The EASO Annual Report on the Situation of Asylum in the European Union 2017 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 2017 in the area of international protection in the European Union.

While the transposition of the recast asylum acquis package has been practically finalised, the new package to reform the Common European Asylum System remained under negotiations. The package was composed of proposals for strengthening the mandate of EASO by transforming it into the European Union Agency on Asylum; reform of the Dublin system; amendments to the Eurodac system; proposals for new Asylum Procedures Regulation and Qualification Regulation; and revision of the Reception Conditions Directive.

In alignment with its responsibility to ensure correct application of EU law, the European Commission took steps in the framework of infringement procedures regarding Hungary, Czech Republic and Poland, and Croatia.

**The Court of Justice of the European Union** issued a number of judgments, seven of which concerned the implementation of the Dublin III Regulation, indicating the impact of the mass influx of asylum seekers during 2015 and 2016, as well as the impact of secondary movements. Specifically, the CJEU analysed issues pertaining to the legality of mass border crossings; the rights of asylum seekers in relation to Dublin III Regulation and the applicable time limits; the automatic transfer of responsibility, when the transfer has not been carried out; the transfer of seriously ill asylum seekers; detention in the context of the Dublin III Regulation; and applicability of Dublin III to persons granted subsidiary protection in the Member State of first entry. Other issues considered by the Court included the requirement to hold a hearing in the appeal proceedings; the right to be heard; exclusion from refugee status; and the use of homosexuality
tests in asylum procedures. In the area of reception, the Court confirmed the grounds of detention of asylum applicants. The Court also dismissed the actions brought by Slovakia and Hungary against the relocation mechanism.

The implementation of the European Agenda on Migration continued in 2017, summarised in the Commission’s Communication on the Delivery of the European Agenda on Migration in September 2017. Reference was made to the hotspots approach, which was defined as the cornerstone of the response to migration challenges in the Mediterranean, with support provided in the framework of the approach by EASO to Italy and Greece.

In Italy, EASO deployed national experts, supported by interim staff and cultural mediators, providing information to arriving migrants, helping to accelerate the formal registration of requests for international protection across the country, supporting the National Asylum Commission and Territorial Commissions in their activities, and assisting the implementation of recent legislation on strengthening the protection of migrant children. In Greece, the hotspot approach is linked to the implementation of the EU-Turkey Statement, under which EU Heads of State or Government and Turkey agreed to tackle irregular migration, following the massive influx of migrants into the EU. The commitment of EU Member States to the EU-Turkey statement was reiterated in the Malta Declaration adopted by the members of the European Council on the external aspects of migration.

A key emergency mechanism launched under the Agenda concerned relocation activities, meant to provide a response to the high volumes of arrivals to the EU, which put particular pressure on frontline Member States.

Relocation was established as a temporary and exceptional mechanism consisting in the transfer of up to 160 000 applicants in clear need of international protection from Greece and Italy over a period of two years until September 2017. The Council decisions on relocation expired on 26 September 2017. From Greece, all remaining eligible applicants were relocated by March 2018, while only 35 remained to be relocated from Italy as of 22 May 2018. By the end of 2017, there were 33 151 persons relocated, 11 445 from Italy and 21 706 from Greece. By end of March, the total number of relocated persons stood at 34 558 (12 559 from Italy and 21 999 from Greece). EASO provided broad operational support to the relocation process in Greece and Italy, since the launch of the process, and EASO activities have significantly expanded during the implementation period.
Throughout 2017, the European Union continued its cooperation with external partners. The Partnership Framework on Migration, introduced in June 2016, included initiatives carried out in and in cooperation with a number of priority countries of origin and transit, including Mali, Nigeria, Niger, Senegal and Ethiopia. Activities aimed at enhancing political dialogue; fighting trafficking and smuggling; strengthening protection and developing a new resettlement scheme for refugees from Turkey, the Middle East, and Africa by the end of 2019; improving management of returns; and launching job programmes under the EU Emergency Trust Fund for Africa and the European External Investment Plan (EIP). These programmes support investments in partner countries in Africa and the European Neighbourhood.

