

Andorra
Austria
Belgium
Denmark
Finland
France
Germany
Greece
Iceland
Ireland
Italy
Liechtenstein
Luxembourg
Malta
Monaco
Netherlands
Norway
Portugal
San Marino
Spain
Sweden
Switzerland
United Kingdom

Western Europe

Major developments

Throughout the year, asylum remained high on the political agenda of European countries. Although the number of asylum claims dropped in 2003, proposals to amend national asylum and aliens' legislation were introduced and adopted a number of countries, despite ongoing negotiations to harmonize national asylum systems at the EU level. Generally, the aim was to introduce restrictive concepts into national asylum systems.

After a period of relative (numerical) stability, the number of asylum claims in the European Union fell dramatically in 2003 to 288,100 - 22 per cent down on 2002, and the lowest level since 1997. Since 2000, the United Kingdom remains the main asylum-seeker receiving country in the EU. However, it is noteworthy that in 2003 the level of new claims submitted in the United Kingdom fell by 41 per cent. The United Kingdom, France, Germany, Austria and Sweden together received 79 per cent of all new asylum claims submitted in the EU in 2003. The only major increases in the number of asylum applications in 2003 were recorded in two smaller receiving countries, Luxembourg and Greece (although the increase in Greece relates to the accelerated



registration in 2003 of applicants already in the country, rather than a larger number of arrivals). The number of claims by Afghan and Iraqi nationals fell considerably, probably owing to changes in the countries of origin. EU Member States tended, however, to attribute the fall to restrictive policies introduced in recent years.

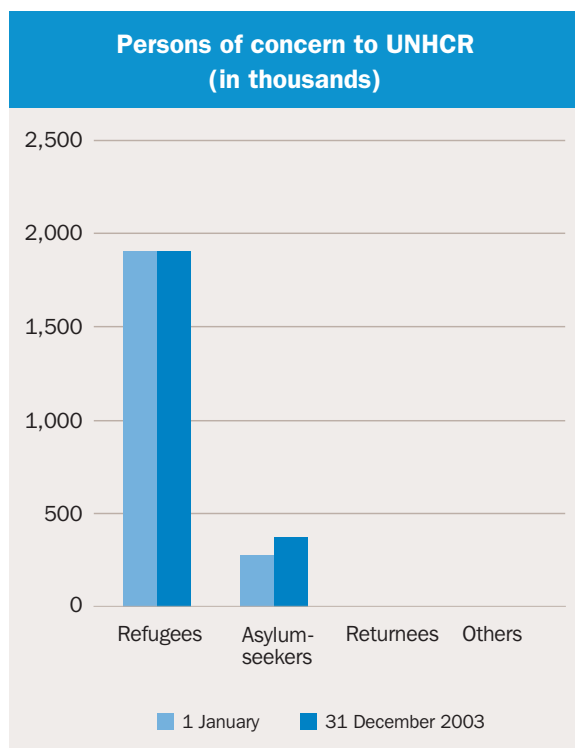
Countries in which relevant legislative changes were introduced and/or adopted included Austria, Denmark, Finland, France, Germany, Ireland, Italy, Norway, Spain, Sweden, Switzerland and the United Kingdom. As the EU harmonization process continued, negotiations proved to be extremely difficult on two core instruments: the Asylum Procedures Directive, and the "Qualification Directive", which identifies refugees and other persons in need of international protection and the rights they should enjoy. EU Member States were clearly focused on ensuring that, on a national level, their hands would not be tied. UNHCR continued to provide comments on the EU directives to be adopted under the EU harmonisation agenda, noting an increasing trend towards lowering protection standards and accommodating a range of derogations that allow States to maintain an array of restrictive practices. UNHCR

also expressed serious concerns with respect to a number of proposals, even calling for the withdrawal of the Asylum Procedures Directive if EU Member States could not agree on provisions which would uphold principles and standards of international refugee law. The Office also continued to suggest amendments and concrete proposals for ensuring that national asylum systems remain not only fair, but also effective and efficient.

