



Afghan nationals seeking international protection in the EU+

The information presented in this fact sheet is extracted from the [Asylum Report 2022](#) and covers developments in 2021 and early 2022.

The withdrawal of the United States and coalition forces – and the subsequent Taliban takeover of the country – instigated large waves of displacement in Afghanistan, adding to the already-extensive displacement that existed in the country. Increased risks were notable for particular groups, including human rights activists, former employees or persons who had cooperated with the former government and western actors in the country, journalists and specific minority groups.

As of December 2021, an estimated 3.4 million people were internally displaced¹ and close to 6.5 million Afghans still lived as refugees in neighbouring Iran and Pakistan, many of them without being registered or having a legal status.²

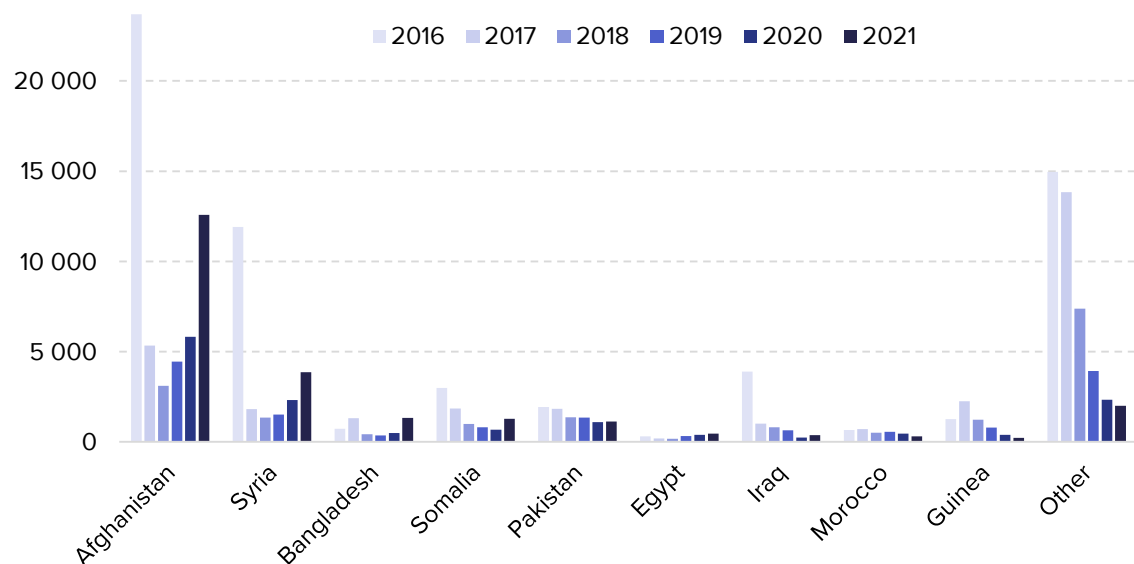
Afghanistan was already a priority for the EU in providing support. The EU has made a long-term commitment to support people in Afghanistan toward increasing prospects of peace, security and prosperity. Since 2002, the EU has provided more than EUR 4 billion in development aid to Afghanistan, which makes Afghanistan the largest beneficiary of EU development assistance in the world.³

Data at a glance

- The number of first-time Afghan applicants for international protection in EU+ countries doubled in 2021 compared to the previous year, and the number of subsequent applications submitted by Afghan nationals also increased.
- Afghan applicants strongly contributed to the increases in the number of applications for international protection in five countries: Austria, Bulgaria, Croatia, Romania and Slovenia.
- Detected illegal border-crossings along the Western Balkan route rose steeply in August and September 2021, which coincided with the Taliban takeover of Afghanistan.
- In 2021, 58% of repeated applications by Afghans were lodged in Germany (approximately 8,400 applications).

- Over one-quarter of all withdrawn applications in EU countries were by Afghan nationals, accounting for over 18,000 applications in 2021 compared to 5,000 in 2020. More than 60% of these withdrawals were by minors aged between 14 and 17 years old. These applications were largely withdrawn in Greece and other countries along the Balkan routes. The rate of withdrawals increased as of September 2021 after the Taliban takeover of Afghanistan.⁴
- The absolute number of applications by unaccompanied minors from Afghanistan (12,600) and Syria (3,900) was the highest since the migration crisis in 2015-2016 and considerably higher than in each of the previous 4 years. In relative terms, more than one-half of all applications by unaccompanied children were lodged by Afghans (53%), followed at some distance by Syrians (16%), Bangladeshis (6%) and Somalis (5%), all with increasing trends compared to recent years.

