



# Who`s the strictest?

A mapping of the Afghanistan-policies in Western European countries



## Table of Contents

PREFACE .....	3
SUMMARY .....	4
METHODOLOGICAL APPROACH .....	6
1 AFGHAN ASYLUM SEEKERS IN EUROPE .....	7
1.1 Asylum applications .....	7
1.1 Asylum decisions.....	10
2 UNACCOMPANIED MINOR ASYLUM SEEKERS (UAM) .....	13
2.1 Numbers and statistics .....	13
2.2 Use of limited permission until the age of 18 years .....	16
2.3 Rejection.....	18
3 GENERAL FEATURES OF THE ASYLUM POLICY.....	20
3.1 Ethnicity .....	20
3.2 Gender-based persecution .....	22
3.3 Child-specific persecution .....	23
3.4 Converts.....	24
3.5 Sexual orientation.....	25
4 THE SECURITY SITUATION .....	26
4.1 Assessment of the security situation.....	26
4.2 The assessment of the security situation in Afghanistan.....	26
5 USE OF THE INTERNAL FLIGHT ALTERNATIVE .....	29
5.1 Legal basis.....	29
5.2 General use of internal flight.....	29
5.3 Application of the reasonableness criteria.....	30
5.4 Use of internal flight alternative on Afghan asylum seekers .....	31
6 FORCED DEPORTATION .....	34
6.1 Forced deportation to Afghanistan .....	34
6.2 Numbers and statistics .....	34
6.3 Exceptions from forced deportation .....	36
SOURCE REFERENCES .....	39



## Preface

Afghanistan is in its fifth decade of war and conflict. During the period 2015 – 2017, more than 420,000 Afghans have applied for asylum in Europe.

In both 2016 and 2017, Afghanistan has been the largest country portfolio at NOAS. We received 319 cases from Afghans in 2016 and 335 cases in 2017.

The motivation for this mapping is that we have seen a need for an overall overview of statistics and policies against Afghan asylum seekers in Western Europe. The aim has been to highlight the differences and similarities between Western European countries and to show general features of the Afghanistan policies.

Asylum seekers from Afghanistan state different grounds for seeking protection. In order to compare the asylum policy in the different countries, we have focused specifically on certain asylum claims; single minor asylum seekers, single women, converts and sexual minorities. In addition, we have considered the importance of ethnicity, assessments of the general security situation and the use of forced deportation.

Responses from a survey sent to NGOs and publicly available information have provided us with a good basis for conducting a general mapping of the Afghanistan policy in Western Europe. On some issues we have gained more detailed knowledge than we could hope for. As a consequence, in parts of the review we can provide a more detailed picture of the differences in the country's policy.

Legal Adviser Cecilia Sognnæs, assisted by Senior Legal Adviser Andreas Furuseth, has conducted the review and presentation of the material. Both advisors are employed at NOAS with a main responsibility for the Afghanistan portfolio.

Any errors in the mapping are NOAS' full responsibility.

April 2018

## Summary

Germany has received more than 170,000 asylum applications from Afghans in 2015 – 2017, and is by far the Western European country that has received the highest number of **applications during this period**. Sweden and Austria follow next with respectively around 46,000 and 41,000 applications. The number of Afghan asylum applications in Europe has decreased each year from 2015 to 2017. In 2017, Greece is the only country with a significant increase in the number of applications.

The **grant rate** for Afghan asylum seekers varies greatly between the various Western European countries. The lowest grant rate is in Denmark, followed by Norway. In 2017, only 16 % of all Afghans received protection in Denmark, while 27 % were granted protection in Norway. In the given period, Italy has the highest grant rate, with over 90 % of Afghan asylum seekers receiving residence permit. Authorities in several countries grant temporary permits that are in fact a protection against return until the situation in the home country improves. In Germany and Switzerland, these permits lead to a slightly higher grant rate than for countries not operating with such permits.

Sweden, Germany and Austria have received the most **unaccompanied minor asylum seekers (UMA)** from Afghanistan in the given period, with over 24,000, 21,000 and 8500 asylum applications. In addition to Norway; Sweden, Denmark and the United Kingdom has a practice of granting limited permits that expires when the UMA becomes an adult. Many respondents state that rejections are given to UMAs that do not qualify for protection and who has caregivers in their home country.

A review of the **asylum practice** for some selected asylum grounds shows both similarities and differences between countries. No respondents have stated that hazaras receive protection or residence permits solely on the grounds of *ethnicity*. All respondents state that protection for Afghan *women* is a priority. Different groups of women from Afghanistan may have the right to protection in Western Europe, given that their asylum claim is considered credible. Also, in the case of *child-specific persecution*, there is a general focus on protecting children on the run, but for both Belgium and Austria, the respondents express concern about the lack of child-sensitive assessments. Afghans who have *converted to Christianity* will, in essence, be entitled to protection, provided that their asylum applications have been found credible. The same is true for Afghans who claim that their *sexual orientation* makes them vulnerable to persecution.

As the only country in Western Europe, Italy has declared the whole of Afghanistan as unsafe. Norway, Sweden, Finland and Switzerland have defined insecure areas based on updated **security assessments** of the situation in Afghanistan. Most countries do not have publicly available information regarding their security assessments.

All respondents, except Norway, state that their respective authorities apply **the reasonableness analysis** when assessing the internal flight alternative. Even non-EU countries consider internal flight according to the three terms - safe, accessible and reasonable. Again, Italy stand out as the Supreme Court has decided that Italian immigration authorities should not apply the internal flight alternative.

Except Italy, all other respondents state that **internal flight** in theory can be applied to Afghan asylum seekers. Many countries make use of the internal flight alternative in Afghanistan cases, but most countries have exceptions for vulnerable groups. Common exceptions are UMAs, single women and families with children. A majority of countries refer only to some areas of Afghanistan, usually to Kabul, Herat or Mazar-e Sharif.

As for the question of **forced deportation** of Afghans, the countries in Western Europe are divided. Of 16 countries, ten states that they are forcefully returning failed Afghan asylum seekers. In the period of 2015 – 2017, Norway has forcefully returned most Afghan asylum seekers, followed by the United Kingdom and the Netherlands. In 2016, Norway accounted for 65 % of all forced returns from Europe to Afghanistan. As in Norway, most of the countries that carry out forced returns have exceptions for vulnerable groups. Many respondents state that neither UMA, single women or families with children are returned with force. Norway, together with Denmark and the Netherlands, are the only countries that in reality return Afghan families with children.

## Methodological approach

The mapping is based on answers from a survey and on publicly available information.

In mid-November 2017, NOAS sent a survey to 25 non-governmental organizations (hereinafter referred to as NGO) from a total of 18 countries.<sup>1</sup> We received complete responses from 13 respondents in 12 countries.

The following NGOs provided answers to our survey: Swedish Red Cross<sup>2</sup>, Danish Refugee Council<sup>3</sup>, Icelandic Red Cross<sup>4</sup>, Pro Asyl from Germany<sup>5</sup>, Diaconie Germany<sup>6</sup>, Dutch Refugee Council for the Netherlands<sup>7</sup>, Flemish Refugee Action for Belgium<sup>8</sup>, Austrian Red Crosss ACCORD<sup>9</sup>, British Refugee Council<sup>10</sup>, Aitima from Greece<sup>11</sup>, MOSAICO – Action for Refugees from Italy<sup>12</sup>, Swiss Refugee Council<sup>13</sup> and Aditus from Malta.<sup>14</sup>

We decided to contact NGOs and not the respective authorities in this survey for various reasons. Firstly, it is our experience that organizations usually provide faster answers than the authorities. Secondly, independent organizations will often be able to provide more nuanced answers than authorities, which in many cases can only comment on what is official policy.

---

<sup>1</sup> Sweden, Denmark, Finland, Iceland, Germany, the Netherlands, Belgium, Austria, the United Kingdom, Ireland, France, Spain, Portugal, Greece, Italy, Luxembourg, Switzerland and Malta

<sup>2</sup> Answer to survey from the Swedish Red Cross dated 6 December 2017

<sup>3</sup> Answer to survey from Danish Refugee Council dated 7 December 2017

<sup>4</sup> Answer to survey from Icelandic Red Cross dated 8 December 2017

<sup>5</sup> Answer to survey from Pro Asyl dated 13 December 2017

<sup>6</sup> Answer to survey from Diaconie Germany dated 1 December 2017

<sup>7</sup> Answer to survey from Dutch Refugee Council dated 1 December 2017

<sup>8</sup> Answer to survey from Flemish Refugee Action dated 27 November 2017

<sup>9</sup> Answer to survey from Austrian Red Cross ACCORD dated 30 November 2017 with the assistance of Caritas Austria and Diakonie Austria

<sup>10</sup> Answer to survey from British Refugee Council dated 14 December 2017

<sup>11</sup> Answer to survey from Aitima dated 19 November 2017

<sup>12</sup> Answer to survey from MOSAICO – Action for Refugees dated 25 November 2017

<sup>13</sup> Answer to survey from Swiss Refugee Council dated 4 December 2017

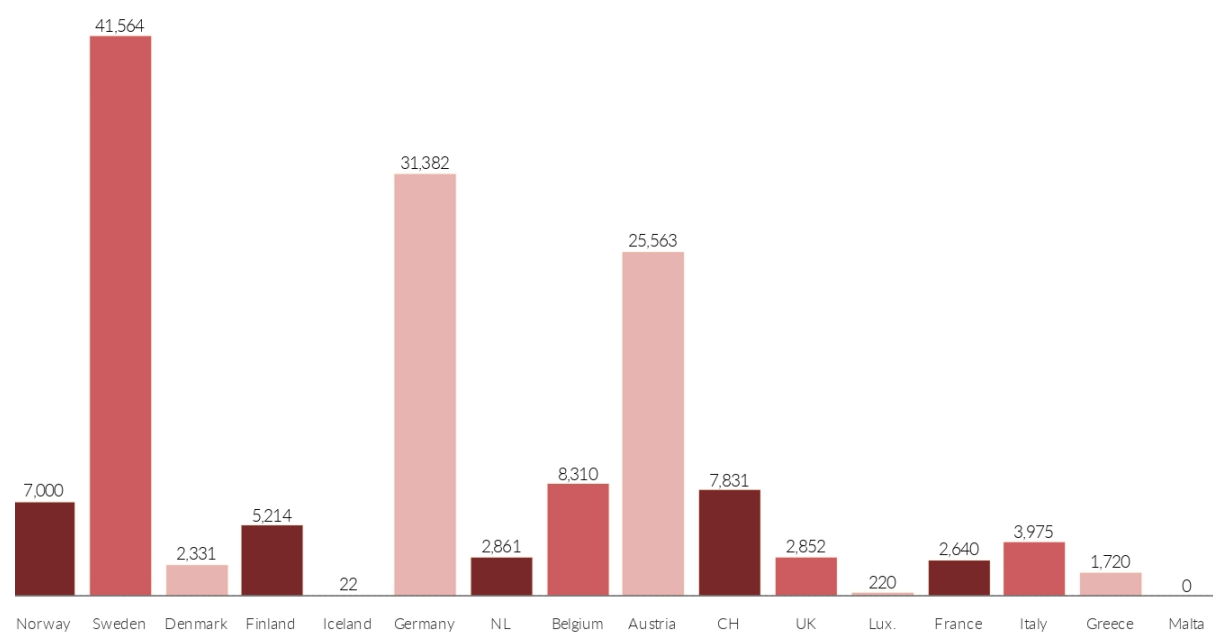
<sup>14</sup> Answer to survey from Aditus dated 2 December 2017

# 1 Afghan asylum seekers in Europe

## 1.1 Asylum applications

In **2015**, Europe received asylum applications from a total of 196,255 Afghans.<sup>15</sup> Afghans accounted for 15 % of all asylum seekers to Europe this year.<sup>16</sup> Sweden, Germany and Austria received most Afghan asylum seekers, with respectively 41,564, 31,382 and 25,563 applications.<sup>17</sup> The other Western European countries received a relatively similar number of asylum applications. Iceland and Malta stand out with respectively 22 and 0 asylum applications.<sup>18</sup>

**Figure 1A: Asylum applications by Afghans in 2015. Numbers for 16 Western European countries**<sup>19</sup>



<sup>15</sup> Numbers obtained from Eurostat. There may be marginal differences in Eurostat's numbers compared with official numbers from national authorities. For example, Migrationsverket reports 41,564 asylum applications from Afghanistan to Sweden in 2015, while Eurostat has registered 41,445.

