

Ad-Hoc Query on the kind of permit and on the level of fees for third-country nationals admitted by the Member States for the purpose of work under national legislation

Requested by AT 16th March 2010

Compilation produced on 31st May 2010

Responses from Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Hungary, Ireland, Latvia, Lithuania, Malta, Netherlands, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom (22 in Total)

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1. Background Information

Austria has seen an ongoing increase of Afghan asylum seekers over the past months and we are aware that this seems to be a general trend all over Europe. In this regard Austria would like to ask a couple of questions:

It would be very much appreciated, therefore, if you could provide your response to the following:

Please provide your responses by **2nd April 2010**.

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2. Responses

		Wider Dissemination? ¹											
			<ol style="list-style-type: none"> 1. Have Member States noticed an increase of <i>illegal migration and/or asylum applications</i> by Afghan nationals. In particular we are interested in total asylum application numbers for 2008, 2009 and the first 2 months of 2010. 2. Are there any recent findings concerning the routes of Afghan nationals travelling to your country illegally, including your experiences regarding the way of transport to and in Europe? 3. Are there any specific decision policies for asylum procedures of Afghan nationals? 4. Do you have any information on persons claiming to originate from Afghanistan but turned out to come directly from Pakistan or Iran? 5. Do you currently enforce returns to Afghanistan? 6. Do you have statistics on voluntary return to Afghanistan? 7. Any other information you would like to share in this regard? 										
	Austria	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.										
	Belgium	Yes	<p>1. Numbers of asylum applicants from Afghanistan in Belgium:</p> <table border="1"> <thead> <tr> <th>Afghanistan</th> <th>2008</th> <th>2009</th> <th>Jan 2010</th> <th>Feb 2010</th> </tr> </thead> <tbody> <tr> <td></td> <td>879</td> <td>1659</td> <td>95</td> <td>108</td> </tr> </tbody> </table> <ol style="list-style-type: none"> 2. 239 of the 1659 applications in 2009 were Unaccompanied Minors 3. 733 of the 1659 applications in 2009 were subsequent asylum applications 2. No formal investigation concerning travel routes was conducted recently. The experience of the Belgian Commissariat-general for Refugees and Stateless Persons is that most Afghan asylum seekers follow the traditional route to travel to Europe: Pakistan/Iran, Turkey, Greece, but it is also observed that a minority enters the EU through the eastern borders and travels through the Czech Rep. and Austria to Western Europe. 3. We have special guidelines for Afghan asylum seekers, which are mainly based on the UNHCR-guidelines. For risk profiles (almost identical to risk profiles UNHCR), there is less focus on the concrete, direct motive for departure, whereas in other cases the direct flight motive will be more important and there will also be more focus on a thorough investigation of the recent place of residence in Afghanistan. 4. It is the experience of the Belgian Commissariat-general for Refugees and Stateless persons that a significant number of 	Afghanistan	2008	2009	Jan 2010	Feb 2010		879	1659	95	108
Afghanistan	2008	2009	Jan 2010	Feb 2010									
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¹ A default "Yes" is given for your response to be circulated further (e.g. to other EMN NCPs and their national network members). A "No" should be added here if you do not wish your response to be disseminated beyond other EMN NCPs. In case of "No" and wider dissemination beyond other EMN NCPs, then for the Compilation for Wider Dissemination the response should be removed and the following statement should be added in the relevant response box: "This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further."

