as unaccompanied minors.

The Greek National Integration Strategy announced ambitious actions to improve labour market access to beneficiaries of international protection, including a pilot programme for vocational training for 8 000 persons and an employment programme in the agricultural sector for another 8 000 beneficiaries. These programmes are still to be launched.[639]

The Ministry of Science and Education in Croatia offered professional training programmes for applicants and beneficiaries of international protection, while the Croatian Employment Service provided targeted on-the-job training in cooperation with Jesuit Refugee Service (JRS).

The Cyprus Refugee Council and UNHCR Cyprus launched an e-platform to connect employers and training providers with beneficiaries of international protection.[640] With a similar objective, the Information Centre for Newcomers in Latvia hosted Open Door Days in five regions to inform employers about hiring third country nationals and provided information to third country nationals about employment opportunities.[641]

UNHCR published a report on the employment of asylum seekers and refugees in Malta and formulated recommendations to address the list of main challenges, including the reduction of administrative costs for work permits, employer site-specific language courses and the recognition of skills of refugees lacking certification documents.[642] The employment agency, Jobsplus, continued to offer employment-related English and Maltese language classes.

The Knowledge Platform on Integration (KIS, *Kennisplatform Integratie & Samenleving*) in the Netherlands, together with Divosa, published its annual monitoring report on the labour market participation of refugees. The report revealed that 17 % of refugees who arrived in 2015 had a paid job in 2019 (4 % higher than in 2018), but many of them were employed below their educational and skills levels.[643] The 2019 update of the AIDA report on the Netherlands also signalled that beneficiaries of international protection remained in a weak position in the labour market, with only slight improvements being noted in 2019.[644] At the first Dutch Business Summit on Refugees, 15 Dutch multinational companies made concrete pledges to employ more beneficiaries of international protection and support them in setting up businesses.[645]

Language barriers, administrative obstacles, a lack of information and discrimination in general continued as the greatest obstacles for beneficiaries of international protection to access employment. But the Croatian Employment Service also pointed out challenges with a lack of fluency with the language, sometimes limited motivation to learn the language and lack of motivation to undertake employment.[646]

In France, the Republican Integration Contract (CIR) is concluded between France and any non-European foreigner admitted to stay in France who wishes to settle permanently in order to promote integration into the French society. Since 1 March 2019, professional orientation schemes within the CIR and the personalised integration programme have been strengthened. Moreover, different programmes targeting refugees specifically are funded by the state, for example the HOPE (Housing, Orientation and Process to Employment) programme is an experimental state-sponsored programme which provides housing, French lessons, vocational training and assistance to access accommodation for four months followed by a practical workplace experience for four months. In 2019, the programme supported 1 500 refugees with integration through work.

7.12.9 Access to education

Some key initiatives in 2019 aimed to improve access to education and the educational outcomes of migrant children and youth, including pre-school, compulsory primary and secondary education, and higher education. A special UNHCR campaign on refugee and migrant children's access to education *(see also Section 7.7.2.5)* underlined the fact that beneficiaries of international protection are entitled to education under the same conditions as nationals, but they do not automatically receive the corresponding benefits, which can restrict their access to quality education. The report mentioned that a full comparative analysis was difficult since the data and definitions are not aligned across Europe.[647] Other relevant report looked into higher education for third country nationals.[648]

The general scheme in Norway that offers low-income families 20 free core hours a week in pre-school was expanded to include children aged 2 (rather than starting at age 3). The Directorate of Education and Training commissioned the development of a tool to map the Norwegian language knowledge of pre-school children. The renewal of a more inclusive primary and secondary education curricula was ongoing and planned to be implemented as of August 2020.

The general upper secondary education core curriculum was under revision in Finland to ensure better educational outcomes for both native and second language students. A government working group report was published, building on the results of two previous reports, which put forward 40 new proposals to facilitate the integration of migrant children in Finnish education.[649] The Finnish Education Evaluation Centre published an evaluation of students with an immigrant background in higher education, which revealed challenges in entering higher education and receiving support throughout the studies. The new Finnish government planned to draft a higher education accessibility plan.

Special programmes from the Flemish and French communities in Belgium continued in 2019, focusing on increasing the participation of migrant children in pre-school education and strengthening the system of bridging classes in compulsory primary and secondary education.

Applicant and beneficiary children could still benefit from preparatory and supplementary language classes in Croatia, upon approval from the Ministry of Science and Education.[lix] Beneficiaries of international protection could also apply for one of the state-provided scholarships for support in higher education. However, the NGO, Are you Syrious, noted that some public officials were not adequately aware of the rights to enrol for beneficiary children and some specific support programmes were cancelled as the number of participating children did not reach the minimum requirement.[650]

AMIF co-funded projects in Estonia and Latvia to support teaching staff to adapt their skills to provide support for newly-arrived migrant children.

The Italian government set up 100 higher education scholarships for beneficiaries of international protection to allow them to continue their studies which were interrupted in their countries of origin. Additionally, the Migrant Integration Portal[651] (*Portale Integrazione migranti*), developed in collaboration with UNHCR, has a dedicated section on scholarships offered by Italian universities.

In contrast to these initiatives, due to the low number of unaccompanied minors in the 'children's home' in Hungary, the school programme of the NGO, Menedék, ceased to operate.[652]

7.12.10 Validation of skills and recognition of qualifications

Skills validation and the recognition of qualifications have increasingly become part of comprehensive integration programmes.[653]

New initiatives were launched in Sweden in 2019. The government tasked the Swedish Council for Higher Education to develop and pilot special measures for: a) skills validation and the recognition of qualifications when documentary evidence is missing; and b) when the educational level is documented but the level was not completed. The Council also worked on a permanent structure for the recognition and accreditation of prior learning. Pending its implementation, the National Agency for Higher Vocational Education will maintain state support for the validation processes.

[lix] The Ministry of Education and Science noted that the inclusion of children and youth in primary and secondary education was ensured in cooperation with local governments, i.e. offices in municipalities and cities. At the request of schools, the Ministry of Education and Science provides teacher support to students with asylum or subsidiary protection and other forms of support for the integration of students into the education system.

On 10 July 2019, Norway announced a new labour market integration strategy to assess the competencies of refugees in different languages. Thus, the strategy helps refugees and immigrants to enter the labour market more quickly by assessing competencies and skills in languages other than Norwegian and Sami.

On March 12, 2019 the Norwegian Minister for higher education, announced[654] that Norway will increase its support for the European Qualifications Passport for Refugees (EQPR) to 1 million NOK (approximately 100 000 Euros) in 2019 because of the good results obtained by the project. Since the launch in 2017, 319 applications have been assessed and 249 refugees have obtained the EQPR.

An evaluation session took place in Greece under the current phase of the Council of Europe project, (EQPR), providing refugees with a document that summarises their highest qualification obtained, language skills and work experience.[655]

In Croatia, free translation and authentification of diplomas and certificates required for continuing education or inclusion in the labour market continued to be provided for beneficiaries of international protection.

Nonetheless, laws do not facilitate the recognition of qualifications for beneficiaries of international protection in many countries, for example in Bulgaria.[656] Beneficiaries need to manoeuvre through regular procedures for recognition, which requires documentation or re-taking examinations.

7.12.11 Language instruction

Most initiatives around language learning continued to target third country nationals in general. However, an important exception was Austria, where the Integration Act was amended to require the Federal Ministry for Europe, Integration and Foreign Affairs to provide German courses to a minimum B1 level to beneficiaries of international protection over the age of 15 years, as of 1 January 2020. The previous required level was A2.

Following the recommendations of the Inter-ministerial Integration Committee in France,[657] the number of hours for state-financed language support was increased from 200 to 400 hours since 1 March 2019. In addition, a specific module of 600 hours was created for illiterate people. Moreover, online teaching and learning have been enhanced. The Ministry of the Interior supported the development of digital projects, including Massive Open Online Courses, which offer French language classes and civic training classes.

The Swedish government proposed new funding for Swedish language training for persons on parental leave, to be implemented as of 2020. It also continued with substantial funding to train teachers of Swedish as a second language. This change is particularly beneficial for vulnerable groups, such as newly-arrived women who stay at home.

The first Estonian Language Houses opened in Tallinn and Narva in 2019, offering language courses and facilitating integration. The amended Citizenship Act came into force in 2019, providing substantial language support for persons eligible for Estonian citizenship: they become entitled to free language courses up to the required B1 level and to paid study leave from work. A new e-learning course is also available for free.

The Ministry of Culture in Latvia launched language clubs, co-funded by AMIF, in five cities. The Latvian Language Agency developed new e-learning material (*e-Laipa*) for A1 and A2 levels.

Regional Integration Centres in Czechia continued with language courses also for beneficiaries of international protection and organised special classes for women with small children.

Beneficiaries of international protection were granted 280 hours of state-provided language courses in Croatia,[lx] but civil society organisations pointed out that the lesson schedule often clashes with working hours and lessons are only organised in localities where there is a specified number of participants.[658] During 2019, Croatian language courses were organised in Kutina, Sisak and Karlovac for persons who arrived in Croatia within the European Resettlement Programme (98 persons) and in Zadar, Zagreb and Slavonski Brod for persons already residing in Croatia (34 persons).

7.12.12 Social welfare

The scope and criteria of beneficiaries' access to social welfare remained highly debated in Austria and Norway. A new law in Austria was passed in June 2019 that made part of the minimum benefit conditional on B1-level German or C1-level English knowledge and cut benefits for families with several children. The draft law was already heavily criticised by civil society organisations,[659] and UNHCR warned that the law was in breach of the Geneva Convention.[660] The Constitutional Court ruled that these provisions were unconstitutional. Beneficiaries of subsidiary protection remain entitled only to a significantly lower level of basic care.

The Ministry of Labour and Social Affairs in Norway proposed a similar amendment to the Social Services Act which would make financial assistance to third country nationals conditional on being enrolled in language training.

Law 4636/2019 in Greece required beneficiaries of international protection to leave the reception facility two months from recognition instead of the previously applicable six months, at which point social welfare support would also cease. UNHCR and civil society organisations[661] were concerned about the negative impact of this measure on the integration opportunities for beneficiaries.[662] New measures were enacted later in March 2020, further decreasing the transition period to 30 days.[663]

Beneficiaries of international protection in Germany are in principle obliged to take up residence in the federal state where their asylum procedure was conducted. The authorities of the federal state are obliged to finance the integration of beneficiaries for three years. The particular residence regulation applicable to a beneficiary can only be lifted when the relevant authority at the place of original residence gives its explicit agreement. (DE LEG 05)

A few countries took steps to strengthen social welfare for beneficiaries of international protection. The law on social inclusion income (REVIS) came into force in Luxembourg, by which all beneficiaries of international protection and their family members aged 25 or older can benefit from this support. Beneficiaries may also be temporarily accommodated with a family without losing their entitlement to REVIS.

The courts clarified that beneficiaries of international protection in France receive access to social rights as soon as they are granted protection. In Croatia, coordinators were appointed to social welfare centres and branch offices to provide support in accessing social welfare and more broadly in fostering inclusion in the local community.

[lx] The Croatian Language, History and Culture Learning Programme offers language courses to asylees and persons under subsidiary protection (Official Gazette no.: 154/2014) lasting 280 hours (70+210 hours). In order to ensure quality integration of persons under subsidiary protection or persons with asylum status, the largest activities are financed within the project "Integration of asylees and persons under subsidiary protection into Croatian society, education and preparation for inclusion in the labour market" approved for financing from the Asylum, Migration and Integration Fund (AMIF) in the amount of EUR560,000.00 (75% of European Union funds and 25% from the State.

The Irish Supreme Court confirmed that, once a person is granted permission to reside in the state or is granted refugee status, he/she is entitled to child benefit payments.

Civil society organisations from Spain noted that, due to the current design of the Spanish reception system, recognised beneficiaries of international protection who cannot enter the reception system as applicants remain left out of state support services.[664]

7.12.13 Access to health care

Only Croatia reported developments in the field of health care, where the Ministry of Health prepared a draft ordinance on health care standards for applicants and beneficiaries of international protection. This was submitted for e-consultation and was in the final stages. Civil society organisations noted that the staff of health centres were often not informed that the costs of medical treatments for beneficiaries of international protection were paid by the Ministry of Health, which caused many issues in practice.[665]

Among the concerns raised, Asylex signalled that access to health care remains an issue even after recognition, in particular for mental health care and dental treatments.[666] Beneficiaries of international protection in Poland continued to face long administrative delays before receiving the necessary documentation to access health care.[667]

7.12.14 Access to accommodation

The AIDA comparative report on the accommodation of applicants and beneficiaries (*see also Section 7.7*) provides an overview of the challenges and support measures available in 23 countries and analyses, in particular, the effects of long stays in reception facilities even after recognition.[668] The issue of over-stayers was of concern, for example, in Belgium, France, Luxembourg and Spain.

In response, the Ministry of the Interior in France published an instruction aiming to accelerate the re-housing of beneficiaries of international protection by securing 16 000 places in transitional accommodation and encouraging closer cooperation among all national and regional stakeholders (FR LEG 1). The government in Luxembourg increased the threshold of subsidies for municipalities from 80 % to 100 % of the rental prices announced by the Housing Observatory to encourage rentals for beneficiaries of international protection and other people eligible for housing subsidies. Beneficiaries may also continue to live in reception facilities for a small fee, due to the lack of affordable housing.

The legislative amendments in Romania allowed beneficiaries of international protection without adequate financial means to stay in the reception facility for 12 months (previously it was 6 months), extendable for another 6 months. In certain regions they may remain for free for 3 months (previously it was 2 months), after which a fee must be paid.[669] Only vulnerable beneficiaries may continue to stay for free and if accommodation in reception facilities is not available, the beneficiary can receive a financial allowance from the government to cover rent for private apartment.

The draft plan on accommodation of persons granted international protection expired in 2019 in Croatia. The plan foresaw the redistribution of beneficiaries to specific regions of the country based on available housing. Relocation criteria were defined through accommodation and housing, labour and employment, social service availability and capacity in the local community. [lxi]

[lxi] In 2018, Government Office for Human Rights and Rights of National Minorities coordinated the creation of the *Draft Relocation Plan* through the work of the Working Group for the Operative Implementation of the Tasks of the Permanent Commission for Implementation of the Integration of Foreigners into Croatian society and, more precisely, a specialised working group composed of representatives of state administration bodies

A small, temporary accommodation was set up in Cyprus for homeless third country nationals, while NGOs continued efforts to find more permanent housing solutions. Beneficiaries of international protection continued to face significant administrative hurdles to rent an accommodation in Bulgaria. They need to provide valid identification to sign a rental contract, but a domicile is needed to obtain an identification card.[670]

Civil society organisations in Cyprus,[671] Greece,[672] Poland[673] and Spain[674] highlighted that recognised beneficiaries are still at an increased risk of homelessness and inadequate living conditions. NGOs in Spain tried to mediate between private renters and beneficiaries to mitigate the effects of discrimination, but beneficiaries of international protection were still at a disadvantage due to a lack of financial resources and strict rental contract requirements.[675] Some territorial administrations continued to require a city or census registration before they gave access to local social benefits, such as access to social housing, a condition which is challenging to fulfil for newly-arrived beneficiaries of international protection.[676]

7.12.15 Socio-cultural orientation

The objectives of initiatives related to socio-cultural integration were diverse in EU+ countries in 2019. The project, European Module for Integration Courses, is an Erasmus+ Strategic Partnership project involving European countries (Germany, Italy, Latvia, Lithuania, North Macedonia and Portugal) focuses on creating a curriculum and training material for an integration course for beneficiaries of international protection, in addition to national socio-cultural integration courses.[677]

The government in Sweden provided funding to increase the length of civic orientation from 60 to 100 hours, and Country Administrative Boards were commissioned to revise educational material to focus more on gender equality and human rights.

The amended Integration Act in Austria required the Federal Ministry for Europe, Integration and Foreign Affairs to provide value and orientation courses to third country nationals receiving benefits under the General Social Assistance Act.

The planned new Integration Act in Norway could also include obligatory parenting courses for refugees with children (NO LEG 01).

AMIF co-funded a project implemented by the Ministry of the Interior and the NGO, Slovo 21, in Czechia to organise integration seminars for beneficiaries of international protection. A first seminar was organised on rights and obligations and everyday life in Czechia, and a book was published providing basic information on various aspects of everyday life in the country.

UNHCR Malta and the Human Rights and Integration Directorate of the Ministry for European Affairs and Equality launched the Turning the Tables project to empower beneficiaries of international protection and migrants in general to participate in policy and legislative processes.[678]

The Refugee Integration Centre in Lithuania provided several sessions for beneficiaries of international protection on everyday life in the country and access to different support services. The NGO, Shelter Safe House, in Latvia continued to receive state funding for socio-cultural integration courses for

in sectors involved in integration measures (Ministry of Demography, Family, Youth and Social Policy; Ministry of the Interior; Ministry of Health; Ministry of Science and Education and the State Office for Reconstruction and Housing; the Croatian Employment Service, as well as representatives of local self-government units (City of Zadar) and academia (Institute for Migration and Ethnic Studies, Faculty of Law of University of Zagreb). For the purpose of drawing up the *Draft Relocation Plan*, a wide participatory process of consultation with representatives of local and regional self-government units was carried out.

beneficiaries of international protection. The Welcome Centre in Tartu, Estonia opened to provide information and guidance for all newcomers settling in Estonia.

Compulsory civic training included in the CIR aims to better understand and adopt the values of France. As of March 2019, it lasts four days instead of two with greater use of interactivity, in particular via communication technologies. Five main themes are presented: a portrait of France, employment, health, housing, parenting and values of France.

7.13 Return of former applicants

EU law on the return of former applicants falls within the remit of general immigration law. Effective return of rejected asylum seekers is an integral part of a credible asylum system, as is the possibility to return to a country of origin voluntarily if an application for international protection is withdrawn. For the practical functioning of CEAS, returning a rejected asylum applicant effectively to his/her country of origin is essential, since an inability to return such a person in an efficient and sustainable way may corrode confidence in the system and stigmatise migration.[679]

Return options include:

Voluntary return: when a person opts to withdraw a claim and voluntarily returns to the country of origin or a person complies with a return decision and can receive support from the Member State, for example covering travel costs; and

Forced return: when a person is returned by the public authorities of the Member State to the country of origin or another country where the person can stay legally.

A person who has formally been refused international protection may still be granted the right to remain in the Member State (outside of the scope of the asylum law and under national migration and residence laws) if the return is not feasible, for example for technical reasons or because of the situation in the country of origin. Otherwise, a person who exhausted all legal avenues to remain in the EU and received a return decision from a court or competent authority of a Member State should in principle leave the EU territory.

