



Data analysis of decisions on asylum applications and recognition rates at second or higher instances in 2023

The information presented in this fact sheet complements the information on first instance decisions as presented in the [Asylum Report 2024](#).

The EU legislative framework for appeal procedures is outlined in the recast Asylum Procedures Directive. Chapter V, Article 46 obliges Member States to ensure that applicants have the right to an effective remedy before a court or tribunal with regard to a decision issued on a first instance application for international protection.

The right to an effective remedy includes a full examination of both facts and points of law, including an examination of the need for international protection as defined by the recast Qualification Directive. For an appeal of a decision, the examination should be done before a court or tribunal to guarantee adequate substantive and procedural safeguards.

The recognition rate for specific nationalities of applicants can indicate which citizenships are granted protection more frequently and which are rejected. The rate represents the number of positive outcomes as a percentage of the total number of decisions on applications for international protection. For reporting in the Asylum Report, positive decisions included in the recognition rate include EU-harmonised statuses only (e.g. refugee and subsidiary protection).



Reader's guide: Data from Eurostat (extracted on 31 May 2024) are used in this fact sheet. Data on decisions at first instance and the recognition rate at first instance, which are published in the [Asylum Report 2024](#), are based on the EUAA's Early Warning and Preparedness System (EPS) data exchange. EPS data shared with the EUAA are provisional and unvalidated, and therefore may differ from validated data submitted to Eurostat at a later date, according to Regulation (EU) 2020/851 amending Regulation (EC) 862/2007.

1. Decisions on asylum applications at second or higher instances

In 2023, EU+ countries issued about 194,000 decisions on appealed cases, representing a 13% decline compared to the previous year.

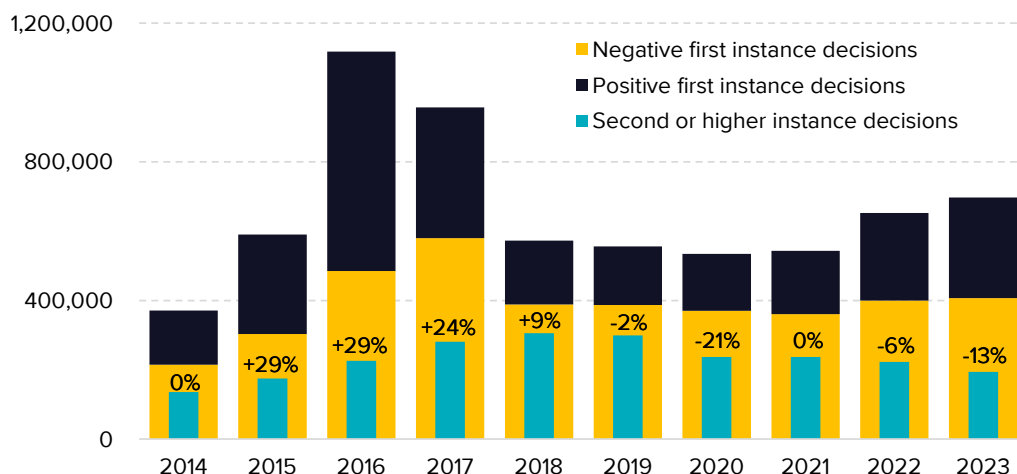
The number of decisions issued in appeal or review is predominantly related to the number of negative decisions at first instance, thus an analysis of the evolution of the latter can help to better understand changes in the former.

After an increase by one-tenth in 2022, negative decisions at first instance remained stable in 2023, at about 407,000. However, the number of decisions issued at second or higher instances in EU+ countries declined for the second consecutive year, falling to the lowest level since 2015 (see *Figure 1*). This was not a reflection of a lower caseload, as in fact estimates point towards a 7% increase in the pending caseload at second or higher instances compared to the end of 2022.¹ Additionally, the growing number of pending cases at first instance in 2023 (which reached the most since 2015)² will likely result in a further increase in the caseload at second and higher instances in 2024.



