European Asylum Support Office

Annual Report Situation of Asylum in the European Union 2013

July 2014

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Asylum Research Consultancy (ARC)

Comisión Española de Ayuda al Refugiado (CEAR)

European Council for Refugees and Exiles (ECRE)

European Union Agency for Fundamental Rights (FRA)

Flemish Refugee Action/Vluchtelingenwerk

Forum réfugiés-Cosi

Helsinki Foundation for Human Rights

International Rehabilitation Council for Torture Victims

Irish Refugee Council

Norwegian Organisation for Asylum Seekers (NOAS)

ONG RESCATE Internacional

PRO ASYL

Executive Summary

The 2013 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 EU28 and how they were processed by the Member States (MS), in order to indicate important developments at both EU and national level, and to describe how each of the key aspects of the Common European Asylum System works.

International Protection in the EU

In 2013, 435 760 persons applied for international protection in the EU28, representing both the highest number and the sharpest year-to-year growth (+30 % compared to 2012) since EU-level data collection began in 2008. The highest numbers of asylum applicants recorded were citizens of Syria, the Russian Federation and the Western Balkan countries (Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia (FYROM), Kosovo ([1]), Montenegro and Serbia), while the main receiving MS were Germany, France, Sweden, the United Kingdom and Italy.

At the end of 2013, more than 352 000 persons were awaiting a decision on their asylum application in the EU28; the volume of pending applications therefore increased by +33 % compared to the previous year.

In line with this increased number of applicants, 328 250 first instance decisions were issued in 2013 (a growth of 14 % compared to 2012). The overall recognition rate at EU28 level (including humanitarian protection) stood at 34.4 % based on the granting of refugee status to 49 710 persons, subsidiary protection to 45 535 persons and humanitarian protection to 17 665 persons. The highest recognition rates were for Syrians, Eritreans and stateless persons.

While the statistics on decisions in appeal or in review were not complete at the time of writing, it is estimated that around 135 000 decisions in appeal or in review were issued in 2013.

The ongoing crisis in Syria posed a key challenge for the EU in 2013, with the number of Syrian applicants rising 109 %, with significant rises in both absolute (Sweden and Germany) and relative (Bulgaria, the Netherlands and Romania) terms, triggering revisions of policies, the establishment of special procedure measures and the engagement of additional resources, including emergency funding.

The tragic case of the boat carrying migrants towards Lampedusa that sank in October 2013, resulting in the deaths of some 300 people, reignited the discussion regarding the need to provide safe access to EU territory and asylum procedures, and led to the establishment of the Task Force Mediterranean.

([1]) 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.

Major Developments in 2013

In June of 2013 the recast asylum *acquis* package was adopted. It included the recast Reception Conditions Directive, the recast Asylum Procedures Directive, the recast Dublin Regulation, and the recast Eurodac Regulation, bringing the review process to completion (as the recast Qualification Directive was adopted in 2011). To highlight a key points of the new package, Article 33 of the recast Dublin Regulation envisages an Early Warning, Preparedness and Crisis Management Mechanism whereby EASO will have a role in providing information to the European Commission concerning a risk of particular pressure on a MS asylum system or problems in how it functions. It also provides for the analysis of preventive and crisis management action plans prepared by the MS.

The Court of Justice of the European Union and the European Court of Human Rights issued a number of significant judgments in 2013 concerning matters of credibility assessment, membership in a particular social group; persecution on the grounds of religion; prioritised, 'fast track' and accelerated procedures; Dublin procedures; and return, reception and detention conditions.

The operation of the European Refugee Fund, which included many projects implemented by the MS within its framework, ended in 2013. Preparatory actions were taken to launch the new Asylum, Migration and Integration Fund as of 2014.

Italy and Bulgaria, as well as Greece, were among the MS which faced increased pressures in 2013 due to large numbers of arrivals and a significant volume of pending cases, respectively, which led to official requests that EASO provide operational support to those MS.

At the national level several MS made changes in the organisation of their systems, including the creation of new structures, the transfer of competencies and centralisation, and launching of internal reforms. Major legislative changes at the national level were chiefly driven by the transposition of the recast Qualification Directive. Other significant legislative changes in the MS concerned matters of responsibility for subsequent applications, reception conditions (including access to the labour market), detention policies, appeal procedures, and documents issued to asylum applicants.

In terms of measures taken to enhance the integrity of procedures for international protection, in 2013 MS focused on establishing the identity of applicants for international protection, age assessment and the issue of subsequent applications. To ensure efficiency and in particular to shorten processing time, MS used screening procedures and applied accelerated and 'fast track' procedures. Efforts to further develop the quality of asylum procedures remained a strong trend in the EU, with numerous MS continuing to implement quality projects aimed at ensuring the fairness and efficiency of procedures for international protection.

Resettlement activities in 2013 were strongly marked by MS responses to the Syrian crisis, including the launching of special resettlement programmes for Syrians, which carried on into 2014. Relocation efforts have continued, *inter alia,* within the framework of the EUREMA II project.

Functioning of the CEAS

Many developments were noted with regard to specific aspects of the Common European Asylum System.

In terms of access to procedures and EU territory, rescue operations were launched in the Mediterranean, along with monitoring projects in many MS. However, concerns remain with regard to alleged pushbacks and delays in registration. MS strove to provide information to applicants for international protection, which sometimes proved challenging — especially in the context of detention.

The European Refugee Fund was a significant source of (co-)financing for programmes providing legal and interpretation assistance to applicants for international protection, however it appears that further efforts are needed to ensure its full accessibility and quality.

In terms of Dublin procedures, the lack of uniform practices for reporting statistical data and interpreting legal notions (sovereignty clauses) persisted, and the complexity of the Dublin procedures remained a challenge. Out of the many procedural modalities of processing cases (including accelerated procedures, border procedures, prioritisation of certain caseloads), in 2013 developments in the MS mainly concerned the issue of subsequent applications and accelerated procedures.

MS reception systems vary greatly; throughout 2013 many MS undertook initiatives to enhance reception conditions by improving coordination measures, creating new reception facilities and revising the rules on providing reception (in particular as regards access to the labour market). Pressures stemming from the large numbers of applicants also led MS to undertake contingency planning measures in the area of reception. Detention is applied in many MS to varying degrees based on national policies; civil society and other organisations continued to express concerns with regard to detention conditions and their impact on the well-being of the applicants.

As regards procedures at first instance, in 2013 many MS faced challenges due to effect that numbers of applicants had on the way determination procedures were conducted. Measures taken included revising the roles of specific authorities in the asylum process, improving physical environments and facilities, as well as launching new technological solutions to support the asylum process. Similarly, MS continued to improve identified issues related to the quality, accessibility and interpretation of information on countries of origin by developing new methodologies and products, and further developing databases.

As with first instance procedures, those conducted at the second instance level were marked by changes in how the process is organised, internal reforms, and the creation of new institutions by MS. Concerns remained with regard to discrepancies in jurisprudence of individual courts and the continuing need for the professional development of members of courts and tribunals. However, the new legal framework of the recast *acquis* can be expected to bring greater harmonisation to this area of the asylum process; already in 2013 many MS expanded the possibility for an applicant to lodge an appeal, which included broadening the scope of its suspensive effect.

In light of how the concept of vulnerability in procedures for international protection has changed in the recast *acquis*, multiple actions were undertaken in 2013 concerning vulnerable groups and applicants in need of special procedural guarantees, including international projects and studies. At the MS level, special attention was paid to the situation of unaccompanied minors and to applications made by LGBTI (Lesbian, Gay, Bisexual, Transgender and Intersex) applicants. While clear improvements have been made, and regardless of whether necessary procedures are formally in place, some concerns remain. These include the actual availability of legal guardians for unaccompanied minors, the effective use of age and vulnerability assessment procedures, the reception and possible detention of vulnerable persons, and the approach towards victims of human trafficking.

Finally, the effective return of failed asylum seekers (which is an integral part of a credible asylum system) remained an important matter in many MS, with measures taken to strengthen the application of voluntary return as the preferred option.

1. Introduction

The EASO Annual Report on the Situation of Asylum in the EU has been drawn up in accordance with Article 12 of the EASO Regulation ([2]). Its objective is to provide a comprehensive overview of the situation of asylum in the EU, describing and analysing flows of applicants for international protection to the EU, as well as 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 continues to aim to provide independent sources of information and help identify 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 does not claim to be exhaustive. State-specific examples mentioned in the report serve only as illustrations of relevant aspects of the CEAS.

The report duly takes information already available from a wide range of sources into account. For the purpose of this report, EASO received information from MS, EU institutions, civil society, international organisations and academia. UNHCR ([3]) made a special contribution to this report (hereinafter referred to as UNHCR input).

To avoid duplicating the *Annual Report on Immigration and Asylum*, the European Commission was regularly consulted during the drafting process and actively contributed. Information was also received via questionnaire responses given as part of the drafting of the European Migration Network's *Annual Report*. To complement this information, EASO requested additional information from MS through an Annual Report Matrix (and where needed, clarifications were sought bilaterally) ([4]).

Finally, contributions were specifically sought from civil society by means of a call for input sent by the EASO Executive Director to the members of the EASO Consultative Forum, inviting them to provide information on their work relevant to how the CEAS functions. Several contributions were received in reply to this call and are acknowledged in the list of contributors.

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

([2]) 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.
([3]) 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.
([4]) Information on state practices in footnotes that does not refer to a specific source is from this MS input.

2. International Protection in the EU

2.1. Applicants for international protection in the EU

Requests for international protection in the EU are to a large extent related to developments in different regions of the world and the forced migratory movements resulting from them. Ongoing armed conflicts, serious human rights violations, terrorism or the persecution of specific groups are among many factors that can lead individuals to leave their home country in order to seek refuge in another State. While the vast majority of persons in need of international protection tend to remain in the region neighbouring their country of origin, a significant share applies for international protection in the EU28.

2013 marked the highest level of applications for international protection recorded in the EU28 since EU-level data collection ([5]) began, with 435 760 applicants (or 859 applicants per million inhabitants) ([6]).

Asylum applicants in the EU28 at their highest point since the beginning of EU-level collection

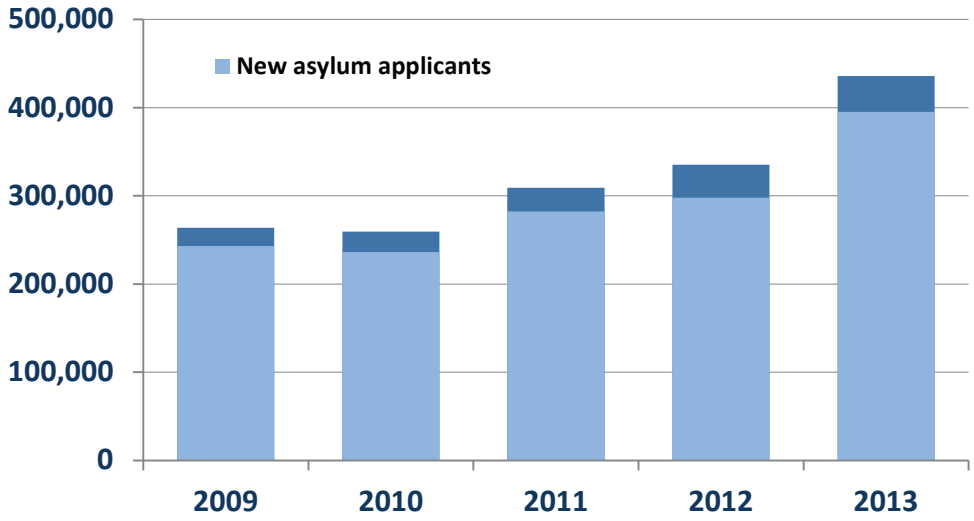


Figure 1: Total asylum applicants in the EU, 2009–2013 ([7])

As in past years, the proportion of new asylum applicants, that is to say persons who had never been registered before in the asylum system of the reporting MS, was about 90 %. This proportion, however, varies greatly based on the citizenship of the asylum seeker.

The volume of applicants registered in 2013 followed the trend of steady increases over the past 3 years. However, the difference between 2012 and 2013 stands out as the sharpest year-to-year change recorded since 2008, with +30 % more applicants ([8]).

([5]) 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/LexUriServ/LexUriServ.do?uri=OJ:L:2007:199:0023:0029:EN:PDF.

([6]) While this level is the highest recorded in recent years, the EU has seen higher levels, e.g. in 1992 when, due to developments in the former Yugoslavia, more than 620 000 applicants for international protection were reported in the EU15.

([7]) When not available, figures for first-time asylum applicants have been replaced with data for total asylum applicants and vice-versa.

([8]) Further to Croatia's accession to the EU, statistics have been reported to Eurostat from January 2013 onwards. Its inclusion in the EU28 aggregate therefore prompted an increase of 0.4 percentage points compared to 2012, with 1 075 applicants reported.

The clear upward trend in the amount of asylum applications since 2010 aside, the monthly change in asylum applications made in 2013 further confirmed the seasonal pattern of asylum requests. The first half of the year — and the first quarter in particular — is usually marked by levels below the monthly average, while the applications generally peak towards the end of the third quarter.

The number of asylum applicants tends to be at its lowest in the 1st quarter and reaches its highest in the 3rd quarter of the year

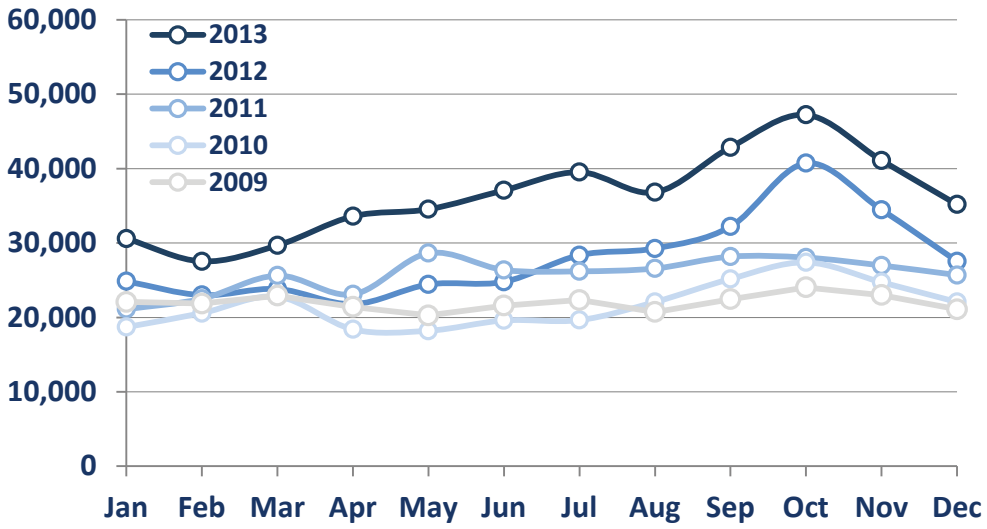


Figure 2: Evolution of asylum applicants in the EU28, January 2009 - December 2013

Due to continued crisis and conflict, applications for international protection recorded in the EU28 from Syrians more than doubled in 2013 and reached 50 495 applicants. This is the highest number of applicants from any single country of origin recorded since 2008. While a very high figure at the EU28 level, this number pales in comparison to the 1 800 000 registered Syrian refugees recorded in Turkey, Lebanon, Iraq, Jordan and Egypt during 2013 ([9]).

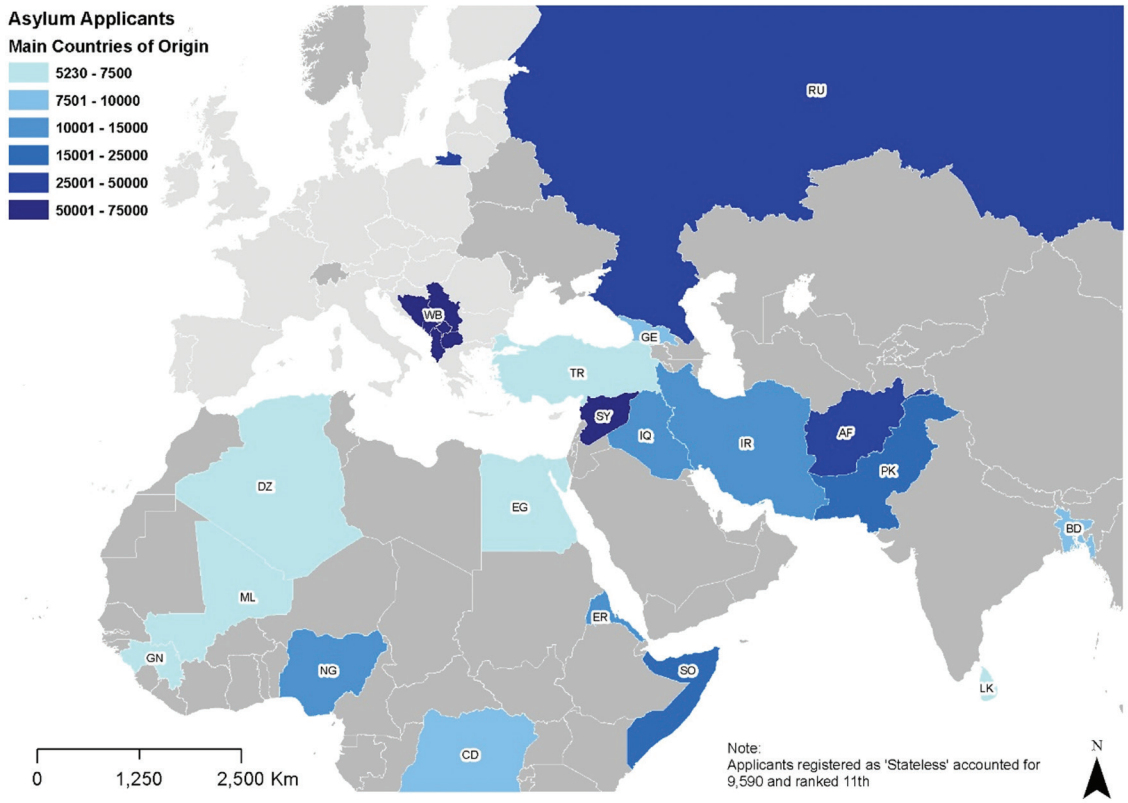
Applicants from the Russian Federation also showed sharp growth in 2013, reaching 41 485 applicants, becoming the second most numerous citizenship group applying, ahead of Afghanistan, the number of which slightly receded from 2012, with 26 315 applicants. In spite of a slight increase, Pakistan remained the fourth-ranked citizenship of asylum applicants, with 20 895 applicants recorded last year.

However, when considered together, in 2013 applications from nationals of Western Balkans countries (Albania, Bosnia and Herzegovina, FYROM, Kosovo ([10]), Montenegro and Serbia), once again represented the most significant group of asylum applicants in the EU28, with 72 840 total asylum applicants (or 17 % of all applicants in the EU28) and a 36 % rise resulting from strong increases in the number of applicants from Kosovo and Albania, but also moderate growth of applicants from Bosnia and Herzegovina, FYROM and Serbia ([11]).

([9]) Since the beginning of the conflict in Syria, UNHCR has been registering Syrian refugees in Egypt, Iraq, Jordan, Lebanon, and Turkey. As of 31 December 2013, 2 301 668 Syrians had been registered. The latest data available as of 4 May 2014, indicates a total of 2 670 383 Syrians registered since the beginning of the conflict (source: http://data.unhcr.org/syrianrefugees/regional).

([10]) 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.

([11]) Throughout the report, where appropriate, Western Balkan countries are considered together for a number of reasons: their common EU-oriented 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' by the most important destination countries, their common past (five out of six were part of Yugoslavia) and similar current economic and social conditions.



Map 1: Main countries of origin of asylum applicants in the EU28 in 2013

Syria and Russia became main countries of origin

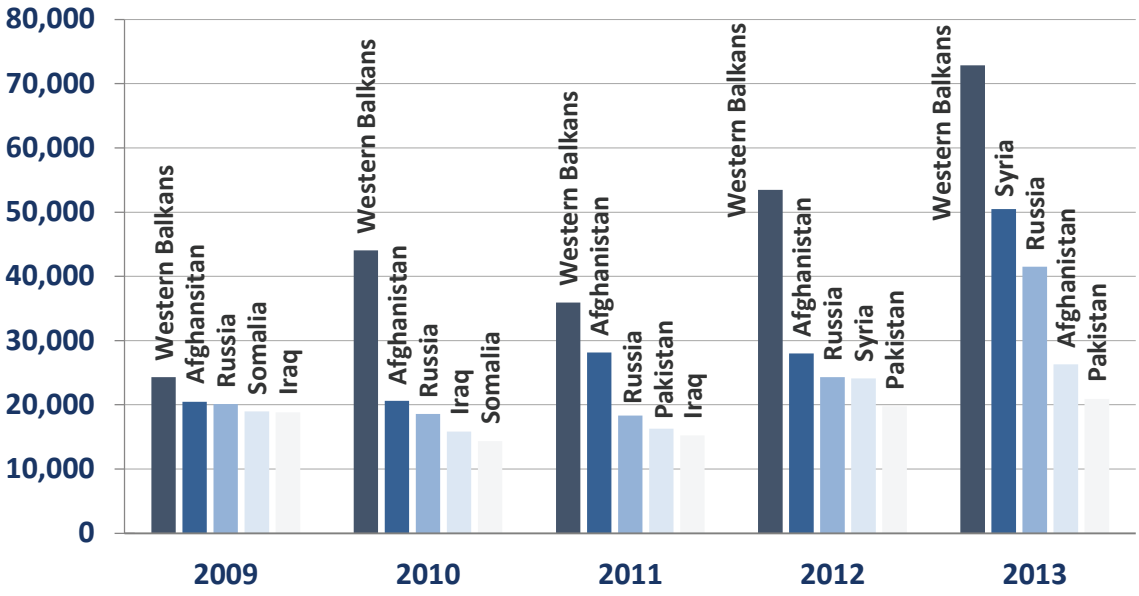


Figure 3: Main countries of origin of asylum applicants in the EU28, 2009 – 2013

From the MS perspective, 2013 was, in terms of ranking, almost in line with last year: **Germany** was the top receiving country, followed by **France**, **Sweden** and the **United Kingdom**. However, the gap between the first and the second receiving country increased very significantly. In 2013, **Germany** reported 126 705 applicants, or almost twice as many as **France,** with 66 265 applicants. This major jump can be explained by the fact that **Germany** was the first or second destination country for asylum applicants from the Western Balkans, Syria and the Russian Federation. For the first time since 2011 and the Arab Spring, **Italy** re-entered the top 5 receiving countries. This may be related to the high number of Mediterranean crossings recorded in 2013.

Germany was the main country receiving asylum applicants in the EU28 in 2013

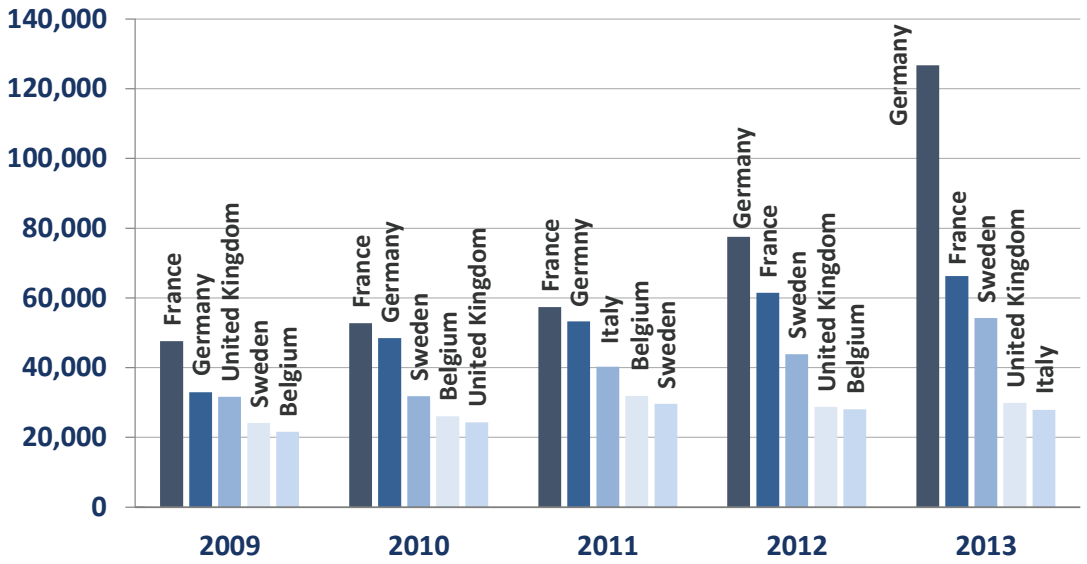


Figure 4: Main MS receiving asylum applicants, 2009 – 2013

The growth in numbers of applicants for asylum in the EU was primarily due to the rising number of Syrians seeking international protection (+26 380 applicants; +109 %). Syria was the main citizenship of origin for asylum applicants in eight MS. Asylum requests from Syrians affected some MS in a disproportionate manner. For instance, they comprised 63 % of all applications for international protection registered in **Bulgaria** during the year (see section 2.8.1. on Syria). The Russian Federation accounted for the second most significant increase at EU28 level (+17 195; +71 %), occurring primarily in **Poland** (with 84 % of all asylum applicants registered) and **Germany** (see section 2.8.2. on Russian Federation). Finally, Kosovo (+10 015; +98 %) represented the third most significant increase at EU28 level, which was mainly registered in **Hungary** (see section 2.8.3. on the Western Balkans). While their impact at EU level was less, the sharp increases in the number of applicants from Eritrea (+8 285; +129 %) and applicants registered as 'stateless' (+6 075; +173 %) were also significant.

On the contrary, the most significant decreases registered in 2013 were slight and corresponded mainly to citizens of Iraq (-1 990;-15 %), Georgia (-1 715; -16 %) and Afghanistan (-1 705; -6 %).

Syria, the Russian Federation and the Western Balkans countries fuelled the increase of 2013

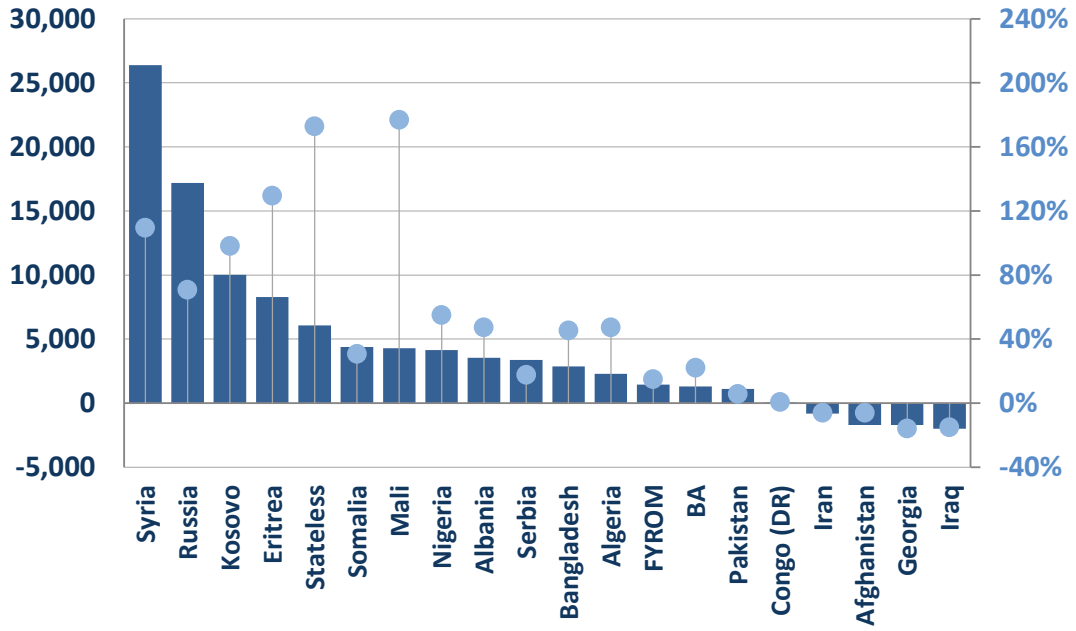


Figure 5: Year-to-year change in the main citizenships of asylum applicants, 2012 – 2013

At the MS level, the overall rise in the number of asylum applicants at the EU level resulted in increases for 16 MS, but decreases in 11 M S ([12]). It is important to note that at national level 6 MS faced increases in numbers of applicants of 50 % or more, and 4 MS saw decreases of around 40 % compared to the previous year. Such variations in numbers can have significant effects on states' planning and preparedness.

Hungary and Bulgaria both recorded very large percentage increases in 2013

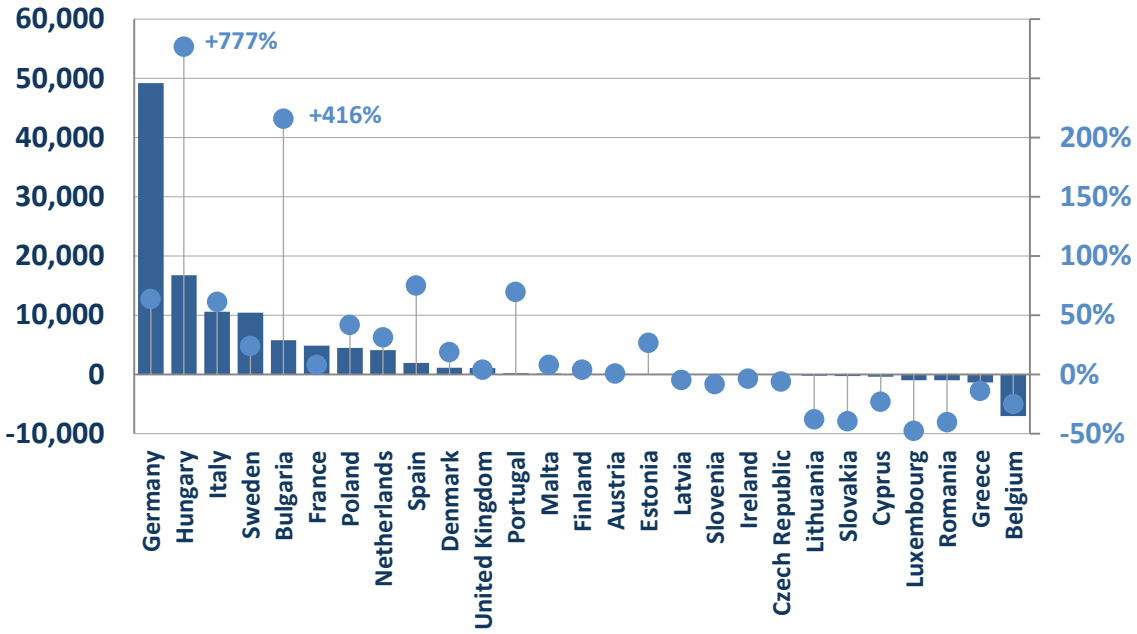


Figure 6: Year-to-year change in number of asylum applicants in the EU28 MS, 2012 – 2013

In relative terms, the most notable developments were recorded by **Hungary** (+16 740 applicants; +777 %) and **Bulgaria** (+7 145 +416 %). While for the former this change was mainly due to sudden inflows of asylum applicants from Kosovo, Pakistan and Afghanistan, for the latter most of the pressure was imputable to the relatively high number of applicants from Syria. When considering the impact in terms of absolute numbers of asylum claims, the most significant development occurred in **Germany** (+49 220 applicants; 64 % increase), which received high numbers of applications from Syrian nationals and citizens of the Russian Federation and the Western Balkan countries (see section 2.8.1. on Syria, section 2.8.2. on Russian Federation and section 2.8.3. on the Western Balkans). In **Italy** (+10 595; +61 %) growth mirrored the sharp increases in applicants from Nigeria, Somalia and Eritrea. In **Sweden** (+10 415; +24 %) the rise was driven by increases in the number of Syrian, stateless, and Eritrean applicants. Belgium is the only MS that experienced a notable decrease in the number of applicants in 2013.

2.2. Pending cases ([13])

Once a person has lodged his or her application for international protection, his or her case is considered open until a final decision has been issued or the case is otherwise closed ([14]). A final decision means a decision which can no longer be appealed ([15]). How long a case takes to be processed varies greatly depending on the nature and complexity of the case, but also on how the asylum system is set up and functions in each MS. The current number of pending cases is thus key information when considering the pressure on the asylum system of the MS.

At the end of December 2013, more than 352 000 applicants for international protection were awaiting a decision on their application in the EU28 ([16]). This level was the highest since the EU-level data collection began

([12]) No comparison possible for Croatia.
([13]) At the date of extraction, 2 May 2014, information for Cyprus (2009, 2011, and 2013), and the Netherlands (2012 and 2013) were not available.
([14]) This may include instances where the case is 'otherwise closed', meaning no decision is taken on the merits of the case regarding granting protection and a decision terminating/discontinuing the procedure is issued instead.
([15]) 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.
([16]) 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).

and echoed the steady rise in the number of asylum applicants recorded throughout the year from February to November 2013. By the end of December 2013, the number of pending cases was more than 33 % higher than at the end of December 2012.

Number of pending cases increases at EU28 level

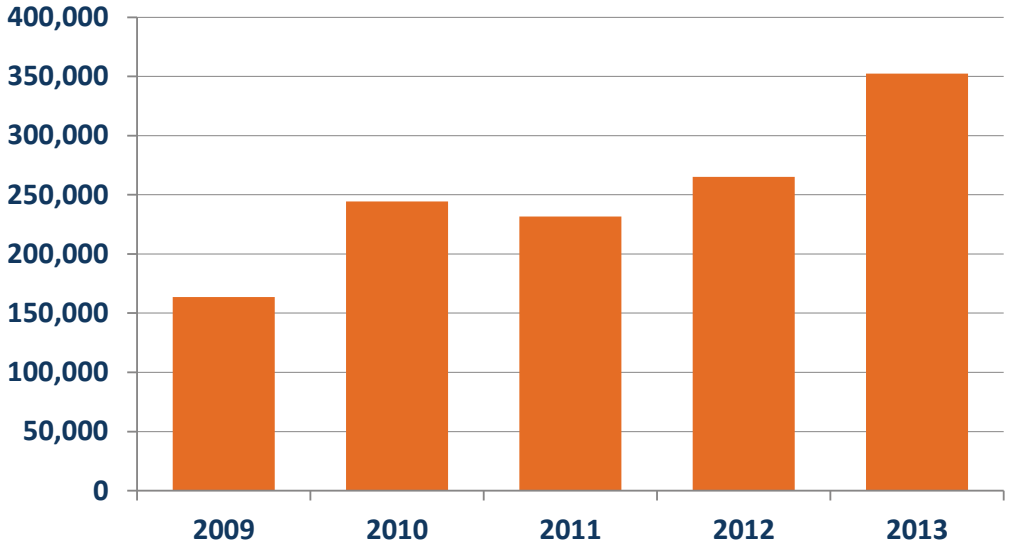


Figure 7: Pending cases in the EU28, 2009 – 2013

The main groups of applicants awaiting a decision on their claim for international protection at the end of the past five years were almost equal to the main groups of asylum applicants registered in those years.

As of the end of December 2013, most of the pending caseload was attributable to applicants from the Western Balkans region (45 710 applicants awaiting decisions, or 13 % of the total) — a sharp rise from their status as the second most significant source of caseload in 2012 — followed by the cases of applicants from Afghanistan and Pakistan (both circa 30 000 or 9 %), and Syria and Russian Federation, both of which remained the 4th and 5th most significant sources of caseload for determining authorities.

Western Balkans applicants topped the stock of pending cases in the EU28

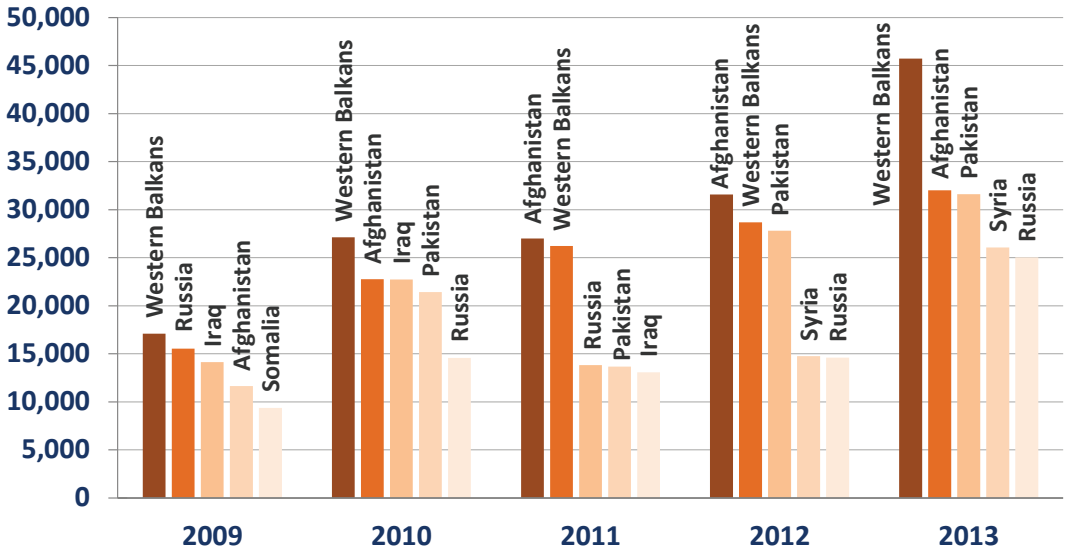


Figure 8: Distribution of pending cases by main countries of origin, 2009 – 2013

Pending cases were mainly found in the MS facing the largest numbers of applications, particularly Germany, but a historical backlog of some 50 000 cases meant Greece was among the top 5 EU countries for pending cases.

Caseloads of Eritrean, Albanian and Stateless more than doubled compared to December 2012

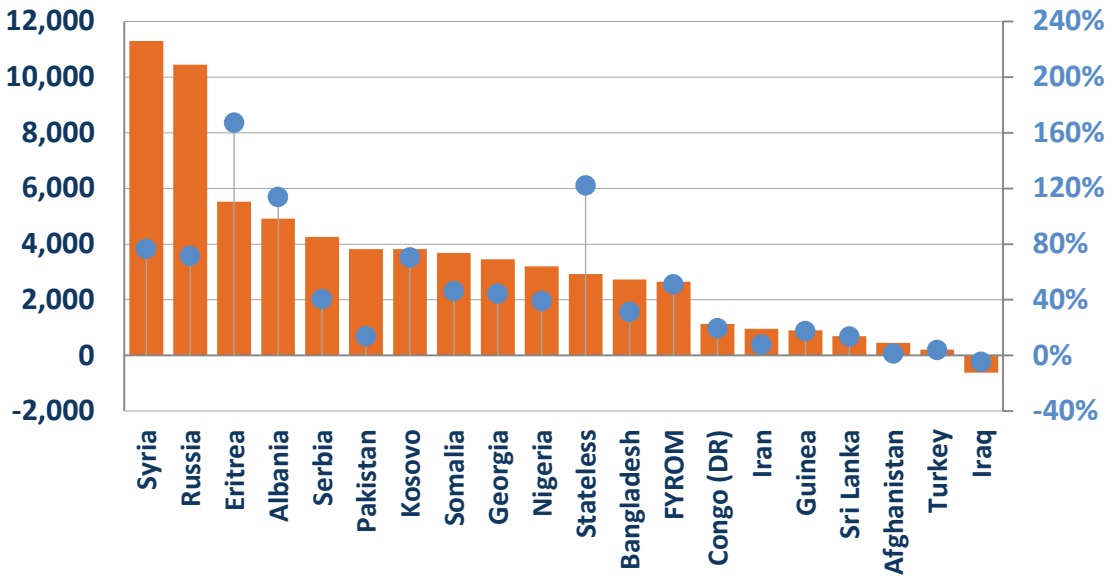


Figure 9: Distribution of pending cases by MS, 2009 – 2013

In relative terms, the most acute changes in numbers of pending cases occurred in the caseloads of Eritrean, Stateless and Albanian applicants, which more than doubled in 2013. Among the top 20 single citizenships comprising the load of pending cases, a slight decrease (-5 %) was only reported for applicants from Iraq.

By the end of 2013, out of all applicants awaiting a decision in the EU28, 38 % were in Germany

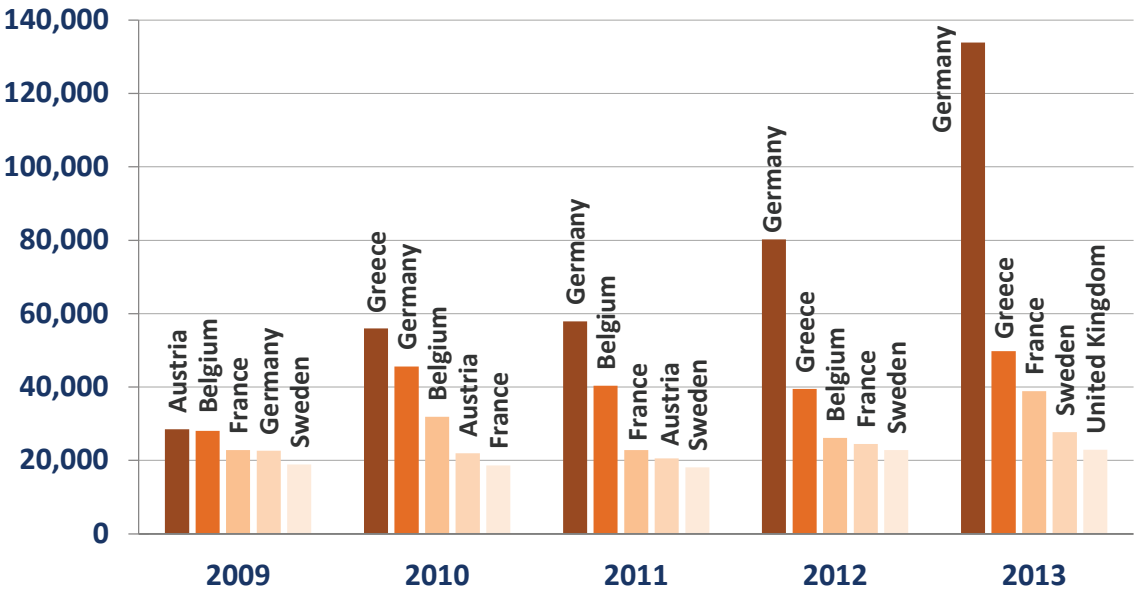


Figure 10: Year-to-Year change in main single citizenship of pending cases, 2012 – 2013

From the MS perspective, **Germany** saw the largest change in pending cases from last year, with an increase of +67 % or +53 600 cases, mainly of applicants from the Russian Federation, Syria and the Western Balkans. It should be noted that the magnitude of this increase exceeds the total number of pending cases reported by any other MS. In relative terms, **Portugal**, **Hungary** and **Bulgaria** registered the largest relative increases ([17]). While in **Portugal** and **Bulgaria** these changes were mainly driven by increased caseload from Syria, in **Hungary** this change is primarily imputable to new caseloads from Afghanistan. Decreases in the number of pending cases were only reported in six MS, the most significant occurring in **Belgium** where the number of pending cases dropped by a third, or -8 645 cases.

([17]) 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.

Germany strongly influences the load of pending cases in the EU28

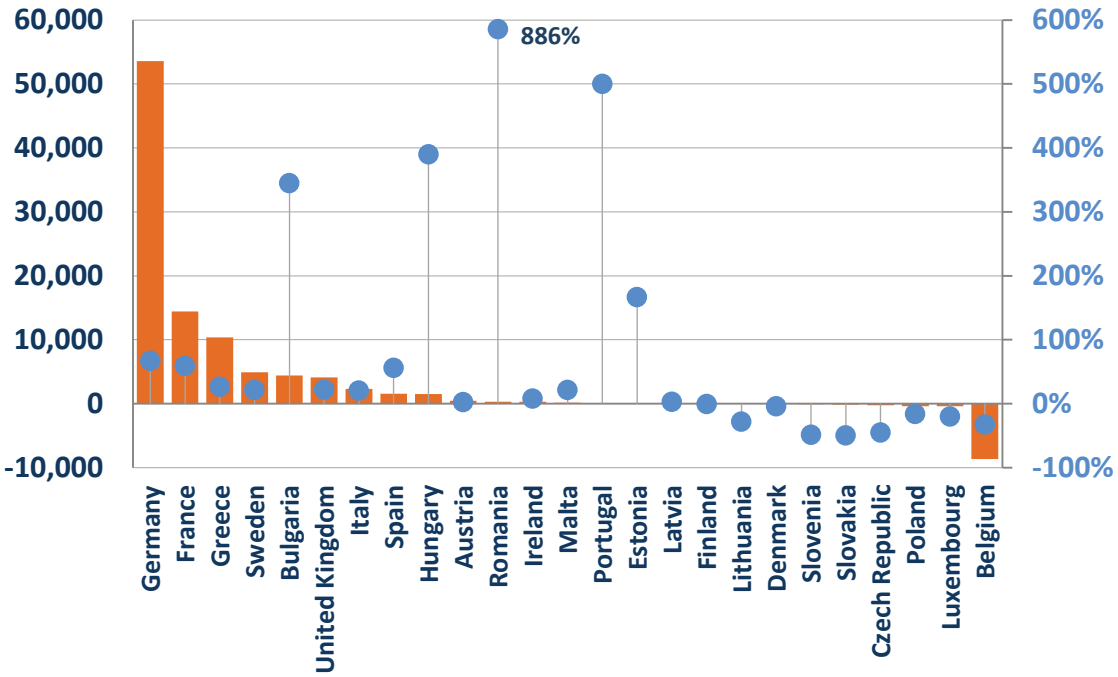


Figure 11: Year-to-year change in the EU28 MS stock of pending cases, 2012 – 2013

2.3. Withdrawn applications ([18])

Once a person has lodged an application for international protection, their application can be withdrawn during the asylum procedure and before a final decision is issued. An applicant may withdraw their application either explicitly (using procedures laid down in national law) or implicitly (when, by the actions or inaction of the applicant, MS deem that their application has been withdrawn or abandoned).

It is important to report on both types of withdrawn applications in order to understand the actual pressure on an asylum system (particularly on the reception system), however this breakdown is not provided for in Regulation 862/2007.

Relative to other asylum indicators, withdrawn applications remain low in magnitude

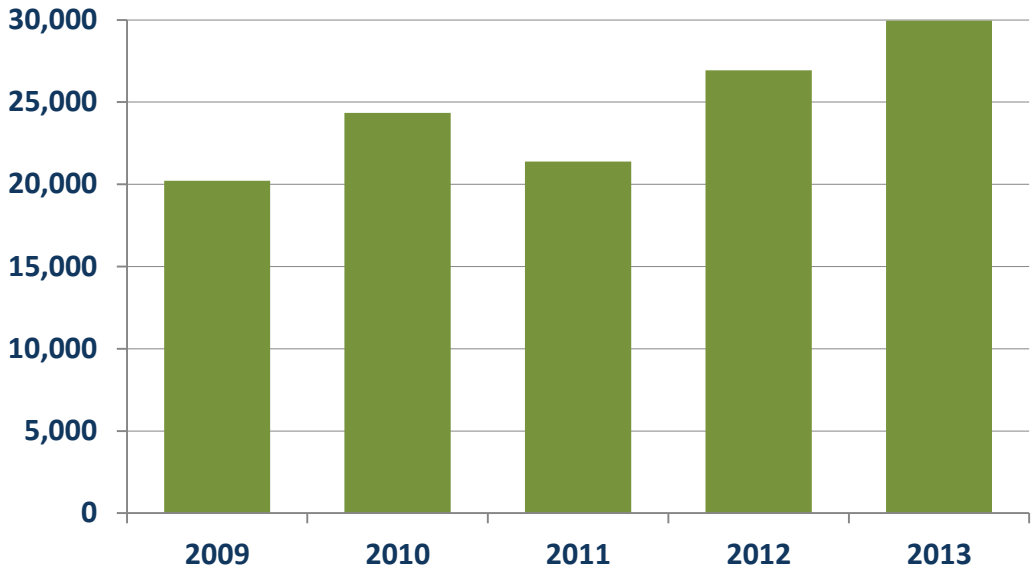


Figure 12: Withdrawn applications and share in total applications, 2009 – 2013

([18]) Upon the date of extraction, 2 May 2014, annual data for Spain in 2013 was not available.

During 2013, roughly 30 000 applicants for international protection withdrew their claim in the EU28. Mirroring the steady rise in the number of asylum applicants recorded throughout the year, this level was the highest since data collection began in 2008. However, contrary to the increase recorded in 2012, the ratio of applicants withdrawn to the total number of applicants actually decreased by 2 percentage points in 2013 (accounting for 6 % of all applicants in the EU28). This is likely due to the high volume of Syrians who withdrew very few applications. The significant discrepancies in the scope of reporting to Eurostat on withdrawn applications, and in particular related to including implicitly withdrawn applications, makes any analysis across MS highly problematic ([19]). It is hoped that a new data collection initiative launched in 2014 by EASO as part of its development of an Early warning and Preparedness System (EPS), which includes this breakdown, will bring more harmonised data and clarify the issue of implicitly withdrawn applications.

2.4. Asylum decisions — First instance decisions

2.4.1. Recognition rate

Once an application for international protection has been lodged, it is examined by a MS and a decision on the case is issued. Regulation 862/2007 stipulates that MS notify of the following possible outcomes:

1. Granting refugee status (under Geneva Convention)
2. Granting subsidiary protection status
3. Granting authorisation to stay for humanitarian reasons under national law concerning international protection
4. Temporary protection status (under EU legislation) ([20])
5. Rejection of the application

The EU temporary protection mechanism has not been used since it was included in EU legislation, and this section will therefore focus on the positive decisions granted via refugee status, subsidiary protection or authorisation to stay for humanitarian reasons under national law (referred to as 'humanitarian protection' in the remainder of this document) ([21]).

The bar graph below indicates that since 2009 the number of first instance decisions issued in the EU28 has paralleled the change in asylum applicants and steadily increased to reach 328 250 decisions in 2013 or a 14 % increase compared to 2012.

Out of these 328 250 decisions, 112 905 were positive, yielding an overall recognition rate at first instance of 34.4 %, which is 2.8 percentage points higher than the 31.6 % recognition rate from the previous year ([22]).

([19]) Information gathered by EASO under the framework of EPS revealed that most of the figures exchanged with Eurostat relate solely to applicants who have explicitly withdrawn their applications. This data is thus likely to be an underestimate of the phenomenon of implicitly withdrawn applications.
([20]) 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 MS 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.
([21]) Throughout this chapter, and in particular when considering the rate of positive decisions at first instance, it should be born in mind that this latter type of protection is not harmonised at EU level and is reported only by 16 of the EU28 MS (Czech Republic, Denmark, Germany, Greece, Spain, Italy, Cyprus, Hungary, Malta, the Netherlands, Poland, Romania, Slovakia, Finland, Sweden and the United Kingdom), though it sometimes represents a high proportion of the positive decisions issued.
([22]) It should be noted that the reported recognition rate in the EASO 2012 Annual Report was later adjusted to include revision of data from MS. Data on decisions from the Netherlands were not included in the 2012 Annual Report due to a transition to a new information system. Also, in the fourth quarter of 2012, a revised figure for first instance decisions submitted by the Italian authorities indicated that 10 925 decisions to grant humanitarian protection had been issued primarily to applicants from Africa and in particular Nigeria and Ghana. The scale of that revision was such that the overall recognition rate in the EU27 rose by some 4 percentage points to 31.6 %.

Decisions issued paralleled the evolution in number of applicants for international protection registered

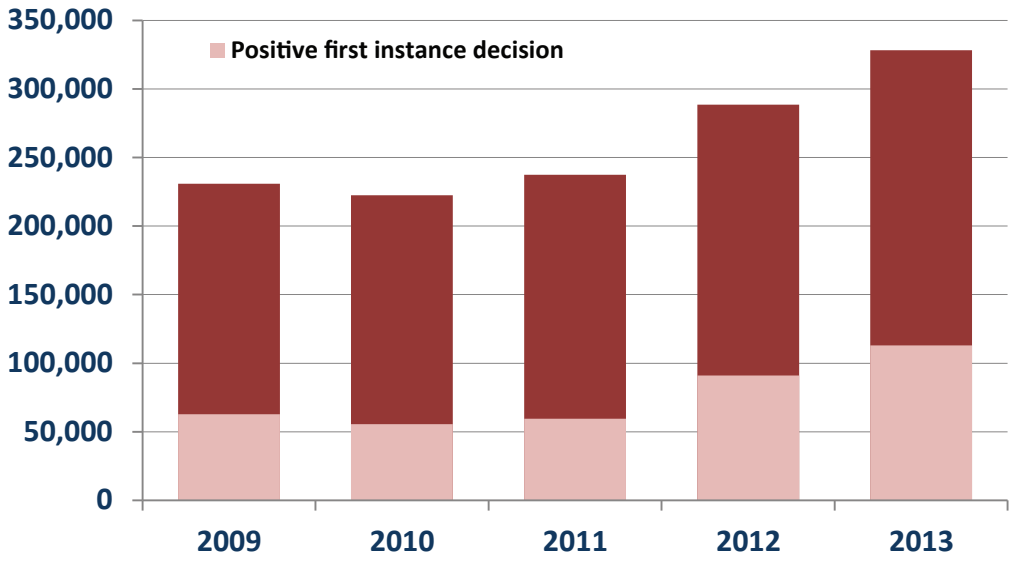


Figure 13: First instance decisions in the EU28, 2009 – 2013

The overall increase in positive decisions since 2009 is principally due to increases in decisions to grant refugee and subsidiary protection status.

The increase in positive decisions was led by higher levels of refugee and subsidiary protection

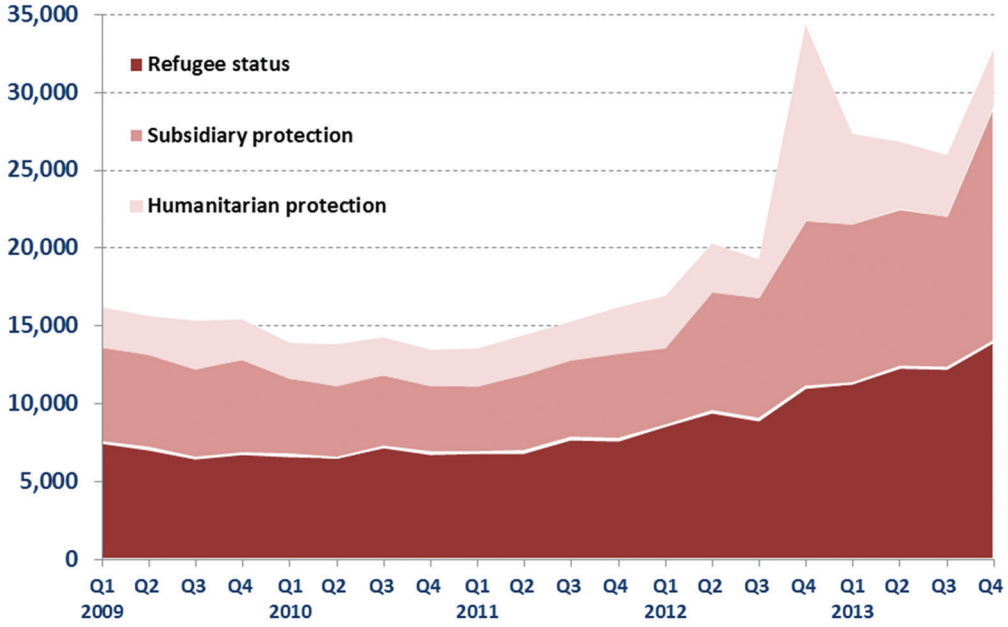


Figure 14: Evolution of positive decisions in the EU28, Q1 2009 – Q4 2013

According to the Qualification Directive, refugee status should be granted in a situation of well-founded fear of individual persecution. Throughout 2013, first instance decisions granting refugee status increased, and refugee status was granted to 49 710 persons compared to 37 895 in 2012 (+31 %). Most of these decisions were issued by **Germany**, **France** and the **United Kingdom** (see Table 1) and usually related to applicants from Syria, Iran or Afghanistan.

The use of subsidiary protection, which is often granted in a situation of generalised violence, has undergone significant increases in the past 2 years (+57 % from 2011 to 2012 and +45 % from 2012 to 2013). A trigger for this increase has been the decision made by many MS that Syrian applicants qualify for subsidiary protection, leading

to spectacular increases in decisions issued: 200, 10 295 and 22 610 decisions on subsidiary protection issued in 2011, 2012 and 2013 respectively.

The overall recognition rates at MS level reflect the heterogeneity of applicants' profiles

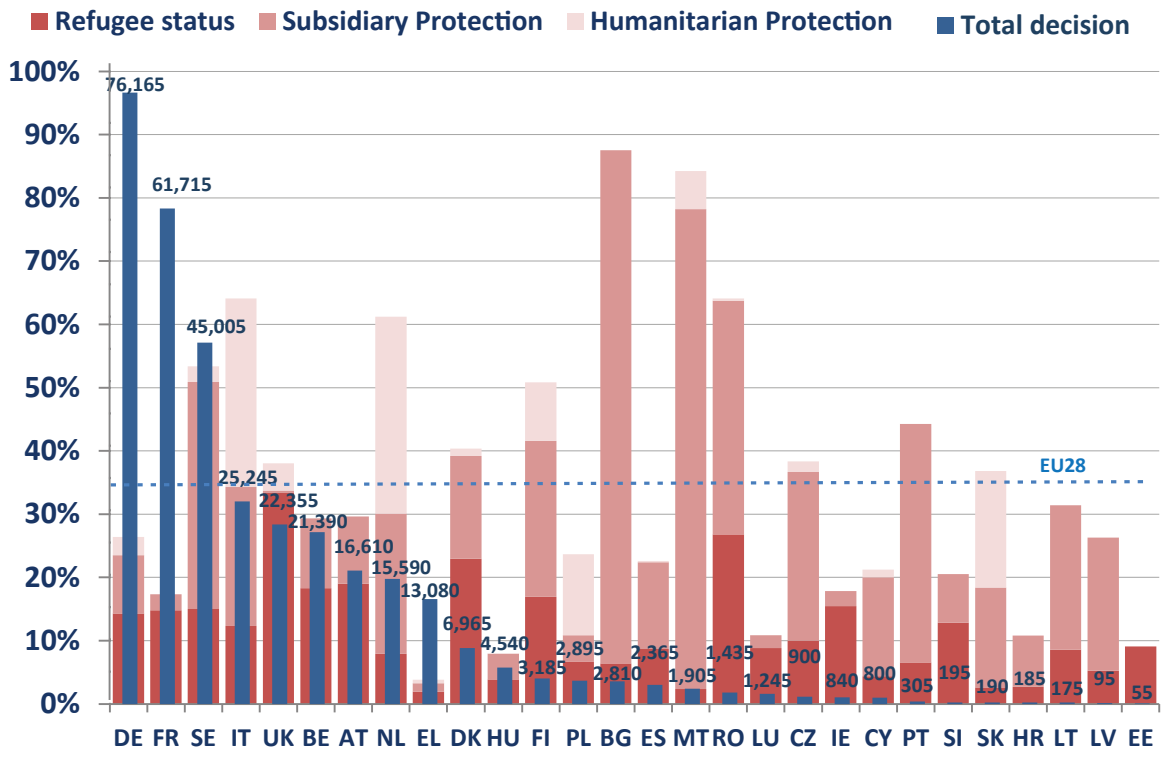


Figure 15: First instance decisions in the EU28 MS, 2013

The preceding figure summarises the decisions at first instance issued by the EU28 MS in 2013 and indicates the overall recognition rate at MS level. It must be recalled, however, that aggregating recognition rates corresponding to different countries of origin received by a MS to yield a total provides no indication of the general propensity of that MS to offer protection since MS receive quite different proportions of asylum requests from countries of origin. This is mainly due to the fact that decisions on applications for international protection are issued on the basis of individual examination of the application, the situation in the country of origin of the applicant and the applicant's specific profile. Significant differences in recognition rates between MS should therefore be expected.

Differences between MS in the type of protection granted should also be expected. Whether or not refugee status, subsidiary protection or humanitarian protection will be granted under national law will also depend on the country and region of origin of applicants, their personal situation and the possibilities open to a first instance authority under national law and policy.

Bearing these provisos in mind, the figure shows that the first instance recognition rate at MS level varied greatly and ranged between 4 % and 88 % while most of the MS displayed overall recognition rates of between 20 % and 46 %.

In the EU28, **Bulgaria** and **Malta** had the highest positive decision rate in the EU28 at first instance with 88 % and 84 %, respectively, likely due to the fact that both in 2013 received applications almost exclusively from nationals of countries with very poor security situations (Syria, Somalia etc.) — a fact also evidenced by their very high use of subsidiary protection. By contrast, three States displayed recognition rates in the single digits: **Greece** with a positive decision rate of 4 % ([23]), **Hungary** with 8 % and **Estonia** 9 %.

([23]) This recognition rate aggregates decisions issued under both the previous asylum system and the new asylum system. Indeed, due to institutional changes implemented in accordance with the Greek Action Plan on Asylum Reform and Migration Management, a new asylum system came into operation on 7 June 2013. Within 2013, the recognition has risen from below 1 % in the first semester 2013 (with the responsible authority being the Hellenic Police) to 15,4 % by the end

2.4.2. Recognition rate by country of origin

The next graph gives an overview of the first instance decisions issued in the EU28 last year for the 20 main citizenships ([24]) (in terms of total first instance decisions issued). Among this group, Syrian, Eritrean and stateless applicants had the highest recognition rates, with 90 %, 76 % and 75 %, respectively. While Syrian and stateless applicants were granted significantly more subsidiary protection than refugee statuses, Eritreans received almost as many refugee protection statuses as subsidiary protection.

On the contrary, applicants from other countries of origin exhibit very low recognition rates. This is especially the case for applicants from the Western Balkans (Serbia 2 %, Kosovo 4 %, FYROM 1 %, and Albania 8 %) but also Georgia 5 %, Bangladesh 8 % and Armenia 9 %.

In terms of the type of decisions issued disaggregated by country of origin, Syrian, Eritrean and Stateless applicants stood out as the countries where the highest numbers of decisions granted subsidiary protection status, while Iran was the country of origin for which the most positive decisions granted refugee protection status (49 % of all decisions issued or 89 % of positive decisions).