<sup>16</sup> Numbers obtained from Eurostat, which have registered a total of 1,322,825 asylum applications in 2015

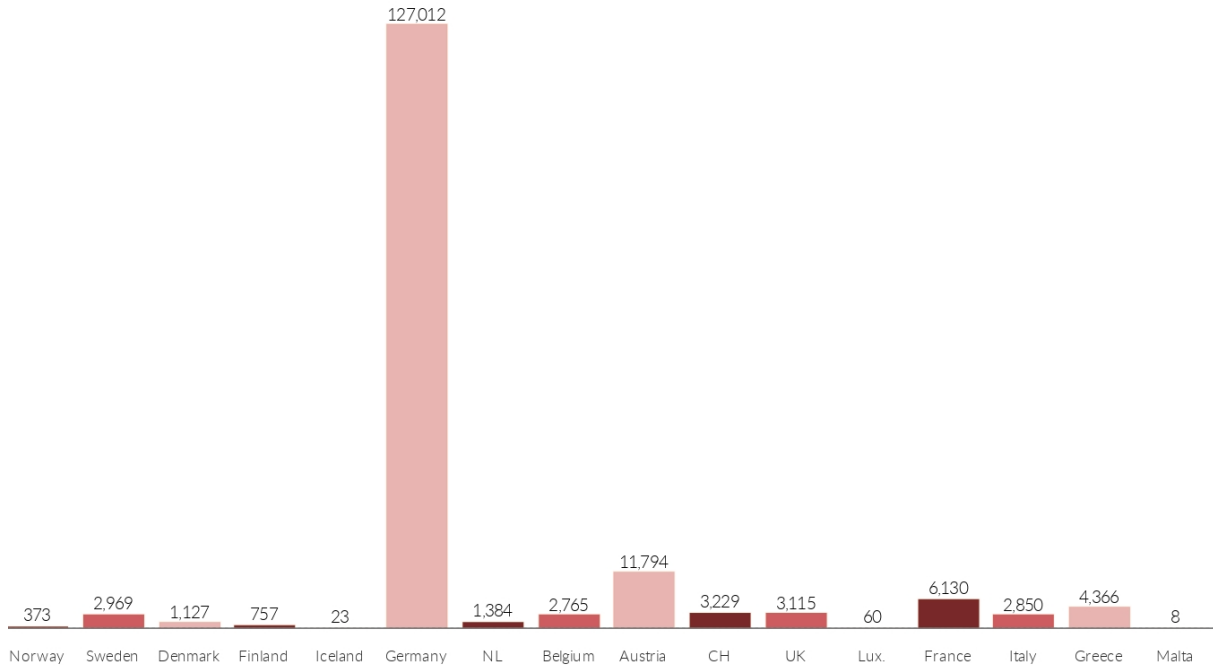
<sup>17</sup> Numbers obtained from public statistics from the respective authorities.

<sup>18</sup> Numbers obtained from Icelandic authorities and from Eurostat for Malta

<sup>19</sup> Numbers for Luxembourg, France and Malta are obtained from Eurostat. The other numbers are obtained from the survey and public statistics from the respective authorities.

The number of Afghan asylum seekers to Europe remained high in **2016**. Unlike in 2015, the number of asylum applications was not evenly distributed amongst Europe’s countries; the vast majority of applications were lodged in Germany. Of a total of 190,250 asylum applications from Afghans in Europe in 2016, a total of 127,012 were filed in Germany.<sup>20</sup> This means that over 65 % of asylum applications from Afghans in 2016 were filed in Germany. Austria, with 11,794 applicants, was the only other Western European country to receive over 10,000 applications from Afghans in 2016.<sup>21</sup>

**Figure 1B: Asylum applications by Afghans in 2016. Numbers for 16 Western European countries**<sup>22</sup>



In **2017**, Eurostat has registered 47,760 asylum applications in Europe from Afghans.<sup>23</sup> Germany continues to receive most Afghans also in 2017, but has a significant decline in the number of applications.

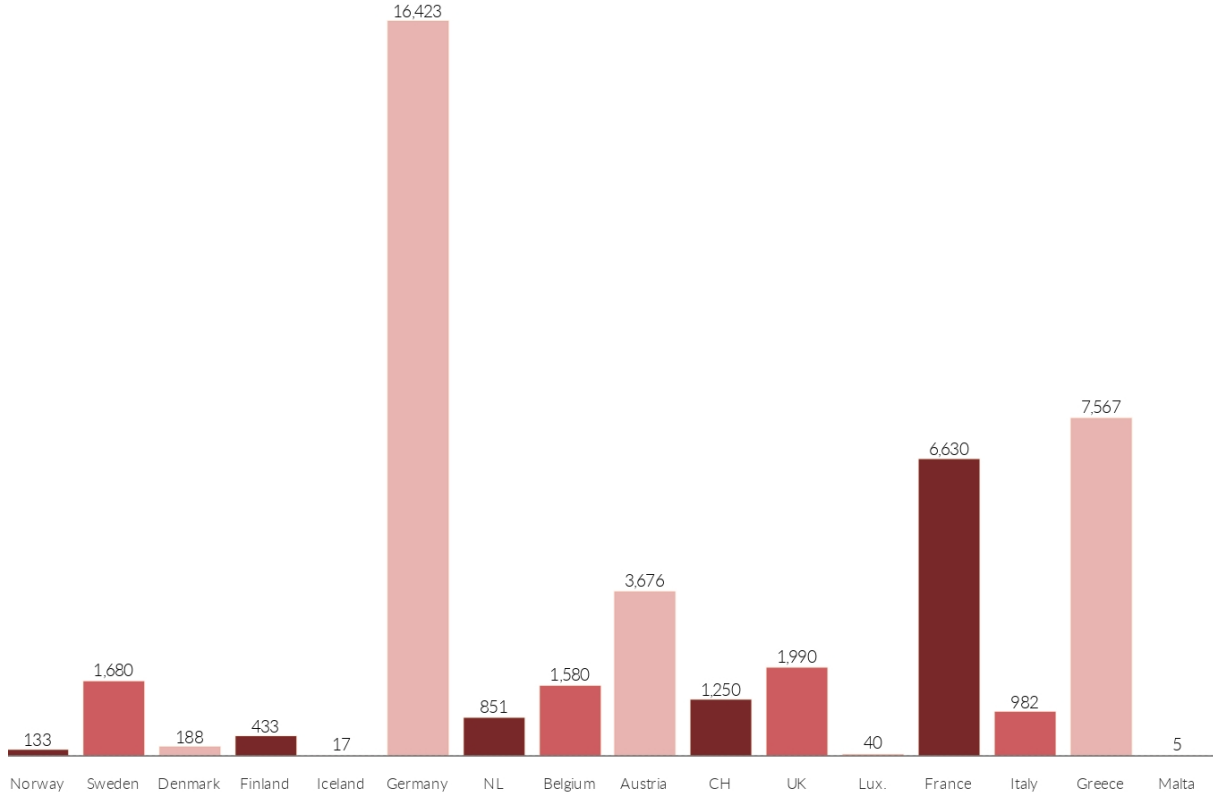
An interesting finding in the numbers for 2017 is that Greece as the only Western European country has a significant increase in asylum applications from Afghans. Besides France,

<sup>20</sup> Numbers obtained from Eurostat and German authorities.  
<sup>21</sup> Numbers obtained from Austrian authorities.  
<sup>22</sup> Numbers for Luxembourg, France and Malta are obtained from Eurostat. The other numbers are obtained from the survey and public statistics from the respective authorities.  
<sup>23</sup> <http://appsso.eurostat.ec.europa.eu/nui/submitViewTableAction.do>



which has a marginal increase, all other countries in the illustration below have a clear decline. The increase in Greece confirms that Afghan asylum seekers have not stopped coming to Europe, despite tightening in practice and increased focus on forced deportation to Afghanistan. The rise in Greece may also indicate that Afghan asylum seekers are not able to travel further in to Europe. This can be explained by the closed borders in Europe and the EU-Turkey agreement, which has left many Afghans stranded in the Greek islands.<sup>24</sup>

**Figure 1C: Asylum applications by Afghans in 2017. Numbers for 16 Western European countries<sup>25</sup>**



An interesting feature when assessing applications from afghan asylum seekers is the distribution of gender. Relatively few respondents state having public statistics which shows the sex ratio for different nationalities. However, Eurostat has public statistics showing the distribution of Afghan asylum applications by recipient country and gender. As the numbers

<sup>24</sup> Norwegian Refugee Council, Oxfam and International Rescue Committee, Joint Agency Briefing Note, The Reality of the EU-Turkey Statement, 17 March 2017. Available from: <https://data2.unhcr.org/en/documents/download/54850>

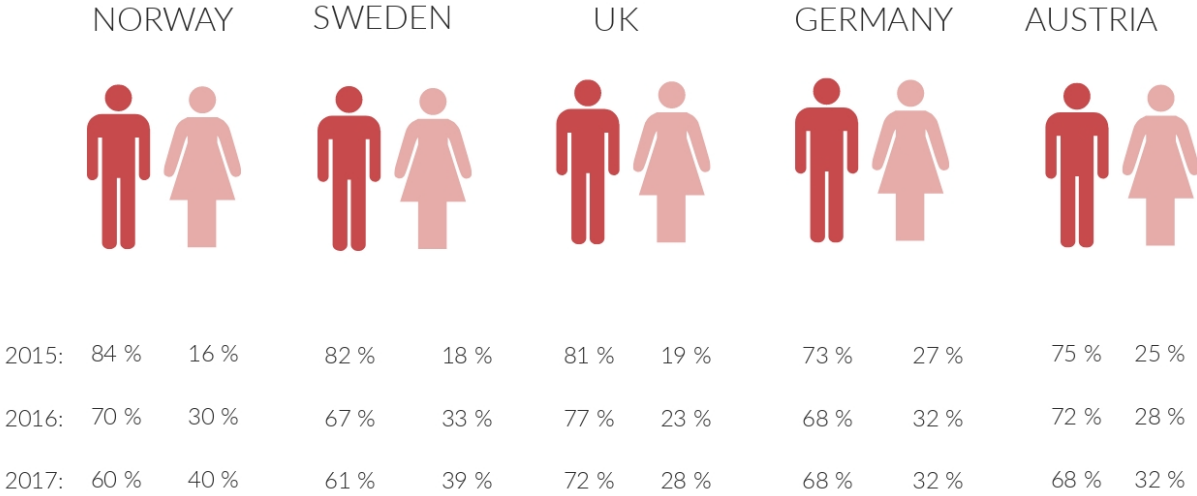
<sup>25</sup> Numbers for the Netherlands, Belgium, Switzerland, UK, Luxembourg, France and Malta are obtained from Eurostat. The other numbers are obtained from the survey and public statistics from the respective authorities.

from Eurostat may differ marginally from the numbers from national authorities, we have used, as far as possible, numbers from national authorities.

Figure 1D below is based on a selection of Western European countries to illustrate gender distribution. In addition to Norway, we have chosen to include Germany, Sweden, Austria and the UK. These are countries that has received a large number of Afghan asylum seekers in the respective years, and is thus considered to be representative countries in the mapping of sex ratio.

The illustration shows several important findings. Gender distribution is relatively similar between the selected countries, even though the countries have received a varying number of Afghan asylum seekers in the given period. The finding suggests that the choice of country of destination to a lesser extent is influenced by the asylum seeker's gender. The other important finding is that relative to the number of asylum applications from Afghans in Europe, the proportion of women seeking asylum increases. In the period from 2015 to 2017, the percentage of asylum applications from Afghan women has increased in all of the countries.

**Figure 1D: Asylum applications by gender<sup>26</sup>**



### 1.1 Asylum decisions

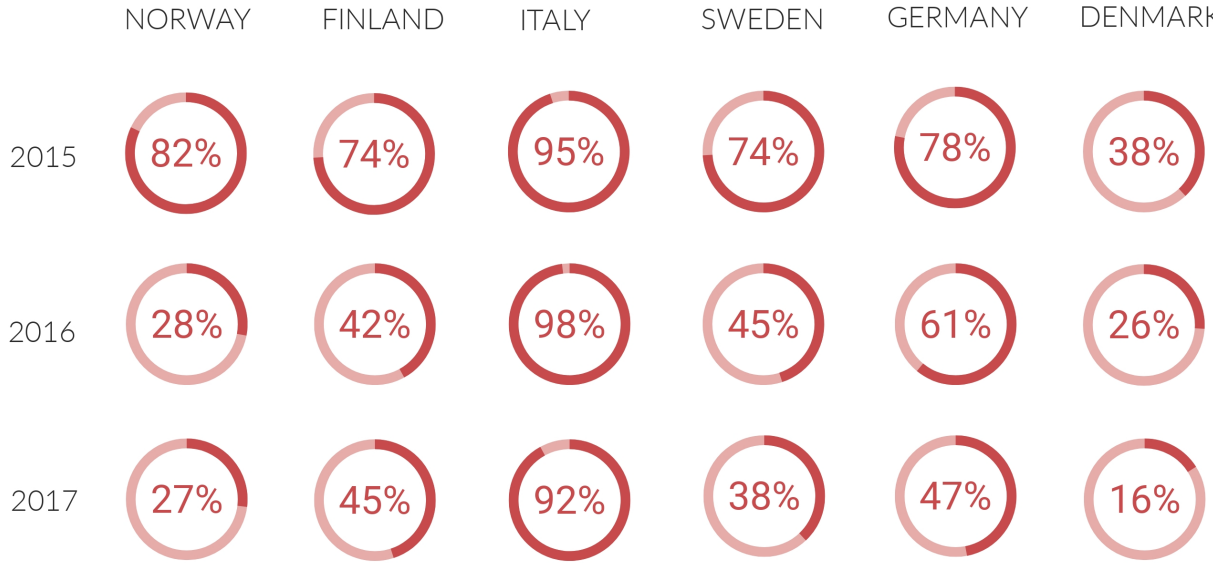
Public statistics on asylum decisions is often based on decisions in the first instance. Statistics for appeals and possible court proceedings are less accessible. In our survey we have focused

<sup>26</sup> With the exception of numbers for Austria and numbers for the United Kingdom and Germany for 2017, which are obtained from Eurostat, the numbers are obtained from the survey and public statistics from the respective authorities.

on decisions in the first instance. However, it must be taken into account that the grant rate for Afghans is in fact somewhat higher than the statistics show, as we have not included permits given after an appeal.