Continued decline in the number of decisions at second or higher instances

Figure 1. Number of decisions at first and second or higher instances, 2014–2023



Source: Eurostat [[migr_asydcfina](#) and [migr_asydcfst](#)] as of 31 May 2024.

¹ The pending caseload at second or higher instances is estimated as the difference between the total EU+ pending caseload [[migr_asydcfina](#)] and the EU+ pending caseload at first instance (EUAA EPS data).

² See Section 3.4.8.6. [Pending cases at first instance](#), EUAA Asylum Report 2024.

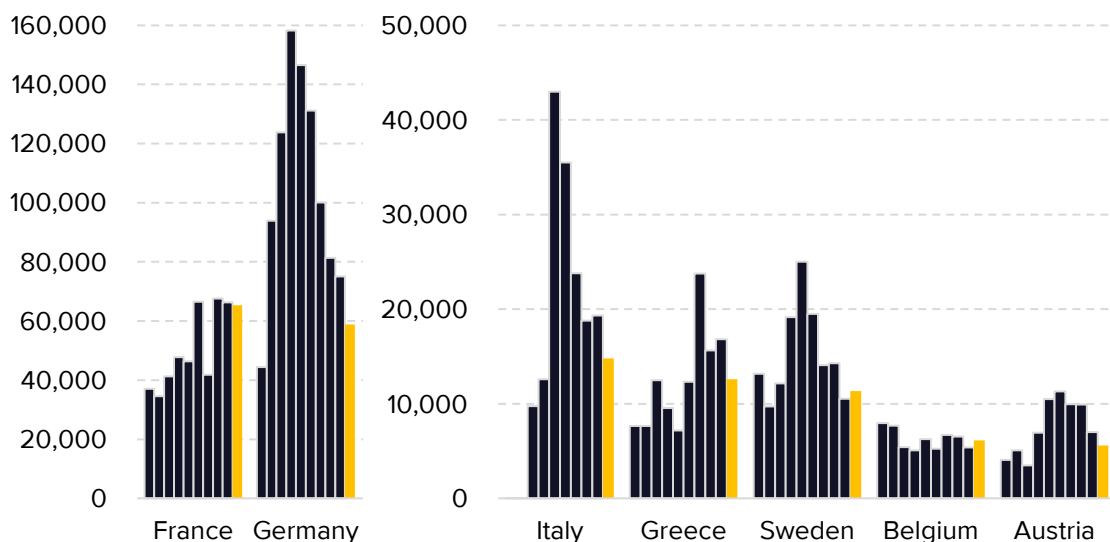
As in previous years, France and Germany issued the most decisions at second or higher instances, accounting for around 34% and 30% of the EU+ total, respectively (see *Figure 2*). However, for the first time since the launch of harmonised statistics in 2008, France (65,000) surpassed Germany (59,000). This occurred because decisions issued by Germany fell by 22% from the previous year to the lowest level since 2014, marking the sixth annual decrease in a row, while the number of decisions by France remained stable compared to 2022. These two countries also issued both the highest number of negative and total first instance decisions within the EU+.

Other countries to issue over 10,000 decisions at second or higher instances were Italy, Greece and Sweden (in descending order). Italy and Greece took fewer decisions compared to 2022, with a drop by one-quarter in both cases. For Italy, this was the lowest level since 2017, while for Greece, since 2019. Notable decreases also took place in Austria (-20%), Cyprus (-42%) and Ireland (-45%).



Most decisions were issued in France and Germany but persistently decreasing in the latter

Figure 2. Top countries issuing decisions at second or higher instances, 2014-2023



Source: Eurostat [[migr_asycdfina](#)] as of 31 May 2024.

Among EU+ countries which issued at least 1,000 decisions at second or higher instances in 2023, the highest relative increases took place in Czechia (+120% with 1,100 decisions, the most since 2008), Finland (+78%) and Belgium (+14%). Despite these annual increases, Finland and Belgium issued fewer decisions than in 2021. In the latter, there was a rise in decisions at first instance as well.