**International Protection in the EU+**

In terms of statistical trends, in 2017, there were 728,470 applications for international protection in the EU+, representing a decrease of 44% compared to 2016, but remaining at a higher level than prior to the refugee crisis, which started in 2015. Migratory pressure at the EU external borders remained high, but decreased for second consecutive year, mostly at the eastern and central Mediterranean routes, whereas there was an unprecedented upsurge on the western Mediterranean route.

Syria (since 2013), Iraq, and Afghanistan were the three main countries of origin of applicants in the EU+. Approximately 15% of all applicants originated from Syria, with Iraq ranking second and Afghanistan third, each representing 7% of all applications in the EU+. These three countries were followed by Nigeria, Pakistan, Eritrea, Albania, Bangladesh, Guinea and Iran.

In Syria’s neighbouring countries, Iraq, Jordan, Lebanon, Turkey, Egypt and other northern African countries, UNHCR indicated that the number of registered Syrian refugees by the end of 2017 amounted to approximately 5.5 million. In 2017, similar to 2016, just over two thirds of all applicants were male and a third were female. Half of the applicants were in the age category between 18 and 35 years old, and almost a third were minors.

Overall in 2017, some 99,205 applications were withdrawn across EU+ countries, a sizeable decrease of 41% compared to 2016, when 168,195 applications were withdrawn. The ratio of applications withdrawn to the total number of applications lodged in the EU+ was 14%, a proportion similar to previous years. According to EASO data, again similar to previous years, most withdrawals were implicit, meaning applicants abandoned the asylum procedure without explicitly informing the authorities.
The largest number of applications awaiting a decision concerned Afghans, Syrians and Iraqis. At the end of 2017, most of the pending cases (443 640) were still reported in Germany. However, the stock decreased by more than a quarter compared to 2016. Italy continued to be the second EU+ country in terms of pending cases, while considerable increases occurred in Spain and Greece. The reduction in the backlog in the majority of the EU+ states was due to a combination of factors, including fewer new applications, coupled with the issuing of more decisions. Specific organisational and policy measures implemented in EU+ states to tackle the problem of heavy processing backlogs also had an impact.

In terms of decisions issued, in 2017, EU+ countries issued 996 685 decisions in first instance, a 13% decrease compared to 2016. The year-on-year decrease clearly reflects the lower number of applications lodged: 2016 represented a record year in terms of volume of applications for international protection, with EU+ countries intensifying their efforts to deal with a growing backlog.

Of all the first instance decisions issued in 2017, nearly half (462 355) were positive, but this overall EU+ recognition rate was 14 percentage points lower than in 2016. Despite fewer decisions issued overall, the number of negative decisions actually increased: from 449 910 in 2016 to 534 330 in 2017. Concerning positive decisions, in 2017 there was a distinct decrease in the share of decisions granting refugee status (down to 50%, from 55% in 2016) or subsidiary protection (34%, from 37%) with a parallel increase in the proportion of those granting humanitarian protection (15%, up from 8%).
This reduction of the EU+ recognition rate to 46% (dropping by 14 percentage points compared to 2016) is at least partially due to fewer decisions being issued to applicants with rather high recognition rates, combined with more decisions being issued to applicants with rather low recognition rates. While there were fewer decisions issued to applicants from Syria and Eritrea, decisions issued to Afghan, Iranian and Nigerian applicants were considerably more than in 2016.

Importantly, 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 and Iraq, where the recognition rate ranged between 0 and 100%. For others, there was relatively more convergence at higher (e.g. Eritrea and Syria) and lower (e.g. Albania and Nigeria) recognition rates.

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.

