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Asylum seekers and refugees

Classification of asylum seekers and refugees in internationally comparable migration statistics

Note by Eurostat*

Abstract

The recent surge in the number of asylum applicants in Europe raises the issue of the proper classification of asylum seekers and refugees in the migration statistics, and in the population statistics more in general. While there may be a good statistical coverage of the phenomenon, there is uncertainty as for the internationally recommended practice on the inclusion/exclusion from regular population statistics of those categories of persons. This document proposes a harmonized classification for asylum seekers and refugees in internationally comparable migration statistics, based on a review of the UN recommendations on this subject and taking into account current practices in Europe as well as a recent initiative by Eurostat. The focus here is on statistics based on the concept of usual residence, which is currently the main concept of reference in the international migration statistics. The proposed main criterion for inclusion is based on the 'actual stay' for a period of 12 months, which should be applied regardless of the state of play of the procedure of asylum application at the time of the data collection. A second-best option is the inclusion of refugees only in the migration statistics, regardless of the actual duration of their stay.

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I. Introduction

1. The recent surge in the number of asylum applicants in Europe raises the issue of the proper classification of asylum seekers and refugees¹ in the migration statistics, and in the population statistics more in general². While there may be a good statistical coverage of the phenomenon, there is uncertainty as for the internationally recommended practice on the inclusion/exclusion from regular population statistics of those categories of persons.

2. This document aims to propose a common classification for those categories in both stocks and flows in internationally comparable migration statistics, based on a review of the UN recommendations on this subject and taking into account current practices in Europe and a recent initiative by Eurostat for harmonisation. The focus here is on statistics based on the concept of usual residence, which is currently the main concept of reference in the international migration statistics.

II. Terminology and statistical capture of asylum seekers and refugees

3. In order to clarify the classification of the events, it is useful to review the terminology by briefly describing how asylum applicants and refugees are captured by the statistical system.

4. A person who applies for asylum can be a 'first-time applicant' or a 'repeated applicant', always from the perspective of the reporting country³. Except for cases of e.g. erroneous registration or use of different identification documents, each person is registered as an asylum applicant only once by the national asylum authority, irrespective of whether the application was lodged on arrival at the border, or from inside the country, and irrespective of whether the person entered the territory legally (e.g. as a tourist or overstayed with a permission to stay) or illegally. From the statistical perspective the person is considered an 'asylum applicant' only from the time of official lodging of the application and not when such intention is expressed (Eurostat, 2016a).

5. When (s)he is granted protection status, the person acquires the status of 'refugee' (or other protection status) and usually a residence permit or other permission of stay is issued with a specific validity period, which can be extended. In the case of a negative decision on the asylum application, the person is notified and can be generally ordered to leave the national territory, departure which may

¹ In the European Union, the term 'refugee' does not only refer to persons granted refugee status (as defined in Art.2(e) of Directive 2011/95/EC within the meaning of Art.1 of the Geneva Convention relating to the Status of Refugees of 28 July 1951, as amended by the New York Protocol of 31 January 1967) but also to persons granted subsidiary protection (as defined in Art.2(g) of Directive 2011/95/EC and persons covered by a decision granting authorisation to stay for humanitarian reasons under national law concerning international protection.

² Population statistics are here intended as composed by demographic and migration statistics.

³ First-time asylum applications are country-specific and imply no time limit. Therefore, an asylum seeker can apply for first time in a given country and afterward again as first-time applicant in any other country. If an asylum seeker lodge again an application in the same country after any period of time, (s)he is not considered again a first-time applicant.

take place on individual will or with forced return. However, rejected asylum seekers may also receive tolerated status depending on the individual situation of the person concerned or national policy.

6. Rejected asylum applicants have also right to appeal the negative decision at the higher instance level. Hence, the procedure ends with a 'final' decision which can be positive, negative or of discontinuation (e.g. when a person disappears or expresses such will). After a final decision (positive/negative/discontinuation) has been taken, the person can still apply for international protections, being then classified as 'repeated applicant'; however, this can only be justified in the cases when an evidence of new grounds for asylum application is delivered by the applicant.

