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Reader's guide

The reader's guide presents the legal basis and process by which EASO's flagship report is produced. It includes methodological notes on the collection of qualitative and quantitative information, presents the wide pool of sources consulted and presents products which are related to the report.

Legal basis

The EASO Asylum Report 2020: Annual Report on the Situation of Asylum in the European Union is produced in accordance with Article 12.1 of the EASO Regulation, which specifies that:

> *"The Support Office shall draw up an annual report on the situation of asylum in the Union, taking due account of information already available from other relevant sources. As part of that report, the Support Office shall evaluate the results of activities carried out under this Regulation and make a comprehensive comparative analysis of them with the aim of improving the quality, consistency and effectiveness of the CEAS."*

Its objective is to provide a comprehensive overview of the situation of asylum in the EU (including information on Norway, Switzerland, Liechtenstein and Iceland), describing and analysing flows of applicants for international protection, major developments in legislation, jurisprudence and policies at the European and national levels, and reporting on the practical functioning of CEAS. The activities of EASO in 2019 are also summarised.

The production process follows the methodology and basic principles agreed by the EASO Management Board in 2013. Drafts are disseminated to the Management Board for their comments prior to its formal adoption and public launch.

Qualitative information

Primary factual information was obtained by EASO from EU+ countries in a process coordinated with EMN, to avoid duplication with the 2019 Annual Report on Migration and Asylum.

The European Commission was consulted during the drafting process and actively contributed. In accordance with its role under the Geneva Convention, Article 35 relating to the status of refugees, which is reflected in the EU Treaties and the asylum acquis instruments, UNHCR was also consulted during the drafting process and referred authors to public information produced by its experts to inform the present report.

The report provides an analysis based on a wide range of sources of information – duly

referenced – to reflect the ongoing debate at the European level. It also identifies areas where improvement is most needed (and thus where EASO and other key stakeholders should focus their efforts) in line with its declared purpose of improving the quality, consistency and effectiveness of CEAS. To that end, EASO takes due account of information already available from other relevant sources, as stipulated in the EASO Regulation, including from EU+ countries, EU institutions and agencies – such as Frontex and FRA, civil society organisations, international organisations and academia. Contributions were specifically sought from civil society organisations through an open call for input to members of the EASO Consultative Forum and other civil society stakeholders, inviting them to provide information on their work relevant for the functioning of CEAS.

A workshop was organised with civil society organisations to discuss methodologies for gathering and documenting asylum-related developments. Another dedicated workshop was organised to gather information from think-tank and academia representatives. Members of the EASO Network of Courts and Tribunal Members contributed to the report by providing relevant examples of national case law.

The report is not exhaustive and country examples presented in the report serve only as illustrations of relevant aspects of CEAS.

The *EASO Asylum Report 2020* covers the period 1 January to 31 December 2019 inclusive, but also refers to relevant recent developments in the year of writing. Whenever possible, information referring to 2020 was based on the most up-to-date sources available at the time of adoption of the report by the EASO Management Board.

Products related to the EASO Asylum Report 2020

Legislative, institutional and policy developments described in the report are summarised and presented in a table per country and per thematic area. The table can be consulted through an interactive tool available on the report landing page or it can be downloaded as a PDF.

The report presents a selection of jurisprudential developments based on the EASO Case Law Database and the hyperlinks within the text will bring readers to the specific cases in the database.

Sources used for the production of the EASO Asylum Report 2020 are presented in the list of references. They are also available in a separate, detailed bibliography, grouped by type of source. Readers can easily identify whether sources are from European institutions and agencies, international organisations and processes, national authorities, civil society organisations or think tanks and academia. A list of legislation and case law referenced in the report is also provided.

Qualitative information

Statistical information was primarily derived from Eurostat. Selected data at the EU+ level were also obtained from EASO's Early Warning and Preparedness System (EPS) data exchange for additional information and for the section on Dublin procedures (due to unavailability of

respective Eurostat data at the time of writing).

The data published in this report were extracted from Eurostat on 27 April 2020. The data are provisional and may be updated or revised by Member States.

Administrative data published by Eurostat on an annual basis are used for the following indicators: applicants for international protection, withdrawn applications, asylum decisions in first instance, asylum decisions in second and higher instance, pending cases and unaccompanied minors. These data are provided to Eurostat by ministries and national administrations in Member States, in the framework of Regulation (EC) 862/2007 on community statistics on migration and international protection, except for data on first-time asylum applicants.

Data for the following indicators are collected by Eurostat on a monthly basis: asylum applicants, first-time asylum applicants, pending cases and withdrawn applications.

Data for the following indicators are collected by Eurostat on a quarterly basis: first instance decisions (refugee status granted, subsidiary protection status granted, authorisation to stay for humanitarian reasons granted) and rejections.

The annual data presented in the statistical annexes are computed as the aggregation of data submitted to Eurostat throughout the year on a monthly (or quarterly) basis.

The Eurostat Technical Guidelines for data collection were amended in December 2013 and subsequently entered into force in the reference month of January 2014. Thus data published prior to 2014 are not necessarily comparable. The main changes for data collection included:

- Clarification on the definitions of first-time and repeated applicants;
- Instructions on how to report persons subject to a Dublin procedure in the pending cases table;
- Instructions not to report cases where another Member State assumed responsibility of negative asylum decisions; and
- Clarification on the definition of humanitarian protection.

Methodological changes to the Eurostat Technical Guidelines entered into force as of January 2015 in reference to reporting on cases in the Dublin procedure and withdrawn cases, as follows:

- Persons subject to the Dublin procedure shall be removed from the stock of pending applications of the sending country from the time of the acceptance decision;
- Persons subject to the Dublin procedure shall be included in the stock of pending applications of the receiving country from the moment of physical arrival and when such persons apply or re-apply for asylum;
- Dublin transfers shall not be considered as an implicit or explicit withdrawal;
- Persons subject to the Dublin procedure and who abscond after the acceptance decision shall not be reported in withdrawn applications data;

- Revisions at the own initiative of the national asylum authority shall be considered as regular revisions (i.e. require revision of the previously-reported data); and
- Persons reappearing after implicit or explicit withdrawal of an application shall be considered under regular revisions and be removed from data on withdrawn applications.

Further modifications to the Eurostat Technical Guidelines were published in February 2018[lxxii] and introduced:

- A new voluntary data disaggregation on 'status of minor' as of the 2018 reference period. The new concept measures whether a minor applicant was 'unaccompanied' or 'accompanied' by an adult with responsibility for the minor during the application procedure;
- An amendment and new specification to the 'Resettlement Framework' variable: the former category "Agreement in the JHA Council on 20.07.2015 – JHAC15" was changed to "EU Resettlement Frameworks – EU_RFW" to include Resettlement Frameworks launched by the European Commission (or Justice and Home Affairs Council) applicable to each reference year; and
- Methodological guidance on reporting on the new variables of Table A16 (resettled person), namely 'country of residence', 'decision' and 'Resettlement Framework'. These guidelines were agreed in the Asylum and Managed Migration Working Group in 2016.

Data published by Eurostat are rounded to the nearest five. As such, aggregates calculated on the basis of rounded figures may slightly deviate from the actual total. Thus, a '0' may not necessarily indicate a real zero value but could also represent a value of '1' or '2'.

[lxxii] Eurostat, *Technical Guidelines for the Data Collection under Art. 4.1-4.3 of Regulation 862/2007 – Statistics on Asylum. Version 4.0 amended in February 2018,* February 2018, retrieved at https://ec.europa.eu/eurostat/cache/metadata/Annexes/migr_asydec_esms_an7.pdf.

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