The legislative framework at the EU level is prescribed in the Return Directive,[680] for which the Commission proposed a recast in 2018[681] to secure a better link between asylum and return procedures. In July 2019, the Council of the EU adopted its partial common position[682] on the recast, focusing on clearer and faster procedures for issuing return decisions and lodging appeals, development of a common, non-exhaustive list of objective criteria to determine the risk of absconding, and more efficient rules on voluntary return.

Effective return of irregular migrants is one of key areas under the European Agenda on Migration. In October 2019,[683] the Commission stated that cooperation with partner countries on return has improved, with return and readmission agreements and practical arrangements in place with 23 partner countries – both countries of origin and transit countries, as well as capacity-building projects for third countries and exchange of liaison officers.

When necessary, the EU can adopt restrictive visa measures for third countries which do not cooperate sufficiently on readmission, leveraging for example on the EU Visa Code. The Commission also noted that several areas needed continued improvement, in particular strengthening the assistance available to third country nationals who are returning voluntarily and monitoring that an applicant who received a return decision does not abscond or make secondary movements.

Return is also one of the principal areas of work for Frontex, whose mandate was expanded with a new regulation in December 2019. The agency's mandate on returns and cooperation with non-EU countries, including those beyond the EU's immediate neighbourhood, was strengthened. The Risk Analysis for 2020[684] indicated that the number of return decisions issued in 2019 increased by 5 %. This continued to be higher than the number of effective returns, which dropped by 6 % compared to 2018. This is in part linked to a relatively lower migratory pressure on EU+ countries in 2019 compared to previous years, while known challenges remained in several practical areas affecting the efficiency of returns. Challenges include the identification of migrants, obtaining the necessary documentation

from authorities in third countries and frequent absconding by migrants who were to be returned. In regard to specific nationalities, effective returns of Afghans and Syrians dropped, linked to typically high recognition rates for those nationalities, while the number of returned South American citizens rose, reflecting high arrivals of this group and typically low recognition rates.

Under its mandate, UNHCR continued advocating for the establishment of a rights-based return system in several of its recommendations to the EU Presidency[685] and the European Parliament.[686] The organisation urged that those who do not qualify for protection need to be rapidly identified and returned with dignity and respect. For those who have sought international protection, returns should only take place following a final negative asylum decision reached through a fair procedure, with due consideration given to the principle of non-refoulement, as well as humanitarian and statelessness-related aspects. Updates were also released concerning UNHCR positions on returns to Mali[687] and South Sudan.[688]

7.13.1 Institutional changes

The main institutional change concerning returned applicants took place in Austria where a new Department for Return and Reintegration (V/10) was established in the Federal Ministry of the Interior in January 2019. The Federal Agency for Care and Support Services was established in June 2019 to assume responsibility for the accommodation and care of asylum applicants as of July 2020 and to provide legal counselling, return counselling and assistance as of January 2021 (AT LEG 02). The aim is to achieve more cost efficiency and an increased number of voluntary returns through independent counselling and quality assurance.

7.13.2 Legislative changes

Several legislative changes were implemented by EU+ countries concerning specifically the return of former asylum applicants. Many amendments aimed to facilitate efficient return through additional obligations to cooperate, removing the suspensive effect of appeals against return decisions, increasing possibilities for detention and accelerating return procedures.

In Germany, the Act on Orderly Returns entered into force on 21 August 2019. The law primarily refers to rejected applicants and focuses on limiting the risk of absconding and on better identification. The requirements for persons to cooperate in acquiring identity documents from a country of origin were strengthened and those who do not cooperate will be issued a specific note, “persons with unverified identity”. For the duration of the note, the person cannot be employed and the respective length of time does not count towards future consolidation of residence status and the possibility to remain lawfully in Germany (since January 2020, persons with certain types of residence titles or in vocational training or employment can have their deportation suspended). It will also be easier for authorities to detain unsuccessful applicants in order to enforce their obligation to leave the country and to return applicants found guilty of criminal offences more swiftly.

In France, the Law of 10 September 2018, in force since January 2019, terminated the suspensive effect of appeals before the CDNA against OFPRA’s decision to reject certain categories of asylum seekers placed under the accelerated procedure and, in particular, those from safe countries of origin. Following a rejection decision by the determining authority and a return decision by the administrative authority, the asylum applicant can request the administrative court to rule whether the applicant may remain on the territory during the asylum appeal procedure. If the administrative court accepts this request, the administrative authority puts an end to house arrest or detention.

Similarly, amendments to the Aliens Act of 1 June 2019 in Finland stipulate that a subsequent application will not prevent the enforcement of an earlier decision on denial of admittance or stay if the subsequent application does not fulfil the criteria for admissibility and has been submitted only for the purpose of preventing or delaying the return *(see Section 7.5).* In such cases return shall be enforced.

In Italy on 4 October 2019, a decree of the Ministry of Foreign Affairs and International Cooperation was adopted in agreement with the Ministry of the Interior and the Ministry of Justice formalising a list of countries of safe origin (IT LEG 03).

As of September 2019, the Estonian Police and Border Guard Board started to issue "three in one" decisions combining a negative decision on an asylum application, a return decision and a decision to impose a prohibition to entry. The return decision and the decision to impose an entry ban are suspended until the final asylum decision has been made.

In Austria, an amendment to the Aliens Police Act 2005 of 27 December 2019 granted a postponement of the period for voluntary departure to rejected applicants who are in an apprenticeship (AT LEG 03). This ensures that apprenticeships already underway can in principle be completed.

In Ireland, the Immigration Act 1999 was amended to confirm that a minister's deportation order is subject to the prohibition of refoulement. This means that a person is not expelled or returned to the frontier of a territory where, in the opinion of the Minister, the life or freedom of the person would be threatened for reasons of race, religion, nationality, membership of a particular social group or political opinion or there is a serious risk that the person would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment. This already-existing practice was formalised through the legal amendment.

The Netherlands issued on 29 November 2019 amended Aliens Act Implementation Guidelines (NL LEG 02). While in principle after the rejection of the first asylum application a departure period is granted, exceptions to the rule were extended concerning unfounded applications and applications predominantly based on socio-economic grounds.[lxii] This aimed to impede the increase in unfounded applications placing a burden on the reception and asylum systems.

7.13.3 Practical measures

In addition to legislative changes, some EU+ countries undertook practical measures to enhance returns of former asylum applicants and address specific challenges. The changes included new guidelines and technical arrangements.

Addressing a spike in unfounded applications from Moldovans in 2019, the Netherlands excluded Moldovan applicants falling under the Dublin III Regulation from financial support to return to their country of origin, funds which are usually provided by the DT&V or the IOM's REAN programme. This was later reversed and Moldovan applicants were granted limited support (EUR 40).

[lxii] Those new categories include: asylum applications which are rejected for being manifestly unfounded, in which an evident rejection of the application is concerned; asylum applications that are not handled within the Dublin procedure, but on a substantive basis for economic reasons pertaining to the process; asylum applications that are predominantly inspired by socioeconomic reasons; and asylum applications in which the third-country national has stated that he shall not comply with is obligation to return upon rejection. These applications are generally also manifestly unfounded.

The Federal Office for Immigration and Asylum in Austria, in coordination with police administrations in the provinces, organised targeted activities in public places to locate applicants who have absconded after a rejected application in order to take the appropriate security measures.[689]

In November 2019, Fedasil in Belgium issued a new instruction on the implementation of the return process for failed applicants with serious medical issues. This profile of applicants can request that the return process takes place directly from the reception accommodation without being assigned to an open return place.

In France, new measures were implemented for assisted returns (DPAR, *dispositifs de préparation de l'aide au retour*) of third country nationals in an irregular situation, providing an alternative to detention and streamlining the pathway for former asylum applicants whose applications have been refused and would otherwise occupy a place in the reception system. Four new centres for DRAPs were opened in 2019 (in Aisne, Gironde, Île et Vilaine and Doubs), bringing the total as of December 2019 to 16 centres for DPARs (4 in the Paris region and 12 in the provinces).

7.13.4 Projects

In 2019, EU+ countries launched and implemented projects aimed at enhancing the quality of the return process and safeguarding respect for fundamental rights. The projects focused on specific situations faced by applicants for international protection.

In Belgium, Fedasil launched the project, "Your Global Future", which aimed to provide applicants with training towards their professional future, regardless of the outcome of their application for international protection.

An international "Reach Out" project, led by Fedasil and *Office Français de l'Immigration et Intégration* (OFII) in France, engaged 'outreachers' who informed stranded migrants in the street of Brussels and Calais about options available to them (including return, the Dublin procedure and application for international protection). The other pillar of the project included exchange on good practices between cities (namely, Antwerp, Amsterdam, Gent, Milan, Newcastle and Utrecht) in reaching out to irregularly-staying migrants.

Croatia launched a series of informative workshops on the Croatian National Programme for Assisted Voluntary Return and Reintegration, for example, in the Ježevo Reception Centre for Aliens.

The monitoring of returns and post-return processes also play important roles in improving transparency and preventing breaches of migrants' rights. In Belgium in February 2019, the interim report of the commission for the evaluation of the voluntary and forced return policy was presented. This commission was set up in March 2018, following investigations of Sudanese returnees allegedly subjected to bad treatment upon return. The report acknowledged progress in achieving shorter return procedures and highlighted the issue of subsequent applications and preventing misuse of the system.

Several other EU+ countries implemented monitoring activities focused on return through various mechanisms. The Croatian Law Centre conducted monitoring of forced returns within the framework of the national programme of the Asylum, Migration and Integration Fund. Also in Cyprus, an AMIF project established the national forced return monitoring system, conducted by the Commissioner for Administration and Protection of Human Rights Ombudsman. In Czechia, monitoring by the Ombudsman continued, however under the Ombudsman's budget and no longer under AMIF. A national legal basis for a forced return monitoring system, in accordance with the relevant provisions of the Return Directive, was drafted in Norway and published for public consultation.

On a related note, FRA published the 2019 on forced return monitoring systems in EU Member States.[690] Relevant guidance includes a FRA focus paper on fundamental rights in the context of returning unaccompanied children, including guidance on assessment of best interests of the child and specific scenarios in the border context.[691] Comprehensive guidance to respect children's rights in return policies and practices, focusing on EU legal framework was also published by UNICEF, OHCHR, the IOM and other partners.[692]

7.13.4 Jurisprudential developments[lxiii]

At the European level

The possibility and the conditions of return to a country of origin accounted for a high share of cases brought before European and national courts in 2019. At the European level, the ECtHR remained active on the basis of the EU Charter, Article 3 (prohibition of torture and inhuman or degrading treatment). In this regard, the Court reaffirmed the decision of the French courts to deport an Algerian asylum seeker who was convicted of terrorist action and there were no serious, proven grounds to believe that he would be subjected to treatment in breach of Article 3 when returned to Algeria.

In contrast, the Court ruled against a decision by Bulgaria to expel an applicant to Syria, given the overall security situation and the risk for the individual. The Court also ruled that Switzerland had not carried out a sufficient assessment of the risks that could be faced by an Afghan national of Hazara ethnicity if he were returned to Afghanistan.

In regard to voluntary returns, in the case *N.A. vs Finland* the Court found that the Finnish authorities had not carried out a sufficient assessment of the risks faced by the applicant's father in Iraq. According to the Court, the decision of the Finnish authorities to expel the father had ultimately forced him to agree to return voluntarily to Iraq, where he was allegedly shot and killed soon after arrival. In April 2020 Finland's National Bureau of Investigation revealed it had reason to suspect that the applicant's father is alive and that the documents that influenced the Court's ruling were forged. The case is being investigated as aggravated forgery. The investigation is ongoing.

The ECtHR also reviewed prolonged detention practices despite the suspension of deportation after lodging an asylum application. In addition, the United Nations Committee on the Elimination of Discrimination against Women (CEDAW) requested Denmark to refrain from deporting a Palestinian refugee, with a Jordanian passport, and her children from Syria to Jordan pending the assessment of her case. The Refugee Appeals Board suspended the time limit for departure until further notice, in accordance with the Committee's request.

At the national level

Similar issues were addressed at a national level. Some national courts assessed the possibility of ECHR violations when enforcing returns. In Austria, the Supreme Court examined whether deficiencies in the health system or in available health care resources in the country of origin could lead to an infringement of the ECHR. In Belgium, CALL noted that the exclusion clause only serves to preclude an international protection status without releasing the authorities of their responsibility to assess the compatibility of removal measures with ECHR.

Following the CJEU judgement on the request for a preliminary ruling (C-180/17), the Council of State in the Netherlands noted that Dutch law does not provide for an automatic suspensive effect in asylum cases. Suspensive effect only applies to proceedings at the district court. However, if a claim under ECHR, Article 3 is brought before the court, interim measures are granted in principle since December

[lxiii] To avoid issues on arbitrary presentation/interpretation of cases, wording is similar to official press releases.

2016, preventing the removal of a third country national while the appeal is pending. Based on ECHR, Article 8, the Court of Appeal in the United Kingdom found that the Secretary of State should reconsider the applicant's human rights claim since her removal from the country would be a breach of the Convention.

Procedural aspects were also clarified by the relevant jurisprudence. In Italy and the Netherlands, the superior courts ruled on the enforcement of a removal order and detention pending the examination of an application for international protection. Similarly, the Migration Court of Appeal in Sweden elaborated on the calculation of the maximum time that a person may spend in detention for the purpose of removal. The Federal Administrative Court in Germany confirmed family unity as a rule in the context of return procedures. In Poland, the Supreme Administrative Court ruled on the consequences of waiving the right to appeal against a return decision, interpreting the provisions strictly.

The consequences of a practical impediment to enforce an expulsion decision were considered by the Swedish Migration Court of Appeal, which ruled on the possibility and conditions of granting a residence permit. The issue of collective expulsion was also reviewed by the Italian Civil Court which followed the *Hirsi Jamaa v. Italy* ruling. The court found a breach of the non-refoulement principle.

Existing challenges reported by civil society organisations

ECRE published a policy note, *Return Policy: Desperately Seeking Evidence and Balance,*[693] analysing developments in EU policy and law for returns and contesting the excessive focus on returns and restrictive policies since the migration crisis.

Civil society organisations raised several concerns with the implementation of returns in EU+ countries. They highlighted the absence of implementing returns from Hungary to Serbia, resulting in prolonged stays of rejected applicants in transit zones,[lxiv] no suspensive effect of appeal on return, limited application of interim measures that would prevent return[694] and the risk of chain refoulement where a country to which a rejected applicant is readmitted may then expel the person to a country where they are at risk.[695]

[lxiv] The lawful return of rejected asylum applicants to Serbia did not take place in 2019 as Serbia refuses to readmit third country nationals from Hungary with the exception of citizens of the successor states of former Yugoslavia and Turkey. Those rejected are kept in the transit zones' aliens policing sector. See: Hungarian Helsinki Committee. (2020). *Input to "EASO Asylum Report 2020: Annual Report on the Situation of Asylum in the European Union"*. https://www.easo.europa.eu/sites/default/files/easo-annual-report-2019-Hungarian-Helsinki-Committee-contribution.pdf

7.14 Resettlement and humanitarian admission programmes

In the EU context, resettlement programmes are voluntary programmes through which EU Member States provide international protection to refugees who are identified as eligible by UNHCR. Member States assess the resettlement needs and can transfer a refugee from a third country to their territory by granting a secure legal status and support for integration.[lxv]

At the heart of EU resettlement schemes lie the objectives to contribute to global resettlement efforts in line with jointly-agreed geographical priorities, manage migration based on predictable timelines, ensure common grounds for eligibility and carry out rigorous security checks. Since the introduction of the first European Resettlement Scheme in July 2015, the process has remained high on the policy agenda.

In 2019, efforts were channelled to establishing the Union Resettlement Framework as one of the top priorities *(see Section 2.5).* Under the European Commission's recommendations in 2017, it was envisaged to resettle 50 000 migrants[696] and Member States made progress towards this goal throughout the year.

For instance, under the new scheme Germany resettled just over 7 900 refugees from various countries of origin (Egypt, Ethiopia, Jordan, Lebanon, Nigeria and Turkey) out of the 10 200 committed for the year. France resettled a total of 9 965 refugees from Chad, Egypt, Jordan, Lebanon, Niger and Turkey, out of its target of 10 000 persons to be resettled in 2018 and 2019. In Belgium, about 1 120 refugees were resettled, representing more than one-half of the promised quota, while Italy resettled about 870 refugees from Ethiopia, Eritrea, Sudan and Syria.

7.14.1 National resettlement programmes

In 2019, EU+ countries continued to operate national resettlement programmes, to implement the EU resettlement scheme and make additional resettlement places available. For example, under Spain's national resettlement programme, 825 Syrian nationals were resettled in Spain, representing more than 80 % of the national commitment for 2019. A new National Resettlement Plan was approved by the Spanish Council of Ministers in December 2019. The plan aims to alleviate the humanitarian crisis in the Eastern Mediterranean and 1 200 new places have been made available for 2020.[697]

The Norwegian authorities took over 3 000 favourable decisions on the resettlement of refugees from a variety of nationalities in 2019. More than 2 800 quota refugees arrived in Norway during the year. Moreover, Norway offered 93 additional places to refugees in vulnerable situations after being evacuated from Libya. National programmes were also operating in Sweden, resettling around 5 000 refugees from various countries of origin during 2019.

Building on the work already done since 2015, a new phase of the Irish Refugee Protection Programme (IRPP) was announced by the Department of Justice and Equality in December 2019.[698] This phase would provide a legal and safe passage to 2 900 refugees between 2020 and 2023, focusing on Syrians, particularly children, residing in Jordan and Lebanon. A pilot project in 2020 will resettle Eritrean refugees residing in Ethiopia.

[lxv] Definition provided in the EMN Glossary: https://ec.europa.eu/home-affairs/e-library/glossary/resettlement-programme_en

Similarly, the Croatian government adopted a new decision in February 2019 on the resettlement of third country nationals and stateless persons who fulfil the conditions for international protection (HR LEG 02). Under the EU resettlement scheme, Croatia committed to settle up to 100 refugees over 2020-2021. By September 2019, Croatia had resettled 250 refugees, of which 98 Syrians had arrived in the country during 2019. Croatia pledged to accommodate another 100 refugees in 2020-2021.

While some countries adopted new decisions to increase the number of pledges, other countries needed to reduce or close their programmes. Due to the high number of disembarkations from North Africa in 2019, Malta cancelled the transfer of refugees who had already been selected and interviewed.

In Estonia, after resettling 7 of the 40 Syrians under its national commitment, the national resettlement programme was discontinued.

