



AFGHANS SEEKING PROTECTION IN EUROPE

ECRE's compilation of information on evacuations, pathways to protection and access to asylum in Europe for Afghans since August 2021

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Introduction

This document summarises information on past and current evacuation schemes available for Afghans, other pathways to protection, and the treatment of Afghan international protection applicants. The information was collected from ECRE member organisations, the ELENA network and from open source material. It particularly benefited from an overview prepared by JRS Europe.

It is a non-exhaustive overview based on the information available at the moment of compiling the data. The information was collected from August until mid-December 2021. All efforts have been made to ensure that the information is up to date, but please note that some of the measures referred to may have changed in the meantime.

The purpose of the document is to assist others to monitor, analyse and influence the issues covered in the document. The information or views it contains do not necessarily represent ECRE's position.

The data provided per country may differ depending on the availability of information. This is due to the limited publicly available information in most of the European countries covered by this publication.

The document is structured into three chapters:

- > The first chapter provides an overview of past evacuation schemes, meaning those started during August 2021 and in operation until the end of August 2021, and which were operated directly from Kabul, and subsequent evacuation schemes that have been in place since then, consisting of indirect evacuations through Pakistan or Iran or from Kabul via Qatar. It also provides information about procedures on arrival and, where applicable, the status that Afghans are granted.
- > The second chapter focuses on pathways to protection for Afghans beyond the evacuation schemes for those previously identified as being at risk. It covers the availability of humanitarian visas, access to family reunification, and resettlement schemes.
- > The final chapter deals with the treatment of Afghans who were already in Europe by August 2021, covering access to asylum, treatment of asylum applications, detention practices, and reception conditions.

The document does not seek to analyse the actions of the states in question, nor does it provide any sort of critical or qualitative assessment. The purpose is to compile factual and descriptive information insofar as that is available.

MAIN FINDINGS

The response of European governments to the situation which unfolded in Afghanistan in late summer 2021 has been varied. Many governments instigated their own evacuations which included Afghans in August 2021, with France, Germany, Italy, the Netherlands, and the UK evacuating Afghan civilians in their thousands. Evacuations were only undertaken by those countries with the military capacity to do so, with countries such as Cyprus, Portugal, and Slovenia being unable to carry out their own large-scale evacuation due to a lack of military planes. Nevertheless, smaller evacuation programmes were carried out by the majority of European countries, including Belgium, Croatia, the Czech Republic, Denmark, Estonia, Finland, Greece, Hungary, Luxembourg, Norway, Poland, Romania, Spain, Sweden and Switzerland. The number of individuals evacuated from these countries ranged from a handful to approximately one thousand. Austria did not evacuate any Afghans.

The criteria for the evacuation of Afghans differed, but the majority of evacuations were focused on individuals, such as national embassy staff, translators who had cooperated with national militaries, civil society workers including human rights defenders, journalists, EU and NATO employees, and their families, along with their own nationals resident in Afghanistan and their families. In many instances, however, the eligibility criteria for evacuation were not made public or explicit: to illustrate, while **Denmark**'s criteria for evacuation were laid out in a political agreement, in **France** and **Germany** the criteria for evacuation were not published.

In terms of immigration or protection status offered to evacuees, countries including **Belgium**, **Denmark**, **Slovenia and the UK** opted to offer residence permits (whether temporary and renewable, or permanent) rather than protection status, while others including **the Czech Republic**, **Greece**, **Sweden and Switzerland** grant-ed protection status to newly arrived Afghans automatically. **Estonia**, **France**, **Germany**, **Hungary**, **Italy**, **the Netherlands**, **Poland**, and **Spain** required evacuees to make an asylum claim through the usual channels; the authorities in **France** and **Spain** declared their intent to prioritise Afghan evacuees' claims over those of other applicants, whereas the authorities in **Belgium** clarified that files of Afghan evacuees would not be given pri-ority over others.

Direct evacuations and airlifts from Afghanistan ceased on 31 August, but since then indirect evacuations either through Pakistan and Iran, or via Qatar from Kabul have taken place.

Following the evacuations that took place over the summer, fewer countries have initiated pathways for Afghans to continue to seek protection. **Finland**, **Ireland**, **Italy**, **Portugal**, and **the UK** have either existing or planned pathways specifically for Afghans, whether through resettlement schemes or family reunification. **Belgium** has a framework for humanitarian visas and **Germany** intends to establish humanitarian corridors for those fleeing persecution; these routes are not exclusively limited to Afghans and further applicants may also benefit from these schemes. Other countries including **Denmark**, **the Netherlands**, and **Sweden** have pre-ex-isting routes (or, at the time of compiling this report, the intention to create such routes) specifically for those Afghans who cooperated with the respective country's national military or national interests, such as interpret-ers.

Some pathways have been beset with challenges: **Switzerland** has only granted a fraction of the requests it received for humanitarian visas due to issues with passports being accepted by Pakistani authorities, and those with family reunification visas for **France** are not able to leave Pakistan. Other schemes seem to be facing delays: **the UK**'s promise to evacuate a further 5,000 individuals this year and 20,000 individuals in the coming years through an Afghan citizens' resettlement scheme has not materialised, four months after it was announced.

The majority of European countries have suspended returns to Afghanistan at present, either per official policy or on a *de facto* basis.

For asylum applications, countries including **Belgium**, **Denmark**, **Luxembourg**, **the Netherlands**, and **Norway** suspended decision making on Afghan protection claims, while **Ireland** is conducting reviews of all cases. **Finland** suspended the making of negative decisions; positive decisions have not been suspended. **Croatia and France** did not implement a suspension, while **Germany** and **Sweden** recently restarted the processing of Afghan claims following the publication of EASO Guidance in November 2021.

I. PAST AND CURRENT EVACUATION SCHEMES AVAILABLE FOR AFGHANS IN NEED OF PROTECTION OR AFGHAN SERVICE PERSONNEL

AUSTRIA

Austria has not evacuated any individuals from Afghanistan and there are no evacuation schemes currently in place.¹

While Alexander Van der Bellen, the Austrian president, declared that the EU should offer shelter to more Afghan refugees, Chancellor Sebastian Kurz has opposed this view, declaring that Austria will not accept more people fleeing Afghanistan during his chancellorship.²

BELGIUM

Past evacuation schemes

More than 200 evacuees from Afghanistan arrived in Belgium on 20 August 2021.³

Procedure upon arrival

Belgian NGOs reported that every person evacuated from Afghanistan in August 2021 obtained a 15-day visa to reach Belgium and apply for international protection. These 15 days included the quarantine period.⁴

On 30 August 2021, those who had completed quarantine started to arrive at Klein Kasteeltje. Some problems arose from the fact that evacuees had seemingly not received any information about the procedure they would have to follow. Their rights to have access to a social worker and a lawyer were also not respected. However, it appears that this problem has been resolved, with social workers able to provide information.⁵

Status granted

Afghan applicants who were not yet entitled to a residence permit started the procedure to obtain one, through either the family reunification route or by accessing the asylum procedure.⁶ The CGRA (the Office of the Commissioner for Refugees and Stateless Persons), which is the body authorised to deal with these cases, stated that the files of Afghan nationals would not be given priority over others.⁷

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1. Information shared by Cabinet d'avocats du Quartier des Libertés, 22 November 2021.
 2. Info Migrants, Austrians debate whether to accept Afghan refugees, 25 August 2021, available at: <https://www.infomigrants.net/en/post/34591/austrians-debate-whether-to-accept-afghan-refugees>
 3. Euro News, Des Afghans arrivent en Belgique alors que l'UE se fissure sur la question des réfugiés, 23 August 2021, available in French at: <https://fr.euronews.com/2021/08/23/des-afghans-arrivent-en-belgique-alors-que-l-ue-se-fissure-sur-la-question-des-refugies>
 4. Information derived from the report of the meeting between Belgian NGOs Nansen, SESO, Cáritas, Gastvrij Netwerk vzw, VLOS, SOCK, CAW Brussel, Plateforme Citoyenne de Soutien aux Réfugiés, Vluchtelingenwerk Vlaanderen on developments in the Belgian asylum system, 08 September 2021.
 5. Information derived from the report of the meeting between Belgian NGOs Nansen, SESO, Cáritas, Gastvrij Netwerk vzw, VLOS, SOCK, CAW Brussel, Plateforme Citoyenne de Soutien aux Réfugiés, Vluchtelingenwerk Vlaanderen on developments in the Belgian asylum system, 08 September 2021.
 6. La Libre, 1.216 personnes évacuées d'Afghanistan sont déjà arrivées en Belgique, dont près de 500 enfants, 27 August 2021, available in French at: <https://www.lalibre.be/belgique/politique-belge/2021/08/27/red-kite-un-detachement-militaire-belge-maintenu-a-islamabad-a-priori-jusquau-31-aout-L7HRNI2IUVEC5G2AOKOYQKDHAQ/>
 7. Rtb, Les Afghans rapatriés en Belgique en quête de protection: «Leur dossier sera traité comme tous les autres», 23 August 2021, available in French at: https://www.rtbf.be/info/belgique/detail_les-afghans-rapatries-en-belgique-en-quete-de-protection-leur-dossier-sera-traité-comme-tous-les-autres?id=10831521

CROATIA

Past evacuation schemes

On 28 August 2021, Croatia accepted a group of 19 Afghan nationals consisting of three families with children (10 minors altogether) and one single man. All of these individuals expressed their intention to apply for international protection, according to the Ministry of the Interior.⁸

The individuals evacuated were people (and members of their families) who supported the EU delegation in Kabul, and who had previously passed all the necessary security checks.

Current evacuation schemes

The government indicated that more Afghans would be accepted, but no further (public) steps were taken.⁹ The Minister of the Interior, Davor Božinović, declared in August that he could not rule out that the number of refugees to be accepted by Croatia could be higher in the future.¹⁰

REPUBLIC OF CYPRUS

The government of Cyprus has indicated that there is no capacity to conduct evacuations from Afghanistan.¹¹

Unofficial information was received that a group of five individuals, consisting of an individual who formerly worked for the EU in Kabul and his family, was allowed to enter Cyprus. There is no intention on the part of the Cypriot government to allow any others to enter.¹²

CZECH REPUBLIC

Past evacuation schemes

In mid-August, the Czech Interior Minister Jan Hamáček confirmed that the Czech Republic would offer asylum to Afghans who left the country as part of Czech evacuation operations.¹³

However, in September 2021 the Czech Prime Minister Andrej Babiš declared there is "really no place" for Afghan refugees in the European Union, suggesting it would be better to "find a solution that allows them to stay in Afghanistan."¹⁴

DENMARK

Past evacuation schemes

Up to 27 August 2021, the Danish authorities took part in an evacuation from Kabul using military planes. Evacuated persons were former and current local staff and families of the Danish Embassy, translators with families who cooperated with the Danish military in Afghanistan, exposed NGO workers and their families (including human rights defenders), Danish citizens and persons with residence permits for Denmark, and local employees with UN, NATO and the EU in Afghanistan.

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8. Information shared by Centre for Peace Studies - Croatia, 16 September 2021.
 9. Information shared by Centre for Peace Studies - Croatia, 16 September 2021.
 10. Government of the Republic of Croatia, Minister does not rule out Croatia to take in more Afghan refugees, no new wave, 30 August 2021, available at: <https://vlada.gov.hr/news/minister-does-not-rule-out-croatia-to-take-in-more-afghan-refugees-no-new-wave/32832>
 11. Information shared by Cyprus Refugee Council, 22 November 2021.
 12. Information shared by Cyprus Refugee Council, 22 November 2021.
 13. Expats CZ, Czech Republic won't refuse asylum to those facing danger in Afghanistan, 17 August 2021, available at: <https://www.expats.cz/czech-news/article/czech-republic-to-welcome-afghans-who-want-to-remain-in-the-country-as-evacuations-continue>
 14. Euronews, 'No place for Afghan refugees in Europe,' says Czech PM Babiš, 8 September 2021, available at: <https://www.euronews.com/2021/09/08/no-place-for-afghan-refugees-in-europe-says-czech-pm-babis>

Denmark's evacuation scheme was based on a political agreement from 11 August 2021. The following profiles were included:

- » Local staff at the Danish embassy and their families (current and previous employment);
- » Interpreters and others, who had worked with the Danish Ministry of Defence in Afghanistan, and their families;
- » Exposed persons from Afghan NGOs including human rights activists and their families;
- » Solidarity pool (local staff, who had worked for NATO, EU and UN in Afghanistan) and their families.

