Chapter 5

Registration of the Asylum Seekers

Rob van der Erf, Liesbeth Heering and Ernst Spaan

Introduction

Since the 1980s, the European Union has been confronted with a new type of international migration: asylum-seeking. As a consequence, EU MS have legislated for asylum procedures and have taken steps to register or record asylum flows. Despite the wide acceptance of the 1951 Geneva Convention on the Status of Refugees and the 1967 New York Protocol\(^1\), national legislation, procedures and registration of the asylum process have resulted in clear differences between the EU MS. At the EU level this situation has increasingly been judged as undesirable. Therefore, various attempts have been made to intensify international cooperation in the field of asylum policy. The Union’s mandate to act on the asylum issue stems from the 1997 Amsterdam Treaty which came into force in 1999. However, so far, the European Commission has not achieved many of the goals set out in the Treaty. EU MS have been reluctant to make significant changes to their national laws and have managed to agree on relatively low minimum standards (Niessen, 2004). This means that there is still a long way to go before asylum policies in the European Union are truly harmonised.

This chapter aims to provide a broad outline of the current situation as regards asylum procedures in the 25 EU MS in relation to asylum statistics. For details of the procedures in each country, the reader is referred to the country reports annexed to this volume. In order to better understand the similarities and differences, a recommended typology of concepts and definitions is presented first.

\(^1\) The 1967 New York protocol extended the Convention to refugees outside Europe and eliminated the time constraints.
1. Typology of concepts and definitions

The process followed by an asylum application starts with lodging the first application and ends with either the issue of a permanent residence permit or the return of the asylum seeker. This process is broader than the solely judicial asylum procedure because other procedures may be involved as well (e.g. relating to expulsion of rejected asylum seekers, and to non-asylum decisions, such as family reunion). The typology and concepts described here are, therefore, not restricted solely to legal terminology.

The asylum process has a complex structure that varies widely between the EU MS. This implies that for the purposes of this exercise, a general model should disregard the country-specific differences in handling asylum applications. As a result, such a model can only be a very simplified and rough picture of the asylum process. Nevertheless, a general model may be a useful instrument to name and define the different steps in the asylum process.

In Figure 1 a general model of the asylum process is presented. The model starts with the ‘asylum application’, referring to all applications for protection on an individual basis, irrespective of whether the applicant lodged his or her application at a border or from inside the country, and irrespective of whether the applicant entered the territory legally (e.g. as a tourist) or illegally.

---

2 The concepts and definitions that are described derive from European Commission, 2003.
In deciding when to regard an asylum application as having been lodged, the principles expressed in Article 2 of Decision 1/97 of the Dublin Convention should be applied, i.e. “An application for asylum is regarded as having been lodged from the moment the authorities of the EU MS concerned have something in writing to that effect: either a form submitted by the applicant or an official statement drawn up by the authorities. In the event of a non-written application, the period between the statement of intent and the drawing up of the official statement must be as short as possible”.

In the ideal model, each application should refer to only one person, thus eliminating the difference between applications and applicants. However, in reality, in some countries applications are linked to principal applicants and may therefore include several people (i.e. the principal applicant and his or her family members).

The legislative background of asylum applications is provided by the Geneva Convention, the United Nations Convention Against Torture and Other Forms of Cruel or Inhuman Treatment (UNCAT), the European Convention on Human Rights, or other relevant instruments of protection, according to national criteria for asylum applications. In the European Union, various directives and regulations have been set out in the field of international protection, e.g.

- the proposed Council Regulation 2004/83/EC of 29th April 2004 ‘on minimum standards for the qualification of third-country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted’⁴;
- the Council Regulation (EC) No 343/2003 of 18th February 2003 “establishing the criteria and mechanisms for determining the EU MS responsible for examining an asylum application lodged in one of the EU MS by a third-country national” (also known as Dublin II, already in force and applied by all EU MS, except Denmark; see also hereafter)⁵.

Asylum applications can be either first (new) applications or repeat applications. Repeat applications have to be linked to the original

application and should not be considered as new (first) applications (see below).

‘Temporary protection’ means an arrangement offering protection of a temporary nature to people requesting international protection in the event of a mass flight. The definition of temporary protection is based on the definition agreed by the Commission for joint action for temporary protection. People who get temporary protection are not counted as asylum seekers. However, they may request asylum later.