7. In the EU there are other categories of interest, related to cases of 'relocation' and 'resettlement'. 'Relocation' is the transfer of persons who are in need of or already benefit from a form of international protection in one EU Member State to another EU Member State where they would be granted similar protection³. 'Resettlement' means a transfer of non-EU national or stateless persons who have been identified as in need of international protection to an EU state where they are admitted either on humanitarian grounds or with the status of refugee. For the sake of simplicity, relocations are here considered within the category of asylum applications and resettlements in the granted protection statuses.

III. Current international recommendations

A. Recommendations in population censuses

8. The classification of asylum seekers and refugees in population censuses within the UNECE region is dealt with reference to the population bases and to the migration topics. As for the former, the §401 in UNECE (2015) states that:

"401. There are various population groups for which some uncertainty may arise about their inclusion in the usually resident population of a country. The following persons should be included... (omitted)

(f) persons who may be illegal, irregular or undocumented migrants, as well as asylum seekers and persons who have applied for, or been granted, refugee status or similar types of international protections, provided that they meet the criteria for the usual residence in the country. The intention is not to distinguish these persons separately, but rather to ensure that they are not missed from the enumeration... (omitted)"

9. Basically the same statement can be found in the census recommendations issued at global level (UNSD, 2015):

"2.53. There are various population groups for which some uncertainty may arise about their inclusion in the usual resident population. The following persons would generally be considered in the usually resident population... (omitted)

(e) Persons who may be illegal, irregular or undocumented migrants, as well as asylum seekers and persons who have applied for or been granted refugee status or similar types of international protections, provided that they meet the criteria for the usual residence in the country;... (omitted)"

And:

"4.37 ... (omitted). Usual residents may or may not have citizenship of the country, and they may also include undocumented persons, applicants for asylum or refugees. Usual residents then may include foreigners who reside (legally or illegally), or intend to reside, in the country continuously for either most of the last 12 months or for 12 months or more, depending on the definition of place of usual residence that is adopted by the country. ... (omitted)"

"4.48. The following difficult-to-enumerate groups are relevant to the production of any population count... (omitted)..."

(d) Refugees, asylum seekers and internally displaced persons. Refugee populations, asylum seekers and internally displaced persons (in and outside camps) should be enumerated and their numbers presented separately, allowing calculation of country population excluding such groups, when such a population count is required for non-demographic purposes.... (omitted)"

10. The latest European census recommendations (UNECE, 2015), in the §672 and §673 of the chapter specific to migration, give also a suggestion on the identification and naming of a broader category encompassing asylum seekers and refugees:

"672. The 'population with refugee background' includes foreign citizens who were 'forced migrants' together with their dependents living in the same household at the census reference time, including children born after the forced migration. Such people can only be identified if the topic on 'reason for international migration' (paragraphs 670-671) is specifically included.

673. The stock of refugees (persons being granted asylum under national regulations and/or international conventions) and asylum-seekers (persons seeking international protection and whose claim for refugee status has not yet been determined) living in a country is often difficult to measure because of mobility of persons and changes in the formal status of the refugee. Countries may use different definitions of the stock of refugees, with specific legal and administrative implications. How individuals perceive themselves may be different again from their legal situation within a country. At the international level, it is suggested to use the common definition of population with refugee background, a group of persons having experienced (directly or indirectly) a forced international migration. This group can be useful for cross-country and across time analyses." (emphasis added)

11. Hence, the main message from the international recommendations for population censuses is that asylum seekers/refugees should be enumerated. The inclusion in the population count⁴ will depend on the typology of population base being considered. For instance, for the usually resident population the criterion of actual/intended stay of at least 12 months should be met. In principle, an asylum application is a clear expression of the migrant's intention of stay. Transient migratory flows of 'potential' asylum seekers, as observed in recent times in Europe,

⁴ The 'population base' is the population used for the compilation of statistical aggregates in a particular tabulation; a 'population count' is the aggregate obtained by the simple addition of individual records from the enumerated population base (UNECE, 2015:77).

can instead be assimilated to temporary visitors because they have left the previous usual residence for a new destination still to be reached.

B. Recommendations in international migration statistics

12. The international recommendations specific to migration stocks and flows (UNSD, 1998) highlight the relevance of the migration category of asylum seekers:

"43. ... (omitted). The cases of asylum-seekers and foreigners whose entry is not sanctioned by the receiving State are not as clear-cut because their presence in the receiving State is by necessity tentative and may be terminated at any moment if asylum is denied or if the foreigner in an irregular situation is caught and deported. However, because in practice many asylum-seekers and migrants in an irregular situation end up staying lengthy periods in the receiving State, they should be regarded as constituting distinct categories relevant for the measurement of international migration."