The latest official overview listed 1,038 evacuated persons by 15 September 2021.¹⁵

A group called "others" have also been evacuated, incorporating a diverse group including people who (based on a humanitarian assessment at the Kabul Airport) have been evacuated despite not fulfilling the criteria of the political agreement.

The evacuation scheme also covers persons who have applied under the 2013 Interpreters' Agreement. The Interpreters' Agreement is ongoing and covers those "who have assisted the Danish effort in Afghanistan and who are directly threatened or imperiled as a result of having assisted the Danish effort in Afghanistan."¹⁶

The evacuated are staying at asylum centres and are expected to be transferred to municipalities at the beginning of 2022.¹⁷

Status granted

In Denmark, Afghan evacuees will obtain a two-year residence permit, which is provided for in the political agreement. There is still no information regarding content, conditions or rights to this permit.¹⁸

On 11 November 2021, the Danish Parliament passed a special law on temporary residence for evacuated Afghans. The law entered into force on 18 November 2021, and applications closed on 24 November 2021. All evacuated Afghans were eligible to apply for the special residence permit. The residence permit lasts for two years with no possibility for extension.

Only the groups covered by the political agreement are eligible for the special residence permit. The main applicant can apply for family reunification with their nuclear family members, but family members who were evacuated with the main applicant do not have the same rights. For them, family reunification with other family members will only be possible in very special cases, where there would otherwise be a breach of Denmark's international obligations.

Evacuated Afghans can also apply for asylum, so as to be eligible for a residence permit as refugees. However, the authorities appear reluctant to inform the evacuated Afghans about their right to apply for asylum.¹⁹

Current evacuation schemes

Evacuations took place until mid-September 2021. There is no longer any possibility to evacuate individuals from Afghanistan to Denmark.²⁰

Those Afghans with Danish residence permits who wish to leave Afghanistan should still be able to obtain

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15. The Danish Ministry of Foreign Affairs, "Oversigt over evakuerede fra Afghanistan", 16 September 2021, available in Danish at: <https://um.dk/da/nyheder-fra-udenrigsministeriet/newsdisplaypage/?newsID=C89E52A2-22ED-4988-BB79-EEDCE5F9296C>
 16. The Danish Ministry of Defence, "You can still apply for support in accordance with the Interpreters' Agreement from 2013", 13 August 2021, available at: <https://www.fmn.dk/en/news/2021/du-kan-stadig-anmode-om-stotte-efter-tolkeftalen-fra-2013>
 17. Information shared by the Danish Refugee Council, 23 November 2021.
 18. Information shared by Danish Refugee Council, 22 November 2021.
 19. Information shared by Danish Refugee Council, 07 September 2021.
 20. Information shared by Danish Refugee Council, 22 November 2021.

assistance from the Danish Ministry of Foreign Affairs, but they will have to cover travel expenses themselves.²¹

Documentation required

Not all evacuated Afghans had passports. There were evacuations from Afghanistan of people who had no passport but who did have other travel documents, like *laissez-passers* or Afghanistan's National identity cards.²²

ESTONIA

Past evacuation schemes

14 Afghans were evacuated, and they will be granted access to the asylum procedure.²³

FINLAND

Past evacuation schemes

Finland evacuated approximately 400 people from Kabul during a three-week period. Those eligible for evacuation were embassy employees and their families (45 individuals), former employees (who were last employed no earlier than 2016) with their families (90 individuals), "visible" security personnel and their families (83 individuals), EU and NATO employees and their families (80 individuals), as well as Finnish citizens and permanent residence permit holders, and some of their family members.²⁴

227 Afghan citizens were evacuated based on a government decision to provide humanitarian protection. A total of 85 Afghans were evacuated "by chance", and they have been given access to the regular asylum procedure.²⁵ Those who were evacuated from Afghanistan by the Finnish government are now subject to the authority of the Finnish Immigration Service, which has been responsible for the reception of the evacuees.

Procedure on arrival

Afghans evacuated by the Finnish government were initially accommodated in reception centres across the country to wait for a residence permit to be granted. Among the evacuees are unaccompanied minors who have been housed in units specially intended for children and adolescents. Once residence permits have been granted, the evacuees will move to municipalities. A goal has been set to keep the time they need to spend at a reception centre to a minimum. Centres for Economic Development, Transport and the Environment will agree with the municipalities on the municipal places offered to the evacuees.²⁶

Status granted

Evacuees will be granted residence permits based on "special humanitarian grounds". Some individuals were evacuated without being on the government's list, and these evacuees have been given access to the regular asylum procedure.²⁷ Upon arrival in Finland, approximately 80 asylum applications were submitted by persons travelling on evacuation flights from Afghanistan. Most of them are family members of persons who have received consular assistance.²⁸

21. Information shared by the Danish Refugee Council, 23 November 2021.

22. Information shared by the Danish Refugee Council, 23 November 2021.

23. Information shared by the Estonian Refugee Council, 07 September 2021.

24. Information shared by Refugee Advice Centre Finland, 25 November 2021.

25. Information shared by Finnish Refugee Advice Centre, 16 September 2021; EASO, Situational Update Issue No 7, 1 December 2021, available at: https://easo.europa.eu/sites/default/files/publications/2021_situational_update_Afghanistan_EN.pdf

26. Information shared by Finnish Refugee Advice Centre (FRAC), September 2021.

27. Information shared by Finnish Refugee Advice Center (FRAC), September 2021.

28. Information shared by Finnish Refugee Advice Center (FRAC), September 2021.

FRANCE

Past evacuation schemes

Between 17 and 27 August 2021, France evacuated about 2,600 Afghans deemed to be at risk.²⁹ The criteria for the selection of evacuees were unclear, and visas were only delivered at the airport. Additional evacuations were carried out for which only French citizens were eligible.³⁰

Procedure upon arrival

On the administrative side, special protocols were put in place, including a “special one-stop shop” to register asylum applications, which opened in Paris on 30 August 2021. A group of about 20 additional staff were called in to help maintain the processing of applications.³¹

Status granted

Around 2,600 evacuees who were also holders of transit visas were given priority access to the asylum procedure.³² The Director General of the French Office for the Protection of Refugees and Stateless Persons (OFPRA) declared that the office “is organising itself to rapidly process the asylum applications of people that France has evacuated”, and will prioritise the evacuees’ cases over those of other applicants. However, the applications of Afghan evacuees will not be treated under the accelerated procedures rules.³³

Current evacuation schemes

French evacuation operations have resumed since the beginning of September 2021. France Terre d’Asile has welcomed nearly 120 people since the beginning of October in their temporary accommodation, where newly arrived Afghans have to undergo a quarantine period at their arrival due to COVID-19. On 3 December 2021, a flight evacuated 258 Afghan men and women from Kabul via Qatar. This brings the total number of Afghans evacuated in ten evacuation flights carried out from Kabul to 396.³⁴

Priority is given to journalists identified by the NGO Reporters Without Borders, but also to trade unionists and family members of interpreters who worked for the French military. The current evacuation scheme only concerns people with passports. The crisis cell set up by the French Ministry of Foreign Affairs registers all those at risk, which is followed by an inter ministerial decision on the evacuation of the individual.³⁵ Afghans are interviewed at the French embassy in Pakistan, and French authorities deliver visas valid for three months. Evacuees arrive in France after a transit through Doha in Qatar.³⁶

Procedure upon arrival

The arrival is coordinated by the Ministry of the Interior (the French delegation for the reception and integration of refugees, or DIAIR). After the quarantine period, evacuees access a specific single-desk contact point at the Paris prefecture to register their asylum claim more quickly. Afterwards, they all get a place in a reception centre for asylum seekers, which are situated across the territory.

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29. France24, France estimates ‘a few dozen’ nationals remain in Afghanistan, 31 August 2021, available at: <https://www.france24.com/en/asia-pacific/20210831-france-estimates-a-few-dozen-nationals-remain-in-afghanistan>
30. Information shared by France Terre d’Asile, 16 September 2021.
31. Info Migrants, ‘Autonomy is the next step’ for 2,600 Afghans evacuated to France, 1 September 2021, available at: <https://www.info-migrants.net/en/post/34750/autonomy-is-the-next-step-for-2600-afghans-evacuated-to-france>
32. Info Migrants, ‘Autonomy is the next step’ for 2,600 Afghans evacuated to France, 1 September 2021, available at: <https://www.info-migrants.net/en/post/34750/autonomy-is-the-next-step-for-2600-afghans-evacuated-to-france>
33. Le Parisien, L’Ofrpa veut traiter plus «rapidement» les demandes d’asile des Afghans évacués de Kaboul, 25 August 2021, available in French at: <https://www.leparisien.fr/politique/lofpra-veut-traiter-plus-rapidement-les-demandes-dasile-des-afghans-evacues-de-kaboul-25-08-2021-FHMO7HNEIFFRVLU24N2SIYC7XI.php>
34. France Diplomatie, Afghanistan – Opération d’évacuation (3 decembre 2021), available in French at: <https://www.diplomatie.gouv.fr/fr/dossiers-pays/afghanistan/evenements/article/afghanistan-operation-d-evacuation-03-12-21>
35. Information shared by France Terre d’Asile, 7 December 2021.
36. Information shared by France Terre d’Asile, 7 December 2021.

GERMANY

Past evacuation schemes

Germany granted some 2,000 visas for those who have been or are due to be evacuated.³⁷ Separately, the US evacuated people through Germany, meaning that they fall under US responsibility, however some of them expressed the desire to lodge their asylum claim in the Germany, mostly due to family links. It remains to be seen what will happen to their cases.³⁸

It seems that the Minister of External Affairs created a list that was successively revised by the Home Affairs Minister outlining the evacuation criteria; however, these criteria were not made public. Journalists and people at risk were supposed to have been included, but it is not clear how evacuees were selected.³⁹

Current evacuation schemes

On 27 August 2021, Germany stopped its evacuation flights from Afghanistan. According to information from the German Foreign Office, currently only German nationals, local employees of German agencies and Afghans who have been identified by the German government as being particularly at risk, and who have already received approval for admission to Germany from the German Government, will be given the opportunity to enter Germany via a neighbouring country. The immediate family (normally spouse and minor, unmarried children) of these persons are also included.⁴⁰ In December 2021, almost 25,000 applications had been admitted. Of these, 7,033 Afghans have arrived in Germany.⁴¹

In Germany, there are two ongoing procedures to admit / evacuate certain people from Afghanistan:

> **Admission programme for local staff who have worked with German ministries (Interior, Foreign, Defence, Development).** This scheme has been active since 2013 and is based on Art. 22 (2) Residence Act (Temporary residence permission to uphold the political interest of the Federal Republic of Germany). The eligibility criteria depend on the status of the former employee. Only former staff (and their close family members) directly employed by German entities are covered by the program.

In August 2021, the procedure for admission changed. Since then, so-called admission commitments have been issued if a notification of risk to the federal government was successful.

Around 14,000 local staff, including family members, have been identified so far. This process is still ongoing and is not subject to time limits.

Evacuation of Afghans at very high risk (human rights defenders, journalists). The federal government prepared lists of people at very high risk of persecution. As "local staff", they should also be admitted under Art. 22 (2) Residence Act. The lists were open for a limited time only (until the end of August 2021, a few days after military evacuations ended).

The admission and evacuation procedures are not clear, with need for information and some concerns about consistency and speed. Civil society plays a role in facilitating the departures of those in particular need of protection.

