



These asylum-seekers have been forced to occupy a former slaughterhouse in Dijon, France due to an acute shortage of accommodation for asylum-seekers in the country. The former meat-packing plant, dubbed the “refugee hotel”, is home to about 100 asylum-seekers, mostly from Chad, Mali and Somalia. They find it difficult to cope in such a destitute situation.



5 Asylum and Refugee Status Determination

Introduction

ALTHOUGH THE 1951 CONVENTION relating to the Status of Refugees does not establish procedures for determining refugee status, fair and efficient procedures are an essential element in the full and inclusive application of the Convention. Despite the fact that some 150 countries have acceded to the 1951 Convention and/or its 1967 Protocol, asylum policies and practices are far from harmonized, and national asylum statistics are thus sometimes difficult to compare.

In many countries, UNHCR supports refugee status determination (RSD). This assistance may take the form of legal training and advice, attending hearings, or drafting asylum laws. In the absence of national procedures, or where no fair and efficient procedures exist, UNHCR may

conduct refugee status determination under its mandate. In most industrialized countries, where UNHCR plays a limited role in the asylum process, asylum statistics are essential for monitoring purposes.

For the 175 countries and territories for which information was available for 2013, governments were responsible for refugee status determination in 103 countries (59%) and UNHCR was responsible in 50 countries (29%). In addition, UNHCR conducted mandate RSD in parallel to government and/or joint RSD procedures in 25 countries/territories (12%). This was in particular the case in contexts where government RSD procedures did not ensure access to procedures for all asylum-seekers or where mandate RSD provided the basis for a durable solution (notably resettlement).

This chapter looks at the various components forming the RSD process. The first section analyses levels and trends in the number of asylum applications submitted worldwide. The next sections examine the adjudication process from a statistical perspective, while also providing an overview of asylum applications lodged by unaccompanied and separated children. It is important to note that this chapter does not include information on mass influxes of refugees, nor on those granted refugee status on a group or *prima facie* basis.

In this report, the terms 'asylum' and 'refugee status' are used interchangeably. Strictly speaking, however, territorial asylum can be provided only by States. UNHCR may recognize refugees under its mandate, but it cannot provide asylum.

Global trends

APPLICATIONS

At least 1,079,700 individual applications for asylum or refugee status were submitted to governments or UNHCR in 167 countries or territories during 2013, the highest level of the past decade. While this figure constituted a 16 per cent increase in asylum claims globally compared to 2012 (929,700 claims), the increase in industrialized countries was an estimated 28 per cent.⁸⁰ An estimated 916,900 of these were initial applications⁸¹ submitted at 'first instance' procedures, while 162,900 were submitted on appeal, including to courts.⁸² Some 67 countries received more than 1,000 new asylum claims in 2013, compared to 68 a year earlier.

TABLE 5.1 New and appeal applications registered | 2011 - 2013

	2011	2012	2013
State*	734,100	781,400	870,700
UNHCR	98,800	125,500	203,200
Jointly**	31,700	22,800	5,800
Total	864,600	929,700	1,079,700
% UNHCR only	11%	13%	19%

Note

* Includes revised estimates.

** Refers to refugee status determination conducted jointly by UNHCR and governments.

In 2013, UNHCR offices registered a record-high 203,200 individual asylum applications. This was significantly more than during 2011 (98,800) and 2012 (125,500). These high levels

also increased the Office's share in the global number of individual asylum applications registered, from 11 per cent in 2011 to 19 per cent two years later.

NEW INDIVIDUAL ASYLUM APPLICATIONS REGISTERED

By country of asylum

With 109,600 new asylum applications registered during 2013, Germany was for the first time since 1999 the world's largest single recipient of new asylum claims. This figure is 70 per cent higher than that recorded a year earlier (64,500) and the sixth consecutive annual increase. The 2013 level is partly attributable to a higher number of applicants from the Russian Federation

(14,900 claims), Serbia (and Kosovo: S/RES/1244 (1999)) (14,900 claims), and the Syrian Arab Republic (11,900 claims) requesting international protection in Germany. Overall, the Russian Federation was the top country of origin of asylum-seekers in Germany, followed by Serbia (and Kosovo: S/RES/1244 (1999)) and the Syrian Arab Republic.

