



Annual Report on the Situation of Asylum in the European Union 2015





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Print ISBN 978-92-9494-006-3 doi:10.2847/54125 BZ-AB-16-001-EN-C
PDF ISBN 978-92-9494-007-0 doi:10.2847/704455 BZ-AB-16-001-EN-N

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Executive Summary

The 2015 Annual Report on the Situation of Asylum in the European Union aims to provide a comprehensive overview of the number and nature of applications for international protection made in the EU+ ⁽¹⁾. It examines how those applications were processed and indicates important developments at EU+ and national level in order to describe the functioning of the Common European Asylum System (CEAS) in each of its key aspects.

International Protection in the EU+

In 2015, a record number of more than 1 392 155 applications for international protection were made in the EU+, representing both the highest number and the sharpest year-to-year growth (+110 % compared to 2014) since the beginning of EU-level data collection in 2008. The highest numbers of applicants for international protection recorded were citizens of Syria, Western Balkan countries (Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia (FYROM), Kosovo ⁽²⁾, Montenegro and Serbia combined), and Afghanistan. The main EU+ countries receiving most applications for international protection were Germany (taking 34 % of all applicants), Hungary, Sweden, Austria and Italy.

At the end of 2015, the number of persons awaiting a decision on their application for international protection in the EU+ passed the one million mark as the volume of pending applications more than doubled compared to the previous year.

In line with this increased number of applicants, about 624 160 first-instance decisions were issued in 2014 (a growth of 61 % compared to 2014). The overall recognition rate at EU+ level (including humanitarian protection) stood at 53 % based on the granting of refugee status to 241 120 persons, subsidiary protection to 59 425 persons and humanitarian protection to 27 320 persons. The highest recognition rates were noted for Syrians, stateless applicants, and Eritreans.

In 2015, 189 575 decisions in appeal or in review were issued, with an overall recognition rate of cases on appeal or review at 14 %.

The ongoing crisis in Syria continued to be a key factor in the EU+ in 2015 as the number of applications from Syrians reached 383 710 (a threefold increase compared to 2014). The number of applications from Western Balkan countries in 2015 almost doubled to reach 201 405 applicants, the vast majority of them coming from Kosovo and Albania. Afghanistan remained one of the main countries of origin of applicants last year with 196 170 applications made (increased by 359 %) and comprising the highest share of the unaccompanied children applying for international protection overall in the EU (25 % of all Afghan applicants or 49 495 children).

Major Developments in 2015

With the unprecedented influx of applicants for international protection in 2015, a relocation programme was agreed to support ‘frontline’ Member States – Italy and Greece – that were under considerable pressure. After a proposal made by the Commission in May 2015, the Council adopted two decisions – (EU) 2015/1523 and (EU) 2015/1601 respectively – establishing a temporary and exceptional relocation mechanism for 160 000 applicants in clear need of international protection from Greece and Italy, to be implemented over two years until September 2017.

⁽¹⁾ EU Member States plus Switzerland and Norway.

⁽²⁾ This designation is without prejudice to positions on status and is in line with United Nations Security Council Resolution 1244/99 and the Advisory Opinion of the International Court of Justice on the Kosovo declaration of independence.

The Court of Justice of the European Union (CJEU) ruled in 2015 on important aspects of exclusion clauses, detention of applicants for reasons of public security and public order, and analysed the issue of effective remedy in cases of subsequent applications.

As the deadline for transposition of the recast asylum *acquis* passed in 2015, Member States took further steps towards implementing the recast Reception Conditions Directive (RCD), Eurodac Regulation and the recast Asylum Procedures Directive (APD) in their national systems. In parallel, a significant influx of applicants in several EU+ countries triggered emergency mechanisms in terms of border management, registering and processing of cases in an expedited manner, revision of the use of special procedures, as well as provision of material reception conditions. The jurisprudence of national asylum courts and tribunals revealed that many well-established concepts in asylum law (such as religion) were the focus in individual cases, alongside more recent concepts based on, and specific to, EU law.

Resettlement and humanitarian admission programmes continued in 2015. On 20 July 2015, following the Commission Recommendation on a European resettlement scheme, 27 Member States together with Dublin Associated States agreed to resettle through multilateral and national schemes 22 504 displaced persons from outside the EU who were in clear need of international protection within two years. This marked the first common EU effort on resettlement.

Functioning of the CEAS

Access to procedure and management of migratory flows, both by land and sea, prompted some Member States to introduce emergency or ad hoc measures such as internal border controls. That once again put pressure on the initial stage of the asylum procedure, including the application and registration process, where significant challenges remain, particularly in EU+ countries facing substantial and/or sudden increases in arrivals. Noted issues in provision of information, high-quality legal aid and interpretation services became more pronounced in view of increased demand and an often limited pool of resources.

An unprecedented increase in applications in 2015 could not be fully addressed with standard arrangements in terms of reception and material aid, and several EU+ countries had to establish emergency solutions, often leading to temporary deterioration of reception standards and delays in accessing them. EU+ countries responded by creating new facilities and setting up emergency ones, once again bringing to the forefront the issue of comparable reception standards across the EU+. Similarly, efforts were needed in 2015 to address the needs of vulnerable groups and persons with special needs, in view of very high numbers and most EU+ countries still developing identification and response mechanisms to address vulnerabilities, including those of unaccompanied children.

Developments in procedures conducted at first instance concerned, among others, the issue of availability of protection in countries of origin (use of the safe country of origin concept) and introducing or redefining existing special procedures by many EU+ countries.

Appeals procedures were in general strengthened in 2015 with courts in EU+ countries being called on to judge asylum cases and broaden their investigative competencies.

In parallel to introducing amendments to asylum procedures, many EU+ countries also resorted to reducing rights granted to beneficiaries of international protection to ease the pressure on the national social systems. Efforts were made to increase the efficiency of the return of persons who were not in need of protection and whose right to stay had ceased.

The *European Agenda On Migration* published on 13 May 2015 was a key point of reference in the debate on the present and future of EU policy on asylum. A strong common asylum policy was proposed as one the pillars to manage migration better, combined with immediate action to save lives at sea, combating criminal smuggling networks and an EU-wide approach to relocation and resettlement. All those elements were called for as part of a harmonised approach demonstrating solidarity among European partners and the first months of 2016 brought evidence that recognition of those principles will remain key in addressing the complex issues of managing migration and ensuring protection to those in need.

1. Introduction

The EASO Annual Report on the Situation of Asylum in the EU is drawn up in accordance with Article 12 of the EASO Regulation ⁽³⁾. Its objective is to provide a comprehensive overview of the situation of asylum in the EU (and includes information on Norway and Switzerland) ⁽⁴⁾, describing and analysing flows of applicants for international protection, major developments in legislation, jurisprudence, and policies at the EU/national level and reporting on the practical functioning of the Common European Asylum System (CEAS). As in previous years, the report aims to provide analysis based on independent sources of information and helps identify the areas where improvement is most needed (and thus where EASO and other key stakeholders should focus their efforts) in line with its declared purpose of improving the quality, consistency and effectiveness of the CEAS. The report makes no claim to be exhaustive. State-specific examples mentioned in the report serve only as illustrations of relevant aspects of the CEAS.

The report takes due account of information already available from a wide range of sources. For the purpose of this report, EASO received information from Member States, EU institutions, civil society, international organisations, and academia.

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

Primary information was obtained by EASO from EU+ countries through an Annual Report Matrix (and where needed, clarifications were sought bilaterally) ⁽⁵⁾. Information was also received via questionnaire responses made as part of the drafting of the European Migration Network's Annual Report. To avoid duplication with the *Annual Report on Immigration and Asylum*, the European Commission was consulted during the drafting process and actively contributed.

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

The Report also takes account of additional information based on publicly available sources ⁽⁶⁾, duly referenced. Contributions were also specifically sought from civil society with a call for input from the EASO Executive Director to the members of the EASO Consultative Forum, inviting them to provide information on their work relevant for the functioning of the CEAS.

The EASO Annual Report covers the period from 1 January to 31 December 2015 inclusive, but also refers to major recent relevant developments in the year of writing.

⁽³⁾ Regulation (EU) No 439/2010 of the European Parliament and of the Council of 19 May 2010 establishing a European Asylum Support Office <http://easo.europa.eu/wp-content/uploads/EASO-Regulation-EN.pdf>.

⁽⁴⁾ This represents an extension in scope from previous reports, which considered EU MS only.

⁽⁵⁾ Information on state practices in footnotes that does not refer to a specific source originates from this MS input.

⁽⁶⁾ <http://www.asylumineurope.org/>. A project of the European Council on Refugees and Exiles (ECRE), in partnership with Forum Réfugiés-Cosi, the Hungarian Helsinki Committee and the Irish Refugee Council.

2. International Protection in the EU+

2.1. Applicants for international protection in the EU+ ⁽⁷⁾

In 2015, EU+ countries recorded 1 392 155 applications for international protection (or 2 676 applicants per million inhabitants) ⁽⁸⁾. This is the highest level recorded since harmonised EU-level data collection ⁽⁹⁾ began in 2008 ⁽¹⁰⁾.

Repeated and first-time applicants in the EU+, 2011-2015 ⁽¹¹⁾

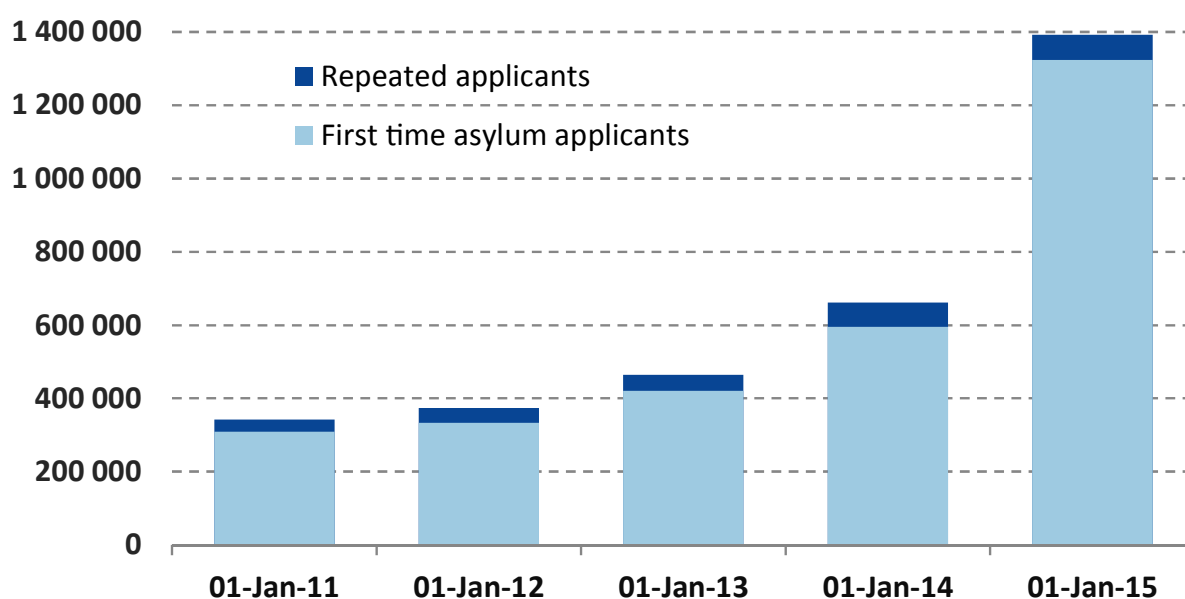


Figure 1: Applicants in the EU+ doubled in 2015 compared to 2014

While the number of applicants in the EU+ has steadily grown since 2010, the increase in 2015 was unprecedented. EU+ countries recorded more than twice as many applicants than the previous year (+ 110 %), the largest year-to-year increase since 2008. Of these, 95 % were new applicants, i.e. persons who were never registered before in the asylum system of the reporting EU+ country. This was a higher proportion than in previous years (about 90 %) due mainly to increased new arrivals from conflict zones outside the EU. This proportion, however, varied greatly with the citizenship of the applicant: for example 99 % of Syrian applicants were first-time applicants, compared to 64 % of Serbian applicants.

⁽⁷⁾ At the date of extraction, 2 May 2016, data from all 30 EU+ countries were available.

⁽⁸⁾ Citizens of EU+ countries who applied for international protection in another EU+ country are not included in the figures.

⁽⁹⁾ As per Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection and repealing Council Regulation (EEC) No 311/76 on the compilation of statistics on foreign workers, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32007R0862>

⁽¹⁰⁾ Previous high levels of applicants were recorded e.g. in 1992 when, due to the conflict in the former Yugoslavia, more than 620 000 applicants for international protection were reported by 15 countries.

⁽¹¹⁾ When not available, figures for first time applicants have been replaced with data on total applicants and vice versa.

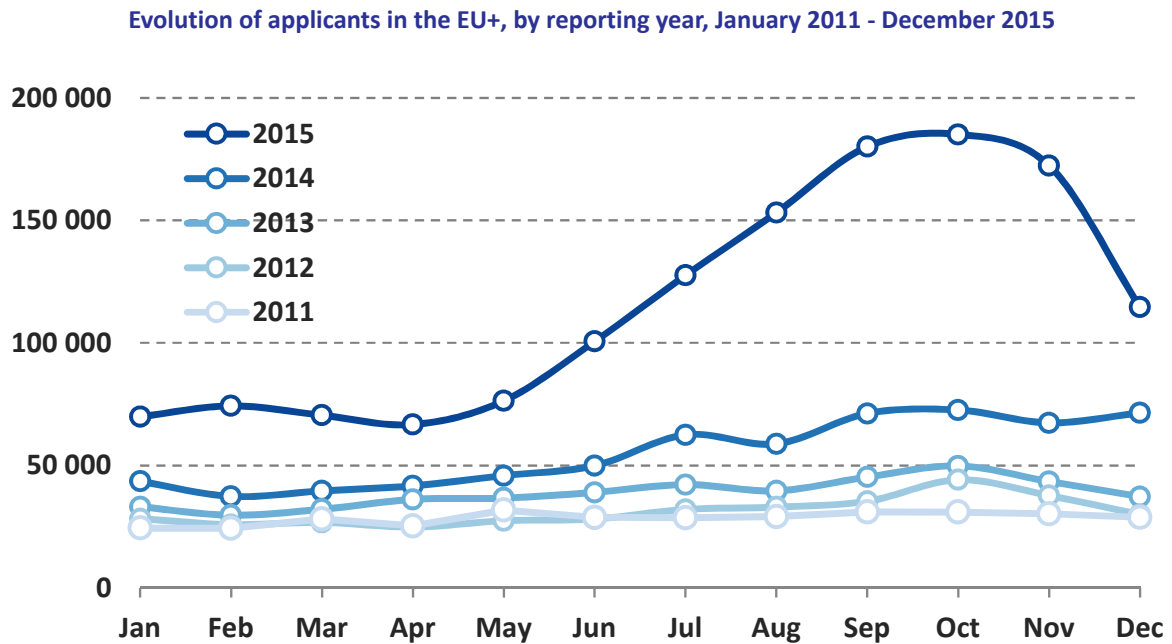
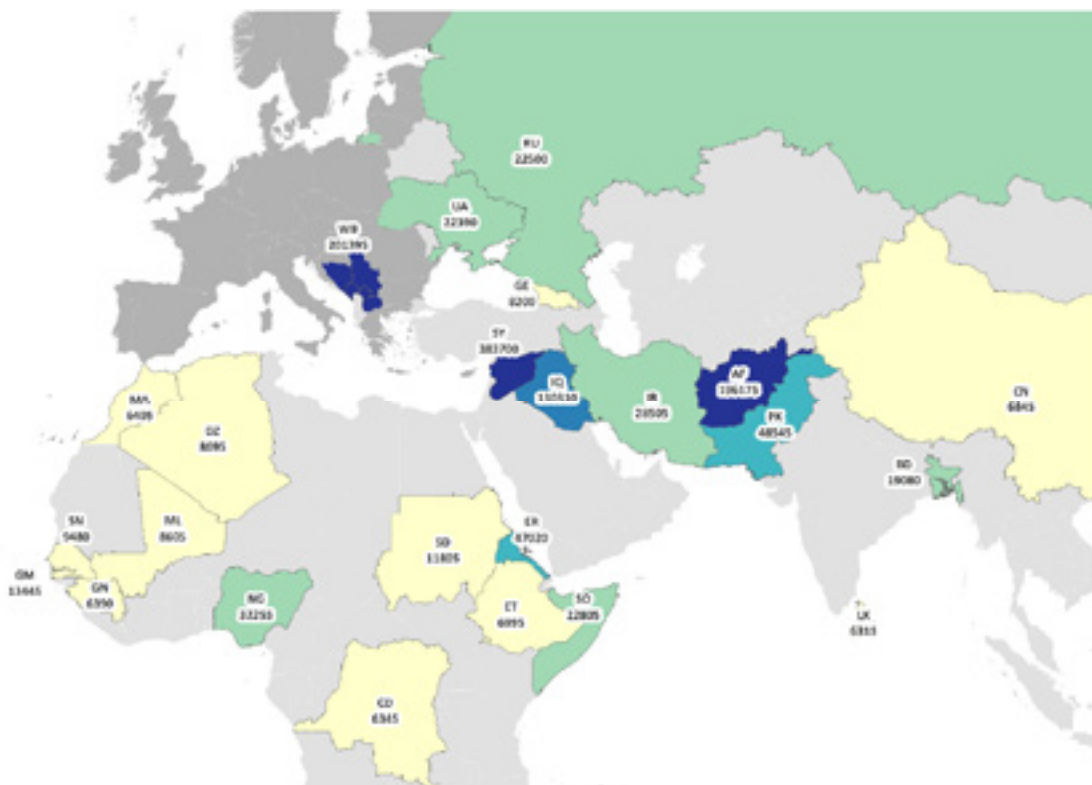


Figure 2: In 2015, the increase mostly occurred in the second half of the year.

Figure 2 shows the month-to-month evolution in the number of applicants for international protection in 2015 compared to the previous years. The increase began at the end of 2014 and continued throughout most of 2015. March and April showed a slight decline before an exponential increase began in May and lasted for six consecutive months. The highest level was reached in October with more than 185 000 applications in that month alone. In November and December there was a decline, which is normal for the end of the year, but levels remained much higher than in previous years with approximately 115 000 applicants in December.

Map 1: Main countries of origin of applicants in the EU+ in 2015



Five years after the start of the Syrian conflict, the number of **Syrian** applicants for international protection in the EU+ reached its highest level with 383 710 applicants. While 2014 saw 2.5 times more Syrian applicants, in 2015 there was a three-fold rise. Syrians represented 28 % of all applicants in the EU+ in 2015, almost one in three. As such, Syria remained the main citizenship for applicants of international protection overall for the second consecutive year. In Syria's neighbouring countries, Egypt, Iraq, Jordan, Lebanon, Turkey and other northern African countries, UNHCR registered almost 4.6 million Syrian refugees by the end of 2015. 877 197 of those were newly registered during the year – more than three times the numbers of Syrian applicants in the EU+ ⁽¹²⁾.

Considered as a group, applications from nationals of the **Western Balkan** (WB) ⁽¹³⁾ countries (Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Kosovo ⁽¹⁴⁾, Montenegro and Serbia) grew for the fourth consecutive year to 201 405 applicants, almost double the number in 2014. WB applicants accounted for 14 % of the EU+ total and peaked in February with 31 715 applications, 23 745 of which were lodged by citizens of Kosovo. After February, the number of applications by Kosovars decreased, but for much of the rest of the year applications by Albanian nationals increased and then remained high. Applications by WB nationals were predominantly lodged in Germany (72 % of the EU+ total). Destination countries (mainly Germany) implemented various measures specifically directed at WB countries, such as adding them to their national list of safe countries of origin, prioritising decision-making as well as speeding up return procedures ⁽¹⁵⁾ Kosovo and Albanian citizenships were fourth and fifth in the ranking of main single citizenships of applicants in the EU+.

With 196 170 applicants, **Afghanistan** became the second main single citizenship after Syria. This is more than four times the total of Afghan applicants registered in 2014. As with Syrian applicants, the influx increased throughout the year, culminating in November with 39 025 applications.

The number of applications by **Iraqi** citizens reached 130 295 in 2015. Compared to 2014, this was a six-fold increase, making Iraq the third-ranked country of origin in the EU+ in 2015. The influx of Iraqi applicants varied significantly throughout the year. In January, 2 715 Iraqis lodged applications but by September and October the number had increased ten-fold to almost 27 000 applications each month.

The remaining six most frequent citizenships of asylum applicants in 2015 were Pakistan, Eritrea, Nigeria, Iran, Somalia and the Russian Federation. All citizenships increased in number of applications, with the exception of Eritrean applicants, which remained similar to 2014. Applications by Iranian nationals more than doubled compared to 2014. Ukrainian applicants increased by 50 % compared to 2014, but dropped out of the top 10 main citizenships nonetheless.

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

⁽¹³⁾ Throughout the report, where appropriate, Western Balkan countries are considered together for a number of reasons: their common EU perspective (i.e. the expectation that they will eventually become candidates for EU accession), their geographical proximity to the EU, the fact that applications from most of these countries are processed under an accelerated or prioritised procedure because they are considered manifestly unfounded and/or the country of origin is considered to be 'safe' in the most important destination countries, their common past (five out of six having been part of Yugoslavia) and similar current economic and social conditions.

⁽¹⁴⁾ This designation is without prejudice to positions on status and is in line with United Nations Security Council Resolution 1244/99 and the Advisory Opinion of the International Court of Justice on the Kosovo declaration of independence.

⁽¹⁵⁾ Asylum Procedures Acceleration Act (Asylverfahrensbeschleunigungsgesetz).

Main countries of origin of applicants in the EU+, 2011-2015

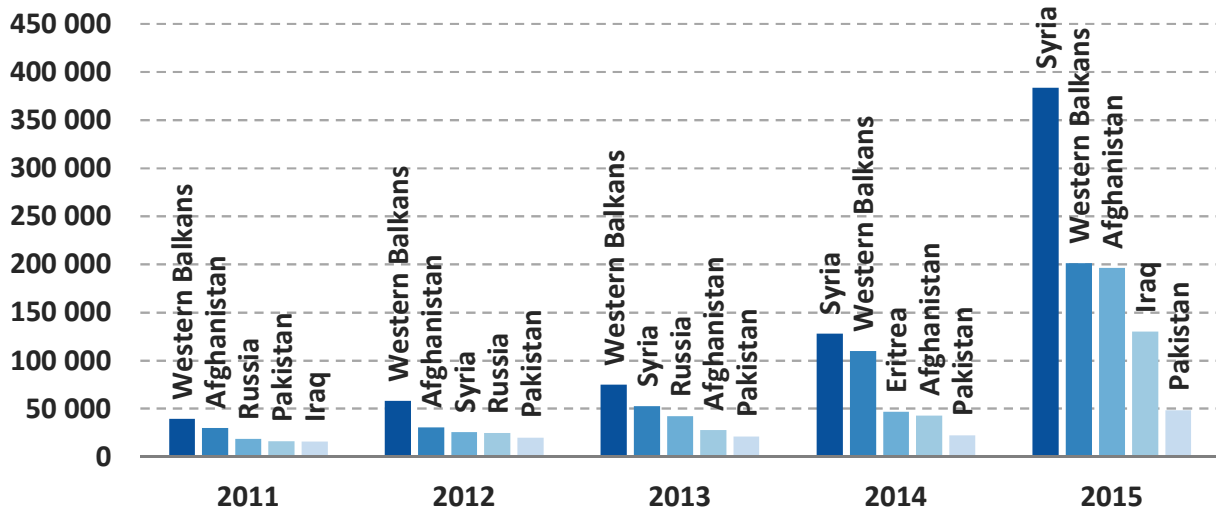


Figure 3: Syria remained the main country of origin for applications.

Among receiving countries, **Germany** once again had the highest share of applicants for the fourth consecutive year, followed by **Hungary, Sweden, Austria** and **Italy**. One in three applicants lodged their claim in Germany, leading to a total of 476 510 applicants. This is more than 2.5 times the number in Hungary. Just more than one in 10 applicants in the EU+ applied for international protection in Hungary, reaching a total of 177 135 applicants, four times more than in 2014. Almost all applications made in Hungary were subsequently withdrawn however. Sweden fell from second to third position, with 162 450 applicants, twice as many as in 2014. Austria entered the top five of countries receiving most applicants. With 88 160 applicants (three times more than in 2014) the number of applicants in Austria exceeded those in Italy. The increase in Italy was less significant than in other countries but still grew by one third to 84 085 applicants. Germany was in the top three destination countries for all 10 main citizenships of applicants.

Main destination countries of applicants, 2011-2015

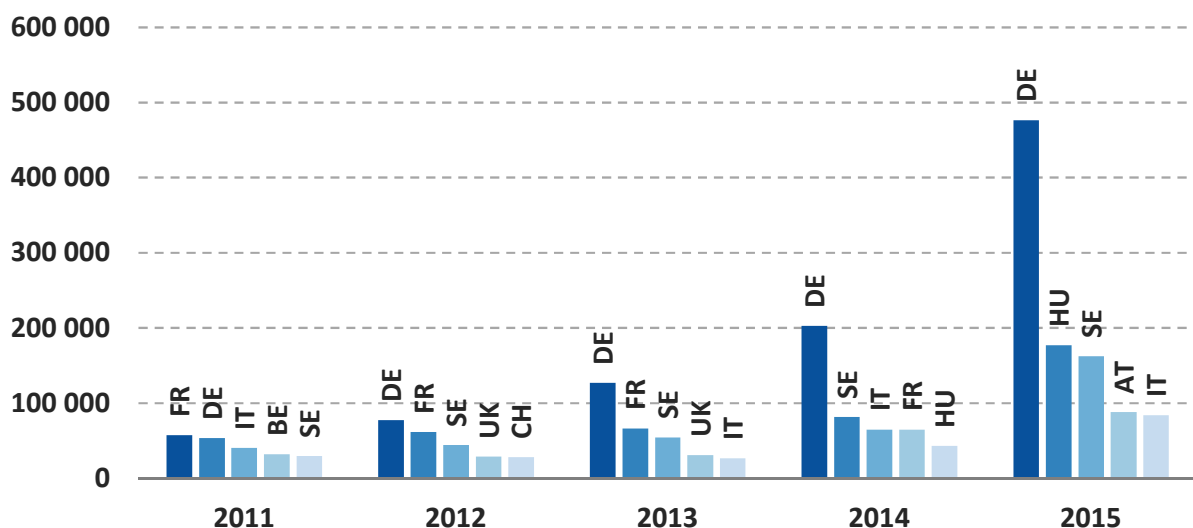


Figure 4: Germany was the main destination country in 2015.

In 2015, the number of applicants from 19 of the top 20 citizenships grew compared to 2014, of which 13 had a year-to-year growth of more than 50 %. Syrian applicants represented the largest group among all citizenships, with the highest absolute increase in applications, a three-fold rise from 127 885 in 2014 to 383 710 in 2015 (+ 255 825; + 200 %). Applications by Syrians rose in 21 out of 30 EU+ countries, including significant increases in the main receiving countries: Hungary, Sweden, Germany and Austria. Afghanistan was the second most frequent nationality group for

applications for international protection in the EU+ and rose by four and a half times to a total of 196 170 applicants (+ 153 435; 359 %). 45 % of all Afghan nationals lodged their application in Hungary and Sweden. The largest relative increase was noted for Iraqi applicants, who increased almost six-fold to 130 295 applicants in 2015 (+ 108 380; + 495 %), making Iraq the third most frequent citizenship, with 66 % of applications in Germany, Sweden, Finland and Austria. The remaining top five was made up of Albanian and Kosovar applicants, who quadrupled and doubled to totals of 68 620 and 73 205 applicants respectively. Most Kosovars applied in Germany and Hungary at the beginning of the year, while most Albanians applied in Germany throughout the second half of the year.

Citizens from Sudan and Senegal entered the top 20 ranking with 64 % and 43 % increases in the number of applicants respectively.

Year-to-year change in main single citizenship of applicants, 2014-2015

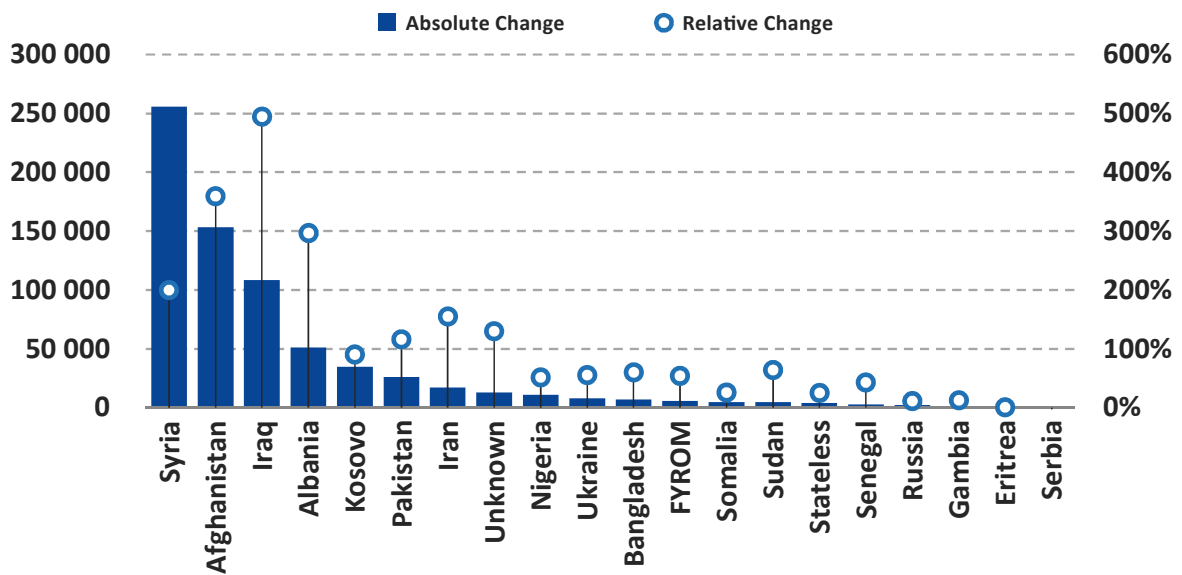


Figure 5: In 2015, the number of applicants for 19 of the top 20 citizenships grew compared to 2014.

From the receiving countries’ perspective, the overall rise in the number of applicants for international protection resulted in increases for 24 EU+ countries (similar to 2014) and moderate decreases or a stable situation for six EU+ countries. Significantly, 15 countries faced increases of 50 % or more in the number of applicants, up to a maximum of a 794 % increase. Three countries experienced decreases of between 12 % and 53 % compared to 2014. Such variations in numbers can have a significant impact on planning within individual countries and their level of preparedness.

Year-to-year change in level and percentage in the EU+, by country, 2014-2015

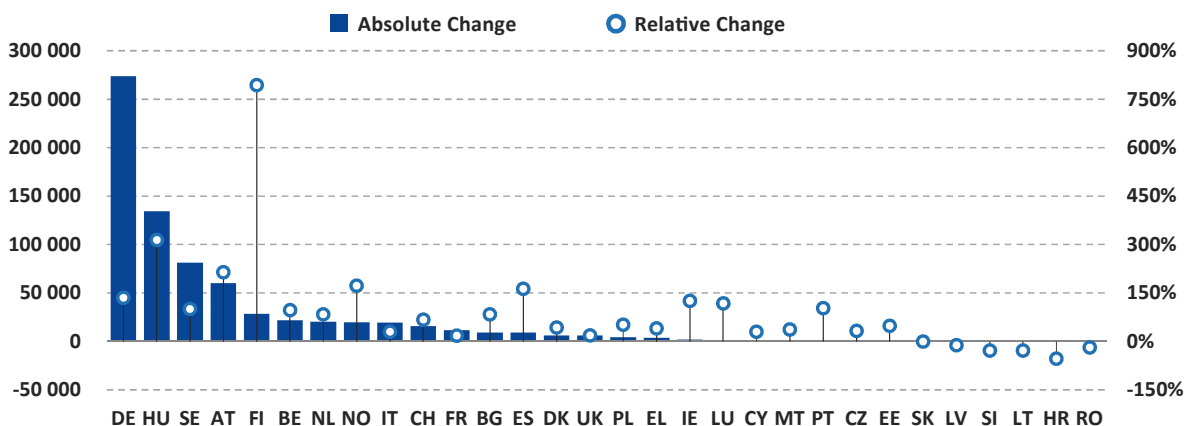


Figure 6: Finland registered the largest percentage increase.

In 2015, Germany faced the highest absolute increase (+ 273 865) of any EU+ country and received 34 % of all applicants in EU+ countries last year. The large influxes from conflict areas in Syria, from all six WB countries as well as from Afghanistan and Iraq contributed to this increase. The highest relative increase was reported by Finland, which received 794 % more applicants than the previous year. This was mostly due to an exponential growth of the number of Iraqi applicants in Finland, rising from 820 in 2014 to 20 465 in 2015. Other EU+ countries where the number of applicants rose significantly included Hungary (+ 314 %) and Austria (+ 214 %). The rise in Hungary followed a high influx of Kosovar nationals at the beginning of the year, which had started in the last months of 2014, while from early summer increases were mostly seen for Syrian, Afghan and Pakistani applicants. Given the high number of withdrawn cases reported by Hungary in 2015 (103 015) and the high number of Dublin take-back requests sent there in 2015, mostly from Austria and Sweden, it is likely that a high share of applicants reported by other EU+ countries had previously lodged and abandoned an application in Hungary. The increase in Austria reflected the top three citizenships' increases throughout the EU+. In Norway (+ 173 %), Spain (+ 163 %), Germany (+ 135 %), Ireland (+ 126 %), Luxembourg (+ 118 %) and Sweden (+ 100 %), numbers at least doubled.

Decreases in the total number of asylum applications were only reported by five EU+ countries: Croatia, Romania, Slovenia, Lithuania and Latvia. The decreases were minor with the largest absolute decrease in Romania (285 fewer applicants), and the largest relative decrease in Croatia (53 %). Slovakia received exactly the same number of applications for international protection as in 2014 (330).

2.2. Pending cases ⁽¹⁶⁾

Once a person has lodged an application for international protection, their case is considered open until a final decision has been issued or the case is otherwise closed ⁽¹⁷⁾. A final decision means a decision that can no longer be appealed ⁽¹⁸⁾. How long a case takes to be processed varies greatly depending on the nature and complexity of the case, but also on the structure and the functioning of the asylum system in each Member State. The current stock of pending cases is thus key information when considering the pressure on the asylum system of the Member States ⁽¹⁹⁾.

At the end of December 2015, the stock of pending cases exceeded the one million mark. 1 061 065 applicants were awaiting a final decision on their application for international protection in the EU+, more than double the amount compared to the end of December 2014 (+ 107 %) ⁽²⁰⁾. This was the highest level since the beginning of EU-level data collection in 2008 and reflected the sharp rise in the numbers of applicants for international protection recorded throughout 2015.

⁽¹⁶⁾ At the date of extraction, 2 May 2016, information for Austria (2014), Croatia (2011 and 2012), Cyprus (2011 and 2013) and the Netherlands (2012, 2013 and 2014) were not available.

⁽¹⁷⁾ For example, where the case is closed after contact with the applicant is no longer possible as in the case of an implicit withdrawal.

⁽¹⁸⁾ At least in appeal procedures before a court or tribunal of first instance, as extraordinary means of appeal or review may still be available, depending on the national legal framework.

⁽¹⁹⁾ This is the primary indicator of pressure on national asylum systems as even minor rises in absolute numbers can represent a very serious challenge to smaller systems.

⁽²⁰⁾ This figure concerns applications for international protection as defined under Regulation 862/2007 and does not include possible pending applications for other national forms of protection, such as political asylum stipulated in legal acts of a constitutional rank (constitutional asylum).

Pending cases in EU+ at the end of the year, 2011-2015

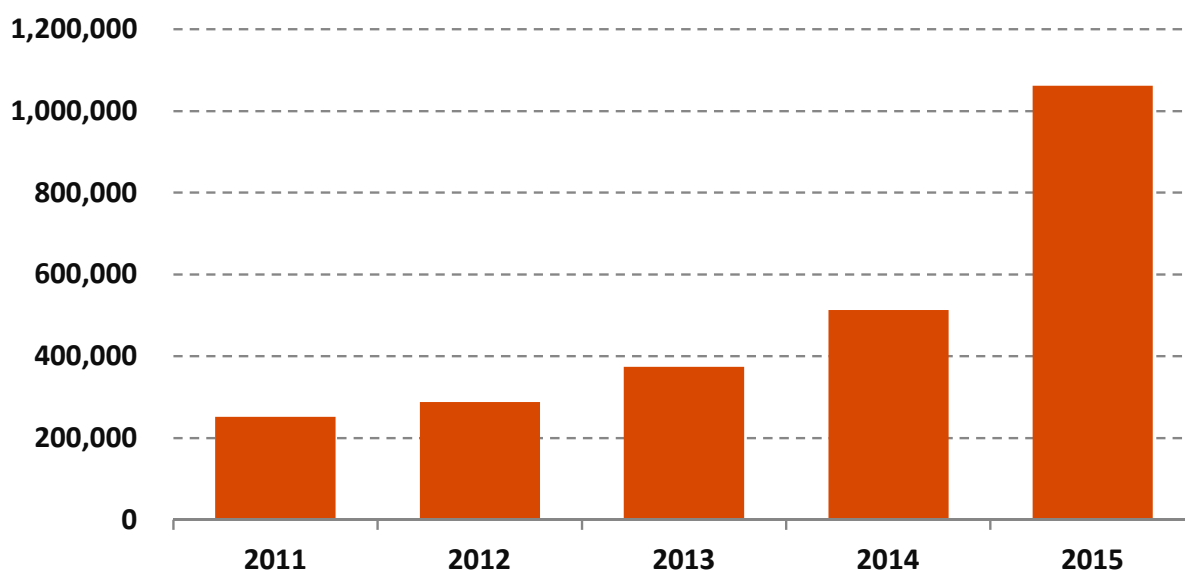


Figure 7: The stock of pending cases almost doubled in 2015.

In line with the increased influx of Syrian applicants for international protection in the EU+ in 2015, Syrian nationals became the largest group of applicants awaiting a final decision. The stock of pending cases for Syrian nationals rose from 61 265 by the end of 2014 to 220 815 by the end of 2015, the highest absolute increase among all citizenships (+ 159 550; + 260 %). Almost two thirds of all cases of Syrian nationals awaiting a final decision were registered in Germany and Sweden. 21 % of all cases pending in the EU+ at the end of 2015 concerned Syrian nationals.

Afghanistan became the second citizenship in the ranking of most cases awaiting a final decision. In total, 159 365 Afghans were awaiting a final decision by the end of December 2015 – 125 000 more than the year before. These numbers made the stock of cases for Afghan applicants the second-highest absolute and relative (+ 370 %) increase. Afghan nationals' pending cases represented 15 % of the EU+ total.

While nationals from the six WB countries were the largest group of applicants awaiting a final decision in 2013 and 2014, they moved to the third place in 2015. Nevertheless, the number of pending cases for WB applicants increased by 49 % to reach 114 930 cases, representing 11 % of the EU+ total. These increases occurred despite measures introduced by the main destination countries, including Germany, to process cases faster (see Section 3.2.5.2. *Efficiency*).

Iraqi and Pakistani citizenships ranked 4th and 5th in the overview of most pending cases. 104 680 Iraqi nationals were awaiting a decision by the end of December 2015, an almost six-fold increase compared to a year earlier, the most significant relative increase (+ 491 %). Pakistani nationals awaiting a final decision totalled 43 975, a 41 % increase compared to 2014.

Distribution of pending cases by main countries of origin, 2011-2015

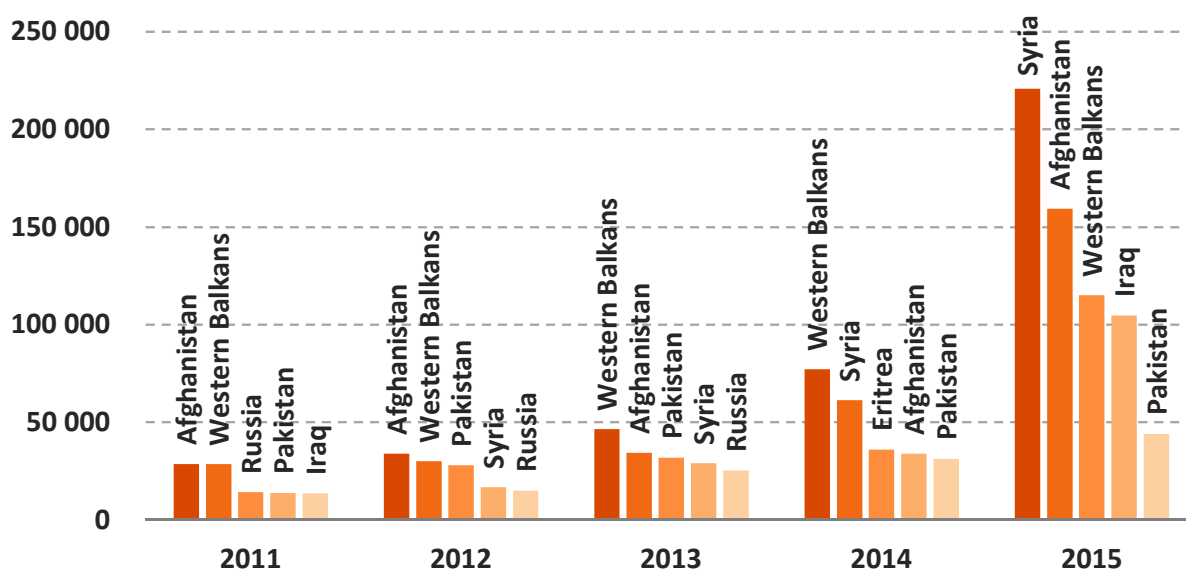


Figure 8: Syrian applicants became the largest citizenship group awaiting a decision.

High stocks of pending cases were seen mainly in the EU+ countries facing the largest number of applications, predominantly Germany and Sweden. **Germany**, which had 424 760 cases awaiting a decision by the end of December 2015, was the country with the largest stock for the fifth consecutive year. It doubled its stock compared to 2014. **Sweden** tripled its stock to 156 690 by the end of 2015. Germany and Sweden combined accounted for 55 % of all pending cases in the EU+.

Austria was the country with the third-largest number of cases awaiting a final decision with 79 665 cases. **Italy**, where 60 155 cases were pending by the end of December 2015, increased its stock by 31 %. **Hungary** was added to the top five of countries with most pending cases after its stock of pending cases more than doubled to 36 695.

Distribution of pending cases by main EU+ countries, 2011-2015

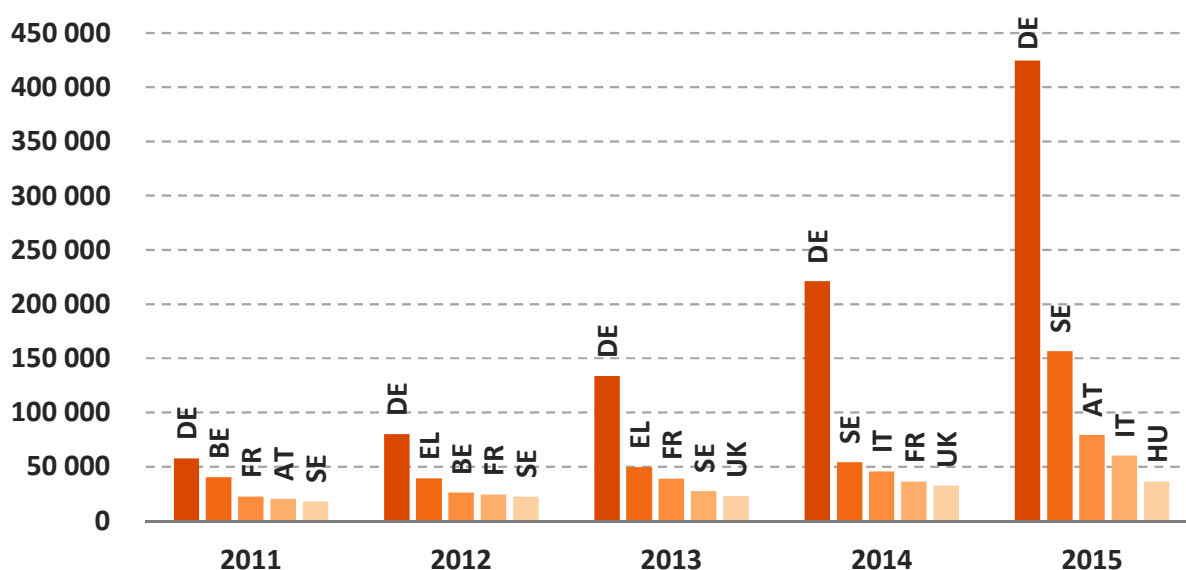


Figure 9: At the end of 2015, 40 % of all applicants awaiting a decision were in Germany.

In relative terms, the largest change in pending cases occurred for the caseload of Iraqi applicants, which increased six-fold compared to the end of 2014. The stock of Afghans, Albanians, Ethiopians, Iranians, Syrians, stateless applicants and unknown nationalities more than doubled in 2015 as a result of the increased influx of applicants from these countries.

Year-to-year relative and absolute change in main single citizenship of pending cases, 2014-2015

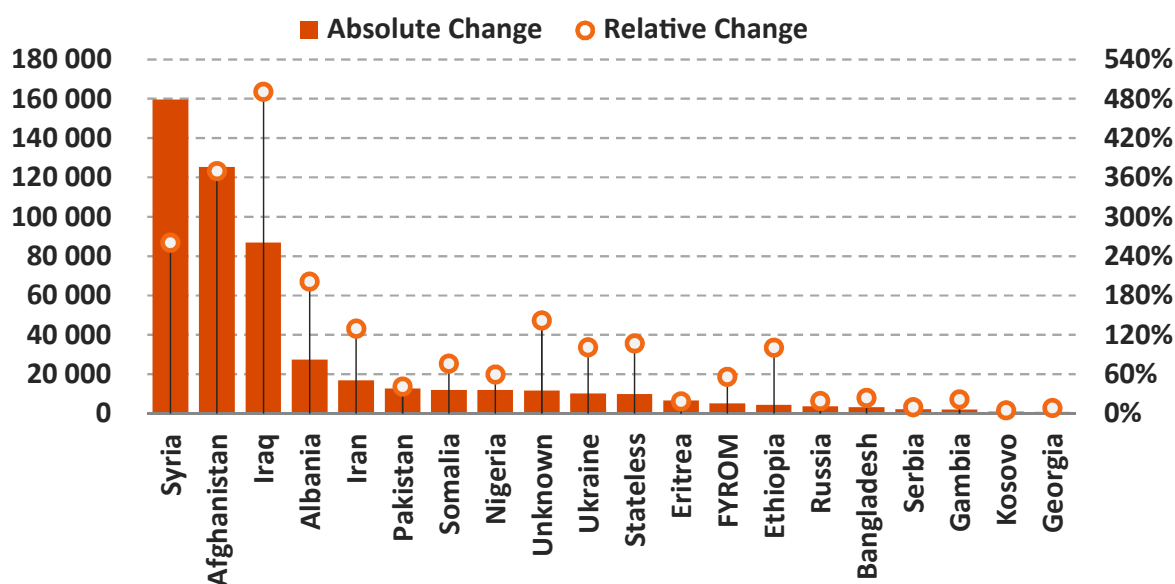


Figure 10: The stock of Iraqi cases marked a six-fold increase compared to the end of 2014.

In terms of EU+ country caseloads, Germany saw the largest change from the previous year in pending cases with an increase of 203 755 cases, or + 92 %, mainly of applicants from the six Western Balkan countries, Syria, Afghanistan and Iraq. The increase in Germany, in absolute terms, was larger than the stock reported by any other EU+ country.

In relative terms, Finland registered the largest increase. The stock of pending cases increased from 1 795 to 27 750, a relative increase of 1 446 %. This increase was mostly caused by a large influx of Iraqi applicants; the stock of Iraqi applicants composed 63 % of all pending cases in Finland.

Stocks also more than doubled in Belgium, Hungary, Norway, Spain and Sweden. In these countries, the increase was mostly linked to the increased influx of the main nationalities of applicants (Syria, Afghanistan and Iraq), with the exception of Spain where Ukrainian cases represented a quarter of the pending cases, as many as Syrian cases.

Decreases in the stock of pending cases were reported in five EU+ countries, including Croatia, France, Greece, Latvia and Lithuania. The main decrease was in Greece, which reduced its backlog by almost 6 000 applications or 18 %. France was the only EU+ country in the top six of receiving countries for asylum applicants, which decreased its stock of pending cases despite the increased influx.

The size of the pending-case stock at final decision level for the EU+ was smaller than the number of applications made in 2015. Data available from the EASO Early warning and Preparedness System (EPS) collection show that at first instance, 936 158 cases were pending, indicating that the majority of cases were awaiting a first-instance rather than a final-instance decision. EPS data also show that, at the end of 2015, approximately 280 868 applications, or 30 %, had been pending (at first instance) for more than six months.

Year-to-year relative and absolute change in the EU+ countries' stock of pending cases, 2014-2015

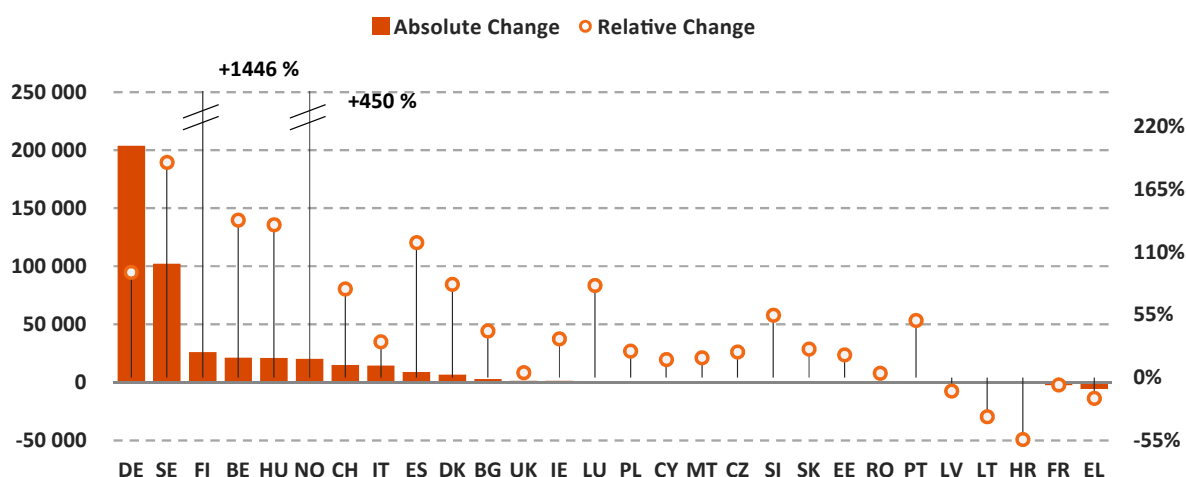


Figure 11: Finland had the highest relative rise in stock of pending cases compared to end of 2014.

2.3. Withdrawn applications ⁽²¹⁾

Once a person has lodged an application for international protection it can be withdrawn during the asylum procedure and before a final decision is issued. An applicant may withdraw his or her application either explicitly (in line with procedures laid down in national law) or implicitly when, by the actions or inactions of the applicant, EU+ countries deem that the application has been withdrawn or abandoned.

Withdrawn applications 2011-2015

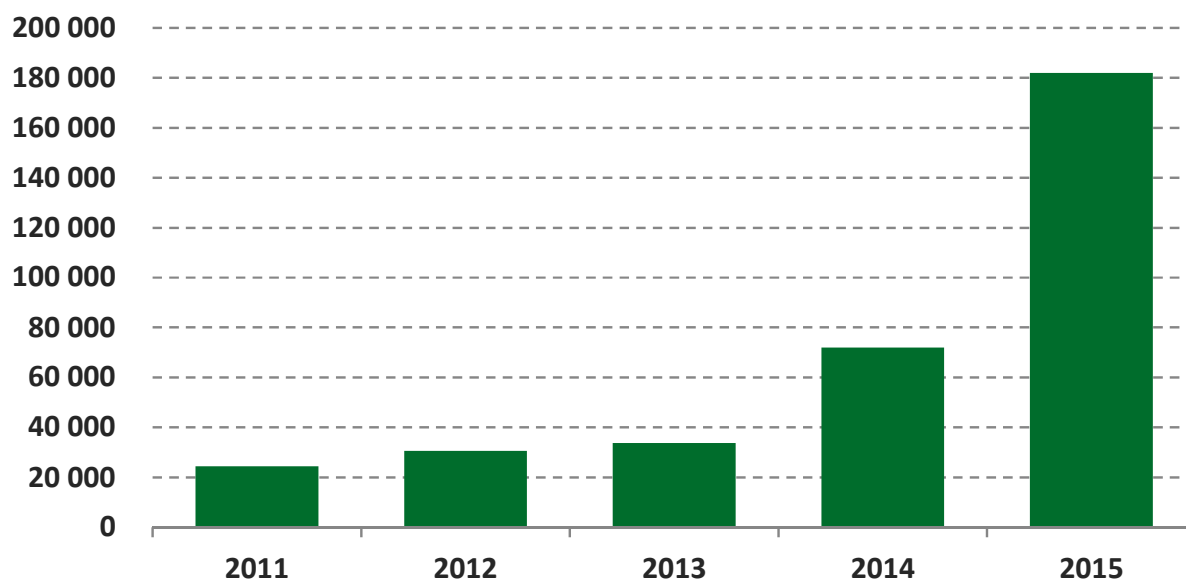


Figure 12: In 2015, withdrawn applications more than doubled compared to 2014.

During 2015, 181 895 applicants for international protection withdrew their claim in EU+ countries, the highest level since the beginning of data collection in 2008. The significant increase compared to 2014 (+ 153 %) mirrored the steady rise in the number of applicants recorded throughout the year. A main factor for the increase was the large number of applicants in Hungary absconding before travelling to other EU+ destination countries. Whereas in 2014, 11 % of

⁽²¹⁾ At the date of extraction, 2 May 2016, information for all EU+ countries was available.

all applications were withdrawn, the ratio of applications withdrawn to the total number of applications increased by two percentage points in 2015; 13 % of all applications made in the EU+ were withdrawn ⁽²²⁾.

The EPS data collection in 2015, though partial ⁽²³⁾, revealed a number of interesting trends. Firstly, most of the withdrawals were implicit withdrawals. In 2015, 83 % of withdrawals were implicit, up from 60 % in 2014 ⁽²⁴⁾. Moreover, certain citizenships were more likely to implicitly withdraw their application than others. The three citizenships with most withdrawals, Syria, Afghanistan and Iraq, also had high rates of implicit withdrawals (96 %, 97 % and 80 %, respectively). The other citizenships with higher rates of explicit withdrawals were mostly WB countries such as Albania, Serbia, Bosnia and Herzegovina and the former Yugoslav Republic of Macedonia. Kosovar nationals, the fourth-ranked citizenship, were recorded mainly as implicitly withdrawing their application (86 % of all withdrawals for this group).

Withdrawn applications and share of implicit withdrawals by main citizenship, Jan 2015–Dec 2015

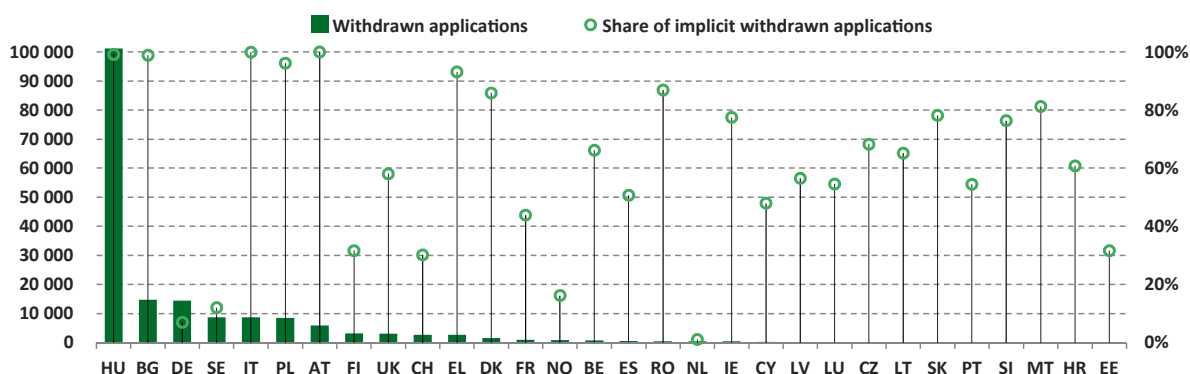


Figure 13: Certain citizenships are more likely to implicitly withdraw their application.

Source: EPS data, January–December 2015

Implicit withdrawals were mostly concentrated in EU+ countries with external land or sea borders (Hungary, Bulgaria, Italy and Poland). The number of implicit withdrawals for certain countries represented a high proportion compared to the total number of applications made, sometimes up to 70 %. In 2015, destination countries such as Germany and Sweden also registered high numbers of withdrawals. In Germany, in contrast to many countries at the EU external borders, 93 % of withdrawals were explicit.

EPS also includes an indicator on withdrawn applications made by persons claiming to be unaccompanied minors (UAM) which can serve as a proxy indicator for trafficking of children (see Section 4.11 *Vulnerable applicants*).

⁽²²⁾ Because the data are not cohort data, withdrawn applications in 2015 are not necessarily applications lodged in 2015. As a result, the ratio calculation is only illustrative.

⁽²³⁾ Compliance with data collection for this indicator is not complete. In the framework of the EPS collection, the indicator of withdrawn applications is not only disaggregated by citizenship but also by type of withdrawal (explicit or implicit) which allows to gauge to which extent applicants have implicitly withdrawn their claim (i.e. where an applicant can no longer be located and is judged to have abandoned the procedure). The scope of the withdrawn applications reported to EASO is slightly different to that of the Eurostat indicator. The EPS indicator is limited to applications withdrawn during the first-instance determination process related to first-time decision-making while Eurostat's covers applications withdrawn at all instances of the administrative and/or judicial procedure. In addition, the reporting date differs for both indicators: for EPS, it is the date of decision on the withdrawn application while for Eurostat it is the date the application is considered withdrawn, which could occur at two different times. Despite these difficulties, the indicators nevertheless give a good idea of the trends noted in the text.

⁽²⁴⁾ This proportion is strongly linked to Dublin figures – see Section 2.6. *Dublin*.

2.4. Asylum decisions – first instance ⁽²⁵⁾

2.4.1. Recognition rate

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

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

The EU temporary protection mechanism has not yet been used since it was introduced into EU legislation and this section will therefore focus on the grants on positive decisions via refugee status, subsidiary protection or authorisation to stay for humanitarian reasons under national law ⁽²⁷⁾ (referred to as ‘humanitarian protection’ in this document).

The number of decisions issued at first instance in EU+ countries has seen an upward trend since 2010, in line with the increase reported in applications. In 2015, EU+ countries issued 624 160 first-instance decisions, an increase of 61 % compared to 2014, when 386 885 decisions were recorded.

Out of the 624 160 decisions issued in 2015, 327 870 were positive, marking an overall recognition rate at first instance of 53 %, which is six percentage points higher than the recognition rate from the previous year (47 %), and 18 percentage points higher than in 2013.

This increase in recognition rate was mostly caused by an increase in applications lodged by and decisions taken on citizenships with very clear grounds for asylum and consequently high recognition rates, such as Syrian, Eritrean and Iraqi nationals.

⁽²⁵⁾ At the date of extraction, 2 May 2016, information for all 30 EU+ countries was available.

⁽²⁶⁾ Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2001:212:0012:0023:EN:PDF>

⁽²⁷⁾ Throughout this report, and in particular when considering the rate of positive decisions at first instance, it should be borne in mind that this latter type of protection is not harmonised at EU level and is only reported by 21 of the 30 EU+ countries (Cyprus, Croatia, the Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Hungary, Italy, Lithuania, Malta, the Netherlands, Norway, Poland, Romania, Slovakia, Spain, Sweden, Switzerland, and the United Kingdom), though it sometimes represents a high proportion of the positive decisions issued.

First-instance decisions and positive first-instance decisions in EU, 2011-2015

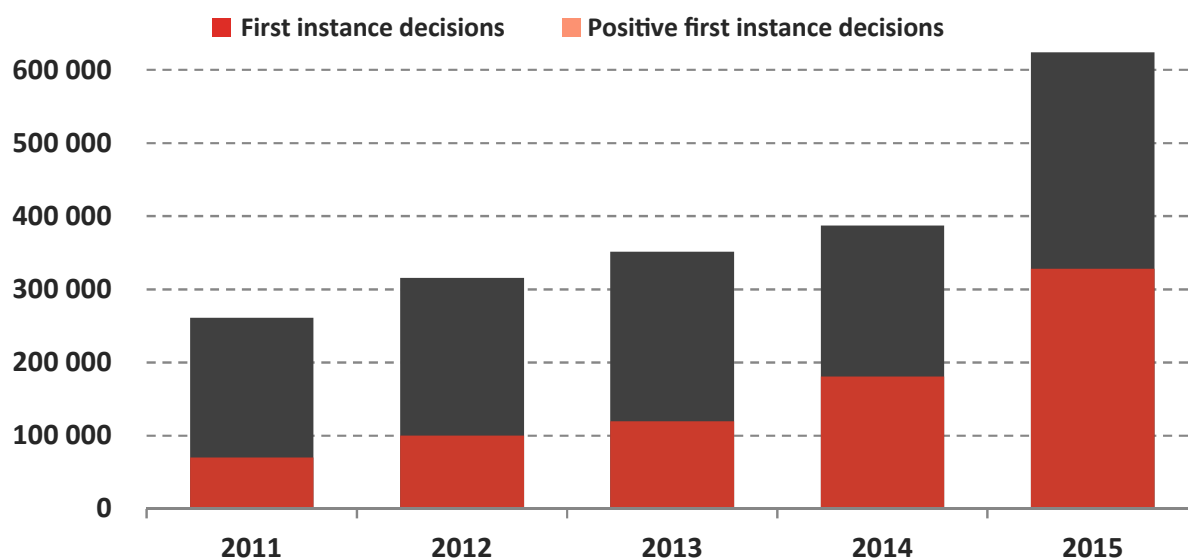


Figure 14: In 2015, more decisions were taken and the recognition rate rose compared to 2014.

The overall increase in positive decisions was principally due to increases in the granting of refugee status rather than subsidiary protection and humanitarian protection. 74 % of all positive decisions granted refugee status, more than in 2014 when this was 55 %. In proportion, fewer positive decisions resulted in subsidiary protection (18 %) or humanitarian status (8 %).

Trend in numbers of positive decisions in the EU+, by type of decision, Q1 2011-Q4 2015

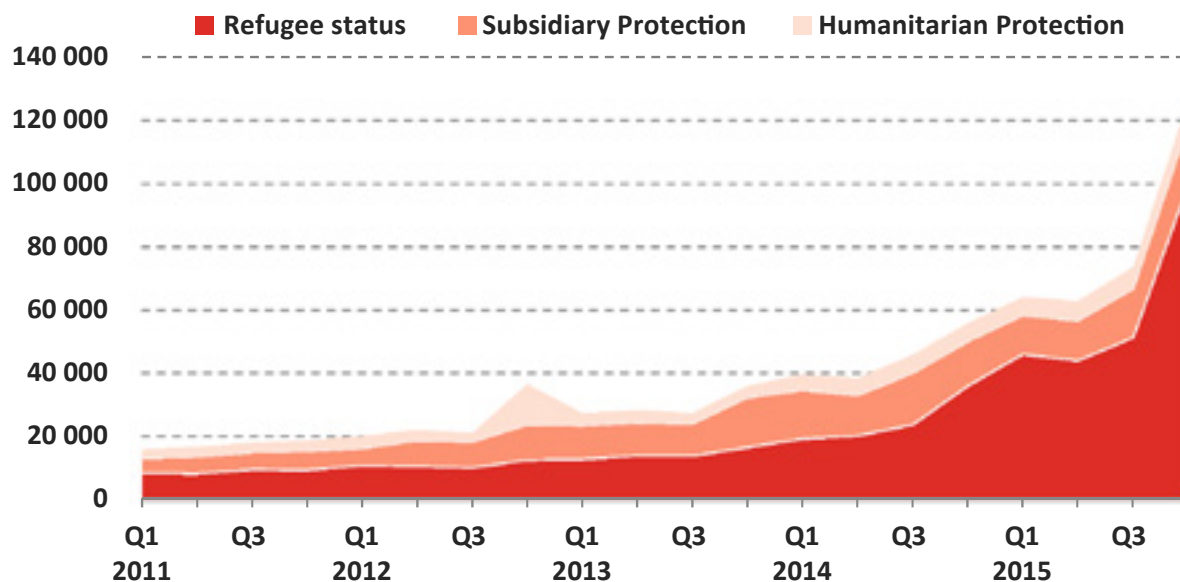


Figure 15: In 2015, the rise in positive decisions was due to higher levels of refugee status granted.

Throughout 2015, first-instance decisions issuing refugee status increased and refugee status was granted to 241 120 applicants, a significant 142 % increase compared to the 99 455 refugee statuses granted in 2014. Most of these decisions were issued by **Germany, France, Sweden, and the United Kingdom** and most often concerned citizens of Syria, Eritrea and Iraq.

The number of applicants granted subsidiary protection, which is usually offered in situations of generalised violence in the country of origin, remained stable (+ 1 %) in 2015 compared to 2014. 18 % of all decisions issued at first instance during 2015 led to subsidiary protection for the applicant.

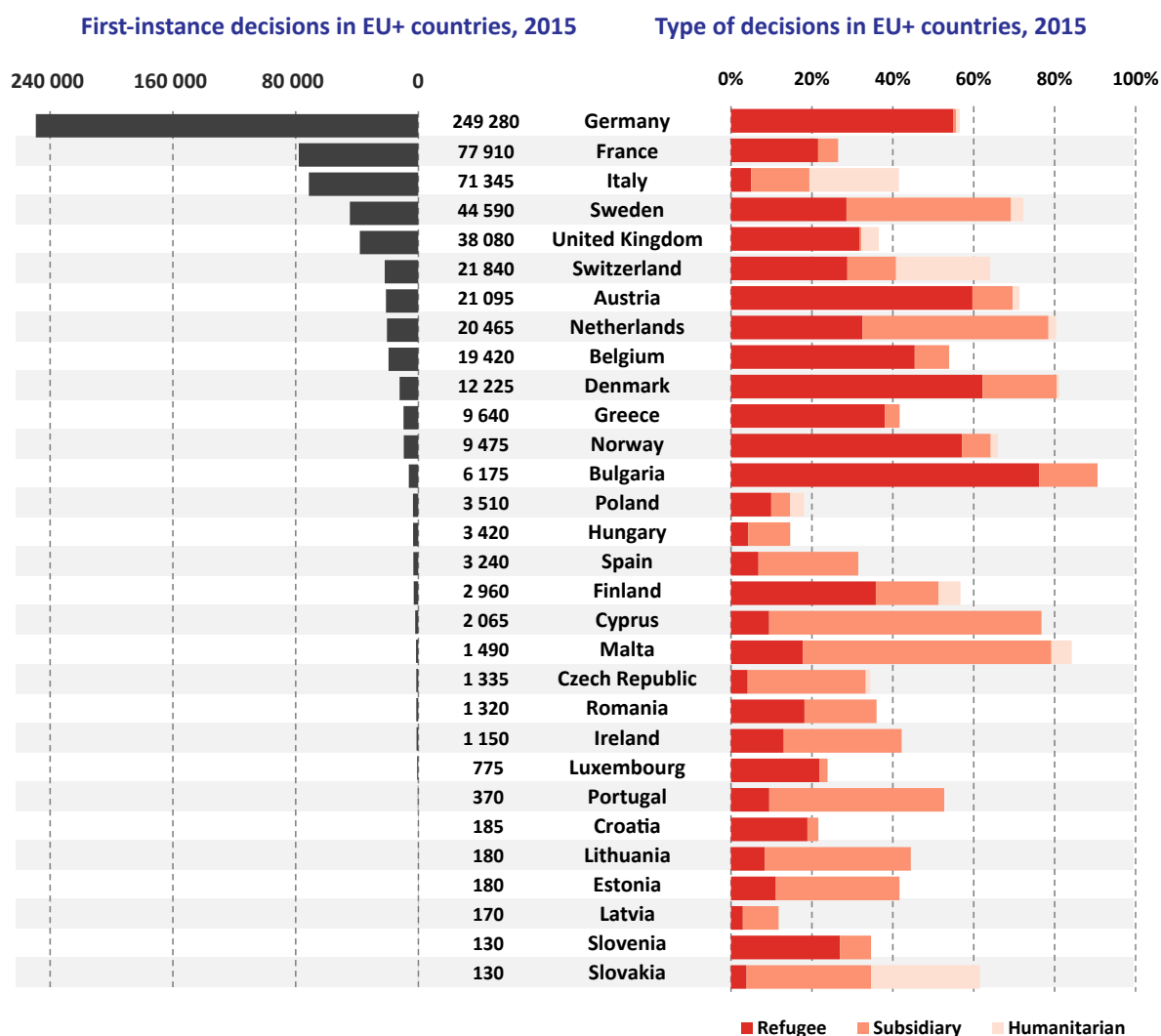


Figure 16: Recognition rates at MS level depend mainly on the nationalities of applicants.

As in previous years, substantial variations in the overall recognition rate continued to persist between EU+ countries. The chart in Figure 16 shows the total number of first-instance decisions issued by all 30 EU+ countries in 2015 (on the left-hand side) and the share of positive decisions granted by type of protection offered (on the right-hand side).

The numbers show that the first-instance recognition rate at EU+ country level varied significantly and ranged between 12 % and 91 %, while half of the EU+ countries had recognition rates between 31 % and 64 %.

However, as noted in previous reports, the overall recognition rate should only be used as a guide and, in general, recognition rates across citizenships should not be compared due to the vastly different circumstances in different countries of origin. Thus, differences in overall recognition rate between EU+ countries are mostly due to differences in the citizenship of the applicant.

In 2015, **Bulgaria** by far recorded the highest positive decision rate at first instance with 91 %. The asylum flow faced by Bulgaria in 2015 was composed almost exclusively of nationals of Iraq, Afghanistan and Syria. **Malta** ranked second with 84 % of all decisions issued at first instance resulting in a positive outcome, followed by Denmark and the Netherlands with 81 % and 80 % respectively.