Recognition rates vary greatly depending on the applicants' country of origin

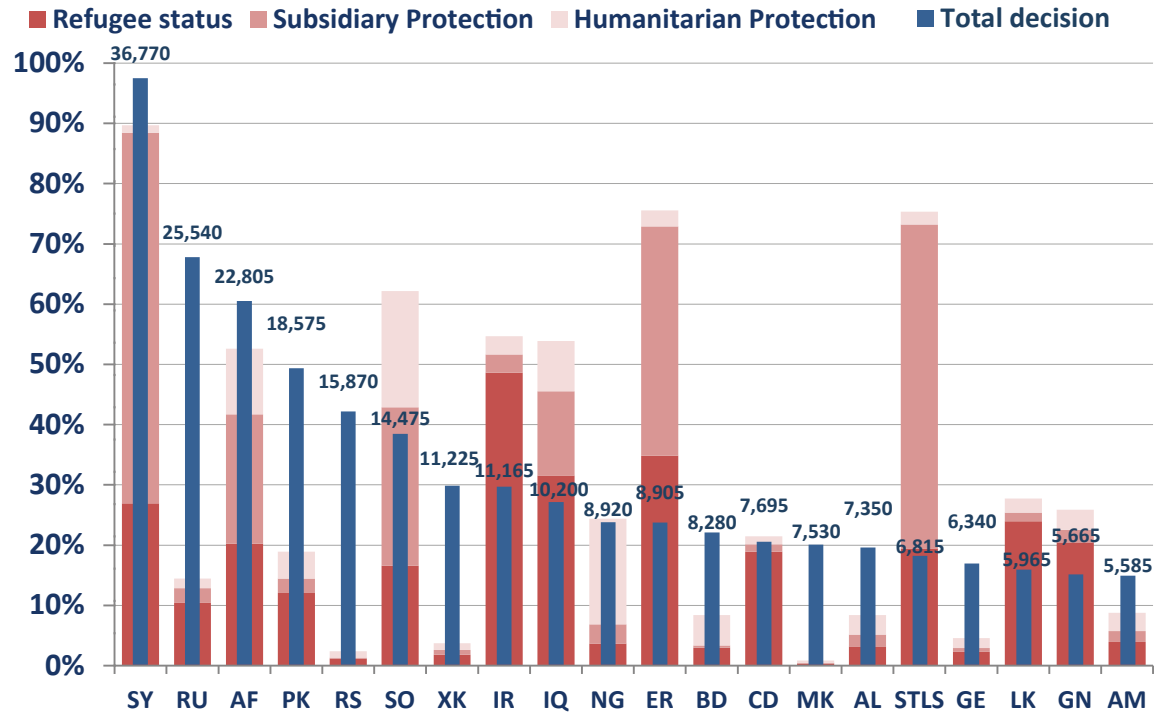


Figure 16: First instance decisions in the EU28 MS by main countries of origin, 2013

Comparing the first instance positive decision rates issued for the 10 main countries of origin of applicants across the EU28 MS shows that the recognition rate afforded to some countries of origin varies more widely across the EU than for others. This may be an indication either of the extent to which the profiles of applicants from that country differ in different MS (e.g. certain clans or ethnicities going only to certain MS) or of the complexity that asylum claims from certain countries of origin entail in general (leading to a different treatment of similar profiles across MS). MS may also adopt different approaches to, and interpretations of, certain issues.

of 2013 (with the responsible authority being the new Asylum Service). In April 2014, the recognition rate at first instance stood at 19 %.

([24]) Citizenship is the statistical category used in the 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.

Figure 17: Disparity in recognition rates in the EU28, 10 main citizenships, 2013 (> 100 decisions by MS)

In the above graph, it can be seen that for some countries of origin MS are relatively comparable in terms of the recognition rate afforded (represented by short light blue bands), while for others there is great variation among MS (long light blue bands) ([25]).

This graph indicates, for example, that the recognition rates of Somali and Afghan applicants varied greatly and ranged from 17 % to 97 % for the first and 11 % and 92 % for the second between receiving MS. By contrast, in the cases of Kosovo and Serbia there seemed to be consensus across the majority of MS, and the recognition rates varied little.

It should be highlighted that the dispersion does not necessarily indicate a lack of harmonisation across MS but may rather indicate the complexity of caseloads. Indeed, multiple profiles of applicants exist even within a given country of origin. The extent of harmonisation could only effectively be judged by examining a sizeable sample of individual cases across MS that exhibit a similar profile.

2.5. Asylum decisions — Second and higher instance decisions ([26])

2.5.1. Recognition rate

The appeals instance normally decides on a variety of issues and is not limited to assessing the merits of cases in terms of international protection. The current Asylum Procedures Directive does not prescribe any harmonised standards for the organisation of the appeal or review procedure. In some MS 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 made by the first instance. Thus, in some MS the relevant second instance bodies make a decision based 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.

([25]) The red diamond indicates the EU28 recognition rate, the light blue circle represents the lowest recognition rate reported among the MS and the red circle shows the highest recognition rate reported across the MS. The length of the light-blue band displays the range between the 25-percentile and 75-percentile of the recognition rate. Taken together, these elements constitute a whisker-plot depicting the distribution of the recognition rate across the EU28 MS.

([26]) On the date of extraction, 2 May 2014, information for Belgium and Poland was not available. For Spain, decisions granting refugee status in appeal or review were also not available. Italian data on appeals is incomplete due to the delayed entry of data by the Territorial Commissions for the recognition of international protection into the national IT system and will require subsequent revision.

Decision in appeal or review expected to show only a slight increase in 2013

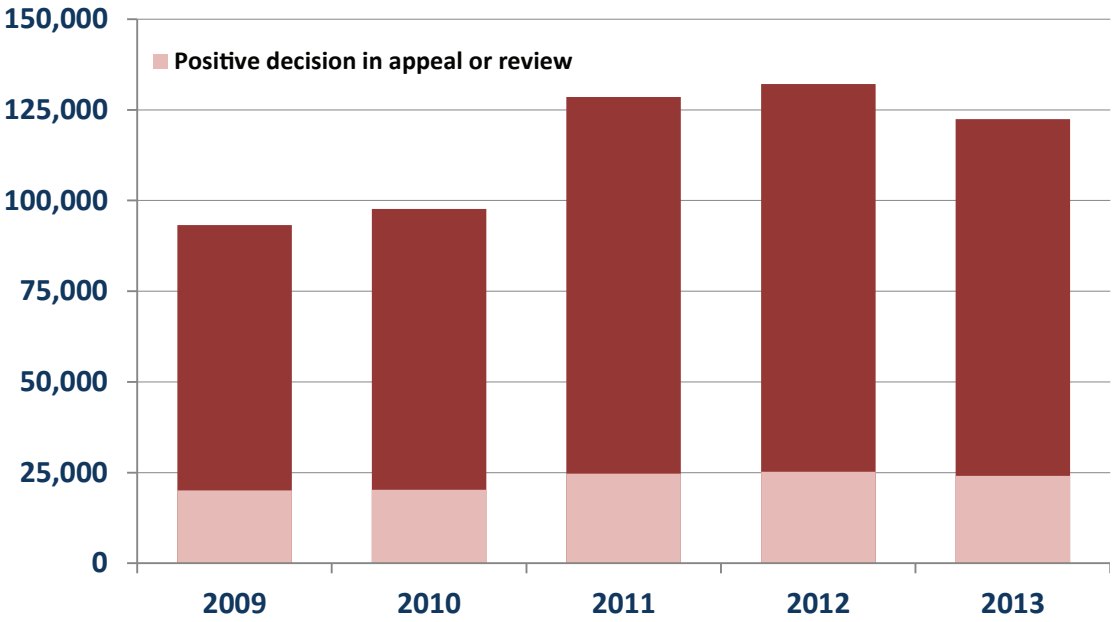


Figure 18: Final decisions in appeal or review in the EU28, 2009 – 2013

After a sharp increase in numbers of appeals from 2010 to 2011, primarily driven by strong increases in the number of final rejections issued by **Germany** and **France** (+ 15 885 and + 10 625 respectively), the number of final decisions reached 128 540 in 2011, and has continued to slowly grow since then. Although the set of information on decisions in appeal or review is not yet complete, it is estimated ([27]) that there were about 135 000 decisions in appeal or review in 2013. These decisions were issued mostly on cases from the Western Balkans, Afghanistan and Pakistan (see Figure 20 below). In terms of positive decisions, the recognition rate ([28]) in appeal or review based on available figures was 19.7 %, or 0.6 percentage point higher than in 2012.

Recognition rates in appeal or review are usually lower than the rate at first instance

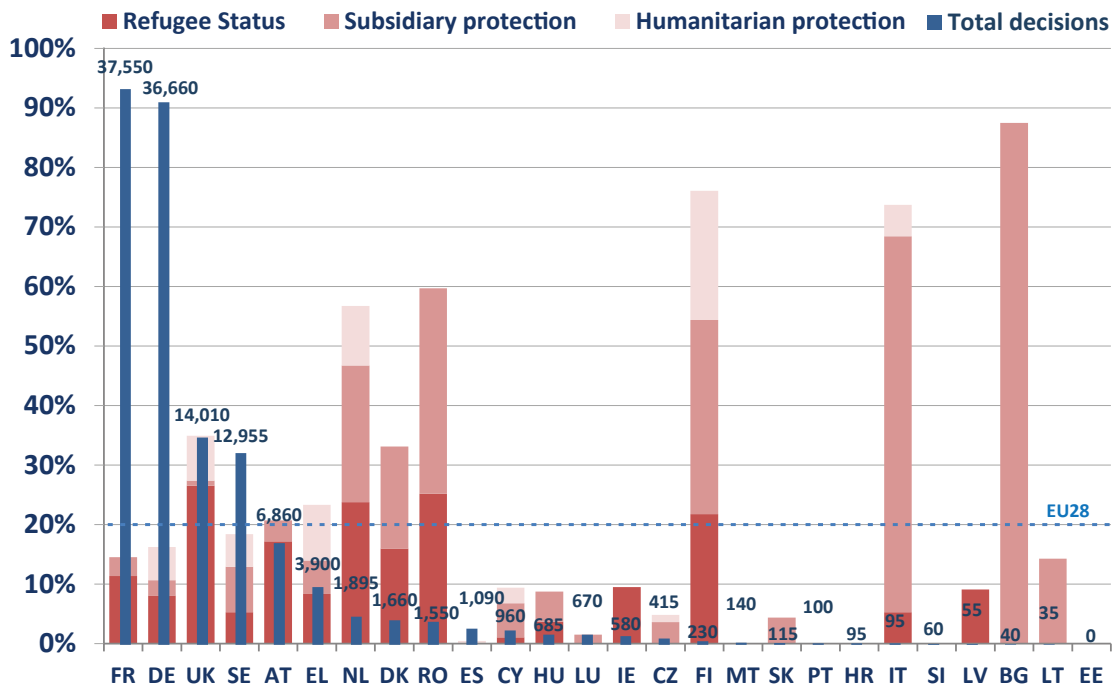


Figure 19: Overview of final decisions in appeal or review across the EU28 MS, 2013

([27]) Assuming the volume of decisions in appeal or under review not yet submitted by Poland, Belgium and Spain (refugee status) are on a par with the levels recorded in 2012.

([28]) The term 'recognition rate' must be used with caution when applied to second instance. In MS where an appeal leads only to a review of the case by the first instance body, it is unclear how the second decision is reported to Eurostat (as two separate decisions or only one where the first decision is later revised in the statistics).

Figure 19 (above) gives an overview of numbers of final decisions issued for appeals or reviews by the EU28 MS in 2013 (except **Poland** and **Belgium**), the legal regimes used, as well as the proportion of positive decisions for appeals or reviews.

The recognition rate for cases in appeal or under review (19.7 %) was 14.7 percentage points below the recognition rate at first instance (34.4 %). As for first instance decisions, these overall rates at the MS level should be used with due caution since dissimilarities in rates usually mirror differences in the caseloads for which decisions are issued. However, clearly large disparities also exist in the likelihood of an appeal being successful in different MS. This may be due to many factors: principally the size of the caseload from certain countries of origin, the propensity of nationals of that country of origin to appeal decisions and the likelihood of those appeals being successful depending on how such cases can be reviewed according to national law.

That said, over a third of appealed first instance decisions resulted in a positive decision or a review in 7 MS (including the UK, which also saw large numbers of appeals). In 9 MS applicants for international protection who appealed the decision issued for their case by the first instance body had a less than 5 % chance of success, and in 6 of those MS the chances were close to zero.

There is no obvious correlation between recognition rates at the first instance and the recognition rate for the final decision issued for appeals or reviews. These differences are probably related to the different mechanisms for appeal existing across MS but also to the dissimilarities between the caseloads across MS and between instances.

2.5.2. Recognition rate by country of origin for higher instances

Figure 20 (below) gives a summary of the final decisions issued for appeals or reviews for the 20 main countries of origin ([29]).

Firstly, this graph shows that the top countries of origin in terms of appeals are not also the top countries of origin in terms of numbers of asylum seekers. Citizens of certain countries of origin are more likely to appeal than others ([30]). Ranked first, for example, is Serbia followed by Afghanistan and Pakistan. Countries which are not particularly significant in terms of levels of applications can be very significant in terms of appeals, such as Sri Lanka and Iran. Moreover, countries that are very significant in terms of numbers of first instance decisions and which have a high protection rate at first instance, such as Syria, see far lower levels of appeals (since protection was granted at first instance, there is no reason to file an appeal). Recognition rates for appeals or reviews vary significantly depending on the country of origin: Syria (69 %), Iran (52 %) and Afghanistan (51 %) had the highest final recognition rates of the 20 main source countries. On the other hand, the lowest rates were received by appeal applicants from the Western Balkans: Serbia (2 %), FYROM (1 %), Kosovo (7 %), Bosnia and Herzegovina (3 %) (in line with the first instance recognition rates). A notable exception was Albania, whose final recognition rate was significantly higher than the rate at first instance, with 18 % receiving a positive decision in appeal or review.

([29]) Citizenship is the statistical category used for 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.

([30]) In the absence of EU-level data collection on the number of appeals or requests for review filed, their magnitude is assumed based on the number of decisions issued in appeal or review. However, those two values do not necessarily directly correspond, as a certain number of appeals or requests for review may be withdrawn before a decision for appeals or reviews is issued. In some MS decisions for appeals or reviews may also be made *ex officio* by the respective body (with no appeal or request for review filed by the applicant).

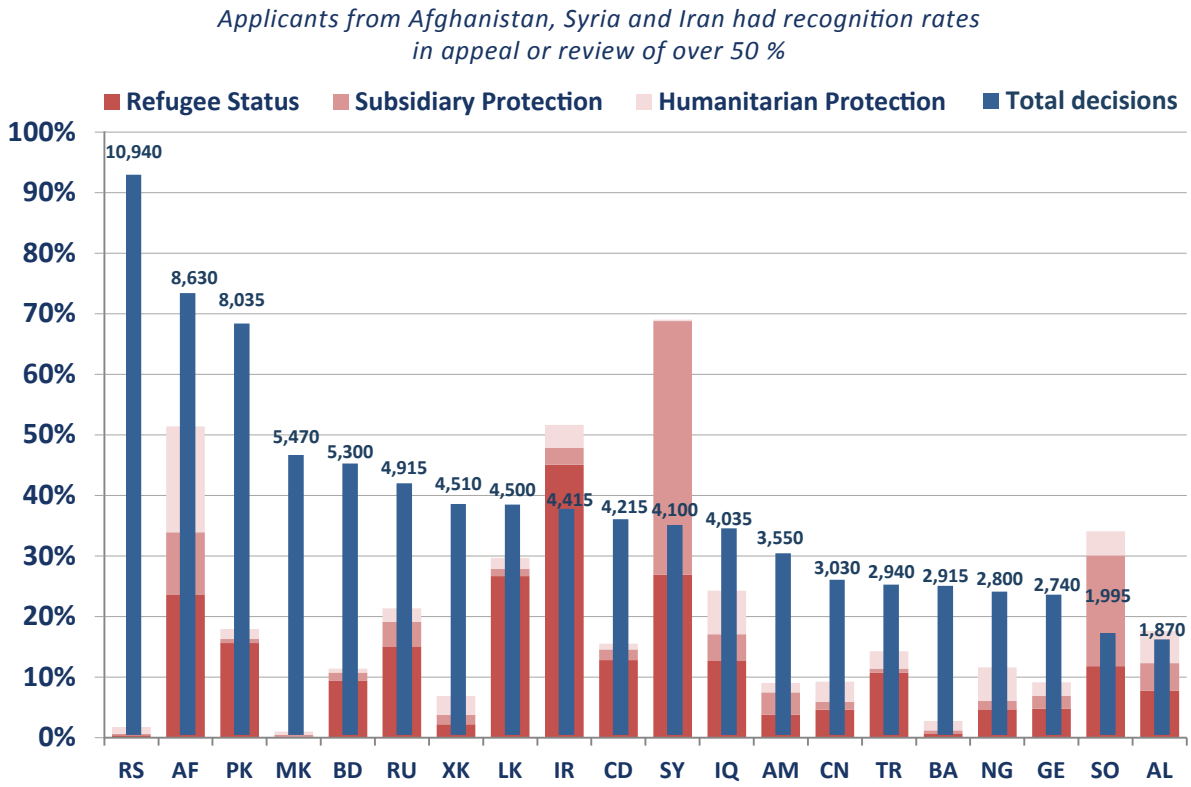
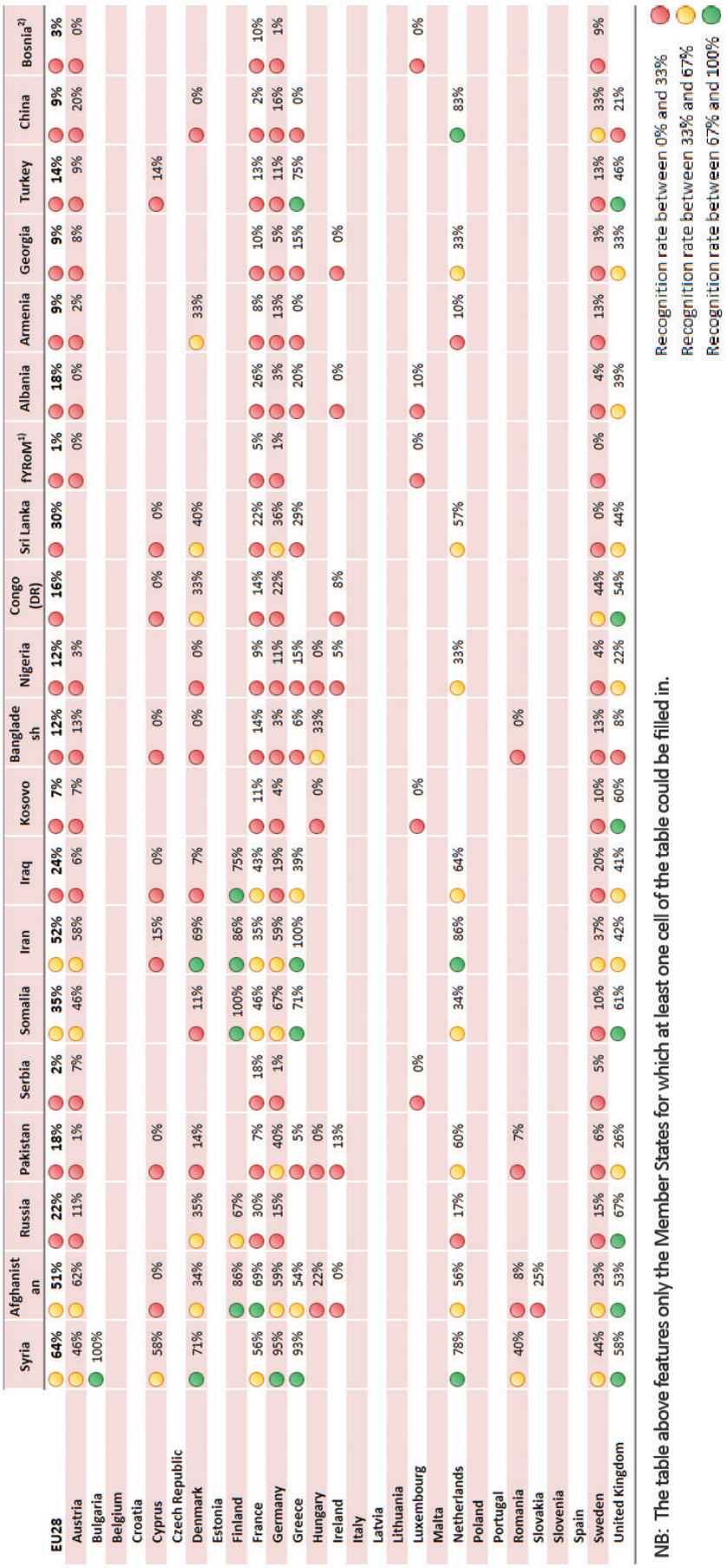


Figure 20: Overview of final decisions in appeal or review by main citizenship of applicants, 2013

In the case of Pakistan, Bangladesh, the Russian Federation, Sri Lanka, Iran and Congo, the majority of appeals resulted in the awarding of refugee status. Only for appeals by Afghans were a significant proportion awarded humanitarian status.

Finally, the table below demonstrates that there can also be significant differences in recognition rates for appeals or reviews for certain nationalities both between MS (or compared to the EU average) but also within individual MS for different nationalities.



	Syria	Afghanistan	Russia	Pakistan	Serbia	Somalia	Iran	Iraq	Kosovo	Bangladesh	Nigeria	Congo (DR)	Sri Lanka	fYRoM[1]	Albania	Armenia	Georgia	Turkey	China	Bosnia[2]
EU28	**64%**	**51%**	**22%**	**18%**	**2%**	**35%**	**52%**	**24%**	**7%**	**12%**	**12%**	**16%**	**30%**	**1%**	**18%**	**9%**	**9%**	**14%**	**9%**	**3%**
Austria	46%	62%	11%	1%	7%	46%	58%	6%	7%	13%	3%			0%	0%	2%	8%	9%	20%	0%
Bulgaria	100%																			
Belgium																				
Croatia																				
Cyprus	58%	0%		0%			15%	0%		0%		0%	0%					14%		
Czech Republic																				
Denmark	71%	34%	35%	14%		11%	69%	7%		0%	0%	33%	40%			33%			0%	
Estonia																				
Finland		86%	67%			100%	86%	75%												
France	56%	69%	30%	7%	18%	46%	35%	43%	11%	14%	9%	14%	22%	5%	26%	8%	10%	13%	2%	10%
Germany	95%	59%	15%	40%	1%	67%	59%	19%	4%	3%	11%	22%	36%	1%	3%	13%	5%	11%	16%	1%
Greece	93%	54%		5%		71%	100%	39%		6%	15%		29%		20%	0%	15%	75%	0%		
Hungary		22%		0%					0%	33%	0%									
Ireland		0%		13%							5%	8%			0%		0%			
Italy																				
Latvia																				
Lithuania																				
Luxembourg					0%				0%					0%	10%					0%
Malta																				
Netherlands	78%	56%	17%	60%		34%	86%	64%			33%		57%			10%	33%		83%	
Poland																				
Portugal																				
Romania	40%	8%		7%						0%										
Slovakia		25%																		
Slovenia																				
Spain																				
Sweden	44%	23%	15%	6%	5%	10%	37%	20%	10%	13%	4%	44%	0%	0%	4%	13%	3%	13%	33%	9%
United Kingdom	58%	53%	67%	26%		61%	42%	41%	60%	8%	22%	54%	44%		39%		33%	46%	21%	

NB: The table above features only the Member States for which at least one cell of the table could be filled in.

Recognition rate between 0% and 33%
Recognition rate between 33% and 67%
Recognition rate between 67% and 100%

Table 1: Recognition rates for final decisions in appeal or review across the EU 28 for selected countries of origin (total decisions>10)

2.6. Dublin

For 2013, at the time of writing, only incomplete data from 16 MS was available regarding how the Dublin system functions. Data is annual, and should be supplied to Eurostat within 3 months of the end of the reference period. The principles and way the Dublin system works are explained in section 4.4 on Dublin procedures.

MS collect data on the number of requests made to take charge ([31]) or take back ([32]) asylum applicants, the number of requests accepted, and actual transfers of persons made. During the period 2008–2012, on average some 35 000 outgoing Dublin requests were made annually. 80 % of the outgoing requests were accepted, but only around 25 % ([33]) of the outgoing requests resulted in the physical transfer of a person from one MS to another (on average, about 8 500 persons annually) ([34]). Thus, although the proportion of outgoing requests was on average about 12 % of the number of registered asylum applicants, Dublin transfers were made in the case of only about 3 % of those making an asylum claim in the EU ([35]).

In 2013, most transfers were related to 'take back' requests

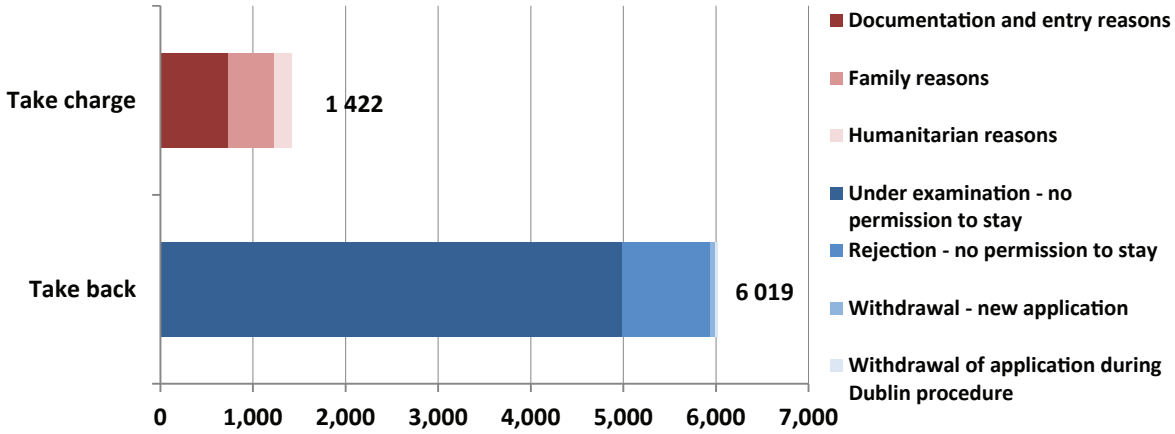


Figure 21: Dublin outgoing transfers in EU by type of request, 2013

Based on the information provided by MS to Eurostat for 2013, between 6 016 (incoming) and 7 441 (outgoing) Dublin transfers took place in the EU ([36]). The vast majority (81 % ([37]) of all transfers registered in 2013) of Dublin transfers took place following a 'take back' request. In the remaining 19 % of cases, the transfers followed a 'take charge' request.

Transfers based on take back requests were overwhelmingly connected to persons who were staying without permission in a MS and whose application was under examination (82 %) or who had been rejected (16 %) in another MS.

([31]) 'Take charge' requests concern cases where a State requests that another State take responsibility for an asylum application although the applicant in question has not previously submitted an application in the other State. This can occur when there are specific circumstances indicating that the requested state would be best placed to deal with the case, e.g. due to family unity reasons or when the other State has issued a work permit to the applicant before. This includes cases in which a MS in which an application has been lodged approaches another MS on the basis of the discretionary clauses of Article 17 of the Dublin regulation to take charge of an applicant (to bring together family members or on humanitarian grounds comprising family or cultural considerations), provided that the persons concerned consent.
([32]) 'Take back' requests concern asylum applications where a State requests that another State take responsibility for an applicant because the person has already made an asylum application in the requested State previously.
([33]) In the absence of longitudinal (cohort) data, this number has been calculated based on annual data on registered requests and transfers. However, due to the time interval between the events, the resulting number might not be fully accurate.
([34]) Dublin statistics are collected in a manner that allows for mirror statistics: the outgoing transfers reported by MS A to MS B should therefore correspond to the incoming transfers reported by MS B from MS A. However, for a number of reasons, including time lag, difference in reporting practices across MS, and missing data for incoming transfers for some MS, there can be discrepancies between the two sets of data. Thus each year there is a difference of up to 40 % (24 % on average) in the numbers of transfers reported as having taken place by receiving countries compared to sending countries.
([35]) A Dublin procedure implies that an asylum application has been lodged in one of the states involved, so some asylum applicants are counted by more than one state. Eurostat data collection processes on Dublin and Asylum under Regulation 862/2007 are not linked, making it impossible to calculate an exact percentage.
([36]) However, given the relatively small number of States providing data, this is likely to be a significant underestimate of the final total.
([37]) Based on figures reported for outgoing transfers.

Half of all transfers based on take charge requests were motivated by documentation and entry reasons (52 %), followed by family reasons (35 %). The remaining cases were connected to humanitarian reasons ([38]).

The map below (Map 2) indicates net Dublin transfers as reported by 16 MS (outgoing transfers from a MS less incoming transfers to the same MS) while the actual number of outgoing and incoming transfers are shown in Figure 22. The green arrows represent the net transfers between MS (only flows of above 200 net transfers are displayed). A low number of net transfers does not necessarily mean that the reporting countries did not perform Dublin transfers but rather that the number of outgoing and incoming transfers evened out (as was the case for France and Austria, for example).

In terms of outgoing transfers, Germany stands out with 2 677 net outgoing transfers (the number of outgoing transfers from Germany was about 50 % higher in 2013 compared to 2012) ([39]). Greece is in second place in terms of net outgoing transfers with 632, most of which made Germany for family reasons ([40]). By contrast, Belgium ranked first in terms of incoming transfers with 913, followed by Hungary ([41]) and Spain.

In terms of volume of transfers (incoming and outgoing), Germany was in first place with 5 505 followed by Belgium with 2 279 transfers made. Austria and France were the only other two MS among the states providing data for 2013 which dealt with over 1 000 Dublin transfers during the year.

Germany was the main country transferring asylum applicants to other Member States in 2013

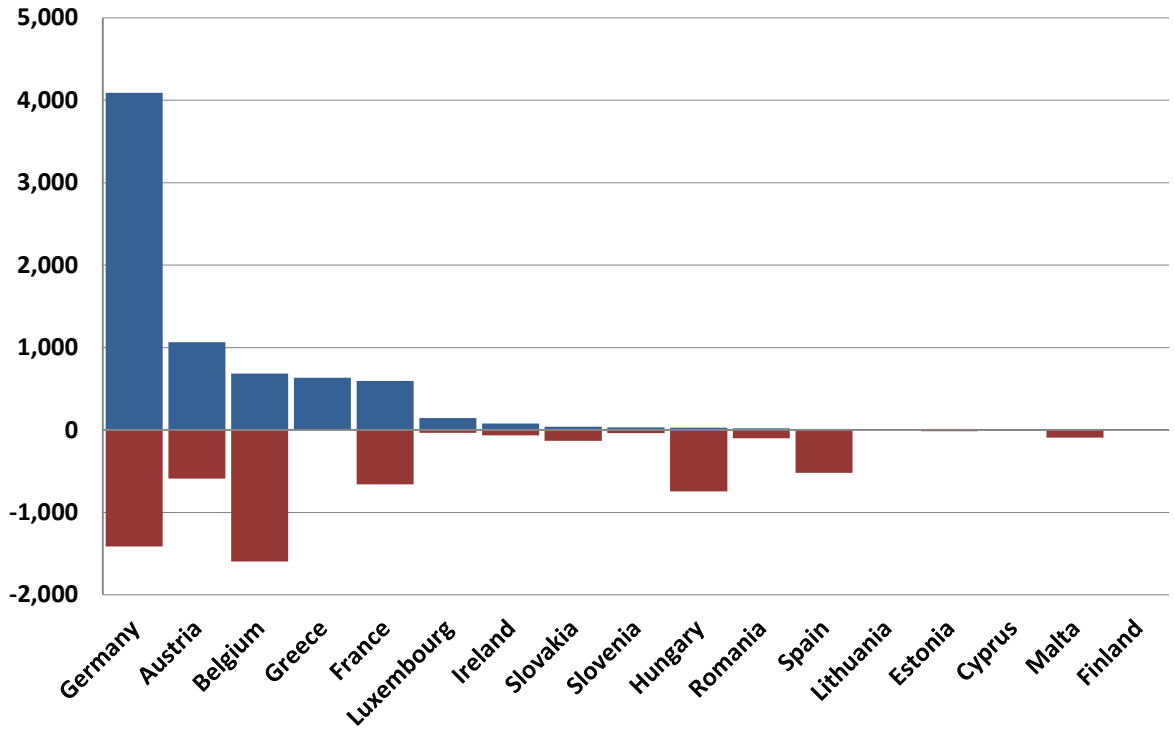


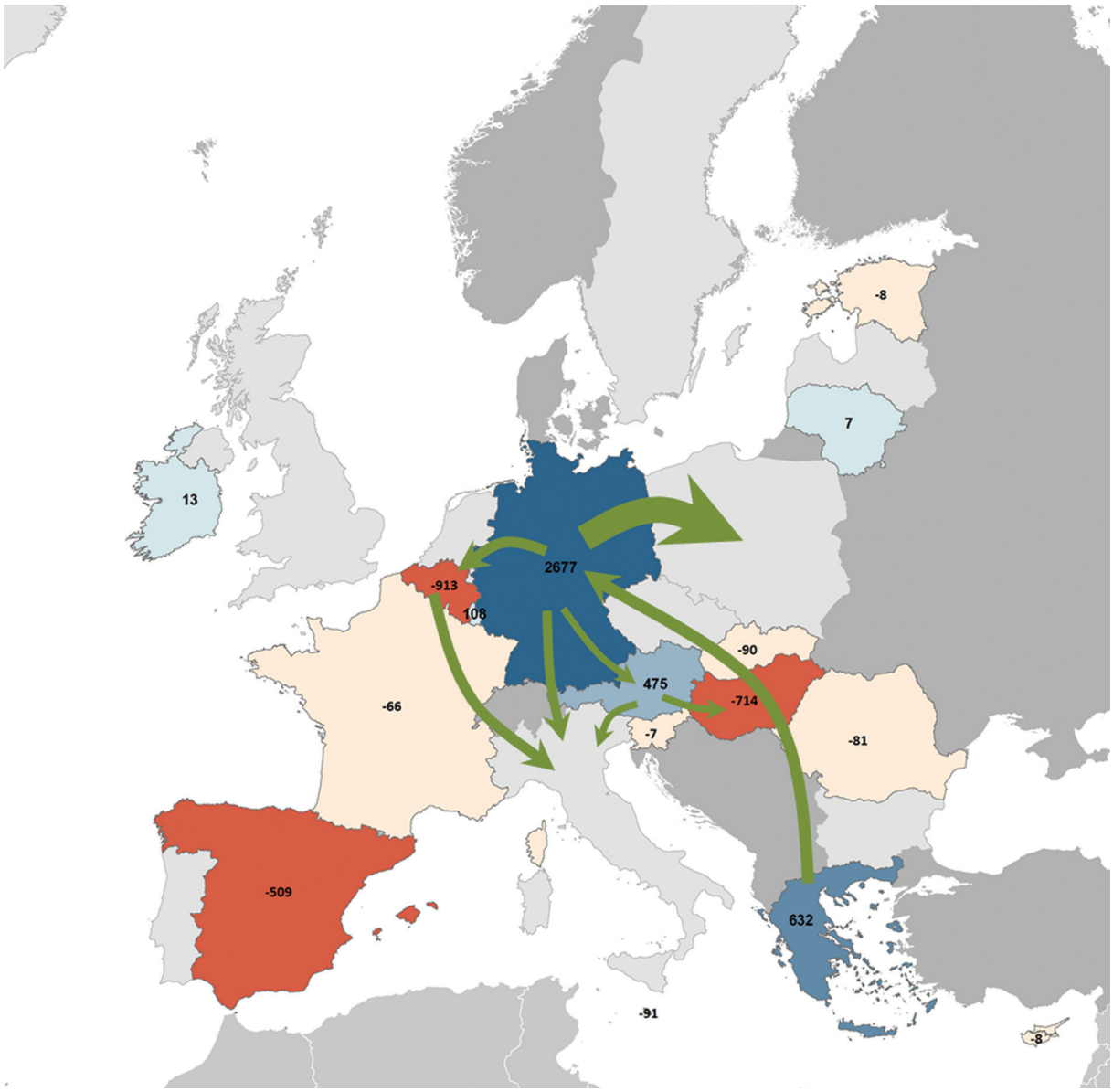
Figure 22: Dublin outgoing and incoming transfers, 2013

([38]) If it can be demonstrated that an applicant for asylum had previously entered EU territory via another MS or that the application could be more appropriately processed by another MS due to the presence of family members of the applicant in that state, then MS may agree to 'take charge' of asylum applications made in another state.

([39]) At the time of writing Poland had not yet provided Dublin figures, but it can be expected that they will rank high in terms of incoming requests for the same reason.

([40]) See Section 2.8.2 on the influx of Russian applicants for asylum in summer 2013. Recall also that Dublin transfers to Greece remained in practice suspended due to the judgment of the Grand Chamber of the European Court of Human Rights in the case of M.S.S. v. Belgium and Greece (Application no. 30696/09) of 21 January 2011, available at: http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-103050.

([41]) This is likely to be connected to the high number of Kosovar applicants who, as described in the section on the Western Balkans flow, entered Hungary and then quickly travelled onwards to Germany and other MS.



Map 2: Net Dublin transfers in 16 EU MS and main net transfer flows, 2013 (net transfers >200)

2.7. Overview of developments in 2013 in main countries of origin

Taking into consideration a combination of quantitative indicators (applications, pending cases and decisions), a number of particularly relevant countries of origin of asylum applicants in 2013 have been selected. A short update of some major developments in 2013 is given for each of these countries, with a focus on the human rights and security situation. As the scope of this Annual Report does not allow for exhaustive coverage of all issues of concern, the following section can only give an indication of potential grounds for international protection ([42]).

Syria

The armed conflict in Syria further escalated in 2013 ([43]). According to Human Rights Watch, 'the government intensified its attacks and began using increasingly deadly and indiscriminate weapons, culminating in a chemical weapons attack on the Damascus countryside on August 21. Government forces and pro-government militias also

([42]) 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 come and apply for international protection in the EU, for example, in relation to individual circumstances in the applicant's private life.

([43]) Amnesty International, Urgent steps must be taken to end Syrian humanitarian crisis, 13 January 2014, available at: http://www.refworld.org/docid/52d4f9cf4.html (accessed 17 January 2014); Human Rights Watch, World Report 2014 — Syria, s.d., http://www.hrw.org/sites/default/files/wr2014_web_0.pdf (accessed 11 April 2014).

continued to torture detainees and commit executions. Armed opposition forces, including a growing number of pro-opposition foreign fighters, have also carried out serious abuses including indiscriminate attacks on civilians, executions, kidnapping, and torture.' ([44])

Other serious human rights problems committed by government forces and opposition groups included blocking access to humanitarian assistance; targeted killing of protesters, bystanders, journalists, and medical professionals; the use of rape and assault as punishment and a war tactic; poor prison and detention centre conditions; arbitrary arrest and detention; denial of fair public trial; arbitrary interference with privacy; the lack of press, Internet, and academic freedom; and restriction of the freedoms of religion and movement ([45]).

According to UN Secretary-General Ban Ki-moon, more than 100 000 people had been killed in the conflict by mid-2013 ([46]). The continuing violence in Syria has caused one of the largest humanitarian crises in recent history, leaving 6.5 million people displaced ([47]).

Afghanistan

The situation in Afghanistan was characterised by continued insurgency in different parts of the country. The most significant human rights problems in Afghanistan in 2013 included, *inter alia*, torture and abuse of detainees; increased targeted violence and endemic societal discrimination against women and girls; widespread violence, including killings by armed insurgent groups of persons affiliated with the government; indiscriminate attacks on civilians; and pervasive official corruption ([48]). The Taliban and other insurgents used attacks, improvised explosive devices (IEDs), car bombs, and suicide attacks targeting Afghan and international military forces, the government and the civilian population ([49]). In 2013, UNAMA recorded a 14 % increase in civilian casualties compared to 2012, making 2013 one of the most violent years since the beginning of the conflict. Most of this toll was attributed to insurgents' activities (74 %). It was also one of the worst years for women and children, who were increasingly victims of the violence. The primary death cause for these categories of persons was still IEDs, while most injuries were caused by crossfire in the increasing number of ground battles ([50]).

Russian Federation

The human rights situation in the Russian Federation continued to worsen in 2013. The 'foreign agent' NGO law negatively impacted the position of civil society and opposition figures being targeted in criminal and administrative lawsuits widely considered to be politically motivated ([51]). Nationalist and xenophobic incidents were on the rise, as demonstrated by riots in Moscow in October 2013. ([52]) In 2013, at least 20 people were killed and

([44]) Human Rights Watch, World Report 2014 — Syria, s.d., http://www.hrw.org/sites/default/files/wr2014_web_0.pdf (accessed 11 April 2014).
([45]) See, inter alia: UN High Commissioner for Human Rights (OHCHR), Situation of human rights in the Syrian Arab Republic: implementation of Human Rights Council resolution 19/22, 25 September 2013, http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G12/172/59/PDF/G1217259.pdf?OpenElement (accessed 15 April 2014); Human Rights Watch, World Report 2014 — Syria, s.d., http://www.hrw.org/sites/default/files/wr2014_web_0.pdf (accessed 11 April 2014); United States Department of State, 2013 Country Reports on Human Rights Practices — Afghanistan, 27 February 2014, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220386#sthash.1mGDjpgs.dpuf (accessed 11 April 2014). UNHCR, International Protection Considerations with regard to people fleeing the Syrian Arab Republic, Update II, 22 October 2013, http://www.refworld.org/docid/5265184f4.html (accessed 6 May 2014).
([46]) BBC News — Middle East, Syria death toll now above 100,000, says UN chief Ban
([47]) Amnesty International, Urgent steps must be taken to end Syrian humanitarian crisis, 13 January 2014, available at: http://www.refworld.org/docid/52d4f9cf4.html (accessed 17 January 2014); Human Rights Watch, World Report 2014 — Syria, s.d., http://www.hrw.org/sites/default/files/wr2014_web_0.pdf (accessed 11 April 2014). UN Syria Regional Response Plan, Dec 2013, http://www.unhcr.org/syriarrp6/ (accessed 6 May 2014). UNHCR Syria Regional Refugee Response — Inter-agency Information Sharing Portal, http://data.unhcr.org/syrianrefugees/regional.php (accessed 6 May 2014).
([48]) U.S. Department of State, 2013 Country Reports on Human Rights Practices — Afghanistan, 27 February 2014, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220386#sthash.1mGDjpgs.dpuf (accessed 11 April 2014). UNHCR, Eligibility Guidelines for Assessing the International Protection Needs of Asylum seekers from Afghanistan, 6 August 2013, HCR/EG/AFG/13/01, http://www.refworld.org/docid/51ffdca34.html (accessed 6 May 2014).
([49]) Ruttig, T., Some Things Got Better — How Much Got Good? A review of 12 years of international intervention in Afghanistan, 30.12.2013, http://www.afghanistan-analysts.org/some-things-got-better-how-much-got-good-a-short-review-of-12-years-of-international-intervention-in-afghanistan (accessed 11 April 2014). United States Department of State, 2013 Country Reports on Human Rights Practices — Afghanistan, 27 February 2014, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220386#sthash.1mGDjpgs.dpuf (accessed 11 April 2014).
([50]) UN Assistance Mission in Afghanistan (UNAMA), Afghanistan: Annual Report 2013, Protection of Civilians in Armed Conflict, February 2014, http://unama.unmissions.org/Portals/UNAMA/human%20rights/Feb_8_2014_PoC-report_2013-Full-report-ENG.pdf (accessed 11 April 2014).
([51]) Human Rights Watch, World Report 2014 — Russia, 21 January 2014 http://www.hrw.org/world-report/2014/country-chapters/russia (accessed 11 April 2014); UK Foreign and Commonwealth Office, Human Rights and Democracy Report 2013 — Section XI: Human Rights in Countries of Concern — Russia, 10 April 2014 https://www.gov.uk/government/publications/human-rights-and-democracy-report-2013/human-rights-and-democracy-report-2013 (accessed 11 April 2014), examples of environmental activist Evgeny Vitishko and opposition figure Alexei Navalny. Freedom House, Freedom in the World 2014 — Russia, 23 January 2014 http://www.freedomhouse.org/report/freedom-world/2014/russia-0#.U0gLm_mSxGw (accessed 11 April 2014), example of opposition leader Yevgeniy Urlashov.
([52]) Freedom House, Freedom in the World 2014 — Russia, 23 January 2014 http://www.freedomhouse.org/report/freedom-world/2014/russia-0#.U0gLm_mSxGw (accessed 11 April 2014).

173 injured in racially-motivated violence ([53]). Human rights activists experienced violence and harassment, in particular those reporting on the North Caucasus, elections, corruption, xenophobia and nationalism, and LGBTI rights ([54]). In June 2013 a law banning the promotion to minors of 'non-traditional' sexual relations was passed, which was internationally criticised for inciting homophobia ([55]). As regards the situation in the republics of the Northern Caucasus, the source of most asylum applicants from the Russian Federation in EU+ countries, the human rights situation continues to worry observers. The security situation, which seemed to have improved compared to previous years, became more precarious again by the end of the year when a number of bombings by insurgents hit the southern Russia. The social and economic situation in the region is particularly bad, with very high levels of unemployment ([56]).

Somalia

The security situation in different areas of southern and central Somalia has improved in recent years ([57]). However, the non-international armed conflict continued through 2013. Armed clashes continued around Mogadishu and in rural areas under Al-Shabaab control. Areas under the control of pro-government forces ([58]), including Mogadishu, were often affected by attacks and other forms of violence. Civilians were killed and wounded by crossfire in the context of armed clashes, by improvised explosive devices (IEDs) and grenade attacks ([59]). Civilians also continued to suffer from other conflict-related abuses, including targeted killings, displacement, and the diversion or confiscation of humanitarian assistance by armed groups, principally Al-Shabaab ([60]).

UNHCR's synopsis of the situation in the areas under Al-Shabaab's control was that it continued 'to impose a severe interpretation of Sharia law, especially affecting women. Further, Al-Shabaab banned leisure activities such as playing football, listening to music and watching television, which are deemed to be 'un-Islamic.' Stoning, public whipping, and amputation are meted out as punishment to those who violate Al-Shabaab's interpretation of Islam.' ([61]) Other serious abuses against civilians by Al-Shabaab were also reported: 'killings of prominent peace activists, community leaders, clan elders, and their family members for their role in peace-building, and beheadings of people accused of 'spying for' and collaborating with Somali national forces and affiliated militias.' ([62]) In areas under the control of pro-government forces, Al-Shabaab remained able to target people, and an increase in (large scale) attacks in Mogadishu was recorded throughout 2013 ([63]).

The UN Independent Expert on the situation of human rights in Somalia reported that 'compared to south and central Somalia, in Puntland [and in Somaliland] there are clear signs of social and economic progress, though

([53]) International Crisis Group, Too Far, Too Fast: Sochi, Tourism and Conflict in the Caucasus, 30 January 2014 http://www.crisisgroup.org/en/regions/europe/north-caucasus/228-too-far-too-fast-sochi-tourism-and-conflict-in-the-caucasus.aspx (accessed 11 April 2014).
([54]) See, inter alia: FCO — UK Foreign and Commonwealth Office, Human Rights and Democracy Report 2013 — Section XI: Human Rights in Countries of Concern — Russia, 10 April 2014 https://www.gov.uk/government/publications/human-rights-and-democracy-report-2013/human-rights-and-democracy-report-2013 (accessed 11 April 2014); International Crisis Group, Too Far, Too Fast: Sochi, Tourism and Conflict in the Caucasus, 30 January 2014 http://www.crisisgroup.org/en/regions/europe/north-caucasus/228-too-far-too-fast-sochi-tourism-and-conflict-in-the-caucasus.aspx (accessed 11 April 2014); Human Rights Watch, World Report 2014 — Russia, 21 January 2014 http://www.hrw.org/world-report/2014/country-chapters/russia (accessed 11 April 2014); Freedom House, Freedom in the World 2014 — Russia, 23 January 2014 http://www.freedomhouse.org/report/freedom-world/2014/russia-0#.U0gLm_mSxGw (accessed 11 April 2014).
([55]) Human Rights Watch, World Report 2014 — Russia, 21 January 2014 http://www.hrw.org/world-report/2014/country-chapters/russia (accessed 11 April 2014).
([56]) See, inter alia: FCO — UK Foreign and Commonwealth Office, Human Rights and Democracy Report 2013 — Section XI: Human Rights in Countries of Concern — Russia, 10 April 2014 https://www.gov.uk/government/publications/human-rights-and-democracy-report-2013/human-rights-and-democracy-report-2013 (accessed 11 April 2014); International Crisis Group: Too Far, Too Fast: Sochi, Tourism and Conflict in the Caucasus, 30 January 2014 http://www.crisisgroup.org/en/regions/europe/north-caucasus/228-too-far-too-fast-sochi-tourism-and-conflict-in-the-caucasus.aspx (accessed 11 April 2014); Human Rights Watch, World Report 2014 — Russia, 21 January 2014 http://www.hrw.org/world-report/2014/country-chapters/russia (accessed 11 April 2014); Freedom House, Freedom in the World 2014 — Russia, 23 January 2014 http://www.freedomhouse.org/report/freedom-world/2014/russia-0#.U0gLm_mSxGw (accessed 11 April 2014).
([57]) UN High Commissioner for Refugees (UNHCR), International Protection Considerations with Regard to people fleeing Southern and Central Somalia, 17 January 2014, available at: http://www.refworld.org/docid/52d7fc5f4.html (accessed 6 May 2014); International Crisis Group, EJ Hogendoorn: Security and Governance in Somalia: Consolidating Gains, Confronting Challenges, and Charting the Path Forward, 8 October 2013, http://www.crisisgroup.org/en/publication-type/speeches/2013/hogendoorn-security-and-governance-in-somalia.aspx (accessed 6 May 2014).
([58]) African Union Mission in Somalia (AMISOM) and the Somalia National Armed Forces (SNAF).
([59]) UN High Commissioner for Refugees (UNHCR), International Protection Considerations with Regard to people fleeing Southern and Central Somalia, 17 January 2014, available at: http://www.refworld.org/docid/52d7fc5f4.html (accessed 6 May 2014); International Crisis Group, EJ Hogendoorn: Security and Governance in Somalia: Consolidating Gains, Confronting Challenges, and Charting the Path Forward, 8 October 2013, http://www.crisisgroup.org/en/publication-type/speeches/2013/hogendoorn-security-and-governance-in-somalia.aspx (accessed 6 May 2014).
([60]) U.S. Department of State, Country Report on Human Rights Practices 2013 — Somalia, 27 February 2014 http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220158#wrapper (accessed 11 April 2014). UNHCR, International Protection Considerations with Regard to people fleeing Southern and Central Somalia, 17 January 2014, available at: http://www.refworld.org/docid/52d7fc5f4.html (accessed 6 May 2014).
([61]) UN High Commissioner for Refugees (UNHCR), International Protection Considerations with Regard to people fleeing Southern and Central Somalia, 17 January 2014, available at: http://www.refworld.org/docid/52d7fc5f4.html (accessed 6 May 2014).
([62]) UN High Commissioner for Refugees (UNHCR), International Protection Considerations with Regard to people fleeing Southern and Central Somalia, 17 January 2014, available at: http://www.refworld.org/docid/52d7fc5f4.html (accessed 6 May 2014).
([63]) UN High Commissioner for Refugees (UNHCR), International Protection Considerations with Regard to people fleeing Southern and Central Somalia, 17 January 2014, available at: http://www.refworld.org/docid/52d7fc5f4.html (accessed 6 May 2014).

political conflict, security concerns and the fight against terrorism are having a negative impact on some basic human rights, including the rights to justice and to freedom of expression and of the media.' ([64]) The UN Secretary General reported the situation to be relatively stable in Puntland and Somaliland throughout 2013, but noted an increase in violent Al-Shabaab activities in Puntland by the end of the year ([65]).

According to UNHCR research, there are an estimated 1.1 million internally displaced persons living inside Somalia at the moment. It is estimated that 1.5 million out of a total population of approximately 10 million Somali nationals live outside the country ([66]).

Eritrea

Characterised as one of most closed countries in the world, with a highly centralised and authoritarian regime, no independent judiciary or press, and no elections since 1993, Eritrea's human rights record remains extremely poor: severe restrictions on freedoms of expression, association, religion and movement, a lengthy military service, as well as numerous arbitrary arrests and detention. Child abuse, female genital mutilation/cutting (FGM/C), human trafficking, and forced child labour continue to occur ([67]).

Iran

Spring of 2013 in Iran was marked by tension preceding the presidential elections in June 2013, when Iranians elected a moderate conservative cleric and long-time senior member of the regime, Dr. Hasan Fereidun Ruhani. In November 2013, the so-called Joint Plan of Action was signed with Iran as a first step towards a comprehensible and verifiable diplomatic solution to concerns about the Iranian nuclear programme. As concerns the human rights situation, although the UN Special Rapporteur for Iran welcomed some positive steps, he also stressed that they currently do not address concerns about fundamental human rights. According to the U.S. Department of State ([68]), the most serious human rights issues were related to restrictions of civil liberties, including the freedoms of assembly, speech, and press, and disregard for the physical integrity of persons unlawfully and arbitrarily detained, tortured, or killed by the regime. Amendments to the Penal Code passed by parliament in February continued to allow cruel, inhuman and degrading punishment, and punishments not based on codified law. More than 369 Iranians were sentenced to death in 2013 ([69]). In December, the UN General Assembly passed a resolution urging the government to improve human rights in Iran ([70]).

Iraq

In 2013 the security situation in Iraq deteriorated significantly. Internal sectarian tensions and divisions continued to polarise the country, while the crisis in Syria fed instability in the region. In 2013 UNAMI recorded the highest number of civilian casualties since 2008, with 7 818 people killed and 17 981 injured. Terrorist attacks directly targeted civilians and public places, including cafés, parks, restaurants, mosques and markets ([71]). Violence across Iraq continued to grow as the parliamentary elections scheduled for 30 April 2014 approached. Furthermore, according to the US Department of State, severe human rights problems persisted in 2013 in the form of politically-motivated sectarian and ethnic killings; torture and abuses by government actors and illegal armed groups; and a lack of governmental transparency, exacerbated by widespread corruption at all levels of government and society ([72]).

([64]) UN Human Rights Council, Report of the Independent Expert on the situation of human rights in Somalia, Shamsul Bari, 16 August 2013, section B, http://www.refworld.org/country,,,,SOM,,522db1204,0.html (accessed 6 May 2014).
([65]) UN Reports of the Secretary General on Somalia, available via: http://www.refworld.org/publisher,UNSC,,SOM,,,0.html.
([66]) UNHCR, Policy Development and Evaluation Service: History, overview, trends and issues in major Somali refugee displacements in the near region, February 2014, http://www.unhcr.org/5310b0159.html (accessed 11 April 2014).
([67]) Human Rights Watch, World Report 2014 — Eritrea, 21 January 2014, http://www.hrw.org/world-report/2014/country-chapters/eritrea (accessed 11 April 2014); U.S. Department of State, Country Report on Human Rights Practices 2013 — Eritrea, 27 February 2014, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220111 (accessed 10 January 2014).
([68]) U.S. Department of State, Country Report on Human Rights Practices 2013 — Iran, 27 February 2014, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220352#wrapper (accessed 11 April 2014).
([69]) Amnesty International, Death sentences and executions 2013, http://amnesty.org/en/library/asset/ACT50/001/2014/en/652ac5b3-3979-43e2-b1a1-6c4919e7a518/act500012014en.pdf (accessed 11 April 2014).
([70]) United Nations, Resolutions adopted by the General Assembly at its 66th session, http://www.un.org/depts/dhl/resguide/r66_en.shtml (accessed 11 April 2014).
([71]) UN Security Council, Second report of the Secretary-General submitted pursuant to paragraph 6 of resolution 2110 (2013), http://www.ecoi.net/file_upload/1226_1395836181_n1425303iraq.pdf (accessed 11 April 2014).
([72]) U.S. Department of State, Country Report on Human Rights Practices 2013 — Iraq, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220355#wrapper (accessed 11 April 2014).

Egypt

Anti-government protests and demonstrations in the spring of 2013 resulted in the ousting of president Morsi on 30 June 2013, followed by weeks of violent clashes between security forces and pro-Morsi demonstrators. On 14 August 2013, several hundred demonstrators were reportedly killed during operations to disperse sit-ins organised by the Muslim Brotherhood in Cairo and Giza. A six-month state of emergency was declared on 14 August. During this period the use of excessive force against demonstrators continued, resulting in hundreds of casualties. The attacks on the sit-ins led to an outburst of sectarian violence as supporters of the Muslim Brotherhood held Coptic Christians responsible for the ousting of Morsi. Human Rights Watch reported at least 32 attacks on churches, 20 of which were torched. On 25 December the interim government declared the Muslim Brotherhood a terrorist organisation. Human rights concerns, both under the Morsi regime and under the interim government, were related to the use of excessive force by security forces, including arbitrary arrests, unlawful killings and torture, restrictions on freedom of expression and press and freedom of assembly. Corruption continues to be widespread, and the situation of women and girls remains highly problematic ([73]). In Sinai, authorities were confronted with Islamist militants who target police, military and the local Christian community ([74]).

Pakistan

In June 2013, Pakistan experienced its first-ever democratic transfer of power from one civilian government completing its full term to another. The election campaign had been violent, with over 130 people killed. The new government faced a deteriorating security environment with frequent terrorist attacks across the country ([75]). The country suffered from sectarian attacks, often directed at Shia minorities, killing hundreds of people. Furthermore, violence against women and children remained a serious concern. For example, hundreds of honour killings have been reported in 2013 ([76]). Ahmadiyya and Christians continued to be harassed by Islamists and faced difficulties obtaining state protection ([77]). The civilian population also continued to be affected by violence resulting from conflicts between the government and militants, e.g. Baluchistan, the Taliban or Al Qaeda and other groups ([78]). In the countryside, poor access to justice, corruption, and low standards of rule of law persisted. Human rights violators could act with impunity, and mistreatment in police custody continued to be reported ([79]). During 2013, the moratorium on the use of the death penalty continued to be respected ([80]). However, during the year at least 16 people were on death row for blasphemy, and another 20 were serving life sentences. Reporters Without Borders reported a worsening situation for freedom of expression, making the country one of the worst for journalists to work in ([81]).

([73]) See, inter alia: U.S. Department of State, Country Report on Human Rights Practices 2013 — Egypt, 27 February 2014, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dlid=220350#wrapper (accessed 11 April 2014); Human Rights Watch, World Report 2014 — Egypt, 21 January 2014, http://www.hrw.org/world-report/2014/country-chapters/egypt (accessed 11 April 2014); Freedom House: Freedom in the World 2014 — Egypt, 23 January 2014 http://www.freedomhouse.org/report/freedom-world/2014/egypt-0#.U0gKs22RSjY (accessed 11 April 2014).

([74]) Jamestown Foundation, Sinai Jihadists Respond to Egyptian Military Offensive with Statements and Suicide Bombs, 19 September 2013, Terrorism Monitor Volume: 11 Issue: 18, available at: http://www.refworld.org/docid/5243edc34.html (accessed 7 May 2014); Jamestown Foundation, Sinai Insurgency Exploits Political Crisis in Egypt, 17 July 2013, Terrorism Monitor Volume: 11 Issue: 14, available at: http://www.refworld.org/docid/51e68f654.html (accessed 7 May 2014).

([75]) UK Government, Foreign & Commonwealth Office, Corporate Report: Pakistan — A country of concern, 10 April 2014, https://www.gov.uk/government/publications/pakistan-country-of-concern/pakistan-country-of-concern (accessed 11 April 2014). Human Rights Watch, World Report 2014 — Pakistan, s.d., http://www.hrw.org/sites/default/files/wr2014_web_0.pdf.

([76]) UK Government, Foreign & Commonwealth Office, Corporate Report: Pakistan — A country of concern, 10 April 2014, https://www.gov.uk/government/publications/pakistan-country-of-concern/pakistan-country-of-concern (accessed 11 April 2014). Human Rights Watch, World Report 2014 — Pakistan, s.d., http://www.hrw.org/sites/default/files/wr2014_web_0.pdf. The Dawn, Sectarian violence increased in 2013, says report, s.d., http://www.dawn.com/news/1078664/sectarian-violence-increased-in-2013-says-report (accessed 11 April 2014).

([77]) Minority Rights Group International, State of the World's Minorities and Indigenous Peoples 2013 — Pakistan, 24 September 2013, available at: http://www.refworld.org/docid/526fb73714.html (accessed 7 May 2014). United States Department of State, 2013 Country Reports on Human Rights Practices — Pakistan, 27 February 2014, available at: http://www.refworld.org/docid/53284a8e21.html (accessed 7 May 2014).

([78]) UK Government, Foreign & Commonwealth Office, Corporate Report: Pakistan — A country of concern, 10 April 2014, https://www.gov.uk/government/publications/pakistan-country-of-concern/pakistan-country-of-concern (accessed 11 April 2014). Human Rights Watch, World Report 2014 — Pakistan, s.d., http://www.hrw.org/sites/default/files/wr2014_web_0.pdf.

([79]) UK Government, Foreign & Commonwealth Office, Corporate Report: Pakistan — A country of concern, 10 April 2014, https://www.gov.uk/government/publications/pakistan-country-of-concern/pakistan-country-of-concern (accessed 11 April 2014).

([80]) UK Government, Foreign & Commonwealth Office, Corporate Report: Pakistan — A country of concern, 10 April 2014, https://www.gov.uk/government/publications/pakistan-country-of-concern/pakistan-country-of-concern (accessed 11 April 2014).

([81]) Reporters Without Borders, World Press Freedom Index 2013, s.d., http://fr.rsf.org/IMG/pdf/classement_2013_gb-bd.pdf (accessed 11 April 2014).

Nigeria

According to the US Department of State: 'Casualties and human rights abuses associated with Boko Haram attacks as well as the government's response to this violence escalated throughout the year 2013. The most serious human rights abuses during the year were those committed by Boko Haram, which conducted killings, bombings, abduction and rape of women, and other attacks throughout the country, resulting in numerous deaths, injuries, and widespread destruction of property; those committed by security services, which perpetrated extrajudicial killings, torture, rape, beatings, arbitrary detention, mistreatment of detainees, and destruction of property; and widespread societal violence, including ethnic, regional, and religious violence.' ([82])

Other serious human rights problems included vigilante killings; prolonged pre-trial detention; denial of a fair public trial; executive influence on the judiciary; infringements on citizens' privacy rights; restrictions on the freedoms of speech, press, assembly, religion, and movement; official corruption; violence against women; child abuse; female genital mutilation/cutting (FMG/C); infanticide; sexual exploitation of children; trafficking in persons; discrimination based on sexual orientation, gender identity, ethnicity, regional origin, religion, and disability; forced and bonded labour; and child labour ([83]).