13. Here it is basically the uncertainty about the duration of their permanence on the national territory to lead to their inclusion in the migration statistics as specific category. In fact, in the international taxonomy of in-flows and out-flows reported in those recommendations, the categories 16 and 17 are attributed to asylum seekers refugees (UNSD, 1998:11-12), as shown in the Figure 1 and Figure 2.

Figure 1: Taxonomy of international flows (UNSD, 1998:11)

TABLE 1. REVISED TAXONOMY OF INTERNATIONAL INFLOWS AND OUTFLOWS
ACCORDING TO ENTRY STATUS ESTABLISHED BY RECEIVING STATE

CITIZENS	FOREIGNERS		CITIZENS
OUTFLOWS	INFLOWS	OUTFLOWS	INFLOWS
1. Border workers departing daily or weekly to work in a neighbouring country	Foreign border workers entering daily or weekly to work	Foreign border workers departing daily or weekly to go home	Border workers returning daily or weekly to their home
2. Departing citizens in transit	Arriving foreigners in transit	Departing foreigners in transit	Arriving citizens in transit
3. Departing excursionists	Arriving foreign excursionists	Departing foreign excursionists	Returning excursionists
4. Departing tourists	Arriving foreign tourists	Departing foreign tourists	Returning tourists
5. Departing business travellers	Arriving foreign business travellers	Departing foreign business travellers	Returning business travellers
6. Departing diplomatic and consular personnel (plus their dependants and household employees)	Arriving foreign diplomatic and consular personnel (plus their dependants and household employees)	Departing foreign diplomatic and consular personnel (plus their dependants and household employees)	Returning diplomatic and consular personnel (plus their dependants and household employees)
7. Departing military personnel (plus their dependants)	Arriving foreign military personnel (plus their dependants)	Departing foreign military personnel (plus their dependants)	Returning military personnel (plus their dependants)
8. Nomads	Nomads	Nomads	Nomads

Figure 2: Taxonomy of international flows (UNSD, 1998:12)

TABLE 1 (continued)

CITIZENS	FOREIGNERS		CITIZENS
OUTFLOWS	INFLOWS	OUTFLOWS	INFLOWS
9. Citizens departing to study abroad (plus their dependants)	Arriving foreigners admitted as students (plus their dependants, if allowed)	Departing foreign students (plus their dependants)	Citizens returning from studying abroad (plus their dependants)
10. Citizens departing to be trained abroad (plus their dependants)	Arriving foreigners admitted as trainees (plus their dependants, if allowed)	Departing foreign trainees (plus their dependants)	Citizens returning from being trained abroad (plus their dependants)
11. Citizens departing to work abroad (plus their dependants)	Arriving foreigners admitted as migrant workers (plus their dependants, if allowed)	Departing foreign migrant workers (plus their dependants)	Citizens returning from working abroad (plus their dependants)
12. Citizens departing to work in an international organization abroad (plus their dependants and employees)	Arriving foreigners admitted as international civil servants (plus their dependants and employees)	Departing foreign international civil servants (plus their dependants and employees)	Citizens returning after having worked in an international organization abroad (plus their dependants and employees)
13. Citizens departing to establish themselves in a country where they have the right to free establishment	Arriving foreigners having the right to free establishment	Foreigners departing after having exercised their right to free establishment	Citizens returning from a country where they exercised their right to free establishment
14. Citizens departing to settle abroad	Arriving foreigners admitted for settlement without limits on duration of stay	Foreign settlers departing	Citizens returning after having settled abroad
15. Citizens departing to form a family or join their immediate relatives abroad	Arriving foreigners admitted for family formation or reunification	Departing foreigners originally admitted for family formation or reunification	Citizens returning after having migrated for family formation or reunification
16. Citizens departing to seek asylum	Foreigners admitted as refugees	Departing refugees	Repatriating refugees
17. Citizens departing to seek asylum	Foreigners seeking asylum	Departing former asylum-seekers (not granted refugee status)	Returning former asylum-seekers
18. Citizens departing without the necessary admission permits	Foreigners whose entry is not sanctioned	Deported foreigners	Citizens being deported from abroad

NOTE: The categories presented in the present table should in no way be construed as providing a definition of international migrants. The taxonomy presented in this table is to serve as an analytical tool for the discussion of different data-collection systems yielding information on international migration flows. The relevant definitions of long-term and short-term international migrants are presented in box 1.

