

Annual Report on the Situation of Asylum in the European Union 2018



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Introduction

The EASO Annual Report on the Situation of Asylum in the European Union is drawn up in accordance with Article 12.1 of the EASO Regulation.¹

Its objective is to provide a comprehensive overview of the situation of asylum in the EU (including information on Norway, Switzerland, Liechtenstein and Iceland), describing and analysing flows of applicants for international protection, major developments in legislation, jurisprudence, and policies at the EU+ and national level and reporting on the practical functioning of the Common European Asylum System (CEAS). As part of the Report, EASO also indicates its activities undertaken in 2018 in respective thematic areas.

The production process follows the methodology and basic principles agreed by the EASO Management Board in 2013.

Primary factual information was obtained by EASO from EU+ countries in a process coordinated with the European Migration Network (EMN)², to avoid duplication with the 2018 Annual Report on Migration and Asylum. Furthermore, the European Commission was consulted during the drafting process and actively contributed. In accordance with its role under Article 35 of the Geneva Convention of 28 July 1951 relating to the Status of Refugees, which is reflected in the EU Treaties and the asylum acquis instruments, the United Nations High Commissioner for Refugees was also consulted during the drafting process and indicated publically available information resources produced by its experts, to inform the present report.

Statistical information was primarily derived from Eurostat, an overview of which is available in the annex to the Report. Selected statistical data at EU+ level was also obtained from the EASO Early Warning and Preparedness System (EPS) data collection for additional insights, as well as for the section on Dublin procedures (due to unavailability of respective Eurostat data at the time of writing).

As in previous years, the report aims to provide an analysis based on a wide range of sources of information – duly referenced - to reflect the ongoing debate at European level and to help identify the areas where improvement is most needed (and thus where EASO and other key stakeholders should focus their efforts) in line with its declared purpose of improving the quality, consistency and effectiveness of the CEAS. To that end, EASO takes due account of information already available from other relevant sources, as stipulated in the EASO Regulation, including EU+ countries, EU institutions, civil society, international organisations, and academia. Contributions were also specifically sought from civil society with an open call for input from the EASO Executive Director to the members of the EASO Consultative Forum and other civil society stakeholders, inviting them to provide information on their work relevant for the functioning of the CEAS. A dedicated workshop was organised to gather insights from think-tank and academia representatives. Members of the EASO Network of Courts and Tribunals contributed to the report by providing relevant examples of national case law.

All efforts were made to provide a broad coverage of key relevant developments in areas covered by the Report within its scope. Yet, the report makes no claim to be exhaustive; in particular, state-specific examples mentioned in the report serve only as illustrations of relevant aspects of the CEAS.

The EASO Annual Report covers the period from 1 January to 31 December 2018 inclusive, but also refers to major recent relevant developments in the year of writing. Whenever possible, information referring to 2019 was based on the most up-to-date sources available at the time of adoption of the Report by the EASO Management Board.

¹ 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>

² Unless otherwise stated, information on state practices refers to that input.

Executive Summary

The EASO Annual Report on the Situation of Asylum in the European Union 2018 provides a comprehensive overview of developments at European level and at the level of national asylum systems. Based on a wide range of sources, the Report looks into main statistical trends and analyses changes in EU+ countries as regards their legislation, policies, practices, as well as national case law. While the report focuses on key areas of the Common European Asylum System, it often makes necessary references to the broader migration and fundamental rights context.

Developments at EU level

Significant developments were reported in 2018 in the area of international protection in the European Union.

The inter-institutional negotiations on the asylum reform proposals continued. In December 2017, the European Council had set a target to reach a position on an overall reform by June 2018. Significant progress was made on five out of seven proposals: **the EU Asylum Agency, the Eurodac Regulation, the EU Resettlement Framework Regulation, the Qualification Regulation and the Reception Conditions Directive**, for which the co-legislators reached broad political agreement by the June 2018 deadline. Still, divergences on a number of controversial issues persisted and the majority of Member States expressed reservations in adopting one or more of the asylum reform proposals before all of them were ready for adoption, despite the benefit of adopting each individual proposal separately. Since then, despite some progress at the technical level, the Council has not been able to adopt a position on the **Dublin Regulation** and the **Asylum Procedure Regulation**; thus, the asylum reform has not yet been finalised. In 2018, the European Parliament adopted its position on the Asylum Procedure Regulation, which means that it has adopted positions on all the CEAS files. Throughout the negotiations on the asylum reform proposals, increased solidarity among countries and a sense of shared responsibility have been emphasised as the foundational blocks for the functioning and further calibration of the CEAS.

In alignment with its responsibility to ensure the correct application of EU law, the European Commission took steps in the framework of infringement procedures vis-à-vis Bulgaria, Hungary, Poland, and Slovenia.

Increased solidarity among EU+ countries and a sense of shared responsibility have been defined as the foundational blocks for the functioning and calibration of the CEAS.

Highlights

The Court of Justice of the European Union issued 16 judgments on references for preliminary rulings interpreting the Dublin Regulation, the Asylum Procedures Directive and the Qualification Directive. No decision on the Reception Conditions Directive was issued, although two relevant cases are pending. More specifically, the CJEU analysed issues pertaining to technical aspects of the implementation of the Dublin III Regulation with regard to take-charge or take-back requests, such as applicable time limits in different stages of the Dublin procedure; evidence presented by applicants toward substantiating claims concerning their religious beliefs and the risk of persecution for reasons related to religion; the importance of individual assessment of asylum claims, which is to be carried out in the context of the applicant's personal circumstances; assessment of the facts and circumstances relating to applicants' declared sexual orientation; eligibility for subsidiary protection of applicants, who have been victims of torture, in case they may be intentionally deprived of appropriate psychological care if returned to their country of origin, even if a risk of being tortured again no longer exists; processing of applications lodged

by persons registered with the United Nations Relief and Works Agency for Palestine Refugees (UNRWA); exclusion grounds in the context of subsidiary protection; social security benefits for refugees with temporary residence permits; the application of safe country concepts; further definition of procedures on second instance appeals; and family reunification of unaccompanied minors, who reach the age of majority after having lodged an application.

The implementation of the European Agenda on Migration continued in 2018, summarised in the Commission's Communications on the Implementation of the European Agenda on Migration. Relevant developments in the course of 2018 reflected an orchestrated effort to transition from ad hoc responses to durable, future-proof solutions in the area of asylum. While the Commission has identified a number of immediate measures to address pressing issues along the Western, Central, and Eastern Mediterranean routes, including providing assistance to Morocco, improving conditions for migrants in Libya with an emphasis on the most vulnerable, and further optimising operational workflows on the Greek islands, long-term structural measures are also being developed.

Developments on the European Agenda on Migration in 2018 reflected an orchestrated effort to transition from ad hoc responses to durable solutions

In **Greece**, the hotspot approach is implemented alongside the EU-Turkey Statement, which includes among its aims preventing the creation of new sea or land routes for illegal migration from Turkey to the EU. In the face of continuous migratory pressure and the low number of returns, the hotspot approach has played a key role in stabilising the situation on the islands. Action focused on improving living conditions in the hotspots with an emphasis on catering to the needs of vulnerable groups. These efforts were complemented by an increase in the reception capacity in the mainland and by new legislation on a national guardianship system for minors. At the same time, overcrowding on the islands has led to heavy pressure on infrastructure, medical service, and waste management, while tensions between migrants and parts of the population have increased.

In March 2019, three years after the EU-Turkey Statement, the Commission published a report with information on the cumulative results of its three years of implementation. Remarkably, irregular arrivals from Turkey to the Greek islands remain 97 % lower than the period before the Statement became operational, while the loss of human lives at sea decreased drastically. At the same time, over the course of 2018, there has been a significant increase in the irregular crossings from Turkey to Greece through the land border, with approximately half of the individuals crossing the border being Turkish nationals. This indicates a need to intensify support at the border. As of the publication of the report in March 2019, 20 292 Syrian refugees had been resettled from Turkey to EU+ countries, while a total of EUR 192 million of AMIF funds had been allocated to support legal admission of Syrians from Turkey. In addition, for the years 2016-2019, a total of EUR 6 billion has been channelled through the Facility for Refugees in Turkey, with half of it coming from EU funds and the other half coming from individual national contributions of EU+ countries. An area in which more progress is needed is the implementation of returns to Turkey from the Greek islands.

In **Italy**, the EU agencies continued to provide their support for the implementation of the hotspot approach, adopting their staffing levels in accordance with existing needs. Apart from financial assistance, and deployment of experts to help in screening, registration, identification and provision of information to migrants, in 2018, the EU contribution toward the implementation of the hotspot approach in Italy included, among others, the performing of secondary screening, the provision of medical assistance and intercultural mediation.

Throughout 2018, the disembarkation of migrants and refugees rescued at sea in the Mediterranean triggered discussions over solidarity, responsibility sharing and the development of a more systematic and coordinated EU approach on disembarkation, first reception, registration and relocation. To this end, the idea of putting into place temporary arrangements, which could serve as a bridge solution until the

new Dublin Regulation becomes applicable, was put forth, drawing from the experience of ad hoc solutions for disembarkation implemented during summer 2018. These temporary arrangements could be developed in a transparent step-by-step work plan, based on a mutual understanding of shared interests, which would ensure the delivery of operational and effective assistance from the Commission, EU agencies, and other Member States to the Member State concerned.

Temporary arrangements for disembarkation, developed in a transparent step-by-step work plan, based on a mutual understanding of shared interests, could ensure the delivery of operational and effective assistance from the Commission, EU agencies, and other Member States to the Member State under pressure.

Resettlement and humanitarian admissions are key mechanisms to offer a safe and legal path to EU+ for people in need of international protection, while easing the pressure on countries that host large numbers of refugees. In the years 2015-2017, through the different EU resettlement programs, a total of 27 800 persons were resettled in Europe, while under the new EU Resettlement Scheme, 20 EU Member States have pledged more than 50 000 resettlement places to be implemented by the end of October 2019, making this initiative the largest resettlement effort the EU has undertaken to date. As of March 2019, over 24 000 of these resettlements have materialised. In conjunction with the EU Resettlement Scheme, national resettlement programs also play a role in providing a legal and safe path to individuals in need of protection. Finally, humanitarian admission programmes, including private sponsorship initiatives implemented in a number of EU+ countries, make a significant contribution toward the same end.

Regarding the external dimension of the EU migration policy, in 2018, the EU continued its cooperation with external partners toward addressing constructively the question of migration, through a comprehensive approach rooted in multilateralism. Highlights of the progress made in this area in the course of 2018 include: allocating further resources for the implementation of programmes in the framework of the EU Emergency Trust for Africa and the External Investment Fund; combating smuggling networks through, among others, operational measures toward improving law enforcement cooperation; promoting orderly return and readmission in dialogue with partner countries, as well as providing reintegration assistance; enhancing border management through signing of agreements on joint operations on both sides of common borders, trainings, and expertise sharing; and providing assistance toward protecting refugees and migrants abroad. Future steps on the external dimension of the EU's migration policy include the conclusion of status agreements with Western Balkan countries; the development of new readmission agreements with third countries; and the extension of operational partnerships with third countries in the areas of joint investigations, capacity building, and exchange of liaison officers.

International protection in the EU+

In terms of statistical trends, in 2018, there were 664 480 applications for international protection in EU+ countries, which marked a decrease for the third consecutive year, this time by 10 %. Approximately 9 % of all applications involved repeated applicants. The number of applications lodged in EU+ was similar to the one in 2014, when 662 165 applications were lodged. It is worth noting that, while the number of applications remained remarkably stable throughout 2018, the relative stability at EU+ level conceals stark variation between Member States and between individual citizenships. Migratory pressure at the EU external borders decreased for the third consecutive year. An upsurge in detections at the Western Mediterranean route occurred (more than doubled), equalling the number of detections at the Eastern Mediterranean route (some 57 000 each).



Syria (since 2013) (13 %), Afghanistan and Iraq (7 % each) were the three main countries of origin of applicants in the EU+ combined constituting more than a quarter of all applicants (27 %) in 2018. The top 10 citizenships of origin also included Pakistan, Nigeria, Iran, Turkey (4 % each), Venezuela, Albania and Georgia (3 % each).

In Syria's neighbouring countries - Iraq, Jordan, Lebanon, Turkey and Egypt - and other northern African countries, UNHCR indicated that the number of registered Syrian refugees by the end of 2018 amounted to approximately 5.7 million.

In 2018, similar to the previous years, just over two thirds of all applicants were male and a third were female. Close to half of the applicants were aged between 18 and 35 years old, and almost a third were minors.

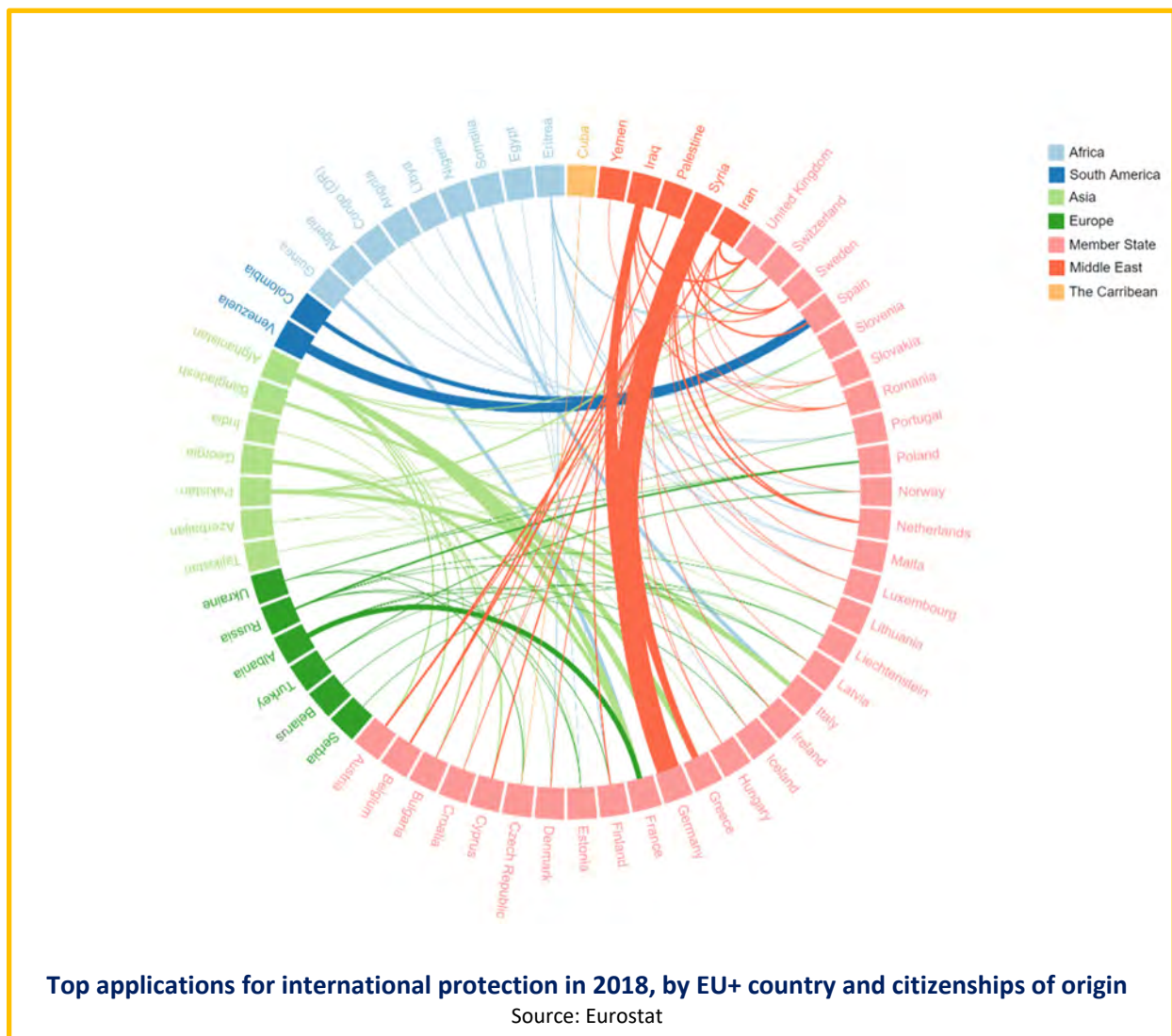
In 2018, approximately 20 325 UAMs applied for international protection in the EU+, indicating a sharp decrease of 37 % compared to 2017. The share of UAMs relative to all applicants was 3 %, similar to 2017. Almost three quarters of all applications were lodged in just five EU+ countries: Germany, Italy, the United Kingdom, Greece and the Netherlands.

Regarding receiving countries, in 2018, most applications for asylum were lodged in **Germany, France, Greece, Italy, and Spain**. Together, these five countries accounted for almost three quarters of all applications lodged in the EU+. Germany received the most applications (184 180) for the seventh consecutive year, despite a 17 % decrease compared to 2017. Applications in France increased for the fourth consecutive year, reaching 120 425 in 2018, the highest level recorded in France so far. Greece became the country with the third-highest number of applications lodged in the EU+ in 2018, increasing for the fifth consecutive year, to 66 965 applications. A significant change occurred in Italy, where applications decreased by 53 %. Spain remained at the fifth position, but with applications increasing from below 36 605 in 2017 to 54 050 in 2018. This highlights an important mixed trend mentioned at the beginning of this section: the overall 11 % decrease in applications between 2017 and 2018 in EU+ was reflected in just over half of all EU+ countries, while in the other half, applications increased, in some countries substantially so. The top five receiving countries per capita included **Cyprus, Greece, Malta, Liechtenstein, and Luxembourg**.

Germany, France, Greece, Italy, and Spain accounted for almost three quarters of all applications lodged in the EU+. The top-5 receiving countries per capita included **Cyprus, Greece, Malta, Liechtenstein, and Luxembourg**.

The main asylum flows, more specifically dyads of citizenships in receiving countries, provide a slightly more nuanced picture than separate considerations of countries of origin and receiving countries. The 10 main influxes in 2018 were directed to Germany, France, Greece and Spain. Italy was not at the receiving end of the 10 main flows despite being the fourth receiving country overall; this likely follows the decrease in specific citizenships applying in Italy and also the diversification of applications.

The ten main flows involved seven citizenships, all within the top ten citizenships of origin for 2018: Despite decreasing applications overall, Germany received no less than six of the ten largest influxes from specific citizenships: Syrians, Iraqi, Afghans, Iranians, Nigerians, and Turks. Greece received two of the main flows (Syrians to Greece and Afghans to Greece). Both Spain and France only received one of the main flows: Venezuelans to Spain (the second largest specific influx into an EU+ country in 2018) and Afghans to France. Pakistani, Albanians and Georgians were among the top ten citizenships of origin in the EU+ overall.



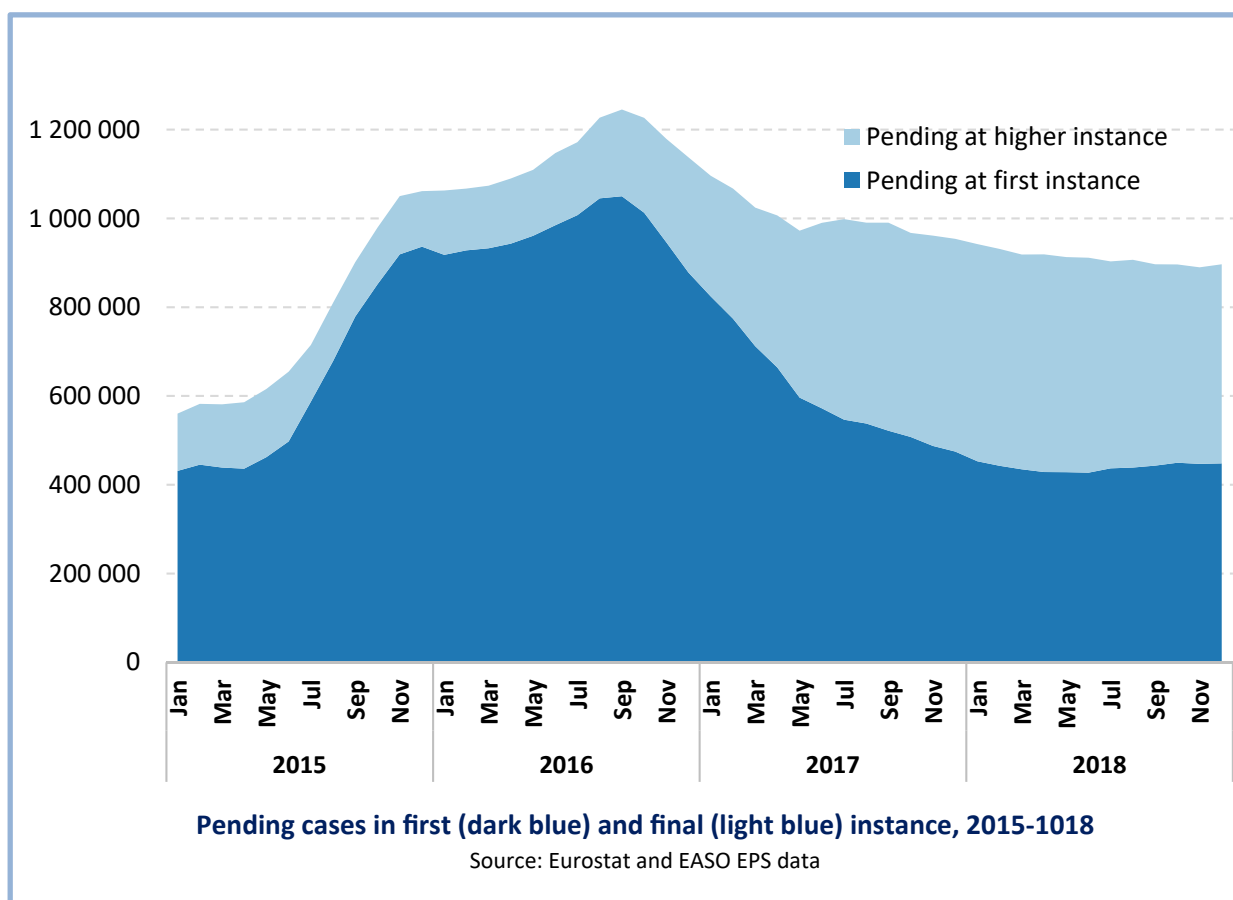
Overall in 2018, approximately 57 390 applications were withdrawn across EU+ countries, about half as many as in 2017. The ratio of withdrawn applications to the total number of applications lodged in the EU+ was 9 %, lower than the previous year. According to EASO data, and similar to previous years, about four fifths of withdrawals in the EU+ were implicit.

In terms of pending cases, at the end of 2018, approximately 896 560 applications were awaiting a final decision in the EU+, which represented a 6 % decrease compared to the same time in 2017. While a decline was registered for the second year in a row, the number of pending cases at the end of 2018 was considerably higher than at the end of 2014. It is worth noting that the number of cases pending at first

instance was almost equal to the number of cases pending at second and higher instances, each at about 448 000. Consequently, at the end of 2018 the pressure on national asylum systems seemed to be equally distributed between asylum authorities and judicial bodies.

The top five nationalities awaiting a final decision remained the same as in 2017, namely **Afghans, Syrians, Iraqis, Nigerians** and **Pakistanis**. While for each of these nationalities that stock decreased, they still constituted more than half of the stock in EU+. At the end of 2018, **Germany** continued to be the country with the largest stock of pending cases at all instances, despite a minor reduction compared to a year earlier. **Italy** remained the second EU+ country with the highest number of pending cases, but the stock decreased by almost a third compared to the end of 2017. **Spain** was subject to the largest absolute increase in pending cases, doubling to almost 79 000 at the end of 2018, while a considerable absolute increase also took place in **Greece**, where the stock went above 76 000. **France** also reported more pending cases than a year ago, up to almost 53 000. At the same time, in approximately half of the EU+ countries, the stock of pending cases decreased. In six countries, the decrease was by more than a thousand cases and in four of them (Germany, Italy, Austria and Sweden) it was by more than 10 000 cases.

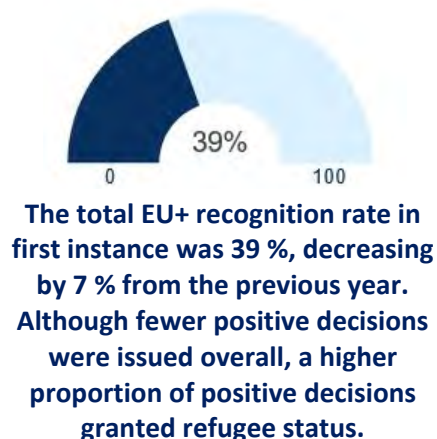
Overall, developments in the stock of pending cases seem to have been largely affected by new asylum applications. The countries with the highest reduction in their stock of pending cases were also those which experienced the largest decrease in asylum applications throughout 2018. The opposite was also true: the three countries with the most notable increases in the stock of pending cases were also subject to the most significant increases in asylum applications.



In terms of decisions issued in 2018, EU+ countries issued 601 525 decisions in first instance, a large 39 % decrease compared to 2017. Thus, in 2018 there were overall more applications lodged in EU+ than decisions issued. The majority of decisions (367 310, or 61 %) were negative, not granting any protection. Approximately 234 220 decisions were positive; of those, the majority granted refugee status (129 685 or 55 % of all positive decisions), and a smaller proportion subsidiary protection (63 100 or 27 %) or humanitarian protection (41 430 or 18 %). Although fewer positive decisions were issued overall, compared to last year a higher proportion of positive decisions granted refugee status. With regard to

the volume of first-instance decisions issued in each country, most decisions were issued in **Germany** (30 % of all decisions), **France** (19 %) and **Italy** (16 %). Jointly, these three countries issued about two thirds of all decisions issued in the EU+.

The total EU+ recognition rate in first instance in 2018 was 39 %, decreasing by 7 percentage points from the previous year. This decrease was mainly due to the fact that recognition rates dropped for several citizenships of origin, and particularly for those with a high number of decisions issued. Lower recognition rates compared to the previous year were recorded for applicants from Somalia, Iran, Iraq, Eritrea and Syria. In contrast, upward variation was reported for applicants from Venezuela, China, El Salvador and Turkey. The highest EU+ recognition rates were for applicants from Yemen (89 %), Syria (88 %) and Eritrea (85 %), and the lowest recognition rates were for applicants from Moldova (1 %), North Macedonia (2 %) and Georgia (5 %).



Recognition rates tend to vary across EU+ countries, at both relatively low and high values of the recognition rates, in particular for applicants from Afghanistan, Iran, Iraq and Turkey. Variation in recognition rates was more limited with regard to applicants from Albania, Bangladesh and Nigeria, as well as Eritrean and Syrian applicants.

For individual citizenships, variation in recognition rates among EU+ countries may suggest, to some extent, a lack of harmonisation in terms of decision-making practices (due to a different assessment of the situation in a country of origin, a different interpretation of legal concepts, or due to national jurisprudence). However, it may also indicate that even among applicants from the same country of origin, some EU+ countries may receive individuals with very different protection grounds, such as, for example, specific ethnic minorities, people from certain regions within a country, or applicants who are unaccompanied children.

Regarding examination of applications for international protection at first instance, Member States can use special procedures, such as accelerated, border zones, or prioritised procedures, while remaining in accordance with the basic principles and guarantees envisaged in European asylum legislation. While most first-instance decisions issued in the EU+ using accelerated or border procedures lead to a rejection of the application in a significantly higher proportion than for decisions made via normal procedures, there are cases where international protection is granted using special procedures. According to data exchanged in the framework of EASO's Early Warning and Preparedness System, the recognition rate for first-instance decisions issued using accelerated procedures was 11 %, while for those using border procedure 12 %.

As regards decisions issued in appeal or review, in 2018, EU+ countries issued 314 915 decisions at second or higher instance, a 9 % increase compared to 2017. Moreover, in 2018 a higher share of final decisions granted some form of protection: the recognition rate for decisions issued at final instance was indeed 37 %, up from 33 % in 2017. Three quarters of all final decisions in 2018 were issued by three EU+ countries: Germany, France or Italy, while a key development was the sharp increase in the number of final decisions issued to applicants from Western African countries, such as Gambia, Côte d'Ivoire, Nigeria and Senegal.

For the functioning of the Dublin system in 2018, a number of developments can be reported on the basis of EASO data, which indicated an overall decrease in the number of decisions in Dublin requests by 5 %. More analytically, 28 EU+ countries regularly exchanged data on the decisions they received on their outgoing Dublin requests in 2018. The United Kingdom shared data for the period August – December 2018. The 28 EU+ countries received 138 445 decisions on their outgoing Dublin requests, and if the partial reporting by the United Kingdom is considered the number increases to 139 984. In 2018, the ratio of received Dublin decisions to asylum applications was 23 %, slightly increased compared to 2017. This

may imply that a high number of applicants for international protection continued to pursue secondary movements in the EU+ countries. **Germany** and **France** received most of the decisions on Dublin requests, accounting for 37 % and 29 % respectively. Other countries receiving high numbers of responses in 2018 included the **Netherlands, Belgium, Austria, Italy, Switzerland** and **Greece**. The most important changes compared to 2017 included a significant increase in the Dublin decisions issued by **Greece** and **Spain**. At the same time, there was a reduction in the number of cases in which the discretionary clause was used vis-à-vis Greece. However, this decrease was very small compared to the increase in Greek decisions.

The overall acceptance rate for decisions on Dublin requests in 2018 was 67 %, down by 8 percentage points from 2017, while variation in acceptance rates continued to exist across countries. Most Dublin decisions in 2018 concerned citizens of Afghanistan (9 % of the total), Nigeria (8 %), Iraq (6 %) and Syria (6 %). Moreover, Article 17(1) of the Dublin Regulation, known as the discretionary or sovereignty clause, was invoked over 12 300 times in 2018; in almost two thirds of all cases, the discretionary clause was applied in Germany. Two fifths of the cases in which Article 17(1) was invoked identified Italy as the partner country to which a request could have been sent, 22 % identified Greece and 9 % Hungary. In 2018, the reporting countries implemented over 28 000 transfers. Considering the 26 EU+ countries which reported regularly in both 2017 and 2018, the overall number of implemented transfers increased by approximately 5 %. Almost a third of the transfers were carried out by **Germany** in 2018, while **Greece** and **France** also implemented high numbers of transfers. More than half of the transferees went to **Germany** and **Italy**. Other countries receiving significant numbers of transfers included **France, Sweden, the United Kingdom, Spain** and **Switzerland**.

In general, main developments in EU+ countries with regard to Dublin procedures reflected the volume of cases that needed to be processed; substantial organisational changes in a number of EU+ countries; the assessment of the best interest of the child in the context of Dublin procedures; the resumption of requests to Greece to take charge of/take back applicants by a number of EU+ countries; the conclusion of bilateral agreements between several EU+ countries to expedite Dublin procedures and enhance transfer options; and measures to ensure correct and timely identification of vulnerable applicants and their special needs in the context of Dublin procedures. Like in 2016 and 2017, the suspension (either full or partial) of Dublin transfers to Hungary also continued through 2018.

Important developments at the national level

A number of EU+ countries amended their legislation concerning international protection. These included significant changes made by Austria, Belgium, France, Hungary, Italy, and Slovakia, while other countries also amended their legislation in diverse areas. In an effort to calibrate the integrity of their national asylum systems, EU+ countries introduced, in 2018, policies and practices aimed at swiftly identifying unfounded applications for protection and ensuring that financial, human and time resources are not dissipated on such claims. Such measures involved efforts to establish at the earliest possible time applicants' identity, including their age, country of origin and travel route; assess any potential security concerns; better assess the credibility of applicants' statements; and determine whether beneficiaries of international protection are still in need of protection. Improvements in the provision of information to applicants and beneficiaries of protection regarding rights and obligations at each stage of the process were also meant to prevent unintentional misuse of the asylum procedure. In regards to increasing efficiency in the workings of asylum systems, initiatives undertaken by EU+ countries focused on the reorganisation of procedures toward optimising the allocation and use of available resources; an emphasis on collecting as much information from applicants at the early stages of the process; the digitalisation and use of new technologies; and prioritisation or fast-tracking of applications. Finally, in 2018, efforts to maintain increased quality in the functioning of asylum systems included staff trainings depending on existing needs within EU+ countries, the revision of existing guidance materials, and putting in place quality control systems/quality supporting tools in regards to decision-making on applications for protection.

In 2018, EASO continued delivering on its mandate by facilitating practical cooperation among EU+ countries and providing support to countries, whose asylum and reception systems were under pressure.



At the same time, EASO continued delivering on its mandate by facilitating practical cooperation among Member States and providing support to countries, whose asylum and reception systems were under pressure, that is, Bulgaria, where the Special Support Plan was completed, Cyprus, Italy and Greece. This support was tailored on each country's needs and included, among others, assisting in the provision of information to applicants; handling registrations and Dublin take-charge and take-back requests; organising activities in the field of COI; enhancing reception capacity in particular with regards to unaccompanied minors; providing support to the asylum procedure, reception, and capacity building in the implementation of the CEAS; and providing support with backlog management. EASO also enhanced its dialogue with civil society, organising thematic meetings on key areas of interest.

Functioning of the CEAS

Important developments were noted in main thematic areas of the Common European Asylum System:

As regards access to procedure, in 2018, as a general trend, EU+ countries introduced a number of changes in the first steps of the procedure with the aim of eliciting as much information from applicants as possible at an early stage. These changes concerned the establishment of arrival centres, introduction of new technologies for better identification, and extended obligations for applicants to cooperate with authorities and provide necessary documentation at an early stage of the procedure. Such changes were also accompanied by the provision of more information about the process to the applicants, including information on voluntary return. At the same time, the debate on the disembarkation of migrants rescued at sea in the Mediterranean raised fundamental questions about a systemic EU-wide approach to safe and effective access to procedure for persons rescued at sea. Overall, various concerns were raised by civil society actors in a number of EU+ countries with regards to effective access to territory and access to the asylum procedure, including the occurrence of pushbacks on the border and the existence of practical obstacles in accessing the procedure effectively and within reasonable time.

In 2018, EU+ countries introduced a number of changes in the first steps of the asylum procedure with the purpose of eliciting as much information from applicants at the earliest possible stage.

In order to be able to fully communicate their protection needs and personal circumstances, and to have them comprehensively and fairly assessed, persons seeking international protection need information regarding their situation. In 2018, both EU+ countries' national administrations and civil society continued reinforcing their efforts for accurate and comprehensive information to persons seeking international protection. Furthermore, the content of information provided by EU+ authorities broadened into rights and obligations in the content of protection as well as integration, including organisation of induction training sessions for applicants or beneficiaries of refugee status and subsidiary protection status, in the host countries. Access to information for unaccompanied minors, continued to remain top priority across EU+ level, while 2018 was an earmark for switching information provision into new media tools and technologies to increase accessibility.

Legal assistance and representation is also a necessary condition for applicants' effective participation in the asylum process. In 2018, changes introduced by EU+ countries in the area of legal assistance and representation concern the extension of assistance to different stages of the asylum process and, at

times, changes to the actors involved in the provision of legal services. In conjunction with initiatives carried out by authorities, civil society actors, especially organisations with operational experience, also played a role in identifying existing challenges and limitations and creating pressure from the bottom up toward addressing those challenges.

Effective interpretation is a sine qua non for the proper communication between the applicant and the authorities at every step of the process, including access to asylum procedure, application, examination, and appeal stage. Despite the decrease in the number of applications in 2018, language diversity among applicants remained at almost the same levels as in 2017, putting interpretation at the forefront of procedural needs. Overall, national legal and policy frameworks remained largely stable regarding interpretation, with minor changes aiming at clarifying procedural aspects of the provision of interpretation. Identified challenges in EU+ countries in this area included, at times, deficits in human resources available at certain stages of the asylum procedure and insufficient qualifications of interpreters engaged in the process.

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Regarding examination of applications for international protection at first instance, Member States can use special procedures, such as accelerated, border zones, or prioritised procedures, while remaining in accordance with the basic principles and guarantees envisaged in European asylum legislation. In **Italy**, the so-called Immigration and Security Decree introduced simplified and accelerated procedures for the examination of applications, expressing the intention to avoid fraudulent applications and to reduce processing times. In 2018, the implementation of a specific border procedure continued in **Greece** in implementation of the EU-Turkey statement, applied to persons seeking international protection on the islands of Lesbos, Chios, Samos, Leros and Kos. In **France**, changes were introduced, among others, in the applicable timeframes in the context of accelerated procedures. Regarding admissibility procedures, in a number of EU+ countries conditions for inadmissibility were further elaborated on, while safe country concepts were regularly used, with several countries reviewing and amending their national lists of safe countries of origin.

The provisions determining regular procedures at first instance remained relatively stable at the national level in EU+ countries, in 2018. Major legislative and policy changes affecting for example [Access to procedure](#) or [Special procedures](#) had an impact on this aspect as well, but overall, countries reported no substantial amendments that would have resulted in the complete revision of legislation, policies and practices for the regular procedure. The adopted changes mainly aimed for making the process overall more efficient, similarly to the situation reported in the [Annual Report for 2017](#). More analytically, changes concerned the revision of applicable time limits of the asylum procedure; introduction of new technologies for the electronic management of applications; changes in the personal scope of applications; availability of legal assistance at first instance; broadened cooperation and communication between different authorities at first instance; changes in the scope of exclusion grounds; and initiatives to provide sustained support and guidance to staff involved in the first instance decision-making process.

In the area of reception, in 2018, developments in EU+ countries concerned the overall organisation of reception systems in response to trends in applications, including redistribution and placement schemes and the changing types of reception facilities. While some countries significantly decreased their reception capacity, others had to continue efforts to increase the number of available places matching the increase in the number of applications at national level. The organisation of reception has been substantially re-shaped with the growing number of arrival centres throughout EU+ countries. Many initiatives also aimed at improving the quality of reception conditions: establishing better coordination

among the various stakeholders, creating monitoring tools, carrying out renovations and repairs. Ensuring safety and conflict-free everyday life at the reception facilities have been of primary concern for many states, which addressed this issue in various ways, including the amendment of internal rules and the establishment of specific reception facilities for applicants not respecting existing rules in reception systems. Courts were particularly active in shaping applicants' reception rights, for example on the length of entitlement to material reception conditions or on the freedom of movement. Steps were taken toward further facilitating access to the labour market for applicants with good chances to be recognised, while language learning and social orientation courses have become obligatory, in some cases, for applicants as well.

In the area of detention, new laws, amendments, or governmental instructions were introduced in a number of EU+ countries to further define or elaborate on grounds for detention and alternatives to detention in the context of both asylum and return procedures, for instance, by further clarifying what constitutes potential danger to public order or risk for absconding. In addition, steps were taken toward strengthening support for vulnerable detainees and increasing transparency around detention. Similarly to 2017, in several EU+ countries new legal provisions entered into force in the course of 2018 limiting the freedom of movement or restricting the residence of people staying in reception. Further changes in the area of detention focused on applicable time limits and increases in detention capacity. Concerns were expressed by civil society actors in a number of countries concerning the incorrect implementation of EU asylum legislation in relation to the detention of asylum seekers and safeguards within the detention procedure.

Regarding procedures at second instance, legislative, policy and practice frameworks in EU+ countries remained relatively stable in the course of 2018, largely involving minor amendments. However, courts and tribunals involved in the asylum procedures at second instance seem to have an increasing impact. As many applications moved to second instance in the last year, courts and tribunals had more opportunities to deliver clarifying decisions, further shaping other areas of the asylum procedure. Notably, several EU+ countries reported changes in law, policy and practice following on European or national court decisions. Developments in this area included changes in applicable time limits, the provision of legal aid, and the right to remain pending a decision at second instance.

As many applications moved to second instance in 2018, courts and tribunals had more opportunities to deliver clarifying decisions, further shaping other areas of the asylum procedure needs.



As to Country of Origin Information production, in 2018, EU+ countries further heightened standards and enhanced quality assurance of their COI products. Moreover, in addition to a wide range of regular publications by long-established COI Units, many of which are available through the EASO COI Portal, some countries reported their new outputs in 2018. Often, these COI publications are based on fact-finding missions EU+ countries conducted in third countries. As a general trend, many national COI Units continued their collaboration with their counterparts in other countries, including in the framework of EASO COI Networks.

The EU asylum acquis includes rules on the identification of and provision of support to applicants, who are in need of special procedural guarantees (in particular as a result of torture, rape, or any other form of psychological, physical, or sexual violence). One of the key groups is unaccompanied minors seeking protection without care of a responsible adult. The presence of unaccompanied minors drove a number of developments in EU+ countries. Those included, in particular, adjustments in the reception capacity

for unaccompanied minors depending on relevant flows, and improvement of specialised reception facilities; improvement of care through, among others, cooperation between national authorities and actors of the non-profit sector; further investment in the quality and quantity of family-based care; introduction of measures toward early identification and procedural safeguards aimed at ensuring the well-being and social development of minors; employment of new technologies for age assessment; and efforts to improve expertise of staff dealing with unaccompanied minors. Similarly, specialised reception facilities and services were at the core of developments concerning other vulnerable groups with many countries creating specialised facilities, as well as mechanisms for identification and referral. In a number of countries, civil society actors expressed concerns about the adequacy of reception conditions for vulnerable persons and deficits in the provision of systematic and tailor-made assistance.

Persons, who have been granted a form of international protection in an EU+ country, can benefit from a range of rights and benefits linked to this status. Specific rights granted to beneficiaries of international protection are usually laid down in national legislation and policies. Legislative, policy and practice changes in regard to the content of protection in EU+ countries, throughout 2018, typically targeted not only beneficiaries of international protection, but were rather larger groups of third-country nationals or persons with a migrant background, depending on the specific country context. Overall EU+ trends are difficult to identify, as the developments were driven by beneficiaries' specific profiles and the overall characteristics of migration within the national context. Two areas emerged, around which a number of changes seemed to be clustered: the regular review of protection statuses and language and socio-cultural courses linked to the area of employment.

In regard to return of former applicants for international protection, EU+ countries continued in 2018 to struggle to effectively return those whose asylum application was rejected, a reality reflected in the overall relatively low ratio of effective returns. In its Annual Risk Analysis for 2019, Frontex indicated that the number of effective returns in 2018 once again fell short of the decisions issued by Member States to return migrants. In this context, legislative changes introduced in EU+ focused on easing the return of former applicants, either by putting an end to the automatic suspensive effect of appeals for certain profiles of applicants placed under fast-track or special procedures, or by minimising the risk of absconding, or by taking steps to ensure that the necessary travel documents are in place in case they are needed for the purposes of return.

01

CHAPTER

MAJOR DEVELOPMENTS
IN 2018 AT EU LEVEL

1.1. Legislative developments at EU level

1.1.1. Reform of the Common European Asylum System

The aim of the Common European Asylum System (CEAS) is to develop the architecture for a common approach in guaranteeing high standards of protection for refugees through fair and effective procedures throughout the EU+. It emphasises a common responsibility to welcome applicants for international protection in a dignified manner, ensuring fair treatment and examination of their applications according to uniform standards.³ To this end, increased solidarity among countries and a sense of shared responsibility are foundational blocks for the functioning and further calibration of the CEAS. As a result of the increased pressure that national asylum systems in EU+ faced over the past years, on 6 April 2016 the EU Commission, in its *Communication Towards a reform of the Common European Asylum System and enhancing legal avenues to Europe*,⁴ identified five priority areas for the structural enhancement of the CEAS:



³ European Commission, DG Home, [Common European Asylum System](#).

⁴ European Commission, [Towards a Reform of the Common European Asylum System and Enhancing Legal Avenues to Europe](#), COM/2016/0197 final.

Subsequently, on 4 May 2016, the Commission presented a first package of reform proposals, including:

a	a reform of the Dublin System to better allocate asylum applications among EU+ countries; ⁵
b	steps toward reinforcing the Eurodac regulation, including to increase the efficiency of the EU fingerprint database for asylum seekers; ⁶ and
c	the strengthening of the mandate of the European Asylum Support Office toward a fully fledged agency for asylum. ⁷

This was followed, on 13 July 2016, by a second package of proposals to reform the CEAS,⁸ which included:

d	replacing the Asylum Procedures Directive with a regulation, directly applicable in the national asylum systems, to harmonise asylum procedures across EU+ countries and achieve convergence in recognition rates;
e	replacing the Qualification Directive with a regulation, directly applicable in the national asylum systems to harmonise protection standards and rights for asylum seekers; and
f	reforming the Reception Conditions Directive to ensure that applicants for international protection benefit from harmonised and dignified reception standards and prevent secondary movements and abuse.

Finally, as part of this ongoing round of proposals toward reforming the CEAS, the Commission put forth a proposal for the establishment of a permanent EU resettlement framework to replace existing ad hoc resettlement schemes. The Union Resettlement Framework Regulation will provide for legal and safe pathways to the EU, complementing ongoing resettlement and humanitarian admission initiatives in the EU framework and contributing to international resettlement initiatives. It will also assist in relieving pressure for countries hosting large numbers of people in need of international protection, while reducing the risk of irregular arrivals.

In 2018, the inter-institutional negotiations on the asylum reform proposals continued. In December 2017, the European Council had set a target to reach a position on an overall reform by June 2018.^{9,10} Significant progress was made on five out of seven proposals and the Commission considers that they are ready to be finalised: **the EU Asylum Agency, the Eurodac Regulation, the EU Resettlement Framework Regulation, the Qualification Regulation and the Reception Conditions Directive.**¹¹ Still, divergences on a number of controversial issues persisted and the majority of Member States expressed reservations in adopting one or more of the asylum reform proposals before all of them were ready for adoption, despite the benefit of adopting each individual proposal separately.¹² Since, despite some progress at the technical level, the Council has not been able to adopt a position on the **Dublin Regulation** and the **Asylum Procedure Regulation**, the asylum reform has not yet been finalised. The European Parliament adopted its position on the Asylum Procedure Regulation in 2018¹³, and since it was the only pending position at this legislative procedural level, it has adopted positions on all the CEAS files.

⁵ European Commission, [Proposal for a recast Dublin III Regulation](#), COM/2016/0270 final/2.

⁶ European Commission, [Proposal for a Eurodac Regulation](#), COM/2016/0272 final.

⁷ European Commission, [Proposal for an EUAA Regulation](#), COM/2016/0271 final.

⁸ European Commission, [Completing the reform of the Common European Asylum System: towards an efficient, fair and humane asylum policy](#).

⁹ European Council, [Remarks by President Donald Tusk following the European Council meetings on 14 and 15 December 2017](#).

¹⁰ European Council, [Leaders Agenda. Migration: way forward on the external and internal dimension](#).

¹¹ European Commission, [Managing Migration in all its aspects: Commission Note ahead of the June European Council 2018](#).

¹² European Commission, [Managing Migration: Commission calls time on asylum reform stalling](#).

¹³ European Parliament, [Report on the proposal for a regulation of the European Parliament and of the Council establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU](#).

State of play of the CEAS Reform process

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

Proposal for an Asylum Procedures Regulation:

<https://eur-lex.europa.eu/legal-content/EN/HIS/?uri=COM:2016:0467:FIN>

Proposal for a Qualification Regulation:

<https://eur-lex.europa.eu/legal-content/EN/HIS/?uri=COM:2016:0466:FIN>

Proposal for a new Reception Conditions Directive:

<https://eur-lex.europa.eu/legal-content/EN/HIS/?uri=COM:2016:0466:FIN>

Proposal for a new Eurodac Regulation:

https://eur-lex.europa.eu/procedure/EN/2016_132

Proposal for a new Dublin Regulation:

<https://eur-lex.europa.eu/legal-content/EN/HIS/?uri=CELEX:52016PC0270>

Proposal for a Regulation on the European Union Agency for Asylum:

<https://eur-lex.europa.eu/legal-content/EN/HIS/?uri=CELEX:52016PC0271>

Proposal for a Regulation on the Union Resettlement Framework:

<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1556872939208&uri=CELEX:52016PC0468>

In August 2018, the European Council on Refugees and Exiles (ECRE) published a policy paper taking stock of the hitherto progress of the negotiations on the CEAS reform, offering its analysis of the proposals launched at the June 2018 European Council, and presenting remaining questions and concerns. Among others, ECRE emphasises the importance of an agreement on the reform of the Dublin system as a key to achieving a breakthrough in the whole package.¹⁴

European Union Agency for Asylum

The proposal to turn the existing European Asylum Support Office into a fully fledged EU Agency, named the European Union Agency for Asylum, aims at strengthening the mandate of the Agency, which will have an extended role in providing technical and operational assistance to EU+ countries. The enhanced mandate would include an active role in promoting practical cooperation and information exchange among EU+ countries; monitoring of the operational and technical application of the CEAS; promoting operational standards regarding asylum procedures, reception conditions and protection needs; working toward ensuring convergence in the assessment of applications for international protection across EU+ countries by providing analysis of the situation in applicants' countries of origin and developing guidance notes; and providing technical and operational support to EU+ countries facing disproportionate pressure on their asylum systems. The Council and the Parliament have reached a broad political agreement *ad referendum* on the regulation on the European Union Agency for Asylum, although the proposal has not been adopted, pending process on the remaining proposals of the CEAS package. In September 2018, the European Commission proposed amendments to its proposal on the EU Agency for Asylum, including an extension of the operational and technical assistance the agency can provide to EU+ countries.¹⁵

¹⁴ ECRE, *Asylum at the European Council 2018: Outsourcing or Reform?*

¹⁵ European Council, *Reform of EU asylum rules, Overview and Timeline*.

1.1.2. Continued transposition of recast asylum acquis



In **Belgium**, on 22 March, the two Laws of November 2017,¹⁶ which amended the Immigration Act and the Reception Act to finalise the transposition of the Asylum Procedures Directive 2013/32/EU and the Reception Conditions Directive 2013/33/EU came into force.



In **Finland**, in December 2018, changes to the processing of subsequent applications for international protection were proposed, informed by the provisions of the Asylum Procedures Directive. The aim of the legislative amendment (confirmed into law on 29 March 2019 and entering into force on 1 June 2019) is to reduce the possibilities of misusing the subsequent application procedure.



In **Ireland**, on 6 March 2018, legislation was introduced to give further effect to Regulation (EU) 604/2013 (Dublin III Regulation).¹⁷ In addition, in June 2018, the (recast) Reception Conditions Directive was transposed into Irish law.¹⁸



In **Sweden**, Article 27(3)(c) of the Dublin III Regulation on remedies was transposed to national law. **Slovakia** also introduced amendments to the Act on Asylum,¹⁹ transposing provisions of the (recast) Asylum Procedures Directive. Among others, the Asylum Act now explicitly states that the time limit for processing applications for international protection is six months, as a main rule, which can be further extended in specific circumstances

1.1.3. Infringement procedures by the European Commission

Under the EU Treaties, the European Commission is responsible for ensuring that EU law is correctly transposed and applied. As the guardian of the Treaties, the Commission may commence infringement proceedings under Article 258 (ex Article 226 TEC)²⁰ of the Treaty on the Functioning of the European Union, if there are indications that a Member State has systematically breached Union law, be it by practice or by incomplete or incorrect transposition of the EU law. The purpose of the procedure is to

¹⁶ BE LEG 02: Law of 21 November 2017, Amending the Asylum Act and the Reception Act (entry into Force on 22 March 2018).

¹⁷ IE LEG 02: European Union (Dublin System) Regulations 2018.

¹⁸ IE LEG 01: European Communities (Reception Conditions) Regulations 2018.

¹⁹ SK LEG 02: Act No. 198/2018 Coll.

²⁰ European Commission, [The infringements procedure](#).

bring the infringement to an end. The infringement procedure starts with a letter of formal notice, by which the Commission allows the Member State to present its views regarding the breach observed. If no reply to the letter of formal notice is received, or if the observations presented by the Member State in reply to that notice cannot be considered satisfactory, the Commission may move to the next stage of the infringement procedure, which is the reasoned opinion; if the Member State still does not put an end to the infringement the Commission may then refer the case to the Court of Justice.²¹

In the course of 2018, the Commission took the following actions in the frames of infringement proceedings vis-à-vis Member States in the area of asylum:



On **19 July 2018**, the Commission took further steps in an infringement procedure against Hungary that was initiated in 2015, due to non-compliance of its asylum and return legislation with EU law²² by referring the country to the Court of Justice of the European Union. Three areas of concern remain unaddressed: a) falling short of the Asylum Procedures Directive, Hungarian legislation only allows applications for protection to be submitted within transit zones at the external borders, which are not easily accessible, and after excessively long periods; b) in regards to reception conditions, the indefinite detention of applicants in transit zones is considered by the Commission as breaching the provisions of the Reception Conditions Directive; c) finally, in regards to return, failure to issue individual decisions, as well as failure to include information on legal remedies available to individuals with a return decision is in breach of the EU Return directive. On the same day, the Commission also sent a letter of formal notice to Hungary concerning the criminalisation of activities to support asylum and residence applications (the so-called Stop Soros legislation).²³ As the majority of concerns raised in the formal notice remained unaddressed, on 24 January 2019, the Commission proceeded to the next step of the infringement procedure by sending a reasoned opinion to Hungary.²⁴



On **8 November 2018**, the Commission sent a formal notice to Bulgaria concerning the incorrect implementation of the EU asylum acquis. Identified shortcomings in the areas of accommodation and legal representation of UAMs; identification and provision of support to vulnerable applicants; provision of sufficient legal assistance; and applicants' detention, were considered to be in breach of the Asylum Procedures Directive and the Reception Conditions Directive.



On **24 January 2019**, the Commission also called on Hungary, Poland, and Slovenia, through a reasoned opinion, to fully implement the current Qualification Directive.²⁵ All three Member States have submitted their reply, which are under analysis by the Commission services.

²¹ European Commission, [Infringements proceedings](#).

²² European Commission, [Migration and Asylum: Commission takes further steps in infringement procedures against Hungary](#).

²³ European Commission, [Migration and Asylum: Commission takes further steps in infringement procedures against Hungary](#).

²⁴ European Commission, [Asylum: Commission takes next step in infringement procedure against Hungary for criminalising activities in support of asylum applicants](#).

²⁵ European Commission, [January infringements package: key decisions](#).

1.2 Jurisprudence of the Court of Justice of the EU



The Court of Justice of the European Union as the guardian of EU Law ensures that, *in the interpretation and application of the Treaties, the law is observed*.²⁶ As part of its mission, the Court of Justice of the European Union ensures the correct interpretation and application of primary and secondary Union law in the EU, reviews the legality of acts of the Union institutions and decides whether Member States have fulfilled their obligations under primary and secondary law. The Court of Justice also provides interpretations of Union law when so requested by national judges.

The Court thus constitutes the judicial authority of the European Union, which, in cooperation with the courts and tribunals of the Member States, ensures the uniform application, and interpretation of EU law.²⁷

In 2018, CJEU remained active in the field of international protection issuing 16 judgments on references for preliminary rulings interpreting the Dublin Regulation, APD and QD. No decision on RD was issued, although two²⁸ relevant cases are pending.

Jurisprudence on Dublin III Regulation

Technical aspects of the implementation of the Dublin III Regulation with regard to take-charge and take-back procedures were under review in various cases. In the Joined Cases C-47/17 and C-48/17²⁹, the Court concluded that the Member State, which receives a take-charge or take-back request, after making the necessary checks, has replied in the negative to that request within the time limits laid down in Articles 22 and 25 of Regulation No 604/2013 and which, thereafter, receives a re-examination request under Article 5(2) of Regulation (EC) No 1560/2003, must endeavour, in the spirit of sincere cooperation, to reply to the re-examination request within a period of two weeks. Further, where the requested Member State does not reply within that period of two weeks to the re-examination request, the additional re-examination procedure shall be definitively terminated, with the result that the requesting Member State must, as from the expiry of that period, be considered to be responsible for the examination of the application for international protection.

Further, in the case C-213/17³⁰, the Court interpreted relevant provisions, concluding that the Member State in which a new application for international protection has been lodged is responsible for examining that application when no take-back request has been made by that Member State within the periods laid down in Article 23(2) of that regulation, even though another Member State was responsible for examining applications for international protection lodged previously and the appeal brought against the rejection of one of those applications was pending before a court of that other Member State when those periods expired. The Court also held that Article 18(2) must be interpreted as meaning that the making by a Member State of a take-back request in respect of a third-country national who is staying on its territory without a residence document does not require that Member State to suspend its examination of an appeal brought against the rejection of an application for international protection lodged previously, and subsequently to terminate that examination in the event that the requested Member State agrees to that request. Nor must Article 24(5) be interpreted as meaning that the Member State which makes the take-back request on the basis of Article 24, following the expiry, in the requested Member State, of the periods laid down in Article 23(2) thereof, is required to inform the authorities of

²⁶ Article 19 TEU, Articles 251 to 281 TFEU, Article 136 Euratom, and Protocol No 3 annexed to the [Treaties on the Statute of the Court of Justice of the European Union](#).

²⁷ CJEU, [The Institution](#).

²⁸ CJEU, [C-726/18](#), Communicated Case; CJEU, [C-233/18](#), Communicated Case.

²⁹ CJEU, [C-47/17 and C-48/17](#).

³⁰ CJEU, [C-213/17](#).

that requested Member State that an appeal brought against the rejection of an application for international protection lodged previously is pending before its court. Finally, the Court held that Article 17(1) and Article 24 must be interpreted as meaning that, in a situation such as that at issue in the main proceedings, at the time the transfer decision was made, in which an applicant for international protection has been surrendered by one Member State to another Member State under a European arrest warrant and is staying on the territory of that second Member State without having lodged a new application for international protection there, that second Member State may request that first Member State to take back that applicant and is not required to decide to examine the application lodged by that applicant.

In the case, where a Member State that has submitted, to another Member State which it considers to be responsible for the examination of an application for international protection pursuant to the criteria laid down by that regulation, a request to take charge of or take back a person referred to in Article 18(1) of that regulation, Article 26(1) precludes that Member State from adopting a transfer decision and notifying it to that person before the requested Member State has given its explicit or implicit agreement to that request (C-647/16).³¹

Article 24 of Dublin Regulation was interpreted extensively in the Case C-360/16³² clarifying whether it is possible to transfer anew a third-country national between two Member States, time limits in case of return, consequences of a take-back request beyond the indicated periods and in case of appeal, as well as the inability to transfer a person to another Member State without take-back request.

The impact of the notification of a Member State's intention to withdraw from the European Union for the application of the Dublin Regulation was assessed in Case C-661/17³³, in which the Court ruled that the fact that a Member State, designated as 'responsible' within the meaning of that regulation, has notified its intention to withdraw from the European Union in accordance with Article 50 TEU does not oblige the determining Member State to itself examine, under the discretionary clause set out in Article 17(1), the application for protection at issue. The Court also concluded that in the absence of evidence to the contrary, Article 20(3) establishes a presumption that it is in the best interests of the child to treat that child's situation as indissociable from that of its parents.

The *Fathi*³⁴ case raised a series of questions with regard to the Dublin III Regulation, the Qualification Directive and the Asylum Procedures Directive. As regards the Dublin III Regulation, the Court ruled that Article 3(1) of the Dublin Regulation must be interpreted as not precluding the authorities of a Member State from conducting an examination on the merits of an application for international protection, where there is no express decision by those authorities determining, on the basis of the criteria laid down by the regulation, that the responsibility for conducting such an examination lies with that Member State. As regards the Asylum Procedures Directive, the Court ruled that if the application is rejected as unfounded, the court or tribunal with jurisdiction of a Member State is not required under Article 46(3) to examine of its own motion whether the criteria and mechanisms for determining the Member State responsible for examining that application, as provided for by Regulation No 604/2013, were correctly applied. As regards the Qualification Directive, with regard to the claims of persecution for reasons based on religion, the Court concluded that an applicant for international protection who claims, in support of his application, that he is at risk of persecution for reasons based on religion does not, in order to substantiate his claims concerning his religious beliefs, have to submit statements or produce documents concerning all components of the concept of 'religion', referred to in Article 10(1)(b) of the Qualification Directive. The onus is, however, on the applicant to substantiate those claims in a credible manner by submitting evidence which permits the competent authority to satisfy itself that those claims are true. As regards what qualifies as 'acts of persecution' under Article 9(1) and (2) of the Directive, the Court ruled that the prohibition, on pain of execution or imprisonment, of conduct which is contrary to the State religion of the country of origin of the applicant for international protection may constitute an 'act of

³¹ CJEU, C-647/16.

³² CJEU, C-360/16.

³³ CJEU, C-661/17.

³⁴ CJEU, C-56/17.

persecution', if that prohibition may, in practice, be enforced by such penalties by the authorities of that country, which it is for the referring court to ascertain.

Jurisprudence on Qualification Directive

Regarding the assessment of an application for international protection in the case C-652/16³⁵, the Court reiterated its own case law (*Alheto*) on the importance of individual assessment of asylum claims, to be carried out in the context of the applicant's personal circumstances. The Court ruled that account must be taken of the threat of persecution and of serious harm in respect of a family member of the applicant for the purpose of determining whether the applicant is, because of his family tie to the person at risk, himself exposed to such a threat. Applications of family members lodged separately cannot be subject to a single assessment, nor may the assessment of one of those applications be suspended until the conclusion of the examination procedure in respect of another of those applications. The Court ruled that Article 3 of Directive 2011/95 must be interpreted as permitting a Member State, when granting international protection to a family member pursuant to the system established by that directive, to provide for an extension of the scope of that protection to other family members, provided that they do not fall within the scope of a ground for exclusion laid down in Article 12 of that Directive and that their situation is, due to the need to maintain family unity, consistent with the rationale of international protection. Regarding the grounds of protection, the Court ruled that the involvement of an applicant for international protection in bringing a complaint against his country of origin before the European Court of Human Rights cannot, in principle, be regarded, for the purposes of assessing the reasons for persecution, as proof of that applicant's membership of a 'particular social group'. It must be regarded as a reason for persecution for 'political opinion', within the meaning of Article 10(1)(e) of the directive, if there are valid grounds for fearing that involvement in bringing that claim would be perceived by that country as an act of political dissent against which it might consider taking retaliatory action. As regards Article 46(3) read in conjunction with the reference to the appeal procedure contained in Article 40(1) of the Asylum Procedures Directive, the Court confirmed that a competent national court, on appeal is, in principle, required to examine, as 'further representations' and having asked the determining authority for an assessment of those representations, grounds for granting international protection or evidence which, whilst relating to events or threats which allegedly took place before the adoption of the decision of refusal, or even before the application for international protection was lodged, have been relied on for the first time during those proceedings. However, the competent national court is not required to do so if it finds that those grounds or evidence were relied on in a late stage of the appeal proceedings or are not presented in a sufficiently specific manner to be duly considered or, in respect of evidence, it finds that that evidence is not significant or insufficiently distinct from evidence which the determining authority was already able to take into account.

The assessment of the facts and circumstances relating to the declared sexual orientation of an applicant, may be based on an expert's report, as concluded by the CJEU, provided that the procedures for such a report are consistent with the fundamental rights guaranteed by the Charter of Fundamental Rights of the European Union, that that authority and courts or tribunals do not base their decision solely on the conclusions of the expert's report and that they are not bound by those conclusions when assessing the applicant's statements relating to his sexual orientation.³⁶ In the specific case, the Court ruled that the preparation and use, in order to assess the veracity of a claim made by an applicant for international protection concerning his sexual orientation, of a psychologist's expert report, the purpose of which is, on the basis of projective personality tests, to provide an indication of the sexual orientation of that applicant is precluded.

³⁵ CJEU, C-652/16.

³⁶ CJEU, C-473/16.

The Court also examined the need for international protection of victims of torture. For the CJEU, substantial aggravation of a third-country national's health cannot be regarded as inhuman or degrading treatment inflicted on him/her in the country of origin. This will only be the case where the third-country national would face a real risk of being intentionally deprived of health care. In this regard, the Grand Chamber ruled that a third-country national, who in the past has been tortured by the authorities of his country of origin and no longer faces a risk of being tortured if returned to that country, but whose physical and psychological health could, if so returned, seriously deteriorate, leading to a serious risk of him committing suicide on account of trauma resulting from the torture he was subjected to, is eligible for subsidiary protection if there is a real risk of him being intentionally deprived, in his country of origin, of appropriate care for the physical and mental after-effects of that torture, that being a matter for the national court to determine.³⁷

The processing of an application for international protection lodged by a person registered with the United Nations Relief and Works Agency for Palestine Refugees (UNRWA) was analysed in Case C-585/16.³⁸ The Court noted that an examination of the question whether that person receives effective protection or assistance from that agency (UNRWA) is required. Persons registered with UNRWA in a third country, who later apply for international protection, are in principle excluded from refugee status in the EU, unless it becomes evident, on the basis of an individualised assessment, that their personal safety is at serious risk and it is impossible for UNRWA to guarantee that the living conditions are compatible with its mission and that due to these circumstances the individual has been forced to leave the UNRWA area of operations. The individual is considered as enjoying sufficient protection in that third country, when that country: a) agrees to readmit the person concerned after he or she has left its territory in order to apply for international protection in the European Union; and b) recognises that protection or assistance from UNRWA and supports the principle of *non-refoulement*, thus enabling the person concerned to stay in its territory in safety under dignified living conditions for as long as necessary in view of the risks in the territory of habitual residence. The Court ruled that the requirement for a full and *ex nunc* examination of the facts and points of law on second instance may also concern the grounds of inadmissibility of the application for international protection where permitted under national law, and that, in the event that the court or tribunal plans to examine a ground of inadmissibility which has not been examined by the determining authority, it must conduct a hearing of the applicant in order to allow that individual to express his or her point of view in person concerning the applicability of that ground to his or her particular circumstances.

The Court ruled further on exclusion grounds in the context of subsidiary protection. To this end, the penalty provided for a specific crime under the law of that Member State (for example, a possible custodial sentence of a set duration, in years) may not be the sole criterion when deciding.³⁹ On the contrary, it is for the authority or competent national court ruling on the application for subsidiary protection to assess the seriousness of the crime at issue, by carrying out a full investigation into all the circumstances of the individual case concerned.

As regards content of protection, the CJEU found that the restriction of the rights of refugees with temporary residence permits to social security benefits is contrary to EU law. The Court underlined that the social security benefits of refugees with a temporary right of residence in a Member State should be equivalent to those received by nationals or refugees with a permanent right of residence.⁴⁰

³⁷ CJEU, C-353/16.

³⁸ CJEU, C-585/16.

³⁹ CJEU, C-369/17.

⁴⁰ CJEU, C-713/17.

Jurisprudence on Qualification Directive

The Court interpreted provisions on manifestly unfounded applications in conjunction with the safe country concept, ruling that an application for international protection cannot be regarded as manifestly unfounded in a situation, in which, first, it is apparent from the information on the applicant's country of origin that acceptable protection can be ensured for him in that country and, secondly, the applicant has provided insufficient information to justify the grant of international protection, where the Member State in which the application was lodged has not adopted rules implementing the concept of safe country of origin.⁴¹

In addition, a national court may not dismiss an appeal brought against a decision considering an application unfounded in relation to refugee status but granting subsidiary protection status as inadmissible on the grounds of insufficient interest on the part of the applicant in maintaining the proceedings where it is found that, under the applicable national legislation, those rights and benefits afforded by each international protection status are not genuinely identical. Such an appeal may not be dismissed as inadmissible, even if it is found that, having regard to the applicant's particular circumstances, granting refugee status could not confer on him more rights and benefits than granting subsidiary protection status, in so far as the applicant does not, or has not yet, relied on rights which are granted by virtue of refugee status, but which are not granted, or are granted only to a limited extent, by virtue of subsidiary protection status.

Procedures on second instance appeals were further defined by the Court. More concretely, the Court ruled that a third-country national whose application for international protection has been rejected as manifestly unfounded at first instance by the competent administrative authority, cannot be detained with a view to his removal, where he is lawfully authorised to remain on that territory until a decision has been made on his action relating to the right to remain on that territory pending the outcome of the appeal brought against the decision which rejected his application for international protection.⁴² However, national legislation may, whilst making provision for appeals against judgments delivered at first instance upholding a decision rejecting an application for international protection and imposing an obligation to return, not confer on that remedy automatic suspensory effect even in the case where the person concerned invokes a serious risk of infringement of the principle of *non-refoulement*.^{43,44}

Finally, on 12 April 2018, the Court ruled on the case C-550/16, regarding a request for a preliminary ruling from the Dutch Court of The Hague. The case concerned the right to family reunification of unaccompanied children that reach the age of majority after having lodged an application. The Court found that it is not for each Member State to determine which moment it wishes to choose to assess whether the condition in question is satisfied, given that the duration of an asylum procedure may be significant. A third-country national or stateless person, who is under 18 at the time of his/her entry and of the lodging of his/her asylum application in that Member State, but who, in the course of the asylum procedure, reaches the age of majority and is thereafter granted refugee status, must be regarded as a 'minor'.⁴⁵

⁴¹ CJEU, C-404/17.

⁴² CJEU, C-269/18 PPU, C, J and S vs Secretary of State for Security and Justice (NL), [ECLI:EU:C:2018:544](#)

⁴³ CJEU, C-175/17, X (Iraq) vs Belastingdienst/Toeslagen (NL), [ECLI:EU:C:2018:776](#)

⁴⁴ CJEU, C-180/17, X and Y (Russia) vs Secretary of State for Security and Justice (NL), [ECLI:EU:C:2018:775](#)

⁴⁵ CJEU, C-550/16, A. and S. (Eritrea) vs Staatssecretaris van Veiligheid en Justitie (NL), [ECLI:EU:C:2018:248](#)

EASO Information and Documentation System on Case Law



The **Information and Documentation System on Case Law** is an online platform, which aims to serve as a common point of reference for the most recent jurisprudential developments related to the Common European Asylum System, grouping together relevant case law applied at European, as well as national level. Apart from reviewing cases already registered in the platform, users may provide their own submissions of relevant case law, which are then reviewed by EASO and registered in the platform. Up-to-date, more than 650 cases have been registered in the platform. More information can be found in Section 6.1.3 of EASO General Annual Report (forthcoming).

<https://caselaw.easo.europa.eu/>

1.3. Policy implementation based on the European Agenda on Migration

Migration management is a shared responsibility, not only among EU Member States, but also vis-à-vis non-EU countries of transit and origin of migrants. By combining both internal and external policies, the European Agenda on Migration⁴⁶ continues to provide a comprehensive approach grounded in mutual trust and solidarity among EU Member States and institutions.⁴⁷ The Agenda set out four levels of action for an EU migration policy, which respects the right to seek asylum, responds to the humanitarian challenge, provides a clear European framework for a common migration policy, and stands the test of time.⁴⁸ Overall, relevant developments in the course of 2018 reflected an orchestrated effort to transition from ad hoc responses to durable, future-proof solutions in the area of asylum. While the Commission has identified a number of immediate measures to address pressing issues along the Western, Central, and Eastern Mediterranean routes, including providing assistance to Morocco, improving conditions for migrants in Libya with an emphasis on the most vulnerable, and further optimising operational workflows on the Greek islands⁴⁹, long-term structural measures are also being developed.

Hotspots

The hotspot approach remained a key element in the broad range of measures taken in the face of the migration challenges in the Mediterranean. In the frames of this approach, EASO, Frontex, Europol, and Eurojust, work together with national authorities of frontline Member States to assist in screening, identification, fingerprinting, registration, information, debriefing and channelling of migrants to the follow-up procedures.

In **Greece**, in the face of continuous migratory pressure and the low number of returns, the hotspot approach has played a key role in stabilising the situation on the islands. In its Communication to the European Parliament, the European Council, and the Council, of 4 December 2018,⁵⁰ the Commission underlined that during 2018, action focused on improving living conditions in the hotspots -with better infrastructure, and qualified personnel for medical and psycho-social services- and an emphasis on catering to the needs of vulnerable groups. These efforts were complemented by an increase in the reception capacity in the mainland and by new legislation on a national guardianship system for minors. In 2018, the Commission and EU+ countries continued to provide their support to the **Greek** authorities

⁴⁶ European Commission, [A European Agenda on Migration](#), COM/2015/0240 final.

⁴⁷ In September 2017 the Commission took stock of the implementation of the Agenda in its Communication on the Delivery of the European Agenda on Migration. European Commission, [Delivery of the European Agenda on Migration](#), COM/2017/0558 final.

⁴⁸ European Commission, [Delivery of the European Agenda on Migration](#), COM/2017/0558 final, p. 7.

⁴⁹ European Commission, [The European Agenda on Migration: EU needs to sustain progress made over the past 4 years](#).

⁵⁰ European Commission, [Managing migration in all its aspects: Progress under the European Agenda on Migration](#), COM/2018/0798 final.

in the implementation of the EU-Turkey Statement, focusing both on overall migration management and the reception conditions in Greece, assisting in alleviating the situation on the islands.⁵¹ From its side, UNHCR has expressed concerns⁵² about overcrowding in the hotspots on Greek islands and the substandard living conditions there. This challenge has also been identified by the Commission,⁵³ which noted, among others, that in the Greek island of Lesbos authorities have used tents both inside and outside the hotspot area to accommodate additional arrivals. Overcrowding - related also to the increased number of arrivals through the land border - has led to heavy pressure on infrastructure, medical service, and waste management, while tensions between migrants and parts of the population have increased. To address these needs, the Commission has identified additional action to be taken, including further improvement of infrastructure and overall reception conditions in the hotspots (for instance, extra funds allocated for improving waste and water management and the provision of services and non-food items);⁵⁴ expediting the processing of applications for protection at both first and second instance to reduce backlog; and increasing effectiveness in returns.⁵⁵

In **Italy**, throughout 2018, the EU agencies continued to provide their support for the implementation of the hotspot approach, adopting their staffing levels in accordance with existing needs. Apart from financial assistance, and deployment of experts to help in screening, registration, identification and provision of information to migrants, EU contribution toward the implementation of the hotspot approach in Italy in 2018 included, among others, the performing of secondary screening, the provision of medical assistance and intercultural mediation.⁵⁶ In addition, authorities embarked on an initiative to revise standard operating procedures in hotspots. In September 2018, Trapani ceased to function as a hotspot, while the planned opening of three additional hotspots in Crotone, Corigliano Calabro and Reggio Calabria has been suspended due to a decrease in arrivals. It is foreseen that, in the event of an increase in migratory flows, the centre in Reggio Calabria will start operating as a hotspot. Over the course of 2018, overcrowding and insufficient material capacity have been the focus of concerns raised by EU institutions^{57,58}, UNHCR⁵⁹, and civil society alike.⁶⁰

EU-Turkey statement

In March 2016, EU Heads of State or Government and Turkey agreed on the EU-Turkey Statement⁶¹ with a three-fold aim: a) to end irregular migration flows from Turkey to the EU; b) to enhance reception conditions for refugees in Turkey; and c) to offer safe and legal paths for Syrian refugees from Turkey to the EU. To achieve these ends, the Statement included, inter alia, an agreement that all new irregular migrants crossing from Turkey into the Greek islands, as from 20 March 2016, would be returned to Turkey, and a resettlement scheme would be implemented. According to this scheme, for every Syrian returned to Turkey from the Greek islands another Syrian would be resettled from Turkey to the EU taking into account the UN Vulnerability Criteria.⁶²

⁵¹ European Commission, [EU-Turkey Statement: Three years on](#).

⁵² UNHCR, [UNHCR Greece urgently appeals to overconfidence conditions in reception centers in the Aegean islands](#) (in Greek).

⁵³ European Commission, [Progress report on the Implementation of the European Agenda on Migration](#), COM/2018/0301 final.

⁵⁴ European Commission, [Progress report on the Implementation of the European Agenda on Migration](#), COM/2018/0301 final.

⁵⁵ European Commission, [Managing migration in all its aspects: Progress under the European Agenda on Migration](#), COM/2018/0798 final.

⁵⁶ European Commission, [Progress report on the Implementation of the European Agenda on Migration](#), COM/2018/0301 final.

⁵⁷ European Parliamentary Research Service (EPRS): [Hotspots at EU external borders](#)

⁵⁸ FRA, [Beyond the Peak: Challenges Remain, but Migration Numbers Drop](#).

⁵⁹ UNHCR, [Desperate Journeys: January – December 2018; Refugees and Migrants Arriving in Europe and at Europe's Borders](#).

⁶⁰ AIDA, [Country Report Italy, 2018 Update](#).

⁶¹ European Council, [EU-Turkey statement, 18 March 2016](#).

⁶² The statement also clarified that 'Turkey will take any necessary measures to prevent new sea or land routes for illegal migration opening from Turkey to the EU, and will cooperate with neighbouring states as well as the EU to this effect.'

In March 2019, three years after the conclusion of the agreement, the Commission published a report with information on the cumulative results of its three years of implementation.⁶³ Remarkably, irregular arrivals from Turkey to the Greek islands remain 97 % lower than the period before the Statement became operational, while the loss of human lives at sea decreased drastically. At the same time, over the course of 2018, there has been a significant increase in the irregular crossings from Turkey to Greece through the land border, with approximately half of the individuals crossing the border being Turkish nationals.⁶⁴ This indicates a need to intensify support at the border. Turkey, in its part, has stepped up measures to disrupt migrant smuggling networks and has cooperated closely in the areas of resettlement and return. As of the publication of the report in March 2019, 20 292 Syrian refugees had been resettled from Turkey to EU+ countries, while a total of EUR 192 million of AMIF funds has been allocated to support legal admission of Syrians from Turkey. In addition, for the years 2016-2019, a total of EUR 6 billion has been channelled through the Facility for Refugees in Turkey, with half of it coming from EU funds and the other half coming from individual national contributions of EU+ countries. These funds are used for the implementation of projects aimed at catering to the needs of refugees and host communities in Turkey with a focus on humanitarian assistance, education, health, municipal infrastructure and socio-economic support.⁶⁵ In conjunction with these steps forward, areas in which more progress is needed were also identified, especially in regards to the implementation of returns to Turkey from the Greek islands. This is the combined result of accumulated backlog in the processing at second-instance of the asylum applications submitted on the Greek islands and of the insufficient pre-return processes. During the three years in which the Statement is operational, only 2 441 migrants have been returned to Turkey and another 3 421 have returned voluntarily from the Greek islands through the Assisted Voluntary Return and Reintegration Programme.⁶⁶

Practical solutions: Temporary arrangements

The disembarkation of migrants and refugees rescued at sea in the Mediterranean became an issue of debate in 2018⁶⁷, underlining the need for the development of a more systematic and coordinated EU approach on disembarkation.⁶⁸⁶⁹ In January 2019, the need to find a solution in the rescue of the vessel Sea Watch 3 instigated a first practical effort of coordination between the European Commission, a number of Member States, and relevant agencies. This practical experience stood as a testament to a willingness to work toward a more effective, systematic EU framework for cooperation in the areas of disembarkation, first reception, registration and relocation.⁷⁰ This may take the form of temporary arrangements, which could serve as a bridge solution until the new Dublin Regulation becomes applicable.⁷¹ Temporary arrangements could be developed in a transparent step-by-step work plan, based on a mutual understanding of shared interests, which would ensure the delivery of operational and effective assistance from the Commission, EU agencies, and other Member States to the Member State concerned.⁷² The core elements of these temporary arrangements could include⁷³:

⁶³ European Commission, [EU-Turkey Statement: Three years on](#).

⁶⁴ European Commission, [Progress report on the Implementation of the European Agenda on Migration](#), COM/2018/0301 final.

⁶⁵ European Commission, [EU-Turkey Statement: Three years on](#).

⁶⁶ European Commission, [EU-Turkey Statement: Three years on](#).

⁶⁷ EU Immigration and Asylum Law and Policy, [In search of a safe harbour for the Aquarius: the troubled waters of international and EU law](#).

⁶⁸ European Commission, [Migration: Immediate measures needed](#).

⁶⁹ This question is also discussed later in the Report, in the section [Access to Procedure](#).

⁷⁰ European Commission, [Progress Report on the Implementation of the European Agenda on Migration](#), COM/2019/0126 final.

⁷¹ European Commission, [Managing migration in all its aspects: Progress under the European Agenda on Migration](#), COM/2018/0798 final.

⁷² European Commission, [Progress Report on the Implementation of the European Agenda on Migration](#), COM/2019/0126 final.

⁷³ European Commission, [Progress Report on the Implementation of the European Agenda on Migration](#), COM/2019/0126 final.

A request by a Member State, which has found itself under pressure or in need of immediate assistance regarding disembarkation after a search and rescue operation.

Identification of specific solidarity measures by other Member States, in response to the request. Solidarity measures provided by other Member States need to be balanced by responsibility measures taken by the Member State receiving the support indicating that it has taken the appropriate steps for the management of arrivals.

Putting in place a coordination mechanism for following up on such requests, involving key stakeholders, such as the Commission and relevant EU agencies.

EU agencies are prepared and well equipped to provide their assistance in the process.

Financial support will be made available from the EU budget for Member States volunteering to relocate migrants, for return operations, and for the Member State under pressure.

In a policy paper, published in January 2019, the European Council on Refugees and Exiles (ECRE), welcomed this window of opportunity to create a mechanism that guarantees predictability and certainty, as a ‘ship-by-ship’ approach may lead to amplified suffering, political exploitation and mediatisation of incidents, extra administrative burden and costs, and reputational damage to the EU’s credibility. In addition, ECRE raised issues of concern, like the peril that ad hoc solutions may undermine legal certainty, and offers a set of recommendations toward a fair and clear relocation mechanism to share responsibility for persons disembarked on EU ports.⁷⁴

In March 2019, Amnesty International and Human Rights Watch, in an open letter to the Presidency of the Council of the European Union, presented their critical concerns on the question of search and rescue operations in the Mediterranean, acknowledged the need for a systematic, humane, and predictable rescue and disembarkation system, and offered an Action Plan, comprising 20 steps to be taken to this end.⁷⁵ At a more general level, the importance of establishing permanent mechanisms in anticipating emergencies, exchanging information, coordinating responses, and managing available resources was also highlighted in a report published by the Migration Policy Institute (MPI) Europe in June 2018. The report drew on interviews with a broad range of senior officials involved in EU and national responses to the migration crisis and examined a range of elements of crisis response, including information collection and sharing, coordination, leadership and resourcing.⁷⁶ Similarly, in June 2018, the Centre for European Policy Studies (CEPS) published a Policy Insight calling for the establishment of an intra-EU institutional framework covering both asylum and SAR operations.⁷⁷ Finally, the 2018 Mercator Dialogue on Asylum and Migration Report elaborates on the notion of ‘flexible solidarity’ to provide guidance on how EU Member States may effectively share responsibility for interconnected policies in the area of asylum and present possible responses to challenges posed by irregular migration in the Mediterranean.⁷⁸

Resettlement and humanitarian admission

In the EU context, resettlement refers to the process whereby, on a request from UNHCR based on a person’s need for international protection, a third-country national or stateless person is transferred from a third country to an EU+ country, where they are permitted to reside either with a refugee status or subsidiary protection status in the meaning of Directive 2011/95/EU (recast Qualification Directive), or with a status that offers the same benefits as refugee status under national and EU law. It is a means to offer a safe and legal path to EU+ for people in need of international protection, while easing the

⁷⁴ ECRE, [Relying on Relocation: ECRE’s proposal for a predictable and fair relocation arrangement following disembarkation](#).

⁷⁵ HRW, [Open NGO Letter to EU Member States’ Ministers of Justice and Home Affairs](#).

⁷⁶ Migration Policy Institute (MPI), [After the Storm: Learning from the EU Response to the Migration Crisis](#).

⁷⁷ Centre for European Policy Studies (CEPS), [We’re in this boat together: time for a migration union](#).

⁷⁸ Centre for European Policy Studies (CEPS), [Mercator Dialogue on Asylum and Migration Report](#)

pressure on countries that host large numbers of refugees. The European Resettlement Scheme was launched on 20 July 2015.⁷⁹ In the years 2015-2017, through the different EU resettlement programs, a total of 27 800 persons were resettled in Europe,⁸⁰ while under the new EU Resettlement Scheme, 20⁸¹ EU Member States have pledged more than 50 000 resettlement places to be implemented by the end of October 2019, making this initiative the largest resettlement effort the EU has undertaken to date.⁸² As of March 2019, over 24 000 of these resettlements have materialised.⁸³ In 2018, the EU also worked closely with Member States and with the UNHCR to ensure that many vulnerable people are evacuated from Libya to Niger and then resettled to Europe, through an Emergency Transit Mechanism. Almost 2 500 people were evacuated and more than 1 200 of these people have now been resettled.⁸⁴ This ongoing resettlement initiative stands as a testament to the EU's ability to deliver protection for those in need in cooperation with key stakeholders, the UNHCR and Nigerien authorities. Another priority area is the resettlement of Syrian refugees from Turkey⁸⁵, which continues at a steady pace. Since March 2016, over 20 292 Syrian refugees have been resettled from Turkey to EU Member States.⁸⁶ The adoption of the Union Resettlement Framework Regulation replacing existing ad hoc resettlement schemes in the EU framework will systematise and offer predictability in resettlement efforts.

In June 2018, the European Policy Centre published a discussion paper, offering a review of developments on the EU Resettlement Framework and calling for maintaining the strong humanitarian nature of resettlement efforts over an approach that could potentially turn resettlement into a migration management instrument.⁸⁷

National resettlement programs are used to implement EU resettlement schemes and may also make available additional resettlement places. For instance, in 2018, **Norway's** resettlement programme included 2 120 persons from the Democratic Republic of Congo, Uganda, Syrians from Lebanon, and refugees of various nationalities evacuated from Libya. In **Sweden**, the national resettlement programme comprised 5 000 places; accordingly, in the course of 2018, a total of 5 003 persons were transferred to Sweden. In the **UK**, resettlement programmes comprise four schemes: Gateway, Mandate, the Vulnerable Persons Resettlement Scheme (VPRS) and the Vulnerable Children's Resettlement Scheme (VCRS). In total, 5 994 people were provided protection through these four resettlement schemes, in 2018.⁸⁸ Another example is the **Irish** Refugee Protection Programme Humanitarian Admission Programme 2 (IHAP). The first call for applications under the Irish Refugee Protection Programme Humanitarian Admission Programme 2 (IHAP) opened on 14 May 2018. The Programme provides for up to 530 eligible family members ('beneficiaries') of Irish citizens, persons with Convention refugee or subsidiary protection status and persons with programme refugee status (the 'proposer'), to be admitted to Ireland over two years. Eligible for participation in this scheme are nationals of Syria, Afghanistan, South Sudan, Somalia, Sudan, the Democratic Republic of Congo, Central African Republic, Myanmar, Eritrea and Burundi. The **French** President made a commitment to receive 10 000 refugees from 2017 to 2019 as part of the resettlement operations with UNHCR, including 3 000 from Chad and Niger and 7 000 from Lebanon, Jordan and Turkey. Between 1 December 2017, the start date of the commitment, and 31 December 2018, 5 403 resettled people arrived effectively in France (including 851 from Niger and

⁷⁹ For more details, please see: EASO, [Annual Report on the Situation of Asylum in the European Union 2015](#), EASO; [Annual Report on the Situation of Asylum in the European Union 2016](#); EASO, [Annual Report on the Situation of Asylum in the European Union 2017](#).

⁸⁰ European Commission, [Reforming the Common European Asylum system: What the individual reforms would change and why we need them now. 5 Union Resettlement Framework](#).

⁸¹ Belgium, Bulgaria, Croatia, Cyprus, Estonia, Finland, France, Germany, Ireland, Italy, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Romania, Slovenia, Spain, Sweden, United Kingdom.

⁸² European Commission, [Progress report on the Implementation of the European Agenda on Migration](#), COM/2018/0301 final.

⁸³ European Commission, [Progress Report on the Implementation of the European Agenda on Migration](#), COM/2019/0126 final.

⁸⁴ European Commission, [Progress Report on the Implementation of the European Agenda on Migration](#), COM/2019/0126 final.

⁸⁵ European Commission, [Progress report on the Implementation of the European Agenda on Migration](#), COM/2018/0301 final.

⁸⁶ European Commission, [EU-Turkey Statement: Three years on](#).

⁸⁷ European Policy Centre (EPC), [The EU Resettlement Framework: From a humanitarian pathway to a migration management tool?](#)

⁸⁸ gov.uk, [Summary of latest immigration statistics](#), 29 November 2018.

Chad, and 4 323 from Turkey and Lebanon), representing 54 % of the President's commitment at the halfway point in the reporting period. **5 157 resettled refugees arrived in 2018.**

The term 'humanitarian admission' is used here to refer to different types of admission programmes for admitting third-country nationals on humanitarian grounds in exceptional circumstances. These programmes constitute dedicated channels allowing persons fulfilling certain criteria to get access to EU territory in a legal, safe, and organised manner. Apart from programmes managed by national authorities, humanitarian admission programmes also take place in partnership between authorities and civil society and community organisations. To this end, private sponsorship programmes also play a role in offering a safe and legal pathway to individuals in need of protection. For instance, in **Belgium** the 'Humanitarian Corridors' programme, led by the Community of Sant' Egidio assisted in securing humanitarian visas for 150 Syrian refugees from Turkey and Lebanon. The program also operates in **Italy** since 7 November 2017, when the Ministry of External Affairs and International Cooperation, the Ministry of Interior, the Community of Sant' Egidio, the Evangelical Churches Federation and the Valdese Table, endorsed a renewal of the Memorandum of Understanding regarding the realisation of the Humanitarian Corridors Opening project. The project aims to facilitate the arrival into Italy, in a legal and safe way, of potential international protection recipients showing proven vulnerability conditions deriving from their personal situation, age or health conditions and considered as refugees by UNHCR. The 'Humanitarian Corridors' programme also operates in **France**. The country provides reception of Syrian and Iraqi refugees through asylum visas. Since 2012, 6 612 visas have been granted to Syrian nationals, 998 of them in 2018. Since 2014, 7 151 visas have been issued for asylum for Iraqi nationals and in 2018, 1 013 people benefitted from this agreement. Following a memorandum of understanding signed on 14 March 2017 between the French Government and five French NGOs, the country also agreed to receive 500 refugees from Lebanon. The aim of this protocol is to allow the arrival in France, on the basis of an asylum visa, of Syrian and Iraqi refugees staying in Lebanon and who are in a vulnerable situation. They will be hosted by host families in the framework of a sponsorship program. 294 people have been admitted to France under this programme since 2017, including 183 in 2018. In December 2018, France also welcomed Yazidi women and children from Iraq within the framework of a special operation, forming part of the national strategy for the integration of refugees adopted on 5 June 2018.⁸⁹ This operation is for 100 Yazidi women (alone or accompanied by their children) whose protection needs are clear and who are particularly vulnerable because of the trauma they have been through. 20 families have arrived at the end of 2018, while others will arrive during 2019. France also applies a framework agreement with UNHCR providing that around 100 cases of vulnerable refugees be submitted to the country every year for proposed resettlement. Between 1 December 2017 and 31 December 2018, 80 people arrived under this framework agreement and 19 Syrians arrived from countries where France does not carry out selection missions. In **Germany**, the Federal Ministry of Interior launched a pilot project in May 2019 called NesT – Neustart im Team (New Start within a Team) for a community sponsorship program for up to 500 vulnerable persons. Community sponsorship schemes also operate in the **UK**, as parts of the Vulnerable Persons Resettlement Scheme (VPRS) and the Vulnerable Children's Resettlement Scheme (VCRS), allowing community groups to become directly involved in supporting resettled families. Under these schemes, a suitable family is identified for each community sponsor. The sponsor undertakes the responsibility to support the resettled family since their arrival in the UK. Out of the total number persons resettled under VPRS and VCRS, in the year ending September 2018, 96 refugees were admitted through the Community Sponsorship scheme.⁹⁰ In **Ireland**, a community sponsorship programme – Community Sponsorship Ireland - started operating in 2018, through collaboration between the government, UNHCR, non-governmental organisations and civil society, with the first family arriving in December 2018.⁹¹ In March 2019, the Minister of State with special responsibility for Equality, Immigration and Integration announced the launch of a pilot initiative - Community Sponsorship Ireland (CSI) - for refugee families. The initiative was developed under the Irish Refugee Protection Programme (IRPP) in collaboration with key civil society organisations including UNHCR Ireland (the UN refugee agency), Nasc, the Irish Refugee Council, the Irish Red Cross, the Irish Refugee and Migrant Coalition and Amnesty International.⁹²

⁸⁹ LCI (La Chaîne Info), [France welcoming Yazidi woman who are victims of sexual crimes](#) (in French).

⁹⁰ gov.uk, [How many people do we grant asylum or protection to?](#)

⁹¹ Irish Refugee Council, [Community Sponsorship Programme](#).

⁹² Irish Department of Justice and Equality, [Minister Stanton calls on communities to sponsor a refugee family as he launches pilot Community Sponsorship Ireland initiative](#).

In October 2018, the Migration Policy Institute highlighted the valuable role private sponsorship programmes may play in providing safe and legal channels for persons in need of protection and offered a set of three recommendations to the EU toward supporting the success of emerging sponsorship programmes: a) the EU as a natural convenor and information hub for Member States, is well positioned to connect Member States with the information they need to develop sustainable sponsorship programmes; b) the EU has the potential to fill resource and funding gaps, which may inhibit the design and implementation of such programmes, by explicitly listing sponsorship programmes in AMIF funding calls; and c) the EU may promote further the idea of sponsorship programmes and work toward engaging more extensively civil society actors.⁹³

1.4. External dimension and third-country support

Throughout 2018, the European Union continued its cooperation with external partners toward addressing constructively the question of migration, through a comprehensive approach rooted in multilateralism. This section presents briefly some of this year's highlights concerning the external dimension of the EU migration policy. As part of the overall orchestrated effort to deal with the phenomenon of migration in sustainable ways, the Partnership Framework on Migration was introduced in June 2016. The aim of this ongoing Framework is to prevent irregular migration and enhance cooperation on returns and readmission, as well as address the root causes of migration, improve opportunities in countries of origin, step up investments in partner countries and ensure legal pathways to Europe for those in need of international protection.

In March 2019, the European Commission published a progress report on the European Agenda on Migration, which, among others, offers a summative overview of progress achieved to date in regards to external action. Key insights from the report include:

Addressing the root causes of migration: resources allocated to date for the implementation of programmes in the frames of the **EU Emergency Trust Fund for Africa** have reached EUR 4.2 billion. The overall aim of the Fund is to promote stability and address root causes of irregular migration and displacement in Africa focusing on the regions of the Sahel and Lake Chad, the Horn of Africa and North Africa. Activities implemented in the frames of the Fund are geared toward promoting economic development, strengthening resilience for improved food and nutrition security, improving migration governance and management, and supporting improvement of overall governance with an emphasis on preventing conflict and enhancing rule of law.⁹⁴ Along similar lines, the **External Investment Plan** targets sub-Saharan African countries and the EU Neighbourhood providing support for development in areas such as access to finance for enterprises, energy and connectivity, sustainable urban development and digitisation of services.

Combating smuggling networks: disrupting the models of smuggling networks is a key dimension in the EU's cooperation with third countries. In October 2018, the European Council adopted a set of operational measures to improve law enforcement cooperation. Examples of joint initiatives include a new operational partnership with Senegal, led by France; Joint Investigation Teams comprising officials from Nigerien, French and Spanish authorities, which have led to 200 prosecutions, and Common Security and Defence Policy Operations in the Sahel area. Apart from operational partnerships and development of infrastructure, action has been taken toward

⁹³ Migration Policy Institute (MPI), [Three things the European Union can do to support private sponsorship for refugees](#).

⁹⁴ European Commission, [The EU Emergency Trust for Africa](#).

⁹⁵ For more information, please see: European Commission, [EU Emergency Trust Fund for Africa – Trust Fund for Stability and Addressing the Root Causes of Irregular Migration and displaced persons in Africa](#).

opening channels of communication and enhancing coordination among key stakeholders, for example through the deployment of European Migration Liaison Officers in 12 partner countries.

In the area of **return and readmission**, dialogue with partner countries and cooperation in the frames of the 17 existing Readmission Agreements has yielded positive results in the areas of identification, provision of documents and orderly return persons not in need of international protection. Negotiations on readmission are also continuing with Nigeria, Tunisia, and China, and will soon resume with Morocco. The EU and Member States also continued in 2018 to provide support for the reintegration of returnees, with over 60 100 returnees having benefited from reintegration assistance since May 2017.

Working with partner countries toward border management: Progress was made in 2018 in regards to signing or initiating agreements with Western Balkan countries on joint operations on both sides of common borders. In addition, trainings and expertise sharing initiatives have been undertaken to build local capacity in partner countries in regards to border management. An example of such a programme, with a regional focus, is the Better Migration Management Programme in the Horn of Africa, which led to the creation of joint cross-border patrols between partners such as Ethiopia and South Sudan. In Libya, EUNAVFORMED Operation Sophia has been providing personnel training to the two Libyan Coast Guards, while the Operation's mandate combines disruption of migrant smuggling networks with surveillance activities.

EU support for protection abroad: providing assistance toward protecting refugees and migrants abroad has been a key theme in the external dimension of EU's migration policy. Prominent initiatives to this end include the support to Turkey under the Facility for Refugees, with humanitarian assistance reaching 1.5 million refugees through the Emergency Social Safety Net programme;⁹⁶ the Second Brussels Conference on Supporting the future of Syria and the region,⁹⁷ which renewed and enhanced the political, humanitarian and financial commitment to support Syrians, bringing the total amount allocated by the EU and its Member States to EUR 17 billion since the beginning of the crisis; and the Regional Development and Protection Programmes targeting countries in North Africa and the Horn of Africa, which host large numbers of refugees.

Future steps in regard to the external dimension of the EU's migration policy include the conclusion of status agreements negotiated with the Western Balkan countries; the development of new readmission agreements with third countries; implementation of the measures adopted in December 2018 toward addressing migrant smuggling networks;⁹⁸ extension of operational partnerships with third countries in the areas of joint investigations, capacity building, and exchange of liaison officers; and ensuring that the next Multiannual Financial Framework will provide for the resources and flexibility to enhance cooperation with third countries on migration.⁹⁹

⁹⁶ European Commission, [1.5 million refugees in Turkey supported by EU's biggest ever humanitarian programme](#).

⁹⁷ European Council, [Brussels II Conference on 'Supporting the future of Syria and the region': co-chairs declaration](#).

⁹⁸ European Council, [Migrant smuggling: Council approves a set of measures to fight smuggling networks](#).

⁹⁹ European Commission, [Progress Report on the Implementation of the European Agenda on Migration](#), COM/2019/0126 final.

