



## **Ad-Hoc Query on practice concerning applicants for international protection from Eritrea**

**Requested by SE EMN NCP on 20<sup>th</sup> May 2014**

**Compilation produced on 11<sup>th</sup> July 2014, updated on 12<sup>th</sup> September 2014**

**Responses from Belgium, Bulgaria, Czech Republic, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Latvia, Luxembourg, Malta, Netherlands, Poland, Romania, Slovak Republic, Spain, Sweden, United Kingdom plus Norway (21 in Total)**

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### **1. Background Information**

A high number of asylum seekers coming to Sweden at the moment are from Eritrea. The Swedish Migration Board would like to know more of the practice in other (Member) States, when it comes to granting protection for applicants for Eritrea as well as practice when it comes to the return of those not granted protection.

1. What is the share of applicants from Eritrea that are granted international protection?
2. What is the average processing time for applications for persons from Eritrea?
3. Do you carry out returns, voluntary or forced, to Eritrea?

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We would appreciate your response by **June 3, 2014**.

## 2. Responses<sup>1</sup>

		<b>Wider Dissemination?</b> 2	1. What is the share of applicants from Eritrea that are granted international protection? 2. What is the average processing time for applications for persons from Eritrea? 3. Do you carry out returns, voluntary or forced, to Eritrea?
	<b>Austria</b>	<b>Yes</b>	
	<b>Belgium</b>	<b>No</b>	<i>This EMN NCP has provided a response, however they have requested that this is not disseminated further.</i>
	<b>Bulgaria</b>	<b>Yes</b>	<p>1. What is the share of applicants from Eritrea that are granted international protection? In 2013, 28 Eritrean nationals lodged an application for international protection. Subsidiary protection was granted to 1 person. Two applications for international protection have been lodged by Eritrean nationals since the beginning of 2014. One of them has been granted subsidiary protection.</p> <p>2. What is the average processing time for applications for persons from Eritrea? In accordance with Article 20 of the Law on Asylum and Refugees, no restrictions are allowed with respect to the rights or privileges of foreigners who are seeking or who have been granted protection in the Republic of Bulgaria, based on race, nationality, ethnic origin, gender, descent, religion, education, convictions, political affiliation, personal and social status or property status. Each asylum application is examined individually, and the Eritrean nationals make no exception to this rule. In accordance with the national legislation, once it is established that the Republic of Bulgaria is the Member State responsible to examine an asylum application, the President of the Bulgarian State Agency for Refugees makes a decision on the application within a period of three months.</p> <p>3. Do you carry out returns, voluntary or forced, to Eritrea? There is only 1 citizen of Eritrea forced returned for the last 6 years.</p>
	<b>Cyprus</b>	<b>Yes</b>	
	<b>Czech Republic</b>	<b>No</b>	<i>This EMN NCP has provided a response, however they have requested that this is not disseminated further.</i>
	<b>Denmark</b>	<b>Yes</b>	

<sup>1</sup> If possible at time of making the request, the Requesting EMN NCP should add their response(s) to the query. Otherwise, this should be done at the time of making the compilation.

<sup>2</sup> A default "Yes" is given for your response to be circulated further (e.g. to other EMN NCPs and their national network members). A "No" should be added here if you do not wish your response to be disseminated beyond other EMN NCPs. In case of "No" and wider dissemination beyond other EMN NCPs, then for the Compilation for Wider Dissemination the response should be removed and the following statement should be added in the relevant response box: "This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further."