As regards decisions issued in appeal or review, in 2017, EU+ countries issued 273,960 decisions at second or higher instance, a 20% increase compared to 2016, reinforcing an upward trend in the number of decisions, which has been noticeable since 2015. Three quarters of all decisions at second or higher instance were issued in Germany (58% of the EU+ total), France (12%), and Sweden (7%). More specifically, Syrians received four times as many (38,675), Afghans three times as many (34,505) and Iraqis almost three times as many (19,935) decisions. In contrast, in 2016 a third of all decisions issued in appeal were received by applicants of three Western Balkan countries (Albania, Kosovo and Serbia), with much lower recognition rates.

For the functioning of the Dublin system in 2017, a number of developments can be reported on the basis of EASO data, which indicated an increase in decisions on Dublin requests. For every received decision on a Dublin request in 2017 there were close to five applications lodged in the pool of countries reporting on this Dublin indicator, which may imply that a considerable number of applicants for international protection pursue secondary movements in the
EU+ countries. In 2017, most decisions were taken in a small group of countries. Italy and Germany were the partner countries for almost half of all responses, followed at a distance by Bulgaria, Sweden, France, and Hungary. The overall acceptance rate for decisions on Dublin requests in 2017 was 75%; however, the acceptance rate varied considerably between responding countries.

Decisions were most commonly reached on Dublin requests for citizens of Afghanistan (11% of the total), Syria (8%), Iraq (8%), and Nigeria (6%). EASO data also indicated that about two thirds of these decisions were in response to ‘take back’ requests, which means that the majority of decisions relate to cases, in which a person lodges an application in one EU+ country and afterwards moves to another country. In 2017, Article 17(1) of the Dublin Regulation, known as one of the discretionary clauses, was evoked nearly 12,000 times (more than half of these cases were applied by Germany or Italy). In 2017, the 26 reporting countries implemented just over 25,000 transfers, an increase of a third compared to 2016. Three quarters of all transfers in 2017 stemmed from five EU+ countries: Germany, Greece, Austria, France, and the Netherlands. More than half of the transferees were received by Germany and Italy.

In general, main developments in EU+ countries with regard to Dublin procedure reflected the volume of cases that needed to be processed. Like in 2016, in 2017, the suspension (either full or partial) of Dublin transfers to Hungary and Bulgaria was also noted. On 8 December 2016, the European Commission recommended measures for strengthening the Greek asylum system, as well as a gradual resumption of transfers to Greece for certain categories of asylum applicants, and a number of Dublin Member States sent in 2017 transfer request to Greece following the recommendation.

A number of EU+ countries amended their legislation concerning international protection. These included significant changes in Austria, Belgium, Hungary and Italy, while other countries also amended their legislation in diverse areas, including changes to the national list of safe countries of origin.

Many EU+ countries also made changes as regards internal restructuring and transfer of competencies among various entities in national asylum administration, including the creation of specialised task forces to tackle thematic issues. Significant efforts of EU+ countries were also aimed at ensuring the integrity of their national systems, by preventing and combating unfounded claims for international protection and detection of security concerns. This was facilitated by the implementation of advanced identification and registration
systems, supported by modern technology, and the implementation of procedures of age assessment, an area where many developments were noted in 2017.

Various initiatives were undertaken by EU+ countries in 2017 to improve the efficiency of the asylum process, i.e. to conduct procedures for international protection while using the available time and resources in the optimum way, speeding up award of protection in justified cases and avoiding lengthy procedures for cases with no merit. The main trends concerned digitalisation and introduction of new technologies (information system, databases, videoconferencing for interviews and interpretation), that also helped in exchange of information among various actors. Similar objectives were pursued with measures toward better organising asylum systems by setting up specialised processing centres, such as in Germany, and by using measures for the distribution of cases, channelling certain categories through specifically dedicated channels. Measures also included prioritisation and fast-track procedures.

In addition, to maintain and enhance quality, EU+ countries implemented quality assurance mechanisms, developed guidance materials, and offered capacity-building activities to staff members, in particular as regards complex areas of asylum, such as issues relating to vulnerability. These measures were supplemented by rich and comprehensive training offered by EASO. Despite these efforts, civil society and UNHCR underlined the need to continue pursuing systematically and in a consistent way the improvement of quality in daily practice.

