

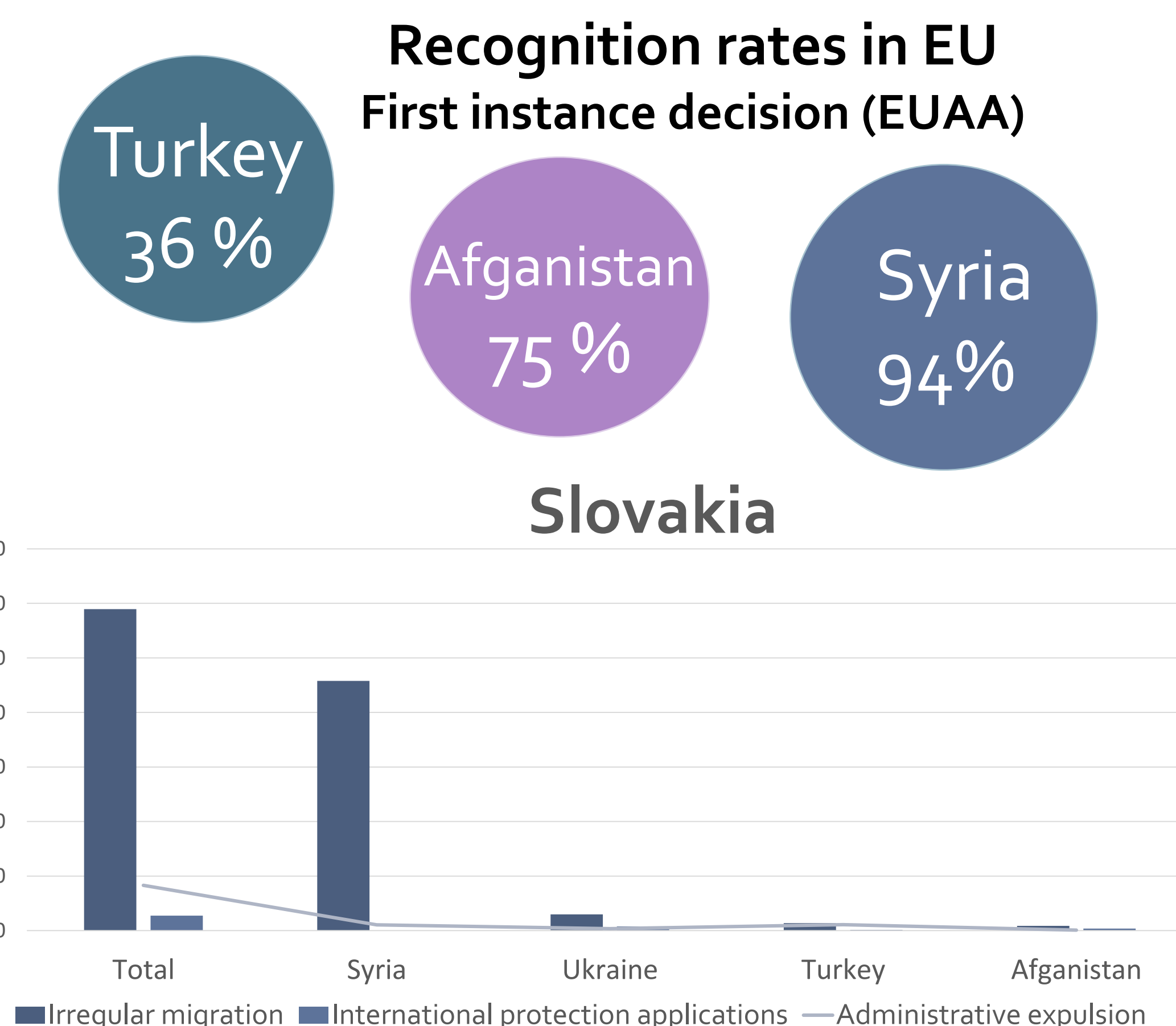
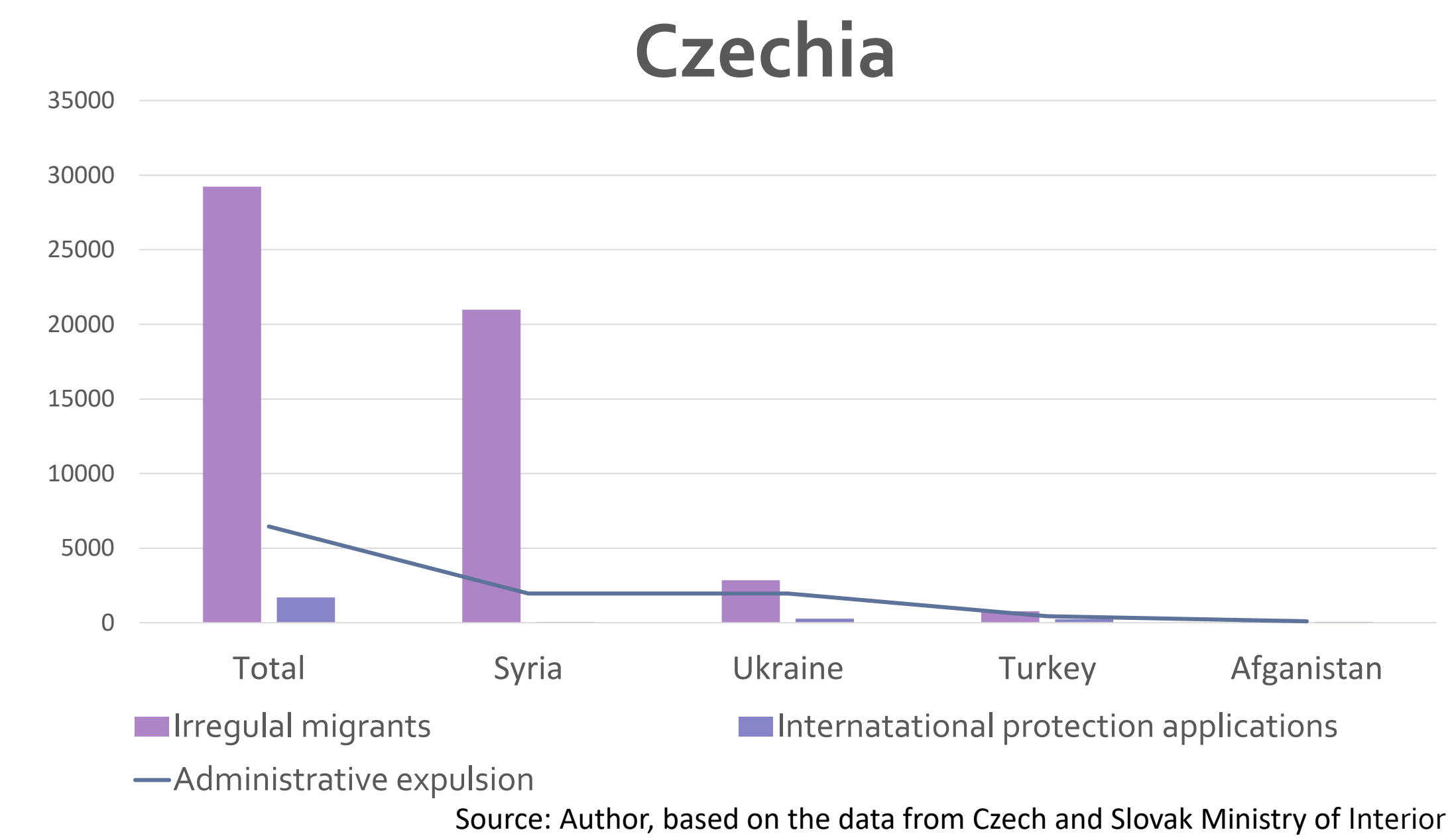
# Refugees in the shadow of irregularity – equal rights, unequal consequences?