Inter-communal violence in the Middle Belt states also led to hundreds of casualties. While the 2009 amnesty for activists in the oil-rich Niger Delta contributed to the decline in violence, persistent poverty, corruption and environmental degradation threatened the relative stability of this region. Nigerian security services, and also the recently-created vigilante group — the Civilian Joint Task Force (C-JTF) — have been involved in a number of human rights abuses in the country and operated with impunity ([84]).

According to the IDMC, there were at least 470 500 newly displaced people in 2013 fleeing brutal attacks by the Islamist armed group Boko Haram, by government-led counterinsurgency operations in north-eastern Nigeria, and by ongoing inter-communal conflicts in the country's central Middle Belt region. The bulk of displacements occurred in three northeastern states affected by Boko Haram violence, namely Borno, Yobe and Adamawa, where the government maintained a state of emergency since June 2013 ([85]).

In January 2014, President Jonathan approved the Same Sex Marriage (Prohibition) Bill. This new law criminalises public displays of affection between same-sex couples and restricts the work of organisations defending gay people and their rights ([86]).

2.8. Key challenges and responses

2.8.1. Syria

With a 109 % increase in applications for international protection, Syria became the main country of origin of asylum seekers in the EU28 in 2013 (applications for international protection from Syria have also been analysed by EASO in its previous annual reports in 2011 ([87]) and 2012 ([88]). The increase was widespread; the volume of Syrian applicants increased in nearly all MS in 2013.

([82]) U.S. Department of State, 2013 Country Reports on Human Rights Practices — Nigeria, 27 February 2014, available at: http://www.refworld.org/docid/53284a92b.html (accessed 6 May 2014).
([83]) U.S. Department of State, 2013 Country Reports on Human Rights Practices — Nigeria, 27 February 2014, available at: http://www.refworld.org/docid/53284a92b.html (accessed 6 May 2014).
([84]) Human Rights Watch, Nigeria: Escalating Communal Violence, 15 April 2014, available at: http://www.refworld.org/docid/534d288f4.html (accessed 6 May 2014). United States Department of State, 2013 Country Reports on Human Rights Practices — Nigeria, 27 February 2014, available at: http://www.refworld.org/docid/53284a92b.html (accessed 6 May 2014).
([85]) Internal Displacement Monitoring Centre (IDMC), Nigeria IDP Figures Analysis, available at http://www.internal-displacement.org/sub-saharan-africa/nigeria/figures-analysis, (accessed 16 May 2014).
([86]) Human Rights Watch, Nigeria: Anti-LGBT Law Threatens Basic Rights, 14.01.2014, http://www.hrw.org/news/2014/01/14/nigeria-anti-lgbt-law-threatens-basic-rights, (accessed 11 April 2014).
([87]) EASO, 2011 Annual Report on the Situation of Asylum in the European Union and on the Activities of the European Asylum Support Office, p. 24, available at: http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/asylum/european-asylum-support-office/docs/easo_annual_ report_final_en.pdf.
([88]) EASO, Annual Report on the Situation of Asylum in the European Union 2012, pp. 30-33, available at: http://easo.europa.eu/wp-content/uploads/EASO-Annual-Report-Final.pdf.

Bulgaria saw the largest percentage increase of Syrian applicants in 2013

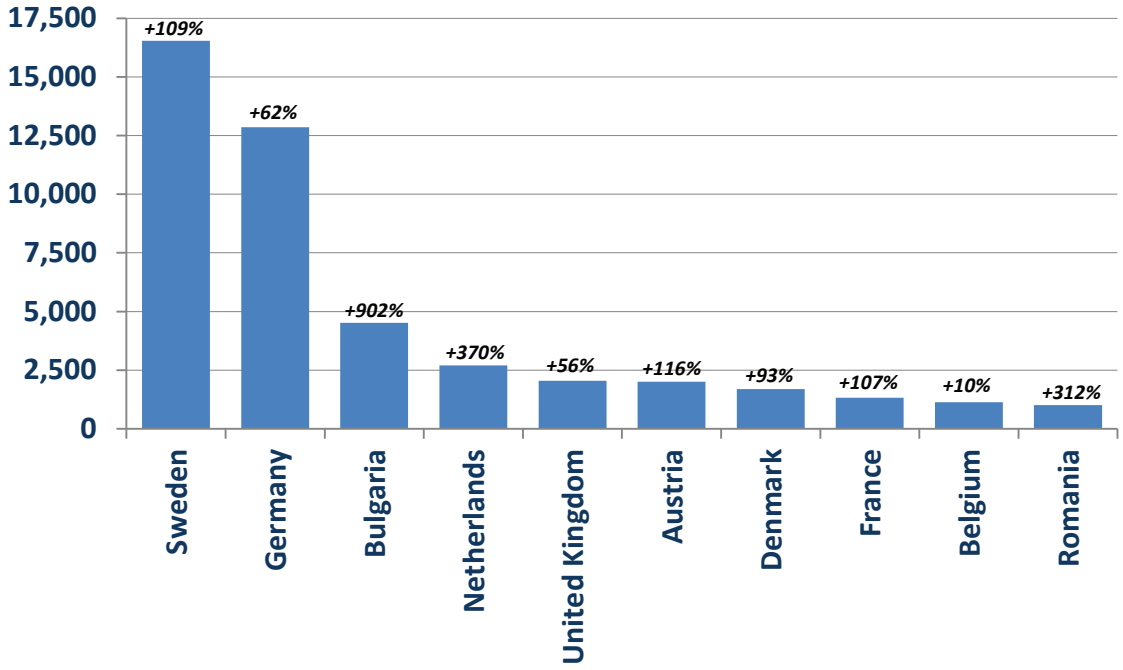


Figure 23: Syrian applicants in 2013 and year-to-year change by main receiving MS (>90 % of Syrian applicants in the EU 28)

As in 2012, Germany and Sweden were the main receiving countries for Syrian asylum seekers, but in 2013 Sweden became the principal country of destination by a large margin and saw an increase of 109 % (Germany saw a less intense +62 %). While these increases were very significant for those two MS, in relative terms even larger rises were recorded in several other countries. In Bulgaria, for example, the number of Syrian applicants was ten times greater than in 2012, making it the third most significant receiving MS in the EU for Syrians (and leading Bulgaria to request operational support from EASO — see section 3.2.1.3. on Bulgaria). The number of Syrian applicants in the asylum systems of Romania and the Netherlands also increased by a factor of more than 4.

The highest level of Syrian applicants reached in the main receiving countries between September and November 2013

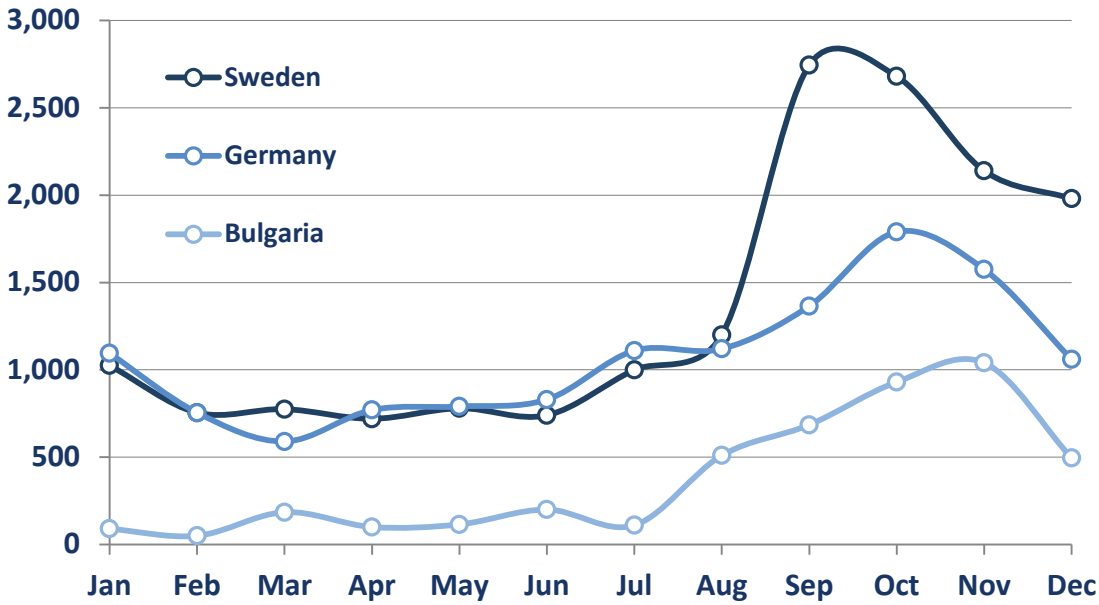


Figure 24: Evolution of Syrian asylum applicants in selected MS, 2013

In line with general seasonal patterns, increases were most seen in the third quarter of the year. In Sweden, a particularly sharp increase is noticeable in September, which partly corresponds to the decision of the Migration

Board in that month to grant permanent residence permits to Syrians. The rise in applications also led to a steady increase in pending cases over the year as shown below. In the three main receiving countries, the load of pending cases increased steadily in the second half of the year.

Pending cases on the rise, mirroring the flow of asylum applicants

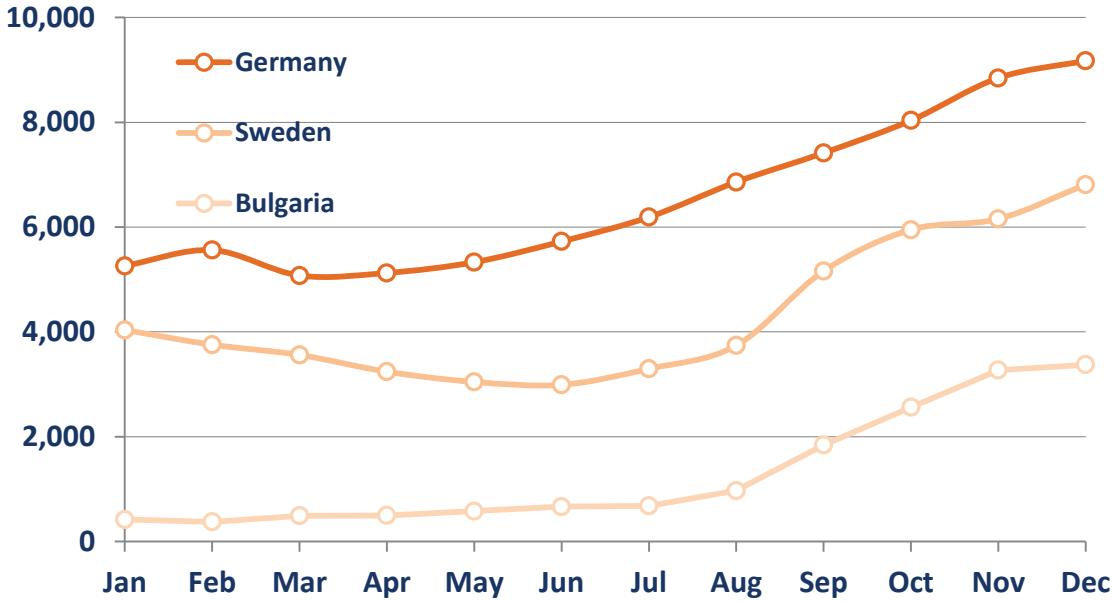


Figure 25: Evolution of the stock of pending cases of Syrian asylum applicants in selected MS, 2013

Syrians granted high protection rates in the EU28

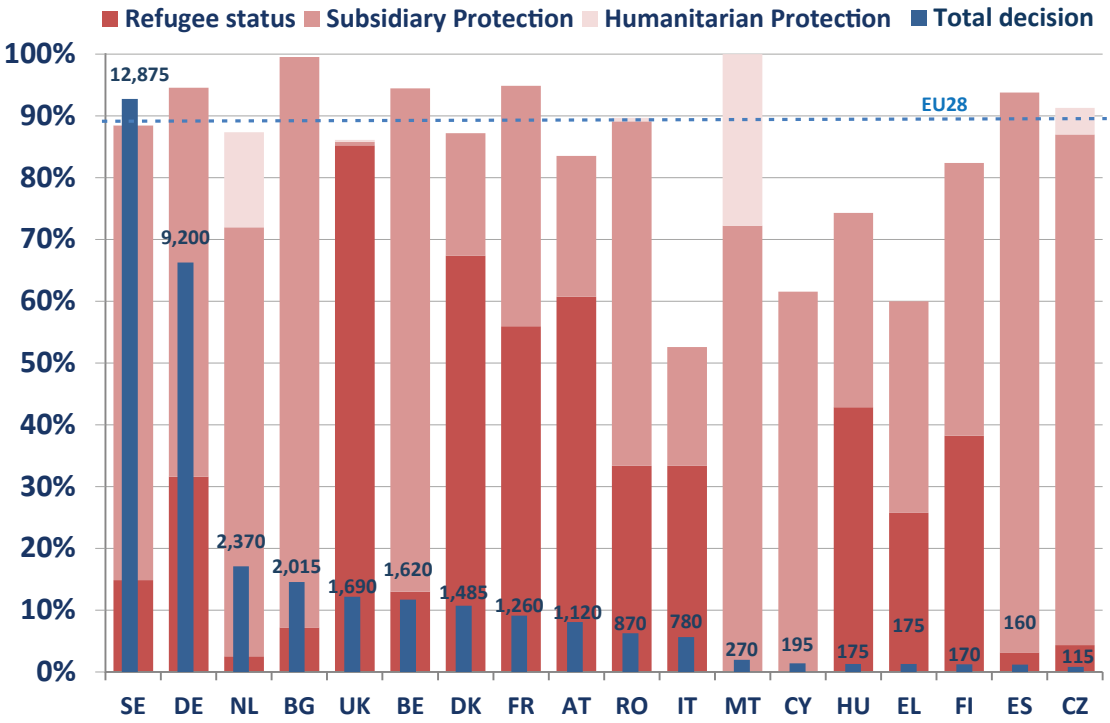


Figure 26: First instance decisions issued to Syrian applicants in the EU28, 2013 (>100 decisions)

However, reported negative outcomes are likely to be related to reporting issues rather than an actual practice by MS ([89]). The effective protection rate of genuine Syrians is likely to be closer to 100 %.

([89]) This could be due, inter alia, to factors such as: reporting negative decisions in regards to Dublin cases (as was the instruction to MS before revision of the

While almost all first instance decisions issued to Syrian applicants were thus positive across MS, there was significant variation in the legal regime used in those positive decisions: in the **United Kingdom**, **Denmark**, **France**, **Austria** and **Hungary**, for example, Syrians were mainly granted refugee status, while in **Sweden**, **Germany**, **Bulgaria**, **Belgium**, **Romania**, **Malta**, **Cyprus**, **Finland**, **Spain** and the **Czech Republic** Syrians were most commonly granted subsidiary protection status ([90]). These differences most likely stem from MS practices when interpreting the criteria of the Qualification Directive and national policies.

Civil society organisations ([91]) and UNHCR reported on the situation of Syrian applicants for international protection across the EU. Issues were raised with regard to access to territory due to the fact that hardly any possibility exists for obtaining a visa to travel to Europe, with alleged cases of pushbacks, over-use of detention and a lack of suitable reception conditions for families, who constituted the majority of applicants ([92]).

Measures taken in MS and by the European Commission

MS undertook various policy- or procedure-related initiatives during the year. On 3 September, SMB (Swedish Migration Board) revised its policy on Syrian applicants to ensure that applicants given subsidiary protection status were generally awarded permanent residence permits. The decision also paved the way for awarding permanent residence to those previously granted subsidiary protection status with temporary permits ([93]).

In **Germany,** on 1 October 2013 a special decision-making group for Syria was created to process applications from Syria using a prioritised procedure. Syrian applicants whose personal hearings were not yet scheduled thus had the opportunity to state the facts of their claim in written form.

The European Commission took steps to support MS coming under pressure due to the increased number of Syrian applications. Emergency funding from the European Refugee Fund was provided to Bulgaria, Germany, Greece, Italy, Malta, Cyprus, France, Hungary and the Netherlands (see section 3.1.4. on the European Refugee Fund). At the request of the Bulgarian authorities, the EU Civil Protection Mechanism (EUCPM) was triggered in order to provide civil protection assets from other MS necessary in order to host Syrian asylum seekers in the early stages of the crisis.

EASO Practical Cooperation Workshops on Syria

After two Practical Cooperation Workshops on Syria in 2012 focusing mainly on country of origin information, refugee status determination issues and contingency planning, EASO organised a third Workshop on 18-19 March 2013. During this meeting, the main objective — apart from giving an update on the situation in Syria and neighbouring countries — was to map policy changes (e.g., temporary freezing of status determination) and analyse diverging decision practices in EU+ countries with regard to the Syrian asylum caseload due to not only different profiles of applicants arriving in EU+ countries, but also different interpretations of legal definitions, in particular Article 15(b) and (c) of the Qualification Directive.

Eurostat guidelines in December 2013); reporting of implicitly withdrawn applicants as rejections; applicants registered as Syrians, but found not to be Syrians after identity assessment during the procedure and not updated in the information system.

([90]) As regards Greece, the recognition rate at first instance under the new asylum procedure stands at almost 100 % (63.3 % for refugee status and 35,9 % for subsidiary protection).

([91]) ECRE Information Note on Syrian asylum seekers and refugees in Europe, November 2013 http://www.ecre.org/component/downloads/downloads/824.html.

([92]) See the following public statements by UNHCR: UNHCR, Responding to protection needs of displaced Syrians in Europe, June 2013, http://www.unhcr.org/51b7149c9.pdf, UN High Commissioner for Refugees urges Europe to do more for Syrian asylum seekers, 18 July 2013, http://www.refworld.org/docid/51e916e14.html, Protection of Syrians in the EU, UNHCR's paper for the Informal JHA Council, Vilnius, 18 July 2013, http://www.unhcr.org/51f22b999.html, UNHCR urges countries to enable safe passage, keep borders open for Syrian refugees, 18 October 2013, http://www.refworld.org/docid/5263d44b4.html, UNHCR on denied entry and pushed back: Syrian refugees trying to reach the EU, 15 November 2013, http://www.refworld.org/docid/5289ca114.html, UNHCR concerned at reports that asylum seekers, including Syrians, denied entry to some EU countries, 15 November 2013, http://www.refworld.org/docid/528615d54.html.

([93]) A trend that was visible by the end of the year was that Syrian male applicants arrived without their families, who then joined them through family reunification once a permit had been granted to the male family member, as opposed to the whole family arriving together.

EASO COI Specialist Network on Syria

As outlined in Section 4.10 of this report and as part of the overall EASO COI Network Approach, an EASO COI Specialist Network on Syria was established in April 2013. The network held its kick-off meeting on 27-28 June 2013, with the participation of 12 COI researchers from EU+ countries. During this first meeting, the network focused on the current situation in Syria, based on a presentation of key findings from a Norwegian/ Swedish fact-finding mission to Turkey and Iraq, which addressed several questions regarding Syrian asylum applications.

2.8.2. Russian Federation

As illustrated by Figure 3, in 2013 applicants from the Russian Federation increased significantly to become the second largest citizenship of origin for asylum claims in the EU-28. Although the number of applicants from the Russian Federation had been relatively stable since 2008 at around 20 000 applicants annually, 2013 saw a significant rise with 71 % more applicants registered than in 2012, reaching a volume of 41 485 applicants. The vast majority of these persons were from the Northern Caucasus region ([94]).

The number of applicants from the Russian Federation mostly increased in Germany and Poland

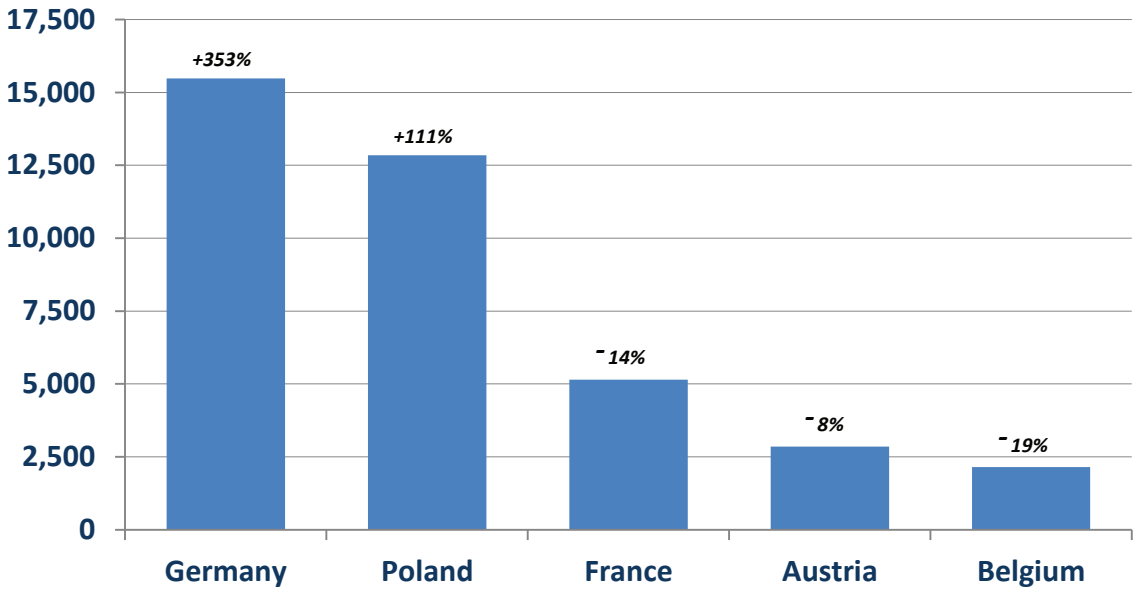


Figure 27: Russian applicants in 2013 and year-to-year change by main receiving MS

This growth was mainly driven by large increases registered in Germany, which became the biggest receiver of applicants from Russia after an increase by a factor of 4.5 between 2012 and 2013. Poland, the traditional main country of reception for this group, dropped to second place despite the fact that the number of applications made there doubled. The decision by the German Constitutional Court of 18 July 2012 to increase the benefits paid to asylum seekers — which was already identified in last year's EASO Annual Report ([95]) as a potential pull factor for asylum seekers from the Western Balkans — was likely also a significant pull factor for the Russian flow. By contrast, in France and Austria, also traditional destination countries for Russian applicants, the number of applicants decreased from 2012 to 2013.

([94]) Information received from EASO Practical Cooperation meeting on Russia — 17–18 July 2013.
([95]) EASO Annual Report 2012, p. 34.

High correlation of the flow of asylum applicants from the Russian Federation to Germany and Poland

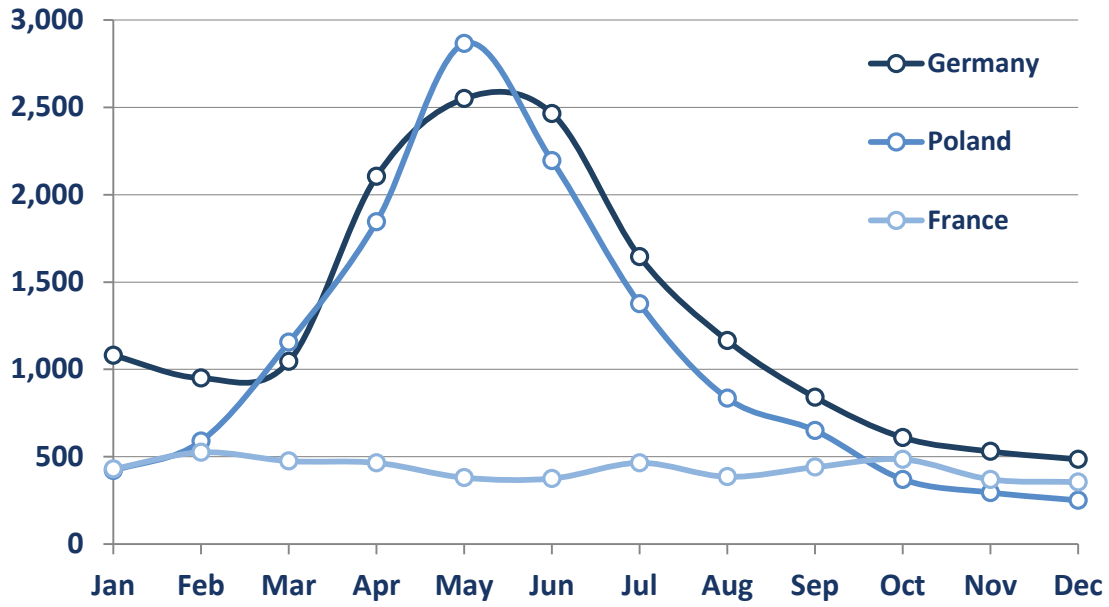


Figure 28: Evolution of Russian asylum applicants in selected MS, 2013

Changes in the flow of citizens from the Russian Federation to Poland and Germany were highly correlated and underwent a massive increase in the spring of 2013. Information received from the main destination MS shows that most of the persons who lodged an application for international protection in Poland were Chechens arriving by train who applied for asylum at the border and then subsequently absconded and travelled to Germany to apply for international protection once more. This pattern is substantiated by the correlation of the flow of asylum applicants to Germany and Poland and the significant increase of 'take back' requests between Germany and Poland in 2013 (2 258 transfers based on a 'take back' request were reported by Germany) ([96]).

Similar inflows but different impacts on the stock of pending cases

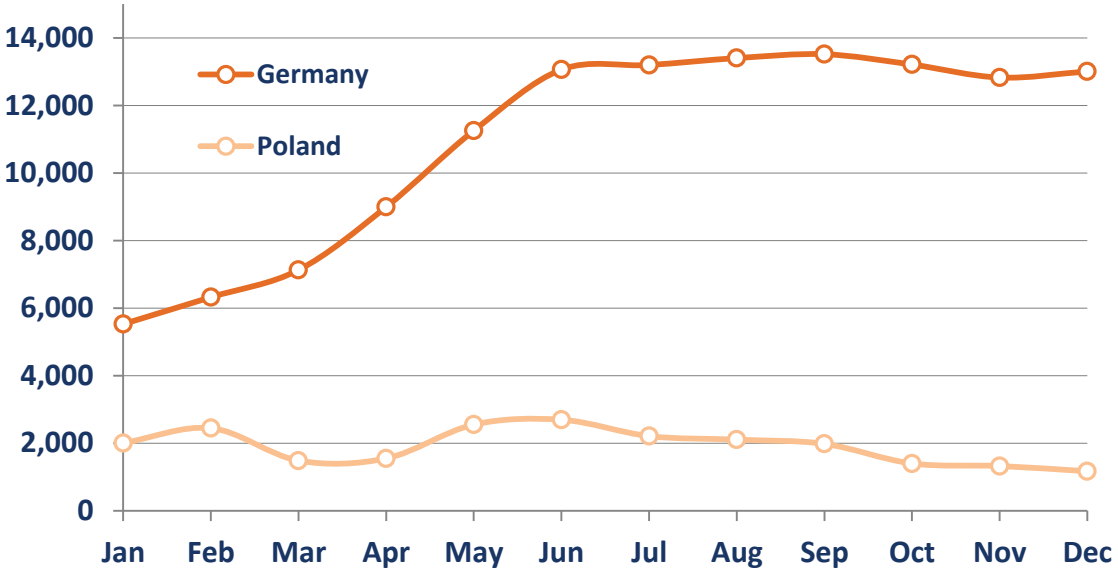


Figure 29: Evolution of pending cases of Russian asylum applicants in Germany and Poland, 2013

The surge had unexpected effects on the load of pending cases in Germany and Poland. In Germany, the number of Russian applicants awaiting decision naturally increased alongside the increasing amount of applications

([96]) Note however that Dublin statistics exchanged under the framework of Regulation 862/2007 are not disaggregated by citizenship.

lodged each month and for some reason stabilised from June onwards, indicating that the number of decisions issued and applications withdrawn were sufficient to offset the applications registered in each month. In Poland, the load of pending cases not only remained surprisingly stable over the spring but also tended to decrease in the second half of the year, accounting for 1 175 pending cases by the end of December 2013 ([97]).

Decisions issued to applicants from the Russian Federation differed significantly across MS

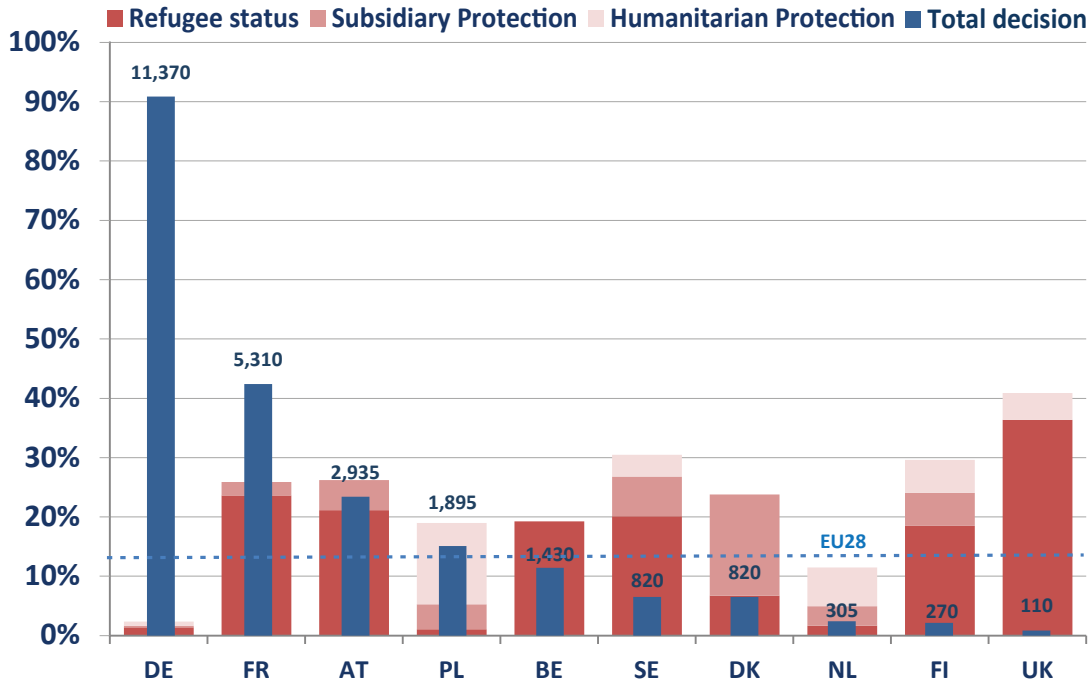


Figure 30: First instance decisions issued to Russian applicants in the EU28, 2013 (>100 decisions)

Recognition rates for Russian applicants varied significantly between MS in 2013 as shown above. When protection was granted, refugee status was normally the result (except in Denmark), though Poland and the Netherlands granted humanitarian protection in a large majority of their positive decisions.

Measures taken in MS

In **Germany** a temporary task force for operative management ('PGOS') was implemented on 15 May 2013 to develop measures to more efficiently handle the flow of Russian citizens. Because of the relatively high protection rate for applicants from the Russian Federation at the EU-28 level, the diversity of reasons for claiming international protection given by the applicants, and the inconclusive findings in terms of country of origin information (e.g. concerning Chechnya), the use of immediate or priority proceedings was not deemed possible. Instead changes were introduced which included amending the usual schedule of interviews; carrying out identification procedures (personal data, fingerprints) as quickly as possible after the arrival of the applicant; and asking applicants, in the context of the identification procedure, if there were reasons not to be returned to the country of origin. In case of EURODAC hits, the asylum procedure was transferred to the Dublin section immediately. Germany also deployed Chechen interpreters from Austria. In addition, because of the increasing influx from the Russian Federation, decisions on asylum applications from this country of origin were made in every branch office of the Federal Office instead of being assigned to specific ones only.

([97]) This development suggests that the number of withdrawn applications reported to Eurostat by Poland is significantly underestimated.

EASO Practical Cooperation Workshop on the Russian Federation

On 17-18 July 2013, EASO held a Practical Cooperation Workshop on the increased numbers of applications for international protection from citizens of the Russian Federation.

During the workshop participants from 14 MS, the European Commission, Frontex and UNHCR analysed pull and push factors to shed light on this recent trend. Preliminary findings seemed to indicate that the sudden surge in numbers was a result of specific pull factors in MS rather than changes in the situation in the country of origin. Information on the financial benefits and asylum procedures in MS were widely available on the Internet. Other pull factors in several EU MS were the existence of a large diaspora, geographical proximity and the relative ease of access to the EU. The deterioration of the security and human rights situation in the Northern Caucasus is not substantial enough to explain a mass exodus; the majority of applicants seemed to have left in search of a better future.

During presentations, experts at the meeting raised concerns about the human rights situation in the Russian Federation, especially for specific groups such as political opponents, NGOs and human rights activists, artists and intellectuals, sexual minorities and non-traditional religious organisations.

Breakout sessions during the workshop allowed MS to discuss challenges related to country of origin information and refugee status determination (RSD) that are specific to the Russian caseload, such as the availability of protection, internal flight alternatives, origin verification and the availability of reliable sources of information.

Participants also discussed best practices for measures taken to facilitate the processing of applications within short timeframes, and exchanged experience related to returning rejected applicants.

2.8.3. Western Balkans

In 2013, the Western Balkan countries ([98]) continued to represent a very significant workload for the asylum systems of the EU28. The number of Western Balkan applicants registered in the EU-28 increased by 36 % from 2012 to 2013 and, when considered together, represented 17 % of the EU total (with 72 840 total asylum applicants, more than for Syria) in 2013, despite a very low recognition rate of only 3.8 % on average across MS.

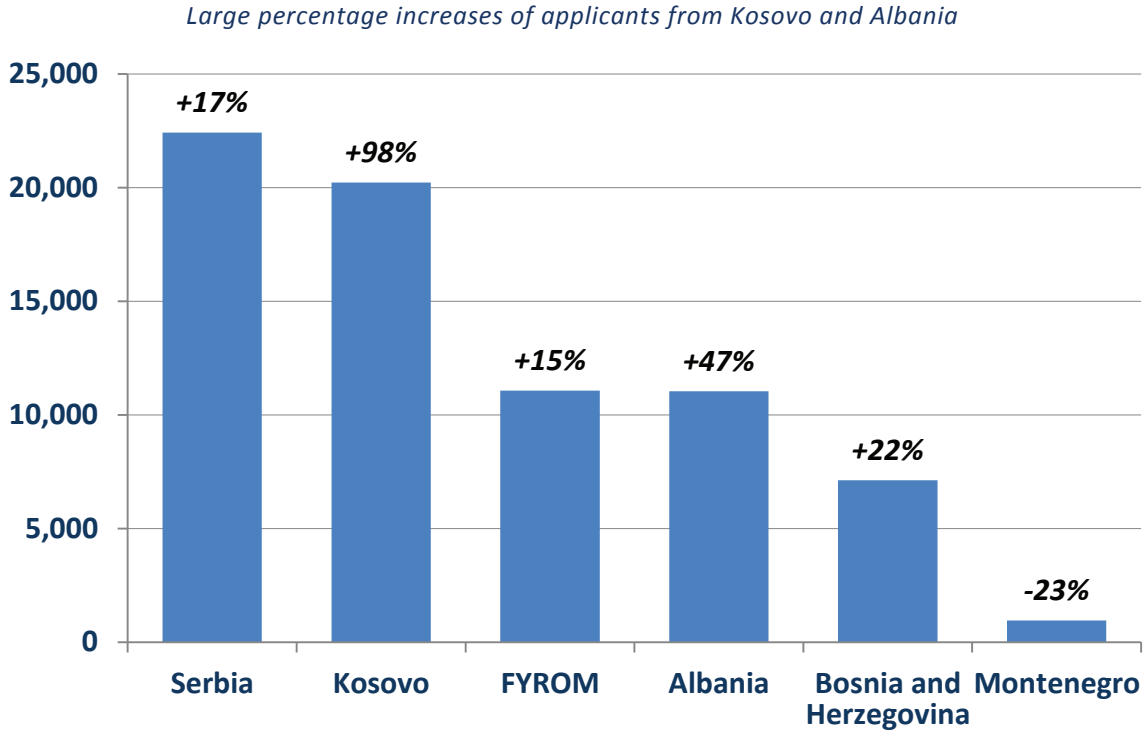


Figure 31: Western Balkan applicants in 2013 and year-to-year change by main receiving MS

([98]) Albania, Bosnia and Herzegovina, FYROM, Kosovo, Montenegro and Serbia, see Ft. 11 on page 14.

The intensity of the change varied by individual country of origin: for Serbia, FYROM and Bosnia and Herzegovina, the number of applicants rose between 15 and 22 %, while the highest relative increases were registered for Kosovo (double the number of 2012) and Albania (which increased by half). The sharp increase of applicants from the Western Balkans was therefore mostly driven by the change in number of applicants from Kosovo and Albania, as well as the comparatively moderate increases of applicants from Serbia, FYROM, and Bosnia and Herzegovina.

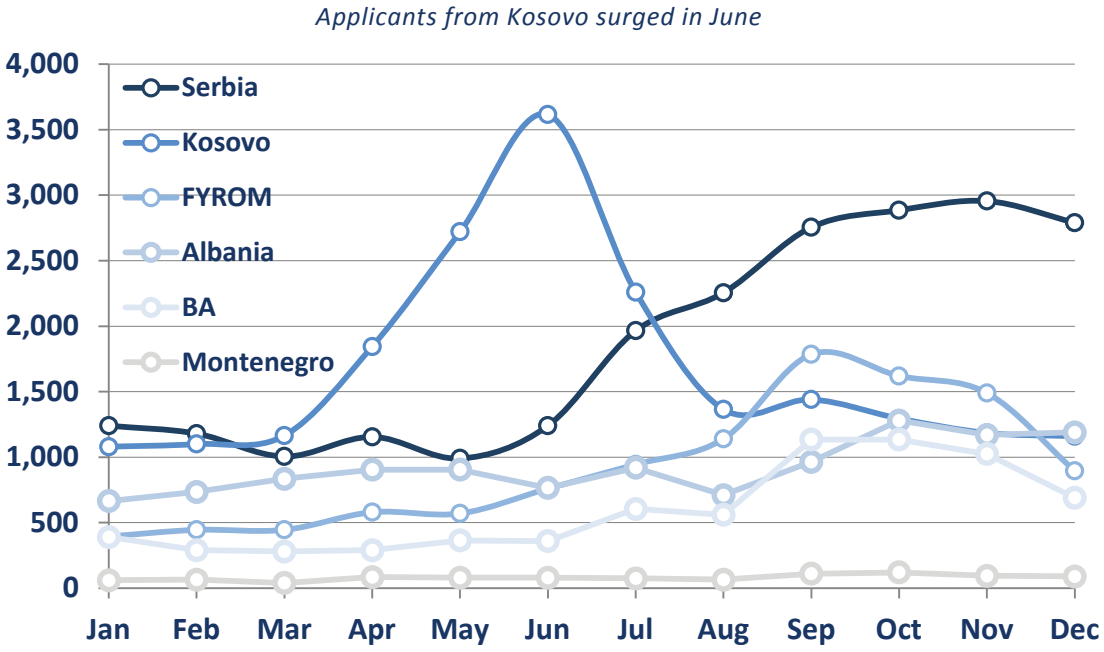


Figure 32: Evolution of Western Balkans asylum applicants in the EU28, 2013

The flow of applicants from the Western Balkans diverged significantly in 2013 from the pattern observed in 2012. While in 2012 a short-term surge was observed in the month of October in line with previous years, in 2013 the flow of applicants from Serbia, FYROM, Albania and Bosnia and Herzegovina picked up from June onwards and started to subside only in December 2013. At the EU28 level, applications from Kosovo showed a significant rise during the spring of 2013.

EASO Practical Cooperation Workshop on the Western Balkans

On 21 and 22 March, EASO organised a Practical Cooperation Workshop on the Western Balkans with the aim of better understanding the factors behind the fluctuating but persistently high numbers of asylum applicants from those states, as well as increasing the preparedness of EU+ countries to address particular challenges related to this phenomenon. Participants from 10 EU+ countries, Frontex and UNHCR discussed the most likely pull and push factors and presented a wide range of measures taken by EU+ countries to influence these factors. The workshop showed that a more in-depth analysis was needed to better understand the interaction between both pull and push factors and to be able to evaluate the effectiveness of measures taken.

Germany is the main country receiving applicants from Serbia, FYROM, Bosnia and Herzegovina and Montenegro

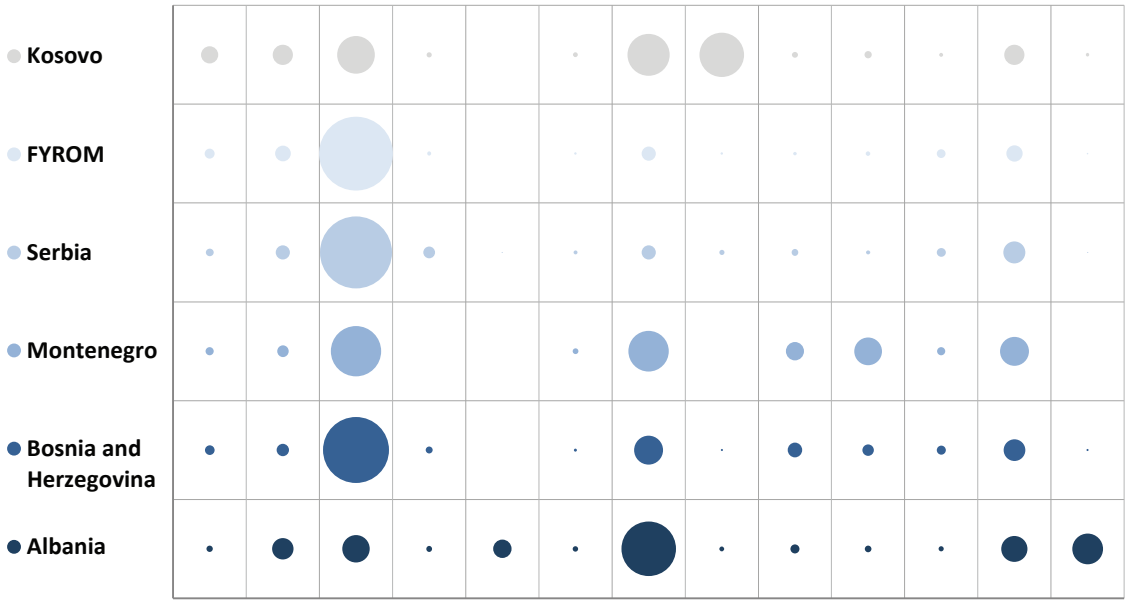


Figure 33: Distribution of Western Balkan applicants across selected MS, 2013

Applicants from different Western Balkans states applied in different MS. The figure above indicates the distribution of Western Balkans applicants across MS receiving more than 1 % of all Western Balkan applicants. While Germany received most of the applicants from Serbia, FYROM, Montenegro, and Bosnia and Herzegovina, France and the United Kingdom were the main countries receiving applicants from Albania. The vast majority of applicants from Serbia and FYROM were of Roma ethnicity, while applicants from Kosovo and Albania were overwhelmingly ethnic Albanians. For Kosovo, Hungary was the main receiving country. However, it should be noted that this was most probably because this MS proximity was attractive to citizens of the only WB country without visa liberalisation. In fact, the vast majority of Kosovar applicants in Hungary subsequently absconded from open reception centres after crossing the land border and applying for asylum and then travelled onwards within the Schengen zone to other MS.

Western Balkan applicants enjoyed generally higher recognition rates in Italy than in other EU MS

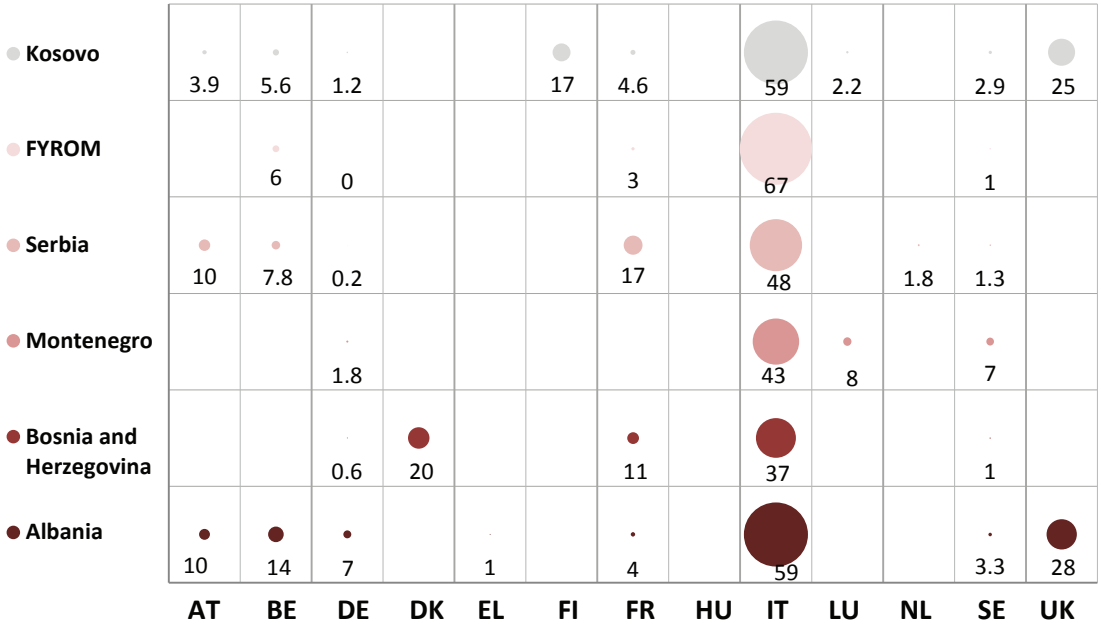


Figure 34: First instance recognition rate for Western Balkan applicants across selected MS, 2013

While at the overall EU28 level the recognition rate for applicants from Western Balkan countries remained very low, in a few MS it was relatively high. In Italy, the recognition rate was much higher than the EU28 average for each of the six WB countries, with an overall protection rate for the region of 46 %. Otherwise, a higher recognition rate for a particular nationality in a given MS probably stems from the specific profile of applicants coming to this MS and the practice adopted by this MS as a result ([99]).

If not for humanitarian protection, Italy's protection rate would be on a par with that of other Member States

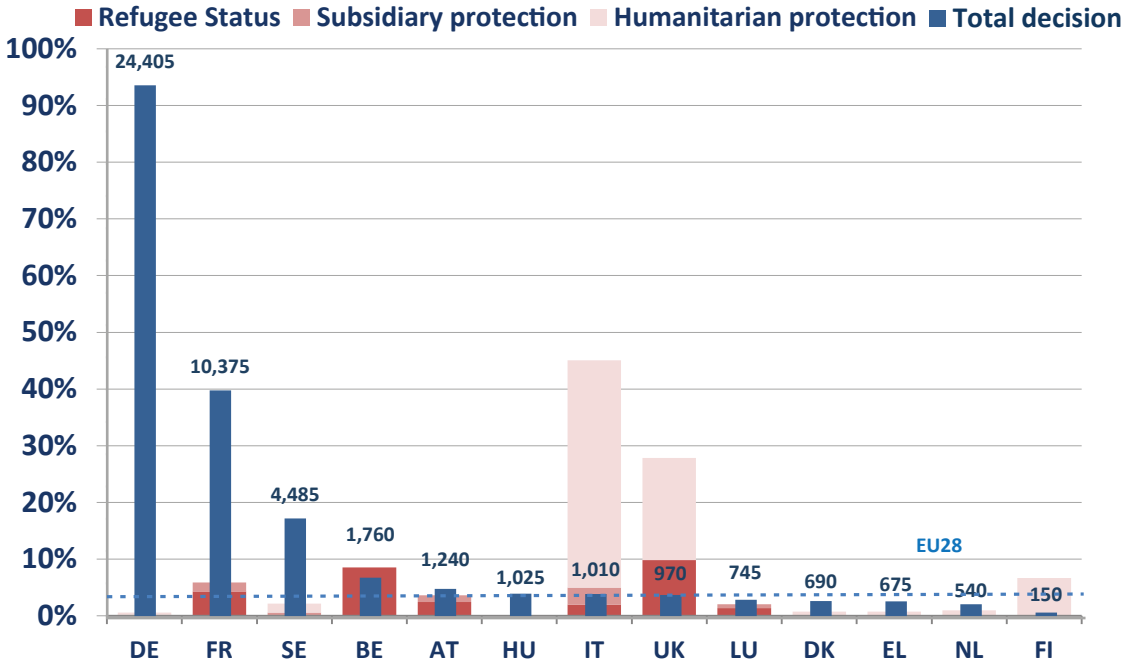


Figure 35: First instance decisions issued to Western Balkan applicants in the EU28, 2013 (>100 decisions)

EASO report on the Western Balkans

In November 2013, EASO published a report entitled Asylum applicants from the Western Balkans. Comparative analysis of trends, push-pull factors and responses. The findings of the report, which analysed data from 2009 until July 2013, highlighted that the WB flow is limited to a small number of MS and Associate Countries and in some cases greatly affects their asylum systeMS ability to process other claims. The number of applications varies over time (with a general upward trend) and is strongly seasonal (increasingly so in recent years), with major peaks just before winter. Asylum seekers from the Western Balkans consist mainly of Roma from Serbia and FYROM, and Albanians from Albania and Kosovo. Though citizens of Western Balkan states face one of the highest asylum claim rejection rates of any countries of origin, the rate varies by destination country and country of origin, with Albania seeing the highest number of positive decisions and FYROM the lowest overall.

The most important push factors behind the decision of some WB citizens to claim asylum in the EU+ are considered to be the societal problems of specific groups which are closely linked — especially in the case of Roma — to unemployment and poverty. In turn, problems accessing the labour market have led many to rely on social infrastructure and services (including welfare benefits) that are insufficient — a third push factor. Finally, it should be noted that insufficient and hard-to-access healthcare also constitutes a push factor for a small but significant number of applicants.

([99]) E.g. MS may receive caseloads related to blood feud and vendetta and may grant such cases international protection; see EASO report Asylum applicants from the Western Balkans. Comparative analysis of trends, push-pull factors and responses http://easo.europa.eu/wp-content/uploads/BZ0213708ENC.pdf, p. 41.
([100]) The report makes use of Eurostat statistics and is based on an analyses of replies to detailed questionnaires provided by experts involved in various aspects of dealing with the phenomenon both in the region and in the destination countries. It is also based on the results of a Practical Cooperation meeting hosted by EASO in March 2013. Desk research and a study visit to selected Western Balkan countries have further complemented the analysis and allowed EASO to illustrate the broader context within which pull and push factors should be interpreted. The Report is available online at: http://easo.europa.eu/wp-content/uploads/BZ0213708ENC.pdf.

The principal pull factors determining the choice of destination country are mainly economic in nature. MS experts see the linked issues of (particularly cash) benefits provided during the asylum procedure and long processing times as the main factors influencing both the decision of WB citizens to apply for asylum and where they apply for asylum. The presence of an existing diaspora is likely to be a strong factor given the almost perfect correlation between the number of residence permits and the list of MS most affected by the WB flow. The possibilities of finding legal or illegal work may also be important depending on the profile of the applicants. Tangible benefits other than cash, such as healthcare, may be particularly important as pull factors for certain individual profiles of applicant.

A catalogue of measures has been taken by MS to reduce both push and pull factors. The report stresses that a package of measures, which must include at minimum very short procedures for manifestly unfounded applications (while allowing the possibility of regular procedures where cases have merit) and reduced cash benefits, appears to be the most effective contribution to reducing numbers of largely unfounded applications.

2.8.4. Task Force Mediterranean

On 3 October 2013, a boat with around 500 migrants sank off the coast of Lampedusa. The loss of over 300 lives triggered numerous calls for an EU response to prevent deaths at sea and to prevent such tragedies from happening again. A special body, known as The Task Force Mediterranean (TFM), was set up following the JHA Council of 7-8 October 2013 in order to examine concrete actions that could be taken in regard to this problem. The TFM brought together experts from all MS, the European Commission, the European External Action Service (EEAS), EASO, Frontex, Europol, FRA, and EMSA. On the basis of the discussions, the European Commission adopted a Communication (COM(2013) 869 final) on 4 December 2013. The European Parliament also adopted a resolution on this subject on the 23 of October ([101]).

Various lines of action have been developed by the TFM, which include numerous actions earmarked for EASO, such as assistance and reinforced dialogue with countries of origin and transit in line with the Global Approach to Migration and Mobility; a renewed focus on resettlement and regional protection efforts; the exploration of legal channels to safely access the European Union, as well as a general focus on increased resettlement efforts; the fight against human trafficking and smuggling and criminal networks; ensuring a speedy and sustainable return of migrants in a humane and dignified manner; strengthening the management of the EU's external borders; implementation of the recently adopted Eurosur Regulation; and support for MS facing pressure on their migration and asylum systems.

Finally, in response to the tragedy in Lampedusa, **Italy** launched the Mare Nostrum operation in the Mediterranean Sea, rescuing thousands of people between October and December 2013 and bringing a total of over 9 000 migrants to safety.

EASO Action Plan concerning Task Force Mediterranean

EASO developed an action plan on its measures established in European Commission's Communication on TFM. EASO measures include a pilot project with MS to learn more about smuggling and trafficking routes and a pilot project on supported processing of asylum applications in MS. Moreover, EASO will implement initiatives within Mobility Partnerships (supporting asylum-related measures within EU mobility partnerships with Tunisia, Morocco and Jordan, in particular within the framework of the joint EASO-Frontex ENPI project). In line with the EASO External Action Strategy, EASO could provide training and other capacity-building measures as part of Regional Protection Programmes in Libya, Tunisia and Jordan and will investigate the feasibility of a pilot project on supported processing, while improving data provision to allow better contingency planning.

([101]) European Parliament resolution of 23 October 2013 on migratory flows in the Mediterranean, with particular attention to the tragic events off Lampedusa (2013/2827(RSP)).

3. Major developments in 2013

3.1. Important developments at EU level related to asylum

3.1.1. Legislative: completion of CEAS

The key development in 2013 was the completion of the new asylum *acquis* package, consisting of the recast Reception Conditions Directive ([102]), recast Asylum Procedures Directive ([103]), recast Dublin Regulation ([104]), and the recast Eurodac Regulation ([105]) (the recast Qualification Directive was adopted in 2011).

The adopted package was published in the Official Journal of the European Union on 29 June 2013.

The two recast directives will require transposition into the national frameworks of the MS bound by those directives ([106]), and the general deadline for transposition is 20 July 2015 ([107]). At the same time, some provisions of the recast Asylum Procedures Directive ([108]) have a later deadline for transposition of 20 July 2018. Certain provisions of both directives ([109]) will apply directly as of 21 July 2015.

The two recast regulations entered into force on 19 July 2013 and are directly applicable in the countries bound by them ([110]) with no transposition into the national legal frameworks of the MS needed. The recast Dublin Regulation will be applicable to applications for international protection lodged as of 1 January 2014 and to all requests to take back or take charge starting 1 January 2014, whereas the recast Eurodac Regulation will take effect on 20 July 2015. An amended Dublin Implementing Regulation was prepared during the second half of 2013 and received the positive opinion of the Dublin III Committee ([111]) on 13 December 2013. It was consequently adopted by European Commission on 30 January 2014 ([112]) and is applicable as of 9 February 2014.

The main changes brought by the new recast package are the following:

The aim of the **revised Asylum Procedures Directive** is more efficient and faster procedures for international protection. It provides for more specific rules concerning access to procedure by clarifying the different steps in

([102]) 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).
([103]) 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).
([104]) 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 MS responsible for examining an application for international protection lodged in one of the MS by a third-country national or a stateless person (recast).
([105]) Regulation (EU) No 603/2013 of the European Parliament and of The Council of 26 June 2013 on the establishment of 'Eurodac' for comparing fingerprints in order to effectively apply Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the MS responsible for examining an application for international protection lodged in one of the MS by a third-country national or a stateless person and on requests for comparison with Eurodac data by MS 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).
([106]) 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).
([107]) Nonetheless, as some of the provisions, such as the ones on detention (e.g. 'based on objective criteria defined by law' — Art. 2 lit. n) or on an effective remedy (e.g. 'For the purposes of appeals against, or reviews of, transfer decisions, MS shall provide in their national law' — Art. 27(3)), make a reference to national MS legislation, MS are left an option to regulate this specific issue at the national level.
([108]) Article 31 (3)-(5) of the recast Asylum Procedures Directive concerning time limits for concluding the examination procedure at first instance.
([109]) Recast Asylum Procedures Directive: Article 47 concerning the possibility for public authorities to challenge administrative and or judicial decisions as provided in the national legislation and Article 48 concerning confidentiality principles binding the authorities implementing the Directive. Recast Reception Conditions Directive: Article 13 concerning discretionary medical screening of applicants and Article 29 concerning basic training and allocation of resources.
([110]) The recast Dublin Regulation will be applied by all MS, as well as Norway, Iceland, Liechtenstein and Switzerland. Ireland has not opted into the recast Eurodac Regulation and Denmark is not bound by it.
([111]) Committee established on the basis of Article 5 of Regulation (EU) No 182/2011.
([112]) Commission Implementing Regulation (EU) No 118/2014 of 30 January 2014 amending Regulation (EC) No 1560/2003 laying down detailed rules for applying Council Regulation (EC) No 343/2003 establishing the criteria and mechanisms for determining the MS responsible for examining an asylum application lodged in one of the MS by a third-country national.

the procedure and putting in place, *inter alia,* additional requirements for arrangements at the external borders of the EU as well as in detention facilities. The asylum procedure should as a rule take no longer than 6 months. This time limit can be extended up to 21 months only under certain clearly defined exceptional circumstances. Decision-makers and other staff involved in the asylum procedure should receive appropriate training; applicants should receive more robust information and support so that their claims can be presented and examined in a complete manner; applicants in need of special procedural guarantees, e.g. due to their age, disability, illness, sexual orientation or traumatic experiences, should be identified in due time and provided with adequate support such as sufficient time to make their claims; the protection of unaccompanied children has been considerably strengthened, by *inter alia*, the obligation to ensure adequate representation in the child's best interest and restricted use of certain special procedures (e.g. accelerated and border procedures); the conditions and safeguards for applying border and accelerated procedures have been clarified and, in particular, the grounds under which such procedures can be applied have been made exhaustive. Also rules on subsequent applications have been clarified to ensure, on the one hand, the applicant's right to have a complete examination of his/her application for international protection and, on the other, to ensure that MS can efficiently process claims such as those made only in order to delay or frustrate the enforcement of a decision that would result in imminent removal from a MS. The provisions concerning access to appeal procedures in front of a court have been revised to ensure full compliance with fundamental rights in that regard.

The revised **Reception Conditions Directive** introduces for the first time common rules to ensure that asylum applicants can only be detained in specific cases according to a detailed list of grounds. There are rules on appealing against a detention order, with legal guarantees regarding legal assistance and information and restrictions on detaining vulnerable persons, including minors. It clarifies the obligation to conduct an individual assessment to identify the particular reception needs for vulnerable persons and ensures access to psychological support. It sets forth rules concerning qualifications required of the representatives of unaccompanied minors. Applicants for international protection are to be given access to employment after a maximum period of 9 months from the lodging date of the application.

The revised **Dublin Regulation** introduces a mechanism (in Art. 33) for an early warning, preparedness and crisis management mechanism aimed at preventing crises arising from particular pressures on, or internal shortcomings of, national asylum systems. Additional guarantees are provided to persons in a Dublin procedure, comprising an obligatory personal interview and information on the procedure for establishing the MS responsible, more ample options for reunifying family and relatives, and additional guarantees for minors (such as specific rules on assessing the best interest of a child and tracing family members within EU territory). The transfer decision can be appealed and a motion for suspensive effect of the appeal may be submitted (including guaranteeing the right to remain within the territory while the court is determining the motion for suspension). Legal assistance free of charge is to be provided upon request and the overall duration of detention is strictly limited. More precise deadlines are introduced for procedures between States, with a general maximum limit of 11 months for 'take charge' cases ([113]) and 9 months for 'take back' cases ([114]) (with exceptions in cases where the applicant absconds or is imprisoned) ([115]). The Dublin Regulation, in its revised form, also covers applicants who could otherwise fall under the Return Directive as irregular migrants and be returned as such.

EASO activities related to Early warning and Preparedness

In 2013, EASO's proposal for the development of an EASO Early warning and Preparedness System (EPS) was approved at the Management Board (MB) meeting of February. It established three main steps:

1. Mapping how MS asylum systems function and how statistical data on asylum is reported to Eurostat;

2. Deciding on the most important and effective indicators that could provide a comprehensive overview (from access to procedure to return and integration) of the practical functioning of the CEAS with useful timescales;

3. Setting up a Group for the Provision of Statistics (GPS) comprising representatives nominated by MS to be their single points of contact responsible for the quality and timeliness of asylum statistics.

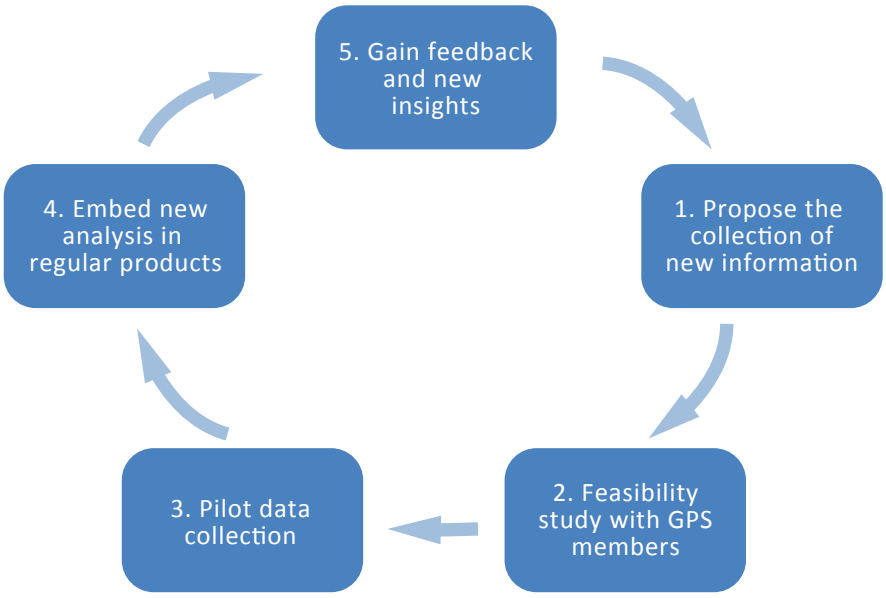
([113]) 'Take charge' requests concern cases where a State requests that another State take responsibility for an asylum application although the applicant in question has not previously submitted an application in the other State. This can occur when there are specific circumstances indicating that the requested state would be best placed to deal with the case, e.g. due to family unity reasons or when the other State has issued a work permit to the applicant before.
([114]) 'Take back' requests concern asylum applications where a State requests that another State take responsibility for an applicant because the person has already made an asylum application in the requested State previously.
([115]) Second instance proceedings extend these deadlines as long as suspensive effect is granted.

