EASO Asylum Report 2020

Annual Report on the Situation of Asylum in the European Union

Executive Summary

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SUPPORT IS OUR MISSION

Foreword

With Europe experiencing yet again an increase in the number of applications for international protection in 2019 (for the first time since 2015), asylum remains a high priority in the EU policy agenda. As the trends change over time, we remain collectively working toward providing optimal solutions to persons in need of protection, while maintaining the integrity of national asylum systems.

The 2020 edition of the *EASO Asylum Report* offers a concise and comprehensive overview of key developments in international protection and the functioning of the Common European Asylum System (CEAS). To produce its annual flagship report, EASO collects and analyses information from a wide range of reliable sources to provide an in-depth look at policy changes and improvements over the course of the year, while underlining challenges which remain to be addressed.

As EASO celebrates its 10-year anniversary in 2020, we are reminded of the agency's growing importance in providing operational and technical assistance in asylum matters to EU+ countries. The information produced by EASO is vital to enable policy-makers to make informed decisions, to help countries cope with an ever-changing landscape of migratory patterns and to empower national administrations in processing, case by case, a continuous stream of applications.

We look forward to the long-awaited adoption of a new regulation for the European Union Asylum Agency, which will transform EASO into a fully-fledged EU agency, strengthen its role and expand its mandate. As the centre of expertise on asylum, EASO will continue to provide service-oriented, impartial and transparent support toward the effective implementation of CEAS.

I am grateful for the on-going collaboration with all our partners towards common, transparent and sustainable asylum systems across Europe. Efficient systems can respond rapidly to the changing patterns in migration flows and ensure a clear, fair and dignified process to each applicant for international protection. We are already seeing global and national situations emerging in 2020 which may lead to more people seeking refuge. Now, more than ever, we must continue to work towards a truly common European asylum system by attaining convergence in addressing the needs for international protection and showing solidarity with Member States which are under the greatest pressure.

Nina Gregori

Executive Director
European Asylum Support Office

Introduction

The *EASO Asylum Report 2020* provides a comprehensive overview of developments in the field of international protection at the European and national levels. Based on a wide range of sources, the report presents a brief overview of the global context of asylum, highlights developments in the European Union (EU) and examines the main trends and changes in legislation, policies, practices and case law across EU Member States, Iceland, Liechtenstein, Norway and Switzerland (EU+ countries). The report focuses on key areas of the Common European Asylum System (CEAS), while taking into consideration the broader context of migration and fundamental rights.

1. Global overview of the field of asylum in 2019

Forced displacement due to conflict, persecution, human rights violations, natural disasters and degrading ecosystems is a reality for millions of people across the globe who flee their homes in search of security. Over the past few years, major population displacements were caused by conflict, extreme violence and severe political instability in several regions of the world.

Among persons affected by displacement, a 'refugee' by definition is someone who has been forced to flee his/her country due to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion. 'Internally displaced persons' have not crossed the border of their country but may still find themselves in a vulnerable situation.

In the context of Europe, international protection encompasses refugee status and subsidiary protection status. The latter refers to persons, who do not qualify for refugee status but are eligible for protection because they run the risk of serious harm, consisting of the death penalty or execution; torture or inhuman or degrading treatment or punishment in the country of origin; or serious and individual threat to their life due to indiscriminate violence in situations of international or internal armed conflict.

In June 2019, the United Nations High Commissioner for Refugees (UNHCR) reported a total population of concern of 79.4 million people, including 20.2 million refugees, 3.7 million asylum-seekers, 531 000 returned refugees, 43.9 million internally displaced people (IDPs), 2.3 million returned IDPs and 3.9 million stateless people under UNHCR's mandate.

Nationals from Syria accounted for one-third of the global refugee population, with 6.6 million who have fled their country.

The 6.6 million refugees from Syria made up approximately one-third of the global refugee population, followed by Afghanistan and South Sudan, with 2.7 million and 2.2 million respectively. For those seeking protection, the largest group of asylum applicants in 2019 were Venezuelan nationals.