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			<p>applicants from Afghan origin (around 30%) lived their whole life in Iran or Pakistan. It is also observed that these applicants never admit that this is the case, even when it became 100% clear that they never lived in Afghanistan.</p> <p>5. number of forced repatriations to Afghanistan in 2009: 11</p> <p>6. These are the numbers of Afghans who participated in the Return and Emigration of Asylum Seekers ex-Belgium (REAB)</p> <table border="1"> <thead> <tr> <th>Country of Return</th> <th>2002</th> <th>2003</th> <th>2004</th> <th>2005</th> <th>2006</th> <th>2007</th> <th>2008</th> <th>2009</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>Afghanistan</td> <td>8</td> <td>11</td> <td>10</td> <td>14</td> <td>6</td> <td>7</td> <td>17</td> <td>5</td> <td>78</td> </tr> </tbody> </table> <p>Source IOM</p> <p>7. - The Belgian Commissariat-general for Refugees and Stateless persons recently experienced a sharp increase of asylum applicants from Afghanistan who just turned 18. In some cases it became clear that these persons lived for a certain period in another EU MS, probably with their parents. As their fingerprints were never taken before, their asylum application in Belgium will not lead to a EURODAC-hit.</p> <p>- It is also observed that the profiles of the asylum applicants changed recently. We received more "strong" asylum cases, which could be explained by the fact that the optimism about the future of Afghanistan faded during the last months/years.</p>	Country of Return	2002	2003	2004	2005	2006	2007	2008	2009	Total	Afghanistan	8	11	10	14	6	7	17	5	78
Country of Return	2002	2003	2004	2005	2006	2007	2008	2009	Total														
Afghanistan	8	11	10	14	6	7	17	5	78														
	Bulgaria	Yes	<p>1.Total number of submitted asylum applications of Afghan nationals: 2008: 746 2009: 853 2010 until end of February: 183</p> <p>2. Afghan nationals mainly use the route to Bulgaria from Turkey.</p> <p>3. Every one case is separate and used to be solve on the individual base.</p> <p>4. There aren't any cases identified.</p> <p>5: There are no forced returns.</p> <p>6: Regarding voluntary returns to Afghanistan there are 3 voluntary returns.</p> <p>7. No.</p>																				
	Cyprus	Yes	<p>1. The most often quoted routes of Afghanistan nationals who entered Cyprus , are via Pakistan-Iran-Turkey.</p> <p>2. Each case is decided individually, considering its own characteristics.</p> <p>3. The number of asylum seekers claiming to be Afghans, we received in 2009, was 43.The persons claiming to be Afghani citizens have the peculiarity that all of them have failed to answer satisfactorily basic questions related to their country of origin i.e. reaching the extreme of not knowing even to describe the flag of the country, or the provinces of the country. Additionally the majority of the asylum seekers fail as well questions related to details about the place and time of issuance of their passport. To top it, following the proper investigation of the authenticity of these passports, has reported almost all of them as entirely fake documents or documents suspicious of being fake. In the meantime our Pakistani Pashto translators have indicated that the accent is Pakistani Pashtun, of the great majority of</p>																				

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			those asylum seekers claiming to be Afghans and they have also indicated that they have dealt with some of those applicants as Pakistani citizens.
	Czech Republic	Yes	<p>1) No, Czech Republic did not notice any increase in either illegal migration or asylum applications by Afghan nationals. There was no asylum application this year so far, there were 4 and 36 applications in 2009 and 2008 respectively. There was no illegal migration from Afghanistan to the Czech Republic this year so far.</p> <p>2) Not applicable.</p> <p>3) No, we handle every application individually.</p> <p>4) No, we do not have experience with any case of Afghan asylum seeker who dwelled substantial amount of time in Iran or Pakistan before arriving to the Czech Republic.</p> <p>5) No, there were no forced returns to Afghanistan in 2009 and 2010.</p> <p>6) No, in general, we do not have statistics on voluntary return except for assisted voluntary return, of which, however, no Afghan took advantage in 2008 or 2009.</p> <p>7) Not applicable.</p>
	Estonia	Yes	<ol style="list-style-type: none"> 1. Asylum seekers: 2008 – 0; 2009- 9; 2 months of 2010 -3; illegal migrants: 2008-0; 2009 - 17; 2. Most of the applicants can not provide credible information about their travel route. They are smuggled to Estonia from Russia directly or through Lithuania or Latvia. 3. Decisions are taken on a case by case basis. Refugee status or subsidiary protection. There is no specific policy. 4. There are evidences that some applicants have stayed to Pakistan or Iran for a longer time. But there are no cases established that they have come directly from Pakistan or Iran. 5. Yes. 6. There are no voluntary returns to Afghanistan. 7. No.
	Finland	Yes	<ol style="list-style-type: none"> 1. 2008: 254, 2009: 461, until end of February 2010: 52. 2. Afghans are travelling to Finland via many routes. Typical ways are by car or by foot from Russia and also by plane through Europe (Pakistan – Turkey – Belgium- Sweden and also Turkey – Greece – Italy – France – Denmark – Sweden – Finland). 3. At the moment the Finnish Immigration Service is in the process of reassessing the situation of Afghan asylum seekers. 4. Yes. Afghan asylum seekers have, in many occasions, claimed that they have been in Iran for many years or even lived there their entire life. Some of them claim that they have been born in Iran. 5. Yes. 6. Voluntary returns assisted by IOM:

