



Afghan Exodus: Afghan asylum seekers in Europe (3) – case study Germany

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Germany led in Europe in almost all categories of incoming refugees and asylum applications in 2015 and 2016, both in absolute and relative figures. Roughly six out of ten migrants who came to Europe ended up in Germany. Afghans were strongly represented in all those categories. This prompted the German government to change its 2015 asylum policy, which was widely seen as generous overall, towards more rigidity. It even applied specific measures to make the country less attractive for Afghan refugees, with the aim of decreasing their number. It also took the lead in pushing the Afghan government to readmit rejected asylum seekers. This made Afghans – in contrast to Syrians, Iraqis and Eritreans – ‘second class asylum seekers’, finds AAN co-director Thomas Ruttig in this last of a three-part dispatch series. At the end, he draws some conclusions from all three parts of this series.

All statistical data on Germany in this part of the dispatch are from the Federal Office for



Migration and Refugees (German acronym: [BAMF](#)) and the 2015 Migration Report of the federal government, [published](#) in December 2016, unless stated otherwise.

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The figures

The number of Afghans who came to Germany to seek asylum in 2015 and 2016 officially stands at 202,668 (154,046 or 14.0 per cent of all arrivals for 2015 and 48,622 or 15.1 per cent for 2016). These figures, however, are based on the data from a special computing system called EASY, introduced during the 2015 peak influx (and known to be prone to shortcomings, such as double registrations), and had to be corrected in September 2016. Then the German government revised the figure for all asylum seekers that arrived in 2015 from 1.1 million to 890,000, downwards by around 20 percent (media report [here](#)). Replying to an AAN query, the spokeswoman of the interior ministry explained by e-mail that on 16 January 2017, “It is impossible, unfortunately, to specify the figure of the 890,000 according to individual nationalities.”

This means there is no reliable total for how many Afghans actually came to Germany in 2015. What can only be assumed is that it is likely also lower than the 202,668 calculated above; if the 20 per cent error margin was used, this would put the number closer to 160,000. (1) The government’s 2015 Migration Report has only 94,902 Afghans “settling” in Germany that year, a category that includes asylum seekers. (The net increase was even lower, at 89,931, indicating a registered outmigration of almost 5,000 Afghans in the same year.) For the other groups that fall into that category – labour migrants, family reunions, students and others, including so-called local employees who had worked for “German authorities” in Afghanistan (this includes the army, intelligence and civilian authorities) (2) – only 1,423 visas were granted by the German embassy in Kabul in 2016 (by mid-November). From that it can be concluded that an overwhelming majority of the almost 95,000 Afghans that “settled” in Germany in 2015 were asylum seekers – but again this number differs from the EASY system and BAMF figures published.

The number of Afghans who formally requested asylum probably reflects the extent of the rise of the Afghan diaspora in 2015/16 more correctly: the total for both years is 158,394. (It is likely, though, that it includes some who had come into the country before the 2015 migration peak and used this cover in an attempt to legalise their stay. Others might not have applied yet.) While the numbers of Afghans applying for asylum was relatively low in the years immediately before 2015 (2013: 8,240 cases; 2014: 9,673 cases), a large Afghan community of 126,334 persons (figure from 2009) already was in the country. It included many who had fled from war and a series of repressive regimes in the 1980s and 1990s (see [here](#)), but around 40 per cent of them (49,081) had already received a German passport by then, showing the degree of



integration into German society. Remarkably, these Afghan immigrants did not have to face the high degree of anti-immigrant hatred exhibited in 2015/16.

According to recent official [figures](#), Afghan citizens living in Germany numbered 246,954 by 30 September 2016 – this includes everyone with a permanent residence permit (6.6 per cent) or any type of temporary residence permit (71.0 per cent). (3) More than one third (91,359) were children under 18 years of age. From these figures can be concluded that between 2009 and 2016 the net growth of the Afghan community in Germany (including all asylum seekers) was 120,000 people.

