Date 2 February 2016
Subject Presentation of WODC investigation ‘How (un)restrictive are we? ‘Adjusted’

I herewith send you the results of an investigation conducted by the Scientific Research and Documentation Centre (WODC). This investigation delved into the differences between asylum recognition rates in the first instance, between European Member States. In 2014 the relatively high asylum recognition rates in the Netherlands gave rise to Parliamentary questions. These Parliamentary questions included questions on the backgrounds of the international differences in terms of these rates and the relatively high asylum recognition rate in the Netherlands. The Ministry of Security and Justice asked the WODC to investigate the scope of these differences.

In this letter I convey my response to the main findings of the investigation.

**Main findings of the investigation**

Asylum recognition rates in European Member States are difficult to compare, because each country is faced with a different composition of the asylum population. A comparison is more meaningful when asylum recognition rates are compared for asylum seekers with the same nationalities, even though such comparisons will also have restrictions.

The WODC investigation applied statistical techniques, so that the comparison of the asylum recognition rates would be enhanced. This investigation offers a clear insight into the extent to which asylum applications in the various Member States may lead to recognition. The WODC clarified how asylum recognition rates can be compared in two different ways. Firstly the adjusted asylum recognition rate was calculated. This rate indicates the recognition rate for asylum applications, but only if all countries in Europe received exactly the same composition of asylum seekers (in terms of gender, nationality and age). Secondly the expected asylum recognition rate was calculated. This rate indicates the expected number of applications granted, if the Netherlands were to process the applications for asylum exactly in line with the average for all countries of the EU.

The investigation indicates that the international differences in asylum recognition rates are smaller when adjusted to compensate for the effects of the composition

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of the asylum population in a Member State. However, substantial differences still exist. When one looks specifically at the likelihood of recognition on international grounds, the EU countries with the highest (adjusted) asylum recognition rates still appear to grant twice as many asylum applications compared to the countries with the lowest (adjusted) asylum recognition rates.

The investigation indicates that the Netherlands is actually a relatively restrictive country, rather than a relatively flexible country. This implies that the Netherlands will grant relatively fewer individuals asylum status for a group of asylum seekers coming from the same country of origin, compared to other Member States. The investigation is limited to these quantitative specifics, but does not provide any further explanation(s) for the various asylum recognition rates between European Member States. However, the researcher does list explanations that are referred to in the literature. The scientific literature suggests that the remaining differences are related, to a significant extent, to the international differences in the willingness to accept asylum seekers — for example, as a result of differences in unemployment rates between countries and / or the attitude of the population towards (asylum) migration. In addition, the differences could stem from legal, procedural differences between countries.

Response to the main findings
The results of the investigation affirm the government’s previous assumption that the asylum recognition rate in the Netherlands does not differ considerably from other European countries, when adjusted for the composition of the asylum population. The fact that the Netherlands has a higher actual asylum recognition rate could, according to the researcher, substantiate the government’s assumption that the Netherlands receives many applications for asylum from applicants who have a higher chance of being granted asylum in the EU.

The differences in asylum recognition rates show that this is one of the aspects of the Common European Asylum System (CEAS) which could be improved. Now, while the EU is facing an unprecedented high influx of asylum seekers, it is especially important, at an international level, to continue to call for harmonisation of the asylum policy amongst the Member States. This makes it possible to prevent the formation of a secondary flow of migration consisting of asylum seekers who try to travel on to that particular Member State where an application for asylum has the highest chance of success. Also, in the context of the EU redistribution arrangements for (relocation of) asylum seekers, it should not matter to the asylum seeker which European country will assess the application for asylum, in terms of the outcome of the asylum application.

This finding is a signal that much must still be done in Europe in order for harmonisation of the asylum policy amongst Member States to be taken a step further. In the context of the EU Presidency, the Netherlands has therefore taken the initiative to enhance harmonisation of the policy pursued by Member States, with respect to asylum seekers’ countries of origin.
The core of this initiative is a proposal for the establishment of a network of policy experts from the Member States, which, under the coordination of the European Asylum Support Office (EASO), as a result of a (joint) report about a country of origin, will provide clarification on the asylum policy with respect to the relevant country.

Minister for Migration,

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