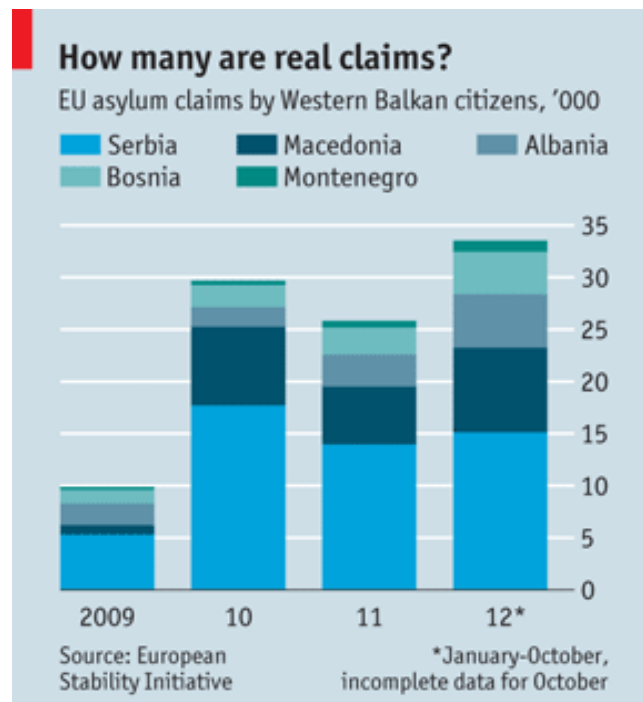


# Statistical update: asylum seekers from the Western Balkans

15 February 2013



*The Economist, 5-11 January 2013*

Explanatory note:

The following is an annotated compilation of statistical data concerning asylum seekers from the Western Balkans. It is complementary to ESI's report "Saving visa-free travel. Visa, asylum and the EU roadmap policy" from 1 January 2013.<sup>1</sup>

Some of the tables displayed here are updated versions of tables that appeared in the report, others are new. New and updated material is marked.

All statistical data used in this paper is from Eurostat's inter-active database<sup>2</sup> and not sourced separately. Only in cases where we have used a different source, there is a footnote.

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<sup>1</sup> The report is available at [http://www.esiweb.org/pdf/esi\\_document\\_id\\_132.pdf](http://www.esiweb.org/pdf/esi_document_id_132.pdf).

<sup>2</sup> The database is at [http://epp.eurostat.ec.europa.eu/portal/page/portal/statistics/search\\_database](http://epp.eurostat.ec.europa.eu/portal/page/portal/statistics/search_database).

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### The increase in Western Balkans asylum claims in the EU (updated)

Following a visa liberalisation process, the EU lifted the Schengen short-stay visa requirement for the citizens of Macedonia, Montenegro and Serbia in December 2009 and for the citizens of Albania and Bosnia and Herzegovina in December 2010.

The visa liberalisation process for the Western Balkans was conditional. The governments had to fulfil a series of conditions from the fields of passport security, border control, the management of migrants including the fight against irregular migration, the fight against organised crime and corruption, and human rights. These were listed in “visa liberalisation roadmaps”, and the European Commission verified their fulfilment.

Since the visa requirement was abolished, the number of asylum claims submitted in EU member states by the citizens of the five Western Balkan countries has increased. Although the data is not complete yet, 2012 will be the year with the highest number of applications.

#### Asylum claims by Western Balkans citizens in the EU

	<b>2009</b> (No visa-free travel for the five WB states)	<b>2010</b> (Serbia, Macedonia, Montenegro visa-free)	<b>2011</b> (All five WB states visa-free)	<b>2012</b> (Not yet complete; <sup>3</sup> all five WB states visa-free)
<b>Serbia</b>	5,290	17,715	13,980	18,540
<b>Macedonia</b>	940	7,550	5,545	9,410
<b>Albania</b>	2,060	1,905	3,060	6,725
<b>Bosnia</b>	1,320	2,105	2,595	5,595
<b>Montenegro</b>	250	405	630	1,220
<b>Total of the 5 WB countries</b>	<b>9,860</b>	<b>29,680</b>	<b>25,810</b>	<b>41,490*</b>
<b>All asylum seekers in the EU</b>	266,395	260,835	303,105	-
<b>Share of WB citizens</b>	3.7%	11.4%	8.5%	-

<sup>3</sup> As of 15 February 2013, the data for December 2012 was missing from Austria, Belgium, France, Greece, Hungary, Ireland, Italy, Luxembourg, Romania, Sweden and the United Kingdom. The Netherlands had not yet provided any data for 2012.

## The top countries of origin of asylum seekers in the EU

Among the countries of origin of asylum seekers in the EU, the Western Balkan states feature prominently. They are the only ones that enjoy visa-free travel. This has led some EU interior ministers to demand a re-introduction of the visa requirement.

As we outline in our report, “Saving visa-free travel. Visa, asylum and the EU roadmap policy” from 1 January 2013<sup>4</sup>, this would be unfair towards hundreds of thousands of people from the region who have used visa-free travel simply to travel. It would undermine EU credibility and the EU integration process in the Western Balkans. It would also undermine the EU’s entire visa liberalisation policy, casting doubts on the minds of Moldovans, Ukrainians, Georgians, Kosovars, Turks and others whether it is worthwhile making further efforts towards visa-free travel given that the EU takes it away so easily. There are other solutions to resolve the issue of the Western Balkan asylum applications.

