

Burmann, Martina; Valeyatheepillay, Madhinee

Article

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Martina Burmann and
Madhinee Valeyatheepillay¹

Asylum Recognition Rates in the Top 5 EU Countries

An unprecedented number of 1.26 million² first-time asylum applications were registered in the EU28 countries in 2015. Although the latest figure in 2016 fell to about 1.20 million, the asylum claims remain at a high level. This high influx of asylum seekers was not dispersed equally across the EU 28 countries, with some countries taking in more than others. The unfair burden sharing also becomes evident when a broader range of economic indicators, such as population size, level of GDP and development spending are accounted for (Toshkov and de Haan, 2013). When considering the top five EU-28 countries in terms of absolute number of asylum applications from January 2015 to December 2016, the highest number of asylum applicants was registered in Germany at 1,164,070, followed by Italy, Hungary, Sweden and France (Figure 1).

As a standard procedure, the asylum claims are then processed to decide whether an individual qualifies for recognition in the destination country. Depending on the outcome of the decision, asylum applicants can be granted one of four different types of protection, namely refugee status, subsidiary protection according to the Asylum Qualification Directive, protection based on humanitarian grounds or temporary protection. The first type of protection, namely refugee protection, is granted based on the 1951 Geneva Convention, which stipulates that a refugee is a third-country national who, owing to a “well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion,” is unable

or unwilling to return to his country (UNHCR, 2010). The second type of protection, subsidiary protection, is provided if asylum seekers do not qualify for refugee status but fear the risk of suffering from serious harm in their country of origin and cannot take up the protection of their country of origin due to that threat. The third type of protection, humanitarian protection, is based on humanitarian reasons under the national law concerning international protection by administrative or judicial bodies: for example, this may include ill health reasons or unaccompanied minors. Finally, temporary protection is “a procedure of exceptional character (...) in the event of a mass influx or imminent mass influx of displaced persons from third countries” especially if there is also “a risk that the asylum system will be unable to process this influx without adverse effects for its efficient operation, in the interests of the persons concerned and other persons requesting protection” (Eurostat, 2015).

The EU28 countries must comply with the 1951 Geneva Convention when granting asylum to refugees. Moreover, since 1999, the EU has aimed at establishing a Common European Asylum System (CEAS) to harmonise policies on qualification for refugee status or subsidiary protection, and on minimum procedures (Hatton, 2016). This article considers the four types of protection mentioned above, namely the refugee recognition rate based on the 1951 Geneva Convention and other positive decisions, including subsidiary, humanitarian and temporary protection for first-instance decisions from the five most important origin countries in the top five EU28 countries for 2015 and 2016.

REFUGEE RECOGNITION RATE

The refugee recognition rates in 2015 varied substantially by country of citizenship. In most of the five EU countries considered, asylum seekers from war-torn countries, such as Syria, Iraq and Afghanistan, have much higher chances of being recognised as a refugee than asylum seekers from Kosovo and Albania, countries which have recently been listed as safe countries of origin in some EU countries. This is consistent with the observation that origin-specific recognition rates vary depending on political oppression, interstate armed conflict, human rights violations and politicicide (Neumayer, 2005).

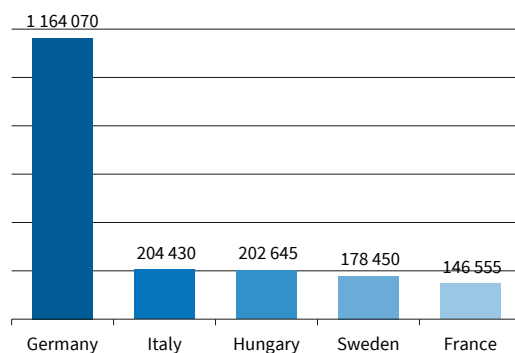
Figure 2 shows that the recognition rate for citizens of the same country of origin varies substantially between different European destination countries even though all EU countries abide by the Geneva Convention and the Common European Asylum System when it comes to determining who gets refugee status. While the majority of Syrian asylum seekers (97%) were deemed refugees according to the Geneva Convention in Germany in 2015, the refugee recognition rates for Syrians in Sweden and Hungary was only 10% and 6% respectively. Similar variations are also visible for the

¹ ifo Institute (both).

