

Asylum in Europe: the situation of applicants for international protection in 2023

The [Asylum information Database](#) (AIDA) is a database managed by the European Council on Refugees and Exiles (ECRE) containing detailed information on asylum procedures, reception conditions, detention, and the content of international protection in 23 European countries. The country reports are written by national experts in cooperation with a variety of stakeholders, ranging from civil society organisations and lawyers to national authorities. The reports are edited and verified by ECRE. The database is widely used by European and national policy makers, legal practitioners, and courts.

This briefing provides key examples of the general trends that can be observed across asylum systems in Europe in 2023 as documented in AIDA.¹ It demonstrates that, while asylum systems are in place and functioning across Europe, the rights of people in need of international protection are still regularly violated and significant gaps in national asylum systems continue to be reported. This is the case despite a continued overall positive response of states to the displacement from Ukraine, which created additional challenges but also demonstrated that prolonged management of large-scale displacement is possible.² Access to asylum remains a particular concern, as do the quality and length of asylum procedures. Reception systems came under pressure in an increasing number of countries, often due to a lack of sufficiently robust contingency planning, and detention of asylum applicants remained commonplace, rather than being a limited exception.

Negotiations on the new European Pact on Migration and Asylum were ongoing in 2023 with the European Parliament and Council finally reaching a political agreement on 20 December 2023. The Pact, which was adopted in June 2024, is composed of ten legislative texts which reform the EU asylum and migration system. As a result, significant changes to national asylum systems, and within them reception systems, are to be expected in the coming years, as the regulations need to be applied by June 2026. In the meantime, it is crucial that information regarding long-standing shortcomings is used to inform the development of national implementation plans and strategies, so as to ensure stronger and fairer asylum and reception systems.

1. Small increase in arrivals; highest protection rate since 2016

- **Asylum applications in the EU**

Applications for international protection presented in EU Member States increased by 17.6% in 2023, compared to a 50% increase in 2022. According to Eurostat,³ 1,129,800 people applied for international protection in the EU in 2023, of which 1,049,020 were first time applicants and 75,310 were subsequent applicants.⁴ The increase in the total number of applications was mostly linked to first time applicants (+20% compared to 2022), as subsequent applications decreased by 6.67%.⁵ Even so, the number of applications did not reach those recorded in 2015. Close to half of all applicants were nationals of 5 countries: Syria (186,375), Afghanistan (109,555), Türkiye (94,500), Venezuela (67,805) and Colombia (62,840).⁶ Applications by Syrians increased by 37% in 2023, as did those of Turkish nationals (83%), while applications by Afghans decreased by 13%.

¹ Information presented in this overview was extracted and compiled from the 2023 Updates to the AIDA Country Reports, where further information, details and sources can be found, see: <https://bit.ly/3o6UqgG>.

² All AIDA updates on the year 2023 included annexes focusing on the country's implementation of temporary protection or similar national regimes. They will be published as a compilation in autumn 2023. However, this overview focuses on key developments regarding international protection and will not cover key trends regarding the implementation of temporary protection.

³ Eurostat, 'Asylum applicants by type of applicant, citizenship, age and sex - annual aggregated data', data as of 18 April 2024, available at: <https://bit.ly/3PWAEAO>.

⁴ Ibid.

⁵ Ibid.

⁶ Ibid.

However, the situation in EU Member States and AIDA countries varied significantly. Over half of the EU Member States (15 out of 27) actually witnessed a decrease in asylum applications in 2023. Similarly, 14 out of 23 AIDA countries experienced a decrease in asylum applications, the most significant being the drops in Austria (-48%), Cyprus (-46%), Croatia (-36%), Malta (-35%), and Sweden (-29%).⁷ In several of these 14 countries, there are serious reports of widespread pushbacks and/or lack of rescue at sea, namely Cyprus, Croatia, Malta, Hungary, Romania, Poland, Serbia and Poland.⁸

In contrast, other countries witnessed significant increases in the number of asylum applications. The most significant increases were noted in Greece (+72%), Italy (+61%), followed by Germany (+44%) and Spain (+38%), all countries with relatively high numbers of applicants even before last year's increases. As in 2022, Germany saw the biggest increase in absolute numbers, with over 107,000 more applications than in 2022, followed by Italy (+51,530) and Spain (+44,475).

Overall, the number of applications under-represents the number of persons attempting to access protection in Europe – and the need for international protection – given the widespread practices of denial of access to territory and/or to asylum procedures documented under [point 7](#) below.

- **Recognition rates and protection needs**

The protection needs of those applying for international protection in the EU remained high, as evidenced by the 52.78% overall protection rate at first instance (41.55% when taking into account only international protection under EU law). This corresponds to a 3 percent increase compared to 2022 and is the highest protection rate since 2016 (61.64%). Refugee status continued to be the main form of protection granted, followed by subsidiary protection and then humanitarian protection, which accounted for around one-fifth of positive decisions at first instance. In addition, 51,250 protection decisions were delivered upon appeal or review⁹ by EU Member States. Over 25% of appealed first instance decisions were overturned in favour of the applicant with the granting of international or national protection at that stage.

In conclusion, as has been the case for most of the last ten years, it seems likely that most people applying for protection in Europe do have protection needs, with over half being granted a protection status at first instance and over one quarter of cases reviewed on appeal resulting in the granting of protection.