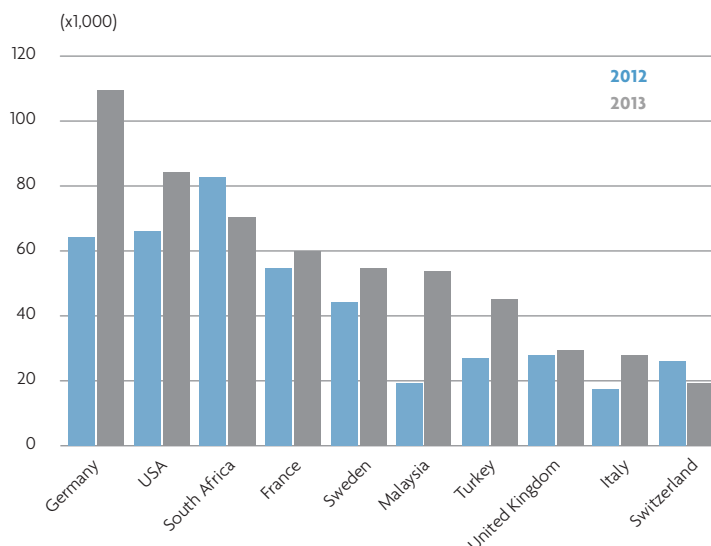
The United States of America received the second largest number of

individual asylum applications in 2013 with an estimated 84,400 claims registered, a 19 per cent increase (+13,700 claims) from the year before.⁸³ Asylum-seekers from the Syrian Arab Republic (+125%), Honduras (+50%), Egypt (+25%), and El Salvador (+24%), among others, accounted for this increase. China remained the main country of origin for asylum-seekers in the United States of America with 12,300 claims, followed by Mexico (10,700) and El Salvador (5,700).

With 70,000 new asylum claims registered in 2013, South Africa ranked third. This figure was 12,000 claims less than in 2012 (-15%). Asylum levels

Fig. 5.1

Main destination countries for new asylum-seekers | 2012 - 2013



⁸⁰ For a detailed analysis of asylum trends in industrialized countries, see *Asylum Levels and Trends in Industrialized Countries*, 2013, UNHCR Geneva, March 2014, available at: <http://www.unhcr.org/5329b15a9.html>.

⁸¹ The data for some countries includes a significant number of repeat claims, i.e. the applicant has submitted at least one previous application in the same or another country.

⁸² Statistical information on outcomes of asylum appeals and court proceedings is under-reported in UNHCR's statistics, particularly in industrialized countries, because this type of data is often either not collected by States or not published separately.

⁸³ Estimated number of individuals based on the number of new cases (45,370) and multiplied by 1.356 to reflect the average number of individuals per case (Source: US Department of Homeland Security); and number of new 'defensive' asylum requests lodged with the Executive Office of Immigration Review (22,870, reported by individuals).

have gradually dropped from South Africa's 2009 peak of 222,300 claims. As in past years, Zimbabweans again lodged the majority of new asylum claims in 2013 (16,400).

France was the fourth largest recipient of new applications, with 60,200 new asylum requests registered during 2013. This is a 9 per cent increase compared to 2012 (55,100 claims) and the highest figure since 1989 (61,400 claims). The increase in 2013 is partly attributed to a higher number of asylum-seekers from Serbia (and Kosovo: S/RES/1244 (1999)) (+48%), Albania (+89%), and Bangladesh (+181%). Overall, Serbia (and Kosovo: S/RES/1244 (1999)) was the top country of origin of asylum-seekers in France with about 5,900 applications, followed by the Democratic Republic of the Congo (5,300 claims), Albania (5,000 claims), and the Russian Federation (4,700 claims).