The highest increase in absolute terms took place in Sweden (11,000 decisions, +800 compared to 2022, see *Figure 2*), even though the number remained far below the levels of previous years. In fact, in 2023 decisions at second or higher instances issued by Sweden were less than one-half of the record high of 2018.

At much lower levels, notable relative increases took place in Estonia (+125% compared to 2022), Slovenia (+90%) and Croatia (+50%).

Decisions by sex and age of applicants

Similarly to previous years, about 70% of all decisions at the appeal stage were issued to male applicants, of whom most were adults. Indeed, less than one-sixth of all decisions at second or higher instances were issued to minors, with only a slight prevalence of boys over girls. Overall, the number of decisions issued to minors at second or higher instance was the lowest in 9 years.

The only age group which received more decisions in 2023 compared to a year earlier was persons over 65 years of age. Nonetheless, their numbers remained low as they only accounted for 1% of all decisions.

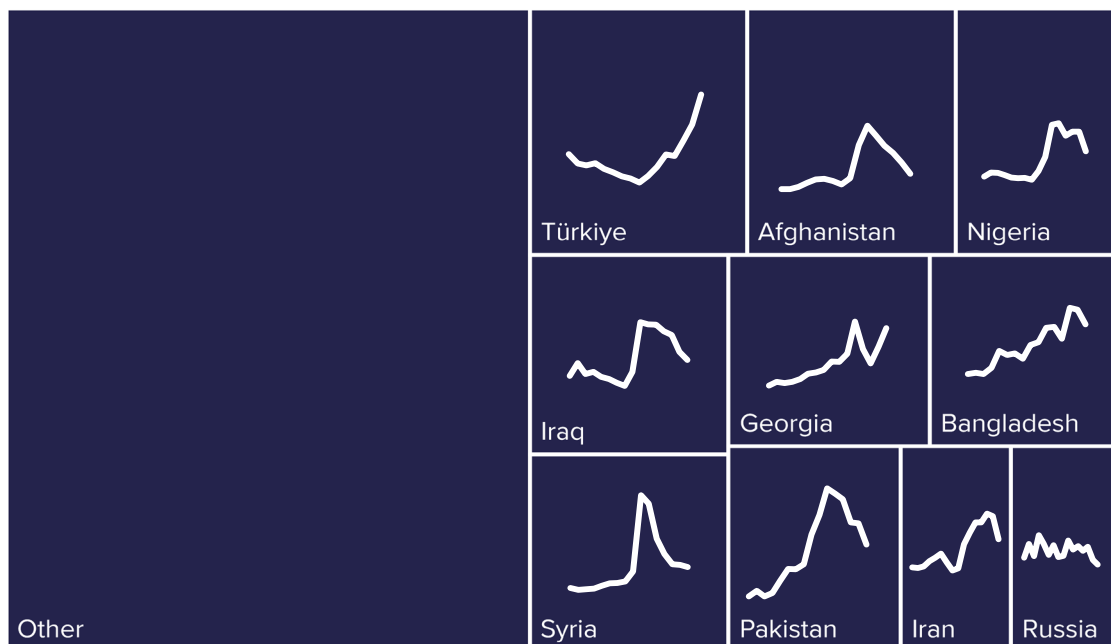
Decisions by nationality of applicants

For the first time, most decisions on appeals in 2023 were issued to Turkish applicants (14,000, the most on record and 7% of the total), following an increase of over two-fifths from the previous year. Conversely, decisions at second or higher instances issued to Afghans, which were previously the most numerous, dropped by over one-third to 14,000, the least since 2016, as did those issued to Nigerians (11,000). Decisions on cases by applicants from Iraq and Syria (some 11,000 each) also declined, albeit more moderately (see *Figure 3*).



Fewer decisions than in 2022 issued to most top nationalities, with the exception of Turks and Georgians

Figure 3. Top nationalities receiving decisions on appeals, 2023 (tree map) and trendlines, 2008-2023



Source: Eurostat [[migr_asydcfina](#)] as of 31 May 2024.

