Please cite as: EUAA, '4.The functioning of the CEAS: Developments and case law in key areas ' in *EASO Annual Report 2018*, February 2022.

4.The functioning of the CEAS: Developments and case law in key areas



4.1. Access to procedure

The section on Access to procedure gives an overview about the relevant law, policy and caselaw changes and points out the related concerns mentioned in civil society organisations inputs. It is divided into three thematic parts: access to territory, access to asylum procedure and relevant court proceedings. Read more...

4.2. Access to information and legal assistance

This section is divided into two main thematic parts. The first part, Access to information, offers a summary of the legislative developments and policy initiatives in EU+ countries on this field, including separate parts on audio-visual communication initiatives and new media developments, information needs of vulnerable persons, information provision following the recognition of beneficiaries of international

protection and awareness raising activities related to assisted voluntary return and reintegration. It further highlights a number of reported training initiatives on information provision, while also making reference to related concerns raised by civil society organisation and UNHCR. This first part concludes with a brief overview of EASO initiatives in this area. The second thematic part of the section focuses on developments regarding legal assistance and representation. It provides an overview of changes related to the scope and extent of legal aid, and the actors involved in the process, and highlights specific initiatives on the provision of legal assistance to unaccompanied minors. The part also includes civil society perspectives in this area. Read more...

4.3 Providing interpretation services

This section aims to offer an overview of changes and developments in the provision of interpretation services in the EU+ countries during 2018. It looks at the legislative, policy, and practice developments, while also making reference to perspectives shared by civil society actors. Interpretation is an important and at the same time fragile part of the asylum procedure as it has an influential impact on the communication channels between member state's institutions and asylum seekers. The integrity, efficiency and quality of the asylum procedure requires that applicants understand each stage of the process and that at the same time authorities should be able to understand all details of the applicants' circumstances. Read more...

4.4. Special procedures: admissibility, border and accelerated procedures

This section presents legislative, policy, and jurisprudential developments regarding Special procedures, while also incorporating perspectives shared by civil society actors, academia, and think tanks. It is structured around four thematic sections, following the logic of the recast APD. The overview starts with a presentation of changes regarding border procedure, followed by developments in accelerated and admissibility procedures. It concludes with a presentation of the application of safe country concepts.The Asylum Procedures Directive sets the framework for the examination of applications for international protection at first instance under an accelerated, border or transit zones, or admissibility procedure, while remaining in accordance with the basic principles and guarantees. Read more...

4.5. Procedures at First Instance

The section on Procedures at first instance provides an overview of the recent legislative, policy, practice and case-law developments concerning the various steps of

the regular procedure in the EU+ countries and indicates the concerns that a selection of civil society sources raised regarding this area. It begins with the developments concerning time-limits and highlights some of the measures aiming to reduce the length of the asylum procedure, an area which seems to have remained a major issue for both national authorities and civil society stakeholders. This first part also lists major changes in the organisation and staff of the national asylum authorities and shows some of the new technologies used to shorten processing times. The section then describes legislative amendments concerning the personal scope of asylum application, briefly notes changes regarding the provision of legal aid at first instance and spells out some other, more individual national legal amendments, before turning to the presentation of changes in policy and practice on the assessment of asylum applications, both in general terms and in a country-specific context. The section rounds up with developments reported on quality assurance. Read more...

4.6. Reception of applicants for international protection

The section on the Reception of applicants for international protection picks up the line from Chapter 2 on the Trends in international protection in the EU+ and shows how EU+ countries reacted to these trends in terms of their reception capacity. The overview follows with the presentation some of the major legislative changes in 2018. The next thematic block focuses on developments in the overall organisation of reception, including redistribution and placement schemes and the changing types of reception facilities. The section then specifies efforts to improve the quality of material reception conditions through better coordination, monitoring, reconstruction of the physical infrastructure and staff training and notes the major new or remaining challenges that civil society organisation reported in this regard. The further details on the provision of reception conditions loosely follow the applicants' path in chronological order and present developments regarding the entitlement to material reception conditions, changes in financial allowances, information provision and legal assistance in reception centres, freedom of movement, access to healthcare, applicant children's education, access to labour market and language learning and socio-cultural orientation. The overview then notes some changes in the possibility to reduce or withdraw material reception conditions. The section finishes with legislative, policy and practice developments intended to strengthen security and enhance peaceful daily life within the reception facilities.Read more...

4.7. Detention

This section provides an overview of the developments concerning detention, focusing on the areas of grounds for detention, time limit for detention, alternatives to

detention, and applicants' freedom of movement. It then presents the most significant shifts in detention capacity in EU+ countries. It continues with a presentation of conditions in detention facilities, before turning to issues raised by civil society actors in general. The section concludes with an overview of developemnts on the issue of detention before the European Court of Human Rights throughout 2018. Read more...

4.8. Procedures at second instance

The section on Procedures at second instance presents the legislative, policy, practice and case-law developments impacting the right to an effective remedy within the asylum procedure. It starts with a brief overview of the focus areas and the volume of these changes and highlights a major legislative and organisational change. The section then continues with the presentation of developments in thematic blocks and describes developments around the time-limits related to procedures at second instance, around legal aid, around the suspensive effect and the right to remain during appeal procedures. It rounds up by presenting some of the measures aimed at and around improving the efficiency of the appeal procedures.Read more...

4.9. Country of origin information

The section presents recent developments within national COI units and provides a brief overview of relevant EASO activities in 2018. Considering the still substantial number of pending cases, providing COI on a wide range of third countries and topics remains an essential component for well-informed, fair and well-founded decisions as well as for developing evidence-based policy. Read more...

4.10. Vulnerable applicants

The recast version of the Asylum Procedures Directive (APD) expanded the previously limited ( ) concept of vulnerable applicants by putting in place the notion of applicants in need of special procedural guarantees, outlined mainly in Article 24 of the recast APD. The core elements of the new framework are the need to identify applicants who are in need of special procedural guarantees (including as a result of torture, rape, or any other form of psychological, physical, or sexual violence) and to provide them with adequate support so that the procedure can be tailored to these applicants' needs ( ). In terms of reception conditions, the current version of the Reception Conditions Directive (RCD) includes provisions for persons with special needs and the principle of taking into account the specific situation of vulnerable persons. The recast RCD introduces a category of 'applicants with special reception needs' ( ) and Chapter IV comprises a set of provisions concerning this category, including provisions on assessment of the special reception needs of vulnerable persons, minors,

unaccompanied minors, and victims of torture and violence. Read more...

4.11. Content of protection

The recast QD outlines the content of international protection and has been shaping many areas relevant for the integration of beneficiaries of international protection. This section presents some of the main legislative, policy and case-law developments related to the relevant elements of the recast QD, starting with the changes impacting the forms of protection granted, their review and their eventual withdrawal. The overview continues with developments concerning family reunification for beneficiaries of international protection. It points out some of the significant changes related to residence permits granted to beneficiaries and the possibilities for naturalisation. The section then provides a brief recap about developments concerning the broader context of strategies for migrant integration and points out specifically the elements pertinent for beneficiaries of international protection. The overview turns to the presentation of specific thematic areas: access to labour market, employment-related education and vocational training, language and socio-cultural classes, validation of skills and the recognition of qualifications, education for minors and education beyond the compulsory school age, social welfare benefits, healthcare and accommodation. Read more...

4.12 Return

This section looks into main developments in EU+ countries in the area of return, focusing on developments concerning return of former applicants for international protection (whose claims have been rejected or who opt for withdrawal of their claim and voluntary return to the country of origin). Read more...

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