### Claims by asylum seekers in the EU in 2011<sup>5</sup>

Country	Visa requirement	Number of asylum claims
1. Afghanistan	Yes	28,015
2. Russia	Yes	18,330
3. Pakistan	Yes	15,700
4. Iraq	Yes	15,170
5. Serbia	No	13,980
6. Somalia	Yes	12,195
7. Iran	Yes	11,865
8. Nigeria	Yes	11,470
9. Kosovo	Yes	9,870
10. Bangladesh	Yes	8,290
11. Syria	Yes	7,885
12. Sri Lanka	Yes	7,375
13. Armenia	Yes	7,105
14. Georgia	Yes	7,060
15. Turkey	Yes	6,455
16. Tunisia	Yes	6,335
17. Dem. Rep. of Congo	Yes	6,285
18. Guinea	Yes	6,245
19. Eritrea	Yes	5,695
20. Macedonia	No	5,545
21. China	Yes	5,540
22. Cote d’Ivoire	Yes	5,365
23. Algeria	Yes	4,385
24. Ghana	Yes	4,305
25. Mali	Yes	3,625
26. Sudan	Yes	3,130
27. Unknown citizenship		3,095
28. Albania	No	3,060
29. Libya	Yes	2,890
30. India	Yes	2,785
Bosnia	No	2,595
Montenegro	No	630
<b>Total of the five WB states</b>		<b>25,810</b>
<b>Overall TOTAL</b>		<b>303,105</b>

<sup>4</sup> The report is available at [http://www.esiweb.org/pdf/esi\\_document\\_id\\_132.pdf](http://www.esiweb.org/pdf/esi_document_id_132.pdf).

<sup>5</sup> Eurostat website, Statistics Explained, Asylum Statistics, at [http://epp.eurostat.ec.europa.eu/statistics\\_explained/index.php/Asylum\\_statistics](http://epp.eurostat.ec.europa.eu/statistics_explained/index.php/Asylum_statistics).

## Trends in Germany in 2012 (updated)

In particular Germany saw a further increase in the number of asylum claims from Western Balkan citizens in 2012. This had a significant impact on the overall figures for the EU: 22,718, which is roughly half of the claims submitted in the EU, were submitted in Germany.

The background is that on 18 July 2012 the Constitutional Court of Germany ruled that cash benefits offered to asylum seekers had to be raised.<sup>6</sup> In Germany, asylum claimants are usually accommodated in collective centres and receive food and clothes in kind. Until the ruling, a family of four (two adults, two kids) also received a small stipend of 120 Euro/month. Now this stipend will be around 420 Euro/month. If the family has to take care of itself, it will now receive around 1,150 Euro/month, while this amount was previously 780 Euro/month (rent and heating are paid separately, and there are lump sum payments for certain clothes items, furniture, etc.).<sup>7</sup> This led to an increase in applications by Western Balkan citizens.

### Asylum applications from Western Balkan countries in Germany in 2012

	July 2012	Aug. 2012	Sept. 2012	Oct. 2012	Nov. 2012	Dec. 2012	Whole year 2012 <sup>8</sup>
<b>Serbia</b>	550	975	2,275	3,875	1,780	570	<b>12,812</b>
<b>Macedonia</b>	345	1,025	1,560	1,880	695	185	<b>6,889</b>
<b>Bosnia</b>	65	120	270	730	785	190	<b>2,371</b>
<b>Albania</b>	25	5	30	30	55	25	<b>395</b>
<b>Montenegro</b>	15	5	40	100	60	30	<b>251</b>
<b>TOTAL</b>	<b>1,000</b>	<b>2,130</b>	<b>4,175</b>	<b>6,615</b>	<b>3,375</b>	<b>1,000</b>	<b>22,718</b>

<sup>6</sup> An English-language press release of the Constitutional Court, “Provisions governing basic cash benefits provided for in the Asylum Seekers Benefits Act held Unconstitutional”, 18 July 2012, provides more information, at <http://www.bverfg.de/pressemitteilungen/bvg12-056en.html>.

<sup>7</sup> Georg Classen, Flüchtlingsrat Berlin, Das BVerfG-Urteil zur Verfassungswidrigkeit des AsylbLG, 1 October 2012, (The Constitutional Court ruling on the unconstitutionality of the law on benefits for asylum seekers), at [http://www.fluechtlingsinfo-berlin.de/fr/asylblg/Zum\\_AsylbLG\\_Urteil\\_des\\_BVerfG.pdf](http://www.fluechtlingsinfo-berlin.de/fr/asylblg/Zum_AsylbLG_Urteil_des_BVerfG.pdf).

<sup>8</sup> While the monthly figures are from Eurostat and therefore rounded up or down, the numbers for the whole year are from the German Federal Office for Migration and Refugees. Some are mentioned in the “Asylgeschäftsstatistik für den Monat Dezember 2012 und das Berichtsjahr 2012” (Asylum statistics for the month of December 2012 and the reporting year 2012), 15 January 2013, at [http://www.bamf.de/SharedDocs/Anlagen/DE/Downloads/Infothek/Statistik/statistik-anlage-asyl-geschaeftsbericht.pdf?\\_\\_blob=publicationFile](http://www.bamf.de/SharedDocs/Anlagen/DE/Downloads/Infothek/Statistik/statistik-anlage-asyl-geschaeftsbericht.pdf?__blob=publicationFile), others have been provided by the Federal Office for Migration and Refugees upon request.

In 2012, Serbia was the top country of origin of asylum seekers in Germany. Macedonia ranked 4, and Bosnia 10. Altogether, Western Balkan asylum claims made up 29 percent of the 77,651 applications submitted in Germany in 2012.

**Top 10 countries of origin of asylum seekers in Germany in 2012<sup>9</sup>**

<b>Rank</b>	<b>Country</b>	<b>Number of asylum claims</b>
<b>1</b>	<b>Serbia</b>	<b>12,812</b>
2	Syria	7,930
3	Afghanistan	7,838
<b>4</b>	<b>Macedonia</b>	<b>6,889</b>
5	Iraq	5,674
6	Iran	4,728
7	Pakistan	3,553
8	Russia	3,415
9	Kosovo	2,535
<b>10</b>	<b>Bosnia</b>	<b>2,371</b>
<b>All claims in Germany</b>		<b>77,651</b>
<b>Western Balkan claims</b>		<b>22,718</b>
<b>Share of WB countries</b>		<b>29%</b>

<sup>9</sup> German Federal Office for Migration and Refugees. "Asylgeschäftsstatistik für den Monat Dezember 2012 und das Berichtsjahr 2012" (see previous footnote).