All countries have some kind of ‘normal’ or ‘standard’ procedure in order to determine whether an asylum request will be granted or not. However, most countries start with some kind of preliminary procedure to assess which requests are eligible for the normal procedure. This preliminary procedure may be an admissibility procedure and/or an accelerated procedure. Most often, the criteria used in these procedures to refuse or reject asylum claims are related to:

- the concept of ‘manifestly unfounded’ requests, i.e. when it is obvious that the applicant has no valid grounds for seeking asylum. This includes, for example, fraudulent applications and applications from people who might pose a serious threat to public order;
- the Dublin Convention (known since 2003 as Dublin II) determining the EU MS responsible for examining the asylum application. This regulation introduced some changes to the original convention. For example, a EU MS’s responsibility for an asylum-seeker who entered EU territory illegally is now restricted to twelve months. Beyond that period, if it is impossible to determine through which EU MS the asylum seeker entered the EU, responsibility switches to the EU MS where the person has stayed illegally for over five months. Responsibility for examining an asylum application is attributed to a EU MS on the basis of a series of criteria. In order of priority, responsibility is attributed to (1) the EU MS where a member of the family of the asylum seeker is already settled as a refugee; (2) the EU MS which granted a stay permit to the asylum seeker; and (3) the EU MS which granted a visa to the asylum seeker. The EU MS to which such responsibility has been attributed must let the asylum seeker enter its territory. It must process his or her application and if necessary let the individual return if he or she has gone to another EU MS without permission. For this purpose, the EU has created a

---

6 In order not to further complicate the model this distinction has been left out of Figure 1.
database called EURODAC to hold the finger prints of asylum seekers (European Commission, 2002);
- the concept of ‘safe third country’, when an applicant comes from a non-EU country that is considered safe, where he or she could have asked for asylum;
- the concept of safe ‘country of origin’, when the applicant is a citizen and/or inhabitant of a country that is considered to be safe.

Claims that are refused in the preliminary procedure must be included in the number of applications and number of (negative) decisions. Because of its special nature, the ‘Dublin reason’ for refusal should be separated from the other reasons for refusal.

In the ‘normal’ asylum procedure a ‘positive decision’ may be taken on protection grounds or on other grounds. In most countries two categories of ‘positive decisions’ on protection grounds are distinguished:
- ‘Humanitarian status granted’ and all other types of subsidiary protection equivalent to asylum. This refers only to asylum applicants who have been granted some form of protection on grounds other than those laid down in the 1951 Geneva Convention. It includes people who have been granted protection under Article 3 of the ‘European Convention on Human Rights’ or Article 3 of the ‘United Nations Convention Against Torture’, as well as those granted protection on other humanitarian grounds. The rules on complementary forms of protection differ between EU MS but usually a favourable decision will result in a permit to reside in the EU MS in question.

The category ‘positive decisions on other grounds’ in this ideal model, includes all ‘statuses’ granted on non-protection grounds. Examples are family reunion and family formation. Also included is permission to stay/reside within the territory of a EU MS because the country of origin refuses to take back the rejected asylum seeker. However, in reality, several countries classify these cases as negative decisions. ‘Negative decisions’ can be subdivided into two categories:
- ‘Rejected’: The rejected category should cover all decisions rejecting applications in which no status is granted. It is intended to cover what might be described as outright refusals. Decisions to refuse an applicant refugee status but to grant some other form of protection
or permission to stay should be recorded in the ‘humanitarian status’ or ‘other’ categories.

- ‘Other non-status decisions’: This refers to those decisions which are defined neither as ‘rejections’ nor as ‘positive’ decisions. Examples include, in some EU MS, withdrawal of applications, write-offs, abandonment of cases, and any discontinuation of a claim that is not included under positive decisions or rejected applications. The category includes formal decisions as well as non-decisions (e.g., in some states a withdrawal terminates a case, but is not counted as a decision).

A positive decision does not mean, by definition, a permanent residence permit. Such a decision may result in a temporary residence permit that has to be renewed one or more times before it becomes permanent. However, if the situation in the country of origin has changed drastically (for the good) in the meantime, the temporary residence permit can be withdrawn. This means that an a priori positive decision may be changed into an a posteriori negative decision.

