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RSCAS 2013/89  
Robert Schuman Centre for Advanced Studies  
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A Comparative Study on the Asylum Landscapes  
within the EU for Iraqis after the 2003 Iraq War and  
Syrians after the 2011 Syrian Civil War

Christine Marie Fandrich



European University Institute  
**Robert Schuman Centre for Advanced Studies**  
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EUI Working Paper **RSCAS** 2013/89

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## **Abstract**

This paper attempts to formulate the general asylum landscapes within the EU during the 2003 Iraq War and the 2011 Syrian Civil War. The overall picture gleaned from this comparison is intended to evaluate how the EU and its MS addressed the effects of one Middle Eastern crisis (in Iraq) in order to apply lessons learned to the current crisis in the Middle East (Syria). By concurrently analysing the phenomenon of Iraqis seeking shelter within the European Union following the 2003 Iraq War as well as the occurrence of Syrians fleeing to the EU following the 2011 Syrian civil war, this study attempts to provide a comparative lens with which to view the present-day crisis in Syria, to document the progress regarding asylum adjudication within the EU -indeed how asylum-seekers are granted or not granted protection within the European Union, especially in times of mass humanitarian crises- and to acquire an understanding of the past in order to formulate new solutions to current crises.

## **Keywords**

Asylum, European Union, Iraq, Syria, Refugees, Irregular migrants, Return, Border security

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## 1. Introduction\*

By concurrently analysing the phenomenon of Iraqis seeking shelter within the European Union following the 2003 Iraq War as well as the occurrence of Syrians fleeing to the EU following the Syrian civil war, this study attempts to provide a comparative lens with which to view the present-day crisis in Syria, to document the progress regarding asylum adjudication within the EU -indeed how asylum-seekers are granted or not granted protection within the European Union, especially in times of mass humanitarian crises- and to learn lessons from the past and apply them to the present.

The crises in Iraq and Syria are by no means identical. Whereas the most recent crisis in Iraq<sup>1</sup> began only after US-led multi-national forces invaded the country and destabilised the government through the removal of Saddam Hussein and the subsequent de-Baathification process, thereby creating a space for the insurgency to grow and wreak havoc across the country, the crisis in Syria began as a wholly internal conflict (partly inspired by the unrest of the Arab Spring) and, at the outset, involved a civilian opposition force fighting against the Syrian government led by the Assad regime, and its supporters. While elements of sectarian violence can certainly be seen in the Syrian conflict, (especially between the majority Sunni opposition and the mainly Alawite government and its supporters),<sup>2</sup> in Iraq minority ethnic and religious groups- including Assyrians, Kurds, Christians, Mandaeans, Yezidis, and others- in addition to the intelligentsia (regardless of creed) were especially targeted for kidnappings and assassinations on a much larger scale than what is currently seen in Syria. The regional dimensions of the conflict are also not the same. While Iran certainly had (and has) a role to play during the Iraqi crisis, particularly given the historic religious and social links between the two countries, Iran's role in the current Syrian crisis has been full supporter of the Assad regime as well as for Hezbollah forces fighting within the conflict. Also, the Assad regime can, for the most part, rely on two veto-wielding Members of the UN Security Council, Russia and China, to oppose any such military intervention in Syria (for now) - a privilege rarely enjoyed by Saddam - and Russia has a particular relationship with Syria given its naval facility in Tartus (the only such facility on the Mediterranean Sea), its weapons deals with Syria, and for other economic and political ties. On the other side, the Gulf countries and Western nations are providing varying degrees of support to the rebels fighting against the Assad regime. Moreover, the situation for Iraqi and Syrian refugees in neighbouring countries are not the same, as Iraqi refugees were more likely to become urban refugees in surrounding countries, while Syrian refugees are more likely to be housed in camps within Syria's neighbours. European opinions regarding the crises also differed. In Europe, the invasion of Iraq was a contentious issue, and not all Member States supported the US attack. While several EU MS participated in the multi-national forces that invaded and occupied Iraq (including Bulgaria, Czech Republic, Denmark, Estonia, Hungary, Italy, Latvia, Lithuania, Poland, Portugal, Spain, the Netherlands, Romania, Slovakia and the UK), other MS were, in varying degrees, against the military offensive (particularly Austria, Belgium, Germany, France, and Sweden). Additionally, the European Parliament was against the military invasion of Iraq without approval of the Security Council.<sup>3</sup> In the Syrian crisis, even though there have been differences regarding military strikes against the Assad regime, the EU and its MS are generally in agreement that: 1) a political solution is the best solution; 2) Assad should step down; and 3) they have equally condemned the violations of human rights in Syria, calling for the perpetrators to be brought to justice. Finally, the aftermath of the Iraq crisis continues to plague the country ten years after the invasion, while the Syrian crisis, although nearly three years in, is still, by comparison, within its infancy.

Likewise, the EU asylum landscapes (the legal systems, protection policies implemented, resettlement prospects, EU-wide legislation, etc.) were not always equivalent for Iraqis and Syrians entering the EU. Much has been developed and much has changed since the beginning of the Iraq war, in 2003, until now, 2013. Unforgettably, the EU itself has changed due to the enlargements in 2004, 2007, and 2013. In addition to national legislation and specific protection policies, discussed below, several developments in EU-wide legislation dealing with asylum-seekers in the European Union have

also occurred. For instance, the *EU Qualification Directive* (2004) and its recast (2011), which clarifies the grounds for granting international protection; the *Asylum Procedures Directive* from 2005 and its recast from 2013, setting minimum standards on procedures in Member States for granting and withdrawing refugee status; the *Dublin Regulation* (2003) and its recently adopted revision, which establishes the State responsible for examining asylum applications; as well as several developments in resettlement, for instance the *EU Joint Resettlement Programme*, adopted in 2012. These legal acts, amongst other developments, have certainly shaped the asylum landscape within the EU, affecting how Iraqis and Syrians (and others) apply for asylum and which protection statuses they receive, clarifying which Member State determines their asylum applications, and even influencing which nationalities are resettled into the EU.

Although the Iraqi and Syrian crises are not identical, they certainly resemble each other in many ways. For one, the magnitude and geographic locations of displacement are similar. Although numbers have varied widely regarding the Iraqi crisis,<sup>4</sup> by April 2008, the UNHCR estimated that 2 million Iraqis were displaced within Iraq and over 2 million were displaced throughout the region, mainly in Syria (1.5 million), Jordan (500,000), Egypt (120,000), Lebanon (20,000-50,000), Iran (57,000), the Gulf States (200,000) and Turkey (5,000).<sup>5</sup> The conflict-induced displacements from the Syrian crisis are similarly massive and geographically located. Current figures show that from March 2011 through September 2013, approximately 5.1 million Syrians have become internally displaced<sup>6</sup> and an additional 2.1 million Syrians have fled to neighbouring countries - Lebanon (775,991), Turkey (494,361), Jordan (533,104), Iraq (194,234), Egypt (126,717), and several North African countries(14,959).<sup>7</sup> Civilian deaths in both conflicts are unfortunately similar, while perhaps on a larger-scale in Syria. During the Iraq crisis, numbers of war-related deaths since the invasion have ranged from approximately 175,000 to 650,000; with some estimates including direct war casualties while others also include indirect war casualties.<sup>8</sup> Likewise, Syria is also a battlefield, and by October 2013 the Syrian Observatory for Human Rights placed the figure of civilian casualties over 41,000, with another 41,000 government fighters and 23,000 rebel fighters killed, for a total of 115,000 direct war casualties since the war began.<sup>9</sup> The human toll in both crises is certainly tragic: a generation of children without proper education; lack of proper health care; the immeasurable psychosocial effects of war and displacement that stay with people for lifetimes; loss of home and loved ones; among many other destabilising factors that will certainly impact the region for decades to come.

As the European Union has been the main refuge for Iraqi and Syrian asylum-seekers within the industrialised world, the EU plays an enormous role in both conflicts. Indeed, the EU received 75% of all Iraqi asylum applications lodged in industrialised countries between 2003 and 2012, and received 85% of all Syrian asylum applications lodged in industrialised countries between 2011 and 2012.

While the crises are not the same, yet clearly have analogous elements, it is believed that comparing EU and Member States' responses to both crises is a useful exercise as it can evaluate the challenges and best practices of the past in order to apply lessons learned to the present. Indeed, with almost 200,000 Iraqis and 55,000 Syrians applying for asylum within the EU since their respective crises, evaluation of policies is crucial to providing the best responses to these and other conflicts that will surely arise in the future.

The methodology for this desk study mainly involves analysing data compiled from: the UNHCR; Eurostat; Frontex; official EU documents; annual and special reports conducted by the contact points for the European Migration Network; as well studies conducted by NGOs and other international organisations in order to formulate the general asylum landscapes within the EU during the Iraq and Syria crises. The overall picture gleaned from this comparison is meant to provide lessons from how the EU and its MS addressed one Middle Eastern crisis (in Iraq) in order to apply them to the current crisis in the Middle East (Syria). Although this study certainly analyses the asylum and migration policies of the EU and MS, this study is limited as it does not analyse the unique political situations occurring within MS (the outcomes of elections, anti- or pro-immigration political parties in the majority, etc.) nor does it evaluate the economic situation of each EU MS, both of which could have

impacts on measures taken to address migratory issues. It would certainly be an interesting area for future research, yet this study is limited in the sense that it does not address these issues.

## **2. The EUs Response to Iraqis in the EU Following the 2003 Iraq War, 2003-2013**

### ***2.1. Introduction***

Defying the international community's expectation of an impending refugee crisis directly after the invasion of Iraq on 20 March 2003,<sup>10</sup> the actual refugee crisis began three years later, following the February 2006 bombing of the Al-Askari mosque in Samara, Iraq and the subsequent eruption of sectarian violence across the country. As a consequence, massive internal and external displacements of Iraqis (as well as Palestinian refugees and others in Iraq<sup>11</sup>) were observed. As mentioned, the displacements were massive: by April 2008, the UNHCR estimated that 2 million Iraqis were displaced within Iraq and over 2 million were displaced throughout the region. Governments, international organizations, and the media frequently referred to the Iraqi refugee crisis as the largest displacement of refugees in the Middle East since the Palestinian exodus in 1948.<sup>12</sup>

While the war has subsided since 2003, violence and instability continue to plague Iraq due to an anti-government insurgency (as well as terrorist elements, complicated further by the conflict in Syria<sup>13</sup>) existing in Iraq, and sectarian violence and indiscriminate killings of civilians across the country are disparagingly the norm.<sup>14</sup> Given the unremitting instability across Iraq, more than ten years after the invasion Iraqis continue to seek protection outside their homeland. Indeed, nearly 20,000 Iraqis applied for asylum in the industrialised countries in 2012 alone,<sup>15</sup> and during the first eight months of 2013 alone, nearly 7,000 Iraqis claimed asylum in the European Union (almost equivalent to the numbers of Syrians applying for asylum in the EU during the whole of 2011).<sup>16</sup>

While the above paints an exceptionally brief picture of the situation in Iraq and the region following the 2003 war, the focus of this section is to explain the phenomenon of Iraqis seeking asylum within the European Union following the US-led invasion, how the phenomenon evolved over time, and how the EU and MS responded (and are still responding) to Iraqis already within the EU as well as the new influx of Iraqi migrants and asylum-seekers.

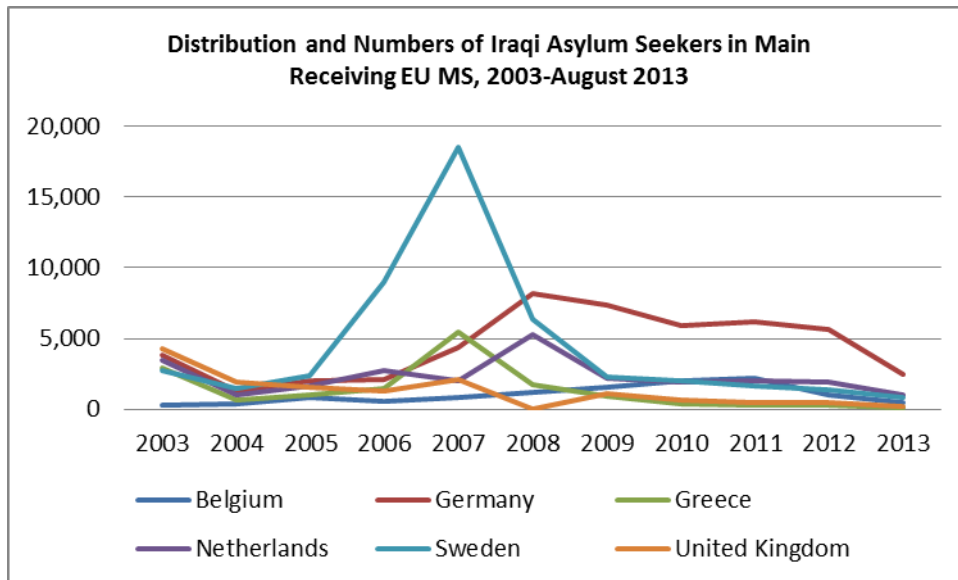
### ***2.2 Numbers and Trends of Iraqi Asylum-Seekers in the EU, 2003-August 2013***

Over the past thirty years, war, repression, ethnic cleansing, sanctions, invasion, and sectarian violence have contributed to the internal and external displacement of millions of Iraqis.<sup>17</sup> Indeed, between 1990 and 2002 alone, potentially up to one and a half million Iraqis left Iraq permanently, with approximately one-third of these residing in Western Countries.<sup>18</sup> Certainly, Europe held a sizeable Iraqi population before the 2003 Iraq War. Eurostat data shows that: between 1998 and 2002, the average annual Iraqi population within the EU was over 125,000 per year with the majority living in Germany and Sweden; between 1985 and 2002, nearly 255,000 Iraqis applied for asylum in EU Member States, mainly in Germany, the UK, the Netherlands, and Sweden; and between 1991 and 2002, over 73,000 Iraqis gained citizenship within the EU mainly in Sweden, the UK and Germany (Table 1). Significantly, EU MS which held the largest Iraqi resident populations, granted the most Iraqis with citizenship, and received the most Iraqi asylum claims pre-2003 were also the EU MS to receive the most Iraqi asylum claims post-2003, demonstrating the impact of established Diasporas on new inflows of Iraqis to the EU (compare Table 1 and Table 2).

By far, the European Union has been the largest receiver of Iraqi asylum applications filed within industrialised countries. Remaining the top destination for Iraqi asylum seekers after the 2003 Iraq war,<sup>19</sup> according to UNHCR data between 2003 and 2012 the EU received 75% (or approximately 183,000 out of a total 244,000) of all Iraqi asylum applications lodged in industrialised countries

(Graph 1). After the war, considering Eurostat data from the beginning of 2003 through August 2013, nearly 200,000 (196,055) Iraqis applied for asylum within the EU. Shouldering most of the inflow, the vast majority (83%) of Iraqi asylum applications were filed in just six EU Member States, half of which were filed in Sweden and Germany alone: Germany (49,350), Sweden (48,480), the Netherlands (25,210), Greece (15,040) the UK (13,960), and Belgium (11,180) (Graph 2 and Table 2, see footnote under Table 2 for description of asylum applications counted).

**Graph A. Distribution and Numbers of Iraqi Asylum Seekers in Main Receiving EU MS, 2003-August 2013**



\*Source: Data compiled from Eurostat. See Annex for detailed Tables and explanation of claims counted

The total number of Iraqi asylum applications in the EU was markedly cut in half in 2003, and numbers continued to decline drastically in 2004, reducing by 63% (Table 2). Indeed, according to the UNHCR, “As a result of initial optimism after the fall of the Saddam Hussein regime in 2003, over 300,000 Iraqi refugees returned home during the two years following the war (mainly from Iran).<sup>20</sup> This optimism could help to perhaps partially explain the decline in Iraqi asylum application within the EU during this time. Most EU MS followed this overall downward trend, with the remarkable exception of the Netherlands, which actually saw numbers triple, reaching approximately 3,500 applications in 2003. Notably, the Netherlands became the first EU MS following the invasion to implement a policy of ‘categorical protection’ for Iraqi asylum-seekers, from November 2002 until February 2006, regarding Iraqis from Central Iraq - a policy which most probably acted as a pull-factor contributing to the unusual spike in Iraqi asylum applications within the Netherlands during this time (just as future policies of protection implemented in the Netherlands acted as pull-factors for Iraqi asylum-seekers, explained below).<sup>21</sup>

Following the Samara bombing in February 2006 and the consequent eruption of sectarian violence, the total number of Iraqi asylum applications in the EU essentially doubled in 2006, reaching nearly 19,300 applications. Numbers almost quadrupled in Sweden (from 2,339 in 2005 to nearly 9,000 in 2006) and large increases were observed in Denmark, Greece, and the Netherlands (amongst others) (Table 2).

As the violence in Iraq intensified, overall numbers of Iraqi asylum applications in the EU doubled again in 2007, reaching over 38,000 applications – a sizeable increase due to the 18,600 Iraqi asylum applications filed in Sweden in 2007 alone. The UK saw an increase of 59%; Denmark,<sup>22</sup> Germany and Sweden saw numbers double; quadruple in Greece, mainly due to a technical asylum procedure;<sup>23</sup>

increase 12-fold in Bulgaria, notably after joining the EU in 2007;<sup>24</sup> and 37-fold in Spain, however this was due to large numbers of Iraqi applying at the Spanish embassy in Cairo<sup>25</sup> (Table 2). Inconsistently, the Netherlands was the only MS to witness a significant decline in Iraqi asylum applications in 2007 – a decrease of nearly 800 applications. Particularly, the decrease followed the Netherlands' termination of its categorical protection policy for Iraqis<sup>26</sup> (Table 2).

Extraordinarily, almost half of the EU's total of Iraqi asylum applications between 2006 and 2007 was filed in Sweden alone. In addition to the explosion of sectarian violence in Iraq, and other factors like social networks<sup>27</sup> (as mentioned above, Sweden was one of the EU MS with the largest resident Iraqi populations, etc., pre-2003) Swedish authorities implemented significant policy changes in 2006 that had a direct impact on the levels of Iraqi asylum claims received in the country. Encouraged by a new Aliens Act and a 'temporary law' (pardon):

“Sweden became one of the main target countries for asylum seekers from Iraq. The reason for this is probably that the before mentioned pardon constituted a major pull-factor for asylum seekers. The assessment of the situation in Iraq together with the interpretation of the new Aliens Act regarding subsidiary protection led to a significant high recognition rate in Sweden compared to many other European states. This might have encouraged many Iraqis to seek asylum in Sweden.”<sup>28</sup>

Counterbalancing the rise in Iraqi asylum applications, in 2007 Sweden's Migration Court determined that the situation in Iraq was not one of 'armed conflict,' which “led to a significant fall in recognition rates and therefore potentially to a shift in flows from Sweden to its neighbours.”<sup>29</sup>

Revealing this shift, in 2008 numbers of Iraqi asylum applications in Sweden were reduced by two-thirds when compared to 2007, while numbers almost doubled in Germany, more than doubled in the Netherlands, quadrupled in Finland,<sup>30</sup> and increased almost 5-fold in France and Italy, as many other MS witnessed decreases (Table 2). Furthermore, over 2,500 Iraqis withdrew their asylum applications in Sweden between 2007 and 2008 – a number unparalleled in size when looking at the number of withdrawals in other MS between 2003 and 2013<sup>31</sup> – potentially demonstrating an outflow of Iraqis who abandoned their asylum claims in Sweden to seek protection in neighbouring countries (however, the EURODAC system, whereby asylum-seekers' fingerprints are uploaded into an EU-wide system to prevent asylum shopping, coupled with the Dublin system, should have prevented these Iraqis from being granted a status in another EU MS or other participating country).

The above example indicates two conclusions. First, in certain cases a direct correlation can be found between the policy implemented in an EU MS and the corresponding levels of asylum applications received – in this case, a restrictive policy in Sweden led to a corresponding decrease in Iraqi asylum-seekers within the country. Second, restrictive policies in one EU MS can potentially lead to increased asylum claims in neighbouring EU Member States, e.g., from Sweden to its neighbours.

At the same time as access to protection for Iraqi asylum-seekers was being restricted in Sweden, some of Sweden's neighbours and other MS concurrently implemented policies expanding access, perhaps further encouraging the aforementioned shift. Keeping the increase of violence as a push-factor in mind, from April 2007 through September 2008, the Netherlands implemented a second declaration of categorical protection for Iraqis originating from Central and Southern Iraq,<sup>32</sup> and in July 2007 assumed group persecution for religious minorities originating from Iraq, granting the majority subsidiary protection, perhaps contributing to the 62% increase of Iraqi asylum claims witnessed in the Netherlands in 2008;<sup>33</sup> Germany implemented new immigration legislation and began assuming group persecution of religious minorities from Iraq in May 2007, leading to high percentages of Iraqis granted refugee status,<sup>34</sup> showing a concurrent increase of 50% of Iraqi asylum claims in 2008; towards the end of 2007 France implemented a protection policy affecting threatened Iraqi nationals belonging to religious minorities (see below), and in 2008 France witnessed a 78%

increase; and in Finland, due to procedural changes in 2007, increased numbers of Iraqis were granted humanitarian protection,<sup>35</sup> witnessing a 76% increase in 2008 (Table 2).

It can also be hypothesised that the transposition (by the end of 2006) and interpretation of the *Qualification Directive* also had bearing on these developments, as the Directive introduced ‘subsidiary protection’ as an EU-wide concept, perhaps advancing standards and leading to higher recognition rates.<sup>36</sup>

Notably, numbers of Iraqi asylum seekers in Poland more than tripled in 2008 to reach 70 applications (Table 2), far surpassing levels seen at any other time, most probably due to Poland’s decision to grant protection to Iraqi interpreters and their families at this time.<sup>37</sup>

Despite the drastic increases in certain EU MS, in 2008 overall numbers of Iraqi asylum applications lodged within the EU declined by 28%, and reduced by a further 35% the following year (Table 2). As the security situation in Iraq slowly improved, conditions granting protection to Iraqis no longer applied (as in Sweden and other MS) and national protection policies for Iraqis were also terminated, partially explaining the decrease in Iraqi asylum claims, demonstrating a correlation between restrictive protection policies and decreases levels of asylum claims.

For instance, in September 2008 categorical protection was terminated in the Netherlands,<sup>38</sup> contributing to the 60% reduction of Iraqi asylum applications in the Netherlands (from over 5,000 to just over 2,000, Table 2). As Dutch authorities noted: “The large decrease in the number of applications submitted by persons originating from Iraq is probably related to the abolition of the policy of categorical protection for persons from Central Iraq on 12 September 2008.”<sup>39</sup> Finland also began restricting its protection space for Iraqis in May 2009, stating that “asylum seekers coming from Southern Iraq and Baghdad are no longer to be given international protection due solely to the security situation,” with subsequent decreases in Iraqi asylum claims by 54% in 2010<sup>40</sup> (Table 2).

As opposed to slowly declining in number from the height of the crisis towards 2013, as was the case for the vast majority of Member States, Belgium, Finland, and Germany continued to receive sustained numbers of Iraqi asylum applications when compared to those witnessed during the peak years (Sweden and the Netherlands also received the second and third highest numbers of Iraqi asylum-seekers after Germany following 2008, yet these numbers have been decreasing since the peak years, unlike Germany, Belgium and Finland) (Table 2). While Germany and Finland received almost the same numbers of Iraqi asylum claims between 2010 and August 2013 as received during the previous four years, Belgium received more Iraqi asylum applications between 2010 and August 2013 than in the previous seven years combined.

Following 2007, Germany has been the main receiver of Iraqi asylum applications in the EU, and levels have far surpassed those seen in any other MS (Table 2). In addition to Germany’s protection policies for certain Iraqis (above), Germany began granting Iraqi asylum-seekers refugee status as opposed to any other status,<sup>41</sup> (indeed, almost 100% of Iraqi asylum-seekers granted protection in Germany received refugee status, discussed below) perhaps partially explaining the sustained levels seen in this country.

In Belgium, in 2011 the number of Iraqi asylum applications peaked to its highest level seen throughout the crisis (to over 2,000). Belgian authorities claimed that in 2011 the country became one of the most important destination countries for Iraqi asylum-seekers due to the “high quality of the asylum system and assessment, compared to some other Member States” and “the fact that Belgium already hosts large Diasporas.”<sup>42</sup> Once protection space was restricted, however, following the 2012 ruling of the Belgian Council for Aliens Law Litigation that there was no longer a situation of generalised violence in Iraq, according to article 15C of the *Qualification Directive*,<sup>43</sup> there was a corresponding decline in applications, by 56% in 2012, and a further 50% during the first eight months of 2013 (Table 2).

In Finland, in December 2010 the Finnish Supreme Administrative Court ruled to automatically grant subsidiary protection to Iraqi applicants originating from certain areas of Iraq and accordingly reprocessed rejected Iraqi asylum claims during the first half of 2011 leading to a spike in applications.<sup>44</sup> While nearly every other MS saw decreases in Iraqi asylum applications in 2012, Finland saw numbers of Iraqi asylum applications increase by 30%, reaching 830 applications (Table 2).

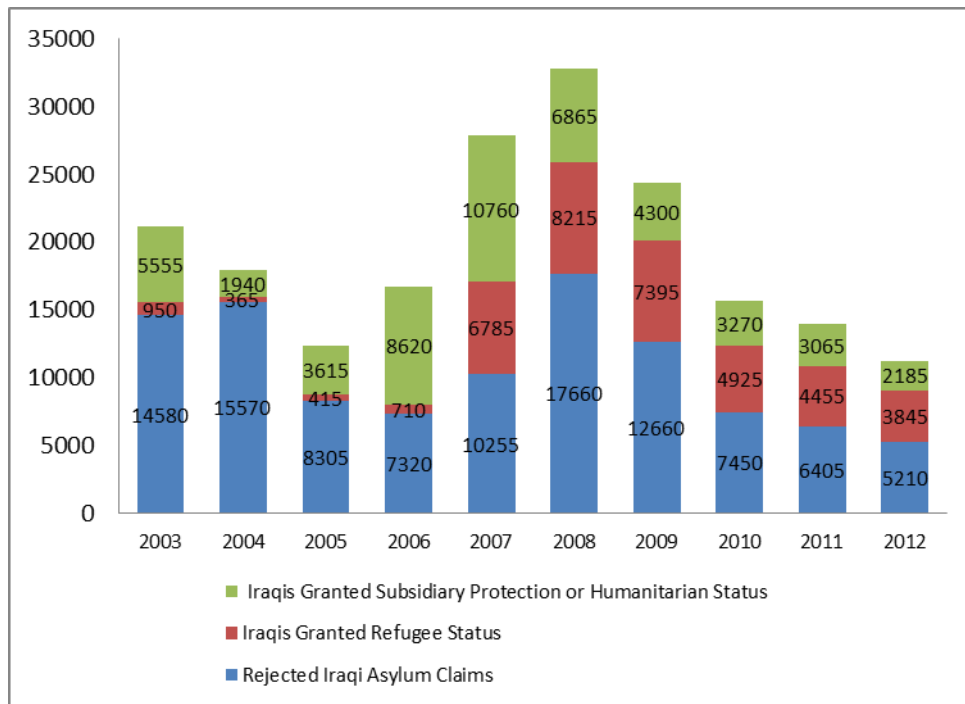
Overall, however, numbers of Iraqis applying for asylum within the EU have steadily decreased since the peak years, falling to a total of 13,180 applications in 2012, and dropping to 6,600 during the first eight months of 2013 (Table 2). Against the historical trend, in 2011 and 2012 only around half of all Iraqi asylum applications in industrialised countries were lodged in the EU (Graph 1). This anomaly is partially explained by the fact that large numbers of Iraqis sought asylum in Turkey between these years - 7,900 in 2011 and 7,000 in 2012.<sup>45</sup> The downturn as well as shift to Turkey as a viable asylum country could be explained by: the aforementioned restrictive asylum rulings and lower recognitions rates for Iraqis in EU MS; increased border measures, especially along the Greek-Turkish border, and security operations by Frontex and MS; and increased emphasis on return of Iraqi nationals and the concluding of Memorandums of Understanding between Iraq and EU MS (although, the return of Iraqi nationals has been extremely difficult, explained below).

Even so, with nearly 7,000 Iraqi asylum applications lodged in the European Union during the first eight months of 2013 alone (almost equivalent to the numbers of Syrians applying for asylum in the EU during the whole of 2011), it can be said that ten years after the war, Iraqis are still in search of asylum and they continue to search for it within the European Union.

### ***2.3. Decisions on Iraqi Asylum Applications in the EU, 2003-2013***

Receiving 75% of the industrialised world's total between 2003 and 2012, EU MS –particularly Sweden and Germany –were obliged to contend with a significant caseload of Iraqi asylum applications. Indeed, between 2003 and June 2013 EU MS made nearly 200,000 decisions on Iraqi asylum applications (excluding certain decisions, see Table 3 for explanation). Expectedly, the main receivers of Iraqi asylum applications were also the main adjudicators, and they rejected or accepted the majority of Iraqi asylum applications in the EU.

As a whole, the European Union decided positively nearly 50% of the time overall between 2003 and June 2013, as EU MS granted a positive decision<sup>46</sup> to over 91,000 Iraqi asylum applications, and rejected the remainder, or nearly 108,000 applications. Overall annual recognition rates for the EU as a whole were highest in 2006 and 2007, when 56% and 63% (respectively) of all Iraqi asylum applications in the EU were granted a positive status – rates were lowest during the first three years of the Iraq war, see graph below (and see Table 6 in Annex).

**Graph B. Distribution and Numbers of Decisions on Iraqi Asylum Claims in EU MS, 2003-2012**

\*Source: Data compiled from Eurostat. See Annex for detailed Tables and explanation of claims counted.

Cumulative recognition rates between 2003 and June 2013 were around 50% in Sweden, Germany, and the Netherlands (and most other EU MS), and only 15% in Spain, 20% in the UK, 33% in Ireland, and 35% in Poland. The likelihood that an Iraqi asylum claim would be rejected in Greece was particularly high: far below its fellow MS, Greece had a cumulative recognition rate of 2% - out of 15,540 decisions on Iraqi asylum claims only 240 Iraqis were granted a positive decision<sup>47</sup> (Table 7). (Surprisingly, Greece granted 700 Iraqis with a positive decision at a final basis - i.e. on appeal - between 2008 and 2012, three times more than at a first instance basis in all ten years between 2003 and 2012.<sup>48</sup>)

Annual recognition rates were generally higher during the peak years of the crisis when compared to other years, demonstrating that EU Member States responded more positively when Iraqis were in the most need of protection; yet, recognition rates between MS varied greatly (see Table 6 and 7).

Recognition rates also fluctuated in unison with the implementation of restrictive or generous protection policies within certain Member States. For instance, Sweden granted 94% of Iraqi asylum applications with a positive status in 2006 and 80% in 2007. Yet, after restrictive policies were implemented in 2007 (discussed above), recognition rates plummeted to 31% in 2008 and to 24% in 2009, far below the rates granted in other MS at this time. Likewise, while the first categorical protection policy for Iraqis was implemented in the Netherlands, the recognition rate skyrocketed from 9% in 2002<sup>49</sup> to 75% in 2003 (subsequently 64% and 69% in 2004 and 2005). Yet, in 2006, when the categorical protection policy was terminated, the recognition rate fell to 19%, far below most other MS; similarly, in 2009, the recognition rate in the Netherlands decreased again following termination of the second categorical protection policy (Table 7).

Showing the reversal, the amendment of restrictive policies in Germany increased the recognition rate for Iraqi refugees. For instance, in 2006 Germany had one of the lowest recognition rates out of the EU - only 11% of Iraqi asylum claims were granted a positive status; yet, in unison with protection policies for Iraqis implemented during this time (described above) national recognition rates for Iraqi asylum applications in Germany increased rapidly in 2007 to 85% and to 80% in 2008 (Table 7).



Other MS kept relatively steady recognition rates between 2003 and 2013 - for instance, Greece (which never exceeded 10%) as well as the UK (which never exceeded 33%, and in fact the highest recognition rates in the UK were observed only at the very beginning and end of the time period studied, in 2003 and in 2012) (Table 7). While Greece has become perhaps ill-famed for low recognition rates (due to several extenuating factors discussed below), the UK's interpretation of the Qualification Directive may help to explain the unflinchingly low recognition rates for Iraqis during this time period. In February 2007, the UK's Home Office *Operational Guidance Notes (OGN) on Iraq*<sup>50</sup> stated that a general state of insecurity in Iraq did not by itself amount to a reason for granting refugee status, nor likely to grant asylum or humanitarian protection.<sup>51</sup> Reaffirming this line of reasoning, in February 2008 in the case *KH (Article 15(c) Qualification Directive) Iraq CG [2008] UKAIT 00023*<sup>52</sup> the UK Asylum and Immigration Tribunal ruled that although Iraq was a situation of internal armed conflict, Iraqi asylum applicants were required to show an individual threat in order to qualify for subsidiary protection.

Inequalities in EU MS' adjudication of Iraqi asylum applications were even observed by the European Parliament in a July 2007 resolution, which stated that: "great disparities have been determined in the way Iraqi asylum claims are being assessed in the Member States, illustrating the lack of progress made in the development of a Common European Asylum System."<sup>53</sup> Inconsistencies were also found in a 2008 ECRE report, which found that the overall differences between Member States in the interpretation of Article 15 (c) of the Qualification Directive may have "contributed to the large disparities in recognition rates for Iraqi nationals" in certain EU MS.<sup>54</sup> However, even after transposition of the Qualification Directive in most EU MS, recognition rates and the ways in which MS interpret the situation in Iraq (and thereby assess asylum claims) continue to vary widely (evidenced in Tables 7 and 8). Demonstrating the differences in assessment even after transposition of the Qualification Directive, by 2013 Finland was granting at least subsidiary protection to Iraqi asylum applicants originating from particular areas of Iraq due the security situation;<sup>55</sup> yet paradoxically, this interpretation is both similar and contrary to how other Member States currently interpret the situation in Iraq.<sup>56</sup>

The inequalities and variances outlined above show that: 1) Iraqi asylum applications are more or less likely to be granted a positive decision depending upon the MS in which the asylum claim was filed (evidenced by the varying recognition rates throughout the EU); and 2) Member States have evaluated the security situation in Iraq differently and unevenly throughout the crisis, despite transposition of the Qualification Directive. This leads to the conclusion that harmonized 'Country of Origin information' (COI), which provides the view of the situation on the ground in origin countries and is essential for granting or terminating protection, seems to be crucial for the consistent interpretation of a particular situation and therefore the proper functioning of the Common European Asylum System.

Despite these discrepancies, out of the nearly 91,000 positive statuses granted to Iraqis between 2003 and June 2013, humanitarian or subsidiary protection was granted to the majority, with over 51,000 Iraqis receiving this status (Tables 10, 11 and 12), and refugee status was granted to almost 40,000 (Table 9). As recognition rates for Iraqi asylum-seekers varied depending upon a multitude of factors, so too did the statuses granted to Iraqi asylum-seekers in the European Union, as described below.