² The data from this article has been obtained from Eurostat.

Figure 1

Top 5 EU28 Countries with the Highest Number of First Time Asylum Applications
January 2015 to December 2016



Source: Eurostat (2017b); own calculations.

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other origin countries considered in this report. When analyzing these differences in recognition rates across European countries more systematically, Toshkov and de Haan (2013) find that there is some evidence for convergence over time. Nevertheless, Figure 2 shows that large differences in recognition rates still prevail, which are not likely to be explained solely by systematic differences between applicants in different EU countries.

In 2016 a nearly similar trend emerged, with Syrians and Iraqis having the highest recognition rates across most of the five EU countries (Figure 3). Afghans had a lower recognition rate in 2016 as compared to 2015; in Germany for example, this is mostly due to a controversial debate led by the German government that part of the country is ruled to be safe enough for deportees to return to. In an attempt to reduce the number of asylum seekers from Afghanistan, Germany offers incentives for voluntary returns. According to the German Federal government, about 12,500 Afghans were required to leave as of November 2016.³ Nonetheless, the deportation mostly failed as 11,543 of the 12,500 Afghans obtained a temporary suspension of deportation due to serious illness or missing passports. Although from January to March 2015, Hungary had the second-highest number of asylum applicants in the EU after Germany at 32,810, the country decided to considerably reduce the number of asylum seekers.

³ For further detail, refer to Deutsche Presse Agentur (2016).

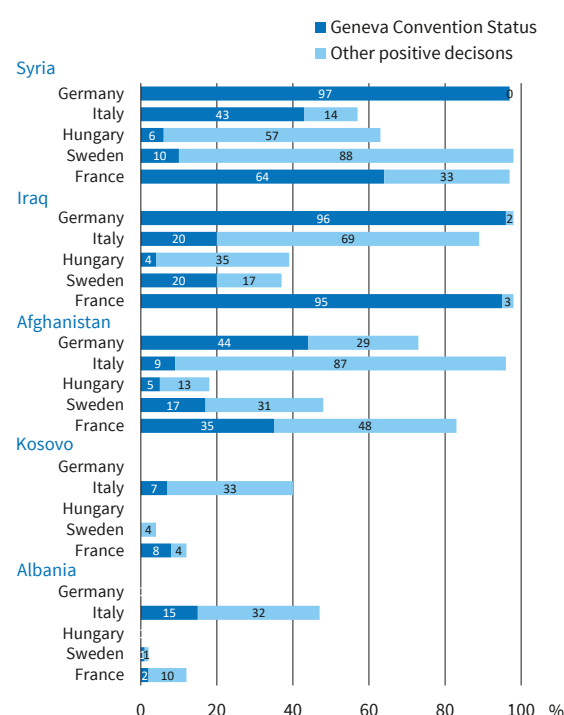
While the refugee recognition rate in Hungary was already low for all nationalities considered in 2015, it further decreased by about 50 percent for Afghans, Iraqis and Syrians in 2016. In response to the high influx of refugees, Hungary made legislative changes in their asylum laws to make the country less attractive to asylum seekers. Since September 2015, the country has rejected all asylum requests at their border and built a fence along the border with Serbia to deter asylum seekers from entering their territory. In a further attempt to significantly reduce asylum claims, the country announced that those who are denied entry may have to cover their own detention costs.

Refugee recognition rates have also evolved over time. While 97.4% of Syrians were recognised as refugees in Germany in 2015, this percentage fell to 57.2% in 2016 (Table 1). In March 2016, the Federal Office for Migration and Refugees (BAMF) changed its policy allowing most Syrians only subsidiary protection. While full refugees receive a three-year residence permit initially, subsidiary protection offers only a one-year residence permit that can be extended. The trend towards more subsidiary protection was also noticeable in France, Hungary and Sweden. Moreover, this trend was not only observed for Syrians but also for Iraqis and Afghans.