In contrast, **Latvia** and **Hungary** displayed the lowest recognition rate (12 % and 15 %, respectively). In Hungary this was largely caused by the high number of negative decisions issued to Kosovar applicants during the last quarter of 2015.

2.4.2. Recognition rate by country of origin

The chart in Figure 17 provides an overview of first-instance decisions issued in the EU+ in 2015 for the 20 main citizenships ⁽²⁸⁾ (in terms of first-instance decisions issued). As in 2014, Syrian, stateless ⁽²⁹⁾ and Eritrean applicants continued to have the highest recognition rates with 97 %, 91 % and 87 %, respectively. These three groups were more often granted refugee status rather than subsidiary protection.

The applicants with the lowest recognition rates were nationals of WB countries: the former Yugoslav Republic of Macedonia 1 %, Serbia 2 %, Kosovo 3 %, and Albania 3 %. Low recognition rates and a high number of decisions taken on Western Balkans cases (four out of six WB nations are present in the top 20 main nationalities in terms of decisions issued in 2015) resulted from measures implemented by the main destination countries to speed up the decision-making process at first instance on WB claims.

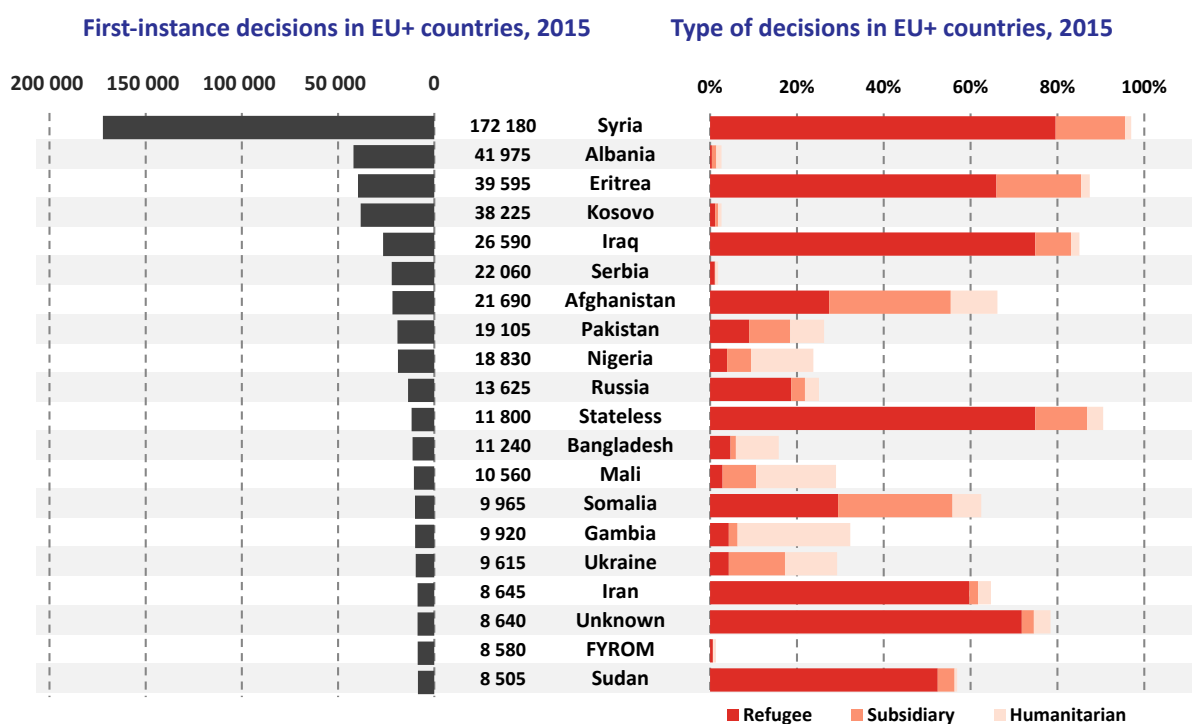


Figure 17: Recognition rates change among main nationalities of applicants.

Recognition rates at first instance of EU+ countries for the 10 main nationalities of applicants show significant discrepancies between Member States. In the chart in Figure 18, it can be seen that for some third-country nationalities, EU+ countries were relatively similar in terms of recognition rate (short bars), while for others there were pronounced variations (longer bars) ⁽³⁰⁾. In 2015, EU+ countries had quite similar approaches when deciding on Syrian, Albanian and Kosovar cases, most likely due to the relative clarity on the situation in the country of origin. In contrast, wide variation could be seen for other countries of origin.

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

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

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

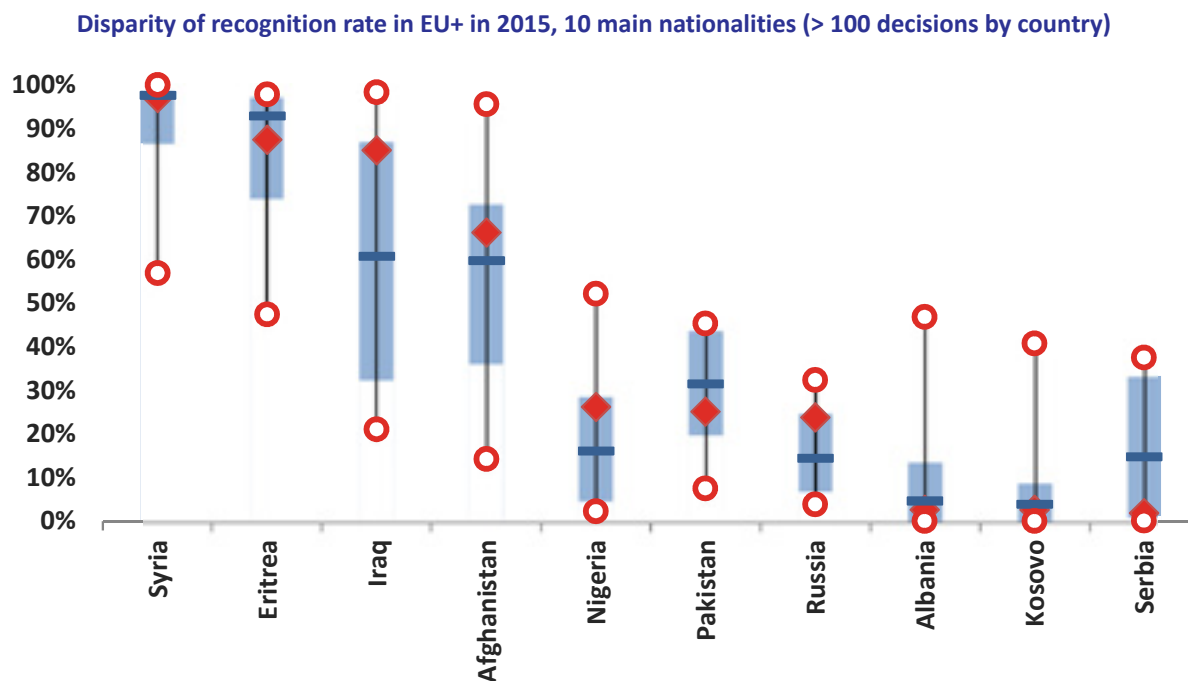


Figure 18: Wide disparity in recognition rates among EU+ countries for some citizenships

For instance, the recognition rates for Iraqi applicants varied significantly (from 21 % to 98 %). Even for Afghan, Pakistani and Serbian applicants the recognition rates varied between different EU+ countries. While the Afghan recognition rate varied between 14 % and 96 %, the difference was less significant for Serbian nationals receiving between 0 % and 38 % positive decisions, and Pakistani nationals, between 2 % and 52 %.

The vast majority of EU+ countries considered WB countries as safe countries of origin and therefore most of these applications were rejected. This is also highlighted in the above chart, which presents a relative consensus across the EU+ when deciding on Western Balkans cases. In the cases of Albania, Kosovo, and Serbia, France issued nearly half of all the positive decisions issued in the EU+. This is probably due to the high number of applicants combined with their specific profile.

It should be noted that the scattering does not necessarily point towards a lack of harmonisation across EU+ countries in terms of decision-making practice, but may indicate different profiles of applicants who have the same citizenship (e.g. states favoured as destination countries by specific ethnic minorities such as Chechens or Kurds). Only a case-by-case analysis of decisions would determine real differences in practice or policy among states on similar types of claim.

2.5. Asylum decisions – second and higher instance ⁽³¹⁾

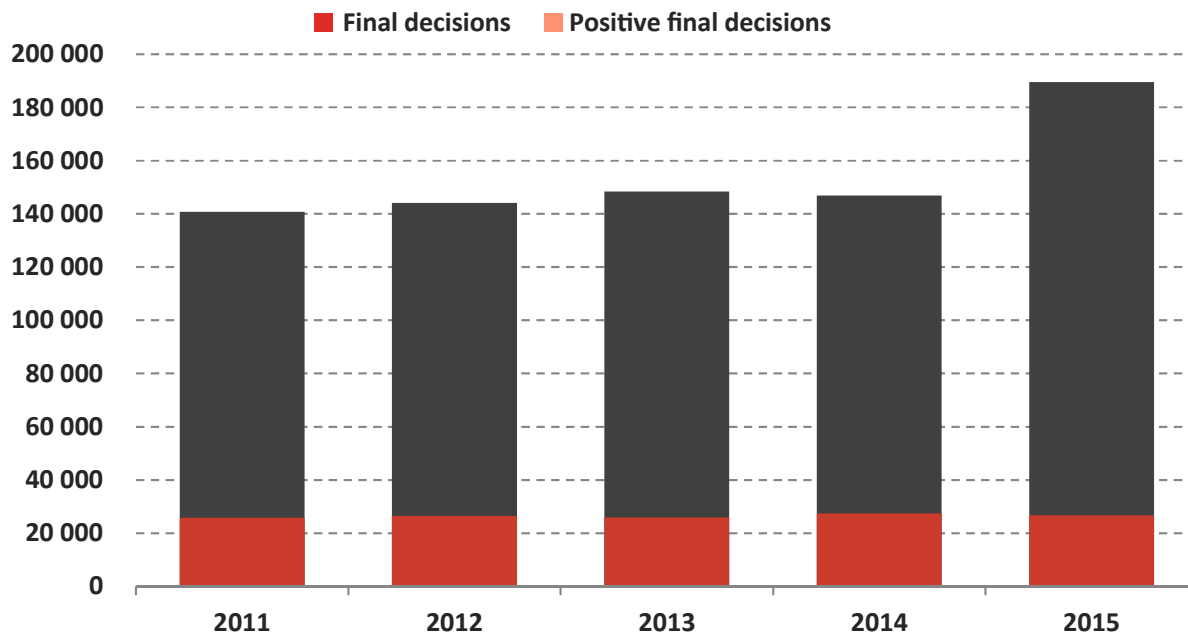
2.5.1. Recognition rate for higher instances

The appeals instance normally decides on a variety of issues and is not limited to assessing the merits of the case in terms of international protection. The current Asylum Procedures Directive does not prescribe any harmonised standards concerning the organisation of the appeal or the procedure to be followed. In some Member States the appeal instance examines the case *de novo* in fact and in law, while in others the appeal instance only examines the legality of the decision taken by the first instance. Thus, in some Member States, the relevant second-instance bodies

⁽³¹⁾ On the extraction date (6 May 2016), data for all 30 EU+ countries were available.

take a decision on the merits of the application while in others they may merely order the first-instance body to review its decision. Eurostat data regarding second-instance decisions is therefore difficult to analyse.

Figure 19: Final decisions in appeal or review in the EU+ countries, 2011-2015



In 2015, EU+ countries issued 189 575 decisions at second or higher instance. 29 % more second or higher-instance decisions were taken than in 2014. Western Balkan nationals received almost half of all decisions in appeal or review, followed by Pakistani, Afghan, Russian and Syrian applicants. Germany issued the most decisions in second or higher instance, where most decisions were issued for Western Balkan applicants.

21 out of 30 EU+ countries reported a decrease in decisions in appeal. Norway reported the largest absolute decrease, with 3 600 cases less than in 2014 (- 43 %). In France, there was also a decrease by 2 505 decisions (- 7 %).

The overall EU+ increase was heavily influenced by the rise in Germany, where an additional 49 505 second-instance decisions were taken in 2015, doubling the 2014 total (+ 112 %). The other country recording a considerable increase was Austria, with 1 025 decisions more or a 25 % increase. Malta and Poland recorded increases of 42 % and 36 %, respectively.

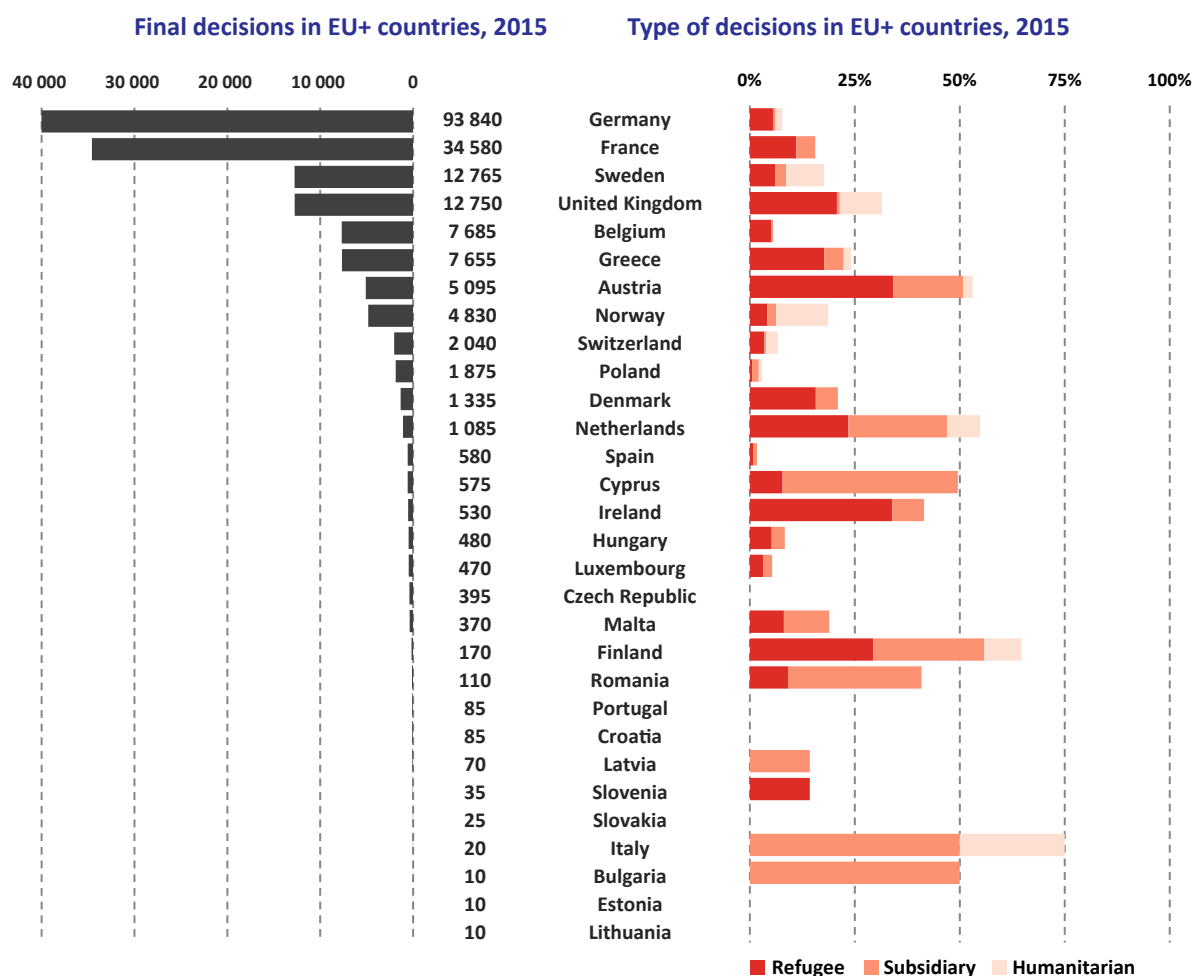


Figure 20: Recognition rates depend on the main nationalities of applicants.

The chart above presents an overview of the number of final decisions issued on appeal or review by the EU+ countries in 2015, the legal regimes used, as well as the proportion of positive outcomes on appeal or review.

In 2015, the recognition rate of cases on appeal or review was 14 %, five percentage points lower than in 2014. Compared to the recognition rate at first instance, it was 38 percentage points lower.

Overall rates should be viewed with care since differences in rates usually mirror differences in the caseloads on which decisions are issued. At second instance, large disparities exist between the likelihood of a successful appeal in different EU+ countries. This may be due to a number of factors: principally the size of a caseload from certain countries of origin, the propensity of nationals from these countries to appeal decisions and the probability of those appeals being successful depending on how such cases can be reviewed based on national law.

More than 50 % of first-instance decisions that were appealed saw a positive decision in Austria, Bulgaria, Finland and Italy. In 13 EU+ countries, applicants for international protection who appealed against a decision issued at first instance had a less than 10 % chance of success. In five of those Member States the rate was close to zero.

Of the positive decisions, 60 % resulted in the granting of refugee status.

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

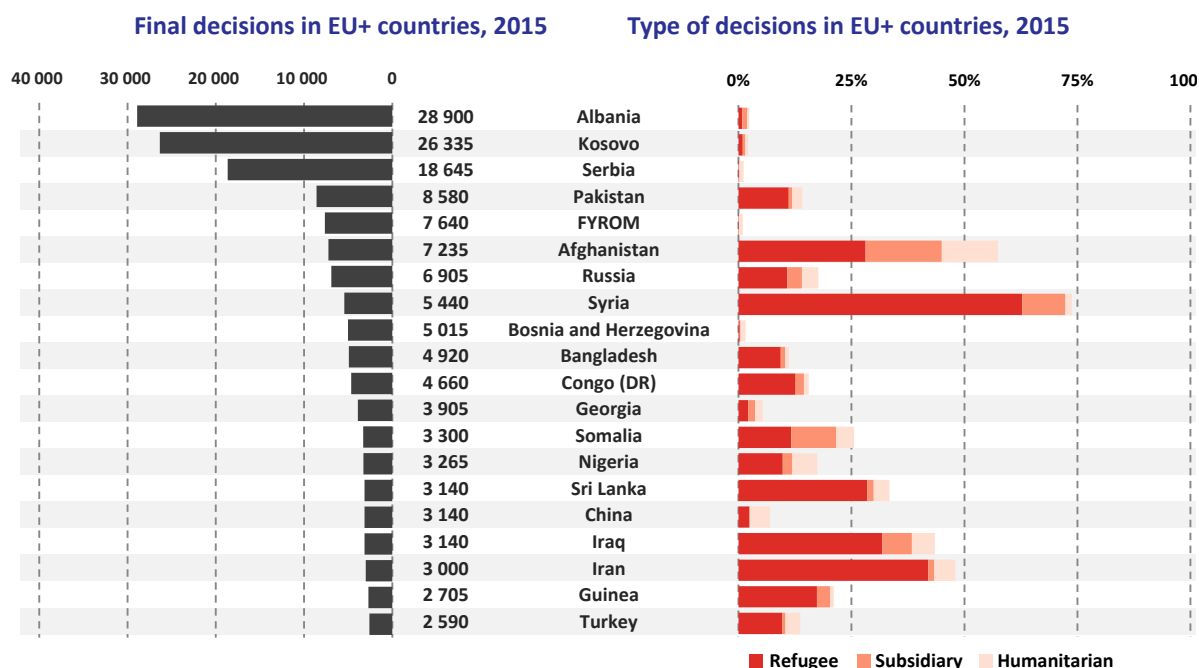


Figure 21: Recognition rates differ among the top 20 main nationalities of applicants.

The left-hand side of the graph displays the number of decisions issued at second or higher instance for the top 20 main nationalities, while the right-hand side illustrates the type of protection granted and the share of positive decisions. The top countries of origin in terms of appeal or review do not exactly mirror the top countries of origin in terms of number of applicants for international protection. As in previous years, in 2015 citizens of certain countries of origin were more likely to appeal the first-instance decision than others.

Most second-instance decisions were issued to Albanian and Kosovar nationals. Serbian nationals, who were the number one nationality in 2014, dropped to the third position. These three WB nationalities jointly accounted for almost 40 % of all second or higher-instance decisions issued in 2015. The list of the top five citizenships receiving most decisions in review or appeal was completed by Pakistan and the former Yugoslav Republic of Macedonia.

The 10 nationalities to whom most second-instance decisions were issued had a recognition rate that was consistent with first instance. Syrian applicants were the citizenship with the highest recognition rate in appeal or review (74 %), despite the fact that they have a high chance of receiving a positive decision in first instance. The large majority of the positive decisions issued to Syrian nationals in appeal or review regarded refugee status.

Other citizenships with relatively high final recognition rates of the top 20 main countries of origin included Afghanistan (58 %), Iran (48 %), Iraq (44 %), Eritrea (36 %) and Sri Lanka (33 %). The lowest rates were granted to applicants from the Western Balkan countries (1-2 %), Georgia (5 %) and China (7 %).

For most citizenships, the majority of second or higher-instance decisions resulted in the granting of refugee status. Only Albanian applicants received a higher proportion of subsidiary protection than refugee status. Nationals of Serbia, the former Yugoslav Republic of Macedonia, Bosnia and Herzegovina, and of China, were more often granted humanitarian protection than any other protection status in appeal or review.

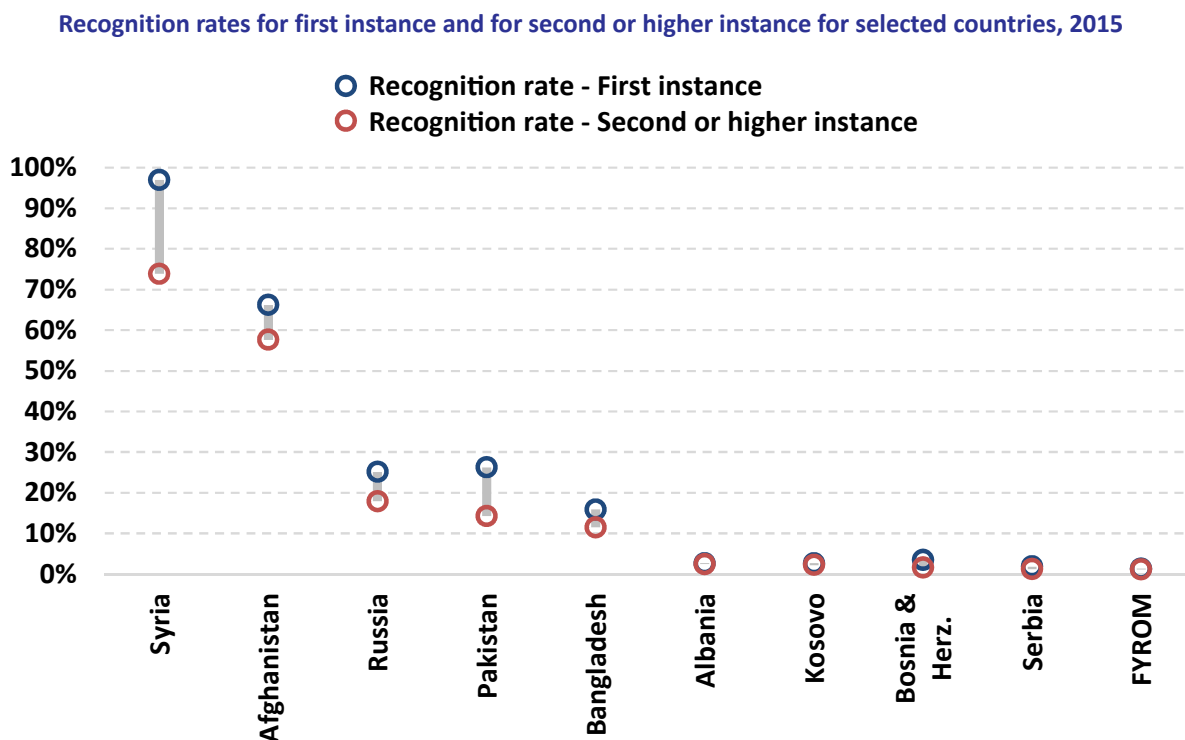


Figure 22: For citizenships with most second or higher instance decisions, first instance and second or higher instance recognition rates were relatively aligned.

2.6. Dublin

At the time of writing, the available data for 2015 regarding the functioning of the Dublin system were incomplete and therefore this analysis is based on information from only 16 EU+ countries⁽³²⁾. The principles and functioning of the Dublin system are explained in Section 4.4 *Dublin procedure*.

The data provided to Eurostat include the number of requests made to ‘take charge’⁽³³⁾ or ‘take back’⁽³⁴⁾ applicants for international protection, the number of requests for information, the number of pending requests, the number of decisions taken on (accepted and refused) requests, the number of physical transfers of applicants and the number of pending transfers. The data collection also includes information pertaining to the re-examination of requests and decisions; the number of cases when the reporting country became responsible by default⁽³⁵⁾; and use of the discretionary clause of Article 17(1)⁽³⁶⁾.

Based on the information provided by EU+ countries to Eurostat for 2015, between 7 232 (outgoing) and 6 320 (incoming) Dublin transfers were reported in the EU+⁽³⁷⁾. The majority (62 % of all outgoing transfers registered in 2015) of Dublin transfers took place after a ‘take back’ request. In the remaining 38 % of cases, the transfers followed a ‘take charge’ request.

⁽³²⁾ Bulgaria, Estonia, Finland, France, Germany, Greece, Ireland, Latvia, Luxembourg, Malta, Norway, Poland, Portugal, Romania, Slovakia, Switzerland. The date of extraction from the Eurostat database was 16 May 2015.

⁽³³⁾ ‘Take charge’ requests include all Dublin transfer requests to take charge of a person who applied for international protection in the reporting country and not in the partner country, in accordance with Articles 8-16 and Article 17(2) of the Dublin Regulation.

⁽³⁴⁾ ‘Take back’ requests includes all Dublin transfer requests to take back a person who applied for international protection in the partner country, in accordance with Articles 18(1)(b)-(d) and Article 20(5) of Regulation (EU) No 604/2013 (the Dublin Regulation). This includes: persons who have applied for international protection in the reporting country, or have been apprehended for illegal stay in the reporting country but have not applied there.

⁽³⁵⁾ Article 3(2) and Article 29(2) of the Dublin III Regulation.

⁽³⁶⁾ This refers to the ‘sovereignty clause’ where a Member State decides to examine an application even if such examination is not its responsibility.

⁽³⁷⁾ Given the relatively small number of states providing data however, this is likely to be a significant underestimate of the final total.

Transfers further to 'take back' requests were mostly transfers of persons who were staying without permission in an EU+ country and whose application was still under examination (76 %) or who had been rejected (21 %) in another EU+ country ⁽³⁸⁾.

Outgoing transfers by type of requests in the EU+, 2015

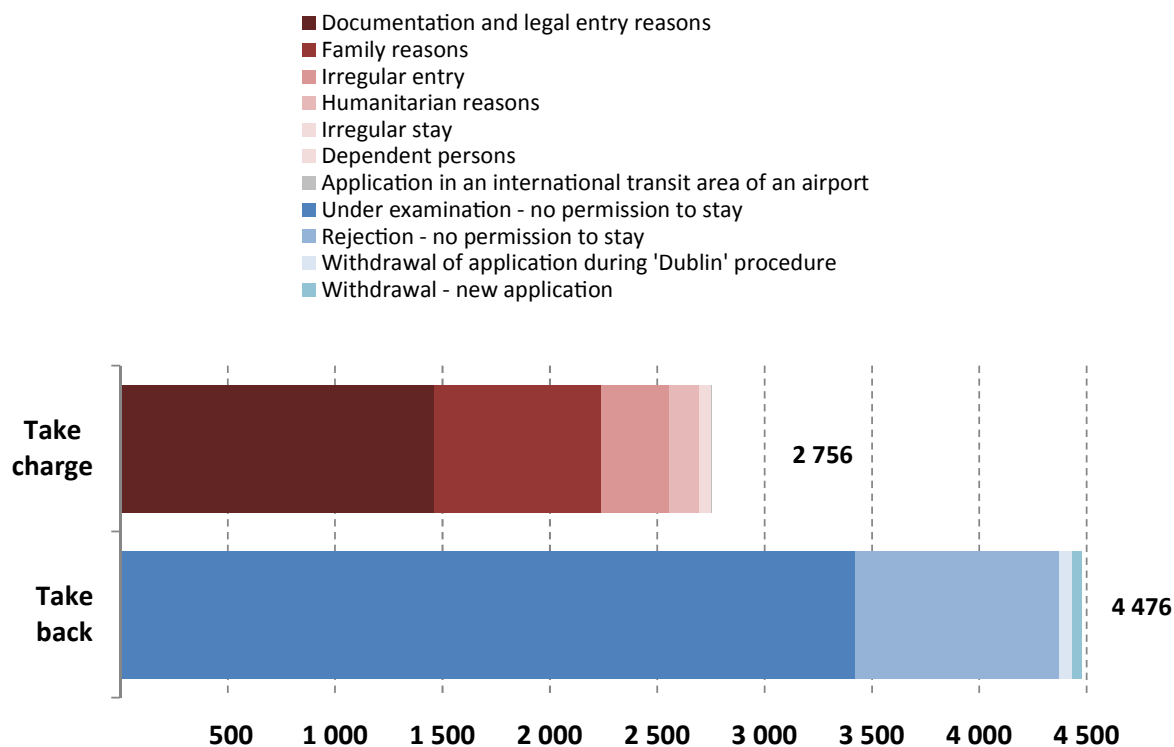


Figure 23: Most Dublin transfers were related to 'take back' requests.

A large share of transfers further to 'take charge' requests were reported as transfers for documentation and legal entry reasons (53 %), family reasons (28 %) and irregular entry reasons (12 %). The remaining cases were connected to humanitarian reasons (5 %), irregular stay and dependant persons (each 1 %).

Tables on Dublin transfers include a disaggregation on the time taken to implement the transfer (within 6, 12 or 18 months); however this breakdown is currently not available for all EU+ countries. According to available figures, the vast majority of the 2015 outgoing transfers took place within the six months' time from the date of acceptance of the request ⁽³⁹⁾, both for 'take charge' (95 %) and 'take back' (96 %) requests.

⁽³⁸⁾ It should be noted that the information on the stage of the asylum procedure (i.e. pending, withdrawn, rejected applicants) in the partner country is limited for the reporting country and therefore there might be some quality issues for this breakdown and the numbers might not be consistent with what is reported in the asylum tables to Eurostat (i.e. pending cases, withdrawn applications, rejected applicants) by the partner country.

⁽³⁹⁾ According to Article 29(1) of the Dublin Regulation the transfer shall be carried out 'within six months of acceptance of the request by another Member State to take charge or to take back the person concerned or of the final decision on an appeal or review where there is a suspensive effect in accordance with Article 27(3)'. However there are two exceptions mentioned in Article 29(2): 'This time limit may be extended up to a maximum of one year if the transfer could not be carried out due to imprisonment of the person concerned or up to a maximum of eighteen months if the person concerned absconds.'

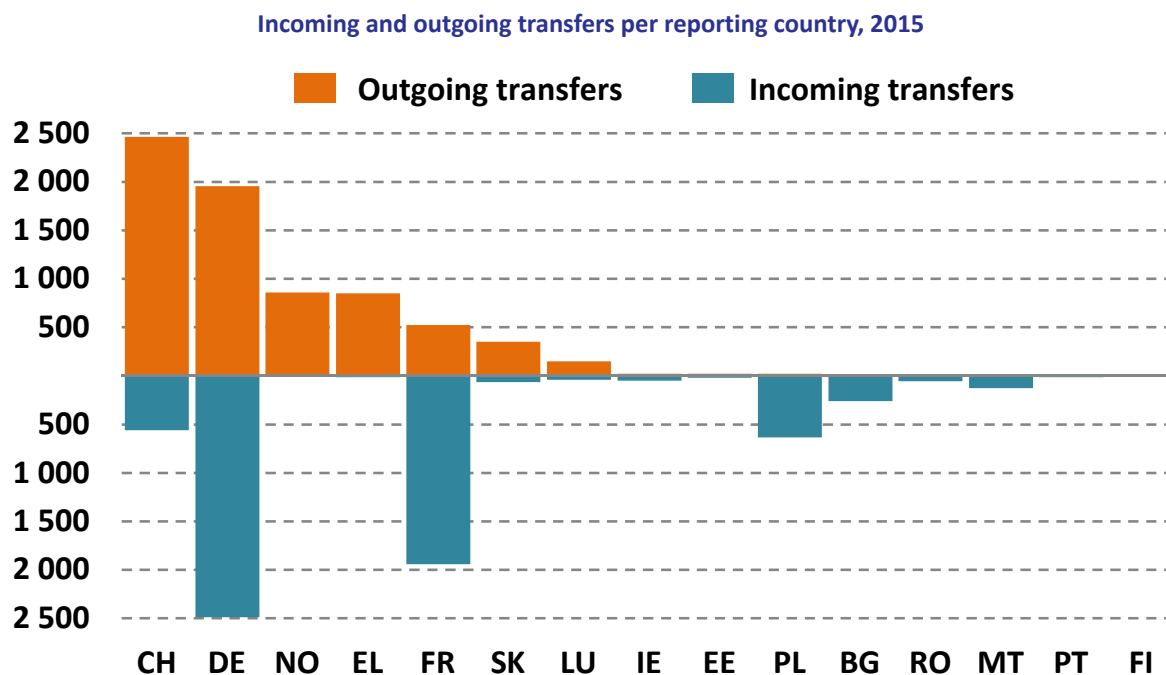


Figure 24: Switzerland performed the largest number of outgoing transfers to other EU+ countries and accounted for the largest net number of transfers ⁽⁴⁰⁾.

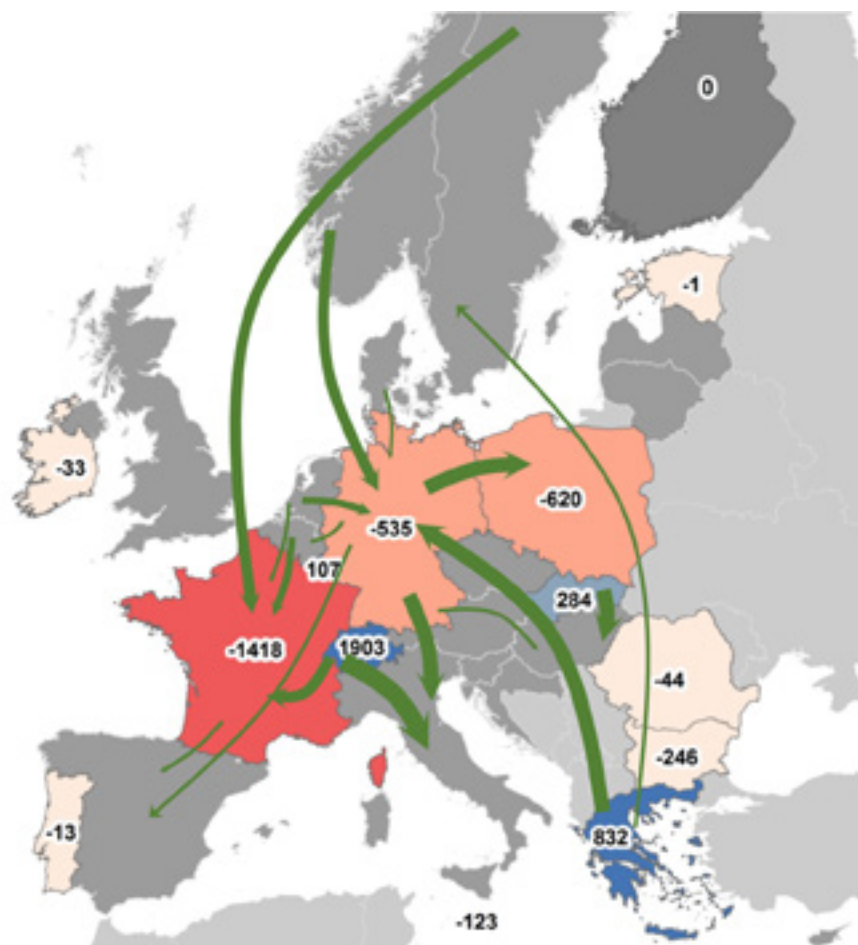
Switzerland was the EU+ country with the largest net number of transfers (+ 1 903), i.e. more outgoing (2 641) than incoming (558) transfers. Greece (+ 832), Slovakia (+ 284) and Luxembourg also reported high net transfers. At the other end of the scale, Germany showed low net numbers with - 535 net transfers despite nearly 4 500 transfers being made overall. The majority of the reporting countries recorded negative net transfers.

In terms of volume of transfers (incoming and outgoing) Germany had the highest number of transfers made with 4 443, a similar total to 2014 when 4 655 transfers took place. Switzerland reported the second largest volume with 3 019 transfers, which is however 500 transfers less than in 2014. France followed as the third reporting country regarding volume of transfers with 2 468 transfers. Greece and Poland also reported more than 500 transferred applicants during 2015.

The map below (Map 2) indicates the main net Dublin transfer flows according to the information available (data reported by 14 EU+ countries on both incoming and outgoing transfers) calculated as outgoing transfers from a country minus incoming transfers. The arrows represent the net transfers between EU+ countries with net flows above 100 persons.

⁽⁴⁰⁾ Information on incoming transfers is missing for Norway, and information on outgoing transfers is missing for Latvia, and as a result net transfers for these two countries cannot be computed.

**Map 2: Net Dublin transfers in EU+ countries and main net transfer flows in 2015
(green arrows show only the net EU+ transfers flows above 100 persons)**



From a long-term perspective, during the five-year period from 2010 to 2014, on average some 62 000 outgoing Dublin requests were made annually. 69 % of the outgoing requests were accepted, and 23 %⁽⁴¹⁾ of the accepted outgoing requests resulted in the physical transfer of a person from one EU+ country to another (on average, about 14 000 persons annually)⁽⁴²⁾. The proportion of outgoing requests corresponded on average to about 10 % of the number of registered asylum applicants. The proportion of physical Dublin transfers to the number of applicants for international protection in the EU+⁽⁴³⁾ was about 2 %⁽⁴⁴⁾.

Assessment of the potential immediate impact of revisions of the Dublin Regulation (described in Section 4.4. *Dublin*) on procedures conducted under the regulation is difficult, in view of the short time frame and data being only partially available. However, it can be assumed that in particular the widening of the definition of a family member coupled with an obligation on Member States to perform family tracing may result in higher number of transfers based on those grounds in the near future (in 2014 transfers due to family reasons amounted to 22 % of 'take charge' requests). In parallel, more robust opportunities for persons subject to Dublin procedures to appeal their case may cause the total number of actual transfers to decrease.

⁽⁴¹⁾ A Dublin procedure implies that there is an asylum application lodged in one of the states involved, so some asylum applicants are counted by more than one state. The Eurostat data collection on Dublin and Asylum under Regulation (EC) No 862/2007 are not linked making it impossible to calculate an exact percentage.

⁽⁴²⁾ In the absence of longitudinal (cohort) data, this number has been calculated on the basis of annual data on registered requests, decisions and transfers. However due to latency between these events, this proportion may not be accurate.

⁽⁴³⁾ Dublin statistics are collected in a manner that allows for consistency between incoming and outgoing data: the outgoing transfers reported by country A to country B should therefore be in line the incoming transfers reported by country B from country A. However, for a number of reasons, including reporting latency, difference in reporting practices across EU+ countries, and missing data (typically incoming transfers), there can be discrepancies between the two sets of data. Thus, in each year there is a difference of up to as much as 42 % (29 % on average) in the number of transfers reported as having taken place by receiving countries

⁽⁴⁴⁾ These proportions on requests and transfers to the number of applicants have been calculated for the historical period 2010-2014, however due to the unavailability of complete Dublin information, they have not been calculated for 2015.

In anticipation of the review of the Dublin system by the European Commission envisaged for 2016, EASO included Dublin-relevant indicators in the monthly data collection of EPS as of September 2015. It covers data not covered by Eurostat (principally citizenship, sex and age of persons subject to a transfer procedure) which contributes to a better understanding of the practical functioning of the system. As of March 2016, regular reporting takes place on Dublin within the Framework of the new EASO Network of Dublin Units. (See also Section 4.4 on [Dublin procedure](#))

2.7. Overview of developments in 2015 in main countries of origin

Taking into consideration a combination of quantitative indicators (applications, pending cases, and decisions), a selection has been made of particularly relevant countries of origin of applicants for international protection in 2015. For each of these countries a short update is given of some major developments in 2015, with a focus on the human rights and security situation. As the scope of this Annual Report does not allow for an exhaustive coverage of all issues of concern, the following section can only give an indication of potential grounds for international protection⁽⁴⁵⁾.

Syria

In 2015, violence continued to escalate in Syria⁽⁴⁶⁾, with the death toll reaching more than 250 000, including more than 100 000 civilians, with 640 000 people living under long-term siege, 7.6 million internally displaced and 4.2 million refugees in neighbouring countries⁽⁴⁷⁾.

The conflict has grown in complexity, with an increasing number of belligerents, frontlines and military interventions by external actors⁽⁴⁸⁾. The coalition, led by the United States and involving a number of western and Arab countries, continued its operation against ISIS, while the Russian Federation intensified its involvement by carrying its first air strikes in Syria in September 2015⁽⁴⁹⁾.

Government forces, supported by their allies and foreign militia reinforcement, have made significant gains in the countryside of Latakia and Aleppo governorates, in the Homs governorates and Damascus countryside. On the side of anti-government armed groups, Jabhat al-Nusrah, an affiliate of al-Qaeda, continued to control large parts of Idlib, while ISIS remained in control of large swathes of the Syrian eastern and north-eastern governorates and maintained smaller pockets in other areas⁽⁵⁰⁾ and seized the ancient city of Palmyra in May 2015⁽⁵¹⁾. The YPG and allied armed groups made significant gains in their military operations against ISIS in the northern governorates⁽⁵²⁾.

In its report for 2015, the Syrian Human Rights Committee mentions that ‘the size and volume of the violations committed in Syria have reached unprecedented levels...’⁽⁵³⁾. Indiscriminate airstrikes by government forces, as well as airstrikes by international coalition forces and Russian forces, were responsible for a great number of civilian

⁽⁴⁵⁾ It should be stressed that this information does not necessarily imply that asylum applicants in EU MS have left their country of origin because of the developments listed below. Apart from the human rights and security issues, many other reasons may exist for applicants to apply for international protection in the EU, for example, in relation to individual circumstances in the applicant’s private life.

⁽⁴⁶⁾ Amnesty International, *Report 2015/16 – The State of the World’s Human Rights – Syria* <https://www.amnesty.org/en/countries/middle-east-and-north-africa/syria/report-syria/>, accessed 14 March 2016.

⁽⁴⁷⁾ Human Rights Watch, *World Report 2016 – Syria* <https://www.hrw.org/world-report/2016/country-chapters/syria>, accessed 14 March 2016.

⁽⁴⁸⁾ UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 11 February 2016, A/HRC/31/68, <http://www.ohchr.org/Documents/HRBodies/HRCouncil/ColSyria/A-HRC-31-68.pdf>, accessed 14 March 2016.

⁽⁴⁹⁾ UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 11 February 2016, A/HRC/31/68 <http://www.ohchr.org/Documents/HRBodies/HRCouncil/ColSyria/A-HRC-31-68.pdf>, accessed 14 March 2016.

⁽⁵⁰⁾ UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 11 February 2016, A/HRC/31/68 <http://www.ohchr.org/Documents/HRBodies/HRCouncil/ColSyria/A-HRC-31-68.pdf>, accessed 14 March 2016.

⁽⁵¹⁾ BBC, *Syria profile – Timeline* - 29 February 2016 <http://www.bbc.com/news/world-middle-east-14703995> accessed 14 March 2016.

⁽⁵²⁾ UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 11 February 2016, A/HRC/31/68 <http://www.ohchr.org/Documents/HRBodies/HRCouncil/ColSyria/A-HRC-31-68.pdf>, accessed 14 March 2016.

⁽⁵³⁾ SHRC - Syrian Human Rights Committee, *The 14th Annual Report on Human Rights in Syria 2015 (January 2015 - December 2015)*, January 2016, <http://www.shrc.org/en/wp-content/uploads/2016/01/English-Report-for-web.pdf>, accessed 15 March 2016.

casualties⁽⁵⁴⁾. All belligerents have employed, to different degrees, siege warfare, thereby greatly impacting civilians in these areas⁽⁵⁵⁾. At the same time, the humanitarian space has been shrinking⁽⁵⁶⁾. Direct attacks on civilians and killings, arbitrary arrests, detentions, death in custody, enforced disappearances and torture by Syrian armed forces continued⁽⁵⁷⁾ while ISIS persisted in carrying out ‘kidnappings, acts of forced disappearance and torture’⁽⁵⁸⁾. Other non-state armed groups, including Jabhat al-Nusra, also perpetrated numerous human rights violations⁽⁵⁹⁾. While all parties to the conflict have been responsible for multiple war crimes and human rights violations, the Syrian regime holds responsibility for the heaviest civilian death toll in 2015⁽⁶⁰⁾.

The so-called Vienna Peace Talks, a series of international negotiations⁽⁶¹⁾ initiated in October 2015, culminated in UN Security Council Resolution 2254, in December 2015, and paved the way for further talks on a political transition⁽⁶²⁾.

In February 2016, EASO organised a practical cooperation workshop on Syria with a focus on exclusion. This workshop, involving external speakers on the Syrian army and pro-government militias, ISIS and other armed opposition groups, was followed by a separate session of the COI Specialist Network on Syria.

Afghanistan

In January 2015, NATO started a new mission, Resolute Support, deploying approximately 12 000 personnel for training and support to the Afghan National Security Forces (ANSF), as a follow-up of the previous mission in Afghanistan (ISAF 2003–2014) which had deployed more than 130 000 troops at its peak⁽⁶³⁾. Nevertheless, throughout 2015 the security situation in Afghanistan deteriorated with an increase in insurgent attacks⁽⁶⁴⁾. The Taliban controlled more territory than in 2014 and increasingly captured district administrative centres and managed to hold them longer. These developments culminated in the Taliban capturing the city of Kunduz. It was the first time since its removal

⁽⁵⁴⁾ SHRC - Syrian Human Rights Committee, *The 14th Annual Report on Human Rights in Syria 2015 (January 2015 - December 2015)*, January 2016, <http://www.shrc.org/en/wp-content/uploads/2016/01/English-Report-for-web.pdf>, accessed 15 March 2016. Human Rights Watch, *World Report 2016 – Syria*, <https://www.hrw.org/world-report/2016/country-chapters/syria>, accessed 14 March 2016. Amnesty International, *Report 2015/16 – The State of the World’s Human Rights – Syria*, <https://www.amnesty.org/en/countries/middle-east-and-north-africa/syria/report-syria/>, accessed 14 March 2016.

⁽⁵⁵⁾ UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 11 February 2016, A/HRC/31/68, <http://www.ohchr.org/Documents/HRBodies/HRCouncil/ColSyria/A-HRC-31-68.pdf>, accessed 14 March 2016.

⁽⁵⁶⁾ UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 11 February 2016, A/HRC/31/68, <http://www.ohchr.org/Documents/HRBodies/HRCouncil/ColSyria/A-HRC-31-68.pdf>, accessed 14 March 2016.

⁽⁵⁷⁾ Human Rights Watch, *World Report 2016 – Syria*, <https://www.hrw.org/world-report/2016/country-chapters/syria>, accessed 14 March 2016. Amnesty International, *Report 2015/16 – The State of the World’s Human Rights – Syria*, <https://www.amnesty.org/en/countries/middle-east-and-north-africa/syria/report-syria/>, accessed 14 March 2016. *The Syrian Network for Human Rights (SNHR), The most significant human rights violations in Syria during 2015, 31/12/2015*, http://sn4hr.org/wp-content/pdf/english/Violations_in_Syria_during_2015_en.pdf, accessed 30 March 2016.

⁽⁵⁸⁾ SHRC - Syrian Human Rights Committee, *The 14th Annual Report on Human Rights in Syria 2015 (January 2015 - December 2015)*, January 2016, <http://www.shrc.org/en/wp-content/uploads/2016/01/English-Report-for-web.pdf>, accessed 15 March 2016.

⁽⁵⁹⁾ UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 11 February 2016, A/HRC/31/68, <http://www.ohchr.org/Documents/HRBodies/HRCouncil/ColSyria/A-HRC-31-68.pdf>, accessed 14 March 2016. Amnesty International, *Report 2015/16 – The State of the World’s Human Rights – Syria*, <https://www.amnesty.org/en/countries/middle-east-and-north-africa/syria/report-syria/>, accessed 14 March 2016. Human Rights – Syria, <https://www.amnesty.org/en/countries/middle-east-and-north-africa/syria/report-syria/>, accessed 14 March 2016.

⁽⁶⁰⁾ The Syrian Network for Human Rights (SNHR), *The most significant human rights violations in Syria during 2015, 31/12/2015*, http://sn4hr.org/wp-content/pdf/english/Violations_in_Syria_during_2015_en.pdf, accessed 30 March 2016.

⁽⁶¹⁾ Amnesty International, *Report 2015/16 – The State of the World’s Human Rights – Syria*, <https://www.amnesty.org/en/countries/middle-east-and-north-africa/syria/report-syria/>, accessed 14 March 2016.

⁽⁶²⁾ UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, 11 February 2016, A/HRC/31/68, <http://www.ohchr.org/Documents/HRBodies/HRCouncil/ColSyria/A-HRC-31-68.pdf>, accessed 14 March 2016. Resolution 2254 also calls on all parties to lift sieges, allow aid deliveries, halt aerial and artillery attacks on civilians, and release detainees. See: BBC, *Syria conflict: Warring parties accept US-Russia truce plan*, 23 February 2016, <http://www.bbc.com/news/world-middle-east-35639970>, accessed 14 March 2016.

⁽⁶³⁾ BBC, *Afghanistan profile – Timeline*, 24 December 2015 (<http://www.bbc.com/news/world-south-asia-12024253>), accessed 30 March 2016; NATO, *ISAF’s mission in Afghanistan (2001-2014) (Archived)*, 1 September 2015 (http://www.nato.int/cps/en/natohq/topics_69366.htm), accessed 30 March 2016.

⁽⁶⁴⁾ US Department of Defence, *Enhancing Security and Stability in Afghanistan*, December 2015 (http://www.defense.gov/Portals/1/Documents/pubs/1225_Report_Dec_2015_-_Final_20151210.pdf), accessed 30 March 2016; Reuters, *Afghan security worsens, casualties spike in 2015: Pentagon*, 15 December 2015 (<http://www.reuters.com/article/us-usa-afghanistan-pentagon-idUSKBN0TY27520151215>), accessed 30 March 2016.

from power in 2001 that the insurgent movement was able to seize a provincial capital. It took the Afghan security forces nearly two weeks to regain control over the city ⁽⁶⁵⁾.

UNAMA documented 11 002 civilian casualties (3 545 deaths and 7 457 injured) in 2015, the highest number since it began recording them in 2009. The main causes were ground engagements, explosions and targeted attacks or killings ⁽⁶⁶⁾. Suicide attacks in public places regularly caused high numbers of civilian casualties. Examples of such incidents include: an attack at a market and a school near Kandahar airport (December 2015) ⁽⁶⁷⁾; a series of deadly blasts in Kabul city in August 2015 ⁽⁶⁸⁾; an attack next to a market in Khost (July 2015) ⁽⁶⁹⁾; an attack against a hotel in Kabul (May 2015) ⁽⁷⁰⁾; a truck loaded with explosives detonated in the centre of Lashkar Gah, Helmand (March 2015) ⁽⁷¹⁾.

Besides the conflict-related violence, widespread human rights violations were reported, including intimidation, beatings, illegal arrest and detention, abduction, rape and unlawful killings. Threats and violence against health, humanitarian and human rights workers and educational staff were reported. Another development in 2015 was an increase in threats and violence against journalists and media. Violence against women was widespread. Women participating in public life were especially at risk due to conservative cultural and social norms in this regard. Honour killings were reported in various parts of Afghanistan and women suffered punishments for so-called moral crimes, such as adultery. There was the phenomenon of informal trials in ad hoc, traditional or religious courts. Such courts lacked basic guarantees for fair-trial rights and imposed harsh punishments, including execution ⁽⁷²⁾.

According to a nationwide survey conducted by the Asia Foundation, 2015 witnessed a significant change in the mood of the Afghan population, which was increasingly concerned over insecurity and a worsening economic situation. A reducing foreign military presence together with declining development funding caused regression of the economy and had a substantial impact on employment. Close to 90 % of the Afghans say that corruption is a problem in their daily lives and 67 % mention fear for their personal security ⁽⁷³⁾.

⁽⁶⁵⁾ VOA, *Taliban Claims Large Swath of Afghan Territory During 2015*, 29 December 2015 (<http://www.voanews.com/content/taliban-afghanistan-territorial-claims-2015/3128415.html>), accessed 30 March 2016; Long War Journal (The), *Taliban controls or contests 70 districts in Afghanistan*, in: Threat Matrix [Blog], 16 October 2015 (<http://www.longwarjournal.org/archives/2015/10/taliban-controls-or-contests-70-districts-in-afghanistan.php>), accessed 30 March 2016; Gossman, P., *Afghanistan: After Kunduz*, 21 December 2015 (<https://www.hrw.org/news/2015/12/21/afghanistan-after-kunduz>), accessed 30 March 2016; UNAMA, *Afghanistan, Annual Report 2015 on the Protection of Civilians in Armed Conflict*, February 2016 (https://unama.unmissions.org/sites/default/files/poc_annual_report_2015_final_14_feb_2016.pdf), accessed 30 March 2016, p. 6.

⁽⁶⁶⁾ UNAMA, *Afghanistan, Annual Report 2015 on the Protection of Civilians in Armed Conflict*, February 2016 (https://unama.unmissions.org/sites/default/files/poc_annual_report_2015_final_14_feb_2016.pdf), accessed 30 March 2016, pp. 1-2.

⁽⁶⁷⁾ CNN, *50 killed in attack at Afghanistan's Kandahar airport*, 10 December 2015 (<http://edition.cnn.com/2015/12/09/middleeast/afghanistan-airport-attack/>), accessed 30 March 2016.

⁽⁶⁸⁾ Guardian (The), *Deadly suicide bomb attack on Nato convoy in Kabul*, 23 August 2015 (<http://www.theguardian.com/world/2015/aug/22/suicide-bomb-nato-convoy-kabul-afghanistan>), accessed 30 March 2016; Clark, K., *The Triple Attack in Kabul: A message? If so, to whom?*, Afghanistan Analysts Network, 10 August 2015 (<https://www.afghanistan-analysts.org/the-triple-attack-in-kabul-a-message-if-so-to-whom/>), accessed 30 March 2016.

⁽⁶⁹⁾ Gossman, P., *Dispatches: Afghan Civilians Pay the Price of Attacks*, HRW, 13 July 2015 (<https://www.hrw.org/news/2015/07/14/dispatches-afghan-civilians-pay-price-attacks>), accessed 30 March 2016.

⁽⁷⁰⁾ Gossman, P., *Afghanistan: The Taliban's Deadly Hypocrisy*, 18 May 2015 (<https://www.hrw.org/news/2015/05/18/afghanistan-talibans-deadly-hypocrisy>), accessed 30 March 2016.

⁽⁷¹⁾ Mail Online, *Afghan truck bomb kills seven in Lashkar Gah*, source: AFP, 18 March 2015 (<http://www.dailymail.co.uk/wires/afp/article-3000173/Seven-killed-41-injured-Afghan-truck-bomb.html>), accessed 30 March 2016.

⁽⁷²⁾ Amnesty International, *Afghanistan 2015/2016*, n.d. (<https://www.amnesty.org/en/countries/asia-and-the-pacific/afghanistan/report-afghanistan/>), accessed 31 March 2016; Amnesty International, *The bravest woman in Afghanistan*, 30 November 2015 (<http://www.amnesty.org.au/afghanwomen/comments/38517/>), accessed 31 March 2016; UN News Centre, *UN condemns attack on human rights workers in Afghanistan that killed two, injured six*, 26 October 2015 (<http://www.un.org/apps/news/story.asp?NewsID=52377>), accessed 31 March 2016; Afghanistan Independent Human Rights Commission, *The Situation of Human Rights in Afghanistan in 1393*, 11 August 2015, available at: (<http://www.refworld.org/docid/5694bc384.html>), accessed 31 March 2016; HRW, *Dispatches: Afghanistan Journalists' Worsening Reporting Perils*, 18 March 2016 (<https://www.hrw.org/news/2016/03/18/dispatches-afghanistan-journalists-worsening-reporting-perils>), accessed 31 March 2016.

⁽⁷³⁾ Asia Foundation (The), *Afghanistan in 2015. A Survey of the Afghan People*, 2015 (<https://asiafoundation.org/resources/pdfs/Afghanistanin2015.pdf>), accessed 30 March 2016, pp. 5-10.

In January 2015, EASO published the Report *Afghanistan – Security Situation*, which provides a description of the security situation in Afghanistan at national and provincial level ⁽⁷⁴⁾. In March 2015, a Practical Cooperation workshop on Afghanistan was organised to discuss asylum-decision practices in Member States with regard to Afghan applications for international protection. An update of this security situation report was published in January 2016. In December 2016, EASO held a large-scale Practical Cooperation Conference on the situation in Afghanistan and the situation of Afghans in Pakistan, Iran, Turkey and Greece. In the margins of this conference, a separate session was held for members of the COI Specialist Network.

Iraq

In 2015 the security and human rights situation in Iraq deteriorated further due to the ongoing armed conflict between the extremist group ISIS (or ISIL) and the government forces, the pro-government militias and the US-led international air coalition ⁽⁷⁵⁾. In May 2015, ISIS captured the city of Ramadi ⁽⁷⁶⁾.

Government forces recaptured Tikrit in March, Beiji in October and the Ramadi district in December 2015 ⁽⁷⁷⁾.

ISIS continued to impose its harsh interpretation of Sharia law on the population. Women were especially targeted and subjected to abduction, slavery, sexual slavery and organised rape, and forced to marry ISIS soldiers; those who refused were imprisoned or executed ⁽⁷⁸⁾. In 2015, ISIS created a female morality department (Khansa) in Mosul, to enforce moral codes among women ⁽⁷⁹⁾.

In 2015, ISIS also targeted and executed religious and ethnic minorities, in particular Yezidis, journalists and homosexuals, and recruited and trained child soldiers for suicide missions and to carry out executions ⁽⁸⁰⁾.

According to UN High Commissioner for Human Rights/UNAMI, ISIS continues to commit 'systematic and widespread violations and abuses of international human rights law and international humanitarian law. In some instances, these may amount to war crimes and crimes against humanity'. Government forces and pro-government militias perpetrated unlawful killings, abductions and attacks against ethnic and religious communities and restricted the population's freedom of movement ⁽⁸¹⁾. Iraq's justice system continued to impose and execute the death penalty, often violating due process and fair trial rights ⁽⁸²⁾.

The United Nations in Iraq (UN-Iraq) estimates the number of casualties in 2015 to be 22 370 (7 515 deaths and 14 855 wounded). The numbers may still rise significantly as international bodies have not been able to verify all

⁽⁷⁴⁾ This report was co-drafted by researchers from Austria, Belgium and France. COI units from Greece, Hungary and Slovakia contributed by doing supportive research. Researchers from The Netherlands, Sweden and UNHCR reviewed the report. <https://coi.easo.europa.eu/administration/easo/PLib/EASO%20COI%20Report%20Afghanistan%20Security%20Situation%20Jan%202015.pdf>

⁽⁷⁵⁾ HRW (Human Rights Watch), *Human Rights Watch, World Report 2016 - Iraq*, p. 319-327, 27 January 2016, <https://www.hrw.org/world-report/2016/country-chapters/iraq>, accessed 15 March 2016.

⁽⁷⁶⁾ AI (Amnesty International), *Amnesty International: Amnesty International Report 2015/16 - The State of the World's Human Rights - Iraq*, p. 194-198, 24 February 2016, <https://www.amnesty.org/en/latest/research/2016/02/annual-report-201516/>, accessed 15 March 2016.

⁽⁷⁷⁾ Iraqi News, *Ramadi is completely liberated, says Joint Operations*, 28 December 2015, <http://www.iraqnews.com/iraq-war/joint-operations-announces-ramadi-liberation-raising-iraqi-flag-over-government-complex/>, accessed 15 March 2016.

⁽⁷⁸⁾ AI (Amnesty International), *Amnesty International: Amnesty International Report 2015/16 - The State of the World's Human Rights - Iraq*, p. 194-198, 24 February 2016, <https://www.amnesty.org/en/latest/research/2016/02/annual-report-201516/>, accessed 15 March 2016.

⁽⁷⁹⁾ HRW (Human Rights Watch), *Human Rights Watch, World Report 2016 - Iraq*, p. 319-327, 27 January 2016, <https://www.hrw.org/world-report/2016/country-chapters/iraq>, accessed 15 March 2016; UNAMI (United Nations Assistance Mission for Iraq), *Report on the Protection of Civilians in the Armed Conflict in Iraq: 1 May – 31 October 2015*, <http://www.ohchr.org/Documents/Countries/IQ/UNAMIRReport1May31October2015.pdf>, accessed 15 March 2016.

⁽⁸⁰⁾ HRW (Human Rights Watch), *Human Rights Watch, World Report 2016 - Iraq*, p. 319-327, 27 January 2016, <https://www.hrw.org/world-report/2016/country-chapters/iraq>, accessed 15 March 2016; AI (Amnesty International) - *Amnesty International: Amnesty International Report 2015/16 - The State of the World's Human Rights - Iraq*, p. 194-198, 24 February 2016, <https://www.amnesty.org/en/latest/research/2016/02/annual-report-201516/>, accessed 15 March 2016.

⁽⁸¹⁾ OHCHR (Office of the United Nations High Commissioner for Human Rights) / UNAMI (United Nations Assistance Mission for Iraq), *Report on the Protection of Civilians in the Armed Conflict in Iraq: 1 May – 31 October 2015*, <http://www.ohchr.org/Documents/Countries/IQ/UNAMIRReport1May31October2015.pdf>, accessed 15 March 2016.

⁽⁸²⁾ HRW (Human Rights Watch), *Human Rights Watch, World Report 2016 - Iraq*, p. 319-327, 27 January 2016, <https://www.hrw.org/world-report/2016/country-chapters/iraq>, accessed 15 March 2016.

incidents ⁽⁸³⁾. Since January 2014 the estimated number of internally displaced Iraqis exceeds 3 000 000, compared to about 2 000 000 by the end of 2014 ⁽⁸⁴⁾.

A special seminar was organised for the COI Specialist Network on Iraq in April 2016. External speakers covered topics such as the security situation in different regions, access to protection, freedom of movement, and targeted and vulnerable groups.

Pakistan

The general security situation in Pakistan is characterised by sectarian and political violence with militant groups attacking the Pakistani state, different religious communities or political opponents. Examples of such violent incidents include: bomb blasts inside Shia worship places in Peshawar (Khyber Pakhtunkhwa), Rawalpindi city (Punjab) and in Shikarpur District in Sindh (Jan-Feb 2015); suicide attacks on two churches in Lahore (March 2015); an assault on a bus of Ismailis in Karachi (May 2015) and several attacks on Hindu temples in Sindh. In each incident, many civilians were killed and injured ⁽⁸⁵⁾. The Pakistani government conducted military operations against militant groups in the Federally Administered Tribal Areas (FATA), and security operations in Karachi and Baluchistan ⁽⁸⁶⁾.

In January 2015, the Pakistani President Mamnoon Hussain signed a bill on the installation of military tribunals to try civilians for terrorism-related activities. During the rest of the year, these military courts sentenced 27 people to death and four to life imprisonment. Amnesty International expressed concerns over the right to fair trial. In March 2015, the moratorium on the death penalty was lifted and as a result more than 300 executions were recorded in 2015 ⁽⁸⁷⁾.

Religious communities and minorities continued to face discrimination and persecution, including via the application of legislative provisions (e.g. anti-blasphemy laws) and government practices. Throughout 2015, disappearance, torture, unlawful detention and killing were reported ⁽⁸⁸⁾. Pakistan hosted nearly 1.5 million Afghans who came under pressure after an attack on a school in Peshawar in December 2014 ⁽⁸⁹⁾. Women in Pakistan were marginalised in terms of political participation and economic opportunities; they are considered vulnerable and subject to violence and crime, including honour killings, domestic violence, mutilation, acid attacks, rape, abduction and murder. Under religious and traditional ordinances they were subject to different gender-based punishments (e.g. Hadd and Hudood) ⁽⁹⁰⁾. Homosexuality was punishable under the penal code and sharia law, while homophobia and violence against gay and transgender people is widespread in the conservative Islamic Pakistani society ⁽⁹¹⁾.

⁽⁸³⁾ UN-Iraq (United Nations Iraq), *Civilian Casualties*, 1 January 2016, http://www.uniraq.org/index.php?option=com_k2&view=itemlist&layout=category&task=category&id=159&Itemid=633&lang=en, accessed 15 March 2016.

⁽⁸⁴⁾ UNHCR (United Nations High Commissioner for Refugees), *Iraq: CCCM Settlement Status Map (10 Mar 2016)*, 10 March 2016, <http://www.refworld.org/docid/56e7bc274.html>, accessed 15 March 2016; UNHCR (United Nations High Commissioner for Refugees), *Iraq: CCCM - IDP populations in settlements and informal sites by district - 13 Mar 2016*, 13 March 2016, <http://www.refworld.org/docid/56e7bc734.html>, accessed 15 March 2016.

⁽⁸⁵⁾ South Asia Terrorism Portal, *Pakistan Assessment 2015*, n.d. (<http://www.satp.org/satporgtp/countries/pakistan/index.htm>), accessed 31 March 2016; Amnesty International, *Pakistan 2015/2016*, n.d. (<https://www.amnesty.org/en/countries/asia-and-the-pacific/pakistan/report-pakistan/>), accessed 31 March 2016.

⁽⁸⁶⁾ Austrian Federal Office for Immigration and Asylum, Country of Origin Information Department, *Fact Finding Mission Report Pakistan*, Revised: September 2015, available at: (http://www.ecoi.net/file_upload/90_1453713783_bfa-sd-pakistan-ffm-report-2015-09-v2.pdf), accessed 31 March 2016, pp. 13-17.

⁽⁸⁷⁾ Amnesty International, *Pakistan 2015/2016*, n.d. (<https://www.amnesty.org/en/countries/asia-and-the-pacific/pakistan/report-pakistan/>), accessed 31 March 2016.

⁽⁸⁸⁾ Amnesty International, *Pakistan 2015/2016*, n.d. (<https://www.amnesty.org/en/countries/asia-and-the-pacific/pakistan/report-pakistan/>), accessed 31 March 2016.

⁽⁸⁹⁾ Al Jazeera, *Afghans fleeing Pakistan after Peshawar school massacre*, 7 February 2015 (<http://www.aljazeera.com/news/2015/02/afghans-fleeing-pakistan-peshawar-school-massacre-150207111410080.html>), accessed 31 March 2016.

⁽⁹⁰⁾ Asmat, S., *Violence Against Women: Actual Situation In Pakistan And Effective Measures To Fight Against It*, in: *Courting the Law*, 3 February 2016 (<http://courtingthelaw.com/2016/02/03/commentary/violence-against-women-actual-situation-in-pakistan-and-effective-measures-to-fight-against-it/>), accessed 31 March 2016.

⁽⁹¹⁾ Daily Times, *Homophobia in Pakistan*, 1 May 2015 (<http://www.dailytimes.com.pk/opinion/01-May-2015/homophobia-in-pakistan>), accessed 31 March 2016; Vice News, *Officially Recognized But Publicly Shamed: Transgender Life in Pakistan*, 26 November 2015 (<https://news.vice.com/article/officially-recognized-but-publicly-shamed-transgender-life-in-pakistan>), accessed 31 March 2016; Rahman, U., *Pushing for a return of LGBT rights in Pakistan*, Rights Wire [Blog], 22 July 2016 (<http://rightswireblog.org/2015/07/22/pushing-for-a-return-of-lgbt-rights-in-pakistan/>), accessed 31 March 2016; Al Jazeera, *Pakistani LGBT community's fight for rights*, 2 February 2016 (<http://www.aljazeera.com/indepth/inpictures/2015/01/pakistani-lgbt-community-fight-rights-150121114323286.html>), accessed 31 March 2016.

However, in 2015 the general security situation improved compared to previous years ⁽⁹²⁾. The number of casualties caused by violence in 2015 (4 653 fatalities, of which 29 % were civilians) dropped by 40 % compared to 2014. Among the casualties were polio workers, lawyers, journalists, clerics, businessmen, labourers and other employees, aside from militants and government staff ⁽⁹³⁾.

In August 2015, a COI report entitled *Pakistan – Country Overview* was published by EASO, providing general country information, as well as more detailed information on the general and regional security situation and human rights in Pakistan ⁽⁹³⁾.

Eritrea

Eritrea can be characterised as one of most closed countries in the world, with a highly centralised and authoritarian regime, no independent judiciary or press, no independent civil society, and no elections since 1993 ⁽⁹⁵⁾.

The indefinite duration of the National Service remains the main reason Eritreans leave their country, according to a recent report by Amnesty International ⁽⁹⁶⁾. Human Rights Watch noted in its annual report (2015) the government's intention to 'release the current and future classes of conscripts after they serve 18 months, but President Isaias made no public announcement of a change in policy, nor was there any other independent corroboration of this claim' ⁽⁹⁷⁾.

Human rights reports mention a range of violations: open-ended and prolonged national service with forced or bonded labour; arbitrary arrests, prolonged detention and inhumane prison conditions, and disappearances; and severe restrictions on freedoms of expression, religion, and movement ⁽⁹⁸⁾. In addition, human trafficking, forced child labour, and Female Genital Mutilation/Cutting (FGM/C), despite a ban in 2007, continue to occur ⁽⁹⁹⁾.

The UN Commission of Inquiry in its June 2015 report concluded that 'systematic, widespread and gross human rights violations have been and are being committed by the Government of Eritrea and that there is no accountability for them' ⁽¹⁰⁰⁾. Human rights violations are committed with impunity. Although legal procedures are in place, victims do not feel confident that perpetrators will be brought to justice. The security apparatus and justice system can be characterised by arbitrariness, as noted by EASO's report *Country focus on Eritrea* in May 2015 ⁽¹⁰¹⁾.