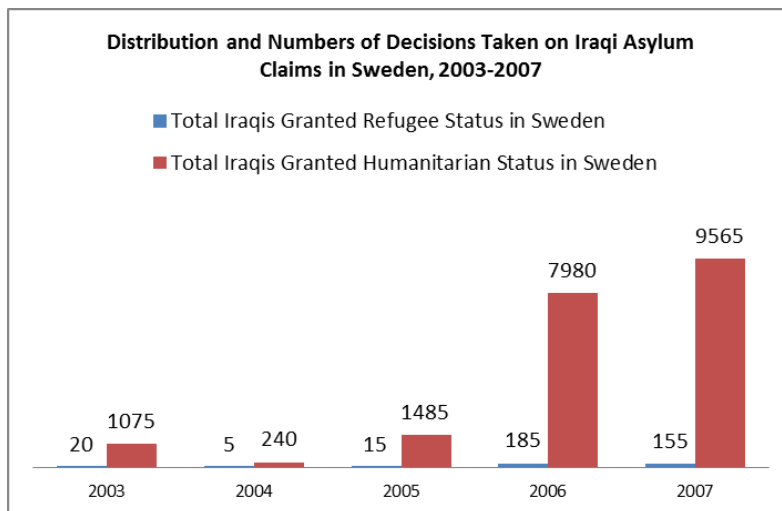
### 2.3.1. Humanitarian Status and Subsidiary Protection

Between 2003 and June 2013, over 51,000 Iraqis were granted either 'humanitarian status' or 'subsidiary protection,' with classifications of these terms changing before and after implementation of the *Council Regulation on Community Statistics*, entering into force in January 2008, with the concept of subsidiary protection being introduced by the Qualification Directive, entering into force in 2006.

Looking at the available Eurostat data between 2003 and 2007, EU MS granted approximately 31,000 Iraqis with ‘humanitarian status,’ which included *both* humanitarian status<sup>57</sup> and subsidiary protection.<sup>58</sup> Sweden granted almost 67% of these humanitarian status decisions, with approximately 20,350 Iraqis receiving humanitarian protection (reasons for high recognition rates in Sweden explained above). Concurrent with country-specific policies of granting categorical protection to Iraqis from either Central or Southern Iraq, the Netherlands granted the second highest number of humanitarian protection decisions, with over 5,000 Iraqis receiving humanitarian protection between 2003 and 2007. Between 2008 and June 2013, after the Regulation began to disaggregate statistics on those granted humanitarian or subsidiary protection, Eurostat data shows that Member States granted an additional 20,000 Iraqi asylum-seekers with either ‘subsidiary protection’ (15,090) or humanitarian status (5,770). Sweden, the Netherlands, Belgium and Finland granted the majority of subsidiary decisions, and the Netherlands granted the majority of humanitarian decisions.

Depending upon the MS in which the asylum claim was filed, Iraqis were more likely to be granted either humanitarian status or subsidiary protection than another positive status. Almost all Iraqis granted a positive status in Sweden, the Netherlands, Bulgaria, and Denmark between 2003 and 2007 were granted humanitarian status (Table 10). Likewise, between 2008 and June 2013, almost all Iraqis granted a positive status in Bulgaria, Cyprus, and Finland received subsidiary protection as opposed to another positive status (Tables 11 and 12). The likelihood that Iraqis would be granted a specific status depending upon the MS in which their asylum claim was filed can be demonstrated in the following graph (amongst other examples) (information can be found in Annex, Tables 10-12):

**Graph C. Distribution and Numbers of Decisions Taken on Iraqi Asylum Claims in Sweden, showing the likelihood of Iraqi asylum-seekers being granted Humanitarian Status in Sweden (2003-2007)**



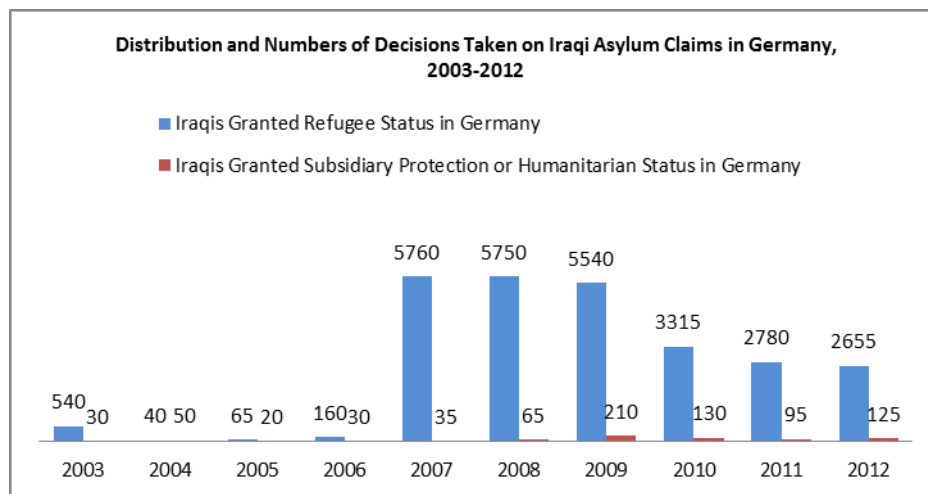
\*Source: Data compiled from Eurostat. See Annex for detailed Tables.

While large numbers of Iraqis were granted humanitarian or subsidiary protection in the Netherlands and Belgium between 2003 and 2012, these countries were also more likely to withdraw protection from Iraqis. Between 2008 and 2012, the Netherlands withdrew the protection statuses of approximately 1,300 Iraqis (second in withdrawals to Germany, see below), as the “abolition of the protection policy for the category of asylum seekers from Central Iraq as of 12 September 2008 resulted in a substantial increase in the number of asylum permits that were withdrawn in 2009 and 2010.”<sup>59</sup> According to Dutch authorities, the abolition of the categorical protection policy led to the revocation of around 3,000 Iraqi residence permits.<sup>60</sup> Belgium was third in withdrawals of protection statuses to Iraqis between 2008 and 2012, with nearly 1,200 statuses withdrawn – almost exclusively subsidiary protection (Table 13).

### 2.3.2. Refugee Status

Between 2003 and June 2013, close to 40,000 Iraqis were granted ‘refugee status,’<sup>61</sup> with the highest numbers granted between 2007 and 2009. Increasing more than 9-fold in 2007, numbers of Iraqis granted refugee status throughout the EU skyrocketed from 710 in 2006 to nearly 7,000 in 2007. Bestowing refugee status to nearly 28,000 Iraqis, Germany granted 70% of these decisions (Table 9). Indeed, out of all Iraqis granted protection in Germany between 2003 and June 2013, almost 100% were granted refugee status, showing the likelihood of Iraqis being granted this status in this country.

**Graph D. Distribution and Numbers of Decisions Taken on Iraqi Asylum Claims in Germany, showing the likelihood of Iraqi asylum-seekers being granted refugee status in Germany (2003-2012)**



\*Source: Data compiled from Eurostat. See Annex for detailed Tables.

Germany’s willingness to grant refugee status, however, should be weighed against its inclination to revoke refugee status. In November 2003, German Authorities began to revoke the refugee status of 18,000 Iraqis, ruling that the threat of persecution from Saddam Hussein’s regime no longer existed.<sup>62</sup> Indeed, a German NGO estimated in April 2007 that 14,000 Iraqis were living with ‘tolerated status’ in Germany, with the threat of deportation hanging over them.<sup>63</sup> Even though in June 2007 the German government temporarily suspended the revocation of refugee status for certain groups of Iraqis (those from Baghdad, single women, and members of religious minorities<sup>64</sup>), between 2008 and 2012 Germany withdrew approximately 69% of all protection statuses withdrawn from Iraqi asylum-seekers in the EU (over 6,000 out of 9,000 statuses), with Germany withdrawing refugee status almost exclusively.<sup>65</sup>

### 2.4. Iraqi Refugee Resettlement and Relocation to the European Union, 2003-2012<sup>66</sup>

Due to a convergence of national, multi-national, and EU-wide policies (and indeed with the assistance of UNHCR), over 8,000 Iraqi refugees were resettled in EU MS through national resettlement programmes between 2003 and 2012, with Germany, Sweden, the UK, and Finland resettling the majority (Table 14).

Although several EU MS have engaged in refugee resettlement at various times since WWII, annual or ad-hoc resettlement programmes existed in only eight MS between 2003 and 2007 – Denmark, Finland, Ireland, the Netherlands, Portugal (established in 2007), Sweden, the UK, and Italy (which began an ad hoc programme in 2007, yet no Iraqis were resettled). According to national statistics, these MS resettled approximately 1,330 Iraqi refugees between 2003 and 2007 (Table 14).

Iraqi refugee resettlement in the EU took off in 2008 for several reasons. In addition to the UNHCR establishing eleven ‘priority resettlement’ profiles for Iraqi refugees –in order to help process prioritised resettlement to third countries,<sup>67</sup> in July 2007 the European Parliament urged Member States “to contribute in a significant manner to the resettlement of Iraqi refugees.”<sup>68</sup> In November 2007, France took a bold step by becoming the first EU MS to create an ad hoc resettlement programme to specifically address the Iraqi refugee crisis through its ‘IRAK 500’ programme, whereby 500 Iraqis were allocated to be resettled in 2008 and 2009 (the total quota was later changed to 1,200).<sup>69</sup> (Denmark also initiated a resettlement programme in 2007; however, this was specifically for Iraqis -and their families- employed by the Danish forces in Iraq, which brought approximately 400 Iraqis to Denmark.<sup>70</sup>)

Monumental for Iraqi refugee resettlement in the EU, however, were the conclusions of the Justice and Home Affairs (JHA) Council in November 2008, which stated an objective of resettling up to 10,000 Iraqi refugees throughout the EU.<sup>71</sup> Although such resettlement was voluntary, the conclusions by the JHA represented the EU’s first joint effort to encourage resettlement to a specific refugee population and to set a specific quota. Following the conclusions, four other MS joined France in establishing their own ad-hoc resettlement programmes explicitly for Iraqi refugees: Germany decided to resettle 2,500 Iraqis from certain groups in Jordan and Syria;<sup>72</sup> Belgium offered 50 places; Italy agreed to resettle 180 Palestinian refugees fleeing Iraq; and Luxembourg committed 28 resettlement places.<sup>73</sup> Notably, in 2008 the UK stated it would resettle 200 Iraqis already in refugee camps in Syria or Jordan per year, in addition to aiming to grant refugee status to 600 UK-employed Iraqis in Iraq.<sup>74</sup>

In another first for the EU, in May 2008 an Emergency Transit Centre (ETC) was opened in Timisoara, Romania. Originally receiving Eritrean refugees, the ETC also began to receive Darfuri Sudanese who fled Iraq after the war, and in 2009, the UK selected 81 Palestinian refugees from Iraq by conducting interviews at the centre. Following suit, Slovakia opened an ETC in July 2009 for processing Palestinians stuck at the Iraq border for resettlement.<sup>75</sup>

Promoting joint missions and good practices in the field of resettlement was also an objective of the Temporary Desk on Iraq, set up in May 2009 by certain MS, and several missions took place further boosting efforts to resettle Iraqi refugees within the EU. In the area of resettlement, the TDI implemented two joint missions, one in May 2009 (Belgium and Netherlands) and the other in October-November 2009 (Bulgaria, Netherlands and Slovakia).

Against this backdrop, from 2008 through 2012 EU MS with annual or ad hoc programmes resettled an additional 7,040 Iraqi refugees. The majority were resettled in Germany (2,630), the UK (1,290), Finland (880), Sweden (805) and France (790) (Table 15). Although Eurostat data reports that Italy has not resettled any Iraqi refugees, other sources claim that refugees from Iraq were resettled there in 2009.<sup>76</sup> Relocation of Iraqi refugees (from one MS to another) was also utilised during this time period, particularly through the ‘EU Relocation from Malta’ (EUREMA) project (although data for total number of Iraqis is unavailable).<sup>77</sup> However, the overall numbers resettled through EUREMA relocation is strikingly low: in 2011, approximately 250 persons were resettled; in 2012, 356 places resettlement places were pledged.<sup>78</sup>

Although the objective set by the JHA Conclusions to resettle 10,000 Iraqi refugees has yet to be realized (by the time of writing), in March 2012 the ‘Joint EU Resettlement Programme’ was adopted, and the resettlement of Iraqi refugees was prioritized for 2013 (amongst other nationalities), showing that more Iraqi refugees should be resettled to EU MS in the future. Indeed, it also demonstrates that ten years after the start of the war, refugees from Iraq are still in need of resettlement.<sup>79</sup>

## ***2.5. Iraqi Irregular Entry and Stay within the EU, and Return of Iraqis from the EU, 2003-2012***

Iraqi nationals have consistently been listed as one of the top nationalities of illegally present migrants within the EU, indeed aided by smuggling networks which have certainly facilitated the irregular

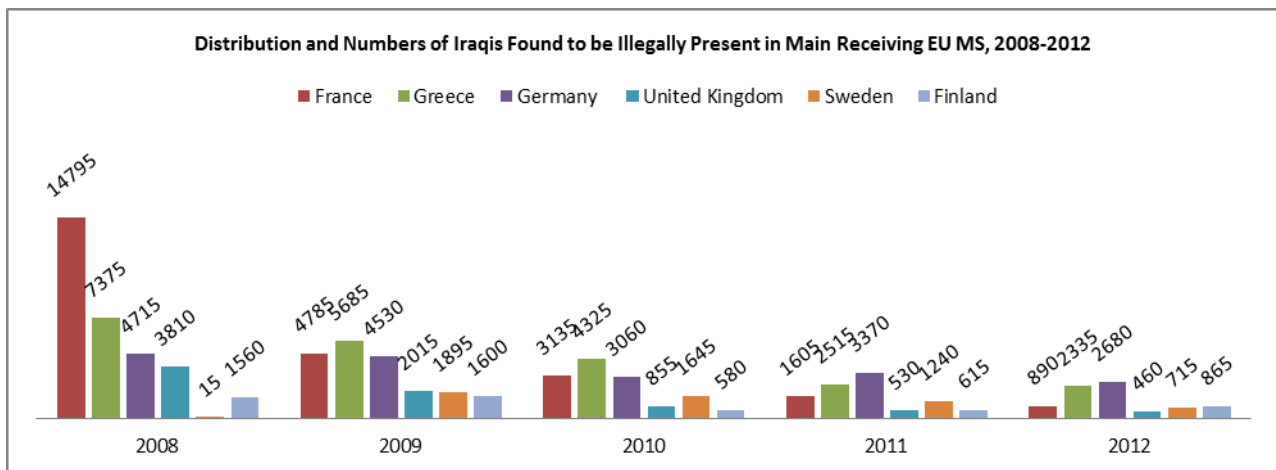
movement of Iraqis into the EU.<sup>80</sup> While the complete picture of illegal presence within the EU is challenging to discern – given its clandestine nature, and as EU-wide statistics were collected only after 2008 – a partial glimpse into the phenomenon can be achieved.

Looking at national statistics in Greece - the main entry point for Iraqis illegally entering the EU – between 2003 and 2007 Greek authorities apprehended nearly 20,500 Iraqi illegal immigrants. Annual numbers increased by almost 8-fold in 2006 to reach 8,157 Iraqis apprehended, and remained high with approximately 9,000 Iraqis arrested by the Greek authorities in 2007.<sup>81</sup> In addition, between 2008 and 2012, according to Frontex data, over 19,000 Iraqis were detected illegally entering Europe’s borders, with approximately half (almost 9,000) detected in 2008. Numbers were cut in half the following year, and slowly declined towards 2012.<sup>82</sup>

Regarding illegal presence, between 2008 and 2012 almost 100,000 Iraqis were “found to be illegally present”<sup>83</sup> within the EU, the majority (67%) being discovered in only three MS: France (25,210), Greece (22,240) and Germany (18,360) (Table 16). Overall, numbers decreased steadily from 2008 through 2012 – in 2008, a total of 37,350 Iraqis were found to be illegally present within the EU, while only 9,290 Iraqis were found to be illegally present in 2012 (Table 17). Interestingly, 89% of Iraqis found to be illegally present in the EU between 2008 and 2012 were male, and 67% of these were between the ages of 18-34.<sup>84</sup>

With a precisely unknown, but certainly large, population of Iraqi illegal immigrants within the European Union following the US-led invasion, the EU and its MS were forced to grapple with a large population of illegally present Iraqi nationals. Two main responses were: 1) enhanced efforts to return Iraqi nationals through voluntary and forced return programmes – aided by readmission arrangements signed between MS, Iraq and other transit countries during this time, and assisted by return agreements with the International Organisation for Migration (IOM);<sup>85</sup> and 2) increased border security efforts.

**Graph E. Distribution and Numbers of Iraqis Found to be Illegally Present in Main Receiving EU MS, 2008-2012**



\*Source: Data compiled from Eurostat. See Annex for detailed Tables.

### 2.5.1. Returns of Iraqis from the EU

Returns of Iraqi nationals, to transit countries or the country of origin, especially during the years of extreme violence inside Iraq, have been controversial.<sup>86</sup> Indeed, in 2007 the European Parliament asked Member States to suspend temporarily all forced returns to any part of Iraq,<sup>87</sup> and throughout the war several requests by would-be Iraqi returnees were made to the European Court of Human Rights (ECtHR) to appeal their deportations (the ECtHR was still deciding this issue as recently as 2013).<sup>88</sup>

Even though returns have been contentious, several MS have acted to facilitate the voluntary and forced return of Iraqi nationals from the EU.

Assisted voluntary return programmes (AVR, or AVRR for Assisted Voluntary Return and Reintegration)<sup>89</sup> that targeted Iraqi nationals were increasingly utilised and developed by EU MS in the years following the US-led invasion. AVR programmes for Iraqis have been employed by several MS -with resources from the European Return Fund, and mainly in cooperation with IOM as service partner - including: Belgium, Czech Republic, Denmark, Finland, France, Germany, Greece, Ireland, the Netherlands, Slovakia, Sweden, and the UK. In fact, Iraqis were among the top nationalities utilising such programmes in: Finland, France, Germany, the Netherlands, Slovakia, Sweden, and the UK.<sup>90</sup> According to IOM figures, nearly 21,000 Iraqis have utilised AVR between 2003 and 2012 (out of all host countries, not only EU MS, this data is unavailable) (Table 18).

A main component and incentive of assisted voluntary return programmes is return assistance, or so-called re-establishment support (usually monetary). Interestingly, in comparison to other nationalities, certain EU MS have offered higher rates of return assistance to Iraqi nationals (and other, particularly prevalent, nationalities, e.g. Afghanis and Somalis) in order to support their reestablishment and reintegration - for example, programmes in Denmark,<sup>91</sup> Germany,<sup>92</sup> Sweden,<sup>93</sup> and the UK,<sup>94</sup> amongst others. Notably, “the level of support offered by European host governments to returning Iraqis differ greatly from country to country.”<sup>95</sup>

AVR has also been utilised by failed Iraqi asylum-seekers pressured by the reduction or full withdrawal of their social assistance allowances in EU host countries, thereby encouraging them to accept return as an alternative.<sup>96</sup> Iraqis who have lost residence status within the host country have also been encouraged to return via AVR - according to the Netherlands, there was a “tendency for more Iraqis to leave the Netherlands [via AVR] most likely due to the ending of the Categorical Protection Policy...for Iraq” – (around 3,000 Iraqi had their residence permits retrieved).<sup>97</sup> The “continuously worsening labour demand prompted many to opt for voluntary return” in Greece, demonstrating that economic factors may also encourage voluntary return.<sup>98</sup>

Multi-national and EU-level strategies to support the voluntary and forced return of Iraqi nationals from the EU have also been employed. The multi-national Temporary Desk on Iraq (TDI), created in May 2009,<sup>99</sup> worked to develop voluntary return and reintegration in Iraq, and to facilitate Memorandums of Understanding (MoUs) on readmission.<sup>100</sup> Similarly, in 2011 the UK and the Netherlands worked collaboratively to share information on the current status and issues with difficult return countries – including Iraq, and remarkably even Syria.<sup>101</sup> Concerning unaccompanied minors from Iraq, Sweden, the United Kingdom and the Netherlands cooperated within the European Return Platform for Unaccompanied Minors (ERPUM), to assist in returns.<sup>102</sup> Moreover, ‘Joint Return Operations’ for Iraqi nationals have been carried out by MS with cooperation from Frontex,<sup>103</sup> and MS have also shared national return flights (e.g., cooperation between Netherlands and Sweden to return Iraqi nationals).<sup>104</sup> Regarding reintegration after arrival, in 2011, the European Reintegration Instrument (ERI) (co-financed by the European Return Fund) was implemented by Belgium, France, the Netherlands, and Sweden to support the reintegration of returning Iraqi nationals.<sup>105</sup> Following high arrivals in Finland, in 2010 the country developed the ‘Iraq Country of Origin Information System’ in order to create the conditions for Iraqi return. “The project will also promote national and international cooperation and the exchange of information and produce information for use in preparing a return agreement between Finland and Iraq.”<sup>106</sup>

Readmission arrangements (or Memorandums of Understanding – MoUs) have been instrumental in implementing voluntary (and forced) returns of Iraqi nationals from the EU. At varying times after the US-led invasion, MS acted to enter into readmission agreements with either Iraq or transit countries to facilitate return.<sup>107</sup> Regarding readmission to Iraq, in January 2005 the UK became the first EU MS to conclude a MoU on returns with the Iraqi Interim Government,<sup>108</sup> and in November 2006, the German Federal Minister was asked by the Interior Ministers of the *Länder* to negotiate a

MoU with Iraqi authorities to return Iraqi nationals to Northern Iraq, with deportations beginning in the summer of 2007.<sup>109</sup> In February 2008, Sweden signed a MoU to return Iraqis with the Iraqi Government,<sup>110</sup> followed by Denmark in May 2009.<sup>111</sup> Additionally, Greece began negotiating a bilateral readmission agreement with Iraq in 2011,<sup>112</sup> followed by negotiations between Finland and Iraq in 2012.<sup>113</sup>

Representing the first ever contractual relationship between the European Union and Iraq, the ‘EU-Iraq Partnership and Cooperation Agreement’ - signed in May 2012, yet not fully ratified- also includes a readmission clause for Iraqi nationals in the EU.<sup>114</sup>

Regarding readmission agreements with transit countries, in October 2003 a MoU was concluded between the Netherlands and Jordan, under which Iraqi nationals who wished to return voluntarily to Iraq could do so through Jordanian territory.<sup>115</sup> It was also reported that in 2007 Greece deported Iraqi nationals to Turkey via its readmission agreement - whereby Turkey consequently deported Iraqis to Iraq.<sup>116</sup>

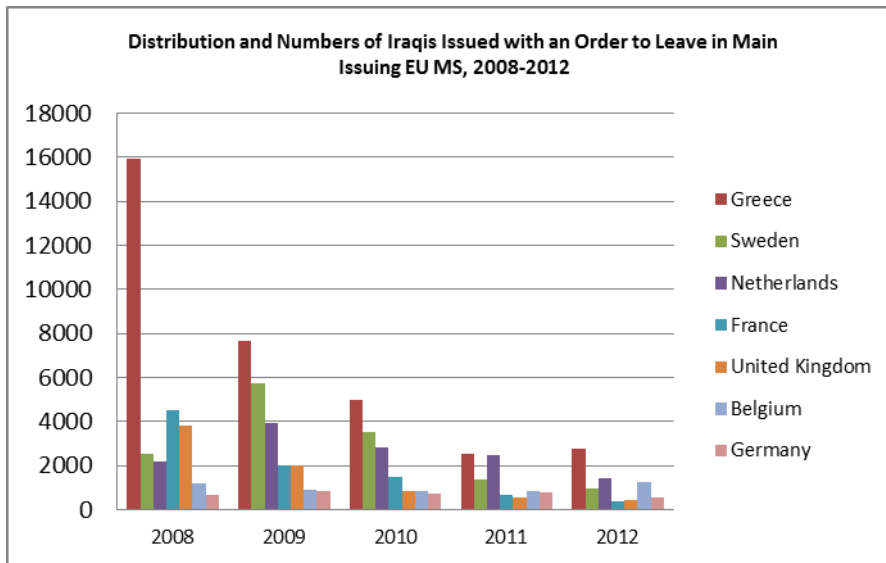
Given the above background on return programmes and readmission agreements, regarding returns of Iraqi nationals from the EU –either voluntary or forced - between 2003 and 2007, only part of the picture can be glimpsed, and the countries to which Iraqis were returned is uncertain:

- Between 2003 and 2005, German authorities assisted over 1,800 Iraqis (316; 824; 688, respectively) to voluntarily return;<sup>117</sup>
- In 2005, the UK forcibly returned 1,245 Iraqis and assisted the voluntary return of 760 Iraqis;<sup>118</sup>
- In 2006, in Sweden, 89 Iraqis applied for return allowances through Sweden’s voluntary return programme;<sup>119</sup> Italy forcibly returned over 1,400 Iraqis and the Netherlands forcibly returned 1,200; and Germany and the UK had several Iraqi voluntary returnees (688 and 780, respectively)<sup>120</sup>
- In 2007, forced returns of Iraqis took place from Denmark,<sup>121</sup> Greece, Poland, Sweden and the UK, with forced returns to Iraq or other countries in the region (numbers ranging from one person to 87 persons)<sup>122</sup>
- IOM figures show that nearly 9,000 Iraqis were voluntarily returned between 2003 and 2007 (from all host countries, not only EU MS, this data is unavailable) (Table 18).

While the total number of Iraqi returns by EU MS before 2008 is difficult to determine, Eurostat data between 2008 and 2012 paints an overall picture regarding Iraqis presented with an order to leave as well as Iraqis actually returned from the EU.

During this time period, over 95,000 Iraqis found to be illegally present within the EU were issued an order to leave - by far, Greece issued Iraqis with the most orders (33,850) (Table 16).

**Graph F. Distribution and Numbers of Iraqis Issued with an Order to Leave in Main Issuing EU MS, 2008-2012**



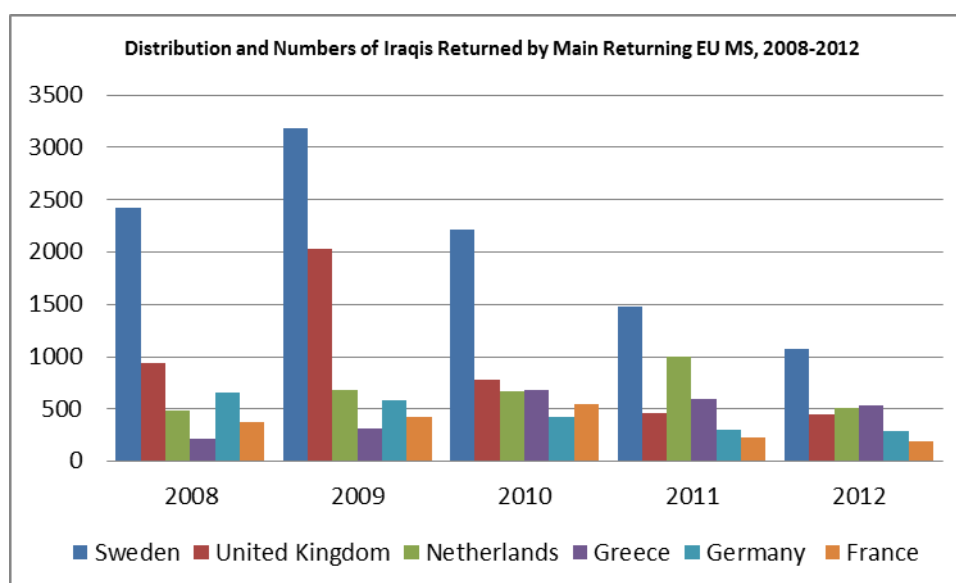
\*Source: Data compiled from Eurostat. See Annex for detailed Tables.

Although EU MS ordered over 95,000 Iraqis to leave their respective territories, only 30% (28,980) were recorded as actually being returned (including both voluntary and forced), revealing the difficulties in return enforcement (the status of the remaining 70% of Iraqis ordered to leave the EU, or 66,500 Iraqis, is uncertain). Sweden carried out the most returns. According to IOM figures, over 12,000 Iraqis were returned through AVR between 2008 and 2012 (out of all host countries, not only EU MS, this data is unavailable), demonstrating that probably less than half of returns utilised AVR (Table 18). Unfortunately, Eurostat data does not provide the country to which Iraqis were returned, and therefore it assumed that some were returned to Iraq while others were returned to a third-country.

In Greece, the gap between orders to leave and numbers actually leaving is stark – only 7% of the approximate 35,000 Iraqis ordered to leave were recorded as doing so. The status of the remaining 93% of Iraqis issued with an order to leave in Greece is unknown, but it is assumed that very few are apprehended given the lack of a sufficient network of detention centres, which also “often leads to the deliberate avoidance of policemen to apprehend illegal immigrants originating from countries difficult to expel to,” especially to Iraq (for more information, see endnote 123).<sup>123</sup> The Netherlands, Belgium, France and Italy also have high numbers of “missing” Iraqis. Excluding countries with low numbers overall, Sweden and the UK had the lowest gaps between the numbers of Iraqis ordered to leave and the numbers recorded as leaving (74% and 61% of those ordered to leave did so, respectively) (Tables 16 and 17), perhaps demonstrating that these countries have more efficient return programmes.



**Graph G. Distribution and Numbers of Iraqis Returned by Main Returning EU MS, 2008-2012**



\*Source: Data compiled from Eurostat. See Annex for detailed Tables.

Even though returns to Iraq from EU MS tended to increase as the violence in Iraq decreased,<sup>124</sup> MS utilising voluntary or forced return programmes have incurred several complications in actually returning migrants due to unenforceability of readmission and the low motivation of Iraqis to return.<sup>125</sup>

Although several MS have signed return MoUs with Iraq, Iraqi authorities have at various times been unwilling to accept returnees thereby complicating return. For instance, in 2010 the Kurdish regional government banned incoming flights carrying deported Iraqis from the UK, leading the UK Border Agency to redirect planes to Baghdad.<sup>126</sup> Moreover, in direct contravention to the spirit of the EU-Iraq Cooperation Agreement entailing the readmission clause, in June 2012 – one month after initialling the Agreement - the Iraqi Parliament banned forced returns of rejected Iraqi asylum-seekers from Europe “for security reasons” (voluntary returns were still accepted).<sup>127</sup> In addition, Iraqi authorities may not always be willing to grant travel documents, therefore complicating return.<sup>128</sup> Other potential complications to enforcing return could include the financial burden experienced by Iraqi returnees, perhaps thereby leading to demands by the Iraqi authorities upon returning MS - for instance, in June 2012, the Iraqi Government asked the Netherlands to support returnees for six months after their arrival in Iraq.<sup>129</sup>

When Iraqi authorities refuse to accept the return of failed asylum-seekers and others, there is little choice but to allow these individuals to remain within the European Union, in rare cases with so-called “tolerated stay” status, engendering various access (or no access) to rights depending upon EU MS. Indeed, Iraqis frequently topped the list of nationalities granted this status throughout various years in several MS.<sup>130</sup> In these situations “return is often not enforced and persons from these countries [Afghanistan, Iraq, and Somalia] who are refused protection remain on the territory of EU Member States in a legal limbo.”<sup>131</sup>

While returns may be unenticing and difficult to enforce, return programmes also offer an added benefit, according to Greek officials, as they “have contributed substantially to tackle immigration” because they were able to remove “people in countries where the expulsion was impossible or very difficult (Iraq-Afghanistan-Nigeria, etc.) and in addition gave a discouraging message to would-be migrants and traffickers in irregular migrants.”<sup>132</sup> Norway has also claimed that forced returns of Iraqi nationals have led to an increase in voluntary returns (see footnote 95).

### 2.5.2. Enhanced Security Measures during the Iraqi crisis

In addition to addressing the (mainly irregular) Iraqi immigrant population within the EU through returns, the EU also took actions to enhance border security to keep out new waves of Iraqis from entering. Notably, over 4,000 Iraqis were refused entry into EU MS between 2008 and 2012, with over half being refused at the air border (2,510), followed by sea (960), and land (540).<sup>133</sup>

In order to address entry at air borders, in 2005 through 2006, Sweden implemented special trainings for migration officials, airline personnel and the integrated Schengen missions in Islamabad, Kuala Lumpur, Syria and Jordan. “After these efforts, a clearly-observable reduction in individuals travelling on false documents or visas from these locations could be noted.” Further trainings were provided to Greek authorities, “primarily focussed on individuals travelling from the Middle East – especially Iraqis.”<sup>134</sup>

In addition to operating its own chartered flights to Iraq for purposes of return, Sweden also increased security within its national borders, as – connected to these flights - the Police Authority in Stockholm County changed its working methods, and used outreach operations to identify irregular individuals. Swedish authorities noted that: “since the number of asylum applicants from Iraq has decreased, it can be assumed that this working method has sent out certain signals to smugglers and/or potential asylum seekers.”<sup>135</sup>

In order to address illegal-entries by the south-eastern land and sea border, between May and July 2007 Frontex Joint Operation Poseidon led to “the diversion back to the Turkish coast of 248 migrants and the apprehension of over 1,500 migrants mostly Albanians, Afghans, Iraqis, Pakistanis, Palestinians and Somali.”<sup>136</sup> Frontex has also cooperated with MS to address Iraqi illegal migration specifically. During its risk assessments projects, between August 2007 and February 2008 Frontex implemented a Tailored Risk Analysis regarding migration from Iraq, carried out in a task force with the participation of Germany, France, Norway, and Sweden; “to assess the phenomena of illegal migration from and via Iraq to the territory of the European Union in order to decide appropriate areas and fields of operations to be carried out.”<sup>137</sup>

As security operations have increased, Iraqi migrants have sought out less-patrolled, and increasingly more dangerous, routes to Europe. Indeed, in September 2012, dozens of migrants, including Iraqis and Syrians, drowned off the coast of Turkey trying to reach Europe,<sup>138</sup> followed by another tragedy in December 2012, when a small boat carrying Iraqis sailing from Turkey sank off the Greek island Lesbos, drowning 20 persons.<sup>139</sup> Although ten years have passed since the conflict began, Iraqis continue to search for ways, by any means possible, to access the European Union.

## 2.6. Main Findings

- By far, the EU has been the main receiver of Iraqi asylum-seekers in the industrialised world. The EU received 75% of all Iraqi asylum applications lodged in industrialised countries between 2003 and 2012, (or approximately 183,000 applications out of a total 244,000). Between March 2003 and August 2013, an approximate total of 196,000 Iraqis applied for asylum within the EU.
- By far, the majority of Iraqi asylum applications during the 2003 Iraq War and its aftermath were filed in Germany and Sweden. Germany and Sweden received 50% of all Iraqi asylum claims filed in the EU between March 2003 and August 2013 (or a total of 97,820 out of 196,055).
- Many of the EU MS with the highest numbers of Iraqi asylum claims also had Iraqi Diasporas and histories of Iraqi immigration, demonstrating the impact of established Diasporas on new inflows of Iraqis to the EU. It was particularly noticed that many EU MS experiencing high levels of Iraqi asylum claims also had, prior to the crisis, the highest numbers, when compared to other MS, of: 1) Iraqi resident populations; 2) Iraqis granted citizenship within the MS; and 3) Iraqi asylum claims filed in the years preceding the crisis. In the Iraq case, this was true for Germany, Sweden, the Netherlands, and the UK.