On 9-10 April, EASO organised the first meeting of the GPS. Members discussed EASO's draft proposal for a comprehensive set of 22 indicators aimed at providing data on the practical functioning of all key aspects of the CEAS. They suggested that a questionnaire on the main issues be developed by EASO and sent to MS for replies. This was done over the summer of 2013 in close cooperation with other European bodies dealing with asylum data (DG ESTAT, DG HOME, Frontex) to ensure that a common EU approach was adopted so that a uniform method of asking States to provide information is applied by the various organisational stakeholders and Eurostat guidelines are updated as appropriate.

In early November, EASO sent a draft report entitled 'EPS — Overview of Statistical Practice in Europe' to MB and GPS members. The report was the first comprehensive overview of current practice regarding the collection of statistical data regarding asylum across the EU+. It concluded that major disparities existed for data collection and reporting across the EU, due to both varying interpretations of the EU asylum *acquis* and migration statistics regulation and the organisational specifics of the national asylum systems and reporting practices.

Given the disparities in practice between national systems, the difference in how each MS organises their asylum system and the resource limitations of both EASO and MS, the process of developing a comprehensive EPS will inevitably need to be incremental so that at each stage, participating states develop harmonised procedures regarding the data being collected and ensure the quality and utility of the analyses provided as a result. At each stage, EASO will propose a limited number of new indicators and disaggregations to be collected with a certain periodicity and timeliness. When approved by the GPS and the EASO MB, EASO begins data collection and provides analyses (entering it into regular analytical products), the utility of which are checked by end users before a further expansion of data collection is planned.

In line with this plan, EASO therefore developed its proposal for 'Stage II' of EPS, i.e. the next step in the roll-out of EASO's statistical analysis work, building on current data-collection activities and EASO analytical products (monthly and quarterly). This was reviewed and revised with the GPS and was adopted by MS at the 29 November Management Board meeting. Stage II focuses on the first instance and establishes data collection using 4 indicators (applications, withdrawals, decisions and pending cases). Monthly data collection started on 1 April 2014.



EASO also significantly contributed to the process of revising Eurostat's 'Technical guidelines for the data collection under Art. 4 of Regulation 862/2007 — Statistics on asylum' (amended version published in December 2013).

EASO's EPS will serve to provide information to the European Commission as part of the Early Warning, Preparedness and Crisis Management Mechanism established in Art. 33 (1) of the recast Dublin Regulation. To this end, the European Commission and EASO have signed an arrangement defining the modes of cooperation and coordination between the two parties on aspects related to this mechanism.

The **revised Eurodac Regulation** improves data protection standards and sets new time limits for transmitting fingerprint data to the central unit of Eurodac. A major change is the possibility that national police services and Europol can access Eurodac data for the purposes of comparing Eurodac data with fingerprints linked to criminal investigations (though this is possible only if specific requirements are met, is limited to only the most serious crimes and is a last resort after checking other available databases. There is no possibility to share information with third countries).

Further details on the changes brought by the revised package are provided in the thematic sections in Chapter 4 of this report.

3.1.2. Jurisprudence ([116])

As in the previous year, in 2013 there were significant developments concerning jurisprudence at European level issued by the Court of Justice of the European Union (CJEU) and the European Court of Human Rights (ECtHR) and related to interpreting and applying legal instruments of the CEAS and other related instruments.

The CJEU has a primary role in interpreting EU law to ensure its correct and uniform application in all EU countries. Specifically in the field of asylum, the CJEU performs its role by ensuring the consistent and harmonised application of the asylum *acquis* in all EU countries (through preliminary rulings), as well as in the context of proceedings for failure by MS to fulfil an obligation laid down in EU law (through infringement procedures) or even with regards to cases where the legality of a piece of EU legislation is reviewed (through actions for annulment). One of the CJEU's specific tasks is to safeguard the application of the Charter of Fundamental Rights of the EU [the Charter is part of EU law, so this is not an additional task], which establishes the right to asylum (Article 18) and establishes the prohibition of torture and inhumane or degrading treatment or punishment (Article 4); protection in the event of removal, expulsion or extradition (Article 19); the rights of the child (Article 24); the right to good administration (Article 41) or the right to an effective remedy and to a fair trial (Article 47).

Article 6 (3) of the Treaty of the European Union (TEU) establishes that '*Fundamental rights, as guaranteed by the ECHR and as they result from the constitutional traditions common to the MS, 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.

One of the major cases before the Court of Justice of the European Union in 2013 concerned the Qualification Directive and the question of whether homosexuals may be regarded as members of a particular social group

Case X,Y,Z (C-199/12) ([117]) concerned Articles 9(1)(a) and 10(1)(d) of the Qualification Directive. The Court ruled on the issue of whether homosexuals — for the purposes of assessing grounds of persecution — may be regarded as being members of a social group. It ruled that Art. 10(1)(d) must be interpreted as meaning that the existence of criminal laws, such as those at issue in each of the cases in the main proceedings, which specifically target homosexuals supports the finding that those persons must be regarded as forming a particular social group. Article 9(1), read together with Article 9(2)(c), must be interpreted as meaning that the criminalisation of homosexual acts per se does not constitute an act of persecution. However, a term of imprisonment which sanctions homosexual acts and which is actually applied in the country of origin which adopted such legislation must be regarded as a disproportionate or discriminatory punishment and thus constitutes an act of persecution. Article 10(1)(d), read together with Article 2(c), must be interpreted as meaning that only homosexual acts which are criminal in accordance with the national law of the MS are excluded from its scope. When assessing an application for refugee status, the competent authorities cannot reasonably expect, the applicant for asylum to conceal his homosexuality in his country of origin or to exercise reserve in the expression of his sexual orientation in order to avoid the risk of persecution.

([116]) To select 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 cooperation with the University of Essex, Aarhus University and the Refugee Law Reader, available at http://cmr.jur.ru.nl/neais/; the Annual Report of the European Court of Human Rights for 2013, available at http://www.echr.coe.int/Pages/home.aspx? p=echrpublications&c=#newComponent_1345118680892_pointer; and the respective judgments quoted in the text.
([117]) Joined Cases C-199/12 to C-201/12, X and Others [7 November 2013], ref. from 'Raad van State' (Netherlands).

The CJEU has also issued judgments concerning the Asylum Procedures Directive — in the context of prioritised and accelerated procedures (see section 4.5 on specific procedures), Dublin procedures (see section 4.4. on Dublin procedure) and return (see section 4.12. on return).

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

In 2013 the ECtHR issued many judgments that could be of relevance to various aspects of qualification for international protection, including issues of credibility assessment (see section 3.2.5.1) on integrity and persecution on the ground of religion and section 4.8 on procedures at first instance. Further ECtHR judgments were relevant to many aspects of procedures for international protection including 'fast track' and priority procedures (see section 3.2.5.2 on efficiency), subsequent applications (see section 3.2.5.1 on integrity), Dublin procedures (see section 4.4. on Dublin procedure), reception and detention conditions (see section 4.7. on detention).

3.1.3. Practical cooperation: translating legislation into action

The important role laid down for EASO in implementing the CEAS was highlighted in the Communication from the European Commission on enhanced intra-EU solidarity in the field of asylum. It noted that 'the support office will ensure that practical cooperation can become a major supporting pillar to the asylum system of the Union', as 'initial experience of the CEAS has shown that practical action is a necessary complement to legislation to create confidence that all MS perform the same tasks in a similar way with similar outcomes' ([118]).

Following the adoption of the new asylum *acquis*, one of EASO's key roles is to support its coherent and comprehensive implementation. Practical cooperation activities are a key element in promoting common practices in order to reach common outcomes on similar cases and to discuss and take action on various issues of EU-wide relevance in the field of asylum.

In its contribution to the post-Stockholm programme ([119]), EASO outlined its position on advanced practical cooperation, emphasising the need to take practical cooperation to a new level to work towards the consolidation of national practices and convergence of policies in the EU, and to increase cooperation and information exchange between national asylum services, ultimately leading to coherent decisions on similar asylum cases.

In 2013 EASO continued to act as a catalyst of practical cooperation in the field of international protection. Specific activities in 2013 included, *inter alia*, organising meetings and workshops on asylum policy and COI, publishing reports, training, quality-related activities (including those related to unaccompanied minors and vulnerable persons), data analysis, operational support to countries under pressure, and activities relating to the external dimension of the CEAS. Throughout this Annual Report, in the relevant thematic sections, references are made to concrete EASO activities undertaken in 2013. More details will be found in EASO's Annual Activity Report 2013.

EASO Consultative Forum 2013

The EASO Consultative Forum was set up in October 2011, soon after the establishment of EASO. The forum constitutes a process for exchanging information and pooling knowledge between EASO and civil society organisations and relevant bodies operating in the area of asylum policy. Civil society operating in the area of asylum is characterised by a considerable number of active and diverse organisations at local, regional, national, European and International level. These organisations, in their various forms and functions, play a key role in the debate on, and implementation of, asylum policy and practices at the national as well as at the EU level, and have been instrumental in supporting the fairness and accuracy of asylum procedures, bringing certain cases to the European Court of Justice and European Court of Human Rights, among other things.

([118]) Communication from the European Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on enhanced intra-EU solidarity in the field of asylum — An EU agenda for better responsibility-sharing and more mutual trust, COM(2011)835 final, 2 December 2011 (http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0835:FIN:EN:PDF), accessed 27 May 2013.
([119]) http://easo.europa.eu/wp-content/uploads/EASO-written-contribution-in-full1.pdf

During 2013, EASO continued strengthening its relationship with civil society and the Consultative Forum membership base grew to 60 organisations. Throughout the year, EASO consulted and involved registered civil society organisations on various areas of its work. They are included as members of the reference group that participates in drafting and updating the EASO training modules, an activity very much at the heart of the content of the operational work in the area of asylum. EASO also involved organisations in the work of gaining a real overview of the situation regarding age assessment of unaccompanied minors and EASO welcomed comments from civil society on the 2014 EASO Work Programme and the EASO Annual Report on the situation of asylum in the EU and Annual Activity Report, which were shared with the Management Board.

Via an open call for input published on the EASO website in 2013 and again in 2014, the Executive Director requested that Consultative Forum members provide information about any work they carried out throughout the year which in their view contributed to the implementation of the CEAS, be it at a local regional, national or European level. EASO took all relevant input received from civil society into consideration and reflected it in the reports.

Experts from civil society have been invited to participate in EASO workshops, meetings and seminars throughout the year. In 2013 alone, more than 30 organisations have been directly involved in the work of EASO. Moreover, an area of the EASO Website dedicated to the Consultative Forum has been developed in order to facilitate consultations. A quarterly consultation calendar is published on the EASO website. EASO published nine newsletters in 2013, which also contained reports from EASO meetings and workshops, to ensure that civil society has access to the information.

On 27/28 November 2013 EASO held the third EASO Consultative Forum plenary meeting in Malta. Over 80 representatives from 45 different organisations participated in this year's meeting. Topics discussed were: EASO's Early Warning and Preparedness System (EPS), EASO's work in Greece, EASO's quality processes, EASO's case study about the Western Balkans, EASO's role in the external dimension of the CEAS, Common Country of Origin Information (COI) products produced by EASO, and EASO's role in emergency situations.

EASO has highlighted its wish to develop a permanent, two-way dialogue with civil society outside of the annual plenary meeting and consultation on the Annual Report and the Annual Work Programme. Taking into consideration lessons learned and feedback from civil society organisations, EASO has decided to establish consultation channels with select organisations focused on three key areas of EASO's work: Unaccompanied Minors (age assessment and family tracing), the EASO Training Curriculum (through the Reference Group) and the EASO Early warning and Preparedness System (EPS). Following an open call for expression of interest, EASO received an encouraging number of applications from organisations that have specific expertise in these areas.

In addition to EASO's practical cooperation activities concerning MS first instance asylum administration in coordination with the European Commission and with the regular participation of UNHCR and other EU agencies, activities have also begun to involve members of courts and tribunals specialised in asylum .

3.1.4. The European Refugee Fund and the Asylum and Migration Fund

2013 is the last year of operation of the European Refugee Fund (ERF). The ERF has, since its creation, been a crucial instrument used by MS to address deficiencies in their asylum systems, carry out pilot projects and research, share knowledge and best practices through bilateral and multilateral projects and improve the implementation of the European asylum *acquis* in various areas.

The national ERF projects reported by MS for 2013 are numerous and diverse. However, a few trends may be identified. In particular, significant numbers of MS sought to improve: reception conditions — especially for vulnerable persons —, including medical and psychological care, legal assistance and counselling for asylum seekers training; resettlement and intra-EU relocation; integration of beneficiaries of international protection; COI; and efficiency of administrative practices and structures. Many projects were implemented by or through non-governmental organisations, whose contribution to the implementation of the CEAS should be highlighted ([120]).

The European Commission regularly reports on the use of the money allocated through this important instrument of European financial solidarity ([121]).

([120]) Examples of projects co-financed under the ERF are available under http://ec.europa.eu/dgs/home-affairs/financing/fundings/example-of-projects/index_en.htm
([121]) For more information, see http://ec.europa.eu/dgs/home-affairs/financing/fundings/migration-asylum-borders/refugee-fund/index_en.htm.

Alongside ordinary activities, the European Commission has mobilised emergency funding amounting to 36 million euros to address situations of pressure in MS. This is the highest level since the creation of the fund. Greece, Italy, Malta, Bulgaria, Germany, France, Hungary, Cyprus and The Netherlands were the beneficiaries of this emergency support.

Starting in 2014, and until 2020, a new, more strategic approach will be taken via the new Asylum, Migration and Integration Fund (AMIF), which will focus on people flows and the integrated management of migration. It will support actions addressing all aspects of migration, including asylum, legal migration, integration and returning irregularly staying non-EU nationals. The aim of the AMIF is to ensure a more coherent system for channelling EU funding and increase the possibility of strategic planning, while reducing the administrative burden on MS. In 2013 policy dialogues were held with each MS participating in the AMIF in order to discuss each MS priorities for using the new Fund over its seven year duration ([122]) (it is anticipated that national plans will be adopted in second quarter of 2014).

3.2. Important developments at the national level

3.2.1. Pressures on national asylum systems

Information provided in this section concerns MS to which operational support was provided by EASO during the course of 2013. It should be noted however that other MS have also faced significant pressures on their system, in terms of both absolute and relative numbers, as illustrated by data presented in Chapter 2 of the report.

3.2.1.1. Greece

In Greece, on 7 June 2013 the new Asylum Service became responsible for registering and examining all new asylum applications at first instance, and the new Appeals' Authority became responsible for all appeals filed. The Hellenic Police remains responsible for examining asylum applications filed before that date. As of the end of 2013, the Regional Offices of Attica (Athens), Northern Evros (Fylakio), Southern Evros and Lesvos, as well as the Mobile Asylum Unit of Amygdaleza (Athens), registered and processed asylum applications.

At the end of December 2013, the load of pending cases was 49 800 ([123]) and comprised pending cases to be examined by the new Asylum Service (around 5 % ([124]) of the total) and a historical backlog under the responsibility of the Hellenic Police and the Appeal Committees of Presidential Decree 114/2010 (around 95 % of the total).

([122]) http://ec.europa.eu/dgs/home-affairs/financing/fundings/funding-home-affairs-beyond-2013/index_en.htm.
([123]) Due to the break in time series featured in Eurostat data (July 2013), the figures used in this section reflect provisional statistics submitted to EASO.
([124]) According to provisional figures provided to EASO.

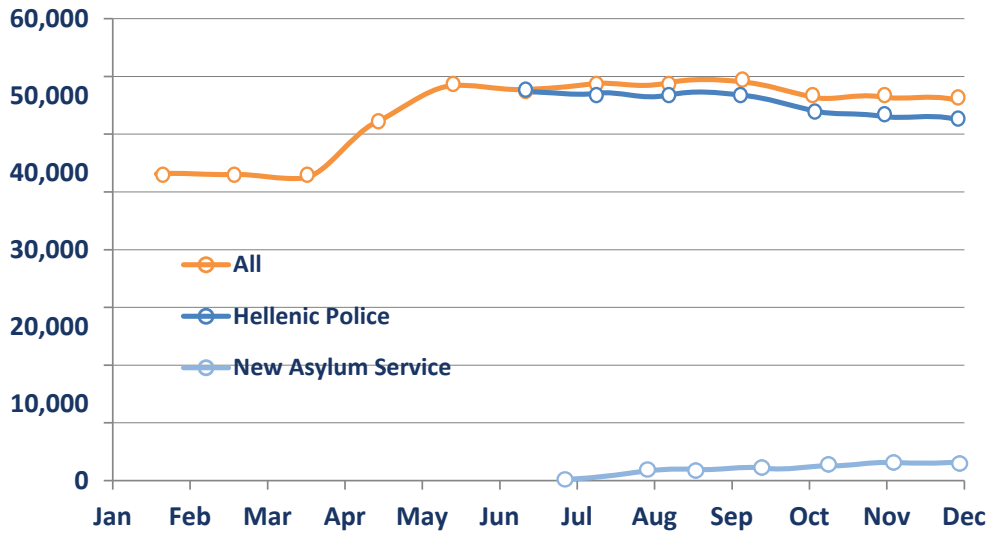


Figure 36: Evolution of the stock of pending cases in Greece, 2013.

The Minister of Public Order and Citizen Protection appointed 20 (out of 30 initially planned) ([125]) committees ([126]) which are responsible for examining this backlog. The 20 committees include 18 Appeals Committees dealing with appeals filed after November 2010 (according to Presidential Decree 114/2010) and 2 Special Committees dealing with appeals submitted before November 2010. The committees are composed of one member recommended by the National Commission for Human Rights, one member nominated by UNHCR and a chair (who is a civil servant); all members are appointed by decision of the Minister of Public Order and Citizen Protection and have the power to make decisions independently.

The establishment of the new institutions was a significant challenge requiring the training of new caseworkers and of the bolstering of administrative capacity (e.g., in relation to quality, country of origin information, statistics, etc.). The operation of the new institutions had the following immediate consequences: full access to information provided to all those interested in applying for asylum and third country nationals in general, detailed registration, faster processing of fingerprints, more effective identification and prioritisation of vulnerable individuals and significantly improved interviews and decisions. Allegations of abuse of the registration process, unfairness of decisions or lack of understanding of the content of decisions and other problems identified in the past ceased. While measures were being taken, a number of concerns continued to be raised with regard to issues such as access to the territory and asylum procedure, reception capacity, and protection of unaccompanied minors ([127]).

In order to strengthen access to asylum procedures and establish an institutional and procedural framework for the initial reception of third country nationals who arrive in the country in an irregular manner, the following measures have been taken: the First Reception Service has operated a First Reception Center in Fylakio, in the Evros region (Greek/Turkish land borders), since March 2013 as well as two Mobile First Reception Units in the north-eastern Aegean Islands (Lesvos, Samos and Chios) since July 2013. Furthermore, it now has the joint competence to operate open reception facilities in order to raise the total capacity of reception facilities for both asylum seekers and unaccompanied children and make structures sustainable and improve the quality of the services provided. The First Reception Service has also prepared Standard Operating Procedures in order to provide minimum reception conditions for asylum seekers and unaccompanied children within the institutional framework of reception facilities. This has led to a decisive improvement in how new arrivals of third-country nationals are registered and screened; in the coverage of their basic needs, including medical and psychological support and age assessment; as well as in providing new arrivals with information on their rights and obligation in a language they understand.

([125]) The rest could not be constituted due to lack of funds.
([126]) Depending on the priorities set, the number of Committees mandated to deal with appeals submitted before or after November 2010 may be modified by virtue of Ministerial Decision.
([127]) UNHCR, Current issues of refugee protection in Greece, July 2013, https://www.unhcr.gr/fileadmin/Greece/News/2013/PCjuly/Greece_Positions_July_2013_EN.pdf (accessed 15 July 2014)

EASO support to Greece

Upon request from the Greek authorities and within the framework of the implementation of the revised Action Plan on Migration and Asylum, EASO provided emergency support to Greece under the Operating Plan Phase I (OPI) (01/04/2011-31/03/2013). The emergency support focussed on 1) tackling backlog, 2) setting up a sustainable and efficient asylum and reception structure and 3) guaranteeing the quality of the asylum and reception process. In order to implement the measures agreed under OPI, EASO selected, deployed and managed over 40 experts nominated by 14 MS in over 50 Asylum Support Teams (ASTs).

OPI was complemented by the EASO — UNHCR grant agreement (23/11/2012-31/03/2013), which aimed to identify inactive cases and bring about the adoption of 'interruption' decisions for appeals considered inactive. The grant agreement supported Greek authorities in undertaking an administrative cleansing of the backlog. Over 90 police cadets were trained and buildings were refurbished. In 2013 the focus was on increasing the capacity to process and conduct individual interviews for active appeals cases by establishing, by 01/04/2013, 10 Appeals and Special Committees (in addition to the 10 existing ones), including secretarial support and interpretation services.

Following a request in early 2013 from the Greek Minister for Public Order and Citizen Protection, building on the results of the OPI and under the overall umbrella of the Greek Revised National Action Plan on Migration and Asylum, on 07/03/2013 Greece and EASO signed the Operating Plan Phase II (OPII) (01/04/2013-31/12/2014) for emergency support. Through the selection and deployment of experts nominated by MS, further technical and operational support was provided to Greece, particularly in the areas of training, reception and EU funding. OPII covers 15 support measures to be implemented via 55 ASTs. In 2013, EASO also launched three calls for experts to support the implementation of OPII.

Finally, under the EASO-Frontex working arrangement and in the context of OPII, both agencies delivered the first joint pilot training on nationality establishment at the end of April of 2013. This measure helped strengthen the access to asylum procedures of all migrants staying in Greece (including in the border areas) with hopes of qualifying as beneficiaries of international protection.

3.2.1.2. Italy

Due to the persistently high number of boat arrivals in southern Italy, the Italian asylum system experienced renewed pressure in 2013. Gaps and challenges to be (and being) addressed included access to territory and to the asylum procedure, protection of unaccompanied minors, the quality of the asylum procedure, reception conditions and local integration of refugees ([128]).

EASO support to Italy

Following a request by Italy to EASO for support in improving and enhancing the Italian asylum and reception system, an EASO Special Support Plan was signed between EASO and the Department for Civil Liberties and Immigration of the Italian Ministry of Interior on 4 June 2013.

Under the Special Support Plan, EASO will provide support for 45 activities of a technical and operational nature to assist in enhancing Italy's implementation of the CEAS instruments. Support teams formed by MS and EASO experts have been established with the aim of supporting Italy on Country of Origin Information (COI), the reinforcement of analytical capabilities and of the Dublin system, quality conditions in reception centres, operational procedures for emergency capacity and further support to appeal instances.

The EASO support teams started implementing activities in September 2013. Support was provided for Italy´s data collection and analytical capacity — for example, a fact-finding mission and meeting with the Ministry of Interior took place early November 2013. COI support was given to the National Asylum Commission in three workshops for Italian asylum decision-makers at both the territorial and central level, which were organised through video-conferences during October-December 2013. EASO also supported Italy though a technical report on the Dublin-related requirements with respect to infrastructure, staff and resources in the Ministry of Interior, as well as a plan for training on the DubliNet system, Dublin procedures and best way to handle vulnerable cases.

([128]) UNHCR, UNHCR Recommendations on Important Aspects of Refugee Protection in Italy, July 2013, http://www.refworld.org/docid/522f0efe4.html (accessed 15 April 2014).

Three thematic workshops (five days each) on the management and practical implementation of the Dublin Regulation Procedures were organised in November-December 2013.

A mapping exercise on reception conditions and the need to consolidate the reception system quality standards took place in October 2013. Finally, three professional development seminars on Evidence Assessment, Interview Techniques and COI were organised in Malta during October-December 2013 for Italian judges who deal with asylum-related cases.

3.2.1.3. Bulgaria

In 2013, Bulgaria faced very significant pressure on its asylum system due to a 416 % increase in the number of applicants compared to 2012. Most applicants in Bulgaria were Syrian families. Challenges faced by Bulgaria were related, *inter alia*, to access to the territory and registration of applications, insufficient and poor reception conditions, the lack of guardians for unaccompanied minors, detention and limited administrative capacity for determining the international protection needs of asylum applicants (e.g., credibility assessments, lack of Country of Origin Information, etc.). A number of improvements could already be noted by the beginning of 2014, most notably in the area of reception conditions ([129]).

EASO support to Bulgaria

Following a request by the Bulgarian Government to EASO for support, an Operating Plan was signed on 17 October 2013 under which Bulgaria will receive support until the end of September 2014. The EASO measures to support Bulgaria fall under three categories, namely operational support, institutional support and horizontal support. After a kick-off meeting in Sofia on 5 November 2013, the implementation of the EASO Operating Plan to Bulgaria took full effect.

In 2013, the immediate support activities focussed on mapping out the asylum process; suggesting step-by-step solutions for asylum registration, asylum procedure and reception processes; and supporting the process of pre-registering asylum seekers in different Reception Centres. In this regard a manual on the registration process was developed for the new staff members with EASO support. Furthermore, the following activities were undertaken: support for the reception system; support in COI matters and support in training new staff. Concerning the latter, EASO has started the process of translating four EASO Training Modules into Bulgarian, with the aim of making these modules available to Bulgarian officials in early 2014.

The first stocktaking meeting took place on 12 December 2013 in Sofia, during which the way forward in 2014 was planned. Finally, it should be noted that 15 experts from five different EU+ countries were deployed in the first three months of operation.

'EASO Operating Plan to Bulgaria: Stock taking report on the asylum situation in Bulgaria" ([130]) was released on 25 February 2014.

3.2.2. Institutional changes

In 2013 several institutional changes were introduced in the MS.

Centralisation

Austria established the Federal Office for Immigration and Asylum ([131]), operational as from 1 January 2014. The Federal Office will be the single competent authority for first instance asylum procedures, return matters (volun-

([129]) UNHCR, UNHCR launches emergency operation to improve conditions for refugees and asylum seekers in Bulgaria, 6 December 2013, available at http://www.unhcr.org/52a1bad09.html. See also: UNHCR, Bulgaria as a country of asylum, January 2014, http://www.refworld.org/docid/52c598354.html (accessed 15 January 2014) and updated version UNHCR, UNHCR observations on the current asylum system in Bulgaria, April 2014, available at: http://www.refworld.org/docid/534cd85b4.html [accessed 27 April 2014].
([130]) Full report available at: http://easo.europa.eu/wp-content/uploads/EASO-Report-stock-taking-mission-to-Bulgaria-final-.pdf
([131]) As stipulated in 2012 in the Act on the Restructuring of the Aliens Authorities (FLG. I No 87/2012)

tary and forced), such as return decisions, entry bans, procurement of return certificates, and humanitarian stay; and reports to the Austrian Ministry of the Interior (MoI) ([132]). Along with the Federal Office, a central Federal Administrative Court ([133]) dealing with all appeals against decisions of the Federal Office started operations on 1 January 2014.

On 26 March 2013, the Home Secretary announced in Parliament that on instead of starting 1 April 2013 the **United Kingdom** Border Agency would no longer exist as an executive agency of the Home Office. This change means that the work previously undertaken by the Agency continues, but now as part of the central management structures of the Home Office.

Changes in competencies/administrative status

In **Belgium** the competence to assess new facts and circumstances presented by asylum applicants during a subsequent application has shifted from the Immigration Office to the European Commissioner General for Refugees and Stateless Persons (CGRS) ([134]), which entails significant changes to the procedure— see section 3.2.5.1. on integrity. Also, some changes were made to the procedure regarding the appeal body, i.e. the Council for Aliens Law Litigation: certain administrative tasks were abolished; first steps were taken for the electronic processing of appeals and the improper use of access to the judge was discouraged, among other changes.

In **Denmark** the composition of the Refugee Appeal Board was broadened by adding to the Board civil society representatives identified and nominated by the Danish Refugee Council and the Ministry of Foreign Affairs. Complaints concerning transfers under the Dublin Regulation will now be addressed by the Refugee Appeals Board ([135]). Furthermore, complaints will have an automatic suspensive effect on the deadline for leaving Denmark.

In **Ireland**, the responsibility for processing applications for subsidiary protection in both new cases and those in process was transferred from the Minister for Justice and Equality to the Office of the Refugee Applications Commissioner. This shift took effect on 14 November 2013 ([136]).

In **Germany**, the handling of Dublin cases shifted from the special Dublin section to the branch offices, as the processing of Dublin procedures is given top priority. Effective 28 June 2013, the Federal Office for Migration and Refugees is again responsible for handling asylum claims that have been made at the border or areas close to the border.

Establishment of new structures

In **Sweden** an additional Migration Court opened in Luleå on 1 October 2013, and at the same time Swedish Migration Board (SMB) increased its capacity with an additional Administrative Procedure Unit. Due to the increasing caseload of unaccompanied minors as well as Dublin cases, the SMB opened an additional unit for each of these purposes in Stockholm (Dublin) and in Malmö (UAM). In addition, in order to meet the increased demands for housing as part of reception services, the SMB procured rented temporary accommodation which proved to be significantly more efficient than buying or building new reception centres.

([132]) The Federal Office has its headquarters in Vienna. It is subdivided into three initial reception centres (EAST East in Traiskirchen, EAST West in Thalham and EAST Airport at Vienna International Airport Schwechat) and nine Regional Offices (Vienna, Lower Austria, Upper Austria, Burgenland, Styria, Carinthia, Salzburg, Tyrol and Vorarlberg) with approximately 630 employees. Specific tasks of the Federal Office for Immigration and Asylum include first instance asylum procedures; Dublin procedures and communication with other European authorities; basic welfare support; decisions regarding humanitarian stay; decisions on alien police matters, including return; issues related to voluntary return; decisions on custody pending deportation and issuance of documents such as Convention Travel Documents.
([133]) As stipulated by the Amendments to the Administrative Jurisdiction of 2012 (FLG. I No 51/2012).
([134]) This development was welcomed by UNHCR, as the CGRS has greater expertise in asylum matters and is the asylum body that will also decide on the merits. See UNHCR, Commentaires du Haut Commissariat des Nations Unies pour les réfugiés relatifs aux: — projet de loi modifiant la loi du 15 décembre 1980 sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers et la loi du 12 janvier 2007 sur l'accueil des demandeurs d'asile et de certaines autres catégories d'étrangers, et — projet de loi modifiant la loi du 15 décembre 1980 sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers, et modifiant la loi du 27 décembre 2006 portant des dispositions diverses, 29 January 2013, http://www.refworld.org/docid/5114befc2.html, p. 31.).
([135]) By amendments to the Aliens Act adopted by the Danish Parliament (Act no. 1619 of 26 December 2013).
([136]) Under the European Union (Subsidiary Protection) Regulations 2013.

In **Italy,** seven additional sections of the Territorial Commissions ([137]) continue to operate: two in Rome, two in Syracuse, one in Turin, one in Bari and one in Crotone; four additional Territorial Commissions were also established in Sicily, Apulia and Rome.

In 2013 the **Maltese** Government increased the capacity of the Refugee Appeals Board (RAB), which is now composed of six chambers instead of two ([138]).

Internal reforms

In **France** an action plan for reforming working methods used by OFPRA was adopted on 22 May 2013 and has been implemented since 1 September 2013. The action plan is structured around seven major aspects (harmonisation, expertise, task-sharing, career paths, management, well-being at work, and streamlining of processes) ([139]). It integrates all the tasks and activities of the Office, in line with the case law of the National Asylum Court (CNDA).

In **Croatia**, in November 2013, all staff from the Asylum Department were relocated from the headquarters of the Ministry of the Interior to the Reception Centre for Asylum Seekers with a view to improving work and achieving better results in general.

At the end of 2013, several structural and procedural changes (including the creation of a joint processing unit for legal migration, responsible for asylum and residence permits, and simplification of procedures) were initiated at the Police and Border Guard of **Estonia**.

3.2.3. Important national jurisprudence

In **Belgium**, on 14 May 2013, the Council of State turned down two appeals for suspension lodged against the Royal Decree of 26 May 2012 establishing the list of safe countries of origin. On 18 July 2013, the Constitutional Court in Belgium judged a claim to annul the provision on concept of safe countries of origin in the Immigration Act (Article 57/6/1, Paragraph 4), confirming the constitutional character of the article with the exception of two interpretations (concerning vulnerable groups and unaccompanied minor asylum seekers). Thus the introduction of the concept of safe country of origin in Belgian legislation was confirmed ([140]). On 24 October 2013, the Council for Alien Law Litigation (CALL) confirmed the CGRS' policy with regard to various gender-related issues concerning Guinea (forced marriages and fear of FGM for minor girls, among others) and the relevance and objectiveness of the COI used by the CGRS ([141]).

The Supreme Administrative Court (SAC) of the **Czech Republic** imposed a new obligation on the Ministry of the Interior to provide a detailed justification in cases where the deadline for issuing a decision is postponed. The SAC also confirmed that applicants for international protection may submit written evidence not only in the language of the procedure or in the Czech language, but in any language, and the administrative body is obligated to provide a translation into the Czech language or the language of the administrative procedure. Another SAC decision confirmed that an asylum applicant may leave the territory of the Czech Republic for a short period of time, contrary to the current wording of the Asylum Act. All these decisions have a potentially far-reaching impact

([137]) The asylum system in Italy is based on 10 territorial commissions responsible for inquiries and decisions on applications for the recognition of international protection status. A national commission based in Rome is responsible for coordinating activity. Up to a maximum of 10 additional sections of Territorial Commissions can be instituted only for periods of time when doing so is strictly necessary.
([138]) UNHCR input.
([139]) The key measures are as follows: a Harmonisation Committee is responsible for helping develop and ensure compliance with the doctrine, rules and work tools common to all employees of the Office, including ad hoc working groups and necessary consultations. Cross-cutting issues (torture, violence against women, trafficking, sexual orientations, unaccompanied minors) are tackled by specific groups working to adapt the practice of the Office in a spirit of cooperation with institutional and associative partners. To increase the Office's ability to react to fluctuations in flow, the work to process major nationalities is shared between four divisions. Reference tools are prepared, geographical focal points are designated and reference materials are drafted for each pooled nationality. While preserving the guarantees of individual examination, specific attention is given to investigating repetitive applications and applications, which are either unfounded or which display a clear need for protection. This specific treatment can at any time be reverted to in-depth consideration at the discretion of the investigator.
([140]) However, on 16 January 2014 that same Constitutional Court determined, in the context of claims made by applicants from safe countries of origin, that a cassation appeal against the rejection of such a claim by the CGRS does not currently contain sufficient guarantees to be effective. To be effective the Court found that such appeals need to incorporate a full ex nunc assessment of facts and law and have suspensive effect (UNHCR input).
([141]) It should be noted that an appeal against this CALL decision was lodged at the Council of State, which declared the appeal admissible on 23 December 2013. Moreover, several other CALL decisions strongly criticise CGRS' position on these issues, e.g. CALL 117.008 of 16 January 2014, where a CGRS decision that relied on that same CGRS COI document was annulled, and more recently CALL 122.669 of 17 April 2014 (three judges) where CALL overturned CGRS' refusal decision that relied on the same COI and granted refugee status to the female applicant and her daughter. Although these are 2014 cases, they relate to the same issues and are based on the same COI. (UNHCR input).

and could result in the necessity of amending the respective provisions of the Act. In another decision, the SAC addressed the issue of access to the territory ([142]).

In **Germany**, the Federal Administrative Court passed several significant judgments, making the following points:

- It determined the applicant's duty to cooperate by providing their fingerprints for the purposes of identity establishment, including the duty to refrain from any manipulation of their fingerprints. If applicants prevent such identification by distorting their fingertips, the procedure may be terminated for reasons of abandonment of the application, without deciding on the merits of the case ([143]).

- It established that asylum or refugee status can be denied not only if the applicant has collaborated with terrorist organisations as an armed militant or combatant and thus taken part in actions violating the purposes and principles of the United Nations as described in the Convention, but also if the applicant collaborated ideologically or propagandistically with such organisations, provided that his or her roles were sufficiently important and of considerable weight and influence ([144]).

- An applicant can be excluded from receiving refugee status when he/she has received a prison sentence of three or more years, but only if the sentence concerned one single crime and was not an accumulation of several sentences for other criminal acts with lesser sanctions ([145]).

- Following the CJEU judgment ([146]), the Federal Administrative Court now holds that the violation of the right to practice a religious belief in public may lead to an infringement of the freedom of religion and can amount to persecution in the sense of Article 9 (1) of the recast Qualification Directive if the consequences of defying the prohibition are threats to life, health or freedom, criminal persecution or the danger of being submitted to inhumane and humiliating treatment. The restrictions on religious practices are only relevant, however, if the applicant can substantiate that he/she would feel personally compelled to adhere to the prohibited practices in his country of origin ([147]).

- No protection against deportation is accorded to minors under the Residence Act as minors are sufficiently protected since the foreigners' registration offices of the federal states are obligated to ensure that unaccompanied minors may only be deported if there are guarantees that they would be received by family or care institutions upon their return ([148]).

German administrative courts have also issued multiple decisions in the context of Dublin procedures, stating that the asylum systems of Italy ([149]), Hungary ([150]) and Poland ([151]) do not exhibit systematic deficiencies ([152]).

([142]) Decision No 5 Azs 15/2013-73. The SAC stated that mere entrance without a valid visa or valid documents could not be in itself a reason for refusal of a leave to access the territory as the situation of asylum seekers differs from the situation of other migrants. Moreover, it stated that the practice of refusing access to the territory cannot constitute a general preventive measure (UNHCR input).

([143]) Federal Administrative Court, judgment of 5 September 2013 —10C 1.13, concerning section 15(2) no 7 of the Asylum Procedure Act.

([144]) Federal Administrative Court, judgment of 19 November 2013 — 10C 26,12, concerning section 3(2) of the Asylum Procedure Act.

([145]) Federal Administrative Court, judgment of 31 January 2013 — 10C 17.12 concerning Section 60 Par. VIII sentence 1 alternative 1 of the Residence Act.

([146]) Joined Cases C-71/11 and C-99/11, Y and Z, of 5 September 2012.

([147]) Federal Administrative Court, judgment of 2 February 2013 — 10C 20.12 et al. The decisions were to the effect that practicing Ahmadi Muslims from Pakistan are as to the rule to be granted refugee status in Germany due to the legal restrictions and other perils for this group to practice their faith in public in Pakistan.

([148]) Federal Administrative Court, judgment of 13 June 2013 — 10C 13.12. The case concerned section 60, paragraph VII, sentences 1 and 2, and section 58a (1a) of the Residence Act.

([149]) Higher Administrative Court of Saxony-Anhalt (*OVG Sachsen-Anhalt*), judgment of 14 November 2013 — 4 L 44/13. The Court held that an order to transfer a non-vulnerable asylum seeker to Italy does not oblige Germany to assume responsibility for the case under Art. 3(2) of the Dublin II Regulation. The court ruled that the Italian asylum procedure, the asylum follow-up procedures, and the conditions of reception do not show systematic deficiencies that would imply inhumane or degrading treatment within the meaning of Article 4 of the European Union's Fundamental Rights Charter.

([150]) Administrative Court of Baden-Württemberg (*VGH Baden-Württemberg*), judgment of 6 August 2013 — 12 S 675/13; Higher Administrative Court of Saxony-Anhalt (*OVG Sachsen-Anhalt*), judgment of 31 August — 4 L 169/12.

([151]) Administrative Court in Kassel (*VG Kassel*), judgment of 26 August 2013 — 4 L 984/13.KS.A; Administrative Court in Oldenburg (*VG Oldenburg*), judgment of 14 November 2013 — 3 B 6286/13.

([152]) There were a high number of German administrative court decisions which temporarily suspended Dublin transfers to Italy and also a considerable number of court judgements in the main proceedings which found that Germany was obligated to apply the sovereignty clause according to Art. 3 (2) Dublin II Regulation. For example, with regard to Italy the following Administrative Courts found systemic deficiencies in the sense of the N.S. judgment and the risk of a violation of Art. 4 of the EU Charter of Fundamental Rights / Art. 3 EHCR in Italy: Main Administrative of Court, Frankfurt judgment of 09 July 2013 — 7 K 560/11.F.A, judgment of 18 April 2013 — 9 K 28/11.F.A; Administrative Court of Braunschweig, judgment of 20 September 2013 — 7 A 66/12, judgment of 21 February 2013 — 7 A 57/11; Administrative Court of Giessen, judgment of 24 January 2013 — 6 K 1329/12.GI.A. The Higher Administrative Court of North Rhine-Westphalia found that further information on the situation in Italy was required in the summary proceedings and ordered suspensive effect through the order of 25 June, 2013 — 19 B 441/13.A. (Meanwhile, in March 2014 this HAC ruled that the situation in Italy did not exhibit systemic deficiencies barring a Dublin transfer.) With regard to Hungary, the Administrative Court of Munich found in its judgement of 10 October 2013 — M 10 K 13.30611 that due to the risk of being detained based on the legal changes in Hungary there were systemic deficiencies in the Hungarian asylum system and the risk of a violation of Art. 4 of the EU Charter of Fundamental Rights/Art. 3 ECHR at least for families with young children. With regard to Poland, the Administrative Court of Wiesbaden, through the order of 10 September 2013 — 5 L 652/13.WI.A, and the Administrative Court Meiningen, through the order of 26 April 2013 — 8 E 20075/13 Me, ordered suspensive effect in order to clarify the question of systemic deficiencies in the main proceedings (UNHCR input).

On 25 April 2013, the **Finnish Supreme Administrative Court** issued a landmark decision on the application of Section 51 of the Finnish Aliens Act in relation to a situation in which a person could not actually be removed from the country but voluntary return would probably have been possible ([153]). In line with the decision, if it is evident that there is likely a technical obstruction for returning a rejected asylum seeker to his/her home country, a temporary residence permit, as defined in Section 51 of the Finnish Aliens Act, can be issued regardless of the fact that there is no enforceable return decision.

In **France**, the highest administrative court (*Conseil d'Etat*), in a decision issued in May 2013, held that the failure by an applicant for international protection to send their request to the determining authority within the time limit prescribed by the law does not prevent the applicant from lodging a new application. Such an application, however, may be the subject of an accelerated procedure if the time limit has been blatantly exceeded.

In **Luxembourg** the Tribunal *(Tribunal administratif)* ruled that the authorities have to ensure that the benefit of the doubt is given to applicants for international protection in age determination procedures.

In the **Netherlands** on 9 January 2013, the Administrative Law Department of the Council of State (*Afdeling bestuursrechtspraak van de Raad van State* — AbRS) ruled on the situation of Tibetan asylum seekers returning to China. Because there is no thematic report from the Ministry of Foreign Affairs discussing the situation of Tibetans returning to China, the State Secretary was unable to substantiate, without further investigation, that the applicant had not made it plausible that they were at real risk of being treated in a manner in conflict with Article 3 of the ECHR as a returning Tibetan. A temporary stop of six months on decisions and returns of (former) Tibetan-Chinese applicants entered into force on 7 June 2013 ([154]). On 24 May 2013, the AbRS ruled on two cases (nos 201109839/1 and 201109256/1) on the motivation of the credibility of religious conviction. This concerns the assessment of the alleged conversion to Christianity, in terms of the applicant's factual knowledge of the faith they converted to, or of the conversion process itself ([155]).

In **Slovakia** the Supreme Court ([156]) determined that the credibility of an applicant for international protection is essential to the decision regarding international protection. The applicant for asylum, however, is not obligated to demonstrate their persecution by evidence other than their own credible statement. The administrative authority, when in doubt, is obligated to collect all available evidence refuting, questioning or confirming the credibility of the applicant for asylum. According to Slovak legislation, court decisions do not constitute a source of law. Nevertheless, the Supreme Court of the SR publishes its decisions of key importance in the Collection of Opinions of the Supreme Court and Court Decisions in order to provide advice to judges who, however, remain independent in the execution of their functions.

In **Spain** the Supreme Court issued a landmark decision on the importance of providing legal assistance to UAMs and which gives priority to identity documents over age assessment tests that fail to meet scientific requirements, in line with UNHCR's opinion ([157]). As a result, pending UASC applications were being reconsidered. Other important decisions of the Spanish Supreme Court included the following points:

• The need to justify decisions if differing from UNHCR's opinion and apply flexible criteria to accelerated

([153]) The case concerned an applicant from Somalia (Somaliland) whose subsequent application was refused and he was ordered to be returned to his country. It was established that it was not actually possible to force A to return to A's home country, but voluntary return may have been an option. According to Section 51, Subsection 1 of the Finnish Aliens Act, aliens residing in the country without a residence permit are issued a temporary residence permit in a situation in which they cannot actually be removed from the country. In this case, the question was how much significance should be attributed to the possibility of returning voluntarily to the home country when interpreting this Section of the Act. In its solution, the Supreme Administrative Court stated that when Section 51 of the Aliens Act had been ordered as a prerequisite to the issuance of a temporary residence permit, the intention had been to refer only to the inability to actually perform a forced return. When the Return Directive was enforced, the Section was not amended. The significance of voluntary return with regard to Section 51, Subsection 1 of the Finnish Aliens Act had remained unclear as regards the national implementation of the Directive. Obligations for an illegally resident third-country national, such as the obligation to use a voluntary return system established in the MS for the return to the home country, could not be derived solely on the basis of the indirect effect related to the concept 'removal from the country' in the Directive. If a person could not actually be returned through a forced return, a temporary residence permit was to be issued on the basis of the Section in question and according to the literal interpretation of the Section, regardless of the fact that it would probably have been possible for the person in question to return voluntarily to the country in question. Under the prevailing circumstances, A had to be issued a temporary residence permit until the return could actually be performed.

([154]) On 10 March 2014 the State Secretary changed the policy. Since then there is no longer a moratorium and cases are again dealt with on an individual basis (UNHCR Input).

([155]) It is standard practice for the Immigration Service to assess both factual knowledge and the conversion process. In this decision, the Council of State considered that the IND (State secretary) could indeed consider the applicant not credible because of the fact that he did not prove to have knowledge about his new faith (UNHCR input).

([156]) Judgment issued on of 9 April 2013 in case no. 1/10/2013 published in the Collection of the Supreme Court opinions and court decisions Nr. 7/2013.

([157]) STS 3186/2013, 17 June 2013 (UNHCR input).

procedures as per UNHCR's recommendations ([158]).

- The importance of providing legal assistance to UAMs and of giving priority to identity documents over age assessment tests that fail to meet scientific requirements, in line with UNHCR's opinion ([159]).

Decisions made by the Spanish National High Court (first instance judicial body) included the following points:

- The need to justify the application of Article 1F(a) of the Geneva Convention to exclude a person from refugee status, in line with UNHCR's recommendations ([160]).

- Two cases supported by UNHCR concerning victims of trafficking in human beings in which, although the Court did not consider that those cases would qualify for refugee or subsidiary protection, it decided to grant a humanitarian status based on the 'special situation' of the applicants ([161]).

The **UK** Supreme Court heard the case *EM (Eritrea) v Secretary of State for the Home Department,* which concerned an appeal from the Court of Appeal regarding the circumstances in which returns under the Dublin II Regulation should take place if it is claimed that such a return would expose the asylum seeker to the risk of inhumane or degrading treatment. The Supreme Court, in its judgment handed down in 2014, found that the Court of Appeal had been wrong to consider that only a 'systemic breach' by the receiving country of its human rights obligations would justify not returning an asylum seeker to that country ([162]).

3.2.4. Major legislative changes in MS

Transposition of the recast Qualification Directive

Changes in legislative frameworks of the MS ([163]) were primarily marked by the deadline for the transposition of the recast Qualification Directive, which fell on 21 December 2013. Depending on how the national framework was shaped prior to the transposition process, various elements of the recast Qualification Directive may have required new elements to be brought into the asylum systems of the MS.

In **Belgium** the transposition process ([164]) clarified some new concepts (e.g. social group, gender-based persecution, actors of protection, internal flight alternative) and introduced the concept of 'first country of asylum'. This will result in rejection of asylum applications based on the rebuttable assumption that the applicant already enjoys sufficient protection or refugee status in another country. Other amendments include the issuance of a single (extendable) 'order to leave the territory' after a negative decision of the CGRS, the legal obligation for applicants to complete the CGRS questionnaire when registering their applications in the Immigration Office and new provisions introduced as a legal basis for a material support distribution plan. In **Croatia,** the main new development in terms of amendments to the Act are related to a procedure for applicants against whom a European warrant of arrest was issued and a decision on extradition/return was handed down, making it so that the asylum procedure shall not prevent extradition/return to other MS or to the International Criminal Court ([165]). Also, on 27 June 2013 the minister of Ministry of the Interior adopted ordinance amendments on forms and data collection. In the **Czech Republic,** the main effect of

([158]) Case STS 1971/2013, 8079130032013100105, Nº appeal 2529/2012, available at: http://www.poderjudicial.es/search/doAction?action=contentpdf&databasematch=TS&reference=6710796&links=%222529/2012%22&optimise=20130517&publicinterface=true, case STS 1957/2013, 28079130032013100102, Nº appeal 2429/2012, available at: http://www.poderjudicial.es/search/doAction?action=contentpdf&databasematch=TS&reference=6710793&links=%222429/2012%22&optimise=20130517&publicinterface=true. The case concerned the admission to the determination procedure of 17 Saharawi applicants who applied for asylum just after the Camp 'Gdeim Iziq' events in November 2010, which had been previously rejected at administrative level, against UNHCR's recommendation. The Supreme Court stated the need to apply flexible admissibility criteria to accelerated procedures (at the border and in internment centres) in line with UNHCR's recommendations and to further justify decisions if differing from UNHCR's opinion. Asylum authorities started to apply this jurisprudence in 2013 (UNHCR input).
([159]) STS 3186/2013.
([160]) SAN REC 327/2012.
([161]) SAN REC 404/2010, SAN REC 263/2012. It should be noted that the humanitarian status granted is the one regulated under the aliens legislation but not the humanitarian protection set forth in the asylum law.
([162]) The Court confirmed the 'critical test' established in *Soering v UK*, by which the removal of a person from a MS of the Council of Europe to another country is forbidden if it is shown that there is a real risk that the person transferred will suffer treatment contrary to Article 3 of ECHR. Further, it held that the EU requires that its laws, including the Dublin II Regulation, be applied in conformity with fundamental rights, including those provided under Article 3 of ECHR and its EU equivalent, Article 4 of EU Charter of Fundamental Rights. UNHCR joined the case as an intervener. Cf. UNHCR, R on the application of EM (Eritrea) and others v. The Secretary of State for the Home Department: Case for the Intervener, 3 October 2013, UKSC 2012/2072-2075, available at: http://www.refworld.org/docid/5252611e4.html
([163]) Neither the UK nor Ireland have opted into this Directive, and they continue to be bound by Directive 2004/83/EC. Denmark is not bound by this Directive.
([164]) Changes to the Immigration Law were published in the Official Gazette on 22 August 2013 and entered into force on 1 September 2013.
([165]) The act on amendments to the Asylum Act was adopted on 22 November 2013 and entered into force on 10 December 2013.

the transposition-related amendments is that beneficiaries of subsidiary protection are entitled to integration support under the same conditions as persons granted refugee status. In **Germany** the requirements to grant refugee status or subsidiary protection were consolidated solely within the Asylum Procedure Act instead of the former division between the Asylum Procedure Act and the Residence Act ([166]). Under special conditions, protection status can now be granted to family members of persons who are entitled to subsidiary protection, even if the family members do not meet the conditions for receiving protection status. Persons who are entitled to subsidiary protection now have the right to attend an integration course ([167]). Effective as of 21 October 2013, **Greece** transposed the Qualification Directive, introducing certain improvements to some of its more problematic aspects, such as the fact that asylum can be granted even if there are reasons to believe that past persecution will not be repeated (improvement of Article 11 Par. 3 of the Qualification Directive). The transposition was enacted by presidential decree 141/2013 and resulted in several improvements to, and clarifications of, the previous regime ([168]). In **Luxembourg** the transposition ([169]) enhanced safeguards for asylum seekers, especially for unaccompanied minors and vulnerable persons. According to the new provisions, protection in the country of origin has to be available and effective and the internal flight alternative has to be effective and of a non-temporary nature. Refugee status and subsidiary protection status were also harmonised (in terms of their validity period).

Transposition of Council Directive of 11 May 2011 amending Council Directive 2003/109/EC to extend the scope of the act to beneficiaries of international protection ([170])

This Directive provides that refugees and beneficiaries of subsidiary protection can acquire long-term resident status on a basis similar to that of other third-country nationals legally living in the EU for more than five years. In **Lithuania** the transposition was to the effect that persons who have been granted refugee status in the Republic of Lithuania are issued a permanent residence permit ([171]). In **Latvia**, the allowance for acquiring the official language will be also granted for persons with subsidiary protection status ([172]).

Other changes

Other significant legislative changes in the MS were related to responsibility for subsequent applications, reception conditions (including access to the labour market), detention policies, appeal procedures, and documents issued to asylum applicants.

In **Belgium** the CGRS is now responsible for assessing whether 'new elements' exist in the case of subsequent applications, a competence that previously belonged to the Immigration Department ([173]).

In **Cyprus** on 12 July 2013, new legislative amendments were made concerning the provision of material aid to applicants for international protection ([174]). Another legislative amendment of the Refugee Law (1/2/2013) sets out the criteria determining which body is responsible for examining subsequent applications (the Asylum Service or the Refugee Reviewing Authority), grants the right of appeal against a negative decision of the Director of the Asylum Service to beneficiaries of international protection for applications for family reunification, permits the disclosure of information for the purposes of criminal investigation and prosecution and restricts applicants' and beneficiaries of international protection's rights to residence and movement to only the Government controlled areas ([175]).

Effective as of 6 September 2013, **Germany** adjusted its national regulations ([176]) for temporary legal protection against transfer decisions in order to ensure a smooth application of the new Dublin Regulation (applicable to

([166]) The recast Qualification Directive was implemented as national law on 1st December 2013.
([167]) However, they are only admitted if enough places are available (UNHCR input).
([168]) For the English text of PD 141/2013 please see www.asylo.gov.gr
([169]) Law of 19 June 2013
([170]) http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32011L0051.
([171]) Amendments to the Law on the Legal Status of Aliens adopted on 27 June 2013
([172]) Amendments adopted as of 24 October 2013.
([173]) On 1 September, two laws which modify the asylum procedure (and the reception and public welfare centre laws) came into force. The Royal Decree from 1981 and the Royal Decrees regulating the procedure were also modified.
([174]) Published in the Official Gazette of the Republic of Cyprus under the Refugee Law Regulations for Reception Conditions (R.A.P. 255/2013). The Reception Conditions Regulations were amended in July 2013 under emergency procedures. One of the major changes made was the introduction of a voucher system to replace cash assistance. The level of welfare benefits for qualifying asylum seekers were reduced to less than 50 % of what is provided to nationals, which is not sufficient to cover the basic need of applicants (320 EURO/month for an asylum seeker compared to 678 EURO/month for a national). In addition, a maximum amount of assistance was set at 735 EURO regardless of the number of family members.
([175]) Bill (no 9{1}), amending the Cyprus Refugee Law.
([176]) Section 34a(2) Asylum Procedure Act.

applications filed after 1 January 2014) and to improve legal protection in the current procedure, introducing the suspensive effect of appeals filed within a week. In anticipation of the recast Reception Conditions Directive, the waiting period for the labour market access of asylum seekers was shortened to nine months ([177]).

Effective as of 14 June 2013, **Greece** adopted its new asylum procedure via Presidential Decree 113. The new procedure introduced reforms regarding, *inter alia*, the registration, interview and decision-making process ([178]). The statute of the Asylum Service was adopted by ministerial decision effective 6 June 2013. Also, new procedures for medical assessments and providing psychosocial support for those in first reception centres were legislated via a ministerial decision of the Minister of Health effective 29 October 2013.

In **Estonia,** on 1 October 2013 amendments to Act on Granting International Protection to Aliens (AGIPA) and related acts entered into force. These allow for the detention of asylum applicants with the permission of an administrative court in order to perform initial proceedings or if necessary in order to ensure the security of state or public order and if the efficient application of the surveillance measures provided is impossible. ([179]) The changes to AGIPA also include specifications for reimbursement and cost rates incurred by the local government following the settlement of beneficiaries of international protection.

In **France**, the validity of documents confirming the right to remain in the territory issued to applicants for international protection was extended in March 2013 to reflect the average time for processing applications ([180]). In terms of legal proceedings, a set of rules on litigation before the Court was provided in a decree ([181]).

In **Hungary,** the most relevant procedural change was the introduction of asylum detention, in force since 1 July 2013 (see also Section 4.7. on detention). National legislation amended in 2013 stipulates that asylum seekers who previously withdrew their asylum application in a written form will no longer be automatically treated as subsequent applicants (as of 1 January 2014). In addition, for those considered subsequent applicants, the right to remain in the territory will be ensured during the full examination of their claim ([182]).

In **Ireland**, in parallel to the transfer of responsibility for processing both new and pending applications for subsidiary protection from the Minister for Justice and Equality to the Office of the Refugee Applications Commissioner, the new Regulations ([183]) provide for applicants to be interviewed as part of the first instance investigation of their application by the Refugee Applications Commissioner. In addition, in the event of a negative recommendation following the first instance investigation of their case, applicants now have the opportunity to file an appeal. Appeals are dealt with by the Refugee Appeals Tribunal. Both of these offices are statutorily independent in the exercise of their functions. The Minister for Justice and Equality signed new regulations into law: the European Union (Subsidiary Protection) Regulations 2013 (S.I. No 426 of 2013) governing the investigation and acceptance of applications for subsidiary protection in Ireland. The Regulations came into effect on 14 November 2013.

In **Italy**, the Parliament delegated the Government to adopt appropriate legislative decrees for the transposition of numerous EU Directives according to certain criteria ([184]).

([177]) Section 61(2) Asylum Procedure Act in 6 September 2013 version.
([178]) For the legal text in English see www.asylo.gov.gr.
([179]) Detention has to be proportional, and upon detention the essential circumstances related to the asylum seeker, including the risk of escape, shall be taken into account in every single case.
([180]) The first document issued to the applicant continues to be issued for a period of one month for filing the application with the authority making the decision. However, it is now renewed for a period of six months as opposed to three.
([181]) Decree No 2013-751 relating to the proceedings before the National Court of Asylum was signed on 16 August 2013 and published on 18 August 2013. The changes concerned the following aspects: strengthening the adversarial nature of the proceedings, changing the status of the oral hearing, and extending the written instruction; giving the Court an option to use sources of geopolitical information in compliance with the adversarial nature of the proceedings against the applicant; enabling the Court to organize the schedule of the court sessions in advance, indicating the expected date of closure of the proceedings and precise descriptions of the course of the court session.
([182]) See Section 15(2) of Act CXCVII of 2013 (promulgated on 28 November 2013 in the Hungarian Official Journal, in force since 1 January 2013). The European Commission initiated an infringement procedure against Hungary, inter alia, on the ground of non-compliance with Article 7 (2) of the Asylum Procedures Directive governing the right to remain in the territory of the MS concerned (Council Directive 2005/85/EC on minimum standards for procedures in MS for granting and withdrawing refugee status).
([183]) European Union (Subsidiary Protection) Regulations 2013
([184]) European delegation law 2013 no. 96/2013. With reference to the transposition of Directive 2011/51/EU, Art. 6 of the enabling act establishes that that the residency calculation for issuing long-term residence permits is calculated from the date international protection is requested. Moreover, the period falling between the request for international protection and the recognition has to be considered as a whole. Furthermore, the conditions for receiving long-term residency status for international protection status holders have to be limited exclusively to a sufficient income, and must also be calculated taking into account the specific vulnerable circumstances in which international protection status holders may find themselves.

In **Slovakia** the following legislative amendments entered into force on 1 May 2013: a work permit is not required under the amended Act on Employment Services for beneficiaries of subsidiary protection; under the amended Act on Residence of Aliens, long-term resident status can also be granted to refugees and beneficiaries of subsidiary protection; under the amended Act on Asylum, the time limit for filing an asylum application has been extended to be indefinite (the first asylum for the purpose of family reunification is granted for a 3-year period); and the time limit for filing the application for extending subsidiary protection has been extended from 30 days to 90 days.

In the **United Kingdom** new Immigration Rules came into effect in October 2013 allowing the relocation to the UK of certain Afghan nationals (and their families) employed by the UK government in Afghanistan, mostly as front line interpreters. The new policy and procedure is part of a wider redundancy/severance package offered to staff who are losing their jobs as part of the military drawdown (those persons are not refugees).

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

3.2.5.1. Integrity

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

A key aspect of the integrity of procedures is the credibility assessment performed in order to establish whether the applicant's statements substantiating the claim are truthful in light of other circumstances of the case and other evidence. The importance of this aspect of examining applications for international protection was highlighted in two major research initiatives in 2013: the CREDO project ([185]) and UNHCR report *Beyond Proof*. As noted by UNHCR, a common understanding and approach to credibility assessment is still lacking among MS ([186]).

Credibility assessment and assessment of risk

The case I. v Sweden (no. 61204/09) involved a family of Russian citizens of Chechen origin. The first and second applicant submitted that they had been tortured in Chechnya and were at risk of further ill-treatment upon return to Russia. The Swedish authorities had not actually questioned whether the first applicant had been subjected to injuries caused by ill-treatment resembling torture. The domestic authorities however found that he had not established with sufficient certainty, inter alia, why he had been subjected to it and by whom. The lack of credibility regarding the alleged activities gave the authorities reason to question the credibility of his statements. The Court shared the domestic authorities' opinion about the credibility of the statements. However, the majority of the Court made a cumulative assessment of certain factors in the case and found that there were substantial grounds for believing that the applicants would be exposed to a real risk of treatment contrary to Art. 3 if deported to Russia. Two judges were of a dissenting opinion and found this cumulative assessment too far-reaching. Neither the applicants nor the State party (Sweden) requested that the case be referred to the Grand Chamber.