## Low recognition rates

The rate of recognition of asylum claims by Western Balkan citizens is low in the EU, which reflects a situation in their home countries, where there is generally no persecution and where human rights are generally respected. In 2011, EU asylum authorities accorded refugee status or subsidiary protection (for the different types of protection, see Annex) to only 2.1 percent of the individuals claiming asylum whose cases were decided. In comparison: the recognition rate concerning all claims submitted in the EU in 2011 was 21 percent.<sup>10</sup>

### First-instance recognition rates in the EU in 2011

	Decisions made	Refugee status under the Geneva Convention	Subsidiary protection	Recognition rate (Refugee status + subs. protection)	Humanitarian shelter
<b>Serbians</b>	11,280	155	10	1.5%	140
<b>Macedonians</b>	4,490	15	20	0.8%	25
<b>Albanians<sup>11</sup></b>	2,010	75	110	9.2%	65
<b>Bosnians</b>	1,940	20	10	1.5%	160
<b>Montenegrins</b>	345	0	0	0%	10
<b>TOTAL</b>	<b>20,065</b>	<b>265</b>	<b>150</b>	<b>2.1%</b>	<b>400</b>

The decisions taken by courts after appeals confirmed this trend. Courts overturned negative first-instance decisions, according refugee status or subsidiary protection, only to 3.1 percent of the appellants.

### Court decisions<sup>12</sup> in the EU in 2011

	Decisions made	Refugee status under the Geneva Convention	Subsidiary protection	Recognition rate (Refugee status + subs. protection)	Humanitarian shelter
<b>Serbians</b>	8,940	115	75	2.1%	75
<b>Macedonians</b>	3,210	15	15	0.9%	15
<b>Albanians</b>	765	60	110	22.2%	5
<b>Bosnians</b>	790	25	10	4.4%	10
<b>Montenegrins</b>	155	10	0	6.4%	5
<b>TOTAL</b>	<b>13,860</b>	<b>225</b>	<b>210</b>	<b>3.1%</b>	<b>110</b>

<sup>10</sup> Eurostat website, Statistics Explained, Asylum statistics, at [http://epp.eurostat.ec.europa.eu/statistics\\_explained/index.php/Asylum\\_statistics](http://epp.eurostat.ec.europa.eu/statistics_explained/index.php/Asylum_statistics).

<sup>11</sup> Among the Western Balkan countries, the recognition rate for Albania was highest, which was due to blood feuds in the country. However, according to the European Commission, “at the end of 2011, concern arose over the issuing of false blood feud certificates by a civil society organisation enabling application for asylum in some EU Member States.” European Commission, Albania 2012 Progress Report, SWD(2012) 334 final, Brussels, 10 October 2012, p. 17, at [http://ec.europa.eu/enlargement/pdf/key\\_documents/2012/package/al\\_rapport\\_2012\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2012/package/al_rapport_2012_en.pdf).

<sup>12</sup> Where the appeals procedure encompasses two court instances, only the final decision is taken into account.



## The targeted EU member states

### *Germany, Sweden and Belgium*

Three-quarters – 75 percent - of all asylum seekers from the five Western Balkan countries went to three EU member states in 2011: Germany, Belgium and Sweden. This has been the trend since the beginning: in 2010 these three countries accounted for 76 percent of all Western Balkan asylum claims. In 2012, their share will be even a little bit higher.

### Top EU countries of destination for asylum seekers in 2011

	Asylum claims from 5 WB countries in 2011	Percentage in EU total of WB asylum seekers
<b>Germany, Belgium and Sweden</b>	<b>19,430</b>	<b>75%</b>
<i>1. Germany</i>	<i>9,360</i>	<i>36%</i>
<i>2. Belgium</i>	<i>5,195</i>	<i>20%</i>
<i>3. Sweden</i>	<i>4,875</i>	<i>18%</i>
<b>Remaining EU member states</b>	<b>6,390</b>	<b>25%</b>
<i>4. France</i>	<i>2,365</i>	<i>9%</i>
<i>5. Luxembourg</i>	<i>1,585</i>	<i>6%</i>
<i>6. Netherlands</i>	<i>520</i>	<i>2%</i>
<i>7. Italy</i>	<i>375</i>	<i>1.5%</i>
<i>8. Austria</i>	<i>350</i>	<i>1.4%</i>
<i>9. Greece</i>	<i>285</i>	<i>1.1%</i>
<i>10. Denmark</i>	<i>235</i>	<i>0.9%</i>
<i>11. Finland</i>	<i>120</i>	<i>0.5%</i>
<i>Others</i>	<i>555</i>	<i>2.1%</i>
<b>TOTAL</b>	<b>25,820</b>	<b>100%</b>

### *Luxembourg (partly new)*

If one factors in the size of the population of the different EU member states, Luxembourg comes out as the state with the highest number of Western Balkan asylum seekers in relation to its population, followed by Sweden, Belgium and Germany:

#### **Asylum claims from Western Balkan citizens in relation to the host country's population in 2011**

<b>Country</b>	<b>Population</b>	<b>Number of WB asylum claims per 100,000 inhabitants</b>
1. Luxembourg	512,000	311
2. Sweden	9.5 million	51
3. Belgium	11 million	47
4. Germany	82 million	11
5. France	65.3 million	4
6. Denmark	5.5 million	4
7. Austria	8.4 million	4
8. Netherlands	16.7 million	3
9. Greece	10.7 million	3
10. Finland	5.4 million	2
11. Italy	60.8 million	0.6

Luxembourg is also the EU member state where claims by citizens of the five Western Balkan countries make up the largest share of all asylum applications: as many as 74% (see next table). Luxembourg is followed by Germany, Sweden and Belgium when it comes to the share of Western Balkan claims among all the asylum applications submitted in that country.

