



An asylum board in Greece reviews the applications of asylum-seekers. More than 47,000 persons were waiting for a decision on their asylum claim at the end of 2010.



4 Asylum and Refugee Status Determination

THIS CHAPTER presents main trends in individual asylum applications lodged in 2010, with an overview of decisions. It does not include information on mass influxes of refugees nor on those granted refugee status on a group or *prima facie* basis.⁶⁴

Since UNHCR conducts refugee status determination (RSD) under its mandate in a significant number of countries, this chapter makes specific reference to challenges relating to staffing UNHCR's RSD operations. It also provides information on recent trends with respect to unaccompanied and separated children.

Although the concepts of "asylum" and "refugee status" are sometimes used interchangeably, it should be recalled that asylum can only be granted by States. While UNHCR may recog-

nize refugee status under its mandate, it cannot provide asylum.

Responsibility for refugee status determination

The number of countries reporting RSD statistics to UNHCR has increased in recent years, mainly due to the addition of a number of Caribbean and Pacific islands. In 2010, 167 countries or territories reported this type of statistics to UNHCR, as opposed to 148 in 2002.

Of the 167 reporting countries or territories, States were solely responsible for carrying out refugee status determination in 100 countries (59%). UNHCR was the only responsible body for RSD in 46 countries (28%). A shared responsibility was reported

Who is an asylum-seeker?

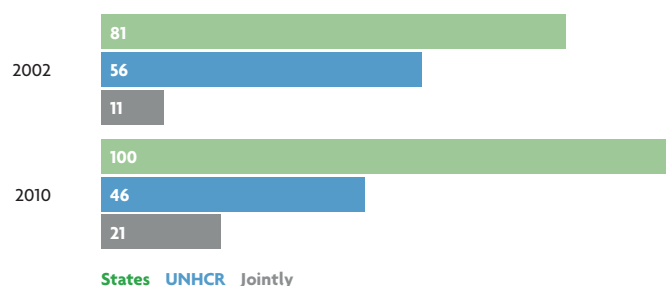
An asylum-seeker is an individual seeking international protection, whose claim for refugee status has not yet been determined.

As part of internationally recognized obligations to protect refugees on their territories, countries of asylum are responsible for determining whether an asylum-seeker is a refugee or not. This responsibility is often incorporated into national legislation and is derived from the 1951 Convention Relating to the Status of Refugees and other international human rights instruments.

for 21 countries (13%).⁶⁵ This included RSD procedures implemented jointly by UNHCR and governments as well as cases where RSD procedures were implemented in parallel by UNHCR, for reasons related to protection and/or durable solutions.

Fig. IV.1

Responsibility for refugee status determination



⁶⁴ The decision not to record in asylum statistics people who were granted refugee status under UNHCR's mandate on a *prima facie* basis has been made to allow a direct comparison between State and UNHCR refugee status determination procedures. It should be noted, however, that UNHCR procedures that provide for refugee status recognition on a *prima facie* basis generally go beyond the mere registration of applicants and usually involve screening and interviewing to establish the nationality of the applicants, the absence of likely reasons for exclusion and the identification of specific protection needs.

⁶⁵ In countries where RSD is conducted either by the government or jointly by the government and UNHCR, the Office may occasionally carry out RSD under its mandate in parallel procedures for reasons related to protection and/or durable solutions.

It is UNHCR's objective to strengthen States' capacity to conduct refugee status determination. Over recent

years UNHCR has handed over the responsibility for assessing asylum claims to a number of States. While in

2002 UNHCR was responsible for assessing asylum claims in 56 countries, this number had dropped to 46 in 2010.

Global trends

APPLICATIONS

During 2010, at least 850,200 individual applications for asylum or refugee status were submitted to governments or UNHCR offices in 167 countries or territories. This constituted a 10 per cent decrease compared to the previous year (948,400 claims) and the first drop after three consecutive annual increases. This development was in line with the trend observed in industrialized countries in 2010, when numbers of asylum applications also dropped.⁶⁶ Of the total 850,200 asylum claims, an estimated 728,000 were initial applications⁶⁷ lodged in first instance procedures, while the remaining 122,200 claims were on appeal or with courts.⁶⁸

UNHCR offices registered some 96,800 applications out of the total of 850,200 claims in 2010, some 22,300 less than in 2009 (119,100 claims). UNHCR's share of global applications registered stood at 11 per cent in 2010, compared to 13 per cent in 2009.

