

EU SUPPORT TO AFGHANISTAN: SCORING HIGH ON HUMANITARIAN ASSISTANCE AND LOW ON PROTECTION IN EUROPE?



ECRE'S ANALYSIS OF THE EU'S RESPONSE TO THE SITUATION IN AFGHANISTAN WITH A FOCUS ON PROTECTION IN EUROPE, EVACUATION, RESETTLEMENT AND SAFE PATHWAYS

I. INTRODUCTION

The situation in Afghanistan remains fluid and uncertain, after the Taliban military offensive took control of Afghanistan. The rapid seizure of the country by the Taliban has raised fears of a return to human rights violations, and has stoked desperation among many Afghans. It created an immediate risk of persecution for **different groups**, such as human rights defenders, former government employees and soldiers, journalists and persons belonging to religious, ethnic and other minority groups.

After the fall of the Afghan government, the EU suspended its development aid of **1.2 Billion Euro** pledged during the Geneva Donor Conference on Afghanistan. It has emerged as a leading humanitarian donor to Afghanistan and to Afghan refugees in the neighbouring countries. While ECRE welcomes the EU's significant increase in humanitarian aid, the complex situation in Afghanistan requires a multidimensional and holistic EU approach that goes beyond this to also cover the continuation of evacuation of Afghan local staff and Afghans at risk; to ensure access to asylum in Europe for Afghans arriving through their own means; and an increase in safe and legal channels to protection in Europe. These are the urgent steps the EU and European countries should take in response to the situation in Afghanistan.

This Policy Note looks at the EU's and European countries' practices and policy reactions to the situation in Afghanistan, with focus on access to protection in Europe for those who come through their own means. It highlights the challenges that Afghan asylum seekers are facing in Europe, including evacuation difficulties and limited access to resettlement and other safe and legal pathways to Europe. The Policy Note ends with a set of recommendations to the EU and to European states.

II. ANALYSIS

OVERVIEW OF THE SITUATION IN AFGHANISTAN

The country is going through a period of uncertainty. Human rights violations, persecution and attacks on former Afghan government employees, ex-soldiers, human rights defenders, minorities and prominent figures opposing the Taliban have been **reported**. The fall of the Afghan government was also followed by an increase in Islamic State (IS) **attacks** across the country, mainly targeting religious minorities.

A humanitarian crisis is unfolding with more than **half the population** in dire need of humanitarian assistance. More than **682,900 people** were displaced between 1 January and 10 November 2021 which brings the total number of Internally Displaced Persons (IDPs) to 5.5 million. Iran and Pakistan are very **reluctant** to keep their borders open for people fleeing repression by the Taliban; both countries maintain visa requirements. According to the IOM, over one million Afghan refugees have been returned or deported from Iran in 2021, with over **30,150 Afghans deported** during the first week of November alone.

PROTECTION IN EUROPE

The majority of Afghan refugees live in a situation of protracted displacement in the countries neighbouring Afghanistan. While Afghans have been the second largest group of asylum seekers in Europe (after Syrians) in recent years, the share of Afghans who come to Europe of those displaced from Afghanistan remains small. Around **90%** of Afghans are hosted in neighbouring Iran and Pakistan. Having reached Europe, often after an extremely risky journey, Afghan asylum seekers face various challenges, including divergent protection rates across European countries, inconsistency in types of protection status provided, and long waiting times in the asylum procedure.

The protection rates for Afghan asylum seekers vary significantly across European countries without a credible objective reasons for the divergence linked to the underlying nature of their cases. The discrepancy in protection rates which ECRE refers to as an “asylum lottery”, illustrates that Afghan asylum seekers are not treated fairly in Europe and that there are flaws in the asylum decision making processes. Issues related to low protection rates in certain Member States could be addressed through improving asylum decision making, in order to render it compliant with EU and international law.