The European Resettlement Scheme, launched at the Justice and Home Affairs Council on 20 July 2015, came to an end on 8 December 2017. By then, 19,432 people in need of international protection had been resettled under the scheme to 25 Member and Associated States, which amounts to 86% of the 22,504 resettlements initially pledged and agreed upon by the parties.

The Commission issued a Recommendation on 27 September 2017 on enhancing legal pathways for persons in need of international protection, thus introducing a new scheme that aims at resettling at least 50,000 persons by 31 October 2019. By 26 May 2018, over 50,000 pledges had been already made by 19 Member States, making it the largest EU collective engagement on resettlement to date. So far, almost 2,000 persons have already been resettled under this new scheme.
Meanwhile, the resettlement scheme under the 1:1 mechanism of the EU-Turkey Statement also continued to be implemented, with 12,476 persons resettled to 16 Member States since it came into force on 4 April 2016. Under these EU joint resettlement schemes, people have been and will be resettled mainly from Turkey, Jordan and Lebanon. The new scheme of 27 September 2017 will have a particular focus on resettling from the African countries along the Central Mediterranean route. Throughout 2017, EU+ countries also noted many developments in national resettlement programmes, building their experience and capacity.

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, Cyprus, Italy and Greece. EASO also enhanced its dialogue with civil society, organising thematic meetings on key areas of interest (operational support to hotspots and relocation, provision of information). EASO’s Early warning and Preparedness System expanded, delivering an analytical portfolio based on standardised data on the asylum situation in the EU+, which the EPS community of Member States shared with EASO on a weekly and monthly basis.

**Functioning of the CEAS**

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

As regards access to procedure, in 2017, the **main receiving countries for asylum applicants were Germany, Italy, France, Greece and the United Kingdom.** The top four remained the same as in 2016, whereas the United Kingdom replaced Austria as the fifth main receiving country. These five countries jointly accounted for three quarters of all applications lodged in the EU+.

Germany was the main receiving country for the sixth consecutive year. Despite a 70% decrease in applications lodged in 2017 compared to 2016, its total of 222,560 applications was almost double that of any other receiving country. Italy was the second main receiving country, with 128,850 applications. France followed with a total of over 100,000 applications. In terms of country share, Germany alone accounted for 31% of all applications lodged in the EU+ in 2017. In 2016, however, Germany’s share in the total was at 58%, almost twice as large. At the same time, the proportion of applicants in the other main receiving countries, in particular Italy, France, Greece, the United Kingdom and Sweden, almost doubled between 2016 and 2017. Greece was the country with the highest proportion of applicants to the number of inhabitants.
While several EU+ countries continued in 2017 to use temporary reintroduction of border control (when necessary) at internal Schengen borders, civil society reported on limited access to the territory including the occurrence of pushbacks in several Member States, stressing the need to ensure effective access to protection to those in need. Important developments were related to a swift and efficient registration process, which assisted in increasing efficiency at later stages of the procedure. An example was registration in Greece of applicants previously pre-registered in the summer of 2016 at the time of mass influx.

**Access to procedure** has also been given through dedicated channels, where persons fulfilling certain criteria were brought to the territory of EU+ countries in an organised manner, such as humanitarian admission mechanisms implemented by several countries. These included humanitarian corridors, as well as humanitarian visa and family reunification programmes, which constitute a legal pathway to Europe for migrants.

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. Both EU+ countries’ national administrations and civil society implemented a wide range of information initiatives at all stages of asylum process, employing a broad variety of means of communication, using social medial and smartphone applications.

Civil society emphasised the need to ensure that information is available and is suited to the needs of its target groups, especially as regards vulnerable individuals. On a related issue, in terms of legal assistance and representation, developments in EU+ countries during 2017 were diverse with some countries broadening the scope or taking steps toward enhancing effectiveness of legal assistance, and others reducing availability of aid. In addition, a number of challenges were identified in the area of legal assistance and representation by civil society actors operating in the field.