In 2015, around one fifth of the Afghans arriving throughout this year (31,382) were able to formally apply for asylum. This led to a large backlog of Afghans (and other nationalities) registered in the EASY system but not yet officially asylum seekers; the German authorities started processing their number only in 2016. Therefore, while 48,622 more Afghan asylum seekers entered Germany in 2016, the number of Afghans applying for asylum rose to 127,012 in the same year (17.6 per cent of all countries of origin), including newcomers from 2015 and 2016 and older cases. (Already 364,664 asylum cases were pending from all countries of origin by 31 December 2015; the accessible Eurostat data does not contain pending cases per country of origin.)

The number of Afghan first asylum applicants stood at 158,394 at the end of 2016 – the second largest group among all countries of origin after the Syrians. Among those Afghan applications, 4,744 were unaccompanied minors in 2015 and 7,509 in the first half year of 2016. This was the highest number among all countries of origin. (There is no country-specific data about this category in the reports for the entire year of 2016, see also [here](#))

Of the 2015 and 2016 Afghan asylum applications, altogether 74,212 were decided upon in the first instance in both years. In 2015, 5,966 Afghan asylum cases were decided in the first instance, (4) while this number rose more than tenfold to 68,246 in 2016. But despite this rise, more than half of all applications were still pending.

In 2015, 2,842 of those cases ended positively; 48 Afghans received full political asylum (according to the Geneva Refugee Convention), 1,660 refugee status, 325 subsidiary protection and 809 were granted *Abschiebeverbot* (temporary leave to stay; a literal translation from German sounds even stronger: “ban from deportation”). Although *Abschiebeverbot* legally is not a protection title and therefore can be revoked on short notice, it is officially counted under the “protection rate” (*Schutzquote*). This added up to a protection rate for Afghans of 47.6 per cent in 2015. (This rate had been 47.9 per cent in 2013 and 46.7 per cent in 2014.)

In 2016, not only absolute figures but also the protection rate rose significantly. Of the 68,246 Afghan cases that came to a decision, 38,090 ended positively (80 with full political asylum; 13,733 with refugee status; 5,836 with subsidiary protection and 18,441 with *Abschiebeverbot*), leading to a protection rate for Afghans of 55.8 per cent. (5) The latter was still well under the average rate for all countries of origin: 62.4 per cent. Altogether, the cases of 25,636 Afghan



asylum applicants were refused in 2015 and 2016 while those of 7,644 others were decided “in other ways.” (This legal category mainly refers to “Dublin cases.”) (6) Human rights NGOs in Germany argue that those cases should not be counted for the “protection rate,” as they are not decided upon on substantial reasons but finalised procedurally only. Doing so, this rate would raise for Afghans from the official 55.2 to 61.5 per cent. Why this is relevant, we shall see below.

At the same time, as a result of the reintroduced border controls, the number of migrants who were refused entry into the country at its borders rose in 2016. The Federal Police reported 21,200 [cases](#), but no countries of origin were given. An earlier [report](#) covering the first half of 2016, with 13,324 such cases, said that every fourth person was an Afghan, including, according to another media [report](#) 458 under-age persons, “most of them” from Afghanistan.

Slowing down Afghan cases

At the end of 2016, 417,076 asylum applications from all countries of origin were pending in Germany, a rise compared to a year earlier. (A large number of these cases are likely remaining from before the peak influx in the second half of 2015; there were already 150,257 pending cases – from all countries of origin – at the end of 2014.)

Almost one quarter of all first-instance pending cases (101,382) were those of Afghans, the largest number among all countries of origin – and clearly (by 40 per cent) above their percentage among all asylum seekers. Afghans also had a relatively high number of pending follow-up cases (1,474 in the second and third instance) at that time. This resulted from a government decision to prioritise cases that were easy to decide (from countries that either were declared safe – with a likely rejection – or those with a high acceptance quota such as Syria and Eritrea). Afghanistan fell between, leading to a situation where relatively few Afghans cases were decided and where the duration of an Afghan case was almost three times that of the overall average in March 2016: 15 versus 5.2 months (reported [here](#)). That led to a series of 560 legal actions for failure to act submitted by Afghan asylum applicants in the first quarter of 2016.