Moreover, these figures likely underrepresent actual protection needs. First, as ECRE has documented extensively,¹⁰ a person's chance of obtaining protection in the EU varies dramatically depending on the country examining their claim, likely due to gaps in the quality of decision-making. For instance, although the overall protection rate of Afghan¹¹ nationals in the EU remained high at 80.29% at first instance, out of 7,335 first instance decisions for Afghan nationals in Belgium for example, only 35% granted some form of protection. Second, Eurostat data runs together inadmissibility decisions and in-merit negative decisions, even though the former do not usually include an assessment of protection needs. For example, in Belgium, 4,625 inadmissibility decisions were taken for people having a

⁷ Eurostat, 'Asylum applicants by type of applicant, citizenship, age and sex - annual aggregated data', data as of 12 July 2023, available at: <https://bit.ly/3PWAEAO>.

⁸ Moreover, although there are no more allegations of pushbacks in Austria itself, there are serious concerns regarding the joint operation between Austria and Hungary occurring on Hungarian territory.

⁹ Eurostat, 'Final decisions in appeal or review on applications by citizenship, age and sex - annual data', data as of 10 July 2023, available at: <https://bit.ly/3OmxRTr>.

¹⁰ ECRE, *Asylum statistics and the need for protection in Europe*, December 2022, available at: <https://bit.ly/3XNUnYm>; ECRE, *Asylum statistics in Europe: Factsheet*, June 2020, available at: <https://bit.ly/3XQUAKj>.

¹¹ See also Ciaran King (Commissioned by ECRE), *Assessing Legal Grounds for Protecting Afghan Asylum Seekers in Europe*, March 2023, available at: <https://bit.ly/3rqtXja>; ECRE, *Afghans Seeking Protection in Europe*, December 2021, available at: <https://bit.ly/3o0PKJ6>; ECRE, *EU Support to Afghanistan: Scoring High on Humanitarian Assistance and Low on Protection in Europe?*, December 2021, available at: <https://bit.ly/3PSXEna>.

protection status in another EU Member State, representing 30% of the total number of rejection decisions (15,510). Greece issued 4,773 inadmissibility decisions on the grounds that Türkiye is considered to be a safe third country for asylum applicants, even though no readmissions have taken place since March 2020.

Lastly, problems in appeal and review processes continued to be reported across Europe, including in Belgium, Bulgaria, Cyprus, Germany, France, Germany, Malta, Netherlands, Poland, Portugal, Slovenia, United Kingdom, and Switzerland. Reported problems in accessing an effective remedy include short deadlines limiting access to legal assistance, issues of independence and impartiality of appeal bodies, the scope of the review, the lack of automatic suspensive effect of the lodging of the appeal, overly strict procedural requirements, and difficulties accessing legal assistance and representation.

2. Focus on procedural safeguards

Access to adequate procedural guarantees remained a concern in 2023, despite their essential role in ensuring fair and balanced procedures and thus effective protection from *refoulement*.¹² A few examples:

- **Legal aid**

Most countries do not provide state-funded legal assistance in first instance procedures. When it exists, at first and/or second instance, the most reported issues include low remuneration, limitations as to applicants' free choice of lawyer and NGOs' ability to represent them, concerns regarding the expertise and qualification of appointed lawyers, lack of independence, issues in practical access to legal assistance due to means and merits tests, lack of sufficient funding, and territorial inequalities. In Austria, the Constitutional Court found that the 2021 legal framework introducing first instance legal counselling and representation by a state-owned agency was unconstitutional in its current form as it did not provide sufficient guarantees of independence. In Germany, the roll-out of the new NGO-run first instance legal assistance service fell short of its goals due to delays in implementation, practical obstacles for NGOs to access the arrival centres, and insufficient funding.

- **Provision of information**

The implementation issues in Germany mentioned above also affected asylum applicants' access to quality information provision. Issues in state information provision were similarly reported in Austria, Cyprus, Greece, Hungary, Malta, the Netherlands, Poland, Portugal, Slovenia, due to issues in language accessibility, the restrictive scope of the information available, the use of written information only, and in the case of Malta reports of coercion into signing declarations of voluntary departure by providing false information and threats about the asylum procedure. Information provision by NGOs, for instance in Romania, is usually reported as much more comprehensive and understandable.

- **Right to a personal interview**

Interviews suffered from serious quality problems in most countries of the AIDA database, including poor quality / biased interpretation, the practice of video-interviews, use of standard sets of questions, inappropriate interview methods for LGBTQIA+ claims, lack of confidentiality in interview settings, and

¹² For a detailed analysis of the right to legal aid and legal counselling for asylum applicants, notably through the lens of the new Asylum Procedures Regulation but transferable as general information on EU law standards, in particular the Charter of Fundamental Rights of the EU and relevant influence of the European Convention on Human Rights and associated caselaw, see ECRE, *Legal Note: The Guarantees of the EU Charter of Fundamental Rights in Respect of Legal Counselling, Assistance and Representation in Asylum Procedures*, August 2024, available [here](#).

a lack of adequate training of the authorities involved in interviews, which in some cases are not the determining authority (but might be, for example, the police). Issues regarding the quality of interpretation were the most reported issues related to interviews across all AIDA countries.

In Portugal, legislative changes introduced in 2023 further shortened to just 3 days the deadline for asylum applicants to provide comments on their interview, which has been evaluated by NGOs as insufficient to ensure the effectiveness of the right to respond.