Figure 1E below shows the grant rate for a selection of countries in Western Europe. Common to the selected countries is that they have public statistics that make it easy to find the grant rate based on nationality.

**Figure 1E: Grant rate**<sup>27</sup>



Italy has consistently had the highest grant rate for Afghan asylum seekers in the last three years. This is directly related to Italy’s assessment of the security situation in Afghanistan, as well as their lack of use of internal flight, cf. points 4 and 5 below.

Germany has by far had the highest number of Afghan asylum seekers in recent years. The grant rate in the country is also generally high. In addition to refugee status and subsidiary protection, German authorities largely grant so-called Abschiebungsverbot, which is a temporary stay due to a ban on forced deportation.<sup>28</sup> Persons receiving an Abschiebungsverbot can obtain a permanent residence permit after five years of residence, including the asylum procedure, if language and economic requirements are met. In the years 2015 – 2017, respectively 22 %, 29 % and 24 % of all Afghans have been granted

<sup>27</sup> Numbers are obtained from the survey and public statistics from the respective authorities. Numbers for Italy for 2017 were obtained in November 2017, and numbers for Germany for 2017 were obtained in June 2017.

<sup>28</sup> Answer to survey from Pro Asyl dated 13 December 2017

Abschiebungsverbot. Pro Asyl emphasizes that the grant rate in first instance must be seen in conjunction with a high success rate in the appeals process.

Like Germany, Swiss authorities also grant temporary stay due to a prohibition on forced deportation.<sup>29</sup> So-called F-Permits are not residence permits but a decision stating that the person cannot be deported for legal reasons.<sup>30</sup> The number of Afghans granted F-permits are significantly higher than the number granted asylum. In 2016, 215 Afghans received asylum in Switzerland, while 1194 Afghans received an F-Permit.<sup>31</sup>

Norway and Denmark have the lowest grant rate. From having a grant rate of 82 % in 2015, the percentage in Norway drastically decreased in 2016 to only 28 %. In 2017, the grant rate in Norway remained relatively low with 27 %. Strictest, however, is Denmark, with a respectively 38, 26 and 16 % grant rate to Afghan asylum seekers in the same period.<sup>32</sup>

---

<sup>29</sup> Answer to survey from Swiss Refugee Council dated 4 December 2017

<sup>30</sup> <https://www.refugeecouncil.ch/asylum-law/legal-status/temporary-admission-of-foreigners.html>

<sup>31</sup> Answer to survey from Swiss Refugee Council dated 4 December 2017

<sup>32</sup> Numbers obtained from Danish authorities. Available from: <http://uim.dk/publikationer/tal-og-fakta-pa-utlendingenomradet-2016> (p. 17) and e-mail from Danish Refugee Council dated 13 March 2018

## 2 Unaccompanied minor asylum seekers (UAM)

### 2.1 Numbers and statistics

Answers to the survey show that several Western European countries do not have publicly available statistics for UAM based on nationality.<sup>33</sup> Consequently, Eurostat does not have complete numbers for UAM by nationality. We have thus based the mapping on the numbers that have been available to us, either through answers to the survey or publicly available information.

#### **Applications**

The years 2015 – 2017 are characterized by a high number of asylum applications from unaccompanied minor asylum seekers. From 23,000 asylum applications in 2014, nearly 90,000 UAMs were registered as asylum seekers in Europe in 2015.<sup>34</sup> Out of these, over half were from Afghanistan. A total of 45,300 Afghan UAM sought asylum in Europe in 2015, of which 23,400 in Sweden.

In 2016, the number of UAM decreased, with a total of 63,300 registered in Europe.<sup>35</sup> Of these, Afghans accounted for 23,990. Only a little over 600 Afghan UAM found their way to Sweden this year, and Germany receives nearly 15,000 UAMs from Afghanistan.

Just over 3,600 Afghan UAMs have applied for asylum in Europe in 2017.<sup>36</sup> The figures from Eurostat for 2017 indicate a significant decline in the number of applications from unaccompanied Afghan children in 2017. German authorities have received the most asylum applications from this group, with just over 2200 applications.<sup>37</sup>

---

<sup>33</sup> For example, Danish Refugee Council states that Denmark only has statistics for UMA-based applications by nationality, while statistics on decisions for UAM are not distributed by nationality.

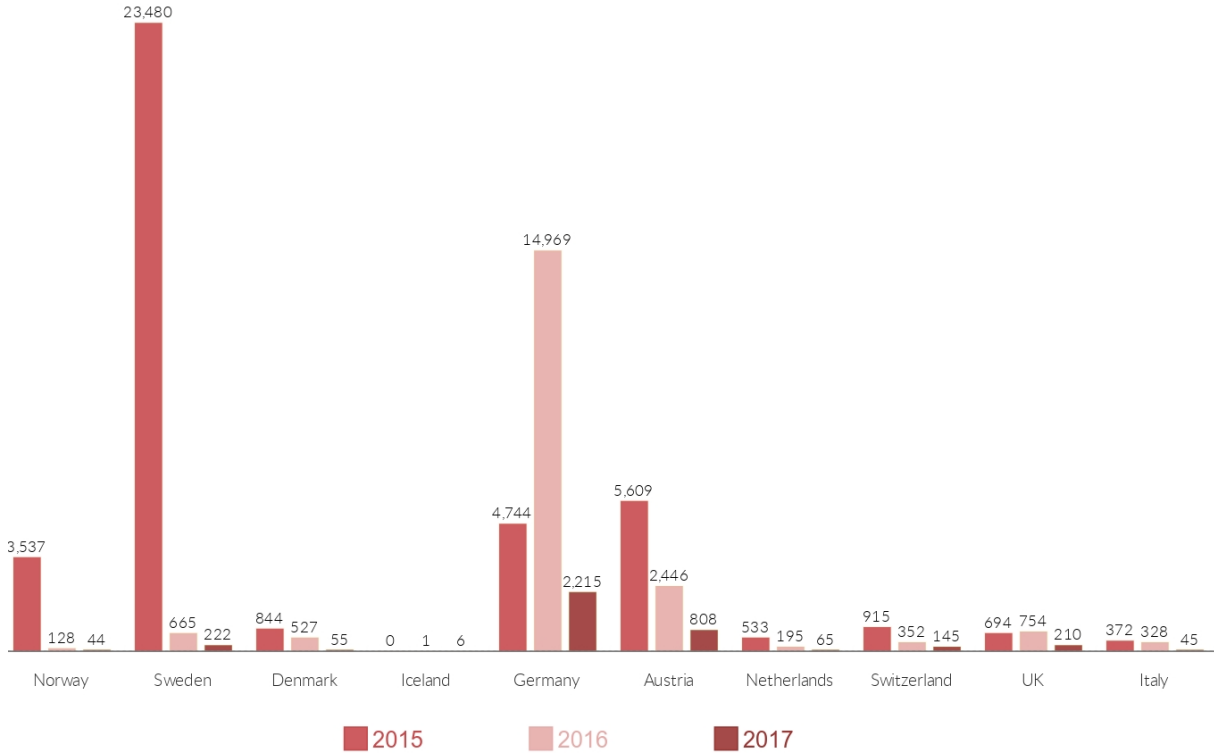
<sup>34</sup> A total of 88,300 UAM were registered in 2015. See numbers from Eurostat: <http://ec.europa.eu/eurostat/documents/2995521/7244677/3-02052016-AP-EN.pdf/>

<sup>35</sup> Eurostat newsrelease, 11 May 2017: <http://ec.europa.eu/eurostat/documents/2995521/8016696/3-11052017-AP-EN.pdf/30ca2206-0db9-4076-a681-e069a4bc5290>

<sup>36</sup> A total of 3665 asylum applications in 2017. Eurostat data, Asylum applicants considered unaccompanied minors by citizenship, age and sex Annual data (rounded), last update 09-03-2018. Available from: <http://appsso.eurostat.ec.europa.eu/nui/submitViewTableAction.do>

<sup>37</sup> Ibid

**Figure 2A: Asylum applications from UAM for ten Western European countries<sup>38</sup>**

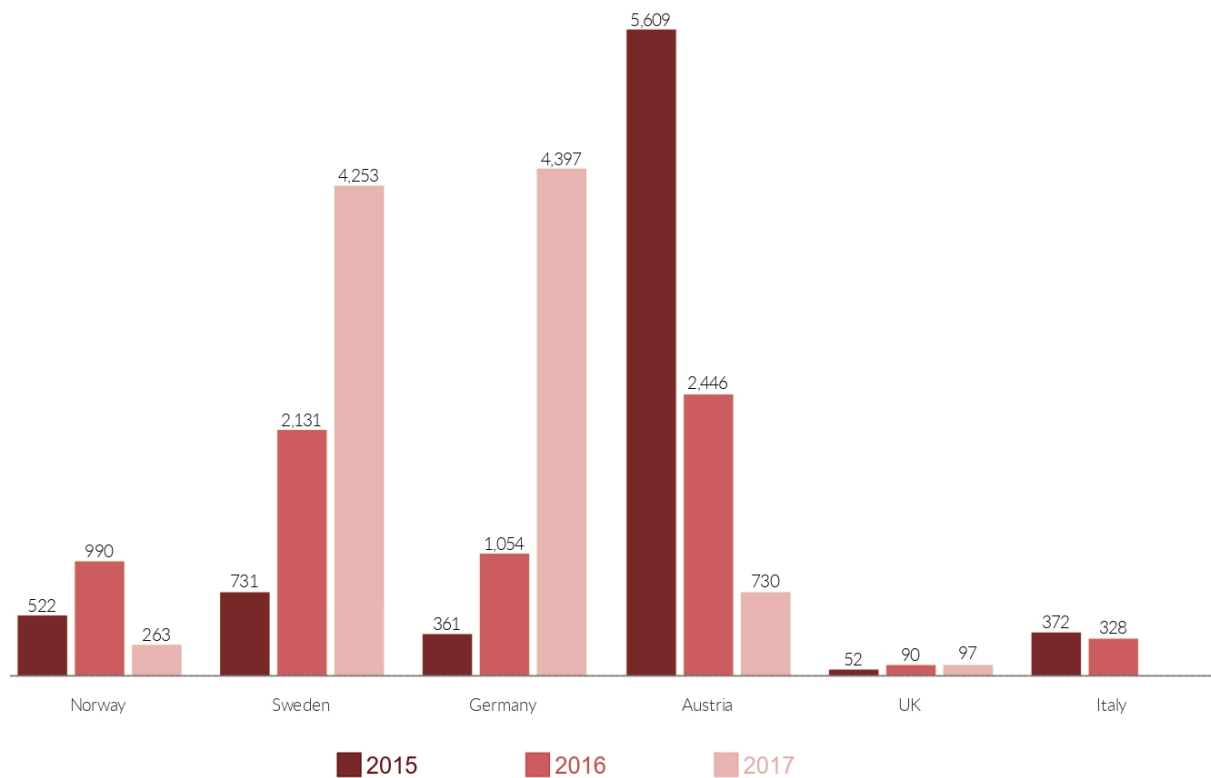


**Decisions**

In addition to refugee status, each country operates with its variations of other types of permits for asylum seekers. Usually, national authorities can also provide subsidiary protection and residence permit on humanitarian grounds. As mentioned earlier, some countries, such as Germany and Switzerland, grant temporary permits due to a ban on forced deportations. Respondents consider such permits as a positive decision. The numbers in the figure below will thus also include temporary permits. Temporary permits that are limited to the age of 18 are not included in the statistics below as such permits in reality are rejections.

<sup>38</sup> Numbers are obtained from the survey, with the exception of numbers for Germany, Switzerland, UK and Italy for 2017, which are obtained from Eurostat.

**Figure 2B: Positive decisions for UAM for six Western European countries<sup>39</sup>**



Pro Asyl states that the German authorities have a very high grant rate for UAM. In 2015, a total of 93 % of all Afghan UAM were granted a form of permit in Germany, 55 % of which were granted a temporary permit due to a ban on return. In 2016, the grant rate dropped to 82 % and in the first half of 2017 72 % of the Afghan UAM had been granted a permit in Germany.

The British Refugee Council reports a far lower grant rate for Afghan UAM in the UK. Only 22 % of the applicants received an ordinary residence permit in both 2015 and 2016, while this increased significantly to 41 % in 2017. Of those who were not granted a regular permit, a clear majority received a temporary permit, cf. section 2.2 below.<sup>40</sup>

<sup>39</sup> The numbers are obtained from the survey. The numbers for 2017 are updated for Norway and Sweden. Numbers for Germany is through June 2017, for Austria through October 2017, for UK through September 2017. We have not been able to find numbers for Italy for 2017.

<sup>40</sup> Answer to survey from British Refugee Council dated 14 December 2017

In Sweden, 90 % of UAMs were granted a legal stay in 2015, 78 % in 2016, and 82 % in 2017.<sup>41</sup>

By comparison, respectively 97 % and 71 % of Afghan UAM were granted residence permit (refugee status, subsidiary permit or humanitarian residence) in Norway in 2015 and 2016.<sup>42</sup> However, in 2017, the grant rate was drastically reduced to only 38 %.<sup>43</sup>

## 2.2 Use of limited permission until the age of 18 years

In addition to Norway, respondents from Sweden, Denmark and the United Kingdom confirm that their authorities provide temporary permits which last until the UAM turns 18 years of age. Respondents from Iceland, Austria, Italy, Switzerland, Malta and Greece state that their respective authorities do not grant temporary permits until UAM reaches 18 years. The Dutch Refugee Council states that no official temporary permits are granted, but no one is returned before they turn 18.