Eritrea ranked among the most repressive media environments in the world in 2014, and scored 94 for press freedom (100 is the worst), and recorded the lowest mark for political and legal environment. For the past eight years, the

⁽⁹²⁾ Austrian Federal Office for Immigration and Asylum, Country of Origin Information Department, *Fact Finding Mission Report Pakistan*, Revised: September 2015, available at: (http://www.ecoi.net/file_upload/90_1453713783_bfa-sd-pakistan-ffm-report-2015-09-v2.pdf), accessed 31 March 2016, pp. 12-13.

⁽⁹³⁾ Centre for Research and Security Studies, *Annual Security Report 2015*, 18 February 2016 (<http://crss.pk/wp-content/uploads/2010/07/Annual-Report-2015-6.pdf>), accessed 31 March 2016, pp. 8-17.

⁽⁹⁴⁾ The report was drafted by researchers from Austria, Belgium, France, Hungary and the United Kingdom, and reviewed by a peer review group composed of COI experts from Ireland, Lithuania, UNHCR and EASO. <https://coi.easo.europa.eu/administration/easo/PLib/EASO%20COI%20Report%20Pakistan-Country-Overview%20Aug%202015.pdf>

⁽⁹⁵⁾ UNHRC (UN Human Rights Office of the High Commissioner), *Report of the detailed findings of the commission of inquiry on human rights in Eritrea - A/HRC/29/CRP.1*, 5 June 2015 (http://www.ohchr.org/Documents/HRBodies/HRCouncil/ColEritrea/A_HRC_29_CRP-1.pdf), accessed 21 March 2016; Human Rights Watch, *World Report 2016 – Eritrea*, 27 January 2016 (https://www.hrw.org/sites/default/files/world_report_download/wr2016_web.pdf), accessed 18 March 2016, pp. 233-237.

⁽⁹⁶⁾ Amnesty International, *Just Deserters: Why indefinite national service in Eritrea has created a generation of refugees*, 2 December 2015, AFR 64/2930/2015 (<https://www.amnesty.org/download/Documents/AFR6429302015ENGLISH.PDF>), accessed 21 March 2016. See also Human Rights Watch, *World Report 2016 – Somalia*, 27 January 2016 (https://www.hrw.org/sites/default/files/world_report_download/wr2016_web.pdf), accessed 18 March 2016.

⁽⁹⁷⁾ Human Rights Watch, *World Report 2016 – Eritrea*, 27 January 2016 (https://www.hrw.org/sites/default/files/world_report_download/wr2016_web.pdf), accessed 18 March 2016, p. 234.

⁽⁹⁸⁾ Human Rights Watch, *World Report 2016 – Eritrea*, 27 January 2016 (https://www.hrw.org/sites/default/files/world_report_download/wr2016_web.pdf), accessed 18 March 2016, pp. 233-237.

⁽⁹⁹⁾ US Department of State, *2015 Trafficking in Persons Report - Eritrea*, 27 July 2015 <http://www.state.gov/j/tip/rls/tiprpt/countries/2015/243434.htm>), accessed 22 March 2016; UNICEF, *Eritrea – Statistical Profile on Female Genital Mutilation/ Cutting*, updated July 2014, (http://data.unicef.org/corecode/uploads/document6/uploaded_country_profiles/corecode/222/Countries/FGMC_ERI.pdf), accessed 22 March 2016.

⁽¹⁰⁰⁾ UNHRC (UN Human Rights Office of the High Commissioner), *Report of the detailed findings of the commission of inquiry on human rights in Eritrea - A/HRC/29/CRP.1*, 5 June 2015 (http://www.ohchr.org/Documents/HRBodies/HRCouncil/ColEritrea/A_HRC_29_CRP-1.pdf), accessed 21 March 2016, p. 449.

⁽¹⁰¹⁾ EASO, *Country of Origin report, Eritrea Country Focus*, May 2015 (https://coi.easo.europa.eu/administration/easo/PLib/EASO-Eritrea-CountryFocus_EN_May2015.pdf), accessed 21 March 2016.

country has been ranked last on the World Press Freedom Index ⁽¹⁰²⁾. Journalists are subject to arbitrary arrest and detention as well as enforced disappearance ⁽¹⁰³⁾.

The COI Specialist Network on Eritrea held its kick-off meeting in February 2015. In May 2015, EASO published its *Country Focus report on Eritrea*, in which topics such as the national service, state structure and politics, prison and detention, identity documents and exit were discussed ⁽¹⁰³⁾.

Nigeria

Nigeria had relatively peaceful presidential and parliamentary elections in 2015 when President Muhammadu Buhari came to power. However, violence and insecurity continued. In the beginning of 2015, Boko Haram seized 17 local governmental areas in the north-east of the country and launched a bloody attack on the village of Baga and the military headquarters of the Multinational Joint Task Force (MNJTF), killing hundreds of civilians. National and international security forces have since retaken many larger towns and rescued more than 1 300 hostages. However, the insurgent group remains active in many rural areas, attacking and killing civilians, raping and forcibly marrying women and girls, and destroying hundreds of settlements ⁽¹⁰⁵⁾. According to human rights reports, the Nigerian security forces have neither taken adequate steps to protect civilians during operations against Boko Haram, nor to protect the rights of rescued hostages ⁽¹⁰⁶⁾.

More than 3 500 people died in the conflict with Boko Haram in 2015. The number of internally displaced people in Northern Nigeria increased to 2.2 million as of December 2015, of whom 85 % is displaced due to the insurgency ⁽¹⁰⁷⁾. The conflict has also led to hundreds of thousands of displacements and refugees in neighbouring countries (Cameroon, Chad, Niger) ⁽¹⁰⁸⁾.

Security and military forces were accused of using excessive force, torture, heavy-handed and abusive actions in the hunt for Boko Haram, extrajudicial executions and inhumane detention conditions of suspected members of the insurgent group. Such human rights violations were often met with impunity. In addition to the large-scale Boko Haram attacks, Nigeria also suffered from inter-communal fights in the Middle Belt, fuelled by a competition for power and resources ⁽¹⁰⁹⁾.

Human Rights Watch noted that the 2014 Same Sex Marriage (Prohibition) Bill had a ‘chilling effect on freedom of expression for lesbian, gay, bisexual, and transgender people, human rights organisations, writers, and others. Organisations have reported cases of blackmail, evictions, and fear of seeking health care since the law’s passage’ ⁽¹¹⁰⁾.

⁽¹⁰²⁾ Freedom House, *Freedom of the press 2015 – Eritrea*, 20 October 2015 (<https://www.freedomhouse.org/report/freedom-press/2015/eritrea>), accessed 21 March 2016; RSF (Reporters without Borders), *2015 World Press Freedom Index*, n.d. (<http://index.rsf.org/#/>), accessed 21 March 2016.

⁽¹⁰³⁾ RSF (Reporters without Borders), *Eritrea - last in the World Press Freedom Index for the past eight years, 11-12 June 2015* (<http://en.rsf.org/eritrea-eritrea-last-in-the-world-press-11-06-2015,48001.html>), accessed 22 March 2016; Committee to Protect Journalists, *2015 prison census - Eritrea: Amanuel Asrat, Dawit Habtemichael, Mattewos Habteab, Medhanie Haile, Said Abdelkader, Seyoum Tsehaye, Temesgen Ghebreyesus, Yusuf Mohamed Ali*, 14 December 2015, available at: (<http://www.refworld.org/docid/56701f89c.html>) accessed 22 March 2016.

⁽¹⁰⁴⁾ EASO, *Country of Origin report, Eritrea Country Focus*, May 2015 (https://coi.easo.europa.eu/administration/easo/PLib/EASO-Eritrea-CountryFocus_EN_May2015.pdf), accessed 21 March 2016.

⁽¹⁰⁵⁾ Human Rights Watch, *World Report 2016*, 27 January 2016 (https://www.hrw.org/sites/default/files/world_report_download/wr2016_web.pdf), accessed 22 March 2016, p. 422; Amnesty International, *Amnesty International Report 2015/16*, 24 February 2016 (<https://www.amnesty.org/en/documents/pol10/2552/2016/en/>), accessed 24 March 2016, pp. 274-278.

⁽¹⁰⁶⁾ Human Rights Watch, *World Report 2016*, 27 January 2016 (https://www.hrw.org/sites/default/files/world_report_download/wr2016_web.pdf), accessed 22 March 2016, pp. 422-427; Amnesty International, *Nigeria: Still waiting for justice, still waiting for change. Government must prioritise accountability in the north-east*, AFR 44/3599/2016, 14 March 2016 (<https://www.amnesty.org/en/documents/afr44/3599/2016/en/>) accessed 24 March 2016.

⁽¹⁰⁷⁾ IOM, *Displacement Tracking Matrix (DTM) Round VII report*, December 2015 (http://nigeria.iom.int/sites/default/files/dtm/01_IOM%20DTM%20Nigeria_Round%20VII%20Report_20151223.pdf), accessed 24 March 2016; Human Rights Watch, *World Report 2016*, 27 January 2016 (https://www.hrw.org/sites/default/files/world_report_download/wr2016_web.pdf), accessed 22 March 2016, p. 422.

⁽¹⁰⁸⁾ UN High Commissioner for Refugees (UNHCR), *Nigeria Situation: UNHCR Regional Update No°19 (19 November – 17 December 2015)*, 17 December 2015, (<http://www.refworld.org/docid/568d07be4.html>), accessed 24 March 2016.

⁽¹⁰⁹⁾ Amnesty International, *Amnesty International Report 2015/16*, 24 February 2016 (<https://www.amnesty.org/en/documents/pol10/2552/2016/en/>), accessed 24 March 2016, pp. 274-278; Human Rights Watch, *World Report 2016*, 27 January 2016 (https://www.hrw.org/sites/default/files/world_report_download/wr2016_web.pdf), accessed 22 March 2016, p. 424.

⁽¹¹⁰⁾ Human Rights Watch, *World Report 2016*, 27 January 2016 (https://www.hrw.org/sites/default/files/world_report_download/wr2016_web.pdf), accessed 22 March 2016, p. 425.

Data on the prevalence of Female Genital Mutilation/Cutting (FGM/C) in different age groups seem to indicate that the practise is decreasing ⁽¹¹¹⁾. As one of his last acts as a president, on 25 May 2015 Goodluck Jonathan passed the Violence Against Persons Prohibition Bill, banning FGM/C and prohibiting men to abandon their wives or children without economic support ⁽¹¹²⁾.

Freedom of expression, media and association are under pressure; journalists frequently suffer intimidation, harassment and violence ⁽¹¹³⁾. Nigeria scored 53 for press freedom (100 is the worst) ⁽¹¹⁴⁾.

A practical cooperation workshop on Nigeria was held in October 2015, covering a wide range of issues, including the security situation, Boko Haram, gender-related violence, cults, as well as issues related to trafficking of human beings. In the same month EASO published the Report *Nigeria – Sex trafficking of women*, which provides information on the modus operandi of trafficking and the situation of victims of trafficking returning to Nigeria ⁽¹¹⁴⁾. EASO is expected to set up a new COI Specialist Network on Nigeria in 2016.

Iran

Although in 2015 Iran adopted amendments to the Islamic Penal Code and the Criminal Procedure Code, a number of serious human rights related concerns remain. Iranian authorities continued to restrict general civil liberties and act against the physical integrity of their citizens ⁽¹¹⁶⁾. Human rights activists, lawyers, journalists and religious and ethnic minorities are harassed by the country's authorities and impunity is pervasive at all levels of government or security forces ⁽¹¹⁷⁾. The death penalty in the country continues to be a great international concern. According to the Iran Human Rights Documentation Centre, 966 people were executed in 2015, a significant rise compared to 773 executions in 2014 ⁽¹¹⁸⁾. The majority of executions relates to drug convictions. At least four child offenders were executed ⁽¹¹⁹⁾. Other important human rights concerns in Iran relate to freedom of expression, due process, women's and LGBT persons' rights ⁽¹²⁰⁾.

Somalia

According to the EASO report on the security situation in Somalia covering 2015 and the second half of 2014, the security situation has improved but is still very volatile ⁽¹²¹⁾. In joint military operations by the Somali National Army (SNA) and the African Union Mission in Somalia (AMISOM), more territory, mainly cities, were recovered from the insurgency group Al-Shabaab. Despite these large losses, Al-Shabaab still controls a substantial part of the rural

⁽¹¹¹⁾ PRB (Population Reference Bureau): *Female Genital Mutilation/ Cutting: Data and Trends*, update 2014 (<http://www.prb.org/pdf14/fgm-wallchart2014.pdf>), accessed 24 March 2016.

⁽¹¹²⁾ NSRP (Nigeria Stability and Reconciliation Programme), *President Jonathan passes Violence Against Persons Prohibition bill into law*, 25 May 2015 (<http://www.nsrp-nigeria.org/2015/05/25/president-jonathan-passes-violence-against-persons-prohibition-bill-into-law/>), accessed 22 March 2016.

⁽¹¹³⁾ Human Rights Watch, *World Report 2016*, 27 January 2016 (https://www.hrw.org/sites/default/files/world_report_download/wr2016_web.pdf), accessed 22 March 2016, pp. 425.

⁽¹¹⁴⁾ Freedom House, *Freedom of the Press 2015 – Nigeria*, 9 September 2015 (<https://freedomhouse.org/report/freedom-press/2015/nigeria>), accessed 24 March 2016.

⁽¹¹⁵⁾ This EASO COI report was based on a report originally drafted by the Country Information Service of the Finnish Immigration Service. The report was reviewed and commented upon by other national COI experts from France, Italy, Norway, The Netherlands, Sweden and the UK, as well as a renown academic. <https://coi.easo.europa.eu/administration/easo/PLib/BZ0415678ENN.pdf>

⁽¹¹⁶⁾ UN Human Rights Council, *Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran*, 10 March 2016, A/HRC/31/69, <http://www.refworld.org/docid/56f1802b4.html>, accessed 15 March 2016; UN Human Rights Council, *Supplementary information on the situation of human rights in the Islamic Republic of Iran*, 10 March 2016, A/HRC/31/CRP.5, <http://www.refworld.org/docid/56f17fd14.html>, accessed 14 April 2016.

⁽¹¹⁷⁾ United States Department of State, 2014 Country Reports on Human Rights Practices - Iran, 25 June 2015, <http://www.refworld.org/docid/559bd56212.html>, accessed 14 April 2016.

⁽¹¹⁸⁾ Iran Human Rights Documentation Centre (IHRDC), *Chart of Executions by the Islamic Republic of Iran – 2015*, 15 January 2016, <http://www.iranhrdc.org/english/publications/human-rights-data/chart-of-executions/1000000564-ihrc-chart-of-executions-by-the-islamic-republic-of-iran-2015.html>, accessed 15 March 2016.

⁽¹¹⁹⁾ UN Human Rights Council, *Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran*, 10 March 2016, A/HRC/31/69, <http://www.refworld.org/docid/56f1802b4.html>, accessed 15 March 2016.

⁽¹²⁰⁾ Freedom House, *Freedom in the World 2016 - Iran*, 7 March 2016, <http://www.refworld.org/docid/56dea2f515.html>, accessed 15 March 2016; United States Department of State, 2014 Country Reports on Human Rights Practices - Iran, 25 June 2015, <http://www.refworld.org/docid/559bd56212.html>, accessed 14 April 2016.

⁽¹²¹⁾ EASO, *Country of Origin Report Somalia Security situation*, February 2016 (<https://coi.easo.europa.eu/administration/easo/PLib/EASO-Somalia-Security-Feb2016.pdf>), accessed 17 March 2016.

areas of south and central Somalia and is most active in Lower Shabelle. The security situation in Mogadishu is more volatile than in other cities. Armed clashes and attacks on civilian infrastructure (restaurants, hotels, governmental buildings) and on journalists, governmental and legal officers occur on a weekly basis. AMISOM military bases have been attacked (in Leego and Janaale) and scores of soldiers killed. In the north, Somaliland is considered relatively quiet but Puntland and the contested Sool, Sanaag and Cayn regions are less stable, due to Al-Shabaab cells in the Galgala mountains and inter-clan fighting. Some parts of central Somalia are volatile as well, suffering from military operations between SNA/AMISOM and Al-Shabaab ⁽¹²²⁾.

The population living under Al-Shabaab's harsh interpretation of Sharia law experience severe restrictions in their freedom of movement, expression, and association. Al-Shabaab administers public executions, amputations, whipping and other forms of torture. Human Rights Watch also mentions human rights abuses (arbitrary arrests and killings, sexual violence) by government and allied forces, as well as foreign forces (AMISOM). The government initiated plans to address the alarming levels of sexual violence of which especially IDP women are victims, but implementation has been very slow ⁽¹²³⁾. Press freedom has come under severe pressure and journalists have been killed by Al-Shabaab and arrested by governmental forces ⁽¹²⁴⁾.

Female Genital Mutilation/Cutting (FGM/C) is prevalent in Somalia; plans to ban the practise were announced by the government in August 2015, following Puntland's example of 2014 ⁽¹²⁵⁾.

According to the Humanitarian Coordinator of UN OCHA, 4.9 million people are in need of life-saving and livelihoods assistance. More than 1.1 million people are internally displaced, of which 369 000 are living in Mogadishu. In addition, 1.1 million Somali refugees are living abroad, of which 420 000 are in the five refugee camps in Dadaab, Kenya ⁽¹²⁶⁾. As of June 2015, 19 004 refugees had returned to Somalia ⁽¹²⁷⁾.

On 34 November 2015, a COI Specialist Network seminar was held in Malta in which external speakers provided in-depth information on the security situation, rule of law, inclusive politics and federalism in Somalia. EASO issued a COI report on the security situation in Somalia in February 2016 ⁽¹²⁷⁾.

Russian Federation

In 2015, Russian authorities applied a 2012 law that requires foreign-funded NGOs and advocacy groups to be listed as 'foreign agents', and adopted the 'undesirable foreign organisations' law, authorising the extrajudicial ban of foreign or international NGOs or groups that may 'undermine Russia's security', thus limiting criticism and the organisations' activities in the country ⁽¹²⁹⁾.

⁽¹²²⁾ EASO, *Country of Origin Report Somalia Security situation*, February 2016 (<https://coi.easo.europa.eu/administration/easo/PLib/EASO-Somalia-Security-Feb2016.pdf>), accessed 17 March 2016.

⁽¹²³⁾ Human Rights Watch, *World Report 2016 – Somalia*, 27 January 2016 (https://www.hrw.org/sites/default/files/world_report_download/wr2016_web.pdf), accessed 18 March 2016.

⁽¹²⁴⁾ Reporters without Borders, *Government arrests two journalists, closes TV station*, 8 October 2015 (<http://en.rsf.org/somalia-government-arrests-two-journalists-06-10-2015,48413.html>), accessed 18 March 2016; Reporters without Borders, *Somali journalist killed in Mogadishu by bomb planted in her car*, 3 December 2015 (<http://en.rsf.org/somalia-somali-journalist-killed-in-03-12-2015,48615.html>), accessed 18 March 2016.

⁽¹²⁵⁾ Horseed Media, *Somalia to introduce law prohibiting Female Genital Mutilation*, 3 August 2015 (<https://horseedmedia.net/2015/08/03/somalia-to-introduce-law-prohibiting-female-genital-mutilation/>), accessed 22 March 2016; Horseed Media, *Somalia: Puntland bans Female Genital Mutilation (FGM)*, 11 March 2014 (<https://horseedmedia.net/2014/03/11/puntland-bans-fgm/>), accessed 22 March 2016.

⁽¹²⁶⁾ UN OCHA, *Somalia: 2016 Humanitarian Response Plan*, 19 January 2016 (https://www.humanitarianresponse.info/en/system/files/documents/files/2016_somalia_hrp_final1_0.pdf), accessed 18 March 2016.

⁽¹²⁷⁾ UNHCR, *Statistical snapshot, as of June 2015* (<http://www.unhcr.org/pages/49e483ad6.html>), accessed 21 March 2016; UNHCR, *Pledging conference raises Euro 94 million to help Somali refugees return home*, Press Releases, 21 October 2015 (<http://www.unhcr.org/562896076.html>), accessed 21 March 2016.

⁽¹²⁸⁾ EASO, *Country of Origin Report Somalia Security situation*, February 2016 (<https://coi.easo.europa.eu/administration/easo/PLib/EASO-Somalia-Security-Feb2016.pdf>), accessed 17 March 2016.

⁽¹²⁹⁾ HRW (Human Rights Watch), *Human Rights Watch, World Report 2016 - Russia*, 27 January 2016, <https://www.hrw.org/world-report/2016/country-chapters/russia>, accessed 16 March 2016; HRW (Human Rights Watch), *Human Rights Violations in Russia's North Caucasus, Statement prepared by Tanya Lokshina, Russia Program Director at Human Rights Watch for the January 28, 2016 meeting of the Legal Affairs and Human Rights Committee of the Parliamentary Assembly of the Council of Europe*, 28 January 2016, <https://www.hrw.org/news/2016/01/28/human-rights-violations-russias-north-caucasus>, accessed 16 March 2016; AI (Amnesty International), Amnesty International: Amnesty International Report 2015/16 - The State of the World's Human Rights – Russian Federation, 24 February 2016, <https://www.amnesty.org/en/latest/research/2016/02/annual-report-201516/>, accessed 16 March 2016.

LGBT individuals and groups continue to face discrimination and violence in the Russian Federation. The Russian authorities continued to use the 2013 ‘propaganda’ law (that banned dissemination of information on ‘non-traditional sexual relationships’) to preclude LGBT events and activities, and to harass LGBT people and their supporters. The authorities failed to prosecute the authors of homophobic violence⁽¹³⁰⁾. In late 2015 the Russian Communist Party presented a bill to penalise people for publicly expressing or demonstrating ‘non-traditional sexual orientations’. In January 2016, the Committee on Constitutional Legislation and State Building rejected it⁽¹³¹⁾.

New legislation gave the Russian Constitutional Court authority to overrule decisions by the European Court of Human Rights⁽¹³²⁾.

Russia provided political and material support to rebels in east Ukraine and ensured payment of social benefits, pensions and salaries to local officers and separatist military forces. Authorities prosecuted critics of Russian’s annexation of Crimea⁽¹³³⁾. The Russian government announced that more than 2 800 Russians were being monitored for perceived affiliation with ISIS or illegal fighting in Syria and Iraq⁽¹³⁴⁾. In North Caucasus, especially in Dagestan, law enforcement and security forces have led successful counter-insurgent operations. During such operations serious human rights violations have been reported targeting the Salafi Muslim population. The Chechen local authorities led campaigns against government critics, journalists or lawyers. Women’ and girls’ rights remain of concern⁽¹³⁵⁾.

The death toll among civilians and militants in North Caucasus declined in 2015. The Caucasian Knot website estimated 258 victims of the conflict (209 casualties, 49 wounded) during 2015⁽¹³⁶⁾. Experts are cautious about the success of the Russian operations in the region, as the crackdown over the Salafi Muslims may backfire⁽¹³⁷⁾.

In April 2015, the EASO COI Specialist Network on the Russian Federation held its first meeting. External experts covered human rights violations in the Northern Caucasus and in the rest of the Russian Federation.

Ukraine

The Ukraine’s eastern region of Donbass experienced heavy fighting in early 2015. Ukrainian forces lost control of the Donetsk airport. In February 2015, an agreement was reached between the Ukrainian government and the separatist forces, which led to a fragile ceasefire⁽¹³⁸⁾.

⁽¹³⁰⁾ Freedom House, *Freedom in the World, Russia, 2015*, n.a., <https://freedomhouse.org/report/freedom-world/2015/russia>, accessed 16 April 2016; Human Rights Watch, *World Report 2016 - Russia*, 27 January 2016, <https://www.hrw.org/world-report/2016/country-chapters/russia>, accessed 16 April 2016.

⁽¹³¹⁾ Freedom House, *Freedom in the World, Russia, 2015*, n.a., <https://freedomhouse.org/report/freedom-world/2015/russia>, accessed 16 April 2016; Human Rights First, *Homophobia in Russia is a Riddle Wrapped in a Court Case Next to a Hate Bill*, 21 January 2016, <http://www.humanrightsfirst.org/blog/homophobia-russia-riddle-wrapped-court-case-next-hate-bill>, accessed 16 April 2016.

⁽¹³²⁾ AI (Amnesty International), *Amnesty International: Amnesty International Report 2015/16 - The State of the World's Human Rights - Russian Federation*, 24 February 2016, <https://www.amnesty.org/en/latest/research/2016/02/annual-report-201516/>, accessed 16 March 2016.

⁽¹³³⁾ HRW (Human Rights Watch), *Human Rights Watch, World Report 2016 - Russia*, 27 January 2016, <https://www.hrw.org/world-report/2016/country-chapters/russia>, accessed 16 March 2016; International Crisis Group (ICG), *Russia and the Separatists in Eastern Ukraine*, 5 February 2016, Crisis Group Europe and Central Asia Briefing No°79, <http://www.crisisgroup.org/en/regions/europe/ukraine/b079-russia-and-the-separatists-in-eastern-ukraine.aspx>, accessed 16 March 2016.

⁽¹³⁴⁾ Jamestown Foundation, *Number of People Registered in Russia as Extremists Continues to Grow*, 24 March 2016, North Caucasus Analysis Volume: 17 Issue: 6, <http://www.refworld.org/docid/56fe230c4.html>, accessed 4 April 2016.

⁽¹³⁵⁾ HRW (Human Rights Watch), *Human Rights Watch, World Report 2016 - Russia*, 27 January 2016, <https://www.hrw.org/world-report/2016/country-chapters/russia>, accessed 16 March 2016; HRW (Human Rights Watch), *Human Rights Violations in Russia's North Caucasus, Statement prepared by Tanya Lokshina, Russia Program Director at Human Rights Watch for the January 28, 2016 meeting of the Legal Affairs and Human Rights Committee of the Parliamentary Assembly of the Council of Europe*, 28 January 2016, <https://www.hrw.org/news/2016/01/28/human-rights-violations-russias-north-caucasus>, accessed 16 March 2016.

⁽¹³⁶⁾ Caucasian Knot, *Infographics. Statistics of victims in Northern Caucasus for 2015 under the data of the Caucasian Knot*, 8 February 2016, <http://eng.kavkaz-uzel.ru/rubric/601>, accessed 16 March 2016.

⁽¹³⁷⁾ Jamestown Foundation, *Number of People Registered in Russia as Extremists Continues to Grow*, 24 March 2016, North Caucasus Analysis Volume 17 Issue 6, <http://www.refworld.org/docid/56fe230c4.html>, accessed 4 April 2016.

⁽¹³⁸⁾ AI (Amnesty International), *Amnesty International: Amnesty International Report 2015/16 - The State of the World's Human Rights - Ukraine*, p. 378-382, 24 February 2016, <https://www.amnesty.org/en/latest/research/2016/02/annual-report-201516/>, accessed 15 March 2016.

The September 2015 pullback of heavy weaponry and the ‘regime of conflict silence’ agreed in December 2015 brought cautious confidence that the conflict in eastern Ukraine could be coming to an end. However, the situation is still unstable as systematic violations of the ceasefire have been observed in early 2016 ⁽¹³⁹⁾.

The Ukrainian Government does not have effective control over large parts of the Ukraine-Russian border ⁽¹⁴⁰⁾.

The January 2015 *Temporary Order on the control of the movement of people, vehicles and cargo along the contact line in Donetsk and Lugansk region* ⁽¹⁴¹⁾ restricted the population’s freedom of movement. The absence of transparent procedures to cross the contact line (on both sides) subjected populations to uncertain and arbitrary controls ⁽¹⁴²⁾. Access to basic public services was harshened by those restrictions.

The Donbass region remains under the control of the de facto authorities of the Donetsk and Lugansk People’s Republics ⁽¹⁴³⁾. There are reports of killings, arbitrary and incommunicado detention, torture and ill-treatment. The lack of rule of law and of any real protection aggravates the situation. Between 2 700 000 and 5 000 000 civilians are affected by the conflict. 800 000 live near the contact line and are particularly vulnerable to human rights violations ⁽¹⁴⁴⁾.

Delivery of humanitarian assistance, including medicine, was seriously delayed by the travel restrictions introduced by the government in January 2015 ⁽¹⁴⁵⁾. According to the report of the Commissioner of Human Rights of the Council of Europe, clean water is not available regularly to 1.3 million civilians due to massive damage to the infrastructure. Damages to medical facilities, schools and kindergartens are extensive. Lack of payment of social benefits, including pensions, further aggravated the already dire situation of the population ⁽¹⁴⁶⁾.

Crimea is still not accessible to international human rights organisations. The Crimean Tatars are still under pressure, as they continue to defy the Russian presence in the territory. Ukrainian citizens who refuse Russian nationality experienced severe difficulties in accessing education, employment or social benefits ⁽¹⁴⁷⁾.

Since the beginning of the conflict in April 2014, the OHCHR registered 30 211 casualties (9 167 deaths and 21 044 injured) among civilians, Ukrainian armed forces and members of opposition armed groups. As of 14 February 2016, the Ukrainian authorities had registered 1 600 000 IDPs; up to 1 000 000 were living in government-controlled areas, where they faced discrimination in access to public services ⁽¹⁴⁸⁾.

⁽¹³⁹⁾ HRW (Human Rights Watch), *World Report 2016 - Ukraine*, 27 January 2016, https://www.hrw.org/sites/default/files/world_report_download/wr2016_web.pdf, accessed 16 March 2016; OHCHR (Office of the United Nations High Commissioner for Human Rights) *Report on the human rights situation in Ukraine 16 November 2015 to 15 February 2016*, 3 March 2016, http://www.un.org.ua/images/stories/13th_OHCHR_Report_ENG_-_3_March.pdf, accessed 16 March 2016.

⁽¹⁴⁰⁾ OHCHR (Office of the United Nations High Commissioner for Human Rights), *Report on the human rights situation in Ukraine 16 November 2015 to 15 February 2016*, 3 March 2016, http://www.un.org.ua/images/stories/13th_OHCHR_Report_ENG_-_3_March.pdf, accessed 16 March 2016.

⁽¹⁴¹⁾ Changes introduced in June 2015.

⁽¹⁴²⁾ Council of Europe, Commissioner for Human Rights, *Report by Nils Muiznieks, Commissioner for Human Rights of the Council of Europe following his visit to Ukraine from 29 June to 3 July 2015*, 3 November 2015, <https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2840224&SecMode=1&DocId=2324534&Usage=2>, accessed 16 March 2016.

⁽¹⁴³⁾ HRW (Human Rights Watch), *World Report 2016 - Ukraine*, 27 January 2016, https://www.hrw.org/sites/default/files/world_report_download/wr2016_web.pdf, accessed 16 March 2016.

⁽¹⁴⁴⁾ OHCHR (Office of the United Nations High Commissioner for Human Rights) *Report on the human rights situation in Ukraine 16 November 2015 to 15 February 2016*, 3 March 2016, http://www.un.org.ua/images/stories/13th_OHCHR_Report_ENG_-_3_March.pdf, accessed 16 March 2016.

⁽¹⁴⁵⁾ HRW (Human Rights Watch), *World Report 2016 - Ukraine*, 27 January 2016, https://www.hrw.org/sites/default/files/world_report_download/wr2016_web.pdf, accessed 16 March 2016.

⁽¹⁴⁶⁾ Council of Europe, Commissioner for Human Rights, *Report by Nils Muiznieks, Commissioner for Human Rights of the Council of Europe following his visit to Ukraine from 29 June to 3 July 2015*, 3 November 2015, <https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2840224&SecMode=1&DocId=2324534&Usage=2>, accessed 16 March 2016.

⁽¹⁴⁷⁾ HRW (Human Rights Watch), *World Report 2016 - Ukraine*, 27 January 2016, https://www.hrw.org/sites/default/files/world_report_download/wr2016_web.pdf, accessed 16 March 2016.

⁽¹⁴⁸⁾ OHCHR (Office of the United Nations High Commissioner for Human Rights), *Report on the human rights situation in Ukraine 16 November 2015 to 15 February 2016*, 3 March 2016, http://www.un.org.ua/images/stories/13th_OHCHR_Report_ENG_-_3_March.pdf, accessed 15 March 2016.

Given the quick deterioration of the security situation in eastern Ukraine since May 2014, EASO organised a practical cooperation workshop in January 2015. After presentations by experts on the political and security situation, the situation of IDPs and human rights in different regions of Ukraine, Member States discussed national decision practices and challenges regarding Ukrainian applicants. In September 2015, EASO created a COI Specialist Network on Ukraine.

2.8. Key challenges and responses

2.8.1. Syria

In 2015, 383 710 applications were made by Syrian nationals for international protection in the EU+. This is a threefold increase compared to 2014 and the third consecutive year that Syria was the main country of origin of asylum in EU+ countries. In comparison, 877 197 Syrians were newly registered in Syria's neighbouring region in the same period ⁽¹⁴⁹⁾.

It should be noted, that, given the very high influx, the actual number of Syrians who arrived in Europe in 2015 may be much higher, given the time lag between the arrival and the moment an asylum application is made, lodged and reflected in statistical data. The delay in registrations will be particularly marked in EU+ countries that faced massive influx in 2015.

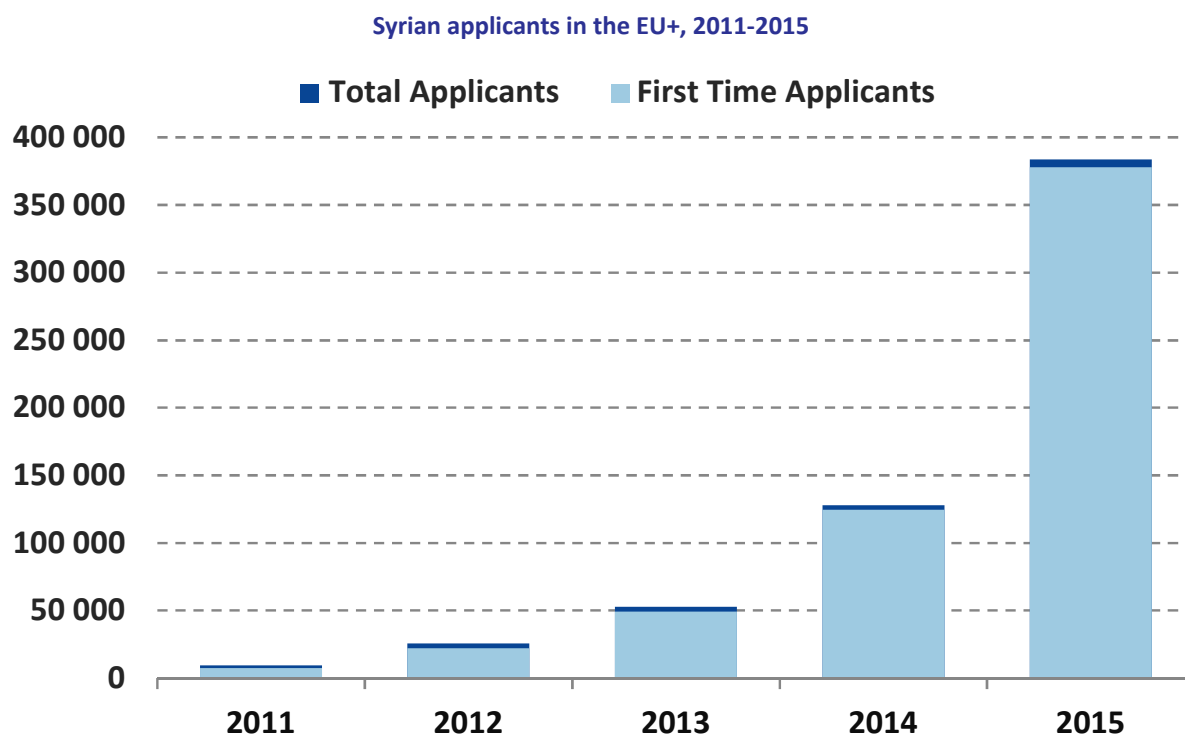


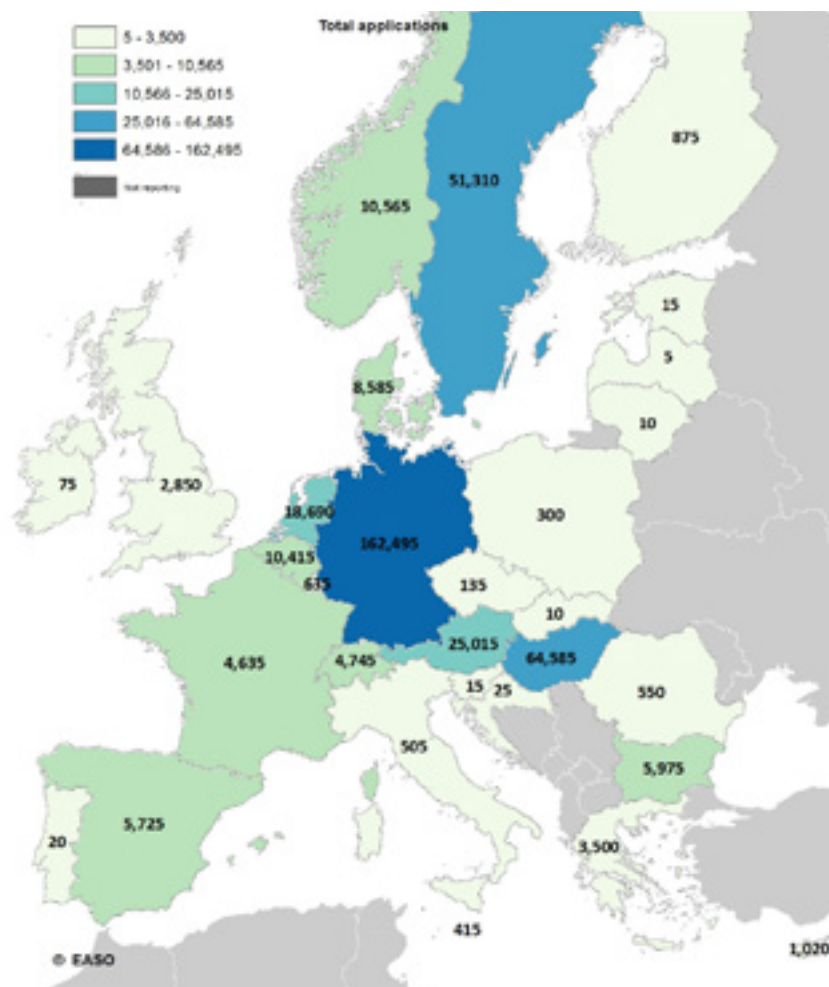
Figure 25: Syrian applications for asylum soar.

While Syrian applicants were mainly registered in Germany, Hungary and Sweden in 2015, accounting for 73 % of the total (though almost all of those registered in Hungary subsequently absconded), Syrians applied throughout the EU+: in 2015 Syria was in the top three countries of origin for 20 member states. As in previous years, Syrian applicants consisted primarily of first-time applicants (99 %). Only 4 % of all Syrian applicants were reported to be UAMs. During 2015, the number of Syrian applicants registered each month in the EU+ rose from 9 575 in February

⁽¹⁴⁹⁾ UNHCR, *Syria Regional Refugee Response: Inter-agency Information Sharing Portal*, accessed 6 April 2016, <http://data.unhcr.org/syrianrefugees/regional.php>.

to a high of 64 965 in September. In the last quarter applications by Syrians decreased slightly, but remained three times higher than in the beginning of the year.

Distribution of Syrian asylum applicants in the EU+, 2015



Map 3: Germany and Hungary were the main receiving countries of Syrian applicants.

While almost all first-instance decisions issued to Syrian applicants were positive across EU+ countries, there was significant variation in the type of protection granted: in Austria, Belgium, Bulgaria, Denmark, Germany, Greece, Norway, Poland and the United Kingdom, for example, Syrian applicants were mainly granted refugee status, while in Cyprus, the Czech Republic, Hungary, Malta, Spain and Sweden, Syrian nationals were most commonly granted subsidiary protection. In the Netherlands and Romania, there was a roughly equal distribution between refugee status and subsidiary protection.

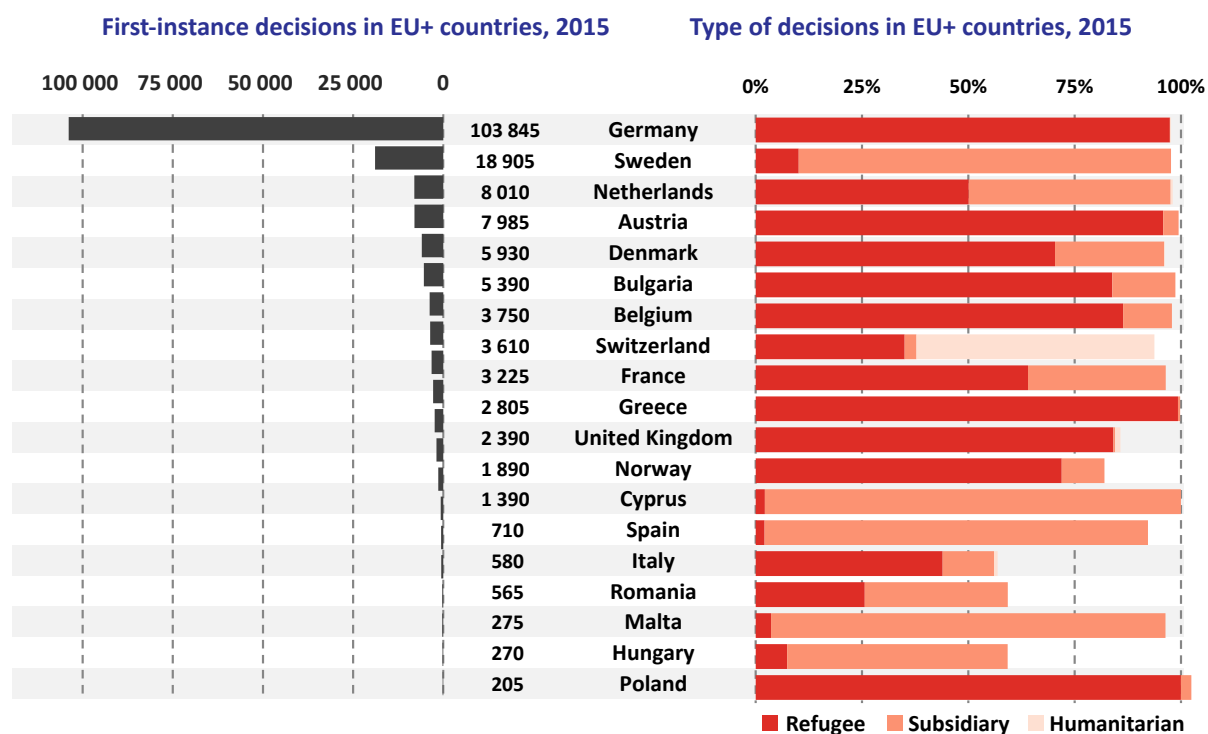


Figure 26: The use of legal regimes differed between EU+ countries.

As the graphs above and below illustrate, the use of legal regimes can be quite different among EU+ countries. The type of protection granted to applicants in each EU+ country can also change over time. When looking at the evolution over the past two years (Figure 26), it is clear that for the EU+ overall, refugee status was increasingly granted as a proportion of positive decisions. However, this does not necessarily reflect the situation in the EU+ countries with most decisions taken. The overall trend in the EU+ was dominated by that of Germany, while Sweden was stable in issuing mostly subsidiary protection. In the Netherlands, there was a clear move towards granting refugee status over time, while in Denmark and Bulgaria the proportion of refugee status has fluctuated. These cases illustrate that state policies and practices may change over time even in regard to asylum seekers whose protection needs remain roughly similar.

It also raises a more general question on the relationship between refugee status and subsidiary protection as two forms of international protection regulated under EU law. The definition of subsidiary protection in the EU *acquis* implies a sequence: that eligibility for subsidiary protection should be assessed after it has been established that a person does not qualify as a refugee. That aspect is particularly valid in light of a single uniform procedure where the assessment of both forms of protection is done by one authority in one procedure ⁽¹⁵⁰⁾.

⁽¹⁵⁰⁾ However, it should be noted that some EU+ countries apply a single-status system where content of protection is identical for refugee status and subsidiary protection.

Syria, evolution in EU+ and five selected countries, by type of decision, Q1 2014 – Q4 2015

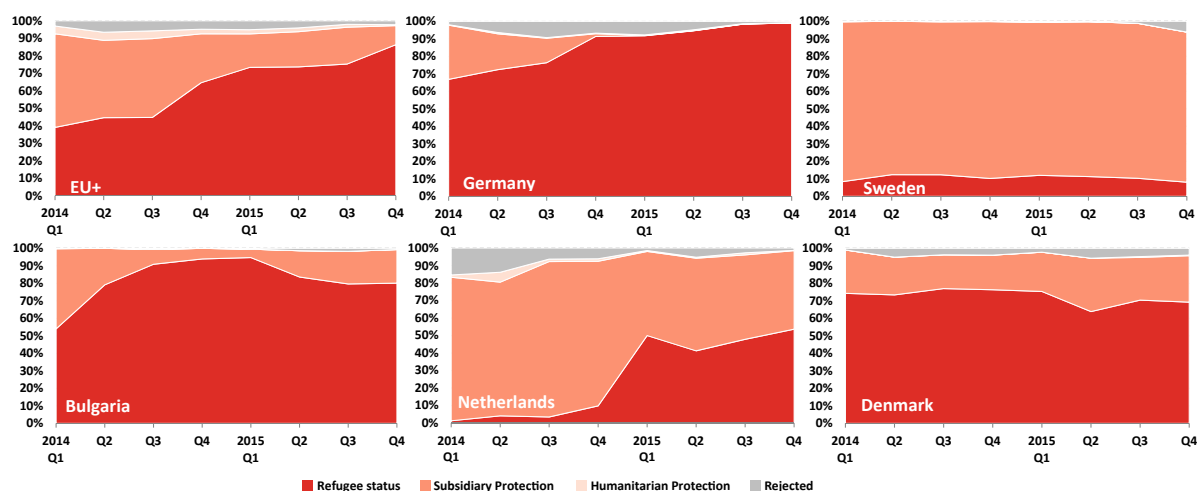


Figure 27: Evolution of protection granted to Syrian applicants

Despite the high number of decisions issued to Syrian applicants in the EU+ during 2015 (172 180), the increase in numbers of applicants received led, at the end of December 2015, to a stock of 220 815 pending cases in EU+ countries. This is the highest stock of pending cases for a single citizenship recorded in EU+ countries since 2008, and is higher than the total number of pending cases for all citizenships in 2008 and 2009. Compared to December 2014, the increase in the stock of Syrian pending cases in EU+ countries mirrored the influx of applicants during 2015, increasing 3.5 times for all EU+ countries combined. The increases were significant in many EU+ countries, including Hungary (+ 2 155 %), Finland (+ 1 158 %), Norway (+ 1 061 %), Luxembourg (+ 883 %), Belgium (+ 515 %), Spain (+ 295 %), Malta (+ 267 %) and Germany (+ 235 %) ⁽¹⁵¹⁾.

2.8.2. Afghanistan

Significant numbers of Afghan applicants have been reported since data collection in the EU+ began in 2008, however in 2015, Afghan applicants were the second most represented citizenship group, with 196 170 applicants. Compared to 2014, the inflow increased by 359 %. The share of unaccompanied minors (UAMs) among Afghan applicants also further increased to 25 % of the total, making Afghanistan the largest country of origin of UAMs in the EU+ in 2015. One in four of all Afghan applicants claimed to be UAMs (49 495) (see Section 4.11. *Vulnerable groups* for further analysis).

⁽¹⁵¹⁾ A significant increase means here an increase by more than 200 % and a total of more than 100 pending cases by the end of December 2015.

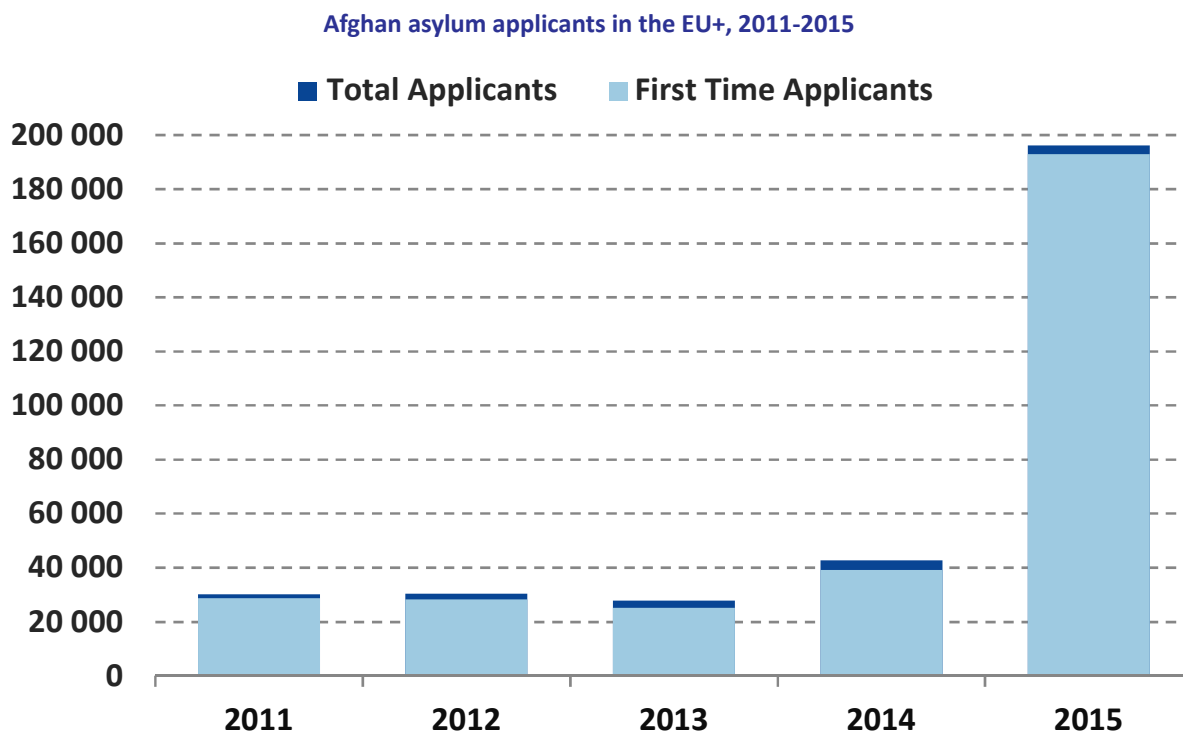
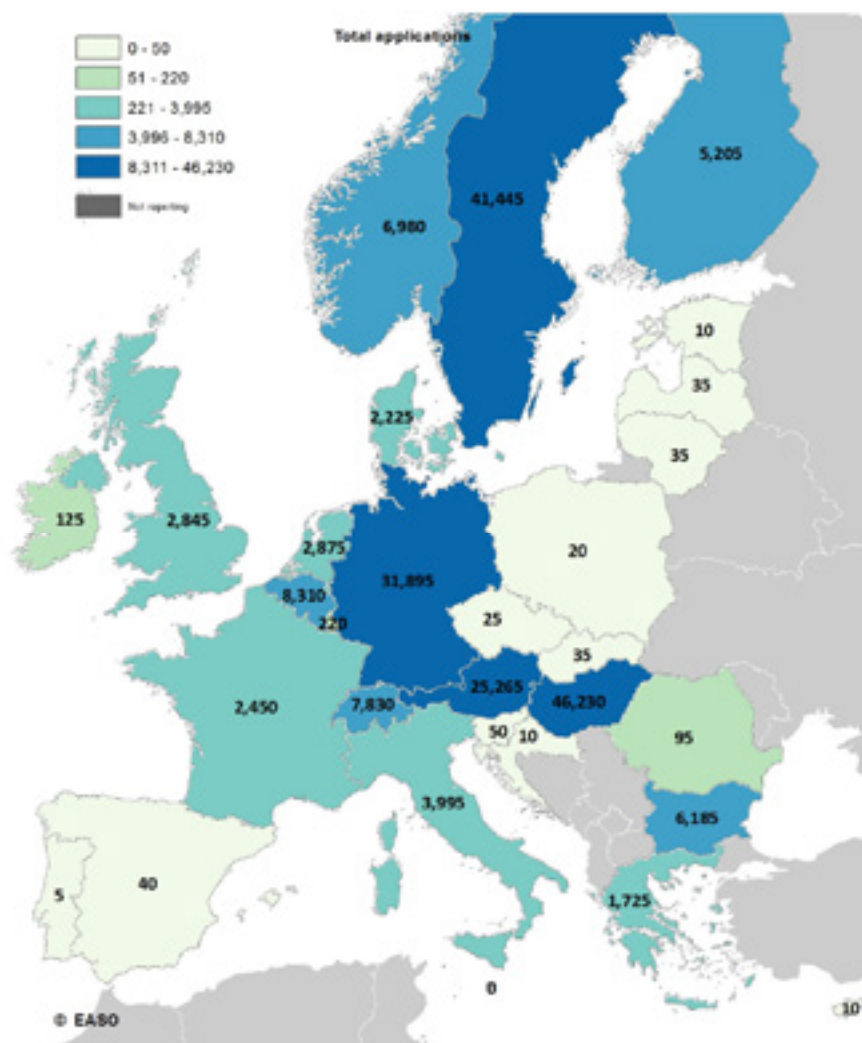


Figure 28: Afghanistan was a main country of origin for applications at EU+ level.

The main receiving countries were Hungary, Sweden, Germany and Austria, jointly recording 74 % of all applications in the EU+ in 2015. Increases took place in 22 out of 30 EU+ countries. The main receiving countries also saw the main absolute (and for Sweden also relative) increases: Sweden (+ 38 340; + 1 235 %), Hungary (+ 37 435; + 426 %), Germany (+ 22 220; + 230 %) and Austria (+ 20 190; + 398 %). In relative terms, numbers rose significantly in Finland (+ 2 439 %) and Norway (+ 1 103 %) ⁽¹⁵²⁾.

⁽¹⁵²⁾ Significant means here an increase of more than 1 000 % and a number of applications in 2015 exceeding 1 000.

Distribution of Afghan asylum applicants in the EU+, 2015



Map 4: Hungary recorded the largest number of Afghan applications.

Despite the rising influx of Afghan applicants throughout the year, first-instance decisions did not follow the same pattern. Only 21 690 first-instance decisions were issued to Afghan applicants, which is a 6 % increase compared to 2014. Decisions issued were also very different across EU+ countries. At EU+ level, the recognition rate of Afghan applicants in 2015 was 66 %, one percentage point higher than in 2014. However, there was a large spread in this rate across EU+ countries, ranging from 14 % to 96 % in different countries (see Figure 18). Also, for reporting countries with a similar recognition rate, large differences could be observed in the type of protection granted. Such variation probably underlines the existence of various profiles of Afghan applicants as well as possible divergences in the interpretation of how protection should be given across EU+ countries.

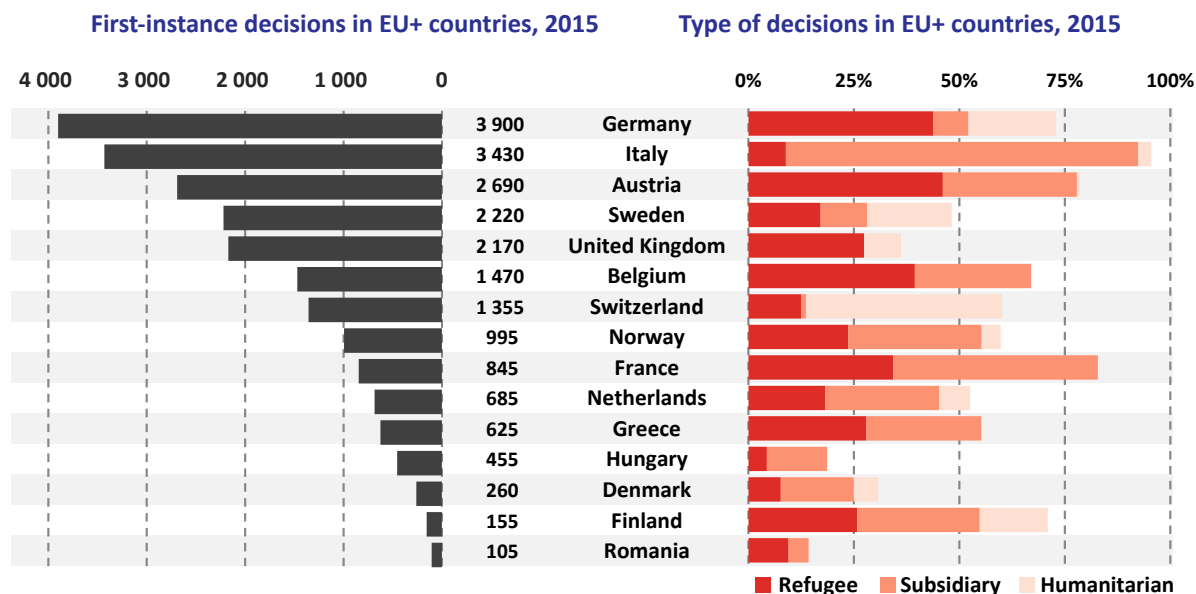


Figure 29: The recognition rate for Afghan applicants was 66 % in 2015.

The chart in Figure 29 focuses on the evolution in the type of legal regime used when granting protection to Afghan applicants since 2014 for the EU+ and for five EU+ countries with most decisions. While at the end of 2014 the recognition rate for Afghan applicants was 66 %, at the end of 2015 it dropped to 57 %, coinciding with an increased influx and despite a worsening security situation.

The types of protection granted varied between EU+ countries. Italy mostly granted subsidiary protection, in contrast to the EU+ average. In Switzerland more humanitarian protection was granted than any other type of protection. The decrease in positive decisions overall was mostly reflected in less positive decisions granting humanitarian protection than before, as was the case in Switzerland and Sweden. These two countries also saw a sharper decrease in the recognition rate by the end of 2015 than the EU+ overall.

Afghanistan, evolution in EU+ and five selected countries, by type of decision, Q1 2014 – Q4 2015

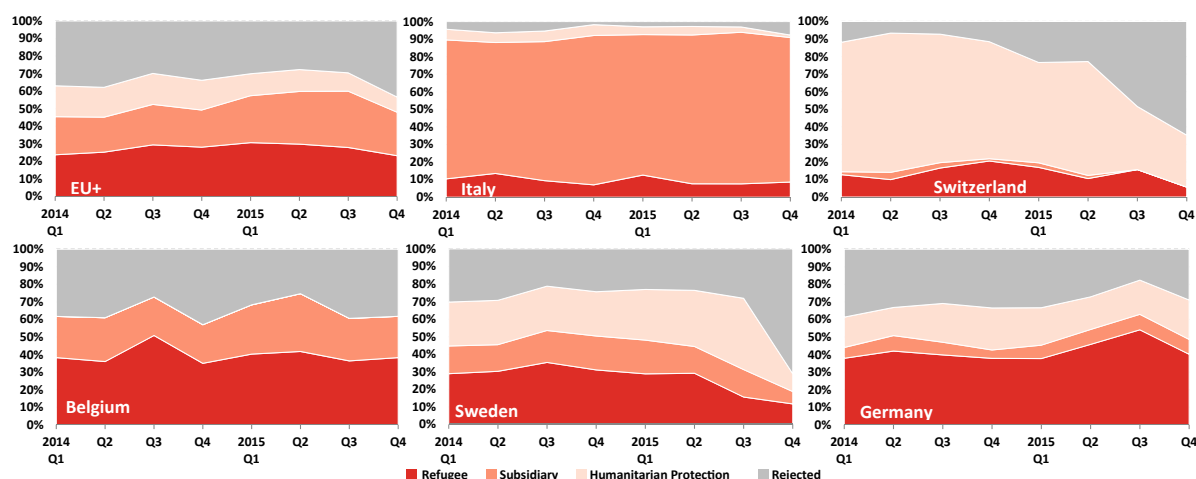


Figure 30: Evolution of protection granted to Afghan applicants

2.8.3. Iraq

In 2015, Iraq became the third-ranked country of origin of applicants for international protection in the EU+. The 130 295 Iraqi applicants registered were the largest number recorded for this citizenship since EU-wide data collection

started in 2008. The increase compared to 2014 was significant, with (in absolute terms) 108 380 more Iraqi applicants, representing a six-fold increase.

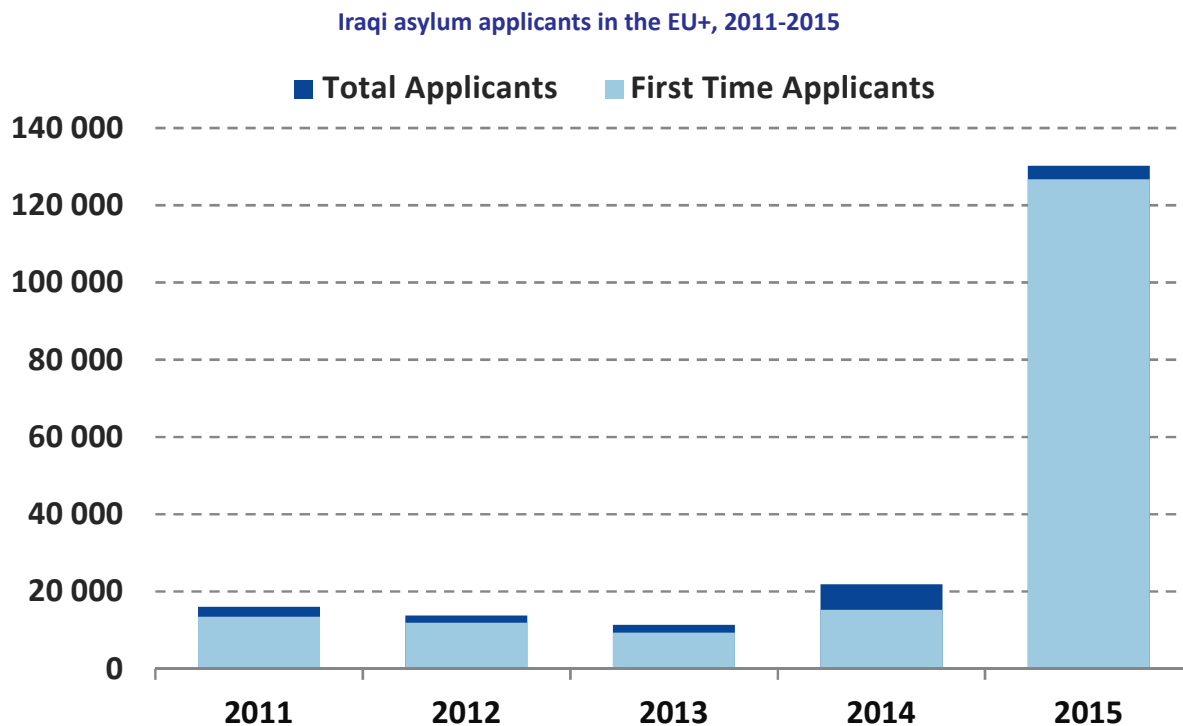
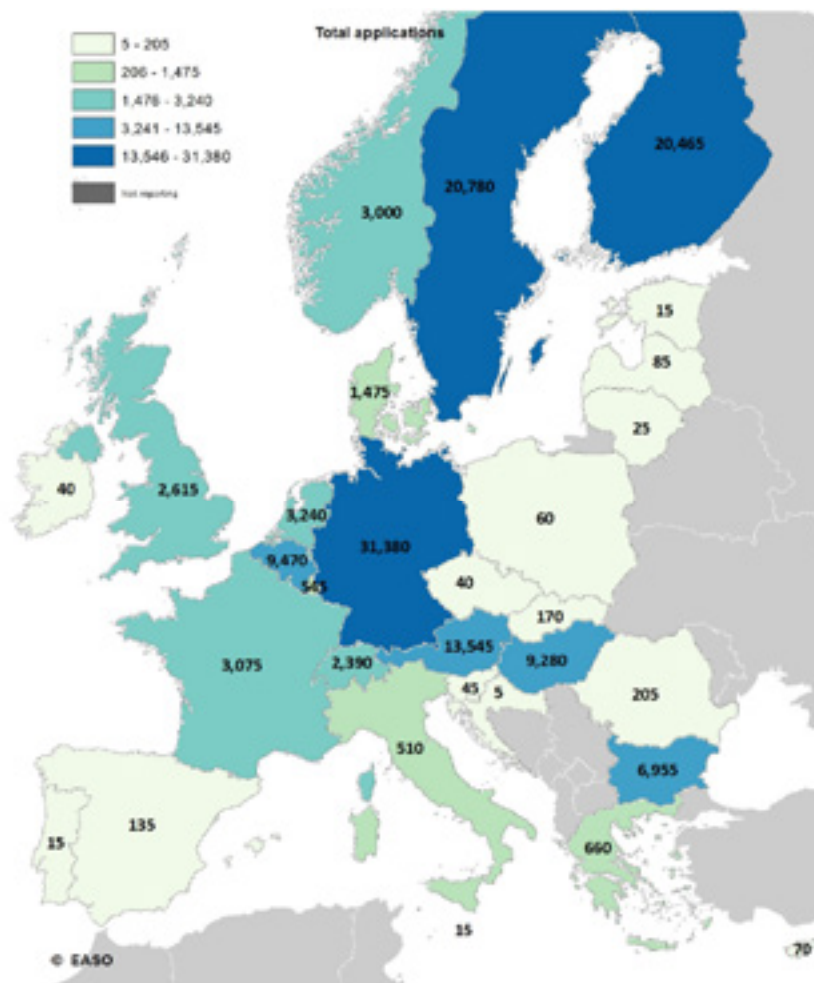


Figure 31: Iraqi applicants increased six-fold compared to 2014.

Germany was the main receiving country for Iraqi applicants, followed by Sweden, Finland and Austria. These four countries together recorded two thirds of all Iraqi applicants in 2015. The numbers of Iraqi applicants increased in the majority of EU+ countries, but the largest relative increase was in Finland where the number of applications multiplied by 25, from 820 in 2014 to 20 465 in 2015. The significant increase of Iraqi applicants in these destination countries was likely a result of the momentum in the second half of 2015 when the influx of other nationalities of applicants also increased, combined with a range of (perceived) pull factors in destination countries, push factors making people depart from their country, and enabling factors in transit countries.

Distribution of Iraqi asylum applicants in the EU+, 2015



Map 5: Iraqi applicants mostly lodged their applications in Germany, Sweden, Finland and Austria.

The number of first-instance decisions issued to Iraqi applicants more than doubled to 26 590 decisions taken, 57 % of which were in Germany. Compared to the high influx however, the number of decisions taken was relatively low. 85 % of all first-instance decisions issued to Iraqi applicants in 2015 received a positive decision. However, the disparity between different EU+ countries is significant, with a recognition rate ranging between 21 % and 98 % (showing the widest disparity in recognition rates of any citizenships across EU+ countries – see [Figure 18](#)).

The types of protection granted also differed. Germany and France, both exceeding the EU-wide average with 98 % recognition rates, granted almost exclusively refugee status. The United Kingdom also granted almost exclusively refugee status in case of a positive decision but differed from the EU+ average with only a 21 % recognition rate. With a similarly relatively low recognition rate, Sweden divided its positive decisions across all three types of protection. Belgium gradually increased its share of refugee status granted, while the Netherlands granted more subsidiary protection. Italy recorded the highest share of subsidiary protection granted, reaching up to 67 % of all decisions.

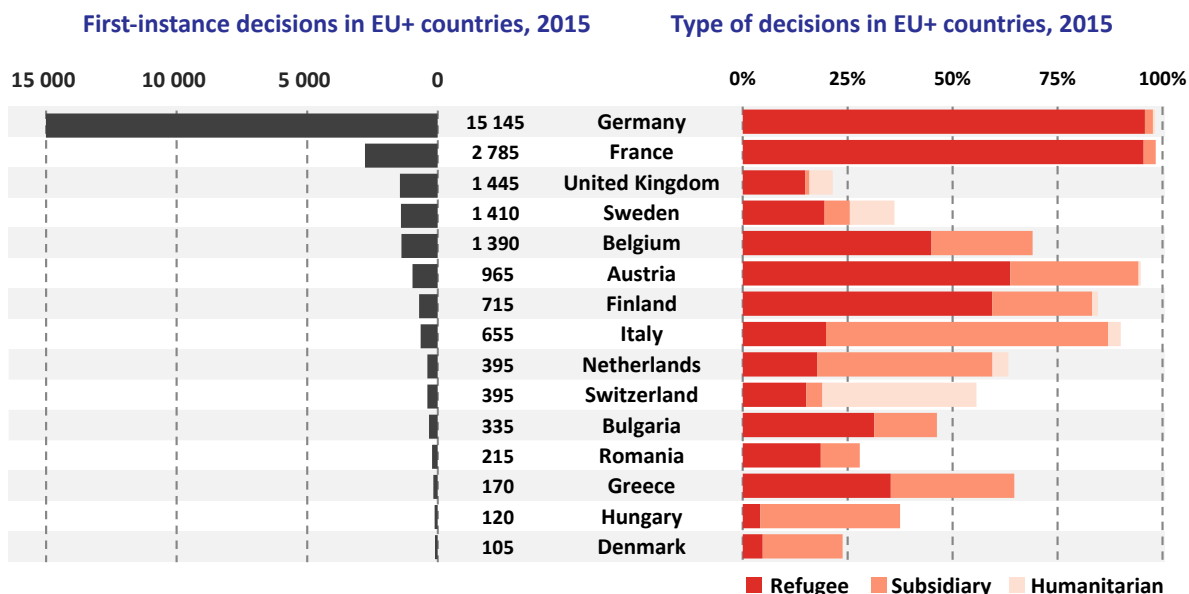
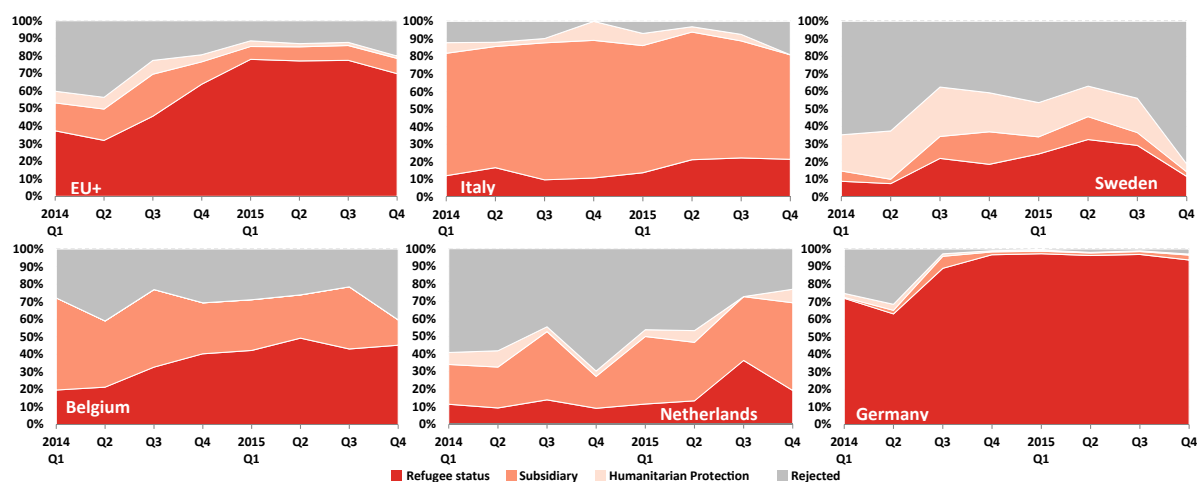


Figure 32: The recognition rate increased from 70 % in 2014 to 85 % in 2015.