Europe remained the primary destination for individual asylum-seekers with 373,700 asylum claims registered. It was followed by Africa (270,000).⁶⁹

TABLE IV.1 New and appeal applications received | 2008-2010

	2008	2009	2010
States*	765,800	803,300	747,200
UNHCR	73,400	119,100	96,800
Jointly**	36,100	26,000	6,200
Total	875,300	948,400	850,200

% UNHCR only: 2008: 8%, 2009: 13%, 2010: 11%

Note

* Includes revised estimates.

** Refers to refugee status determination conducted jointly between UNHCR and the Government.

These two regions accounted for 44 and 32 per cent respectively of all claims. The Americas and Asia recorded 117,400 and 77,600 claims respectively, and Oceania received 11,500 asylum-seekers. Figures included applicants who were unsuccessful at first instance, and subsequently filed an appeal.

With 180,600 asylum claims registered in 2010, South Africa was for the third year running the main destination of new asylum-seekers worldwide. As such, it also accounted for one fifth of individual applications globally. Although the 2010 figure was 19 per cent lower than in 2009

(222,300 claims) it was still four times higher than in 2007 (45,600 claims). As in previous years, Zimbabweans accounted for the vast majority of all claims submitted in 2010 (146,600 applications or 81 per cent).

In second position was the United States of America with an estimated 54,300 applications.⁷⁰ The number of new asylum claims lodged in the United States of America went up by 13 per cent in 2010, mainly owing to Chinese and Mexican asylum-seekers. France was the third largest recipient during 2010 (48,100 claims), recording a 14 per cent increase compared to 2009 (42,100

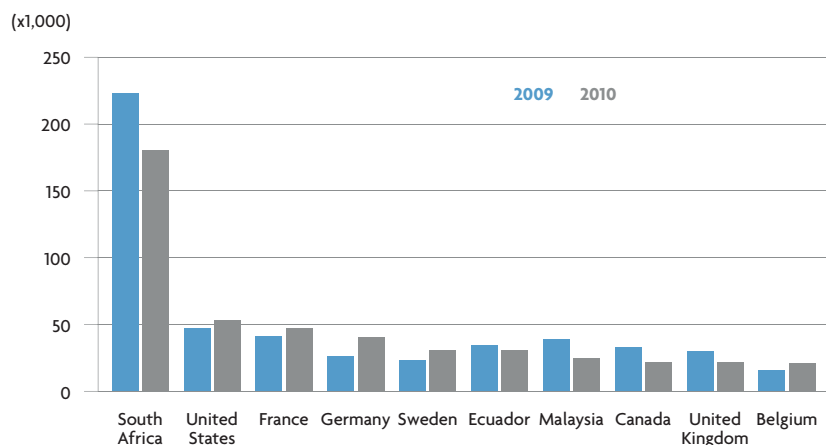
⁶⁶ For a detailed analysis of asylum trends in industrialized countries, see *Asylum Levels and Trends in Industrialized Countries, 2010*, UNHCR Geneva, March 2011, available at: <http://www.unhcr.org/statistics>.