- In some cases, a direct correlation was found between the policy implemented in an EU MS and the corresponding levels of asylum applications received - generous protection policies have contributed to increased asylum claims, and restrictive protection policies have led to decreased asylum claims. Indeed, as the Dutch National Contact Point for the European Migration Network noted, country-specific policy can have a significant influence on numbers of asylum decisions in a particular year. In the Iraq case, following implementation of protection policies in the Netherlands, Sweden, Germany, Belgium, and Finland, a corresponding increase of Iraqi asylum applications was observed. Indeed, recognition rates for Iraqi asylum-seekers also increased during the protection periods. Following termination of such policies, or changes in asylum policies, particularly in the Netherlands, Sweden, Belgium and Finland, a corresponding drop in Iraqi asylum claims and recognition rates for Iraqis were observed.
- Restrictive policies in one EU MS can potentially lead to increased asylum claims in neighbouring EU Member States. In 2007, Sweden's Migration Court determined that the situation in Iraq was not one of armed conflict, which led to a significant fall in recognition rates and therefore potentially to a shift in flows from Sweden to its neighbours. Revealing this shift, in 2008 numbers of Iraqi asylum applications in Sweden were reduced by two-thirds when compared to 2007, while numbers almost doubled in Germany, more than doubled in the Netherlands, quadrupled in Finland, and increased almost 5-fold in France and Italy, as many other MS witnessed decreases, and thousands of Iraqis asylum-seekers withdrew (or had their applications withdrawn) in Sweden in 2007 and 2008. The UNHCR noted that it also believed Sweden's active return policy led to this drop and to a potential shift in flows from Sweden (Swedish authorities also noted that return flights contributed to the decrease of Iraqi asylum claims in the country).
- Protection policies can be terminated in one MS based on the fact that similar protection policies do not exist in other MS. For instance, each time that the Netherlands terminated its categorical protection policies for Iraqis, Dutch authorities noted that in addition to the security situation in Iraq, the categorical protection for Iraqis was in fact terminated because similar protection policies did not exist in other EU MS. In 2006, the first categorical protection policy for Iraqis was ended because neither Belgium, Denmark, the United Kingdom, Switzerland, nor Germany had any special policy in relation to Iraq, and that the Netherlands attaches considerable significance to aligning Dutch policy with the policy in other European countries. Likewise, in 2008, the second categorical protection for Iraqis was ended because of "the fact that (...) neighbouring countries [of the Netherlands], in particular the United Kingdom, Denmark, and Sweden, did not pursue a special policy on Iraqi asylum applicants" (see Endnotes 22 and 34).
- The role of the harmonized Country of Origin information (COI) seems to be crucial for the proper functioning of the CEAS. Member States evaluated the security situation in Iraq differently and unevenly throughout the crisis, despite transposition of the Qualification Directive, which had an impact on recognition rates.
- Iraqi asylum-seekers were more likely to be granted a certain protection status or were more likely to have their asylum claims rejected depending upon which MS their asylum claims were filed.
- Calls from the UNHCR and the EU to resettle Iraqi refugees have been instrumental in implementing large-scale refugee resettlement programmes throughout the EU.
- Large numbers of Iraqi beneficiaries of international protection had their protection statuses revoked (mainly by Germany, the Netherlands, and Belgium), potentially having implications for the current Syrian crisis.
- Out of nearly 95,000 Iraqis ordered to leave the EU, data shows that only 30% of these have actually returned. Only 30% of those ordered to leave (28,980) were recorded as actually being returned (including both voluntary and forced), revealing the difficulties in return enforcement

(the status of the remaining 70% of Iraqis ordered to leave the EU, or 66,500 Iraqis, is uncertain).

- Voluntary and forced returns of Iraqi nationals from the EU are difficult to carry out due to the unattractiveness of voluntary return and the low enforceability of forced return. In the Iraq case, there were several obstacles to voluntary and forced return. Regarding voluntary return, although many MS offered higher levels of return assistance to Iraqi nationals, in addition to other assistance like vocational training and monetary incentives, the number of voluntary returns were small in comparison to the numbers of Iraqis issued with an order to leave the EU– IOM figures show over 12,000 Iraqis utilised assisted voluntary return programmes between 2008-2012 (out of all host countries, not only EU countries, this data is unavailable) compared to the 95,000 Iraqis that were ordered to leave the EU during this time period. Even though several MS have concluded or are concluding readmission arrangements with Iraq (the UK, Germany, Sweden, Denmark, Greece, Finland) and even though the European Union and Iraq signed (yet not fully ratified) the ‘EU-Iraq Partnership and Cooperation Agreement’ in May 2012, including a readmission clause for Iraqi nationals in the EU, returns are complicated by the fact that Iraqi authorities have banned the return of Iraqi nationals (excluding voluntary), in addition to not granting travel documents. Greek officials also noted that Iraq returns were complicated by the fact that the number of removed is much lower than the number of apprehended, and this discourages police authorities to proceed to the apprehensions of these migrants. Regarding the Greek-Turkish readmission agreement, Greece also noted that the non-cooperation of Turkey was a further obstacle to return. When Iraqi authorities refuse to accept the return of failed asylum-seekers and others, there is little choice but to allow these individuals to remain within the European Union, in most cases with so-called “tolerated stay” status, engendering various access to rights depending upon EU MS. Indeed, Iraqis frequently topped the list of nationalities granted this status throughout various years in several MS. In these situations, Iraqis (and potentially Syrians in the future) with tolerated stay live in “legal limbo.”
- Ten years after the invasion, Iraqis are still in need of protection, and they continue to search for asylum mainly within the EU. Despite decreasing since the peak years of the crisis, the number of Iraqis applying for asylum within the EU during the first eight months of 2013 alone is nearly equivalent to the total number of Syrians applying for asylum in the whole of 2011, demonstrating that ten years after the war, Iraqis continue to search for asylum in the EU in significant numbers. Indeed, the EU even prioritised Iraqi refugee resettlement through the Joint EU Resettlement Programme in 2013, demonstrating that Iraqis are still in need of protection over a decade since the invasion.

### **3. The EUs Response to Syrians in the EU Following the 2011 Civil War, 2011-2013**

#### ***3.1. Introduction***

Against the backdrop of the Arab uprisings across the Middle East and North Africa, in March 2011 the Assad regime’s brutal crackdown on Syrian protestors marked the starting point of the present-day civil war in Syria. After months of military attacks against a burgeoning Syrian opposition, composed mainly of Sunni fighters (including foreign elements) opposed to the Shia-led government, and successive reprisal attacks by the opposition against the Assad regime and its supporters, brutal violence and absolute destruction had forced Syrians (in addition to other refugees present in Syria – Palestinian and Iraqi) to flee their homeland in droves. By the end of 2012, the UNHCR noted that the Syrian conflict had forced 647,000 people to seek shelter outside the country, representing “the largest annual exodus by a single refugee group since 1999, when more than 867,000 people fled Kosovo.”<sup>140</sup>

The conflict-induced displacements are indeed massive. Current figures show that from March 2011 through September 2013, approximately 5.1 million Syrians have become internally displaced<sup>141</sup>

and an additional 2.1 million Syrians have fled to neighbouring countries - Lebanon (775,991), Turkey (494,361), Jordan (533,104), Iraq (194,234), Egypt (126,717), with an additional 14,959 in North African countries.<sup>142</sup>

Syria is certainly a battlefield, and by October 2013 the Syrian Observatory for Human Rights placed the figure of civilian casualties over 41,000, with another 41,000 government fighters and 23,000 rebel fighters killed, for a total of 115,000 deaths since the war began.<sup>143</sup>

While the majority of Syrians fleeing such violence have sought shelter within the region, an increasingly evident number of Syrians have sought asylum within the European Union. Paling in comparison to the millions of Syrians hosted throughout neighbouring countries, approximately 55,000 Syrians have applied for asylum within the EU since the conflict began nearly three years ago.

Although discussion of the broader implications of the conflict is most imperative, the following section will focus on how the EU and its MS have managed the phenomenon of Syrians seeking protection within the EU, the evolution of such phenomenon, and how the EU and MS are addressing Syrian asylum-seekers within the EU as well as those Syrians who attempt to reach safety within EU borders.

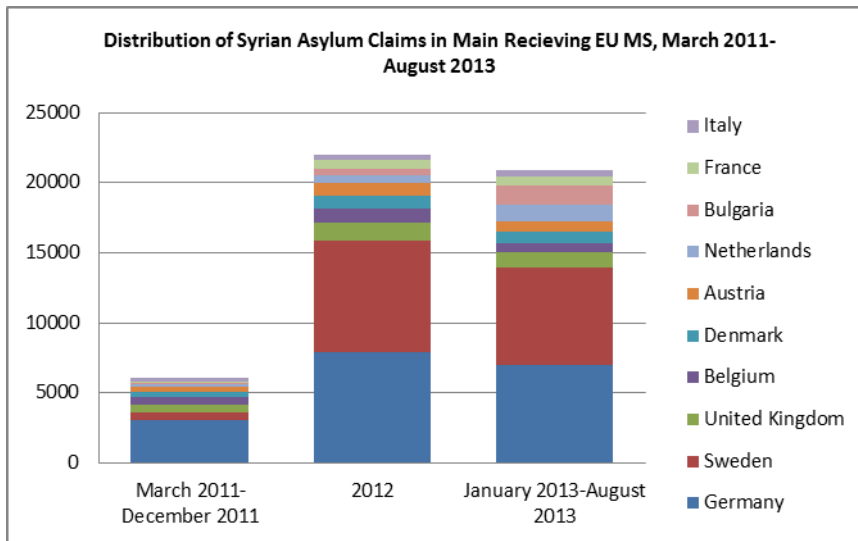
### ***3.2. Numbers and Trends of Syrian Asylum-Seekers in the EU, 2011-2013***

For decades, Syrians have sought protection outside their homeland due to human rights violations, oppression, and, most recently, civil war. Preceding the present-day civil war, between 1985 and 2010 over 63,000 Syrians sought asylum in the EU, with the majority fleeing to Germany, Sweden, the Netherlands, and Cyprus. Germany and Sweden have a particular history of Syrian immigration. In addition to receiving the most Syrian asylum-seekers (before and after the civil war), both countries also had the largest resident populations of Syrians when compared to other MS, and comparatively more Syrians were granted citizenship within these countries, demonstrating the impact of established Diasporas on inflows of asylum-seekers (Table 19).

Similar to the Iraqi crisis, the vast majority of Syrians searching for asylum in industrialised countries (before and after the civil war) did so within the European Union. According to the available UNHCR data, between 2011 and 2012, the EU received 85% of all Syrian asylum claims lodged in the industrialised world (or 28,270 applications out of 33,260) (Graph 3). Looking at Eurostat data, nearly 55,000 Syrians have applied for asylum within the EU since the beginning of the conflict until August 2013 (see Graph 5 in Annex for explanation of asylum applications counted). By far, Germany and Sweden have received the bulk (nearly 18,000 and 15,500, respectively), constituting 61% of the EU's total (Tables 20 and 23, and Graph 4).

Over the last ten years, approximately 4,000-5,000 Syrians have annually lodged asylum claims within EU MS (see Annex), and the conflict has clearly increased a movement that existed pre-2011. In comparison with levels seen in 2010, numbers of Syrians applying for asylum within the EU in 2011 clearly elevated - reaching nearly 8,000 applications in 2011 compared with 5,000 in 2010 - with the majority filed in Germany (3,440), Sweden, Belgium and the UK also received noticeable increases, and nearly every MS witnessed an increase of Syrian asylum seekers throughout 2011. Against the trend, Denmark observed numbers almost cut in half (from 820 in 2010 to 470 in 2011), and France witnessed a marginal decrease (from 200 to 120) (Table 20).

**Graph H. Distribution of Syrian Asylum Claims in Main Receiving EU MS, March 2011-August 2013**



\*Source: Data compiled from Eurostat. See Annex for detailed Tables.

Drastically escalating the following year, overall numbers of Syrian asylum applications in the EU tripled in 2012, with over 24,000 Syrians filing asylum claims in EU MS. Again, Germany and Sweden received the majority – with nearly 8,000 Syrians each, constituting 66% of the EU’s total – followed by the UK, Belgium, Austria, and Denmark. Dramatic increases were observed in almost every MS: Sweden witnessed over a 12-fold increase in arrivals (from 640 in 2011 to over 7,900 in 2012), and Germany saw numbers double. Comparatively smaller in number, other MS also witnessed drastic increases: Poland and Romania saw numbers raise by seven and ten-fold, respectively; Bulgaria and France saw numbers increase five-fold; the Czech Republic, and Cyprus<sup>144</sup> saw a tripling in applications; and numbers doubled in Austria, Denmark, Finland, Hungary, the Netherlands, and the UK (Table 21).

Demonstrating a progressively intensifying humanitarian situation, Eurostat monthly data shows that MS witnessed numbers strongly increase over the year, particularly after spring 2012. For instance, during the first half of 2012, Sweden received over 1,200 Syrian arrivals; yet, during the second half, Sweden received nearly 7,000. Likewise, Germany received over 2,800 in the first half of 2012, and over 5,100 in the second half. This stark comparison between the first and second halves of 2012 can be seen in most MS (Table 21).

In 2013, the situation has not abated, and in fact the EU is on course to receive higher arrivals of Syrian asylum-seekers this year than last. While there was a slight drop in monthly arrivals towards the end of 2012 due to the depletion of *sur place* applications,<sup>145</sup> within the first eight months of 2013 virtually the same number of Syrians applied for asylum in the EU as did in 2012, with almost 24,000 applications. Sweden and Germany are clearly the main receivers – with nearly 7,000 each – followed by the Netherlands and Bulgaria (both of which were not main receivers in 2012), and the UK and Denmark. During the first eight months, numbers doubled in Spain and the Netherlands, and Bulgaria and Hungary saw numbers of Syrian asylum applications triple, while most other MS have not yet reached 2012 levels (Table 22).

Receiving 61% of the EU’s total, Germany and Sweden are clearly the main receivers of Syrian asylum applications. Not only do both countries share historical patterns of Syrian immigration, perhaps serving as a pull-factor for Syrians fleeing the current crisis,<sup>146</sup> both countries have also implemented generous protection policies that could further contribute to the increases seen.

In addition to Syrian Diasporic links in Germany,<sup>147</sup> German authorities have suspended rejections of asylum applications filed by Syrian nationals and generally grants subsidiary protection to persons who were not politically active in Syria.<sup>148</sup> Sweden has taken a unique action by granting permanent residence status to all Syrians currently holding temporary residence permits (approximately 8,000 Syrians), in addition to facilitating Syrian family reunification.<sup>149</sup> However, as seen in the Iraq case, Sweden's generous protection policy could have encouraged an increase in asylum claims, as Sweden received more than 4,500 Syrian asylum applications in only seven weeks between September and October,<sup>150</sup> more than at any other time – notably, preceding the Swedish Migration Board's decision in the beginning of September to grant permanent residence permits to Syrians. Therefore, there is a potential correlation between the protection policy implemented in Sweden and the corresponding increase in Syrian asylum applications.

Utilising a distinctive way to provide protection without using traditional asylum channels, in addition to high recognition rates for Syrian asylum-seekers in the UK, in 2012 the UK also began to provide the opportunity for lawfully present Syrians “to extend their stay (e.g., as a student) or swap immigration route (e.g., visitor to student).”<sup>151</sup>

Denmark, the fifth main receiver of Syrian asylum applications in the EU since the crisis began, has also decided to implement a protection policy for Syrian asylum-seekers. In September 2013, the Danish refugee appeals board, *Flygtningenævnet*, adjusted asylum rules so that Syrians from areas where civilians are in the most danger will no longer need to prove they are persecuted personally in order to seek asylum in Denmark.<sup>152</sup> It remains to be seen what impact this will have on the number of Syrians applying for protection in Denmark.

Although not a traditional receiver of Syrian migrants and refugees, Bulgaria has become particularly overwhelmed with inflows of Syrian asylum-seekers, especially as Greek security operations have diverted Syrian flows to the Bulgarian-Turkish land border (discussed below). Indeed, while Bulgaria received only 60 Syrian asylum claims in 2011, and nearly 500 in 2012, in the first eight months of 2013 numbers of Syrian asylum claims tripled in Bulgaria (1,360) (Table 22). In September 2013, UNHCR noted that Bulgaria's asylum centres were “bursting at the seams as Syrians enter Europe”<sup>153</sup> (discussed below).

Interestingly, although most Syrians were applying for asylum in EU MS, others were withdrawing their applications (or had their applications withdrawn due to abandonment of cases, etc.), as over 1,300 Syrian asylum applications were withdrawn between March 2011 and August 2013. Although the most applications were withdrawn in the main receiving States, other MS with low arrivals also witnessed high withdrawals, for example Croatia (70) and Slovenia (55).<sup>154</sup> Although the reasons for withdrawals are uncertain, perhaps, these Syrians found other avenues outside the asylum process to stay in the EU MS (e.g., by switching to worker or student visa status, or perhaps they left the EU altogether).

### **3.3. Decisions on Syrian Asylum Applications in the EU, 2011-2013**

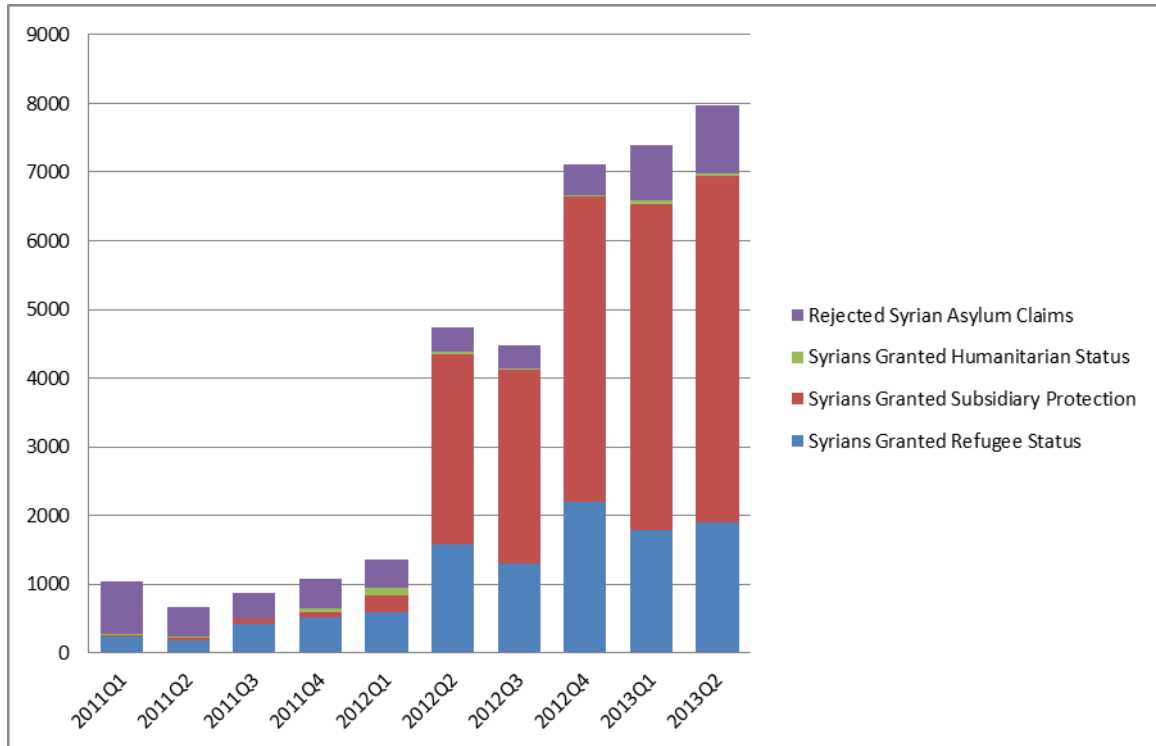
Remarkably, the EU as a whole granted a positive status to 85% of all decisions taken on Syrian asylum applications at a first instance within the EU. In other words, between January 2011 and June 2013, 31,400 Syrian asylum-seekers out of 36,770 received a positive status throughout the EU (Table 24). While EU MS granted Iraqi asylum-seekers varying recognition rates throughout the Iraqi crisis, EU Member States seem to be taking a more harmonised approach to the Syrian crisis regarding even distribution of high recognition rates.

At first instance, EU MS granted a total of: 20,260 Syrians with subsidiary protection; 10,740 Syrians with refugee status; and 370 with humanitarian status. The remaining applications - 5,340, or 15% of all decisions – were rejected (Table 25).<sup>155</sup> For the most part, the main receivers of Syrian

asylum-seekers were the main adjudicators, with Germany, Sweden, the UK, Denmark, Austria, the Netherlands, and Belgium making the most decisions.

At a final decision, between 2011 and 2012 (2013 Eurostat data unavailable) MS made an additional 5,220 decisions on Syrian asylum applications, with a lower overall recognition rate of 66% (3,440) of Syrian asylum applications receiving a positive status. At a final decision, EU MS granted a total of: 1,790 Syrians with subsidiary protection (52%); 1,530 with refugee status (45%); and 150 with humanitarian status (4%). The remaining 34%, or 1,760 Syrian asylum applications, were rejected at a final instance (Table 26).

**Graph I. First Instance Decisions on Syrian Asylum Claims in EU MS, January 2011-June 2013**



\*Source: Data compiled from Eurostat. See Annex for detailed Tables.

Although Bulgaria was one of the major receivers of Syrian asylum-seekers, Bulgaria made fewer first-instance decisions on Syrian asylum applications in comparison to other main receivers. Between January 2011 and June 2013, Bulgaria received 1,270 Syrian asylum applications, but made only 440 first-instance decisions on Syrian asylum applications. France, in comparison, made twice as many first-instance decisions on Syrian asylum claims (850) than Bulgaria, even though it received nearly the same number of Syrian asylum applications (1,340). Likewise, Italy, which received 1,000 Syrian asylum applications during this time period, made 830 first-instance decisions. Neither were decisions carried over to the final decision process, as Bulgaria made only 10 decisions at a final-instance stage (Tables 23, 25 and 26).

Lags in processing time for Syrian asylum applications have not only occurred in Bulgaria, but the phenomenon can be seen in Cyprus, Greece, Hungary, and Spain, amongst others, demonstrating that certain MS, especially those on the ‘front lines,’ may be less proficient in adjudicating asylum applications than other MS, perhaps due to backlogs of asylum cases and lack of resources,<sup>156</sup> and overburdening of asylum systems (as in Bulgaria, discussed below).

If there is one commonality throughout the EU in regards to decisions taken on Syrian asylum applications, it is high recognition rates. At a first instance, across the board (with the exception of a



few), between January 2011 and June 2013, most EU MS had cumulative recognition rates above 65%, and many MS had rates above 80% and 90%, even those with high arrivals. Remarkably, the UK had a cumulative recognition rate of 78%, granting 1,850 Syrians out of 2,380 with a positive decision (during the Iraqi crisis, the UK never granted higher than 33%). Outliers of the positive trend at a first instance were Greece (with a 4% recognition rate, 15 out 340 decisions) and Cyprus (5%, or 5 out of 110 decisions), amongst others (Table 24).

Although recognition rates were lower at a final instance, MS continued to grant the majority of final decisions on Syrian asylum claims (66%) with a positive status, as 3,440 out of 5,220 applications were granted a positive status. Interestingly, some MS that granted lower rates at a first instance granted higher rates at a final instance; for example, between 2011 and 2012 Greece granted 29% of Syrian asylum applications with a positive status, and Cyprus granted 13%.<sup>157</sup>

Another trend, revealed by EASO, shows that after a so-called ‘freeze’ period between July 2011 and March 2012, whereby certain MS ‘froze’ processing of Syrian asylum applications until the situation became clearer (accept manifestly well-founded applications) recognition rates subsequently rose after April 2012 as the situation evolved into a civil war and “many applicants were recognised on the basis of the ongoing military/insurgent operations in line with Article 15 of the Qualification Directive” (although EASO does not mention which MS implemented such a freeze, see Table 24 for raising of recognition rates). However, according to EASO, there have been divergences in the application of the Common European Asylum System *acquis*, noting that certain MS were more inclined to grant subsidiary protection, and that Sweden and Germany granted mainly subsidiary protection based on Article 15 (b) rather than Article 15 (c) of the Qualification Directive.<sup>158</sup> A look at the statuses granted to Syrian asylum-seekers throughout the EU gives a clearer picture of such divergences.

### 3.2.1. Subsidiary Protection – First and Final Instance

At a first instance between January 2011 and June 2013, subsidiary protection was granted to 55% of Syrians granted a positive status in the EU, with Germany (8,840), Sweden (6,900), the Netherlands (1,060), and Belgium (1,310) granting the majority.

Notably, some EU MS were more inclined to grant Syrians subsidiary protection as opposed to another positive status, as nearly all Syrians granted international protection at a first instance in Bulgaria, the Netherlands, and Belgium were granted subsidiary protection (Table 25). Continuing this trend at a final instance between 2011 and 2012 the majority of Syrians granted a positive status in the EU were granted subsidiary protection, with Germany, Sweden and Austria granting the most. At a final instance between 2011 and 2012, 100% of Syrians granted a positive status in Bulgaria, Croatia, Czech Republic, Greece, Hungary, and Sweden (92%) were granted subsidiary protection (Table 26).

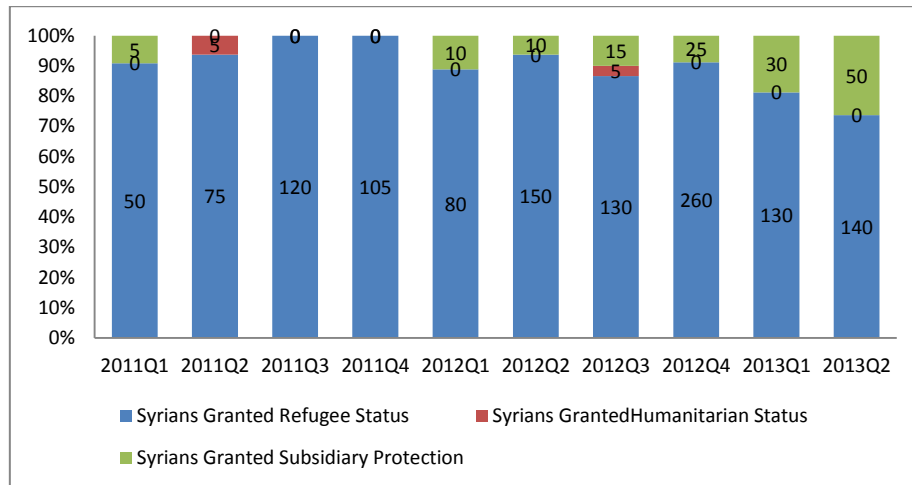
### 3.2.2. Refugee Status – First and Final Instance

At a first instance between January 2011 and June 2013, refugee status was granted to 35% of Syrians granted a positive status in the EU, with Germany, Sweden, the UK, Denmark, and Austria granting the most of these decisions. Demonstrating the near certainty of Syrians being granted refugee status in certain EU MS, almost all Syrians granted a positive decision at a first instance in the UK and Denmark were granted refugee status (Table 25). At a final instance between 2011 and 2012, MS granted 1,530 Syrians with refugee status (45%). Nearly 100% of Syrians granted a positive status in Austria, Denmark, the UK, and France at a final instance were granted refugee status (Table 26).

### 3.2.3. Humanitarian Protection – First and Final Instance

Only 1% of Syrians granted a positive decision were given humanitarian status at a first instance between January 2011 and June 2013 (or 370 persons), with Malta (210) and the Netherlands (60) granting the majority (Table 25). At a final basis, 150 Syrians were granted humanitarian status (4%), with Germany (80), Sweden (40), and the UK (20) granting the most. Cyprus was most likely to grant humanitarian protection to Syrians at a final instance (Table 26).

**Graph J. First Instance Decisions on Syrian Asylum Claims in Denmark, showing the likelihood of Syrian asylum-seekers being granted refugee status in Denmark, January 2011-June 2013**



\*Source: Data compiled from Eurostat. See Annex for detailed Tables.

Although recognition rates for Syrian asylum applications were high throughout the EU, whether at a first or final instance, the above variation on statuses granted or not granted to Syrian asylum-seekers throughout the EU shows that an uneven adjudication of Syrian asylum claims exists, despite the EU Qualification Directive, and despite the severe (and seemingly analogous<sup>159</sup>) situations of Syrian nationals applying for asylum within the European Union. Addressing this issue, in August 2012, the European Commission gathered a network of relevant EU agencies and stakeholders (so-called ‘SY NET’) in order to better monitor the developments taking place on the ground as well as the situation at the border and in the asylum systems across Europe.<sup>160</sup> Moreover, in June 2013 the Commission declared that it would “continue – together with the European Asylum Support Office – discussions with the Member States on the situation of Syrians in the EU, with a view to ensuring a greater degree of convergence between Member States’ approaches to the treatment of Syrian asylum seekers, particularly regarding the assessment of their asylum claims.”<sup>161</sup> Even though in December 2013 the revised EU Qualification Directive will enter into force, attempting to harmonise the content of protection granted to asylum-seekers (regardless of status), thereby slightly decreasing the differences between protection statuses granted to Syrians (and others), huge differences still persist. Even after the recast, MS still have discretion over the validity periods of residence permits and the access to social assistance for refugees and those with subsidiary protection, and therefore some differences between statuses persist. For instance, Syrians (and others) granted refugee status would be granted a residence permit for three years, whereas those granted subsidiary protection would be granted a residence permit for one year.<sup>162</sup> In the end, Syrians who are granted refugee status (with the high likelihood of being granted this status in the UK and Denmark), would have residence permits with longer validity than those Syrians granted subsidiary protection (with a higher likelihood of being granted such status in Bulgaria, the Netherlands, and Belgium).

In the end, and regardless of high recognition rates in the vast majority of MS, some Syrian asylum-seekers continue to ‘shop’ for asylum across the EU due to family ties and better economic opportunities (discussed below).

### **3.4. Syrian Refugee Resettlement, ‘Humanitarian Admissions,’ and Relocation within the EU, 2011-2013**

Only 80 Syrians were resettled into EU MS between 2011 and 2012 - all resettled in Sweden.<sup>163</sup> In 2013, however, MS have initiated increased Syrian resettlement or have pledged future resettlement slots for Syrian refugees, whether through established resettlement programs or through ‘humanitarian admissions’ programmes (whereby individuals receive temporary protection for the duration of the crisis). Relocation of Syrian asylum-seekers within the EU has also increasingly been viewed as a way to increase protection options for Syrian refugees.

Making the largest commitment, Germany notified the UNHCR in March 2013, that it would implement a ‘humanitarian admissions pilot’ whereby 5,000 Syrian refugees, primarily from Lebanon, would be temporarily admitted to Germany with a residence permit for two years, with the possibility of renewal depending upon the situation in Syria.<sup>164</sup> Selection criteria include: special humanitarian needs, existing family or other ties with Germany, or the ability to make a particular contribution to rebuilding Syria once the conflict is over.<sup>165</sup> By the time of writing, over 300 Syrians have arrived in Germany through this programme.<sup>166</sup> Several German states have also announced that they will permit up to 1,000 Syrian refugees to stay with their Germany-based relatives.<sup>167</sup> Efforts by Germany run parallel to its refugee resettlement programme, which stipulates that 200 refugees from Syria will be resettled in 2013.<sup>168</sup>

Regarding other MS, resettlement of Syrian refugees into the EU has advanced in 2013 for several reasons. For one, in June 2013, the UNHCR announced the ‘Syria Resettlement/ Humanitarian Admission Programme,’ which aims to facilitate Syrian refugee resettlement to Western countries. As for humanitarian admissions, the UNHCR initially seeks admission of 10,000 Syrian refugees “in order to facilitate the immediate protection of Syrian refugees,” primarily from Lebanon, but also from Jordan, Turkey, Iraq, and Egypt. It also provides for resettlement of an initial 2,000 Syrian refugees from the region.<sup>169</sup> UNHCR is establishing a so-called ‘Core Group’ of resettlement countries to “promote multilateral and multiannual commitments to resettlement of Syrian refugees and to strategize ways to enhance the effectiveness of the programme.”<sup>170</sup> Looking towards 2014, the UNHCR further proposed in October 2013 to submit up to 30,000 Syrian refugees for resettlement or humanitarian admission by the end of 2014, focusing upon the most vulnerable.<sup>171</sup>

So far, seventeen countries have pledged to participate in the UNHCR Programme by receiving certain quotas of Syrian refugees, including 10 EU MS.<sup>172</sup> In response to the UNHCRs appeal, Austria and France, amongst others, have each pledged to accommodate 500 Syrian refugees.<sup>173</sup> In contrast, UK officials have stated they have: “no plans to resettle or provide temporary protections to Syrians within the UK.”<sup>174</sup>

Following the UNHCRs appeal, in June 2013 the European Commission called upon Member States “to respond positively to this call by making resettlement or humanitarian admission places available” to Syrian refugees, signalling the EU’s first direct request to the MS to resettle Syrian refugees.<sup>175</sup> Continuing this line of reinforcement, in October 2013, the European Parliament encouraged EU MS “to address acute needs through resettlement,” in addition to existing national quotas and through humanitarian admission, and to make use of the funds still available under the preparatory action / pilot project on resettlement.<sup>176</sup>

As many MS are now engaging in ‘humanitarian admissions’ (or temporary protection) for Syrian refugees, and indeed as the crisis will eventually subside, potentially thousands of Syrians could see their statuses revoked (those with humanitarian protection, as well as others), begging the question

what will happen once they are no longer offered protection within the EU - will they be granted 'tolerated stay,' return home, become irregular migrants? As seen in the Iraq case, thousands of Iraqis lost protection, and many were rendered to living lives in 'legal limbo.' MS granting Syrian nationals with temporary protection should have a plan for dealing with a potentially large population of Syrian nationals who are revoked from such protection within the EU.