The evolution of recognition rates also varies strongly between EU+ countries. While in 2014 the EU-wide recognition rate for Iraqis was 70 %, it increased to 85 % in 2015, mostly driven by the rise in granting refugee status as the security situation deteriorated as ISIS gained control of large areas of the country. In the fourth quarter of 2015, however, there were again more negative decisions issued to Iraqi applicants (as the situation improved somewhat and numbers of arrivals of Iraqis increased markedly), resulting in an EU-wide recognition rate of 80 %. The high recognition rate led to Iraqi applicants being eligible for relocation from Greece or Italy to another Member State (75 % threshold).

Figure 33: Evolution of protection granted to Iraqi applicants



Iraqi applicants, evolution in EU+ and five selected countries, by type of decision, Q1 2014 – Q4 2015

2.8.4. Western Balkans

With the exception of a slight decline in 2011, the number of applicants in the EU+ from the WB countries has been increasing since 2008. In 2015 it almost doubled to 201 405 applicants, 14 % of all applicants registered in the EU+ over the same period.

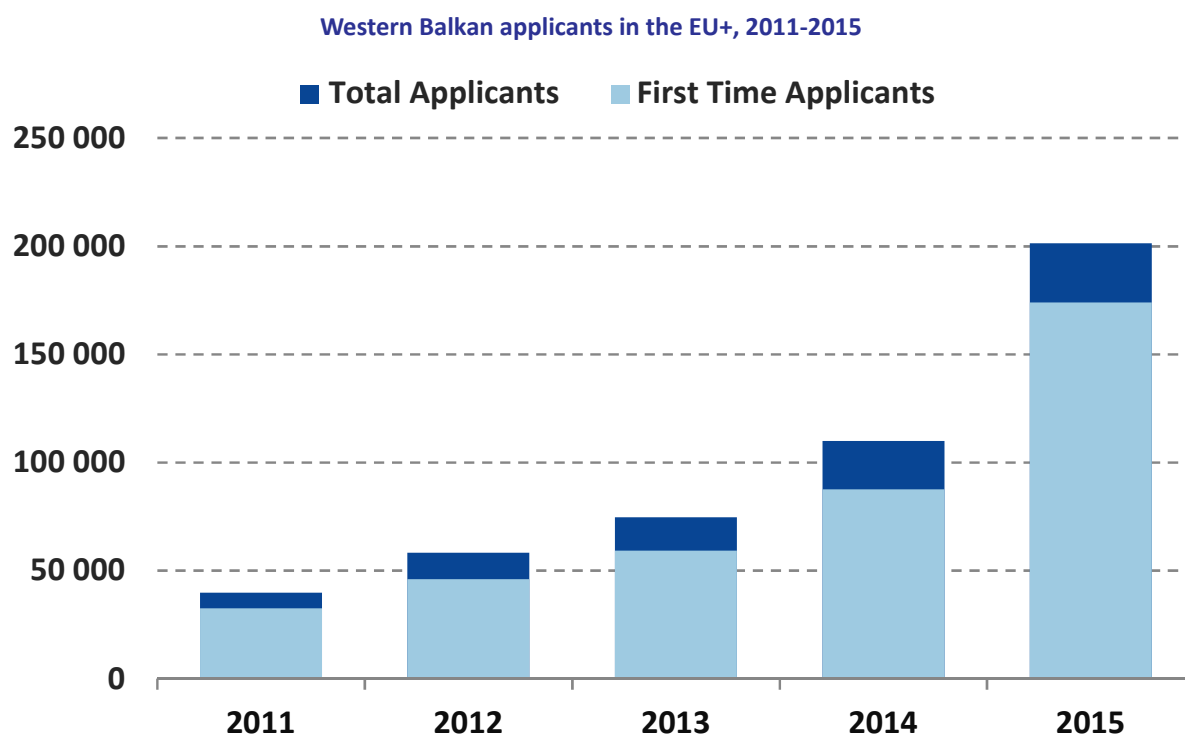


Figure 34: Western Balkans applications reached a new high in 2015.

The distribution of applicants from WB countries in the EU+ changed considerably in late 2014 and 2015, with Kosovar nationals constituting the majority of the flow at the end of 2014 and the first months of 2015, followed by an increase in Albanian applicants from May 2015. Kosovar and Albanian applicants accounted for 70 % of all WB applicants. WB applicants also continued to be by far the largest component of repeated applications made in the EU+ with 14 % of Western Balkan applicants who lodged an application for international protection having already received a final decision on a previous application.

Western Balkan applicants and destination countries, 2015

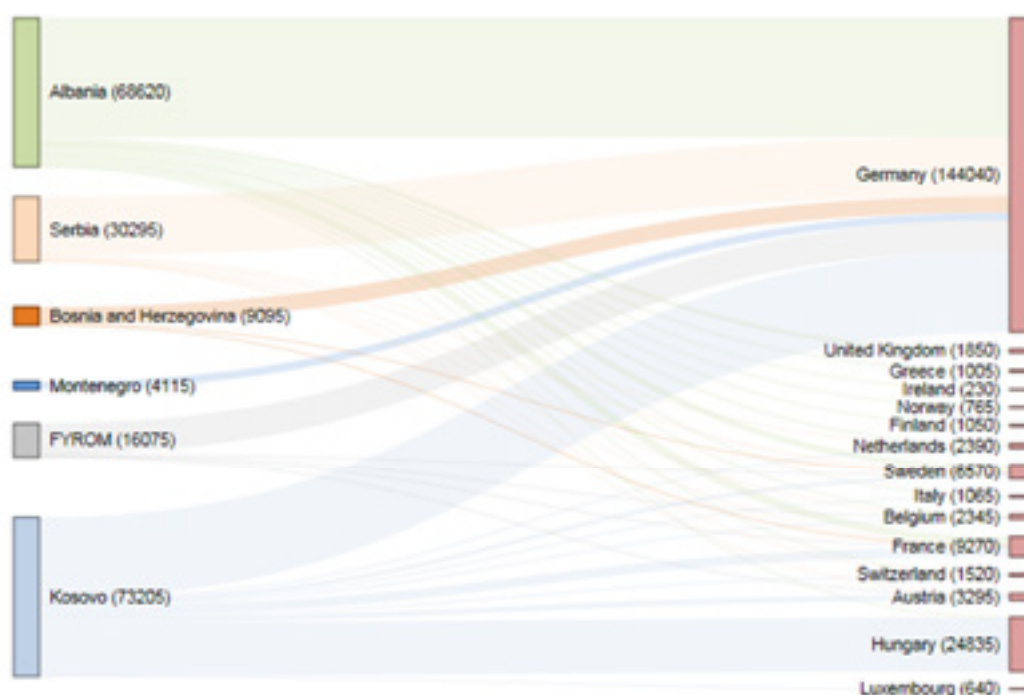


Figure 35: Most applicants from Western Balkan countries were Kosovar and Albanian nationals.

Applicants from WB countries applied mainly in Germany, which received 72 % of this inflow. Albanian applicants composed the largest share of WB applicants in Germany (38 %), followed by Kosovar and Serbian applicants, with 26 % and 19 %, respectively.

As Kosovar applicants do not benefit from visa liberalisation like other WB citizens, 33 % of all Kosovar applicants recorded throughout the EU+ lodged their claim in Hungary, after which they absconded and lodged a new claim, mainly in Germany. Due to this large influx by Kosovar applicants, Hungary was the second-highest receiving country for Western Balkan applicants in 2015, with 12 % of all WB applicants in the EU+. Of all the WB applicants in Hungary, 98 % were Kosovar applicants.

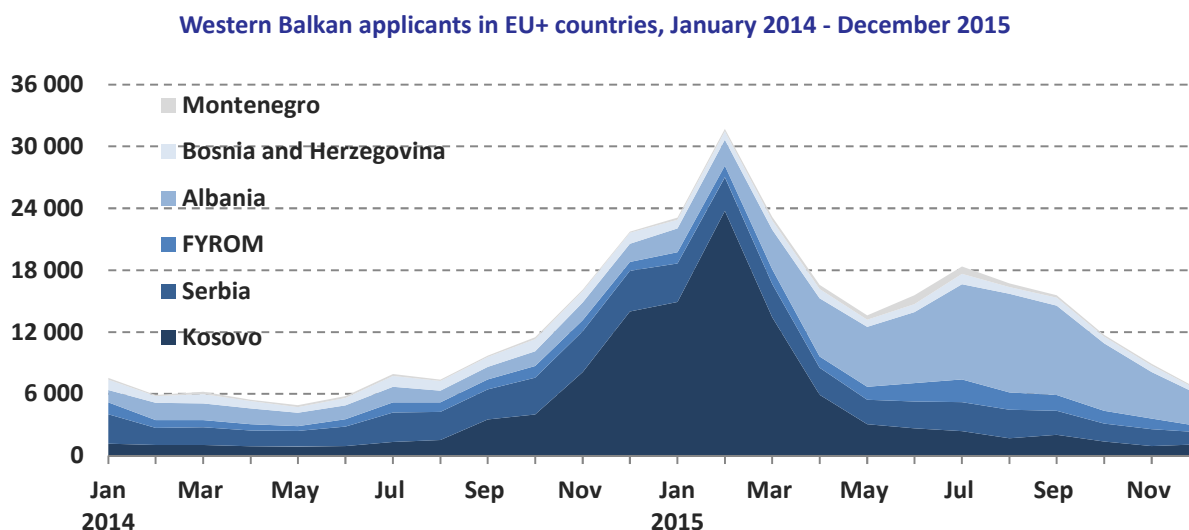


Figure 36: In 2015, WB applications were marked by a surge of Kosovars at the beginning of the year followed by a sustained high number of Albanians.

Destination countries, mostly Germany, implemented several measures including adding Western Balkan countries to a national list of safe countries of origin, prioritising decision-making on these nationalities, and speeding up return procedures in 2015. This led to a very rapid decrease in the flow of Kosovars, however they were soon replaced by visa-liberalised Albanian applicants who travelled directly (mainly to Germany) and lodged claims for international protection in the second half of the year. Towards the end of 2015 the number of Albanian applicants again decreased, while still remaining at higher levels than before the increased influx. The prioritisations of decision-making on WB cases was visible in Germany where the number of first-instance decisions increased from 38 455 in 2014 to 92 985 in 2015.

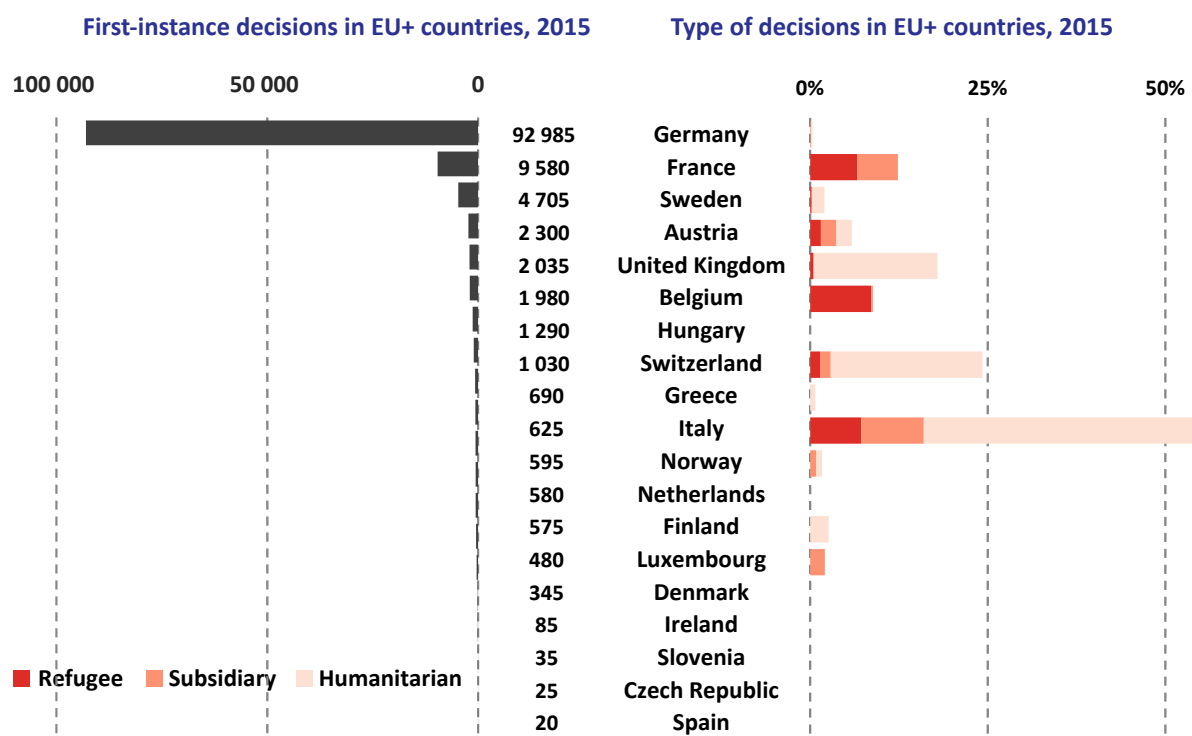


Figure 37: Western Balkan applicants have one of the lowest recognition rates in first instance.

Western Balkan applicants have one of the lowest recognition rates of all citizenships. For all six nationalities combined just over 2 % out of a total of 120 020 decisions issued in 2015 had a positive outcome. Taking into account differences between EU+ countries, recognition rates varied between 0 % and 55 %. EU+ countries with higher recognition rates, including Italy (55 %), Switzerland (24 %) and the United Kingdom (18 %), in most cases granted humanitarian protection rather than refugee status. France, which issued the most decisions after Germany, as well as Belgium, were countries where refugee status was granted more than any other type of protection. France issued the most positive decisions of all EU+ countries for Albanian, Kosovar and Serbian nationals.

Given the massive inflows, by the end of December 2015, the stock of WB cases awaiting a first-instance decision had doubled to 114 930 cases. This represented 11 % of the EU+ total, and the third-largest citizenship group after Syria and Afghanistan. This increase shows that measures implemented to prioritise cases had only limited success, as the main states of destination struggled to increase their decision-making capacity also in the face of high numbers of asylum seekers with clear protection needs.

Despite measures taken by EU+ countries to reduce the processing time of Western Balkan applicants (see Section 3.2.5.2 *Efficiency* and Section 4.5. *Special procedures: admissibility, border and accelerated procedures*) and - according to the possibilities provided by national law - reduce benefits related to the asylum (see Section 4.12 *Content of protection*) or return procedure (see Section 4.13 *Return*), EPS figures indicate that more than half of WB cases were still awaiting a first-instance decision for more than six months at the end of December 2015

Stock of Western Balkan pending cases in first instance by pending duration in the EU+, 2015

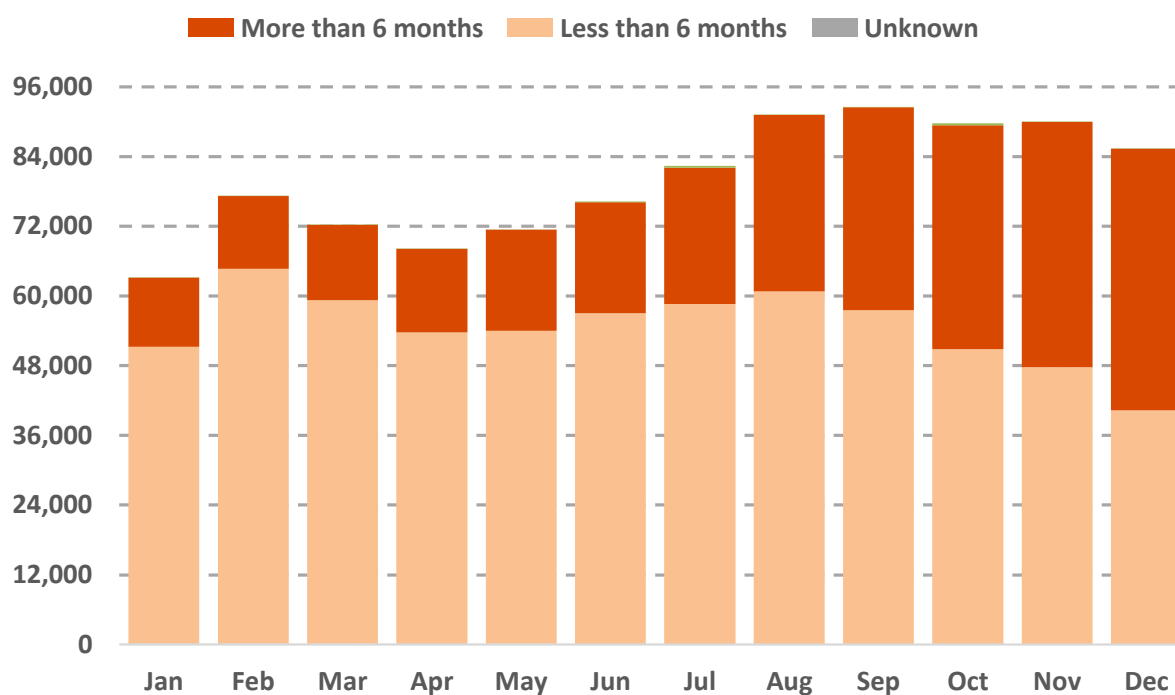


Figure 38: Nearly 45 000 Western Balkans cases had been awaiting a decision for more than six months in December 2015.

Source: EPS data, January–December 2015

3. Major developments in 2015

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

3.1.1. Legislative: transposition and entry into force of recast instruments

The 2013 Annual Report (in particular Section 3.1.1. *Legislative: completion of CEAS*) elaborated in detail on changes brought to the asylum package by the recast instruments adopted in 2013: the recast Reception Conditions Directive⁽¹⁵³⁾, the recast Asylum Procedures Directive⁽¹⁵⁴⁾, the recast Dublin Regulation⁽¹⁵⁵⁾, and the recast Eurodac Regulation⁽¹⁵⁶⁾.

The two recast regulations entered into force on 19 July 2013 and are directly applicable in the countries bound by them⁽¹⁵⁷⁾ without any transposition needed into the national legal frameworks of the Member States. The recast Dublin Regulation is applicable to applications for international protection lodged as of 1 January 2014 and to all requests to take back or take charge from 1 January 2014, whereas parts of the recast Eurodac Regulation became applicable from 20 July 2015. An amended Dublin Implementing Regulation⁽¹⁵⁸⁾ was adopted by the Commission on 30 January 2014 and is applicable from 9 February 2014. Member States who are bound by the recast Directives⁽¹⁵⁹⁾ were obliged to transpose them into their national law by the general deadline of 20 July 2015.⁽¹⁶⁰⁾ Some provisions of the recast Asylum Procedures Directive⁽¹⁶¹⁾ have a later deadline for transposition of 20 July 2018.

It should be noted that upon expiry of the transposition deadline, the directives will have direct effect in order to protect the rights of individuals, after a ruling by the Court of Justice recognising this as a fundamental principle of European law, provided that the directive's provisions are unconditional and sufficiently clear and precise, and that the EU country has not transposed the directive by the deadline⁽¹⁶²⁾. Thanks to the direct effect, individuals may immediately invoke European law before courts, whether or not national law exists. The direct effect is vertical in the sense that the individual can invoke the directive while the EU country cannot use the provisions of a directive

⁽¹⁵³⁾ Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast).

⁽¹⁵⁴⁾ Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast).

⁽¹⁵⁵⁾ Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast).

⁽¹⁵⁶⁾ Regulation (EU) No 603/2013 of the European Parliament and of The Council of 26 June 2013 on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (recast).

⁽¹⁵⁷⁾ The recast Dublin Regulation will be applied by all Member States, as well as Norway, Iceland, Liechtenstein and Switzerland. Denmark is not bound by the recast Eurodac Regulation.

⁽¹⁵⁸⁾ Commission Implementing Regulation (EU) No 118/2014 of 30 January 2014 amending Regulation (EC) No 1560/2003 laying down detailed rules for the application of Council Regulation (EC) No 343/2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national.

⁽¹⁵⁹⁾ Denmark is not bound by the Directives. UK has opted out of both recast Directives and thus continues to be bound by the Asylum Procedures Directive (Directive 2005/85/EC) and the Reception Conditions Directive (Directive 2003/9/EC). Ireland has not opted into either recast Directive or into the Reception Conditions Directive (Directive 2003/9/EC) and thus continues to be bound only by the Asylum Procedures Directive (Directive 2005/85/EC).

⁽¹⁶⁰⁾ Nonetheless, as some of the provisions such as the ones on detention (e.g. 'based on objective criteria defined by law' - Article 2(n)), or on an effective remedy (e.g. 'For the purposes of appeals against, or reviews of, transfer decisions, Member States shall provide in their national law' – Article 27(3)) make a reference to national legislation of the MS, which leaves the MS an option to regulate this specific issue at the national level.

⁽¹⁶¹⁾ Article 31(3)-(5) of the recast Asylum Procedures Directive concerning time limits for conclusion of the examination procedure at first instance.

⁽¹⁶²⁾ Judgement of 4 December 1974, *Van Duyn* <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A61974CJ0041>

that has not yet been transposed against an individual⁽¹⁶³⁾. Consequently, in 2015 transposition of the recast asylum *acquis* continued in EU Member States.



⁽¹⁶³⁾ Judgement of 5 April 1979, *Ratti* <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A61978CJ0148>

In 2015, two laws on amending and complementing the Law on Asylum and Refugees were adopted in **Bulgaria** (in force from 16 October 2015) transposing the recast Qualification Directive ⁽¹⁶⁴⁾ and the recast Reception Conditions Directive ⁽¹⁶⁵⁾, where i.a. a possibility was envisaged for the Bulgarian State Agency for Refugees to open closed centres. Transposition of the recast Asylum Procedures Directive in Bulgaria also brought changes to Dublin procedures (see Section 4.4. *Dublin procedures*) and accelerated procedures (see also Section 4.5. *Specific procedures: admissibility, border and accelerated procedures*). In **Croatia** the International and Temporary Protection Act (Official Gazette 70/15), which entered into force on 2 July 2015, fully aligns national asylum legislative framework with the asylum *acquis*. The Act was accompanied by several ordinances ⁽¹⁶⁶⁾. Legislation transposing the recast Reception Conditions Directive and the recast Asylum Procedures Directive has been completed in **Cyprus** and is (as of March 2016) pending before the Ministerial Council for approval. The **Czech Republic** transposed both directives on 18 December 2015 and the amended legislation entered into force on the same date. In **Finland** changes made to the Finnish Aliens Act transposed the recast Asylum Procedure Directive as of 1 July 2015 ⁽¹⁶⁷⁾. The recast Reception Conditions Directive was also transposed in 2015 in France. The directives were transposed through the 29 July 2015 law on asylum ⁽¹⁶⁸⁾. In **Italy** the recast Asylum Procedures Directive and the recast reception Conditions Directive were transposed with Legislative Decree No 142/2015, introducing most notably: new requirements of members of territorial commission (determining authority); establishment of a list of countries of origin for which requirements for the recognition of subsidiary protection are fulfilled; amended deadlines to complete the procedure at first instance and deadlines for appeal procedure; as well as the introduction of accelerated procedures ⁽¹⁶⁹⁾ (for changes in the Italian reception system, see Section 4.6. *Reception of applicants for international protection*). **Latvia** transposed the recast Directives on 19 January 2016 ⁽¹⁷⁰⁾. In **Lithuania** on 1 March 2015 the amendments to the law on Legal Status of Aliens came into force, transposing the relevant provisions of the recast Qualification Directive and on 1 December 2015 the amendments to the law on Legal Status of Aliens came into force, transposing the relevant provisions of the recast Asylum Procedures Directive and Reception Conditions Directive. In **Luxembourg** the recast Qualification Directive and the recast Reception Conditions Directive were transposed as of 1 December 2015 ⁽¹⁷¹⁾, followed by a new law which came into force on 1 January 2016 involving major changes in the asylum procedure. **Malta** transposed the recast Qualification Directive in the Refugees Act – Chapter 420 of the Laws of Malta in March 2015. On 20 July, the **Netherlands** implemented the new provisions of the Asylum Procedures Directive and the Reception Conditions Directive in legislation and practice – some of the major changes were the introduction of the grounds to consider an application inadmissible or manifestly unfounded; the introduction of a border procedure at Schiphol Airport and the introduction of a special Dublin Procedure. On 13 November 2015 a comprehensive bill came into force in **Poland**. This amended the act on granting protection to foreigners within the territory of the Republic of Poland, finalised the transposition of the recast Asylum Procedures Directive and the recast Reception Conditions Directive, and aligned national law with the provisions of the recast Dublin Regulation. In **Romania**, on 25 December 2015, Law 331/2015 was adopted transposing both recast asylum directives. Changes brought to the **Slovak** Act on Asylum due to the transposition process concerned mostly the issue of unaccompanied minors (e.g. accommodation), redefinition of a safe country of origin and a third safe country, admissibility to labour market (after nine months instead of 12) and subsequent applications. The Act on Asylum was also amended with regard to making and lodging asylum applications ⁽¹⁷²⁾.

⁽¹⁶⁴⁾ Introducing the the concept of ‘international protection’. The grounds for granting international protection were made more precise as well as the concepts of subjects of persecution, actions of persecution, subjects of protection, subsequent application for international protection, best interest of the child and family members. Additional exclusion clauses were introduced. Changes were made in relation to the representation of unaccompanied minor foreigners – a representative is appointed from the municipal administration, determined by the mayor of the respective municipality.

⁽¹⁶⁵⁾ Emphasis was put on legal provisions on reception conditions, rights and obligations of asylum seekers, access to the labour market, and the concept of vulnerable groups.

⁽¹⁶⁶⁾ Ordinances were issued: on the realisation of material reception conditions, on free legal aid in the procedure of granting international protection, on the conduct and facilities on the realisation on the accommodation of applicants, refugees, beneficiaries of subsidiary protection and beneficiaries of temporary protection and conditions of participation for, refugees, beneficiaries of subsidiary protection and beneficiaries of temporary protection, in the costs of the accommodation. Ordinance on forms and databases in the international protection procedure is underway.

⁽¹⁶⁷⁾ In particular clarifying the framework concerning manifestly unfounded applications and the use of accelerated procedure.

⁽¹⁶⁸⁾ Loi n° 2015-925 du 29 juillet 2015 relative à la réforme du droit d’asile and décret n° 2015-1166 du 21 septembre 2015 pris pour l’application de la loi n° 2015-925 du 29 juillet 2015 relative à la réforme du droit d’asile).

⁽¹⁶⁹⁾ Other changes, as from March 2015, included the possibility to omit personal interview in exceptional cases, requirement for a formal decision in cases of non-presentation at interview, priority procedure, reception of the applicant during appeal, no requirement to detail financial situation to qualify for free legal assistance, mandatory services offered in the reception centres, and the role of National Commission on the Right of Asylum.

⁽¹⁷⁰⁾ The respective legislation was adopted on 17 December 2015.

⁽¹⁷¹⁾ By virtue of Law of 18 December 2015 on international protection and temporary protection and Law of 18 December 2015 on reception of applicants for international protection and temporary protection.

⁽¹⁷²⁾ With amendment No 131/2015 supplemented by Section 3 paragraph 9 providing that when an alien applies for asylum or subsidiary protection at the police department, which is not competent for lodging of an asylum application, such person is considered to be an applicant for the purpose of providing accommodation, meals or meal allowance and other basic supplies, for three days (which is the deadline for lodge the application).

In **Germany** the transposition of the recast Asylum Procedures Directive and the recast Reception Conditions Directive is still ongoing. However, measures ⁽¹⁷³⁾ were taken with regard to direct application of these directives and interpretation of national provisions in line with the directives. In **Belgium** full transposition of the recast Asylum Procedures Directive and the recast Reception Conditions Directive could not be completed in time, although legislative framework and practice is already largely in compliance with the legislative framework of the CEAS. In 2015 some articles of the recast Asylum Qualification Directive were transposed into Belgian legislation, relating particularly to stricter rules on applicants posing a risk to national security or public order.

In 2015 EASO developed practical guidance on the implementation of Article 6 of the recast Asylum Procedures Directive (APD) ⁽¹⁷³⁾ and practical guidance on the implementation of Article 10(d) of the recast Eurodac Regulation ⁽¹⁷⁴⁾ in order to assist Member States in implementing these new provisions in a more harmonised manner before the 20 July deadline.

3.1.2. Jurisprudence

Challenges experienced with practical implementation of the asylum *acquis* were reflected in the case law of the European courts – the Court of Justice of the European Union (CJEU) and the European Court of Human Rights (ECtHR) – interpreting and applying legal instruments of the CEAS and other related instruments ⁽¹⁷⁶⁾

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

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

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

In addition to other cases mentioned in various thematic sections of this report, in 2015 CJEU ruled on granting asylum in cases of desertion.

⁽¹⁷³⁾ Inter alia, internal guidelines for direct application of these Directives and concepts for legal and procedural information free of charge (Article 19 APD) and identification of applicants in need of special procedural guarantees (Article 24 APD) have been introduced. Additionally, internal guidelines and text blocks have been adapted.

⁽¹⁷⁴⁾ <https://easo.europa.eu/wp-content/uploads/Practical-guidance-on-Art-6-APD-version-1.pdf>

⁽¹⁷⁵⁾ <https://easo.europa.eu/wp-content/uploads/Practical-guidance-on-Art10d-EURODAC-version-1.pdf>

⁽¹⁷⁶⁾ For the selection of jurisprudence throughout the report, EASO has referred, among other sources, to the Newsletter on European Asylum Issues for Judges (NEAIS) published by the Centre for Migration Law (CMR) of Radboud University Nijmegen in close co-operation with the University of Essex, Aarhus University and the Refugee Law Reader, available at: <http://cmr.jur.ru.nl/neais/>, and the Annual Report 2015 of the European Court of Human Rights, Council of Europe, available at: http://www.echr.coe.int/Documents/Annual_Report_2015_ENG.pdf, and the respective judgments quoted in the text.

In the case of **Shepherd** ⁽¹⁷⁶⁾ the court clarified the conditions in which a third-country national who has deserted may be granted asylum in the EU. The case concerned an American soldier, who sought asylum in Germany, having left his unit stationed in Germany after he had been ordered to return to Iraq. The applicant believed that he should no longer participate in a war he considered unlawful and in the war crimes that were, in his view, committed in Iraq (where he served as a helicopter maintenance mechanic, having not participated directly in either military action or combat operations).

The court examined the notion of persecution in the Qualification Directive where an act of persecution can, inter alia, take the form of ‘prosecution or punishment for refusal to perform military service in a conflict, where performing military service would include crimes’. The court held that: the protection granted in such a situation covered all military personnel, including logistical or support personnel and it concerns the situation in which the military service performed would itself include, in a particular conflict, the commission of war crimes, including situations in which the asylum seeker would participate only indirectly in the commission of such crimes if it is reasonably likely that, by the performance of his tasks, he would provide indispensable support to the preparation or execution of those crimes. Therefore, it does not exclusively concern situations in which it is established that war crimes have already been committed or are such as to fall within the scope of the International Criminal Court’s jurisdiction, but also those in which the asylum seeker can establish that it is highly likely that such crimes will be committed. The factual assessment which the national authorities alone are to carry out, under the supervision of the courts, in order to determine the situation of the military service concerned, must be based on a body of evidence capable of establishing, in view of all the circumstances of the case (particularly those concerning the relevant facts as they relate to the country of origin at the time of taking a decision on the application and to the individual position and personal circumstances of the applicant), that the situation in question makes it credible that the alleged war crimes would be committed. The possibility that military intervention was engaged upon pursuant to a mandate of the United Nations Security Council or on the basis of a consensus on the part of the international community or that the State or States conducting the operations prosecute war crimes are circumstances which have to be taken into account in the assessment that must be carried out by the national authorities;

The refusal to perform military service must constitute the only means by which the asylum seeker could avoid participating in the alleged war crimes and, consequently, if he did not avail himself of a procedure for obtaining conscientious objector status, any protection under Article 9(2)(e) of the directive is excluded, unless he proves that no procedure of that nature would have been available to him in his specific situation. According to the directive, acts of persecution may also exist where the public authorities take discriminatory or disproportionate measures. As regards those two situations, the court holds that, in circumstances such as those in the present case, it does not appear that the measures incurred by a soldier because of his refusal to perform military service, namely the imposition of a prison sentence or discharge from the army, may be considered, having regard to the legitimate exercise, by that State, of its right to maintain an armed force, so disproportionate or discriminatory as to amount to acts of persecution for the purpose of the directive. It is, however, for the national authorities to ascertain whether that is indeed the case.

3.1.3. Practical cooperation: translating legislation into action

In 2015, EASO continued its role as defined in the EASO Regulation on stimulating practical cooperation among Member States in the field of international protection. Activities conducted in that regard, such as organisation of meetings and workshops on asylum policy and COI, the publication of reports, training, quality-related activities (including on unaccompanied minors and vulnerable persons), data analysis, operational support to Member States under pressure, and activities relating to the external dimension of the CEAS, are referenced in specific thematic sections of this Report and more details will be found in EASO’s *Annual Activity Report 2015*.

⁽¹⁷⁷⁾ Judgment of the Court (Second Chamber) of 26 February 2015. *Andre Lawrence Shepherd v Bundesrepublik Deutschland*. Reference for a preliminary ruling: Bayerisches Verwaltungsgericht München - Germany. Full text available at: <http://curia.europa.eu/juris/document/document.jsf?docid=163579&mode=req&pageIndex=1&dir=&occ=first&part=1&text=&doclang=EN&cid=1249789>; press release available at: <http://curia.europa.eu/jcms/upload/docs/application/pdf/2015-02/cp150020en.pdf>

In addition, as of September 2015, EASO was given a specific support role in the relocation process as per two Council decisions establishing provisional measures in the area of international protection for the benefit of Italy and Greece (see Section 3.2.7 *Resettlement and relocation*).

EASO Consultative Forum 2015

The EASO Consultative Forum, which was set up in 2011, allows for the exchange of information and pooling of knowledge between EASO, civil society organisations, and relevant bodies operating in the field of asylum policy. Civil society operating in the field of asylum is characterised by a considerable number of active and diverse organisations that play a key role both in the debate on and implementation of asylum policy and practices at national and EU level, and in the implementation itself through various activities. Some organisations have also been instrumental in supporting the fairness and accuracy of asylum procedures, particularly by giving support to bringing certain cases to the CJEU and ECtHR.

During 2015, EASO strengthened its relationship with civil society and the Consultative Forum membership base grew to 80 organisations. EASO consulted and involved civil society organisations on various areas of its work, including members of the reference group that participates in the drafting and updating of the EASO training modules. EASO welcomed comments by civil society on the 2015 EASO Work Programme and the EASO Annual Report on the situation of asylum in the EU and Annual Activity Report. The report was launched on 8 July 2015 at a special dissemination and discussion event in Brussels attended by a large number of civil society organisations. Consultative Forum members were requested by the Executive Director, via an open call for input published on the EASO website in 2015, to provide information about work that they carried out throughout the year which in their view contributed to the implementation of the CEAS. EASO took into consideration all relevant input received from civil society and reflected it in the reports.

Experts from civil society were invited to participate in EASO events throughout the year. In 2015, several organisations were directly involved in the work of EASO. A dedicated area for the Consultative Forum facilitates consultations. A quarterly consultation calendar is published on the EASO website. EASO published nine newsletters in 2015, containing also reports of EASO meetings and workshops to ensure that civil society has access to the information. On 30 November 2015 EASO held the fifth EASO Consultative Forum plenary meeting ⁽¹⁷⁷⁾ in Valletta at which about 100 representatives from 45 organisations participated.

EASO's activities relevant to Early Warning and Preparedness

The Early Warning and Preparedness (EPS) data collection conducted by EASO is based on contribution of data by all 30 EU+ countries on the previous month within two weeks

According to the agreed process, the development of EPS is envisaged to proceed step-by-step in stages with the aim of ultimately providing comprehensive statistical data on the practical functioning of all key aspects of the CEAS and providing information to the European Commission as part of the Early Warning, Preparedness and Crisis Management Mechanism foreseen in Article 33(1) of the recast Dublin Regulation. In September 2015, EASO launched Stage III of its Early Warning and Preparedness System (EPS). Before this date, the EPS data collection under Stage II was focused on the first instance in the asylum process, collecting data under four indicators (applicants for international protection, withdrawn applications, decisions, and pending cases). With the launch of Stage III, indicators were added to cover the full asylum process (with the exception of appeal), including access to procedure, reception, Dublin statistics and return. In October 2015 a weekly data collection was set up, which, in addition to the monthly data, has been fundamental in providing actionable insight on flows of asylum seekers to and within the EU+ to the key stakeholders. The framework of the Group for the Provision of Statistics (GPS) and close cooperation with other European bodies, e.g. EUROSTAT, has also ensured further harmonisation leading to an improvement in the quality of asylum-related statistics at the EU-level.

⁽¹⁷⁸⁾ <https://easo.europa.eu/easo-consultative-forum/registration/>

EASO Information and Documentation System (IDS)

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

In 2015, the structure and functionalities of the tool were finalised, and content covering various stages of the asylum process in all EU+ countries was inserted by EASO, based on sources such as Quality Matrix and EMN reports, Annual Report contributions (including from UNHCR and civil society) and information from national websites and databases.

A kick-off meeting of the IDS Network held at EASO in January 2016⁽¹⁷⁸⁾; this network agreed to validate the IDS content in order to ensure the accuracy of the information stored and to help further develop a system that is intended to eventually become a European reference tool on EU asylum matters. Another meeting was held with the EASO Network of Court and Tribunal Members to discuss the integration of national case law into IDS⁽¹⁷⁹⁾.

Similar meetings are planned for 2016 where it is hoped the EASO IDS network will be expanded to include all EU+ countries.

EASO Research Programme

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

With the endorsement of the MB, EASO has thus begun a multi-year Research Programme comprising a number of lots for research services that will be publicly tendered with expert bodies in civil society and academia. The Programme will be broken down into four major areas of work: 1. Overview of existing relevant work (literature review), 2. Empirical work (including a large-scale social survey of migrants), 3. Constructing an empirical model for asylum-related migration (and testing it with historical data), 4. Monitoring of information sources used by asylum seekers (to aid in early warning).

The first activity, a baseline overview of research on single push-pull factors relevant to forced/asylum-related migration by the IOM in collaboration with Maastricht University, started in October 2015. The second activity is an overview of relevant asylum-related migration models, data and methods. The call for tenders for this activity was published on December 2015. The work is scheduled to start in May 2016 and will be completed by October 2016.

In implementing the Research Programme, EASO also aims to become a central reference point for asylum-related migration research in the EU by publicly disseminating its results and holding regular conferences and other activities in order to raise awareness of existing and planned research in this area, thus avoiding duplication and fostering synergies and rational use of resources.

3.1.4. Asylum, Migration and Integration Fund

Launched in 2014, the Asylum, Migration and Integration Fund (AMIF) aims to bolster the CEAS, support legal migration to EU Member States and integration of non-EU nationals, enhance fair and effective return practices, and ensure that Member States most affected by migration and asylum flows can rely on solidarity from other Member States.

⁽¹⁷⁹⁾ More information can be found in EASO Newsletter for January 2016, available at: <https://easo.europa.eu/wp-content/uploads/EASO-Newsletter-January-2016.pdf>, p. 4.

⁽¹⁸⁰⁾ More information can be found in EASO Newsletter for October 2015, available at: https://easo.europa.eu/wp-content/uploads/EASO-Newsletter-OCTOBER-2015_f.pdf, p. 8.

With a budget of EUR 3.137 billion, AMIF specifically provides support such as: material aid, education, training, special assistance for vulnerable persons, health and psychological care, and assistance with judicial matters and national resettlement programmes. It also helps to establish, develop and improve accommodation and implement integration strategies and voluntary return measures. The seven-year programming cycle should contribute to strategic use of the fund.

In 2015, AMIF was a source of funding for several emergency projects across Member States, particularly in response to the high influx of asylum applications in the EU+ ⁽¹⁸¹⁾ This included consolidating reception facilities in **Italy**, extra accommodation and human resources in **Hungary** and the **Netherlands**, emergency accommodation in Calais, **France**, a temporary increase of reception facilities and related services in **Germany** and permanent facilities in **Slovenia**. Funding was also provided to **Cyprus** regarding initial screening of applicants, healthcare issues, interpretation and psychosocial aid. **Greece** received funding to aid the deployment of Asylum Units to implement the fast-track examination of claims for international protection submitted by Syrian nationals, and to relocate applicants to other Member States under the EU Relocation Scheme (see Section 3.2.7. *Resettlement and relocation*). Emergency funding was also made available to **Sweden** (EUR 35 million), **Finland** (EUR 8 million) and **Belgium** (EUR 5 million) to help cope with the high influx of applications ⁽¹⁸²⁾.

3.2. Important developments at the national level

3.2.1. Pressures on national asylum systems

Information provided in this section concerns Member States where operational support was provided by EASO during 2015. It should be noted however that other Member States have also faced significant pressure on their asylum and reception systems, in terms of both absolute and relative numbers, as illustrated by data presented in Chapter 2 of the report. Information regarding AMIF funding and emergency funding dispensed in 2015 is available in Section 3.1.4. *Asylum, Migration and Integration Fund*. Specific examples of activities implemented in support of EU+ countries' national asylum systems are mentioned in thematic sections of Chapter 4 of the report.

3.2.1.1. Bulgaria

To further improve and enhance Bulgaria's asylum and reception system (supported by EASO from October 2013 to September 2014 ⁽¹⁸³⁾), an EASO Special Support Plan was signed between EASO and the Minister of Interior of Bulgaria on 5 December 2014. The plan will continue until the end of June 2016. During 2015 activities were implemented with regard to: support in complying with the EU asylum *acquis* ⁽¹⁸⁴⁾, addressing the needs of vulnerable groups (identification and referral of vulnerable groups at entry points and with the asylum registration process, enhancing reception conditions and social activities, provision of procedural safeguards and improved reception conditions for children and unaccompanied minors), capacity building in a number of areas (COI, interpretation in the asylum determination procedure, implementation of the EASO Training Curriculum, study visits to other Member States, use of AMIF funds), and practical application of quality tools in the asylum procedure ⁽¹⁸⁵⁾.

⁽¹⁸¹⁾ http://ec.europa.eu/dgs/home-affairs/financing/fundings/migration-asylum-borders/asylum-migration-integration-fund/union-actions/docs/amif_emas_list_of_awarded_projects_en.pdf

⁽¹⁸²⁾ http://ec.europa.eu/dgs/home-affairs/what-is-new/news/news/2015/20151223_1_en.htm

⁽¹⁸³⁾ EASO Operating Plan to Bulgaria, available at: https://www.easo.europa.eu/sites/default/files/SSP-BG-2014-12-03_0.pdf

⁽¹⁸⁴⁾ More information on the workshop for Bulgarian judges and legal advisors on European law relating to asylum can be found in EASO Newsletter for October 2015, available at: https://www.easo.europa.eu/sites/default/files/newsletters/EASO-Newsletter-OCTOBER-2015_f.pdf, p. 5.

⁽¹⁸⁵⁾ More information on support in the area of quality can be found in EASO Newsletter for July-August 2015, available at: <https://www.easo.europa.eu/sites/default/files/20160408%20EASO%20SSP%20to%20CY%20-%20Amendment%20No%202%20without%20signature.pdf>, p. 10.

3.2.1.2. Cyprus

The Special Support Plan to Cyprus ⁽¹⁸⁶⁾ signed by EASO and Cyprus on 5 June 2014, was first extended until February 2016 ⁽¹⁸⁷⁾ and eventually until February 2017 with the second amendment. Based on the plan, support was provided to Cyprus in the area of statistical data collection and related analytical capacity, as well as addressing the needs of minors in procedures for international protection (as regards identification of persons with special needs ⁽¹⁸⁸⁾, age assessment ⁽¹⁸⁹⁾, guardianship and representation). In addition, two induction trainings were organised for employees assigned from seven different services including information on inclusion, fundamental rights, CEAS and the Dublin III Regulation ⁽¹⁹⁰⁾.

3.2.1.3. Greece

Emergency Support was first provided to Greece in 2011 ⁽¹⁹¹⁾ and activities continued under Phase 2 of the plan until the end of 2014 ⁽¹⁹²⁾. In May 2015, EASO and Greece signed the Special Support Plan to Greece ⁽¹⁹³⁾ to be implemented until the end of May 2016, envisaging support in setting up an effective guardianship system, activities related to COI (preparation of factsheets on countries of origin and organisation of thematic workshops), reception (training in the field of reception and open accommodation, monitoring the provision of services and enhancing the quality of the reception procedure), and overall capacity-building for Greek stakeholders (support via EASO Training Curriculum, tailor-made ad hoc workshops and study visits, and capacity-building regarding the absorption of EU funds and other financial resources). Further activities concerned enhancing the capacity of the Greek Dublin Unit (including technical analysis).

3.2.1.3. Italy

Following the implementation of the EASO Special Support Plan to Italy ⁽¹⁹⁴⁾ and its two subsequent amendments ⁽¹⁹⁵⁾ in 2013 and 2014, aimed at increasing the capacity of Italian stakeholders in managing asylum and further professional development of the National Asylum Commission, in March 2015 EASO and Italy signed a further Special Support Plan - Phase 2 ⁽¹⁹⁶⁾.

Based on the plan, EASO provided support to Italy until the end of March 2016 in a number of areas, such as capacity-building in the field of COI and operational support to Italian Territorial Commissions for administrative preparation of

⁽¹⁸⁶⁾ EASO Special Support Plan to Cyprus, available at: <http://easo.europa.eu/wp-content/uploads/EASO-CY-OP.pdf>

⁽¹⁸⁷⁾ Amendment to EASO Special Support to Cyprus, available at: <https://www.easo.europa.eu/sites/default/files/20160408%20EASO%20SSP%20to%20CY%20-%20Amendment%20No%202%20without%20signature.pdf>. More information can be found in the EASO Newsletter for July-August 2015, available at: <https://www.easo.europa.eu/sites/default/files/newsletters/BZAA14011ENN.pdf> p. 11.

⁽¹⁸⁸⁾ More information on support in the area of identification of persons with special needs can be found in the EASO Newsletter for April 2015, at: <https://www.easo.europa.eu/sites/default/files/newsletters/BZAA14008ENN.pdf> p. 7.

⁽¹⁸⁹⁾ More information on support in the area of age assessment can be found in the EASO Newsletter for January 2015, at: <https://www.easo.europa.eu/sites/default/files/newsletters/EASO-Newsletter-JAN2015.pdf> p. 5.

⁽¹⁹⁰⁾ More information on capacity building activities in Cyprus can be found in the EASO Newsletter for March 2015 at <https://www.easo.europa.eu/sites/default/files/newsletters/EASO-Newsletter-March-2015.pdf>, p. 9.

⁽¹⁹¹⁾ EASO Operating Plan Phase I for Greece, available at: <https://www.easo.europa.eu/sites/default/files/20110401-EASO-OPI-Greece.pdf>, followed by two amendments to the Plan, available at: <https://www.easo.europa.eu/sites/default/files/20110926-EASO-OPI-Greece-Amendment-no-1.pdf> and <https://www.easo.europa.eu/sites/default/files/20121113-EASO-OPI-Greece-Amendment-no-2.pdf>

⁽¹⁹²⁾ EASO Operating Plan Phase II for the deployment of Asylum Support Teams in Greece, available at: https://www.easo.europa.eu/sites/default/files/EASO_SPECIAL%20SUPPORT%20TO%20GREECE_MAY_2015%20%28without%20signature%29.pdf and Amendment to EASO Operating Plan Phase II for the deployment of Asylum Support Teams in Greece Ref. 1, available at: <https://www.easo.europa.eu/sites/default/files/EASO-OP-II-Greece.pdf>. Activities focused on the establishment of the new Asylum Service, First Reception Service, the Appeals' Authority, improving reception for vulnerable persons, reducing the number of pending applications for international protection ('backlog' cases) at second instance, and providing capacity building in EU funding.

⁽¹⁹³⁾ EASO Special Support Plan to Greece https://www.easo.europa.eu/sites/default/files/EASO_SPECIAL%20SUPPORT%20PLAN%20TO%20GREECE_MAY_2015%20%28without%20signature%29.pdf More information can be found in EASO Newsletter for May 2015, available at: <https://www.easo.europa.eu/sites/default/files/newsletters/BZAA14009ENN.pdf>, p. 6.

⁽¹⁹⁴⁾ EASO Special Support Plan to Italy, available at: <https://www.easo.europa.eu/sites/default/files/EASO-SPP-Italy-ELECTR-SIGNED.pdf>.

⁽¹⁹⁵⁾ Amendment of the EASO Special Support Plan to Italy Ref. 1, available at: <https://www.easo.europa.eu/sites/default/files/1st-amendment-SPP-Italy-ELECTR-SIGNED.pdf>; Amendment of the EASO Special Support Plan to Italy Ref. 2, available at: <https://www.easo.europa.eu/sites/default/files/2nd-amendment-SPP-Italy-ELECTR-SIGNED.pdf>.

⁽¹⁹⁶⁾ EASO Special Support Plan to Italy available at: https://www.easo.europa.eu/sites/default/files/20150311-SSP-PHASE-2-Italy-DEF_0.pdf More information can be found in EASO Newsletter for March 2015 at: <https://www.easo.europa.eu/sites/default/files/newsletters/EASO-Newsletter-March-2015.pdf> p. 5.

the files by technical ICT support; support to the Italian Dublin Unit to enhance its capacity to handle pending cases; as well as professional development activities ⁽¹⁹⁷⁾ and study visits ⁽¹⁹⁸⁾.

3.2.2. Institutional changes

In 2015 several institutional changes were introduced in the asylum administrations of EU+ countries.

In **Sweden**, a new organisational structure, including two large amendments, of the Swedish Migration Agency (SMA) was implemented as of 1 January 2015; the agency was divided by six geographical regions with central control and a process-oriented comprehensive view through the Quality Department ⁽¹⁹⁹⁾. Previously, the work was divided by operational activity (e.g. asylum, reception, other permit cases). Within the geographical regions all the operational activities are represented. The purpose of the new structure is to improve the collaboration between the different activities. The goal of the process-oriented comprehensive view is to optimise the flow within the process e.g. needing protection, returning. The Legal Affairs Department has expanded and is organised into three sections.

In **Austria** the organisation of the first reception of asylum seekers was amended ⁽²⁰⁰⁾. In addition to the existing first reception centres (*Erstaufnahmestellen*) seven new dispersal centres (*Verteilerquartiere*) were established in seven federal states so that the decision concerning the responsibility to deal with an asylum case is taken in the state, where the applicant is present. Applicants whose applications are likely to be inadmissible are transferred to the initial reception centres.

In **Germany**, about 30 new branch offices were established from the beginning of 2015. Four decision-making centres focus on processing clear-cut cases that can be quickly determined (applications lodged by Western Balkan nationals and applications by members of religious minorities from Syria and Iraq). In **Italy**, as of May 2015, 40 determining authorities (Commissions and Sections) became operational, as determined in the Ministerial Decree of 11 October 2014.

Further changes concerned internal organisation of work and hierarchy.

In **Belgium** the new federal government that took office in 2014 decided to bring all the organisations in the asylum chain, including Fedasil – the agency responsible for the reception of asylum seekers and coordination of voluntary return programmes – under the supervision of one State Secretary, the State Secretary for Migration and Asylum. As of 1 January 2015 a new unit, the European Asylum and Migration Unit within the **Slovak** Migration Office, was established ⁽²⁰¹⁾ and as of 1 July 2015 the employees and responsibilities of the Foreign Aid and Projects Unit were integrated within the Department of Migration and Integration of MO. The Asylum Service of the General Directorate of Foreigners in France of the **French** Ministry of Interior has become the Asylum Directorate. The **Latvian** Office of Citizenship and Migration Affairs created a new division, Asylum Seekers' Reception Division, separating reception-related duties from first-instance status determination procedure handled by Asylum Affairs Division. **Luxembourg** also reorganised the Asylum Unit, which is now composed of sub-units dealing with: decision-making (divided in geographical sections), interviews, first reception, international and European affairs and administrative support.

⁽¹⁹⁷⁾ More information on capacity building activities in Italy in the framework of EASO Training Curriculum can be found in EASO Newsletter for January 2015, at: <https://www.easo.europa.eu/sites/default/files/newsletters/EASO-Newsletter-JAN2015.pdf> p. 6.

⁽¹⁹⁸⁾ More information on a study visit to BAMF can be found in EASO Newsletter for March 2015 at <https://www.easo.europa.eu/sites/default/files/newsletters/EASO-Newsletter-March-2015.pdf>, p. 10.

⁽¹⁹⁹⁾ The Quality Department works to further increase legal certainty by improving and assuring quality in the processes that govern the Migration Agency's operational work.

⁽²⁰⁰⁾ By new provisions in the Federal Act for the regulation of the basic care of asylum seekers in the admission procedure and certain other foreigners by 20 July 2015.

⁽²⁰¹⁾ The Unit is in charge of European agenda coordination and activities in connection with upcoming Slovak Presidency of the Council of the European Union.

Following the higher number of asylum applications and related workload, additional staff were recruited in **Austria** ⁽²⁰²⁾, **Belgium** ⁽²⁰³⁾, **Bulgaria** ⁽²⁰⁴⁾, **Czech Republic** ⁽²⁰⁵⁾, **Finland** ⁽²⁰⁶⁾, **France**, **Hungary**, **Luxembourg**, **the Netherlands** ⁽²⁰⁷⁾ and **Spain** ⁽²⁰⁸⁾.

3.2.3. Important national jurisprudence

Qualification

An important decision was handed down by the Supreme Court of **Greece** in 2015, which dealt with notions central to the understanding of the Refugee Convention. The decision concerned a Turkish citizen, whose extradition to Turkey from Greece was requested so that he might face charges related to terrorist activities. In contesting the extradition, the applicant argued that he would be persecuted due to his political convictions on return and that, in any case, he had already been recognised as a refugee by Switzerland, an assertion validated by relevant documents. The Greek Supreme Court noted that in such cases a hierarchy of obligations arises in that international refugee law and human rights law must prevail over extradition regulations. The court reiterated the global nature of refugee status and further reasoning that it has extra-territorial effect in that there must be reciprocal recognition of refugee status granted by one State Party to the Convention in other States Parties. The court accepted that in case of *refoulement* of the appellant, there would be a well-founded fear of persecution and threat of his physical integrity because of his beliefs. On this basis, the Supreme Court held that the recognition of the applicant's refugee status in Switzerland as well as the risk of future persecution made any extradition by Greece to Turkey impermissible ⁽²⁰⁹⁾.

Whereas in last year's Annual Report, a trend was identified in relation to cases of a high number of applicants relying on religious persecution as the relevant Convention ground in cases where the applicants were Christian and the predominant religion of the country of origin was Islam, this year the difficulties posed by cases often involving a purported conversion to Christianity were noticeable due to their relative frequency.

In the first such decision, the Supreme Administrative Court of the **Czech Republic** reviewed the decision of the Regional Court in Prague, where doubts arose about the applicant's conversion to Christianity. The applicant challenged the decision stating that the assessment should not be limited to theoretical knowledge of his new religion. The Supreme Administrative Court stated that when assessing the credibility of applicant as a Christian the administrative authority should have focused, during the questioning on a number of elements ⁽²¹⁰⁾. The conclusion regarding credibility cannot normally be based solely on partial loopholes in applicant's knowledge of specific details of Christianity ⁽²¹¹⁾.

Considering further the elements of proof required to substantiate claims of a conversion, particularly when assessing overall credibility, the Federal Administrative Court of **Germany** held that if an asylum applicant claims to be threatened with religious persecution because of a conversion to Christianity, when deciding whether pursuing a religious practice entailing danger is especially important to that person in order to maintain his religious identity, the administrative courts are not bound by the assessment of the officiant of a Christian church that the baptism of the person concerned is founded on a sincere and lasting religious decision ⁽²¹²⁾.

⁽²⁰²⁾ At the Federal Office for Immigration and Asylum (both at the headquarters as well as the regional directorates).

⁽²⁰³⁾ Both case workers and interpreters.

⁽²⁰⁴⁾ In October 2015, the number of staff of the State Agency for Refugees increased by 50 in accordance the Action Grant Agreement between SAR and the European Commission (under emergency funding).

⁽²⁰⁵⁾ At the Ministry and at the asylum facilities in regions and cities hosting asylum seekers.

⁽²⁰⁶⁾ Both at FIS and in the administrative courts (to accelerate decisions and handling of appeals).

⁽²⁰⁷⁾ IND has employed and trained close to 100 new temporary staff to conduct interviews and communicate decisions. Additional staff from the police have been involved in identification and registration activities.

⁽²⁰⁸⁾ The Asylum Office has increased its staff with a total number of 109 persons (15 new staff members for a period of six months during 2015 and another 94 persons during 2016 recruited temporarily). The new staff will work in coordination tasks, case making and administrative support. Budget for 2016 has also been doubled in order to adapt the asylum system to the new context.

⁽²⁰⁹⁾ Areios Pagos, 20 February 2015, Decision No 186/2015.

⁽²¹⁰⁾ Primarily on: (i) assessment of the applicant's life prior to the conversion; (ii) the conversion itself; (iii) an evaluation of the conversion by the applicant; (iv) the applicant's knowledge regarding his new religion and; (v) religious activities of the applicant.

⁽²¹¹⁾ Nejvyšší správní soud (Supreme Administrative Court), 25 June 2015, No 4 Azs 71/2015-54.

⁽²¹²⁾ Bundesverwaltungsgericht, 25 August 2015, 1 B 40.15.

The Supreme Administrative Court in **Poland** also had occasion to decide about certain aspects of religious conversion and subsequent persecution. In 2011, a Russian national from Chechnya submitted his fifth application for refugee status on the grounds that he had converted and become a follower of Scientology after leaving his country of origin. He considered himself as a Muslim-scientologist. The court noted that scientologists are persecuted in the applicant's country of origin. In reaching its decision, the court held that the applicant did not prove that there was a risk of serious harm. The court stated that the applicant never renounced his beliefs in Islam, so in case of a subsequent return to Chechnya he would have had no obstacles to perform his original religious practices. Given the multiple number of previous applications as well as other factual details, the court shared the position of the first-instance determining authority that the applicant had engaged himself in the scientology movement only for purposes of gaining international protection. It was also emphasised that the applicant had purported to become a scientologist in 2006 but that in two previous claims (submitted in 2008 and 2010 respectively) this fact was never put forward ⁽²¹³⁾

Aside from decisions focusing on religious forms of persecution, a noticeable number of cases involving conscientious objectors were also decided. The CJEU also provided guidance on this issue in the preliminary ruling in Case C472/13, *Andre Lawrence Shepherd v Bundesrepublik Deutschland*. This judgment was of importance as it concerns the interpretation of Article 9(2)(b), (c) and (e) of the QD.

The National Court of Asylum Law in **France** made a judgment granting refugee status to an applicant of Palestinian origin but resident in Syria. The applicant was a deserter from the Syrian army. The court took account of the UNHCR guidelines which recommend considering that the sanctions for desertion and insubordination qualify as acts of persecution where the military action with which the applicant refused to comply is condemned by the international community, the UNHCR Guidelines on International Protection No 10, 'Claims to Refugee Status related to Military Service within the context of Article 1A(2) of the 1951 Convention and/or the 1967 Protocol relating to the Status of Refugees' ⁽²¹⁴⁾. This document distinguishes between different kinds of objections to military service that could result in a fear of persecution. More specifically, it distinguishes between conscientious objections, objections in the context of a conflict that violates basic human values (because of the armed conflict being illegal and/or the methods of warfare being used), and objections related to the conditions of conscription. Also, the document contains various principles that are to be applied in specific cases. In reaching its decision, the court referred to the fact that Syria was criticised several times by the UN for engaging in military activities in breach of the principles of the UN Charter. Desertion is subject to the death penalty according to the military criminal code of the country. The Court admitted the applicant's consciousness grounds and decided that his fears of persecution were well-founded ⁽²¹⁵⁾.

The National Court of Asylum Law in **France** also made reference in its decision to the criteria for determining the state of nationality or habitual residence but in which the notion of conscientious objector status was also considered. The applicant was born in Dubai (United Arab Emirates) with Palestinian ancestry and a Syrian mother. The Court noted that the applicant was eligible to hold neither the nationality of Syria nor of UAE and that he was not a Palestinian citizen. The court decided that Syria ought to be treated as his country of habitual residence. On the substance of the application for international protection, the applicant submitted that he was obliged to comply with his military service or would otherwise face significant penalties. Consequently he deserted as he did not want to serve under the Syrian Army and a regime that is responsible for the commission of serious (war) crimes. The judgment, granting refugee status on a political ground, refers to UNHCR Guidelines on claims related to military service ⁽²¹⁶⁾ and United Nations condemnations towards acts committed by Bashar al Assad's regime ⁽²¹⁷⁾.

In addition to the two French cases, several cases were decided upon in 2015 by the Council for Alien Law Litigation (CALL) in **Belgium**, which also referred to the UNHCR Guidelines on International Protection No 10, 'Claims to Refugee Status related to Military Service within the context of Article 1A(2) of the 1951 Convention and/or the 1967 Protocol relating to the Status of Refugees' ⁽²¹⁸⁾. The Council examined whether the objections against military

⁽²¹³⁾ Supreme Administrative Court (Naczelny Sąd Administracyjny), 25 November 2015, II OSK 769/14.

⁽²¹⁴⁾ UN High Commissioner for Refugees (UNHCR), *Guidelines on International Protection No 10: Claims to Refugee Status related to Military Service within the context of Article 1A(2) of the 1951 Convention and/or the 1967 Protocol relating to the Status of Refugees*, 3 December 2013, HCR/GIP/13/10/Corr. 1, available at: <http://www.refworld.org/docid/529ee33b4.html>, accessed 15 May 2016.

⁽²¹⁵⁾ CNDA, 8 November 2015, M.S. No 14014878 C+.

⁽²¹⁶⁾ See Footnote 214.

⁽²¹⁷⁾ CNDA 8 November 2015 M. M.S. No 14014878 C+.

⁽²¹⁸⁾ See Footnote 214.

service correspond with one of the aforementioned that could lead to a fear of persecution, and ensures that sufficient elements are available so that it can reach a conclusion on each of these. In certain cases, the CALL annulled the decision of the Commissioner-General because there was no or insufficient examination of the objections to taking part in a conflict that violates basic human values. In some cases in which the Council pronounced annulments, it stressed that the information of the Commissioner-General did not permit a determination of whether or not a person that continues to oppose military service after being convicted, would remain subject to military service. In these cases the Council took into account that the European Court of Human Rights has previously held, concerning a possible violation of Article 3 ECHR that ‘the numerous criminal proceedings, the cumulative effects of the ensuing criminal convictions and the constant alternation between prosecution and imprisonment, together with the possibility of lifelong prosecution, are disproportionate to the aim of ensuring that he performs his military service’ ⁽²¹⁹⁾.

Many court decisions throughout 2015 dealt with a broad range of issues regarding persecution on the grounds of membership of a particular social group (MPSG).

A decision from the Supreme Administrative Court of the **Czech Republic** concerned an applicant from Kazakhstan who was refused refugee status and subsidiary protection at first instance. The Court observed, inter alia, that as a Muslim woman, who has during her marriage given birth to a child whose father is not their husband, the applicant has a characteristic that cannot be changed (a child from non-marital relationship) within the meaning of Article 10(1)(d) of the QD. As such she may be perceived negatively by the surrounding predominantly Muslim society, becoming the subject of rejection or discrimination. As such further investigation is needed at first instance on the position of Muslim women with non-marital child in Kazakhstan and available level of protection against domestic and sexual abuse ⁽²²⁰⁾

The National Court of Asylum Law in **France** identified a particular social group consisting of women from Edo State in Nigeria who had been victims of trafficking in a prostitution network but who had subsequently managed to escape. The court was satisfied that such women fulfil the two criteria imposed by Article 10(d) QD, as noted above. The members of the particular social group have a particular identity as they share a common background including a ritual ceremony. In the particular case at bar, the applicant, if returned to Nigeria, would likely be ostracised by her social and family network, and she would face reprisals from the trafficking network to whom she was allegedly in debt. Moreover, she would be subject to the rigours of customary law and would be unable to access any effective administrative and judicial protection. The CNDA emphasised the lack of effective laws against trafficking, slavery and the corrupt judicial system in Nigeria as well as the customary enforcement of ‘traditional justice’ in the State of Edo. The Court also considered the likelihood of a trafficked person being ‘re-trafficked’ or otherwise subject to serious harm if they have to return to their home area ⁽²²¹⁾.

In another judgment of the National Court of Asylum Law in **France**, the Court examined the notion of a particular social group and sexual orientation as a reason for persecution. In particular, the court focused on the standard of proof that must be met as well as the types of documents or other evidentiary proof that the applicant must bring. In deciding to grant refugee status to a Bangladeshi national from Comilla district, the court held that he was persecuted by his family and wider social environment because of his sexual orientation. COI reports confirm that homosexuality is criminalised in Bangladesh and that LGBTI persons are frequently subjected to persecution. This particular judgment is interesting in that it makes reference to Article 4 QD as well as Article 1 of the Charter while at the same time explicitly applying the judgment of the CJEU judgment in Joined Cases *A.B.C.*, C148/13, C149/13 and C150/13. In examining the evidence submitted by the applicant, the Court refused to admit photos and videos produced by the applicant in which he could be seen to engage in sexual acts because to do so would be contrary to human dignity and such material should not be considered as relevant or admissible proof of sexual orientation ⁽²²²⁾.

⁽²¹⁹⁾ ECHR, 26 January 2006, *Ülke v Turkey* (CALL).

⁽²²⁰⁾ Nejvyšší správní soud (Supreme Administrative Court), 29 July 2015, No 4 Azs 114/2015-27.

⁽²²¹⁾ CNDA 23 March 2015 Ms J.E.F. No 10012810 C+.

⁽²²²⁾ CNDA 29 October 2015 M. S. No 14014878 C+.

A number of cases were also heard by the Administrative Court in **Luxembourg** that looked at applicants who claimed membership of a particular social group for reasons of persecution due to their sexual orientation. The Administrative Court granted protection in respect of applicants from Nigeria ⁽²²³⁾, Cameroon ⁽²²⁴⁾ and Senegal ⁽²²⁵⁾.

In many cases of 2015, concerning the Ebola epidemic in Guinea, the Council of Alien Law Litigation in **Belgium** held, first, that the fear of contamination with the Ebola virus in itself could not be considered a fear of persecution in the sense of the Geneva Convention given that such a fear cannot be connected to one of the criteria listed therein and, secondly, that a real risk of contamination with the Ebola virus could not lead to the recognition of subsidiary protection status given that serious harm in Article 15 of Directive 2004/83/EC must result from the conduct of the actors listed under Article 6 of Directive 2004/83/EC ⁽²²⁶⁾.

Ending protection; exclusion, cessation

Although on the basis of the information provided to EASO by the courts and tribunals of EU+ countries no marked increase in the application of exclusion clauses can be identified, there were still a number of relevant decisions in 2015.

The Supreme Court of **Spain** handed down a decision that relied directly on the judgment of the CJEU in *B&D v Bundesrepublik Deutschland* ⁽²²⁷⁾. The Supreme Court reiterated the decision of the lower court which correctly stated the need for ‘serious reasons’ for considering the applicant had committed a ‘serious non-political crime’ outside the country of refuge prior to admission as a refugee. The court went on to hold that there must be an individual assessment of the specific facts. Finally, the Supreme Court also noted that even if an applicant for international protection or a refugee is excluded, Article 3 ECHR must be respected meaning that extradition may not be possible where there is a real risk of torture or inhuman or degrading treatment ⁽²²⁸⁾.

In two cases in 2015, the Council for Alien Law Litigation in **Belgium** followed the Commissioner-General in excluding applicants from international protection after determining that they, in light of their activities for security and intelligence services, had intentionally and substantially contributed to the human rights violations that were systematically being committed under Saddam Hussein’s regime in Iraq. In line with UNHCR recommendations, the Council also emphasised that Article 1(F) of the Geneva Convention, which corresponds to Article 12(2) QD, must be interpreted restrictively in view of the far-reaching consequences of exclusion. In the case of a Syrian who had been active in the Syrian security services, the decision to exclude was set aside and in its place the applicant’s refugee status was granted. The Council found that no individual responsibility could be attributed to the applicant and that he had not contributed substantially to crimes against humanity, given that he himself had not used any violence in his limited function as a driver. In addition, the Council considered that his admission into the security services was the result of mandatory military service and that his statements were demonstrative of sincere conscientious objections ⁽²²⁹⁾. There is also a request for a preliminary ruling from Belgium pending before the Court of Justice of the EU in relation to exclusion under Article 12(2)(c) QD (recast) ⁽²³⁰⁾.

The National Court of Asylum Law in **France** excluded a former officer of the Syrian army. The excluded person was a doctor and head of the medical service of Aleppo Hospital. He also had the rank of colonel in the Syrian armed forces. According to the court, COI sources indicate that medical personal participated in the general repression organised by the regime. It found that the applicant was present in places of detention and that he favoured and/or legitimated, by virtue of his military rank, the perpetration of acts of torture. The court did not follow the submissions made on behalf of the application that he had advocated for the use of restraint when questioning detainees. In its decision,

⁽²²³⁾ Cour administrative, 1 July 2015, No 34373.

⁽²²⁴⁾ Cour administrative, 27 October 2015, No 35825.

⁽²²⁵⁾ Cour administrative, 1 July 2015, No 34211.

⁽²²⁶⁾ *quod non* (CJEU 18 December 2014, C-542/13, M’Bodj). (For example, CALL, 19 December 2015, A159066).

⁽²²⁷⁾ Cases C-57/09 and C-101/09.