OTHER POSITIVE DECISIONS

Figure 2

Refugee Status and Other Positive Decisions, 2015



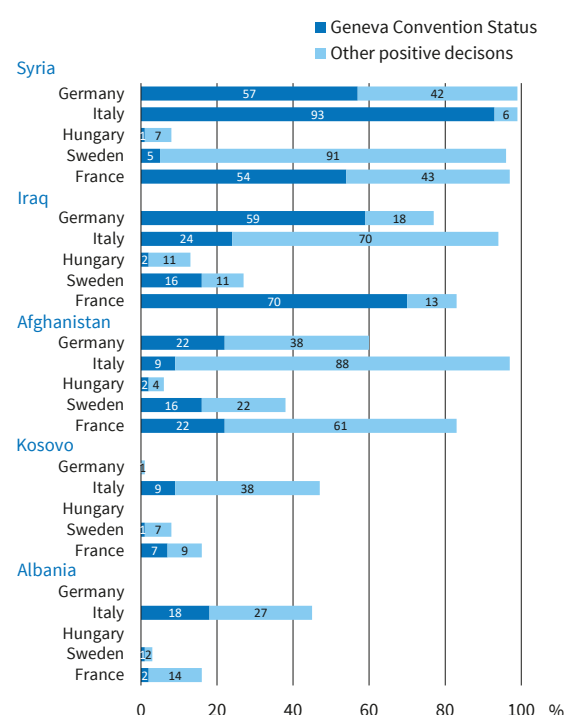
Note: Percentages present the share of Geneva Convention Status or other positive decisions in total decisions.

Source: Eurostat (2017a); authors' calculations.

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Figure 3

Refugee Status and Other Positive Decisions, 2016



Note: Percentages present the share of Geneva Convention Status or other positive decisions in total decisions.

Source: Eurostat (2017a); authors' calculations.

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Table 1

Refugee Recognition Rates in 2015 and 2016

	France		Germany		Hungary		Italy		Sweden	
	2015	2016	2015	2016	2015	2016	2015	2016	2015	2016
Afghanistan	34.9%	21.7%	43.8%	21.8%	5.5%	1.9%	8.9%	9.2%	17.1%	15.6%
Albania	1.9%	2.4%	0.0%	0.0%	0.0%	0.0%	14.9%	17.8%	0.6%	1.5%
Iraq	95.2%	69.6%	95.7%	58.6%	4.3%	1.8%	19.8%	24.2%	19.5%	16.0%
Kosovo	7.5%	6.7%	0.0%	0.0%	0.0%	0.0%	7.4%	8.6%	0.0%	1.1%
Syria	64.0%	54.0%	97.4%	57.2%	5.7%	0.5%	42.7%	92.8%	10.1%	5.5%

Source: Eurostat (2017); authors' calculations.

Other positive decisions include subsidiary protection, protection for humanitarian reasons and temporary protection. When considering the other positive decisions, the trend remains similar across the five EU28 countries with Syrians and Iraqis having the highest recognition rates among most origin countries considered (Figure 2 and 3). If other positive decisions and refugee status are aggregated, Syrians had a near 100 percent recognition rate in 2016 in most EU countries considered, with the exception of Hungary where the recognition rate was only 8 percent. Although the refugee recognition rate for Afghans experienced a drop in most destination countries, Italy, France and Germany have increased the other positive decisions attributed to them.

CONCLUSION

Despite the EU working towards CEAS, status determination procedures, such as time taken for examination of a claim and procedural guarantees provided to applicants, differ between member states. In general, the procedures are complex as well as lengthy. Hence, the different treatment of applicants in each country contributes to the variation in the recognition rate across the EU28 countries. The recast Asylum Procedures Directive, adopted in 2013, which aimed at harmonization of national procedures for granting and withdrawing international protection, has proven to be insufficient to address these problems.

The European Commission recently proposed completing and reforming the CEAS in an attempt to harmonise asylum recognition rates across the EU. The coming years will show how successful this policy is and if this, in turn, discourages secondary movements to other EU countries.

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