([185]) Credibility was the key focus of CREDO, a joint project between the Hungarian-Helsinki Committee (HHC), UNHCR, the International Association of Refugee Law Judges (IARLJ) and UK Asylum Aid. with support from the European Refugee Fund. The project started at the end of 2011 to contribute to quality credibility assessments and promote more harmonised approaches, reflecting the relevant provisions in EU law and international standards. As part of the CREDO project, UNHCR conducted research regarding the practice of three EU MS (Belgium, the Netherlands, United Kingdom) and gathered jurisprudence from EU courts and beyond to provide a better understanding of state practices, standards and the issues at stake in this complex area of asylum law. The findings of the UNHCR report, published in May 2013, are also informed by a multi-disciplinary approach drawing on the developments in psychology, neuro-biology and the workings of the human memory, gender, anthropology and sociology: UNHCR, Beyond Proof, Credibility Assessment in EU Asylum Systems: Full Report, May 2013, available at: http://www.refworld.org/docid/519b1fb54.html; it also provides credibility checklists UNHCR, CREDO — Credibility Assessment Checklists, 15 May 2013, available at: http://www.refworld.org/docid/51dd2f0d4.html, also in Bulgarian, Hungarian, Polish, Romanian, Slovakian; as part of the project, the IARLJ developed a specific study on Judicial criteria and standards http://www.iarlj.org/general/images/stories/Credo/Credo_Paper_March2013-rev1.pdf; and the Hungarian Helsinki Committee published a Multidisciplinary Training Manual http://helsinki.hu/wp-content/uploads/Credibility-Assessment-in-Asylum-Procedures-CREDO-manual.pdf.

([186]) See above-mentioned report, page 13: In 2013 the ERF application for a CREDO 2 project was approved. CREDO 2 will focus on credibility assessments in child assessment claims, with a special focus on asylum claims by accompanied children too. CREDO 2 will fund national research mainly in three EU MS to better understand existing legal and policy frameworks and above all state practices in this area (Austria, Italy and Sweden). The choice of these state was based on the number of child applications they handled and the importance of these claims for the national asylum authorities (UNHCR Input).

In the case R.J. v France ([187]), a Tamil applicant claimed to have been persecuted by the Sri Lankan authorities because of his ethnic origin and his political activities in support of the LTTE. The ECtHR reiterated that there is no generalised risk of treatment contrary to Art. 3 for all Tamils returned to Sri Lanka, but for those applicants representing such interest to the authorities that they may be exposed to detention and interrogation upon return. In this case, the applicant presented a medical certificate in support of his claim to have been subjected to mistreatment, which was considered relevant evidence by the ECtHR. In particular, the Court found that the gravity and recent infliction of the applicant's wounds create a strong presumption of treatment contrary to Art. 3 that the French authorities had not effectively rebutted and thus the applicant's expulsion would result in a violation of Art.3.

The case of N.K. v France ([188]) involved a Pakistani applicant who converted to the Ahmadiyya religion. As a result of his conversion, the applicant claimed to have been subjected to mistreatment. He also claimed that an arrest warrant had been issued against him for preaching the Ahmadiyya religion due to which he feared to be at risk of mistreatment upon return. While the case was initially rejected on the basis of an adverse credibility finding by the French authorities, the ECtHR noted that the domestic authorities had not submitted evidence that would question the authenticity of the documents produced by the applicant in support of his statements. Observing that the risk of mistreatment of persons of the Ahmadiyya religion in Pakistan is well documented, the ECtHR stated that belonging to this religion would not in itself be sufficient grounds for the application of Art. 3. In this case, however, the Court concluded that the applicant was perceived by the Pakistani authorities not as simply practicing the Ahmadiyya beliefs, but as a proselytiser and thus had a profile exposing him to the attention of the authorities in case of return.

In 2013 measures taken by the MS to enhance the integrity of procedures for international protection focused on establishing the identity of applicants for international protection ([189]), age assessment ([190]) and the issue of subsequent applications ([191]).

EASO activities related to age assessment

In December 2013 EASO published its paper on Age assessment practice in Europe ([192]), providing an analysis of the circumstances of age assessment, procedural means and safeguards, age assessment tools and methods, the decision-making process, and cooperation with other actors. It gave key recommendations in all of those areas.

With regard to that last issue, the issue of subsequent applications is less clear-cut than cases of identity and age fraud, which are usually a deliberate and conscious choice made by the applicant. Applicants submitting subsequent applications after a decision has been reached in a previous procedure may do so for fully justified reasons, in view of changed circumstances in their individual situation or due to developments in their country of origin. Key jurisprudence in 2013 emphasised that mechanisms used by MS to combat unfounded subsequent applications need to take into account that such applications are not always or even usually a means of taking advantage of the asylum system and that focus should be on verifying whether a subsequent application has merit and, if so, on examining them in full.

([187]) ECtHR Case of R.J. v France (Application No 10466/11), judgment issued on 19 September 2013.
([188]) ECtHR Case of N.K. v France (Application No 7974/11), judgment issued on 19 December 2013.
([189]) More thorough and systematic examinations of identity documents were introduced in Sweden. SMB is carrying out a project (Verification and storage of documents- VEFÖ) with the aim of increasing systematic controls of identification documents. Documents will be scanned, and original documents will be sent to the Unit for Biometrics and Document Verification for authentication and storage during the asylum process. The SMB aims to improve its capacity to systematically verify all travel documents. Results from those activities indicated an increase in the percentage of forged and counterfeit id-documents among Syrian applicants (found to be 10 %). The German Federal Office used special language and text analysis for preventing cases of nationality fraud from Mali. In Romania, nationality tests were used for citizens of Syrian Republic.
([190]) Germany launched a project (implemented from 1 April 2013 to 31 March 2015) entitled 'Development and validation of a legally permissible and practicable method for age estimation of refugee minors' with the forensic medical institute of the University of Münster, co-financed by the ERF and the Federal Office. The Swedish Migration Board was working to conclude agreements with relevant healthcare providers to ensure that medical age assessments of unaccompanied minors can be carried out in accordance with the new operational guidance notes on age assessment from the National Board of Health and Welfare (adopted in 2012).
([191]) By means of an amendment to the Asylum Act, Croatian legislation developed a mechanism to limit misuse of the asylum system through reapplying for asylum after the decision to refuse the asylum application becomes enforceable. This mechanism stipulates that any asylum application submitted by an asylum seeker after a refusal of a previous application becomes enforceable and which does not contain any new relevant facts and circumstances will be rejected. In Belgium the competence to assess new facts and circumstances presented by asylum applicants during a subsequent application has shifted from the Immigration Office to the CGRS, with relevant changes to the procedure.
([192]) http://easo.europa.eu/wp-content/uploads/EASO-Age-assessment-practice-in-Europe1.pdf.

The case of Mohammed v AUT (no. 2283/12) concerns a Sudanese asylum seeker who arrived in Austria via Greece and Hungary. The Austrian authorities rejected the application and ordered him to be transfered to Hungary under the Dublin Regulation. When placed in detention with a view to his forced transfer almost a year later, he lodged a second asylum application with no suspensive effect in relation to the transfer order. The ECtHR considered the applicant's initial claim against the Dublin transfer admissible, due to the 'alarming nature' of reports published in 2011-12 regarding Hungary as a country of asylum and in particular regarding Dublin transferees. His second application for asylum in Austria could therefore not prima facie be considered abusively repetitive or entirely manifestly unfounded. In the specific circumstances of the case, the applicant had been deprived of de facto protection against forced transfer and of a meaningful substantive examination of his arguable claim concerning the situation of asylum seekers in Hungary. Accordingly, Art. 13 in conjunction with Art. 3 had been violated. The Court further noted the subsequent legislative amendments and the introduction of additional legal guarantees concerning detention of asylum seekers and their access to basic facilities in Hungary and considered that the applicant would therefore no longer be at a real and individual risk of being subjected to treatment in violation of Art. 3 upon transfer to Hungary under the Dublin Regulation.

Subsequent applications and right to appeal

The case of I.K. v Austria ([193]) involved a Russian applicant of Chechen origin who claimed that his removal from Austria to Russia would expose him to the risk of ill-treatment because his family had been persecuted in Chechnya.

Upon the rejection of both his and his mother's applications in Austria, the applicant had withdrawn his appeal, having allegedly received mistaken legal advice. After his mother was recognised as a refugee as a result of the appeal proceedings, the applicant lodged a new asylum request which was dismissed by the courts. The ECtHR found that the applicant had relied on the same reasons for explaining his flight as his mother. However, while she had been granted asylum after the Austrian asylum court considered her account to be convincing, the authorities had dismissed the applicant's second asylum request and had not examined the connections between his and his mother's proceedings.

The ECtHR held that there was no indication that the applicant would be at less of a risk for persecution upon returning to Russia than his mother, who had been granted asylum in Austria after the Austrian courts found her account convincing. Furthermore, there were recent reports documenting the practice of collective punishment of relatives and suspected supporters of alleged insurgents. As a result, the ECtHR found that there would be a violation of Article 3 (prohibition of torture and of inhumane or degrading treatment) if the applicant was removed to Russia.

3.2.5.2. Efficiency

Various initiatives were implemented by MS in 2013 to improve the efficiency of the asylum process, i.e. to conduct procedures for international protection in a way that makes optimal use of available time and resources, so that cost-effective decisions can be made without undue delay. Steps and actions that are not needed in a specific case were omitted. Efficiency is relevant both for well-founded applications (where applicants should be granted protection as soon as possible and without going through overly lengthy procedures) and for applications which 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 the 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 provided sooner with a more stable legal status in the country of asylum and gain access to all the rights connected to the particular status granted.

Another efficiency measure consists in priority procedures, where certain types of cases (caseloads) are processed as a first priority before others. Cases which display elements described in the current APD as giving grounds to believe they are unfounded can be processed in an accelerated manner, in which all procedural guarantees are maintained but the case is processed within a shorter timeframe.

([193]) ECtHR Case of I.K. v Austria (Application no. 2964/12), judgment issued on 28 March 2013.

In 2013, MS used screening procedures in order to assign cases to an appropriate processing channel ([194]). The aim of this was to decrease normal length of procedures ([195]) and apply accelerated and 'fast track' procedures ([196]). To ensure efficiency, comprehensive programmes were instated, including internal reorganisation ([197]) and appraisal exercises ([198]) to establish the optimum work methodology. In addition to additional human and other resources ([199]), new IT and technological solutions were also launched ([200]).

In the case of M.E. v France, ([201]) the ECtHR considered that the return of the applicant, an Egyptian Coptic Christian who had been convicted of proselytism, would violate Art. 3. However, the ECtHR did not consider the examination of this case in the French accelerated or priority procedure incompatible with Art. 13.

In doing so, the ECtHR noted the fact that the applicant had been able to lodge an appeal with suspensive effect against the removal order as well as an asylum request with suspensive effect. Given that the applicant had delayed the submission of his application three years, the ECtHR considered that he could not validly argue that the reduced and very short deadlines to prepare the asylum request in the special procedure had affected the accessibility of the remedies available to him.

The ECtHR came to a similar finding on the use of the priority procedure for the assessment of an application involving an Iranian national whose return was found to be in violation of Art.3 in the case KK v France ([202]).

([194]) In Cyprus the procedure for screening all applications submitted before the Asylum Service in order to increase the speed of examination (primarily for manifestly unfounded applications) was formalised during 2013 and integrated under ERF/national co-funded actions.
([195]) The average duration of procedures at first instance in Austria continues to decrease (with more than 50 % of cases decided within three months and almost 90 % within eight months). Also in Bulgaria, the timeframes for processing cases were reduced. In Finland, one of the objectives of the current Government Programme is to speed up the processing of asylum applications as part of a project aiming to improve the effectiveness of the administration of immigration affairs (implemented in 2011–2014). At the same time, the intent is to scale the budget of the reception system to the number of asylum seekers and the shortened asylum application processing times. The Police are also trying to accelerate the actual removal of persons after the refusal of asylum. In France in 2013, the National Court of Asylum has continued to reduce its average processing time, which dropped to 6 months 24 days from 8 months 7 days in 2012. Simultaneously, the Court strengthened judicial guarantees for asylum seekers by increasing the size of the court and, secondly, implementing a significant internal reorganisation over 5 years to improve the balance of hearing schedules and capacity building and to devote more time to the examination of each case before the hearing and to its review after the hearings, allowing for debate and interpretation of the case. In Greece, the average duration of the procedure in first instance was 68 days for the New Asylum Service and 44 at the appeal stage.
([196]) In Luxembourg the 'fast track' procedure was applied for most Western Balkan countries, mainly using the criteria of safe country of origin and manifestly unfounded claims.
([197]) In Spain internal reorganisation measures were adopted to improve the quality of the border procedure, including a larger number of protection officers dealing with border claims as well as improvements to the drafting and justification of decisions. In Sweden, the Swedish Migration Board has taken a number of measures, including case segmentation for processing applications under accelerated procedures (manifestly unfounded applications and Dublin cases) more efficiently and to optimise performance and avoid bottlenecks. The introduction of case segmentation principles has had a positive effect on end-to-end processing times for applications handled via accelerated procedures. With regard to the situation in Syria, a special operation was set up to process applications from Syrians that were previously granted temporary permits and now usually receive permanent residence permits. Finally, a housing secretariat was established. It is involved in capacity planning and coordinating housing for applicants. In December 2013 the SMB took additional measures to increase efficiency and capacity. A new emergency plan was adopted to create a capacity to manage up to 3 000 applications per week (as opposed to 1 600 previously), whereby 1 200 applications per week are considered 'normal' (rather than the previous 900). The SMB is planning to launch two new asylum examination units during 2014. One detention unit has been temporarily closed and personnel will give assistance to application and reception units. In France an action plan was launched to achieve further improvements regarding harmonisation, expertise, sharing, career paths, management, well-being at work, and streamlining asylum processes (see Section 3.2.2. on institutional changes).
([198]) in 2013 in Estonia, the Estonian Advice Centre performed an appraisal of support services offered to asylum seekers and beneficiaries of international protection. The study was co-financed by the European Refugee Fund and the Ministry of the Interior. Currently there are approximately 15 support services offered to asylum seekers and 17 support services offered to beneficiaries of international protection. In general, the division of labour in offering the services is well-arranged in Estonia; there is very little duplication of services financed from different sources. Service-providers supported by different sources are in general aware of each other and are in communication and cooperate with one another. The needs for training differ between service-providers. English and cultural diversity awareness training are global needs for most of the service providers. The main areas that needed the most improvement were Estonian language training, accommodations, courses and activities, and psychological counselling. However, the evaluation also noted that all services are project-based. Since NGOs involved in providing services are dependent on the calls for project proposals under the national ERF, the sustainability of this support service is not guaranteed (UNHCR input).
([199]) In 2013 in Italy, the Italian System of Protection for Asylum Seekers and Refugees (SPRAR) has been enhanced and its accommodating capacity increased to 9 400 in order to handle the continuous and consistent number of landings on the Italian coasts. As of 17 September 2013, the annual accommodating capacity of the SPRAR was set at 16 000 ordinary places, with the possible activation of additional places by local entities of the network in case of need. In Luxembourg, new staff was hired in response to the influx of applicants from the Western Balkan Countries 2013 (continuing from 2012). In Croatia there was an increase in the number of officers assigned to asylum tasks and in their continual education through seminars, conferences and international meetings. In Sweden, staff recruitment was used as a means to increase efficiency, including extended opening hours (shift work for staff) at application units. France recruited new case-workers at OFPRA.
([200]) In Germany several developments in the IT infrastructure were implemented, including upgrading IT structures e.g. by introducing the MARiS work-flow system, electronic asylum files, access to internal and external data-bases, voice recognition software to determine the asylum seekers' region of origin and the EASO Training Curriculum e-learning programme. The Federal Office's statistics and controlling units collect the most important data, compile analyses and document all relevant developments as a basis for planning and steering. At management level the extended steering committee for asylum meets regularly at the Federal Office for Migration and Refugees. The committee evaluates internal analyses and monitoring reports and makes the required decisions. Steering elements include the assignment of caseworkers, efficient allocation of the caseload, if required, establishment of temporary support units or the prioritisation of cases from specific countries of origin. At peak workload times a 'project group for operative control' is established that directly reports to the Federal Office's President or Vice President. In Italy, a national project launched in 2012 to completely digitise applications for international protection continued in 2013. This includes direct electronic input of data by police stations' immigration offices and its immediate transmission to the relevant territorial commission. In Sweden the Migration Board has continued to increase the use of video interviews and the digitisation of some features of the asylum process, e.g. by introducing a web-based solution for legal counsels appointed in asylum cases. Text-message reminders to applicants were introduced as a measure to decrease the number of cancelled asylum interviews. The SMB has also fully implemented a web-based system to handle matters regarding legal counsels, which increases efficiency and transparency in this matter.
([201]) ECtHR Case of M.E. v France (Application No 50094/10), judgment issued on 6 June 2013.
([202]) ECtHR Case of K.K. v France (Application No 18913/11), judgment issued on October 2013.

3.2.5.3. Quality

In 2013 numerous MS (**Austria** ([203]), **Belgium** ([204]), **France** ([205]), **Ireland** ([206]), **Latvia** ([207]), **Lithuania** ([208]), **Netherlands** ([209]), **Poland** ([210]), **Romania** ([211]), **Sweden** ([212]), and **United Kingdom** ([213]) continued implementing quality projects aimed at ensuring that procedures for international protection are conducted in a fair and efficient way, fully in line with international legal standards. Other MS took steps to launch internal quality procedures. ([214]) Due to the high numbers of applicants, some MS suspended their quality audit programmes ([215]). In **Greece** UNHCR has deployed ten liaison officers providing on-the-job training and advice on the quality of interviews and decisions at first instance, as well as ex post evaluations of those decisions.

EASO Quality Matrix

In 2013 EASO continued the Quality Matrix, launched in 2012. The purpose of this matrix is to comprehensively cover all areas of the CEAS over a two-year period. The exercise will result in a database of good practices, quality mechanisms and tools, and quality projects and initiatives. The Matrix will also enable EASO to identify MS´ support needs. In 2013, the Quality Matrix focused on mapping the core aspects of the determining stage of asylum procedures, i.e. Personal Interview, Evidence Assessment, Eligibility, and Exclusion.

As part of the Quality Matrix mapping exercise, EASO maintains a List of Projects & Initiatives implemented in EU MS since 2004. The list is intended to be a comprehensive and permanent database of projects and initiatives which share the common goal of improving quality. It covers different aspects of the CEAS and is organised by themes including, for example, quality of the procedure, minors, country of origin information, reception conditions, etc. It is developed and regularly updated with information provided by MS and other relevant stakeholders.

([203]) In Austria in 2013 UNHCR conducted a quality assurance project entitled STARQ in cooperation with the Federal Asylum Office (FAO) for the purpose of studying existing first instance quality assurance mechanisms and drawing up recommendations. The project included gathering feedback and opinions from NGOs and lawyers via an online survey and further improved assessment forms for future evaluations of RSD interviews and decisions, allowing for a central overview, statistical reporting and rapid identification of 'hot spots' (UNHCR input).

([204]) The asylum procedure enhancement project (launched in 2011 at the initiative of the Federal Government) was continued, analysing the efficiency of each authority involved in the asylum process (Immigration Office, CGRS, CALL) and proposing measures to increase it and further reduce the asylum claim processing times while maintaining a high quality standard. During 2013 measures will be further developed and implemented, including the development by CGRS of a 'Quality project'. This includes the definition of quality indicators, the gradual implementation of a quality unit and further enhancements of the quality management processes. Also UNHCR and other organisations with expertise on the matter will be consulted.

([205]) In collaboration with UNHCR, under an agreement signed on 25 September 2013 between the Director General of the OFPRA and the UNHCR's representative in France. This control is based on an ex post verification of a representative sample of case records by a team of experienced caseworkers in cooperation with representatives of UNHCR and supervised by the coordinator of quality control. An evaluation grid with ninety-three criteria was developed.

([206]) The authority making decisions at first instance (ORAC) continues to prioritise its quality assurance processes as part of its decision-making process for asylum and subsidiary protection applications, including the use of checklists to ensure that applications are accepted or rejected in line with international best practise and the quality control of cases during and after deliberation. ORAC training programmes also place a strong emphasis on quality. UNHCR also continues to assist ORAC in the development of its quality processes.

([207]) From September 2013 to January 2014, a UNHCR project 'Improving the quality of the first instance asylum procedure in Latvia' was being implemented, with the participation of the Office of Citizenship and Migration Affairs, the State Border Guard and providers of legal assistance.

([208]) A project for improving the quality of first instance procedures launched in 2012 is currently being implemented, in cooperation with UNHCR

([209]) The IND (Asylum Department) continued to use the LEAN management instruments, launched in April 2012, to save costs, increase quality and improve their services. LEAN management has proven to be a method for simultaneously saving costs and improving the quality of organisations. Case files are subjected to random internal quality checks, which involves interview and decision-making evaluations by a senior caseworker. The results of the quality check are given as feedback to the caseworker(s) involved with the case file. A quarterly quality report (using statistics) is drawn up to provide an overview of the case file quality. The quality checks take into account feedback from the appeals court.

([210]) A monthly analysis of the quality of refugee procedures, aimed at the protection and improvement of the efficiency and quality of the refugee system in Poland, is conducted simultaneously by the Office for Foreigners and UNHCR and combined with monitoring activities concerning second-instance decisions which overturned first-instance decisions and average processing time.

([211]) At AID level the quality management system for asylum procedures was continued under the Cooperation Agreement between General Immigration Inspectorate (GII) and UNHCR Romania, signed on 28 September 2011. The cooperation includes a monthly analysis/audit of a sample of cases decided at each regional centre and drafting guidance notes on the basis of the results of the analysis.

([212]) The SMB quality system has recently been developed and reconstructed. Many of the measures implemented during 2013 were done within the framework of a project called The Learning Organisation (DLO) that has been active since 2011. The project was extensive and holistic, and its aim was to ensure high quality and harmonised processing by the authority. The project includes a long list of measures including; 1) a standard for legal quality (indicators on legal quality); 2) a standard for legal guidelines; 3) methods for systematic quality follow-up, as well as 4) tools and guidance regarding the processing of asylum cases (handbook on asylum interviews, a case learning method, including a case bank. There is also an enhanced focus on coaching and on a training programme for newly hired staff.). Furthermore, the SMB has initiated a discussion on legal quality issues with four other Swedish authorities (Tax Board, Social Insurance Agency and the Authority for financial grants to students-CSN). The aim is to set up a network and exchange knowledge and best practices.

([213]) A strengthened audit framework for the national asylum system was introduced on 1 April 2013. The main difference between this and the previous system is that monthly auditing sample considered has been reduced from 10 % of substantive interviews and decisions to 5 %, but the audit now encompasses the whole asylum system, including returns. In addition, the way quality is assessed and reported has changed. The Home Office now clearly assesses the potential impact of non-conformity with its quality standards. Errors are categorised as minor, serious or critical depending upon their potential impact on the circumstances of each case. As this is the first year of the new framework, reliable information on its effectiveness in improving quality is not yet available.

([214]) In late 2013, the BAMF decided to further enhance its focus on asylum quality by re-establishing a specific division for Quality Assurance, which will constitute UNHCR's main counterpart in asylum cooperation matters at BAMF (training, decision monitoring, structured exchange) (UNHCR input).

([215]) In Hungary joint quality audits — based on a cooperation agreement concluded by OIN and UNHCR on 27 July 2010 — were suspended in 2013 at OIN's request due to capacity problems.

3.2.6. Third-Country Support

3.2.6.1. Resettlement

Resettlement activities in 2013 were strongly marked by MS responses to the Syrian crisis, including the launching special resettlement programmes for Syrians, which continued in 2014 ([216]).

Statistical information on resettlement is available in Annex C.14.

Regular resettlement programmes were continued in 2013 in numerous MS (**Denmark ([217]), France ([218]), Finland ([219]), Germany ([220]), Hungary ([221]), Ireland ([222]), the Netherlands ([223]), Portugal ([224]), Sweden ([225])** and the **United Kingdom ([226])**). New resettlement programmes were adopted in **Belgium ([227]), Romania ([228])** and **Spain ([229]).**

Due to unpredictable circumstances, the **Czech Republic** was not in a position to fulfil its 2013 resettlement quota and its implementation was postponed until 2014. However, a financial contribution was provided to countries affected by the Syrian migration flow ([230]).

([216]) In Austria in September 2013 it was decided to grant permanent asylum via humanitarian admission to 500 Syrian refugees, with a focus on particularly vulnerable persons, with 250 Syrian refugees to be admitted to Austria as family reunification cases in cooperation with IOM and another 250 Syrian refugees to be admitted in cooperation with UNHCR. Beyond its regular resettlement programme, Germany adopted a humanitarian admission programme in response to the humanitarian crisis in Syria and the entire region. 5 000 vulnerable Syrian refugees will benefit from the programme, for which UNHCR and IOM are the Federal Government's main implementation partners. They will be permitted to stay for the duration of the conflict. A decision was made in December 2013 to increase the quota for Syrian refugees by another 5 000 to 10 000. During 2013, thirty-one Afghan refugees also arrived from Syria to Ireland under an EU-funded Preparatory Action for Emergency Resettlement. In France, the decision to grant residency and international protection to 500 vulnerable Syrian refugees was announced in October 2013. In addition to the arrival of Syrian refugees via the annual resettlement program, a dedicated humanitarian admission program was set up in partnership with UNHCR in order to be implemented in 2014. The Swedish Migration Board assumed the role of chair of the 'Core Group Syria' aiming to secure resettlement and other forms of humanitarian admission for 30 000 Syrian refugees in 2014.

([217]) In 2013 Denmark resettled 515 persons and conducted three selection missions (to Nepal in order to resettle refugees from Bhutan; to Ecuador in order to resettle refugees from Colombia; and to Uganda in order to resettle refugees from the DRC). Furthermore, Denmark has also resettled refugees on a dossier basis from various countries.

([218]) A framework agreement with UNHCR has been in place since 4 February 2008, providing for the submission by UNHCR of 100 cases for resettlement each year. Since 2008, 632 people were welcomed in France as part of the resettlement program. In 2013, 88 persons were resettled in France (the program is still under implementation).

([219]) The following 2013 resettlement quota was established: Afghan refugees in Iran: 200 persons; Congolese refugees in Southern Africa: 150 persons; Iraqi, Iranian, Afghan and Somali refugees in Turkey: 150 persons; Sudanese refugees in Egypt: 150 persons; emergencies: 100 persons.

([220]) In 2013 the current annual resettlement allocation for Germany of 300 persons was met by accepting refugees from Iran, Iraq, and Syrians who came from Turkey.

([221]) Hungary has committed to undertake the resettlement of 10 persons in 2013 as Hungary's second resettlement exercise, geared towards Syrian refugees. The selection mission has been carried out; 1 person arrived in December 2013, the transportation of the remaining persons was underway.

([222]) Ireland agreed to accept 80 persons under its annual resettlement programme. During the year, four medical cases (19 persons) (including one medical case from Syria) whose medical needs could not be met except through resettlement were admitted, two persons arrived to join other family members resettled in 2012 and 24 DRC refugees arrived from refugee camps in Tanzania.

([223]) Resettlement missions to Uganda, Rwanda, Jordan, Kenya, Thailand, and Sudan, as well as an interview mission in the ETC (Emergency Transit Centre) in Romania were performed. The ETC hosted Eritrean refugees who previously were in alien detention in Yemen. Furthermore, the Netherlands has held interviews with Iraqi refugees through a video link with the UNHCR office in Damascus (Syria), and the UNHCR has submitted individual files. In addition to the resettlement missions, the UNHCR may submit certain individual files if they constitute 'emergency cases'. The quota for 2013 (as in previous years) is an average of 500 invited refugees per year (approx. 400 people selected through resettlement missions and approx. 100 people through individual nominations by the UNHCR).

([224]) Portugal has participated since 2007 in the resettlement of refugees recognised by UNHCR, each year receiving 30 refugees from several nationalities and backgrounds. For the first time in 2012, Portugal included 10 minors in the quota. These resettled refugees were from different nations origins, such as the Democratic Republic of Congo, Liberia, Iran, Somalia, Afghanistan and Sudan, and came via eight different countries: Egypt, Ethiopia, Morocco, Senegal, Thailand, Turkey, Tunisia and Ukraine.

([225]) In 2013, refugees from mainly the following countries of origin were resettled to Sweden: Syria, Eritrea, Afghanistan, Somalia and the Democratic Republic of Congo. The countries via which the resettled refugees came were: Ecuador, Sudan, Uganda, Kenya, Iran, Lebanon, Egypt, Jordan and Malaysia. Cultural orientation (CO) has been carried out in the form of traditional CO programmes (1.5 days of information) as well as shorter information sessions ('workshops') just after the granting of residence permits by selection missions. These activities have been carried out in Ecuador (workshop), Sudan (full COP), Kenya (full COP), Uganda (workshop), Iran (workshop), and Jordan (workshop). These activities have been carried out solely by employed Swedish personnel.

([226]) The Gateway Protection Programme (managed by the Home Office and since 2007 co-funded by the European Refugee Fund III and the Home Office) is a humanitarian scheme which supports up to 750 refugees each year by relocating them from refugee camps to live in the UK. It supports refugees who have been identified by the United Nations High Commissioner for Refugees (UNHCR) as being highly vulnerable.

([227]) 2013 marked the first year of the Belgian structural resettlement programme within the framework of the Joint EU Resettlement Programme after two ad hoc resettlement operations (Iraq in 2009 and Libya in 2011). The quota for 2013 was 100 persons to be selected through 2 selection missions (Tanzania and Burundi) and for a small number on a dossier basis (20 persons). Belgium also announced its intention to gradually increase its resettlement quota as follows: 2014: 100 (expected to be 75 Syrians and 25 refugees in the Great Lakes Region), 2015 and 2016: 150, 2017 and 2018: 200, 2019 and 2020: 250.

([228]) Romania's obligations as a state of resettlement is a primary goal set by the National Strategy on Immigration 2011–2014. The pledge for 2013 concerned 40 Iraqi refugees to be resettled from Turkey.

([229]) On 13 December 2013, a new National Resettlement Programme was adopted by the Spanish Government in accordance with the legal provisions in the Spanish Asylum Law. As part of the programme, Spain has pledged to resettle up to 100 beneficiaries of international protection, in addition to the quota of 30 refugees included in the previous programme. This new programme will focus on refugees affected by the Syrian conflict coming from the neighbouring countries.

([230]) As an act of solidarity with Syrian refugee crisis, government of the Czech Republic agreed to provide 2 mil EUR to countries affected by the Syrian migration flow. The contribution was divided as follows: a 500 000 EUR donation to the Turkish Prime Ministry Disaster and Emergency Management Presidency (AFAD) to support local communities affected by the Syrian influx, a 1 mil. EUR donation to the Bulgarian State Agency for Refugees to support reception and asylum infrastructure; a 400 000 EUR contribution to the Regional Protection and Development Program in the countries neighbouring Syria. The Czech Republic became an implementing partner in the RDPP Program; 100 000 EUR for a Program of Medical evacuations for Syrians designed for patients in need that have no guarantee of medical treatment in the country concerned and who are in life-threatening condition (as an addition to the previously released 600 000 EUR).

Resettlement practices across the EU were the subject of reports by civil society organisations ([231]).

Emergency Transit Centres in Slovakia and Romania

Under the tripartite agreement between the Slovak Government, the UNHCR and the IOM ([232]), **Slovakia** operates an Emergency Transit Centre in Humenné, which hosted 138 persons, including 79 Afghani refugees from Iran and 59 refugees from Eritrea. In both cases refugees are being gradually resettled to third countries.

Romania continued to manage the Emergency Transit Centre in Timișoara under the Tripartite Agreement with UNHCR. In 2013 the ETC hosted 344 evacuated persons and 271 persons have been resettled to countries such as the Netherlands, UK, USA, and Finland.

EU activities on resettlement

Building on the first seminar on EU Resettlement Policy held in 2012, EASO organised a practical cooperation meeting on resettlement on 12-13 November 2013. The meeting created an opportunity to discuss possible future coordinated actions, such as joint selection missions and an EASO proposal for a resettlement specialists network with representatives of EU MS, the European Commission, UNHCR, IOM and key NGOs working in this area.

The European Union, represented by the European Commission and EASO, was also present at the Annual Tripartite Consultations on Resettlement (ATCR) which took place 1-3 July 2013 in Geneva. Some of the main topics discussed were Global Resettlement Overview and Priorities and Resettlement Targets for 2014 & Multi-Year Commitments. There was also a session which featured breakout groups to allow for discussion of selected priority refugee situations (Afghans in Iran and Pakistan, and Colombians in Ecuador).

3.2.6.2. External dimension and capacity-building in Third Countries

The activities of EASO related to the external dimension of the CEAS are undertaken within the framework of the broader EU external relations policy and in agreement with the European Commission. In this regard, 2013 was an important year, with continuing and increasing migratory pressures in the EU's immediate neighbourhood, especially as result of the ongoing conflict in Syria and steadily increasing migratory flows through the Mediterranean, resulting in the loss of many lives. In the context of the Syrian conflict, the EU and MS combined remain the largest humanitarian and non-humanitarian donor in the region; the EU's efforts in the field of protection centred on developing a Regional Development and Protection Programme (RDPD) and supporting UNHCR's call to the international community for the resettlement of up to 30 000 of the most vulnerable Syrians in 2013–2014.

EASO activities related to the external dimension and capacity-building in Third Countries

The EASO Regulation mandates EASO 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 third-country authorities on technical matters, especially to promote and assist capacity-building in the third countries' own asylum and reception systems and to support the implementation of regional protection programmes, and other actions related to long-lasting solutions.

([231]) ECRE Comparative Study on Best Practices for the integration of resettled refugees in the EU MS, January 2013 (LIBE Committee), January 2013 http://www.ecre.org/component/downloads/downloads/747.html.

([232]) Agreement in force from 24 June 2012 to 24 September 2013; a new agreement was signed on 24 June 2013 for a period of 15 months. During their stay in Slovakia, evacuees are provided with accommodation, food, and basic hygienic products (partially covered from the ERF resources). Health and social care for refugees is ensured by the UNHCR, and the transfer itself is secured by the IOM.

On 25 October 2013, EASO organised a Practical Cooperation Workshop on the role of EASO in the external dimension of the CEAS, which was attended by NCPs of the MS. The meeting focused on the main elements of the EASO External Action Strategy, which was subsequently adopted by the EASO Management Board on 29 November 2013. The strategy defines the approach, the general framework within which EASO will undertake its work related to the external dimension of the CEAS, the role of EASO regarding the external dimension of the CEAS, its underlying principles, the implementation methodology, the geographical priorities, as well as forms of EASO External Action.

EASO activities related to capacity-building in third countries in 2013 included supporting the EU-Jordan Dialogue on Migration, Mobility and Security, for which a meeting took place in Jordan in February 2013, as well as a meeting under the framework of the EU-Morocco Mobility Partnership on 23 September 2013, both with EASO participation. In addition, a meeting under the EU-Tunisia Mobility Partnership took place in November 2013.

In 2013, EASO also prepared and submitted a project proposal under the European Neighbourhood and Partnership Instrument, with the aim of providing capacity-building support to relevant authorities in Morocco, Tunisia and Jordan. The project, financed by the European Commission (DG DEVCO) and entitled 'Promoting the participation of Jordan in the work of EASO as well as the participation of Tunisia and Morocco in the work of EASO and Frontex' was approved and signed on 31 December 2013, with an implementation period of 18 months.

Finally, since 2012 EASO was involved in the Prague Process Pilot Project 'Quality and training in the asylum processes', which is implemented within the framework of the Prague Process Targeted Initiative. In 2013, EASO decided to support UNHCR's project 'Asylum systems quality initiative in Eastern Europe and the southern Caucasus'. One pillar of this project, with a similar scope to the Prague Process project, will be the focus on EASO support.

Within the framework of the Prague Process, Sweden led a capacity-building project on asylum entitled '*Quality and training in the asylum process*', with the support of UNHCR. This project aims to provide support to Eastern European countries in implementing the administrative management of the asylum application. A partnership between France and Moldova was initiated as part of the project. Additionally it also serves a supporting role in the Eastern Partnership Panel on Asylum and Migration and is a partner in the Budapest Process Silk Routes II project, with the goal of capacity-building for migration matters in Iraq, Afghanistan and Pakistan. A bilateral twinning project with Armenia and ongoing discussions with Turkey about supporting the newly established General Directorate for Migration Management can also be mentioned in this respect.

3.2.7. Malta/Intra-EU Relocation

In 2013 the implementation of EUREMA II (Pilot Project for Intra-EU relocation from Malta) continued, with the participation of Bulgaria, Hungary, Lithuania, Poland, Portugal, Romania and Slovakia and with funding from the European Refugee Fund, Community Actions 2011. A total of 91 pledges to relocate people were made under EUREMA II. EUREMA II is an extension of the EUREMA I project ([233]).

Following the methodology of the EUREMA I project, local partners formed a Selection Committee to prepare dossiers of beneficiaries of international protection for referral to the MS. UNHCR undertook a pre-screening process based on the available information on potential candidates. Persons selected were then counselled by UNHCR for possible referral. Participating MS were expected to conduct a selection mission in Malta and interview referred candidates. The International Organisation for Migration was responsible for organising cultural orientation courses, providing necessary pre-travel medical examinations and organising travel arrangements. The project provided financial support to the host countries to provide integration programmes for up to one year, including e.g. accommodation expenses, language training and other aspects to ensure successful integration.

Ireland received 3 Somali families (10 persons) from Malta in 2013. **Poland** pledged to relocate 50 people under EUREMA II, 7 persons were finally registered for the programme and 6 of them actually arrived in Poland in mid-January 2013 (followed by 23 other persons arriving under family reunification).

([233]) The European Commission announced the extension on 11 April 2011, and on 12 May 2011 a Ministerial pledging conference for relocation of migrants from Malta and resettlement of migrants from North Africa was organised.

No refugees were relocated from Malta to **Bulgaria** due to a lack of candidates for relocation. Similarly, **Hungary** agreed to relocate 5 persons from Malta in 2013; however, there were no beneficiaries interested in relocation to Hungary. Also, **Slovakia**'s and Romania's pledge of 10 persons each, was not implemented due to lack of interest by candidates or lack of candidates matching national criteria.

Also outside the Eurema II framework, relocation took place at the bilateral level, with pledges for a total number of 215 persons to be relocated from Malta to other MS (**Germany, the Netherlands, Ireland, Denmark**) in the period 2012–2013, most of whom were effectively relocated by the end of 2013.

EASO activities on relocation

EASO started its work on relocation in the summer of 2012 by conducting a fact-finding exercise on relocation activities in relation to Malta. In June and November 2013, EASO organised expert meetings on relocation with the participation of MS, the European Commission, UNHCR and IOM. Discussions focused on the practical and legislative aspects of a common relocation approach, the development of support material on how to translate the use of EU funding for relocation in practice and the mapping of relocation best practices in MS, including internal organisation systems and reception and integration conditions. Participants shared their knowledge and best practices on relocation within the EU. Participants also agreed on specific EASO tools for relocation, such as the development of a practical handbook and relocation methodology. In 2014, EASO will conduct an update of the fact-finding report on relocation published in 2012, which will feed into the evaluation of the EUREMA pilot project that the European Commission will undertake together with EASO in 2014.

The European Commission organised, for the first time, an Annual Relocation Forum to provide an opportunity to help MS understand their relocation needs in the immediate future and prepare their pledges. The meeting was held on 25 September and the Executive Director of EASO gave a presentation which outlined the key legal and practical characteristics of intra-EU relocation as enshrined in the EASO Regulation, which gives a clear coordination role to EASO in the field of relocation. EASO advocated a Common Relocation Approach, on the basis of a common framework, funding (AMF), information provided by EASO and tools developed by EASO.

Intra-EU relocation was also a subject of reports published in 2013 by civil society organisations, emphasising, *inter alia,* EASO's key role in responsibility-sharing ([234]).

Finally, it should be noted that 390 persons were resettled from Malta to the United States in 2013 ([235]).

([234]) ECRE Enhancing Intra-EU Solidarity Tools to Improve Quality and Fundamental Rights Protection in the Common European Asylum System, January 2013. http://www.ecre.org/component/downloads/downloads/688.html.
([235]) UNHCR input.

4. The Functioning of the CEAS

4.1. Access to procedure

The initial stage of the procedure is of crucial importance in swiftly managing mixed migration flows and ensuring that third-country nationals who may be in need of international protection have an effective opportunity to present their applications for international protection and have their protection needs assessed in a fair and efficient procedure.

However, access to procedure in the EU effectively continues to presuppose access to the territory (which includes MS borders, territorial waters or transit zones). Third-country nationals in EU territory who wish to apply for asylum must be treated in accordance with the EU asylum *acquis*. In particular, MS must guarantee the right to effectively make a claim for international protection (without obstacles) in a timely manner (without undue delay), thereby safeguarding the right to asylum under Article 18 of the Charter of Fundamental Rights of the European Union.

At the EU level, aspects relevant to access to procedure are currently regulated in the APD. The recast version of the APD was adopted on 26 June 2013 and has a general transposition deadline of 20 July 2015 (see section 3.1.1. above for details).

Comprehensive general rules on access to procedure are provided in Article 6 of the recast APD, whereas Articles 7 and 8 deal with the specific issues regarding access to the procedure by dependants or minors and access to the procedure at border crossing points and in detention facilities ([236]).

The recast Directive now clearly distinguishes between *making* an application (which consists in the applicant expressing the intention to apply for international protection) and *lodging* an application (which is a formal process of filing an application in line with legal procedure). The recast Directive also provides for an additional procedural step — *registration* of the application —, which may however be included in the lodging phase provided that the time limits for registration referred to in the recast directive are respected. The recast Directive further clarifies that although the applicant may be required to lodge their application in person and/or in a specific location, the MS has to ensure that an effective opportunity is provided to lodge an application as soon as possible. In line with the rules established in the Dublin Regulation, the recast directive also explicitly refers to the fact that an application is considered lodged once it has reached the competent authority of the concerned MS.

The recast APD also sets forth a duty for MS to provide information and training to the personnel of authorities who are likely to receive applications for international protection (and they are not themselves in charge of registering such applications) so that they can both identify persons who may wish to apply for international protection and inform those persons claiming international protection about how and where an application can be lodged ([237]).

In response to the tragedy in Lampedusa, **Italy** launched the *Mare Nostrum* operation in the Mediterranean Sea, rescuing thousands of people between October and December 2013 and bringing a total of over 9 000 migrants to land.

([236]) The current version of the APD regulates both those issues in a single article (Article 6) and, unlike the recast version, does not elaborate on applications made on behalf of dependants or minors.

([237]) In Italy throughout 2013 national authorities continued efforts to further improve training activities on the international protection of refugees. This particularly targeted operators involved in complex rescue operations at sea, such as the Guardia di Finanza and the navy (Marina militare).

In terms of access to the territory, concerns were expressed by civil society and international organisations about alleged pushbacks at some of the external sea and land borders of the EU ([238]). At the same time, thousands of third-country nationals were rescued throughout the year on the high seas or shores of EU countries. For instance, the Greek coastguard rescued 2 511 persons in 110 incidents during 2013. UNHCR also noted improvements in that regard ([239]).

The recast APD reinforces the need to swiftly register all applicants by introducing a requirement for all applications to be registered within a maximum of six days, depending on whether the application was made to the authority in charge of registration or whether those two functions are the responsibility of two different bodies ([240]). Delays in registration may, *inter alia*, lead to belated entry of the applicant's data in various information systems, including Eurodac, which may then impact Dublin procedures (see section 4.4. below on Dublin procedures). Such delays also impact applicants' access to their rights during the procedure ([241]).

Information provided by the applicant at the application stage of the procedure often serves as an indication of which procedural mode should be used for their case — whether it requires, *inter alia,* a regular examination procedure or whether the application should be processed in an accelerated mode or via another specific procedure. More information on those types of procedures is provided further on in section 4.5.

([238]) Concerns have been raised, inter alia, about the situations in Greece, Bulgaria, Italy, and Cyprus: UNHCR, UNHCR concerned at reports that asylum seekers, including Syrians, denied entry to some EU countries, 15 November 2013, http://www.unhcr.org/528603886.html (accessed 15 April 2014). For more specifics about the situation in Italy, see: Human Rights Watch, Turned Away — Summary Returns of Unaccompanied Migrant Children and Adult Asylum Seekers from Italy to Greece, January 2013, http://www.hrw.org/sites/default/files/reports/italy0113ForUpload_0.pdf. For more specifics about the situation in Greece, see, inter alia: UNHCR, UNHCR seeks clarifications on the fate of Syrian refugees in Evros, 13 November 2014, http://www.unhcr.gr/nea/artikel/2768a7a2ced20c6daca7326788699f09/unhcr-seeks-clarifications-on-the-fa.html (accessed 15 April 2014); UNHCR, Statement on Boat Incident off Greece Coast, 14 January 2014, http://www.unhcr.org/52df83d49.html (accessed 15 April 2014); Amnesty International, Fortress Europe: Syrian Refugee Shame Exposed, 13 December 2013, https://www.amnesty.org/en/news/fortress-europe-syrian-refugee-shame-exposed-2013-12-11 (accessed 15 April 2014); Amnesty International, Frontier Europe: Human Rights Abuses on Greece's Border with Turkey, 2013, http://www.amnesty.org/en/library/asset/EUR25/008/2013/en/d93b63ac-6c5d-4d0d-bd9f-ce2774c84ce7/eur250082013en.pdf (accessed 15 April 2014); PROASYL, Pushed Back: systematic human rights violations against refugees in the Aegean sea and at the Greek-Turkish land border, 7 November 2013, http://www.proasyl.de/fileadmin/fm-dam/l_EU_Fluechtlingspolitik/proasyl_pushed_back_24.01.14_a4.pdf (accessed 15 April 2014). Concerns have also been raised regarding access to the territory and asylum procedures in the Spanish enclaves of Ceuta and Melilla, where additional measures to dissuade entries over the fences and reinforced surveillance were introduced. See, inter alia: UNHCR recommendations concerning the situation of the international protection system in Ceuta and Melilla, developed alongside the Ministry of Interior in February 2014 (UNHCR input); Human Rights Watch, Abused and Expelled: Ill-treatment of Sub-Saharan African Migrants in Morocco, February 2014, http://www.hrw.org/sites/default/files/reports/morocco0214_For Upload_0.pdf (accessed 15 April 2014); Asociación Pro Derechos Humanos de Andalucía, Derechos Humanos en la Frontera Sur 2013, March 2013, http://www.aedh.eu/L-AEDH-in-the-report-Derechos.html (accessed 15 April 2014); the Ombudsman´s Office's annual report 2013, pp. 186-89, available at http://www.defensordelpueblo.es/es/Documentacion/Publicaciones/anual/index.html. Concerns were also raised regarding efforts by the Maltese government to push back migrants, which sparked critical reactions from, inter alia, the European Commission: http://europa.eu/rapid/press-release_MEMO-13-676_en.htm (accessed 15 April 2014) and UNHCR: http://www.unhcr.org.mt/news-and-views/press-releases/683-pr-access-to-asylum-must-be-ensured-unhcr-. Also, in Estonia access to territory and the asylum procedure for persons applying at external border crossing points (BCPs) remains of concern to UNHCR. The Estonian border authorities systematically reject, within the admissibility or accelerated procedure, asylum applications lodged by persons who have arrived to Estonia through the Russian Federation. Those refused admission do not have access to an effective remedy at the border and are returned to the Russian Federation within 48 hours (UNHCR input). The Committee Against Torture has also pointed out this gap in its recent Concluding Observations, which recommend that Estonia 'ensure that all persons seeking asylum in the State party, including at its border crossing points, enjoy all procedural guarantees, including the right to appeal negative decisions, as well as access to legal assistance and interpreters' and 'ensure that decisions concerning asylum, including under the accelerated procedure, are made by the Citizenship and Migration Board or a determining authority which meets relevant international criteria'. CAT/C/EST/CO/5, available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT/C/EST/CO/5&Lang=En. On the topic of access to international protection and sea borders, see also Fundamental Rights Agency, Fundamental rights at Europe's southern sea borders, August 2013, http://fra.europa.eu/sites/default/files/summary-fundamental-rights-southern-sea-borders_en.pdf (accessed 15 April 2014). Also noteworthy is the briefing paper prepared in December 2013 for the European Parliament by Dr Elspeth Guilt and Dr Violeta Moreno-Lax: Current Challenges for International Refugee Law, with a Focus on EU Policies and EU Co-operation with the UNCHR, EXPO/B/DROI/2012/15, http://www.europarl.europa.eu/RegData/etudes/note/join/2013/433711/EXPO-DROI_NT%282013%29433711_EN.pdf. Reports published on the issue of access to the territory in 2014 include: Human Rights Watch, Containment Plan. Bulgaria's Pushbacks and Detention of Syrian and Other Asylum Seekers and Migrants (29 April 2014), available at: http://www.hrw.org/reports/2014/04/28/containment-plan.

([239]) In 2013, UNHCR noted important improvements in a number of areas of the asylum system in Cyprus. For example, previous restrictions on access to asylum procedures for persons appearing at the Ledra Palace check point (buffer zone) have eased, thus ensuring compliance with the non-refoulement obligation. In Germany on 28 June 2013, the Federal Ministry of the Interior (MoI) lifted its previous internal instruction of 3 March 2006 relating to situations where third country nationals requested asylum from the Federal Police at the border or were picked up at/near the border by the Federal Police. The instructions had stipulated that in such cases and when there were indications that another Dublin state is responsible, an asylum request had to be submitted to the Federal Police, which would then decide on the 'entry' to, or the removal from, the territory; as a result, the BAMF did not formally open asylum procedure in these cases. According to the MoI, the aim of this instruction was to make sure that the persons concerned could be transferred to the MS responsible directly, in detention. In practice, these provisions were criticised for obstructing access to the asylum procedure and for automatically leading to the detention of asylum seekers in the respective cases. With the lifting of this instruction, access to the asylum procedure should now also be guaranteed for asylum seekers in such border situations and the detention of asylum seekers should be reduced. The instructions were also lifted in reaction to several administrative court decisions (e.g. Administrative Court Frankfurt/Oder, decision of 24.6.2013 — 1 L 179/13.A) (UNHCR Input). In Hungary, UNHCR noted improvements in 2013. Access to the territory was generally unhindered in 2013. The government maintained the 'open door' policy despite a significant increase in asylum applications (776 % increase, 18 900 applications compared to 2 157 in 2012), incl. 380 unaccompanied/separated minors (183 in 2012). The government handled the influx largely following UNHCR's 10-point plan (i.e. with a balance of security measures and compliance with human rights obligations) (UNHCR input).

([240]) Where simultaneous applications for international protection by a large number of third-country nationals or stateless persons make it very difficult in practice to respect this time limit, MS may establish provisions that extend that time limit to 10 working days (Article 6.5. recast APD).

([241]) Which may lead to lack of documentation and lack of access to reception conditions, for example in Bulgaria (UNHCR input)

In 2013, many MS instated monitoring mechanisms for such procedures, including joint projects with other stakeholders, such as civil society organisations and UNHCR ([242]).

In particular, UNHCR noted concerns regarding access to procedure by persons with no valid travel documents, who may be subjected to penalisation in breach of Article 31 of the Geneva Convention ([243]).

4.2. Access to information and legal assistance

Providing information on access to the asylum procedure at border crossing points and in detention facilities

The recast APD recognizes the importance of facilitating the access of persons who may be in need of international protection to examination procedures at border crossing points and in detention facilities by establishing an obligation for MS to ensure information on the possibility of applying is given to those persons ([244]). Article 8 regulates the scope of the information and counsel to be provided by the MS, including as much interpretation as necessary to facilitate access to the procedure. It also concerns access to applicants by organisations and persons (other than the authorities of the MS themselves) providing advice and counsel. This provision reflects the common practice across MS where civil society organisations are involved in a range of those activities.

In general, brochures and leaflets remain a popular means of providing information to applicants for international protection. In 2013, many MS (e.g. **Bulgaria**, **Hungary, Greece**) published new informational materials, updated the existing resources (e.g. the **United Kingdom, Croatia ([245])**) or translated those materials into foreign languages. Other means were also used in the process, such as audiovisual presentation (e.g. in **Malta**). Despite those efforts, challenges remained with regard to the practical accessibility of information for all applicants ([246]), particularly in the context of detention ([247]).

Providing legal and procedural information free of charge in procedures

The recast APD makes a clear distinction between free legal assistance which, under certain conditions, must be provided at the appeal stage (Article 20) and free legal and procedural information at the first instance stage (Article 19), which is information beyond that given in writing (Article 11(2) and 12(1)(f). The main purpose is to ensure that applicants are well-informed about the rights and obligations applicable to their specific case.

([242]) In Croatia, for example, over the course of 2013 phase III of the project 'Monitoring of the procedures used by the Ministry of the Interior police officers in the area of migration and asylum — border monitoring' was implemented. The partners in the implementation of this project phase were the Ministry of the Interior (MoI), the Croatian Law Centre (HPC) and the UNHCR. In previous phases of the project, no limitations or barriers to access to asylum procedure were recorded. Access to territory and the asylum procedure has improved in Latvia since a border monitoring agreement between the Latvian State Border Guard (SBG) and UNHCR was reached in 2011. Nevertheless, as highlighted in the first annual report submitted to the SBG in mid-2013, there are still a number of gaps, such as access to information about the Latvian asylum system at border-crossing points (BCPs), the availability of free legal aid and ensuring the right to effective remedy at the BCPs, the need to improve the conditions (access to healthcare, safeguards for use of disciplinary sanctions) in asylum seeker detention centres and the identification and treatment of applicants with specific needs. Also, UNHCR has received reports from the Ombudsman Office and NGOs about obstacles at some BCPs to accessing the territory and asylum procedure, mainly for Georgian applicants from Georgia who are generally considered by the SBG as having manifestly unfounded applications (UNHCR Input). In Lithuania, the recommendations contained in the first report published within the tripartite border monitoring MOU between the Lithuanian State Border Guards (SBG), UNHCR and the Lithuanian Red Cross Society (LRCS) continued to be implemented. The preliminary findings in the second border monitoring report were presented to the SBG. They contained recommendations on AGD-sensitive identification mechanisms and interviews, access to the procedure and legal advice for a/s in detention, humane reception conditions, and non-penalisation and detention for irregular entry pursuant to Article 31 in the 1951 Convention. In parallel, implementation of the border monitoring MOU continued in 2013, including seven monitoring visits to border crossing points by the LRCS; two seminars on access to territory and procedure, interviewing, and reception standards attended by 30 border officials from various border units and the Foreigners Registration Centre; and UNHCR's training of journalists to enhance public awareness and understanding (UNHCR input). Similar tri-partite joint border monitoring agreements between governments, NGOs and UNHCR exist and have been renewed for many years with other MS: Hungary, Romania, Slovenia, Poland, Bulgaria, Latvia, and Lithuania. In addition, UNHCR, IOM, NGOs and governmental partners have agreed on joint projects for improving initial reception/arrival support in Italy (Praesidium: http://www.unhcr.it/news/dir/168/view/1312/il-progetto-praesidium-131200.html) and Greece (New Arrival Intervention project: http://www.unhcr.gr/fileadmin/Greece/Extras/Factsheet/FACTSHEETGREECE0314EN.pdf) (UNHCR input).
([243]) UNHCR input.
([244]) Preamble Recital 28.
([245]) UNHCR input.
([246]) For example in Belgium, Bulgaria, Latvia, Lithuania, Spain (UNHCR input).
([247]) The UN Working Group on Arbitrary Detention, upon the conclusion of its visit to Hungary (23 September — 2 October 2013), highlighted that 'the problem relating to effective legal remedy is made worse by the severe lack of effective legal assistance to these vulnerable persons. Most of those that we interviewed stated that they did not have legal assistance and those that did have a lawyer stated that it was someone from a civil society organisation rather than the one provided by the government'. OHCHR Press Release, Hungary: UN experts concerned at overuse of detention and lack of effective legal assistance, 2 October 2013, available at http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13817&LangID=E.

Legal assistance

According to the current legal framework concerning the right to legal assistance and representation expressed in Article 15 of the Asylum Procedures Directive, MS are required to provide access to legal assistance to applicants for international protection. However they may limit its scope by providing assistance only in appeal procedures, only to applicants who lack sufficient resources, only via legal advisors or counsellors specifically designated by national law, or only if the appeal/review is likely to succeed. The flexibility of the legal framework results in a differing scope of state-sponsored free-of-charge legal assistance provided to applicants for international protection across MS.

The European Refugee Fund was a significant source of (co-)financing for programmes providing legal assistance to applicants for international protection (*inter alia,* in **Bulgaria, Estonia, Greece, Latvia, Portugal, Slovenia, etc.**). Civil society organisations often play a crucial role in providing free of charge legal information and assistance in cooperation with UNHCR. Civil society organisations may also be involved in a non-binding way in the procedure ([248]).

Legal aid may also be provided by specialised providers, appointed by the state, and the system used may depend on the stage of the procedure. For example, in **Slovakia**, the Legal Aid Centre provides legal assistance to persons in reception centres who were issued a negative decision. Effective 1 January 2013, only lawyers or the Legal Aid Centre may represent an applicant for asylum in the court procedure of appeal against decisions of the Migration Office. Representation in first-instance proceedings may be provided by civil society organisations or by the Legal Aid Centre.

The provision of free legal advice has been a subject of monitoring activities and projects by civil society organisations and UNHCR in **Austria** for example, where free legal advice is provided both during the initial admission procedure as well as in appeal procedures ([249]).

In the **United Kingdom,** legal aid reforms under the Legal Aid, Sentencing and Punishment of Offenders Act 2012 ([250]) came into effect in 2013. The changes did not affect the provision of legal aid for asylum applicants. However, the reforms resulted in the elimination of legal aid for family reunification and trafficking cases ([251]).

UNHCR has expressed concern about the lack of access to, or quality of, legal assistance in several MS ([252]).

([248]) E.g. in Portugal, the Portuguese Council for Refugees (CPR — Conselho Português para os Refugiados, an NGO that has an operational partnership agreement with UNHCR, financed by the Portuguese government) also plays an important role in this process, given that all asylum applications must be communicated to CPR once they are submitted. CPR may then contact applicants, provide legal advice, interview them and deliver a non-binding opinion on the merits of the asylum application.

([249]) After a pilot monitoring project during which about 50 counselling sessions were observed and interviews with about 30 applicants were conducted, UNHCR issued a report with its main findings and recommendations (www.unhcr.at/fileadmin/rechtsinfos/fluechtlingsrecht/4_oesterreich/4_2_asyl_positionen/4_2_4_positionen_ab_2011/UNHCR-Rechtsberatungs-Monitoring.pdf) as well as benchmarks for quality legal aid, which were developed as part of the project (pp. 56-57 of the report). Some concerns about the quality of the legal advice provided were also identified (UNHCR input).

([250]) UK Government, Legal Aid, Sentencing and Punishment of Offenders Act 2012, available at: http://www.legislation.gov.uk/ukpga/2012/10/schedule/1/enacted.

([251]) UNHCR input. Additionally, the UK government proposed further reforms which would introduce a requirement of 12 months of lawful residence in the UK before access to civil legal aid can be given to individuals. This would affect resettled refugees as well as those whose asylum applicant status ends, either though recognition as a refugee, the granting of complementary protection or rejection of their asylum application. Additionally, the government has proposed that legal aid for judicial review be removed for all actions undertaken prior to the granting of permission for judicial review. This could negatively impact a large number of persons of concern to UNHCR given evidence showing that the greatest number of judicial reviews between 2005 and 2011 were on asylum and immigration matters. UNHCR, Ministry of Justice Consultation on Transforming Legal Aid Response of the United Nations High Commissioner for Refugees (UNHCR), June 2013, available at: http://www.unhcr.org.uk/fileadmin/user_upload/pdf/UNHCR_Submission_to_the_Ministry_of_Justice_Consultation_on_Legal_Aid__June_2013_.pdf?_ga=1.26926973.1399042224.1387472800.

([252]) This is the case, e.g., in Cyprus, where according to UNHCR applicants for international protection experience difficulties accessing State legal aid schemes during the administrative stage of their refugee status determination process. Legal aid may be granted at the level of judicial review before the Supreme Court, which involves a 'means and merit' test — a challenging task for an asylum applicant not familiar with legal procedural standards (UNHCR input). In France, marked discrepancies exist between asylum seekers housed in asylum-specific reception centers (CADA) during their asylum procedures, which receive concomitant personalised social and administrative accompaniment, and other asylum seekers who are to rely upon limited legal services offered by the 'Plateformes d'accueil' (UNHCR input). In Malta, free legal aid is only available at second instance and access to this aid is negatively impacted by a lack of interpreting support (UNHCR input). In Poland, UNHCR remains concerned about access to legal assistance for asylum seekers, especially those in detention. As there is no state-organised system of free legal aid in such cases, the major burden rests on NGOs. They are, however, dependent on financial grants provided usually on a yearly basis by, inter alia, the European Refugee Fund, which limits the scope of assistance provided. Only a few NGOs travel to the detention facilities, and only one does so on a regular basis. This situation may hamper especially vulnerable groups, including women, who face additional difficulties in accessing the services. Authorities stated that they would introduce a system of free legal assistance for asylum seekers with financing secured from AMIF in 2015 (UNHCR input). UNHCR input on Portugal mentions the lack of expertise of legal representatives and consequent poor quality of appeals (UNHCR input). In Sweden, a new system of distributing cases currently being rolled out by the Swedish Migration Board, the authority in charge of administering legal aid to asylum seekers, has been met with stark criticisms from asylum lawyers for being based solely on a system of equitable distribution of cases to all lawyers registered with the SMB, with no regard being

Changes regarding provision of legal assistance in MS

Changes in procedures due to developments in legislation in 2013 resulted in an increased need for legal assistance. In **Ireland**, for example, additional funding has been provided to the Refugee Legal Service to support the provision of legal advice to subsidiary protection applicants before the interview (the application processes for Geneva and subsidiary protection are separate in Ireland). In **Denmark,** applicants for international protection who filed a complaint about being transferred under the Dublin III Regulation were provided with access to legal aid in filing the complaint ([253]). In **Croatia**, access to the system of legal aid ([254]) has been extended under an Agreement signed by the Ministry of the Interior and the Legal Clinic of the University of Law in Zagreb, which provides counsel to asylum seekers. Croatian law also stipulates that an applicant for international protection has access to free legal aid during court procedure ([255]). Similarly, rising numbers of applicants may require additional resources to be deployed. This is the case in **Hungary,** where — as of 1 January 2013 — a new free legal assistance service was launched in all reception centres, in cooperation with civil society organisations. In **Finland**, at the beginning of 2013 the task of administrating legal aid to asylum seekers was transferred from reception centres to legal aid offices ([256]). In **Belgium**, plans for reforming legal aid were put on hold after the Council of State's negative advice in June 2013 ([257]).