Countries neighbouring the epicentre of a crisis are often the first in line to accommodate displaced persons. In 2019, in absolute terms, Turkey by far hosted the highest numbers of refugees, followed by Pakistan, Uganda, Germany and Sudan. In relative terms, Lebanon, Jordan and Turkey hosted the highest shares of refugees in relation to their population sizes.

As the number of displaced persons continues to grow globally, governments, international organisations and civil society organisations are developing strategies to respond effectively to complex challenges presented by forced displacement. The first Global Refugee Forum took place in December 2019 to monitor developments and review progress on the action plan set under the Global Compact for Refugees in 2018. The compact addresses, among others, sharing responsibility, the reception of refugees, and supporting host communities in a sustainable way.
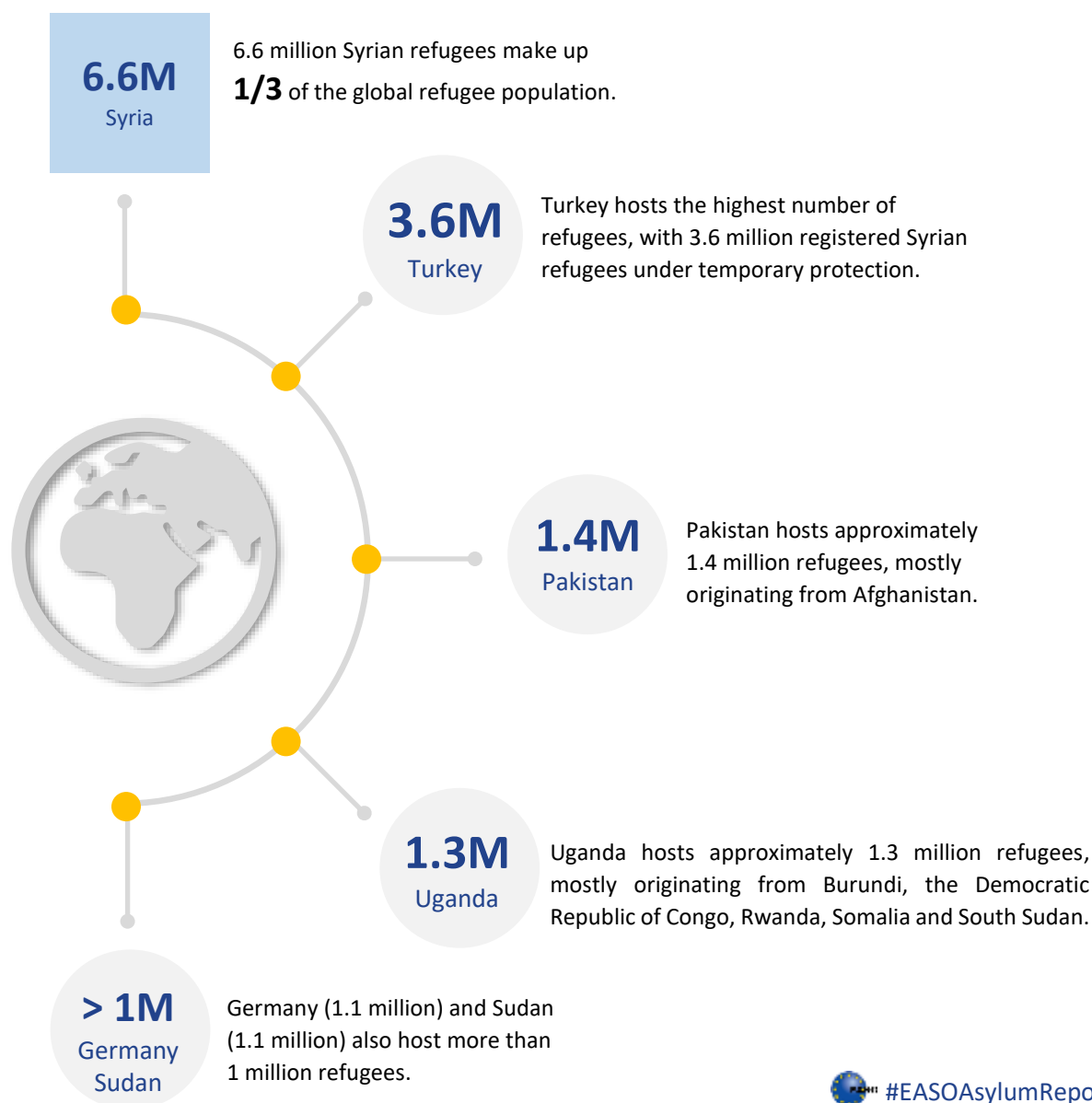
New initiatives continue to surface globally, allowing various areas of forced migration to be pushed to the forefront and addressed within wider audiences. Two topics which attracted increased attention in 2019 are statelessness and mobility due to climate- and environment-related reasons.