Depending on the legislative possibilities in a specific host country, an applicant with a negative asylum decision may lodge an appeal with a dedicated appeal body, ministry and/or court. This will lead to second, third, etc. instance positive or negative decisions. Especially in the case of repeat appeals it is often not possible to await the decision in the host country.

If an asylum decision is negative (rejected or other) and no (further) appeal is lodged, the follow-up can either be departed, repeat or unknown.

Three modes of departure are distinguished by the European Union Centre for Information, Discussion and Exchange on the Crossing of Frontiers and Immigration (CIREFI; see European Commission, 2003):

- implemented departures (return is effected to the country of origin or a third, non-EU, country);
- escorted departures (the returnee is escorted to another country);
- supervised departures (the returnee’s departure is checked before he or she leaves the territory, usually at the border).

A special mode of departure, i.e. transfer to another EU MS under the Dublin Convention, should be considered separately from the preceding three.

If this is allowed in the country’s specific legislation, there is a possibility for rejected applicants to submit a repeat application. Generally, this option is valid only when, during the asylum process, the situation in the country of origin has worsened to a degree that allows the application to be renewed.
Repeat applications must be linked to the original application, and should not be seen as new (first) applications.

The category ‘unknown’ is used for rejected applicants without either an address (disappeared) or confirmation of departure. In principle, this should be a temporary status; ultimately it has to be clear what happened to the applicant: he or she either returned, lodged an appeal, or submitted a repeat application.

The asylum process is considered to be definitively closed when either a permanent residence permit has been granted or the asylum applicant has definitely left the country.

---

2. Registration of asylum procedures

2.1 Responsible authorities

Comparative Table 8 shows that there is great variation between EU MS in the type of authorities that deals with asylum matters. Apart from Greece (Ministry of Public Order) and Luxembourg (Ministry of Foreign Affairs and Immigration), all EU MS have established special bodies for, among other things, processing and registering requests for asylum. The Commissioner General for Refugees and Stateless Persons in Belgium and the Migration Board in Sweden are the only authorities that are not directly responsible to a ministry. Most other special bodies are under the responsibility of the Ministry of the Interior (or ministries with more or less the same function, such as Internal Affairs in Luxembourg and the Home Office in the United Kingdom). Exceptions are Denmark (Ministry of Refugee, Immigration and Integration Affairs), France (Ministry of Foreign Affairs), Ireland (Ministry of Justice, Equality and Law Reform), Malta (Ministry for Justice and Home Affairs), the Netherlands (Ministry of Justice) and Portugal (Ministry of Internal Administration). Generally, the authorities dealing with asylum matters have a great deal of independence.

With regard to responsibilities, in ten countries (Belgium, Spain, France, Ireland, Italy, Cyprus, Latvia, Malta, Austria and Slovenia) the authority in charge of asylum and refugees focuses specifically on this area. In the remaining countries the responsibilities are broader and also include, for example, migration and citizenship.
2.2 Database

Comparative Table 8 shows that most EU MS store the information on asylum applicants and asylum decisions in a dedicated database. The remaining seven countries (Denmark, Germany, Cyprus, Netherlands, Poland, Finland and Sweden) make use of a more extensive database, which also includes information on, for example, the legal international migrants.

A common shortcoming of asylum databases is that they contain only the information for which the authority is itself responsible. This implies that decisions outside the scope of the asylum authority, in particular appeal and non-status decisions, might not be included. In order to be able to give a comprehensive picture of the asylum process, it is recommended that this kind of information be integrated into the database.

2.3 Procedures

Comparative Table 9 summarises the main characteristics of the asylum procedures in the 25 EU MS.

Preliminary and normal procedures

The criteria used in the preliminary procedures to refuse or reject asylum claims are usually related to
- the concept of ‘manifestly unfounded’ requests;
- the ‘Dublin II Regulation’;
- the concept of ‘safe third country’;
- the concept of safe ‘country of origin’.