Both information provision and legal assistance are catalysed by effective interpretation, which is an equally important factor in the procedure for international protection. Effective interpretation ensures proper communication between the applicant and the authorities at every step of the process, including access to asylum procedure, application, examination, and appeal stage. Overall, in 2017, EU+ countries received applications from
nationals of 54 different countries of origin, as opposed to 35 in 2016, which points to the ever-increasing challenges encountered to secure interpretation services for more and more different languages. That prompted a wider use of technical measures to facilitate interpretation in the asylum process.

Regarding **examination of applications for international protection at first instance**, Member States can use special procedures, such as accelerated, border zones, or prioritised procedure, while remaining in accordance with the basic principles and guarantees envisaged in European asylum legislation. EASO data indicates that these procedures are used in a targeted way and as an exception rather than as a rule. Importantly, most decisions issued in the EU+ using accelerated or border procedures lead to a rejection of the application at a significantly higher rate than for decisions made via normal procedures. The recognition rate for decisions issued using accelerated procedures was 11%, while for those using border procedure it was 8%. In terms of organisation of their procedures, EU+ countries often resorted to fast-track and prioritised procedures for specific categories of cases, aligned with the workload faced by the specific country. There were also developments in procedures conducted at the border and in transit zones, while many EU+ countries also resorted to the use of safe country concepts, primarily safe country of origin, where several countries amended their national lists of safe countries of origin.

In terms of reception, overall in 2017 decreased pressure was noted on the **reception systems** of most EU+ countries. Consequently, several administrations reduced their reception capacity by closing various types of reception facilities, combined with progressively replacing emergency or temporary reception centres by more permanent ones, based on previous planning. Against that backdrop, exceptions were noted, as in some other countries the reception capacity was expanded with a view to accommodating an increasing pressure or a demand that was still to be matched. 2017 saw the adoption of new law provisions in a number of Member States regulating the conduct, rights, and duties of asylum seekers while in reception, also pending their removal. In parallel, monitoring standards were developed and related programmes implemented to ensure appropriate reception conditions. In terms of material reception conditions (food, clothing, housing, and financial allowance), as well as healthcare, access to schooling and access to labour market, the developments in specific countries varied significantly, leading to either reduction or extension of offer. Among concerns raised by civil society organisations, the most frequent referred to the lack of reception capacity, poor reception conditions, and/or issues related to the reception of unaccompanied minors.
Similar to reception, in the area of detention diverse developments were noted in individual countries. Overall, a number of EU+ countries revised their legal framework regarding ground for detention and its implementation in practice. Many countries introduced or planned to introduce new forms of alternatives to detention, in the context of both asylum and return procedures. Concerns about the duration and conditions of detention, and the detention of vulnerable groups, were expressed by UNHCR and civil society in a number of EU+ countries. On a related note, in various EU+ countries new legal provisions entered into force in the course of 2017 limiting the freedom of movement or restricting the residence of people staying in reception. Overall, those developments led to a significant volume of national case law on matters related to freedom of movement and application of detention in various stages of the asylum process.

In 2017, there were 996,685 decisions issued at first instance in EU+ countries. At the national level, similar to 2016, Germany was the country issuing the most decisions (524,185), accounting for 53% of all decisions in the EU+. Other countries that issued large numbers of decisions included France (11% of the EU+ total), Italy (8%), Sweden and Austria (6% each).

Compared to 2016, fewer decisions were issued at first instance in the majority of EU+ states. The most sizable decreases took place in Germany (a drop by 106,900) and Sweden (a drop by 34,705). In relative terms, among the countries with more than 1,000 decisions at first instance in 2017, the most substantial declines in decisions concerned Finland and Norway (by 65% each). In contrast, markedly more decisions than in 2016 were issued in France (an increase by close to 24,000), Austria (13,870 more) and Greece, where the number of decisions increased by 13,055. With respect to decisions issued at first instance, for countries that issued at least 1,000 decisions in 2017, Switzerland had the highest overall recognition rate; 90% of the decisions were positive. Relatively high recognition rates were also apparent in Norway (71%), Malta (68%) and Luxembourg (66%). Conversely, the Czech Republic had the lowest recognition rate at 12%, followed by Poland (25%), France (29%), Hungary, and the United Kingdom (31% each).

