Please cite as: EUAA, 'Concluding remarks' in *Asylum Report 2024*, juin 2024.

Concluding remarks

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In 2023, European countries continued to host a record number of people in need of protection, as asylum applications climbed for the second year in a row. Conflict, persecution, human rights violations, natural disasters and degrading ecosystems kept forcing millions of people to leave their homes, with some seeking protection in Europe.

Over 1.1 million applications lodged in EU+ countries in 2023 is reminiscent of the numbers in 2015 and 2016, the years of the migration crisis in Europe. At the same time, EU+ countries issued over 1.1 million decisions granting temporary protection to displaced persons from Ukraine, with the conflict continuing and the country still experiencing the devastating results of the Russian invasion. A notable difference between the years 2015-2016 and 2022-2023 is that during the migration crisis the increased number of applications came from a few select countries, while currently applicants originate from a larger number of countries, thus necessitating higher diversity in guidance to effectively assess protection needs.

Understandably, the combined total of people seeking protection placed asylum and reception systems in Europe under extreme pressure. Protection solutions were identified due to political will in allocating additional resources and the combination of efforts and expertise by multiple stakeholders at EU, national and local levels. In contrast to 2015-2016, the past year has not been presented as a ‘crisis’ in public discourse, while national administrations catered to more people in need of international and temporary protection. This indicates that, despite limitations to varying degrees in the functioning of national asylum and reception systems, European countries have made progress in increasing their preparedness and are better equipped to manage a high inflow of people seeking protection.

Nevertheless, gaps and deficiencies were widespread in reception systems with frequent reports by international organisations, national human rights institutions, ombudspersons and civil society organisations about substandard living conditions, limited support services and homelessness. Asylum authorities have also reported that arriving applicants are of growingly poorer health, likely a result of the more dangerous journeys they take to reach Europe. Responding methodically and systematically to such health needs means that more resources are required. As it is evident that pressure will persist in the years to come, EU+ countries need to programme and invest accordingly to enhance processing capacity and strengthen reception systems in order to provide dignified reception conditions to people in need.

Amidst the efforts made by EU+ countries to provide effective protection and the reported limitations in the functioning of asylum and reception systems, the role of judicial institutions in interpreting the EU asylum acquis and guiding the practical implementation of CEAS has been decisive. Both the CJEU and national judicial institutions continued scrutinising national legislation, policies and practices in a number of CEAS-related areas, with a particular emphasis on effective access to the territory and the asylum procedure and the application of the principle of non-*refoulement*, the Dublin procedure, the assessment of applications, reception conditions (including safeguards for applicants with special needs) and detention. In response to rising applications, it is expected that attempts to externalise the processing of applications for international protection will remain on the political agenda. In this context, it will be essential that national courts carry out judicial reviews to ensure that fair and efficient asylum proceedings are provided to applicants.

With a significant share of pending cases awaiting a decision at second instance, it is expected that court decisions will increasingly define lawful practices and influence asylum policies in EU+ countries. To this end, it is essential to allocate resources to advance professional development and expertise on asylum among national judges. It is also of paramount importance that authorities follow court decisions to bolster confidence in and safeguard the integrity of CEAS.

An area that generated much discussion in 2023, similar to previous years, was the dual challenge of border management and effective access to protection for those in need. Significant steps were taken in 2023 to calibrate an integrated European border management system to effectively control external land and sea borders and safeguard the functioning of the Schengen area. This was done through interconnection and the interoperability of information systems on borders and security, closer coordination between European agencies and national authorities, and cooperation with third countries. In addition, a key component of the European integrated border management, as sketched out by the European Commission in 2023, is full respect for fundamental rights. Nevertheless, on a number of occasions reports emerged of practices inhibiting effective access to territory for people who may have been in need of protection. It is of essence for EU+ countries to put in place and sufficiently equip independent mechanisms to monitor human rights compliance at the borders, as also foreseen in the Pact on Migration and Asylum.

Undoubtedly, the political agreement on and the subsequent practical steps taken toward the adoption of the pact have been a major breakthrough in the evolution of CEAS. In its historical evolution, CEAS has always driven EU+ countries to improve their asylum and reception systems and increase protection standards. The pact intends to offer a modern asylum system that is, indeed, multifaceted and provides a variety of instruments. It aims to help countries address a complex reality within a migratory landscape defined by multiple, diverse and often unpredictable parameters. As not all possible scenarios can be accounted for, the pact aims to strengthen solutions and expand the range of possibilities through the different instruments.

Drafting common legislation, albeit important, is only one step toward a unified asylum policy and harmonised protection standards. Equally critical is the application of the rules in a converging and harmonised way. The months following the adoption of the pact will be a busy but constructive period, when countries, with guidance from the European Commission and support from EU agencies, will put in place the necessary arrangements for the practical

functioning of the pact. In this process and beyond, the EUAA will continue being a vital component of the European asylum architecture, providing technical, operational and training support to EU+ countries. With its reinforced mandate, the Agency will work closely with countries to monitor how the legal obligations of the EU asylum *aquis* are applied in practice, prevent shortcomings, identify existing limitations and assist countries in addressing them.

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