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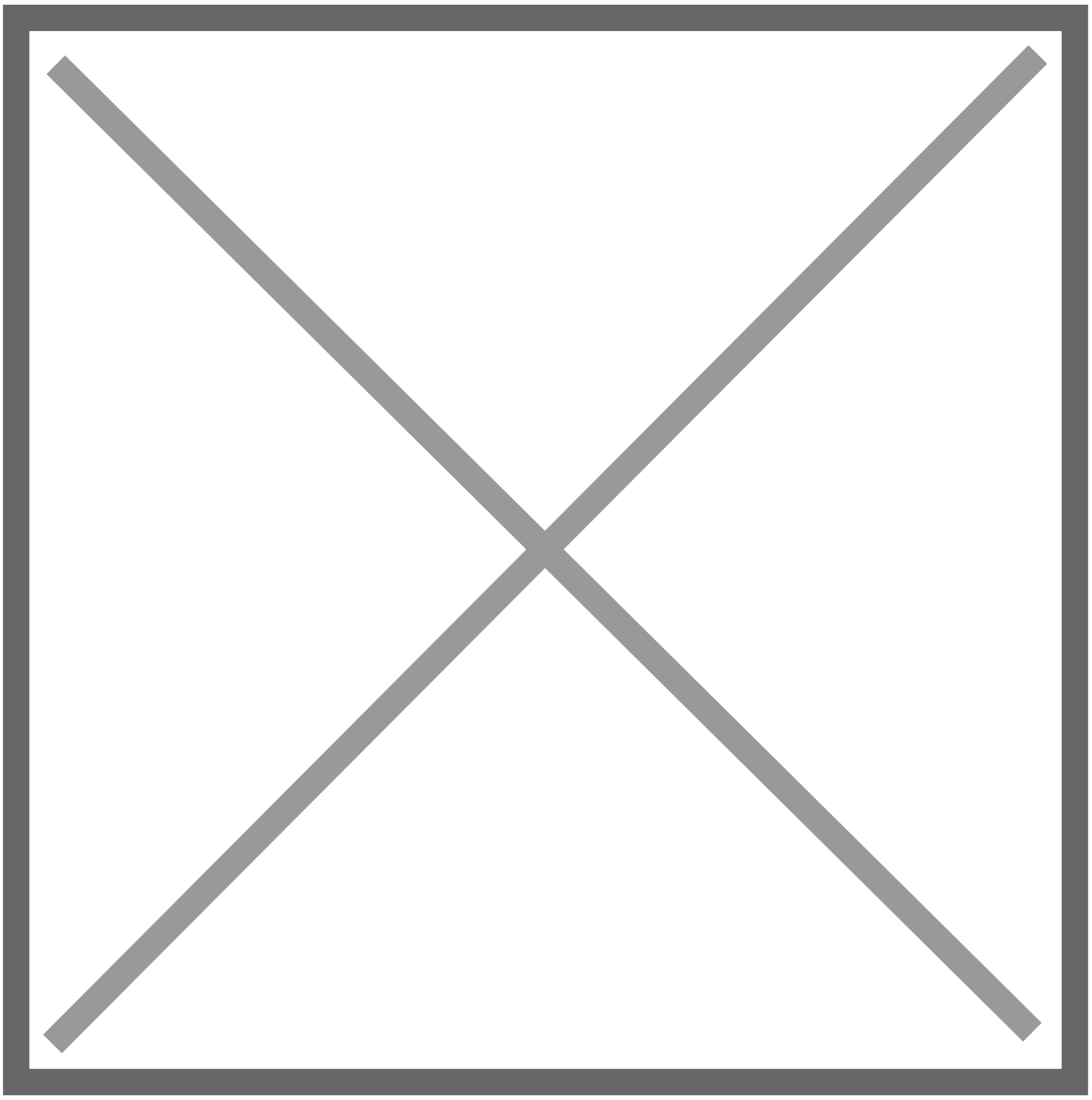
Section 4.4 Processing asylum applications at first instance

CEAS is based on the principle of common standards to grant and withdraw international protection across EU+ countries in an effort to ensure fair and efficient procedures. The procedures foreseen in the recast Asylum Procedures Directive aim to ensure that decisions on applications for international protection are taken on the basis of facts and by persons with appropriate knowledge and training, after an adequate and complete examination has been undertaken without undue delay and subject to remedies. Within this framework, Member States have established their asylum systems and procedures in various ways to reflect the procedures in the directive.

COVID-19



In 2020, processing first instance asylum applications was directly impacted by COVID-19 measures, such as physical distancing, the closure of facilities, remote working and health protocols. Every aspect of this step of the asylum procedure was affected, including personal interviews, face-to-face activities, working arrangements, time limits, the notification of decisions, case load management, training and quality assessments. Legislative and institutional changes were implemented to reflect the new practices.