EASO external dimension activities

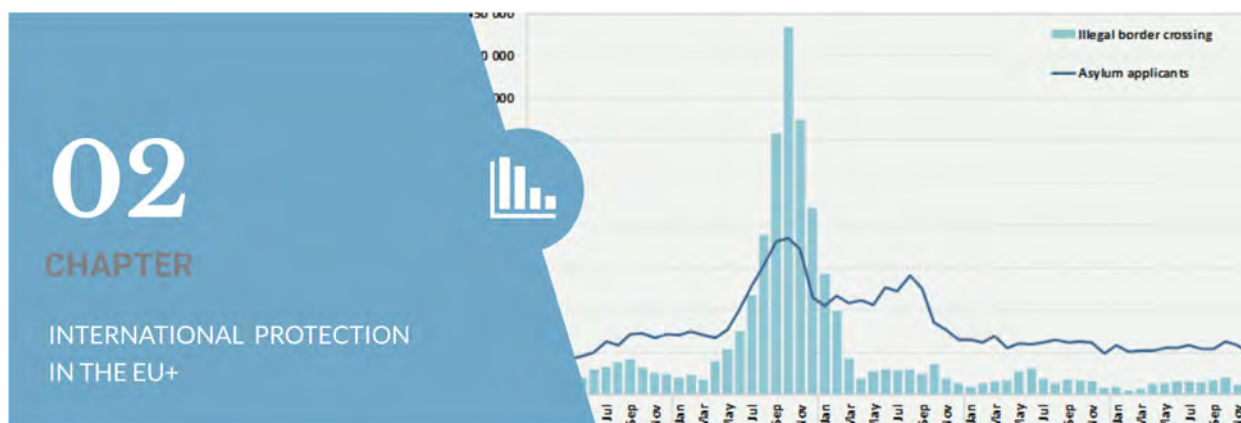
In accordance with its founding regulation, EASO is fully involved in the external dimension of the Common European Asylum System, coordinating 'the exchange of information and other action taken on issues arising from the implementation of instruments and mechanisms relating to the external dimension of the CEAS'. The External Action Strategy elaborated by EASO comprises different forms of active engagement in this context, in particular capacity building -including training- and resettlement.

In the area of resettlement, EASO offers bilateral and multilateral support to Member States with the aim of enhancing their resettling capacity. Based on a feasibility assessment, a pilot project for a Resettlement Support Facility (RSF) in Turkey was launched.

Third-Country support comprises delivery of capacity building activities in various areas in Third Countries (TCs) in line with EASO's geographic priorities. In 2018 EASO activities in external dimension focused on Turkey and Western Balkan countries, for example through the IPA II Programme Regional Support to Protection-sensitive Migration Management in the Western Balkans and Turkey, activities under Roadmaps with Serbia and North Macedonia, two subsequent Roadmaps Directorate General of Migration Management (DGMM) of the Turkish Ministry of Interior. Activities were also organised in the MENA region.

More information can be found in Section 4.4 of EASO General Annual Report (forthcoming).





2.1. Applications for international protection in the EU+¹⁰⁰

2.1.1 Applications: EU+ overview

In 2018, there were 664 480 applications for international protection in EU+ countries,¹⁰¹¹⁰² which amounts to a single application for every 792 inhabitants.¹⁰³

By the end of 2018, the number of applications decreased for the third successive year, but in this case only by 10 %. Between 2017 and 2016, the decrease was much more significant at 43 %. This total of applications lodged in the EU+ in 2018 was very similar to the situation back in 2014, when 662 165 applications were lodged (Fig. 1).

Applicants for international protection in the EU+, by type¹⁰⁴

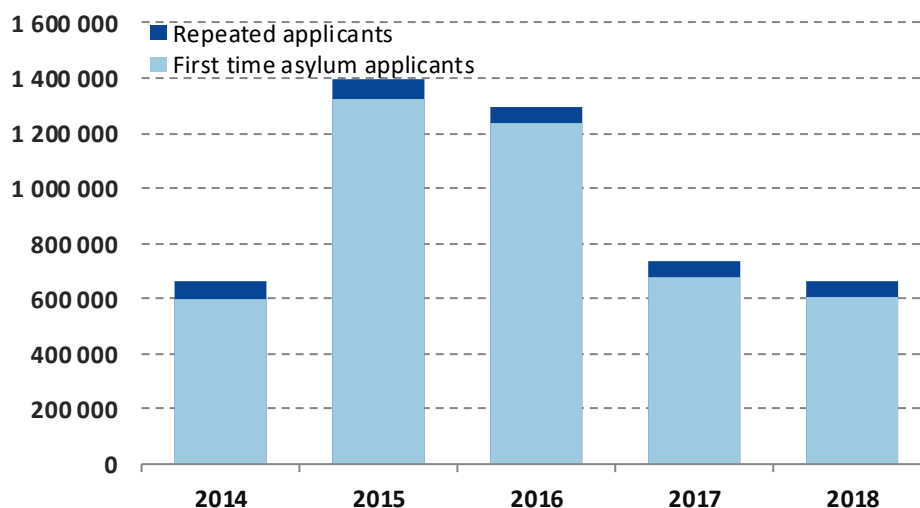


Figure 1: The level of applications lodged returned to the pre-crisis level

¹⁰⁰ At the date of extraction, 13 May 2019, data from all EU+ countries were available.

¹⁰¹ If not stated otherwise EU+ will be understood as EU28 plus Norway, Switzerland, Liechtenstein and Iceland.

¹⁰² This figure does not include the number of citizens of EU+ countries who applied for international protection in another EU+ country.

¹⁰³ The population on 1 January 2018 of the 32 EU+ countries was 526 545 538. Eurostat, [Population on 1 January by age and sex](#).

¹⁰⁴ 'Repeated applicants' is a Eurostat statistical category, referring to a person who made a further application for international protection, in a given Member State, after a final decision (positive/negative/discontinuation) has been taken on a previous application. The concept includes, but is not limited to subsequent applicants. Eurostat, [Applications \(migr_asyapp\)](#).

In contrast to 2014, the number of applications remained remarkably stable throughout 2018, fluctuating around 55 000 per month (Fig. 2). Only in December 2018 did the monthly total go below 50 000 applications, which is likely related to the Christmas break and correspondingly lower processing capacity in national asylum authorities. The highest monthly total was recorded in October, when close to 63 000 applications were lodged. The relative stability at EU+ level however conceals stark variation between Member States and between individual citizenships (read more below, pp. 43-46).

Migratory pressure at the EU external borders decreased for the third consecutive year. In 2018, detections of illegal border crossing at the EU's external border fell to just 150 114, compared to 204 750 in 2017 and more than half a million in 2016 (Fig. 2). The primary reason for the decrease in 2018 dates back to July 2017, when suddenly numbers of detected irregular migrants at the Central Mediterranean route dropped. An upsurge in detections at the Western Mediterranean route occurred, equalling the number of detections at the Eastern Mediterranean route (some 57 000 each).¹⁰⁵

Along the Central Mediterranean route in 2018 only 23 485 detections took place, compared to 118 962 in 2017, even if the change in situation was already visible in July of that year. According to Frontex, this is the most significant development at the EU's external borders since the implementation of the EU-Turkey statement in March 2016. In contrast, detections at the Western Mediterranean route more than doubled compared to 2017 and reached 57 000. Most of the irregular migrants detected at this route were from sub-Saharan countries, and Moroccan nationals were also detected more often. Also at the Eastern Mediterranean route, detections increased, but to a smaller scale (+ 34 %). The most significant developments here were the increase in land crossings from Turkey to Greece, and a return programme in Turkey for irregular Syrian migrants, shifting the nationality composition of irregular migrants detected at this route (even though Syrians still were the main nationality).¹⁰⁶

Applications for international protection versus detections of illegal border crossing

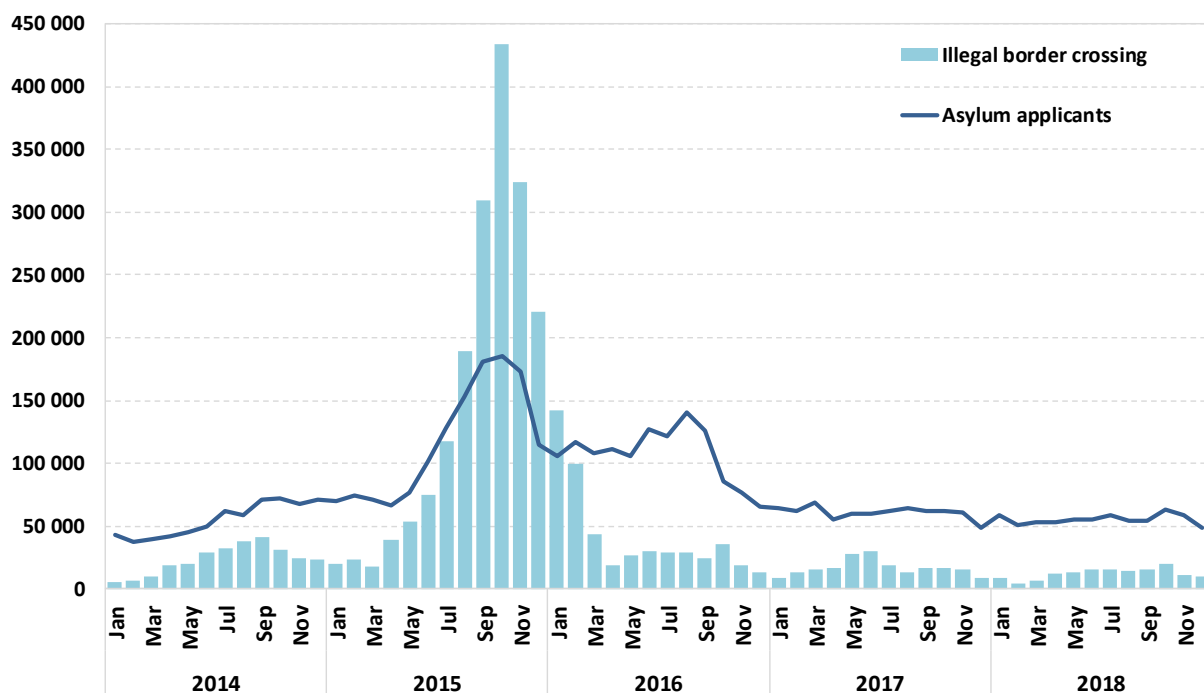


Figure 2: In 2018 there were four times as many applications for asylum than detections of illegal border crossing at the external border

¹⁰⁵ Frontex, [Risk Analysis for 2019](#).

¹⁰⁶ Frontex, [Risk Analysis for 2019](#).

With both detections of illegal border crossing at the EU external borders and applications lodged in EU+ countries decreasing, there is clearly a substantial gap between the two: throughout 2018 there were consistently more applications for international protection than detections of illegal border crossing (Fig. 2). Potential reasons for this gap may be plentiful, but remain difficult to ascertain with any precision. For example, some applicants may have irregularly entered the EU undetected; others may have been staying irregularly in the EU for some time, only applying for asylum when intercepted; others still may have entered the EU regularly (with a visa or under a visa-free scheme – the latter some 18 %); and finally, some applicants may have lodged an additional application after being issued a final decision on a previous application in the same or in another EU+ country.

The latter category is repeated applicants. In 2018, an approximate total of 61 600, or 9 % of all applications, were repeated applicants. In 2017 this was a similar share (8 %), but in 2016 only 4 % of all applicants had already lodged an application in the same country previously. A relatively higher share of repeated applicants also links back to the decrease in new arrivals to the EU+.

The proportion of repeated applicants versus first-time applicants varied greatly between citizenships. For example, among the 30 main citizenships of applicants, the share of repeated applicants was significantly higher for applicants from Serbia (29 % were repeated applicants) and Russia (23 %), whereas it was visibly low for applicants from Venezuela (1 %), Colombia and Palestine (2 % each). This may to some extent separate citizenships into those that have been applying for asylum in the EU for some time, from those who are newly arriving and seeking international protection.

Repeated applicants are one example of applicants that are, by definition, counted twice in asylum statistics. However, it is unlikely that the double count occurs in the same year. Nevertheless, it is useful to be aware that double counting and data gaps are possible weaknesses of the analysis of asylum trends, as it is for analysis of any topic.¹⁰⁷ Quantifying applications may include double countings, some of which are known (for instance, repeated applicants having applied previously in the same EU+ country, or relocated applicants), while others are estimations (for instance individuals who lodged an application previously in another EU+ country). Conversely, data may also be based upon partial gaps, generally causing an underestimation. Some doubles and gaps in the data can be estimated, while others cannot. However, weaknesses in the data are likely to cancel each other out to some extent, with the result that signals in the analytical space remain strong, repeatable and realistic.

EASO Early Warning and Preparedness activities



EASO oversees the [Early Warning and Preparedness System \(EPS\)](#) an information exchange scheme with EU+ countries, designed to gather information against a set of indicators focusing on the key stages of the CEAS. Based on that, EASO prepares a range of diverse analytical products, including weekly and monthly reports, interactive data visualisations, analytical briefs and specialised thematic reports including on Dublin and reception issues. More information can be found in Section 6.1.2 of the EASO General Annual Report (forthcoming).

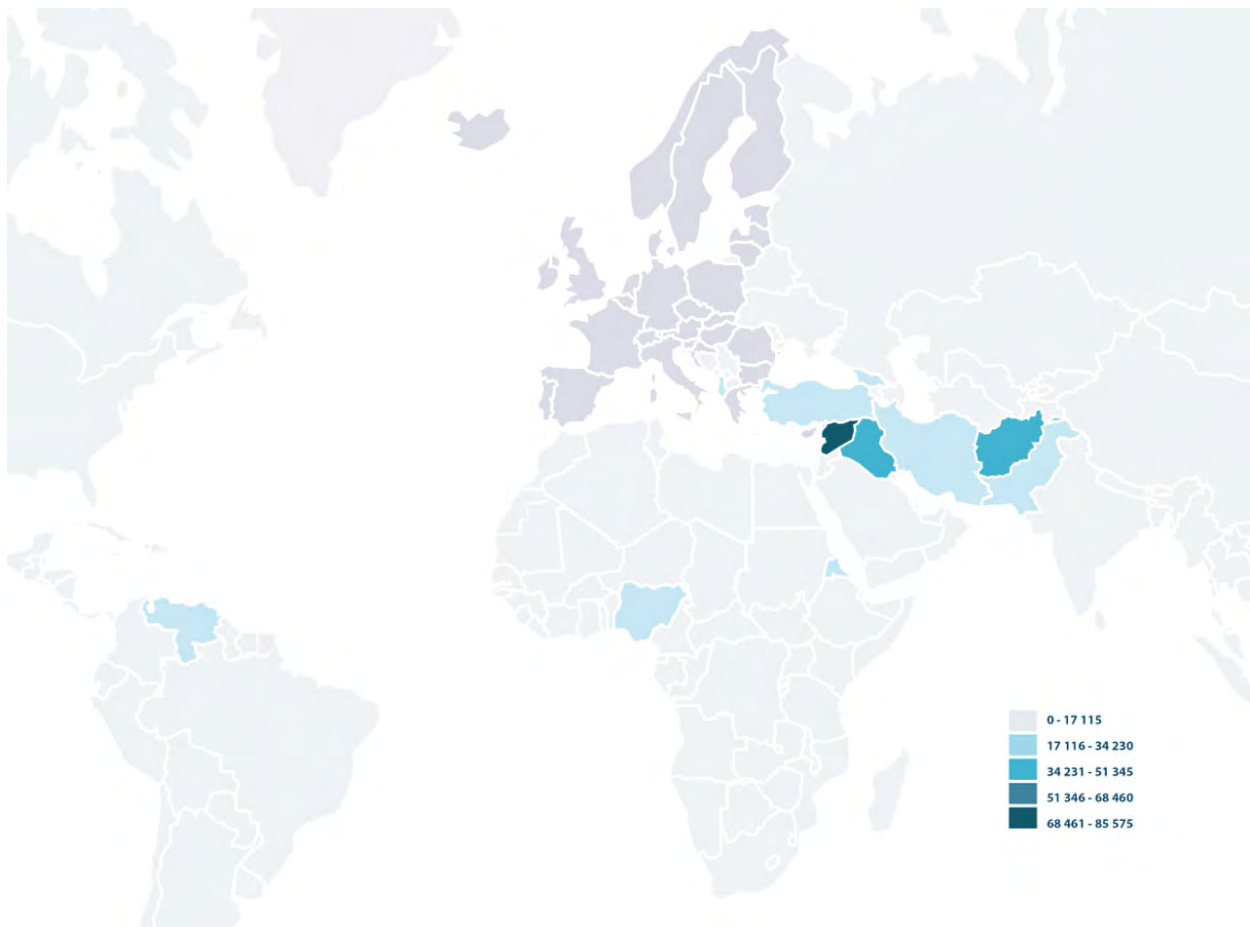
¹⁰⁷ In 2018, the European Commission made a Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 862/2007 of the European Parliament and of the Council on Community statistics on migration and international protection. This fits in the ongoing debate about enhancing and harmonising migration and asylum statistics, for example: ECRE, [Comments on the Commission Proposal amending the Migration Statistics Regulation COM\(2018\) 307](#); ECRE, [Making asylum numbers count](#).

2.1.2 Applications for international protection per citizenship of origin

Syrians continued to lodge the most applications for asylum, continuing a trend observed uninterruptedly since 2013. In 2018, some 13 % of all applicants originated from Syria – down from 15 % in 2017 (Fig. 3). Afghanistan was the second main country of origin and Iraq the third, each representing 7 % of all applications in the EU+. These three most common citizenships of origin remained the same as in 2017, but Afghanistan and Iraq switched places in the ranking. In 2018, more than one quarter of all applicants (27 %) in the EU+ originated from these three countries.

The top 10 citizenships of origin in 2018 also included Pakistan, Nigeria, Iran, Turkey (4 % each), Venezuela, Albania and Georgia (3 % each). Altogether, the top 10 countries of origin accounted for half of all applications, comparable to the situation in 2017. Some nationalities newly appeared in the top 10 in 2018; this was the case for Turkish, Venezuelan and Georgian citizens. Nationals from Eritrea, Bangladesh and Guinea were among the ten main citizenships of origin in 2017 but not anymore in 2018.

Main countries of origin of applicants in the EU+ in 2018



Map 1: Half of all applications were lodged by citizens from just 10 countries

Seven years after the beginning of the conflict, in 2018 **Syria** was the main country of origin of applicants for international protection in the EU+ for the sixth consecutive year. With 85 575 applications, Syrian applicants continued to stand out significantly, lodging almost twice as many applications as any other nationality in 2018 and this despite a decrease by 21 % compared to the previous year. On a monthly basis, Syrian applications averaged 7 100, with the highest levels recorded in January (8 165) and July (8375) and the lowest in December (4 830).

According to the UNHCR at the end of 2018, there were almost 5.7 million registered Syrian refugees in Syria's neighbouring countries, Egypt, Iraq, Jordan, Lebanon, Turkey and other northern African countries. Of these, some 184 398 were newly registered during 2018 which amount to more than twice as many persons who lodged applications in the EU+. This comparison between regions puts into context the pressure on asylum systems, but it should be noted that in 2018 the difference was much less than it was

in 2017 when six times as many Syrians than applied for asylum in the EU were newly registered in these countries.¹⁰⁸

Afghanistan became the second main country of origin after Syria, with 47 155 applications lodged in the EU+ in 2018. This was just slightly lower than in the previous year (- 4 %). Afghanistan represented 7 % of the total, similar to 2017. Afghanistan was the main country of origin between 2009 and 2012, and later remained constantly among the top three. In 2018, Afghans lodged more applications in the second half of the year than in the first half; in February, March and April, the monthly totals only just exceeded 3 000, whereas in the second half of the year the highest monthly total was 5 010 in October.

As was the case in 2015 and 2016, in 2018 **Iraq** was the third main country of origin of applicants in the EU+ in 2018. With 45 565 applications, Iraq, just like Afghanistan, represented 7 % of the EU+ total. Compared to the previous year, the number of Iraqi applications decreased by 14 %. The months in 2018 with most Iraqi applications were January, August and October, with more than 4 000 each.

Main countries of origin of applicants in the EU+, 2017 (left) and 2018 (right)

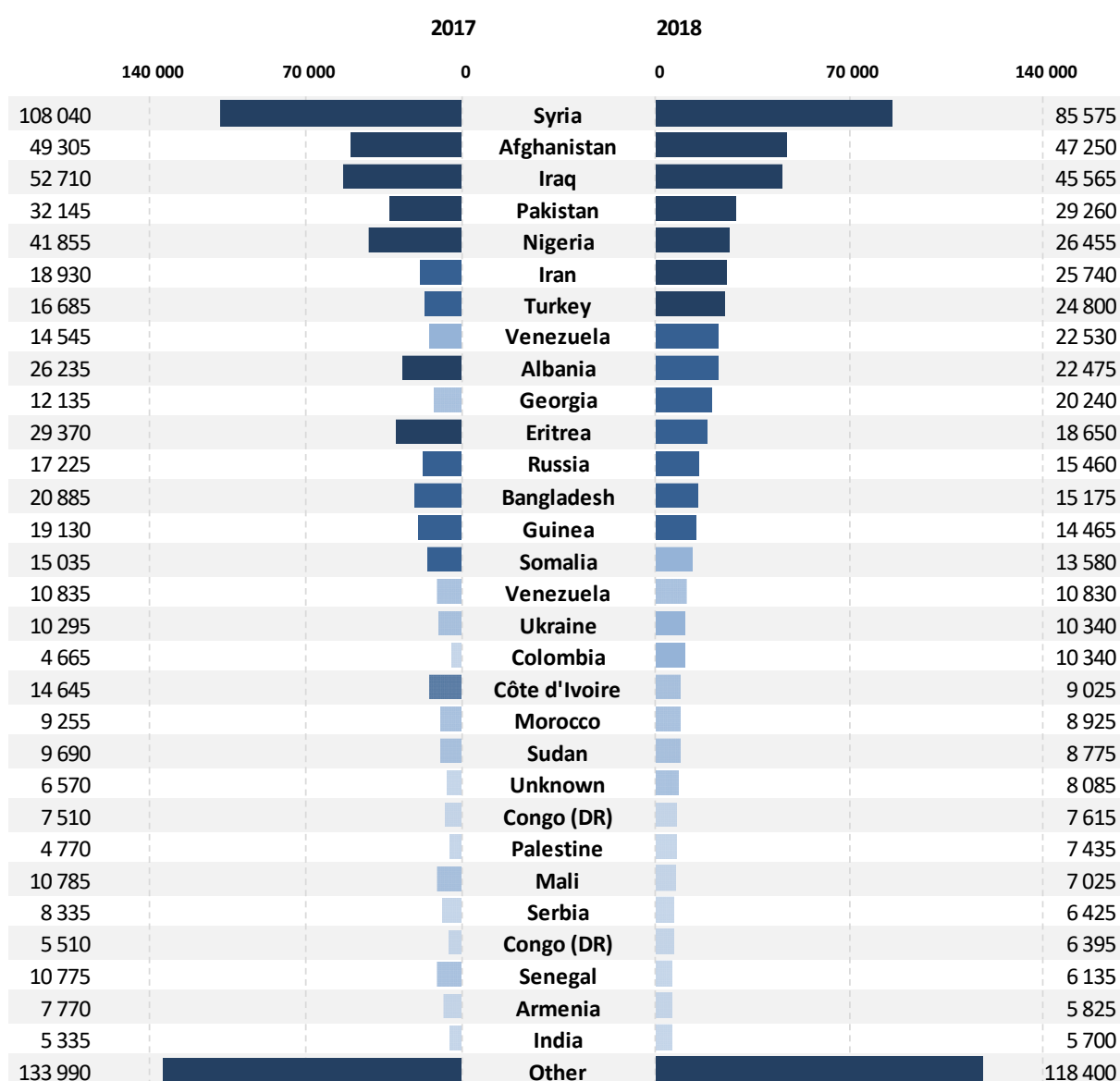


Figure 3: In 2018, Syria, Iraq and Afghanistan were the main countries of origin of applications lodged in EU+ countries (the shade indicates the quartile)

Nationals from **Pakistan** lodged 29 260 applications in 2018. Despite a slight 9 % decrease compared to 2017, it became the fourth main country of origin of applicants. Each year since the beginning of EU data collection in 2008, Pakistani applicants have been among the ten main citizenships of origin. The monthly

¹⁰⁸ UNHCR, [Syria Regional Refugee Response, Inter-agency Information Sharing Portal](#).

number of Pakistani applicants was slightly lower in the first six months of the year, especially in February and April with about 2 000 applications each. In July, October and November there was a rise towards almost 3 000 applications.

Nigeria completed the top five with 26 455 applications in 2018. Nigerian applications decreased by 39 % compared to the previous year, likely following the decrease of arrivals via the Central Mediterranean route (see above p. 37) – the main entry route of Nigerian applicants who mostly lodged their claims in Italy. Nigerian applications continued to decrease gradually throughout the year: the highest monthly number was 2 985 applications in January 2018, and the lowest was 1 560 applications in December 2018.

Only five out of the 20 most common citizenships of asylum applicants in 2018 applied in increasing numbers compared to the previous year (Fig. 4): Iranian, Turkish, Venezuelan, Georgian and Colombian nationals. The increases for these five citizenships were all considerable, ranging between + 36 % and + 122 %. Algerian and Ukrainian applicants have been stable in the past two years.

The highest relative increase was for Colombian applicants, who lodged more than twice as many applications in 2018 as in 2017. In absolute numbers, Colombians lodged just over 10 000 applications, making them the 17th main citizenship of origin in 2018. The vast majority of Colombian applicants lodged their claim in Spain (84 %). The number of Georgian applicants went up by 67 %, or from 12 000 to 20 000 applications, entering the top ten citizenships of origin. They applied more in France (35 % of all Georgian applications in the EU+) than before, and slightly less, but still in large numbers, in Germany. Turkish nationals lodged almost 25 000 applications in 2018. This was the third consecutive year of rising numbers of Turkish applications. Two fifths of Turkish applicants lodged their claim in Germany, and one fifth in Greece, the latter receiving a larger share than in 2017. Venezuelan applications increased to the same extent as Turkish nationals, reaching 22 530 applications and becoming a top eight citizenship. As was the case for Colombians, the majority of Venezuelans lodged their applications in Spain (86 %). For all these citizenships, applications for international protection in the EU+ in 2018 reached levels unseen since the start of EU-harmonised data collection in 2008. Venezuelan, Colombian, and Georgian nationals are all exempt from a visa requirement when crossing the EU external borders.¹⁰⁹

Applications lodged in the EU+, by top citizenship and year

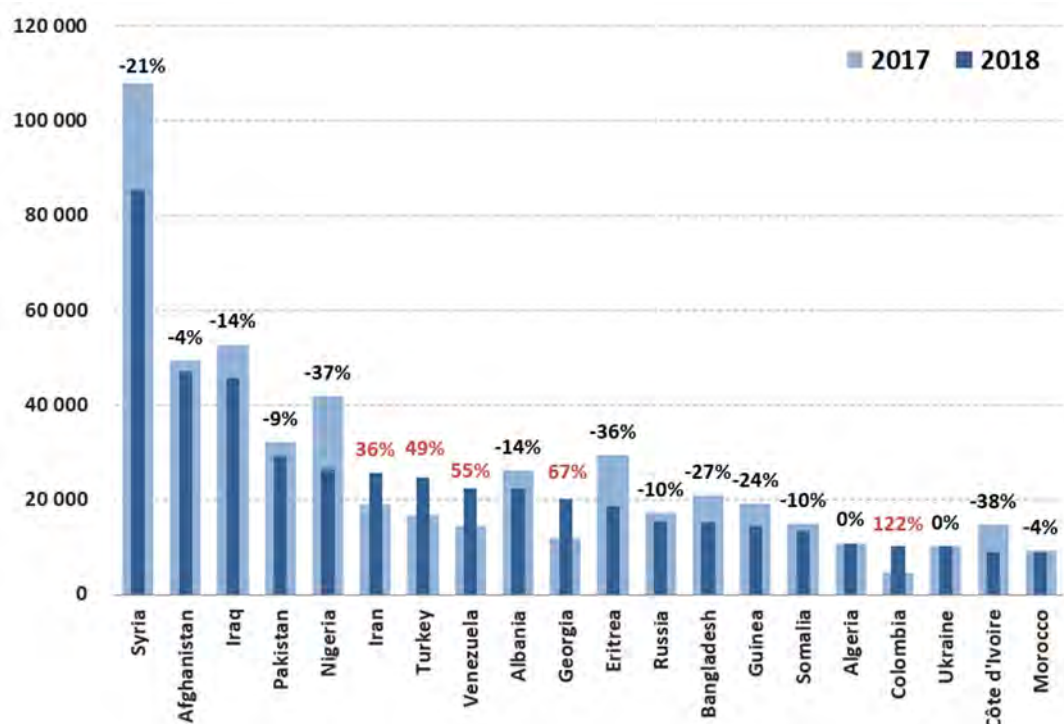


Figure 4: Just five of the top 20 citizenships in 2018 lodged more applications than in 2017

Iranians lodged 36 % more applications than in 2017, but lodged fewer claims than in 2015 and 2016. The 2018 increase of Iranian applicants followed the introduction of a visa-free regime for Iranian nationals

¹⁰⁹ Regulation (EU) 2018/1806.

in Serbia since September 2017. The opening of direct flight connections between Iran and Serbia resulted in increased arrivals of Iranian nationals in Serbia, but also in increased applications in EU+ countries. Serbia abolished the agreement in October 2018, also the month with the highest number of Iranian applications lodged in EU+ countries.¹¹⁰ In the final months of 2018, Iranian applications decreased. Germany was the main destination country for Iranian applicants in 2018 (46 %), but also the United Kingdom received a large share (16 %).

The other main citizenships lodged fewer applications in 2018, explaining the overall slight decline. All top five nationalities lodged fewer applications, with the largest relative decrease for Nigerian applicants (- 37 % or - 15 400 fewer applications) and the largest absolute decrease for Syrian nationals (- 21 % or - 22 465).

Apart from Nigerian nationals, a range of other sub-Saharan nationalities lodged applications in lower numbers than in 2017. For instance, Ivoirians lodged 38 % fewer applications, Eritreans 37 % fewer, and Guineans 24 % fewer. As was the case for Bangladeshi applicants, which also decreased by 27 %, these citizenships all lodged significantly fewer applications in Italy compared to 2017. As mentioned before, the decrease of arrivals via the Central Mediterranean route has played a pivotal role in this trend. While applications of these citizenships decreased in Italy in 2018, they did go up in other countries: in Germany for Nigerians and in France for Bangladeshi, Guineans, and Somalis.

In 2018, similar to the previous years, just over two thirds of all applicants were male and a third were female. Close to half of the applicants were aged between 18 and 35 years old, and almost a third were minors.

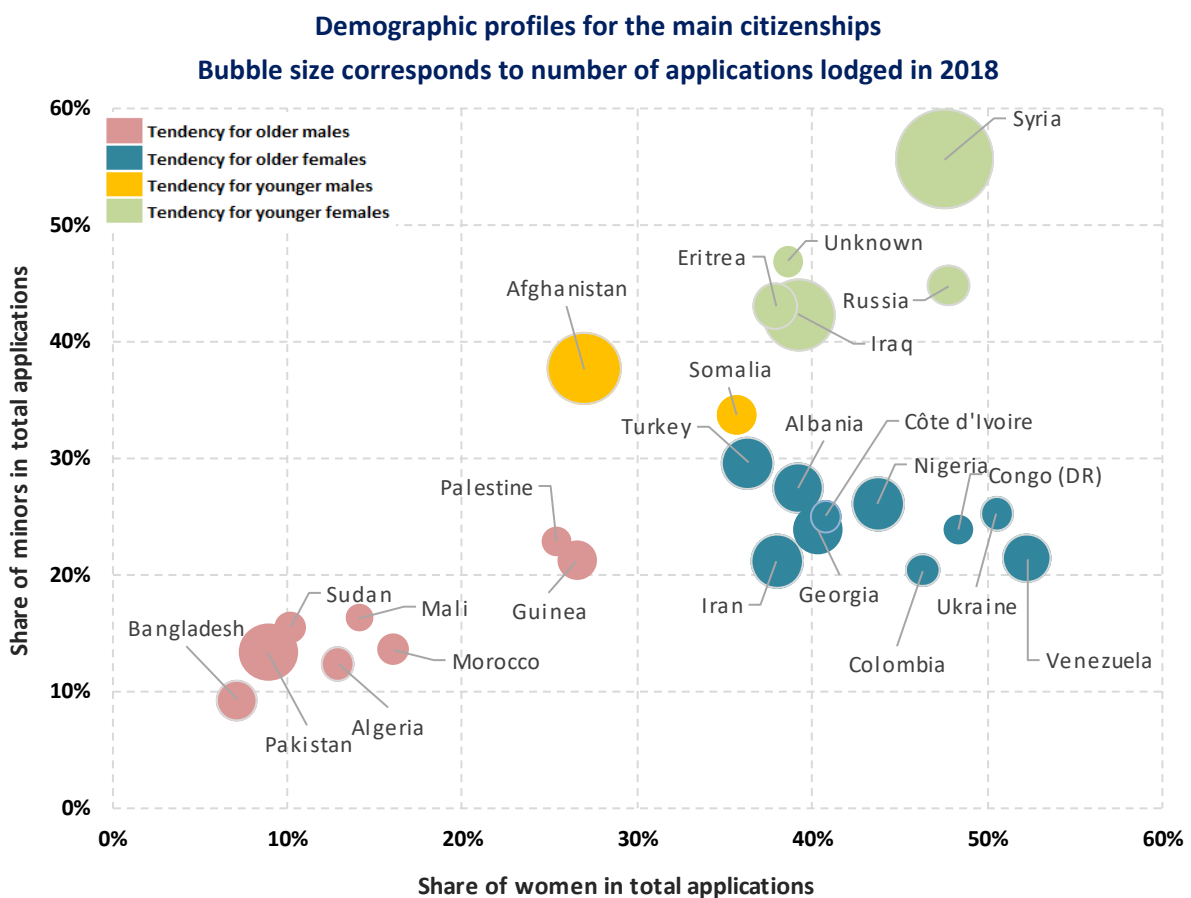


Figure 5: Among some citizenships, higher percentages of minors were associated with higher percentages of women (top right)

¹¹⁰ Embassy of the Republic of Serbia in Teheran, Islamic Republic of Iran, [Decision on termination of the validity of the Decision on the abolition of visas for entry into the Republic of Serbia for the nationals of the Islamic Republic of Iran, holders of ordinary passports](#).

The demographic profiles of asylum applicants varied by country of origin. Figure 5 illustrates the demographic profiles of the 25 main citizenships of origin. Applicants from Bangladesh, Pakistan, Algeria, Mali, Morocco, Sudan, Guinea and Palestine were mostly male adults (Fig. 5 – pink). Syrian, Iraqi, Eritrean and Russian applicants and applicants with unknown nationality were both more gender balanced and with more minors, possibly indicating a higher proportion of families (Fig. 5 – green). For these citizenships, a higher share of female applicants usually corresponded to a higher proportion of children. A large share of Afghan and Somali applicants were minors, while about two thirds were male. In 2018, Syrians had the highest proportion of minors. Further analysis of vulnerable applicants, including unaccompanied minors, can be found in [Section 4.10.1](#).

Venezuelans, Colombians and Georgians lodged increasing numbers of applications in 2018, but importantly they were also exempt from a visa requirement to enter the Schengen Area. Venezuelan applicants had the highest percentage of females among applicants, suggesting they often applied as family groups (Fig. 5 – blue). Their demographic profile was very similar to Ukrainian, Congolese and Colombian applicants, the latter of which had the most significant relative increase compared to 2017 among the main citizenships of origin. Nigerian, Ivoirian, Georgian, Iranian, Albanian and Turkish citizenship groups had also relatively large shares of female applicants, but fewer minors. Within this profile, Turkish applicants had the highest share of minors, but not exceeding 30 %.

2.1.3 Applications for international protection per EU+ country

In 2018, most applications for asylum were lodged in **Germany, France, Greece, Italy and Spain** (Fig. 6). In 2017, Italy received the second highest number of applications, but in 2018 applications in Italy fell below the level of France and Greece. Together, these five countries accounted for almost three quarters of all applications lodged in the EU+.

For the seventh consecutive year, in 2018 Germany received the most applications (184 180), despite a 17 % decrease compared to 2017. Notwithstanding this decrease, the share of applications lodged in Germany remained quite constant at 28 % of all applications lodged in the EU+. Nevertheless, the gap with other EU+ countries remained considerable: Germany received some 64 000 applications more than the second receiving country, France. Applications in France increased for the fourth consecutive year, reaching 120 425 in 2018, the highest level recorded in France so far. Greece became the country with the third-highest number of applications lodged in the EU+ in 2018, increasing for the fifth consecutive year, to 66 965 applications. A significant change occurred in Italy, where applications decreased by 53 %, and as a consequence Italy changed from being the second main receiving country, to the fourth one in the top five. Spain remained at fifth position, but with applications increasing from below 36 605 in 2017 to 54 050 in 2018.

The overall 10 % decrease in applications between 2017 and 2018 was reflected in just over half of all EU+ countries. In the other half, applications increased (Fig. 7). In some countries, increases were substantial. It is important to look at those changes in both absolute and relative terms. High increases in the absolute numbers of applicants automatically represent an increased workload to process those cases. However, even an increase in seemingly lower absolute numbers may pose a significant challenge for a country if, in relative terms, it is significant compared to the volume of applicants previously received by the country.

Main destination countries of applicants in 2017 (left) and 2018 (right)

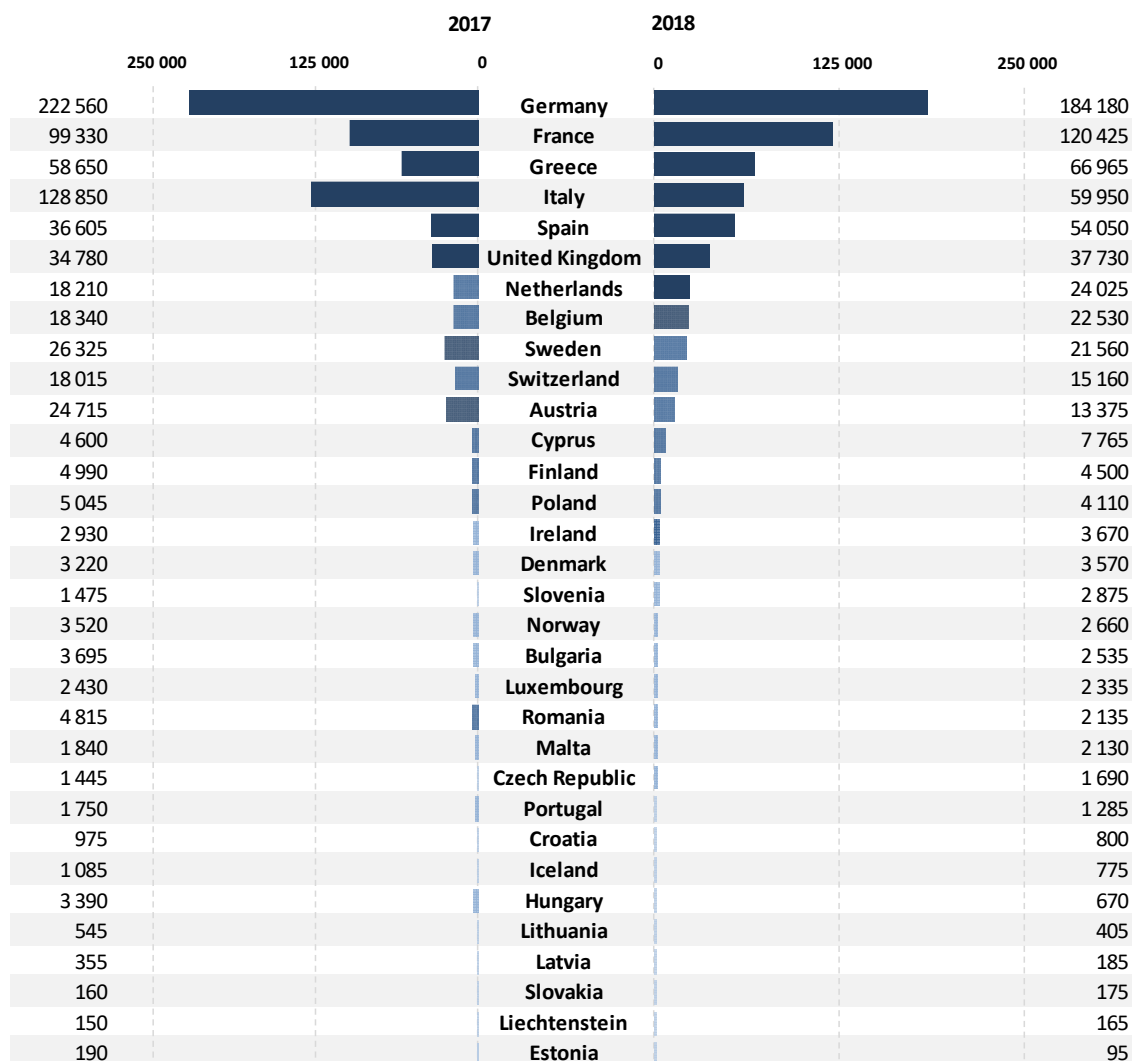


Figure 6: In 2018 Germany still received the most applications

A few countries stood out because of significant decreases. Italy was the country with the most considerable absolute decrease, with 69 000 applications fewer than in 2017, which is a reduction of more than 50 %. Nigerian applicants decreased the most in Italy (from about 25 500 in 2017 to about 7 000 in 2018), as well as Bangladeshi applicants which more than halved. These two citizenships used to arrive irregularly in Italy via the Central Mediterranean route. In Germany, over 38 000 fewer applications were lodged (- 17 %), spread out over a range of citizenships, including Eritreans (- 45 %), Afghans (- 34 %), Somalis (- 25 %) and Iraqi (- 24 %), while Nigerians (+ 33 %), Iranians (+ 28 %) and Turks (+ 25 %) lodged more applications. Austria recorded 10 000 fewer applications than in 2017 (- 46 %), also spread out over many of the main citizenships of origin, including Pakistanis, stateless applicants, Syrians, Iraqi, etc. In relative terms, the largest decrease occurred in Hungary (- 80 % or - 2 720 applications). Apart from Italy, Romania, Estonia and Latvia also received half as many applications in 2018 compared to 2017.

In contrast, other EU+ countries dealt with large increases in the number of applications lodged. For example, three of the top five receiving countries received more applications. France dealt with some 21 000 applications more (+ 21 %), where Georgian applicants more than tripled in number. Applications in Spain grew by over 17 000 (+ 48 %), with continued large increases for Latin-American nationals (Venezuela, Colombia, Honduras, El Salvador, Nicaragua and even Peru). The highest relative increase occurred for Slovenia, where applications doubled from 1 475 to 2 875 (+ 95 %, mostly Pakistani and Algerian applicants). Even in Cyprus, applications increased by 69 %, from 4 600 applications to 7 765. The high number of Syrian applications in Cyprus was sustained, while the number of Iraqi, Georgian, Cameroonian, Pakistani, Bangladeshi and Indian applicants at least doubled.

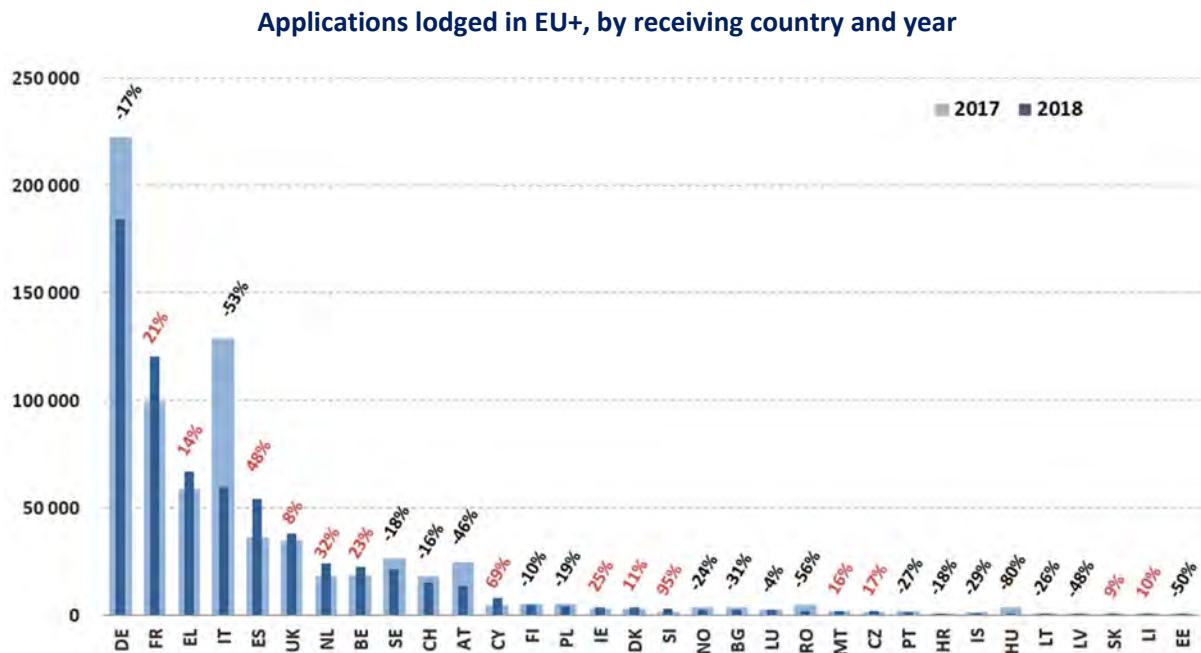


Figure 7: Applications more than halved in Italy, while they increased by half in Spain

2.1.4 Main asylum flows combining citizenships and receiving countries

The main asylum flows, more specifically dyads of citizenships in receiving countries, provide a slightly more nuanced picture than separate considerations of countries of origin and receiving countries (Fig. 8). The main influxes in 2018 were directed to Germany, France, Greece and Spain. Italy was not at the receiving end of any of the main flows despite being the fourth receiving country overall; this likely follows the decrease in specific citizenships applying in Italy and therefore also the diversification.

The ten main flows involved seven citizenships, all within the top ten citizenships of origin for 2018. Despite decreasing applications overall, Germany received not less than six of the ten largest influxes from specific citizenships: Syrians, Iraqi, Afghans, Iranians, Nigerians, and Turkish. Greece received two of the main flows (Syrians to Greece and Afghans to Greece). Both Spain and France only received one of the main flows: Venezuelans to Spain (the second largest specific influx into an EU+ country in 2018) and Afghans to France. Pakistani, Albanians and Georgians were among the top ten citizenships of origin in the EU+ overall, but were not among the top ten flows to specific EU+ countries. This means that these citizenships' applications were less concentrated in one or a few countries.

Figure 8 highlights whether the specific flow increased by more than 10 %, decreased by more than 10 %, or remained relatively stable in 2018 compared to 2017. Six of the ten main flows increased: Venezuelan applicants to Spain; Nigerian, Iranian and Turkish applicants to Germany; Afghan applicants to Greece and to France. Syrian applicants to Germany remained stable, whereas about half of the flows that were directed towards Germany, including Iraqi and Afghans decreased compared to the previous year. In addition, Greece's flow of Syrian applicants decreased, whereas a range of others increased. In Italy, most of the flows decreased, and in contrast in Spain, most of the flows increased.

**Applications in 2018 by main country of origin, receiving country and extent of the yearly change
(red=increase, grey=stable, green=decrease). Top ten flows are shown with bold borders**

Note: EU+ countries are not in alphabetic order to enhance visibility.

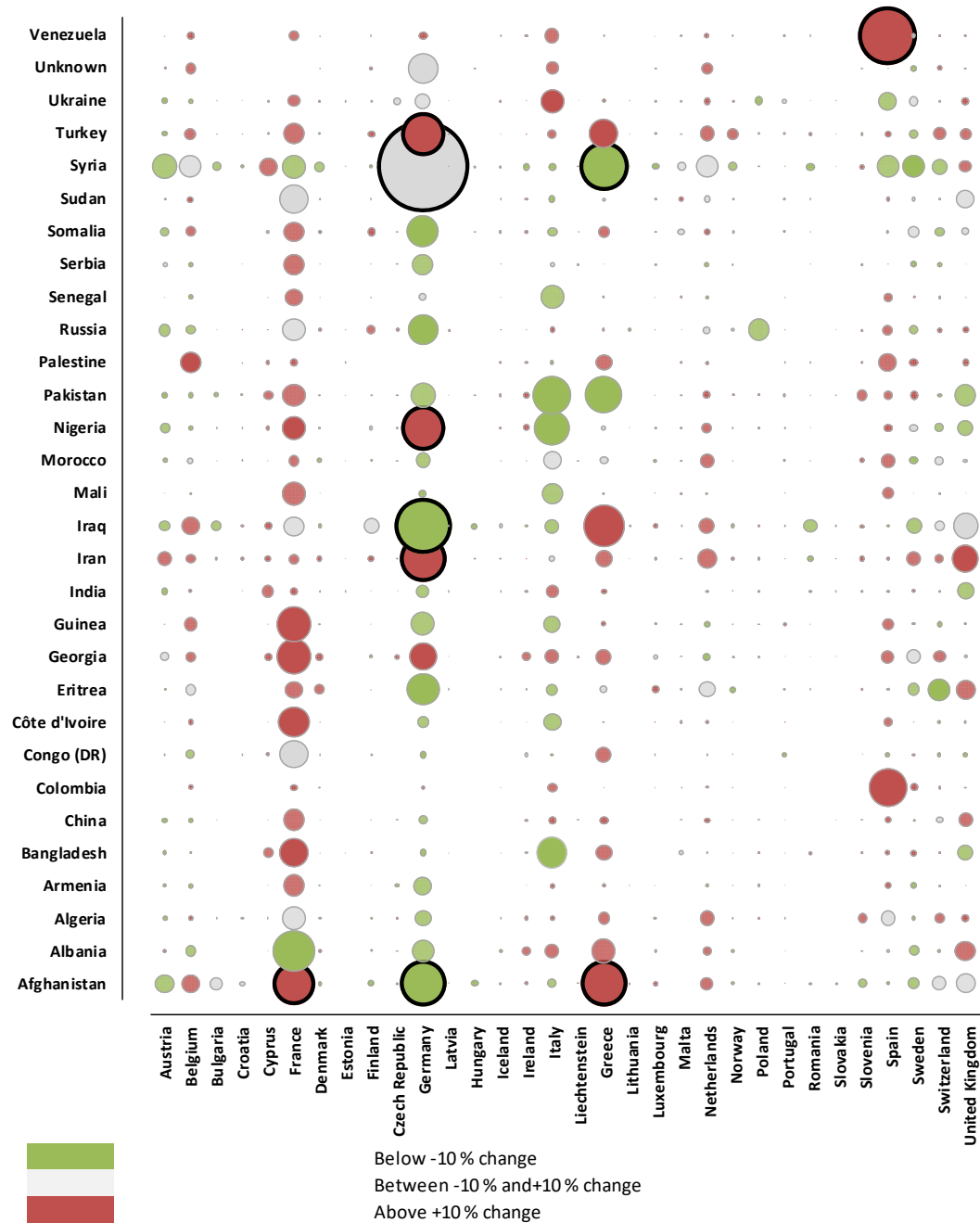


Figure 8: The composition of applicants and the yearly changes differed between EU+ countries

EASO research on early warning and understanding root causes



EASO activities carried out under the [Research Programme](#) aim to achieve a better understanding of the factors determining asylum-related migration to and within the EU+ and ultimately develop an empirical model of asylum-related migration to the EU. Programme activities in 2018 included pilot project on using Big Data to understand and predict asylum-related migration, business case for a pilot project plan for surveying asylum-seekers and research on pull factors. More information can be found in Section 6.1.6 of the EASO General Annual Report (forthcoming).

2.2. Withdrawn applications¹¹¹

2.2.1 Withdrawn applications: EU+ overview

Applicants may decide to withdraw their open case for international protection during the asylum procedure i.e. before a final decision has been issued. In line with procedures laid down in national laws, an application can be withdrawn either explicitly (where the applicant officially informs the determining body of their wish to discontinue their application) or implicitly (where an applicant can no longer be located and is judged to have abandoned the procedure).

Practices in reporting on withdrawn applications vary considerably across countries. More importantly, in the case of implicit withdrawals, a time lag often exists between the actual event (such as the applicant not showing up to the asylum interview) and the registration of the administrative event (the application is formally recorded as withdrawn). This time lag can vary between and within reporting countries. Thus, withdrawals might refer to an event taking place much earlier than the reference period.

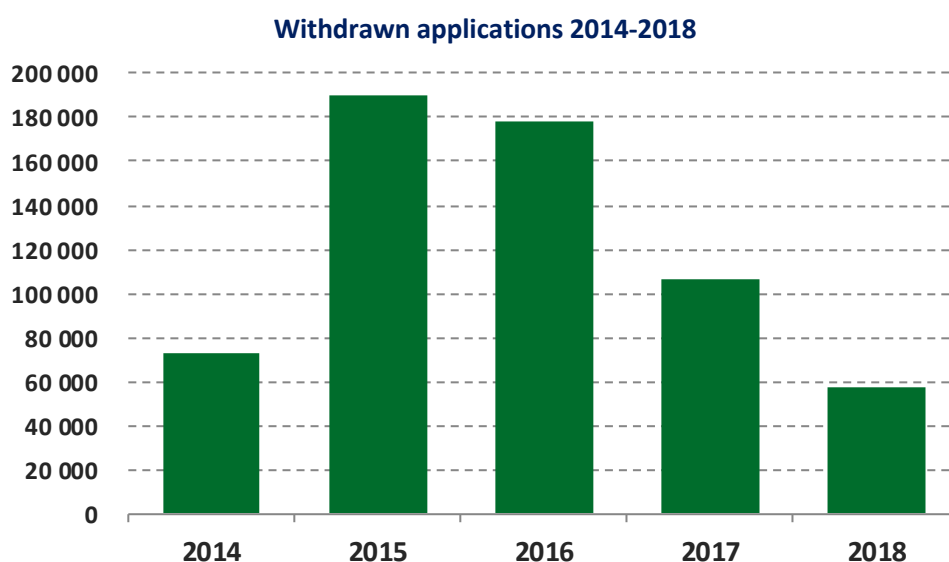


Figure 9: In 2018 withdrawn applications dropped by more than a half to a below-crisis level

Overall in 2018, some 57 390 applications were withdrawn across EU+ countries, about half as many as in

¹¹¹ At the date of extraction, on 1 April 2019, information was available for all EU+ countries.

2017 and fewer than in 2014 (Fig. 9). The ratio of withdrawn applications to the total number of applications lodged in the EU+ was 9 %, lower than the previous year.¹¹² In some EU+ countries, the ratio of applications withdrawn to the applications received was particularly high, notably in Slovenia (82 %), Croatia (63 %) and Romania (60 %). Conversely, much lower rates were apparent in France (1 %), Germany, Norway and the Netherlands (4 % each). With regard to the citizenships of origin¹¹³, the highest ratios were for applicants from Morocco, Russia (17 % each) and Algeria (16 %); the lowest were for nationals of Syria (5 %), Iran and Somalia (7 % each).

2.2.2 Withdrawn applications by citizenship of origin

According to EASO data¹¹⁴ and similar to previous years, about four fifths of withdrawals in the EU+ were implicit. While this indicates that the share of implicit withdrawals was substantial for most citizenships, it is important to analyse the numbers within individual citizenships, where some differences emerged (Fig. 10). For instance, nearly all applications withdrawn by nationals of Côte d'Ivoire (98 %), Guinea (97 %) and Nigeria (91 %) were withdrawn implicitly. In contrast, citizens of Albania (49 %), Iraq (51 %) and Georgia (52 %) tended to withdraw applications more often explicitly.

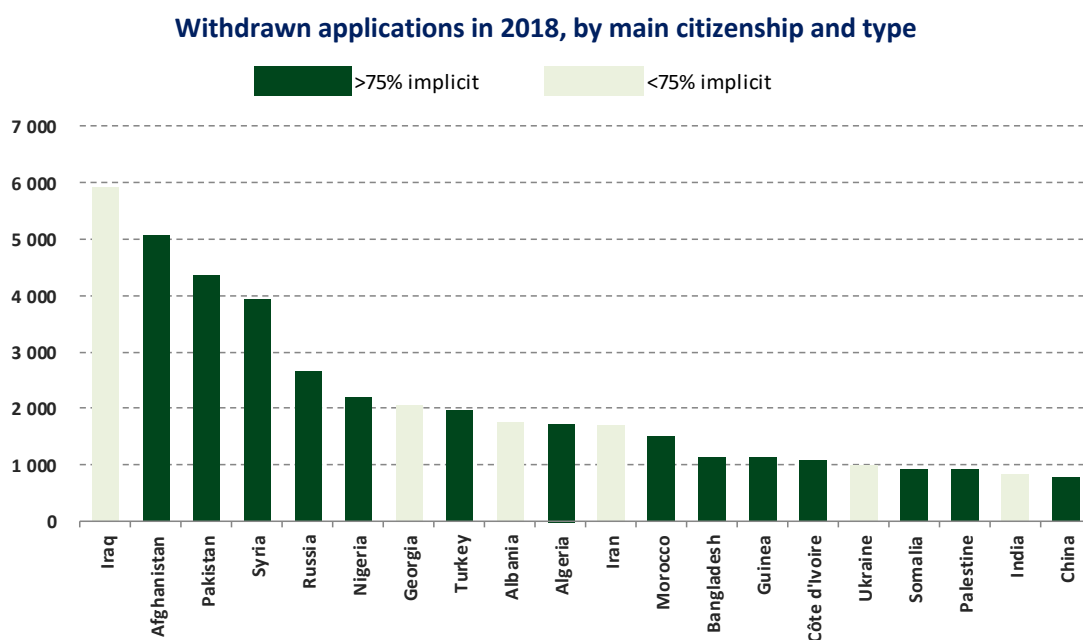


Figure 10: Citizenships that tended to withdraw the most applications, also had highest proportions of implicit withdrawals, which implies high levels of absconding

2.2.3 Withdrawn applications by EU+ country

In 2018, a fifth of all withdrawals in the EU+ took place in Greece (Fig. 11). A considerable number of applications were also withdrawn in Italy (13 % of the total) and Germany (12 %). As was the case in 2017, in Germany, half of all applications were withdrawn explicitly; the proportion was even higher in France

¹¹² This ratio calculation is only illustrative because withdrawn applications in 2018 are not linked to applications lodged in the same year (it is not cohort data).

¹¹³ Among the 20 citizenships with most withdrawn applications in 2018.

¹¹⁴ In the framework of the EASO's EPS data exchange, the indicator on withdrawn applications is disaggregated by citizenship and by type of withdrawal (explicit or implicit). Comparison of EPS information with EUROSTAT data is limited as the EASO's indicator refers to applications withdrawn during the first instance determination process related to first-time decision-making while Eurostat's covers applications withdrawn at all instances of the administrative and/or judicial procedure. In addition, the reporting dates differ: for EASO, it is the date of decision on the withdrawn application while for Eurostat it is the date the application is considered withdrawn, which could occur at two different times. Thirdly, EPS collection does not cover Iceland and Liechtenstein.

(62 %). In contrast, (almost) all withdrawals were implicit in Austria, Italy and Slovenia. This may imply that a high number of applicants might have absconded; some might have moved to another EU+ country before the asylum procedure was concluded.

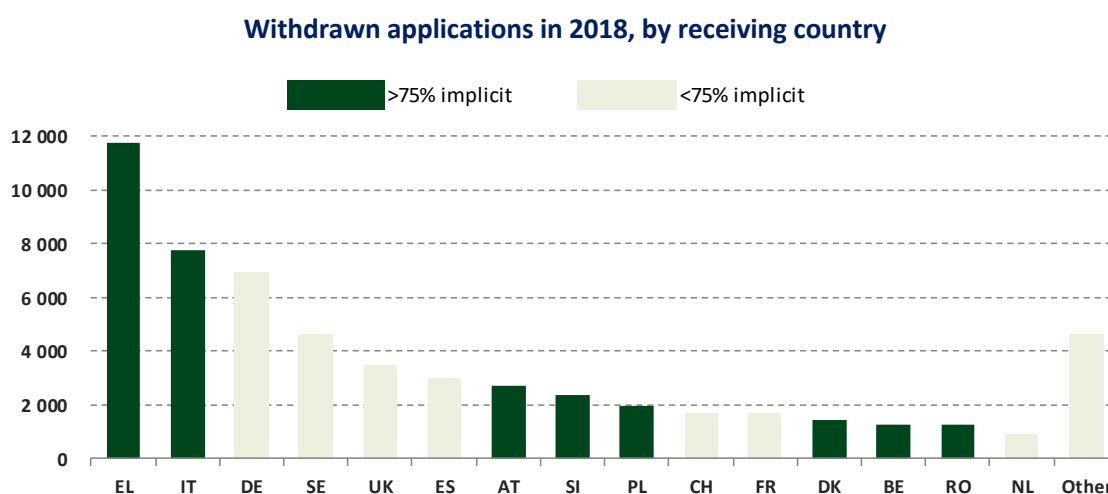


Figure 11: So-called frontline Member States, Greece and Italy, had the most withdrawals, the majority of which were implicit, which implies high levels of absconding

2.3. Asylum decisions – first instance decisions¹¹⁵

2.3.1 Asylum decisions at first instance – EU+ overview

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

- 1 granting of refugee status (under Geneva Convention);
- 2 granting of subsidiary protection status;
- 3 granting of an authorisation to stay for humanitarian reasons under national law concerning international protection (humanitarian protection)¹¹⁶;
- 4 temporary protection status (under EU legislation)¹¹⁷;
- 5 rejection of the application.

¹¹⁵ At the time of extraction, on 13 May 2019, information was available for all EU+ countries.

¹¹⁶ Throughout this report, and in particular when considering the rate of positive decisions at first instance, it should be noted that this latter type of protection is not harmonised at EU level and is only reported to Eurostat by 24 of the 32 EU+ countries (Austria, Cyprus, Croatia, the Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Hungary, Iceland, Italy, Liechtenstein, Lithuania, Malta, the Netherlands, Norway, Poland, Romania, Slovakia, Spain, Sweden, Switzerland, and the United Kingdom), though it sometimes represents a high proportion of the positive decisions issued. It should also be noted that sometimes various forms of humanitarian protection can be granted within a specific procedure, separate from the asylum procedure, and are consequently not reported to Eurostat under the indicator. Regarding practices of specific countries, useful insights are available in: EMN, [Ad hoc Query on Humanitarian Protection](#).

¹¹⁷ Temporary Protection Directive, 2001/55/EC.

The EU temporary protection mechanism has not yet been used so this section will focus on the granting of positive decisions via refugee status, subsidiary protection and authorisation to stay for humanitarian reasons under national law (referred to as 'humanitarian protection' in this document). Consequently, the recognition rate in this section is the share of positive decisions (granting of refugee status, subsidiary protection or an authorisation to stay for humanitarian reasons) within the total decisions issued in 2018.

First-instance decisions 2014-2018, by outcome

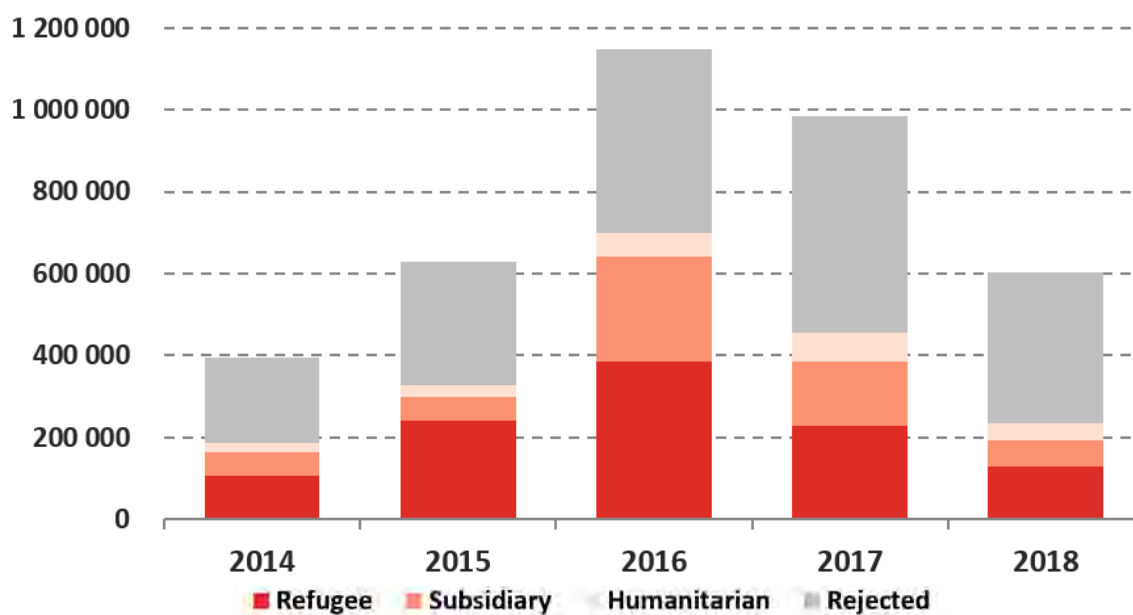


Figure 12: Much fewer first-instance decisions were issued in 2018

In 2018, EU+ countries issued 601 525 decisions in first instance, a large 39 % decrease compared to 2017 (Fig. 12). Thus – differently from last year – there were more applications lodged than decisions issued, with obvious implications for the number of [cases pending at first instance](#). The number of first-instance decisions issued each quarter decreased throughout the year: the overall EU+ output was indeed larger in the first three months of 2018, and gradually declined in the second and third quarters of the year. A minor increase was noticed, nonetheless, in the last three months of the year.

The majority of decisions (367 310, or 61 %) were negative, and hence did not grant any protection. Some 234 220 decisions were positive; of those, the majority granted refugee status (129 685 or 55 % of all positive decisions), and a smaller proportion subsidiary protection (63 100 or 27 %) or humanitarian protection (41 430 or 18 %). Although fewer positive decisions were issued overall, compared to last year a higher proportion of positive decisions granted refugee status.

2.3.2 Asylum decisions at first instance per citizenship of origin

Most first-instance decisions were issued to nationals of the three main countries of origin in terms of applications lodged (Fig. 13). Syrians returned to be the citizenship receiving the most decisions (75 030), after decision-making in EU+ countries in 2017 was heavily focused on Afghan applicants. The latter received 62 535 decisions in 2018, followed by Iraqi nationals (43 220). Jointly, these three citizenships received slightly fewer than a third of all first-instance decisions issued in the EU+.

Most citizenships received fewer decisions than in 2017. For instance, in 2018 Syrian applicants received half as many decisions compared to 2017; the decline was even more evident for Afghans (- 65 %) and Iraqis (- 57 %). On the other hand, a limited number of citizenships received more decisions in 2018. This

was the case, for instance, for Salvadorians (+124 %), Colombians (+111 %), Moldovans (+ 70 %), Georgians (+ 57 %), Chadians (+47 %), and Ivoirians (+ 34 %).¹¹⁸

It is also important to analyse the underlying composition of first instance decisions' outcomes. For instance, applicants from most citizenships of origin were granted primarily EU-regulated forms of protection.¹¹⁹ Almost all of the positive decisions issued to Turkish (93 %) and Iranian (91 %) applicants granted refugee status. Subsidiary protection accounted for the majority of positive decisions issued to applicants coming from only three countries: Libya (71 %), Yemen (69 %) and Albania (61 %). For some others, the vast majority of decisions granted humanitarian forms of protection: these were Ghanaians (88 % of all positive decisions), Gambians (85 %), Senegalese (77 %) and Bangladeshis (76 %), among others. The majority of decisions to each of these four citizenships were issued by Italy, where humanitarian protection is applicable.

Number of first-instance decisions (left) issued in 2018 and outcome (right), by country of origin.

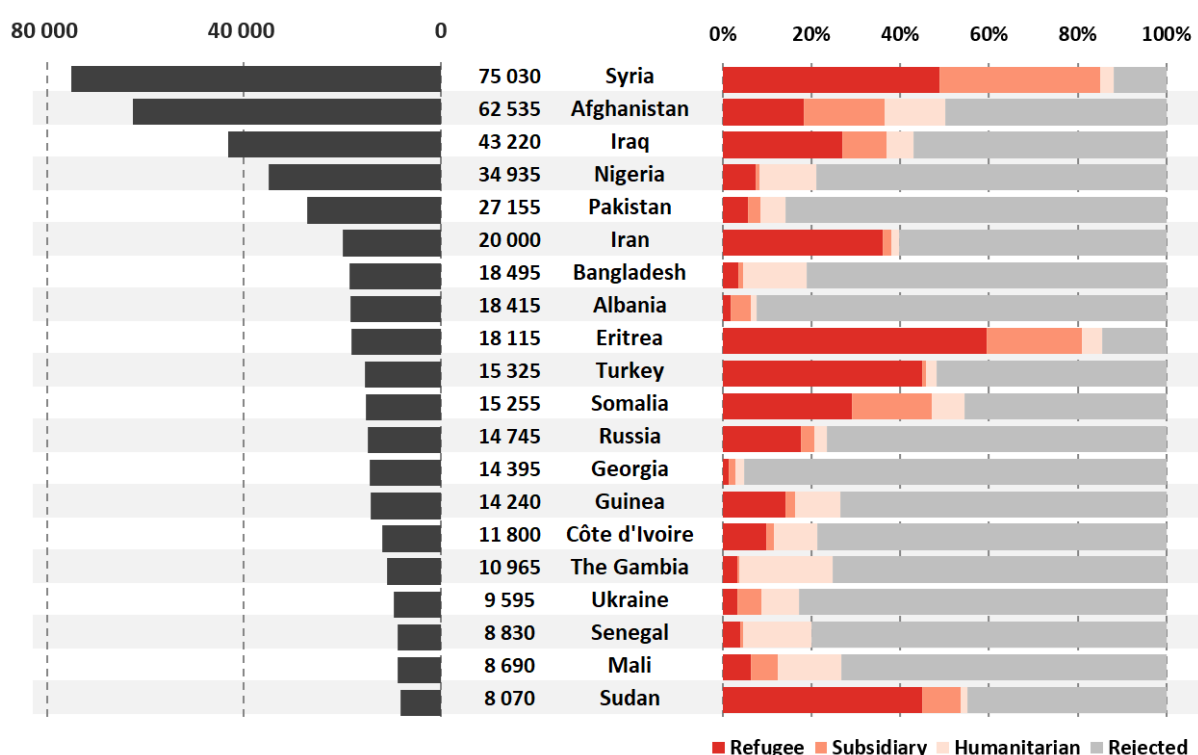


Figure 13: Syrians resulted to be the citizenship receiving the most first-instance decisions

2.3.3 Asylum decisions at first instance per EU+ country

With regard to the volume of first-instance decisions issued in each country, most decisions were issued in Germany (30 % of all decisions), France (19 %) and Italy (16 %) (Fig. 14). Jointly, these three countries issued about two thirds of all decisions issued in the EU+. These three countries processed the most first-instance decisions also in 2017, but the overall output was distributed differently. In fact, a year earlier Germany alone issued more than half of all decisions in the EU+. In 2018, the output of German first-instance authorities was reduced almost threefold. In contrast, France (+ 4 %) and in particular Italy (+ 22 %) issued more decisions. Therefore, the output was more evenly distributed across the EU+ in 2018. Other countries issuing fewer decisions compared to 2017, but still accounting for a considerable proportion of first-instance decisions in 2018 were Austria (- 24 %), Belgium (- 21 %), Sweden (- 49 %) and

¹¹⁸ For citizenships with at least 1 000 decisions issued in the EU+ in 2018.

¹¹⁹ For citizenships with at least 1 000 decisions issued in the EU+ in 2018.

the Netherlands (- 35 %). The largest declines, nevertheless, took place in Hungary (issuing fewer than 1 000 decisions in 2018, but more than 4 000 a year earlier) and Norway (somewhat more than 2 000 decisions, down from almost 7 000 in 2017). Conversely, the volume of first-instance decisions expanded in Greece (+ 32 %) and, on a smaller scale, Ireland (+ 33 %) and Malta (+ 35 %).

For some citizenships, the majority of first-instance decisions were issued in a single EU+ country. For instance, Germany issued the majority of decisions to applicants from Syria (56 % of all decisions received by Syrians in the EU+) and Turkey (54 %), and almost half of all decisions issued to Somalis (44 %) and Iranians (43 %). France accounted for more than half of all first-instance decisions concerning applications lodged by nationals of Congo DR (70 %), Sudan (57 %) and Albania (51 %). Italy issued the vast majority of decisions to applicants from Senegal (74 %), Mali (65 %), Gambia (64 %) and Bangladesh (57 %).

Among the countries in which humanitarian protection was applicable, Italy and Switzerland were the countries that made the largest use of these national forms of protection. In fact, humanitarian protection accounted for the majority of positive decisions in Italy (65 %) and Switzerland (52 %).¹²⁰ Most EU+ countries, in contrast, granted prevalently refugee status: in particular, all decisions in Slovenia (100 %), and almost all decisions in Luxembourg (94 %) and Norway (91 %). Finally, subsidiary protection was more vastly granted in Cyprus (84 % of all positive decisions), Spain (80 %) and Slovakia (78 %).

Number of first-instance decisions (left) issued in 2018 and outcome (right), by EU+ country.

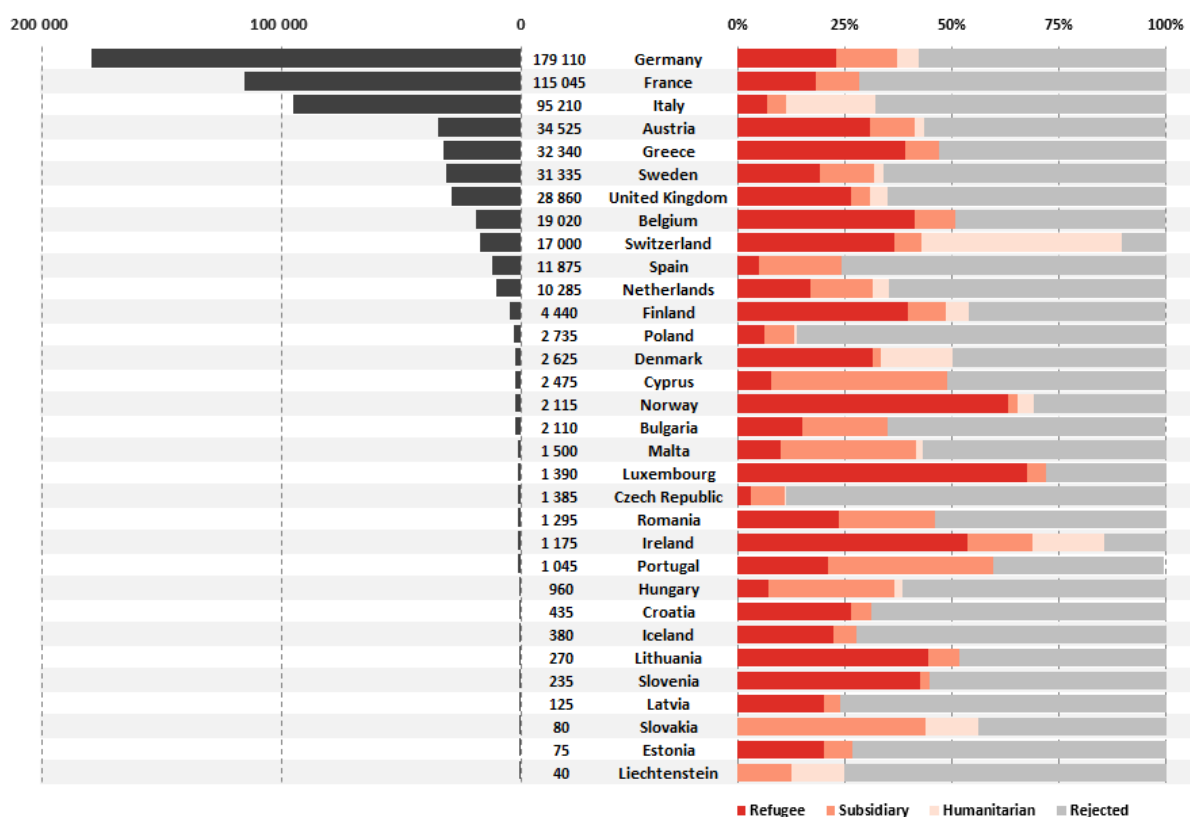


Figure 14: Germany, France and Italy issued two thirds of all decisions in the EU+

¹²⁰ The share of humanitarian protection reflects reporting to Eurostat. Switzerland is not bound to Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011. Positive decisions grant either refugee status or, in cases there are reasons for refusing asylum in accordance with Articles 53 and 54 of the Asylum Act, Temporary Admission Status (TAS). TAS can be granted independently of refugee status, for other reasons which are similar to the EU subsidiary protection (Article 3 ECHR, situation of war in the country of origin) or for pure humanitarian reason (for example, serious illness). Although TAS is reported as humanitarian protection, it may also take the form of subsidiary protection.

2.3.4 Recognition rate

No internationally agreed methodology for calculating recognition rates currently exists. Ideally, the recognition rate should measure the success of asylum applications lodged. However, information on applications and their outcomes – in the form of decisions – is not directly linked in the Eurostat dataset (nor in the EASO EPS dataset). For the most part, decisions are not necessarily issued in the same reference period as applications are lodged, resulting in separate indicators for applications and decisions in each reference period.

For this reason, the recognition rate is in most cases defined as a measure of successful decisions issued: the number of positive outcomes relative to the total number of decisions issued.

This definition should, however, be further analysed to also clarify which types of protection are included, and which stage of the asylum procedure is taken into account, as a minimum. For the present analysis, the total recognition rate is calculated considering refugee status, subsidiary protection and national protection schemes under the collective name humanitarian protection as positive decisions. First instance is also taken into account separately from second and higher instance. This recognition rate is defined by Eurostat as ‘the share of positive decisions in the total number of asylum decisions for each stage of the asylum procedure’ (i.e. first instance and final on appeal). The total number of decisions consists of the sum of positive and negative decisions.¹²¹

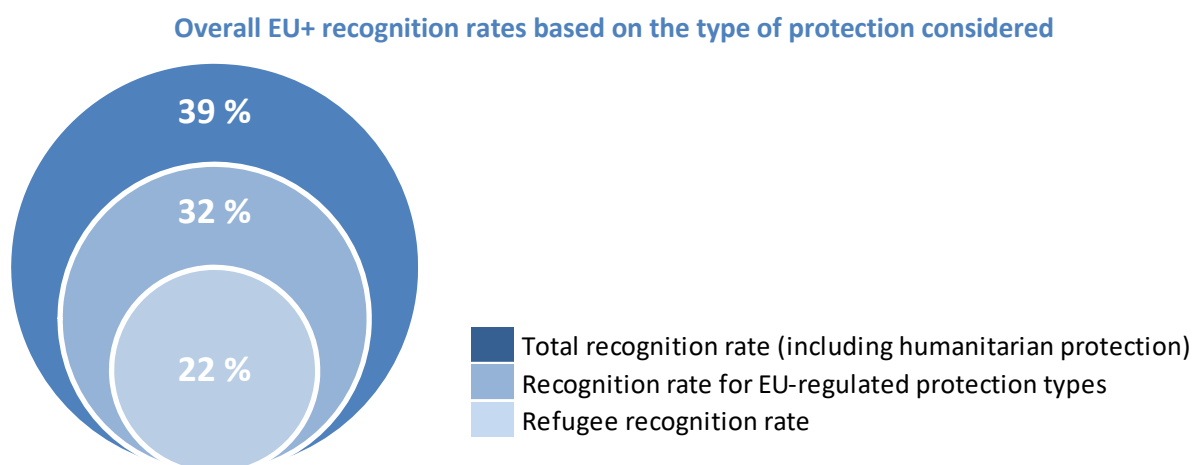


Figure 15: The total EU+ recognition rate was seven percentage points higher than the EU-regulated recognition rate

The total EU+ recognition rate in first instance in 2018 was 39 %, decreasing by 7 percentage points from the previous year (Fig. 15). For countries issuing at least 1 000 decisions in 2018, the highest recognition rate was in Switzerland (90 %) and Ireland (86 %). The lowest recognition rates were for decisions issued in the Czech Republic (11 %) and Poland (14 %). In all these four EU+ countries, humanitarian protection is applicable; as mentioned, most positive decisions in Switzerland granted humanitarian protection (52 % of all positive decisions). No conclusions can be drawn on the differences in the recognition rates between EU+ countries however, since the share of positive decisions depends on several factors, primarily the profiles and citizenships to which such decisions were issued.

2.3.5 Recognition rate by country of origin

¹²¹ Eurostat, [Glossary: Asylum recognition rate](#).

The highest EU+ recognition rates were for applicants from Yemen (89 %), Syria (88 %) and Eritrea (85 %).¹²² The lowest share of positive decisions was for applicants from Moldova (1 %), North Macedonia (2 %) and Georgia (5 %).

The decrease in the EU+ recognition rate compared to 2017 was mainly due to the fact that recognition rates dropped for several citizenships of origin, and particularly for those with a high number of decisions issued. Lower recognition rates were evident for applicants from Somalia (54 % in 2018, or - 16 percentage points), Iran (40 %, - 15 p.p.), Iraq (43 %, - 14 p.p.), Eritrea (85 %, - 7 p.p.) and Syria (88 %, - 6 p.p.).¹²³ In contrast, upward variations took place for nationals of Venezuela (29 %, + 15 percentage points), China (42 %, + 13 p.p.), El Salvador (67 %, + 13 p.p.) and Turkey (48 %, + 12 p.p.). Despite having lower recognition rates, Moldova and Georgia were among the few countries of origin whose nationals lodged more [applications](#) compared to 2017.

Apart from analysing the variation of recognition rates between citizenships, it is even more informative to assess how recognition rates for a specific citizenship vary across EU+ countries. Figure 16 shows that for applicants from Afghanistan, Iran, Iraq and Turkey, there continued to be considerable variation in decision-making practice across the EU+. Variation in recognition rates was more limited at relatively lower values of recognition rates. For instance, with regard to applicants from Albania, Bangladesh and Nigeria, there was more uniformity in the assessment of asylum applications. Variation in decisions' outcomes was more limited also at relatively higher recognition rates, namely for Eritrean and Syrian applicants. Nevertheless, compared to 2017 there was somehow less agreement in the processing of Eritrean applications. In fact, in at least two EU+ countries issuing a considerable number of first instance decisions to Eritreans, recognition rates were considerably lower than in the rest of the EU+.

For individual citizenships, variation in recognition rates among EU+ countries may, to some extent, suggest a lack of harmonisation in terms of decision-making practices (due to a different assessment of the situation in a country of origin, a different interpretation of legal concepts, or due to national jurisprudence). However, to some extent it may also result from different profiles of applicants lodging applications in different countries. For example, from among applicants from the same country of origin, some EU+ countries may receive applicants with very different protection grounds, such as, for example, specific ethnic minorities, or people from certain regions within a country, as well as more applicants being unaccompanied children.

¹²² For citizenships with at least 1 000 decisions issued in the EU+ in 2018.

¹²³ For citizenships with at least 1 000 decisions issued in the EU+ in 2018.

Distribution of 2018 recognition rates for citizenships with most first-instance decisions issued. Each bubble identifies a single EU+ country: its vertical placement represents the recognition rate, while the size of the bubble indicates the number of decisions issued.

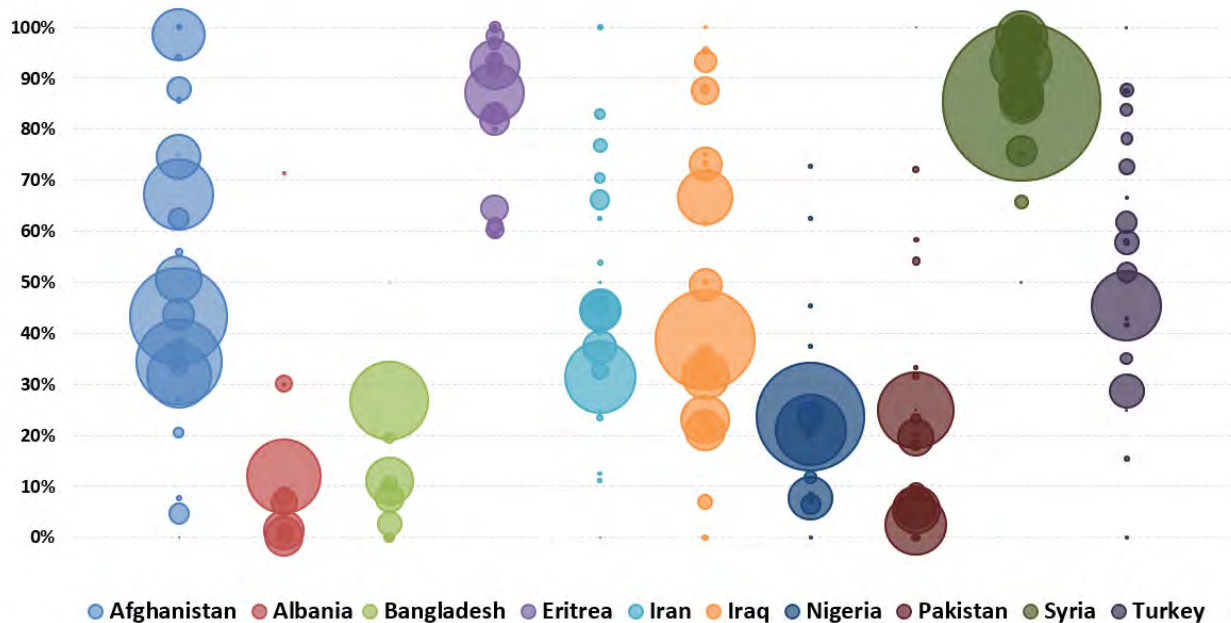


Figure 16: For some citizenships, recognition rates varied widely between issuing countries

2.3.6 Special procedures: admissibility, border and accelerated procedures

The Asylum Procedures Directive sets the framework for the examination of applications for international protection at first instance under an accelerated, border or transit zones, or prioritised procedure, while remaining in accordance with the basic principles and guarantees.

Given that many applications for international protection are made at the border or in a transit zone of a Member State prior to a decision on the entry of the applicant, Member States can provide for admissibility and/or substantive examination procedures which would make it possible for such applications to be decided upon at those locations in well-defined circumstances.

When an application is likely to be unfounded or where there are specific grounds, Member States may accelerate the examination procedure¹²⁴, in particular by introducing shorter, but reasonable, time limits

¹²⁴ According to the recast APD, Article 31 an examination procedure may be accelerated where (a) the applicant, in submitting his or her application and presenting the facts, has only raised issues that are 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; (e) the applicant has made clearly inconsistent and contradictory, clearly false or obviously improbable representations 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 Member State unlawfully or prolonged his or her stay unlawfully and, without good reason, has either not presented himself or 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

for certain procedural steps, without prejudice to an adequate and complete examination being carried out and to the applicant's effective access to basic principles and guarantees provided for in the Directive. Accordingly, Member States may provide that an examination procedure in accordance with the basic principles and guarantees of the ADP be accelerated and/or conducted at the border or in transit zones. Applicants in need of special procedural guarantees should be exempted from special procedures.

Where an applicant makes a subsequent application without presenting new evidence or arguments, it would be disproportionate to oblige Member States to carry out a new full examination procedure. In those cases, Member States have the possibility to dismiss an application as inadmissible in accordance with the *res judicata* principle. In addition to cases in which an application is not examined in accordance with the Dublin III Regulation (EU), Member States are not required to examine whether the applicant qualifies for international protection where an application is considered inadmissible.¹²⁵

In order to shorten the overall duration of the procedure in certain cases, Member States have the flexibility, in accordance with their national needs, to prioritise the examination of any application by examining it before other, previously made applications, *without* derogating from normally applicable procedural time limits, principles and guarantees.

EASO has included in its EPS data exchange a disaggregation regarding the use of special procedures in decision-making. Several of the countries with such procedures in law were able to provide information on the number of decisions issued at first instance since March 2014, when EASO data exchange first began, disaggregated by type of procedure (normal, border, admissibility, accelerated). However, not all countries report under the breakdown, so results should be interpreted with care.

effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes (12); or (j) the applicant may, for serious reasons, be considered a danger to the national security or public order of the Member State, or the applicant has been forcibly expelled for serious reasons of public security or public order under national law.

¹²⁵ According to the recast APD, Article 33: Member States may consider an application for international protection as inadmissible only if: (a) another Member State has granted international protection; (b) a country which is not a Member State is considered as a first country of asylum for the applicant, pursuant to Article 35(c) a country which is not a Member State is considered as a safe third country for the applicant, pursuant to Article 38; (d) the application is a subsequent application, where no new elements or findings relating to the examination of whether the applicant qualifies as a beneficiary of international protection by virtue of Directive 2011/95/EU have arisen or have been presented by the applicant; or (e) a dependant of the applicant lodges an application, after he or she has in accordance with Article 7(2) consented to have his or her case be part of an application lodged on his or her behalf, and there are no facts relating to the dependant's situation which justify a separate application.

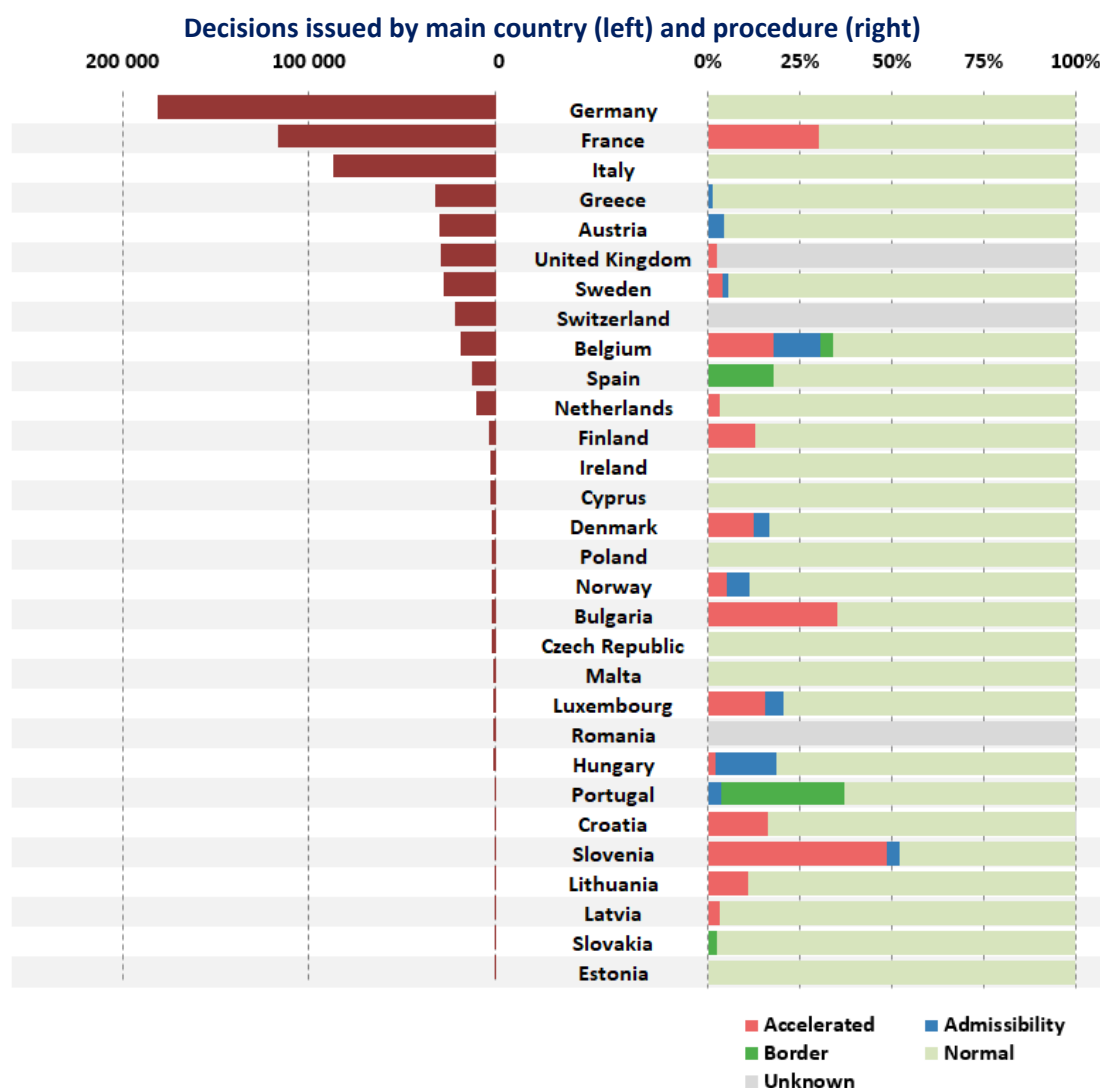


Figure 17: The accelerated procedure was used most often in Slovenia, Bulgaria and France

Of the EU+ countries reporting on the type of procedure used, the accelerated procedure was used most often in Slovenia (49 % of all decisions), Bulgaria (35 %) and France (30 %) (Fig. 17). The admissibility procedure was used more often in Hungary (17 % of all decisions) and Belgium (13 %), and much less frequently in Greece (in about 1 % of decisions) compared to 2017. The border procedure was used the most in Portugal (34 %) and to a lesser extent in Spain (17 %), and Belgium (4 %).

While it can be observed that first-instance decisions issued in the EU+ using accelerated or border procedures resulting in negative decisions in a significantly higher proportion compared to decisions made via normal procedures, there are cases where international protection is granted using special procedures, as shown in the chart below (Fig. 18).¹²⁶ Admissibility procedures resulted in 100 % negative outcomes, since a positive result on admissibility leads to the opening of an asylum procedure that considers the case on the merit – the result of this procedure is reported in asylum decision data. In contrast, the recognition rate for first-instance decisions issued using accelerated procedures was 11 %, while for those using border procedure 12 %.

¹²⁶ Note that the chart is based on EASO EPS data, which only covers EU-regulated statuses (refugee status and subsidiary protection). Therefore, national forms of protection (for humanitarian reasons), are reported as negative decisions.

First-instance decisions issued using special procedures in 2018, by outcome and type of procedure

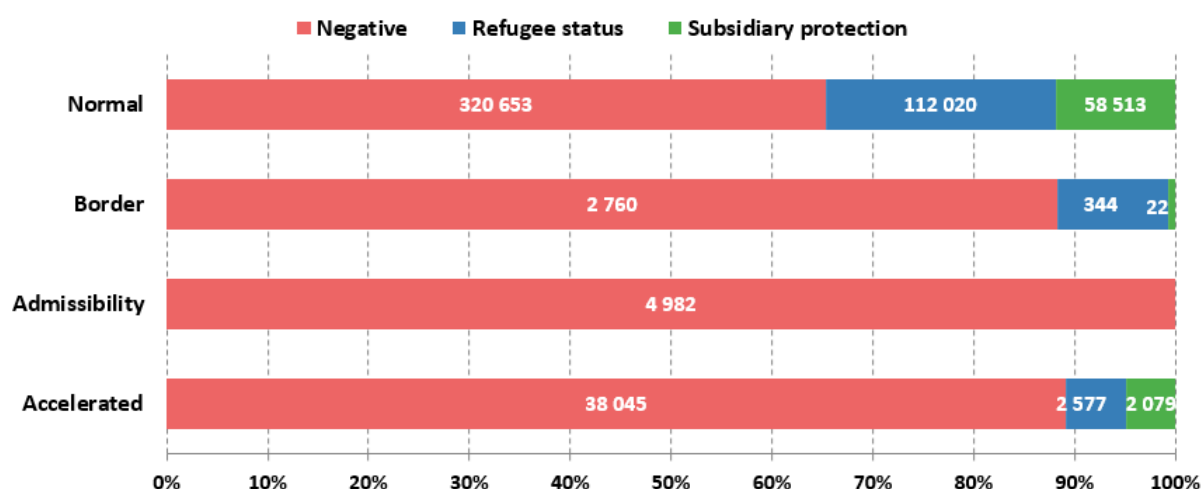


Figure 18: Accelerated or border procedures resulted in a similar share of positive decisions

2.4. Asylum decisions – second and higher instance

2.4.1 Decisions at second and higher instances: EU+ overview

Article 46 of the recast Asylum Procedures Directive ensures the right to an effective remedy, but it does not prescribe harmonised standards in terms of the organisation of the appeal or the procedure to be followed. In some Member States the appeal instance examines and decides on the case *de novo* in fact and in law, while in others the appeal instance only decides on the legality of the decision taken by the first instance. Thus, in some Member States, the relevant second instance bodies take decisions on the merits of each application, while in others they instead order the first instance body to review its first-instance decision. Moreover, the type of decision appealed is unknown, thus it is not possible to imply in how many cases a positive final decision eventually reversed a negative decision. As a result, analyses of decisions of higher instances are extremely challenging and so results should be interpreted with care.

Final decisions issued in appeal or review in the EU+ 2014-2018

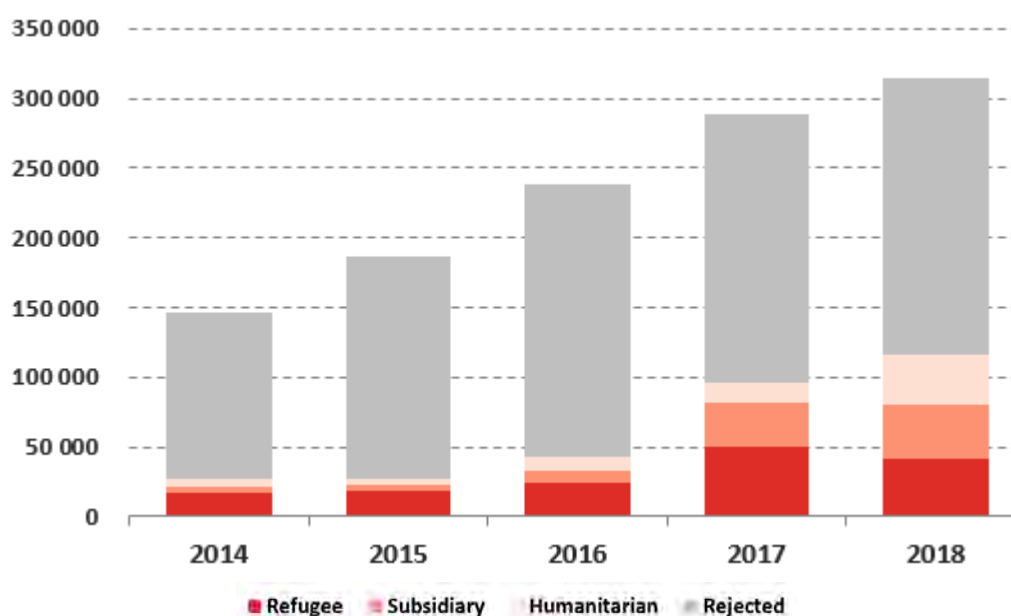


Figure 19: In 2018, more decisions were issued at second or higher instances than in 2017, and a larger proportion of the decisions were positive

In 2018, EU+ countries issued 314 915 decisions at second or higher instance, a 9 % increase compared to 2017 (Fig. 19). Thus, a trend of progressively more final decisions issued each year, which has been observed as of 2014, persisted. Moreover, in 2018 a higher share of final decisions granted some form of protection: the recognition rate for decisions issued at final instance was indeed 37 %, up from 33 % in 2017. In 2018 the EU+ recognition rate at higher instances was therefore just two percentage points lower than that at first instance. In terms of outcome of decisions, slightly more positive (final) decisions granted refugee status (36 % of all positive decisions) than subsidiary (33 %) or humanitarian protection (31 %).

