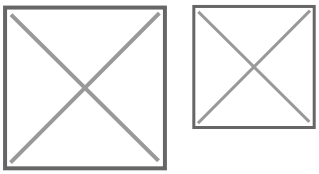
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Concluding remarks: The way forward



This is the 10th edition of the Asylum Report in which EASO has been documenting and analysing the steady progress that EU+ countries have made in standardising and modernising their asylum and reception systems. Using a mix of temporary, rapid solutions and forward-looking policies, EU+ countries have been managing complex migratory flows, while addressing challenges along the way. Indeed, the global health emergency during the COVID-19 pandemic tested current asylum and reception systems and the developments presented in this report demonstrated their resilience and flexibility to ensure business continuity in the face of the unexpected. What is also clear is that the need for international protection remains prominent, requiring solutions which foster long-term sustainability.

Capitalising on the progress made to date requires further investment in transitioning from interim arrangements to a commonly-agreed, comprehensive legislative and policy framework. To this end, continued and reinforced collaboration among various stakeholders is of paramount importance to incorporate the expertise and comparative advantages that each can bring to develop common solutions. During this consolidation process, fundamental human rights and EU values must serve as a compass to lead the way forward.

Despite reduced mobility in 2020 due to the COVID-19 pandemic, the evidence points to persisting migration flows



As epicentres of conflict, systematic human rights violations, political instability and economic hardship continue to trigger major displacements worldwide, migratory flows into Europe seem likely to continue at a steady or increasing pace. While the pandemic in 2020 seemed to be a factor inhibiting mobility, this trend may likely change in the future. If we consider the capacity of different countries in addressing and overcoming the economic and social effects of the pandemic, post-COVID-19 recovery may be uneven, have an amplifying effect on pre-existing causes of displacement and exacerbate imbalances between developing and more developed countries. This may also catalyse mobility from the former to the latter. In this context, fundamental issues regarding the EU's external borders will remain an important part of the public debate, particularly in relation to effective access to territory and the asylum procedure, which further highlights the

need to transition to a new, commonly-accepted framework for search and rescue operations, disembarkation, relocation and overall equitable sharing of responsibility. The COVID-19 pandemic had a profound and complex impact both on the functioning of asylum and reception systems in EU+ countries and on the number of people arriving to Europe to seek international protection. The number of asylum applications lodged in EU+ countries in 2020 dropped dramatically by one-third compared to 2019, with travel restrictions and lockdowns impeding the journey for many. But if we narrow in on the number of applications which were lodged in January and February 2020 before the introduction of COVID-19-related measures, increases of more than 10% compared to the same months in 2019 were reported, which hints to an increasing trend in arrivals, had the pandemic not occurred.

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The role of resettlement programmes in providing predictable, safe and legal access to safety will be crucial in the face of growing migration flows. The COVID-19 pandemic had a disruptive effect on resettlement processes in 2020, which further highlighted the importance of protecting people from long and perilous journeys to safety. The increased emphasis on resettlement and complimentary pathways in the new Pact on Migration and Asylum is a strong indication of the commitment to provide protection solutions in a safe and predictable way.



The new Pact on Migration and Asylum aims to accommodate diverse needs

The European Commission's Pact on Migration and Asylum was proposed in September 2020 as a fresh start on reinforcing solidarity, tackling migration challenges in a harmonised way and building confidence in the EU asylum system through faster and effective procedures. The 12-month consultation with diverse state and non-state stakeholders prior to the finalisation of the proposed new pact was a positive step in considering diverse perspectives in building an inclusive and comprehensive migration and asylum architecture for Europe. The negotiations on the legislative proposals included in the new pact will take a central place in upcoming developments in the area of migration and asylum.

Acknowledging the significant progress already made, a number of points of divergence are yet to be tackled. Political will, inspired policy-making and flexibility are needed to achieve a

breakthrough. While not in place yet as legislative acts, directions provided in the new pact may already influence policy changes in some countries to align their practices with what is proposed and foster practical cooperation among countries on issues of pressing interest, a trend that was also observed following the 2016 CEAS reform proposals.



With an eye on sustainable systems: Turning from reactive responses to long-term solutions

Building on past experiences, EU+ countries have continued to adapt their legislations, policies, practices and overall organisational arrangements in order to better manage inflows of asylum applicants, optimise workflows, increase efficiency and effectiveness, and provide a dignified process of protection. A common trend in many EU+ countries has been the increased centralisation and coordination of the initial asylum and reception phase by establishing arrival centres where all stakeholders of the asylum process are in one place. The aim is to collect as much information as possible at an early stage of the procedure to enhance efficient decision-making – an approach which seems to be central in the new pact as well. Being able to rapidly determine who is in need of protection and who is not will increase the integrity of asylum systems. On this, ongoing discussions will persist around having mechanisms to guarantee adherence to fundamental rights and importantly to the principle of non-refoulement.