4.3. Providing interpretation services

The current legal framework of the APD guarantees the provision of interpretation services to asylum applicants to the extent outlined in Article 10. The duty of MS to provide interpretation services during the asylum process includes: providing information regarding the basic features of the asylum process ([258]) in a language that the asylum applicant may reasonably be supposed to understand; services of an interpreter for submitting their case to the competent authorities whenever necessary (but at least during the personal interview if needed to ensure proper communication) and providing information to the applicant on the result of the decision and how to challenge a negative decision in a language that they may reasonably be supposed to understand (unless the applicant is assisted or represented by a legal adviser or other counsellor and when free legal assistance is not available).

The recast APD adds additional requirements for the MS to ensure that arrangements for interpreting services are in place to the extent necessary to facilitate access to the asylum procedure at the detention facilities and border crossing points where indications show that third-country nationals or stateless persons held or present there may wish to make an application for international protection (Article 8.1). Also, Article 46.7 emphasises the importance of ensuring the interpreting services necessary for preparing and submitting the request for suspensive effect to the court in the border procedure ([259]). According to Article 15.3 (c) of the recast APD, a personal interview is to be provided in a language preferred by the applicant unless there is another language the applicant understands and is able to use to communicate clearly. Also, according to Article 17.3, MS shall ensure that applicants are fully informed of the content of the report/substantive elements of transcript of their personal interview, with interpreting services if necessary.

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paid to the qualifications or suitability of the particular lawyer assigned to a case (UNHCR input). In Belgium, UNHCR is concerned that the quality of legal assistance varies greatly from one lawyer to another. Not all asylum seekers can count on advisers specialised in aliens law and refugee law. The limited access to quality legal aid is particularly worrying for asylum seekers who are detained, as well as for asylum seekers who have specific needs. Some initiatives, such as a legal 'permanence', enabling immediate access to legal aid in one of the closed centres, could be evaluated and, depending on the results of the evaluation, expanded to other centres (UNHCR input). Similar concerns were also raised regarding Germany, Hungary, Slovakia, Slovenia and Spain (UNHCR input).

([253]) By amendments to the Aliens Act adopted by the Danish Parliament (Act no. 1619 of 26 December 2013)

([254]) Since the Croatian asylum system was formed, legal aid at the first instance has been provided to asylum seekers by a non-governmental organisation (the Croatian Law Centre). Croatian law also stipulates that an asylum seeker has access to free legal aid during court procedure.

([255]) The legal aid provided by the State has been established in Article 34 of the Asylum Act as a separate institute. It comprises assistance in preparing an appeal and representation before an administrative court. The legal aid is provided by solicitor or counsellor from the associations registered for granting legal aid within the ministry responsible for the administration of justice. The right to legal aid may be exercised by an applicant who does not possess sufficient means of subsistence or some other valuables. The legal aid is granted upon an asylum seeker's request and the costs thereof are born by the Ministry of the Interior. Where an asylum seeker possesses sufficient means of subsistence or some other valuables, an administrative court may rule that the costs of legal aid be borne by applicant.

([256]) Ministry of Justice: http://oikeusministerio.fi/fi/index/ajankohtaista/tiedotteet/2012/12/6DC9EHt4A.html (link in Finnish)

([257]) UNHCR input.

([258]) The procedure to be followed, the applicant's rights and obligations during the procedure, the possible consequences of not complying with those obligations and not cooperating with the authorities, the time-frame, as well as the means at the applicant's disposal for fulfilling the obligation to submit the elements needed to substantiate their application for international protection.

([259]) All applicants to making an appeal, and if needed, a request for suspensive effect must be guaranteed interpreting services (otherwise the right is not effective; furthermore, Art 12(1)(b) refers to the need for interpreting services for submitting the case to the competent authorities (i.e., also courts, not just the authority determining the asylum status))

All of the aforementioned amendments to the APD point to the importance of interpreting services in ensuring communication between the applicant and the authorities in the asylum process, including the application, examination and appeal stages.

As for legal information and assistance, in 2013, the ERF continued to be an important financing tool for providing interpreting services in the MS. For example in **Italy**, additional resources were allocated under the ERF 2013 Annual Program to strengthen translation and interpreting services in the territorial commissions ([260]). In the **Netherlands**, the TVcN (*Tolk- and Vertaalcentrum Nederland*) arranges interpreting and translation services in more than 130 different languages. The availability of interpreters may also pose a challenge to the asylum authorities ([261]). Challenges were also noted by UNHCR ([262]) with regard to lack of standardised training and accreditation for interpreters working on asylum procedures, e.g. in **Bulgaria**, **Czech Republic**, **Germany**, **Romania,** as well as with regard to the availability of interpretation services at the border (e.g. in **Bulgaria, Croatia, Romania**).

EASO's list of available languages

EASO coordinates the provision of available languages in different MS. This is done through EASO a List of Available Languages (LAL) collated by EASO, which includes all languages generally available for direct translation from a given foreign language to the mother tongue of the MS.

In April 2013, the list of available languages was updated and made available to the MS. In the last quarter of 2013, EASO provided contacts for two MS — Greece and Cyprus — in need to interpretation services for languages not available in their own administrations. Contacts were established but practical constraints did not allow the provision of the requested services.

4.4. Dublin procedure

The Common European Asylum System is based on the principle of one MS being responsible for the determination of a claim for international protection.

Information provided in this section is based on EU level legislation and MS practices in effect in 2013, as governed by the Dublin II Regulation ([263]), the European Commission Regulation laying down detailed rules for the application of the Dublin Regulation ([264]) and the Eurodac Regulation ([265]). For information on the recasting of the legal instruments of the Dublin system, see section 3.1.1.

Until the end of 2013 the criteria for establishing which MS is responsible were set forth in the Dublin II Regulation ([266]). The criteria for determining responsibility set out in Articles 6-14 are to be applied on the basis of the situation existing when the asylum seeker first lodged his or her application with a MS and in the following order: principle of family unity ([267]), issuance of residence permits or visas ([268]), illegal entry or

([260]) Inter alia, decisions and terms and modes of appeal were translated into English, Spanish, French and Arabic.
([261]) Greece, for instance, faced challenges in this regard, cf. https://www.unhcr.gr/fileadmin/Greece/News/2013/PCjuly/Greece_Positions_July_2013_EN.pdf.
([262]) UNHCR input.
([263]) Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the MS responsible for examining an asylum application lodged in one of the MS by a third-country national http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:050:0001:0010:EN:PDF.
([264]) Commission Regulation (EC) No 1560/2003 of 2 September 2003, laying down detailed rules for applying Council Regulation (EC) No 343/2003 establishing the criteria and mechanisms for determining the MS responsible for examining an asylum application lodged in one of the MS by a third-country national http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003R1560:en:PDF
([265]) Council Regulation (EC) No 2725/2000 of 11 December 2000 concerning the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32000R2725.
([266]) Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the MS responsible for examining an asylum application lodged in one of the MS by a third-country national http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:050:0001:0010:EN:PDF.
([267]) When the asylum seeker is an unaccompanied minor, the MS responsible for examining his or her application is the MS in which a member of his/her family is legally present, provided that this is in the best interest of the minor. In the absence of a family member, the MS responsible is the one in which the minor has lodged his or her application for asylum. For adults, the MS in which the asylum seeker has a family member who has been allowed to reside as a refugee or who is in the midst of an application process will be responsible for examining the asylum application, provided that the person concerned so desires. In addition, asylum applications submitted simultaneously or within a short interval of time by several family members can be examined together.
([268]) When the asylum seeker possesses a valid residence document or visa, the MS that issued it will be responsible for examining the asylum application. When the asylum seeker possesses more than one valid residence document or visa issued by different MS, responsibility for examining the asylum application will be assumed by the MS that issued the residence document conferring the right to the longest period of residency. The same rules apply when the asylum seeker is in possession of one or more residence documents that expired no more than two years earlier or one or more visas that expired no more than six months earlier, but where the asylum seeker has not left the territories of MS.

stay in a MS ([269]), legal entry to a MS ([270]), and application in an international transit area of an airport ([271]). If no MS can be designated on the basis of the criteria listed, the first MS with which the asylum application was lodged will be responsible for examining it.

By way of derogation from those criteria, as set forth in Article 3.2 of the Dublin II Regulation, any MS may at its own discretion decide to examine an asylum application under discretionary clauses even if such examination is not its responsibility.

Once an application is made in any MS, if this MS deems that another MS is responsible, it can call on that MS with a 'take back' ([272]) or a 'take charge' ([273]) request, depending on the circumstances of the case. In both instances, such a request to take charge or to take back should provide all the information necessary for determining whether it is actually responsible to the MS to which the request was made. The rules concerning making requests and subsequent transfers are laid down in the Regulation ([274]).

When the State to which the request was made takes charge of or takes back the person concerned, a reasoned decision stating that the application is inadmissible in the State in which it was lodged and that the obligation exists to transfer the asylum seeker to the MS responsible is sent to the applicant. The transfer can be then made on the basis of that decision.

ECRE, together with Forum réfugiés-Cosi and the Hungarian Helsinki Committee, published the report '*Dublin II Regulation. Lives on Hold. European Comparative Report' ([275])* in February 2013, which concluded that practice regarding Dublin procedures across EU is characterised by significant differences between MS as well as prolonged waiting times for decision and transfer of applicants. It also commented on the lack of uniform practices regarding reporting statistical data and interpreting legal notions (in particular sovereignty clauses); however, good communication and administrative cooperation between MS was recognised.

The complexity and importance of Dublin procedures was also underscored by the fact that the Court of Justice of the European Union ruled on four cases in 2013 concerning systemic deficiencies in a MSs asylum system preventing a Dublin transfer to that MS, the rights of unaccompanied minors in a Dublin procedure and practical application of the humanitarian clause of the Dublin Regulation.

In the Abdullahi (C-394/12) ([276]) case, the Court stated that Art. 19(2) of Dublin II must be interpreted as meaning that, in circumstances where a MS has agreed to take charge of an applicant for asylum on the basis of the criterion laid down in Art. 10(1) of that regulation — namely, as the MS of first entry of the applicant for asylum into the EU — the only way in which the applicant for asylum can call into question the choice of that criterion is by pleading systemic deficiencies in the asylum procedure and in the asylum applicant reception conditions in that MS, providing substantial grounds for believing that the applicant for asylum would face a real risk of being subjected to inhumane or degrading treatment within the meaning of Art. 4 of the Charter (of FREU).

([269]) When the asylum seeker has irregularly crossed the border into a MS, that MS will be responsible for examining the asylum application. This responsibility ceases 12 months after the date on which the border has been illegally crossed. When the asylum seeker has been living for a continuous period of at least five months in a MS before lodging his/her asylum application, that MS becomes responsible for examining the application. When the applicant has been living for a period of at least five months in several MS, the MS where he/she lived most recently shall be responsible for examining the application.
([270]) When a third-country national applies for asylum in a MS where he/she is not subject to a visa requirement, that MS will be responsible for examining the asylum application.
([271]) When a third-country national applies for asylum in an international transit area of an airport of a MS, that MS shall be responsible for examining the application.
([272]) 'Take charge' requests concern cases where a state requests that another state take responsibility for an asylum application even though the applicant in question has not previously submitted an application in the other State, but where there are specific circumstances indicating that the requested state would be best placed to deal with the case, e.g. due to family unity reasons or where the other State has previously issued a work permit to the applicant. This includes cases in which a MS where an application has been lodged approaches other MS on the basis of discretionary clauses of Article 17 of the Dublin regulation to take charge of an applicant (to reunite family members or on humanitarian grounds comprising family or cultural considerations), provided that the persons concerned consents.
([273]) 'Take back' requests concern asylum applications where a State requests another State to take responsibility for applicant because the person has previously made an asylum application in the requested State.
([274]) Commission Regulation (EC) No 1560/2003 of 2 September 2003 establishing detailed rules for applying Council Regulation (EC) No 343/2003 establishing the criteria and mechanisms for determining the MS responsible for examining an asylum application lodged in one of the MS by a third-country national http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003R1560:en:PDF.
([275]) http://www.dublin-project.eu/dublin/Dublin-Project/Dublin-Project-Part-II.
([276]) CJEU C-394/12, Abdullahi, [10 December 2013] ref. from 'Asylgerichtshof' (Austria).

In the ***Puid*** (C-4/11) ([277]) case, the Court stated that when the MS cannot be unaware that systemic deficiencies in the asylum procedure and in the asylum seekers reception conditions in the MS initially identified as responsible in accordance with the criteria (set out in Chapter III) of the Dublin II Regulation exist, which is a matter for the referring court to verify, the MS determining the responsible MS is required not to transfer the asylum seeker to the MS initially identified as responsible and, subject to the exercise of the right to examine the application itself, to continue to examine the criteria set out in that chapter in order to establish whether another MS can be identified as responsible in accordance with one of those criteria or, if it cannot, under Art. 13 of the Regulation. Conversely, if it is found in such a situation that it is impossible to transfer an asylum seeker to the MS initially identified as responsible, that in itself mean that the MS determining the MS responsible is required itself, under Art. 3(2) of Dublin II, to examine the application for asylum. The Court also decided that systematic deficiencies in a country's asylum procedure and residence conditions do not generate an individual right to demand that another MS of the Dublin II Regulation assume responsibility for the applicant's case in accordance with Article 3 (2) of the Dublin II Regulation. The MS is prohibited, though, from transferring the applicant to this country when his health and livelihood would be in jeopardy due to said systematic deficiencies.

In the case **M.A.** (C-648/11) ([278]), the Court stated that fundamental rights include, in particular, those set out in Art. 24(2) of the Charter, whereby in all actions relating to children, whether taken by public authorities or private institutions, the child's best interests are to be a primary consideration. The second paragraph of Art. 6 Dublin II cannot be interpreted in any way that disregards that fundamental right. Consequently, although express mention of the best interest of the minor is made only in the first paragraph of Art. 6, the effect of Art. 24(2) of the Charter, in conjunction with Art. 51(1) thereof, is that the child's best interests must also be a primary consideration in all decisions adopted by the MS on the basis of the second paragraph of Art. 6. Thus, Art. 6 must be interpreted as meaning that, in circumstances such as those of the main proceedings, where an unaccompanied minor with no family member legally present in the territory of MS has lodged asylum applications in more than one MS, the MS in which that minor is present after having lodged an asylum application there is to be designated the 'responsible MS. This does not imply, however, that an unaccompanied minor whose application has been rejected by a first MS can subsequently compel another MS to deal with his or her application. When the application has already been rejected as inadmissible by the first state, the MS in question does not have to again verify whether the applicant is a refugee.

In the ***Halaf*** (C-528/11) ([279]) case, the Court stated that Art. 3(2) must be interpreted as permitting a MS, which is not indicated as 'responsible', to examine an application for asylum even though no circumstances exist which establish the applicability of the humanitarian clause in Article 15. That possibility is not conditional on the MS responsible under those criteria having failed to respond to a request to take back the asylum seeker concerned. The MS in which the asylum seeker is present is not obligated, during the process of determining the MS responsible, to request that UNHCR present its views when it is apparent from the UNHCR's documents that the MS indicated as 'responsible' is in violation of the rules of European Union law on asylum.

The Dublin Regulation was also analysed by the European Court of Human Rights in the context of the mistreatment threshold, which would prevent an intended Dublin transfer under Article 3 of the European Convention of Human Rights on torture or inhumane or degrading treatment or punishment.

In the case **Mohammed Hussein et al. v the Netherlands and Italy** ([280]), the ECtHR reiterated that in the absence of exceptionally compelling humanitarian grounds standing in the way of removal, a reduction in material and social living conditions upon removal from a Contracting State was not sufficient in itself to amount to a breach of Article 3.

While the general situation and living conditions of asylum seekers, accepted refugees and other persons granted residence for international protection in Italy may display some shortcomings, the Court held that it had not been shown to display a systemic failure to provide support or facilities catering to asylum seekers as members of a particularly vulnerable group as was the case in M.S.S. v. Belgium and Greece ([281]). As the applicant failed to show that she and her children would not benefit from the same support again if returned to Italy, her complaints under ECtHR Art. 3 against Italy and the Netherlands were considered manifestly unfounded, and therefore inadmissible.

([277]) CJEU C-4/11, Puid, [14 November 2013] ref. from 'Hessischer Verwaltungsgerichtshof' (Germany).
([278]) CJEU C-648/11, M.A., [6 June 2013] ref. from 'Court of Appeal (England & Wales)' (UK).
([279]) CJEU C-528/11, Halaf, [6 June 2013] ref. from 'Administrativen sad Sofia-grad' (Bulgaria) 12.10.2011.
([280]) ECtHR Case Mohamed Hussein and others v Netherlands and Italy (Application No 27725/10, judgment issued on 2 April 2013.
([281]) ECtHR Case M.S.S v Belgium and Greece (Application No 30696/09), judgment issued on 21 January 2013.

4.5. Specific procedures: sdmissibility, border and accelerated procedures

According to the old APD, in line with Article 23.4, examination procedures at first instance can also be conducted in an accelerated or prioritised manner in specific circumstances ([282]) if they remain in accordance with the basic principles and guarantees of the asylum process. In addition, in line with Article 24, specific procedures can be put in place by MS for the purpose of preliminary examinations of cases considered as subsequent applications (Articles 32-34 APD) and cases considered within the framework of border procedures (Article 35 APD). In the case of those specific 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 MS prior to a decision on the entry of the applicant. In line with the recast APD, MS have the possibility to conduct admissibility procedures in those areas to establish whether an application is admissible and whether the merits of the claim should be given further deliberation. MS also have the possibility to conduct substantive examination procedures at the border or in the transit zone ([283]). In addition to regular substantive examination procedure, where the merits of the application in terms of international protection are determined to established whether a form of protection should be granted, the new EU asylum *acquis* significantly clarifies and strengthens the different procedural modes under 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 modality (*i.e.*, lack of automatic suspensive effect). Those procedural modalities are:

- *admissibility procedures* –MS may decide under certain clearly defined circumstances whether the case is admissible, and the protection merits of the application will be further examined only if that is the case;
- *border procedures* — MS may decide at the border/transit zones to examine the admissibility of the claims/their substance before granting the right to enter the territory (however, if no decision is made within 4 weeks, the applicant must be granted the right to enter the territory and have his/her claim processed from within the territory). Under the recast Directive, MS will only be able to apply border procedures in circumstances for which one or more of a limited and clearly defined number of grounds apply (as opposed to the current non-exhaustive list of grounds);
- *accelerated procedures* — the timelines for processing the case, i.e. a shorter deadline for reaching the decision at the administrative stage of the procedure and a shorter deadline for filing 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 deviating from normally applicable procedural time limits, principles and guarantees.

([282]) (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 MS 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 non-MS country 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 statements 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 present 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 20(1) of this Directive; or (l) the applicant entered the territory of the MS 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 MS, or the applicant has been forcibly expelled for serious public security and public order reasons 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.

([283]) Recast APD preamble Recital 38.

In the case H.I.D. (CJEU C-175/11), the Court of Justice stated that Article 23(3) and (4) of the current ADP must be interpreted as not precluding a MS from examining by way of prioritised or accelerated procedure, in compliance with the basic principles and guarantees set out in Chapter II of the Directive, certain categories of asylum applications defined on the basis of the criterion of the nationality or country of origin of the applicant ([284]). However, Article 31.8 of the recast APD, which was adopted after this ruling was issued, has now established an exhaustive list of well-defined circumstances where the examination procedure can be accelerated and/or conducted at the border or in transit zones . ([285])

It should be noted that procedures set forth in the national legal frameworks may combine some of the features listed above, e.g. border procedures can be used for the purpose of an admissibility procedure or for the purpose of a full examination procedure. Up to now, there has been no EU-wide regular data collection on the procedural mode used by the MS to arrive at a particular decision. However, such collection was launched by EASO as of 1 April 2014 (concerning data as of 1 March 2014). In line with the setup of the collection, MS will from that date report on a monthly basis the number of decisions issued at first instance, disaggregated by type of procedure (normal, border, admissibility, accelerated).

In 2013, developments in the MS regarding procedural modes mainly had to do with the issue of subsequent applications and accelerated procedures. As mentioned above in section 3.2.5.1. on integrity, if a subsequent application is submitted after a final decision has been reached on a previous application, MS employ specific measures to verify whether the subsequent application contains new facts or is merely a repetition of a previous claim and as such could be declared inadmissible ([286]).

4.6. Reception of applicants for international protection

According to the current legislative framework outlined in the RCD, applicants should be offered an equivalent level of treatment with regard to reception conditions in all MS. 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. This also prevents secondary movement of asylum applicants among MS in an attempt to reach MS which offer better reception conditions. The recast RCD's objective is to ensure adequate and comparable reception conditions throughout the EU.

([284]) This judgement interpreted the current Directive and will no longer be valid (regarding this specific point) in relation to the recast Directive (which, unlike the current Directive, includes an exhaustive list of grounds).

([285]) (a) the applicant, in submitting his or her application and presenting the facts, has only raised issues not relevant to the examination of whether he or she qualifies as a beneficiary of international protection by virtue of Directive 2011/95/EU; or (b) the applicant is from a safe country of origin within the meaning of this Directive; or (c) the applicant has misled the authorities by presenting false information or documents or by withholding relevant information or documents with respect to his or her identity and/or nationality that could have had a negative impact on the decision; or (d) it is likely that, in bad faith, the applicant has destroyed or disposed of an identity or travel document that would have helped establish his or her identity or nationality; or (e) the applicant has made clearly inconsistent and contradictory, clearly false or obviously improbable statements which contradict sufficiently verified country-of-origin information, thus making his or her claim clearly unconvincing in relation to whether he or she qualifies as a beneficiary of international protection by virtue of Directive 2011/95/EU; or (f) the applicant has introduced a subsequent application for international protection that is not inadmissible in accordance with Article 40(5); or (g) the applicant is making an application merely in order to delay or frustrate the enforcement of an earlier or imminent decision which would result in his or her removal; or (h) the applicant entered the territory of the MS unlawfully or prolonged his or her stay unlawfully and, without good reason, has either not presented himself/herself to the authorities or not made an application for international protection as soon as possible, given the circumstances of his or her entry; or (i) the applicant refuses to comply with an obligation to have his or her fingerprints taken in accordance with Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013 on the establishment of Eurodac for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the MS responsible for examining an application for international protection lodged in one of the MS by a third-country national or a stateless person and on requests for the comparison with Eurodac data by MS law enforcement authorities and Europol for law enforcement purposes (12); or the applicant may, for serious reasons, be considered a danger to the national security or public order of the MS, or the applicant has been forcibly expelled for serious public security or public order reasons under national law.

([286]) In Belgium, the responsibility to assess new facts and circumstances presented by the asylum seeker during a subsequent application has since September 2013 been shifted from the Immigration Office to the asylum authority (CGRS). Similarly, in Cyprus, the latest legislative amendment of the Refugee Law (1/2/2013) has set out the criteria establishing which authority is responsible for the examination of subsequent applications (the Asylum Service or the Refugee Reviewing Authority). Also, in Croatia admissibility procedures are now used to process subsequent applications and not accelerated procedures as it was the case before. In Latvia amendments to the Asylum Law reduce the time period for examining applications in an accelerated procedure (at first instance) from 10 working days to 5 working days (time limits for court adjudications have not changed). In practice, the accelerated procedure is applied very rarely. In the United Kingdom guidance clarifying the criteria for entry into the Detained Fast Track process was updated in 2013 and improvements were made to the screening process. The Asylum Act in Portugal establishes an admissibility stage of the asylum procedure with a broad range of grounds on which an asylum application can be considered inadmissible. UNHCR noted continuing concerns with regard to the admissibility stage of the asylum procedure, including its length and the legal status of asylum seekers appealing against a non-admissibility decision (UNHCR input) In Estonia, as noted by UNHCR, the current wording of Article 20 and Article 21(1) in the Act on Granting International Protection to Aliens (AGIPA) mix the grounds for channelling an asylum application through the admissibility procedure with the grounds for rejecting a claim (in the accelerated procedure) on its merits (UNHCR Input). UNHCR also noted concerns regarding accelerated procedures in France (UNHCR input).

MS reception systems vary greatly. In addition, in some MS the responsibility for reception conditions in the context of international protection is not centralised, but remains at the regional level, leading to further differences. As part of its 2013 work plan, the European Migration Network finalised a study (published in 2014) '*The Organisation of Reception Facilities for Asylum Seekers in different MS. European Migration Network Study 2014' (*[287]*)* analysing this situation in 24 MS.

Many MS undertook multiple initiatives to improve reception conditions throughout 2013. However despite such projects, reception conditions and social rights accorded to applicants for international protection in the MS continued to be an object of concern for civil society organisations and UNHCR ([288]).

Coordination measures

A new working group of the Federal Government-Province Coordination Council was established in 2013 in order to work on common quality criteria for reception facilities across **Austria ([289])**. In **Belgium**, *Fedasil* ended the crisis-management mode and all aspects related to asylum, reception and return were brought under the

([287]) European Migration Network, The Organisation of Reception Facilities for Asylum Seekers in different MS. European Migration Network Study 2014, http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european%20migration%20_network/reports/docs/emn-studies/emn_second_focussedstudy2013_oganisation_of_reception_facilities_final_version_28feb2014.pdf.

([288]) For a description of reception systems in the EU, including challenges raised by civil society and UNHCR, see the ECRE AIDA project, http://www.asylumineurope.org/. UNHCR input to the Annual Report 2013 included a high number of country-specific examples of challenges in the reception field. In addition to the examples of Belgium and Estonia given earlier in this section, and concerns mentioned in previous sections regarding reception conditions in Greece and Bulgaria, a non-exhaustive set of examples in other MS can be mentioned: In Cyprus, at the beginning of 2013, there were 2 580 applicants for international protection awaiting a decision both at the Asylum Service and the Refugee Reviewing Authority. Due to the closure of two out of the three reception centres for asylum seekers (temporarily organised with ERF funding in private hotels) in 2013, the total reception capacity fell to 80 persons. The government plans to increase capacity to 400 persons by September 2014. UNHCR expressed concerns about the reduction of financial allowances, limited material support and access to medical care (UNHCR input). Concerns regarding reception conditions in Croatia were raised by the Jesuit Refugee Service Europe: http://www.jrseurope.org/news_releases/Balkanspressrelease2013.htm. PRO ASYL released criticisms of social support for asylum seekers in Germany: http://www.proasyl.de/fileadmin/fm-dam/o_Rechtspolitik/PROASYL_AsylbLG_BMAS_Januar_2013.pdf. Initial findings compiled by UNHCR as part of a study on reception conditions for asylum seekers in Germany reveal a very mixed picture of the reception facilities. While some reception centres are kept in quite good repair, a significant number of initial reception centres are in a bad state of repair and maintenance, aggravated by the fact that many of the reception facilities are overcrowded. This phenomenon is mainly attributable to high number of new arrivals in Germany, but is also partly also a consequence of generally inaccurate assumptions by the federal states and municipalities underlying projections of numbers of asylum seekers. In addition, the remote geographical location of some of the initial reception centres, but especially of many of the facilities used as subsequent accommodation prevents a significant number of asylum seekers from claiming basic services, maintaining contacts with their communities and participating in social life and renders their access to healthcare, legal and social counselling rather difficult (UNHCR input). In Portugal, asylum seekers' access to healthcare continued to be a concern in 2013. Asylum seekers are no longer granted free access to primary and emergency healthcare in Portugal but are required to pay taxes (taxas moderadoras) as is the case with national citizens. The legal and practical inability of asylum seekers in the admissibility stage to register with Social Security and thus be granted a social security identification number (NISS) has prompted healthcare providers to charge asylum seekers for the full cost of healthcare, thus rendering access to the National Health Service impossible without financial support from organisations such as the Portuguese Refugee Council (CPR) (UNHCR input). In Romania, while certain aspects of reception conditions improved compared to preceding years, UNHCR remains concerned that the monthly allowance for food and other goods remains insufficient to meet the basic needs of asylum seekers, particularly asylum seekers with special needs or vulnerabilities (UNHCR input). In France marked discrepancies exist between asylum seekers accommodated in dedicated reception centers (CADA) throughout/upon their asylum procedures, which receive concomitant personalised social and administrative accompaniment, and other asylum seekers who are to rely upon limited legal services offered by the 'Platformes d'accueil'. The major crisis of the national accommodation scheme for asylum seekers (Dispositive national d'accueil) continued. In 2013, CADA only received about one third of all asylum seekers. While the number of slots in CADA increased from 4 500 in 2002 to 23 503 in 2013, they remain insufficient in light of the scale of pressing needs. However, the creation of an additional 2 000 slots scheduled for 2014/2015 (which is welcomed by UNHCR) constitutes both a significant increase and notable engagement, particularly against the backdrop of the prevailing adverse economic situation. Overall, the increase in the percentage of families and the longer duration of stay constitute two important reasons for this bottleneck. This crisis also hit the corollary scheme of emergency shelters which has, for lack of sufficient CADA slots, eventually become the principal accommodation mode, though it is well-suited and prone to incurring increased expenses related to the CADA scheme. These shortcomings are partly (but only to a very limited extent) remedied by NGOs and civil society (UNHCR Input). Italy needs a comprehensive reform of the reception system as it continues to lack a consolidated and coordinated national reception system as well as a coherent contingency/emergency plan in order to tackle emergency situations related to the sudden influx of mixed migratory flows. Government centres for asylum seekers (CARAs) remained largely overcrowded and the MoI struggled to identify spaces to accommodate newly arrived asylum seekers. The enlargement of the SPRAR network and the opening of new emergency facilities by the prefectures, especially in Sicily, Calabria and Apulia, did not keep pace with the increasing reception needs. Moreover, reception conditions in most of these facilities fell short of adequate standards. On a number of occasions asylum seekers, including Dublin returnees, did not have immediate access to reception measures when they applied for international protection, but instead received it weeks or months later, a violation of Article 13 par. 1 of Council Directive 2003/9/EC of 27 January 2003, which establishes minimum standards for the reception of asylum seekers. The delays are the result of structural gaps in the existing reception system and a lack of capacity, slow administrative procedures and delays in the registration of the asylum applications (UNHCR input).

([289]) In 2013, UNHCR visited 41 facilities in all nine Austrian provinces and interviewed more than 250 asylum seekers as well as about 40 owners of reception facilities. In addition to good practices, UNHCR identified a number of deficiencies, in particular with respect to hygienic conditions, furnishing, food, privacy, and the treatment of asylum seekers. A working group with representatives from five provinces was established with the aim of setting up quality standards for material reception conditions. At the end of 2013, a draft version of these standards was published, which, if adopted as such, would constitute a step toward ensuring quality accommodations and support for asylum seekers in Austria. In 2013, also other institutions dealt with the issue of quality of reception conditions in certain facilities and made their findings available to the public, cf. Journalist platform Dossier (www.dossier.at); Ombudsman (www.volksanwaltschaft.gv.at/aktuelles/news/maengel-in-asylunterkuenften-im-burgenland, www.volksanwaltschaft.gv.at/aktuelles/news/missstaende-in-kaerntner-fluechtlingsunterkuenften; Austrian Court of Audit (www.rechnungshof.gv.at/fileadmin/downloads/2013/berichte/berichte_bund/Bund_2013_03.pdf). During a session of the Coordination Council in January 2014, the federal government and 7 out of 9 provinces adopted the aforementioned quality standards for material reception conditions and declared them to be binding for the agreeing parties.

supervision of a single state secretary ([290]). In **Italy** the Ministry of Interior set-up a pilot monitoring scheme on reception centres for asylum seekers ([291]).

New and moved reception facilities

In **Bulgaria** new accommodation facilities for around 3 000 persons were opened. In 2013 **Croatia** established a new asylum reception centre for asylum seekers in Zagreb ([292]). In April 2013 in **Estonia** the Illuka Reception Center for Asylum Seekers ceased to be a state agency administered by the Ministry of Social Affairs, and instead a contract was established with a public enterprise *AS Hoolekandeteenused* to provide reception centre services in the village of Vao ([293]). On 1 October 2013 a detention centre was also established in **Estonia**, operating jointly as an initial reception and expulsion centre (administrated by the Ministry of Internal Affairs), allowing for the detention of asylum seekers for initial procedures or if such measures are necessary for upholding public order or protecting national security. There are further plans to establish a joint detention centre at Tallinn Prison, which raised concerns from UNHCR ([294]). France has decided to increase its dedicated accommodation capacity by 4 000 places, 2 000 of which were opened in 2013. A new open reception centre with a capacity of 216 persons and with special facilities for families was opened in Vámosszabadi in **Hungary**.

New rules on providing reception

In **Hungary**, the system of rules concerning providing reception were amended, with an emphasis on rules for withdrawing reception ([295]). In **Greece** new rules regarding first reception were introduced, with a special emphasis on identifying vulnerable caseloads**.** In **Latvia**, the national Asylum Law was supplemented with the condition that asylum seekers can be accommodated outside the accommodation centre for asylum seekers, if capacity is exceeded and the living conditions requirements defined in the Asylum Law are met.

Access to the labour market

As of 6 September 2013, after nine months of residence in **Germany** applicants for asylum may start working with the authorisation of the Federal Employment Agency ([296]). Improvements are also envisaged regarding the freedom of movement of asylum applicants while in reception ([297]). As of 1 July 2013, in **Hungary** applicants for international protection were entitled to work within the reception centre within nine months of the submission of the application, and longer according to the general rules applicable to foreigners.

In **Austria** in March 2013, the Federal Ministry of Labour, Social Affairs and Consumer Protection (FMLSC) issued a decree allowing asylum seekers up to the age of 25 to take up vocational training in occupations with a shortage of apprentices.

([290]) This was done in order to facilitate cooperation and coordination between policy-makers, Fedasil, the CGRS and the Immigration Office ('chain management') and to focus more on quality, individual needs and fully respecting the standards established in the Reception Conditions Directive, decreasing the reception capacity and installing a buffer capacity. According to UNHCR, however, some concerns remain, as a number of legislative measures have been taken to exclude certain categories of persons from the benefits of reception. Cf. UNHCR, Commentaires du Haut Commissariat des Nations Unies pour les réfugiés relatifs aux: — projet de loi modifiant la loi du 15 décembre 1980 sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers et la loi du 12 janvier 2007 sur l'accueil des demandeurs d'asile et de certaines autres catégories d'étrangers (ci-après ' projet de loi monocaméral '), et — projet de loi modifiant la loi du 15 décembre 1980 sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers, et modifiant la loi du 27 décembre 2006 portant des dispositions diverses (ci-après 'projet de loi bicaméral'), 29 janvier 2013, http://www.refworld.org/pdfid/5114befc2.pdf, p. 36, paras 130–133).

([291]) Commissions comprised of local prefectures, provincial police HQs, UNHCR, IOM, Save the Children and the Italian Red Cross, all partners in the Praesidium project, carried out quarterly monitoring visits to government centres as an initial attempt to develop more systematic monitoring and quality control systems (UNHCR input).

([292]) The RC also serves as a registration centre and will have a capacity of 600 (the overall target number of reception places is 700) once the RC in Kutina, specifically intended for vulnerable applicants, is opened (UNHCR input).

([293]) The services provided shall also include assistance for beneficiaries of international protection.

([294]) UNHCR is concerned about the Estonian Government's plans to start accommodating asylum seekers detained in the territory in the Tallinn Prison, where convicted criminals are held. In UNHCR`s view, detention of asylum seekers for immigration-related reasons should not be punitive in nature and the conditions of their detention must be humane. The use of prisons, jails, and similar facilities should be avoided (UNHCR input).

([295]) Taking the provisions of the recast Directive into consideration, changes were made, with special attention paid to reception conditions. According to the modified Act on Asylum (Act LXXX of 2007), material reception conditions may no longer be refused. The rules stipulate that the refugee authority may restrict and withdraw these conditions in exceptional and duly justified cases. The restriction or withdrawal of reception conditions should be proportionate to the perpetrated act and the personal situation of the asylum seeker should be of primary interest. The refugee authority has the option of imposing a sanction (assign another lodgings) in cases when the applicant breaches the rules of conduct of the designated accommodation or acts in a seriously violent manner.

([296]) § 61 Par. 2 Asylum Procedure Act

([297]) The new coalition agreement envisages various improvements with regard to receiving asylum seekers. Concerning legal restrictions on the movement of asylum seekers, it extends free movement at least to the state to which the asylum seeker is assigned; further, movement to other federal states should be possible for a week with only unilateral notification and information on the destination.

Contingency planning in the field of reception

The very significant increases experienced by MS such as Bulgaria and Hungary in 2013 along with the adoption of Art. 33 of the recast Dublin Regulation led to a renewed focus in MS and by the European Commission and EASO on contingency planning for large influxes of asylum seekers. At political level, including the policy dialogues between the European Commission and MS, there was focus on contingency planning as a strategic measure over the next seven years, and calls were made in various quarters for considering possible innovative approaches such as joint processing (as is done for visas) and even joint reception capacity.

Looking at the variation in reception capacity, influxes of asylum seekers are not evenly distributed across the EU and vary considerably from year to year. Considering the statistics for past 20 years, overall the numbers of asylum claims has remained relatively stable at 300-350 000 per year with variations of not more than 20 % (and usually around 10 %) from year to year. As indicated above, at national level six MS faced increases of 50 % or more in numbers of applicants and four MS saw decreases of circa 40 % compared to the previous year. Such variations in numbers can significantly affect states' planning and preparedness.

Therefore transnational projects aimed at rationalising the use of reception capacity in the EU, which create intra-national capacity, could greatly assist in reducing the pressures on individual MS from year to year and help in the planning and streamlining of capacity.

Contingency planning measures have been taken in **Romania** in the area of reception based on risk analyses done by the General Inspectorate for Immigration taking into consideration the Syrian situation, as well as pressure on the neighboring countries (mostly the situation in Turkey and Bulgaria), and an Integrated Action Plan of Ministry of Internal Affairs for the preparations necessary to deal with a possible large influx of applicants for international protection/illegal migrants in Romania was prepared ([298]).

As part of the renewed focus on the issue of contingency planning, the European Commission, together with EASO, has been in contact with several MS in order to increase their capacity to withstand situations of pressure deriving from unrest in states neighboring the EU. Such activities have been pursued on the basis of a thorough assessment of the vulnerability of MS asylum systems and their exposure to risk. The results will feed into the implementation of the new Art. 33 of the recast Dublin Regulation, which became available on 1 January 2014 and which will constitute a prior instrument for contingency planning and crisis prevention at the EU level.

EASO and contingency planning

EASO organises practical cooperation meetings to identify possible measures that could be taken by MS in order to be prepared in the most effective manner for a possible additional influx of persons seeking international protection, to discuss where additional support by EASO could be provided to add value, and to set up a preparedness framework under which reception and asylum procedures should be made available as soon as possible. The crisis in Ukraine and its possible impact on the CEAS has emphasised the need for concerted contingency planning efforts amongst MS both from a practical and operational point of view.

4.7. Detention

The general legal principle concerning detention, as laid out in the Receptions Conditions Directive and present also in its recast version, is that a person cannot be held in detention for the sole reason that he/she is an applicant for international protection. The Directives also elaborate on further aspects of detention, including grounds, conditions and legal guarantees for applicants.

([298]) This plan includes definite measures to ensure quick allotment of supplementary resources to the General Inspectorate for Immigration to be able to properly deal with a possible large influx of illegal immigrants and/or asylum applicants and, at the same time, to maintain and to respect the standards set in the national and European legislation. Amongst other goals, these measures aim to gradually increase the reception capacity for applicants for international protection and illegal migrants: Stage I — increase reception capacity for asylum seekers from 920 to 1230 in already existent places in our accommodation centres. Stage II — increase of another 2 000 accommodation places in rooms under Ministry of Internal Affairs' management (hotels, hostels, etc.) which will be allotted to GII. Stage III — in 2014 GII will draft a law regarding the management of a possible large influx of applicants for international protection/illegal migrants in Romania, which will also establish that other local or central administrative authorities will grant resources to GII, including accommodation. An additional measure is to identify a new location for the Emergency Transit Centre in Timisoara and to move it out of the Regional Procedures and Accommodation for Asylum Seekers Centre, freeing up an extra capacity of 200 places and creating a separation of workflows. GII proposed also that a new regional centre for procedures and accommodation for asylum seekers be established in Constanza County to immediately take charge of the applicants that are coming from the Black Sea.

In certain MS, detention is the principal mode of providing reception services — e.g. in **Malta**, whose practices have been criticised by UNHCR and the Council of Europe ([299]) and were the subject, in September 2013, of a detailed published analysis ([300]).

A number of MS changed their legislative framework on detention in 2013. In **Lithuania**, the amendments to the Law on the Legal Status of Aliens adopted on 10 October 2013 regulate the situations in which an asylum seeker may be detained ([301]). In Latvia detention during the asylum procedure was clarified in the Asylum Law ([302]). In France, to comply with the judgment *I.M. vs. France*, new administrative regulations end the automaticity of the use of accelerated procedures for claims made by those in detention (this concerns people who have been placed in detention under the Return Directive). If OFPRA considers that the request is not manifestly unfounded, then detention can end and the request is considered under the normal procedure.

Hungary noted specific developments with regard to its detention policy in 2013. After the introduction of a legal framework in January 2013 which lessened the use of detention in asylum cases, Hungary experienced very high numbers of asylum applicants from Kosovo (see section 2.8.3. on the Western Balkans). Following this development, a new specific regime for detention (asylum detention) was introduced on 1 July 2013, with more robust guarantees, including a possibility of bail ([303]). This development was however criticised by civil society organisations ([304]). Arbitrariness (lack of legal basis) has remained one of the main concerns and was one of the items discussed during the visit by the UN Working Group on Arbitrary Detention in Hungary (23 September — 2 October) ([305]). Also a lack of an effective remedy was reported by this Working Group as problematic ([306]).

Civil society organisations and UNHCR expressed their concerns regarding detention practices in the MS and the impact of detention conditions on the well-being and human rights of asylum applicants and former asylum applicants awaiting return to their country of origin ([307]).

([299]) UNHCR's position is that the Maltese practice of detaining all asylum seekers who arrive to the territory in an irregular manner is unlawful, as this is not specifically authorised by Maltese law, European law or international refugee law. UN High Commissioner for Refugees (UNHCR), UNHCR's Position on the Detention of Asylum seekers in Malta, 18 September 2013, available at: http://www.refworld.org/docid/52498c424.html and Council of Europe, http://www.coe.int/t/dghl/monitoring/ecri/Library/ PressReleases/140-15_10_2013_Malta_en.asp.

([300]) http://www.unhcr.org.mt/news-and-views/press-releases/699-unhcr-presents-position-on-the-detention-of-asylum seekers-in-malta

([301]) It is stipulated that an asylum seeker may be detained only in order to determine and/or verify his or her identity/nationality and/or identify the reasons for lodging an application for asylum, as well as in cases where his or her application for the granting of asylum is based on grounds clearly unrelated to the threat of persecution in the country of origin or is based on fraud or when the asylum seeker is refused temporary territorial asylum and ground exist for believing that he/she may hide in order to avoid return to a foreign country or expulsion from the Republic of Lithuania. Until the adoption of these amendments, the Law on the Legal Status of Aliens did not regulate the detention of an asylum seeker, which has led to a number of cases in which some aliens who illegally entered the Republic of Lithuania were provided with accommodation at the Foreigners Registration Centre with no restrictions to their freedom of movement and subsequently departed illegally to other countries of the European Union.

([302]) Stating:- the asylum seeker is released from detention when the circumstances that were the basis for the detention no longer exist; detained asylum seekers are accommodated in accordance with general principles of human rights and internal security as well as personal characteristics and psychological compatibility; when deciding whether to detain asylum seekers, the feasibility of applying an alternative to detention is evaluated — regular reporting to the State Border Guard within the territorial unit.

([303]) Detention may only be ordered on the basis of an individual assessment and the full consideration of alternative options. The refugee authority can choose between three alternatives for ensuring the presence of the asylum seeker. The alternatives to asylum detention are: designated place of residence, asylum bail, and regular reporting to the refugee authority. The detention of asylum seekers must be exceptional and has to be proportionate to the objectives to be achieved. It should serve as a last resort in order to ensure the presence of the applicant, and possible alternative to detention shall take priority over asylum detention. It is important to note that asylum detention may not be ordered for the sole reason that the person seeking recognition has submitted an application for recognition. Unaccompanied minors must not be detained. Families with minors may only be placed in asylum detention as a last resort, and the best interest of the child must be taken into account as a primary consideration. Families with minors may only be detained for up to 30 days. In order to ensure family unity and with a view to their special needs, a specific closed reception centre was assigned to host families with minors in detention. The period of asylum detention is much shorter than the period of aliens policing detention as per the provisions of the Third Country Nationals Act and is carried out in special facilities serving the sole purpose of asylum detention. Asylum detention lasts for a maximum of 72 hours which can be extended by the competent court a maximum of two times by up to a maximum of sixty days, for a maximum total length of 6 months. One of the main goals of the asylum detention is to ensure that asylum seekers are present during asylum procedures, including the Dublin procedure.

([304]) Statements made by Hungarian Helsinki Committee: Briefing paper of the Hungarian Helsinki Committee for the Working Group on Arbitrary Detention UN Commission of Human Rights 8 October 2013 (updated after the meeting of the Working Group on Arbitrary Detention with Hungarian NGOs on 23 September 2013) http://helsinki.hu/wp-content/uploads/HHC_briefing-paper_UNWGAD_8_Oct_2013.pdf; and PROASYL: Ungarn: Flüchtlinge zwischen Haft und Obdachlosigkeit. Aktualisierung und Ergänzung des Berichts vom März 2012 (Oktober 2013) http://www.proasyl.de/fileadmin/fm-dam/q_PUBLIKATIONEN/2013/Ungarn_ Update_Okober_2013.pdf.

([305]) OHCHR, Hungary: Working Group on Arbitrary Detention, Statement upon the conclusion of its visit to Hungary (23 September — 2 October 2013), http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13816&LangID=E.

([306]) Ibid. It should be noted that the Hungarian authorities do not agree with the findings of the Working Group regarding legal remedy and state that legal regulations, Act LXXX of 2007, as well as the 29/2013 Decree of the Ministry of Interior exhaustively regulate the procedure regarding objections against asylum detention and against the application of measures to ensure availability. See also the website of the European Commission at: http://ec.europa.eu/dgs/home-affairs/what-is-new/eu-law-and-monitoring/infringements_by_country_hungary_en.htm [accessed on 24 February 2014].

([307]) See http://www.globaldetentionproject.org/countries/europe.html for details on detention practice in Europe. The issue of the systematic detention applied in Malta was brought up by UNHCR. UNHCR's Position on the Detention of Asylum seekers in Malta, 18 September 2013, available at: http://www.refworld.org/docid/52498c424.html and Council of Europe http://www.coe.int/t/dghl/monitoring/ecri/Library/PressReleases/140-15_10_2013_Malta_en.asp. The Committee Against Torture issued recommendations regarding the use of detention in Belgium http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FBEL%2FCO%2F3&Lang=en) and Poland (http://tbinternet.ohchr.org/layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FPOL%2FCO%2F5-6&Lang=en). With regard to Belgium, UNHCR expressed concerns related to the systematic detention of persons seeking asylum who arrive at the border (except for families with children) and the general detention of asylum seekers facing transfer under the Dublin III Regulation

UNHCR raised serious concerns specifically related to the detention of Syrians in particular MS ([308]).

Also, the European Court of Human Rights issued multiple judgments in 2013 concerning detention in the context of effective remedy.

In a number of cases against Greece, Malta and Cyprus, the ECtHR found that the reception conditions afforded to asylum seekers violated Art.3.

In the cases ***A.F,*** ***([309]) Horshill*** ***([310]), B.M ([311]),*** **and** ***C.D. and others ([312]) v Greece***, these violations were related to the lack of space available to detainees, the duration of detention, overcrowding, unhygienic conditions, lack of external contact, and lack of access to telephone, translators and information.

In the case ***Aden Ahmed v Malta ([313]),*** concerning an Eritrean applicant who had irregularly entered Malta by boat, the ECtHR found that there had been a violation of Article 3 in relation to the conditions the applicant endured while in detention for a period of fourteen and a half months. Furthermore, the ECtHR found a violation of Art. 5 § 1 mainly due to the failure of the Maltese authorities to pursue deportation, or to do so with due diligence, and of Art. 5 § 4 due to the absence of an effective and speedy domestic remedy to challenge the lawfulness of the applicant's detention.

In the cases ***Horshill ([314]) and C.D. and others*** **([315]),** the ECtHR found that the Greek authorities had acted in compliance with Art. 5 § 1 (lawfulness of detention). However, *in the case of* **C.D. and others ([316])**, the ECtHR found that there had been no effective domestic remedy against the applicant's detention in two police stations where he was subjected to treatment in violation of Art. 3, and therefore that Art. 13 had also been violated, in addition to Art. 3.

Following a similar ruling in the case ***Suso Musa v Malta*** **([317]),** and in accordance with Art. 46 ECHR, the ECtHR requested that the Maltese authorities establish a mechanism to allow individuals seeking a review of the lawfulness of their immigration detention to obtain a determination of their claim within a reasonable time-limit. The ECtHR further recommended that Malta take the necessary steps to improve the conditions and shorten the length of detention of asylum seekers.

In the case ***Housein v Greece*** **([318]),** the ECtHR found that the detention of an unaccompanied minor in an adult detention centre and without effective administrative review violated the applicant's rights under Article 5 1§ and 4§.

The case ***M.A. v. Cyprus ([319])*** concerned a Syrian Kurd's detention by Cypriot authorities and his intended deportation to Syria after an early morning police operation removing him and other Kurds from Syria from an encampment outside government buildings in Nicosia in protest of the Cypriot government's asylum policy. It is one of 38 similar applications pending before the ECtHR.

(UNHCR input). Concerns about detention in Germany were raised by PROASYL: 'Schutzlos hinter Gittern': Report on Asylum seekers in detention http://www.proasyl.de/fileadmin/fm-dam/q_PUBLIKATIONEN/ 2013/Abschiebungshaft_Bericht_Juli_2013_Webversion.pdf. UNHCR also raised concerns regarding detention practices in Bulgaria, Czech Republic, Estonia, Greece, Latvia, Lithuania, Poland and the United Kingdom (UNHCR input). Concerning Greece, see also http://www.unhcr.gr/nea/artikel/2b713d4f68c7e44faa2b8917ee2ecf86/i-ypati-armosteia-z-3.html.

([308]) This is the case, e.g., in Cyprus. Since the new Menoyia detention centre was opened at the beginning of 2013, a total of 179 Syrian nationals were held there for periods ranging from two to four months. Their detention was ordered for unlawful entry or stay in the country, and in some cases following prosecution and conviction for attempting to leave the country with fraudulent documents. A number of Syrians have also been detained at Menoyia after having served a prison term for minor offenses such as traffic violations. UNHCR has addressed a letter to the Minister of the Interior requesting a clear change of policy and practice in regard to the detention of Syrian nationals who have fled or remained outside their country to seek safety and protection in Cyprus and for whom the government has declared a moratorium on return to Syria (UNHCR input).

([309]) ECtHR Case A.F. v Greece (Application No 53709/11), judgment issued on 13 June 2013.

([310]) ECtHR Case Horshill v Greece (Application No 70427/11), judgment of 1 August 2013.

([311]) ECtHR Case B.M. v Greece (Application No 53608/11), judgment issued on 19 December 2013.

([312]) ECtHR Case C.D. and others v Greece (Application No 33441/10), judgment issued on 19 December 2013.

([313]) ECtHR Case Aden Ahmed v Malta (Application No 55352/12), judgment issued on 23 July 2013.

([314]) ECtHR Case Horshill v Greece (Application No 70427/11), judgment of 1 August 2013.

([315]) ECtHR Case C.D. and others v Greece (Application No 33441/10), judgment issued on 19 December 2013.

([316]) ECtHR Case C.D. and others v Greece (Application No 33441/10), judgment issued on 19 December 2013.

([317]) ECtHR Case Suso Musa v Malta (Application No 42337/11), judgment issued on 23 July 2013.

([318]) ECtHR Case Housein v Greece (Application No 71825/11), judgment issued on 24 October 2013.

([319]) ECtHR Case M.A. v Cyprus (Application No 41872/10), judgment issued on 23 July 2013.

In this case, the ECtHR held, unanimously, that there had been a violation of Article 13 (right to an effective remedy) along with Articles 2 (right to life) and 3 due to the lack of an effective remedy with automatic suspensive effect to challenge the applicant's deportation. The ECtHR also found a violation of Article 5 1§ and 4§ (right to liberty and security) due to the unlawfulness of the applicant's entire period of detention for deportation with no effective remedy at his disposal to challenge the lawfulness of his detention, but no violation of Article 5 § 2 as concerned the applicant's awareness of the reasons for his arrest and for his ensuing detention, and no violation of Article 4 of Protocol No 4 (collective expulsion of aliens).

In light of these challenges, MS continued initiatives to improve detention conditions in 2013. For example in the **Netherlands,** since 1 January 2013 the Schiphol Airport Application Centre (AC) became a part of the Schiphol Judicial Complex (JCS), which in addition to Schiphol AC also houses a detention centre and a courthouse. The detention facilities for applicants in detention were a considerable improvement over the previous building, which made it possible to let applicants go through a (full) rest and preparation term of six days prior to the general asylum procedure (as is the case for applicants in one of the district ACs).

Up to now, there has been no EU-wide data collection on the numbers of asylum applicants in detention in MS. However the data collection launched by EASO as part of Stage II of its EPS will have MS reporting on a monthly basis on their stock of pending first instance cases where applicants are in detention. It should be noted that the current definition of detention as provided in the RCD (Article 2 (k)) and its recast version (Article 2 (h)) refers to '*confinement by the MS within a particular place, where the applicant is deprived of his/her freedom of movement'.* This notion therefore covers a wide range of arrangements which may differ across the MS.

4.8. Procedures at first instance

Under the current legislative framework at EU level, the procedures for granting and withdrawing refugee status are governed by the APD. Key basic principles include access to the procedure (see Section 4.1. on access to procedure), right to remain in the MS while the examination of the application is pending ([320]), requirements for the examination of application ([321]), requirements for a decision ([322]), guarantees for applicants for asylum ([323]), and obligations of applicants for asylum ([324]). The APD also includes provisions in Articles 19 and 20 on the procedure to be used when an application is withdrawn (including implicit withdrawal/abandonment of an application) before a decision is made on a case. A separate issue is the procedure concerning withdrawal of refugee status once granted, which is regulated in Chapter IV of the APD and concerns situations where a person has been granted refugee status before and elements and findings arise indicating reasons to reconsider the validity of that status ([325]).

In 2013 some MS faced challenges due to high numbers of applicants, which affected the way determination procedures were conducted ([326]).

([320]) In Hungary the amendments to the Third Country Nationals Act, which entered into force on 1 January 2013, reconfirmed that asylum seekers enjoy the right to stay on in Hungarian territory during the course of the whole asylum procedure (both administrative procedure and judicial review) (UNHCR input).
([321]) Those include the following points laid out in Article 8 of the APD: MS should not as a rule reject an application or exclude it from examination on the sole grounds that the application was not made as soon as possible. An appropriate examination needs to be ensured, including an individual, objective and impartial approach. Precise and up-to-date information concerning the situation in the country of origin needs to be obtained from various sources. The personnel must have the relevant knowledge.
([322]) These include the following points laid out in Article 9 of the APD: a requirement for a written decision; in cases of rejection the reasons in fact and in law are to be stated in the decision and information on how to challenges a negative decision is to be provided (unless it was provided at an earlier stage). One single decision may be issued to all dependants. With regard to Cyprus, UNHCR welcomed the resumption of the RSD procedure in for Syrian asylum seekers in 2013, which had been put on hold since 2011 (UNHCR input).
([323]) According to Article 10 APD, these include the right to information, the right to the services of an interpreter, the right to contact UNHCR, the right to be given notice of the decision, the right to be informed of the result of the decision in a language they may be reasonably expected to understand (when there is no legal representative and no free legal aid is available).
([324]) According to Article 11 APD an applicant may be obligated to cooperate with the competent authorities in the following ways: by reporting to the authorities, handing over documents relevant to the examination of the claim, providing information on the applicant's place of residence and address, being subjected to a search; having their photograph taken and having their oral statements recorded (provided the applicant has been informed thereof).
([325]) In that context, Bulgaria practice concerning Palestinian refugees was assessed by UNHCR as not being in line with Article 1D of the Geneva Convention and standards set forth in the El Kott case (UNHCR input). In Cyprus, the Asylum Service no longer applies the 'changed circumstances' cessation clause to Palestinians who fled Iraq in the early-mid 2000, were accorded subsidiary protection arriving from Iraq and at some point 2010 started to be subjected to the cessation clause (UNHCR input).
([326]) In Hungary the high number of applications in 2013 resulted in an increased workload for the asylum authorities. In order to avoid a backlog when processing cases, a number of temporary measures were introduced, including the redistribution of staff of the Office of Immigration and Nationality (OIN). Aliens police officers working at OIN who previously received migration officers training — including a training module on asylum — were assigned to conduct (only) the first asylum interview and make decisions to terminate the procedure due to the applicant having absconded. All other procedural acts have been performed only by

The length of the asylum procedure remains a concern in many MS ([327]) and was the object of initiatives taken by the governments in order to reduce processing times ([328]).

The following were the main developments noted by the MS in terms of the organisation of their examination procedures:

In **Denmark** the process for first instance asylum claims was revised as of 2 May 2013 (Act no. 430 of 1 May 2013). Before this date the police were responsible for registration (including the fingerprint check with EURODAC), establishing identities and determining travel routes. Now the tasks of the police in first instance processing are limited to registration (including fingerprint check with EURODAC). The establishing identities and the determining travel routes have become integral parts of the initial interview conducted by the Danish Immigration Service asylum adjudicators. The main goal of these changes is to help reach the goal of an average processing time at first instance of no more than 50 days for asylum claims.

In **Germany,** since 1 December 2013 every application for asylum is considered an application for international protection (before then only refugee status was included; subsidiary protection used to be examined ex officio when applying for asylum and could also be requested separately at the aliens registration authority). The asylum authority is now the sole body deciding whether to grant international protection.

In **Greece**, as mentioned above, the asylum procedure was completely reformed so that now the decision of first instance is made by the caseworker conducting the interview. This has led to a significantly shortened duration of the procedure (from several years down to approximately two months).

Polish authorities introduced the possibility of interviewing persons placed in detention facilities via internet. A quality audit in 2014 will assess how well the mechanism works ([329]). In **Spain** in 2013, a renewed cooperation agreement with UNHCR was signed by the Ministry of Interior. The purpose of the agreement is to guarantee UNHCR's participation in the refugee status determination procedure and provide for a financial contribution ([330]).

In the **United Kingdom**, the Home Office completed a programme to improve the physical environment of the Asylum Screening Unit (ASU) in Croydon, often the first contact point between the Home Office and the applicant. The ASU in Croydon deals with 55 % of all in-country asylum applicants. The new environment now provides private rooms for screening interviews and facilities for applicants with children ([331]).

UNHCR continued to issue guidance on international protection in 2013 ([332]).

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asylum caseworkers. During this temporary period, the involvement of the aliens police officers working at OIN on asylum casework followed close evaluation of the workload and geographical position of the regional directorates. In Germany since October 2013 asylum applicants from Syria receive a questionnaire from the Federal Office to prepare the interview. The applicants get the chance to forward the reasons why they are seeking international protection in writing. They even may add documents to the questionnaire to prove their Syrian origin or to prove they are at risk or persecuted. This is done as a pilot project in order to counter the high influx of applicants from Syria and to speed up the procedure for these applicants, as an interview cannot be granted in a timely manner because of the high influx. If a decision regarding the asylum application can be reached based on the answers to the questionnaire, the personal interview can be skipped and protection status quickly granted. Also, in view of the conflict and developing situation in South-Sudan and the Central African Republic, the decisions for applicants from these countries of origin were down-prioritised until further notice. With regards to Bulgaria, see UNHCR's observations on the current asylum system in Bulgaria, 2 January 2014, available at: http://www.refworld.org/docid/52c598354.html.

([327]) In the Czech Republic, in view of the disproportionate length of the RSD, the Ombudsman´s office conducted an inquiry and issued a report whereby it recommends that immediate steps be taken in order to decrease the number of pending cases. The Ministry of the Interior acknowledged the reported flaws and informed that relevant steps would be taken in order to minimise the number of cases taking longer than the legally stated 90 days. Moreover, there were three judgments rendered by the Supreme Administrative Court (1 Ans 19/2012, 8 Ans 14/2012, and 1 Ans 11/2013) addressing the issue. The judgments defined under what circumstances the extension of the time period would be lawful under Art. 27 of the Asylum Act. It has been found that the judgments of the Supreme Administrative Court and the investigation of the Ombudsman have brought a significant improvement (UNHCR input). The situation was addressed by the authorities through a number of human resources management, organisation and methodological-type measures. In the context of Spain, the length of procedures — although according to official statistics in 2013 the average processing time of asylum claims lodged in the course of 2013 and 2014 in Ceuta and Melilla was been 6 months and 22 days (6 months being the time limit for the examination of claims set by the Asylum Law)– was particularly cumbersome and problematic for applicants in the cities of Ceuta and Melilla due to the reception conditions considered by UNHCR to be of lower standard than those on the mainland (UNHCR input).

([328]) The French Government has allocated additional funds to both OFPRA and the CNDA in order to reinforce their instruction capacities and reduce the total average time for processing claims to one year. By the end of 2013, the claim processing time was reduced to 6 months and 24 days at the CNDA and to six months at the OFPRA (around 12 months altogether).

