

Please cite as: EUAA, 'Overview 2022: Processing asylum applications at first instance' in *Asylum Report 2023*, mai 2023.

Overview 2022: Processing asylum applications at first instance

Overview

In 2022, the number of applicants for international protection increased considerably, alongside millions of displaced persons from Ukraine in need of temporary protection, leading to increased pressure on first instance processing capacity. To carry out the examination of applications and, at the same time, complete registrations for temporary protection, national authorities were faced with the need to split already-limited resources and staff.

EU+ countries responded to this challenge by adopting measures to increase the efficiency of the overall asylum system and to speed up the asylum procedure. Recruitment of new staff and the reorganisation of determining authorities were initiated, and additional territorial offices were created to increase presence and facilitate applicants' access to the asylum procedure and competent authorities. Studies were commissioned to analyse the organisation of migration structures to identify best practices. Some EU+ countries introduced prioritisation policies and guidelines for certain profiles, extended time limits to issue a decision at first instance, and shortened or omitted certain steps in the procedure when the outcome would be favourable to the applicant.

Overall reforms of international protection systems at the national level were initiated in several EU+ countries, for example by launching new digitalisation projects to improve the efficiency of the procedure. Some proposed legislative changes aimed to further accelerate the asylum procedure, but civil society organisations reacted critically noting that, while governments express the intention to keep the quality of the procedure, in practice the changes may lead to a limitation of procedural safeguards for applicants. In other countries, policies that aimed to exclude more people from international protection drew heavy criticism from civil society organisations.

The CJEU ruled on an applicant's right to access a copy of the administrative file and the meaning of communication 'in writing' of the administrative decision, thus interpreting Articles 23(1), 46(1) and 46(3) of the recast APD *(see Section 2.6)*, while the ECtHR examined the effectiveness of asylum applications in specific EU+ countries. In addition, national courts contributed with interpretations provided in areas that needed clarification through judicial reviews, such as the way in which personal interviews were carried out, the use of specific software during the personal interview and the use of mobile phone data to determine the identity and nationality of applicants.

Infographic decisions

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