14. These recommendations touch upon another very important point: which perspective is prevailing (that of the migrant or that of the receiving country) when it comes to the classification in the above taxonomy and particularly to the assessment of the duration of stay. These issues are dealt with in various paragraphs, some of them reported below:

*"89. ... (omitted). Note that in all cases, international migrant foreigners are to be classified according to the reason for their admission as established by the receiving State. The intention, desires or expectations of the migrant foreigner involved should **not** be the basis for classification. Thus, if a person seeking asylum is not allowed to file an application for asylum because his or her country of origin is considered "safe", that person should not be included in the number of asylum-seekers reported. ... (omitted)" (emphasis in the original text).⁵*

15. Duration of stay is the fundamental criterion to decide whether an incoming person is a visitor, a short-term migrant or a long-term migrant. There are various predefined indicators of duration⁶ (UNSD, 1998:37):

- i. Intended duration of stay declared by migrant
- ii. Length of validity of visa or permit
- iii. Actual duration of stay
- iv. Renting or buying a dwelling
- v. Establishing residence

The last two indicators are included for completeness only and not recommended (UNSD, 1998:§99). Focussing on the first three of the list above, the use of one or the other of these indicators impacts on the classification of the person and therefore on the estimation of the size of the inflow. This becomes further complicated for those categories who are more subject to change of status, such as asylum seekers:

"103. In most countries, foreigners admitted under certain categories of either migrants or travellers can change their status, provided certain conditions are met. In addition, in some countries migrants in an irregular situation have on occasion been granted the opportunity to regularize their status. For the purpose of measuring the flows of long-term migrant foreigners, both changes of status and regularizations must be taken into account. The relevant changes of previous status are those that transform a short-term migrant foreigner, a foreigner admitted in one of the non-migrant categories (omitted) or a permit of unlimited duration on family reunification or a foreigner who entered the country clandestinely into a long-term migrant foreigner."

And:

"108. Asylum-seekers provide an example of a group of migrants who will necessarily experience a change of status. Consider the case of a person who

⁵ However, Eurostat statistics on rejected asylum applications collected under Article 4 of the Regulation 862/2007 includes cases of application of the safe third country concept (Article 38 of the Asylum Procedure Directive 2013/32) or the concept of European safe third country (Article 39 of the Asylum Procedure Directive).

⁶ Other criteria may apply and should be defined by the reporting country. They are not considered here.

lodges a formal application for asylum in year t and who is granted refugee status at some point during year t+1, after having spent more than a year awaiting adjudication of his case. For year t, the person is reported among asylum-seekers with an uncertain or unknown duration of stay in table 3, but for the period (t, t+1), the person will be reported as a refugee in table 4 with a previous status "other" because, although the person has already spent more than a year the point in the receiving country, his "uncertain or unknown" duration of stay in year t did not qualify him as a long-term migrant that year. Once more, this example assumes that duration of stay is being determined from the State's perspective. If duration of stay was measured on the basis of actual outcomes, the asylum-seeker just described would be assigned to the category "one year or more but limited" in table 3 for year t and no allowance for changes of status would be necessary."

16. For a harmonized statistical treatment, it is therefore fundamental to define which perspective (indicator) is taken as for the duration of stay. Three basic categories are hereinafter considered: 'intended stay from the migrant's perspective' (corresponding to item i in the list above); 'intended stay from the country perspective' (item ii in the list above); and 'actual stay' (item iii in the list above).

C. Recommendations on vital events

17. With regards to the vital events occurring to the asylum seekers and refugees, the §358 and §480 of the international guidelines issued by UNSD (2014) on vital events state that:

*"358. The registration of a vital event can be by the place of occurrence or by the place of usual residence. Whichever norm is adopted, it is important that the civil registration law clearly state the place of registration for each type of event. The place of usual residence is the geographical location (or address) where the specified person usually resides. While there are usually no problems in determining the place of occurrence, there may be difficulties in determining the place of usual residence. For example, some persons may have more than one residence (e.g., businessmen, students living away from their parental home or members of the armed forces), others may have no usual place of residence (e.g., vagrants who live as permanent transients), while still others may be seeking a residence (e.g., **refugees**). The treatment of all such cases should be clearly stated in the registration law. Most countries have adopted the place of occurrence as a norm for the registration of births, deaths and foetal deaths."* (emphasis added)

