

Asylum lottery

Afghan access to protection in Europe

Report from the online public webinar on 25 May 2021

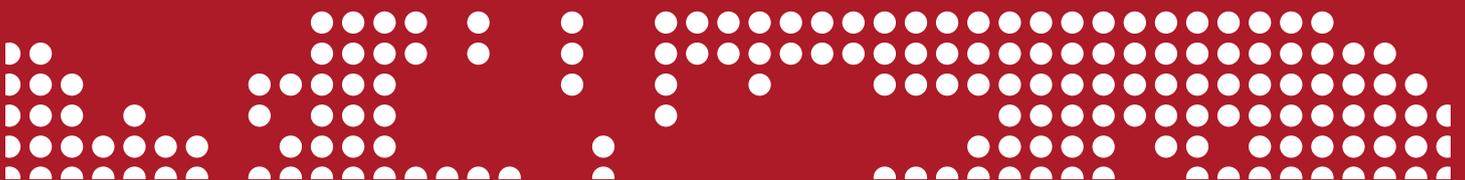


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Introduction

On May 25, the Danish Refugee Council's Diaspora Programme (DRC DP) and the European Council on Refugees and Exiles (ECRE) convened an online public event "Asylum lottery – Afghan access to protection in Europe". The purpose of the event was to present and discuss how the flawed asylum decision-making process across Europe undermines the fundamental rights of Afghans seeking protection, not least through contributing to secondary movement and refoulement. The event was focused on explaining the current situation, and discussing specific issues such as secondary movement, shrinking protection space and deportation through a series of national cases presented by diaspora responders – namely, Sweden, France, and Denmark.

To discuss the aforementioned, we had both asylum experts and Afghan diaspora representatives from across Europe active on supporting Afghan asylum seekers – namely, Reshad Jalali, Policy Officer at ECRE, Najib Obaid Babakerkhail, Founder and Director of the French Refugees Council (FRC), Zohreh Yasna Faizi, Chairperson at the Afghan Lawyer Association in Denmark, Arif Sulimani, President of Unaccompanied Minors Association in Stockholm, Bettina Jen-Mei Chu, Head of DRC Asylum Return, Reintegration & Counselling and Sepideh Molodi-Safa, DRC Asylum Consultant. The event was facilitated by Adrien Bory, Coordinator for DRC's Diaspora Programme initiative "Afghan diaspora Engagement in Europe".



Diaspora Support to Durable Solutions: Afghans in Europe, 2019, Credit: Jamil Ghafouri

The situation of Afghan refugees in Europe

Reshad Jalali began by shedding light on the situation of Afghan asylum seekers and refugees in Europe. According to Jalali, in 2020 Afghans were the second largest group of asylum seekers for the 3rd year in a row, meaning that around 44,000 Afghans lodged fresh Asylum claims in the EU last year. Their protection rate in Europe varies from country to country. For instance, based on ECRE's Asylum Information Database, in 2020 the protection rate in Poland was (100%), Slovenia (50%), Netherlands (47%), Sweden (46%), Belgium (35%), and Hungary (17%). The types of protection status issued for Afghans also varied from one member state to another. Reshad Jalali underlined that the divergence in protection rates is very concerning and that the high likelihood that Afghans in need of protection are not treated fairly in European countries

will lead to many uncertainties for Afghans in Europe, such as becoming undocumented, secondary movements and risk of deportations to Afghanistan. "We consistently ask the commission and its relevant agency to look into countries with low recognition rates for Afghans and to see if they comply with international refugee and human rights law" added Reshad Jalali. According to Reshad, Afghanistan has become a focus country for deportation since the migration crises in 2015. This has been further intensified after the new JDMC agreement signed by the EU and the Afghan government. The agreement "reduces safeguards for vulnerable groups and eased procedures for member states to carry out deportations" concluded Reshad Jalali.



Diaspora Support to Durable Solutions: Afghans in Europe, 2019, Credit: Jamil Ghafouri

Thematic discussions with national case studies

The thematic discussions aimed to explain the current situation, discuss specific issues such as shrinking access to protection, secondary movement, and deportation through national cases of Sweden, France, and Denmark.