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			<p>2006: 2 persons 2007: 7 persons 2008: 0 persons 2009: 2 persons 2010: 1person (before 19.03.10)</p> <p>Regarding AVR IOM is the main actor in Finland –there are some projects to support voluntary return of aliens in vulnerable position but in the end they have been assisted by IOM Helsinki.</p> <p>7. -</p>																
	France	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.																
	Germany	Yes	<p>1.</p> <table border="1"> <thead> <tr> <th>Year</th> <th>First applications</th> <th>Subsequent applications</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>2008</td> <td>657</td> <td>174</td> <td>831</td> </tr> <tr> <td>2009</td> <td>3,519</td> <td>144</td> <td>3,663</td> </tr> <tr> <td>Jan./Mar. 2010</td> <td>1,379</td> <td>47</td> <td>1,426</td> </tr> </tbody> </table> <p>2. The main travelling route of Afghan nationals runs through the Iran and Turkey in the direction of Western Europe. From Turkey the journey continues via Greece and Italy to Germany, however, the travelling route variant Italy – France – Germany has also been named. Further travelling routes, e.g. via the Central Asian CIS States and the Russian Federation as well as via the United Arab Emirates have only been reported in a few individual cases.</p> <p>3. Decisions about asylum applications are reached after an examination of each individual case has taken place. There are indeed certain high-risk groups where the probability of an exposure to danger is higher, however, a general exposure to danger of all members of such a high-risk group cannot be assumed automatically. It is to be assumed more and more that persons who return to Afghanistan and who do not have the possibility of falling back onto a family circle and connection will not be able to ensure their livelihood. National subsidiary protection is granted in such cases.</p> <p>4. There is no concrete information available as to the extent of the number of persons from neighbouring countries trying to pass themselves as Afghan nationals. During the course of each asylum procedure one therefore tries to identify such cases by means of an exhaustive interview in order to establish the identity of the person in question.</p> <p>5. Yes, forced returns to Afghanistan are carried out on a small scale.</p> <p>6. There is no special return programme for Afghanistan. However, the voluntary return of Afghan nationals can be promoted by means of the REAG/GARP-Programme carried out by IOM. Thus at the moment Afghan nationals can receive an allowance towards their travelling costs, travelling assistance (Euros 200 per adult and Euros 100 per child below the age of 12) as well as GARP start-up aid (Euros 750 per adult and Euros 375 per child below the age of 12). During the year 2009 the figure stood at altogether 34 Afghans, of</p>	Year	First applications	Subsequent applications	Total	2008	657	174	831	2009	3,519	144	3,663	Jan./Mar. 2010	1,379	47	1,426
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			which 24 returned to Afghanistan. During the period running from January to March 2010, 11 Afghans left on a voluntary basis with the help of the REAG/GARP-Programme of which 10 actually returned to Afghanistan.
	Hungary	Yes	<ol style="list-style-type: none"> 1. Hungary noticed a significant increase in the number of asylum applications submitted by Afghan nationals during the last two years. While in the year of 2008 the total number of asylum-seekers was 3.118 (within this number there were 116 Afghan nationals) in 2009 it was 4.672 (within this number there were 1.194 Afghan nationals). In January and February of 2010 the total number of asylum-seekers was 528 (within this number there were 216 Afghan nationals). 2. Afghan national asylum-seekers are arriving to Hungary mainly via Serbia, usually without any document for identification and the right for the entry or the stay and with the support of smugglers. They are arriving by camion, car or road from Serbia (and often use the following transit routes: Iran-Turkey/Greece. A significant number of Afghan asylum-seekers are coming originally from Iran or Pakistan where they lived as refugees). 3. Decisions are taken on a case by case basis. Currently there are no specific groups identified as generally in need of protection. The decision relating to the application for recognition shall be based on the individual assessment of the situation of the person seeking recognition. The refugee authority makes a decision with regard to personal backgrounds and the country-information given by COI Center. 4. The identification procedures asked by the Office of Immigration and Nationality being completed by the Pakistani or Iranian foreign representations have very often no results, as the foreigners declares false personal data or falsely claim being Pakistani or Iranian national. These procedures, however, tend to establish or debar the Pakistani or Iranian identity and do not answer the question the foreigner is an Afghan national. 5. The Hungarian refugee authority enforces returns to Kabul and the Northern territories (e.g.: Balkh, Konduz) which are considered as relatively safe parts of Afghanistan. The Hungarian alien policing authorities have not expelled anybody to the territory of Afghanistan yet. 6. According to the Database of the Office of Immigration and Nationality between 2008 and 2010, nobody returned voluntarily to Afghanistan assisted by the IOM . 7. Unfortunately in Hungary does not work Afghan foreign representation. Clients claiming themselves Afghan nationals are identified by the Consular Section of the Embassy of Afghanistan in Vienna by means of the Hungarian Ministry of Foreign Affairs. They have not filled out any passports at the suit of the Office of Immigration and Nationality yet.
	Ireland	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	Latvia	Yes	<ol style="list-style-type: none"> 1. 2008 (in total – 51, Afg. – 10), 2009 (in total – 52, Afg. – 18), 2010 (in total – 6, Afg. -3); 2. Mainly asylum seekers from Afghanistan arrive at LV by plane. Main travel routes: <ul style="list-style-type: none"> - Afghanistan (Kabul) – Azerbaijan (Baku) – Latvia (Riga); - Afghanistan – Iran – Turkey (Istanbul) – Latvia (Riga); - Afghanistan (Mazaresharif / Kabul) – Tajikistan (Dushanbe) –Latvia (Riga). 3. All decisions are taken on case by case basis. 4. In 2008 3 Pakistan citizens alleged that they are from Afghanistan.