⁽²²⁸⁾ Tribunal Supremo, 23 February 2015, 2944/2014).

⁽²²⁹⁾ (CALL, RvV 12 mei 2015, nr. 145 401 (recognition refugee status).

⁽²³⁰⁾ *Lounani*, C-573/14.

the court considered the applicant to be complicit in the commission of acts contrary to the purposes and principles of the United Nations and he was subsequently excluded.

A further interesting matter in this decision is the application of Article 12(2)(c) QD (as transposed) rather than one of the other grounds for exclusion contained under the more specific provisions of Article 12(2)(a) and (b). Notwithstanding the fact that the court reasoning did not focus so much on the most appropriate provisions related to exclusion [Article 12(2)(a), (b) or (c)], certain overlaps between the three provisions are recognised. UNHCR has posited the view that Article 12(2)(c) should be reserved for situations where the principles and purposes of the UN are offended in a fundamental manner. It could be supposed that the deeds committed by the Syrian medical colonel in this decision did not fully meet the standards of ‘crimes’ required by Sections (a) and (b), whereas Section (c) uses the seemingly lower threshold of ‘acts’. The court in any case examined the counter-argumentation to the applicant’s allegations that he had no sufficient authority to be held responsible and accountable for the acts of torture committed in the places of detention he visited and concluded that he ought to be excluded. In any case, the decision can be said to be in line with the previous judgment from the Council of State (judgment of 21 July 1992, No 13003572) ⁽²³¹⁾.

A further decision of the Council of Alien Law Litigation in **Belgium** related to exclusion under Article 12(1) QD (as reflected in Article 1D Geneva Convention). Article 1D of the Geneva Convention aims to provide specific protection to Palestinian refugees. On the one hand persons benefitting from UNRWA assistance are excluded from the field of application of the Geneva Convention. On the other hand persons that have left the UNRWA-mandated area for reasons that are beyond their control or cannot be attributed to them, and that are thereby prevented from benefiting from the UNRWA assistance, are automatically recognised as refugees. The Council followed the judgement of the Court of Justice of the European Union of 19 December 2012 in the El Kott case, which specified that it must be understood that Palestinians were forced to leave the area of operations when their personal safety was at serious risk and it was impossible for UNRWA to guarantee that their living conditions in that area would be commensurate with the mission entrusted to that organ or agency. The existence of a situation where personal safety was at serious risk was accepted in a case concerning a journalist from the Gaza Strip. The policy of the Commissioner General for Refugees and Stateless Persons has been amended in such a way that Palestinians who come from the Gaza Strip are generally recognised as refugees ⁽²³²⁾.

The existence of a situation where personal safety was at serious risk was also accepted in a case in which a Palestinian’s eldest daughter, who was suffering from serious health problems, was denied access to health care by the Lebanese authorities because of her Palestinian origin, and who thus became dependent on the care offered by UNRWA, which was deemed inadequate ⁽²³³⁾.

The existence of a situation where personal safety was at serious risk was likewise accepted in a case concerning a Palestinian who was forced to leave the area of UN operations because of his personal living conditions in a refugee camp in Lebanon. The Council emphasised that the notion of ‘a situation where personal safety was at serious risk’ required a broad interpretation, and that a situation involving a real risk of inhuman treatment or treatment contrary to Article 3 of the ECHR can suffice. As such the recognition of the refugee status is not based on the existence of this real risk, but is automatically granted based on Article 1D given that the person concerned is already a refugee and has demonstrated that he or she can no longer benefit from UNRWA assistance ⁽²³⁴⁾.

When the Council determines that a person can benefit again from UNRWA protection, it will investigate whether that person can return to the mandated area in view of both the individual’s situation and the general (security) situation in the UNRWA mandated area.

With regards to other ways in which international protection can come to an end, a judgment of the National Court of Asylum Law in **France** showed the differentiated approach that is necessary with regard to the application of cessation clauses. The applicant, an Afghan refugee, requested a passport at the consulate of Afghanistan in France.

⁽²³¹⁾ CNDA 30 October 2015 M. A. No 15000096 C.

⁽²³²⁾ CALL, 7 August 2015, A150535.

⁽²³³⁾ CALL, 30 April 2015, A144568.

⁽²³⁴⁾ CALL, 30 April 2015, A144563.

He then spent two months in his country of origin. The French first-instance decision maker (OFPRA) ceased to recognise his refugee status as he had voluntarily re-availed himself of the protection of the country of nationality. The court considered that the family reasons specified by the applicant, such as his wife's health problems, were not acceptable as he had been granted international protection on the ground of his fear of persecution by the Taliban coupled with the ineffective protection provided by the authorities. He was excluded from refugee status under Article 1C(1) of the Geneva Convention (Article 11(1)(a) QD). Having ceased to recognise the applicant as a refugee, the court then considered the risks he incurred if returned to his home country. Notwithstanding the short visit that led to the cessation of refugee status, the court considered the fact that the applicant came from the district of Pol-e-Alam in the province of Loghar. Various sources, including the UN, indicate that the situation in that region must be qualified as one of violence of high intensity resulting from an armed conflict. For that reason, the applicant was granted subsidiary protection under Article 15(c) QD ⁽²³⁵⁾.

Subsidiary protection

As well as providing for refugee protection, the EU asylum regime provides for an additional form of protection. Member States may grant subsidiary protection in accordance with Article 15 QD (recast) in certain specific situations. Section (c) of Article 15 remains the most commonly applied provision, although Sections (a) and (b) of that provision saw some application by national courts in 2015. A judgment by the National Court of Asylum Law in **France** was handed down regarding a Bangladeshi national sought in his country for several murders and others violent acts he had committed prior to travelling to France. The court considered that the applicant feared the death penalty or execution and that he was entitled to avail himself of subsidiary protection in a rare application of Article 15(a) QD (recast). Having reached this conclusion, however, the Court then went on to exclude him in line with Article 17(b) QD as he had committed serious crimes and was unworthy of receiving international protection ⁽²³⁶⁾.

With respect to Article 15(c), national courts have continued to grapple with the challenges posed by this provision, particularly in respect of determining the threshold for the level of violence required before it can be said that a generalised risk exists. The courts in **Italy** seem to have transitioned from a broad to a more nuanced approach towards granting subsidiary protection with regard to the interpretation of 'real risk of serious harm' as a result of 'indiscriminate violence'. Decisions taken in the earlier part of 2015, in a line of jurisprudence that purported to follow the judgment of the CJEU in *Diakité* (C285/12), frequently granted subsidiary protection to applicants from all areas of certain countries, e.g. Nigeria, Mali and Pakistan ⁽²³⁷⁾. However, more recent decisions have undertaken a more thorough examination of the circumstances prevailing in certain relevant regions such as Northern Nigeria or Mali as well as specific areas of Pakistan that are not under the control of the Taliban ⁽²³⁸⁾.

The Council for Alien Law Litigation in **Belgium** considered Article 15(c) QD (recast) in the context of the security environment in Baghdad. The Court acknowledged the complexity and problematic nature of the situation and of making a determination on international protection. In its assessment, the Court found that the situation in Baghdad at the time of the decision in November 2015 did not constitute an exceptional situation characterised by a level of indiscriminate violence so great that the mere presence of a civilian in the city entails a real risk of being exposed to a serious and individual threat to life or person. In such situations, a personal assessment of the risk must be carried out ⁽²³⁹⁾. The Council for Alien Law Litigation made a similar finding in respect of the security situation in Ingushetia in a number of cases in 2015. The Court did note the prevailing tension in the region and the need to ensure that great caution is exercised when examining the application for international protection of persons from this region. ⁽²⁴⁰⁾

The National Asylum Court of **France** granted the subsidiary protection to an applicant from the Afghan province of Loghar because of the situation of indiscriminate violence that existed in his region ⁽²⁴¹⁾. The Court has already ruled on this point. In that previous case, the applicant, born in Juba, left Sudan in 1993. In 2011 the country parted between Sudan and South Sudan, the latter with Juba as the capital. The Court noted that following the split of the country,

⁽²³⁵⁾ CNDA 5 October 2015 M. Z. n° 14033523 C+.

⁽²³⁶⁾ CNDA, 3 November 2015, M. B. n° 10013998 C+.

⁽²³⁷⁾ Corte di Cassazione, 20 April 2015, No 7333.

⁽²³⁸⁾ Corte di Cassazione, VI-1, 28 September 2015, No 19184 and No 19185.

⁽²³⁹⁾ RvV (3 judges) 26 November 2015, nr. 157 161 (refusal)

⁽²⁴⁰⁾ CCE (3 judges) 29 octobre 2015, n° 155 727 (refusal).

⁽²⁴¹⁾ (CNDA, 5 October 2015, M. ZADRAN No 14033523 C+)

South Sudanese were deprived of the nationality of the Republic of Sudan while, according to the law of nationality of South Sudan, the applicant could apply for the nationality of the new State. Consequently the Court examined her case towards South Sudan. Her fears were not well-founded under the Geneva Convention but she was granted subsidiary protection because of the situation of violence resulting from an internal armed conflict ⁽²⁴²⁾

When it comes to the question of whether subsidiary protection status ought to be renewed, the Supreme Court of **Slovenia** rejected the application of a hypothetical presumption that an applicant can avail himself of internal protection in a situation where he has no particular education or acquaintances in the new area nor is there any indication of his social or economic well-being, including his ability to find gainful employment, simply because he is a young single man with no particular family ties. The Court held that there must be a comprehensive analysis of the environment of displacement, which takes into account the applicant's personal circumstances. On that basis, it is necessary to identify whether the applicant can actually exercise and maintain an economic and social existence in the place of displacement such that there would not be a violation of Article 3 ECHR. In the particular case in question, the Supreme Court went on to say that there can be no real possibility for the applicant to return to his province of origin, notwithstanding that the armed conflict has abated to the extent that he would not be individually in danger, if he does not have any relatives or place of abode there ⁽²⁴³⁾.

In **Austria**, the Federal Administrative Court ruled on a case that looked at the link between subsidiary protection and the protection of human rights within the context of the admissibility of a return decision. The Court ruled that paragraph 8 AsylG (which states that an applicant for international protection who faces the risk of a violation of Article 3 ECHR in case of return is to be granted subsidiary protection; usually this is the second part of an asylum decision in Austria when asylum is denied) is to be seen as the national transposition of Article 15 QD (recast) and is to be interpreted in line with the CJEU decisions in *Elgafaji* and *M' Bodj*. If an applicant were a vulnerable person, however, this vulnerability would not pass the threshold of subsidiary protection. This has to be taken into account when examining the admissibility of a return decision (which normally focuses on Article 8 ECHR, but insofar Article 3 ECHR can be relevant here as well; this usually is the third part of an asylum decision in Austria when asylum and subsidiary protection are denied) (page 56 of the decision) ⁽²⁴⁴⁾

Appeal procedures

In 2014, the appeal procedure against first-instance decisions in **Belgium** 'not to take into consideration asylum applications from citizens of safe countries of origin' was judged not to be an effective remedy in certain situations by the Belgian Constitutional Court judgment on the appeal procedure. As a consequence, a change of law entered into force on 1 June 2014, allowing for a full judicial review, with suspensive effect, against inadmissibility decisions on subsequent applications and applications from safe countries of origin ⁽²⁴⁵⁾. In 2015, an appeal was lodged at the Constitutional Court against similar decisions from the first-instance administrative decisions 'not to take the asylum application into consideration' in respect of (i) asylum applications of EU citizens; (ii) asylum applicants who have already been recognised as refugees in another Member State; and (iii) asylum applicants who received a technical refusal. This time, the Constitutional Court rejected the appeal and did not follow the argumentation that the appeal procedure at the Council for Aliens Law Litigation against these types of decisions is not an effective remedy. On 7 May 2015, the Council of State rejected the inclusion of Albania in the Royal Decree of 2014 on Safe Countries of Origin ⁽²⁴⁶⁾.

A judgment from **France** concerns the right to a personal interview. The Council of State acknowledged that while the right to a personal interview is a principle of EU law, the competent authority is not compelled to provide such an interview in every case. In situations where the applicant has already had an effective possibility to present his case, there can be no such obligation. In the particular case, the applicant was aware that, because he was applying a second time, he was required to present a new element or fact. He was also shown to be aware that the subsequent application could be dismissed without interview if a new element or fact was not presented ⁽²⁴⁷⁾. The earlier judgment

⁽²⁴²⁾ CNDA 2 September 2015 Ms M. Y. n° 15005004 C+.

⁽²⁴³⁾ Supreme Court, 13 May 2015, VS 1015052.

⁽²⁴⁴⁾ BVwG, 16 July 2015, W125 1435371-1/26E.

⁽²⁴⁵⁾ Constitutional Court, 16 July 2014, No 1/2014.

⁽²⁴⁶⁾ Constitutional Court, 17 September 2015, No 111/2015.

⁽²⁴⁷⁾ Conseil d'Etat, 9 November 2015, M. A. No 381171 B.

of the National Court of Asylum Law posited a similar position that an applicant who was granted refugee status in a Member State and presented a subsequent application must present a new fact or element which reverses the presumption that he already enjoys an effective protection in said Member State ⁽²⁴⁸⁾.

In a decision of the Supreme Administrative Court of **Poland**, the court provided an example of the kind of new information that might act as a new ground of admissibility for an application for international protection. The applicant, a Russian national from Chechnya, submitted a second application for refugee status in 2012. He stated that he had left his country of origin because of a serious risk of harm. He declared that at the age of 15 he had been detained and beaten by individuals enquiring about Chechen fighters. His father had received demands to pay a ransom to secure the applicant's release. After that the applicant spent some time in hospital and then in 2005 went to Rostov. In 2010 he was held captive by unknown perpetrators, two fingers were cut off and he was told to kill a person, which he ultimately did not do. In making efforts to substantiate his second application, the applicant submitted additional documents, including a psychological analysis which stated that he was suffering from post-traumatic stress disorder (PTSD), which had been diagnosed after the first decision rejecting his application for refugee status in 2011. The first-instance authorities dismissed the case stating that the information given by him was just the same as those collected in previous proceedings concerning application for granting international protection. Voivodship (Regional) Administrative Court overruled the decision and stated that diagnosing PTSD after the decision issued in 2011 should be considered as a new ground of admissibility of application for international protection and this is the reason why the case should not be dropped. Submitted psychological analysis should be considered as a new evidence relevant to assess whether an applicant had been a victim of violence and to assess the possibility of deportation to country of origin. The Supreme Administrative Court shared the position of the first-instance court ⁽²⁴⁹⁾.

A decision from the **Czech Republic** also addressed the question of new circumstances being brought up by the applicant, a national of the Russian Federation from Dagestan, in his hearing before the court, upon appealing a first-instance negative decision. The regional court refused to take these new reasons into account. The court noted that it is bound by the obligation laid down in Article 46(3) Recast Procedures Directive to provide a full and *ex nunc* examination of both facts and points of law. Despite the fact that the period for transposition of this provision had already expired on 20 July 2015, the Czech Republic had not yet implemented it and therefore the courts should, as long as it benefited the applicant and the other relevant criteria (sufficiently clear etc.) can be said to apply, recognise its direct effect. However, even when applying Article 46(3) Recast Procedures Directive directly, the courts were not obliged to take into account new circumstances that the applicant could have revealed earlier in the administrative proceedings. The Supreme Administrative Court subsequently upheld the judgment of the regional court in Prague ⁽²⁵⁰⁾.

Dublin

The practice of the courts in **Finland** remains mixed in respect of Dublin transfers to Hungary. Some decisions have prohibited the enforcement of such transfers whereas in some instances the appeals against such Dublin transfers have been rejected. One of the major reasons why transfers have proven so challenging is in respect of identifying the dates for the transfers. This has been caused by the limited reception capacity available in Hungary. Dublin transfers to Greece remain frozen.

This practice can be contrasted with decisions of the Federal Administrative Court in **Austria**. A transfer decision of the administrative authority was repealed because of recent legal changes in Hungary and the situation during the late summer of 2015. Unless, the Court declared in this generality for the first time in this ruling, the administrative authority could produce a report on what happened to persons (procedural and reception-wise) recently transferred to Hungary under the Dublin Regulation by other Member States and evidence relating to the application of the 'safe third country' principle in relation to Serbia, Hungary could no longer be seen as 'safe' and transfers would not be permissible ⁽²⁵¹⁾.

⁽²⁴⁸⁾ CNDA ord., 7 January 2015, M. AMAEV No° 14027236 C+.

⁽²⁴⁹⁾ Supreme Administrative Court, 14 July 2015, II OSK 2997/13.

⁽²⁵⁰⁾ Supreme Administrative Court, 26 November 2015, No 10 Azs 194/2015-32) The Court and confirmed that even if applying Article 46(3) of the Recast Procedures Directive the central point as regards taking of evidence and examining relevant facts should remain within the administrative proceedings and the judicial examination should be reserved to (mostly new) facts or evidence that could not have been submitted or taken into account before the administrative decision was delivered.

⁽²⁵¹⁾ BVwG, 27 August 2015, W 125 2111611-1/7E.

The courts in **Sweden** also reflected on the context of the Dublin Regulation as to Sweden's obligations to other EU member states versus Sweden's obligations to adhere to the European Convention on Human Rights, inter alia, when applying the Dublin Regulation. The Migration Court of Appeal referred back to its earlier statements according to which the starting point for its consideration must be that EU Member States can and will fulfil their EU obligations. The Court also noted that it is primarily for the EU institutions to follow up on criticism that a Member State is not fulfilling its obligations. However, this cannot lead to Sweden failing in its obligations to follow the European Convention on Human Rights and an assessment of the situation in the country to which an applicant should be transferred must be carried out in certain instances. In this decision related to Dublin transfers to Italy and the obligation to obtain guarantees in accordance with the judgment from the European Court of Human Rights in *Tarakhel v Switzerland*, the Migration Court of Appeal held that a general guarantee from the Italian authorities is not sufficient to comply with the obligations deriving from the judgment of the ECtHR. Individual guarantees must therefore be obtained before a transfer can take place. It is admissible that the Migration Agency obtains such guarantees during the implementation phase of the transfer ⁽²⁵²⁾.

In a further decision of the Migration Court of Appeal in **Sweden**, the Court found that it has not been shown that there are systematic deficiencies in the Italian system for reception of asylum seekers that would, according to Article 3(2) Dublin Regulation, entail the impossibility of transferring an asylum seeker. Neither was it shown that the situation in Italy has substantially improved since the European Court of Human Rights case in *Tarakhel v Switzerland*, No 29217/12. The general guarantee issued in the spring of 2015 by the Italian Ministry of the Interior is not sufficiently precise to meet the criteria stated by the European Court of Human Rights. There is therefore a need to obtain additional guarantees. The Migration Board has specified that the detailed guarantees will be obtained in the context of proceedings to execute the transfers. Should sufficient guarantees not be forthcoming, the Swedish Board can decide to examine the applications in Sweden on the basis of Article 17(1) Dublin Regulation. For this reason, the Board's decision to transfer the applicants – a mother and her minor children – cannot be considered a breach of Article 3 of the European Convention on Human Rights ⁽²⁵³⁾.

The Supreme Administrative Court in the **Czech Republic** confirmed the need, when applying Article 3 Dublin III Regulation to always justify in its decision why the transfer of the applicant to the designated country was not excluded because of the existence of systemic flaws in the asylum procedure and in the reception conditions for applicants in that Member State, resulting in a risk of inhuman or degrading treatment within the meaning of Article 4 of the Charter of Fundamental Rights of the European Union. This high standard must be maintained even in respect of countries that can be described as being highly developed democratic countries with well-functioning legal and asylum systems. The Supreme Administrative Court held that evaluation of the potential obstacles of the transfer as laid down in Article 3(2)(2) of the Dublin III Regulation is an obligatory part of the administrative decision on the transfer ⁽²⁵⁴⁾.

A further judgment from the **Czech Republic** considered the situation of Dublin transfers to Bulgaria, where the applicants challenged the decision before the Regional Court in Prague arguing that Bulgaria suffered from serious flaws regarding its asylum proceedings which resulted in the violation of basic human rights and freedoms. Finally they argued that Article 5 of the Dublin III Regulation had been breached as they had not been personally interviewed. The regional court stated that recital 19 Dublin III Regulation would imply that a situation in the state into which an applicant was to be transferred should also be considered. Such consideration is important in the context of Article 3(2) Dublin III Regulation. Referencing reports of UNHCR, the regional court subsequently concluded that regarding four of the applicants, the reasons given by the Ministry of Interior had been sufficient. However, in connection to one applicant, the Ministry of Interior should have evaluated whether the Bulgarian asylum system makes provision for sufficient care to the applicant as a vulnerable person. Such an evaluation, however, was not contained in the Ministry's decision and as such it was non-reviewable. In relation to Article 5 Dublin III Regulation, the Regional Court stated that the interview that had been carried out by the Czech Police could not be considered as a 'personal interview' within the meaning of the Dublin III Regulation. As a result, the applicants were not given an opportunity to reveal significant facts for determining the responsible state, as they had not been instructed that the interview could be taken as a 'personal interview' regarding the determination of the state responsible for the examination of

⁽²⁵²⁾ Migrationsöverdomstolen, 26 November 2015, MIG 2015:17.

⁽²⁵³⁾ Migrationsöverdomstolen, 3 June 2015, MIG 2015:5.

⁽²⁵⁴⁾ Supreme Administrative Court, 25 February 2015, No 1 Azs 248/2014-27.

their application. Questions concerning a potential violation of their basic rights in case of their return to Bulgaria were also not asked ⁽²⁵⁵⁾.

In the **UK** a court judgment of 29 July 2015 (case no.: C4/2015/2134) found the Fast Track Rules for asylum appeals in detention *ultra vires*. The UK has suspended operation of its Detained Fast Track policy for selected asylum cases in order to review the policy and process. Asylum seekers may still be detained if it is justified in accordance with wider immigration policy.

Reception

Given the high influx of persons during the summer of 2015, the Federal Administrative Court in **Austria** heard a complaint from Syrian applicants that they did not receive adequate reception conditions in Traiskirchen after applying for international protection, i.e., they brought suit against the inaction of the authority in which they applied, *inter alia*, for interim relief (also relying directly on EU law) by the court. The court, however, denied that it had competence to rule on the substance of the case. The applicants were referred to the possibility to apply for a written decision by the administrative authority concerning reception, which then would be subject to judicial review. The subsequent appeal is still pending at the Supreme Administrative Court ⁽²⁵⁶⁾.

In **Belgium** the judgment of the Appeal Court in Brussels of 7 December 2015 ordered that Fedasil should ensure provision of material aid on the basis of Article 17(1) of the recast Reception Conditions Directive from the moment the applicant makes an application for international protection.

Detention

Article 28 of the Dublin III Regulation provides for autonomous rules whenever detention is provided for in relation to ‘Dublin applicants’. This provision has been the subject of a number of judgments by national courts in 2015 and is also the subject of a pending preliminary ruling from the CJEU. To the extent that there has to be a ‘flight risk’ as one of the requirements for detention, the Dublin Regulation requires (written) criteria in national law. Even long standing jurisprudence is not sufficient to establish such criteria. Therefore where national law does not contain such criteria in an explicit form, detention in Dublin cases will be illegal. This was confirmed in a ruling of the Supreme Administrative Court in **Austria**. This ruling (which was decided upon 14 months after Dublin III came into effect) created a number of administrative problems and was a core explanation of why detention was rarely seen in Austria in 2015. Since July 2015, the required legal criteria came into force. Legal challenges to this legislation are still pending as to whether the criteria are sufficiently precise ⁽²⁵⁷⁾.

In **Sweden** the applicability of the criterion of ‘significant risk’ of absconding as this term appears in Article 28(2) Dublin III Regulation was considered by the courts in connection with pre-transfer detention. The Swedish Migration Court of Appeal stated, *inter alia*, that the Dublin Regulation provision of ‘significant risk of absconding’ is to be understood as a higher evidentiary requirement than the provision of ‘risk of absconding’ which is contained in domestic legislation. The court pointed out that national law could only be applied to the extent an issue is not regulated by the Dublin Regulation. The Dublin Regulation concept of ‘significant risk’, as well as similar concepts in the Swedish judicial system, presupposes the finding of concrete circumstances indicating that the risk (i.e. absconding) exists. The Swedish Migration Agency’s decision to detain was reversed ⁽²⁵⁸⁾.

Notwithstanding these two decisions, in particular the decision of the Austrian Supreme Administrative Court, a reference for a preliminary ruling has been submitted to the CJEU by the Supreme Administrative Court of the **Czech Republic**. The case concerns an evaluation of the risk of absconding of Iraqi nationals to be transferred according to

⁽²⁵⁵⁾ Regional Court in Prague, 1 June 2015, No 49 Az 56/2015-41.

⁽²⁵⁶⁾ BVwG, 21 October 2015, W227 2112432-1/7E.

⁽²⁵⁷⁾ VwGH 19 February 2015, Ro 2014/21/0075.

⁽²⁵⁸⁾ Migrationsöverdomstolen, 3 June 2015, MIG 2015:5.

the Dublin III Regulation to Hungary where they had previously applied for international protection ⁽²⁵⁹⁾. The applicants challenged the administrative decision concerning their detention at the Regional Court in Ústí nad Labem, which annulled the decision and ruled, following the example of German Bundesgerichtshof (judgment of 26 June 2014, No ZB 31/14) and Austrian Verwaltungsgerichtshof (judgment of 19 February 2015, No Ro 2014/21/0075-5), that under the described circumstances detention of the applicants according to Article 28 of the Dublin III Regulation lacked sufficient legal basis and could not be applied. This decision was subsequently challenged by the Police. The Supreme Administrative Court has taken a different position and recognises the possibility of the objective criteria for the risk of absconding being defined by settled national case-law, in contrast to the Austrian and German jurisprudence. However, being a court of final instance in the case concerning the interpretation of the aforementioned provisions of the EU law, it stayed the proceedings and referred to the CJEU the following question:

‘Does the sole fact that a law has not defined objective criteria for assessment of a significant risk that a foreign national may abscond (Article 2(n) of Regulation No 604/2013) render detention under Article 28(2) of that regulation inapplicable?’

The pending case has been registered by the CJEU as C528/15 *Policie ČR v Salah Al Chodor and Others* ⁽²⁶⁰⁾.

Vulnerable applicants

A decision of the Supreme Court in **Norway** looked at the situation of an Afghan family, with children aged six and two. The family had their applications for asylum rejected by the Immigration Appeals Board (UNE) in 2013 as it was found that they could seek protection elsewhere in Afghanistan. The Supreme Court upheld the decision of the UNE. The court stated that UNE, in its assessment into whether internal displacement would be unreasonable, did not misinterpret the relevant national legislation. The court also found that the UNE had not breached Article 3(1) of the Convention on the Rights of the Child, by only considering the circumstances within the internal displacement area and not weighing these against equivalent circumstances in Norway. Norwegian law establishes that internal displacement is only considered unreasonable if the condition of strong humanitarian considerations has been met. The court also found that UNE had not violated any rules of procedure by not giving the eldest child the opportunity to give her statement to the board. The court emphasised that UNE had applied a correct interpretation of the concern for the best interests of the child ⁽²⁶¹⁾.

The Supreme Administrative Court of the **Czech Republic** also considered the vulnerability of applicants when it quashed the decision of the Czech Police, on basis of which parents with their one-year-old child had been detained, as well as the subsequent judgment of the Regional Court in Brno. The Supreme Administrative Court ruled that the Police and the regional court had not taken into account all criteria for detaining persons, and in particular parents accompanied by their minor children. With respect to the child in the case at hand, the administrative authority and the regional court only considered the length of the detention; other conditions were not evaluated. According to the Supreme Administrative Court, Article 28(2) Dublin III Regulation stipulates three conditions for detaining a person in order to secure his/her transfer to the responsible Member State: 1) serious risk of absconding, 2) proportionality, 3) absence of alternatives to detention. If a child is placed in a detention facility together with its detained parents, it is necessary to assess these detention criteria as well as additional specific conditions in the detention facility with regard to this situation and in accordance with the requirements stemming from the case-law of the ECtHR (e. g. *Muskhadzhieva and others v Belgium*, complaint No 41442/07, *Popov v France*, complaints No 39472/07 and No 39474/07). Only on this basis can it be determined whether the facility is appropriately equipped to receive minor children ⁽²⁶²⁾.

⁽²⁵⁹⁾ The original administrative decision of the Regional Directorate of the Police in Ústí nad Labem to put the applicants into detention based on the assumption of their risk of absconding was taken at a time when the Czech Republic, similar to the Austrian case mentioned above, had not yet defined in its national legislation the objective criteria for determining the risk of absconding as required by the Article 2(n) of the Dublin III Regulation.

⁽²⁶⁰⁾ Nejvyšší správní soud, 24 September 2015, No 10 Azs 122/2015-88.

⁽²⁶¹⁾ Supreme Court, 18 December 2015, HR-2015-2524-P, (Case No 2015/203).

⁽²⁶²⁾ Supreme Administrative Court, 17 June 2015, No 1 Azs 39/2015-56.

Right to family life in the context of international protection and return

In a case heard before the Supreme Court of **Norway**, a Kenyan woman who remained in Norway illegally after her application for asylum was rejected, challenged an expulsion order imposed on her by the Immigration Appeals Board (UNE). At the same time, she challenged the rejection of her application for a residence permit on the basis of family reunification with her five-year-old daughter, who is a Norwegian citizen. The Supreme Court found both decisions to be null and void and in contravention of Article 8 ECHR. The Supreme Court concluded that a procedural error had failed to establish the daughter as a party to the immigration authority's hearing of the case, and that the actual coercive situation the expulsion of her mother would create for the daughter, could not be equated to a decision to expel Norwegian nationals. The Supreme Court furthermore concluded that the child's interests weigh heavily. In the assessment of this specific case, it was found that there were no alternatives to her mother's care for the daughter. The fact that the daughter is a Norwegian citizen, with the rights this status entails, is a key factor. Her care situation would be difficult if her mother were to move to Kenya with the child. The daughter's interests carried considerable weight in favour of allowing the mother to remain in Norway, and against the expulsion of her mother, who is her only care-giver. The circumstances on which the expulsion order was based, i.e. illegal residence in the realm and providing a false identity in her asylum application, could not outweigh these factors. Finally, the Supreme Court concluded that the immigration authorities' decision violated the daughter's rights pursuant to Article 8 of the ECHR ⁽²⁶³⁾.

Considerations of family unity were also discussed in the decision of the Migration Court of Appeal in **Sweden**. The Swedish Migration Court of Appeal came to the conclusion that the applicant could not be recognised as a refugee merely due to the fact that her daughter had been granted refugee status. The court also stated that an individual assessment of the risk of being persecuted has to be made in every particular case wherein the fact that a family member is recognised as a refugee should be given considerable weight. The judgment of the lower court was reversed ⁽²⁶⁴⁾.

A further judgment from **Sweden** assessed the relevant standard of proof to be applied in cases when an under-age applicant must provide certain proof in order to secure family reunification. The Migration Court of Appeal accepted that a lower standard of proof may be accepted in certain instances. Two Afghan minor brothers applied together with their mother for family reunification with their brother, who had already been granted subsidiary protection in Sweden. The mother was granted a residence permit by the Migration Agency whereas the applications of the two brothers were refused since their father had not given his consent and since the death certificate regarding his demise, supplied by the applicants, was considered to be of a low evidentiary value. The Migration Court overturned the assessment of the Migration Agency, a decision that was upheld by the Migration Court of Appeal. The Migration Court of Appeal stated that while it was incumbent on the applicants to give evidence of their father's death, there are reasons to lower the standard of proof considering the limited possibilities to obtain written evidence of high quality from a country like Afghanistan. Bearing that in mind and with regard to Article 8 ECHR, it would be enough for the applicants to assert that their father had died and accordingly could not give his consent to them applying for residence in Sweden. Considering the coherent statements of the applicants and their family members regarding the father's death and the written evidence, the Migration Court of Appeal found that this standard of proof had been met.

A decision from **France** is also interesting regarding access to procedure. In this ruling, the Conseil d'Etat found that the constitutional right to asylum in France does not imply that there is a right to obtain a visa in order to claim asylum in France. Visas for asylum are discretionary in any case ⁽²⁶⁵⁾.

3.2.4. Major legislative changes in Member States

Legislative changes resulting from the transposition process of the recast asylum *acquis* are summarised in Section 3.1.1. [Legislative: transposition and entry into force of recast instruments.](#)

⁽²⁶³⁾ Supreme Court, 29 January 2015, HR-2015-00206-A, Case No 2014/1583.

⁽²⁶⁴⁾ Migrationsöverdomstolen, 30 November 2015, MIG 2015:18.

⁽²⁶⁵⁾ Conseil d'Etat, 9 July 2015, No 391392.

Several legislative changes resulted from the high influx of asylum applicants in certain EU+ countries and the need to put solutions in place to address practical challenges arising from this, including providing for swifter provisions and managing benefits offered during the procedure and upon grant of international protection.

The **Czech Republic's** Asylum Act (Act No 325/1999 Coll. on Asylum) of 18 December 2015 was amended. This has reduced the period in which applicants are not allowed to work from 12 months to six months, added new provisions concerning detention and included new provisions concerning the distinction between detention of an asylum seeker and detention of an irregular migrant. The concept of European safe third country was also established into the Asylum Act ⁽²⁶⁶⁾ and a list of safe countries of origin and European safe third countries was adopted by a decree of the Ministry of the Interior.

In **Sweden** an Aliens Act with a temporary law, to meet the EU's minimum standards and which will apply for three years, is planned to enter into force in July 2016. The new measures include temporary residence permits for all applicants (except those coming to Sweden under international quota agreements, such as resettlement), and restricted rules for family reunification for beneficiaries of international protection. Legislation adopted in September 2015 by the **Swiss** parliament provided a framework for accelerating asylum procedure according to a model piloted in Zurich which is partly modelled on the Dutch system (see also Section 4.5 *Specific procedures: admissibility, border and accelerated procedures*). The changes also include new powers that will allow the Swiss federal government to use federal buildings to house refugees without prior approval from cantons and communes. The new law is expected to enter into force by 2019. However, the Swiss Peoples Party (UDC/SVP) has collected enough signatures to launch a referendum against the new law. The Swiss people vote on the matter on 5 June 2016. With the amendment of the Asylum Act 2005 and the BFA Procedures Act (BFA-VG) coming into effect on 20 July 2015 the admissibility procedure and accelerated procedure were revised in **Austria** (see also Section 4.5 *Specific procedures: admissibility, border and accelerated procedures*). **Hungary** has also adopted a list of safe countries of origin and safe third countries through Government Decree 191/2015, published on 21 July 2015, as well as introduced border and accelerated procedures (see also Section 4.5. *Specific procedures: admissibility, border and accelerated procedures*). In **Denmark** amendments to the Aliens Act were signed in the Danish parliament on 21 November 2015. The changes will allow the police to detain asylum seekers, for example, in order to obtain their cooperation in determining their identity. The amendments will allow for the contracting of private actors for tasks such as assisting the authorities with registering asylum applicants. In certain situations, the legislative changes also permit for the police to suspend cross-border bus, train and ferry traffic.

A major change was introduced in **Ireland** where the International Protection Act, 2015 was signed into law on 30 December 2015 providing for the introduction of a single application procedure and bringing Ireland in line with the arrangements for the processing of protection applications in all other EU Member States. Preparations are underway in the Department of Justice and Equality to commence provisions in the Act during 2016 (see also Section 4.8. *Procedures at first instance*). The **Danish** Aliens Act was amended in March 2015 and a temporary humanitarian protection status introduced.

A wide range of legal instruments was adopted in **Germany** last year. The Act redefining the right to remain and determination of residence entered into force on 1 August 2015. The Federal Office is responsible for setting the duration of entry and residence bans for applicants who were refused and returned, as well as for imposing and setting the duration of entry and residence bans for applicants from safe countries of origin and in cases of repeated follow-up applications. With the Law on the acceleration of the asylum procedure – in force since 25 October 2015 – the age of minors to act on their own behalf in procedure changed from 16 to 18 years. The Law on the improvement of accommodation, supply and care of foreign children and young persons – in force since 1 November 2015 – introduced a national distribution system of unaccompanied children (respecting the child's best interest) and amended the age-assessment procedure. Finally, Albania, Kosovo and Montenegro were designated as safe countries of origin ⁽²⁶⁷⁾

Other significant legislative changes in EU+ countries concerned the following:

⁽²⁶⁶⁾ UNHCR input.

⁽²⁶⁷⁾ Applicants from safe countries of origin are obliged to stay at a reception centre until the decision on their application is taken. In case the application is considered as manifestly unfounded or inadmissible the obligation ends with the departure of the applicant or when a removal order has become enforceable.

In May 2015 the **Slovak** National Assembly approved amendments of a Civil Code, which covers various forms of legal proceedings before civil and administrative courts. New rules take effect as of 1 July 2016.

In **Hungary**, complementing the existing possibility for applicants to work within reception facilities, a new possibility was introduced into Act LXXX of 2007 on Asylum. Under this, applicants can avail themselves of the national public employment programmes that offer a range of work opportunities.

On 1 September 2015 an amended law on Legal Status of Aliens came into force in **Lithuania**, allowing for decisions to withdraw international protection on the basis of a threat to national security or, in certain cases, a threat to public order, to be taken not by the courts, as it was prior to these amendments, but by the Migration Department (determining authority).

In **Belgium**, on 3 September, the law of 10 August 2015 amending the Immigration Act entered into force to address potential threats to society and national security when determining applications for international protection by extending, and to some extent modifying, the competence of the Office of the Commissioner General for Refugees and Stateless Persons (CGRS) as regards refusals to grant protection and withdrawing protection previously granted ⁽²⁶⁸⁾. Further legislative amendments were adopted by parliament on 28 April 2016. Specifically this related to an extension of the time limit to process applications on family reunification from six to nine months and to no longer grant permanent residency to recognised refugees (they will be granted temporary stay for five years and only if their situation remains unchanged will they be granted permanent residency after five years).

In the **UK**, an Immigration Bill was laid before Parliament and included provisions to reform reception arrangements for failed asylum seekers and underpin plans to transfer unaccompanied asylum-seeking children between local authorities to ensure that no single local authority was disproportionately burdened and that the welfare of the children was safeguarded.

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

Due to increased workloads, several initiatives undertaken by EU+ countries in 2015 concerned enhancing and promoting cooperation between different actors in the system.

Switzerland established a permanent ‘situation centre on asylum’ and a ‘staff situation on asylum’ with main actors at national level (border guards, army, and civil protection) as well as cantonal representatives. **Finland** created an interdepartmental working group on asylum responsible for monitoring the situation and, where necessary, adopting enhancing measures to be carried out by responsible authorities or jointly. In late autumn of 2015, the **Swedish** Migration Agency cooperated with several authorities such as the Swedish Civil Contingencies Agency (MSB), the Swedish Police, municipalities and the Swedish Armed Forces. MSB assisted the Swedish Migration Agency to organise crisis-management work and an operational management staff was formed.

3.2.5.1. Integrity

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

⁽²⁶⁸⁾ The CGRS can now refuse to grant refugee status if the asylum applicant poses a threat to society when he has been definitively convicted for a particularly serious crime or when there are reasonable grounds to consider the asylum applicant as a threat to national security. Furthermore the CGRS is now also entitled to withdraw the refugee status if the asylum applicant poses a threat to national security or a threat to society because he has been convicted. In accordance, the subsidiary protection status can be withdrawn or the applicant can be excluded from subsidiary protection if the person poses a threat to society; but also if the person has committed a crime in his country of origin, that is punishable in Belgium and fled his country of origin to escape punishment for this crime. For every decision made withdrawing or excluding international protection, the CGRS has to give an advice on a possible removal from Belgian territory. This advice is not required in case of fraud committed during the asylum procedure or if the person who received a protection status afterwards proves, through his acts, that his alleged fear never existed.

A key aspect of integrity of procedures is the credibility assessment performed in order to establish if the applicant's statements substantiating the claim are truthful in the light of other circumstances of the case and other means of evidence.

Another important aspect is the nationality assessment, to ensure that, firstly, any potential risk for the applicant (giving rise to granting a form of protection) is analysed with regard to the correct country and, secondly, nationality fraud is prevented. Also in case of nationalities that are commonly granted protection, swift establishment of nationality allows for applicants to be swiftly granted protection and gain access to relevant services and support. Thus, several EU+ countries introduced measures to quickly identify manifestly founded cases linked to specific nationalities.

In **Luxembourg** a significant increase in the number of and change in the profile of applicants of Syrian, Iraqi and Afghan moved the focus towards identification of the applicants and determination of their origins. In the case of Syrians, this also contributed to reducing the length of the procedure as personal interviews tend to be shorter and mainly focus on the identity, origin of the applicant and exclusion clauses. Since 2015 all original identification documents are systematically sent to the special Section of the Grand Ducal Police for verification of their authenticity. An initial screening process on new applications for international protection submitted to the Asylum Service continued to be implemented in 2015 in **Cyprus**. The primary aim of this procedure is to identify unfounded applications and prioritise their examination, thus reducing the time needed to examine them to the minimum (under three months for first instance) and also to identify possible vulnerable groups. However, UNHCR raised concerns with regard to the practical functioning of the system ⁽²⁶⁹⁾. Applications submitted by Syrian nationals or Palestinians from Syria are prioritised and subsidiary protection or refugee status is granted. Due to an increase of fake ID cards and passports, the **Czech Republic** Directorate of the Alien Police Service launched a new project entitled the National Document Control Centre, which aims to collect irregular, fake and forged documents, while cooperating with other international actors. Due to many cases of forged ID cards and passports, especially in the context of Syrian migrants, the **Polish** Border Guard introduced a new verification instrument in mid-2015 ⁽²⁷⁰⁾; further questionnaires were elaborated for nationals of Iraq and Yemen. In March 2015 the **Norwegian** Immigration Authorities started a project called 'ID-A-Z' aimed at faster and more efficient processing of identity establishment ⁽²⁷¹⁾. In **France** 15 *referents* for document fraud were designated in the first half of 2015 and received training from experts from the Border Police (PAF). All case officers received brief training, also hosted by the PAF, on the recognition of forged documents.

The UK has **invoked the 'Spanish Protocol'** of the Amsterdam Treaty, through rules changes that allow it to treat any asylum claim by a citizen of another EU country as automatically inadmissible.

Age-assessment issues aim to verify whether an applicant is a minor (where no evidence is available or the situation is disputable). As such a new procedure concerning age assessment began in **Luxembourg**, consisting of wrist, collarbone and dental X-rays, accompanied by an examination and report made by a doctor ⁽²⁷²⁾. In **Cyprus** a formal age-assessment procedure has been agreed regarding those claiming to be minors ⁽²⁷³⁾.

3.2.5.2. Efficiency

Various initiatives were taken by Member States in 2015 to improve the efficiency of the asylum process, i.e. to conduct procedures for international protection while using the available time and resources in the optimum way, so that decisions can be taken without delay and cost-effectively, by omitting steps and actions that are not needed in a specific case. Efficiency is relevant both for well-founded applications (where applicants should be granted protection

⁽²⁶⁹⁾ Cyprus retains a system of two-tier administrative determination on first instance. The total period exceeds on average one year and at instances may be pending for several years. The backlog on both first and second administrative instance remains considerable (UNHCR input).

⁽²⁷⁰⁾ It takes a form of a questionnaire is based on open questions, drafted in such a way that every Syrian national should be able to fill it easily regardless of the degree of education.

⁽²⁷¹⁾ The project has identified ways to improve the work within and between the different actors – the National Police Immigration Service, Norwegian Directorate of Immigration, UNE Appeals Board, National ID centre and Oslo Police District.

⁽²⁷²⁾ A few weeks after lodging the application, the applicant goes to hospital for an X-ray. Skeletal age is determined from the development stage of bones. This approach estimates development stages from the fusion/maturation of specific bones. First of all, a wrist X-ray is carried out and if the bones fusion is completed, then two other X-rays will be done: collar bone X-ray and a dental X-ray (orthopantomogram). A medical expert examines the applicant and issues a medical report, which estimates the age of the applicant. In 2015, 103 unaccompanied minors sought asylum. A medical age assessment was conducted on seven of them.

⁽²⁷³⁾ Following feedback from UNHCR, the Commissioner for the Administration and the Child Commissioner regarding the need to ensure a more holistic approach (rather than focusing on medical testing) Cypriot authorities are working on amending the procedure adopted in 2015.

as soon as possible and without overly lengthy procedures) and for applications that are not justified (where they should be swiftly detected and processed to avoid, inter alia, a pull effect).

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

In **Switzerland** a trial project initiated in early 2014 to test and evaluate new procedures designed to accelerate the asylum process was successfully completed at the end of August 2015. The final evaluation reports and results were published in March 2016. They came to a positive conclusion and stated that the targets were met. The test centre in Zurich continues to apply the new procedures as parliament has approved the extension of the trial measures until either the new legislation comes into force, or until 28 September 2019 at the latest.

During the autumn of 2015, several areas were prioritised in **Sweden** – accommodation, registration of applications, Dublin transfers – to maintain an efficient process regarding cases with immediate enforcement including return. The Swedish Migration Agency also took measures to improve management of cases of manifestly unfounded applications. In three of the largest regions inter-professional teams now handle the unfounded applications through the entire process, from application to return. This has led to a more efficient handling of these cases and reduced the time that such applicants stay in the reception system.

In terms of efficient use of reception resources, **Belgium's** Fedasil agency took a number of measures to optimise the use of places in the reception network by trying to decrease the number of 'lost places' (e.g. room of six used for a family of three). Furthermore, substantial efforts were made to optimise turnover and outflow from reception facilities for those who obtained a protection status or whose asylum application was rejected in final instance.

Due to the high influx of applications for international protection immediate measures were taken at government level in **Austria**, with a special focus on the Western Balkan region: fast-track procedures, prioritised return procedures, close cooperation with the relevant authorities, media campaign etc.

Another measure of efficiency relates to priority procedures, where certain types of cases (caseloads) are processed as a first priority before others. This can concern unfounded cases that can be processed in an accelerated manner (when they display elements described in the current Asylum Procedures Directive as giving grounds to believe they are unfounded); all procedural guarantees are maintained but the case is processed within a shorter timeframe. Similarly, where certain types of cases are considered urgent in terms of protection needs, they can be processed in a simplified way so that protection can be granted as soon as feasible. As indicated above, quick processing of cases also relieves the pressure on the reception system and eases its saturation, as applicants remain in the system for a shorter time.

Belgium applied both methods in 2015, prioritising manifestly founded cases (e.g. Syrian cases) where protection could be swiftly accorded, as well as cases where applicants reside in order to free up capacity more quickly in the reception centres. In **Greece** fast-track processes were adopted for manifestly founded cases, in particular Syrians. According to the **Swiss** Asylum Act, SEM has to apply a treatment strategy whereby weak asylum claims are given priority. Because of the high influx, the reception and treatment centres did not have enough capacity to treat all priority cases. As a consequence, priority cases that could not be treated by the reception and treatment centres had to be earmarked (*action rapide*) in the database for enabling subsequent priority treatment in the headquarters. In the **Netherlands** Kosovar applicants, for whom a Dublin procedure has not been started, will now enter the asylum procedure more rapidly and the requests will be analysed with priority to ensure a faster return to the country of origin if the asylum request is rejected.

Member States also employed screening measures at the initial stage of the process to identify unfounded applicants and cases involving possible fraud. In **Belgium** emphasis was put in 2015 on preliminary screening and profiling of

cases, enabling organising the asylum interviews in a more efficient manner, along interview guidelines and objective country of origin information based on identified profiles.

Other streaming measures consisted of introducing new technologies. A process for the upgrade of common statistical IT system of the **Slovak** Migration Office and Bureau of Alien and Border Police was initiated in 2015.

EASO joint-processing projects

Following feasibility studies ⁽²⁷³⁾ and initial pilots organised in 2014, last year EASO continued with practical implementation of a second-generation of more complex joint-processing pilots and testing activities that can be supported by the EASO Processing Support Teams (PST). Comprised of experts from EU+ countries and EASO, PSTs were directly performing specific tasks in the asylum system of the host country. Three pilots were implemented in 2015 with regard to: asylum application ⁽²⁷⁴⁾, asylum determination ⁽²⁷⁵⁾ and vulnerability assessment ⁽²⁷⁶⁾. A Practical Cooperation Workshop on Joint Processing was organised in Malta on 28 May 2015.

The intermediate results of pilot projects have shown that PSTs were able to be integrated in respective workflows in a very short time and, after receiving orientation, required only limited supervision and successfully performed most activities with similar efficiency as the hosting authorities, in particular in Dublin procedures which are highly standardised across European countries. This highlights the usefulness of joint-processing also outside the emergency context.

Several operational conclusions were made on the basis of experiences of the pilot project, such as the practicality of using trilingual documents (English, host MS language and applicants' language) and database screen translations. Those lessons fed directly into joint-processing activities and operational support provided by EASO in the context of relocation from Greece and Italy in the second half of 2015. In that context, a practical Cooperation Workshop on Joint Processing and Brainstorm Discussion on the Operational Assistance given within the Hotspots Approach was held in Malta on 17-18 September 2015.

Within the framework of the asylum law or following it, **France** took a series of organisational measures aimed at increasing efficiency:

- An electronic platform named Asylum Information System (*SI asile*) was created in November 2015. It connects all administrations that work on asylum issues, giving them an overview of the procedure while strictly protecting the confidentiality of information;
- Single desks (*guichets uniques*) to access procedure were created, aimed at registering and granting material reception conditions within three days of the making of the claim at a single place;
- Onsite missions (*missions foraines*) are regularly organised by OFPRA in the regions that face a specific concentration of applicants. Since 2014, the National Court on Asylum Law (CNDA) holds video hearings with French Guyane, and with Mayotte since June 2015, which avoids backlogs in the appeals from these remote departments and the costs incurred by the movement of judges;
- OFPRA increased its use of Information and Communication Technologies, for example by electronically transmitting to the préfectures the decisions taken in an accelerated manner (since March), modifying its website, and including

⁽²⁷⁴⁾ *Study on the Feasibility and legal and practical implications of establishing a mechanism for the joint processing of asylum applications on the territory of the EU* (HOME/2011/ERFX/FW/04), available at: http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/asylum/common-procedures/docs/jp_final_report_final_en.pdf

⁽²⁷⁵⁾ Conducted in Poland between January and February 2015, focusing on registration and identification of applicants for international protection (in border-crossing points in Terespol and Medyka) and processing of Dublin cases. Experts from Czech Republic, Finland, Hungary, Latvia, Romania, Slovakia, Slovenia and Switzerland participated. Detailed update available in EASO newsletter for February 2015 at: <https://easo.europa.eu/wp-content/uploads/EASO-Newsletter-February-2015.pdf>, p. 6..

⁽²⁷⁶⁾ Conducted in Netherlands (Den Bosch) between February and March 2015, focusing on conducting in-merit asylum interviews and drafting asylum decisions. Experts from Belgium and Sweden participated. Detailed update available in EASO newsletter for March 2015 <https://easo.europa.eu/wp-content/uploads/EASO-Newsletter-March-2015.pdf>, p. 9..

⁽²⁷⁷⁾ Conducted in the UK (Croydon) between April and June 2015, focusing on vulnerability screening and vulnerability assessment, including drafting respective decisions. Experts from Czech Republic, Norway and Slovenia participated. Detailed update available in EASO newsletter for June 2015 at: https://easo.europa.eu/wp-content/uploads/dlm_uploads/EASO-Newsletter-June-2015.pdf

an online service so that beneficiaries of protection can ask for personal documents (in the context where the number of beneficiaries of protection is rapidly growing);

- OFPRA recruited about 75 new staff to reduce a backlog, smoothly implement the law transposing the recast asylum package and the relocation decisions, and tackle the Calais situation. Its premises were adapted to cater for the increase in applicants and beneficiaries of protection as well as staff. New premises are rented while 14 interview cubicles have been created.

3.2.5.3. Quality

In 2015 EU+ countries continued implementing internal measures aimed at achieving higher quality in their decision-making processes and the content of issued decisions. Often quality mechanisms were aimed at specific caseloads and categories of cases.

Belgium continued its quality project (implemented since 2012) while prioritising activities linked to management of large numbers of applications received and recruitment of new staff members (development of a handbook on the qualitative treatment of cases, detailed rules concerning the function of a supervisor and setting up of a more efficient structure for internal consultations). **Sweden** conducted quality reviews at a number of Asylum Examination Units and 12 thematic quality reviews ⁽²⁷⁸⁾, developing standards for feedback between the Litigation Department, the Unit for Migration Law and the Permit Units and a standard for cooperation between the Litigation Department and the Permit Units. **Poland** launched a mechanism ⁽²⁷⁹⁾ whereby a draft decision is to be accompanied with a quality checklist filled in by the case worker preparing the draft and verified by the manager before signifying the said decision.

Austria continued the implementation of several quality oriented projects, including in cooperation with UNHCR ⁽²⁸⁰⁾, combined with advanced training, including on knowledge management. Since the beginning of 2015, in **Bulgaria** every administrative file is checked by quality experts before a decision is taken ⁽²⁸¹⁾. An amendment to the **Slovak** Act on Asylum set an obligation to participate in training for Ministry of Interior employees (including police officers). The Italian National Commission initiated a Quality Monitoring Project in March 2015 in cooperation with UNHCR. During the project, 27 Territorial Commissions were visited by Quality Experts and updated guidelines for the Territorial Commissions were drafted.

A quality control plan has been in place in the **French** OFPRA for a full year now. A pre-identified sample of 350 decisions was evaluated in parallel by members of management and by experts appointed by UNHCR with regard to a list of quality criteria, revised and reduced in the light of findings of the 2014 evaluation. Analysis of the results gives a positive picture with the average quality mark of the decisions increasing by 3 %. No significant difference in the quality of applications in a priority procedure and the regular procedure was found. Also the quality of decisions issued by officers acting by delegation of the Director General (and whose decisions do not go through the validation process by the hierarchy) was assessed as equivalent to the other sample.

⁽²⁷⁸⁾ Two of the thematic reviews were on cases regarding impediments to enforcement and of administrative quality in family reunification cases.

⁽²⁷⁹⁾ Based on Order No 57 of the General Director of the Office for Foreigners of 30 June 2015 concerning the analysis of the quality of administrative proceedings on granting refugee status conducted at the Department for Refugee Procedures of the Office for Foreigners.

⁽²⁸⁰⁾ BRIDGE project, see also: <http://www.unhcr.at/unhcr/in-oesterreich.html>

⁽²⁸¹⁾ In case of found shortcoming by the case officers in conducting the procedure for granting protection, a written statement with instructions is prepared depending on the particular case and the file is returned for removal of the shortcomings.

EASO Quality Matrix

EASO's quality activities help EU+ States to continually improve their asylum systems and achieve common quality standards within the CEAS. With this objective, the EASO Quality Matrix process was launched in 2012 and continued in 2015. Through the Quality Matrix, EASO aims to comprehensively map the practices of EU+ States in implementing the common legal framework and identify examples of good practice, quality tools and mechanisms and relevant projects and initiatives. The Quality Matrix also enables EASO to analyse support needs, identify challenges and potential common solutions and design common practical tools.

In 2015, the Quality Matrix mapping focused on the following two aspects: *Dublin procedure* and *Appeals procedures*, providing an overview of the practical implementation of the Dublin III Regulation as well as the provisions of the recast Asylum Procedures Directive with regard to the appeal instance. The meetings on these topics were organised in close cooperation with the European Commission. Combining the Contact Committees with the practical approach of the Quality Matrix Thematic Meetings brought the added value of discussing those key aspects of the CEAS from different perspectives, taking into account the interpretation of the respective legislation, the policy and the practical level.

Building on the mapping, EASO continued developing practical tools within the EASO Practical Guides Series. In 2015, two major deliverables were provided in the framework of the Quality Matrix:

- EASO Practical Tool for Identification of Persons with Special Needs (IPSN): interactive online tool for timely identification and guidance on guarantees for persons with special procedural and/or reception needs. The tool was designed with the valuable expertise of EU+ States and input from interested members of the EASO Consultative Forum ⁽²⁸¹⁾.

- Access to the Asylum Procedure: Practical Tools for First-Contact Officials: a toolkit for first-contact officials, developed jointly with Frontex and with the close collaboration of Fundamental Rights Agency and UNHCR ⁽²⁸²⁾.

In 2015, EASO consolidated its Quality Network engaged in the activities of the Quality Matrix.

3.2.6. External dimension and third-country support

The activities of EASO on the External Dimension of the CEAS are undertaken in the framework of the broader EU external relations policy and in agreement with the European Commission.

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

EASO regional training

To support capacity-building in EU neighbouring third countries' asylum and reception systems, EASO organised a regional workshop on 1 June 2015 in Vienna, Austria for Western Balkans (WB) nationals. The regional workshop included an introduction to the CEAS as well as information about EASO operational tools. The participants came from Albania, Bosnia & Herzegovina, FYROM, Montenegro and Serbia.

⁽²⁸²⁾ The IPSN Tool is available at <https://ipsn.easo.europa.eu>

⁽²⁸³⁾ The Tools on Access to the Asylum Procedure are available at <https://easo.europa.eu/accesstoprocedure/>

EASO ENPI Project

Following the adoption of the EASO External Action Strategy ([1]) by the EASO Management Board in November 2013, EASO engaged in a project financed by the European Neighbourhood Policy Instrument (ENPI) related to the participation of Jordan in work by EASO and the participation of Tunisia and Morocco in work by EASO and Frontex.

The project aims to contribute to a better understanding of the function, operations, and activities of EASO and Frontex and the role EU Member States play. It assesses and identifies the technical assistance needs of Jordan, Morocco, and Tunisia and the suitability of EASO and Frontex tools for their possible adaptation.

The ENPI project is the first initiative whereby EASO is engaging within the External Dimension of the Common European Asylum System. This is being undertaken with countries with which the EU has concluded an EU Mobility Partnership (Tunisia, Morocco and Jordan). The project started with a meeting in Malta on 13 May 2014 bringing together representatives of Jordan, Morocco, and Tunisia as well as EU Member States experts, the European Parliament, and the European Commission.

In May 2015, a midterm ENPI meeting gave an overview of the project's first year of implementation while also discussing future activities. The meeting brought together representatives of Jordan, Morocco and Tunisia as well as EU Member States experts and the European Parliament.

Key activities in 2015 included: study visits ⁽²⁸³⁾, training ⁽²⁸⁴⁾, workshops, thematic seminars ⁽²⁸⁵⁾, as well as translations of selected EASO training modules and other necessary documents and publications into Arabic and French. The target groups are asylum and border management authorities, both having operational responsibilities (including the Ministries of Foreign Affairs, the Ministries of Interior and the Ministries of Justice) and those performing supporting activities (such as the exchange of information, capacity building, international cooperation, and legal activities).

Initially scheduled to run for 18 months, the ENPI project was extended until June 2016, with a closing phase in July/August 2016.

3.2.7. Resettlement and relocation

Resettlement

Up to 2015, some Member States had been engaged in resettlement programmes for many years in collaboration with UNHCR. On 20 July 2015, following the Commission Recommendation of 8 June 2015 on a European resettlement scheme, 27 Member States together with Dublin Associated States agreed to resettle through multilateral and national schemes 22 504 displaced persons from outside the EU who were in clear need of international protection within two years. This marked the first common EU effort on resettlement.

By 15 March 2016 4,555 people had been resettled to Austria, Belgium, Czech Republic, France, Ireland, Italy, the Netherlands, the United Kingdom, Norway, Liechtenstein, and Switzerland under the scheme (by referral of UNHCR), most of them Syrians staying in Jordan, Lebanon and Turkey. In parallel, EU+ countries continued with other schemes, such the second Humanitarian Admission Programme in **Austria**, under which 758 Syrian refugees (most of them referred by UNHCR) were admitted.

In 2015, the **UK** agreed to resettle up to 20,000 Syrians during the current Parliament. The Government considered how to provide assistance and protection to unaccompanied refugee children from Syria, other regions of conflict

⁽²⁸⁴⁾ More information on field visit to Jordan and study visit of Jordanian authorities to Spain can be found in EASO Newsletter for February 2015, at: <https://easo.europa.eu/wp-content/uploads/EASO-Newsletter-February-2015.pdf>. Information on the visit of Tunisian authorities to the UK can be found in EASO Newsletter for September 2015 available at: January 2016, available at: <https://easo.europa.eu/wp-content/uploads/EASO-Newsletter-January-2016.pdf>, p. 6.

⁽²⁸⁵⁾ More information on training activities in the ENPI project can be found in EASO Newsletter for May 2015, at: <https://easo.europa.eu/wp-content/uploads/BZAA14009ENN.pdf>, p. 7.

⁽²⁸⁶⁾ More information on the seminar on International protection and EU acquis on asylum for held for Moroccan Members of Parliament can be found in EASO Newsletter for April 2015, at: <https://easo.europa.eu/wp-content/uploads/BZAA14008ENN.pdf>, p. 5.

and for those in transit in Europe. Work with UNHCR to develop a resettlement scheme for unaccompanied children from conflict regions is ongoing. The UK will only resettle children when it is deemed to be in their best interests.

In 2015, **France** extended its special operation focusing on Syrians and Palestinians who fled the war in Syria and were living in Lebanon, Jordan or Egypt. In 2014, almost 500 persons previously under the protection of UNHCR were transferred to France. In 2015, more than 640 arrived in France through this programme, in coordination with the UNHCR. In addition, since the beginning of the war in Syria and the capture of Mosul by ISIS, France issued visas to Syrian and Iraqi nationals who requested them in the Iraqi, Turkish, Lebanese, Jordanian or Egyptian French consulates in order for them to claim asylum in France. In 2015, more than 1 200 Syrians and Palestinians from Syria and more than 1800 Iraqis were allowed to enter France in this way.

In 2015 UNHCR continued activities aiming at promoting and facilitating resettlement of Syrian refugees ⁽²⁸⁷⁾.

Relocation

Following the proposal made by the Commission in May 2015, on 14 and 22 September 2015, the Council adopted two decisions ⁽²⁸⁸⁾ establishing a temporary and exceptional relocation mechanism for 160 000 ⁽²⁸⁹⁾ applicants in clear need of international protection from Greece and Italy, to be implemented over two years until September 2017. Specific obligations of Member States in terms of the number of persons to be relocated to their territory were defined in the annexes to both decisions in line with the agreement reached in the Council Conclusions of 20 July 2015.

Ireland decided to opt in to the relocation mechanism ⁽²⁹⁰⁾ as of 5 October 2015. Also, **Norway** and **Switzerland** have finalised their participation in the relocation scheme with Greece and Italy.

Austria requested temporary suspension of its obligations on relocation and, under a Council decision of 10 March 2016, benefits from a one-year suspension of relocation of 1 065 applicants. A similar request from **Sweden** remains under review.

Hungary and **Slovakia** have lodged actions ⁽²⁹¹⁾ before the Court of Justice of the EU to review the legality of the second Council Decision on relocation. Pending the outcome of this action, in the absence of their suspensive effect, relocation obligations under the decisions remain valid.

The Commission has made substantial financial support available to support relocation. Also a Migrants' Information Strategy Task Force (MIS) was set up in response to a request from the JHA Council to ensure that asylum seekers and migrants received adequate information.

As part of their obligations under relocation decisions, Italy and Greece submitted their roadmaps outlining measures in the area of first reception, asylum, and return. The Roadmaps implementation aimed to enhance the capacity, quality and efficiency of their systems in these areas as well as put in place measures to ensure appropriate implementation of the Relocation Decisions (in terms of establishing functioning hotspots, implementing the relocation programme,

⁽²⁸⁷⁾ See among others: UNHCR, *1 in 10 Syrian refugees will need resettling*, 26 March 2016, available at: <http://www.refworld.org/publisher,UNHCR,,,56fb924a4,0.html> and UNHCR, *Europe: Resettlement and Humanitarian Admission Pledges for Syrian Refugees (February 2015)*, 10 March 2015, available at: <http://www.refworld.org/docid/54feded94.html>

⁽²⁸⁸⁾ Council Decision (EU) 2015/1601 of 22 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece (OJ EU L 248/80) <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32015D1601> and Council Decision (EU) 2015/1523 of 14 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and of Greece (OJ EU L 239/149) http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ%3AJOL_2015_239_R_0011.

⁽²⁸⁹⁾ Whereby 106 000 asylum applicants are due to be relocated from Italy and Greece by September 2017 and the remaining 54 000 were assigned to be relocated from Italy and Greece, unless a proposal is submitted by the Commission to adapt the relocation mechanism. In addition, the Member States still have to pledge on the allocation of the remaining 7,744 places under the first Council Decision, out of a total of agreed 40 000 places

⁽²⁹⁰⁾ In line with their special position under Protocols 21 and 22 of the Treaty on the Functioning of the European Union, both the United Kingdom and Ireland are not bound by the decision.

⁽²⁹¹⁾ C-643/15 and C-647/15.

ensuring effective returns of migrants not entitled to international protection, improving border management and creating sufficient and adequate reception capacity).

Italy committed to set up six hotspots – as of 14 April 2016 four hotspots had been opened – in Lampedusa, Pozzallo, Trapani and Taranto. In Greece, four hotspots were made operational (on the islands of Lesbos, Chios, Samos and Leros) with another one still to be finalised on the island of Kos.

Relocation programme

Since September 2015, EASO has been supporting the EU relocation programme from Italy and Greece to other European countries on the basis of Hotspot-Relocation Operating Plans signed with both Member States, by deployment of experts, including mobile teams, and by developing several tools to assist in the various steps of relocation (information leaflets, pre-departure information, registration, matching process, tool for the identification of vulnerable cases).

To address challenges identified until February 2016 the Commission sent administrative letters to relocation Member States and to Italy and Greece urging them to solve the issues and accelerate the relocation process.

The Commission published its first report on relocation and resettlement ⁽²⁹²⁾ on 16 March 2016, outlining the state of play and identifying challenges encountered in the first six months of implementation of the relocation scheme. Among those, the following were indicated: slow implementation rate ⁽²⁹³⁾, changing number of applicants for relocation ⁽²⁹⁴⁾ and difficulties in relocating unaccompanied children. The issue of nationalities eligible for relocation was also mentioned in the context of low predictability of the current formula ⁽²⁹⁵⁾. The main relocation obstacles identified by Member States included insufficient number of formal pledges for applicants to be relocated, incorrect use of preferences by Member States, lengthy response time to relocation requests, obstacles related to security checks, unjustified rejections, lack of pre-departure information by the Member State of relocation and need for a stronger response to EASO's call for experts. Recommendations to Italy and Greece mainly concerned the need to make all hotspots fully operational and continue implementing the roadmaps, and to enhance reception and registration capacities in Greece, as well as coordination capacity and follow-up of all relocation cases.

As illustrated in the second evaluation report on relocation ⁽²⁹⁶⁾, issued in April 2016, most challenges persist and further action and coordination is needed to overcome them, despite progress as regards putting in place standard operating procedures for the hotspots in Italy and relocation protocol in Greece.

On 18 March 2016, the European Union and Turkey agreed on steps to be taken to end the irregular migration from Turkey to the EU and agreed on a series of action points. The EU-Turkey statement foresees that all those who arrived in Greece irregularly after 20 March may be readmitted to Turkey and lays down the basis for the 1:1 mechanism, according to which for every Syrian being returned to Turkey from Greek islands, another Syrian will be resettled from Turkey. Practical application of the agreement set out in the EU-Turkey Statement started on 4 April and, by 12 April 2016, 79 persons had been resettled from Turkey to the EU under the 1:1 mechanism.

⁽²⁹²⁾ Communication from the Commission to the European Parliament, the European Council and the Council. First report on relocation and resettlement COM(2016) 165 final, http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160316/first_report_on_relocation_and_resettlement_en.pdf

⁽²⁹³⁾ Only 937 people were relocated by 15 March 2016 (368 from Italy and 569 from Greece)

⁽²⁹⁴⁾ Initially low numbers of applicants for relocation picked up significantly with high arrivals to Greece in early March 2016.

⁽²⁹⁵⁾ Eligible for relocation are nationals (or in case of stateless persons - former habitual residents) of countries which have an average of 75 % recognition rate at EU level, calculated on the basis of EUROSTAT data for the latest quarter. Consequently, initially eligible nationalities were: Syrians, Eritreans and Iraqis. Based on data for third quarter of 2015, the nationalities eligible for relocation were: Bahrain, Central African Republic, Eritrea, Iraq, Syria, Swaziland and Yemen), the following nationalities became eligible: Bahrain, Central African Republic, Swaziland and Yemen. Based on data for fourth quarter of 2015, the current list of eligible nationalities includes: Burundi, Central African Republic, Eritrea, Costa Rica, Saint Vincent and the Grenadines, Bahrain, Iraq, Maldives, Syria, and British overseas countries and territories (with Yemen and Swaziland no longer eligible for relocation).

⁽²⁹⁶⁾ Report from the Commission to the European Parliament, the European Council and the Council - Second report on relocation and resettlement. COM(2016) 222 final http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160412/communication_second_report_relocation_resettlement_en.pdf

4. The Functioning of the CEAS

4.1. Access to procedure

In the context of manifold increases in the number of asylum seekers seeking protection in the EU, swift and efficient management of mixed migration flows became more important than ever in 2015. Third-country nationals who are within the EU and wish to apply for international protection must be treated in accordance with the EU asylum *acquis*, which requires providing them with an effective opportunity to present their applications for international protection and have their protection needs assessed in a fair and efficient procedure. In particular, Member States must guarantee the right to make a claim for international protection effectively (without obstacles), including in a timely manner (without undue delay) therefore safeguarding the right to asylum under Article 18 of the Charter of Fundamental Rights of the European Union.

However, access to procedure in the EU continues to effectively presuppose access to the territory (which includes Member States' borders, territorial waters, or transit zones). Concerns in that regard were raised with regard to **Spain** ⁽²⁹⁷⁾, although UNHCR welcomed the opening of asylum offices at the border of Ceuta and Melilla with Morocco which enabled more than 6 000 applicants from Syria and Palestine to lodge their asylum application there and access territory and asylum in the enclaves safely. The UK Government collaborated with the French authorities to address the situation in **Calais** ⁽²⁹⁸⁾, including through the issuance of a joint ministerial declaration ⁽²⁹⁹⁾.

Following the tragic events off the coast of Libya in which up to 900 migrants are believed to have drowned, and a special meeting of the European Council convened on 23 **April** 2015 ⁽³⁰⁰⁾, on 13 May 2015 the European Commission adopted the European Agenda on Migration ⁽³⁰¹⁾ which contains policy proposals for immediate action, strengthening the Common European Asylum System and a long-term migration strategy that builds on four pillars. Immediate action was proposed to save lives at sea, combat criminal smuggling networks, respond to high volumes of arrivals within the EU with relocation activities and develop a common approach to resettlement, which included actions that would require EASO support. The first part of this European Agenda on Migration responds to the need for swift and determined action in response to the human tragedy in the Mediterranean. This response is also intended to serve as the blueprint for the EU's reaction to future crises at any part of the common external border that comes under pressure.