The survey did not aim to reveal details in the use of limited permission, such as identifying which groups of UAMs that are granted temporary permits, any conditions for such permits, or the extent of such permits. However, some respondents have provided further details.

In Sweden, UAM who does not qualify for protection, but cannot be returned due to lack of caregivers, may be granted a time-limited permit that can be renewed until they are 18 years old.<sup>44</sup> When they reach 18, they get a new assessment as adults. These permits usually apply to children between 16 and 17 ½ years, but the law also allows for such permits to be given to younger children.<sup>45</sup> UAM who is between 17 ½ and 18 years old can be rejected, but the rejection cannot be executed until the age of 18.<sup>46</sup> In 2016, 109 temporary permits were granted to UAM, while in 2017, 81 temporary permits were granted.<sup>47</sup>

---

<sup>41</sup> Statistics from Migrationsverket (Swedish Migration Agency). Available from: <https://www.migrationsverket.se/Om-Migrationsverket/Statistik/Oversikter-och-statistik-fran-tidigare-ar.html>

<sup>42</sup> Statistics from UDI (the Norwegian Directorate of Immigration). Available from: <https://www.udi.no/statistikk-og-analyse/statistikk/asylvedtak-etter-statsborgerskap-og-utfall-for-enlige-mindrearige-asylosokere-2015/> and <https://www.udi.no/statistikk-og-analyse/statistikk/asylvedtak-etter-statsborgerskap-og-utfall-for-enlige-mindrearige-asylosokere-2016/>

<sup>43</sup> Statistics from UDI (the Norwegian Directorate of Immigration). Available from: <https://www.udi.no/statistikk-og-analyse/statistikk/asylvedtak-etter-statsborgerskap-og-utfall-for-enlige-mindrearige-asylosokere-2017/>

<sup>44</sup> Migrationsverket, *Rättsligt ställningstagande angående praktiske verkställighetshinder*, SR 25/2016, 7 July 2016 (p 2)

<sup>45</sup> Ibid p 3

<sup>46</sup> Ibid p 3

<sup>47</sup> E-mail from the statistics department at Migrationsverket dated 18 January 2018



The British Refugee Council confirms that British authorities grant temporary permits to unaccompanied minor asylum seekers. Such permissions are called Unaccompanied Asylum Seekers Children Leave (UASC Leave). They are valid for either 30 months or until the child becomes 17 years and 6 months. The UAM can apply for extension of such permits, but when they reach the age of 18 they will be assessed as an adult.

In Norway, temporary permits are granted to UAM under the following conditions: the person in concern must be between 16 and 18 years old and have no other basis for stay than the lack of caregivers in their home country.<sup>48</sup>

NOAS has only numbers for Norway, Sweden and the UK on the use of temporary permits. In light of the fact that Norway received 3709 asylum applications from Afghan UAM in 2015-2017, and the UK only received 1578 asylum applications in the same period, the United Kingdom relies relatively more on temporary permits than Norway. Sweden clearly received more applications than Norway and the United Kingdom in the same period, 24,367, but still gives significantly fewer temporary permits. Norway and the United Kingdom thus have a far stricter policy than Sweden.

At the same time, the illustration shows that Norway has a significant increase in the number of temporary permits from 2015 to 2016, and a further slight increase in 2017. NOAS believe that this increase is due to two factors; a change in the assessment of the security situation in 2016 and the removal of the reasonableness criteria of the internal flight assessment, cf. 4.2 and 5.3 below.<sup>49</sup>

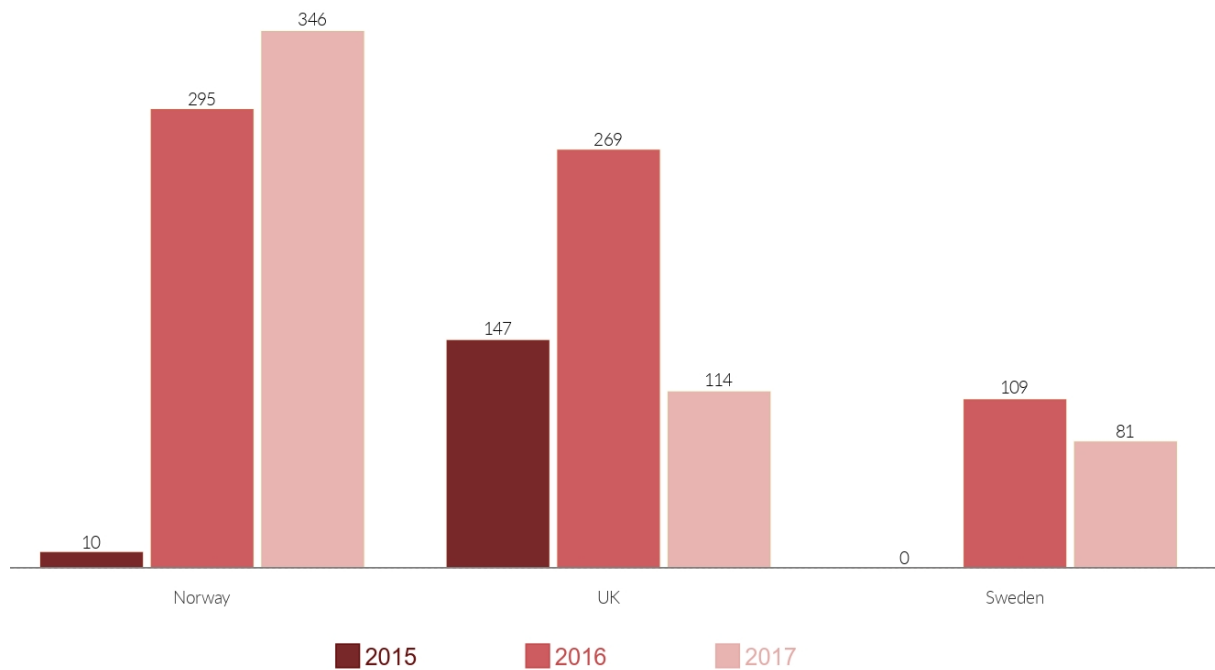
**Figure 2C: Limited permissions until the age of 18 from three Western European countries<sup>50</sup>**

---

<sup>48</sup> The Norwegian Immigration Regulation § 8-8

<sup>49</sup> Save the Children, Norwegian Union of Social Educators and Social Workers (FO) and NOAS, *En gjennomgang av midlertidig opphold til enslige mindreårige asylsøkere*, 2017 (p 6). Available from: [http://www.noas.no/wp-content/uploads/2017/10/EMA-notat\\_web.pdf](http://www.noas.no/wp-content/uploads/2017/10/EMA-notat_web.pdf)

<sup>50</sup> The numbers are obtained from the survey and public statistics from the respective authorities. The numbers for 2017 for UK are through September 2017, whilst the numbers for Norway and Sweden are updated for the whole of 2017.



### 2.3 Rejection

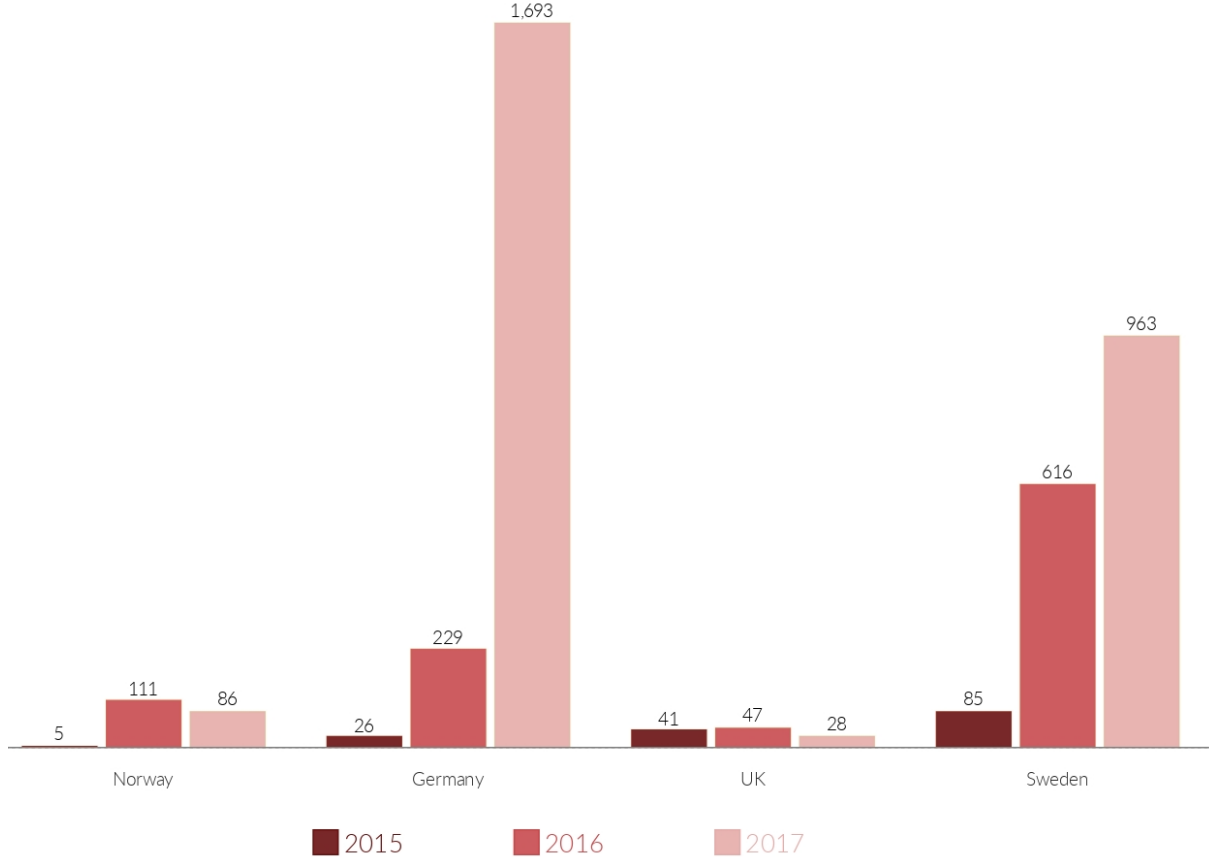
Answers from the survey show that most Western European countries in theory can reject applications from UAM. In addition to Norway, NGOs from Sweden, Denmark, Germany, the Netherlands, Belgium, Austria, Switzerland and the United Kingdom confirm that they give rejections to UAM. Respondents from Iceland, Greece and Malta indicate that these countries have not yet rejected any unaccompanied minors from Afghanistan.

In Norway, UAM can have their applications rejected if they do not have a need for protection and have caregivers in a well-known place in Afghanistan. In both Austria and Belgium, rejections can be given where the child does not meet the conditions for refugee status or subsidiary protection.<sup>51</sup> According to the Austrian Red Cross, Afghan UAMs are increasingly getting rejections on their asylum application. The Swiss Refugee Council states that they only know of very few cases where Afghan UAM has been rejected because they have family members in for instance Kabul. According to the Dutch Refugee Council, most of the asylum applications from Afghan UAMs in the Netherlands are rejected. Rejections are also given in cases where it is assumed that the child does not have caregivers in Afghanistan. Only UAMs without caregivers under the age of 14 will receive a permit in the Netherlands.

<sup>51</sup> Answers to survey from Austrian Red Cross ACCORD dated 30 November 2017 and Flemish Refugee Action dated 27 November 2017

The illustration below shows that Sweden and Germany give more rejections than Norway and the United Kingdom. In relation to the number of asylum applications, this is natural. On the other hand, when considering the percentage of ordinary residence permits, Sweden and Germany have a much higher grant rate than Norway and the United Kingdom.

**Figure 2D: Rejections to UMA from four Western European countries<sup>52</sup>**



<sup>52</sup> The numbers are obtained from the survey. The numbers for 2017 are updated for Norway and Sweden. Numbers for Germany is through June 2017 and for UK through September 2017.

### 3 General features of the asylum policy

In order to get a complete understanding of a country's asylum policy, one must have insight into the country's asylum process and legislation. We have not had the time and resources to perform such an examination. The mapping of the Afghanistan policy in Western Europe is rather aimed at showing general trends in the asylum policy. The findings are mainly derived from answers to our survey.

Some of the NGOs state that for various reasons they have challenges gaining insight into their country's asylum policy. The Red Cross in Austria points to the authorities' lack of reasoning in positive decisions as one of the challenges.<sup>53</sup> In several countries, NGOs have no access to case files and immigration policies are rarely publicly available. Of the countries that responded to our survey, only Sweden reported to have similar public policy notes as those we have in Norway. Danish Refugee Council, Pro Asyl and the Austrian Red Cross explain that policy is only shown in individual cases and that there is no public policy note to be taken into account.

#### 3.1 Ethnicity

Persecution on the basis of ethnicity can provide basis for protection under Article 1A No. 2 of the Refugee Convention. In Norwegian law this expressly follows from the wording of the Immigration Act section 28, first paragraph, letter a.

For Afghan asylum seekers, it's particularly for the ethnic minority Hazara that the issue of protection based on ethnicity is relevant. NOAS' experience is that most Afghans who claim ethnicity as an asylum basis usually also have other reasons for applying for asylum.