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			<p>5. No.</p> <p>6. No.</p> <p>7. -</p>
	Lithuania	Yes	<p>1. 2008 – 16; 2009 – 16; the first 2 months of 2010 – 15.</p> <p>2. The majority of asylum seekers from AFG claimed being unaware of their travel route to the LT. However, some of them indicated these routes:</p> <ul style="list-style-type: none"> - Moscow by plane and from there through Kaliningrad and Belarus by car; - Kazakhstan/Turkmenistan/Tajikistan via Moscow by plane and then to Belarus by car; - Pakistan–UAE–Moscow by plane and from there to Kaliningrad–Belarus, using cars. <p>3. There are no specific policies or practices in place regarding Afghani asylum seekers. Each application is assessed on an individual case with taking into consideration both the personal situation and the relevant country of origin information.</p> <p>4. N/a</p> <p>5. No.</p> <p>6. IOM Vilnius provided assistance to three migrants from AFG in 2005. 2006-2008 no assistance requests were received. In 2009 there were no AVR programmes.</p> <p>7. -</p>
	Malta	Yes	<p>Applications for asylum form afghan nationals in Malta are minimal.</p> <p>No afghan nationals applied during 2009.</p>
	Netherlands	Yes	<p>1. The total number of asylum applications: 2008: 703; 2009: 1400; Until end of Feb. 2010: 347. And the total number of first asylum applications: 2008: 395; 2009: 1281; Until end of Feb. 2010: 325.</p> <p>2. Afghan nationals use a couple of routes to the Netherlands, namely:</p> <ul style="list-style-type: none"> - by plane from Pakistan through Dubai to the Netherlands (but also to the United Kingdom, Canada, Denmark and Germany) - by different ways of transport from Pakistan through Iran/Turkey/Greece/Italy to the Netherlands (but also to the United Kingdom, Canada, Denmark and Germany) - via the Eastern Mediterranean route: from Afghanistan through Turkey to Greece. And from Greece through Italy by ferry, or through Bulgary and Serbia, or through Romania and Hungary. The final destination is mostly the United Kingdom, Scandinavia, Germany of the Netherlands. - by train, taxi, (rental) car or bus through Greece to Italy and France. After staying in France for a while, the journey continues by boat to the United Kingdom. <p>For unaccompanied minors from Afghanistan the most common route is through Iran, Pakistan or Afghanistan, Turkey, Greece, Italy, France and Belgium to the Netherlands. Scandinavia is a popular final destination as well. Sometimes the Netherlands is also used to pass through Scandinavia.</p>

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			<p>3. There are specific decision policies for some categories of Afghan nationals, which are based on the Aliens Act 2000. They can qualify for admission on the following grounds:</p> <ul style="list-style-type: none"> - If the alien is a Convention refugee (Article 29(1), under (a) of the Aliens Act 2000). This applies to ethnic and religious minorities of Afghanistan, and Afghan homosexuals. - If there is real risk of inhuman/degrading treatment/punishment (Article 29(1), under (b) of the Aliens Act 2000). This applies to ethnic and religious minorities in Afghanistan, and single women in Afghanistan. - If there is a compelling humanitarian ground (Article 29(1), under (c) of the Aliens Act 2000). This applies to single Afghan women, since June 24th, 2006. <p>4. In the past there were - on a large scale- indications that persons claimed that they originated from Afghanistan. But there was a presumption that they came directly from Pakistan. There were no indications that they came directly from Iran. Nowadays it still does occur but not very often anymore.</p> <p>5. Yes we enforce returns to Afghanistan.</p> <p>6. 2009: 17 voluntary returnees</p> <p>7. -</p>
	Poland	Yes	<p>1) 2008 – 7; 2009 – 14; Jan-Feb 2010 – 0;</p> <p>2) no information available</p> <p>3) Poland hasn't any specific decision policies for asylum procedures of Afghan nationals.</p> <p>4) no information available</p> <p>5. Poland enforces returns to Afghanistan.</p> <p>6) There were only two cases of voluntary returns to Afghanistan – 1 in 2007 and 1 in 2009.</p> <p>7) -</p>
	Portugal	Yes	Portugal hasn't registered asylum applications from nationals of Afghanistan, so there isn't useful information to transmit.
	Slovak Republic	Yes	<p>1. The Slovak Republic has noticed a decreased number of asylum applications by Afghan nationals.</p> <p>See the total asylum applications by Afghan nationals for:</p> <p>2008: 72 asylum applications;</p> <p>2009: 51 asylum applications;</p> <p>2010 January: 11 asylum applications;</p> <p>2010 February: 1 asylum application.</p> <p>Total numbers of asylum applications:</p> <p>2008: 909 asylum applications;</p> <p>2009: 822 asylum applications;</p> <p>2010 January: 57 asylum applications;</p>

