



# EMN INFORM

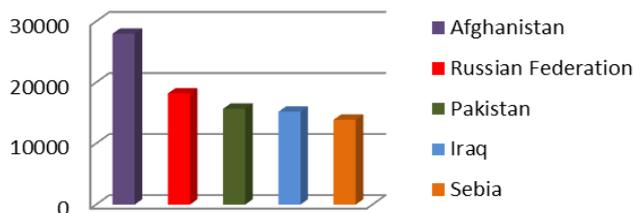
## EU Developments in International Protection and Asylum 2011

As a complement to the [Commission's 3<sup>rd</sup> Annual Report on Immigration and Asylum](#), this overview presents the main developments that took place in 2011 with regard to international protection comprising Statistics ([Section 1](#)); Common European Asylum System ([Section 2](#)); Intra-EU Solidarity ([Section 3](#)); External Dimension ([Section 4](#)); and Unaccompanied Minors ([Section 5](#)). Each section includes both EU and national developments. Information on national developments has, in addition to the Commission's 3<sup>rd</sup> Annual Report on Immigration and Asylum, been drawn from EMN [National Annual Policy Reports 2011](#), with contributions from 25 EMN NCPs.<sup>1</sup>

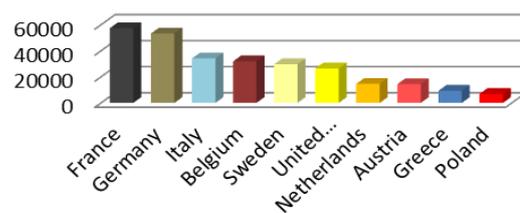
### 1. Key statistics

In 2011, there were 302 455 asylum applications lodged in the EU, which is a 16.8% increase from 2010. A further 8 995 were lodged in NO. Approximately 90% were new applicants and 10% repeat applicants. The main countries of citizenship of the applicants were Afghanistan (28 000; 9%), Russian Federation (18 200; 6%), Pakistan (15 700; 5%), Iraq (15 200; 5%) and Serbia (13 900; 5%), with the highest number registered in FR (57 335), followed by DE (53 255), IT (34 115), BE (31 915), SE (29 670), UK (26 430), NL (14 600), AT (14 420), EL (9 310) and PL (6 900). These ten Member States accounted for more than 90% of all applications lodged in the EU.

#### Top 5 nationalities in asylum applications 2011



#### Top 10 Member States in asylum applications 2011



A total of 237 365 first instance decisions was made, of which 177 900 were rejections (75%), 28 995 (12%) were granted refugee status, 21 400 (9%) subsidiary protection and 9 065 (4%) authorisation to stay for humanitarian reasons.

### 2. Common European Asylum System

At EU level, the [recast Qualification Directive](#) was adopted in December 2011. The text strengthens the criteria for qualification for international protection and further approximates the rights granted to refugees and beneficiaries of subsidiary protection on access to employment, recognition of

<sup>1</sup> AT, BE, BG, CY, CZ, DE, EE, EL, ES, FI, FR, HU, IT, LT, LU, LV, MT, NL, PL, PT, SE, SI, SK, UK and NO. The Commission's Annual Report includes contributions from all 27 Member States.

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professional qualifications, and health care. The revised [Commission's proposal for a recast Reception Conditions Directive](#) (RCD) aims for a more harmonised and coherent reception system, whilst the revised [Commission's proposal amending the Asylum Procedures Directive](#) (APD) foresees a single asylum procedure comprising common guarantees. Negotiations on both the RCD and APD proceeded in the European Council and Parliament. Negotiations on the [recast Dublin Regulation](#) progressed slowly, resulting in a shift of focus of one of the objectives of the recast to foresee an "evaluation and early warning" mechanism. Negotiations on the [recast EURODAC Regulation](#) stalled throughout 2011. [The proposal for a Regulation establishing an Asylum and Migration Fund](#) will strengthen and develop the Common European Asylum System (CEAS).

The [European Asylum Support Office \(EASO\)](#) was inaugurated in Malta in June 2011 with the aim to promote practical cooperation and support those Member States under particular pressure. In 2011, the agency coordinated emergency support to EL and LU and is developing new concepts to facilitate the exchange of information and the convergence of EU standards in the field of asylum.

At national level, Member States are likewise committed to establishing a CEAS. Several Member States (AT, BE, FR, HU, LU, SI) amended their legislation on procedures. Legislative amendments included, amongst others, introduction of a system of free legal aid (AT), provision of free legal aid at first instance (SI), free legal aid for appeals in subsequent applications (FR); and distribution of brochures in 23 different languages (FR).

