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From: General Secretariat of the Council
To: Delegations
Subject: EUAA note on convergence of asylum decision practices

Delegations will find attached the EUAA note on convergence of asylum decision practices issued ahead of the meeting of the Strategic Committee on Immigration, Frontiers and Asylum (SCIFA) taking place on 16 February 2022.

EUAA note on convergence of asylum decision practices

Introduction

The Common European Asylum System (CEAS) implies that regardless of where in the EU an asylum applicant applies for international protection, the outcome of the asylum procedure will be similar. The European Asylum Support Office (EASO) has been acting since its inception as a catalyst of convergence in national practices, by supporting Member States in their implementation of the CEAS. This role has been enhanced with the entry into force of the European Union Agency for Asylum (EUAA) on 19 January 2022.

While the issue of convergence relates to all asylum and reception processes (including varying processing times, levels of reception conditions, content of protection, etc.), and can be directly linked to phenomena such as secondary movements, this note in particular focuses on variation in and convergence of **asylum decision practices**.

The [Justice and Home Affairs Council on 21 April 2016](#) acknowledged the need for more convergence in asylum decision practices, and called for EASO to create a more structured and streamlined Country of Origin Information (COI) production process, and to create a senior level policy network tasked with carrying out a joint assessment and joint interpretation of the situation in main countries of origin, based on common COI and in the light of relevant provisions of the asylum acquis, taking into account EASO training material and EASO practical guides where appropriate, resulting in guidance notes, endorsed by the EASO Management Board, for making case-by-case assessments of applications for international protection. In the five years following these Council conclusions on Asylum Decision Practices, EASO has, together with Member States, significantly developed and improved a large range of convergence-related activities, as outlined below.

As a result, there is now a solid common knowledge base on the situation in countries of origin as well as an agreed methodology for assessing and interpreting this situation, a massive body of guidance and training materials, and many examples of strengthened practical cooperation between Member States.

Notwithstanding these successes, data shows that variation in decision practices continues to persist, raising the question of how the actual **implementation** of commonly agreed (but non-binding) guidance can be improved and strengthened.

This note aims to provide the necessary background information required for an informed discussion on convergence in asylum decision practices under the impetus of the French Presidency of the Council of the European Union. Following an overview of the main EUAA tools of convergence currently in place, it provides an initial analysis of asylum recognition rates as a possible indicator to measure convergence. While there may be different reasons behind differences in recognition rates requiring a nuanced appreciation of the data, discussions in the Country Guidance Network of senior national policy experts do reveal that national interpretations of several legal concepts continue to vary, including, but not only, due to existing national jurisprudence. A brief overview of topical issues on which such variation in interpretation persists is provided below. Finally, the note provides elements of a possible new direction in the convergence debate when it comes to asylum decision practices.

EUAA tools of convergence

The EUAA supports Member States and associated countries in the continuous improvement of the quality, fairness and efficiency of their asylum procedures and reception systems with the ultimate goal of achieving convergence in the implementation of the CEAS. The following activities in particular aim to increase the level of convergence in Member States' asylum and reception practices.

Country of origin information and country guidance

COI refers to information on countries from which asylum seekers originate relevant for decision makers in the field of asylum. The quality and accuracy of COI play a determining role in achieving the aim of the CEAS that similar cases should receive similar outcomes across the EU. In the field of COI, the EUAA:

- gathers targeted, relevant, reliable, accurate and up-to-date COI in a transparent and impartial manner according to a published [methodology](#);
- establishes Specialist COI Networks composed of national COI experts on key countries of origin at EU level (currently 10 such networks exist);
- drafts, via a Network approach in cooperation with willing Member State COI experts, [joint COI reports](#);
- organises country-specific or thematic practical cooperation workshops inviting experts from the region;
- manages and further develops the [EUAA COI Portal](#) which provides a common entry point to EU-produced COI and offers additional resources for Member States.

In terms of COI production, the EUAA has prioritised the production and updates of COI reports supporting the development of country guidance, in line with agreed and tailored terms of reference.

[Country guidance](#) aims to assist decision makers and policy makers, and to foster convergence in the application of the criteria for qualification for international protection in the context of the CEAS and is developed, reviewed and updated in a process coordinated and facilitated by the Agency. This country-specific common analysis and guidance is developed by a network of senior-level policy officials from EU+ countries (EU Member States plus Norway and Switzerland) and is endorsed by the EUAA Management Board. It also takes into account input from the European Commission and UNHCR.

Country guidance is currently available on Afghanistan, Iraq, Nigeria and Syria. Each country guidance document provides an in-depth analysis of the situation in the country of origin, focussing on the key elements of qualification for international protection. It is based on [common country of origin information](#), analysed in accordance with international and EU law, in particular the Qualification Directive ([Directive 2011/95/EU](#)). It further builds on the case law of the Court of Justice of the European Union and, where appropriate, of the European Court of Human Rights, as well as on the general EUAA guidance on the examination of applications for international protection ([EUAA practical tools](#)).

The latest [country guidance on Afghanistan](#) was adopted by the EUAA Management Board in November 2021. Further updated EUAA [COI on Afghanistan](#) was released early January 2022, paving the way for a new update of the Afghanistan country guidance in Spring 2022. In addition, country guidance on Nigeria and on

Syria were adopted respectively in October and November 2021, whereas country guidance on Somalia, and updated country guidance on Iraq and Syria are planned for respectively 2022 and early 2023.