In thirteen EU MS the preliminary procedure appears to consist only of an accelerated procedure; in three countries it is only an admissibility procedure; and in the remaining seven countries it is a mix of these procedures. In the first and second group all of the above-mentioned criteria are generally applied to determine whether a request is eligible for processing in the normal procedure. For the countries with both an admissibility and an accelerated procedure, the criteria depend on the kind of procedure. In Luxembourg and the United Kingdom the admissibility decision focuses on ‘Dublin II’ and the accelerated procedure on the other criteria. Germany applies the admissibility procedure to border applicants only and tests for ‘safe third country’ or ‘safe country of origin’, whereas the accelerated procedure is applied to all applicants using all the criteria. For admissibility, the situation is almost identical in France and Italy, the only difference being that France and Italy apply the ‘manifestly unfounded’ test
Chapter 5. Registration of the Asylum Seekers

to border applicants, whereas Germany does not. The accelerated procedure covers all the criteria in France, but is limited to ‘Dublin II’ in Italy. Finally, Denmark and Slovenia use the ‘safe third country’ and ‘Dublin II’ criteria in their admissibility procedures, and apply an accelerated procedure to ‘manifestly unfounded’ claims.

During the asylum procedure, asylum seekers do not generally receive a (temporary) residence permit, but are given some other document that allows them to stay in the host country.

Positive and negative decisions

All but two EU MS are able to grant genuine Geneva Convention status explicitly. The two exceptions are Germany and the Netherlands, which recently decided to limit the number of statuses to one, i.e. a temporary residence that has to be renewed annually with the possibility of obtaining a residence permit for an indefinite period after three (Germany) or five years (the Netherlands). This status implicitly includes Geneva Convention status. On the other hand, three countries have extended the Convention status: France and the Slovak Republic with a ‘constitutional asylum status’ and Spain with a ‘displaced status’.

In a considerable number of countries (Denmark, Estonia, Greece, Spain, France, Italy, Cyprus, Luxembourg, Poland and Finland), Convention status does not automatically qualify a person for a permanent residence permit. As in Germany and the Netherlands, these countries grant a renewable temporary residence permit that may be converted into a permanent residence permit after a fixed period. In some countries (e.g. France) this conversion takes place automatically, while in others (e.g. Netherlands) the temporary residence permit may be withdrawn if circumstances in the country of origin have obviously improved within its period of validity.

For applicants who are considered not to meet the Convention criteria, there are alternative ways of staying in EU MS, although often with fewer rights and for a limited period of time only. The umbrella term ‘subsidiary protection’ is given to alternative permission to remain, when it is seen as a positive result of the asylum procedure. If the alternative right to remain is seen as a negative result of the asylum procedure, the additional phrase ‘without order to leave’ is used in Comparative Table 9. In practice, the distinction between ’subsidiary protection’ and ‘without order to leave’ is

---

7 It is assumed that all new EU MS have already included or will soon include the ‘Dublin II’ criterion in their asylum procedures.
8 For more details see the country reports.
not always clear. Both concepts may include various protection (when it would be irresponsible to send the applicant back to his or her home country, e.g. according to the non-refoulement principle laid down in the Geneva Convention) and humanitarian (e.g. family ties, grave illness, etc.) grounds. Probably due to this vague distinction, several countries offer only one of the two possible alternatives. Only subsidiary protection is offered by eleven countries (Belgium, Estonia, Greece, Spain, France, Latvia, Lithuania, Malta, Portugal, Finland and Sweden), while seven countries (Czech Republic, Ireland, Italy, Cyprus, Hungary, Austria, and Poland) only offer the ‘without order to leave’ protection. However both statuses are possible in seven countries (Denmark, Luxembourg, Slovenia, Slovak Republic and the United Kingdom, as well as Germany and the Netherlands). The last two countries are included here because subsidiary protection is supposed to be part of the one and only positive status.

The difference between subsidiary protection status and without order to leave status is assumed to be small for the (eighteen) countries that offer just one of these possible statuses. However, for the remaining (seven) countries subsidiary protection is thought to imply a much better position, in terms of rights and possible prolongation of the residence permit.

The impact of the distinction on the international comparison of recognition rates is considerable, since ‘subsidiary protection’ is counted as a positive result of the asylum procedure and ‘without order to leave’ as a negative one. This means that the recognition rate of countries offering only the former status is systematically higher than that of countries offering only the latter status. As a consequence, the Austrian recognition rate should not be unthinkingly compared with, for example, the Belgian one. Quite apart from all the other pitfalls linked to the calculation of recognition rates (e.g. double counting resulting from appeal procedures), the international comparison of these rates is a difficult job that requires expert knowledge of the field.