Number of applications by unaccompanied minors by top countries of origin, 2016-2021



Source: Eurostat [[migr_asyunaa](#)] as of 22 April 2021.

- In total, 12% of all Afghans who sought international protection in EU+ countries were unaccompanied minors. This share has remained at a similar level for several years and the trend shows no sign of depletion since the Taliban takeover of the country.
- Unaccompanied minors from Afghanistan mostly and increasingly applied for asylum in Austria, Bulgaria, Romania, Germany and Belgium (in descending order).
- Applications by Afghan nationals drove increases in the total number of applications in several EU+ countries. For example, Belgium and Denmark received between 40% and 50% more applications than in 2020, mainly driven by Afghans who were the largest group in both countries. The Netherlands (27,000) received the most applications in several years, up by three-quarters from 2020. This was primarily due to more Syrian, Afghan and Turkish applicants.

- Afghan citizens received more than double the number of decisions on Dublin requests compared to 2020, accounting for just under one-quarter of all decisions in 2021.¹
- Partially because of more positive decisions issued to Afghan applicants, overall recognition rates increased for example in Bulgaria (from 37% in 2020 to 62% in 2021), Czechia (10% to 27%), Denmark (23% to 41%), Estonia (36% to 67%), Latvia (13% to 40%), Lithuania (23% to 45%), Poland (17% to 67%) and Portugal (23% to 62%).
- Recognition rates have been increasing for Afghan nationals, from 31% in 2017 to 64% in 2021. If humanitarian protection were included in the calculation, the overall recognition rate for Afghans in 2021 would increase to 72%. The climb was partially triggered by the fact that some EU+ countries temporarily suspended issuing negative decisions to Afghans in the context of the Taliban takeover.⁵ Discrepancies in recognition rates were most apparent for applicants from Afghanistan, ranging from 11% in Bulgaria to 99% in Poland and Spain.



Key developments extracted from the Asylum Report 2022

Developments at the EU level

- In August 2021, EU Home Affairs Ministers, together with representatives of the European Commission, European External Action Service, Frontex, Europol, the EUAA and the EU Counter-Terrorism Coordinator, adopted a joint statement. They declared that the evacuation of EU citizens and, to the extent possible, Afghan nationals who had cooperated with the EU and its Member States and their families was a matter of priority. The EU reiterated its commitment to continue to coordinate with international partners, in particular the UN and its agencies, on the stabilisation of the region and to ensure that humanitarian aid reaches vulnerable populations. The EU committed to strengthen its support to third countries, in particular neighbouring and transit countries, which host large numbers of migrants and refugees.⁶
- In September 2021, the European Council adopted a set of conclusions on Afghanistan defining the EU's line of action for the near future. Regarding the EU's engagement with the Taliban-appointed caretaker cabinet, the Council agreed on five benchmarks that would serve as guiding principles for future engagement:
 - i) Allowing the safe, secure and orderly departure of all foreign nationals and Afghans who wished to leave the country in line with UN Security Council Resolution 2593 (2021);
 - ii) Promoting, protecting and respecting all human rights and, in particular, full enjoyment of the rights of women and girls, children and people belonging to minorities, and respecting the rule of law and the freedom of speech;
 - iii) Allowing the implementation of humanitarian operations in Afghanistan in line with the humanitarian principles of humanity, neutrality, impartiality and independence and full respect of International Humanitarian Law;

¹ Citizenship was not reported for 13% of decisions.

- iv) Preventing Afghanistan from serving as a base for hosting, financing or exporting terrorism to other countries; and
- v) Establishing an inclusive and representative government through negotiations.⁷