Authorities in EU+ countries issued more decisions than in 2022 to citizens of Georgia (10,000) and at lower levels Armenia, Colombia, Egypt, North Macedonia, Sierra Leone and Tunisia (in alphabetical order).³ For Colombians, Egyptians, Sierra Leonians and Tunisians, the number of decisions received in appeal in 2023 was the highest since at least 2008.

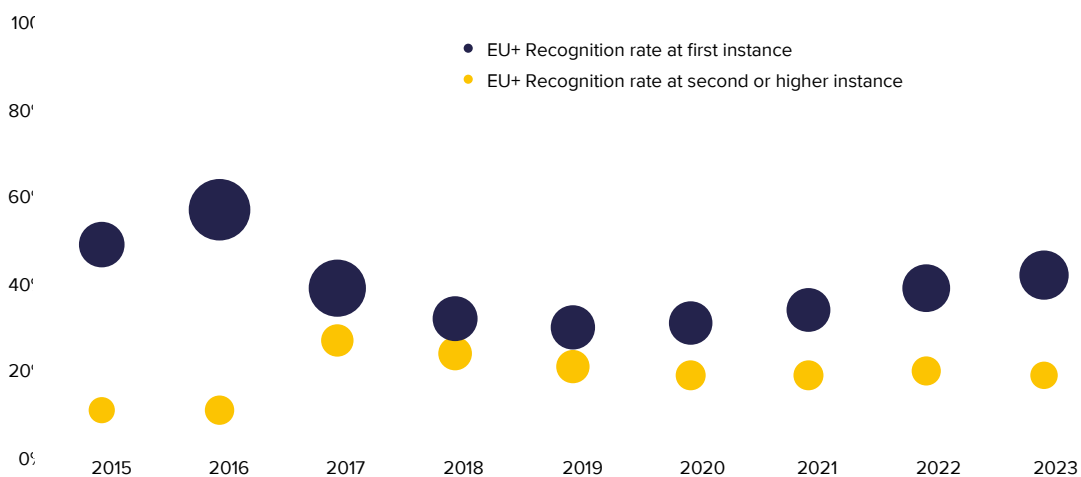
2. Recognition rate at second or higher instances

In 2023, just 19% of all decisions issued at second or higher instances granted refugee status or subsidiary protection. This was a lower recognition rate than at first instance (42%) but in line with the rate at second or higher instances over the last 5 years which has ranged between 19% and 24% (see *Figure 4*).



Stable and relatively low recognition rate

Figure 4. EU+ recognition rates at first and second or higher instances, 2015-2023



Source: Eurostat [[migr_asydcfina](#)] as of 31 May 2024.

Note: The size of the bubbles reflects the total number of decisions issued at first and second or higher instances respectively.

It is not possible to distinguish which outcomes were appealed or the extent to which decisions at different instances relate to the same person. Among the positive decisions at higher instances, almost two-thirds (65%) granted refugee status and the remainder subsidiary protection.

As in the past 4 years, female applicants continued to be slightly more successful in their appeals. The recognition rate at second or higher instances was 22% for applications by women and girls, compared to 17% for applications by men and boys.

³ Only citizenships with over 1,000 decisions at second or higher instances in 2023 were considered.

Among the 10 citizenships receiving the most decisions in appeals, the recognition rate was the highest for Syrians (78% in 2023) and the lowest for Georgians at just 2%. Most decisions for the former were issued by Germany, while for the latter by Germany and France. Across the top citizenships, the recognition rates remained largely stable from the previous year. The only notable exceptions were Turks and Russians, whose recognition rates at second or higher instances declined by 7 percentage points from a year earlier and Afghans who conversely received more positive decisions compared to the previous year (an increase by 7 percentage points).



To read latest data analysis on first instance decisions, consult the [EUAA Latest Asylum Trends](#).

To consult court decisions on second instance cases, see the [EUAA Case Law Database](#).

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