Sweden ranked fifth with 54,300 asylum applications received during the year, a 24 per cent increase compared to 2012 (43,900 claims). In addition, 2013 saw Sweden's second highest number of claims on record, exceeded only in 1992 when more than 84,000 persons, many of them fleeing the former Yugoslavia, requested asylum in the country. In part, this increase is a result of the more than doubling of asylum applications from the Syrian Arab Republic, from 7,800 in 2012 to 16,300 in 2013. Since the outbreak of violence in the Syrian Arab Republic in early 2011, close to 24,700 Syrians have sought international protection in Sweden, making it the main recipient of Syrian asylum-seekers in Europe. During the same period, the number of asylum applicants reported as being stateless by the Swedish Migration Board tripled from 2,300 to 6,900 applications.

Other important destination countries for asylum-seekers were Malaysia (53,600 claims), Turkey (44,800),⁸⁴ the United Kingdom (29,900), Italy (25,700), and Switzerland (19,400).

In 2013, UNHCR's offices registered 194,600 new individual applications for refugee status and 8,600 on appeal or for review. The office in Malaysia received the largest number of new requests (53,600), followed by Turkey (44,800),

Kenya (19,200), Egypt (10,800), and Indonesia (8,300). With the exception of Kenya, which saw a four per cent decrease in individual asylum applications, the top 10 receiving countries experienced an increase in individual asylum applications. The top five UNHCR offices receiving asylum applications in 2013 registered 70 per cent of all new claims for the year. In terms of new applications registered, four-fifths of UNHCR's refugee status determination work was concentrated in just eight countries.

● By origin

Out of the 916,900 initial applications registered with either UNHCR or States worldwide during 2013, Syrians lodged 64,300 claims – on average, every 14th claim. Syrian asylum-seekers were reported by more than 100 countries or territories, underscoring this population's global dimension. However, excluding the Middle East region, where Syrians enjoy temporary protection, the largest number of Syrian asylum claims was concentrated in Europe, notably Sweden (16,300), Germany (11,900), Bulgaria (4,500), and the Netherlands (2,700).

Asylum-seekers from the Democratic Republic of the Congo filed the second highest number of new applications (60,500), mainly in Rwanda (13,000), Burundi (10,100), Uganda (9,800), and South Africa (7,200). These were followed by individuals originating from Myanmar (57,400), Afghanistan (49,000), Iraq (45,700), the Russian Federation (39,900), Somalia (35,200), Eritrea (34,800), Serbia (and Kosovo: S/RES/1244 (1999)) (34,600), and Pakistan (33,600). Out of the top 10 countries of origin for asylum applications, eight were facing war, conflict, or gross human rights violations in 2013. Overall, the top five countries of origin accounted for almost a third of all new asylum claims submitted in 2013.

TABLE 5.2

New asylum claims registered in top 10 UNHCR offices* | 2013

Country	2012	2013
Malaysia	19,400	53,600
Turkey**	26,500	44,800
Kenya	20,000	19,200
Egypt***	6,700	10,800
Indonesia	7,200	8,300
Jordan	2,500	6,700
Yemen	3,400	6,100
Cameroon	3,500	5,800
India	2,900	5,600
Libya	4,500	5,600

Notes

* Excluding appeal/review claims.

** Includes asylum-seekers registered with UNHCR as well as asylum-seekers who have been pre-registered but who are pending official registration with UNHCR.

*** Includes appeal claims.

⁸⁴ The 2013 figure includes asylum-seekers registered with UNHCR as well as asylum-seekers who have been pre-registered but who are pending formal registration with UNHCR. The 2012 figure for Turkey has been revised to include all asylum-seekers, both those pre-registered and those registered on a monthly basis with UNHCR.