Afghans were also the largest national group in 2016 among asylum seekers who ended up with a form of ‘lower quality’ protection, ie subsidiary protection (5,836 cases) and *Abschiebungsverbot* (18,441), indicating that they found it more difficult to receive full political asylum or refugee status according to the Geneva Convention. Full political asylum was awarded in only 80 (around 0.1 per cent) and refugee status in 13,733 (around 15 per cent) of all Afghan cases (68,562) that were decided in 2016. (7)

The German-Afghan migration ‘agreement’

To decrease numbers of asylum seekers in general, the German government did not only take steps to keep refugees away from its own borders – for example by initiating the EU-Turkey deal – it also adopted various measures to make asylum in Germany less attractive. Legislation



governing asylum, residence and integration has been tightened twice since October 2015. Several states reintroduced compulsory residence for asylum seekers. As a result, they are restricted to looking for accommodation in a limited area on an already tight market, and they lose social welfare if they violate the new regulations. This provision also prevents them from moving in with relatives outside their 'area of residence'. A third legislation package that included plans to further reduce in-cash support for individual asylum seekers was [rejected](#) by the upper house of parliament on 16 December 2016. In Afghanistan itself, the government (like the Australian and the Austrian ones) launched campaigns to discourage more Afghans from leaving the [country](#).

With its bilateral 'readmission' agreement with the Afghan government – signed on the same day as the EU-Afghan "Joint Way Forward" framework document, 3 October 2016 – the government in Berlin opened the way to more 'returns' of rejected Afghan asylum seekers. The agreement is called "Joint Declaration of Intent on Cooperation in the Field of Migration," but its text has not been published (AAN has seen a copy in English). AAN also has learned in Kabul that the Afghan government had asked that the document not be called an "agreement," as in that case it would have to be submitted to the Afghan parliament where approval was far from sure – see the events around the Swedish agreement mentioned in part 1 of this series (see also [here](#)).

In their agreement, both governments stress that they see "voluntary return" as the "preferred way of fulfilling the obligation [of rejected asylum seekers] to leave the country" and commit to protect "asylum seekers and refugees rights" according to international law. Germany further guarantees that it "will continue to grant protection to those (...) who are entitled to it under German law." At the same time, both sides agree "that effective enforcement measures need to be taken in a timely fashion, if the voluntary return does not take place within the given time limit." The agreement also states that voluntary returnees "will receive all available benefits from current programmes" and "will have the right to apply for any future return programme."

The agreement indeed sounds as if the German federal government wants to push Afghan asylum seekers to opt for voluntary return (and the – not too generous (8) – attached financial incentives) even before their cases are definitely decided, including the appeal option that is open to each applicant when rejected in the first instance. The threat behind it is clear: Leave and take the assistance offered before you are rejected and returned without any assistance. This approach is heavily criticised by non-governmental organisations in Germany. In 2016, 3,159 Afghans in Germany took this option.

Afghanistan: Safe for deportations?

Starting in late 2015, the German government singled out the Afghans for particular treatment. This has to do with widespread Afghanistan fatigue in Germany's political class, parts of the media and the public. Federal interior minister Thomas de Maizière, who is from chancellor Angela Merkel's party and has the lead in her cabinet on migration-related issues, put it into words when he stated on 28 October 2015 (my transcript and translation from a video, [here](#))



German soldiers and police contribute to make Afghanistan secure. Much development aid went to Afghanistan. So one can expect that the Afghans stay in their country.

In the same press conference, he called it “unacceptable” that Afghans were the second largest group among incoming migrants (at that point this was true for all of Europe, but not for Germany where they were still only the fourth largest group). At a [meeting](#) of EU interior ministers on 9 November 2015, he announced, “We want that the signal gets to Afghanistan: ‘Stay there! We will send you out of Europe (...) directly back to Afghanistan!’” Later in the same month he stated: “When you deport, more people also depart voluntarily.” (see [here](#))

This approach is based on a combination of two assessments by the government of the situation in Afghanistan that are, however, challenged by many in Germany. This includes members of Merkel’s own government and MPs who belong to the smaller social-democrat coalition partner and governments of some of Germany’s federated states (the *Länder*), not to mention NGOs and the opposition.

