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# 6. Highlights at the national level

A number of developments were noted in main thematic areas of the CEAS implemented at the national level in 2019.



## Access to procedure

Most EU+ countries focused on implementing and improving national asylum procedures according to changes in legislation, policy and practice introduced over recent years. These changes from previous years included establishing arrival centres, introducing new technologies to support applicant identification and extending the applicant's duty to cooperate and provide all documentation and relevant information at the early stages of the procedure.

Public debate centred around fundamental legal, political and societal issues regarding the EU's external borders, in particular in relation to search and rescue operations in the Mediterranean Sea, disembarkation and relocation. The European Commission recognised the need for a more structured temporary solution and began to coordinate action to ensure safe disembarkation and rapid relocation of rescued migrants, with plans to develop standard operating procedures.

As a measure to control land borders more tightly, several Member States have temporarily reintroduced controls at internal Schengen borders. Nonetheless, international organisations and civil society organisations continued to report on pushbacks at land and sea borders, removal without proper identification and long waiting periods for registration and lodging.



## Access to information

Persons seeking international protection need information regarding their situation in order to be able to fully communicate their protection needs and personal circumstances and to have them comprehensively and fairly assessed.

In 2019, EU+ countries continued to expand the methods of information provision to both asylum seekers and beneficiaries of international protection, at times through joint projects with NGOs or international organisations. Information was typically provided in various languages through information platforms, leaflets, brochures, video clips or smartphone applications. The information currently provided by countries includes not only aspects of the asylum procedure but also everyday life situations in the host country, integration, return, resettlement and awareness-raising campaigns. Some material is adapted for vulnerable applicants in particular.



## Legal assistance and representation

In 2019, EU+ countries introduced legislative changes to provide and expand free legal counselling and advice to all applicants for international protection through various national programmes. EU+ countries implemented new projects related to legal assistance, as well as continued or expanded previous ones. Concerns expressed by civil society organisations included low financial compensation for legal assistance; lack of adequate facilities to carry out preparatory and private interviews; lack of access to legal assistance for drafting appeals against first instance decisions or the lack of legal aid provided by the government for asylum applicants in detention centres which resulted in NGOs providing *pro bono* legal aid.



## Interpretation

Interpretation services should be in place to ensure that the exchange of information between an applicant and the asylum authority is accurate and understood by both parties.

In 2019, changes in this area included expanding budgets allocated for interpretation provision, increasing the number of interpreters, providing more information in more languages through a variety of media, launching modern technologies to support interpretation and adjusting practices to current needs. Challenges faced by EU+ countries included a lack of personnel at certain stages of the asylum procedure and insufficient qualifications of interpreters engaged in the process.



## Special procedures

During the examination of applications for international protection at first instance, Member States can use special procedures – such as accelerated procedures, border procedures or prioritised procedures – while adhering to the basic principles and guarantees set out in European asylum legislation.

In 2019, Italy and Switzerland implemented new procedures for applications made at the border. In addition, a number of EU+ countries made changes to their national lists of safe countries of origin, while others – such as Cyprus and Italy – introduced these lists for the first time. An accelerated procedure was used in Cyprus for the first time, and as of March 2019, Switzerland applied the accelerated procedure with the aim of reaching a decision in a majority of cases within 140 days.

EU+ countries also focused on defining criteria for subsequent applications for international protection to prevent misuse of the asylum system by filing repetitive applications with no merit.

Within the framework of a regular or special procedure, some countries prioritised the assessment of applications by specific groups of applicants so that they are processed before other applications. For example, due to a sharp increase in applicants from Venezuela and other Latin American countries, Spain prioritised their cases to expedite decisions.



## Procedures at first instance

To improve the efficiency of processing applications and reduce processing times at first instance, EU+ countries implemented legislative amendments, institutional changes, practical measures and new working methods. Challenges raised by civil society organisations still included exceedingly long first instance procedures, which frequently went beyond legal limits.



## Reception of applicants for international protection

EU+ countries focused on implementing the significant changes that were introduced in 2018 in the organisation of national reception procedures. Several countries fine-tuned their institutional frameworks to facilitate the implementation process, and others continued with efforts to expand accommodation for the increased number of applicants. A few countries descaled reception capacity.

To improve reception conditions, several countries established guidelines, implemented monitoring, increased funding and undertook simulation exercises.

Some initiatives over the year aimed at changing the duration, scope and conditions of the entitlement to material reception conditions for certain groups of applicants. Initiatives were also undertaken to address disruptive behaviour and ensure safety at reception facilities. Courts were particularly active in addressing deficiencies in national reception systems, including reviewing reception standards beyond national borders in the context of Dublin transfers.

Yet, UNHCR and civil society organisations identified deficiencies in access to housing, health care and education for children and youth.