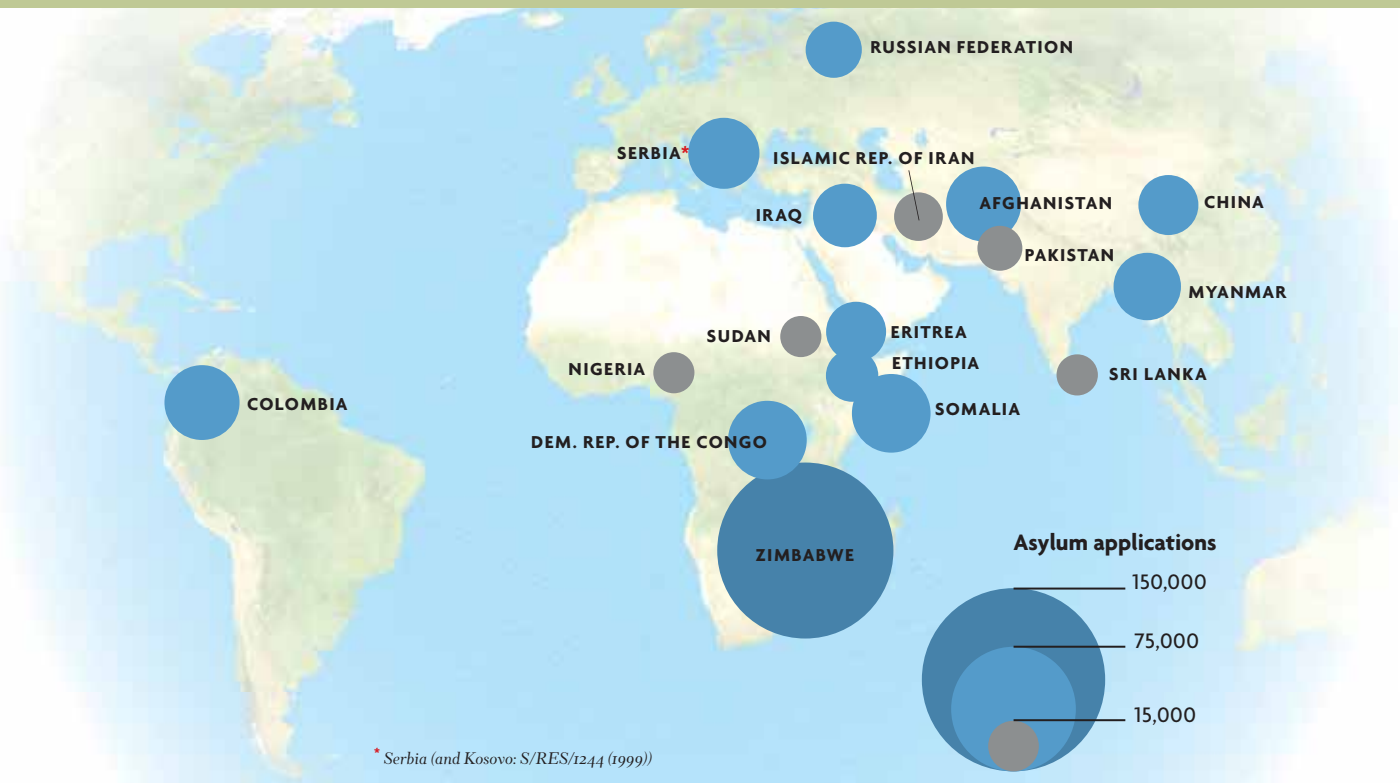
⁶⁷ Although reporting on new asylum applications has improved in recent years, in particular in Europe, data includes a significant number of repeat claims, in which the applicant submitted at least one previous application in the same or another country.

⁶⁸ Statistical information on outcomes of asylum appeals and court proceedings is under-reported in UNHCR statistics, as this type of data is often not collected by States or not published separately.

⁶⁹ The geographical regions used are those of the United Nations Statistics Division, Department of Economic and Social Affairs, *World Migration Report 2010*, (Geneva, 2010), p. 14. The number of new "defensive" asylum requests lodged with the U.S. Executive Office of Immigration Review (14,500, reported by individuals).

Fig. IV.2 Main destination countries for new asylum-seekers | 2009-2010





claims), the third consecutive rise. The increase in 2010 was partly attributed to a higher number of asylum-seekers from Georgia (+188%), Bangladesh (+118%), and Haiti (+38%). Germany was the fourth most important destination country for new asylum-seekers in 2010, with more than 41,300 asylum claims registered. This was a 49 per cent increase compared to 2009 (27,000 claims) and the highest since 2003. The increase in 2010 was partly attributed to a higher number of asylum-seekers from Serbia (and Kosovo: S/RES/1244 (1999)) and The former Yugoslav Republic of Macedonia, many of Roma origin. This may be the result of the European Union having waived visa requirements for both countries at the beginning of 2010. Sweden ranked fifth with 31,800 applications received during the year. This constituted a 32 per cent increase compared to 2009, and the third highest figure in 15 years.

