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data on subsequent applications

Subsequent applications is a legal term based on the recast Asylum Procedures Directive, Articles 2(q) and 40. Data on these occurrences refer to repeated applications based on the Eurostat definition which refer to a person who lodged another application for international protection in a given Member State after a final decision was taken on a previous application. The data include:

- Subsequent applicants;
- New applicants who are considered repeated applicants if they lodged a new application after the discontinuation of a previous application; and
- Applicants with a reopened application.[xxv]

In 2021, about 89,000 or 14% of all applications were repeated applications lodged in the same EU+ country, which is the most since 2008.[xxvi] This represents an increase by more than one-half from 2020, when there were 57,000 repeated applications.

In total, 77% of repeated applications were lodged by men. Most repeats were made by the 18- to 34-year-old age group. One-quarter of repeated applications were lodged by applicants older than 35 years, and children accounted for 18% of repeated applications.

Most repeated applications were lodged in just two EU+ countries, which means they were more geographically concentrated than first-time asylum applications *(see Figure 4.15).* Close to one-half of all repeated applications were lodged in Germany alone (48%) and another one-fifth was received in France (19%). Apart from Italy (7%), Greece and Belgium (6% each) as well as Spain (4%), all other EU+ countries received 2% or less each of total repeated applications in 2021. While the number of repeated applications was substantially higher for several of these countries than in 2020, it notably doubled for Germany and Greece.

For a range of EU+ countries, around one in five applications was a repeat, including Belgium, Czechia, Germany, Greece and Poland. For some others, around one in ten applications was a repeat – this included France, Italy, the Netherlands and Switzerland. As in previous years, Finland stood out with almost one-half of all applications being repeated. In all remaining EU+

countries, repeated applications were relatively rare.

In 2021, two distinct patterns became prominent for the main nationalities lodging repeated applications *(see Figure 4.15).* The first group consisted of nationalities that also lodged many first-time applications, notably Syrians and Afghans, followed at a distance by Nigerians, Pakistanis and Iraqis. The share of repeats ranged from 11% to 15%, climbing up to 30% for Nigerians.

This pattern was seen particularly in Germany. Following a ruling of the CJEU in November 2020 on the refusal of military service in the Syrian army as possible grounds for well-founded fear of persecution,[521] Syrians lodged an exceptionally high number of repeated applications in Germany in 2021 (about 15,000 applications). Most higher administrative courts confirmed the BAMF practice to grant subsidiary protection status in such cases. Several appeal proceedings on points of law were pending at the German Federal Administrative Court against judgments of the Higher Administrative Court of Berlin-Brandenburg, granting refugee status in these cases based on the CJEU judgment, as an indication for the need for further legal clarification following the CJEU decision.[522] The question if a CJEU judgment in a preliminary ruling proceeding which interprets EU law has to be regarded as a new element for a subsequent application is currently pending for legal clarification in an appeal on points of law at the Federal Administrative Court and was recently referred to the CJEU for a preliminary ruling by the Administrative Court of Sigmaringen.

Likewise, mainly around the time of the Taliban takeover of Afghanistan, Afghans lodged 58% of their repeated applications in Germany (about 8,400 applications).

As in 2020, more than one-half of all repeated applications by Nigerians were concentrated in Italy, and Iraqis were the largest group applying repeatedly in Finland.

The second group represented countries of origin in the vicinity of the EU, including Moldova, Russia, Albania, North Macedonia, Georgia, Serbia and Bosnia and Herzegovina (in descending order). The share of repeats in this group was generally higher, ranging between 21% and 43%, except for Georgians (14%).

Syrians, Afghans and Nigerians lodged the most repeated applications

Figure 4.15. Receiving countries (left) and countries of origin (right) with the most repeated applications, 2021 compared to 2020

Figure 4.15. Receiving countries (left) and countries of origin (right) with the most repeated applic

Source: Eurostat [migr_asyappctza] as of 22 April 2021.

Footnotes

[xxv] Repeated applicants should be reported under ‘applications and pending applications’ data but not under ‘first-time applicants’ data.
https://ec.europa.eu/eurostat/cache/metadata/en/migr_asyapp_esms.htm

[xxvi] At the time of writing, data on repeated applications were still missing for Cyprus, Denmark and Sweden.

- 521European Council on Refugees and Exiles. (2022). Input to the Asylum Report 2022. https://euaa.europa.eu/sites/default/files/2022-03/European_Council_on_Refugees_and_Exiles_ECRE.docx
- 522Germany, High Administrative Courts (Oberverwaltungsgerichte/Verwaltungsgerichtshöfe), Applicant (Syria) v Federal Office for Migration and Refugees (BAMF), OVG 3 B 68.18, EN:OVGBEBB:2021:0129.OVG3B68.18.00, 29 January 2021. Link redirects to the English summary in the EUAA Case Law Database. Germany, Federal Administrative Court [Bundesverwaltungsgericht], Applicant v BAMF, 1 C 23.21, 22 July 2021. Link redirects to the English summary in the EUAA Case Law Database.

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