Unaccompanied or separated children (UASC) seeking asylum

The available data indicate that the number of unaccompanied or separated children seeking asylum on an individual basis is on the rise. Some 24,700 individual new asylum applications were lodged by UASC in 77 countries in 2013, far more than in previous years. At the same time, 78 countries reported that they had not registered a single asylum claim by an unaccompanied or separated child during the year. In addition, a number of important recipients of asylum-seekers were not able to report this information, including South Africa and the United States of America.

The number of UASC seeking asylum increased compared to 2012 (21,900 claims in 73 countries), 2011 (18,000 claims in 71 countries), and 2010 (15,500 claims in 71 countries). The 2013 level constituted about 4 per cent of the total number of asylum claims lodged in these 77 countries. Despite fluctuations in the global number of asylum claims registered over the past years, this proportion has remained consistent with the percentage observed in the past six years (4% each). Much of the increase in 2013 came from just one country: Kenya. Here, some 4,600 UASC were registered by UNHCR, two-thirds (3,100) of them being boys and girls originating from South Sudan.

Besides Kenya, Sweden and Germany registered the greatest number of UASC new asylum claims, with 3,900 and 2,500, respectively. Malaysia (1,400 UASC claims), the United Kingdom (1,300), and Norway (1,100) were other important recipients of UASC applications. The number of UASC asylum claims in the United States of America is believed to be relatively significant, though official statistics are unfortunately not available.* Likewise, data on UASC for South Africa, the largest recipient of new asylum applications on the continent, are not available.

The available information indicates that more than 7,100 unaccompanied or separated children were recognized in 2013 as refugees or granted a complementary form of protection in 44 countries. This figure appears to be higher than during the period 2010–2012, when on average some 5,300 UASC were granted a positive decision on their asylum claim. Roughly two-thirds of all decisions taken on UASC claims during the year led to the granting of refugee status or another form of protection, with the proportion between the two almost evenly split.

South Sudan was one of the main countries of origin of UASC in 2013 with close to 3,100 asylum claims registered, virtually all of them in Kenya. Besides this group, Afghan and Somali boys and girls continued to be the dominant groups, with the former lodging about 4,500 asylum claims and the latter lodging 2,500. The Democratic Republic of the Congo, Myanmar, and Eritrea were other important groups among UASC asylum claims, with 1,800, 1,500, and 1,200 applications recorded in 2013, respectively. Some 1,500 Syrian UASC were registered during the year, two-third of them in Sweden (400), Germany (290), Egypt (190), and Serbia (and Kosovo: S/RES/1244 (1999)) (160).

Average recognition rates among all of these groups were at above 80 per cent. In the case of Eritrea, Syrian Arab Republic, and Myanmar, this figure was above 90 per cent. ●

* See Children on the Run, http://www.unhcrwashington.org/sites/default/files/UAC_UNHCR_Children_on_the_Run_Full_Report.pdf

Decisions

Available data indicate that States and UNHCR rendered 662,800 substantive decisions on individual asylum applications during 2013. These figures do not include cases that were closed for administrative reasons with no decision issued to the applicant.⁸⁵ Of this number, UNHCR staff adjudicated 72,100 substantive decisions, 11 per cent of the total. This constitutes the highest such figure in recent history and significantly more than in 2012 (8%). Data relating to individual decisions are incomplete, how-

ever, as a few States did not release all of their official statistics. The 2013 decision-related data quoted in the Yearbook are therefore not fully comparable with previous years.

Some 286,500 asylum-seekers were either recognized as refugees (213,700) or granted a complementary form of protection (72,800) during 2013. This number includes an estimated 20,000⁸⁶ individuals who initially received negative decisions on their asylum claims but which were subsequently

⁸⁵ If an asylum-seeker withdraws or abandons his or her asylum application, or if an asylum-seeker dies before issuance of a substantive decision, the asylum application is, in most national statistics, recorded as having been closed for administrative reasons and therefore reported as 'Otherwise closed' in UNHCR statistics. This is also applicable to so-called 'Dublin II' cases in Europe, whereby the responsibility for the adjudication of an asylum claim is transferred to the country responsible in accordance with the Regulation criteria. In 2013, a total of 213,900 closed cases were reported to UNHCR.

