

An [asylum](#) procedure where an [asylum applicant](#) lodges an [application for international protection](#) , can result in different decisions, positive or negative, at the different stages of the procedure.

Asylum decisions can be distinguished according to the *stage in the procedure* when they are taken:

- **First instance decision** means a decision granted by the respective authority acting as a first instance of the administrative/judicial asylum procedure in the receiving country.
- **Final decision** means a decision on whether the third-country national or stateless person be granted refugee or subsidiary protection status by virtue of [Directive 2011/95/EU](#) and which is no longer subject to a remedy within the framework of Chapter V of this Directive, irrespective of whether such remedy has the effect of allowing applicants to remain in the Member States concerned pending its outcome. The asylum procedures and the numbers/levels of decision making bodies differ between Member States. The true 'final instance' may be, according to the national legislation and administrative procedures, a decision of the highest national court. However, it is not intended that these statistics should cover rare or exceptional cases determined by the highest courts. Thus, the statistics related to the 'final decisions' should refer to decisions against which there is no further possibility to appeal on the substance of the decision but only on procedural grounds.

For the purpose of the Asylum data collection the concepts of first instance decision and final decision include also data on decisions granting or rejecting 'Humanitarian status' under national law concerning international protection.

Depending on the *outcome* of the decisions, asylum applicants can be categorised in different groups:

- **Person being a subject of a pending application** means a person who is the subject of an application for international protection under consideration by the responsible national authority at the end of the reference period. It includes the number of persons with pending applications at all instances of the administrative and/or judicial procedure.
- **Person granted refugee status** means a person covered by a decision granting [refugee](#) status, taken by administrative or judicial bodies during the reference period. Refugee status means status as defined in Art.2(e) of [Directive 2011/95/EU](#) 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.
- **Person granted subsidiary protection status** means a person covered by a decision granting subsidiary protection status, taken by administrative or judicial bodies during the reference period. Subsidiary protection status means status as defined in Art.2(g) of [Directive 2011/95/EU](#) . According to Art.2(f) of [Directive 2011/95/EU](#) a person eligible for subsidiary protection means a third-country national or a stateless person who does not qualify as a refugee but in respect of whom substantial grounds have been shown for believing that the person concerned, if returned to his or her country of origin, or in the case of a stateless person, to his or her country of former habitual residence, would face a real risk of suffering serious harm as defined in Article 15, and to whom Article 17(1) and (2) does not apply, and is unable, or, owing to such risk, unwilling to avail himself or herself of the protection of that country.

- **Person granted authorisation to stay for humanitarian reasons** means a person covered by a decision granting authorisation to stay for humanitarian reasons under national law concerning international protection, taken by administrative or judicial bodies during the reference period. It includes persons who are not eligible for international protection as currently defined in the first stage legal instruments, but are nonetheless protected against removal under the obligations that are imposed on all Member States by international refugee or human rights instruments or on the basis of principles flowing from such instruments. Examples of such categories include persons who are not removable on ill health grounds and unaccompanied minors.
- **Rejected applicant** means a person covered by a decision rejecting an application for international protection, including decisions considering applications as inadmissible or as unfounded and decisions under priority and accelerated procedures, taken by administrative or judicial bodies during the reference period.

Eurostat further produces aggregates of the **Total number of decisions** and the **Total number of positive decisions** issued during a reference period, for each "stage in the procedure" (first or final). Thus, *Total number of positive decisions* refers to the sum of decisions granting refugee status, subsidiary protection status and authorisation to stay for humanitarian reasons (for countries where applicable). Whereas *Total number of decisions* refers to *Total number of positive decisions* plus rejected applicants.

Related concepts

- [Application for international protection](#)
- [Asylum](#)
- [Asylum applicant](#)
- [Asylum recognition rate](#)
- [Dublin statistics](#)
- [Refugee](#)
- [Repeated applicant](#)

Statistical data

- [Asylum applications - annual statistics](#)