Operational standards, guidelines and practical cooperation

In addition to guidance specific to countries of origin of applicants for international protection, the EUAA also develops operational standards and guidelines (commonly referred to as practical guides and tools), related to access to the asylum procedure, the Dublin procedure, examination of the application, reception, and applicants with special needs. [EUAA Practical guides and tools](#) help increase the knowledge and technical skills of asylum practitioners working in the field of international protection and are developed based on Member State expertise and analysis gathered and shared in the framework of dedicated thematic networks on key areas of asylum. These key areas include: asylum processes, exclusion, reception, vulnerability and Dublin procedures. The thematic networks provide a framework for a wide variety of practical cooperation activities, such as workshops, conferences, exchange programmes and general information exchange. The importance of operational standards and guidelines as a tool of convergence has been boosted by the EUAA Regulation, which foresees that these documents shall be adopted by the Management Board and shall be taken into consideration for the purposes of the future monitoring mechanism.

When it comes to convergence, second or higher instances play a key role. The importance of also involving members of courts and tribunals in practical cooperation activities, development of tools and joint analysis in view of convergence cannot be underestimated. The EUAA has developed [professional development materials](#) in support of the promotion of quality and convergence in the area of asylum law specifically tailored to the needs of members of courts and tribunals. The EUAA also cooperates with judicial training institutions, judicial associations and other relevant actors. For more information on EUAA judicial training activities, see the [Catalogue of EUAA judicial workshops](#). Worth noting is also the organisation of regional workshops in national languages. Such a workshop, which partly will be dedicated to the importance of second instance in achieving convergence within the CEAS, is planned to take place on 25 March 2022 in Paris, in collaboration with the French Council of State and the Cour nationale du droit d'asile.

EUAA Training Curriculum

With 59 536 participations of asylum and reception officials in the EUAA Training Curriculum since 2012, the EUAA continues to offer common learning opportunities for officials working in national asylum and reception administrations. A broad range of courses is offered to all Member States, including in the context of capacity building in the External Dimension, with the aim of enhancing the knowledge skills and competences of personnel working in this specific area of asylum within national authorities.

The Curriculum, composed of various theoretical and practical modules and courses for various profiles, is developed in close collaboration with Member States' experts, UNHCR, other relevant Agencies as well as academia and members of civil society organisations. The EUAA continues to work towards achieving the status of an Asylum Academy with independent accreditation, providing accredited training modules and qualifications. This will further contribute to the practical convergence of a common asylum system across the EU.

EUAA Operational Support

While the operational support provided by the Agency to Member States under particular pressure primarily aims at establishing and/or strengthening well-functioning national asylum and reception systems, the support goes beyond the provision of mere capacity. The EUAA actively uses and promotes the above-mentioned guidance, tools and training throughout its delivery of operational support, and consistently emphasises in its work the CEAS standards to be met. Member State experts deployed to

another Member State as part of Asylum Support Teams are also trained and coached in using the EUAA materials and can act as ambassadors of change upon return to their national administration.

Variation in first instance recognition rates across EU+ countries

When focusing in particular on the question of asylum decision practices, the recognition rate is a possible indicator to measure convergence (or lack thereof) between Member States (and Associated Countries). It should be noted, however, that there are limitations to directly linking variation of recognition rates to diverging decision practices. There may be multiple reasons behind such variation, beyond the actual process of qualification for international protection, as explained further in this note. Also, in the data analysis below, the recognition rate only shows EU-regulated forms of protection at first instance, considering national forms of protection as negative outcomes (meaning a low EU-regulated recognition rate may still be somehow balanced out by a higher rate of national forms of protection granted, often however involving a lower set of rights and benefits). Moreover, the data below does not differentiate between refugee status and subsidiary protection (meaning there is further variation within the recognition rates shown).

Recognition rate variation across citizenships and EU+ countries

Figure 1 shows the recognition ratesⁱ for EU-regulated forms of protection at first instance for the 10 main countries of origin receiving a first instance decision in the EU+ between January and November 2021. Each circle represents the decisions issued by a different EU+ country. The size of the circle indicates the number of decisions, while its location on the vertical axis indicates the recognition rate.