3. Protracted reception crises continue across Europe

In 2023, several countries faced challenges in the management of reception capacity. Issues included overcrowding and lack of access to reception facilities, which led to an increased reliance on emergency accommodation, often with substandard conditions. Furthermore, limited focus was dedicated to finding long-term solutions to capacity issues, with some states even restricting access to minimum reception conditions through legislation.

- **Reception capacity**

Important capacity shortages led to applicants having limited or no access to reception conditions in several countries. In France, 40,000 asylum applicants did not have access to reception conditions as of December 2023, while in Belgium and Ireland, lack of capacity led the authorities to announce that single male applicants who were not identified as vulnerable would not be accommodated at all, resulting in applicants having no solution other than sleeping in the streets, sometimes for up to several months. In Bulgaria, the State Agency for Refugees reported it only disposed of 3,592 effective places in its reception centres, significantly below its official capacity of 5,160, as some were not accessible in practice due to poor conditions. Furthermore, important issues of overcrowding were reported in some countries. In Croatia, the increased number of arrivals meant that people were only accommodated for a couple of days, having to sleep in the hallways of reception centres, and in Slovenia, the Asylum home in Ljubljana accommodated from 1,000 to 1,800 people, despite having a capacity of 350.

- **Use of emergency and temporary solutions**

These shortages in reception capacity meant an increasing reliance on emergency and/ or temporary solutions, as was the case in Switzerland, the United Kingdom, France, and Germany. Significant media attention was brought on the use of alternative reception facilities in the UK following the death of a man being accommodated on the Bibby Stockholm barge. In Ireland, the increased use of 'emergency centres', which are excluded from inspections by the Health Information and Quality Authority, has coincided with a significant and continuous deterioration in standards of accommodation.

- **Minimum standards**

Furthermore, several countries have introduced or are considering introducing legislative amendments aimed at restricting the reception rights of applicants. In Sweden, the so-called 'Tidö Agreement' reached by the government at the end of 2022 foresaw a restriction of the rights of asylum applicants to the minimum international obligation level, including regarding reception conditions standards. In Italy, the government introduced a series of decrees restricting access to reception conditions, excluding asylum applicants from the possibility to access the SAI system and integration measures, such as psychological assistance services and Italian language courses, and introduced a new typology of emergency reception centres where only food, clothing, health care and linguistic-cultural mediation are provided.

- **Increasing capacity**

In contrast, Spain started the construction of 17 new reception centres, despite some local opposition from far-right parties. Furthermore, a new operational plan was agreed between Spain and the EUAA with the aim notably of enhancing the capacity of authorities and practitioners through training and professional development.

- **Socio-economic rights**

Concerning integration measures, it can be positively noted that, as of the beginning of 2023, all asylum applicants, regardless of their nationality are eligible to participate in integration courses in Germany. Furthermore, access to the labour market for applicants living in reception centres is now authorised after 6 months (compared to 9 months previously), while on the other hand, in Cyprus the delay was extended from 1 to 9 months after lodging of the application.

- **Civil society provision**

NGOs continued to be involved in the provision of reception conditions despite issues in the distribution of AMIF funding reported notably in Portugal and Romania. In Romania, the UNHCR supported project entitled AIDRom implemented a support programme between June and December 2023, providing for material and integration support.

4. Widespread use of detention with limited application of safeguards

Despite strict EU law requirements regarding the use of detention as a measure of last resort, detention of asylum applicants and migrants continued to be a widespread practice in European countries in 2023, combined with limited use of alternatives to detention, and inadequate detention conditions, issues all compounded by the lack of effective access to appropriate legal remedies.

In Bulgaria, Cyprus, Italy, Malta, Slovenia, asylum applicants continued to be (officially or *de facto*) detained during at least part of the asylum procedure. In Italy, Law 50/2023 introduced additional grounds for detention of asylum applicants, to include all the optional grounds foreseen under the current EU framework in its national legislation. In Croatia, people detained called NGOs multiple times to alert them to the fact that they were unable to access the asylum procedure. Meanwhile, alternatives to detention are still insufficiently applied, when they are even considered. A new alternative introduced in Italy in 2023, the ‘financial guarantee’, was considered incompatible with European law by a national court and referred to the CJEU for a preliminary ruling.

- **Border detention**

Systematic detention at the air borders continued in Belgium, France, Serbia, and resumed in Portugal following the resumption of the border procedure at the airport in November 2023. In Poland, asylum applicants from Syria, Yemen and Afghanistan who crossed the Polish-Belarusian border continued to be placed in detention despite no deportation prospect and high recognition rates in asylum procedures in Poland.

- **Detention and Dublin**

At the beginning of 2023, Austria detained prospective Dublin transferees to Italy, but by the end of the year released them rapidly as it became clear Italy was unlikely to change its policy of not taking back Dublin returnees in the near future. However, the lack of transfer prospects was not considered to be a legal obstacle to detention in Greece, where current and rejected asylum applicants continued to be

systematically detained in view of their transfer to Türkiye, which has refused all readmissions since 2020.