7.14.2 Selection missions and study visits

In cooperation with various stakeholders involved in resettlement, countries organise selection missions and study visits to third countries. For instance, at the beginning of 2019, the Croatian Ministry of the Interior carried out a selection mission in Turkey with the aim to resettle 100 refugees.

In June 2019, four government representatives took part in a visit to exchange best practices and experiences with Portugal, while Portugal undertook a selection mission in Turkey. Luxembourg also organised a selection mission to Niger in October 2019, through which 48 refugees were selected for resettlement in Luxembourg. By the end of the year, 35 had been transferred to the country, with the remainder postponed due to medical constraints but envisaged for 2020.[699]

7.14.3 Private sponsorship programmes

In the broader context of global efforts to expand resettlement opportunities, some countries cooperate with private organisations, such as individuals, companies, NGOs or faith-based groups, to maximise available resettlement programmes. The involvement of these organisations in resettlement activities is focused on the arrival and integration of refugees. In addition, they could also take part in the identification and selection of refugees, such as in the Humanitarian Corridors programmes *(see Section 7.14.4)*.

Pilot sponsorship projects were implemented in several countries during 2019. For example, the regional government of Pais Vasco in Spain, in coordination with the Secretary of State for Migration, implemented a community sponsorship programme in March 2019. Individuals, voluntary organisations and faith-based groups manage the programme, through which 29 refugees from Jordan have been resettled in the region.[700] Refugees from Jordan are also resettled through a German sponsorship programme, NesT *(Neustart im Team)*, which started operating in May 2019. The programme provides up to 500 places for selected refugees, and a total of 17 were resettled in 2019.

At the end of 2019, the Department of Justice and Equality of Ireland launched a Community Sponsorship programme[701] in cooperation with various organisations (such as Immigration, Refugees and Citizenship Canada, UNHCR, Irish Red Cross, NASC and Amnesty International) for interested citizens and community organisations to participate in supporting refugee families upon their arrival to Ireland, in particular with access to housing and state services. Since its launch, 12 Community Sponsorship Groups have been formed and 30 refugees from eight families have been assisted. In

recognition of this initiative, Ireland received an award from the Global Refugee Sponsorship Initiative (GRSI)[lxvi] in October 2019.[702]

To continue resettlement schemes which end in 2020 (see more in the United Kingdom Written Ministerial Statement, 2019),[703] the United Kingdom announced a new global resettlement scheme[704]which will consolidate the three largest national programmes (Vulnerable Persons Resettlement Scheme, Vulnerable Children's Resettlement Scheme and the Gateway protection programme). In the first year of the programme, United Kingdom aims to resettle 5 000 of the most vulnerable refugees. The programme will focus on unaccompanied minors, but it will have a broad geographical focus and will respond to wherever the need is greatest.

In addition, a new process for emergency resettlement will also be developed, allowing the United Kingdom to provide fast routes of protection during instances of heightened protection needs. The Community Sponsorship Scheme, which enables community groups to directly welcome and support refugees in the United Kingdom, will continue working; however, after the new scheme launches in 2020, refugees resettled by community sponsors will remain separate and in addition to the quota of the global resettlement scheme. The same will happen with the refugees resettled under the national Mandate Resettlement Scheme, which can be used for recognised refugees with close family members living in the United Kingdom.

7.14.4 Humanitarian admission programmes

Humanitarian admission programmes are diverse, ranging from expedited temporary protection for a large number of vulnerable refugee groups to granting protection upon arrival similar to resettlement schemes but following a different procedure. The initial assessment in the country of first asylum does not include a full refugee status determination, and the beneficiaries of the programmes must apply for international protection once they arrive in the European Union.

During 2019, Member States continued to enhance their humanitarian admission programmes in cooperation with third parties. For example, the Humanitarian Corridors programme continued operating in France. The programme was established in March 2017 through a Memorandum of Understanding by the French Ministry of Interior, the Ministry of Foreign Affairs and five organisations (the Community of Sant' Egidio, the Protestant Federation of France, the Protestant Federation of Mutual Aid (FEP), the Episcopal Conference of France (CEF) and Secours Catholique – Caritas France).[705] In 2019, 519 Syrians and Iraqis from Lebanon were identified and selected as beneficiaries of the project. By the end of the year, 420 of them were already settled in France where they were granted refugee status or subsidiary protection.

[lxvi] GRSI is a joint initiative led by the Government of Canada, UNHCR, the Open Society Foundations, the Giustra Foundation and the University of Ottawa that works to assist and inspire countries around the world to open new pathways for refugee protection by sharing experiences and creating new initiatives.

The humanitarian corridors has also operated in Italy since November 2017 through the Protocol Ethiopia-Italy and the Protocol Lebanon-Italy.[lxvii] Through both mechanisms, Italy granted legal and safe entry to around 700 people in 2019. As recognition of the success of this programme, the Italian Humanitarian Corridors programme received the UNHCR's Nansen Refugee Award in September 2019.[706]

Under a presidential commitment made to Nadia Murad, an Iraqi activist and Nobel Peace Prize recipient, France received 103 families from Iraq (466 members) from the ethno-religious minority group, Yazidis, mainly consisting of women and their children.[707] In addition, France has granted 'visas for asylum' to Syrians since 2013 and Iraqis since 2014. In total, over the years, 6 612 Syrians and 7 588 Iraqis have arrived in France with a long-term visa for asylum.

7.14.5 Data on resettlement

In 2019, about 30 700 persons arrived in Europe through resettlement programmes, representing an 8 % increase over 2018.[lxviii] The countries which resettled the most refugees were the United Kingdom, with 5 610 refugees, representing 18 % of the total, and France, with 5 600, also representing 18 % of the total. They were followed by Sweden (4 955, 16 %), Germany (4 890, 16 %) and Norway (2 795, 9 %) *(see Figure 7.2)*.

Several countries received more refugees under resettlement schemes in 2019 than in 2018. For example, while receiving smaller shares overall, Portugal had a 971 % increase from 2018, resettling a total of 375 refugees. Likewise, Ireland had a 131 % increase, resettling 785 refugees.

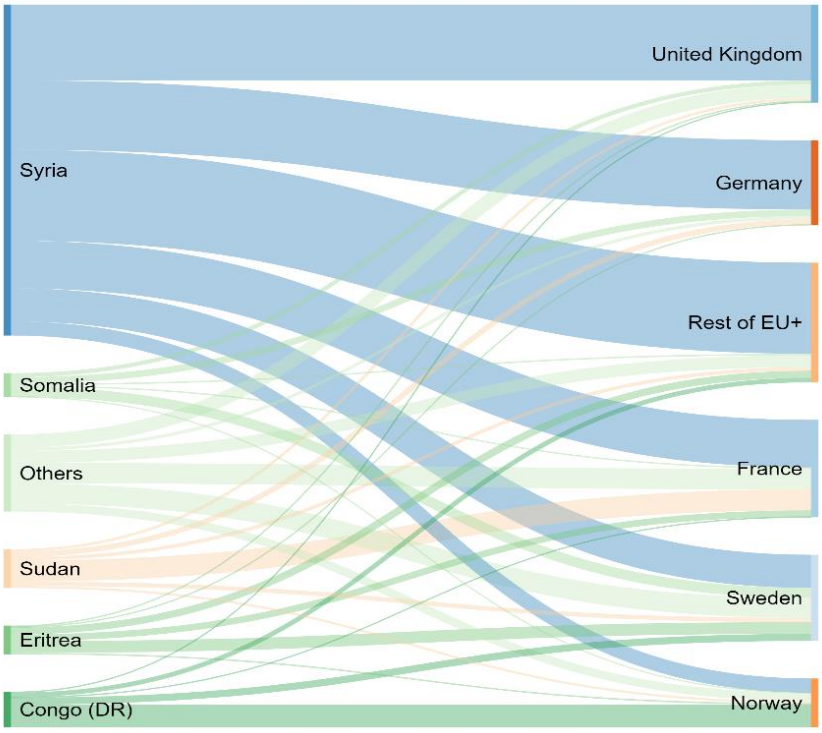
Conversely, some countries received fewer resettled persons in 2019 than in 2018. For example, there was a 73 % decrease in Belgium, followed by Croatia (- 9 %),[lxix] Switzerland (- 7 %) and the United Kingdom (- 3 %).

[lxvii] The programme was established for the first time in December 2015 with the signature of the first protocol for 1 000 Syrian refugees from Lebanon between the Italian Ministry of Foreign Affairs and International Cooperation, the Italian Ministry of Interior, the Community of Sant'Egidio, the Federation of Evangelical Churches and the Waldensian Table. In November 2017, a new protocol was signed by the same actors for a period of two years (2018-2019) and with the aim to resettle 1 000 refugees more. The same year, the Italian government made an agreement with the Italian Episcopal Conference and the Community of Sant Egidio to launch a new initiative opened to 500 African refugees, mainly Eritreans, Somalis and South Sudanese, in Ethiopia. This agreement was renewed in May 2019 foreseeing the support in the arrival of 600 more refugees from Africa. For more details: Working Group of the Humanitarian Corridors Project. (2019). *Humanitarian Corridors: Implementation procedures for their extension on a European scale.* https://www.humanitariancorridor.org/wp-content/uploads/2019/12/REPORT_ENG_WEB.pdf.

[lxviii] Data were available for 29 EU+ countries, out of which 11 did not receive any resettled persons.

[lxix] The number of resettled persons in 2019 is lower than the number in 2018 because Croatia pledged a total of 200 persons for the period 2018-2019. Since the number of resettled persons in 2018 was higher than planned (112 persons rather than 100), the number of resettled persons in 2019 was slightly lower (98 persons rather than 100); hence, the decrease does not represent a trend.

Figure 7.2 Top 5 nationalities of resettled refugees and Top 5 EU+ receiving countries for resettlement, 2019



Note: Data are not available on the country from which a refugee was resettled.
Source: Eurostat.

Nationality of resettled refugees

As seen in the past three years, Syrian refugees accounted for nearly two-thirds of all resettled persons in 2019, with over 19 000 being resettled.

Refugees from other countries of origin were resettled at much lower levels, including several African countries such as Sudan (2 230), the Democratic Republic of the Congo (2 020), Eritrea (1 650) and Somalia (1 365). While their shares were lower than for Syrians, nationals from sub-Saharan Africa were resettled at increasing rates in 2019. For example, there was a 373 % increase for resettling refugees from South Sudan, 269 % increase for Somalia, 147 % increase for Nigeria and 145 % increase for Sudan.

The overall number of persons resettled in Europe has been slowly increasing since 2017, but each year Syrians have been representing a smaller share of the total. This means that a wider range of citizenships are being resettled. For instance, in 2019 Norway resettled many nationals from Syria and also from the Democratic Republic of the Congo.

Characteristics of resettled refugees

Overall, the sex ratio of resettled persons was more or less equal (48 % were female),[lxx] but almost two in five were younger than 14 years old.[lxxi]

[lxx] This proportion does not include the resettled persons for whom EU+ countries were unable to report the gender, accounting for 0.7 % of the cases.
[lxxi] For just 0.7 % of resettled persons, the age group could not be reported.

With regard to the most common citizenships of origin, females accounted for two-thirds of all resettled Afghans (66 %) and males accounted two-thirds of all resettled Eritreans (65 %).

Minors accounted for more than one-half of the resettled refugees from the Democratic Republic of the Congo, Ethiopia, Iraq, Somalia, South Sudan and Syria. Most of them were younger than 14 years old.

7.14.6 Practical challenges

While a large number of refugees have been successfully resettled in Europe or admitted through humanitarian admission programmes, challenges in effective implementation continue to surface. Over 2019, a number of issues were identified in countries.

Limitations of reception systems

Authorities in Belgium encountered difficulties with transfers and reception of resettled refugees due to the impact of the place reduction in 2018, combined with a high increase in regular applications for international protection and the length of the asylum procedure in 2019. Although the federal reception agency considerably increased reception places *(see Section 7.7),* the organisation of selection missions was affected and there was a decrease in the transfer and reception of resettled refugees. Despite these challenges, Belgium has resettled 1 119 out of the 2 000 refugees pledged for the period 2018-2019).

In Spain, civil societies organisations highlighted that receptions facilities faced difficulties in accommodating large families and vulnerable profiles with health conditions or specials needs, arriving through humanitarian admission programmes.[708]

Insufficient provision of information to refugees

Some refugees who were selected have withdrawn from resettlement or humanitarian admission programmes, as was the case in Spain[709] and Croatia in 2019, due to for example personal reasons. In order to improve its results in resettlement in Croatia, cultural orientation programmes were organised by the ICMC, the Ministry and the JRS to provide information on rights, obligations and cultural values.

Instability in third countries

Threats to the safety and security of officials conducting selection visits can hinder the resettlement process. In 2019, this was the case during the Finnish selection mission to Niger. Norway also cancelled a mission to Niger and evacuated refugees directly from Libya instead.

AMIF funding on resettlement

AMIF funding for resettlement has been allocated through three channels: i) national programmes; ii) lump sum per resettled refugee; and iii) union actions managed by the European Commission. The support is provided to increase capacity in Member States to rapidly expand their activities and human resources on resettlement.

EU funding for resettlement provides an incentive to Member States to establish and implement national resettlement programmes in response to the global refugee needs. However, additional guidance on how to implement AMIF lump sum financing or support to some actors in adapting to the benefits of it (reduction of administrative burden and increase of flexibility) are needed.[710]

Conclusions

In 2019, the number of applications for international protection increased in Europe for the first time since 2015. Against this background, EU+ countries continued their efforts to further calibrate their asylum systems and enhance solutions for international protection, building on initiatives introduced in previous years.

The overview of asylum-related developments presented in the *EASO Asylum Report 2020*, based on a synthesis of qualitative and quantitative information, revealed emerging trends and current issues in the area of asylum, both at the EU and national levels. As outlined in the report, major developments included:

- The backlog of applications for international protection awaiting a decision remained much higher compared to the pre-2015 level, and in the case of some Member States has significantly increased, illustrating the heightened pressure under which EU+ asylum and reception systems are still operating.
- Secondary movements of applicants have attracted increasing attention among EU+ countries and added to debates about the current functioning of the Dublin procedure.
- EU+ countries continued to place an emphasis on swift registration and collection of detailed information from applicants in the early stages of the asylum procedure to distinguish more efficiently between persons in need of protection and those who will be directed to return. This has been coupled with measures to enhance border procedures.
- Efforts increased across EU+ countries to support the needs of applicants with vulnerabilities, from early identification and provision of procedural safeguards to improving specialised reception facilities and developing tailor-made information materials for unaccompanied minor applicants in particular.
- With a considerable number of cases pending at second instance, courts and tribunals continued to play an important role in shaping the practical application of the provisions of the European asylum acquis.
- Despite continued efforts by EU+ countries to identify solutions for the effective return of persons with no right to stay in the EU, including former applicants for international protection, the number of actual returns remained much lower than return decisions.

At the EU level, in the absence of major legislative progress toward the adoption of the CEAS reform package, considerable work was accomplished in policy implementation and practical cooperation among EU+ countries in the area of asylum, often with the coordination of the European Commission.

At the same time, fundamental issues regarding the EU's external borders remained at the forefront of public debate, particularly in relation to search and rescue operations in the Mediterranean Sea and the safe disembarkation and relocation of rescued migrants. Discussion are currently evolving to identify standardised solutions, based on the principles of solidarity and shared responsibility.

In addition, the increased migration flows along the Eastern Mediterranean route amplified the pre-existing pressure on the asylum systems of Member States in the region. To assist frontline Member States in the Central and Eastern Mediterranean area, in 2019 EASO improved and, when needed, expanded its operational support to Cyprus, Greece, Italy and Malta.

The trends outlined in the *EASO Asylum Report 2020* set the background for the current year. In addition, the novel COVID-19 global outbreak will play a critical role in shaping asylum-related developments by highlighting the need for innovative approaches toward ensuring full respect for the right to asylum.

In response to the pandemic, a number of EU+ countries declared a state of emergency and prioritised containment measures, such as physical distancing and restriction of direct contact, which directly affected the provision of public services, including procedures for international protection. The implementation of widespread emergency measures led to a temporary but significant decrease in the number of applications for international protection in Europe.

While high-income countries in Europe and North America seem to have been disproportionally affected by COVID-19, low- and lower-middle-income countries may be at high risk for latent outbreaks. The latter are common countries of origin or transit for applicants for international protection in Europe, and future outbreaks in these areas may create outward mobility and affect migratory patterns into the EU.

In response, measures are likely to be put in place, using digital technology, to ensure procedures are continued with respect to the right to asylum. With the New Pact on Migration and Asylum currently being drafted, as announced by the European Commission in January 2020, lessons drawn from the COVID-19 pandemic may be valuable in modernising and improving asylum procedures across EU+ countries.

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Reader's guide

The reader's guide presents the legal basis and process by which EASO's flagship report is produced. It includes methodological notes on the collection of qualitative and quantitative information, presents the wide pool of sources consulted and presents products which are related to the report.

Legal basis

The *EASO Asylum Report 2020*: *Annual Report on the Situation of Asylum in the European Union* is produced in accordance with Article 12.1 of the EASO Regulation, which specifies that:

> "*The Support Office shall draw up an annual report on the situation of asylum in the Union, taking due account of information already available from other relevant sources. As part of that report, the Support Office shall evaluate the results of activities carried out under this Regulation and make a comprehensive comparative analysis of them with the aim of improving the quality, consistency and effectiveness of the CEAS*."

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 European and national levels, and reporting on the practical functioning of CEAS. The activities of EASO in 2019 are also summarised.

The production process follows the methodology and basic principles agreed by the EASO Management Board in 2013. Drafts are disseminated to the Management Board for their comments prior to its formal adoption and public launch.

Qualitative information

Primary factual information was obtained by EASO from EU+ countries in a process coordinated with EMN, to avoid duplication with the 2019 *Annual Report on Migration and Asylum*.

The European Commission was consulted during the drafting process and actively contributed. In accordance with its role under the Geneva Convention, Article 35 relating to the status of refugees, which is reflected in the EU Treaties and the asylum acquis instruments, UNHCR was also consulted during the drafting process and referred authors to public information produced by its experts to inform the present report.

The report provides an analysis based on a wide range of sources of information – duly referenced – to reflect the ongoing debate at the European level. It also identifies 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 CEAS. To that end, EASO takes due account of information already available from other relevant sources, as stipulated in the EASO Regulation, including from EU+ countries, EU institutions and agencies – such as Frontex and FRA, civil society organisations, international organisations and academia. Contributions were specifically sought from civil society organisations through an open call for input to members of the EASO Consultative Forum and other civil society stakeholders, inviting them to provide information on their work relevant for the functioning of CEAS.

