

## EMN Ad-Hoc Query on Forced returns to Afghanistan (requested by Sweden)

### Summary of answers as of 8 November 2017

**On 15 September 2017, the Swedish National Contact Point of the European Migration Network launched an ad-hoc query on the topic of Forced returns to Afghanistan. 27 EU Member States and Norway were asked to provide their answers to the query by 16 October 2017.**

The query was launched against the background that forced returns of rejected asylum seekers to Afghanistan have been a much debated topic in Sweden. For example, a group of young Afghan asylum seekers staged a protest against returns in the centre of Stockholm for several weeks, and the Swedish Migration Agency's decision-making practice concerning Afghanistan as well as forced returns by the Police Authority have been under scrutiny by the media, human rights groups and civil society. The Swedish government has been confronted with demands to take legal action to change the existing practices, which has so far been ruled out, however.

On 8 November 2017, a total of **17 Member States (Austria, Belgium, Croatia, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Slovak Republic, Sweden, and the United Kingdom) and Norway** had provided answers to the query. This document summarises the results.

***Questions 1 and 2: Is your (Member) State currently carrying out forced returns to Afghanistan, in principle but also in practice? If the answer to this question is no, please briefly explain why.***

Nine countries answered that they are carrying out forced returns to Afghanistan (**Austria, Belgium, Hungary, Lithuania, the Netherlands, the Slovak Republic, Sweden, the United Kingdom and Norway**).

Seven countries answered that they do not carry out forced returns to Afghanistan (**Croatia, the Czech Republic, Estonia, Latvia, Luxembourg, Malta and Portugal**). A small or entirely in-existent number of Afghan nationals to be returned is given by most of these countries as the main reason. **Croatia** however states as a reason for not carrying out returns is that it is difficult to establish the identity of Afghan nationals and to obtain travel documents. **Estonia** refers to the "situation in the country of origin". **Latvia** states that Afghan asylum seekers normally get protection in Latvia, but some of them abscond before a final asylum decision is taken. **Luxembourg** refers to "political reasons" to not carry out forced returns.

**Cyprus** carries out forced returns to Afghanistan in principle but not in practice, stating that there are difficulties to cooperate with authorities in Afghanistan regarding forced returns, and that Afghan nationals who stay in Cyprus illegally have a positive attitude to return voluntarily.

**Question 3: Among rejected asylum seekers from Afghanistan in your (Member) State, are specific groups of persons or persons with certain profiles (e.g. unaccompanied minors, families with minor children, women, etc.) exempted from forced returns to Afghanistan, or are forced returns restricted to certain groups or profiles (e.g. criminals, persons that pose security risks, etc.)?**

Seven countries have certain exemptions from forced returns to Afghanistan in place, or apply restrictions. Most commonly, such exemptions or restrictions apply to unaccompanied minors, minors and vulnerable persons.

In **Belgium**, there is theoretically no restriction for women or families but such cases entail "more precaution and groundwork". Belgium therefore effectively only returns single men. Belgium also states that it never conducts forced returns of unaccompanied minors whatsoever the third country. The **Slovak Republic** also states that it does not carry out forced returns of minors.

**Cyprus** does not carry out forced returns of unaccompanied minors or families with minors. **Hungary** only returns young, single male Afghan nationals. Unaccompanied minors may be expelled from Hungary only if adequate protection is ensured in their country of origin by means of reuniting them with other members of their family or by state or other institutional care. In **Sweden**, unaccompanied minors can only be returned if there is a reception in the country of return, i.e. if a minor can be returned to a member of his or her family, a nominated guardian or adequate reception facilities. The **United Kingdom** does not enforce the return of unaccompanied minors and single females to Afghanistan. **Norway** does not forcibly return unaccompanied minors or women without access to a network in Afghanistan.

**Croatia, Latvia** and **Lithuania** have no specific restrictions or exemptions in place. Neither do the **Netherlands**, where the possibility for forced return is based on a tripartite Memorandum of Understanding of 18 March 2003. **Austria** states that forced returns of vulnerable persons are carried out strictly according to the conditions established in the cooperation agreement "Joint Way Forward" (an agreement between Afghanistan and the EU), and that vulnerable persons have so far only returned voluntarily.