UNHCR proposed an alternative approach to the challenges of providing international protection to persons in need. This proposal focused on improving access to effective protection and solutions in regions of origin, thereby reducing pressures for onward movement. On a regional level, it involved an EU-wide approach to certain asylum caseloads, focusing in particular on the migration-asylum nexus. The proposal, which was presented as a work-in-progress, helped to stimulate consideration of the possibilities of a broader perspective on asylum and related problems.

Subsequently, UNHCR introduced a revised version of its proposed EU-wide approach, which further clarified some of the processes and structures that

could be envisaged. The proposal, which specifically addresses the expected burden on new EU Member States as they handle asylum applications following implementation of the Dublin II Regulation, outlines how the objective of establishing a common asylum system, set out by the Tampere Council of the European Union in 1999, could be achieved over the longer term through a number of mechanisms which would promote cooperation and collective action by EU Member States, as well as responsibility and burden sharing.



Challenges and concerns

UNHCR raised a number of serious concerns both on the draft Qualification Directive and the draft Asylum Procedures Directive, issuing *aides-mémoire* which focused on key issues, in addition to more comprehensive comments on the entire proposals. While negotiations on the Qualification Directive remained frozen for the second half of 2003, negotiations on the Asylum Procedures Directive continued, albeit very slowly. In November, the High Commissioner addressed the EU Presidency in a letter highlighting the seriousness of UNHCR's concerns.

As noted, the period under review was also characterized in many countries by a flurry of legislative initiatives to introduce more restrictive provisions in asylum legislation.

Particularly restrictive was the reform of the asylum law in **Austria**, which now forbade the submission of asylum claims at the border, included severe restrictions and lessened procedural safeguards during the appeal phase of the procedure. The revised asylum procedure adopted by the Austrian Parliament will enter into force in May 2004.

UNHCR issued a paper criticizing a number of aspects of implementation of the aliens' legislation in the **Netherlands**, and in particular the accelerated procedure.

In **France**, the 1952 Law on Asylum was overhauled, coming into effect in January 2004. In line with UNHCR doctrine, France formally accepted the concept of non-State agents of persecution. Unfortunately, this was offset by the introduction of the concepts of "internal flight alternative" and "safe countries of origin".

In **Switzerland** the partial revision of the asylum law was aimed at discouraging people from seeking asylum in Switzerland by introducing measures such as the reduction of the appeal period from thirty to five days. A proposal to reject any asylum claims submitted at the border was only narrowly rejected in a referendum.

In **Spain**, amendments approved in October 2003 removed the possibility of aliens' status being regularized after five years of unauthorized stay. Furthermore, heavy carrier sanctions were imposed.

On a more positive note, in December 2003 the **Italian Government** resumed the debate on a comprehensive asylum law, based on six different asylum bills put forward by Members of Parliament.

Access to reception facilities remained a major concern, with a large number of asylum-seekers denied any support. In the **United Kingdom**, strict application of a requirement to submit an asylum application at the earliest possible moment led to the denial of assistance even to vulnerable and needy persons. In Austria, a considerable number were denied access to reception facilities. Conditions in reception facilities were a cause for concern in Austria, Greece, Malta and Spain. In Spain, UNHCR raised particular concerns regarding conditions in Ceuta and Melilla.

Detention remained a major concern, particularly in **Malta**, where the mandatory detention of



Distribution of breakfast to asylum seekers in Ceuta by MSF Spain. *M. J. Vega.*

asylum-seekers deprives them of freedom of movement for the entire duration of the refugee status determination procedure. Pressure exerted by UNHCR resulted in the decision not to keep unaccompanied minors in detention.

Progress towards solutions

A number of Western European Governments showed an increased interest in resettlement as a durable solution, as a tool for the provision of international protection, and a means of burden sharing. The United Kingdom Government in particular introduced a first annual quota of 500 resettlement cases.

Voluntary repatriation also gained momentum. UNHCR in Western Europe continued to provide information and counselling support to Afghan nationals, particularly in the countries which had signed tripartite agreements with UNHCR and the Government of Afghanistan. This support took the form of an information campaign, legal clinics and monitoring of the voluntariness of returns. UNHCR also held consultations on a possible multilateral

framework for returns to Iraq, although the situation in Iraq brought any further progress to a temporary halt.