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	<b>Estonia</b>	<b>Yes</b>	Not applicable as Estonia had no asylum seekers from Eritrea.
	<b>Finland</b>	<b>Yes</b>	<p>1. In 2014 (January – May), Finland issued 4 decision to applicants from Eritrea. 2 were granted international protection (subsidiary protection), 1 was a Dublin-case and 1 application was manifestly unfounded.</p> <p>2. The average time for processing an asylum claim can be found on the Finnish Immigration Service website: <a href="http://www.migri.fi/services/processing_times/processing_times_international_protection/1/0/the_average_processing_time_for_asylum_applications_54131">http://www.migri.fi/services/processing_times/processing_times_international_protection/1/0/the_average_processing_time_for_asylum_applications_54131</a></p> <p>At this point, we do not have specific information regarding the processing time for applicants for Eritrea.</p> <p>3. None have taken place in the last couple of years (2012-2014), in principle it is possible.</p>
	<b>France</b>	<b>Yes</b>	<p>1. In 2013, 184 of the 331 asylum seekers from Eritrea were granted protection in France. During the first quarter of 2014, 61 of the 107 asylum seekers from Eritrea were granted protection in France.</p> <p>2. The average time needed to issue a decision in asylum procedure was 204 days in 2013 and 186 days in 2012.</p> <p>3. No return is carried out from France to Eritrea.</p>
	<b>Germany</b>	<b>Yes</b>	<p>1) In the first four months of the year 2014 there were 1.436 first-time and 13 follow-up applications from Eritrea. 303 persons received international protection (refugee protection or subsidiary protection) at 758 decisions.</p> <p>2) The average duration of proceedings for all first-time and follow-up procedures from Eritrea was 7,7 months(01.01. – 30.04.2014).</p> <p>3) Regarding the statistics provided by the Federal Government and Federal States:</p> <p>Voluntary returns 2013: 3 (thereof 2 returnees assisted by the AVR program REAG/GARP)</p> <p>Voluntary returns 2014 (Jan - May): 3 (all assisted by the AVR program REAG/GARP)</p> <p>Removals 2013: 16</p> <p>Removals 2014: (no data available yet).</p>
	<b>Greece</b>	<b>Yes</b>	
	<b>Hungary</b>	<b>Yes</b>	<p>1. In 2013 and during the first 3 months of 2014, out of 118 asylum applications, 6 applicants were granted refugee status and 21 applicants were granted subsidiary protection status.</p> <p>2. N/A</p> <p>3. No return has been carried out to Eritrea.</p>
	<b>Ireland</b>	<b>No</b>	<i>This EMN NCP has provided a response, however they have requested that this is not disseminated further.</i>
	<b>Italy</b>	<b>Yes</b>	1 - During the year <b>2011</b> , applications from Eritrea were 505. The Commission recognized 300 of them as refugees under the UN Geneva Convention 1951 (five years permit to stay), 124 received the subsidiary protection (three years permit to stay according to the legislative decree of 19 <sup>th</sup> nov. 2007, n. 251), 26 obtained the humanitarian protection (one year permit to stay according to the legislative decree 28 <sup>th</sup> jan. 2008, n. 25, par. 5.6 and to legislative decree 25 <sup>th</sup> july 1998, n. 286 ), 44 have been refused the protection by the commission, 11