Other potential efforts by the EU to encourage Syrian refugee resettlement include the EU's attempt to set up by the end of 2013 a 'Regional Development and Protection Programme' in the Levant.<sup>177</sup> As opposed to other EU Regional Protection Programmes (RPPs),<sup>178</sup> the proposed RPP to address the Syrian crisis intends to include a development component; whether or not the RPP also includes a refugee resettlement component (as other RPPs provide) is unknown, as the "the programme *might* [emphasis added] explore the scope for a resettlement scheme notably to the EU Member States."<sup>179</sup>

While the EU adopted a 'Joint EU Resettlement Programme'<sup>180</sup> in March 2012, Syrian refugees were not included in the 2013 prioritised countries for resettlement (as were Iraqis, discussed above) possibly due to the so-called 'freeze' on decisions about Syria at this time (above), and it remains to be seen if in subsequent years the EU will prioritise Syrian refugee resettlement to EU countries voluntarily participating in this programme. However, the European Commission's future Asylum and Migration Fund for the period 2014-2020<sup>181</sup> includes a resettlement programme, which will perhaps increase such protection for Syrian refugees within the EU.<sup>182</sup> Positively, more resettlement countries have also incorporated quota resettlement programmes into their migration systems, thereby conceivably also increasing the option of resettlement for Syrians in the future.<sup>183</sup>

Relocation of Syrian refugees from one MS (particularly those on the 'front-lines') to another may also be increasingly utilised within the EU. In September 2013, the European Commission organised the first ever 'Relocation Forum,' where Syrian refugee relocation was described as "an important gesture of solidarity, especially in light of the present refugee crisis in Syria,"<sup>184</sup> and that "relocation needs to be a central part of our toolbox in the framework of contingency planning [for the Syrian crisis]. Relocation can assist Member States that have a specific geographical reason for needing assistance, such as Cyprus, Greece and Bulgaria."<sup>185</sup>

### **3.5. Syrian Irregular Entry and Stay within the EU, and Return of Syrians from the EU, 2011-2013**

As Syria's neighbouring countries have become drastically overwhelmed by arrivals, and as more and more Syrians attempt to reach safe havens, the EU has consequently observed an increase in Syrian irregular migration as a result of the conflict. Indeed, the situation has warranted attention from the European Commission, and in 2013 a fact-finding mission was carried out by the Commission, EASO and Frontex in Bulgaria, Cyprus and Greece, to monitor the potential migratory pressures coming, in particular, from Syria.<sup>186</sup>

#### **3.5.1. Irregular Entry**

Between January 2011 and June 2013, nearly 14,000 Syrians were detected illegally crossing EU land and sea borders, representing 5% of all migrants detected (or 13,550 out of 247,970). Throughout 2012, nearly 8,000 Syrian nationals were detected crossing into the EU illegally – an increase of 389% when compared to 2011 (1,616 Syrian detections)<sup>187</sup> - and in the first two quarters of 2013, over 4,000 Syrian nationals were detected illegally crossing into the EU (Table 27).

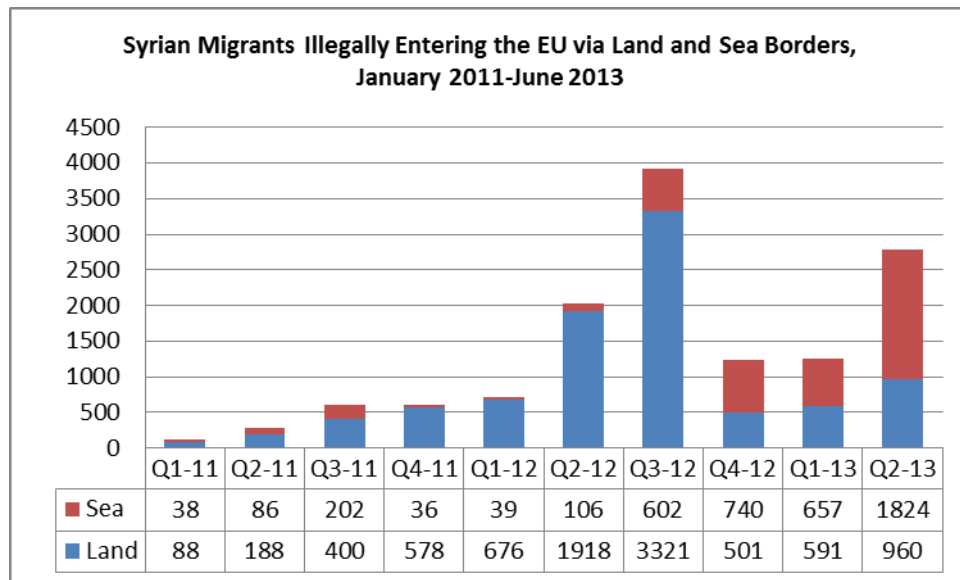
While most Syrian nationals were detected at the Greek-Turkish land border over this time period,<sup>188</sup> several security operations carried out by Greece in the summer of 2012 led to the diversification of routes – notably via sea borders (Eastern Aegean Sea), the Bulgarian-Turkish land border, and other air routes (discussed below). These Greek operations included 'Aspida' (Shield), involving the deployment of 1,800 border guards to the Greek-Turkey land border, and 'Xenios Zeus,' focusing on apprehension and detention of irregular migrants within Greece, with an increased

detention sentence for those apprehended.<sup>189</sup> (Since September 2013, however, Syrians in Greece are to be “detained for as long as it takes to verify their identity and then released, most of those with the means to do so move on to countries where they will have a better chance of receiving protection.”<sup>190</sup>) According to Frontex, “subsequent to increased operational activity at the Greek land border with Turkey, detections of Syrians fell significantly.”<sup>191</sup> Undoubtedly affecting Syrian access to the EU via this route was also completion in December 2012, by Greece, of a border fence along the Greek-Turkish border, which further reduced detections of illegal migrants.<sup>192</sup> At the same time as Greece was restricting access, it planned to provide shelter on the islands of Crete and Rhodes for 20,000 Syrian refugees.<sup>193</sup>

Consequent to the near suture of the Greek-Turkish land border, Syrians attempting to illegally access EU territory were increasingly detected utilising three main alternative routes, by: 1) illegally crossing the Aegean Sea from Turkey to the Greek Islands; 2) crossing the land border from Turkey into Bulgaria;<sup>194</sup> and 3) using fraudulent documents to fly from Istanbul to EU countries (while in the past Syrians attempted to use fraudulent documents to fly from Athens to EU countries).<sup>195</sup>

Regarding access via sea borders, according to Frontex, “most detections of Syrian nationals shifted from the land border to the sea border with Turkey” following Greek security operations there.<sup>196</sup> Indeed, between October 2012 and June 2013 more Syrians were detected attempting to cross illegally via sea borders than land borders, reversing the trend seen in previous years. Regarding Syrians crossing the East Aegean Sea illegally in 2013, Frontex noted that “all were heading for Germany and Sweden to claim asylum.”<sup>197</sup> In response to the growing migratory pressure in the Eastern Aegean Sea, Frontex has strengthened the ‘Joint Operation (JO) Poseidon Sea with additional air and maritime surveillance.

**Graph K. Syrian Migrants Illegally Entering the EU via Land and Sea Borders, January 2011-June 2013**



\*Source: Data compiled from Frontex Data compiled from Frontex FRAN Quarterly Reports, Quarters Q1-2011 through Q2-2013.

From Turkey, Syrians have also been traveling directly to Italy via the sea route. Between August and October 2013 alone, over 6,000 Syrians and Palestinians who were refugees in Syria arrived in Italy aboard 63 boats, compared to the 350 Syrians who came in all of 2012.<sup>198</sup> Syrians have also recently been detected attempting to cross from Libya and Egypt via the Central Mediterranean Route, especially as inflows of Syrian refugees to Libya and Egypt have increased and as living conditions in these countries have become more complicated. However, sea routes are incredibly dangerous (as

most recently demonstrated by the Lampedusa crisis) - after departing from Libya, up to 300 people went missing after a boat carrying as many as 500 Syrians and Palestinians from Syria sank off the coast of Malta in October 2013; the same day, a boat of 112 passengers, including 40 Syrians, sank off Egypt's coast.<sup>199</sup>

In light of the arrivals in Italy, in September 2013 Italy announced the extension of the Protection System for Asylum Seekers and Refugees (SPRAR) whose capacity will increase from 3,000 to 16,000 over the next three years.<sup>200</sup> However, as UNHCR notes, an increasing number of persons (including Syrian nationals) avoid fingerprinting once in Italy, and try to reach other European countries in order to apply for asylum, reportedly due to poor reception conditions and integration prospects in Italy.<sup>201</sup>

Concerning access via the Bulgarian-Turkish land border, detections of illegal border-crossing “immediately” increased as Syrians became “displaced by operational activity in Greece.”<sup>202</sup> The situation has drastically impacted the abilities of the Bulgarian authorities to address the humanitarian needs. Indeed, between January and October 2013, 6,400 immigrants crossed the Bulgarian border illegally, most of them from Syria, and the “influx is putting pressure on the country's limited resources for responding to mass immigration.”<sup>203</sup> Indeed, Bulgarian officials have said the country may have to provide shelter for as many as 11,000 Syrians by the end of the 2013.<sup>204</sup> EASO and Bulgaria signed an Operating Plan in October 2013, providing for EASO support to Bulgaria until September 2014,<sup>205</sup> perhaps alleviating some of the pressure on Bulgaria’s fledgling asylum system.

Whereas Bulgaria may not have been an attractive option in the past,<sup>206</sup> the country has increasingly become preferred for several reasons. In addition to Greek security operations, “Smugglers who used to lead migrants from Turkey into Greece are increasingly moving them to Bulgaria instead, in part due to the construction of a 10.5km fence at one of the most popular crossing points along the Turkish-Greek border.”<sup>207</sup> The cheap price of crossing into Bulgaria (as opposed to Greece) from Turkey as well as the cheaper cost of living in Bulgaria may also attract Syrians to take this route.<sup>208</sup>

Subsequent to the increase of detections, throughout 2012 the Bulgarian Border Guard Authority deployed additional border guards and equipment at the land border, including joint-border patrols with Turkey announced in September 2012,<sup>209</sup> and since October 2012 it has initiated a specialised police operation, enhanced air surveillance at the Bulgarian –Turkish land border, and implemented an Integrated Border Surveillance System (IBSS).<sup>210</sup> Furthermore, in October 2013 the government unveiled a plan to build a 30km fence along a stretch of the Bulgarian-Turkish border in response to the rising numbers,<sup>211</sup> and entered agreed with Turkey to create a joint border committee to manage the flux of refugees from war torn Syria.<sup>212</sup> Frontex Joint Operation Poseidon Land is supporting the Bulgarian authorities with the screening and debriefing of irregular migrants. In light of the unfolding tightening of border security, Bulgaria’s actions may well have the effect of Greece’s previous security measures – decreased access of Syrians (and other migrants) to EU territory – perhaps also consequently leading to sprouts of new access routes utilised by migrants and smugglers.

Regarding entry by air, in 2012 Syrians were the most detected nationality on intra-Schengen flights with fraudulent documents (especially from Greece to EU airports, notably German, Belgian, and Dutch).<sup>213</sup> Since the beginning of the Greek operation Aspida, however, Syrians were increasingly detected arriving from Istanbul rather than Athens, with the “significance of this route likely to increase in 2013 while the Greek operation Aspida is still active at the Greek land border with Turkey.”<sup>214</sup> In the second quarter of 2013, Syrians on flights from Turkey attempting to access EU territory illegally flew mainly to Sweden, Copenhagen, German and Italian airports.<sup>215</sup>

Other less-traveled routes have also become increasingly utilised by Syrians attempting to enter the EU. In the last quarter of 2012, Syrians were actually returning (legally and illegally) from the EU to Turkey, perhaps to “facilitate more migrants...or to further another route to reach their final destinations.”<sup>216</sup> Throughout 2012, Syrians were also among the top nationalities crossing the northern

end of the common borders (Finland and Norway) by Russian authorities, and Frontex claimed that a small proportion of irregular movements to the EU by Syrians are likely to use Ukraine, Belarus or the Russian Federation as transit points.<sup>217</sup> Likewise, in the Western Balkans route, in 2012 detections of Syrians rose 17 times compared to 2011 - from 92 illegal border crossings in 2011 to 1,646 in 2012,<sup>218</sup> with most of the growth “linked to secondary movements...from Greece to other Member States.”<sup>219</sup> Moreover, in July 2013, the first detection of Syrians on the Black Sea in Romania occurred, demonstrating a shift in migratory patterns.<sup>220</sup>

Not only have Syrians been detected illegally entering from third-countries into EU territory, but they have also been detected traveling across Schengen borders to reunite with family/friends and for so-called ‘asylum-shopping.’ For instance, even with high recognition rates in countries such as France and Italy, Syrians have been detected illegally crossing land or sea borders, whether from France to the UK or from Italy to Northern European countries. Indeed, Frontex revealed that Syrians utilise Italy as a first access point (mainly via sea) in order to travel to other EU countries (particularly France, Germany and the Netherlands), where they have relatives and friends, as their settlement in these countries “had already been arranged.”<sup>221</sup> Authorities in France, Switzerland and Austria have sent back many refugees coming from Italy because they do not have travel documents.<sup>222</sup> Recently, in France a group of Syrians attempted to cross into the UK from France as opposed to applying for asylum. Syrians chose the UK in order to be reunited with friends and family, and as according to the deputy mayor of a UK port city, Britain was a target for Syrian refugees because it was regarded as a “paradise” for people trying to start new lives. Furthermore, it was reported that smuggling networks have facilitated these movements, charging up to 11,800 euros per person to smuggle someone into Europe.<sup>223</sup>

Although the EU Parliament, in October 2013, has called on MS to “explore all existing EU law and procedures for providing safe entry into the EU in order to temporarily admit Syrians fleeing their country” and noted that “legal entry into the EU is preferable to more dangerous irregular entry, which could entail human trafficking risks,”<sup>224</sup> the security situation outlined above demonstrates that the Parliament’s request may be an increasingly challenging goal to achieve.

### 3.5.2. Refusal of Entry

Between 2011 and 2012 nearly 1,400 Syrian nationals were refused entry at the external borders of the EU, with France, Bulgaria, Greece, Poland and Italy refusing the most (Table 28). Syrian nationals were mainly refused entry at air borders (59%, or 810 Syrians), followed by sea (22%, 300) and land (18%, or 250). France, Poland, Belgium, and Cyprus refused the most Syrians at the air border when compared to other MS. Practically 100% of Syrians refused entry into France were refused at the air border (310 out of 330). Greece and Bulgaria refused the most Syrians at the land border, and Bulgaria, Italy, Estonia, and Romania refused the most at the sea border (Tables 29, 30 and 31). Over half of all refusals were due to Syrians not possessing valid visas or residence permits, and other main reasons included no valid travel documents, purpose and conditions of stay unjustified and false travel documents.<sup>225</sup> In June 2013, however, the European Commission called on Member States to admit any Syrians arriving at the external borders of the Union,<sup>226</sup> and therefore it remains to be seen whether this will have an impact on refusal of Syrian entries at EU borders.

### 3.5.3 Syrians Illegally Present

Between 2011 and 2012, over 22,400 Syrians were found to be illegally present within the EU. Numbers of Syrians illegally present in the EU rose slightly in 2011 when compared to 2010 (from 4,100 to 5,370), but jumped dramatically in 2012 reaching over 17,000 Syrian nationals illegally present within EU territory.<sup>227</sup> The majority were discovered in Greece (8,350), Germany (3,860), and Sweden (3,380) (Table 32). Most Syrians found to be illegally present within the EU were male (76%, or 17,030), with the majority between the ages of 18-34 (11,360).<sup>228</sup>

#### 3.5.4. Returns of Syrians from the EU

Between 2011 and 2012, Eurostat data shows that over 13,000 Syrians found to be illegally present within the EU were ordered to leave EU MS, and during the same timeframe over 2,000 were returned (Eurostat does not provide the country to which Syrian nationals were returned). Greece ordered over 59% of Syrian return orders (7,810), followed by the UK, Belgium, Bulgaria, Sweden, and France (Table 33). Even though Greece ordered the majority of return orders, Cyprus implemented the most returns (420), followed by Sweden, Greece, the UK, Germany and Bulgaria and Romania (Table 34). According to the European Commission, currently “there seems to be a general consensus that Syrians present in the EU should not be returned to Syria,”<sup>229</sup> and perhaps 2013 data will show a reduction in returns. Certain MS have also refrained from returning Syrians (and Palestinians from Syria) to other MS along Dublin regulations if it is known that these States cannot meet their obligations to asylum-seekers under EU and international law.<sup>230</sup>

#### 4. Main Findings

- Like the Iraq case, by far, the EU has been the main receiver of Syrian asylum-seekers in the industrialised world. The EU received 85% of all Syrian asylum applications lodged in industrialised countries between 2011 and 2012 (or 28,270 applications out of 33,260). Between March 2011 and August 2013, an approximate total of 55,000 Syrians applied for asylum within the EU.
- Similar to the Iraq case, by far, the majority of Syrian asylum applications were filed in Germany and Sweden. Germany and Sweden received 61% of all Syrian asylum claims filed within the EU between March 2011 and August 2013 (or a total of 33,465 out of 54,965).
- As was seen during the Iraqi crisis, the vast majority of Syrian asylum claims were filed in MS (particularly Germany and Sweden) which also had the largest Syrian Diasporas and histories of Syrian immigration within the EU, demonstrating the impact of established Diasporas on new inflows of Syrians to the EU.
- As in the Iraqi crisis, there is a potential correlation between the policy implemented in an EU MS and the corresponding levels of asylum applications received. In the Syrian case, it seems likely that following Sweden’s decision in September 2013 to grant permanent resident status for all Syrian asylum-seekers in the country currently possessing a temporary residence permit, in addition to facilitating Syrian family reunification, could have increased the inflows of Syrian asylum-seekers to Sweden as the country received more than 4,500 Syrian asylum applications in only seven weeks between September and October 2013, more than at any other time – notably, preceding the Swedish Migration Board’s decision to grant permanent residence permits to Syrians.
- While EU MS granted Iraqi asylum-seekers varying recognition rates throughout the Iraqi crisis, EU Member States seem to be taking a more harmonised approach to the Syrian crisis regarding even distribution of high recognition rates. Remarkably, the EU as a whole granted a positive status to 85% of all decisions taken on Syrian asylum applications at a first instance. Although differences exist between the types of statuses granted to Syrian asylum-seekers in the EU, the majority of EU MS had high recognition rates for Syrian asylum-seekers.
- Syrian asylum-seekers were more likely to be granted a certain protection status or were more likely to have their asylum claims rejected depending upon which MS their asylum claims were filed. As the above analysis shows, Syrians were more likely to be granted subsidiary protection (Bulgaria, the Netherlands, and Belgium, refugee status (the UK and Denmark), or were more likely to face a rejection of their asylum claim (Greece and Cyprus) depending upon the MS where their asylum application was filed, despite the EU Qualification Directive, and despite the severe (and seemingly analogous<sup>231</sup>) situations of Syrian nationals applying for asylum within the European Union. Even though the new Qualification Directive enters into force in December



2013, providing more equal rights to those granted a protection status within the EU, MS still have discretion with regards to the validity periods of residence permits and the access to social assistance, demonstrating that Syrians will likely have access to varying levels of rights depending upon which MS their asylum claim is filed.

- Despite high recognition rates in the vast majority of MS, some Syrian asylum-seekers continue to ‘shop’ for asylum across the EU due to family ties and better economic opportunities. Even with high recognition rates in countries such as France and Italy, Syrians have been detected illegally crossing intra-Schengen land or sea borders, to seek asylum, in order to reunite with family/friends or to obtain better economic opportunities.
- Calls from the UNHCR and the EU to resettle Syrian refugees have been instrumental in implementing large-scale, EU-wide refugee resettlement/humanitarian admissions programmes.
- As MS are engaging in ‘humanitarian admissions’ (or temporary protection) for Syrian refugees, potentially thousands of Syrians could see their statuses revoked, as happened in the Iraq crisis. Likewise, as the Iraq crisis shows, Syrians granted any protection status could have their protection revoked, thereby raising the question, what will happen to such Syrians once they are no longer under protection? Indeed, Germany plans to admit 5,000 Syrians through humanitarian admission, and thousands more have been granted refugee status and subsidiary protection throughout the EU, begging the question what will happen once these Syrians are no longer offered protection within the EU - will they be granted ‘tolerated stay,’ return home, become irregular migrants (keeping in mind the tens of thousands of “missing” Iraqis within the EU)?
- Compared to the Iraqi crisis, the EU has implemented new tools to address the Syrian refugee crisis including: by recommending a ‘Regional Protection Programme’ to address the situation in neighbouring countries, which uniquely has a development aspect, and which also might include a resettlement component; humanitarian admissions of Syrian refugees have been encouraged; the European Commission organised the first ever ‘Relocation Forum,’ where Syrian refugee relocation was promoted; the European Commission gathered a network of relevant EU agencies and stakeholders (so-called ‘SY NET’) in order to better monitor the developments taking place on the ground as well as the situation at the border and in the asylum systems across Europe.
- Greek security operations ‘Aspida’ and ‘Xenios Zeus’ in the summer of 2012 led to the diversion of Syrian inflows to the EU to sea routes and the Bulgarian-Turkish land border. Indeed, since October 2012, more Syrians have been detected entering the EU via sea borders than land borders, reversing the historical trend witnessed in previous years. Moreover, once Greece tightened security at the Greek-Turkish land border, smugglers diverted to the Bulgarian-Turkish land border.

#### **4. Recommendations**

The above analysis attempts to review the EU's approach to one refugee crisis in the Middle East (the 2003 Iraq War and its aftermath) in order to apply lessons learned to the new crisis affecting the region (the 2011 Syrian civil war). While we have seen that major differences exist between the two conflicts, a comparative analysis shows that the EU: can utilise certain tools from previous conflicts in order to address the current conflict in Syria; prepare, to the extent possible, for future scenarios by studying the trajectory of previous refugee inflows to the EU and its MS; and to provide the best protection possible while at the same time protecting EU borders from those who may jeopardise protection for the individuals most in need. By drawing on the EU's experiences during the Iraqi crisis, as well as by analysing the current situation of Syrians applying for asylum within the EU, the following presents recommendations that the EU, MS and the relevant EU agencies could take in order to address protection needs of Syrians currently seeking safety within the European Union.

**1. The EU could set a specific Syrian refugee resettlement goal, as was done during the Iraq crisis, and Syrian refugee resettlement could be prioritised through the EU Joint Resettlement Programme, or by the new Asylum and Migration Fund mechanism.** As the Iraq crisis demonstrates, the EU has an influential voice when encouraging Member States to resettle refugees. In 2008, the JHA encouraged the specific goal of resettling 10,000 Iraqi refugees throughout the EU, and following these conclusions several MS implemented ad-hoc programmes or increased resettlement for Iraqi refugees. In the Syrian case, although the MS are already participating in the UNHCRs Syria Resettlement/ Humanitarian Admission Programme, the EU could set a specific goal to resettle Syrian refugees, in-line and in addition to the UNHCR plan, as was done during the Iraqi crisis, to further encourage MS to engage in resettlement. Moreover, Iraqi refugee resettlement was prioritised in the EU Joint Resettlement Programme for 2013, and Syrian refugee resettlement could likewise be prioritised for 2014 through existing programmes, perhaps the new Asylum and Migration Fund (2014-2020).

**2. Emergency Transit Centres (ETC) for Syrian refugees could be created in Bulgaria and other EU MS, as was done during the Iraqi crisis, to encourage the direct resettlement of Syrian refugees.** Although the EU has commendably utilised new tools to address the Syrian refugee crisis, it could also consider implementing certain tools that were utilised during the Iraqi crisis, like the Emergency Transit Centres. As noted by the UNHCR, the “ETC enables UNHCR to bring refugees to a safe place. In addition, resettlement countries can visit the facility to conduct interviews with candidates for resettlement under the best possible conditions. Medical examinations and treatment can be carried out and refugees can attend orientation workshops and language courses in order to prepare them for their future resettlement countries.”<sup>232</sup> UNHCR and IOM assisted the EU in creating Emergency Transit Centres in Romania and Slovakia, and several joint missions by MS to these centres led to the direct resettlement of refugees from Iraq to EU MS. The EU could implement such a centre in Bulgaria (as the asylum system is overburdened by the influx of Syrians) and other MS, and joint missions to the centres could be taken in order to resettle Syrians throughout the EU. If MS are more inclined to provide humanitarian admissions, these types of selections could also be made at the ETCs.

**3. The European Commission could conduct a symposium with EU MS and the relevant EU agencies regarding Syrian refugees granted humanitarian admission to the EU (and the rights they are granted) as well other Syrians who potentially will have their protection statuses revoked to prevent, to the greatest extent possible, such persons from entering into a state of ‘legal limbo’ or from becoming irregular migrants.** As several MS are currently providing humanitarian admission (temporary protection) to Syrian refugees (indeed, Germany has pledged to offer 5,000 Syrians with humanitarian protection), and as the Iraq crisis shows that thousands of refugees and others with protection statuses can have their protection statuses revoked, a discussion could be had regarding how to deal with the thousands of Syrians granted temporary protection within EU MS, and other potentially likely to lose protection, once the crisis subsides and protection statuses are revoked. Of course, any plan will have to deal with the situation on the ground in Syria, which could end in the coming months or endure for over a decade like the Iraq crises. Yet, MS should be prepared to deal with Syrian refugees who may no longer be offered protection in the EU once the Syrian crisis subsides: will they be returned? be granted ‘tolerated stay?’ have chances to integrate into the host country? This discussion should also include how to bring individuals granted temporary protection status within the scope of application of the Qualification Directive and the Long-Term Residence Directive, so that Syrians and others are not brought to the EU within a framework that grants them substandard protection without access to the rights granted to others.

**4. In conjunction with increased Syrian refugee resettlement, if possible, measures could be taken to open legal channels for Syrians to the EU,** for example, EU MS could operate outside traditional asylum channels by providing the opportunity for Syrians already in the EU to extend their stay (e.g., as a student) or swap immigration route (e.g., visitor to student) (as is done in the UK).

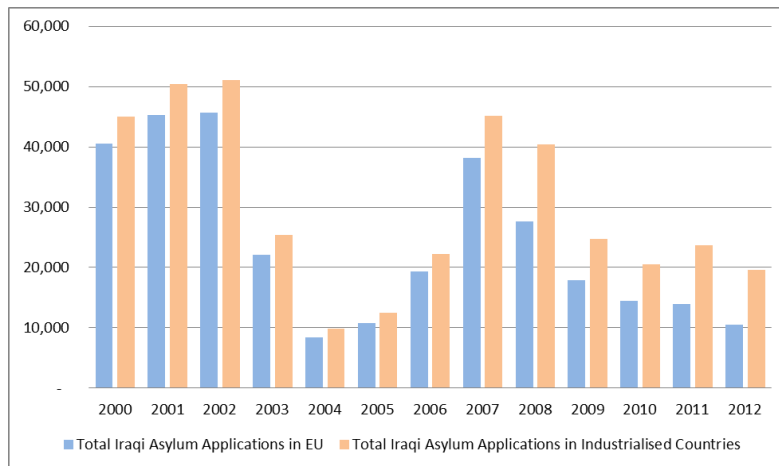
**5. Pilot Return and Reintegration Study/Programme for Iraqi Nationals.** Given the history of protection status revocation for thousands of Iraqis within the EU; given that some MS are currently granting ‘humanitarian admissions’ or temporary protection to Syrian refugees, and that in the future potentially thousands of Syrians may also have their protection statuses revoked; given the extreme difficulties in implementing voluntary and forced return of Iraqi nationals; given large numbers of “missing” Iraqis within the EU; given that the data within this current study is limited, the European Commission could conduct a study on the situation of Iraqi nationals currently facing deportation within the EU, those granted with ‘tolerated stay,’ the statuses of Iraqis after protection status revocation, the known state of Iraqis currently residing in the EU irregularly, as well as statistical data on the forced and voluntary return of Iraqi nationals from the EU, in addition to return and reintegration prospects once returned to Iraq or the region, and on the current successes and failures of Iraqi return programme throughout EU MS, in order to inform the process of return for the thousands of Syrian nationals (and other irregular Syrians, as this number has been increasing) who will most likely lose their protection status once the Syrian crisis subsides. The Commission could also design, with the most concerned MS, Frontex, and IOM a pilot EU-wide return programme for Iraqi nationals (as opposed to various programmes throughout MS), including forced and voluntary return depending upon the conditions on the ground, learning from the challenges and best practices already encountered by MS with large populations of irregular Iraqi nationals. This pilot could also serve as a basis for a future Syrian return programme. The EU, however, could negotiate with the Iraqi authorities, depending upon the security conditions on the ground, to respect the terms of the EU-Iraq Partnership agreement, and if the Iraqi government continues to refuse forced returns but accept voluntary returns, the EU, MS and the relevant EU institutions (in addition to IOM) could work together on this pilot project to see in which ways voluntary return can be encouraged. Indeed, according to Frontex, “experience has shown that efforts of Member States to return irregular migrants can be directly conducive to discouraging future migrant flows into and inside the EU.” By lessening the burden on MS due to the presence of irregular migrants, the European Commission could also encourage MS to widen the protection space for others in need, given that irregular migrants have been returned.

**6. Increased border security in a synchronized manner and higher penalties for human smugglers.** As Frontex noted, there was an immediate shift in flows following the Greek operations Aspida and Xenios Zues - when one door closes (the Greek-Turkish land border) another door opens (via sea routes, flights from Istanbul using fraudulent documents, and the Bulgarian-Turkish land border). Indeed, Syrians have even been detected attempting to enter through less-traveled routes such as the through Russia, the Black Sea, and the Western Balkans. Therefore, the EU, Frontex and concerned MS could devise a plan for addressing border security in a synchronised manner, as opposed to concentrating on “troubled spots,” as the European Border Surveillance System (Eurosur) has. A synchronised approach could decrease the likelihood that flows will be diverted unexpectedly, a situation which burdens the asylum systems in these countries and renders these countries incapable of providing for persons in need of protection (for example, the current situation in Bulgaria).

In addition to enhanced and synchronised border security (and indeed, along with a functioning return policy) the EU could enact stricter penalties on the smugglers and criminal networks currently facilitating the illegal entry of migrants into the EU. As seen above, the monetary incentive to engage in human smuggling is high. The punitive disincentive therefore must be equally substantial. Frontex, Europol, and the concerned MS could work together to apprehend smugglers, and the EU and MS could work together to impose stricter penalties on those apprehended. In addition, it could also work with top origin countries of smugglers and encourage them to dually implement stricter penalties against such criminals. The incentive for these countries to cooperate with the EU would be to develop a stronger deterrent so that smugglers would no longer use these territories due to the higher risks involved. A media campaign demonstrating the new penalties could also be carried out within the EU and in top origin countries to dissuade future smugglers.

## Annex

**Graph 1. Total Iraqi Asylum Applications in the EU compared to Total Iraqi Asylum Applications in Industrialised Countries, 2000-2012<sup>233</sup>**



\*Source: Data compiled from UNHCR *Asylum Levels and Trends* reports, 2002-2012.

**Table 1. Average Yearly Iraqi Population, Iraqi Asylum Applications, and Iraqis Granted Citizenship within the EU, Pre-2003**

Country	Average Iraqi Population Per Year 1998-2002	Country	Iraqi Asylum Applications between 1985-2002	Country	Iraqis Granted Citizenship between 1991-2002
TOTAL	125,539	TOTAL	263,200	TOTAL	73,128
Germany	54,680	Germany	80,030	Sweden	27,352
Sweden	30,188	Netherlands	41,145	Netherlands	15,846
UK	22,764	UK	40,480	UK	12,817
Denmark	12,752	Sweden	36,795	Denmark	7,296
Netherlands	10,268	Austria	20,600	Germany	6,107
Greece	5,412	Denmark	16,500	Austria	1,453
Finland	2,878	Greece	11,645	Finland	944
France	2,864	Hungary	2,990	France	411
Austria	1,293	Romania	2,490	Spain	337
Italy	1,130	Spain	2,385	Belgium	322
Spain	765	France	2,335	Romania	56
Romania	741	Belgium	1,540	Italy	45
Hungary	285	Slovakia	990	Hungary	39
Belgium	235	Finland	920	Greece	32
Bulgaria	234	Slovenia	750	Portugal	19
Czech	188	Czech	630	Czech	16
Portugal	156	Italy	390	Poland	13
Poland	85	Poland	250	Cyprus	10
Malta	29	Ireland	150	Slovenia	10
Luxembourg	14	Bulgaria	85	Bulgaria	2
Lithuania	5	Luxembourg	40	Slovakia	1
Slovenia	4	Cyprus	15	Estonia	0
Latvia	3	Estonia	15	Latvia	0
Estonia	2	Portugal	15	Lithuania	0
Cyprus	:	Lithuania	10	Luxembourg	0
Ireland	:	Latvia	5	Ireland	:
Slovakia	:	Malta	:	Malta	:

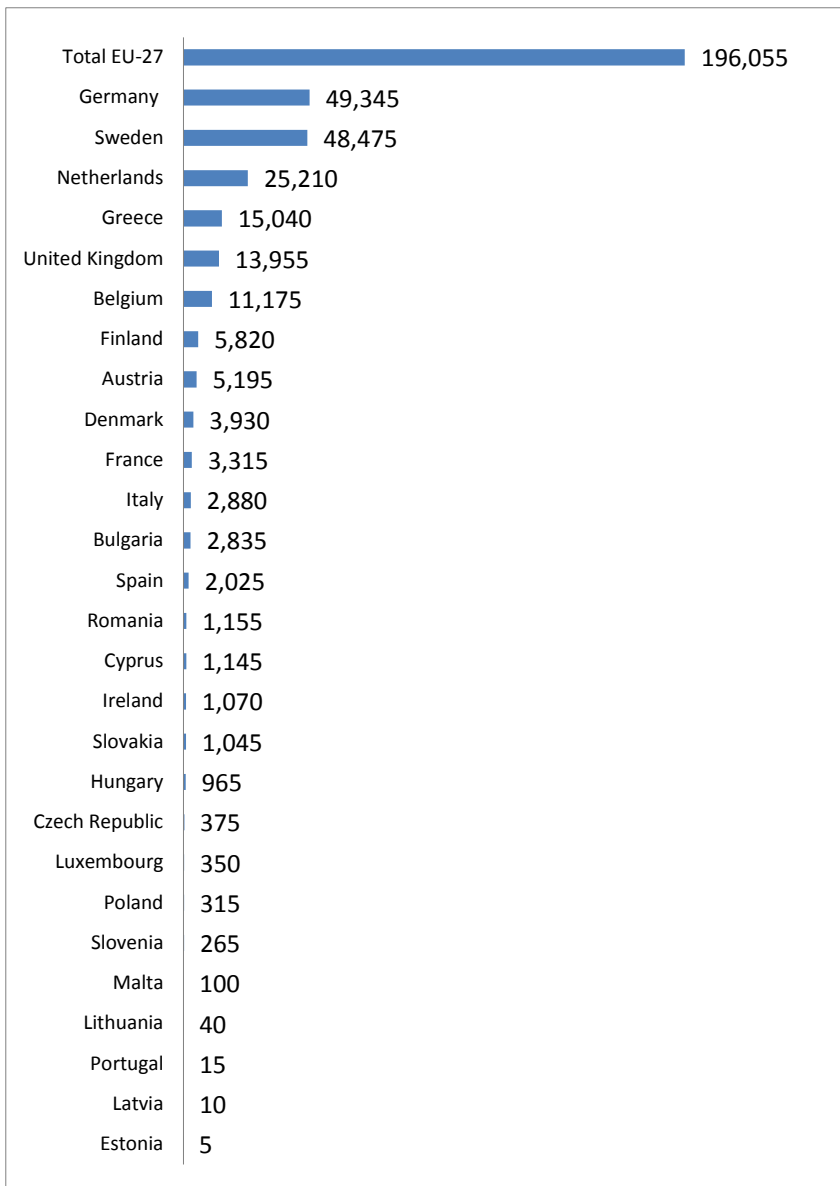
\* Source: Data compiled from Eurostat (data not available for certain years or MS. See footnote, Table 3)

