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4.1.3. Situation in Northern and Western Europe

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Substantially higher levels of asylum applications were lodged in northern and western Europe. France received 121,000 applications in 2021, an increase of 29% compared to 2020 *(see Figure 4.3)*. This was broadly in line with the overall increase in applications across EU+ countries. Applications increased substantially for many of the main nationalities applying in France, notably for Afghans (the largest group) but also for nationals of Côte d'Ivoire, Bangladesh and Albania, as well as for Georgians, whose applications more than doubled.

Belgium and Denmark received 25,000 and 2,100 applications for international protection in 2021, respectively. In both cases, this was an increase between 40% and 50% from 2020, mainly driven by Afghans who were the largest group in both countries. The Netherlands (27,000) received the most applications in several years, up by three-quarters from 2020. This was primarily due to more Syrian, Afghan and Turkish applicants.

For arrivals in northern and western Europe, several irregular migration routes played an important role. Total detections of illegal border-crossings at the EU's external borders were significantly higher in 2021 than a year earlier, except at the beginning of the year *(see Figure 4.3).* However, some relatively large groups of applicants – for example Albanians and Georgians applying in France – can in fact cross the EU's external border legally because of a visa exemption and, therefore, are not included in data on illegal border-crossings.

Northern and western Europe remained a key destination region

Figure 4.3. Asylum applications in selected EU+ countries (left) and total detections of illegal border-crossings (right), 2021 compared to 2020

Figure 3 Asylum applications in selected EU+ countries and total detections of illegal border-cross

Note: Total illegal border-crossings include all routes except the circular migration route from Albania to Greece.
Source: Eurostat [migr_asyappctza] as of 22 April 2022 and Frontex [Detections of illegal border-crossings] as of 8 March 2022.

In Germany, the previously-established AnkER centres, which combine asylum and reception authorities to swiftly gather information from asylum applicants, were tested by the increase in applications. In March 2021, the Federal Office for Migration and Refugees published a report in which the overall efficiency of these centres was assessed. The evaluation report confirmed that registration procedures in the AnkER centres increased in efficiency with faster processing times when compared to other centres.350

In June 2021, Denmark approved amendments to the Aliens Act and the Return Act, foreseeing the possibility to transfer suddenly-arrived asylum seekers to a partner country outside of the EU to process their asylum application and subsequently provide protection to those in need. The Danish proposal states that a transfer model will be implemented in compliance with international law and Denmark's legal obligations.351 The European Commission noted that external processing of asylum claims raises fundamental questions about both access to the asylum procedure and effective access to protection.352 The UN High Commissioner for Refugees, Filippo Grandi, criticised this development and considered that the new law runs counter to the 1951 Refugee Convention.353 UNHCR strongly urged Denmark to refrain from enacting laws and practices that would externalise its asylum obligations and undermine the international protection system.354 The Danish Refugee Council also condemned the new law, calling it "irresponsible and lacking in solidarity".355

In response to this criticism, Denmark underlined that the goal behind the Danish proposal is to break negative incentive structures for irregular migration and move towards legal pathways for international protection. The Danish government also emphasised that the proposal does not abolish the right to seek asylum in Denmark.356

UNHCR published its comments and reactions to a motion for a resolution by a Belgian opposition party in a similar vein to the Danish law and stated that it had serious reservations on the proposal, which had similarities with the approach adopted by Australia.357 The proposal was not accepted.

In February 2021, The Belgian Constitutional Court annulled amendments to the legislation on international protection and foreigners and ruled on several points, including points relevant to access to the asylum procedure.

The significant increase in asylum applications (including the high number of secondary movements) and the reception situation in Belgium where two trade union actions were held in October 2021 led to delays in the registration of asylum applicants *(see Section 4.7)*.358 Ten civil society organisations published an open letter raising concerns that several persons were not able to apply for international protection during this time.359 In a court action filed by the same civil society organisations, the First Instance Tribunal of Brussels condemned the Belgian

State for not ensuring access to the asylum procedure, and Fedasil for not guaranteeing reception for applicants *(see Section 4.7.1.2).* In its judgment, the court referred to CJEU case law on effective access to the procedure and reiterated that the Asylum Procedures Directive, Article 6 requires Member States to ensure that people can exercise their right to make an application for international protection. The government and national authorities undertook several actions to improve the situation, including the launching of a large recruitment procedure for the migration authorities, action plans to increase the efficiency of the process *(see Section 4.4)* and opening new reception facilities *(see Section 4.7).*

In the Netherlands, changes continued to be made to improve the overall efficiency of the asylum procedure, specifically adjustments to the registration procedure and the omission of the initial interview which gathers information on identity, nationality and the travel route.360 The number of applicants in the Netherlands increased more than anticipated, and the Ter Apel registration centre came under pressure361 *(see Section 4.7)*, however the authorities managed by reorganising the process and increasing capacity. The IND recruited additional staff, created a separate stream for the registration of the newly-arrived group of Afghan evacuees, and made plans to register persons arriving through family reunification in separate locations.362 The control boards *(regietafel)* continued to ensure that the initial registration process effectively channels applications in the correct procedure.

French borders

In France, sea crossings over the English Channel continued and the UK Home Office reported that around 430 migrants from France disembarked on the UK coast within a day and half in July 2021.363 The UK and France issued a joint statement to strengthen action and cooperation to combat illegal immigration at their common border. UNHCR called for a coordinated and comprehensive response on both sides of the Channel to prevent the further loss of life after 27 people perished while attempting to cross on 24 November 2021.364

Within the context of a joint visit by the European Commission, Europol and Frontex in November 2021, France, Germany, Belgium and the Netherlands committed to strengthening their cooperation on migration matters and against smuggling networks.365

Pushback practices were reported at the French-Italian and French-Spanish land borders. The Asylum Information Database (AIDA) report for France reported that in February 2021 the border police returned a 16-year-old unaccompanied minor from Bayonne to Irun in Spain without appropriate guarantees.366 The AIDA report for France also underlined that challenges remained in Menton, on the border with Italy, where access to French territory remained difficult, and also in the overseas territory of Mayotte.367 The French Council of State dismissed a request by civil society organisations for the urgent closure of temporary police facilities in Menton as it found no infringement of the rights of asylum applicants.

However, the Council of State ruled in July 2021 that the government failed to respect the 10-day timeframe for registering applications for international protection according to national

legislation which is applicable in Ile-de-France. The number of asylum applications in this region represents more than one-half of all applications submitted in mainland France.

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