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			<p>have had a different procedure for regularization. Source Ministry of Interior <a href="http://ssai.interno.it/download/allegati/int_29_2011.pdf">http://ssai.interno.it/download/allegati/int_29_2011.pdf</a></p> <p>In <b>2012</b>, applications from Eritrea were 296, of those: 117 have been recognized refugees, 90 received subsidiary protection, 17 obtained humanitarian protection, 3 have been denied, 17 disappeared during the procedure, 52 found different solutions. Source: Ministry of Interior <a href="http://www.interno.gov.it/mininterno/export/sites/default/it/assets/files/27/2013_10_14_Quaderno_statistico_per_gli_anni_1990_-_2012.pdf">http://www.interno.gov.it/mininterno/export/sites/default/it/assets/files/27/2013_10_14_Quaderno_statistico_per_gli_anni_1990_-_2012.pdf</a></p> <p>In Italy as well as other EU countries, the average <b>share of recognition</b> of international protection for applications of nationals from Eritrea is around <b>60% during the first instance</b>. Source; EASO report 2013 and Eurostat, (p. 26) <a href="http://easo.europa.eu/wp-content/uploads/EASO-Annual-Report-Final.pdf">http://easo.europa.eu/wp-content/uploads/EASO-Annual-Report-Final.pdf</a> But regarding the <b>second instance</b> (in case of appeal to the refusal operated by the commission during the first instance of the application for international protection) the share of final recognition of international protection <b>for Eritreans in Italy is 100%</b> Source; EASO report 2013 and Eurostat (p.28) <a href="http://easo.europa.eu/wp-content/uploads/EASO-Annual-Report-Final.pdf">http://easo.europa.eu/wp-content/uploads/EASO-Annual-Report-Final.pdf</a></p> <p>2 – According to the law, asylum seekers should wait only 35 days for the audition to the territorial commission, but the actual emergencies brought to a situation that requires several months before to be called to the audition. Average time to wait for the answer is 8 months in first instance, one year for the second instance, depending on the complexity of the individual cases</p> <p>3 - No, Italy is not repatriating forcibly Eritreans; only 2 (two) of them took advantage of AVR Programmes (in 2009 and 2010).</p>												
	<b>Latvia</b>	<b>Yes</b>	<p>Only 2 asylum applications were submitted by Eritrean asylum seekers during the last five years in LV (<i>one was Dublin case; in other case person was granted subsidiary form of protection</i>).</p> <p>1. What is the share of applicants from Eritrea that are granted international protection? - N/A (<i>reason – see 1<sup>st</sup> sentence</i>).</p> <p>2. What is the average processing time for applications for persons from Eritrea? - 6 months.</p> <p>3. Do you carry out returns, voluntary or forced, to Eritrea? - No (<i>reason – see 1<sup>st</sup> sentence</i>).</p>												
	<b>Lithuania</b>	<b>Yes</b>													
	<b>Luxembourg</b>	<b>Yes</b>	<p>1. Since the beginning of the year 2014 only 4 Eritrean nationals have applied for international protection (3 in January and 1 in April). There is no information on positive decisions at the moment. In Luxembourg during 2013 the percentage of positive decisions to Eritrean nationals amount to 50% of the decisions (1 refugee status and 1 subsidiary protection) and two applications were rejected. Also three applications were implicitly withdrawn (See table below).</p> <table border="1" data-bbox="658 1283 1823 1410"> <thead> <tr> <th></th> <th>2011</th> <th>2012</th> <th>2013</th> </tr> </thead> <tbody> <tr> <td>Refugee status granted</td> <td>0</td> <td>0</td> <td>1</td> </tr> <tr> <td>Subsidiary protection granted</td> <td>0</td> <td>0</td> <td>1</td> </tr> </tbody> </table>		2011	2012	2013	Refugee status granted	0	0	1	Subsidiary protection granted	0	0	1
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			<table border="1"> <tr> <td>Rejected applications</td> <td>0</td> <td>1</td> <td>2</td> </tr> <tr> <td>Implicit withdrawn of the application</td> <td>0</td> <td>0</td> <td>3</td> </tr> <tr> <td>Cases where LU was incompetent to treat the application</td> <td>6</td> <td>2</td> <td>0</td> </tr> <tr> <td>Total number of international protection granted</td> <td>47</td> <td>63</td> <td>162</td> </tr> <tr> <td>Percentage</td> <td>0.0%</td> <td>0.0%</td> <td>1.2%</td> </tr> </table> <p align="center">Source: Ministry of Foreign and European Affairs, Annual reports, 2011, 2012 and 2013</p> <p>2. There is no information available for the average processing time for the treatment of Eritrean nationals' applications.</p> <p>3. Luxembourg does not carry out forced returns to Eritrea. Also until now Luxembourg has not carried out any voluntary returns to Eritrea. Nevertheless if there will be a case it will have to be considered on a case by case basis.</p>	Rejected applications	0	1	2	Implicit withdrawn of the application	0	0	3	Cases where LU was incompetent to treat the application	6	2	0	Total number of international protection granted	47	63	162	Percentage	0.0%	0.0%	1.2%
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	<b>Malta</b>	<b>Yes</b>	<p>1. The Office of the Refugee Commissioner notes that in 2012 it received a total number of 202 applications from persons claiming to be of Eritrean nationality. 77% of these were granted international protection (3% refugee status and 74% subsidiary protection status), 19% were rejected, 2% were granted local temporary protection and 2% of the applications were abandoned / inadmissible. In 2013, out of a total number of 593 applications from persons claiming to be of Eritrean nationality, 92% were granted international protection (2% refugee status and 90% subsidiary protection status), 5% were rejected, 1% were granted local protection (THP) and 2% were abandoned / inadmissible.</p> <p>2. The Office of the Refugee Commissioner is committed to conclude all cases within six months from the lodging of the application.</p> <p>3. The Office of the Refugee Commissioner notes that persons who claimed to be from Eritrea and were not given protection were not truly of Eritrean nationality, and therefore deportation if any would be towards other countries, and not Eritrea.</p>																				
	<b>Netherlands</b>	<b>Yes</b>	<p>1. What is the share of applicants from Eritrea that are granted international protection? Eritrea has long been a totalitarian regime. There is no press freedom, political freedom or freedom of religion. Eritreans in age from 18 to 50 years have to fulfil military service, and in practice this service often takes much longer than the prescribed 18 months. Desertion is extrajudicially and often severely punished. It is also an offense to the country to travel out. The authorities often punish without trial in prisons and human rights violations such as torture take place. Some Eritreans manage to flee to neighbouring countries.</p> <p>Until recently, asylum applications from Eritreans were almost always decided upon in the eight-day General Asylum Procedure (AA). Given the situation in Eritrea, this leads to approximately 80 % positive decisions. The IND pays extra attention in the asylum procedure of Eritreans to travel movements and smuggling routes. This information may also be relevant to the investigations. Extra attention is paid to examining the reliability of claims regarding the Eritrean nationality. The deployment (send the case for further investigation) is designed to clearly monitor when there is a doubt about the identity and / or the itinerary. In those cases no acceptance occurs, but further research is done.</p> <p>2. What is the average processing time for applications for persons from Eritrea?</p>																				