#### **Share of asylum claims by Western Balkan citizens among all asylum claims in 2011**

	<b>Percentage</b>	<b>Number of all asylum claims</b>	<b>Claims from WB citizens</b>
<b>Luxembourg</b>	73.5%	2,155	1,585
<b>Germany</b>	17.5%	53,345	9,360
<b>Sweden</b>	16.4%	29,710	4,875
<b>Belgium</b>	16.1%	32,270	5,195
<b>Denmark</b>	5.9%	3,985	235
<b>France</b>	4.1%	57,335	2,365
<b>Finland</b>	4%	2,975	120
<b>Netherlands</b>	3.6%	14,600	520
<b>Austria</b>	2.4%	14,455	350
<b>Italy</b>	1.1%	34,115	375
<b>EU total</b>	8.5%	303,105	25,820

Lastly, Luxembourg is also the country where the number of asylum seekers from the Balkans increased most from 2009 to 2011 – by 1,881% (see next table). Germany, Sweden and Belgium, the top countries of destination, also saw substantial increases. Numerically, the Netherlands also experienced a significant increase, but from a low base to an overall still low number.

**EU member states that recorded the highest increases  
in asylum claims from Western Balkan nationals**

	<b>Increase from 2009 to 2011</b>	<b>2009</b> (before visa-free travel for WB countries)	<b>2010</b> (Serbia, Macedonia and Montenegro visa-free)	<b>2011</b> (all five WB countries visa- free)
<b>Luxembourg</b>	+ 1,881%	80	205	1,585
<b>Germany</b>	+ 546%	1,450	10,835	9,360
<b>Sweden</b>	+ 405%	965	7,380	4,875
<b>Netherlands</b>	+ 395%	105	485	430
<b>Belgium</b>	+ 344%	1,170	4,355	5,195
<b>Finland</b>	+71%	70	195	120
<b>Denmark</b>	+15%	205	305	235
<b>France</b>	+ 13%	2,095	2,490	2,365
<b>EU total</b>	+ 162%	9,860	29,680	25,820

All in all, one can conclude that Germany, Belgium and Sweden are most affected in absolute terms while Luxembourg carries relatively a great burden.

## A crucial factor: the duration of the asylum procedure

In the four most affected EU member states (Germany, Sweden, Belgium, Luxembourg), the asylum procedure was, until recently, the longest: it took around three months at the first instance where administrative bodies examine an asylum claim. During this period, EU member states are obliged to provide to asylum seekers housing, food, clothes, pocket money, medical care and education for children.<sup>13</sup>

In Belgium and Luxembourg, these benefits were also offered during the appeals procedure. In Germany and Sweden, this depended on why a claim was rejected at first instance.<sup>14</sup>

This means that the four targeted EU countries offered asylum seekers housing and assistance for at least three months, and sometimes up to eight months.

### Duration of the asylum procedure for Western Balkan citizens in the targeted EU member states

	Until first-instance decision	Until final decision after appeal
<b>Germany</b>	3 months <sup>15</sup>	7 months <sup>16</sup>
<b>Sweden</b>	2 - 4 months <sup>17</sup>	4 - 6 months <sup>18</sup>
<b>Belgium</b>	4 months (in 2011) <sup>19</sup>	7 – 8 months <sup>20</sup>
<b>Luxembourg</b>	3 months <sup>21</sup>	4 - 6 months <sup>22</sup>

<sup>13</sup> This is required under the Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers, at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:031:0018:0025:EN:PDF>.

<sup>14</sup> If a claim is rejected as “manifestly unfounded” in Germany and Sweden, the asylum seeker must leave irrespective of whether he or she appeals or not. The failed claimants also lose all benefits. However, they can appeal against the “non-suspensive” effect of the decision. If they can show that they face a threat back home, they are likely to be allowed to stay. In Germany, 70% of Western Balkan claims were rejected as manifestly unfounded in 2012 (information from the German Federal Office for Migration and Refugees, 18 December 2012), and in Sweden 50% (information from the Swedish Migration Board, 24 January 2013).

<sup>15</sup> The reference period is the first half year of 2012. Bundesregierung, Ergänzende Informationen zur Asylstatistik für das erste Quartal 2012; Deutscher Bundestag, Drucksache 17/9465, 27 April 2012, at <http://dipbt.bundestag.de/dip21/btd/17/094/1709465.pdf>; and Bundesregierung, Ergänzende Informationen zur Asylstatistik für das zweite Quartal 2012; Deutscher Bundestag, Drucksache 17/10454, 10 August 2012, at <http://dip21.bundestag.de/dip21/btd/17/104/1710454.pdf>.

<sup>16</sup> The reference period is 2011. Ergänzende Informationen zur Asylstatistik für das erste Quartal 2012 (see previous footnote).

<sup>17</sup> The reference period is the first 10 months of 2012. Reply to an ESI inquiry by email, Swedish Migration Board, 1 November 2012.

<sup>18</sup> ESI phone interview with a press officer from the Migration Court of Appeal Stockholm, Stockholm, 12 November 2012, who said that an appeals case takes around two months.

<sup>19</sup> In June 2012, Belgium began applying new rules to citizens from “safe countries of origin”, so that the processing time decreased to 3.5 weeks. Information provided to ESI upon inquiry by the Belgian Commissariat-General for Refugees and Stateless Persons, 8 November 2012 and 21 December 2012.

<sup>20</sup> Parliamentary question by a Belgian MP of 17 July 2012 to the government of Belgium, answered by the Belgian State Secretary for Migration and Asylum. Chambre des Représentants Belgique, Questions et réponses écrites, QRVA 53 077, 13 August 2012, pp. 532-533, at <http://www.lachambre.be/QRVA/pdf/53/53K0077.pdf>.