2.4.2. Decisions at second and higher instances per citizenship of origin

A higher volume of final decisions was issued to applicants from most countries of origin. A third of all final decisions were issued to applicants from Afghanistan, Syria or Iraq. Afghan nationals received more final decisions than in 2017 (+ 40 %) outnumbering Syrians (- 9 %), who in contrast received somewhat fewer. A key development in 2018 was the sharp increase in the number of final decisions issued to applicants from several Western African countries, such as Gambia, Côte d'Ivoire, Nigeria (for whom final decisions more than doubled), and Senegal (receiving almost twice as many final decisions). This development is linked to the rise in the output of higher instance bodies in Italy, the country that issued most decisions to these citizenships in 2018.

Conversely, the largest decreases in the number of final decisions concerned applicants from Western Balkan countries, including Kosovo (- 50 %), North Macedonia (- 49 %), Serbia (- 47 %) and Albania (- 31 %). In this case, the vast decline in the number of decisions was attributable to much fewer decisions issued by second instance authorities in Germany, whereas in the other EU+ countries all these citizenships received more or less an equal number - or more - final decisions than in 2017.

With regard to the outcome of final decisions, the share of refugee status, subsidiary or humanitarian protection granted to each citizenship was broadly comparable with the outcome of first instance decisions. Some differences were noted, nonetheless, with regard to applicants from Afghanistan – for whom the majority of final decisions granted humanitarian protection, and Syria, for whom subsidiary protection was granted much more frequently than refugee status at second and higher instances.

The left panel in Figure 20 displays the number of decisions issued at second or higher instance for the top 20 nationalities, while the right panel illustrates the outcome of the decisions.

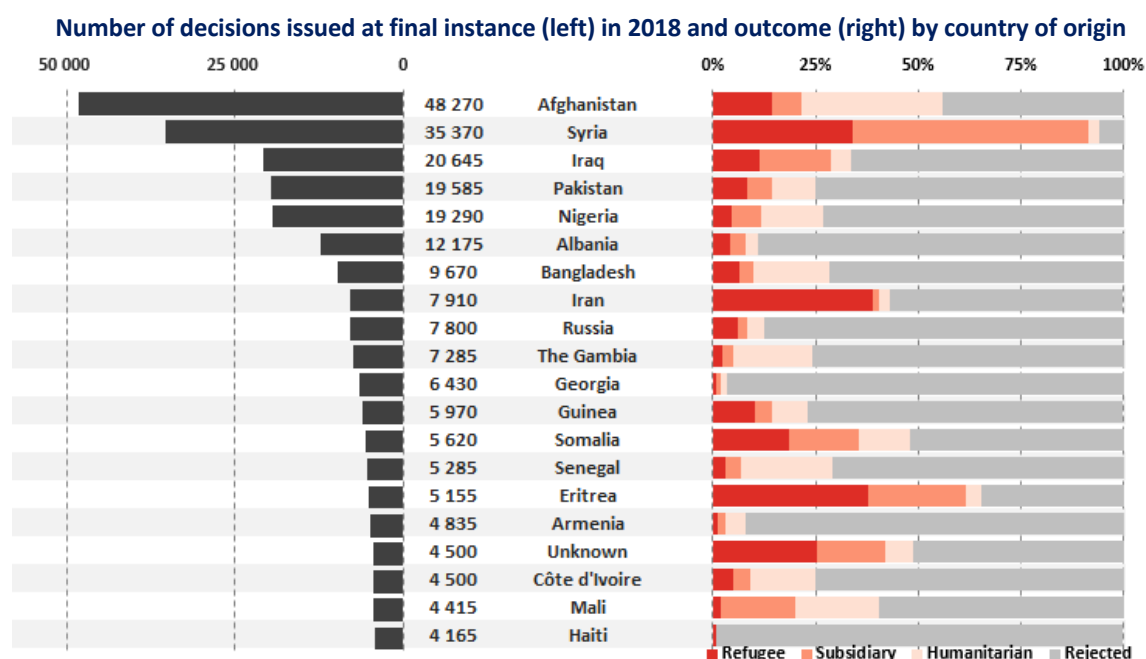


Figure 20: in 2018, Afghan applicants received more final decisions than any other citizenship, granting prevalently humanitarian protection

2.4.3 Decisions at second and higher instances per EU+ country

With regard to the situation in EU+ countries, three quarters of all final decisions in 2018 were issued by just three EU+ countries: Germany, France or Italy (Fig. 21). Notably, Germany alone accounted for slightly less than half of all decisions in the EU+, but issued somewhat fewer decisions than in 2017 (- 7 %). While numbers were broadly stable in France (- 3 %), they increased in Italy: compared to 2017, the output of second-instance bodies more than tripled. As a result, Italy accounted for 14 % of all final decisions issued in the EU+ in 2018, up from just 4 % a year earlier. Noticeable increases took place also in Sweden (+ 31 %), Austria (+ 51 %), Switzerland (+ 67 %) and Finland (+ 64 %), whereas large drops were registered in Greece (- 25 %) and Norway (- 53 %).

In some countries, second instance bodies granted protection more often than first instance bodies. In contrast to 2017, this was the case in Italy (40 %, + 8 percentage points than at first instance), Sweden (36 %, + 2 p.p.) and Germany (43 %, + 1 p.p.). Even higher were the discrepancies in the Netherlands (+ 25 percentage points), the United Kingdom (+ 23 p.p.), Bulgaria (+ 22 p.p., although the number of final decisions was modest), Finland (+ 15 p.p.) and Austria (+ 11 p.p.). However, it must be noted that in all these EU+ countries the recognition rates were higher at second instance even in 2017. Unsurprisingly, these countries also had the highest recognition rates at final instance in 2018: Finland (69 %), the Netherlands (60 %), the United Kingdom (58 %), Bulgaria (57 %) and Austria (54 %).

Number of decisions issued at final instance (left) in 2018 and outcome (right) by EU+ country

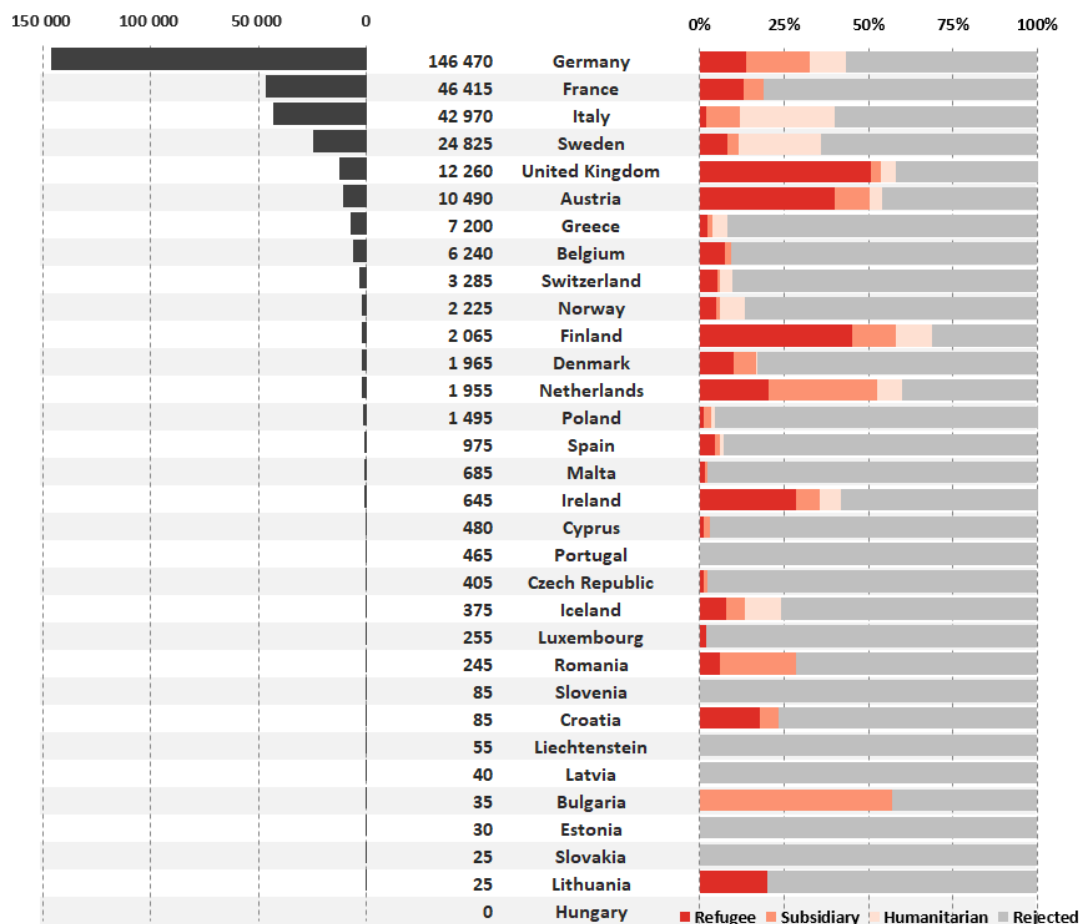


Figure 21: In 2018, three in four final decisions were issued in Germany, France or Italy

2.4.4 Recognition rate at second and higher instances by country of origin

The fact that a considerable proportion of final decisions were positive was reflected in the recognition rates for applicants from several countries of origin, at both higher and lower recognition rates. In 2018, seven out of the ten citizenships with most final decisions received a higher proportion of positive decisions at final rather than in first instance, a noticeable development (Fig. 22). The largest discrepancies concerned applicants from Pakistan (25 %, + 11 percentage points), Bangladesh (28 %, + 9 p.p.), Syria (94 %, + 6 p.p.), Afghanistan (56 %, + 6 p.p.) and Nigeria (27 %, + 6 p.p.). For all these citizenships, with the exception of Syrians, most positive final decisions granted humanitarian protection.

Recognition rates in first instance (blue) and second/higher instance (red) for selected citizenships



Figure 22: For several citizenships, the recognition rate was higher for final than for first instance decisions

2.5. Pending cases awaiting a final decision

2.5.1 Pending cases: EU+ overview

Once an application for international protection has been lodged with the responsible authority, the processing phase begins. The final outcome of this process is a decision at first instance, sometimes followed by another decision at appeal. However, the examination of a case can be closed for other reasons, including an explicit withdrawal by the applicant, an implicit withdrawal for example in the case of absconding, and acceptance of responsibility by a partner country in the context of a Dublin procedure. While an application is under examination, it is part of the stock of pending cases. Pending cases are an important indicator of the workload experienced by national authorities and the pressure on national asylum systems, including reception systems.

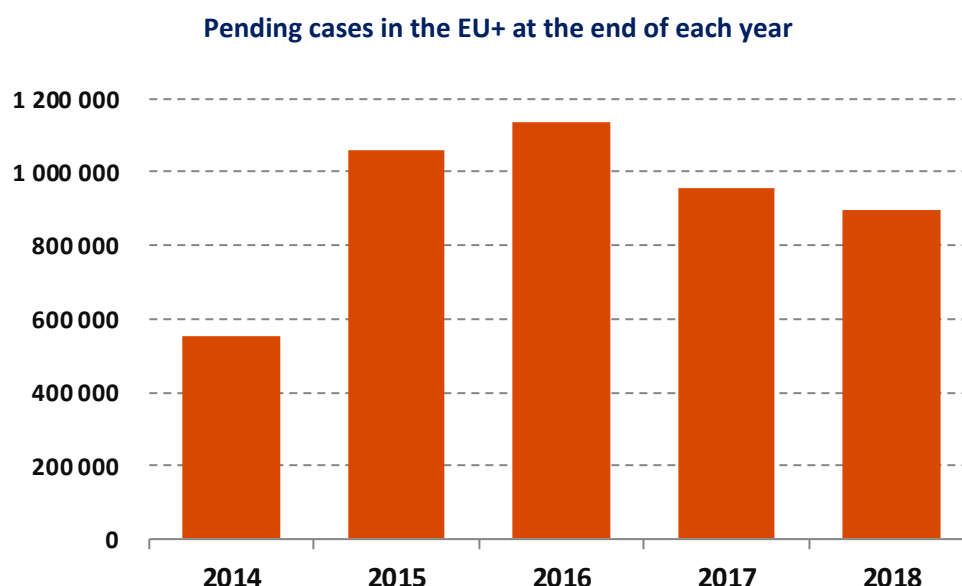


Figure 23: At the end of 2018 the stock of pending cases at all instances was only slightly lower than a year earlier

At the end of 2018, some 896 560 applications were awaiting a final decision in the EU+. This was only 6 % less than those at the same time in 2017 but 21 % less than those at the end of 2016 (Fig. 23). A decline was registered for the second year in a row. Nevertheless, the number of pending cases at the end of 2018 was considerably higher than at the end of 2014.

Eurostat data presented in Figure 23 do not distinguish between procedural stages at which applications are pending and the time elapsed since the lodging. Therefore, we combine Eurostat data with EASO data on cases pending at first instance, which can be disaggregated according to duration of up to six months and longer. While EASO data are provisional and not validated, they are sufficient to indicate overall trends at EU+ level. Juxtaposing Eurostat and EASO statistics enables deeper insights into trends in the processing of applications.

Figure 24 shows that pending cases at all instances were declining gradually throughout 2018. This reduction of the stock was in fact visible primarily for cases pending at second and higher instances, in particular in the second half of the year.¹²⁷ In contrast, at first instance, there was a small reduction in the number of cases awaiting a decision in the first months of 2018 but in the second half of the year the stock began increasing such that the level in December more or less returned to the level of January. As a result, the number of cases pending at first instance was almost equal to the number of cases pending at second and higher instances, each at about 448 000. Consequently, at the end of 2018 the pressure on national asylum systems seemed to be equally distributed between asylum authorities and judicial bodies.

¹²⁷ The overall number of pending cases presents Eurostat statistics, while the temporal breakdowns at first instance are derived from EASO data.

Evolution of pending cases in the EU+, by instance

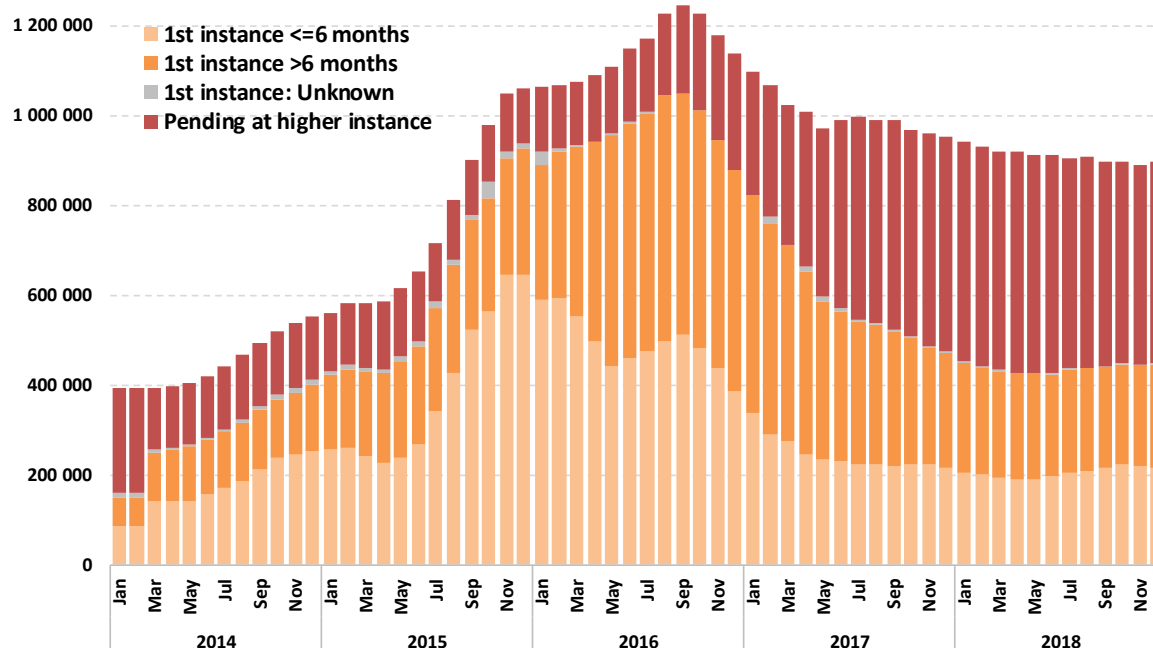


Figure 24: During the second half of 2018 a decrease in the number of cases pending at higher instances was only partially offset by an increase at first instance

Source: EASO and Eurostat

The overall rise in the stock of cases pending at first instance in the second half of 2018 was reflected only in cases pending for up to six months, whereas the number of applications awaiting a decision for a longer period declined slightly. This means that newly lodged applications contributed to the growth in the stock at first instance. This is in line with a slight decrease in the number of decisions issued at first instance in the second half of 2018 combined with a slight increase in the level of applications lodged.

2.5.2 Pending cases per citizenship of origin

The top five nationalities of asylum applicants awaiting a final decision remained the same as in 2017 (Fig. 25) but for each of these nationalities the stock decreased. Applications by **Afghans, Syrians, Iraqis, Nigerians and Pakistanis** represented 43 % of the stock at the EU+ level. Close to one in seven applicants awaiting a decision was a citizen of Afghanistan, about one in ten was a Syrian and one in twelve was an Iraqi national. About four fifths of the Afghan applications were pending in Germany (56 %), Austria (13 %) and Greece (11 %). Some 62 % of the Syrian and 58 % of the Iraqi pending cases were in Germany. Nigerians were awaiting a final decision predominantly in Germany (46 %) and Italy (37 %). The largest stocks for Pakistani applicants were in Germany (32 %), Italy (26 %) and Greece (24 %).

Figure 25 displays the changes in the stocks for the top 20 citizenships of applicants awaiting a decision at the end of 2018 compared to the stock at the end of 2017. Despite the overall decreasing trend and the notable reductions in the level of pending cases for the top nationalities, the stock rose for applicants from several countries of origin. The most considerable relative increases appeared for Colombian and Venezuelan citizens. The latter were also subject to the largest absolute increase. The pending cases of **Colombians** more than tripled (+ 227 %) compared to the end of 2017 and for **Venezuelans** the stock more than doubled (+ 131 %). About nine in 10 Colombian and Venezuelan nationals were awaiting a decision in Spain. Furthermore, important increases in the number of pending cases were recorded for applicants from Turkey (+ 51 %), Georgia (+ 42 %), Albania (+ 21 %) and Iran (+ 17 %). The majority of the Iranian and Turkish applicants awaiting a decision had applied in Germany. For Albanians and Georgians,

the bulk of the stock was distributed among several receiving countries. Beyond the top 20 citizenships, noteworthy absolute increases in the number of pending cases occurred also for applicants from Palestine, El Salvador, Honduras, and Nicaragua.

Pending cases, by citizenship and year

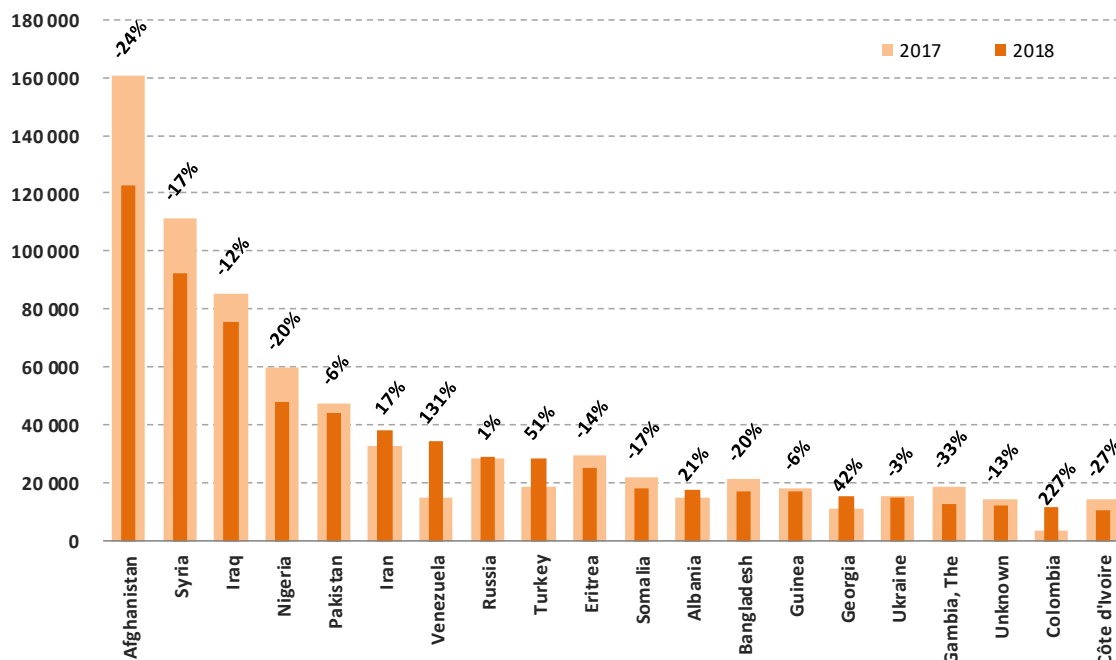


Figure 25: At the end of 2018 the number of pending cases decreased for the citizenships with the largest stocks but increased for applicants from several other countries

2.5.3 Pending cases per EU+ country

At the end of 2018, **Germany** continued to be the country with the largest stock of pending cases at all instances taken together despite a minor reduction compared to a year earlier (Fig. 26). Germany remained the country with the largest number of pending cases for the eight consecutive year. Analyses of EASO data suggest that similar to the end of 2017, a very small proportion of the cases awaiting a decision in Germany were actually pending at first instance. Half of the pending cases at all instances in Germany concerned applications by nationals of Afghanistan, Syria, Iraq and Nigeria.

Italy remained the second EU+ country with the highest number of pending cases but the stock decreased by almost a third compared to the end of 2017 (Fig. 26). Analyses of EASO data indicate that this decrease was reflected only at first instance, while the number of cases at higher instances actually increased. Nevertheless, an overwhelming majority of the cases awaiting a decision in Italy continued to be at first instance. Similar to a year ago, the main countries of origin of applicants in the stock were Nigeria, Pakistan, Eritrea and Bangladesh.

Spain was subject to the largest absolute increase in pending cases, doubling to almost 79 000 at the end of 2018. Comparison of Eurostat and EASO data suggests that the trend was reflected at both first and higher instances but the absolute increase was much larger at first instance. At the end of 2018, the majority of applicants awaiting a decision in Spain were Venezuelans (40 %) and Colombians (13 %).

Pending cases, by EU+ country and year

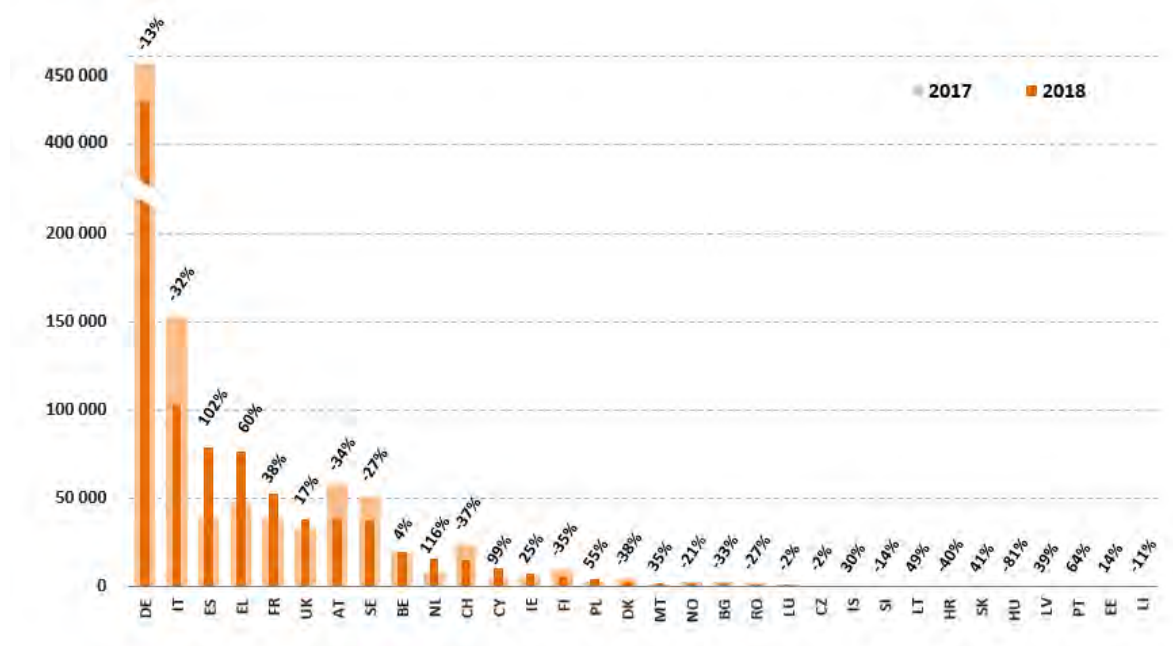


Figure 26: The number of pending cases decreased in Germany and Italy but rose in Spain, Greece and France

A considerable absolute increase took place in the stock of pending cases awaiting final decision also in **Greece**, where the stock went above 76 000. Similar to Spain, this growth took place at both types of instances, but in absolute terms, it was larger at first instance where the bulk of the pending cases in Greece were at the end of 2018. Most of the applications awaiting a decision in Greece pertained to applicants from Syria, Afghanistan, Pakistan, Iraq and Turkey.

At the end of 2018, **France** also had more pending cases than a year ago, up to almost 53 000. While for Spain and Greece the growth in the stock was a continuation from trends from 2017, for France this was a new development. Analyses of EASO data indicate that the increase occurred only at first instance. The citizenships of the applicants awaiting a decision in France were extremely diverse. About one third of the pending cases concerned applicants from Afghanistan, Guinea, Albania, Georgia and Côte d'Ivoire.

As well as the top five EU+ countries with the most pending cases, important developments occurred in several other countries. In particular, the stock more than doubled in the **Netherlands** to 16 000 as well as in **Cyprus** to almost 10 200. Analyses of EASO data suggest that in both countries the rise was mostly at first instance. A significant absolute increase took place also for the **United Kingdom** but it was more moderate in relative terms. Conversely, considerable absolute drops in the number of pending cases occurred in **Austria**, **Sweden**, and **Switzerland**.

The overall decline in pending cases at the EU+ level was mirrored in half of the EU+ states. In six countries the decrease was by more than a thousand cases, and in four of them (Germany, Italy, Austria and Sweden) it was by more than 10 000 cases. At the same time, eight EU+ countries recorded an increase by over a thousand cases and three of them (Spain, Greece and France) by more than 10 000.

Developments in the stock of pending cases seem to have been largely affected by new asylum applications. The countries with the highest reduction in their stock of pending cases were also those which experienced the largest decrease in asylum applications throughout 2018. The opposite was also true: the three countries with the most notable increases in the stock of pending cases were also subject to the most significant increases in asylum applications. Although in France and Greece more decisions were issued at first instance in 2018 than in 2017, the speeding up of decision-making could not compensate for the rising caseload at first instance. The pace of decision-making might be related to

different characteristics of the caseload as well as to administrative conditions and case-processing mechanisms.

2.6. Dublin system

The Dublin system is a set of 'criteria and mechanisms for determining which Member State is responsible for considering an application for asylum or subsidiary protection' (Article 78 of the Treaty on the functioning of the European Union, TFEU).¹²⁸

The system establishes the principle that only one Member State is responsible for examining an asylum application. The criteria for establishing responsibility run, in hierarchical order, from family considerations (protection of unaccompanied minors and family unity), to recent possession of visa or residence permit in a Member State, to whether the applicant has entered the common territory of the Dublin Member States irregularly coming from a third country.¹²⁹

The first objective of the system is to guarantee that a person in need of international protection has an effective access to procedures for granting international protection. This is important for avoiding 'refugees in orbit' situation, where no Member State would be willing to accept responsibility for examining an application. The Dublin system also aims to prevent the abuse of the asylum procedure and preclude multiple applications for asylum submitted by the same person in several Member States with the sole aim of extending their stay in the Member States.

Regulation (EU) 604/2013, commonly referred to as the Dublin III Regulation, is the cornerstone of the Common European Asylum System, aiming to provide a clear, workable and rapid method for determining the Member State responsible for the examination of an application for international protection of a third-country national or a stateless person.

The official statistics on the Dublin procedure are collected by Eurostat on an annual basis at EU+ level.¹³⁰ The relevant EU Regulation¹³¹ foresees a time limit of three months for data transmission, but challenges persist in this regard and at the time of writing the Eurostat Dublin annual statistics were still not sufficiently complete to provide for a comprehensive overview of the state of play of the Dublin system in the EU+. Therefore, the analysis presented in this chapter relies on EASO data, which are provisional and not validated, and might differ from validated data subsequently submitted to Eurostat.¹³² Moreover, the conclusions made on specific points below can be considered as partial because EASO data cover only three Dublin indicators: decisions on outgoing Dublin requests, decisions to apply the discretionary clause based on Article 17(1)¹³³ and implemented outgoing transfers.

Decisions on Dublin requests

¹²⁸ The Dublin system is currently implemented by twenty-eight EU Member States and four associated countries (Norway, Iceland, Switzerland and Liechtenstein).

¹²⁹ A hierarchy of responsibility criteria is laid down in Chapter III of the Dublin III Regulation. The criteria must be applied in order in which they are set out in the chapter. This means that a higher article number (e.g. Article 9) cannot be applied if a lower article number is already applicable (e.g. Article 8).

¹³⁰ Based on Article 4.4 of the Migration Statistics Regulation, (EC) 862/2007.

¹³¹ [Migration Statistics Regulation, \(EC\) 862/2007](#).

¹³² Iceland and Liechtenstein do not participate in EASO data exchange.

¹³³ Through the discretionary clauses, the Dublin system makes it possible for the Member States to derogate from the application of the responsibility criteria. The first one is the 'sovereignty clause' in Article 17(1) of Dublin III Regulation. This clause authorises any Member State with which an application for international protection is lodged to examine it, by derogation from the responsibility criteria and/or the readmission rules; the second one is the 'humanitarian clause' in Article 17(2) of the Dublin III Regulation. This clause authorises and encourages Member States to bring family relations together in cases where the strict application of the criteria would keep them apart.

In the context of the present section, based on EPS data collection, decisions on Dublin requests cover all responses to requests, including implicit acceptances when a partner country fails to provide an answer within the time frame stipulated by the Regulation. In 2018, 28 EU+ countries regularly exchanged data on the decisions they received on their outgoing Dublin requests.¹³⁴ The United Kingdom shared data for the period August – December 2018. The 28 EU+ countries received 138 445 decisions on their outgoing Dublin requests, and if the partial reporting by the United Kingdom is considered the number increases to 139 984. Considering the 26 EU+ countries which reported regularly in both 2017 and 2018, the overall number of decisions on Dublin requests declined by approximately 5 %. The value of this indicator is more meaningful when considered in relation to asylum applications lodged. In 2018, the ratio of received Dublin decisions to asylum applications was 23 %. This pattern was similar to 2017 but the ratio actually increased slightly.¹³⁵ This may imply that a high number of applicants for international protection continued to pursue secondary movements in the EU+ countries.

Germany and France received most of the decisions on Dublin requests, accounting for 37 % and 29 % respectively. While Germany received slightly fewer decisions than in 2017, the number of decisions taken on French requests increased proportionally to the overall number of requests. Other countries receiving high numbers of responses in 2018 included the Netherlands, Belgium, Austria, Italy, Switzerland and Greece. Among them, Austria and Greece received considerably fewer decisions than in 2017, whereas an increase took place for decisions on Italian requests.

Almost one in three decisions were taken by Italy and almost one in six by Germany in 2018. Other important partner countries included Spain, Greece, France, Sweden, and Austria. The most important changes compared to 2017 included a significant increase in the Dublin decisions issued by Greece and Spain. At the same time, there was a reduction in the number of cases in which the discretionary clause was used vis-à-vis Greece (read more below). However, this decrease was very small compared to the increase in Greek decisions. Furthermore, Bulgaria, Hungary and Germany responded to considerably fewer requests than in 2017.

Acceptance Rates

The overall acceptance rate for decisions on Dublin requests in 2018 was 67 %, down by 8 percentage points from 2017. Variation in acceptance rates continued to exist across countries. For example, there were very high proportions of positive responses coming from Portugal, the Czech Republic and Italy, and considerably low proportions from Greece, Hungary and Bulgaria. It is important to note that the overall decrease in the acceptance rate at the EU+ level was driven by decreases in several partner countries with diverse rates.

Most Dublin decisions in 2018 concerned citizens of Afghanistan (9 % of the total), Nigeria (8 %), Iraq (6 %) and Syria (6 %).¹³⁶ These were the same top citizenships as in 2017, albeit in a different order. There were considerably fewer Dublin decisions on cases of Syrians, Afghans and Iraqis in 2018. In contrast, there was a sizable increase in the number of decisions taken regarding citizens of Turkey and Nigeria, and to a lesser extent Iran and Pakistan. Figure 27 presents the acceptance rates of the partner countries for each of the top 20 citizenships. The estimates are based on data exchanged by 28 EU+ reporting countries.¹³⁷ The size of the bubbles corresponds to the total number of decisions on Dublin requests.¹³⁸

¹³⁴ In addition to Iceland and Liechtenstein, data are not available for Cyprus. France generally provides data with a one-month delay. Thus, data for France for 2018 actually covers the period December 2017 – November 2018.

¹³⁵ However, in 2017 Dublin decisions data were missing for some countries.

¹³⁶ For about 9 % of all cases the citizenship was not recorded.

¹³⁷ France is generally unable to indicate the citizenship of the third-country national in the cases when its request has been rejected by the partner country. Since including these data in the overall calculation would significantly bias acceptance rates, the French reporting is not considered.

¹³⁸ Combinations of partner countries and citizenships with less than 50 decisions are not shown because small samples could bias the interpretation of the results.

The colour of the bubble indicates the acceptance rate (green = high, red = low). Similar to 2017, in most cases the responding countries followed a relatively consistent pattern of responses irrespective of citizenship.

Numbers of decisions reached in response to Dublin requests (size of circle) and acceptance rates (green = high, red = low), by partner country and top 20 citizenships

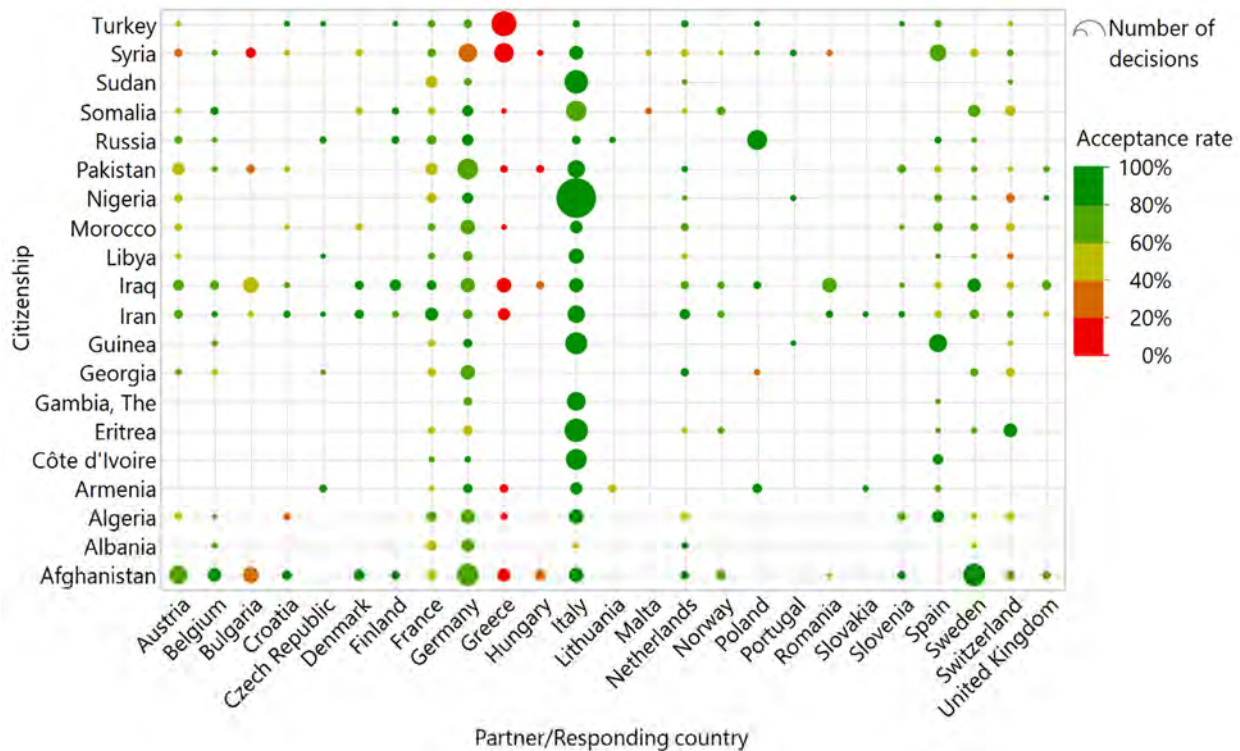


Figure 27: Partner countries generally had systematic acceptance rates, independent of the citizenships

EASO data do not contain information on the specific article of the Dublin Regulation used as a basis for sending a request. However, it is possible to distinguish between responses to take-back¹³⁹ and take-charge requests.¹⁴⁰ This information was reported for 71 % of the decisions in 2018.¹⁴¹ Among those decisions with reported legal basis, about two thirds were in response to take-back requests. This implies that most of the decisions were related to cases in which applications had already been lodged in another EU+ country. The acceptance rate for take-back requests (65 %) was almost the same as that of take-

¹³⁹ Take back requests comprise all Dublin transfer requests to take responsibility for an applicant who applied for international protection in the partner country, in accordance with Articles 18(1)b-d and 20(5) of Dublin III Regulation. More specifically, this refers to situations in which Member State A (reporting country) requests Member State B (partner country) to take responsibility for an applicant because:

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

¹⁴⁰ Take charge requests comprise all Dublin requests to take responsibility for an application for international protection lodged by a person who applied for international protection in the reporting country and not in the partner country, in accordance with Articles 8-16 and 17(2) of the Dublin III Regulation. More specifically, Member State A (reporting country) requests in such a case Member State B (partner country) to take responsibility for an application for international protection although the applicant in question has not submitted an application in Member State B (partner country) previously, but where the Dublin criteria indicate that Member State B (partner country) is responsible. These indications include e.g. family unity reasons (including specific criteria for unaccompanied minors), documentation (e.g. visas / residence permits), and entry (e.g. using Eurodac proof) or stay reasons and humanitarian reasons.

¹⁴¹ The legal basis was not reported for all decisions received by France, two decisions received by the United Kingdom and one by Greece.

charge requests (64 %) but due to the high number of decisions with unknown legal basis the values should be interpreted with care.

Discretionary clause

Article 17(1) of the Dublin Regulation, known as the discretionary or sovereignty clause, was invoked over 12 300 times in 2018,¹⁴² In almost two thirds of the cases the clause was applied by Germany. Belgium, the Netherlands, France and Switzerland also made common use of the discretionary clause. Two fifths of the cases in which Article 17(1) was invoked identified Italy as the partner country to which a request could have been sent, 22 % identified Greece and 9 % Hungary. Almost a fifth of the decisions to apply the discretionary clause the potential partner country was not reported and the same was true for the citizenship of the persons concerned. Article 17(1) was invoked most commonly for nationals of Nigeria (20 %), Turkey (12 %), Syria (10 %), Iraq (7 %), and Afghanistan (6 %) in 2018. Compared to 2017, the discretionary clause was used more often for cases of Nigerian and Turkish citizens, and less often for Pakistanis and Afghans.

As was the case in 2017, among the EU+ countries that reported both on decisions on Dublin requests and use of the sovereignty clause, overall for every decision to apply Article 17(1), eight Dublin transfer requests were accepted by the partner countries. This implies that EU+ countries more often decided to send out requests rather than to invoke the discretionary clause and thereby assume responsibility themselves.

Transfers

In 2018, the reporting countries implemented over 28 000 transfers.¹⁴³ Considering the 26 EU+ countries which reported regularly in both 2017 and 2018, the overall number of implemented transfers increased by approximately 5 %. Almost a third of the transfers in 2018 were carried out by Germany, considerably more than a year earlier. Greece and France also implemented high numbers of transfers, and both registered increases from 2017. Conversely, fewer transfers were carried out by Austria due to the decreasing number of Dublin cases. More than half of the transferees went to Germany and Italy. Other countries receiving significant numbers of transfers included France, Sweden, the United Kingdom, Spain and Switzerland.

The persons transferred in 2018 continued to represent a diverse set of countries of origin, but half were citizens of Syria, Afghanistan, Iraq, Nigeria, Sudan, Russia and Iran. Compared to 2017, there were notably more transfers of Sudanese, Iraqis, stateless, Afghans and Iranians but fewer transfers of Syrians. Figure 28 illustrates the 10 largest combinations of sending country, citizenship and receiving country for implemented transfers. Similar to 2017, the top combination involved Syrian nationals transferred from Greece to Germany, and represented 8 % of all implemented transfers. The other major flows comprised Sudanese sent from France to Italy and Afghans sent from Greece to Germany. The top ten flows continued to feature a diverse sent of transferees in terms of citizenships: three Asian, three African, one European and stateless persons.

¹⁴² Data on the use of the discretionary clause were shared by 27 reporting countries but eight of them did not report every month. In addition to Iceland and Lichtenstein, data for 2018 were completely missing for Bulgaria, Cyprus, and Greece.

¹⁴³ The reporting countries on this indicator are generally the same as for decisions on Dublin requests. Hence, data were missing Cyprus, as well as for the period up to July for the United Kingdom. Additionally, a single month of data was missing for Finland.

Top 10 combinations of sending country (left), citizenship (middle) and receiving country (right) for implemented Dublin transfers

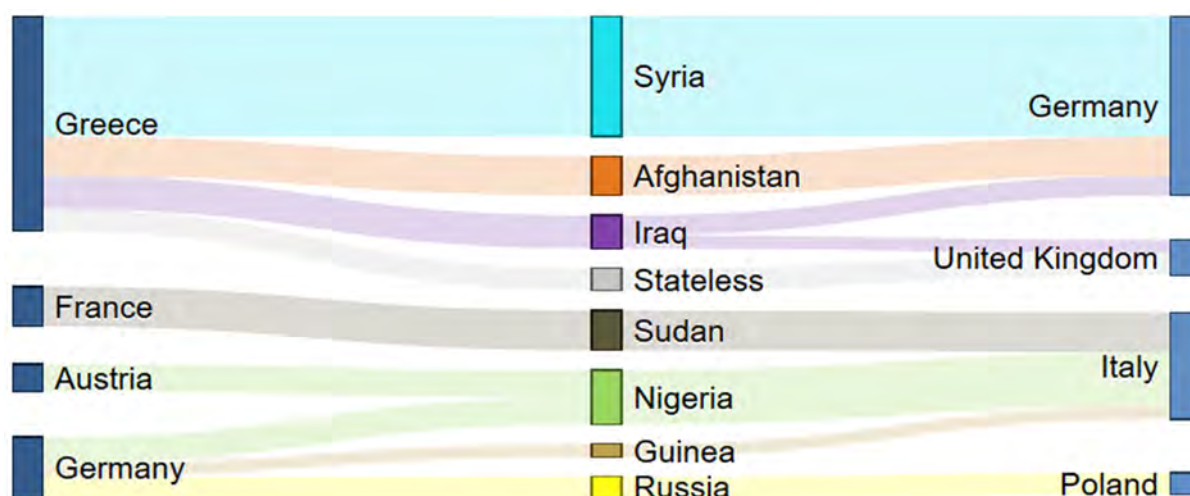


Figure 28: The top 10 flows represented 23 % of all transferees

Almost two thirds of the persons transferred were adults, almost a quarter were minors and for the remaining 12 % the age group was not reported. There were almost three times more male than female transferees. Overall, the patterns for age and sex were very much in line with 2017. The number of male and female minors remained remarkably similar, potentially implying that minors in Dublin transfers were largely involved in asylum applications with their families.¹⁴⁴

Sex and age groups of Dublin transferees

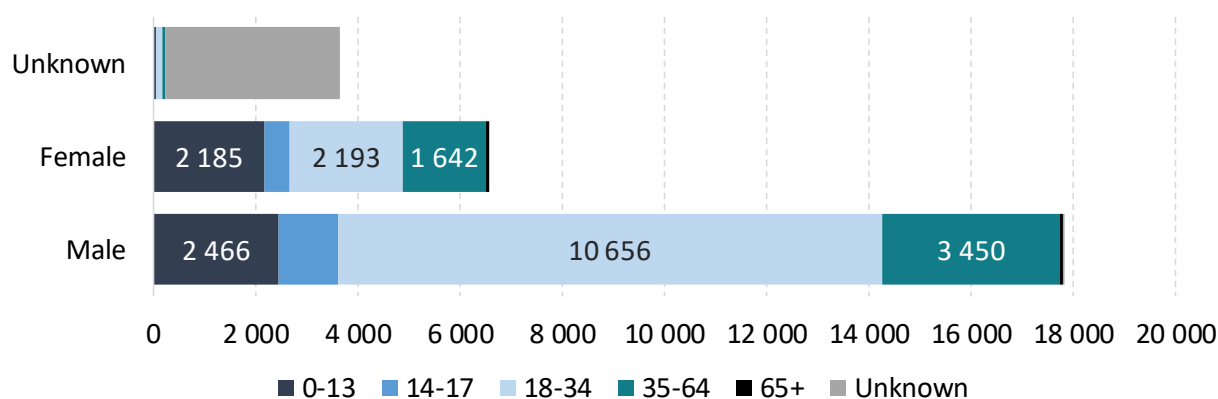


Figure 29: At least half of the transferees were adult males

In general, main developments in EU+ countries with regard to Dublin procedure reflected the volume of cases that needed to be processed. While this section focuses on general Dublin procedures, information regarding application of detention under Dublin is presented in the [section on Detention](#).

Organisational changes

Several EU+ countries introduced relatively substantial organisational changes.

Further to important changes in organisational framework in 2017 introduced by **Germany**, throughout 2018 responsibilities within the Dublin Group, which is responsible for handling the Dublin procedure,

¹⁴⁴ This proposition is further supported by the fact that Dublin Member States generally do not transfer UAMs.

have been re-organised.¹⁴⁵ In **France**, in view of ensuring higher convergence across the country, it was decided that the Dublin procedure would be carried out by one prefecture (Pôles Régionaux Dublin - PRD) per region. This led to creation of 11 specialised Dublin Units (being fully operational as of 1 January 2019), which replaced close to 100 prefectures which were responsible for implementing the Dublin Regulation.

According to civil society, this regionalisation process created difficulties for asylum seekers who found it cumbersome to travel to the competent prefecture after having received transfer decision notice. As a consequence, missing an appointment at the Dublin Unit led to reception conditions being withdrawn and applicants becoming exposed to destitution.

Switzerland was preparing to introduce operational changes as an outcome of which the Dublin-Out procedures will be decentralised into different regions by 1 March 2019. Similar discussions were underway in the **UK** concerning the Third Country/Dublin Unit that makes requests to other Dublin partners.

In **Austria** it was primarily due to the increasing number of incoming requests. As a result, a certain percentage of the Dublin-In caseload started to be handled in the Initial Reception Centres which are normally only responsible for the Dublin-Out procedure.

In **Malta**, following the preparations in 2017, the operational part of the Dublin Regulation has now entirely shifted from the Immigration Police to the newly set up Dublin Unit within the Office of the Refugee Commissioner.

Slovenia reported that the national Dublin and Eurodac contact points started operating under the same organisational unit, which contributed to swifter acquisition of information on possible Eurodac hits and eventually to faster identification of potential Dublin cases.

As far as legislative developments are concerned, according to the Article 11 of the new Law 132/2018, **Italian** prefectures may establish a maximum of three Dublin Unit's territorial offices, in order to overcome the secondary movements of asylum seekers.

At the operational level, to support the **Irish** Naturalisation and Immigration Service and the International Protection Office (IPO) in the reduction of caseloads, Ireland further increased the staffing by recruiting additional panel members of the Case Processing Panel of Legal Graduates, who inter alia support the IPO in processing cases and represent the IPO at appeal hearings in respect of transfer decisions at the International Protection Appeals Tribunal.¹⁴⁶ In addition, various operational changes have been made in the IPO with a view to expedite the process and reduce processing times. **Belgium** reported that its Dublin Unit faced staff challenges.

Assessment of the best interest of a child

Major developments can be also noted with regard to assessment of the best interest of a child in the context of Dublin procedure.

Since 2018, the UAM's Unit of the **Belgium** Immigration Office also conducts interviews with adult family members in the context of Article 8 of the Dublin III Regulation to ensure that the best interest of the minor is taken into account. Based on their advice, the Dublin Unit of the Immigration Office decides if a reunification of the child with the adult involved is indeed in his or her best interest.

In **Greece**, according to the adopted amendment (L4554/2018), a new tool for the best interest assessment for UAMs was introduced in the Dublin procedure. This tool aims at collecting and evaluating all the required information to facilitate processing such requests under the Dublin III Regulation.¹⁴⁷ The

¹⁴⁵ As of 1 February 2018, responsibility for incoming requests as well as coordinating transfers shifted to a different unit within the Dublin Group.

¹⁴⁶ Irish International Protection Office (IPO), [Case processing panel: recruitment of additional members](#).

¹⁴⁷ Hellenic Republic, Ministry of Migration Policy, [Evaluation Form for Best Child Interest - New tool for family reunification requests for unaccompanied minors](#) (in Greek).

new provisions improved also the quality of the Dublin processes and the provision of Dublin-related information.

Transfers to Greece

As for transfers to Greece, as a continued trend going into 2018, **Romania** and **Malta** resumed sending requests to Greece in accordance with the Dublin III Regulation and Commission recommendation C (2016) 8525.¹⁴⁸

21 EU+ countries had resumed requesting Greece to take charge of/take back applicants by December 2018: these are Ireland, Belgium, Switzerland, the Czech Republic, Finland, Germany, Cyprus, Croatia, Hungary, Luxembourg, Lithuania, Latvia, Norway, Poland, Romania, Sweden, Slovenia, Slovakia, Estonia, the Netherlands and Malta. This resulted in higher number of Greek decisions on Dublin requests. However, the increase was largely reflected in rejections of requests. According to the Greek Asylum Service, Greece accepted 232 requests (compared to 75 in 2017), but there were only 23 transfers made to Greece.¹⁴⁹

The **Norwegian** Ministry of Justice and Public Security instructed the Directorate of Immigration (UDI) on 28 November 2018 to assess whether the Dublin procedure can be applied in cases where the applicant is an unaccompanied minor who has previously been in Greece and when a family member of the unaccompanied minor is legally present there, provided that it is in the best interests of the minor. Further, the instruction states that requests from Greek authorities to take charge of a family member of a minor who has previously been in Greece with his or her family shall be declined. This was mainly to discourage families to send their children alone and irregularly around in Europe, in order for the family to follow later on.

On 28 March 2018, the Immigration Appeals' Board in **Norway** issued the first decision on its merits regarding a transfer to Greece under the Dublin Regulation. The Board upheld the UDI's decision. After a thorough assessment of the claims, the Board reached the overall conclusion that the general situation for asylum seekers in terms of the asylum procedure as such including the reception centres has improved since the M.S.S. judgement and that in the individual case there is no indication that a transfer to Greece would breach Article 3 ECHR.

Administrative arrangements in the Dublin procedure

Among administrative changes in the Dublin procedure reported by EU+ countries, most of them concerned the time frames implemented for different actions. More specifically, **Denmark** changed timeline for issuing transfer decisions. Transfer decisions are therefore issued only after receipt of acceptance as opposed to the previous set up according to which decisions were issued straight after the personal interview (before the request for take-back or take-charge was sent).

The Directorate of Immigration in **Norway** has thoroughly assessed the CJEU Grand Chamber judgment in *X, X v the Netherlands* ([C-47/17](#) and [C-48/17](#)) on the interpretation of the Implementing Regulation of the Dublin III Regulation. Guidelines for the practice regarding deadlines for re-examinations have not yet been issued.

On 1 August 2018, the **German** Federal Office for Migration and Refugees introduced a new procedure regarding church asylum, within the context of religious institutions offering temporary sanctuary to persons whose cases concern transfers under the Dublin III Regulation. Asylum seekers entering church asylum are considered to be absconded within the meaning of Article 29(2) of the Dublin III Regulation.¹⁵⁰

¹⁴⁸ Commission Recommendation (EU) 2016/2256.

¹⁴⁹ Hellenic Republic, Ministry of Migration Policy, *Statistical Data of the Greek Dublin Unit (7.6.2013 - 31.12.2018)*.

¹⁵⁰ For more information: BAMF, *Note on "Church Asylum" with regard to Dublin procedures* (in German).

These measures have triggered an extensive debate, and many religious and civil society organisations voiced their concerns.¹⁵¹

Bilateral agreements

In order to expedite Dublin procedures and enhance transfer options, **Germany** also concluded two bilateral arrangements pursuant to Article 36 Dublin III Regulation with both Portugal and France. The bilateral agreement with Luxembourg was concluded in March 2019.

Germany also concluded relevant bilateral arrangements with **Greece** and **Spain** outside the Dublin III Regulation. Application of the procedures makes it possible to refuse entry to third-country nationals who request protection with the Federal Police after being apprehended at the German-Austrian land border (except for unaccompanied minors) and transfer them to the Member State where they have already applied for protection (generally within a period of no more than 48 hours). In return, Germany pledged to speed up the process of family reunification by the end of 2018. These bilateral arrangements have been presented by Germany as an interim response to the political deadlock preventing the adoption of the CEAS reform. In its [Policy Paper](#), ECRE voiced criticism over these specific bilateral agreements, stating that some of them bypass the rules set out in the Dublin system with the aim of quickly carrying out transfers.¹⁵²

In October 2018, the Portuguese authorities announced a bilateral agreement with Greece to implement a pilot relocation process for 100 asylum seekers from Greece to Portugal.¹⁵³

Transfers to Hungary

Similarly to 2016 and 2017, in 2018, the suspension of Dublin transfers to Hungary was also noted. On 22 March 2018, the State Secretary for Justice and Security in the **Netherlands** decided to formally suspend the sending of take-back and take-charge requests to Hungary in the context of the Dublin III Regulation. The Netherlands stopped implementing transfers to Hungary following a decision of the Dutch Council of State on 26 November 2015¹⁵⁴ as well as questions about the compatibility of new Hungarian asylum legislation with European law, but requests were still being sent. Subsequently the Netherlands attempted to carry out a conciliation procedure with Hungary, but Hungary rejected the offer and, in return, the State Secretary of the Netherlands took a decision to suspend the sending of requests.¹⁵⁵

Transfers to Italy

As a result of recent changes in the asylum law introduced by **Italy**, a new circular letter of 8 January 2019 was sent from the Italian Dublin Unit to all Member States indicating that families will no longer be placed in SPRAR centres but in first reception centres and emergency reception centres.¹⁵⁶

In conjunction with the ruling of the **Danish** Refugee Appeals Board from 21 November 2018, the Danish Immigration Service initiated a hearing regarding the accommodation facilities in Italy via the Danish Ministry of Foreign Affairs and the Royal Danish Embassy in Rome.

¹⁵¹ See for example: asyl.net, [Note regarding tightened policies and practice for church asylum](#) (in German).

¹⁵² ECRE, [Bilateral agreements: implementing or bypassing the Dublin Regulation?](#)

¹⁵³ AIDA, [Country Report Portugal, 2018 Update](#).

¹⁵⁴ [ECLI:NL:RVS:2015:3663](#).

¹⁵⁵ Tweede Kamer der Staten-Generaal, [Brief van de Staatssecretaris van Justitie en Veiligheid aan de Voorzitter van de Tweede Kamer der Staten-Generaal, Nr 2374](#).

¹⁵⁶ AIDA, [Country Report Italy, 2018 Update](#).

Responding to related criticism by a **Luxembourgish** NGO, the Minister for Immigration and Asylum noted that Luxembourg does not carry out systematic transfers to Italy but bases its decision on a case-by-case analysis.¹⁵⁷

Appeal/judicial review of decision on transfer

A number of developments were also noted in regard to appeals against transfer decision. According to legislative changes introduced in **France**, the deadline to appeal a Dublin transfer decision was extended by 7 to 15 days. **Sweden** implemented in the national law Article 27.3.c of the Dublin Regulation regarding the suspensive effect of a transfer decision, while the coalition parties of the new government in **Luxembourg** agreed in their coalition programme to modify existing legislation regarding appeals in the context of the Dublin procedure: the appeal against a Dublin transfer decision is planned to have suspensive effect.¹⁵⁸ These modifications also aim to increase effectiveness, especially with regard to involvement of magistrates of the First Instance Administrative Court when deciding on provisional measures to suspend transfers.¹⁵⁹

Practical arrangements

EU+ countries reported also important developments that had an impact on practical arrangements with regard to implementation of transfers in the context of the Dublin procedure. During winter months, **Greece** encountered significant administrative difficulties in obtaining the clearance from the security police authorities and airlines when trying to organise the transfer to other countries that accepted the take-charge request using transit flight (for destinations that no direct flights are available i.e. Oslo, Malta).

The **Maltese** Dublin Unit has been encountering challenges with regard to Dublin requests and replies sent to Italy via DubliNet which affected the operations of the Unit (unreadable attachments; long list of outgoing Dublin information requests which are pending a reply).

The **UK** has observed a new phenomenon where applicants raise claims to be victims of human trafficking shortly before the date of removal. This triggers a procedure under UK national law to examine the claim, meaning that the removal cannot proceed at that time. Further analysis is needed to draw any firm conclusions, but it is a possibility that there is a tactical element to the claims being raised at a very late stage before the removal is to take place.

Following the UK/France Summit in January 2018 and the agreement of the Sandhurst Treaty that concerns cooperation on issues at the shared border, a **UK** Liaison Officer was posted to Paris.

Dublin Interview

Internal guidelines were produced to improve the quality of the personal interview in Dublin cases in **Sweden**. The guidelines describe what the interviewer must have in mind when conducting a personal interview. Along the same lines, **Luxembourg** extended the list of questions asked during the Dublin interview in order to include specific questions about the applicant's journey to the country.

Vulnerable applicants

¹⁵⁷ Government of Luxembourg, [Reaction of the Minister for Immigration and Asylum, Jean Asselborn, following the recent concerns expressed relating to Dublin transfers to Italy](#) (in French).

¹⁵⁸ UNHCR, Input to the EASO Annual Report 2018; DP, LSAP and déi gréng, [Accord de coalition 2018-2023](#) (in French), p. 230.

¹⁵⁹ DP, LSAP and déi gréng, [Accord de coalition 2018-2023](#) (in French), p. 230.

There were several important developments vis-à-vis vulnerable applicants with a view of ensuring that the correct identification of their special needs takes place as well as adequate support is granted.

In May, the revision of the Family and Friends Care Statutory Guidance for local authorities was [published](#) for public consultation by the **UK** Department for Education. This guidance sets out a framework for the provision of support to family and friend carers and includes revisions made to include asylum-seeking children being brought to the UK under the Dublin III Regulation to join family or relatives.¹⁶⁰ It was particularly relevant as in 2018 the UK continued to receive an increased number of requests to take charge of unaccompanied asylum-seeking children and other applicants on family and dependency grounds.

Greece changed its practice with regard to outgoing take-charge requests based on the family provisions or the humanitarian clause. As a result of this, the Dublin Unit no longer sends outgoing requests in cases where a subsequent separation of the family took place after their asylum application in Greece (so-called self-inflicted family separations), arguing that this is not in the best interests of the child.¹⁶¹

Efficiency in processing application, including technical issues

On 6 March 2018, the new domestic legislation [European Union \(Dublin System\) Regulations 2018](#)¹⁶² came into effect in **Ireland**, which gave further effect to the Dublin III Regulation with the intention of making it more practical to take transfer decisions. As a result, it was anticipated that the volume of transfers from Ireland to other Member States should increase over the coming months. Between January 2017 and March 2018, there were on average fewer than 30 decisions on Irish Dublin requests. The number began increasing since April 2018, following the introduction of the new legislation, from around 50 to 251 at the end of the year.

As a significant part of the group of asylum seekers causing nuisance at **Dutch** reception centres often has a Dublin designation (including unaccompanied minor returnees over the age of 16), the Dutch Minister for Migration announced expanding the capacity of the Dutch Immigration and Naturalization Service (IND) in view of speeding up the Dublin procedure.¹⁶³

Estonia started introducing developments to DubliNet and the Registry of granting international protection in order to make the procedures faster and swifter mainly through a further automation of application process. The project is estimated to be finalised by 2020.

In 2018, the Dublin Unit in **Slovakia** successfully migrated to new DubliNet domains using electronic communications under the EU-LISA instructions and timeframes including installation of new certificates.

Application of Dublin criteria

Civil society reported the positive changes at the **Hungarian** Dublin Unit regarding wider application of Article 19(2) of the Dublin III Regulation with regard to Bulgaria in cases of asylum seekers who have waited more than 3 months in Serbia before being admitted to the transit zone. Before 2018, the Hungarian authorities refused to apply the article arguing that cease of responsibility of Bulgaria can only be invoked by Bulgarian Dublin Unit.

¹⁶⁰ EMN, [EMN 23th Bulletin](#).

¹⁶¹ AIDA, [Country Report Greece, 2018 Update](#).

¹⁶² IE LEG 02: European Union (Dublin System) Regulations 2018. The Regulations gave further effect to Regulation (EU) 604/2013 (the Dublin III Regulation) in Ireland and revoked the previous European Union (Dublin System) Regulations 2014 (S.I. No 525 of 2014) and the European Union (Dublin System) (Amendment) Regulations 2016 (S.I. No 140 of 2016).

¹⁶³ EMN, [EMN 23th Bulletin](#).

Concerns regarding the application of Dublin-related provisions expressed by civil society

Civil society raised some concerns regarding the Dublin procedures in 2018, including:

- denying access to reception conditions to people transferred back to **Spain**¹⁶⁴; following judicial decisions of the Superior Court of Madrid (TSJ, Tribunal Superior de Justicia de Madrid)¹⁶⁵, the Directorate General of Integration and Humanitarian Assistance issued an instruction in December 2018 establishing that asylum seekers shall not be excluded from the reception system if they left voluntarily Spain to reach another EU country¹⁶⁶;
- strict application of the Dublin criteria by **France** in response to important secondary movements as recalled by the Ministry in a circular of 23 March 2018¹⁶⁷; similar concern was voiced by the civil society in **Switzerland**, in particular with regard to narrow application of family criteria¹⁶⁸;
- the **Maltese** Dublin Unit provided no information on the interpretation of the duty to obtain individualised guarantees prior to a transfer¹⁶⁹;
- delayed notification of transfer decisions as well as short time limits to lodge appeal in **Switzerland**, which affects the possibility to effectively exercise right to appeal¹⁷⁰;
- unchanged practice in **Switzerland** vis-à-vis transfers to Italy in the context of challenges in addressing special reception needs by the Italian authorities¹⁷¹;
- increased tendency observed for many countries to apply more stringent conditions during the Dublin procedure (for instance, requiring more documents)¹⁷².

ECRE published a [policy note](#) in November 2018 which analyses the obstacles to the application of Dublin created by policy choices, focusing in particular on divergent decision-making outcomes and hostile political discourse and measures on migration. One area where policy choices on the application of Dublin come into tension with human rights law relates to onward deportation. Since 2017, a fresh body of case law has emerged on the suspension of Dublin transfers to Member States where an asylum seeker would unfairly be denied international protection and would face removal to his or her country of origin. Such suspensions on account of indirect *refoulement* have been most prominent vis-à-vis applicants from Afghanistan, due to human rights risks stemming from their unduly strict policy on granting protection to Afghan claims.¹⁷³ ECRE also published a new legal note focusing on the key provisions of the reform of the Dublin system, underlining some of the implications on applicants' human rights and on the efficiency of the system.¹⁷⁴

National jurisprudence

In terms of national case law on matters relevant to the Dublin procedure, the judgements delivered in 2018 predominantly touched upon the following thematic areas: suspension of transfers, calculation of timelines and extension of deadlines, procedural consequences of transfers, application of discretionary clauses, and access to reception conditions.

¹⁶⁴ AIDA, [Country Report Spain, 2018 Update](#).

¹⁶⁵ See for example: [ECLI: ES:TSJM:2018:13292](#); [ES:TSJM:2018:12520](#).

¹⁶⁶ Fundación Cepaim, [Input to the EASO Annual Report 2018](#).

¹⁶⁷ UNHCR, [Input to the EASO Annual Report 2018](#).

¹⁶⁸ Asylex, Switzerland, [Input to the EASO Annual Report 2018](#).

¹⁶⁹ AIDA, [Country Report Malta, 2018 Update](#). The Maltese authorities replied to the specific information request of the civil society organisation Aditus that no transfers involving family cases were implemented to Italy throughout 2018.

¹⁷⁰ Asylex, Switzerland, [Input to the EASO Annual Report 2018](#).

¹⁷¹ Asylex, Switzerland, [Input to the EASO Annual Report 2018](#).

¹⁷² Network for Children's Rights, [Input to the EASO Annual Report 2018](#).

¹⁷³ ECRE, [To Dublin or not to Dublin?](#)

¹⁷⁴ ECRE, [Beyond solidarity: Rights and reform of Dublin](#).

In terms of procedural consequences of transfer, the **Austrian** Supreme Administrative Court (VwGH 3 July 2018, Ra 2018/21/0025)¹⁷⁵ held that the application for international protection lodged in another Member State by a Dublin returnee who already received a final negative decision in Austria (take-back case in accordance with Article 18(1)d)) is ‘automatically’ taken over by the Austrian authorities and needs to be processed upon arrival in Austria. The applicant does not need to explicitly make an application again.

The **Supreme Administrative Court** also ruled, in accordance with Article 13(1) of the Dublin III Regulation, that the Member State whose border an individual applying for international protection had crossed irregularly is responsible for examining that application. The court furthermore ruled that this rule applied even if the individual did not apply for international protection in that Member State but instead submitted the application later in another Member State after brief voluntary travel to a third country. The Member State’s responsibility as defined in Article 13(1) of the Dublin III Regulation did not cease even if the person concerned departs briefly from EU territory, the court held.¹⁷⁶

In two judgments issued on 8 May 2018 by the united chambers of the CALL in **Belgium**¹⁷⁷, the CALL ruled that an implicit decision by the Immigration Office in the context of the Dublin III Regulation to extend the transfer period from 6 months to 18 months is a disputable administrative legal act. Such a decision must be motivated and be written so that effective judicial review is possible. The Immigration Office lodged an appeal with the Council of State to contest this interpretation of the CALL.¹⁷⁸

On 1 October 2018, the **Belgian** Council on Alien Law Litigation ordered the suspension of the transfer of a Cameroonian national to Greece under the Dublin Regulation. The Cameroonian national lodged an application for international protection in Belgium in August 2018. However, Eurodac checks revealed that the applicant had first arrived in Greece, which promptly accepted the take-back request. The applicant appealed the decision using a procedure of extreme urgency in order to suspend the transfer, claiming that her vulnerable state as a victim of gender-based violence would be exacerbated in Greece. The Council accepted the urgent character of the action and proceeded to assess the serious grounds and risk of harm that would justify the suspension, eventually annulling the transfer. In this assessment, the applicant’s vulnerability was deemed crucial, especially in light of previous incidents and the lack of adequate response mechanisms to protect victims of gender-based violence in Greece.¹⁷⁹

The **Finnish** Supreme Administrative Court decision on 11 June 2018 (ECLI:FI:KHO:2018:87)¹⁸⁰ changed the jurisprudence set by Supreme Administrative Court previously in decisions in 2015 and 2012. The legal question concerned a situation in which the applicant (a third-country national) claimed asylum based on events that had happened in another EU MS in which the applicant had lived and towards which the Dublin Regulation was applicable. In the specific case, a Nigerian national claimed she was in danger of persecution and serious harm in Spain due to her ex-husband. According to the judgment this kind of grounds for application does not mean that the application could not be subject to the Dublin Regulation. However, if the applicant claims asylum based on events that happened in the MS responsible, they need to be assessed in accordance of ECHR Article 3. In the current case no risk of *non-refoulement* was found if the person would be transferred into Spain.

In its judgment of 27 August 2018 the Conseil d’Etat in **France**¹⁸¹ stated that when the administration has completed all the procedures with its obligations under a controlled transfer and that the applicant, even though he had complied with the terms of his house arrest and was present several times in the

¹⁷⁵ ECLI:AT:VWGH:2018:RA2018210025.L00.

¹⁷⁶ ECLI:AT:VWGH:2018:RA2017190169.L09.

¹⁷⁷ BE CALL, [Decision no. 203 684](#) and BE CALL, [Decision no. 203 685](#).

¹⁷⁸ The CJEU delivered a relevant judgement, C-163/17, which will have an impact on the outcome of this appeal.

¹⁷⁹ BE CALL, [Decision no. 210 384](#).

¹⁸⁰ ECLI:FI:KHO:2018:87.

¹⁸¹ ECLI:FR:CEORD:2018:423267.20180827.

prefecture during this period of summons, refused to board a flight in which a place was reserved for him, this refusal to embark must be regarded as an intentional subtraction to the implementation of his transfer, and consequently the person concerned must be considered to have absconded in the meaning of the Dublin Regulation.

The Superior Court of Madrid (TSJ, Tribunal Superior de Justicia de Madrid) condemned the **Spanish** Government for denying reception to asylum seekers transferred to Spain under the Dublin procedure.¹⁸²

In relation to asylum seekers subject to Dublin procedures, the Supreme Court in **Slovenia** clarified in 2018 that asylum seekers retain the right to reception conditions until the moment of their actual transfer to another Member State, despite the wording of Article 78(2) IPA. The Court stated that, to ensure an interpretation compatible with the recast Reception Conditions Directive and Article 1 of the EU Charter, Article 78(2) should not apply in Dublin cases.¹⁸³

On 7 June 2018, the Federal Administrative Court in **Switzerland** ruled¹⁸⁴, in a case concerning a provisional negative reply by the requested MS and an acceptance nearly eight months later, that an acceptance after the transfer time limit of six months (counting from the first negative reply) does not have a valid effect. According to the Court, Switzerland has become responsible for the asylum procedure in the case concerned when the transfer time limit of six months, starting with the first negative reply, ended.

The Upper Tribunal in the **UK** detailed in the case of MS the state's duty to 'act reasonably' and to take 'reasonable steps' in discharging the duty to investigate the basis of a 'take charge' request sent by another country. This includes the option of DNA testing in the sending country or, if not, in the UK.¹⁸⁵

As regards the processing of requests under Article 17(2), the Upper Tribunal held in HA that there is a wide discretion available to the country receiving a 'humanitarian clause' request under Article 17(2), but it is not untrammelled. It was therefore for the Home Office to take into account Article 7 of the EU Charter / Article 8 ECHR and the best interests of the child when assessing whether a 'humanitarian clause' request should be accepted.¹⁸⁶¹⁸⁷

The Council of Alien Law Litigation (CALL) in **Belgium** annulled different Dublin transfers, as they did not take the necessary individualised guarantees of the asylum seeker into account and therefore violated Article 3 of the ECHR. This included *inter alia* annulling the transfer to Spain of an asylum seeker with a newborn child,¹⁸⁸ a transfer to Germany of an asylum seeker having diabetes and Parkinson's disease¹⁸⁹, a transfer to Italy of an asylum seeker living with HIV¹⁹⁰, a transfer to Spain of two young children who were accompanied by their parents¹⁹¹, and a transfer to Greece of a single women due to her vulnerability as victim of sexual assault.¹⁹²¹⁹³

In 2018, the courts in some Dublin states have continued to rule suspension of Dublin transfers to **Bulgaria** with respect to certain categories of asylum seekers due to poor material conditions and lack of proper safeguards for the rights of the individuals concerned. More information is available on AIDA – Asylum Information Database.¹⁹⁴

¹⁸² See for example: [ECLI: ES:TSJM:2018:13292](#); [ES:TSJM:2018:12520](#).

¹⁸³ [ECLI:SI:VRS:2018:I.UP.10.2018](#).

¹⁸⁴ [ECLI:CE:ECHR:2018:0515DEC006798116](#).

¹⁸⁵ UK Upper Tribunal, [2017] UKUT 9682.

¹⁸⁶ UK Upper Tribunal, UKUT 00297 (IAC).

¹⁸⁷ AIDA, [Country Report United Kingdom, 2018 Update](#).

¹⁸⁸ BE CALL, [Decision no. 203 865](#).

¹⁸⁹ BE CALL, [Decision no. 207 355](#).

¹⁹⁰ BE CALL, [Decision no. 201 167](#).

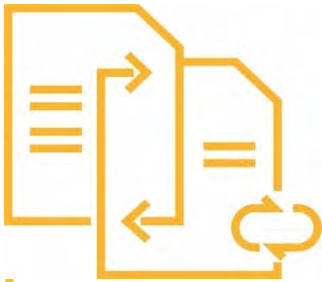
¹⁹¹ BE CALL, [Decision no. 203 861](#).

¹⁹² BE CALL, [Decision no. 210 384](#).

¹⁹³ AIDA, [Country Report Belgium, 2018 Update](#).

¹⁹⁴ AIDA, [Country Report Bulgaria 2018 Update](#).

Moreover, in 2018, some transfers to **Italy** have been halted by the national courts on account of the government's decisions to forbid search and rescue boats from disembarking in Italian ports, its plans to limit funding for asylum seekers, and the increase in incidents of racist violence.¹⁹⁵



EASO Dublin Network

This network serves as pool of expertise on Dublin-related issues to enhance practical cooperation and communication among national Dublin Units.

A number of thematic meetings were held to: improve the communication exchange between Member States during the daily operationalisation of Dublin transfers, to support the use of DubliNet (organized in cooperation with eu-LISA) and to discuss practices and challenges in the use of sovereignty and humanitarian clauses.

More information can be found in section 7.1 of EASO General Annual Report (forthcoming).

¹⁹⁵ ECRE, [To Dublin or not to Dublin?](#)

3. IMPORTANT DEVELOPMENTS AT THE NATIONAL LEVEL

3.1. Major legislative changes in EU+ countries

The following table provides an overview of the main legislative changes in EU+ countries reported for 2018. Details about the relevant changes and their analysis in the wider context are provided in the relevant thematic sections of Chapter 4. Therefore, please note that the overview here is a factual presentation and the fact that the change is presented does not imply any endorsement from the European Commission or EASO.

Country Legislative/regulatory act	Thematic area	Change
Austria		
FrÄG 2018, Aliens Law Amendment Act 2018 ¹⁹⁶	Access to procedure	An adult's application for international protection now includes each of their minor children, present in Austria and without any other type of residence right. When a child is born in Austria with a third-country citizenship after their parents have already applied for asylum, the application for international protection is considered to be lodged on the child's behalf by registering the birth or by informing the BFA (Federal Office for Immigration and Asylum) of the child's birth.
	Access to procedure	The BFA and the law enforcement authorities are now authorised to seize and evaluate the content of applicants' data carriers in order to determine their identity, nationality and travel route.
	Reception of applicants for international protection	Applicants are now required to contribute to the costs of material reception conditions. Therefore, the BFA is authorised to seize any cash in the applicants' possession up to EUR 840 per person, allowing applicants' to retain in cash maximum EUR 120 per person.
	Reception of applicants for international protection	The BFA can now impose territorial restrictions during the admissibility procedure.
	Reception of applicants for international protection	Access to language courses may be approved for applicants whose identity is established, who have been admitted to the asylum procedure and are highly likely to be recognised (based on asylum statistics from the previous year).
	Detention	Applicants may now again be detained when protection of national security or public order so requires, when there is a risk of absconding and detention is considered to be proportionate. (Amendment following the Supreme Administrative Court Ruling No 2017/21/0009 of 5 October 2017).
	Content of protection - Withdrawal of international protection	The BFA can initiate and carry out in an accelerated manner the procedure for withdrawing international protection when there are indications suggesting that the beneficiary has voluntarily re-availed themselves of protection of the country of origin, has voluntarily re-acquired their former nationality or voluntarily re-established themselves in the country of origin. These indications now explicitly include in particular cases when a beneficiary enters the country of origin or apply for and is issued a passport of the country of origin or when the beneficiary takes up gainful employment or starts a business in the country of origin.

¹⁹⁶ AT LEG 01: FrÄG 2018, Aliens Law Amendment Act 2018.

Amendments to the Asylum Act 2005, the Aliens Police Act 2005 and the BFA Procedural Law ¹⁹⁷	Procedures at first instance	The BFA has now again six months to decide on an application. An exceptional prolongation to 15 months was in force until 31 May 2018. This is the legal consequence of the expiry of the time limit set out in the previous Article 75(15) of the AsylG, which was introduced with the FRÄG 2016.
FrÄG 2017, Aliens Law Amendment Act 2017 ¹⁹⁸	Procedures at second instance	The Federal Administrative Court (BVwG) has again six months to decide on an appeal. An exceptional prolongation to 12 months was in force until 31 May 2018. This is a legal consequence of the expiry of the time limit set out in the previous Article 56(10) BFA-VG, which was introduced with Aliens Law Amendment Act 2017 the FRÄG 2017.
Amendment of 14 February 2018 to the Safe Countries of Origin Regulation ¹⁹⁹	Country of origin information	Armenia, Benin and Ukraine were added to the list of safe countries of origin (14 February 2018).
Amendment of 20 June 2018 to the Safe Countries of Origin Regulation ²⁰⁰	Country of origin information	Senegal and Sri Lanka were defined as safe countries of origin (20 June 2018).
Belgium		
Law of 21 November 2017, amending the Asylum Act and the Reception Act (entry into force on 22 March 2018) ²⁰¹	Access to procedure	The amendment introduces the concept of making, registering and lodging the application for international protection as described under Article 6 of the recast APD. As a main rule, a foreign national needs to make an application at the Immigration Office in Brussels as soon as possible and within 8 working days after arrival in Belgium. The Immigration Office has to then register the application with three working days (which can be extended to ten working days in exceptional circumstances). In principle, the Immigration Office provides applicants the possibility to lodge their application either immediately after registration or as soon as possible within 30 days from making the application.
	Access to procedure	The law clarifies that in the framework of the duty to cooperate, applicants have to submit as soon as possible all information, documents or other elements concerning their identity, nationality, age, the reason for applying for asylum and the travel itinerary. If there are good reasons to assume that the applicant withholds relevant information, documents or other elements which are essential for the assessment of the asylum application, the applicant can be invited to submit these elements without delay, whatever the information carrier is. The refusal of the applicant to submit these elements without satisfactory justification can be considered as an indication of the refusal to comply with the duty to cooperate. The originals of national or international identity documents can now be also retained during the asylum procedure, and the amendments clarify the rules for returning these documents.

¹⁹⁷ AT LEG 03: Amendments to the Asylum Act 2005, the Aliens Police Act 2005 and the BFA Procedural Law

¹⁹⁸ AT LEG 02: FrÄG 2017, Aliens Law Amendment Act 2017.

¹⁹⁹ AT LEG 05: Amendment of 14 February 2018 to the Safe Countries of Origin Regulation.

²⁰⁰ AT LEG 06: Amendment of 20 June 2018 to the Safe Countries of Origin Regulation.

²⁰¹ BE LEG 02: Law of 21 November 2017, Amending the Asylum Act and the Reception Act (Entry into Force on 22 March 2018).

	Reception of applicants for international protection	The Reception Act now clearly states that every applicant for international protection is entitled to material reception conditions from the moment of making the application for international protection.
	Reception of applicants for international protection, procedures at first instance, Vulnerable applicants	All groups of vulnerable persons mentioned in the recast RCD (non-exhaustive list) are now explicitly included in domestic law as well. Fedasil now assesses both the special reception needs and any special procedural needs and can make recommendations to the Immigration Office and the CGRS concerning the latter aspect, with consent of the applicant. The criterion for assessing the child's best interest is further specified under Article 37 of the Reception Act.
	Reception of applicants for international protection	In exceptional cases, applicants can be accommodated in emergency structures 'only for a reasonable period for as short as possible' (instead of the previous time limit of ten days) when there is a mass influx and the usual reception capacity is full. The law underlines now that their basic needs still need to be always met.
	Reception of applicants for international protection	The Reception Act now provides for the possibility to reduce or withdraw material reception conditions in all cases defined by the recast RCD. Fedasil's decision needs to be motivated individually in fact and in law and should take into consider the specific situation of the person concerned and the principle of proportionality. It is clarified that the reduced material reception conditions should still guarantee a dignified living standard for the applicant, which is not defined as a fixed standard: Fedasil needs to assess this case-by-case.
	Detention	The Immigration Act now clearly stipulates that no foreigner can be detained for the sole reason that they applied for asylum and it clarifies the possible grounds for detention for applicants for international protection, at the border and on the Belgian territory. The designation of a mandatory residence was introduced as an alternative to detention (not yet applicable, as its implementation still needs to be further detailed in a Royal Decree). The law now also provides for a clear definition and criteria for determining whether there is a risk of absconding.
	Special procedures	Existing procedure of not taking into consideration an application was formally transformed into an admissibility procedure as foreseen in Article 33 of the recast APD. The grounds for applying the accelerated procedure were extended to all ground provided in Article 31 of the recast APD. The amendment also introduced the concept of safe third country into national legislation.
	Procedures at first instance	The applicant or his lawyer can now ask for a copy of the personal interview report within two working days from the interview and send their observations to the CGRS within eight days from the report's reception.
	Procedures at first instance	Accompanied minors now explicitly have the right to lodge a separate asylum application in their own name and/or to request to be separately interviewed from their parents. Exceptions exist in the framework of accelerated procedures.
	Content of protection - Acquisition of citizenship	The period between the application for international protection and the recognition as a refugee is now taken into account for the calculation of the duration of legal residence prior to applying for nationality.
Law of 17 December 2017, amending the Immigration Act (entry into force on	Procedures at second instance	The amendment's aim is the simplification and harmonisation of time limits to lodge an appeal. It also stipulates that the appeals against a decision of the CGRS are suspensive and on the merits. Regarding the suspensive effect, there are exceptions in some specific cases of subsequent applications.

22 March 2018) ²⁰²		
Royal Decree of 2 September 2018 laying down the regime and the operating rules applicable to the reception facilities and the modalities concerning room inspections ²⁰³	Reception of applicants for international protection	Entry into force on 1 October 2018. The Royal Decree implements Article 19 of the Reception Act and lays down detailed rules for performing announced and unannounced room checks.
Ministerial Decree of 21 September 2018 to establish the house rules for reception facilities ²⁰⁴	Reception of applicants for international protection	Entry into force on 1 October 2018. The Ministerial Decree implements Article 19 of the Reception Act and lays down the rights and obligations of the residents - including the rules they have to comply with and the possible sanctions for breaching these rules -, the organisation of the reception facility and the modalities of information provision.
Croatia		
Law amending the Law on International and Temporary Protection ²⁰⁵	Procedures at second instance	The appeal does not have a suspensive effect for some additional types of first instance decisions: granting of refugee status, rejecting refugee status and granting subsidiary protection status, rejecting a beneficiary's request for accommodation, recognising a beneficiary's right to accommodation and obliging the person to contribute to the costs of accommodation, ending a beneficiary's right to accommodation.
	Content of protection - Accommodation	The amendment establishes an explicit right to accommodation for beneficiaries of international protection and describes the modalities of the provision of accommodation. The responsibility for providing accommodation for beneficiaries of international protection is moved to the Central State Office for Reconstruction and Housing Care.
Decision adopting the Protocol on the treatment of unaccompanied children ²⁰⁶	Vulnerable applicants - UAM	The Protocol further clarifies the rules for unaccompanied children's guardianship and establishes the Interdepartmental Commission for the protection of unaccompanied children.
Cyprus		
IPAC Law ²⁰⁷	Procedures at second instance	The law established the International Protection Administrative Court (IPAC), responsible for examining appeals against negative asylum decisions, including Dublin transfer decisions and decisions reducing or withdrawing material reception conditions
Czech Republic		

²⁰² BE LEG 03: Law of 17 December 2017, Amending the Immigration Act (Entry into Force on 22 March 2018).

²⁰³ BE LEG 05: Royal Decree of 2 September 2018 Laying down the Regime and the Operating Rules Applicable to the Reception Facilities and the Modalities Concerning Room Inspections.

²⁰⁴ BE LEG 06: Ministerial Decree of 21 September 2018 to Establish the House Rules for Reception Facilities.

²⁰⁵ HR LEG 01: Law amending the Law on International and Temporary Protection.

²⁰⁶ HR LEG 03: Decision Adopting the Protocol on the Treatment of Unaccompanied Children.

²⁰⁷ CY LEG 01: IPAC Law.

Act No 258/2017 Coll. ²⁰⁸	Access to information and legal assistance	Free legal aid was established for both citizens and foreigners with insufficient income before and during administrative procedures. Special rules apply for foreigners in detention.
Decree 68/2019 Coll. ²⁰⁹	Special procedures - Safe countries of origin	The proposal suggests including further 12 countries of origin on the national list: Algeria, Ghana, Morocco, Senegal, Tunisia, India, Georgia (except Abkhazia and South Ossetia), Moldova (except Transnistria), Ukraine (except Crimea and parts of Donetsk and Luhansk under a control of separatists), Australia, Canada and New Zealand. The entry into force of the revision is expected in the first quarter of 2019.

Denmark

Act No 174 of 27/02/2019 ²¹⁰	Content of protection	From 1 March 2019 refugees and their family member are granted a temporary residence permit instead of a permanent one. The Immigration Service also changes its criteria for assessing the circumstances for revoking the residence permits granted to refugees and their family members, making it possible to revoke the permit in a wider range of cases. Refugees and their family members are entitled to reside abroad for a shorter period of time: their residence permits expire after six months of residence outside of Denmark. The Danish Immigration Service is now responsible to initiate the process of reviewing the residence permit, and refugees do not have to apply for extension anymore. The amendment enables the Ministry of Immigration and Integration to set a monthly ceiling on the number of residence permits delivered for family reunification with refugees, when the number of asylum applications increases considerably over a short period of time.
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Finland

Proposal amending the Aliens Act, HE 273/2018 vp ²¹¹	Content of protection	The amendment aims to ensure that unaccompanied minors who are beneficiaries of international protection would be considered minors for the purposes of requesting family reunification, if they have submitted the application for international protection when still minors, but the decision on the residence permit application based on family ties is made after reaching adulthood. (Aligning legislation with the CJEU ruling C-550/16)
	Special procedures - Subsequent applications, Return	The amendment is based on the recast APD and suggests establishing an explicit obligation for applicants to present a valid reason for not having submitted the new elements and facts at an earlier stage, when they make a subsequent application. A decision to refuse entry (issued on the basis of the first negative decision on the application) could still be enforced despite a subsequent application if the subsequent application does not fulfil the criteria for admissibility and it has been submitted only for the purpose of delaying the return.
	Access to procedure	The proposal puts forward new provisions concerning the seizure of applicants' travel documents.
Act amending the Aliens Act, 501/2016 ²¹²	Procedures at first instance	The amendment explicitly states that the time limit for processing applications for international protection is six months, as a main rule, which can be further extended in specific circumstances. The changes implement the relevant provisions of the recast APD.

France

²⁰⁸ CZ LEG 01 : Act No 258/2017 Coll.

²⁰⁹ CZ LEG 02: Decree 68/2019 Coll.

²¹⁰ DK LEG 01: Act No 174 of 27 February 2019.

²¹¹ FI LEG 02: Proposal amending the Aliens Act, HE 273/2018 vp.

²¹² FI LEG 01: Act amending the Aliens Act, 501/2016.

Law of 10 September 2018 ²¹³	Access to procedure	The time limit in the framework of the regular procedure to make an application on the territory is reduced to 90 days from 120 days. Applications made passed this time limit are considered late applications and they are examined under the accelerated procedure.
	Reception of applicants for international protection	<p>The centres for reception and assessment of the situation (CAES, centres d'accueil et d'examen des situations) are officially created.</p> <p>In order to better distribute asylum applicants on all the French territory, when the proportion of asylum applicants residing in one region exceeds a certain level, the applicant may be sent to a region other than the one where they initiated their administrative procedures.</p> <p>Material reception conditions are now subject to the applicant's acceptance of the proposed accommodation or, when relevant, the identified region of orientation.</p>
	Reception of applicants for international protection	Asylum applicants have access to the labour market six months after the lodging of the asylum application, compared to the previous nine months.
	Dublin system	The time limit is fifteen days for appealing against the decision to transfer the applicant to the State responsible for examining the application.
	Procedures at first instance	Applicants with disabilities may now request OFPRA's permission to be accompanied by a health professional or a representative of an NGO for their interview.
	Procedures at first instance	The asylum application is now considered to be submitted in the name of the applicant and their children.
	Procedures at first instance	The notification of decisions and the summons to the personal interview with OFPRA can be sent by the mean of electronic process.
	Procedures at first instance	The closure of the application is automatic, if the application is not submitted to the OFPRA within 21 days of being registered (or eight days, when the OFPRA asks the applicant to complete the file), unless there are legitimate reasons for the delay.
	Procedures at first instance; Procedures at second instance	The applicant is heard during the procedures at first instance and at second instance in the language they indicated to the administrative authority when their asylum application was registered. When the applicant did not make such a choice at the time of registration or when the request cannot be met, they are heard in a language which they have sufficient knowledge of.
	Procedures at second instance	The law removes the automatic suspensive nature of appeals to the CNDA for certain categories of foreign nationals under the accelerated procedure (nationals of safe countries of origin, certain reviews, persons whose presence constitutes a serious threat to the public order). In these cases, a removal measure or obligation to leave French territory (OQTF, obligation de quitter le territoire français) may be issued as soon as the OFPRA's decision to reject the claim is notified. The person concerned may ask the administrative judge, in the context of their appeal against the OQTF, to restore the suspensive effect of the appeal. The execution of the removal order will only be suspended if the administrative judge grants this request, either until the expiry of the period of appeal to the CNDA or, if such an appeal has been submitted, until the CNDA announces its decision.

²¹³ FR LEG 01: Law of 10 September 2018.

	Procedures at second instance	The possibility for the CNDA to use video conferencing is extended, under strict conditions.
	Procedures at second instance	The new law extends the competence of single judge formations ruling within five weeks: decisions concerning the withdrawal of international protection based on exclusion or public order matters now fall in their competence.
	Detention	It is now possible to request the judge to exceptionally extend the detention for two additional periods of fifteen days, when an asylum application is submitted late in detention, raising the maximum duration of detention to 90 days. The appeal will not automatically have a suspensive effect and it will be up to the administrative judge to suspend the execution of the removal order until the CNDA reaches a decision.
	Content of protection - Residence permits	The right of residence for beneficiaries of international protection and stateless people as well as members of their families is enhanced by: <ul style="list-style-type: none"> - issuing a four-year multi-year residence permit for beneficiaries of subsidiary protection and stateless persons and for members of their families; - automatically issuing a ten-year residence permit after four years of legal residence as part of the four-year multi-year permit.
	Content of protection - Family reunification	The scope of family reunification is extended for minor beneficiaries of international protection: together with the parents, their minor siblings may also join.
	Content of protection - Language learning, Employment	The amendment strengthens the scope of the Republican Integration Contract: it clarifies that the state has the duty to offer support for social orientation, language learning and individual counselling path facilitating employment and overall integration.
	Content of protection – Withdrawal of international protection	The law extends the possibility of refusing or ending refugee status in cases where the person has been convicted of an act of terrorism or sentenced to ten years' imprisonment in an EU Member State or a third country on a list established by Decree (Iceland, Liechtenstein, Norway and Switzerland).
Law of 10 September 2018 Decree of 14 December 2018 ²¹⁴	Procedures at second instance	Applications for legal aid must be submitted within 15 days of notification of the OFPRA decision. The time limit for appealing OFPRA's decision is interrupted until the decision on legal aid is given.
Law of 10 September 2018 Decree of 28 December 2018 ²¹⁵	Reception of applicants for international protection	Material reception conditions can be withdrawn when the applicant does not accept the proposed accommodation, when the applicant fails to comply with the requirements of the authorities responsible for asylum, or when the applicant has submitted several asylum applications under different identities. The Decree of 28 December 2018 on material reception conditions introduces the possibility of using a payment card to pay the asylum seeker's allowance.

²¹⁴ FR LEG 03: Decree of 14 December 2018.

²¹⁵ FR LEG 04: Decree of 28 December 2018.

Law of 20 March 2018 ²¹⁶	Dublin system	<p>The non-negligible risk of absconding is defined with twelve alternative criteria relating to the migratory route, attempts at fraud or obstruction, and criteria relating to accommodation conditions.</p> <p>The law now allows for the detention of persons under the Dublin procedure without waiting for a response from the requested Member State and without the need for prior notification of a transfer decision.</p>
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Germany

Third Law amending the Asylum Act ²¹⁷	Content of protection - Withdrawal of international protection	The amendment introduces the duty to cooperate for beneficiaries of international protection in the framework of the status review and eventual withdrawal procedure for beneficiaries of international protection.
Draft Act on Second Law for improving the enforcement of the obligation to leave the country ²¹⁸	Vulnerable applicants, Access to procedure	Amending Section 42(2), fourth sentence of the Social Code (SGB), Book VIII: The social welfare offices now have the possibility and the duty to lodge an asylum application on behalf of the UAM, when there is a reason to believe that the minor is in need of international protection.
Act on Good Early Childhood Education and Care ²¹⁹	Reception of applicants for international protection	The Act provides for reduced day care fees for parents receiving benefits under the Asylum Seekers Benefits Act.

Greece

L 4540/2018, Reception Act ²²⁰	Reception of applicants for international protection	The amendment further aligned national legislation with the recast RCD.
	Procedures at first instance	Greek-speaking EASO personnel may now undertake administrative actions for processing asylum applications also within the regular procedure in case of urgent need.
	Procedures at first instance; Procedures at second instance	The Director of the Asylum Service or the Director of the Appeals Authority may now create working groups beyond the regular working time in order to increase the number of decisions on applications for international protection and undertake relevant supporting actions, upon Tconsent of the individual staff members.
	Special procedures - Accelerated procedure, Procedures at second instance	The time limit for accelerated procedure is shortened to 30 days. The appeal decision within the accelerated procedure needs to be taken within 40 days.
	Procedures at second instance	The amendment clarifies the deadline for an appeal when the first instance decision cannot be notified, outlines the modalities for notifying the appeal decision and defines the term 'final decision'.

²¹⁶ FR LEG 02: Law of 20 March 2018.

²¹⁷ DE LEG 01: Third Law Amending the Asylum Act.

²¹⁸ DE LEG 02: Draft Act, Geordnete-Rückkehr-Gesetz.

²¹⁹ DE LEG 03: KiQuTG.

²²⁰ EL LEG 02: L 4540/2018, Reception Act.

Joint Ministerial Decision No 47094 ²²¹	Content of protection - Family reunification	The decisions lay down the requirements and procedures for issuing visa for refugees' family members travelling to Greece for family reunification.
Hungary		
Act VI of 2018 ²²²	Special procedures - Admissibility procedures	A new inadmissibility ground was included in the Asylum Act, when the applicant arrive through a country where there is no risk of persecution or serious harm or an appropriate level of protection is provided in the country through which the applicant had arrived to Hungary.
	Procedures at first instance	New exclusion grounds were introduced: applicants are excluded from protection when they had been convicted for at least five years for an intentional crime, convicted for at least three years for certain types of crime or when they are repeated offenders.
	Access to information and legal assistance	A new act aiming to prevent attempts to support migration. It defines as 'organisations supporting illegal migration' any association or foundation registered in Hungary that sponsor or support the irregular entry of an applicant of international protection to the territory of Hungary from financial or property benefits received from abroad.
Government Decree 411/2017 (XII.15) ²²³ (Entry into force on 1 January 2018)	Providing interpretation services	Applicants, whose gender identity is different from their biological sex registered, can request an interpreter of a specific gender.
	Reception of applicants for international protection	Applicants, whose gender identity is different from their biological sex registered, can request to be assigned to an accommodation based on their gender identity.
Act XLI of 2018 ²²⁴	Access to information and legal assistance	The new act obliges the previously mentioned organisations supporting illegal migration to pay 25 % immigration financing duty based on the financial or property benefit received from abroad.
Ireland		
European Communities (Reception Conditions) Regulations 2018 ²²⁵	Reception of applicants for international protection	The Regulations transpose the recast RCD into Irish law. As a major change, applicants have now access to the labour market after nine months from the date when their application was lodged, if they have not yet received a first instance recommendation from the International Protection Office, and if they have cooperated with the process.
European Union (Dublin System) Regulations 2018 ²²⁶	Dublin system	The Regulations give further effect to the Dublin III Regulation in Ireland.
International Protection Act 2015 (Safe Countries of	Special procedures - Safe countries of origin	The list of safe countries of origin was revised and currently includes: Bosnia and Herzegovina, Former Yugoslav Republic of Macedonia, Georgia, Kosovo, Montenegro, Albania, Serbia, South Africa.

²²¹ EL LEG 03: Joint Ministerial Decision No 47094.

²²² HU LEG 04: Act VI of 2018.

²²³ HU LEG 07: Government Decree 411/2017. (XII.15.).

²²⁴ HU LEG 05: Act XLI of 2018.

²²⁵ IE LEG 01 : European Communities (Reception Conditions) Regulations 2018.

²²⁶ IE LEG 02 : European Union (Dublin System) Regulations 2018.