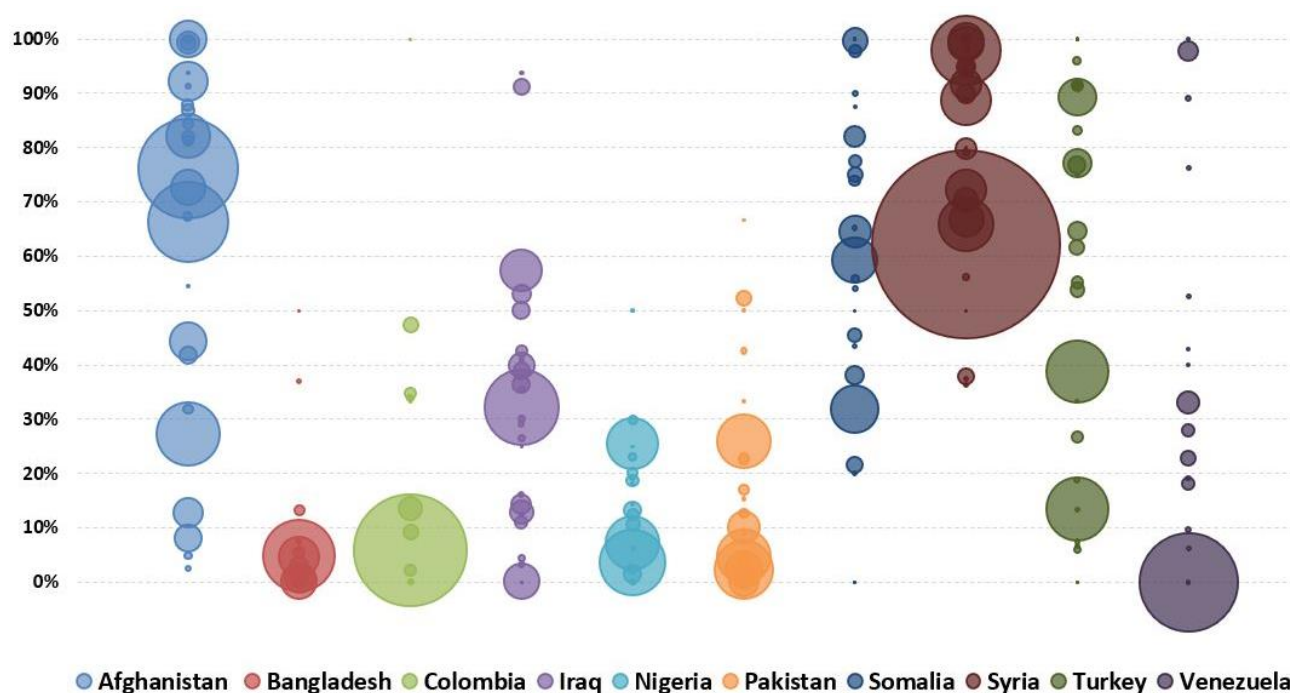


Figure 1: First instance decisions issued and recognition rates in EU+ countries, top 10 citizenships in total decisions issued, January-November 2021 (Source: EUAA Early warning and Preparedness System (EPS)). For the full data set, see Annex.

On the one hand, figure 1 shows that for several countries of origin, first instance recognition rates strongly varied across EU+ countries as illustrated by the wide spread of the circles along the vertical axis. For

Afghans, for example, the recognition rates ranged from near to 0 % to about 100 %. A similar pattern can also be observed for Turks and to a lesser extent for Somalis and Venezuelans.

On the other hand, recognition rates for citizens of Bangladesh, Colombia, Nigeria and Pakistan were more concentrated around lower levels, whereas recognition rates for Syrians were rather clustered around higher levels.

It is important to note that the recognition rate considered here does not take into account national forms of protection, which can have an important impact (e.g. for Venezuelans in Spain). The recognition rate can also be influenced by unusual circumstances: for example, a court decision in Germanyⁱⁱ at the end of 2020 led to increased repeated applications by Syrians at the beginning of 2021, the vast majority of which were subsequently rejected, resulting in an unusually low recognition rate for Syrians there.

Recognition rate variation over time – Afghanistan

Convergence implies an evolution over time towards more harmonisation or uniformity. Therefore, it is worth analysing how the variation of recognition rates for a specific nationality has evolved over time. While such an analysis can be made for any country of origin, the case of Afghanistan is quite illustrative. Afghanistan has always been in the focus of the EUAA: the first EASO COI reports published in 2012 were on Afghanistan, the first practical cooperation meeting in 2012 was on Afghanistan, and, in line with the above-mentioned Council Conclusions of 16 April 2016, the first country guidance endorsed by the EASO Management Board in June 2018 was on Afghanistan.