The question of exemptions/restrictions does not appear relevant for the **Czech Republic, Estonia, Luxemburg, Malta** and **Portugal** as they have not had return cases regarding Afghanistan recently; hence, the question of exemptions/restrictions does not appear relevant for these countries.

**Question 4: How many forced returns to Afghanistan has your Member State carried out recently?**

The answers to this question are summarised in the Table below.

**Table 1: Number of forced returns to Afghanistan**

| Country  | Number of forced returns in 2017  | Reference period in 2017 |
|--|---|--------------------------|
| Austria  | No information available about number of <i>forced</i> returns. In total 493 persons returned to Afghanistan. | 1 January – 1 August     |
| United Kingdom   | No data available for 2017  | -                        |
| Belgium  | <b>24</b>   | January – August         |
| Hungary  | <b>2</b>  | So far in 2017           |
| Netherlands  | <b>35</b>   | January – June           |
| Sweden   | <b>34</b>   | January – June           |
| Norway   | <b>142</b>  | January – June           |
| Croatia, Cyprus, Czech Republic, Estonia, Latvia, Lithuania, Luxemburg, Malta, Portugal, Slovak Republic | <b>0</b>  | So far in 2017           |

**Question 5: Regarding decisions on asylum applications by Afghan nationals – what is the share of positive decisions (out of all decisions) in your (Member) State?**

The answers received indicate that the protection rates for Afghan asylum seekers vary considerably between the EU Member States (and Norway). As the countries that answered this question used a different reference periods and concepts, which makes comparisons difficult, comparative statistical data on protection rates are provided from the Eurostat database for the purpose of this summary. Eurostat data are collected based on common methodologies and definitions. For reliability reasons and due to the problem of rounding, only countries that took at least 50 decisions are included in the Table.

**Table 2: First-instance decisions on asylum applications by Afghan nationals, 1<sup>st</sup> and 2<sup>nd</sup> quarter 2017 – total number of decisions, number of positive decisions and protection rates**

|                                      | Total number of decisions | Number of positive decisions* | Protection rate |
|--------------------------------------|---------------------------|-------------------------------|-----------------|
| <b>European Union (28 countries)</b> | 111 690                   | 52 990                        | <b>47,4%</b>    |
| <b>Belgium</b>                       | 2 360                     | 1 445                         | <b>61,2%</b>    |
| <b>Bulgaria</b>                      | 1 050                     | 5                             | <b>0,5%</b>     |
| <b>Denmark</b>                       | 1 080                     | 195                           | <b>18,1%</b>    |
| <b>Germany</b>                       | 82 860                    | 38 335                        | <b>46,3%</b>    |
| <b>Greece</b>                        | 630                       | 490                           | <b>77,8%</b>    |
| <b>Spain</b>                         | 50                        | 40                            | <b>80,0%</b>    |
| <b>France</b>                        | 3 300                     | 2 800                         | <b>84,8%</b>    |
| <b>Italy</b>                         | 1 210                     | 1 110                         | <b>91,7%</b>    |
| <b>Luxembourg</b>                    | 65                        | 55                            | <b>84,6%</b>    |
| <b>Hungary</b>                       | 1 175                     | 115                           | <b>9,8%</b>     |
| <b>Netherlands</b>                   | 1 360                     | 510                           | <b>37,5%</b>    |
| <b>Austria</b>                       | 6 975                     | 3 450                         | <b>49,5%</b>    |
| <b>Romania</b>                       | 55                        | 20                            | <b>36,4%</b>    |
| <b>Finland</b>                       | 855                       | 365                           | <b>42,7%</b>    |
| <b>Sweden</b>                        | 7 530                     | 3 630                         | <b>48,2%</b>    |
| <b>United Kingdom</b>                | 1 045                     | 390                           | <b>37,3%</b>    |
| <b>Norway</b>                        | 1 355                     | 660                           | <b>48,7%</b>    |

\* "Number of positive decisions" includes refugee status, subsidiary protection and humanitarian grounds.

**Source:** Eurostat [migr\_asydcfstq], last update: 26 October 2017, extracted on 6 November 2017.

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