Shrinking access to protection in Sweden

Arif Sulimani provided an overview of the factors that have greatly impacted access to protection in Sweden. It was underlined that there is a paradigm shift in Swedish migration policy, meaning that Sweden has moved from an open migration standpoint towards a very different standpoint. There are several reasons, according to Sulimani. An important one is the rise of right-wing populist and nationalistic parties: “Before 2014 the issue of migration and refugees was not a major one [...] no one would talk about it openly in public. Unfortunately, after 2015 when EU faced a political crisis, the right-wing Swedish parties really pushed this idea that we should not receive refugees, they got big support from the people and jumped from 5% in the 2010 election to 17% in the

2018 election” said Arif Sulimani. The second major factor is that Sweden was not ready to accept such a large number of refugees in 2015. “It was a complete shock for Sweden when 163,000 refugees entered Sweden in 5 and 6 months” Arif Sulimani added. This was followed by integration challenges largely due to the lack of personal and allocated economic resources. The third main factor is the joint agreement between the EU and the Afghan government that resulted in the deportation of Afghans from Sweden. Arif Sulimani concluded that the policies of the Swedish government and the perception of the Swedish public are becoming more and more restrictive and aggressive pertaining to refugees and migration in Sweden.

Secondary movement in France

For the case of France, Najib Obaid Babakerkhail provided an update on the current scenario of secondary movement of Afghans in France. He underlined that the majority of asylum seekers coming to France had already claimed asylum elsewhere. “In general, nowadays we are living with this idea that one can have more chances of obtaining protection in France, than in Norway or Germany [...] it is pretty common among Afghan communities and Afghan diasporas that if you try your chance in Sweden or Norway then if you don’t have any hope you better move to France because France has a high rate of

acceptance” said Najib Obaid Babakerkhail. In 2020 and in the first quarter of 2021, France received 10,100 asylum applications from Afghan asylum seekers. Their protections are granted under subsidiary protection status given the fact that the country is in war and sending them back will put their well-being and lives in danger. Najib Obaid Babakerkhail summarized that although France has a generous approach towards Afghan asylum seekers, “Afghan asylum seekers should complete their asylum applications in the first country in order to get a better chance for their case assessment in France”.

Deportation from Denmark

Bettina Jen-Mei Chu and Zohreh Yasna Faizi highlighted several aspects around the issue of deportation from Denmark. Bettina Jen-Mei Chu presented relevant aspects regarding the legal counseling, return and reintegration of Afghan asylum seekers in Denmark. She stated that the basis for deportation of Afghans from Denmark is the Tripartite agreement of 18 October 2004 between Afghanistan, Denmark and UNHCR on the return of rejected Afghan asylum seekers. With regards to rejected asylum seekers, Bettina Jen-Mei Chu mentioned that DRC's counselling is "voluntary, confidential, impartial and non-directive" and aims to provide legal advice throughout the asylum procedure and after the final rejection on possibilities of obtaining a residence permit in Denmark. The organization also provides return and reintegration counselling about possibilities of support before and after return – including support for income generating activities upon return to Afghanistan. Both Bettina Jen-Mei Chu and Zohreh Yasna Faizi underlined possible ways through which the Afghan diaspora organizations in Denmark can play a role in decreasing the number of deportations of Afghan asylum

seekers and refugees from Denmark. The first most important way is to share accurate information with the asylum seekers. "Most of the time I meet clients who have been given the wrong information and now they are on the verge of deportation that may cost their lives" said Zohreh Faizi. Often, the information that is passed on is not true and applicable and is based on one single story. So, to prevent deportation "[...] Afghans should provide true and right information to those who decided to leave Afghanistan or who are in the middle of their journey to Europe" added Zohreh Faizi. The second most important way is advocacy activities. In this context, both Zohreh Faizi and Bettina Jen-Mei Chu stressed that the Afghan diaspora needs to work collectively to have a stronger voice, remind the world that Afghanistan has not been safe in the last 40 years and is not safe now, especially during the current political dynamics and peace negotiations. The Afghan diaspora needs to engage with the policy makers to reassess the situation of Afghanistan, write articles, produce joint statements, and engage in interviews, added Zohreh Faizi and Bettina Jen-Mei Chu.

Workshop - how can diaspora support Afghans in their pursuit of asylum in Europe?

We enabled the participants to join one of the following two breakout rooms – 1. ***Shrinking access to protection in Europe***, and 2. ***Deportation*** – to discuss how the Afghan diaspora could increase its response to those asylum seekers in need and advocate for the respect of their rights. The idea of this activity was to collect recommendations on how the diaspora can support asylum seekers directly and how they can advocate

for the rights of asylum seekers. Participants listed the following recommendations for diaspora engagement in support of Afghans in need of protection in Europe. Please note that these recommendations are suggestions from the participants and represent a first step in the development of recommendations. We will agree with the project Afghan diaspora advisory board and our partners on how to take them further.