<sup>21</sup> ESI interviews with officials from the Luxembourg Ministry of Foreign Affairs, Directorate for Immigration, Refugee Unit, 16 October 2012 and 7 November 2012.

There are EU countries – Austria, France, the Netherlands - that are in several respects very similar to Germany, Sweden, Belgium and Luxembourg. They provide asylum seekers with comparable benefits.<sup>23</sup> They host large communities of Western Balkan people. They are relatively close to the Western Balkans. However, they did not record significant increases in asylum claims from Western Balkan citizens. The difference: in these countries, the asylum procedure is significantly shorter.

**Duration of the asylum procedure for Western Balkan citizens  
in Austria, France and the Netherlands**

	<b>Until first instance decision</b>	<b>Until final decision after appeal</b>
<b>Austria</b>	1 - 3 weeks	An appeal does not suspend the obligation to leave and benefits cease
<b>France</b>	2 - 3 weeks	An appeal does not suspend the obligation to leave and benefits cease
<b>Netherlands</b>	2 - 3.5 weeks	An appeal is handled within the 4-week deadline that a rejected claimant is given to leave the country

**Asylum applications in Austria, France and the Netherlands 2009 to 2011**

	<b>2009</b> (Before visa-free travel for WB countries)	<b>2010</b> (Serbia, Macedonia, Montenegro visa-free)	<b>2011</b> (All five WB countries visa-free)
<b>Austria:</b> <u>decrease</u>	1,020	620	350
<b>France: no</b> <u>change</u>	2,145	2,490	2,365
<b>Netherlands:</b> <u>slight increase</u>	105	485	430

<sup>22</sup> Ibid.

<sup>23</sup> Like in the targeted member states, Austria and the Netherlands provide applicants with housing, food, clothing, medical care and education for their children. In France, Western Balkan claimants have a right to a stipend of €11 per day for each adult, emergency medical care and education. Most asylum seekers also receive accommodation from NGOs, others often qualify for emergency accommodation from the state. ESI interview with UNHCR office in France, 17 December 2012.

## Does a short procedure infringe on the right to asylum?

An important question is whether a short procedure negatively impacts the chance to be granted asylum. Our research shows that it does not.

In Germany, Sweden and Luxembourg – where the procedures last long, around three months for Western Balkan applicants – the recognition rates for these claims are particularly low: 0.2 percent. During the three-year period 2009 to 2011, the asylum authorities made decisions on 28,045 claims and granted international protection in only 55 cases.

In Austria and France, where the procedure does not take longer than three weeks since the Western Balkan countries are on lists of “safe countries of origin”, the recognition rates were significantly higher in both absolute and relative terms. Austria and France decided on 6,785 claims and extended international protection to 435 individuals. This makes for a recognition rate of 7.4 percent for Austria and 5.9 percent for France.

This indicates that a short procedure and the fact that a country is considered a safe country of origin – which is the case in Austria and France - do not have a negative effect on the right to asylum.

### First-instance decisions on asylum claims from the citizens of all five Western Balkan states during the 2009- 2011 period

	Number of decisions made	Refugee status granted	Subsidiary protection granted	Recognition rate (Refugee status + subsidiary protection)
<b>Germany</b>	17, 240	20	15	0.2%
<b>Sweden</b>	9,980	10	10	0.2%
<b>Luxembourg</b>	825	10	0	1.2%
<b>TOTAL</b>	<b>28,045</b>	<b>40</b>	<b>15</b>	<b>0.2%</b>

<b>Austria</b>	2,155	90	70	7.4%
<b>France</b>	4,630	200	75	5.9%
<b>TOTAL</b>	<b>6,785</b>	<b>290</b>	<b>145</b>	<b>6.4%</b>

We also checked whether court decisions confirm this trend. They do. Courts in Germany, Sweden and Luxembourg are rather restrictive in granting international protection. Courts in Austria and France are more generous – particularly those in France that annulled 16.2 percent of all the negative first-instance decisions and instead accorded international protection to the individuals in question.

**Court decisions<sup>24</sup> on asylum claims  
from the citizens of all five Western Balkan states during the in 2009-2011 period**

	<b>Number of decisions made</b>	<b>Refugee status granted</b>	<b>Subsidiary protection granted</b>	<b>Recognition rate (refugee status and subsidiary protection)</b>
<b>Germany</b>	7,135	0	0	0%
<b>Sweden</b>	2,110	5	15	0.9%
<b>Luxembourg</b>	260	0	5	1.9%
<b>Austria</b>	1,140	10	30	3.5%
<b>France</b>	1,475	160	80	16.2%

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<sup>24</sup> Where the appeals procedure encompasses two court instances, the final decision is taken into account.

## The German experience (new)

Germany managed to reduce the number of Western Balkan asylum claims by shortening the asylum procedure.

Faced with a significant increase in Western Balkan asylum claims following the Constitutional Court decision of 18 July 2012 (see “The new increase in Germany in 2012”, p. 6), the German Federal Office for Migration and Refugees did something extraordinary:<sup>25</sup> from 2 October on, 75% of its 205 case workers processed only Serbian and Macedonian claims, and from 24 October until the end of the year 2012, all the case workers focused on these as well as Bosnian and Montenegrin (and Kosovar) claims. Sixty officers of the Federal Police supported the effort. They helped out by receiving applicants, taking their finger prints and starting files.

This effort brought the average length of the asylum procedure for Western Balkan citizens from 3 months down to 9 days. The effect was immediate: numbers started falling already in November and dropped even more in December (see table).