Flights via Doha and the land-route to Pakistan are used. On 11 October, 830 visas for local staff and Afghans at risk had been granted via embassies in countries neighbouring Afghanistan.⁴² On 10 November 2021, a direct charter flight left Afghanistan for the first time since August 2021.⁴³

The civil society initiative Kabul Airbridge which already carried out evacuations before the end of August 2021

37. Information shared by Paritaet, 16 September 2021.

38. Information shared by Pro Asyl, 07 September 2021.

39. Information shared by Pro Asyl, 16 September 2021.

40. Information shared by JRS.

41. Deutsche Welle, Germany under pressure to evacuate Afghans, media reports, 8 December 2021, available at: <https://www.dw.com/en/germany-under-pressure-to-evacuate-afghans-media-report/a-60052774>

42. Der Tagesspiegel, Rund 6100 Menschen nach Deutschland gebracht, 11 October 2021, available at: <https://www.tagesspiegel.de/politik/evakuierung-aus-afghanistan-rund-6100-menschen-nach-deutschland-gebracht/27696020.html>

43. Information shared by Pro Asyl, 12 November 2021.

continues its activities. On 15 November 2021, they carried out their second flight since the takeover of the country by the Taliban, bringing 148 people including German citizens, local staff and Afghans at risk from Kabul to Islamabad.⁴⁴

Documentation required

The scope of the evacuation and admission programmes are limited. For those who have been notified about their admissibility following a risk notification, the passport and visa requirements set by neighboring countries and the difficulty in reaching exit points are the main obstacles. According to the Federal Foreign Office, Germany does not enforce passport requirements with regard to eligible groups.

For a limited time, it was possible to enter Pakistan with verbal notes issued by the German Embassy in Pakistan, facilitating entrance without passport. Discussions between Germany and Pakistan are ongoing.

Transit to third countries

In September 2021 it was reported that more than 9,000 Afghans directed to the US were stranded at a US base in Germany after a measles outbreak. The evacuees were only due to be at the base for a maximum of ten days but stayed longer. At the end of October 2021, it was reported that the last of almost 35,000 Afghans have left Germany for the US.⁴⁵ Another 57 Afghan refugees originally directed to the UK were hosted in the German city of Giessen, after UK customs established that they did not meet the entry requirements to fly to the UK.⁴⁶

Status granted

The majority of Afghans arriving in Germany receive a residence permit for humanitarian grounds under Art. 22 (2) Residence Act. In cases where Afghans have not received this, they can apply through the regular asylum procedures.⁴⁷

GREECE

Past evacuation schemes

197 Afghans were evacuated to Greece, including judges and human rights activists and their families. Other information received indicated that between 350 and 360 people initially arrived in three groups, and some have already departed to other countries. The information provided indicated that those 350 people were evacuated via Georgia to Greece, and that they were granted temporary visas for two months. These individuals were all able to apply for asylum in Greece, if they wished. This was an initiative of the International Association of Judges, HR 360 and the ELPIDA foundation. All of these individuals left Afghanistan with visas.⁴⁸

A further 119 Afghans (consisting of judges, well known lawyers, women activists, journalists and other Afghans at risk of persecution by the Taliban regime) arrived in Greece on 22 November 2021. In total Greece currently hosts 819 Afghans, evacuated from Kabul since August 2021.⁴⁹

44. Daily Sabah, Donor-funded initiative sees NGO fly nearly 150 out of Afghanistan, 13 November 2021, available at: <https://www.dailysabah.com/world/asia-pacific/donor-funded-initiative-sees-ngo-fly-nearly-150-out-of-afghanistan>; see also <https://www.kabulluft-bruecke.de/>

45. Tagesschau, 30 October 2021, available at <https://www.tagesschau.de/inland/afghanistan-ramstein-usa-101.html>

46. DW, Evacuated Afghans stranded in Germany due to measles, 12 September 2021, available at: <https://www.dw.com/en/evacuated-afghans-stranded-in-germany-due-to-measles/a-59161625>

47. BAMF, Aufnahme ehemaliger Ortskräfte und gefährdeter Personen aus Afghanistan, 29.11.2021 available at: https://www.bamf.de/DE_Themen/AsylFluechtlingsschutz/ResettlementRelocation/AufnahmeAfghanOrtskraefte/aufnahme-afghanische-ortsbraeute-node.html

48. Information shared by DRC, 23 November 2021.

49. Hellenic Republic Ministry of Migration and Asylum, press release, “Αφίξη 119 Αφγανών μεταναστών στη Θεσσαλονίκη”, available in Greek at: <https://migration.gov.gr/en/afixi-119-afghanon-metanaston-sti-thessaloniki/>

Transit to third countries

A further 143 people were evacuated directly from Kabul to Greece. These evacuees are to be transferred to the accommodation foreseen for them. These evacuees are being temporarily accommodated in Greece until their relocation or evacuation to a third country, probably the US.⁵⁰ There have been some steps taken for some of the families to be resettled to Canada, the US or other third countries but no information is publicly available.

Procedure upon arrival

Newly arrived Afghans live in Athens (in two hotels, although efforts are made to be transferred to apartments) and Thessaloniki. They have all been issued tourist visas.

Status granted

Greece offers international protection to all the Afghans in the afore-mentioned groups. Those who do not want to make asylum claims are able to request the extension of their visas.⁵¹

HUNGARY

Past evacuation schemes

Hungary evacuated around 450 Afghans.⁵²

Status granted

Evacuees were not channelled into the asylum procedure, and it is still unclear what kind of residence permit they will obtain. Local media outlets reported that Afghan evacuees will be hosted in the migrant facilities in Röszke and Tompa, and they will not be granted asylum "automatically."⁵³

ITALY

Past evacuation schemes

Italy has evacuated around 5,000 people.⁵⁴ According to the information available, those evacuated in August 2021 were selected on the basis of previous cooperation with the Italian forces deployed to Afghanistan, or NATO, EU and UN missions.

Procedure upon arrival

There is little official information available, but there were some arrivals, and some places in accommodation centres were loosely "reserved" for Afghan evacuees. Support from municipalities was required.⁵⁵ In terms of reception, evacuees have been accommodated in national reception centres, with the further possibility of asking territories to grant more reception places.⁵⁶

50. Information shared by DRC, 23 November 2021.

51. Information shared by DRC, 23 November 2021.

52. Information shared by Hungarian Helsinki Committee, September 2021.

53. Hungary Today, 240 Afghan Refugees Rescued and to be Quarantined at Transit Zone, 25 August 2021, available at: <https://hungarytoday.hu/hungary-refugees-kabul-evacuation/>; Daily News Hungary, Afghan refugees taken to migration facilities in Hungary, 25 August 2021, available at: <https://dailynewshungary.com/afghan-refugees-taken-to-migration-facilities-in-hungary/>

54. Information shared by Italian Refugee Council (CIR), 07 September 2021.

55. Announcement from Italian Minister of the Interior, 25 August 2021, available in Italian at: <https://www.lentepubblica.it/wp-content/uploads/2021/09/Accoglienza-cittadini-afghani-Circolare-Ministero-dellInterno.pdf>

56. Information shared by Italian Refugee Council (CIR), 07 September 2021.

Status granted

After the quarantine period, evacuees are channelled into the international protection procedure; this does not raise particular concerns, as Afghans normally receive protection in the country.⁵⁷

LITHUANIA

Status granted

In October 2021, the Migration Department announced that asylum has been granted to all persons evacuated from Afghanistan, including translators who have worked with Lithuanian soldiers, military personnel, EU and UN personnel, and their family members.⁵⁸

LUXEMBOURG

Past evacuation schemes

Luxembourg has evacuated a very limited number of Afghan nationals (approximately 12 individuals) with a connection to the country. Six of the individuals evacuated were either dual citizens of Afghanistan and Luxembourg, or had a residence status in Luxembourg.⁵⁹ The remaining individuals evacuated were Afghan nationals with a high-risk profile.⁶⁰

Current evacuation schemes

Afghan nationals in Luxembourg with relatives in Afghanistan seeking to leave report that the main obstacles to departure from Afghanistan are a lack of safe routes allowing protection from violence, and a lack of travel documents.⁶¹

Documentation required

Given the highly limited number of evacuees to date, it is unclear whether evacuations for individuals without passports are possible with alternative travel documents.⁶²

NETHERLANDS

Past evacuation schemes

In August 2021 an evacuation scheme for certain groups was put in place. This included Afghans who worked for the Netherlands or who worked in international military or police missions as part of the Dutch contributions, such as employees of Dutch development projects, human rights defenders, women's rights defenders, and (fixers of) journalists.

2,000 people were evacuated, mainly local employees and persons with high risk profiles, such as human rights defenders and journalists.⁶³

57. Information shared by the Estonian Refugee Council, 07 September 2021.

58. MIGRIS, Asylum was granted to all Afghans relocated to Lithuania, 8 October 2021, available at: <https://www.migracija.lt/-/prieglobstis-suteiktas-visiems-%C4%AF-lietuv%C4%85-perkeltiems-afganistanie%C4%8Diams?redirect=%2Fhome>

59. Paperjam, Le Luxembourg prévoit six rapatriements d'Afghanistan, 17 August 2021, at: <https://paperjam.lu/article/luxembourg-prevoit-six-rapatri>

60. Information shared by Passerelle, 10 November 2021.

61. Information shared by Passerelle, 10 November 2021.

62. Information shared by Passerelle, 10 November 2021.

63. Information shared by Dutch Council for Refugees, 16 September 2021.

Current evacuation schemes

It is no longer possible to evacuate people from Afghanistan, and the Netherlands stopped its military aircraft evacuations after 26 August 2021.

Approximately 20 Dutch passport holders have been able to leave Afghanistan since the evacuation stopped, by taking combined flights with other nationalities on Qatar planes. In addition, approximately 50 people who had permission to come to the Netherlands made it to Pakistan independently after the end of the direct evacuations, and came to the Netherlands from Pakistan.⁶⁴

The Netherlands is receiving many new requests from people stranded in Afghanistan and requesting visas to leave the country. Among them are many who have the right to be evacuated, but have not been offered the means to do so. The government expressed the intention to hand these cases over to UNHCR and IOM, but it is unclear whether there has been a real discussion with these organisations on the issue.⁶⁵

The Netherlands had evacuated around 2,100 Afghans by the end of August 2021. Since the Taliban took control, CSOs have been lobbying to continue evacuation efforts, especially for interpreters and other people who worked for the Dutch mission, as well as women and human rights defenders, journalists, fixers and family members of Afghans, and recognised refugees.⁶⁶

The Dutch government is conducting exploratory talks with the UNHCR and IOM about a possible special programme. This programme is for members of the above groups who are in danger as a result of a link with the Netherlands or their high public profile, and who emailed before 17 September 2021 but have not yet received an evacuation call.⁶⁷

Since the evacuations stopped, the Netherlands has announced it will continue to try to assist Dutch passport holders, residents, individuals who have worked as interpreters for the Dutch troops, and some people in danger (for example some human rights defenders, journalists) who were promised evacuation but who did not manage to reach the airport in time.

Dutch passport holders can (in some cases) be evacuated with charter planes, but for the rest of these groups there is no permission from the Taliban so far. If they flee to a neighboring country, they will get a visa and ticket from the embassy.⁶⁸

Documentation required

The government agreed to evacuate a group of at least 800 Afghans, which was not possible due to the fact that many of them (especially the women and children) do not have passports.

Lawyers filed a lawsuit in order to find a solution for these evacuations. There is much debate on the possibilities and the demands from the Taliban side. The Dutch government states that nothing is possible if Afghans do not have a passport, unless they reach neighbouring countries.⁶⁹

Individuals on the flights out of Kabul, as far as can be ascertained, had either a Dutch passport or an (expired) Afghan passport. There is no knowledge of any cases yet of people flying out of Afghanistan with only a *tazkera* (Afghan National ID Card) and no passport. The Dutch government is trying to find a solution for these people, but the time frame and the prospects of success are unclear.⁷⁰

It is also unclear whether Dutch nationals must be present in Afghanistan in order for their Afghan partners and children to be eligible for evacuation. There have been emails from the Dutch government in which it is stated that this is still necessary, while conversely two minors with Afghan passports who were left without their Dutch parent in Afghanistan have been evacuated to the Netherlands. If it is necessary, it is unclear whether this is a

64. Information shared by Dutch Council for Refugees, 22 November 2021.

65. Information shared by Dutch Council for Refugees, 16 September 2021.

66. Information shared by Dutch Council for Refugees, November 2021.

67. Information shared by Dutch Council for Refugees, 22 November 2021.

68. Information shared by Dutch Council for Refugees, 22 November 2021.

69. Information shared by Dutch Council for Refugees, 4 November 2021.

70. Information shared by Dutch Council for Refugees, 25 November 2021.

demand of the Taliban, Qatar, Pakistan or the Dutch government itself.