Other important destination countries for asylum-seekers were Ecuador (31,400), Malaysia (25,600), the United Kingdom (22,600), Canada (22,500),⁷¹ and Belgium (21,800).

In 2010, UNHCR offices received 89,500 new applications for refugee status and 7,300 on appeal or for review. For the third year in a row the office in Malaysia received the larg-

est number of new requests (25,600). Kenya came second (19,300 new claims), followed by Turkey (9,200), India (4,000), and Indonesia (3,900). UNHCR offices in Kenya, Turkey, Indonesia, Yemen and Cameroon faced increases in application numbers, while operations in India, Libya, and Malaysia experienced decreases.

Altogether, the top five UNHCR offices receiving asylum applications registered about 70 per cent of all new claims in 2010. Moreover, 90 per cent of UNHCR's refugee status determination work (in terms of applications received) was concentrated in 11 countries.

Under combined UNHCR and State asylum procedures, the highest number of new asylum claims was filed by individuals originating from Zimbabwe (149,400), Somalia (37,500), the Democratic Republic of the Congo (35,600), Afghanistan (33,500), Colombia (32,300), Serbia (and Kosovo: S/RES/1244 (1999)) (30,500), and Myanmar (27,900) (see Map 4 above).

As in previous years, these overall figures masked patterns of certain nationalities clustering in a limited num-

ber of countries. For instance, 9 out of 10 Zimbabwean asylum claims were lodged in South Africa alone. Two-thirds of all new asylum claims lodged by nationals of Serbia (and Kosovo: S/RES/1244 (1999)) were submitted in Sweden (7,900) and Germany (6,600), while more than half of all Somali requests were submitted in South Africa (6,000), Sweden (5,600), Uganda (5,200), and Ethiopia (4,200). Even though asylum-seekers from Colombia sought protection in more than 40 countries, 8 out of 10 requested refugee status in Ecuador.⁷²

TABLE IV.2 New asylum claims lodged in top 10 UNHCR offices* | 2010

Country	Total
Malaysia	25,600
Kenya	19,300
Turkey	9,200
India	4,000
Indonesia	3,900
Yemen	3,700
Cameroon	3,300
Syrian Arab Republic	3,200
Jordan	2,900
Egypt	2,600

Note

* Excludes appeal/review claims.

⁷¹ Source: Immigration and Refugee Board (IRB) Canada.

⁷² Rather than reflecting a large influx of Colombian asylum-seekers, these figures are the result of the submission of asylum claims following the enhanced registration exercise conducted in Ecuador in 2010.

Decisions

Available data indicate that some 579,000 decisions on individual asylum applications were rendered during 2010. UNHCR adjudicated 61,100, or 11 per cent of the total – similar to its share in 2009. In 10 countries, some 5,200 substantive decisions were taken in joint UNHCR and State procedures. All these figures exclude cases which were closed for administrative reasons⁷³ without a decision on the substance. In 2010, at least 153,300 cases were closed in this way.

Some 223,000 asylum-seekers were recognized as refugees (175,200) or given a complementary form of protection (47,800) in the course of 2010. This number includes an estimated 22,700⁷⁴ individuals who initially received a negative decision, which was subsequently overturned at the appeal or review stage. Instances where the percentage of decisions overturned at the appeal stage was particularly high may indicate deficiencies in national asylum procedures.

Some 356,000 claims were rejected on substantive grounds. This number included negative decisions at the first instance which may have been appealed. Asylum-seekers who were rejected at first and second instance may have been counted twice in this figure.

