

Andorra
Austria
Belgium
Denmark
Finland
France
Germany
Greece
Iceland
Ireland
Italy
Liechtenstein
Luxembourg
Malta
Monaco
Netherlands
Norway
Portugal
San Marino
Spain
Sweden
Switzerland
United Kingdom

Western Europe

Major developments

Western Europe witnessed a significant decline in the number of asylum claims in 2004. As a whole, the 25 European Union countries received 19 per cent fewer claims than in 2003, with most countries recording their lowest annual total for several years. **Germany**, the leading asylum destination for most of the past two decades, is now in fourth place (a decrease of 30 per cent as against 2003). In the **Netherlands**, the number of asylum claims has dropped from a record of some 44,000 in 2000 to almost 10,000 in 2004, the lowest level since 1988. In the **United Kingdom**, a total of almost 34,000 applications were lodged in 2004, a drop of 31 per cent in a single year. Similarly, **Switzerland** saw a 32 per cent decline, resulting in the lowest level since 1987.

However, asylum claims have not fallen uniformly in Western Europe: in 2004 **France** recorded the highest number of asylum-seekers amongst industrialized countries, with 61,600 applications for asylum, an increase of three per cent over 2003.

The new EU Member States recorded an increase in asylum applications: some four per cent on average for the ten countries, notwithstanding a minority



which witnessed a much more drastic increase, such as **Malta** which registered an increase of 116 per cent, with over 1,200 applications, and **Cyprus** which saw an increase of 124 per cent.

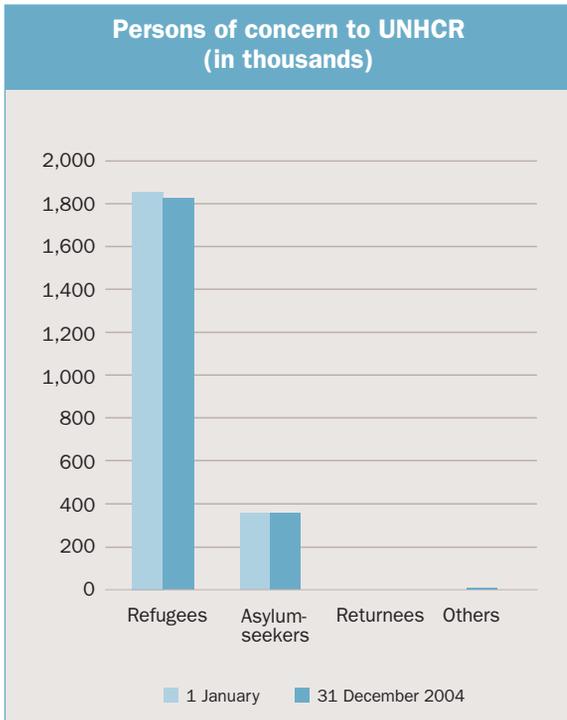
The largest group of asylum-seekers in 2004 was from the Russian Federation (30,100), of whom the majority are believed to be Chechens. There were 22,300 asylum-seekers from Serbia and Montenegro (mainly from Kosovo), 19,700 from China, 16,200 from Turkey and 11,900 from India. It is worth noting that the number of Afghans – of whom there were more than 50,000 asylum-seekers in 2001 – has fallen by 83 per cent over the past three years. Similarly, the number of Iraqi asylum-seekers also fell by 80 per cent since 2002, although there has been a slight increase since mid-2004.

EU harmonization process

The first phase of EU asylum harmonization, which entailed the adoption of two regulations and three directives, was completed with political agreement on the last directive (Asylum Procedures) in April 2004, immediately prior to the enlargement of the European Union. These instruments consist of the so-called Dublin II and EURODAC Regulations, designed to identify a single EU Member State to be responsible for a single asylum claim, and directives on minimum standards relating to temporary

protection, reception conditions for asylum-seekers, and qualification as refugee or beneficiary of subsidiary protection and asylum procedures respectively. Additional directives contain provisions relevant to refugees and asylum-seekers, notably the directive on minimum standards in family reunification. From the date of entry into force, Member States have two years in which to transpose the directives into national legislation.

Meanwhile, EU Member States adopted the Hague Programme in November 2004, setting, inter alia, the parameters for the second phase in the development of a common EU asylum system. The Programme reinforces the EU's commitment to establishing a common asylum system "based on the full and inclusive application of the 1951 Convention on Refugees and other relevant treaties", and sets a deadline of 2010. Two important points emphasized in the Hague Programme are the need for enhanced practical cooperation amongst EU Member States, and the need for greater burden-sharing (alongside responsibility-sharing) within the EU. In addition, the Programme highlights the need to facilitate integration. With regard to the external dimension of EU asylum policy, attention was drawn to improved levels of protection in regions of origin and transit, as well as increased recognition of resettlement as a potential tool for protection and burden-sharing.