Procedure upon arrival

On 20 August 2021, the first evacuees arrived at a centre in the village of Huis ter Heide in the municipality of Zeist. A second centre in the northern village of Zoutkamp is full, currently housing more than 400 Afghan evacuees. Officials have also set up a third base at De Harskamp, a military base near Arnhem. This is where the initial steps of the asylum procedure took place, following which people will be housed in traditional reception. The Central Agency for the Reception of Asylum Seekers (COA) announced an increase in the number of extra reception places.⁷¹ At the time of publication, evacuees had been living in substandard emergency reception centres for months.⁷²

Status granted

The Government website currently reports “Afghans who served as interpreters for the Dutch armed forces are usually given a visa to travel to the Netherlands and are granted asylum here. Other people who have worked for the Dutch armed forces can also submit a request to the embassy in Kabul but must still demonstrate that they are personally in danger.”⁷³

The asylum procedure was shortened for Afghan citizens and in October 2021 it was reported that 560 Afghan evacuees received an asylum decision, approximately one-quarter of all evacuees.⁷⁴

NORWAY

Past evacuations

Those who had cooperated with Norwegian armed forces, and Norwegian citizens (not their family members), have been or are being evacuated.⁷⁵

Status granted

Afghan citizens who were evacuated and allowed to enter as a family member of a Norwegian citizen have their case treated as an application for protection (asylum). 676 Afghans were granted protection as resettled refugees.⁷⁶

POLAND

Past evacuations

Almost 1000 Afghans were airlifted to Poland in August 2021.⁷⁷

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71. EASO, Situational Update Issue No 7, 1 December 2021, available at: https://easo.europa.eu/sites/default/files/publications/2021_situational_update_Afghanistan_EN.pdf
 72. Information shared by Dutch Council for Refugees, 8 December 2021.
 73. Vluchtelingen Werk Nederland, Situation in Afghanistan, available in Dutch at: <https://www.vluchtelingenwerk.nl/forrefugees/belangrijke-informatie-je-eigen-taal?language=en>
 74. EASO, Situational Update Issue No 7, 1 December 2021, available at: https://easo.europa.eu/sites/default/files/publications/2021_situational_update_Afghanistan_EN.pdf
 75. Information shared by Advokatfirmaet Andersen & Bache-Wiig, 22 November 2021.
 76. EASO, Situational Update Issue No 7, 1 December 2021, available at: https://easo.europa.eu/sites/default/files/publications/2021_situational_update_Afghanistan_EN.pdf
 77. HRW, Afghans Stuck at Poland's Border Need Protection, 2 September 2021, available at: <https://www.hrw.org/news/2021/09/02/afghans-stuck-polands-border-need-protection>

Status granted

Reportedly, evacuees to Poland were given access to Poland's asylum process.⁷⁸

PORTUGAL

Past evacuation schemes

Portugal evacuated around 100 people, most of them connected to Portuguese military forces. Those evacuated were selected on the basis of their previous cooperation with the Portuguese military forces deployed to Afghanistan, NATO, EU and UN missions. It appears that individuals were directly approached by the Portuguese authorities.⁷⁹

Current evacuation schemes

Government officials have made public statements declaring their intention to proceed with further evacuation efforts but there is very little information available on whether and how these may take place.⁸⁰

The country seems willing to carry out more evacuations, but it is clear that it could proceed only through a joint effort from other EU countries as it does not have capacity on its own.⁸¹

Procedure upon arrival

Reportedly, 84 Afghan evacuees were hosted in Portugal by the end of August.⁸² According to Portugal's High Commission for Migration (ACM), they are currently housed in reception centres in the Lisbon area.⁸³

ROMANIA

Past evacuation schemes

Romania's Council for National Defence (CSAT) decided on 22 August 2021 to activate the Inter-ministerial Committee of the country's National Coalition for Refugee Integration, tasking the Interior Ministry with assessing the country's capacity to take in refugees and asylum seekers.⁸⁴ 139 Afghan citizens were evacuated to Romania. The group will be assisted and processed by the General Inspectorate for Immigration.⁸⁵

SLOVENIA

Past evacuation schemes

Slovenia evacuated around 20 to 30 Afghans.⁸⁶ Slovenia's evacuation was dependent on other countries, as Slovenia does not have any means (such as military planes) to do it independently. All persons due to be evacuated have now left Afghanistan and are currently in Slovenia.⁸⁷

78. HRW, Afghans Stuck at Poland's Border Need Protection, 2 September 2021, available at: <https://www.hrw.org/news/2021/09/02/afghans-stuck-polands-border-need-protection>
79. Information shared by Portuguese Refugee Council, 22 November 2021.
80. Information shared by Portuguese Refugee Council, 22 November 2021.
81. Information shared by Portuguese Refugee Council, 16 September 2021.
82. Euractiv, Portugal can afford to receive hundreds of Afghans – minister, 01 September 2021, available at: https://www.euractiv.com/section/politics/short_news/portugal-can-afford-to-receive-hundreds-of-afghans-minister/
83. Information shared by Portuguese Refugee Council, September 2021.
84. Romania Journal, CSAT: Romania to Activate Its Coalition for Refugee Integration. 200 Romanian Troops to Be Used for Evacuating Afghans Who Worked For NATO, 26 August 2021, available at: <https://www.romaniajournal.ro/politics/csat-romania-to-activate-its-coalition-for-refugee-integration-200-romanian-troops-to-be-used-for-evacuating-afghans-who-worked-for-nato/>
85. Information from Twitter, available at: <https://twitter.com/EleodorP/status/1436255045855719437>, dated 10 September 2021.
86. Information shared by Legal-Informational Centre for NGOs (PIC), 07 September 2021.
87. Information shared by Legal-Informational Centre for NGOs (PIC), 22 November 2021.

Status granted

All individuals evacuated to Slovenia were given temporary residence permits on grounds not connected to international protection, and on the basis that they will not access the asylum procedure.⁸⁸

SPAIN

Past evacuation schemes

Spain declared in mid-August 2021 that its reception system had around 3,000 free places available throughout the country. Several autonomous communities and municipalities also offered their resources to meet future reception needs.

Various other European countries will receive the Afghans that reached Spain through evacuation flights.

Procedure upon arrival

A temporary care and reception facility (for a maximum of 72 hours) was set up at Torrejon Military Air Base (in Madrid) for Afghan citizens evacuated from Afghanistan. The facility, which has a capacity for 800 people and includes separate spaces for women and children, and men, served as an arrival hub for refugees arriving to the air base in order to be transferred to other EU countries. A new sponsorship pilot project was launched to involve municipalities in the integration of Afghan nationals arriving within the framework of Operation Anti-gone.⁸⁹

Spain is also serving as a temporary evacuation point for Afghans collaborating with the US Government through the military bases of Rota (Cádiz) and Morón (Seville).

Status granted

Evacuated Afghans remaining on Spain's territory will be channeled in the asylum procedure. On 20 August 2021, however, the Minister of the Interior Fernando Grande-Marlaska stated that these asylum requests "have an extraordinary, special character" and will be processed "with the utmost urgency."⁹⁰

SWEDEN

Past evacuation schemes

Sweden evacuated around 1000 people connected to the embassy and their families.⁹¹

Status granted

Swedish Foreign Minister Ann Linde declared on 20 August that 68 people who had been working closely with the Swedish Armed Forces over the years had been granted residence permits in Sweden. Some others had not been given a residence permit following "security checks."⁹² Evacuees should be recognised as having refugee status.⁹³

88. Information shared by Legal-Informational Centre for NGOs (PIC), 07 September 2021.

89. EASO, Situational Update Issue No 7, 1 December 2021, available at: https://easo.europa.eu/sites/default/files/publications/2021_situational_update_Afghanistan_EN.pdf

90. El País, El largo camino de los afganos que llegan a España, 25 August 2021, available in Spanish at: <https://elpais.com/espana/2021-08-25/el-largo-camino-de-los-afganos-en-espana.html>

91. Information shared by Swedish Network of Refugee Support Groups (FARR), 07 September 2021.

92. Information shared during CEAS WG, 7 September 2021.

93. Information shared by Swedish Network of Refugee Support Groups (FARR), 07 September 2021.

SWITZERLAND

Past evacuations

Switzerland declared at the end of August that its immediate priority was to evacuate and welcome local staff from its temporarily closed Kabul cooperation office, and their immediate families.⁹⁴ Switzerland evacuated its local staff from the Swiss Development Cooperation Office (SDC) in Kabul, which was closed on 13 August 2021 following the Taliban takeover. As a result, 219 SDC staff were evacuated, including 132 local staff and their families. These 132 people were counted towards Switzerland's resettlement quota.⁹⁵

Current evacuations

Switzerland has ended its evacuation scheme. Since then, Switzerland has not attempted any further evacuations, although AsyLex and other organizations have repeatedly asked the Secretary of Migration (SEM) and the Federal Council to do so; a list of 350 persons in particular need of protection with direct contact to Switzerland, was submitted to the Federal Council with a request for immediate evacuation. However, no measures were taken in this regard.⁹⁶

Status granted

Switzerland channeled the Afghans who were evacuated, and who were local staff and their close family members, directly into the resettlement programme, which means that they will be granted refugee status without going through the asylum procedure. However, the 219 places were deducted from the 800 resettlement places pledged for the year.⁹⁷

UNITED KINGDOM

Past evacuations

During the emergency airlift in August, about 15,000 people were flown out of Afghanistan by the RAF including 5,000 British citizens and 8,000 Afghans, with the rest made up of third-country nationals.⁹⁸

A testimony by a whistleblower in December 2021 submitted in the framework of a UK Parliament Defence Committee Inquiry about the Withdrawal from Afghanistan reveals that under 5% of the between 75,000 and 150,000 people (including dependents) who applied for evacuation under the Leave Outside the Rules scheme have received any assistance.⁹⁹

Status granted

The UK has launched "Operation Warm Welcome". The UK Home Office announced that those coming to the UK through resettlement routes would receive immediate indefinite leave to remain. On 01 September 2021, it was declared that this would apply to Afghans who worked closely with the British military and UK government in Afghanistan. People already relocated to the UK under the Afghanistan Relocations and Assistance Policy (ARAP) will be able to apply free of charge to convert their temporary leave into indefinite leave to remain.¹⁰⁰

94. Swiss Info, Switzerland divided on taking Afghan refugees, 26 August 2021, available at: <https://www.swissinfo.ch/eng/switzerland-divided-on-taking-afghan-refugees/46896730>

95. Information shared by Swiss Refugee Council, November 2021.

96. Information shared by Swiss Refugee Council, November 2021.

97. Information shared by Swiss Refugee Council, 07 September 2021; Response in Swiss Federal Council, 20 September available at: <https://www.parlament.ch/en/ratsbetrieb/amtliches-bulletin/amtliches-bulletin-die-verhandlungen?SubjectId=53997#votum1>

98. The Guardian, RAF plane to fly up to 40 Afghans to UK as evacuations resume, available at: <https://www.theguardian.com/world/2021/oct/14/raf-plane-fly-afghans-uk-evacuations-resume>

99. Written evidence submitted by Raphael Marshall, 7 December 2021, available at: <https://committees.parliament.uk/written-evidence/41257/html>

100. UK Home Office, Operation Warm Welcome under way to support Afghan arrivals in the UK, 01 September 2021, available at: <https://www.gov.uk/government/news/operation-warm-welcome-underway-to-support-afghan-arrivals-in-the-uk>

II. PATHWAYS TO PROTECTION

AUSTRIA

Pathways for Afghans

Austria does not offer the possibility to apply for a humanitarian visa.¹⁰¹

BELGIUM

Pathways for Afghans

Belgium offers the possibility for Afghans to apply for a humanitarian visa.¹⁰²

CROATIA

Pathways for Afghans

The Croatian government has made no mention of humanitarian visas.¹⁰³

REPUBLIC OF CYPRUS

Pathways for Afghans

Cyprus does not offer the possibility to apply for a humanitarian visa.¹⁰⁴

DENMARK

Pathways for Afghans

Denmark has no provision for humanitarian visas. It is still possible to apply for a visa to Denmark under the 2013 Interpreters' Agreement, which grants access to Denmark and the possibility to apply for asylum.¹⁰⁵

FINLAND

Pathways for Afghans

The Foreign Minister promised in September 2021 to make the family reunification process more flexible for Afghans by appointing a circular or temporary consul to receive applications and hold family reunification inter-vIEWS in Pakistan (where Finland no longer has an embassy). It has been made possible for English-speaking Afghans to have their family reunification issues handled in the Finnish embassy in Tehran (as otherwise Afghans are required to travel to New Delhi).