The European Court of Human Rights (ECtHR) has previously ruled that being a Hazara does not in itself provide a basis for protection.<sup>54</sup> In *A.M. v. the Netherlands*, the Court stated the following:

*Although the Court accepts that the general situation in Afghanistan for this minority may be far from ideal, it cannot find that it must be regarded as being so harrowing*

---

<sup>53</sup> Answer to survey from Austrian Red Cross ACCORD dated 30 November 2017

<sup>54</sup> Case of *A.M. v. the Netherlands*, Application no. 29094/09, 5 July 2016

*that there would already be a real risk of treatment prohibited by Article 3 in the event that a person of Hazara origin were to be removed to Afghanistan.*<sup>55</sup>

With recent signals of an increased sectarian conflict in Afghanistan, especially due to Daesh's presence in the country, the issue of protection on the basis of ethnicity has once again been actualized.<sup>56</sup>

Norwegian Immigration Authorities have a clear policy stating that belonging to the Hazara minority does not in itself entail protection:<sup>57</sup>

*According to Landinfo, no persecution has been reported on the basis of ethnicity in Afghanistan today. The Hazaras have traditionally had a low status in society and were exposed to the Taliban, but are largely not subjected to persecution today.*<sup>58</sup>

The results of the survey show that several other Western European countries have the same policy. In Denmark, Germany, Sweden, the Netherlands, Austria and Switzerland, the policy is that ethnic Hazaras will not be entitled to protection solely on the basis of their ethnicity. In Switzerland, the courts have rejected the argument of a general persecution for Hazaras in Afghanistan in both 2011 and 2017.<sup>59</sup> The Swedish authorities have explicitly acknowledged that Hazaras from areas where the Taliban have strong support have a particular risk profile, but that belonging to the Hazara minority does not in itself provide protection.<sup>60</sup> German Pro Asyl states that they are not yet familiar with German jurisprudence regarding the situation of Hazara after Daesh's presence in the country.

The NGOs from Belgium, Greece and Italy state that it is no general policy for Hazaras, and that each case is considered on individual basis.

---

<sup>55</sup> Ibid point 86

<sup>56</sup> Landinfo, *Temanotat Afghanistan: Sikkerhetssituasjonen i provinsen Kabul*, 25 November 2016 (p 4)

<sup>57</sup> UDI policy note point 5.4. Available from: [https://www.udiregelverk.no/no/rettskilder/udi-praksisnotater/pn-2014-004/#\\_Toc478654332](https://www.udiregelverk.no/no/rettskilder/udi-praksisnotater/pn-2014-004/#_Toc478654332)

<sup>58</sup> Translated from Norwegian to English by NOAS. The original text in Norwegian states as followed: "Ifølge Landinfo er det ikke rapportert om forfølgelse på grunnlag av etnisitet i Afghanistan I dag. Hazaraene har tradisjonelt hatt en lav status i samfunnet, og var utsatt under Taliban, men blir i all hovedsak ikke utsatt for forfølgelse i dag».

<sup>59</sup> Bundesverwaltungsgericht. Abteilung V E-7602/2008, 25 May 2011 og Bundesverwaltungsgericht, Abteilung V E-5136/2016, 11 January 2017

<sup>60</sup> Migrationsverket, *Rättsligt ställningstagande angående såakerhetsläget i Afghanistan*, 29 August 2017

## 3.2 Gender-based persecution

Women in different situations can constitute a “special social group” with a protection basis, cf. Article 1A No. 2 of the Refugee Convention and the Norwegian Immigration Act section 28, first paragraph, letter a, cf. section 30, first paragraph, letter c.

According to Norwegian immigration policy, different groups of Afghan women can be granted protection, including single women without male network, women who have had extra-marital affairs, women at risk of forced marriage and women with special professions.<sup>61</sup> Our experience is that the statements, if considered credible, will most often provide a basis for protection, and that the credibility often determines the outcome.

None of the respondents state that being an Afghan woman itself would constitute a basis for protection. The Austrian Red Cross states that, unlike under the Taliban regime, Afghan women themselves do not constitute a “special social group”.

In line with Norwegian policy, NGOs from Sweden, Belgium, Switzerland and the Netherlands confirm that single Afghan women without male network usually receive refugee status. Such women are considered particularly vulnerable and are considered to risk persecution upon return. Exception occurs where the statement is not considered credible, for example if they have grounds to believe that, for example, the husband is still in Afghanistan.

The NGOs from both Austria and the Netherlands describe that girls and women who have been “westernized” may be granted protection.<sup>62</sup> The notion is that Afghan women who have stayed in Western countries for a long time may be considered not to acquire traditional social Afghan standards upon return and thus risk persecution. The Netherlands states that such granting may be applicable to those who are over 10 years old and have lived in the Netherlands for more than 8 years.

The Danish Refugee Council states that Afghan widows who are at risk of forced marriage upon return have increasingly received refugee status. The Swiss Refugee Council also confirms this trend.

---

<sup>61</sup> UDI policy note point 5.3. Available from: [https://www.udiregelverk.no/no/rettskilder/udi-praksisnotater/pn-2014-004/#\\_Toc478654332](https://www.udiregelverk.no/no/rettskilder/udi-praksisnotater/pn-2014-004/#_Toc478654332)

<sup>62</sup> Answer to survey from Austrian Red Cross ACCORD dated 30 November 2017 and Dutch Refugee Council dated 1 December 2017

Greek Aitima points out that employees in Greek immigration authorities often lack education about gender-specific persecution, indicating that this may result in wrongful assessments.

### 3.3 Child-specific persecution

Being a child on the run may mean that one is regarded as a “special social group” with a claim for protection, cf. Article 1A No. 2 of the Refugee Convention. According to Norwegian law, a child-sensitive assessment shall be carried out in matters of protection and the best interests of the child shall be a fundamental consideration, cf. the Immigration Act section 28 third paragraph and the Constitution § 104. The same follows from international law through the UN Convention on the Right of the Child Article 3.

Norwegian immigration authorities operate on the policy that some Afghan children in vulnerable situations can risk persecution.<sup>63</sup> UDI states that “Afghan children exploited like Bacha Bazi (dance boys), children without fathers (yatim) and street children can risk persecution upon return.”<sup>64</sup> The Swiss Refugee Council confirms that being victims of Bacha Bazi can provide grounds for refugee status in Switzerland. In its policy note from August 2017, the Swedish authorities states that as a main rule, children without male network in Afghanistan will be entitled to protection.<sup>65</sup>

Flemish Refugee Action expresses concern that the child-sensitive assessments are insufficient. As a consequence, refugee status is rarely given on the basis of child-specific persecution. in Belgium. The Austrian Red Cross confirm the same trend in Austria, where most single children receive subsidiary protection.

In line with the Norwegian authorities, Danish Refugee Council states that Danish immigration authorities agree that there is a risk of forced recruitment of children in Afghanistan, without this in itself giving grounds for protection. Nor does Swiss authorities grant automatic refugee status to children fleeing from forced recruitment.<sup>66</sup>

---

<sup>63</sup> UDI policy note point 5.3.4. Available from: [https://www.udiregelverk.no/no/rettskilder/udi-praksisnotater/pn-2014-004/#\\_Toc478654332](https://www.udiregelverk.no/no/rettskilder/udi-praksisnotater/pn-2014-004/#_Toc478654332)

<sup>64</sup> Ibid. Translated from Norwegian to English by NOAS. The original text in Norwegian states as followed: «afghanske barn som utnyttet som Bacha Bazi (dansegutter), barn uten fedre (yatim) og gatebarn kan risikere forfølgelse ved retur»

<sup>65</sup> Migrationsverket, *Rättsligt ställningstagande angående såakerhetsläget i Afghanistan*, 29 August 2017 (p 8)

<sup>66</sup> Answer to survey from Swiss Refugee Council dated 4 December 2017

Danish Refugee Council confirms that lack of credibility often leads to rejection of unaccompanied minor asylum seekers. NOAS can confirm the same policy in Norway.

Pro Asyl emphasizes problems with unqualified representatives of the UAM in Germany, which in turn has consequences for the children's understanding of what information they should give to immigration authorities. MOSAICO - Action for Refugees reports the same problem in Italy. In order to overcome this problem, the Italian Parliament recently adopted a law for the purpose of strengthening the protection of minors and ensuring equal treatment of such matters.<sup>67</sup> The law, known as "Provision of Protection Measures", was adopted in March 2017, as a result of the large number of UAM residing in Italy.<sup>68</sup>

### 3.4 Converts

Religion is an explicit basis for protection in the Refugee Convention Article 1A No. 2. For Afghans, it is normally conversion to Christianity that is a relevant asylum claim.

The Norwegian policy for Afghan converts is that real converts are entitled to protection.<sup>69</sup> The Norwegian authorities say there has been an increase in the number of claims for conversion into Christianity from Afghans in times when the asylum policy in general is strict.<sup>70</sup> They therefore consider whether the individual is a real convert or a so-called "convenience convert" where the statement of conversion is strategically motivated.<sup>71</sup> According to NOAS' experience, the asylum seeker must have knowledge of Christianity and reflections about his or her own conversion process. The credibility assessment in cases concerning converts is often strict.

Replies from the survey testify to similar policies in several other Western European countries. The NGOs from Sweden, Denmark, Germany, the Netherlands, Austria and Greece confirm that their country's immigration authorities provide protection for Afghan converts where they are considered credible. As in Norway, Pro Asyl confirms that asylum seekers in

---

<sup>67</sup> Answer to survey from MOSAICO – Action for Refugees dated 25 November 2017

<sup>68</sup> [https://www.unicef.org/media/media\\_95485.html](https://www.unicef.org/media/media_95485.html)

<sup>69</sup> UDI policy note point 5.2.1. Available from: [https://www.udiregelverk.no/no/rettskilder/udi-praksisnotater/pn-2014-004/#\\_Toc478654332](https://www.udiregelverk.no/no/rettskilder/udi-praksisnotater/pn-2014-004/#_Toc478654332)

<sup>70</sup> The Norwegian Immigration Appeals Board, *Praksisnotat – Forfølgelse på grunnlag av religion*, 28 January 2016

<sup>71</sup> Decision from Borgarting lagmannsrett dated 9 May 2017, LB-2016-43352



Germany are asked about the motivation for the conversion and that their knowledge about Christianity is tested.

Neither respondent states that Afghans who are considered real converters will not be entitled to protection in the respective recipient countries.

### 3.5 Sexual orientation

Asylum seekers who claim that their sexual orientation leads to persecution in their country of origin may be granted protection, cf. Article 1A, No. 2 in the Refugee Convention.

As with several other asylum claims, sexual orientation is subject to a thorough credibility assessment. UDI confirms that homosexuals from Afghanistan can constitute “a special social group” who will be entitled to protection where their statement is considered credible.<sup>72</sup>

Several NGOs confirm a similar practice. Denmark, the Netherlands, Belgium, Germany, Austria and Greece grant protection to gays and lesbians from Afghanistan where the statement is considered credible. Pro Asyl confirms that the German authorities acknowledge that it is not possible to live openly as gay in Afghanistan without exposing themselves to great risk.

The NGOs from Italy and Switzerland say that there is no developed policy, as there are few cases concerning this issue. Despite the lack of a developed policy, Italy still seems to have increased emphasis on the credibility assessment in such cases, and several local offices have begun asking for membership cards from LGBT-organizations.<sup>73</sup>

The United Kingdom differs in their policy against LGBTs from Afghanistan. According to the British Refugee Council, persons from this group can have their asylum application declined with reference to the internal flight alternative. They state that there are examples of decisions that conclude that a gay can be relatively safe in a big city, such as Kabul.

---

<sup>72</sup> UDI policy note point 5.3.3. Available from: [https://www.udiregelverk.no/no/rettskilder/udi-praksisnotater/pn-2014-004/#\\_Toc478654332](https://www.udiregelverk.no/no/rettskilder/udi-praksisnotater/pn-2014-004/#_Toc478654332)

<sup>73</sup> Answer to survey from MOSAICO – Action for Refugees dated 25 November 2017

## 4 The security situation

### 4.1 Assessment of the security situation

An assessment of the overall security situation in a country may affect the asylum seekers possibility to get protection. In Norway, the general security situation in a country can lead to the conclusion that all citizens from the area or country in question are entitled to subsidiary protection pursuant to the Immigration Act section 28, first paragraph, letter b, cf. ECHR Article 3.<sup>74</sup> A corresponding provision is found in the EU Qualification Directive Article 15.<sup>75</sup>

Legally speaking, there is a significantly higher threshold to consider a country or part of a country as unsafe, than what is the general perception of the term “safe”. The overall level of violence must be such that every person is exposed to real danger solely by being present in the area.<sup>76</sup> ECtHR has stated that this is only applicable in extreme cases of general violence.<sup>77</sup> In a judgement from 2013, the ECtHR considered that the security situation in Afghanistan is not of such a character that return would mean a violation of Article 3.<sup>78</sup> The court maintained this assessment in five decisions from January 2016.<sup>79</sup>

As expected, immigration authorities throughout the countries undertake the security assessment themselves. Such a finding confirms that security assessments are largely not politicized, but governed by professional assessments.

### 4.2 The assessment of the security situation in Afghanistan

The security situation in Afghanistan has deteriorated in recent years. The UN Secretary-General stated in June 2017 that the security situation in Afghanistan is “intensely volatile”.<sup>80</sup>

---

<sup>74</sup> ECHR Article 3 reads as follows: “No one shall be subjected to torture or to inhuman or degrading treatment or punishment.”