Origin) Order 2018 ²²⁷		
Italy		
Immigration and Security Decree ^{228, 229}	Procedures at second instance	The amendment modifies the rules for legal aid and excludes free legal aid when the applicant has lodged an inadmissible appeal.
	Special procedures - Admissibility procedure	The grounds for taking a decision on inadmissibility are extended to cases when the applicant lodges a subsequent application merely in order to delay or frustrate the enforcement of an imminent return decision.
	Special procedures - Accelerated procedure, Border procedure	The legislation introduces new rules for accelerated procedures, which can now be applied at the border and in transit zones as well under specific circumstances.
	Special procedures - Safe countries of origin	The new law foresees the creation of a list for safe countries of origin.
	Procedures at second instance, Return	The amendment increased the scope of exceptions from the right to remain.
	Procedures at first instance	The law introduced an immediate procedure: the Territorial Commissions have to immediately examine an application and take a decision when the applicant is convicted for a serious criminal offence, even before the judgement becomes final.
	Reception of applicants for international protection	Applicants do not anymore have access to the System for the Protection of Asylum seekers and Refugees (SPRAR). Applicants receive now material reception conditions with a more limited scope in collective reception centres (CARA, CDA) or extraordinary reception centres (CAS). Accordingly, SPRAR has been renamed as System of protection for beneficiaries of international protection and Unaccompanied Foreign Minors (SIPROIMI). UAM applicants may remain in the SIPROIMI until they turn 18.
	Detention, Return	The maximum time limit for detention in a return centre is expended from 90 to 180 days. Applicants may now be detained in hotspots for 30 days for the determination of their identity and nationality when they are rescued at the sea or when they remained on the territory of Italy in an irregular manner. When 30 days is not sufficient for the establishment of their identity and/or nationality, they may be transferred in a return centre for the maximum 180 days.
	Content of protection - Withdrawal of international protection	The amendment extended the list of crimes which may form the basis of excluding from or revoking of international protection.
	Content of protection -	The new legislation abrogated one of the national forms of protection called humanitarian protection and introduced instead the special protection residence permit for persons who cannot be expelled

²²⁷ IE LEG 03: International Protection Act 2015 (Safe Countries of Origin) Order 2018.

²²⁸ IT LEG 01: Immigration and Security Decree.

²²⁹ UNHCR provided comments to the law: UNHCR, [Nota tecnica dell'Ufficio dell'Alto Commissario delle Nazioni Unite per i Rifugiati, Decreto Legge 4 ottobre 2018, No 113](#) (in Italian).

	Forms of protection	based on <i>non-refoulement</i> obligations. It also created different types of new residence permits to be granted in very specific circumstances: victims of domestic violence, victims of labour exploitation, people suffering from exceptionally serious medical conditions and cannot be treated in their country of origin, people who cannot return to their country of origin due to exceptional natural disasters and people carrying out exceptional civil acts.
Latvia		
Cabinet Regulations No 734 ²³⁰	Reception of applicants for international protection	The amendment allows for the inclusion of additional information in the accommodation centre's control system, such as fingerprints for applicants above 12 years and digital ID photos.
Health Care Financing Law ²³¹ (Entry into force on 1 January 2018)	Content of protection - Statelessness	The right to receive state-funded minimum medical care is extended for persons who have been granted stateless status.
Lithuania		
Law Amending the Law of the Republic of Lithuania on the Legal Status of Aliens ²³²	Return	A decision on expulsion can now be issued both by the Migration Department and the State Border Guard Service, depending on which authority established the grounds for expulsion. The police has no longer the competence to issue such decision. Both the Migration Department and the State Border Guard Service have the obligation to provide information about the modalities of voluntary return.
Luxembourg		
Law on the Grand Ducal Police ²³³	Reception of applicants for international protection	The director of the OLAI or the delegate can request the assistance of the police if an applicant or their family refuses to be transferred to another structure in a violent or threatening manner.
Bill No 7238 ²³⁴ (Draft law)	Return, Vulnerable applicants - UAM	The proposal would amend several provisions related to return of the Immigration Law, including an amendment noting that a multidisciplinary team needs to evaluate the best interest of the child on a case-by-case basis when a decision is made concerning the return of an unaccompanied minor.
Bill No 7258 ²³⁵ (Draft law)	Reception of applicants for international protection	The proposal would amend Law of 16 December 2008 on the reception and integration of foreigners in the Grand Duchy of Luxembourg. It aims to lay down the sanitation, safety, hygiene and habitation standards of reception centres of OLAI into national law.
Netherlands		
Aliens Decree 2000 ²³⁶ , Proposal for amendment ²³⁷	Special procedures - Subsequent applications	The proposal allows for the omission of the personal interview, when the subsequent application is clearly inadmissible.

²³⁰ LV LEG 02: Cabinet Regulations No 734.

²³¹ LV LEG 01: Health Care Financing Law.

²³² LT LEG 01: Law Amending the Law of the Republic of Lithuania on the Legal Status of Aliens.

²³³ LU LEG 01: Law on the Grand Ducal Police.

²³⁴ LU LEG 02: Bill no 7238.

²³⁵ LU LEG 03: Bill no 7258.

²³⁶ NL LEG 02: Aliens Decree 2000.

²³⁷ Rijksoverheid, [Dutch Ministry of Justice and Security addresses new forms of criminality \(in Dutch\)](#).

Netherlands Nationality Act ²³⁸ , Proposal for amendment ²³⁹	Statelessness	The amendment will open up the possibility to naturalise for stateless children born in the Netherlands and without legal residence there
Norway		
Immigration Act, Amendments ²⁴⁰	Reception of applicants for international protection	In Section 84b the new third paragraph gives the police permission to request detailed information about residents from asylum reception and care centres, without prejudice to confidentiality, if necessary.
	Reception of applicants for international protection	<u>Section 94</u> (applicant's legal status during processing of the asylum application) has been amended by not making the precondition of having undergone an asylum interview absolute in order to be granted the right to take employment while waiting for the application for protection to be completed. This exception is only granted for certain groups with a high likelihood of being given protection (Section 28).
	Providing interpretation services	A new Section 86a makes it mandatory for interpreters working for the UDI and the Immigration Appeals Board (UNE) to present a police certificate.
	Content of protection	A provision was extended entitling foreign nationals to a new residence permit where there is a documented abuse in the marriage or cohabitation relationship. The provision now encompasses cases where persons in the household other than the beneficiary's partner and/or in-laws outside the household have exhibited abusive behaviour (Section 53).
	Content of protection	In Chapter 8 Expulsion, Sections 66-67 are expanded so that a foreigner can be expelled when he or she has been or would have been excluded from recognition as refugee under Section 31, first to third paragraph.
Immigration Regulations ²⁴¹ , Amendments	Procedures at second instance	New Section 16-14 in the Immigration Regulations regarding overturning of decisions on asylum by the second instance. The provision lists the formal requirements that must be met in order for the overturn request not to be rejected. The third paragraph of the provision lists which assessment factors will be given particular importance in assessing whether a request for overturning is still to be considered. It follows from Circular G-07/2018 that the provision is not binding for the UDI, as it is addressed to Appeals Board (UNE). The new provision entered into force on 1 June 2018.
	Reception of applicants for international protection	The Ministry of Justice and Public security has made changes to the Immigration Regulations Section 17-24(2). The change applies to asylum seekers who participate in integration programmes. When applying for a temporary work permit for asylum seekers who have been accommodated in an integration reception facility, the immigration authorities may waive the condition in Section 17-24(1) that the applicant must submit an approved travel document or national identity card. The condition of the Immigration Act Section 94(1)(b) that there must be no doubt about the applicant's identity also applies in cases where there are grounds for exempting from the requirement for documented identity. This temporary regulatory amendment entered into force on 14 May 2018 and is terminated on 14 May 2021.

²³⁸ NL LEG 01: Netherlands Nationality Act.

²³⁹ Tweede Kamer der Staten-Generaal, [Parliamentary Papers \(Kamerstukken\) II, 2017-2018, 34775-VI, nr. 121](#) (in Dutch).

²⁴⁰ NO LEG 02: Act of 20 April 2018, Amending the Immigration Act.

²⁴¹ NO LEG 04: Immigration Regulations.

	Vulnerable applicants	The Immigration Regulations Section 8-8 regulating temporary residence permit for single, minor asylum seekers over the age of 16 years has been changed. The provision now contains a list of different factors that should be emphasised when assessing whether an ordinary or time-limited permit should be granted. Section 8-8a is a new and temporary provision regulating the new processing for foreigners who have been granted a temporary residence permit pursuant to Section 8-8 of the Regulations. The changes entered into force on 1 February 2018.
	Content of protection	The Immigration Regulations have been amended in connection with the amendment to Immigration Act Section 53. Continuation of a residence permit on an independent basis, effective 1 November 2018. New letter f in paragraph 10-8, fourth paragraph, exempts applicants who receive a residence permit on an independent basis pursuant to Section 53, first paragraph, letter b from the requirement for future income.
Act of 15 June 2018, amending the Introduction Act ²⁴²	Reception of applicants for international protection	The 175 hours of Norwegian language training and 50 hours of social studies have become mandatory for applicants above 16 years residing in a reception centre. The training is offered free of charge and the municipalities hosting reception centres are under the obligation to offer the courses. Families with children and unaccompanied minor applicants without a documented identity now also have the right and obligation to participate in these courses.
Portugal		
Organic Law No 2/2018 ²⁴³	Content of protection - Acquiring citizenship	The residence requirement for naturalisation was reduced from six to five years.
Romania		
Law 247 of 5 November 2018 ²⁴⁴	Detention	Irregular migrants claiming to be a minor, without a proof of their actual age, are considered to be an adult when there are serious doubts about their minority and may be subject to administrative detention for the purposes of removal from Romanian territory, pending the results of the age assessment.
Slovakia		
Act No 198/2018 Coll. ²⁴⁵	Procedures at first instance	The amendment enabled non-governmental organisations to represent applicants (and third-country nationals in general) in administrative proceedings (such as the asylum procedure at first instance) as legal entities.
	Procedures at first instance	The Asylum Act now explicitly states that the time limit for processing applications for international protection is six months, as a main rule, which can be further extended in specific circumstances. The changes implement the relevant provisions of the recast APD.
	Procedures at first instance	The Ministry of the Interior must request a position both from the Slovak Information Service and the Military Intelligence on the asylum application of applicants above 14 years. The time limit for replying to this request was extended to 20 days.

²⁴² NO LEG 03: Act of 15 June 2018, Amending the Introduction Act.

²⁴³ PT LEG 01: Organic Law No 2/2018.

²⁴⁴ RO LEG 01: Law 247 05/11/2018.

²⁴⁵ SK LEG 02: Act No 198/2018 Coll.

	Content of protection - Withdrawal of international protection	The amended Asylum Act includes new circumstances under which international protection status can be revoked or ended.
Act No 191/2018 Coll. ²⁴⁶	Content of protection	Beneficiaries of subsidiary protection are now included in the scope for receiving financial benefits compensating for serious physical disabilities.

Sweden

	Dublin system	Article 27 (3) c) of the Dublin III Regulation on remedies was transposed to national law.
Law on the responsibility for the integration of newly arrived migrants ²⁴⁷ (Entry into force on 1 January 2018)	Content of protection	The new legislation aims to harmonise to a greater extent the relevant regulations for newly arrived migrants with the regulations applicable to domestic job seekers.
Law (2018:756) amending the Law on temporary limitations on the possibility of obtaining a residence permit in Sweden ²⁴⁸	Content of protection - National forms of protection	The amendment allowed UAMs whose asylum application was rejected to apply under certain conditions for a residence permit for studies at upper secondary schools. The last day for applications was 30 September 2018.
Law (2018:346) amending the Law on the reception of asylum seekers and others ²⁴⁹	Vulnerable applicants - UAM	The new rules on the placement of UAM applicants allow municipalities to place a child in another municipality only when these two municipalities have previously concluded an agreement on the placement.

Switzerland

AsylA ²⁵⁰ (Entry into force of amendments on 1 March 2019)	Procedures at first Instance	The provisions concerning the new asylum procedures enter into force, following the adoption of the new Asylum Act in September 2015, the referendum in June 2016 and the pilot projects carried out in Zurich, Boudry (Canton of Neuchâtel) and Chevrolles (Canton of Fribourg) throughout 2018.
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United Kingdom

Immigration Rules ²⁵¹ , Amendments	Content of protection - National forms of protection	Two new forms of leaves were created for children transferred to the UK (either under Section 67 of the Immigration Act, or after the clearance of the Calais camp).
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²⁴⁶ SK LEG 01: Act No 191 Coll.

²⁴⁷ SE LEG 01: Law on the responsibility for the integration of newly arrived migrants.

²⁴⁸ SE LEG 03: Law (2018:756) amending the Law on temporary limitations on the possibility of obtaining a residence permit in Sweden.

²⁴⁹ SE LEG 02: Law (2018:346) amending the Law on the reception of asylum seekers and others.

²⁵⁰ CH LEG 01: AsylA.

²⁵¹ UK LEG 01: Immigration Rules.

3.2. Major institutional changes in EU+ countries

Some of the legislative changes mentioned under the previous section required countries to significantly restructure their institutional architecture related to asylum. Some other minor shifts in competencies aimed for a more efficient arrangement for some specific aspects of asylum.

Country	Institution(s) concerned	Thematic area	Change
Austria	Federal Office for Immigration and Asylum (BFA, Bundesamt für Fremdenwesen und Asyl)	General	The ninth BFA branch office became operation in March 2018 in the town of Leoben, reporting to the Regional Directorate of Styria.
	Federal Ministry of the Interior	General	New Section V (Immigration) was established within the Federal Ministry of the Interior, as a result of an organisational restructuring (decision in October 2018, in force since January 2019). The new section brings together resources and know-how on affairs related to asylum and immigration, including border control, Aliens Police, reception, residency, citizenship and return. Section V provides support for the BFA in particular for operations, for information and analysis and for optimising the average time for asylum procedures.
Belgium	CGRS	Country of origin information	New Media Unit of the Documentation and Research Centre (Cedoca) of the CGRS became fully operational.
Belgium	FEDASIL / Immigration Office	Access to procedure / Reception of applicants for international protection	<p>Since 3 December 2018, the Petit-Château - Klein Kasteeltje reception centre has become an 'arrival centre' for applicants who have just arrived in Belgium and the single entry point for persons applying for international protection in Belgium (pending the opening of the new arrival centre in Neder-over-Heembeek). The centre, gathering staff from Fedasil and the Immigration Office, has various functions:</p> <ul style="list-style-type: none"> • identification and security check; • evaluation of reception rights and initial reception; • first observation, vulnerability check and allocation to an adapted reception place; • application of one single and humane process to all applicants. <p>The Petit-Château, whose capacity is 800 places, remains an open reception centre and is managed by Fedasil. Applicants' stay in the centre is meant to be short (a week). The arrival centre is not fully operational yet.</p>
Croatia	Central State Office for Reconstruction and Housing Care and Ministry for Demography, Family, Youth and Social Policy and Centres for Social Welfare	Content of protection	The competence for providing accommodation to beneficiaries of international protection was taken over by the Central State Office for Reconstruction and Housing Care
Estonia	Police and Border Guard Board	Content of protection	A Citizenship and International Protection Bureau was created within the PBGB.
France	Ministry of the Interior	Reception of applicants for international protection, Content of protection	The post of an inter-ministerial delegate responsible for the reception and integration of refugees was established under the authority of the Ministry of the Interior.

France	Regional Dublin units	Dublin system	11 specialised regional hubs have been created for processing the Dublin procedure. Initially, 94 prefectures were responsible for the application of the Dublin Regulation in France. They have exclusive competence to conduct Dublin procedures initiated following the registration of an asylum application: sending the request, renewing the certificate, notifying decisions on transfers, house arrest or detention, managing and monitoring litigation, and organising transfers. This reorganisation does not concern the Île-de-France region.
Germany	BAMF	General	New management from early summer 2018. Re-organisation of the organisational structure (effective from 1 October 2018).
Greece	Ministry of Migration, Ministry of Labour, Social Security and Social Solidarity	Reception of applicants for international protection, Vulnerable applicants - UAM	The responsibility for the protection of unaccompanied and separated minors has passed from the Ministry of Migration to the Ministry of Labour, Social Security and Social Solidarity.
Hungary	Immigration and Asylum Office	Reception of applicants for international protection	The reception facilities and detention centres fall under the management and supervision of the central Refugee Affairs Directorate since 1 January 2019.
Italy	Territorial Commissions for the Recognition of International Protection	Procedures at first instance	Decree-Law No 113 of 4 October 2018 foresees the establishment of additional sections for the Territorial Commissions. These sections may be established temporarily with a Ministerial Decree for a maximum time of eight months. Maximum ten sections can operate under each Territorial Commission.
Italy	Dublin Unit	Dublin system	The structure of the organisations responsible for the Dublin procedure becomes more decentralised. Law No 132 of 1 December 2018 foresees the creation of Dublin Unit sections working near the prefectures.
Luxembourg	Ministry of Foreign and European Affairs, Ministry of Family and Integration	Reception of applicants for international protection	The competency for reception was moved to the Ministry of Foreign and European Affairs from the Ministry of Family and Integration.
Malta	Dublin Unit, Immigration Police	Dublin system	A new Dublin Unit within the Office of the Refugee Commissioner took over the operational responsibility from the Immigration Police.
Spain	Ministry of Employment, Migration and Social Security, State Secretary for Migration	Content of protection	A new Directorate General for Integration and Humanitarian Aid was created within the Ministry of Employment, Migration and Social Security, State Secretary for Migration. Both the Ministry of the Interior and the Ministry of Employment, Migration and Social Security expended their relevant capacity in a significant manner.
Switzerland	State Secretariat for Migration	General	The structure of SEM was significantly re-organised due to the major legislative changes concerning asylum procedures in general entering into force on 1 March 2019.

3.3 Key policy changes related to integrity, efficiency and quality

3.3.1. Integrity

This section focuses on the key policy changes that EU+ countries undertook in 2018 to enhance the integrity of the national asylum systems. The table hereunder outlines policies and practices that aim to swiftly identify unfounded asylum applications and make sure that the necessary financial, human and time resources are not dissipated on such claims. These measures involve efforts to rapidly establish the applicants' identity, including their age, country or origin and travel route and the eventual security concerns their presence might mean, to better assess the credibility of the applicants' statements and to determine whether beneficiaries of international protection are still in need of protection.

Prevention of unintentional misuse of the asylum procedure and its integrity is also supported by provision of information to asylum applicants and beneficiaries of international protection on the respective rights and obligations and related procedural arrangements.

Please note that many relevant changes concerning these areas touch upon major legislative changes, presented in [Section 3.1](#).

The policy and practice changes listed here are further analysed under the relevant thematic sections in [Chapter 4](#).

Country	Area concerned	Policy & practice
Austria	Content of protection - Withdrawal of international protection	The BFA identified withdrawal procedures as one of the major policy priorities for 2018: 6000 withdrawal procedures initiated in 2018 (fourfold increase from 2017) and international protection status withdrawn in 1600 cases (threefold increase from 2017). The focus is on persons with criminal record. The authority continues with this focus in 2019 as well.
	Return	The BFA identified the return of rejected applicants as one of the major policy priorities for 2018 and aimed to increase significantly the overall rate of returns.
Belgium	Special procedures - Subsequent applications, Content of protection - Withdrawal of international protection	The policy note from the former State Secretary for Asylum and Migration identified two major areas relevant to maintaining the integrity of the asylum system: deterring unfounded subsequent applications, enhanced international cooperation on status withdrawal when beneficiaries of international protection travel back to their country of origin.
Cyprus	Vulnerable applicants - UAM	Improving age assessment (dental examination) procedures through AMIF funding both for carrying out the procedures and for staff training on undertaking these procedures.
Denmark	Return	A new transit centre was established in Avnstrup for applicants who have exhausted all possibilities for appeal.
Finland	Access to procedure	The Finnish Immigration Service and the National Police Guard started the joint implementation of the MISEC project. The project objectives include: strengthening co-operation and information exchange between the immigration and security authorities; improving methods for establishing the identity and background of persons applying for asylum, residence permit and citizenship; developing methods for identifying applicants who may pose a security risk; exploring technological tools available to support these functions.

Germany	Access to information and legal assistance	The BAMF has been implementing a pilot project on procedural counselling during the first instance procedure in eleven BAMF field offices. The evaluation is planned for 2019/2020.
	Access to procedure	The BAMF started using four comprehensive tools to assist decision-makers to establish the identity of applicants: information from electronic information carriers (extraction from mobile devices), biometric language analysis, a technical system for the transcription of names and a system for facial recognition.
Greece	Access to information and legal assistance	A series of informative videos and a mobile application were launched on access to information and the rights of applicants for international protection; The material was translated in 18 languages. A new informative booklet was developed for UAM.
Ireland	Special procedures - Safe countries of origin	The International Protection Office published an Addendum to the Information Booklet for Applicants, providing information about the effects of the International Protection Act 2015 (Safe Countries of Origin) Order 2018.
Italy	Reception of applicants for international protection	Ministerial Directive No 4568 of 4 April 2018 requires now reception facilities to report daily about the number of persons receiving material reception conditions.
Latvia	Reception of applicants for international protection	Introduction of a video surveillance and access control system in the accommodation centre.
	Access to information and legal assistance	The Office of Citizenship and Migration Affairs prepared a document 'Guidelines for asylum seekers in Latvia' available in ten languages.
	Access to procedure, Procedures at first instance, Procedures at second instance	Further improvement and digitalisation of the national asylum information registers and systems, including the facilitation of the information flow for the purposes of appeal.
Luxembourg	Access to procedure, Vulnerable applicants - UAM	The Ministry of Foreign and European Affairs provided information and clarification on the use of medical examinations to determine the age of unaccompanied minors
Netherlands	Special procedures - subsequent applications, Reception of applicants for international protection	Based on the Council of State judgement, the formal registration of a subsequent application is the moment when the applicant fills out the necessary form and not the signature of another form at a later stage, confirming the lodging of the subsequent application. This is also going to entitle the applicant to corresponding rights, such as material reception conditions.
	Procedures at first instance	The State Secretary for Justice and Security announced that credibility assessment of LGBTI and of converts was going to be revised.
	Reception of applicants for international protection	The State Secretary for Justice and Security announced that measures were going to be intensified against applicants who disturb the everyday life in the reception facility and whose behaviour is repeatedly offensive towards other inhabitants and the reception staff.
	Return	The State Secretary for Justice and Security initiated the establishment of an Inquiry Committee on Overstaying Third-Country Nationals without the permanent right to stay, to analyse the factors that contribute to the fact that rejected applicants often remain in the Netherlands and to make recommendations on the relevant aspects.

	Content of protection - Withdrawal of international protection	The IND adjusted its practices on withdrawing the international protection status when beneficiaries apply for the extension of the temporary asylum residence permit or for a permanent residence permit after the expiry of the previous permit. The IND assesses in an individual manner whether the criteria for protection still exist and the fact that the permit has expired cannot lead to an automatic cessation of the status.
Slovenia	Vulnerable applicants-UAM	The Ministry of the Interior came to an agreement with the medical institutions who will be tasked to carry out the age assessment examinations.
Spain	Access to procedure	A Protocol was created for disembarkation coordinating the actions among the various ministries involved.
	Reception of applicants for international protection, Dublin system	An instruction of the Ministry of Labour, Migration and Social Security in Spain clarified that Dublin returnees are also entitled to reception.
Sweden	Access to information and legal assistance	The Swedish Migration Agency revised and extended significantly the scope of the information provided for applicants.
	Vulnerable applicants-UAM	The Swedish National Board of Forensic Medicine published new guidelines on age assessment, changing the probability scale used for girls.
Switzerland	Reception of applicants for international protection	The first federal reception centre was established in Les Verrières (Canton of Neuchâtel) specifically for adult men applicants, whose behaviour perturbs the daily usual functioning of other reception centres or is of concern for public order or public security.

3.3.2 Efficiency

Many policy and practice initiatives focused on improving the efficiency of national asylum systems. EU+ countries made significant changes to optimise the available resources. For example, more and more countries seem to re-organise their asylum procedures and corresponding reception systems around the establishment of arrival centres, but relevant initiatives go much beyond. The overview below includes policies and practices that improve efficiency through digitalisation and the use of new technologies in the framework of asylum, through prioritising or fast-tracking applications, through the re-organisation of the procedure itself or through major changes in the number of staff employed.

Country	Area(s) concerned	Policy & practice
Austria	Return	The BFA launched a new bonus programme to encourage (former) applicants' assisted voluntary return. The programme focused on nationalities from the six most common countries of origin: Afghanistan, the Islamic Republic of Iran, Iraq, Nigeria, the Russian Federation and the Syrian Arab Republic.
Belgium	Access to procedure, Reception of applicants for international protection	The reception centre Petit-Château / Klein Kasteeltje was transformed into a temporary arrival centre.
	Procedures at first instance	The Immigration Office and the CGRS have increased its staff and plans to further increase the number of employees throughout 2019, in order to decrease backlog and processing times.

	Procedures at first instance	InSite, the platform for communication, collaboration and knowledge sharing of the CGRS, was further expanded and it is reported to occupy an increasingly prominent position as a central source for relevant information.
Bulgaria	Vulnerable applicants - UAMs	The State Agency for Child Protection, in cooperation with all responsible institutions and organisations, developed a coordination mechanism for interaction among the various stakeholders working with UAMs.
Cyprus	Access to procedure, Reception of applicants for international protection	Establishment of a first reception centre Pournara in Kokkinotrimithia, in the area of Nicosia, with co-funding from the European Commission through the Emergency Fund.
	Procedures at first instance	The Asylum Service increased the number of its experts supporting the assessment of asylum applications (co-financed through AMIF) in order to decrease its backlog.
Czech Republic	Country of origin information	The initial version of the new COI database was further developed throughout 2018.
Denmark	Procedures at first instance	The Danish Immigration Service is preparing to change its practice concerning applicants from Syria following a statement from the Danish Refugee Board. Based on changes in the general situation in Syria, a residence permit cannot be granted anymore by merely referencing to the general circumstances in the country. The Danish Immigration Service will select trial cases and is now initially refusing to grant residence permit for applicants from the Damascus Governorate.
Finland	Return	The Finnish Immigration Service launched the VAPA 2 project, testing how individual guidance on the grounds for negative decisions influences applicants' willingness to return voluntarily to their home country. The project also included trainings on voluntary return for all stakeholders working with applicants in reception centres.
France	Access to procedure, Procedures at first instance	To strengthen foreign services, including the asylum services of prefectures in 2018, new contractors were recruited for a period of 12 months (<i>plan 1200 mois vacataires</i>). The number of permanent staff in GUDA was also increased in 2018: in 2018, 42 permanent staff strengthened the GUDA most exposed to flows of asylum seekers.
	Procedures at first instance	<p>OFPRA changed its internal practice and sends the invitation to the personal interview immediately when the application is lodged. The invitation can also be sent electronically since 1 January 2019.</p> <p>The OFPRA has seen regular staff increases since 2015 as a result of increases in its job ceiling (+55 FTEs in 2015, +140 FTEs in 2016, +115 FTEs in 2017 and +15 FTEs in 2018). The draft Finance Law of 2019 brings the job ceiling for the Office to 805 FTEs (+10 FTEs as part of the pilot in French Guiana).</p>
	Procedures at second instance	<p>The CNDA saw significant budgetary and human resources increases in 2018, to enable it to cope with the very sharp increase in the number of appeals. In addition to the 51 jobs created by the original Finance Act, 51 additional jobs were created during the year, bringing the Court's total number of permanent staff to 491. With the arrival of four new magistrates, the additional staff have made it possible to create four additional chambers.</p> <p>67 new rapporteurs were trained in legal, geopolitical and drafting aspects necessary for their work, while 40 asylum judges also received training adapted to their functions.</p>
Germany	Access to procedure, Procedures at first instance, Procedures at	Establishment of the AnkER Centres in Bavaria, Saxony and Saarland, aiming to bring together all authorities involved in the asylum process.

	second instance, Reception of applicants for international protection, Return	
	Procedures at first instance	The BAMF was allocated additional 1 632 posts.
	Procedures at first instance	The BAMF has conducted a pilot for a new search engine finding more rapidly the applicants' files - planned to integrate this engine in MARiS (BAMF asylum information system) in 2019.
Greece	Procedures at first instance	The Asylum Service launched working groups – based on Law 4540/2018 – in order to increase its capacity.
Ireland	Procedures at first instance, Return	The Irish Naturalisation and Immigration Service and the International Protection Office decided in May 2018 to expand the Case Processing Panel of Legal Graduates, in order to continue to carry out functions effectively and to reduce caseloads.
Malta	Procedures at second instance	Based on a new agreement, Legal Aid Malta (unit within the Ministry for Justice, Culture and Local Government) has started assigning legal aid lawyers from the government pool for applicants who lodged an appeal with the Refugee Appeals Board for negative asylum decisions and Dublin transfers or with the Immigration Appeals Board for detention orders.
Netherlands	Procedures at first instance	The State Secretary for Justice and Security amended the asylum policy on Afghanistan, China, Iraq and Somalia and issued a decision clarifying the policy when Article 1F of the Refugee Convention applies.
	Procedures at first instance	The IND significantly increased the number of its staff members.
Norway	Access to procedure	The Norwegian National Police Immigration Service now creates automated analytical reports during asylum seekers' arrival phase in order to expose human smuggling and human trade related crime.
Slovenia	Reception of applicants for international protection	The government adopted the contingency plan for providing accommodation and care in case of increasing number of asylum applicants.
Spain	Procedures at first instance, Special procedures - Accelerated procedure	The Government approved the creation of 231 new positions for the Office of Asylum and Refuge (OAR) by means of Royal Decree 6/2018. There has been a special increase in human resources to deal with accelerated procedures, for example at the border, to cover 24 hours/7 days a week.
	Access to procedure	The access to procedure has become more decentralised: the police may now assist the OAR with registrations of applications.

Sweden	Procedures at first instance	All new applications are handled electronically since 1 February 2018.
	Procedures at first instance	The Swedish Migration Agency launched the pilot project Asyl 360 aiming to speed up and increase the efficiency of the asylum procedure, and to combine the accommodation of asylum seekers and the examination of their applications into one comprehensive process. The ambition is that 50 % of the total asylum case-load should be managed within 30 days
	Procedures at second instance	In cooperation with the Swedish National Courts Administration, the Swedish Migration Agency started a pilot project to enable the digital transfer of appeals between the Agency and the courts.
	Procedures at first instance	As a consequence of a lower number of people coming to Sweden to apply for asylum, and related budget cuts, the Swedish Migration Agency significantly downsized its operations and reduced the number of branch offices as well as the number of employees.
Switzerland	Special procedures - Accelerated procedure	In preparation for the entry into force of the provisions concerning the new accelerated asylum procedures on 1 March 2019, the State Secretariat for Migration (SEM) carried out pilot projects in two phases in Zurich, Boudry (Canton of Neuchâtel) and Chevrilles (Canton of Fribourg).

3.3.3. Quality

High quality asylum decisions and decision-making processes contribute to the previously mentioned policy aspects: they increase the fairness, integrity and efficiency of the asylum systems. Quality assurance systems, guidance materials and capacity-building measures typically bring back rapidly the initial investment and efforts. The recent extensive legal and policy changes might have contributed to the fact that EU+ countries currently seem to focus more on staff trainings corresponding to their specific needs, the revision of the existing guidance materials and the quality of the decisions delivered in the new legislative and policy framework.

Country	Area(s) concerned	Policy & practice
Belgium	Procedures at first instance	The legal section of CGRS elaborated new guidelines and provided training for protection officers on the major legislative changes that came into force in 2018. The CGRS and the Immigration Office staff continued to follow EASO training modules. Protection officers could obtain extra training from Senior Protection Officers and COI experts based on national training materials, when they were requested to handle cases from countries of origin outside of their initial competencies.
	Reception of applicants for international protection	Fedasil has been developing an early screening tool. The tool allows social workers at the arrival centre to make a first identification of vulnerable applicants for international protection with special reception needs. On the basis of the identification, a reception facility that best corresponds to the needs of the applicant can be sought and designated. The tool was in a testing phase in late 2018.
Bulgaria	Reception of applicants for international protection	Renovation and further enhancement of the facilities: establishment of a secure zone with 100 places for UAM in the Registration and Reception Centre in Sofia, finalising the renovations of the special building for vulnerable applicants in the Registration and Reception Centre in Harmanli, creation of special interview and assessment rooms for UAMs at both sites.
Cyprus	Reception of applicants for international protection	New operational scheme was introduced for the Reception and Accommodation Centre in Kofinou. The government set up a coordination mechanism with all relevant stakeholders to swiftly handle all issues concerning this reception centre.
Estonia	Special procedures - Accelerated procedures	The Police and Border Guard Board developed internal guidelines on accelerated procedures.
	Procedures at first instance	The Police and Border Guard Board has started to develop new training materials for its staff, matched closely with the targeted officials' roles within the asylum procedure. The training components are additional to the EASO training modules.
Finland	Reception of applicants for international protection	The Finnish Immigration Service started annual contingency training sessions in 2018.
	Country of origin information	The Country Information Service of the Finnish Immigration Service created referencing guidelines for country information research and peer review guidelines.
	Procedures at first instance	As a follow up to the asylum decision-making development project LAAVA (ended in October 2018), a separate judicial review team was established within the legal and support services of the Asylum Unit of the Finnish Immigration Service.

Finland	Providing interpretation services	Based on the findings of an internal study on asylum decision-making, the Finnish Immigration Service recruited two quality control interpreters in Arabic and Dari.
	Vulnerable applicants - Victims of FGM	The Asylum Unit of the Finnish Immigration Service updated its guidelines for dealing with FGM cases in the framework of the asylum procedures.
France	Procedures at first instance	The OFPRA continues its regular quality control of decisions issued, with quarterly and annual reviews. During the year, the quality control manager held several meetings with protection officers to inform them of the conclusions of the quality control procedures and to engage in discussions with them.
Germany	Providing interpretation services	The minimum standards for interpreters were increased: interpreters have to hand in a C1 language certificate for the main languages and they have to participate in an online training about the specificities of providing interpretation in the context of asylum procedures.
	Procedures at first instance	The BAMF introduced a multi-level, continuous quality assurance system for asylum decisions.
Greece	Reception of applicants for international protection	The Reception and Identification Service, in cooperation with other agencies, has been compiling material for establishing a Standards and Procedures Manual for the protection of vulnerable groups, victims of human trafficking and gender violence victims residing in hotspots
Ireland	Reception of applicants for international protection	The draft 'National Standards for accommodation offered to people in the protection process' was issued for public consultation between August and October 2018.
Latvia	Vulnerable applicants - UAM	Developing new guidelines 'Ensuring representation for unaccompanied minors and asylum seekers and for cooperation with authorities involved'
Lithuania	Procedures at first instance	Development of new guidelines: 'Search for and collection of information in public sources' and 'Interview. Conversation management'. Update of the decision templates on granting or rejecting an application.
Luxembourg	Procedures at first instance	The new government expressed its commitment to intensify efforts to comply with procedural safeguards, timelines for the assessment of international protection applications and in particular regular information on the status of the assessment of the application for international protection within the framework of the international protection procedure.
Netherlands	Reception of applicants for international protection	The COA - in cooperation with the Coordination Centre for Human Trafficking, the Red Cross, the Dutch Council for Refugees - developed an e-learning module on the identification of human trafficking and it has also created - in cooperation with the national Coordination Centre for Human Trafficking, the Expertise Centre for Human Trafficking and Human Smuggling, the Centre of Expertise on Aliens, Identification and Human Trafficking and Jade Zorggroep - a training course in the recognition of signs of human trafficking and human smuggling.
	Procedures at first instance, Vulnerable applicants	The State Secretary for Justice and Security announced that the credibility assessment of LGBTIs and converts is going to be revised.
Slovakia	Procedures at first instance	The Migration Office of the Ministry of the Interior prepared instructions on assessing country of origin information, on granting subsidiary protection and on mutual cooperation between the relevant departments of the Migration Office.

Slovakia	Access to procedure	The 'Nový Horizont 2018' military exercise took place in eastern Slovakia between 10 and 12 July 2018. In cooperation with other relevant units, the representatives of the Migration Office of the Ministry of the Interior carried out a simulation on the modalities of dealing with refugee crisis situations: registration of refugees, health checks, emergency accommodation.
Spain	Procedures at first instance	The OAR drafted new internal guidelines for assessing applications, including information based on Spanish and EU jurisprudence and following EASO guidelines.
Sweden	Procedures at first instance	The Legal Affairs Department of the Swedish Migration Agency conducting several audits: quality of asylum decisions in general (annual audit), thematic audit of conversion cases, audit of the Asyl 360 pilot project.
	Content of protection - Withdrawal of international protection, Vulnerable applicants - UAM	
United Kingdom	Access to procedure, Procedures at first instance, Special procedures - Safe third countries, Admissibility	The Home Office further developed its asylum policy guidance and letter templates for use by caseworkers. For example, it published guidance on asylum screening and routing and it updated its guidance relating to safe third-country cases and similar inadmissibility case types.



EASO Asylum Processes and Practical Tools

EASO contributes to the effective, coherent and consistent practical implementation of the EU asylum acquis by developing [practical tools](#), which aim to support the daily work of asylum and migration officials by providing common guidance on the achievement of common standards by means of various user-friendly formats.

In 2018 In April 2018, EASO published a [Quality Assurance Tool on Examining the Application for International Protection](#) and [EASO Practical Guide on Qualification for International Protection](#) and held a number of thematic meetings.

More information can be found in section 6.1.2 of EASO General Annual Report (forthcoming).

3.4. Practical cooperation and operational support

The Regulation establishing the European Asylum Support Office mentions as the very first purpose of EASO the following: '(t)he Support Office shall facilitate, coordinate and strengthen practical cooperation among Member States on the many aspects of asylum.' The proposed new Regulation on the European Union Agency for Asylum also confirms as the first task that the Agency shall 'facilitate, coordinate and strengthen practical cooperation and information exchange among Member States on various aspects of asylum' and the Explanatory Memorandum notes that EASO 'gained experience and earned credibility for its work as regards practical cooperation among Member States and in supporting them to implement their obligations under the CEAS'.²⁵²

²⁵² European Commission, [Amended EUAA Proposal, COM/2018/633 final](#), p. 20.

The activities of EASO concerning this field have been very rich and multi-faceted throughout 2018. The General Annual Report 2018 provides for an extensive overview about the activities undertaken and the results achieved (forthcoming). Examples of EASO activities and references to the GAR have been provided throughout various thematic sections of this Report and aim to contextualise the work of ESO within the main developments in the Common European Asylum System in 2018.

EASO provides different kinds of support in working towards a CEAS. The permanent support of EASO improves the quality of asylum processes and systems. It aims to promote the consistent implementation of the CEAS to share common knowledge and skills, organisation and procedures, information, resources and best practices. The EASO special support provides tailor-made assistance and capacity building, facilitates and coordinates exchanges of information and other activities related to relocation within the Union and offer specific support and special quality control tools. The EASO emergency support provide temporary support and assistance to repair or rebuild asylum and reception systems and in this manner, it organises solidarity for Member States subject to particular pressures. EASO also offers information and analysis support by sharing and merging information and data and by undertaking analyses and assessments at EU level, including EU-wide trend analyses and assessments. Finally, EASO supports the external dimensions of the CEAS and coordinates the exchange of information and other actions on related issues, for example, on resettlement, and it cooperates with the competent authorities of certain third countries in technical matters with view to promoting and assisting capacity building on the asylum and reception systems of those third countries.

In 2018 EASO continued its [operational support](#) for Italy, Greece and Cyprus. The [Operating Plan for 2018](#) with **Italy** mandated EASO to support the Italian authorities on provision of relevant information to potential applicants for international protection, in handling registration of applicants for international protection, in handling Dublin take-charge and take-back requests through a dedicated support to the Dublin Unit in Rome, in strengthening the reception capacity, in particular with regards to unaccompanied minors, in organising professional development activities and study visits for the Department of Civil Liberties and Immigration (Ministry of the Interior), in organising activities in the field of COI, and strengthening the Ombudsperson for Children and Adolescents in implementing protection measures for unaccompanied children. A new [Operating Plan for 2019](#) was signed at the end of 2018, which combines five support measures and operational activities. The support from EASO in **Greece** focused on ten measures divided into three priority areas based on the [2018 Operating Plan](#): support to asylum procedure, support to reception, capacity building in the implementation of the CEAS. The new [2019 Operating Plan](#) outlines a wide range of activities under the two major headings of support to asylum procedure and support to reception and for example the legislative changes in Greece now allow Greek-speaking EASO personnel to provide further support in processing the application within the regular asylum procedure. EASO provided support in **Cyprus** with backlog management in the asylum procedure and in the field of reception based on the Special Support Plan, which was initially extended until 31 January 2019. Following the formal request of the Cypriot Asylum Service, the needs assessment analysis identified new areas of intervention, which led to the signature of a new [2019 Operational & Technical Assistance Plan](#).

EASO training activities



EASO establishes and provides high **quality common training on asylum and migration** across the EU asylum administrations, in line with its Training Strategy. In 2018, EASO continued to develop its Training Curriculum by updating existing and streamlining issues related to vulnerable groups. New modules were also piloted on Interpreters and Resettlement and the Certification and Accreditation Working Group continued with the development of occupational standards for asylum officials.

More information can be found in section 7.1 of EASO General Annual Report (forthcoming).



4.1. Access to procedure

The section on Access to procedure gives an overview about the relevant law, policy and case-law changes and points out the related concerns mentioned in civil society organisations inputs. It is divided into three thematic parts: access to territory, access to asylum procedure and relevant court proceedings.

Effective access to the asylum procedure is essential in ensuring that persons in need of international protection can exercise the rights to which they are entitled. It entails that individuals seeking protection can reach the authorities of the Member State and are granted access to a fair and efficient process for the assessment of their application. Access to procedure is based on a three-step approach: a) making an application, at the moment a person expresses their will to receive protection in an EU+ country; b) registering an application, when authorities register officially the application and inform applicants about their duties and obligations; and c) lodging an application, when applicants submit all elements at their disposal in order to substantiate their claim. Lodging triggers the timeline for examining an application.

In 2018, as a general trend, EU+ countries introduced a number of changes in the first steps of the procedure with the aim of eliciting as much information from applicants as possible at an early stage. These changes concerned the establishment of arrival centres, introduction of new technologies for better identification, and extended obligations for applicants to cooperate with authorities and provide necessary documentation at an early stage of the procedure. Such changes were also accompanied by the provision of more information about the process to the applicants, including information on voluntary return.

At the same time, the debate on the disembarkation of migrants rescued at sea in the Mediterranean raised fundamental questions about a systemic EU-wide approach to safe and effective access to procedure for persons rescued at sea.



EASO Information and Documentation System

IDS

EASO [IDS](#) is a searchable online knowledge base that provides close to 1,500 registered users with a comprehensive overview of each key stage of the asylum process as it practically functions in individual EU+ countries as regards: Access to Procedures, the Dublin Procedure, First Instance Determination, Second Instance Determination, Reception, Detention, Forms of Protection, Return, Resettlement and Humanitarian Admission Schemes. Descriptions of asylum practices in the 30 EU+ countries, as validated by country representatives in IDS network, are coupled on IDS with relevant information on legislation, statistical data and jurisprudence. IDS also maintains operational platforms to support activities in Italy and Greece and within the external dimension.

More information can be found in section 6.1.3 of EASO General Annual Report (forthcoming).

Access to territory

In principle, an application for international protection can only be submitted to the national authorities within a country's territory or at its border. Throughout 2018, several EU+ countries continued to use temporary reintroduction of border control (when necessary) at internal Schengen borders.²⁵³

In addition, the question of effective access to territory was prominently raised through the issue of search and rescue (SAR) ships carrying migrants on board in the Mediterranean seeking a port for disembarkation. On a number of occasions during 2018, debates emerged in regards to what the competent SAR authority is, given the location that boats carrying migrants were intercepted by search and rescue boats. Subsequently, Member States have refused boats carrying rescued migrants to dock on their ports or have only allowed this after significant delays or after the expressed commitment of other Member States that they would host the migrants concerned through ad hoc relocation agreements. Moreover, a decrease in search and rescue operations by European state vessels in the Libyan Search and Rescue Region, coupled with restrictions in the operations of NGO vessels,²⁵⁴ meant that some boats carrying migrants from Libya travelled for more than 100 miles to either land directly to Malta or Italy or be rescued in the two countries' respective search and rescue areas.²⁵⁵ This increased the time migrants spent at sea, as well as the risk that such a journey entails.²⁵⁶ The European Commission, in the light of these developments, took steps to coordinate action toward safe disembarkation and relocation of migrants rescued at sea. While decisions made by individual

²⁵³ For a comprehensive overview of temporarily reintroduced border controls and related legislation and documents, see: European Commission DG Home, [Overview on Temporary Reintroduction of Border Control](#).

²⁵⁴ In a piece it published on the issue, the Fundamental Rights Agency (FRA) expressed concerns over the recent trend toward criminalizing search and rescue operations carried out by non-governmental organisations, pointing to the delicate distinction between real smugglers and those enforcing the human rights imperative of saving lives at sea. European Union Agency for Fundamental Rights (FRA), [Fundamental Rights Considerations : NGO Ships Involved in Search and Rescue in the Mediterranean and Criminal Investigations](#), Oct 2018.

²⁵⁵ UNHCR, [Desperate Journeys: January – December 2018; Refugees and Migrants Arriving in Europe and at Europe's Borders](#).

²⁵⁶ On this issue UNHCR called on all countries in the area to allow civilians fleeing Libya (Libyan nationals, former habitual residents of Libya and third-country nationals) access to their territories: UNHCR, [UNHCR Position on Returns to Libya - Update II](#), September 2018; An open letter, signed by a number of NGOs, raising critical concerns and requesting timely disembarkation arrangements for rescued survivors in the Mediterranean, was sent in February 2019 to the Ministers of Justice and Home Affairs of the EU Member States: HRW, [Open NGO Letter to EU Member States' Ministers of Justice and Home Affairs](#).

governments to allow disembarkation or participate in the relocation of disembarked migrants to their territory were welcome by the EU Commission, civil society, and UNHCR alike,²⁵⁷ these incidents highlighted the need for a more coordinated approach to disembarkation on a European scale.^{258 259}

Overall, various concerns were raised by civil society actors in a number of EU+ countries with regards to effective access to territory, including the occurrence of pushbacks on the border. Civil society organisations reported instances of pushing back persons trying to cross the border from Bulgaria to Greece and from Bulgaria to Turkey.²⁶⁰ In **Croatia**, reports of pushbacks²⁶¹ have triggered a request on the part of the Ombudswoman for an investigation.²⁶² In **France**, person trying to access the country's territory have been reportedly refused entry both at the borders with Italy²⁶³ and at the borders with Spain,²⁶⁴ on the basis of an argument that these two countries are responsible for examining the applications of people trying to cross the respective borders, without them being placed under the procedure foreseen by the Dublin Regulation.²⁶⁵ A high number of arrests at the French-Italian border have been reported, which seem to have had an effect on shifting migratory routes toward increasingly dangerous routes on the mountains.²⁶⁶ In **Hungary**, a total of 4 151 individuals have been reported to have been pushed back; these persons were escorted back to the outer side of the Hungarian-Serbian border.²⁶⁷ Through a number of publications, UNHCR has raised a critical voice vis-a-vis legislation and practices adopted by the Hungarian government, which have progressively introduced restrictive measures limiting access to the country's territory and to the asylum procedure.²⁶⁸ Moreover, in the course of 2018, the **Italian** government has delayed or hindered access to territory to individuals rescued at sea, potentially including applicants for protection. In **Poland**, pushbacks have been reported at the Terespol border crossing point, even in cases that the individuals concerned expressed their intention to apply for protection.²⁶⁹ In **Spain**, obstacles for potential applicants for protection in accessing territory have been mostly reported regarding the borders at Ceuta and Melilla.^{270 271} Reported cases concern refusal of entry, collective expulsions, and pushbacks.²⁷² At the end of August, the Spanish government evoked a readmission agreement, signed with Morocco in 1992, to return 116 migrants from sub-Saharan countries to Morocco. The implementation of this agreement led to a decrease in the number of arrivals in the border fences.²⁷³ Moreover, a lack of coordination among competent authorities was noted in regards to arrivals on the Andalusian shores, while obstacles were identified in the provision of

²⁵⁷ UNHCR, [UNHCR Malta Welcomes Decision to Allow Disembarkation](#); UNHCR, [UNHCR thanks Spain for its solidarity with the refugees, at a critical moment for its future \(in Spanish\)](#).

²⁵⁸ The related proposal for the development of temporary arrangements is presented in Chapter 1, Section 1.3.

²⁵⁹ The need for the establishment of an effective mechanism for the disembarkation and processing of people rescued at sea has been highlighted by UNHCR in a number of publications, including recommendations to the Austrian and Romanian Presidencies of the Council of the European Union: UNHCR, [UNHCR's Recommendations to the Federal Republic of Austria for Its Presidency of the Council of the European Union \(EU\)](#); UNHCR, [UNHCR's Recommendations for the Romanian Presidency of the Council of the EU](#).

²⁶⁰ AIDA, [Country Report Bulgaria 2018 Update](#), p. 19.

²⁶¹ See for example UNHCR, [Desperate Journeys: January – December 2018; Refugees and Migrants Arriving in Europe and at Europe's Borders](#), footnote 66; Save the Children, [Hundreds of Children Report Police Violence at EU Borders](#); HRW, [Croatia: Migrants Pushed Back to Bosnia and Herzegovina](#).

²⁶² AIDA, [Country Report Croatia, 2018 Update](#), p. 24. According to the Croatian Ministry of the Interior, the alleged push backs were investigated by police supervisors and internal investigators and no grounds were discovered for these cases.

²⁶³ Forum Réfugiés - Cosi, Input to the EASO Annual Report 2018, contribution not disclosed.

²⁶⁴ Forum Réfugiés - Cosi, Input to the EASO Annual Report 2018, contribution not disclosed.

²⁶⁵ AIDA, [Country Report France, 2018 Update](#).

²⁶⁶ Forum Réfugiés - Cosi, Input to the EASO Annual Report 2018, contribution not disclosed.

²⁶⁷ AIDA, [Country Report Hungary, 2018 Update](#).

²⁶⁸ UNHCR, [UNHCR Observations on the Legislative Amendments Adopted in Hungary in June & July 2018](#); UNHCR, [Hungary: UNHCR Dismayed over Further Border Restrictions and Draft Law Targeting NGOs Working with Asylum-Seekers and Refugees](#); UNHCR, [UNHCR Calls on Hungary to Withdraw the Draft Law on Refugees](#) (in Hungarian).

²⁶⁹ According to the Belarussian NGO Human Constanta, in the period between October and December 2018 alone, at least 1239 attempts have been made to submit applications for international protection at the Polish border post in Terespol, and only 110 of them were successful. Helsinki Foundation for Human Rights, [Input to the EASO Annual Report 2018](#).

²⁷⁰ Ombudsman of Spain, [Input to the EASO Annual Report 2018](#).

²⁷¹ CoE Secretary General's Special Representative on Migration and Refugees: [Despite Challenges in Managing Mixed Migration Spain Should Guarantee Effective Access to Asylum Also in Melilla and Ceuta](#).

²⁷² AIDA, [Country Report Spain, 2018 Update](#).

²⁷³ Spanish Commission on Refugee Aid / Comisión Española de Ayuda Al Refugiado CEAR, [Input to the EASO Annual Report 2018](#).

information on the right to apply for protection.²⁷⁴ In **Switzerland**, it was reported that, albeit fewer than in previous years, people -including potential applicants for asylum- were refused entry and were prevented from applying by Swiss Border Guards at the border with Italy.²⁷⁵ The authorities noted that the vast majority of irregular migrants apprehended at the Swiss-Italian border by the Swiss Border Guards in 2018 did not want to apply for protection in the country and these persons were readmitted to Italy in the framework of the Swiss-Italian readmission agreement.

In its annual review of the situation of fundamental rights on migrants and refugees in the EU, the Fundamental Rights Agency (FRA) highlighted, among others, a number of findings regarding issues of access to territory: despite a significant decline in the number of people arriving in Europe, the number of refugees and migrants attempting the journey remained high; rescue boats operated by civil society actors faced serious difficulties in docking and disembarkation, which put an additional risk to the safety of persons concerned; and at the external and internal borders a number of incidents of unlawful refusal of entry and mistreatment were reported.²⁷⁶

Similarly, in its publication 'Desperate Journeys: Refugees and migrants arriving in Europe and at Europe's borders',²⁷⁷ **UNHCR** offered a review of trends in 2018 in regards to routes taken by refugees and migrants heading toward Europe, presenting areas of concern, such as the reduction of search and rescue capacity in Europe, and the need for safe disembarkation and effective relocation of people in need of protection. Regarding access to territory and asylum procedures, the publication offers a number of recommendations for European states:

- ☐ enhancing of identification of individuals with protection needs at borders and provision of effective access to asylum procedures, including for individuals arriving irregularly;
- ☐ ending 'push-back' practices;
- ☐ making use of accelerated and simple asylum procedures, in cases of mixed movements, to swiftly distinguish between individuals in need of protection and individuals with no such need, who can be channelled into return procedures;
- ☐ facilitating timely returns, in safety and dignity, of those not in need of protection or with no compelling humanitarian needs. In 2018, the European Council on Refugees and Exiles (ECRE) published a comparative report on access to protection in Europe, with a focus on access to territory, exploring domestic frameworks and practices across 23 countries. The report offers a discussion on the legal standards and safeguards pertaining to procedures of refusal of entry at the border, and the obstacles to access to the territory for the purpose of seeking asylum.²⁷⁸

Finally, since January 2018, Frontex has considerably enlarged the scope of its data collection from Member States, which now includes data on individuals arriving at the external borders disaggregated by age and sex. This allows Frontex to compile more comprehensive and tailored risk assessments, effectively identify vulnerable groups, and develop targeted operational responses.²⁷⁹ The Frontex Risk Analysis for 2019 report offers an analysis of trends on areas related to migratory flows on the external borders of the EU.

Access to the asylum procedure

As mentioned at the beginning of this section, a general trend in regards to access to procedure, observed in 2018, was a shift toward eliciting as much information from applicants as possible at an early stage of the procedure, with an eye on ensuring that applications are processed swiftly, comprehensively, and in

²⁷⁴ Spanish Commission on Refugee Aid / Comisión Española de Ayuda Al Refugiado CEAR, [Input to the EASO Annual Report 2018](#).

²⁷⁵ Asylex, Switzerland, [Input to the EASO Annual Report 2018](#).

²⁷⁶ European Union Agency for Fundamental Rights (FRA), [Beyond the Peak: Challenges Remain, but Migration Numbers Drop](#).

²⁷⁷ UNHCR, [Desperate Journeys : January – December 2018; Refugees and Migrants Arriving in Europe and at Europe's Borders](#).

²⁷⁸ ECRE, [Access to Protection in Europe. Borders and Entry into the Territory](#).

²⁷⁹ Frontex, [Risk Analysis for 2019](#).

an increasingly informed way. Changes introduced in **Germany** and **Belgium** stand as illustrative examples of this general trend. In **Germany**, in an effort to standardize existing procedures, arrival centres (Ankerzentren) were set up nationwide, bringing together all key actors involved in the asylum procedure 'under one roof'.²⁸⁰ These include, the reception authorities of the respective länder, the Federal Office for Migration and Refugees, the immigration authorities, administrative courts, youth welfare offices and the Federal Employment Agency. The process will include identification during registration, provision of procedural and legal consulting, consulting on return option, provision of introductory orientation courses, and review of first instance decision by an administrative court. Until the end of the asylum process, all applicants are to stay in the Anker facilities. An open accommodation concept allows persons seeking protection to leave the facility at any time. However, applicants will not be distributed to cities and towns until a protection status has been granted. In **Spain**, the authorities allocated more resources to manage irregular arrivals - in an effort to respond to their increasing number - and to conduct identification of a person's vulnerabilities at an earlier stage. New specific facilities for emergency and referral were put in place, comprising the Centres for the Temporary Reception of Foreigners and the Centres for Emergency Reception and Referral.²⁸¹ UNHCR pointed to the need for enhancing coordination among authorities involved in these centres through the development of specific standard operating procedures for the adequate identification and referral of persons with specific needs.⁽²⁸² Moreover, despite these very positive measures, further efforts are needed to guarantee identification of persons with international protection needs and ensure their access to the asylum procedure upon arrival, as challenges persist. In this context, UNHCR has deployed two teams in the field with the purpose of supporting authorities to promote identification of international protection needs among people arriving by sea, access to information on international protection and access to procedures. To this end, UNHCR has signed a partnership with the Spanish Commission on Refugee Aid (CEAR) to provide information on international protection.²⁸³

In **Belgium**, until December 2018, the application process took place at the premises of the Immigration Office. Since then, all applications for international protection – not made at the external border, in a closed facility or in prison - are registered in a temporary arrival centre at Le Petit- Château – Klein Kasteeltje, an existing reception centre whose function has been adapted, in Brussels (pending the completion of the formal arrival centre in Neder-Over-Heembeek). A new, harmonised procedure for all applicants has been put in place, including registration of the application, identification, security screening, medical examination, social intake and allocation to a reception centre. Applications made at the border, in closed facilities, or in penitentiary institutions are transferred to the Immigration Office. Toward the same direction of optimising and streamlining access to procedure were the legislative amendments to the Law of 15 December 1980 on the Entry, Residence, Settlement and Removal of Foreign Nationals and the Law of 12 January 2007 on the Reception of Asylum Seekers and Certain other Categories of Foreign Nationals, which entered into force in March 2018. The amendments introduced the concept of making, registering and lodging an application for international protection as described under Article 6 of the recast APD. As a main rule, a foreign national needs to make an application at the Immigration Office in Brussels as soon as possible and within 8 working days after arrival in Belgium. The Immigration Office, then, has to register the application within three working days (which can be extended to ten working days in exceptional circumstances). The Immigration Office provides applicants the possibility to lodge their application either immediately after registration or invites the applicant to lodge their application as soon as possible within 30 days from making the application. In addition, it is foreseen that in the framework of the duty to cooperate, applicants have to submit as soon as possible all information, documents or other elements concerning their identity, nationality, age, the reason for applying for asylum and the travel itinerary. If there are good reasons to assume that the applicant withholds relevant information, documents or other elements which are essential for the assessment of

²⁸⁰ BAMF, [Press release : Launching the Anker facilities](#) (in German).

²⁸¹ AIDA, [Country Report Spain, 2018 Update](#).

²⁸² UNHCR Input to the Annual Report 2018. See also: Comparecencia del Defensor del Pueblo ante la Comisión Mixta del Congreso de los Diputados y del Senado, [The arrival of migrant boats to the Mediterranean Arc: situation and challenges for an immigration policy. Intervention Defender Joint Commission, 15 Feb 2018](#) (in Spanish).

²⁸³ UNHCR Input to the Annual Report 2018. See also: [UNHCR, UNHCR reinforces its presence on the southern coast of Spain to support the identification of refugees](#).

the asylum application, the applicant can be invited to submit these elements without delay, whatever the information carrier is. The refusal of the applicant to submit these elements without satisfactory justification can be considered as an indication of the refusal to comply with the duty to cooperate. The originals of national or international identity documents can now be also retained during the asylum procedure and the amendments clarify the rules for returning these documents.

Legislative changes regarding access to the asylum procedure were also introduced, in the course of 2018, in **Austria**. The Aliens Law Amendment Act 2018²⁸⁴ introduced the provision that an adult's application for international protection now also applies to each of their minor children residing in Austria, without any other type of residence right. When a child is born in Austria with a third-country citizenship after their parents have already applied for asylum, the application for international protection is considered to be lodged on the child's behalf by registering the birth or by informing the BFA of the child's birth. In addition, in an effort to elicit information about an applicant's identity and the facts surrounding their situation, through the new Act, the Federal Agency for Immigration and Asylum (BFA) and law enforcement authorities are now authorised to seize and evaluate the content of applicants' data carriers in order to establish their identity, nationality, and travel route, in cases where these cannot be established on the basis of existing evidence. In **Poland**, a draft Act on amending the Act on granting protection to foreigners, which is still pending at the relevant Ministry, aims at introducing into Polish national law a border procedure for examining application for protection.²⁸⁵

In **France**, the law of 10 September 2018 reduced the time limit to make an application under the normal procedure on the territory to 90 days from 120 days. Beyond this time limit, the application is considered a late application and is examined under the accelerated procedure.²⁸⁶ In **Finland**, in December 2018, an amendment proposal for the Aliens Act²⁸⁷ was submitted to the parliament, which, among others, puts forward new provisions concerning the seizure of an applicant's travel documents.

A number of EU+ countries also introduced **practical changes** in the area of access to procedures in 2018, with an eye to the optimisation of the process. In **Sweden**, since 1 February 2018, the Swedish Migration Agency processes new asylum applications digitally, which means that all information in an asylum case is available in the Agency's IT-system for case management. In **Norway**, the Norwegian National Police Immigration Service now creates automated analytical reports during asylum seekers' arrival phase in order to expose human smuggling and human trade related crime. In April 2018, the **UK** Home Office published a new guidance on asylum screening and routing, which detailed the registration process for applications for international protection. The updated document includes additional guidance on the conduct of security screening. In **Latvia**, the national asylum information registers and systems were further optimised and digitalised, including the facilitation of the information flow for the purposes of appeal.

In **Spain**, due to the increase in the number of applications, the police has become the main actor receiving applications. In practice, this has presented challenges in regards to the quality of the first interviews.²⁸⁸

In **Cyprus**, in order to address challenges associated with the increased number of applications received, where necessary, applicants were provided with a confirmation of a 'making' of an application so that they are able to access their rights, as provided for in the Cyprus Refugee Law. This practice was especially applied in the District Immigration Office in Nicosia, where most of the applications for international protection are submitted. This note served as a measure to prevent apprehension and deportation, while access to rights remained compromised.

Moreover, -following developments in legislation- practical changes were also introduced toward establishing applicants' identity at an early stage and collecting information surrounding their case in a

²⁸⁴ AT LEG 01: FrÄG 2018, Aliens Law Amendment Act 2018.

²⁸⁵ Association for Legal Intervention (SIP, Misją Stowarzyszenia Interwencji Prawnej): [Proposed amendments to the asylum law in Poland: SIP comments on the controversial proposal](#).

²⁸⁶ FR LEG 01: Law of 10 September 2018.

²⁸⁷ FI LEG 02: Proposal amending the Aliens Act, HE 273/2018 vp.

²⁸⁸ Ombudsman of Spain, [Input to the EASO Annual Report 2018](#).

comprehensive way. In **Germany**, BAMF started using four comprehensive tools to assist decision-makers to establish the identity of the applicants: information from electronic information carriers (extraction from mobile devices), biometric language analysis, a technical system for the transcription of names, and a system for facial recognition. In **Finland**, the Finnish Immigration Service and the National Police Guard started the joint implementation of the MISEC project, having the following objectives: enhancing co-operation and information exchange between the immigration and security authorities; improving methods for establishing the identity and background of applicants for protection, residence permit and citizenship; developing methods for identifying applicants, who may pose a security risk; and exploring technological tools to support these functions.

Finally, in **Belgium**, in November 2018, the then State Secretary of Asylum decided to limit the number of applications to be registered per day to 60, which was soon revised to 50. However, after changes in the composition of the governing coalition, the new minister for Asylum and migration policy decided to end this limit, in December 2018. In addition, on 20 December 2018, the Council of State ruled against the limitation of the number of applications to be registered per day,²⁸⁹ recalling that the right to seek asylum is a fundamental right and stating that such measures make it ‘unreasonably difficult for people to have effective access to the procedure for recognising refugee status or granting subsidiary protection’.

Despite positive steps toward optimising access to the asylum procedure, a number of concerns were raised by civil society actors, especially in regards to practical obstacles in accessing the procedure effectively and within reasonable time. In **France**, applicants have been reported to be facing difficulties in accessing the orientation platform for asylum seekers (PADA). In Ile de France, as of May 2018, the French Office of Immigration and Integration (OFII) has introduced a telephone appointment system through which applicants obtain an appointment to appear before a PADA, which then makes an appointment to them with the ‘single desk’ to register their application. The system does not always operate smoothly with applicants reportedly trying to call several times with no success or waiting for prolonged periods on hold before speaking to OFII representatives. Calls are charged at a standard rate, which is a cost for applicants, taking into consideration that their applications have not been registered yet, thus they have no access to reception conditions.²⁹⁰ In **Hungary**, throughout 2018 it was still only possible to apply for protection in the transit zones, while all applicants, with the exception of UAMs below the age of 14, have to remain in the transit zone throughout the duration of the asylum procedure, in a situation that has been described as *de facto* detention.²⁹¹ In **Italy** and **Spain**, it has been reported that due to current practices in handling requests for appointment and prolonged waiting times for lodging applications, applicants at times sleep in front of the premises of the competent authorities so that they can early access the morning after.²⁹²²⁹³ In Spain, such delays in the lodging of an application means that applicants cannot obtain a foreigner’s ID and a city certificate, which prevents them from accessing reception conditions, such as healthcare and education.²⁹⁴

In the light of the judgement by the European Court of Human Rights in the case of *Sharifi and Others v Italy and Greece*, **UNHCR** made a submission concerning the execution of the judgement in **Italy**. In this document, UNHCR raises a number of concerns in regards to legal and practical issues relating to the effective presence of NGOs at border crossing points (BCPs), insufficient provision of information, gaps in

²⁸⁹ BE Council of State, [Decision n° 343.306](#)

²⁹⁰ AIDA, [Country Report France, 2018 Update](#).

²⁹¹ AIDA, [Country Report Hungary, 2018 Update](#).

²⁹² AIDA, [Country Report Italy, 2018 Update](#).

²⁹³ In their input to the Annual Report, in order to illustrate this point, the Office of the Spanish Ombudsman reported the following example: since the end of May 2018, people in need of international protection in Madrid were required to appear before the police station of Aluche to register their asylum application. The police station only accepted 99 people per day. Due to this quota, up to 200 people, including pregnant women, children and persons with medical conditions, unsuccessfully waited outside the station and slept rough for several days in hope of getting an appointment. After obtaining access to the police station and receiving a “Certificate of intention to apply for asylum”, asylum seekers were given an appointment to lodge it with the police, for dates as late as December 2020, claiming that the system has collapsed [...] This fact, along with the delays during the procedure, causes them defencelessness. Ombudsman of Spain, [Input to the EASO Annual Report 2018](#).

²⁹⁴ Fundación Cepaim, [Input to the EASO Annual Report 2018](#).

cultural mediation/interpretation, shortcomings regarding the identification of persons with specific needs.²⁹⁵

In **Greece**, regarding access to the asylum procedure it was reported that in the mainland, especially in the Regional Asylum Office (RAO) in Attica, delays occur in the full registration of applications.²⁹⁶ In addition, from the moment an NGO sends a request to the competent RAO, until the day of full registration, no official document, serving as proof of submission of an application, is issued.²⁹⁷ It was noted that the Skype system, which is in place to facilitate the registration of applications is almost unavailable for individuals speaking Arabic, Sorani, and Kurmanji, with the result being that *bona fide* applicants may be at risk of arrest or detention due to absence of the needed documents.²⁹⁸ In **France**, Safe Passage and Medicines Sans Frontieres reported delays for UAMs to access the asylum procedure, largely caused by delays in the appointment of a representative.²⁹⁹

In regards to access to procedures in transit areas or 'international zones' at airports, in January 2019, **UNHCR** published a paper presenting legal considerations on state responsibilities for persons seeking international protection in those areas. The paper sets out key legal considerations, occurring in such contexts, based on international refugee and human rights law on the right to seek and enjoy asylum, the principle of *non-refoulement*, and the issues of non-penalisation for irregular entry.³⁰⁰

The European Council on Refugees and Exiles (ECRE) published, in 2018, a comparative report on registration practices across a number of EU countries and Turkey, and discusses legal and practical aspects of registration of asylum claims on the territory of European countries, with a focus on: responsible authorities and content of information collected; locations of registration; time limits; and documentation.³⁰¹

Finally, the European Network on Statelessness, highlighted a number of issues of concern in regards to the identification and registration of stateless individuals in several EU+ countries.³⁰² The Network pointed to a lack of systematic procedures and guidance in identifying and registering stateless individuals on arrival, with the consequence being that these individuals are registered with imputed or 'unknown' nationality. Among others, this may have significant implications for their asylum claims, access to family reunification, access to integration including education, and return procedures. In 2018, members of the Network reported issues with the identification of statelessness, among others, in **Cyprus, Greece, Kosovo, the Netherlands, Serbia, Slovakia, and Sweden**.³⁰³ This is largely attributed to limited awareness of issues surrounding statelessness among officials and lack of standard statelessness determination procedures. Similarly acknowledging the need for addressing limitations in this area, In April 2018, in a recommendation to the European Union on the EU Multiannual Financial Framework 2021-2027, UNHCR called the EU to support the establishment of procedures for the determination of statelessness and the inclusion of stateless persons as a beneficiary group in all EU funded integration and social cohesion programmes.³⁰⁴

Court proceedings regarding access to territory and access to procedure

²⁹⁵ UNHCR, [Submission by the Office of the United Nations High Commissioner for Refugees \(UNHCR\) concerning the execution of the judgment by the European Court of Human Rights in the case of Sharifi and Others v. Italy and Greece \(application no. 16643/09, judgment of 21 October 2014\)](#).

²⁹⁶ Network for Children's Rights, [Input to the EASO Annual Report 2018](#); AIDA, [Country Report Greece, 2018 Update](#), p. 39.

²⁹⁷ Network for Children's Rights, [Input to the EASO Annual Report 2018](#)

²⁹⁸ DRC in Greece, [Input to the EASO Annual Report 2018](#).

²⁹⁹ Safe Passage International, [Input to the EASO Annual Report 2018](#).

³⁰⁰ UNHCR, [Legal Considerations on State Responsibilities for Persons Seeking International Protection in Transit Areas or "International" Zones at Airports](#).

³⁰¹ ECRE, [Access to protection in Europe. The registration of asylum applications](#).

³⁰² European Network on Statelessness, [Input to the EASO Annual Report 2018](#).

³⁰³ European Network on Statelessness, [Input to the EASO Annual Report 2018](#).

³⁰⁴ UNHCR, [UNHCR Recommendations to the European Union. EU Multiannual Financial Framework 2021-2027: Addressing forced displacement effectively](#).

In regards to access to territory and access to procedure, a number of judgements were issued in the course of 2018 both at European and at national levels. This section presents some indicative examples of such jurisprudence.³⁰⁵

The European Court of Human Rights ruled on several related cases.³⁰⁶ In the case *A.E.A. v Greece*, the European Court of Human Rights (ECHR) ruled on the case of a Sudanese national who arrived in Greece in 2009 and to whom an automatic expulsion order was issued, preventing him from having access to the asylum procedure. His application was finally registered in 2012 but rejected a year later, so he left to France. The Court, on 15 March 2018, ruled that the possibility to lodge an asylum application in practice is a prerequisite for the effective protection of those in need of international protection. If access to the asylum procedure is not guaranteed by the national authorities, asylum seekers cannot benefit from the procedural safeguards and can be arrested and placed in detention at any time. Lack of access to the asylum procedure due to the deficiencies in Greek asylum system violated the applicant's fundamental rights. The fact that he left Greece for France cannot affect the situation.³⁰⁷ On 18 April 2018, the ECHR held a hearing on the case of *Ilias and Ahmed v Hungary*, concerning the border-zone detention for 23 days of two Bangladeshi asylum-seekers as well as their removal from Hungary to Serbia. The applicants allege in particular that the 23 days they had spent in the transit zone amounted to a deprivation of liberty which had no legal basis and which could not be remedied by appropriate judicial review. In its Chamber judgment on 14 March 2017, the Court had held, unanimously, that there had been a violation of Article 5(1) and (4) (right to liberty and security) of the Convention, finding that the applicants' confinement in the Röszke border-zone had amounted to detention, meaning they had effectively been deprived of their liberty without any formal, reasoned decision and without appropriate judicial review.³⁰⁸ On 26 September 2018, following a request from Spain, the European Court of Human Rights held again a hearing in the case of *N.D. and N.T. v Spain*, concerning the immediate return to Morocco of a Malian and an Ivorian national, who attempted in August 2014 to enter Spanish territory illegally by scaling the fences which surround the Melilla enclave on the North African coast. The Court had ruled earlier in October 2017 that practices at the Spanish-Moroccan border are in violation of Article 4 Protocol 4 (Prohibition of Collective Expulsions) and Article 13 (Right to an Effective Remedy) of the European Convention on Human Rights.³⁰⁹ With the above-mentioned appeal lodged by the Spanish state, the case is currently pending final decision.

At national level, as mentioned earlier in this section, in **Belgium**, on 20 December 2018, Council of State ordered the suspension of the implementation of the decision of the Belgian Secretary of State for Asylum and Migration, limiting the number of applications for international protection to be registered by the Immigration Office to 50 per day. The ruling underlined especially that the decision makes it excessively difficult to exercise the fundamental right of having effective access to the procedure for obtaining international protection.³¹⁰ In **Poland**, the Supreme Administrative court delivered a number of judgements regarding refusals of entry at the country's external borders. In seven of those cases, the foreigners were represented by the Helsinki Foundation for Human Rights. In all seven cases, the Court revoked the decisions to refuse entry highlighting procedural omissions by the Polish Border Guard. The Court held that a memo issued by a Border Guard officer indicating 'economic purposes' as the reason for refusing entry to a third-country national cannot constitute sufficient evidence on the basis of which entry is denied. It also stated that it is not correct to deprive third-country nationals of the right to be assisted by their lawyers, who appear at the border at the time of border check. Subsequently, the Commissioner for Human Rights called upon the Ministry of Interior and Administration to introduce legislation implementing the case law of the Supreme Administrative Court.³¹¹ In **Italy**, in the case *Appellant v Ministry of Interior (Questura di Pordenone)*, the Court of Trieste ruled on a case, where the Police Headquarter of Pordenone refused to register an application for international protection, because

³⁰⁵ For case law related to the Common European Asylum System, please visit the [Information and Documentation System on Case Law](#).

³⁰⁶ See for example additionally: ECtHR, *M.A. and others vs Lithuania*, [ECLI:CE:ECHR:2018:1211JUD005979317](#).

³⁰⁷ ECtHR, *A.E.A. vs Greece*, [ECLI:CE:ECHR:2018:0315JUD003903412](#).

³⁰⁸ ECtHR, *Ilias and Ahmed vs Hungary*, [ECLI:CE:ECHR:2017:0314JUD004728715](#).

³⁰⁹ ECtHR, *N.D. and N.T. vs Spain*, [ECLI:CE:ECHR:2017:1003JUD000867515](#).

³¹⁰ BE Council of State, [Decision n° 343.306](#).

³¹¹ Helsinki Foundation for Human Rights, [Input to the EASO Annual Report 2018](#).

they considered themselves not responsible for registering applications and because the applicant did not provide information about his autonomous accommodation. The Court ruled that, according to the Directive 2013/32/EU, a Member State has to provide for the registration of an application no later than 6 days. This holds also for applications made before national authorities that are not competent to proceed with the registration of the application under national law. In addition, the court ruled that there is no need to give information about autonomous accommodation when submitting a request of asylum, since once the application is lodged the applicant is entitled to material reception provided by the Member State.³¹²

4.2. Access to information and legal assistance

This section is divided into two main thematic parts. The first part, Access to information, offers a summary of the legislative developments and policy initiatives in EU+ countries on this field, including separate parts on audio-visual communication initiatives and new media developments, information needs of vulnerable persons, information provision following the recognition of beneficiaries of international protection and awareness-raising activities related to assisted voluntary return and reintegration. It further highlights a number of reported training initiatives on information provision, while also making reference to related concerns raised by civil society organisation and UNHCR. This first part concludes with a brief overview of EASO initiatives in this area. The second thematic part of the section focuses on developments regarding legal assistance and representation. It provides an overview of changes related to the scope and extent of legal aid, and the actors involved in the process, and highlights specific initiatives on the provision of legal assistance to unaccompanied minors. The part also includes civil society perspectives in this area.

In order to be able to fully communicate their protection needs and personal circumstances and to have them comprehensively and fairly assessed, persons seeking international protection need information regarding their situation. In particular, under the recast Asylum Procedures Directive, Member States need to ensure that all authorities that are likely to receive applications for international protection have the relevant information and can in turn inform applicants as to where and how applications for international protection may be lodged. Additional obligations of provision of information (information on the possibility to apply for international protection for certain persons who have not done so) shall be also applicable in detention facilities and border crossing points. During the procedures, applicants are to be informed of their rights and obligations during the procedure and the possible consequences of not complying with their obligations and not cooperating with the authorities, the time frames of the procedure, and circumstances concerning withdrawal of their application. For persons with pending cases it is crucial to receive information about their situation, as lack of clarity in that regard can be a contributing factor leading to absconding and secondary movement.

4.2.1. Access to information

For applicants for international protection, effective access to information is a primary constituent of procedural fairness.³¹³ Applicants have the right to be informed so that: a) they understand the different

³¹² IT Civil Court of Trieste, R.G. 1929/18.

³¹³ The right of access to information for applicants for international protection is well established in EU legislation. Among others, the Asylum Procedures Directive (Directive 2013/32/EU) stipulates that all applicants *shall be informed in a language, which they understand or are reasonably supposed to understand of the procedure to be followed and of their rights and obligations during the procedure and the possible consequences of not complying with their obligations and not cooperating with the authorities. They shall be informed of the time-frame, the means at their disposal for fulfilling the obligation to submit the elements as referred to in Article 4 of Directive 2011/95/EU (Qualification Directive), as well as of the consequences of an explicit or implicit withdrawal of the application. That information shall be given in time to enable them to exercise the rights guaranteed in this Directive and to comply with the obligations described in Article 13* (APD Recast, Article 12, Guarantees for Applicants). Similar stipulations are also made in Article 29 of Regulation 603/2013 (Eurodac Regulation), and Article 4 of Regulation 604/2013 (Dublin III Regulation).

stages of the process; b) they know their rights and obligations in each of these stages; and c) they are aware of the means available to them to exercise their rights and fulfil their duties. Accordingly, having effective access to information enables them to make informed decisions throughout the process, being aware of what consequences each decision they make entails.

In 2018, EU+ countries continued reinforcing their efforts for accurate and comprehensive information to persons seeking international protection. Furthermore, the content of information provided by EU+ authorities, broadened into rights and obligations in the content of protection as well as integration, including organisation of induction training sessions for applicants or beneficiaries of asylum and subsidiary status, in the host countries.

Several EU+ countries focused their communication objectives in awareness-raising activities regarding assisted voluntary return for reject asylum seekers and third-country nationals. Many countries mobilised AMIF funding for the development and implementation of projects and campaigns aiming to assist communication between national practitioners and prospective returnees, support key aspects of the return procedure and inform about possibilities for reintegration in the return countries.

In the course of 2018, EU+ countries also updated their guidelines and instructions for practitioners, aiming at fairer and more comprehensive communication and understanding of rights and needs for different types of vulnerable groups. Access to information for unaccompanied minors continued to remain top priority across EU+ level. Fighting against smuggling and promotion of safe and legal ways to migration were among key messages of new awareness-raising initiatives, undertaken by 2 EU+ countries in 2018.

As regards communication means and methodologies used by the EU+ authorities for the effective implementation of their communication objectives, 2018 was an earmark for switching information provision into new media tools and technologies. EU+ countries used diverse sets of informative materials to reach each target audience. The most common methods included development of online websites and mobile applications, followed by leaflets and brochures translated in several different languages. Translation of information and content of communication material has been significantly improved among EU+ countries in order to reach a wider range of nationalities of applicants for international protection and migrant communities.

The following sections elaborate on the most important legislative developments, new initiatives, projects and tools, which were undertaken or developed by competent authorities in EU+ countries, including input by civil society organisations and UNHCR.

Legislative developments

In most of the EU+ countries there were no significant legislative developments regarding access to information during 2018. In **Greece**,³¹⁴ the amended Law 4540 approved by the Hellenic Parliament on 22 May 2018, introduced provisions for competent authorities ‘to make, accessible to applicants, information on all the documentary evidence needed for an application, along with information on entry and residence, including the rights and obligations’.³¹⁵ Amendments also include provision of information on access to social welfare scheme, access to accommodation, healthcare, citizenship, employment and integration programmes.

The legislative amendments introduced by **Switzerland** in March 2019, concerning the inclusion of the right for asylum seekers to receive free advice and legal representation in first instance procedures, were warmly welcomed by civil society organisations and UNCHR.

³¹⁴ EMN, [EMN 25th Bulletin](#).

³¹⁵ EL LEG 02: L 4540/2018, Reception Act.

Initiatives undertaken by asylum authorities in EU+ countries

In 2018, significant initiatives have been introduced by EU+ countries focusing on guidance on procedural safeguards for vulnerable applicants during the asylum procedure. Many EU+ countries also developed projects, related to information provision in the content of protection and integration for beneficiaries of asylum and subsidiary protection. Most of the EU+ countries continued marking progress in implementation of several projects and initiatives, which were launched in the previous years and are related to access to information for applicants for international protection.

Germany continued the implementation of the pilot project on **procedural counselling during the first instance procedure**, which was launched and implemented by the Federal Asylum Agency (BAMF) and welfare organisations in 2017. As of autumn 2018, in total **9 BAMF field offices** included in the pilot project, which comprises access to collective procedural information before application, as well as access to individual procedural counselling prior to application and after decision. An evaluation of the project is planned for 2019. Nearly 50 additional communication projects also initiated by **Germany** in third countries, in cooperation with NGOs and International Organisations. Projects include production of videos and radio spots that target potential migrants and refugees and aim at informing them about: risks of irregular migration, legal pathways, and voluntary and forced return. Spots also aim to inform about Germany's commitment to protect refugees and to fight against root causes of forced displacement and migration. Objectives of the campaign, also target organisations and multipliers mediating in conflicts in order to effectively disseminate messages and contribute to the fight against root causes of forced displacement and migration.

Similarly, **Estonia** deployed **advisers**, to provide procedural, legal and settlement-related counselling³¹⁶ to applicants for international protection, throughout all stages of the asylum procedure or under particular circumstances. In this regard, Estonia produced a large number of leaflets, translated into 17 languages, which are used by the advisers and distributed among applicants prior to application and upon notification of a decision.

In the course of 2018, important initiatives were undertaken by **Belgium** and **Sweden** regarding information provision to vulnerable applicants for international protection. Both countries, issued updated instructions for national practitioners in the fields of asylum and protection. They organised specialised trainings and published communication leaflets aiming at raising awareness and providing guidance on issues related to **gender-based violence, physical and sexual violence, as well as female genital mutilation and discrimination against transgender people**.

EU+ countries continued undertaking support measures related to information in the context of reception and accommodation of persons in need of international protection. In **Latvia**, the Office of Citizenship and Migration Affairs, produced an information brochure with **Guidelines for asylum seekers**³¹⁷ which is translated in 10 languages. Similarly, **France**³¹⁸ updated the guide written by OFPRA on the right of asylum for unaccompanied minors, which was initially published in 2014.

³¹⁶ In Estonia the particular initiative foresees, two advisers, who are settled in a detention and an accommodation centre, respectively, with main tasks to explain rights and obligations of applicants, provide information and support to applicants during all stages of the asylum procedure.

³¹⁷ In the framework of the Asylum, Migration and Integration Fund project "Support measures for reception and accommodation of persons in need of international protection in Latvia".

³¹⁸ In April 2014, OFPRA published a guide on the right of asylum for unaccompanied minors in France, updated in 2018. The guide is quite comprehensive, describing the steps of the asylum procedure, the appeals and the procedure at the border.

On February 2018, **Belgium** and the **United Kingdom** agreed³¹⁹ to [further cooperate on the issue of transit migration](#), including working on an information campaign, targeting migrants, and aiming at fighting against smuggling.

Information provision in the context of protection and integration

A series of initiatives and information campaigns launched by the EU+ Countries in 2018, focusing on **rights and obligations regarding family reunification, access to social welfare scheme, access to accommodation, healthcare, citizenship, employment and integration of beneficiaries for international protection**.

In **Croatia** the Office of Human Rights and Rights of National Minorities, launched a new edition of the **Guide for the Integration of Foreigners into Croatian Society** including, relevant information for beneficiaries for asylum and subsidiary protection. The updated guide is planned to be translated in English, French, Arabic, Farsi, Ukrainian and Urdu.

The **Czech Republic** introduced new services that aim to facilitate the integration and inclusion of foreign pupils into the Czech Educational System. In this regard, the **School Adaptation Coordinator Service**, provides two-week induction sessions and assists the inclusion of new foreign pupils to school environment by preventing precedents and undesirable stereotypes. The **Interpretation and Translation Service for Schools** aims at facilitating communication with foreign pupils, while familiarising them with practical information about school policy, admission process, the education system and integration process in the host country. The **Czech Republic** began the elaboration of a brochure explaining the rights and obligations of beneficiaries of international protection and published a leaflet (translated into 22 languages) outlining the offer and the rules of the State Integration Programme. **Estonia** also produced leaflets, explaining rights and obligations of applicants and beneficiaries for international protection, including important information about residence permit documents and their duration. Leaflets translated in 17 linguistic versions and are expected to be used in the first half of 2019.

The Office of Citizenship and Migration Affairs, in **Latvia** continued offering information and assistance for integration of third-country nationals and beneficiaries of international protection, including advice on residence permits, entry documents and different aspects related to content of protection. Similarly, in **Slovakia**, the Ministry of Interior of the Slovak Republic, developed **new guidelines** for beneficiaries of international protection including relevant information about the rights and obligations of beneficiaries of international protection. The updated guidelines also include relevant information for unaccompanied minors. **Slovenia** updated the edition of the **Handbook for easier communication in healthcare**, initially launched in 2016, which is designed to facilitate communication between migrants and medical staff as regards primary healthcare. During 2018, the **UK** Home Office continued to review the information provided to beneficiaries for international protection so as to make it easier to understand and ensure smooth support in their integration.

Training initiatives in the context of information provision

Continuing training activities for protection officers, the Office of Commissioner General for Refugees and Stateless Persons (CGRS) in **Belgium** organised a conference on female genital mutilation with focus on medical and psychosocial aspects. In 2018, the CGRS also issued instructions for protection officers regarding the **specificity of transgender people** during the asylum procedure. The specific instructions aim to assist relevant practitioners in adapting and addressing gender identity issues, invoked by applicants during the interview process. They also aim to inform the applicants about administrative challenges that may arise in the course of the procedure along with possibilities offered by Belgium to change the reference of sex and the first name, when an applicant is recognised with refugee status.

³¹⁹ EMN, National Contact Belgium: [Belgium and the United Kingdom to further cooperate on the issue of transit migration](#).

Protection officers were also trained to identify potential or gender based violence and provide information to the applicants about assistance and support they can get by Belgian competent authorities.

Norway introduced a 50-hour training course for asylum seekers, dedicated in the host country's culture and values. The course, which encompasses nine topics of a varying scope, aims to effectively communicate an individual's rights and obligations as defined by the national legislation. The training, which is provided in a language a participant understands, also emphasises the individual's day-to-day relationship to the society, interpersonal relations and social interaction.

Audio-visual communication initiatives and new media developments

In 2018 EU+ countries, enriched their communication and awareness-raising activities with audio-visual material and new information technology tools, in order to facilitate, access to information and dissemination of key messages, to applicants, beneficiaries of international protection and third-country nationals.

Greece launched a series of informative video spots on access to information and rights of applicants for international protection, which were translated in 18 languages.³²⁰ **Bulgaria** produced an animated film entitled *The Daily Regime*. Similarly, **Finland**³²¹ produced a series of [videos](#), which are presented in reception centres as part of an induction training on Finnish society³²² and provide asylum seekers with information on basic rights, criminal law and the sanctions for crimes in the host country.

In regards to raising awareness on risks of irregular migration, **Germany** launched a campaign with video spots, which were aired during Premier League Football Games and further disseminated on African SDTV and Ethiopian TV channels. Finally, the Federal Foreign Office in **Germany**, completed the translation of the website content *Rumours about Germany* in Arabic, English, French, Dari, Farsi, Tigrinya and Urdu, including production and dissemination of relevant **infomercials** on web and social media.

With main aim to provide information on and support migrant integration, the Ministry of the Interior of the **Czech Republic** supported financially the development of a [mobile application](#) for foreign nationals called *Praguer*, which was launched by the City of Prague in 2018. The mobile application, which is free to download and available in Czech, English, Vietnamese and Russian, provides information about life in Prague, an overview of the social and educational system, as well as contact details of institutions and organisations at local and national level. The **National Institute for Further Education (NIDV)** continued to update its web portal with practical information, methodologies, worksheets and guidelines for teaching the Czech language to foreign nationals. The information is available in English, Spanish, Russian, Vietnamese, Bulgarian and Arabic, including child friendly material and exercises for pupils. The website also contains an online counselling service managing questions and inquiries received by users.

Latvia introduced the use of two **infographics** in order to inform beneficiaries of international protection and third-country nationals about their rights regarding **social insurance and health care**. The infographics were translated in Latvian, Russian, English, Arabic and Dari. The State Employment Agency also launched a [web portal](#) with useful information for asylum seekers, refugees and persons with subsidiary protection status on first steps to employment, including relevant [videos](#) about the first steps of integration in Latvia.

Two mobile applications launched by the Immigration and Borders Service (SEF) of **Portugal**;³²³ the first informs about the country's resettlement plan for 2018-2020, whereas the latter, is designed to assist deployed practitioners -on special assigned missions in Egypt and Turkey. The specific application includes information for asylum seekers during application and interview process, as well as information related to resettlement in Portugal. **MyCNAIM** app was also launched by Portugal in June 2018. This mobile

³²⁰ The video spots are available [here](#), while the mobile application can be downloaded from [here](#).

³²¹ The videos have been produced as part of the project TURVA, a joint project by the Finnish Immigration Service and the Police University College. One of the aims of the project is to advance asylum seekers' conceptions of basic and human rights and to provide them with information about Finnish society.

³²² EMN, [EMN 25th Bulletin](#).

application promotes proximity between the services and the migrant communities. It provides information regarding the various services made available by ACM, as well as legal information on entering and staying in Portugal, international protection, access to nationality, housing, employment, health, education and integration. Additionally, the Portuguese Government launched the [Migrant Forum](#), an online interactive information tool, that facilitates discussion among migrants and different stakeholders.

Information needs of vulnerable persons and groups

In **Belgium**, the Immigration Office complemented the **information provision activities for Unaccompanied Minors** with tailored **pictograms**, which are explaining the course and next steps of the registration process, while information on access to procedure continued to be provided orally and in writing. Additional initiatives have been undertaken by the Commissioner General for Refugees and Stateless Persons (CGRS), such as the development of two brochures for unaccompanied minors and parents/legal guardians of accompanied children regarding **the right to be heard**. The brochures are translated in 8 different languages and planned to be available on May 2019. The **UAM Unit of the General Administration of Youth Care (AGAJ)** (French Community) updated the guide with legal and practical information for field workers and guardians, including, among other topics, information on legal obligations for services concerning **respect of rights of the child**, information on travelling abroad and information on access to integration.

Within the scope of training protection officers, **Belgium**, produced information leaflets, about assistance and support for **victims of domestic violence, sexual violence, forced marriage for girls and women (potentially) affected by Female Genital Mutilation**, as well as for **victims of transphobic discrimination (transgender people)**.

In the course of 2018, **Sweden** also updated the information provided to asylum seekers and beneficiaries of international protection regarding their rights and obligations specifically, about **health care, gender-based violence, physical and sexual violence and female genital mutilation**. The **Swedish Migration Agency** also undertook initiatives to inform about rights of asylum seeking boys and girls to **sexual education and counselling on contraception**. Finally, information has been included about the **'obligation to seek health care'**, if an individual believes that he or she has a venereal disease.

Provision of information to unaccompanied minors, found on the country's territory without a legal representative, was the major focus for **Croatia in 2018**. The Ministry for Demography, Family, Youth and Social Policy of the Republic of Croatia, in cooperation with UNHCR, published and translated an information leaflet in languages spoken by unaccompanied minors.

Slovenia continued implementing regular trainings and workshops among practitioners involved in identification of victims and prevention of trafficking in human beings.

The **United Kingdom** issued new guidance on legal aid for unaccompanied minors, within the scope of the information provision.

In October 2018, on the occasion of **International Migrants' Day** and as part of the Strategy for the Rights of the Child (2016-2021), the Council of Europe [launched](#) a practical handbook for professionals with the title **'How to convey child-friendly information to children in migration'**.

Awareness-raising activities related to assisted voluntary return and reintegration

Several EU+ countries launched pilot activities or continued projects aiming to inform rejected asylum applicants and third-country nationals on assisted voluntary return and reintegration.

In 2018, **Finland** focused on **enhancing guidance on voluntary return**, through a new operating model of VAPA project, which is ongoing since 2017. The project focuses on applicants for international protection

and asylum seekers, who have received a negative decision, as well as those whose reception services have been discontinued or who have otherwise remained as irregular migrants in the country after the asylum process. The new pilot, which was launched in June 2018, examines 'how individual counselling related to the grounds for the negative decision influences the applicant's willingness to return to their home country voluntarily'. The project has strengthened competence in the entire reception system through visits to reception centres and the arrangement of voluntary return training for all occupational groups working with customers in reception centres. Another project called AUDA is aiming to diversify and further develop voluntary return in Finland.³²⁴ Within its various components, AUDA has also undertaken a large information campaign on voluntary return mainly in social media (Facebook, Twitter, Instagram and sponsored displays) showcasing video interviews with Iraqi and Somali returnees.³²⁵

Luxembourg also committed in developing awareness-raising activities and policy related to assisted voluntary return amongst rejected applicants for international protection. The project plan also includes development of a personalised mechanism³²⁶ for support to return. The project is expected to be implemented with the support of IOM.

Following the model of German arrival centres and Dutch process reception centres, on 13 November 2018, **Sweden** launched an inquiry on the reform of reception system, with main aim to accelerate the settlement or return of newly arrived asylum seekers. In view of this objective, the Swedish Migration Agency launched an awareness-raising campaign with videos, which target primarily reception officers, and their goal is to explain and facilitate returns to Afghanistan and explain the situation in the return country. The videos will be translated to Dari and Pashto, with the aim to provide information directly to returnees.

In December 2018, the **Czech Republic** announced a call for proposals related to a new project that focuses on awareness raising regarding Assisted Voluntary Return and Reintegration assistance in countries of return. **Slovakia**, in cooperation with IOM announced the development of a website, which provides information and contacts to individuals, who are interested in assisted voluntary return to their countries of origin.³²⁷

Concerns raised by civil society organisations and UNHCR

In 2018, the **Spanish Ombudsman**³²⁸ reiterated 'the need of the third-country nationals, who gain access to Spanish territory, regardless of how they may have entered, being provided with adequate information concerning the possibility of applying for international protection'. **Civil society organisations in Spain**³²⁹ reported shortcomings in legal assistance and guidance for asylum seekers during the lodging of applications due to lack of consistent and accurate information on access to procedure and rights of applicants. Also reported lack of information on international protection regarding **unaccompanied minors**. On this issue, UNHCR noted significant deficiencies in the provision of child-friendly information, attributed to insufficient expertise on issues of child protection among officials and practitioners in the

³²⁴ For more information: Finnish Immigration Service, [Voluntary return supports the future of asylum seekers in their home country](#).

³²⁵ See the campaign elements at www.voluntaryreturn.fi

³²⁶ DP, LSAP and déi gréng, [Accord de coalition 2018-2023](#) (in French), p.232. The project has strengthened competence in the entire reception system through visits to reception centres and the arrangement of voluntary return training for all occupational groups working with customers in reception centres. The project was launched in April 2018 and will continue until April 2019. The project receives funding from AMIF

³²⁷ Information provided by the IOM Office in the SR. From 2010 to 2017, returnees staying outside the facilities of the Ministry of Interior (migrants not detained by the Foreign Police) represented up to 20 % of the total number of migrants returned. In 2018, the number rose to 51%. The proportion of un-detained migrants is expected to increase after the client-oriented AVRR website is online.³²⁷

³²⁸ Ombudsman of Spain, [Input to the EASO Annual Report 2018](#).

³²⁹ Fundación Cepaim, [Input to the EASO Annual Report 2018](#).

field.³³⁰ Limitations in the provision of information to unaccompanied minors have also been reported by **civil society organisations in Greece**³³¹ which highlighted inadequate access to information throughout all stages of the asylum procedure. Lack of timely provision of information leads to ineffective legal representation.

Swedish organisations, noted the efforts of the Swedish Migration Agency on provision of information upon arrival and after a positive or negative decision has been made. However, they raised concerns that information is not always well-adjusted to vulnerable groups, such as unaccompanied children; the quality of assistance, by lawyers and legal guardians, varies to great extent, and stronger efforts are required to raise the standards.

The **European Network of Statelessness** reported significant lack of information and resources for all actors involved in statelessness and nationality problems in general, as well as lack of clarity among different actors about how to address statelessness in the asylum context.³³²

The **United Nations High Commissioner for Refugees (UNHCR)** called Hungary³³³ to withdraw a bill, which would in certain cases criminalise and severely limit the ability of civil society organisations and individuals to provide support to asylum seekers and refugees. As good practice, the [Swiss UNHCR](#) welcomed the amendments introduced by Germany, making the asylum procedure more efficient and added recommendations for further improvement in the areas: access to information, reception, airport procedure and applicants' obligations.

Initiatives undertaken by EASO

In 2018, EASO continued providing operational support to Italy, Greece and Cyprus and completed the Special Support Plan with Bulgaria. Within the scope of information provision activities, EASO produced communication material targeting applicants for international protection, including leaflets with information on the Dublin III Regulation translated in several languages.

In view of the Operating Plan signed at the end of 2017 with **Italy**, EASO launched a social media campaign informing applicants for international protection about the **Green Line** and disseminated several social media messages about the type of available information and assistance that applicants can receive by contacting the dedicated call centre.

Finally, EASO launched a new training module under the EASO Training Curriculum on **communication with migrant communities**. The specific module is designed for national practitioners and information provision experts and is expected to be launched in 2019.

In the context of its Consultative Forum, in 2018, EASO carried out a series of activities focusing on the theme of information provision, including an evaluation survey and publication of a [briefing paper](#), which summarises the rationale and need for accurate and 'easy-to-understand' asylum-related information. Based on the survey results, the Paper also discusses effective dissemination strategies. As a follow-up action, EASO led a workshop during the 8th Consultative Forum Plenary on provision of information to applicants for international protection in the context of reception.