Modifications have also been made within reception systems, particularly to provide adapted services to applicants with special needs. Despite these efforts, this area has not been devoid of challenges, with reception facilities at times being overcrowded, conditions less than optimal and access to services, such as education and health care, delayed or insufficient. For instance, available data indicate that in 2020 approximately 30% of applicants for international protection in Europe were children, many of them of school age. Often, these children do not have consistent and effective access to education. Even for those children who may be returned after a negative decision, offering education at the reception stage is a value in itself, facilitating their growth at cognitive and social levels. For those staying, a lack of effective access to education may have detrimental effects both on their personal development and on their integration prospects in the long run. An immediate focus on integration of beneficiaries of international protection results in multiple benefits for long-term sustainability: equipping them with the necessary skill set to thrive in the host society will catalyse not only their positive contribution as organic members of the new societies but will also enhance overall social cohesion.

Acknowledging the function of temporary solutions in covering immediate needs, the transition toward long-term, sustainable frameworks will require improvements to provide quality reception conditions, a timely provision of health care and education, a focus on integration of beneficiaries and dignified processes for the return of third-country nationals who are not in need of protection. In this transitional process, fundamental human rights concepts and EU principles can provide the necessary guidance and inform the development and functioning of such long-term solutions.



Fair efficiency and efficient fairness: Courts examine new practices in line with the EU asylum *acquis*



Judicial institutions at the EU and national levels have continued to affirm their role in interpreting the EU asylum acquis and guiding its practical application. This role was emphasised in 2020 when courts were called to assess new practices and measures which had been introduced by national authorities in a new reality driven by unprecedented challenges when swift and efficient responses were needed. National courts stepped in to assess the impact of COVID-19 safety measures on the rights of asylum applicants and the intricacies of Dublin transfers and related time limits. Also the CJEU as the judicial authority of the EU delivered a number of important judgments, especially related to effective access to the asylum procedure.

It is clear that judicial authorities will continue to play an important role in ensuring the correct interpretation and application of the European asylum acquis, even more so while the European Commission's proposals are yet to be transitioned to an agreed legislative and policy framework and given the considerable number of cases still pending at second instance.

Digitalisation as a catalyst for efficiency and accessibility



EU+ countries have taken important steps toward introducing technological innovations to increase automation in asylum procedures. The COVID-19 pandemic provided a new impetus for EU+ countries to enhance the digitalisation of processes as they needed to adapt their working modalities to mitigate the risks of the health emergency. Many of these solutions will likely remain on a more permanent basis to increase the efficiency of asylum and reception systems, while others may form a part of the toolbox of EU+ countries to be employed again in the face of similar challenges in the future. As work toward digitalisation progresses, attention needs to be paid to issues of data privacy, ensuring equitable access to digital services and increasing trust on new technical solutions among applicants and beneficiaries of protection to encourage their use.

Coordinated European response with EASO as an integral part



The complex nature of asylum, which is also intricately linked to family reunification and returns, requires comprehensive solutions. In the years to come, coordinated action and the integration of expertise from different stakeholders will be key in developing a balanced approach, where the key question will be how – and not if – all stakeholders contribute. The standardisation and practical implementation of a functional European asylum system will require widespread political will and a common vision; harmonised and fair responses to migratory pressures on specific countries, while respecting the fundamental rights of persons seeking protection; enhanced cooperation with countries of origin and transit; and continued efforts to address root causes of irregular migration.

In the 10 years since its establishment, EASO has actively worked with the European Commission, Member States, European agencies, civil society and international organisations to support the

implementation of CEAS in a holistic way: by providing operational assistance to Member States experiencing high pressure; offering training and high-quality practical tools to asylum professionals; contributing to the implementation of the external dimension of CEAS; and producing reliable analytical output to inform decision-making. During these years, EASO has gathered extensive and unique experience, developed innovative working methodologies, created strong partnerships and served as part of the solution in advancing protection-oriented policies and practices.

In a continuously changing global migratory landscape, EASO’s guidance and contributions are needed more and more. As the centre of expertise on asylum, EASO’s work programme is expected to grow, particularly in face of the transition to an EU Asylum Agency.




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