<sup>75</sup> Available from: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004L0083:en:HTML>

<sup>76</sup> Information from the Norwegian Immigration Appeals Board. Available from: <https://www.une.no/sakstyper/beskyttelseasyl/praksis-i-asylsaker-fra-afghanistan/>

<sup>77</sup> Case of Sufi and Elmi vs. the United Kingdom, 28 June 2011

<sup>78</sup> Case of S.H.H. vs. the United Kingdom, 8 January 2013

<sup>79</sup> See for example A.G.R. vs. the Netherlands, 6 January 2016 and S.S. the Netherlands, 12 January 2016

<sup>80</sup> UN General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security*, 15 June 2017.

In October 2017, Amnesty International declared that they considered all of Afghanistan to be unsafe and advised European authorities to stop all deportations.<sup>81</sup> Amnesty points, among other things, to the increasing number of civilian victims, the acute humanitarian situation in the country and the prominent presence of terrorist organizations.

Answers to the survey shows that some Western European countries have not conducted and/or have not publicly published their assessments of the security situation in Afghanistan. For some countries, such as Iceland, this has to do with the low number of asylum applications from Afghans. In those countries, a safety assessment is not as relevant as in countries with a larger number of asylum applications from Afghans. The Austrian Red Cross states that they are not aware that any security assessment of Afghanistan has been published. On the other hand, they are aware that Austrian immigration authorities in their immigration practices de facto consider certain areas of Afghanistan as unsafe. This applies for example to the province of Ghazni. Pro Asyl states that the German authorities still have not taken into account the deteriorating security situation in Afghanistan in their assessments and therefore there is no concrete information about which areas are considered safe and/or unsafe.

Several western European countries with a larger number of Afghan asylum seekers state that their authorities do not consider any areas in Afghanistan as unsafe. According to answers to the survey, this applies to the Netherlands, Belgium, the United Kingdom<sup>82</sup> and Denmark.

On the other hand, the authorities in Sweden, Norway, Finland, Switzerland and Italy have declared several areas of Afghanistan as unsafe. Swedish immigration authorities have announced that they regard the provinces of Helmand and Uruzgan as unsafe and that all Afghans who come from these provinces are as a main rule entitled to subsidiary protection.<sup>83</sup> In Finland, Helmand is considered unsafe.<sup>84</sup> In addition, the Finnish authorities have recently decided to consider certain areas of Uruzgan, Nangarhar and Kandahar provinces as unsafe. In Switzerland, the security assessment is based on three judgments from 2011 with precedent impact.<sup>85</sup> The conclusion in the judgments, which is still valid today, is that only the three cities Kabul, Herat and Mazar-e Sharif are considered safe areas. According to Swiss courts,

---

<sup>81</sup> Amnesty International, Afghanistan: “Forced back to danger” Asylum- seekers returned from Europe to Afghanistan, October 2017 (p 41)

<sup>82</sup> UK Home Office, Country Policy and Information Note, *Afghanistan: Security and humanitarian situation* (p 8)

<sup>83</sup> Migrationsverket, *Rättsligt ställningstagande angående såakerhetsläget i Afghanistan*, 29 August 2017

<sup>84</sup> Finnish Immigration Service, Press Release, 18 December 2017

<sup>85</sup> Answer to survey from Swiss Refugee Council dated 4 December 2017

other parts of Afghanistan are unsafe. Italy stands out in Western Europe by assessing all of Afghanistan as unsafe.<sup>86</sup>

In February 2016, the Norwegian Directorate of Immigration (UDI) conducted an up-to-date assessment of the security situation and concluded that none of the provinces of Afghanistan were to be considered as unsafe.<sup>87</sup> In April 2017, a change was made in UDI's assessments of Afghanistan. From then on, two of the country's 34 provinces, Helmand and Nangarhar, were considered unsafe. The assessment is not publicly published, and the conclusion can only be found in a newspaper article.<sup>88</sup> UDI provided an updated safety assessment in November 2017, where they maintained their April assessment.<sup>89</sup> In our experience, the Immigration Appeals Board (UNE) does not have a corresponding security assessment as the UDI, and there is no publicly available information on UNE's assessment of the security situation in Afghanistan.

There are reasons to believe that parts of several of Afghanistan's provinces are considered to be unstable or insecure, without this implying that the entire province is so unsafe that it reaches the threshold of Article 3 of the ECHR and/or EU Status Directive Article 15c. Swedish authorities, for example, consider that the conflict level is particularly high in the provinces of Kandahar, Kunar, Nangarhar, and Ghazni.<sup>90</sup> We have not found such assessments in other countries.

---

<sup>86</sup> Answer to survey from MOSAICO – Action for Refugees dated 25 November 2017

<sup>87</sup> Written question from Stein Erik Lauvås (Ap) to the Norwegian Minister of Immigration and Integration, *Dokument nr. 15:764 (2016-2017)*, 1 March 2017

<sup>88</sup> Article in *Verdens Gang* (VG) dated 4 April 2017

<sup>89</sup> Article in *Verdens Gang* (VG) dated 6 November 2017

<sup>90</sup> Migrationsverket, *Rättsligt ställningstagande angående såakerhetsläget i Afghanistan*, 29 August 2017 (p 3)

## 5 Use of the internal flight alternative

### 5.1 Legal basis

The internal flight alternative does not appear directly from the wording of the refugee definition as set out in the Refugee Convention, 1 A, but is based on the principle that the right to international protection is subsidiary in relation to the possibility of protection in its own country, cf. UNHCR's 1979 Handbook, paragraph 91.

The notion of internal flight is developed through state practice from the early 1970s in Europe. The internal flight option has evolved to include three cumulative criteria: an area for internal flight must be safe, accessible and reasonable for the person in concern. In international law, state practice is a relevant source of law in the interpretation of international conventions.<sup>91</sup> Several international law experts have argued that the international flight alternative, as developed by state practice, is binding on the member states of the Refugee Convention.<sup>92</sup>

In addition to state practice, the EU Qualification Directive has a direct reference to the internal flight alternative. Article 8 of the Directive states that a person who is entitled to refugee status can be referred to internal flight where this is safe, accessible and reasonable.

### 5.2 General use of internal flight

Most Western European countries are members of the EU. Only Norway, Iceland, Liechtenstein and Switzerland are outside the EU-cooperation. The EU Qualification Directive is as a main rule binding upon EU member states. However, exception occurs. Danish authorities have chosen not to adhere to the directive.<sup>93</sup> On the other hand, Iceland has decided to follow the EU's Qualification Directive both in legislation and in practice, despite not being a member.<sup>94</sup>

---

<sup>91</sup> The Vienna Convention on the Law of Treaties (VCLT) article 31 third paragraph letter b

<sup>92</sup> See for example Schultz, Jessica, *The Internal Flight Alternative in Norway: the law and practice with respect to Afghan families and unaccompanied asylum-seeking children, a mini-assessment commissioned by UNHCR*, 2017 (p. 30). Available from: <http://www.unhcr.org/neu/wp-content/uploads/sites/15/2017/11/SchultzIFAStudyJune2017-1.pdf>

<sup>93</sup> Answer to survey from Danish Refugee Council dated 7 December 2017

<sup>94</sup> Answer to survey from Icelandic Red Cross dated 8 December 2017

EU Article 8 of the Qualification Directive is a discretionary provision, and it is up to the Member States if they will apply it.<sup>95</sup> It is thus voluntary to use the internal flight alternative. However, when using internal flight, the terms of the provision must be followed. The discretionary nature of the provision has resulted in a very different practice between the countries. Neither Italy nor Spain have implemented Article 8 of the directive in its national legislation.<sup>96</sup> Italian courts have also decided that Italian authorities should not use internal flight.<sup>97</sup> In France, there is no practice regarding the use of internal flight at first instance, and the use of internal flight is very limited within the appeal body. A survey of member states' use of internal flight from 2014 shows that only Germany, Hungary and Sweden assessed internal flight in all cases where a protection requirement has been identified.<sup>98</sup>

Several NGOs express a concern that in reality the internal flight assessment is inadequate and not detailed enough. Based on experience from individual cases, the German Pro Asyl expresses concern that a differentiated assessment of the various criteria are not actually carried out, and that individual considerations are taken into account to a limited extent. Also in Austria there is an absent of assessments of all the terms. The Austrian Red Cross believes that in reality only the criteria for a safe and accessible internal refugee area are being considered.

### 5.3 Application of the reasonableness criteria

The internal flight alternative has been developed with three cumulative criteria; internal flight must be safe, accessible and reasonable for the person in concern. Cumulative means that all three criteria must be fulfilled for internal flight to be used.

In the autumn of 2016, the Norwegian Parliament decided to remove the reasonableness criteria from Norwegian law, cf. the Immigration Act section 28 fifth paragraph. The Government argued that the condition of reasonableness does not follow from Norway's international obligations.<sup>99</sup>

---

<sup>95</sup> APAIPA, *Actors of Protection and the Application of Internal Protection Alternative, European Comparative report*, 2014 (p. 7)

<sup>96</sup> Ibid

<sup>97</sup> Ibid

<sup>98</sup> Ibid

<sup>99</sup> The Norwegian Ministry of Justice and Public Security, *Høringsnotat – Endringer i utlendingslovgivningen (Innstramninger II)*, desember 2015, Snr. 15/8555 (p 63)

All respondents to the survey state that their authorities operate with the reasonableness criteria in the internal flight assessment. This means that Norway is the only country in Western Europe that has removed this requirement from its national legislation.

#### 5.4 Use of internal flight alternative on Afghan asylum seekers

Only three respondents, Italy, Iceland and Malta, state that their country's authorities do not refer Afghans to internal flight. As mentioned earlier, Italian authorities do not use internal flights at all. For Iceland and Malta, internal flight is generally applied, but has not been used on Afghans as of today.

##### **Internal flight is considered unreasonable for certain groups**

Several respondents say that internal flight for certain groups of Afghans will often be considered unreasonable. The Swedish Red Cross states that single women without male network, UAM without male network and people with special needs will rarely be referred to internal flight. In Denmark, Germany and the Netherlands, internal flight for UAM, single women and families with children will often be considered unreasonable. In Switzerland, internal flight is not used on families with children.<sup>100</sup> In addition to exceptions for UAM and single women, the Finnish authorities state in a recent press release that internal flight will not be used where it is likely that the asylum seeker will have to live in a refugee camp upon return.<sup>101</sup>

Prior to the removal of the reasonableness criteria in Norway, it was generally considered unreasonable to refer both UAM and families with children to areas where they do not have a network. Both families with children and UAM are now assessed in accordance with the provision for residence on a humanitarian basis, cf. Immigration Act section 38. Due to the high threshold for stay after this provision, the removal of this criteria has led to a large number of UAM being referred to internal flight.<sup>102</sup> The Austrian Red Cross also confirms that internal flight is to some extent used for UAM and families with children, in addition to single men and couples without children.

---

<sup>100</sup> Answer to survey from Swiss Refugee Council dated 4 December 2017

<sup>101</sup> Finnish Immigration Service, Press Release, 18 December 2017.

<sup>102</sup> Save the Children, Norwegian Union of Social Educators and Social Workers (FO) and NOAS, *En gjennomgang av midlertidig opphold til enslige mindreårige asylsøkere*, 2017 (p 15)

Danish Refugee Council has stated that they are not familiar with UAMs being referred to internal flight, except for one case where the minor had close family in Kabul.<sup>103</sup>

The NGOs in both Austria and the Netherlands expressly state that ethnicity is a relevant factor in the assessment of internal flight. This may affect whether Hazara can be referred to an area where their ethnicity is lowly represented.

Flemish Refugee Action explains that in Belgium, internal flight is generally not considered for Afghans qualifying for refugee status. Such practice is not expressly stated by other NGOs.

Another interesting group of Afghans are those who have spent most of their lives outside their home country, for example in Iran or Pakistan. For Sweden, Germany, Belgium and the Netherlands, NGOs state that Afghans born abroad or those who have long residence time outside of their home country will have their asylum application assessed against Afghanistan as a whole and not a specific place of residence. The same is the case in Norway. The Austrian Red Cross informs about several cases where long residence time outside the country has resulted in internal flight not being used due to the risk of breach of the ECHR articles 2 and 3.

### **Limited to certain cities or provinces**

Several respondents state that internal flight is only considered against certain areas of Afghanistan. In Sweden, Kabul, Herat and Mazar-e Sharif are often regarded as safe and accessible internal flight alternatives.<sup>104</sup> The same trend is confirmed by the NGOs from Denmark, Switzerland and Austria. For Belgium, Flemish Refugee Action states that both Kabul and Jalalabad are used for internal flight. In the Netherlands, Afghans are only referred to internal flight in Kabul.<sup>105</sup> NOAS` experience is that Afghans in Norway are referred to several major cities, including Kabul, Herat and Mazar-e Sharif, as well as the appeal body referring to Jalalabad.

Pro Asyl are of the opinion that German authorities often do not go into details of which provinces are safe or not. There is thus no clear policy on which areas internal flight can be

---

<sup>103</sup> E-mail from the Danish Refugee Council dated 30 January 2018

<sup>104</sup> Answer to survey from the Swedish Red Cross dated 6 December 2017

<sup>105</sup> Answer to survey from Dutch Refugee Council dated 1 December 2017



used. Pro Asyl's experience is that internal flight is used for Kabul, Herat and Mazar-e Sharif, without the internal flight criteria being described in detail and assessed in the individual case.

## 6 Forced deportation

### 6.1 Forced deportation to Afghanistan

NOAS has received information regarding forced deportation to Afghanistan from 16 Western European countries. The information is obtained from both the survey and publicly available information.