- An up to EUR 1 billion Afghan Support Package was announced in October 2021 by the President of the European Commission, Ursula von der Leyen, to address urgent needs in the country and the region. The package combines EU humanitarian aid with the delivery of targeted support for the basic needs of the Afghan people, channelled to international organisations on the ground and neighbouring countries.⁸ The overall package includes EUR 227 million humanitarian funding for life-saving and life-sustaining emergency assistance in the following sectors: food and nutrition, shelter, water and hygiene-related activities, medical care, education and protection.⁹
- As of January 2022, the EU had launched projects totalling EUR 268.3 million, focusing on maintaining education, sustaining livelihoods and protecting public health, including for refugees, migrants and internally displaced people in Afghanistan, as well as in Iran, Pakistan and Central Asia. The funds are channelled through UN agencies working in Afghanistan and neighbouring countries (UNICEF, WFP, UNDP, UNHCR, WHO and the IOM), as well as through the Norwegian Refugee Council.¹⁰
- To support evacuation efforts in Afghanistan, the EU put in place a dedicated crisis cell between 15-30 August 2021. The crisis cell consisted of 100 staff from EU institutions and a support team in Kabul. During this period, the cell assisted with the evacuation of more than 17,500 people from Kabul, including an estimated 4,100 EU nationals and 13,400 Afghan nationals, while EU Member States together evacuated a total of 22,000 Afghans.¹¹ Direct evacuations from Afghanistan ceased on 31 August 2021, but indirect evacuations continued through Iran or Pakistan or through Qatar.¹²
- The Justice and Home Affairs Council of 31 August 2021 concluded that EU Member States could provide support in the form of resettlement, while a September 2021 resolution of the European Parliament called on the EU and its Member States to cooperate with the evacuation of persons at risk and establish humanitarian corridors for Afghan refugees seeking protection in neighbouring countries.¹³
- To highlight the importance of offering safe pathways to Afghan nationals and strategise on a future course of action, in October 2021, Commission Vice-President Borrell and Commissioner Johansson convened a high-level forum focusing on providing protection to Afghans. The forum brought together Ministers of Foreign Affairs and Ministers of the Interior of EU+ countries, representatives of the European Parliament, the UN High Commissioner for Refugees, Filippo Grandi, and the Director-General of the International Organization for Migration, António Vitorino. The group discussed the situation in Afghanistan and in neighbouring countries, as well as options for mobilising further support for Afghans at risk. Participants explored planning for safe and legal pathways for Afghan nationals considered most at risk, as well as reception and integration measures for Afghan evacuees.^{14, 15} During the forum, the UN High Commissioner for Refugees asked EU governments to resettle 42,500 Afghans in need of protection over the next 5 years. Commissioner Johansson suggested that this could be an attainable target. She added that the range of possible solutions could include broader ways of protecting Afghan people, beyond resettlement, and proposed to put in place a multi-annual support scheme for Afghans at risk.¹⁶

- By December 2021, 15 Member States had agreed to assist 60,000 refugees through resettlement and humanitarian admissions, including 40,000 people from Afghanistan.¹⁷
- Civil society organisations immediately shared their reactions to the humanitarian crisis in Afghanistan, calling for increasing resettlement commitments at the European and national levels, the activation of humanitarian corridors from Afghanistan and the granting of humanitarian visas to allow people to safely arrive in Europe.^{18, 19} In this context, a joint statement was signed by more than 60 civil society organisations, highlighting the priorities for an EU response and the need for evacuations, resettlement and other safe routes.²⁰ A lack of harmonisation in the response given by EU+ countries based on their asylum systems and their varied positions on returns of Afghan nationals were also observed. Civil society organisations called for a coordinated EU response to protect human rights and urged that humanitarian and development aid for the Afghan population do not replace the reception of Afghans at the EU's borders.²¹

Developments in EU+ countries

National responses to applicants for Afghanistan are summarised in a special focus in the Asylum Report 2022: <https://euaa.europa.eu/asylum-report-2022/focus-3-responses-eu-countries-new-protection-needs-afghan-nationals>

- In Sweden, a number of amendments to the regulatory framework on resettlement were adopted on 15 August 2021 to enable greater flexibility in specific situations, such as the Afghanistan situation. According to a government decision, the requirement that a person must be in a third country to be eligible for resettlement was temporarily removed. Furthermore, a decision of 15 August 2021 by the Ministry of Justice provided flexibility for the responsible authority, the Swedish Migration Agency, to redistribute places that were available within the 5,000 quota for 2021, allowing a larger number of places for emergency cases than the 500 earmarked for that purpose. In the period August-December 2021, 1,300 Afghan nationals were granted permanent residence permits and resettled in Sweden under the resettlement framework.²²
- The Finnish government also increased the refugee quota by about 500 refugees, with a total of 1,500 persons to be transferred in 2022. The budget for this plan was raised to a total of EUR 1.1 million.²³
- The German federal government admitted local staff and their families under the existing admission programme for former local staff. In addition, a decision was taken on the admission of individuals working in education and academia, policymaking, the judiciary, NGOs, culture and the media who are exposed and at risk due to their personal engagement in Afghanistan. This includes human rights activists and journalists. By the end of 2021, Germany had granted admission to more than 25,000 Afghans from these groups. Following the announcement by the European Commission of an Afghan support scheme for humanitarian admissions, Germany submitted a pledge for 25,000 places. From mid-August 2021 until the end of 2021, almost 7,000 Afghans with an admission to Germany arrived in the country. The arrivals of Afghans who have been granted admission in Germany are ongoing.²⁴
- The Irish government launched the Afghan Admission Programme in December 2021, under which people either residing in Afghanistan or neighbouring countries who had