And:

"480. In cases where the national legislation requires the registration of a person only after a defined period of time, rules should be established to deal with events occurring to the person in the pre-registration period, as well as those occurring in the period before the acknowledgement of the registered person as usual resident. For instance, a person may be required to register only for stays in the country that are over three months duration and may be recognized to be a usual resident only after 12 months have passed. If an event occurs either in the first 3 months of the stay or in the following period up to 12 months, there is the risk that this event will not be included in the pertinent statistics, because through the

*link with the population register the status of the person will be determined to be still temporary. It is recommended that the implementation of the concept of usual residence be based not only on the recorded duration of stay, but also on the intention of stay, which could be derived from proper evidence (e.g., a visa issued for a period of at least one year, **an asylum application**, etc.). This should reduce the number of cases of persons who, for an interval of time that may extend to one year, can be classified as a resident neither in the country of origin nor in that of destination." (emphasis added)*

18. The recommendations on vital events are thus clear on the rationale about the inclusion of asylum seekers in the population of the hosting country: the risk is that this special group could be missed from the (global) statistical measurement. When the number of asylum seekers is sizeable and/or those persons are from populations characterized by relatively high fertility and mortality, this would lead to a noticeable undercount of demographic events⁷.

IV. Current practices in Europe and Eurostat actions

19. In December 2015 Eurostat carried out a survey on the inclusion of asylum seekers and refugees in the population statistics for each of the Eurostat annual data collections. The results showed that different approaches were taken at national level. The rather broad pattern was that countries tended to exclude asylum seekers and to include refugees in the population statistics; however, this seemed to be dependent also on the population concept used. In the Eurostat data collection of the total usually resident population, the distribution of the statistical classification of asylum seekers was quite balanced, while only few countries excluded the refugees from the usually resident population count. In the other data collections, where concepts such as registered or legal population may be applied, the convergence to a harmonized statistical classification of the refugees was less evident (see Eurostat 2016b).

20. The survey did not cover data other than population, thus it was not possible to assess whether those classifications were correspondingly translated in demographic and migration statistics. In other words, it was not clear whether the inclusion in the population data implies an adjustment also of the migratory flows and of the vital statistics for events occurring to asylum seekers and refugees.

21. These issues were discussed at the following Eurostat Working Group on Population Statistics in October 2016, where the discussion polarized on two of the three options for an harmonized classification proposed by Eurostat, namely either asylum seekers and refugees were to be included in the annual usually resident population, vital events and migration data when their actual stay in the reporting country is of at least one year (this corresponds to the adoption of 'actual stay' as indicator of duration of stay); or refugees only (persons granted international protection by the reporting country) were to be included in the annual demographic and migration statistics, regardless of the actual duration of their stay (this corresponds to the adoption of 'intended stay from the country's perspective' as

⁷ It is assumed that in the European countries any demographic event occurring to asylum seekers is anyway recorded in the civil registration system. The point here is whether those events add on the demographic statistics of the hosting country.

indicator of duration of stay). The option of including both asylum seekers and refugees in the annual usually resident population, regardless of the actual duration of their stay was practically dismissed during the discussion.

22. The outcome of that Working Group was that the former option (i.e., inclusion depending on the actual stay regardless of the category) was to be considered as methodologically correct for usually resident population and fully compliant with the governing EU regulations, therefore recommended (Eurostat 2016c). It was however also acknowledged that for some countries, the national statistical systems currently in place make it feasible to approximate that approach with the latter option (inclusion of refugees only). In fact, the difference between these two approaches is basically in the inclusion in the former of the asylum seekers whose application is pending from a year or more, and in the exclusion of those refugees who have actually left the country after having been granted international protection. For most countries, these two sub-groups are likely to be of non-significant size, which would take to a *de facto* equality between the two options.

23. The metadata of the Eurostat data collections have been consequently adapted and the latest national practices are summarized in the Table 1 for the population statistics and in the Table 2 for the migration flows.