Ten countries in Western Europe currently carry out forced deportation to Afghanistan: Norway, Sweden, Denmark, Germany, The Netherlands, Austria, Belgium, Great Britain, Greece and Switzerland. Six countries in Western Europe have stated that they do not carry out forced deportation to Afghanistan: Iceland, Luxembourg, Malta, Portugal, Italy and Cyprus.

The countries that are currently not forcefully deporting Afghans state various reasons for this policy. Italy does not deport Afghans because they consider the entire country to be unsafe.<sup>106</sup> The authorities in Luxembourg state that Afghans are not forced to return for political reasons, without further specification.<sup>107</sup> Cypriot authorities state that they have difficulty cooperating with Afghan authorities.<sup>108</sup> They further state that Afghan asylum seekers with refusal have a positive attitude towards voluntary return. In the case of Iceland, the Red Cross states that Afghan asylum seekers are granted permission and therefore there is no need for deportations. The authorities in Portugal and Malta states that forced deportation are not applicable due to the low number of Afghan asylum seekers.<sup>109</sup>

### 6.2 Numbers and statistics

It is important to distinguish between statistics on general return and forced deportation to Afghanistan, as the first mentioned category also includes voluntary/assisted return. Several respondents to the survey state that there is no public statistics for forced deportation only.<sup>110</sup> This means that we do not have any statistics on forced deportation for all respondents.

---

<sup>106</sup> Answer to survey from MOSAICO – Action for Refugees dated 25 November 2017

<sup>107</sup> European Migration Network (EMN) Ad-Hoc Query on Forced Returns to Afghanistan, requested on 15th September 2017

<sup>108</sup> Ibid

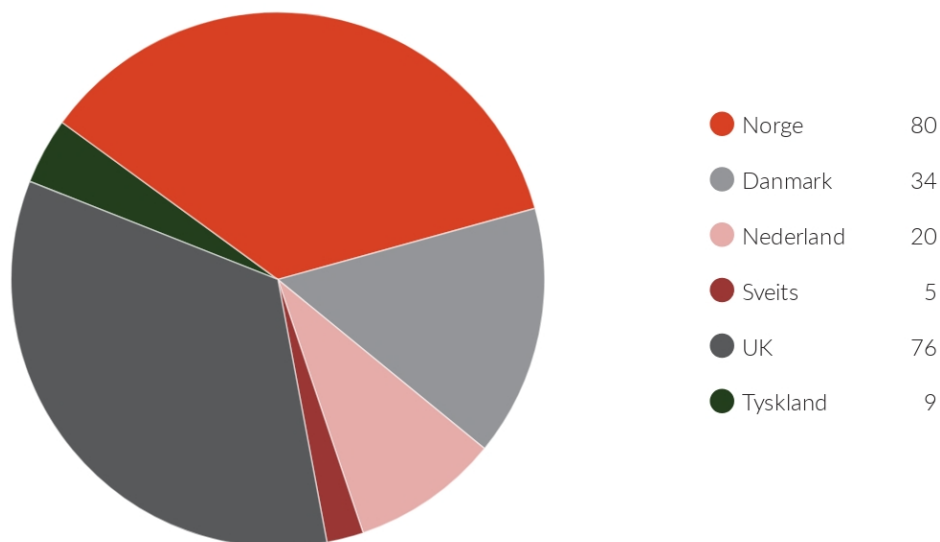
<sup>109</sup> Ibid

<sup>110</sup> Answer to survey from Austrian Red Cross ACCORD dated 30 November 2017 and answer from Aitima dated 19 November 2017

The extent of forced deportation to Afghanistan over the past three years is extremely unevenly distributed among the Western European countries. In the period 2015 - 2017, Norway is the country that has forcefully returned most Afghans. In total, Norway has returned 692 Afghans by force during this period.<sup>111</sup> By comparison, the United Kingdom has forcefully deported 172 and the Netherlands has forcefully deported 115 until September 2017.

Norway accounted for 65 % of Europe's forced deportations in 2016. According to the Afghan authorities, a total of 580 Afghans were forcefully returned to Afghanistan in 2016.<sup>112</sup> Of these, 381 were from Norway.<sup>113</sup>

**Figure 6A: Forced deportations in 2015**

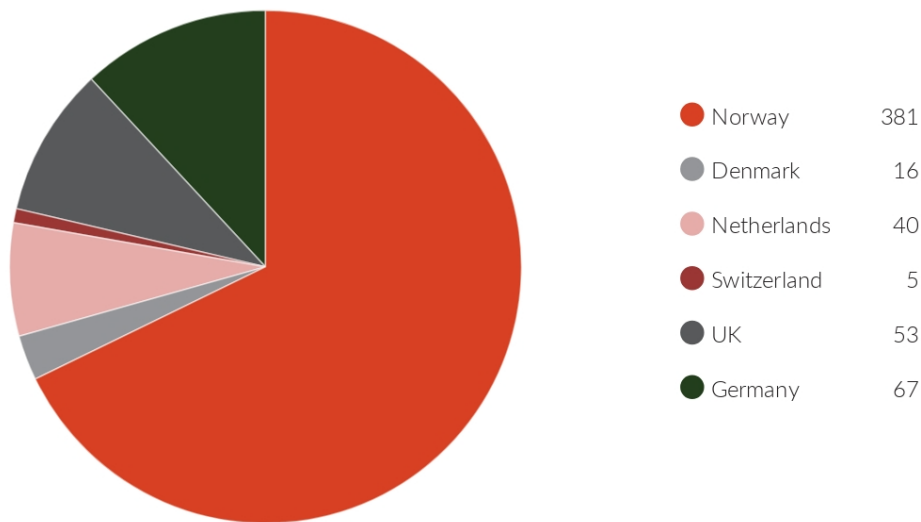


**Figure 6B: Forced deportations in 2016**

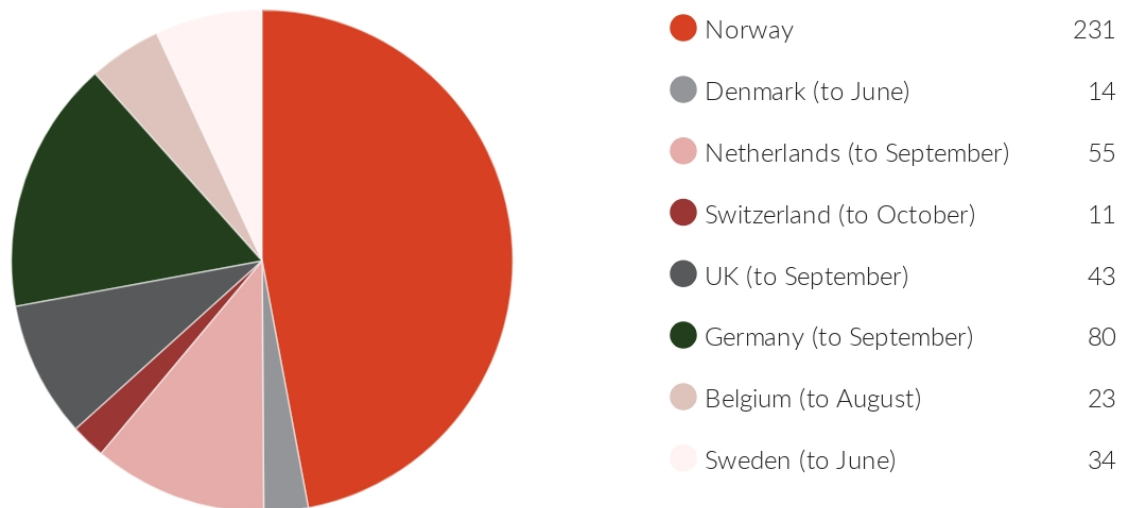
<sup>111</sup> Numbers from Policy Immigration Unit (PU) on forced deportations in 2015, 2016 and 2017. Available from: <https://www.politiet.no/aktuelt-tall-og-fakta/tall-og-fakta/uttransporteringer/>

<sup>112</sup> Amnesty International, *Forced Back to Danger, Asylum-Seekers Returned from Europe to Afghanistan*, 5 October 2017 (p 31)

<sup>113</sup> Numbers from Policy Immigration Unit (PU) on forced deportations in 2016. Available from: <https://www.politiet.no/globalassets/04-aktuelt-tall-og-fakta/uttransporteringer/uttransporteringer-2016.pdf>



**Figure 6C: Forced deportations in 2017**



### 6.3 Exceptions from forced deportation

Out of the nine countries reporting to forcefully deport asylum seekers to Afghanistan, many have exceptions for vulnerable groups. Some of the countries have expressly stated exceptions, while in other countries the exceptions are for practical reasons. The Swedish Red Cross expressly states that it is mainly single adult men who are forced to return and that return of other groups is rare. Belgian authorities and Flemish Refugee Action confirm the same. As forced deportation of certain groups, including women and families with children, involves more work and precautions, the Belgian authorities have decided to give priority to forced deportation of single men over the age of 18.<sup>114</sup>

<sup>114</sup> Answer to survey from Flemish Refugee Action dated 27 November 2017 and European Migration Network (EMN) Ad-Hoc Query on Forced Returns to Afghanistan, requested on 15th September 2017

Currently, Germany has clear restrictions on forced deportations. Pro Asyl states that the German authorities now only forcefully deport Afghans who have committed criminal acts, are a threat to the nation's security and people refusing to cooperate in clarifying their own identity. No other group risk forced deportation at this time.

### **Exception for UAM**

Apart from Greece and Switzerland, all of the NGOs confirm that their authorities do not in practice forcefully deport unaccompanied minor asylum seekers to Afghanistan.

In Norway, the Police Immigration Unit (PU) has repeatedly confirmed to NOAS that they do not forcefully deport UAMs. Norwegian authorities also confirm this in a survey conducted by EMN in September 2017.<sup>115</sup> Even if there are caregivers in Afghanistan, forced deportation is not conducted.

Flemish Refugee Action states that they are not familiar with any cases of forced return of UAM to Afghanistan. They acknowledge that exceptions may have occurred, which they are not familiar with, but consider this unlikely unless the UAM have caregivers in their home country.

For Switzerland, the Swiss Refugee Council explains that UAM can generally be forcefully deported, assuming the person in concern has caregivers in their home country.

### **Exception for families with children**

The Western European countries that carry out forced deportation of Afghans are severely divided in the question of forced deportation of families with children. Only Norway, Denmark and the Netherlands forcefully deport Afghan families with children.<sup>116</sup> The Dutch Refugee Council states that forced deportation of families with children occurs regularly and that they are familiar with several cases in 2017.

As for Sweden, Austria and Belgium, the NGOs state that in theory, families with children are not exempted from forced deportation, but it does not occur in practice. The Swedish Red

---

<sup>115</sup> European Migration Network (EMN) Ad-Hoc Query on Forced Returns to Afghanistan, requested on 15th September 2017. Available from: [https://emnbelgium.be/sites/default/files/publications/EMN-AHQ\\_2017.1230\\_-\\_Forced\\_returns\\_to\\_Afghanistan\\_COMPILATION\\_2017-11-08.pdf](https://emnbelgium.be/sites/default/files/publications/EMN-AHQ_2017.1230_-_Forced_returns_to_Afghanistan_COMPILATION_2017-11-08.pdf)

<sup>116</sup> Answers to survey from Danish Refugee Council dated 7 December 2017 and Dutch Refugee Council dated 1 December 2017

Cross states that, for practical reasons families with children are not forced to return to Afghanistan. The Austrian Red Cross are not familiar with any cases of actual return of families with children, and states that most families with children receive a form of protection in Austria.

Greece and Switzerland does not forcefully deport families with children. The Swiss Refugee Council states that Swiss courts have declared families with children as particularly vulnerable, and that forced return will thus be unreasonable. Also in Greece, families with children are considered vulnerable.<sup>117</sup>

### **Exception for single women**

None of the NGOs who responded to our survey report that their authorities forcefully deport single women to Afghanistan. The exemption from forced deportation for this group must of course be seen in the context with a general policy of providing a form of protection for single Afghan women.

Norwegian authorities confirm that they do not return Afghan women without a male network in their home country.<sup>118</sup> The British authorities also expressly confirm this in the EMN's survey from 2017.<sup>119</sup> NGOs in Switzerland, the Netherlands, Belgium and Austria state that the authorities in theory can deport single Afghan women, but they do not have knowledge that such has occurred in practice.