4.2.2. Legal assistance and representation

Legal assistance and representation is a necessary condition for applicants' effective participation in the asylum process. Currently, EU legislation requires Member States to provide for making such assistance available on request during appeal procedures. Provision of legal assistance in first instance is typically

³³⁰ UNHCR input to the EASO Annual Report 2018; See also: UNICEF Spanish Committee, [The rights of unaccompanied children at the Southern border of Spain](#) (in Spanish), UN Committee on the Rights of the Child, [Concluding observations on the combined fifth and sixth periodic reports of Spain](#)

³³¹ See for example: DRC in Greece, [Input to the EASO Annual Report 2018](#); AIDA, [Country Report Greece, 2018 Update](#).

³³² European Network on Statelessness, [Input to the EASO Annual Report 2018](#).

³³³ UNHCR, [Hungary: UNHCR Dismayed over Further Border Restrictions and Draft Law Targeting NGOs Working with Asylum-Seekers and Refugees](#); UNHCR, [UNHCR Calls on Hungary to Withdraw the Draft Law on Refugees](#) (in Hungarian).

contingent upon availability of resources and is left at the discretion of Member States. Civil society actors have a key role in providing legal assistance, oftentimes making use of available EU funding, such as the Asylum Migration and Integration Fund. In 2018, changes introduced by EU+ countries in the area of legal assistance and representation concern the extension of assistance to different stages of the asylum process and, at times, changes to the actors involved in the provision of legal services. It is worth noting here that, in conjunction with initiatives carried out by authorities, civil society actors, especially organisations with operational experience, also played a role in identifying existing challenges and limitations and creating pressure from the bottom up toward addressing those challenges.

In 2018, in the **Czech Republic**, the amendment of the Act on Advocacy came into force³³⁴, whereby it is foreseen that both citizens and foreign nationals with insufficient income may request free legal counselling from the Czech Bar Association before and during administrative procedures. Free legal counselling can be also provided to foreign nationals in detention without any limitation, and in both cases the cost is covered by the state. This new system of free legal counselling is distinct from the counselling offered by non-governmental organisations, which is also available under AMIF funding. Similarly, in June 2018, the **Swiss** government approved a set of new legal provisions (applicable from 1 March 2019) to extend the provision of free legal aid to all applicants in **Switzerland** from the beginning of the asylum procedure.³³⁵

Providing or enhancing access to legal assistance at first instance is also the focus of national projects in other EU+ countries. In **Germany**, for instance, as part of a project that started in 2017, authorities implemented, in autumn 2018, a pilot project on procedural counselling during the first instance procedure in nine BAMF field offices. New procedures were also established in the context of AnKER-Centres,³³⁶ such as the Asylum Procedure Counselling or Legal Applications Units.

In **Finland**, the implementation of the 'ONE project' aims at ensuring availability and quality of general legal counselling provided at the early stages of the asylum procedure. The Finnish Ministry of Justice published a study report in December 2018 assessing the effectiveness of the legal changes introduced in 2016 and looking into improvements that came about as a result of these changes. The report also included recommendations for further improvements, such as immediate access to legal aid after the submission of an application for international protection and securing a sufficient number of competent legal counsels.³³⁷

Amendments were also introduced with regard to the provision of legal assistance in the appeal procedure in **France**. Legal aid can be requested within a time limit of 15 days from the OFPRA's decision. The time limit for appealing OFPRA's decision is interrupted until there is a decision concerning the legal aid.

In **Hungary** and **Slovakia**, changes introduced in regards to legal assistance and representation focused on the actors involved in the process. In June 2018, the Hungarian Parliament adopted a legislative package, commonly referred to as Stop Soros, which includes, among others, new rules related to the provision of legal counselling by NGOs and other organisations. The package, among others, sets legal obstacles to activities carried out by civil society organisations toward supporting applicants for international protection in submitting applications. As presented in Chapter 1 of this Report, the new legislation has triggered the initiation of infringement procedures by the European Commission against Hungary. The restrictions imposed by the new legislation have been also criticised by civil society actors and UNHCR.³³⁸ The Venice Commission concluded that Hungary should repeal the law as it violates the freedom of expression and the freedom of association of NGOs.³³⁹ In **Slovakia**, in July 2018, an amendment to the Slovak Act on Asylum³⁴⁰ entered into force, establishing that during the asylum

³³⁴ CZ LEG 01 : Act No 258/2017 Coll.

³³⁵ CH LEG 01: AsylA.

³³⁶ The AnKER-Centers (AnKER-Einrichtungen) is a project established in three German Federal States (Bavaria, Saxony and Saarland) that intend to bring together all authorities involved in the asylum procedure. For more information on the project please see: BAMF, [Press release : Launching the AnKER facilities](#) (in German).

³³⁷ Finnish Ministry of Justice, [Policy Brief 33/2018](#) (in Finnish).

³³⁸ UNHCR, [UNHCR Observations on the Legislative Amendments Adopted in Hungary in June & July 2018](#).

³³⁹ CoE, Venice Commission, [Hungary - Section 253 on the Special Immigration Tax of Act XLI of 2018 amending certain tax laws and other related acts and on a Special Immigration Tax](#).

³⁴⁰ SK LEG 02: Act No. 198/2018 Coll. More information at: Ministry of the Interior, [MPs approve new asylum rules](#).

administrative proceedings, an applicant, their legal representative or guardian, may be also represented by experts, holding a second-level law degree, from authorised non-governmental organisations that provide legal assistance to foreigners as legal entities. Prior to the amendment, such experts would act as individuals, not as representatives of a legal entity, while representing foreigners in administrative proceedings.

In **Croatia**, in August 2018, a public tender was launched for the provision of free legal assistance in the asylum procedure. In addition, a list of free legal aid providers for the first-instance procedure was updated. In July, the Ordinance on the Free Legal Aid in the Return Procedure entered into force. The Ministry of Interior published a Public Call for Applicants of Administrative Courts in Zagreb, Split, Rijeka and Osijek for the provision of legal assistance to third-country nationals in the return procedure.³⁴¹

In **Greece**, the Asylum Service completed the Register of Asylum Service Lawyers; lawyers were allocated at Regional Asylum Services.³⁴² Similarly, in **Malta** a new agreement was signed with the Legal Aid Unit (within the Ministry of Justice, Culture and Local Government) with the aim to ensure the provision of free legal aid by lawyers from the government pool in appeals before the Refugee Appeals Board for negative asylum decisions and Dublin transfers or before the Immigration Appeals Board for detention orders. In **Sweden**, a slight increase in the number of public counsels appointed by the authorities was noted in 2018, as a result of the judgment C-404/17 of the Court of Justice of the European Union.³⁴³ This judgement limited the possibilities to assess an asylum application as clearly unfounded. As asylum applications, in some cases, cannot be processed as clearly unfounded any more, a legal counsel now needs to be appointed.

Action was also taken in a number of EU+ countries in regards to the provision of legal assistance to unaccompanied minors and other vulnerable groups. In **Latvia**, the State Border Guard, in cooperation with the State Inspectorate for the Protection of Children's Rights, developed guidelines on *Ensuring representation of foreign unaccompanied minors and asylum seekers and cooperation with authorities involved*³⁴⁴ to ensure the effective representation of unaccompanied minors during the asylum procedure and to establish main lines of cooperation between authorities involved in the asylum process.

In the **United Kingdom**, the Lord Chancellor introduced, in July 2018, an amendment to the *Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO)* to bring unaccompanied minors back into the scope of legal aid for immigration matters.³⁴⁵ In this regards, a new guidance on legal aid for unaccompanied minors was also published on August 2018. Moreover, the Bulgarian National Bureau for Legal Aid (national body assigned to provide state sponsored legal aid) and the State Agency for Refugees (SAR) signed a Bilateral Agreement on Legal Aid provided to vulnerable applicants in **Bulgaria**.³⁴⁶ This agreement established an EUR 80 000 project that aimed to provide, for the first time in Bulgaria, legal aid to asylum seekers during the administrative phase of the asylum procedure, albeit limited to vulnerable applicants. The agreement also describes the legal aid covered by public funds, including legal consultation during the interview, legal advice upon the issuing of a decision on the application and legal consultation about the appeal of a decision.

Apart from positive developments in the area of legal assistance and representation, a number of challenges were also identified by civil society actors. One of the main concerns raised points to the insufficient access that oftentimes applicants have either to legal assistance itself or to essential information on legal rights, as reported in a number of countries. In **Switzerland**, it was reported that applicants in detention do not receive free legal assistance. In addition, critical voices were raised in regards to the option granted to legal advisors to not lodge an appeal if they consider that a case has no

³⁴¹ EMN, [EMN 24th Bulletin](#).

³⁴² Civil society actors welcomed this development, but described the effectiveness of this Registry still limited. See for example: AIDA, [Country Report Greece, 2018 Update](#).

³⁴³ CJEU, [C-404/17](#).

³⁴⁴ Ministry of Welfare, State Inspectorate for the Protection of Children's Rights, [Guidelines for ensuring representation of unaccompanied minors and asylum seekers and for cooperation among the authorities involved](#) (in Latvian).

³⁴⁵ For more information of this reform, please refer to the full statement: UK Parliament, [UK Justice Update: Written statement - HCWS853](#).

³⁴⁶ National Legal Aid Bureau, [Call for tender for lawyers for project work](#) (in Bulgarian).

prospects of success. This brings applicants in a situation where they have to find other options for legal assistance within a tight deadline.³⁴⁷

In **Spain**, civil society actors raised critical voices against the lack of sufficient human and material resources in Ceuta and Melilla, emphasising the obligation that Spanish authorities have to provide legal information to third-country nationals that arrive in the territory of the country with the intention to apply for protection. The Spanish Ombudsman also stressed the need to provide individualised, adapted and effective legal assistance, in an accessible language and format (³⁴⁸). UNHCR also noted challenges that have hindered provision of information, mandatory legal assistance, identification of international protection needs, and access to the asylum procedure in the context of land and sea arrivals.³⁴⁹

Similar conditions of insufficient access of applicants to legal aid were reported in **Greece**.³⁵⁰ A joint document, with the title *Legal Aid (Individual Legal Representation in Asylum/Refugee Context) for Migrants, Asylum Seekers and Refugees in Greece: Challenges and Barriers, Legal Aid Actors Task Force*, published in January 2018,³⁵¹ provided an analytical outlook into existing challenges in this area. In both **Spain** and **Greece** insufficiency in the provision of legal assistance with regards to unaccompanied minors has been noted.³⁵²³⁵³

Overall, the question of accessibility of legal services provided by national authorities has been reported as an issue of concern. In **Sweden**, for instance, civil society actors called the national administration to make stronger efforts toward raising standards of quality in the provision of information, particularly concerning the provision of assistance in language and format easily accessible by unaccompanied minors and vulnerable groups.³⁵⁴

Finally, one of the main challenges EU+ countries face in the area of legal assistance and representation is the insufficiency of human and financial resources, as reported by UNHCR in **Italy**. In January 2019, UNHCR made a submission concerning the execution of the judgment by the ECHR in the case of *Sharifi and Others v Italy and Greece*.³⁵⁵ In it, UNHCR acknowledged the efforts made by the Italian authorities to implement the judgment in relation to access to the territory and to international protection procedures for asylum seekers arriving to Italian Ports. However, UNHCR highlighted a number of legal and practical issues that continue to be of concern, especially with regard to the provision of legal assistance and representation by NGOs. The lack of funding and the fact that targeted assessments of arrivals at Border Control Ports are not carried out systematically, have created a decline in terms of both availability and quality of the services provided by these organisations, and consequently, affect applicants for protection at the borders. In this context, UNHCR encouraged Italian authorities to adopt measures to guarantee access to the territory and ensure the provision of legal assistance by competent organisations.

³⁴⁷ Asylex, Switzerland, [Input to the EASO Annual Report 2018](#).

³⁴⁸ Fundación Cepaim, [Input to the EASO Annual Report 2018](#); Ombudsman of Spain, [Input to the EASO Annual Report 2018](#); Spanish Commission on Refugee Aid / Comisión Española de Ayuda Al Refugiado CEAR, [Input to the EASO Annual Report 2018](#).

³⁴⁹ UNHCR input to the EASO Annual Report 2018. See also: AIDA, [Country Report Spain, 2018 Update](#). On challenges on legal assistance in the context of sea arrivals, see: National Mechanism against Torture (MNP), [Follow up of the MNP visit to the CATE in Puerto de Motril](#) (in Spanish), National Mechanism against Torture (MNP), [Follow up of the MNP visit to the first assistance and immigration detention facilities in Puerto de Motril](#) (in Spanish), National Mechanism against Torture (MNP), [Follow up of the MNP visit to the CATE in Crinavis, Puerto de Algeciras, San Roque \(Cádiz\)](#) (in Spanish).

See also: Ombudsman of Spain, [The boat arrivals in the Mediterranean: The situation and challenges for immigration policy](#) (in Spanish).

³⁵⁰ AIDA, [Country Report Greece, 2018 Update](#), p. 111; UNHCR, [Greece 2018 Country Report: Inter-Agency Participatory Assessment Report](#).

³⁵¹ For further information, see the original document: Legal Aid Actors Task Force, [Legal Aid \(Individual Legal Representation in Asylum/Refugee Context\) for Migrants, Asylum Seekers and Refugees in Greece: Challenges and Barriers](#).

³⁵² Spanish Commission on Refugee Aid / Comisión Española de Ayuda Al Refugiado CEAR, [Input to the EASO Annual Report 2018](#); AIDA, [Country Report Spain, 2018 Update](#), p. 48.

³⁵³ AIDA, [Country Report Greece, 2018 Update](#), p. 100.

³⁵⁴ Save the Children (Sweden Office), [Input to the EASO Annual Report 2018](#).

³⁵⁵ ECtHR, *Sharifi and Others vs Italy and Greece*, [ECLI:CE:ECHR:2014:1021JUD001664309](#).

ECHR: Court ruled on the expulsion of Afghan and other countries migrants from Italy to Greece

4.3 Providing interpretation services

This section aims to offer an overview of changes and developments in the provision of interpretation services in the EU+ countries during 2018. It looks at the legislative, policy, and practice developments, while also making reference to perspectives shared by civil society actors.

Interpretation is an important and at the same time fragile part of the asylum procedure as it has an influential impact on the communication channels between Member State's institutions and asylum seekers. The integrity, efficiency and quality of the asylum procedure requires that applicants understand each stage of the process and that at the same time authorities should be able to understand all details of the applicants' circumstances.

Providing high standards of interpretation services while covering a broad spectrum of linguistic families and dialects remained a challenge for many EU+ countries in 2018. The findings of the chapter International protection in EU+ highlight that the number of overall arrivals across EU+ countries decreased during last year, but the variety of countries of origin – hence, the number corresponding languages and dialects- remained almost the same as 2017 and the number of applicants even significantly increased from some countries of origin. Some citizenships with considerable year-on-year increases - for example Nicaraguan, Peruvian, Colombian, Honduran, Venezuelan and Salvadoran - were registered in **Spain**, where applicants share the language with nationals. Still, many other citizenships with considerable year-on-year increases – for example Moldovan, Yemeni, Georgian, Palestinian, Tunisian, Turkish and Iranian - applied in countries where there was no common language shared, putting interpretation at the forefront of procedural needs.

The national legal and policy framework in EU+ remained stable in 2018 with a few changes aiming to clarify various specific aspects of the provision of interpretation. Applicants in **France** have to now indicate the procedural language when registering their application. Authorities may hear the applicant in a language they sufficiently understand, when the applicant does not make this choice or when the requested language is unavailable. The applicant can only contest the language of the procedure in the framework of the appeal procedure. Interpreters are bound a special Code of Conduct drafted by OFPRA, which was made available for the general public as well in November 2018.³⁵⁶ The Council of State also delivered a relevant ruling and underlined that when an applicant is unable to communicate during the interview due to the absence of an interpreter and the OFPRA is responsible for this fact, the CNDA must annul the decision.³⁵⁷ The amended Immigration Act in **Belgium** requires applicants to provide a translation in English or in one of the three national languages of all submitted documents, when they are drafted in another language. When the applicant cannot provide this translation, they are obliged to explain the relevant parts of the submitted documents, during the personal interview with the support of an interpreter. The amended Asylum Decree in **Hungary** notes that the applicants, whose gender identity is different from their biological sex registered, can request an interpreter of a specific gender. One civil society organisation from Hungary welcomed a new procedural safeguard regarding the selection of interpreters: the Immigration and Asylum Office is now required to take into account any eventual cultural issues, conflicts that might arise between the interpreter and the applicant due to their countries of origin.³⁵⁸ Law 4554/2018 in **Greece** clarified that the duties of UAMs' guardian includes ensuring that free legal support and interpretation are provided to the minor. A National Registry for Interpreters was established in **Norway**, administered by the Directorate of Integration and Diversity (IMDi) and overall more funding was allocated for qualification measures for interpreters. The minimum standards for interpreters were raised in **Germany** and interpreters have to hand in a C1 language certificate for the main languages. Interpreters also have to participate in an online training about the special aspects of providing interpretation in the framework of asylum procedures. The **Finnish** Immigration Service conducted an analysis of the interpretation quality in asylum interviews and decided to recruit two quality control interpreters in the languages of the main countries of origin (Arabic and

³⁵⁶ AIDA, [Country Report France, 2018 Update](#).

³⁵⁷ [ECLI:FR:CECHS:2018:412514.20180411](#). Referenced also in: AIDA, [Country Report France, 2018 Update](#).

³⁵⁸ AIDA, [Country Report Hungary, 2018 Update](#), p. 27.

Dari). Civil society sources raised concerns about the quality of interpretation for example in **Croatia**³⁵⁹ and in **Spain**.³⁶⁰

EASO has been providing support for the provision of interpretation in **Cyprus** and the four Migrant Information Centres - also providing interpretation services to applicants and beneficiaries of international protection - continued to receive AMIF co-funding. Civil society organisations indicated the lack of interpreters for certain languages for example in **Croatia** (Pashto, Tamil)³⁶¹ and **Spain** (Tigrinya, Pashto, Sorani).³⁶² UNHCR noted the lack of interpreters in **Greece** in Somali, Farsi, Kurmanji, Sorani, Amharic, Panjabi, Tirginya, Bangla and Urdu.³⁶³ Another civil society source added that this risks causing major delays in the asylum procedure: for instance, the Regional Asylum Office in Thessaloniki seems to rarely schedule interviews for Sorani-speaking asylum seekers before 2023.³⁶⁴ Interpreters were available in **Poland** even for rare languages, such as Sinhala, Tamil, Bangla or the Sorani dialect of Kurdish but sometimes with longer waiting times, delaying the asylum procedure.³⁶⁵ UNHCR pointed out that in **Italy** the border police did not have enough interpreters and cultural mediators to identify persons in need of protection.³⁶⁶ It also noted the lack of updated and adequate multilingual information materials on the possibility to apply for asylum at border crossing points.³⁶⁷ The police in **Slovenia** seems to have conducted interviews in English at the border with Croatia, instead of finding a suitable interpreter.³⁶⁸ Urdu and Arabic interpretation has been available in office hours in the Röske Transit Zone in **Hungary** since mid-April, while AMIF funding allowed for a Pashto interpreter between February and beginning of December 2018. Arabic interpretation at the Tompa Transit Zone was temporarily not available in November and December due to illness. Double interpretation is often used in **Romania**, due to a lack of interpreters in general.³⁶⁹

4.4. Special procedures: admissibility, border and accelerated procedures

This section presents legislative, policy, and jurisprudential developments regarding Special procedures, while also incorporating perspectives shared by civil society actors, academia, and think tanks. It is structured around four thematic sections, following the logic of the recast APD. The overview starts with a presentation of changes regarding border procedure, followed by developments in accelerated and admissibility procedures. It concludes with a presentation of the application of safe country concepts.

The Asylum Procedures Directive sets the framework for the examination of applications for international protection at first instance under an accelerated, border or transit zones, or admissibility procedure, while remaining in accordance with the basic principles and guarantees.

³⁵⁹ AIDA, [Country Report Croatia, 2018 Update](#), p. 28.

³⁶⁰ AIDA, [Country Report Spain, 2018 Update](#), p. 28; Spanish Commission on Refugee Aid / Comisión Española de Ayuda Al Refugiado CEAR, [Input to the EASO Annual Report 2018](#).

³⁶¹ AIDA, [Country Report Croatia, 2018 Update](#), pp. 28, p. 32. The Croatian Ministry of the Interior emphasised that a contract was signed with one Pashtu interpreter in July 2018 and there is the possibility to hire a Tamil interpreter from Slovenia, based on an agreement between the two countries.

³⁶² AIDA, [Country Report Spain, 2018 Update](#), p. 28.

³⁶³ UNHCR, [Greece 2018 Country Report: Inter-Agency Participatory Assessment Report](#).

³⁶⁴ DRC in Greece, [Input to the EASO Annual Report 2018](#).

³⁶⁵ AIDA, [Country Report Poland, 2018 Update](#), p. 18.

³⁶⁶ UNHCR, [Submission by the Office of the United Nations High Commissioner for Refugees \(UNHCR\) concerning the execution of the judgment by the European Court of Human Rights in the case of Sharifi and Others v. Italy and Greece \(application no. 16643/09, judgment of 21 October 2014\)](#), p. 3.

³⁶⁷ UNHCR, [Submission by the Office of the United Nations High Commissioner for Refugees \(UNHCR\) concerning the execution of the judgment by the European Court of Human Rights in the case of Sharifi and Others v. Italy and Greece \(application no. 16643/09, judgment of 21 October 2014\)](#), p. 3.

³⁶⁸ AIDA, [Country Report Slovenia, 2018 Update](#), p. 19.

³⁶⁹ See for example the interview statements challenged due to the fact that double interpretation was used: RO Regional Court Giurgiu, Decision 5170/2018, RO Regional Court Rădăuți, [Decision 2201/2018](#), as reported in: AIDA, [Country Report Romania, 2018 Update](#), p. 27.

Given that many applications for international protection are made at the border or in a transit zone of a Member State prior to a decision on the entry of the applicant, Member States can provide for admissibility and/or substantive examination procedures which would make it possible for such applications to be decided upon at those locations in well-defined circumstances.

When an application is likely to be unfounded or where there are specific grounds, Member States may accelerate the examination procedure, in particular by introducing shorter, but reasonable, time limits for certain procedural steps, without prejudice to an adequate and complete examination being carried out and to the applicant's effective access to basic principles and guarantees provided for in the Directive. Accordingly, Member States may provide that an examination procedure in accordance with the basic principles and guarantees of ADP be accelerated and/or conducted at the border or in transit zones. Applicants in need of special procedural guarantees should be exempted from special procedures.

Where an applicant makes a subsequent application without presenting new evidence or arguments, it would be disproportionate to oblige Member States to carry out a new full examination procedure. In those cases, Member States have the possibility to dismiss an application as inadmissible in accordance with the *res judicata* principle. In addition to cases in which an application is not examined in accordance with Dublin III Regulation (EU), Member States are not required to examine whether the applicant qualifies for international protection where an application is considered inadmissible.

In addition, within the framework of a regular or one of the special procedures, Member States may prioritize certain categories of cases so that they are processed with priority before other types of cases. Prioritisation may concern both well-founded and unfounded cases and is a practical tool of making procedures more efficient.

In the course of 2018, UNHCR published a document summarising its position on access to protection and rights in the context of transfer to first countries of asylum and safe third countries³⁷⁰ as well as on accelerated and simplified procedures in the EU context.³⁷¹

Legislative and Policy Developments

Border procedure

In **Italy**, the so-called Immigration and Security Decree³⁷² introduced simplified and accelerated procedures for the examination of applications, expressing the intention to avoid fraudulent applications and to reduce processing times. Specifically, accelerated procedures (also applied at the borders and in the zones of transit) are used in case of 1) particularly unfounded applications, 2) in the case of applications submitted following detention (applied under conditions of irregular stay) and with the sole intention to delay or to prevent the issuance or the execution of a decision on expulsion or *refoulement*, and 3) applications submitted at the border or in the transit zone, after having been stopped for having eluded or tried to elude the border controls. Inadmissibility applies in the case of 1) Submission of the same application after a negative decision was issued by a Territorial Commission, without adding new elements regarding personal circumstances or referring to the situation of its Country of origin and 2) repeated application submitted pending the deadline for departure after a return decision. The appeal for judicial remedy against the decision of inadmissibility has no suspensive effect, therefore the applicant must abandon the Italian territory, even if the remedy is pending.

Article 10 of the Security Decree also foresees the mechanism of immediate examination of the application when there is criminal proceedings against the applicant for international protection for one

³⁷⁰ UNHCR, [Legal considerations regarding access to protection and a connection between the refugee and the third country in the context of return or transfer to safe third countries](#).

³⁷¹ UNHCR, [UNHCR Discussion Paper Fair and Fast - Accelerated and Simplified Procedures in the European Union](#). The paper formulates recommendations to MS and the EU institutions on accelerated and simplified procedures based on UNHCR's expertise and on MS practices. The cooperation of UNHCR and EASO is specifically mentioned regarding trainings under 4.5 Resource implications and coordination. State practice analysed and presented in the Annex includes: FR, DE, EL, IT, NL, NO, SE, CH.

³⁷² IT LEG 01: Immigration and Security Decree.

of the crimes recognised as of particular gravity (and for which the denial of the status of refugee is anticipated) and it is considered dangerous for the safety of the citizens or has been condemned (also with non-definitive sentence) for committing one of these crimes. In these cases, following the communication of the Questore (Provincial Police authority), the territorial Commission handles the immediate interview of the asylum applicant and then issued the decision. Except for cases envisaged in Article 19, paragraph 1 and 1.1 of the TUI (where the person is not removable), in the case of rejection of the application, the applicant is obliged to leave the national territory, even if the appeal is pending.

Civil society expressed concerns with regard to the new Italian legislation and the procedure to be carried out in its entirety at the border or in the transit zone.³⁷³ As regards border procedures, concerns were also raised by ECRE regarding practical exemption of vulnerable individuals in **Portugal**³⁷⁴ and regarding deadlines for border procedures as applied for persons detained in the CIE in **Spain**³⁷⁵ and related bottlenecks.³⁷⁶

In 2018, the implementation of a specific border procedure continued in Greece (based on Article 60(4) L 4375/2016) in implementation of the EU-Turkey statement, applied to persons seeking international protection on the islands of Lesbos, Chios, Samos, Leros and Kos. Concerns were noted by the Greek Council for Refugees³⁷⁷ in particular in connection with quality of decisions, vulnerability assessment, accessibility of interpretation services and legal assistance. Issues were also underlined in the report of the Council of Europe.³⁷⁸

Accelerated procedure

In **France** the Law of 10 September 2018 the French authorities to put an asylum application under accelerated procedure when it is lodged more than 90 days after the applicant's entry into France. Following the 2018 reform, appeals in the accelerated procedure do not have automatic suspensive effect in the following cases: (a) safe country of origin; (b) subsequent application; and (c) threat to public order. In these cases, the right to remain on the territory ends upon notification of the negative decision. Asylum seekers can, however, appeal before the Administrative Court within 15 days – or 48 hours in case of detention – to request that the CNDA appeal be given suspensive effect. The request to the Administrative Court has suspensive effect.

In **Sweden**, as a result of a judgment of the Court of Justice of the European Union³⁷⁹, there has been a decrease in the number of asylum applications which are assessed as clearly unfounded and thus processed in accelerated procedure. Since Sweden has not implemented parts of the EU's Asylum Procedures Directive relating to a list of safe countries of origin, the Swedish Migration Agency may not refer applicants of international protection to their home countries, and based on that, it assesses related asylum applications as clearly unfounded. As a result, many such cases are now processed in a normal or,

³⁷³ AIDA, [Country Report Italy, 2018 Update](#).

³⁷⁴ According to ECRE AIDA, while pregnant women, families with children and the severely ill were generally exempted from border procedures and such guarantee was also generally extended to unaccompanied asylum-seeking children, between 2017 and July 2018 the immediate release of families with children and pregnant women from border points and exemption from border procedures was no longer standard practice. AIDA, [Country Report Portugal, 2018 Update](#).

³⁷⁵ AIDA, [Country Report Spain, 2018 Update](#), p. 38.

³⁷⁶ Fundación Cepaim, [Input to the EASO Annual Report 2018](#). Also Spanish Commission on Refugee Aid / Comisión Española de Ayuda al Refugiado CEAR indicated that The increase in the number of arrivals of asylum seekers in Madrid Barajas Airport, resulted in overcrowding and inadequate conditions in border facilities at the airport and severe difficulties for the Asylum Office and police to regularly register and process the admissibility of applications, often resulting in allowing entry into the territory before taking a decision on the application under the border procedure. Spanish Commission on Refugee Aid / Comisión Española de Ayuda Al Refugiado CEAR, [Input to the EASO Annual Report 2018](#).

³⁷⁷ Greek Council for Refugees, Social Change Initiative, [Borderlines of Despair: first line reception of asylum seekers at the Greek Borders](#), p. 29.

³⁷⁸ Commissioner for Human Rights of the Council of Europe, [Report of the Commissioner for Human Rights of the Council of Europe following her visit to Greece from 25 to 29 June 2018](#), paras. 45 to 47.

³⁷⁹ CJEU, [C-404/17](#).

in some cases, prioritised asylum procedure, instead of accelerated procedures. Save the Children pointed to concerns in that area.³⁸⁰

Admissibility procedure

In **Hungary**, Article 51(2) of Act LXXX. of 2007 on Asylum was supplemented with the following ground of inadmissibility: An application shall be considered inadmissible if the applicant has arrived through a country where there is no risk of persecution under Article 6(1), or there is no risk of serious harm as defined in Section 12(1), or if the appropriate level of protection is provided in the country through which he/she has arrived in Hungary. There is no automatic suspensive effect of the appeals against the inadmissible decision based on the new ground.

Compliance of such a ground with the recast Asylum Procedures Directive was raised in a preliminary reference by the Metropolitan Court, while it also led the European Commission to start an infringement procedure (see section on [Infringement procedures by the European Commission](#) for more information). Civil society underlined that all applicants applying for asylum after July 2018 have received inadmissible decisions.³⁸¹

Other concerns regarding inadmissibility procedures were raised by civil society in **Malta**.³⁸²

Following the reform that entered into force in **Belgium** on 22 March 2018, the Immigration Act contains the 'safe third country' concept, as a new ground for inadmissibility. In 2018 the concept has not been applied by the Commissioner-General for Refugees and Stateless Persons (CGRS) in practice, as anticipated, the concept was to be used only in exceptional cases and on an individual basis.

On 5 December 2018, the **Finnish** Government submitted its proposal to amend the processing of subsequent applications for international protection to the Parliament. The amendments, which enter into force on 1 June 2019, are based on the recast APD and intend to increase efficiency in the processing of subsequent applications by specifying the admissibility criteria.³⁸³

Inadmissibility procedures were also analysed in jurisprudence of national courts.

In **France** the Council of State has upheld the CNDA position stating that the preliminary assessment of the admissibility of a subsequent application must fulfil two cumulative conditions: (a) the alleged facts or circumstances must be 'new'; and (b) their probative value must be such as to warrant a modification of the assessment of the well-founded nature of the claim.³⁸⁴ With regard to the first limb, the Council of State ruled later in 2018 that a final judgment by the ECtHR finding that a removal measure to the country of origin would constitute a violation of Article 3 ECHR constitutes new evidence, warranting admissibility of the subsequent application.³⁸⁵

³⁸⁰ In an accelerated procedure for applications deemed manifestly unfounded, the Swedish Migration Agency may issue an enforceable return order which is not suspended pending appeal. Furthermore, there is no requirement that the state provides legal representation for applicants in this procedure, increasing the vulnerability of such applicants. Save the Children is concerned that some applications that cannot be considered manifestly unfounded are treated as such. In light of the consequences that can result from an incorrect assessment of a claim for international protection, increased efforts need to be made in order to minimize the risk of incorrect decisions, including raising the quality of decision-making. Save the Children (Sweden Office), [Input to the EASO Annual Report 2018](#).

³⁸¹ AIDA, [Country Report Hungary, 2018 Update](#).

³⁸² Maltese authorities noted that many individuals applied for asylum in Malta, who already enjoyed international protection in another EU Member State, and this led to an increase in the number of inadmissible decisions. Given their significant increase since 2017, NGOs expressed concerns over the application of inadmissibility procedures and the lack of effective remedy against the inadmissibility decisions taken in the accelerated procedures. This is subject to a legal challenge in court in the case of a Palestinian asylum seeker. AIDA, [Country Report Malta, 2018 Update](#).

³⁸³ FI LEG 02: Government proposal to the Parliament to amend the Aliens Act, HE 273/2018 vp (Hallituksen esitys eduskunnalle laiksi ulkomaalaislain muuttamisesta, HE 273/2018 vp).

³⁸⁴ [ECLI:FR:CECHR:2018:397611.20180126](#); FR CNDA, N° 15025487, 15025488.

³⁸⁵ [ECLI:FR:CECHR:2018:406222.20181003](#). See also: AIDA, [Country Report France, 2018 Update](#).

In **Switzerland** in a case concerning a Kurdish journalist for whom the State Secretariat for Migration (SEM) had issued an inadmissibility decision and an expulsion order to Brazil, the Federal Administrative Court recalled that, unlike third countries designated as safe by the Federal Council, the SEM must, when it comes to a return to another third country, examine in each case whether the latter offers sufficient protection against *refoulement*. In the present case, the Court considered that the reasoning put forward by the SEM, which concluded that there was effective protection against any *refoulement* in the country of origin, was insufficient.³⁸⁶

Application of safe country concepts

In **Italy** Decree No 113/2018 foresees the creation of a list of 'safe countries of origin', as a tool of simplification of the procedure of examination of the questions of international protection. Such list must be adopted with decree of the Minister of the Foreign Affairs, in coordination with the Ministers of the Interior and Justice, also on the basis of information provided by the National Commission for the Right of Asylum. Inclusion of a third country on the list presupposes that the application of international protection concerning such country is unfounded and as such will be processed in an accelerated procedure. In this case, the burden of proof is reverted so that it is the applicant that must prove the lack of safety of their country of origin.

Some EU+ countries reviewed their national country of origin lists.

In **Ireland** a revised safe country of origin list was introduced in April 2018 via the International Protection Act 2015 (Safe Countries of Origin) Order 2018³⁸⁷ that came into effect on 16 April 2018. The following countries are designated as safe countries of origin under the Order: Bosnia and Herzegovina; Former Yugoslav Republic of Macedonia; Georgia; Kosovo; Montenegro; Albania; Serbia; South Africa. Relevant addendum was made also to the Information Booklet for Applicants to advised applicants of the practical effects of the Order. In **Austria**, several countries were added to the list of safe countries of origin: Armenia, Benin and Ukraine (added on 14 February 2019³⁸⁸), Senegal and Sri Lanka (added on 20 June 2018).³⁸⁹

On 21 November 2018 Liechtenstein and Georgia³⁹⁰ was – with certain reservations – placed on the list of countries processed in the expedited version of the manifestly unfounded procedure in **Denmark**.³⁹¹ Also in **the Netherlands**, on 7 December 2018, the Minister for Migration informed the Parliament that Togo was temporarily removed from the list of safe countries of origin. An extensive reassessment will follow in order to evaluate the current security and human rights situation in Togo.³⁹²

In **Belgium** on 27 December 2018 the Council of Ministers decided to maintain the existing eight countries on the list of safe countries of origin. Also in **Estonia**, in 2018 the list of safe country of origin was maintained without alterations upon review. In addition, a legislative amendment is pending for both the Act on Granting International Protection to Aliens and the Act on Obligation to Leave and the Prohibition on Entry stipulating that the list needs to be reviewed at least once a year.

A proposal to revise the Decree of the Minister of the Interior on list of safe countries of origin was submitted in late 2018 in the **Czech Republic** to include in the list further 12 countries of origin. The changes entered into force on 23 March 2019.³⁹³ The amendment of the Asylum Act proposes to extend the time limit up to 90 days for the determining authority to decide in the accelerated procedure including

³⁸⁶ CH Federal Administrative Court, [D-635/2018](#). See also in: AIDA, [Country Report Switzerland, 2018 Update](#).

³⁸⁷ IE LEG 03: International Protection Act 2015 (Safe Countries of Origin) Order 2018.

³⁸⁸ AT LEG 05: Amendment of 14 February 2018 to the Safe Countries of Origin Regulation.

³⁸⁹ AT LEG 06: Amendment of 20 June 2018 to the Safe Countries of Origin Regulation.

³⁹⁰ Prior to that, 2018 Denmark experienced a significant increase in the number of asylum applications from Georgian nationals and most of these were processed in the manifestly unfounded procedure. DRC in Greece, [Input to the EASO Annual Report 2018](#).

³⁹¹ Ny I Danmark, [Georgien er føjet til Åbenbart Grundløst Haster-landelisten](#).

³⁹² Rijksoverheid, [Kamerbrief over herbeoordeling veilige landen van herkomst](#).

³⁹³ CZ LEG 02: Decree 68/2019 Coll. Algeria, Ghana, Morocco, Senegal, Tunisia, India, Georgia (except Abkhazia and South Ossetia), Moldova (except Transnistria), Ukraine (except Crimea and parts of Doneck and Luhansk under a control of separatists), Australia, Canada and New Zealand.

on the concept of safe countries of origin. The entry into force of this change is expected at the end of June 2019.

In its opinion of 16 May 2018 on the application of the concept of ‘safe third country’ (Opinion No 394624), the **French** Council of State stated that recital four of the preamble to the Constitution of 27 October 1946 and Article 53-1 of the Constitution must be regarded, on the one hand, as obliging the French authorities to proceed to an examination on the merits of the asylum applications lodged by foreigners invoking recital four of the preamble of the Constitution, on the other hand, as preserving the sovereign right of France to examine the substance of a request for asylum, which does not fall within the scope of the preamble.

The Research Social Platform on Migration and Asylum (RESOMA) published an analysis entitled *The role and limits of the safe third country concept in EU Asylum policy*³⁹⁴ and examined its impact on national level.

4.5. Procedures at first instance

The section on procedures at first instance provides an overview of the recent legislative, policy, practice and case-law developments concerning the various steps of the regular procedure in the EU+ countries and indicates the concerns that a selection of civil society sources raised regarding this area. It begins with the developments concerning time limits and highlights some of the measures aiming to reduce the length of the asylum procedure, an area which seems to have remained a major issue for both national authorities and civil society stakeholders. This first part also lists major changes in the organisation and staff of the national asylum authorities and shows some of the new technologies used to shorten processing times. The section then describes legislative amendments concerning the personal scope of asylum application, briefly notes changes regarding the provision of legal aid at first instance and spells out some other, more individual national legal amendments, before turning to the presentation of changes in policy and practice on the assessment of asylum applications, both in general terms and in a country-specific context. The section rounds up with developments reported on quality assurance.

The provisions determining regular procedures at first instance remained relatively stable at the national level in EU+ countries. Major legislative and policy changes affecting for example [Access to procedure](#) or [Special procedures](#) had an impact on this aspect as well, but overall, countries reported no substantial amendments that would have resulted in the complete revision of legislation, policies and practices for the regular procedure. The adopted changes mainly aimed for making the process overall more efficient and optimal, similarly to the situation reported in the [Annual Report for 2017](#).

A set of legislative changes focused on the **time limits** of the asylum procedure. The complete legislative reform of the asylum system in **Switzerland** aims at making all types of procedures shorter and more effective overall, and the regular procedure at first instance in particular.³⁹⁵ National legislation has previously not explicitly stated a fixed maximum time limit for the procedure in **Finland**³⁹⁶ and **Slovakia**.³⁹⁷ Both countries have now implemented the relevant provisions of Article 31(3)-(6) of the recast APD and clarified that the examination procedure should in principle be concluded within six months of lodging the application, which can be gradually extended under specific circumstances to 12, 15 and 21 months. An exceptional general extension to 15 months was in force in **Austria** until 31 May 2018: the BFA needs to decide on an application as a main rule again within six months since that

³⁹⁴ RESOMA, [National Stakeholder Report 3 – The role and limits of the Safe third country concept in EU Asylum policy](#).

³⁹⁵ CH LEG 01: AsylA.

³⁹⁶ FI LEG 01: Act amending the Aliens Act, 501/2016.

³⁹⁷ SK LEG 02: Act No 198/2018 Coll.

date.³⁹⁸ The First Instance Administrative Court further clarified the rules governing the time limits in **Luxembourg**, and underlined that the 21-month time limit is established as an order of the deadline instead of a strict deadline and the mere fact that this time limit has elapsed does not lead to sanctions.³⁹⁹ Another judgement in the **UK** involved an Afghan minor and the Immigration and Asylum Chamber of the Upper Tribunal found that the total delay of 21 months is so excessive that, in the particular circumstances of the case, it can be considered as manifestly unreasonable and therefore, unlawful.⁴⁰⁰

Corresponding initiatives in policy and practice aimed at the **shortening the length of the first instance procedure**. The new government in **Luxembourg** included in the coalition agreement its commitment to intensify efforts to comply with the general timelines for assessing applications for international protection.⁴⁰¹ Staffing numbers significantly increased in the national asylum authorities in **Cyprus** (including support staff co-financed through AMIF), **Germany**, **Ireland** and **Spain** with the aim to decrease processing times and backlog. National authorities requested staff increase in **Belgium** at the end of 2018 and the Minister in charge of asylum policy and migration made the corresponding decision to hire more personnel at the beginning of 2019. Civil society organisations from **Greece** and **Spain** noted instances when staff members were not sufficiently trained in general, and had not been prepared to conduct interviews with vulnerable applicants in particular.⁴⁰² The amended legislative framework in **Italy** allows for the temporary establishment of additional sections for the Territorial Commissions with a Ministerial Decree, should the caseload require.⁴⁰³ **Greek** legislation extended the support that Greek-speaking EASO personnel can provide for the Asylum Service and allows them to undertake administrative actions for processing asylum applications also within the regular procedure in case of urgent need.⁴⁰⁴ The **Swedish** Migration Agency launched the pilot project Asyl 360 with the ambition to manage within 30 days at least 50 % of the total asylum caseload.

The **establishment of arrival centres** and the efforts aiming to obtain reliable information on the nationality, identity and travel route of the applicant under [Access to procedure](#) were particularly relevant developments for making procedures at first instance more efficient and potentially shorter. These changes can ensure that national authorities have better information on the applicants to assess their cases: channel them through [Special procedures](#), if necessary, be able to make a more rapid credibility and eligibility assessment based on a more complete and comprehensive set of information and ultimately deliver the decision in a quicker manner.

Some other initiatives built on **new technologies** to further enhance the efficiency of first instance procedures. All new applications are now handled electronically in **Sweden**. The BAMF in **Germany** conducted a pilot for a new search engine which finds more rapidly the applicants' files, decreasing the average search time. The **Belgian** InSite, the platform for communication, collaboration and knowledge sharing of the CGRS, was also further expanded. The authorities in **France** may now send electronically the notification of decisions and summons to the interview with OFPRA.⁴⁰⁵

³⁹⁸ AT LEG 03: Amendments to the Asylum Act 2005, the Aliens Police Act 2005 and the BFA Procedural Law.

³⁹⁹ LU Administrative Tribunal, N° 41205.

⁴⁰⁰ UK Upper Tribunal, [2018] UKUT 00299 (IAC).

⁴⁰¹ DP, LSAP and déi gréng, [Accord de coalition 2018-2023](#) (in French), p.230.

⁴⁰² DRC in Greece, [Input to the EASO Annual Report 2018](#); Fundación Cepaim, [Input to the EASO Annual Report 2018](#); Ombudsman of Spain, [Input to the EASO Annual Report 2018](#). AIDA, [Country Report Greece, 2018 Update](#), pp. 25, 95.

⁴⁰³ IT LEG 01: Immigration and Security Decree.

⁴⁰⁴ EL LEG 01: L 4375/2016, Asylum Act, Article 36(11), as amended by EL LEG 02: L 4540/2018, Reception Act.

⁴⁰⁵ FR LEG 01: Law of 10 September 2018.

The length of asylum procedures remained of concern for many of the civil society organisations providing input to the EASO Annual Report. NGOs from **Croatia**⁴⁰⁶, **Cyprus**⁴⁰⁷, **Greece**⁴⁰⁸, **Ireland**⁴⁰⁹, **Spain**⁴¹⁰, **Sweden**⁴¹¹, **Switzerland**⁴¹² all reported significant delays in delivering first instance decisions.

Another group of legislative changes focused on the **personal scope** of the asylum applications. The legal amendments in **France** made clear that applicants with minor children introduce the application in their name and also on behalf of their minor children.⁴¹³ Accompanied minors in **Belgium** now explicitly have the right to lodge a separate asylum application in their own name or to request to be separately interviewed from their parents.⁴¹⁴ Minors' entitlement for a separate interview was reported to be a sensitive issue in **Sweden**, where the Swedish Migration Agency seems to have missed to interview some children, resulting in insufficient best interest assessments for the purposes of the first instance procedure and insufficient attention to child specific reasons for flight.⁴¹⁵

Some legislative amendments concerned the availability of **legal assistance** during the procedures at first instance. Free legal aid was extended in the **Czech Republic** to citizens and foreign nationals with insufficient income prior to and during the administrative procedures.⁴¹⁶ The amendment of the Asylum Act in **Slovakia** enabled non-governmental organisations to represent applicants also during the first instance procedure as legal entities.⁴¹⁷ Changes pointed towards the opposite direction in **Hungary** and the [European Commission sent a letter of formal notice in July 2018](#) followed by a reasoned opinion in January 2019 concerning a new law that criminalises assistance provided to applicants for international protection who entered the country in an irregular manner. UNHCR expressed its dismay and called on the government to withdraw the bill.⁴¹⁸ Several civil society organisations underlined as well that the law criminalises lawful actions.⁴¹⁹

The Law of 10 September 2010 in **France** allows now applicants with disabilities to request OFPRA's permission to be accompanied by a health professional or a representative of an NGO for their personal interview.⁴²⁰

The legislative amendments that entered into force in **Belgium** shaped some further aspects of the first instance procedure. Fedasil now assesses applicants' **special procedural needs** and can make recommendations to the CGRS on the modalities of the assessment process, with consent of the applicant.⁴²¹ Applicants or their lawyer became entitled to ask for a copy of the **personal interview report** within two working days from the interview and send their observations to the CGRS within eight days from the report's reception. The legal articulation of this entitlement gains even more importance in the framework of some concerns reported around the personal interview report in **Spain** and **Switzerland**: a

⁴⁰⁶ AIDA, [Country Report Croatia, 2018 Update](#), p. 30. The Croatian Ministry of the Interior noted that these cases were exceptional and concerned applications where further information or security checks were required.

⁴⁰⁷ AIDA, [Country Report Cyprus, 2018 Update](#), p. 23.

⁴⁰⁸ DRC in Greece, [Input to the EASO Annual Report 2018](#).

⁴⁰⁹ AIDA, [Country Report Ireland, 2018 Update](#).

⁴¹⁰ Fundación Cepaim, [Input to the EASO Annual Report 2018](#); Ombudsman of Spain, [Input to the EASO Annual Report 2018](#).

⁴¹¹ Save the Children (Sweden Office), [Input to the EASO Annual Report 2018](#).

⁴¹² Asylex, Switzerland, [Input to the EASO Annual Report 2018](#).

⁴¹³ L. 741-1 of CESEDA, as amended by FR LEG 01: Law of 10 September 2018.

⁴¹⁴ BE LEG 02: Law of 21 November 2017, amending the Asylum Act and the Reception Act.

⁴¹⁵ Save the Children (Sweden Office), [Input to the EASO Annual Report 2018](#).

⁴¹⁶ CZ LEG 01: Act No 258/2017 Coll.

⁴¹⁷ SK LEG 02: Act No. 198/2018 Coll.

⁴¹⁸ UNHCR, [UNHCR Observations on the Legislative Amendments Adopted in Hungary in June & July 2018](#); UNHCR, [Hungary: UNHCR Dismayed over Further Border Restrictions and Draft Law Targeting NGOs Working with Asylum-Seekers and Refugees](#); UNHCR, [UNHCR Calls on Hungary to Withdraw the Draft Law on Refugees](#) (in Hungarian).

⁴¹⁹ For example: Amnesty International, [Hungary: New laws that violate human rights, threaten civil society and undermine the rule of law should be shelved](#); Open Society Justice Initiative, [Legal Analysis of Hungary's Anti-NGO Bill](#); ECRE, [Hungarian Parliament adopts bills to criminalize assistance of migrants](#).

⁴²⁰ FR LEG 01: Law of 10 September 2018.

⁴²¹ BE LEG 02: Law of 21 November 2017, amending the Asylum Act and the Reception Act.

civil society organisation from Spain reported some instances when the applicants did not receive the copy of the personal interview⁴²², and to an event lesser extent, but similar situation was noted in Switzerland as well.⁴²³ Both Spanish civil society contributors mentioned that in any case personal interviews are frequently held in facilities lacking privacy.⁴²⁴

The amendment of the Asylum Act in **Slovakia** requires the Ministry of the Interior to request an opinion on the asylum application of all applicants above 14 years also from the Military Intelligence, and not only from the Slovak Information Service. The time limit to reply to this request was extended from 10 days to 20 days.⁴²⁵

The legislative changes that entered into force in **Hungary** and in **Italy** extended the scope of **exclusion grounds** from the international protection status. Applicants in Hungary are excluded from protection when they had been convicted for at least five years for an intentional crime, convicted for at least three years for certain types of crime or when they are repeated offenders.⁴²⁶ The Security Decree in Italy extended the list of crimes resulting in exclusion from the international protection status: resistance to public officials, serious personal injuries, serious or very serious personal injuries to a public official performing their duties, female genital mutilation, theft aggravated with the use of weapons or in possession of narcotics, burglary.⁴²⁷

Many policy and practice initiatives provided further **support and guidance for the staff members** involved in the first instance decision-making process. **EASO** published a new Practical Guide on who qualifies for international protection.⁴²⁸ The legal section of CGRS in **Belgium** elaborated new guidelines and provided training for protection officers on the major legislative changes that came into force in 2018, Fedasil legal department did too, namely regarding the reception aspects. The CGRS staff continued to follow EASO training modules. Protection officers could obtain extra training from Senior Protection Officers and COI experts based on national training materials, when they were requested to handle cases from countries of origin outside of their initial competencies. The OAR in **Spain** drafted new general internal guidelines for assessing applications, while the Migration Department of the Ministry of the Interior in **Lithuania** and the Migration Office of the Ministry of the Interior in **Slovakia** both developed new guidelines and instructions on some specific aspects of the first instance procedure, such as the personal interview in **Lithuania** or the assessment of country of origin information in **Slovakia**. The **UK** Home Office also further developed its asylum policy guidance and letter templates. The Police and Border Guard Board in **Estonia** has started to develop new training materials for its staff, suiting better the officials' specific roles within the asylum procedure. The State Secretary for Justice and Security in the **Netherlands** announced that The internal information notice concerning convert cases was going to be made publicly available as a working instruction.⁴²⁹ The working instructions for assessing LGBTI cases were going to be adapted and less emphasis will be place on the awareness process and self-acceptance and more emphasis is put on the authentic story.⁴³⁰ The **ECtHR** deliberated on concerns around the assessment of LGBTI cases in its judgement I.K v Switzerland, but found no violation of Article 3 ECHR in that particular case.⁴³¹ An academic monograph focusing on the organisation of status determination in **Austria** provides - among other issues - an insight about the impact of these guidance materials on caseworker's assessment process when faced with the inherent uncertainty of the applications.⁴³²

⁴²² Fundación Cepaim, [Input to the EASO Annual Report 2018](#).

⁴²³ Asylex, Switzerland, [Input to the EASO Annual Report 2018](#).

⁴²⁴ Fundación Cepaim, [Input to the EASO Annual Report 2018](#); Ombudsman of Spain, [Input to the EASO Annual Report 2018](#).

⁴²⁵ SK LEG 02: Act No 198/2018 Coll.

⁴²⁶ HU LEG 03: Act CXLI of 2017, amending articles 8(5) and 15 (ab) of the Asylum Act.

⁴²⁷ IT LEG 01: Immigration and Security Decree, Article 7

⁴²⁸ EASO, [EASO Practical Guide: Qualification for international protection](#).

⁴²⁹ Tweede Kamer der Staten-Generaal, [Parliamentary Papers \(Kamerstukken\) II, 2017-2018, 19637, nr. 2416](#) (in Dutch).

⁴³⁰ Tweede Kamer der Staten-Generaal, [Parliamentary Papers \(Kamerstukken\) II, 2017-2018, 19637, nr. 2416](#) (in Dutch).

⁴³¹ ECtHR, IK vs Switzerland, [ECLI:CE:ECHR:2017:1219DEC002141717](#).

⁴³² IMISCOE, [IMISCOE Research Series, Inside Asylum Bureaucracy: Organizing Refugee Status Determination in Austria](#).

Two countries reported changes in their **assessment policy** towards specific countries. The **Danish** Immigration Service was about to change its practice concerning applicants from Syria following a statement from the Danish Refugee Board.⁴³³ Based on changes in the general situation in Syria, a residence permit cannot be granted anymore by merely referencing to the general circumstances in the country. The Danish Immigration Service was in the process of selecting trial cases and is has started initially refusing to grant residence permit for applicants from the Damascus Governorate.⁴³⁴ The **Dutch** State Secretary decided to modify its policy on internal flight alternative for families with minor children in Afghanistan⁴³⁵, to extend the list of profiles included under risk groups in China⁴³⁶ and Somalia⁴³⁷ and declared that the situation in some provinces in Iraq has changed to the extent that they would no longer be considered falling under Article 15(c) of the recast QD.⁴³⁸ The definition of the term ‘single’ was also slightly modified for the purposes of country-policy towards Somalia, the bring it in line with the policies already in place for Afghanistan and Iraq. **EASO** has also been continuing its work on [country guidance](#) in order to support Member States in the formulation of country-specific assessment policies: the pilot country guidance process was concluded with the publication of [Country Guidance: Afghanistan](#) in June 2018, which was followed by the [Country Guidance: Nigeria](#), while the country guidance on Iraq is expected to be published later in 2019.

The State Secretary in the **Netherlands** issued a decision clarifying the policy when Article 1F of the Refugee Convention applies. The IND is not obliged to organise a personal interview with the applicant prior to issuing an intended decision, when public sources, case law of international courts of appeal or tribunals, national case law or official reports of the Ministry of Foreign Affairs make it evident that the applicant committed the relevant crime or crimes.⁴³⁹

New policies and practices emerged with the objective to enhance the quality of asylum decisions at first instance. EASO launched its quality assurance tool on two modules focusing on the substantive personal interview and first-instance decisions⁴⁴⁰ and created a Quality Assurance Tool application.⁴⁴¹ The **Finnish Immigration Service** established a separate judicial review team within the legal and support services of the Asylum Unit, which uses a standardised form (created as one of the outcomes of the previous LAAVA project on asylum decision-making) to identify the main challenges concerning the quality of the asylum-decisions and match relevant training to these aspects. The BAMF in **Germany** introduced a multi-level, continuous quality assurance system for asylum decisions. The system includes quality assurers in the branch offices, checking all asylum decisions, quality assures of the quality unit in the BAMF headquarters, checking approximately 1 000 decisions a month, and the internal audit unit in the BAMF headquarters, carrying out annual audits of decisions. The Legal Affairs Department of the Swedish Migration Agency is already well-established and conducted several audits throughout 2018: quality of asylum decisions in general (annual audit), thematic audit of conversion cases and a closer audit of the decisions handed down within the framework of the Asyl 360 pilot project. The quality of asylum decisions raised issues in **Greece**.⁴⁴² The **French** civil society contributor made reference to the third evaluation round carried out by UNHCR and OFPRA focusing on decisions taken in 2016, with the results having been published at the

⁴³³ Danish Refugee Board, [Refugee Board believes that general conditions in Syria have changed](#) (in Danish).

⁴³⁴ ny i danmark, [Udlændingestyrelsen ændrer praksis i sager vedrørende de generelle forhold i Syrien](#).

⁴³⁵ Tweede Kamer der Staten-Generaal, [Parliamentary Papers \(Kamerstukken\) II, 2017-2018, 19637, nr. 2416](#) (in Dutch).

⁴³⁶ Tweede Kamer der Staten-Generaal, [Parliamentary Papers \(Kamerstukken\) II, 2017-2018, 19637, nr. 2418](#), [Vreemdelingenbeleid](#), Brief van de Staatssecretaris van Justitie en Veiligheid (in Dutch).

⁴³⁷ Tweede Kamer der Staten-Generaal, [Parliamentary Papers \(Kamerstukken\) II, 2016-2017, 19637, nr. 2305](#) (in Dutch).

⁴³⁸ Tweede Kamer der Staten-Generaal, [Parliamentary Papers \(Kamerstukken\) II, 2016-2017, 19637, nr. 2305](#) (in Dutch).

⁴³⁹ Staatssecretaris van Justitie en Veiligheid, [Decision of the State Secretary for Justice and Security of 20 September 2018, number WBV 2018/10](#), containing amendment of the Aliens Regulations 2000, Edition 2018, No. 52887, 20 Sep 2018 (in Dutch).

⁴⁴⁰ EASO, [EASO Quality Assurance Tool. Examining the application for international protection. Module 1: Personal interview. Module 2: First instance decisions](#).

⁴⁴¹ EASO, [Quality Assurance Tool](#).

⁴⁴² DRC in Greece, [Input to the EASO Annual Report 2018](#); Fundación Cepaim, [Input to the EASO Annual Report 2018](#); AIDA, [Country Report Greece, 2018 Update](#), p. 25; FRA, [Update of the 2016 FRA Opinion on fundamental rights in the hotspots set up in Greece and Italy](#), p. 26

end of 2018: the evaluation was overall positive, but it identified a number of shortcomings, which OFPRA has addressed with further trainings for its employees.⁴⁴³

4.6. Reception of applicants for international protection

The section on the Reception of applicants for international protection picks up the line from [Chapter 2 on the Trends in international protection in the EU+](#) and shows how EU+ countries reacted to these trends in terms of their reception capacity. The overview follows with the presentation some of the major legislative changes in 2018. The next thematic block focuses on developments in the overall organisation of reception, including redistribution and placement schemes and the changing types of reception facilities. The section then specifies efforts to improve the quality of material reception conditions through better coordination, monitoring, reconstruction of the physical infrastructure and staff training and notes the major new or remaining challenges that civil society organisation reported in this regard. The further details on the provision of reception conditions loosely follow the applicants' path in chronological order and present developments regarding the entitlement to material reception conditions, changes in financial allowances, information provision and legal assistance in reception centres, freedom of movement, access to healthcare, applicant children's education, access to labour market and language learning and socio-cultural orientation. The overview then notes some changes in the possibility to reduce or withdraw material reception conditions. The section finishes with legislative, policy and practice developments intended to strengthen security and enhance peaceful daily life within the reception facilities.

The reception of applicants for international protection has undergone many significant changes in the EU+ countries throughout 2018. New developments touched upon a wide variety of issues in legislation, policies, practices, case-law developments and institutional transformation. While some countries significantly decreased their reception capacity, others had to continue efforts to increase the number of available places matching the increase in the number of applications at national level. The organisation of reception has been substantially re-shaped with the growing number of arrival centres throughout EU+ countries. Ensuring safety and conflict-free everyday life at the reception facilities have been of primary concern for many states and addressed this issue in various ways, including the amendment of internal rules and the establishment of specific reception facilities for applicants not respecting the rules. Many initiatives aimed at improving the quality of reception conditions: establishing better coordination among the various stakeholders, creating monitoring tools, carrying out renovations and repairs. Civil society organisations still identified major quality gaps in several EU+ countries. Courts were particularly active in shaping applicants' reception rights, for example on the length of entitlement to material reception conditions or on the freedom of movement. Labour market access is typically further facilitated for applicants with good chances to be recognised, while language learning and social orientation courses have become obligatory in some cases for applicants as well.

Reception capacity remained at the centre of interest following the [diverging number of arrivals](#) throughout Europe. **Austria, Finland, Italy and Sweden** reported significant decrease in their reception places. However, the **Finnish** Immigration Service remained prepared and started its annual contingency training sessions in 2018. **Belgium**⁴⁴⁴ and the **Netherlands** had to significantly increase the number of available places in the second half of 2018, after initial plans to close several centres. The **Czech Republic**,

⁴⁴³ Forum Réfugiés-Cosi, input to the EASO Annual Report 2018, contribution not disclosed; AIDA, [Country Report France, 2018 Update](#), p. 30.

⁴⁴⁴ From August 2018, reception inflow was superior to outflow in reception centres, due to an increase in numbers of applications but also in applications processing time. Occupancy rate in reception structures rose significantly. In September 2018, the former State Secretary agreed to postpone the closing of some temporary centres as decided in the framework of reception downsizing plans. Late 2018, the new Minister approved the opening of 1,500 reception places.

France, Romania and Spain increased the number of available places and **Bulgaria** (establishment of a secure zone in the Registration and Reception Centre in Sofia) and **Cyprus** (Nicosia, Larnaka) opened up new and renovated facilities for UAM applicants. A new dormitory was built for vulnerable applicants in **Lithuania**. A new facility opened up in **Portugal**, while overall the number of places had not yet increased due to ongoing renovation works in other facilities. New facilities were planned to be constructed in **Lithuania, Slovenia and Croatia** (Mala Gorica)⁴⁴⁵. The coalition agreement in **Luxembourg** foresees an important increase in the number of places in reception in the forthcoming years. The Ministry of the Interior, the Ministry of Defence and the Ministry of Health in **Slovakia** started the elaboration of the National Contingency Plan, building on the EASO guidance on the contingency planning in the context of reception.⁴⁴⁶ While many national authorities increased the number of available places as the number of applications increased, civil society organisations reported insufficient capacity in **Belgium**⁴⁴⁷, **Cyprus**⁴⁴⁸, **France**⁴⁴⁹, **Greece**⁴⁵⁰, **Ireland**⁴⁵¹, **Portugal**⁴⁵² and **Spain**.⁴⁵³ The occupancy rate came close to 100 % in **Belgium, the Czech Republic and Ireland**. The Guardianship Service in **Belgium** reported issues to provide reception for UAMs in the evenings and on weekends and Fedasil used extra criteria to decide on immediate reception: about 200 UAMs who did not meet these criteria were refused reception towards the end of 2018. Applicants typically needed to arrange their own accommodation within their community in **Cyprus**.⁴⁵⁴ An NGO noted that open reception facilities closed down or often operated in a limited manner in **Hungary**, due to the fact that the majority of applicants were kept in the transit zones.⁴⁵⁵ **Luxembourg, the Netherlands and Ireland** highlighted that many of the occupants are recognised beneficiaries unable to move out from the reception centres to follow-up or mainstream accommodation. A civil society organisation from **Portugal** mentioned the same phenomenon.⁴⁵⁶

Many legislative changes shaped the area of reception of applicants for international protection in 2018. **Ireland** transposed the recast RCD into national law with the European Communities (Reception Conditions) Regulations 2018 and **Greece** substantially amended its national legislation and aligned it with further provisions from the recast RCD. The new legislative framework in **Italy** completely reshaped the reception system. Applicants do not have any more access to the System for the Protection of Asylum Seekers and Refugees (SPRAR), but they receive now material reception conditions with a limited scope in collective reception centres (CPA) or extraordinary reception centres (CAS). Accordingly, SPRAR has been renamed as System of Protection for beneficiaries of international protection and Unaccompanied Foreign Minors (SIPROIMI). The relevant legislation was substantially amended in **Austria, Belgium and France**: these changes are detailed later on in this section. The proposal for Bill no 7258 in **Luxembourg** would extensively amend the Law of 16 December 2008 on the reception and integration of foreigners in the Grand Duchy of Luxembourg - laying down the sanitation, safety, hygiene and habitation standards of reception centres of OLAI into national law – and the coalition agreement identified this reform as a priority in the coming years.

⁴⁴⁵ However, the Croatian Ministry of the Interior underlined that the responsible authority for AMIF annulled the relevant decision on the allocation of funds on 24 May 2019 and the city council of Petrinja denied the permission for the construction. Thus, the financial sources were reassigned for the enhancement of the capacities of the two available reception facilities.

⁴⁴⁶ EASO, [EASO Guidance on Contingency Planning in the context of Reception](#).

⁴⁴⁷ Refugee Rights Europe, [Input to the EASO Annual Report 2018](#).

⁴⁴⁸ AIDA, [Country Report Cyprus, 2018 Update](#), p. 11.

⁴⁴⁹ Forum Réfugiés – Cosi, [Input to the EASO Annual Report 2018](#), contribution not disclosed; Refugee Rights Europe, [Input to the EASO Annual Report 2018](#); AIDA, [Country Report France, 2018 Update](#), p. 83.

⁴⁵⁰ DRC in Greece, [Input to the EASO Annual Report 2018](#); Refugee Rights Europe, [Input to the EASO Annual Report 2018](#); AIDA, [Country Report Greece, 2018 Update](#).

⁴⁵¹ AIDA, [Country Report Ireland, 2018 Update](#), p. 59.

⁴⁵² AIDA, [Country Report Portugal, 2018 Update](#).

⁴⁵³ Fundación Cepaim, [Input to the EASO Annual Report 2018](#); Ombudsman of Spain, [Input to the EASO Annual Report 2018](#).

⁴⁵⁴ AIDA, [Country Report Cyprus, 2018 Update](#), p. 68.

⁴⁵⁵ Hungarian Helsinki Committee, [Input to the EASO Annual Report 2018](#); AIDA, [Country Report Hungary, 2018 Update](#).

⁴⁵⁶ AIDA, [Country Report Portugal, 2018 Update](#).

The legal amendments in **France** revised the national **redistribution scheme** for applicants, with the objective to better distribute asylum applicants on the whole territory of the country, aiming to fix the number of applicants that each region has to accommodate with the help of a redistribution key based on socio-economic indicators (similarly to the German system). Applicants are re-oriented to another region when the maximum amount is reached within one region and they are informed about the fact that they are entitled to material reception conditions only in the newly designated region.⁴⁵⁷

Sweden modified its legal provisions on the placement of unaccompanied children applicants and the assigned municipalities can now only place a child in an accommodation in another municipality if an agreement is signed between the two municipalities prior to the placement, the placement is in accordance with the Act on special provisions on the care of young people or with the Social Services Act or in exceptional circumstances when the child's care needs require so.⁴⁵⁸ Civil society organisations from **Switzerland** voiced their concerns about the Swiss allocation system, pointing out that it does not sufficiently take into account other factors, like family and social ties, language and employment skills when assigning applicants to a specific canton.⁴⁵⁹

The overall **organisation of reception** had also been significantly reshaped due to the fact that the first step of the asylum procedure, [Access to procedure](#), is more and more centralised with the establishment of arrival centres. New forms of reception facilities were created in **Belgium** (the reception centre Petit-Château / Klein Kasteeltje was transformed to a temporary arrival centre, pending the opening of the new arrival centre in Neder-over-Heembeek.), **Cyprus** (First Reception Centre in Pournaras near Nicosia), **France** (CAES, centres for reception and assessment of the situation, centres d'accueil et d'examen des situations, established now officially under the Law of 10 September 2018 and aiming to provide accommodation before applicants lodge their application and channel persons concerned to the appropriate housing system depending on their situation), **Germany** (AnKER Centres) and **Spain** (CATE, Centres for the Temporary Reception of Foreigners, Centros de Acogida Temporal de Extranjeros and CAED, Centres for Emergency Reception and Referral, Centros de Acogida de Emergencia y Derivación). A government investigation report in **Sweden** proposed the establishment of arrival and departure centres and to limit applicants' possibility to arrange their own accommodation, but the government has not yet followed up on these suggestions with concrete policy initiatives. The legislative amendments in **Austria** allows now the BFA to oblige applicants to reside continuously at a specific place (for example, in a reception centre or private housing) for certain legal reasons (public interest, public order) and for the swift processing of the asylum application.⁴⁶⁰

Some new developments occurred around the establishment of **specific reception facilities** for applicants who disturb the everyday life in the reception facility and whose behaviour is repeatedly offensive towards other inhabitants and the reception staff. The State Secretary for Justice and Security in the **Netherlands** announced that measures against such behaviour were going to be intensified, aiming to facilitate and speed-up the decisions to transfer an applicant to a reception centre with additional guidance and supervision (EBTL, extra begeleiding en toezicht lokatie). UAMs over 16 years can now also be transferred to these facilities with the approval of the relevant guardianship organisation (Stichting Nidos). The Immigration and Naturalisation Service (IND) also entered into discussion with judicial authorities for a stronger cooperation on these dossiers and proposed their prioritisation in order to obtain a quick clarification of the respective applicants' situation.⁴⁶¹ Authorities were faced with similar issues in **Switzerland**, where the first special federal reception centre was established in les Verrières (Canton of Neuchâtel) for adult men applicants, whose behaviour perturbs the daily usual functioning of

⁴⁵⁷ FR LEG 01: Law of 10 September 2018.

⁴⁵⁸ SE LEG 02: Law (2018:346) amending the Law on the reception of asylum seekers and others.

⁴⁵⁹ Asylex, Switzerland, [Input to the EASO Annual Report 2018](#); AIDA, [Country Report Switzerland, 2018 Update](#), p. 71.

⁴⁶⁰ AT LEG 01: FrAG 2018, Aliens Law Amendment Act 2018.

⁴⁶¹ Tweede Kamer der Staten-Generaal, Parliamentary Papers (Kamerstukken) II, 2018-2019, 19637, nr. 2446.

other reception centres or is of concern for public order or public security. An NGO from **Austria** reported about intensive public debate on this topic.⁴⁶²

The national legislative framework was amended concerning **emergency structures** in **Belgium**, where the Reception Act now also clarifies that in exceptional cases, applicants can be accommodated in emergency structures 'only for a reasonable period for as short as possible' (instead of the previous time limit of ten days) when there is a mass influx and the usual reception capacity is full. The law underlines now that applicants' basic needs still need to be always met.

Many policy developments aimed at **improving the quality of material reception conditions**. The coalition agreement in **Luxembourg** pointed out specifically that the quality of reception conditions needs to be further enhanced and the new government moved the competency for reception to the Ministry of Foreign and European Affairs from the Ministry of Family and Integration, in order to ensure dignified reception with the establishment of one single point of contact for all aspects of the asylum procedure. The government in **France** established a new post, the inter-ministerial delegate responsible for the reception and integration of refugees under the authority of the Ministry of the Interior. A new operational scheme was introduced for the Reception and Accommodation Centre in Kofinou in **Cyprus** following the riots in February 2018 and the government set up a coordination mechanism including each relevant stakeholder to swiftly handle all issues concerning this reception centre.

Another set of initiatives targeted the improvement of the quality of reception through **benchmarking and monitoring reception standards**. EASO published a specific guidance establishing operational standards and indicators specifically for the reception conditions of UAM.⁴⁶³ The draft 'National Standards for accommodation offered to people in the protection process' was issued for public consultation in **Ireland** between August and October 2018. A civil society contributor highlighted that the new National Strategy on Immigration in **Romania**, published early 2019, set out within its goals the development of monitoring tool for reception.⁴⁶⁴ The Reception and Identification Service in **Greece**, in cooperation with other agencies, has been compiling material for establishing a Standards and Procedures Manual for the protection of vulnerable groups, victims of human trafficking and victims of gender-based violence residing in hotspots. The Management Board of Fedasil in **Belgium** approved the minimum standards for reception, including specific standards for vulnerable persons, which were drawn up by the Quality Unit of Fedasil in collaboration with the relevant stakeholders. The Reception Unit of the **Finnish** Immigration Service and the National Assistance System for Victims of Trafficking in Human Beings had started to draft together specific guidelines for reception centres on the assistance of victims of human trafficking.

The legislative changes in **Belgium** also focused on the amelioration of the situation of [vulnerable applicants](#) in the context of reception. All groups of vulnerable persons mentioned in the recast RCD (non-exhaustive list) are now explicitly included in domestic law, as the the list of vulnerable persons enumerated in the Reception Act has been expanded. To the already listed persons, i.e. minors, pregnant women, persons with disabilities, victims of trafficking in human beings, victims of violence or abuse and the elderly, the following are now also added: persons with serious illnesses, persons with mental disorders, and persons who have undergone rape or other serious forms of mental, physical or sexual violence, for example victims of female genital mutilation. Fedasil is required to systematically assess the **applicants' special procedural needs**. The criterion for assessing the child's best interest was further specified.⁴⁶⁵ Applicants in **Hungary**, whose gender identity is different from their biological sex registered, can request to be assigned to an accommodation based on their gender identity.

Several facilities were reported to be **renovated** throughout 2018: the special building for vulnerable applicants in the Registration and Reception Centre in Harmanli, **Bulgaria**, the reception facility in Zagreb, **Croatia**, several buildings belonging to the General Secretariat of Welfare in Greece (mainly aiming to

⁴⁶² Ludwig Boltzmann Institute of Human Rights, [Input to the EASO Annual Report 2018](#).

⁴⁶³ EASO, [EASO Guidance on reception conditions for unaccompanied children: operational standards and indicators](#).

⁴⁶⁴ Migrant Integration Center – Brasov, [Input to the EASO Annual Report 2018](#).

⁴⁶⁵ BE LEG 02: Law of 21 November 2017, amending the Asylum Act and the Reception Act.

provide accommodation for families with minor children and UAMs) and the reception centre in Dębak near Warsaw, **Poland**. The reception facility in Kofinou in **Cyprus** needed to be swiftly repaired following the violent incidents in February 2018. **Lithuania** reported important upgrades within its facilities both at the border and on its territory. Few supplementary medical and leisure time supplies were provided in the transit zones in **Hungary**. As described under the section [Access to procedure](#), the majority of applicants remain in these transit zones and only few are accommodated in open reception facilities.

The European Commission granted emergency assistance to **Cyprus**, **Greece** and **Spain** to increase the overall reception capacity and improve the quality of material reception conditions.⁴⁶⁶

The quality of material reception conditions has still remained of great concern in **Greece**, both on mainland and on the islands. UNHCR has warned about the situation on several occasions throughout 2018⁴⁶⁷, the Commissioner for Human Rights of the Council of Europe expressed his deep concern about the circumstances⁴⁶⁸ and several civil society organisations alarmed about the overall poor living conditions.⁴⁶⁹ All of these actors expressed their special concern about the worrying situation of vulnerable applicants, including unaccompanied children and women.⁴⁷⁰ UNHCR stated at the end of 2018 that the situation was especially alarming in Moria, in Lesvos unaccompanied children shared shelter with adults, in Samos children needed to sleep in shifts as mattresses were lacking and overall homelessness and sexual harassment and violence was a major risk for all applicants both on the islands and on some mainland sites.⁴⁷¹ The European Union Agency for Fundamental Rights also identified the reception conditions in Greece a persistent challenge.⁴⁷² Civil society organisations reported overall poor living conditions in reception facilities in **Malta**⁴⁷³ and the **UK** continued to be criticised for not providing sufficient privacy, security and safety in reception facilities, especially for women applicants.⁴⁷⁴ The Council of Europe Special Representative of the Secretary General in migration and refugees pointed out specifically the poor conditions in the **Spanish** reception facilities in Melilla and Ceuta, while praising the reception conditions on the mainland.⁴⁷⁵ UNHCR reported remaining concerns about the reception of applicants in Cyprus, despite some improvements in the second half of 2018.

Training for reception staff seems to have been organised mainly on the working methods with [vulnerable applicants](#). Employees received training on the reception of UAMs for example in **Belgium**, **Croatia**, the **Czech Republic**, **Italy** and **UK**, and trainings were organised on the identification and reception of victims of human trafficking for example in **Finland**, **Hungary** and the **Netherlands**. The Dutch COA - in cooperation with the Coordination Centre for Human Trafficking, the Red Cross, the Dutch Council for Refugees - has recently developed an e-learning module on the identification of human trafficking and it has also created - in cooperation with the national Coordination Centre for Human

⁴⁶⁶ European Commission, [Migration and borders: Commission awards additional €305 million to Member States under pressure](#); European Commission, [Migration: Commission steps up emergency assistance to Spain and Greece](#).

⁴⁶⁷ UNHCR, [UNHCR urges Greece to address overcrowded reception centres on Aegean islands](#); UNHCR, [UNHCR urges Greece to accelerate emergency measures to address conditions on Samos and Lesvos](#); UNHCR, [Thousands of asylum-seekers moved off Greek islands](#); UNHCR, [Fact sheet, Greece, 1-31 December 2018](#).

⁴⁶⁸ Commissioner for Human Rights of the Council of Europe, [Report of the Commissioner for Human Rights of the Council of Europe Dunja Mijatovic following her visit to Greece from 25 to 29 June 2018](#).

⁴⁶⁹ For example: AIDA, [Country Report Greece, 2018 Update](#); DRC in Greece, [Input to the EASO Annual Report 2018](#); Amnesty International, [Greece: Open letter following visit of Kumi Naidoo, Secretary General of Amnesty International to Lesvos island and Moria refugee camp](#); Amnesty International, [“The voices of refugee women need to be heard”](#); Human Rights Watch, [Greece: Inhumane Conditions at Land Border](#).

⁴⁷⁰ For example: AIDA, [Country Report Greece, 2018 Update](#); DRC in Greece, [Input to the EASO Annual Report 2018](#); Amnesty International, [Greece: Open letter following visit of Kumi Naidoo, Secretary General of Amnesty International to Lesvos island and Moria refugee camp](#); Amnesty International, [“The voices of refugee women need to be heard”](#); Human Rights Watch, [Greece: Inhumane Conditions at Land Border](#).

⁴⁷¹ UNHCR, [Fact sheet, Greece, 1-31 December 2018](#).

⁴⁷² FRA, [Update of the 2016 FRA Opinion on fundamental rights in the hotspots set up in Greece and Italy](#).

⁴⁷³ AIDA, [Country Report Malta, 2018 Update](#).

⁴⁷⁴ AIDA, [Country Report United Kingdom, 2018 Update](#).

⁴⁷⁵ Council of Europe, [Despite challenges in managing mixed migration Spain should guarantee effective access to asylum also in Melilla and Ceuta](#).

Trafficking, the Expertise Centre for Human Trafficking and Human Smuggling, the Centre of Expertise on Aliens, Identification and Human Trafficking and Jade Zorggroep - a training course in the recognition of signs of human trafficking and human smuggling, allowing for the swift detection of both the perpetrators and the victims.

Some countries reported developments touching upon **the length of the entitlement to reception**. The starting point of the entitlement was clarified in **Belgium**, where the Reception Act now specifically states that every applicant for international protection is entitled to material reception conditions from the moment of making the application for international protection. Material reception conditions in **France** are now subject to the applicant's acceptance of the proposed accommodation or, when relevant, the identified region of orientation. Material reception conditions can be withdrawn when the applicant does not accept the proposed accommodation, when the applicant fails to comply with the requirements of the authorities responsible for asylum, or when the applicant has submitted several asylum applications under different identities.⁴⁷⁶ An instruction of the Ministry of Labour, Migration and Social Security in **Spain** clarified that Dublin returnees are also entitled to reception.⁴⁷⁷ The amendment of the Act No 305/2005 Coll. on Social and Legal Protection of Children and on Social Guardianship in **Slovakia** allows UAMs after coming of age to request that their stay in the foster home is extended after the end of institutional care until the age of 25. The **Swedish** Migration Agency made a change to its practice regarding the right to housing and financial support for persons who have been granted a temporary residence permit (for example, due to impediments to the enforcement of return), following a judgement by the Administrative Court of Appeal: these persons remain entitled as long as their temporary permit is valid. One NGO from **Spain** indicated that applicants face considerable delays in accessing material reception conditions due to the fact that they are not referred to a reception centre until their application is lodged, which process was severely delayed at the end of 2018.⁴⁷⁸ The Ombudsman of Spain confirmed this finding and further added that due to the delays the entitlement to reception often ends before the end of the asylum procedure.⁴⁷⁹ Several civil society organisations noted similar concerns in the Ile-de-France region in **France**, where applicants could only obtain with great difficulties a first appointment at the SPADA for making their application: the call centre was often saturated.⁴⁸⁰ One country reported changes in its rules on **applicants' contribution to the costs of material reception conditions**. The BFA in **Austria** is now authorised to seize any cash in the applicants' possession up to EUR 840 per person, allowing applicants' to retain in cash maximum EUR 120 per person.⁴⁸¹

Only three countries reported an increase in the amount of **financial allowance**. The monthly allowance in **Cyprus** raised from EUR 40 to EUR 100 per applicant and from EUR 10 to EUR 50 for dependants. However, this amount is typically still not enough to cover for example for rent, and applicants are at increased risk of homelessness.⁴⁸² The weekly rate of the Daily Expenses Allowance (formerly called a Direct Provision Allowance) in **Ireland** increased to EUR 29.80 for children and EUR 38.80 for adults from 25 March 2019.⁴⁸³ This brings the allowance up to the level recommended by the McMahon Report on Improvements to the Protection Process including direct provision and supports to asylum seekers, published in 2015.⁴⁸⁴ The financial allowance slightly increased in the **UK** from GBP 36.95 to GBP 37.75 per person per week. Save the Children Sweden noted that the financial allowance was not adjusted to inflation since the nineties and that the calculation rules are especially unfavourable to families with more than two children.⁴⁸⁵ The Decree of 28 December 2018 in **France** introduces the possibility of using a payment card to pay the asylum seeker's allowance.

⁴⁷⁶ LEG FR 01: Law of 10 September 2018.

⁴⁷⁷ AIDA, [Country Report Spain, 2018 Update](#), pp. 34, 54.

⁴⁷⁸ Fundación Cepaim, [Input to the EASO Annual Report 2018](#).

⁴⁷⁹ Ombudsman of Spain, [Input to the EASO Annual Report 2018](#).

⁴⁸⁰ See the emergency action initiated by these civil society organisations: FR Tribunal Administratif de Paris, [No. 1902037/9](#).

⁴⁸¹ AT LEG 01: FrÄG 2018, Aliens Law Amendment Act 2018

⁴⁸² AIDA, [Country Report Cyprus, 2018 Update](#), p. 63

⁴⁸³ Citizens Information, [Budget 2019](#).

⁴⁸⁴ Department of Equality and Justice, [Working Group on the Protection Process, Working Group to report to Government on improvements to the protection process, including Direct Provision and supports to asylum seekers](#).

⁴⁸⁵ Save the Children (Sweden Office), [Input to the EASO Annual Report 2018](#).

Some specific developments touched upon [information provision and legal assistance](#) in reception centres. Fedasil in **Belgium** has started to develop a comprehensive digital multilingual information tool, complementing already existing tools, e.g. voluntary return information material, that will provide correct and official information to applicants about the asylum procedure, the reception conditions and life after reception (return and integration into society). One of the objectives of the establishment of the AnKER Centres in **Germany** was the enhancement of the provision of information and strengthening of legal counselling, including counselling concerning an eventual return for persons likely to receive a negative decision. This latter point raised worries from UNHCR, that highlighted that return counselling should be reserved only after a final decision had been made.⁴⁸⁶ The ONE project in **Finland** runs until 2020 and aims for the further development of general legal counselling and information sharing in reception centres.

The issue of applicants' **freedom of movement** brought about legal proceedings in two countries. The Council of State in **Greece** annulled the Decision of the Director of the Asylum Service dating from 1996, which imposed geographical restrictions on applicants on the islands of Lesbos, Rhodes, Chios, Samos, Leros and Kos after 20 March 2016, due to an inadequate legal reasoning.⁴⁸⁷ The Director of the Asylum Service re-issued a new decision⁴⁸⁸ a few days after the annulment, re-imposing the restrictions, with the explicit exception of vulnerable applicants and Dublin cases. The High Court of Justice in **Spain** issued several judicial orders underlining that applicants' freedom of movement cannot be restricted once the applications are admitted to processing and they can move from Ceuta or Melilla to another place on the entire national territory.⁴⁸⁹

AMIF co-funded projects enhance applicants' **access to healthcare** in **Croatia**, Cyprus and Finland. The occupants of the Reception and Accommodation Centre in Kofinou in **Cyprus** now receive health care and psychosocial support in a systematic manner. The TERTTU- project in **Finland** develops improved methods for initial medical screening and check-up. UNHCR⁴⁹⁰ and several civil society organisations alarmed about the lack of medical services in **Greek** reception facilities.⁴⁹¹ Médecins sans Frontières needed to step in to cover for the crucial gaps in health care provision for example in Fylakio and Moria.⁴⁹² Even when medical staff visits reception facilities, interpretation seems not to be available and doctors risk misdiagnosing patients.⁴⁹³ The Greek Ministry of Labour issued a circular to facilitate the issuance of social security numbers, but applicants are still frequently requested to present additional elements, significantly delaying their access to health care.

Not many legislative, policy and practice changes had a major impact on **applicant children's education**, but **Germany** has significantly facilitated young children's access to day care. The Act on Good Early Childhood Education and Care (Gute-KiTa-Gesetz) provides for reduced day care fees for parents receiving benefits under the Asylum Seekers Benefits Act. The government of **Norway** also extended the scope of free kindergarten education and the government of **Finland** launched a pilot project with the same objective, providing enhance access also to applicants' children in pre-school age. The situation has also considerably improved since the beginning of the year in the Reception and Accommodation Centre in Kofinou in **Cyprus**, where AMIF co-funds customised educational activities for pre-school and school aged children, including language learning, art lessons and afternoon study programmes. **Irish** universities offered in total 31 scholarships for applicants, while the education system in **Poland** now provides for preparatory classes for foreign children in compulsory school age, benefitting applicant children as well. The new government's coalition agreement in **Luxembourg** highlighted the importance of applicant

⁴⁸⁶ UNCHR Germany, [Recommendations on the planned AnKER centres](#) (in German).

⁴⁸⁷ [ECLI:EL:COS:2018:0417A805.17E2806](#)

⁴⁸⁸ EL LEG 04: [Decision No. 8269](#).

⁴⁸⁹ [ECLI:ES:TSJM:2018:10745](#)

⁴⁹⁰ UNHCR, [UNHCR urges Greece to address overcrowded reception centres on Aegean islands](#)

⁴⁹¹ AIDA, [Country Report Greece, 2018 Update](#); DRC in Greece, [Input to the EASO Annual Report 2018](#).

⁴⁹² AIDA, [Country Report Greece, 2018 Update](#); MSF, [Greece](#); DRC in Greece, [Input to the EASO Annual Report 2018](#).

⁴⁹³ DRC in Greece, [Input to the EASO Annual Report 2018](#).

children's access to integrated education. A civil society organisation noted the difficulties that UAM have in accessing education in **Malta**, due to delays in the registration of their application⁴⁹⁴, despite the recent general improvement in the provision of education for applicant children through the work of the Migrant Learners' Unit of the Ministry for Education and Employment. Another civil society contributor from **Sweden** noted that children's education was frequently disrupted as families had to often moved from one facility to the other due to the fact that the Swedish Migration Agency closed several facilities throughout 2018.⁴⁹⁵

Further initiatives foresaw the facilitation of applicants' **access to labour market**, but some countries introduced a few restrictions as well. The transposition of the recast RCD meant a major change in **Ireland**, where applicants have now access to the labour market after nine months from the date when their application was lodged, if they have not yet received a first instance recommendation from the International Protection Office, and if they have cooperated with the process. However, one civil society organisation underlined that employers often still do not recognise the official documents granting applicants the permission to work and refuse to employ them.⁴⁹⁶ A specific group of applicants can obtain a temporary work permit pending a final decision in **Norway**. These persons, who are highly probable to obtain a temporary residence permit in Norway, participate already in activities promoting integration and no doubts are raised about their identity (even if they cannot present a genuine passport or national identity card). A skills and qualifications mapping measure was also fully implemented for applicants, after an initial pilot phase that had been running since 2016. The waiting period to access the labour market was reduced to one month in **Cyprus**, from the previous six months. Still, one NGO highlighted that this provision had not yet been implemented in early 2019 and it has led to increased administrative burden for applicants to access material reception conditions, as the changes now oblige applicants to register with the Labour Office and start actively seeking employment after one month.⁴⁹⁷ The waiting period to access the labour market was also reduced in France from nine months to six months from submitting the application. Applicants in **Belgium** do not need to obtain a separate work permit since 1 January 2019, the fact that they have a right to work is noted on their temporary residence permit.⁴⁹⁸ A civil society input provider noted that this is still an issue in **France**, and the fact that applicants have to obtain a work permit significantly limits their access to the labour market in practice.⁴⁹⁹ The Ministry of Social Security and Labour in **Lithuania** launched the initiative to prepare the necessary legislative amendments allowing applicants to obtain work permits. The OSAKA-project, running until 2020 in **Finland**, develops work and study activities for applicants and facilitates their skills recognition. The coalition agreement in **Luxembourg** also foresees more activating measures for applicants, including the facilitation of access to labour market. **Austria** has made several adjustments. Applicants admitted to the regular procedure can now be employed after three months through service vouchers as well, but the required registration is reported to be rather burdensome.⁵⁰⁰ However, applicants under 25 years are no longer entitled to get a work permit for an apprenticeship in a shortage occupation, and applicants' employment with NGOs is also further restricted.⁵⁰¹ The Austrian Federal Court delivered a judgement relevant to applicants' entitlement to work and stated that applicants should indeed have effective access to the labour market based on the provisions of the recast RCD.⁵⁰² **Switzerland** has also introduced some restrictions: from 1 March 2019 applicants residing in federal reception facilities are not allowed to engage in gainful employment.⁵⁰³

⁴⁹⁴ AIDA, [Country Report Malta, 2018 Update](#), p. 53.

⁴⁹⁵ Save the Children (Sweden Office), [Input to the EASO Annual Report 2018](#).

⁴⁹⁶ AIDA, [Country Report Ireland, 2018 Update](#).

⁴⁹⁷ AIDA, [Country Report Cyprus, 2018 Update](#).

⁴⁹⁸ Applicants in Belgium may have access to the labour market four months after submitting their application for international protection, if they have not yet been served with a negative decision of the CGRA.

⁴⁹⁹ Forum Réfugiés-Cosi, [Input to the EASO Annual Report 2018](#), contribution not disclosed.

⁵⁰⁰ AIDA, [Country Report Austria, 2018 Update](#).

⁵⁰¹ AIDA, [Country Report Austria, 2018 Update](#).

⁵⁰² AIDA, [Country Report Austria, 2018 Update](#).

⁵⁰³ AIDA, [Country Report Switzerland, 2018 Update](#).

Some countries offer now **language learning and socio-cultural orientation** for applicants as well. The Aliens Law Amendment Act in **Austria** introduced that language courses can be approved to applicants whose identity is established, have been admitted to the asylum procedure and are highly likely to be recognised (based on asylum statistics from the previous year). The 175 hours of language training and 50 hours of social studies in **Norway** have become mandatory for applicants above 16 years, residing in a reception centre. The training is offered free of charge and the municipalities hosting reception centres are under the obligation to offer the courses. Families with children and unaccompanied minor applicants without a documented identity now also have the right and obligation to participate in these courses. The second phase of the Guided Integration Trail (PIA, Parcours d'Intégration Accompagné) was launched in **Luxembourg** for applicants who have finished the first phase, involving compulsory language courses and information sessions on everyday life in the country. So-called Wegweiserkurse were piloted in the AnKER Centres in **Germany**, including 15 hours of instruction provided by a cultural mediator in the participants' native language. Applicants with the right to access the labour market can also enrol in job-related language courses, further outlined in the section on the [Content of protection](#). Language classes, as part of the integration programme, German-speaking Community became mandatory for certain groups of applicants in the German-speaking Community in **Belgium**. The Brussels Capital Region introduced similar changes, which have not yet entered into force. The hours of the mandatory French language course were extended in Wallonia, having an impact again on a certain specific group of applicants. These developments are also further detailed under the [Content of protection section](#).

Following the substantial legal amendments in **Belgium**, the Reception Act now provides for the possibility to **reduce or withdraw material reception conditions** in all cases defined by the recast RCD. Fedasil's decision needs to be motivated individually in fact and in law and should take into consideration the specific situation of the person concerned and the principle of proportionality. It is clarified that the reduced material reception conditions should still guarantee a dignified living standard for the applicant, which is not defined as a fixed standard: Fedasil needs to assess this case-by-case.⁵⁰⁴ ECRE published a relevant analysis considering whether withdrawing or reducing reception conditions can be considered an appropriate, effective and legal sanction in various national legal frameworks.⁵⁰⁵

Several legislative, policy and practice developments intended to **strengthen security and enhance peaceful daily life within the reception facilities**. Two long-awaited pieces of legislation entered into force in **Belgium** on 1 October 2018: the relevant Royal Decree lays down detailed rules for performing announced and unannounced room checks⁵⁰⁶, while the corresponding Ministerial Decree establishes the house rules for the reception facilities, including the rights and obligations of the residents and the sanctions for breaching the house rules.⁵⁰⁷ The Cabinet Regulations on the Internal Rules of the Accommodation Centre for Asylum Seekers were amended in **Latvia** allowing for the inclusion of additional information in the accommodation centre's control system, such as fingerprints for applicants above 12 years and digital ID photos.⁵⁰⁸ The Office of Citizenship and Migration also installed a video surveillance and access control system in the accommodation centre. A law amendment allows the director of the **Luxembourg** Reception and Integration Agency (OLAI) or the delegate to request the assistance of the police if an applicant or their family refuses to be transferred to another structure in a violent or threatening manner.⁵⁰⁹ The police in **Norway** has been given the permission to reply to requests for detailed information about residents in asylum reception centres and care centres to provide specific information, if necessary, without prejudice to the principle of confidentiality.⁵¹⁰

⁵⁰⁴ BE LEG 02: Law of 21 November 2017, amending the Asylum Act and the Reception Act.

⁵⁰⁵ ECRE, [Withdrawal of reception conditions of asylum seekers. An appropriate, effective or legal sanction?](#)

⁵⁰⁶ BE LEG 05: Royal Decree of 2 September 2018 laying down the regime and the operating rules applicable to the reception facilities and the modalities concerning room inspections.

⁵⁰⁷ BE LEG 06: Ministerial Decree of 21 September 2018 to establish the house rules for reception facilities.

⁵⁰⁸ LV LEG 02: Cabinet Regulations No. 734.

⁵⁰⁹ LU LEG 01: Law on the Grand Ducal Police.

⁵¹⁰ NO LEG 02: Act of 20 April 2018, Amending the Immigration Act.

EASO Reception Network

Through this dedicated Network, EASO fosters the exchange of information and best practice on reception systems, brings together expertise and develops specific tools and guidance including enhanced data collection in the field of reception within the framework of the CEAS. In 2018 activities included thematic workshops on Prevention and Sanctions and on Quality Management of Reception Conditions as well as exchange of information via periodic updates. Two Practical Guides were also published on [contingency planning in the context of reception and on reception conditions for unaccompanied children](#): operational standards and indicators.

More information can be found in Section 7.1 of EASO General Annual Report (forthcoming).



This section provides an overview of the developments concerning detention, focusing on the areas of grounds for detention, time limit for detention, alternatives to detention, and applicants' freedom of movement. It then presents the most significant shifts in detention capacity in EU+ countries. It continues with a presentation of conditions in detention facilities, before turning to issues raised by civil society actors in general. The section concludes with an overview of developments on the issue of detention before the European Court of Human Rights throughout 2018.

Detention⁵¹¹ of asylum seekers is governed by specific provisions of EU asylum law, namely by the recast Reception Conditions Directive, recast Asylum Procedure Directive and Dublin III Regulation, which include a permissible exhaustive list of grounds under which applicants can be detained during the asylum procedure⁵¹², detailed procedural safeguards (for instance, regarding the length of detention and judicial review) and conditions of detention, including of vulnerable applicants. Return Directive also establishes common rules concerning detention for the purpose of removal in order to prepare the return or carry out the removal process and if the application of less coercive measures would not be sufficient.

In practice, depending on the circumstances, detention may occur at different stages of the asylum procedure:

at the start of the procedure, when an individual placed in detention submits an application for international protection from detention and the grounds for their detention remain;

pending the examination of the claim - when an applicant is placed in detention facility, based on grounds enlisted in the EU acquis, for instance, in order to determine or verify his or her identity or nationality; decide, in the context of a procedure, on the applicant's right to enter the territory; or organise a [Dublin](#) transfer;

upon completion of procedure - when a former applicant is detained pending return.

In addition, Member States shall ensure that the rules concerning alternatives to detention are laid down in national law.

⁵¹¹ According to Article 2 (h) of the Reception Conditions Directive (recast), detention is defined as a confinement of an applicant by a Member State within a particular place, where the applicant is deprived of his or her freedom of movement.

⁵¹² The Reception Conditions Directive (recast) foresees in article 8 a limited exhaustive list of six grounds that may justify the detention of asylum seekers: (1) to determine the identity or nationality of the person; (2) to determine the elements of the asylum application that could not be obtained in the absence of detention (in particular, if there is a risk of absconding); (3) to decide, in the context of a procedure, on the asylum seeker's right to enter the territory; (4) in the framework of a return procedure when the Member State concerned can substantiate on the basis of objective criteria that there are reasonable grounds to believe that the person tries to delay or frustrate it by introducing an asylum application; (5) for the protection of national security or public order; (6) in the framework of a procedure for the determination of the Member State responsible for the asylum application under the so-called "Dublin III" Regulation when there is a significant risk of absconding.

The European Convention of Human Rights supplements the existing legal framework by setting additional constraints and safeguards during detention, mainly based on Articles 3 on inhuman or degrading treatment and Article 2 Protocol 4 ECHR on liberty of movement.

In 2018, no significant changes were reported in respect of detention during the asylum procedure and pending return in **Germany, Spain, Ireland, Latvia, Malta, Netherlands⁵¹³, Poland, Portugal, Slovenia, Slovakia** whereas the following developments occurred in EU+ countries:

Legislative changes - Grounds for detention

New laws, amendments, or governmental instructions which, in many cases, broadened the grounds for detention were introduced in the following EU+ countries:

The provisions governing detention pending removal were amended through the Act Amending the Aliens Law 2018⁵¹⁴ in **Austria**, which regulates detention if an asylum seeker represents a potential danger for public order or safety, or when there is a risk of absconding and detention is a proportionate measure (Article 76(2)(1) of the Aliens Police Act 2005).⁵¹⁵ This amendment was made after a ruling by the Supreme Administrative Court (Ro 2017/21/0009 of 5 October 2017⁵¹⁶), in which the court found that Article 76 of the Aliens Police Act 2005 in its previous form did not conform to the requirements for detaining individuals during international protection procedures as set out in the Reception Conditions Directive (2013/33/EU). Thus, detention-pending removal could not be ordered and imposed on foreign nationals during asylum procedures, except in Dublin-related cases and in the case where the individual was already in detention when applying for protection. Consequently, national law adapted Article 8(3)(e) of the Reception Conditions Directive clearly structuring the grounds for detention pending removal.⁵¹⁷ The amendments became effective as of 1 September 2018.