Table 1: selected European countries by inclusion/exclusion of asylum seekers and refugees in the data on population stocks reported to Eurostat

Population as of 01.01.2016	Included	Excluded
Asylum seekers usual residents for at least 12 months	BE, DE, EE, IE, EL, ES, FR, IT, CY, LU, NL, AT, PT, CH, UK	BG, CZ, HR, LV, LT, HU, MT, PL, RO, SI, SK, FI, SE, IS, NO, LI, DK
Refugees usual residents for at least 12 months	BE, BG, CZ, DE, EE, IE, EL, ES, FR, HR, IT, CY, LV, LT, LU, HU, MT, NL, AT, PL, PT, RO, SI, SK, FI, SE, IS, CH, UK, LI, DK, NO	

Table 2: selected European countries by inclusion/exclusion of asylum seekers and refugees in the data on migration flows reported to Eurostat

Migration flows in 2015	Included	Excluded
Asylum seekers usual residents for at least 12 months	BE, DE, EE, EL, ES, FR, IT, LU, NL, AT, PT, UK, CH	BG, CZ, DK, IE, HR, CY, LV, LT, HU, MT, PL, RO, SI, SK, FI, SE, IS, NO, LI
Refugees usual residents for at least 12 months	BE, BG, CZ, DE, EE, IE, EL, ES, FR, HR, IT, LV, LT, LU, HU, MT, NL, AT, PL, PT, RO, SI, SK, FI, SE, IS, CH, UK, LI, DK, NO	CY

V. Towards a common approach

24. As discussed above, the reading of the international recommendations and the analysis of current national practices does not give a clear-cut indication on how to classify asylum seekers and refugees in internationally comparable demographic and migration statistics. In order to ensure that such growing group of persons is classified in an harmonized way across countries, it is necessary to find criteria which meet – to the possible extent – the current practices on both the definition of 'migrant' and the classification of asylum seekers. These two elements share a common basis, which is the concept of 'duration of stay'.

D. Measures of 'duration of stay' in international migration statistics

25. In the metadata collected during the annual Eurostat migration data collection, there is the information about the use of intended and/or actual 12-month stay as measure of duration of stay in the countries of the European Economic Area (EEA) (see Table 3).

Table 3: selected European countries by typology of migrants and indicator of duration of stay (reference year 2015)

		Actual 12-month stay	Intended 12-month stay	Actual and intended 12-month stay	Other*
Nationals	Immigrants	AT, BE, CH, CZ, DK, EE, IS, NL, RO, NO	DE, HU, IT, FI, SE, UK	BG, CY, EL, ES, FR, HR, IE, LT, LU, LV, MT, PL, PT, SI, SK, LI	
	Emigrants	AT, BE, CH, CZ, DE, DK, EE, IS, NL, RO, NO	HU, IT, UK	BG, CY, EL, ES, FR, HR, IE, LT, LU, LV, MT, PL, PT, SI, SK, LI	FI, SE
EEA citizens	Emigrants	AT, BE, CH, CZ, DE, DK, EE, IS, NL, RO, NO	HU, IT, UK	BG, CY, EL, ES, FR, HR, IE, LT, LU, LV, MT, PL, PT, SI, SK, LI	FI, SE
	Immigrants	AT, BE, CH, DE, DK, EE, IS, NL, RO, NO	HU, IT, FI, SE, UK	BG, CY, CZ, EL, ES, FR, HR, IE, LT, LU, LV, MT, PL, PT, SI, LI	
Non EEA citizens	Emigrants	AT, BE, CH, DE, DK, EE, IS, NL, RO, NO	CZ, HU, IT, UK	BG, CY, EL, ES, FR, HR, IE, LT, LU, LV, MT, PL, PT, SI, SK	FI, SE

	Immigrants	AT, BE, CH, DE, DK, IS, NL, RO, NO	HU, IT, FI, SE, UK	BG, CY, CZ, EE, EL, ES, FR, HR, IE, LT, LU, LV, MT, PL, PT, SI, SK	
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(*)The national statistical definition of emigration from FI and SE is based on a six-month criterion for specific countries of next residence (Nordic agreement), but the impact is declared negligible.

26. Unfortunately, the distinction about whether in the intention of stay it is prevalent the country's or the migrant's perspective is not available. Even focussing on the categories of migrants with non-EEA citizenship - the only relevant for the asylum seekers - it is unclear which perspective is prevailing in those countries which use intention of stay as duration indicator.