- **Detention conditions**

Widespread use of detention is all the more concerning given the poor detention conditions in many countries. In 2023, the Committee for the Prevention of Torture reported severe shortcomings in an immigration detention centre in Austria; raised serious concerns regarding the use of prisons for immigration detention in the Netherlands; and denounced the prison-like atmosphere of administrative detention facilities in Switzerland. In Spain, in December 2023, the poor living conditions in airport detention prompted interventions from NGOs, national courts, the national Ombudsperson and UNHCR; particularly poor detention conditions at the airport were also reported in Portugal. Serious issues were also reported in pre-detention centres (CIEs) across Spain, such as police violence, mistreatment of inmates, poor food, lack of adequate health services, etc. The French General Controller of places of deprivation of liberty concluded that the conditions in administrative detention centres, in the majority of cases, “seriously undermine the dignity and fundamental rights of those detained”. Both pre-detention centres and police facilities continue to fall short of basic standards of detention in Greece, and the conditions in reception centres on the islands where de facto detention occurs on a regular basis continued to be reported as extremely poor. In Malta, the ECtHR found that the detention conditions of an applicant amounted to inhuman and degrading treatment.

- **Legal assistance from detention**

Applicants experience grave difficulties in accessing legal assistance from detention, notably in Austria, Bulgaria, Cyprus, Greece, Malta, Slovenia, which also impacts effective access to an adequate remedy to challenge their detention or detention conditions.

- **Detention of vulnerable groups**

Lastly, there were many reports of unsuitable detention of vulnerable people. In Bulgaria, despite noticeable progress on detention of children, still 1,538 children were detained in pre-removal detention centres, including over 800 unaccompanied minors. In Greece, NGOs reported many instances where notably medical vulnerabilities were not taken into account, as well as detention of minors. In 2023, the ECtHR condemned both Italy and Poland for cases of detention of – respectively – unaccompanied and accompanied minors. The Court also issued interim measures with regard to detained unaccompanied minors in Malta. In Portugal, with the resumption of the border procedure at the airport, NGOs received reports of detention of accompanied children, sick people and victims of torture and violence, without adequate adjustments to their needs.

5. Treatment of vulnerable applicants including unaccompanied children

Vulnerable applicants and unaccompanied children continued to be particularly affected by shortcomings in the asylum system in 2023.

- **Identification of vulnerabilities**

Due to shortcomings in identification procedures, lack of competent staff and awareness, cases of vulnerabilities continue to go underdetected, leading to special needs and requirements not being fulfilled, as was reported in Austria, Bulgaria, Cyprus, Germany, Spain, France, Greece, Croatia, Hungary, Ireland, Malta, Poland, Portugal, Slovenia, the United Kingdom, and Switzerland. In Greece, the low quality of the medical and psychosocial screening process (if any) remained a source of serious concern and had a negative impact on the identification of vulnerabilities on the islands. In Poland, there

is still no identification system for victims of violence in place, and victims of torture are still placed in detention centres, despite the regulations in place in the national legal framework prohibiting detention in these cases. In Cyprus, although important strides have been made in terms of identification of vulnerabilities, thanks to collaboration between the authorities, NGOs, the EUAA and UNHCR, significant gaps remain when it comes to responding to the needs identified, meaning persons are identified as vulnerable but do not necessarily receive the required support.

- **Unaccompanied children**

The number of arrivals of unaccompanied children remained high in 2023, with over 40,400 applying for asylum in the EU27 (although far from reaching the levels of 2015 and 2016 (92,000 and 60,000 respectively),¹³ with significant relative increases compared to 2022 in Bulgaria, Germany, Ireland, Italy and the Netherlands. Similarly to 2021 and 2022, of the 40,420 unaccompanied children who applied for asylum in the EU, two thirds were Syrian and Afghan (14,295 and 12,630 respectively).

Procedures for the assessment of the best interest of the child and age assessment were reported to be of inadequate quality, especially in Cyprus and Germany respectively. Furthermore, the lack of adequate reception or guardianship systems leaves the children exposed to risks such as trafficking, and sexual or labour exploitation. In Ireland, 49 children were reported as missing from state care in 2023, 20 of which remain unaccounted for. This is also a significant issue in the United Kingdom, where over 400 unaccompanied children having applied for asylum have gone missing between July 2021 and June 2023, and 118 remained unaccounted for as of March.¹⁴ Another concern relates to the return to Ukraine organised by Poland of 363 unaccompanied children from Ukrainian foster care following their guardians' decision, despite opposition from human rights organisations.

- **Lack of appropriate reception facilities**

The reception crisis observed in a majority of the states (see [point 3](#)) particularly affected unaccompanied children because they were accommodated in inadequate reception facilities, leading to risks to their physical and emotional wellbeing. Although the importance of accommodating children separately from other applicants is usually recognised by the authorities, lack of capacity often hinders the possibility to do so. Notably, in Slovenia, although the legal ground for systematic separation of adults and unaccompanied minors in reception centres was adopted, no practical solution to implement the new rules was found in 2023, leading to their continued accommodation in mixed reception facilities. In Austria, 500 unaccompanied children were placed in inadequate facilities, mostly consisting of large federal reception facilities, despite 401 of them having already been admitted to the in-merit asylum procedure. Some progress was made in Bulgaria, as construction of a third safe zone¹⁵ started, after the capacity of existing safe zones proved insufficient to accommodate newcomers.

Lack of appropriate reception facilities for unaccompanied children and other individuals with vulnerabilities, and lack of reception capacity overall, led to the increasing reliance on emergency accommodation, a concern given the challenges in guaranteeing adequate reception conditions in such settings. In the Netherlands, despite the Inspection of the Ministry of Health Care and Youth warning multiple times that long term stay in (crisis) emergency locations resulted in severe risks for the individual health of asylum applicants, for public health, and for the continuity of health care, the Dutch

¹³ Eurostat, 'Asylum applicants considered to be unaccompanied minors by citizenship, age and sex - annual data', data last updated 22 July 2024, available [here](#).