An often overlooked aspect of forced migration, statelessness has gained more notice over 2019 as the scope of the issue became more evident. In October 2019, an international High-Level Segment on Statelessness marked the mid-point of the #IBelong campaign, an initiative launched by UNHCR in 2014 to end statelessness by 2024. The event assessed the achievements made to date on the 10 goals of the Global Action Plan to End Statelessness.

While the impact of climate disasters on population displacement is not a new phenomenon, it is gaining a more central place in humanitarian, policy and legislative discourse surrounding displacement. The growing recognition of the impact of environmental factors on human mobility has triggered policy discussions, both at regional and global levels, to address its impact.

Share of refugees and host countries globally, 2019

6.6M
Syria

6.6 million Syrian refugees make up **1/3** of the global refugee population.

3.6M
Turkey

Turkey hosts the highest number of refugees, with 3.6 million registered Syrian refugees under temporary protection.

1.4M
Pakistan

Pakistan hosts approximately 1.4 million refugees, mostly originating from Afghanistan.

1.3M
Uganda

Uganda hosts approximately 1.3 million refugees, mostly originating from Burundi, the Democratic Republic of Congo, Rwanda, Somalia and South Sudan.

> 1M
Germany
Sudan

Germany (1.1 million) and Sudan (1.1 million) also host more than 1 million refugees.

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www.easo.europa.eu/asylum-report-2020
Source: EASO and UNHCR.

2. Developments in the European Union

In 2019, no major legislative progress was noted regarding the adoption of the CEAS reform package. In light of the elections for the European Parliament, the negotiations for the reform package were referred to the next parliamentary term. However, progress was made in legislative areas directly related to asylum. In May 2019, the Council of the EU adopted two regulations establishing a framework for the inter-operability of EU information systems in the areas of justice and home affairs. In addition, in June 2019, the Council adopted its partial common position on the recast Return Directive which was proposed by the European Commission in September 2018.

The topic of asylum remained high on the EU political agenda in 2019. Pending legislative negotiations, considerable work was accomplished in policy implementation and practical cooperation among EU+ countries. The EU's Strategic Agenda for 2019-2024, which was adopted by the European Council in June 2019, set the main priorities for the next institutional cycle, including migration and asylum as priority areas with a focus on border management informed by the values of the EU; cooperation with countries of origin and transit; and a much-needed consensus on the reform of the Dublin system to achieve a balance of responsibility and solidarity.

In January 2020, the European Commission published its new work programme, having as one of its priorities the launch of a new pact which will acknowledge the inter-connectedness of internal and external aspects of migration and will strive for more resilient, more humane and more effective migration and asylum systems.

The European Council adopted the EU's Strategic Agenda for 2019-2024, with asylum as a priority area

In October 2019, the European Commission published a Progress Report on the Implementation of the European Agenda on Migration which took stock of major achievements since 2015 and focused on developments in 2019. While the pace of legislative reforms has been gradual, progress was made at a faster pace in policy implementation and consolidating the EU toolbox for effective migration and asylum management, including swift operational and financial support to Member States experiencing increased pressure.