In terms of arrivals by sea, Italy and EU-led rescue operations in the central Mediterranean led to a significant decrease of disembarkation in **Malta**, although regular arrivals of applicants increased.

⁽²⁹⁷⁾ See: *Ongoing pushback at both fences during 2015, with violent incidents on both sides*. UNHCR Press Release: *ACNUR preocupado por las devoluciones en la valla de Melilla, 23 de noviembre 2015*, available at: <http://acnur.es/noticias/noticias-de-espana/2312-acnur-preocupado-por-las-devoluciones-en-la-valla-de-melilla>. On two cases currently pending before the ECHR concerning pushbacks by Spain to Morocco GADEM, MIGREUROPE, La CIMADE and APDHA: *Ceuta & Melilla, Centres de tri à ciel ouvert aux portes de l'Afrique*, December 2015, page 40, available at: http://www.migreurop.org/IMG/pdf/fr_rapportconjoint_ceutamelilla_decembre2015.pdf. *Lack of identification of protection needs and referrals mechanisms to the corresponding channel, of persons arrived irregularly by land or sea*. Parliamentary Hearing of Francesca Friz-Prguda -UNHCR Representative in Spain- at the Congress/Senate Commission for EU Affairs, 12 April 2016, pages 6, 17, 21 and 22, available at: <http://www.congreso.es/portal/page/portal/Congreso/PopUpCGI?CMD=VERDOC&CONF=BRSPUB.cnf&BASE=PU11&PIECE=PUWC&DOCS=1-1&FMT=PUWTXDT.S.fmt&OPDEF=Y&QUERY=%28D%29.PUBL.+%26+%28CORTES%29.SECC.+%26+%28COMISION-MIXTA-PARA-LA-UNION-EUROPEA%29.ORSE.+Y+DSCG-11-CM-8.CODI.#1>. On the specific situation in Melilla, see UNHCR Press Release at footnote nº 3. See also UNHCR Press Release: *ACNUR y el Ministerio del Interior se reúnen para analizar la situación del asilo en España*, 9 January 2015, available at: <http://acnur.es/noticias/noticias-de-espana/2062-2015-03-13-15-41-22>. UNHCR Press Release: *Enmienda a la Ley de Extranjería vincula gestión fronteriza y respeto de obligaciones internacionales*, 13 March 2015, available at: <http://acnur.es/noticias/noticias-de-espana/2062-2015-03-13-15-41-22>

⁽²⁹⁸⁾ In view of the humanitarian conditions for refugees and migrants in the Calais region and their persistent efforts to reach the UK despite enhanced border controls.

⁽²⁹⁹⁾ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/455162/Joint_declaration_20_August_2015.pdf

⁽³⁰⁰⁾ <http://www.consilium.europa.eu/en/press/press-releases/2015/04/23-special-euco-statement/>

⁽³⁰¹⁾ European Commission Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions *A European Agenda on Migration Brussels*, 13 May 2015 COM(2015) 240 final http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/communication_on_the_european_agenda_on_migration_en.pdf

In particular the massive arrivals via sea to the Greek islands, followed by subsequent largely uncontrolled transit to northern Europe via the Western Balkans route, led to several countries temporarily re-introducing border controls after September 2015 ⁽³⁰²⁾, including **Austria** ⁽³⁰³⁾, **Denmark** ⁽³⁰⁴⁾, **Germany** ⁽³⁰⁵⁾, **Hungary** ⁽³⁰⁶⁾, **Norway** ⁽³⁰⁷⁾, **Slovenia** ⁽³⁰⁸⁾, and **Sweden** ⁽³⁰⁹⁾, whereas the **Czech Republic** stepped up border controls, intensified presence and conducted enhanced checks. After terrorist attacks in Paris in November 2015, **France** reinstated controls at all its borders, while **Belgium** increased police controls on the main routes from France.

In several countries special arrangements were made to manage high numbers of arrivals. At the peak of the influx in the autumn of 2015, the Immigration Office in **Belgium** limited the daily number of asylum application lodgings to 250 due to practical limitations regarding its registration capacity and to reduce pressure on the reception system. Priority was given to families and vulnerable asylum applicants ⁽³¹⁰⁾. At the end of September, a pre-reception system was set up to provide accommodation to applicants before their applications were lodged. To handle the high inflow of applicants the **Swedish** Migration Agency put temporary, simplified operation modes into practice between October and December 2015 to quickly register all applications and ensure applicants' access to the reception system ⁽³¹¹⁾. In **Hungary**, temporary border restrictions were implemented at the border with Serbia with the construction of a fence along the Hungarian-Serbian border. Four transit zones were opened at the Serbian and Croatian borders where asylum applications could be made and a border procedure was put in place (see Section 4.5. *Special procedures: admissibility, border and accelerated procedures*). In the **Netherlands** in February 2015 IND's application centres were also operational during the weekend to handle the increased volume of applications; additional temporary locations were opened in August 2015 for identification and registration. In November 2015, **Austria** started building a fence at the border with Slovenia in order to better manage the influx of arriving migrants along the Western Balkan route.

In **Poland**, the system of receiving applications was amended so that, since November 2015, persons who are already in the country could submit their application not only to the Border Guard Unit in Warsaw but to any Border Guard unit in the country. Relevant changes in 2015 concerning initial stages of the procedure were also made in the **Czech Republic** where the so-called declaration of international protection that used to precede the registration of the application was abolished. Now the applicant directly submits the application for international protection and is able to benefit from related rights fully from the outset of the procedure. In **Cyprus** access to the procedure for those held in detention under deportation procedures improved significantly in 2015. Applications are now registered electronically at the detention centre and a confirmation of asylum status is issued instantly, providing protection from *refoulement*. Another positive development was the prompt registration of rescued persons (within a few hours of disembarkation) and the identification of UAMs. However, access to territory through the north due to absence of legislation/policies safeguarding *non-refoulement* is still a concern ⁽³¹²⁾, as well provision of information in an understandable language and identification of vulnerable applicants.

In **Finland** preparatory work was carried out in 2015 to transfer certain tasks related to the first stages of asylum procedure (and residence permits) from the Local Police and the Border Guard to the FIS. The aim of the transfer is to consolidate the role of FIS as the main authority responsible for immigration and asylum and to improve overall cost-effectiveness.

⁽³⁰²⁾ Full overview and related analysis is available in Frontex Annual Risk Analysis 2016 Report http://frontex.europa.eu/assets/Publications/Risk_Analysis/Annula_Risk_Analysis_2016.pdf, p. 32-33..

⁽³⁰³⁾ At borders with Slovenia, Italy, Hungary and Slovakia, to control the influx of persons without legal travel documents, using flexible checks. Between September 2015 and March 2016 some 800 000 persons, who were on the move to Germany and beyond and did not intend to seek international protection in Austria, could transit Austria, whereas humanitarian grounds was quoted by the authorities as legal justification for such transit..

⁽³⁰⁴⁾ Borders (in particular sea and land border with Germany) temporarily closed as of January 2016.

⁽³⁰⁵⁾ Controls were re-introduced on 13 September, focusing on the border with Austria, including monitoring, registration and dispatching the arrivals to Germany.

⁽³⁰⁶⁾ Controls concerned the border with Slovenia, after the construction of the fence on the Hungarian border with Serbia was also extended to Croatia.

⁽³⁰⁷⁾ In November 2015 the Norwegian government introduced temporary border controls to prevent people without the required travel documents from entering the country and gain better control of the influx of refugees.

⁽³⁰⁸⁾ Controls were reinstated on the border with Hungary until the end of October 2015.

⁽³⁰⁹⁾ On 12 November 2015, Sweden introduced temporary internal border controls on the bridge to Denmark and on ferries arriving to the south of the country to control the flow of migrants into the country.

⁽³¹⁰⁾ UNHCR noted that this has led many applicants to wait between 5-14 working days before gaining access to reception conditions (UNHCR input).

⁽³¹¹⁾ The temporary simplified operation modes were primarily used for Syrian citizens, stateless persons from Syria and Eritrean citizens, and meant that no initial interviews were held with adult asylum seekers or families, while all applicants were fingerprinted and had their photographs taken. Currently, no appointment for asylum investigation is scheduled at the time of the asylum application because of the high number of applicants. All asylum cases are stored in order to be scheduled when appointments for asylum investigations are available.

⁽³¹²⁾ UNHCR input.

In **Poland** the Border Guard conducted a monitoring exercise regarding access to asylum at the Polish-Belarusian border in October 2015, resulting in the creation of SOPs regarding third-country nationals at the external border who do not fulfil conditions of entry to Poland ⁽³¹³⁾ and issuing of respective guidance on receiving applications.

A focus paper ⁽³¹⁴⁾ published by the Fundamental Rights Agency in October 2015 examined measures authorities can take to enforce the obligation of newly arrived asylum seekers and migrants in an irregular situation to provide fingerprints for inclusion in Eurodac.

4.2. Access to information and legal assistance

Access to information and legal assistance is a key element in safeguarding that applicants for international protection are aware of their rights and obligations and can fully participate in the procedure. Member States use various means of communication to disseminate information to applicants for international protection and third-country nationals who may be in need of protection.

Several legal changes in EU+ countries were made in 2015 that altered the scope of information and legal assistance provided to applicants for international protection at various stages of the procedure.

In **France** new legislation passed in 2015 maintained the information on the right to apply for international protection to be provided in the ‘waiting areas’ (*zone d’attente*) at the border. On the territory, this initial information is provided by the authorities responsible for initial reception who are also in charge of registering applicants and providing them with an appointment as a ‘one-stop shop’. In parallel to launching the ‘one-stop shop’, the information brochure, available in 23 languages, has been revised. In **Lithuania** it was stipulated that an applicant had the right to obtain, free of charge, information about his/her rights and obligations and the consequences of a failure to comply with them during the examination of an asylum application, as well as information related to the examination of the application. An amendment to the Act on Asylum in **Slovakia** updated the provision of legal assistance for asylum applicants by, for example, broadening the scope for intervention by legal representatives during the interview process. In **Croatia**, the Law on international and temporary protection (Official Gazette 70/15) entered into force in July 2015, which in Article 60 foresees free legal aid; in this regard, a ‘Rulebook’ on free legal aid was adopted in December 2015 (Official Gazette 140/15). A bill that amended the Act on granting protection to foreigners in **Poland** introduced new rules in the area of access to legal and procedural information and legal assistance. As such, applicants have the right to be informed about their rights and legal rules regarding the granting of international protection. Free legal and procedural information is provided by the Office for Foreigners. Additionally, a person who wishes to appeal against the decision of the Head of the Office for Foreigners has a right to free legal assistance and representation in this procedure. In **Luxembourg**, the Asylum Law as of 18 December 2015 stated that officers at the Airport Control Service, the Grand Ducal Police, detention centre or prison will receive all relevant information and training so that they can provide applicants with information on where and how the application for international protection may be introduced ⁽³¹⁵⁾. In **Austria**, the scope of legal assistance provided in procedures before the Federal Administrative Court was expanded in 2015 to include participation in hearings involving complaints against an order of removal from the country or against withdrawal or reduction of basic welfare support, as well as representation in procedures concerning complaints against a decision on an application for international protection. In the **Czech Republic**, following an amendment to the Asylum Act, the police or persons and organisations providing legal counselling to applicants can give general information on international protection at the border crossings or in the transit area of the international airport. An applicant must be notified about the possibility to request information about the asylum procedure free of charge in the light of their particular circumstances.

In December 2015, **Belgium’s** Council of Ministers approved a draft law aimed at adjusting the Judicial Code on legal assistance. Whereas free legal assistance for asylum applicants is provided in Belgium, UNHCR noted certain issues

⁽³¹³⁾ This is achieved by distinguishing between two categories of migrants – economic migrants and persons seeking international protection.

⁽³¹⁴⁾ <http://fra.europa.eu/en/publication/2015/fundamental-rights-implications-obligation-provide-fingerprints-eurodac>

⁽³¹⁵⁾ UNHCR is concerned that the new legislation, which transposes the APD, grants free legal aid at appeal level solely if the appeal has a tangible chance of success. Such a limitation did not exist in the previous asylum legislation of 5 May 2006, see: <http://www.refworld.org/country,,,LUX,,566132804,0.html>

in the quality of legal aid, bearing in mind the formalism of the appeals procedure and the lack of investigative power of the Council for Aliens Law Litigation (which must therefore base its assessment on the appeal submitted and the information available in the appellant's file) as well as the fact that legal assistance is not foreseen in the Dublin interview ⁽³¹⁶⁾. UNHCR also commissioned a study with the Catholic University of Louvain to analyse the legal aid provided to applicants for international protection in Belgium. In **Germany**, pending implementation of Article 19 (and 21) of the APD, a pilot project on provision of free legal and procedural assistance offered to asylum applicants was introduced on 1 February 2015.

In November 2015, the Directorate of Immigration in **Norway** was instructed by the Ministry of Justice not to appoint free legal aid to applicants arriving from Russia. The amendment of the Immigration Regulation came into force on 8 December 2015.

In **Cyprus** UNHCR remains concerned that an information guide is not fully up to date and is not available until an application is made at one of the Immigration Police Offices ⁽³¹⁷⁾. In **France** targeted information campaigns were undertaken in refugee camps in and around Paris as well as in Calais ⁽³¹⁸⁾ and the Dunkerque area in cooperation with civil society organisations. OFPRA staff provided information on the possibility to apply for asylum when migrants staying in camps were moved to reception centres.

EU-(co)funded projects remained a vital element of provision of information and free legal assistance in Member States. For example, the **Estonian** Bar Association organised a public competition to find a law firm that would provide state legal aid to applicants for international protection. As a result, six lawyers from two law firms provide free legal aid to applicants for international protection since 1 October 2015. These activities are co-funded through the Asylum, Migration and Integration Fund (AMIF) and the Estonian Ministry of the Interior. The Estonian Human Rights Centre continues to provide free legal aid until the end of June 2016 to applicants to ensure a fair and appropriate procedure. This service was also co-funded through the AMIF and the Ministry of the Interior.

In practical terms, effective access to information and legal assistance often posed a difficulty. Concerns were raised about lack of access to information on the asylum procedure in **Italy** and that, in **Belgium**, information on the right to claim asylum is not always available at the border, notably at the ports. In **Malta** UNHCR was concerned that access to free legal aid was only available at appeal stage ⁽³¹⁹⁾; similar concerns were raised for **Cyprus**. In **Latvia** access to legal assistance was diminished when aid from the NGO Latvian Human Rights Centre ceased in July 2015 due to lack of funding ⁽³²⁰⁾. In **Poland** UNHCR remarked on free of charge legal assistance actually being provided by the NGOs with limited funding. According to UNHCR's observations, due to high numbers of persons entering **Hungary** in 2015, the quality and availability of information and legal assistance has deteriorated. In **Bulgaria**, procedures for access to legal assistance and applicants' representation were improved.

4.3. Providing interpretation services

Interpretation needs to be provided in the procedure for international protection to ensure proper communication between the applicant and the authorities at every step of the process, including application, examination, and appeal stage.

Changes to the Act on Asylum in **Slovakia** (Act No 131/2015) gave applicants the opportunity to request an interpreter of the same sex during the interview process.

⁽³¹⁶⁾ UNHCR input.

⁽³¹⁷⁾ UNHCR says that information on how to make a claim for international protection should be introduced in other places including entry points / transit zones and police stations.

⁽³¹⁸⁾ In Calais since October 2015, following migrants being moved from the camp to a reception centre, information is provided on a weekly basis. More than 2 000 applied for international protection in Calais in 2015.

⁽³¹⁹⁾ Asylum seekers do not have access to free legal aid at first instance (before the Office of the Refugee Commissioner). In practice, they are highly dependent on very limited legal support offered by one NGO providing such services to individuals in detention (UNHCR input).

⁽³²⁰⁾ UNHCR input.

Switzerland intensified its recruitment efforts for interpreters, especially for most-needed languages such as Tigrinya, Dari, or Kurmanji. Several projects were launched to ensure the availability of enough highly qualified interpreters in the medium and long-term. Initiatives include streamlining the recruitment process, developing training courses for new recruits as well as experienced interpreters, and the creation of an asylum glossary that will be translated into several languages. This tool hopes to ensure a more standardised approach when interpreting asylum-specific vocabulary.

Bulgaria's State Agency for Refugees (SAR) further explored the possibility of using video-conferencing for interpretation to improve access to the service.

A public call for interpreters was published in September 2015 in **Croatia** resulting in 20 applications. Additionally, the International and Temporary Protection Act created a more transparent procedure for the engagement of interpreters in the asylum procedure.

New interpretation contracts were signed in **France** in 2015 and training was provided to interpreters, including on issues of gender and vulnerability.

In **Estonia** a project was launched to offer translation services for applicants and returnees. Co-funded through the Asylum, Migration and Integration Fund (AMIF) and the Estonian Ministry of the Interior, it aims to provide regular and high-quality translation services for uncommon languages in order to enhance the proceedings of international protection or return.

While legislative changes and new initiatives helped to streamline the interpretation process in many Member States, concerns remained regarding the lack of qualified/trained interpreters, experts in certain languages, and, in some cases, the availability of any interpreters.

UNHCR noted that interpretation was not always available in the police headquarters in **Italy** ⁽³²¹⁾. UNHCR has published a training handbook to aid interpreters in the asylum procedure in Austria to address possible deficiencies in the quality of interpreters ⁽³²²⁾. In **Luxembourg** a lack of Arabic-language interpreters was noted and subsequently a permanent Arabic-speaking interpreter was hired. A high influx of applicants led to a shortage of qualified interpreters in **Belgium** and **Hungary**. Difficulties dealing with certain languages were also reported in **Latvia**, **Switzerland** and **Spain**. In **Spain**, UNHCR also provided training to interpreters in Ceuta and Melilla ⁽³²³⁾. In **Cyprus**, interpreters are, generally, not qualified and concerns remain regarding the quality of translation services ⁽³²⁴⁾. However, UNHCR noted that interpreters who followed a specialised training were available in the **Netherlands**. IND works with certified interpreters and there is a functioning complaint procedure regarding interpreters.

EASO's list of available languages

EASO coordinates the provision of available languages in different Member States. This is done through a List of Available Languages (LAL) collated by EASO, which includes all languages generally available for direct translation from a named foreign language to the mother tongue of the named Member State. This list has been available to Member States since April 2013.

⁽³²¹⁾ A new and enhanced training programme for interpreters working in the Territorial Commissions, more focused on interpreting techniques and cross-cultural communication, was developed by the non-profit organisation that manages the interpretation service (CIES), which started to implement it in the last two months of 2015, in cooperation with UNHCR.

⁽³²²⁾ www.unhcr.at/trainingshandbuch

⁽³²³⁾ UNHCR input.

⁽³²⁴⁾ UNHCR input.

4.4. Dublin procedure

As was the case for the Dublin II Regulation, the Dublin III Regulation maintains the principle that the responsibility for examining a claim for international protection lies primarily with the Member State that was instrumental to the applicant's entry or residence in the EU. The order of criteria establishing responsibility goes hierarchically from 1) family considerations, to 2) recent possession of visa or residence permit in a Member State, to 3) whether the applicant has entered EU in an irregular or in a regular manner.

Statistical information on the functioning of the Dublin system in 2015 can be found in Section 2.6. [Dublin](#).

Some changes to Dublin procedures introduced in 2015 resulted from the provisions of the EU asylum *acquis*.

By transposing the Asylum Procedures Directive, **Bulgaria** amended its procedure for granting international protection so that it is no longer obligatory to conduct the Dublin procedure in all cases – but this is done only where there are indications that another EU Member State may be competent to examine the application. In the **Netherlands**, with the implementation of the recast Asylum Procedures Directive, the Dublin procedure was separated from the national asylum procedure. In **Austria**, in line with Article 27(2)(b) of the Dublin III Regulation, remedies against expulsion orders in Dublin procedures will no longer have automatic suspensive effect.

Due to the high volume of asylum applications **Austria** faced in 2015, the asylum policy with neighbouring countries regarding Dublin cases had to be adapted to current needs. **Germany** also introduced legislation to prevent re-entry after a Dublin transfer to the responsible Member State (effective since August 2015).

Finland and **Belgium** experienced challenges in performing Dublin transfers to **Hungary** because of the difficulties in scheduling transfers due to limited reception capacity ⁽³²⁵⁾. Due to malfunctioning of the Eurodac system in **Belgium** between 21 July and 23 September 2015, it was problematic to send all the Dublin requests within the time limits; as a consequence Belgium became responsible by default in these cases.

In terms of fingerprinting, to fulfil the obligations under Eurodac Regulation, **Croatia** (who has only two scanners for fingerprinting) introduced a new procedure for transmitting fingerprints from police administrations/stations to NAP. Also during 2015 six new employees were employed to implement the Dublin procedure.

In **Cyprus**, a separate questionnaire was introduced requesting details of family members in other European states. Previously information on the presence of family members in other Member States did not come to the attention of the asylum officers prior to the first-instance interview, at times after the three-month deadline to commence a take-charge request had elapsed ⁽³²⁶⁾

⁽³²⁵⁾ Because of capacity problems at the Liszt Ferenc International Airport in Budapest a reservation to transfer a person to Hungary had to be made approximately two months in advance.

⁽³²⁶⁾ UNHCR input.

EASO Network of Dublin Units

In line with the European Agenda on Migration, EASO established a Network of Dublin Units on 11 and 12 February 2016. The aim of the network is to provide a forum for discussion of current needs and priorities within the Dublin context, facilitate enhanced communication and coordination between national Dublin Units, provide easy access to relevant information to Dublin experts across the EU+, and pool expertise on Dublin-related issues. The network is composed of a steering group and a Dublin Expert Network. Each Member State appointed a Dublin Contact Point. EASO serves as a facilitator of the network, ensuring its effective operation by coordinating and facilitating bi-monthly reporting by the Dublin National Contact Points on Dublin-related issues, organising the meetings of the steering group and any other events, and ensuring the flow of information between the steering group and EASO Management Board. EASO is also developing an online platform to facilitate communication within the network and share information and expertise. Data on the practical functioning of the Dublin system is provided bi-monthly via analysis of the relevant EPS indicator.

4.5. Special procedures: admissibility, border and accelerated procedures

According to the current Asylum Procedures Directive, in line with Article 23(4), examination procedures at first instance in specific circumstances⁽³²⁷⁾ can also be conducted in an accelerated or prioritised manner, while remaining in accordance with the basic principles and guarantees of the asylum process. In line with Article 24, special procedures can be implemented by Member States for the purpose of preliminary examination of cases considered subsequent applications (Articles 32-34 APD) and cases considered in the framework of border procedures (Article 35 APD). In the case of those special procedures, certain derogations from the basic principles and guarantees are possible.

Many applications for international protection are made at the border or in a transit zone of a Member State prior to a decision on the entry of the applicant. In line with the recast APD, Member States have the possibility to conduct admissibility procedures in those areas to establish whether an application is admissible and should be further determined with regard to the merits of the claim. Member States also have the possibility to conduct substantive examination procedures at the border or in the transit zone⁽³²⁸⁾. In addition to regular substantive examination procedures, where the merits of the application in terms of international protection are determined to establish whether a form of protection should be granted or not, the new EU asylum *acquis* significantly clarifies and strengthens the different procedural modes in which an application for international protection can be processed, as well as the procedural consequences deriving from the examination of a claim in one or another mode (i.e. lack of automatic suspensive effect). Those procedural modes are:

- *admissibility procedures* – MS may decide under certain clearly defined circumstances whether the case is admissible and only if that is the case the application will be further examined with regard to its protection merits;

⁽³²⁷⁾ (a) the applicant, in submitting his/her application and presenting the facts, has only raised issues that are not relevant or of minimal relevance to the examination of whether he/she qualifies as a refugee by virtue of Directive 2004/83/EC; or (b) the applicant clearly does not qualify as a refugee or for refugee status in a Member State under Directive 2004/83/EC; or (c) the application for asylum is considered to be unfounded: (i) because the applicant is from a safe country of origin within the meaning of Articles 29, 30 and 31, or (ii) because the country which is not a Member State, is considered to be a safe third country for the applicant, without prejudice to Article 28(1); or (d) the applicant has misled the authorities by presenting false information or documents or by withholding relevant information or documents with respect to his/her identity and/or nationality that could have had a negative impact on the decision; or (e) the applicant has filed another application for asylum stating other personal data; or (f) the applicant has not produced information establishing with a reasonable degree of certainty his/her identity or nationality, or it is likely that, in bad faith, he/she has destroyed or disposed of an identity or travel document that would have helped establish his/her identity or nationality; or (g) the applicant has made inconsistent, contradictory, improbable or insufficient representations which make his/her claim clearly unconvincing in relation to his/her having been the object of persecution referred to in Directive 2004/83/EC; or (h) the applicant has submitted a subsequent application which does not raise any relevant new elements with respect to his/her particular circumstances or to the situation in his/her country of origin; or (i) the applicant has failed without reasonable cause to make his/her application earlier, having had opportunity to do so; or (j) the applicant is making an application merely in order to delay or frustrate the enforcement of an earlier or imminent decision which would result in his/her removal; or (k) the applicant has failed without good reason to comply with obligations referred to in Article 4(1) and (2) of Directive 2004/83/EC or in Articles 11(2)(a) and (b) and Article 20(1) of this Directive; or (l) the applicant entered the territory of the Member State unlawfully or prolonged his/her stay unlawfully and, without good reason, has either not presented himself/herself to the authorities and/or filed an application for asylum as soon as possible, given the circumstances of his/her entry; or (m) the applicant is a danger to the national security or public order of the Member State, or the applicant has been forcibly expelled for serious reasons of public security and public order under national law; or (n) the applicant refuses to comply with an obligation to have his/her fingerprints taken in accordance with relevant Community and/or national legislation; or (o) the application was made by an unmarried minor to whom Article 6(4)(c) applies, after the application of the parents or parent responsible for the minor has been rejected and no relevant new elements were raised with respect to his/her particular circumstances or to the situation in his/her country of origin.

⁽³²⁸⁾ Recast APD preamble recital 38.

- *border procedures* – MS may decide at the border/transit zones to examine the admissibility of the claim or its substance before granting the right to enter on the territory (however, if no decision is taken within four weeks, the applicant must be granted the right to enter the territory and have his claim processed inland). Under the recast Directive, MS are only able to apply border procedures in a number of limited and clearly defined grounds (as opposed to the previous non-exhaustive list of grounds);
- *accelerated procedures* – the timelines in which the case is processed, i.e. shorter deadline for the decision to be reached at the administrative stage of the procedure and a shorter deadline to file an appeal. Conditions under which the examination of a claim may be accelerated are the same as for border procedures.
- *prioritised procedures* – applications examined before other, previously made applications, without derogating from normally applicable procedural time limits, principles and guarantees.

It should be noted that procedures envisaged in the national legal frameworks may combine some of the abovementioned features simultaneously, e.g. border procedures can be used for purposes of an admissibility procedure or for the purposes of a full examination procedure. EASO has included in its data collection under EPS a disaggregation regarding use of special procedures in decision-making. Several of the States with such procedures in law were able to provide information on the number of decisions issued at first instance since March 2014 when data collection began, disaggregated by type of procedure (normal, border, admissibility, accelerated).

The chart below shows this information for 2015. Only EU+ states that reported a decision issued in one of the three procedures (admissibility, accelerated or border procedure) in the reporting period are shown.

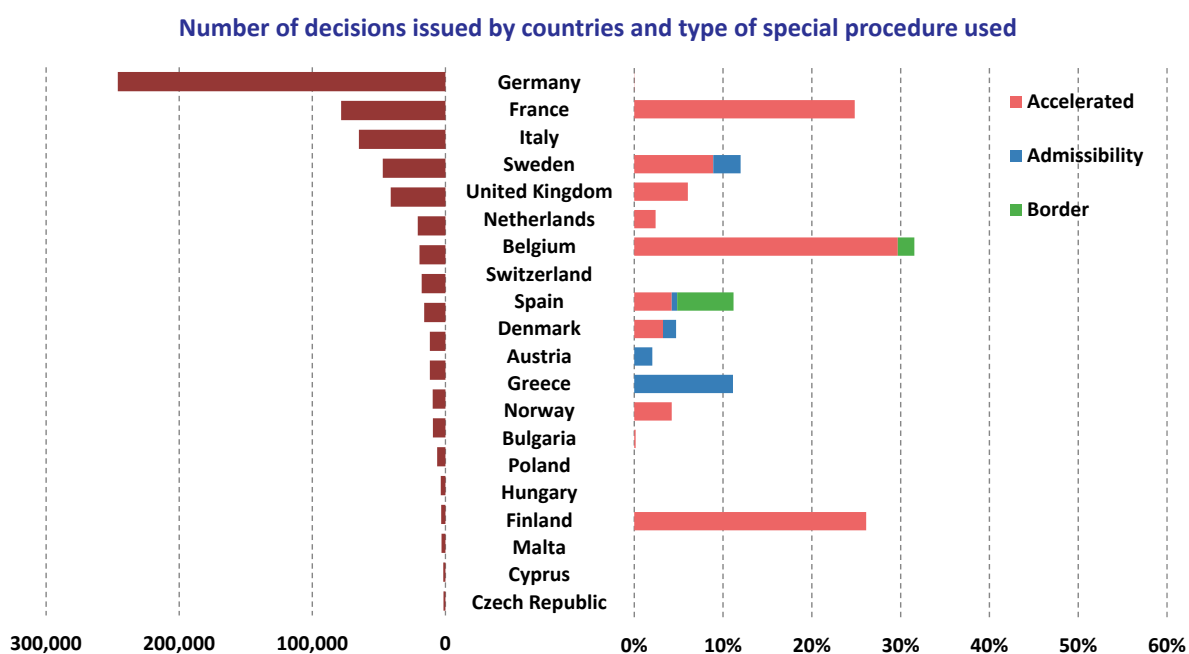


Figure 39: Special procedures vary greatly across EU+ countries.

Source: EPS data, 2015

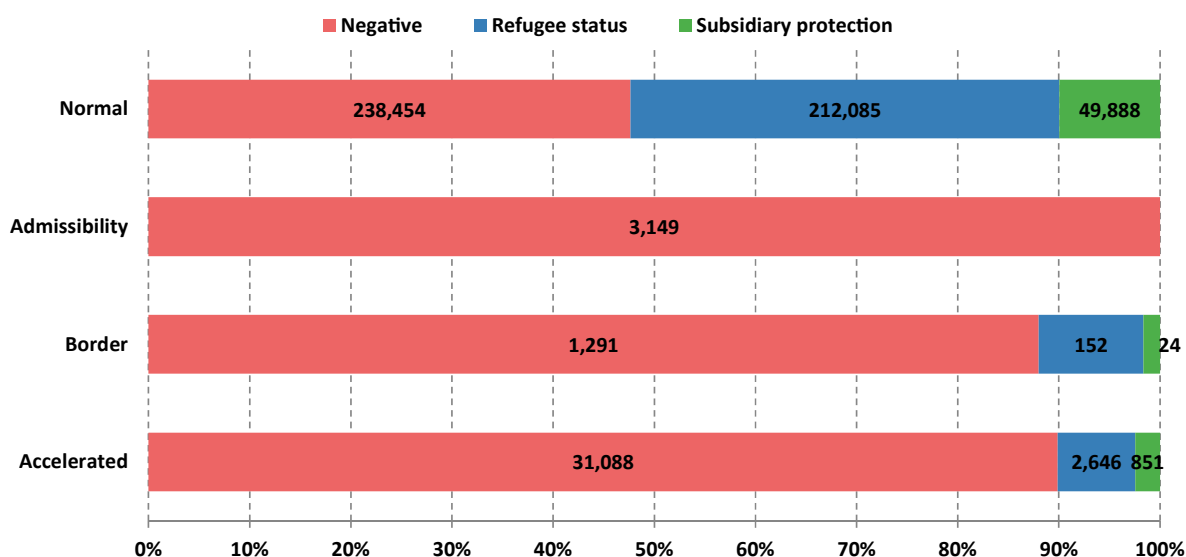
Of the 20 countries issuing most decisions, the accelerated procedure was used most often in **Belgium, Finland and France**, and the admissibility procedure by **Greece**. According to the EPS data collection, special procedures are used in a small proportion of all decisions issued.

While most decisions issued in the EU+ using accelerated or border procedures lead to a rejection of the application in a significantly higher proportion than for decisions made via normal procedures, there are cases where international protection is granted using special procedures, as shown in the chart below. Admissibility procedures resulted in 100 % negative outcomes since a positive result on admissibility leads to the opening of an asylum procedure that considers

the case on merit – the result of this procedure is reported in asylum-decision data. Accelerated procedures had a 10 % recognition rate, and border procedures 12 %.

Data concerning special procedures should not be taken as absolutely comparable, since categories used refer to procedures ‘corresponding to the ones defined in the recast Asylum Procedures Directive’ where Member States have a certain level of flexibility in deciding which provisions they will transpose into their national legislation and to what extent.

Figure 40: Total number of decisions, by type and outcome of procedure, in EU+ countries



Source: EPS data, 2015

In 2015 EU+ countries revised their practices concerning use of special procedures:

Finland introduced an admissibility interview in its asylum process. In **Bulgaria** an admissibility procedure for subsequent applications was introduced and the deadline for refusing manifestly unfounded applications in the accelerated procedure was extended from three calendar days to 10 working days. **Hungary** introduced an accelerated procedure on 1 August 2015 (and a list of safe third countries and safe countries of origin by Government Decree 191/2015 (VII.21) and on 15 September a border procedure was introduced (complementing the existing airport procedure) whereby if a foreigner submits his/her application before entering the country in the transit zone, the asylum authority will decide on the admissibility of the application within eight days⁽³²⁹⁾. The **Netherlands** introduced a border procedure from 20 July 2015 for applications made at the air border (Schiphol airport). In **Italy** an accelerated procedure for manifestly unfounded applications was introduced, in law and in practice, whereas manifestly founded applications continue to be decided only after a full assessment by the Territorial Commissions.

A major overhaul to special procedures in **France** occurred under the Act of 29 July 2015, which replaces the ‘priority’ procedure with an accelerated procedure with several changes to the process. This procedure can be implemented, either automatically (in case of an application from a safe country of origin, or a subsequent application found admissible) or by OFPRA (in cases of provision of false documents or information, manifestly unfounded applications, inconsistent or clearly false statements) or on the initiative of the prefecture (in case of refusal to provide fingerprints, provision of false documents or withholding information, late applications, applications submitted to frustrate the removal procedure, serious threat to public order). In all cases, OFPRA can move the case back into a regular procedure if it considers it necessary for an appropriate examination or to take account of the particular vulnerability of the applicant. Whether in a regular or accelerated procedure, the level of procedural guarantees is the same. The only difference is the duration – in the accelerated procedure OFPRA will decide within 15 days of the submission of the

⁽³²⁹⁾ According to UNHCR observations this tool has been applied in practice since the second half of September 2015. Courts reviewing such admissibility decisions in Szeged and Debrecen, exclusively based on Serbia being considered as safe country of asylum, tended to annul and send back the cases to OIN with an instruction to examine the merit of the case. UNHCR criticised, in a letter addressed to OIN on 4 March 2016, the practice of OIN of only examining the merits of the case after it had been sent back by the Court for a second time.

application (96 hours retention). The law also provided for suspensive effect of an appeal made before the National Court of Asylum (CNDA), which is now also automatic in accelerated procedures.

Other procedural solutions were put in place concerning inadmissibility, termination of the procedure and subsequent applications to address situations in which there is no *a priori* need for protection (if such need arises later on in the procedure it can be taken fully into account) ⁽³³⁰⁾. Following legislative amendments on 29 July 2015, border procedures allow for refusing access to the territory for asylum purposes when claims are found to be inadmissible where another Member State is responsible for examining the case according to Dublin Regulation and when the claim is found to be manifestly unfounded by OFPRA, according to the definition in the law. The Ministry of Interior decides on the applicant's entry on French territory, but OFPRA's opinion on the claim is binding for the Ministry of Interior, except in cases of threats to public order. Negative decisions may be challenged (in a simplified way) before the administrative judge and the appeal has an automatic suspensive effect.

In parallel, the law of 29 July 2015 passed in **France** substantially revised the concept of 'safe country of origin' (where accelerated procedure is applied), by amending the process of inclusion on the list and deletion from it, to ensure that the list is up to date and that individual assessment is guaranteed, as well as suspensive effect of the appeal. Following those changes, OFPRA reviewed the list of safe countries of origin on 9 October 2015 and removed Tanzania and included Kosovo. Albania, Armenia, Benin, Bosnia and Herzegovina, Cape Verde, Georgia, Ghana, India, FYROM, Mauritius, Moldova, Mongolia, Montenegro, Senegal, Serbia were considered to meet the new criteria and therefore remained on the list. Similar to France, the **Czech Republic** Ministry of the Interior passed a decree, based on the amendment to the Asylum Act of 18 December 2015, determining the list of safe countries of origin. The list contains (among other countries such as the US and Norway) all Western Balkan countries and Mongolia, and therefore the accelerated procedure is applied for applicants from the listed countries.

In **Austria** the admissibility procedure was revised so that it starts with the first interview of the applicant by a public security officer – prior to this, applications had to be made at the initial reception centres – who submits the respective findings to the branch office of the BFA. The BFA officer, who is responsible for the case, then decides the next steps: if the applicant has a right to stay in Austria, they are requested to go to an initial reception centre within 14 days. If the applicant has no permission to stay in Austria, he/she will be transferred to an initial reception centre or to a regional office of the BFA in order to effectively enforce a measure to terminate the stay in Austria. New provisions concerning accelerated procedures have also been introduced, whereby certain cases may be decided within five months, although an extension is possible in certain cases.

In **Slovakia** grounds for rejecting an application as manifestly unfounded were amended and shorter time limits for procedures applying the safe third country concept were removed, whereby such determination is now done in a regular procedure. The admissibility procedure regarding subsequent (repeated) applications was adjusted.

In **Croatia** a new regulation came into force regarding subsequent applications ⁽³³¹⁾. **Poland** amended the rules concerning determining subsequent applications as manifestly unfounded and hence inadmissible, so that such determination is only possible after it has been proven that the case presents no new elements. A personal interview is now obligatory in accelerated procedures.

⁽³³⁰⁾ OFPRA has therefore the possibility to take a decision on inadmissibility without examining the substance of the asylum application where the applicant already enjoys protection in another state where he/she can return or where the applicant has submitted a subsequent application that has no prospect of success (in both cases a personal interview shall be conducted). OFPRA can also terminate the procedure at the request of the applicant or where the applicant fails to cooperate with the authorities. Terminated procedure can be re-opened if the applicants reports back to OFPRA within nine months of the termination, whereby the examination of the case is resumed. Finally, the examination procedure of subsequent applications was clarified, where a definition of such cases was provided and it is stipulated that a preliminary review of 'new facts' shall take place, where OFPRA can conduct an interview and decide that the case is inadmissible if the application has no prospect of success. Any subsequent applications are examined under the simplified procedure within 15 days. The inadmissibility decisions for applicants already enjoying protection and decisions terminating the procedure also remove the right to remain on French territory and hence the appeal does not have suspensive effect. The right to remain also ceases after the inadmissibility decision is issued on subsequent application submitted to frustrate expulsion.

⁽³³¹⁾ In case intention to apply for international protection is expressed after a final decision has been taken on a previous application. An explanation of subsequent application is submitted directly in writing or orally if the person is illiterate to the Reception Centre for Asylum Seekers. The Ministry shall decide on the subsequent application no later than within 15 days from the day of receiving it. Legal remedy against Ministry's decision does not automatically have suspensive effect. Applicants who lodge a new subsequent application after a decision has already been rendered on a previous subsequent application do not have the right of residence in the Republic of Croatia.

As of 25 November 2015, the **Norwegian** Ministry of Justice and Public Security instructed the asylum adjudicating bodies, the Directorate of Immigration (UDI) and the Immigration Appeals Board (UNE), to reject applications from those arriving in Norway who had resided in Russia. This was done without assessments of the substance of the applications so that those applicants could be swiftly returned (while all cases are processed individually to identify anyone who, in exceptional circumstances, may have a real need for protection and qualify for consideration of their case in Norway). In April 2016 new revised instructions were issued ⁽³³²⁾.

Fast-track procedures were applied in **Germany** for Kosovars between 18 February and 18 May 2015, whereby cases of Kosovar applicants were only processed in selected federal states ⁽³³³⁾ and the whole procedure at first instance was to be finalised within 14 working days. In parallel, Germany prioritised cases of nationals of Syria, FYROM, Bosnia and Herzegovina, Kosovo and Montenegro. The **Netherlands** prioritised cases of Kosovar applicants (for whom a Dublin procedure was not initiated) to ensure a faster return to the country of origin if the asylum request is rejected.

In **Cyprus** there was a prioritisation and examination of applications submitted by those held in detention for deportation under accelerated procedure. According to this new policy, all such applications are screened and if considered well-founded and/or not manifestly unfounded the claim is routed through the normal examination procedures and the applicant is released from detention ⁽³³⁴⁾.

In the case of **Tall** ⁽³³⁴⁾ the court examined whether the only remedy available under Belgian law against a decision refusing to take into account a subsequent application, i.e. appeal seeking annulment and suspension under the extreme urgency procedure, constitutes effective remedy under Article 39 of the Asylum Procedures Directive (APD), and Article 47 of the EU Charter. It should be noted that at the time the case was referred such appeal did not comprise full competence to determine issues of fact and law, it has no suspensive effect and the applicant had no right of residence or material assistance pending appeal (the legislative framework has been amended after the reference for a preliminary ruling had been made).

The CJEU noted that Article 39(1)(c) of the Asylum Procedures Directive obliged Member States to ensure that applicants have the right to an effective remedy before a court or tribunal against a decision, and not to further examine a subsequent application. In this case, following a preliminary examination conducted under Article 32(3), a decision was made not to further examine the applicant's subsequent application and that reception should not be granted. In line with Article 7(2) Member States could define that an appeal against such a decision had no suspensive effect. Hence, the court concluded that Article 39 APD did not preclude national legislation that did not confer suspensive effect on an appeal brought against a decision not to further examine a subsequent application.

4.6. Reception of applicants for international protection and reception capacity

According to the current legislative framework outlined in the Reception Conditions Directive (RCD), applicants should be offered an equivalent level of treatment in regard to reception conditions in all Member States. This is an important instrument to ensure that certain standards (defined in the RCD as minimum standards) are available to all applicants regardless of where they made their application.

⁽³³²⁾ These Instructions prescribe that foreign nationals who sought protection (asylum) in Norway in 2015 after arriving in Norway via Storskog border checkpoint, possessing single entry visas to Russia that have expired at the present time, and living at a known address in Norway, are entitled to have their asylum application decided on merits in Norway. This means that UDI will consider all applications fulfilling the above criteria (expired single entry visa + known address) that have not been processed yet, or where the appeal is pending before the UDI. For complaints pending before the Immigration Appeals Board (UNE), UNE will return such cases to the UDI for admissibility and processing. The present Instructions do not apply to cases where the foreign national has been granted protection in another country. The instructions came into force immediately.

⁽³³³⁾ Initially Bayern, Baden-Württemberg, Nordrhein-Westfalen, and Niedersachsen and as of March 2015 also Hessen and Rheinland-Pfalz.

⁽³³⁴⁾ UNHCR input.

⁽³³⁵⁾ Judgment of the Court (Fourth Chamber) of 17 December 2015. *Abdoulaye Amadou Tall v Centre public d'action sociale de Huy*. Reference for a preliminary ruling: Tribunal du travail de Liège - Belgium. Full text available at: <http://curia.europa.eu/juris/document/document.jsf?text=&docid=173121&pageIndex=0&doclang=en&mode=req&dir=&occ=first&part=1&cid=1223500>

However, conditions vary greatly and the ability to provide services is greatly hampered by hugely increased or fluctuating migratory flows.

Last year saw an unprecedented influx of applicants, often leading to overcrowding in reception facilities and concerns about accommodation standards in many countries. This required some Member States to double or treble their reception capacity. Measures taken to meet such challenges included providing additional permanent and temporary/emergency accommodation, setting up new initial reception centres, and closer cooperation between neighbouring Member States.

Reception capacity in **Belgium** doubled in less than six months during the second half of 2015. In June 2015, before the influx, the reception network had 16 000 places. At the end of December the reception capacity was almost 33 500 places, of which 24 502 were in collective reception centres. To cope with the increase, mobile units were added to some centres. On 26 February 2016, a distribution system was agreed which obliged all municipalities to create a local reception initiative to accommodate a number of applicants based on a distribution key to allocate 5 000 applicants. This plan has not been implemented yet.

Due to the high influx in **Sweden** during the autumn of 2015, the Swedish Migration Agency (SMA) was aided by NGOs and churches which offered accommodation for applicants on their premises. Emergency accommodation was arranged by the municipalities in dorms, tents and hotels and, in some cases, the living space for applicants had to be reduced to accommodate more people.

Due to the number of persons seeking international protection in **Austria** difficulties accommodating all applicants were observed⁽³³⁶⁾. Overall, reception capacity in Austria was tripled due to the number of persons seeking international protection in 2015 (about 78 000 in total) and 27 additional federal reception centres were set up last year. Under an agreement between Austria and Slovakia, 500 people were accommodated in the Slovakian town of Gabčíkovo while their asylum applications were processed in Austria.

Hungary's reception facilities became over-crowded and temporary facilities were set up in different locations along the Serbian border and Austrian borders. Existing capacity was expanded by erecting tents and installing containers for living and sanitary use. Several new temporary reception centres were opened in 2015 – in Nagyfa (in February 2015), and in Körmend and Szentgotthárd (in October 2015)⁽³³⁷⁾.

It was reported that waiting periods for initial interviews in **Spain** were extended to up to six months after the filing of asylum applications, especially in cities with a high concentration of applicants (Madrid, Barcelona, Malaga, and Valencia) which hindered access to reception centres⁽³³⁸⁾. To remedy the situation, an emergency plan was adopted to accelerate the formalisation and lodging of international protection applications by requiring the assistance of the National Police Body. This reduced waiting times including rescheduling of some initial interviews to an earlier date. However, a concern remained over the conditions in the Melilla centre (CETI), particularly for women, children and LGBTI groups⁽³³⁹⁾.

In **Cyprus**, concerns were raised about the staffing, standard of material reception conditions, resources, particularly after ERF funding ended in mid-2015, and lack of free medical care and irregular payment of allowances⁽³⁴⁰⁾.

⁽³³⁶⁾ In particular during summer 2015, leading to conditions falling below standards, see e.g. Committee against Torture: Concluding observations on the sixth periodic report of Austria, 9 December 2015, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?TreatyID=1&DocTypeID=5 (UNHCR input).

⁽³³⁷⁾ UNHCR observed that the largest well-established and equipped reception facility in Debrecen was closed down in December, replaced by temporary structures and detention. Another point of concern is the substandard reception conditions in the police pre-registration and registration facilities during the influx in Röszke and Szeged.

⁽³³⁸⁾ UNHCR input.

⁽³³⁹⁾ UNHCR Press Release: Ante la nueva Directiva de Acogida de la UE, ACNUR pide que España mejore sus condiciones de asilo, 21 de noviembre 2015, available at: <http://acnur.es/noticias/noticias-de-espana/2161-2015-07-21-13-17-54>; UNHCR Press Release: Save the Children y ACNUR piden mayor protección para los menores refugiados que llegan a Europa, 20 de noviembre 2015, available at: <http://acnur.es/noticias/notas-de-prensa/2309-2015-11-20-11-52-52>; See also Ombudsman's Office annual report 2015, page 263-265, available at: <https://www.defensordelpueblo.es/informe-anual/informe-anual-2015/>

⁽³⁴⁰⁾ UNHCR input.

In **Finland**, due to the increased migratory flows, the Finnish Immigration Services (FIS) was given the mandate to establish necessary reception/registration centres (normally the Ministry of the Interior decides on the establishment of reception centres). The number of reception units in 2015 increased from 26 to a peak of 212 to deal with the demand. A registration centre was opened in Tornio in September and a situation centre was established in the FIS premises to coordinate accommodation activities. In the autumn of 2015, Finland also launched a study on the level of reception allowance and social security system envisaged in the Government Action Plan.

The reception capacity was increased at canton and federal level in **Switzerland**. The overall capacity at federal level was approximately 2 500 at the beginning of 2015. At the end of the year, the total capacity of permanent and temporary federal centres was raised to about 5 000 places. For 2016, the goal is to provide 6 000 federal places at any given time. In July 2015, due to the high influx of applicants, several temporary shelters were opened, mainly using civil protection shelters near existing reception and registration centres.

To deal with its 32 % increase in applicants since 2014, **Italy** set up more temporary reception facilities in the prefectures through specific agreements with local authorities. In parallel, legislative decree No 142/2015 introduced a three-tier reception system, created a reception monitoring system and strengthened the reception governance mechanism while introducing a yearly national reception plan. UNHCR noted that, in 2015, the reception capacity in **Italy** increased to more than 100 000 places to meet growing needs but it expressed concern about initial reception capacity and conditions in temporary facilities⁽³⁴¹⁾. Significant expansion of reception capacity is underway in **France** following the provisions of the law of 29 July 2015 on reforming the asylum system, with a target of 4 922 places in regular accommodation, 3 071 places in temporary accommodation and 500 places in emergency accommodation. An information system called Dn@ (operated by OFII) monitors available accommodation places.

Malta published a National Strategy for the Reception of Asylum Seekers and Irregular Migrants in December 2015 providing for, inter alia, initial reception facilities to accommodate migrants in the first few days following arrival (with total capacity of 2 416 places, including Initial Reception Centres). UNHCR welcomed practical solutions put in place in Malta in 2015 – two Initial Reception Centres (IRCs) have been set up, one for adults accommodating 200 persons, and one for minors, with or without up to two accompanying adults, accommodating 100⁽³⁴²⁾. Capacities depend on family compositions, size, and other factors. New legislation also introduced an option for appeal from decisions regarding reception conditions and age assessment. New legislation also introduced an option for appeal from decisions regarding reception conditions. In **Ireland**, a network of Emergency Reception and Orientation Centres (EROCs) was established which would be used to provide initial accommodation to meet the basic needs of applicants relocated from so-called hotspots in Italy and Greece while their applications were processed.

Access to employment is an important element of reception conditions, supporting self-sustainability of applicants for international protection. On 9 December 2015, a Royal Decree came into force in **Belgium** stipulating that applicants are granted access to employment after spending four months in the asylum procedure without receiving a first-instance decision from the Office of the Commissioner General for Refugees and Stateless Persons (CGRS). In **Sweden**, the Swedish Migration Agency introduced an integration project that aims to raise the possibility for applicants for international protection to find work and to study Swedish. The different parts of the project are: language studies, work placement, establishment of meeting points, group information for applicants and self-catering.

In November 2015 **Germany** launched a series of pre-integration courses (consisting of language training and cultural orientation), migration counselling and integration projects (with a focus on mentorship and orientation) for applicants with a strong prospect to stay (applicants from Syria, Iran, Iraq and Eritrea for whom the protection rate is above 50 %). Priority is given to labour-market integration⁽³⁴³⁾ and pilot projects for labour market counselling early in the asylum procedure (especially for profiling) will be rolled out in 2016 by the Federal Employment Agency, alongside the introduction of labour market ‘profiling tools’ for non-formal qualifications.

⁽³⁴¹⁾ See: UNHCR position paper https://www.unhcr.it/sites/53a161110b80eeaac700002/assets/54e7099c0b80ee68150053c8/Nota_UNHCR_sul_recepimento_delle_Direttive_2013.32.UE_e_2013.33.UE.pdf

⁽³⁴²⁾ Total capacity for the open centres is 2 416 (including Initial Reception Centres).

⁽³⁴³⁾ Since November 2014, access to the labour market can be granted for applicants after three months of the pending procedure unless they are nationals of countries of origin considered as safe.

4.7. Detention

The legislative framework of detention was amended in several EU+ countries, with regard to various areas where detention is applied – procedures for international protection, Dublin procedures and return procedures.

Following transposition of the recast Reception Conditions Directive, temporary accommodation in a closed centre was made possible in **Bulgaria** when strictly necessary. The border procedure launched in the **Netherlands** as of 20 July 2015 envisages detention of the applicant for the duration of the border procedure. Foreigners who are already in the Netherlands and subsequently apply for asylum can also be detained under certain conditions. Legislative changes were introduced as of 1 July 2015 concerning detention of unaccompanied minors in **Finland** ⁽³⁴⁴⁾. This prohibited the detention of asylum-seeking children arriving without a custodian and specified other provisions concerning detention of children ⁽³⁴⁵⁾. In addition, alternatives to detention were examined in a project led by the Ministry of the Interior ⁽³⁴⁶⁾. In **Slovakia**, following changes to the detention regime, if an asylum application is lodged by a person who is already in detention, such applicants are not required to contribute to costs incurred during their stay; access to education was also improved and the procedure of issuing an alien passport in such cases was simplified. In **Hungary** a new ground for ordering asylum detention was introduced, whereby in order to carry out the Dublin transfer the refugee authority may detain a foreigner who failed to submit an application for asylum in Hungary and the Dublin transfer can take place in his/her case. Also some clarifying changes were made to other grounds for ordering asylum detention. As a result of the implementation of the Dublin III Regulation, a new legal provision concerning detention under the Dublin procedure was introduced in **Switzerland** on 1 July 2015, allowing detention if there are specific indications that the person intends to avoid being returned, and application of detention is proportionate as less coercive alternative measures would not be effective. In **Austria** under the new legislation, which entered into force on 20 July 2015, all applicants who are unlawfully staying in the country can be escorted to a reception centre by the Police who can also conduct their initial interrogation. **French** law has been modified regarding the detention of asylum seekers. Applicants may be detained only a) in the frame of border procedures b) pending a Dublin transfer and c) when they claim asylum while detained for removal purposes. In the latter case, the foreigner only becomes an asylum seeker after being placed in detention. In that case, the new legal measures provide that he/she should remain in detention only if the claim aims at preventing the removal measure from being implemented. In no case is the detention measure automatically prolonged. The **Danish** Parliament introduced new legislation to be used during times of ‘special circumstances’ when the influx of applicants is particularly high. In this context, the new law allows for temporary suspension of detention safeguards such as the right to have the legality of the detention assessed within 72 hours ⁽³⁴⁷⁾. In **Cyprus** there were concerns regarding compliance with detention grounds. The right to remain is not afforded during the judicial review of the asylum claims and a number of applicants awaiting the outcome of such court proceedings are detained. No alternatives to detention are foreseen in the refugee legislation ⁽³⁴⁸⁾.

In **Sweden** a standardised screening instrument was introduced in detention centres to recognise risk factors of possible suicide and self-harm and how to take preventive measures. The **Polish** Border Guard developed written guidance on identifying vulnerable cases among apprehended persons and proposed the introduction of ‘social guardians’ in detention centres responsible for monitoring the behaviour of detainees and ensuring psychological care ⁽³⁴⁹⁾. However, there were concerns over new amendments to the law (of 10 September 2015 to the Act on granting protection to foreigners) that it did not exclude the possibility of detaining accompanied asylum-seeking children ⁽³⁵⁰⁾.

Towards the end of 2015, **Belgium** increased its capacity to detain more rejected asylum applicants and other people in irregular stay with a view to increasing return; in this respect additional staff for the closed centres was recruited. The

⁽³⁴⁴⁾ With amendments to the Aliens Act (301/2004) and the Act on the Treatment of Detained Foreign Nationals and of Detention Units (116/2002).

⁽³⁴⁵⁾ Unaccompanied children under 15 years of age must not be deprived of their liberty even after the decision on their deportation has become enforceable. The detention of unaccompanied children who are 15 years old or older in order to secure their deportation is restricted, and the detention of minors in police detention facilities is forbidden.

⁽³⁴⁶⁾ In particular, the aim of this project was to seek alternative and thus reduce the detention of minors, other vulnerable groups and foreign nationals with a family, and prepare amendments to the national legislation accordingly.

⁽³⁴⁷⁾ Danish Alien Act: available at <https://www.retsinformation.dk/Forms/R0710.aspx?id=175599>. So far the measures have not been used. The Government has also indicated an aim to increase the use of detention of rejected asylum seekers to secure timely returns.

⁽³⁴⁸⁾ UNHCR input.

⁽³⁴⁹⁾ UNHCR is concerned how this guidance would work in practice as according to the law (Law on Foreigners of 2013, Article 400) a person whose psychophysical state may justify a presumption that he/she was a victim of violence should not be placed in detention at all.

⁽³⁵⁰⁾ UNHCR input.

Czech Republic opened a new detention centre for foreigners in Drahonice and another one is ready when required in Bálková. It also introduced the possibility to take special measures such as requiring asylum seekers to regularly report to a competent authority at a given place and time. The usage of alternatives to detention must be considered in all cases before the decision to detain the asylum seeker is issued (transposition of the Reception Conditions Directive into the Asylum Act). However, concerns were raised by UNHCR about detaining persons subject to Dublin transfers or transfers under readmission agreements, including families with children. It was also reported by UNHCR that, in practice, alternatives to detention were rarely used. The state authorities noted that alternatives to detention were rarely used due to fear of absconding – in the overwhelming number of cases transiting persons explicitly indicated their intention to continue in their illegal journey to countries in western Europe. Despite the recommendation for a 28-day time limit on immigration detention in the **UK** following a parliamentary inquiry into its use, UNHCR noted that this has not been acted on. The government considers that any time limit would be arbitrary, encourage non-cooperation from immigration detainees and unduly restrict its operations ⁽³⁵¹⁾.

Detention was also the subject of scrutiny by national courts. In **Sweden** the Migration Court of Appeal ruled that the legal basis for detention of foreigners as set out in the Swedish Alien Act was not applicable to foreigners subject to the procedures established by the Dublin Regulation. The ruling has had a major impact on how detention is used in these cases as the provisions relating to detention set out in the regulation are not as precise and comprehensive as those that have been developed in in the national legislation and practices regarding detention of foreigners.

In **Estonia**, it was reported that Harku detention centre became overcrowded with instances of families with small children and pregnant women placed there. As a result, in the autumn 2015 the PBGB transferred some detainees to the jail in Jõhvi, Ida-Viru county. Concerns were also raised about reports that children and their parents, pregnant and nursing mothers were detained in **Latvia**.

Due to legislative amendments, and supported by UNHCR and its partners within the roll-out of the Global Detention Strategy, the use of detention as a last resort was significantly reduced in **Lithuania**.

In the case of **J.N.** ⁽³⁵¹⁾ the CJEU stated that EU law allows an asylum seeker to be detained when the protection of national security or public order so requires. The introduction of a fresh asylum application by a person who is subject to a return decision does not render that decision inoperative.

The case concerned an applicant who filed multiple subsequent applications in the Netherlands, all of which were rejected with a final order to leave the EU territory immediately with a 10-year entry ban. The applicant had been convicted on multiple charges for various offences (mostly theft) and fines and terms of imprisonment. Upon another arrest for theft and having been found in violation of the entry ban, the applicant was placed in detention as an asylum seeker. The Council of State referred a question to the Court of Justice for a preliminary ruling. The court found, first, that the detention measure, for which the Reception Conditions Directive provides, genuinely met an objective of general interest recognised by the EU and the protection of national security and public order also contributed to the protection of the rights and freedoms of others. The Charter of Fundamental Rights of the EU states in that regard that everyone has the right, not only to liberty, but also to security of person.

Given the importance of the right to liberty and the gravity of the interference with that right that detention represents, the court stressed that limitations on the exercise of that right must apply only insofar as is strictly necessary. It notes that the power to detain an asylum seeker is subject to compliance with a series of conditions which concern, in particular, the period of detention (which must be as short as possible).

The court held that the concept of ‘public order’ presupposes, in any event, the existence – in addition to the disturbance of the social order that any infringement of the law involves – of a genuine, present and sufficiently serious threat affecting one of the fundamental interests of society. As regards ‘public security’, it is apparent from the court’s case-law that this concept covers both the internal security of a Member State and its external security.

⁽³⁵¹⁾ UNHCR input (see: <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2016-01-14/HCWS470>).

⁽³⁵²⁾ Judgment of the Court (Grand Chamber) of 15 February 2016. *J. N. v Staatssecretaris van Veiligheid en Justitie* (C-601/15). Press release: <http://curia.europa.eu/jcms/upload/docs/application/pdf/2016-02/cp160013en.pdf>.

The court stated that for the Return Directive to be effective it was necessary that any procedure opened under that Directive (which has given rise to a return decision, accompanied where appropriate by an entry ban), must be resumed, at the stage at which it was interrupted, as soon as the application for international protection which interrupted it has been rejected at first instance.

Lastly, the court stated that in enabling the Member States to adopt detention measures on grounds of national security or public order, the Reception Conditions Directive does not disregard the level of protection afforded by the European Convention on Human Rights (ECHR), which permits the detention of a person against whom action 'is being taken' with a view to deportation. In conclusion, the court found that there was no ground for questioning the validity of the Reception Conditions Directive, insofar as it authorises detention measures of that kind and their scope is limited so as to meet the requirements of proportionality.

Under Article 8 of the Reception Conditions Directive (and Article 15 of the Return Directive), detention must not be used when less intrusive measures are sufficient to achieve the legitimate objective pursued. The Fundamental Rights Agency in 2015 published a paper on alternatives to detention for asylum seekers and people in return procedures⁽³⁵³⁾ outlining less intrusive alternative measures that can be used, including obligation to surrender passports and travel documents, residence restrictions, release on bail and provision of sureties by third parties, placement in open facilities with caseworker support, and electronic monitoring.

4.8. Procedures at first instance

The main developments noted by the Member States in terms of specific aspects of procedures for international protection (other than the ones aimed at increasing efficiency covered in Section 3.2.5.2) were the following:

The 2015 regulations⁽³⁵⁴⁾ were introduced in **Ireland** in light of a CJEU ruling in Case *HN*⁽³⁵⁵⁾ giving statutory effect to arrangements already in place in the Office of the Refugee Applications Commissioner (ORAC). As such, anyone making a new application for refugee status may also make an application for subsidiary protection in ORAC and any person who has an application for refugee status pending may also make an application for subsidiary protection in ORAC. An application under these regulations is only investigated after a person's application for refugee status is refused. Furthermore, under the single procedure which will commence in **Ireland** in 2016, an applicant will make only one application, and will have all grounds for seeking international protection (and be permitted to remain in the State for other reasons) examined and determined in one process. The single procedure will replace the multi-layered and sequential protection application system previously in force⁽³⁵⁶⁾. ORAC, in conjunction with UNHCR, revised and updated templates for both the subsidiary protection and refugee status determination processes, as well as developed guidance notes to accompany the roll-out of the templates as well as delivered comprehensive protection training to all new members of the Case Processing Panel⁽³⁵⁷⁾.

In **Bulgaria** the procedure for granting international protection was extended from three to six months. The provisions regarding rights of applicants in the procedure, access to their personal file and rules of conducting personal interviews were also revised and made more precise. Also the formerly obligatory separate summary proceeding (which was held before the general proceedings) may only take place in comprehensively specified circumstances and is now conducted within the general proceedings.

As a result of transposition of the Asylum Procedure Directive, the procedure for granting international protection in the **Czech Republic** was extended from three to six months.

⁽³⁵³⁾ http://fra.europa.eu/sites/default/files/fra_uploads/fra-2015-alternatives-to-detention-compilation-key-materials-2_en.pdf

⁽³⁵⁴⁾ European Union (Subsidiary Protection)(Amendment) Regulations 2015 (S.I. No 137 of 2015).

⁽³⁵⁵⁾ (*Nawaz*) v *Minister for Justice, Equality and Law Reform* CJEU C-604/12, HN, [8 May 2014], ref. from Supreme Court (Ireland).

⁽³⁵⁶⁾ The single procedure has yet to be commenced and no firm timeline has been announced regarding its commencement to date.

⁽³⁵⁷⁾ See also: <http://oireachtasdebates.oireachtas.ie/debates%20authoring/debateswebpack.nsf/takes/dail2015062300066#WRO02600>

Due to the high protection rate for Eritrean nationals and with regard to a potential acceleration of the asylum procedure, the **German** Federal Office did not conduct interviews for applicants from Eritrea. Instead applicants had the opportunity to give an account of their reasons in a special questionnaire, as was the case for Syrian nationals and religious minorities from Iraq since 2014. This practice was abolished for all three groups in 2016. In addition, the backlog of applications dating from 2013 or before has been prioritised.

In **Italy** the determining authority for asylum developed and disseminated among the Territorial Commissions a simplified interview form for applicants from Eritrea, Syria, Afghanistan and Somalia, as well as a simplified form for some low recognition rate nationalities such as Bangladesh, Ghana, Gambia, Nigeria and Senegal.

Due to significant influx of applicants, some EU+ countries were unable to directly process all cases or needed to draw on additional resources. In **Sweden**, for the vast majority of cases, no appointments for asylum interviews are scheduled when the asylum application is submitted and instead all cases are stored in order to be scheduled for interviews when appointments become available. In **Finland**, cooperation between the Police, Border Guard and the FIS was strengthened regarding screening of applications and interviews ⁽³⁵⁸⁾.

EASO and Training

EASO training activities are carried out within the framework of the agency's Work Programme and its Training Strategy, which was developed in 2012 and updated in 2016. EASO's core training tool is the EASO Training Curriculum, a common training system consisting of 14 interactive modules. In 2015 EASO organised 23 train-the-trainer sessions. Eight were organised as regional training sessions and one train-the-trainer session was organised within the project Participation of Jordan in the work of EASO and participation of Tunisia and Morocco in the work of EASO and FRONTEX. Within the train-the-trainer sessions, 275 participants from 28 EU+ countries were trained. EASO also held 259 national training sessions in 20 Member States. The main target group were the employees of the national asylum administrations.

In 2015, EASO continued the development of two new modules – the module on Fundamental Rights and International Protection in the EU and module Introduction to Didactics. The pilot training in these two modules is going to be organised in 2016. Additionally, EASO developed a handbook on Gender, Gender Identity and Sexual Orientation and started the development of the module Introduction to International Protection.

The EASO Work Programme 2015 establishes that a European certification of the EASO Training Curriculum will be initiated. The EASO Certification and Accreditation Working Group (CAWG), which has members nominated from all EU+ Member States (18 active members and 12 passive members), was established to achieve this objective. In 2015, the CAWG held four meetings to agree on the learning outcomes that underpin each module and to design the assessment of those learning outcomes in the context of the learning activities within the EASO Training Curriculum modules. This will serve as the basis for the certificate of qualification to be obtained by trainees. A process has started to have the EASO Training Curriculum accredited by an educational institution in the context of a National Qualifications Framework that has been referenced to the European Qualifications Framework.

4.9. Procedures at second instance

The current EU level legislative framework of appeals procedures is outlined in Chapter V of the Asylum Procedures Directive. The basic concept, stipulated in Article 39, obliges the Member States to ensure that applicants have the right to an effective remedy before a court of a tribunal with regard to different types of decisions issued at first instance listed in this Article. The catalogue of decisions covered by the right of effective remedy includes not only decisions on the merits of the claim (e.g. decisions rejecting the case or granting subsidiary protection, which the applicant may wish to appeal claiming refugee status), but also, inter alia, decisions considering an application inadmissible, decisions refusing to re-open a case which was discontinued, and decisions not to further examine a subsequent

⁽³⁵⁸⁾ The Police carried out asylum interviews for certain categories of applicants in line with the APD Article 14(1) whereas FIS personnel have screened applications and interviewed applicants in the Tornio registration centre.

application. Therefore the appeal bodies would normally decide on a variety of issues and are not limited to assessing the merits of the case in terms of international protection.

The current APD does not prescribe any harmonised standards concerning the organisation of the appeal or the procedure to be followed, therefore Member States can transpose the directive in various ways expected to be most suitable to ensure the right to effective remedy within their national framework. Consequently, the level of harmonisation of practices at appeals stage is limited.

As of 21 July 2015, an Administrative Court was established in **Cyprus** for the purpose of examining appeals submitted against first-instance decisions of the Asylum Service ⁽³⁵⁹⁾.

In the **Netherlands** transposition of the recast Asylum Procedures Directive ensured that the courts can conduct full *ex nunc* reviews (examining the effects of the first-instance decision for the future) ⁽³⁶⁰⁾.

With regard to scope of the judicial review by the courts, the Dutch Council of State will soon decide on the extensiveness of the review. (Will it be a full and *ex nunc* review or is still a certain restraint by the courts to be expected.)

In **Finland** the Ministry of Justice, in co-operation with the Ministry of the Interior, worked to better manage appeals ⁽³⁶¹⁾ and provide adequate legal aid. Preparative work on decentralisation of asylum (appeal) cases was initiated by the MoJ and extra funding was granted to the Helsinki Administrative Court and the Supreme Administrative Court in light of the foreseen increase in the numbers of appeals.

Several changes were made to the legal framework in **Slovakia** with Act No 131/2015 laying down conditions under which an appeal against a negative decision (declaring an application inadmissible or manifestly unfounded) has suspensive effect and amending the Civil Code so that the status quo at the time of issuance of an administrative court decision is relevant (instead of the status quo at the time of issuance of first-instance decision). In May 2015 the Slovak National Assembly approved amendments of a Civil Code (which covers various forms of legal proceedings before civil and administrative courts) to take effect as of 1 July 2016. The ongoing reform of administrative court procedure focuses on powers and responsibilities of administrative courts and will influence asylum appeal procedure, time limits etc. In **France**, the 29 July 2015 law generalised the automatically suspensive effect of the appeal, even following accelerated procedures in first instance. In addition, for the first time, a timeframe is set for the processing of the appeals: the CNDA must decide within five months on appeals against decisions taken in regular procedures, and within five weeks against decisions taken in accelerated procedures. In that case, the appeal is examined by a single judge and not by three judges as was the case previously. The judge must decide though that the difficulty of the case is such that it requires regular examination.

In **Austria** UNHCR conducted a quality assurance project for courts dealing with asylum cases ⁽³⁶²⁾.

⁽³⁵⁹⁾ A remaining concern is the fact that the submission of a judicial review bears no suspensive effect and since the court has taken over some 3 000 cases pending before the Supreme Court. UNHCR raised concerns regarding its current capacity and risk of delays in the examination of the asylum applications (UNHCR input).