Appeal possibilities

Finally, a few remarks about the possibility of appealing. The last column in Comparative Table 9 shows that in all but two countries it is possible to appeal against a negative decision in both the preliminary and normal procedure. Beneath this apparent similarity, however, there is a huge variation between. There are differences with respect to the number of different authorities involved, the kind of appeal body, the period in which an appeal can be lodged, the period in which the competent authority has to decide, and the presence or absence of the right to await the appeal decision.
in the host country. Given this wide variety, it is beyond the scope of this chapter to discuss the similarities and differences in detail. Only some general observations will be made here.

The number of successive appeal bodies varies from none (applicants refused in the preliminary procedure in Denmark) to three (for example, in the United Kingdom) with:

- the Immigration Appeal Adjudicator;
- the Immigration Appeals Tribunal;
- the High Court.

The first appeal authority may be:

- the first-instance decision maker;
- a dedicated appeal body;
- a general appeal body, i.e. some kind of court.

Generally, applicants in both the preliminary procedure and the normal procedure are entitled to await the decision of the first appeal in the host country, although sometimes permission has to be granted explicitly (e.g. in Spain). Evidently, appeal decisions relating to the preliminary procedure are taken much faster than those relating to the normal procedure.

With a few exceptions, the subsequent appeal authorities are some kind of general court (e.g. regional court, district court, High Court, Council of State). Appeals to the High Court and Council of State (judicial review) only determine the legality of the procedure followed. Applicants awaiting a subsequent appeal decision are not normally automatically entitled to stay in the host country.

The appeal procedure in Denmark is significantly different from that in all other EU MS, in the sense that all negative first-instance decisions in the normal procedure are automatically transferred to the Refugee Appeals Board. The second-instance decisions of this board are final.

**Conclusion**

Reviewing the current state of affairs with regard to the asylum process in the 25 EU MS it can be stated that, while there are harmonising trends, there is still a long way to go before national asylum practices are fully harmonised at EU level.

**Harmonising trends**

Harmonisation of the asylum process has been substantially promoted by measures taken by the EU. By the end of 2003, a large part of the
Community measures called for in the Amsterdam Treaty had been adopted (see Chapter 1 for further details):

- the criteria and mechanisms for determining which EU MS is responsible for considering an application for asylum;
- minimum standards on the reception of asylum seekers in the EU MS;
- minimum standards with respect to the qualification of nationals of non-member countries as refugees and the criteria for awarding refugee and subsidiary protection status;
- minimum standards on procedures in EU MS for granting or withdrawing refugee status;
- minimum standards for giving temporary protection;
- promoting a balance of efforts between EU MS in receiving and bearing the consequences of receiving refugees and displaced persons.

Partly due to measures such as these, countries have made serious efforts to regulate their asylum procedures through specific asylum laws or parts of more general laws (e.g. alien laws). Within this framework more or less dedicated bodies have been appointed to deal with the reception of asylum seekers and decision-making issues. The same is true for the registration of asylum applications and asylum decisions in specific or more general databases.

Almost all countries now have some kind of preliminary procedure (preceding the normal asylum procedure) to examine whether a request is eligible for processing. Within this preliminary procedure the same criteria are generally used to refuse a request, i.e. ‘manifestly unfounded’, ‘safe third country’, ‘safe country of origin’ and ‘Dublin II’.

Apart from Germany and the Netherlands, all countries can grant genuine Geneva Convention status explicitly. In addition to Convention status, all countries can offer asylum applicants alternative statuses which allow them to remain in the country on a temporary basis.

Refused or rejected applicants are able to appeal against the negative decision in practically all countries. Sometimes, several levels of appeal are possible.

Still a long way to go

Although more or less the same criteria are being used to refuse or reject an asylum request, the meaning and structure of the preliminary asylum procedure differ a great deal between EU MS. The distinction made in this chapter between the admissibility procedure and the accelerated procedure
may easily lead to misunderstandings in the sense that lodging an application may be the starting point of the asylum process in one country, whereas processing the application is the starting point in another country. Better coordination of the preliminary procedures is necessary, taking into account all asylum requests (i.e. covering everybody who applies for protection, irrespective of whether the application is lodged at the border or inside the country, and irrespective of whether the country was entered legally (e.g. as a tourist) or illegally). Moreover, repeat applications should be linked to initial applications instead of being treated as new applications.

