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Reader's guide

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Legal basis

The *Asylum Report 2023: Annual Report on the Situation of Asylum in the European Union* is produced in accordance with the EUAA Regulation, Articles 69, 16(4), 20(7), 35(6), 50(5b) and 51(10).

Its objective is to provide a comprehensive overview of the situation of asylum in EU Member States and Iceland, Liechtenstein, Norway and Switzerland, describing and analysing flows of applications for international protection, major developments in legislation, jurisprudence and policies at the European and national levels, and the practical functioning of CEAS.

The production process follows the methodology and basic principles agreed by the Agency's 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 presented in the report was collected by the EUAA throughout the year in the framework of its the information management activities organised around the EUAA Information and Documentation System (IDS). This involves desk research on developments related to each step of the asylum procedure and the validation of the information by representatives of national authorities. Bilateral calls were organised with IDS focal points, who are nominated representatives of national authorities, to confirm, amend and add new information to ensure an accurate and comprehensive picture of developments in 2022. Information was further verified with EMN reports.

The European Commission was consulted during the drafting process, in accordance with its role under the 1951 Convention relating to the Status of Refugees, Article 35, which is reflected in EU Treaties and the asylum acquis instruments. UNHCR was also consulted during the drafting process and public information produced by its experts were included in the report.

The report provides an analysis based on a wide range of duly-referenced sources of information to reflect the ongoing debates at the European level. It also identifies areas where improvement is most needed (and thus where the EUAA 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, the EUAA takes due account of information already available from other relevant sources, as stipulated in the EUAA Regulation, including from EU+ countries, EU institutions and agencies (such as Frontex and FRA), civil society organisations, international organisations and academia.

Two open calls for contributions were launched to members of the Agency's Consultative Forum and other civil society stakeholders, inviting them to provide information on their work which is relevant to the functioning of CEAS. They were also invited to share their publications to be used as sources and provide written input through a standardised online form.

Jurisprudence was collected throughout the year and added to the EUAA Case Law Database, a publicly-available platform which serves as a point of reference for European and national case law related to CEAS. In addition, members of the EUAA Network of Courts and Tribunal members contributed to the report by providing relevant examples of national case law. Links to cases in the report redirect to the English summary in the EUAA Case Law Database.

The *Asylum Report 2023* covers the period 1 January to 31 December 2022 but also refers to relevant developments in the year of writing. Whenever possible, information referring to 2023 was based on the most up-to-date sources available at the time of adoption of the report by the EUAA Management Board.

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

Quantitative information

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

The data published in this report were extracted from Eurostat on 13 April 2023. The data are provisional and may be updated or revised by Member States. 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 as amended by Regulation (EU) 2020/851, except for data on first-time asylum applicants.

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 or based on the annual statistics provided to Eurostat.

The following indicators are presented in this report:

- Applicants for international protection, withdrawn applications and pending cases collected monthly by Eurostat and presented based on their annual datasets.
- Asylum decisions in first instance (refugee status granted, subsidiary protection status granted, authorisation to stay for humanitarian reasons granted, and rejections) collected

quarterly by Eurostat and presented annually based on the aggregation of their quarterly datasets.
- Asylum applicants considered to be unaccompanied minors collected annually by Eurostat.

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'.

When reference is made in the report to applications for international protection, the total number of applications is used. Sub-categories of this indicator will refer to subsequent or first-time applications.

The definitions for the indicators presented in the report are available in the Eurostat Glossary and the Eurostat Technical Guidelines. With the exception of the indicator on withdrawn applications, all statistics reported to Eurostat refer to persons. Therefore, family members under one application should be counted and reported individually, irrespective of the national legal requirements or administrative procedures.

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[lxvii] 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.

Following the entry into force of Regulation (EU) 2020/851, additional amendments to the Eurostat Technical Guidelines were published in December 2020:[lxviii]

- New monthly table on subsequent applicants, introduced from January 2021 reference month. It includes clarification of the concepts of subsequent, new and re-opened applications.
- New monthly table on applicants under accelerated procedures, introduced from January 2021 reference month.
- New annual table on applicants receiving material reception conditions, introduced from 2021 reference year.
- New mandatory disaggregation by type of withdrawal (implicit, explicit) for monthly Table A03 (applications withdrawn) introduced from January 2021 reference month.
- New mandatory disaggregation by reason to withdraw a protection status (revocation, ending, refusal to renew) for Tables A09 and A17, introduced respectively from Q1 2021 reference quarter and 2021 reference year.
- Mandatory provision of disaggregation by status of minor introduced from 2021 reference period.
- Mandatory provision of disaggregation by country of residence and decision for Table A16 (resettled persons), introduced from 2021 reference year.

Products related to the *Asylum Report 2023*

The National Asylum Developments Database presents the legislative, institutional and policy developments which are described in the report. Updates can be searched by country, topic, year and type of development. The information is also summarised and presented in a table by country and by thematic area in a PDF document.

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

The sources used for the production of the *Asylum Report 2023* are presented in the list of references at the end of the report. They are also available in a separate, detailed Sources on Asylum 2023, grouped by type of source. Readers can easily identify whether sources are from European institutions and agencies, international organisations, national authorities, civil society

organisations or think tanks and academia. A list of legislation and case law referenced in the report is also provided.

- lxviiEurostat. (February 2018). 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. https://ec.europa.eu/eurostat/cache/metadata/Annexes/migr_asydec_esms_an7.pdf
- lxviiiEurostat. (December 2020). Technical Guidelines for the Data Collection under Article 4.1-4.3 of Regulation 862/2007 – Statistics on Asylum: Version 5.0 amended in December 2020. https://ec.europa.eu/eurostat/cache/metadata/Annexes/migr_asyapp_esms_an1.pdf

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