Despite the overall decrease in the number of arrivals at the EU external borders in 2019, different trends emerged across migration routes into Europe. The Western and Central Mediterranean routes had fewer arrivals compared to 2018, while the Eastern Mediterranean and Western Balkan routes experienced increased arrivals.

A key dimension of the EU approach to address the Eastern Mediterranean route is the partnership with Turkey through the EU-Turkey Statement. As a result of the statement, after four years of implementation, irregular arrivals from Turkey to the EU remained 94 % lower than before the agreement, and a cumulative total of about 27 000 Syrian refugees have been resettled from

Turkey to an EU+ country. For the period 2016-2025, a total of €6 billion has been allocated through the Facility for Refugees to support refugees and host communities in Turkey, focusing on humanitarian assistance, education, health, municipal infrastructure and socio-economic support. An area in which more progress is needed is the implementation of returns from the Greek islands to Turkey.

The disembarkation of migrants rescued in the Mediterranean Sea continued in 2019, underlining the need for a more systematic and coordinated EU approach to disembarkations including first reception, registration and relocation. A Ministerial Meeting on Migration in September 2019, involving Member States, the Presidency of the Council of the EU and the European Commission, led to a Joint Declaration of Intent concluded by France, Germany, Italy and Malta for a structured emergency procedure to manage disembarkations and relocation arrangements. The European Commission launched a process to develop Standard Operating Procedures based on the declaration, which led to a common understanding among Member States and which is being applied operationally.

Resettlement remained high on the policy agenda related to asylum during 2019. It is an integral component of the collective efforts by the EU to provide protection to those who need it by transferring refugees from an asylum country to another state that has agreed to admit them and ultimately grant them permanent settlement. The European Resettlement Scheme was launched in July 2015 and, as of December 2019, two successful resettlement programmes have assisted more than 65 000 people.

Throughout 2019, the EU continued its cooperation with external partners to manage migratory pressures through a comprehensive approach rooted in multilateralism. The aims of activities implemented under the external dimension of the EU migration policy included preventing irregular migration; enhancing cooperation with third countries on returns and readmission; addressing the root causes of migration by improving opportunities in countries of origin and increasing investments in partner countries; and ensuring legal pathways to Europe for those in need of international protection.

In its role to ensure a harmonised interpretation and application of EU law, the Court of Justice of the European Union (CJEU) issued 12 judgments in 2019 related to preliminary rulings on interpreting the CEAS. For example, the Court ruled on:

> The applicability of the recast Asylum Procedures Directive in relation to existing international protection in Member States and the role of judicial institutions in reversing first instance decisions;

> Revocation of international protection and the validity of certain provisions in the recast Qualification Directive;

> Withdrawal of material reception conditions as a form of sanction, in light of the recast Reception Conditions Directive, Article 20(4); and

> Assessment of dependents considered to be broader family members (not immediate family) and procedural aspects of the family reunification procedure.

The Court also interpreted key concepts and technical aspects of the Dublin system in light of the Charter of Fundamental Rights of the European Union and clarified preliminary issues as a result of the withdrawal of the United Kingdom from the EU (Brexit).

> **Fostering practical cooperation among EU+ countries**
>
> **Facilitating the sharing of information and expertise**
>
> **Producing evidence-based input to inform policy-making**
>
> **EASO support to countries in 2019**
>
> EASO continues to actively contribute to the implementation of the Common European Asylum System (CEAS) by:
>
> **Providing operational and technical support to EU Member States experiencing pressure on their asylum and reception systems**
>
> **Providing assistance to and promoting cooperation with third countries**

Source: EASO.

In 2019, EASO's operational assistance reached unprecedented levels coordinating the deployment of over 900 persons (including EASO staff, experts from EU+ countries, temporary agency workers, interpreters, cultural mediators and security personnel) in four Member States (Cyprus, Greece, Italy and Malta). Close to 40 % of the agency's annual budget was spent on operational support in 2019.

In the area of third country support, EASO delivered capacity-building activities in 2019 in Western Balkan countries, Turkey and countries in the Middle East and North Africa (MENA) region.