## Detention

New legislation or amendments were introduced by EU+ countries to further define or elaborate the grounds for detention and alternatives to detention in the context of both asylum and return procedures. Legislation addressed issues with uncooperative applicants; applicants posing a threat or a danger to the national security of the host country; cases of disruptive or transgressive behaviour; and the risk of absconding. In addition, detention was further linked to the acceleration of asylum procedures and the enforcement of return.

An effort to shift policies toward identifying alternatives to detention was also noted in some countries. As in 2018, concerns were expressed by civil society organisations in a number of countries with the incorrect implementation of EU asylum legislation in relation to the detention of asylum applicants and safeguards within the detention procedure. The European Court of Human Rights (ECHR) remained active in reviewing detention practices and conditions, while clarifying the rights of applicants.



## Procedures at second instance

The main areas of developments in 2019 included the suspensive effect of appeals against first instance decisions; changes regarding time limits for appeals; institutional restructuring to define the authority responsible for appeals; the introduction of safeguards provided to applicants; and measures to improve the efficiency of second instance procedures, including using new technologies.

Overall, the backlog of appeals cases and the length of proceedings remained two notable aspects for procedures at second instance in 2019, with several EU+ countries taking measures to reduce the number of pending appeals. As a considerable share of decisions were pending at second instance, courts and tribunals had the opportunity through their decisions to further shape the practical application of the asylum procedure and other areas of CEAS.



## Country of origin information

Facing a high influx of applicants for international protection from diverse countries of origin over recent years, EU+ countries have taken concrete steps to enhance both the range and quality of the information produced on country of origin information.

In 2019, collaboration and expertise-sharing among EU+ countries were strengthened, often coordinated by EASO through specialised networks. In addition, many countries invested in staff training on the methodology of COI research, while fact-finding missions continued to be a primary tool for collecting information and gathering detailed knowledge about the situation in particular countries of origin or transit.

Challenges in the area of COI included the lack of sources in national languages, shortage of detailed information on some countries of origin or applicant profiles, and difficulty in accessing updated information on countries in which the situation changes rapidly.



## Statelessness

Stateless persons and beneficiaries of international protection are two distinct categories in international law, but a person can be both a beneficiary of international protection and stateless. In the context of asylum, statelessness may affect the determination process for an application for protection, as well as the procedural safeguards.

A number of EU+ countries took steps toward addressing statelessness in 2019, including acceding to relevant international legal instruments, establishing dedicated statelessness determination procedures, providing access to citizenship at birth, facilitating access to naturalisation, enhancing the content of protection for stateless persons, accelerating the statelessness determination process and providing for the collection of census data on stateless persons. However, challenges faced by stateless persons in different stages of the asylum procedure, from access to detention and return, seem to persist.



## Content of protection

Persons who have been granted a form of international protection in an EU+ country can benefit from a range of rights and benefits. Developments in legislation, policy and practice on the content of protection were diverse across EU+ countries in 2019, and thus, general trends were difficult to identify.

Initiatives typically addressed particular needs in each country and were tailored to the specific profiles of beneficiaries in those countries. Many developments throughout the year were related to national integration strategies in general and to the review, cessation and revocation of the protection status.

Several legislative initiatives addressed the scope of entitlement to and criteria for family reunification, while some countries developed comprehensive measures to increase the participation of third country nationals in the labour market.



## Return of former applicants

EU+ countries continued their efforts in 2019 to identify solutions for the effective return of persons with no right to stay in the EU, including former applicants for international protection. In its Annual Risk Analysis for 2020, Frontex indicated that the number of return decisions issued in 2019 was significantly greater than the number of effective returns reportedly carried out in the same year.

In this context, a number of legislative amendments introduced by EU+ countries aimed to facilitate return through additional obligations to cooperate, removing the suspensive effect of appeals against return decisions, increasing possibilities for detention and expediting return procedures.

Practical measures, including new guidelines and technical arrangements, were also introduced to address specific challenges, such as abuse of financial support to return and the risk of absconding after the issuance of a negative decision. In addition, EU+ countries launched and implemented projects aimed at enhancing the quality of the return process while respecting fundamental rights. Efforts also continued to provide channels for the assisted voluntary return of former applicants.

## Resettlement and humanitarian admission programmes

Throughout 2019, EU+ countries made progress toward reaching the goal of resettling 50 000 migrants, as envisaged in the European Commission's recommendations from 2017 under the second EU Resettlement Scheme.

In 2019, approximately 30 700 persons arrived in Europe through resettlement, 8 % more than in 2018. As has been the case for three years, Syrians accounted for nearly two-thirds of all resettled persons. Responding to a call by the European Commission, EU+ countries pledged another 29 500 resettlement places for 2020.



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