⁽³⁶⁰⁾ which was already possible under former legal framework. However however courts still refrained from such a judicial review, stating that the immigration services were best placed to assess the reasons for flight (UNHCR input).

⁽³⁶¹⁾ concerning the handling by the Administrative Court of cases related to international protection as urgent cases, shortening of appeal periods, reduction of bench compositions and for tightening conditions for admitting a leave to appeal by the Supreme Administrative Court.

⁽³⁶²⁾ The project includes the organisation of workshops for judges (e.g. on credibility assessment) as well as an inter-institutional component (together with all State actors in the procedure UNHCR in November 2015 organised the so-called Asylum Day to discuss current issues in asylum law and practice).

EASO's cooperation with courts and tribunals

EASO cooperates with courts and tribunals and other relevant bodies under the framework of its legal mandate. The cooperation consists, inter alia, of producing professional development materials for subsequent implementation in judicial training activities; collecting and exchanging jurisprudence and providing support to Member States within the context of special and emergency support operations and other measures as required on an ad-hoc basis.

During 2015, EASO continued to advance the development of materials for use in professional development activities for members of courts and tribunals. A Judicial Analysis on Exclusion was completed by a Working Group composed of judges as well as a representative of UNHCR in consultative capacity ⁽³⁶⁴⁾. In addition, under the terms of a contract concluded with the International Association of Refugee Law Judges (IARLJ), a Judicial Analysis, which provides an introduction to the CEAS for members of courts and tribunals, has been developed. Both analyses will be accompanied by Judicial Trainer's Guidance Notes intended to assist the organisation of national professional development workshops.

Throughout 2015, EASO organised professional development meetings for members of courts and tribunals, for example, on the topic of Article 15(c) QD ⁽³⁶⁴⁾ as well as on the judicial application of country of origin information ⁽³⁶⁴⁾. The highlight of the year was a large conference organised at the Court of Justice of the European Union in Luxembourg which 100 members of national courts and tribunals attended. EASO also continued to provide support to Bulgaria in close cooperation with national partners.

4.10. The availability and use of COI

Availability and an appropriate use of country of origin information (COI) are crucial for well-informed, fair, and well-reasoned asylum decisions. 2015 saw several changes in the organisation of the work on COI. In light of the high influx of applicants for international protection to EU+ countries, mainly from Syria, Afghanistan, Iraq and Eritrea, national COI units were restructured or reinforced, training was provided for staff, and organisational/structural changes helped to streamline work practices.

EASO COI Network Approach

In 2015 EASO further developed its EASO COI Network Approach with the establishment of two new COI Specialist Networks. Specialist Networks now exist on Somalia, Syria, Pakistan, Iraq, Iran, the Russian Federation, Afghanistan, Eritrea and Ukraine, and a 10th network, on Nigeria, is expected to be launched in 2016. Within the Specialist Networks, duplication of effort is being avoided by sharing information on current COI needs and recent and upcoming national COI products and fact-finding missions. Networks also engage in joint assessment of key sources of COI and discuss specific asylum-relevant issues in countries of origin. The Networks offer a framework for joint COI production and jointly answering COI queries. In 2015, Specialist Network seminars or sessions were organised on **Eritrea, Somalia, Iran, Ukraine, Russian Federation** and **Afghanistan**. A number of Practical Cooperation Workshops or conferences on **Afghanistan, Nigeria** and **Ukraine** were held for a wider target group, which, depending on the topic, also included caseworkers, members of courts and tribunals and selected civil society organisations.

At managerial level, the Strategic Network, composed of COI Heads of Units or experts otherwise responsible for COI from all EU+ countries, gathered in April and October 2015, providing strategic input and feedback on EASO COI activities and exchanging managerial experiences on COI research.

After a major reorganisation of the Federal Office for Migration and Refugees at the end of 2015, the **German** COI unit, Information Centre Asylum and Migration (ICAM), faced an increased workload due to the recruitment of new staff members, especially case workers. The ICAM provided training for new case workers, organised different COI

⁽³⁶³⁾ Available at: <https://easo.europa.eu/asylum-documentation/featured-publications/>

⁽³⁶⁴⁾ More information on the event can be found in EASO Newsletter for April 2015, available at: <https://easo.europa.eu/wp-content/uploads/BZAA14008ENN.pdf>, p. 9.

⁽³⁶⁵⁾ More information on the event can be found in EASO Newsletter for June 2015, available at: https://easo.europa.eu/wp-content/uploads/dlm_uploads/EASO-Newsletter-June-2015.pdf, p. 9.

workshops, and published country and thematic reports. **Italy's** COI unit (*Unità COI*) was strengthened by additional researchers. The unit focused on a standardisation of work processes, which improved the quality of the final COI products and facilitated a more harmonised use among Territorial Commissions.

In 2015, COI units dedicated significant time and resources to the training of caseworkers on countries of origin. In **Belgium**, the Documentation and Research Centre (CEDOCA) provided country training for its new protection officers, created origin check toolkits for top countries and created collaborative workspaces for the top countries on the intranet where researchers and protection officers can share their information. It also organised bi-monthly consultations among heads of departments, researchers and reference persons to improve information-sharing and to assess the information needs. CEDOCA also published for the first time some COI papers on the new CGRS website. In **Sweden**, Lifos launched the modality of video breakfast seminars for decision-makers and case workers nationwide. Up to 100 attendants at each seminar can listen to a senior country analyst presenting COI on a particular country as well as explain their COI needs and ask particular questions. In the **Netherlands**, the Office for Country Information and Language Analysis (OCILA) organised lectures on top countries of origin as part of an introductory course for new caseworkers. **Croatia** developed COI checklists to assist caseworkers in verifying the origin of applicants.

Last year, COI experts were increasingly requested to carry out work on safe country determination. In **Finland**, the FIS carried out COI assessments on Western Balkan countries and examined the situation in these countries in light of the criteria in Finnish legislation on safe third countries. In 2015, preparations started with regard to new provisions concerning safe countries of origin in **Austria**, resulting in a number of new countries being added to this list ⁽³⁶⁶⁾.

Technical improvements helped Member States collate and distribute information more effectively. In **Italy** a new internal user-friendly COI database was created and made available to all the determining authorities who were invited to send COI requests when needed. In **Switzerland**, national COI databases were updated with additional features for enhanced user-friendliness and better connection between COI and policy guidance.

EASO COI Reports

In 2015, within the context of the EASO COI Network Approach, EASO produced a number of COI reports aimed at ensuring a common comprehensive information package on countries of origin at EU level. In January 2015, EASO published the Report *Afghanistan – Security Situation*, which provides a description of the security situation in Afghanistan, both at the national and provincial level ⁽³⁶⁶⁾. A COI Report entitled *Eritrea – Country Focus* was published in May 2015. The report includes general country information, information about the political system, the national service, prisons, religion, identity documents, and (illegal) exit ⁽³⁶⁷⁾. In August 2015, a COI report entitled *Pakistan – Country Overview*, was published by EASO, providing general country information, as well as more detailed information on the general and regional security situation and human rights situation in Pakistan ⁽³⁶⁸⁾. In October 2015, EASO published the Report *Nigeria – Sex trafficking of women*, which provides information on the modus operandi of trafficking and the situation of victims of trafficking returning to Nigeria ⁽³⁶⁹⁾.

⁽³⁶⁶⁾ Preparations with regard to new provisions concerning 'safe country of origins' started in 2015: in addition to the existing safe countries of origin Algeria, Georgia, Ghana, Mongolia, Morocco and Tunisia were declared as safe countries of origin and are in force since 17 February 2016.

⁽³⁶⁷⁾ This report was co-drafted by researchers from Austria, Belgium and France. COI units from Greece, Hungary and Slovakia contributed by doing supportive research. Researchers from The Netherlands, Sweden and UNHCR reviewed the report. <https://coi.easo.europa.eu/administration/easo/PLib/EASO%20COI%20Report%20Afghanistan%20Security%20Situation%20Jan%202015.pdf>

⁽³⁶⁸⁾ The State Secretariat for Migration (SEM), Division Analysis and Services, Switzerland was the author of this report, which was reviewed by researchers from Austria, Belgium and Denmark, as well as a renown academic. https://coi.easo.europa.eu/administration/easo/PLib/EASO-Eritrea-CountryFocus_EN_May2015.pdf

⁽³⁶⁹⁾ The report was drafted by researchers from Austria, Belgium, France, Hungary and the United Kingdom, and reviewed by a peer review group composed of COI experts from Ireland, Lithuania, UNHCR and EASO. <https://coi.easo.europa.eu/administration/easo/PLib/EASO%20COI%20Report%20Pakistan-Country-Overview%20Aug%202015.pdf>

⁽³⁷⁰⁾ This EASO COI report was based on a report originally drafted by the Country Information Service of the Finnish Immigration Service. The report was reviewed and commented upon by other national COI experts from France, Italy, Norway, The Netherlands, Sweden and the UK, as well as a renown academic. <https://coi.easo.europa.eu/administration/easo/PLib/BZ0415678ENN.pdf>

Thematic COI activities

COI and LGB

In April 2015, EASO published the Practical Guide ‘**Researching the situation of lesbian, gay, and bisexual persons in countries of origin**’⁽³⁷¹⁾. This guide provides background knowledge as well as useful tips and sources for researching the situation of LGB in countries of origin. Its annex provides a list of useful sources and web links.

In May 2015, EASO organised a workshop on COI & Lesbian, Gay and Bisexual persons in selected countries of origin (Cameroon, the Gambia, Nigeria, Senegal and the Russian Federation).

Online Research Tools

In October and December 2015, EASO organised two hands-on training sessions on ‘Internet security and privacy in COI research’ and on ‘Setting up social media tools for COI research’.

In **Sweden**, Lifos developed a methodology for analysis of the capacity and integrity of the justice and security sector in countries of origin, thus supporting case workers in assessing state protection or legal policy development. Lifos also enhanced the methodology for thematic reports on identity and origin of applicants for international protection and shifted its production to shorter and more frequent thematic reports. **Austria** introduced new products in order to cope with new asylum legislation.

Medical COI (on availability and accessibility of medical treatment and medication in countries of origin) is increasingly needed in Member States and continues to be provided within the framework of the MedCOI project. EASO is currently exploring modalities for taking over the key elements of the MedCOI project.

It should be noted that COI research capacity is not limited to national asylum administrations. A number of civil society organisations engage in COI-related activities and are increasingly involved in EASO activities.

The COI Portal

The EU Common COI Portal was built to enable asylum officials to access a wide range of COI from a single point of entry. The Portal connects the official COI databases of six EU+ countries to a single web application, while allowing Member States that do not have web-based systems to upload and share COI documents into a local dedicated area called the ‘Upload Area’. Throughout 2015, EASO worked on revamping the application and, in February 2016, launched the new EASO COI Portal.

Now accessible to the public with the aim to increase COI transparency for all asylum practitioners, including civil society, this platform has been redesigned to provide attractive and up-to-date interfaces and improved search capabilities. Re-focused as a specialist application, the EASO COI Portal stores COI authored by national asylum administrations from EU Member States, Norway and Switzerland, EASO and EU institutions (EU External Action Service, European Parliament, etc.). The website allows users to search for COI from different sources, in different languages and to be regularly informed of COI publications or events. Additional features – such as country or topic specific alerts, country overview pages, and dedicated collaboration spaces for the EASO COI Specialists Networks – will be added progressively throughout 2016. For non-English documents, more English abstracts will be provided, allowing users to identify relevant information.

The National Common Portal Administrators (NCPAs) act as contact points between their national users and EASO (registrations, users’ questions, technical issues). They manage their respective ‘Upload Area’ while ensuring consistency and quality of this area or oversee the connection of their national COI databases. Finally, they provide training on the COI Portal to their national users when necessary.

⁽³⁷¹⁾ This guide was co-drafted by COI experts from Belgium, The Netherlands, EASO and the civil society organisation ORAM, and reviewed by COI researchers from Denmark and UNHCR, as well as a renowned academic.

4.11. Vulnerable applicants

The recast version of the APD expanded the previously limited⁽³⁷²⁾ concept of vulnerable applicants by putting in place the notion of applicants in need of special procedural guarantees, outlined mainly in Article 24 of the recast APD. The core elements of the new framework are the need to identify applicants who are in need of special procedural guarantees (in particular as a result of torture, rape, or any other form of psychological, physical, or sexual violence) and to provide them with adequate support⁽³⁷³⁾. In terms of reception conditions, the current version of the Reception Conditions Directive (RCD) includes provisions for persons with special needs and the principle of taking into account the specific situation of vulnerable persons. The recast RCD introduces a category of ‘applicants with special reception needs’⁽³⁷⁴⁾ and Chapter IV comprises a set of provisions concerning this category, including provisions on assessment of the special reception needs of vulnerable persons, minors, unaccompanied minors, and victims of torture and violence.

While some categories of vulnerable applicants are easier to identify, others require a more detailed assessment. Failure to properly identify such cases at an early stage may also result in erroneous decisions on their application for international protection. In particular, providing for unaccompanied minors in the asylum process raises a number of complex legal issues, with a strong psychological and social aspect, comprising but not limited to: age assessment, where needed, appointment of a guardian, ensuring best interest of the child, including family tracing, conducting the process in a child-friendly manner, and ensuring suitable reception. Overall, 2015 was characterised by a very significant influx of applicants for international protection claiming to be minors, resulting in challenges regarding proper age assessment (most notably regarding the majority of EU+ countries overly relying on medical screening rather than a multi-disciplinary approach) and lack of, or delay in, providing guardians.

EASO activities on vulnerable applicants

In 2015, EASO further developed its activities on vulnerable groups. In addition to providing specific training on Interviewing Vulnerable Persons and Interviewing Children, EASO continued to provide support and to foster practical cooperation between Member States on key issues related to children. In particular EASO organised a number of practical cooperation activities in this field and launched the EASO Network on Activities on Children (ENAC). It also undertook the development of Practical Guide on Family Tracing to be published in 2016.

In 2015, EASO also organised its second annual conference on trafficking in human beings (THB) with a thematic focus on the identification of victims of THB who may be in need of international protection as well as a workshop focusing on THB and Nigeria. The development of specific training on THB was also initiated.

Finally, a practical support tool on the identification of persons with special needs was further developed during 2015 and is now available at <https://ipsn.easo.europa.eu/>.

Unaccompanied minors

In 2015, a total of 95 985 unaccompanied minors (UAMs) applied for international protection in the EU+, 7 % of all asylum applications lodged and almost four times the number seen the previous year. In 2014, when 24 865 UAMs applied for asylum, it accounted for 4 % of the total. Unaccompanied minor applicants are those whose age has been accepted by the national authority, and, if carried out, confirmed by an age-assessment procedure⁽³⁷⁵⁾.

⁽³⁷²⁾ The pre-recast version of the Asylum Procedure Directive specifically mentioned one group of applicants who require additional guarantees, i.e. unaccompanied minors, whose situation was regulated in Article 17.

⁽³⁷³⁾ Article 22 RCD2 provides that: ‘Member States shall take into account the specific situation of vulnerable persons such as minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons with serious illnesses, persons with mental disorders, and persons who have been subjected to torture, rape or other serious forms of psychological, physical, or sexual violence, such as victims of female genital mutilation, in the national law implementing this Directive’. This provision is referred to in Article 24 APD2 as well. The category listed here is thus only one subcategory of vulnerable persons.

⁽³⁷⁴⁾ Article 2(k) of the recast Reception Conditions Directive: ‘“applicant with special reception needs”: means a vulnerable person, in accordance with Article 21, who is in need of special guarantees in order to benefit from the rights and comply with the obligations provided for in this Directive’.

⁽³⁷⁵⁾ The Eurostat Guide for practitioners highlights that ‘the age of unaccompanied minors reported in this table shall refer to the age accepted by the national authority. In case, the responsible national authority carries out an age assessment procedure in relation to the applicant claiming to be an unaccompanied minor, the age reported in this table shall be the age determined by the age assessment procedure’.

While in the EU+ overall the number of UAMs increased by 286 %, some countries recorded a much larger influx. Increases were most remarkable in the four main receiving countries: Sweden (+ 28 205; + 400 %), Germany (+ 10 040; + 228 %), Hungary (+ 8 200; + 1 355 %) and Austria (+ 6 300; + 319 %). These four countries combined recorded 70 % of all asylum applications lodged by UAMs. High relative increases were also seen in Finland (+ 2 340; + 1 200 %), Belgium (+ 2 180; + 464 %), Norway (+ 4 110; + 437 %), Switzerland (+ 1 895; + 245 %) and the Netherlands (+ 2 895; + 302 %) and Denmark (+ 1 310; + 161 %).

In 2015, more than half of all UAMs lodging an application in EU+ countries were Afghan nationals. Syrian and Eritrean UAM applicants also represented a large group. Certain citizenships were more likely to include applications by UAMs than others: most UAMs were Afghan nationals, and the share of UAMs in the total group of Afghan applicants was the highest of all nationalities: out of almost 200 000 Afghan applicants, one quarter were UAMs.

Total unaccompanied minor applicants and share in total applicants, by citizenship, 2015

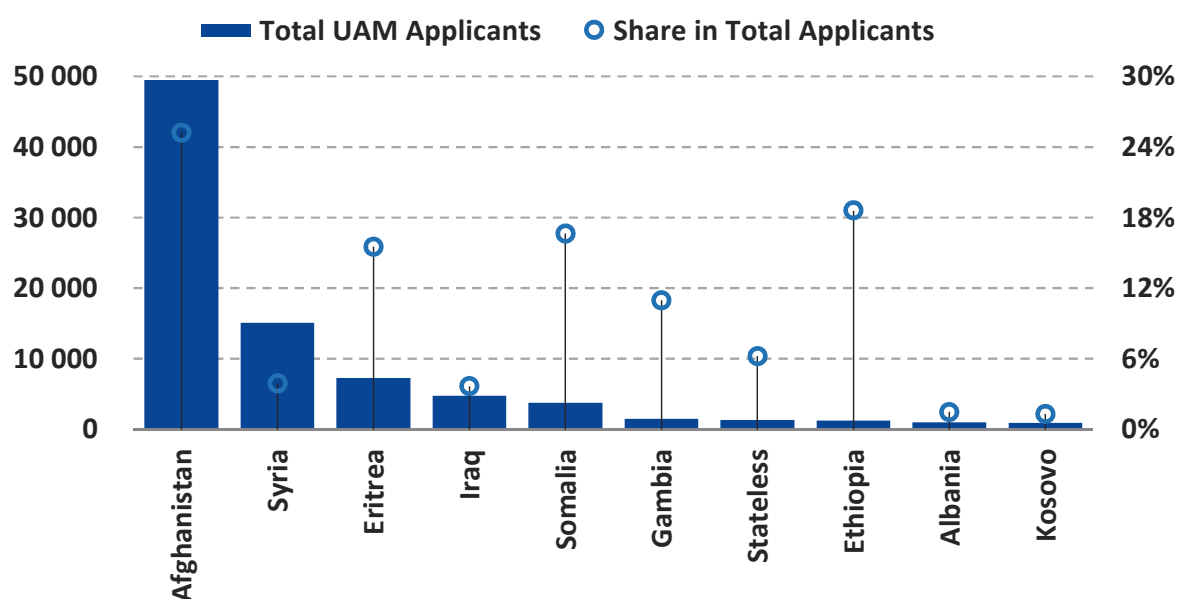


Figure 41: Most UAM applicants were Afghan nationals.

As of July 2015, special provisions for unaccompanied minors in the admission procedure came into force in **Austria**. All UAM applicants are transferred to the initial reception centre in Traiskirchen and have their first interview there. Upon their arrival, the legal adviser becomes their legal representative and has to assist them in every interview. Also, special provisions regarding victims of torture were included in the provision governing admissibility procedure.

In **France**, one of the objectives of the 29 July 2015 law is to better take into account the specificities of vulnerable applicants. Initial assessment is undertaken by OFII through a special questionnaire and aims at adapting accommodation to the needs of the applicant. In conformity with the directives, special needs may be discovered and reported at any stage of the procedure. OFII may indicate any vulnerabilities to OFPRA. OFPRA may adapt examination procedures wherever it deems it necessary, including by giving priority to the claim or decelerating the procedure. OFPRA made use of this possibility for the first time on 25 September 2015. Specifically regarding UAMs, the new law limits the possibility to use the accelerated procedure for applicants originating from a safe country of origin, cases of subsequent applications or security threats. When it considers it necessary for the proper examination of the case, OFPRA may ask for the detention to cease.

Main countries where applications were lodged and main citizenships of UAM applicants, 2015

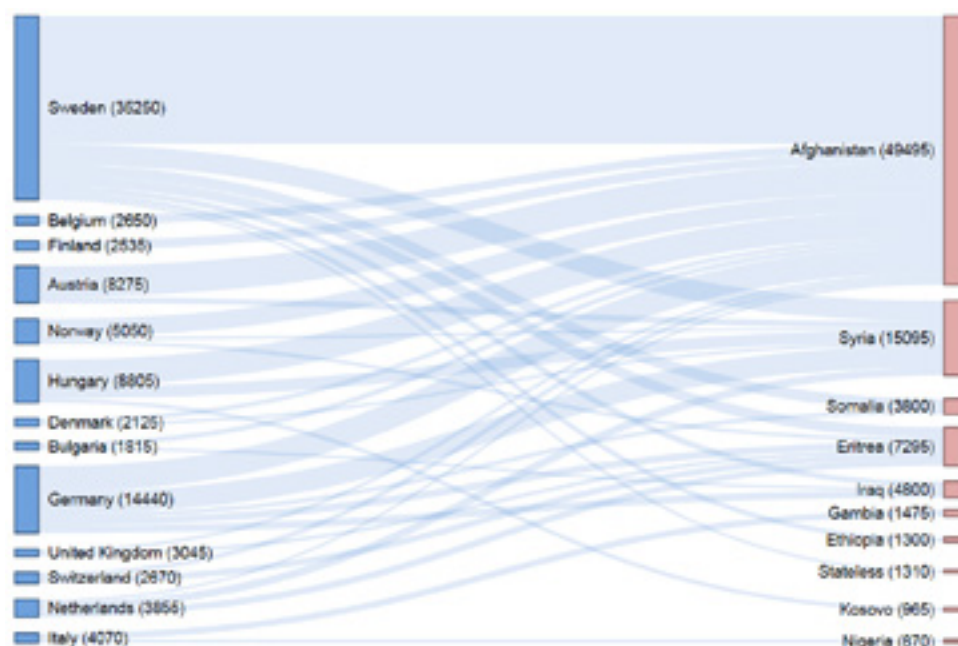


Figure 42: Sweden, Germany and Hungary received the largest number of UAM applications.

The law also comprises elements on legal representation for UAMs and family tracing at all steps of the procedure. Regarding gender issues, an applicant may, when this demand is obviously motivated by the fact that it would otherwise be difficult for him/her to explain all the circumstances of their case, ask for the interpreter and the case officer to be of a particular gender. Protection against FGM is reinforced, at the examination stage as well as after protection has been granted. Particular vulnerabilities are taken into account when deciding whether to extend detention. OFPRA may decide that the claim should not be examined in an accelerated manner and that the applicant should be released. In order to be able to put this in practice, in 2013 OFPRA created working groups acting as *referents* on the following issues: sexual orientation, violence against women, trafficking of human beings, victims of torture and unaccompanied minors. As an example of their activities, the UAM working group drafted guidelines on the examination of claims made by UAMs, providing in particular that one staff member should verify that a legal representative has been designated for each minor. Work is ongoing between OFPRA, the Ministry of Interior and the Ministry of Health regarding the protection of girls at risk of FGM. In addition, case workers are trained and specialised on specific issues, as well as interpreters. In some cases, applicants may attend the interview with a health worker.

In **Slovakia**, Act No 131/2015 amending the Act on Asylum introduced several significant changes relating to procedural guarantees for vulnerable groups, especially for unaccompanied minors⁽³⁷⁶⁾. Unaccompanied minors during the asylum procedure remain in facilities of the institution responsible for social protection of children and social guardianship rather than asylum facilities. An unaccompanied minor who, during the asylum procedure becomes an adult, may remain in the institution, particularly in case of young adults still in education up to the age of 25. Also, the Ministry of Interior cannot reject an application for asylum lodged by an unaccompanied minor as inadmissible, even if the applicant came from a safe third country. The law also introduced the obligation of the minor to be present when submitting declarations. In addition, the guardian of the unaccompanied minor may ask questions or make comments during the interview with the unaccompanied minor (not just before its completion as is the case for adult applicants). In **Poland** the Bill of 10 September 2015 amended the legislation with regard to guardianship, indicating that the respective court is obliged to make an order to appoint a legal guardian for a minor within three days. In parallel, the scope of responsibility of legal guardians was extended so that it encompasses not only proceedings for granting international protection but also issues of voluntary return, Dublin transfers and matters of social assistance. UNHCR also welcomed the newly introduced possibility to file the application for asylum on behalf of UAMs by a

⁽³⁷⁶⁾ Act No 131/2015 simultaneously amended Act No 305/2005 on Social Protection of Children and Social Guardianship, in particular with the following changes: established obligation for institutions responsible for social protection of children and social guardianship to inform the Ministry of Interior that a child who is an applicant for asylum has left without the consent. In the event that such a minor has stayed for more than seven days outside of the premises without the consent, it is a reason to cease procedure; and reinforced the cooperation with IOM and UNHCR in case of better conditions for mutual consultation, voluntary return etc.

non-governmental or an international organisation involved in the asylum field ⁽³⁷⁷⁾ In **Latvia**, UNHCR noted that the new Asylum Law, adopted in December 2015, introduced a number of important changes and improvements, including numerous references to the best interests of the child principle, the obligation to identify applicants in need of special procedural guarantees and vulnerable applicants with special reception needs.

Despite new legal provisions on vulnerable persons, in **Luxembourg** the lack of systematic identification of such applicants and how to address their needs as early as possible remains a challenge ⁽³⁷⁸⁾.

In **Hungary**, UNHCR noted the lack of an established mechanism to systematically assess specific needs of vulnerable applicants and delays in providing guardians for UAMs (the average waiting time was estimated at about five weeks). However, preparatory work was done in 2015 to implement the identification of vulnerable groups according to the 'Recast Reception and Procedures Directive' in the national legislation, as well as practical steps taken to enhance the efficiency of the procedure in UAM cases regarding the appointment of guardians, resulting in shortening of respective timeframes. In **Romania**, the mechanism for early identification of vulnerable persons remained in pilot phase until mid-2015 with UNHCR urging that it be further developed in line with the latest amendments to the Asylum Law.

Following a more than six-fold increase in applications from unaccompanied minors, in 2015 the number of guardians in **Belgium** increased substantially and coaching and training activities were launched ⁽³⁷⁹⁾. In 2015 the MINTEH bureau also reflected on particular situations such as underage marriage and child mothers. Similarly the CGRS has vulnerability-orientated units for gender and UAMs. The CGRS also further developed the project 'Best Interest of the Child' and examined how this can be implemented in the context of an asylum application. Since June 2015 the Public Prosecutor's Office in **Belgium** has access to the database of the Guardianship Service. Essential data on UAMs (identity, age determination, address, contact details of the guardian, more information in case of disappearance) can be consulted ⁽³⁸⁰⁾. In 2015 the identification process was accelerated due to more intensive cooperation between the Immigration Office, the Guardianship Service and Fedasil. In parallel, guidance standards were revised for applicants awaiting their age assessment or those who were almost adult. UNHCR welcomed the draft law that, as of 22 **January** 2015 ⁽³⁸¹⁾, makes it possible for a UAM to combine an asylum procedure with a procedure to obtain a residence permit for Belgium as a durable solution. In **Germany**, concerns were raised by UNHCR about access to guardianship for UAMs. Due to excessive workload affecting the youth welfare offices and the family courts (responsible for the nomination of a guardian) the appointment of a guardian – and thereby the practical opportunity for lodging an asylum application – is frequently delayed ⁽³⁸²⁾. In **Croatia**, it was reported that applicants under 16 were accommodated in homes for children without parental care. Three new pieces of legislation were passed in the **UK** regarding guardianship ⁽³⁸³⁾.

In 2015, due to the significant increase of UAMs, a substantial number of additional reception places for UAMs were created in **Belgium**, increasing the reception capacity of the first phase fivefold (and the number of first phase reception centres for UAMs from three to six). In the second phase, 65 % more places were provided. New operators were activated in the reception of UAMs and, for the first time, reception was also organised by private companies. In **Finland**, due to the sharp increase in the number of UAMs, accommodation capacity for minors was increased. In

⁽³⁷⁷⁾ before even if the minor was too young to express his/her will, no one was allowed to file such an application on his/her behalf.

⁽³⁷⁸⁾ See UNHCR comments on the respective draft legislation UNHCR Comments on the draft law No 6779 on international protection and temporary protection <<http://www.refworld.org/country,,,LUX,,566132804,0.html>

⁽³⁷⁹⁾ In April 2015, the Guardianship Service established a coaching programme for the guardians in collaboration with the Red Cross and Caritas International. The MINTEH unit of the Immigration Office, which addresses unaccompanied minors and victims of human trafficking, also provided training to new guardians.

⁽³⁸⁰⁾ Also the Immigration Office, the CGRS and the reception agency Fedasil will have access in order to ensure that they receive more swiftly accurate information on the place of residence.

⁽³⁸¹⁾ Draft law 54/0627/001 <http://www.dekamer.be/FLWB/PDF/54/0377/54K0377001.pdf>

⁽³⁸²⁾ Against the background of the sharp increase of newly arriving unaccompanied minors UNHCR is concerned about the qualification of guardians to represent unaccompanied minors in need of protection, notably with regard to the decision if an asylum application is in the best interest of the child and the support during the asylum procedure.

⁽³⁸³⁾ On 1 October a new Act of the Scottish Parliament was passed. The Human Trafficking and Exploitation (Scotland) Act 2015 provides an independent guardian for children who are believed to have been trafficked or are thought of being risk of being trafficked and have no-one acting in law as their parent. These can include asylum-seeking children. <http://www.legislation.gov.uk/asp/2015/12/section/11/enacted>. In Northern Ireland the Human Trafficking and Exploitation Act 2015 includes provision for trafficked and separated children who arrive in Northern Ireland without a parent, or primary caregiver, to be appointed an independent legal guardian. <http://www.legislation.gov.uk/nia/2015/2/enacted>. The Modern Slavery Act 2015 covering England and Wales includes a commitment to appoint child trafficking advocates which were trialled over the course of 2015 in a scheme run by the children's charity Barnardos. Where a child is also seeking asylum, they have access to an advocate. <http://www.legislation.gov.uk/ukpga/2015/30/section/48/enacted>, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/486138/icta-horr86.pdf

late 2015 a pilot project on foster care for UAMs was launched. In the **Czech Republic** it was noted that the capacity of the only mainstream facility offering services for UAMs was filled.

Concern regarding the standard of care for children in **Ireland's** Direct Provision system was raised by UNHCR and a number of NGOs last year following a report on the system ⁽³⁸⁴⁾ UNHCR also expressed concerns that the **Danish** asylum system still contains gaps regarding the handling of child asylum claims and in the application of the best interests of the child principle, e.g. in the context of family reunification, Danish law also only considers persons under 15 years of age to be children ⁽³⁸⁵⁾ The Ombudsman issued a report (No 41/2015, on 24 August 2015) on the gaps and deficiencies of the child protection system in **Cyprus**. The decision to allow NGO lawyers to legally represent an unaccompanied minor on the basis of the right afforded to all applicants to consult legal advisers on matters relating to their applications for international protection was welcomed by UNHCR. However, concerns regarding the prompt identification of persons with specific needs remain as procedures providing for a method for the identification of such applicants within a reasonable period after the application is made have not been adopted. As such, it was reported that some applicants may not have received the necessary medical care, social assistance, or counselling ⁽³⁸⁶⁾.

EPS also includes an indicator on withdrawn applications made by persons claiming to be UAMs. Initial indications from the data are that 5 536 UAMs withdrew their application in 2015, of which 4 584 or 83 % were implicitly withdrawn. Implicit withdrawals may be considered a possible proxy indicator for trafficking of children, but mostly indicate absconding from the procedure in the EU+ country where the application was lodged in order to travel onwards and apply again in the destination country of choice.

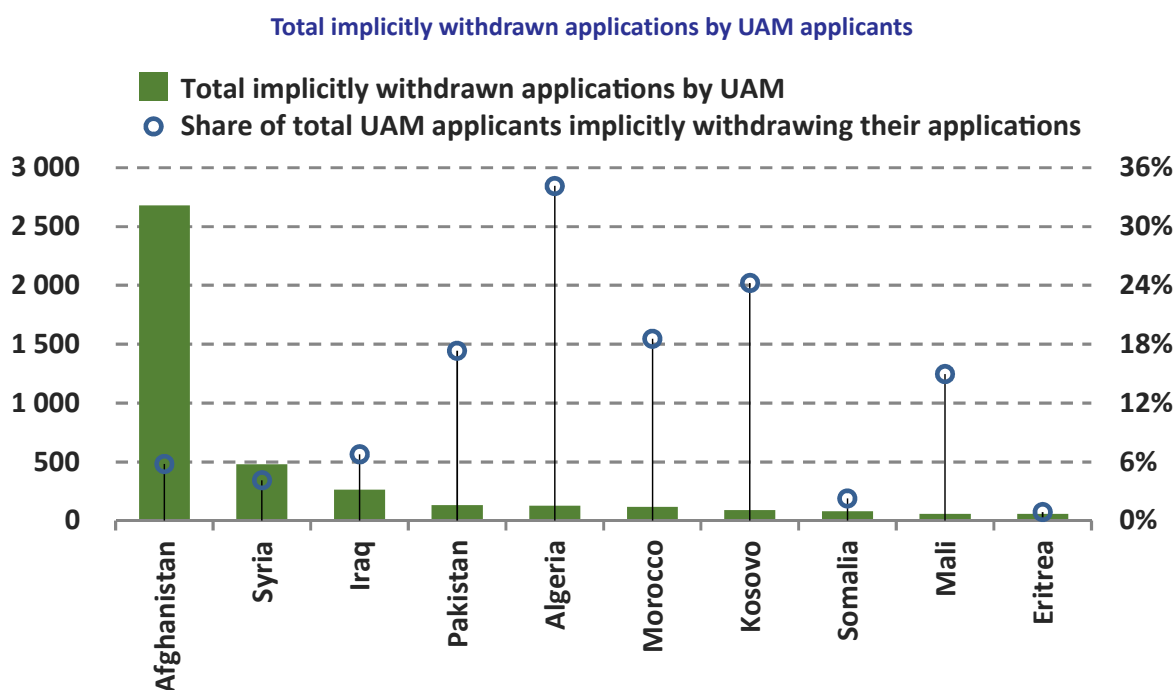


Figure 43: Most withdrawals by UAM applicants were implicit.

Source: EPS data, 2015

As shown in Figure 46, Afghan UAM applicants made the most implicit withdrawals (2 679). This means that of all 46 331 Afghan UAM applicants, 6 % implicitly withdrew their application in 2015. Other nationalities had much lower absolute numbers of implicitly withdrawn UAM applications: Syrians were the second recorded citizenship with 478 implicit withdrawals by UAM, followed by Iraqi UAM applicants with 266 implicit withdrawals. Algerian UAMs made

⁽³⁸⁴⁾ <http://www.justice.ie/en/JELR/Report%20to%20Government%20on%20Improvements%20to%20the%20Protection%20Process,%20including%20Direct%20Provision%20and%20Supports%20to%20Asylum%20Seekers.pdf/Files/Report%20to%20Government%20on%20Improvements%20to%20the%20Protection%20Process,%20including%20Direct%20Provision%20and%20Supports%20to%20Asylum%20Seekers.pdf>

⁽³⁸⁵⁾ Danish Migration Services: at <https://www.nyidanmark.dk/da-dk/Ophold/familiesammenfoering/boern/boern-under-15.htm>

⁽³⁸⁶⁾ UNHCR input.

the largest number of implicit withdrawals compared to the total number of UAM applicants: there were 126 implicit withdrawals compared to 369 applications by Algerian UAMs, a share of 34 %.

The majority of withdrawals by UAM applicants were recorded in Austria, Hungary and Sweden.

Several EU+ countries introduced practical measures to better address the needs of other vulnerable groups and improve related services:

The **Czech Republic** amendment to the Asylum Act included an exact definition of vulnerable persons. It has to be assessed within each international protection procedure if the concerned person is vulnerable and if special treatment is needed. The amendment also allows to increase a financial contribution to the applicant for international protection in case of special dietary requirements (e.g. due to pregnancy, illness, etc.) One of the centres for applicants with an overall capacity of 240 beds was allocated for families with minors and other vulnerable groups. In **Poland** amendments to the Act on granting protection to foreigners enhanced identification of vulnerable persons⁽³⁸⁷⁾ and clarified the categories of persons with special needs⁽³⁸⁸⁾. The Department for Social Assistance of the **Polish** Office for Foreigners introduced a dedicated procedure on how to proceed with vulnerable cases in terms of granting of social assistance benefits. Moreover, the Polish Border Guard introduced rules of proceedings in case of defining a detainee as a vulnerable person (especially, with health vulnerability), including specialist treatment. The standard operating procedures on how to identify vulnerable persons were developed by an NGO together with the Office for Foreigners in 2015 to be introduced in practice in 2016, depending on funding. In **Italy**, the asylum registration form (C3 form) was reviewed in order to ensure systematic prioritisation of vulnerable cases⁽³⁸⁹⁾. In most Territorial Commissions, referral mechanisms in order to seek expert advice were put in place. Also, in order to provide the determining authorities with specific indications and appropriate tools, a project in cooperation with UNHCR was started, aimed at drafting guidelines to promote the correct and early identification of alleged victims of human trafficking within the asylum procedure. Still, UNHCR noted that legal provisions regarding the arrangements for vulnerable persons with specific needs remain generic⁽³⁹⁰⁾. In **Bulgaria**, SAR with CM, jointly with the state institutions and non-governmental organisations, updated the national mechanism for referral and support to victims of trafficking and the standard operating procedures for prevention and addressing sexual and gender-based violence. In **Switzerland**, the State Secretariat for Migration (SEM) provided training for its employees on human trafficking. In **Spain**, international protection officers from the Spanish Office for Asylum and Refugees received training on gender, gender identity and sexual orientation claims, focusing on credibility aspects. However, the access to quality legal assistance and the activation by competent authorities of family tracing and reunification processes⁽³⁹¹⁾ continue to be a main concern, according to UNHCR.

In **Italy** new guidelines were provided to the Territorial Commissions, to set up operating procedures with the judicial authorities for the age assessment of unaccompanied minors – these include the necessity to prioritise the examination of applications lodged by UAMs and to use specific criteria for assessing their credibility. In the **UK**, UNHCR noted that two products were developed which aim to improve the process of age assessment: guidance for social workers who conduct age assessment and joint working guidance for the Home Office and children’s services within local authorities⁽³⁹²⁾. Asylum Policy Instructions and training on claims involving sexual identity issues (including LGBT) were updated during 2015⁽³⁹³⁾.

⁽³⁸⁷⁾ Including a possibility to request medical or psychological examinations to be carried out as part of the assessment, either requested by the asylum authority or organised by the foreigner on their own initiative and at their own expense.

⁽³⁸⁸⁾ Including in particular: minors, disabled people, elderly people, pregnant women and single parents with minor children, victims of trafficking, severely ill persons, persons with mental disorder, victims of torture, victims of physical and psychological abuse (including sexual harassment, as well as based on sex, sexual orientation and gender identity).

⁽³⁸⁹⁾ In particular, unaccompanied and separated children are systematically identified for prioritisation of their interview. The new C3 form also allows to refer other categories, including victims of torture, victims of trafficking, LGBTI, etc.

⁽³⁹⁰⁾ See among others: <http://garanteinfanzia.s3-eu-west-1.amazonaws.com/s3fs-public/documenti/Verso%20un%20sistema%20di%20tutela.pdf>; <http://www.unhcr.it/sites/53a161110b80eeaac7000002/assets/53a164330b80eeaac7000149/accertamento.pdf>; http://www.libertacivilimmigrazione.interno.it/dipim/export/sites/default/it/assets/pubblicazioni/Rapporto_accoglienza_ps.pdf; http://sitiarcheologici.lavoro.gov.it/AreaSociale/Immigrazione/minori_stranieri/Documents/Report%20di%20monitoraggio%2031%20dicembre%202015.pdf

⁽³⁹¹⁾ Ombudsman’s Office annual report 2015. Page 292. Available at: <https://www.defensordelpueblo.es/informe-anual/informe-anual-2015/>

⁽³⁹²⁾ <http://adcs.org.uk/safeguarding/article/age-assessment-information-sharing-for-unaccompanied-asylum-seeking-children>

⁽³⁹³⁾ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/404372/EXT_Asylum_Instruction_Sexual_Identity_Issues_in_the_Asylum_claim_v5_20150211.pdf

As a part of new process for handling asylum cases developed by the **Swedish** Migration Agency, tools and methods for identification of persons with special needs throughout the process were developed further activities are planned based on EASO tool for identification of persons with special needs ⁽³⁹⁴⁾ The very high influx of UAMs in **Sweden** resulted in certain practical difficulties in addressing their needs. UNHCR noted concerns regarding: long processing times for applications, delays in providing guardians and school places for children, as well as overcrowding in childcare facilities.

Another difficulty lies in ensuring that equal standards are guaranteed in reception facilities in all locations, therefore many EU+ countries offer specialised reception facilities where applicants with special needs can be accommodated. Such facilities are often co-funded by ERF. Still, shortage of suitable accommodation catering for their specific reception needs also remained an issue.

4.12. Content of protection

Persons who have been granted a form of international protection in an EU+ country can benefit from a range of rights and benefits linked to this status. EU standards in that regards are laid down in Chapter VII of the recast Qualification Directive which prescribes what is the content of protection granted in terms of protection from refoulement, information, maintaining family unity, residence permits, travel documents, access to employment and education, access to procedures for recognition of qualifications, social welfare, healthcare, support provided for unaccompanied minors, access to accommodation, freedom of movement within the Member State, access to integration facilities and repatriation (for beneficiaries of international protection who wish to be repatriated).

In 2015, several EU+ countries amended legislation concerning content of protection granted and analysed its impact. In **Denmark**, amended legislation prescribes that subsidiary protection status is initially granted for one year only. From now on, recognised asylum applicants can request family reunification only after the first extension of their residence permit has been made ⁽³⁹⁵⁾. As of 1 March 2015 the amended law of Legal Status of Aliens in **Lithuania** established equal rights for the beneficiaries of refugee status and subsidiary protection (including the right of a beneficiary of subsidiary protection to family reunification). The **Norwegian** government announced in November 2015 that it would review welfare benefits to refugees and immigrants with the aim of implementing cutbacks ⁽³⁹⁶⁾. **France** amended the law so that the residence permit granted to beneficiaries of subsidiary protection is renewed for two years after the first issuance of a residence permit of one year ⁽³⁹⁷⁾. Family reunification procedures were also simplified and extended to other members such as civil partners, parents of the minor beneficiary of a protection, unmarried partners (in certain cases) and children from previous unions (in certain cases). In practical terms, the protection division noted a bigger workload and was reorganised due to high numbers of persons granted protection (which required issuing documents).

⁽³⁹⁴⁾ A pilot project will be carried out in order to see if the tool is efficient and useful as a part of the process of identifying persons with special needs. The pilot project further aims at identifying what support and education that is needed for using the tool.

⁽³⁹⁵⁾ UNHCR noted that, in early 2015, a new 'temporary subsidiary protection status' targeting persons fleeing countries in conflict and violence entered into force. Following the June 2015 elections, the new government introduced further restrictions with the outspoken aim of decreasing the number of asylum seekers coming to Denmark. <https://www.retsinformation.dk/Forms/R0710.aspx?id=168119>

⁽³⁹⁶⁾ In its review, the Government will analyse, among other things: issues related to membership of the Norwegian National Insurance Scheme; requirements related to period of residence and the right to residence-related benefits; benefits derived from employment based on a temporary work permit (the right to unemployment benefits; daily cash benefits in the case of sickness; work assessment allowance; disability benefits; and occupational injury benefits); special schemes for people with refugee status; and the potential for and impact of restricting economic rights in accordance with legislation administered by the municipalities.

⁽³⁹⁷⁾ The family members of a beneficiary of international protection are entitled to a residence permit of 10 years (refugee) or one year (beneficiary of subsidiary protection). Family members comprise unmarried partners/civil partners and ascendants of the minor beneficiary of a protection.

4.12.1 Integration

Several countries took steps in 2015 to elaborate and adopt national plans related to the integration of third-country nationals. This issue was particularly important for countries facing a significant increase in the number of beneficiaries of international protection. An Action Plan on Integration ⁽³⁹⁸⁾ was adopted by the ministerial working group on migration in **Finland** in November 2015 in anticipation of an increase of 10 000 persons in need of integration support by the end of 2016. In parallel, Finland prepared legislative proposals aimed at tightening family reunification criteria and dispensing with the (national category) humanitarian protection from the Aliens' Act. Effective integration of those who have been granted asylum was also underlined in the Government Action Plan on Asylum in December 2015. In **Belgium** work was done by several employment and training centres (VDAB, Forem, Actiris) to develop specific information programmes for a growing number of beneficiaries of international protection (and asylum applicants) and encourage employers to employ this specific group. In parallel, a new law limiting the validity of the initial residence permit granted to refugees to five years (while the permit is renewable) ⁽³⁹⁹⁾ is expected to come into force in 2016. Overall challenges regarding the integration of beneficiaries of international protection in the Belgian context are substantial, in particular regarding housing. The **Czech** government approved a new concept of the State Integration Programme on 20 November 2015 (enforced on 1 January 2016). The programme enhances the integration process especially in terms of free Czech language courses, provision of accommodation in the integration asylum centres, assistance in requalification and accessing the labour market, and assurance of further accommodation and integration by municipalities if needed.

The Action Plan for Relocation and Resettlement of Persons in Need of International Protection to **Latvia** was an important factor in facilitating improvement of integration policies applied to beneficiaries of international protection. The plan was prepared in close cooperation with the relevant line ministries (Ministry of Welfare, Ministry of Health, Ministry of Education etc.) and particularly focuses on rights and services provided to refugees and persons granted subsidiary protection.

In 2015, following the resolution of the **Slovak** Republic Government No 568/2015, a process to elaborate a comprehensive integration programme for beneficiaries of international protection in Slovakia was initiated and connected activities were carried out ⁽⁴⁰⁰⁾. In line with its action plan to eliminate barriers to certain rights regarding integration of foreigners for 2014–2015, the **Croatian** Ministry of Science, Education and Sports in 2015 concluded an agreement with institutions that conduct the Program of Learning Croatian language, history and culture for refugees and beneficiaries of subsidiary protection in Zagreb, Velika Gorica, Kutina, Poreč and Split.

In 2015, **Germany** launched a series of pre-integration measures for applicants for international protection (see Section 4.6. *Reception of applicants for international protection*).

4.13. Return

Effective return of failed asylum seekers is an integral part of a credible asylum system. EU law on return is covered in the remit of general immigration/aliens law. For the practical functioning of the CEAS, whether a failed asylum applicant is effectively returned to their country of origin is of essential interest, since an inability to return may constitute a major pull factor.

Return procedures include voluntary return (whereby a person complies with a return decision and can be provided with support by the Member States inter alia in terms of covering the travel costs of return) and forced return (whereby a person is returned by the public authorities of the Member State to their country of origin or to another country where they have a legal title to stay).

⁽³⁹⁸⁾ The Action Plan includes over thirty actions, emphasising the importance of identification of immigrants' skills, their smooth placement in municipalities and their employment. Identifying migrants' skills and directing them to education or work is stressed. Work trials will also be increased and electronic services further developed. In addition, efforts will be made to better exploit immigrants' opportunities for innovation and business.

⁽³⁹⁹⁾ Up till now an asylum applicant that is granted refugee status received a residence permit of unlimited duration.

⁽⁴⁰⁰⁾ The integration project is implemented by the Slovak Catholic Charity in agreement with the Ministry of Interior.

A person who has formally been refused international protection may still be granted leave to remain in the Member State (outside of the scope of the asylum law and under national migration and residence law) if their return is not feasible, e.g. for technical reasons or because of the situation in the country of origin. Therefore, return policies remain in line with developments in the countries of origin or other factors.

EASO activities on return of failed asylum seekers

EASO has been working to develop and improve information about the return of failed asylum seekers. It has drafted guidance ⁽⁴⁰¹⁾ for Member States regarding the practical application of Article 10(d) of the Eurodac Regulation that entered into force in July 2015 and which requires Member States to update the Eurodac record when an asylum seeker's right to remain has ceased and they ensure that he is effectively returned. This is a rather complex requirement that makes it necessary for Member States to improve their system for registering returns (voluntary and forced) to be able to report on whether these returns relate to persons who have been issued a return decision following the rejection or withdrawal of their asylum application. Based on this new legal requirement, EASO designed two new statistical indicators for EPS: return decisions and effective returns of failed asylum seekers. Data collection for EPS III stage, including these return indicators, started in September 2015. The majority of Member States started to provide data in 2015 and compliance is expected to improve throughout 2016.

Information on return of all types (not only of failed asylum seekers) can also be drawn from data collected by Frontex ⁽⁴⁰²⁾. According to that data, in 2015, EU Member States reported 286 725 return decisions issued to third-country nationals overall as a result of an administrative or judicial decision, which represented a 14 % increase compared to 2014. Unfortunately, this figure does not provide a complete picture of the situation however, since (as of 22 January 2016) data on decisions were unavailable for, inter alia, **France**, the **Netherlands** and **Sweden**, which only reported effective returns but presumably also issued a high number of decisions. At the same time, Member States reported 175 220 effective returns to third countries ⁽⁴⁰³⁾.

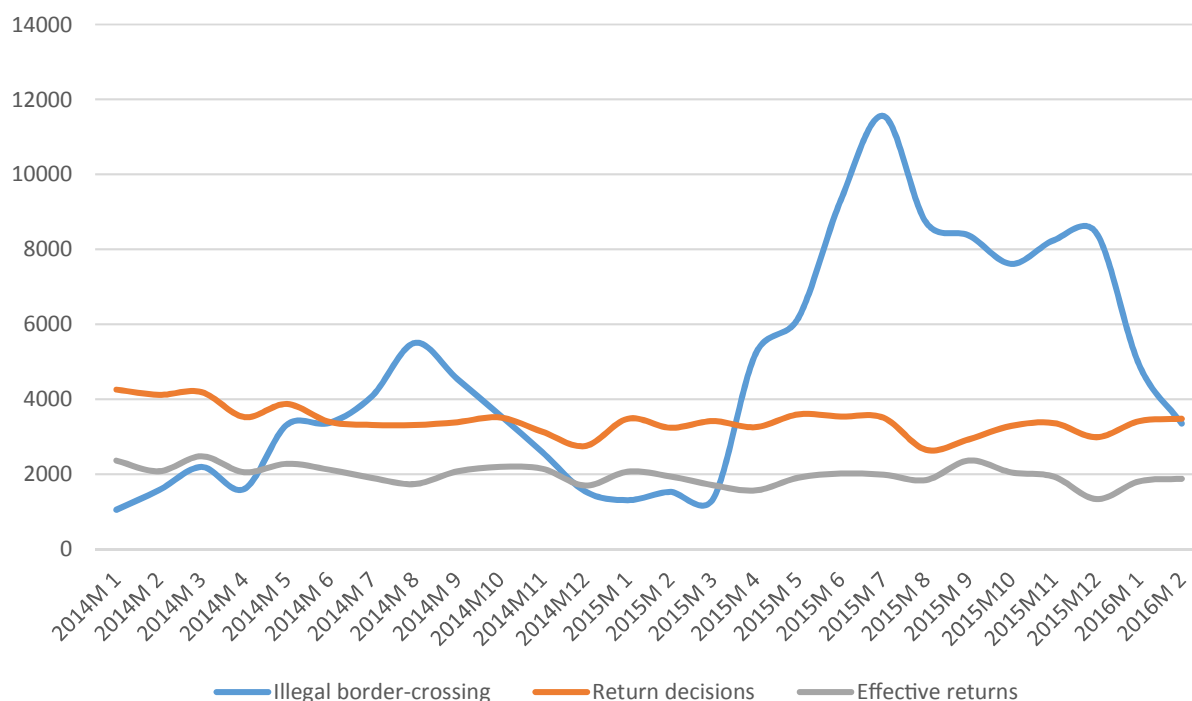
Over the past few years, the number of effective returns has remained largely stable, despite large fluctuations in the number of detections of illegal border-crossing and detections of illegal stay. This stability illustrates that the number of effective returns largely depends on available resources, in particular on the number of officers and the detention capacities in place prior to the return. Not all Member States reported whether the return was preceded by a negative asylum decision. Among those 16 Member States that submitted this information, 10 % of all effective returns were conducted as a consequence of a negative asylum decision.

Analysing data on nationalities that are unlikely to obtain asylum (as they are the nationalities most likely to be subject to return), i.e. with a first-instance asylum recognition rate of less than 30 % (Algerian, Bangladeshi, Ghanaian, Malian, Nigerian, Pakistani, Senegalese and Sri Lankan nationals), reveals that despite a strong increase in the level of irregular migration into the EU, the number of return decisions issued for these nationals remained stable.

⁽⁴⁰¹⁾ Available at: <https://easo.europa.eu/wp-content/uploads/Practical-guidance-on-Art10d-EURODAC-version-1.pdf>

⁽⁴⁰²⁾ Frontex Response to EASO Request for Information Return-related indicators in the context of irregular migration to the EU (19 April 2016).

⁽⁴⁰³⁾ As in previous years, the total number of effective returns to third countries was far lower than the number of return decisions. There are several reasons for this discrepancy, starting with the difficulty to take into account a voluntary return out of any official record of a certain number of migrants who were issued a return decision. Member States do not systematically exchange personal information on return decisions, thus an individual departure from the EU through another Member State than the one that has issued the return decision would generally not be registered. Under these circumstances it is difficult to ascertain that a return decision has effectively been implemented. Within the reported number of effective returns to third countries, 47 % were on a voluntary basis and 41 % were forced returns, while for 12 % the type of return was not specified. Another challenge is related to the legislative framework of a given Member State. The more possibilities the migrant has to lodge appeal procedures, the more likely it is that one person receives several return decisions. In addition, many decisions to return voluntarily do not materialise as the persons decide to stay illegally. There are also numerous practical challenges, in particular the difficulties to obtain adequate travel documents from the authorities of the countries of origin.

Figure 44: Number of effective returns for nationalities with low recognitions rates remained stable ⁽⁴⁰⁴⁾.

Source: Frontex data as of 22 January 2016

Also the number of effective returns did not increase and remained at about 2 000 per month. This first comparison indicates that effective returns have been unresponsive to, or even disconnected from, the sharp increases in irregular migration flows. This may be due to national procedures of processing asylum applications and issuing return decisions, and frequently encountered difficulties in obtaining information from the countries of origin in the identification process.

A high number of applications for international protection in EU+ countries in 2015 led to several developments in the area of return of former applicants for international protection.

In the **Czech Republic**, the amendment to the Asylum Act simplified the provisions concerning the request for assisted voluntary return and sets out the provision to ask for assisted voluntary return in a certain time limit after the negative decision on international protection comes into force. In **Hungary** a legislative change transferred the right to issue return decisions to the refugee authority who issued the negative asylum decision, whereas the immigration authority is responsible for the implementation of such a decision. Main practical obstacles noted in 2015 were the lack of travel documents and lack of cooperation by the applicant and the authorities of the country of origin concerning identification and issuing of a travel document. In **Poland** the Office for Foreigners (first-instance determining authority) does not organise voluntary returns for rejected asylum seekers anymore since that competence was transferred to the Polish Border Guard. In view of the growing issue of misuse of asylum procedure with multiple repetitive applications, the Border Guard in 2015 conducted a monitoring programme to ensure timely launching of return procedures of former applicants ⁽⁴⁰⁵⁾.

Other EU+ countries prioritised returns of certain groups to prevent saturation of resources and to address security concerns.

⁽⁴⁰⁴⁾ Detections of illegal border-crossing, return decisions and effective returns for selected nationalities with a first-instance asylum recognition rate of less than 30% at EU level in 2015 (Algerian, Bangladeshi, Ghanaian, Malian, Nigerian, Pakistani, Senegalese and Sri Lankan nationals); Illegal border-crossing on the Western Balkans route excluded to avoid double counting.

⁽⁴⁰⁵⁾ Since 1 May 2014 a negative asylum decision do not contain an order to leave and the return procedure has to be launched separately after the asylum procedure is finished.

Sweden prioritised returns of rejected asylum seekers living in accommodation provided by the SMA, achieving an increase of voluntary returns, especially for citizens of Albania and Kosovo, and reducing handling times. As two actors, the SMA and the police, are responsible for return in Sweden, new division of responsibilities is being prepared ⁽⁴⁰⁶⁾. **Belgium** prioritised the return of failed applicants with absolute priority given to the return of persons for whom public order issues were noted. Belgium also successfully launched specific information campaigns towards Iraqi and Afghan asylum seekers in Belgium (but also in the country of origin) travelling to the country under false pretexts (e.g. regarding financial and social benefits).

From 1 July 2015 **Finland** included assisted voluntary return programmes as a part of reception centres' regular services ⁽⁴⁰⁷⁾. Staff resources for coordination of voluntary return were strengthened in both FIS and IOM (as the service provider). However, a large number of withdrawn applications and negative decisions caused congestion of the system and prompted many persons to return on their own. A plan to establish special return centres for failed asylum, combined with other measures ⁽⁴⁰⁸⁾, was initiated in 2015, succeeding in processing the backlog of assisted voluntary returns almost fully by March 2016 and normalising waiting times for AVR. Efforts also continued in Finland to promote cooperation on voluntary and forced return with Iraq and Afghanistan including negotiations on bilateral agreements on return.

Norway undertook measures to tailor support available to various groups benefiting from assisted return – in June 2015 the Norwegian Directorate of Immigration (UDI) initiated a one-year project through which persons with a valid travel document can receive extra economic support if they apply for assisted return, while as of 1 September financial support for several other groups was reduced. Norwegian authorities also implemented several activities aimed at persons staying in the reception centres (as well as persons without legal permits to stay in Norway and not staying in reception centres), in order to inform them of the duty to return to their home country if not qualifying for a permit in Norway, and the possibility to choose assisted return to their home country. In 2015 the Norwegian government also had meetings with Eritrean authorities concerning the return of persons to Eritrea. In the **Netherlands** Kosovar nationals who applied for asylum after 6 August 2015 are no longer entitled to a financial or in-kind contribution for reintegration support when returning to Kosovo.

EU+ countries also took measures to improve international and internal coordination of return activities.

In **Switzerland** a decision was taken in November 2015 to fully participate in the joint return operation (JRO) within the European forced return network co-financed and co-organised by Frontex. Switzerland also stopped its country-specific programme for Tunisia due to the low number of participants, while country-specific programmes for Guinea and Nigeria continue.

In **Germany** the Federal and Länder governments continued the implementation of the coordination centre *integriertes Rückkehrmanagement* (IRM) (Integrated return management) launched in late 2014. Different aspects of returns (voluntary/forced return, reintegration) were scrutinised holistically and a first report was presented with recommendations to remove shortcomings and discrepancies in practices by various actors. The focus of IRM is to strengthen voluntary returns following a leave order. A significant increase in the number of departures (both in terms of voluntary and forced returns) was already noted.

Austria undertook several measures to further prioritise the return of rejected applicants. Organisation and participation in joint-return operations, reducing handling times etc. were just some of the measures. With regard to voluntary return, assistance was reduced/revoked especially for citizens of Kosovo. The assisted voluntary return and reintegration projects with AFGH, PAK and RF were continued.

⁽⁴⁰⁶⁾ A pilot project for a closer cooperation between the Agencies will start during 2016 with the aim to streamline the returns/enforcement process. A revised Protection Process that will be implemented during 2016 will intensify the work on establishing identities and this will be done earlier in the asylum process.

⁽⁴⁰⁷⁾ A potential returnee now applies for the AVRR in the reception centre where he/she is accommodated. The reception centre makes decision on support and the necessary services for organising the return and reintegration services are organised by IOM and ERIN service providers.

⁽⁴⁰⁸⁾ A specific transit-department was created with a reception centre located near the airport in order to accommodate persons who are returning voluntarily. The police has also intensified actions for acquiring travelling tickets and travel documents for these returnees. The aim of the arrangement was to decrease the backlog in return operations and speed up the return of migrants who do not need other special support (than tickets) in order to return to their country of origin. Establishment of another return centre is under examination.

In 2015, the **Danish** Directorate of Immigration worked with the Danish Refugee Council on a return programme to Somalia.

A positive development was noted in **Cyprus** by UNHCR in 2015 with the operation of the first AVR project. A similar project is funded also for 2016-2017 and implemented by IOM.

5. Conclusion

Information and analysis provided by EASO in this report, both as regards statistical data and qualitative information on the functioning of various aspects of the CEAS, provides several insights on practical challenges and key issues to be tackled by EU+ countries, as well as the impact of the work of EASO.

In recent years, migratory flows into the EU+ have proven to be prone to rapid increases. The generally volatile and unstable situation in many regions of the world was a strong factor in the unprecedented influx to EU+ countries, highlighting the need for close monitoring of situations in countries of origin of applicants for international protection, and the need for synchronised contingency planning and flexibility to swiftly provide an appropriate response. EASO plays an important part in stimulating common work on country of origin information and will continue to enhance its role in supporting high quality, up-to-date and comprehensive information on developments in countries of origin in line with its 'clearing-house' role.

Similarly, a glance at statistical information in this report underscores the importance of timely statistical information on all relevant aspects of the asylum process, from arrival and access to procedure to successful integration or return, depending on the outcome of the individual case. The statistical data collection successfully implemented by EASO in the framework of its Early Warning and Preparedness System has provided valuable real-time information on the situation in EU+ countries and contributed to a tailored response by EU+ countries to developments on the ground.

Operational support provided by EASO to Member States under particular pressure gained a new dimension in 2016 with the agency closely involved in the implementation of several EU initiatives, most notably the emergency relocation scheme from Italy and Greece. Building upon its previous experience in support in ground work and joint processing with the involvement of expert teams, EASO has taken on a new role by strengthening its operational support response, launching relevant practical tools, exploring new methods of work and cooperation with other stakeholders and establishing its presence in hotspots.

The complexity of the legal framework of EU asylum *acquis* underpinning the CEAS gained a new dimension in 2016 with several EU+ countries overhauling their legal norms concerning international protection. This included but was not limited to the finalisation of transposition of the recast package. EASO's work in gathering information on best practices, and creating guidance materials and training programmes helped to create a better level of harmonisation and aimed to inspire adherence to high standards in asylum decision-making and reception at all levels.

In view of plans announced by the Commission in early 2016, EASO is entering a new stage in its development, moving towards new and enhanced responsibilities and a new mandate, building upon its work so far. The Annual Report on the Situation of Asylum in the EU will remain an important tool in providing a comprehensive, objective picture of the CEAS and related EASO work.

ANNEXES

A. List of abbreviations

AF	Afghanistan
AL	Albania
AM	Armenia
AMIF	Asylum, Migration and Integration Fund
APD	Asylum Procedures Directive
AST	Asylum Support Teams
BA	Bosnia and Herzegovina
BAMF	Federal Office for Migration and Refugees (Germany)
BD	Bangladesh
BFA	Federal Office for Immigration and Asylum (Austria)
CADA	Centre d'Accueil de Demandeurs d'Asile (France)
CD	Democratic Republic of Congo
CEAS	Common European Asylum System
CGRS	Office of the Commissioner General for Refugees and Stateless Persons (Belgium)
CJEU	Court of Justice of the European Union
CN	China
CNDA	Cour Nationale du Droit d'Asile / National Asylum Appeal Court (France)
COI	Country of Origin Information
DZ	Algeria
EASO	European Asylum Support Office
ECHR	European Convention on Human Rights
ECRE	European Council on Refugees and Exiles
ECtHR	European Court of Human Rights
EMN	European Migration Network
EPS	Early warning and Preparedness System
ER	Eritrea
ERF	European Refugee Fund
EU	European Union
Fedasil	Federal Agency for the Reception of Asylum Seekers (Belgium)
FIS	Finnish Immigration Service
FGM	Female Genital Mutilation
FYROM	The Former Yugoslav Republic of Macedonia
FRONTEX	EU Agency for the Management of Operational Cooperation at the External Borders
GE	Georgia

GM	Gambia
GN	Guinea
ICMC	International Catholic Migration Commission
IDP	Internally Displaced Person
IOM	International Organisation for Migration
IQ	Iraq
IR	Iran
IS	Islamic State
ISIS	Islamic State in Iraq and Sham
LGBT	Lesbian, Gay, Bisexual, Transgender
LK	Sri Lanka
MS	Member State(s)
NG	Nigeria
NGO	Non-governmental Organisation
OFPRA	Office français de Protection des Réfugiés et Apatrides
ORAC	Office of the Refugee Applications Commissioner (Ireland)
PK	Pakistan
QD	Qualification Directive
RS	Serbia
RSD	Refugee Status Determination
RU	Russian Federation
SMB	Swedish Migration Board
SN	Senegal
SO	Somalia
SY	Syrian Arab Republic
UA	Ukraine
UAM	Unaccompanied Minor
UASC	Unaccompanied Asylum Seeking Children
UNHCR	United Nations High Commissioner for Refugees

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C. Key terms

Accelerated procedure

The process that examines applications for international protection in an expedited manner.

Admissibility procedure

The process that determines whether an application should be further processed with regard to its merit or dismissed.

Asylum *acquis*

All rights and obligations that are binding on EU Member States with regard to asylum and migration.

Asylum Procedure Directive (APD)

EU directive that guarantees access to a fair and efficient asylum procedure.

Common European Asylum System (CEAS)

A framework of agreed rules establishing a common approach to international protection across the EU.

Country of origin

The country of nationality or, for stateless persons, of former habitual residence.

Dublin procedure

The process that determines which Member State is responsible for examining an application for international protection.

Early warning and Preparedness System (EPS)

An EASO mechanism that helps Member States deal with the most recent data on the fluctuating flows of applicants for international protection.

Humanitarian protection

A form of protection granted for various reasons according to national law.

Internally Displaced Persons (IDPs)

People who have been forced to flee their homes and who have not crossed an internationally recognised State border.

Internal Flight Alternative (IFA)

The option for someone to seek/access protection in a safe place within their own country.

Push/pull factors

The issues that motivate an applicant to leave their country and the corresponding ones that prompt them to travel to a specific Member State.

Qualification Directive (QD)

EU directive that outlines conditions to grant protection and types of rights linked to it.

Reception Conditions Directive (RCD)

EU directive that ensures a certain standard of reception conditions for applicants across the EU and respect for their fundamental rights.

Recognition rate

The number of positive decisions on applications for international protection as a proportion of the total number of decisions.

Refoulement

The return by a state of an individual to another state where they may be persecuted.

Refugee status

The recognition by a Member State of a third-country national or stateless person as a refugee.

Subsidiary protection

Alternative protection given to a third-country national or stateless person who does not qualify as a refugee but needs protection for certain reasons.

***Sur place* refugee**

A person granted refugee status while already in a Member State based on protection needs arising from events that occurred after they left their country of origin.

Third-country national

Someone who is not an EU citizen.

Unaccompanied minor (UAM)

A minor who arrives in a Member State unaccompanied by the adult responsible for them.

Vulnerable persons

This includes, but is not limited to, unaccompanied minors, disabled people, pregnant women, victims of human trafficking and torture or violence.

D. Statistics

Disclaimer

Figures used in this Report relate to annual datasets published on the Eurostat website on 7 March 2016 (for applicants for international protection, pending cases, withdrawn applications, asylum decisions in first instance) and on 12 April 2016 (for asylum decisions in second and higher instance and unaccompanied minors), and collected in the framework of Regulation (EC) 862/2007, unless otherwise stated.

The data used for this publication are provided to Eurostat by the Ministries of Interior, Justice or immigration agencies of the Member States. Data are entirely based on relevant administrative sources. Apart from statistics on new asylum applicants, these data are supplied by Member States according to the provisions of Article 4 of Regulation (EC) 862/2007 of 11 July 2007 on Community statistics on migration and international protection.

It should be noted that the indicators on asylum applicants, first-time asylum applicants, and withdrawn applications are collected by Eurostat on a monthly basis. Similarly, indicators on first-instance decisions: refugee status granted, subsidiary protection status granted, authorisation to stay for humanitarian reasons granted, and rejections are submitted to Eurostat on a quarterly basis.

It is important to note that the Eurostat Technical Guidelines for data collection were amended in December 2013 and subsequently entered into force in the reference month of January 2014. The change affects the backward comparability of 2014 data. The main changes in the Eurostat Technical Guidelines for the data collection that affect the above comparison are:

- clarification of the first-time and repeated applicant concepts;
- addition of an instruction on how persons subject to a Dublin procedure should be counted in the pending cases table;
- instruction not to report cases where another Member State assumed responsibility as negative asylum decisions;
- clarification of the concept of humanitarian protection.

For the aforementioned indicators, the annual figures presented in the following annexes are computed as the aggregation of data submitted to Eurostat throughout the year on a monthly (or quarterly) basis.

The figures presented in this publication are provisional and may be subject to update or revision from the Member States.

Data made available on the Eurostat website are rounded to the nearest five. As such, aggregates computed on the basis of rounded figures may slightly deviate from the actual total.

Also, please be advised that a '0' may not necessarily indicate a real zero value but could also represent a value of '1' or '2'.