3. Data on the Common European Asylum System

In 2019, almost 740 000 applications for international protection were lodged in EU+ countries, an increase of 11 % compared to 2018. This was the first time since the migration crisis of 2015 that the number of applicants started to climb, in part due to a sharp rise in applications from Venezuelan and other Latin American nationals. In fact, top receiving countries, such as France, Greece and Spain, received more applicants in 2019 than during the migration crisis.

Applications continued to be concentrated in a small number of Member States. In 2019, France, Germany and Spain received more than one-half of all applications in EU+ countries, followed at a distance by Greece. In contrast, Italy received far fewer applications for the second consecutive year, associated with significantly reduced irregular migration along the Central Mediterranean route. Turning from absolute to relative numbers, based on EASO calculations, Cyprus, Greece and Malta received the most applications for international protection relative to their population sizes.

Three countries of origin accounted for one-quarter of all applications for international protection in EU+ countries in 2019. In absolute numbers, applicants from Syria lodged about 80 000 applications, followed by Afghanistan (about 61 000) and Venezuela (about 46 000). Often language, cultural connections or geographical proximity can play a role in where an application is lodged. This was typically the case for Latin Americans (Venezuelans and Colombians, but also nationals of Guatemala, Honduras and Nicaragua) who lodged applications primarily in Spain. Visa-free travel may also play a role in where an application is lodged. A significant new trend in 2019 was an increase in the number of applications lodged by citizens of countries who do not need a visa to enter the Schengen area, which accounted for more than one-quarter of all applications (about 188 500).

11%

Increase in applications lodged in EU+ countries in 2019 compared to 2018

Figure 1. Number of applications by top receiving countries in Europe, 2018-2019
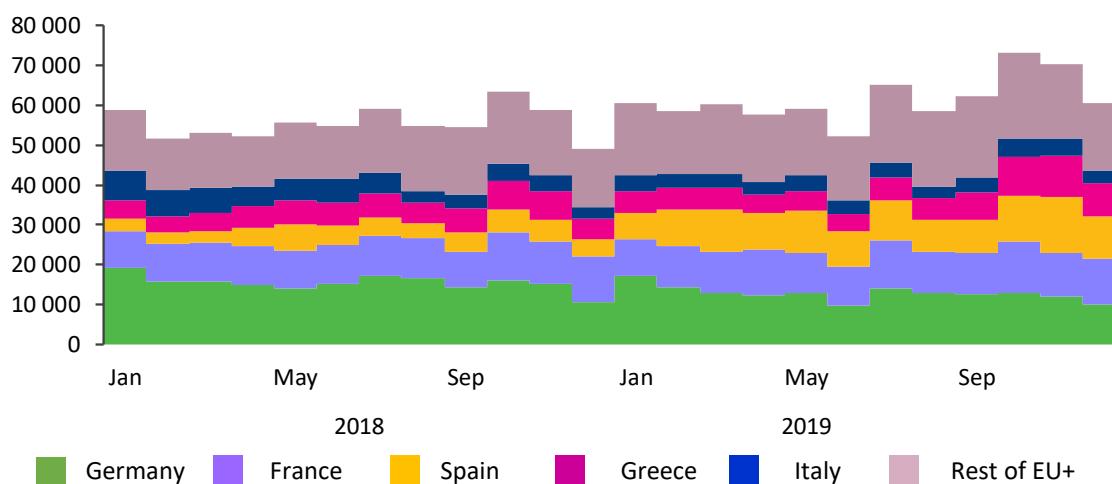
Source: Eurostat.