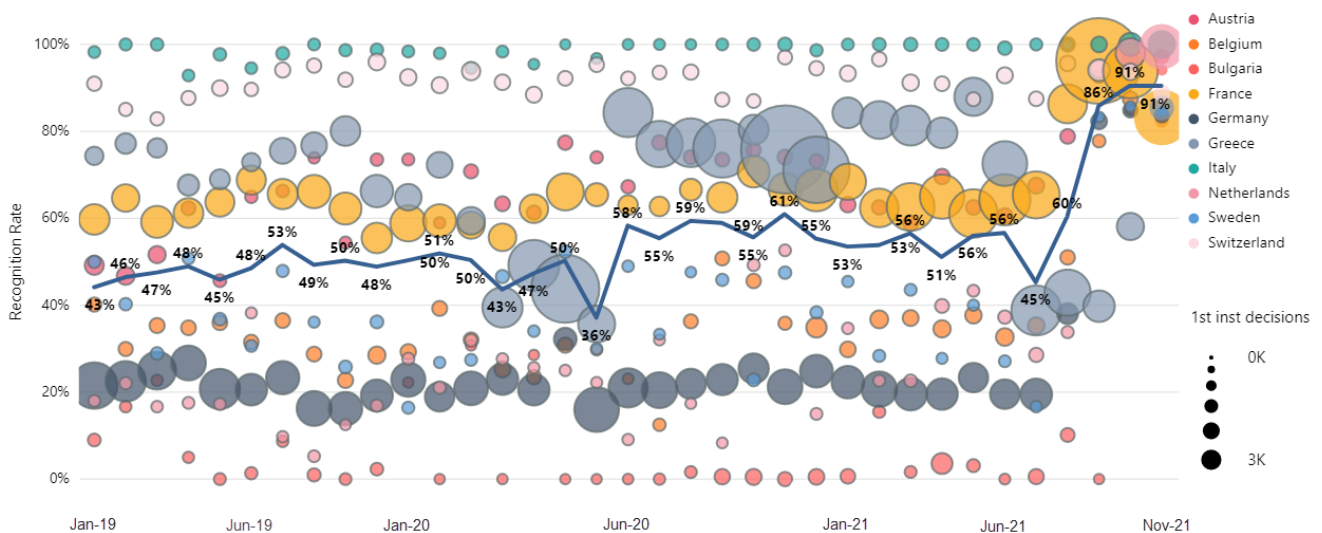


Figure 2: Evolution of first instance decisions issued on Afghan applications and recognition rates, top 10 EU+ countries issuing decisions, January 2019–November 2021 (Source: EUAA EPS)

Note: The line represents the EU+ recognition rate for Afghan applicants.

Figure 2 shows the recognition rate for Afghan applicants from January 2019 to October 2021. The circles represent the top 10 EU+ countries for decisions on Afghan applications listed in the legend on the right, with the colour indicating the EU+ country issuing decisions and the size of the circle the number of decisions issued in a particular month. As in figure 1, the position of the circles on the vertical axis indicates the recognition rate.

The figure shows that the recognition rates of Afghans remained relatively consistent in many EU+ countries throughout most of this period, with the notable exception of Greece, especially in particular

periods (first half 2020, July-September 2021). Since Greece issues large numbers of decisions on Afghan applications, these variations also had a considerable influence on the overall EU+ recognition rate.

Another notable development is that the recognition rate has strongly increased after the recent events in Afghanistan and the ensuing partial suspension of decision making on applications for international protection.ⁱⁱⁱ The recognition rates of almost all selected countries converged upwards, resulting in an overall recognition rate of over 90 % in October and November 2021. Among the top 10 receiving Member States the recognition rate in Greece remained relatively low until October 2021, most likely due to the application of the safe third country concept for Afghan nationals vis-à-vis Turkey^{iv}, although the recognition rate in November increased to 85 %. The variation among the top 10 countries in November 2021 was in the range of 82 % - 100 %.

Despite the publication of the Agency’s ‘Country Guidance: Afghanistan’ in June 2018 as well as subsequent updates in June 2019, December 2020, and November 2021,^v figure 2 shows little direct evidence of convergence before September-November 2021. While there are other factors to take into consideration, as further described below, this may indicate that asylum authorities do not necessarily fully implement the country guidance (and related practical guides), or still maintain different interpretations of the guidance, including when translating the EUAA country guidance into national guidance.

Recognition rate variation over time – Iraq

Another example worth considering is Iraq. Figure 3 shows the recognition rate (vertical axis) for Iraqi applicants from January 2019 to November 2021 (line) and the variation between the top 10 EU+ countries for decisions on Iraqi applications (circles according to legend, where the size of the circle corresponds to the number of decisions issued in a particular month).

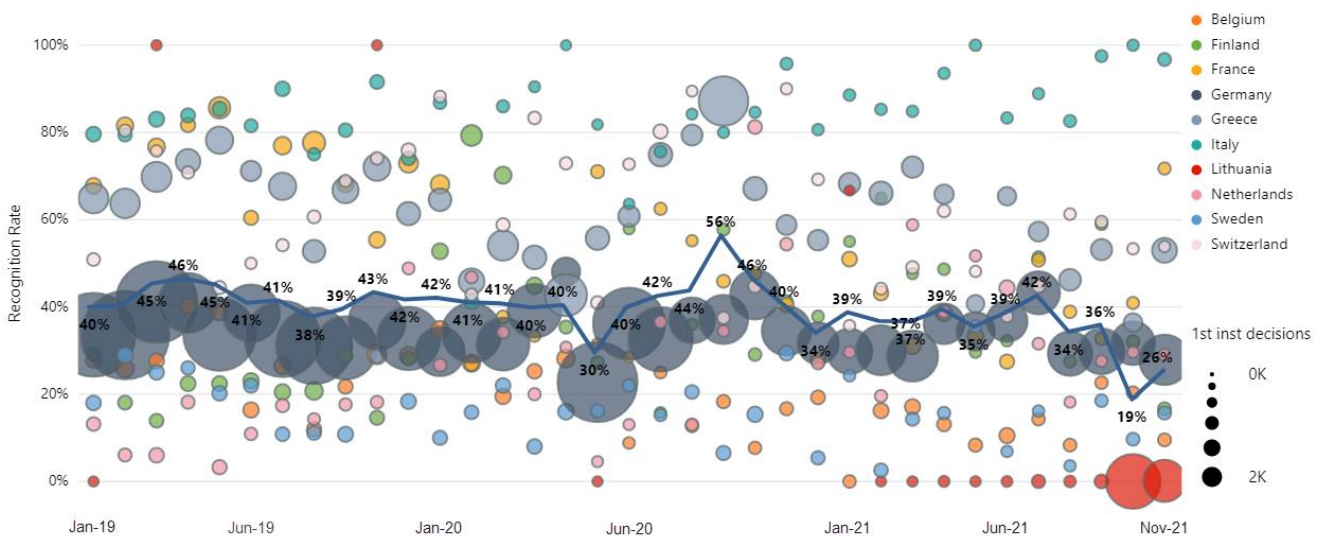


Figure 3: Evolution of first instance decisions issued on Iraqi applications and recognition rates, top 10 EU+ countries issuing decisions, January 2019-November 2021 (Source: EUAA EPS)

Note: The line represents the EU+ recognition rate for Iraqi applicants.

