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icon presenting special procedures to assess protection needs

During the examination of applications for international protection at first instance, Member States under certain conditions can use special procedures – such as accelerated procedures, border procedures or prioritised procedures – while adhering to the basic principles and guarantees set out in EU law.

In 2021, several EU+ countries introduced new practices, legislative provisions or proposed amendments to further simplify the border procedure, adapt the time limits or digitalise the processing of cases. National courts stepped in to assess legislative provisions and changes to the border procedure, as well as the detention of asylum applicants at the border, to determine whether they are in line with fundamental rights of asylum applicants. Civil society organisations undertook research projects to explore new ways to facilitate access to protection at the border through flexible and sustainable practices.

EU+ countries also reviewed and updated their lists of safe countries of origin, while national courts assessed the application of this concept in several cases. Naturally, a common trend was the removal of Ukraine from the list of safe countries of origin. The application of the safe third country concept was also placed under scrutiny by national courts, emphasising the importance of an individual assessment prior to sending applicants back to third countries.

In 2021, EU+ countries also introduced amendments to the accelerated procedure by extending its coverage to certain categories of applicants or changing the time limits.

Through legislative and policy changes and based on court judgments, authorities in many EU+ countries clarified the criteria for and the application of admissibility procedures and repeated or subsequent applications. Overall, in 2021, about 14% or 89,000 of all applications were repeated applications lodged in the same EU+ country, which is the most since 2008. This represents an increase by more than one-half from 2020, when there were 57,000 repeated applications.

A topic that continued to gain attention in 2021 was beneficiaries of international protection resubmitting an asylum application in another EU+ country (referred to as the secondary movement of beneficiaries). Some EU+ countries have seen an increase in this kind of

unauthorised movement over recent years. This includes persons who have been granted international protection in an EU+ country, obtained travel documents legally, and then travelled to another EU+ country to apply for asylum again, adding to the caseloads of national asylum systems. While a lack of comprehensive data makes it difficult to fully understand the scope of this trend, growing jurisprudence suggests that this occurrence is becoming more significant.

One of the objectives of the European Commission’s Pact on Migration and Asylum is to address this, for example, through allowing transfers of recognised beneficiaries under the proposed Asylum and Migration Management Regulation or through better tracking of this type of secondary movement under the amended proposal revising the Eurodac Regulation. Pending the adoption of these proposals, EU+ countries have taken different approaches, often by prioritising the additional applications and rejecting them swiftly, through modified, stricter reception conditions for applicants or introducing travel bans. In a few exceptional cases, national authorities grant international protection after an individual examination of the specific facts of a case.

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