The government’s first claim is that Afghans have “low chances to stay” (*geringe Bleibechance*) in Germany, based on its decision that such a definition applies for any nationality of asylum seekers with a “protection rate” of under 50 per cent in the previous period of six months (formerly one year). Afghans, between 2013 and 2015 had a rate of (just) below 50 per cent (but above it in 2016). This method is sharply criticised by non-governmental organisations working with asylum seekers. The biggest of them, Pro Asyl, says that a “sociological” grouping of immigrants prejudices the outcomes of their cases and, as a consequence, undermines the constitutional principle that asylum cases need to be decided on an individual basis – an accusation that the government vehemently denies but which plenty of cases prove to be true (see remarks about the “Memorandum for a Fair and Accurate Asylum Procedure” below).

Secondly, the German government projects Afghanistan, at least in part, as a country safe enough to receive rejected asylum seekers. This is doubted, significantly, by a number of governments of the German federated states (the *Länder*) and challenged in the “Memorandum for a Fair and Accurate Asylum Procedure in Germany” (see [here](#)) published by Pro Asyl and 11 other social, human rights and legal organisations in late 2016. The authors state, among other things, that “changes in legislation and political directives influence decision making by the [BAMF], while the situation in the particular countries of origin did not significantly change.” In their view, it should be the situation in the country of origin and individual circumstances in each case on which decisions about asylum are taken, not domestic political considerations.

Meanwhile, the December 2016 terrorist attack in Berlin, the October 2016 rape and killing of a young woman in Freiburg by an Afghan immigrant and the July 2016 amok run by a young Afghan in a train increased pressure to deport “criminals” among the asylum seekers. (9) Now, the threshold for deportation is rather low at times, as shown in the case of an Afghan who was scheduled for deportation after he was fined for throwing a beer mug during a brawl at a local festival (without injuring anyone) (see [here](#)); it is not clear whether he has already been returned. Among the 60 Afghans on the first two charter flights, in December 2016 and January



2017, of involuntary returnees was a number of criminals, according to the German government, but it gave no further details. As German media [reported](#), the Afghan authorities were not made aware of this fact.

Afghans as 'second-class' asylum seekers

This government policy has contributed to a political climate in which Afghans are increasingly seen as not fully entitled to protection and as economic migrants, not refugees fleeing from war. Susan Fratzke of the Migration Policy Institute Europe, headquartered in Brussels, [said](#), “There’s definitely a distinction being made, at least in the public mind, [about] nationalities who are considered to be ‘legitimate,’ as refugees.” This is reflected by the treatment of Afghans by local administrations that, under the German federal system, deal with the accommodation of asylum seekers and their inclusion into measures furthering their integration, such as through language courses which, in turn, are key prerequisites for gaining access to the job market if granted protection. (10)

There are plenty of reports in the German media, by NGOs and the still large number of volunteers that Afghans are increasingly excluded from such measures. The northern port city of Stralsund, for example, has moved Afghan refugees “for organisational reasons” out of apartments back into mass accommodation facilities (see [here](#)). In the state of Bavaria, the interior ministry issued a regulation in late 2016 that limits the hand-out of work permits for asylum seekers from countries with a “low chance to stay.” Volunteers from the town of Garmisch-Partenkirchen and from areas around Munich have even told the [press](#) that some local authorities have actively started withdrawing already granted work permits “particularly from Afghans and Pakistanis.”

Inequality in the treatment of Afghans (and others) also extends to the BAMF, the governmental authority under the federal interior ministry that evaluates and takes decisions about asylum applications. The memorandum already quoted above lists a number of such examples:

- asylum seekers being inadequately informed about their rights and duties;
- asylum seekers having insufficient access to legal advice and representation;
- speeded-up procedures blocking effective access to due process and negatively impacting accuracy and fairness in the process;
- BAMF officials not fulfilling their fiduciary duty vis-à-vis applicants;
- hearings being held in an “interrogation-like” atmosphere;
- personal circumstances of applicants being insufficiently considered;
- officials “not approach[ing] the hearing objectively and without bias”;
- translations being inexact, harming the applicant’s chances of success; and
- the “use of text modules” in hearing verdicts, showing that decision-takers did not sufficiently consider individual cases.