In **Belgium**, the Law amending the Belgian Immigration Act, which was adopted on 21 November 2017, entered into force on 22 March 2018. The law transposes *inter alia* the provisions of the recast Reception Conditions Directive, affirms that no foreigner can be put in detention for the mere reason he has applied for asylum unless apprehended and detained in the context of forced return⁵¹⁸, stipulates alternatives to detention, and outlines the grounds for detention for applicants for international protection on the Belgian territory⁵¹⁹ and at the border.⁵²⁰ In the latter case, a decision has to be taken by the Commissioner General for Refugees and Stateless Persons (CGRS) within 4 weeks upon the file receipt from the Immigration Office. The law further defines the risk of absconding according to set criteria.⁵²¹ Following

⁵¹³ A legislative proposal for the detention and return of foreign nationals is under discussion. The legislative proposal will provide a new administrative framework for the detention of foreign nationals pending involuntary return.

⁵¹⁴ Republic of Austria, Parliament Directorate, [Explanatory Notes, Government Proposal, Aliens Law Amendment Act 2018](#) (in German), pp. 22–23.

⁵¹⁵ AT LEG 04: [FPG, Aliens Police Act](#).

⁵¹⁶ AT VwGH, Ro 2017/21/0009.

⁵¹⁷ Republic of Austria, Parliament Directorate, [Explanatory Notes, Government Proposal, Aliens Law Amendment Act 2018](#) (in German), pp. 18–19.

⁵¹⁸ Irregularly staying persons who are apprehended and detained in a detention facility in view of a forced return can apply for international protection but will not be released due to the mere fact they have applied for international protection. The procedure for international protection in such cases is prioritised and the person is released if granted an international protection status.

⁵¹⁹ BE LEG 02: Law of 21 November 2017, amending the Asylum Act and the Reception Act (entry into force on 22 March 2018), Article 57 (altering Article 74/6 of the Immigration Act).

⁵²⁰ BE LEG 02: Law of 21 November 2017, amending the Asylum Act and the Reception Act (entry into force on 22 March 2018), Article 56 (altering Article 74/5 of the Immigration Act).

⁵²¹ According to these criteria, there is a risk of absconding when:

- (1) the person concerned has not lodged a request for residence, as a result of his illegal entry or during his illegal stay, or has not submitted his application for international protection within the period provided for;
- (2) the person concerned used false or misleading information or false or falsified documents, or resorted to fraud or other illegal means in the procedure for international protection, residence, removal or refoulement;
- (3) the person concerned does not collaborate or has not collaborated in his relations with the authorities responsible for the execution and/ or the monitoring of compliance with the regulations regarding the access to the territory, the stay, the establishment and removal of foreigners;

the entry into force of the Royal Decree of 22 July 2018 on 11 August 2018⁵²², irregularly staying families with minor children can be detained with a view to removal in family housing on the grounds of the closed detention centre 127bis.⁵²³ This Royal Decree was then partially suspended by the Belgian Council of State.⁵²⁴

Following the amendments introduced in Decree No 129 of 5 July 2018⁵²⁵ in **Bulgaria**, new proceedings were introduced for the immediate transfer of UAMs residing in the temporary closed accommodation centres to adequate accommodation in social services.

Croatia also amended the Act on amending the Immigration Act (OG, No 46/18) broadening the list of risks of absconding, or in which cases the detention can be determined, including cases that a third-country national has no identity or travel document, has no ensured accommodation, has no registered residence, has stated that he will not comply with the return decision or that he will obstruct return etc.⁵²⁶

In **France**, the new law adopted on 20 March 2018 was declared in conformity with the Constitution⁵²⁷ by the French Constitutional Court on 15 March 2018. The law specifies the criteria justifying detention, including significant risk of absconding, proportionality of the detention measure and impossibility of applying house arrest. A new Law of 10 September 2018 introduced the prolongation of detention when an asylum application is submitted late in detention: it is now possible to request the judge to exceptionally extend the detention for two additional periods of fifteen days, raising the maximum duration of detention to 90 days. The appeal will not automatically have a suspensive effect and it will be up to the administrative judge to suspend the execution of the removal order until the CNDA reaches a decision.

Similarly, **Norway** broadened standards of risk of absconding, according which applicants who fall into the Dublin case category due to lodging an asylum claim or are found to have a former connection to an EU member country, will be risk-evaluated with regards to absconding, with a view to reduce the number of disappearances and further illegal stay in the country.

(4) the person concerned has shown his will not to comply or has already contravened one of the following measures:

- (a) a transfer or a removal;
- (b) an entry ban that has not been lifted or suspended;
- (c) a less coercive measure than a measure of deprivation of liberty to secure his transfer or removal;
- (d) a restrictive measure of liberty aimed at guaranteeing public order or national security;
- (e) a measure equivalent to the measures referred to in (a), (b), (c) or (d) taken by another Member State;

(5) the person concerned is the subject of an entry ban in the Kingdom and/ or in another Member State, which is neither withdrawn nor suspended;

(6) the person concerned has lodged a new application for residence or international protection immediately after having been the subject of a decision refusing its entry or staying or terminating his stay or immediately after having been the subject of a measure of removal;

(7) when questioned on this point, the person concerned concealed having already given his fingerprints in another State bound by the European regulation relating to the determination of the State responsible for examining an application for international protection;

(8) the applicant has lodged several applications for international protection and/ or residence in the Kingdom or in one or more other Member States which gave rise to a negative decision or which did not give rise to the grant of a residence permit;

(9) although he was questioned on this point, he concealed that he had already lodged an application for international protection in another State bound by the European rules on the determination of the State responsible for the examination of an application for international protection;

(10) the person concerned has stated or it appears from his file that he has come to the Kingdom for purposes other than those for which he has lodged an application for international protection or residence;

(11) the person concerned is fined for having lodged an obviously abusive appeal with the Council for Alien Law Litigation (CALL).

⁵²² Royal Decree amending the Royal Decree of 2 August 2002 laying down the regime and measures applicable to the places on the Belgian territory, managed by the Immigration Department, where a foreigner is detained, in accordance with the provisions of Article 74/8(1) of the Act of 15 December 1980 on access to the territory, residence, settlement and removal of foreign nationals. Available at <http://www.ejustice.just.fgov.be/eli/bsluit/2018/07/22/2018031606/staatsblad>

⁵²³ Read more on **Error! Reference source not found..**

⁵²⁴ BE Council of State, [Decision n° 244 190](#).

⁵²⁵ BG LEG 01: Decree № 129 of 5 July 2018 amending the rules for implementing the Law on Foreigners in the Republic of Bulgaria.

⁵²⁶ HR LEG 02: Law amending the Law on Foreigners.

⁵²⁷ FR LEG 05: Decision n° 2018-762 DC of 15 March 2018.

Italian Law Decree No 113 of October 2018, converted in Law No 132 of 1 December 2018 envisages detention in order to establish an asylum seeker's identity⁵²⁸ and temporary detention in police facilities or at the border once pre-removal centres have reached their full capacity. Detention may also be applied beyond the end of identification procedure for a period of maximum thirty days. If it needs to be extended, one may be detained in the CPR (permanent Centres for the repatriation) for a maximum period of 180 days.

In **Greece**, Law 4540/2018⁵²⁹ transposed Articles 8-11 of Directive 2013/33/EU with regard to rights and guarantees during detention, including special provisions for vulnerable persons and applicants with special needs as well as the possibility to impose geographical restrictions to applicants for international protection to ensure fast process of applications.

United Kingdom announced reforms to immigration detention by the Home Secretary in July, including work with charities, faith groups, communities and other stakeholders to develop alternatives to detention, strengthening support for vulnerable detainees and increasing transparency around immigration detention. These reforms aim to improve facilities for detainees in immigration removal centres and training for staff to enable them to work with detainees more closely.

Time limit for detention

In **Belgium**, the new law also defines the **duration of detention** for a maximum of 2 months. It can be prolonged for 2 months if risks for national security or public order and then on a month-by-month basis by decision of the Minister (with a maximum period of 6 months). When determining the responsible EU state in the course of Dublin procedure, the maximum detention is set to six weeks extended by another six weeks for the transfer.⁵³⁰

The Law of 10 September 2018 in **France** increased the maximum duration of administrative detention of irregular migrants and asylum seekers under the Dublin procedure from 45 to 90 days.⁵³¹ This time limit⁵³² also applies to last minute applications of detainees pending return (please see the section Legislative changes – Grounds for detention for more details about last minute applications in detention). Similarly, **Italy** increased the time limit for detention from 90 to 180 days in the detention centres for repatriation as well as to establish ones identity and nationality. **Poland** adjusted detention period in accordance with Article 15 of Directive 2008/115/EC, prolonging the foreigner's detention to 18 months. The possibility to extend detention period pending return was envisaged in **Luxembourg**. Following the adoption of Bill No°7238 amending the Immigration Law, the minister may decide to extend detention due to the length of the removal operation.⁵³³

⁵²⁸ IT LEG 01: Immigration and Security Decree.

⁵²⁹ EL LEG 02: L 4540/2018, Reception Act.

⁵³⁰ BE LEG 01: Immigration Act, Art. 51/5. The period of 6 weeks is interrupted when an appeal is lodged against the decision to transfer.

⁵³¹ FR LEG 01: Law of 10 September 2018.

⁵³² Article 552-7 allows, when an asylum application is submitted, in the last fifteen days of the second period of prolongation of detention, to ask the judge for liberty and detention (JLD) to extend exceptional retention for two additional periods of fifteen days, within the overall limit of ninety days. This provision guarantees the examination of the asylum application and address late requests for asylum made for the sole purpose of delaying the execution of the expulsion measure. In these cases, OFPRA shall rule within 96 hours. In the event of negative decision, the appeal will not be automatically suspensive and the administrative court will rule on suspending the execution of the expulsion measure. If suspension is granted, detention is not terminated.

⁵³³ In this case, the minister must lodge a request with the president of the First Instance Administrative Court within five days of the notification of decision. The president of the court will rule as a trial judge as a matter of urgency and within ten days of the introduction of the request. The decision of the president can be appealed in the Second Instance Administrative Court. If the minister does not file a request with the court within the foreseen deadlines, the detained person will be set free.

Following CJEU Judgment⁵³⁴, **Sweden** also adjusted the maximum time in detention in accordance with the Dublin Regulation (when a person is not detained when the request is accepted) to two months.

Alternatives to detention

Several EU+ countries introduced or were planning to introduce new forms of alternatives to detention, in the context of both asylum and return procedures. In some cases this was to counterbalance stricter rules on the detention of applicants.

In **Belgium**, Article 74/6(1) now provides a designation of a mandatory residence as an alternative to detention. A Royal Decree will further outline the other alternatives to detention in Belgium for the applicants for international protection, such as, the deposit of a financial guarantee and the duty to report regularly. However, in 2018, no other alternatives were regulated.

Following the amendments introduced at the end of 2017 in **Bulgaria**, two new alternatives to detention were introduced, namely; deposit of a monetary guarantee and submission as a temporary pledge of a valid passport or another travel document, which he/she shall receive back after being removed from the country in pursuant the return or the expulsion order. The amendments and supplements of the Rules on the Application of the FRBA (SG 6p. 57/10.07.2018) illustrated the additional measures to guarantee alternatives to detention in centres of closed type. In this regard, it specifies the implementation of ‘weekly appearance in the territorial structure of the Ministry of the Interior’ which applies to foreigners who are exempt from the special homes for temporary accommodation of foreigners after the expiry of the maximum period for compulsory accommodation according to the law or are released by a court decision. Measures were also introduced in order to establish a mechanism for the control of illegally staying foreigners, who are accommodated in hotels, hostels and other accommodation according to the Law on Tourism.

Luxembourg proclaimed that the new semi–open facility that will replace the Kirchberg Return Structure will also serve as an alternative to the Detention Centre taking into account the needs of various different groups.⁵³⁵

A pilot project at the **Swedish** Migration Agency to further develop supervision as an alternative to detention, started in 2018. This project is implemented at two different asylum reception units of the Migration Agency with a view to improve detention standards and achieve humane and dignified returns.

In practice, **Lithuania** and **Croatia** resorted to alternative measures to detention. In the latter case, appearance at the Reception Centre at a specific time was used. Further, a project on ‘Alternatives to Detention’ in return procedures was initiated to be funded through (AMIF). The aim of the project is to increase open accommodation capacity through the creation of nine facilities in Mala Gorica near Petrinja for third-country nationals in the return process and one facility for administrative purposes. Discussions with the local community were ongoing at the end of 2018.⁵³⁶

Alternatives to detention were used in **Cyprus** in cases where the Director of Civil, Registry and Migration Department, or the Minister of Interior, decided that there is no prospect of removal, in accordance with the Return Directive under the condition that there were no reasons of public safety or public order involved.

The **United Kingdom** introduced new immigration bail which repealed and replaced the previous complex legal framework contained in Schedules 2 and 3 to the Immigration Act 1971 in January. The new framework defines who can be bailed, the conditions and the consequences if an individual breaches bail

⁵³⁴ CJEU, C-60/16.

⁵³⁵ DP, LSAP and déi gréng, [Accord de coalition 2018-2023](#) (in French), p.233.

⁵³⁶ However, the Croatian Ministry of the Interior underlined that the responsible authority for AMIF annulled the relevant decision on the allocation of funds on 24 May 2019 and the city council of Petrinja denied permission for the construction. Thus, the financial sources were reassigned for the enhancement of the capacities of the two available reception facilities.

conditions, as well as conditions for the termination of bail. Further, the Home Office has partnered with the United Nations High Commissioner for Refugees to work with charities, faith groups and local communities to develop a number of pilot schemes that will provide support to a wide range of migrants in the community, including both men and women. These pilot schemes will begin in 2019 for 2 years to support different groups of migrants at risk of immigration detention. Based on the project results, the Home Office will explore their implementation on a larger scale.⁵³⁷

Developments regarding freedom of movement

According to AIDA report⁵³⁸, concerns were raised for first-time applicants are systematically detained in **Bulgaria** and the majority of asylum seekers apply from pre-removal detention centres for irregular migrants. Further, the State Agency for Refugees (SAR) continued to perform registration and interviews of asylum seekers in pre-removal detention centres. This practice has been disputed as illegal by civil society organisations⁵³⁹, and national courts.⁵⁴⁰ In November 2018, the European Commission decided to send a letter of formal notice to **Bulgaria** concerning the incorrect implementation of EU asylum legislation in relation *inter alia* to the detention of asylum seekers as well as safeguards within the detention procedure.⁵⁴¹ Concerns on detention grounds and effective judicial control by the Special Representative of the Secretary General on migration and refugees (Council of Europe)⁵⁴² reiterating the Committee of Ministers position on the urgency to adopt legislative reforms.⁵⁴³

Similarly, the Human Rights Committee (UN) expressed concerns on the restriction of asylum seekers in transit zones in **Hungary** due to 'the extensive use of automatic immigration detention in holding facilities and claims that restrictions on personal liberty have been used as a general deterrent against unlawful entry rather than in response to an individualised determination of risk'.⁵⁴⁴ The measures are also subject to a [European Commission infringement procedure](#).

Following the Council of State's ruling⁵⁴⁵ in **Greece**, which annulled the decision of the Director of Greek Asylum Authority imposing geographical restriction due to lack of reasoning, decision on the geographical restriction of newly arrived asylum seekers in Kos, Leros, Samos, Chios, Lesvos (hotspot islands) as well as Rodos were issued.⁵⁴⁶⁵⁴⁷ According this Decision, the restriction is imposed due to reasons of public interest and in particular, for the implementation of the EU-Turkey Statement of 18 March 2016, in order to attain a faster and more efficient management of applications for international protection. It is clarified that vulnerable applicants and Dublin cases do not fall under this restriction.

Detention of vulnerable groups

In **Belgium**, the Royal Decree of 22 July 2018 provides the possibility to detain irregularly staying families with minor children with a view to removal in family housing on the grounds of the closed detention centre 127bis of Steenokkerzeel (next to Brussels National airport). This is envisaged as a measure of last

⁵³⁷ gov.uk, [New pilot schemes to support migrants at risk of detention](#).

⁵³⁸ AIDA, [Country Report Bulgaria 2018 Update](#).

⁵³⁹ AIDA, [Country Report Bulgaria 2018 Update](#), p. 59.

⁵⁴⁰ Indicatively, see: BG Supreme Administrative Court, [Decision No 77, 4 January 2018](#).

⁵⁴¹ European Commission, [November infringements package: key decisions](#).

⁵⁴² Council of Europe, [Report of the fact-finding mission by Ambassador Tomáš Boček, Special Representative of the Secretary General on migration and refugees, to Bulgaria, 13-17 November 2017](#).

⁵⁴³ Council of Europe, [Ministers' Deputies Decision CM/Del/Dec\(2017\)1302/H46-8](#).

⁵⁴⁴ UN HRC, [Concluding observations on the sixth periodic report of Hungary](#).

⁵⁴⁵ [ECLI:EL:2018:0417A805.17E2806](#).

⁵⁴⁶ EL LEG 04: Decision No. 8269.

⁵⁴⁷ LE LEG 05: Decision No. 18984.

resort (a ‘cascading system’ applies) and for the shortest appropriate period of time.⁵⁴⁸ The Royal Decree specifies that the families may be detained for a maximum of two weeks (which may be extended by an additional two weeks). This measure was intensely debated at the national level, and many organisations⁵⁴⁹ have published their views on this measure.⁵⁵⁰ In response to the legislative reform, the Commissioner for Human Rights of the Council of Europe raised concerns about the possibility that migrant families with children may be detained and underlined the need to continue their efforts to develop alternatives to detention for families with children following their former positive practices.⁵⁵¹ The Royal Decree was partially suspended by the Belgian Council of State in its judgement No 244 190 of 4 April 2019.⁵⁵³

As of July 2018, in **Bulgaria** unaccompanied children below the age of 14 are exempted from screening by the State Agency of National Security and sent directly to reception centres.⁵⁵⁴ Similarly, in **Cyprus** unaccompanied children and/or families with children or vulnerable groups were not detained in Menoyia Detention Centre. In cases where a parent is detained and the child has no guardian or other place to stay, the Department of Social Services undertakes responsibility while the minor retains the right to visit its parent. In 2018, **Slovakia** amended the Act No 305/2005 Coll. on Social and Legal Protection bringing changes for UAMs.

In the latest legislative amendments⁵⁵⁵, **France** emphasised that minors cannot be detained, except when they are accompanying an adult who falls under the specific situations listed under L551-1 of CESEDA. The **Hungarian** law that entered into force on 1 January 2018, envisages that special attention should be given to LGBT asylum seekers in detention.

Norway specified provisions for the detention of minors as part of the return procedure, ensuring that minors are only arrested or detained as a last resort and for the shortest possible period of time. Further, on 14 May 2018, several articles of the Norwegian Immigration Act and the Criminal Procedure Act were revised. In this context, Section 106(c) regarding the arrest and detention of minors was added. It specifies that minors can only be detained in extraordinary situations as a last resort and absolutely necessary measure in order to ensure identity checks or the minor’s deportation. This section also states that children under the age of 18 cannot be held in detention for more than 72 hours at a time and more than 144 hours including the arrest prior to detention. An exception may be made in exceptional cases which may last only one week at a time.⁵⁵⁶

In **Greece**, minors may be deprived of their liberty for the purpose of reception and identification as a measure of last resort that should not exceed 25 days.⁵⁵⁷ In exceptional cases, such as the mass influx of minors, if the safe referral of children to appropriate accommodation is not feasible within the above period, it can be extended for an additional period of twenty (20) days. However, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) report⁵⁵⁸ on Greece noted that as of 31 May 2018, out of the estimated number of 3 500 unaccompanied

⁵⁴⁸ The family units in the 127bis center are only used as a last resort when other alternatives to detention have failed. EMN Belgium National Input Information obtained from the Immigration Office on 11 February 2019.

⁵⁴⁹ See, for example: Myria, [Ouverture imminente des unités familiales dans le centre fermé 127bis](http://www.youdontlockupachild.be/). For more information see: <http://www.youdontlockupachild.be/>.

⁵⁵⁰ EMN, [Detention of irregularly staying families with children in family housing in a closed centre](#).

⁵⁵¹ Council of Europe, Commissioner for Human Rights, [Letter to Mr Theo Francken, Secretary of State for Migration and Asylum, Belgium](#).

⁵⁵² State Secretary for Asylum and Migration and Administrative Simplification, [Letter to Dunja Mijatovic, Commissioner for Human Rights – Council of Europe](#).

⁵⁵³ BE Council of State, [Decision n° 244 190](#).

⁵⁵⁴ AIDA, [Country Report Bulgaria 2018 Update](#).

⁵⁵⁵ Article L.551-1 of the CESEDA.

⁵⁵⁶ Contribution to EPS monthly data collection: Norway; Norwegian Directorate of Immigration (UDI) [Kapittel 12. Behandling av fingeravtrykk mv., tvangsmidler og straff](#) (paragraphs 99 - 108).

⁵⁵⁷ EL LEG 02: L 4540/2018, Reception Act, Article 10.

⁵⁵⁸ Council of Europe, [Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\) from 10 to 19 April 2018](#). See also: Council of

children currently in Greece, less than 1 000 were accommodated in dedicated shelter facilities and reiterated its previous recommendation that the Greek authorities pursue their efforts to increase significantly and rapidly the number of dedicated open (or semi-open) shelter facilities for unaccompanied children.

A new pilot scheme, called Action Access, was announced in December 2018 in the **UK**. The initiative aims to accommodate vulnerable women within the communities instead of exposing them to immigration detention. Working in partnership with Action Foundation, a charity, which provides support to asylum seekers, migrants, and refugees, the first phase began in 2019 and will cover up to 50 women within two years.

Detention capacity

Accommodation capacity remained stable in **Croatia**, **Greece**⁵⁵⁹ while increased and improved capacities were reported in the **Czech Republic** specifically designed to address the special needs of vulnerable groups⁵⁶⁰, **Estonia**⁵⁶¹ in line with the Schengen evaluation which was carried out, **Finland**⁵⁶² and **Sweden**.⁵⁶³

In May 2017, the Council of Ministers in **Belgium** also decided to gradually increase the detention capacity for irregular migrants, which amounts to 600 places for 2018 and will gradually increase to 1 066 places by the year 2022.⁵⁶⁴ New family units were eventually opened on 11 August 2018 in the Repatriation centre 127bis, which are intended for the stay of families with underage children in view of their return.⁵⁶⁵ Currently, there are four family units at the detention centre 127bis, two of which can accommodate six people and another two for eight people.

Europe, [Response of the Greek Government to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\) on its visit to Greece from 10 to 19 April 2018](#).

⁵⁵⁹ The function of the pre-removal Detention Centres for TCNs was extended until 31.12.2022. EL LEG 06: [Decision No. 8038/23/22-PZ](#).

⁵⁶⁰ The new building C in the Foreigner Detention Facility Bělá-Jezová was built in 2018. It has the accommodation capacity for 112 persons, of which 104 beds are located in the accommodation part and eight beds are reserved for the medical isolation ward. There are four-bed rooms, a common dining hall in the building, a laundry and bathroom on every floor, a lounge for mothers with children, and a classroom on the ground floor. There is a room for interviews and consultancy for clients, Internet kiosks, and a common room for leisure time activities. One part of the ground floor has been turned into an isolation ward and a workplace for medical staff of the Medical Institution of the Ministry of the Interior (MI MOI). In addition, there is a workplace for a general practitioner and a paediatrician. The main advantage of the C building is the existence of its own catering facility to which foreign nationals do not have to be escorted.

⁵⁶¹ In the end of 2018, a new detention centre was opened in Rae municipality, which replaced the previous detention centre in Harku. The new detention centre accommodates up to 123 returnees and asylum seekers, previous had places for 80 persons and has more comfortable living conditions compared to the old centre.

⁵⁶² Finland originally aimed to establish a [new detention unit](#) in Heikinhärju in connection with the Oulu reception centre by summer of 2019 with a capacity of 30 beds. However, since the need to increase detention capacity has not been as high as anticipated, no new separate detention unit will be established. At the moment, Finland maintains two detention units; one in Helsinki and the other in Konnunsuo connected to the Joutseno reception centre. Both centres have a total of 109 beds. The Finnish Immigration Service has decided to remodel the facilities of the Oulu reception centre to accommodate TCNs who are placed in detention, if required.

⁵⁶³ The EMN Bulletin April-June 2018 reported that occupancy at detention centres in Sweden has been high throughout 2018 with an average occupancy-rate between 97 % and 100 %. Following instructions by the Government, the Swedish Migration Agency is expanding capacity at its detention centres. In May and June 2018, additional places were created at the detention centres in the cities of Flen and Mårsta. Until the end of the year 2018, the number of spots at detention centres is intended to increase from approximately 350 to almost 450. As the number of asylum applicants who have been rejected increases, the Migration Agency and the Swedish Police have estimated that there will be a need for roughly 900 spots at detention centres in 2019 and 2020. At the same time, the Migration Agency is downscaling the capacity at ordinary reception facilities for asylum seekers following a strong decrease in the number of new applicants. It should be noted, however, that detention is most often used as part of the return process and not during asylum procedures.

The Swedish Migration Agency reported in April 2019 a revised estimate of the spots need, increased to 1100-1200 spots.

⁵⁶⁴ Belgian House of Representatives, [General Policy Note on Asylum and Migration, 26 October 2018](#), p.8.

⁵⁶⁵ To the date of 31 December 2018, four families, with respectively five, four, two and three children were detained in the family units. All four families returned to their country of origin.

In **Bulgaria**, two pre-removal detention centres operate in Busmantsi and Lyubimets, whereas the Elhovo allocation centre was closed in April 2018.⁵⁶⁶

As reported in 2017, plans were progressed for the development of a dedicated immigration detention facility at Dublin Airport in **Ireland**, which entails the refurbishment of an existing facility in Garda station, office accommodation and detention facilities. Works started on 8 May 2018 by the Office of Public Works on behalf of An Garda Síochána (national police force) and is expected to be completed in April 2019.⁵⁶⁷

Conditions in detention facilities

The family units introduced in the Repatriation centre 127bis in **Belgium** are supported by a multidisciplinary team composed of coaches, educators, a teacher, a medical professional, a psychologist and security staff is responsible for the daily monitoring of the families who live in the family units. Every day, an interdisciplinary meeting is organised in which the main issues are discussed. 19 staff members are responsible for these family units.

During 2018, the **Croatian** Legal Centre also monitored detention condition in three detention centres, based on an Agreement on monitoring of forced returns.

AMIF continued to co-finance in **Cyprus** the operational expenses, improvement measures, recreational activities and health (including mental health) services in Menoyia Detention Center and Kofinou Reception Centre under different projects. These projects improved significantly the mental and health condition of residents of these two centres by funding i.e. and the overtime salaries for clinical psychologists visiting the centres in order to provide psychological support and counselling, their travelling costs and equipment and nursing services. Cyprus noted that the rights of foreign nationals are guaranteed based on the governing Law and Regulations, and the human rights driven policy in line with the reports and recommendations of the Ombudsman, CPT, UNHCR, and other national or European bodies.

Special provisions regarding free legal counselling in the detention facilities were enacted in the **Czech Republic**. This new system of the free legal counselling is different from the legal counselling provided by the NGOs and funded by the AMIF, which is also available.

The new detention facility in **Estonia** improved the living conditions of TCNs particularly with regard to the housing of families, recreational activities⁵⁶⁸, material conditions⁵⁶⁹ and services⁵⁷⁰ provided.

On the other side, **Greece** was on the spotlight of the latest CPT periodic review regarding detention conditions.⁵⁷¹ The latest report pointed out the conditions of detention in police and border guard

⁵⁶⁶ AIDA, [Country Report Bulgaria 2018 Update](#), p.59.

⁵⁶⁷ Correspondence with Department of Justice and Equality, Irish Naturalisation and Immigration Service, Border Management Unit, February 2019.

⁵⁶⁸ An activity leader is present and engages with the detained persons every day. There are board games, PlayStation, sports, facilities (i.e. football and different ballgames), computer is also usable (internet is open to limited pages for ex. IOM, UNHCR etc.);

⁵⁶⁹ Toilet in the rooms; the conditions of lightning, sound isolation and ventilation has improved; more and bigger guestrooms; separate prayer room, where joint prayers can be done if needed.

⁵⁷⁰ The visiting days have been increased from 2 to 5 days a week and packages can be sent every working day. PBGB also provides the detained a 5€ calling card once a month. This service depends on the state budget.

⁵⁷¹ Council of Europe, [Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\) from 10 to 19 April 2018](#).

stations, the overcrowded conditions at Fylakio RIC and pre-removal centres, which on some cases could amount to inhuman and degrading treatment.⁵⁷²

The living conditions in detention centres were also under review before the European Court for Human Rights.

Judicial review of the detention order

The Constitutional Court in the Czech Republic repealed legal provisions according which, there was no possibility of repealing a decision restricting personal liberty when that limitation of personal freedom had ceased to exist. The contested provisions led to the complete exclusion of judicial review of a decision on the restriction of personal liberty, unless that limitation ends before the administrative court decides to proceed against such a decision.⁵⁷³

Concerns regarding widespread use of detention practices

Restriction of freedom and de facto detention in transit zones⁵⁷⁴, hotspots or under ‘protective custody’⁵⁷⁵ or on public health grounds⁵⁷⁶ as well as the duration of detention⁵⁷⁷ was strongly criticised by civil society organisations. In this regard, the Hungarian Helsinki Committee, in conjunction with ECRE and a number of European project partners, launched a report examining the situation in Bulgaria, Greece, Hungary and Italy, with a specific focus on de facto detention.⁵⁷⁸ Further, ECRE issued a Policy Note⁵⁷⁹ highlighting that ‘states are likely to exploit additional opportunities to generalise movement restrictions and expand detention for reasons of administrative convenience’.⁵⁸⁰

Detention in the jurisprudence of the European Court of Human Rights (ECHR)

The ECHR dealt with detention practices and conditions on various cases. Indicatively⁵⁸¹, in the case **J.R. and Others v Greece**⁵⁸² concerning three Afghan nationals, who were held in the Vial reception centre, on the Greek island of Chios, and the circumstances of their detention, the Court found no violation for the one-month period of detention as it aimed to guarantee the possibility of removing the applicants under the EU-Turkey Declaration, which was regarded not arbitrary and nor ‘unlawful’. The Court held however that there had been a violation of Article 5(2) (right to be informed promptly of the reasons for arrest) of the Convention, finding that the applicants had not been appropriately informed about the reasons for their arrest or the remedies available in order to challenge that detention. Similarly, the Court found no violation in the **O.S.A. and others v Greece**⁵⁸³ concerning the applicants’ conditions of detention

⁵⁷² Among its recommendations, CPT emphasized the need to reduce the occupancy levels drastically so as not to exceed an establishment’s capacity, clean and repair facilities and provide to every detained person with appropriate food, a mattress and clean bedding, and sufficient hygiene products. Immediate action should be also taken to ensure that vulnerable persons are transferred to suitable open reception facilities and that women and children are never detained together with unrelated men. Unrestricted access to outdoor exercise throughout the day should also be extended to all pre-removal centres in Greece.

⁵⁷³ [ECLI:CZ:US:2018:PI.US.41.17.1.](#)

⁵⁷⁴ AIDA, [Country Report Hungary, 2018 Update.](#)

⁵⁷⁵ AIDA, [Country Report Greece, 2018 Update.](#)

⁵⁷⁶ AIDA, [Country Report Malta, 2018 Update.](#)

⁵⁷⁷ AIDA, [Country Report Cyprus, 2018 Update.](#)

⁵⁷⁸ Red Line project, [Crossing a Red Line: How EU Countries Undermine the Right to Liberty by Expanding the Use of Detention of Asylum Seekers upon Entry.](#)

⁵⁷⁹ ECRE, [Taking Liberties: Detention and Asylum Law Reform.](#)

⁵⁸⁰ See also: Global Detention Project, [Immigration Detention in Denmark: Where Officials Celebrate the Deprivation of Liberty of “Rejected Asylum Seekers”.](#)

⁵⁸¹ See also: ECtHR, [Factsheet - Migrants in Detention, March 2019.](#)

⁵⁸² ECtHR, *J.R. and Others vs Greece*, [ECLI:CE:ECHR:2018:0125JUD002269616.](#)

⁵⁸³ ECtHR, *O.S.A. and Others vs Greece*, [ECLI:CE:ECHR:2019:0321JUD003906516.](#)

in the Vial centre on the island of Chios, and the issues of the lawfulness of their detention, the courts' review of their case and the information provided to them.

Regarding the grounds of detention in the case **K.G. v Belgium**⁵⁸⁴ regarding an asylum-seeker who was placed and kept in detention under four decisions, for security reasons, while his asylum application was pending for approximately 13 months, the Court held that there had been no violation of Article 5(1) (right to liberty and security) of the Convention. It found in particular that public interest considerations had weighed heavily in the decision to keep the applicant in detention, and saw no evidence of arbitrariness in the assessment made by the domestic authorities. Lastly, the Court found that, in view of the issues at stake and the fact that the domestic authorities had acted with the requisite diligence, the length of time for which the applicant had been placed at the Government's disposal could not be regarded as excessive.

Detention of UAMs was reviewed by ECHR in the case **H.A. and Others v Greece**.⁵⁸⁵ This case concerned the placement of nine migrants, unaccompanied minors, in different police stations in Greece, for periods ranging between 21 and 33 days, their subsequent transfer to the Diavata reception centre and then to special facilities for minors. The Court held that there had been a violation of Article 3 (prohibition of inhuman or degrading treatment) of the Convention on account of the conditions of the applicants' detention in the police stations as the detention conditions to which the applicants had been subjected in the various police stations represented degrading treatment, and explained that detention on those premises could have caused them to feel isolated from the outside world, with potentially negative consequences for their physical and moral well-being. The Court also held that the living conditions in the Diavata centre, which had a safe zone for unaccompanied minors, had not exceeded the threshold of seriousness required to engage Article 3 of the Convention. It further took the view that the applicants had not had an effective remedy and therefore held that there had been a violation of Article 13 (right to an effective remedy) of the Convention taken together with Article 3. Lastly, the Court held that there had been a violation of Article 5(1) and (4) (right to liberty and security / right to a speedy decision on the lawfulness of a detention measure) of the Convention, finding in particular that the applicants' placement in border posts and police stations could be regarded as a deprivation of liberty which was not lawful. The Court also noted that the applicants had spent several weeks in police stations before the National Service of Social Solidarity (EKKA) recommended their placement in reception centres for unaccompanied minors; and that the public prosecutor at the Criminal Court, who was their statutory guardian, had not put them in contact with a lawyer and had not lodged an appeal on their behalf for the purpose of discontinuing their detention in the police stations in order to speed up their transfer to the appropriate facilities.

Noteworthy pending applications

The border zone detention of asylum seekers in Hungary is pending review in the case of **Ilias and Ahmed**.⁵⁸⁶ The case referred to the Grand Chamber in September 2017. The applicants allege in particular that the 23 days they had spent in the transit zone amounted to a deprivation of liberty which had no legal basis and which could not be remedied by appropriate judicial review. In its Chamber judgment the Court held, unanimously, that there had been a violation of Article 5(1) and (4) (right to liberty and security) of the Convention, finding that the applicants' confinement in the Röszke border-zone had amounted to detention, meaning they had effectively been deprived of their liberty without any formal, reasoned decision and without appropriate judicial review. On 18 September 2017 the Grand Chamber Panel accepted the Hungarian Government's request that the case be referred to the Grand Chamber. On 18 April 2018 the Grand Chamber held a hearing on the case.

⁵⁸⁴ ECtHR, K.G. vs Belgium, [ECLI:CE:ECHR:2018:1106JUD005254815](#).

⁵⁸⁵ ECtHR, H.A. and others vs Greece, [ECLI:CE:ECHR:2019:0228JUD001995116](#).

⁵⁸⁶ ECtHR, Ilias and Ahmed vs Hungary, [ECLI:CE:ECHR:2017:0314JUD004728715](#).

The application **Kaak and Others v Greece**⁵⁸⁷ was communicated to the Greek Government on 7 September 2017. This case concerns 51 adults, young persons and children from Afghanistan and Syria, who entered Greece between 20 March and 15 April 2016. They complain in particular of the conditions and the lawfulness of their detention in the VIAL and SOUDA hotspots on the island of Chios. Further, in the **Sh. D. and Others v Greece**⁵⁸⁸ the case concerns five applicants, unaccompanied minors from Afghanistan, who entered Greece in early 2016. The first applicant complains of the conditions and the legality of his detention in Polygyros police station, while the four other applicants complain of the living conditions in the camp of Idomeni.

Similarly, **A.E. and T.B. v Italy** applications were communicated to the Italian Government on 24 November 2017 concerning four Sudanese nationals arrested in Ventimiglia and then transferred to the hotspot of Taranto. They were subsequently transferred to Turin in order to be boarded on a plane to Sudan. The Court gave notice of the applications to the Italian Government and put questions to the parties under Article 3 (prohibition of inhuman or degrading treatment), Article 5(1), (2), (3) and (4) (right to liberty and security), Article 8 (right to respect for private and family life and home) and Article 13 (right to an effective remedy) of the Convention. In the case **Bilalova v Poland**⁵⁸⁹ communicated to the Polish Government, the detention for three months of the applicant and her five children, aged between four and ten years, in a supervised centre for foreigners in Poland pending their expulsion to Russia is under review whereas in the cases **M.K. v Poland** (No 40503/17), **M.A. and others v Poland** (No 42902/17), **M.K. and others v Poland** (No 43643/17), and **D.A. and others v Poland** (No 51246/17)⁵⁹⁰ pending applications, concern Chechen (first three cases) and Syrian nationals (**D.A. and others**) who travelled to the Terespol border crossing (at the Polish-Belarusian border) in order to seek asylum in Poland. They tried to lodge applications for international protection numerous times but were denied entry to the country and were sent back to Belarus without the asylum proceedings being instigated. In all cases the Court, under Rule 39 of its Rules of Court, issued interim measures indicating to the Government that the applicants should not be removed to Belarus.

Refusal of short-stay visas on humanitarian grounds is challenged before the Grand Chamber in the case **M.N. and Others v Belgium**⁵⁹¹ with regard to a Syrian family who requested visas from the Belgian consulate in Beirut with a view to apply for asylum. 11 States and several national and international non-governmental organisations were given leave to intervene in the procedure before the Court.

Interim measures

The ECtHR indicated interim measures to Greece in the case of two unaccompanied girls who were detained in the Pre-removal Centre of Tavros in view of their transfer to an accommodation facility for minors. In particular, the Court indicated to the Greek authorities to transfer the minors immediately to a shelter for unaccompanied minors and to ensure that the reception conditions provided to them would be in accordance with Article 3 of the ECHR.⁵⁹²

The ECtHR has issued several interim measures ordering the Government of Hungary to provide food for people held in the transit zones.⁵⁹³

⁵⁸⁷ ECtHR, [Allaa Kaak and others vs. Greece](#), 34215/16, Communicated Case.

⁵⁸⁸ ECtHR, [Sh. D. and others vs. Greece](#), 14165/16, Communicated Case.

⁵⁸⁹ ECtHR, [Bilalova vs. Poland](#), 23685/14, Communicated Case.

⁵⁹⁰ ECtHR, [D.A. and others vs. Poland](#), 51246/17, Communicated Case.

⁵⁹¹ ECtHR, [M.N. and others vs. Belgium](#), 3599/18, Communicated Case.

⁵⁹² Greek Council for Refugees, [The European Court of Human Rights grants interim measures in favour of two detained unaccompanied girls](#).

⁵⁹³ Hungarian Helsinki Committee, [European Court of Human Rights orders Hungarian government to give food to detained migrants in eighth emergency case](#).

4.8. Procedures at second instance

The section on Procedures at second instance presents the legislative, policy, practice and case-law developments impacting the right to an effective remedy within the asylum procedure. It starts with a brief overview of the focus areas and the volume of these changes and highlights a major legislative and organisational change. The section then continues with the presentation of developments in thematic blocks and describes developments around the time limits related to procedures at second instance, around legal aid, around the suspensive effect and the right to remain during appeal procedures. It rounds up by presenting some of the measures aimed at and around improving the efficiency of the appeal procedures.

The legislative, policy and practice framework for procedures at second instance seems to have been rather stable in 2018, involving – with one exception – only minor amendments and adjustments. However, courts and tribunals involved in the asylum procedures at second instance seem to have an increasing impact. As many application has moved to second instance in the last year – pointed out under Chapter 2 – courts and tribunals had more opportunity to deliver clarifying decisions, further shaping many other areas of the asylum procedure. Several EU+ countries reported changes in law, policy and practice based on European or national court decisions, for example **Austria**, **Belgium**, the **Czech Republic**, **Finland**, the **Netherlands**, **Sweden** and **Switzerland**.⁵⁹⁴

As a notable major change, a new law in **Cyprus** established the International Protection Administrative Court (IPAC), which takes over the competence from the general Administrative Court for asylum cases, including appeals against rejected asylum applications, Dublin transfer decisions and decisions reducing or withdrawing reception conditions.⁵⁹⁵ The main objective of this change is to reduce the backlog of cases on appeal: as one civil society source noted, the appeal procedure currently takes approximately two years.⁵⁹⁶

Some countries noted legislative changes concerning the **time limits** related to the procedures at second instance. An amendment in **Greece** clarified the counting of the deadline for an appeal when the first instance decision cannot be notified.⁵⁹⁷ However, civil society sources underlined that the overall length of the asylum appeal procedure remains far beyond the time limits foreseen in law.⁵⁹⁸ The legislative changes in **Belgium** aimed the simplification and harmonisation of time limits to lodge an appeal. The Federal Administrative Court (BVwG) in **Austria** has again six months to decide on an appeal – this period was previously increased to 12 months.⁵⁹⁹

The rules on **legal aid** during procedures at second instance were modified in several countries. The amendments in Italy excluded from the scope of free legal aid cases when the applicant lodged an inadmissible appeal.⁶⁰⁰ Free legal aid in **Switzerland** was extended to all applicants throughout the whole asylum procedure - including appeals -, starting from the entry into force of the major legislative amendments on 1 March 2019.⁶⁰¹ Legal aid in **France** can be requested within a time limit of 15 days from the receipt of the negative decision and a request for legal aid suspends the time limit for appeal, instead of interrupting it.⁶⁰² The government in **Malta** drew up a new agreement: Legal Aid Malta (a unit within the Ministry for Justice, Culture and Local Government) has started assigning legal aid lawyers from the government pool for applicant who lodged an appeal with the Refugee Appeals Board. A civil society source from **Greece** highlighted that state-funded legal aid for procedures at second instance is available, but only around one fifth of applicants who lodged an appeal used the scheme.⁶⁰³ The Greek authorities

⁵⁹⁴ Please see the tables under [Chapter 3](#).

⁵⁹⁵ CY LEG 01: IPAC Law.

⁵⁹⁶ AIDA and ECRE, [Cyprus: Reforms introduce international protection administrative court and define “risk of absconding”](#).

⁵⁹⁷ EL LEG 02: L 4540/2018, Reception Act.

⁵⁹⁸ DRC in Greece, [Input to the EASO Annual Report 2018](#); AIDA, [Country Report Greece, 2018 Update](#), p. 49.

⁵⁹⁹ AT LEG 01: FrÄG 2018, Aliens Law Amendment Act 2018.

⁶⁰⁰ IT LEG 01: Immigration and Security Decree.

⁶⁰¹ CH LEG 01: AsylA.

⁶⁰² CESEDA, as amended by FR LEG 01: Law of 10 September 2018.

⁶⁰³ AIDA, [Country Report Greece, 2018 Update](#), p. 16.

noted that despite the fact that they have access to free legal aid from the Greek Asylum Service, many applicants opt rather for legal aid provided by NGOs or eventually employ private lawyers.

The **right to remain** during the procedures at second instance was subject to some legislative changes and court cases. The amended Immigration Act in **Belgium** now clearly stipulates that the appeals against a decision of the CGRS are suspensive and on the merits. Regarding the suspensive effect, there are exceptions in some specific cases of subsequent applications.⁶⁰⁴ The new legislation in **France**⁶⁰⁵ removed the automatic suspensive nature of appeals to the CNDA for certain categories of foreign nationals under the accelerated procedure (nationals of safe countries of origin, certain reviews, persons whose presence constitutes a serious threat to the public order). In these cases, a removal measure or obligation to leave French territory (OQTF, obligation de quitter le territoire français) may be issued as soon as the OFPRA's decision to reject the claim is notified. The person concerned may ask the administrative judge, in the context of their appeal against the OQTF, to restore the suspensive effect of the appeal. The execution of the removal order will only be suspended if the administrative judge grants this request, either until the expiry of the period of appeal to the CNDA or, if such an appeal has been submitted, until the CNDA announces its decision. The law amendment in **Italy** also increased the scope of exceptions from the right to remain and introduced provisions based on Article 41 of the recast APD, listing exceptions from the right to remain in case of subsequent applications, as well as in case of negative decision following an immediate procedure linked to criminal investigation or conviction for serious crimes.⁶⁰⁶ The Court of Appeal of Naples delivered a corresponding judgement and clarified that the Questura of Naples did not interpret the relevant legislation in a correct manner, and the suspensive effect does not have to be separately requested and obtained in all appeal cases.⁶⁰⁷ The Supreme Administrative Court in **Poland** decided to suspend the enforcement of a final negative asylum decision – previously the Court typically did not grant suspensive effect for final negative asylum decisions, but only on a final return decision.⁶⁰⁸

Several legislative and policy changes aimed at **improving the efficiency** of the procedures at second instance with the overall objective to **shorten decision times**. The **Swedish** Migration Agency started a project in cooperation with the Swedish National Courts Administration to enable the digital transfer of appeals between the Agency and the courts. Similar improvements were undertaken in **Latvia**, where the information flow between the asylum and the appeal authorities has been facilitated through further digitalisation of the process. Representatives of local administrative courts in **Germany** are among the stakeholders present in the newly established AnKER Centres.⁶⁰⁹ The Chair of the Supreme Administrative Court in **Bulgaria** undertook measures to decrease the general backlog of the court and ordered to move around 100 asylum appeals from the specialised section of the court to another one, which had no experience (and did not receive additional support) to adjudicate on these types of cases.⁶¹⁰ The new court section seems to have rejected the majority of appeals without individualised reasoning.⁶¹¹ The legislative amendment in **Norway** included new rules for a request for reversal of a previous decision: it laid down the circumstances when such a request may be dismissed on formal grounds.⁶¹² The new law in **France** extends the competence of single judge formations ruling within five weeks: decisions concerning the withdrawal of international protection based on exclusion or public order matters now fall in their competence.⁶¹³ The staff in **France** has been significantly increased and this court can now conduct its hearings by video-conference under strict conditions.⁶¹⁴ One French NGO noted that video-conferencing may take place even without the applicants' consent and reported about technical

⁶⁰⁴ BE LEG 01: Immigration Act, as amended by: BE LEG 02: Law of 21 November 2017, amending the Asylum Act and the Reception Act (entry into force on 22 March 2018).

⁶⁰⁵ FR LEG 01: Law of 10 September 2018.

⁶⁰⁶ Law No 132 of 1 December 2018

⁶⁰⁷ AIDA, [Country Report Italy, 2018 Update](#).

⁶⁰⁸ PL Supreme Administrative Court, II OZ 1239/18. Case also referenced in: ECRE, [Input to the Annual Report 2018](#).

⁶⁰⁹ BAMF, [Press release : Launching the AnKER facilities](#) (in German).

⁶¹⁰ AIDA, [Country Report Bulgaria 2018 Update](#).

⁶¹¹ AIDA, [Country Report Bulgaria 2018 Update](#).

⁶¹² NO LEG 04: Immigration Regulations.

⁶¹³ FR LEG 01: Law of 10 September 2018.

⁶¹⁴ CESEDA, as amended by FR LEG 01: Law of 10 September 2018.

deficiencies in the planned video-conferencing system which may have an impact on the quality of hearings.⁶¹⁵ Civil society organisations from **Greece** underlined that the Appeal Committees typically decide on the basis of the case file and invite only on very rare occasion the applicant for a hearing even when the circumstances would require so.⁶¹⁶ A jurisdictional dispute was settled in **Hungary** between the Metropolitan Administrative and Labour Court and the Szeged Administrative Labour and Court, as none of the courts declared competence in appeals for decisions issued in transit zones: these decisions are under the responsibility of the court in Szeged.⁶¹⁷

EASO activities for courts and tribunals



EASO cooperates with **national courts and tribunals members** and other relevant bodies - the Court of Justice of the European Union (CJEU) and the European Court of Human Rights (ECtHR), together with representatives of the International Association of Refugee and Migration Judges (IARMJ), the Association of European Administrative Judges (AEAJ), the European Judicial Training Network (EJTN), the Academy of European Law (ERA), and the European Law Institute (ELI), among other by producing professional development materials for subsequent implementation in judicial training activities and collecting and exchanging jurisprudence.

In 2018, EASO launched two publications as part of the Professional Development Series: '**Judicial Practical Guide on Country of Origin Information**' and '**Evidence and credibility assessment in the context of the Common European Asylum System**'. The High Level Judicial Roundtable was organised by EASO in cooperation with the CJEU, the ECtHR, and IARMJ bringing together more than 80 participants.

More information can be found in Section 7.1 of EASO General Annual Report (forthcoming).

4.9. Country of origin information

The section presents recent developments within national COI units and provides a brief overview of relevant EASO activities in 2018. Considering the still substantial number of pending cases, providing COI on a wide range of third countries and topics remains an essential component for well-informed, fair and well-founded decisions as well as for developing evidence-based policy. Some EU+ countries reported also additional pressure to prioritise on reducing this caseload (**Belgium**), or due to a widened scope of COI requested (including, for instance, more requests regarding medical treatment in countries of origin).

As a general observation, it can be stated that EU+ countries further heightened standards and quality assurance of their COI products in 2018. **Austria** is introducing a state-of-the-art COI-system for researchers, decision makers and second instance judges and lawyers. The COI-CMS system is designed in cooperation with various end users to directly and efficiently address their needs and it is tailored to keep COI constantly up-to-date and to provide information for asylum decisions and appeal procedures in a timely manner. The **Finnish** Country Information Service, for instance, created **new guidelines for referencing and peer reviewing** their COI products.⁶¹⁸ In **Slovakia**, an internal *instruction* came into effect, specifying the procedure for processing the applicants' country of origin information, granting subsidiary protection in the territory of the Slovak Republic, and fostering mutual cooperation among relevant departments in the Ministry of Interior.

⁶¹⁵ AIDA, [Country Report France, 2018 Update](#), p. 36.

⁶¹⁶ DRC in Greece, [Input to the EASO Annual Report 2018](#); AIDA, [Country Report Greece, 2018 Update](#), p. 51.

⁶¹⁷ AIDA, [Country Report Hungary, 2018 Update](#).

⁶¹⁸ Finnish Immigration Service (MIGRI), Country of Origin Information Service, by e-mail on 17 December 2018

With regard to the overall scope and quality of COI, however, civil society indicated some specific shortcomings and opportunities for progress, such as the concern about a sufficient level of English language capacity in some national authorities when consulting COI, while risking a lack of balance and resp. or not quoting from more recent sources available.

In 2018, the trend of national COI Units engaging in a form of cooperation with their national counterparts - particularly within the EASO COI Specialist Networks, but also on bilateral level - continued. **France** sustained their **bilateral cooperation** with **Sweden**. **Romania** has engaged in an exchange of expertise with the **Belgian** CEDOCA.

Adding to a large spectrum of regular publications by established COI Units, some countries reported their new outputs in 2018. Among them, the **Greek** COI Unit generated around 150 COI products for internal use, with a focus on thematic overviews on the situation of specific groups in Iraq and on countries of origin with low recognition rates. In the **Czech Republic**, the COI unit produced brief reports on very specific issues strictly based on ad hoc queries. The Office of the Refugee Commissioner in **Malta** issued two internal Country Information and Guidance Notes on Venezuela and Sudan. **Germany** organised multiplier workshops on Afghanistan with lecturers from the Federal Office for Migration and Refugees (BAMF) and UNHCR which were attended by a total of 50 participants. Lifos, the **Swedish** Migration Agency's Country Information Service, published around 35 COI reports in the course of 2018. **Austria** released a Fact Finding Mission Report Afghanistan focusing on socio-economic issues together with the publication of an atlas which covers topographic overviews of issues like ethnic/religious groups, security situation (provinces and districts), oil and gas fields and satellite images of Kabul, Herat, Kandahar, Mazar-e Sharif and Jalalabad. The gathered information also fed into EASO processes.

In the course of 2018, some COI Units expanded or reorganised their staff. The New Media Unit (NMU) in **Belgium** became fully operational, with two fully dedicated staff members who may receive support from four COI experts on a case-by-case basis. Apart from training other COI experts and protection officers in the use of social media, the NMU conducted specific research on social media, especially for resettlement, origin checks and cases of applying Article 1F of the Asylum Procedure Directive (APD). The Head of NMU was invited by international organisations and Member States to give presentations and training on the use of New Media for protection status determination. **Austria** is also planning to establish a so-called Social Media Unit in 2019 to further enhance its COI production and address the changing information needs of decision makers. **Estonia** amended their AMIF-funded project allowing for their two COI experts to join fact-finding missions in the future, and also joined the [MedCOI project](#).

EASO COI activities



EASO continued to gather targeted, relevant, reliable, accurate and up-to-date [country of origin information](#) according to an established methodology. In 2018, within the context of the EASO COI Network Approach and related meetings, EASO produced a EASO COI Report Writing and Referencing Guide and a number of COI reports (including on Afghanistan, Iraq, Mali, Nigeria, Pakistan, Russian Federation) accessible on the [EASO COI portal](#) (hosting some 12 000 documents, downloaded ca. 30,000 times in 2018).


In 2018 EASO provided country overviews and EASO also provided COI query services (COI Helpdesk) within EASO Operations. Transfer of the [MedCOI project](#) with the aim of improving access to medical Country of Origin Information (COI) for national migration and asylum authorities continued. More information can be found in Section 6.1.1 of EASO General Annual Report (forthcoming).

Among several EU+ countries having conducted **fact-finding missions** in 2018, the following were reported: **Denmark** to Syria, Lebanon, Jordan and (with **Norway**) to the Kurdistan Region of Iraq; **France**

to Georgia and Armenia⁶¹⁹; **Finland** to Afghanistan, Somalia, Syria, and the Russian Federation⁶²⁰; **Sweden** to Albania, Kosovo, Serbia, Bosnia Herzegovina, Somalia and Afghanistan.

Throughout 2018, some COI Units' databases for the provision of information to end users were redesigned or further developed: **Belgium** adapted their COI platform as a part of their relaunched intranet solution, the **Czech Republic** continued development works on their internal COI database pilot system. **Lithuania** initiated the process of connecting their platform to the EASO COI Portal, expected to be finalised in 2019. **Poland** further overhauled their COI database using EASO's connection guide as a standard.

As of 1 January 2019, **UNHCR** has decided to terminate providing COI on their platform Refworld and to endorse the well-established platform ecoi.net managed by the **Austrian Red Cross (ACCORD)** instead.⁶²¹ 'At the same time, UNHCR's Refworld will reinforce its law and policy collections in the course of 2019, relaunching its protection information platform in 2020.'⁶²²



EASO Country Guidance

In 2018, EASO continued its work on [country guidance](#), facilitating Member States' efforts towards convergence in asylum decision-making. '[Country Guidance: Afghanistan](#)' was published and work continued on [Nigeria](#) (published in February 2019) and Iraq.

More information can be found in Section 6.1.2 of EASO General Annual Report (forthcoming).

4.10. Vulnerable applicants

The recast version of the Asylum Procedures Directive (APD) expanded the previously limited⁶²³ concept of vulnerable applicants by putting in place the notion of applicants in need of special procedural guarantees, outlined mainly in Article 24 of the recast APD. The core elements of the new framework are the need to identify applicants who are in need of special procedural guarantees (including as a result of torture, rape, or any other form of psychological, physical, or sexual violence) and to provide them with adequate support so that the procedure can be tailored to these applicants' needs.⁶²⁴ In terms of reception conditions, the current version of the Reception Conditions Directive (RCD) includes provisions for persons with special needs and the principle of taking into account the specific situation of vulnerable persons. The recast RCD introduces a category of 'applicants with special reception needs'⁶²⁵ and Chapter IV comprises a set of provisions concerning this category, including provisions on assessment of the special reception needs of vulnerable persons, minors, unaccompanied minors, and victims of torture and violence.

⁶¹⁹ In cooperation CNDA, see also the mission report: OFPRA and CNDA, [Georgia mission report](#) (in French).

⁶²⁰ The fact-finding missions were carried out as part of an AMIF-funded project called FAKTA, aiming to develop effective and resource-efficient practices for planning and implementing fact-finding missions. The project was launched in 2017 and it will continue until 2020.

⁶²¹ ecoi.net, [Joint Communication by the United Nations High Commissioner for Refugees \(UNHCR\) and the Austrian Red Cross](#).

⁶²² Refworld, [UNHCR and Austrian Red Cross Partnership](#).

⁶²³ The pre-recast version of the Asylum Procedure Directive specifically mentioned one group of applicants who require additional guarantees, i.e. unaccompanied minors, whose situation was regulated in Article 17.

⁶²⁴ Article 22 RCD2 provides that: 'Member States shall take into account the specific situation of vulnerable persons such as minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons with serious illnesses, persons with mental disorders, and persons who have been subjected to torture, rape or other serious forms of psychological, physical, or sexual violence, such as victims of female genital mutilation, in the national law implementing this Directive'. This provision is referred to in Article 24 APD2 as well. The category listed here is thus only one subcategory of vulnerable persons.

⁶²⁵ 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'.

Failure to properly identify cases of vulnerability at an early stage of the asylum process may result in erroneous decisions on their application for international protection. In particular, asylum process for unaccompanied minors raises a number of complex legal, psychological and social issues, including among others age assessment, where needed, appointment of a guardian, ensuring best interests of the child, family tracing, conducting the process in a child-friendly manner, and ensuring suitable reception. The following sections present developments pertaining to these areas in EU+ countries over the course of 2018. This section is divided between a presentation of developments concerning unaccompanied minors and developments related to other vulnerable groups. This is followed by a reference to key jurisprudence concerning vulnerable persons, while at the end of this section UNCHR and civil society perspectives are offered.

EASO Vulnerability Experts' Network

In 2018 EASO launched the single Expert Network on Vulnerability, incorporating activities formerly implemented under the [EASO Network on Activities on Children \(ENAC\)](#) and the [EASO Expert Network on Trafficking in Human Being \(EASO THBNet\)](#) and held its first meetings. The purpose of this Network is to improve the identification and response to the special needs of vulnerable persons by reinforcing practical cooperation between members on issues related to vulnerable persons in need of international protection in a mainstreamed manner.

EASO also continued to develop practical support tools in 2018, publishing the second edition of the [EASO Practical Guide on Age Assessment](#) and completing the work on A Practical Guide on the Best Interests of the Child and a report on Asylum Procedures for Children.

More information can be found in Section 7.1 of EASO General Annual Report.



4.10.1. Unaccompanied minors⁶²⁶

Data on unaccompanied minors

At EU+ level, the only available statistics on vulnerable applicants collected in a comparable manner are numbers of unaccompanied minors⁶²⁷ (UAMs⁶²⁸).

In 2018, some 20 325 UAMs applied for international protection in the EU+, some 37 % fewer than in 2017. The drop in the number of UAM applicants was, thus, much sharper than that in the overall number of applications. The share of UAMs relative to all applicants was 3 %, similar to 2017. Almost three quarters of all applications were lodged in just five EU+ countries: Germany (20 %), Italy (19 %), the United Kingdom (14 %), Greece (13 %) and the Netherlands (6 %).

In 2018 the number of UAMs continued to decrease but this was not the case in all EU+ countries. Notably, many more UAMs applied for international protection in Slovenia (+ 42 %), the United Kingdom (+ 30 %) and France (+ 25 %). In contrast, UAM applications dropped massively in Austria (- 71 %), Italy (- 61 %, after the record levels of 2017) and Germany (- 55 %). Notwithstanding the large decrease, the latter two countries continued to receive the most UAM applications. In some EU+ countries, UAMs represented

⁶²⁶ The term 'unaccompanied minor (UAM)' refers to 'a *minor* who arrives on the territory of the Member States unaccompanied by the *adult* responsible for them by law or by the practice of the Member State concerned, and for as long as they are not effectively taken into the care of such a person. It includes a minor who is left unaccompanied after they have entered the territory of the Member States' (see: EMN, [Glossary – unaccompanied minor](#), as derived from Art. 2(l) of the recast Qualification Directive.) In the present Report the term 'unaccompanied minor' (UAM) is used to indicate UAMs seeking asylum in the EU+ countries.

⁶²⁷ EU+ countries may collect statistics on other vulnerable groups applying for international protection at national level but no comparable picture can be drawn.

⁶²⁸ For statistical purposes, the unaccompanied minor applicants are those whose age has been accepted by the national authority, and, if carried out, confirmed by an age-assessment procedure. The Eurostat Guide for practitioners highlights that 'the age of unaccompanied minors reported shall refer to the age accepted by the national authority. In case, the responsible national authority carries out an age assessment procedure in relation to the applicant claiming to be an unaccompanied minor, the age reported shall be the age determined by the age assessment procedure'.

non-negligible proportions of asylum applicants in 2018: in particular, they accounted for almost one in five applications in Slovenia and Bulgaria, and for almost one in ten in the United Kingdom, Denmark, Italy and Romania.

About half of all UAM applicants were from five countries of origin: Afghanistan (16 % of all UAM applicants in the EU+), Eritrea (10 %) Syria, Pakistan (7 % each) and Guinea (6 %) (Fig 30). Compared to a year earlier, the number of UAMs dropped among all citizenships, except for nationals of Tunisia (among whom they almost tripled), Congo DR (+ 50 %), Iran (+ 25 %), Vietnam (+ 19 %) and Sudan (+ 18 %). In contrast, UAM applications almost halved for Bangladeshis and nationals of several Western African countries, including Gambia, Ghana, Senegal and Nigeria; for all these citizenships, the drop was more evident in Italy.

Number of UAMs in 2018 and 2017 by citizenships and relative change

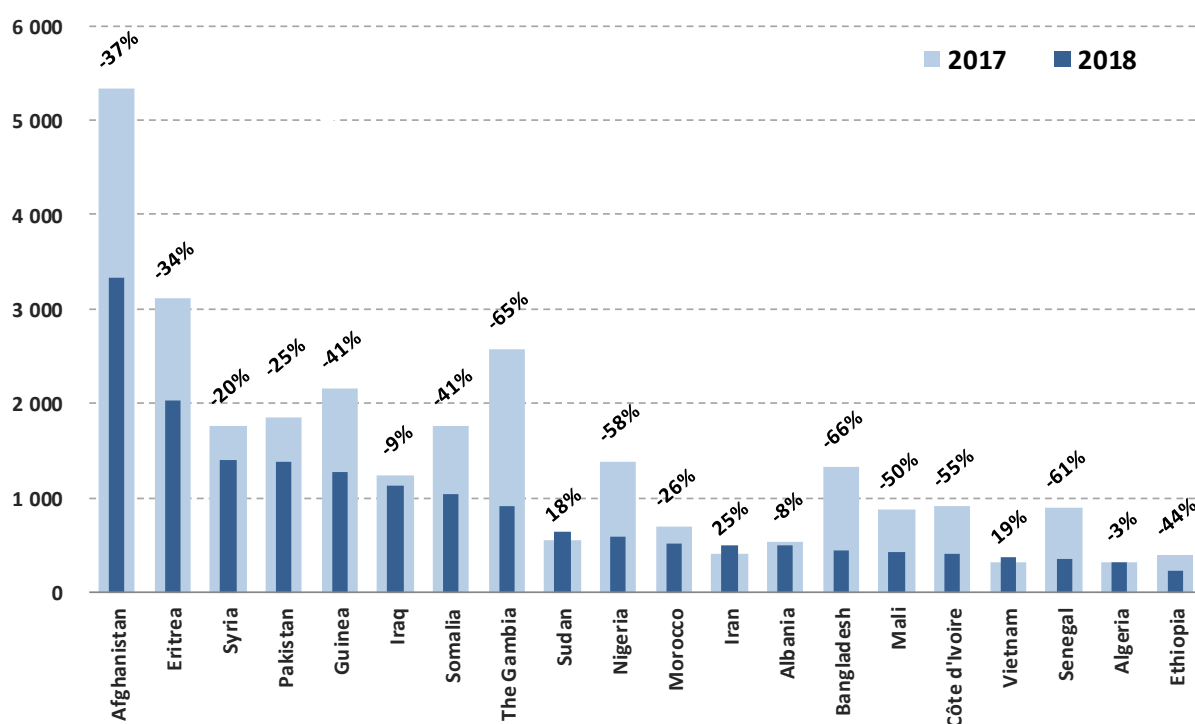


Figure 30: In 2018, a lower number of UAMs applied for international protection than in 2017

Among the ten countries of origin accounting for most UAM applications, those with the largest concentration were all located in Africa: Gambia (almost one in five applicants were UAMs), Eritrea (one in ten), Guinea, Somalia and Sudan (almost one in ten) (Fig. 31). Beyond the top ten, however, high proportions of unaccompanied minors were observed also among nationals of Vietnam (13 %) and Cambodia (11 %).

Share of UAMs to total number of applicants by country of origin, 2018

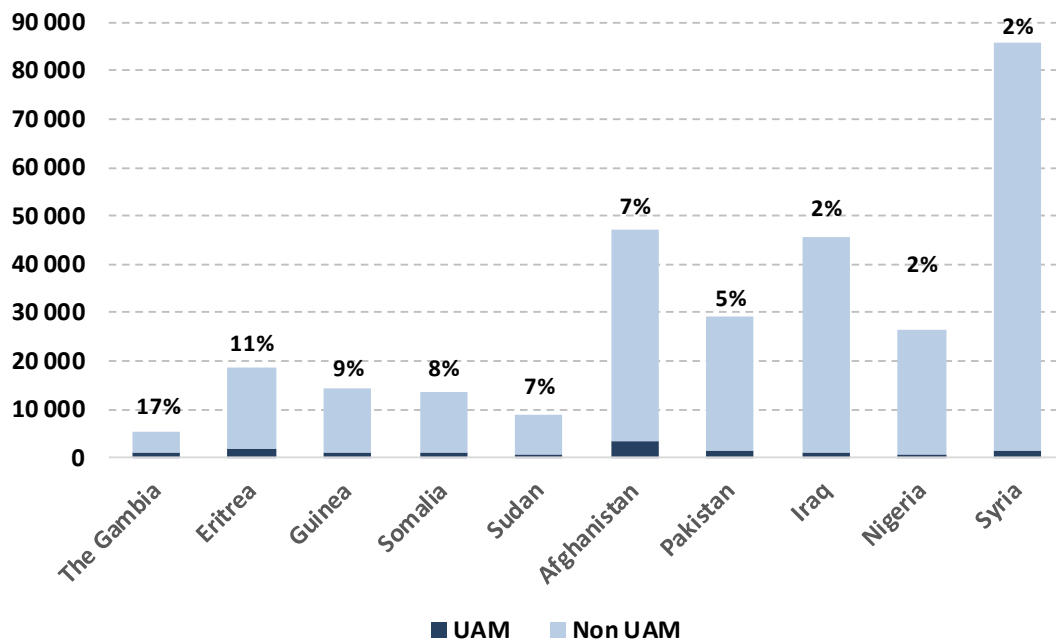


Figure 31: For some citizenships, the share of UAMs was considerably higher, suggesting a higher degree of vulnerability

The overwhelming majority of UAMs lodging an application in 2018 were male (86 %), similar to the previous years. Nevertheless, the proportion of females among UAMs was relatively higher for some countries of origin: this was the case for Congo DR, Nigeria and Vietnam, among whom almost half of UAMs were female (Fig. 32). In terms of age of applicants, Iraqi and Syrians had the largest proportion of UAM applicants being younger than 14 years old.⁶²⁹ Female UAMs tended to be relatively younger than males: almost one in five female UAMs were in fact younger than 14 years old. Moreover, two out of five female UAMs were younger than 14 years old among Iraqis, and one in three among Afghans or Syrians.

⁶²⁹ Among the citizenships of origin with at least 200 applications lodged by unaccompanied minors.

Share of female UAMs (x-axis) and share of UAMs younger than 14 years old (y-axis) in total UAM applicants

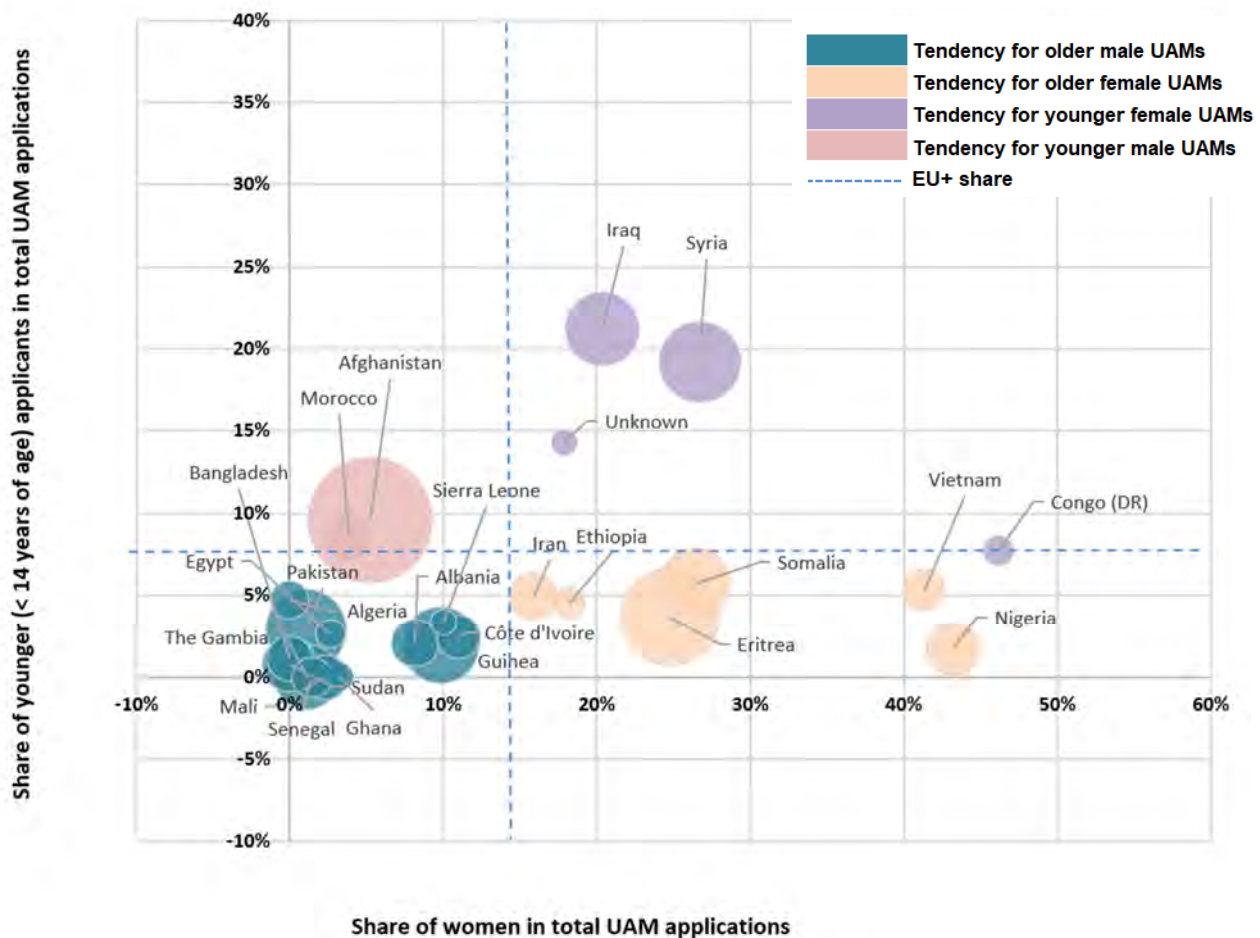


Figure 32: The proportion of UAM applicants younger than 14 years old was larger among females than males

Specialised reception

In **Belgium**, mixed trends were noted regarding specialised reception capacity for unaccompanied minors. Due to the reduction in the overall reception capacity for applicants for international protection and increases in occupancy rates of remaining reception facilities, a decision was made to accommodate, from September 2018 on, as an exceptional and temporary measure, four groups of adults along with unaccompanied minors: vulnerable young adults; adolescents, who stay with their parents; families; and couples, for whom living with adolescents could be considered. However, the capacity of the first reception phase in the Observation and Orientation Centres increased in the course of 2018, due to the increased inflow of unaccompanied minors. Furthermore, in 2018 and early 2019, building on previous agreements, Fedasil signed two new agreements with the Flemish and the French communities, this time of indefinite duration, on regional authorities co-financing the reception of unaccompanied minors. The agreements apply to UAMs younger than 15 years of age, or UAMs older than 15 years for who a clear vulnerability is established, or siblings one of whom is a UAM less than 15 years of age. Unaccompanied minors, who are beneficiaries of protection and are 16 years of age or older, are prepared with the assistance of their guardian, to live in a more autonomous setting, in individual reception structures managed by partner organisations in Fedasil's reception network. It is important to note that these young people are placed in small family-scale reception centers (capacity between 10 and 15 UAMs) in cooperation with regular youth care organisations. Overall, a number of activities implemented by the

Flemish, French, and German communities in 2018 aimed at coaching and preparing unaccompanied minors to live independently.⁶³⁰

In **Bulgaria**, 'secure zones' for unaccompanied children with capacity of 100 places were constructed in the registration and reception centre in Sofia. In **Italy**, Article 12 of Law n.132 of 1 December 2018 specifies that unaccompanied minors still have the right to stay in SIPROIMI (ex SPRAR), until the process of their international protection application is finalised. They are accommodated in dedicated reception shelters and receive specialised services. The Refugee Reception Centre in **Lithuania** took steps toward improving living and care conditions in facilities hosting unaccompanied minors. These included the refurbishment of kitchen facilities and the creation of a resting area. A separate housing unit to accommodate older unaccompanied minors, who have been already granted protection status, was established in **Slovenia**. In this unit, psychosocial assistance is provided in a tailor-made approach to cater more effectively to individual needs.

Legal guardianship and foster care

In **Belgium**, the Royal Decree of 6 December 2018 amending the Royal Decree of 22 December 2003 implementing Title XIII, Chapter 6 Guardianship of unaccompanied minor foreigners, of the Programme Law of 24 December 2002 increased the allowance granted to guardians' associations with which the Guardianship Service has a protocol agreement. Moreover, the Guardianship Service started the implementation of the AMIF project Strengthening the Guardianship System (*Versterken van het voogdijstelsel*), which aims to develop a method for the monitoring of guardians, a methodology regarding the sustainable solution for UAMs, and the follow-up of challenging guardianships. A coaching programme for Dutch-speaking guardians started in 2018, to couple the already existing programme for French-speaking guardians. Through this programme, support is provided to private guardians by means of: a) a helpdesk that can be reached by phone or email; b) individualised support for challenging cases; c) a coaching trajectory for new guardians; and d) advanced training for guardians. In the Flemish Community, further investments were made in 2018 toward enhancing collaboration among all actors involved in foster care to coordinate the provision of assistance to unaccompanied minors. The Flemish Foster Care consolidated the Alternative Family Care (ALFACA) method in their regular operations, while a number of activities were implemented in support of the placement of unaccompanied minors in a culture-related or kinship foster family.

Since February 2018, **Belgium, Croatia, Cyprus, Greece, Italy**, and the **Netherlands** participate in the Alternative Family Care II project (ALFACA II), which aims to improve the reception and care for unaccompanied minors by increasing the quality and quantity of family-based care for them.⁶³¹ A similar project is the 'Fostering Across Borders project' (2018-2019), which is funded by the European Union's Rights, Equality and Citizenship Programme (2014-2020) with the aim of improving and expanding the provision of family-based care for unaccompanied migrant children in **Austria, Belgium, Greece, Luxembourg, Poland** and the **United Kingdom**.

In the **Czech Republic**, authorities enhanced their cooperation with the non-profit sector in the area of host care and a new system was put in place for the provision of this form of substitute care for unaccompanied minors. The Federal Government, in **Germany**, implemented a project to maintain foster families, legal guardianship and personal sponsorship and promote the integration of unaccompanied minors. The new Protocol on the treatment of unaccompanied minors, adopted in **Croatia** in 2018, offers detailed provision for guardianship and establishes the Interdepartmental Commission for the protection of unaccompanied children. Moreover, in the new Foster Care Act (OG No 115/18), in force as of January 2019, the accommodation of unaccompanied minors into foster families is provided for. In **Latvia**, the State Border Guard, in cooperation with the State Inspectorate for the Protection of Children's Rights,

⁶³⁰ For instance, the Administration générale de l'aide à la jeunesse - service MENA, and <https://www.siaeupen.be/>.

⁶³¹ The project is coordinated by Nidos (Netherlands) and the partners are Minor-Ndako (Belgium), Youth Care Service Flemish-Brabant (Belgium), Centre for missing and exploited children (Croatia), Mentor Escale (Belgium), METAdrasi (Greece), Hope for Children CRC Policy Centre (Cyprus) and Associazione Amici dei Bambini (Italy).

developed guidelines on *Ensuring representation of foreign unaccompanied minors and asylum seekers and cooperation with authorities involved*.⁶³² The aim is to establish an effective system for the protection of unaccompanied minors and foster practical co-operation between institutions performing procedural activities related to minor foreigners and institutions representing interests and rights of unaccompanied minors. Moreover, in **Poland**, amendments introduced to Article 61 of the Act on Granting Protection to Foreigners, now make it possible to submit an application for placement in foster custody immediately after an unaccompanied minor expresses the intention to submit an application for international protection. Per previous practice, this would take place only after an application was submitted. In addition, these amendments made possible the submission of application for placement under custody over a minor by the adult accompanying them, if that adult is a second-degree direct-line relative (grand parents), or second-degree indirect-line relative (siblings), or third-degree relative (aunt/uncle), for as long as the procedure for placing a minor under foster custody are ongoing.

■ Processing of applications and procedural safeguards

In **Belgium**, the law of 21 November 2017 amending the Immigration Act and the Reception Act, which came into force in March 2018, introduced provisions aimed at identifying more systematically and as early as possible applicants with special needs, through a detailed questionnaire on procedural needs to be filled out by the Immigration office and also through the detection of special needs in reception facilities. The new law, in Article 37, further specifies the criterion of the ‘best interest of the child’, by explicitly defining what needs to be taken into consideration when assessing a minor’s interest:

- the possibility of family reunification;
- the well-being and social development of the minor;
- safety and security considerations, especially when the minor is possibly a victim of trafficking;
- the minor’s point of view in light of her/his age, maturity and vulnerability.

The law of 21 November 2017, also, provides explicitly for the right for dependent children of an applicant to be interviewed individually by CGRS and/or to lodge a separate asylum application. This provision aims at addressing situations, where the minor is best served by an individual request, such as cases where parents are a threat to the minor.

Furthermore, the Commissioner General for Refugees and Stateless Persons (GCRS) moved into new premises, now equipped with eight specialised interview rooms for children with interactive tools. These include wall panels, which minors can use to convey information such as their travel route, daily life, family composition, feelings, etc. Other panels with pictures are also available, for example with pictures of different clothing styles allowing the minor to indicate how someone was dressed, as well as drawing paper, pencils and Duplo dolls to facilitate the conversation. Similar changes were introduced in the new premises of the Immigration Office. Moreover, a separate waiting room for unaccompanied minors was set up in the temporary arrival centre in Petit Chateau, where unaccompanied minors are supervised at all time during the registration process until they are taken care of by Fedasil. Finally, since 2018, the Unaccompanied Minors Unit of the Immigration Office, also conducts interviews with adult family members in the context of Article 8 of the Dublin Regulation to ensure that the best interest of the minor is taken into consideration.

In **Germany**, following an amendment to the Social Code (SGB), Book VIII, Section 42, the social welfare offices now have the possibility and the duty to lodge an asylum application on behalf of the UAM, when there is a reason to believe that the minor is in need of international protection.

⁶³² Ministry of Welfare, State Inspectorate for the Protection of Children's Rights, [Guidelines for ensuring representation of unaccompanied minors and asylum seekers and for cooperation among the authorities involved, 2018](#) (in Latvian).

In **Bulgaria**, special rooms for interviewing unaccompanied minors were created in registration and reception centres in Sofia and Harmanli with a focus on offering a relaxed peaceful environment. Apart from the interview, in these rooms, rapid and complete assessment of the best interest of the child is conducted. In addition, the State Agency for Child Protection, in cooperation with all responsible institutions and organisations, developed a coordination mechanism for interaction among the various stakeholders working with UAMs. In August 2018, the **Croatian** government adopted a new protocol on the treatment of unaccompanied minors with a focus on timely and effective protection of the best interest of the child in the context of asylum. Similarly, in **Lithuania**, the Director of the Refugee Reception Centre approved a standardised form for the assessment of the best interest of unaccompanied minors. In **Luxembourg**, Bill No 7238 Law Proposal aims at amending several provisions related to return of the Immigration Law, including an amendment noting that a multidisciplinary team needs to evaluate the best interest of the child on a case-by-case basis when a decision is made concerning the return of an unaccompanied minor. In addition, the **Swedish** Migration agency produced new guidelines to support staff dealing with unaccompanied minor applicants, who have turned 18 years old.

Finally, in **Greece**, the responsibility for the protection of unaccompanied and separated minors has passed from the Ministry of Migration to the Ministry of Labour, Social Security and Social Solidarity.

Strengthening/improving protection

In **Belgium**, to improve care and protection of unaccompanied minors, Fedasil subsidised a number of projects, under AMIF 2018-2019, with a focus on psychological accompaniment of minors, psychotherapeutic reception (including cultural child psychiatry and trauma-therapeutic care), and staff resilience in responding to complex situations or emergencies. Under national funding, another 17 projects were selected in 2018 by Fedasil for implementation with foci ranging from sports and leisure activities to restorative practices.⁶³³

In **Bulgaria**, the State Agency for Refugees started providing free transport to minors, including unaccompanied minors, to state and municipal schools. In **Cyprus**, the Pedagogical Institute implemented an AMIF-funded project delivering free Greek language courses to minors residing at the Kofinou centre and children residing at the centres for unaccompanied minors.

The new government, in **Luxembourg**, committed to pay particular attention to unaccompanied minors and the respect for the best interest of the child. The Directorate of Immigration under the Ministry of Foreign and European Affairs will collaborate with the National Childhood Office to ensure the existence of specific structures for unaccompanied minors and the effective delivery of needed services to address their needs.⁶³⁴ In addition, the **Danish** Parliament has adopted new legislation that enhances social supervision of accommodation at which unaccompanied child asylum seekers reside.⁶³⁵

In **Malta**, the Child Protection Law, which shall regulate the protection of minors across all areas, including in the context of asylum, passed through another part of the discussion protocol at draft level, moving closer to the enactment of the law.

In June 2018, in **Netherlands**, the State Secretary of Justice and Security announced that measures will be introduced to address the increasing occurrence of nuisance-causing behaviours by certain asylum seekers in the context of reception. As far as facilities of the Central Agency for the Reception of Asylum Seekers (COA) is concerned, individuals exhibiting nuisance-causing behaviour will be placed in extra-counselling and supervision locations (EBTL). In view of the increasing number of incidents caused by unaccompanied minors, such measures may also apply to unaccompanied minors older than 16, upon

⁶³³ Please, note that most projects open to UAMs do not distinguish between UAMs applying for international protection and those who do not apply for international protection

⁶³⁴ DP, LSAP and déi gréng, [Accord de coalition 2018-2023](#) (in French).

⁶³⁵ For more information: Institut for Menneskerettigheder, [Asyl – Status 2018](#) (in Danish).

the permission of the minor's supervisor appointed by Stichting Nidos.⁶³⁶ Upon discussions among COA, the Custodial Institutions Agency (DJI) and Stichting Nidos it was decided that for unaccompanied minors for whom existing measures are not appropriate, but intervention is still needed, specialised reception and counselling will be provided – a pilot project to this end is currently under development, which will last for a year and will include a performance evaluation component. Moreover, the results of a study evaluating the reception model for unaccompanied minors were published in 2018 with overall positive results regarding the provision of services and care. One area for further improvement, as identified by the study, was counselling of unaccompanied minors, especially in ensuring that unaccompanied minors can develop themselves optimally and independently after they turn 18. Another report, commissioned by COA and published by UNICEF, on the living conditions of children in asylum centres and family locations was published in 2018. The report included 92 recommendations addressed to COA and the Ministry of Justice, and steps have been already taken to act upon them.

Following a decision of the **Norwegian** parliament from November 2017, the Ministry of Justice and Public Security introduced changes, in January 2018, to the Immigration Regulations concerning unaccompanied minors. Specifically, the provision on time-limited residence permits for unaccompanied minors between 16 and 18 years old was amended to introduce a list of factors to be considered when deciding whether an unaccompanied minor should be granted a time-limited permit or a permit without such limit.

In **Sweden**, in June 2018, legal amendments to the temporary act regulating issues of residence permits gave, among others, unaccompanied minors, who arrived in Sweden before 25 November 2015 and had applied for asylum, the right to a residence permit for pursuing studies at upper secondary schools. These amendments were meant to regularise the legal situation of unaccompanied minors who had come to Sweden and had their applications rejected following long waiting times. Moreover, new rules regarding the placement of unaccompanied minors applying for protection into specific municipalities came into force in June 2018, following amendments to the Act on the reception of asylum seekers and others. According to the new rules a municipality, which has been assigned to receive an unaccompanied minor may place the minor concerned for accommodation in another municipality, pending that the second municipality has entered into an agreement on the placement, or in the event that for reasons related to child care needs, exceptional circumstances exist.

In **Slovakia**, amendments to the Act No 305/2005 Coll. on Social and Legal Protection of Children and on Social Guardianship introduced changes aimed at improving the quality of the service and the conditions in the areas of socio-legal protection and social guardianship. These changes mean a lower number of children in individual groups, more staff, and increased professional competence, which will contribute to the improvement of protection and care for unaccompanied minors.

In the **UK**, a new form of leave was introduced for children to ensure that those, who do not qualify for refugee or humanitarian protection leave, will still be able to remain in the UK long term. Minors obtaining this new form of leave will be able to study, work, access public funds and healthcare, and apply for settlement after 5 years. In addition, over the years 2016-2018, in the frames of Controlling Migration Fund, the Department for Education has contributed GBP 1.3 million to eight diverse local authorities to support initial assessment and better access to education for unaccompanied minors. These authorities, based on their experiences, also develop resources and tools that can be easily shared with other authorities catering to the needs of unaccompanied minors, which may be facing similar challenges. The Department for Education, in collaboration with the Virtual School Heads Network, supports the development of these tools, as well as examples of good practices and case studies. In addition, in July 2018, the Lord Chancellor introduced an amendment to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 to include unaccompanied minors into the scope of legal aid for immigration

⁶³⁶ Stichting Nidos is designated in accordance with Dutch law as the agency charged with temporary guardianship of minor asylum seekers

matters.⁶³⁷ Finally, a number of policy guidance documents in areas related to catering to the needs of unaccompanied minors in the context of asylum were updated by UK authorities in the course of 2018.⁶³⁸

■ Age assessment

Establishing whether an asylum seeker is a child results in significantly different treatment in a number of fields related to child protection. In 2018, in **Cyprus** an increase in age assessment interviews was recorded due to the increase in the number of applicants claiming to be unaccompanied minors. A large percentage of those referred for a medical age assessment exam proved to be over 18. In addition, AMIF funds were used to finance the conduct of dental exams for the purposes of age assessment. In the **Czech Republic**, through cooperation between the Ministry of the Interior, the Office of the Ombudsman, and UNHCR, a new pilot project was conducted to develop a new method of age assessment using non-medical tools. A Protocol on the treatment of unaccompanied minors, adopted by the **Croatian** government in 2018, includes detailed provisions for the conduct of age assessment. In 2018, the Ministry of Foreign and European Affairs in **Luxembourg**, published information as to the conduct of age assessment for unaccompanied minors and the medical examinations that are part of the process. In the first phase, the process involves wrist and hand x-rays and, if doubts persist, in the second phase, persons concerned undergo a full physical examination, a clavicle x-ray, and dental panoramic. The Ministry further clarified that deontological rules apply during this process and that the concerned individuals are not touched.

In the **Netherlands**, in October 2019, the work programme of the Ministry of Justice and Security was published, where it was decided that from 2019 on, the age assessment process for unaccompanied minors, which includes the use of x-rays of the hand-wrist area, will be supervised by the Inspectorate of Justice and Security (IvenJ) in collaboration with the Inspectorate for Health and Youth Care (IGJ) and the authority for Nuclear Safety and Radiation Protection (ANVS). Moreover, the **Swedish** National Board of Forensic Medicine, which is responsible for medical age assessment, changed its probability scale for female applicants. Finally, an updated guidance for **UK** Visas and Immigration staff on how to make decisions in cases where applicants claim to be minors, but present little or no evidence, was published in October 2018.⁶³⁹

■ Increasing capacity, enhancing competence

A number of countries allocated more resources in order to enhance competence and invested further in improving expertise of staff when dealing with minors, oftentimes based on but not limited to the relevant EASO modules (**Belgium, Croatia, Germany, Estonia, Finland, Italy, Latvia, Lithuania, Luxembourg, Malta, Slovakia**). In **Austria**, for instance, the Federal Office for Immigration and Asylum organised trainings on conducting interviews with minors. Recognising the complexity of issues entailed in the effective reception of unaccompanied minors and with a view to ensuring their physical and psychological well-being, **Belgian** authorities adapted a complexity approach in increasing staff expertise by organising courses on group dynamics, handling aggression, deontological code when dealing with minors, suicide prevention, addressing potential radicalisation, restorative practices when dealing with conflict⁶⁴⁰, increasing expertise in identifying minor's school competences. In **Bulgaria**, training of staff focused on best interest of the child assessment, while in **Finland**, staff of the Asylum Unit within the Finnish Immigration Service received trainings on forced marriages, female genital mutilation, child abuse and child neglect. The Finnish Immigration service also developed new guidelines on how to deal with cases of child marriages and when/how to report child abuse and neglect.

⁶³⁷ Ministry of Justice, [Legal aid for immigration matters for unaccompanied children](#).

⁶³⁸ gov.uk, [Unaccompanied asylum seeking children and leaving care: funding instructions](#); UK Home Office, [Calais Leave, Version 1.0](#); gov.uk, [Asylum seekers with care needs](#).

⁶³⁹ UK Home Office, [Assessing age, Version 3.0](#).

⁶⁴⁰ <https://vzw-oranjehuis.be/>. The training on restorative practices to empower UAMs and the staff of the reception centres in the prevention and sustainable handling of conflicts is provided by Ligand, a subsidiary organisation of Oranjehuis. More information on <https://www.ligand.be/>

Changes in staff numbers and compositions, as well as in financial resources allocated in catering to the needs of unaccompanied minors, were also made in a number of countries. In **Belgium**, due to the departure of some protection officers, the number of CGRS officers specialised in handling applications from unaccompanied minors was reduced to 90. A reduction of staff involved in the reception of unaccompanied minors also took place in Fedasil, while in the Guardianship Service, 70 new guardians were recruited. In light of the increased arrivals of unaccompanied minors in **Spanish** territory, authorities provided a significant budgetary reinforcement to the Autonomous Communities and the Autonomous cities of Ceuta and Melilla, to improve protection of minors. Steps were also taken in **Lithuania** towards facilitating the provision of quality therapy service for unaccompanied minors by improving working conditions for psychologists and by purchasing additional therapy equipment. In the **UK**, in January 2018, additional funding was announced by the Ministry of Housing, Communities and Local Government for local authorities caring for unaccompanied minors to enhance existing capacity.⁶⁴¹

Intra-EU cooperation

In the framework of an agreement, signed between **Ireland** and **France** in November 2016, to identify and relocate up to 200 unaccompanied minors from Calais to Ireland, a total of 41 young persons who expressed an interest and who were assessed as suitable under this programme have arrived in Ireland; this programme was completed in 2018. In addition, in December 2018, following an agreement between the Irish Ministers for Justice and Equality, and Children and Youth Affairs, and the Greek Minister for Migration Policy, Ireland offered to accept up to 36 unaccompanied minors in need of international protection from Greece.⁶⁴²

4.10.2. Other vulnerable groups

Special reception facilities and services

In **Finland**, the share of university-trained social workers in reception centres increased, which made it possible to conduct better and more comprehensive assessment of the needs of vulnerable persons. Following legislative amendments in **Hungary**, the needs of applicants and beneficiaries of protection, who are accommodated in reception facilities and whose gender identity does not correspond to their registered sex, should be taken into consideration by authorities.

The government in **France** established special accommodation for vulnerable women, both applicants and recognised beneficiaries of international protection, and provides special accommodation for Yazidi women from Iraq following their arrival to France as part of a special humanitarian operation (for more information see the section on Resettlement and humanitarian admission). Concerning resettled people, five centres located in the Île-de-France, Dijon and Le Havre regions opened up places in order to accelerate the arrival of Syrians, pending their redirection towards permanent housing. A new collective reception system was established to meet the specific needs of people from Chad and Niger, including young people who have been tortured and involved in slavery in Libya and who present significant traumas. 15 reception centres have been set up in eight regions, providing enhanced support over four months for resettled people from Africa. They are then supported for a period of eight months after their entry into permanent accommodation. Compared to 11 in 2016, 21 operators are now involved in searching for accommodation, reception and enhanced social support for refugees resettled for 12 months. In order to ensure regional involvement, an Instruction of 4 June 2018 called upon the regions to establish regional action plans to help operators and regions meet their deadlines and quantitative objectives.

⁶⁴¹ gov.uk, [Controlling Migration Fund: prospectus](#).

⁶⁴² Department of Justice and Equality, [Minister Flanagan agrees to invite up to 36 unaccompanied minors to Ireland from Greece](#).

■ Identification and referral

In **Belgium**, the law of 21 November 2017 amending the Immigration Act and the Reception Act came into force in March 2018. With the new law, Article 36 of the Reception Act, which already provided a non-exhaustive list of who can be considered a vulnerable person, was adapted to include additional examples of vulnerability as appears in Directive 2013/33/EU. Additional profiles included persons with serious illnesses, persons with mental disorders and persons who have been victims of rape or have been subjected to other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation. In addition, the Study and Policy Unit of Fedasil developed a tool for first identification of applicants with vulnerability at the Arrival Centre. The tool consists of a computerised list of vulnerability and resilience indicators to be completed during the first interview of the applicant. Such early identification will allow for making proactively the necessary reception-related decisions to cater more effectively to the needs of individuals with vulnerability. By the end of 2018 the tool was in the testing phase. Moreover, in the context of the project FGM Global Approach, a guidance trajectory was developed to refer and support asylum seeking women and girls who are victims –or are in danger of becoming victims- of female genital mutilation. Another project, Gender-Based Violence & Asylum: an integrated approach, coordinated by the non-profit organisations GAMS Belgium and INTACT, together with the European Family Justice Centre Alliance (EFJCA) aims at developing a similar trajectory for victims of other forms of sexual and gender-based violence.

A questionnaire for the early identification of individuals who have been through traumatic experiences was introduced in **Croatia**. The findings of the questionnaire are used to inform decisions as to whether the applicant is to be provided with special reception and procedural rights.

In 2018, an agreement was signed between the **Italian** Central Direction of Civil Services for Immigration and Asylum and the European Commission for the implementation of the SAVE Project (Support Action for Vulnerability Emergence) which will aim at the identification of persons with vulnerability at the Hotspots. Moreover, an addition to the database of the **Swedish** Migration Agency rendered easier the identification of persons with special needs and the documentation of those needs.

■ Strengthening/improving protection

In 2018, Fedasil subsidised 5 projects aimed at enhancing the capacity of the reception network regarding reception and care for persons with psychological/psychiatric conditions. In addition, the implementation of the Inter-federal Action Plan against discrimination and violence against LGBTI persons aimed at preventing and combating discrimination and violence against persons on the basis of their sexual orientation, gender identity, gender expression or intersex/ disorders of sex development conditions. In addition, a number of small-scale projects funded by Fedasil aimed at promoting increased civic engagement of vulnerable persons and participation in community life.

In **Bulgaria**, the Gender and Sexual Abuse Prevention and Response standard operating procedures were updated. Similarly, the **Polish** Border Guard Headquarters, in cooperation with non-governmental organisations developed a policy framework, with the title *Intervention Procedures in the Case of Abusing Children in Guarded Centres*, aimed at preventing and combating children abuse, including children accompanied by their parents. In **Greece**, according to Decision No 18984 of the Director of the Asylum Service, published in October 2018, applicants belonging to vulnerable groups are excluded from the implementation of the imposed geographical restriction.

■ Processing of applications and procedural safeguards

In **Belgium**, with the new computerised tool for the identification of vulnerabilities, the social and medical intake in the reception centres, the individual assessment of the needs by the social worker in the reception facility, and special procedural and reception needs will be identified as early as possible. While

these needs are identified, Fedasil, upon permission of the applicant, will make recommendations regarding special procedural needs to the Immigration Office and the GCRS. The Asylum Unit of the **Finnish** Immigration Service updated its guidelines for dealing with cases of female genital mutilation. The most significant change is that the FGM theme is now by default examined in cases where it is known that FGM is traditionally exercised in the area or the population group that the minor applicant comes from. This is examined both for unaccompanied minors and for minors applying with their parents. In September 2018, the State Secretary for Justice and Security in the **Netherlands**, introduced a number of amendments to the Aliens Act Implementation Guidelines (Vc) 2000, including a clarification on how to deal with future expressions of sexual orientation of LGBTI persons in their countries of origin. The starting point for the assessment will be a 'lower limit' which will entail individuals' actual expression of their own orientation and entering into relationships in a way that is not different from that of heterosexuals in that particular country of origin. Finally, in the **UK** a new policy guidance was published on processing asylum applications from those with additional support/care needs (under Section 67 of the Immigration Act 2016).⁶⁴³ The law of 10 September 2018 in **France** simplifies the procedures for asylum applications relating to minors exposed to the risk of female genital mutilation by providing a derogation from the general regime of medical confidentiality: the doctor who conducted the examination sends directly the medical certificate to OFPRA. This law also provides for the facilitation of conducting the personal interview that applicants with disabilities may be accompanied by the health professional who usually supports them or the representative of an association for the support of persons with disabilities, at the applicants' request and with authorisation of the OFPRA Executive Director.⁶⁴⁴

Increasing capacity, enhancing competence

Trainings and seminars meant to increase competence in dealing with vulnerable persons were offered in a number of countries covering areas such as: medical and psychological aspects related to female genital mutilation (**Belgium, Finland, Luxembourg**); addressing specific needs of transgender persons in the context of asylum (**Belgium**); identification of victims of sexual violence and responses toward reducing the risk (**Belgium, Bulgaria, Luxembourg, Poland**); gender identity and sexual orientation (**Finland, Luxembourg, Netherlands**); and identification of victims of human trafficking.

