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4.4.1 Setting up more efficient systems



Developments which took place in 2020 focused on making the asylum procedure more efficient overall. For example, in Austria, the new coalition government announced in its programme for 2020-2024 a comprehensive strategy on migration, based on a clear separation of migration and asylum. The plan includes a shortening of the asylum procedure which should not exceed 6 months and modernising the asylum procedure by using new technologies.[426]

Several countries passed amendments to national legislation to improve the asylum procedure. In October 2020, Bulgaria amended the Law on Asylum, aiming at fast and efficient processing while ensuring all guarantees for applicants and bringing national legislation more in line with the recast Asylum Procedures Directive and the recommendations of the European Commission in infringement procedures (No 2015/0363 on the recast Asylum Procedures Directive; No 2018/2123 on the recast Asylum Procedures Directive and the recast Reception Conditions Directive).[427] This may have contributed to the rise in decisions which were issued at the end of 2020 compared to earlier periods.

In Estonia, the Act on Granting International Protection to Aliens was amended on 27 June 2020. It now specifies that the PBGB may request assistance from EASO and, on the basis of an international agreement or an act of the EU, it may be involved in the processing of an asylum application in the territory of another state.

In France, the position of Minister Delegate for Citizenship was created under the Minister of the Interior on 6 July 2020.[428] The new role is responsible for asylum and integration.

In Finland, the Act on the Processing of Personal Data in the Field of Immigration Administration (615/2020) entered into force on 1 September 2020. To ensure procedural guarantees for applicants, the new act ensures that constitutional requirements for data protection are met by migration authorities.[429] In addition, the Ministry of the Interior started a new project to introduce legislative changes in case of a large-scale influx of migrants.

In Hungary, paragraph 8a was added under the Asylum Law, Article 32/Y to clarify the circumstances when the procedure to enforce a financial claim, which arose during the asylum procedure, ceases.[430]

In Ireland, the Advisory Group on the Provision of Support including Accommodation to Persons in

the International Protection Process published in October 2020 recommended a reform of the IT system which is used for the international protection procedure. By introducing an online system by 2023, applicants and their representatives can track their case and access information.[431]

A new law in Lithuania provides that all decisions on asylum must be issued within 6 months from registering the application.[432] In addition, if the case has been returned by the court to the migration department, it must be examined within 3 months. If an asylum applicant absconds, examination of the asylum application is terminated without prior suspension.

The regular asylum procedure in the Netherlands was undergoing a revision to be shortened from 8 days to 6 days, with the possibility to extend the procedure to 9 days if it is a complex case or a case involving an applicant with special needs. The public consultation process on the draft decree ended on 20 November 2020.[433]

Several changes were implemented in Malta to improve the overall asylum system. On 7 August 2020, the International Protection Agency (IPA) was established to replace the Office of the Refugee Commissioner.[434] On the same day, an amendment to the Refugees Act was approved to align national legislation with EU Directives, also yielding consequential amendments to the Procedural Standards for Granting and Withdrawing International Protection Regulations. The amendments included changes to granting and withdrawing international protection, updates to the definition of manifestly-unfounded applications, a new provision on the lapsing of international protection (unequivocal renunciation) and adding sexual orientation and gender identity (SOGI) as a particular social group *(see Section 5)*.[435]

A proposal was made in Slovenia to amend the International Protection Act to ensure, among other improvements, more rapid and efficient procedures while preventing abuse of the system.[436] Sanctions would be in place for obstructing the implementation of the procedures and non-compliance with an applicant's duties, and the grounds on which an asylum application can be rejected as manifestly unfounded were expanded.

Greece underwent institutional changes and on 15 January 2020 the new Ministry of Migration and Asylum was created.[437] Law No 4686, Gov. Gazette A 96 of 12 May 2020 was passed, introducing various amendments to time limits; a registry of rapporteurs and working groups on various steps of the asylum procedure; the harmonisation of procedures between the Greek Asylum Service and first reception authorities; and automating the entire asylum process. UNHCR reiterated its concerns on the reduction of safeguards that it expressed when the initial Law on International Protection was enacted.[438] Greece published the Joint Ministerial Decision on the procedure and criteria for the Register for Rapporteurs-Assistant Case Handlers for Asylum,[439] and on 25 September 2020, the Greek Asylum Service launched the procedure to register rapporteurs in the regions of Samos, Lesvos and Chios.[440] A registry of rapporteurs and assistants was also created for case officers.[441] In December 2020, Greece adopted a new organigramme of the Ministry of Migration and Asylum.[442] Greece also clarified that when the applicant does not comply with the duty to cooperate, especially the duty to remain in communication with the authorities, the application or the appeal is presumed to be implicitly withdrawn. Previously, the application would have been examined under the rules for manifestly-unfounded applications.[443]

In Spain, the Ministry of the Interior issued a resolution to expedite asylum applications by nationals of African countries who had arrived on the Canary Islands as of 1 January 2021.

The European Commission sent a reasoned opinion to Portugal for failing to fully transpose the recast Asylum Procedures Directive, after a formal notice was sent by the European Commission in July 2019. Portugal was given
2 months to notify the European Commission of the measures taken to ensure the full transposition, and the case was closed in June 2021.[444] Similar infringement procedures concerned Hungary, for which the CJEU already ruled in several judgments (*see Section 4.1*).

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