This measure was temporary. However, claims from Western Balkan citizens will continue to be prioritised. It remains to be seen how long the associated asylum procedure will take and how claims will develop. January 2013 already saw an increase compared to December 2012: there were 743 Serbian claims, 221 Macedonian and 224 Bosnian ones.<sup>26</sup>

**Asylum applications from Western Balkan countries in Germany in 2012**

	July 2012	Aug. 2012	Sept. 2012	Oct. 2012	Nov. 2012	Dec. 2012	Whole year 2012 <sup>27</sup>
<b>Serbia</b>	550	975	2,275	3,875	1,780	570	12,812
<b>Macedonia</b>	345	1,025	1,560	1,880	695	185	6,889
<b>Bosnia</b>	65	120	270	730	785	190	2,371
<b>Albania</b>	25	5	30	30	55	25	395
<b>Montenegro</b>	15	5	40	100	60	30	251
<b>TOTAL</b>	<b>1,000</b>	<b>2,130</b>	<b>4,175</b>	<b>6,615</b>	<b>3,375</b>	<b>1,000</b>	<b>22,718</b>

<sup>25</sup> The following information is from ESI email exchanges with the German Federal Office for Asylum and Migration in December 2012 and January 2013.

<sup>26</sup> German Federal Office for Migration and Refugees, “Asylgeschäftsstatistik für den Monat Januar 2013” (Asylum statistics for the month of January 2013), at [http://www.bamf.de/SharedDocs/Anlagen/DE/Downloads/Infothek/Statistik/201301-statistik-anlage-asyl-geschaeftsbericht.pdf;jsessionid=4EA9F877D34B2B4129AB0334A9B43D7A.1\\_cid286?\\_blob=publicationFile](http://www.bamf.de/SharedDocs/Anlagen/DE/Downloads/Infothek/Statistik/201301-statistik-anlage-asyl-geschaeftsbericht.pdf;jsessionid=4EA9F877D34B2B4129AB0334A9B43D7A.1_cid286?_blob=publicationFile).

<sup>27</sup> While the monthly figures are from Eurostat and therefore rounded up or down, the numbers for the whole year are from the German Federal Office for Migration and Refugees. Some are mentioned in the “Asylgeschäftsstatistik für den Monat Dezember 2012 und das Berichtsjahr 2012” (Asylum statistics for the month of December 2012 and the reporting year 2012), 15 January 2013, at [http://www.bamf.de/SharedDocs/Anlagen/DE/Downloads/Infothek/Statistik/statistik-anlage-asyl-geschaeftsbericht.pdf?\\_blob=publicationFile](http://www.bamf.de/SharedDocs/Anlagen/DE/Downloads/Infothek/Statistik/statistik-anlage-asyl-geschaeftsbericht.pdf?_blob=publicationFile), others have been provided upon request.



## The Swiss experience (updated)

Switzerland – not an EU member state, but a Schengen country - made a similar experience as Germany.<sup>28</sup> Although the Western Balkan countries were on the Swiss list of safe countries of origin,<sup>29</sup> the first-instance procedure still took 3.5 to 4 months. Switzerland used to receive a high number of Western Balkan asylum claims:

### Western Balkan asylum claims in Switzerland

	<b>2009</b> (No visa-free travel for the five WB countries)	<b>2010</b> (Serbia, Macedonia, Montenegro visa-free)	<b>2011</b> (All five WB countries visa-free)	<b>Jan. to August 2012</b>
<b>Serbia</b>	575	910	1,435	1,560
<b>Macedonia</b>	60	415	990	1,060
<b>Bosnia</b>	280	190	290	270
<b>Albania</b>	20	15	65	50
<b>Montenegro</b>	15	20	30	30
<b>Total of the 5 WB countries</b>	<b>950</b>	<b>1,550</b>	<b>2,810</b>	<b>2,970</b>
<b>All asylum seekers in Switzerland</b>	16,005	15,565	23,880	-
<b>Share of WB citizens</b>	6%	10%	12%	

In August 2012, the Swiss Federal Migration Office introduced “special measures” for safe European countries with visa-free travel. Now asylum seekers from such countries are sent to a reception centre in Basel, where a dedicated team conducts preliminary interviews within two days of the newcomers’ arrival. Within the following 48 hours then, the authorities carry out a full interview and issue a first-instance decision. A rejected claimant has 5 days to leave Switzerland.<sup>30</sup> In case of an appeal, the Federal Administrative Court issues a decision in 2 to 4 weeks. The Swiss authorities also made a considerable effort to make the new rules known among potential asylum seekers. Explanations of the asylum measures were translated into all Balkan languages<sup>31</sup> and disseminated across the region, as well as among Balkan communities in Switzerland.

<sup>28</sup> The information about Switzerland was provided to ESI by phone and email by various officials of the Swiss Federal Office for Migration on 15 and 21 November 2012. See also the press release from the Swiss Federal Office for Migration, “Special measures for asylum seekers from safe European countries”, 21 August 2012, at [http://www.ejpd.admin.ch/content/ejpd/en/home/dokumentation/mi/2012/ref\\_2012-08-21.html](http://www.ejpd.admin.ch/content/ejpd/en/home/dokumentation/mi/2012/ref_2012-08-21.html).

<sup>29</sup> Countries on the Swiss list of countries of safe origin include: Albania, Bosnia, Macedonia, Montenegro, Serbia, all EU countries, all EFTA states, all official EU candidate countries, Benin, Burkina Faso, Ghana, India, Kosovo, Moldova (without Transnistria), Mongolia, Senegal, Ukraine.

<sup>30</sup> If a case is complicated the decision may take longer and the deadline to leave Switzerland is 1 month.

<sup>31</sup> The press release from the Swiss Federal Office for Migration, “Special measures for asylum seekers from safe European countries, 21 August 2012”, is available in all Western Balkan languages, at [http://www.ejpd.admin.ch/content/ejpd/en/home/dokumentation/mi/2012/ref\\_2012-08-21.html](http://www.ejpd.admin.ch/content/ejpd/en/home/dokumentation/mi/2012/ref_2012-08-21.html).