There were cases, the authors further wrote, with “improper deliberations in rulings that led to the suspicion that responsible BAMF officials were aiming from the beginning to reject the



asylum application.” (11)

Also the renowned Hamburg-based weekly Die Zeit, in in-depth [research](#) into the German asylum practice vis-à-vis Afghans, published in November 2016, quoted an anonymous BAMF staff member as saying that “it is politically desired that now many Afghans are rejected.”

Furthermore, Pro Asyl calls the German authorities’ behaviour an “unofficial but systematic strategy of discouragement.” It also accuses them of deliberate “duping and wrongly advising” asylum applicants in order to make them take the ‘voluntary’ return option (quote [here](#); see also [here](#)). This seems to work: Now that almost 3,200 Afghans have ‘voluntarily’ returned in 2016 (tenfold the 2015 [figure](#)), one fourth of those 12,539 Afghans “required to leave” (see [here](#)) – the official term for finally rejected asylum seekers – could already be outside the country. (The categories, however, do not fully overlap; various media reports speak of individual Afghans who gave up before they had fully exhausted the legal asylum procedure and particularly the option to appeal.) NGOs such as Pro Asyl warn asylum seekers not to prematurely throw away the chance to be granted protection.

Even media leaning to the conservative side, such as Focus magazine, [called](#) the result of the German asylum policy a “two-class society among refugees”.

A climate of fear and doubts

All this has created an atmosphere of fear among Afghan asylum seekers. Volunteers in Hamburg, for example, told AAN that young Afghan men, particularly, were leaving jobs and vocational training “and going underground, saying ‘this does not make sense anymore if we are deported anyway.’” There are recurrent reports about suicide attempts, linked with the December 2016 deportations but also during previous individual, then abolished deportation attempts (media reports [here](#) and [here](#)).

The government’s approach needs to be put into the context of the domestic policy debate before the upcoming general elections in September 2017 and a situation in which, for the first time in decades, an anti-immigrant party looks prone to enter the federal parliament, the Bundestag. Particularly because the German-Afghan ‘readmission’ agreement will unfold simultaneously with the election campaign. Its text stipulates that in an “initial phase of six months (...), it is necessary to limit the number of returnees per flight for involuntary return operations (...) to 50.” This covers the period from the date of signature, 2 October 2016, to 2 April 2017. Although no frequency for the flights is explicitly stipulated for the initial phase, the agreement allows the number of flights and returnees to increase from April 2017 onwards.

Immediately after the agreement with Afghanistan was signed, minister de Maizière sent a letter to the interior ministers of the *Länder* (the states in Germany’s federal system) (see [here](#)) demanding its implementation “without delay (...), now that we have a considerably better base to work on.” But it took till December for the first flight to depart, as some *Länder* refused to cooperate. One of the main reasons is that they are sceptical about the federal government’s



assessment of the security situation in Afghanistan and, as a consequence, of the feasibility of enforced returns. The first return flights, however, were preceded by the revocation of an informal *Abschiebestopp* (leave to remain; see [here](#)) that had been in force for rejected Afghan asylum seekers for over ten years, agreed upon by the Interior Minister Conference of the *Länder*. In late 2015, under pressure from the federal interior ministry – and its description of parts of Afghanistan as “sufficiently secure” – individual states declared the *Abschiebestopp* over, starting with social democrat-governed [Hamburg](#). (Hamburg, a port city, traditionally has the largest Afghan community in Germany.) Other states, however, publicly stated that they would stick to their decision to not support ‘involuntary returns’ of Afghans. These [reportedly](#) include Berlin, Rhineland-Palatinate, Lower Saxony, Bremen and Schleswig-Holstein. Anne Spiegel, Rhineland-Palatinate’s minister responsible for integration, [said](#) in November 2016, “I continue to look at deportations to Afghanistan with extreme scepticism because of the security situation there” – indicating a lack of trust in the federal government’s assessment.