101. Information shared by Diakonie Refugee Service, 22 November 2021.

102. AGII, Afghanistan: evacuatie en verblijfsaanvragen, 20 August 2021, available at <https://www.agii.be/nieuws/afghanistan-evacuatie-en-verblijfsaanvragen>

103. Information shared by Centre for Peace Studies, 16 September 2021.

104. Information shared by Cyprus Refugee Council, 22 November 2021.

105. Information shared by the Danish Refugee Council, 23 November 2021.

The quota for resettled refugees will be raised by 450 people to 1500 in 2022, and the increased capacity will be allocated to Afghans (the Ministry of the Interior had proposed that the quota be raised to 2000).¹⁰⁶

FRANCE

Pathways for Afghans

The French Consulate in Afghanistan has been closed for many years, making local access to visas impossible. Family reunification visas were processed initially in Pakistan and successively in Iran. In the past, Afghans who had a visa to enter France are reported to have been blocked in Pakistan and Iran.

GERMANY

Pathways for Afghans

The German Foreign Office states: "The German Government is not at present running any additional humanitarian programme for taking in Afghan nationals." There is no possibility to lodge an application for international protection with any German embassy.¹⁰⁷

In theory, another legal pathway could be family reunification. However, such reunification is, as a rule, restricted to members of the "core family", i.e. spouses, parents with unmarried minor children. Procedures at the German embassies are currently subject to delays.¹⁰⁸ According to a media report, more than 4,000 Afghans who have a right to family reunification are on the waiting list to submit an application for family reunification, while visa processing sites in the region have only processed around 100 applications per month so far this year.¹⁰⁹

The newly elected coalition government in Germany has declared its intention to establish humanitarian corridors for those fleeing persecution; a route which could be accessible to Afghans looking to seek protection in Germany.¹¹⁰

GREECE

Pathways for Afghans

The Greek government has made no mention of humanitarian visas.

IRELAND

Pathways for Afghans

In mid-August, the Irish Government announced that up to 150 Afghan people would be allocated places on the Irish Refugee Protection Programme (IRPP). All places on this programme were allocated, with priority given to those working on human rights issues, including the rights of women and girls, as well as those working with NGOs and European and international organisations.¹¹¹

106. Additional information shared by Refugee Advice Centre Finland, 23 November 2021.

107. Information shared by JRS.

108. Information shared by JRS.

109. Neue Osnabrücker Zeitung (NOZ), Familienangehörige in Afghanistan müssen Jahre auf Visa warten, 15 September 2021, available in German at: <https://www.noz.de/deutschland-welt/politik/artikel/2421099/asyl-familienangehoerige-in-afghanistan-muessen-jahre-auf-visa-warten>; Info Migrants, Thousands of Afghans in limbo awaiting family reunification visas, 15 September 2021, available at: <https://www.infomigrants.net/en/post/35056/thousands-of-afghans-in-limbo-awaiting-family-reunification-visas>

110. InfoMigrants, New German government to introduce sweeping changes to migration policy, 25 November 2021, available at: <https://www.infomigrants.net/fr/post/36766/new-german-government-to-introduce-sweeping-changes-to-migration-policy>

111. Department of Justice Ireland, Immigration notice on the humanitarian situation in Afghanistan, 19 August 2021, available at: <https://www.irishimmigration.ie/immigration-notice-on-the-humanitarian-situation-in-afghanistan/>

The Minister for Children, Equality, Disability, Integration and Youth, Roderic O'Gorman declared that Ireland will provide 150 humanitarian visas to refugees fleeing Afghanistan.¹¹²

More than 300 humanitarian visas or visa letters have reportedly been issued since August 2021.¹¹³ The places have been allocated to those working on human rights issues, including the rights of women and girls, as well as those working with NGOs and European and international organisations.¹¹⁴

In response to the humanitarian situation in Afghanistan, the Irish Department of Justice is currently focused on processing applications for Afghan family members of Irish citizens and Afghan nationals living in Ireland. The Government has not yet released details of the humanitarian scheme announced in August that could see up to 500 more Afghan refugees receive permission to come to Ireland.¹¹⁵

ITALY

Pathways for Afghans

The Italian Foreign Affairs Ministry expressed a favourable opinion on the creation of humanitarian corridors, but declared that handing over lists of people to be evacuated to the Taliban regime might put them at risk; because of this, the country will be mainly working in cooperation with neighbouring countries.¹¹⁶

The Italian Ministry of Foreign Affairs has provided guidance to prefectures, lawyers and organizations, according to which Afghan citizens seeking visas for family reunification can apply to any Italian diplomatic and consular representation, with the premise that they should be able to prove family ties. It was pointed out that many reported insurmountable difficulties in trying to access this scheme, even for those eligible to obtain a visa according to the current legislation, due to the inoperability of the Italian Diplomatic Representation in Kabul.

Relevant Italian Embassies are not currently accessible to Afghan applicants: the Italian Embassy in Tehran, for example, asks for an appointment through the ordinary electronic booking channels (possible only with an Iranian internet connection), while the Embassy in Islamabad is inaccessible to most.¹¹⁷

There is no official position on humanitarian visas as yet.

A Memorandum of Understanding was signed on 4 November 2021 to establish humanitarian corridors for Afghan citizens in Afghanistan's neighbouring countries, such as Pakistan and Iran. In contrast, there is no provision for evacuation or any form of *laissez-passers* for those still stranded in Afghanistan.

Under the MoU, 1,200 Afghan citizens are foreseen as in "clear need of international protection" and their families will be allowed to enter Italy legally.

The project is divided into two distinct actions:

(a) A first action is addressed to persons either recognized by UNHCR as deserving the refugee status under the 1951 Geneva Convention and its 1967 Protocol or persons recognized under UNHCR mandate.

(b) A second action is addressed to persons who, although not included in the previous point, meet the require-

112. The Irish Times, Ireland will provide 150 humanitarian visas for Afghan refugees, says Minister, 17 August 2021, available at: <https://www.irishtimes.com/news/politics/ireland-will-provide-150-humanitarian-visas-for-afghan-refugees-says-minister-1.4649309>

113. UNHCR – Refugees Daily, Irish visas given to over 300 Afghans; New humanitarian scheme for refugees being developed as matter of urgency, 12 September 2021, available at: <https://www.unhcr.org/cgi-bin/texis/vtx/refdaily?pass=52fc6fdb5&id=613ef0453>

114. Information note on Afghanistan, Irish Refugee Council, 26 August 2021.

115. UNHCR – Refugees Daily, Irish visas given to over 300 Afghans; New humanitarian scheme for refugees being developed as matter of urgency, 12 September 2021, available at: <https://www.unhcr.org/cgi-bin/texis/vtx/refdaily?pass=52fc6fdb5&id=613ef0453>

116. Ansa Mondo, Afghanistan: Di Maio, corridoi umanitari da Paesi terzi, 31 August 2021, available in Italian at: https://www.ansa.it/sito/notizie/mondo/europa/2021/08/31/afghanistan-di-maio-corridoi-umanitari-da-paesi-terzi_bd59db55-b7ce-4e73-941d-92c604a436d8.html; Open, Afghanistan, l'Italia non aprirà corridoi umanitari. Di Maio: «Non possiamo dare liste ai talebani», 30 August 2021, available in Italian at: <https://www.open.online/2021/08/30/afghanistan-italia-di-maio-corridoio-umanitario/>

117. ASGI, Visti d'ingresso per entrare in sicurezza in Italia dall'Afghanistan, 14 September 2021, available in Italian at: <https://www.asgi.it/primo-piano/sicurezza-italia-afghanistan/>

ments for subsidiary protection under Legislative Decree 251/2007.

Therefore, with respect to the criteria for identifying beneficiaries belonging to the first category, this choice is left entirely to UNHCR, which will decide on the basis of the criteria adopted in its resettlement procedures.

Regarding the second category, the provisions of national and EU legislation on subsidiary protection are taken into account. In particular, it seems that for beneficiaries of the second category, their possible links with Italy must also be taken into account. In fact, the Protocol provides that it should also be evaluated:

- » whether they have family ties with Afghan citizens regularly residing in Italy;
- » whether they have collaborated with the Italian contingent in Afghanistan or with organisations linked to Italian international cooperation in Afghanistan;
- » whether they have already been reported to the competent Ministries in order to be included in the airlift evacuation carried out in August 2021 but could not leave Afghanistan due to the criticality of that moment;
- » whether they are in a proven situation of personal vulnerability, which cannot be adequately addressed in the country of transit and which must be compatible with the reception capacities in order to be adequately addressed in Italy;
- » whether they have stable family or social networks in Italy and for this reason have declared their intention to settle and integrate in the country.¹¹⁸

Status granted

Those excluded from protection are likely to receive special protection (a sort of humanitarian status).¹¹⁹

NETHERLANDS

Pathways for Afghans

Since 2014 there has been a special programme for people who cooperated with the Dutch military in Afghanistan, such as interpreters. They could email the Dutch embassy in Kabul to file a request to get a visa.

On 18 August 2021 the Dutch parliament asked for the evacuation of a broader category of people. Some of these people were evacuated before the evacuation ceased. After the evacuation, many people belonging to these groups emailed to ask for help. The email address was closed on the 17 September 2021, so this programme is now closed.

It is unclear what will happen with the email requests for help received before 17 September 2021. The Dutch government is conducting exploratory talks with the UNHCR and IOM about a possible special programme for members of groups who are in danger as a result of a link with the Netherlands or their high public profile and who emailed before 17 September 2021. However, it is unknown how long it will take for such a program to be available, what the criteria will be, and how many people will be covered.¹²⁰

The Dutch government published a communication stating that people who already hold an asylum permit can apply for family reunification for their “immediate family”, referring to the spouse and children living abroad, and that it will not issue humanitarian visas for people currently in Afghanistan.¹²¹

118. Information shared by ASGI, 16 November 2021.

119. Information shared by ASGI, 16 November 2021.

120. Information shared by Dutch Council for Refugees, 22 November 2021.

121. Dutch Council for Refugees, Situation in Afghanistan, available at: <https://www.vluchtelingenwerk.nl/forrefugees/belangrijke-informatie-je-eigen-taal?language=en>

PORUGAL

Pathways for Afghans

Portugal's Internal Administration Minister Eduardo Cabrita declared that the country has the financial capacity to receive "hundreds" of Afghan refugees, with priority for women, children, activists and journalists.¹²² Portugal's High Commission for Migration (ACM) stated that the country can receive 550 Afghan refugees, but that the network response to reception needs is still being organised. The ACM pointed out that it has received 31 responses from host organisations so far, demonstrating their willingness to support in areas as distinct as reception/housing, job creation, or the provision of essential goods.¹²³

SLOVENIA

Pathways for Afghans

It is not possible to apply for a humanitarian visa for Slovenia.¹²⁴

SWEDEN

Pathways for Afghans

The Swedish Migration Agency stated that it "cannot make exceptions to the requirements or prioritise applications for residence permits from Afghanistan", but is currently working on a customised plan for resettlement in Sweden for people who have worked for Swedish interests in Afghanistan, as well as their close relatives. The same applies to people who already have a residence permit in Sweden, or who are Swedish citizens and are currently in Afghanistan.¹²⁵

SWITZERLAND

Pathways for Afghans

Out of 7,800 requests from Afghans for a humanitarian visa to Switzerland, only 3 were granted in October 2021.¹²⁶

Documentation required

Those without a passport who have previously approved family reunification applications will receive their *laissez-passer* at the Swiss embassy in Islamabad. However, they are not allowed to board the aircraft, because the *laissez-passer* is not accepted as a sufficient travel document by the Pakistani airport police.

Despite renewed requests to the Secretary of Migration (SEM) to issue *laissez-passers* for people in Afghanistan in the context of a pre-screening request for a humanitarian visa, a *laissez-passer* was issued only in very specific cases.¹²⁷ The SEM was additionally contacted in Autumn 2021 to enquire about the proper steps for those who do not have a passport, but do meet the requirements for family reunification or a humanitarian visa.