Table 1 shows the discrepancy in protection rates for Afghan asylum seekers. Granting of protection status at first instance:

Country	2016	2017	2018	2019	2020
Belgium	58.9%	57.8%	51.6%	32%	35%
Bulgaria	2.5%	1.5%	6%	6%	1%
France	82.4%	84%	67.4%	62.3%	64.3%
Greece	48.8%	76.6%	75%	72.9%	66.2%
Germany	60.6%	47.4%	52.2%	63.1%	49.3%
Italy	97%	97.3%	98%	92%	93%
Netherlands	34.5%	35.4%	33.8%	24.6%	47.2%
Sweden	46.3%	40.5%	31.8%	45.9%	46%

Sources: ECRE's Asylum Information Database (AIDA).

Moreover, Afghan asylum seekers spend a long time in the asylum procedure. ECRE research found that, since 2016, the number of pending cases concerning Afghan asylum seekers greatly exceeds the number of new applications. In 2017, there were three times more pending cases than there were applications. In 2020, the number of Afghans with pending applications was nearly double the total number of new applications lodged by Afghans.

Table 2 shows the pending cases concerning Afghan asylum seekers and overall protection rates at the first and second instance:

EU28 (2016-2019) and EU27 (2020) figures					
Year	All applications	First time applications	Pending cases at the end of the year	First instance protection rates	Second instance protection rates
2016	186,605	182,975	228,380	56.7%	35.9%
2017	47,930	43,800	154,280	46.6%	53.4%
2018	47,755	42,725	129,600	46.2%	56.7%

2019	61,255	56,430	119,565	54.3%	54.8%
2020	48,230	44,285	91,980	57.8%	54%

Sources: Eurostat, [migr_asyappctza] and [migr_asyenczm] as of 13 of September 2021 (data rounded).

Greece's recent policy changes to designate Turkey as a "safe third country" for nationals of five countries including Afghanistan puts Afghans in need of protection at risk of destitution and in legal limbo. The designation undermines key principles underlying the international protection and goes against the principle of international solidarity and responsibility sharing with large refugee hosting countries as [argued elsewhere](#).

The European Commission and EU Member States (EUMS) should focus their efforts on ensuring that Afghans arriving in the EU have access to fair and rapid asylum procedures, and that adequate reception capacity is provided. The priority should be to reduce the backlog of cases from Afghan applicants and re-examine rejected cases based on the changes in circumstances to reflect the increase in international protection needs.

A number of good practices are also emerging from European countries. For instance, taking note of the changes in Afghanistan, the Swedish Migration Agency resumed the examination of cases concerning Afghan asylum seekers and initiated re-examination of rejected cases in the light of the current security situation. Finland has suspended the making of negative decisions that would involve removal from the country, while positive decisions on asylum applications by Afghans can continue.

EVACUATIONS

Prior to the fall of the Afghan government, a number of European countries began a small-scale evacuation of their local Afghan employees due to the end of their military operations in Afghanistan. The evacuation efforts intensified during the takeover of the country by the Taliban in mid-August. Based on European Commission data, as of early December 2021, European countries had evacuated around **28,000 Afghans**, with some countries continuing evacuations of their local staff and those at a very high risk of persecution.

However, due to lack of data and transparency, there is no breakdown of the number of Afghans at risk who have been evacuated per country. Due to a lack of a coordinated EU approach to the evacuations, Afghan evacuees face different treatment depending on in which European country they arrive as illustrated by [research commissioned by ECRE](#). Significant bureaucratic hurdles prevent people from accessing evacuation schemes even when they are entitled to do so. In Germany, some of the evacuees have been granted humanitarian residence permits, while others had to apply for asylum. In Belgium and the Netherlands, evacuees are subject to the asylum procedures and live in camps for months. In the UK, they receive a protection status upon arrival but are **stranded in hotels** for months. As some European countries suspended the examination of asylum cases, many Afghan evacuees are still in asylum procedures and are living in limbo. Some countries, for example Switzerland, counted evacuees under their resettlement quota.

ECRE calls on European countries to continue the evacuation of their local staff and Afghans at risk in a coordinated manner by sharing resources, lists of evacuees, and flights. In particular, it is vital that the EU collectively remains firm on ensuring that Afghans at risk can leave the country, which is one of the **five benchmarks** in their negotiation with the Taliban. Evacuees should receive a long-term protection status, have swift access to family reunification and receive tailored integration support.