## Facts and figures

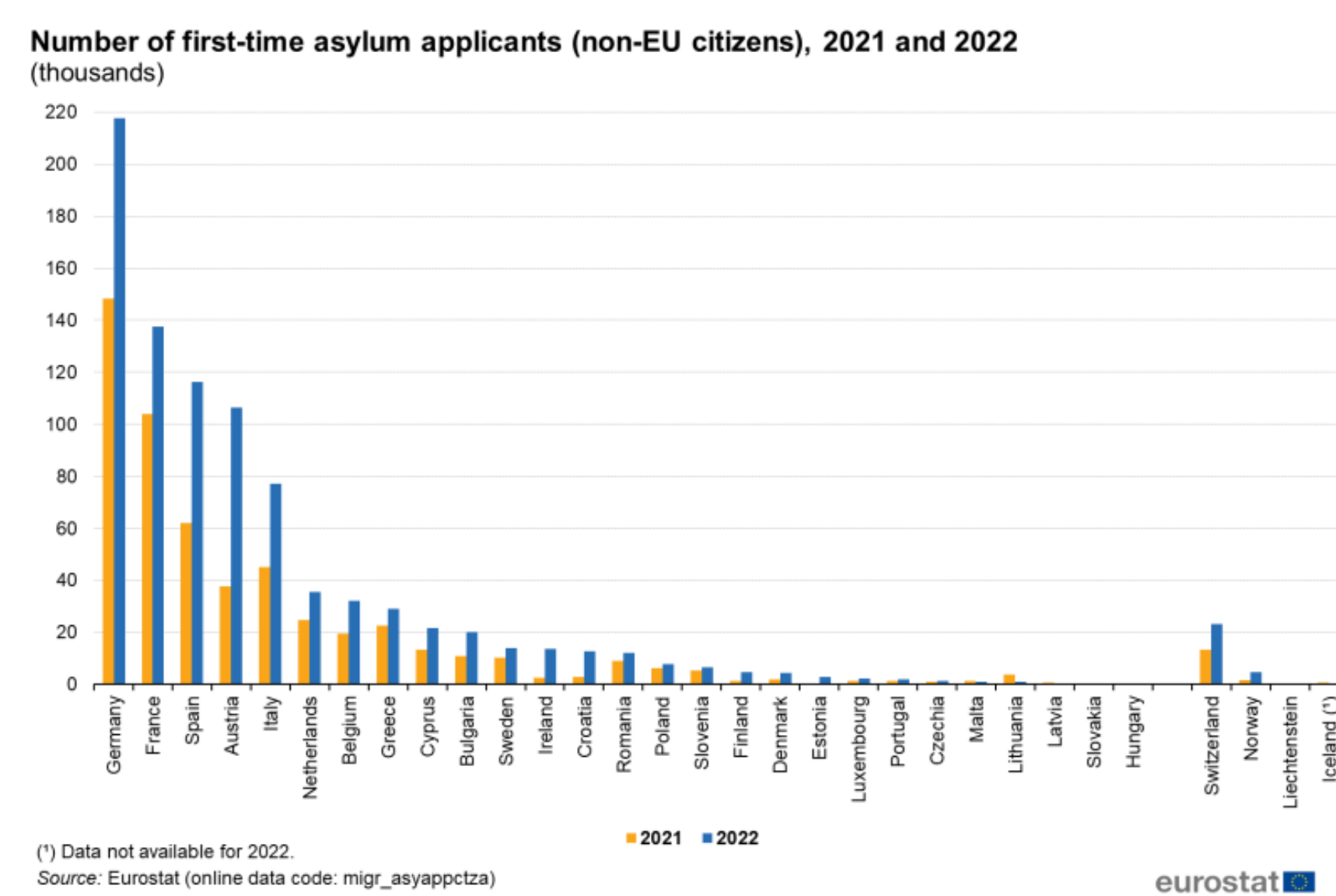
Significant increase in irregular migration due to changes in the Western Balkan route.

**Czechia**  
From 11 170 cases in 2021 to 29 235 cases in 2022  
(the ratio of irregular transit migration went from 12 to 75 %).