([329]) UNHCR input.

([330]) While some concerns remain, UNHCR noted improvements with regard to the reasoning of decisions, the use and analysis of COI, the quality of first interviews, especially at internment centres, prisons or police offices outside Madrid, as well as in in-depth interviews of UASCs (UNHCR input).

([331]) UNHCR input.

([332]) E.g., UNHCR, UNHCR Position on Returns to the Central African Republic, 24 April 2013, http://www.refworld.org/docid/5177b7a44.html; UNHCR, UNHCR

EASO and Training

EASO training activities are being carried out within the framework of the Agency's Work Programme and its Training Strategy, which was developed in 2012. EASO's core training tool is the EASO Training Curriculum, a common vocational training system consisting of 13 interactive modules.

In 2013 EASO organised 13 train-the-trainer sessions, with 164 participants from 23 EU MS. At the same time, EASO administrated 140 national training sessions in 15 EU MS. The target groups were the employees of the national asylum administrations.

In 2013 EASO updated the following EASO Training Curriculum modules:

— Inclusion

— Interviewing Children

— Interviewing Vulnerable Persons

— Dublin Regulation III (update launched in QIII)

— Asylum Procedure Directive (update launched in QIV)

In 2013, EASO finished developing a new module on CEAS and completely redrafted the module on Interview Techniques. In 2013, EASO also began developing two new modules — a module for managers in the field of asylum and module on gender, gender identity and sexual orientation.

In 2013, EASO also introduced a new training tool — EASO Training Handbooks. The first two EASO Training Handbooks were developed for the EASO core module 'Inclusion' and the CEAS module.

Each handbook forms an overall summary and a reference guide to the relevant module and is available to all trainees who were trained in the module.

Handbooks were developed by teams of MS experts and reviewed by the EASO Reference Group, which consists of different international organisations and also members of civil society, with the coordination of the EASO expert. The target group for this activity were the trainees of the 'Inclusion' module and 'CEAS' module. After the handbooks were finalised, they were translated into 18 national languages of the MS and will be electronically published in all of these languages, as well as in English. Moreover, copies of the English version of the Inclusion Handbook and copies of the English version of the CEAS Handbook will be printed. Printed versions of these handbooks will be distributed to individual trainees who have participated or will be participating in one of the train-the-trainer sessions held at EASO.

4.9. Procedures at second instance

The current EU-level legislative framework for appeals procedures is set forth in Chapter V of the Asylum Procedures Directive. The basic concept, stipulated in Article 39, obligates MS to ensure that applicants have the right to an effective remedy before a court or a tribunal for the different types of decisions issued at first instance listed in this article. The catalogue of decisions covered by the right to 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 by 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 application. Therefore 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.

Eligibility Guidelines for Assessing the International Protection Needs of Asylum seekers from Afghanistan, 6 August 2013, HCR/EG/AFG/13/01, http://www.refworld.org/docid/51ffdca34.html; UNHCR, Ukraine as a country of asylum. Observations on the situation of asylum seekers and refugees in Ukraine, July 2013, available at: http://www.refworld.org/docid/51ee97344.html; UNHCR, International Protection Considerations with regard to people fleeing the Syrian Arab Republic, Update II, 22 October 2013, http://www.refworld.org/docid/5265184f4.html; 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, http://www.refworld.org/docid/529ee33b4.html; UNHCR, International Protection Considerations with Regard to people fleeing Southern and Central Somalia, 17 January 2014, available at: http://www.refworld.org/docid/52d7fc5f4.html; UNHCR, UNHCR Position on Returns to Mali — Update I, January 2014, available at: http://www.refworld.org/docid/52cc405a4.html.

The current APD does not prescribe any harmonised standards concerning the organisation of the appeal or the procedure to be followed, therefore MS can and have transposed the directive in various ways according to what is expected to be best suited to ensuring the right to effective remedy within their national framework. Consequently, there is limited harmonisation of practices at the appeals stage. In 2013, UNHCR noted discrepancies among jurisprudence of individual courts ([333]) or among chambers within a single body ([334]), along with the continuing need for capacity-building for members of courts and tribunals ([335]).

The recast APD develops the legislative framework for procedures at second instance by, *inter alia,* stipulating that MS shall ensure that an effective remedy provides for a full and *ex nunc* examination of both facts and points of law, including, where applicable, an examination of international protection needs, at least in appeals procedures before a court or tribunal of first instance (Article 46.3 of the recast APD), strengthening guarantees concerning time limits for the applicant to exercise their right to an effective remedy (Article 46.4. of the recast APD) and the suspensive effect of an appeal in terms of the applicants right to remain in the territory pending an appeal (Article 46.5-7 of the recast APD).

The systems of appeals procedures in matters of international protection implemented in the MS reflect the diversity of their legal systems and judicial structures. In some MS the appeal instance examines the case *de novo*, meaning that it is assessed in its entirety and considers all facts available to the appeals instance at the time of the decisions is issued (*ex nunc* examination). In some MS, the appeal instance only examines the legality of the decision made at first instance, or if it examines facts as well, this is limited to the facts which were available during the first instance procedure, when the decision was made (*ex tunc* examination). This variety is further reflected by the rules and requirements concerning the appeal to be lodged. In some MS cases can only be appealed on points of law (e.g. only infringement of procedure can be brought up) ([336]). In other MS an appeal can be submitted on points of fact (e.g. the interpretation of the facts of the case can be challenged).

Concerns noted with regard to procedures at second instance included the lack of suspensive effect of appeals in some MS ([337]).

New institutions

In **Austria**, the Federal Administrative Court took up its duties on 1 January 2014. As part of the reorganisation, applicants for international protection gained the option of approaching the Higher Administrative Court to appeal negative decisions of the Federal Administrative Court ([338]). In **Greece** the new Appeals Authority began receiving appeals in July 2013.

([333]) E.g., in Germany, Italy.

([334]) E.g., in Malta in 2013, the capacity of the Refugee Appeals Board (RAB) was increased from two to six chambers. UNHCR notes, however, some inconsistencies regarding decision-making and interpretations of refugee law between the six new chambers and considers that a coordinating function is needed to ensure that all six chambers have a consistent approach to assessing asylum claims and in their legal interpretations of relevant law (UNHCR input). Also, in Belgium the absence of uniformity of jurisprudence within the CALL raises concerns (UNHCR input).

([335]) UNHCR input.

([336]) In Cyprus, appeal before the Supreme Court is limited to judicial review on points of law and does not cover the merits of the case. This, according to the jurisprudence of the Court of Justice of the European Union, cannot be said to be an effective remedy against an unfavourable first instance decision. The government has recently taken some steps to ensure compliance with international and EU standards in this area by laying the legislative groundwork for the creation of a first instance administrative court which would have the authority to examine administrative decisions, including those for asylum claims, for issues relating to both merits and points of law (UNHCR input).

([337]) According to the Cyprus Refugee Law, refugee applicants are allowed to remain in the country only for the duration of the administrative examination of their claim. The right to remain ceases 'from the date of sending the decision of the Reviewing Authority', i.e. upon the second instance administrative decision. Once a negative decision is made/upheld at that stage, the asylum seeker is automatically declared to be a 'prohibited migrant' and served with a deportation/detention order. The Supreme Court of Cyprus ruled in Leonie Yomba vs Republic (10 August 2010) that the restriction on the right to remain violates the EU *acquis*. However the practice continues, and no remedy or protective measure has since been introduced. The European Court of Human Rights has also found in MA vs Cyprus (No 41872/10, 23/7/2013) that Cyprus lacked an effective domestic judicial remedy against the deportation of applicants for international protection because of the lack of an automatic suspensive effect of appeals. Cyprus was consequently found to be in violation of Articles 2, 3 and 13 of the European Convention on Human Rights. The Court furthermore found a violation of Article 5 due to the fact that the asylum seeker was subjected to deportation orders as an illegal migrant while his asylum claim was still pending and due to the duration of his detention (8 months), which the Court found 'undoubtedly too long'. In France there is no suspensive appeal before the second instance CNDA when the asylum seeker's claim has been rejected in an accelerated procedure. The Ministry of Interior argues that this would create enormous difficulties within the French asylum system as too many asylum seekers whose claim is deemed to be manifestly unfounded or fraudulent would then enjoy the possibility of lodging an appeal with suspensive effect. This would — as the authorities claim — saturate the asylum procedure. Since mid-2012, asylum-related actors have been engaged in a discussion of the structural and legislative changes that are needed to render the asylum system in France more efficient (UNHCR input). It should be noted that lack of suspensive effect is an issue in other MS; see for example the ECtHR's judgements in Mohammed v. Austria (Application No 2283/12), 6 June 2013, http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-120073; Josef v. Belgium (Application No 70055/10), 27 February 2013, http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-141199; A.C. e.a. c. Espagne (Requête no 6528/11), 22 April 2014.

([338]) UNHCR input.

Changes in the procedure

In **Belgium** several changes were made to the appeals procedure before the Council for Aliens Law Litigation (CALL) ([339]). This law aligns the CALL with the CGRS in terms of competence and procedure. The amendment clarifies the situations in which the CALL only acts as an annulment body (asylum application by an EU national, asylum application lodged by a person from a safe country of origin, multiple asylum applications) and extends them to include technical refusals and asylum applicants who have obtained refugee status in the first country of asylum (if this country is an EU MS) ([340]). Furthermore, procedural changes were made regarding, *inter alia*, the possibility of introducing an additional appeal note and time limits. The legislation includes provisions addressing the improper use of the right of access to justice. An asylum seeker who, for example, has indicated that he or she does not need an interpreter at the time of lodging his or her asylum application will no longer be able to request an interpreter for the hearing in appeal at the CALL.

In **Latvia** amendments in the Asylum Law have the effect that if an asylum seeker has not informed the first instance, or the court, about his or her location, or there is information that an asylum seeker is no longer located in the Republic of Latvia, the court may abandon an asylum seeker's application without examining it. The court decides on this issue via a written procedure. Also, the amendments stipulate that the court cannot summon witnesses from abroad using state financial means.

In **Romania,** the appeal stage has been substantially amended with the entry into force of the new Civil Procedure Code ([341]). The New Civil Procedure code aims to provide parties with more simple and accessible means of exercising their civil rights, as well as to accelerate civil proceedings, including enforcement procedures. The new code also aims to ensure the requirements for a predictable duration of the trial and to provide effective remedies to unify case law. It is noteworthy that the new code is the first Romanian civil procedure code to expressly raise the right of the parties to a fair trial, within a reasonable and predictable time, to the rank of a principle of civil procedure ([342]). The code creates a new mechanism designed to ensure, alongside the existing procedure of recourse in the interest of law, that the predictability of the civil trial is enhanced and that Romanian case law is unified. Under this new procedure, a question of interpretation of a law that has generated differing case law and that is essential to the solution rendered in a trial, may be referred to the Supreme Court for an official interpretation. This official interpretation will be binding on all Romanian courts.

Additional means of appeal introduced

In **Cyprus**, the right to appeal against a negative decision of the Director of the Asylum Service with regards to applications for family reunification granted to beneficiaries of international protection was introduced ([343]).

In **Ireland** the rules on appeal regarding subsidiary protection were amended. The legislation took effect on 14 November 2013 and provides for an appeal before the Refugee Appeals Tribunal regarding negative decisions made by the Refugee Applications Commissioner ([344]).

Internal reorganisation

In **France,** the National Court of Asylum has significantly reorganised its hearings scheme since 1 January 2013 to enhance the serenity of hearings, the in-depth examination of each case and the time devoted to interpretation.

([339]) On 22 August 2013, the law of 8 May 2013 (I) (II) was published in the Belgian Official Gazette.

([340]) To UNHCR, it is a source of concern that a cassation appeal ('recours en annullation') against a decision by the CGRS not to take an asylum claim into consideration ('décisions de non prise en considération') does not confer an automatic suspensive effect, that it is not evaluation ex nunc and that is only a review in law and not in fact. It seems that the conditions for an effective remedy are not met in these cassation appeals before the CALL. Indeed, the January 2014 judgment of the Constitutional Court concerning appeals in the context of claims made by applicants from safe countries of origin determines that a cassation appeal against the rejection of such a claim by the CGRS does not currently offer sufficient guarantees to be considered effective. To be effective, the Court found that such appeals need to incorporate a full ex nunc assessment of facts and law and confer suspensive effect (UNHCR input).

([341]) Entered into force on 15 February 2013. The Code applies to appeal procedures in cases of international protection, together with Law No 122/2006 on asylum in Romania.

([342]) To ensure the timeliness of the trial, under the new code the judge must estimate the duration of the trial at the first court hearing to which the parties are legally summoned, taking into consideration the facts of the dispute and the pleas of the parties. Furthermore, as a rule, the judge is bound to set court hearings at close intervals, even on consecutive days. The code also institutes a distinct special procedure against the breach of the right to have the trial settled within an optimal and predictable time: the challenge against undue prolongation of the trial. According to the new procedure, the party who considers the trial to have been prolonged unnecessarily may request that such conduct be remedied.

([343]) According to the bill (no 9{1}).

([344]) In July 2013 the Irish Naturalisation and Immigration Service (INIS) noted that, following the Judgment of the High Court in the case M.M. v. the Minister for Justice, Equality and Law Reform, it was revising its procedures for reaching decisions regarding applications for subsidiary protection. Provisions were to include, among other things, an oral interview for each applicant and the right to appeal a negative decision before the Refugee Appeals Tribunal. Such an appeal must be received within 15 days of the decision. The appellant may indicate whether they wish the Tribunal to hold an oral hearing for the purpose of the appeal.

EASO's cooperation with courts and tribunals

EASO's cooperates with courts and tribunals under the framework of EASO's legal mandate. This cooperation consists of implementing professional development activities, collecting and exchanging jurisprudence and providing support in the context of special and emergency support operations.

General framework — During 2013, EASO adopted a concept note that outlines its approach and defines the main areas of cooperation, and established a network consisting of representatives from the CJEU, ECtHR, the MS, Norway and Switzerland. EASO has also consolidated its cooperative relationship with the International Association of Refugee Law Judges (IARLJ) and the Association of European Administrative Judges (AEAJ) through a formal exchange of letters and continued its collaboration with UNHCR, the Fundamental Rights Agency (FRA), academia, civil society organisations and other relevant partners such as the European Judicial Training Network (EJTN).

Professional development — In December 2013, EASO held its first advanced workshop aimed at stimulating discussion among experienced court and tribunal members regarding the implementation of Article 15 c) of the Qualification Directive. The long-term objective will be to facilitate the development of a full professional development curriculum for members of courts and tribunals.

Collection and exchange of jurisprudence — In the context of a wider EASO initiative on this subject, EASO has developed a collection of European and national jurisprudence on the implementation of Article 15c) of the Qualification Directive which has been distributed through the EASO network. The collection provides a useful overview of over 100 relevant European and national decisions on the subject.

Special and emergency support operations — Within the context of the Special Support plan for Italy, EASO developed a professional development plan for the Italian Judiciary in close cooperation with the Italian Judicial School. The plan included the organisation of three pilot seminars in Malta, which were attended by approximately sixty Italian Judges, and will continue with the organisation of a course as part of the official programme of the Italian School in 2014.

4.10. The availability and use of Country of Origin Information

The availability and appropriate use of Country of Origin Information (COI) are crucial components of well-informed, fair and well-reasoned asylum decisions. In 2013, MS continued efforts to improve the quality and accessibility of COI by developing new methodologies and products and further developing databases.

Methodologies/Quality

In **Austria,** a new methodology was adopted and is now used by the COI Department of the newly established Federal Office for Immigration and Asylum ([345]). The methodology was developed in accordance with the Common Guidelines and EASO COI Report Methodology to ensure a European approach. In **Belgium,** as part of an ERF-funded project, the COI research department of the CGRS (Cedoca) developed an approach for harmonising the COI product drafting process ([346]). **Germany** in 2013 developed a compendium on 'Quality Standards for COI', which is based on international and European standards and also includes the results of evaluations of (the use) of COI by adjudicators and other users, as well as COI quality assurance mechanisms devised and applied by

([345]) This document clearly outlines the standards for COI work. It contains mandatory instructions for each product type and specifies the norms and the procedures for preparing the products. Finally, the methodology consists of quality assurance methods and measurements. COI products defined by the methodology include: Query Responses (AFB), which serve as the selective response to questions submitted by requesting users; COI Reports (LIB), which provide an overall description of the situation in countries of origin or in Dublin states, insofar as they are relevant to asylum and immigration cases; short information (KI) offer immediate facts relevant to incidents in countries of origin and new developments; COI Research Papers, which are scientific articles consisting of information collected in reference to country-specific topics; and FFM-reports, which structure and summarise all relevant information gathered during fact-finding missions (FFM). The new methodology is the result of an external evaluation conducted in during 2010 and 2011. It is accompanied by instructions developed by our advisory council (the advisory council consists of renowned experts from fields related to refugees, migration and international relations). The reconstruction was set up with working parties that included all staff in the COI-Unit and the support of the main customers. Their task was to revise our procedures, keeping the main focus on the needs of the customers.

([346]) This ensures more transparency regarding the research and information used in asylum decisions, which benefits the asylum seeker and his/her legal representative and facilitates exchange at EU level. Also, the aim is to increase the quality of the products and the efficiency of the COI department. In a second stage, certain COI products will be published on the CGRS website.

EASO and European partner authorities of BAMF, who are also asked to undertake peer reviews in the future ([347]). In **Luxembourg** a separate COI unit was established. In the **United Kingdom,** the Home Office reviewed its COI processes in 2013. It proposed merging the teams responsible for COI reports and Operational Guidance Notes and for the staff to work in regional teams (covering a number of countries) to produce products that combine COI and policy guidance. The aims of the proposed reforms were, *inter alia*, cutting costs, improving efficiency, improving consistency between NGOs and the COI reports by eliminating the differences between the updating cycles for the two products, and clearly reflecting Home Office positions in relation to country guidance cases ([348]).

It is also important to mention the publication in 2013 of the revised edition of the Accord/Austrian Red Cross COI training manual 'Researching Country of Origin Information' ([349]).

Joint products

In January 2013, the OIN Documentation Centre (**Hungary**) and the COI Unit of the Federal Asylum Office (**Austria**) finalised their joint report on the situation of Kurds in Turkey, which has been uploaded to the Common COI Portal.

Cooperation in the field of COI

EASO COI Network Approach

The EASO COI Network Approach, which links different COI-related EASO activities into one coherent structure and makes use of the available resources in the most effective way, was launched.

The two core elements of the EASO COI Network strategy are: 1) the Strategic COI Network, comprising COI Heads of Units or experts otherwise responsible for COI from all MS, Associate Countries, the European Commission and UNHCR, facilitating strategic discussions of issues — including cross-cutting COI practices; and 2) a series of Specific Expert Networks linking COI experts from MS who specialise in a specific country, region, or theme, and who can exchange information and harmonise COI practices in their specific area of expertise.

The tasks of the Specific Networks can include mapping currently existing and planned COI products at national level to avoid duplicating efforts; exchanging information on sources, bibliographies, planned fact-finding missions, etc.; and assessing the need for and producing EU-level COI following the EASO COI Report Methodology. All relevant information generated by these networks is posted on the EASO COI Portal so that it is available to COI experts and decision-makers across the EU.

The networks also serve as an important capacity-building tool for newly hired COI officials who start dealing with a specific Country of Origin, as well as for countries that are currently establishing their COI capacity and are interested in joining some country-specific networks in order to benefit from existing expertise. The COI Network approach thus leverages the COI expertise already present in MS and helps create it where it does not exist. The Network Approach thus allows the gradual creation of a corpus of EU COI which will meet the needs of decision-makers across the Union and gradually lead to higher and more harmonised standards in this essential part of the CEAS.

The first Strategic Network meeting, held in April 2013, marked the beginning of this process. During this meeting, and based on an EASO Country Determination Methodology, it was decided to start with three pilot COI Specialist Networks on Syria, Somalia and Pakistan. For the Syria network, a kick-off meeting was held in June 2013. For Somalia and Pakistan, kick-off meetings were held in September 2013. After consulting the Strategic Network, EASO decided in November 2013 to start four new COI Specialist Networks in 2014 on Afghanistan, Iraq, Iran and the Russian Federation. The kick-off meeting for the network on Iraq was held in January 2014. The Specialist Networks also continued sharing information after the meetings. In 2014, cooperation within the networks is expected to intensify, as the Specialist Networks will play a key role in EASO COI production and a formal COI query system.

([347]) The new standards are also available for perusal and monitoring by the BAMF's Expert Forum, which consists of members from UNHCR, NGOs, churches, courts, ministries etc. The Quality Compendium will also serve as a basis for enhancing COI capacities in EU MS as well as in other countries (UNHCR input).
([348]) UNHCR input.
([349]) http://www.coi-training.net/handbook/Researching-Country-of-Origin-Information-2013-edition-ACCORD-COI-Training-manual.pdf.

Also outside the framework of EASO, cooperation between MS in the field of COI continued in 2013. Relevant examples are the cooperation between German-speaking countries ('D-A-CH-L') and the MedCOI project, which focuses on the availability and accessibility of medical treatment in countries of origin.

It should be noted that COI research capacity is not limited to national asylum administrations or UNHCR; a number of civil society organisations also engage in COI-related activities. In 2013 civil society organisations active in the field of COI were mapped ([350]).

Databases

The integration of the **Finnish** electronic COI database TELLUS into the EASO Common COI Portal was completed. This will multiply the number of users and expand them to an international level ([351]). In **Romania** the national COI portal http://www.portal-ito.ro/ continued to operate in cooperation with GII's non-governmental partner, CNRR. In **Lithuania** the operation and development of the national COI portal http://www.coi.migracija.lt/ continued. The COI Unit at the **Swedish** Migration Board has focused on three key developments during 2013. One has been the government's priority of giving greater emphasis to LGBTI issues in the agency's country information products. Furthermore, the agency launched a unique legal database, integrated into the Lifos COI database, offering more than 500 legal documents and legal decisions from several instances, including the Court of Justice of the European Union and UN bodies. Finally, Lifos launched the 'Focus Countries' internet service, a web-based collection of key country and legal information on the nine most frequent countries of origin of asylum seekers in Sweden. In April 2013, UNHCR re-launched the Refworld database (www.refworld.org), which provides access to more than 167 000 documents relevant to countries of origin, asylum and key protection issues ([352]).

EU COI Common Portal

The Common Country of Origin Information (COI) portal was built to enable asylum officials to access a wide range of COI from a single point of entry. Therefore, the portal offers the possibility of connecting official COI databases owned by MS and Associate Countries to a single web application, and allows MS which do not have web-based systems to upload and share COI documents in a local area designed for this purpose called the 'Upload Area'. Five national COI databases are currently connected: Germany, France, Norway, Sweden and Finland. In 2013 the COI Portal was partly revamped, and now features EASO's visual identity.

A network of National Common Portal Administrators (NCPAs) was set up in February 2013. NCPAs act as a contact point between national users and the EASO (registrations, user questions, technical issues). The administers manage their respective 'Upload Area', ensuring the consistency and quality of this area, or oversee the connection of their national COI databases. They also provide training on the COI Portal to their national users when necessary. A NCPA training was organised in April and a second NCPA meeting was held in November 2013. To support NCPAs in their role, a NCPA Guide was developed, and a User Guide was made available in order to assist them in training new users.

An advisory group was set up comprising representatives from EU+ countries whose national databases are connected or in the process of being connected to the portal and representatives from EU+ countries using the Upload Area. The role of this group (made up of 11 participants and the European Commission) is to share experiences on the practical use of the portal and discuss general directions in relation to its development so as to ensure full functionality and eventual improvement.

Despite efforts to increase the quality and accessibility of COI, the actual use and interpretation of COI by decision-makers is still often found to be insufficient and inconsistent, although at the same time improvements have been noted by UNHCR in some MS ([353]). One especially relevant concern regarding the use of COI in asylum decisions relates to the inequality of arms, whereby the applicants do not have access to the relevant information

([350]) ARC Asylum research Consultancy/Vluchtelingen Werk Nederland, NGOs working on Country of Origin Information in Europe: A mapping exercise (October 2013) http://asylumresearchconsultancy.com/webfm_send/122.
([351]) The Finnish Immigration Service has been using TELLUS since 2001. TELLUS currently holds more than 23 000 documents and has more than 600 national users, such as local register offices, police units and administrative courts, in addition to the FIS employees.
([352]) UN High Commissioner for Refugees (UNHCR), Refworld Revamped, 15 April 2013, available at: http://www.refworld.org/docid/516c211e4.html.
([353]) UNHCR input.

available to the asylum authority ([354]). Finally, there is the issue of national COI-related resources often only being available to first instance and not second instance bodies ([355]).

4.11. Vulnerable applicants

The current version of the APD specifically mentions one group of applicants who require additional guarantees, i.e. unaccompanied minors, whose situation is regulated in Article 17. The recast version of the APD significantly expands this approach by including the notion of applicants in need of special procedural guarantees, set forth 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 result of torture, rape or any other form of psychological, physical or sexual violence) and to provide them with adequate support ([356]). In terms of reception conditions, the current version of the RCD includes provisions for persons with special needs, as well as the principle of talking into account the specific situation of vulnerable persons. The recast RCD includes the category of 'applicants with special reception needs' ([357]), and Chapter IV comprises a set of provisions concerning this category, including provisions on assessing the special reception needs of vulnerable persons, minors, unaccompanied minors, and victims of torture and violence.

Given how the concept of vulnerability in procedures for international protection has developed, multiple actions were undertaken in 2013 to address this issue, including international projects and studies.

The 'Response to Vulnerability in Asylum' (RVA) project, co-financed by the European Refugee Fund (ERF), aimed to improve responses to vulnerable applicants' needs in the asylum systems of **Bulgaria**, **Hungary**, **Poland**, **Romania**, **Slovakia** and the **United Kingdom ([358])**. In the **United Kingdom**, UNHCR's Quality Integration Project, in its recent audit of asylum claims, examined how the best interests of children in asylum-seeking families are determined. The findings and accompanying recommendations were published in 'Considering the best interests of a child within a family seeking asylum' ([359]) in December 2013.

The International Rehabilitation Council for Torture Victims (IRCT) published a study '*Recognising Victims of Torture in National Asylum Procedures: A comparative overview of early identification of victims and their access to medico-legal reports in asylum-receiving countries" ([360]).* Civil society organisations also implemented initiatives and projects concerning the recognition of victims of torture ([361]).

Also noteworthy in this regard is the work done by UNHCR on the topic of Female Genital Mutilation (FGM) ([362]).

([354]) This may occur, e.g., because the asylum decision only refers to lengthy reports in a language the applicant does not understand, without specifying and translating the relevant pieces of information on which the decision is based (UNHCR input).
([355]) UNHCR input.
([356]) Art. 22 RCD2 establishes that MS shall take into account the specific situation of vulnerable persons such as minors; unaccompanied minors; disabled people; elderly people; pregnant women; single parents with children who are minors; 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 Art. 24 APD2 as well. The category listed here is thus only one subcategory of vulnerable persons.
([357]) 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.'
([358]) The RVA project was implemented between December 2012 and December 2013 and was coordinated by the UNHCR Regional Representation in Central Europe. The main activities included gathering data on the legal, procedural and support provisions relating to vulnerable asylum seekers across the participating states; enhancing state knowledge of the issues affecting vulnerable asylum seekers through targeted capacity-building activities; working to ensure an effective and proper method of identifying vulnerable asylum seekers; and creating and introducing tools for effective and tailored responses to the support and procedural needs of vulnerable asylum seekers. The RVA project also focused on developing the capacity of the existing internal audit mechanisms across the participating states to assess vulnerable asylum seekers.
([359]) Available at: http://www.unhcr.org.uk/fileadmin/user_upload/docs/UNHCR-Best_Interest-screen.pdf.
([360]) International Rehabilitation Council for Torture Victims, Recognising Victims of Torture in National Asylum Procedures: A comparative overview of early identification of victims and their access to medico-legal reports in asylum-receiving countries http://www.irct.org/files/Filer/publications/MLRweb.pdf.
([361]) The Croatian Law Center implemented a project entitled Protection of Victims of Torture among Vulnerable Groups of Migrants, underwritten by the UN Voluntary Fund for Victims of Torture, which aims to provide assistance to asylum seekers and torture survivors. Under this project, a group of NGOs support the potential victims with legal and medical/psycho-social assistance. Parcours d'Exil led another relevant project, http://protect-able.eu/resources/. Also, in Austria an interdisciplinary research project on victims of torture in the asylum procedure was finished: http://www.nwv.at/recht/voelkerrecht/1054_krieg_und_folter_im_asylverfahren/.
([362]) UNHCR, UNHCR's Contribution to the European Commission's Consultation on Female Genital Mutilation in the EU, May 2013, available at: http://www.refworld.org/docid/51a701594.html; and the UNHCR study, Too Much Pain: Female Genital Mutilation & Asylum in the European Union — A Statistical Overview, February 2013, available at: http://www.refworld.org/docid/512c72ec2.html. The UNHCR publication 'Too Much Pain' provides an unprecedented level of statistical detail regarding the countries of origin practicing FGM from which asylum-seeking and refugee women and girls in the European Union come. The statistical data also provides a clear map of the EU MS where these women and girls reside. As such, the messages the European Union should

At the MS level, special attention was paid to the situation of unaccompanied minors ([363]) and to applications made by LGBTI (Lesbian, Gay, Bisexual, Transgender, Intersex) applicants ([364]). While clear improvements have been made, whether or not the necessary procedures are formally in place, some concerns remain. These include the actual availability of legal guardians for unaccompanied minors ([365]), the effective use of procedures for age assessment and determining vulnerability ([366]), the reception and possible detention of vulnerable persons ([367]), and approaches towards victims of trafficking in human beings ([368]).

convey must be adjusted to each of the EU MS where these refugee women and girls reside, and most importantly tailored to the specific FGM-practising communities in each MS.

([363]) In Austria in 2013, the MoI and the European Refugee Fund continued their support of a quality assurance project aiming to assist authorities in processing the asylum procedures of unaccompanied minors (UBAUM). The project was implemented by UNHCR in cooperation with the Federal Asylum Office. In Estonia as a result of amendments to the law it is now possible to contract natural and juridical persons to safeguard the representation of UAM during international protection procedures. In Cyprus the Social Welfare Services are appointed as the official guardian of unaccompanied minors. Furthermore, the lawyer representing applicants for international protection should be approved in the register of practicing lawyers. In Belgium on 10 June 2013, an updated version of the National Action Plan (NAP 2010-2014) was approved by the Ministerial Conference. This new version includes measures regarding information and awareness raising, prevention of forced marriage, training of people who are professionally in charge of girls and women who are victims (or at risk) of these kinds of violence, and protection of victims. In Bulgaria in early August 2013 a separate protected area for unaccompanied minors was created in the Sofia Registration and Reception Centre. Accelerated procedures are not applied to UAMs and foreigners coming from a country under armed conflict (Syria). In Estonia a workshop on unaccompanied minors carried out under the IPE project focused on defining the best interests of the child based on the forthcoming UNHCR, Unicef BID handbook. The vulnerable groups workshop focused on issues related to trauma, torture, LGBT and trafficking. International protection officer staff from the Spanish Office for Asylum and Refugees received training on LGBT claims, focusing on credibility aspects. In Italy, following the Lampedusa tragedies on 3 and 9 October 2013, the National Fund for the Reception of Unaccompanied Minors was increased to 20 million EUR. The PRUMA (Promoting reunification of unaccompanied minor asylum seekers under the Dublin Regulation) project works for to reunify minors with their parents in another MS using Dublin procedures. The partners are OIM, Greece, Austria, Belgium, Germany, Malta, and Norway. The coalition agreement of 29 October 2012 states that under certain conditions, children remaining in the Netherlands for a long period of time and unaccompanied minor foreign nationals (UMFNs) may be eligible for a regular residence permit for the duration of one year. This involves a final arrangement, part of which is a transitional arrangement (the children's pardon). The arrangement took effect as of 1 February 2013. A new policy on unaccompanied minors was implemented starting 1 June 2013. As a result, the special residence permit for unaccompanied minors has been abolished. The new policy focuses on returning more unaccompanied minors who do not require protection in The Netherlands in order to carry out these returns faster (adequate reception facilities have been arranged in the country of origin or in the country of permanent residence). If an unaccompanied minor cannot be returned to adequate reception facilities through no fault of the unaccompanied minor and the unaccompanied minor was, at the time of his or her initial application, younger than 15 years of age, the unaccompanied minor may be entitled to a residence permit pursuant to the 'no-fault policy' for unaccompanied minors. This permit will be granted for five years period. In Sweden there was a policy change concerning unaccompanied minors (UAMs). The Swedish Migration Board is responsible for the asylum process and the local municipalities are responsible for accommodations and for ensuring the general welfare of the child. The Swedish Migration Board signs agreements with local municipalities for a number of accommodation places for asylum seeking UAMs to which the Board then refers the UAM. However, the number of accommodation places available through agreements has never been sufficient for the high number of UAMs coming to Sweden. In 2013, the Swedish Parliament passed an act giving the Swedish Migration Board the possibility to refer UAMs to local municipalities who have not signed an agreement with the Board or refer a number of UAMs to a municipality which exceeds the signed agreement in place. This change in policy entered into force on 1 January 2014. The United Kingdom's policy on granting limited leave to UAMs applying for international protection was incorporated into the Immigration Rules. UNHCR's Quality Integration Project, in its recent audit of asylum claims, examined how the best interests of children in asylum-seeking families are determined. The findings and accompanying recommendations were published in 'Considering the best interests of a child within a family seeking asylum' in December 2013 (available at: http://www.unhcr.org.uk/fileadmin/user_upload/docs/UNHCR-Best_Interest-screen.pdf). The findings indicate some positive practices, with some decision-makers identifying issues related to the welfare and best interests of the child. The report also highlights a number of shortcomings, including observations that the best interests of children were not respected in all decisions, that limited mechanisms exist for collecting information relevant to determining the best interests of a child and a finding that decision-makers rarely balance elements in light of a particular child's situation to reach a decision based on their best interests.

([364]) France increased OFPRA's internal expertise on both UAM and LGBT by creating a dedicated working group of specialists who are in charge of providing support to other case officers and developing guidelines for best practices. In Sweden the Migration Board adopted new guidelines regarding refugee status determination when LGBT claims (lesbian, gay, bisexual, and transgender) are made. A number of LGBT specialists were appointed and received special training during the year. LGBT specialists support case officers and decision-making officers in managing and processing asylum applications in which LGBT claims are made. Training in the norm-critical approach was introduced for new and existing staff members (particularly targeting asylum case officers).

([365]) UNHCR input, e.g., on Bulgaria, Croatia, Cyprus, Hungary, Italy, the Netherlands, Slovenia, Germany. Regarding the latter, with reference to the decision of the Federal Court of Justice of 29.05.2013 (dec. XII ZB 530/11), guardians are not entitled to have a lawyer nominated as a complementary guardian (Ergänzungspfleger) to represent the minor in the asylum procedure if the guardian himself/herself has no a detailed knowledge of asylum-specific issues. The decision questions a practice which was mainly developed in the Federal State of Hesse and which was often used as a good practice example. However, the court decision triggered a legal debate on the question of how the German guardian system can be adapted to the European standards. At present, there are no binding obligations for guardians of UASC to complete any special training. UNHCR has been involved in cases where family courts do not nominate guardians for UASC if one or both of the parents is/are alive and is/are in sporadic contact over phone from their home countries (such as Afghanistan and Iraq) with the minor. It is argued that it is possible for the parents to fulfil their parental responsibilities from abroad. However, this view is not in accordance with international standards and the European approach to the representation of asylum-seeking children (UNHCR input). In Belgium, UASCs do not have immediate access to a guardian. When the age of the minor is uncertain, a guardian will not be assigned until an age determination test (which is carried out exclusively on the basis of a physical medical test) has confirmed that he or she is a child. It is however important that a qualified and independent guardian be assigned to counsel the child. This is not guaranteed at the moment, undermining respect for the children's' rights, particularly for UASC who are detained at the border and who arrive as stowaways at sea ports (UNHCR input).

([366]) UNHCR input, e.g., on Bulgaria, Croatia, Cyprus, Czech Republic, Hungary, Italy, Malta, Romania, Slovenia, Spain.

([367]) The Maltese Reception Regulations state that the specific situation of vulnerable people, including minors and pregnant women, will be taken into account. These regulations further state that the best interests of the child shall be a primary consideration. However, Regulation 15 states that unaccompanied minors over 16 may be placed in detention centres for adult asylum seekers. According to UNHCR, procedures for the early release of vulnerable individuals are regulated by policy and practice rather than by law and are implemented by the immigration authorities. Release is not automatic, and vulnerable persons are still, in practice, detained upon arrival. Vulnerable persons such as unaccompanied and separated children, pregnant women, families with children, and persons with severe medical and psychological conditions are usually released from detention only after they undergo a vulnerability or age assessment procedure (UNHCR input). Concerns were also raised by UNHCR regarding Belgium, Bulgaria, Croatia, Cyprus, Greece, Hungary, Italy, Latvia, Portugal, Slovakia, and Slovenia (UNHCR input). In Malta, UNHCR raised concerns regarding LGBTI asylum seekers and beneficiaries of protection who are not in a position to reside in the open reception centres because of harassment but cannot afford private accommodation (UNHCR input). In Poland, in November 2013 the Committee against Torture found the detention of children in guarded centres — whether on their own or with their parents — to be 'absolutely unacceptable': http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13929&LangID=E.

([368]) E.g., in the United Kingdom, the Legal Aid, Sentencing and Punishment of Offenders Act 2012, which came into force in April 2013, significantly limited legal aid for victims of trafficking. Legal aid will be available to a victim of trafficking for an application for leave to enter or remain; however, the person must furnish proof of a conclusive determination under the National Referral Mechanism that they are a victim of trafficking or that there is a 'reasonable grounds determination' that they are a victim and there has been no conclusive determination stating that they are not. A victim of trafficking is not entitled to legal aid before going to authorities to establish that they have been trafficked unless they begin their application as an asylum case (for which legal aid is available) (UNHCR input).

In 2013 UNHCR provided relevant guidance on protection issues concerning vulnerable applicants ([369]).

EASO activities on Vulnerable Groups

Between December 2012 and February 2013, EASO and the European Commission sent a joint questionnaire to MS on current policy and practice relating to family tracing (FT). This led to a better understanding of how MS were conducting FT in practice, as well as some of the key issues and challenges they faced. This was followed by wider consultation of relevant experts from civil society (academics, IGOs, NGOs, medical practitioners), members of Courts and Tribunals in the MS, the European Commission and other EU Agencies.

During 2013, EASO held a series of expert meetings on family tracing, which sought to address the key issues, challenges and good practices available. The aim was to provide an opportunity to share information and exchange practices. MS administrations were joined by other relevant actors with expertise in the field, including the European Commission, FRA, UNHCR, ECRE, NGOs, members of courts and tribunals in the MS, ICRC, IOM and Save the Children. By opening up participation to other relevant experts, EASO widened the debate to include a range of perspectives, further enhancing the scope of joint cooperation between not only MS, but other EU agencies and organisations as well. Outcomes included enhanced cooperation, agreements to work together to develop common tools and commitments to further develop a network of experts.

The EASO handbook, which aims to support policy officers in developing age assessment processes and procedures within the framework of the CEAS, was finalised in 2013. The publication was developed in consultation and collaboration with MS administrations as well as other relevant experts who were given the opportunity to review and comment on its content, scope and draft versions.

Furthermore, EASO's Interviewing Children module was also reviewed and updated by a content group consisting of MS experts and a reference group which included the European Commission, FRA, UNHCR, ECRE and IARLJ. The update focused on making sure the module included the provisions of the recast EU asylum acquis, addressed the concept of the best interests of the child, and highlighted child-specific provisions related to conducting an interview. The module was also shared as instance of good practice during a conference organised with CEPOL and as part of UNHCR's CREDO project.

In September 2013, EASO recruited a seconded national expert whose main task will be to focus on gender and LGBTI issues within the asylum context.

In October 2013, EASO hosted a 'Gender session' in Malta as part of its Didactic Seminar during which the 'Gender perspective' of the EASO training modules was analysed. EASO also participated in a seminar in Rome on assessing asylum claims by LGBTI asylum seekers organised by UNHCR and the Council of Europe.

In December 2013, EASO began developing a new EASO training module on 'Gender, Gender Identity and Sexual Orientation'. The objective of developing the module is to provide asylum case officers with enough awareness, skills and knowledge to be able to:

1. Explain how experiences and attitudes regarding gender, gender identity and sexual orientation influence the way the asylum claim is processed.

2. Identify gender, gender identity and sexual orientation issues/factors when processing an asylum claim

3. Apply an appropriate approach to gender, gender identity and sexual orientation when processing the asylum claim.

([369]) UNHCR, UNHCR's Contribution to the European Commission's Consultation on Female Genital Mutilation in the EU, May 2013, available at: http://www.refworld.org/docid/51a701594.html; UNHCR, Too Much Pain: Female Genital Mutilation & Asylum in the European Union — A Statistical Overview, February 2013, available at: http://www.refworld.org/docid/512c72ec2.html; UNHCR, Too Much Pain: Female Genital Mutilation & Asylum in the European Union — A Statistical Update (March 2014), March 2014, available at: http://www.refworld.org/docid/5316e6db4.html; UNHCR, Update on refugee women: promoting gender equality and eliminating sexual and gender-based violence, 4 June 2013, EC/64/SC/CRP.12, http://www.refworld.org/docid/5209f48d4.html; UNHCR, Working with Older Persons in Forced Displacement, 2013,http://www.refworld.org/docid/4ee72aaf2.html; UNHCR, Update on HIV/AIDS and refugees, 19 June 2013, EC/64/SC/CRP.18/Rev. 1, http://www.refworld.org/docid/51f617e44.html; UNHCR, UNHCR Accountability Frameworks for Age, Gender and Diversity Mainstreaming and Targeted Actions, 24 June 2013, available at: http://www.refworld.org/docid/51c95f544.html.

In the case *Arslan* (C-534/11) ([370]), although the judgment is primarily about the interpretation of the Return Directive, the European Court of Human Rights elaborates on the meaning of the Reception Conditions Directive. The CJEU ruled that the Directive does not preclude the detention on the basis of a provision of national law of a third-country national who has applied for international protection (after having been detained under Art. 15 of the Return Directive) when it appears, after an assessment on a case-by-case basis of all the relevant circumstances, that the application was made solely to delay or jeopardise the enforcement of the return decision and that it is objectively necessary to continue detention to keep the person concerned from permanently evading his return.

4.12. Return

The 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 and in the EU Return Directive. For the practical operation of the CEAS, whether a failed asylum applicant is effectively returned to their country of origin is of vital interest, since an inability to return may constitute a major pull factor.

Return procedures include voluntary return (whereby a person declares their willingness to return to the country of origin, usually formally withdrawing their application for international protection, and can be provided with support from the MS to cover return travel costs) and forced return (whereby a person is returned by the public authorities of the MS to their country of origin or to another country where they are legally entitled to stay). Voluntary return is a preferred option in many MS ([371]).

It should be noted that a person who has formally been refused international protection may still be granted leave to remain in the MS (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 linked to developments in the current situation in the countries of origin ([372]) or other factor. For example, some MS use a system where returns can also be suspended at certain times of year ([373]).

EASO is working to develop and improve information about returning failed asylum seekers based on a step by step approach. The first step will be to include a request in the next development of EPS that MS begin to regularly collect data on the return of those who have received a final negative asylum decision so that a more complete picture can be gained of the effective functioning of this final part of the CEAS.

([370]) Case C-534/11, Arslan [30 May 2013], ref. from 'Nejvyšší správní soud' (Czech Republic), 22.9.2011.
([371]) E.g., inter alia, in Austria, Belgium, Croatia, and the United Kingdom.
([372]) The Czech Republic applied a 'no return' policy to nationals of Egypt from September to December 2013. The same policy is applied to Belarusians (since December 2010) and Syrians (since May 2011), as well as to nationals of South Sudan (since April 2012) and Mali (since May 2012).
([373]) Four out of the 16 federal states in Germany (Bremen, Rhineland-Palatinate, Schleswig-Holstein, Mecklenburg-Vorpommern) have decided to implement a 'winter return ban' for minorities from Serbia, Kosovo, FYRM, Montenegro, BiH and Albania, which means that these individuals shall not be forcibly returned until 1 April 2014 (unless they are criminal offenders). Some of the other federal states in Germany have announced that they would not implement a return ban; however, they advise a careful and individual assessment of the situation before forcibly returning individuals and stress that humanitarian aspects must be taken into account (UNHCR input)
([374]) Case C-534/11, Arslan [30 May 2013], ref. from 'Nejvyšší správní soud' (Czech Republic), 22.9.2011.

5. Conclusion

As outlined in the statistical section of this report, in 2013 EU MS faced the highest numbers of persons applying for international protection since the beginning of EU-level data collection. Similarly, the overall number of decisions issued in 2013 and the number of cases pending at the end of the year grew in comparison to the year before. These numbers necessitated increased efforts by the EU to provide protection to those in need, which in some cases resulted in increased pressures on individual MS and the need to activate the support of EASO.

As in previous years, the numbers of applications received from nationals of specific countries of origin continued to vary significantly among the MS. Nonetheless, at the EU level, 2013 was strongly marked by two particular flows: one of Syrian applicants and one of applicants from Western Balkan countries. While individual assessment of each case remains a principle of the CEAS, in general each of those flows displayed very different features. Due to the ongoing conflict, applicants from Syria received almost universally high levels of protection (which led to the activation of their right to integration and family reunification), whereas the majority of applications from citizens of Western Balkan countries were regarded as unfounded (leading to the question of ensuring effective return of refused applicants and the use of accelerated or prioritised procedures to avoid overloading the asylum system). These two particular flows alone testify to the complexity and multi-faceted nature of the asylum environment in Europe, which EASO follows closely, particularly in terms of data collection and analysis, in order to provide better support to MS as needed while improving knowledge of the effective operation of the CEAS.

At the same time, the above and other developments in 2013 described in the report evidenced the need to conduct asylum procedures in a time- and resource-efficient manner to ensure an adequate response to a genuine need for protection in a procedure fully in line with international standards and the EU's commitment to fundamental rights. Toward the end of 2013, the tragic events in Lampedusa underscored the fact that access to the territory and the right to international protection are fundamentally linked. EASO will be an important part of the response to be provided in that regard at the EU level, with many initiatives already underway.

In 2013, the MS continued developing their national systems, undertaking many initiatives, launching organisational and procedural reforms and adjusting their policies. The report highlighted the fact that while many challenges remain, including, e.g., alleged pushbacks, delays in registration, and reception and detention conditions, numerous improvements were noted in terms of providing information and legal assistance to applicants for international protection, and launching new procedural and technological solutions. A deeper understanding of the concept of vulnerable groups and applicants in need of special procedural guarantees and practical responses were noticeable developments in 2013, yet there is still room for improvement in that regard. EASO will thus continue its work with the MS and other stakeholders in these and other areas, looking for innovative solutions and serving as a catalyst for practical cooperation.

In mid-2013, the EU finished recasting the EU asylum acquis which when fully transposed and implemented by participating MS, will bring the environment of international protection in Europe to a new enhanced level. There was also a strong focus in 2013 on early warning, preparedness, crisis management and contingency planning as measures for ensuring that national asylum systems function properly. All those elements set the scene for ensuring the further harmonisation of practices and for strengthening solidarity and practical cooperation among the MS, including in the external dimension of the CEAS. From another perspective, the launching of the new Asylum, Migration and Integration Fund presents an additional opportunity for MS to build high-quality asylum systems via both national projects and joint initiatives. Possibilities for creating and testing new solutions, such as joint processing of asylum applications and providing joint reception, will emerge, and EASO may play a leading role in them.

In addition to operational needs, many areas of the CEAS merit further analysis to better understand developments across the EU. Lack of uniform practices regarding reporting statistical data, the complexity of legal frameworks and procedures instituted by the MS, and conflicting interpretations of legal notions of the asylum *acquis* by individual authorities and judicial bodies will all be key points of focus for EASO's activities in cooperation with MS in the years to come.

ANNEXES

A. List of Abbreviations

ACCORD	Austrian Centre for Country of Origin and Asylum Research and Documentation
AF	Afghanistan
AL	Albania
AM	Armenia
AMIF	Asylum, Migration and Integration Fund
APD	Asylum Procedures Directive
AST	Asylum Support Teams
AVR	Assisted Voluntary Return
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	The Democratic Republic of the Congo
CEAS	Common European Asylum System
Cedoca	Centre for Documentation and Research (Belgian COI unit)
CGRA	Office of the Commissioner General for Refugees and Stateless Persons (Belgium)
CIR	Council for Refugees (Italy)
CJEU	Court of Justice of the European Union
CN	China
CNDA	Court Nationale du Droit d'Asile / National Asylum Appeal Court (France)
COA	Central Agency for the Reception of Asylum Seekers (Netherlands)
COI	Country of Origin Information
CRC	Committee of the Red Cross
CREDO	Improved credibility assessment in EU asylum procedures project (UNHCR)
CSOs	Civil Society Organisations
D-A-CH	Cooperation network between Germany-Austria-Switzerland (and Luxembourg)
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
ENARO	European Network of Reception Organisations
EPS	Early warning and Preparedness System
ER	Eritrea
ERF	European Refugee Fund
ETC	Emergency Transit Centre
EU	European Union
EUREMA	EU Pilot Project for the relocation of beneficiaries of international protection from Malta
FDQ	Further Developing Quality Project (UNHCR)
Fedasil	Federal Agency for the Reception of Asylum Seekers (Belgium)

FFM	Fact Finding Mission
FIS	Finnish Immigration Service
FGM	Female Genital Mutilation
Frontex	EU Agency for the Management of Operational Cooperation at the External Borders
FYROM	former Yugoslav Republic of Macedonia
GE	Georgia
GN	Guinea
IARLJ	International Association of Refugee Law Judges
ICJ	International Commission of Jurists
ICMC	International Catholic Migration Commission
IDP	Internally Displaced Person
IGC	Intergovernmental Consultations on Migration, Asylum and Refugees
IOM	International Organisation for Migration
IQ	Iraq
IR	Iran
LGBT	Lesbian, Gay, Bisexual, Transgender
LK	Sri Lanka
MedCOI (II)	Project on the availability and accessibility of medical COI
MK	former Yugoslav Republic of Macedonia
MOI	Federal Ministry of the Interior (Austria)
MS	Member State(s)
NG	Nigeria
NGO	Non-Governmental Organisation
OFPRA	Office français de Protection des Réfugiés et Apatrides
OIN	Office of Immigration and Nationality (Hungary)
ORAC	Office of the Refugee Applications Commissioner (Ireland)
PK	Pakistan
QD	Qualification Directive
QI	Quality Integration (UKBA)
RS	Serbia
RSD	Refugee Status Determination
RU	Russian Federation
SAC	Supreme Administrative Court (Poland)
SMB	Swedish Migration Board
STLS	stateless
SO	Somalia
SY	Syrian Arab Republic
THB	Trafficking of Human Beings
TR	Turkey
UAM	Unaccompanied Minor
UASC	Unaccompanied Asylum Seeking Children
UBAUM II	Assisting Authorities in Asylum Procedures of Unaccompanied Minors (Project) (Austria)
UKBA	UK Border Agency
UNHCR	United Nations High Commissioner for Refugees
UNRWA	United Nations Relief and Works Agency
VIS	Visa Information System
VREN	Voluntary Return European Network
XK	Kosovo

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C. Statistics

Disclaimer

Figures used in this annex reflect annual datasets published on the Eurostat website on 2 May 2014 and collected within the framework of Regulation (EC) 862/2007 of 11 July 2007 on community statistics on migration and international protection.

The data used for this publication are provided to Eurostat by the Ministries of Interior, Justice or immigration agencies of the MS. Data are based entirely on relevant administrative sources. Apart from statistics on new asylum applicants, these data are supplied by MS according to the provisions of Article 4 of the Regulation 862/2007.

It should be noted that the indicators on asylum applicants, new asylum applicants, and withdrawn applications are collected by Eurostat on a monthly basis. Indicators on first instance decisions such as refugee status granted, subsidiary protection status granted, authorisation to stay for humanitarian reasons, and rejections are submitted to Eurostat on a quarterly basis.

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 updates or revisions by the MS.

Data made available on Eurostat website are rounded to the nearest 5. As such, aggregates computed on the basis of rounded figures may slightly deviate from the actual total.

Also, please note that a '0' may not necessarily indicate a real zero value but could also represent a value of '1' or '2'.

Annex C1: Asylum applicants in the EU28 by MS and main citizenship, 2009–2013

						2013				
	2009	2010	2011	2012	2013	% chg. on last year	Share in EU28	per million inhabitants	Highest share	Sparkline
Reporting country									**Citizenship**	
Germany	32 910	48 475	53 235	77 485	**126 705**	*+64*	*29%*	*1,545*	*Serbia (14%)*	
France	47 620	52 725	57 330	61 440	**66 265**	*+8*	*15%*	*1,041*	*Congo (DR) (8%)*	
Sweden	24 175	31 850	29 650	43 855	**54 270**	*+24*	*12%*	*5,679*	*Syria (30%)*	
United Kingdom	31 665	24 335	26 915	28 800	**29 875**	*+4*	*6.9%*	*468*	*Pakistan (16%)*	
Italy	17 640	10 000	40 315	17 335	**27 930**	*+61*	*6.4%*	*468*	*Nigeria (13%)*	
Belgium	21 615	26 080	31 910	28 075	**21 030**	*-25*	*4.8%*	*1,884*	*Russia (10%)*	
Hungary	4 665	2 095	1 690	2 155	**18 895**	*+777*	*4.3%*	*1,907*	*Kosovo (33%)*	
Austria	15 780	11 045	14 420	17 415	**17 500**	*+0*	*4.0%*	*2,071*	*Russia (16%)*	
Netherlands	16 135	15 100	14 590	13 095	**17 160**	*+31*	*3.9%*	*1,023*	*Somalia (19%)*	
Poland	10 590	6 540	6 885	10 750	**15 240**	*+42*	*3.5%*	*396*	*Russia (84%)*	
Greece	15 925	10 275	9 310	9 575	**8 225**	*-14*	*1.9%*	*744*	*Pakistan (17%)*	
Denmark	3 720	5 065	3 945	6 045	**7 170**	*+19*	*1.6%*	*1,280*	*Syria (24%)*	
Bulgaria	855	1 025	890	1 385	**7 145**	*+416*	*1.6%*	*981*	*Syria (63%)*	
Spain	3 005	2 740	3 420	2 565	**4 485**	*+75*	*1.0%*	*96*	*Mali (33%)*	
Finland	4 910	3 085	2 915	3 095	**3 210**	*+4*	*0.7%*	*592*	*Iraq (26%)*	
Malta	2 385	175	1 890	2 080	**2 245**	*+8*	*0.5%*	*5,328*	*Somalia (45%)*	
Romania	960	885	1 720	2 510	**1 495**	*-40*	*0.3%*	*75*	*Syria (68%)*	
Cyprus	3 200	2 875	1 770	1 635	**1 255**	*-23*	*0.3%*	*1,449*	*Syria (45%)*	
Croatia	:	:	:	:	**1 075**	*:*	*0.2%*	*252*	*Syria (18%)*	*n.a.*
Luxembourg	480	780	2 150	2 050	**1 070**	*-48*	*0.2%*	*1,992*	*Kosovo (15%)*	
Ireland	2 680	1 935	1 290	955	**920**	*-4*	*0.2%*	*200*	*Nigeria (14%)*	
Czech Republic	1 235	775	750	740	**695**	*-6*	*0.2%*	*66*	*Ukraine (21%)*	
Portugal	140	155	275	295	**500**	*+69*	*0.1%*	*48*	*Syria (29%)*	
Slovakia	805	540	490	730	**440**	*-40*	*0.1%*	*81*	*Afghanistan (25%)*	
Lithuania	450	495	525	645	**400**	*-38*	*0.1%*	*135*	*Georgia (30%)*	
Slovenia	190	240	355	295	**270**	*-8*	*0.1%*	*131*	*Syria (22%)*	
Latvia	60	65	340	205	**195**	*-5*	*0.0%*	*96*	*Georgia (74%)*	
Estonia	40	35	65	75	**95**	*+27*	*0.0%*	*72*	*Vietnam (26%)*	
Citizenship									**Reporting country**	
Syria	4 750	5 010	8 145	24 115	**50 495**	*+109*	*12%*	*2,248*	*Sweden (33%)*	
Russia	20 110	18 595	18 325	24 290	**41 485**	*+71*	*10%*	*289*	*Germany (37%)*	
Afghanistan	20 455	20 600	28 160	28 020	**26 315**	*-6*	*6.0%*	*846*	*Germany (31%)*	
Serbia	5 460	17 740	14 105	19 055	**22 420**	*+18*	*5.1%*	*3,122*	*Germany (80%)*	
Pakistan	9 925	9 220	16 265	19 785	**20 895**	*+6*	*4.8%*	*117*	*United Kingdom (22%)*	
Kosovo	14 275	14 310	9 880	10 210	**20 225**	*+98*	*4.6%*	*11,217*	*Hungary (31%)*	
Somalia	19 000	14 360	12 370	14 280	**18 670**	*+31*	*4.3%*	*1,830*	*Sweden (21%)*	
Eritrea	5 230	4 540	5 725	6 400	**14 685**	*+129*	*3.4%*	*2,395*	*Sweden (33%)*	
Iran	8 565	10 340	11 890	13 600	**12 785**	*-6*	*2.9%*	*167*	*Germany (37%)*	
Nigeria	10 270	6 805	13 075	7 520	**11 650**	*+55*	*2.7%*	*69*	*Italy (31%)*	
Iraq	18 845	15 830	15 230	13 190	**11 200**	*-15*	*2.6%*	*344*	*Germany (37%)*	
FYROM	930	7 550	5 555	9 625	**11 065**	*+15*	*2.5%*	*5,365*	*Germany (85%)*	
Albania	2 065	1 925	3 080	7 500	**11 040**	*+47*	*2.5%*	*3,491*	*France (46%)*	
Stateless	1 845	2 245	2 465	3 515	**9 590**	*+173*	*2.2%*	*n.a.*	*Sweden (72%)*	
Bangladesh	5 970	6 195	8 490	6 300	**9 155**	*+45*	*2.1%*	*59*	*France (49%)*	
Other	116 140	104 135	136 280	127 885	**144 085**	*+13*	*33%*	*n.a.*	*France (27%)*	
EU28	**263 835**	**259 400**	**309 040**	**335 290**	**435 760**	*+30*		***859***	***Syria (12%)***	

Annex C2: New asylum applicants in the EU28 by MS and main citizenship, 2009–2013

						2013				
	2009	2010	2011	2012	2013	% chg. on last year	Share in EU28	per million inhabitants	Highest share	Sparkline
Reporting country									**Citizenship**	
Germany	27 575	41 245	45 680	64 410	**109 375**	*+ 70*	*29%*	*1,334*	*Russia (14%)*	
France	42 070	48 030	52 140	54 265	**60 475**	*+ 11*	*16%*	*950*	*Congo (DR) (9%)*	
Sweden	23 600	31 785	29 630	43 835	**54 255**	*+ 24*	*14%*	*5,678*	*Syria (30%)*	
United Kingdom	30 645	22 615	25 870	27 885	**28 950**	*+ 4*	*7.7%*	*453*	*Pakistan (16%)*	
Italy	17 640	10 000	40 320	17 170	**26 920**	*+ 57*	*7.1%*	*451*	*Pakistan (12%)*	
Hungary	:	:	:	:	**18 565**	*n.a.*	*4.9%*	*1,874*	*Kosovo (33%)*	*n.a.*
Netherlands	14 880	13 290	11 560	9 660	**14 375**	*+ 49*	*3.8%*	*857*	*Somalia (21%)*	
Poland	9 655	4 330	4 985	9 175	**13 970**	*+ 52*	*3.7%*	*363*	*Russia (85%)*	
Belgium	16 595	21 565	25 355	18 335	**11 965**	*- 35*	*3.2%*	*1,072*	*Congo (DR) (9%)*	
Greece	:	:	9 310	9 575	**7 860**	*- 18*	*2.1%*	*711*	*Pakistan (17%)*	
Denmark	3 720	5 065	3 945	6 045	**7 170**	*+ 19*	*1.9%*	*1,280*	*Syria (24%)*	
Bulgaria	:	:	705	1 230	**6 980**	*+ 467*	*1.8%*	*958*	*Syria (64%)*	
Spain	:	2 550	2 970	2 350	**4 285**	*+ 82*	*1.1%*	*92*	*Mali (34%)*	
Finland	:	:	:	2 905	**2 985**	*+ 3*	*0.8%*	*550*	*Iraq (25%)*	
Malta	2 385	145	1 865	2 060	**2 205**	*+ 7*	*0.6%*	*5,233*	*Somalia (46%)*	
Romania	:	:	1 695	2 420	**1 405**	*- 42*	*0.4%*	*70*	*Syria (69%)*	
Cyprus	3 200	2 835	1 745	1 590	**1 150**	*- 28*	*0.3%*	*1,328*	*Syria (41%)*	
Croatia	:	:	:	:	**1 045**	*n.a.*	*0.3%*	*245*	*Syria (18%)*	*n.a.*
Luxembourg	:	:	1 915	2 000	**990**	*- 51*	*0.3%*	*1,843*	*Kosovo (15%)*	
Ireland	2 650	1 915	1 280	940	**910**	*- 3*	*0.2%*	*198*	*Nigeria (14%)*	
Portugal	140	155	275	290	**500**	*+ 72*	*0.1%*	*48*	*Syria (29%)*	
Czech Republic	620	380	485	505	**490**	*- 3*	*0.1%*	*47*	*Syria (14%)*	
Slovakia	:	315	320	550	**290**	*- 47*	*0.1%*	*54*	*Afghanistan (29%)*	
Lithuania	210	370	405	560	**250**	*- 55*	*0.1%*	*84*	*Georgia (40%)*	
Slovenia	175	195	305	260	**240**	*- 8*	*0.1%*	*117*	*Syria (23%)*	
Latvia	50	60	335	190	**185**	*- 3*	*0.0%*	*91*	*Georgia (78%)*	
Estonia	35	30	65	75	**95**	*+ 27*	*0.0%*	*72*	*Vietnam (26%)*	
Austria	:	:	:	:	**:**	*:*	*n.a*	*n.a*	*n.a*	*n.a*
Citizenship									**Reporting country**	
Syria	2 865	3 775	6 455	20 805	**46 960**	*+ 126*	*12%*	*2,091*	*Sweden (35%)*	
Russia	13 400	12 725	12 650	17 445	**35 140**	*+ 101*	*9%*	*245*	*Germany (42%)*	
Afghanistan	13 510	16 180	22 270	21 080	**21 320**	*+ 1*	*5.6%*	*685*	*Germany (36%)*	
Pakistan	5 385	5 800	14 805	17 100	**19 180**	*+ 12*	*5.1%*	*107*	*United Kingdom (23%)*	
Somalia	16 865	12 920	10 600	12 850	**17 740**	*+ 38*	*4.7%*	*1,739*	*Sweden (22%)*	
Kosovo	9 775	11 725	7 550	7 165	**16 905**	*+ 136*	*4.5%*	*9,376*	*Hungary (36%)*	
Serbia	3 205	14 615	10 650	13 635	**15 120**	*+ 11*	*4.0%*	*2,105*	*Germany (76%)*	
Eritrea	4 990	4 325	5 575	6 235	**14 445**	*+ 132*	*3.8%*	*2,356*	*Sweden (34%)*	
Iran	6 140	8 500	10 285	11 740	**11 020**	*- 6*	*2.9%*	*144*	*Germany (40%)*	
Albania	1 305	1 075	2 860	6 875	**10 530**	*+ 53*	*2.8%*	*3,330*	*France (48%)*	
Nigeria	7 735	5 435	12 225	6 725	**10 215**	*+ 52*	*2.7%*	*61*	*Italy (32%)*	
Iraq	14 105	12 550	12 785	11 360	**9 325**	*- 18*	*2.5%*	*286*	*Germany (42%)*	
Stateless	1 400	1 805	2 135	3 190	**9 195**	*+ 188*	*2.4%*	*n.a.*	*Sweden (75%)*	
Georgia	6 775	4 370	6 045	9 785	**8 020**	*- 18*	*2.1%*	*1,777*	*France (31%)*	
Congo (DR)	4 180	5 000	5 795	7 475	**7 485**	*+ 0*	*2.0%*	*114*	*France (70%)*	
Other	84 205	86 080	120 475	104 815	**125 295**	*+ 20*	*33%*	*n.a.*	*Germany (27%)*	
EU28	**195 840**	**206 880**	**263 160**	**278 280**	**377 895**	*+ 36*		***745***	***Syria (12%)***	