⁸⁶ This figure is likely to be substantially higher, as a significant number of decisions rendered by States at the appeal or review stage of the asylum procedure have not been released.

TABLE 5.3 Substantive decisions taken | 2011 - 2013

	2011	2012	2013
State*	518,200	627,200	590,200
UNHCR	52,600	54,400	72,100
Jointly**	6,500	18,200	500
Total	577,300	699,800	662,800
% UNHCR only	9%	8%	11%

Notes

* Includes revised estimates.

** Refers to refugee status determination conducted jointly by UNHCR and governments.

overturned at the appeal or review stage. By contrast, some 376,200 claims were rejected on substantive grounds, a number that includes negative decisions both at the first instance and on appeal. Asylum-seekers rejected both at first and appeal instances may be reported twice, depending on methods used by governments for reporting asylum decisions.

On a global level, Sweden recognized the largest number of asylum-seekers (26,800), followed by the United States of America (21,200, during the US fiscal year), Germany (20,100), Malaysia (14,500), Italy (14,400), Rwanda (14,300), and Turkey (14,200).

REFUGEE RECOGNITION RATES (RRR)

At the global level (UNHCR and State asylum procedures combined), the Refugee Recognition Rate (RRR) amounted to an estimated 32 per cent of all decisions taken during 2013. The Total Recognition Rate (TRR), on the other hand, was 43 per cent.⁸⁷ Both values are significantly higher than the rates in 2012, which amounted to 30 per cent for RRR and 37 per cent for TRR. This trend reflects a continued increasing demand for international protection throughout the year.

In 2013, among the main receiving industrialized countries, where States are responsible for conducting refugee status determination, Switzerland, Sweden, Norway, and Italy had the

highest TRR at the first instance. This figure ranged from 68 per cent (Switzerland and Sweden) to 61 per cent (Italy). Among the countries listed in Table 5.2, where UNHCR is conducting refugee status determination, TRRs in 2013 were above 70 per cent in eight of the 10 main receiving operations. Cameroon and Yemen were the only exceptions, with TRRs of 22 and 48 per cent, respectively.

In UNHCR and State asylum procedures combined, the TRRs for persons from the Syrian Arab Republic, Myanmar, South Sudan, and Eritrea were highest in 2013, with around or over 90 per cent of cases being recognized at the first instance. Recognition rates were also high for asylum-seekers from Somalia (82%), Iraq (79%), the Democratic Republic of the Congo (74%), Sudan (69%), the Islamic Republic of Iran (67%), and Afghanistan (65%). In contrast, among the top 10 countries of origin for asylum-seekers in 2013, the TRR was comparatively low for persons from the Russian Federation (28%), Pakistan (22%), and Serbia (and Kosovo: S/RES/1244 (1999)) (5%).

By the end of the year, close to 1.2 million individuals awaited decisions on their asylum claims, a figure that includes applicants at any stage of the asylum procedure. This was the highest such number in many years. The significant increase is partly due to the fact that some government agencies were reporting these figures to UNHCR for the first

time in many years, including the United States Executive Office for Immigration Review. This comparably higher backlog of asylum-seekers is also due to the larger number of asylum-seekers registered during 2013 in countries where decision-making bodies did not succeed in adjudicating all applications within a reasonable timeframe. It should be noted that despite improved statistical reporting on pending asylum applications, the true number of undecided asylum cases is unknown, as many countries do not report this information. ■

⁸⁷ In the absence of an internationally agreed methodology for calculating recognition rates, UNHCR uses two rates to compute 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 or a 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 authorities.