**Slovakia**  
From 1 169 cases in 2021 to 11 791 cases in 2022.

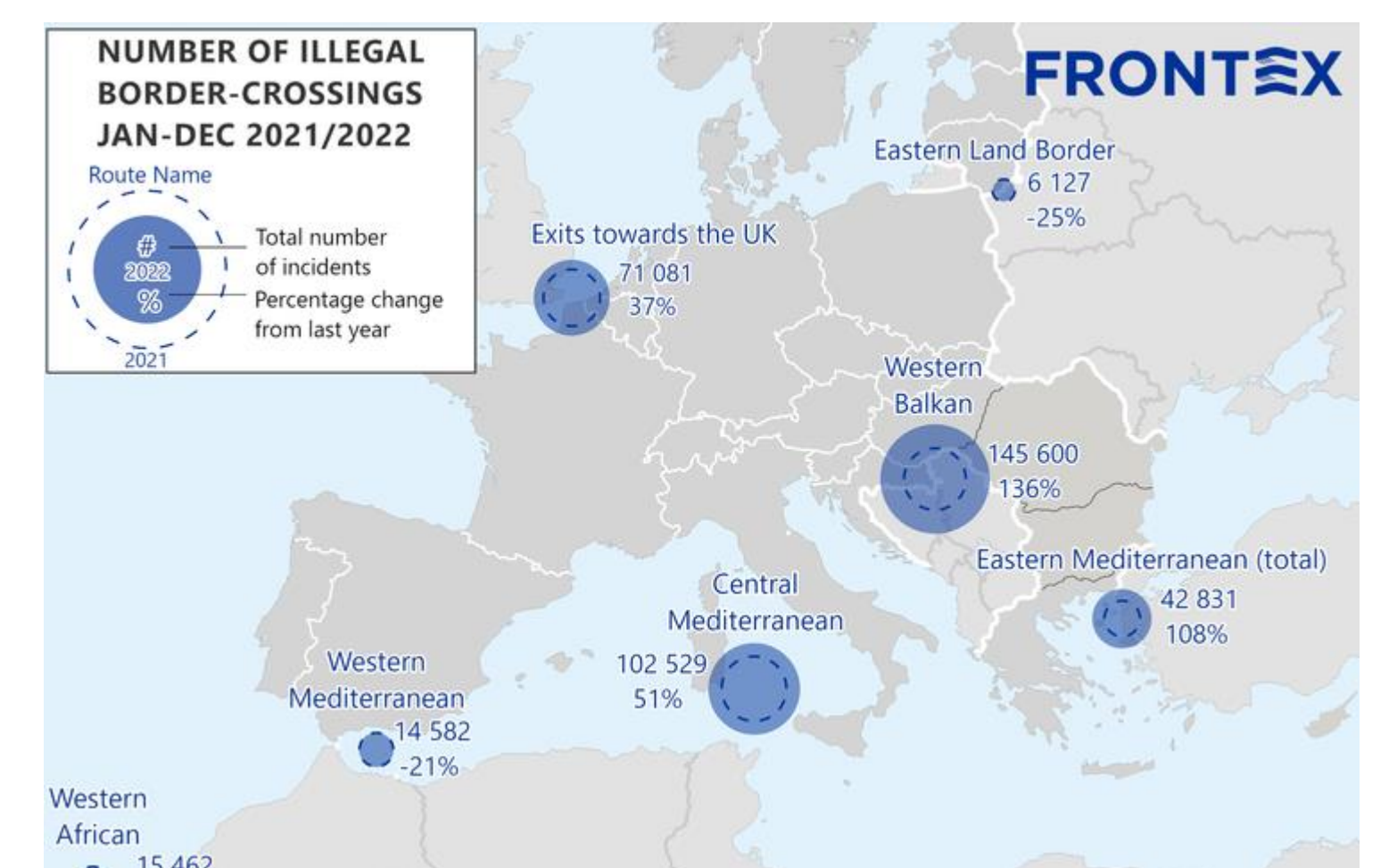


## Main countries of destination



## Transiting refugees – where do they go?

- Standard procedure – administrative expulsions (including detention).
- Since June 2022 – readmissions to Slovakia based on the Readmission Agreement (with previous detention).
- Since August 2022 – only removal orders.
- Extremely low number of international protection applications (only 50) compared to the number of illegal entries of Syrian citizens, despite high recognition rates on the EU level as well as in the Czech Republic (93 % for Syrian refugees, 76 % for Afghan refugees, although very small sample – 41 decisions Syria, 55 decision Afghanistan).
- No restrictions on the way to the country of destination, possibly due to the Ukrainian crisis and a high number of Ukrainian refugees (473 216 registered Ukrainians in 2022).



## Research focus

- What are the practical barriers to accessing the refugee status determination procedure („RSD“) in transit countries?
- What are the consequences of the decision not to apply for asylum in transit countries?
- Analysis of the possible solutions.

## Access to RSD

### Barriers

- Legal barriers to applying for international protection (mostly time limits for applications while detained).
- Lack of information and understanding of the consequences of the decision not to apply for asylum and the return proceedings (apparent from the case files and interviews).
- Lack of legal aid, mainly during the initial phase of the proceedings.
- Problems identifying language spoken by migrants and consequent lack of information.

## Access to RSD

### Consequences

- In case of administrative expulsion lack of reception conditions, often detention with all negative consequences, including effects on mental health, procedural deficiencies (mostly short time-limits for remedies), and possibly forced return.
- In case of removal orders – no detention or forced returns, but still lack of reception conditions (problematic mostly for vulnerable groups), lack of legal aid, potential risks related to the transit.
- Systemic consequences for CEAS – arbitrary derogation from the system and its disintegration?

## Access to RSD

### Solutions?

- Changes in the system determining the country responsible for asylum application – is it time to abandon the first entry rule?
- Information campaigns on the EU level and unified system of providing information?
- Pro-active identification of refugees from certain countries?
- Responsibility-sharing mechanism?
- The Ukrainian crisis demonstrated that the responsibility-sharing might work on a voluntary basis, but only in specific circumstances, as the States' attitudes differ for other migration flows.

## Towards a new solidarity mechanism?

- Agreement of the Council on the asylum and migration management regulation and the asylum procedure regulation (June 2023).
- New rules determining which member state is responsible for the examination of an asylum application (first entry, easier take-backs based only on notifications), although with minor changes from the previous system.
- Solidarity measures – relocations to examine the international protection applications in case of exceeding the indicated number of applicants, direct financial contributions, alternative solidarity measures (services, staff support, facilities, technical equipment). Result – responsibility-sharing with too many exceptions?

## References

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