Annex C3: Pending cases at the end of the year in the EU28 by MS and main citizenship, 2009-2013

						2013				
	2009	2010	2011	2012	2013	% chg. on last year	Share in EU28	per million inhabitants	Highest share	Sparkline
Reporting country									**Citizenship**	
Germany	22 670	45 610	57 905	80 255	**133 855**	*+ 67*	*38%*	*1,632*	*Afghanistan (11%)*	
Greece	1 330	55 960	14 100	39 460	**49 800**	*+ 26*	*14%*	*4,502*	*Pakistan (32%)*	
France	22 820	18 670	22 850	24 480	**38 915**	*+ 59*	*11%*	*611*	*Russia (12%)*	
Sweden	18 910	18 550	18 110	22 795	**27 675**	*+ 21*	*7.9%*	*2,896*	*Syria (25%)*	
United Kingdom	:	14 845	15 140	18 845	**22 940**	*+ 22*	*6.5%*	*359*	*Pakistan (13%)*	
Austria	28 500	21 995	20 530	21 740	**22 175**	*+ 2*	*6.3%*	*2,624*	*Afghanistan (28%)*	
Belgium	28 025	31 925	40 330	26 165	**17 520**	*- 33*	*5.0%*	*1,570*	*Guinea (10%)*	
Italy	4 335	4 050	13 515	11 345	**13 655**	*+ 20*	*3.9%*	*229*	*Nigeria (14%)*	
Bulgaria	1 315	1 530	1 385	1 270	**5 650**	*+ 345*	*1.6%*	*776*	*Syria (60%)*	
Spain	3 275	2 710	2 670	2 790	**4 345**	*+ 56*	*1.2%*	*93*	*Mali (35%)*	
Ireland	5 750	5 150	4 210	3 530	**3 805**	*+ 8*	*1.1%*	*829*	*Nigeria (16%)*	
Finland	4 080	2 090	2 170	2 515	**2 495**	*- 1*	*0.7%*	*460*	*Iraq (21%)*	
Poland	2 785	2 175	2 625	2 380	**1 990**	*- 16*	*0.6%*	*52*	*Russia (59%)*	
Hungary	450	200	360	385	**1 885**	*+ 390*	*0.5%*	*190*	*Afghanistan (37%)*	
Luxembourg	420	680	1 655	2 090	**1 670**	*- 20*	*0.5%*	*3,110*	*Kosovo (18%)*	
Denmark	1 195	1 215	1 910	1 555	**1 485**	*- 5*	*0.4%*	*265*	*Somalia (22%)*	
Malta	220	25	180	745	**905**	*+ 21*	*0.3%*	*2,148*	*Somalia (41%)*	
Romania	25	25	50	35	**345**	*+ 886*	*0.1%*	*17*	*Syria (33%)*	
Czech Republic	750	715	560	565	**310**	*- 45*	*0.1%*	*29*	*Syria (8%)*	
Croatia	:	:	:	:	**235**	*n.a.*	*0.1%*	*55*	*Syria (17%)*	*n.a.*
Latvia	50	55	235	190	**195**	*+ 3*	*0.1%*	*96*	*Georgia (74%)*	
Slovakia	70	290	255	340	**170**	*- 50*	*0.0%*	*31*	*Afghanistan (26%)*	
Lithuania	140	180	175	175	**125**	*- 29*	*0.0%*	*42*	*Afghanistan (28%)*	
Slovenia	105	155	155	195	**100**	*- 49*	*0.0%*	*49*	*Kosovo (20%)*	
Portugal	5	15	30	10	**60**	*+ 500*	*0.0%*	*6*	*Syria (67%)*	
Estonia	25	20	15	15	**40**	*+ 167*	*0.0%*	*30*	*Syria (25%)*	
Cyprus	:	2 360	:	1 225	**:**	*n.a.*	*n.a*	*n.a*	*n.a*	
Netherlands	16 240	13 050	10 415	:	**:**	*n.a.*	*n.a*	*n.a*	*n.a*	
Citizenship									**Reporting country**	
Afghanistan	11 655	22 750	26 990	31 570	**32 020**	*+ 1*	*9.1%*	*1,029*	*Germany (46%)*	
Pakistan	2 780	21 420	13 660	27 795	**31 620**	*+ 14*	*9.0%*	*176*	*Greece (51%)*	
Syria	2 960	6 855	8 165	14 765	**26 065**	*+ 77*	*7.4%*	*1,161*	*Germany (35%)*	
Russia	15 530	14 585	13 820	14 600	**25 045**	*+ 72*	*7.1%*	*175*	*Germany (52%)*	
Serbia	6 545	10 885	10 930	10 510	**14 770**	*+ 41*	*4.2%*	*2,057*	*Germany (88%)*	
Iran	5 485	10 015	10 425	12 315	**13 275**	*+ 8*	*3.8%*	*174*	*Germany (56%)*	
Iraq	14 140	22 730	13 060	13 385	**12 775**	*- 5*	*3.6%*	*392*	*Germany (43%)*	
Somalia	9 360	8 350	8 005	7 980	**11 660**	*+ 46*	*3.3%*	*1,143*	*Germany (42%)*	
Bangladesh	2 560	8 825	6 235	8 720	**11 445**	*+ 31*	*3.2%*	*74*	*Greece (62%)*	
Nigeria	6 305	7 845	8 435	8 185	**11 390**	*+ 39*	*3.2%*	*67*	*Germany (24%)*	
Georgia	4 005	7 580	5 705	7 770	**11 225**	*+ 44*	*3.2%*	*2,488*	*Greece (42%)*	
Kosovo	7 070	8 970	6 670	5 440	**9 265**	*+ 70*	*2.6%*	*5,139*	*Germany (39%)*	
Albania	1 170	2 020	2 720	4 325	**9 245**	*+ 114*	*2.6%*	*2,924*	*France (42%)*	
Eritrea	1 790	2 535	2 625	3 305	**8 830**	*+ 167*	*2.5%*	*1,440*	*Germany (46%)*	
FYROM	1 110	3 770	3 415	5 205	**7 860**	*+ 51*	*2.2%*	*3,811*	*Germany (92%)*	
Other	71 025	85 110	90 670	89 225	**115 840**	*+ 30*	*33%*	*n.a.*	*Germany (31%)*	
EU28	**163 490**	**244 245**	**231 530**	**265 095**	**352 330**	*+ 33*		***695***	***Afghanistan (9%)***	

Annex C4: Withdrawn applications in the EU28 by MS and main citizenship, 2009–2013

						2013				
	2009	2010	2011	2012	2013	% chg. on last year	Share in EU28	per million inhabitants	Highest share	Sparkline
Reporting country									**Citizenship**	
Sweden	2 880	4 250	4 190	5 500	**4 825**	- 12	16%	505	Serbia (10%)	
Germany	2 115	3 070	3 000	3 055	**4 750**	+ 55	16%	58	Russia (21%)	
Greece	415	1 325	1 800	4 690	**4 090**	- 13	14%	370	Pakistan (31%)	
Denmark	:	1 520	1 135	1 365	**3 005**	+ 120	10%	536	Russia (14%)	
United Kingdom	3 690	3 055	2 720	2 420	**2 540**	+ 5	8.5%	40	Pakistan (17%)	
Austria	4 055	2 965	2 465	2 155	**1 880**	- 13	6.3%	222	Russia (19%)	
Belgium	1 185	2 910	1 945	2 155	**1 705**	- 21	5.7%	153	Russia (11%)	
Poland	1 345	895	655	1 140	**1 565**	+ 37	5.2%	41	Russia (86%)	
Hungary	345	345	150	150	**1 195**	+ 697	4.0%	121	Kosovo (33%)	
Croatia	:	:	:	:	**740**	n.a.	2.5%	174	Somalia (22%)	n.a.
Cyprus	:	655	620	515	**560**	+ 9	1.9%	647	Iraq (22%)	
Ireland	900	635	420	390	**535**	+ 37	1.8%	117	Nigeria (13%)	
Netherlands	635	595	355	335	**425**	+ 27	1.4%	25	Iraq (9%)	
Luxembourg	25	40	325	930	**355**	- 62	1.2%	661	Serbia (15%)	
Finland	350	510	360	435	**310**	- 29	1.0%	57	Iraq (23%)	
France	160	120	130	245	**305**	+ 24	1.0%	5	Algeria (10%)	
Slovakia	30	315	230	340	**285**	- 16	1.0%	53	Afghanistan (19%)	
Bulgaria	45	95	105	180	**195**	+ 8	0.7%	27	Iraq (31%)	
Slovenia	95	120	170	110	**175**	+ 59	0.6%	85	Syria (31%)	
Lithuania	85	210	150	170	**125**	- 26	0.4%	42	Georgia (36%)	
Romania	10	155	135	150	**115**	- 23	0.4%	6	Syria (17%)	
Malta	300	5	60	60	**90**	+ 50	0.3%	214	Somalia (39%)	
Latvia	10	10	105	130	**85**	- 35	0.3%	42	Georgia (88%)	
Czech Republic	75	80	75	65	**55**	- 15	0.2%	5	Syria (18%)	
Estonia	5	0	5	10	**25**	+ 150	0.1%	19	Georgia (20%)	
Italy	1 225	315	580	105	**15**	- 86	0.1%	0	Pakistan (33%)	
Portugal	5	5	0	5	**10**	+ 100	0.0%	1	Senegal (50%)	
Spain	225	145	165	130	**:**	n.a.	n.a.	n.a.	n.a.	
Citizenship									**Reporting country**	
Russia	2 245	1 930	1 125	1 890	**3 610**	+ 91	12%	25	Poland (37%)	
Pakistan	630	695	1 005	2 490	**2 570**	+ 3	8.6%	14	Greece (50%)	
Afghanistan	1 140	1 640	1 180	1 645	**1 515**	- 8	5.1%	49	Greece (24%)	
Serbia	865	2 160	2 030	2 180	**1 500**	- 31	5.0%	209	Germany (38%)	
Somalia	665	1 120	835	1 330	**1 445**	+ 9	4.8%	142	Sweden (33%)	
Syria	210	535	320	580	**1 375**	+ 137	4.6%	61	Sweden (28%)	
Georgia	780	1 055	860	1 380	**1 295**	- 6	4.3%	287	Greece (31%)	
Iraq	1 345	1 365	1 160	1 270	**1 110**	- 13	3.7%	34	Greece (18%)	
Kosovo	1 320	1 275	820	545	**1 090**	+ 100	3.6%	605	Hungary (37%)	
Bangladesh	1 005	290	340	990	**885**	- 11	3.0%	6	Greece (48%)	
Iran	530	735	670	660	**835**	+ 27	2.8%	11	Germany (25%)	
Nigeria	915	1 135	720	665	**765**	+ 15	2.6%	5	Germany (16%)	
Algeria	435	490	685	650	**745**	+ 15	2.5%	19	Sweden (21%)	
Morocco	165	165	265	380	**730**	+ 92	2.4%	22	Sweden (31%)	
India	610	595	510	700	**670**	- 4	2.2%	1	United Kingdom (51%)	
Other	7 350	9 160	8 870	9 580	**9 820**	+ 3	33%	n.a.	Sweden (21%)	
EU28	**20 210**	**24 345**	**21 395**	**26 935**	**29 960**	+ 11		**59**	**Russia (12%)**	

Annex C5: Unaccompanied minors in the EU28 by MS and main citizenship, 2009–2013

						2013				
	2009	2010	2011	2012	2013	% chg. on last year	Share in EU28	per million inhabitants	Highest share	Sparkline
Reporting country									**Citizenship**	
Sweden	2 250	2 395	2 655	3 575	**3 850**	+ 8	31%	403	Afghanistan (32%)	
Germany	1 305	1 950	2 125	2 095	**2 485**	+ 19	20%	30	Afghanistan (28%)	
United Kingdom	2 990	1 715	1 395	1 125	**1 175**	+ 4	9.5%	18	Albania (38%)	
Austria	1 040	600	1 005	1 375	**935**	- 32	7.5%	111	Afghanistan (43%)	
Italy	415	305	825	970	**805**	- 17	6.5%	13	Somalia (20%)	
Belgium	705	860	1 385	975	**465**	- 52	3.7%	42	Afghanistan (26%)	
Hungary	270	150	60	185	**380**	+ 105	3.1%	38	Afghanistan (55%)	
France	445	610	595	490	**365**	- 26	2.9%	6	Congo (DR) (29%)	
Denmark	520	410	270	355	**350**	- 1	2.8%	62	Morocco (19%)	
Malta	45	5	25	105	**335**	+ 219	2.7%	795	Somalia (84%)	
Greece	40	145	60	75	**325**	+ 333	2.6%	29	Afghanistan (54%)	
Netherlands	1 040	700	485	380	**310**	- 18	2.5%	18	Afghanistan (19%)	
Bulgaria	10	20	25	60	**185**	+ 208	1.5%	25	Syria (32%)	
Finland	535	315	150	165	**160**	- 3	1.3%	29	Somalia (22%)	
Portugal	0	5	5	10	**55**	+ 450	0.4%	5	Guinea (64%)	
Cyprus	20	35	15	25	**55**	+ 120	0.4%	64	Somalia (45%)	
Croatia	:	:	:	70	**55**	- 21	0.4%	13	Afghanistan (55%)	
Luxembourg	10	20	20	15	**45**	+ 200	0.4%	84	Morocco (22%)	
Slovenia	25	25	60	50	**30**	- 40	0.2%	15	Afghanistan (17%)	
Ireland	55	35	25	25	**20**	- 20	0.2%	4	Rwanda (25%)	
Romania	40	35	55	135	**15**	- 89	0.1%	1	Iraq (33%)	
Spain	20	15	10	15	**10**	- 33	0.1%	0	Mali (50%)	
Slovakia	30	5	20	5	**5**	+ 0	0.0%	1	Afghanistan	
Estonia	0	0	0	0	**5**	n.a.	0.0%	4	Unknown	
Latvia	0	5	0	0	**5**	n.a.	0.0%	2	Syria	
Czech Republic	10	5	10	5	**0**	- 100	0%	0	n.a.	
Lithuania	5	10	10	5	**0**	- 100	0%	0	n.a.	
Poland	360	230	405	245	**:**	n.a.	n.a.	n.a.	n.a.	
Citizenship									**Reporting country**	
Afghanistan	4 595	3 945	5 245	5 245	**3 310**	- 37	27%	106	Sweden (38%)	
Somalia	1 800	1 200	645	960	**1 580**	+ 65	13%	155	Sweden (36%)	
Syria	75	110	155	395	**1 010**	+ 156	8.1%	45	Sweden (36%)	
Eritrea	410	325	250	250	**715**	+ 186	5.8%	117	Sweden (48%)	
Albania	95	55	165	335	**535**	+ 60	4.3%	169	United Kingdom (83%)	
Morocco	65	75	125	300	**525**	+ 75	4.2%	16	Sweden (60%)	
Stateless	50	70	70	90	**350**	+ 289	2.8%	n.a.	Sweden (87%)	
Pakistan	70	165	225	400	**340**	- 15	2.7%	2	Germany (26%)	
Algeria	150	175	200	350	**335**	- 4	2.7%	9	Sweden (37%)	
Guinea	310	405	480	385	**290**	- 25	2.3%	25	Belgium (28%)	
Congo (DR)	195	270	285	340	**215**	- 37	1.7%	3	France (49%)	
Gambia, The	85	45	55	105	**205**	+ 95	1.6%	114	Italy (56%)	
Iraq	825	555	415	320	**200**	- 38	1.6%	6	Germany (43%)	
Bangladesh	80	70	105	135	**195**	+ 44	1.6%	1	Italy (36%)	
Iran	315	335	310	240	**175**	- 27	1.4%	2	United Kingdom (40%)	
Other	3 070	2 810	2 960	2 690	**2 445**	- 9	20%	n.a.	Germany (24%)	
EU28	**12 190**	**10 610**	**11 690**	**12 540**	**12 425**	- 1		**24**	**Afghanistan (27%)**	

Annex C6: Refugee status granted at first instance in the EU28 by MS and main citizenship, 2009–2013

						2013				
	2009	2010	2011	2012	2013	% chg. on last year	Share in EU28	per million inhabitants	Highest share	Sparkline
Reporting country									**Citizenship**	
Germany	8 155	7 755	7 100	8 765	**10 910**	*+24*	*22%*	*133*	*Syria (27%)*	
France	3 910	4 080	3 340	7 070	**9 140**	*+29*	*18%*	*144*	*Russia (14%)*	
United Kingdom	5 595	4 495	5 515	6 555	**7 475**	*+14*	*15%*	*117*	*Syria (19%)*	
Sweden	1 480	1 935	2 335	3 745	**6 750**	*+80*	*14%*	*706*	*Syria (28%)*	
Belgium	2 425	2 700	3 810	3 985	**3 910**	*-2*	*7.9%*	*350*	*Afghanistan (16%)*	
Austria	1 885	2 055	2 480	2 680	**3 160**	*+18*	*6.4%*	*374*	*Syria (22%)*	
Italy	2 250	1 615	1 805	2 050	**3 110**	*+52*	*6.3%*	*52*	*Eritrea (30%)*	
Denmark	350	660	735	1 035	**1 600**	*+55*	*3.2%*	*286*	*Syria (63%)*	
Netherlands	695	810	710	630	**1 235**	*+96*	*2.5%*	*74*	*Iran (36%)*	
Finland	75	165	160	545	**540**	*-1*	*1.1%*	*100*	*Iraq (35%)*	
Romania	50	40	70	145	**385**	*+166*	*0.8%*	*19*	*Syria (75%)*	
Greece	35	60	45	30	**255**	*+750*	*0.5%*	*23*	*Syria (18%)*	
Spain	180	245	335	230	**205**	*-11*	*0.4%*	*4*	*Palestine (32%)*	
Poland	130	80	155	85	**195**	*+129*	*0.4%*	*5*	*Syria (36%)*	
Bulgaria	40	20	10	20	**180**	*+800*	*0.4%*	*25*	*Syria (81%)*	
Hungary	170	75	45	70	**175**	*+150*	*0.4%*	*18*	*Syria (43%)*	
Ireland	105	25	60	65	**130**	*+100*	*0.3%*	*28*	*Syria (23%)*	
Luxembourg	110	55	30	35	**110**	*+214*	*0.2%*	*205*	*Iran (27%)*	
Czech Republic	60	75	105	50	**90**	*+80*	*0.2%*	*9*	*Myanmar/Burma (33%)*	
Malta	20	45	70	35	**45**	*+29*	*0.1%*	*107*	*Eritrea (33%)*	
Cyprus	50	30	55	80	**35**	*-56*	*0.1%*	*40*	*Iraq (29%)*	
Slovenia	15	20	15	20	**25**	*+25*	*0.1%*	*12*	*Afghanistan (20%)*	
Portugal	5	5	25	15	**20**	*+33*	*0.0%*	*2*	*Guinea (25%)*	
Lithuania	10	0	5	15	**15**	*+0*	*0.0%*	*5*	*Afghanistan (67%)*	
Slovakia	15	5	5	10	**5**	*-50*	*0.0%*	*1*	*Unknown*	
Croatia	:	:	:	10	**5**	*-50*	*0.0%*	*1*	*Kazakhstan*	
Estonia	5	10	10	10	**5**	*-50*	*0.0%*	*4*	*Unknown*	
Latvia	0	5	5	5	**5**	*+0*	*0.0%*	*2*	*Kyrgyzstan*	
Citizenship									**Reporting country**	
Syria	475	980	1 360	5 690	**9 920**	*+74*	*20%*	*442*	*Germany (29%)*	
Iran	1 565	3 315	3 825	4 490	**5 435**	*+21*	*11%*	*71*	*Germany (34%)*	
Afghanistan	1 455	2 150	2 675	3 410	**4 605**	*+35*	*9.3%*	*148*	*Germany (28%)*	
Iraq	7 405	4 930	4 465	3 850	**3 235**	*-16*	*6.5%*	*99*	*Germany (65%)*	
Eritrea	1 950	1 705	1 815	1 360	**3 105**	*+128*	*6.2%*	*506*	*Italy (30%)*	
Russia	1 745	1 885	1 765	2 380	**2 680**	*+13*	*5.4%*	*19*	*France (47%)*	
Somalia	1 775	1 790	1 780	1 720	**2 400**	*+40*	*4.8%*	*235*	*Sweden (35%)*	
Pakistan	295	360	730	1 195	**2 235**	*+87*	*4.5%*	*12*	*United Kingdom (40%)*	
Congo (DR)	595	535	525	1 100	**1 455**	*+32*	*2.9%*	*22*	*France (65%)*	
Sri Lanka	1 200	1 195	925	1 350	**1 435**	*+6*	*2.9%*	*71*	*France (64%)*	
Stateless	270	370	605	745	**1 320**	*+77*	*2.7%*	*n.a.*	*Sweden (55%)*	
Guinea	475	580	1 080	930	**1 160**	*+25*	*2.3%*	*101*	*Belgium (47%)*	
Sudan	385	625	930	905	**820**	*-9*	*1.6%*	*22*	*United Kingdom (59%)*	
China	540	575	600	935	**775**	*-17*	*1.6%*	*1*	*France (45%)*	
Turkey	570	715	465	515	**540**	*+5*	*1.1%*	*7*	*France (43%)*	
Other	7 115	5 370	5 490	7 410	**8 590**	*+16*	*17%*	*n.a.*	*France (38%)*	
EU28	**27 815**	**27 080**	**29 035**	**37 985**	**49 710**	*+31*		***98***	***Syria (20%)***	

Annex C7: Subsidiary protection status granted at first instance in the EU28 by MS and main citizenship, 2009–2013

						2013				
	2009	2010	2011	2012	2013	% chg. on last year	Share in EU28	per million inhabitants	Highest share	Sparkline
Reporting country									**Citizenship**	
Sweden	4 970	5 970	5 390	7 595	**16 145**	*+ 113*	*35%*	*1,690*	*Syria (59%)*	
Germany	405	545	665	6 975	**7 005**	*+ 0*	*15%*	*85*	*Syria (83%)*	
Italy	5 335	1 465	2 265	4 495	**5 550**	*+ 23*	*12%*	*93*	*Somalia (22%)*	
Netherlands	3 270	4 010	4 065	3 325	**3 460**	*+ 4*	*7.6%*	*206*	*Syria (48%)*	
Belgium	480	805	1 265	1 565	**2 370**	*+ 51*	*5.2%*	*212*	*Syria (56%)*	
Bulgaria	230	120	180	150	**2 280**	*+1 420*	*5.0%*	*313*	*Syria (82%)*	
Austria	1 335	1 390	1 605	1 775	**1 760**	*- 1*	*3.9%*	*208*	*Afghanistan (48%)*	
France	1 145	1 015	1 275	1 575	**1 565**	*- 1*	*3.4%*	*25*	*Syria (31%)*	
Malta	1 660	165	690	1 235	**1 445**	*+ 17*	*3.2%*	*3,429*	*Somalia (45%)*	
Denmark	345	520	385	545	**1 130**	*+ 107*	*2.5%*	*202*	*Somalia (33%)*	
Finland	805	1 240	715	775	**785**	*+ 1*	*1.7%*	*145*	*Iraq (51%)*	
Romania	10	30	10	85	**530**	*+ 524*	*1.2%*	*26*	*Syria (92%)*	
Spain	160	350	630	285	**325**	*+ 14*	*0.7%*	*7*	*Syria (45%)*	
Czech Republic	20	75	200	125	**240**	*+ 92*	*0.5%*	*23*	*Syria (40%)*	
Hungary	60	115	100	240	**185**	*- 23*	*0.4%*	*19*	*Syria (30%)*	
Greece	105	20	85	45	**175**	*+ 289*	*0.4%*	*16*	*Syria (34%)*	
Cyprus	1 040	370	0	10	**125**	*+1 150*	*0.3%*	*144*	*Syria (96%)*	
Poland	2 330	195	155	140	**120**	*- 14*	*0.3%*	*3*	*Russia (67%)*	
Portugal	45	50	40	85	**115**	*+ 35*	*0.3%*	*11*	*Guinea (17%)*	
United Kingdom	125	145	125	135	**70**	*- 48*	*0.2%*	*1*	*Afghanistan (14%)*	
Lithuania	30	15	15	40	**40**	*+ 0*	*0.1%*	*13*	*Afghanistan (50%)*	
Slovakia	135	55	80	100	**30**	*- 70*	*0.1%*	*6*	*Eritrea (33%)*	
Luxembourg	0	15	5	5	**25**	*+ 400*	*0.1%*	*47*	*Afghanistan (40%)*	
Ireland	25	5	15	35	**20**	*- 43*	*0.0%*	*4*	*Pakistan (25%)*	
Latvia	5	20	15	20	**20**	*+ 0*	*0.0%*	*10*	*Syria (75%)*	
Slovenia	5	0	5	15	**15**	*+ 0*	*0.0%*	*7*	*Syria (33%)*	
Croatia	:	:	:	15	**15**	*+ 0*	*0.0%*	*4*	*Syria (67%)*	
Estonia	0	5	5	5	**0**	*- 100*	*0.0%*	*0*	*n.a.*	
Citizenship									**Reporting country**	
Syria	75	75	200	10 295	**22 610**	*+ 120*	*50%*	*1,007*	*Sweden (42%)*	
Afghanistan	2 230	3 435	4 880	4 565	**4 895**	*+ 7*	*11%*	*157*	*Italy (24%)*	
Somalia	8 320	6 930	5 025	5 360	**3 805**	*- 29*	*8.4%*	*373*	*Italy (32%)*	
Stateless	235	135	270	720	**3 670**	*+ 410*	*8.1%*	*n.a.*	*Sweden (83%)*	
Eritrea	1 890	1 265	1 755	1 595	**3 400**	*+ 113*	*7.5%*	*555*	*Sweden (53%)*	
Iraq	3 050	2 600	2 500	1 580	**1 425**	*- 10*	*3.1%*	*44*	*Finland (28%)*	
Mali	560	415	385	2 145	**1 050**	*- 51*	*2.3%*	*71*	*Italy (98%)*	
Russia	2 695	525	465	405	**615**	*+ 52*	*1.4%*	*4*	*Austria (24%)*	
Unknown	445	140	245	840	**515**	*- 39*	*1.1%*	*n.a.*	*Germany (52%)*	
Pakistan	225	205	340	235	**445**	*+ 89*	*1.0%*	*2*	*Italy (83%)*	
Iran	235	300	375	350	**335**	*- 4*	*0.7%*	*4*	*Netherlands (28%)*	
Nigeria	225	80	120	240	**285**	*+ 19*	*0.6%*	*2*	*Italy (72%)*	
Côte d'Ivoire	345	175	330	335	**190**	*- 43*	*0.4%*	*10*	*Italy (68%)*	
Albania	35	25	60	55	**150**	*+ 173*	*0.3%*	*47*	*France (67%)*	
Sudan	135	95	230	295	**130**	*- 56*	*0.3%*	*3*	*Netherlands (31%)*	
Other	3 375	2 305	2 795	2 380	**2 015**	*- 15*	*4%*	*n.a.*	*Italy (20%)*	
EU28	**24 075**	**18 705**	**19 975**	**31 395**	**45 535**	*+ 45*		***90***	***Syria (50%)***	

Annex C8: Authorisation to stay for humanitarian reasons granted at first instance in the EU28 by MS and main citizenship, 2009–2013

						2013				
	2009	2010	2011	2012	2013	% chg. on last year	Share in EU28	per million inhabitants	Highest share	Sparkline
Reporting country									**Citizenship**	
Italy	1 475	1 220	3 075	15 480	**7 525**	*- 51*	*43%*	*126*	*Nigeria (19%)*	
Netherlands	4 280	3 180	2 050	1 550	**4 850**	*+ 213*	*27%*	*289*	*Somalia (53%)*	
Germany	1 205	2 145	1 910	1 400	**2 205**	*+ 58*	*12%*	*27*	*Afghanistan (61%)*	
Sweden	640	605	1 075	1 060	**1 120**	*+ 6*	*6.3%*	*117*	*Afghanistan (33%)*	
United Kingdom	2 680	1 855	1 600	1 155	**960**	*- 17*	*5.4%*	*15*	*Albania (18%)*	
Poland	65	230	170	290	**370**	*+ 28*	*2.1%*	*10*	*Russia (70%)*	
Finland	80	190	190	240	**295**	*+ 23*	*1.7%*	*54*	*Afghanistan (22%)*	
Malta	10	15	125	160	**115**	*- 28*	*0.7%*	*273*	*Syria (65%)*	
Denmark	95	170	190	120	**80**	*- 33*	*0.5%*	*14*	*Afghanistan (63%)*	
Greece	25	30	45	20	**70**	*+ 250*	*0.4%*	*6*	*Afghanistan (21%)*	
Slovakia	30	30	35	80	**35**	*- 56*	*0.2%*	*6*	*Afghanistan (29%)*	
Czech Republic	20	20	10	5	**15**	*+ 200*	*0.1%*	*1*	*Armenia (33%)*	
Cyprus	40	25	15	15	**10**	*- 33*	*0.1%*	*12*	*Iraq (50%)*	
Hungary	155	70	10	40	**5**	*- 88*	*0.0%*	*1*	*Unknown*	
Spain	10	15	20	10	**5**	*- 50*	*0.0%*	*0*	*Unknown*	
Romania	55	0	0	0	**5**	*:*	*0.0%*	*0*	*Syria*	
Citizenship									**Reporting country**	
Somalia	2 845	1 815	600	295	**2 785**	*+ 844*	*16%*	*273*	*Netherlands (92%)*	
Afghanistan	2 180	2 525	2 840	2 155	**2 490**	*+ 16*	*14%*	*80*	*Germany (54%)*	
Nigeria	485	260	580	4 930	**1 565**	*- 68*	*8.9%*	*9*	*Italy (91%)*	
Iraq	1 245	660	575	610	**850**	*+ 39*	*4.8%*	*26*	*Netherlands (59%)*	
Pakistan	85	115	320	980	**830**	*- 15*	*4.7%*	*5*	*Italy (85%)*	
Ghana	110	125	170	2 915	**790**	*- 73*	*4.5%*	*31*	*Italy (98%)*	
Mali	20	10	60	225	**480**	*+ 113*	*2.7%*	*32*	*Italy*	
Syria	40	115	110	185	**470**	*+ 154*	*2.7%*	*21*	*Netherlands (78%)*	
Bangladesh	80	85	80	1 020	**420**	*- 59*	*2.4%*	*3*	*Italy (89%)*	
Russia	90	205	160	315	**415**	*+ 32*	*2.3%*	*3*	*Poland (63%)*	
Gambia, The	45	55	65	325	**390**	*+ 20*	*2.2%*	*218*	*Italy (91%)*	
Turkey	80	170	255	305	**355**	*+ 16*	*2.0%*	*5*	*Italy (72%)*	
Iran	265	335	360	330	**340**	*+ 3*	*1.9%*	*4*	*Netherlands (57%)*	
Côte d'Ivoire	165	100	345	995	**335**	*- 66*	*1.9%*	*17*	*Italy (88%)*	
Unknown	175	160	205	145	**315**	*+ 117*	*1.8%*	*n.a.*	*Italy (57%)*	
Other	2 955	3 065	3 795	5 895	**4 835**	*- 18*	*27%*	*n.a.*	*Italy (51%)*	
EU28	**10 865**	**9 800**	**10 520**	**21 625**	**17 665**	*- 18*		***35***	***Somalia (16%)***	

NB: Belgium, Bulgaria, Estonia, Ireland, France, Croatia, Latvia, Lithuania, Luxembourg, Austria, Portugal, and Slovenia are not featured in this table as the type of decision 'Authorisation to stay for humanitarian reasons' is not applicable to these MS.

Annex C9: Rejections at first instance in the EU28 by MS and main citizenship, 2009–2013

						2013				
	2009	2010	2011	2012	2013	% chg. on last year	Share in EU28	per million inhabitants	Highest share	Sparkline
Reporting country									**Citizenship**	
Germany	17 000	34 855	30 605	41 470	**56 040**	*+ 35*	*26%*	*683*	*Serbia (21%)*	
France	30 240	32 515	37 600	51 165	**51 010**	*- 0*	*24%*	*801*	*Kosovo (8%)*	
Sweden	16 825	19 130	17 895	19 115	**20 990**	*+ 10*	*10%*	*2,197*	*Somalia (13%)*	
Belgium	11 460	12 720	14 735	18 940	**15 110**	*- 20*	*7.0%*	*1,354*	*Congo (DR) (12%)*	
United Kingdom	22 695	20 170	15 715	14 150	**13 855**	*- 2*	*6.4%*	*217*	*Pakistan (19%)*	
Greece	14 185	3 350	8 490	11 095	**12 580**	*+ 13*	*5.8%*	*1,137*	*Pakistan (34%)*	
Austria	11 595	10 320	9 155	11 435	**11 690**	*+ 2*	*5.4%*	*1,383*	*Russia (19%)*	
Italy	13 950	6 975	16 960	5 255	**9 060**	*+ 72*	*4.2%*	*152*	*Nigeria (20%)*	
Netherlands	9 320	9 575	8 955	8 160	**6 045**	*- 26*	*2.8%*	*360*	*Afghanistan (10%)*	
Hungary	1 415	785	740	750	**4 180**	*+ 457*	*1.9%*	*422*	*Kosovo (24%)*	
Denmark	855	1 935	2 255	2 985	**4 155**	*+ 39*	*1.9%*	*742*	*Russia (15%)*	
Poland	4 055	3 910	2 740	1 960	**2 210**	*+ 13*	*1.0%*	*57*	*Russia (69%)*	
Spain	4 130	2 175	2 405	2 070	**1 835**	*- 11*	*0.9%*	*39*	*Côte d'Ivoire (13%)*	
Finland	1 690	2 660	1 535	1 530	**1 565**	*+ 2*	*0.7%*	*288*	*Iraq (19%)*	
Luxembourg	355	405	980	1 610	**1 115**	*- 31*	*0.5%*	*2,076*	*Kosovo (20%)*	
Ireland	3 000	1 565	1 295	840	**695**	*- 17*	*0.3%*	*151*	*Nigeria (17%)*	
Cyprus	2 725	2 015	2 560	1 230	**635**	*- 48*	*0.3%*	*733*	*Bangladesh (13%)*	
Czech Republic	430	330	365	540	**555**	*+ 3*	*0.3%*	*53*	*Ukraine (27%)*	
Romania	430	355	1 000	1 390	**515**	*- 63*	*0.2%*	*26*	*Pakistan (18%)*	
Bulgaria	375	375	410	470	**355**	*- 24*	*0.2%*	*49*	*Iraq (27%)*	
Malta	885	125	720	155	**300**	*+ 94*	*0.1%*	*712*	*Somalia (43%)*	
Portugal	45	75	50	130	**170**	*+ 31*	*0.1%*	*16*	*Guinea (24%)*	
Croatia	:	:	:	120	**165**	*+ 38*	*0.1%*	*39*	*Algeria (39%)*	
Slovenia	100	90	185	175	**160**	*- 9*	*0.1%*	*78*	*Pakistan (13%)*	
Slovakia	140	205	100	250	**125**	*- 50*	*0.1%*	*23*	*Somalia (24%)*	
Lithuania	100	175	285	335	**120**	*- 64*	*0.1%*	*40*	*Georgia (58%)*	
Latvia	35	25	70	120	**65**	*- 46*	*0.0%*	*32*	*Georgia (46%)*	
Estonia	20	25	50	45	**45**	*+ 0*	*0.0%*	*34*	*Vietnam (44%)*	
Citizenship									**Reporting country**	
Russia	10 660	11 195	10 515	11 305	**21 835**	*+ 93*	*10%*	*152*	*Germany (51%)*	
Serbia	3 530	12 370	10 970	18 520	**15 480**	*- 16*	*7.2%*	*2,156*	*Germany (75%)*	
Pakistan	7 740	5 695	10 005	13 150	**15 060**	*+ 15*	*7.0%*	*84*	*Greece (28%)*	
Afghanistan	8 315	10 110	12 500	11 525	**10 810**	*- 6*	*5.0%*	*347*	*Germany (28%)*	
Kosovo	8 045	9 650	9 710	7 470	**10 810**	*+ 45*	*5.0%*	*5,996*	*France (39%)*	
Bangladesh	5 185	3 745	6 795	7 690	**7 570**	*- 2*	*3.5%*	*49*	*France (46%)*	
FYROM	590	4 470	4 435	8 405	**7 455**	*- 11*	*3.5%*	*3,615*	*Germany (80%)*	
Nigeria	10 530	6 490	7 470	5 605	**6 735**	*+ 20*	*3.1%*	*40*	*Italy (27%)*	
Albania	1 435	1 165	1 760	4 045	**6 720**	*+ 66*	*3.1%*	*2,125*	*France (47%)*	
Georgia	5 925	5 235	4 200	6 675	**6 060**	*- 9*	*2.8%*	*1,343*	*France (36%)*	
Congo (DR)	3 445	3 080	3 345	6 675	**6 040**	*- 10*	*2.8%*	*92*	*France (58%)*	
Somalia	6 000	5 185	3 495	4 675	**5 485**	*+ 17*	*2.5%*	*538*	*Sweden (49%)*	
Bosnia and Herzeg	820	1 475	1 750	4 820	**5 105**	*+ 6*	*2.4%*	*1,332*	*Germany (60%)*	
Armenia	4 095	5 755	4 260	5 715	**5 090**	*- 11*	*2.4%*	*1,714*	*France (60%)*	
Iran	5 185	5 685	5 355	5 035	**5 040**	*+ 0*	*2.3%*	*66*	*Germany (27%)*	
Other	86 560	75 530	81 295	76 185	**80 050**	*+ 5*	*37%*	*n.a.*	*France (27%)*	
EU28	**168 060**	**166 835**	**177 860**	**197 495**	**215 345**	*+ 9*		***425***	***Russia (10%)***	

Annex C10: Final decision in appeal or review granting refugee status in the EU28 by MS and main citizenship, 2009–2013

						2013				
	2009	2010	2011	2012	2013	% chg. on last year	Share in EU28	per million inhabitants	Highest share	Sparkline
Reporting country									**Citizenship**	
France	4 040	4 245	4 930	4 290	**4 270**	- 0	30%	67	Sri Lanka (13%)	
United Kingdom	6 215	6 010	4 010	3 920	**3 715**	- 5	26%	58	Pakistan (19%)	
Germany	1 410	1 220	1 680	2 110	**2 960**	+ 40	21%	36	Iran (24%)	
Austria	1 400	1 060	1 325	1 240	**1 180**	- 5	8%	140	Afghanistan (61%)	
Sweden	310	285	455	725	**685**	- 6	5%	72	Iran (34%)	
Netherlands	45	90	120	70	**450**	+ 543	3%	27	Iran (48%)	
Romania	65	85	75	160	**390**	+ 144	3%	19	Syria (77%)	
Greece	30	35	195	185	**325**	+ 76	2%	29	Iraq (25%)	
Denmark	65	130	220	230	**265**	+ 15	2%	47	Iran (42%)	
Ireland	260	130	75	45	**55**	+ 22	0%	12	Pakistan (18%)	
Finland	5	5	20	90	**50**	- 44	0%	9	Iran (30%)	
Hungary	5	10	5	20	**25**	+ 25	0%	3	Unknown (40%)	
Cyprus	25	25	20	5	**10**	+ 100	0%	12	Egypt	
Italy	45	70	65	45	**5**	- 89	0%	0	Egypt	
Latvia	5	0	5	5	**5**	+ 0	0%	2	Egypt	
Czech Republic	0	5	115	0	**0**	n.a.	0%	0	n.a.	
Luxembourg	20	30	40	5	**0**	- 100	0%	0	n.a.	
Croatia	:	:	:	20	**0**	- 100	0%	0	n.a.	
Malta	0	0	0	10	**0**	- 100	0%	0	n.a.	
Slovakia	5	0	0	5	**0**	- 100	0%	0	n.a.	
Bulgaria	0	0	0	0	**0**	n.a.	0%	0	n.a.	
Slovenia	0	0	0	0	**0**	n.a.	0%	0	n.a.	
Portugal	0	0	0	0	**0**	n.a.	0%	0	n.a.	
Estonia	0	0	0	0	**0**	n.a.	0%	0	n.a.	
Lithuania	0	0	0	0	**0**	n.a.	0%	0	n.a.	
Belgium	165	195	425	295	**:**	n.a.	n.a.	n.a.	n.a.	
Spain	25	15	0	10	**:**	n.a.	n.a.	n.a.	n.a.	
Poland	0	0	5	20	**:**	n.a.	n.a.	n.a.	n.a.	
Citizenship									**Reporting country**	
Afghanistan	755	895	960	1 405	**2 035**	+ 45	14%	65	Austria (35%)	
Iran	1 000	1 300	1 395	1 710	**1 995**	+ 17	14%	26	Germany (36%)	
Pakistan	305	390	550	825	**1 260**	+ 53	9%	7	United Kingdom (55%)	
Sri Lanka	1 075	1 505	1 515	1 255	**1 200**	- 4	8%	59	United Kingdom (48%)	
Syria	115	250	670	855	**1 105**	+ 29	8%	49	Germany (41%)	
Russia	1 550	1 260	1 355	1 060	**745**	- 30	5%	5	France (72%)	
Congo (DR)	380	425	385	435	**540**	+ 24	4%	8	France (87%)	
Iraq	785	580	615	605	**520**	- 14	4%	16	Germany (32%)	
Bangladesh	315	365	365	450	**505**	+ 12	4%	3	France (89%)	
Turkey	625	595	430	385	**315**	- 18	2%	4	France (60%)	
Eritrea	315	275	255	305	**250**	- 18	2%	41	France (54%)	
Somalia	375	445	360	250	**240**	- 4	2%	24	United Kingdom (31%)	
Guinea	200	220	275	205	**220**	+ 7	2%	19	France (89%)	
Sudan	225	360	305	265	**220**	- 17	2%	6	France (48%)	
Egypt	30	40	90	115	**185**	+ 61	1%	2	France (54%)	
Other	6 085	4 745	4 265	3 385	**3 060**	- 10	21%	n.a.	France (43%)	
EU28	**14 135**	**13 650**	**13 790**	**13 510**	**14 395**	+ 7		**28**	***Afghanistan (14%)***	

Annex C11: Final decision in appeal or review granting subsidiary protection status in the EU28 by MS and main citizenship, 2009–2013

						2013				
	2009	2010	2011	2012	2013	% chg. on last year	Share in EU28	per million inhabitants	Highest share	Sparkline
Reporting country									**Citizenship**	
France	1 320	1 035	1 195	1 390	**1 180**	- 15	22%	19	Afghanistan (13%)	
Sweden	1 155	710	725	1 450	**990**	- 32	19%	104	Syria (55%)	
Germany	140	235	350	1 135	**950**	- 16	18%	12	Syria (51%)	
Romania	30	30	35	115	**535**	+ 365	10%	27	Syria (93%)	
Netherlands	125	390	1 140	:	**435**	n.a.	8%	26	Afghanistan (20%)	
Denmark	70	155	200	180	**285**	+ 58	5%	51	Afghanistan (35%)	
Austria	375	375	460	300	**240**	- 20	5%	28	Afghanistan (44%)	
Greece	15	5	80	90	**220**	+ 144	4%	20	Afghanistan (43%)	
United Kingdom	170	210	175	140	**120**	- 14	2%	2	Afghanistan (17%)	
Finland	35	35	215	145	**75**	- 48	1%	14	Iraq (27%)	
Italy	0	0	0	270	**60**	- 78	1%	1	Egypt (67%)	
Cyprus	10	5	5	15	**55**	+ 267	1%	64	Syria	
Bulgaria	10	20	15	20	**35**	+ 75	1%	5	Syria (43%)	
Hungary	0	15	40	90	**35**	- 61	1%	4	Afghanistan (43%)	
Czech Republic	0	20	260	25	**15**	- 40	0%	1	Belarus (67%)	
Luxembourg	10	5	10	0	**10**	n.a.	0%	19	Albania (50%)	
Slovakia	10	5	5	5	**5**	+ 0	0%	1	Afghanistan	
Lithuania	5	0	0	0	**5**	n.a.	0%	2	Kyrgyzstan	
Spain	5	5	20	5	**0**	- 100	0%	0	n.a.	
Slovenia	0	0	0	0	**0**	n.a.	0%	0	n.a.	
Portugal	0	0	0	0	**0**	n.a.	0%	0	n.a.	
Malta	0	0	0	5	**0**	- 100	0%	0	n.a.	
Croatia	:	:	:	10	**0**	- 100	0%	0	n.a.	
Estonia	0	0	0	0	**0**	n.a.	0%	0	n.a.	
Latvia	0	0	5	0	**0**	n.a.	0%	0	n.a.	
Belgium	115	85	50	30	**:**	n.a.	n.a.	n.a.	n.a.	
Poland	75	35	55	25	**:**	n.a.	n.a.	n.a.	n.a.	
Citizenship									**Reporting country**	
Syria	15	40	135	1 650	**1 710**	+ 4	32%	76	Sweden (32%)	
Afghanistan	210	490	945	860	**890**	+ 3	17%	29	Germany (21%)	
Somalia	510	510	970	310	**370**	+ 19	7%	36	France (31%)	
Russia	280	230	290	265	**210**	- 21	4%	1	France (38%)	
Iraq	490	320	350	125	**185**	+ 48	4%	6	Netherlands (38%)	
Stateless	20	50	95	175	**180**	+ 3	3%	n.a.	Sweden (72%)	
Armenia	95	90	100	115	**135**	+ 17	3%	45	France (81%)	
Iran	115	150	130	115	**135**	+ 17	3%	2	Netherlands (33%)	
Sudan	15	20	65	55	**100**	+ 82	2%	3	France (70%)	
Unknown	15	30	90	145	**90**	- 38	2%	n.a.	Germany (61%)	
Albania	45	50	70	90	**85**	- 6	2%	27	France (65%)	
Congo (DR)	55	55	55	80	**80**	+ 0	2%	1	France (81%)	
Bangladesh	15	15	25	40	**75**	+ 88	1%	0	France (53%)	
Eritrea	135	35	90	80	**75**	- 6	1%	12	Sweden (53%)	
Kosovo	90	150	250	190	**70**	- 63	1%	39	France (86%)	
Other	1 575	1 135	1 375	1 160	**875**	- 25	17%	n.a.	France (44%)	
EU28	**3 680**	**3 370**	**5 035**	**5 455**	**5 265**	- 3		**10**	**Syria (32%)**	

NB: Ireland is not featured in the preceding table above as subsidiary protection status cannot be granted in appeal or review in Ireland.

Annex C12: Final decision in appeal or review granting authorisation to stay for humanitarian reasons in the EU28 by MS and main citizenship, 2009–2013

						2013				
	2009	2010	2011	2012	2013	% chg. on last year	Share in EU28	per million inhabitants	Highest share	Sparkline
Reporting country									**Citizenship**	
Germany	740	1 005	1 340	1 775	**2 045**	*+ 15*	*46%*	*25*	*Afghanistan (60%)*	
United Kingdom	775	1 405	3 060	2 845	**1 060**	*- 63*	*24%*	*17*	*Afghanistan (9%)*	
Sweden	530	255	640	715	**705**	*- 1*	*16%*	*74*	*Afghanistan (10%)*	
Greece	0	0	135	255	**365**	*+ 43*	*8%*	*33*	*Iraq (16%)*	
Netherlands	85	195	290	55	**190**	*+ 245*	*4%*	*11*	*Afghanistan (26%)*	
Finland	10	30	40	45	**50**	*+ 11*	*1%*	*9*	*Afghanistan (20%)*	
Cyprus	45	80	45	25	**25**	*+ 0*	*1%*	*29*	*Egypt (40%)*	
Italy	:	200	260	470	**5**	*- 99*	*0%*	*0*	*Unknown*	
Spain	:	:	:	30	**5**	*- 83*	*0%*	*0*	*Unknown*	
Czech Republic	25	25	10	0	**5**	*n.a.*	*0%*	*0*	*Unknown*	
Denmark	0	0	0	0	**0**	*n.a.*	*0%*	*0*	*n.a.*	
Hungary	0	0	5	5	**0**	*- 100*	*0%*	*0*	*n.a.*	
Slovakia	0	0	0	0	**0**	*n.a.*	*0%*	*0*	*n.a.*	
Romania	0	0	0	0	**0**	*n.a.*	*0%*	*0*	*n.a.*	
Malta	0	0	0	5	**0**	*- 100*	*0%*	*0*	*n.a.*	
Poland	15	15	40	25	**:**	*n.a.*	*n.a.*	*n.a.*	*n.a.*	
Citizenship									**Reporting country**	
Afghanistan	435	600	1 000	1 170	**1 510**	*+ 29*	*34%*	*49*	*Germany (81%)*	
Iraq	230	285	450	495	**290**	*- 41*	*6.5%*	*9*	*Germany (48%)*	
Iran	115	135	235	210	**165**	*- 21*	*3.7%*	*2*	*Netherlands (24%)*	
Nigeria	45	170	160	395	**155**	*- 61*	*3.5%*	*1*	*United Kingdom (58%)*	
Kosovo	80	55	140	180	**140**	*- 22*	*3.1%*	*78*	*Germany (57%)*	
Pakistan	45	50	195	260	**130**	*- 50*	*2.9%*	*1*	*United Kingdom (58%)*	
Serbia	90	85	95	150	**120**	*- 20*	*2.7%*	*17*	*Germany (54%)*	
Russia	60	115	135	110	**110**	*+ 0*	*2.5%*	*1*	*Germany (55%)*	
China	15	95	485	345	**100**	*- 71*	*2.2%*	*0*	*United Kingdom (90%)*	
Albania	25	20	40	55	**100**	*+ 82*	*2.2%*	*32*	*United Kingdom (60%)*	
Ethiopia	20	30	85	60	**90**	*+ 50*	*2.0%*	*1*	*Germany (50%)*	
Unknown	50	50	125	30	**90**	*+ 200*	*2.0%*	*n.a.*	*Sweden (56%)*	
Turkey	90	85	160	215	**85**	*- 60*	*1.9%*	*1*	*Germany (41%)*	
Somalia	60	70	180	75	**80**	*+ 7*	*1.8%*	*8*	*Greece (25%)*	
Sri Lanka	65	55	215	240	**80**	*- 67*	*1.8%*	*4*	*United Kingdom (69%)*	
Other	800	1 310	2 165	2 260	**1 210**	*- 46*	*27%*	*n.a.*	*United Kingdom (37%)*	
EU28	**2 225**	**3 210**	**5 865**	**6 250**	**4 455**	*- 29*		***9***	***Afghanistan (34%)***	

NB: Belgium, Bulgaria, Estonia, Ireland, France, Croatia, Latvia, Lithuania, Luxembourg, Austria, Portugal, and Slovenia are not featured in this table as the type of decision 'Authorisation to stay for humanitarian reasons' is not applicable to these MS.

Annex C13: Final decision in appeal or review issuing a rejection in the EU28 by MS and main citizenship, 2009–2013

						2013				
	2009	2010	2011	2012	2013	% chg. on last year	Share in EU28	per million inhabitants	Highest share	Sparkline
Reporting country									**Citizenship**	
France	14 180	17 800	28 425	30 570	**32 100**	+ 5	33%	504	Congo (DR) (10%)	
Germany	4 430	5 315	21 200	24 420	**30 705**	+ 26	31%	374	Serbia (30%)	
Sweden	13 405	11 575	11 375	13 060	**10 575**	- 19	11%	1,107	Afghanistan (9%)	
United Kingdom	10 425	14 345	10 415	8 285	**9 115**	+ 10	9%	143	Pakistan (24%)	
Austria	10 065	9 105	7 540	6 415	**5 435**	- 15	6%	643	Russia (21%)	
Greece	2 065	5	215	1 115	**2 990**	+ 168	3%	270	Pakistan (33%)	
Denmark	310	790	1 810	1 085	**1 110**	+ 2	1%	198	Afghanistan (23%)	
Spain	1 680	1 530	1 100	1 100	**1 085**	- 1	1%	23	Nigeria (17%)	
Cyprus	2 580	2 870	3 110	1 500	**875**	- 42	1%	1,011	Iraq (35%)	
Netherlands	425	675	1 205	645	**820**	+ 27	1%	49	Afghanistan (22%)	
Luxembourg	170	160	325	900	**660**	- 27	1%	1,229	Kosovo (23%)	
Hungary	145	165	275	290	**625**	+ 116	1%	63	Pakistan (16%)	
Romania	575	420	1 180	1 945	**625**	- 68	1%	31	Syria (21%)	
Ireland	3 140	2 640	1 250	645	**525**	- 19	1%	114	Nigeria (18%)	
Czech Republic	390	380	365	415	**395**	- 5	0%	38	Ukraine (39%)	
Malta	475	325	505	415	**135**	- 67	0%	320	Ghana (30%)	
Slovakia	20	170	0	65	**110**	+ 69	0%	20	Afghanistan (18%)	
Portugal	0	20	20	65	**100**	+ 54	0%	10	Guinea (20%)	
Croatia	:	:	:	100	**95**	- 5	0%	22	Algeria (37%)	
Slovenia	70	15	70	35	**60**	+ 71	0%	29	Afghanistan (8%)	
Finland	10	45	65	50	**55**	+ 10	0%	10	Russia (27%)	
Latvia	10	15	10	40	**45**	+ 13	0%	22	Afghanistan (33%)	
Lithuania	50	65	30	215	**30**	- 86	0%	10	Russia (50%)	
Italy	1 475	1 260	1 175	445	**20**	- 96	0%	0	Nigeria (25%)	
Bulgaria	40	15	5	0	**5**	n.a.	0%	1	Unknown	
Estonia	0	5	10	5	**0**	- 100	0%	0	n.a.	
Belgium	7 055	7 700	9 985	12 160	**:**	n.a.	n.a.	n.a.	n.a.	
Poland	10	60	2 175	900	**:**	n.a.	n.a.	n.a.	n.a.	
Citizenship									**Reporting country**	
Serbia	3 085	3 405	8 680	10 170	**10 755**	+ 6	11%	1,498	Germany (87%)	
Pakistan	3 245	3 025	3 175	5 485	**6 585**	+ 20	7%	37	United Kingdom (33%)	
FYROM	445	800	3 170	3 950	**5 425**	+ 37	6%	2,631	Germany (87%)	
Bangladesh	2 175	2 070	2 935	5 420	**4 685**	- 14	5%	30	France (66%)	
Afghanistan	2 545	2 960	4 180	5 450	**4 200**	- 23	4%	135	Germany (35%)	
Kosovo	2 600	3 375	7 365	5 880	**4 190**	- 29	4%	2,324	Germany (50%)	
Russia	5 390	4 340	6 995	6 385	**3 855**	- 40	4%	27	France (38%)	
Congo (DR)	2 230	2 570	2 620	3 345	**3 555**	+ 6	4%	54	France (91%)	
Armenia	2 650	3 395	4 490	3 025	**3 230**	+ 7	3%	1,088	France (75%)	
Sri Lanka	2 155	3 160	3 675	3 050	**3 165**	+ 4	3%	156	France (66%)	
Iraq	7 320	5 110	5 300	3 900	**3 055**	- 22	3%	94	Germany (46%)	
BA	360	405	755	2 040	**2 825**	+ 38	3%	737	Germany (76%)	
China	1 660	2 580	3 090	3 265	**2 755**	- 16	3%	2	France (68%)	
Turkey	3 360	3 350	3 910	3 065	**2 525**	- 18	3%	33	France (52%)	
Georgia	1 675	1 565	1 795	2 175	**2 480**	+ 14	3%	550	France (56%)	
Other	32 315	35 345	41 715	40 280	**35 005**	- 13	36%	n.a.	France (33%)	
EU28	**73 210**	**77 455**	**103 850**	**106 885**	**98 290**	- 8		**194**	**Serbia (11%)**	

Annex C14: Resettled persons in the EU28 by MS and main citizenship, 2009-2013

						2013			
	2009	2010	2011	2012	2013	% chg. on last year	Share in EU28	per million inhabitants	Highest share	Sparkline
Reporting country									**Citizenship**	
Sweden	1 890	1 790	1 620	1 680	**1 820**	+ 8	38%	190	Eritrea (22%)	
United Kingdom	945	720	455	1 040	**965**	- 7	20%	15	Somalia (33%)	
Finland	725	545	585	730	**675**	- 8	14%	124	Afghanistan (38%)	
Denmark	450	495	515	470	**515**	+ 10	11%	92	Congo (DR) (27%)	
Netherlands	370	430	540	430	**310**	- 28	6%	18	Congo (27%)	
Germany	2 070	525	145	305	**280**	- 8	6%	3	Iraq (59%)	
France	520	360	130	100	**90**	- 10	2%	1	Congo (DR) (22%)	
Ireland	190	20	45	50	**85**	+ 70	2%	19	Afghanistan (35%)	
Belgium	45	:	25	0	**85**	n.a.	2%	8	Congo (DR) (65%)	
Italy	160	55	0	0	**0**	n.a.	0%	0	n.a.	
Spain	:	:	:	80	**0**	- 100	0%	0	n.a.	
Czech Republic	0	40	0	25	**0**	- 100	0%	0	n.a.	
Greece	:	:	0	0	**0**	n.a.	0%	0	n.a.	
Slovakia	0	0	0	0	**0**	n.a.	0%	0	n.a.	
Portugal	0	35	30	15	**0**	- 100	0%	0	n.a.	
Cyprus	:	0	:	:	**0**	n.a.	0%	0	n.a.	
Romania	0	40	0	0	**0**	n.a.	0%	0	n.a.	
Bulgaria	:	:	:	0	**0**	n.a.	0%	0	n.a.	
Slovenia	0	0	0	0	**0**	n.a.	0%	0	n.a.	
Hungary	0	:	0	0	**0**	n.a.	0%	0	n.a.	
Malta	0	0	0	0	**0**	n.a.	0%	0	n.a.	
Luxembourg	30	5	0	0	**0**	n.a.	0%	0	n.a.	
Lithuania	:	:	0	5	**0**	- 100	0%	0	n.a.	
Austria	0	0	0	0	**0**	n.a.	0%	0	n.a.	
Croatia	:	:	:	:	**0**	n.a.	0%	0	n.a.	
Estonia	0	0	0	0	**0**	n.a.	0%	0	n.a.	
Latvia	0	0	0	0	**0**	n.a.	0%	0	n.a.	
Croatia	:	:	:	0	**:**	n.a.	n.a.	n.a.	n.a.	
Citizenship									**Reporting country**	
Somalia	140	685	620	590	**820**	+ 39	17%	80	Sweden (45%)	
Congo (DR)	425	440	445	510	**665**	+ 30	14%	10	United Kingdom (32%)	
Eritrea	150	315	710	395	**525**	+ 33	11%	86	Sweden (75%)	
Afghanistan	470	335	210	860	**520**	- 40	11%	17	Finland (49%)	
Iraq	3 865	1 340	485	420	**360**	- 14	7%	11	Germany (46%)	
Colombia	20	25	5	170	**340**	+ 100	7%	7	Sweden (62%)	
Sudan	60	45	130	290	**265**	- 9	5%	7	United Kingdom (60%)	
Syria	0	35	10	75	**260**	+ 247	5%	12	Sweden (94%)	
Iran	125	110	55	45	**215**	+ 378	4%	3	Germany (51%)	
Stateless	495	150	275	200	**160**	- 20	3%	n.a.	Denmark (75%)	
Myanmar/Burma	465	490	400	340	**140**	- 59	3%	3	Finland (75%)	
Bhutan	200	325	55	145	**100**	- 31	2%	135	United Kingdom	
Congo	10	25	45	25	**90**	+ 260	2%	21	Netherlands (94%)	
Ethiopia	145	175	355	555	**80**	- 86	2%	1	United Kingdom (44%)	
Pakistan	5	0	10	65	**55**	- 15	1%	0	Netherlands (64%)	
Other	825	565	280	245	**230**	- 6	5%	n.a.	Sweden (40%)	
EU28	**7 400**	**5 060**	**4 090**	**4 930**	**4 825**	- 2		**10**	***Somalia (17%)***	

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