From a socio-demographic point of view the description of the asylum process should refer to applicants instead of applications. Hence, a family asking for asylum should be seen as several applicants (i.e. the principal applicant and accompanying partner and/or minor children). It is debatable, however, how births and reunified family members should be dealt with. In order to limit the asylum process to the original applicants, it might be better not to include them. In any case, there is a need for these topics to be addressed so that current differences between EU MS can be removed.

A positive outcome to the asylum procedure is defined differently in different countries. Some consider Geneva Convention status the one and only positive status, while other countries also include forms of subsidiary protection. It is self-evident that misleading conclusions may be drawn when comparing countries with different definitions of a positive result. In order to improve the international comparability, it is recommended that a positive decision be defined as one that leads to any kind of residence permit. Because of the nature of residence permits, initial decisions will often be provisional. They become final at the moment that a permanent residence permit is granted.

Appeal procedures against a negative asylum decision appear to exist in all shapes and sizes. However, some countries offer fewer appeal possibilities than others. In this respect more harmonisation is needed. With regard to other aspects of the appeal procedures, the right to await a decision in the host country should be given closer consideration.

A common shortcoming of a database maintained by the body dealing with the asylum application is that it contains only the information that this body is responsible for. This means that relevant information outside the scope of the asylum authority might be missing, in particular appeal and non-status decisions. The same often holds true for information on the final outcome of the asylum process, i.e. the effected return. In order to be able to give a comprehensive picture of the asylum process, this ‘outside’ information must be integrated into the asylum database.
Comparative Table 8. Responsible authorities for the processing and registration of asylum requests with type of database

<table>
<thead>
<tr>
<th>Responsible authority</th>
<th>Ministry</th>
<th>Database</th>
</tr>
</thead>
<tbody>
<tr>
<td>BE Commissioner General for Refugees and Stateless Persons</td>
<td>2</td>
<td>dedicated</td>
</tr>
<tr>
<td>CZ Department of Asylum and Migration Policies</td>
<td>Interior</td>
<td>dedicated</td>
</tr>
<tr>
<td>DK Danish Immigration Service</td>
<td>Refugee, Immigration and Integration Affairs</td>
<td>extended</td>
</tr>
<tr>
<td>DE Federal Office for Migration and Refugees</td>
<td>Interior</td>
<td>extended</td>
</tr>
<tr>
<td>EE Citizenship and Migration Board</td>
<td>Interior</td>
<td>dedicated</td>
</tr>
<tr>
<td>EL Ministry of Public Order</td>
<td></td>
<td>dedicated</td>
</tr>
<tr>
<td>ES Office for Asylum and Refuge</td>
<td>Interior</td>
<td>dedicated</td>
</tr>
<tr>
<td>FR French Office for the Protection of Refugees and Stateless Persons</td>
<td>Foreign Affairs</td>
<td>dedicated</td>
</tr>
<tr>
<td>IE The Refugee Applications Commissioner</td>
<td>Justice, Equality and Law Reform</td>
<td>dedicated</td>
</tr>
<tr>
<td>IT Central Commission for the Recognition of Refugee Status</td>
<td>Interior</td>
<td>dedicated</td>
</tr>
<tr>
<td>CY Migration Department</td>
<td>Interior</td>
<td>extended</td>
</tr>
<tr>
<td>LV Refugee Affairs Department of the Office of Citizenship and Migration Affairs</td>
<td>Interior</td>
<td>dedicated</td>
</tr>
<tr>
<td>LT Migration Department</td>
<td>Internal Affairs</td>
<td>dedicated</td>
</tr>
<tr>
<td>LU Ministry of Foreign Affairs and Immigration</td>
<td></td>
<td>dedicated</td>
</tr>
<tr>
<td>HU Immigration and Nationality Office</td>
<td>Interior</td>
<td>dedicated</td>
</tr>
<tr>
<td>MT Office of the Commissioner for Refugees</td>
<td>Justice and Home Affairs</td>
<td>dedicated</td>
</tr>
<tr>
<td>NL Immigration and Naturalisation Service</td>
<td>Justice</td>
<td>extended</td>
</tr>
<tr>
<td>AT Federal Asylum Office</td>
<td>Interior</td>
<td>dedicated</td>
</tr>
<tr>
<td>PL Office for Repatriation and Aliens</td>
<td>Interior and Administration</td>
<td>extended</td>
</tr>
<tr>
<td>PT Asylum and Refugee Department</td>
<td>Internal Administration</td>
<td>dedicated</td>
</tr>
<tr>
<td>SI Directorate for Migration, Sector for Asylum</td>
<td>Interior</td>
<td>dedicated</td>
</tr>
<tr>
<td>SK Migration Office</td>
<td>Interior</td>
<td>dedicated</td>
</tr>
<tr>
<td>FI Directorate of Immigration</td>
<td>Interior</td>
<td>extended</td>
</tr>
<tr>
<td>SE Migration Board</td>
<td></td>
<td>extended</td>
</tr>
<tr>
<td>UK Immigration and Nationality Directorate</td>
<td>Home Office</td>
<td>dedicated</td>
</tr>
</tbody>
</table>