---

<sup>117</sup> Answer to survey from Aitima dated 19 November 2017

<sup>118</sup> European Migration Network (EMN) Ad-Hoc Query on Forced Returns to Afghanistan, requested on 15th September 2017

<sup>119</sup> Ibid

# Source references

## Legislation and soft law

The European Convention on Human Rights, 4 November 1950

EU Qualification Directive, 20 October 2004

UN Convention on the Right of the Child, 20 November 1989

UN Convention Relating to the Status of Refugees, 28 July 1951

The Norwegian Immigration Regulations (Forskrift om utlendingers adgang til riket og deres opphold her (utlendingsforskriften), 15 October 2009

The Norwegian Immigration Act, (Lov om utlendingers adgang til riket og deres oppholdet her (utlendingsloven), 15 May 2008

UNHCR Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, 1979

Vienna Convention on the Law of Treaties, 23 May 1969

## Court decisions

### Norwegian courts

LB-2016-43352, Borgarting lagmannsrett dated 9 May 2017

### International courts

ECtHR, *A.M. v. the Netherlands*, Application no. 29094/09, 5 July 2016. Available from: <http://hudoc.echr.coe.int/eng?i=001-164460>

ECtHR, *Sufi and Elmi vs.the United Kingdom* no. 8319/07 and 11449/07, 28 June 2011. Available from: <http://hudoc.echr.coe.int/eng?i=001-105434>

ECtHR, *S.H.H. vs. the United Kingdom* no. 60367/10, 8 January 2013. Available from: <http://hudoc.echr.coe.int/eng?i=001-116123>

ECtHR, *A.G.R. vs. the Netherlands* no. 13442/08, 6 January 2016. Available from: <http://hudoc.echr.coe.int/eng?i=001-159883>

ECtHR, *S.S. the Netherlands* no. 39575/06, 12 January 2016. Available from: <http://hudoc.echr.coe.int/eng?i=001-159806>

## **Court decisions from other countries**

Bundesverwaltungsgericht. Abteilung V E-7602/2008, 25 May 2011

Bundesverwaltungsgericht, Abteilung V E-5136/2016, 11 January 2017

## **Statistics**

### **Applications and decisions**

Norway: Utlendingsdirektoratet (the Norwegian Directorate of Immigration). Available from: <https://www.udi.no/statistikk-og-analyse/statistikk/?year=0&filter=39>

Sweden: Migrationsverket (the Swedish Migration Agency). Available from: <https://www.migrationsverket.se/Om-Migrationsverket/Statistik.html>

Denmark: Udlændinge- og Integrationsministeriet (The Danish Ministry of Immigration and Integration) Tal og fakta på udlændingeområdet 2016, available from: <http://uim.dk/publikationer/tal-og-fakta-pa-udlaendingeområdet-2016>, Tal på udlændingeområdet pr. 30.11.2017, available from: <https://www.nyidanmark.dk/da/Tal-og-statistik> and Tal på udlændingeområdet pr. 31.01.2018, available from: <https://www.nyidanmark.dk/da/Tal-og-statistik>

Finland: Maahanmuuttovirasto (Finnish Immigration Service). Available from: <http://statistik.migri.fi/#applications?start=540&end=551>

Iceland: Útlendingastofnun (The Directorate of Immigration). Available from: <https://utl.is/index.php/um-utlendingastofnun/toelfraedhi>

Germany: Bundesamt für Migration und Flüchtlinge. Available from: [http://www.bamf.de/SharedDocs/Anlagen/DE/Publikationen/Broschueren/bundesamt-in-zahlen-2015.pdf?\\_\\_blob=publicationFile](http://www.bamf.de/SharedDocs/Anlagen/DE/Publikationen/Broschueren/bundesamt-in-zahlen-2015.pdf?__blob=publicationFile) (2015), [http://www.bamf.de/SharedDocs/Anlagen/DE/Publikationen/Broschueren/bundesamt-in-zahlen-2016.pdf?\\_\\_blob=publicationFile](http://www.bamf.de/SharedDocs/Anlagen/DE/Publikationen/Broschueren/bundesamt-in-zahlen-2016.pdf?__blob=publicationFile) (2016) and [http://www.bamf.de/SharedDocs/Anlagen/DE/Downloads/Infothek/Statistik/Asyl/201710-statistik-anlage-asyl-geschaeftsbericht.pdf?\\_\\_blob=publicationFile](http://www.bamf.de/SharedDocs/Anlagen/DE/Downloads/Infothek/Statistik/Asyl/201710-statistik-anlage-asyl-geschaeftsbericht.pdf?__blob=publicationFile) (2017)



The Netherlands: Immigratie- en Naturalisatiedienst, Ministerie van Veiligheid en Justitie, Asylum Trends, Monthly Report on Asylum Applications in The Netherlands and Europe. Available from: [https://ind.nl/en/Documents/AT\\_December\\_2015.pdf](https://ind.nl/en/Documents/AT_December_2015.pdf), [https://ind.nl/en/Documents/AT\\_December\\_2016.pdf](https://ind.nl/en/Documents/AT_December_2016.pdf) and [https://ind.nl/Documents/AT\\_October\\_2017.pdf](https://ind.nl/Documents/AT_October_2017.pdf)

Belgium: European Migration Network, Country Factsheet: Belgium 2016. Available from: [https://emnbelgium.be/sites/default/files/publications/02a\\_belgium\\_country\\_factsheet\\_en.pdf](https://emnbelgium.be/sites/default/files/publications/02a_belgium_country_factsheet_en.pdf)

Austria: Bundesministerium für Inneres. Available from: [http://www.bmi.gv.at/301/Statistiken/files/Jahresstatistiken/Asyl\\_Jahresstatistik\\_2015.pdf](http://www.bmi.gv.at/301/Statistiken/files/Jahresstatistiken/Asyl_Jahresstatistik_2015.pdf), [http://www.bmi.gv.at/301/Statistiken/files/Jahresstatistiken/Jahresstatistik\\_Asyl\\_2016.pdf](http://www.bmi.gv.at/301/Statistiken/files/Jahresstatistiken/Jahresstatistik_Asyl_2016.pdf) and [http://www.bmi.gv.at/301/Statistiken/files/2017/Asylstatistik\\_Oktober\\_2017.pdf](http://www.bmi.gv.at/301/Statistiken/files/2017/Asylstatistik_Oktober_2017.pdf)

Switzerland: State Secretariat for Migration (SEM). Available from: <https://www.sem.admin.ch/sem/fr/home/publiservice/statistik.html>

United Kingdom: UK Home Office. Available from: <https://www.gov.uk/government/collections/immigration-statistics-quarterly-release>

Italy: Ministero Dell'Interno, Dipartimento per le libertà civili e l'immigrazione. Available from: <http://www.libertaciviliimmigrazione.dlci.interno.gov.it/it/documentazione/statistica/i-numeri-dellasilo>

Greece: Ministry of Migration Policy. Available from: [http://asylo.gov.gr/en/wp-content/uploads/2018/03/Greek\\_Asylum\\_Service\\_Statistical\\_Data\\_EN.pdf](http://asylo.gov.gr/en/wp-content/uploads/2018/03/Greek_Asylum_Service_Statistical_Data_EN.pdf)

Numbers for Luxembourg, France og Malta 2015 – 2017, the Netherlands, Belgium, Switzerland and United Kingdom for 2017, Austria (gender): Eurostat. Available from: <http://appsso.eurostat.ec.europa.eu/nui/submitViewTableAction.do>

Eurostat, Asylum applicants considered to be unaccompanied minors by citizenship, age and sex Annual data (rounded), last update 09-03-2018. Available from: <http://appsso.eurostat.ec.europa.eu/nui/submitViewTableAction.do>

Eurostat Newsrelease, 11 May 2017. Available from: <http://ec.europa.eu/eurostat/documents/2995521/8016696/3-11052017-AP-EN.pdf/30ca2206-0db9-4076-a681-e069a4bc5290>

Other numbers are obtained from answers to NOAS` survey

## **Forced deportation**

Norway: numbers from Policy Immigration Unit (PU). Available from:  
<https://www.politiet.no/aktuelt-tall-og-fakta/tall-og-fakta/uttransporteringer/>

Other numbers are obtained from answers to NOAS` survey

## Literature and reports

APAIPA, *Actors of Protection and the Application of Internal Protection Alternative, European Comparative report*, 2014. Available from:  
<http://www.asylumlawdatabase.eu/sites/www.asylumlawdatabase.eu/files/aldfiles/EN%20-%20APAIPA-ComparativeReport%202014.pdf>

Amnesty International, *Afghanistan: "Forced back to danger" Asylum- seekers returned from Europe to Afghanistan*, October 2017. Available from:  
<https://www.amnesty.no/sites/default/files/370/ASA1168662017ENGLISH.PDF>

European Migration Network (EMN) Ad-Hoc Query on Forced Returns to Afghanistan, requested on 15th September 2017. Available from: [https://emnelgium.be/sites/default/files/publications/EMN-AHQ\\_2017.1230\\_-\\_Forced\\_returns\\_to\\_Afghanistan\\_COMPILATION\\_2017-11-08.pdf](https://emnelgium.be/sites/default/files/publications/EMN-AHQ_2017.1230_-_Forced_returns_to_Afghanistan_COMPILATION_2017-11-08.pdf)

Landinfo, *Temanotat Afghanistan: Sikkerhetssituasjonen i provinsen Kabul*, 25 November 2016. Available from: [https://landinfo.no/asset/3471/1/3471\\_1.pdf](https://landinfo.no/asset/3471/1/3471_1.pdf)

The Norwegian Ministry of Justice and Public Security, *Høringsnotat – Endringer i utlendingslovgivningen (Innstramninger II)*, December 2015, Snr. 15/8555. Available from: <https://www.regjeringen.no/contentassets/2ff18fdc06674a43ae3fa26da4532abc/horingsnotat.pdf>

Migrationsverket, *Rättsligt ställningstagande angående praktiske verkstillighetshinder*, SR 25/2016, 7 July 2016. Available from: <https://lifos.migrationsverket.se/dokument?documentSummaryId=37731>

Migrationsverket, *Rättsligt ställningstagande angående såakerhetsläget i Afghanistan*, 29 August 2017. Available from: <https://lifos.migrationsverket.se/dokument?documentSummaryId=40195>

Norwegian Refugee Council, Oxfam and International Rescue Committee, Joint Agency Briefing Note, *The Reality of the EU-Turkey Statement*, 17 March 2017. Available from: <https://data2.unhcr.org/en/documents/download/54850>

Save the Children, Norwegian Union of Social Educators and Social Workers (FO) and NOAS, *En gjennomgang av midlertidig opphold til enslige mindreårige asylsøkere*, 2017. Available from: [http://www.noas.no/wp-content/uploads/2017/10/EMA-notat\\_web.pdf](http://www.noas.no/wp-content/uploads/2017/10/EMA-notat_web.pdf)

Schultz, Jessica, *The Internal Flight Alternative in Norway: the law and practice with respect to Afghan families and unaccompanied asylum-seeking children, a mini-assessment commissioned by UNHCR*, 2017. Available from: <http://www.unhcr.org/neu/wp-content/uploads/sites/15/2017/11/SchultzIFAStudyJune2017-1.pdf>

UDI policy note – Afghanistan, 19 May 2014. Available from: [https://www.udiregelverk.no/no/rettskilder/udi-praksisnotater/pn-2014-004/#\\_Toc478654332](https://www.udiregelverk.no/no/rettskilder/udi-praksisnotater/pn-2014-004/#_Toc478654332)

UK Home Office, Country Policy and Information Note, *Afghanistan: Security and humanitarian situation*. Available from: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/638653/Afghanistan\\_-\\_Security\\_-\\_CPIN\\_-\\_v4.0\\_\\_August\\_2017\\_.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/638653/Afghanistan_-_Security_-_CPIN_-_v4.0__August_2017_.pdf)

The Norwegian Immigration Appeals Board, *Praksisnotat – Forfølgelse på grunnlag av religion*, 28 January 2016. Available from: <https://www.une.no/globalassets/kildesamling/praksisnotater/pn.religion.pdf>

UN General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security*, 15 June 2017. Available from: [https://unama.unmissions.org/sites/default/files/sg\\_report\\_on\\_afghanistan\\_-\\_15\\_june\\_2017.pdf](https://unama.unmissions.org/sites/default/files/sg_report_on_afghanistan_-_15_june_2017.pdf)

## Websites

Article in Verdens Gang (VG) dated 4 April 2017. Available from: <https://www.vg.no/nyheter/innenriks/afghanistan/udi-bare-to-av-afghanistans-34-provinser-er-utrygge/a/23963813/>

Article in Verdens Gang (VG) dated 6 November 2017. Available from: <https://www.vg.no/nyheter/innenriks/afghanistan/ny-udi-vurdering-derfor-er-ikke-afghanistan-utrygt/a/24180307/>

Finnish Immigration Service, Press Release, 18 December 2017. Available from: [http://www.migri.fi/for\\_the\\_media/bulletins/press\\_releases/press\\_releases/1/0/updated\\_situational\\_reviews\\_of\\_afghanistan\\_iraq\\_and\\_somalia\\_74852](http://www.migri.fi/for_the_media/bulletins/press_releases/press_releases/1/0/updated_situational_reviews_of_afghanistan_iraq_and_somalia_74852)

Information from the Norwegian Immigration Appeals Board regarding the policy in asylum cases from Afghanistan. Available from: <https://www.une.no/sakstyper/beskyttelseasyl/praksis-i-asylsaker-fra-afghanistan/>

Swiss Refugee Council, Temporary Admission for Foreigners. Available from: <https://www.refugeecouncil.ch/asylum-law/legal-status/temporary-admission-of-foreigners.html>

UNICEF, UNICEF hails new Italian law to protect unaccompanied refugee and migrant children as model for Europe, 29.mars 2017. Available from: [https://www.unicef.org/media/media\\_95485.html](https://www.unicef.org/media/media_95485.html)

## Other sources

E-mail from the statistics department at Migrationsverket dated 18 January 2018

E-mail from Danish Refugee Council dated 13 March 2018

Written question from Stein Erik Lauvås (Ap) to the Norwegian Minister of Immigration and Integration, *Dokument nr. 15:764 (2016-2017)*, 1 March 2017. Available from: <https://www.stortinget.no/no/Saker-og-publikasjoner/Sporsmal/Skriftlige-sporsmal-og-svar/Skriftlig-sporsmal/?qid=68142>