RESETTLEMENT AND SAFE PATHWAYS

Afghan refugees have traditionally not benefited significantly from the available EU resettlement schemes. Countries neighbouring Afghanistan, which host the majority of Afghan refugees, do not fall within the **priority regions** for EU refugee resettlement.

Table 3 shows resettlement statistics of Afghan refugees resettled to the European Economic Area countries (EEA) during the past 10 years

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
	454	1,140	821	818	759	485	314	358	585	124

Source: IOM (Number of resettlement departure of Afghans to EEA countries)

Despite the deteriorating security situation in Afghanistan and the growing need for resettlement of Afghan refugees living in protracted displacement situations in countries neighbouring Afghanistan, only 5,858 Afghan refugees were resettled to EEA countries in the last 10 years.

On 7 October 2021, the European Commission convened a **High-level Forum** on providing protection to Afghans at risk to encourage European countries to pledge a specific quota for Afghans via resettlement and humanitarian pathways to Europe. This should be on the top of the overall **36,000 places** that UNHCR and CSOs, including ECRE,

asked European countries to pledge for resettlement in 2022. The European Commission announced the establishment of an Expert Platform on safe pathways for Afghans with EASO to coordinate the platform. This is a welcome initiative and the involvement of civil society organisations (CSOs) should be ensured on a continuous basis.

Apart from resettlement, protection pathways to Europe for Afghans remain scarce as [research commissioned by ECRE](#) demonstrates. To respond to the growing protection needs of Afghans, European countries facilitate extended family reunification, humanitarian visa, student scholarships particularly for women and girls, and work visas. Individual Afghans, communities, locals and cities should be able to sponsor Afghan families in Europe via community sponsorship.

III. RECOMMENDATIONS

To ensure access to protection for Afghan asylum seekers in Europe:

- » European countries should ensure swift and fair access to asylum procedures for international protection to Afghans arriving in Europe, irrespective of the manner in which they arrive.
- » The European Commission should look into MS with low protection rates for Afghan asylum seekers to ensure that decision making is in line with EU and international refugee law.
- » In countries where processing of Afghan asylum claims has been suspended, examination of Afghan asylum cases should be resumed and re-examination of rejected cases should be initiated in light of the available reports on the situation in the country and the increased international protection needs.
- » European countries should make efforts to address and reduce the backlog of cases concerning Afghan asylum seekers.
- » The EU and EUMS should refrain from any deal that facilitates deportations of Afghans to third countries and from the designation of “safe third countries” for Afghans applying for asylum in Europe.

To continue the evacuation of European citizens, Afghan local staff members and Afghans at high risk:

- » European countries should continue rapid evacuations of their local staff and their extended family members and of Afghans at imminent risk of persecution and their families.
- » Evacuees should receive adequate reception conditions, including access to medical care and mental health support, especially as many have undergone traumatic situations.
- » European countries should provide tailored integration assistance to the evacuees and facilitate their swift family reunification.

To increase resettlement places for Afghans in need of protection and expand other safe and legal pathways to Europe:

- » European countries should pledge ambitious resettlement places for Afghans from the country’s neighbouring states including Central Asian countries.
- » UNHCR’s call on European countries to resettle 45,500 Afghan refugees from the neighbouring countries in the next 5 years should be implemented.
- » European countries should expand and streamline humanitarian admissions for Afghans at high risk and their extended family members.
- » The European Commission should involve representatives of CSOs in the expert group meetings on resettlement on a continuous basis.
- » Universities, employers and other relevant actors should be encouraged to set up and expand schemes that cover Afghans. The schemes should provide similar level of protection and possibilities for integration as state resettlement schemes.
- » Individuals, groups, municipalities and cities should be able to welcome Afghan refugees by setting up and expanding opportunities for private or community sponsorship.
- » Evacuations should be in addition to national commitments to resettlement places and funding allocated for resettlement should not be used to support evacuation efforts.
- » The European Commission should increase their overall budget for resettlement to respond to the resettlement needs of Afghans.
- » The European Commission should appoint an EU coordinator to coordinate evacuation and resettlement activities across its MS.