Throughout the last almost three years, the EU+ recognition rate for Iraqi applicants at a monthly level has fluctuated between 19 % and 56 % but has usually been close to 40 %. As figure 3 clearly demonstrates, there has been considerable variation across the top 10 countries issuing decisions during the whole period. For example, the recognition rate in Germany, which typically issued the most decisions, has had the largest impact on the overall EU+ rate. With the exception of two months, the share of positive decisions in Germany has fluctuated between just under 30 % and 43 %. In contrast, the recognition rate in

Greece, the second country issuing the most decisions to Iraqis, has hardly fallen below 40 % and reached up to 87 %. In October and November 2021, most decisions to Iraqi applicants were issued in Lithuania but almost none of them was positive, triggering a reduction of the overall EU+ recognition rate lately.

Hence, despite the publication of ‘Country Guidance: Iraq’ in January 2021,^{vi} figure 3 shows no direct evidence of convergence in decisions on Iraqi applications in the past three years.

Recognition rate variation over time – Somalia

A third example presented below is Somalia. Figure 4 shows the recognition rate (vertical axis) for Somali applicants from January 2019 to November 2021 (line) and the variation between the top 10 EU+ countries for decisions on Somali applications (circles according to legend, where the size of the circle corresponds to the number of decisions issued in a particular month).

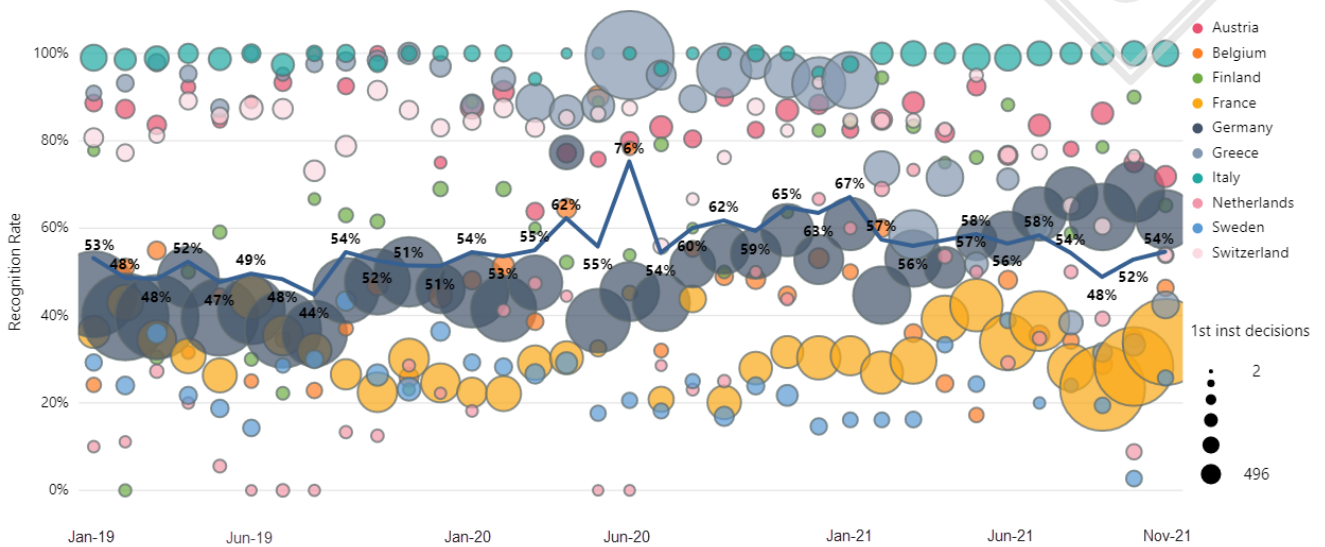


Figure 4: Evolution of first instance decisions issued on Somali applications and recognition rates, top 10 EU+ countries issuing decisions, January 2019-November 2021 (Source: EUAA EPS)

Note: The line represents the EU+ recognition rate for Somali applicants.