A workshop was organised with civil society organisations to discuss methodologies for gathering and documenting asylum-related developments. Another dedicated workshop was organised to gather information from think-tank and academia representatives. Members of the EASO Network of Courts and Tribunal Members contributed to the report by providing relevant examples of national case law.

The report is not exhaustive and country examples presented in the report serve only as illustrations of relevant aspects of CEAS.

The *EASO Asylum Report 2020* covers the period 1 January to 31 December 2019 inclusive, but also refers to relevant recent developments in the year of writing. Whenever possible, information referring to 2020 was based on the most up-to-date sources available at the time of adoption of the report by the EASO Management Board.

Products related to the EASO Asylum Report 2020

Legislative, institutional and policy developments described in the report are summarised and presented in a table per country and per thematic area. The table can be consulted through an interactive tool available on the report landing page or it can be downloaded as a PDF.

The report presents a selection of jurisprudential developments based on the EASO Case Law Database and the hyperlinks within the text will bring readers to the specific cases in the database.

Sources used for the production of the *EASO Asylum Report 2020* are presented in the list of references. They are also available in a separate, detailed bibliography, grouped by type of source. Readers can easily identify whether sources are from European institutions and agencies, international organisations and processes, national authorities, civil society organisations or think tanks and academia. A list of legislation and case law referenced in the report is also provided.

Quantitative information

Statistical information was primarily derived from Eurostat. Selected data at the EU+ level were also obtained from EASO's Early Warning and Preparedness System (EPS) data exchange for additional information and for the section on Dublin procedures (due to unavailability of respective Eurostat data at the time of writing).

The data published in this report were extracted from Eurostat on 27 April 2020. The data are provisional and may be updated or revised by Member States.

Administrative data published by Eurostat on an annual basis are used for the following indicators: applicants for international protection, withdrawn applications, asylum decisions in first instance, asylum decisions in second and higher instance, pending cases and unaccompanied minors. These data are provided to Eurostat by ministries and national administrations in Member States, in the framework of Regulation (EC) 862/2007 on community statistics on migration and international protection, except for data on first-time asylum applicants.

Data for the following indicators are collected by Eurostat on a monthly basis: asylum applicants, first-time asylum applicants, pending cases and withdrawn applications.

Data for the following indicators are collected by Eurostat on a quarterly basis: first instance decisions (refugee status granted, subsidiary protection status granted, authorisation to stay for humanitarian reasons granted) and rejections.

The annual data presented in the statistical annexes are computed as the aggregation of data submitted to Eurostat throughout the year on a monthly (or quarterly) basis.

The Eurostat Technical Guidelines for data collection were amended in December 2013 and subsequently entered into force in the reference month of January 2014. Thus data published prior to 2014 are not necessarily comparable. The main changes for data collection included:

- Clarification on the definitions of first-time and repeated applicants;
- Instructions on how to report persons subject to a Dublin procedure in the pending cases table;
- Instructions not to report cases where another Member State assumed responsibility of negative asylum decisions; and
- Clarification on the definition of humanitarian protection.

Methodological changes to the Eurostat Technical Guidelines entered into force as of January 2015 in reference to reporting on cases in the Dublin procedure and withdrawn cases, as follows:

- Persons subject to the 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 the 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 an implicit or explicit withdrawal;
- Persons subject to the Dublin procedure and who abscond 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); and
- Persons reappearing after implicit or explicit withdrawal of an application shall be considered under regular revisions and be removed from data on withdrawn applications.

Further modifications to the Eurostat Technical Guidelines were published in February 2018[lxxii] and introduced:

- A new voluntary data disaggregation on 'status of minor' as of the 2018 reference period. The new concept measures whether a minor applicant was 'unaccompanied' or 'accompanied' by an adult with responsibility for the minor during the application procedure;

[lxxii] Eurostat, *Technical Guidelines for the Data Collection under Art. 4.1-4.3 of Regulation 862/2007 – Statistics on Asylum. Version 4.0 amended in February 2018,* February 2018, retrieved at https://ec.europa.eu/eurostat/cache/metadata/Annexes/migr_asydec_esms_an7.pdf.

- An amendment and new specification to the 'Resettlement Framework' variable: the former category "Agreement in the JHA Council on 20.07.2015 – JHAC15" was changed to "EU Resettlement Frameworks – EU_RFW" to include Resettlement Frameworks launched by the European Commission (or Justice and Home Affairs Council) applicable to each reference year; and
- Methodological guidance on reporting on the new variables of Table A16 (resettled person), namely 'country of residence', 'decision' and 'Resettlement Framework'. These guidelines were agreed in the Asylum and Managed Migration Working Group in 2016.

Data published by Eurostat are rounded to the nearest five. As such, aggregates calculated on the basis of rounded figures may slightly deviate from the actual total. Thus, a ‘0’ may not necessarily indicate a real zero value but could also represent a value of ‘1’ or ‘2’.

Statistical tables

Table 1. Asylum applicants in EU+ countries by reporting country and main citizenship, 2015-2019

						2019			
	2015	2016	2017	2018	2019	% change over previous year	Share in EU+	Highest share	Sparkline
Reporting country								**Citizenship**	
Germany	476 510	745 155	222 560	184 180	**165 615**	- 10	22%	Syria (25%)	
France	76 165	84 270	99 330	120 425	**128 940**	+ 7	17%	Afghanistan (8%)	
Spain	14 780	15 755	36 605	54 050	**117 795**	+ 118	16%	Venezuela (35%)	
Greece	13 205	51 110	58 650	66 965	**77 275**	+ 15	10%	Afghanistan (31%)	
United Kingdom	40 160	39 735	34 780	38 840	**44 835**	+ 15	6.1%	Iran (12%)	
Italy	83 540	122 960	128 850	59 950	**43 770**	- 27	5.9%	Pakistan (20%)	
Belgium	44 660	18 280	18 340	22 530	**27 460**	+ 22	3.7%	Afghanistan (12%)	
Sweden	162 450	28 790	26 325	21 560	**26 255**	+ 22	3.6%	Syria (20%)	
Netherlands	44 970	20 945	18 210	24 025	**25 195**	+ 5	3.4%	Syria (15%)	
Switzerland	39 445	27 140	18 015	15 160	**14 190**	- 6	1.9%	Eritrea (20%)	
Cyprus	2 265	2 940	4 600	7 765	**13 650**	+ 76	1.8%	Syria (20%)	
Austria	88 160	42 255	24 715	13 710	**12 490**	- 9	1.7%	Afghanistan (23%)	
Ireland	3 275	2 245	2 930	3 670	**4 780**	+ 30	0.6%	Albania (20%)	
Finland	32 345	5 605	4 990	4 500	**4 520**	+ 0	0.6%	Iraq (32%)	
Malta	1 845	1 930	1 840	2 130	**4 085**	+ 92	0.6%	Sudan (26%)	
Poland	12 190	12 305	5 045	4 110	**4 070**	- 1	0.6%	Russia (64%)	
Slovenia	275	1 310	1 475	2 875	**3 820**	+ 33	0.5%	Algeria (28%)	
Denmark	20 935	6 180	3 220	3 570	**2 695**	- 25	0.4%	Syria (19%)	
Romania	1 260	1 880	4 815	2 135	**2 590**	+ 21	0.4%	Iraq (27%)	
Luxembourg	2 505	2 160	2 430	2 335	**2 270**	- 3	0.3%	Eritrea (25%)	
Norway	31 110	3 485	3 520	2 660	**2 265**	- 15	0.3%	Syria (24%)	
Bulgaria	20 390	19 420	3 695	2 535	**2 150**	- 15	0.3%	Afghanistan (46%)	
Czech Republic	1 515	1 475	1 445	1 690	**1 915**	+ 13	0.3%	Armenia (19%)	
Portugal	895	1 460	1 750	1 285	**1 820**	+ 42	0.2%	Angola (17%)	
Croatia	210	2 225	975	800	**1 400**	+ 75	0.2%	Iraq (22%)	
Iceland	370	1 125	1 085	775	**845**	+ 9	0.1%	Venezuela (21%)	
Lithuania	315	430	545	405	**645**	+ 59	0.1%	Russia (43%)	
Hungary	177 135	29 430	3 390	670	**500**	- 25	0.1%	Afghanistan (39%)	
Slovakia	330	145	160	175	**230**	+ 31	0.0%	Afghanistan (39%)	
Latvia	330	350	355	185	**195**	+ 5	0.0%	Azerbaijan (18%)	
Estonia	230	175	190	95	**105**	+ 11	0.0%	Russia (29%)	
Liechtenstein	150	80	150	165	**50**	- 70	0.0%	Kosovo (20%)	
Citizenship								**Reporting country**	
Syria	383 710	341 985	108 040	85 600	**80 205**	- 6	11%	Germany (51%)	
Afghanistan	196 260	190 250	49 305	47 325	**60 700**	+ 28	8.2%	Greece (39%)	
Venezuela	790	4 705	14 545	22 530	**45 645**	+ 103	6.2%	Spain (89%)	
Iraq	130 390	131 705	52 710	45 665	**35 915**	- 21	4.9%	Germany (43%)	
Colombia	315	1 125	4 665	10 340	**32 470**	+ 214	4.4%	Spain (90%)	
Pakistan	48 730	50 130	32 145	29 320	**29 770**	+ 2	4.0%	Italy (29%)	
Turkey	5 490	11 670	16 685	24 830	**27 250**	+10	3.7%	Germany (42%)	
Nigeria	32 340	48 955	41 855	26 535	**25 885**	- 2	3.5%	Germany (41%)	
Iran	28 555	42 110	18 930	25 800	**25 045**	-3	3.4%	Germany (38%)	
Albania	68 950	32 985	26 235	22 710	**23 525**	+ 4	3.2%	France (39%)	
Georgia	8 205	8 835	12 135	20 265	**22 475**	+ 11	3.0%	France (37%)	
Bangladesh	19 125	17 285	20 885	15 195	**16 300**	+ 7	2.2%	France (38%)	
Eritrea	47 050	40 240	29 370	18 665	**15 445**	- 17	2.1%	Germany (24%)	
Somalia	22 875	21 830	15 035	13 570	**14 950**	+ 10	2.0%	Germany (28%)	
Russia	22 570	27 875	17 225	15 505	**14 675**	- 5	2.0%	Germany (30%)	
Other	378 565	321 055	275 240	242 065	**268 170**	+ 11	36%	France (26%)	
EU+	**1 393 920**	**1 292 740**	**735 005**	**665 920**	**738 425**	+ 11		***Syria (11%)***	

Source: *Eurostat [migr_asyappctza] as of 27 April 2020,*
http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_asyappctza&lang=en

Table 2. First-time asylum applicants in EU+ countries by reporting country and main citizenship, 2015-2019

						2019			
	2015	2016	2017	2018	2019	% change over previous year	Share in EU+	Highest share	Sparkline
Reporting country								**Citizenship**	
Germany	441 800	722 265	198 255	161 885	**142 450**	*- 12*	*21%*	*Syria (28%)*	
France	70 570	76 790	91 965	111 415	**119 915**	*+ 8*	*18%*	*Afghanistan (8%)*	
Spain	14 600	15 570	33 035	52 730	**115 170**	*+ 118*	*17%*	*Venezuela (35%)*	
Greece	11 370	49 875	56 940	64 975	**74 905**	*+ 15*	*11%*	*Afghanistan (32%)*	
United Kingdom	39 720	39 240	34 355	38 400	**44 250**	*+ 15*	*6.6%*	*Iran (12%)*	
Italy	82 790	121 185	126 550	53 440	**35 005**	*- 34*	*5.2%*	*Pakistan (21%)*	
Sweden	156 110	22 330	22 190	18 075	**23 125**	*+ 28*	*3.4%*	*Syria (22%)*	
Belgium	38 990	14 250	14 035	18 130	**23 100**	*+ 27*	*3.4%*	*Syria (12%)*	
Netherlands	43 035	19 285	16 090	20 465	**22 480**	*+ 10*	*3.3%*	*Syria (16%)*	
Cyprus	2 105	2 840	4 475	7 610	**12 695**	*+ 67*	*1.9%*	*Syria (20%)*	
Switzerland	38 060	25 820	16 615	13 465	**12 545**	*- 7*	*1.9%*	*Eritrea (20%)*	
Austria	85 505	39 875	22 455	11 580	**10 775**	*- 7*	*1.6%*	*Syria (25%)*	
Ireland	3 270	2 235	2 910	3 655	**4 740**	*+ 30*	*0.7%*	*Albania (20%)*	
Malta	1 695	1 735	1 610	2 035	**4 000**	*+ 97*	*0.6%*	*Sudan (26%)*	
Slovenia	260	1 265	1 435	2 800	**3 615**	*+ 29*	*0.5%*	*Algeria (28%)*	
Poland	10 255	9 780	3 005	2 405	**2 765**	*+ 15*	*0.4%*	*Russia (64%)*	
Denmark	20 825	6 055	3 125	3 465	**2 600**	*- 25*	*0.4%*	*Syria (19%)*	
Romania	1 225	1 855	4 700	1 945	**2 455**	*+ 26*	*0.4%*	*Iraq (25%)*	
Finland	32 150	5 275	4 325	2 945	**2 440**	*- 17*	*0.4%*	*Turkey (15%)*	
Luxembourg	2 360	2 065	2 320	2 225	**2 200**	*- 1*	*0.3%*	*Eritrea (26%)*	
Norway	30 470	3 240	3 350	2 530	**2 165**	*- 14*	*0.3%*	*Syria (25%)*	
Bulgaria	20 160	18 990	3 470	2 465	**2 075**	*- 16*	*0.3%*	*Afghanistan (47%)*	
Portugal	870	710	1 015	1 240	**1 735**	*+ 40*	*0.3%*	*Angola (18%)*	
Czech Republic	1 235	1 200	1 140	1 350	**1 570**	*+ 16*	*0.2%*	*Armenia (21%)*	
Croatia	140	2 150	880	675	**1 265**	*+ 87*	*0.2%*	*Iraq (24%)*	
Iceland	360	1 100	1 065	730	**805**	*+ 10*	*0.1%*	*Venezuela (22%)*	
Lithuania	275	415	520	385	**625**	*+ 62*	*0.1%*	*Russia (44%)*	
Hungary	174 435	28 215	3 115	635	**465**	*- 27*	*0.1%*	*Afghanistan (40%)*	
Slovakia	270	100	150	155	**215**	*+ 39*	*0.0%*	*Afghanistan (40%)*	
Latvia	330	345	355	175	**180**	*+ 3*	*0.0%*	*Azerbaijan (19%)*	
Estonia	225	150	180	90	**100**	*+ 11*	*0.0%*	*Russia (30%)*	
Liechtenstein	:	75	145	145	**40**	*- 72*	*0.0%*	*Kosovo (25%)*	
Citizenship								**Reporting country**	
Syria	377 940	337 435	105 230	82 620	**77 245**	*- 7*	*11%*	*Germany (51%)*	
Afghanistan	193 025	186 550	45 135	42 355	**56 165**	*+ 33*	*8.4%*	*Greece (42%)*	
Venezuela	785	4 725	13 045	22 285	**45 030**	*+ 102*	*6.7%*	*Spain (90%)*	
Colombia	300	1 105	3 990	10 135	**32 010**	*+ 216*	*4.8%*	*Spain (90%)*	
Iraq	126 835	128 620	48 450	40 635	**31 325**	*- 23*	*4.7%*	*Germany (44%)*	
Turkey	4 650	10 660	15 590	23 770	**25 885**	*+ 9*	*3.8%*	*Germany (42%)*	
Pakistan	47 205	47 865	29 865	25 100	**25 410**	*+1*	*3.8%*	*Italy (29%)*	
Iran	27 290	40 875	17 710	23 890	**22 920**	*- 4*	*3.4%*	*Germany (37%)*	
Nigeria	31 020	47 375	39 895	23 105	**21 050**	*- 9*	*3.1%*	*Germany (43%)*	
Albania	67 100	29 645	22 735	19 825	**20 740**	*+ 5*	*3.1%*	*France (39%)*	
Georgia	6 960	7 740	10 930	18 970	**20 505**	*+ 8*	*3.0%*	*France (38%)*	
Eritrea	45 760	38 965	28 375	17 645	**14 550**	*- 18*	*2.2%*	*Germany (24%)*	
Bangladesh	17 985	16 080	19 350	12 705	**13 670**	*+ 8*	*2.0%*	*France (43%)*	
Somalia	21 325	20 675	13 625	11 910	**13 225**	*+11*	*2.0%*	*Germany (27%)*	
Guinea	5 760	14 360	18 555	13 625	**11 885**	*- 13*	*1.8%*	*France (56%)*	
Other	351 525	303 610	243 300	215 645	**240 860**	*+ 12*	*36%*	*France (25%)*	
EU+	**1 325 465**	**1 236 285**	**675 780**	**604 220**	**672 475**	*+ 11*		***Syria (11%)***	

Source: *Eurostat [migr_asyappctza] as of 27 April 2020,*
http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_asyappctza&lang=en

Table 3. Pending cases at the end of the year in EU+ countries by reporting country and main citizenship, 2015-2019