Case law regarding vulnerable persons

In its judgement⁶⁴⁵ of 12 April 2018 on Case C-550/16, **Court of Justice of the European Union** responded to a prejudicial question asked by a Dutch Court (*rechtbank Den Haag*) on family reunification of unaccompanied minor refugees. The question concerns the moment at which a person should be under 18 years in order to qualify as a minor. The Court reasoned that an unaccompanied minor who attains the age of majority during the asylum procedure retains its right to family reunification as a minor. Therefore, it is the moment of submitting of an asylum application, which is relevant for the person to be regarded as a minor. The Court also added that an application for family reunification must be made within a reasonable time.

On 10 April 2018, the **European Court of Human Rights** ruled on the case of *Bistieva and others v Poland* (Application No 75157/14).⁶⁴⁶ The case concerned the detention of a Chechen family at the detention centre in Kętrzyn for almost 6 months. The Court held that the Polish authorities had not viewed the family's administrative detention as a measure of last resort. According to the Court, the Polish

⁶⁴³ UK Home Office, [Section 67 of the Immigration Act 2016 leave, Version 1.0](#).

⁶⁴⁴ FR LEG 01: Law of 10 September 2018.

⁶⁴⁵ CJEU, [Case C-550/16](#). Also referenced in: ECRE, [Input to the Annual Report 2018](#).

⁶⁴⁶ ECtHR, *Bistieva and others vs Poland*, [ECLI:CE:ECHR:2018:0410JUD007515714](#). Also referenced in: ECRE, [Input to the Annual Report 2018](#); Helsinki Foundation for Human Rights, [Input to the EASO Annual Report 2018](#).

authorities had not given sufficient consideration to the best interests of the children. The Court held that detention of the family constituted a violation of Article 8 of the European Convention on Human Rights.

On 28 February 2019, the **European Court of Human Rights** ruled on the case of *H.A. and others v Greece* (Application No 19951/16).⁶⁴⁷ The case concerned the detention of unaccompanied minors, apprehended at the borders of Greece and placed under 'protective custody' in police stations in northern Greece before being transferred to the Diavata centre. The Court ruled that the detention conditions, which applicants had been subjected to in police stations, represented degrading treatment and could have potentially had negative consequences for their physical and moral well-being. In addition, the Court ruled that the conditions at the Diavata centre, which had a safe zone for unaccompanied minors, had not exceeded the threshold of seriousness required to engage Article 3. Finally, the Court held that the applicants had not had an effective remedy.

In national jurisprudence, on 1 October 2018, the **Belgian Council on Alien Law Litigation**, ruling on Case No 224.725/V ordered the suspension of the transfer of a Cameroonian national to Greece under the [Dublin](#) Regulation.⁶⁴⁸ The Council of State in **Belgium** ruled in June 2018⁶⁴⁹ on Case No 241.990 that the Guardianship Service exceeded their competences when they assigned a certain age to an UAM knowing that s/he declared another age him/herself. The aim of the age assessment is only to determine if the foreigner is a minor. The competence entrusted to the Guardianship Service does not extend to that of fixing a new, fictitious date of birth deduced from the medical examination carried out, so the assignment of a certain age to an UAM was considered unlawful.

On 27 September 2018, the **Committee on the Rights of the Child**, in **Spain**, issued an opinion on the case *N.B.F. v Spain*, offering guidance on age assessment. In particular, it stated that, in the absence of identity documents and in order to assess the child's age, authorities should proceed to a comprehensive evaluation of the physical and psychological development of the child and such examination should be carried out by specialised professionals. The evaluation should take place swiftly, taking into account cultural and gender-related issues, by interviewing the child in a language s/he can understand. States should avoid basing age assessment on medical examinations such as bone and teeth examinations, as they are not precise, have a great margin of error, may have a traumatic effect on persons concerned and give rise to unnecessary procedures.⁶⁵⁰

In the **UK**, on 31 July 2018, the Court of Appeal ruled in Case No C4/2017/2802 and found the expedited procedure that was in place in Calais, operated by the British and French authorities, for unaccompanied minors that had family members, siblings or relatives in the UK to fall below the requirements of procedural fairness as a matter of common law.⁶⁵¹

UNHCR and civil society perspectives

UNHCR and civil society actors consistently reported on the situation of vulnerable persons in the area of asylum throughout 2018. Reporting on the general situation in regards to the protection of children, UNHCR called for an end in the detention of children in the context of immigration and for early identification of asylum-seeking unaccompanied minors and their integration into national child protection systems. It also underlined the importance of providing information to unaccompanied minors in an accessible way on their rights, available services, and asylum procedures. Similarly, of importance is the early identification of survivors of sexual and gender-based violence, including male and child

⁶⁴⁷ ECtHR, *H.A. and others vs Greece*, [ECLI:CE:ECHR:2019:0228JUD001995116](#). Also referenced in: ECRE, [Input to the Annual Report 2018](#); AIDA, [Country Report Greece, 2018 Update](#).

⁶⁴⁸ <https://caselaw.easo.europa.eu/pages/viewcaselaw.aspx?CaseLawID=631>

⁶⁴⁹ BE CALL, [Decision no. 210 384](#); BE Council of State, [Decision n° 242.623](#). Also referenced in: AIDA, [Country Report Spain, 2018 Update](#).

⁶⁵⁰ UN Committee on the Rights of the Child, [Case CRC/C/79/D/11/2017](#). Also referenced in: AIDA, [Country Report Spain, 2018 Update](#).

⁶⁵¹ UK Courts of Appeal, [\[2018\] EWCA Civ 1812](#).

survivors, ensuring refer to adequate multi-sectorial services.⁶⁵² Moreover, in its recommendations to the Austrian presidency of the Council of the EU, UNHCR raised concerns about certain age-assessment methodologies and pointed out that best-interest procedures are not carried out systematically.⁶⁵³ Among others, UNHCR recommended that the Presidency encourage EU Member States to actively participate in the European Network of Guardianship to facilitate the exchange of good practices and push for an end to the detention of minors in the context of immigration.

In a report on age assessment and fingerprinting of children in the context of asylum⁶⁵⁴, the Fundamental Rights Agency (FRA) mapped existing national legislative provisions on age requirements in the area of children's protection and participation in asylum and migration procedures in the EU and offered a set of recommendations:

When conducting an age assessment medical test, Member State authorities should consider eliciting the explicit consent of both the person concerned and their legal representative.

Member State authorities should employ age assessment procedures only when there are grounds for doubting an individual's age. Medical tests should be used if age assessment cannot be based on other, less invasive methods, such as documents or an interview by specialised social workers. Medical tests, especially tests involving radiation, should be used as a last resort, while sexual maturity tests should be prohibited.

Individuals, who are to undergo an age assessment medical test need to be properly informed about the nature of the medical tests, as well as about any health and legal consequences. The provision of information should take place in an easily accessible and child-friendly manner.

At a national level, in **Finland**, upon invitation by the Finnish Ministry of Interior, UNHCR expressed its views on the Draft Law Proposal of 5 October 2018 amending the Aliens Act. Upon review of the proposal, among other recommendations, UNHCR suggested that the inability of applicants with specific vulnerabilities, such as LGBTI and child asylum-seekers, as well as victims of trafficking, to assert their claim initially be recognised as a valid reason for examining a subsequent application.

In **Greece**, UNHCR noted that persons with vulnerability are often accommodated in mainstream reception facilities in view of the insufficient number of alternative accommodation places.⁶⁵⁵ Moreover, in October 2018, UNHCR published an interagency participatory assessment report, reflecting the concerns of 1 436 asylum seekers and refugees in Greece in regards to risks and challenges they face.⁶⁵⁶ Among others, through the focus groups held for the purposes of this project, it emerged that, often, basic standards for the prevention of sexual and gender-based violence (SGBV) are not respected, especially in reception centres, while participants in the focus groups noted a lack of awareness on response procedures and service providers. There is a lack of interpreters and female staff when reporting incidents, while in some locations, women reported that by citing past incidents they are exposed to new SGBV-related risks. In regard to the age-assessment process of UAM, HumanRights360 reported that x-ray is used systematically, at times without any prior contact with the person in question⁶⁵⁷, while the Network for Children's Rights and Solidarity Now Greece indicated that there is no common age-assessment process on the islands and on the mainland.⁶⁵⁸ Several civil society organisations⁶⁵⁹ and

⁶⁵² UNHCR, [Desperate Journeys: January – December 2018; Refugees and Migrants Arriving in Europe and at Europe's Borders](#).

⁶⁵³ UNHCR, [UNHCR's Recommendations to the Federal Republic of Austria for Its Presidency of the Council of the European Union \(EU\)](#)

⁶⁵⁴ FRA, [Age assessment and fingerprinting of children in asylum procedures – Minimum age requirements concerning children's rights in the EU](#).

⁶⁵⁵ UNHCR, [UNHCR urges Greece to accelerate emergency measures to address conditions on Samos and Lesbos](#).

⁶⁵⁶ UNHCR, [Greece 2018 Country Report: Inter-Agency Participatory Assessment Report](#)

⁶⁵⁷ HumanRights360, [Input to the EASO Annual Report 2018](#).

⁶⁵⁸ Network for Children's Rights, [Input to the EASO Annual Report 2018](#).

⁶⁵⁹ See for example: AIDA, [Country Report Greece, 2018 Update](#), p. 136; Human Rights Watch, [Debating Europe's Future, Remember the Children](#)

UNHCR⁶⁶⁰ reported that children face several barriers in accessing education both on the Greek islands and on the mainland.⁶⁶¹

In addition, in 2018, Amnesty International published a report informed by consultations with more than 100 women and girl migrants in **Greece**, presenting their experiences in camps on the islands and the mainland in conditions that they characterised as hazardous and unsafe.⁶⁶² Refugee Rights (UK) conducted research on the situation of persons with vulnerability in the context of asylum in **France** and **Greece** and reported on poor and deteriorating health conditions, with vulnerable individuals at times feeling in a state of physical and psychological precarity due to harsh treatment by authorities or other migrants. Sexual abuse is also often reported.⁶⁶³ Moreover, pregnant women in Greece have reported to be unable to access vital healthcare both during and after pregnancy.⁶⁶⁴

In **France**, Forum Réfugiés-Cosi reported that occasionally deficiencies have been identified in the conduct of vulnerability interviews during registration, which are at times too short or not conducted with the assistance of an interpreter.⁶⁶⁵ The organisation also points to the importance of adopting sensitive approaches when dealing with persons with vulnerability, not only when interviewing, but also when communicating a negative decision, so as to avoid re-traumatisation. Safe Passage noted delays in the appointment of legal guardians for unaccompanied minors, which may consequently cause delays in family reunification, when applicable.⁶⁶⁶

Moreover, in June 2018, the Hungarian Helsinki Committee published a report, mapping conditions and services available in the **Hungarian** asylum system for individuals with gender-based vulnerabilities.⁶⁶⁷ The findings indicated a lack of systematic and tailor-made assistance to vulnerable asylum seekers, in particular to women and LGBTI persons, as well as absence of a standardised protocol for the identification and effective addressing of vulnerability-based special needs during both the asylum and the integration process.

In December 2018, UNHCR published a report on initial reception of unaccompanied minors in **Sweden**, which came as a result of numerous meetings, focus groups, and consultations with key stakeholders in the area of protection for unaccompanied minors, including unaccompanied minors themselves.⁶⁶⁸ The key findings of the project indicated that the child protection system is not accessible to all children; a lack of coordination among stakeholders may hinder the systematic application of best interest assessment (BIA) and best interest determination (BID) procedures; children may not necessarily comprehend their own situation; and a lack of legal guardianship exacerbates this experience. Recommendations that came out of this project, among others, include dissociation of the child protection system from the asylum system; development of standard operating procedures to formalise the reception procedure and make it more predictable, and development of transnational mechanisms for proper BIA and BID procedures. In its comments on the inquiry *Ett ordnat mottagande – gemensamt ansvar för snabb etablering eller återvändande*⁶⁶⁹, after highlighting that the country has an overall well-functioning reception and asylum system for unaccompanied minors, UNHCR provided a set of recommendations toward the mainstreaming of best interest procedures throughout the reception process. These, among others, include the establishment of reception centres for the immediate arrival, in which all unaccompanied and separated children would be accommodated and supported by several

⁶⁶⁰ UNHCR, [Greece 2018 Country Report: Inter-Agency Participatory Assessment Report](#).

⁶⁶¹ Human Rights Watch, [Debating Europe's Future, Remember the Children](#)

⁶⁶² <https://www.amnesty.org/en/latest/campaigns/2018/10/refugee-women-in-greece/>

⁶⁶³ Refugee Rights Europe, [Input to the EASO Annual Report 2018](#).

⁶⁶⁴ Refugee Rights Europe, [Input to the EASO Annual Report 2018](#).

⁶⁶⁵ Forum Réfugiés-Cosi, [Input to the EASO Annual Report 2018](#), contribution not disclosed.

⁶⁶⁶ Safe Passage International, [Input to the EASO Annual Report 2018](#).

⁶⁶⁷ Hungarian Helsinki Committee, [Safety-Net Torn Apart](#).

⁶⁶⁸ UNHCR, [I want to feel Safe: Strengthening child protection in the initial reception of unaccompanied and separated children in Sweden](#).

⁶⁶⁹ UNHCR, [UNHCR Comments on the Inquiry "Ett Ordnat Mottagande – Gemensamt Ansvar för Snabb Etablering eller Återvändande"](#).

actors, including an on-call guardian; and the implementation of the *Barnahus* model⁶⁷⁰, currently used for survivors of or witnesses to sexual exploitation, abuse and violence and human trafficking.

In **Belgium**, Nansen Refugee reported that no effective identification procedure for vulnerability seems to be in place in detention, with the result being that a number of persons in a vulnerable situation may not be identified and, accordingly, not have their needs addressed.⁶⁷¹ In **Poland**, concerns were raised in regards to the detention of applicants for international protection and immigrants, who have been survivors of violence, despite the fact that this is prohibited by the Polish law.⁶⁷² In a similar concern, the Spanish Ombudsman indicated that applicants in detention centres or detainees at border posts, who may have a condition of vulnerability, do not enjoy any special services and are, therefore, treated the same as other applicants, who do not belong to vulnerable groups.⁶⁷³

In **Spain**, it was reported that the best interest of the child seems not to be considered and deficiencies have been identified for unaccompanied minors in accessing a guardian during the asylum process.⁶⁷⁴ On this point, the Spanish Commission on Refugee Aid indicated that a standardised process for the identification of vulnerabilities does exist, with the Red Cross being in charge of it. The proper conduct of this identification, however, is contingent on the number of arrivals, as in the event of increased inflow the quality and effectiveness of the process is compromised.⁶⁷⁵ The UNHCR focal point for LGBTI affairs in **Spain** welcomed the positive developments and listed some of the remaining challenges in an interview.⁶⁷⁶ An emphasis was placed on the importance of engaging civil society organisations with a focus on LGBTI issues, into the asylum system, as they have an important role to play in terms of accompaniment.

Civil society, on several occasions, also reported overcrowding in facilities for unaccompanied minors and other vulnerable persons, or accommodation of vulnerable persons in mainstream reception facilities^{677,678}, or accommodation of selected adult applicants in facilities that are normally reserved for minors.⁶⁷⁹ In addition, questionable, insensitive, or overly intrusive age medical assessment methods have been reported in a number of countries.^{680,681}

Finally, in the input provided to the Annual Report, the European Council for Refugees and Exiles (ECRE) underlined a number of positive developments and remaining concerns vis-à-vis the reception of vulnerable persons, detention, identification of vulnerabilities, and legal representation of unaccompanied minors in a number of EU Member States. Challenges include delays in the registration and processing of applications by individuals with vulnerability; delays in and lack of careful assessment of vulnerability; lack of effective remedy to challenge the result of age assessment; overcrowding or inappropriate accommodation arrangements; reductions in financial support to vulnerable individuals; the practice of detaining individuals with vulnerability, which still persists in some countries; and delays in the appointment of legal representatives.⁶⁸² Positive developments include further steps to provide tailor-made accommodation services, adapted to the individual needs of persons with vulnerability (**Belgium**); introduction of procedural safeguards when interviewing minors (**Hungary**); development of

⁶⁷⁰ Child Protection Hub for South East Europe, [What is Barnahus and how it works](#).

⁶⁷¹ Nansen, Assistance and Legal Aid for Refugees, [Input to the EASO Annual Report 2018](#).

⁶⁷² Helsinki Foundation for Human Rights, [Input to the EASO Annual Report 2018](#); Polish Human Rights Commissioner, [Raport Krajowego Mechanizmu Prewencji Tortur z wizytacji Strzeżonego Ośrodka dla Cudzoziemców w Białej Podlaskiej \(wyciąg\)](#) (in Polish).

⁶⁷³ Ombudsman of Spain, [Input to the EASO Annual Report 2018](#).

⁶⁷⁴ Fundación Cepaim, [Input to the EASO Annual Report 2018](#).

⁶⁷⁵ Spanish Commission on Refugee Aid / Comisión Española de Ayuda Al Refugiado CEAR, [Input to the EASO Annual Report 2018](#).

⁶⁷⁶ UNHCR, [What are the challenges for LGBTI asylum seekers in Spain?](#) (in Spanish).

⁶⁷⁷ Fundación Cepaim, [Input to the EASO Annual Report 2018](#).

⁶⁷⁸ AIDA, [Country Report Bulgaria 2018 Update](#).

⁶⁷⁹ AIDA, [Country Report Belgium, 2018 Update](#).

⁶⁸⁰ Save the Children (Sweden Office), [Input to the EASO Annual Report 2018](#).

⁶⁸¹ Asylex, Switzerland, [Input to the EASO Annual Report 2018](#).

⁶⁸² ECRE, [Input to the Annual Report 2018](#).

child protection systems against violence in accommodation facilities (**Poland**); introduction of rules and procedures for the immediate referral of unaccompanied minors from the police to child protection services (**Bulgaria**); systematisation of age assessment with the involvement of medical institutions (**Slovenia**).⁶⁸³

4.11. Content of protection

The recast QD outlines the content of international protection and has been shaping many areas relevant for the integration of beneficiaries of international protection. This section presents some of the main legislative, policy and case-law developments related to the relevant elements of the recast QD, starting with the changes impacting the forms of protection granted, their review and their eventual withdrawal. The overview continues with developments concerning family reunification for beneficiaries of international protection. It points out some of the significant changes related to residence permits granted to beneficiaries and the possibilities for naturalisation. The section then provides a brief recap about developments concerning the broader context of strategies for migrant integration and points out specifically the elements pertinent for beneficiaries of international protection. The overview turns to the presentation of specific thematic areas: access to labour market, employment-related education and vocational training, language and socio-cultural classes, validation of skills and the recognition of qualifications, education for minors and education beyond the compulsory school age, social welfare benefits, healthcare and accommodation.

Many relevant legislative, policy and practice changes shaped the content of protection in EU+ countries throughout 2018. They were typically not targeting only beneficiaries of international protections, as it was the case in previous years as well, but the strategies were rather directed towards a larger groups defined for example as TCNs, foreigners, migrants, persons with migrant background – depending on the specific country context. Overall EU+ trends are difficult to identify, as the developments were adapted to beneficiaries' specific profiles – which is largely divergent as it was pointed out under the chapter [Trends in international protection in the EU+](#) - and to the overall characteristics of migration within the national context. Two areas emerged, which seems to be at the forefront of changes: the review and withdrawal of international protection status and language and socio-cultural courses linked to the area of employment.

One country reformed its **national forms of protection**, while some others introduced **measures to regularise** the situation of some specific groups who do not qualify for international protection, mainly targeting to settle the situation of rejected minor applicants. The new legislation in **Italy** abrogated one of the national forms of protection called humanitarian protection and introduced instead the special protection residence permit for persons who cannot be expelled based on *non-refoulement* obligations. It also created different types of new residence permits to be granted in very specific circumstances: victims of domestic violence, victims of labour exploitation, people suffering from exceptionally serious medical conditions and cannot be treated in their country of origin, people who cannot return to their country of origin due to exceptional natural disasters and people carrying out exceptional civil acts.⁶⁸⁴ The Government in **Malta** established the Specific Residence Authorisation (SRA) policy, replacing the former Temporary Humanitarian Protection New (THPN) policy. SRA may be granted to rejected applicants who have been residing in Malta for at least five years and have been in employment for an extensive period and have been actively contributing to the Maltese society. SRA holders receive a residence permit for two years and have access to employment, core welfare benefits, state education and state medical care.⁶⁸⁵ The amendment of the Temporary Act in **Sweden** allowed UAMs, whose asylum

⁶⁸³ ECRE, [Input to the Annual Report 2018](#).

⁶⁸⁴ IT LEG 01: Immigration and Security Decree.

⁶⁸⁵ Malta, Ministry for Home Affairs and National Security, [Policy regarding Specific Residence Authorisation](#).

application was rejected, to apply under certain conditions for a residence permit for studies at upper secondary schools. The last day for applications was 30 September 2018.⁶⁸⁶ Two new forms of leaves were created in the **UK** for children transferred to the country: one leave is linked to transfers under Section 67 of the Immigration Act⁶⁸⁷, the other is granted to children who were transferred after the clearance of the Calais camp.⁶⁸⁸ The final Regulation for long-term resident children came into force in the **Netherlands** – also known as children’s pardon - which allowed a specific group of rejected minor applicants and their family members to request a residence permit before 25 February 2019.⁶⁸⁹

The international protection status may be **reviewed** and **withdrawn** in a wider range of circumstances, even though **UNHCR** underlined that it has been consistently advocating for a secure and stable status for beneficiaries of international protection that might should not be subject to regular and frequent reviews and for going beyond the withdrawal grounds of the 1951 Convention.⁶⁹⁰

The amended CESEDA in **France** requires the OFPRA to obligatorily withdraw international protection under certain criteria, after an individual assessment is carried out on whether these criteria are met.⁶⁹¹ The **Danish** Immigration Service changed its criteria for assessing the circumstances for cessation, making it possible to revoke the residence permit granted to refugees and their family members in a wider range of cases. Refugees and their family members are entitled to reside abroad for a shorter period of time: their residence permits expire after six months of residence outside of Denmark. The Danish Immigration Service is now also responsible to initiate the process of automatically reviewing the residence permit, when the permit expires.⁶⁹² The amended Asylum Act in **Slovakia** clarified the cessation grounds and added that international protection can also be ceased when a beneficiary of international protection acquires the citizenship of another EU Member State or if another EU Member State had also granted protection (at least on the same level). The protection status of family members reunited with a beneficiary of international protection also ceases, when another state grants them a residence permit without any time limit.⁶⁹³ The law amendments in **Italy** extended the list of crimes which may form the basis of revoking international protection.⁶⁹⁴ The amended Asylum Act (AsylG) in **Germany** introduced the duty to cooperate for beneficiaries of international protection in the framework of the status review and eventual withdrawal procedure. The BFA in **Austria** is now allowed to initiate and carry out in an accelerated manner the procedure for withdrawing the international protection status when there are indications suggesting that the beneficiary has voluntarily re-availed themselves of protection of the country of origin, has voluntarily re-acquired their former nationality or voluntarily re-established themselves in the country of origin. These indications now explicitly include cases when a beneficiary enters the country of origin or apply for and is issued a passport of the country of origin or when the beneficiary takes up gainful employment or start a business in the country of origin.⁶⁹⁵ The BFA has also identified withdrawal procedures as one of the major policy priorities for 2018: it initiated 6000 withdrawal procedures in 2018 (four times increase from 2017) and it withdrew the international protection status in 1600 cases (three times increase from 2017). The authority continues with this focus in 2019 as well. The policy note from the former State Secretary for Asylum and Migration in **Belgium** has re-confirmed the temporary character of the protection statuses and identified as a policy priority status reviews and the cessation of the status, especially when the security situation in the country of origin has improved in a durable manner. He also urged for enhanced international cooperation on status

⁶⁸⁶ SE LEG 03: Law (2018:756) amending the Law on temporary limitations on the possibility of obtaining a residence permit in Sweden.

⁶⁸⁷ UK Home Office, [Section 67 of the Immigration Act 2016 leave, Version 1.0.](#)

⁶⁸⁸ [gov.uk, New form of leave for children transferred during Calais clearance to join family.](#)

⁶⁸⁹ IND, [Children’s pardon: Everything about the Final Regulation for long-term resident children.](#)

⁶⁹⁰ UNHCR, [UNHCR Comments on the European Commission Proposal for a Qualification Regulation – COM \(2016\) 466.](#)

⁶⁹¹ FR LEG 01: Law of 10 September 2018.

⁶⁹² DK LEG 01: Act No. 174 of 27/02/2019.

⁶⁹³ SK LEG 02: Act No. 198/2018 Coll.

⁶⁹⁴ IT LEG 01: Immigration and Security Decree.

⁶⁹⁵ AT LEG 01: FrAG 2018, Aliens Law Amendment Act 2018.

withdrawal when beneficiaries of international protection travel back to their country of origin.⁶⁹⁶ The State Secretariat for Migration in **Switzerland** has started to re-examine the provisional admission of around 3400 Eritreans⁶⁹⁷, based on the ruling of the Federal Administrative Court from 2017⁶⁹⁸, which raised concerns by several civil society organisations.⁶⁹⁹

The rules for status review and for the withdrawal of status were further clarified in many other EU+ countries, often based on court decisions. The **Swedish** Migration Agency issued new guidelines on the cessation of refugee or subsidiary protection status and on the withdrawal of these statuses. Following the decision of the Administrative Jurisdiction Division of the Council of State, the Immigration and Naturalisation Service (IND) in the **Netherlands** adjusted its practices on withdrawing the international protection status when beneficiaries apply for the extension of the temporary asylum residence permit or for a permanent residence permit after the expiry of the previous permit. The IND assesses in an individual manner whether the criteria for protection still exist and the fact that the permit has expired cannot lead to an automatic cessation of the status. The Supreme Court of **Norway** came to the conclusion in one case that the temporary residence permit granted for refugees does not provide grounds for protection under Article 8 of ECHR and the revocation of this temporary residence permit in itself does not violate the right to private and family life.⁷⁰⁰ A civil society source reported that the CNDA in **France** delivered many relevant decisions clarifying the circumstances when cessation or withdrawal can be applied.⁷⁰¹ The High Court in **Ireland** concluded that the refugee status automatically ceases when the person concerned acquires Irish citizenship and no formal act is required to end the refugee status.⁷⁰²

Several countries reported changes in legislation, policy and practice concerning **family reunification** based on court rulings. International, regional and national jurisprudence was also one of the main sources of the **UNHCR** Research paper entitled *The Right to Family Life and Family Unity of Refugees and Others in Need of International Protection and the Family Definition Applied*.⁷⁰³ The CJEU ruling C-550/16 clarified the inconsistent interpretation of the Family Reunification Directive at national level in the **Netherlands** and the judgement brought about a proposal for legislative amendment in **Finland** aiming to ensure that unaccompanied minors who are beneficiaries of international protection would be considered minors for the purposes of requesting family reunification, if they have submitted the application for international protection when still minors, but the decision on the residence permit application based on family ties is made after reaching adulthood. ECRE followed up this CJEU decision with a legal note on the issue of aging-out.⁷⁰⁴ Similar legislative changes have to be undertaken in **Belgium** based on the decision and the Immigration Office had already adjusted its practices to the ruling. The Second Instance administrative Court in **Luxembourg** provided more clarification on the notion of dependency in the national context.⁷⁰⁵ The **Swedish** Migration Court of Appeal noted that the Swedish Migration Agency have to be particularly cautious when it refers refugees' family members to the authorities of their country of origin to obtain identity documents and it alleviated the burden of proof for establishing family members' identity, affecting in particular Eritrean cases.⁷⁰⁶ The Swedish Migration Court also clarified the limitations to the right to family reunification introduced under the Temporary

⁶⁹⁶ Belgian House of Representatives, *General Policy Note on Asylum and Migration*, p. 25.

⁶⁹⁷ SEM, *Fin du projet pilote d'examen des admissions provisoires de ressortissants érythréens*.

⁶⁹⁸ CH Federal Administrative Court, D-2311/2016.

⁶⁹⁹ See for example: ECRE, *Switzerland: 3200 Eritrean nationals facing possible deportation*; AIDA, *Country Report Switzerland, 2018 Update*, p. 59.

⁷⁰⁰ NO Supreme Court, HR-2018-2133-A.

⁷⁰¹ AIDA, *Country Report France, 2018 Update*, p. 122. See cases: FR CNDA, N° 17013391, FR CNDA, N° 18001386, FR CNDA, N° 17047809, FR CNDA, N° 17013391 and N° 17038232, FR CNDA, N° 16029914, FR CNDA, N° 15003496, FR CNDA, N° 14020621, FR CNDA, N° 13024407.

⁷⁰² IE High Court, [2018] IEHC 132.

⁷⁰³ UNHCR, *The Right to Family Life and Family Unity of Refugees and Others in Need of International Protection and the Family Definition Applied*.

⁷⁰⁴ ECRE and ELENA, *ECRE/ELENA Legal Note on Ageing Out and Family Reunification*.

⁷⁰⁵ LU Administrative Court, 40345C.

⁷⁰⁶ SE Migration Court of Appeal, MIG 2018:4.

Act: it provided further guidance on the assessment of the likelihood to be granted a permanent residence permit for beneficiaries of subsidiary protection⁷⁰⁷ and ruled that denying the right to family reunification for an eight-year old UAM would be a violation of the best interest of the child and of Article 8 of the ECHR.⁷⁰⁸ The Grand Board of the **Norwegian** Immigration Appeals Board ruled that the request for family reunification is considered to be submitted at the moment when the family member(s) appear in person at the foreign service mission and not when the request is submitted online and the necessary fee is paid: the judgement had a significant impact for considering whether refugees still fall under the relevant exemptions from family reunification criteria applied to TCNs in general.⁷⁰⁹ The family reunification request of a naturalised refugee in **Ireland** contributed to the clarification of issues around the cessation of the international protection status.⁷¹⁰

Many additional countries reported major legislative and policy changes affecting the rules on family unity and family reunification. A joint Ministerial Decision in **Greece** was published to clarify the requirements for issuing visa for refugees' family members travelling to the country for family reunification. Civil society organisations welcomed this development, but noted that many administrative difficulties remain and only a small number of family reunification requests were granted.⁷¹¹ A new law in **Germany** ends the temporary suspension of family reunification for beneficiaries of subsidiary protection that was in force since 2016 and allows now them again to reunite with their immediate family members. The number of family members allowed to join their beneficiary sponsor is limited to 1000 a month. The amendment of the Aliens Act in **Denmark** enables the Ministry of Immigration and Integration to set a monthly ceiling on the number of residence permits delivered for family reunification with refugees, when the number of asylum applications increases considerably over a short period of time. The International Protection Act 2015 in **Ireland** was amended and it enables more family members to join when they qualify to be dependent on the beneficiary sponsor. The scope of family reunification was also extended in **France** for minor beneficiaries of international protection: together with the parents, their minor siblings may also join. A civil society source noted that refugee children can still not sponsor their parents or siblings for family reunification in the **UK**⁷¹² and persons granted subsidiary protection in **Cyprus** still cannot apply for family reunification.⁷¹³ The Research Social Platform on Migration and Asylum (ReSOMA) also noted the narrow interpretation of family members as one of the key challenges for beneficiaries of international protection to be able to reunite with their family members.⁷¹⁴ Another civil society source from **Switzerland** underlined that persons with temporary protection may only initiate family reunification after three years when having enough financial sources to support the family members joining them and there were two pending cases in front of the European Court of Human Rights concerning this matter.⁷¹⁵⁷¹⁶ The coalition agreement in **Luxembourg** expressed the intention to increase the time limit to 6 months from 3 months, when beneficiaries of international protection are exempted from certain criteria for family reunification. Family members reunited with TCNs (including with beneficiaries of international protection) in **Poland** receive a temporary residence permit with a validity of maximum three years after the amendment of the Law on Foreigners, while previously it was automatically granted for exactly three years.

Three countries reported changes regarding the **residence permits** delivered to beneficiaries of international protection and their family members. Refugees and their family members in **Denmark** are

⁷⁰⁷ SE Migration Court of Appeal, [MIG 2018:19](#).

⁷⁰⁸ SE Migration Court of Appeal, [MIG 2018:20](#).

⁷⁰⁹ NO Immigration Appeals Board, [N18162210927](#).

⁷¹⁰ IE High Court, [\[2018\] IEHC 132](#).

⁷¹¹ AIDA, [Country Report Greece, 2018 Update](#), pp. 18 and 183.

⁷¹² AIDA, [Country Report United Kingdom, 2018 Update](#), p. 99.

⁷¹³ AIDA, [Country Report Cyprus, 2018 Update](#), p. 106.

⁷¹⁴ RESOMA, [National Stakeholder Report 1 - Family Reunion](#).

⁷¹⁵ ECtHR, B.F. and D.E. vs. Switzerland, [13258/18](#), Communicated Case; ECtHR, J. K. vs. Switzerland, [15500/18](#), Communicated Case.

⁷¹⁶ Asylex, Switzerland, [Input to the EASO Annual Report 2018](#).

granted a temporary residence permit instead of a permanent one since 1 March 2019. Beneficiaries of subsidiary protection and their family members receive a multiannual residence permit of four years in **France**, a measure which was welcomed by several civil society organisations.⁷¹⁷ A ten-year residence permit is automatically issued after four years of legal residence as part of the four-year multi-annual residence permit. The amended CESEDA also prohibits the revocation of a residence permit based on family reunification, when the family unity breaks up due to domestic violence in general – previously this was limited to victims of conjugal violence. A legal provision was extended in **Norway**, which entitles TCNs who hold a residence permit for family immigration to a new residence permit if they are abused by their spouse or cohabitant. The provision now includes cases where the abuse is committed by a person in the household other than the beneficiary's partner or in-laws outside the household.

Few significant changes affected beneficiaries' eligibility for **naturalisation**. The amended Immigration Act in **Belgium** states that period between the application for international protection and the recognition as a refugee is now taken into account for the calculation of the duration of legal residence prior to applying for nationality. The residence requirement for naturalisation was reduced in **Portugal** from six to five years, but the same criteria was extended for refugees in **Austria** from six to ten years.⁷¹⁸ The **Netherlands** Nationality Act (RWN) was amended and the rehabilitation period for serious offences was increased to five years from four.

Many EU+ countries revised their **national strategies for the integration** of TCNs. The legislative amendments in **Italy** re-shaped the guiding principles of the integration of beneficiaries of international protection: the support measures available within the former Protection System for Refugees and Asylum Seekers (SPRAR, *Sistema di protezione per richiedenti asilo e rifugiati*) are now offered only to recognised beneficiaries in the framework of Protection System for Persons with International Protection Status and Unaccompanied Foreign Minors (SIPROIMI, *Sistema di Protezione per titolari di protezione internazionale e minori stranieri non accompagnati*).

The Inter-ministerial Integration Committee in **France** launched on 5 June 2018 a national strategy for the integration of refugees focusing on seven priority areas.⁷¹⁹ The strategy builds on a previous parliamentary report putting forward 72 recommendations for an ambitious integration policy.⁷²⁰ This is a comprehensive document addressing every aspect of integration: French language courses, participation to the society, employment, housing. France also continues and broadens the scope of its programme for integration HOPE⁷²¹, which is now open to every employment sector. The Council of Ministers in **Luxembourg** adopted the multiannual national action plan on integration (PAN 2018, *Plan d'action national pluriannuel d'intégration 2018*), which identified the reception and social support of applicants for international protection as one of the two main domains for action.⁷²² The National Identity, Civil Society and Integration Policy Implementation Plan 2019-2020 was approved in **Latvia** and beneficiaries of international protection has become one of its main policy target groups.⁷²³ The **Czech** Government updated its policy for the integration of foreigners both for 2018⁷²⁴ and 2019⁷²⁵ and adopted the relevant procedure to implement the policy: the focus areas remained the same with a slightly increased budget allocated for implementation. The government in **Lithuania** adopted the new Action Plan 2018–2020 on the Integration of Foreigners into Society and the government in **Norway** also launched a new integration strategy for 2019-2022. The Integration Unit within the Human Rights and

⁷¹⁷ See for example: NIEM, [France: new law brings positive changes for the integration of refugees](#); Forum Réfugiés-Cosi, Input to the EASO Annual Report 2018, contribution not disclosed.

⁷¹⁸ AT LEG 01: FrÄG 2018, Aliens Law Amendment Act 2018.

⁷¹⁹ [gouvernement.fr, Stratégie nationale pour l'accueil et l'intégration des personnes réfugiées: l'accès au logement, première étape du parcours d'intégration.](#)

⁷²⁰ [interieur.gouv.fr, 72 propositions pour une politique ambitieuse d'intégration des étrangers: remise du rapport au ministre de l'Intérieur.](#)

⁷²¹ Afpa, [Avec Hope, l'Afpa propose une offre globale dédiée aux réfugiés.](#)

⁷²² EWSI, [National action plan on integration 2018.](#)

⁷²³ EWSI, [National Identity, Civil Society and Integration Policy Implementation Plan 2019-2020.](#)

⁷²⁴ EWSI, [Czech Republic: Further steps in the realisation of the updated policy for the integration of foreigners in 2018.](#)

⁷²⁵ EWSI, [Further steps to implement the updated policy for integration of foreigners 2019.](#)

Integration Directorate in **Malta** launched the I Belong programme in November 2018, following the adoption of the Maltese integration strategy and action plan entitled Integration = Belonging in 2017. The Inter-Ministerial Committee on Integration established 58 measures across different ministries to be implemented throughout 2019 and 2020. Feedback on the strategy and action plan is facilitated through the Forum on Integration Affairs, representing migrant communities residing in Malta. The Federal Ministry for Europe, Integration and Foreign Affairs in **Austria** identified the integration of migrant women as a policy priority.⁷²⁶ The Ministry of Housing, Communities and Local Government in the **UK** published a Green Paper on the Integrated Communities Strategy, based on which the government has launched – among other measures - a new Integrated Communities Innovation Fund. The new Act on the responsibility for the integration and establishment of newly arrived migrants came into force in **Sweden**. The Ministry of Migration Policy in **Greece** prepared a new six-month strategy for the integration of beneficiaries of international protection, aiming to reach 10 000 refugees in one year.⁷²⁷ The National Integration Evaluation Mechanism (NIEM) project – involving 15 EU Member States - published comprehensive reports on the implementation of the national integration strategies and analysed these trends in the European context.⁷²⁸

Other EU+ countries were in the process of reviewing existing strategies. The Federal Government Commissioner for Migration, Refugees and Integration in **Germany** announced the development of the new National Integration Action Plan at the 10th Integration Summit at the Federal Chancellery.⁷²⁹ The negotiations have started in **Estonia** to elaborate the new National Integration Strategy for 2021-2031, with the current strategy ending in 2020.⁷³⁰ The legislative proposal for the new Act on the Promotion of Immigrant Integration was submitted for discussion to the parliament in **Finland**. The Ministry of Social Affairs and Employment in the **Netherlands** announced major changes to the civic integration system and aims to enact the new Civil Integration Act in 2020.

The government in **Cyprus** launched a call for proposal to develop its very first National Action Plan on the migrants' integration 2020-2022. Contributing to this process, UNHCR reviewed the current legislative and policy framework of the country and drafted specific recommendations for the establishment a comprehensive national integration strategy for beneficiaries of international protection.⁷³¹

UNHCR highlighted in its recommendations the need for sufficient funding to ensure implementation of these integration programmes both to the Austrian and the Romanian Presidency of the Council of the EU.⁷³² UNHCR and ECRE published two relevant documents analysing the use of AMIF funding at national level and making recommendations to its better implementation.⁷³³ An NGO noted that the state in **Hungary** does not provide any specific integration support for beneficiaries of international protection since 2016 and the government withdrew the call for proposals for AMIF early 2018: integration services provided by NGOs stopped in June 2018.⁷³⁴ Another civil society source underlined that the National Programme for the Integration of Refugees in **Bulgaria** has stopped at the end of 2013, the responsibility for integration has been decentralised and moved to local authorities in 2016, but no municipalities has volunteered yet to develop an integration strategy.⁷³⁵

⁷²⁶ Federal Ministry for Europe, Integration and Foreign Affairs, *Karin Kneissl: „Umsetzung des Integrationsgesetzes und die Förderung der Integration von Frauen mit Migrationshintergrund sind Prioritäten der Integrationsarbeit“*.

⁷²⁷ EWSI, *New Greek strategy for integration targets 10,000 refugees in one year*.

⁷²⁸ See the list of publications [here](#).

⁷²⁹ The Federal Chancellor, *Towards a cosmopolitan and diverse Germany*.

⁷³⁰ EWSI, *Negotiations begin on Estonia's new integration policy*.

⁷³¹ UNHCR Cyprus, *Towards a Comprehensive Refugee Integration Strategy for Cyprus*.

⁷³² UNHCR, *UNHCR's Recommendations to the Federal Republic of Austria for its Presidency of the Council of the European Union (EU)*; UNHCR, *UNHCR's recommendations for the Romanian Presidency of the Council of the EU*.

⁷³³ UNHCR and ECRE, *Follow the Money I: Assessing the Use of EU Asylum, Migration and Integration Fund (AMIF) Funding at the National Level*; UNHCR and ECRE, *Follow the Money II: Assessing the Use of EU Asylum, Migration and Integration Fund (AMIF) Funding at the National Level (2014 - 2018)*.

⁷³⁴ AIDA, *Country Report Hungary, 2018 Update*, pp. 12, 72, 102, 113, 114, 115, 117.

⁷³⁵ AIDA, *Country Report Bulgaria 2018 Update*, p. 69.

Several countries reported about the increasing role of local authorities and municipalities within beneficiaries' integration process and UNHCR also focused its 2018 High Commissioner's Dialogue on the enhanced engagement of cities in protecting and finding solutions for refugees.⁷³⁶ OECD published an extensive report⁷³⁷ on local integration and think tanks published analyses about the role of cities within the integration process.⁷³⁸ Municipalities are foreseen to be given the leading role in civic integration in the **Netherlands** under the planned new Civic Integration Act. The government in **Norway** announced its intention to further strengthen local integration processes and committed to provide the necessary resources for municipalities and civil society organisations. The Office for Human Rights and Rights of National Minorities of the Government of the Republic of **Croatia** developed a strategic document on the integration of beneficiaries of international protection at local level. The Ministry for European Affairs and Equality in **Malta** elaborated the Local Integration Charter building on its first national Migrant Integration Strategy and Action Plan, launched already in 2017.⁷³⁹ 21 local councils have signed this charter. The Ministry of the Interior in the **Czech Republic** also allocated further funds encouraging municipalities to set up their own integration strategies and dedicated the 10th annual conference of local authorities to issue of integration.⁷⁴⁰ The Controlling Migration Fund in the **UK** allocated additional funding to alleviate the pressure on local authorities in delivering their services to newly arrived TCNs and to pilot the establishment of Local Authority Asylum support Officers facilitating the transition of recognised refugees. AMIF-funded projects implemented at local level fill in the gap in **Cyprus**, while the national integration plan is in elaboration. A FRA focus report assessed the developments and remaining challenges for local communities in the integration process of beneficiaries of international protection.⁷⁴¹

Various civil society initiatives analysed public attitudes towards beneficiaries of international protection and towards foreigners in general, for example in **Bulgaria**⁷⁴², **Croatia**⁷⁴³, **Cyprus**⁷⁴⁴, the **Czech Republic**⁷⁴⁵, **Latvia**⁷⁴⁶, **Poland**⁷⁴⁷ and **Portugal**.⁷⁴⁸

A few countries elaborated new comprehensive measures to increase the participation of TCNs on the **labour market** in general and the participation levels of beneficiaries of international protection in particular. The Ministry of Labour in **Greece** has launched for the first time a comprehensive programme to facilitate beneficiaries accessing the labour market in shortage occupations in Attica and Central Macedonia, aiming to reach out to at least 3 000.⁷⁴⁹ An NGO pointed out that beneficiaries of international protection still face significant administrative barriers: they need to go through a lengthy process in order to obtain a social security and tax number, before they can get a job.⁷⁵⁰ Professional insertion became an separate component of the Republican Integration Contract in **France** and participants can benefit from enhanced and individualised employment-related counselling. The new National Integration Plan in **Luxembourg** highlights beneficiaries' enhanced labour market access among its main objectives and the Employment Agency (ADEM) undertook various corresponding measures: it re-organised the procedure for beneficiaries' ADEM registration and a team of specifically trained,

⁷³⁶ UNHCR, [High Commissioner's Dialogue on Protection Challenges, 2018](#).

⁷³⁷ OECD, [Working Together for Local Integration of Migrants and Refugees](#).

⁷³⁸ For example: RESOMA, [Integration, Cities as providers of services to migrant populations](#).

⁷³⁹ EWSI, [Local Integration Charter launched in Malta](#).

⁷⁴⁰ EWSI, [Brno – Integration Crossroads Conference](#).

⁷⁴¹ FRA, [Current migration situation in the EU: Impact on local communities \(update\)](#).

⁷⁴² EWSI, [The wages of fear: Attitudes towards refugees and migrants in Bulgaria](#).

⁷⁴³ EWSI, [The Wages of Fear: Attitudes Towards Refugees and Migrants in Croatia](#).

The Office for Human Rights and the Rights of National Minorities also conducted a public survey on the attitudes of Croatian citizens towards persons who have been granted international protection, in the framework of the project Support for the integration of third country nationals who need international protection.

⁷⁴⁴ EWSI, [Study shows Cypriots have mixed perceptions of refugees and migrants](#).

⁷⁴⁵ EWSI, [The Wages of Fear: Attitudes Towards Refugees and Migrants in Czech Republic](#).

⁷⁴⁶ EWSI, [Survey shows Latvian attitudes are still closed to people of other ethnicities and origins](#).

⁷⁴⁷ EWSI, [The Wages of Fear: Attitudes Towards Refugees and Migrants in Poland](#).

⁷⁴⁸ EWSI, [Public Opinion Portal \(POP\) visualises data on the attitudes of Europeans towards immigration](#).

⁷⁴⁹ EWSI, [Greek government announces labour market support for refugees](#).

⁷⁵⁰ DRC in Greece, [Input to the EASO Annual Report 2018](#).

English-speaking counsellors are now present in the assigned three major locations, who work in close collaboration with the Beneficiaries of International Protection Cell of ADEM. This cell also organised awareness raising and information campaigns, job interview trainings and connected employers with beneficiaries of international protection through a series of dedicated meetings. The Ministry of Social Affairs in the **Netherlands** launched in March 2018 the programme Further Integration to the Labour Market (VIA, *Verdere Integratie op de Arbeidsmarkt*) to improve the position of TCNs on the labour market, which targets various groups of migrants, including beneficiaries of international protection and their family members.⁷⁵¹ New legislation in **Sweden** aims to harmonise to a greater extent the relevant regulations for newly arrived migrants with the regulations applicable to domestic job-seekers.⁷⁵² A think tank looked into the barriers of hiring beneficiaries of international protection and put forward recommendations for better supporting employers in this framework.⁷⁵³

Some initiatives focused specially on enhancing the labour market situation of women beneficiaries of international protection. The funding allocated in 2017 for seven specific projects was extended for 2019 to provide further support for the labour market integration of refugee women in **Ireland**. The study associations in **Sweden** received additional funding to offer guidance for applicant and beneficiary women about labour market integration.

Few specific developments were reported on **employment-related education and vocational training**. A think tank underlined the importance of these measures given the concentrated inflow of newly arrived beneficiaries of international protection.⁷⁵⁴ An education and training obligation applies now to beneficiaries of international protection and their family members participating in the introduction programme of the Public Employment Service in **Sweden**. Therefore, the government continued the cooperation with the Public Employment Service, the Swedish National Council for Adult Education and the folk high schools to offer vocational education in shortage occupations to unemployed participants of the PES Introduction Programme with training obligation. Universities in **Norway** set up cooperation projects to offer bridging classes for engineers, nurses and teachers, who are beneficiaries of international protection. The Minister of State at the Department of Justice and Equality in **Ireland** launched a bridging programme for migrant teachers who have been educated and trained outside of Ireland. The High Commission for Migration (ACM) and the School of Tourism in **Portugal** implemented a programme for young beneficiaries of international protection to obtain certified hospitality courses.

Most of the initiatives around **language classes** are not specifically targeted for beneficiaries of international protection, but the entitlement and the obligation for TCNs to learn the national language was substantially extended in several EU+ countries in 2018. Language programmes also increasingly tend to be linked with other integration components: courses are often adjusted to beneficiaries' labour market trajectory determined in their individual integration plan. Integration programmes, including language classes have become mandatory for certain groups of TCNs (including beneficiaries of international protection) in the German-speaking Community in **Belgium**, while the duration of French language courses was extended to 400 hours from 120 hours in Wallonia and Dutch as second language (NT2) classes received more funding in Flanders to cover for the increased number of newcomers. The Brussels Capital Region introduced already in 2017 mandatory integration programmes, including language courses, but the relevant Ordinance has not yet entered into force. The Inter-ministerial Integration Committee in **France** plans to double the number of language instruction, depending on the initial level of the person concerned. An input received from a French civil society organisation welcomed this development as it underlined that the current number of language instruction is typically not sufficient for beneficiaries of international protection to attain a language level adequate enough to find a job.⁷⁵⁵ The government in the **Netherlands** plans to increase the required language level from A2 to B1

⁷⁵¹ Rijksoverheid, [Rapport Verdere Integratie op de Arbeidsmarkt \(VIA\)](#).

⁷⁵² SE LEG 01: Law on the responsibility for the integration of newly arrived migrants.

⁷⁵³ EPC, [Integrating refugees into the labour market: How can the EU better support employers?](#)

⁷⁵⁴ CEPS, [The impact of refugees on the labour market: a big splash in a small pond?](#)

⁷⁵⁵ Forum Réfugiés-Cosi, Input to the EASO Annual Report 2018, contribution not disclosed.

for the civic integration examination, presumably from 2020 on. Job-related language courses (obligatory to certain groups of TCNs, including specific categories of applicants and beneficiaries of international protection) in **Germany** has been extended from 300 hours to 400 hours, a new intermediate component of 100 hours was introduced to support participants completing the B2 level and courses have become free for low-income participants. The number of hours of language instruction for beneficiaries of international protection was increased in **Estonia** from 100 hours to 300 hours to provide them support to attain A2 level and TCNs can also use two new web-based applications to continue learning until B1 level. The amended Citizenship Act also provides now substantial support for persons potentially eligible for Estonian citizenship: by signing a citizen agreement, they become entitled to free language courses up to the required B1 level and to paid study leave days from work. The Ministry of Social Security and Labour in **Lithuania** elaborated measures (to be implemented in 2019) to ensure the continuity of language courses for beneficiaries of international protection and increase the hours of instructions. The I Belong programme in **Malta** provides since November 2018 free Maltese and English language courses and socio-cultural orientation courses for third-country nationals (including beneficiaries of international protection) at two stages, offered by the Malta College of Arts, Science and Technology and the University of Malta. The promotion of language learning is one of the priorities of the new multiannual national integration plan in **Luxembourg** and the coalition agreement committed to provide the necessary funding for the Ministry of Family and Integration to ensure the sufficient availability of language courses. The Beneficiaries of International Protection Cell of the Luxembourgish Employment Agency (ADEM) organised intensive, professionally oriented French classes for pre-selected candidates with an already good knowledge of the language. The **Latvian** Language Agency developed online learning materials for language learning specifically for applicants and beneficiaries of international protection and provided a short adult-education course for volunteers and mentors on teaching Latvian to newcomers. The State Employment Agency provided a language mentor for seven beneficiaries focusing on job-related vocabulary. Full funding for the provision of English for Speakers of Other Languages in the **UK** is prioritised for the unemployed on benefits, whose poor command of English is identified as the main barrier to getting a job. **Swedish** municipalities received additional funding to offer language classes and introduction courses for newly arrived beneficiaries on parental leave, a measure specifically aiming to facilitate the social and labour market access of women. The **Austrian** Integration Fund launched a new call for tender to submit projects proposals assisting beneficiaries of international protection in attaining A1 proficiency in German and passing the corresponding integration exam.⁷⁵⁶ Jobsplus in **Malta** was preparing a tender for the provision of job-related language training in Maltese and English for applicants, beneficiaries of international protection and persons with temporary humanitarian status, and continued to offer mainstream English and Maltese courses for all foreigners.

A set of policy initiatives focused on the **validation of skills and the recognition of qualifications** to enhance access to the labour market. The competence centres in **Austria** continued their skills recognition support, provided to all TCNs, targeted mainly towards newcomer beneficiaries of international protection. The mandatory integration programmes include an assessment of the skills and professional orientation of newcomers in the German-speaking Community and in the Brussels Capital Region (the relevant Order voted, but not yet in force) in **Belgium**. An AMIF-funded project is expected to be launched in **Cyprus**, providing skills assessment, individualised labour market counselling and professional training for applicants with the right to work and beneficiaries of international protection. The Ministry of Economy and Innovation in Lithuania prepared the draft amendment of the Law on Recognition of Regulated Professional Qualifications. The **Finnish** National Agency for Education published a guideline aiming to facilitate specifically teachers' recognition of foreign qualifications.⁷⁵⁷

A few, but significant developments arose around the inclusion of migrant children in **pre-school education**. The Flemish Community in **Belgium** implemented several measures to increase the

⁷⁵⁶ Austrian Integration Fund, [Deutschkurse auf Sprachniveau A1: ÖIF-Aufruf für Projektförderung](#).

⁷⁵⁷ Finnish National Agency for Education, [Working as a teacher in Finland with a foreign qualification, Recognition of a teacher education completed abroad](#).

participation of migrant children in pre-schools, including the transformation of the relevant allowance scheme and piloting AMIF-funded projects aiming to involve TCN parents more in pre-school and school life. The government in **Finland** launched a pilot project on free part-time early childhood education for 5-year old children, targeting the better inclusion of all foreign children and the government in **Norway** extended the grant to finance free core hours in kindergarten to children from the age of two.

Some other changes aimed at facilitating the integration of **pupils in compulsory school age** in the national education programmes. The French Community further strengthened the system of bridging classes for newly arrived pupils in compulsory education (DASPAS, *dispositive de scolarisation et d'accueil spécifique à destination des élèves primo-arrivants*). The Ministry of Education and Culture and the **Cyprus** Pedagogical Institute continued the implementation of an AMIF-funded project, which offered systematic training for school staff to be able to better manage classes with newly arrived pupils and created a network of TCN facilitators supporting children and their parents with school issues. The Ministry of Education, Youth and Sports in the **Czech Republic** set up a new pilot for a system of mentors who accompany newly arrived foreign pupils in the first weeks of school and it started systematic implementation in 2019. The responsible ministry in **Lithuania** launched a similar measure and appointed teaching assistants in each school with foreign pupils. Schools in the **UK** receive funding for pupils having English as an additional language under the new national funding formula.

A few significant changes were introduced to support migrants' **education beyond compulsory school age**. The Law of 18 June 2018 introduced a new Mediation Service for National Education in **Luxembourg** in charge of retaining migrant children in education. The revised civic integration system in the **Netherlands**, planned to be launched in 2020, foresees a new pathway for young participants transiting them the quickest possible to vocational programme or higher education. Study associations in **Sweden** also received funding to reach out and create motivational initiatives for migrant women to encourage their further education. Beneficiaries of subsidiary protection became entitled to university scholarships in **France**. The amendment of the Basic Education Act in **Finland** now includes basic education for adult TCNs over the compulsory school age – this was previously arranged as part of the integration training under the competence of the Ministry of Economic Affairs and Employment. The amendment of the Act on Liberal Adult Education makes it possible for these institutions to arrange free literacy training for TCNs during their integration period. The state also granted special subsidies to support TCNs' study paths both in formal training and non-formal education and it granted strategic funding for six education providers to create a network of centres of expertise providing support for TCNs and sharing good practices with other vocational institutions.

While two EU+ states extended the provision of certain types of **social welfare benefits** to beneficiaries of subsidiary protection, one country plans to drastically reform its benefit system, with a major impact on beneficiaries of international protection. The Law regarding the social revenue replaced the Law on guaranteed minimum wage in **Luxembourg**, clarified that beneficiaries of international protection do not have to fulfil the residence condition in order to benefit from social inclusion income (REVIS, *revenu d'inclusion social*) - the relevant legislation mentioned only refugees previously – and included in its scope the family members of beneficiaries as well. Beneficiaries of subsidiary protection in **Slovakia** are now included in the scope for receiving financial benefits compensating for serious physical disabilities. The Ministry of Social Affairs in **Austria** presented a draft law on social assistance⁷⁵⁸, heavily criticised by civil society organisations, which would make part of the minimum benefit conditional on compulsory education or language knowledge, cut benefits for families with a lot of children and exclude beneficiaries of subsidiary protection of its scope.⁷⁵⁹ The level of benefits in Austria and the interpretation of Article 29 of the recast QD was the issue of a CJEU preliminary ruling, based on the request of the Provincial

⁷⁵⁸ AT LEG 07: Ministerial draft for a Social Assistance Basic Law and a Social Assistance Statistics Law.

⁷⁵⁹ EWSI, [Austria: Government to cut social benefits for non-nationals](#); Ludwig Boltzmann Institute of Human Rights, [Input to the EASO Annual Report 2018](#); AIDA, [Country Report Austria, 2018 Update](#), p. 122.

Administrative Court of Upper Austria. The CJEU underlined that not only refugees with permanent residence are entitled to the same level of social assistance as nationals, but also refugees with a temporary right of residence have to be treated equally with Austrian citizens and the limitations that can be applied to beneficiaries of subsidiary protection with regard to social assistance cannot be applied to them.⁷⁶⁰ Some countries highlighted the significant role that the [Provision of information](#) has on directing beneficiaries of international protection towards the available social assistance and social support: Migrant Information Centres remained active in **Cyprus** and all 14 regions have now a Regional Integration Centre in the **Czech Republic**. The State Employment Agency in **Latvia** created a multilingual infographic on social insurance services for employees.

As a major development aiming to improve **healthcare** services for migrants, **Ireland** launched on 1 January 2019 its second National Intercultural Health Strategy. New funding possibilities opened up for municipalities and care providers in the **Netherlands** for improving the support services for beneficiaries of international protection in general and allowing for the early identification of mental and psycho-social issues in particular. The Association of Netherlands Municipalities Asylum Seekers and Permit Holders Support Team (VNG OTAV) started a specific process to support municipalities in developing a health care approach to Eritrean beneficiaries, who are considered to be relatively vulnerable as a group.

The transition of recognised beneficiaries from [Reception](#) to follow-up **accommodation** or to the mainstream housing market has been a major concern in many EU+ countries⁷⁶¹, still limited amount of legal and policy changes arose on this field. The relevant act was amended in **Croatia** and it moved the responsibility for providing accommodation for beneficiaries of international protection to the Central State Office for Reconstruction and Housing Care. The government agreement in **Luxembourg** committed to provide more adequate accommodation for beneficiaries of international protection, increase the housing capacity of OLAI and amend the criteria to facilitate beneficiaries' access to social housing. The Association of Local Authorities in **Lithuania** has put forward two initiatives to ease beneficiaries' transition after recognition: it suggested the introduction of lower business fees for persons renting out accommodation to beneficiaries and launched a mapping exercise of the accommodation infrastructure to identify the exact needs for renovation or reconstruction. Civil society organisations from **Greece**⁷⁶², **Ireland**⁷⁶³, **Malta**⁷⁶⁴ and the **UK**⁷⁶⁵ highlighted that recognised beneficiaries are still at an increased risk of homelessness and inadequate living conditions and an **Austrian** study revealed the specific challenges of beneficiaries in accessing municipal housing.⁷⁶⁶ An NGO in **France** underlined that temporary accommodation centres (CPH, *centres provisoires d'hébergement*) provide housing for recognised beneficiaries for maximum 12 months, but places remain limited.⁷⁶⁷ Another civil society organisation in **Sweden** noted that UAM face significant challenges in finding housing after they turn 18, and they often have to move further away, cutting them from their initial ties supporting integration, such as school and local community.⁷⁶⁸

4.12 Return

This section looks into main developments in EU+ countries in the area of return, focusing on developments concerning return of former applicants for international protection (whose claims have been rejected or who opt for withdrawal of their claim and voluntary return to the country of origin).

⁷⁶⁰ CJEU, C-713/17.

⁷⁶¹ See also the section on Reception of applicants for international protection.

⁷⁶² AIDA, [Country Report Greece, 2018 Update](#), p. 185; DRC in Greece, [Input to the EASO Annual Report 2018](#).

⁷⁶³ AIDA, [Country Report Ireland, 2018 Update](#), p. 87.

⁷⁶⁴ AIDA, [Country Report Malta, 2018 Update](#), p. 75.

⁷⁶⁵ AIDA UK 2018, http://www.asylumineurope.org/sites/default/files/report-download/aida_uk_2018update.pdf, p. 101

⁷⁶⁶ Anita Aigner, [Housing entry pathways of refugees in Vienna, a city of social housing](#). Referenced also in: AIDA, [Country Report Austria, 2018 Update](#), p. 118.

⁷⁶⁷ Forum Réfugiés-Cosi, [Input to the EASO Annual Report 2018](#), contribution not disclosed.

⁷⁶⁸ Save the Children (Sweden Office), [Input to the EASO Annual Report 2018](#).

In its Annual Risk Analysis for 2018⁷⁶⁹ Frontex identified that Member States continued to struggle to effectively return those whose asylum application was rejected and who were not granted subsidiary protection status and the overall relatively low ratio of effective returns in particular to African and Asian countries. In the Risk Analysis for 2019⁷⁷⁰, based on developments in 2018, Frontex further underlined that the number of effective returns in 2018 once again fell short of the decisions issued by Member States to return migrants: Around 148 000 migrants who were not granted asylum or subsidiary protection were returned to their countries of origin, little more than half the total number of return decisions issued. In particular, no measurable progress was made as regards returns to West Africa – while the number of return decisions issued increased by roughly 80 % compared with 2017, effective returns remained unchanged, reflecting deficits in cooperation and administrative capacity in countries of origin.

■ Legislative changes

With two new laws published at the end of the year **Belgium** modified the Immigration Act in order to ease the return of applicants for international protection having introduced subsequent application under very strict circumstances. Following the change in Act LXXX of 2007 in **Hungary**, aliens policing procedure starts immediately after a negative decision on asylum application and an application for judicial review does not have a suspensive effect automatically, while immediate judicial protection can be requested in the application. In **France**, the implementation of expulsion decisions against rejected asylum seekers was amended. The law of 10 September 2018 that entered on 1 January 2019 put an end to the automatically suspensive nature of the appeal before the National Asylum Court (CNDA) against the OFPRA's rejection decision for certain categories of asylum seekers placed under fast-track and special procedure for those from safe countries of origin. A return decision (obligation to leave the French territory: OQTF) can be taken at this stage. This decision can be contested before the administrative judge which can suspend the execution of the measure until the decision of the CNDA. The appeal, in these very limited cases, is therefore not automatically suspensive anymore.

Pending legislative proposals concern aspects of return of former asylum applicants. In **Finland**, a proposed amendment to Aliens Act⁷⁷¹ foresees that travel document of an applicant for international protection could be taken to the possession of the authorities until the applicant is granted a residence permit or leaves the country. The goal is to ensure the smoothness of the asylum procedure so that a missing travel document would not prevent the identification of an applicant or the removal of a person who has received a negative decision concerning international protection. Another change was proposed to the processing of asylum seekers' subsequent applications aiming to prevent the filing of subsequent applications that are intended for delaying the person's removal from the country (see Section on special procedures)

In **Luxembourg** a legislative amendment was proposed⁷⁷² stipulating that in the context of taking a decision regarding the return of a unaccompanied minor (both applying for international protection and other categories) the best interest of the child is individually evaluated by a multidisciplinary team.⁷⁷³ Also in the **Netherlands** a legislative proposal for the detention and return of foreign nationals is under

⁷⁶⁹ Frontex, [Risk Analysis for 2018](#).

⁷⁷⁰ Frontex, [Risk Analysis for 2019](#).

⁷⁷¹ FI LEG 02: Proposal amending the Aliens Act, HE 273/2018 vp.

⁷⁷² LU LEG 02: Bill n° 7238, amending article 103.

⁷⁷³ LU LEG 02: Bill n° 7238: (introducing a number of changes to the Immigration Law that are related to return as a consequence to the evaluation of the application of the Schengen acquis in Luxembourg in 2016) proposes that the best interest of the child will be individually evaluated by a multidisciplinary team, in the context of taking a decision regarding the return of an unaccompanied minor. It also aims to introduce systematic verification by the jurisdictions in the case the minister decides to extend detention because the removal operation will take longer, due to a lack of foreign cooperation or a delay in the provision of documents. The bill furthermore adds that the minister or the minister's delegate takes all the measures necessary for the execution of the decision of removal by the Grand ducal Police. In addition, it foresees that the Grand ducal Police can have access to a foreigner's residence, after being duly authorised by the President of the Luxembourg District Court, if the foreigner is refusing access to this place in order to prevent his or her removal

discussion to provide a legal basis for stopping and questioning, transfer and detention pending forced return. In order to assess whether a person should be placed in immigration detention, it may be necessary first to stop and question the foreign national and take him or her along for interrogation. The existing powers for stopping and questioning, transfer and detention, however, they pertain to situations in which it is suspected that the third-country national is staying illegally in the Netherlands. A third-country national who has submitted an asylum application or is anticipating his/her transfer, is often staying legally in the Netherlands and the legislative proposal fills the gap.⁷⁷⁴

More generally, in **Bulgaria** the national legislation was amended in 2018 with additional measures to ensure the return of the citizens of third countries in accordance with Directive 2008/115/ EU, among others two new alternatives to detention were introduced. In **Finland** the removal from the country of those who have committed criminal offences and those who pose a danger to public security was accelerated with a legislative amendment that entered into force on 1 January 2019. In **Estonia** the Identity Documents Act amendment entered into force, allowing the Police and Border Guard Board to issue the European travel document for return in accordance with the Regulation (EU) 2016/1953. In **Hungary** Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals was modified⁷⁷⁵ so that procedural rules regarding return and readmission – for example, usage of language, communication of decisions etc. – are now included in Act II of 2007 instead of the new law on administrative proceedings which rules other administrative procedures outside of aliens policing. In **Italy** Law No 132 of 1 December 2018 doubled the duration (from 90 to 180 days) of the maximum period of detention of third-country nationals in the centre of permanence for returns. This applies in the cases in which the expulsion is not possible due to temporary obstacle in preparation of the return or the execution of the removal.

On 20 December 2018, the Law Amending the Law of the Republic of **Lithuania** on the Legal Status of Aliens was passed and, as of 1 July 2019, will stipulate that wider possibilities will be provided to oblige an alien to voluntarily leave the territory of Lithuania, the obligation will be introduced for the Migration Department and the State Border Guard Service to inform an alien about the possibility to apply for a voluntary return to a foreign state a decision on expulsion of an alien from Lithuania will be issued not only by the Migration Department but also by the State Border Guard Service, i.e. the decision will be issued by the authority which has established the ground for the alien's expulsion; whereas the police will no longer decide on an alien's obligation to leave Lithuania or on their return to a third country.

■ Detention pending return and alternatives to detention

In March 2018, two new laws modifying the Immigration Act have been introduced in **Belgium**. The new laws introduce the concept of alternative to detention for applicants for international protection. This means that detention is only possible if no less coercive measures can be used. The new laws also define the duration of detention and the risk of absconding according to 11 criteria. Since summer 2018 in Belgium families with underage children can be detained in dedicated detention centres pending their removal.⁷⁷⁶

In **Norway** more specified provisions for the detention of minors as part of the return procedure, ensuring that minors are only arrested or detained as a last resort and for the shortest possible period of time.⁷⁷⁷

⁷⁷⁴ Tweede Kamer der Staten-Generaal, [Parliamentary Papers \(Kamerstukken\) II, 2018-2019, 35056, nr. 1](#) (in Dutch); Tweede Kamer der Staten-Generaal, [Parliamentary Papers \(Kamerstukken\) II, 2018-2019, 35056, nr. 2](#) (in Dutch); Tweede Kamer der Staten-Generaal, [Parliamentary Papers \(Kamerstukken\) II, 2018-2019, 35056, nr. 3](#) (in Dutch).

⁷⁷⁵ Mostly due to the fact that the Act CXL of 2004 on the General Rules of Administrative Proceedings and Services – containing the general rules on procedural law regarding administrative proceeding, including aliens policing – lost its effect. The main elements and rules from the Act CXL of 2004 were incorporated in the Act II of 2007.

⁷⁷⁶ The opening of such units has aroused a number of criticisms from more than 325 organisations. The campaign “On n’enferme pas un enfant. Point” has been launched to protest against the detention of children.

⁷⁷⁷ NO LEG 02: Act of 20 April 2018, amending the Immigration Act. The legislation provides new, clearer statutory provisions on the arrest and detention of minors. These are designed to ensure that minors are only arrested or detained as a last resort and for the shortest possible period of time. The Immigration Act sets out maximum detention times, and the legality of a detention must be examined regularly by a court. Court rulings must specify how the best interests of the child and the possibility of alternative measures have been assessed.

Some EU+ countries increased their detention capacity in 2018.

In accordance with an assignment from the Swedish government, the Migration Agency increased its **detention capacity**, which reached 417 beds at the end of 2018. A new building C in the Foreign National Detention Facility Bělá-Jezová (taking into account the needs of vulnerable groups) was built in 2018 in the **Czech Republic**. In the end of 2018 a new detention centre was opened in Rae municipality in **Estonia**, which replaced the previous detention centre in Harku, accommodating up to 123 returnees and asylum seekers and offering improved living conditions.

In the **United Kingdom**, developments were noted in the field of alternatives to detention where legislative changes were introduced setting out a new power of immigration bail (setting out who can be bailed; the conditions that can be imposed on individuals; the consequences if an individual breaches bail conditions, and when bail ends) which repealed and replaced the previous complex legal framework contained in Schedules 2 and 3 to the Immigration Act 1971.

Instruments and tools related to return

‘Database of foreigners staying or having stayed in **Estonia** illegally’ (UUSIS ILLEGAAL) was fully developed in 2018 and should be launched by June 2019. This data system supports Police and Border Guard Board in return procedure and will improve interoperability with other databases and ability to collect statistical data.

In a joint effort with Denmark, France, Germany, Sweden and the United Kingdom, in 2018 Austria prepared an internal guideline for harmonising forms and procedures used in voluntary return and reintegration, while implementing a corresponding pilot project in the Russian Federation and Morocco. Regarding return of former asylum applicants, PBGB compiled in collaboration with specialists in this field, the *Guidelines of Child Treatment*, in 2018. The document is not for public use and also contains a chapter on the procedure how to deal with unaccompanied minors.

Jurisprudence

The ECtHR ruled on several occasions on the application of *non-refoulement* principle throughout 2018.⁷⁷⁸

Following the case of the return of Sudanese nationals in 2017, several rulings in Belgium recalled the necessity to assess the risk of torture and inhuman or degrading treatment contrary to Article 3 of the European Convention on Human Rights (ECHR) in any case of removal even if no application for international protection has been made previously or if no coercive measures are foreseen.

As regards the relation between Dublin transfers and return transfers, in its decisions of 8 March 2018⁷⁷⁹ and 9 March 2018⁷⁸⁰, the CALL underlined that a return decision implies the removal to a third country outside the European Union, while in case of a take-back by a Member State responsible for examining the application for international protection, only a transfer decision can be taken. Both procedures do not offer the same guarantees and do not have the same consequences. If the Dublin III Regulation applies, a return decision cannot be taken, but a decision to transfer the applicant to the responsible Member State should be taken. Only in case that the application for international protection was rejected by final decision by the Member State responsible for examining the application, the Immigration Office has the choice to either take a return decision to the country of origin or another third country outside the European Union, or ask for a transfer to the Member State responsible for examining the application for international protection. If it is opted for a transfer, the Dublin III Regulation applies.

As regards relation between expulsion and end of protection the French CNDA found in its judgment of

⁷⁷⁸ See for example: ECHR, X. vs Sweden, [ECLI:CE:ECHR:2018:0109JUD003641716](#); ECtHR, M.A. vs France, [ECLI:CE:ECHR:2018:0201JUD000937315](#); ECtHR, Saidani vs Germany, [ECLI:CE:ECHR:2018:0904DEC001767518](#); ECtHR, X. vs the Netherlands, [ECLI:CE:ECHR:2018:0710JUD001431917](#); ECtHR, A.S. vs France, [ECLI:CE:ECHR:2018:0419JUD004624015](#).

⁷⁷⁹ BE CALL, [Decision no. 200 933](#).

⁷⁸⁰ BE CALL, [Decision no. 200 977](#).

31 December 2018⁷⁸¹ that the expulsion of a person previously granted international protection shall not prevent the termination of the refugee status according to the national legislation due to the person from being considered a serious threat to the security of the State.

International projects

In 2018 Austria (leading the working group on harmonisation) and Sweden became partners in the European Return and Reintegration Network (ERRIN).⁷⁸²

■ Other developments and practical measures

In the **Czech Republic** since 2019 asylum seekers who withdraw their asylum application and those whose asylum application will be rejected (under particular conditions) are included in the target groups of the AMIF project specified in Section 9.2.1.4. It means that also this category of returnees may (under certain conditions) apply for reintegration assistance. (As a general rule, citizens of countries with visa liberalisation are not considered to be eligible. Exemptions might be considered under certain conditions.) Emphasis is put on the cooperation with particular embassies of third countries.

In **Finland**, active measures were taken in order to increase returns, for example enhancing the use of the voluntary return system and motivating those who have received a return decision to return voluntarily, also the amounts voluntary return assistance were increased. For example, the project called AUDA aims to diversify and further develop voluntary return in Finland.⁷⁸³ One of its components is to define how the foreign policy measures could better support voluntary return and, for example, how and where the reintegration measures provided by the Finnish government could be bridged with the other (development) aid allocated to the country of return. The other component is to establish a dialogue with diaspora communities and NGOs on how they could support the positive development of the return country by, for instance, implementing projects in the country. AUDA has also undertaken a large information campaign on voluntary return mainly in social media (Facebook, Twitter, Instagram and sponsored displays) showcasing video interviews with Iraqi and Somali returnees.⁷⁸⁴ A follow up research will be published at the end of 2019, based on interviews with approximately 200 Iraqi, Afghan and Somalian returnees, focusing on their economic, social and socio-psychological reintegration. **France** focused on the effectiveness of assigned place of residence and the surveillance of foreigners subject to a return decision, as well as the implementation of expulsion decisions.

In their submissions to the Annual report, civil society raised several concerns with regard to implementation of returns in EU+ countries. Challenges were raised with regard to returns concerning family members of different nationalities⁷⁸⁵, stateless applicants⁷⁸⁶, experience of child returnees to Afghanistan⁷⁸⁷, instances of forcible disappearance upon return.⁷⁸⁸

ECRE published an analysis about the European practices on return, including voluntary departures and assisted voluntary return.⁷⁸⁹

⁷⁸¹ FR CNDA, N° 17013391.

⁷⁸² The Program aims to strengthen, facilitate and streamline the return process in the EU through common initiatives, and to promote a durable and efficient reintegration in countries outside the EU.

⁷⁸³ For more information: Finnish Immigration Service, [Voluntary return supports the future of asylum seekers in their home country](#).

⁷⁸⁴ See the campaign elements at www.voluntaryreturn.fi

⁷⁸⁵ Fundación Cepaim, [Input to the EASO Annual Report 2018](#).

⁷⁸⁶ European Network on Statelessness, [Protecting Stateless Persons from Arbitrary Detention](#) and the significance of the two judgements from Russia, here: European Network on Statelessness, [European Court of Human Rights again finds extended detention of stateless individuals illegal: two successful cases by ADC Memorial](#); European Network on Statelessness, [Input to the EASO Annual Report 2018](#).

⁷⁸⁷ Save the Children, [From Europe to Afghanistan: Experiences of child returnees](#),

⁷⁸⁸ Amnesty International Russia: [Chechen refugee forcibly disappeared after being unlawfully deported from Poland](#); Helsinki Foundation for Human Rights, [Input to the EASO Annual Report 2018](#)

⁷⁸⁹ ECRE, [Voluntary departure and return: Between a rock and a hard place](#).

Conclusions

The 2018 edition of the EASO Annual Report on the Situation of Asylum in the European Union reflects an effort to offer, as in previous years, a concise, yet comprehensive overview of qualitative and quantitative information on key developments and trends in the area of international protection and the functioning of the Common European Asylum System. The Report also indicates key activities and initiatives undertaken by EASO in the course of the year, promoting the consistent implementation of the CEAS in EU+ countries.

Reflecting the advances in EASO's work on collecting and analysing information, the Report integrates insights from a wide range of sources, allowing for an in-depth presentation and analysis of major developments related to international protection in the EU+ and the context within which these occur. To this end, an effort was made to reflect the diversity of perspectives, expressed by a variety of actors in regards to pressing asylum-related issues, which at times may be of a constructively critical nature.

In a year that saw a further decrease in the overall number of applications for international protection in the EU+ by 10 %, a look into the national level reveals a remarkable variation among EU+ countries in regards to the number of applications received, with some reporting an increase while others a decrease. This prompted EU+ countries to adjust and reorganise their reception systems accordingly, in response to the particular trends they experienced at national level. With the stock of pending cases recording only a moderate decrease of 6 % in EU+ countries, the number of cases pending at first instance was almost equal to the number of cases pending at second instance. Accordingly, pressure on national asylum systems in the course of 2018 was equally distributed between asylum authorities and judicial bodies, with the latter having more opportunities to deliver clarifying decisions and, thus, having an increasing impact on the workings of national asylum systems.

Overall, in 2018, EU+ countries continued their efforts toward enhancing registration and processing of applications both in terms of quality and in terms of timing. In an effort to reach a clearer understanding of protection needs –or lack thereof- and identify possible procedural needs of individual applicants at the earliest possible time, a number of EU+ countries introduced changes in the first steps of the asylum procedure with the aim of eliciting as much information from applicants as possible. This information is used to inform decisions concerning subsequent steps in the asylum procedure or facilitate the return of individuals not in need of protection.

At the EU level, with the negotiations on the CEAS reform package recording only moderate progress, the key principles of solidarity and shared responsibility kept informing the discussion on how to move from ad hoc responses to durable solutions and how to operationalise effective assistance to Member States under pressure –the proposal for temporary arrangements disembarkation, first reception, registration and relocation, has been a step to this end.

The above, coupled with insights offered throughout the Report, indicate that possible developments in the near future in the area of international protection will include:

An emphasis on swiftly registering and processing applications at the earliest possible time - with the use of new technologies - in order to delineate between individuals in need of protection and those that will be directed toward return.

Adaptability of national reception systems in response to application trends, and an increase in the provision of specialised, tailor-made services to accommodate different needs.

An increased role of courts and tribunal in shaping asylum policy, in light of the large volume of decisions issued in second or higher instance

In the absence of major progress in the CEAS reform package, emphasis may be still placed in the expression of solidarity at an operational level through temporary, but systematic, solutions. In this context, a central place may be reserved for EU Agencies to play an increased operational role.

EASO will continue its work, within its mandate, to delivering on its core tasks, including: operational support, capacity building and training, facilitating practical cooperation among EU+ countries, collecting and analysing qualitative and quantitative information, including information on countries of origin, and contributing to the implementation of the external dimension of the EU migration policy.

List of abbreviations

- **ACCORD**: Austrian Centre for Country of Origin and Asylum Research and Documentation
- **ACM**: Alto Comissariado para as Migrações (Portugal, High Commissioner for Migration)
- **ADEM**: Agence pour le développement de l'emploi (Luxembourg, Agency for the Employment Development)
- **AEAJ**: Association of European Administrative Judges
- **AGAJ**: Administration Générale de l'Aide à la Jeunesse (Belgium, General Administration of Youth Care)
- **AIDA**: Asylum Information Database
- **ALFACA**: Alternative Family Care (Belgium)
- **AMIF**: Asylum, Migration and Integration Fund
- **ANVS**: Autoriteit Nucleaire Veiligheid en Stralingsbescherming (The Netherlands, Nuclear Safety and Radiation Protection)
- **APD/ADP**: Asylum Procedure Directive, 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).
- **AsylA**: Swiss Asylum Act of 26 June 1998
- **BAMF**: Bundesamt für Migration und Flüchtlinge (Germany, Federal Office for Migration and Refugees)
- **BCPs**: Border crossing points
- **BFA**: Bundesamt für Fremdenwesen und Asyl (Austria, Federal Office for Immigration and Asylum)
- **BIA**: Best Interest Assessment
- **BID**: Best Interest Determination
- **BVwG**: Bundesverwaltungsgericht (Austria, Federal Administrative Court)
- **CAED**: Centros de Acogida de Emergencia y Derivación (Spain, Centres for Emergency Reception and Referral)
- **CAES**: Centres d'Accueil et d'Examen des Situations (France,)
- **CALL**: Council of Alien Law Litigation (Belgium)
- **CARA**: Centri di Accoglienza per Richiedenti Asilo (Italy, Centers for Accommodation of Asylum Seekers)
- **CAS**: Centri di Accoglienza Straordinaria (Italy, Emergency Reception Centres)
- **CATE**: Centro de Atención Temporal de Extranjeros (Spain, Centres for the Temporary Reception of Foreigners)
- **CDA**: Centri di Accoglienza (Italy, Accommodation Centers)
- **CEAR**: Comisión Española de Ayuda al Refugiado (Spain, Spanish Commission for Refugee Aid)
- **CEAS**: Common European Asylum System
- **Cedoca**: Documentation and Research Centre (Belgium)
- **CEPS**: Centre for European Policy Studies
- **CESEDA**: Code de l'entrée et du séjour des étrangers et du droit d'asile (France, Code of the entry and residence regulation, and asylum right)
- **CGRS**: Commissariat Général aux Réfugiés et aux Apatrides (Belgium, Office of the Commissioner General for Refugees and Stateless persons)
- **CIE**: Centro de Internamiento de Extranjeros (Spain, Detention Centres for Foreigners)
- **CIR**: Republican Integration Contract (France, Contrat d'Intégration Républicaine)
- **CJEU**: Court of Justice of the European Union
- **CNDA**: Court Nationale du Droit D'Asile (France, National Court of Asylum)
- **COA**: Central Orgaan opvang Asielzoekers (The Netherlands, Central Agency for the Reception of Asylum Seekers)
- **COI**: Country of Origin Information
- **CPH**: Centres Provisoires d'Hébergement (France, Provisional Accommodation Centres)

- **CPR:** Centri permanenti per il rimpatrio (Italy, Permanent Centres for the repatriation)
- **CPT:** European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
- **CSDP:** Common Security and Defence Policy
- **CSORHC:** Central State Office for Reconstruction and Housing Care (Croatia)
- **DASPAS:** Dispositif de Scolarisation et d'Accueil spécifique à destination des élèves primo-arrivants (France, Reception and Schooling for first-time students)
- **DCR:** Danish Refugee Council
- **DGMM:** Directorate General of Migration Management
- **DJI:** Dienst Justitiële Inrichtingen (The Netherlands, Custodial Institutions Agency)
- **DNA:** Deoxyribonucleic Acid
- **DP:** Democratic Party (Luxembourg)
- **EASO:** European Asylum Support Office
- **EBTL:** Extra Begeleiding en Toezicht Lokatie (The Netherlands, Extra Guidance and Surveillance Location)
- **EC or COMM:** European Commission
- **ECHR:** European Convention on Human Rights
- **ECRE:** European Council on Refugees and Exiles
- **ECtHR:** European Court of Human Rights
- **EFJCA:** European Family Justice Centre Alliance (Belgium)
- **EJTN:** European Judicial Training Network
- **EKKA:** Ethniko Kentro Koinonikis Alilegiis (Greece, National Centre for Social Security)
- **ELI:** European Law Institute
- **EMLO:** European Migration Liaison Officers
- **EMN:** European Migration Network
- **ENAC:** EASO Network on Activities on Children
- **ENS:** European Network on Statelessness
- **EPS:** EASO Early Warning and Preparedness System
- **ERA:** Academy European Law
- **ERRIN:** European Return and Reintegration Network
- **ESSN:** Emergency Social Safety Net programme
- **EU+:** EU Member States, Norway, Switzerland, Liechtenstein and Iceland.
- **EU-LISA:** European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice.
- **EUNAVFORMED:** European Union Naval Force Mediterranean
- **Euratom:** European Atomic Energy Community
- **EURODAC:** European Asylum Dactyloscopy Database
- **Eurojust:** European Union's Judicial Cooperation Unit
- **Europol:** European Union Agency for Law Enforcement Cooperation
- **EUROSTAT:** European Statistics
- **Fedasil:** Federal Agency for the reception of asylum seekers (Belgium)
- **FGM:** Female genital mutilation
- **FRA:** Fundamental Rights Agency
- **Frontex:** European Border and Coast Guard Agency
- **FTEs:** Full-time equivalent
- **GAR:** General Annual Report
- **GAS:** Greek Asylum Service
- **GUDDA:** Guichet Uniques de Demandeurs d'Asile (France, single point of application for asylum)
- **HHC:** Hungarian Helsinki Committee
- **IARMJ:** International Association of Refugee and Migration Judges
- **ID:** Identity Document
- **IDS:** EASO Information and Documentation System

- **IGJ:** Inspectie Gezondheidszorg en Jeugd (The Netherlands, Inspectorate for Health and Youth Care)
- **IMDi:** Integrerings- og mangfoldsdirektoratet (Norway, Directorate of Integration and Diversity)
- **IND:** Immigratie- en Naturalisatiedienst (The Netherlands, Immigration and Naturalisation Service)
- **IOM:** International Organisation for Migration
- **IPA II:** Instrument for Pre-accession Assistance, programme for 2014-2020.
- **IPAC:** International Protection Administrative Court (Cyprus)
- **IPO:** International Protection Office (Ireland)
- **IvenJ:** Inspectie Justitie en Veiligheid (The Netherlands, Inspectorate of Justice and Security)
- **JLD:** Juge des Libertés et de la Détention (France, Judge of Freedoms and Detention)
- **KEELPNO:** Hellenic Centre for Disease Control and Prevention (Greece).
- **LAPSO:** Legal Aid, Sentencing and Punishment of Offenders (UK)
- **LGBTI:** Lesbian, gay, bisexual, transgender, and intersex
- **LSAP:** Luxembourg Socialist Workers' Party
- **MedCOI:** Medical Country of Origin Information
- **MENA:** Middle East and North Africa region
- **MFF:** Multiannual Financial Framework
- **MI MOI:** Medical Institution of the Ministry of the Interior (Czech Republic)
- **MPI:** Migration Policy Institute Europe
- **MSF:** Safe Passage and Medicines Sans Frontieres
- **Nasc:** Migration and Refugee Rights, Ireland
- **NGO:** Non-governmental organisation
- **NIDV:** Národní institut pro další vzdělávání (Czech Republic, National Institute for Further Education)
- **NIEM:** The National Integration Evaluation Mechanism
- **NMU:** New Media Unit (Belgium)
- **NPIS:** National Police Immigration Service (Norway)
- **OAR:** Oficina de Asilo y Refugio (Spain, Office of Asylum and Refugee)
- **OCMA:** Office of Citizenship and Migration Affairs (Latvia)
- **OECD:** Organisation for Economic Co-operation and Development
- **OFII:** Français de l'Immigration et de l'Intégration (France, Office of Immigration and Integration)
- **OFPRA:** Office Français de Protection des Réfugiés et Apatrides (France, French Office for the Protection of Refugees and Stateless)
- **OLAI:** Office luxembourgeois de l'accueil et de l'intégration (Luxembourg Reception and Integration Agency)
- **OQTF:** Obligation de quitter le territoire français (France, Obligation to leave France)
- **PADA:** Plateforme d'Accueil de Demandeurs d'Asile (France, Orientation Platform for Asylum Seekers)
- **PAN:** Plan d'action national pluriannuel d'intégration et de lutte contre les discriminations (Luxembourg, National Action Plan for Integration and Against Discrimination)
- **PBGB:** Police and Border Guard Board (Estonia)
- **PES:** Public Employment Service (Sweden)
- **PIA:** Parcours d'Intégration Accompagné (Luxembourg, Guide Integration Trail)
- **PRD:** Pôles Régionaux Dublin (France, Regional Poles Dublin)
- **QD:** Recast Qualification Directive / Directive 2011/95 EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast).
- **RAO:** Regional Asylum Offices (Greece)

- **RD/RCD:** Reception Directive / 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).
- **RDPP:** Regional Development and Protection Programme
- **RESOMA:** Research Social Platform on Migration and Asylum
- **REVIS:** Revenu d'Inclusion Social (Luxembourg, Social Inclusion Income)
- **RSF:** Resettlement Support Facility
- **RWN:** Rijkswet op het Nederlanderschap (The Netherlands Nationality Act)
- **S.I.:** Statutory Instruments (Ireland)
- **SAR:** search and rescue operations
- **SAR:** State Agency for Refugees (Bulgaria)
- **SAVE:** Support Action for Vulnerability Emergence project (Italy)
- **SBGS:** State Border Guard Service (Lithuania)
- **SEF:** Serviço de Estrangeiros e Fronteiras (Portugal, Immigration and Borders Service (Portugal))
- **SEM:** Staatssekretariat für Migration (Switzerland, State Secretariat for Migration)
- **SGB:** Social Code (Germany)
- **SGBV:** Sexual and Gender-Based Violence
- **SIPROIMI:** Sistema di protezione per titolari di protezione internazionale e per minori stranieri non accompagnati (Italy, System of protection for beneficiaries of international protection and Unaccompanied Foreign Minors, ex-SPRAR).
- **SIS:** Slovak Information Service
- **SMA:** Swedish Migration Agency
- **SPADA:** Structures de Premier Accueil des Demandeurs d'Asile (France, Asylum seekers first reception centres)
- **SPRAR:** Protection System for Asylum Seekers and Refugees
- **SRA:** Specific Residence Authorisation (Malta)
- **TCNs:** Third-Country Nationals
- **TCs:** Third Countries
- **TEU:** Treaty of the European Union
- **TFEU:** Treaty on the Functioning of the European Union
- **THBNet:** EASO Expert Network on Trafficking in Human Being
- **THPN:** Temporary Humanitarian Protection New (Malta)
- **TJS:** Tribunal Superior de Justicia de Madrid (Spain)
- **TUI:** Testo Unico Immigrazione (Italy, Legislative Decree No 286 dated 25 July 1998)
- **UAMs:** Unaccompanied minors
- **UDI:** Norwegian Directorate of Immigration (Utlendingsdirektoratet)
- **UNE:** Norwegian Immigration Appeals' Board (Utlendingsnemnda)
- **UNHCR:** United Nations High Commissioner for Refugees
- **UNICEF:** The United Nations Children's Fund
- **UNRWA:** United Nations Relief and Works Agency for Palestine Refugees
- **VIA:** Verdere Integratie op de Arbeidsmarkt (The Netherlands, Further Integration on the Labor Market)
- **VNG OTAV:** Vereniging van Nederlandse Gemeenten, OndersteuningsTeam Asielzoekers en Vergunninghouders (The Netherlands, Association of Netherlands Municipalities, Association of Netherlands Municipalities Asylum Seekers and Permit Holders Support Team)

Statistical annex

Disclaimer

Figures used in this Report relate to annual datasets published on the Eurostat website on 13 May 2019 (for applicants for international protection, withdrawn applications, asylum decisions in first instance, asylum decisions in second and higher instance, pending cases and unaccompanied minors), and collected in the framework of Regulation (EC) 862/2007, unless otherwise stated.

The data used for this publication are provided to Eurostat by the Ministries of Interior, Justice or immigration agencies of the Member States. Data are entirely based on relevant administrative sources. Apart from statistics on first-time asylum applicants, these data are supplied by Member States according to the provisions of Article 4 of Regulation (EC) 862/2007 of 11 July 2007 on Community statistics on migration and international protection.

The indicators on asylum applicants, first-time asylum applicants, pending cases and withdrawn applications are collected by Eurostat on a monthly basis. Similarly, indicators of first instance decisions - refugee status granted, subsidiary protection status granted, authorisation to stay for humanitarian reasons granted, and rejections - are submitted to Eurostat on a quarterly basis.

It is important to note that the Eurostat Technical Guidelines for data collection were amended in December 2013 and subsequently entered into force in the reference month of January 2014. The change affects the backward comparability of 2014 data. The main changes in the Eurostat Technical Guidelines for the data collection that affect the above comparison are:

- clarification of the first-time and repeated applicant concepts;
- addition of an instruction on how persons subject to a Dublin procedure should be counted in the pending cases table;
- instruction not to report cases where another Member State assumed responsibility of negative asylum decisions;
- clarification of the concept of humanitarian protection.

The amendment to Eurostat Technical Guidelines was also published in December 2014. The methodological changes introduced entered into force as of January 2015 and regarded reporting on Dublin cases and withdrawn cases, as explained below.

- Persons subject to Dublin procedure shall be removed from the stock of pending applications of the sending country from the time of the acceptance decision.
- Persons subject to Dublin procedure shall be included in the stock of pending applications of the receiving country from the moment of physical arrival and when such persons apply or re-apply for asylum.
- Dublin transfers shall not be considered as implicit or explicit withdrawal.
- Persons subject to Dublin procedure and absconding after the acceptance decision shall not be reported in withdrawn applications data.
- Revisions at the own initiative of the national asylum authority shall be considered as regular revisions (i.e. require revision of the previously reported data).
- Persons reappearing after explicit or implicit withdrawal of application shall be considered as regular revisions and shall be removed from withdrawn applications data.

The most recent modifications in the Eurostat Technical Guidelines for data collection were published in

February 2018⁷⁹⁰ and introduced:

- a new voluntary data disaggregation on the 'Status of Minor' from 2018 reference periods onwards. The new concept will measure whether a minor applicant was 'Unaccompanied' or 'Accompanied' by an adult responsible for him during the application procedure;
- an amendment and new specification of 'Resettlement Framework' variable: the former category 'Agreement in Justice and Home Affairs (JHA) Council on 20.07.2015 – JHAC15' now becomes 'EU Resettlement Frameworks – EU_RFW' to cover the Resettlement Frameworks launched by the Commission (or Justice and Home Affairs Council) applicable to each reference year;
- methodological guidance on the reporting of the new variables of table A16 (Resettled person), namely 'Country of Residence', 'Decision' and 'Resettlement Framework'. These guidelines were agreed in the Asylum and Managed Migration WG of 2016.

For the aforementioned indicators, the annual figures presented in the following annexes are computed as the aggregation of data submitted to Eurostat throughout the year on a monthly (or quarterly) basis.

The figures presented in this publication are provisional and may be subject to update or revision from the Member States.

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

Please be advised that a '0' may not necessarily indicate a real zero value but could also represent a value of '1' or '2'.