As soon as the measures took root, the Swiss experienced a drastic drop in applications. The number of claims plummeted from 780 in August 2012 to 335 in September, 105 in October, 95 in November and 65 in December 2012.

**Western Balkan asylum claims in Switzerland  
after the introduction of “48-hour procedure” in August 2012**

	<b>Aug. 2012</b>	<b>Sept. 2012</b>	<b>Oct. 2012</b>	<b>Nov. 2012</b>	<b>Dec. 2012</b>
<b>Serbia</b>	410	200	60	35	30
<b>Macedonia</b>	260	45	20	10	10
<b>Bosnia</b>	95	80	20	35	15
<b>Albania</b>	15	5	5	10	10
<b>Montenegro</b>	0	5	0	5	0
<b>Total of the 5 WB countries</b>	<b>780</b>	<b>335</b>	<b>105</b>	<b>95</b>	<b>65</b>

## The French list of safe countries (new)

France maintains a list of safe countries of origin.<sup>32</sup> If an applicant is from a safe country of origin, the claimant is channelled through an accelerated “priority procedure”. The French Office for the Protection of Refugees and Stateless Persons (OFRPA) is obliged by law to render a decision within 15 days (which is largely managed). In the normal procedure, it takes OFPRA 174 days – almost six months – to render a decision (2011 figure).<sup>33</sup>

The benefits are better than in the priority procedure. Asylum seekers are entitled to housing, food, clothes, a stipend, medical care and school education for their children. Asylum seekers in the priority procedure only have a right to a stipend of €11 per day for each adult, to emergency medical care and to school education, even though they usually also receive accommodation from NGOs or emergency accommodation from the state.<sup>34</sup>

The evolution of the claims from Western Balkan citizens reflects when a country was added to, or removed from, the list. When a country was declared safe, the numbers usually always dropped afterwards. The most impressive example is Bosnia where numbers went down from 2,305 in 2005 when it was added to the list, to 260 in 2006 (see table on next page).

Vice versa, the number of applications increased when a country was removed from the list of safe countries. Claims by Albanian citizens jumped from 505 in 2011 to 2,275 in 2012 (without data for December 2012) after Albania was taken off the list of safe countries following a decision of the *Conseil d’Etat*, the highest administrative court, in March 2012.

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<sup>32</sup> Currently there are 17 countries on this list: Armenia, Bangladesh, Benin, Bosnia and Herzegovina, Cap Verde, Croatia, Ghana, India, Macedonia, Mali (only men), Mauritius, Moldova, Mongolia, Montenegro, Senegal, Serbia, Tanzania, Ukraine. Website of the French Office for the Protection of Refugees and Stateless Persons, Les pays d’origine sûrs (Safe countries of origin), at [http://www.ofpra.gouv.fr/index.html?dtd\\_id=11&xmld\\_id=2730](http://www.ofpra.gouv.fr/index.html?dtd_id=11&xmld_id=2730).

<sup>33</sup> Office français de protection des réfugiés et apatrides (French Office for the Protection of Refugees and Stateless Persons), Rapport d’activité 2011 (Activity Report 2011), p. 43, at <http://www.ofpra.gouv.fr/documents/OfpraRA2011.pdf>.

<sup>34</sup> All Western Balkan countries are considered “safe countries of origin” in France, except Albania since March 2012, and requests of their citizens are channelled through the “priority procedure” to which the described rules apply. ESI interview with an UNHCR official in France, 17 December 2012, and EU Refugee Fund, Forum Réfugiés and France Terre d’Asile, Dublin II Regulation & Asylum in France, Guide for asylum seekers – 2012, at <http://www.dublin-project.eu/dublin/France>.

### Asylum applications in France

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012 Jan.-Nov.
<b>Albania</b>	570	595	470	305	200↓	345	560	515	505	2,275↑
<b>Bosnia</b>	1,180	2,195	2,305	260↓	175	235	450	500	250	710
<b>Macedonia</b>	275	325	195	165	115↓	110	75	595	745	800
<b>Montenegro</b>					45	120	80	80	200	305
<b>Serbia</b>					3,065*	3,425*	980	800↓	665	735
<b>TOTAL</b>							<b>2,145</b>	<b>2,490</b>	<b>2,365</b>	<b>4,825</b>

*\*Includes figures for Kosovo*

Green – country is added to the safe list and numbers drop  
 Red – country is taken off the safe list and numbers increase  
 Grey – no drop even though country is added to the safe list