122. Euractiv, Portugal can afford to receive hundreds of Afghans – minister, 1 September 2021, available at: https://www.euractiv.com/section/politics/short_news/portugal-can-afford-to-receive-hundreds-of-afghans-minister/

123. Eco News, Portugal ready to host 550 refugees, 3 September 2021, available at: <https://econews.pt/2021/09/03/portugal-ready-to-host-550-refugees/>

124. Information shared by PIC, 16 September 2021.

125. Swedish Migration Agency, This information applies to persons who have family in Afghanistan, 30 August 2021, available at: <https://www.migrationsverket.se/English/Private-individuals/Moving-to-someone-in-Sweden/Nyhetsarkiv/2021-08-30-This-information-applies-to-persons-who-have-family-in-Afghanistan.html>

126. Information shared by Swiss Refugee Council, November 2021; SRF, Menschen aus Afghanistan erhalten kaum humanitäre Visa, 6 October 2021, available at: <https://www.srf.ch/news/schweiz/nach-taliban-machtuebernahme-menschen-aus-afghanistan-erhalten-kaum-humanitaere-visa>

127. Information shared by AsyLex, November 2021.

There had been no response at the time of writing¹²⁸. The SEM's website communicates the following: "Currently, no *laissez-passer*s are issued in Afghanistan, as Switzerland does not have a diplomatic representation there".¹²⁹

UNITED KINGDOM

Pathways for Afghans

The UK Home Office declared that the Afghan citizens' resettlement scheme (ACRS) will provide protection for people at risk identified as in need, and that the eligibility requirements will be published in due course. The government committed to include around 5000 people in the scheme in the first year and up to 20,000 over the coming years.¹³⁰

The UK Home Office declares on its website that the ACRS "makes the UK's humanitarian response to the crisis in Afghanistan one of the most ambitious in the world to date and builds on our proud record of resettling more people than any other European country since 2015."¹³¹ However, the UK Refugee Council notes that current resettlement schemes support only a fraction (around 1%) of those in need, and refugees face a long and uncertain wait to hear if they will ever be able to rebuild their lives in safety. In the 12 months prior to June 2021, just 661 people were resettled in the UK.¹³²

The Afghan resettlement scheme has not yet been implemented at the time of writing.¹³³ The most recent update to the UK Government's website was 13 September 2021, stating: "The scheme is not yet open. Please check this page regularly. Further details will be announced in due course."¹³⁴

An answer to a UK Parliament written question about the progress of the scheme on 02 December 2021 stated: "Officials are working urgently to stand up the remaining elements of the scheme. However, the first to be resettled through this scheme will be some of those who arrived in the UK under the evacuation programme, which included individuals who were considered to be at particular risk. There will not be a formal Home Office owned application process for the ACRS. Instead, eligible people will be prioritised and referred for resettlement to the UK."¹³⁵

128. Information shared by AsyLex, November 2021.

129. State Secretariat for Migration, Afghanistan Crisis: Key Information, available at: <https://www.sem.admin.ch/sem/en/home/asyl/afghanistan.html#-471856565>

130. UK Home Office, Afghan citizens' resettlement scheme, available at: <https://www.gov.uk/guidance/afghan-citizens-resettlement-scheme>

131. UK Home Office, Afghanistan resettlement and immigration policy statement (accessible version), 13 September 2021, available at: <https://www.gov.uk/government/publications/afghanistan-resettlement-and-immigration-policy-statement/afghanistan-resettlement-and-immigration-policy-statement-accessible-version>

132. UK Refugee Council, Asylum backlog reaches a record high, including over 3,000 Afghans, 26 August 2021, available at: <https://www.refugeecouncil.org.uk/latest/news/asylum-backlog-reaches-a-record-high-including-over-3000-afghans>

133. The Guardian, Tory anger grows over Priti Patel's failure to start resettling stranded Afghans, 28 November 2021, available at: <https://www.theguardian.com/world/2021/nov/28/tory-anger-grows-over-priti-patels-failure-to-start-resettling-stranded-afghans>

134. UK Home Office, Afghan citizens' resettlement scheme, available at: <https://www.gov.uk/guidance/afghan-citizens-resettlement-scheme>

135. UK Parliament, Refugees: Afghanistan, Question for Home Office, UIN 81016, tabled on 24 November 2021, answered on 02 December 2021, available at: <https://questions-statements.parliament.uk/written-questions/detail/2021-11-24/81016>

III. ACCESS TO ASYLUM, TREATMENT OF ASYLUM APPLICATIONS, DETENTION PRACTICES AND RECEPTION CONDITIONS, FOR AFGHANS ALREADY IN EUROPE

AUSTRIA

Suspension of returns to Afghanistan

Austria was one of six EU countries that sent a joint letter to the European Commission on 05 August 2021, warning against the suspension of non-voluntary returns of Afghan migrants. The letter argued that any suspension of deportations would act as a migration magnet and “motivate even more Afghan citizens to leave their home for the EU.”¹³⁶ Following the quick deterioration of the security situation in Afghanistan, most of the signatories reversed their initial position and halted returns to Afghanistan.

Austria, however, insisted that it plans to keep removing “illegal immigrants” back to Afghanistan, as the Taliban seized Kabul, and suggested setting up “deportation centres” in nearby countries as an alternative to halting returns.¹³⁷ However, the Constitutional Court ruled on 18 August 2021 that there was no prospect of deporting an asylum applicant whose claim has been rejected back to Afghanistan.¹³⁸

A coalition of NGOs – including the Austrian Red Cross – wrote to the government in Austria to advocate for the re-evaluation of the government’s positions on Afghan returns.¹³⁹

Currently, there is no official communication regarding returns to Afghanistan other than that they are not possible at this time.¹⁴⁰

Detention

The general practice is that detainees are now being released from administrative detention, as the conditions for detention are no longer met given that returns to Afghanistan are not currently possible.¹⁴¹

Treatment of previously rejected asylum cases

Two Austrian Constitutional Court cases were decided in September 2021:

- » In *VfGH E3047/2021*,¹⁴² dated 24 September 2021, the Constitutional Court overturned a negative decision from 1 July 2021 which had ordered a return. The Constitutional Court stated that at this time it was already “perceptible” in the COI that the situation in Afghanistan was very volatile and further deterioration was imminent. Therefore, the Administrative Court had erred in only carrying out an assessment of the lack of hostile action in certain areas at the moment of decision (“at present”). It was already perceptible that there was a serious risk for civilians like the applicant.

136. VOA News, Six EU Countries Want to Maintain Deportations of Afghan Asylum-Seekers, 11 August 2021, available at: <https://www.voanews.com/europe/six-eu-countries-want-maintain-deportations-afghan-asylum-seekers>

137. Euractiv, Austria calls for ‘deportation centres’ to host Afghans near Afghanistan, 17 August 2021, available at: <https://www.euractiv.com/section/global-europe/news/austria-calls-for-deportation-centres-to-host-afghans-near-afghanistan/>

138. Reuters, Court ruling further undermines Austria’s stance on deporting Afghans, 18 August 2021, available at: <https://www.reuters.com/world/europe/court-ruling-further-undermines-austrias-stance-deporting-afghans-2021-08-18/>

139. Information shared by the Austrian Red Cross, 07 September 2021.

140. Information shared by Diakonie Refugee Service, 22 November 2021.

141. Information shared by Diakonie Refugee Service, 22 November 2021.

142. Available in German at https://www.ris.bka.gv.at/Dokument.wxe?ResultFunctionToken=2b6b1f55-205e-4594-8067-6d70c445827f&Abfrage=Vfgh&Entscheidungsart=Undefined&Sammlungsnummer=&Index=&SucheNachRechtssatz=True&SucheNachText=&G-Z=&VonDatum=&BisDatum=01.12.2021&Norm=&ImRisSeitVonDatum=&ImRisSeitBisDatum=&ImRisSeit=Undefined&ResultPageSize=100&Suchworte=&Dokumentnummer=JFR_20210924_21E03047_01

- » In *VfGH E 3445/2021*,¹⁴³ dated 30 September 2021, the Constitutional Court explicitly stated that the security situation in Afghanistan was, at least from 20 July 2021 on, of such volatility that a violation of Article 3 ECHR was definitely and in all cases (“*jedenfalls*”) to be expected in case of return to Afghanistan.

It remains unclear whether these decisions mean that from 20 July 2021 all negatively decided protection claims by Afghans should be cancelled (or from 1 July 2021, if the assessment was not properly conducted) or whether all decisions from 1 July 2021 should be overturned.¹⁴⁴

Subsequent applications seem to be successful in practice, insofar as a new case may be introduced and not dismissed as *res iudicata*. However there have been no decisions as yet.¹⁴⁵

Status granted

Applicants who are excluded from protection status (whether asylum or subsidiary protection) do not receive any other legal status, although the decision on their case may be that return is not permitted or not possible. Individuals can apply for a tolerated stay called “*Duldung*”. While this is not a legal status in itself, and the individual’s stay continues to be irregular, this can lead to legal status in the future.¹⁴⁶

BELGIUM

Examination of asylum applications from Afghans

On 16 August 2021, the CGRS decided a temporary and partial suspension of the notification of decisions for Afghan applicants in Belgium, that initially applied until the end of September.¹⁴⁷ At the beginning of October 2021, the suspension was extended until 15 November 2021. This suspension has now been extended until 4 January 2022 for the assessments of claims from Afghan nationals for subsidiary protection status but it does not apply to decisions on refugee status.¹⁴⁸

Treatment of previously rejected asylum cases

Decisions on second requests for asylum from Afghan nationals are currently suspended,¹⁴⁹ including decisions on the admissibility of these claims.¹⁵⁰

Suspension of returns to Afghanistan

Belgium was one of six EU countries that sent a joint letter to the European Commission on 5 August 2021, warning against the suspension of non-voluntary returns of Afghan migrants. The letter argued that any suspension of deportations would act as a migration magnet and “motivate even more Afghan citizens to leave their home for the EU.”¹⁵¹ Following deterioration of the security situation, most of the signatories

143. Available in German at https://www.ris.bka.gv.at/Dokument.wxe?ResultFunctionToken=2b6b1f55-205e-4594-8067-6d70c445827f&Abfrage=Vfgh&Entscheidungsart=Undefined&Sammlungsnummer=&Index=&SucheNachRechtssatz=True&SucheNachText=&G-Z=&VonDatum=&BisDatum=01.12.2021&Norm=&ImRisSeitVonDatum=&ImRisSeitBisDatum=&ImRisSeit=Undefined&ResultPageSize=100&Suchworte=&Dokumentnummer=JFR_20210930_21E03445_01

144. Information shared by Diakonie Refugee Service, 22 November 2021.

145. Information shared by Diakonie Refugee Service, 22 November 2021.

146. Information shared by Diakonie Refugee Service, 22 November 2021.

147. CGRS - Office of the Commissioner general for refugees and stateless persons, Afghan decisions suspended, 16 August 2021, available at: <https://www.cgra.be/en/news/afghan-decisions-suspended>

148. Available in Dutch at <https://www.cgvs.be/nl/actueel/tijdelijke-gedeeltelijke-opschorting-van-de-betekening-van-beslissingen-voor-verzoekers-uit>

149. Information received from JRS Europe.

150. Information shared by Cabinet d'avocats du Quartier des Libertés, 22 November 2021.

151. VOA News, Six EU Countries Want to Maintain Deportations of Afghan Asylum-Seekers, 11 August 2021, available at: <https://www.voanews.com/europe/six-eu-countries-want-maintain-deportations-afghan-asylum-seekers>

reversed their initial position and halted returns to Afghanistan.

Returns to Afghanistan from Belgium are currently *de facto* suspended.¹⁵²

Reception conditions

Belgian NGOs reported an increase in the number of Afghans demanding their services, particularly access to reception centres and legal assistance. These are mainly subsequent applicants who do not have reception rights, and, therefore, have no direct access to services at the first point of contact.

On a general basis, subsequent applicants are not automatically reintegrated into the reception system. Instead, they have to wait until they get an admissibility decision from the CGRS. The criteria are different only when it comes to specific vulnerable cases (vulnerability under Fedasil's framework). On 16 August 2021, the CGRS suspended these admissibility decisions until the end of September 2021. As a consequence, subsequent applicants who are not among those vulnerable profiles will not have access to reception and will be confronted with even longer waiting periods before accessing a centre.