fled from Afghanistan since 1 August 2021 and who have close family members in Ireland can apply for a temporary Irish residence. A total of 500 places were available under this programme.²⁵

- Dedicated information campaigns focused on providing information to Afghan nationals on matters related to asylum, including sections on websites with frequently asked questions to explain what each process entailed.
- Spain temporarily prioritised applications submitted by Afghan nationals who were evacuated after the withdrawal of international troops from Afghanistan.
- Norway suspended cases lodged by Afghan nationals in July²⁶ and lifted the measure on 27 January 2022.²⁷
- Belgium decided to temporarily suspend the notification of negative decisions for applicants from Afghanistan in August 2021²⁸ and lifted the suspension fully on 2 March 2022.²⁹ The processing of applications continued, such as the organisation of personal interviews, as well as the notification of decision to grant refugee status or declaring an application inadmissible for persons with a protection status in another Member State.
- In the Netherlands, a moratorium on decisions for Afghan applicants was imposed in August 2021 for 6 months.³⁰
- Suspensions for negative decisions only were applied in Finland, Luxembourg and Switzerland. In Finland, the Immigration Service suspended the pronouncement of negative decisions on removals to Afghanistan on 9 July 2021. The asylum authority confirmed in November 2021 that negative decisions were still not issued and that only positive decisions were pronounced.³¹
- Fedasil in Belgium signalled the need for more reception places in September 2021 due to several factors, including the need to accommodate Afghan evacuees.³²
- In September 2021, the COA announced an urgent need for 4,000 places due to a sharp rise in applications, the fact that recognised beneficiaries of international protection stay longer in reception due to shortages on the housing market, and the arrival of evacuees from Afghanistan who were temporarily accommodated at emergency locations of the Ministry of Defence.³³ The organisation managed to create 6,000 additional places by the beginning of November 2021, typically temporary places, with the duration of stay varying from 4 weeks to 6 months.
- The influx of new applicants added a strain on the reception system in Bulgaria as well, where the occupancy rate increased to 50%, compared to 7% in 2019. Due to the high number of unaccompanied minors, mainly from Afghanistan, safe zones for unaccompanied children needed to be restructured. The Ombudsperson found poor living conditions, with a lack of adequate furniture and overcrowding. When the security zone was full, children were accommodated in the gym separately from adults.³⁴
- In response to subsequent applications submitted by Afghan nationals after the situation changed in Afghanistan, Fedasil underlined that it did not change its general policy

related to reception conditions for subsequent applicants, who are not entitled to material reception conditions until the application is considered admissible.³⁵

- In Luxembourg, cases lodged by Afghan nationals were processed where the need for protection was evident, so only positive, inadmissible and Dublin decisions were issued, while negative decisions were suspended. From the end of November 2021, the examination of these cases resumed, and in December 2021, the Ministry of Immigration and Asylum scheduled applicants for a complementary interview to discuss changes in their situation if the initial interview was done before 15 August 2021.³⁶
- Greece designated Turkey as a safe third country on 7 June 2021 by Joint Ministerial Decision No 42799/2021 for applicants from Afghanistan, Bangladesh, Pakistan, Somalia and Syria.³⁷ A judicial review application was lodged against this decision before the Council of State on 7 October 2021 by the Greek Council for Refugees (GCR) and Refugee Support Aegean.³⁸
- ECRE noted that the Strasbourg Bar Association condemned the transfer of four Afghan nationals to Bulgaria in September 2021 as the country had not suspended returns to Afghanistan despite the Taliban takeover.³⁹