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			<p>See the previous answer.</p> <p>During the AA procedure Eritrean asylum cases are separated into cases that may be rejected and cases that are can possible be decided upon positively . Within the AA procedure positive decisions when there is no doubt about the nationality or the route followed will be decided within the AA procedure. Also, within the AA all cases that can be decided negatively will be decided negatively. In principle, all other cases will be further examined and decided in the Extended Asylum Procedure (VA).</p> <p>This approach already existed, but we introduced a more comprehensive method. There is now even more extensive research on the route, for example. In the past, decisions were therefore taken slightly faster (usually within 8 days). The decision period in the extended asylum procedure is maximum six months.</p> <p>3. Do you carry out returns, voluntary or forced, to Eritrea? There is no forced repatriation to Eritrea.</p>
	<b>Poland</b>	<b>No</b>	<i>This EMN NCP has provided a response, however they have requested that this is not disseminated further.</i>
	<b>Portugal</b>	<b>Yes</b>	
	<b>Romania</b>	<b>Yes</b>	<p>1. What is the share of applicants from Eritrea that are granted international protection? In 2013 only one asylum application from persons from Eritrea was registered by the General Inspectorate for Immigration. The refugee status was granted.</p> <p>2. What is the average processing time for applications for persons from Eritrea? Taking into account the low number of applications an average time for processing cannot be calculated. The above mentioned application was solved in 118 days.</p> <p>3. Do you carry out returns, voluntary or forced, to Eritrea? Taking into account the situation in Eritrea as well as the impossibility of getting valid travel documents for Eritreans, the General Inspectorate for Immigration doesn't carry out returns, voluntary or forced to this country.</p>
	<b>Slovak Republic</b>	<b>Yes</b>	<p>1. When applying for international protection, applicants from Eritrea state general unfavorable situation in their country of origin as the main reason for their application. This situation is mainly caused by the civil war and authoritative regime of the president Isaias Afewerki. However, general unfavorable situation in the country is not a relevant reason for granting asylum according to the Act No. 480/2002 Coll. On Asylum § 8.</p> <p>Persecution according to the Act No. 480/2002 Coll. On Asylum § 8 is considered as a serious violation of human rights of an individual and not of the whole group of population. According to UNHCR Handbook and Guidelines on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees, persons who are forced to leave their country of origin due to armed international conflicts or civil wars are not usually considered as refugees unless this conflict does not directly lead to persecution according to the Convention. However, these persons are protected according to other international agreements which is taken into consideration by the Migration Office when considering subsidiary protection. As for applicants for international protection from Eritrea, the Migration Office granted subsidiary protection in the territory of the Slovak Republic in almost 90% of all assessed cases (app. 10% of asylum seekers from Eritrea had left the territory and due to this their asylum procedure was terminated.</p>