**Table 2. Iraqi Asylum Applications in EU MS, 2003-August 2013<sup>234</sup>**

GEO/TIME	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	Jan.-Aug. 2013	TOTAL 2003-2013
Austria	4,473	1,445	230	220	380	470	500	395	345	485	495	230	5,195
Belgium	461	245	335	825	550	860	1,180	1,535	1,990	2,210	975	470	11,175
Bulgaria	946	205	40	45	65	530	350	305	450	345	325	175	2,835
Cyprus	21	30	90	145	130	200	155	0	340	50	5	0	1,145
Czech Repu	201	105	35	45	80	45	30	10	5	10	5	5	375
Denmark	1,032	440	215	265	520	1,070	560	310	235	130	125	60	3,930
Estonia	.	0	0	5	0	0	0	0	0	0	0	0	5
Finland	107	145	120	285	220	290	1,195	1,130	515	580	830	510	5,820
France	242	560	165	125	115	145	650	605	450	265	185	50	3,315
Germany	10,367	3,850	1,295	1,985	2,115	4,325	8,155	7,320	5,945	6,210	5,675	2,470	49,345
Greece	2,567	2,880	665	970	1,415	5,475	1,760	885	340	255	315	80	15,040
Hungary	2,006	350	35	20	70	135	130	55	50	55	30	35	965
Ireland	148	130	35	55	215	280	205	75	30	20	10	15	1,070
Italy	.	.	.	320	.	.	755	405	380	310	405	305	2880
Latvia	.	0	0	5	0	0	0	0	0	5	0	0	10
Lithuania	6	0	0	5	0	0	5	15	5	5	5	0	40
Luxembourg	34	15	15	10	15	15	30	65	95	45	25	20	350
Malta	36	5	30	25	15	5	5	5	5	0	5	0	100
Netherlands	1,022	3,475	1,045	1,620	2,765	2,005	5,310	2,165	1,905	2,005	1,885	1,030	25,210
Poland	136	75	5	10	30	20	70	20	25	30	25	5	315
Portugal	.	5	0	0	0	0	5	0	0	5	0	0	15
Romania	381	245	65	70	70	245	175	90	65	60	45	25	1,155
Slovakia	1,245	480	115	35	205	130	40	10	10	10	5	5	1,045
Slovenia	131	185	30	15	5	5	0	5	10	10	0	0	265
Spain	82	135	55	40	40	1,580	60	35	20	20	20	20	2,025
Sweden	5,447	2,700	1,455	2,330	8,950	18,560	6,325	2,310	1,995	1,640	1,345	865	48,475
United King	14,565	4,290	1,880	1,595	1,315	2,075	.	1,085	610	445	440	220	13,955
<b>TOTAL</b>	<b>45,656</b>	<b>21,995</b>	<b>7,955</b>	<b>11,070</b>	<b>19,285</b>	<b>38,465</b>	<b>27,650</b>	<b>18,835</b>	<b>15,820</b>	<b>15,205</b>	<b>13,180</b>	<b>6,595</b>	<b>196,055</b>

\* Source: Data compiled from Eurostat

**Graph 2. Iraqi Asylum Applications filed in EU MS, March 2003-August 2013**



\* Source: Data compiled from Eurostat

**Table 3. Total Numbers of Decisions on Iraqi Asylum Applications in EU MS, 2003-August 2013<sup>235</sup>**

GEO/TIME	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	Jan -Jun 2013	Total
TOTAL	21080	17910	12370	16645	27805	32755	24345	15640	13930	11240	5495	199215
Germany	5275	3420	1690	1725	6820	7260	8850	6460	5200	4470	2400	53570
Sweden	1895	4740	3095	8645	12100	12340	4230	1785	1930	1030	555	52345
Netherlands	2110	1960	2765	2070		3325	4490	2255	2270	1885	760	23890
United Kingdom	7290	5095	2075	970	1615	1645	1510	925	455	325	200	22105
Greece	1985	825	1320	1850	4020	3990	905	145	235	170	95	15540
Belgium	160	215	320	460		1145	1180	1185	1500	1245	295	7705
Finland	45	60	100	95	280	420	710	1030	560	605	475	4380
Austria	195	205	175	145	310	495	375	385	390	445	180	3300
France	560	210	135	135	145	340	535	335	240	220	75	2930
Italy	:	:	305	:	:	485	450	365	325	260	260	2450
Denmark	240	530	130	100	380	250	210	120	105	100	55	2220
Bulgaria	265	85	25	20	290	355	295	170	310	245	85	2145
Spain	55	140	25	25	1040	120	45	10	15	15	5	1495
Ireland	35	190	50	135	240	245	130	20	25	15	5	1090
Cyprus	10	0	10	60	135	0	165	280	225	70	25	980
Hungary	525	90	15	40	75	80	55	20	25	35	0	960
Romania	205	60	65	60	180	135	95	50	40	30	5	925
Poland	170	40	5	10	40	30	30	15	25	5	0	370
Slovakia	10	0	25	60	65	45	15	5	5	5	0	235
Luxembourg	:	:	:	:	:	5	60	50	40	50	20	225
Czech Republic	30	10	5	20	60	40	5	20	5	5	0	200
Malta	15	25	30	10	5	5	5	0	5	0	0	105
Slovenia	0	10	0	10	5	0	0	5	5	0	0	35
Estonia	0	0	5	0	0	0	0	0	0	0	0	5
Lithuania	0	0	0	0	0	0	0	0	0	5	0	5
Portugal	5	0	0	0	0	0	0	0	0	0	0	5
Latvia	0	0	0	0	0	0	0	0	0	0	0	0

\*Source: Data compiled from Eurostat

**Table 4. Total Positive Statuses Granted to Iraqi Asylum Applications in EU MS, 2003-June 2013**

GEO/TIME	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	Jan-Jun 2013	Total
TOTAL	6510	2305	4060	9315	17550	15090	11690	8205	7540	6045	3025	91335
Germany	570	90	80	190	5795	5815	5750	3445	2875	2780	1315	28705
Sweden	1095	245	1500	8160	9720	3830	1000	785	890	350	175	27750
Netherlands	1590	1255	1900	390		2225	1850	1225	1245	1205	555	13440
United Kingdom	2410	200	185	105	345	470	285	170	120	100	65	4455
Belgium	20	60	60	85		605	605	725	1145	305	115	3725
Finland	10	5	5	20	185	235	370	580	330	385	330	2455
Austria	145	130	130	90	215	395	285	255	295	335	135	2410
Italy			50			425	355	295	215	240	200	1780
France	30	30	20	30	70	280	440	250	155	160	55	1520
Bulgaria	235	85	20	20	280	230	200	85	125	65	30	1375
Denmark	55	5	10	0	335	155	110	50	30	10	10	770
Cyprus	10	0	10	50	120	0	150	245	15	20	10	630
Hungary	240	45	10	25	70	55	35	10	5	10	0	505
Romania	40	30	25	30	105	95	80	20	25	20	5	475
Ireland	10	35	10	65	100	110	20	0	0	10	5	365
Greece	20	10	20	20	75	10	30	15	20	5	10	235
Spain	5	55	15	15	20	60	35	5	10	10	5	235
Czech Republic	10	5	0	10	50	30	5	15	5	5	0	135
Poland	0	10	0	10	20	30	25	10	25	0	0	130
Luxembourg						0	50	15	10	20	5	100
Slovakia	0	0	0	0	40	35	10	5	0	5	0	95
Malta	10	10	10	0	5	0	0	0	0	0	0	35
Lithuania	0	0	0	0	0	0	0	0	0	5	0	5
Slovenia	5	0	0	0	0	0	0	0	0	0	0	5
Estonia	0	0	0	0	0	0	0	0	0	0	0	0
Latvia	0	0	0	0	0	0	0	0	0	0	0	0
Portugal	0	0	0	0	0	0	0	0	0	0	0	0

\*Source: Data compiled from Eurostat

**Table 5. Total Rejected Iraqi Asylum Applications in EU MS, 2003-June 2013**

GEO/TIME	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	Jan-Jun 2013	Total
TOTAL	14580	15570	8305	7320	10255	17660	12660	7450	6405	5210	2465	107880
Germany	4705	3325	1610	1540	1025	1445	3100	3015	2325	1690	1085	24865
Sweden	800	4495	1595	485	2380	8510	3230	1000	1040	680	380	24595
United Kingdom	4880	4895	1890	865	1265	1175	1230	760	335	225	135	17655
Greece	1965	785	1300	1830	3950	3985	875	130	220	165	85	15290
Netherlands	525	705	865	1675		1100	2640	1030	1030	685	205	10460
Belgium	145	155	265	380		545	575	460	350	945	185	4005
Finland	35	55	95	75	100	185	345	450	230	220	145	1935
Denmark	185	525	120	100	45	95	100	75	75	90	45	1455
France	530	180	115	105	75	60	95	85	85	60	15	1405
Spain	50	85	10	10	1020	60	10	5	5	5	0	1260
Austria	50	80	50	50	95	95	90	130	100	110	45	895
Bulgaria	30	0	0	0	10	125	95	85	185	185	55	770
Ireland	25	155	45	70	140	135	110	20	25	5	0	730
Italy			250			55	95	70	115	20	60	665
Romania	165	30	40	30	75	40	15	30	15	10	5	455
Hungary	285	40	5	10	5	25	20	10	20	25	0	445
Cyprus	0	0	0	10	20		15	35	210	55	5	350
Poland	170	30	5	0	15	0	5	5	5	0	0	235
Slovakia	10	0	20	60	20	10	0	5	0	0	0	125
Luxembourg						0	10	35	30	30	15	120
Czech Republic	25	10	5	10	10	10	0	5	0	0	0	75
Malta	0	10	15	10	0	5	5	5	0	5	0	55
Slovenia	0	10	0	5	5	0	0	5	5	0	0	30
Estonia	0	0	5	0	0	0	0	0	0	0	0	5
Latvia	0	0	0	0	0	0	0	0	0	0	0	0
Lithuania	0	0	0	0	0	0	0	0	0	0	0	0
Portugal	0	0	0	0	0	0	0	0	0	0	0	0

\*Source: Data compiled from Eurostat



**Table 6. Annual Recognitions Rates in the EU for Iraqi Asylum Applications, 2003-2012**

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	TOTAL
Total Decisions	21080	17910	12370	16645	27805	32755	24345	15640	13930	11240	193720
Total Positive Statuses Granted	6510	2305	4060	9315	17550	15090	11690	8205	7540	6045	88310
Recognition Rate (%)	31	13	33	56	63	46	48	52	54	54	46

\*Source: Data compiled from Eurostat

**Table 7. Annual Recognition Rates in Selected EU MS for Iraqi Asylum Applications, 2003-2012**

GE/O/TIME	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	TOTAL
Austria Total Decisions	195	205	175	145	310	495	375	385	390	445	3,120
Austria Total Positive Decisions	145	130	130	90	215	395	285	255	295	335	2,275
Recognition Rate (%)	74	63	74	62	69	80	76	66	76	75	73
Belgium Total Decisions	160	215	320	460		1,145	1,180	1,185	1,500	1,245	7,410
Belgium Total Positive Decisions	20	60	60	85		605	605	725	1,145	305	3,610
Recognition Rate (%)	13	28	19	18		53	51	61	76	24	49
Bulgaria Total Decisions	265	85	25	20	290	355	295	170	310	245	2,060
Bulgaria Total Positive Decisions	235	85	20	20	280	230	200	85	125	65	1,345
Recognition Rate (%)	89	100	80	100	97	65	68	50	40	27	65
Cyprus Total Decisions	10	0	10	60	135	0	165	280	225	70	955
Cyprus Total Positive Decisions	10	0	10	50	120	0	150	245	15	20	620
Recognition Rate (%)	100		100	83	89		91	88	7	29	65
Denmark Total Decisions	240	530	130	100	380	250	210	120	105	100	2,165
Denmark Total Positive Decisions	55	5	10	0	335	155	110	50	30	10	760
Recognition Rate (%)	23	1	8	0	88	62	52	42	29	10	35
Finland Total Decisions	45	60	100	95	280	420	710	1,030	560	605	3,905
Finland Total Positive Decisions	10	5	5	20	185	235	370	580	330	385	2,125
Recognition Rate (%)	22	8	5	21	66	56	52	56	59	64	54
France Total Decisions	560	210	135	135	145	340	535	335	240	220	2,855
France Total Positive Decisions	30	30	20	30	70	280	440	250	155	160	1,465
Recognition Rate (%)	5	14	15	22	48	82	82	75	65	73	51
Germany Total Decisions	5,275	3,420	1,690	1,725	6,820	7,260	8,850	6,460	5,200	4,470	51,170
Germany Total Positive Decisions	570	90	80	190	5,795	5,815	5,750	3,445	2,875	2,780	27,390
Recognition Rate (%)	11	3	5	11	85	80	65	53	55	62	54
Greece Total Decisions	1,985	825	1,320	1,850	4,020	3,990	905	145	235	170	15,445
Greece Total Positive Decisions	20	10	20	20	75	10	30	15	20	5	225
Recognition Rate (%)	1	1	2	1	2	0	3	10	9	3	1
Hungary Total Decisions	525	90	15	40	75	80	55	20	25	35	960
Hungary Total Positive Decisions	240	45	10	25	70	55	35	10	5	10	505
Recognition Rate (%)	46	50	67	63	93	69	64	50	20	29	53
Ireland Total Decisions	35	190	50	135	240	245	130	20	25	15	1,085
Ireland Total Positive Decisions	10	35	10	65	100	110	20	0	0	10	360
Recognition Rate (%)	29	18	20	48	42	45	15	0	0	67	33
Italy Total Decisions			305			485	450	365	325	260	2,190
Italy Total Positive Decisions			50			425	355	295	215	240	1,580
Recognition Rate (%)			16			88	79	81	66	92	72
Netherlands Total Decisions	2,110	1,960	2,765	2,070		3,325	4,490	2,255	2,270	1,885	23,130
Netherlands Total Positive Decisions	1,590	1,255	1,900	390		2,225	1,850	1,225	1,245	1,205	12,885
Recognition Rate (%)	75	64	69	19		67	41	54	55	64	56
Poland Total Decisions	170	40	5	10	40	30	30	15	25	5	370
Poland Total Positive Decisions	0	10	0	10	20	30	25	10	25	0	130
Recognition Rate (%)	0	25	0	100	50	100	83	67	100	0	35
Romania Total Decisions	205	60	65	60	180	135	95	50	40	30	920
Romania Total Positive Decisions	40	30	25	30	105	95	80	20	25	20	470
Recognition Rate (%)	20	50	38	50	58	70	84	40	63	67	51
Spain Total Decisions	55	140	25	25	1,040	120	45	10	15	15	1,490
Spain Total Positive Decisions	5	55	15	15	20	60	35	5	10	10	230
Recognition Rate (%)	9	39	60	60	2	50	78	50	67	67	15
Sweden Total Decisions	1,895	4,740	3,095	8,645	12,100	12,340	4,230	1,785	1,930	1,030	51,790
Sweden Total Positive Decisions	1,095	245	1,500	8,160	9,720	3,830	1,000	785	890	350	27,575
Recognition Rate (%)	58	5	48	94	80	31	24	44	46	34	53
UK Total Decisions	7,290	5,095	2,075	970	1,615	1,645	1,510	925	455	325	21,905
UK Total Positive Decisions	2,410	200	185	105	345	470	285	170	120	100	4,390
Recognition Rate (%)	33	4	9	11	21	29	19	18	26	31	20

\*Source: Data compiled from Eurostat.

**Table 8. Variance of Recognition Rates Granted to Iraqi Asylum Applications in Selected EU MS, 2003-2012**

GEO/TIME	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	Recognition
Austria	74	63	74	62	69	80	76	66	76	75	100%
Belgium	13	28	19	18		53	51	61	76	24	90-99%
Bulgaria	89	100	80	100	97	65	68	50	40	27	80-89%
Cyprus	100	0	100	83	89	0	91	88	7	29	70-79%
Denmark	23	1	8	0	88	62	52	42	29	10	60-69%
Finland	22	8	5	21	66	56	52	56	59	64	50-59%
France	5	14	15	22	48	82	82	75	65	73	40-49%
Germany	11	3	5	11	85	80	65	53	55	62	30-39%
Greece	1	1	2	1	2	0	3	10	9	3	20-29%
Hungary	46	50	67	63	93	69	64	50	20	29	10-19%
Ireland	29	18	20	48	42	45	15	0	0	67	0-9%
Italy			16			88	79	81	66	92	
Netherlands	75	64	69	19		67	41	54	55	64	
Poland	0	25	0	100	50	100	83	67	100	0	
Romania	20	50	38	50	58	70	84	40	63	67	
Spain	9	39	60	60	2	50	78	50	67	67	
Sweden	58	5	48	94	80	31	24	44	46	34	
United King	33	4	9	11	21	29	19	18	26	31	

\*Source: Data compiled from Eurostat.

**Table 9. Total Iraqis Granted Refugee Status in EU MS, 2003-June 2013**

GEO/TIME	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	Jan-Jun 2013	Total
TOTAL	950	365	415	710	6785	8215	7395	4925	4455	3845	1830	39890
Germany	540	40	65	160	5760	5750	5540	3315	2780	2655	1215	27820
Sweden	20	5	15	185	155	680	290	535	560	195	115	2755
Belgium	20	60	60	50		335	305	300	475	285	95	1985
Austria	145	130	130	90	215	225	165	85	130	145	50	1510
France	30	30	20	15	45	245	420	245	155	155	55	1415
United King	85	10	5	45	210	250	125	80	65	65	55	995
Netherlands	10	15	45	25		180	200	130	125	130	75	935
Italy			20			210	135	105	40	40	35	585
Finland	0	0	0	15	20	40	35	70	40	100	105	425
Ireland	10	35	10	65	100	110	20	0	0	5	5	360
Romania	20	15	20	30	105	80	25	15	25	15	5	355
Hungary	35	15	5	15	65	25	10	5	0	0	0	175
Greece	0	0	0	0	65	5	10	10	10	5	0	105
Luxembou						0	50	10	10	20	5	95
Denmark	15	0	0	0	0	15	35	5	0	5	5	80
Spain	5	5	5	10	20	10	15	0	0	0	0	70
Cyprus	0	0	10	0	5		0	5	15	15	5	55
Poland	0	0	0	0	5	30	0	5	15	0	0	55
Bulgaria	5	0	0	0	0	10	15	0	5	5	5	45
Czech Rep	5	0	0	5	15	10	0	5	5	0	0	45
Malta	0	5	5	0	0	0	0	0	0	0	0	10
Lithuania	0	0	0	0	0	0	0	0	0	5	0	5
Slovakia	0	0	0	0	0	5	0	0	0	0	0	5
Slovenia	5	0	0	0	0	0	0	0	0	0	0	5
Estonia	0	0	0	0	0	0	0	0	0	0	0	0
Latvia	0	0	0	0	0	0	0	0	0	0	0	0
Portugal	0	0	0	0	0	0	0	0	0	0	0	0

\*Source: Data compiled from Eurostat

**Table 10. Total Iraqis Granted with Humanitarian Status (including Subsidiary Protection Status), 2003-2007**

GEO/TIME	2003	2004	2005	2006	2007	TOTAL
TOTAL	5555	1940	3615	8620	10760	30490
Sweden	1075	240	1485	7980	9565	20345
Netherlands	1580	1245	1850	365	.	5040
United Kingdom	2325	190	180	65	135	2895
Bulgaria	225	85	20	20	275	625
Denmark	40	5	5	0	335	385
Hungary	210	35	5	10	5	265
Finland	10	5	5	10	165	195
Cyprus	10	0	0	50	115	175
Germany	30	50	20	30	35	165
Greece	20	10	20	20	10	80
Spain	0	45	10	5	0	60
France	.	0	5	15	25	45
Czech Republic	0	0	0	5	35	40
Romania	20	15	5	0	0	40
Slovakia	0	0	0	0	40	40
Belgium	.	.	.	35	.	35
Poland	0	10	0	10	15	35
Malta	10	5	5	0	5	25
Austria	0	.	.	.	.	0
Estonia	0	0	0	0	0	0
Latvia	0	0	0	0	0	0
Lithuania	0	0	0	0	0	0
Portugal	0	0	0	0	0	0
Slovenia	0	0	0	0	0	0
Ireland	.	.	.	.	.	.
Italy	.	.	.	.	.	.
Luxembourg	.	.	.	.	.	.

\*Source: Data compiled from Eurostat

**Table 11. Total Iraqis Granted Subsidiary Protection in EU MS, 2008-June 2013**

GEO/TIME	2008	2009	2010	2011	2012	Jan-Jun 2013	Total
TOTAL	4630	3055	2610	2490	1575	725	15085
Sweden	2810	590	210	240	110	30	3990
Netherlands	470	985	740	835	700	195	3925
Finland	185	325	490	275	265	210	1750
Belgium	265	300	425	675	15	15	1695
Italy	200	205	155	130	160	150	1000
Austria	170	120	175	160	190	80	895
Bulgaria	220	185	85	120	60	20	690
Cyprus	.	150	240	0	0	0	390
Denmark	125	50	15	10	5	0	205
Germany	20	30	25	15	30	15	135
Spain	55	20	5	5	5	5	95
France	30	20	5	0	5	0	60
Czech Republic	20	5	15	0	5	0	45
Poland	5	25	5	10	0	0	45
United Kingdom	10	5	15	5	10	0	45
Hungary	15	10	0	5	5	0	35
Slovakia	25	10	0	0	0	0	35
Greece	5	15	0	5	0	5	30
Romania	0	5	5	0	5	0	15
Ireland	0	0	0	0	5	0	5
Estonia	0	0	0	0	0	0	0
Latvia	0	0	0	0	0	0	0
Lithuania	0	0	0	0	0	0	0
Luxembourg	0	0	0	0	0	0	0
Malta	0	0	0	0	0	0	0
Portugal	0	0	0	0	0	0	0
Slovenia	0	0	0	0	0	0	0

\*Source: Data compiled from Eurostat

**Table 12. Total Iraqis Granted Humanitarian Status in EU MS, 2008-June 2013**

GEO/TIME	2008	2009	2010	2011	2012	Jan-Jun 2013	Total
TOTAL	2235	1245	660	575	610	445	5770
Netherlands	1575	665	350	280	370	285	3525
Sweden	340	120	45	90	45	35	675
Germany (incl. Berlin)	45	180	105	80	95	85	590
United Kingdom	210	155	75	50	25	10	525
Italy	15	15	35	40	40	15	160
Denmark	15	25	25	20	0	5	90
Finland	5	10	20	15	20	5	75
Romania	15	50	0	0	0	0	65
Hungary	15	15	5	0	5	0	40
Cyprus	.	0	0	0	5	5	10
Greece	0	10	0	0	0	0	10
Slovakia	0	0	0	0	5	0	5
Czech Republic	0	0	0	0	0	0	0
Estonia	.	.	.	.	.	.	0
Luxembourg	0	.	.	.	.	.	0
Malta	0	0	0	0	0	0	0
Poland	0	0	0	0	0	0	0
Spain	0	0	0	0	0	0	0
Austria	.	.	.	.	.	.	.
Belgium	.	.	.	.	.	.	.
Bulgaria	.	.	.	.	.	.	.
France	.	.	.	.	.	.	.
Ireland	.	.	.	.	.	.	.
Latvia	.	.	.	.	.	.	.
Lithuania	.	.	.	.	.	.	.
Portugal	.	.	.	.	.	.	.
Slovenia	.	.	.	.	.	.	.

\*Source: Data compiled from Eurostat

**Table 13. Total Positive Statuses Withdrawn from Iraqi Asylum-Seekers in the EU, 2008-2012**

GEO/TIME	2008	2009	2010	2011	2012	TOTAL
TOTAL	1050	3150	2870	640	130	7840
Germany	895	2345	1530	120	120	5010
Netherlands	30	400	855	.	.	1285
Belgium	0	305	400	480	.	1185
Sweden	90	80	15	10	.	195
Slovakia	35	5	5	.	.	45
Austria	0	5	15	20	.	40
Denmark	.	.	25	.	.	25
France	0	5	5	0	5	15
Italy	0	5	10	0	0	15
Ireland	0	0	5	5	.	10
Romania	0	0	.	5	5	10
Hungary	0	0	5	.	.	5
Bulgaria	.	0	0	0	0	0
Cyprus	.	0	0	0	.	0
Czech Republic	0	0	0	0	0	0
Estonia	0	0	0	0	0	0
Finland	0	.	.	.	.	0
Greece	0	0	0	0	0	0
Latvia	0	0	0	0	0	0
Lithuania	0	0	0	0	.	0
Luxembourg	0	0	0	0	0	0
Malta	0	0	0	0	.	0
Poland	0	0	0	0	0	0
Portugal	0	0	0	.	.	0
Slovenia	0	0	0	.	0	0
Spain	0	0	0	0	0	0
United Kingdom	.	.	0	0	0	0

\*Source: Data compiled from Eurostat

**Table 14. Total Numbers of Iraqi Refugees Resettled into EU MS through Resettlement Programmes, 2003-2012**

Country	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	Total
Belgium							30		0		30
Denmark	5	4	n/a	1	119	40	15	5	0	5	194
Finland	3	3	n/a	3	159	145	270	220	185	60	1,048
France						165	365	170	70	20	790
Germany							2,070	430	0	130	2,630
Ireland	6	0	0	0	0	5	5	15	5	0	36
Italy					n/a	0	0	0			0
Lux.							30				30
Neth.	5	4	0	*	n/a	165	90	125	80	n/a	469
Portugal					0	5	0	15	5	0	25
Sweden	89	32	64	78	729	275	360	110	50	10	1,797
UK	0	0	0	0	0	235	625	245	90	95	1,290
Total	107	40	67	82	898	1,035	3,860	1,335	485	320	8,229

\*Source: Data from 2003 through 2007 obtained from national migration authorities.<sup>236</sup> Data from 2008 through 2012 compiled from Eurostat. Shaded areas within table indicate absence of a resettlement programme.

**Table 15. Total Number of Iraqis Found to be Illegally Present in EU MS, 2008-2012**

GEO/TIME	2008	2009	2010	2011	2012	TOTAL
TOTAL	37345	23425	16680	12095	9290	98835
France	14795	4785	3135	1605	890	25210
Greece	7375	5685	4325	2515	2335	22235
Germany	4715	4530	3060	3370	2680	18355
UK	3810	2015	855	530	460	7670
Sweden	15	1895	1645	1240	715	5510
Finland	1560	1600	580	615	865	5220
Italy	1890	610	485	190	145	3320
Austria	665	460	460	470	430	2485
Belgium	865	435	455	420	275	2450
Netherlands	605	535	685	560	:	2385
Bulgaria	430	270	530	310	315	1855
Cyprus	220	190	125	70	40	645
Spain	110	110	45	40	25	330
Ireland	75	95	105	30	5	310
Denmark	125	65	30	10	20	250
Romania	20	40	40	50	30	180
Czech	30	45	15	15	10	115
Poland	15	20	30	15	30	110
Hungary	10	5	45	5	:	65
Slovakia	5	15	10	10	0	40
Slovenia	0	5	10	0	10	25
Lithuania	0	10	5	5	0	20
Luxembourg	:	0	0	15	5	20
Portugal	5	0	0	5	0	15
Latvia	5	5	0	0	0	10
Estonia	0	0	0	0	5	5
Malta	0	0	0	0	0	0

\*Source: Data compiled from Eurostat

**Table 16. Total Iraqis Ordered to Leave the EU by EU MS, 2008-2012**

GEO/TIME	2008	2009	2010	2011	2012	TOTAL
TOTAL	33905	24830	17225	10495	8890	95345
Greece	15940	7660	4970	2515	2760	33845
Sweden	2505	5720	3530	1340	985	14080
Netherlands	2165	3915	2830	2500	1415	12825
France	4525	2025	1510	670	405	9135
UK	3810	2015	855	530	455	7665
Belgium	1205	875	865	820	1275	5040
Germany	670	840	745	770	565	3590
Italy	1890	610	485	190	145	3320
Bulgaria	430	270	530	310	315	1855
Finland	200	465	495	330	190	1680
Austria	275	150	165	200	90	880
Spain	105	125	55	50	40	375
Romania	55	50	55	55	55	270
Hungary	40	35	70	50	30	225
Denmark	:	:	:	105	110	215
Czech	40	20	15	10	5	90
Poland	15	20	15	15	15	80
Ireland	15	15	10	15	5	60
Cyprus	15	10	0	10	:	35
Slovenia	0	5	10	0	10	25
Latvia	5	0	0	5	5	15
Luxembourg	:	0	0	:	15	15
Lithuania	0	0	5	5	0	10
Slovakia	0	5	5	0	0	10
Portugal	0	0	5	0	0	5
Estonia	0	0	0	0	0	0
Malta	0	0	0	0	0	0

\*Source: Data compiled from Eurostat

**Table 17. Total Number of Iraqis Returned Following an Order to Leave by EU MS, 2008-2012<sup>237</sup>**

GEO/TIME	2008	2009	2010	2011	2012	TOTAL
TOTAL	6035	8055	5945	4970	3975	28980
Sweden	2425	3180	2215	1475	1075	10370
UK	940	2030	785	465	455	4675
Netherlands	480	685	670	995	515	3345
Greece	220	320	680	595	530	2345
Germany	655	585	420	305	290	2255
France	380	430	550	225	195	1780
Austria	305	240	140	150	105	940
Finland	130	250	190	205	55	830
Belgium	15	30	100	200	385	730
Bulgaria	50	30	25	165	230	500
Denmark	130	125	55	45	20	375
Romania	50	40	45	55	70	260
Italy	165	30	10	10	10	225
Hungary	15	10	30	35	15	105
Spain	25	20	0	5	5	55
Ireland	15	10	10	10	5	50
Poland	15	15	5	5	5	45
Cyprus	5	10	5	15	:	35
Slovenia	10	10	5	0	5	30
Latvia	0	0	0	5	5	10
Slovakia	0	5	5	0	0	10
Czech	5	0	0	0	:	5
Lithuania	0	0	0	5	0	5
Estonia	0	0	0	0	0	0
Luxembourg	:	0	0	0	0	0
Malta	0	0	0	0	0	0
Portugal	0	0	0	0	0	0

\*Source: Data compiled from Eurostat

**Table 18. Iraqi Nationals Returned via IOM Assisted Voluntary Return and Reintegration (AVRR) Programmes (all programmes), 2000-2012**

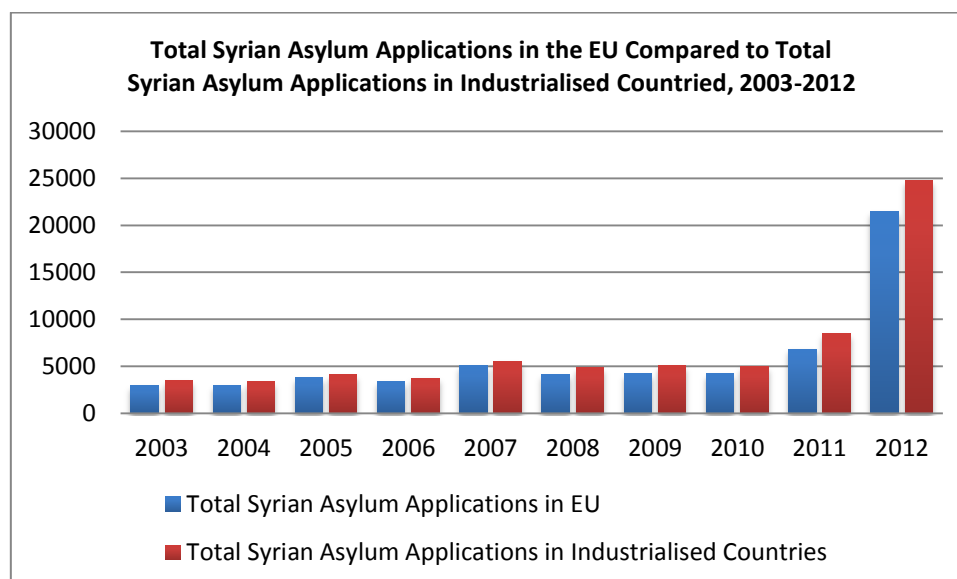
Year	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	TOTAL	TOTAL between 2003-2012
# of Iraqis Returned	5	14	16	541	2,075	1,952	2,921	939	2,000	2,748	2,347	2,667	2,472	20,697	20,662

\*Source: Data compiled from IOM<sup>238</sup>

**Table 19. Average Annual Syrian Resident Population in the EU, Syrians Acquiring Citizenship in EU MS, and Syrian Asylum Applications in EU MS, Pre-2011**

Country	Total Syrians Granted Citizenship between 2002-2010	Country	Average Yearly Resident Syrian Population 1998-2010	Country	Total Syrian Asylum Applications in EU MS 1999-2010
TOTAL	28,959	TOTAL	3,314	TOTAL	63,420
Germany	10,679	Germany	1,928	Germany	22,270
Sweden	7,956	Sweden	554	Sweden	9,325
UK	2,791	Greece	508	Netherlands	8,505
France	2,074	Belgium	321	Cyprus	6,075
Belgium	1,740	Spain	254	Greece	3,525
Netherlands	684	Italy	206	Austria	3,250
Spain	652	Cyprus	167	Belgium	2,960
Italy	480	Austria	160	UK	2,265
Austria	352	UK	113	Denmark	2,185
Denmark	293	Denmark	97	France	670
Romania	206	Netherlands	81	Spain	395
Cyprus	202	Hungary	63	Hungary	290
Poland	199	Czech	41	Czech	280
Greece	152	Poland	18	Finland	280
Finland	113	Slovakia	17	Italy	240
Hungary	111	Finland	17	Romania	225
Bulgaria	72	Ireland	7	Slovakia	215
Czech	69	Luxembourg	3	Bulgaria	175
Ireland	52	Latvia	3	Ireland	115
Slovakia	46	Lithuania	2	Poland	70
Malta	19	Slovenia	2	Malta	50
Portugal	13	Bulgaria	1	Luxembourg	20
Lithuania	2	Estonia	1	Estonia	10
Luxembourg	2	Malta	1	Latvia	10
Estonia	0	France	:	Lithuania	10
Latvia	0	Portugal	:	Slovenia	5
Slovenia	0	Romania	:	Portugal	0

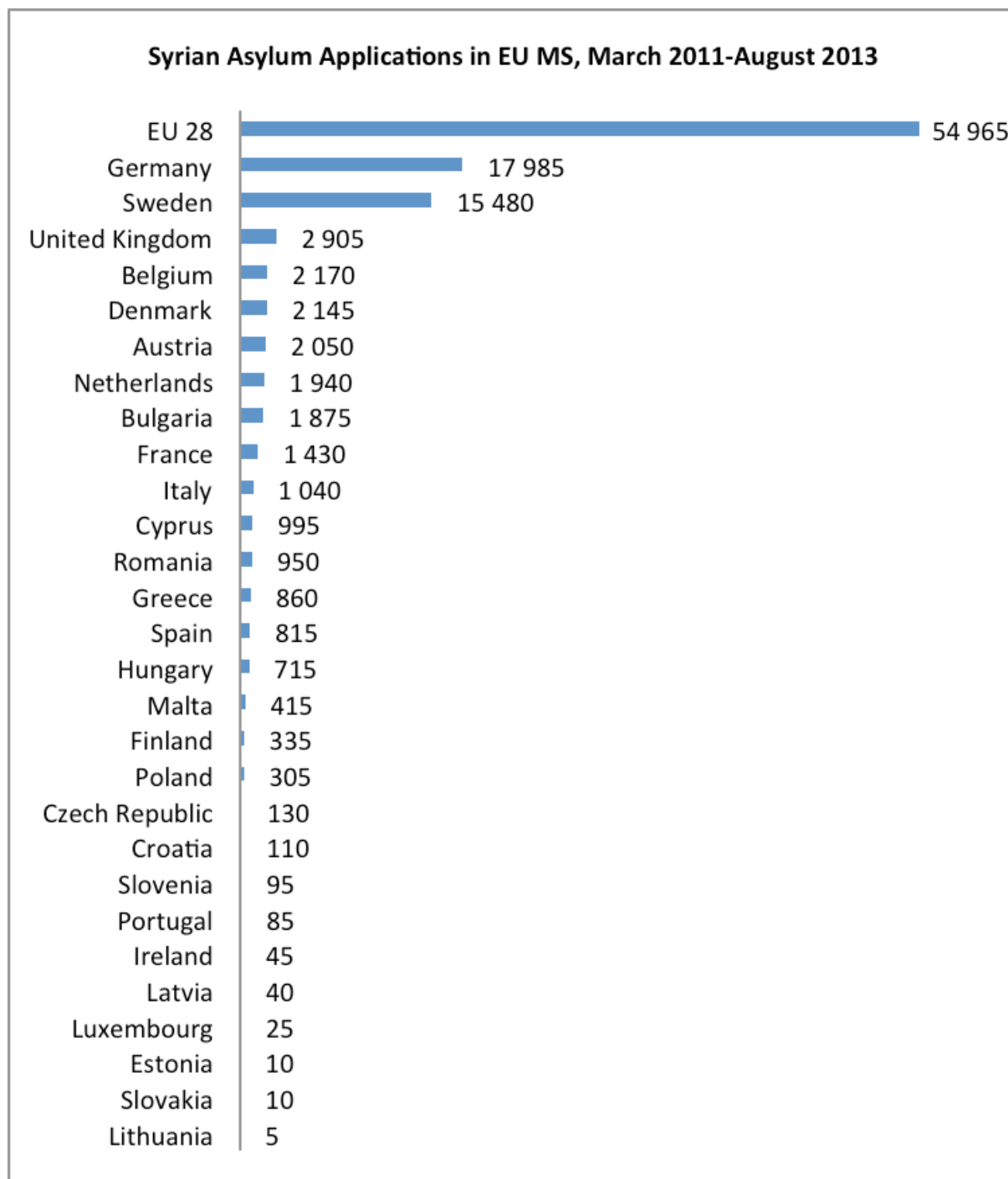
\*Source: Data compiled from Eurostat (data not available for certain year or MS)

**Graph 3. Total Syrian Asylum Applications in the EU Compared to Total Syrian Asylum Applications in Industrialised, 2003-2012**

\*Source: Data compiled from UNHCR *Asylum Levels and Trends* reports, 2002-2012.