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			<p>2010 February: not yet available.</p> <p>2. The findings show that Afghan nationals travelling to the Slovak Republic illegally mainly use the routes from Ukraine and Poland. They use the air connection through Moscow and then they travel by different means of transportation to the Schengen border. They usually cross the border by feet, car or lorry.</p> <p>3. No, we do not have any specific decision policies for asylum procedures of Afghan nationals.</p> <p>4. Yes, we had such cases. The asylum application of such persons was refused due to their proven doubtfulness.</p> <p>5. No.</p> <p>6. Yes. In the monitoring period from the year 2004 to 2009, only 3 people were returned to Afghanistan in the year 2008 within the IOM Assisted Voluntary Return Programme. In the first two months of the year 2010, none return to Afghanistan took place.</p>
	Slovenia	Yes	<p>Slovenia has very small number of asylum seekers from Afganistan. 2008 : 10 2009: 12 2010: 6</p> <p>We have no special policy for Afghanistan asylum seekers. Decisions are taken on case by case basis. Those who did not voluntary leave Slovenian Asylum Home in year 2009 all got international protection.</p> <p>We do not forcibly return to Afghanistan.</p> <p>We do not have statistics on voluntary return to Afghanistan</p>
	Spain	Yes	<ol style="list-style-type: none"> 2008: 50 asylum seekers ; 2009: 42 asylum seekers; 2010: 7 asylum seekers Afghan nationals normally use the following route to enter Spain from Afghanistan. After spending a few months in Iran, they cross Turkey, where they contact with mafias that illegally smuggle immigrants into Greece. From there they take a flight to Italy, pass through France, and later arrive to Spain (Barcelona). Yes, after an in-depth interview based on analyzing their knowledge of the language and country of origin, and having submitted documentary proof of their Afghan origin, they are granted subsidiary protection based on the situation of generalized conflict. No. At this time, Spain does not enforce the return of Afghan nationals. No, there are no existing cases of the voluntary return of Afghan nationals.
	Sweden	No	<p>This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.</p>
	United Kingdom	Yes	<ol style="list-style-type: none"> There has been a decrease in the total number of asylum applications received in the UK from Afghan nationals (including dependants) between 2008 and 2009: 3,725 (2008) and 3,535 (2009). But there was an increase between 2007 and 2008: 2,840 (2007). Figures are not yet available for the first two months of 2010. All asylum and human rights claims, including those from nationals of Afghanistan, are carefully considered on their individual merits

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			<p>in accordance with our obligations under the 1951 Refugee Convention and the European Convention on Human Rights against the background of the latest available country information.</p> <p>5. Where a decision has been made that a person does not require international protection, and there are no remaining rights of appeal or obstacles to their return, we expect unsuccessful asylum seekers to return voluntarily to their home country. Return and reintegration assistance is available through the International Organization for Migration (IOM). The Voluntary Assisted Return and Reintegration Programme (VARRP) is available to asylum seekers and offers a dignified means of return, with assistance to provide an income generating activity once home. The UK Border Agency only enforces the return of individuals whom we, and the Courts, are satisfied are not in need of protection and who do not elect to leave the UK voluntarily.</p> <p>6. In 2008, 870 nationals of Afghanistan were removed or departed voluntarily from the UK to Afghanistan. Of the 870, 840 were asylum cases and 30 were non-asylum cases. In 2009, 1,175 nationals of Afghanistan were removed or departed voluntarily from the UK to Afghanistan. Of the 1,175, 1,135 were asylum cases and 45 were non-asylum cases. Figures are not yet available for the first two months of 2010. Please note: figures are rounded to the nearest five. Destination as recorded on source database. Removals and voluntary departures recorded on the system as at the dates which the data extracts were taken. Figures are provisional and will under record due to data cleansing and data matching exercises that take place after the extracts are taken.</p>
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