¹⁴ Dr Sonja Ayeb-Karlsson et al, *Behind Closed Doors: A Storytelling Legal and Empirical Analysis of Human Trafficking Risks in Home Office Hotels Compared to Other Accommodation for Unaccompanied Children and Young People Seeking Asylum in the UK*, July 2024, available [here](#).

¹⁵ The term 'safe zones' is generally used in the context of asylum accommodation to refer to protected areas within general reception facilities where only specific vulnerable applicants, in this case unaccompanied children, are accommodated, so that they can benefit from a safe environment from accommodation (entry into the safe zone is restricted and monitored by security), and support that is better tailored to their specific needs, delivered by trained professionals.

Council for Refugees concluded that vulnerable people whose medical needs could not be met were present in 17 out of the 22 emergency centres visited.

6. The use of special procedures

- **Accelerated and fast track procedures**

An increase in the use of accelerated procedures was observed, notably for applicants considered to be from countries with low recognition rates or coming from countries of origin recognised as safe: such procedures impose very strict and short deadlines upon asylum applicants, and in practice often hinder timely access to independent legal counselling, particularly before the substantive interview. At the same time, the authorities do not necessarily respect the deadlines imposed by law, due inter alia to lack of capacity.

The use of special procedures can also impact access to accommodation, the labour market, and other rights. Nonetheless, they keep gaining traction: in 2023, Belgium, Bulgaria, the Netherlands, Romania and Switzerland introduced sometimes multiple pilot projects to try and accelerate asylum procedures, which, according to NGOs, resulted in more chaotic procedures and less predictable interview and decision dates. Two pilot projects focusing on accelerated procedures were launched by the European Commission in Bulgaria and Romania. In Bulgaria, by the time the pilot project ended in August 2023, 1,582 applicants had been registered and processed, and 1,014 decisions had been issued. However, it was reported that in over 90% of these cases the applicants in question had left the open Pastrogor transit centre and absconded before they could be referred for deportation. In contrast, fast-track procedures used in the Netherlands for two specific nationalities, with a written interview to accelerate the process of granting protection, overall worked well according to all stakeholders.

- **Border procedures**

Border procedures are not a unanimous practice across the EU+. Border procedures do not exist in the national asylum frameworks of Bulgaria, Cyprus, Ireland, Malta, Poland, Sweden, Türkiye and the United Kingdom. In addition, while border procedures exist in law in Slovenia, Croatia and Serbia, this legislation is not applied, and no border procedures are conducted. Only in Austria, Belgium, Germany, Spain, France, Greece, the Netherlands, Portugal, Romania, Switzerland are applications channelled into border procedures examined on the merits.

In Italy, new legislation in 2023 added the possibility to apply the border procedure for applicants making an application at the border or in transit areas and from safe countries of origin. Furthermore, asylum applicants channelled into the border procedure can now face detention, for a maximum of 4 weeks, which may include the border procedure and up to the judicial decision on the suspensive effect in case of appeal. A preliminary reference was made to the CJEU to assess the compatibility with EU law of this new Italian legislation on the border procedure.

In November 2023, Portugal resumed the application of the border procedure, which had been suspended for approximately 3 and half years. According to Portuguese law, the border procedure applies for individuals who (i) do not meet the entry requirement set in the law, (ii) are subject to a national or EU entry ban; or (iii) represent a risk or a serious threat to public order, national security, or public health. Since its resumption, the procedure has been systematically applied, including for vulnerable applicants, despite concerns being raised regarding the poor detention conditions under which people were accommodated.

7. Denial of access to the territory and to asylum

Access to asylum remained a serious cause for concern in 2023. Across Europe, unlawful border practices, violence and failures to provide assistance to people in distress at sea were reported, hindering the possibility to access protection in Europe for people in need and, in numerous instances, putting their lives at risk.¹⁶ Such practices were reported in more than half the countries covered by AIDA, namely Bulgaria, Cyprus, Germany, Spain, France, Greece, Croatia, Hungary, Ireland, Italy, Malta, Poland, Romania, Serbia, Türkiye, and the UK. National authorities used a wide array of measures: direct pushbacks at land or sea borders, often accompanied by violent and humiliating practices; informal readmission agreements; delayed or refused maritime assistance; denial of access to the territory and/or to the asylum procedure; and reintroduction of border controls. These measures violate the right to asylum and the principle of *non-refoulement*, as enshrined in EU and international law. The scale and normalisation of such practices continued to increase despite global condemnation.¹⁷ Once again, they stood in stark contrast to the response to displacement from Ukraine, for which personnel was mobilised and trained, and limited cases of denial of access to the territory or to protection procedures were reported.¹⁸ NGOs and individuals highlighting such practices or supporting pushback victims faced defamation, intimidation and criminalisation in several countries.¹⁹

- **Pushbacks and other violent practices at land borders**

In Greece, reports of widespread pushbacks at land borders continued, along with extreme violence and lack of access to the asylum procedure and to basic needs products such as food and water. Since January 2023, the ECtHR has granted 22 interim measures against Greece in the context of reported pushbacks and lack of access to asylum and basic needs products.