Differences in recognition rates between countries are the result of the citizenship of the applicants to whom decisions are issued. For example, in 2017 France had a 29% recognition rate and issued most decisions to Albanian citizens, a nationality with a generally very low recognition rate. In contrast, Switzerland, with a 90% overall recognition rate, issued more than a third of its
decisions to Eritreans, a nationality with a considerably high level of positive decisions in the EU+.

Main developments in EU+ countries with regard to procedures at first instance mostly concerned measures taken toward the optimisation of processing of applications for international protection, as well as the reduction of processing times.

In 2017, the EU+ recognition rate of cases decided at second or higher instance was 35%, considerably higher than in 2016 (17%). Compared to first instance, the recognition rate is expected to be lower in appeal or review because these cases are examined subsequent to a negative first-instance decision. Indeed, the higher instance recognition rate was 11 percentage points lower than for decisions issued at first instance, but this was a much smaller difference than in 2016, which suggests that in 2017 a higher percentage of negative first instance decisions were overturned in appeal. Among the EU+ countries issuing at least 1 000 second instance decisions, more than half of all higher instance decisions were positive in Finland (65%), in the Netherlands (58%), in the United Kingdom (57%) and in Austria (56%).

In 2017, the provision of country of origin information (COI) on a wide range of third countries and themes continues to be vital for well-informed, fair and well-reasoned asylum decisions and evidence-based policy development. While at EU+ level, fewer asylum applications were lodged in 2017 compared to 2016, applications considerably increased in a number of EU+ countries, and overall the applications lodged were distributed among a wider number of nationalities, resulting in a continued need for relevant country of origin information.
In terms of COI production, 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, if not first ever, outputs in 2017. Overall, EU+ countries further enhanced standards and quality assurance of COI products in the course of 2017, while as a general trend, many national COI Units engaged in a form of 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 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.

In 2017, approximately **32,715 unaccompanied minors (UAM) applied for international protection in the EU+**, half as many as in 2016, with the share of UAMs relative to all applicants being at 4%. More than three quarters of all UAMs applied in five EU+ countries: Italy, Germany, Greece, the United Kingdom, and Sweden.

The presence of unaccompanied minors drove a number of developments in EU+ countries. Those included, in particular, establishment and enhancing of specialised reception and alternative care modalities, revision of rules for appointment of guardians, and procedural arrangements related to the assessment and securing of the best interest of the child. 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. Civil society emphasised that efforts are still needed so that support provided is comprehensive, in line with established standards, and ensures early identification of vulnerability in practice.

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, often as part of larger-scale integration plans concerning multiple categories of third country nationals, and embedded in national migration policies, where such have been defined at national level. Many countries have adopted national integrations plans and strategies at national level, while others amended existing instruments, often
introducing integration courses and mechanisms of integration in the labour market. This fosters the prospects of beneficiaries of protection in gaining their own means of support, while at times access to financial allowances was reduced.

**Return policies and measures gained major significance in the course of 2017 among the EU+ countries.** Although those relate to the general migration context, in light of increasing numbers of rejected applicants and prospective returnees, various countries adopted new legal provisions in order to facilitate return procedures. Besides the usual support provided in the form of Assisted Voluntary Return, which was also boosted, adopted measures addressed, among others, the enforcement of return decisions and regulated the period prior to departure.

In the course of 2017 most EU+ countries promoted Assisted Voluntary Return initiatives, in various forms: financially, through information campaigns, engaging directly in return activities, and providing support to other actors, such as IOM or civil society organisations.