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Concluding remarks

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In 2022, EU+ countries received a record number of persons in need of protection, as witnessed by a sharply increasing number of asylum applicants and over 4 million displaced persons from Ukraine seeking temporary protection. While the combined figure of 5 million people arriving into the EU put considerable pressure on national administrations, solutions at the European and national levels were created to address the needs of people seeking protection.

The European response to the needs of millions of displaced persons from Ukraine was constructive and protection-oriented, and they can serve as a political and operational blueprint for the future. A number of factors catalysed this success, including the pre-existing legislation that had been tailor-made to specifically address this need, as well as the political will to activate this legislation and swiftly set up the corresponding support structures. Importantly, the collaboration among multiple and diverse stakeholders on the basis of multifaceted solidarity played a major role in designing and delivering the solutions: solidarity toward persons in need of protection; solidarity across EU countries; and solidarity among different actors who managed to mobilise resources and pull toward the same direction. EU institutions and agencies, national and local authorities, international and civil society organisations, as well as private citizens and communities, came together and cross-fertilised their respective expertise in providing effective solutions.

To advance the optimisation of the EU's asylum systems in 2022, the French and Czech Presidencies of the Council of the EU advocated a gradual approach, managed to catalyse progress in the negotiations on the Pact on Migration and Asylum, and further fostered practical cooperation among Member States. This work culminated in the adoption of negotiating mandates on the Screening and Eurodac Regulations, in the political agreement among co-legislators on a joint roadmap for negotiations on the reform package, and in the agreement on the Voluntary Solidarity Mechanism. These increments of commitment, based on a balance between expressions of solidarity and responsibility, can have a positive cumulative effect, further informing policymaking and eventually facilitating the adoption of the pact in the coming years.

Against the background of such advances in the reform of CEAS, the EU and its Member States have been striving to achieve dual integrity, that is, integrity in the asylum procedure and integrity of border management. Indeed, over the past years, there has been an emphasis on an effective approach, which has been presented as a core element of the method to enhance the pact. A stated objective of the revision of the Schengen system is to enhance resilience to

serious threats, such as the instrumentalisation of migrants, through integrated border management. At the same time, effective management entails integrity in receiving persons in need of protection in full respect of fundamental rights and processing applications in a fair and dignified manner.

While modernising border management, it is therefore essential to ensure uninhibited access to protection for those in need. While key steps in this direction have been initiated, such as the discussion – and associated guidance – on setting up independent national mechanisms to monitor human rights compliance at external borders, alarming reports by international and civil society organisations raise concerns about practices that impede effective access to protection.

To ensure the correct interpretation of CEAS, the CJEU, as well as judicial institutions at the national level continued scrutinising national legislation, policies and practices on a number of CEAS-related areas in 2022. Particular emphasis was placed on the application of the principle of non-refoulement and effective access to territory and the asylum procedure. To safeguard the integrity of CEAS, it is of paramount importance that national authorities implement the decisions issued by the courts to this end.

In a rapidly-changing asylum landscape, which requires multi-stakeholder cooperation in designing and implementing protection solutions, the EUAA has evolved into a vital component of a European asylum architecture. Equipped with its reinforced mandate, the Agency will continue to support the implementation of CEAS across Europe. In conjunction with the technical, operational and training support provided by the Agency, the new position of the independent Fundamental Rights Officer will catalyse work to ensure that the rights of asylum applicants are always safeguarded. Through its Monitoring Mechanism, the Agency will work even closer with Member States in the coming years to monitor the operational and technical application of EU legal obligations and assist Member States in identifying possible limitations in asylum and reception systems, ultimately contributing to a more harmonised EU asylum system.

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