**Western Balkan countries on the French list of safe countries of origin:**

**Albania:** from May 2006 to Feb. 2008; included again in March 2011; taken off again in March 2012<sup>35</sup>

**Bosnia and Herzegovina:** since June 2005

**Macedonia:** since May 2006

**Montenegro:** since December 2011

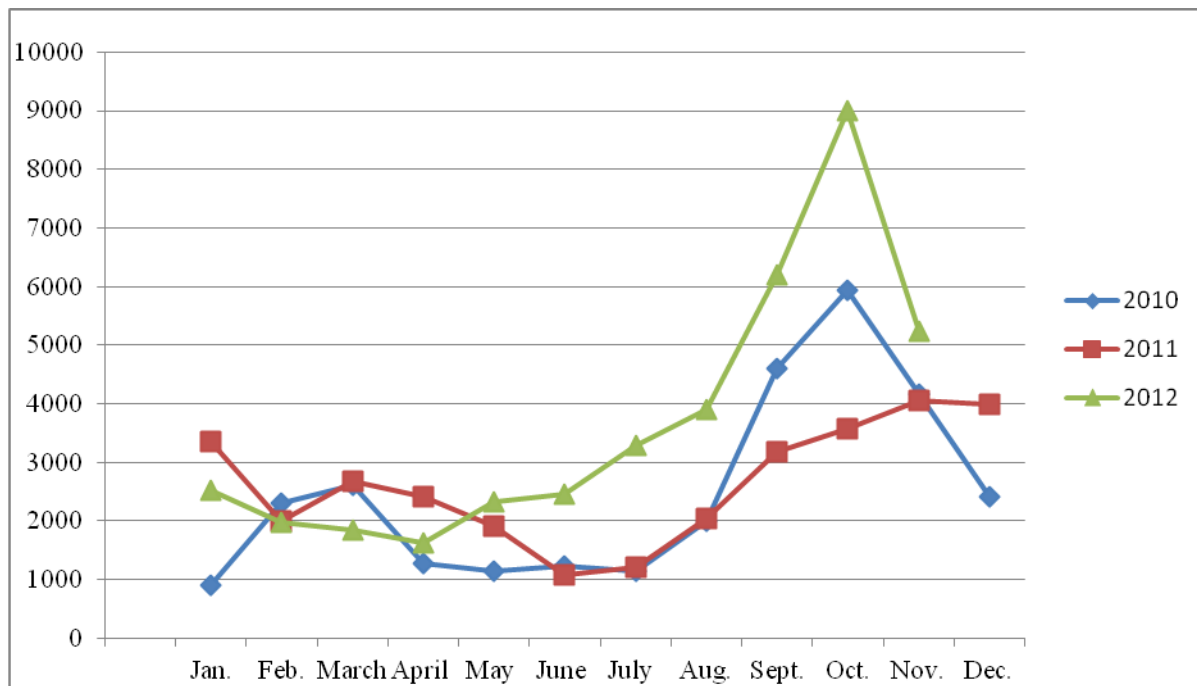
**Serbia:** since November 2009

<sup>35</sup> The letter by the French interior ministry of 4 April 2012 with new instructions to the prefectures is available at [http://circulaire.legifrance.gouv.fr/pdf/2012/04/cir\\_34992.pdf](http://circulaire.legifrance.gouv.fr/pdf/2012/04/cir_34992.pdf).

### Seasonal increases (new)

Since 2010, when the problem first emerged, the numbers of Western Balkan asylum seekers have been always highest before the winter, which indicates that people are trying to escape difficult living conditions.

**Western Balkan asylum claims in the EU, monthly breakdown for 2010 to 2012**



## Overview: Western Balkan asylum claims in the 27 EU member states (new)

The EU countries are ordered by the number of asylum claims received in 2011.

The data for 2012 is not complete. Where there is one asterisk, the data for December 2012 is missing, and the Netherlands has not submitted any data for 2012.

	<b>2009</b> (Visa required for all 5 WB countries)	<b>2010</b> (Serbia, Mace- donia, Monte- negro visa-free)	<b>2011</b> (All WB countries visa- free)	<b>2012</b> (Data incomplete; all WB countries visa-free)
<b>Germany</b>	1,450	10,835	9,360	22,745
<b>Belgium</b>	1,170	4,355	5,195	* 3,170
<b>Sweden</b>	965	7,380	4,875	* 6,075
<b>France</b>	2,095	2,490	2,365	* 4,825
<b>Luxembourg</b>	80	205	1,585	* 1,420
<b>UK</b>	285	260	470	* 915
<b>Netherlands</b>	105	485	430	No data for 2012
<b>Austria</b>	1,020	620	380	* 530
<b>Italy</b>	400	1,525	375	* 425
<b>Greece</b>	520	705	275	* 365
<b>Denmark</b>	205	305	235	665
<b>Finland</b>	70	195	120	230
<b>Ireland</b>	50	20	35	* 30
<b>Hungary</b>	635	70	30	* 15
<b>Slovenia</b>	75	45	20	15
<b>Slovakia</b>	25	10	10	0
<b>Cyprus</b>	175	45	5	0
<b>Spain</b>	15	20	0	0
<b>Romania</b>	30	10	5	* 10
<b>Portugal</b>	5	0	5	0
<b>Czech Rep.</b>	5	10	0	0
<b>Poland</b>	5	0	0	0
<b>Bulgaria</b>	0	0	0	0
<b>Estonia</b>	0	0	0	0
<b>Latvia</b>	0	0	0	0
<b>Lithuania</b>	0	0	0	0
<b>Malta</b>	0	0	0	0
<b>EU total</b>	9,385	29,680	25,785	41,435 <sup>36</sup>

<sup>36</sup> The total of 41,435 differs slightly from the total mentioned on p. 4 (41,490) due to the fact that Eurostat uses rounded figures. This table here is a mixture of annual and monthly data.

## **Annex: Terminology concerning international protection in the EU**

**Refugee status** is the highest form of international protection. Under EU asylum legislation, which is based on the 1951 UN Geneva Convention relating to the Status of Refugees and its 1967 Protocol, EU member states are committed to offering refugee status to third-country nationals that have “a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group” in their home country.<sup>37</sup>

**Subsidiary protection** is accorded to people who face “risks of serious harm” at home, but who do not meet the UN definition of refugee. The relevant EU Directive defines “serious harm” as “(a) death penalty or execution; or (b) torture or inhuman or degrading treatment or punishment of an applicant in the country of origin; or (c) serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict.”<sup>38</sup>

There is also **protection on humanitarian grounds**, also defined as “compassionate grounds”, which can cover a wide range of situations. It is at the discretion of EU member states to grant it, so it is regulated by national legislation. Most often it is extended to people with medical problems that cannot be treated in their home country.<sup>39</sup> Eurostat does not have complete data on it since not all EU member states submit it.

**At first instance**, asylum claims are decided by administrative bodies. Rejected asylum seekers have a right of appeal before a court, so this is the next instance. In some EU countries, this is the final instance, while others offer the possibility of an appeal against the court decision, so there are two court appeal options. In its data, Eurostat cites the decisions against which no appeal is possible anymore, and calls them **final decisions**.

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<sup>37</sup> Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted, at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004L0083:EN:HTML>.

<sup>38</sup> Ibid.

<sup>39</sup> Ibid.