Court rulings for Afghan applicants

- The Dutch Council of State [assessed](#) the availability of legal aid and the risk of indirect *refoulement* in Germany for a single male applicant from Afghanistan and dismissed the appeal against the transfer, noting that in both aspects German legislation fulfils the requirements of the recast Asylum Procedures Directive.
- The Rome Tribunal also made a reference for a [preliminary ruling](#) to clarify whether the right to an effective remedy also provides protection against the risk of indirect *refoulement* following a transfer to a Member State which does not have systematic flaws within the meaning of the Dublin III Regulation, Article 3(2). At the core of the dilemma was the fact that Italian authorities assess the concept of internal protection differently than the responsible Member State where the applicant's first asylum claim was lodged and refused. The court of Firenze [sought clarification](#) from the CJEU on similar questions. Adding to the discussion, Forum réfugiés–Cosi pointed out this occurrence especially for the Dublin transfer of Afghan applicants to EU+ countries that did not suspend returns to Afghanistan.⁴⁰
- In Austria, the decision-making practice has gradually [changed](#) after the ECtHR granted interim measure to prevent the deportation of an Afghan national on 2 August 2021 and because the security situation in Afghanistan changed in the summer of 2021. In December 2021, the Constitutional Court [examined](#) the international protection needs of an Afghan man and concluded that his return would violate the ECHR, Articles 2 and 3.
- Since August 2021, some countries fully or partially suspended the processing of appeals lodged by Afghan nationals. In Denmark, the Refugee Appeals Board suspended appeals due to the uncertainty about the security situation in Afghanistan but continued to address cases regarding other aspects, such as age assessments and Dublin transfers.⁴¹ The processing of asylum cases lodged by Afghan citizens was resumed in December 2021 by the Danish Refugee Appeals Board. Despite the fact that the situation in Afghanistan remained quite serious and uncertain, the Executive

Committee of the Refugee Appeals Board found that background information had become available to allow the Refugee Appeals Board to resume the proceedings of the cases.⁴²

- In Luxembourg, cases lodged by Afghan nationals were not fully suspended, as applications were processed where the need for protection was obvious, so only positive decisions (as well as inadmissible and Dublin decisions) were issued while negative ones were not issued. From the end of January 2022, the examination of cases pending in second instance were resumed and applicants were provided the possibility to submit new evidence.⁴³
- In October 2021, the Finnish Supreme Administrative Court stated that the conditions in Afghanistan had changed significantly since the decisions of the Finnish Immigration Service and the Administrative Court had been pronounced and that international protection applications must be completely reassessed on the basis of up-to-date country information. Based on that, the Supreme Court granted leave to appeal to nearly 80 Afghan asylum seekers, overturned first instance decisions of the Finnish Immigration Service and judgments pronounced on appeal by the Administrative Court, and referred the cases back for re-examination to the Finnish Immigration Service.⁴⁴
- The Federal Administrative Court in Austria [held](#) that there were no reasonable prospects of deportations to Afghanistan and lifted detention measures for this group of applicants.⁴⁵ In contrast, the Court of Appeal of Timisoara in Romania [extended](#) the detention of an Afghan national by 3 months due to the impossibility of enforcing a return to Afghanistan and the risk of absconding.
- While the Swedish Migration Agency [updated](#) its legal position on the medical examination of applicants invoking physical or psychological harm to support their asylum claim,⁴⁶ the UN Committee on the Rights of Persons with Disabilities [found](#) in a particular case that the Swedish authorities failed to dispel any doubts about the risks an applicant would face if returned to Afghanistan, when he was diagnosed with and treated for PTSD which was assessed to be life-threatening due to the risk of suicide.
- There were many reports of impediments for asylum seekers to access the procedure for international protection within the EU. In August and September 2021, the ECtHR issued interim measures in two cases concerning Afghan and Iraqi nationals who were stranded [at the borders of Poland and Latvia with Belarus](#), and with regard to five Afghan nationals stranded at the [border between Belarus and Lithuania](#).
- The French Council of State was faced in August 2021 with a [request](#) for the urgent issuance of family reunification visas for the relatives of an Afghan beneficiary of international protection. The council noted that the measures requested were unnecessary, as the consular activity in Kabul ceased, and persons at the airport in the compound dedicated to France were taken care of by the French military, irrespective of visas. Similarly, the council [found](#) no reasons to order the administration to take additional measures in another family reunification request from two Afghan nationals.

To search for more developments by topic, country or year, consult the [National Asylum Developments Database](#).

To read more case law related to asylum, consult the [EUAA Case Law Database](#).

Sources

Please see [Sources on Asylum 2022](#) for the full list of over 1,200 references which were consulted for the Asylum Report 2022.

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