**Graph 4. Syrian Asylum Applications in EU MS, March 2011-August 2013<sup>239</sup>**





\*Source: Data compiled from Eurostat

**Table 20. Syrian Asylum Applications in EU MS, Mach 2011-December 2011**

GEO/TIME	2011M03	2011M04	2011M05	2011M06	2011M07	2011M08	2011M09	2011M10	2011M11	2011M12	TOTAL
Austria	30	35	20	40	35	40	45	75	35	45	400
Belgium	25	40	50	75	65	75	50	55	45	70	550
Bulgaria	5	0	5	5	10	10	15	5	0	5	60
Croatia	:	:	:	:	:	:	:	:	:	:	
Cyprus	5	5	10	10	10	10	35	45	25	15	170
Czech Repu	0	0	0	0	5	5	0	0	0	5	15
Denmark	30	30	20	35	15	45	45	50	65	55	390
Estonia	0	0	0	0	0	0	0	0	0	0	0
Finland	5	0	5	5	5	15	10	10	5	35	95
France	5	5	5	5	10	10	10	25	15	20	110
Germany	205	200	310	245	300	370	420	345	375	315	3,085
Greece	30	10	20	15	70	20	45	20	25	30	285
Hungary	10	10	0	5	0	5	5	15	30	5	85
Ireland	0	0	0	0	0	0	0	0	0	5	5
Italy	10	40	25	15	25	60	20	20	15	25	255
Latvia	0	0	0	0	0	0	5	5	5	0	15
Lithuania	0	0	0	0	0	0	0	0	0	0	0
Luxembourg	0	0	0	5	0	0	0	0	0	0	5
Malta	0	0	5	0	5	0	5	70	25	10	120
Netherlands	5	10	5	20	15	20	25	35	30	15	180
Poland	5	0	0	0	0	0	5	0	0	0	10
Portugal	0	0	0	0	0	0	0	0	0	0	0
Romania	0	5	0	0	0	5	5	5	5	5	30
Slovakia	0	0	0	0	0	0	0	5	0	0	5
Slovenia	0	0	0	0	0	0	0	5	0	0	5
Spain	5	0	5	0	5	25	40	5	0	5	90
Sweden	40	50	45	50	50	50	65	65	75	80	570
United Kingd	20	10	25	30	65	65	70	50	70	90	495
TOTAL	435	450	555	560	690	830	920	910	845	835	7,030

\*Source: Data compiled from Eurostat (accessed 17 October 2013)

**Table 21. Syrian Asylum Applications in EU MS, 2012**

GEO/TIME	2012M01	2012M02	2012M03	2012M04	2012M05	2012M06	2012M07	2012M08	2012M09	2012M10	2012M11	2012M12	TOTAL
Austria	60	65	35	70	80	65	90	95	90	115	110	60	935
Belgium	60	55	40	55	55	75	70	95	85	165	130	145	1,030
Bulgaria	15	5	10	5	20	20	25	40	50	120	50	95	455
Croatia	:	:	:	:	:	:	:	:	:	:	:	:	
Cyprus	30	15	30	50	50	30	55	75	80	60	55	35	565
Czech Repu	5	5	5	0	5	0	5	5	5	25	10	0	70
Denmark	70	45	95	50	50	60	105	105	65	75	95	65	880
Estonia	0	0	0	0	0	0	0	5	0	0	0	0	5
Finland	20	5	20	5	15	15	15	15	30	25	10	10	185
France	35	30	45	45	35	25	45	55	50	80	85	105	635
Germany	310	395	335	535	635	610	795	835	820	965	1,055	640	7,930
Greece	10	40	10	10	15	10	20	10	30	55	45	20	275
Hungary	10	10	0	5	10	5	15	15	10	20	40	10	150
Ireland	0	0	0	0	0	0	0	5	5	0	0	0	10
Italy	15	10	15	10	15	15	40	25	50	35	90	40	360
Latvia	0	0	0	0	0	0	0	0	5	0	5	5	15
Lithuania	0	0	0	0	0	0	0	0	0	0	0	0	0
Luxembourg	0	0	0	0	0	0	0	0	5	0	0	0	5
Malta	10	5	10	10	10	0	5	0	20	25	15	35	145
Netherlands	20	30	15	15	30	30	25	30	100	110	105	70	580
Poland	0	0	0	5	0	5	0	0	5	40	30	20	105
Portugal	0	0	0	0	0	5	0	5	5	0	5	0	20
Romania	5	5	0	15	15	25	10	60	25	25	40	25	250
Slovakia	0	0	0	0	0	0	0	0	0	0	0	0	0
Slovenia	0	0	0	0	0	5	5	5	0	10	5	5	35
Spain	20	20	10	5	10	30	25	25	30	30	25	20	250
Sweden	155	155	155	165	235	360	640	1,150	1,325	1,255	1,160	1,160	7,915
United Kingd	70	50	70	65	85	70	125	130	200	160	140	140	1,305
TOAL	920	945	900	1,120	1,370	1,460	2,115	2,785	3,090	3,395	3,305	2,705	24,110

\*Source: Data compiled from Eurostat (accessed 17 October 2013)

**Table 22. Syrian Asylum Applications in EU MS, January 2013 – August 2013**

GEO/TIME	2013M01	2013M02	2013M03	2013M04	2013M05	2013M06	2013M07	2013M08	TOTAL
Austria	125	100	85	95	90	125	95		715
Belgium	155	75	60	75	70	70	85		590
Bulgaria	90	50	185	100	115	200	110	510	1,360
Croatia	25	15	25	15	20	5	5		110
Cyprus	30	55	30	30	60	30	25		260
Czech Rept	10	5	5	5	10	5	5		45
Denmark	110	70	80	95	85	120	165	150	875
Estonia	0	0	0	0	0	0	5	0	5
Finland	5	10	5	15	5	5	10		55
France	80	110	125	90	95	90	95		685
Germany	1,105	750	585	765	785	810	1,070	1,100	6,970
Greece	35	45	65	50	30	35	40		300
Hungary	40	45	80	65	80	95	75		480
Ireland	5	10	10	0	5	0	0		30
Italy	70	55	85	40	45	60	70		425
Latvia	0	5	0	0	5	0	0		10
Lithuania	0	0	0	0	0	0	5	0	5
Luxembourg	0	0	5	0	0	5	5		15
Malta	10	15	40	20	0	30	35		150
Netherlands	115	105	130	130	130	165	195	210	1,180
Poland	50	15	20	10	15	35	35	10	190
Portugal	5	10	5	45	0	0	0		65
Romania	70	60	80	85	95	80	140	60	670
Slovakia	0	0	0	0	5	0	0		5
Slovenia	15	5	0	0	15	15	5	0	55
Spain	45	80	35	60	55	80	70	50	475
Sweden	1,025	755	775	720	780	740	1,000	1,200	6,995
United Kingd	160	135	130	160	125	170	225		1,105
<b>TOTAL</b>	<b>3,380</b>	<b>2,580</b>	<b>2,645</b>	<b>2,670</b>	<b>2,720</b>	<b>2,970</b>	<b>3,570</b>	<b>3,290</b>	<b>23,825</b>

\*Source: Data compiled from Eurostat (accessed 17 October 2013)

**Table 23. Syrian Asylum Applications in EU MS, January 2013 – August 2013**

GEO/TIME	March 2011- January 2011	2012	January 2013- August 2013	TOTAL
Austria	400	935	715	2,050
Belgium	550	1,030	590	2,170
Bulgaria	60	455	1,360	1,875
Croatia	:	:	110	110
Cyprus	170	565	260	995
Czech	15	70	45	130
Denmark	390	880	875	2,145
Estonia	0	5	5	10
Finland	95	185	55	335
France	110	635	685	1,430
Germany	3085	7,930	6,970	17,985
Greece	285	275	300	860
Hungary	85	150	480	715
Ireland	5	10	30	45
Italy	255	360	425	1,040
Latvia	15	15	10	40
Lithuania	0	0	5	5
Luxembourg	5	5	15	25
Malta	120	145	150	415
Netherlands	180	580	1,180	1,940
Poland	10	105	190	305
Portugal	0	20	65	85
Romania	30	250	670	950
Slovakia	5	0	5	10
Slovenia	5	35	55	95
Spain	90	250	475	815
Sweden	570	7,915	6,995	15,480
UK	495	1,305	1,105	2,905
<b>TOTAL</b>	<b>7,030</b>	<b>24,110</b>	<b>23,825</b>	<b>54,965</b>

\*Source: Data compiled from Eurostat

**Table 24. Recognition Rates for Syrian Asylum Applications (First Instance) in EU MS, Jan 2011-June 2013**

GEO/TIME	2011Q1	2011Q2	2011Q3	2011Q4	2012Q1	2012Q2	2012Q3	2012Q4	2013Q1	2013Q2	TOTAL
Austria	70	65	145	145	160	170	195	280	250	270	1,750
Total Positive Decisions	35	45	110	110	150	145	180	265	205	240	1,485
Recognition Rate %	50	69	76	76	94	85	92	95	82	89	85
Belgium	75	30	5	10	5	40	150	430	465	70	1,280
Total Positive Decisions	40	10	5	5	5	40	135	415	450	50	1,155
Recognition Rate %	53	33	100	50	100	100	90	97	97	71	90
Bulgaria	10	0	10	30	15	30	30	10	105	195	435
Total Positive Decisions	0	0	0	5	5	20	20	10	100	195	355
Recognition Rate %	0	:	0	17	33	67	67	100	95	100	82
Croatia	:	:	:	:	0	5	5	0	0	0	10
Total Positive Decisions	:	:	:	:	0	5	5	0	0	0	10
Recognition Rate %	:	:	:	:	:	100	100	:	:	:	100
Cyprus	20	20	15	0	20	10	5	0	5	15	110
Total Positive Decisions	0	0	0	0	5	0	0	0	0	0	5
Recognition Rate %	0	0	0	:	25	0	0	:	0	0	5
Czech Republic	5	0	0	0	0	5	5	5	10	40	70
Total Positive Decisions	0	0	0	0	0	0	5	5	5	35	50
Recognition Rate %	:	:	:	:	:	0	100	100	50	88	71
Denmark	150	105	165	155	110	200	170	320	200	220	1,795
Total Positive Decisions	55	80	125	105	90	165	150	280	160	190	1,400
Recognition Rate %	37	76	76	68	82	83	88	88	80	86	78
Estonia	0	0	0	0	0	0	5	0	0	0	5
Total Positive Decisions	0	0	0	0	0	0	0	0	0	0	0
Recognition Rate %	:	:	:	:	:	:	0	:	:	:	0
Finland	5	5	10	15	25	35	55	50	65	50	315
Total Positive Decisions	5	5	5	15	15	30	50	45	55	45	270
Recognition Rate %	100	100	50	100	60	86	91	90	85	90	86
France	10	5	15	25	25	90	80	180	105	315	850
Total Positive Decisions	5	0	10	25	25	80	65	170	95	305	780
Recognition Rate %	50	0	67	100	100	89	81	94	90	97	92
Germany	465	165	170	185	360	3,430	1,785	2,180	2,350	2,070	13,160
Total Positive Decisions	100	35	145	150	280	3,355	1,720	2,115	2,230	1,990	12,120
Recognition Rate %	22	21	85	81	78	98	96	97	95	96	92
Greece	25	40	40	45	70	45	15	20	25	15	340
Total Positive Decisions	5	0	0	0	0	0	0	0	5	5	15
Recognition Rate %	20	0	0	0	0	0	0	0	20	33	4
Hungary	0	15	0	5	30	15	10	20	20	50	165
Total Positive Decisions	0	0	0	5	15	10	5	15	10	35	95
Recognition Rate %	0	0	0	100	50	67	50	75	50	70	58
Ireland	0	0	0	0	5	0	10	5	10	20	50
Total Positive Decisions	0	0	0	0	0	0	10	5	10	20	45
Recognition Rate %	:	:	:	:	0	:	100	100	100	100	90
Italy	40	35	30	25	40	70	25	80	75	410	830
Total Positive Decisions	20	15	20	15	40	60	25	70	70	125	460
Recognition Rate %	50	43	67	60	100	86	100	88	93	30	55
Latvia	0	0	0	5	5	0	0	5	5	5	25
Total Positive Decisions	0	0	0	5	5	0	0	5	5	5	25
Recognition Rate %	:	:	:	100	100	:	:	100	100	100	100
Lithuania	0	0	0	0	0	0	0	0	0	5	5
Total Positive Decisions	0	0	0	0	0	0	0	0	0	5	5
Recognition Rate %	:	:	:	:	:	:	:	:	100	100	100
Luxembourg	5	0	0	5	0	5	0	0	0	0	15
Total Positive Decisions	0	0	0	0	0	0	0	0	0	0	0
Recognition Rate %	0	:	:	0	:	0	:	:	:	:	0
Malta	0	0	5	40	90	25	0	0	105	95	360
Total Positive Decisions	0	0	5	40	90	25	0	0	105	90	355
Recognition Rate %	:	:	100	100	100	100	:	:	100	95	99
Netherlands	30	25	20	15	0	10	340	270	310	340	1,360
Total Positive Decisions	5	10	0	5	0	0	325	260	270	295	1,170
Recognition Rate %	17	40	0	33	:	0	96	96	87	87	86
Poland	0	0	0	0	0	0	0	5	5	15	25
Total Positive Decisions	0	0	0	0	0	0	0	5	5	15	25
Recognition Rate %	:	:	:	:	:	:	:	100	100	100	100
Portugal	0	0	0	0	0	0	0	0	0	:	0
Total Positive Decisions	0	0	0	0	0	0	0	0	0	:	0
Recognition Rate %	:	:	:	:	:	:	:	:	:	:	0
Romania	0	0	5	0	5	35	55	75	:	:	175
Total Positive Decisions	0	0	0	0	0	20	30	70	:	:	120
Recognition Rate %	:	:	0	:	0	57	55	93	:	:	69
Slovakia	0	0	0	0	5	0	0	0	5	0	10
Total Positive Decisions	0	0	0	0	0	0	0	0	5	0	5
Recognition Rate %	:	:	:	:	0	:	:	:	100	:	50
Slovenia	0	0	0	0	5	5	5	5	5	0	25
Total Positive Decisions	0	0	0	0	0	0	0	0	0	0	0
Recognition Rate %	:	:	:	:	0	0	0	0	0	0	0
Spain	5	0	5	0	0	5	10	0	20	50	95
Total Positive Decisions	0	0	0	0	0	0	0	0	20	45	65
Recognition Rate %	0	:	0	:	:	0	0	:	100	90	68
Sweden	100	95	145	190	180	340	1,200	2,750	2,785	2,930	10,715
Total Positive Decisions	10	10	45	75	115	295	1,135	2,545	2,340	2,545	9,115
Recognition Rate %	10	11	31	39	64	87	95	93	84	87	85
United Kingdom	45	45	90	175	220	175	340	420	465	400	2,375
Total Positive Decisions	10	10	35	95	120	130	300	375	435	340	1,850

Recognition Rate %	22	22	39	54	55	74	88	89	94	85	78
Total Decisions	1060	650	875	1070	1375	4745	4495	7110	7390	7580	36350
Total Positive Decisions	290	220	505	655	960	4380	4160	6655	6580	6575	30980
Total Recognition Rate	27	34	58	61	70	92	93	94	89	87	85

\*Source: Data compiled from Eurostat

**Table 25. Decisions on Syrian Asylum Applications in EU MS at a First Instance, January 2011- June 2013**

Country/Decisions	Total Decisions	Total Positive Decisions	Total Subsidiary Protection	Total Refugee Status	Total Humanitarian Status	Total Rejected
Austria	1750	1485	505	975	0	275
Belgium	1280	1155	890	265	:	120
Bulgaria	435	355	355	0	:	85
Croatia	10	10	10	0	:	0
Cyprus	110	5	0	0	5	105
Czech	70	50	50	0	0	10
Denmark	1795	1400	145	1240	10	390
Estonia	5	0	0	0	0	5
Finland	315	270	155	125	0	45
France	850	780	305	475	:	70
Germany	13160	12120	8840	3260	15	1055
Greece	340	15	10	5	0	325
Hungary	165	95	65	0	20	75
Ireland	50	45	5	35	:	5
Italy	830	460	210	230	15	360
Latvia	25	25	25	0	:	0
Lithuania	5	5	5	0	:	0
Luxembourg	15	0	0	0	:	10
Malta	360	355	150	5	210	0
Netherlands	1360	1170	1055	60	55	185
Poland	25	25	15	10	0	0
Portugal	0	0	0	0	:	0
Romania	175	120	55	65	0	55
Slovakia	10	5	0	0	5	0
Slovenia	25	0	0	0	:	20
Spain	95	65	60	5	0	30
Sweden	10715	9115	6895	2205	10	1590
UK	2375	1850	40	1780	20	525
TOTAL	36350	30980	19845	10740	365	5340

\*Source: Data compiled from Eurostat.

Due to Eurostat's rounding of data, some discrepancies may exist.

**Table 26. Decisions on Syrian Asylum Applications in EU MS at a Final Instance, January 2011- June 2013**

Country/Decisions	Total Decisions	Total Positive Decisions	Total Refugee Status	Total Subsidiary Protection	Total Humanitarian Status	Total Rejected
Austria	430	345	340	5	:	90
Belgium	50	0	0	0	:	50
Bulgaria	10	10	0	10	:	0
Croatia	15	10	0	10	:	0
Cyprus	120	15	5	0	10	105
Czech	35	20	0	20	0	15
Denmark	405	200	185	20	0	205
Estonia	0	0	0	0	:	0
Finland	25	25	5	15	5	0
France	105	95	80	10	:	10
Germany	1820	1295	535	695	75	525
Greece	35	10	0	10	0	25
Hungary	25	10	5	10	0	5
Ireland	5	0	0	:	:	5
Italy	5	0	0	0	0	0
Latvia	0	0	0	0	:	0
Lithuania	0	0	0	0	:	0
Luxembourg	0	0	0	0	:	0
Malta	5	0	0	0	0	5
Netherlands	5	0	0	0	0	5
Poland	5	0	0	0	0	0
Portugal	0	0	0	0	:	0
Romania	205	130	65	70	0	65
Slovakia	0	0	0	0	0	0
Slovenia	0	0	0	0	:	0
Spain	30	0	0	0	0	30
Sweden	1460	975	45	895	40	485
UK	425	295	265	15	15	135
TOTAL	5220	3435	1530	1785	145	1760

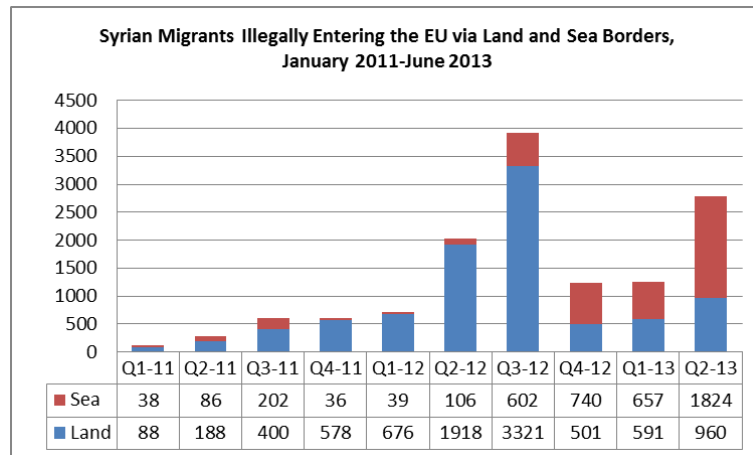
\*Source: Data compiled from Eurostat.

Due Eurostat's rounding of data, some discrepancies may exist.

**Table 27. Total Syrian Migrants Detected Illegally Entering the EU Compared to Total Migrants Detected Illegally Entering EU (Land and Sea Borders), January 2011-June 2013**

	Q1-11	Q2-11	Q3-11	Q4-11	Q1-12	Q2-12	Q3-12	Q4-12	Q1-13	Q2-13	TOTAL
Total Migrants	32,923	41,237	38,530	28,325	13,635	23,095	22,093	13,613	9,717	24,805	247,973
Total Syrian Migrants	126	274	602	614	715	2,024	3,923	1,241	1,248	2,784	13,551

\*Source: Data compiled from Frontex Data compiled from Frontex FRAN Quarterly Reports, Quarters Q1-2011 through Q2-2013.

**Graph 6. Syrian Migrants Illegally Entering the EU via Land and Sea Borders, January 2011-June 2013**

\*Source: Data compiled from Frontex Data compiled from Frontex FRAN Quarterly Reports, Quarters Q1-2011 through Q2-2013.

**Table 28. Syrian Nationals Refused Entry to the EU (land, sea, and air borders), 2011-2012**

GEO/TIME	2011	2012	TOTAL
Austria	10	0	10
Belgium	15	75	90
Bulgaria	60	150	210
Cyprus	40	35	75
Czech	10	5	15
Denmark	5	5	10
Estonia	40	0	40
Finland	0	0	0
France	60	265	325
Germany	15	15	30
Greece	45	75	120
Hungary	15	10	25
Ireland	5	10	15
Italy	50	50	100
Latvia	0	15	15
Lithuania	0	0	0
Luxembourg	0	0	0
Malta	0	5	5
Netherlands	15	10	25
Poland	15	95	110
Portugal	0	0	0
Romania	25	35	60
Slovakia	0	0	0
Slovenia	0	10	10
Spain	10	10	20
Sweden	0	0	0
UK	30	30	60
TOTAL	465	905	1370

\*Source: Data compiled from Eurostat.

**Table 29. Syrians Refused Entry at the Air Borders of the EU, 2011-2012**

GEO/TIME	2011	2012	TOTAL
Austria	0	0	0
Belgium	15	75	90
Bulgaria	5	10	15
Cyprus	40	35	75
Czech Republic	10	5	15
Denmark	5	5	10
Estonia	0	0	0
Finland	0	0	0
France	55	255	310
Germany	15	15	30
Greece	10	5	15
Hungary	5	5	10
Ireland	0	5	5
Italy	30	15	45
Latvia	0	0	0
Lithuania	0	0	0
Luxembourg	0	0	0
Malta	0	5	5
Netherlands	10	10	20
Poland	15	80	95
Portugal	0	0	0
Romania	5	10	15
Slovakia	0	0	0
Slovenia	0	0	0
Spain	10	10	20
Sweden	0	0	0
UK	15	15	30
<b>TOTAL</b>	<b>245</b>	<b>560</b>	<b>805</b>

\*Source: Data compiled from Eurostat.

**Table 30. Syrian Nationals Refused Entry at the Land Border, 2011-2012**

GEO/TIME	2011	2012	TOTAL
Austria	10	:	10
Belgium	:	:	:
Bulgaria	15	45	60
Cyprus	0	0	0
Czech Republic	:	:	:
Denmark	:	:	:
Estonia	0	0	0
Finland	0	0	0
France	0	5	5
Germany	:	:	:
Greece	35	65	100
Hungary	10	10	20
Ireland	0	0	0
Italy	:	:	0
Latvia	0	10	10
Lithuania	0	0	0
Luxembourg	:	:	:
Malta	:	:	:
Netherlands	0	0	0
Poland	0	15	15
Portugal	:	:	:
Romania	0	5	5
Slovakia	0	0	0
Slovenia	0	10	10
Spain	0	0	0
Sweden	0	0	0
UK	10	5	15
<b>TOTAL</b>	<b>80</b>	<b>170</b>	<b>250</b>

\*Source: Data compiled from Eurostat.

**Table 31. Syrian Nationals Refused Entry at the Sea Border, 2011-2012**

GEO/TIME	2011	2012	TOTAL
Austria	:	:	:
Belgium	0	0	0
Bulgaria	40	95	135
Cyprus	0	0	0
Czech Republic	:	:	:
Denmark	0	0	0
Estonia	40	0	40
Finland	0	0	0
France	0	5	5
Germany	0	0	0
Greece	5	0	5
Hungary	:	:	:
Ireland	0	0	0
Italy	20	40	60
Latvia	0	0	0
Lithuania	0	0	0
Luxembourg	:	:	:
Malta	0	0	0
Netherlands	0	0	0
Poland	0	0	0
Portugal	0	0	0
Romania	15	20	35
Slovakia	:	:	:
Slovenia	0	0	0
Spain	0	0	0
Sweden	0	0	0
UK	5	10	15
<b>TOTAL</b>	<b>125</b>	<b>170</b>	<b>295</b>

\*Source: Data compiled from Eurostat.

**Table 32. Syrian Nationals Found to be Illegally Present within EU MS, 2011-2012**

GEO/TIME	2011	2012	TOTAL
Austria	445	850	1,295
Belgium	100	265	365
Bulgaria	110	510	620
Cyprus	845	735	1,580
Czech Republic	20	25	45
Denmark	0	0	0
Estonia	0	10	10
Finland	70	165	235
France	230	845	1,075
Germany	1,300	2,555	3,855
Greece	1,275	7,070	8,345
Hungary	20	:	20
Ireland	5	20	25
Italy	55	105	160
Latvia	0	20	20
Lithuania	0	0	0
Luxembourg	0	5	5
Malta	15	35	50
Netherlands	35	:	35
Poland	20	20	40
Portugal	0	5	5
Romania	60	70	130
Slovakia	5	10	15
Slovenia	0	55	55
Spain	40	70	110
Sweden	415	2,965	3,380
UK	305	625	930
<b>TOTAL</b>	<b>5,370</b>	<b>17,035</b>	<b>22,405</b>

\*Source: Data compiled from Eurostat.



**Table 33. Syrian Nationals Found to Be Illegally Present in the EU Issued with an Order to Leave by EU MS, 2011-2012**

GEO/TIME	2011	2012	TOTAL
TOTAL	3595	9630	13225
Greece	1275	6535	7810
UK	305	625	930
Belgium	325	405	730
Bulgaria	110	510	620
Sweden	320	290	610
France	185	320	505
Germany	195	95	290
Cyprus	275		275
Netherlands	150	110	260
Romania	75	125	200
Austria	85	105	190
Denmark	70	115	185
Hungary	75	100	175
Italy	55	105	160
Spain	40	55	95
Slovenia	0	55	55
Malta	15	35	50
Czech Rep	10	10	20
Finland	15	5	20
Poland	10	5	15
Estonia	0	10	10
Latvia	5	5	10
Luxembourg		5	5
Slovakia	0	5	5
Ireland	0	0	0
Lithuania	0	0	0
Portugal	0	0	0

\*Source: Data compiled from Eurostat.

**Table 34. Syrians Returned by EU MS, 2011-2012**

GEO/TIME	2011	2012	TOTAL
TOTAL	1195	1000	2195
Cyprus	415		415
Sweden	140	200	340
Greece	155	60	215
UK	95	100	195
Germany	90	95	185
Romania	65	90	155
Bulgaria	45	105	150
Austria	55	80	135
France	50	75	125
Hungary	25	50	75
Netherlands	20	45	65
Slovenia	0	50	50
Malta	5	25	30
Belgium	15	5	20
Estonia	0	10	10
Italy	10	0	10
Latvia	5	5	10
Denmark	0	5	5
Finland	5		5
Czech Rep	0		0
Ireland	0	0	0
Lithuania	0	0	0
Luxembourg	0	0	0
Poland	0	0	0
Portugal	0	0	0
Slovakia	0	0	0
Spain	0	0	0

\*Source: Data compiled from Eurostat.

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<sup>1</sup> It should be noted that the Iraqi refugee crisis following the invasion also followed a migration continuum, as previous outflows of Iraqi migrants and refugees have been occurring, in varying degrees, from the early 1970s onwards.

<sup>2</sup> Indeed, as noted by the UN High Commissioner for Human Rights, in a December 2012 report: “As battles between Government forces and anti-Government armed groups approach the end of their second year, the conflict has become overtly sectarian in nature.” See here: <http://www.ohchr.org/Documents/Countries/SY/ColSyriaDecember2012.pdf>

<sup>3</sup> European Parliament. 30 January 2013. *European Parliament resolution on the situation in Iraq*. Retrieved from <http://bit.ly/IIZySQ>

<sup>4</sup> For example, see: Chatelard, G. (July 2008). *Constructing and deconstructing ‘the Iraqi refugee crisis.’* Paper presented at the conference of the International Association of Contemporary Iraqi Studies (SOAS). Retrieved from <http://bit.ly/173SNAr>; Seeley, N. (2010). *The Politics of Aid to Iraqi Refugees in Jordan*. Retrieved from <http://bit.ly/17JsrHy>

<sup>5</sup> UNHCR. (2008). *Iraqi Displacement as of April 2008*. Retrieved from <http://www.unhcr.org/487ef7144.html>

<sup>6</sup> <http://www.internal-displacement.org/countries/syria>

<sup>7</sup> UNHCR. *Inter-Agency Regional Response for Syrian Refugees – Egypt, Iraq, Jordan, Lebanon, Turkey – 26 September-2 October 2013*. Retrieved from <http://data.unhcr.org/syrianrefugees/regional.php>

<sup>8</sup> For varying figures, see: Iraq Body Count (approximately 174,000 civilian deaths) <http://bit.ly/11hQbwK> ; University Collaborative Iraq Mortality Study (Plos Medicine) 2013 survey (approximately 500,000 total deaths) <http://bit.ly/H2gkdT> ; Lancet Survey 2006 (over 650,000 violent deaths) <http://brusseltribunal.org/pdf/lancet111006.pdf>

<sup>9</sup> For more information, see: <http://world.time.com/2013/10/01/group-says-syria-death-toll-at-115000/>

<sup>10</sup> Marfleet, P. and Chatty, D. (December 2009). *Iraq’s refugees – beyond ‘tolerance.’* Retrieved from <http://www.rsc.ox.ac.uk/publications/policy-briefings/RSCP4-Iraqsrefugees.pdf>

<sup>11</sup> Reportedly, there were 42,000 non-Iraqi refugees within Iraq (including around 15,000 Palestinians, as well as Sudanese, Turkish Kurds, Iranians and others. See here: <http://bit.ly/HxpPCx>

<sup>12</sup> Among numerous examples, for example: Andrew Harper, head of UNHCR’s Iraq Unit, in 2008: “What is clear is that the current displacement is the largest displacement crisis in the Middle East since 1948.” See here: [http://www.icrc.org/eng/assets/files/other/irrc-869\\_harper.pdf](http://www.icrc.org/eng/assets/files/other/irrc-869_harper.pdf)

<sup>13</sup> For example, see: Masters, J. (October 2013). *Al-Qaeda in Iraq (a.k.a. Islamic State in Iraq and Greater Syria)*. Council on Foreign Relations Report. Retrieved from <http://on.cfr.org/13azFlv>

<sup>14</sup> For example, see: Raheem, K. and Rasheed, A. (October 2013). *As Iraq seeks U.S. arms, bombs kill another 55*. Reuters. Retrieved from <http://reut.rs/18qa3is>

<sup>15</sup> UNHCR. *Asylum Trends 2012 – Levels and Trends in Industrialized Countries*. Retrieved from <http://bit.ly/16t8cxl>

<sup>16</sup> Data compiled from Eurostat.

<sup>17</sup> For more information on Iraqi population displacements, see: R. Bocco, J. Tejet and P. Sluglett (eds.) (2010). *Writing the History of Iraq: Historiographical and Political Challenges*. London: World Scientific Publishers/Imperial College Press; and D. Chatty and B. Finlayson (eds.) (2010). *Dispossession and Displacement: Forced Migration in the Middle East and North Africa*. New York: Oxford University Press; amongst others.

<sup>18</sup> These figures were taken from the estimates of figures obtained from UNHCR, by: Chatelard, G. (2009). *Migration from Iraq between the Gulf and the Iraq wars (1990-2003): Historical and socio- spatial dimensions*. Centre on Migration, Policy and Society Working Paper No. 68, University of Oxford, 2009.

<sup>19</sup> Placing the most recent Iraqi crisis in historical perspective, almost 50% of all Iraqi asylum claims (nearly 132,000) filed within the EU between 2000 and 2012 were filed in just three years preceding the 2003 Iraq War (Graph 1).