CROATIA

Access to asylum

Various pushbacks of Afghan refugees were registered between 6 and 29 August 2021 at the Croatian border with Bosnia, as reported, among others, by the Danish Refugee Council (DRC). Around 60 people were subjected to the pushbacks, half of whom were minors.¹⁵³

Examination of asylum applications from Afghans

At present there have been no changes to the processing of Afghan claims.¹⁵⁴

REPUBLIC OF CYPRUS

Suspension of returns to Afghanistan

While there is no official communication, there is also no information indicating that there are Afghans in return procedures. Information received unofficially indicates that there would be no returns and likely no capacity to return.¹⁵⁵

Detention

Based on monitoring, currently there are no Afghans in detention.¹⁵⁶

Status granted

Those excluded from protection status and not returnable to Afghanistan should properly be granted humanitarian protection. However, in practice the few cases observed are left undocumented.¹⁵⁷

152. Information received from JRS Europe.

153. EU Observer, Croatia accused of pushing back Afghan refugees, 01 September 2021, available at: <https://euobserver.com/tickers/152771>.

154. Information shared by JRS.

155. Information shared by Cyprus Refugee Council, 14 September 2021.

156. Information shared by Cyprus Refugee Council, 14 September 2021.

157. Information shared by Cyprus Refugee Council, 14 September 2021.

CZECH REPUBLIC

Access to asylum

In mid-August, the Czech Interior Minister Jan Hamáček confirmed that Afghans who arrive in the Czech Republic will be able to apply for international protection and receive support to help them integrate into society, if they choose to remain in the country. Prague Mayor Zdeněk Hřib offered support with the admission of Afghan interpreters and their families.¹⁵⁸

Suspension of returns to Afghanistan

The Czech Republic is currently refusing to officially suspend deportations to Afghanistan; the Interior Minister declared that the country will treat each asylum application individually, examining the reasons thoroughly to determine whether to grant (asylum) or not, without making any “blanket exceptions”.¹⁵⁹

Detention

In August, 34 Afghan nationals were in the Detention Centre for Foreigners, according to the authorities. It is unclear how many of this number are currently awaiting removal.¹⁶⁰

DENMARK

Suspension of returns to Afghanistan

Returns to Afghanistan are suspended.¹⁶¹ Forced removals to Afghanistan were put on hold on 12 August 2021 following the request by the former Afghan Ministry of Foreign Affairs to the EU.¹⁶²

Detention

It is not clear whether Afghans are released from administrative detention.

Examination of asylum applications from Afghans

On 16 August 2021, the Refugee Appeals Board suspended the examination of Afghan asylum cases.¹⁶³ The Danish Immigration Service has also put the examination of Afghan asylum applications on hold. However, Dublin cases regarding Afghan asylum seekers are still being processed.¹⁶⁴

Treatment of previously rejected asylum cases

The Refugee Appeals Board initiated a screening of cases of Afghan asylum applicants whose claims had been rejected and who were still present in Denmark, to assess whether their cases should be re-examined. The Board will screen all old and pending cases of rejected Afghans who have not yet been deported, to determine whether there are grounds for reassessment.¹⁶⁵ It is as yet unclear whether this means all cases will

158. Expats CZ, Czech Republic won't refuse asylum to those facing danger in Afghanistan, 17 August 2021, available at: <https://www.expats.cz/czech-news/article/czech-republic-to-welcome-afghans-who-want-to-remain-in-the-country-as-evacuations-continue>

159. Reuters, Prague says it will not suspend deportations to Afghanistan, 13 August 2021, <https://www.reuters.com/world/europe/prague-says-it-will-not-suspend-deportations-afghanistan-2021-08-13/>

160. Expats CZ, Czech Republic won't refuse asylum to those facing danger in Afghanistan, 17 August 2021, <https://www.expats.cz/czech-news/article/czech-republic-to-welcome-afghans-who-want-to-remain-in-the-country-as-evacuations-continue>

161. Information shared by Danish Refugee Council, 07 September 2021.

162. Information by the Danish Ministry of Immigration and Integration, “Orientering om afghansk beslutning om midlertidigt at suspendere tvangsmæssige hjemsendelser til Afghanistan”, 12 August 2021, available in Danish at <https://www.ft.dk/samling/20201/almel/UU/bilag/148/2433331/index.htm>

163. Refugee Appeals Board, “Flygtningenævnet berostiller sager vedrørende afghanske statsborgere”, 16 August 2021, available in Danish at <https://fln.dk/da/Nyheder/Nyhedsarkiv/2021/16082021>

164. Information shared by the Danish Refugee Council, 23 November 2021.

165. Information shared by the Danish Refugee Council, 07 September 2021.

be reopened and reassessed.¹⁶⁶ It is also possible for rejected Afghan asylum seekers to apply for reexamination of their cases.¹⁶⁷

Regarding subsequent applications and reconsideration requests, the normal practice is to reopen cases when there is new general information about the situation in a country, or when there is new evidence put forward by an applicant. The Refugee Appeals Board has not been able to assess Afghan asylum cases due to lack of country of origin information. At the time of writing the Refugee Appeals Board was due to reconsider the suspension of Afghan cases at the next coordination meeting on 16 December 2021.¹⁶⁸

Status granted

Those who are excluded from protection status in Denmark, but would be at risk and so cannot be returned to their country of origin, would be present in Denmark on a tolerated stay, and therefore would be exempt from the requirement for a residence permit.¹⁶⁹

ESTONIA

Examination of asylum applications from Afghans

There were no Afghan cases known to be pending at the time of writing, and therefore no suspensions, resumptions, or re-examinations.¹⁷⁰

FINLAND

Suspension of returns to Afghanistan

Finland was one of the first European countries to announce a temporary suspension of returns, alongside Sweden and Norway. On 9 July 2021, the Finnish Immigration Service suspended decision-making processes leading to a negative decision based on which a person would be returned to Afghanistan. This will continue until the Finnish Immigration Service has assessed the security situation in Afghanistan and reviewed policy guidelines on the country.¹⁷¹

The Immigration Service has stated that they no longer apply the internal flight alternative to Afghanistan.¹⁷²

Examination of asylum applications from Afghans

The Finnish Immigration Service suspended the making of negative decisions for Afghan asylum seekers involving removal from the country on 09 July 2021. The making of positive decisions has not been suspended.¹⁷³

In November 2021, Finland issued new country guidelines for decision-making on asylum and residence permit applications for Afghan citizens.¹⁷⁴

166. Information shared by the Danish Refugee Council, 22 November 2021.

167. Information shared by the Danish Refugee Council, 23 November 2021.

168. Information shared by the Danish Refugee Council, 22 November 2021.

169. Information shared by the Danish Refugee Council, 13 September 2021.

170. Information by Estonian Refugee Council, November 2021.

171. Finnish Government – Ministry of the Interior, Non-return of persons from Finland to Afghanistan – policy in line with UN advisory, 18 August 2021, available at: <https://valtioneuvosto.fi/en/-/1410869/non-return-of-persons-from-finland-to-afghanistan-policy-in-line-with-un-advisory>.

172. Information from Refugee Advice Centre Finland, 11 November 2021.

173. Finnish Immigration Service, Finnish Immigration Service has paused issuing of negative decisions involving removal from the country to Afghanistan, 14 July 2021, available at: <https://migri.fi/en/-/finnish-immigration-service-has-paused-issuing-of-negative-decisions-involving-removal-from-the-country-to-afghanistan>

174. Finnish Immigration Service, New country guidelines for Afghanistan – extensive assessment of the security situation to continue, available at : <https://migri.fi/en/-/new-country-guidelines-for-afghanistan-extensive-assessment-of-the-security-situation-to-continue?ref=newsroom>

FRANCE

Examination of asylum applications from Afghans

There has been no suspension of Afghan asylum cases. The position of asylum claims is still unclear, and diverges between first instance administration (OFPRA) and the appeal court (CNDA). Some OFPRA decisions still consider that there is generalised violence in Afghanistan justifying subsidiary protection. However, CNDA has stated that the conditions are no longer met to grant subsidiary protection on this ground and that now the examination of cases having regard for the Geneva Convention should be privileged.¹⁷⁵ However, in another decision of 21 September 2021, the CNDA granted subsidiary protection to an Afghan considering that he was at risk of being subjected to inhuman treatment due to his vulnerability (on the basis of his young age, social isolation and psychological issues).¹⁷⁶

GERMANY

Suspension of returns to Afghanistan

Germany was also one of the last countries to temporarily stop deportations to Afghanistan; the decision was taken on 11 August 2021, but there is still no official document available.¹⁷⁷ There is therefore a *de facto* suspension, while return orders remain valid.¹⁷⁸ A formal document could be agreed on at one of the upcoming conferences of the Ministries of Interior.

Examination of asylum applications from Afghans

In Germany, around 11,000 cases are pending at first instance, and between 15,000 and 20,000 review cases of Afghan nationals are also pending. In August 2021, BAMF announced a halt in decision making concerning applications by Afghans, due to the change in the security situation and the need for a renewed assessment. The previous approach of the Federal Office for Migration and Refugees (BAMF) was restrictive, with the internal protection alternative often applied.

Therefore, the BAMF has been making decisions on cases in which it was able to grant refugee recognition or subsidiary protection according to its previous assessment of the situation before the Taliban came to power. An update to the country of origin information provided by the Federal Foreign Office was presented in October 2021. However, BAMF tied the pause in decision making to the publication of the update of the EASO Country Guidance, published recently.¹⁷⁹ From 1 December onwards, the BAMF can again make decisions regarding applications by Afghans based on new guiding principles.¹⁸⁰

Treatment of previously rejected asylum cases

There is no official position, but organizations are encouraging rejected Afghan asylum seekers to reapply.¹⁸¹ There are no plans for *ex officio* re-examination.

The debate on cases in which a follow-up application makes sense is ongoing. It is already relatively certain that those who fled persecution by the Taliban, and whose asylum applications were rejected in the past solely because of a so-called domestic flight alternative within Afghanistan, will be granted refugee status in the case of a subsequent asylum application.¹⁸²

175. Cour Nationale du Droit d'Asile, Communiqué de presse: Evolution de la situation sécuritaire en Afghanistan, 30 August 2021, available in French at: <http://www.cnnda.fr/La-CNDA/Actualites/Communique-de-presse5>

176. Cour Nationale du Droit d'Asile, Communiqué de presse: La Cour protège un ressortissant afghan vulnérable, 05 October 2021, available in French at: <http://www.cnnda.fr/La-CNDA/Actualites/Communique-de-presse7>

177. EU Observer, Germany and Netherlands halt returns of Afghans, 12 August 2021, available at: <https://euobserver.com/migration/152640>

178. Information shared by JRS.

179. Information from Pro Asyl, 12 November 2021.

180. Information shared by Pro Asyl, 3 December 2021.

181. Information shared by JRS.

182. Information shared by Pro Asyl, 12 November 2021.

Status granted

2,800 Afghans currently live in Germany only on the basis of a toleration status (so-called “*Duldung*”). National civil society organisations are advocating for higher protection and additional rights.¹⁸³

GREECE

Suspension of returns

On 07 June 2021, in a Joint Ministerial Decision, Greece unilaterally declared Turkey a safe third country for asylum-seekers originating from Afghanistan, Bangladesh, Pakistan and Somalia, in addition to Syria. As a result, the use of admissibility procedures, previously only applied to Syrians, is expanded to four additional nationalities and its geographical range extended to transfers from the Greek mainland.¹⁸⁴ The country has not revised its stance after recent developments; on the contrary, the Greek Minister for Migration and Asylum, Notis Mitarakis, has warned of a repeat of the situation in 2015 and announced that Greece will not be the “gateway to Europe for illegal Afghan migrants”.¹⁸⁵

Reception conditions

In Greece there are reports of more than 400 Afghans “stuck” in a hotel, without clear indications on their legal status.¹⁸⁶

IRELAND

Examination of asylum applications from Afghans

On the Department of Justice webpage, a section is dedicated to international protection applicants: “If you are an Afghan national currently awaiting a final decision on your international protection application, please note that the Department is now reviewing all current applications from Afghan nationals with a view to expediting their progress. We will contact you directly when there is an update on your case.”¹⁸⁷

Treatment of previously rejected asylum cases

There is no official position, but civil society is encouraging rejected applicants to formally seek revocation of deportation orders due to recent developments.¹⁸⁸

Suspension of returns to Afghanistan

No deportation orders will be actioned at the present time.

