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Section 3.1. Access to procedures

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icon for access to the asylum procedure

Effective access to the asylum procedure means that people seeking international protection can reach the authorities and are afforded a fair and efficient process. Obstructing access to territory and access to the procedure may, in certain circumstances, result in a person being returned to a country where their life or freedom may be threatened, breaching the international principle of *non-refoulement*.

The recast APD guides Member States on common procedures to undertake when an asylum application is submitted in the territory of a Member State, including at the borders, in transit zones or in territorial waters.

The directive outlines access to the procedure as a three-step process:

- Making an application: A person expresses a wish to any national authority to apply for international protection.
- Registering an application: The competent authority officially records the application for international protection.
- Lodging an application: The application is formally lodged when all administrative formalities have been completed.

The time limit for the examination of a claim for international protection starts elapsing when the application is lodged and all formalities have been completed. The provisions of the recast APD apply to all applications for international protection made in the territory, including at the border, in the territorial waters or in the transit zones of Member States.

In 2023, EU+ countries continued to experience pressure at the borders and challenges related to the high number of arrivals persisted.[233]The impact of the Russian invasion of Ukraine kept pressure on the EU's external eastern borders, while countries in the Mediterranean region struggled with the continued arrival of migrants by sea. Countries experiencing movements along the Balkan route ramped up their efforts to control the borders. Pressure was also felt in central European countries, which faced an increasing number of applications.

Against this backdrop, EU+ countries focused on the reduction and prevention of irregular migration into the EU, which at times risked impacting effective access to territory. With public debate continuing on the 'externalisation' of asylum procedures, in June 2023 the CJEU handed

down a judgment on Hungary’s embassy procedure, which had been the subject of criticism for several years.

Some countries maintained a state of emergency, applying rules which allowed for derogations from the regular procedure, and started investing in the use of technology to maintain border security.234To effectively address the increased workload due to the higher number of applications, some countries made adjustments to registration and lodging processes and changed their institutional setups.

Section 4.1.1. Access territory

3.1.1. Access to territory

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icon for situation along the Balkan routes

3.1.2. Access to the asylum procedure

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icon presenting north and western europe

3.1.3. Data on applications for international protection

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3.1.4. Data on relative pressure related to asylum

3.1.4. Data on relative pressure related to asylum

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- 233European Council on Refugees and Exiles. (2024). Input to the Asylum Report 2024.
- 234Ministry of the Interior | Sisäministeriö. (2024, January 22). *Rajavartiolaitos suunnittelee teknologian hyödyntämisen lisäämistä rajaturvallisuuden ylläpitämisen tukena - Sisäministeriö [The border Guard is planning to increase the use of technology in support of maintaining border security]*.

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