A number of Western European Governments showed considerable interest in developing more comprehensive approaches to refugee challenges and indicated support inter alia for pilot projects and initiatives under Convention Plus. They also provided support for further development of a "framework for durable solutions" introduced by UNHCR.

Operations

UNHCR in Western Europe continued to concentrate on protection, i.e. the supervisory role of the Office under its Statute and Article 35 of the 1951 Refugee Convention. Activities included: monitoring and commenting on legislative proposals both at the EU level as well as in a significant number of countries in the region; reviewing national asylum systems and decision making in procedures to determine international protection needs; and providing information and counselling to support the

voluntary repatriation of Afghans in particular, as noted above. UNHCR continued to participate in the asylum procedures in a number of countries (**France, Greece, Italy, Spain, Malta** and, to a lesser extent, at airports in **Austria** and **Switzerland**).

Partnership, public awareness and advocacy

UNHCR continued to work with various NGOs offering free legal advice, counselling and services to refugees and asylum-seekers.

Public information activities remain a key element in the strategy of the Europe Bureau. UNHCR sought to counteract negative media coverage of asylum issues, and to increase awareness and understanding of asylum and related issues. Public information activities tended to reinforce Private Sector Fund Raising (PSFR) programmes by enhancing the image

of the UN Refugee Agency among the public at large in Western Europe.

Funding

Funding trends for the European donors were positive in 2003 though an artificial contributory factor in Euro-zone countries was the rise of the Euro against the US dollar, UNHCR's reference currency. The Netherlands and the Nordic countries were the most generous both in terms of per capita contributions and the lack of earmarking.

PSFR activities were successfully carried out in the Netherlands, France, Spain, and Italy (which remains the most generous country in terms of private sector donations). Altogether, over USD 13,000,000 was raised, exceeding the target for the year.

Voluntary contributions - Restricted / Earmarked (USD)

Earmarking ¹	Donor	Annual programme budget	
		Income	Contribution
Austria			
	Austria	73,617	73,617
	Switzerland	13,666	13,666
Belgium			
	Belgium	58,910	58,910
Western Europe			
	United States of America	1,500,000	1,500,000
France			
	France	581,948	581,948
Ireland			
	Ireland	70,878	70,878
Spain			
	Spain and Other Administrations	174,165	174,165
Switzerland²			
	Switzerland	150,320	150,320
Total		2,623,504	2,623,504

¹ For more information on the various earmarkings, please refer to the donor profiles.

² In addition to the above-mentioned contributions, please note that several private donors in Switzerland donated USD 17,746 further to the World Refugee Day's Fund Raising Concert in UNHCR's headquarters, which were earmarked for activities in Sierra Leone.

Budget and expenditure (USD)

Country	Revised budget			Expenditure		
	Annual programme budget	Supplementary programme budget	Total	Annual programme budget	Supplementary programme budget	Total
Austria	1,710,038	0	1,710,038	1,625,446	0	1,625,446
Belgium	2,651,968	0	2,651,968	2,600,636	0	2,600,636
France	2,026,104	0	2,026,104	1,982,051	0	1,982,051
Germany	1,924,015	19,447	1,943,462	1,886,363	19,447	1,905,810
Greece	1,137,177	0	1,137,177	1,136,886	0	1,136,886
Ireland	485,150	0	485,150	449,503	0	449,503
Italy	1,625,477	0	1,625,477	1,497,584	0	1,497,584
Malta	43,390	0	43,390	42,146	0	42,146
Netherlands	326,031	0	326,031	296,564	0	296,564
Portugal	103,000	0	103,000	97,159	0	97,159
Spain	1,087,003	0	1,087,003	1,077,554	0	1,077,554
Sweden	1,457,898	0	1,457,898	1,392,752	0	1,392,752
Switzerland	854,641	0	854,641	768,019	0	768,019
United Kingdom	1,183,052	500,626	1,683,678	1,088,855	491,761	1,580,616
Total	16,614,944	520,073	17,135,017	15,941,518	511,208	16,452,726

Note: The Supplementary programme budgets do not include a 7 per cent charge (support costs) that is recovered from contributions to meet indirect costs for UNHCR.