Dublin transfers

For cases subject to the Dublin III Regulation which have been designated for transfer to another EU Member or found to be inadmissible, the Department of Justice has decided to accept these cases on a compassionate basis.¹⁸⁹

183. Information shared by Pro Asyl, 07 September 2021.

184. UNHCR, UNHCR’s Position and Recommendations on the Safe Third Country Declaration by Greece, 02 August 2021, available at: <https://www.unhcr.org/gr/en/22885-unhcrs-position-and-recommendations-on-the-safe-third-country-declaration-by-greece.html>

185. Heinrich-Böll-Stiftung European Union, On the border: Greece’s response to Afghan asylum seekers, 25 August 2021, available at: <https://eu.boell.org/en/2021/08/25/border-greeces-response-afghan-asylum-seekers>

186. Information shared by Danish Refugee Council, 18 November 2021.

187. Department of Justice Ireland, Immigration notice on the humanitarian situation in Afghanistan, 19 August 2021, available at: <https://www.irishimmigration.ie/immigration-notice-on-the-humanitarian-situation-in-afghanistan/>

188. Information shared by JRS.

189. Information note on Afghanistan, Irish Refugee Council, 26 August 2021.

ITALY

Examination of asylum applications from Afghans

It is not known whether there has been an acceleration or a second evaluation of the asylum applications of Afghan citizens. However, the Prefectures, if requested, will issue a *nulla osta* for family reunification to Afghan citizens much faster; whereas previously, the public administration did not respond.¹⁹⁰

Treatment of previously rejected asylum cases

Due to the change in circumstances, there should not be problems in presenting a subsequent application.¹⁹¹

Suspension of returns to Afghanistan

There has been no official communication, but no returns to Afghanistan have taken place.¹⁹²

Detention

There is no detention of asylum seekers unless there is a security threat.¹⁹³

LITHUANIA

Suspension of returns to Afghanistan

Lithuania suspended forced deportations to Afghanistan in September 2021.¹⁹⁴

Access to asylum

On 9 September 2021, five Afghan migrants were pushed back to Belarus shortly after they had crossed the border, despite the European Court of Human Rights earlier establishing they should be allowed to stay. The Interior Minister Agne Bilotaite declared: "Lithuania is ready to help Afghanistan citizens if they arrive legally. But we will not allow anyone to abuse our asylum system and to turn Lithuania into a thoroughfare for illegal migration".¹⁹⁵

Examination of asylum applications from Afghans

On 29 November 2021, it has been reported that Afghans whose asylum applications have been rejected will be provided with temporary humanitarian residence permits which will be valid for a year. After the year, asylum requests can be resubmitted.¹⁹⁶

LUXEMBOURG

Examination of asylum applications from Afghans

The Luxembourgish administration has suspended the processing of all claims from Afghan nationals, on the

190. Information shared by ASGI, 16 November 2021.

191. Information shared by ASGI, 21 September 2021.

192. Information shared by ASGI, 21 September 2021.

193. Information shared by ASGI, 21 September 2021.

194. BNS, Rejected Afghan Asylum seekers get temporary humanitarian permits, 29 November 2021, available at: <https://www.delfi.lt/en/politics/rejected-afghan-asylum-seekers-get-temporary-humanitarian-permits.d?id=88806093>

195. Reuters, Lithuania expels Afghanistan migrants despite European Court stand, 9 September 2021, available at: <https://www.reuters.com/world/lithuania-expels-afghanistan-migrants-despite-european-court-stand-2021-09-09>

196. BNS, Rejected Afghan Asylum seekers get temporary humanitarian permits, 29 November 2021, available at: <https://www.delfi.lt/en/politics/rejected-afghan-asylum-seekers-get-temporary-humanitarian-permits.d?id=88806093>

basis that it is awaiting an update from EASO.¹⁹⁷

Treatment of previously rejected asylum cases

Several Afghan applicants, including those whose applications had been rejected in the administrative phase and whose cases are pending before the court, received notice that their files are being reexamined and that they had until the end of November 2021 to submit additional information or evidence.

For all Afghan protection claims pending before the administrative courts, the government has extended the usual one-month time frame for filing its written submissions until the end of January 2022.

Proceedings in court concerning applications which had been rejected in the administrative phase have now been halted at the request of the government. The Minister of Foreign Affairs recently stated in a meeting with NGOs that the administration and several judges had met to discuss this course of action before the government asked for the suspension of each individual case.

For those whose protection claim applications were rejected and then the rejection confirmed by the courts, the picture is currently unclear.¹⁹⁸

NETHERLANDS

Suspension of returns to Afghanistan

The Netherlands suspended forced deportations in the second week of August.¹⁹⁹

Examination of asylum applications from Afghans

Since 11 August 2021 there has been a moratorium (i.e., the postponement of decision and postponement of departure) effective for 6 months in cases of Afghan asylum seekers.²⁰⁰ The decision time of ongoing applications and applications submitted from 26 August 2021 is extended to 18 months in principle. The expectation is that after this period there will be decisions on a new policy or extension of the moratorium. During the moratorium it is still possible to give an asylum status in evident cases (for example interpreters have been given a status after the moratorium started).²⁰¹

Treatment of previously rejected asylum cases

There are no problems in presenting a subsequent application, as the Aliens Act does not limit this possibility. However, there is no specific information available on how many subsequent applications, or the reconsideration of Afghan cases within this context, have been made since August 2021.

Detention

Afghans have been released from administrative detention.²⁰²

197. Information provided by Passarelle, 10 November 2021; see also Chronicle.lu, Jean Asselborn Defends Decisions re. International Protection of Afghan Applicants, available at: <https://chronicle.lu/category/abroad/37918-jean-asselborn-defends-decisions-re-international-protection-of-afghan-applicants>

198. Information provided by Passarelle, 10 November 2021.

199. EU Observer, Germany and Netherlands halt returns of Afghans, 12 August 2021, available at: <https://euobserver.com/migration/152640>

200. Rijksoverheid, Kamerbrief over instellen besluiten vertrekmoratorium Afghanistan, available in Dutch at: <https://www.rijksoverheid.nl/documenten/kamerstukken/2021/08/11/tk-instellen-besluit-en-vertrekmoratorium-afghanistan>

201. Information shared by Dutch Refugee Council, 27 September 2021.

202. Information shared by Dutch Refugee Council, 27 September 2021.

NORWAY

Suspension of returns to Afghanistan

Norway decided to temporarily suspend decisions to return applicants to Afghanistan who received a rejection of their application for a residence permit.²⁰³ The suspension, initially set until 15 September 2021, has been extended and is currently in place until 31 January 2022.²⁰⁴

Detention

No official information has been given, but the conditions for detention will likely no longer be present.²⁰⁵

Treatment of previously rejected asylum cases

Reconsideration requests may be made, but usually will not be processed when the situation is unclear, as it is currently.²⁰⁶

SLOVENIA

Suspension of returns to Afghanistan

There is no official communication regarding returns. Slovenia depends on other countries, mainly Austria and Germany, to deport Afghan nationals, so this is not currently a possibility.

Slovenia returns a very small number of Afghan nationals, and in addition there is a very small number of people who stay in Slovenia after getting a negative decision.²⁰⁷

Examination of asylum applications from Afghans

There has been an administrative court decision that the Ministry needs to evaluate the new security situation while deciding on requests for subsequent applications. However, no decision on such a case was made. Slovenia does not have a large number of cases.

Treatment of previously rejected asylum cases

According to available information, the country is not expected to review old cases, but rejected Afghan asylum seekers may submit a request for a subsequent application based on the new security situation.²⁰⁸

Detention

Only those who are a security threat, including Afghan nationals, will be detained.²⁰⁹

203. Norwegian Immigration Appeals Board (UNE), UNE suspends returns to Afghanistan, 22 July 2021, available at: <https://www.une.no/en/see-more-news/archive/2021/une-suspends-returns-to-afghanistan/>

204. Norwegian Immigration Appeals Board (UNE), UNE extends return stop to Afghanistan, 8 September 2021, available at: <https://www.une.no/aktuelt/arkiv/2021/forlenger-returstopp-til-afghanistan/>

205. Information shared by Andersen & Bache-Wiig, 22 September 2021.

206. Information shared by Andersen & Bache-Wiig, 22 September 2021.

207. Information shared by Legal-Informational Centre for NGOs (PIC), 16 September 2021.

208. Information shared by Legal-Informational Centre for NGOs (PIC), 07 September 2021.

209. Information shared by Legal-Informational Centre for NGOs (PIC), 16 September 2021.

SWEDEN

Suspension of returns to Afghanistan

Sweden stopped all deportations to Afghanistan in mid-July, citing the deteriorating security situation in the country.²¹⁰

Examination of asylum claims from Afghans and treatment of previously rejected claims

Following the publication of EASO Guidance on 11 November 2021, the Swedish Migration Agency has returned to the regular processing of Afghan asylum cases, and has also announced that Afghan asylum seekers who have received a deportation decision may be granted re-examination of their applications.²¹¹

Detention

Afghans in detention have been released and were left without any support in terms of basic services (housing, money for food, etc).²¹²

SWITZERLAND

Examination of asylum applications from Afghans

Where the basis for a positive decision is clear (that is, the case concerns applicants who would have been granted a status before the Taliban took over), decisions are being made. For other cases (mainly persons with a social network in Kabul, Herat or Mazar-i-Sharif), decisions are not being made at the moment. The authorities (SEM) are currently working on analysing the situation and will wait for the new COI findings before making new decisions or a change of practice.²¹³

UNITED KINGDOM

Examination of asylum applications from Afghans

The Quarterly Home Office immigration statistics show that in the year to June 2021, only 489 out of 1,089 Afghans were granted protection, while a major backlog of 50,000 asylum cases is still unresolved in the system. Some of the refusals were issued while the Taliban was taking control of Afghanistan.²¹⁴

Treatment of previously rejected asylum cases

The UK government's policy paper published on 13 September 2021 states that "Those who have previously been refused asylum, who believe their situation has changed, will need to make a further submission to have their case re-considered."²¹⁵

210. Info Migrants, Sweden follows Finland, suspends deportations to Afghanistan, 19 July 2021, available at: <https://www.infomigrants.net/en/post/33684/sweden-follows-finland-suspends-deportations-to-afghanistan>; Migrationsverket – Swedish Migration Agency, Information regarding the situation in Afghanistan, available at: <https://www.migrationsverket.se/English/About-the-Migration-Agency/Information-regarding-the-situation-in-Afghanistan.html>

211. Migrationsverket, New judicial position on Afghanistan, 01 December 2021, available at: <https://www.migrationsverket.se/English/About-the-Migration-Agency/For-press/News-archive/News-archive-2021/2021-12-01-New-judicial-position-on-Afghanistan.html>

212. Information shared by Swedish Network of Refugee Support Groups (FARR), 07 September 2021.

213. Information shared by Swiss Refugee Council, 11 November 2021.

214. Amnesty International UK, UK: Latest figures show around half of Afghan asylum claims rejected by Home Office, 26 August 2021, available at: <https://www.amnesty.org.uk/press-releases/uk-latest-figures-show-around-half-afghan-asylum-claims-rejected-home-office>; UK Home Office, Immigration statistics, year ending June 2021, 26 August 2021, available at: <https://www.gov.uk/government/statistics/immigration-statistics-year-ending-june-2021>

215. UK Home Office, Afghanistan resettlement and immigration policy statement (accessible version), 13 September 2021, available at: <https://www.gov.uk/government/publications/afghanistan-resettlement-and-immigration-policy-statement/afghanistan-resettlement-and-immigration-policy-statement-accessible-version>

Suspension of returns to Afghanistan

The UK Home Office has published general policies on Afghanistan, containing comments on general humanitarian conditions, and a relatively broad approach to defining people who would be at risk from the Taliban. However, overall there is a careful avoidance of any suggestion that there is a policy of not returning to Afghanistan.²¹⁶

The UK Home Office's policy document published on 13 September 2021 states: "[t]he government has suspended enforced returns to Afghanistan and there are currently no commercial flights operating to Afghanistan."²¹⁷

216. UK Home Office Guidance, dated 02 November 2021, available at: <https://www.gov.uk/government/publications/afghanistan-country-policy-and-information-notes>

217. UK Home Office, Afghanistan resettlement and immigration policy statement (accessible version), 13 September 2021, available at: <https://www.gov.uk/government/publications/afghanistan-resettlement-and-immigration-policy-statement/afghanistan-resettlement-and-immigration-policy-statement-accessible-version>