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			<p>2. According to the Act No. 480/2002 Coll. On Asylum, the statutory period for issuing a decision is 90 days from lodging of the application. This also applies to asylum seekers from Eritrea. In 2012, when the first applications by asylum seekers from Eritrea were lodged, a problem with an interpretation to the language tigri occurred. Due to the fact that there was no such interpreter in the territory of the Slovak Republic, an interpreter from the Czech Republic had to be contacted. However as he was rather busy, this caused significant delays. In the end, assessments and decisions were made in case of all the applications (average period for processing of the application 3-5 months).</p> <p>In 2013, all applications from Eritrea were assessed within the statutory period without a need for extension (average period for processing of the application 2-3 months). The same applies for 2014.</p> <p>3. The Migration Office of the Ministry of Interior of the Slovak does not carry out forced returns to Eritrea, this is the authority of the Border and Alien Police of the Slovak Republic. Voluntary returns from Slovakia are carried out by IOM.</p> <p>The Migration Office has to take into consideration whether asylum seekers from Eritrea are eligible to apply for asylum. If they are not eligible, the Migration Office has to assess whether the asylum seekers are eligible to apply for subsidiary protection in the territory of the Slovak Republic. Considering current authoritarian regime in Eritrea, there is a high risk that rejected asylum seekers could be persecuted, tortured, detained on no grounds or without a court order in cruel conditions upon their return to their country of origin. Due to this, the Migration Office rather provides a subsidiary protection.</p> <p>According to the national statistics of the Migration Office and of the Border and Alien Police, from 29 applications for international protection by applicants from Eritrea in the Slovak Republic in 2013 there were 12 people granted subsidiary protection, no person from Eritrea was granted asylum. In 2013, there were 6 forced returns to Eritrea. According to IOM statistics, in 2013 there were no voluntary returns to Eritrea.</p>
	<b>Slovenia</b>	<b>Yes</b>	
	<b>Spain</b>	<b>Yes</b>	<p>Any forced return is being carried out to Eritrea.</p> <p>No info available in regard with nationals from Eritrea who has opted for any voluntary return programme granted by the Ministry of Employment and Social Security.</p>
	<b>Sweden</b>	<b>Yes</b>	<p>1. Out of the decisions taken in 2014 up till now (May 19) on applications from persons from Eritrea, where the application has been decided upon in Sweden, 100 per cent have been granted a residence permit.</p> <p>2. The average processing time for an application for international protection for a person coming from Eritrea has so far in 2014 been 118 days.</p> <p>3. Only voluntary returns providing that valid travel documents are available.</p>
	<b>United Kingdom</b>	<b>Yes</b>	<p>1. In 2013, the UK received 1409 applications (main applicants including dependents) from Eritrean nationals. Out of the 1001 initial</p>

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			<p>decisions taken on these applications, 817 resulted in grants (809 grants of asylum, 6 grants of discretionary leave, 1 grant of humanitarian protection, and 1 'other grant'<sup>3</sup>). Therefore 81.6% of decisions reached in 2013 from Eritrean nationals were granted international protection. For recently published asylum figures see:  <a href="https://www.gov.uk/government/publications/immigration-statistics-january-to-march-2014/immigration-statistics-january-to-march-2014#asylum-1">https://www.gov.uk/government/publications/immigration-statistics-january-to-march-2014/immigration-statistics-january-to-march-2014#asylum-1</a></p> <p>2. Unable to provide this information.</p> <p>3. Yes, it is possible to carry out both voluntary and enforced removals to Eritrea. All asylum and human rights claims are carefully considered on their individual merits in accordance with the UK's obligations under the 1951 United Nations Convention Relating to the Status of Refugees and the European Convention on Human Rights. We closely monitor developments in all countries of return and take decisions on a case-by-case basis in the light of our international obligations and the latest available country information.</p> <p>Where a decision has been made that a person does not require international protection, and there are no remaining rights of appeal or obstacles to their return, the UK expects unsuccessful asylum seekers to return voluntarily to their home country. Return and reintegration assistance is available to enable returnees to rebuild their lives in their country of origin. If an individual does not leave the UK voluntarily, then it will become necessary to enforce their removal. We do not remove an individual unless it is safe to do so, with a safe route of return.</p>
	<b>Croatia</b>	<b>Yes</b>	
	<b>Norway</b>	<b>Yes</b>	<p>1. What is the share of applicants from Eritrea that are granted international protection? In 2013, 93% of the Eritrean applicants were granted protection. Thus far in 2014, 93% have been granted protection.</p> <p>2. What is the average processing time for applications for persons from Eritrea? Case work processing time in 2013 was 71 days, in 2014 thus far, it has been 101 days.</p> <p>3. Do you carry out returns, voluntary or forced, to Eritrea? Forced returns in 2013 there were 3, thus far this year, none. There were 7 assisted returns in 2013 and thus far in 2014, there have been 3 assisted returns.</p>

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<sup>3</sup>UK ; 'Figures for 'Other grants' include: grants under family and private life rules, which relate to the introduction of a new approach to Article 8 of the European Convention on Human Rights, from 9 July 2012; Leave Outside the Rules, which was introduced for those refused asylum from 1 April 2013; and UASC leave, which was introduced for Unaccompanied Asylum-Seeking Children refused asylum but eligible for temporary leave from 1 April 2013.