In Romania, the European Commission initiated a pilot project, highlighting Romania's continued "successful management" of the external border with Serbia, with "continued activities for prevention of irregular migration" with Serbian authorities and further deployment of Frontex. However, in practice, at the border, UNHCR and partner NGOs continue to receive reports of pushbacks by the Romanian authorities towards Serbia; incidents of harassment, discrimination, abuses, pushbacks and deviations from the proper asylum procedures have also been documented.

Pushbacks at land borders were also reported in Bulgaria, Hungary, Cyprus, Italy, Germany, Spain, France, Croatia, and Poland.

¹⁶ Amongst many others: 11.11.11, *Pushback report 2023*, February 2024, available [here](#); Human Rights Watch, *World Report 2024 – European Union Chapter*, 2024, available [here](#); Sergio Carreira et al for the European Parliament Research Service, *An assessment of the state of the EU Schengen Area and its External Borders*, May 2023, available [here](#); NRC, *Refugees trapped in Europe's "death zone"*, July 2024, available [here](#); Médecins du Monde, *Extreme violence against refugees at the Croatian-Bosnian border*, June 2024, available [here](#); MSF, *Death, despair and destitution: The human costs of the EU's migration policies*, February 2024, available [here](#); Balkan Insight, 'Schengen in Sights, EU and Frontex Overlook Violent Bulgarian Pushbacks', February 2024, available [here](#); Protecting Rights at Borders, *Pushbacks at Europe's borders: a continuously ignored crisis*, January 2024, available [here](#); BVMN, *Input by civil society organisations to the EUAA Asylum Report 2024*, February 2024, available [here](#).

¹⁷ EU Ombudsperson, *Conclusions of the European Ombudsman on EU search and rescue following her inquiry into how the European Border and Coast Guard Agency (Frontex) complies with its fundamental rights obligations in the context of its maritime surveillance activities, in particular the Adriana shipwreck*, 7 March 2024, available [here](#); Council of Europe, 'Council of Europe anti-torture Committee (CPT) again calls on Greece to reform its immigration detention system and stop pushbacks', 12 July 2024, available [here](#); United Nations Special Rapporteur on trafficking of persons, 'Obligations to prevent and protect trafficking victims also apply to migrants at sea: Special Rapporteur', 27 June 2024, available [here](#); UNHCR, UNHCR's 2024 Recommendations for the Belgian and Hungarian Presidencies of the Council of the European Union (EU), January 2024, available [here](#).

¹⁸ The update to the *AIDA Temporary Protection Compilation* (see 2022 version available at: <https://bit.ly/3pPUiqr>) will be published in autumn 2024.

¹⁹ See notably BVMN, *Criminalisation report: 2022-2023*, 28 May 2024, available [here](#), and UN Special Rapporteur on the situation of human rights defenders, *Report of the Special Rapporteur on the situation of human rights defenders on her visit to Greece*, 2 March 2023, available [here](#).

- **Pushbacks and other violent practices at sea borders**

Pushbacks and other unlawful practices at sea were reported in Greece, Cyprus, and Malta in 2023. These included delays to or denials of assistance, as well as systematic violent practices at sea, including direct pushbacks, shooting at people adrift in the sea, arresting and forcibly boarding people on boats then left adrift in high waters, and towing boats back towards North African, Turkish or Libyan waters.

One notable case in Greece was that of the Pylos shipwreck, where an overcrowded fishing vessel capsized after allegedly have been towed by the Greek authorities, leaving approximately 650 people dead. Given the seriousness and credibility of the regular allegations of pushbacks, Frontex's Fundamental Rights Officer recommended the suspension of Frontex's activities in Greece for "violations of fundamental rights or international protection obligations that are of a serious nature or are likely to persist."²⁰ Such concerns were also echoed by the UN Human Rights Council.²¹

- **Management of search and rescue**

Despite the deeply concerning situation for migrants in Libya, as reported notably by a UN fact-finding mission which highlighted overwhelming evidence of systematic torture of migrants, enslavement and rape, Italy renewed its deal with Libya in 2023. Through the deal, Italy commits to providing funding, equipment and technical support to the Libyan coastguard for patrolling and rescuing boats in international waters.

In parallel, Italy severely hindered the ability of NGOs to assist in search and rescue through Decree Law 1/2023, resulting in a significant increase in holdings and seizures of rescue ships. At the end of 2023, only 6% of people disembarked in Italy had been rescued by SAR NGOs, as opposed to 15% in 2022.

- **Reintroduction of internal borders controls**

The number of temporarily reintroduced border controls at internal borders reached record levels in 2023, with 16 of the 27 Member States introducing or renewing borders controls for at least part of 2023. Despite the obligation for these to be a last resort measure for exceptional situations, many countries operated border controls at several if not all of their internal borders. The impact of such controls is difficult to assess as they are not reported to Eurostat. However, French authorities reported 79,000 refusals of entry notified at French borders in 2023.²² In a decision from September 2023, the CJEU highlighted that the common standards laid down in the Return Directive remained applicable for refusals of entry at internal borders following the temporary reintroduction of borders controls. Following this decision, the French Council of State found part of the national law on the matter contrary to EU law.