At the global level (UNHCR and State asylum procedures combined), the Refugee Recognition Rate (RRR) corresponded to an estimated 30 per cent of all substantive decisions taken during 2010, while the Total Recognition Rate (TRR) was 39 per cent.⁷⁵ Both rates were below those of 2009 (38 per cent for RRR and 47 per cent for TRR).

TABLE VI.3 Substantive decisions taken | 2008-2010

	2008	2009	2010
States	468,900	512,300	512,700
UNHCR	46,800	69,200	61,100
Jointly*	31,200	21,000	5,200
Total	546,900	602,500	579,000
% UNHCR only	9%	11%	11%

Note

* Refers to refugee status determination conducted jointly between UNHCR and the Government.

Global recognition rates remain indicative as some States have not reported the relevant data, and the proportion of positive decisions may in reality be higher, since decisions for persons rejected on appeal may be counted twice. Among the main receiving industrialized countries, Switzerland and Finland had the highest TRR at the first instance in 2010 (73% and 61%, respectively). Among the main countries of origin of asylum-seekers in 2010, those originating from Eritrea, Myanmar and Somalia had TRRs of around or over 80 per cent. Recognition rates were also high for asylum-seekers from Colombia (64%), the Democratic Republic of the Congo (61%), Ethiopia (56%), Iraq (54%), Afghanistan (50%), and the Islamic Republic of Iran (49%).

By the end of the year, more than 837,500 individuals around the world were still awaiting decisions on their asylum claims. This figure included people at all stages of the asylum process, but the precise number of undecided asylum cases was unknown as many countries do not report this information.

In focus: Staffing UNHCR's RSD operations

UNHCR is required to carry out RSD in diverse and complex operational environments, in which the unpredictability of population movements presents planning challenges. RSD remains a resource-intensive protection activity that requires a workforce with specialized knowledge and skills. Ensuring appropriate staffing levels and expertise is therefore key to achieving timely and accurate adjudication of refugee claims.

In 2010, UNHCR developed RSD Staffing Benchmarks to assist managers in assessing and projecting staffing needs, based on estimates of the number and profile of asylum-seekers approaching UNHCR offices. They also covered existing backlogs of pending asylum applications, case-processing strategies and processing rates. The use of these benchmarks assisted UNHCR to assess staffing gaps more precisely and confirmed the over-reliance on affiliate staff to address capacity shortfalls in many of UNHCR's RSD operations.

Affiliate workforce arrangements represent a flexible and cost-effective way of maintaining adequate human resource levels in rapidly changing operational contexts, permitting swift recruitment of qualified staff to minimize instability in the operations concerned. Affiliate workforce

⁷³ Decisions also qualified as “non-substantive” may result from, the death of the applicant, no-show for interview, withdrawal of the application, abandonment of the claim, or the determination that another country is responsible for the claim (‘Dublin II’ procedure).

⁷⁴ This figure is likely to be substantially higher as significant numbers of decisions rendered by States at the appeal or review stage of the asylum procedure are not available.

⁷⁵ In the absence of an internationally agreed methodology for calculating recognition rates, UNHCR uses two rates to determine the proportion of refugee claims accepted during the year. The **Refugee Recognition Rate** divides the number of asylum-seekers granted Convention refugee status by the total number of substantive decisions (Convention status, complementary protection, and rejected cases). The **Total Recognition Rate** divides the number of asylum-seekers granted Convention refugee status and complementary form of protection by the total number of substantive decisions (Convention status, complementary protection, and rejected cases). Non-substantive decisions are, to the extent possible, excluded from both calculations. For the purpose of global comparability, UNHCR only uses these two recognition rates and does not report rates calculated by national entities.

arrangements for RSD are frequently associated with high turnover and operational inefficiencies resulting from unfilled positions and the recruitment, training and deployment of substitute RSD staff. Maintaining the appropriate balance between the affiliate workforce and regular UNHCR staff in RSD operations helps provide the organization with enhanced expertise among regular UNHCR staff in this core protection function.