In 2019, EU+ countries issued approximately 585 000 decisions on first instance applications. This indicated a continuation of the declining trend in the number of decisions rendered on applications for international protection since 2016. Five countries accounted for three-quarters of all decisions taken on international protection: France, Germany, Greece, Italy and Spain. Most first instance decisions were issued to nationals of Afghanistan, Syria and Venezuela, accounting for one-quarter of all decisions in EU+ countries in 2019. Applicants from Venezuela, Colombia, El Salvador, Palestine, Tunisia, Morocco and Yemen received significantly more decisions in 2019 compared to the year before.
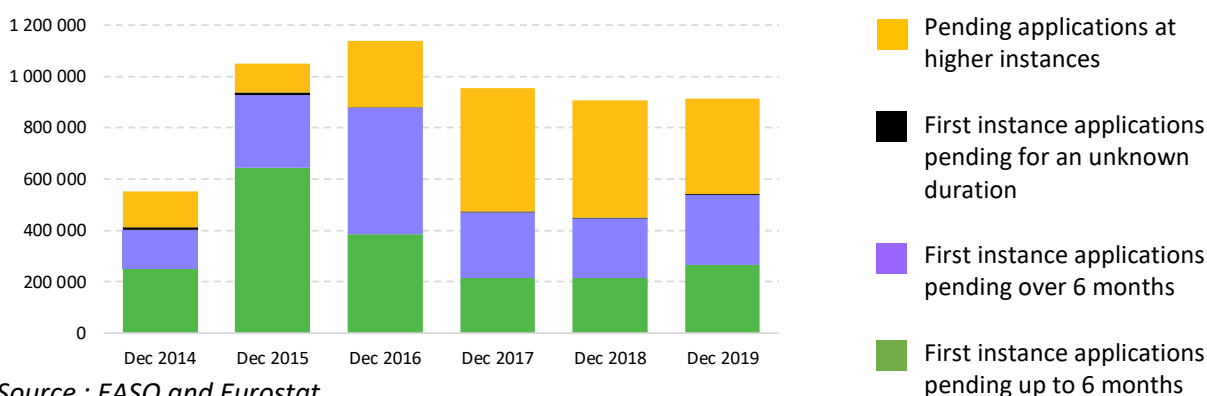
Two-fifths of all first instance decisions were positive, that is, granting refugee status (accounting for more than one-half of all positive decisions), subsidiary protection or humanitarian protection (granted in almost equal shares).

A noticeable development in 2019 was the number of positive decisions granted to applicants from Venezuela. The recognition rate for Venezuelans was 96 % in 2019, compared to just 29 % in 2018. Other nationalities with high recognition rates included: Syrians (86 %), Eritreans (85 %) and Yemenis (82 %). In contrast, applicants from North Macedonia and Moldova received the lowest proportion of positive decisions, at 1 % each.
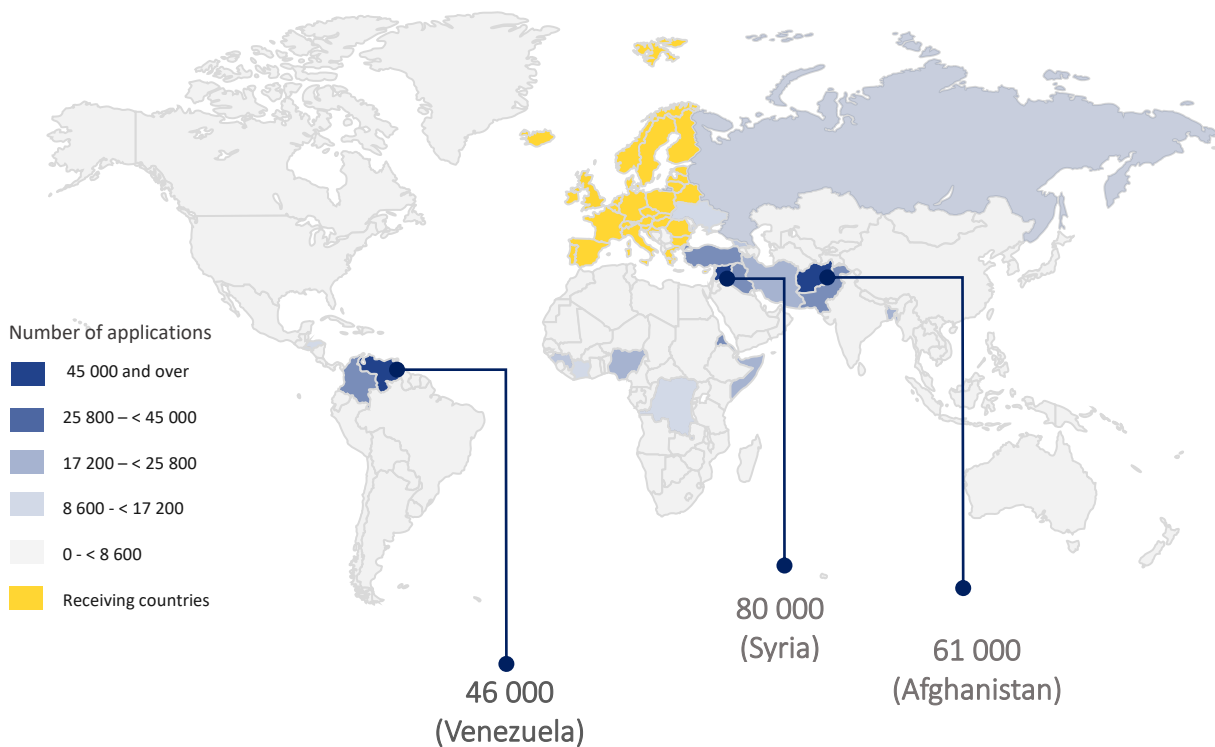
The number of applications that were withdrawn in 2019 rose by 20 % to reach approximately 69 500. Withdrawn applications, especially implicit ones, can serve as a proxy indicator of absconding and the beginning of secondary movements towards other EU+ countries. EASO's provisional Early Warning and Preparedness System (EPS) data suggest that almost three-quarters of all withdrawn applications at first instance in 2019 were implicit. Consistent with this interpretation, most withdrawals took place in frontline Member States, such as Greece and Italy, which together accounted for more than two-fifths of all withdrawals.