						2019			
	2015	2016	2017	2018	2019	% change over previous year	Share in EU+	Highest share	Sparkline
Reporting country								**Citizenship**	
Germany	424 760	601 905	443 640	384 815	**326 770**	*-15*	*36%*	*Afghanistan (15%)*	
Spain	16 430	20 365	38 880	78 705	**133 015**	*+69*	*15%*	*Colombia (26%)*	
Greece	26 150	40 015	47 815	76 330	**105 445**	*+38*	*12%*	*Afghanistan (28%)*	
France	34 125	44 070	38 405	52 925	**74 385**	*+41*	*8.2%*	*Afghanistan (10%)*	
United Kingdom	33 870	36 860	32 575	38 120	**56 185**	*+47*	*6.2%*	*Albania (12%)*	
Italy	49 715	99 920	152 420	102 995	**47 020**	*-54*	*5.2%*	*Eritrea (20%)*	
Belgium	36 455	24 735	18 715	19 530	**29 065**	*+49*	*3.2%*	*Palestine (12%)*	
Sweden	156 690	82 960	51 480	37 615	**27 530**	*-27*	*3.0%*	*Afghanistan (11%)*	
Austria	79 665	77 445	57 655	38 045	**27 140**	*-29*	*3.0%*	*Afghanistan (39%)*	
Netherlands	29 635	12 245	7 385	15 965	**20 205**	*+27*	*2.2%*	*Syria (17%)*	
Cyprus	2 055	2 860	5 120	10 180	**18 795**	*+85*	*2.1%*	*Syria (22%)*	
Switzerland	34 075	31 475	24 155	15 130	**11 440**	*-24*	*1.3%*	*Turkey (16%)*	
Finland	27 750	15 000	9 335	10 490	**8 315**	*-21*	*0.9%*	*Iraq (42%)*	
Ireland	4 865	4 055	5 670	7 060	**7 330**	*+4*	*0.8%*	*Georgia (11%)*	
Poland	3 305	2 880	2 885	4 460	**4 790**	*+7*	*0.5%*	*Russia (69%)*	
Malta	815	1 070	1 500	2 020	**4 260**	*+111*	*0.5%*	*Sudan (22%)*	
Luxembourg	2 475	2 465	1 525	1 525	**1 790**	*+17*	*0.2%*	*Eritrea (28%)*	
Denmark	14 975	7 020	4 205	2 600	**1 440**	*-45*	*0.2%*	*Syria (15%)*	
Norway	24 545	7 005	2 525	1 985	**1 325**	*-33*	*0.1%*	*Turkey (23%)*	
Bulgaria	9 500	15 595	2 725	1 820	**1 100**	*-40*	*0.1%*	*Afghanistan (32%)*	
Romania	405	935	2 085	1 520	**930**	*-39*	*0.1%*	*Iraq (30%)*	
Czech Republic	655	770	810	795	**775**	*-3*	*0.1%*	*Ukraine (19%)*	
Croatia	55	495	415	250	**620**	*+148*	*0.1%*	*Iraq (28%)*	
Lithuania	115	190	255	380	**550**	*+45*	*0.1%*	*Russia (43%)*	
Slovenia	170	555	475	410	**530**	*+29*	*0.1%*	*Morocco (18%)*	
Iceland	275	580	345	450	**425**	*-6*	*0.0%*	*Iraq (21%)*	
Hungary	36 695	3 415	675	125	**235**	*+88*	*0.0%*	*Afghanistan (38%)*	
Portugal	45	50	55	90	**180**	*+100*	*0.0%*	*The Gambia (17%)*	
Slovakia	275	95	110	155	**110**	*-29*	*0.0%*	*Afghanistan (32%)*	
Latvia	225	225	90	125	**100**	*-20*	*0.0%*	*Azerbaijan (20%)*	
Estonia	120	70	70	80	**55**	*-31*	*0.0%*	*Russia (45%)*	
Liechtenstein	100	75	90	80	**30**	*-63*	*0.0%*	*China (33%)*	
Citizenship								**Reporting country**	
Afghanistan	159 015	238 515	160 410	124 645	**112 200**	*-10*	*12%*	*Germany (45%)*	
Syria	220 805	157 740	111 455	92 610	**86 455**	*-7*	*9.5%*	*Germany (53%)*	
Iraq	104 665	124 050	85 510	80 295	**69 315**	*-14*	*7.6%*	*Germany (53%)*	
Iran	29 750	47 730	32 585	38 530	**42 175**	*+9*	*4.6%*	*Germany (54%)*	
Pakistan	42 830	50 450	47 500	44 460	**41 635**	*-6*	*4.6%*	*Greece (27%)*	
Nigeria	30 015	51 925	59 765	47 985	**39 330**	*-18*	*4.3%*	*Germany (57%)*	
Venezuela	905	5 015	14 880	34 440	**37 795**	*+10*	*4.1%*	*Spain (90%)*	
Colombia	420	1 165	3 635	11 880	**36 725**	*+209*	*4.0%*	*Spain (93%)*	
Turkey	6 930	13 490	18 895	28 820	**34 400**	*+19*	*3.8%*	*Germany (51%)*	
Russia	22 435	28 345	28 670	29 755	**28 870**	*-3*	*3.2%*	*Germany (58%)*	
Eritrea	42 325	36 720	29 310	25 325	**22 090**	*-13*	*2.4%*	*Italy (42%)*	
Somalia	27 695	31 795	22 055	19 295	**19 890**	*+3*	*2.2%*	*Germany (44%)*	
Albania	41 055	22 345	14 735	17 875	**18 445**	*+3*	*2.0%*	*United Kingdom (37%)*	
Bangladesh	15 845	16 580	21 410	17 170	**16 745**	*-2*	*1.8%*	*France (27%)*	
Georgia	10 715	9 660	10 980	15 635	**16 250**	*+4*	*1.8%*	*Germany (29%)*	
Other	295 590	301 885	292 305	278 060	**289 565**	*+4*	*32%*	*Germany (28%)*	
EU+	**1 050 995**	**1 137 410**	**954 100**	**906 780**	**911 885**	*+1*		***Afghanistan (12%)***	

Source: *Eurostat [migr_asypenctzm] as of 27 April 2020,*
http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_asypenctzm&lang=en

Table 4. Withdrawn applications in EU+ countries by reporting country and main citizenship, 2015-2019

	2015	2016	2017	2018	2019	2019 % change over previous year	2019 Share in EU+	2019 Highest share	Sparkline
Reporting country								**Citizenship**	
Greece	6 255	7 475	10 210	11 740	**16 610**	+ 41	24%	Afghanistan (19%)	
Italy	6 750	8 640	14 000	7 730	**14 310**	+ 85	21%	Nigeria (13%)	
Germany	14 530	45 245	40 285	7 190	**4 680**	- 35	6.8%	Syria (8%)	
Spain	875	1 870	1 610	2 985	**4 295**	+ 44	6.2%	Venezuela (20%)	
Sweden	9 085	13 875	5 400	4 645	**3 810**	- 18	5.5%	Iraq (11%)	
United Kingdom	3 130	3 255	3 500	3 545	**3 565**	+ 1	5.1%	India (19%)	
Slovenia	90	620	950	2 370	**3 270**	+ 38	4.7%	Algeria (29%)	
France	690	1 045	1 460	1 665	**2 235**	+ 34	3.2%	Albania (10%)	
Austria	7 840	9 705	6 875	2 720	**2 200**	- 19	3.2%	Afghanistan (49%)	
Poland	9 360	10 000	2 740	1 940	**1 990**	+ 3	2.9%	Russia (78%)	
Cyprus	445	470	510	810	**1 765**	+ 118	2.5%	India (20%)	
Switzerland	2 855	5 075	:	1 665	**1 455**	- 13	2.1%	Algeria (18%)	
Belgium	1 320	3 360	1 515	1 275	**1 420**	+ 11	2.0%	Afghanistan (12%)	
Netherlands	910	2 080	805	900	**1 225**	+ 36	1.8%	Azerbaijan (13%)	
Bulgaria	14 730	10 050	10 045	805	**1 120**	+ 39	1.6%	Afghanistan (51%)	
Romania	105	210	1 485	1 275	**945**	- 26	1.4%	Iraq (51%)	
Denmark	1 730	3 255	1 480	1 450	**885**	-39	1.3%	Morocco (16%)	
Croatia	80	1 255	565	500	**765**	+ 53	1.1%	Iraq (25%)	
Portugal	50	55	80	380	**475**	+ 25	0.7%	Angola (8%)	
Ireland	1 330	1 140	:	355	**425**	+ 20	0.6%	Pakistan (16%)	
Luxembourg	245	545	280	205	**380**	+85	0.5%	Morocco (14%)	
Finland	3 175	3 750	555	365	**340**	- 7	0.5%	Iraq (31%)	
Malta	140	115	185	235	**310**	+ 32	0.4%	Libya (13%)	
Slovakia	125	35	:	70	**180**	+ 157	0.3%	Afghanistan (36%)	
Czech Republic	125	110	150	310	**160**	-48	0.2%	Kazakhstan (19%)	
Iceland	55	200	560	165	**145**	- 12	0.2%	Albania (14%)	
Norway	360	475	145	105	**145**	+ 38	0.2%	Serbia (10%)	
Hungary	103 015	44 905	3 460	120	**110**	- 8	0.2%	Afghanistan (59%)	
Latvia	225	150	140	55	**80**	+ 45	0.1%	Iraq (19%)	
Liechtenstein	40	30	10	40	**20**	- 50	0.0%	Kosovo (50%)	
Estonia	75	20	20	25	**5**	- 80	0.0%	Not specified	
Lithuania	155	65	:	100	**:**	n.a.	n.a.		
Citizenship								**Reporting country**	
Afghanistan	40 230	29 815	16 805	5 070	**6 525**	+ 29	9.4%	Greece (48%)	
Pakistan	12 375	12 640	9 040	4 375	**5 040**	+ 15	7.3%	Greece (36%)	
Iraq	18 155	24 730	11 600	5 915	**4 925**	- 17	7.1%	Greece (40%)	
Turkey	890	1 565	1 900	1 965	**3 870**	+ 97	5.6%	Greece (77%)	
Syria	39 600	24 970	6 645	3 930	**3 510**	- 11	5.1%	Greece (46%)	
Nigeria	2 790	4 070	5 605	2 195	**2 835**	+ 29	4.1%	Italy (67%)	
Algeria	1 545	3 350	2 225	1 735	**2 470**	+ 42	3.6%	Slovenia (38%)	
Morocco	1 330	3 750	2 410	1 500	**2 380**	+ 59	3.4%	Slovenia (27%)	
Albania	6 375	7 245	2 650	1 760	**2 345**	+ 33	3.4%	Greece (30%)	
Russia	8 175	9 980	4 340	2 640	**2 200**	- 17	3.2%	Poland (70%)	
Georgia	1 880	2 230	2 315	2 055	**2 005**	- 2	2.9%	Greece (19%)	
Iran	2 415	5 550	3 370	1 685	**1 770**	+ 5	2.6%	Greece (34%)	
Ukraine	2 205	3 000	2 080	995	**1 700**	+ 71	2.5%	Italy (39%)	
India	935	1 940	1 565	840	**1 610**	+ 92	2.3%	United Kingdom (43%)	
Bangladesh	3 490	2 840	2 270	1 150	**1 580**	+ 37	2.3%	Italy (37%)	
Other	47 505	41 390	34 210	19 940	**24 555**	+ 23	35%	Italy (31%)	
EU+	**189 895**	**179 065**	**109 030**	**57 750**	**69 320**	+ 20		***Afghanistan (9%)***	

Source: *Eurostat [migr_asywitha] as of 27 April 2020,*
http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_asywitha&lang=en

Table 5. Unaccompanied minors in EU+ countries by reporting country and main citizenship, 2015-2019

						2019			
	2015	2016	2017	2018	2019	% change over previous year	Share in EU+	Highest share	Sparkline
Reporting country								**Citizenship**	
United Kingdom	3 255	3 175	2 205	3 060	**3 650**	*+ 19*	*21%*	*Eritrea (16%)*	
Greece	420	2 350	2 455	2 640	**3 330**	*+ 26*	*19%*	*Afghanistan (37%)*	
Germany	22 255	35 935	9 085	4 085	**2 690**	*- 34*	*15%*	*Afghanistan (18%)*	
Belgium	2 545	1 020	735	750	**1 220**	*+ 63*	*7%*	*Afghanistan (53%)*	
Netherlands	3 855	1 705	1 180	1 225	**1 045**	*- 15*	*5.9%*	*Syria (30%)*	
Sweden	34 295	2 160	1 285	900	**890**	*- 1*	*5.0%*	*Syria (17%)*	
Austria	8 275	3 900	1 350	390	**860**	*+ 121*	*4.9%*	*Afghanistan (74%)*	
France	320	475	590	740	**755**	*+ 2*	*4.3%*	*Afghanistan (27%)*	
Slovenia	40	245	390	555	**670**	*+ 21*	*3.8%*	*Afghanistan (30%)*	
Italy	4 070	6 020	10 005	3 885	**660**	*- 83*	*4%*	*Pakistan (30%)*	
Bulgaria	1 815	2 750	440	480	**525**	*+ 9*	*3.0%*	*Afghanistan (78%)*	
Switzerland	2 670	1 985	765	435	**490**	*+ 13*	*2.8%*	*Afghanistan (44%)*	
Denmark	2 125	1 185	460	240	**195**	*- 19*	*1.1%*	*Morocco (41%)*	
Romania	55	45	265	135	**185**	*+ 37*	*1.0%*	*Iraq (30%)*	
Norway	4 790	270	175	145	**125**	*- 14*	*0.7%*	*Afghanistan (32%)*	
Poland	150	140	115	125	**105**	*- 16*	*0.6%*	*Russia (43%)*	
Finland	2 535	370	175	105	**95**	*- 10*	*0.5%*	*Iraq (21%)*	
Ireland	35	35	30	15	**50**	*+ 233*	*0.3%*	*Albania (30%)*	
Portugal	50	25	40	40	**45**	*+ 13*	*0.3%*	*Guinea (22%)*	
Luxembourg	105	50	50	35	**35**	*+ 0*	*0.2%*	*Afghanistan (29%)*	
Croatia	5	170	40	25	**35**	*+ 40*	*0.2%*	*Afghanistan (29%)*	
Slovakia	5	0	10	10	**30**	*+ 200*	*0.2%*	*Afghanistan (67%)*	
Malta	35	15	5	5	**20**	*+ 300*	*0.1%*	*Somalia (50%)*	
Czech Republic	15	5	5	10	**10**	*+ 0*	*0.1%*	*Afghanistan (50%)*	
Hungary	8 805	1 220	230	40	**10**	*- 75*	*0.1%*	*Afghanistan (50%)*	
Iceland	5	20	10	5	**5**	*+ 0*	*0.0%*	*Not specified*	
Latvia	10	5	10	5	**5**	*+ 0*	*0.0%*	*Not specified*	
Lithuania	5	0	0	0	**0**	*n.a.*	*0.0%*	*n.a.*	
Liechtenstein	5	5	0	0	**0**	*n.a.*	*0.0%*	*n.a.*	
Estonia	0	0	0	0	**0**	*n.a.*	*0.0%*	*n.a.*	
Spain	25	30	20	75	**:**	*:*	*:*		
Cyprus	105	215	225	260	**:**	*:*	*:*		
Citizenship								**Reporting country**	
Afghanistan	47 370	24 445	5 535	3 335	**4 885**	*+ 46*	*28%*	*Greece (25%)*	
Pakistan	995	1 955	1 845	1 385	**1 390**	*+ 0*	*8%*	*Greece (66%)*	
Syria	17 240	12 065	1 840	1 395	**1 375**	*- 1*	*7.8%*	*Germany (24%)*	
Iraq	5 195	4 190	1 265	1 160	**1 090**	*- 6*	*6.1%*	*United Kingdom (41%)*	
Eritrea	5 890	4 210	3 250	2 100	**1 025**	*- 51*	*5.8%*	*United Kingdom (57%)*	
Somalia	3 670	3 030	1 890	1 035	**760**	*- 27*	*4.3%*	*Germany (35%)*	
Guinea	440	1 275	2 255	1 245	**760**	*- 39*	*4.3%*	*Germany (63%)*	
Iran	795	950	410	525	**760**	*+ 45*	*4.3%*	*United Kingdom (69%)*	
Morocco	610	665	740	515	**595**	*+ 16*	*3.4%*	*Netherlands (28%)*	
Sudan	295	410	555	685	**540**	*- 21*	*3.0%*	*United Kingdom (81%)*	
Vietnam	240	255	315	390	**485**	*+ 24*	*2.7%*	*United Kingdom (92%)*	
Albania	1 065	775	550	495	**395**	*- 20*	*2.2%*	*United Kingdom (58%)*	
Bangladesh	735	740	1 320	445	**365**	*- 18*	*2.1%*	*Greece (52%)*	
Algeria	295	430	360	310	**330**	*+ 6*	*1.9%*	*Slovenia (33%)*	
Egypt	295	370	230	190	**330**	*+ 74*	*1.9%*	*Greece (77%)*	
Other	17 550	9 760	9 995	5 220	**2 645**	*- 49*	*15%*	*Germany (18%)*	
EU+	**102 680**	**65 525**	**32 355**	**20 430**	**17 730**	*- 13*		***Afghanistan (28%)***	

Source: *Eurostat [migr_asyunaa] as of 27 April 2020,*
http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_asyunaa&lang=en

Table 6. Refugee status at first instance in EU+ countries by reporting country and main citizenship, 2015-2019