- **Legislation hindering access to asylum**

In addition to reported practices of pushbacks, some countries introduced or maintained controversial legislation which prevents or hinders access to asylum. Despite the CJEU declaring it a breach of EU law in 2023,²³ Hungary maintained its "embassy procedure", resulting in only 28 asylum applicants

²⁰ Le Monde, 'Frontex threatens to suspend its activities in Greece', 26 June 2023, available at: <https://bit.ly/49oCN1k>.

²¹ UN Human Rights Council, 'Press release: Greece: UN experts call for safe, impartial border policies and practices', 23 August 2023, available at: <https://bit.ly/4alAtTW>.

²² French authorities reported a total of 89,000 refusals of entry, from which ECRE subtracted the 9,650 refusals of entry notified at the external borders by France, per Eurostat.

²³ CJEU, *European Commission v. Hungary*, C-823/21, Judgment of 22 June 2023, available [here](#).

registered in the country in 2023. In parallel, over 100,000 pushbacks from Hungary to Serbia were reported. Despite the change in government, the Polish legal amendments restricting access to asylum for those who access the territory irregularly remained in force. Lastly, in 2023, Italy signed an international cooperation deal with Albania, providing for the construction of two centres on Albanian territory under Italian jurisdiction, to which "migrants" who have been admitted into to border or repatriation procedures will be sent.

- **Access to registration**

Even after securing access to the territory, people faced obstacles in accessing the asylum procedure. While improvements were reported in Austria following a drop in arrivals, people in need of protection continued to face serious delays in obtaining appointments for registration in Belgium, Bulgaria, Greece, Italy the Netherlands, Spain, and the UK. In Türkiye, registration was reported as being "almost impossible" in numerous places.

8. Content of protection: access to rights

Structural problems also persist with regard to recognised beneficiaries of international protection (BIPs)' access to rights which should be provided under law and which are necessary to support inclusion in European societies.

- **Residence permits**

The first is access to a residence permit, to prove regularity of stay and access many other rights and services, such as housing, employment, social benefits, and bank services. Issues (mainly delays) as to the issuance or renewal of residence permits were reported in Belgium, France, Greece, Ireland, Malta, the Netherlands, and Poland, with sometimes severe consequences on the livelihoods of BIPs, including lack of access to basic services, loss of employment, or homelessness.

- **Right to housing**

BIPs could not access adequate and affordable housing in almost all AIDA countries in 2023. For people who never accessed the country's reception network as asylum applicants, this prolongs homelessness. For those who did manage to access the reception network, they may be ordered to leave, regardless of whether or not they have a housing solution, as is the case in Greece. Instances of BIP homelessness and economic vulnerability are thus becoming increasingly common. A change in procedure for exiting reception in the UK in August 2023 led to a 223% increase in people sleeping rough after leaving asylum housing. In addition to the overall housing crisis in Europe, BIPs face rising discrimination and racism. In some cases, BIPs are allowed to stay in the reception network but are transferred to alternative accommodation, meaning they lose any social capital (work, education, community) that supported their inclusion into society gained during the asylum procedure.

- **Right to education**

Education is a crucial step towards meaningful inclusion; however problems were reported in Belgium, Croatia, Poland and Romania, notably due to lack of sufficient personnel deployed for integration and/or language classes.

- **Right to employment**

In some countries, notably Croatia and Malta, there was an increase in reports of violations of labour rights and labour exploitation due to the economic vulnerability of BIPs, as well as reports of

discrimination in accessing employment opportunities. On the positive side, Ireland removed the discriminatory ban preventing holders of “Stamp 4” residence permits – including BIPs – from taking up employment in the civil service.

- **Inclusion policies**

Comprehensive inclusion policies were lacking in many countries, including Bulgaria, Cyprus, Croatia, Hungary, and Poland, although there are sometimes initiatives at the municipal level as is the case in Bulgaria, Croatia, and Poland. 2023 marked the 10th anniversary of the national “zero integration” policy in Bulgaria. In Romania, the interruption in AMIF funding at the national level forced NGOs to suspend their integration projects in October 2023.

Conversely, in France, the AGIR programme, launched in 2022 and that aims to provide global support for refugee integration concerning housing, employment and benefits, continued its deployment across the entire national territory.

- **Family reunification**

Lastly, beneficiaries are still subject to long and demanding procedures for family reunification.²⁴ While facing significant waiting times in diplomatic representations, BIPs and their families are requested to follow complex procedures with strict requirements, hindering their effective exercise of the right to family reunification.

In several countries, beneficiaries of subsidiary protection are still not able to access family reunification, mainly Cyprus, Greece and Malta, and the potential influence of this on status decision-making still cannot be dismissed. In Sweden, exemptions as to the income and accommodation requirements were rendered more restrictive as of December 2023. Conversely, the ECtHR ruled that Switzerland’s criterion for financial independence was too strict.

Particular issues as to family reunification for unaccompanied minors were raised in Romania, where legal representatives do not proactively assist in such procedures. In the United Kingdom, refugee children are still not eligible to sponsor their parents and or siblings; a challenge on the matter before the High Court was rejected in 2023.

9. Limited safe routes to Europe in 2023

- **Resettlement numbers**

Despite ever growing protection needs, EU Member States once again failed to meet their resettlement goal of 15,897 people for 2023, with 13,950 people resettled at the end of the year.²⁵ According to the EUAA, apart from 2020, these are the lowest resettlement figures since 2016.²⁶

Resettlement was again suspended in Switzerland due to pressure on the asylum procedure, and many EU countries did not resettle anyone in 2023, including Austria, Croatia, Cyprus, Greece, Hungary, Malta and Poland. Sweden, which had cut its resettlement quota from 5,000 to 900 for 2023 following a change in government in 2022, in practice only resettled 297 refugees, compared to 3,744 refugees in 2022, 6,411 refugees in 2021, and 3,599 refugees in 2020 (despite the pandemic).

