

Section 3. Managing access to international protection

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icon for the functioning of the common European asylum system

Similar to the recast Asylum Procedures Directive (APD), the APR outlines access to the procedure as a three-step process, including the making, registering and lodging of an application. Effective access to the asylum procedure means that people seeking international protection can reach the authorities and are afforded a fair and efficient process. In addition to the APR, specific EU legal instruments govern access to the asylum procedure in Europe:

- The Screening Regulation sets up uniform rules for EU Member States to ensure that people having crossed the external border in an unauthorised manner without fulfilling entry conditions undergo identity, security, health and vulnerability checks and are channelled to the appropriate procedure (border procedure, accelerated procedure, asylum procedure in the territory or return procedure);
- The Eurodac Regulation establishes an interoperable asylum and migration database to support the asylum system and help manage irregular migration; and
- The Crisis and Force Majeure Regulation establishes measures for situations of crisis and instrumentalisation of migrants.

Non-refoulement is a core principle of international and EU laws to ensure that an applicant is not returned to a country where they will face persecution (recast Qualification Directive (QD), Recital 3). It constitutes an essential and crucial safeguard throughout the asylum procedure, including for access to the procedure, since obstructing access to territory and access to the procedure may, in certain circumstances, result in a person being returned to a country where their life or freedom may be threatened, breaching the international principle of *non-refoulement*.

The effective management of borders and compliance with fundamental rights has been much discussed in the European migration policy discourse. It has become the focus of a number of initiatives which culminated into the European Integrated Border Management strategy, while in the newly-issued European Asylum and Migration Strategy, maintaining the integrity of external borders is listed as a priority toward effective migration management. In responding to mixed migratory pressures and security challenges at external borders, EU+ countries have introduced stricter measures, risking at times effective access to the territory and the asylum procedure for people who may be in need of protection. Such practices have been often scrutinised by

international and civil society organisations, as well as judicial institutions.

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3.1. Eurodac system

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