The EU+ recognition rate for Somali applicants has fluctuated between 44 % and 76 % from January 2019 to November 2021, increasing somewhat in late 2019 and throughout 2020 but then decreasing in 2021. Variation between EU+ countries has remained strong despite different patterns on the national level. For example, the recognition rate for Somalis in Germany, the country issuing the most decisions, has increased over time (from around 40 % in the beginning of the period to over 60 % in the last few months). In contrast, monthly variations in France (ranging between 20 % and 45 %), have been quite distinct but without a clear trend. In Italy, almost all Somali applicants issued a decision were granted EU-regulated forms of protection during the past almost three years. The pattern was similar in Greece in 2019 and 2020 but in 2021 the recognition rate dropped to around 40 % and lower in the last months. This was most likely related to the application of the safe third country concept for Somali nationals vis-à-vis Turkey.^{vii}

Variation in asylum decision practices across EU Member States

As mentioned above, there may be other factors, before reaching the stage of (differences in) examining the qualification for international protection under the Qualification Directive (QD) that could also have an important impact on recognition rates. The actual caseload (applicants may come from different regions in the country or otherwise have a different background) logically drives decision practices and resulting recognition rates and may evolve differently in different Member States. Furthermore, the (negative) outcomes of admissibility procedures can have a significant impact on the recognition rates in individual Member States. For instance, the applications of people already benefitting from protection in another Member State has been identified by several Member States as a significant challenge, possibly resulting in different outcomes in different Member States. The application of the safe third country concept by some Member States is another example, resulting in lower proportions of applications leading to a refugee or subsidiary protection status without having examined the case on its merits. Country of origin verification may also impact the recognition rates, accounting for a significant proportion of negative decisions on Syrian applications for example (due to credibility findings rather than due to an appreciation of international protection needs for Syrian nationals). Importantly, fluctuations of recognition rates over time may be due to case management practices, whereby for instance certain profiles or groups of applications are prioritised in the context of backlog management approaches, or temporarily suspended due to a need for updated information on the situation in the country of origin. Another reason for discrepancies may be related to secondary movements. In case of absconding of applicants from an asylum procedure in one country, a decision to discontinue the examination may be taken but the outcome may also be a negative decision.

Still, when concentrating specifically on asylum decision practices (in the sense of the examination of the qualification for international protection) and as confirmed not only by quantitative but also qualitative analysis, variation persists. Based on input from the EUAA Country Guidance Network to surveys and discussions, several points related to the interpretation and/or application of qualification for international protection legal concepts can be outlined and are often at the centre of discussions during the joint country guidance development process.

It should be noted that these merely serve as examples illustrating differences in interpretation and application that continue to be observed.

Reason for persecution

Some countries have a more restrictive approach to the application of the reasons for persecution under Article 10 Qualification Directive (QD). This leads to a difference in the type of protection granted. Membership of a particular social group and political opinion are important examples in this regard. For instance, with the recently adopted 'Country Guidance: Syria' an important difference in the application of the political opinion ground in relation to draft evaders (significant proportion of the Syrian caseload) was identified. This issue was addressed in the EZ judgment of the CJEU, C-238/19, of 19 November 2020. Nevertheless, a few Member States appeared to continue to assess the situation of Syrian draft evaders differently than the majority of countries. The EZ wording and the assessment that the ground of (imputed) political opinion is highly likely to apply in the case of draft evaders is reflected in the new update of the 'Country Guidance: Syria' – its potential impact on convergence will be monitored. This issue is relevant as it leads to a difference between refugee status and subsidiary protection, mainly under Article 15(b) QD. In some countries, this does not have a significant impact on the rights of beneficiaries, while in others the impact is significant (e.g. duration of protection, family reunification).

To address these issues and allow for more consistency in the interpretation of these legal concepts regardless of specific countries of origin, [EUAA Guidance on Membership of a Particular Social Group](#) was published in March 2020 and a Practical Guide on political opinion is currently being developed.

Article 15(b) QD vs national forms of protection

Some countries, particularly those which do not have a national form of protection, would grant subsidiary protection without strictly applying the requirement for deliberate actions by an actor of serious harm (M'Bodj judgment of the CJEU, C-542/13, of 18 December 2014. This is applied by some, for example, in cases of general deficiencies in the healthcare system in the country combined with a relevant vulnerability of the applicant, or in cases of severe humanitarian crisis, etc. In practice, the outcomes then vary between positive (subsidiary protection) decisions in some countries and negative decisions in terms of EU-related status (granting a national form of protection, e.g. humanitarian protection) in other countries.

Article 15(c) QD

Few countries apply Article 15(c) QD only in case exceptional levels of indiscriminate violence are reached. Therefore, while these would agree with the assessment of the level of violence in the different parts of a country according to the EUAA country guidance, they apply this part of the guidance differently based on their general approach, i.e. Article 15(c) would only apply to territories where 'mere presence' levels are reached. It is unclear to what extent this has an impact on the outcome of applications, as it is possible that protection under a different subsidiary protection ground is granted to applicants from other areas in the country for which Article 15(c) QD could be applicable based on an individual assessment according to the respective country guidance.

Some Member States applied specific thresholds for the applicability of Article 15(c) QD and especially for 'mere presence'. See for example CJEU, C-901/19, CF and DN judgment of 19 June 2021 referring to the minimum threshold of civilian casualties per number of inhabitants in the area, fixed in a Member State's practice and jurisprudence. This could and is likely to lead to a different assessment from the one in the country guidance documents, which relies on a holistic approach. The CJEU has now confirmed that a comprehensive appraisal of all the circumstances of the individual case, in particular those which characterise the situation of the applicant's country of origin, is required. It is to be seen whether relevant national assessments would therefore become more aligned with the country guidance assessment.