In November already, the German *Länder* Interior Minister Conference had urged the federal government to update its Afghanistan assessment “in cooperation with UNHCR and IOM.” The resulting UNHCR report (only available in German, [here](#)) contradicted the government’s assessment in “diplomatic but nevertheless unambiguous words,” as one German newspaper [wrote](#). IOM’s official answer is not known yet, but its director general, in an interview with a German [newspaper](#) in December 2016, supported the government’s stance. Following this ambiguous outcome, Schleswig-Holstein’s interior minister urged his *Länder* colleagues to temporarily renew the *Abschiebestopp* until the assessment of the Afghan situation has been clarified.

Will Germany treat Afghans fairly again?

Now it remains to be seen whether the latest development, particularly the rise of the Afghans’ 2016 protection quota to over 50 per cent, will have political repercussions and restore fair access to integration and language courses, work permits and access to jobs and vocational training for Afghan asylum seekers. An analyst of a large NGO working in the field who asked AAN not to be named quoted contacts in BAMF as saying that the agency had so far processed Afghan families’ applications who have a higher chance of recognition but that currently – since December 2016 – hearing of single Afghan men are being held and that BAMF therefore expects the “protection” rate to steeply drop again. Therefore, he was told, “it was not worthwhile” to change the “bad chances to stay” assessment for Afghans. The federal interior ministry also told the Dari programme of Deutsche Welle [radio](#) in early December 2016 that the 2016 increase in the “protection rate” would not result in a reopening of the doors of integration courses for Afghans. Publicly –in answer to an oral question in [parliament](#) on 17 January 2017 – the government’s spokesman was more diplomatic and said that this question is currently “considered.”

Some conclusions

The dropping number of asylum seekers arriving in Europe after the peak in the second half of



2015 reflects that the combination of closed and reinforced borders, tightened laws, lowering standards of humanitarian and integration measures and their treatment as ‘second-class asylum seekers’ in some countries, a general atmosphere of discouragement for incoming Afghan migrants and the system of readmission agreements has worked, from governments’ point of view. The EU-Turkey deal has particularly affected Afghans while it did not work on Syrians. This is demonstrated by the over proportional drop in the number of incoming Afghans in 2016, particularly from March onwards. But these measures have not stopped Afghans fleeing their country in general; the difference is that Afghans do not reach Europe easily anymore. Many might have been discouraged from starting the long, dangerous journey with its uncertain outcome while others are stuck at the closed borders with no – or a much more difficult and dangerous – way forward, and no willingness to go back. Particularly for those migrants, conditions have considerably deteriorated. AAN colleagues Martine van Bijlert and Jelena Bjelica have described this in detail from Serbia (their most recent dispatch [here](#)).

The general drop in incoming asylum seekers in 2016 in Germany has had a side effect. According to [Günter Burkhardt](#), the chief executive of Pro Asyl, the largest German NGO working on migration, “in Germany now accommodation facilities are standing empty, while in Greece refugees live in the streets and often even do not get the chance to register their asylum request.” This shows that also Germany fails to show solidarity with other EU countries, despite its better general performance compared to most others.

In Afghanistan’s case, the on-going exodus (not only) to Europe reflects an unchanged – and partially even worsening – general security situation in the country. The combination of a lack of security and fears of an uncertain future, after four decades of war, continue to motivate people to leave (see AAN analysis from our project with the FES [here](#)). Under these circumstances, deportations to Afghanistan are highly problematic. This is indirectly reflected in the policies of European governments who have, in 2015 and 2016, carried out fewer deportations to Afghanistan annually than in the previous years.

Nevertheless, the support for voluntary returnees – that covers a short transition period at best – and the even lower support for the forcibly deported show that the multi- and bilateral readmission agreements that declare that integration programmes should be set up have not translated into visible action yet at this point. They also cannot substitute for still needed comprehensive and long-term political and financial investments to remove the main trigger of the exodus, the on-going war, and to address the underlying socio-economic causes of it. Not least, this will require the Afghan state to drastically improve its own performance vis-à-vis its populace.