⁷⁹⁰ Eurostat, Technical Guidelines for the Data Collection under Art. 4.1-4.3 of Regulation 862/2007 – Statistics on Asylum. Version 4.0 amended in February 2018, February 2018, retrieved at https://ec.europa.eu/eurostat/cache/metadata/Annexes/migr_asydec_esms_an7.pdf

Annex 1: Asylum applicants in the EU+ by EU+ country and main citizenship, 2014-2018

						2018				Sparkline
	2014	2015	2016	2017	2018	% chg. on last year	Share in EU+	Highest share		
Reporting country						Citizenship				
Germany	202 645	476 510	745 155	222 560	184 180	📉	- 17	28%	Syria (25%)	
France	64 310	76 165	84 270	99 330	120 425	📈	+ 21	18%	Afghanistan (9%)	
Greece	9 430	13 205	51 110	58 650	66 965	📈	+ 14	10%	Syria (20%)	
Italy	64 625	83 540	122 960	128 850	59 950	📉	- 53	9.0%	Pakistan (14%)	
Spain	5 615	14 780	15 755	36 605	54 050	📈	+ 48	8.1%	Venezuela (36%)	
United Kingdom	32 785	40 160	39 735	34 780	37 730	📈	+ 8	5.7%	Iran (11%)	
Netherlands	24 495	44 970	20 945	18 210	24 025	📈	+ 32	3.6%	Syria (13%)	
Belgium	22 710	44 660	18 280	18 340	22 530	📈	+ 23	3.4%	Syria (13%)	
Sweden	81 180	162 450	28 790	26 325	21 560	📉	- 18	3.2%	Syria (13%)	
Switzerland	23 555	39 445	27 140	18 015	15 160	📉	- 16	2.3%	Eritrea (19%)	
Austria	28 035	88 160	42 255	24 715	13 375	📉	- 46	2.0%	Syria (25%)	
Cyprus	1 745	2 265	2 940	4 600	7 765	📈	+ 69	1.2%	Syria (26%)	
Finland	3 620	32 345	5 605	4 990	4 500	📉	- 10	0.7%	Iraq (34%)	
Poland	8 020	12 190	12 305	5 045	4 110	📉	- 19	0.6%	Russia (66%)	
Ireland	1 450	3 275	2 245	2 930	3 670	📈	+ 25	0.6%	Albania (13%)	
Denmark	14 680	20 935	6 180	3 220	3 570	📈	+ 11	0.5%	Eritrea (19%)	
Slovenia	385	275	1 310	1 475	2 875	📈	+ 95	0.4%	Pakistan (27%)	
Norway	11 415	31 110	3 485	3 520	2 660	📉	- 24	0.4%	Turkey (29%)	
Bulgaria	11 080	20 390	19 420	3 695	2 535	📉	- 31	0.4%	Afghanistan (43%)	
Luxembourg	1 150	2 505	2 160	2 430	2 335	📉	- 4	0.4%	Eritrea (18%)	
Romania	1 545	1 260	1 880	4 815	2 135	📉	- 56	0.3%	Iraq (51%)	
Malta	1 350	1 845	1 930	1 840	2 130	📈	+ 16	0.3%	Syria (23%)	
Czech Republic	1 145	1 515	1 475	1 445	1 690	📈	+ 17	0.3%	Ukraine (25%)	
Portugal	440	895	1 460	1 750	1 285	📉	- 27	0.2%	Angola (18%)	
Croatia	450	210	2 225	975	800	📉	- 18	0.1%	Afghanistan (24%)	
Iceland	170	370	1 125	1 085	775	📉	- 29	0.1%	Iraq (14%)	
Hungary	42 775	177 135	29 430	3 390	670	📉	- 80	0.1%	Afghanistan (41%)	
Lithuania	440	315	430	545	405	📉	- 26	0.1%	Tajikistan (30%)	
Latvia	375	330	350	355	185	📉	- 48	0.0%	Russia (27%)	
Slovakia	330	330	145	160	175	📈	+ 9	0.0%	Afghanistan (17%)	
Liechtenstein	65	150	80	150	165	📈	+ 10	0.0%	Serbia (21%)	
Estonia	155	230	175	190	95	📉	- 50	0.0%	Ukraine (21%)	
Citizenship						Reporting country				
Syria	127 890	383 710	341 985	108 040	85 575	📉	- 21	13%	Germany (54%)	
Afghanistan	42 735	196 260	190 250	49 305	47 250	📉	- 4	7%	Germany (26%)	
Iraq	21 925	130 390	131 705	52 710	45 565	📉	- 14	7%	Germany (39%)	
Pakistan	22 455	48 725	50 130	32 145	29 260	📉	- 9	4.4%	Italy (29%)	
Nigeria	21 330	32 340	48 955	41 855	26 455	📉	- 37	4.0%	Germany (42%)	
Iran	11 175	28 555	42 110	18 930	25 740	📈	+ 36	3.9%	Germany (46%)	
Turkey	5 560	5 490	11 670	16 685	24 800	📈	+ 49	3.7%	Germany (43%)	
Venezuela	335	790	4 705	14 545	22 530	📈	+ 55	3.4%	Spain (86%)	
Albania	17 305	68 950	32 985	26 235	22 475	📉	- 14	3.4%	France (43%)	
Georgia	9 070	8 205	8 835	12 135	20 240	📈	+ 67	3.0%	France (35%)	
Eritrea	46 750	47 050	40 240	29 370	18 650	📉	- 36	2.8%	Germany (31%)	
Russia	20 235	22 570	27 875	17 225	15 460	📉	- 10	2.3%	Germany (34%)	
Bangladesh	11 905	19 125	17 285	20 885	15 175	📉	- 27	2.3%	Italy (36%)	
Guinea	6 635	6 405	14 955	19 130	14 465	📉	- 24	2.2%	France (48%)	
Somalia	18 155	22 875	21 830	15 035	13 580	📉	- 10	2.0%	Germany (42%)	
Other	278 705	372 480	307 225	260 775	237 260	📉	- 9	36%	France (25%)	
EU+	662 165	1 393 920	1 292 740	735 005	664 480	📉	- 10		Germany (28%)	

Annex 2: First-time asylum applicants by EU+ country and main citizenship, 2014-2018

						2018				
	2014	2015	2016	2017	2018	% chg. on last year	Share in EU+	Highest share	Sparkline	
Reporting country						Citizenship				
Germany	172 945	441 800	722 265	198 255	161 885	📉 - 18	27%	Syria (27%)		
France	58 845	70 570	76 790	91 965	111 415	📈 + 21	18.5%	Afghanistan (9%)		
Greece	7 585	11 370	49 875	56 940	64 975	📈 + 14	10.8%	Syria (20%)		
Italy	63 655	82 830	121 185	126 550	53 440	📉 - 58	8.9%	Pakistan (14%)		
Spain	5 460	14 600	15 570	33 035	52 730	📈 + 60	8.7%	Venezuela (36%)		
United Kingdom	32 120	39 720	39 240	34 355	37 290	📈 + 9	6.2%	Iran (11%)		
Netherlands	21 780	43 035	19 285	16 090	20 465	📈 + 27	3.4%	Syria (14%)		
Belgium	14 045	38 990	14 250	14 035	18 130	📈 + 29	3.0%	Syria (15%)		
Sweden	74 980	156 110	22 330	22 190	18 075	📉 - 19	3.0%	Syria (14%)		
Switzerland	21 940	38 060	25 820	16 615	13 465	📉 - 19	2.2%	Eritrea (19%)		
Austria	25 675	85 505	39 875	22 455	11 390	📉 - 49	1.9%	Syria (29%)		
Cyprus	1 480	2 105	2 840	4 475	7 610	📈 + 70	1.3%	Syria (26%)		
Ireland	1 440	3 270	2 235	2 910	3 655	📈 + 26	0.6%	Albania (13%)		
Denmark	14 535	20 825	6 055	3 125	3 465	📈 + 11	0.6%	Eritrea (19%)		
Finland	3 490	32 150	5 275	4 325	2 945	📉 - 32	0.5%	Iraq (19%)		
Slovenia	355	260	1 265	1 435	2 800	📈 + 95	0.5%	Pakistan (28%)		
Norway	10 910	30 470	3 240	3 350	2 530	📉 - 24	0.4%	Turkey (30%)		
Bulgaria	10 805	20 160	18 990	3 470	2 465	📉 - 29	0.4%	Afghanistan (43%)		
Poland	5 610	10 255	9 780	3 005	2 405	📉 - 20	0.4%	Russia (67%)		
Luxembourg	1 030	2 360	2 065	2 320	2 225	📉 - 4	0.4%	Eritrea (18%)		
Malta	1 275	1 695	1 735	1 610	2 035	📈 + 26	0.3%	Syria (22%)		
Romania	1 500	1 225	1 855	4 700	1 945	📉 - 59	0.3%	Iraq (50%)		
Czech Republic	905	1 235	1 200	1 140	1 350	📈 + 18	0.2%	Ukraine (21%)		
Portugal	440	870	710	1 015	1 240	📈 + 22	0.2%	Angola (18%)		
Iceland	:	360	1 100	1 065	730	📉 - 31	0.1%	Iraq (15%)		
Croatia	380	140	2 150	880	675	📉 - 23	0.1%	Afghanistan (25%)		
Hungary	41 215	174 435	28 215	3 115	635	📉 - 80	0.1%	Afghanistan (43%)		
Lithuania	385	275	415	520	385	📉 - 26	0.1%	Tajikistan (31%)		
Latvia	365	330	345	355	175	📉 - 51	0.0%	Russia (29%)		
Slovakia	230	270	100	150	155	📈 + 3	0.0%	Afghanistan (19%)		
Liechtenstein	:	:	75	145	145	📈 + 0	0.0%	Georgia (17%)		
Estonia	145	225	150	180	90		0.0%	Ukraine (17%)		
Citizenship						Reporting country				
Syria	124 750	377 950	337 435	105 230	82 595	📉 - 22	14%	Germany (53%)		
Afghanistan	39 135	193 025	186 550	45 135	42 320	📉 - 6	7%	Greece (28%)		
Iraq	15 290	126 835	128 620	48 450	40 555	📉 - 16	7%	Germany (40%)		
Pakistan	20 770	47 210	47 865	29 865	25 045	📉 - 16	4.2%	Italy (30%)		
Iran	9 910	27 290	40 875	17 710	23 835	📈 + 35	4.0%	Germany (46%)		
Turkey	4 725	4 650	10 660	15 590	23 745	📈 + 52	3.9%	Germany (43%)		
Nigeria	20 060	31 020	47 375	39 895	23 045	📉 - 42	3.8%	Germany (44%)		
Venezuela	320	785	4 725	13 045	22 285	📈 + 71	3.7%	Spain (86%)		
Albania	16 465	67 100	29 645	22 735	19 585	📉 - 14	3.2%	France (42%)		
Georgia	7 885	6 960	7 740	10 930	18 955	📈 + 73	3.1%	France (36%)		
Eritrea	45 885	45 760	38 965	28 375	17 625	📉 - 38	2.9%	Germany (32%)		
Guinea	5 510	5 760	14 360	18 555	13 620	📉 - 27	2.3%	France (49%)		
Bangladesh	10 205	17 985	16 080	19 350	12 685	📉 - 34	2.1%	Italy (33%)		
Somalia	16 335	21 325	20 675	13 625	11 920	📉 - 13	2.0%	Germany (43%)		
Russia	14 355	18 680	23 270	12 880	11 915	📉 - 7	2.0%	Germany (33%)		
Other	243 930	333 170	281 445	234 410	213 190	📉 - 9	35%	France (26%)		
EU+	595 530	1325 505	1236 285	675 780	602 920	📉 - 11		Syria (14%)		

Annex 3: Pending cases at the end of the year in the EU+ by EU+ country and main citizenship, 2014-2018

						2018				
	2014	2015	2016	2017	2018	% chg. on last year	Share in EU+	Highest share	Sparkline	
Reporting country						Citizenship				
Germany	221 005	424 760	601 905	443 640	384 815	🇦🇫 - 13	43%	Afghanistan (18%)		
Italy	45 750	60 155	99 920	152 420	102 995	🇳🇮 - 32	11.5%	Nigeria (17%)		
Spain	7 525	16 430	20 365	38 880	78 705	🇻🇪 + 102	8.8%	Venezuela (40%)		
Greece	31 930	26 150	40 015	47 815	76 330	🇸🇾 + 60	8.5%	Syria (20%)		
France	36 520	34 125	44 070	38 405	52 925	🇦🇫 + 38	5.9%	Afghanistan (10%)		
United Kingdom	32 455	33 870	36 860	32 575	38 120	🇦🇫 + 17	4.3%	Albania (11%)		
Austria	29 675	79 665	77 445	57 655	38 045	🇦🇫 -34.	4.2%	Afghanistan (43%)		
Sweden	54 285	156 690	82 960	51 480	37 615	🇦🇫 - 27	4.2%	Afghanistan (23%)		
Belgium	15 325	36 455	24 735	18 715	19 530	🇵🇸 + 4	2.2%	Palestine (12%)		
Netherlands	8 685	29 635	12 245	7 385	15 965	🇮🇷 + 116	1.8%	Iran (14%)		
Switzerland	19 195	34 075	31 475	24 155	15 130	🇪🇷 - 37	1.7%	Eritrea (15%)		
Cyprus	1 775	2 055	2 860	5 120	10 180	🇸🇾 + 99	1.1%	Syria (25%)		
Ireland	3 635	4 865	4 055	5 670	7 060	🇵🇰 + 25	0.8%	Pakistan (14%)		
Poland	2 685	3 305	2 880	2 885	4 460	🇷🇺 + 55	0.5%	Russia (69%)		
Denmark	8 240	14 975	7 020	4 205	2 600	🇪🇷 - 38	0.3%	Eritrea (12%)		
Malta	695	815	1 070	1 500	2 020	🇸🇾 + 35	0.2%	Syria (20%)		
Norway	4 465	24 545	7 005	2 525	1 985	🇹🇷 - 21	0.2%	Turkey (38%)		
Bulgaria	6 750	9 500	15 595	2 725	1 820	🇦🇫 - 33	0.2%	Afghanistan (41%)		
Romania	390	405	935	2 085	1 520	🇮🇷 - 27	0.2%	Iraq (65%)		
Luxembourg	1 370	2 475	2 465	1 525	1 500	🇪🇷 - 2	0.2%	Eritrea (20%)		
Czech Republic	535	655	770	810	795	🇺🇦 - 2	0.1%	Ukraine (26%)		
Iceland	210	275	580	345	450	🇮🇷 + 30	0.1%	Iraq (19%)		
Slovenia	110	170	555	475	410	🇮🇷 -14	0.0%	Iran (12%)		
Lithuania	175	115	190	255	380	🇹🇯 + 49	0.0%	Tajikistan (22%)		
Croatia	120	55	495	415	250	🇮🇷 - 40	0.0%	Iran (20%)		
Slovakia	220	275	95	110	155	🇦🇫 + 41	0.0%	Afghanistan (19%)		
Hungary	15 685	36 695	3 415	675	125	🇦🇫 - 81	0.0%	Afghanistan (56%)		
Latvia	255	225	225	90	125	🇷🇺 + 39	0.0%	Russia (28%)		
Portugal	30	45	50	55	90	🇦🇺 + 64	0.0%	Angola (28%)		
Liechtenstein	30	100	75	90	80	🇲🇰 - 11	0.0%	North Macedonia (13%)		
Estonia	100	120	70	70	80	🇪🇬 + 14	0.0%	Egypt (13%)		
Finland	1 795	27 750	15 000	9 335	:	n.a.	n.a			
Citizenship						Reporting country				
Afghanistan	40 855	159 390	238 515	160 410	122 710	🇦🇫 - 24	14%	Germany (56%)		
Syria	69 060	220 825	157 740	111 455	92 620	🇸🇾 - 17	10%	Germany (62%)		
Iraq	19 615	104 710	124 050	85 510	75 635	🇮🇷 - 12	8%	Germany (58%)		
Nigeria	21 415	32 130	51 925	59 765	47 835	🇳🇮 - 20	5.3%	Germany (46%)		
Pakistan	31 995	43 985	50 450	47 495	44 435	🇵🇰 - 6	5.0%	Germany (32%)		
Iran	14 195	29 780	47 730	32 585	38 120	🇮🇷 + 17	4.3%	Germany (57%)		
Venezuela	300	905	5 015	14 880	34 430	🇪🇸 + 131	3.8%	Spain (92%)		
Russia	22 035	22 435	28 345	28 670	28 995	🇷🇺 + 1	3.2%	Germany (66%)		
Turkey	6 315	6 965	13 490	18 895	28 500	🇹🇷 + 51	3.2%	Germany (52%)		
Eritrea	36 205	42 365	36 720	29 310	25 315	🇪🇷 - 14	2.8%	Italy (42%)		
Somalia	17 385	27 790	31 795	22 055	18 390	🇦🇫 -17	2.1%	Germany (54%)		
Albania	13 780	41 075	22 345	14 735	17 850	🇦🇫 + 21	2.0%	United Kingdom (23%)		
Bangladesh	13 965	16 710	16 580	21 410	17 130	🇮🇹 - 20	1.9%	Italy (41%)		
Guinea	6 850	6 015	13 140	18 125	16 970	🇮🇷 - 6	1.9%	Germany (37%)		
Georgia	10 465	10 725	9 660	10 980	15 605	🇦🇫 + 42	1.7%	Germany (32%)		
Other	227 170	295 630	289 910	277 820	272 020	🇪🇺 - 2	30%	Germany (33%)		
EU+	551 605	1 061 435	1 137 410	954 100	896 560	🇦🇫 - 6		Afghanistan (14%)		

Annex 4: Withdrawn applications in the EU+ by EU+ country and main citizenship, 2014-2018

						2018				
	2014	2015	2016	2017	2018	% chg. on last year	Share in EU+	Highest share	Sparkline	
Reporting country						Citizenship				
Greece	19 225	6 255	7 475	10 210	11 740	🇸🇰 + 15	20%	Afghanistan (17%)		
Italy	1 555	6 750	8 640	14 000	7 730	🇳🇮 - 45	13%	Nigeria (17%)		
Germany	8 190	14 530	45 245	40 285	6 935	🇸🇾 - 83	12.1%	Syria (8%)		
Sweden	5 020	9 085	13 875	5 400	4 645	🇮🇶 - 14	8.1%	Iraq (13%)		
United Kingdom	2 500	3 130	3 255	3 500	3 450	🇨🇳 - 1	6.0%	China (16%)		
Spain	645	875	1 870	1 610	2 985	🇵🇸 + 85	5.2%	Palestine (19%)		
Austria	1 010	7 840	9 705	6 875	2 720	🇦🇫 - 60	4.7%	Afghanistan (29%)		
Slovenia	215	90	620	950	2 370	🇵🇰 + 149	4.1%	Pakistan (33%)		
Poland	5 520	9 360	8 835	:	1 940	n.a.	3.4%	Russia (82%)		
Switzerland	2 525	2 855	5 075	:	1 665	n.a.	2.9%	Georgia (10%)		
France	575	690	1 045	1 460	1 665	🇸🇾 + 14	2.9%	Syria (11%)		
Denmark	1 235	1 730	3 255	1 480	1 450	🇸🇹 - 2	2.5%	Stateless (14%)		
Romania	110	105	210	1 485	1 275	🇮🇶 - 14	2.2%	Iraq (71%)		
Belgium	1 785	1 320	3 360	1 515	1 275	🇬🇪 - 16	2.2%	Georgia (20%)		
Netherlands	495	910	2 080	805	900	🇦🇿 + 12	1.6%	Azerbaijan (10%)		
Cyprus	480	445	470	510	810	🇪🇬 + 59	1.4%	Egypt (12%)		
Bulgaria	195	14 730	10 050	10 045	805	🇮🇶 - 92	1.4%	Iraq (65%)		
Croatia	255	80	1 255	565	500	🇦🇫 - 12	0.9%	Afghanistan (27%)		
Portugal	30	50	55	80	380	🇸🇾 + 375	0.7%	Syria (16%)		
Finland	300	3 175	3 750	555	365	🇮🇶 - 34	0.6%	Iraq (37%)		
Ireland	1 690	1 330	1 140	:	355	n.a.	0.6%	Pakistan (15%)		
Czech Republic	55	125	110	150	310	🇨🇺 + 107	0.5%	Cuba (35%)		
Malta	560	140	115	185	235	🇸🇴 + 27	0.4%	Somalia (36%)		
Luxembourg	150	245	545	280	190	🇬🇪 - 32	0.3%	Georgia (16%)		
Iceland	35	55	200	560	165	🇦🇱 - 71	0.3%	Albania (33%)		
Hungary	18 150	103 015	44 905	3 460	120	🇦🇫 - 97	0.2%	Afghanistan (25%)		
Norway	60	360	475	145	105	🇸🇾 - 28	0.2%	Syria (14%)		
Lithuania	150	155	65	:	100	n.a.	0.2%	Russia (25%)		
Slovakia	135	125	35	:	70	n.a.	0.1%	Iraq (21%)		
Latvia	185	225	150	140	55	🇻🇳 - 61	0.1%	Vietnam (27%)		
Liechtenstein	20	40	30	10	40	🇬🇪 + 300	0.1%	Georgia (38%)		
Estonia	25	75	20	20	25	🇷🇺 + 25	0.0%	Russia (20%)		
Citizenship						Reporting country				
Iraq	2 685	18 155	24 730	11 570	5 905	🇮🇶 - 49	10%	Greece (29%)		
Afghanistan	8 030	40 230	29 810	16 785	5 065	🇸🇰 - 70	9%	Greece (40%)		
Pakistan	6 765	12 375	12 640	9 035	4 370	🇸🇾 - 52	8%	Greece (34%)		
Syria	6 640	39 600	24 970	6 625	3 925	🇮🇶 - 41	6.8%	Greece (40%)		
Russia	5 660	8 175	8 990	2 195	2 635	🇵🇰 + 20	4.6%	Poland (60%)		
Nigeria	1 905	2 790	4 070	5 605	2 195	🇮🇹 - 61	3.8%	Italy (58%)		
Georgia	3 430	1 880	2 225	2 285	2 055	🇸🇪 - 10	3.6%	Sweden (20%)		
Turkey	765	890	1 555	1 880	1 965	🇬🇷 + 5	3.4%	Greece (63%)		
Albania	1 615	6 375	7 245	2 650	1 750	🇬🇪 - 34	3.0%	Greece (34%)		
Algeria	1 025	1 545	3 350	2 225	1 735	🇸🇮 - 22	3.0%	Slovenia (24%)		
Iran	1 095	2 415	5 550	3 360	1 685	🇬🇪 - 50	2.9%	Greece (24%)		
Morocco	1 160	1 330	3 750	2 410	1 505	🇮🇹 - 38	2.6%	Italy (15%)		
Guinea	440	385	1 130	2 345	1 115	🇮🇹 - 52	1.9%	Italy (66%)		
Bangladesh	2 150	3 490	2 840	2 270	1 115	🇮🇹 - 51	1.9%	Italy (40%)		
Côte d'Ivoire	490	615	1 015	1 970	1 075	🇮🇹 - 45	1.9%	Italy (83%)		
Other	29 220	49 645	44 025	33 080	19 295	🇮🇹 - 42	34%	Italy (16%)		
EU+	73 075	189 895	177 895	106 290	57 390	🇮🇶 - 46		Iraq (10%)		

Annex 5: Unaccompanied minors in the EU+ by country and main citizenship, 2014-2018

						2018				
	2014	2015	2016	2017	2018	% chg. on last year	Share in EU+	Highest share	Sparkline	
Reporting country						Citizenship				
Germany	4 400	22 255	35 935	9 085	4 085	↓ - 55	20%	Afghanistan (18%)		
Italy	2 505	4 070	6 020	10 005	3 885	↓ - 61	19%	Gambia, The (17%)		
United Kingdom	1 945	3 255	3 175	2 205	2 870	↔ + 30	14%	Eritrea (22%)		
Greece	440	420	2 350	2 455	2 640	↔ + 8	13%	Pakistan (30%)		
Netherlands	960	3 855	1 705	1 180	1 225	↔ + 4	6%	Eritrea (35%)		
Sweden	7 045	34 295	2 160	1 285	930	↓ - 28	4.6%	Syria (15%)		
Belgium	470	2 545	1 020	735	810	↔ + 10	4.0%	Afghanistan (34%)		
France	270	320	475	590	740	↔ + 25	3.6%	Afghanistan (34%)		
Slovenia	65	40	245	390	555	↔ + 42	2.7%	Pakistan (40%)		
Bulgaria	940	1 815	2 750	440	480	↔ + 9	2.4%	Afghanistan (76%)		
Switzerland	775	2 670	1 985	765	435	↓ - 43	2.1%	Afghanistan (24%)		
Austria	1 975	8 275	3 900	1 350	390	↓ - 71	1.9%	Afghanistan (42%)		
Cyprus	50	105	215	225	260	↔ + 16	1.3%	Syria (38%)		
Denmark	815	2 125	1 185	460	240	↓ - 48	1.2%	Morocco (31%)		
Norway	940	4 790	270	175	145	↓ - 17	0.7%	Syria (28%)		
Romania	95	55	45	265	135	↓ - 49	0.7%	Iraq (74%)		
Poland	185	150	140	115	125	↔ + 9	0.6%	Russia (60%)		
Finland	195	2 535	370	175	105	↓ - 40	0.5%	Iraq (19%)		
Spain	15	25	30	20	75	↑ + 275	0.4%	Guinea (20%)		
Hungary	605	8 805	1 220	230	40	↓ - 83	0.2%	Afghanistan (63%)		
Portugal	15	50	25	40	40	↔ + 0	0.2%	Congo (DR) (25%)		
Luxembourg	30	105	50	50	35	↓ - 30	0.2%	Afghanistan (14%)		
Croatia	10	5	170	40	25	↓ - 38	0.1%	Afghanistan (40%)		
Ireland	30	35	35	30	15	↓ - 50	0.1%	Albania (33%)		
Slovakia	10	5	0	10	10	↔ + 0	0.0%	Afghanistan (50%)		
Iceland	0	5	20	10	5	↓ - 50	0.0%	Not specified		
Malta	55	35	15	5	5	↔ + 0	0.0%	Not specified		
Latvia	0	10	5	10	5	↓ - 50	0.0%	Vietnam (100%)		
Czech Republic	5	15	0	0	0	:	0.0%			
Lithuania	5	5	0	0	0	:	0.0%			
Liechtenstein	0	5	5	0	0	:	0.0%			
Estonia	0	0	0	0	0	:	0.0%			
Citizenship						Reporting country				
Afghanistan	5 800	47 370	23 990	5 340	3 340	↓ - 37	16%	Greece (24%)		
Eritrea	3 635	5 890	3 330	3 110	2 040	↓ - 34	10%	United Kingdom (30%)		
Syria	3 060	17 240	11 990	1 765	1 405	↓ - 20	6.9%	Greece (26%)		
Pakistan	220	995	1 945	1 845	1 385	↓ - 25	6.8%	Greece (58%)		
Guinea	235	440	1 165	2 165	1 270	↓ - 41	6.2%	Germany (41%)		
Iraq	380	5 195	4 155	1 240	1 130	↓ - 9	5.6%	United Kingdom (27%)		
Somalia	2 180	3 670	2 765	1 765	1 040	↓ - 41	5.1%	Germany (55%)		
Gambia, The	1 065	1 510	2 320	2 580	905	↓ - 65	4.5%	Italy (71%)		
Sudan	100	295	405	550	650	↔ + 18	3.2%	United Kingdom (71%)		
Nigeria	400	890	1 085	1 390	590	↓ - 58	2.9%	Italy (70%)		
Morocco	605	610	635	705	525	↓ - 26	2.6%	Netherlands (28%)		
Iran	160	795	935	405	505	↔ + 25	2.5%	United Kingdom (50%)		
Albania	805	1 065	755	530	490	↓ - 8	2.4%	United Kingdom (58%)		
Bangladesh	295	735	740	1 320	445	↓ - 66	2.2%	Italy (62%)		
Mali	370	415	565	875	435	↓ - 50	2.1%	Italy (85%)		
Other	3 840	15 565	8 740	6 765	4 170	↓ - 38	20.5%	Italy (28%)		
EU+	23 150	102 680	65 520	32 350	20 325	↓ - 37		Afghanistan (16%)		

Annex 6: Refugee status granted at first instance in the EU+ by EU+ country and main citizenship, 2014-2018

						2018			
	2014	2015	2016	2017	2018	% chg. on last year	Share in EU+	Highest share	Sparkline
Reporting country						Citizenship			
Germany	33 310	137 135	256 135	123 895	41 370	↓ - 67	32%	Syria (44%)	
France	11 980	16 790	18 715	19 005	21 125	↑ + 11	16.3%	Sudan (12%)	
Greece	1 270	3 665	2 470	9 420	12 635	↑ + 34	9.7%	Syria (47%)	
Austria	5 655	12 590	24 685	17 800	10 620	↓ - 40	8.2%	Syria (39%)	
Belgium	6 460	8 825	11 760	9 655	7 860	↓ - 19	6.1%	Syria (22%)	
United Kingdom	9 000	12 175	8 410	7 480	7 650	→ + 2	5.9%	Iran (15%)	
Italy	3 640	3 575	4 800	5 895	6 490	↑ + 10	5.0%	Nigeria (21%)	
Switzerland	6 140	6 285	5 850	6 240	6 190	→ - 1	4.8%	Eritrea (48%)	
Sweden	10 245	12 740	16 875	13 330	5 990	↓ -55.1	4.6%	Afghanistan (24%)	
Finland	490	1 060	4 320	2 400	1 765	↓ - 26	1.4%	Iraq (41%)	
Netherlands	2 485	6 660	9 740	3 030	1 760	↓ -42	1.4%	Syria (34%)	
Norway	3 590	5 410	11 565	3 835	1 335	↓ - 65	1.0%	Syria (43%)	
Luxembourg	105	170	740	1 085	940	↓ -13.4	0.7%	Syria (33%)	
Denmark	3 765	7 605	4 275	1 280	825	↓ - 36	0.6%	Eritrea (71%)	
Ireland	130	150	445	640	630	→ - 2	0.5%	Syria (67%)	
Spain	385	220	355	580	575	→ - 1	0.4%	Palestine (14%)	
Bulgaria	5 165	4 705	765	800	315	↓ - 61	0.2%	Syria (83%)	
Romania	370	240	600	865	305	↓ - 65	0.2%	Syria (38%)	
Portugal	20	35	105	120	220	↑ + 83	0.2%	Syria (30%)	
Cyprus	55	195	210	220	195	↓ - 11	0.2%	Syria (28%)	
Poland	260	350	95	150	170	↑ + 13	0.1%	Turkey (15%)	
Malta	190	265	165	165	150	↓ - 9	0.1%	Syria (53%)	
Lithuania	15	15	180	275	120	↓ - 56	0.1%	Syria (46%)	
Croatia	15	35	85	120	115	→ - 4	0.1%	Syria (48%)	
Slovenia	30	35	140	140	100	↓ - 29	0.1%	Syria (40%)	
Iceland	15	30	50	50	85	↑ + 70	0.1%	Iraq (41%)	
Hungary	240	145	155	105	70	↓ - 33	0.1%	Iran (36%)	
Czech Republic	75	55	140	25	40	↑ + 60	0.0%	China (25%)	
Latvia	5	5	45	35	25	↓ - 29	0.0%	Russia (40%)	
Estonia	20	20	65	50	15	↓ - 70	0.0%	Azerbaijan (33%)	
Slovakia	0	5	5	0	0	:	0.0%		
Liechtenstein	0	0	20	15	0	↓ - 100	0.0%		
Citizenship						Reporting country			
Syria	40 080	137 055	219 790	63 640	36 635	↓ - 42	28%	Germany (50%)	
Iraq	5 305	19 925	47 310	34 355	11 605	↓ - 66	9%	Germany (37%)	
Afghanistan	6 320	5 955	20 870	30 850	11 365	↓ - 63	8.8%	Austria (21%)	
Eritrea	13 830	26 135	27 895	19 445	10 780	↓ - 45	8.3%	Switzerland (27%)	
Iran	5 175	5 175	10 140	20 670	7 205	↓ - 65	5.6%	Germany (34%)	
Turkey	900	720	535	4 855	6 895	↑ +42	5.3%	Germany (53%)	
Somalia	2 960	2 940	5 545	8 235	4 440	↓ -46	3.4%	Germany (43%)	
Sudan	1 630	4 465	4 530	5 435	3 625	↓ - 33	2.8%	France (67%)	
Russia	2 810	2 545	2 555	2 590	2 590	→ +.	2.0%	France (37%)	
Nigeria	535	740	1 115	2 795	2 575	↓ -7.9	2.0%	Italy (52%)	
Unknown	2 495	6 200	9 385	4 030	2 510	↓ -38	1.9%	Germany (69%)	
Stateless	3 915	8 935	12 925	5 145	2 480	↓ - 52	1.9%	Germany (29%)	
Congo (DR)	1 400	1 435	1 485	1 710	2 110	↑ + 23	1.6%	France (75%)	
Guinea	1 365	1 580	1 095	2 080	2 025	→ -3	1.6%	France (61%)	
China	1 315	1 425	1 360	1 375	1 990	↑ + 45	1.5%	France (77%)	
Other	15 095	15 960	17 425	21 495	20 855	→ - 3	16.1%	France (37%)	
EU+	105 130	241 190	383 960	228 705	129 685	↓ - 43		Syria (28%)	

Annex 7: Subsidiary protection status granted at first instance in the EU+ by EU+ country and main citizenship, 2014-2018

						2018			
	2014	2015	2016	2017	2018	% chg. on last year	Share in EU+	Highest share	Sparkline
Reporting country	Citizenship								
Germany	5 175	1 705	153 695	98 065	25 030	↓	-74	40%	Syria (69%)
France	2 835	3 845	10 040	13 560	11 600	↔	-14	18%	Afghanistan (43%)
Italy	7 625	10 270	12 090	6 385	4 205	↔	-34	6.7%	Iraq (15%)
Sweden	19 095	18 125	47 210	12 265	3 985	↓	-68	6.3%	Syria (66%)
Austria	1 380	2 100	5 355	7 015	3 620	↔	-48	5.7%	Afghanistan (47%)
Greece	590	355	245	1 035	2 575	↑	+149	4.1%	Iraq (49%)
Spain	1 200	800	6 500	3 515	2 320	↔	-34	3.7%	Syria (78%)
Belgium	1 585	1 650	3 290	2 930	1 815	↔	-38	2.9%	Afghanistan (60%)
Netherlands	9 290	9 400	10 705	4 135	1 485	↓	-64	2.4%	Syria (44%)
United Kingdom	105	125	210	250	1 295	↑	+418	2.1%	Libya (80%)
Switzerland	2 640	2 630	1 805	1 070	1 120	↔	+5	1.8%	Eritrea (43%)
Cyprus	940	1 390	1 090	1 020	1 015	↔	-0	1.6%	Syria (93%)
Malta	900	915	970	585	475	↔	-19	0.8%	Libya (43%)
Bulgaria	1 840	890	585	895	420	↓	-53	0.7%	Syria (85%)
Portugal	90	160	215	380	405	↔	+7	0.6%	Syria (57%)
Finland	475	460	1 705	650	395	↔	-39	0.6%	Iraq (42%)
Romania	370	235	200	380	290	↔	-24	0.5%	Syria (72%)
Hungary	250	275	270	1 110	280	↓	-75	0.4%	Afghanistan (46%)
Poland	165	165	150	340	190	↔	-44	0.3%	Ukraine (39%)
Ireland	270	180	40	50	180	↑	+260	0.3%	Afghanistan (28%)
Czech Republic	285	390	290	115	110	↔	-4	0.2%	Syria (45%)
Luxembourg	15	15	25	40	60	↔	+50	0.1%	Afghanistan (58%)
Denmark	1 625	1 255	330	260	55	↓	-79	0.1%	Afghanistan (36%)
Norway	1 140	675	400	150	50	↓	-67	0.1%	Eritrea (50%)
Slovakia	95	40	10	20	35	↔	+75	0.1%	Yemen (57%)
Iceland	10	20	40	20	20	↔	+0	0.0%	Iraq (25%)
Lithuania	55	65	15	15	20	↔	+33	0.0%	Afghanistan (25%)
Croatia	10	5	15	30	20	↔	-33	0.0%	Syria (100%)
Slovenia	10	10	30	15	5	↓	-67	0.0%	Afghanistan (0%)
Liechtenstein	0	0	10	5	5	↔	+0	0.0%	Afghanistan (0%)
Estonia	0	55	65	45	5	↓	-89	0.0%	Eritrea (100%)
Latvia	20	15	90	235	5	↓	-98	0.0%	Eritrea (100%)
Citizenship	Reporting country								
Syria	30 605	26 760	183 625	74 745	27 215	↓	-64	43%	Germany (64%)
Afghanistan	4 890	6 030	17 870	24 465	11 485	↓	-53	18.2%	France (43%)
Iraq	1 985	2 160	15 940	19 650	4 380	↓	-78	6.9%	Greece (29%)
Eritrea	5 420	7 720	11 490	9 925	3 895	↓	-61	6.2%	Germany (72%)
Somalia	3 315	2 610	4 040	7 335	2 740	↔	-63	4.3%	Germany (29%)
Libya	125	760	780	985	1 725	↔	+75	2.7%	United Kingdom (60%)
Yemen	40	125	600	1 385	1 285	↔	-7	2.0%	Germany (39%)
Albania	530	425	690	995	865	↔	-13	1.4%	France (98%)
Pakistan	1 085	1 790	2 300	1 175	755	↔	-36	1.2%	Italy (83%)
Sudan	270	325	585	1 160	705	↔	-39	1.1%	France (59%)
Unknown	630	240	7 050	3 495	535	↓	-85	0.8%	Germany (83%)
Mali	320	815	1 365	615	530	↔	-14	0.8%	Italy (92%)
Ukraine	250	1 250	960	935	530	↔	-43	0.8%	Italy (30%)
Russia	565	435	575	765	465	↔	-39	0.7%	Germany (31%)
Stateless	4 650	1 260	3 080	1 560	425	↓	-73	0.7%	Germany (41%)
Other	5 405	5 515	6 745	7 400	5 565	↔	-25	8.8%	France (47%)
EU+	60 085	58 220	257 695	156 590	63 100	↓	-60		Syria (43%)

Annex 8: Humanitarian protection status granted at first instance in the EU+ by EU+ country and main citizenship, 2014-2018

						2018			
	2014	2015	2016	2017	2018	% chg. on last year	Share in EU+	Highest share	Sparkline
Reporting country						Citizenship			
Italy	9 315	15 770	18 515	19 515	19 970	➡ + 2	48%	Nigeria (16%)	
Germany	2 075	2 070	24 080	39 655	9 540	⬇ - 76	23%	Afghanistan (41%)	
Switzerland	6 630	5 080	5 535	7 300	7 920	➡ + 8	19%	Afghanistan (50%)	
United Kingdom	1 010	1 650	1 315	840	1 155	➡ + 38	2.8%	Nigeria (17%)	
Austria	140	355	330	385	780	⬆ +103	1.9%	Afghanistan (35%)	
Sweden	1 310	1 495	2 500	1 185	670	⬇ - 43	1.6%	Afghanistan (25%)	
Denmark	90	1 135	2 525	825	435	⬇ - 47	1.0%	Syria (86%)	
Netherlands	775	390	365	645	375	⬇ - 42	0.9%	Turkey (37%)	
Finland	300	160	1 045	380	240	⬇ - 37	0.6%	Afghanistan (42%)	
Ireland	:	:	:	70	195	⬆ + 179	0.5%	Albania (13%)	
Norway	175	165	810	780	75	⬇ - 90	0.2%	Afghanistan (40%)	
Malta	165	75	55	10	25	⬆ + 150	0.1%	Nigeria (40%)	
Hungary	20	5	5	75	20	⬇ - 73	0.0%	Georgia (25%)	
Poland	295	120	50	20	15	⬇ - 25	0.0%	Georgia (100%)	
Slovakia	75	35	195	40	10	⬇ - 75	0.0%	Afghanistan (0%)	
Czech Republic	15	15	5	5	5	➡ + 0	0.0%	Afghanistan (0%)	
Liechtenstein	0	0	15	0	5	:	0.0%	China (100%)	
Iceland	5	5	5	5	0	⬇ - 100	:	:	
Romania	0	0	0	0	0	:	:	:	
Spain	0	0	0	0	0	:	:	:	
Greece	115	10	0	0	0	:	:	:	
Cyprus	0	0	0	0	0	:	:	:	
Croatia	:	0	0	0	0	:	:	:	
Estonia	0	0	0	0	0	:	:	:	
Slovenia	:	:	:	:	:	:	:	:	
Bulgaria	:	:	:	:	:	:	:	:	
Portugal	:	:	:	:	:	:	:	:	
France	:	:	:	:	:	:	:	:	
Luxembourg	:	:	:	:	:	:	:	:	
Belgium	:	:	:	:	:	:	:	:	
Lithuania	0	0	0	0	:	:	:	:	
Latvia	:	:	:	:	:	:	:	:	
Citizenship						Reporting country			
Afghanistan	3 540	2 330	22 575	30 775	8 580	⬇ - 72	21%	Switzerland (46%)	
Nigeria	1 525	2 710	3 535	5 625	4 430	⬇ - 21	10.7%	Italy (73%)	
Bangladesh	285	1 115	1 510	1 875	2 665	➡ + 42	6.4%	Italy (98%)	
Iraq	660	540	1 385	2 875	2 635	⬇ - 8	6.4%	Germany (50%)	
Gambia, The	1 090	2 575	2 390	2 620	2 320	⬇ - 11	5.6%	Italy (93%)	
Syria	2 870	3 230	4 460	2 480	2 215	⬇ - 11	5.3%	Switzerland (68%)	
Pakistan	1 205	1 505	1 830	1 845	1 535	⬇ - 17	3.7%	Italy (89%)	
Guinea	240	545	710	1 625	1 445	⬇ - 11	3.5%	Italy (82%)	
Senegal	755	1 335	1 465	1 410	1 365	⬇ - 3	3.3%	Italy (99%)	
Mali	1 695	1 945	1 625	1 355	1 255	⬇ - 7	3.0%	Italy (98%)	
Côte d'Ivoire	355	640	915	1 340	1 155	⬇ - 14	2.8%	Italy (92%)	
Somalia	1 135	665	2 595	2 785	1 125	⬇ - 60	2.7%	Germany (58%)	
Ghana	315	730	1 250	1 350	975	⬇ - 28	2.4%	Italy (94%)	
Eritrea	470	790	1 525	2 165	815	⬇ - 62	2.0%	Switzerland (60%)	
Ukraine	180	1 155	1 410	1 215	810	⬇ - 33	2.0%	Italy (88%)	
Other	6 195	6 735	8 160	10 395	8 105	⬇ - 22	20%	Italy (47%)	
EU+	22 515	28 545	57 340	71 735	41 430	⬇ - 42		Afghanistan (21%)	

Annex 9: Rejections at first instance in the EU+ by EU+ country and main citizenship, 2014-2018

						2018				
	2014	2015	2016	2017	2018	% chg. on last year	Share in EU+	Highest share	Sparkline	
Reporting country						Citizenship				
Germany	56 715	108 370	197 180	262 565	103 175	↓ - 61	28%	Iraq (10%)		
France	53 685	57 280	58 730	78 380	82 325	↔ +5	22%	Albania (10%)		
Italy	14 600	41 730	54 470	46 440	64 540	↔ + 39	18%	Nigeria (23%)		
Sweden	9 255	16 210	29 185	34 285	20 690	↘ - 40	5.6%	Afghanistan (24%)		
Austria	2 230	6 050	12 045	19 960	19 500	↘ - 2	5.3%	Afghanistan (42%)		
United Kingdom	15 695	24 115	20 980	19 270	18 765	↘ - 3	5.1%	Iraq (12%)		
Greece	11 335	5 610	8 740	14 055	17 130	↗ + 22	4.7%	Pakistan (36%)		
Belgium	12 290	8 945	9 915	11 460	9 340	↘ - 18	2.5%	Afghanistan (20%)		
Spain	2 035	2 220	3 395	7 965	8 980	↗ + 13	2.4%	Ukraine (29%)		
Netherlands	6 240	4 015	8 065	8 135	6 665	↘ - 18	1.8%	Albania (8%)		
Poland	1 980	2 870	2 185	2 090	2 360	↗ + 13	0.6%	Russia (57%)		
Finland	1 070	1 280	13 685	3 745	2 035	↘ - 46	0.6%	Iraq (48%)		
Switzerland	6 390	7 840	9 395	1 610	1 775	↗ + 10	0.5%	Eritrea (17%)		
Bulgaria	430	580	1 700	3 045	1 370	↘ - 55	0.4%	Afghanistan (52%)		
Denmark	2 580	2 305	3 285	4 510	1 315	↓ -70.8	0.4%	Georgia (14%)		
Cyprus	310	480	675	1 205	1 265	↗ + 5	0.3%	India (21%)		
Czech Republic	625	875	860	1 045	1 230	↗ + 18	0.3%	Ukraine (26%)		
Malta	475	240	245	345	855	↗ +148	0.2%	Somalia (38%)		
Romania	845	840	490	820	700	↘ -14.6	0.2%	Iraq (38%)		
Norway	2 735	3 225	6 535	1 935	655	↓ - 66	0.2%	Iran (10%)		
Hungary	4 935	2 915	4 675	2 880	590	↓ - 80	0.2%	Iraq (43%)		
Portugal	115	180	270	455	415	↘ - 9	0.1%	Congo (DR) (24%)		
Luxembourg	765	590	485	590	390	↘ - 34	0.1%	Georgia (18%)		
Croatia	210	145	185	325	300	↘ - 8	0.1%	Afghanistan (20%)		
Iceland	25	135	445	315	275	↘ - 13	0.1%	Georgia (22%)		
Ireland	660	665	1 645	125	170	↗ + 36	0.0%	Georgia (18%)		
Slovenia	50	85	95	90	135	↗ + 50	0.0%	Algeria (48%)		
Lithuania	110	95	85	85	135	↗ + 59	0.0%	Belarus (19%)		
Latvia	70	145	125	95	95	↔ + 0	0.0%	Russia (21%)		
Estonia	35	100	60	60	55	↘ - 8	0.0%	Russia (18%)		
Slovakia	110	50	45	30	40	↗ + 33	0.0%	Vietnam (25%)		
Liechtenstein	10	25	35	15	30	↗ + 100	0.0%	Serbia (50%)		
Citizenship						Reporting country				
Afghanistan	7 210	7 480	48 605	95 000	31 105	↓ - 67	8%	Germany (29%)		
Nigeria	7 865	14 395	21 300	31 350	27 585	↘ - 12	7.5%	Italy (55%)		
Iraq	3 320	4 095	38 565	43 230	24 600	↘ -43	6.7%	Germany (42%)		
Pakistan	11 850	14 150	27 135	35 010	23 330	↘ - 33	6.4%	Italy (31%)		
Albania	12 610	41 025	41 895	27 735	17 005	↘ - 39	4.6%	France (49%)		
Bangladesh	6 795	9 465	11 715	13 190	14 975	↗ +14	4.1%	Italy (51%)		
Georgia	6 135	5 375	6 445	8 685	13 700	↗ + 58	3.7%	France (37%)		
Iran	3 630	3 040	9 920	18 515	12 045	↘ - 35	3.3%	Germany (49%)		
Russia	9 860	10 275	13 675	17 170	11 280	↘ - 34	3.1%	Germany (46%)		
Guinea	3 435	4 025	4 845	10 045	10 470	↗ +4	2.9%	France (39%)		
Côte d'Ivoire	1 770	2 735	4 245	6 525	9 290	↗ + 42	2.5%	France (45%)		
Syria	3 780	5 565	8 440	8 450	8 965	↗ + 6	2.4%	Germany (68%)		
Gambia, The	3 110	6 725	7 635	10 765	8 245	↘ -23	2.2%	Italy (56%)		
Ukraine	2 495	6 890	8 895	10 575	7 940	↘ -25	2.2%	Spain (33%)		
Turkey	3 715	2 640	2 855	9 815	7 920	↘ - 19	2.2%	Germany (57%)		
Other	121 045	162 345	193 740	181 875	138 855	↘ - 24	38%	France (31%)		
EU+	208 625	300 225	449 910	527 935	367 310	↘ - 30		Afghanistan (8%)		

Annex 10: Decisions at first instance in the EU+ by EU+ country and main citizenships, 2014-2018

						2018			
	2014	2015	2016	2017	2018	% chg. on last year	Share in EU+	Highest share	Sparkline
Reporting country						Citizenship			
Germany	97 275	249 280	631 085	524 185	179 110	↓ - 66	30%	Syria (23%)	
France	68 500	77 910	87 485	110 945	115 045	↔ + 4	19.1%	Albania (8%)	
Italy	35 180	71 345	89 875	78 235	95 210	↔ + 22	15.8%	Nigeria (21%)	
Austria	9 405	21 095	42 415	45 160	34 525	↔ - 24	5.7%	Afghanistan (36%)	
Greece	13 305	9 640	11 455	24 510	32 340	↔ + 32	5.4%	Syria (20%)	
Sweden	39 905	48 570	95 770	61 065	31 335	↔ -48.7	5.2%	Afghanistan (23%)	
United Kingdom	25 815	38 070	30 915	27 840	28 860	↔ + 4	4.8%	Iraq (10%)	
Belgium	20 335	19 420	24 960	24 045	19 020	↔ - 21	3.2%	Afghanistan (20%)	
Switzerland	21 800	21 840	22 580	16 225	17 000	↔ + 5	2.8%	Afghanistan (28%)	
Spain	3 620	3 240	10 250	12 055	11 875	↔ - 1	2.0%	Ukraine (24%)	
Netherlands	18 790	20 465	28 875	15 945	10 285	↔ - 35	1.7%	Syria (16%)	
Finland	2 340	2 960	20 750	7 180	4 440	↔ - 38	0.7%	Iraq (44%)	
Poland	2 700	3 510	2 480	2 600	2 735	↔ + 5	0.5%	Russia (52%)	
Denmark	8 055	12 300	10 410	6 875	2 625	↔ - 62	0.4%	Eritrea (23%)	
Cyprus	1 305	2 065	1 975	2 450	2 475	↔ + 1	0.4%	Syria (40%)	
Norway	7 640	9 475	19 310	6 700	2 115	↔ - 68	0.4%	Syria (30%)	
Bulgaria	7 435	6 175	3 045	4 740	2 110	↔ - 55	0.4%	Afghanistan (36%)	
Malta	1 735	1 490	1 435	1 110	1 500	↔ + 35	0.2%	Somalia (24%)	
Luxembourg	885	775	1 255	1 715	1 390	↔ - 19	0.2%	Eritrea (23%)	
Czech Republic	1 000	1 335	1 300	1 190	1 385	↔ + 16	0.2%	Ukraine (25%)	
Romania	1 585	1 320	1 295	2 065	1 295	↔ - 37	0.2%	Iraq (32%)	
Ireland	1 060	1 000	2 130	885	1 175	↔ + 33	0.2%	Syria (36%)	
Portugal	230	370	590	955	1 045	↔ + 9	0.2%	Syria (28%)	
Hungary	5 445	3 340	5 105	4 170	960	↔ - 77	0.2%	Afghanistan (39%)	
Croatia	235	185	285	475	435	↔ - 8	0.1%	Syria (18%)	
Iceland	55	185	540	390	380	↔ -2.6	0.1%	Iraq (17%)	
Lithuania	185	180	280	370	270	↔ - 27	0.0%	Syria (20%)	
Slovenia	95	130	265	240	235	↔ - 2	0.0%	Algeria (28%)	
Latvia	95	170	260	360	125	↔ - 65	0.0%	Russia (24%)	
Slovakia	280	130	250	90	80	↔ - 11	0.0%	Yemen (25%)	
Estonia	55	180	190	155	75	↔ - 52	0.0%	Russia (13%)	
Liechtenstein	10	30	75	40	40	↔ + 0	0.0%	Serbia (38%)	
Citizenship						Reporting country			
Syria	77 335	172 615	416 315	149 310	75 030	↔ - 50	12%	Germany (56%)	
Afghanistan	21 960	21 800	109 915	181 085	62 535	↔ - 65	10.4%	Germany (26%)	
Iraq	11 275	26 720	103 205	100 110	43 220	↔ - 57	7.2%	Germany (39%)	
Nigeria	10 760	18 875	27 005	40 475	34 935	↔ - 14	5.8%	Italy (57%)	
Pakistan	16 160	19 170	32 845	39 775	27 155	↔ - 32	4.5%	Italy (36%)	
Iran	9 350	8 640	20 995	40 695	20 000	↔ -51	3.3%	Germany (43%)	
Bangladesh	7 580	11 250	14 085	16 010	18 495	↔ +16	3.1%	Italy (57%)	
Albania	13 690	42 130	43 235	29 365	18 415	↔ - 37	3.1%	France (51%)	
Eritrea	22 150	39 915	44 765	34 095	18 115	↔ - 47	3.0%	Germany (34%)	
Turkey	5 120	3 725	3 760	15 355	15 325	↔ -	2.5%	Germany (54%)	
Somalia	10 975	10 705	18 835	26 045	15 255	↔ - 41	2.5%	Germany (44%)	
Russia	13 710	13 700	17 170	21 060	14 745	↔ - 30	2.5%	Germany (41%)	
Georgia	6 500	5 755	6 890	9 170	14 395	↔ + 57	2.4%	France (37%)	
Guinea	5 245	6 375	6 900	14 120	14 240	↔ +1	2.4%	France (39%)	
Côte d'Ivoire	2 670	4 020	5 805	8 780	11 800	↔ + 34	2.0%	Italy (45%)	
Other	161 875	222 785	277 175	259 515	197 865	↔ - 24	33%	France (29%)	
EU+	396 355	628 180	1148 900	984 965	601 525	↔ - 39		Syria (12%)	

Annex 11: Refugee status granted at second or higher instance in the EU+ by EU+ country and main citizenship, 2014-2018

						2018			
	2014	2015	2016	2017	2018	% chg. on last year	Share in EU+	Highest share	Sparkline
Reporting country						Citizenship			
Germany	4 330	5 170	8 515	30 590	19 980	↓ - 35	48%	Syria (52%)	
United Kingdom	2 700	4 030	6 170	6 170	6 195	→ + 0	15%	Eritrea (20%)	
France	4 245	3 830	4 510	5 400	6 015	↑ + 11	14%	Sudan (9%)	
Austria	2 050	1 740	835	2 985	4 195	↑ + 41	10.0%	Afghanistan (65%)	
Sweden	750	745	1 120	1 890	2 020	↑ + 7	4.8%	Afghanistan (42%)	
Finland	75	50	185	535	930	↑ + 74	2.2%	Iraq (65%)	
Italy	10	0	385	385	825	↑ + 114	2.0%	Nigeria (37%)	
Belgium	440	395	320	290	475	↑ + 64	1.1%	Iraq (33%)	
Netherlands	260	255	340	480	400	↓ - 17	1.0%	Iran (20%)	
Denmark	160	210	205	245	200	↓ - 18	0.5%	Iran (75%)	
Ireland	90	180	205	30	185	↑ + 517	0.4%	Zimbabwe (27%)	
Greece	805	1 355	770	510	175	↓ - 66	0.4%	Syria (17%)	
Switzerland	45	70	95	115	170	↑ + 48	0.4%	Syria (32%)	
Norway	240	200	130	145	110	↓ - 24	0.3%	Afghanistan (32%)	
Spain	0	5	15	10	45	↑ + 350	0.1%	Syria (44%)	
Iceland	0	15	5	40	30	↓ - 25	0.1%	Iraq (33%)	
Poland	5	10	20	0	20	:	0.0%	Kyrgyzstan (50%)	
Romania	5	10	5	5	15	↑ + 200	0.0%	Iran (33%)	
Croatia	0	0	0	20	15	↓ - 25	0.0%	Bangladesh (33%)	
Malta	10	30	25	25	10	↓ - 60	0.0%	Ukraine (50%)	
Czech Republic	5	0	0	0	5	:	0.0%	Afghanistan (0%)	
Cyprus	10	45	25	15	5	↓ - 67	0.0%	Nigeria (100%)	
Luxembourg	5	15	5	0	5	:	0.0%	Albania (100%)	
Lithuania	0	0	0	0	5	:	0.0%	Russia (100%)	
Slovenia	0	5	5	0	0	:	0.0%		
Bulgaria	5	0	0	5	0	↓ - 100	0.0%		
Hungary	20	25	5	0	0	:	0.0%		
Slovakia	0	0	5	0	0	:	0.0%		
Portugal	0	0	0	0	0	:	0.0%		
Liechtenstein	0	0	0	0	0	:	0.0%		
Estonia	0	0	0	0	0	:	0.0%		
Latvia	0	0	0	5	0	↓ - 100	0.0%		
Citizenship						Reporting country			
Syria	2 010	3 430	6 210	19 650	12 030	↓ - 39	29%	Germany (86%)	
Afghanistan	2 460	2 310	1 825	5 875	6 925	↑ + 18	16.5%	Austria (40%)	
Iran	1 500	1 390	1 485	2 885	3 085	↑ + 7	7.3%	Germany (56%)	
Iraq	910	1 095	1 170	4 920	2 370	↓ - 52	5.6%	Germany (37%)	
Eritrea	360	765	2 325	2 690	1 950	↓ - 28	4.6%	United Kingdom (65%)	
Pakistan	950	1 075	1 080	1 345	1 655	↑ + 23	3.9%	Germany (44%)	
Unknown	225	285	335	1 070	1 135	↑ + 6	2.7%	Germany (96%)	
Somalia	275	410	390	980	1 035	↑ + 6	2.5%	Austria (33%)	
Sri Lanka	1 125	960	1 075	1 005	995	↓ - 1	2.4%	United Kingdom (71%)	
Nigeria	250	295	470	610	900	↑ + 48	2.1%	Italy (34%)	
Turkey	285	285	240	370	895	↑ + 142	2.1%	Germany (47%)	
Sudan	285	350	540	810	860	↑ + 6	2.0%	France (63%)	
Stateless	155	310	450	860	840	↓ - 2	2.0%	Germany (54%)	
Bangladesh	470	480	640	745	625	↓ - 16	1.5%	France (73%)	
Guinea	390	465	385	445	615	↑ + 38	1.5%	France (78%)	
Other	4 630	4 495	5 265	5 630	6 125	↑ + 9	15%	France (42%)	
EU+	16 280	18 400	23 885	49 890	42 040	↓ - 16		Syria (29%)	

Annex 12: Subsidiary protection granted at second or higher instance in the EU+ by EU+ country and main citizenship, 2014-2018

						2018				
	2014	2015	2016	2017	2018	% chg. on last year	Share in EU+	Highest share	Sparkline	
Reporting country						Citizenship				
Germany	935	525	855	22 395	27 660	👆 +24	72%	Syria (71%)		
Italy	35	10	2 365	2 450	4 365	👆 +78	11%	Nigeria (29%)		
France	1 580	1 555	1 910	2 605	2 705	👉 +4	7%	Sudan (15%)		
Austria	790	850	355	605	1 065	👆 +76	2.8%	Afghanistan (61%)		
Sweden	800	325	1 180	1 330	840	👇 -37	2.2%	Afghanistan (46%)		
Netherlands	340	255	575	685	625	👇 -9	1.6%	Syria (43%)		
United Kingdom	85	180	375	370	370	👉 +0	1.0%	Libya (35%)		
Finland	60	45	50	195	270	👆 +38	0.7%	Afghanistan (46%)		
Denmark	130	70	75	140	130	👇 -7	0.3%	Afghanistan (69%)		
Greece	295	355	160	95	95	👉 +0	0.2%	Afghanistan (58%)		
Belgium	30	30	30	20	95	👆 +375	0.2%	Iraq (63%)		
Romania	30	35	15	75	55	👇 -27	0.1%	Iraq (45%)		
Ireland	5	40	100	50	45	👇 -10	0.1%	Albania (22%)		
Switzerland	15	10	15	15	30	👆 +100	0.1%	Eritrea (33%)		
Poland	15	30	50	30	30	👉 +0	0.1%	Russia (33%)		
Norway	110	105	60	80	25	👇 -69	0.1%	Afghanistan (20%)		
Bulgaria	15	5	15	5	20	👆 +300	0.1%	Syria (50%)		
Iceland	0	5	0	15	20	👆 +33	0.1%	Afghanistan (50%)		
Spain	0	5	0	10	15	👆 +50	0.0%	Iraq (33%)		
Cyprus	205	240	100	40	10	👇 -75	0.0%	Iraq (50%)		
Czech Republic	10	0	10	0	5	: :	0.0%	Ukraine (100%)		
Malta	25	40	40	25	5	👇 -80	0.0%	Afghanistan (0%)		
Croatia	0	0	0	0	5	: :	0.0%	Syria (100%)		
Slovenia	0	0	0	0	0	: :	0.0%			
Hungary	15	15	0	0	0	: :	0.0%			
Slovakia	0	0	0	0	0	: :	0.0%			
Portugal	0	0	0	0	0	: :	0.0%			
Luxembourg	5	10	0	5	0	👇 -100	0.0%			
Lithuania	5	0	0	5	0	👇 -100	0.0%			
Liechtenstein	0	0	0	0	0	: :	0.0%			
Estonia	0	0	0	0	0	: :	0.0%			
Latvia	0	10	10	0	0	: :	0.0%			
Citizenship						Reporting country				
Syria	1 160	530	1 085	16 200	20 295	👆 +25	53%	Germany (97%)		
Iraq	225	235	475	2 960	3 585	👆 +21	9%	Germany (82%)		
Afghanistan	1 330	1 210	840	3 325	3 555	👆 +7	9.2%	Germany (49%)		
Nigeria	65	80	645	690	1 385	👆 +101	3.6%	Italy (92%)		
Eritrea	105	95	345	1 160	1 235	👆 +6	3.2%	Germany (87%)		
Pakistan	80	70	745	815	1 190	👆 +46	3.1%	Italy (91%)		
Somalia	390	335	595	930	970	👉 +4	2.5%	Germany (39%)		
Mali	15	20	415	415	795	👆 +92	2.1%	Italy (98%)		
Unknown	55	25	50	650	750	👆 +15	1.9%	Germany (96%)		
Sudan	135	250	435	585	470	👇 -20	1.2%	France (86%)		
Albania	305	340	240	460	455	👉 -1	1.2%	France (88%)		
Bangladesh	50	55	170	200	320	👆 +60	0.8%	Italy (56%)		
Stateless	175	55	80	310	245	👇 -21	0.6%	Germany (86%)		
Guinea	60	85	120	105	240	👆 +129	0.6%	France (54%)		
Libya	15	75	160	190	230	👆 +21	0.6%	United Kingdom (57%)		
Other	1 375	1 300	1 945	2 255	2 770	👆 +23	7%	Italy (32%)		
EU+	5 540	4 760	8 345	31 250	38 490	👆 +23		Syria (53%)		

Annex 13: Humanitarian protection granted at second or higher instance in the EU+ by EU+ country and main citizenship, 2014-2018

						2018				
	2014	2015	2016	2017	2018	% chg. on last year	Share in EU+	Highest share	Sparkline	
Reporting country						Citizenship				
Germany	1 730	1 615	1 935	10 765	15 975	📉 +48.4	44%	Afghanistan (71%)		
Italy	5	5	2 020	500	12 025	📈 +2 305	33%	Nigeria (19%)		
Sweden	830	1 175	875	1 240	6 080	📈 +390	17%	Afghanistan (79%)		
United Kingdom	1 265	485	595	550	540	📉 - 2	1.5%	Albania (25%)		
Austria	20	115	190	335	420	📉 + 25	1.2%	Afghanistan (24%)		
Greece	775	140	4 900	955	325	📉 - 66	0.9%	Albania (31%)		
Finland	30	15	60	95	220	📈 + 132	0.6%	Afghanistan (55%)		
Norway	610	595	225	275	160	📉 - 42	0.4%	Afghanistan (41%)		
Netherlands	100	85	100	115	150	📉 + 30	0.4%	Afghanistan (23%)		
Switzerland	100	55	40	45	120	📈 + 167	0.3%	Afghanistan (17%)		
Ireland	:	:	:	0	40	:	0.1%	Nigeria (25%)		
Iceland	0	15	10	50	40	📉 - 20	0.1%	Albania (25%)		
Poland	0	15	15	20	15	📉 - 25	0.0%	Russia (67%)		
Spain	10	0	5	5	10	📈 + 100	0.0%	Venezuela (100%)		
Denmark	0	0	0	0	5	:	0.0%	Syria (100%)		
Hungary	5	0	0	0	0	:	0.0%			
Romania	0	0	0	0	0	:	0.0%			
Czech Republic	15	0	0	0	0	:	0.0%			
Malta	0	0	0	0	0	:	0.0%			
Cyprus	5	0	0	0	0	:	0.0%			
Slovakia	0	0	0	0	0	:	0.0%			
Lithuania	0	0	0	0	0	:	0.0%			
Liechtenstein	0	5	0	0	0	:	0.0%			
Croatia	0	0	0	0	0	:	0.0%			
Estonia	0	0	0	0	0	:	0.0%			
Slovenia	:	:	:	:	:	:	:			
Bulgaria	:	:	:	:	:	:	:			
Portugal	:	:	:	:	:	:	:			
France	:	:	:	:	:	:	:			
Luxembourg	:	:	:	:	:	:	:			
Belgium	:	:	:	:	:	:	:			
Latvia	:	:	:	:	:	:	:			
Citizenship						Reporting country				
Afghanistan	1 280	865	860	8 535	16 510	📉 + 93	46%	Germany (68%)		
Nigeria	240	130	735	375	2 915	📈 + 677	8%	Italy (80%)		
Pakistan	360	105	1 305	370	2 025	📈 + 447	6%	Italy (90%)		
Bangladesh	80	25	1 555	370	1 805	📈 +387.8	5.0%	Italy (95%)		
Gambia, The	25	35	360	115	1 380	📈 +1 100	3.8%	Italy (96%)		
Senegal	35	10	365	115	1 190	📈 + 935	3.3%	Italy (98%)		
Syria	25	80	420	520	1 025	📉 + 97	2.8%	Germany (96%)		
Iraq	320	150	190	410	1 000	📈 + 144	2.8%	Germany (68%)		
Mali	5	0	360	100	900	📈 + 800	2.5%	Italy (98%)		
Côte d'Ivoire	15	10	100	35	715	📈 +1 943	2.0%	Italy (96%)		
Somalia	80	140	205	550	685	📉 + 25	1.9%	Germany (64%)		
Ghana	40	25	190	55	590	📈 + 973	1.6%	Italy (94%)		
Guinea	25	15	65	35	515	📈 +1 371	1.4%	Italy (87%)		
Albania	150	135	350	295	370	📉 + 25	1.0%	United Kingdom (36%)		
Russia	230	260	255	335	325	📉 -3	0.9%	Germany (57%)		
Other	2 595	2 335	3 660	2 740	4 170	📉 + 52	12%	Germany (38%)		
EU+	5 505	4 320	10 975	14 955	36 120	📈 + 142		Afghanistan (46%)		

Annex 14: Rejections at second or higher instance in the EU+ by EU+ country and main citizenship, 2014-2018

						2018				
	2014	2015	2016	2017	2018	% chg. on last year	Share in EU+	Highest share	Sparkline	
Reporting country						Citizenship				
Germany	37 340	86 535	112 395	94 335	82 850	📉	-12	42%	Afghanistan (11%)	
France	31 260	29 190	34 870	39 730	37 700	📉	-5	19%	Albania (14%)	
Italy	10	5	5 000	9 255	25 755	📈	+178	13.0%	Nigeria (28%)	
Sweden	10 755	7 435	8 950	14 460	15 885	📈	+10	8.0%	Afghanistan (48%)	
Greece	5 785	5 810	6 655	7 985	6 605	📉	-17	3.3%	Pakistan (48%)	
Belgium	7 480	7 260	5 030	4 755	5 670	📈	+ 19	2.9%	Afghanistan (20%)	
United Kingdom	8 250	7 735	6 595	5 385	5 160	📉	- 4	2.6%	Pakistan (14%)	
Austria	1 210	2 390	2 100	3 030	4 810	📈	+ 59	2.4%	Afghanistan (33%)	
Switzerland	2 295	1 905	1 840	1 795	2 965	📈	+ 65	1.5%	Eritrea (26%)	
Norway	7 470	3 930	4 550	4 230	1 930	📉	-54	1.0%	Afghanistan (28%)	
Denmark	1 495	1 050	1 150	1 675	1 625	📉	- 3	0.8%	Iran (28%)	
Poland	1 360	1 820	1 200	1 720	1 435	📉	- 17	0.7%	Russia (60%)	
Spain	905	570	495	590	905	📈	+ 53	0.5%	Ukraine (34%)	
Netherlands	745	490	745	900	780	📉	- 13	0.4%	Iraq (15%)	
Malta	225	300	265	340	670	📈	+97	0.3%	Somalia (53%)	
Finland	45	55	395	435	645	📈	+ 48	0.3%	Iraq (65%)	
Portugal	95	85	185	0	465		:	0.2%	Congo (DR) (15%)	
Cyprus	275	285	130	300	465	📈	+ 55	0.2%	India (35%)	
Czech Republic	530	395	395	395	395	📉	+ 0	0.2%	Ukraine (39%)	
Ireland	115	305	385	275	380	📈	+ 38	0.2%	Pakistan (22%)	
Iceland	25	35	135	450	285	📉	- 37	0.1%	Georgia (30%)	
Luxembourg	725	445	315	315	250	📉	- 21	0.1%	Albania (18%)	
Romania	135	65	100	105	175	📈	+ 67	0.1%	Iraq (49%)	
Slovenia	65	30	35	40	85	📈	+ 113	0.0%	Algeria (47%)	
Croatia	110	85	105	75	65	📉	- 13	0.0%	Afghanistan (46%)	
Liechtenstein	0	15	30	5	50	📈	+ 900	0.0%	Serbia (90%)	
Latvia	35	65	30	40	40	📉	+ 0	0.0%	Russia (25%)	
Estonia	5	10	40	40	30	📉	- 25	0.0%	Bangladesh (17%)	
Slovakia	55	25	20	10	20	📈	+ 100	0.0%	Vietnam (50%)	
Lithuania	10	10	5	30	20	📉	- 33	0.0%	Armenia (25%)	
Bulgaria	5	5	10	10	15	📈	+ 50	0.0%	Afghanistan (67%)	
Hungary	800	435	765	0	0		:	0.0%		
Citizenship						Reporting country				
Afghanistan	4 225	2 640	8 285	16 810	21 285	📈	+27	11%	Germany (42%)	
Pakistan	6 320	7 200	9 440	12 950	14 715	📈	+ 14	7%	Germany (36%)	
Nigeria	3 120	2 755	3 850	8 020	14 090	📈	+ 76	7.1%	Italy (51%)	
Iraq	2 430	1 520	5 560	11 655	13 690	📈	+ 17	6.9%	Germany (60%)	
Albania	6 020	28 170	35 025	16 400	10 820	📉	- 34	5.5%	France (49%)	
Bangladesh	5 135	4 285	4 680	6 120	6 920	📈	+ 13	3.5%	Italy (37%)	
Russia	6 685	5 625	5 810	7 640	6 830	📉	- 11	3.4%	Germany (63%)	
Georgia	3 140	3 635	3 920	4 835	6 220	📈	+ 29	3.1%	Germany (56%)	
Gambia, The	445	430	1 365	2 555	5 535	📈	+ 117	2.8%	Italy (50%)	
Guinea	2 100	2 130	2 000	2 820	4 595	📈	+ 63	2.3%	France (38%)	
Iran	2 225	1 555	1 920	3 410	4 495	📈	+ 32	2.3%	Germany (56%)	
Armenia	2 730	2 135	2 040	3 655	4 455	📈	+ 22	2.2%	Germany (60%)	
Haiti	1 065	780	2 695	5 110	4 120	📉	-19	2.1%	France (100%)	
Senegal	625	405	1 880	2 470	3 745	📈	+ 52	1.9%	Italy (68%)	
Kosovo	6 495	25 370	19 010	7 655	3 625	📉	- 53	1.8%	Germany (47%)	
Other	66 870	70 145	87 425	80 610	73 125	📉	- 9	37%	Germany (45%)	
EU+	119 630	158 780	194 905	192 715	198 265	📈	+ 3		Afghanistan (11%)	

Annex 15: Resettled persons in the EU+ by EU+ country and main citizenship, 2014-2018

						2018				
	2014	2015	2016	2017	2018	% chg. on last year	Share in EU+	Highest share	Sparkline	
Reporting country									Citizenship	
United Kingdom	785	1 865	5 180	6 210	5 805	⬇️ - 7	20%	Syria (76%)		
France	450	620	600	2 620	5 565	⬆️ +112	20%	Syria (81%)		
Sweden	2 045	1 850	2 155	3 410	4 935	⬆️ +45	17%	Syria (58%)		
Germany	280	510	1 240	3 015	3 200	⬆️ +6	11.3%	Syria (91%)		
Norway	1 285	2 375	3 290	2 815	2 480	⬇️ - 12	8.7%	Syria (66%)		
Netherlands	790	450	695	2 265	1 225	⬇️ -46	4.3%	Syria (67%)		
Italy	0	95	1 045	1 515	1 180	⬇️ -22	4.2%	Syria (58%)		
Switzerland	0	610	620	665	1 080	⬆️ +62	3.8%	Syria (92%)		
Belgium	35	275	450	1 310	880	⬇️ -33	3.1%	Syria (91%)		
Spain	125	0	375	1 490	830	⬇️ -44	2.9%	Syria (100%)		
Finland	1 090	1 005	945	1 090	605	⬇️ -44	2.1%	Syria (60%)		
Ireland	95	175	355	275	340	⬆️ +24	1.2%	Syria (99%)		
Croatia	0	0	0	40	110	⬆️ +175	0.4%	Syria (100%)		
Iceland	10	15	55	45	50	⬆️ +11	0.2%	Iraq (60%)		
Slovenia	0	0	0	0	35	⬆️ :	0.1%	Syria (100%)		
Portugal	15	40	10	170	35	⬇️ -79	0.1%	Syria (57%)		
Estonia	0	0	10	20	30	⬆️ +50	0.1%	Syria (100%)		
Bulgaria	0	0	0	0	20	⬆️ :	0.1%	Syria (100%)		
Lithuania	0	5	25	60	20	⬇️ -67	0.1%	Syria (100%)		
Denmark	370	450	310	5	0	⬇️ -100	0.0%			
Cyprus	0	0	0	0	0	⬆️ :	0.0%			
Malta	0	0	0	15	0	⬇️ -100	0.0%			
Austria	390	760	200	380	:	:	:			
Luxembourg	30	45	50	180	:	:	:			
Romania	40	0	0	45	:	:	:			
Latvia	0	0	5	40	:	:	:			
Liechtenstein	5	20	0	0	:	:	:			
Czech Republic	0	20	0	0	:	:	:			
Hungary	10	5	0	0	:	:	:			
Greece	0	0	0	0	:	:	:			
Poland	0	0	0	0	:	:	:			
Slovakia	0	0	0	0	:	:	:			
Citizenship									Reporting country	
Syria	3 060	6 525	14 105	23 165	21 350	⬇️ - 8	75%	France (21%)		
Congo (DR)	875	1 120	830	1 065	1 805	⬆️ +69	6.3%	Norway (39%)		
Eritrea	710	325	625	645	1 435	⬆️ +122	5.0%	Sweden (27%)		
Sudan	195	465	200	505	910	⬆️ +80	3.2%	France (36%)		
Iraq	365	270	240	535	540	➡️ +1	1.9%	United Kingdom (63%)		
Somalia	630	660	370	405	370	⬇️ -9	1.3%	United Kingdom (36%)		
Afghanistan	870	750	475	315	345	⬆️ +10	1.2%	Sweden (78%)		
Ethiopia	215	330	280	310	275	⬇️ -11	1.0%	Sweden (71%)		
Central African Republic	20	0	10	40	195	⬆️ +388	0.7%	France (59%)		
Palestine	15	20	20	95	195	⬆️ +105	0.7%	United Kingdom (90%)		
South Sudan	20	10	50	75	165	⬆️ +120	0.6%	Sweden (33%)		
Congo	20	5	5	5	130	⬆️ +2 500	0.5%	Netherlands (100%)		
Mali	0	0	0	5	130	⬆️ +2 500	0.5%	France (81%)		
Unknown	85	60	10	80	110	⬆️ +38	0.4%	Netherlands (95%)		
Stateless	155	255	210	180	80	⬇️ -56	0.3%	Sweden (38%)		
Other	615	400	195	255	395	⬆️ +55	1.4%	France (35%)		
EU+	7 850	11 195	17 625	27 680	28 430	➡️ +2.7		Syria (75%)		

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Belgium

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opgesloten, ter beschikking gesteld van de regering of vastgehouden, overeenkomstig de bepalingen vermeld in artikel 74/8, § 1, van de wet van 15 december 1980 betreffende de toegang tot het grondgebied, het verblijf, de vestiging en de verwijdering van vreemdelingen), <http://www.ejustice.just.fgov.be/eli/arrete/2018/07/22/2018031606/justel>

BE LEG 05: Royal Decree of 2 September 2018 Laying down the Regime and the Operating Rules Applicable to the Reception Facilities and the Modalities Concerning Room Inspections (Arrêté Royal du 2 septembre 2018 déterminant le régime et les règles de fonctionnement applicables aux structures d'accueil et les modalités de contrôle des chambres / Koninklijk Besluit van 2 September 2018 tot vastlegging van het stelsel en de werkingsregels van toepassing op de opvangstructuren en de modaliteiten betreffende de kamercontroles), <http://www.ejustice.just.fgov.be/eli/arrete/2018/09/02/2018014042/justel>

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Bulgaria

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Croatia

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HR LEG 02: Law amending the Law on Foreigners, NN 46/2018 (Zakon o izmjenama i dopunama Zakona o strancima, NN 46/2018), https://narodne-novine.nn.hr/clanci/sluzbeni/2018_05_46_860.html

HR LEG 03: Decision Adopting the Protocol on the Treatment of Unaccompanied Children, 022-03/18/07/357, 50301-29/23-18-2 (Zaključak Vlade Republike Hrvatske o Donošenju Protokola o Postupanju Prema Djeci Bez Pratlje, 022-03/18/07/357, 50301-29/23-18-2), <https://mdomsp.gov.hr/istaknute-teme/djeca-i-obitelji/djeca-bez-pratlje/10441>

Cyprus

CY LEG 01: IPAC Law, Law No 73(I)/2018 on the Establishment and the Functioning of the International Protection Administrative Court (Ο Περί Της Ίδρυσης Και Λειτουργίας Διοικητικού Δικαστηρίου Διεθνούς Προστασίας Νόμος Του 2018 (73(I)/2018)), http://www.cylaw.org/nomoi/enop/non-ind/2018_1_73/full.html

Czech Republic

CZ LEG 01: Act No. 258/2017 Coll. of 20 July 2017 Amending Act No. 85/1996 Coll., on Advocacy, as Amended, Act No. 358/1992 Coll., on Notaries and Their Activities (Notaries Order), as Amended, Act No. 120/2001 Coll., on Bailiffs and Their Activities (Enforcement Code) and on Amendments to Other Acts,

as Amended, and Act No. 99/1963 Coll. Civil Procedure Code (258 Zákon Ze Dne 20. Července 2017, Kterým Se Mění Zákon č. 85/1996 Sb., o Advokacii, ve Znění Pozdějších Předpisů, Zákon č. 358/1992 Sb., o Notářích a Jejich Činnosti (Notářský Řád), ve Znění Pozdějších Předpisů, Zákon č. 120/2001 Sb., o Soudních Exekutorech a Exekuční Činnosti (Exekuční Řád) a o Změně Dalšíh Zákonů, ve Znění Pozdějších Předpisů, a Zákon č. 99/1963 Sb., Občanský Soudní Řád, ve Znění Pozdějších Předpisů), <https://aplikace.mvcr.cz/sbirka-zakonu/ViewFile.aspx?type=z&id=62187>

CZ LEG 02: Decree 68/2019 Coll. of 4 March 2019 amending Decree 328/2015 Coll., implementing the Asylum Act and the Act on Temporary Protection of Foreigners (Vyhláška ze dne 4. března 2019, kterou se mění vyhláška č. 328/2015 Sb., kterou se provádí zákon o azylu a zákon o dočasné ochraně cizinců), <https://aplikace.mvcr.cz/sbirka-zakonu/ViewFile.aspx?type=z&id=63720>

CZ LEG 03: Asylum Act, amendments

Denmark

DK LEG 01: Act No. 174 of 27/02/2019 on amendment of the Aliens Act, the Integration Act, the Repatriation Act and various other laws (Lov nr 174 af 27/02/2019 om ændring af udlændingeloven, integrationsloven, repatrieringsloven og forskellige andre love), 27 February 2019, <https://www.retsinformation.dk/Forms/R0710.aspx?id=207366>

Finland

FI LEG 01: Act amending the Aliens Act, Section 98a, 501/2016, 29/06/2016 (Laki ulkomaalaislain muuttamisesta, 98 a § / Lag om ändring av utlänningslagen, 98 a §, 501/2016, 29/06/2016), entry into force on 20 July 2018, <https://www.finlex.fi/fi/laki/alkup/2016/20160501>

FI LEG 02: Government proposal to the Parliament to amend the Aliens Act, HE 273/2018 vp (Hallituksen esitys eduskunnalle laiksi ulkomaalaislain muuttamisesta, HE 273/2018 vp), https://www.eduskunta.fi/FI/vaski/KasittelytiedotValtiopaivaasia/Sivut/HE_273+2018.aspx

France

FR LEG 01: Law n. 2018-778 of 10 September 2018 for managed migration, an effective right to asylum and successful integration, Official Journal n°0209 of 11 September 2018, NOR: INTX1801788L (Loi n° 2018-778 du 10 septembre 2018 pour une immigration maîtrisée, un droit d'asile effectif et une intégration réussie, JORF n°0209 du 11 septembre 2018, NOR: INTX1801788L), <https://www.legifrance.gouv.fr/eli/loi/2018/9/10/INTX1801788L/jo/texte>

FR LEG 02: Law n. 2018-187 of 20 March 2018 allowing for the proper implementation of the European asylum system, NOR: INTX1734902L (Loi n° 2018-187 du 20 mars 2018 permettant une bonne application du régime d'asile européen (1), NOR: INTX1734902L), <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000036728690&fastPos=1&fastReqId=278498290&categorieLien=cid&oldAction=rechTexte>

FR LEG 03: Decree n° 2018-1159 of 14 December 2018 for the implementation of the law n° 2018-778 of 10 September 2018 for managed migration, an effective right to asylum and successful integration and concerning several measures related to the fight against irregular migration and to the processing of asylum applications, NOR: INTV1826113D (Décret n° 2018-1159 du 14 décembre 2018 pris pour l'application de la loi n° 2018-778 du 10 septembre 2018 pour une immigration maîtrisée, un droit d'asile effectif et une intégration réussie et portant diverses dispositions relatives à la lutte contre l'immigration irrégulière et au traitement de la demande d'asile, NOR: INTV1826113D)), https://www.legifrance.gouv.fr/jo_pdf.do?id=JORFTEXT000037816431

FR LEG 04: Decree N° 2018-1359 of 28 December 2018 on Material Reception Conditions, NOR: INTV1833309D (Décret N° 2018-1359 du 28 décembre 2018 relatif aux conditions matérielles d'accueil, NOR: INTV1833309D), <https://www.legifrance.gouv.fr/eli/decret/2018/12/28/INTV1833309D/jo/texte>

FR LEG 05: Decision n° 2018-762 DC of 15 March 2018, (Law allowing for the proper implementation of the European asylum system), NOR : CSCL1807503S (Décision n° 2018-762 DC du 15 mars 2018, Loi permettant une bonne application du régime d'asile européen, NOR : CSCL1807503S), Conseil Constitutionnel, 15 March 2018, https://www.legifrance.gouv.fr/jo_pdf.do?id=JORFTEXT000036728696

FR LEG 06: Ministry of the Interior, Circular of 23 March 2018 (Ministère de l'intérieur, Information relative à l'application de la loi n° 2018-187 du 20 mars 2018 permettant une bonne application du régime d'asile européen, INTV1808045N), <http://circulaires.legifrance.gouv.fr/index.php?action=afficherCirculaire&hit=1&r=43201>

Germany

DE LEG 01: Third Law Amending the Asylum Act of 4 December 2018, BGBl. I S. 2250 (Drittes Gesetz Zur Änderung Des Asylgesetzes Vom 4. Dezember 2018, BGBl. I S. 2250), http://www.bgbl.de/xaver/bgbl/start.xav?startbk=Bundesanzeiger_BGBl&jumpTo=bgbl118s2250.pdf

DE LEG 02: Draft Act, Geordnete-Rückkehr-Gesetz Draft Act on Second Law for Improving the Enforcement of the Obligation to Leave the Country (Entwurf eines zweiten Gesetzes zur besseren Durchsetzung der Ausreisepflicht), <http://dipbt.bundestag.de/dip21/brd/2019/0179-19.pdf>

DE LEG 03: KiQuTG, Act on Good Early Childhood Education and Care (KiQuTG, KiTa-Qualitäts- und -Teilhabeverbesserungsgesetz, Gesetz zur Weiterentwicklung der Qualität und zur Verbesserung der Teilhabe in Tageseinrichtungen und in der Kindertagespflege vom 19. Dezember 2018, BGBl. I S. 2696), 19 December 2018, <http://www.gesetze-im-internet.de/kiqutg/index.html>

Greece

EL LEG 01: L 4375/2016, Asylum Act (Νόμος 4375/2016 «Οργάνωση και λειτουργία Υπηρεσίας Ασύλου, Αρχής Προσφυγών, Υπηρεσίας Υποδοχής και Ταυτοποίησης σύσταση Γενικής Γραμματείας Υποδοχής, προσαρμογή της Ελληνικής Νομοθεσίας προς τις διατάξεις της Οδηγίας 2013/32/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου «σχετικά με τις κοινές διαδικασίες για τη χορήγηση και ανάκληση του καθεστώτος διεθνούς προστασίας (αναδιатύπωση)» (L 180/29.6.2013), διατάξεις για την εργασία δικαιούχων διεθνούς προστασίας και άλλες διατάξεις, ΦΕΚ 51/Α/3-4-2016), last amended by Law 4540/2018 (Νόμος 4540/2018, ΦΕΚ 91/Α/22-5-2018)

EL LEG 02: L 4540/2018, Reception Act (Νόμος 4540/2018 «Προσαρμογή της ελληνικής νομοθεσίας προς τις διατάξεις της Οδηγίας 2013/33/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου της 26ης Ιουνίου 2013, σχετικά με τις απαιτήσεις για την υποδοχή των αιτούντων διεθνή προστασία (αναδιатύπωση, L 180/96/29.6.2013) και άλλες διατάξεις - Τροποποίηση του ν. 4251/2014 (Α' 80) για την προσαρμογή της ελληνικής νομοθεσίας στην Οδηγία 2014/66/ΕΕ της 15ης Μαΐου 2014 του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου σχετικά με τις προϋποθέσεις εισόδου και διαμονής υπηκόων τρίτων χωρών στο πλαίσιο ενδοεταίρικής μετάθεσης - Τροποποίηση διαδικασιών ασύλου και άλλες διατάξεις», ΦΕΚ 91/Α/22-5-2018), 2018, <https://www.synigoros.gr/resources/docs/n4540-2018.pdf>

EL LEG 03: Specification of the required documentation and the procedure for issuing long-term visa (visa type D) to third-country nationals or stateless persons within the framework of refugees' family reunification, Joint Ministerial Decision No. 47094, Official Law Gazette 3678, 28 August 2018 (Καθορισμός απαιτούμενων δικαιολογητικών και διαδικασία για τη χορήγηση εθνικής θεώρησης

εισόδου μακράς διάρκειας (VISA-τύπου D) σε πολίτες τρίτων χωρών ή ανιθαγενών στο πλαίσιο οικογενειακής επανένωσής τους με πρόσφυγες, Αριθμ. 47094, Αρ. Φύλλου 3678, 28 Αυγούστου 2018), <http://asylo.gov.gr/wp-content/uploads/2018/08/%CE%9F%CE%99%CE%9A%CE%9F%CE%93%CE%95%CE%9D%CE%95%CE%99%CE%91%CE%9A%CE%97-%CE%95%CE%A0%CE%91%CE%9D%CE%95%CE%9D%CE%A9%CE%A3%CE%97-%CE%9A%CE%A5%CE%91.pdf>

EL LEG 04: Geographical restriction for applicants for international protection, Decision No. 8269, Official Law Gazette 1366, 20 April 2018 (Περιορισμός κυκλοφορίας των αιτούντων διεθνή προστασία, Αριθμ. οικ. 8269, Αρ. Φύλλου 1366, 20 Απριλίου 2018), <http://asylo.gov.gr/wp-content/uploads/2018/04/%CE%A0%CE%95%CE%A1%CE%99%CE%9F%CE%A1%CE%99%CE%A3%CE%9C%CE%9F%CE%A3-%CE%9A%CE%A5%CE%9A%CE%9B%CE%9F%CE%A6%CE%9F%CE%A1%CE%99%CE%91%CE%A3.pdf>

EL LEG 05: Geographical restriction for applicants for international protection, Decision No. 18984, Official Law Gazette 4427, 5 October 2018 (Περιορισμός κυκλοφορίας των αιτούντων διεθνή προστασία, Αριθμ. οικ. 18984, Αρ. Φύλλου 4427, 5 Οκτωβρίου 2018), <http://asylo.gov.gr/wp-content/uploads/2018/10/%CE%A0%CE%95%CE%A1%CE%99%CE%9F%CE%A1%CE%99%CE%A3%CE%9C%CE%9F%CE%A3-%CE%9A%CE%A5%CE%9A%CE%9B%CE%9F%CE%A6%CE%9F%CE%A1%CE%99%CE%91%CE%A3-%CE%A6%CE%95%CE%9A-OKT-2018.pdf>

EL LEG 06: Extension of the function of pre-removal detention centres for TCNs, Decision No. 8038/23/22-PZ, Official Law Gazette 5906, 31 December 2018 (Παράταση λειτουργίας Προαναχωρησιακών Κέντρων Κράτησης Αλλοδαπών, Αριθμ. 8038/23/22-πζ', Αρ. Φύλλου 5906, 31 Δεκεμβρίου 2018), <http://asylo.gov.gr/wp-content/uploads/2019/01/%CE%A0%CE%A1%CE%9F%CE%9A%CE%95%CE%9A%CE%91-%CE%A5%CE%A0.pdf>

Hungary

HU LEG 01: Act CXL of 2004 on the General Rules of Administrative Proceedings and Services (2004. évi CXL. törvény a közigazgatási hatósági eljárás és szolgáltatás általános szabályairól), http://njt.hu/cgi_bin/njt_doc.cgi?docid=85989.328049

HU LEG 02: Act II of 2007 on the Admission and Residence of Third Country Nationals (2007. évi II. törvény a harmadik országbeli állampolgárok beutazásáról és tartózkodásáról), http://njt.hu/cgi_bin/njt_doc.cgi?docid=108621.362964#foot_451_place

HU LEG 03: Act CXLI of 2017 amending certain acts relating to migration (2017. évi CXLI. törvény az egyes migrációs tárgyú törvények módosításáról), http://njt.hu/cgi_bin/njt_doc.cgi?docid=205237.346419

HU LEG 04: Act VI of 2018 amending certain laws relating to measures to combat irregular migration (2018. évi VI. törvény egyes törvényeknek a jogellenes bevándorlás elleni intézkedésekkel kapcsolatos módosításáról), http://njt.hu/cgi_bin/njt_doc.cgi?docid=110729.362966

HU LEG 05: Act XLI of 2018 amending certain Tax Laws and Other Related Laws and on the Immigration Tax (2018. évi XLI. törvény az egyes adótörvények és más kapcsolódó törvények módosításáról, valamint a bevándorlási különadóról)

HU LEG 06: Act CXXXIII of 2018 amending certain acts relating to migration and other related acts (2018. évi CXXXIII. törvény az egyes migrációs tárgyú és kapcsolódó törvények módosításáról), http://njt.hu/cgi_bin/njt_doc.cgi?docid=211894.363781

HU LEG 07: Government Decree 411/2017. (XII.15.) concerning the amendment of certain government decrees on migration issues and on other related matters (411/2017. (XII. 15.) Kormány rendelet az egyes migrációs tárgyú és velük összefüggésben egyes további kormányrendeletek módosításáról), http://njt.hu/cgi_bin/njt_doc.cgi?docid=205918.348086#foot1

Ireland

IE LEG 01: European Communities (Reception Conditions) Regulations 2018, S.I. No. 230/2018, <http://www.irishstatutebook.ie/eli/2018/si/230/made/en/print>

IE LEG 02: European Union (Dublin System) Regulations 2018, S.I. No. 62/2018, <http://www.irishstatutebook.ie/pdf/2018/en.si.2018.0062.pdf>

IE LEG 03: International Protection Act 2015 (Safe Countries of Origin) Order 2018, S.I. No. 121/2018, <http://www.irishstatutebook.ie/eli/2018/si/121/made/en/print>

Italy

IT LEG 01 Security Decree, Salvini Decree, Law of 1 December 2018, n. 132, converting into law with amendments the decree-law of 4 October 2018, n. 113, containing urgent provisions on international protection and immigration, public security, as well as measures for the functioning of the Ministry of the Interior and the organisation and functioning of the National Agency for the Administration and Consignment of Seized and Confiscated Assets from Organised Crime. Delegation to the Government regarding the reorganisation of the roles and career of the personnel of the Police and Armed Forces, 18G00161, Official Journal n. 281 of 3-12-2018 (Legge 1 dicembre 2018, n. 132 Conversione in legge, con modificazioni, del decreto-legge 4 ottobre 2018, n. 113, recante disposizioni urgenti in materia di protezione internazionale e immigrazione, sicurezza pubblica, nonché misure per la funzionalità del Ministero dell'interno e l'organizzazione e il funzionamento dell'Agenzia nazionale per l'amministrazione e la destinazione dei beni sequestrati e confiscati alla criminalità organizzata. Delega al Governo in materia di riordino dei ruoli e delle carriere del personale delle Forze di polizia e delle Forze armate, 18G00161, GU n. 281 del 3-12-2018), https://www.normattiva.it/atto/caricaDettaglioAtto?atto.dataPubblicazioneGazzetta=2018-12-03&atto.codiceRedazionale=18G00161&queryString=%3FmeseProvvedimento%3D12%26formType%3Dricerca_semplice%26numeroArticolo%3D%26numeroProvvedimento%3D%26testo%3D%26annoProvvedimento%3D2018%26giornoProvvedimento%3D1¤tPage=1

Latvia

LV LEG 01: Health Care Financing Law, OP 2017/259.1 (Veselības aprūpes finansēšanas likums, OP 2017/259.1), <https://www.vestnesis.lv/op/2017/259.1>

LV LEG 02: Cabinet Regulations No. 734 of 27 November 2018 amending the Cabinet Regulations No. 489 of 26 July 2016, Internal Rules of the Accommodation Centre for Asylum Seekers, OP 2018/236.9 (Ministru kabineta noteikumi Nr. 734, Grozījumi Ministru kabineta 2016. gada 26. jūlija noteikumos Nr. 489 "Patvēruma meklētāju izmitināšanas centra iekšējās kārtības noteikumi", OP 2018/236.9), <https://www.vestnesis.lv/rezultati/atbilstiba/on/locijums/on/lapa/1/skaits/20/kartot/datums/teksts/734/filtri/g2018>

Lithuania

LT LEG 01: Law Amending the Law of the Republic of Lithuania on the Legal Status of Aliens Nr. IX-2206 (Lietuvos Respublikos Įstatymo „Dėl Užsieniečių Teisinės Padėties“ Nr. IX-2206 Pakeitimo Įstatymas), <https://www.e-tar.lt/portal/legalAct.html?documentId=f1c971f0131611e9b2b6e7cdb14007b4>

Luxembourg

LU LEG 01: Law of 18 July 2018 on the Grand Ducal Police and amending: 1° the Criminal Procedure Code; 2° the amended law of 9 December 2005 regulating the conditions and modalities of the nomination of certain civil servants in managerial roles in the state administration and services; 3° the law of 10 December 2009 concerning the hospitalisation of persons with mental disorder without their consent; 4° the amended law of 25 March 2015 establishing the management structure and the conditions and modalities of the promotion of state civil servants; 5° the law of 18 December 2015 concerning the reception of applicants of international protection and temporary protection; and revoking 1° the law of 29 May 1992 on the Judicial Police Service amending 1. the amended law of 23 July 1952 concerning the military organisation; 2. the Criminal Instruction code; 3. the law of 16 April 1979 on the discipline within the Public Forces; 2° the amended law of 31 May 1999 on the Police and on the general inspection of the Police, A621 (Loi du 18 juillet 2018 sur la Police grand-ducale et portant modification : 1° du Code de procédure pénale ; 2° de la loi modifiée du 9 décembre 2005 déterminant les conditions et modalités de nomination de certains fonctionnaires occupant des fonctions dirigeantes dans les administrations et services de l'Etat ; 3° de la loi du 10 décembre 2009 relative à l'hospitalisation sans leur consentement de personnes atteintes de troubles mentaux ; 4° de la loi modifiée du 25 mars 2015 fixant le régime des traitements et les conditions et modalités d'avancement des fonctionnaires de l'Etat ; 5° de la loi du 18 décembre 2015 relative à l'accueil des demandeurs de protection internationale et de protection temporaire, et modifiant la loi modifiée du 10 août 1991 sur la profession d'avocat ; et portant abrogation : 1° de la loi du 29 mai 1992 relative au Service de Police Judiciaire et modifiant 1. la loi modifiée du 23 juillet 1952 concernant l'organisation militaire, 2. le code d'instruction criminelle, 3. la loi du 16 avril 1979 ayant pour objet la discipline dans la Force publique; 2° de la loi modifiée du 31 mai 1999 sur la Police et l'Inspection générale de la Police, A621), July 18, 2018, <http://legilux.public.lu/eli/etat/leg/loi/2018/07/18/a621/jo>

LU LEG 02: Draft law n° 7238 concerning the amendment of the amended law of 29 August 2018 on the free movement of persons and immigration, submitted: 29.1.2018 (Projet de loi n° 7238 portant modification de la loi modifiée du 29 août 2008 sur la libre circulation des personnes et l'immigration, dépôt: le 29.1.2018), [https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServingServletImpl?path=D6585D6A74ABFB51E68EAEDD24DD50C591BACC4C9B3CCA40CC4372AD6FEFB5D59600F8992973CECC74CB6D57776B6705\\$2602AF132B9119DABCFE0CA866CBFD4F](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServingServletImpl?path=D6585D6A74ABFB51E68EAEDD24DD50C591BACC4C9B3CCA40CC4372AD6FEFB5D59600F8992973CECC74CB6D57776B6705$2602AF132B9119DABCFE0CA866CBFD4F)

LU LEG 03: Draft law n° 7258 concerning the amendments of 1) the amended law of 25 February 1979 on housing support, 2) the amended law of 21 September 2006 on home rent and amendment of certain regulations of the Civil Code, and 3) the amended law of 16 December 2008 on the reception and integration of foreigners in the Grand Duchy of Luxembourg, submitted: 7.3.2018 (Projet de loi n° 7258 portant modification 1) de la loi modifiée du 25 février 1979 concernant l'aide au logement, 2) de la loi modifiée du 21 septembre 2006 sur le bail à usage d'habitation et modifiant certaines dispositions du Code civil, et 3) de la loi modifiée du 16 décembre 2008 concernant l'accueil et l'intégration des étrangers au Grand-Duché de Luxembourg, dépôt: le 7.3.2018), [https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServingServletImpl?path=91AECFCAD03DF8C2AB3F409B337AA4485B411675C8140352084042895ED276C8576FFBB4D1B5CFAE5CE31D66FD50A686\\$EB93EE371AFDCFE8638A9A450E315A54](https://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServingServletImpl?path=91AECFCAD03DF8C2AB3F409B337AA4485B411675C8140352084042895ED276C8576FFBB4D1B5CFAE5CE31D66FD50A686$EB93EE371AFDCFE8638A9A450E315A54)

The Netherlands

NL LEG 01: Netherlands Nationality Act, Act of 19 December 1984 laying down new, general provisions concerning the Dutch citizenship to replace the Act of 12 December 1892, Official Gazette 268 on the Dutch citizenship and residency (Rijkswet op het Nederlanderschap, Rijkswet van 19 december 1984, houdende vaststelling van nieuwe, algemene bepalingen omtrent het Nederlanderschap ter vervanging van de Wet van 12 december 1892, Stb. 268 op het Nederlanderschap en het ingezetenschap), <https://wetten.overheid.nl/BWBR0003738/2018-08-01>

NL LEG 02: Aliens Decree 2000, Decree of 23 November 2000 for the implementation of the Aliens Act 2000 (Vreemdelingenbesluit 2000, Besluit van 23 november 2000 tot uitvoering van de Vreemdelingenwet 2000), <https://wetten.overheid.nl/BWBR0011825/2018-09-19>

Norway

NO LEG 01: Introduction Act (Lov om introduksjonsordning og norskopplæring for nyankomne innvandrere, introduksjonsloven, LOV-2003-07-04-80), last amended by Act of 23 November 2018 (Lov om endringer i introduksjonsloven, feilrettinger, LOV-2018-11-23-88), <https://lovdata.no/dokument/NL/lov/2003-07-04-80>

NO LEG 02: Act of 20 April 2018, Amending the Immigration Act (Lov Om Endringer i Utlendingsloven, Tvangsmidler Mv., LOV-2018-04-20-9), <https://lovdata.no/dokument/LTI/lov/2018-04-20-9>

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NO LEG 04: Immigration Regulations (Forskrift om utlendingers adgang til riket og deres opphold her, Utlendingsforskriften, utf, FOR-2009-10-15-1286), <https://www.udiregelverk.no/no/rettskilder/sentrale/utlendingsforskriften>

Portugal

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