Please cite as: EUAA, '4.5.8. Appeals by specific profiles of applicants' in *Asylum Report 2023*, Μάιος 2023.

4.5.8. Appeals by specific profiles of applicants

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Ukrainian applicants

Appeals lodged by Ukrainian nationals whose applications were rejected in first instance procedures were suspended by the Danish Refugee Appeals Board on 24 February 2022 at the start of the war in Ukraine.516

Afghan applicants

On 31 March 2022, CALL in Belgium noted that the situation in Afghanistan did not seem to establish the need to grant subsidiary protection within the meaning of the recast QD, Article 15(c). However, it underlined that the situation remained unstable and changes in the dynamics of the conflict were recent. It assessed that the situation in Afghanistan did not allow to make a correct and forward-looking assessment.

On 12 and 13 October 2022, in a chamber of three judges, CALL issued five rulings: two granting refugee status, two denying it and one annulling the CGRS's decision. CALL noted that the level of indiscriminate violence in the country had generally fallen significantly since the Taliban takeover, concluding that there was no automatic need for subsidiary protection from indiscriminate violence. It further ruled that the return of Afghans from Europe (considered 'westernised') did not automatically give rise to a well-founded fear of persecution. CALL also found that the socio-economic situation in the country did not automatically fall within the scope of subsidiary protection. CALL noted, however, that the current precarious socio-economic situation may still give rise to a violation of Article 3 of the ECHR, which needs to be further examined when issuing any order to leave the territory.

In February 2022, the Danish Refugee Appeals Board resumed the assessment of cases lodged by Afghan nationals. In January 2023, the Danish Coordination Committee of the Refugee Appeals Board decided to change its practice toward Afghan women and girls, thus as a main rule granting asylum solely because of their gender, based on Section 7(1) of the Aliens Act.517 In December 2022, the Coordination Committee declared that a lower threshold of persecution should be applied in cases involving Afghan women and girls and their risk of persecution because of the arbitrary exercise of power by the Taliban.518

Applicants from Ethiopia

After suspending the processing of cases by Ethiopian nationals on 16 December 2021,519 the Coordination Committee of the Danish Refugee Appeals Board lifted the suspension on 24 February 2022. The Appeals Board later stated that the general situation in Addis Ababa was not of such a nature that any person of Tigrayan ethnicity would be at risk of being arrested, mistreated or abused. Thus a concrete assessment of an applicant's circumstances would determine if the conditions for issuing a residence permit according to Section 7 are met.520

Applicants from Mali

In Belgium, CALL ruled in May 2022 on appeals lodged by applicants from northern and central Mali on 18 May 2022 and in October 2022 on appeals by applicants from southern Mali.521

Applicants from Myanmar

In 2023, the Refugee Appeals Board referred two cases back to the Danish Immigration Service for a new assessment based on new country of origin information for Myanmar following the military coup in February 2021. The Danish Refugee Council reported that in one of these cases the first instance authority provided international protection.522

- 516Refugee Appeals Board | Flygtningenævnet. (2022, February 24). Flygtningenævnet berostiller sager vedrørende ukrainske statsborgere [Refugee Appeals Board suspends cases concerning Ukrainian nationals]. https://fln.dk/da/Nyheder/Nyhedsarkiv/2022/240220221
- 517Refugee Appeals Board | Flygtningenævnet. (2023, January 30). Referat af ekstraordinært møde i koordinationsudvalget den 30. januar 2023 [Minutes of extraordinary meeting of the coordination committee on 30 January 2023]. https://fln.dk/-/media/FLN/Koordinationsudvalg/Ref-af-ekstraordinaert-moede-i-kudv-den-30-januar-2023.pdf?la=da&hash=18A7768065CAFC72709F425166135CE22496D3FF
- 518Refugee Appeals Board | Flygtningenævnet. (2022, December 15). Lempet bevisvurdering ved Flygtningenævnets behandling af asylansøgninger fra kvinder og piger fra Afghanistan [Eased assessment of evidence in the Refugee Board's processing of asylum applications from women and girls from Afghanistan]. https://fln.dk/da/Nyheder/15122022
- 519Refugee Appeals Board | Flygtningenævnet. (2021, December 16). Flygtningenævnet berostiller behandlingen af sager vedrørende etiopiske statsborgere [Refugee Appeals Board suspends processing of cases concerning Ethiopian nationals]. https://fln.dk/da/Nyheder/Nyhedsarkiv/2021/161220211
- 520Refugee Appeals Board | Flygtningenævnet. (2022, February 24). Flygtningenævnet genoptager behandlingen af sager vedrørende etiopiske statsborgere [Refugee Appeals Board resumes consideration of cases concerning Ethiopian nationals]. https://fln.dk/da/Nyheder/Nyhedsarkiv/2022/240220222
- 521Belgium, Council for Alien Law Litigation [Conseil du Contentieux des Étrangers - CALL], X v Commissaire général aux réfugiés et aux apatrides (CGRS), No 279 705, 28 October 2022. Belgium, Council for Alien Law Litigation [Conseil du Contentieux des Étrangers - CALL], X v Commissaire général aux réfugiés et aux apatrides (CGRS), No 279 690, 28

October 2022. Belgium, Council for Alien Law Litigation [Conseil du Contentieux des Étrangers - CALL], X v Commissaire général aux réfugiés et aux apatrides (CGRS), No 279 716, 28 October 2022. Belgium, Council for Alien Law Litigation [Conseil du Contentieux des Étrangers - CALL], X v Commissaire général aux réfugiés et aux apatrides (CGRS), No 279 715, 28 October 2022. Links redirect to the English summaries in the EUAA Case Law Database.

- 522Danish Refugee Council. (2023). Input to the Asylum Report 2023. https://euaa.europa.eu/sites/default/files/2023-02/drc_danish_refugee_council.pdf

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