The earlier parts of the FES-funded AAN dispatch series are:

- Fazal Muzhary and Jelena Bjelica, “Afghan Exodus: Can the Afghan government deal with more returnees from Europe?” 31 October 2016



- Noah Arjomand, “An Afghan Exodus: Smuggling networks, migration and settlement patterns in Turkey,” 10 September 2016

(1) As already stated in part 1 of this dispatch series, the German government nevertheless continues to use the uncorrected figure in the annual asylum report for 2016, published in January 2017 (see [here](#)). The most recent migration report, [published](#) in December 2016, contains the correction.

(2) According to the report, 771 visas for Afghan local employees were granted in 2015, adding up to almost 2,000 persons, including family members.

(3) The category for the remaining 22.5 per cent (“others”) is not explained but it can be assumed that these are asylum seekers with pending cases. Afghans living in Germany illegally obviously are not covered here; AAN also has not come across any figure or even estimates.

(4) Surprisingly enough, the federal government gave completely different figures for 2015 in an answer to a parliamentary [query](#) in November 2016, namely 31,902 decided cases, ie five times more than in the BAMF annual report. Also the data for 2015 in the related table on p 21 does not add up at all.

(5) The figures for under-age Afghans in the first half of 2016 were as follows: Decisions were made about only 331 cases; in 98 cases refugee status, in 25 subsidiary protection and in 112 *Abschiebungsverbot* was granted. This results in a protection ratio of 71 per cent. 38 applications were rejected and 58 closed otherwise, based on the Dublin provision or other regulations. Processing those cases took 10.6 months on average – while the average for all under-age cases stood at 7.4 months.

(6) Those NGOs particularly challenge the inclusion of the so-called Dublin cases, as this pushes the protection rate down, as these cases do not involve a “substantial” decision (ie whether the applicant is entitled to any form of protection or not) and, when included, strengthen the percentage of cases that did not end with a form of protection. They suggest that an “adjusted protection rate” is used instead that excludes the Dublin cases altogether. This would have brought the protection rate for Afghan over the 50 per cent threshold already in 2015 and put them in the category of good “chances to stay” instead of bad ones, with all repercussions for integration.

(7) At the same time, the number of Afghan asylum applications started dropping significantly in the second half of the year: from the peak in August 2016 (19,840 applications) to 14,434



(September), 5,351 (October), 2,937 (November) and finally 1,822 (December) – ie their number went down to less than 10 per cent within half a year. It was not clear whether this was due to a new procedural approach or because the number of Afghans without an asylum application was exhausted. Refugee legal activists, however, told AAN that German authorities had prioritised the cases of families, which also explains the increased protection rate, and that they now were preparing to process the (larger number of) cases of single men in what is expected to result in a much lower protection rate again.

(8) Under the IOM-managed REAG/GARP programme (see [here](#)), for Afghans transportation costs by plane is covered or travel assistance of 200 Euro per adult/youth and 100 Euro per child under 12 years of age can be paid. An IOM official spoke of about 700 Euros in cash at the airport before departing Germany when talking to AAN; additionally BAMF compiles a list of persons eligible for additional financial support in Afghanistan through the IOM office in the range of an equivalent of 800–2,500 Euros, s/he told AAN. According to REAP/GARP, voluntary returnees can also apply for start-up cash of 500 Euros per adult/youth and 250 Euros per child under the age of 12 – with a maximum amount of 1,500 Euros to families that are so-called “Dublin cases,” ie are “required to leave” not to their country of origin but to the EU country where they had been first registered upon entry.

(9) Current law already provides that those asylum seekers are exempted from protection from deportation whose presence is a threat either “to the security of the country” or “to the general public.” Now some politicians (not only from the neo-populist right wing) suggest allowing deportation for minor offenses, including repeatedly riding public transport without a ticket or breaching limitations of residence.

(10) A Swiss study has found (based on quantitative research of cases between 1994 and 2004 in this country, quoted [here](#)) that a long duration between the asylum application and the decision about it “significantly reduces” the likelihood of finally accepted asylum seekers to find a job.

(11) Many of the shortcomings pointed out in the NGOs’ memorandum were already mentioned in an earlier version in 2005 and, the authors stated, have therefore to be considered “structural deficiencies in the German asylum procedure.” They add that “over-long” procedures in individual asylum cases did “not only exist since the rise in the number of asylum applications” in 2015.