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Section 4. Functioning of the Common European Asylum System

Achievements in improving protection standards and remaining challenges in national asylum and reception systems are presented using EASO research and input from national authorities, civil society organisations, UNHCR and other international organisations. The analysis is supplemented with selected jurisprudential references to highlight case law which guided the interpretation of European and national laws in 2020.This section presents developments at the national level throughout 2020 and the ways in which EU+ countries shaped their legislation, policies and practices on asylum. To provide a cohesive narrative, this section is structured around the main thematic areas of CEAS, detailing each step of the asylum process. Qualitative information is integrated with the latest published data on key indicators, including the number of applications received, countries of origin of applicants, withdrawn applications, Dublin requests and transfers, decisions on applications, pending cases and socio-economic indicators which can shed light on the impacts of asylum flows on EU+ countries.

Two recurrent themes which were seen throughout the asylum procedure in 2020 – impacts of the COVID-19 pandemic and innovations in digitalising the asylum process – are highlighted at the beginning of each section.

The overview of the functioning of CEAS at the national level comprises the following sub-sections:

4.1 Access to the asylum procedure: presents developments surrounding access to territory and the first steps of the asylum procedure, including making, registering and lodging an application.

4.2 The Dublin procedure: takes an in-depth look into the system which sets out the criteria and mechanisms to determine the Member State responsible for examining an application for international protection.

4.3 Special procedures to assess protection needs: presents new practices around border procedures, the safe country of origin concept, accelerated procedures, admissibility procedures, subsequent applications and prioritised caseloads.

4.4 Processing asylum applications at first instance: new approaches, measures, working methods and policies are presented, along with legislative amendments, institutional changes, technological developments and projects on monitoring and quality assurance.

4.5 Processing asylum applications at second or higher instance: presents initiatives to make the procedures at second instance more efficient and details changes regarding the suspensive effect of appeals against first instance decisions, time limits for appeals, institutional changes for the authorities dealing with appeals, ways of tackling the backlog of cases pending on appeal and safeguards provided to applicants.

4.6 Pending cases: discusses the number of applications still under examination, which is a key indicator reflecting the workload experienced by national authorities and the pressure on national asylum systems, including reception systems.

4.7 Reception of applicants for international protection: shows how Member States reacted to trends in international protection in terms of reception capacities and policies.

4.8 Detention: provides an overview of changes in detention capacity, conditions, duration and alternatives to detention.

4.9 Access to information: details new initiatives in information provision throughout the different stages of the asylum process.

4.10 Legal assistance and representation: changes are outlined in the provision of free legal counselling and advice to applicants.

4.11 Interpretation services: amendments and concerns around the provision of interpretation are provided.

4.12 Country of origin information: briefly describes research and production of information on countries of origin information.

4.13 Statelessness in the context of asylum: explores the relationship between statelessness and asylum, highlighting associated challenges.

4.14 Content of protection: presents initiatives taken for the integration of recognised beneficiaries of international protection based on the recast Qualification Directive.

4.15 Return of former applicants: overviews the changes in procedures which were undertaken after a final negative decision on an application is taken.

4.16 Resettlement and humanitarian admission programmes: presents resettlement efforts taken by EU+ countries and developments in the framework of humanitarian admission programmes.

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