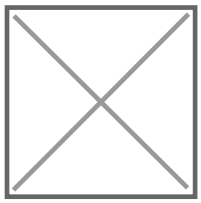
From March to mid-April 2020, national determining authorities had to adapt procedures in the midst of states of emergency, lockdowns, curfews and quarantines. At first, the reception and processing of first instance applications were suspended or strictly limited in all EU+ countries with the temporary closure of national administrations. This meant that in-person interviews were often completely discontinued or postponed. Iceland stood out in this phase because they already had the infrastructure was already in place to immediately switch to videoconferencing and continue with personal interviews. Since the processing of cases was delayed in all countries, authorities often extended time limits. The notification of decisions was sometimes suspended due to delayed postal services. For in-person notifications of the decision at the office of the determining authority, special rooms were generally set up, equipped with plexiglass and following sanitary measures

similar to in-person interviews (mandatory wearing of a mask, use of sanitizer, personal pen and social distancing).

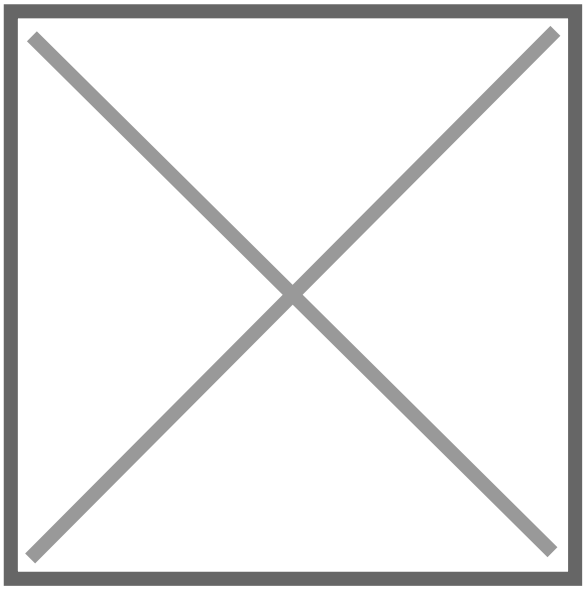
From May 2020 onwards, face-to-face activities gradually resumed with new practices in place: staggered appointment times, plexiglass shields and ventilation in rooms, social distancing, frequent disinfection, temperature screening and the use of a mask. For personal interviews, interpreters and legal assistants typically joined by videoconference to avoid physical contact *(see Sections 4.9 and 4.10)*. Some countries limited in-person interviews to vulnerable applicants only. In this context, it is notable that the number of decisions issued by first instance authorities in the third quarter of 2020 was similar to that in the first quarter.

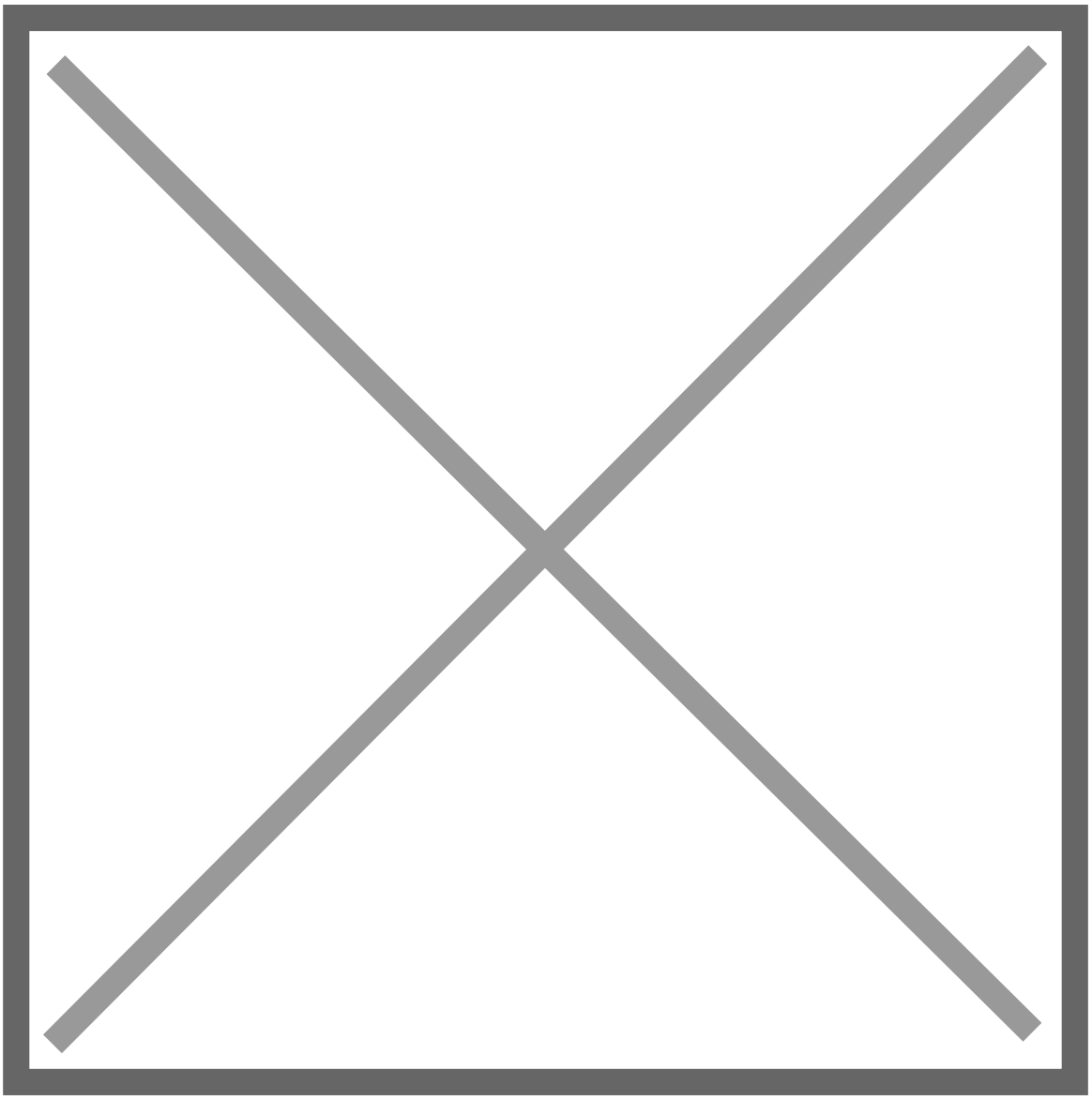
During the second wave of the pandemic in October 2020, first instance procedures were affected to a lesser extent with local and regional restrictive measures, rather than nation-wide lockdowns. Nonetheless, temporary disruptions to services did occur. Overall, national authorities made efforts to maintain asylum interviews within the legal time limits despite the confinement measures.