²⁴ For a comparative overview on practices regarding family reunification, see: AIDA, *Not there yet: Family reunification for beneficiaries of international protection*, February 2023, available at: <https://bit.ly/3ld6UOq>.

²⁵ Eurostat, ‘Resettled persons by age, sex and citizenship - annual data’, data as of 15 July 2024, available at: <https://bit.ly/3OcMbNX>.

²⁶ In 2020, resettlement was severely hindered by global measures to contain the covid19 pandemic. EUAA, *Annual Report 2024*, June 2024, available [here](#), 205.

In contrast, Spain announced additional pledges to its 2024-2025 commitment. However, overall EU pledges for 2024-2025 remain negligible compared to needs, with 30,960 resettlement pledges and 29,775 humanitarian admission pledges for the two years. The Union Resettlement Framework (URF),²⁷ adopted as part of the Pact Migration and Asylum, aims at creating more harmonised resettlement programmes in the EU but a significant increase in the number of pledges and their complete implementation is needed, under the URF and/or national programmes to enable Europe to display meaningful solidarity to the countries most affected by global displacement.

- **Other pathways**

For other pathways to protection in Europe there is a paradox, while there are a variety of different pathways in law or practice and many Member States have such pathways available in theory, in practice, the numbers of people able to avail themselves of such pathways remain very limited. Several specific schemes for Afghan nationals closed in 2023, notably in Ireland, France, the Netherlands and the United Kingdom. In Germany, the humanitarian admission scheme for Afghans suffered significant setbacks, including a 3-month halt in admissions due to ultimately unfounded allegations of abuse. At the end of June 2023, only 229 people had been selected for admission and as of October 2023 only 13 had been admitted, while two NGOs alone had received over 32,000 requests by early November 2022. Other pathways while available in law, remain limited in scope and scale.²⁸ Lastly, in many countries, serious problems continued to be reported regarding family reunification,²⁹ a key safe pathway to Europe (see [point 8](#)).

What next?

The 23 country reports published in the [AIDA database](#) managed by ECRE, show that a fair and efficient asylum system, compliant with EU law including on fundamental rights, is still a long way off. Organised safe and legal pathways to reach Europe remain limited, while access to territory and to an asylum procedure is frequently denied, with extensive human rights violations documented at the EU's external and internal borders.

As the EU institutions shift their focus from negotiations on the Pact to its implementation, they must pay renewed attention to compliance with the existing rules, to ensure that comprehensive and fair implementation of the new laws also factors in addressing law standing gaps. The new laws which should be fully applied from July 2026 also integrate many obligations that are currently not (fully) respected. Despite improvements in some areas, the recent update of the AIDA country reports confirms the continued existence of serious implementation gaps regarding current legislation in key areas that include barriers to registration; inconsistent decision-making; lack of respect for procedural guarantees; inadequate reception conditions and widespread use of detention; and denial of the socio-economic rights of beneficiaries of international protection. The mere adoption of new frameworks will not on its own improve the quality of asylum systems: the focus at the European level should be on addressing these challenges in order to improve the functioning of asylum systems in Europe as a whole.

²⁷ Regulation (EU) 2024/1350 of the European Parliament and of the Council of 14 May 2024 establishing a Union Resettlement and Humanitarian Admission Framework, and amending Regulation (EU) 2021/1147, available [here](#).

²⁸ ECRE, *Pathways to protection: Mapping visa schemes and other practices enabling people in need of international protection to reach Europe safely*, March 2024, available [here](#).

²⁹ For a detailed overview of the current situation see AIDA, *Not there yet: Family reunification for beneficiaries of international protection*, February 2023, available at: <https://bit.ly/3ld6UOq>.

Country reports on the year 2023

- [Austria](#), including [TPD annex](#), June 2024
- [Belgium](#), including [TPD annex](#), May 2024
- [Bulgaria](#), including [TPD annex](#), April 2024
- [Cyprus](#), including [TPD annex](#), May 2024
- [Germany](#), including [TPD annex](#), June 2024
- [Spain](#), including [TPD annex](#), May 2024
- [France](#), including [TPD annex](#), May 2024
- [Greece](#), including [TPD annex](#), June 2024
- [Croatia](#), including [TPD annex](#), July 2024
- [Hungary](#), including [TPD annex](#), July 2024
- [Ireland](#), including [TPD annex](#), May 2024
- [Italy](#), including [TPD annex](#), July 2024
- [Malta](#), including [TPD annex](#), *to be published in autumn 2024*
- [Netherlands](#), including [TPD annex](#), April 2024
- [Poland](#), including [TPD annex](#), June 2024
- [Portugal](#), including [TPD annex](#), July 2024
- [Romania](#), including [TPD annex](#), July 2024
- [Sweden](#), including [TPD annex](#), April 2024
- [Slovenia](#), including [TPD annex](#), May 2024
- [United Kingdom](#), including [Ukraine visa support annex](#), April 2024
- [Switzerland](#), including [Status S annex](#), July 2024
- [Serbia](#), including [TPD annex](#), August 2024
- [Türkiye](#), August 2024



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