

SE EMN NCP ad hoc-query on asylum decisions and residence permits for applicants from Syria and stateless persons – Summary –

In November 2013, the Swedish EMN NCP launched an ad-hoc-query on asylum decisions and residence permits for applicants from Syria and stateless persons in order to find out

- whether, or to what extent, EU Member States and Norway grant permanent or temporary residence permits to asylum seekers from Syria who are found to be in need of protection;
- how many applicants from Syria and stateless persons are rejected;
- how long the processing of asylum applications takes for these groups; and
- whether any changes may have recently occurred regarding the decision-making practice concerning applicants from Syria and/or stateless persons.

The background for this query was that the Swedish Migration Board had decided in September 2013 that applicants from Syria who are in need of protection shall normally be granted permanent residence permits, irrespective of whether they are found to be refugees in accordance with the Geneva Convention, or persons in need of subsidiary or humanitarian protection. This decision had triggered a sharp rise in the number of asylum seekers from Syria coming to Sweden.

By the end of January 2014, 17 EU Member States and Norway had answered the ad hoc-query. Four Member States requested that their answer should not be disseminated further. The main outcomes of the query can be summarized as follows.

Number of applicants from Syria

In 2012, among all (Member) States that answered the query and provided statistics, **Germany** (7 930), **Sweden** (7 814), **Belgium** (1 030) and the **UK** (988) received most applicants from Syria. By way of contrast, six of the responding Member States each received less or much less than 100 applicants. Thus, the distribution of asylum applicants from Syria was highly unequal across (Member) States. This overall picture had not changed in October 2013. Looking at the month of October 2013 alone, it appears that Sweden had most applicants from Syria by far (5 432).¹ The above-mentioned decision by the Swedish Migration Board of September 2013 concerning permanent residence permits can be assumed to have contributed to this development.

Permanent / temporary residence permits and rejected applicants

In a European context, the decision made by the Swedish Migration Board last September, meaning that Syrian applicants in need of protection shall be issued permanent residence permits irrespective of the individual grounds for protection (refugee status/subsidiary protection/humanitarian), seems to be an exception rather than the rule. While another five countries issued permanent or temporary residence permits irrespective of the protection status granted in each individual case, the duration of residence permits was linked to the statuses granted in a majority of (Member) States (12). Among those five (Member) States, apart from Sweden, that did not differentiate between the different statuses granted, only one country other than Sweden stated that permanent permits were issued. The other four issued temporary permits

¹ This figure for Sweden not only includes “new” applicants (2 641) but also applicants from Syria that had been granted a temporary residence permit and now applied again in order to receive a permanent status (2 791).

with durations of three, four or five years respectively, which can be extended/renewed. It may be assumed, however, that in some cases, these temporary (or “continuous”) permits come close to permanent permits in practice.

In a majority of (Member) States, residence permits following the granting of a subsidiary protection status are valid for one, three or five years, with extensions/renewals possible, whereas the granting of refugee status usually means that a permanent residence permit (or a permit with relatively long validity, typically three, five or ten years) is granted. Few (Member) States have decided that applicants from Syria are normally to be granted residence permits with a short validity period.

As far as the number of rejected applicants is concerned, this was relatively low in all responding countries, although rejections did occur.

Stateless persons

As far as stateless persons are concerned, Sweden had a high number of such asylum applicants (2 291 applicants in 2012, and 2 073 in October 2013 alone), as compared to all other countries that provided statistical data. This may, however, also be due to different methodologies concerning the registration of nationality/country of origin. Several responding countries did not provide any data on stateless persons, or did not have any such applicants.

Processing times for applicants from Syria

Few (Member) States provided data on processing times regarding asylum applicants from Syria. Among those that responded, however, only one country indicated that the average processing time was longer in October 2013 than in 2012. In all other countries (Sweden, Germany, Finland, and Norway), processing became considerably faster.

Conclusion

Despite the fact that this ad hoc-query was difficult to evaluate because of different methodologies and levels of analysis applied by the individual (Member) States responding, it clearly shows that (Member) States deal rather differently with asylum seekers from Syria. Whereas some are highly affected by the refugee crisis in Syria, with high numbers of asylum seekers arriving in their territories, others do not seem to be affected to any particular degree. The numbers of applicants from Syria are very unevenly distributed across (Member) States. While there may be similar practices as far as decision-making on asylum applications by Syrians is concerned, the consequences of these decisions in terms of residence permits granted vary greatly, too. While all Syrian applicants who are found to be in need of protection, or at least a majority of them, will receive a permanent residence permit or a residence permit with a long validity period in some Member States, they will receive permits with short durations in others. Even if temporary permits with short validity periods can be extended or renewed, these differences may affect the choice of country of destination of asylum seekers from Syria as there can be differences, for example, concerning the right to family reunification. Thus, although this ad-hoc query only covers 18 Member States and Norway, its outcomes can be relevant in the context of the on-going work to further develop the Common European Asylum System (CEAS).

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