Challenges and concerns

In recent years, the asylum issue in Europe has become increasingly complex as States have sought to combat irregular migration and safeguard their borders against human smuggling and trafficking networks, organized crime and security threats. The issue of irregular migration, coupled with fears of a spread of international terrorism, ensured that the asylum issue remained high on the collective and individual agendas of EU Member States in 2004. In Europe, the rapid decline in the number of asylum-seekers did not serve to lower the profile of asylum as a political issue.

The prevailing climate continued to pose serious challenges for UNHCR as it sought to promote and strengthen the institution of asylum. In a number of Western European countries, laws and policies were made more restrictive, so that access to territory and to asylum procedures became increasingly difficult for those genuinely in need of protection. Equally worrying in some cases were the conditions asylum-seekers and refugees faced once inside Europe, such as poor reception conditions and prolonged periods of detention, overshadowed by a pervasive (and, on occasion, overt) presumption of abuse of the asylum procedure, and the wide variations in refugee recognition rates among States.

While supporting the efforts of the European Union to harmonize asylum policy, law and practice, UNHCR also felt obliged to express concern over certain aspects of the first phase of EU harmonization. In particular, the directives on qualification for refugee status and subsidiary protection and on asylum procedures leave too much scope, in UNHCR's view, for exceptions and derogations and may, in practice, lead to breaches of international law. This is notably the case in relation to the application of the so-called "safe third country" concept, the wide range of categories where the acceleration of procedures is possible (to the likely detriment of safe adjudication of refugee status) as well as the possible latitude to deny the suspensive effect of an appeal (i.e. deny the appellant's right to remain on the territory until the appeal is heard). Depending on how they are applied, these provisions may lead to cases of direct or indirect *refoulement*, thus contravening the cardinal principle of refugee protection and the letter of the 1951 Refugee Convention.

As Member States transpose the EU asylum directives into national law, UNHCR will seek to ensure that the standards contained in the directives are interpreted faithfully, as they represent minimum standards, and not a maximum to be achieved by Member States. UNHCR will offer constructive input in line with international norms and best practice. To this effect, it has already issued annotated comments to the four asylum directives adopted, which should help legislators, adjudicators and courts alike in interpreting the directives in line with international standards.

Existing EU asylum instruments, particularly the Dublin II Regulation, place the burden of responsibility for determining an asylum claim and, by implication, for providing a durable solution, primarily on the State through which the claimant entered the Union. This is likely to result in increased pressures on States that find themselves on the EU's external border, many of which have very limited asylum capacity. These pressures, both actual and potential, are of great concern to UNHCR, especially as a number of countries on the eastern and Mediterranean borders faced increasing numbers of asylum-seekers in 2004. On the Mediterranean border, some who arrived in boats from North Africa were not allowed to disembark and others were returned to North Africa without a substantive hearing of their asylum claim. There were also concerns over reception facilities. UNHCR has called for the European Union to



United Kingdom: Resettlement of Liberian refugees from Guinea under a United Kingdom Government resettlement programme - here, they are at an orientation meeting with a migrant helpline aid worker. *UNHCR/H. J. Davies*

give greater support to the countries along the eastern and southern border of Europe, and develop a mechanism of burden-sharing, as some of these countries have overstretched asylum procedures and are ill-equipped to cope with such high numbers of migrants and refugees.

Progress towards solutions

UNHCR welcomed the reiteration in the Hague Programme of the development of a future common asylum system within EU Member States. It has also endorsed the Programme's focus on practical measures to support harmonization. The current wide variation in refugee recognition rates for specific groups of asylum-seekers offers a telling example of the need for more congruent practice among EU Member States. UNHCR stands ready to work closely with States and with the European Union to achieve this. The increased focus on assisting integration is also positive, and UNHCR hopes that the special needs of refugees and other persons in need of international protection will be taken into consideration.

UNHCR has also drawn attention to the need for better responsibility and burden-sharing within the

Union. Although the numbers of asylum-seekers are sharply down overall, it is noteworthy that asylum claims have not fallen uniformly across Europe, with increases recorded in particular in some of the new EU Member States. UNHCR encouraged the European Union to develop appropriate systems of responsibility/burden-sharing. In this regard, UNHCR has also noted the increased focus on movements across the Mediterranean Sea. The Office plans to examine in greater detail the question of rescue at sea and interception in the Mediterranean, with a view to identifying possible mechanisms for ensuring identification of and access to international protection for those in need.