In general, asylum authorities introduced flexible working arrangements, such as teleworking and staff rotation, to ensure the continuation of services. Some countries focused on already-pending cases to reduce existing backlogs.



Digitalisation



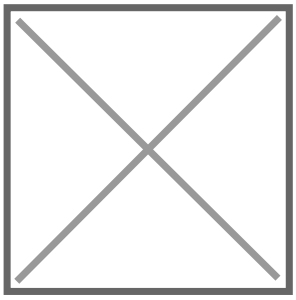


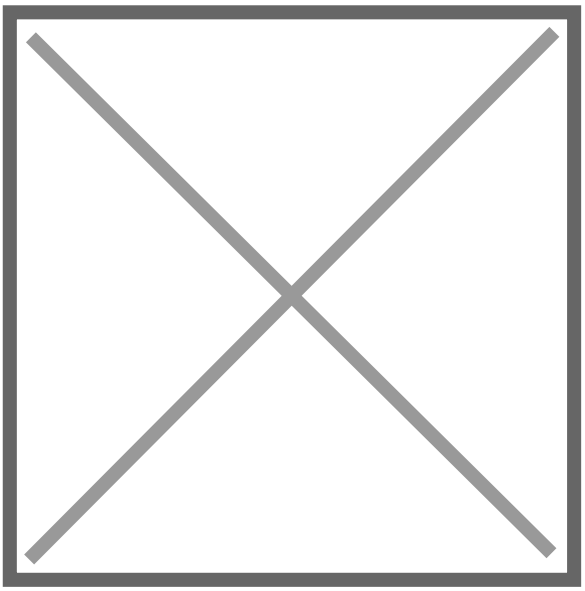
To ensure the continuation of first instance procedures and compensate for the restrictions imposed on face-to-face activities, national authorities turned to digital solutions. Procedures were automated to allow applicants to book an appoitnment, check the status of their applications, submit relevant documents or be notified about the first instance decision online. The new e-services were effective in limiting the physical presence of asylum applicants during the first instace procedure and ensured continued communication with an applicant. In effect, digitalisation allowed for the timely notification of decisions and facilitated the right to an effective remedy.

Many EU+ countries used technological solutions to conduct personal interviews remotely through videoconferencing, with some authorities already having the systems in place before the pandemic, while others had them installed. Guidelines were also developed for best practices in carrying out remote interviews.

In addition, other IT tools were developed independently from the need to compensate for physical distancing, e.g. tools for language analysis.

Some civil society organisations, such as Caritas Vienna,[425] cautioned that some applicants faced difficulties in navigating the online tools and contacting authorities through email.





[425] European Union Agency for Fundamental Rights. (2020). *Migration: Key fundamental rights concerns - Quarterly Bulletin - 2020: 1 July - 30 September 2020*. https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-migration-bulletin-4_en.pdf

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