- <sup>20</sup> UNHCR. (April 2007). *Statistics on Displaced Iraqis around the World*. Retrieved from <http://www.unhcr.org/461f7cb92.pdf>
- <sup>21</sup> From November 2002 until 24 February 2006, the Netherlands had a categorical protection policy in relation to Central Iraq because of the security situation in this area. Asylum seekers from Central Iraq, therefore, could claim a temporary asylum permit within the Netherlands, which are valid based on the conditions in Iraq. For more information, see: EMN Dutch National Contact Point. (September 2007). *Developments in Migration and Asylum Policy in the Netherlands -1 January '06 - 31 December '06*. Retrieved from <http://bit.ly/19tpLho> For a further definition of 'categorical protection' for Iraqis in the Netherlands, see: EMN Dutch National Contact Point (August 2008). *Ontwikkelingen in het Nederlandse migratie- en asielbeleid 1 januari 2007 - 31 december 2007*. Retrieved from <http://bit.ly/1jgVFIB> Interestingly, monthly Eurostat data shows that shortly after implementation of the Dutch protection programme, numbers of Iraqi asylum applications rose significantly – for example, throughout 2002 monthly totals never reached over 120 applications, yet in January 2003 numbers more than tripled (285) and increased steadily reaching 730 applications in April of that year, while numbers drastically declined in nearly every other MS. Moreover, as the termination of the programme neared, there was also a spike in applications.
- <sup>22</sup> A notable increase encouraged by the over 300 Iraqi interpreters who were mainly airlifted to the country and granted asylum in Denmark in 2007. See: <http://bit.ly/1hd0r5e>
- <sup>23</sup> "Greece, for instance, introduced special procedures at the end of 2006 to clear the backlog of asylum-seekers waiting to register claims. As a consequence, the number of applicants registered rose sharply in 2007... Since then, the number has decreased continuously and stood at 10,300 applications in 2010." UNHCR. (March 2011). *Asylum Levels and Trends Reports – 2010*. Retrieved from [http://www.unhcr.ch/fileadmin/user\\_upload/unhcr\\_ch/Service/2010AsylumTrendsIndus.pdf](http://www.unhcr.ch/fileadmin/user_upload/unhcr_ch/Service/2010AsylumTrendsIndus.pdf)
- <sup>24</sup> Bulgaria experienced a drastic increase in Iraqi asylum claims in 2007 (over 87%) as "almost every Iraqi asylum seeker in Bulgaria was granted protection: either humanitarian status or full refugee status." However, in 2008 Bulgaria began to reject Iraqi claims, leading to a decrease in recognition rates and also marginal decreases in applications (Table 2). UNHCR. (15 April 2008). *Bulgaria has started rejecting Iraqi asylum applications*. Retrieved from <http://bit.ly/172h1QP>
- <sup>25</sup> In Spain, numbers increased from 40 in 2006 to 1,580 in 2007; however, 94% of all claims were filed at the Spanish embassy in Cairo, and almost all were rejected as the Spanish government stated refugees are guaranteed protection in Egypt. UNHCR. (18 March 2008). *Asylum Levels and Trends in Industrialized Countries – 2007*. Retrieved from <http://www.unhcr.org/47daae862.html> European Migration Network. (June 2010). *Annual Policy Report 2007 – Spain*. Retrieved from <http://bit.ly/HBEMnI>
- <sup>26</sup> Interestingly, "The reasons for ending the categorical protection policy were twofold. The security situation in Central Iraq is admittedly just as bad as ever, but in northern Iraq it is still relatively secure. It also transpires that neither Belgium, Denmark, the United Kingdom nor Switzerland have any special policy in relation to Iraq. It is also known that Germany has no special policy in relation to Iraqi asylum seekers. Because the Netherlands attaches considerable significance to aligning Dutch policy with the policy in other European countries, it was decided...to bring the categorical protection policy for Central Iraq to an end." EMN Dutch National Contact Point. (September 2007). Op. cit.
- <sup>27</sup> According to UNHCR: "The extensive Iraqi community and the therefore existing strong social national network in the country might be part of the driving forces behind the high concentration of Iraqi asylum-seekers." UNHCR. (March 2008). *Asylum Levels and Trends in Industrialized Countries 2007*. (Op. Cit.)
- <sup>28</sup> The pardon, or temporary law, was implemented in "September 2005, the Parliament adopted a temporary law. The law was in force from 15 November 2005 to 30 March 2006, and allowed the Migration Board to, upon an application from an alien or on its own initiative, re-process applications for asylum/residence permits that had previously been rejected. The main target groups were families with small children who had been waiting for a decision from the Migration Board and established themselves in Sweden for a certain period of time, and persons subject to legally binding decisions of removal but for whom there were impediments to enforcement." European Migration Network. (November 2008). *Analysis of 2006 Asylum and Migration Statistics – Sweden*. Retrieved from <http://bit.ly/1arlgnf>
- <sup>29</sup> UNHCR. (March 2008). *Asylum Levels and Trends in Industrialized Countries – 2007*. Retrieved from [http://www.globalmigrationgroup.org/uploads/gmg-topics/forced-mig/Asylum\\_trends\\_UNHCR.pdf](http://www.globalmigrationgroup.org/uploads/gmg-topics/forced-mig/Asylum_trends_UNHCR.pdf) In 2011, UNHCR further noted that: "It is believed that a change in Swedish decision-making on Iraqi asylum claims and an active return policy led to this drop and to a potential shift in flows from Sweden to its neighbours." UNHCR. (2011). *Asylum Levels and Trends in Industrialized Countries 2010*. Retrieved from [http://www.unhcr.ch/fileadmin/user\\_upload/unhcr\\_ch/Service/2010AsylumTrendsIndus.pdf](http://www.unhcr.ch/fileadmin/user_upload/unhcr_ch/Service/2010AsylumTrendsIndus.pdf)
- <sup>30</sup> "The asylum unit of the Finnish Immigration Service has in its annual statistical analysis given certain indications that the decisions on asylum given in Norway and especially, in Sweden might have had an effect on the number of asylum seekers in Finland. This regards especially Iraqi and Somali asylum seekers." EMN. (December 2010). *Annual Report on Migration and International Protection Statistics 2008 – Finland*. <http://bit.ly/1cG2hoZ> Furthermore, "The most common route of irregular migration to Finland is intra-Schengen traffic through Sweden. It has been the established route used by the largest irregular migrant groups, Somali and Iraqi nationals." Asa, R. (2011). *Practical Measures for Reducing Irregular Migration – Finland 2011*. Retrieved from <http://bit.ly/16zzp0Z>
- <sup>31</sup> Data compiled from Eurostat.
- <sup>32</sup> "Due to the severity of the security situation in Central and Southern Iraq, the categorical protection was reinstated for Iraqis originating from these areas, granting a temporary asylum residence permit based on the situation in Iraq." European Migration Network. (August 2008). *Annual Policy Report 2007 – The Netherlands*. Retrieved from <http://bit.ly/17BEpVU>

- <sup>33</sup> As the Dutch National Contact Point for the European Migration Network noted, “country-specific policy can have a significant influence on numbers of asylum decisions in a particular year.” Dutch National Contact Point for the European Migration Network (September 2010). *Annual Report on Migration and International Protection Statistics the Netherlands 1 January 2008 - 31 December 2008*. Retrieved from <http://bit.ly/1cG2hoZ> Furthermore, due to a ruling by the European Court of Human Rights in January 2007 (*Salah Sheekh versus the Netherlands*), the Netherlands amended its asylum policy in July 2007 to provide protection for certain asylum seekers if they belong to a vulnerable group – including, among others, Christians, Mandaeans, Yezidis, and Palestinians in Iraq. Dutch National Contact Point for the European Migration Network (EMN). (August 2009). *Developments in Dutch Migration and Asylum Policy 1 January 2008 - 31 December 2008*. Retrieved from <http://bit.ly/1dHf37V>
- <sup>34</sup> As the German Authorities noted: “The high protection ratio for Iraqis is largely due to the fact that, since mid-2007, the Federal Office for Migration and Refugees has assumed that there is group persecution of religious minorities (e.g. Yezidis) in Iraq.” Also, “the general significant improvement of protection rates in 2007 and 2008 compared to the years before was caused by the fact that non-state and gender-related persecution was increasingly taken into consideration when examining the conditions for granting refugee status. These developments in turn can be explained by the new immigration legislation which entered into force in 2005...and by the Act on Implementation of the Directives of the European Union on the Right of Residence and Asylum of 19 August 2007.” European Migration Network. (July 2009). *Annual Policy Report 2008 – Germany*. Retrieved from <http://bit.ly/170ZB1q>
- <sup>35</sup> For more information, see: EMN. (October 2009). *Annual Report on Asylum and Migration Statistics in 2007 – Finland*. Retrieved from <http://bit.ly/1b6oBFF>
- <sup>36</sup> ECRE. (2008). *The Impact of the EU Qualification Directive on International Protection*. Retrieved from <http://bit.ly/1cXnY8m>
- <sup>37</sup> For example, see: ECRE. (2008). Five Years on Europe is still Ignoring its Responsibilities towards Iraqi Refugees. Retrieved from <http://www.refworld.org/pdfid/47e1315c2.pdf> and see here: <http://bit.ly/HF9sDm>
- <sup>38</sup> “The reasons for ending this policy were the improved security situation in Iraq and the fact that our neighbouring countries, in particular the United Kingdom, Denmark, and Sweden, did not pursue a special policy on Iraqi asylum applicants.” EMN. (August 2009). *Developments in Dutch Migration and Asylum Policies 1 January – 31 December 2008*. Retrieved from <http://bit.ly/17BEXek>
- <sup>39</sup> EMN. (October 2011). *Annual Report on Migration and International Protection Statistics in the Netherlands*. Retrieved from <http://bit.ly/1amNbkF>
- <sup>40</sup> “Most probably because of the improved security situation in Iraq and new guidelines given by the Finnish Immigration Service in May 2009 stating that asylum seekers coming from Southern Iraq and Baghdad are no longer to be given international protection solely on the basis of the security situation in those areas.” EMN. *Annual Report on Migration and International Protection Statistics 2009 - Finland*. Retrieved from <http://bit.ly/184tWwm> Moreover, Finland said it had decided to review its policy after UNHCR revised its guidelines for Iraqi asylum claims. “Due to ongoing violence, however, refugees coming from central Iraq from Diyala, Kirkuk, Ninewa and Salah Al-Din, would be granted asylum in Finland.” European Migration Network. (November 2012). *Annual Policy Reports 2012 – Finland*. Retrieved from <http://bit.ly/16zMwPO>
- <sup>41</sup> In Germany in 2012, Iraqis were the second highest nationality granted a positive status (second only to Syria). “Many of the nationals from the countries of origin Iran and Iraq were granted refugee status under the Geneva Convention on Refugees whereas subsidiary protection played just a minor role.” German National Contact Point for EMN. (2013). *Annual Policy Report 2012*. Retrieved from <http://bit.ly/18SKtmD>
- <sup>42</sup> EMN. (March 2012). *Annual Policy Report 2011 – Belgium*. Retrieved from <http://bit.ly/16A3yx8>
- <sup>43</sup> EMN. (n.d.). *2012 Annual Policy Report on Migration and Asylum in Belgium*. Retrieved from <http://bit.ly/1cH9u8j>
- <sup>44</sup> European Migration Network. (November 2012). *Annual Policy Reports 2011 – Finland*. Retrieved from <http://bit.ly/1a2UnFW> ; and: The Finnish Immigration Service –Press Release. (11 June 2012). *Increase in number of asylums granted during the first months of the year*. Retrieved from <http://bit.ly/1aZjZmi>
- <sup>45</sup> UNHCR Reports: *Asylum Levels and Trends in Industrialized Countries – 2011 and 2012*.
- <sup>46</sup> Positive status is: “A grant of refugee or subsidiary protection status, or an authorisation to stay for humanitarian reasons.” Definition retrieved from Eurostat: [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>47</sup> Notably, in April 2008, UNHCR advised governments to refrain from sending asylum-seekers back to Greece under the Dublin Regulation, and several MS halted Dublin returns to Greece (Finland and Sweden, and also Norway). UNHCR. (15 April 2008). *UNHCR Position on the Return of Asylum-Seekers to Greece under the Dublin Regulations*. Retrieved from <http://www.refworld.org/docid/4805bde42.html>
- <sup>48</sup> Data compiled from Eurostat.
- <sup>49</sup> Data compiled from Eurostat.
- <sup>50</sup> The OGNs are “the primary source of information used by asylum officials in the status determination process.” Sperl, M. (2007). *Fortress Europe and the Iraqi ‘intruders’: Iraqi Asylum-Seekers and the EU, 2003-2007*. Retrieved from <http://www.unhcr.org/470c9be92.pdf>
- <sup>51</sup> “A state of general insecurity [in Iraq] does not of itself give rise to a well-founded fear of persecution for a Refugee Convention reason unless the claimant is at serious risk of adverse treatment over and above others. If an appellant can demonstrate that they have been individually targeted, and that internal relocation would be unduly harsh, a grant of asylum might be appropriate....The current evidence also does not suggest that the level of violence and insecurity amounts to a serious risk of unlawful killing and so a grant of Humanitarian Protection in such cases is unlikely to be

- appropriate. In addition, no Government can be expected to guarantee the safety of all its citizens. Accordingly, a grant of asylum or humanitarian protection is unlikely to be appropriate in these cases.” UK Home Office. (12 February 2007). *Operation Guidance Note – Iraq*. Retrieved from <http://www.refworld.org/category,POLICY,UKHO,,IRQ,46028d432,0.html>
- 52 Full text of the case *KH (Article 15(c) Qualification Directive) Iraq CG [2008] UKAIT 00023* available at: [http://www.refworld.org/topic,50ffbce40,50ffbce45d,47ea3e822,0,GBR\\_AIT,CASELAW,,html](http://www.refworld.org/topic,50ffbce40,50ffbce45d,47ea3e822,0,GBR_AIT,CASELAW,,html)
- 53 European Parliament. (2007). European Parliament resolution of 12 July 2007 on the humanitarian situation of Iraqi refugees. Retrieved from <http://bit.ly/1aZkNrm>
- 54 ECRE. (October 2008). *The Impact of the EU Qualification Directive on International Protection*. Retrieved from [http://cmr.jur.ru.nl/cmr/docs/ECRE\\_QD\\_study\\_full.pdf](http://cmr.jur.ru.nl/cmr/docs/ECRE_QD_study_full.pdf)
- 55 “The current policy of Finland is that the natives of the so called disputed areas (the Governorates of Ninewa, Kirkuk, Diyala and Salah Al-Din), Baghdad and Governorates of Al-Anbar and Babel are granted subsidiary protection pursuant to Art. 15 lit. c of the Qualification Directive, unless they are considered able to internally relocate elsewhere in Iraq. We are currently reassessing our policy.” EMN. (2 October 2013). *Ad-Hoc Query on Asylum seekers from Iraq*. Retrieved from <http://bit.ly/1an53fm>
- 56 Ibid.
- 57 “Covering persons granted authorisation to stay for humanitarian reasons under national law concerning international protection by administrative or judicial bodies. It includes persons who are not eligible for international protection as currently defined in the first stage legal instruments but are nonetheless protected against removal under the obligations that are imposed on all Member States by international refugee or human rights instruments or on the basis of principles flowing from such instruments. Examples of such categories include persons who are not removable on ill health grounds and unaccompanied minors.” (Eurostat)
- 58 “A third country national or a stateless person who does not qualify as a refugee but in respect of whom substantial grounds have been shown for believing that the person concerned, if returned to his or her country of origin, or in the case of a stateless person, to his or her country of former habitual residence, would face a real risk of suffering serious harm as defined in Article 15, and to whom Article 17(1) and (2) do not apply, and is unable, or, owing to such risk, unwilling to avail himself or herself of the protection of that country.” (Eurostat)
- 59 European Migration Network. (July 2012). *Practical Measures for Reducing Irregular Migration in the Netherlands*. Retrieved from <http://bit.ly/16A7A8I>
- 60 Ramboll and EurAsylum. (March 2013). *Study on the situation of third-country nationals pending return/removal in the EU Member States and the Schengen Associated Countries*. Retrieved from <http://bit.ly/1iHtiKn>
- 61 Refers to “decisions to grant refugee status within the meaning of Article 1 of the Convention relating to the Status of Refugees of 28 July 1951, as amended by the New York Protocol of 31 January 1967.” (Eurostat)
- 62 Human Rights Watch. (10 July 2007). *Germany: End efforts to strip Iraqis of refugee status*. Retrieved from <http://www.hrw.org/news/2007/07/09/germany-end-efforts-strip-iraqis-refugee-status>
- 63 Sperl, M. (2007). Op. cit.
- 64 ECRE. (2008). *Five Years on Europe is still ignoring its responsibilities towards Iraqi refugees*. Retrieved from <http://www.refworld.org/pdfid/47e1315c2.pdf>.
- 65 According to Eurostat, at first instance, between 2008 and 2012, 7,840 Iraqis had their protection statuses withdrawn - mostly refugee status. Germany (5,010), the Netherlands (1,290) and Belgium (1,185) withdrew the most statuses. Germany withdrew almost exclusively refugee status, while Belgium withdrew only subsidiary protection (Eurostat data does not include information for the Netherlands as to status withdrawn). At a final basis between 2008 and 2012, approximately 1,350 Iraqis had their protection statuses withdrawn, almost entirely by Germany (1,300) and almost entirely refugee status (1,320). Data compiled from Eurostat.
- 66 Meaning those “persons who have been granted an authorisation to reside in a Member State within the framework of a national or Community resettlement scheme, where such a scheme is implemented in that Member State and relates to the Art.4.3(g) of the Regulation. Resettlement means the transfer of third country nationals or stateless persons on the basis of their need for international protection and a durable solution to a Member State, where they are permitted to reside with secure legal status.” (Eurostat)
- 67 In March 2007, UNHCR established 11 priority resettlement profiles to help process prioritised resettlement to third countries and declared that Iraqis fleeing from Central and Southern Iraq were entitled to prima facie refugee status. See <http://www.unhcr.org/cgi-bin/texis/vtx/home/opensslPDFViewer.html?docid=45f80f9d2&query=iraqi%20refugees>
- 68 European Parliament. (10 July 2007). Op. cit.
- 69 For more information, see: Ministry of Immigration, Integration, National Identity and Solidarity Development. (n.d.). *Political Report 2009* [France]. Retrieved from <http://bit.ly/1bSrYBQ>
- 70 ECRE. (2008). Op. cit.
- 71 According to the European Commission: ‘These conclusions are significant, not only with respect to the protection granted to the specific refugees resettled, but also because they underscore the fact that resettlement contributes to the maintenance of the protection situation in Syria and Jordan.’ European Commission. (2 September 2009). *Communication from the Commission to the European Parliament and the Council on the Establishment of a Joint EU Resettlement Programme*. Retrieved from <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2009:0447:FIN:EN:PDF>
- 72 For more information, see: Schneider, J. and Parusel, B. (July 2009). Op. cit. The German Federal Office for Migration and Refugees “regard the resettlement of Iraqi refugees in Germany as a success and support resettlement as a measure of

- quick humanitarian help in the future, where appropriate in the framework of ad-hoc measures.” EMN. (March 2010). *Annual Policy Report 2009 – Germany*. Retrieved from <http://bit.ly/1aYc3nm>
- <sup>73</sup> IRC and ICMC. (May 2010). *10,000 Refugees from Iraq: A Report on Joint Resettlement in the European Union*. Retrieved from <http://www.icmc.net/pubs/10000-refugees-iraq>
- <sup>74</sup> ECRE (2008). Op. cit.
- <sup>75</sup> Ibid.
- <sup>76</sup> For example, see European Resettlement Network – Italy Profile at: <http://www.resettlement.eu/country/italy> or IRC and ICMC. (May 2010) (Op. Cit.).
- <sup>77</sup> IOM. (July 2010). *IOM Assists Refugees to Relocate from Malta to France*. Retrieved from <http://bit.ly/173mC9B> During Phase I (2011) there were 227 persons total relocated. During Phase II (2012), 356 places were pledged. See: EASO. (July 2012). *EASO Fact-Finding Report on Intra-EU Relocation Activities from Malta*. Retrieved from <http://bit.ly/HCgbPD>
- <sup>78</sup> EASO. (July 2012). Op. cit.
- <sup>79</sup> EU MS voluntarily participate in the Programme, and agree to receive certain groups of refugees targeted for resettlement, and consequently MS resettling these groups receive financial incentives (lump sums) from the European Refugee Fund. Specific common EU priorities for 2013 include: Congolese refugees in the Great Lakes Region; Refugees from Iraq in Turkey, Syria, Lebanon, Jordan; Afghan refugees in Turkey, Pakistan, Iran; Somali refugees in Ethiopia; Burmese refugees in Bangladesh, Malaysia and Thailand; Eritrean refugees in Eastern Sudan. For more information, see: <http://www.consilium.europa.eu/homepage/highlights/refugee-resettlement-priorities-for-2013?lang=en>
- <sup>80</sup> In 2012, during ‘Operation Iskandar’ Italian authorities dismantled a criminal network involved in the smuggling of Iraqi migrants through Syria, Iran and Turkey heading for Italy, Germany, Switzerland, France, the UK and Scandinavia, and it was found that over 1,500 migrants had been smuggled by the network. “The investigation established that the criminal organisation was responsible for the illegal immigration of more than 1500 people. Financial investigations established that they earned about \$12.5 million. Each of the migrants, after having paid the amount of about 8000 euro to the representative of the cell active in Kurdistan, was sent to a base in Turkey before they were smuggled into Greece. From Greece the journey was continued to Italy, mainly by the use of motorboats and occasionally by air.” For more information, see: <http://bit.ly/1aYp2W1>
- <sup>81</sup> Numbers quoted from the Greek General Secretariat of Public Order, found in: Hellenic Migration Policy Institute. (April 2008). *Estimate of the illegal immigrant population in Greece*. Retrieved from <http://bit.ly/17HVbR8>
- <sup>82</sup> This data was provided by Frontex via email request on the number of detections of illegal border crossings for Iraqi nationals. Numbers of detections of Iraqi illegal border-crossings from 2008 through 2012 are: 8,944; 4,179; 3,628; 1,364; 1,218; 127, respectively.
- <sup>83</sup> “Third country nationals found to be illegally present: Third country nationals who are detected by Member States’ authorities and have been determined to be illegally present under national laws relating to immigration (see Art. 2.1 (r) and 5.1(b) of the Council Regulation (EC) no 862/2007). This category relates to persons who have been found to have entered illegally (for example by avoiding immigration controls or by employing a fraudulent document) and those who may have entered legitimately but have subsequently remained on an illegal basis (for example by overstaying their permission to remain or by taking unauthorised employment). Only persons who are apprehended or otherwise come to the attention of national immigration authorities are recorded in these statistics. These are not intended to be a measure of the total number of persons who are present in the country on an unauthorised basis. Each person is counted only once within the reference period.” <http://bit.ly/HQ1PLO>
- <sup>84</sup> Data compiled from Eurostat.
- <sup>85</sup> “For the past 15 years, IOM has been providing voluntary return assistance to and from Iraq and its immediate region, assisting over 1 million individuals.” <http://bit.ly/1a30RVj>; currently, IOM implements over 40 AVRR projects within 26 EU Member States, Norway and Switzerland. Between 2008 and 2010, AVRRs assisted over 53,000 migrants to return to approximately 160 countries, and Brazilian, Serbian and Iraqi nationals represented the major nationalities. “Besides the assistance of migrants whose asylum claim was not successful there has been a significant increase in the number of migrant beneficiaries outside the asylum system and are living in an irregular and vulnerable situation in the host country. Very often AVRRs is seen by this category of migrants as an alternative to a possible deportation or forced return by the authorities of the respective host country.” IOM. *Assisted Voluntary Return and Reintegration (AVRR) in the EU*. Retrieved from [http://publications.iom.int/bookstore/free/avrr\\_in\\_the\\_eu.pdf](http://publications.iom.int/bookstore/free/avrr_in_the_eu.pdf)
- <sup>86</sup> For example, see: Human Rights Watch, UK: Forced Return of Asylum-Seekers to Iraq; UNHCR, UNHCR concerned at planned forced return from Sweden to Iraq; Amnesty International, Sweden Must Stop Forced Returns to Iraq; Refugee Studies Centre – Oxford, Iraq’s refugees – beyond ‘tolerance’; and ECRE, ECRE’s Guidelines on Iraq, 2007; amongst others.
- <sup>87</sup> European Parliament. (12 July 2007). Op. cit. Additionally, in January 2011, the European Court of Human Rights ruled in the case of *M.S.S. v. Belgium and Greece* that returning asylum-seekers to Greece violates the European Convention on Human Rights.
- <sup>88</sup> As the ECHR struggled to cope with a 4,000% increase of such applications between 2006 and 2010, the Court’s President, Jean-Paul Costa, affirmed that the court was not Europe’s immigration and asylum “appeal tribunal” and where “national immigration and asylum procedures carry out their own proper assessment of risk and are seen to operate fairly and with respect for human rights, the Court should only be required to intervene in truly exceptional cases.” Even as late as June 2013, the ECHR was still making judgements regarding Rule 39 cases and Iraqis who faced deportation, this time ruling that certain applicants in Sweden (who had been in the country for five years in most cases) “in particular

- that, if removed to Iraq, the applicants would not be at risk as a result of the general situation in the country which was slowly improving.” For more information, see: <http://bit.ly/1anan2c>; and <http://bit.ly/1gREji>; and <http://bit.ly/1hdHIX5>
- <sup>89</sup> “Assisted voluntary return programmes assist those (mainly illegal immigrants) who agree to return (mainly to their country of origin) on their own admission. Usually, travel costs are borne out by the returning government, and voluntary returnees receive a monetary or other benefit for reintegration. The monetary and other assistance provided by voluntary return programmes are often incentives to encourage return.” Moreover, “Assistance in return is an important stimulus for voluntary return. Former asylum seekers without residence permits who wish to return voluntarily to their country of origin may receive assistance in building up an existence. The alien may return voluntarily with a financial contribution or in-kind assistance (such as further training or assistance in setting up a business) or with a combination of both.” EMN. (May 2012). *Annual Policy Report 2011- Migration and Asylum in the Netherlands*. Retrieved from <http://bit.ly/1bSx7dd>
- <sup>90</sup> Overall, the European Migration Network noted that the most prominent nationalities using Assisted Return in the EU were from Brazil, China, Georgia, Iraq, Moldova, Nigeria, Russian Federation, Serbia and Montenegro, Turkey and Ukraine. For more information, see: <http://bit.ly/1czPOHC>
- <sup>91</sup> “Rejected asylum seekers willing to return to Iraq could join a competence enhancement programme in Denmark and in their country of origin adapted to individuals’ situations and targeted at their finding employment or starting their own enterprises in their country of origin. These persons would also receive financial support on arrival in Iraq and assistance finding work or starting their own enterprises.” Ministry of Refugees and Immigrant Affairs. (June 2009). *Report by the Committee of Experts on asylum rules of other countries*. Retrieved from <http://bit.ly/Hwv4Cs>
- “Since May 2007, rejected asylum seekers from Iraq in Denmark who cannot be forcefully returned are offered a reintegration contribution of approximately 2,013 Euros per adult and child, along with an accommodation supplement of approximately 2,013 Euros. An additional reintegration contribution of approximately 2,013 Euros per adult and 1,007 Euros per child is paid after six months. The offer also includes 12 months’ vocational training, divided between the pre- and post return phase. In general, return assistance is not offered to forced returnees.” For more information, see: <http://www.refworld.org/pdfid/484022172.pdf>
- <sup>92</sup> Throughout several years, the federal government, through its REAG/GARP Programme, has offered Iraqis (along with Afghanis and Kosovo minorities) higher benefits to return home when compared to the return benefits granted to other nationalities. Kreienbrink, A. (2007) *Voluntary and Forced Returns of Third Country Nationals from Germany – Research Study 2006 in the framework of the European Migration Network*. Retrieved from <http://bit.ly/19uvkMz> See also: European Migration Network. (November 2011). *Annual Policy Reports 2010 – Germany*. Retrieved from <http://bit.ly/1anb2Rp>
- <sup>93</sup> For example, in 2006, Sweden began to offer migrants from Iraq (along with Bosnia-Herzegovina, Afghanistan and Somalia) a ‘special return assistance.’ In August 2007, Sweden introduced an economic reestablishment support for persons whose application for a residence permit was turned down. This support was established to “facilitate return to countries where the pre-conditions to be able to reestablish oneself are limited because of serious difficulties. Iraqis, Afghanis and Somalis returning voluntarily are among those eligible. However, during 2007 the interest for the support was limited. 102 applications were submitted. Of those only 17 were granted and given economic reestablishment support.” EMN. (May 2008). *Annual Policy Reports 2006 – Sweden*. Retrieved from <http://bit.ly/173rZpc> “From November 2008, Sweden increased the current reintegration allowance with 50 per cent. Those mainly eligible for the allowance are failed asylum seekers who opt for voluntary return and who are returning to countries with very limited preconditions for reintegration, for example Iraq, Somalia and Afghanistan... During 2008, apx. 1,100 individuals, mainly Iraqi nationals, were granted the allowance.” EMN. (June 2009). *Annual Policy Report 2008 – Sweden*. Retrieved from <http://bit.ly/Hcisdq> In 2009, however, Sweden expanded the nationalities eligible for the special reestablishment assistance.
- <sup>94</sup> “In 2009, an added incentive was offered to Iraqi and Afghan nationals so that they could use extra reintegration assistance specifically for rebuilding homes that had been destroyed in the conflicts in those countries. This was a one-year pilot programme which started on 1 September 2008 and ended on 31 August 2009.” EMN. (March 2010). *Annual Policy Reports 2009 – United Kingdom*. Retrieved from <http://bit.ly/1aYiHKj>
- <sup>95</sup> IOM Helsinki Office. (2012). *Developing Assisted Voluntary Return in Finland Return report on Iraq*. Retrieved from <http://bit.ly/1aYjdId>
- <sup>96</sup> ECRE. (2008). Op. cit.
- <sup>97</sup> Ramboll and EurAsylum. (March 2013). Op. cit.
- <sup>98</sup> “In 2012, a total of 6,324 people — most of whom were from Afghanistan, Pakistan, Bangladesh and Iraq, — left Greece with the IOM return programme, and a further 800 were repatriated by a scheme funded by Norway. Among them, about 360 took part in resettlement programmes that included special assistance for opening businesses, or training, which were provided as an incentive to help them stay in their country.” Frontex. (2013). *Frontex Annual Risk Analysis 2013*. Retrieved from <http://bit.ly/XTROn4>
- <sup>99</sup> In May 2009, following a Dutch initiative, the Temporary Desk on Iraq (TDI) was created “to determine how asylum and immigration services can improve their practical cooperation on protection, resettlement and return with regard to the Iraqi caseload and develop generic tools and mechanisms for dealing with other caseloads.” TDI MS included Belgium, Germany, the Netherlands and the United Kingdom. As a forum for discussing how to deal with one of the largest asylum-seeking populations in the European Union, the objectives of the TDI -in regards to Iraqi asylum applicants-was to: “set up parameters to identify and monitor differences in data related to Iraqi asylum applications; better understand the reasons for the differences in asylum data, applications and decisions; [and] develop tools to assist States who are faced with particular pressures.” EMN. (January 2010). *Annual Policy Report 2009 – Policy report regarding asylum and*

- migration Belgium*. Retrieved from <http://bit.ly/1azTaJ7> Reported outcomes of the TDI in asylum were the production of reports on Iraqi asylum seekers in main receiving countries across Europe. Reports for Belgium, Bulgaria, Cyprus, Denmark, Germany, Finland, France, Greece, Italy, Netherlands, Norway, the United Kingdom, Sweden and Switzerland. Belgian Immigration Office. (n.d.). *Tijdelijke Irak-Desk gehuisvest in gebouwen van Belgische asielinstanties*. Retrieved from [www.ibz.be/download/newsletter/tdi-nl.doc](http://www.ibz.be/download/newsletter/tdi-nl.doc)
- <sup>100</sup> EMN. (January 2010). *Annual Policy Report 2009 – Policy report regarding asylum and migration Belgium*. Op. cit. “The UK provided expertise and resources to the returns element of the TDI, by specific country approaches to overcome political barriers (e.g. dialogue with the Netherlands on joint EU Iraq returns and reintegration assistance); with Sweden for a joint Sweden/UK charter to Iraq (June 2010); a UK/Norway/Sweden charter (September 2010); and with FRONTEX for regular FRONTEX-led flights to Iraq; and exchanged best practices with Sweden and the Netherlands on the return and documentation of Iraqi nationals.” EMN. (November 2011). *Annual Policy Reports 2010 – United Kingdom*. Retrieved from
- <sup>101</sup> European Migration Network. (July 2012). *Annual Policy Report 2011 – United Kingdom*. Retrieved from <http://bit.ly/171QVI9>
- <sup>102</sup> EMN. (December 2011). *Practical responses to irregular migration into Sweden*. <http://bit.ly/1anc6Va>
- <sup>103</sup> For more information, see: <http://bit.ly/HwvWHq>
- <sup>104</sup> EMN. (May 2012). *Annual Policy Report 2011- Migration and Asylum in the Netherlands*. Retrieved from <http://bit.ly/1bSx7dd>
- <sup>105</sup> As well as nationals from: Afghanistan, Pakistan, Morocco, Russia (Chechnya), Nigeria, and Azerbaijan (Ibid).
- <sup>106</sup> For more information, see: Asa, R. (2011) (Op. Cit.).
- <sup>107</sup> Likewise, for Norway, “For citizens of several countries, like Iraq and Russia, forced and voluntary return has increased since the agreement was put into force.’ For Iraq in particular, forced returns has led to an increase in voluntary returns. The possibility of forced return is therefore seen as a crucial element in all bilateral readmission agreements.” European Migration Network. (March 2012). *Practical Measures for Reducing Irregular Migration – The Case of Norway*. Retrieved from <http://bit.ly/1aZC4AD>
- <sup>108</sup> The MoU between the UK and Iraq (and other countries) notably serve to “help the UK to effect returns to these countries with greater ease than would be possible without the agreements.” European Migration Network. (March 2012). *Practical Measures for Reducing Irregular Migration - UK*. Retrieved from <http://bit.ly/HwvZ6b>
- <sup>109</sup> Sperl, M. (2007). Op. cit.
- <sup>110</sup> As noted in the *Case of F.H. v. Sweden*, on 18 February 2008, the Swedish Government signed a Memorandum of Understanding with the Iraqi Government, “whereby the two countries ‘resolve to cooperate in order to assist the voluntary, dignified, safe and orderly return to and successful reintegration in Iraq of Iraqis now in Sweden.’ Although primarily focusing on voluntary returns, the Memorandum also allowed for forced returns of failed asylum seekers.” See: European Court of Human Rights (2009). *CASE OF F.H. v. SWEDEN*. Retrieved from <http://bit.ly/1gn9yio>
- <sup>111</sup> On Denmark, see: <http://www.unhcr.org/4ae1998e9.html> “Furthermore, even prior to the readmission agreement forced returns to Iraq have been possible on a case by case basis. Forced returns has been carried out to Northern Iraq (the three provinces Erbil, Dohuk, Sulaymaniyah) since May 2007 for criminal Iraqis and since August 2008 for non-criminal rejected asylum seekers. Since May 2008 it has also been possible to carry out forced returns to Central and Southern Iraq of Iraqi nationals who have been convicted of serious crimes and received an expulsion order to leave Denmark.” See <http://bit.ly/1gn9FKT>
- <sup>112</sup> EMN. (March 2012). *Annual Policy Report 2011 – Greece*. Retrieved from <http://bit.ly/1czRWiu>
- <sup>113</sup> “A current barrier to effective removal activities is the backlog of enforceable expulsion decisions to ‘challenging’ destinations (Iraq, Somalia, Afghanistan) to which the return of persons is exceedingly difficult if not wholly impossible. A conceivable solution in respect to such countries might be the drafting of bilateral Memorandums of Understanding and intensified measures of voluntary return to the said countries. The readmission agreements with third countries negotiated by the EU and the bilateral protocols on the enforcement of such agreements will also serve to facilitate practical cooperation in the enforcement of expulsion orders.” EMN. (n.d.). *Annual Report on Migration and Asylum Policy – Finland 2012*. Retrieved from <http://bit.ly/17BVMpD>
- <sup>114</sup> The Agreement was signed in May 2012 and partially entered into force in August 2012, yet the agreement has yet to be fully ratified. See: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:204:0020:0130:EN:PDF>
- <sup>115</sup> EMN. (December 2006). *Research Study III, Return: the Netherlands*. Retrieved from <http://bit.ly/1ancLpV>
- <sup>116</sup> Frelick, B. (November 2008). *Stuck in a Revolving Door Iraqis and Other Asylum Seekers and Migrants at the Greece/Turkey Entrance to the European Union*. Retrieved from <http://bit.ly/1ancMKs>
- <sup>117</sup> Kreienbrink, A. - German National Contact Point for the European Migration Network. (2006). *Voluntary and Forced Return of Third Country Nationals from Germany*. Retrieved from <http://bit.ly/1ancLpV>
- <sup>118</sup> Larsen, C. and Rudge, N. on behalf of the UK National Contact Point for the European Migration Network. (April 2007). *UK report for the European Migration Network’s Large Scale Study III on ‘Return.’* Retrieved from <http://bit.ly/1di3a1D>
- <sup>119</sup> Jonsson, A. and Borg, D. (2006). *Return: The Swedish Approach*. Retrieved from <http://bit.ly/1ancLpV>
- <sup>120</sup> EMN. (May 2007). *Return Migration – Synthesis Report*. Retrieved from <http://bit.ly/1gnanYh>
- <sup>121</sup> Interestingly, in 2004 the Danish People’s Party threatened to vote against the annual budget and withdraw support for the Danish troops in Iraq unless expulsions to Iraq were enhanced. Fekete, L. (2005) ‘The Deportation Machine: Europe, Asylum and Human Rights.’ *Race and Class*, vol. 47(1). Retrieved from <http://rac.sagepub.com/content/47/1/64.full.pdf>
- <sup>122</sup> ECRE. (2008). Op.cit.