						2019			
	2015	2016	2017	2018	2019	% change over previous year	Share in EU+	Highest share	Sparkline
Reporting country								**Citizenship**	
Germany	137 135	256 135	123 895	41 370	**45 050**	*+9*	*35%*	*Syria (50%)*	
France	16 790	18 715	19 005	21 125	**17 360**	*-18*	*13%*	*Sudan (11%)*	
Greece	3 665	2 470	9 420	12 635	**13 515**	*+7*	*11%*	*Syria (49%)*	
United Kingdom	12 175	8 410	7 480	7 650	**12 590**	*+65*	*9.8%*	*Iran (22%)*	
Italy	3 575	4 800	5 895	6 490	**10 120**	*+56*	*7.9%*	*Nigeria (24%)*	
Austria	12 590	24 685	17 800	10 620	**5 620**	*-47*	*4.4%*	*Syria (39%)*	
Belgium	8 825	11 760	9 655	7 860	**5 555**	*-29*	*4.3%*	*Syria (20%)*	
Switzerland	6 285	5 850	6 240	6 190	**5 395**	*-13*	*4.2%*	*Eritrea (51%)*	
Sweden	12 740	16 875	13 330	5 990	**3 295**	*-45*	*2.6%*	*Eritrea (19%)*	
Netherlands	6 660	9 740	3 030	1 760	**2 455**	*+39*	*1.9%*	*Syria (35%)*	
Norway	5 410	11 565	3 835	1 335	**1 645**	*+23*	*1.3%*	*Turkey (47%)*	
Spain	220	355	580	575	**1 640**	*+185*	*1.3%*	*El Salvador (15%)*	
Finland	1 060	4 320	2 400	1 765	**1 295**	*-27*	*1.0%*	*Turkey (31%)*	
Denmark	7 605	4 275	1 280	825	**645**	*-22*	*0.5%*	*Stateless (33%)*	
Luxembourg	170	740	1 085	950	**635**	*-33*	*0.5%*	*Syria (42%)*	
Ireland	150	445	640	630	**585**	*-7*	*0.5%*	*Syria (9%)*	
Romania	240	600	865	305	**320**	*+5*	*0.2%*	*Syria (47%)*	
Cyprus	195	210	220	195	**150**	*-23*	*0.1%*	*Syria (27%)*	
Bulgaria	4 705	765	800	315	**140**	*-56*	*0.1%*	*Syria (79%)*	
Poland	350	95	150	170	**130**	*-24*	*0.1%*	*Turkey (38%)*	
Iceland	30	50	50	85	**90**	*+6*	*0.1%*	*Iraq (22%)*	
Slovenia	35	140	140	100	**80**	*-20*	*0.1%*	*Turkey (38%)*	
Lithuania	15	180	275	120	**80**	*-33*	*0.1%*	*Syria (25%)*	
Portugal	35	105	120	220	**60**	*-73*	*0%*	*Eritrea (25%)*	
Croatia	35	85	120	115	**55**	*-52*	*0%*	*Syria (55%)*	
Czech Republic	55	140	25	40	**50**	*+25*	*0%*	*Russia (50%)*	
Malta	265	165	165	150	**50**	*-67*	*0%*	*Syria (50%)*	
Estonia	20	65	50	15	**40**	*+167*	*0%*	*Turkey (38%)*	
Latvia	5	45	35	25	**30**	*+20*	*0%*	*Russia (67%)*	
Hungary	145	155	105	70	**20**	*-71*	*0%*	*Ethiopia (25%)*	
Slovakia	5	5	0	0	**5**	*n.a.*	*0%*	*Not specified*	
Liechtenstein	0	20	15	0	**5**	*n.a.*	*0%*	*Congo (DR) (100%)*	
Citizenship								**Reporting country**	
Syria	137 055	219 790	63 640	36 640	**37 520**	*+2*	*29%*	*Germany (61%)*	
Turkey	720	535	4 855	6 895	**10 070**	*+46*	*7.8%*	*Germany (48%)*	
Eritrea	26 135	27 895	19 445	10 790	**9 770**	*-9*	*7.6%*	*Switzerland (28%)*	
Iraq	19 925	47 310	34 355	11 610	**9 615**	*-17*	*7.5%*	*Germany (48%)*	
Afghanistan	5 955	20 870	30 850	11 365	**7 905**	*-30*	*6.1%*	*Germany (22%)*	
Iran	5 175	10 140	20 670	7 200	**7 260**	*+1*	*5.6%*	*United Kingdom (38%)*	
Sudan	4 465	4 530	5 435	3 620	**3 940**	*+9*	*3.1%*	*France (48%)*	
Somalia	2 940	5 545	8 235	4 440	**3 800**	*-14*	*3.0%*	*Germany (44%)*	
Nigeria	740	1 115	2 795	2 575	**3 445**	*+34*	*2.7%*	*Italy (72%)*	
Unknown	6 200	9 385	4 030	2 505	**2 790**	*+11*	*2.2%*	*Germany (80%)*	
Stateless	8 935	12 925	5 145	2 520	**2 290**	*-9*	*1.8%*	*United Kingdom (27%)*	
China	1 425	1 360	1 375	1 990	**2 065**	*+4*	*1.6%*	*France (67%)*	
Palestine	615	745	1 250	1 550	**2 050**	*+32*	*1.6%*	*Greece (67%)*	
Russia	2 545	2 555	2 590	2 590	**1 955**	*-25*	*1.5%*	*France (32%)*	
Guinea	1 580	1 095	2 080	2 025	**1 950**	*-4*	*1.5%*	*France (56%)*	
Other	16 780	18 165	21 955	21 375	**22 280**	*+4*	*17%*	*France (33%)*	
EU+	**241 190**	**383 960**	**228 705**	**129 690**	**128 705**	*-1*		***Syria (29%)***	

Source: *Eurostat [migr_asydcfsta] as of 27 April 2020,*
http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_asydcfsta&lang=en

Table 7. Subsidiary protection status at first instance in EU+ countries by reporting country and main citizenship, 2015-2019

						2019			
	2015	2016	2017	2018	2019	% change over previous year	Share in EU+	Highest share	Sparkline
Reporting country								**Citizenship**	
Germany	1 705	153 695	98 065	25 030	**19 415**	*-22*	*36%*	*Syria (78%)*	
France	3 845	10 040	13 560	11 600	**10 780**	*- 7*	*20%*	*Afghanistan (44%)*	
Italy	10 270	12 090	6 385	4 205	**6 870**	*+63*	*13%*	*Venezuela (14%)*	
Greece	355	245	1 035	2 575	**3 835**	*+ 49*	*7.0%*	*Afghanistan (59%)*	
Sweden	18 125	47 210	12 265	3 985	**2 300**	*-42*	*4.2%*	*Syria (74%)*	
Netherlands	9 400	10 705	4 135	1 485	**1 830**	*+ 23*	*3.4%*	*Syria (45%)*	
Spain	800	6 500	3 515	2 320	**1 540**	*- 34*	*2.8%*	*Syria (70%)*	
United Kingdom	125	210	250	1 295	**1 245**	*- 4*	*2.3%*	*Libya (56%)*	
Cyprus	1 390	1 090	1 020	1 015	**1 150**	*+13*	*2.1%*	*Syria (93%)*	
Austria	2 100	5 355	7 015	3 620	**1 075**	*- 70*	*2.0%*	*Afghanistan (32%)*	
Belgium	1 650	3 290	2 930	1 815	**975**	*-46*	*1.8%*	*Afghanistan (34%)*	
Switzerland	2 630	1 805	1 070	1 120	**970**	*- 13*	*1.8%*	*Eritrea (44%)*	
Denmark	1 255	330	260	55	**575**	*+ 945*	*1.1%*	*Eritrea (87%)*	
Malta	915	970	585	475	**345**	*- 27*	*0.6%*	*Syria (75%)*	
Bulgaria	890	585	895	420	**265**	*-37*	*0.5%*	*Syria (64%)*	
Romania	235	200	380	290	**265**	*- 9*	*0.5%*	*Syria (60%)*	
Iceland	20	40	20	20	**205**	*+ 925*	*0.4%*	*Venezuela (73%)*	
Finland	460	1 705	650	395	**205**	*- 48*	*0.4%*	*Iraq (32%)*	
Poland	165	150	340	190	**130**	*- 32*	*0.2%*	*Russia (54%)*	
Ireland	180	40	50	180	**120**	*- 33*	*0.2%*	*Afghanistan (25%)*	
Portugal	160	215	380	405	**115**	*- 72*	*0.2%*	*Syria (61%)*	
Czech Republic	390	290	115	110	**80**	*- 27*	*0.1%*	*Syria (25%)*	
Norway	675	400	150	50	**45**	*- 10*	*0.1%*	*Afghanistan (44%)*	
Luxembourg	15	25	40	60	**35**	*- 42*	*0.1%*	*Venezuela (43%)*	
Hungary	275	270	1 110	280	**30**	*- 89*	*0.1%*	*Iran (50%)*	
Slovakia	40	10	20	35	**20**	*- 43*	*0%*	*Afghanistan (75%)*	
Lithuania	65	15	15	20	**15**	*- 25*	*0%*	*Iraq (33%)*	
Slovenia	10	30	15	5	**5**	*+ 0*	*0%*	*Not specified*	
Liechtenstein	0	10	5	5	**5**	*+ 0*	*0%*	*Iran (100%)*	
Estonia	55	65	45	5	**5**	*+ 0*	*0%*	*Ukraine (100%)*	
Latvia	15	90	235	5	**5**	*+ 0*	*0%*	*Not specified*	
Croatia	5	15	30	20	**0**	*- 100*	*0%*	*n.a.*	
Citizenship								**Reporting country**	
Syria	26 760	183 625	74 745	27 215	**22 505**	*- 17*	*41%*	*Germany (67%)*	
Afghanistan	6 030	17 870	24 465	11 485	**9 165**	*- 20*	*17%*	*France (52%)*	
Iraq	2 160	15 940	19 650	4 380	**3 000**	*- 32*	*5.5%*	*Greece (32%)*	
Eritrea	7 720	11 490	9 925	3 895	**2 285**	*- 41*	*4.2%*	*Germany (38%)*	
Yemen	125	600	1 385	1 285	**1 905**	*+ 48*	*3.5%*	*Germany (33%)*	
Somalia	2 610	4 040	7 335	2 740	**1 720**	*- 37*	*3.2%*	*France (27%)*	
Libya	760	780	985	1 730	**1 410**	*- 18*	*2.6%*	*United Kingdom (49%)*	
Venezuela	5	10	65	230	**1 250**	*+ 443*	*2.3%*	*Italy (78%)*	
El Salvador	60	55	45	115	**1 010**	*+ 778*	*1.9%*	*Italy (90%)*	
Pakistan	1 790	2 300	1 175	755	**1 005**	*+ 33*	*1.8%*	*Italy (92%)*	
Mali	815	1 365	615	530	**710**	*+ 34*	*1.3%*	*Italy (87%)*	
Albania	425	690	995	865	**685**	*- 21*	*1.3%*	*France (93%)*	
Ukraine	1 250	960	935	530	**500**	*- 6*	*0.9%*	*Italy (67%)*	
Sudan	325	585	1 160	705	**460**	*- 35*	*0.8%*	*France (85%)*	
Unknown	240	7 050	3 495	535	**455**	*- 15*	*0.8%*	*Germany (74%)*	
Other	7 145	10 335	9 615	6 110	**6 395**	*+5*	*12%*	*France (43%)*	
EU+	**58 220**	**257 695**	**156 590**	**63 105**	**54 460**	*- 14*		***Syria (41%)***	

Source: *Eurostat [migr_asydcfsta] as of 27 April 2020,*
http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_asydcfsta&lang=en

Table 8. Humanitarian protection at first instance in EU+ countries by reporting country and main citizenship, 2015-2019

						2019			
	2015	2016	2017	2018	2019	% change over previous year	Share in EU+	Highest share	Sparkline
Reporting country								**Citizenship**	
Spain	0	0	0	0	**35 240**	*n.a.*	*69%*	*Venezuela (100%)*	
Germany	2 070	24 080	39 655	9 540	**5 855**	*- 39*	*12%*	*Afghanistan (41%)*	
Switzerland	5 080	5 535	7 300	7 920	**4 425**	*- 44*	*8.7%*	*Afghanistan (31%)*	
Italy	15 770	18 515	19 515	19 970	**1 385**	*- 93*	*2.7%*	*Nigeria (18%)*	
United Kingdom	1 650	1 315	840	1 160	**1 165**	*+ 0*	*2.3%*	*Nigeria (21%)*	
Austria	355	330	385	780	**725**	*- 7*	*1.4%*	*Afghanistan (31%)*	
Netherlands	390	365	645	375	**560**	*+ 49*	*1.1%*	*Turkey (51%)*	
Sweden	1 495	2 500	1 185	670	**455**	*-32*	*0.9%*	*Palestine (36%)*	
Denmark	1 135	2 525	825	435	**355**	*- 18*	*0.7%*	*Syria (86%)*	
Ireland	:	:	70	195	**265**	*+ 36*	*0.5%*	*Zimbabwe (17%)*	
Finland	160	1 045	380	240	**165**	*- 31*	*0.3%*	*Iraq (36%)*	
Norway	165	810	780	75	**100**	*+ 33*	*0.2%*	*Afghanistan (45%)*	
Malta	75	55	10	25	**15**	*- 40*	*0.0%*	*Nigeria (33%)*	
Slovakia	35	195	40	10	**15**	*+ 50*	*0.0%*	*Afghanistan (33%)*	
Iceland	5	5	5	0	**10**	*n.a.*	*0.0%*	*Serbia (50%)*	
Hungary	5	5	75	20	**5**	*- 75*	*0.0%*	*Not specified*	
Poland	120	50	20	15	**5**	*- 67*	*0.0%*	*Russia (100%)*	
Czech Republic	15	5	5	5	**5**	*+ 0*	*0.0%*	*Ukraine (100%)*	
Liechtenstein	0	15	0	5	**5**	*+ 0*	*0.0%*	*Not specified*	
Romania	0	0	0	0	**0**	*n.a.*	*0.0%*	*n.a.*	
Greece	10	0	0	0	**0**	*n.a.*	*0.0%*	*n.a.*	
Cyprus	0	0	0	0	**0**	*n.a.*	*0.0%*	*n.a.*	
Lithuania	0	0	0	:	**0**	*n.a.*	*0.0%*	*n.a.*	
Croatia	0	0	0	0	**0**	*n.a.*	*0.0%*	*n.a.*	
Estonia	0	0	0	0	**0**	*n.a.*	*0.0%*	*n.a.*	
Slovenia	:	:	:	:	**:**	*:*	*:*		
Bulgaria	:	:	:	:	**:**	*:*	*:*		
Portugal	:	:	:	:	**:**	*:*	*:*		
France	:	:	:	:	**:**	*:*	*:*		
Luxembourg	:	:	:	:	**:**	*:*	*:*		
Belgium	:	:	:	:	**:**	*:*	*:*		
Latvia	:	:	:	:	**:**	*:*	*:*		
Citizenship								**Reporting country**	
Venezuela	15	30	95	150	**35 200**	*+23 367*	*69%*	*Spain (100%)*	
Afghanistan	2 330	22 575	30 775	8 580	**4 215**	*- 51*	*8.3%*	*Germany (57%)*	
Syria	3 230	4 460	2 480	2 215	**1 945**	*- 12*	*3.8%*	*Switzerland (57%)*	
Iraq	540	1 385	2 875	2 640	**1 450**	*- 45*	*2.9%*	*Germany (58%)*	
Nigeria	2 710	3 535	5 625	4 430	**1 025**	*- 77*	*2.0%*	*Germany (39%)*	
Eritrea	790	1 525	2 165	815	**795**	*- 2*	*1.6%*	*Germany (50%)*	
Somalia	665	2 595	2 785	1 125	**750**	*- 33*	*1.5%*	*Switzerland (55%)*	
Pakistan	1 505	1 830	1 845	1 535	**395**	*- 74*	*0.8%*	*Italy (44%)*	
Turkey	205	195	435	380	**370**	*- 3*	*0.7%*	*Netherlands (77%)*	
Iran	260	550	655	360	**265**	*- 26*	*0.5%*	*Netherlands (38%)*	
Russia	445	370	540	410	**250**	*- 39*	*0.5%*	*Austria (72%)*	
Ethiopia	225	325	930	425	**245**	*- 42*	*0.5%*	*Switzerland (53%)*	
Albania	505	370	255	230	**190**	*- 17*	*0.4%*	*United Kingdom (61%)*	
Guinea	545	710	1 625	1 445	**185**	*- 87*	*0.4%*	*Germany (65%)*	
Ukraine	1 155	1 410	1 215	810	**185**	*- 77*	*0.4%*	*Italy (30%)*	
Other	13 420	15 475	17 435	15 885	**3 290**	*-79*	*6.5%*	*Italy (23%)*	
EU+	**28 545**	**57 340**	**71 735**	**41 435**	**50 755**	*+22*		***Venezuela (69%)***	

Source: *Eurostat [migr_asydcfsta] as of 27 April 2020,*
http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_asydcfsta&lang=en

Table 9. Rejections at first instance in EU+ countries by reporting country and main citizenship, 2015-2019

						2019			
	2015	2016	2017	2018	2019	% change over previous year	Share in EU+	Highest share	Sparkline
Reporting country								**Citizenship**	
France	57 280	58 730	78 380	82 325	**85 750**	*+4*	*24%*	*Albania (12%)*	
Germany	108 370	197 180	262 565	103 175	**83 850**	*-19*	*24%*	*Iraq (11%)*	
Italy	41 730	54 470	46 440	64 540	**75 110**	*+16*	*21%*	*Nigeria (18%)*	
Spain	2 220	3 395	7 965	8 980	**19 615**	*+118*	*5.6%*	*Colombia (22%)*	
Greece	5 610	8 740	14 055	17 130	**15 350**	*-10*	*4.4%*	*Pakistan (32%)*	
Sweden	16 210	29 185	34 285	20 690	**14 645**	*-29*	*4.2%*	*Iraq (8%)*	
United Kingdom	24 115	20 980	19 270	18 895	**13 460**	*-29*	*3.8%*	*Iraq (16%)*	
Belgium	8 945	9 915	11 460	9 340	**10 640**	*+14*	*3.0%*	*Afghanistan (13%)*	
Netherlands	4 015	8 065	8 135	6 665	**8 090**	*+21*	*2.3%*	*Iraq (8%)*	
Austria	6 050	12 045	19 960	19 500	**6 465**	*-67*	*1.8%*	*Afghanistan (20%)*	
Finland	1 280	13 685	3 745	2 035	**3 180**	*+56*	*0.9%*	*Iraq (40%)*	
Cyprus	480	675	1 205	1 265	**1 975**	*+56*	*0.6%*	*India (21%)*	
Poland	2 870	2 185	2 090	2 125	**1 730**	*-19*	*0.5%*	*Russia (56%)*	
Switzerland	7 840	9 395	1 610	1 775	**1 525**	*-14*	*0.4%*	*Eritrea (14%)*	
Denmark	2 305	3 285	4 510	1 315	**1 450**	*+10*	*0.4%*	*Iran (13%)*	
Czech Republic	875	860	1 045	1 230	**1 255**	*+2*	*0.4%*	*Ukraine (29%)*	
Ireland	665	1 645	125	170	**895**	*+426*	*0.3%*	*Albania (22%)*	
Bulgaria	580	1 700	3 045	1 370	**850**	*-38*	*0.2%*	*Afghanistan (54%)*	
Romania	840	490	820	700	**730**	*+4*	*0.2%*	*Iraq (18%)*	
Norway	3 225	6 535	1 935	655	**665**	*+2*	*0.2%*	*Stateless (14%)*	
Hungary	2 915	4 675	2 880	590	**650**	*+10*	*0.2%*	*Afghanistan (48%)*	
Malta	240	245	345	855	**635**	*-26*	*0.2%*	*Somalia (35%)*	
Portugal	180	270	455	415	**570**	*+37*	*0.2%*	*Angola (30%)*	
Luxembourg	590	485	590	400	**510**	*+28*	*0.1%*	*Iraq (15%)*	
Iceland	135	445	315	275	**400**	*+45*	*0.1%*	*Iraq (24%)*	
Croatia	145	185	325	300	**265**	*-12*	*0.1%*	*Algeria (34%)*	
Lithuania	95	85	85	135	**230**	*+70*	*0.1%*	*Tajikistan (39%)*	
Slovenia	85	95	90	135	**130**	*-4*	*0.0%*	*Algeria (31%)*	
Latvia	145	125	95	95	**120**	*+26*	*0.0%*	*Azerbaijan (13%)*	
Slovakia	50	45	30	40	**55**	*+38*	*0.0%*	*Armenia (18%)*	
Estonia	100	60	60	55	**45**	*-18*	*0.0%*	*Russia (22%)*	
Liechtenstein	25	35	15	30	**20**	*-33*	*0.0%*	*Iran (25%)*	
Citizenship								**Reporting country**	
Nigeria	14 395	21 300	31 350	27 590	**26 105**	*-5*	*7.4%*	*Italy (53%)*	
Pakistan	14 150	27 135	35 010	23 335	**21 980**	*-6*	*6.3%*	*Italy (46%)*	
Iraq	4 095	38 565	43 230	24 630	**19 460**	*-21*	*5.5%*	*Germany (47%)*	
Albania	41 025	41 895	27 735	17 020	**19 080**	*+12*	*5.4%*	*France (54%)*	
Georgia	5 375	6 445	8 685	13 700	**18 205**	*+33*	*5.2%*	*France (52%)*	
Afghanistan	7 480	48 605	95 000	31 125	**16 420**	*-47*	*4.7%*	*Germany (35%)*	
Bangladesh	9 465	11 715	13 190	14 965	**14 790**	*-1*	*4.2%*	*Italy (52%)*	
Guinea	4 025	4 845	10 045	10 470	**11 540**	*+10*	*3.3%*	*France (49%)*	
Iran	3 040	9 920	18 515	12 055	**11 220**	*-7*	*3.2%*	*Germany (55%)*	
Syria	5 565	8 440	8 450	8 970	**10 245**	*+14*	*2.9%*	*Germany (61%)*	
Russia	10 275	13 675	17 170	11 135	**8 775**	*-21*	*2.5%*	*Germany (38%)*	
Ukraine	6 890	8 895	10 575	7 885	**8 480**	*+8*	*2.4%*	*Italy (41%)*	
Turkey	2 640	2 855	9 815	7 905	**8 220**	*+4*	*2.3%*	*Germany (59%)*	
Senegal	4 735	7 095	6 065	7 060	**7 560**	*+7*	*2.2%*	*Italy (70%)*	
Côte d'Ivoire	2 735	4 245	6 525	9 290	**7 410**	*-20*	*2.1%*	*Italy (44%)*	
Other	164 335	194 280	186 575	140 065	**141 360**	*+1*	*40%*	*France (26%)*	
EU+	**300 225**	**449 910**	**527 935**	**367 200**	**350 850**	*-4*		***Nigeria (7%)***	