27. Looking at the Table 3, it cannot be derived a clear predominance of a specific criterion of duration of stay, but there is a slight tendency to privilege the 'actual stay' against the 'intended stay'. For a harmonized classification of asylum seekers in migration statistics across internationally comparable migration statistics, it is critical to identify a single common criterion, even though not necessarily matching single current practices.

E. Choice of the indicator of the 'duration of stay'

28. While it is understood that for the usual residence concept a duration of stay of at least 12 months must be met, a critical issue is the perspective which is adopted in the assessment of the duration of stay: if the migrant's intention is prevailing, then asylum seekers should be included in the annual statistics; in case it is the country's perspective to be used, then asylum seekers should be included only once granted protection.

29. For refugees, the case seems less controversial, as at least for the intention of stay there is consistency between the declaration of the migrant and the decision of the hosting country. In principle, the granted international protection lasts for at least one year⁸, which makes *de jure* the refugees category included in the usually resident population.

30. Provided that the duration of stay is of at least 12 months, arguments in favour of the inclusion of asylum seekers in the usually resident population are the coverage in the population censuses and the coverage of demographic events; it also makes it easier the management of status changes in migration statistics. Counter-arguments are the adoption of the country's perspective (according to §89 in UNSD, 1998), the overall pattern in current national practices and possibly the reduced volatility of the affected statistics. It may also happen that, in case the asylum seekers are hosted in

⁸ According to the European asylum legislation, persons granted refugee status shall receive an authorisation to stay for at least 3 years, while persons granted subsidiary protection for at least 2 years. Temporary protection is granted initially for at least one year.

dedicated reception centres, the inclusion of this category may particularly affect the population statistics at sub-national level. Additionally, persons other than *sensu stricto* asylum seekers may be included in the statistics on asylum applicants⁹.

31. From the point of view of migration statistics, the former option (inclusion of asylum seekers) will increase both immigration and emigration flows, the first being increased with the number of asylum applications, the second with the number of negative decisions/effective returns.

32. An additional option is the adoption of the 'actual stay' as indicator of duration. This would be in line with the current practice in the majority of EEA countries with regards to extra-EEA migrants. It is generally in agreement with the international recommendations. It would also avoid the need of a follow up of migrants who expressed the intention of stay to identify the (long-term) migrants (cf. UNSD, 1998:§104). Finally, it would not be perceived as discriminatory, because the same rule is applied/applicable to all would-be migrants.

33. Considering that:

- i. the 'intention of stay' is basically a proxy of the 'actual stay', used when the latter cannot be assessed and/or for reasons of timing of the data collection;
- ii. the 'actual stay' is a 'neutral' indicator, in the sense that it does not depend (directly) on the procedure of the asylum application and it only looks at the time spent on the national territory;
- iii. the size of this specific population group will most likely be between the number of refugees (with actual stay of at least 12 months) and the number of asylum applicants¹⁰;
- iv. the 'actual stay' would also allow to exclude from the population those refugees who moved to another country following the granting of international protection and not stayed at least 12 months,

the 'actual stay' is a suitable indicator of duration of stay for the classification of asylum seekers and refugees.

34. For the sake of consistency within the demographic balance, the decision whether to include or not asylum seekers and refugees in population data must be consistently reflected in all demographic and migration statistics. If an asylum seeker or refugee is considered part of the international migration inflow in a selected period, then the same person must coherently be included in the population and demographic data referring to the same time of reference.

⁹ See footnote 5.

¹⁰ In fact, additionally to the refugees, who may be expected to stay for long in the reporting country, there would be those whose procedure of asylum application has not yet ended, but who have nevertheless lived in the territory of the country for a year.

F. Implementation issues

35. Once having identified the general criterion for duration of stay (the 'actual stay'), there may be various implementation issues, such as the definition of 'date of arrival', from which the actual stay critically depends, or a timing of the data collection not allowing a full assessment of the actual stay.

36. The date of arrival of the asylum seekers/refugee in the reporting country should in principle refer to the actual arrival (principle of occurrence). The actual date of arrival can be estimated using the date of the first¹¹ administrative act related to the person, such as the date of the lodging of the asylum application or, in the case (s)he entered legally the country, the date of beginning of the (immediately prior) legal stay¹² as from a visa/resident permit.

