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Concluding remarks

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Concluding remarks

In 2021, existing hotspots and new trends continued to add pressure on asylum systems in EU+ countries. Outward mobility from existing displacement zones and new circumstances presented in the report, such as the instrumentalisation of migration, factored in to add strain on national administrations. EU+ countries needed to manage mass arrivals and an ever-increasing number of applications for international protection, which rose to pre-pandemic levels. In the face of such developments, EU+ countries continued to adapt their asylum and reception systems, using a mix of temporary and long-term solutions.

As the COVID-19 pandemic entered into its second year, the functioning of asylum and reception systems continued to meet challenges. However, EU+ countries were better prepared in 2021 and mainstreamed solutions to overcome the barriers set by the pandemic and ensure business continuity. This was made possible, for example, with the continued digitalisation of asylum procedures – a trend that slowly took pace over the past few years, gained increased momentum during the pandemic and persisted in 2021.

Following the Russian invasion of Ukraine at the beginning of 2022, within a very short timeframe EU+ countries were called to find quick and comprehensive protection solutions for approximately 5 million people fleeing the war – a task of unprecedent magnitude in recent years. The Temporary Protection Directive, an already-existing EU legislative tool, provided the framework for a systemic solution and its activation paved the way for addressing the needs of persons fleeing Ukraine in a uniform and predictable manner.

Overall, developments in 2021 and early 2022 illustrated the paramount importance of having a functional, multinational European protection architecture in place – a system that provides effective protection to those in need, while treating those not in need in a respectful and dignified manner. These developments also highlighted a core premise at the heart of asylum: the need for protection is generated and amplified by crises. Therefore, crisis situations and associated pressures are not to be viewed as exceptional but as the reality that a functional asylum system is designed to address.

Armed conflict, systematic human rights violations, political instability and continuously-degrading ecosystems have triggered and will continue to trigger major displacements worldwide. Flexible systems and sound policymaking based on reliable facts are needed to identify creative solutions to increased pressure. In addition, comprehensive legislative and

policy frameworks are essential to provide the foundation to address the needs of displaced persons arriving in Europe, while respecting the fundamental rights of people and the principle of non-refoulement.

Over the past two decades, with the establishment and evolution of CEAS, Europe has made remarkable progress toward developing a common framework for managing asylum. The swift European response to the crisis in Ukraine and the provision of protection solutions were made possible because a legislative instrument, the Temporary Protection Directive, was readily available for use, despite never being activated before.

There is undoubtedly room for improvement in a number of areas in the field of asylum, including effective access to the territory and the asylum procedure, equitable sharing of responsibility among European countries, reception conditions and implementing the return of persons not in need of protection efficiently.

As discussions continue toward the adoption of the legislative instruments of the European Commission’s Pact on Migration and Asylum, and with growing jurisprudence from CJEU and national judicial authorities to ensure the correct interpretation and application of the European asylum law, CEAS will be further calibrated and modernised to respond to evolving migratory patterns and associated protection needs.

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