Internal Protection Alternative

The assessment of the potential applicability of an Internal Protection Alternative (IPA) has a significant impact on recognition rates, as it results in the difference between a positive and a negative decision. Still, at least one Member State does not apply the IPA concept in general.

To promote more consistency in the interpretation of these legal concepts regardless of specific countries of origin, the [EUAA Practical guide on the application of the internal protection alternative](#) was published in May 2021.

Conclusion and outlook

When only looking at recognition rates, one might draw the conclusion that convergence efforts made in the last years by Member States, in particular within the context of EUAA activities, have not had a visible impact. This may indicate that the guidance and tools, which all have a non-binding character, are not fully used, or are still interpreted differently when assessing individual applications for international protection.

As outlined in this note, there may be many (partial) explanations for the variation of recognition rates that do not stem directly from differences in examination of qualification for international protection by Member States. This said, also when focusing specifically on asylum decision practices, practice shows that differences in interpretation persist. Such differences may come from (sometimes inconsistent or contradictory) national jurisprudence, or simply from historically rooted national approaches that take time to adjust.

By focusing on persisting differences, one should not ignore the massive work done by the EUAA (EASO) in recent years, involving efforts of all Member States and associated countries as well as the European Commission, to establish the materials and tools needed to reach higher levels of convergence in decision practices. There is now a solid common knowledge base on the situation in countries of origin as well as a commonly agreed methodology for assessing and interpreting this situation, a massive body of guidance and training materials, and many examples of strengthened practical cooperation between Member States. EUAA Networks actively serve as platforms for exchanging practices and discussing different views, and through common training and practical cooperation, Member States' experts are increasingly speaking a similar language during discussions, based on a common theoretical framework.

This means that the necessary preconditions are in place for taking the convergence efforts to the next level, whereby the focus lies not only on improving and refining EUAA materials, but more on actual implementation of the guidance by Member States. This will require a strong commitment from Member States and a willingness to adjust national decision practices to commonly agreed guidance, where possible, rather than concentrating efforts on keeping the wording of the guidance general enough to allow for differences to persist.

In parallel, to ensure real convergence impact at EU-level, resources should be made available, both at Agency and Member State level, to enlarge the range of countries of origin on which guidance is developed. Stretched resources and the need for regular updates have until now not allowed the EUAA to expand beyond 4-5 key countries of origin. There have already been situations, most notably during the most recent update of the Nigeria country guidance and the ongoing drafting of the Somalia country guidance, whereby the Agency had to compensate for the lack of Member States' drafters by increasingly taking up the drafting role, with Member States concentrating their involvement rather on the review of the initial draft. While EUAA is open to respond flexibly to capacity needs in Member States, it is clear that such situations are not conducive to the buy-in of Member States in the process and may negatively affect the sense of ownership and ultimately the use made by Member States of the country guidance in question.

Importantly, courts and tribunals, at national level but especially at the level of the European Court of Justice and the European Courts of Human Rights, have an important role to play in the evolution towards more convergence. While caselaw may still be subject to different interpretations, they have the possibility to provide direction, including when it comes to the use of EUAA COI and guidance, and the implementation of country guidance in particular. That is why the EUAA has initiated a pilot study on references to EUAA products in national jurisprudence, aimed at gaining a better understanding of whether and to what extent its products are used by national appeal bodies, and allowing to assess the impact of its activities and products on the ground.

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With the entry into force of the EUAA on 19 January 2022, further impetus has been given to the Agency's role in fostering convergence in decision practices. A full chapter of the EUAA Regulation is now dedicated to country information and guidance, and specifically with regard to country guidance, the Regulation explicitly states in Article 11 that "Member States *shall* take into account the guidance notes and common analysis when examining applications for international protection, without prejudice to their competence for deciding on individual applications." This reflects the need for more emphasis on the actual implementation of guidance by Member States. While acknowledging that they remain non-binding, it also bears noting that once the EUAA's monitoring role enters into force, the operational standards, indicators, guidelines and best practices, shall be taken into account when carrying out the monitoring, in accordance with Chapter 4 of the Regulation.

Annex

First instance decisions issued and recognition rates in EU+ countries, top 10 citizenships in total decisions issued, January-November 2021 (Source: EUAA Early warning and Preparedness System (EPS))