37. When the date of the data collection does not allow the assessment of the 'actual stay', the reporting country has to estimate the duration of stay for those persons still in the 12-month statistical observation period. This can be done in various ways, for instance:

- i. Asylum seekers who have been granted international protection during a selected reference year can be included in the usually resident population at the end of the same reference year, considering the high likelihood that the 'new' refugee will not leave the hosting country in the remaining months until the completion of the 12-month period.
- ii. A part of asylum seekers whose asylum application is still pending can be included, based on criteria such as observed proportion in past years, recognition rate by citizenship, current national policies on asylum, length of asylum procedures, and number of pending decisions.
- iii. Asylum seekers whose asylum application has ended unfavourably should be excluded, with a possible correction for differences between negative decisions and effective returns.

38. An additional element to be taken into account is the possibility that the reporting country grants the national citizenship to the new-born based on the *jus soli* principle. If the national citizenship is also granted to the asylum seeker / refugee mother (and possibly to other family members), this person can then be reasonably included in the population / migration statistics even if still in the 12-month observation period at the time of the data collection.

39. A particular case is those deaths occurring to asylum seekers and refugees during their first 12-month stay. In the conceptual framework of the 'usual residence', these censored observations are unattributed. Various approaches could be taken for the deceased asylum seekers / refugee (still in their 12-month statistical observation period) such as:

¹¹ Only first-time asylum applications should be considered, because granted international protections and repeated applications should have been already accounted for (at the time of first asylum application).

¹² It is here assumed that the stay is uninterrupted, in the sense that the asylum seeker has entered legally the country (perhaps overstaying) and then applied for asylum without leaving the country in the meanwhile.

- i. The deceased is considered a person with no usual residence and the event is therefore included in the statistics of the country where the event occurred.
- ii. The deceased is included in the national statistics according to the same rules adopted as in the paragraph 37 above (in this case is the death and not the time of the data collection to censor the observation).

40. When the death is added to the statistics of the reporting country, if the deceased person was not yet included in the usually resident population, care should be taken to adjust accordingly the pertinent population stock and immigration flow¹³. In principle, deaths can only be included in the statistics of the reporting country when the deceased persons belong to the usually resident population¹⁴.

41. It should be noted that the classification being based on the 'actual stay' or on the 'intended stay from country's perspective' would most probably leave out from the global computation the vital events occurred to asylum seekers and refugees not included in the usually resident population, because it is unlikely they would be captured by another national statistical system¹⁵.

VI. Conclusions

42. Based on the arguments exposed in the chapter V, the approach that should be favoured for the harmonized classification of asylum seekers and refugees in internationally comparable migration statistics is the one based on the 'actual stay'. However, when its implementation turns out to be cumbersome and/or there is a need for more timely data, the alternatives based on 'intended stay' – whose application may be more straightforward – may still be an option.

43. Considering that, in order to achieve such harmonization, it is fundamental that the reporting countries adopt all the same approach, the following options for international guidelines are thus proposed, by decreasing order of preference:

- i. Asylum seekers and refugees are to be included when their actual stay in the reporting country is of at least one year. This corresponds to the adoption of 'actual stay' as indicator of duration of stay.
- ii. Refugees only (persons granted protection by the reporting country) are to be included, regardless of the actual duration of their stay. This

¹³ For instance, a person arrived on 31.1.t, granted international protection on 30.4.t and deceased on 31.5.t should be included also in the immigration flow of the year t. If the person arrived the previous year, e.g. on 30.11.t-1, then (s)he should be added *ex-post* also to the population at the end of the year t-1.

¹⁴ The case of the immigrant (recognised as such, i.e. with a change of usual residence related to a period of 12 months) arrived and deceased in the same year is a borderline case whose net effect on the demographic balance is nil and possibly of marginal significance on component-specific statistics. However, its impact could be different in case different criteria of inclusion are adopted. A dramatic example are the deaths of would-be asylum seekers occurred in the Mediterranean Sea during their route to Europe, in case they would be included in the statistics of the country who found the evidences or in whose territorial waters the tragic events happened.

¹⁵ They could possibly be computed apart and provided to international organizations interested to improve the global coverage of vital events.

corresponds to the adoption of 'intended stay from the country's perspective' as indicator of duration of stay.

44. For population concepts other than usually resident, the rule will depend on the specific definition and cannot be established here in detail. It is evident that it would be good practice to apply rules which ensure the coherence with other migratory flows and the consistency of the demographic balance.

VII. References

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