New laws with the objective of accelerating the asylum procedure were introduced in BE, FR, IT and HU. A new law in [FR](#) foresees "fast track procedures" enabling priority processing of asylum applicants who presented false information, or concealed information regarding their identity. Other measures included introduction of more restrictive rules regarding free legal aid (BE, FR) and manifestly unfounded appeals (BE, HU), introduction of the concept safe country of origin (BE, HU) as well as the possibility of videoconferencing during hearings (FR). [IE](#) published a Roadmap for Asylum Reform, highlighting elements for a "good asylum system" and UNHCR released a review on quality in the Swedish asylum system.

On reception, FI introduced new legislation aiming to support asylum seekers and beneficiaries of temporary protection in the context of a mass influx and EE developed a national contingency plan on reception and processing. Furthermore, due to the large inflow of asylum applicants from the Western Balkans, several Member States (BE, DE, FR, LU, SE) took measures to increase the capacity of their reception system, with BE, FR and LU recruiting additional staff into their asylum system and BE receiving additional emergency funding from the European Refugee Fund. IT invested substantially in emergency accommodation following the crisis in North Africa. [CY](#) undertook measures to improve its reception facilities: a pilot project on accommodation and reception was launched to investigate whether low budget hotels could be suitable reception facilities.

On qualification criteria, [NL](#) reported that under certain circumstances "westernised girls" and their families may not be required to return to Afghanistan. Although not recognised as refugees or persons eligible for subsidiary protection, they will be granted a residence permit on humanitarian grounds. With regard to detention and return, LT transposed the "Return" directive, modifying provisions of the law on the legal status of Aliens regarding the terms of obligation for illegally staying foreigners to leave the territory of LT, as well as the length and conditions of detention.

### **3. Intra-EU Solidarity**

At EU level, the Commission adopted a [Communication on enhanced intra-EU solidarity in the field of asylum](#), addressing *inter alia* the Commission's practical and financial support for

relocation of beneficiaries of international protection in the framework of the EU Relocation Malta (EUREMA) project.

At national level, many member States (AT, BE, CY, DE, DK, FI, FR, LT, NL, SE, SK, PT, UK) and NO reported having set up or taken part in initiatives to support those faced with specific and disproportionate pressures on their national asylum system (notably EL, MT). Actions included participation in EASO support through its Operating Plan (reported by AT, BE, CZ, FI, FR, NL, SE, SK, UK); secondment of experts and staff (FR, SK, UK); support for the implementation of EL's Action Plan for Migration Management (AT, BE, CY, NL); the processing of asylum applications (PT, FI); reception conditions (FI); transfer of asylum applicants (LT) and relocation of refugees (CZ). NO also provided support to EL – e.g. by funding research and voluntary organisations in addition to assistance in improving the quality and capacity of Greek reception facilities. With regard to providing support to EASO, the majority of Member States seconded experts for the Asylum Intervention Pool and the EAC Expert Pool. In addition, the UK made interpreters available to MT.

In 2010-2011, ten Member States (DE, FR, HU, LU, SI, SK, RO, PL, PT) pledged to relocate beneficiaries of international protection from MT through the EUREMA project. Some 227 persons were relocated to six Member States who had made pledges. For 2011-2012, eight Member States (BG, HU, LT, LU, PL, PT, RO, SK) pledged places through the EUREMA project, with further bilateral pledges by five member States (DE, DK, ES, IE, NL) plus NO and CH. The total number of places pledged in 2011 for relocation from MT in the 2011-2012 EUREMA II project is 97 which, when added to the bilateral pledges, amounts to 362.

#### **4. Enhancing the External Dimension**

At EU level, [Regional Protection Programmes \(RPPs\)](#) in North Africa (Egypt, Libya, Tunisia) were launched, whilst RPPs in Tanzania and Eastern Europe (Belarus, Moldova, Ukraine) – both Phase II – and in the Horn of Africa (Djibouti, Kenya, Yemen) continued to be implemented. The [Joint EU Resettlement Programme](#) was adopted in March 2012.