- <sup>123</sup> Kanellopoulos, C. and Gregou, M.T. (September 2006). *Greek Contribution to the EMN Research Study III: Return*. Retrieved from <http://bit.ly/1eT2PtD>. One of the reasons is for such a high number of Iraqis who go ‘un-returned’ in Greece is due to the difficulty of return. Greek officials noted that “while for certain Asian countries of origin, such as Iran and Iraq, the number of removed is much lower than the number of apprehended. The difficulty to remove illegal immigrants from the latter countries of origin discourages police authorities to proceed to the apprehensions of these illegal immigrants.” See here: <http://bit.ly/HraTFR>; Greece also noted that the “main practical difficulty Greece faces for returning third-country nationals is the non-cooperation of Turkey, which is the main transit country for people from Asian and African countries. While the protocol of readmission between Greece and Turkey foresees that Turkey would admit the nationals of the countries which Turkey has common land borders, this does not happen in practice.” See here: <http://bit.ly/1iHtiKn> ; Furthermore, in 2012 Frontex noted that, “Due to the difficulties in implementing the return agreement with Turkey, most of the orders to return migrants who had illegally crossed the border with Turkey could not be implemented. For example, there were a total of 21,542 return orders issued for Afghans in Greece, but only 745 effective returns.” See here: <http://bit.ly/1hdLKig>
- <sup>124</sup> “The ending of conflicts and war influence especially the return of rejected asylum applicants (or beneficiaries of international protection whose status is then ended), which is shown in the returns to Iraq following the improved security situation from Germany, Finland, France, Italy, Netherlands, Poland and United Kingdom.” EMN. (March 2011). *Programmes and Strategies in the EU Member States fostering Assisted Return to and Reintegration in Third Countries*. Retrieved from <http://bit.ly/1czPOHC>
- <sup>125</sup> In addition to motivations noted elsewhere in the above footnotes, “Iraqis’ willingness to return was based predominately upon ‘pull factors’ including: a desire to help rebuild Iraq; family ties and possessions remaining in Iraq; and small lengths of time spent in the UK (i.e. those resident in UK for longer periods of time were less likely to want to return to Iraq).” EMN. (April 2007). *UK report for the European Migration Network’s Large Scale Study III on ‘Return.’* Retrieved from <http://bit.ly/1ancLpV>
- <sup>126</sup> Bowcott, O. (31 August 2010). Kurdish officials ban flights returning failed asylum seekers from UK. *The Guardian*. Retrieved from <http://bit.ly/19uB20Y> ; Moreover, “The official position of the Kurdish Regional Government (KRG) is that it does not favour or support any kind of return. The government will not accept returnees unless forced to do so by international treaties. The government does not agree with the forced expulsion of Kurdish mi-grants from the EU and is not willing to cooperate in the field of forced return. The KRG government is reluctant to accept forced returnees.” For more information, see: [http://hitfoundation.eu/docs/EU\\_Cooperation\\_Return\\_final\\_report.pdf](http://hitfoundation.eu/docs/EU_Cooperation_Return_final_report.pdf)
- <sup>127</sup> For more information, see: European Parliament. (1 January 2013). *EU-Iraq Partnership and Cooperation Agreement*. Retrieved here <http://bit.ly/HwwTiY> ; and Bowcott, O. (2 July 2012). Iraqi parliament refuses to accept nationals deported from Europe. *The Guardian*. <http://www.guardian.co.uk/world/2012/jul/02/iraq-parliament-deported-nationals-europe>
- <sup>128</sup> Iraq’s embassy in Copenhagen has refused to grant travel permits to Iraqis that do not want to return home. (see here: <http://bit.ly/1hdMd3P> ) Also, in France: “In general, we are currently unable to return to Iraq the Iraqi citizens whose asylum applications have been rejected, unless they are returning voluntarily. Most of the time, France carries out voluntary returns and readmissions (outside Iraq). Forced returns may be carried out (but it concerns a very limited number of cases), if the person holds a passport and with the prior consent of the Bagdad airport police authorities.” See here: <http://bit.ly/1an53fm>
- <sup>129</sup> Dutch News. (21 June 2012). *Iraq wants the Netherlands to help support returnee refugees*. Retrieved from [http://www.dutchnews.nl/news/archives/2012/06/iraq\\_wants\\_the\\_netherlands\\_to.php](http://www.dutchnews.nl/news/archives/2012/06/iraq_wants_the_netherlands_to.php)
- <sup>130</sup> For more information, see: EMN. (2010). *EMN Synthesis Report: Non-EU Harmonised Protection Statuses*. Retrieved from <http://bit.ly/1czTpFI> Pestana, I. (n.d.). *Tolerated Stay: What Protection Does it Give?* Retrieved from <http://bit.ly/18T1q0a>
- <sup>131</sup> UNHCR. (July 2011). *Safe at Last? Law and Practice in Selected EU Member States with Respect to Asylum-Seekers Fleeing Indiscriminate Violence*. Retrieved from <http://www.refworld.org/pdfid/4e2ee0022.pdf>
- <sup>132</sup> EMN. (March 2012). *Practical Measures for Reducing Irregular Migration – Greece*. Op. cit.
- <sup>133</sup> Data compiled from Eurostat. Italy (890), France (790), Belgium (460), the Netherlands (370), and Germany (300) refused a large majority. In Belgium, Spain, and Sweden, 100% of Iraqis refused entry were refused at the air border, in the Netherlands and Poland almost 100% were refused at the air border, and in France half were refused at the air border; over half in Italy and the UK were refused at the sea border; and over half in Greece, and half in Bulgaria were refused at the land border. The majority of Iraqis were refused for either not possessing a valid travel document (1,560) or valid visa/residence permit (1,010), or the purpose or conditions of the stay were not justified (570) or they possessed a false travel document (440).
- <sup>134</sup> EMN. (December 2011). *Practical Responses to Irregular Migration into Sweden*. Op. cit.
- <sup>135</sup> Ibid.
- <sup>136</sup> ECRE. (2007). *Defending Refugees’ Access to Protection in Europe*. Retrieved from <http://www.ecre.org/topics/areas-of-work/access-to-europe/95-defending-refugees-access-to-protection-in-europe.html>
- <sup>137</sup> Frontex. (2008). *Frontex General Report 2007*. Retrieved from <http://bit.ly/1a34NW8>
- <sup>138</sup> BBC. (6 September 2012). Dozens dead after Turkey migrant boat sinks. Retrieved from <http://bbc.in/NO5z1S>
- <sup>139</sup> “The survivor told coast guard authorities that all the immigrants were from Iraq and had paid about 2,000 dollars per head to be transported to the island.” See: <http://gcaptain.com/iraqi-refugees-drown-greece/>
- <sup>140</sup> UNHCR. (2013). *UNHCR Global Trends 2012*. Retrieved from <http://bit.ly/136Wlp7>
- <sup>141</sup> <http://www.internal-displacement.org/countries/syria>

- <sup>142</sup> UNHCR. *Inter-Agency Regional Response for Syrian Refugees – Egypt, Iraq, Jordan, Lebanon, Turkey – 26 September-2 October 2013*. Retrieved from <http://data.unhcr.org/syrianrefugees/regional.php>
- <sup>143</sup> For more information, see: <http://world.time.com/2013/10/01/group-says-syria-death-toll-at-115000/>
- <sup>144</sup> In 2012, the Cypriot Asylum Service, in the framework of the early warning and preparedness system, continued to provide statistics and other information requested by EASO with regards to asylum flows and in particular with regards to asylum applications submitted by Syrian nationals. “However, in case of a mass influx of Syrian asylum seekers and given the available resources (both human and material), Cyprus would not be in a position to respond sufficiently to the needs of those persons, especially in terms of providing appropriate material reception conditions. For this reason, a letter was forwarded to the EASO and the Commission requesting support in multiple levels, for the case of such a scenario. EMN. (2013). *Annual Policy Report Cyprus 2012*. Retrieved from <http://bit.ly/1efIOAy>
- <sup>145</sup> “The applications made by Syrian nationals increased very rapidly from summer 2012 to November, when they dropped off considerably to levels seen in mid-July (approximately 2 750 per month). This was mostly due to the fact that a significant proportion of applications were from Syrians already in the EU who decided to make *sur place* applications as the situation worsened in their country and precluded their return. As this stock of persons finished making their applications for protection, the numbers of applications dropped as only Syrians who were actually travelling to the EU directly from Syria or a transit country and crossing the EU external border were left to make applications. Their numbers were diminished by the closure of embassies in Syria and much reduced opportunities. Those fleeing thus had to obtain legitimate documentation for travel to the EU.” EASO. *Annual Report on the Situation of Asylum in the European Union 2012*. Retrieved from <http://easo.europa.eu/wp-content/uploads/EASO-Annual-Report-Final.pdf>
- <sup>146</sup> As noted above, between 1985 and 2010, 50% of Syrians seeking protection within the EU applied in Germany (22,270) and Sweden (9,330), in addition to the historical migration patterns discussed above. Indeed, “The presence of a diaspora in a Member State can also influence the choice of Member States in which to lodge an application.” EASO (2013). Op. cit.
- <sup>147</sup> Reportedly, a “large proportion of Syrian applicants in Germany are of Kurdish ethnicity, which may be linked to the pre-existing diaspora in that Member State.” EASO (2013). Op. cit.
- <sup>148</sup> German National Contact Point for EMN. (2013). *Annual Policy Report 2012*. Retrieved from <http://bit.ly/18SKtmD>
- <sup>149</sup> For more information, see: <http://reliefweb.int/report/syrian-arab-republic/europe-failing-syrian-refugees>
- <sup>150</sup> For more information, see: <http://www.bbc.co.uk/news/world-europe-24635791>
- <sup>151</sup> EASO (2013). Op. cit.
- <sup>152</sup> Mentioning the *Sufi and Elmi v. the United Kingdom* case at the European Court of Human Rights, “Flygtningenævnet finds that the conditions in certain areas of Syria are currently of such a character that people would be in real risk of suffering human rights violations, according to the European Human Rights Convention’s Article 3, by simply being present in those areas.” See: <http://bit.ly/1eTvFwZ>
- <sup>153</sup> UNHCR. (17 September 2013). *Bulgaria’s asylum centres bursting at the seams as Syrian refugees enter Europe*. Retrieved from <http://www.unhcr.org/52384d359.html>
- <sup>154</sup> Data compiled from Eurostat.
- <sup>155</sup> Reasons for rejection are not listed in Eurostat. Yet, Finland explained in its 2012 annual report to the European Migration Network that Syrians in Finland refused asylum were refused because of the EU Dublin Regulation, and on the basis of safe country of asylum. It also noted that many Syrians had lived for years in Greece before applying for asylum in Finland. See here: <http://bit.ly/17BVmpD>
- <sup>156</sup> Greece has been recently assisted by the EASO for backlogs of asylum cases and asylum system support (for more information see here: <http://easo.europa.eu/about-us/tasks-of-easo/emergency-support/> ), and Cyprus has noted that it is addressing its backlog of asylum cases (for more information see here: <http://bit.ly/HtCKVY>)
- <sup>157</sup> Data compiled from Eurostat.
- <sup>158</sup> EASO. (2013). *Annual Report on the Situation of Asylum in the European Union 2012*. Retrieved from <http://easo.europa.eu/wp-content/uploads/EASO-Annual-Report-Final.pdf>
- <sup>159</sup> “How similar the applications made by individual applicants who share a certain citizenship actually are is always difficult to establish. In principle, a case-level analysis would need to be made to establish the level of similarity of applications dealt with in different Member States precisely. However, analysis of some flows, such as the Syrian one, show that choices made by Member States vary considerably for flows of persons who could be treated in the same way.” EASO (2013). Op. cit.
- <sup>160</sup> EASO. (2013). Op. cit.
- <sup>161</sup> European Commission. (24 June 2013). *Joint Communication to the European Parliament, the Council, and the European Economic and Social Committee and the Committee on Regions – Towards a Comprehensive EU Approach to the Syrian Crisis*. Retrieved from <http://bit.ly/11ShKMm>
- <sup>162</sup> European Parliament and European Council. (2011). *DIRECTIVE 2011/95/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast)*. Retrieved from <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:337:0009:0026:EN:PDF>
- <sup>163</sup> Eurostat data, accessed 1 October 2013. According to the European Resettlement Network, the EU’s response to calls in August 2012 by UNHCR to provide resettlement places for up to 500 Syrian refugees and to consider resettling them on a dossier basis “was limited, in part due to the lack of flexibility to provide emergency places within predefined annual resettlement quotas.” See here: <http://www.resettlement.eu/page/syrian-refugee-situation>

- <sup>164</sup> UNHCR. (June 2013). *Responding to protection needs of displaced Syrians in Europe*. Retrieved from <http://www.unhcr.org/51b7149c9.pdf>
- <sup>165</sup> BAMF. (16 September 2013). *Syrian Refugees Landed*. Retrieved from <http://bit.ly/17D5xDS>
- <sup>166</sup> It said they will be granted temporary asylum in the country under a special Humanitarian Admissions Program. Germany is setting an important example,” UNHCR spokesperson Dan McNorton told IPS. “We hope more countries will come forward with similar schemes to help Syrians fleeing the violence.” See here: <http://bit.ly/15YKaFn>
- <sup>167</sup> See here: <http://reliefweb.int/report/syrian-arab-republic/europe-failing-syrian-refugees>
- <sup>168</sup> EASO. (2013). Op. cit.
- <sup>169</sup> UNHCR. (June 2013). *Responding to protection needs of displaced Syrians in Europe*. Retrieved from <http://www.unhcr.org/51b7149c9.pdf>
- <sup>170</sup> UNHCR. (2 October 2013). *Fact sheet: Solutions for Syrian refugees*. Retrieved from <http://bit.ly/1aC2sUM>
- <sup>171</sup> Ibid.
- <sup>172</sup> Countries participating in the Programme are: Australia, Austria, Canada, Finland, France, Germany, Hungary, Ireland, Luxembourg, Moldova, Netherlands, New Zealand, Norway, Spain, Sweden, Switzerland, and USA. Ibid.
- <sup>173</sup> Austria: <http://www.unhcr.org/cgi-bin/texis/vtx/refdaily?pass=463ef21123&id=52242be95> France: <http://www.diplomatie.gouv.fr/en/country-files/syria-295/events-5888/article/syria-refugees-q-a-excerpt-from>
- <sup>174</sup> However, the UK supports the EU plan to establish a regional development and protection programme that ensures that support is given to the neighbouring countries that need additional help. For more information, see: <http://www.publications.parliament.uk/pa/ld201314/ldhansrd/text/131008-0001.htm>
- <sup>175</sup> European Commission. (24 June 2013). Op. cit. In January 2013, the European Parliament called on MS to “share responsibility for Syrian refugees and asylum seekers via relocation within the European Union and refrain from sending these persons back to Syria or third countries,” and to “develop further its approach to resettlement, especially for Syrian refugees from countries neighbouring Syria, in particular where children and families are concerned.” EU Parliament. (23 January 2013). *Migration and asylum: mounting tensions in the Eastern*. Retrieved from <http://bit.ly/14qxJF7>
- <sup>176</sup> It also calls for the EU to convene a humanitarian conference on the Syrian refugee crisis.
- <sup>177</sup> For more information, see: European Commission. (24 June 2013). Op. cit.
- <sup>178</sup> The EU has also set up RPPs in Eastern Europe, the African Great Lakes Region, and also agreed to apply the concept to the Horn of Africa and North Africa. For more information, see: <http://bit.ly/19FTbsj>
- <sup>179</sup> High Level Working Group on Asylum and Migration (HLWG) on: 21 January 2013 – Summary of Discussions. (see here: <http://bit.ly/12beuB9> ) However, the latest Communication from the Commission regarding the EU’s approach to the Syrian crisis (European Commission 24 June 2013 Op. cit.) does not mention resettlement within the RPP proposed for Syria, so it remains to be seen if the RPP will provide such protection.
- <sup>180</sup> European Commission. (2 September 2009). *Communication from the Commission to the European Parliament and the Council on the Establishment of a Joint EU Resettlement Programme*. Retrieved from <http://bit.ly/HtEXAD>
- <sup>181</sup> *Proposal for a Regulation of the European Parliament and of the Council Establishing the Asylum and Migration Fund*, see: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0751:FIN:EN:HTML>
- <sup>182</sup> “For the period 2014-2020, the Commission proposes to set up a new mechanism which will be more flexible and attractive for the Member States and which will allow for more strategic use of resettlement. This should lead to a substantial increase in resettlement to the EU. The aim is to see more national resettlement schemes established and to increase the already existing ones.” (8 March 2012). *Statement by EU Commissioner Malmström on the Council adoption of a common position on the Joint EU resettlement programme*. Retrieved from <http://bit.ly/HtFnTP>
- <sup>183</sup> EU MS with resettlement quotas for 2012 and 2013 include: Belgium, Czech Republic, Denmark, Finland, France, Germany, Hungary, Ireland, the Netherlands, Portugal, Romania, Spain, Sweden, and the UK. For more on the quotas, see: EASO. (2013). Op. cit.
- <sup>184</sup> European Commission (news). (25 September 2013). *Relocation on the agenda*. Retrieved from <http://bit.ly/1aC3AI1>
- <sup>185</sup> European Commission (press release). (25 September 2013). *Intervention by Cecilia Malmström during the Relocation Forum*. Retrieved from <http://bit.ly/1bHTtSq>
- <sup>186</sup> Euractive. (9 October 2013). *EU ministers discuss burden-sharing for Syrian refugees, African migrants*. Retrieved from <http://bit.ly/19i767Y>
- <sup>187</sup> This is compared to 613 detections in 2009, and 861 detections in 2010. See Frontex, here: <http://bit.ly/XTRON4>
- <sup>188</sup> Frontex reported that almost half of Syrians arriving in Greece have relatives in the EU, with Germany and Sweden being their main destination countries. Frontex. (2012). *FRAN Quarterly Report Q2-2012*. Retrieved from <http://bit.ly/Um526x>
- <sup>189</sup> Frontex. (2012). *FRAN Quarterly Q3 2012*. Retrieved from <http://bit.ly/1hJSu5j>
- <sup>190</sup> IRIN News. (25 September 2013). *No welcome mat for Syrians in Europe*. Retrieved from <http://bit.ly/18p3m4c>
- <sup>191</sup> Frontex. *FRAN Quarterly Q3 2012*. Op. cit.
- <sup>192</sup> Frontex. (2013). *FRAN Quarterly Report Q1-2013*. Retrieved from <http://bit.ly/1aFVHh7>
- <sup>193</sup> AFP. (11 October 2013). *Greek islands set to take 20,000 Syrian refugees*. Retrieved from <http://bit.ly/HxKCpM>
- <sup>194</sup> In the last quarter of 2012, Syrians were also increasingly detected crossing the Bulgarian-Turkish border as they were “displaced by operational activities in Greece.” Frontex (2012). *FRAN Quarterly Report Q4-2012*. Retrieved from <http://bit.ly/1aFVJWd>
- <sup>195</sup> Frontex. *FRAN Quarterly Report Q1 2013*. Op. cit.
- <sup>196</sup> Ibid.
- <sup>197</sup> Ibid.

- <sup>198</sup> For more information, see: <http://in.reuters.com/article/2013/10/18/syria-crisis-refugees-idINL6N0I823S20131018> Since the beginning of 2013 until the end of August, the Italian Interior Ministry claimed more than 3,000 Syrians have arrived in Italy, mostly arriving by boat in eastern Sicily. See here: <http://bit.ly/1cLVsSQ>
- <sup>199</sup> Reuters. (18 October 2013). *Syrian refugees need safe harbour beyond region – UNHCR*. Retrieved from <http://reut.rs/17Rp50w>
- <sup>200</sup> UNHCR. (19 September 2013). Satisfaction for the expansion of posts welcome for asylum seekers and refugees. Retrieved from <http://bit.ly/1a9Q4rm>
- <sup>201</sup> UNHCR. (July 2013). *UNHCR Recommendations on important aspects of refugee protection in Italy*. Retrieved from <http://bit.ly/1dKqeNc>
- <sup>202</sup> Syrian asylum applications in Bulgaria “grew more than twice in the fourth quarter [of 2012] ...most probably due to the shift of detections of illegal border-crossing from the Greek-Turkish border towards the Bulgarian-Turkish border.” Frontex. *FRAN Quarterly Report Q4 2012*. Op. cit.
- <sup>203</sup> Bulgarian interior minister Tsvetlin Yovchev was quoted as saying that his country would soon get direct financial assistance from the EU to cope with the influx of Syrian refugees. Euractive. (9 October 2013). Op. cit.
- <sup>204</sup> For more information, see here: <http://bit.ly/1hg7g5O>
- <sup>205</sup> “The plan aims at helping Bulgaria cope with the increase in the influx while at the same time improving and strengthening the Bulgarian asylum and reception system, in the context of the implementation of the instruments of the Common European Asylum System (CEAS).” For more information, see EASO: <http://bit.ly/1ap206m>
- <sup>206</sup> According to Frontex spokesperson, Michal Parzyszek, “There are quite many factors influencing the influx of migrants. One of them, which is very important, is readmission agreements. In the case of Greece, a readmission agreement with Turkey doesn't truly work; in the case of Bulgaria, the cooperation with Turkey is much better so the Turkish authorities – if they receive proper documentation and justification – they accept people back. This is a very important element – potential migrants know that if they cross the border between Turkey and Bulgaria, there is high probability that they will be sent back to Turkey so they don't choose that way. That's one factor. The other factor is that Bulgaria is not fully within the Schengen Area yet, which means that migrants can expect more border checks on the way so they choose Greece.” See here: [http://new.novinite.com/view\\_news.php?id=128635#sthash.6IA9WiHh.dpuf](http://new.novinite.com/view_news.php?id=128635#sthash.6IA9WiHh.dpuf)
- <sup>207</sup> IRIN News. (22 October 2013). *Syrians face bleak time in Bulgaria's broken asylum system*. <http://bit.ly/16tbRrk>
- <sup>208</sup> Frontex. (2013). *FRAN Quarterly Q2 2013*. Retrieved from <http://bit.ly/1dKrjEC>
- <sup>209</sup> For more information, see: <http://bit.ly/174zv47>
- <sup>210</sup> Frontex. *FRAN Quarterly Report Q1 2013*. Op. cit. However, Frontex noted that during interviews migrants had stated that their facilitators were aware of the areas under IBSS and therefore advised migrants to avoid certain areas. Frontex. *FRAN Quarterly Q2 2013*. Op. cit.
- <sup>211</sup> IRIN News (22 October 2013). Op. cit.
- <sup>212</sup> For more information, see: <http://bit.ly/1fgL4Eg>
- <sup>213</sup> Syrians particularly were detected at the Croatian-Serbian border (Q2-12), Bulgaria (Q4 2012). Frontex. *FRAN Quarterly Q2 2012 & Q3 2012*.  
[http://www.frontex.europa.eu/assets/Publications/Risk\\_Analysis/Annual\\_Risk\\_Analysis\\_2013.pdf](http://www.frontex.europa.eu/assets/Publications/Risk_Analysis/Annual_Risk_Analysis_2013.pdf)
- <sup>214</sup> Frontex. *FRAN Quarterly Reports Q2 2013*.
- <sup>215</sup> Frontex. *FRAN Quarterly Report Q4-2012*.
- <sup>216</sup> Frontex. (July 2013). Eastern Borders Annual Risk Analysis 2013. Retrieved from [http://www.frontex.europa.eu/assets/Publications/Risk\\_Analysis/EB\\_ARA\\_2013.pdf](http://www.frontex.europa.eu/assets/Publications/Risk_Analysis/EB_ARA_2013.pdf)
- <sup>217</sup> Frontex. (2013) Western Balkans Annual Risk Analysis 2013. Retrieved from [http://www.frontex.europa.eu/assets/Publications/Risk\\_Analysis/WB\\_ARA\\_2013.pdf](http://www.frontex.europa.eu/assets/Publications/Risk_Analysis/WB_ARA_2013.pdf)
- <sup>218</sup> Frontex. (2013) Western Balkans Annual Risk Analysis 2013. Retrieved from [http://www.frontex.europa.eu/assets/Publications/Risk\\_Analysis/Annual\\_Risk\\_Analysis\\_2013.pdf](http://www.frontex.europa.eu/assets/Publications/Risk_Analysis/Annual_Risk_Analysis_2013.pdf)
- <sup>219</sup> Frontex. *FRAN Quarterly Report Q2 2013*.
- <sup>220</sup> Numbers increased from 5 in Q3 to 100 in Q4 2012. *FRAN Quarterly Q3 2012*.
- <sup>221</sup> For more information, see: <http://www.bbc.co.uk/news/world-europe-24573575>; and <http://www.reuters.com/article/2013/10/17/us-italy-migrants-syria-idUSBRE99G0UP20131017>; and [http://www.nytimes.com/2013/10/05/world/europe/syrians-asylum.html?\\_r=0](http://www.nytimes.com/2013/10/05/world/europe/syrians-asylum.html?_r=0)
- <sup>222</sup> See here: <http://www.bbc.co.uk/news/world-europe-24573575>
- <sup>223</sup> European Parliament. (October 2013). Op. cit.
- <sup>224</sup> Data compiled from Eurostat.
- <sup>225</sup> It also noted that “eleven countries which are part of the Schengen area impose airport transit visas on Syrian nationals. In light of the current circumstances, the Commission believes that it is not appropriate to add Syria to the common list of countries subject to the airport transit visa requirement as requested by certain Member States in the framework of the ongoing annual revision of the national airport transit visa requirements.” European Commission. (June 2013). Op. cit.
- <sup>226</sup> Data compiled from Eurostat. Data for Croatia not available.
- <sup>227</sup> Data compiled from Eurostat.
- <sup>228</sup> European Commission. (June 2013). Op. cit.
- <sup>229</sup> While most EU MS have refrained from Dublin returns to Greece, especially after *M.S.S. v. Belgium and Greece*, in 2012, the German court ruled that “A large majority of asylum-seekers must live without shelter and without reliable access to food, water and electricity” in Italy, and that significant evidence exists that Italy is not meeting its obligations in accordance with European and international law, thereby halting the planned deportation of a Palestinian family with three children, which had originally arrived in Italy from Syria. For more information, see: <http://bit.ly/1iJUSq8>
- <sup>230</sup>

- <sup>231</sup> “How similar the applications made by individual applicants who share a certain citizenship actually are is always difficult to establish. In principle, a case-level analysis would need to be made to establish the level of similarity of applications dealt with in different Member States precisely. However, analysis of some flows, such as the Syrian one, show that choices made by Member States vary considerably for flows of persons who could be treated in the same way.” EASO (2013). Op. cit.
- <sup>232</sup> For more information, see: <http://www.unhcr-centraleurope.org/en/what-we-do/resettlement/etc-timisoara.html>
- <sup>233</sup> “The data presented by the UNHCR reflects the number of applicants lodging asylum applications for the first time; however, some countries may not be able to distinguish new from reopened or repeat claims. As US authorities reported the number of cases of asylum applications, not individuals, UNHCR multiplies the cases by 1.4, based on historical data, to reach an estimate of the number of individuals applying for asylum in the US. When possible, data for each year was taken from the subsequent years report (e.g., Iraqi asylum applications from year 2004 were retrieved from the 2005 report, as the subsequent reports have been updated by UNHCR.” Reports accessible at: <http://bit.ly/19ylg5k>
- <sup>234</sup> As Eurostat data is unavailable for many EU MS for 2002, data from 2002 regarding the numbers of Iraqi asylum applications filed in the EU was obtained from UNHCR Report *Asylum Applications Lodged in Europe, North America, Australia, New Zealand, and Japan January through December 2002*. Only first-time applications are reported by the UNHCR. Retrieved from <http://www.unhcr.org/3e42338a4.html> Several complications may exist by using Eurostat data before and after Council Regulation (EC) No 862/2007 on Community Statistics on Migration and International Protection (entering into force in January 2008) as there are two sets of records based on separate parameters regarding asylum applications in Eurostat – those before and after the Council Regulation. Before the regulation, “asylum statistics were collected on the basis of a Gentlemen’s agreement. Concepts used by countries prior 2008 and after the entry into force of the Regulation ... may thus differ.” After the Regulation, more uniform guidelines were used for the reporting of asylum statistics. Also, pre-Regulation Eurostat data is unable to disaggregate first time asylum applications from the total number of asylum applications. Even after the Regulation, it is still difficult to compare the first asylum applications from the total asylum applications as numbers of first asylum applications are to be provided to Eurostat by MS on a voluntary basis. Moreover, numbers in Eurostat are rounded, “Due to the rounding, the sum of individuals may not necessarily match the given total.” With these complications in mind, the decision was made to use Eurostat total applications of Iraqi asylum applications, as it is not possible to disaggregate this data pre-Regulation, and not all MS disaggregate this data post-Regulation. Final decisions of Iraqi asylum applications (data available only after January 2008) will be discussed below. Eurostat data accessed 27 October 2013.
- <sup>235</sup> The total number of decisions – granting a positive status or rejection – is likely to be much higher if final instance decisions between 2003 and 2007 could be determined. Unfortunately, Eurostat data collected before the Council Regulation on Community Statistics does not provide numbers of final decisions on asylum applications. A glimpse into the situation can be realised, however, by looking at the available Eurostat data after 2008. Between 2008 and 2012, EU MS made 32,530 final decisions on Iraqi asylum applications - 79% were rejected (25,610) – almost half by Sweden (10,520 applications) and over one-fourth by Germany (6,140 applications). Overall, 21% received a positive decision (6,920), mainly refugee status. Germany, Sweden, and the UK granted the most positive decisions at a final instance. As there was a discrepancy between data collected before and after the Council Regulation, 15,710 applications were excluded from this total number. From 2003 to 2007, Eurostat included the categories “other non-status decisions” and “other positive decisions” in the total number of decisions. “Other non-status decisions” referred to those decisions which are defined neither as “rejections” nor as “positive” decisions. Examples include, in some Member States, withdrawals of applications, write-offs, abandonment of cases, any discontinuation of a claim that is not included in positive decisions or rejected applications. As this category was not included in the total decisions made after the Regulation, the total number of “other non-status decisions” (14,450) were excluded. Also, ‘other positive decisions,’ or “statuses” granted on non-protection grounds - for example permission to stay/reside within the territory of the Member State because the country of origin refuses to take back the rejected asylum seeker – were also excluded. The ‘other positive decisions’ category was removed after the Regulation, besides these statuses are granted on non-protection grounds. The exclusion of this category excludes a total of 1,260 applications. Eurostat data accessed 27 October 2013.
- <sup>236</sup> Data for Sweden, the Netherlands, and the UK obtained from email communications with the Swedish Migration Board – Resettlement Team, Resettlement Section of the Immigration and Naturalisation Service of the Netherlands Ministry of Security and Justice and the UK Home Office – Asylum Casework Directorate. All others obtained from national migration authorities’ websites. See annex.
- <sup>237</sup> “Third country nationals who have in fact left the territory of the Member State, following an administrative or judicial decision or act stating that their stay is illegal and imposing an obligation to leave the territory (see Art. 7.1 (b) of the Council Regulation (EC) no 862/2007). On a voluntary basis Member States provide Eurostat with a subcategory which relates to third country nationals returned to a third country only. Persons who left the territory within the year may have been subject to an obligation to leave in a previous year. As such, the number of persons who actually left the territory may be greater than those who were subject to an obligation to leave in the same year. These statistics include forced returns and assisted voluntary returns. Unassisted voluntary returns are included where these are reliably recorded. Data do not include persons who are transferred from one Member State to another under the mechanism established by the Dublin Regulation.” Definition retrieved from Eurostat: [http://epp.eurostat.ec.europa.eu/cache/ITY\\_SDDS/en/migr\\_eil\\_esms.htm](http://epp.eurostat.ec.europa.eu/cache/ITY_SDDS/en/migr_eil_esms.htm)
- <sup>238</sup> IOM. (2012). *Assisted Voluntary Return and Reintegration – Annual Report of Activities 2011*. Retrieved from <http://www.iom.int/files/live/sites/iom/files/partnerships/docs/2012-IOM->

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[CSOConsultations/Additional Resources/AVRR Report 2011.pdf](#) For 2012 numbers, see:  
<http://www.iom.int/files/live/sites/iom/files/pbn/docs/Migration-Management-annual-review-2012.pdf>

<sup>239</sup> Eurostat monthly data between March 2011 and August 2013, data not available for all MS and therefore these numbers are most likely an underestimate. This data was accessed in Eurostat on 17 October 2013 by looking at monthly data on asylum statistics. This data includes ‘total asylum applications’.