Annex D1: Asylum applicants in the EU+ by Member States and main citizenship, 2011-2015

	2015					% chg. on last year	Share in EU+	per million inhabitants	Highest share	Sparkline
	2011	2012	2013	2014	2015					
Reporting country						Citizenship				
Germany	53 235	77 485	126 705	202 645	476 510	↑ + 135	34%	5,900	Syria (34%)	
Hungary	1 690	2 155	18 895	42 775	177 135	↑ + 314	13%	17,973	Syria (36%)	
Sweden	29 650	43 855	54 270	81 180	162 450	↑ + 100	12%	16,666	Syria (32%)	
Austria	14 420	17 415	17 500	28 035	88 160	↑ + 214	6%	10,280	Afghanistan (29%)	
Italy	40 315	17 335	26 620	64 625	84 085	↑ + 30	6%	1,383	Nigeria (22%)	
France	57 330	61 440	66 265	64 310	75 750	↑ + 18	5%	1,141	Sudan (7%)	
Netherlands	14 590	13 095	13 060	24 495	44 970	↑ + 84	3%	2,661	Syria (42%)	
Belgium	31 910	28 075	21 030	22 710	44 660	↑ + 97	3%	3,967	Syria (23%)	
Switzerland	23 615	28 400	21 305	23 555	39 445	↑ + 67	3%	4,788	Eritrea (25%)	
United Kingdom	26 915	28 800	30 585	32 785	38 800	↑ + 18	3%	598	Eritrea (10%)	
Finland	2 915	3 095	3 210	3 620	32 345	↑ + 794	2%	5,911	Iraq (63%)	
Norway	8 990	9 675	11 930	11 415	31 110	↑ + 173	2%	6,021	Syria (34%)	
Denmark	3 945	6 045	7 170	14 680	20 935	↑ + 43	2%	3,699	Syria (41%)	
Bulgaria	890	1 385	7 145	11 080	20 365	↑ + 84	1%	2,828	Iraq (34%)	
Spain	3 420	2 565	4 485	5 615	14 780	↑ + 163	1%	318	Syria (39%)	
Greece	9 310	9 575	8 225	9 430	13 205	↑ + 40	1%	1,216	Syria (27%)	
Poland	6 885	10 750	15 240	8 020	12 190	↑ + 52	1%	321	Russia (65%)	
Ireland	1 290	955	945	1 450	3 275	↑ + 126	0%	708	Pakistan (41%)	
Luxembourg	2 150	2 050	1 070	1 150	2 505	↑ + 118	0%	4,450	Syria (25%)	
Cyprus	1 770	1 635	1 255	1 745	2 265	↑ + 30	0%	2,674	Syria (45%)	
Malta	1 890	2 080	2 245	1 350	1 845	↑ + 37	0%	4,297	Libya (49%)	
Czech Republic	750	740	695	1 145	1 515	↑ + 32	0%	144	Ukraine (46%)	
Romania	1 720	2 510	1 495	1 545	1 260	↓ - 18	0%	63	Syria (44%)	
Portugal	275	295	500	440	895	↑ + 103	0%	86	Ukraine (41%)	
Slovakia	490	730	440	330	330	↑ + 0	0%	61	Iraq (52%)	
Latvia	340	205	195	375	330	↓ - 12	0%	166	Iraq (26%)	
Lithuania	525	645	400	440	315	↓ - 28	0%	108	Ukraine (21%)	
Slovenia	355	295	270	385	275	↓ - 29	0%	133	Afghanistan (18%)	
Estonia	65	75	95	155	230	↑ + 48	0%	175	Ukraine (41%)	
Croatia	:	:	1 075	450	210	↓ - 53	0%	50	Algeria (12%)	
Citizenship						Reporting country				
Syria	9 240	25 670	52 745	127 885	383 710	↑ + 200	28%	17,317	Germany (42%)	
Afghanistan	30 245	30 390	27 835	42 735	196 170	↑ + 359	14%	6,203	Hungary (24%)	
Iraq	16 105	13 860	11 325	21 915	130 295	↑ + 495	9%	3,743	Germany (24%)	
Kosovo	10 685	10 925	21 180	38 440	73 205	↑ + 90	5%	40,153	Germany (51%)	
Albania	3 190	7 750	11 355	17 285	68 620	↑ + 297	5%	23,719	Germany (80%)	
Pakistan	16 470	20 100	21 195	22 450	48 540	↑ + 116	3%	262	Hungary (31%)	
Eritrea	10 430	11 995	20 295	46 745	47 020	↑ + 1	3%	9,201	Germany (23%)	
Nigeria	15 295	10 620	13 955	21 320	32 260	↑ + 51	2%	182	Italy (56%)	
Serbia	15 635	21 060	22 745	31 170	30 295	↓ - 3	2%	4,258	Germany (89%)	
Iran	12 675	14 415	13 165	11 175	28 515	↑ + 155	2%	365	Germany (20%)	
Somalia	15 255	17 265	18 810	18 140	22 820	↑ + 26	2%	2,170	Sweden (24%)	
Unknown	3 370	3 545	4 290	9 855	22 680	↑ + 130	2%	n.a.	Germany (70%)	
Russia	18 935	25 000	42 255	20 215	22 510	↑ + 11	2%	157	Poland (35%)	
Ukraine	980	1 155	1 120	14 400	22 390	↑ + 55	2%	492	Italy (21%)	
Stateless	2 820	3 930	10 405	16 820	20 995	↑ + 25	2%	n.a.	Sweden (37%)	
Other	160 315	155 685	171 650	201 380	242 130	↑ + 20	17%	n.a.	Germany (27%)	
EU+	341 645	373 365	464 325	661 930	1,392,155	↑ + 110		2,676	Germany (34%)	

Annex D2: First time asylum applicants by Member States and main citizenship, 2011-2015

Reporting country	2011-2015					2015			Highest share	Sparkline
	2011	2012	2013	2014	2015	% chg. on last year	Share in EU+	per million inhabitants		
Reporting country									Citizenship	
Germany	45 680	64 410	109 375	172 945	441 800	↑ + 155	33%	5,470	Syria (36%)	
Hungary	:	:	18 565	41 215	174 435	↑ + 323	13%	17,699	Syria (37%)	
Sweden	29 630	43 835	54 255	74 980	156 110	↑ + 108	12%	16,016	Syria (33%)	
Austria	:	:	:	25 675	85 505	↑ + 233	6%	9,970	Afghanistan (29%)	
Italy	40 320	17 170	25 720	63 655	83 245	↑ + 31	6%	1,369	Nigeria (21%)	
France	52 140	54 265	60 475	58 845	70 570	↑ + 20	5%	1,063	Sudan (8%)	
Netherlands	11 560	9 660	9 815	21 780	43 035	↑ + 98	3%	2,546	Syria (43%)	
Belgium	25 355	18 335	11 965	14 045	38 990	↑ + 178	3%	3,463	Syria (26%)	
United Kingdom	25 870	27 885	29 640	32 120	38 370	↑ + 19	3%	591	Eritrea (10%)	
Switzerland	19 230	25 775	19 315	21 940	38 060	↑ + 73	3%	4,620	Eritrea (26%)	
Finland	:	2 905	2 985	3 490	32 150	↑ + 821	2%	5,876	Iraq (63%)	
Norway	8 520	9 210	11 430	10 910	30 470	↑ + 179	2%	5,898	Syria (35%)	
Denmark	3 945	6 045	7 170	14 535	20 825	↑ + 43	2%	3,680	Syria (41%)	
Bulgaria	705	1 230	6 980	10 805	20 165	↑ + 87	2%	2,800	Iraq (34%)	
Spain	2 970	2 350	4 285	5 460	14 600	↑ + 167	1%	314	Syria (39%)	
Greece	9 310	9 575	7 860	7 585	11 370	↑ + 50	1%	1,047	Syria (29%)	
Poland	4 985	9 175	13 970	5 610	10 255	↑ + 83	1%	270	Russia (68%)	
Ireland	1 280	940	940	1 440	3 270	↑ + 127	0%	706	Pakistan (41%)	
Luxembourg	1 915	2 000	990	1 030	2 360	↑ + 129	0%	4,192	Syria (27%)	
Cyprus	1 745	1 590	1 150	1 480	2 105	↑ + 42	0%	2,485	Syria (43%)	
Malta	1 865	2 060	2 205	1 275	1 695	↑ + 33	0%	3,948	Libya (53%)	
Czech Republic	485	505	490	905	1 235	↑ + 36	0%	117	Ukraine (46%)	
Romania	1 695	2 420	1 405	1 500	1 225	↓ - 18	0%	62	Syria (45%)	
Portugal	275	290	500	440	870	↑ + 98	0%	84	Ukraine (42%)	
Latvia	335	190	185	365	330	↓ - 10	0%	166	Iraq (26%)	
Lithuania	405	560	250	385	275	↓ - 29	0%	94	Ukraine (22%)	
Slovakia	320	550	290	230	270	↑ + 17	0%	50	Iraq (63%)	
Slovenia	305	260	240	355	260	↓ - 27	0%	126	Afghanistan (17%)	
Estonia	65	75	95	145	225	↑ + 55	0%	171	Ukraine (42%)	
Croatia	:	:	1 045	380	140	↓ - 63	0%	33	Syria (18%)	
Citizenship									Reporting country	
Syria	7 330	22 260	49 150	124 750	377 960	↑ + 203	29%	17,058	Germany (42%)	
Afghanistan	24 235	23 390	22 575	39 135	192 940	↑ + 393	15%	6,100	Hungary (24%)	
Iraq	13 485	11 935	9 290	15 290	126 755	↑ + 729	10%	3,641	Germany (23%)	
Kosovo	8 210	7 770	17 765	34 590	67 535	↑ + 95	5%	37,043	Germany (49%)	
Albania	2 950	7 115	10 830	16 465	66 780	↑ + 306	5%	23,083	Germany (81%)	
Pakistan	14 985	17 405	19 450	20 775	47 090	↑ + 127	4%	254	Hungary (32%)	
Eritrea	10 010	11 690	19 935	45 880	45 740	→ - 0	3%	8,950	Germany (24%)	
Nigeria	13 770	9 415	12 275	20 065	30 930	↑ + 54	2%	174	Italy (57%)	
Iran	10 955	12 480	11 315	9 910	27 245	↑ + 175	2%	349	Germany (20%)	
Unknown	2 665	2 575	3 775	8 840	21 560	↑ + 144	2%	n.a.	Germany (71%)	
Somalia	13 265	15 720	17 705	16 335	21 285	↑ + 30	2%	2,024	Germany (24%)	
Ukraine	765	920	890	13 880	21 155	↑ + 52	2%	465	Italy (22%)	
Stateless	2 455	3 580	9 990	16 305	20 425	↑ + 25	2%	n.a.	Sweden (36%)	
Serbia	11 740	15 340	15 330	20 310	19 250	↓ - 5	1%	2,706	Germany (87%)	
Russia	13 185	18 030	35 815	14 355	18 670	↑ + 30	1%	130	Poland (37%)	
Other	140 905	133 640	147 510	178 645	218 895	↑ + 23	17%	n.a.	Germany (25%)	
EU+	290 910	313 265	403 600	595 530	1,324,215	↑ + 122		2,545	Syria (29%)	

Annex D3: Pending cases at the end of the year in the EU+ by Member States and main citizenship, 2011-2015

						2015				Sparkline
	2011	2012	2013	2014	2015	% chg. on last year	Share in EU+	per million inhabitants	Highest share	
Reporting country						Citizenship				
Germany	57 905	80 255	133 855	221 005	424 760	↑ + 92	40%	5,259	Syria (19%)	
Sweden	18 110	22 795	27 675	54 285	156 690	↑ + 189	15%	16,075	Syria (31%)	
Austria	20 530	21 740	22 175	:	79 665	n.a.	8%	9,289	Afghanistan (30%)	
Italy	13 515	11 345	13 655	45 750	60 155	↑ + 31	6%	989	Nigeria (23%)	
Hungary	360	385	1 885	15 685	36 695	↑ + 134	3%	3,723	Syria (51%)	
Belgium	40 330	26 165	17 520	15 325	36 455	↑ + 138	3%	3,238	Iraq (24%)	
France	22 850	24 480	38 915	36 520	34 125	↓ - 7	3%	514	Syria (7%)	
Switzerland	15 695	20 375	19 215	19 195	34 075	↑ + 78	3%	4,136	Eritrea (29%)	
United Kingdom	15 140	18 845	22 940	32 455	33 870	↑ + 4	3%	522	Pakistan (9%)	
Netherlands	10 415	:	:	:	29 635	n.a.	3%	1,753	Syria (43%)	
Finland	2 170	2 515	2 495	1 795	27 750	↑ +1 446	3%	5,072	Iraq (63%)	
Greece	14 100	39 460	49 800	31 930	26 150	↓ - 18	2%	2,408	Pakistan (28%)	
Norway	4 155	2 925	2 755	4 465	24 545	↑ + 450	2%	4,751	Syria (37%)	
Spain	2 670	2 790	4 345	7 525	16 430	↑ + 118	2%	354	Syria (26%)	
Denmark	1 910	1 555	1 485	8 240	14 975	↑ + 82	1%	2,646	Syria (35%)	
Bulgaria	1 385	1 270	5 650	6 750	9 500	↑ + 41	1%	1,319	Iraq (37%)	
Ireland	4 210	3 530	3 805	3 635	4 865	↑ + 34	0%	1,051	Pakistan (29%)	
Poland	2 625	2 380	1 990	2 685	3 305	↑ + 23	0%	87	Russia (59%)	
Luxembourg	1 655	2 090	1 670	1 370	2 475	↑ + 81	0%	4,396	Syria (24%)	
Cyprus	:	1 225	:	1 775	2 055	↑ + 16	0%	2,426	Syria (32%)	
Malta	180	745	905	695	815	↑ + 17	0%	1,898	Libya (26%)	
Czech Republic	560	565	310	535	655	↑ + 22	0%	62	Ukraine (37%)	
Romania	50	35	345	390	405	↑ + 4	0%	20	Syria (23%)	
Slovakia	255	340	170	220	275	↑ + 25	0%	51	Iraq (56%)	
Latvia	235	190	195	255	225	↓ - 12	0%	113	Iraq (33%)	
Slovenia	155	195	100	110	170	↑ + 55	0%	82	Afghanistan (18%)	
Estonia	15	15	40	100	120	↑ + 20	0%	91	Ukraine (29%)	
Lithuania	175	175	125	175	115	↓ - 34	0%	39	Afghanistan (17%)	
Croatia	:	:	235	120	55	↓ - 54	0%	13	Algeria (9%)	
Portugal	30	10	60	30	45	↑ + 50	0%	4	Angola (11%)	
Citizenship						Reporting country				
Syria	9 385	16 660	28 940	61 265	220 815	↑ + 260	21%	9,966	Germany (37%)	
Afghanistan	28 630	33 985	34 320	33 910	159 365	↑ + 370	15%	5,039	Germany (27%)	
Iraq	13 680	13 885	13 165	17 720	104 680	↑ + 491	10%	3,007	Germany (25%)	
Pakistan	13 795	27 990	31 810	31 175	43 975	↑ + 41	4%	238	Germany (34%)	
Eritrea	4 545	7 380	13 270	35 825	42 360	↑ + 18	4%	8,289	Germany (40%)	
Albania	2 755	4 385	9 310	13 610	41 000	↑ + 201	4%	14,172	Germany (79%)	
Nigeria	9 060	8 830	11 700	20 180	32 120	↑ + 59	3%	181	Italy (43%)	
Iran	11 180	13 165	13 970	12 965	29 765	↑ + 130	3%	381	Germany (33%)	
Somalia	9 635	9 560	12 765	15 770	27 775	↑ + 76	3%	2,641	Germany (42%)	
Serbia	11 985	10 970	14 940	23 015	25 285	↑ + 10	2%	3,554	Germany (94%)	
Kosovo	7 315	5 925	9 650	23 310	24 370	↑ + 5	2%	13,367	Germany (89%)	
Russia	14 140	14 900	25 300	18 865	22 435	↑ + 19	2%	156	Germany (58%)	
Ukraine	745	805	885	10 090	20 290	↑ + 101	2%	446	Germany (33%)	
Unknown	3 870	3 330	4 695	8 200	19 850	↑ + 142	2%	n.a.	Germany (76%)	
Stateless	2 070	2 595	5 635	9 385	19 425	↑ + 107	2%	n.a.	Sweden (46%)	
Other	108 590	114 030	143 945	177 720	227 555	↑ + 28	21%	n.a.	Germany (42%)	
EU+	251 380	288 395	374 300	513 005	1,061,065	↑ + 107		2,040	Syria (21%)	

Annex D4: Withdrawn applications in the EU+ by Member States and main citizenship, 2011-2015

	2015					% chg. on last year	Share in EU+	per million inhabitants	Highest share	Sparkline
	2011	2012	2013	2014	2015					
Reporting country									Citizenship	
Sweden	2 655	3 575	3 850	7 045	35 250	+ 400	37%	3,616	Afghanistan (66%)	
Germany	2 125	2 095	2 485	4 400	14 440	+ 228	15%	179	Afghanistan (33%)	
Hungary	60	185	380	605	8 805	+1 355	9%	893	Afghanistan (55%)	
Austria	1 005	1 375	935	1 975	8 275	+ 319	9%	965	Afghanistan (68%)	
Norway	635	705	670	940	5 050	+ 437	5%	977	Afghanistan (65%)	
Italy	825	970	805	2 505	4 070	+ 62	4%	67	Gambia, The (29%)	
Netherlands	485	380	310	960	3 855	+ 302	4%	228	Syria (38%)	
United Kingdom	1 395	1 125	1 265	1 945	3 045	+ 57	3%	47	Eritrea (23%)	
Switzerland	310	495	355	775	2 670	+ 245	3%	324	Eritrea (43%)	
Belgium	1 385	975	415	470	2 650	+ 464	3%	235	Afghanistan (61%)	
Finland	150	165	160	195	2 535	+1 200	3%	463	Afghanistan (68%)	
Denmark	270	355	350	815	2 125	+ 161	2%	375	Afghanistan (39%)	
Bulgaria	25	60	185	940	1 815	+ 93	2%	252	Afghanistan (52%)	
Greece	60	75	325	440	420	- 5	0%	39	Afghanistan (33%)	
France	595	490	365	270	320	+ 19	0%	5	Afghanistan (14%)	
Poland	405	245	255	185	150	- 19	0%	4	Russia (70%)	
Cyprus	15	25	55	50	105	+ 110	0%	124	Somalia (43%)	
Luxembourg	20	15	45	30	105	+ 250	0%	187	Afghanistan (43%)	
Portugal	5	10	55	15	75	+ 400	0%	7	Mali (33%)	
Romania	55	135	15	95	55	- 42	0%	3	Afghanistan (39%)	
Slovenia	60	50	30	65	40	- 38	0%	19	Afghanistan (63%)	
Ireland	25	25	20	30	35	+ 17	0%	8	Afghanistan (29%)	
Malta	25	105	335	55	35	- 36	0%	82	Syria (43%)	
Spain	10	15	10	15	25	+ 67	0%	1	Syria (60%)	
Czech Republic	10	5	0	5	15	+ 200	0%	1	Afghanistan (33%)	
Latvia	0	0	5	0	10	:	0%	5	Vietnam (100%)	
Slovakia	20	5	5	10	5	- 50	0%	1	Not specify	
Croatia	:	70	55	10	5	- 50	0%	1	Not specify	
Lithuania	10	5	0	5	5	+ 0	0%	2	Not specify	
Estonia	0	0	5	0	0	:	0%	0		
Citizenship									Reporting country	
Afghanistan	5 630	5 645	3 540	6 135	49 495	+ 707	52%	1,565	Sweden (47%)	
Syria	165	425	1 085	3 160	15 095	+ 378	16%	681	Germany (26%)	
Eritrea	325	405	945	4 490	7 295	+ 62	8%	1,427	Sweden (27%)	
Iraq	430	330	210	385	4 800	+1 147	5%	138	Germany (28%)	
Somalia	780	1 115	1 745	2 330	3 800	+ 63	4%	361	Sweden (54%)	
Gambia, The	70	135	215	1 070	1 475	+ 38	2%	765	Italy (81%)	
Stateless	75	105	375	685	1 310	+ 91	1%	n.a.	Sweden (40%)	
Ethiopia	135	110	155	225	1 300	+ 478	1%	13	Sweden (68%)	
Albania	170	350	565	820	1 025	+ 25	1%	354	United Kingdom (44%)	
Kosovo	50	40	125	115	965	+ 739	1%	529	Hungary (77%)	
Pakistan	230	410	350	220	915	+ 316	1%	5	Hungary (23%)	
Nigeria	150	150	150	405	870	+ 115	1%	5	Italy (67%)	
Iran	315	245	185	160	795	+ 397	1%	10	United Kingdom (26%)	
Bangladesh	105	140	195	295	715	+ 142	1%	4	Italy (60%)	
Unknown	105	105	130	220	650	+ 195	1%	n.a.	Germany (53%)	
Other	3 900	4 030	3 780	4 150	5 480	+ 32	6%	n.a.	Italy (30%)	
EU+	12 635	13 740	13 750	24 865	95 985	+ 286		185	Afghanistan (52%)	

Annex D5: Unaccompanied minors in the EU+ by Member States and main citizenship, 2011-2015

	2011-2015					2015				Sparkline
	2011	2012	2013	2014	2015	% chg. on last year	Share in EU+	per million inhabitants	Highest share	
Reporting country										
Hungary	150	150	1 195	18 150	103 015	↑ + 468	57%	10,452	Syria (33%)	
Bulgaria	105	180	195	195	14 730	↑ +7 454	8.1%	2,045	Afghanistan (41%)	
Germany	3 000	3 055	4 750	8 190	14 530	↑ + 77	8%	180	Albania (27%)	
Poland	750	1 140	1 765	5 520	9 360	↑ + 70	5.1%	246	Russia (75%)	
Sweden	4 190	5 500	4 825	5 020	9 085	↑ + 81	5%	932	Iraq (14%)	
Italy	580	105	15	1 555	6 750	↑ + 334	3.7%	111	Mali (18%)	
Greece	1 800	4 690	4 090	19 225	6 255	↓ - 67	3%	576	Pakistan (20%)	
Finland	360	435	310	300	3 175	↑ + 958	1.7%	580	Iraq (80%)	
United Kingdom	2 720	2 420	2 615	2 500	3 070	↑ + 23	2%	47	Pakistan (14%)	
Switzerland	1 700	3 370	3 345	2 525	2 855	↑ + 13	1.6%	347	Gambia, The (12%)	
Denmark	1 135	1 365	3 005	1 235	1 730	↑ + 40	1%	306	Afghanistan (17%)	
Ireland	420	390	535	1 690	1 330	↓ - 21	0.7%	287	Pakistan (21%)	
Belgium	1 945	2 155	1 705	1 785	1 320	↓ - 26	1%	117	Iraq (14%)	
Netherlands	355	335	425	495	910	↑ + 84	0.5%	54	Syria (19%)	
Spain	165	130	:	645	875	↑ + 36	0%	19	Syria (23%)	
France	130	245	305	575	690	↑ + 20	0.4%	10	Syria (16%)	
Cyprus	620	515	560	480	445	↓ - 7	0%	525	Syria (26%)	
Norway	740	225	220	60	360	↑ + 500	0.2%	70	Albania (31%)	
Luxembourg	325	930	355	150	245	↑ + 63	0%	435	Kosovo (16%)	
Latvia	105	130	85	185	225	↑ + 22	0.1%	113	Georgia (44%)	
Lithuania	150	170	125	150	155	↑ + 3	0%	53	Afghanistan (29%)	
Malta	60	60	90	560	140	↓ - 75	0.1%	326	Libya (21%)	
Czech Republic	75	65	55	55	125	↑ + 127	0%	12	Ukraine (44%)	
Slovakia	230	340	285	135	120	↓ - 11	0.1%	22	Afghanistan (42%)	
Romania	135	150	115	110	105	↓ - 5	0%	5	China (10%)	
Slovenia	170	110	175	215	90	↓ - 58	0.0%	44	Afghanistan (22%)	
Croatia	:	:	740	255	80	↓ - 69	0%	19	Syria (25%)	
Estonia	5	10	25	25	75	↑ + 200	0.0%	57	Ukraine (40%)	
Portugal	0	5	10	30	50	↑ + 67	0%	5	Ukraine (80%)	
Austria	2 465	2 155	1 880	:	0	n.a.	0.0%	0		
Citizenship										
Syria	360	615	1 490	6 610	38 425	↑ + 481	21%	1,734	Hungary (88%)	
Afghanistan	1 245	1 700	1 590	7 855	37 935	↑ + 383	21%	1,199	Hungary (76%)	
Kosovo	915	645	1 210	7 035	18 350	↑ + 161	10%	10,065	Hungary (87%)	
Iraq	1 300	1 375	1 200	2 655	16 740	↑ + 531	9%	481	Bulgaria (36%)	
Pakistan	1 020	2 515	2 615	6 720	11 785	↑ + 75	6%	64	Hungary (73%)	
Russia	1 755	1 920	3 840	5 450	7 945	↑ + 46	4%	55	Poland (88%)	
Albania	270	775	605	1 590	6 325	↑ + 298	3%	2,186	Germany (62%)	
Serbia	2 140	2 775	1 620	2 555	3 600	↑ + 41	2%	506	Germany (76%)	
Bangladesh	365	995	925	2 140	3 350	↑ + 57	2%	21	Hungary (71%)	
Nigeria	800	810	925	1 880	2 655	↑ + 41	1%	15	Italy (37%)	
Iran	725	715	875	1 075	2 235	↑ + 108	1%	29	Hungary (47%)	
Ukraine	175	150	190	885	2 155	↑ + 144	1%	47	Poland (40%)	
Georgia	1 030	1 485	1 445	3 400	1 840	↓ - 46	1%	410	Greece (25%)	
Mali	35	65	175	560	1 740	↑ + 211	1%	102	Italy (72%)	
Bosnia and Herzegovina	240	1 155	620	1 325	1 615	↑ + 22	1%	423	Germany (79%)	
Other	12 195	12 830	14 465	20 275	25 200	↑ + 24	14%	n.a.	Hungary (25%)	
EU+	24 570	30 525	33 790	72 010	181 895	↑ + 153		350	Syria (21%)	

Annex D6: Refugee status granted at first instance in the EU+ by Member States and main citizenship, 2011-2015

	2015					% chg. on last year	Share in EU+	per million inhabitants	Highest share	Sparkline
	2011	2012	2013	2014	2015					
Reporting country						Citizenship				
Germany	7 100	8 765	10 910	33 310	137 135	+ 312	57%	1,698	Syria (74%)	
France	3 340	7 070	9 140	11 980	16 790	+ 40	7.0%	253	Iraq (16%)	
Sweden	2 335	3 745	6 750	10 245	12 740	+ 24	5%	1,307	Eritrea (50%)	
Austria	2 480	2 680	3 160	:	12 590	:	5.2%	1,468	Syria (61%)	
United Kingdom	5 515	6 555	7 525	9 000	12 140	+ 35	5%	187	Sudan (20%)	
Belgium	3 810	3 985	3 910	6 460	8 825	+ 37	3.7%	784	Syria (37%)	
Denmark	735	1 035	1 600	3 765	7 605	+ 102	3%	1,344	Syria (55%)	
Netherlands	710	630	1 150	2 485	6 660	+ 168	2.8%	394	Syria (60%)	
Switzerland	3 675	2 455	3 115	6 140	6 285	+ 2	3%	763	Eritrea (42%)	
Norway	2 810	3 675	4 490	3 590	5 410	+ 51	2.2%	1,047	Eritrea (48%)	
Bulgaria	10	20	180	5 165	4 705	- 9	2%	653	Syria (96%)	
Greece	45	30	255	1 270	3 665	+ 189	1.5%	338	Syria (76%)	
Italy	1 805	2 050	3 080	3 640	3 575	- 2	1%	59	Pakistan (12%)	
Finland	160	545	570	490	1 060	+ 116	0.4%	194	Iraq (40%)	
Poland	155	85	195	260	350	+ 35	0%	9	Syria (59%)	
Malta	70	35	45	190	265	+ 39	0.1%	617	Libya (81%)	
Romania	70	145	385	370	240	- 35	0%	12	Syria (60%)	
Spain	335	230	205	385	220	- 43	0.1%	5	Pakistan (25%)	
Cyprus	55	80	35	55	195	+ 255	0%	230	Stateless (31%)	
Luxembourg	30	35	110	105	170	+ 62	0.1%	302	Syria (47%)	
Ireland	60	65	130	130	150	+ 15	0%	32	Syria (17%)	
Hungary	45	70	175	240	145	- 40	0.1%	15	Afghanistan (14%)	
Czech Republic	105	50	90	75	55	- 27	0%	5	Syria (36%)	
Slovenia	15	20	25	30	35	+ 17	0.0%	17	Iran (57%)	
Portugal	25	15	20	20	35	+ 75	0%	3	Sierra Leone (29%)	
Croatia	:	10	5	15	35	+ 133	0.0%	8	Azerbaijan (14%)	
Estonia	10	10	5	20	20	+ 0	0%	15	Sudan (75%)	
Lithuania	5	15	15	15	15	+ 0	0.0%	5	Russia (67%)	
Slovakia	5	10	5	0	5	:	0%	1	Not specify	
Latvia	5	5	5	5	5	+ 0	0.0%	3	Afghanistan (100%)	
Citizenship						Reporting country				
Syria	1 475	5 930	10 325	37 185	137 050	+ 269	57%	6,185	Germany (74%)	
Eritrea	5 430	3 910	7 105	13 810	26 125	+ 89	10.8%	5,112	Germany (34%)	
Iraq	4 630	4 030	3 360	5 130	19 920	+ 288	8%	572	Germany (73%)	
Stateless	645	805	1 490	3 535	8 840	+ 150	3.7%	n.a.	Sweden (24%)	
Unknown	185	265	390	2 465	6 205	+ 152	3%	n.a.	Germany (86%)	
Afghanistan	2 905	3 705	4 900	5 445	5 955	+ 9	2.5%	188	Germany (29%)	
Iran	4 025	4 700	5 585	4 915	5 165	+ 5	2%	66	United Kingdom (38%)	
Sudan	1 075	1 295	1 150	1 610	4 460	+ 177	1.8%	113	United Kingdom (54%)	
Somalia	2 690	2 940	3 515	2 750	2 940	+ 7	1%	280	Sweden (25%)	
Russia	1 815	2 430	2 720	2 335	2 545	+ 9	1.1%	18	France (45%)	
Sri Lanka	1 015	1 465	1 570	2 640	2 520	- 5	1%	121	France (44%)	
Pakistan	735	1 205	2 245	1 995	1 720	- 14	0.7%	9	United Kingdom (42%)	
Guinea	1 090	935	1 170	1 360	1 575	+ 16	1%	128	France (57%)	
Congo (DR)	555	1 110	1 470	1 365	1 435	+ 5	0.6%	19	France (77%)	
China	835	1 030	880	1 270	1 420	+ 12	1%	1	France (64%)	
Other	6 415	8 360	9 400	11 645	13 245	+ 14	5.5%	n.a.	France (34%)	
EU+	35 520	44 115	57 275	99 455	241 120	+ 142		463	Syria (57%)	

Annex D7: Subsidiary protection status granted at first instance in the EU+ by Member States and main citizenship, 2011-2015

	2015					% chg. on last year	Share in EU+	per million inhabitants	Highest share	Sparkline
	2011	2012	2013	2014	2015					
Reporting country									Citizenship	
Sweden	5 390	7 595	16 145	19 095	18 125	-5.1	31%	1,859	Syria (91%)	
Italy	2 265	4 495	5 565	7 625	10 270	+35	17%	169	Afghanistan (28%)	
Netherlands	4 065	3 325	3 350	9 290	9 400	+1.2	16%	556	Eritrea (51%)	
France	1 275	1 575	1 565	2 835	3 845	+36	6%	58	Syria (27%)	
Switzerland	975	505	870	2 640	2 630	-.4	4%	319	Eritrea (70%)	
Denmark	385	545	1 130	1 625	2 245	+38	4%	397	Syria (68%)	
Austria	1 605	1 775	1 760	:	2 100	:	4%	245	Afghanistan (41%)	
Germany	665	6 975	7 005	5 175	1 705	-67	3%	21	Eritrea (20%)	
Belgium	1 265	1 565	2 370	1 585	1 650	+4.1	3%	147	Syria (26%)	
Cyprus	0	10	125	940	1 390	+48	2%	1,641	Syria (98%)	
Malta	690	1 235	1 445	900	915	+1.7	2%	2,131	Libya (61%)	
Bulgaria	180	150	2 280	1 840	890	-52	1%	124	Syria (90%)	
Spain	630	285	325	1 200	800	-33.3	1%	17	Syria (80%)	
Norway	765	1 185	995	1 140	675	-41	1%	131	Afghanistan (47%)	
Finland	715	775	785	475	460	-3.2	1%	84	Somalia (42%)	
Czech Republic	200	125	240	285	390	+37	1%	37	Ukraine (42%)	
Hungary	100	240	185	250	355	+42.0	1%	36	Syria (39%)	
Greece	85	45	175	590	355	-40	1%	33	Afghanistan (48%)	
Ireland	15	35	20	270	335	+24.1	1%	72	Afghanistan (18%)	
Romania	10	85	530	370	235	-36	0%	12	Syria (81%)	
Poland	155	140	120	165	165	+0	0%	4	Russia (64%)	
Portugal	40	85	115	90	160	+78	0%	15	Ukraine (72%)	
United Kingdom	125	135	70	105	125	+19.0	0%	2	Eritrea (32%)	
Lithuania	15	40	40	55	65	+18	0%	22	Ukraine (38%)	
Estonia	5	5	0	0	55	:	0%	42	Ukraine (100%)	
Slovakia	80	100	30	95	40	-58	0%	7	Iraq (25%)	
Luxembourg	5	5	25	15	15	+0	0%	27	Albania (33%)	
Latvia	15	20	20	20	15	-25	0%	8	Syria (100%)	
Slovenia	5	15	15	10	10	+0	0%	5	Syria (100%)	
Croatia	:	15	15	10	5	-50	0%	1	Russia (100%)	
Citizenship									Reporting country	
Syria	410	10 620	23 130	30 295	27 625	-9	46%	1,247	Sweden (60%)	
Eritrea	1 995	1 740	3 800	5 420	7 720	+42	13%	1,511	Netherlands (62%)	
Afghanistan	5 165	4 780	5 055	4 380	6 070	+39	10%	192	Italy (47%)	
Somalia	5 455	6 090	4 030	3 230	2 625	-19	4%	250	Italy (32%)	
Iraq	2 510	1 585	1 425	1 850	2 185	+18	4%	63	Italy (20%)	
Pakistan	340	235	445	1 075	1 800	+67	3%	10	Italy (94%)	
Stateless	280	765	3 895	4 610	1 410	-69	2%	n.a.	Sweden (57%)	
Ukraine	10	10	20	240	1 245	+419	2%	27	Italy (39%)	
Nigeria	120	245	285	825	1 035	+25	2%	6	Italy (92%)	
Mali	385	2 145	1 040	315	815	+159	1%	48	Italy (98%)	
Libya	120	45	85	125	765	+512	1%	122	Malta (73%)	
Central African Republic	10	0	15	290	465	+60	1%	97	France (95%)	
China	460	170	210	1 015	440	-57	1%	0	Switzerland (92%)	
Russia	465	405	615	420	435	+4	1%	3	Austria (24%)	
Albania	60	55	150	525	430	-18	1%	149	France (83%)	
Other	3 930	4 195	3 100	4 080	4 360	+7	7%	n.a.	Italy (40%)	
EU+	21 715	33 085	47 300	58 695	59 425	+1		114	Syria (46%)	

Annex D8: Humanitarian protection status granted at first instance in the EU+ by Member States and main citizenship, 2011-2015

	2015					% chg. on last year	Share in EU+	per million inhabitants	Highest share	Sparkline
	2011	2012	2013	2014	2015					
Reporting country						Citizenship				
Italy	3 075	15 480	5 750	9 315	15 770	+ 69	58%	259	Gambia, The (16%)	
Switzerland	1 790	1 315	2 405	6 630	5 080	- 23	19%	617	Syria (40%)	
Germany	1 910	1 400	2 205	2 075	2 070	- 0	8%	26	Afghanistan (39%)	
United Kingdom	1 600	1 155	960	1 010	1 645	+ 63	6%	25	Albania (22%)	
Sweden	1 075	1 060	1 120	1 310	1 350	+ 3	5%	138	Afghanistan (33%)	
Netherlands	2 050	1 550	1 465	775	390	- 50	1%	23	Stateless (19%)	
Austria	:	:	:	:	355	:	1%	41	Russia (32%)	
Norway	435	325	280	175	165	- 6	1%	32	Afghanistan (27%)	
Finland	190	240	295	300	160	- 47	1%	29	Afghanistan (16%)	
Poland	170	290	370	295	120	- 59	0%	3	Russia (75%)	
Malta	125	160	115	165	75	- 55	0%	175	Ukraine (67%)	
Denmark	190	120	80	90	70	- 22	0%	12	Afghanistan (21%)	
Slovakia	35	80	35	75	35	- 53	0%	6	United States (29%)	
Czech Republic	10	5	15	15	15	+ 0	0%	1	Syria (67%)	
Greece	45	20	70	115	10	- 91	0%	1	Albania (50%)	
Hungary	10	40	5	20	5	- 75	0%	1	Not specify	
Spain	20	10	5	0	0	:	0%	0		
Romania	0	0	5	0	0	:	:	:		
Cyprus	15	15	10	0	0	:	:	:		
Lithuania	:	:	:	0	0	:	:	:		
Croatia	:	:	:	:	0	:	:	:		
Estonia	:	:	0	0	0	:	:	:		
Ireland	:	:	:	:	:	:	:	:		
Bulgaria	:	:	:	:	:	:	:	:		
Slovenia	:	:	:	:	:	:	:	:		
Portugal	:	:	:	:	:	:	:	:		
France	:	:	:	:	:	:	:	:		
Belgium	:	:	:	:	:	:	:	:		
Luxembourg	:	:	:	:	:	:	:	:		
Latvia	:	:	:	:	:	:	:	:		
Citizenship						Reporting country				
Nigeria	620	4 960	1 160	1 510	2 705	+ 79	10%	15	Italy (91%)	
Gambia, The	65	330	370	1 090	2 575	+ 136	9.4%	1,335	Italy (99%)	
Syria	350	275	585	2 875	2 345	- 18	9%	106	Switzerland (86%)	
Afghanistan	3 220	2 330	2 930	3 535	2 335	- 34	8.5%	74	Germany (35%)	
Mali	70	225	450	1 695	1 945	+ 15	7%	114	Italy (99%)	
Pakistan	325	980	635	1 200	1 500	+ 25	5.5%	8	Italy (92%)	
Senegal	50	550	215	755	1 335	+ 77	5%	94	Italy (99%)	
Ukraine	50	15	40	180	1 155	+ 542	4.2%	25	Italy (93%)	
Bangladesh	90	1 030	300	280	1 110	+ 296	4%	7	Italy (94%)	
Eritrea	325	165	245	470	785	+ 67	2.9%	154	Switzerland (64%)	
Ghana	175	2 925	495	310	730	+ 135	3%	27	Italy (97%)	
Somalia	845	565	1 410	1 135	660	- 42	2.4%	63	Switzerland (58%)	
Côte d'Ivoire	360	1 015	245	355	640	+ 80	2%	29	Italy (97%)	
Guinea	130	430	160	240	545	+ 127	2.0%	44	Italy (91%)	
Iraq	770	785	550	660	515	- 22	2%	15	Sweden (29%)	
Other	5 305	6 690	5 400	6 085	6 440	+ 6	23.6%	n.a.	Italy (32%)	
EU+	12 750	23 270	15 190	22 375	27 320	+ 22		53	Nigeria (10%)	

Annex D9: Rejections at first instance in the EU+ by Member States and main citizenship, 2011-2015

	2015					% chg. on last year	Share in EU+	per million inhabitants	Highest share	Sparkline
	2011	2012	2013	2014	2015					
Reporting country						Citizenship				
Germany	40 280	58 605	76 165	97 275	249 280	↑ + 156	40%	3,086	Syria (42%)	
France	42 215	59 810	61 715	68 500	77 910	↑ + 14	12%	1,173	Congo (DR) (8%)	
Italy	24 100	27 280	23 565	35 180	71 345	↑ + 103	11%	1,174	Nigeria (18%)	
Sweden	26 700	31 515	45 005	39 905	44 590	↑ + 12	7%	4,575	Syria (42%)	
United Kingdom	22 950	21 995	22 445	25 815	38 080	↑ + 48	6%	587	Pakistan (14%)	
Switzerland	14 245	16 625	16 595	21 800	21 840	→ + 0	3%	2,651	Eritrea (31%)	
Austria	13 240	15 895	16 610	:	21 095	:	3%	2,460	Syria (38%)	
Netherlands	15 780	13 665	12 190	18 790	20 465	↑ + 9	3%	1,211	Syria (39%)	
Belgium	19 810	24 495	21 390	20 335	19 420	↓ - 4	3%	1,725	Syria (19%)	
Denmark	3 565	4 680	6 965	8 055	12 225	↑ + 52	2%	2,160	Syria (49%)	
Greece	8 670	11 195	13 080	13 305	9 640	↓ - 28	2%	888	Syria (29%)	
Norway	9 545	10 605	11 785	7 640	9 475	↑ + 24	2%	1,834	Eritrea (29%)	
Bulgaria	605	640	2 810	7 435	6 175	↓ - 17	1%	857	Syria (87%)	
Poland	3 215	2 480	2 895	2 700	3 510	↑ + 30	1%	92	Ukraine (51%)	
Hungary	895	1 100	4 540	5 445	3 420	↓ - 37	1%	347	Kosovo (36%)	
Spain	3 395	2 595	2 365	3 620	3 240	↓ - 10	1%	70	Syria (22%)	
Finland	2 595	3 090	3 215	2 340	2 960	↑ + 26	0%	541	Iraq (24%)	
Cyprus	2 630	1 335	800	1 305	2 065	↑ + 58	0%	2,438	Syria (67%)	
Malta	1 605	1 590	1 905	1 735	1 490	↓ - 14	0%	3,470	Libya (51%)	
Czech Republic	685	720	900	1 000	1 335	↑ + 34	0%	127	Ukraine (46%)	
Romania	1 075	1 625	1 435	1 585	1 320	↓ - 17	0%	66	Syria (43%)	
Ireland	1 365	940	840	1 060	1 150	↑ + 8	0%	248	Pakistan (14%)	
Luxembourg	1 015	1 650	1 245	885	775	↓ - 12	0%	1,377	Kosovo (19%)	
Portugal	115	230	305	230	370	↑ + 61	0%	36	Ukraine (39%)	
Croatia	:	140	185	235	185	↓ - 21	0%	44	Algeria (11%)	
Lithuania	305	390	175	185	180	↓ - 3	0%	62	Ukraine (28%)	
Estonia	60	55	55	55	180	↑ + 227	0%	137	Ukraine (44%)	
Latvia	90	145	95	95	170	↑ + 79	0%	86	Vietnam (38%)	
Slovenia	210	210	195	95	130	↑ + 37	0%	63	Kosovo (19%)	
Slovakia	215	440	190	280	130	↓ - 54	0%	24	Ukraine (23%)	
Citizenship						Reporting country				
Syria	4 490	18 625	38 170	74 065	172 180	↑ + 132	28%	7,771	Germany (60%)	
Albania	2 070	4 765	7 545	13 650	41 975	↑ + 208	7%	14,509	Germany (75%)	
Eritrea	10 110	8 240	14 235	22 125	39 595	↑ + 79	6%	7,748	Germany (24%)	
Kosovo	10 715	8 460	11 900	13 650	38 225	↑ + 180	6%	20,966	Germany (72%)	
Iraq	14 775	11 910	10 325	10 945	26 590	↑ + 143	4%	764	Germany (57%)	
Serbia	11 760	20 280	16 200	22 385	22 060	→ - 1	4%	3,101	Germany (89%)	
Afghanistan	24 835	23 220	24 480	20 425	21 690	↑ + 6	3%	686	Germany (18%)	
Pakistan	11 555	15 740	18 610	16 005	19 105	↑ + 19	3%	103	Italy (41%)	
Nigeria	10 025	13 710	10 865	10 630	18 830	↑ + 77	3%	106	Italy (67%)	
Russia	13 535	15 025	26 175	12 715	13 625	↑ + 7	2%	95	France (46%)	
Stateless	2 830	3 045	7 465	9 570	11 800	↑ + 23	2%	n.a.	Sweden (28%)	
Bangladesh	7 065	9 150	8 345	7 540	11 240	↑ + 49	2%	71	Italy (45%)	
Mali	2 110	3 380	3 925	6 545	10 560	↑ + 61	2%	618	Italy (81%)	
Somalia	13 125	15 100	15 525	10 660	9 965	↓ - 7	2%	947	Sweden (17%)	
Gambia, The	1 460	1 570	2 010	4 640	9 920	↑ + 114	2%	5,145	Italy (88%)	
Other	120 720	143 515	135 895	131 335	156 800	↑ + 19	25%	n.a.	France (28%)	
EU+	261 180	315 735	351 670	386 885	624 160	↑ + 61		1,200	Syria (28%)	

Annex D10: Decisions at first instance in the EU+ by Member States and main citizenships, 2011-2015

	2011-2015					2015			Highest share	Sparkline
	2011	2012	2013	2014	2015	% chg. on last year	Share in EU+	per million inhabitants		
Reporting country									Citizenship	
Germany	30 605	41 470	56 040	56 715	108 370	+91	37%	1,342	Albania (29%)	
France	37 600	51 165	51 010	53 685	57 280	+6.7	19%	862	Congo (DR) (9%)	
Italy	16 960	5 255	9 175	14 600	41 730	+186	14%	686	Nigeria (21%)	
United Kingdom	15 715	14 150	13 895	15 695	24 175	+54	8%	373	Pakistan (13%)	
Sweden	17 895	19 115	20 990	9 255	12 375	+34	4%	1,270	Albania (14%)	
Belgium	14 735	18 940	15 110	12 290	8 945	-27.2	3%	795	Russia (9%)	
Switzerland	7 805	12 345	10 210	6 390	7 840	+23	3%	952	Eritrea (22%)	
Austria	9 155	11 435	11 690	:	6 050	:	2%	705	Kosovo (25%)	
Greece	8 490	11 095	12 580	11 335	5 610	-51	2%	517	Pakistan (27%)	
Netherlands	8 955	8 160	6 225	6 240	4 015	-35.7	1%	238	Ukraine (11%)	
Norway	5 535	5 425	6 015	2 735	3 225	+18	1%	624	Afghanistan (12%)	
Hungary	740	750	4 180	4 935	2 915	-40.9	1%	296	Kosovo (42%)	
Poland	2 740	1 960	2 210	1 980	2 870	+45	1%	76	Ukraine (62%)	
Denmark	2 255	2 985	4 155	2 580	2 305	-10.7	1%	407	Russia (11%)	
Spain	2 405	2 070	1 835	2 035	2 220	+9	1%	48	Algeria (17%)	
Finland	1 535	1 530	1 565	1 070	1 280	+19.6	0%	234	Albania (30%)	
Czech Republic	365	540	555	625	875	+40	0%	83	Ukraine (51%)	
Romania	1 000	1 390	515	845	840	-6	0%	42	Syria (27%)	
Ireland	1 295	840	695	660	665	+1	0%	144	Pakistan (21%)	
Luxembourg	980	1 610	1 115	765	590	-22.9	0%	1,048	Kosovo (25%)	
Bulgaria	410	470	355	430	580	+35	0%	81	Iraq (31%)	
Cyprus	2 560	1 230	635	310	480	+54.8	0%	567	Vietnam (17%)	
Malta	720	155	300	475	240	-49	0%	559	Mali (10%)	
Portugal	50	130	170	115	180	+56.5	0%	17	Mali (19%)	
Croatia	:	120	165	210	145	-31	0%	34	Algeria (14%)	
Latvia	70	120	65	70	145	+107.1	0%	73	Vietnam (45%)	
Estonia	50	45	45	35	100	+186	0%	76	Ukraine (20%)	
Lithuania	285	335	120	110	95	-13.6	0%	33	Georgia (37%)	
Slovenia	185	175	160	50	85	+70	0%	41	Kosovo (29%)	
Slovakia	100	250	125	110	50	-54.5	0%	9	Ukraine (30%)	
Citizenship									Reporting country	
Albania	1 820	4 215	6 930	12 575	40 875	+225	14%	14,129	Germany (77%)	
Kosovo	10 040	7 890	11 375	12 655	37 220	+194.1	13%	20,415	Germany (73%)	
Serbia	11 330	19 840	15 755	21 890	21 655	-1	7%	3,044	Germany (90%)	
Nigeria	9 135	8 240	9 045	7 765	14 355	+84.9	5%	81	Italy (62%)	
Pakistan	10 150	13 315	15 285	11 730	14 085	+20	5%	76	Italy (31%)	
Russia	11 030	11 845	22 410	9 525	10 205	+7.1	3%	71	France (49%)	
Bangladesh	6 860	7 925	7 750	6 770	9 455	+40	3%	59	Italy (40%)	
FYROM	4 775	9 165	7 575	8 200	8 470	+3.3	3%	4,093	Germany (84%)	
Mali	1 630	885	2 065	4 135	7 495	+81	3%	439	Italy (78%)	
Afghanistan	13 540	12 405	11 590	7 065	7 335	+3.8	2%	232	United Kingdom (19%)	
Ukraine	725	845	790	2 470	6 800	+175	2%	149	Poland (26%)	
Gambia, The	1 205	1 055	1 435	3 105	6 715	+116.3	2%	3,483	Italy (85%)	
Bosnia and Herzegovina	1 810	5 065	5 230	6 975	6 490	-7	2%	1,700	Germany (80%)	
Congo (DR)	3 445	6 760	6 100	5 980	6 315	+5.6	2%	84	France (82%)	
Georgia	4 495	7 205	6 595	6 095	5 220	-14	2%	1,162	France (38%)	
Other	99 210	98 610	101 975	79 425	93 595	+17.8	32%	n.a.	France (29%)	
EU+	191 200	215 265	231 905	206 360	296 285	+44		570	Albania (14%)	

Annex D11: Refugee status granted at second or higher instance in the EU+ by Member States and main citizenship, 2011-2015

	2015					% chg. on last year	Share in EU+	per million inhabitants	Highest share	Sparkline
	2011	2012	2013	2014	2015					
Reporting country						Citizenship				
Germany	1 680	2 110	2 960	4 330	5 170	+ 19	30%	64	Syria (47%)	
France	4 930	4 290	4 270	4 245	3 830	- 10	23%	58	Russia (12%)	
United Kingdom	4 010	3 920	3 770	2 700	2 645	- 2	16%	41	Sri Lanka (18%)	
Austria	1 325	1 240	1 180	2 050	1 740	- 15	10%	203	Afghanistan (52%)	
Greece	195	185	325	805	1 355	+ 68	8%	125	Syria (27%)	
Sweden	455	725	685	750	770	+ 3	5%	79	Afghanistan (26%)	
Belgium	425	295	370	440	395	- 10	2%	35	Guinea (37%)	
Netherlands	120	70	450	260	255	- 2	1%	15	Stateless (22%)	
Denmark	220	230	265	160	210	+ 31	1%	37	Iran (26%)	
Norway	290	285	345	240	200	- 17	1%	39	Afghanistan (20%)	
Ireland	75	45	55	90	180	+ 100	1%	39	Congo (DR) (19%)	
Switzerland	35	50	50	45	70	+ 56	0%	8	Syria (50%)	
Finland	20	90	50	75	50	- 33	0%	9	Russia (30%)	
Cyprus	20	5	10	10	45	+ 350	0%	53	Syria (33%)	
Malta	0	10	0	10	30	+ 200	0%	70	Libya (33%)	
Hungary	5	20	25	20	25	+ 25	0%	3	Syria (40%)	
Luxembourg	40	5	0	5	15	+ 200	0%	27	Turkey (67%)	
Romania	75	160	390	5	10	+ 100	0%	1	Iran (50%)	
Poland	5	20	5	5	10	+ 100	0%	0	Turkmenistan (50%)	
Slovenia	0	0	0	0	5	:	0%	2	Not specify	
Spain	0	10	15	0	5	:	0%	0	Not specify	
Italy	65	45	5	10	0	- 100	0%	0		
Bulgaria	0	0	0	5	0	- 100	0%	0		
Czech Republic	115	0	0	5	0	- 100	0%	0		
Slovakia	0	5	0	0	0	:	0%	0		
Portugal	0	0	0	0	0	:	0%	0		
Lithuania	0	0	0	0	0	:	0%	0		
Croatia	:	20	0	0	0	:	0%	0		
Estonia	0	0	0	0	0	:	0%	0		
Latvia	5	5	5	0	0	:	0%	0		
Citizenship						Reporting country				
Syria	675	855	1 115	2 010	3 420	+ 70	20%	154	Germany (71%)	
Afghanistan	1 010	1 435	2 095	2 460	2 045	- 17	12.0%	65	Austria (44%)	
Iran	1 430	1 750	2 070	1 500	1 255	- 16	7%	16	Germany (39%)	
Iraq	625	640	550	910	1 000	+ 10	5.9%	29	Germany (53%)	
Pakistan	550	825	1 270	950	965	+ 2	6%	5	Germany (42%)	
Sri Lanka	1 515	1 265	1 230	1 125	895	- 20	5.3%	43	United Kingdom (52%)	
Russia	1 415	1 095	820	960	750	- 22	4%	5	France (62%)	
Congo (DR)	385	440	545	450	585	+ 30	3.4%	8	France (77%)	
Guinea	275	205	290	390	470	+ 21	3%	38	France (59%)	
Bangladesh	365	450	510	470	470	+ 0	2.8%	3	France (76%)	
Eritrea	340	395	315	365	430	+ 18	3%	84	Germany (31%)	
Somalia	370	255	245	275	390	+ 42	2.3%	37	Austria (45%)	
Sudan	305	270	225	280	325	+ 16	2%	8	France (48%)	
Nigeria	125	180	145	250	320	+ 28	1.9%	2	France (30%)	
Unknown	220	145	225	220	270	+ 23	2%	n.a.	Germany (78%)	
Other	4 510	3 640	3 590	3 660	3 430	- 6	20.2%	n.a.	France (39%)	
EU+	14 115	13 845	15 240	16 275	17 020	+ 5		33	Syria (20%)	

Annex D12: Subsidiary protection granted at second or higher instance in the EU+ by Member States and main citizenship, 2011-2015

	2011-2015					2015				
	2011	2012	2013	2014	2015	% chg. on last year	Share in EU+	per million inhabitants	Highest share	Sparkline
Reporting country										
France	1 195	1 390	1 180	1 580	1 555	↔	-1.6	33%	23	Albania (19%)
Austria	460	300	240	790	850	↗	+ 8	18%	99	Afghanistan (72%)
Germany	350	1 135	950	935	525	↘	-43.9	11%	7	Afghanistan (28%)
Greece	80	90	220	295	355	↗	+ 20	8%	33	Afghanistan (70%)
Sweden	725	1 450	990	800	335	↘	-58.1	7%	34	Syria (39%)
Netherlands	1 140	:	435	340	255	↘	- 25	5%	15	Syria (35%)
Cyprus	5	15	55	205	240	↗	+17.1	5%	283	Syria (83%)
Norway	85	290	175	110	105	↘	- 5	2%	20	Yemen (43%)
United Kingdom	175	140	120	85	85	↔	+	2%	1	Afghanistan (12%)
Denmark	200	180	285	130	70	↘	- 46	1%	12	Russia (29%)
Finland	215	145	75	60	45	↘	-25.	1%	8	Iraq (44%)
Ireland	:	:	:	5	40	↗	+ 700	1%	9	Afghanistan (13%)
Malta	0	5	0	25	40	↗	+60.	1%	93	Ethiopia (38%)
Romania	35	115	535	30	35	↗	+ 17	1%	2	Afghanistan (43%)
Poland	55	25	25	15	30	↗	+100.	1%	1	Ukraine (67%)
Belgium	50	30	60	30	30	↔	+ 0	1%	3	Congo (DR) (33%)
Hungary	40	90	35	15	15	↔	+	0%	2	Afghanistan (33%)
Italy	0	270	60	35	10	↘	- 71	0%	0	Pakistan (50%)
Switzerland	30	30	15	15	10	↘	-33.3	0%	1	Eritrea (50%)
Luxembourg	10	0	10	5	10	↗	+ 100	0%	18	Albania (100%)
Latvia	5	0	0	0	10	↔	:	0%	5	Afghanistan (50%)
Spain	20	5	0	0	5	↔	:	0%	0	Georgia (100%)
Bulgaria	15	20	35	15	5	↘	-66.7	0%	1	Iraq (100%)
Slovenia	0	0	0	0	0	↔	:	0%	0	
Czech Republic	260	25	15	10	0	↘	-100.	0%	0	
Slovakia	5	5	5	0	0	↔	:	0%	0	
Portugal	0	0	0	0	0	↔	:	0%	0	
Croatia	:	10	0	0	0	↔	:	0%	0	
Estonia	0	0	0	0	0	↔	:	0%	0	
Lithuania	0	0	5	5	0	↘	- 100	0%	0	
Citizenship										
Afghanistan	1 000	910	940	1 330	1 220	↘	-8.3	26%	39	Austria (50%)
Syria	135	1 810	1 785	1 160	530	↘	- 54	11%	24	Cyprus (38%)
Albania	70	90	85	305	335	↗	+9.8	7%	116	France (88%)
Somalia	990	330	380	390	330	↘	- 15	7%	31	France (33%)
Sudan	65	55	100	135	250	↗	+85.2	5%	6	France (92%)
Russia	295	265	230	245	230	↘	- 6	5%	2	France (37%)
Iraq	360	135	205	225	210	↘	-6.7	4%	6	Germany (19%)
Kosovo	250	190	75	195	155	↘	- 21	3%	85	France (94%)
Eritrea	105	85	85	100	95	↘	-5.	2%	19	Netherlands (53%)
Congo (DR)	55	80	95	60	90	↗	+ 50	2%	1	France (67%)
Guinea	80	75	75	60	85	↗	+41.7	2%	7	France (76%)
Nigeria	70	115	40	65	80	↗	+ 23	2%	0	France (50%)
Ukraine	20	5	10	15	75	↗	+400.	2%	2	Greece (40%)
Armenia	100	115	145	105	75	↘	- 29	2%	25	France (87%)
Pakistan	25	85	60	80	65	↘	-18.8	1%	0	France (38%)
Other	1 530	1 430	1 230	1 070	845	↘	- 21	18%	n.a.	France (39%)
EU+	5 150	5 775	5 540	5 540	4 670	↘	- 16		9	Afghanistan (26%)

Annex D13: Humanitarian protection granted at second or higher instance in the EU+ by Member States and main citizenship, 2011-2015

	2015					% chg. on last year	Share in EU+	per million inhabitants	Highest share	Sparkline
	2011	2012	2013	2014	2015					
Reporting country									Citizenship	
Germany	1 340	1 775	2 045	1 730	1 615	-6.6	32%	20	Afghanistan (39%)	
United Kingdom	3 060	2 845	1 065	1 265	1 285	+2	25%	20	China (10%)	
Sweden	640	715	705	830	1 150	+38.6	23%	118	Stateless (16%)	
Norway	335	365	485	610	595	-2	12%	115	Afghanistan (20%)	
Greece	135	255	365	775	140	-81.9	3%	13	Pakistan (18%)	
Austria	:	:	:	20	115	+475	2%	13	Russia (43%)	
Netherlands	290	55	190	100	85	-15.	2%	5	Iran (12%)	
Switzerland	285	220	150	100	55	-45	1%	7	Kosovo (18%)	
Poland	40	25	20	0	15	:	0%	0	Russia (67%)	
Finland	40	45	50	30	15	-50	0%	3	Iraq (33%)	
Italy	260	470	5	5	5	+	0%	0	Not specify	
Czech Republic	10	0	5	15	0	-100	0%	0		
Denmark	0	0	0	0	0	:	0%	0		
Hungary	5	5	0	5	0	-100	0%	0		
Spain	:	30	5	10	0	-100.	0%	0		
Slovakia	0	0	0	0	0	:	0%	0		
Romania	0	0	0	0	0	:	0%	0		
Cyprus	45	25	25	5	0	-100	0%	0		
Malta	0	5	0	0	0	:	0%	0		
Lithuania	:	:	0	0	0	:	0%	0		
Croatia	:	:	0	0	0	:	0%	0		
Estonia	:	:	0	0	0	:	0%	0		
Ireland	:	:	:	:	:	:	:	:		
Bulgaria	:	:	:	:	:	:	:	:		
Slovenia	:	:	:	:	:	:	:	:		
Portugal	:	:	:	:	:	:	:	:		
France	:	:	:	:	:	:	:	:		
Belgium	:	:	:	:	:	:	:	:		
Luxembourg	:	:	:	:	:	:	:	:		
Latvia	:	:	:	:	:	:	:	:		
Citizenship									Reporting country	
Afghanistan	1 145	1 230	1 595	1 280	900	-29.7	18%	28	Germany (70%)	
Russia	175	190	195	230	255	+11	5%	2	Germany (39%)	
Stateless	150	110	65	80	250	+212.5	5%	n.a.	Sweden (74%)	
Pakistan	195	250	130	360	195	-46	4%	1	United Kingdom (62%)	
Nigeria	165	425	175	240	180	-25.	4%	1	United Kingdom (56%)	
Kosovo	160	225	155	160	175	+9	3%	96	Germany (54%)	
Serbia	150	170	125	125	175	+40.	3%	25	Germany (57%)	
Iraq	500	535	310	320	160	-50	3%	5	Sweden (47%)	
Ethiopia	110	95	145	105	160	+52.4	3%	2	Norway (66%)	
Iran	260	240	250	105	145	+38	3%	2	Norway (48%)	
China	490	340	100	150	145	-3.3	3%	0	United Kingdom (90%)	
Albania	45	60	110	150	130	-13	3%	45	United Kingdom (46%)	
Somalia	235	130	95	80	130	+62.5	3%	12	Germany (42%)	
Armenia	60	90	65	90	125	+39	2%	42	Sweden (72%)	
Unknown	130	40	85	60	110	+83.3	2%	n.a.	Sweden (64%)	
Other	2 520	2 710	1 515	1 970	1 840	-7	36%	n.a.	United Kingdom (37%)	
EU+	6 490	6 840	5 115	5 505	5 075	-8		10	Afghanistan (18%)	

Annex D14: Rejections at second or higher instance in the EU+ by Member States and main citizenship, 2011-2015

	2015					% chg. on last year	Share in EU+	per million inhabitants	Highest share	Sparkline
	2011	2012	2013	2014	2015					
Reporting country									Citizenship	
Germany	21 200	24 420	30 705	37 340	86 535	+131.7	53%	1,071	Albania (27%)	
France	28 425	30 570	32 100	31 260	29 190	-6.6	18%	440	Congo (DR) (11%)	
Sweden	11 375	13 060	10 575	10 755	10 510	-2.3	6%	1,078	Albania (12%)	
United Kingdom	10 415	8 285	8 730	8 250	8 735	+5.9	5%	135	Pakistan (18%)	
Belgium	9 985	12 160	11 060	7 480	7 260	-2.9	4%	645	Russia (12%)	
Greece	215	1 115	2 990	5 785	5 810	+4	4%	535	Pakistan (46%)	
Norway	7 940	7 175	9 425	7 470	3 930	-47.4	2%	761	Somalia (14%)	
Austria	7 540	6 415	5 435	1 210	2 390	+97.5	1%	279	Kosovo (25%)	
Switzerland	3 245	3 545	3 185	2 295	1 905	-17.	1%	231	China (9%)	
Poland	2 175	900	1 000	1 360	1 820	+33.8	1%	48	Ukraine (60%)	
Denmark	1 810	1 085	1 110	1 495	1 050	-29.8	1%	186	Russia (15%)	
Spain	1 100	1 100	1 085	905	570	-37.	0%	12	Nigeria (18%)	
Netherlands	1 205	645	820	745	490	-34.2	0%	29	North Korea (8%)	
Luxembourg	325	900	660	725	445	-38.6	0%	790	Kosovo (24%)	
Hungary	275	290	625	800	435	-45.6	0%	44	Kosovo (20%)	
Czech Republic	365	415	395	530	395	-25.5	0%	37	Ukraine (39%)	
Ireland	1 250	645	525	115	305	+165.2	0%	66	Nigeria (26%)	
Malta	505	415	135	225	300	+33.3	0%	699	Nigeria (15%)	
Cyprus	3 110	1 500	875	275	285	+3.6	0%	336	Vietnam (23%)	
Portugal	20	65	100	95	85	-10.5	0%	8	Mali (24%)	
Croatia	.	100	95	110	85	-22.7	0%	20	Algeria (24%)	
Romania	1 180	1 945	625	135	65	-51.9	0%	3	Afghanistan (15%)	
Latvia	10	40	45	35	65	+85.7	0%	33	Vietnam (62%)	
Finland	65	50	55	45	55	+22.2	0%	10	Iraq (45%)	
Slovenia	70	35	60	65	30	-53.8	0%	15	Kosovo (33%)	
Slovakia	0	65	110	55	25	-54.5	0%	5	Ukraine (20%)	
Estonia	10	5	0	5	10	+100.	0%	8	Mali (50%)	
Lithuania	30	215	30	10	10	+	0%	3	Russia (50%)	
Bulgaria	5	0	5	5	5	+	0%	1	Not specify	
Italy	1 175	445	20	10	5	-50.	0%	0	Not specify	
Citizenship									Reporting country	
Albania	625	1 980	1 990	6 015	28 195	+368.7	17%	9,746	Germany (82%)	
Kosovo	7 755	6 270	4 845	6 495	25 755	+296.5	16%	14,127	Germany (81%)	
Serbia	9 195	11 030	11 290	13 050	18 435	+41.3	11%	2,591	Germany (93%)	
FYROM	3 385	4 250	5 625	5 595	7 555	+35.	5%	3,651	Germany (90%)	
Pakistan	3 325	5 635	7 195	6 315	7 355	+16.5	5%	40	Greece (36%)	
Russia	7 630	6 930	5 875	6 680	5 670	-15.1	3%	39	France (31%)	
Bosnia and Herzegovina	870	2 200	3 030	4 500	4 930	+9.6	3%	1,291	Germany (85%)	
Bangladesh	2 960	5 530	5 085	5 135	4 355	-15.2	3%	27	France (60%)	
Congo (DR)	2 800	3 535	5 330	3 385	3 940	+16.4	2%	53	France (78%)	
Georgia	1 890	2 250	3 010	3 135	3 690	+17.7	2%	822	France (36%)	
Afghanistan	5 815	7 025	6 340	4 230	3 060	-27.7	2%	97	Germany (27%)	
China	3 120	3 310	2 810	3 230	2 910	-9.9	2%	2	France (52%)	
Nigeria	4 235	3 160	3 285	3 115	2 700	-13.3	2%	15	France (29%)	
Somalia	1 525	1 585	2 565	2 730	2 460	-9.9	2%	234	Sweden (35%)	
Ukraine	515	565	495	710	2 425	+241.5	1%	53	Poland (45%)	
Other	59 390	52 350	53 805	45 280	39 375	-13.	24%	n.a.	France (30%)	
EU+	115 035	117 605	122 575	119 600	162 810	+36		313	Albania (17%)	

Annex D15: Resettled persons in the EU+ by Member States and main citizenship, 2011-2015

						2015				
	2011	2012	2013	2014	2015	% chg. on last year	Share in EU+	per million inhabitants	Highest share	Sparkline
Reporting country						Citizenship				
Norway	1 270	1 230	955	1 285	2 375	↑ + 85	21%	460	Syria (71%)	
United Kingdom	455	1 040	965	785	1 865	↑ + 138	17%	29	Syria (64%)	
Sweden	1 620	1 680	1 820	2 045	1 850	↓ - 10	17%	190	Syria (37%)	
Finland	585	730	675	1 090	1 005	↓ - 8	9%	184	Syria (37%)	
Austria	0	0	0	390	760	↑ + 95	7%	89	Syria (99%)	
France	130	100	90	450	620	↑ + 38	6%	9	Syria (62%)	
Switzerland	0	0	0	0	610	:	5%	74	Syria (86%)	
Germany	145	305	280	280	510	↑ + 82	5%	6	Eritrea (35%)	
Denmark	515	470	515	345	450	↑ + 30	4%	80	Congo (DR) (50%)	
Netherlands	540	430	310	790	450	↓ - 43	4%	27	Syria (39%)	
Belgium	25	0	100	35	275	↑ + 686	2%	24	Syria (69%)	
Ireland	45	50	85	95	175	↑ + 84	2%	38	Syria (86%)	
Italy	0	0	0	0	95	:	1%	2	Syria (100%)	
Luxembourg	0	0	0	30	45	↑ + 50	0%	80	Syria (100%)	
Portugal	30	15	0	15	40	↑ + 167	0%	4	Syria (63%)	
Hungary	0	0	0	10	5	↓ - 50	0%	1	Syria (100%)	
Lithuania	0	5	0	0	5	:	0%	2	Iraq (100%)	
Slovenia	0	0	0	0	0	:	0%	0		
Slovakia	0	0	0	0	0	:	0%	0		
Bulgaria	:	0	0	0	0	:	0%	0		
Czech Republic	0	25	0	0	0	:	0%	0		
Greece	0	0	0	0	0	:	0%	0		
Romania	0	0	0	40	0	↓ - 100	0%	0		
Spain	:	80	0	125	0	↓ - 100	0%	0		
Cyprus	:	:	0	0	0	:	0%	0		
Poland	:	0	0	0	0	:	0%	0		
Malta	0	0	0	0	0	:	0%	0		
Croatia	:	:	0	0	0	:	0%	0		
Estonia	0	0	0	0	0	:	0%	0		
Latvia	0	0	0	0	0	:	0%	0		
Citizenship						Reporting country				
Syria	10	75	260	3 165	6 475	↑ + 105	58%	292	Norway (26%)	
Congo (DR)	485	540	875	775	1 120	↑ + 45	10%	15	Denmark (20%)	
Afghanistan	370	1 065	770	860	745	↓ - 13	7%	24	Norway (46%)	
Somalia	810	755	1 030	630	665	↑ + 6	6%	63	Sweden (49%)	
Sudan	185	350	270	180	470	↑ + 161	4%	12	Finland (44%)	
Ethiopia	375	575	95	215	330	↑ + 53	3%	3	United Kingdom (47%)	
Eritrea	1 130	655	560	710	325	↓ - 54	3%	64	Germany (55%)	
Iraq	485	430	360	365	270	↓ - 26	2%	8	United Kingdom (39%)	
Stateless	290	200	165	135	255	↑ + 89	2%	n.a.	Sweden (49%)	
Colombia	5	170	405	110	125	↑ + 14	1%	3	Sweden (92%)	
Unknown	50	0	0	85	55	↓ - 35	0%	n.a.	Netherlands (82%)	
Pakistan	10	65	55	40	45	↑ + 13	0%	0	Netherlands (89%)	
Rwanda	30	25	30	30	35	↑ + 17	0%	3	Denmark (29%)	
Iran	200	175	335	130	30	↓ - 77	0%	0	Finland (67%)	
Palestine	30	5	5	15	20	↑ + 33	0%	n.a.	France (100%)	
Other	895	1 075	580	365	175	↓ - 52	2%	n.a.	France (24%)	
EU+	5 360	6 160	5 795	7 810	11 140	↑ +42.6		21	Syria (58%)	

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