UNHCR understands the external dimension of EU asylum policy and the importance attached to the provision of protection and the availability of durable solutions in other parts of the world, including regions of origin and transit. However, UNHCR has stressed that such efforts need to be undertaken in a spirit of burden-sharing and not burden-shifting and should be without prejudice to the responsibilities of EU Member States towards spontaneous arrivals. The Office will continue to work with States to find ways to better reconcile their concerns over irregular migration with the obligation to provide protection to refugees.

Operations

In Western Europe, UNHCR continued to concentrate on protection and advocacy, pursuant to its supervisory role under its Statute and Article 35 of the 1951 Refugee Convention. The Office focused its activities on monitoring and commenting on legislative proposals at the national and EU levels and will be following closely the multiple transposition into national law of the directives. UNHCR also continued to take part in asylum procedures in a number of countries (**France, Greece, Italy and Spain**, and, to a lesser extent, in **Austria and Switzerland**). Elsewhere, it has provided significant input into assisting governments to improve the overall quality of refugee status decision making.

UNHCR's Offices in Western and Central Europe are gradually being reconfigured on a subregional basis, in line with the five-year Strategic Framework developed by the Europe Bureau for the period 2005-2010. The process of regionalization aims to harmonize and coordinate strategies by grouping countries around common themes, creating subregional structures managed by regional offices. It is hoped that regionalization will further enhance subregional strategy formulation and generate better synergies in developing responses to common challenges. It will also bring about greater economies of scale by streamlining staffing, structures, functions and responsibilities.

A subregional structure for Central Europe has been established in Budapest, and planning is well

underway for the creation in 2006 of a subregional set-up for the European Mediterranean rim, managed in Rome. Likewise, UNHCR's office in Berlin will be transformed into a regional office in 2006, and a similar process has already begun there.

Funding

With the depreciation of the US dollar against the Euro, and many of the western European countries responding favourably to UNHCR's plea to at least maintain contribution levels in local currency, UNHCR's overall financial situation continued to reflect the promising stabilization process that had started in 2003. Indeed, some western European countries decided to significantly increase contributions in local currency, improving UNHCR's financial situation globally. Donors in Western Europe (excluding the European Commission) in 2004 provided 43 per cent of all budgetary contributions to the Office.

Partnership, public awareness and advocacy

UNHCR continued to cooperate with NGOs offering legal advice, counselling and services to refugees and asylum-seekers. In the heated debate on illegal migration and refugee issues, UNHCR has continued to focus its efforts on the media to increase awareness and understanding of asylum related issues.

Restricted voluntary contributions (USD)

Earmarking ¹	Donor	Annual programme budget
Austria		
	Austria	44,674
Sub-total		44,674
Belgium		
	Belgium	69,913
Sub-total		69,913
France		
	France	590,327
Sub-total		590,327
Germany		
	Germany	487,805
Sub-total		487,805

Ireland		
	Ireland	162,128
Sub-total		162,128
Spain		
	Spain	333,335
Sub-total		333,335
Sweden		
	Statoil, Norway	148,368
Sub-total		148,368
Switzerland		
	Lombard Odier Darier Hentsch & Cie	39,063
	Miscellaneous donors / Private donors in Switzerland	16,656
	Switzerland	129,667
Sub-total		185,386
Western Europe		
	United States of America	750,000
Sub-total		750,000
Total		2,771,935

Budget and expenditure (USD)						
Country	Revised budget			Expenditure		
	Annual programme budget	Supplementary programme budget ¹	Total	Annual Programme budget	Supplementary programme budget ¹	Total
Austria	1,417,021	0	1,417,021	1,417,021	0	1,417,021
Belgium	2,995,803	60,000	3,055,803	2,993,268	59,514	3,052,782
France	2,330,897	0	2,330,897	2,330,897	0	2,330,897
Germany	1,757,645	55,000	1,812,645	1,757,638	53,113	1,810,751
Greece	1,268,221	0	1,268,221	1,268,221	0	1,268,221
Ireland	592,935	0	592,935	582,130	0	582,130
Italy	1,506,737	0	1,506,737	1,495,770	0	1,495,770
Malta	40,450	0	40,450	34,208	0	34,208
Netherlands	92,425	0	92,425	92,425	0	92,425
Portugal	62,094	0	62,094	62,094	0	62,094
Spain	1,314,311	0	1,314,311	1,314,311	0	1,314,311
Sweden	1,940,931	0	1,940,931	1,940,931	0	1,940,931
Switzerland	804,092	0	804,092	804,092	0	804,092
United Kingdom	1,338,280	575,000	1,913,280	1,334,227	502,500	1,836,727
Total	17,461,842	690,000	18,151,842	17,427,233	615,127	18,042,360

¹ The supplementary programme figures apply to the Supplementary Appeal for the Iraq Operation.
Note: The supplementary programme budget does not include a 7 per cent charge (support costs) that is recovered from contributions to meet indirect costs for UNHCR.