Source: *Eurostat [migr_asydcfsta] as of 27 April 2020,*
http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_asydcfsta&lang=en

Table 10. Decisions at first instance in EU+ countries by reporting country and main citizenship, 2015-2019

						2019			
	2015	2016	2017	2018	2019	% change over previous year	Share in EU+	Highest share	Sparkline
Reporting country								**Citizenship**	
Germany	249 280	631 085	524 185	179 110	**154 175**	*-14*	*26%*	*Syria (29%)*	
France	77 910	87 485	110 945	115 045	**113 890**	*-1*	*19%*	*Albania (10%)*	
Italy	71 345	89 875	78 235	95 210	**93 485**	*-2*	*16%*	*Nigeria (18%)*	
Spain	3 240	10 250	12 055	11 875	**58 035**	*+389*	*9.9%*	*Venezuela (61%)*	
Greece	9 640	11 455	24 510	32 340	**32 700**	*+1*	*5.6%*	*Syria (21%)*	
United Kingdom	38 070	30 915	27 840	29 005	**28 460**	*-2*	*4.9%*	*Iran (15%)*	
Sweden	48 570	95 770	61 065	31 335	**20 700**	*-34*	*3.5%*	*Syria (11%)*	
Belgium	19 420	24 960	24 045	19 020	**17 170**	*-10*	*2.9%*	*Syria (13%)*	
Austria	21 095	42 415	45 160	34 525	**13 890**	*-60*	*2.4%*	*Afghanistan (22%)*	
Netherlands	20 465	28 875	15 945	10 285	**12 935**	*+26*	*2.2%*	*Syria (17%)*	
Switzerland	21 840	22 580	16 225	17 000	**12 310**	*-28*	*2.1%*	*Eritrea (30%)*	
Finland	2 960	20 750	7 180	4 440	**4 845**	*+9*	*0.8%*	*Iraq (34%)*	
Cyprus	2 065	1 975	2 450	2 475	**3 275**	*+32*	*0.6%*	*Syria (34%)*	
Denmark	12 300	10 410	6 875	2 625	**3 025**	*+15*	*0.5%*	*Eritrea (24%)*	
Norway	9 475	19 310	6 700	2 115	**2 455**	*+16*	*0.4%*	*Turkey (33%)*	
Poland	3 510	2 480	2 600	2 500	**1 995**	*-20*	*0.3%*	*Russia (52%)*	
Ireland	1 000	2 130	885	1 175	**1 870**	*+59*	*0.3%*	*Albania (12%)*	
Czech Republic	1 335	1 300	1 190	1 385	**1 390**	*+0*	*0.2%*	*Ukraine (27%)*	
Romania	1 320	1 295	2 065	1 295	**1 315**	*+2*	*0.2%*	*Syria (24%)*	
Bulgaria	6 175	3 045	4 740	2 110	**1 250**	*-41*	*0.2%*	*Afghanistan (39%)*	
Luxembourg	775	1 255	1 715	1 410	**1 180**	*-16*	*0.2%*	*Syria (25%)*	
Malta	1 490	1 435	1 110	1 500	**1 040**	*-31*	*0.2%*	*Syria (33%)*	
Portugal	370	590	955	1 045	**745**	*-29*	*0.1%*	*Angola (23%)*	
Iceland	185	540	390	380	**710**	*+87*	*0.1%*	*Venezuela (22%)*	
Hungary	3 340	5 105	4 170	960	**710**	*-26*	*0.1%*	*Afghanistan (46%)*	
Lithuania	180	280	370	270	**325**	*+20*	*0.1%*	*Tajikistan (34%)*	
Croatia	185	285	475	435	**320**	*-26*	*0.1%*	*Algeria (28%)*	
Slovenia	130	265	240	235	**215**	*-9*	*0.0%*	*Algeria (19%)*	
Latvia	170	260	360	125	**150**	*+20*	*0.0%*	*Russia (23%)*	
Slovakia	130	250	90	80	**90**	*+13*	*0.0%*	*Afghanistan (28%)*	
Estonia	180	190	155	75	**90**	*+20*	*0.0%*	*Russia (28%)*	
Liechtenstein	30	75	40	40	**35**	*-13*	*0.0%*	*Iran (29%)*	
Citizenship								**Reporting country**	
Syria	172 615	416 315	149 310	75 035	**72 215**	*-4*	*12%*	*Germany (62%)*	
Venezuela	155	415	2 475	3 255	**38 895**	*+1095*	*6.7%*	*Spain (91%)*	
Afghanistan	21 800	109 915	181 085	62 555	**37 705**	*-40*	*6.4%*	*Germany (27%)*	
Iraq	26 720	103 205	100 110	43 260	**33 525**	*-23*	*5.7%*	*Germany (46%)*	
Nigeria	18 875	27 005	40 475	34 935	**30 965**	*-11*	*5.3%*	*Italy (54%)*	
Pakistan	19 170	32 845	39 775	27 155	**25 120**	*-7*	*4.3%*	*Italy (48%)*	
Albania	42 130	43 235	29 365	18 430	**20 550**	*+12*	*3.5%*	*France (54%)*	
Iran	8 640	20 995	40 695	20 005	**19 035**	*-5*	*3.3%*	*Germany (43%)*	
Georgia	5 755	6 890	9 170	14 395	**18 975**	*+32*	*3.2%*	*France (52%)*	
Turkey	3 725	3 760	15 355	15 310	**18 855**	*+23*	*3.2%*	*Germany (52%)*	
Bangladesh	11 250	14 085	16 010	18 485	**16 010**	*-13*	*2.7%*	*Italy (52%)*	
Eritrea	39 915	44 765	34 095	18 135	**15 080**	*-17*	*2.6%*	*Germany (28%)*	
Guinea	6 375	6 900	14 120	14 240	**14 040**	*-1*	*2.4%*	*France (50%)*	
Somalia	10 705	18 835	26 045	15 250	**12 080**	*-21*	*2.1%*	*Germany (38%)*	
Russia	13 700	17 170	21 060	14 600	**11 345**	*-22*	*1.9%*	*Germany (33%)*	
Other	226 650	282 565	265 820	206 385	**200 375**	*-3*	*34%*	*France (27%)*	
EU+	**628 180**	**1 148 900**	**984 965**	**601 430**	**584 770**	*-3*		***Syria (12%)***	

Source: *Eurostat [migr_asydcfsta] as of 27 April 2020,*
http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_asydcfsta&lang=en

Table 11. Refugee status at second or higher instance in EU+ countries by reporting country and main citizenship, 2015-2019

						2019			
	2015	2016	2017	2018	2019	% change over previous year	Share in EU+	Highest share	Sparkline
Reporting country								**Citizenship**	
Germany	5 170	8 515	30 590	19 980	**13 275**	*- 34*	*32%*	*Syria (35%)*	
France	3 830	4 510	5 400	6 015	**9 335**	*+ 55*	*22%*	*Guinea (9%)*	
United Kingdom	4 030	6 170	6 170	7 510	**9 220**	*+ 23*	*22%*	*Iran (15%)*	
Austria	1 740	835	2 985	4 195	**4 350**	*+ 4*	*10%*	*Afghanistan (70%)*	
Sweden	745	1 120	1 890	2 045	**1 820**	*- 11*	*4.4%*	*Afghanistan (41%)*	
Italy	0	385	385	825	**895**	*+ 8*	*2.2%*	*Nigeria (45%)*	
Finland	50	185	535	930	**645**	*- 31*	*1.6%*	*Iraq (61%)*	
Ireland	180	205	30	185	**360**	*+ 95*	*0.9%*	*Pakistan (15%)*	
Netherlands	255	340	480	400	**350**	*- 13*	*0.8%*	*Iran (19%)*	
Belgium	395	320	290	475	**330**	*- 31*	*0.8%*	*Afghanistan (15%)*	
Greece	1 355	770	510	175	**295**	*+ 69*	*0.7%*	*Iraq (22%)*	
Bulgaria	0	0	5	0	**180**		*n.a.*	*0.4%*	*Syria (78%)*
Switzerland	70	95	115	170	**155**	*- 9*	*0.4%*	*Eritrea (26%)*	
Denmark	210	205	245	200	**125**	*- 38*	*0.3%*	*Iran (56%)*	
Norway	200	130	145	110	**80**	*- 27*	*0.2%*	*Iran (38%)*	
Romania	10	5	5	15	**25**	*+ 67*	*0.1%*	*Iran (40%)*	
Slovenia	5	5	0	0	**15**		*n.a.*	*0.0%*	*Turkey (67%)*
Iceland	15	5	40	30	**15**	*- 50*	*0.0%*	*Iraq (67%)*	
Cyprus	45	25	15	5	**15**	*+ 200*	*0.0%*	*Palestine (33%)*	
Spain	5	15	10	45	**10**	*- 78*	*0.0%*	*Not specified*	
Czech Republic	0	0	0	5	**10**	*+ 100*	*0.0%*	*Egypt (50%)*	
Malta	30	25	25	10	**10**	*+ 0*	*0.0%*	*Libya (50%)*	
Latvia	0	0	5	0	**10**		*n.a.*	*0.0%*	*Russia (50%)*
Slovakia	0	5	0	0	**5**		*n.a.*	*0.0%*	*Not specified*
Poland	10	20	0	20	**5**	*- 75*	*0.0%*	*Ukraine (100%)*	
Croatia	0	0	20	15	**5**	*- 67*	*0.0%*	*Not specified*	
Hungary	25	5	0	0	**0**		*n.a.*	*0.0%*	*n.a.*
Portugal	0	0	0	0	**0**		*n.a.*	*0.0%*	*n.a.*
Luxembourg	15	5	0	5	**0**	*- 100*	*0.0%*	*n.a.*	
Lithuania	0	0	0	5	**0**	*- 100*	*0.0%*	*n.a.*	
Liechtenstein	0	0	0	0	**0**		*n.a.*	*0.0%*	*n.a.*
Estonia	0	0	0	0	**0**		*n.a.*	*0.0%*	*n.a.*
Citizenship								**Reporting country**	
Afghanistan	2 310	1 825	5 875	7 280	**7 345**	*+ 1*	*18%*	*Austria (41%)*	
Syria	3 430	6 210	19 650	12 100	**6 060**	*- 50*	*15%*	*Germany (76%)*	
Iran	1 390	1 485	2 885	3 610	**4 200**	*+ 16*	*10%*	*Germany (43%)*	
Iraq	1 095	1 170	4 920	2 840	**2 945**	*+ 4*	*7.1%*	*United Kingdom (35%)*	
Sudan	350	540	810	1 170	**1 725**	*+ 47*	*4.2%*	*United Kingdom (51%)*	
Turkey	285	240	370	970	**1 670**	*+ 72*	*4.0%*	*Germany (47%)*	
Pakistan	1 075	1 080	1 345	1 700	**1 650**	*- 3*	*4.0%*	*Germany (49%)*	
Nigeria	295	470	610	975	**1 330**	*+ 36*	*3.2%*	*France (33%)*	
Eritrea	765	2 325	2 690	950	**1 095**	*+ 15*	*2.6%*	*United Kingdom (48%)*	
Somalia	410	390	980	1 055	**955**	*- 9*	*2.3%*	*Germany (31%)*	
Guinea	465	385	445	615	**935**	*+ 52*	*2.3%*	*France (86%)*	
Bangladesh	480	640	745	815	**895**	*+ 10*	*2.2%*	*France (54%)*	
Sri Lanka	960	1 075	1 005	825	**865**	*+ 5*	*2.1%*	*United Kingdom (59%)*	
Albania	280	455	545	515	**820**	*+ 59*	*2.0%*	*United Kingdom (76%)*	
Russia	765	705	585	515	**735**	*+ 43*	*1.8%*	*France (51%)*	
Other	4 045	4 890	6 430	7 445	**8 325**	*+ 12*	*20%*	*France (44%)*	
EU+	**18 400**	**23 885**	**49 890**	**43 380**	**41 550**	*- 4*		***Afghanistan (18%)***	

Source: *Eurostat [migr_asydcfina] as of 27 April 2020,*
http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_asydcfina&lang=en

Table 12. Subsidiary protection status at second or higher instance in EU+ countries by reporting country and main citizenship, 2015-2019

						2019			
	2015	2016	2017	2018	2019	% change over previous year	Share in EU+	Highest share	Sparkline
Reporting country								**Citizenship**	
Germany	525	855	22 395	27 660	**18 330**	*-34*	*59%*	*Syria (65%)*	
France	1 555	1 910	2 605	2 705	**4 645**	*+ 72*	*15%*	*Afghanistan (26%)*	
Italy	10	2 365	2 450	4 365	**3 840**	*- 12*	*12%*	*Nigeria (24%)*	
Austria	850	355	605	1 065	**1 265**	*+ 19*	*4.1%*	*Afghanistan (74%)*	
United Kingdom	180	375	370	745	**775**	*+ 4*	*2.5%*	*Iraq (46%)*	
Netherlands	255	575	685	625	**525**	*-16*	*1.7%*	*Eritrea (35%)*	
Sweden	325	1 180	1 330	855	**375**	*- 56*	*1.2%*	*Afghanistan (40%)*	
Greece	355	160	95	95	**310**	*+ 226*	*1.0%*	*Afghanistan (55%)*	
Bulgaria	5	15	5	20	**300**	*+1 400*	*1.0%*	*Syria (65%)*	
Finland	45	50	195	270	**220**	*- 19*	*0.7%*	*Afghanistan (55%)*	
Denmark	70	75	140	130	**80**	*- 38*	*0.3%*	*Afghanistan (69%)*	
Belgium	30	30	20	95	**75**	*- 21*	*0.2%*	*Afghanistan (53%)*	
Ireland	40	100	50	45	**45**	*+ 0*	*0.1%*	*Pakistan (22%)*	
Iceland	5	0	15	20	**35**	*+ 75*	*0.1%*	*Afghanistan (29%)*	
Switzerland	10	15	15	30	**30**	*+ 0*	*0.1%*	*Eritrea (33%)*	
Romania	35	15	75	55	**30**	*- 45*	*0.1%*	*Iraq (33%)*	
Norway	105	60	80	25	**25**	*+ 0*	*0.1%*	*Iraq (40%)*	
Malta	40	40	25	5	**15**	*+ 200*	*0.0%*	*Libya (67%)*	
Poland	30	50	30	30	**10**	*- 67*	*0.0%*	*Russia (50%)*	
Latvia	10	10	0	0	**10**	*n.a.*	*0.0%*	*Russia (50%)*	
Czech Republic	0	10	0	5	**5**	*+ 0*	*0.0%*	*Not specified*	
Spain	5	0	10	15	**0**	*- 100*	*0.0%*	*n.a.*	
Slovenia	0	0	0	0	**0**	*n.a.*	*0.0%*	*n.a.*	
Hungary	15	0	0	0	**0**	*n.a.*	*0.0%*	*n.a.*	
Slovakia	0	0	0	0	**0**	*n.a.*	*0.0%*	*n.a.*	
Portugal	0	0	0	0	**0**	*n.a.*	*0.0%*	*n.a.*	
Cyprus	240	100	40	10	**0**	*- 100*	*0.0%*	*n.a.*	
Luxembourg	10	0	5	0	**0**	*n.a.*	*0.0%*	*n.a.*	
Lithuania	0	0	5	0	**0**	*n.a.*	*0.0%*	*n.a.*	
Liechtenstein	0	0	0	0	**0**	*n.a.*	*0.0%*	*n.a.*	
Croatia	0	0	0	5	**0**	*- 100*	*0.0%*	*n.a.*	
Estonia	0	0	0	0	**0**	*n.a.*	*0.0%*	*n.a.*	
Citizenship								**Reporting country**	
Syria	530	1 085	16 200	20 300	**12 530**	*-38*	*40%*	*Germany (95%)*	
Afghanistan	1 210	840	3 325	3 610	**4 190**	*+ 16*	*14%*	*Germany (33%)*	
Iraq	235	475	2 960	3 790	**3 245**	*-14*	*10%*	*Germany (73%)*	
Nigeria	80	645	690	1 385	**1 060**	*- 23*	*3.4%*	*Italy (89%)*	
Eritrea	95	345	1 160	1 225	**990**	*- 19*	*3.2%*	*Germany (78%)*	
Mali	20	415	415	795	**940**	*+ 18*	*3.0%*	*Italy (95%)*	
Somalia	335	595	930	970	**885**	*- 9*	*2.9%*	*France (46%)*	
Pakistan	70	745	815	1 200	**815**	*- 32*	*2.6%*	*Italy (86%)*	
Sudan	250	435	585	470	**695**	*+ 48*	*2.2%*	*France (91%)*	
Unknown	25	50	650	750	**650**	*- 13*	*2.1%*	*Germany (95%)*	
Bangladesh	55	170	200	320	**400**	*+ 25*	*1.3%*	*Italy (54%)*	
Albania	340	240	460	485	**370**	*- 24*	*1.2%*	*France (74%)*	
Senegal	5	150	250	190	**310**	*+ 63*	*1.0%*	*Italy (89%)*	
Guinea	85	120	105	240	**300**	*+ 25*	*1.0%*	*France (52%)*	
Libya	75	160	190	285	**250**	*- 12*	*0.8%*	*France (44%)*	
Other	1 350	1 875	2 315	2 865	**3 325**	*+ 16*	*11%*	*France (40%)*	
EU+	**4 760**	**8 345**	**31 250**	**38 880**	**30 955**	*- 20*		***Syria (40%)***	