At national level, several Member States (BE, CZ, DE, DK, FI, FR, IE, IT, NL, PT, SE, UK) plus NO resettled refugees from different regions of the world, mainly in cooperation with UNHCR. [ES](#) launched an Annual Refugee Resettlement Programme. Some of the refugees resettled in EU Member States came from North Africa, including emergency cases from Libya (FI) and Tunisia (PT), as well as Congolese and Eritrean refugees from Libya (BE) and Sudanese refugees who had fled to Tunisia from Libya (IE). Other Member States and NO resettled refugees from Afghanistan (FI, SK, SE, NO), Somalia (SK, SE), Sudan (FI, SE), Ethiopia (IE, SE), Palestine (IT), Senegal and Syria (PT), DR Congo (SE) plus Congolese refugees from Rwanda (FI) and Myanmar refugees from Thailand (FI). In the case of SK, this concerned only resettlement for six months after which refugees were resettled in their final country of destination. Four Member States favoured the resettlement of particular categories of refugees, such as families and single parents with new-born babies and small children (DE); Iraqi nationals from Iraq or neighbouring countries, i.e. Jordan, Syria, Lebanon and Turkey (FR); and refugees from Afghanistan and Horn of Africa (SE). UK favoured Somali and Ethiopian refugees from Kenya. [HU](#) adopted a Governmental Decision on the launch of an asylum solidarity programme in North Africa.

Some Member States have set a quota with respect to the number of persons accepted for resettlement. The size of the annual quota varies from one Member State to another with, for example, DK resettling some 515 persons, FI some 585 persons and SE some 1 620 persons in 2011. NO accepted 1 340 persons and in response to the Libyan uprising, also offered 250 additional resettlement places through UNHCR. Several Member States reported on other resettlement-related activities, for example, the development of a resettlement project for

Palestinian refugees (IT) and resettlement delegation missions (SE). With regard to future measures, NL planned to resettle another 2 000 refugees between 2012 and 2015 and DE announced in December 2011 its willingness to accept 300 Iranian refugees from Turkey annually for the next three years.

### **5. Unaccompanied Minors**

At EU level, the Commission continued the implementation of the [2010 Action Plan on Unaccompanied Minors](#) (2010-2014). Important elements of the common EU approach to unaccompanied minors (UAMs) include close cooperation with the countries of origin and transit. This was discussed in the migration subgroup of the G8, the [EU-Africa Partnership on Migration, Mobility and Employment](#) and of the [Rabat Process on Migration and Development](#).

At national level, several Member States (AT, BE, DK, ES, FI, HU, IT, LU, LV, PL, SI) and NO reported on legislative developments in relation to UAMs. Many of these improved the rights of UAMs and provided greater assistance and protection to them. For example, [HU](#) introduced a new law stipulating that an UAM, applying for asylum, must be accommodated by child protection services and, if needed, must receive rehabilitation, mental healthcare and qualified counselling. ES, LV and HU introduced new provisions relating to age determination, procedures for return of minors (ES) and removal of vulnerable persons, including minors (LV). Various Member States (e.g. AT, DE, LU, SI) introduced obligations and regulations on administrative and judicial assistance. Furthermore, PL and FI reported on the enhanced focus on the best interest of children and their development and health. [SI](#) focused more on the procedure at the border, or first contact including guardianship, age assessment, accommodation, finding their families and return/reintegration.

In addition to the legislative changes, several Member States (BE, DK, FR, IT) introduced changes to their residence permit system related to UAMs. [BE](#), for example, introduced amendments to provide for greater legal certainty for UAMs who have not applied for asylum, new provisions regarding residence permit applications and produced guidance on sustainable outcomes for minors. [FR](#) and [IT](#) amended provisions to the procedure which allows unaccompanied minors turning 18 to convert to (another) legal residence permit. [DK](#) established that a residence permit cannot be granted to an UAM on the grounds of age, or an insufficient social network in the home country, where return to a reception/care centre is possible. DK, in cooperation with IOM Denmark and other Member States are establishing such a centre in Afghanistan.

Six Member States (EL, ES, FI, IE, IT, PL) referred to policy developments. These developments included prohibiting the detention of UAM asylum applicants and ensuring that each child has the right to attend school (FI); allocation of a dedicated social worker for each UAM (IE); agreements with the autonomous cities Ceuta and Melilla to improve assistance to UAMs (ES); the development of protection services and the provision of accommodation in secure places within the scope of the National Programme for the protection of UAMs (IT); and the launch of the National Plan of Action against Trafficking in Human Beings for 2011-2012 with particular emphasis on UAMs (PL). Additionally, several Member States (EE, EL, NL, SE, SK, UK) and NO were involved in projects concerning UAMs. For example, NO began developing an information campaign for unaccompanied minors and their families in Afghanistan, to be carried out in cooperation with UNICEF.

### **6. Further Information**

You may obtain further details on this EMN Inform and/or on any other aspect of the EMN, from [HOME-EMN@ec.europa.eu](mailto:HOME-EMN@ec.europa.eu).

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