1 Where several authorities are involved, only the main one is mentioned. A dedicated database covers asylum issues only, whereas an extended database also includes other data, e.g. on legal international migrants.

2 The Commissioner General for Refugees and Stateless Persons reports directly to the central government.

3 The Swedish Migration Board is an independent body, but is related to the Ministry of Foreign Affairs.
Chapter 5. Registration of the Asylum Seekers

Comparative Table 9. The asylum procedure and possible outcomes

<table>
<thead>
<tr>
<th>Country</th>
<th>Preliminary procedure</th>
<th>Positive outcome</th>
<th>Negative without order to leave</th>
<th>Appeal</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Admissibility</td>
<td>Accelerated</td>
<td>Convention status</td>
<td>Subsidiary protection</td>
</tr>
<tr>
<td>BE</td>
<td>x^6</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>CZ</td>
<td>x^6</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>DK</td>
<td>x^7</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>DE</td>
<td>x^9</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>EE</td>
<td>x^6</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>EL</td>
<td>x^6</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>ES</td>
<td>x^6</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>FR</td>
<td>x^12</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>IE</td>
<td>x^14</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>IT</td>
<td>x^12</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>CY</td>
<td>x^6</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>LV</td>
<td>x^6</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>LT</td>
<td>x^6</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>LU</td>
<td>x^15</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>HU</td>
<td>x^6</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>MT</td>
<td>x^6</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>NL</td>
<td>x^6</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>AT</td>
<td>x^6</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>PL</td>
<td>x^6</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>PT</td>
<td>x^6</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>SI</td>
<td>x^7</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>SK</td>
<td>x^6</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>FI</td>
<td>x^6</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>SE</td>
<td>x^14</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>UK</td>
<td>x^15</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
</tbody>
</table>

1 The preliminary procedure precedes the normal procedure and may relate to an admissibility procedure and/or some kind of accelerated procedure.

2 Possibility of appealing against a negative outcome to the preliminary procedure (p) and/or the normal procedure (n).

3 Limited to asylum-related decisions. Positive non-asylum decisions (e.g. family reunion) are not included.

4 In a broad sense, including humanitarian grounds, protection status, etc.

5 The decision ‘negative outcome with order to leave’ exists in all countries.

165
6 According to the ‘manifestly unfounded claim’, ‘safe country of origin’, ‘safe third country’, and ‘Dublin II’ criteria. In Spain, the ‘safe third country’ concept is usually applied only in association with other reasons.

7 According to ‘safe third country’ and ‘Dublin II’ criteria.

8 According to the ‘manifestly unfounded’ criterion.

9 To asylum applicants at the border, according to the ‘safe country of origin’ and ‘safe third country’ criteria.

10 Recognition on the basis of the Basic Law is more important than recognition under the Geneva Convention. Both types of refugees received a temporary residence permit for three years, including the right to work.

11 As well as Convention status, there is a ‘displaced’ status.

12 To asylum applicants at the border only, according to the ‘manifestly unfounded claim’, ‘safe country of origin’, and ‘safe third country’ criteria.

13 As well as Convention status there is a ‘constitutional asylum’ status.

14 In general all applications are treated on the same basis, but in certain conditions faster procedures are followed.

15 According to ‘Dublin II’. In Luxembourg and the United Kingdom there is no official admissibility procedure.

16 According to the ‘manifestly unfounded claim’, ‘safe country of origin’ and ‘safe third country’ criteria.

17 Only one status: temporary residence permit for five years, including the right to work.

18 So-called fast track procedures for unfounded claims, presumably according to the ‘manifestly unfounded claim’, ‘safe country of origin’ and ‘safe third country’ criteria.