Source: *Eurostat [migr_asydcfina] as of 27 April 2020,*
http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_asydcfina&lang=en

Table 13. Humanitarian protection at second or higher instance in EU+ countries by reporting country and main citizenship, 2015-2019

						2019			
	2015	2016	2017	2018	2019	% change over previous year	Share in EU+	Highest share	Sparkline
Reporting country								**Citizenship**	
Germany	1 615	1 935	10 765	15 975	**14 300**	*-10*	*50%*	*Afghanistan (59%)*	
Italy	5	2 020	500	12 025	**7 900**	*- 34*	*27%*	*Nigeria (20%)*	
Sweden	1 175	875	1 240	6 115	**3 520**	*-42*	*12%*	*Afghanistan (65%)*	
United Kingdom	485	595	550	780	**950**	*+ 22*	*3.3%*	*Nigeria (15%)*	
Austria	115	190	335	420	**685**	*+ 63*	*2.4%*	*Afghanistan (27%)*	
Greece	140	4 900	955	325	**640**	*+ 97*	*2.2%*	*Albania (30%)*	
Finland	15	60	95	220	**175**	*- 20*	*0.6%*	*Afghanistan (66%)*	
Ireland	:	:	0	40	**170**	*+ 325*	*0.6%*	*Albania (18%)*	
Netherlands	85	100	115	150	**120**	*- 20*	*0.4%*	*Afghanistan (17%)*	
Norway	595	225	275	140	**105**	*- 25*	*0.4%*	*Afghanistan (19%)*	
Spain	0	5	5	10	**95**	*+ 850*	*0.3%*	*Venezuela (100%)*	
Switzerland	55	40	45	120	**70**	*- 42*	*0.2%*	*Afghanistan (21%)*	
Iceland	15	10	50	40	**20**	*- 50*	*0.1%*	*Iraq (25%)*	
Denmark	0	0	0	5	**0**	*- 100*	*0.0%*	*n.a.*	
Romania	0	0	0	0	**0**	*n.a.*	*0.0%*	*n.a.*	
Czech Republic	0	0	0	0	**0**	*n.a.*	*0.0%*	*n.a.*	
Poland	15	15	20	15	**0**	*- 100*	*0.0%*	*n.a.*	
Malta	0	0	0	0	**0**	*n.a.*	*0.0%*	*n.a.*	
Cyprus	0	0	0	0	**0**	*n.a.*	*0.0%*	*n.a.*	
Hungary	0	0	0	0	**0**	*n.a.*	*0.0%*	*n.a.*	
Slovakia	0	0	0	0	**0**	*n.a.*	*0.0%*	*n.a.*	
Lithuania	0	0	0	0	**0**	*n.a.*	*0.0%*	*n.a.*	
Liechtenstein	5	0	0	0	**0**	*n.a.*	*0.0%*	*n.a.*	
Croatia	0	0	0	0	**0**	*n.a.*	*0.0%*	*n.a.*	
Estonia	0	0	0	0	**0**	*n.a.*	*0.0%*	*n.a.*	
Slovenia	:	:	:	:	**:**	*:*	*:*		
Bulgaria	:	:	:	:	**:**	*:*	*:*		
Portugal	:	:	:	:	**:**	*:*	*:*		
France	:	:	:	:	**:**	*:*	*:*		
Luxembourg	:	:	:	:	**:**	*:*	*:*		
Belgium	:	:	:	:	**:**	*:*	*:*		
Latvia	:	:	:	:	**:**	*:*	*:*		
Citizenship								**Reporting country**	
Afghanistan	865	860	8 535	16 505	**11 145**	*- 32*	*39%*	*Germany (75%)*	
Nigeria	130	735	375	2 970	**2 415**	*- 19*	*8.4%*	*Italy (66%)*	
Iraq	150	190	410	1 135	**1 910**	*+ 68*	*6.6%*	*Germany (72%)*	
Bangladesh	25	1 555	370	1 830	**1 545**	*-16*	*5.4%*	*Italy (92%)*	
Syria	80	420	520	1 020	**1 245**	*+ 22*	*4.3%*	*Germany (96%)*	
Pakistan	105	1 305	370	2 060	**1 205**	*- 42*	*4.2%*	*Italy (73%)*	
Gambia, The	35	360	115	1 375	**930**	*- 32*	*3.2%*	*Italy (91%)*	
Somalia	140	205	550	685	**655**	*- 4*	*2.3%*	*Germany (71%)*	
Senegal	10	365	115	1 185	**640**	*- 46*	*2.2%*	*Italy (98%)*	
Côte d'Ivoire	10	100	35	715	**555**	*- 22*	*1.9%*	*Italy (89%)*	
Mali	0	360	100	900	**470**	*- 48*	*1.6%*	*Italy (98%)*	
Guinea	15	65	35	515	**415**	*- 19*	*1.4%*	*Italy (77%)*	
Ghana	25	190	55	595	**390**	*- 34*	*1.4%*	*Italy (88%)*	
Albania	135	350	295	260	**365**	*+ 40*	*1.3%*	*Greece (53%)*	
Russia	260	255	335	325	**355**	*+9*	*1.2%*	*Germany (56%)*	
Other	2 335	3 660	2 740	4 305	**4 515**	*+ 5*	*16%*	*Germany (37%)*	
EU+	**4 320**	**10 975**	**14 955**	**36 380**	**28 755**	*- 21*		***Afghanistan (39%)***	

Source: *Eurostat [migr_asydcfina] as of 27 April 2020,*
http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_asydcfina&lang=en

Table 14. Rejections at second or higher instance in EU+ countries by reporting country and main citizenship, 2015-2019

						2019			
	2015	2016	2017	2018	2019	% change over previous year	Share in EU+	Highest share	Sparkline
Reporting country								**Citizenship**	
Germany	86 535	112 395	94 335	82 850	**85 135**	*+3*	*40%*	*Afghanistan (13%)*	
France	29 190	34 870	39 730	37 700	**52 470**	*+39*	*25%*	*Albania (11%)*	
Italy	5	5 000	9 255	25 755	**22 870**	*-11*	*11%*	*Nigeria (27%)*	
Sweden	7 435	8 950	14 460	15 965	**13 690**	*-14*	*6.5%*	*Afghanistan (22%)*	
Greece	5 810	6 655	7 985	6 605	**11 070**	*+68*	*5.2%*	*Pakistan (41%)*	
Austria	2 390	2 100	3 030	4 810	**5 015**	*+ 4*	*2.4%*	*Afghanistan (34%)*	
Belgium	7 260	5 030	4 755	5 670	**4 840**	*- 15*	*2.3%*	*Afghanistan (20%)*	
United Kingdom	7 735	6 595	5 385	3 120	**4 655**	*+ 49*	*2.2%*	*Pakistan (15%)*	
Switzerland	1 905	1 840	1 795	2 965	**2 710**	*- 9*	*1.3%*	*Eritrea (21%)*	
Bulgaria	5	10	10	15	**1 135**	*+7467*	*0.5%*	*Afghanistan (56%)*	
Denmark	1 050	1 150	1 675	1 625	**1 105**	*- 32*	*0.5%*	*Afghanistan (16%)*	
Netherlands	490	745	900	780	**1 080**	*+ 38*	*0.5%*	*Moldova (12%)*	
Norway	3 930	4 550	4 230	1 850	**910**	*- 51*	*0.4%*	*Afghanistan (14%)*	
Poland	1 820	1 200	1 720	1 435	**830**	*- 42*	*0.4%*	*Russia (57%)*	
Cyprus	285	130	300	465	**750**	*+ 61*	*0.4%*	*Bangladesh (29%)*	
Spain	570	495	590	905	**725**	*- 20*	*0.3%*	*Ukraine (37%)*	
Ireland	305	385	275	380	**600**	*+ 58*	*0.3%*	*Albania (28%)*	
Portugal	85	185	0	465	**550**	*+ 18*	*0.3%*	*Angola (13%)*	
Malta	300	265	340	670	**490**	*- 27*	*0.2%*	*Somalia (43%)*	
Czech Republic	395	395	395	395	**395**	*+ 0*	*0.2%*	*Ukraine (39%)*	
Iceland	35	135	450	285	**275**	*- 4*	*0.1%*	*Iraq (11%)*	
Luxembourg	445	315	315	250	**170**	*- 32*	*0.1%*	*Albania (24%)*	
Romania	65	100	105	175	**165**	*- 6*	*0.1%*	*Iraq (39%)*	
Slovenia	30	35	40	85	**90**	*+ 6*	*0.0%*	*Algeria (28%)*	
Finland	55	395	435	645	**75**	*- 88*	*0.0%*	*Iraq (60%)*	
Latvia	65	30	40	40	**55**	*+ 38*	*0.0%*	*Egypt (18%)*	
Estonia	10	40	40	30	**45**	*+ 50*	*0.0%*	*Georgia (22%)*	
Slovakia	25	20	10	20	**30**	*+ 50*	*0.0%*	*Armenia (17%)*	
Croatia	85	105	75	65	**20**	*- 69*	*0.0%*	*Afghanistan (25%)*	
Liechtenstein	15	30	5	50	**10**	*- 80*	*0.0%*	*Belarus (50%)*	
Hungary	435	765	0	0	**0**	*n.a.*	*0.0%*	*n.a.*	
Lithuania	10	5	30	20	**0**	*- 100*	*0.0%*	*n.a.*	
Citizenship								**Reporting country**	
Afghanistan	2 640	8 285	16 810	21 205	**19 175**	*-10*	*9.0%*	*Germany (57%)*	
Pakistan	7 200	9 440	12 950	14 255	**15 205**	*+ 7*	*7.2%*	*Germany (30%)*	
Nigeria	2 755	3 850	8 020	13 820	**15 190**	*+ 10*	*7.2%*	*Italy (41%)*	
Iraq	1 520	5 560	11 655	14 095	**14 180**	*+ 1*	*6.7%*	*Germany (65%)*	
Georgia	3 635	3 920	4 835	6 215	**11 030**	*+ 77*	*5.2%*	*France (49%)*	
Albania	28 170	35 025	16 400	10 670	**10 940**	*+ 3*	*5.2%*	*France (52%)*	
Bangladesh	4 285	4 680	6 120	6 725	**7 235**	*+ 8*	*3.4%*	*Italy (38%)*	
Russia	5 625	5 810	7 640	6 810	**6 850**	*+ 1*	*3.2%*	*Germany (67%)*	
Guinea	2 130	2 000	2 820	4 590	**6 065**	*+ 32*	*2.9%*	*France (42%)*	
Iran	1 555	1 920	3 410	4 530	**5 440**	*+ 20*	*2.6%*	*Germany (63%)*	
Gambia, The	430	1 365	2 555	5 475	**5 340**	*- 2*	*2.5%*	*Germany (51%)*	
Côte d'Ivoire	845	925	1 745	3 370	**5 250**	*+ 56*	*2.5%*	*France (57%)*	
Armenia	2 135	2 040	3 655	4 460	**4 650**	*+4*	*2.2%*	*Germany (57%)*	
Turkey	2 225	1 595	2 365	3 030	**4 190**	*+ 38*	*2.0%*	*Germany (62%)*	
Senegal	405	1 880	2 470	3 735	**3 750**	*+ 0*	*1.8%*	*Italy (58%)*	
Other	93 225	106 610	89 265	73 245	**77 470**	*+ 6*	*37%*	*Germany (38%)*	
EU+	**158 780**	**194 905**	**192 715**	**196 230**	**211 960**	*+ 8*		***Afghanistan (9%)***	

Source: *Eurostat [migr_asydcfina] as of 27 April 2020,*
http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_asydcfina&lang=en

Table 15. Resettled persons in EU+ countries by reporting country and main citizenship, 2015-2019

	2015	2016	2017	2018	2019	2019 % change over previous year	2019 Share in EU+	2019 Highest share	Sparkline
Reporting country								**Citizenship**	
United Kingdom	1 865	5 180	6 210	5 805	**5 610**	*- 3*	*18%*	*Syria (77%)*	
France	620	600	2 620	5 565	**5 600**	*+ 1*	*18%*	*Syria (49%)*	
Sweden	1 850	2 155	3 410	4 935	**4 955**	*+ 0*	*16%*	*Syria (38%)*	
Germany	510	1 240	3 015	3 200	**4 890**	*+ 53*	*16%*	*Syria (82%)*	
Norway	2 375	3 290	2 815	2 480	**2 795**	*+ 13*	*9.1%*	*Congo (DR) (46%)*	
Netherlands	450	695	2 265	1 225	**1 875**	*+ 53*	*6.1%*	*Syria (72%)*	
Italy	95	1 045	1 515	1 180	**1 355**	*+ 15*	*4.4%*	*Syria (64%)*	
Switzerland	610	620	665	1 080	**1 000**	*- 7*	*3.3%*	*Syria (97%)*	
Finland	1 005	945	1 090	605	**890**	*+ 47*	*2.9%*	*Syria (65%)*	
Ireland	175	355	275	340	**785**	*+ 131*	*2.6%*	*Syria (97%)*	
Portugal	40	10	170	35	**375**	*+ 971*	*1.2%*	*Syria (45%)*	
Belgium	275	450	1 310	880	**240**	*- 73*	*0.8%*	*Syria (100%)*	
Croatia	0	0	40	110	**100**	*- 9*	*0.3%*	*Syria (100%)*	
Romania	0	0	45	0	**75**	*:*	*0.2%*	*Syria (100%)*	
Iceland	15	55	45	50	**75**	*+ 50*	*0.2%*	*Syria (67%)*	
Bulgaria	0	0	0	20	**65**	*+ 225*	*0.2%*	*Syria (100%)*	
Luxembourg	45	50	180	0	**35**	*:*	*0.1%*	*Eritrea (43%)*	
Estonia	0	10	20	30	**5**	*- 83*	*0.0%*	*Syria (100%)*	
Denmark	450	310	5	0	**0**	*:*	*0.0%*	*n.a.*	
Slovenia	0	0	0	35	**0**	*- 100*	*0.0%*	*n.a.*	
Slovakia	0	0	0	0	**0**	*:*	*0.0%*	*n.a.*	
Hungary	5	0	0	0	**0**	*:*	*0.0%*	*n.a.*	
Czech Republic	20	0	0	0	**0**	*:*	*0.0%*	*n.a.*	
Greece	0	0	0	0	**0**	*:*	*0.0%*	*n.a.*	
Poland	0	0	0	0	**0**	*:*	*0.0%*	*n.a.*	
Austria	760	200	380	0	**0**	*:*	*0.0%*	*n.a.*	
Malta	0	0	15	0	**0**	*:*	*0.0%*	*n.a.*	
Liechtenstein	20	0	0	0	**0**	*:*	*0.0%*	*n.a.*	
Latvia	0	5	40	0	**0**	*:*	*0.0%*	*n.a.*	
Spain	0	375	1 490	830	**:**	*:*	*:*		
Cyprus	0	0	0	0	**:**	*:*	*:*		
Lithuania	5	25	60	20	**:**	*:*	*:*		
Citizenship								**Reporting country**	
Syria	6 525	14 105	23 165	21 350	**19 015**	*- 11*	*62%*	*United Kingdom (23%)*	
Sudan	465	200	505	910	**2 230**	*+ 145*	*7.3%*	*France (54%)*	
Congo (DR)	1 120	830	1 065	1 805	**2 020**	*+12*	*6.6%*	*Norway (63%)*	
Eritrea	325	625	645	1 435	**1 650**	*+ 15*	*5.4%*	*Sweden (41%)*	
Somalia	660	370	405	370	**1 365**	*+ 269*	*4.4%*	*Sweden (42%)*	
Iraq	270	240	535	540	**920**	*+ 70*	*3.0%*	*France (45%)*	
South Sudan	10	50	75	165	**780**	*+ 373*	*2.5%*	*Norway (54%)*	
Afghanistan	750	475	315	345	**575**	*+ 67*	*1.9%*	*Sweden (64%)*	
Ethiopia	330	280	310	275	**460**	*+67*	*1.5%*	*Sweden (70%)*	
Central African Republic	0	10	40	195	**410**	*+ 110*	*1.3%*	*France (83%)*	
Unknown	60	10	80	110	**270**	*+ 145*	*0.9%*	*Netherlands (100%)*	
Nigeria	0	0	10	75	**185**	*+ 147*	*0.6%*	*France (89%)*	
Stateless	255	210	180	80	**105**	*+ 31*	*0.3%*	*United Kingdom (38%)*	
Mali	0	0	5	130	**90**	*- 31*	*0.3%*	*France (72%)*	
Burundi	15	45	60	50	**85**	*+ 70*	*0.3%*	*Sweden (76%)*	
Other	410	175	285	595	**565**	*- 5*	*1.8%*	*Sweden (26%)*	
EU+	**11 195**	**17 625**	**27 680**	**28 430**	**30 725**	*+8*		***Syria (62%)***	

Source: *Eurostat [migr_asyresa] as of 27 April 2020,*
http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_asyresa&lang=en

EASO Asylum Report 2020

Annual Report on the Situation of Asylum in the European Union

As the go-to source of information on international protection in Europe, the *EASO Asylum Report 2020* provides a comprehensive overview of key developments in asylum in 2019.

The European Asylum Support Office (EASO), as the centre of expertise on asylum, collates information on all aspects of the Common European Asylum System. To this end, the report outlines changes to policies, shares best practices and summarises challenges which persist. It presents trends in asylum, key indicators for the reference year 2019, an overview of the Dublin system which determines the Member State responsible for a case and a dedicated section on vulnerable applicants, including unaccompanied minors. Examples of case law are featured to interpret and apply European and national laws in the context of the EU asylum acquis.

Facing an increase in the number of applications for international protection in 2019, EU+ countries received assistance from EASO to manage the influx of applicants and strengthen their reception and asylum systems. In addition, the asylum procedure is described step by step – from access to resettlement – to understand how countries have reacted to changing migratory patterns.

The *EASO Asylum Report 2020* draws on information from a wide range of sources – including perspectives from national authorities, EU institutions, international organisations, civil society organisations and academia – to provide a complete picture and diverse perspectives. The report, covering 1 January to 31 December 2019, serves as a reference for the latest developments in international protection in Europe.

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