Between 2006 and 2010, the number of RSD staff increased progressively. In 2006, 300 staff conducted RSD, of which 140 persons were full-

time. In 2010, 360 staff conducted RSD, of which 200 persons were full-time. This overall increase was accompanied by a proportionally greater increase of affiliate staff. While in 2006, 70 full-time RSD staff were employed under temporary contracts, by 2010, this number had increased to 110 persons, including affiliate staff filling regular positions.

To address sudden shortfalls in RSD capacity, the RSD Unit of the Division of International Protection at UNHCR Headquarters maintains a deployment scheme whereby experienced RSD consult-

ants can be deployed to operations at short notice. Every year, on average 20 consultants are deployed to approximately 10 RSD operations. In 2010, UNHCR also extended its strategic partnerships with governments with recognized RSD expertise, including the Canadian Immigration and Refugee Board (IRB) and the Office Français de Protection des Réfugiés et Apatrides (OFPRA). Under related agreements, IRB and OFPRA experts can be deployed to UNHCR's RSD operations to providing expert advice and assisting in case processing. ■



Unaccompanied and separated children seeking asylum

Collecting accurate and reliable statistics on unaccompanied or separated children (UASC) seeking asylum is critical given the special protection and assistance needs. Since 2006, UNHCR has systematically collected data on UASC claiming asylum including their age, sex and country of origin (the latter since 2007). Despite these efforts, the global number of UASC who annually submit individual asylum claims remains unknown. One of the reasons for the lack of global data on UASC relates to the lack of proper registration mechanisms in place to identify UASC who seek international protection. Where they do exist, data may not be disaggregated by sex and age. In addition, UASC may not be aware or adequately informed of the possibility to seek asylum.

If authorities have doubts about the age declared by the asylum-seeking child, they might initiate age assessments. However, these procedures bear a level of uncertainty and can therefore not

be considered as fully conclusive. Major receiving countries of asylum-seekers such as Canada, South Africa, and the United States of America do not provide information on UASC seeking asylum. These various factors impede the collection and comparison of global data.

In 2010, more than 15,600 asylum applications were lodged by unaccompanied and separated children in 69 countries, constituting some 4 per cent of the total number of asylum claims lodged there. This was consistent with the percentage observed in 2009. In absolute terms, however, the number of UASC seeking asylum decreased compared to 2009, when 18,700 claims were lodged in 71 countries, in line with the overall decrease in the global number of asylum-seekers recorded.

Europe received 11,900 or 76 per cent of the 15,600 UASC claims. In 2010 Sweden and Germany received the greatest number, with 2,400 and 1,900 respectively. The United Kingdom

received 1,700 UASC asylum claims in 2010. While in Sweden and particularly in Germany, figures went up significantly (+6% and +49% respectively), in the United Kingdom it dropped by almost half (-43%). Kenya and India were important destination countries for UASC outside Europe, with 1,100 (+209%) and 430 (-10%) asylum claims respectively.

Available information indicates that 5,400 unaccompanied and separated children were recognized as refugees or granted a complementary form of protection in 2010. This figure was lower than in 2009 (7,700 positive decisions). Europe accounted for 68 per cent of all positive decisions rendered.

It is often unaccompanied or separated boys who sought asylum, in particular in industrialized countries where about two-thirds of all UASC are male. Their number has been on the rise compared to only a few years ago. In developing countries, however, the sex distribution is more balanced.

Available information on the country of origin of UASC has confirmed the trend observed earlier in that mainly Afghan and Somali children applied for asylum. These two nationalities accounted for almost half of all UASC claims in 2010. UASC from Afghanistan submitted 4,900 asylum claims in 32 countries, mainly in Sweden (1,150), Germany (800), and the United Kingdom (550).

More than 1,600 asylum claims were lodged by Somali UASC in 2010, of which one third were submitted in Sweden (530). Others were from Myanmar (770 claims), Sudan (740), Iraq (650), and the Democratic Republic of the Congo.

Average recognition rates for UASC in 2010 were high in countries where data was available. For Afghans, Eritreans and Somalis, the total recognition rate was above 80 per cent. For UASC from Myanmar the rate was even higher at 99 per cent, while for Iraqi UASC, the rate was lower at 47 per cent.