Member State	Afghanistan		Bangladesh		Colombia		Iraq		Nigeria	
	First-instance decisions	RR	First-instance decisions	RR	First-instance decisions	RR	First-instance decisions	RR	First-instance decisions	RR
Austria	1 824	73%	514	3%	3	33%	515	53%	129	20%
Belgium	2 093	44%	16	6%	317	9%	833	13%	120	3%
Bulgaria	1 130	8%	15	0%	-	-	217	11%	3	0%
Croatia	119	32%	21	0%	-	-	37	16%	1	0%
Cyprus	-	-	1 853	0%	-	-	48	35%	455	2%
Czechia	144	81%	5	0%	1	100%	16	13%	13	0%
Denmark	40	3%	13	0%	4	0%	32	3%	16	6%
Estonia	14	100%	-	-	-	-	4	25%	3	0%
Finland	222	87%	2	0%	7	0%	383	39%	26	19%
France	14 772	76%	7 708	5%	822	14%	935	40%	6 416	4%
Germany	6 038	27%	164	5%	180	2%	8 339	32%	4 189	7%
Greece	9 778	66%	1 307	1%	-	-	2 534	57%	104	30%
Hungary	11	55%	-	-	-	-	3	0%	2	50%
Ireland	174	88%	27	7%	-	-	31	29%	193	19%
Italy	2 016	100%	2 411	5%	314	47%	397	91%	3 897	25%
Latvia	23	91%	4	0%	1	0%	28	4%	1	0%
Lithuania	221	82%	1	0%	-	-	1 915	0%	23	0%
Luxembourg	110	67%	-	-	4	0%	49	27%	4	25%
Malta	-	-	132	1%	2	0%	1	0%	35	0%
Netherlands	2 796	82%	27	37%	175	35%	434	36%	415	13%
Norway	154	84%	1	0%	12	0%	22	41%	11	18%
Poland	745	99%	7	0%	-	-	45	4%	7	14%
Portugal	69	100%	-	-	3	33%	16	94%	8	50%
Romania	1 225	13%	411	1%	2	0%	174	43%	10	0%
Slovakia	16	94%	4	0%	-	-	-	-	-	-
Slovenia	62	5%	9	0%	-	-	1	0%	-	-
Spain	333	99%	212	0%	18 988	6%	53	30%	269	11%
Sweden	428	42%	144	13%	34	0%	551	14%	175	13%
Switzerland	2 223	92%	2	50%	56	34%	434	50%	65	23%
EU+	46 780	65%	15 010	4%	20 925	7%	18 047	34%	16 590	11%

Member State	Pakistan		Somalia		Syria		Turkey		Venezuela	
	First-instance decisions	RR	First-instance decisions	RR	First-instance decisions	RR	First-instance decisions	RR	First-instance decisions	RR
Austria	652	2%	654	82%	7 037	98%	305	54%	21	76%
Belgium	176	23%	511	38%	1 727	67%	467	65%	303	23%
Bulgaria	109	5%	1	0%	1 836	99%	197	91%	3	0%
Croatia	13	8%	-	-	11	36%	30	7%	-	-
Cyprus	1 224	0%	68	56%	1 836	100%	9	33%	-	-
Czechia	8	0%	3	100%	48	79%	50	6%	10	40%
Denmark	41	0%	37	54%	362	38%	27	7%	5	0%
Estonia	-	-	-	-	2	100%	1	100%	-	-
Finland	10	50%	205	78%	68	96%	113	83%	3	0%
France	4 290	5%	3 346	32%	2 394	72%	5 913	13%	729	33%
Germany	1 551	10%	3 052	59%	52 999	62%	5 772	39%	219	18%
Greece	4 933	2%	1 440	65%	4 399	66%	430	77%	16	6%
Hungary	1	0%	-	-	2	50%	2	0%	1	100%
Ireland	135	17%	217	98%	45	89%	3	100%	37	89%
Italy	4 432	26%	908	100%	128	100%	183	55%	591	98%
Latvia	3	0%	-	-	2	100%	2	100%	-	-
Lithuania	11	0%	4	0%	24	38%	15	13%	-	-
Luxembourg	-	-	23	65%	331	95%	38	92%	26	19%
Malta	11	9%	15	20%	73	56%	3	0%	6	0%
Netherlands	289	52%	271	45%	3 816	89%	1 173	77%	215	28%
Norway	4	0%	23	43%	552	95%	76	96%	7	43%
Poland	13	15%	3	100%	17	94%	83	92%	15	100%
Portugal	3	67%	8	88%	51	98%	12	75%	10	0%
Romania	311	0%	165	74%	488	90%	32	19%	-	-
Slovakia	3	33%	2	100%	3	100%	3	33%	-	-
Slovenia	40	0%	2	50%	5	80%	1	100%	-	-
Spain	2 028	2%	40	90%	649	80%	191	27%	14 475	0%
Sweden	134	13%	351	22%	780	71%	328	62%	31	10%
Switzerland	47	43%	337	75%	1 315	92%	2 046	89%	19	53%
EU+	20 472	10%	11 686	56%	81 000	70%	17 505	42%	16 742	6%

End notes

ⁱ Recognition rate is defined as the percentage of positive decisions granting EU-regulated international protection in overall first instance decisions, including only refugee status and subsidiary protection status, but excluding authorisations to stay for humanitarian reasons under national law concerning international protection.

ⁱⁱ Ruling of the Court of Justice of the European Union (CJEU) on 19 November 2020 (Case C-238/19).

ⁱⁱⁱ See EASO Situational update Issue No 7, [Developments in asylum procedures in EU+ countries in response to the situation in Afghanistan](#).

^{iv} Joint Ministerial Decision of the Minister of Migration and Asylum and the Deputy Minister of Foreign Affairs of 7 June 2021. The Decision designated Turkey as a safe third country for nationals of Syria, Afghanistan, Somalia, Pakistan and Bangladesh.

^v See EUAA website, [EASO Country Guidance Afghanistan 2021](#).

^{vi} See EUAA website, [EASO Country Guidance Iraq 2021](#).

^{vii} Joint Ministerial Decision of the Minister of Migration and Asylum and the Deputy Minister of Foreign Affairs of 7 June 2021. The Decision designated Turkey as a safe third country for nationals of Syria, Afghanistan, Somalia, Pakistan and Bangladesh.