Breakout Room 1. Shrinking access to protection in Europe & secondary movement

How can the diaspora support the asylum seekers?	How can the diaspora advocate for the asylum seekers?
Provide valid information on the Asylum process and success rate in different EU countries.	Monitoring the situation in Afghanistan especially for high-risk groups and writing unbiased, accurate reports for the human rights organizations and the governments to ensure they are up to date with what is happening in Afghanistan.
Afghan refugees are the second largest group in Europe, but do not have a lobby. That is why they are not in the priority list. I think we need to create lobby groups and lobby for Afghan refugees' rights.	By getting engaged in politics and enhancing one's own capabilities and capacities in having impact on the immigration policies
We have to raise our voice so that EU countries should not use their economic advantage to force Afghanistan to receive more refugees expelled from EU countries, especially from Sweden, Germany and Austria. Countries should not play with the lives of innocent refugees just based on economic aid provisions.	CSOs should make an assessment report of the situation separately. in addition, they should get connected with CSOs in the EU before organizing a demonstration.
We have to raise our voice so that the EU migration agencies should not assess the case of all refugees from Afghanistan based on national security situations because there are people / individuals who are more exposed to violence, war and persecution due to their ethnic, religious and racial backgrounds.	We should urge the government of Afghanistan and the EU countries to revoke readmission agreements and the EU migration agencies should make a new and more realistic assessment about the insecurity situation of Afghanistan and stop all expulsions.
Diaspora and NGO's / other organizations should form a closer collaboration with each other on how to prepare future asylum seekers on asylum procedures in Europe.	By having updated information about the situation in Afghanistan and providing the agencies and politicians in the host countries with that information.
Diaspora communities to use their skills and knowledge and provide services such as mental health services to asylum seekers.	We need to establish more in-bound and out-bound networks and tackle this issue of Afghan refugee as an organized, principled and collective team to have better impact on EU countries and Afghanistan.
Civil organisations to provide a platform and help for asylum seekers to seek help and guidance.	Organize a demonstration.
Research shows that diaspora is a trusted source for advice on migration thus Diaspora can be a good channel for enhancing protection information.	
It is also very crucial to have the backing and support of the EU civil societies to pressure their governments to conduct more Afghanistan friendly migration policies, especially during these times when the scale of violence, war, terror and conflict is rapidly increasing. All EU countries should stop all deportations to Afghanistan and grant amnesty to nationals of Afghanistan because they have been living in their host EU countries for many years and they have integrated in those countries. If they are deported to Afghanistan, they will be further exposed to death and persecution because many extremists and terrorist groups will consider them Westernized and even maybe infidels.	

Breakout Room 2. *Diaspora's role in supporting decreased deportation from Europe.*

How can the diaspora support the asylum seekers?	How can the diaspora advocate against the deportation?
A mapping of diaspora organizations supporting refugees globally would be helpful to access information/provide services.	Join forces with Syrians for joint events + learning from each other.
Need for increased dialogue within the diaspora and with the government.	Diaspora should find a legal way to stop deportation.
When there are no other option than return, it is important to talk about the return and possibilities for support during and after return.	Promote the situation of high-risk group like LGBTQ, Sikhs, women, children and Hazaras.
Support to those who are getting deported is important - help making a plan for the return.	Use the current situation with uncertainty regarding the peace process to advocate against return.
Support those in deportation centers.	Request for updating the situational information about Afghanistan.
Diaspora should address false information circulating.	Need to advocate/campaign nationally and at the European level.
There is a need to provide correct information to Afghans who are considering coming to Europe (allowing for an informed decision).	Need to change the narrative to convince public opinion.
Ensure that asylum seekers have access to impartial counselling and know their possibilities.	
Legal consultancy	
Asylum department could share knowledge on country profiles informed by cases from refugees. This helps understand the practice and support lawyers.	
Asylum institutions build country programmes to inform cases - diaspora could help provide relevant information.	
Most rejections are based on credibility of the story - so telling your own story properly is essential and diaspora can help with that.	

Danish Refugees Council's Diaspora Programme (DRC DP)

Since 2010, Danish Refugee Council (DRC) has been working with diaspora groups as transnational civil society actors. Engagement with diaspora is based on a recognition of the significant role they play for people and communities in countries of origin (or heritage), for refugees and migrants in transit, and for newly arrived refugees and migrants in countries of residence, and, consequently, their potential for improving the situation for many of those affected by conflict and displacement.

For more information please visit our official website: www.drc.ngo/diaspora

European Council on Refugees and Exiles (ECRE)

ECRE's aims to protect and advance the rights of refugees, asylum-seekers and other forcibly displaced persons in Europe and in Europe's external policies. Its diverse membership ranges from large INGOs with global presence to small organisations of dedicated activists. Members' work covers the full circle of displacement from zones of conflict, to the dangerous routes and arrival in Europe, to long-term inclusion in European societies, with their activities including humanitarian relief, social service provision, legal assistance, litigation, monitoring policy and law, advocacy and campaigning.

Please visit our website for more information: [European Council on Refugees and Exiles \(ECRE\)](http://European Council on Refugees and Exiles (ECRE))

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