At the end of 2019, close to 912 000 applications for international protection were still awaiting a decision in EU+ countries, representing almost 1 % more than in 2018. Overall, the backlog was still much higher than pre-crisis levels, which illustrates the heightened pressure under which EU asylum systems are currently operating. Germany continued to have by far the most open cases, but in contrast to many other EU+ countries, there was a reduction in the overall number between the end of 2018 and 2019. The stock of pending cases was considerable and growing in Belgium, Greece, France, Spain and the United Kingdom. Calculations based on Eurostat and EASO data highlight that more than one-half of the cases awaiting a decision, or over 540 000, were pending at first instance. In all countries with significant increases in the number of pending cases, the trend was largely driven by the fact that more applications were being lodged, and thus, most of the backlog was accrued at first instance.

Pending applications for international protection in EU+ countries, at the end of the year, 2014-2019

Source : EASO and Eurostat.

Number of applications

- 45 000 and over
- 25 800 – < 45 000
- 17 200 – < 25 800
- 8 600 - < 17 200
- 0 - < 8 600
- Receiving countries

46 000
(Venezuela)

80 000
(Syria)

61 000
(Afghanistan)

+20%

Increase in the number of applications withdrawn in 2019

+59%

Increase of applications from visa-exempt countries in 2019

1/4

of all applications for international protection were from **3 countries**: **Syria**, **Afghanistan** and **Venezuela**

4. The Dublin Procedure

The Dublin III Regulation aims to define a clear and workable method to determine which Member State is responsible for the examination of each application for international protection. Its objective is to guarantee that applicants have effective access to procedures for granting international protection and that the examination of an application will be conducted by a single, clearly designated Member State. If, upon the examination of the Dublin criteria, it emerges that another Member State is responsible for processing an application, the Dublin system foresees the possibility for the physical transfer of the applicant to the designated responsible Member State.

Based on data exchanged through EASO's EPS, there was a 3 % increase in the number of decisions on outgoing Dublin requests in 2019 compared to 2018. This represented almost 145 000 decisions in total, including both requests and re-examination requests. The ratio of Dublin decisions to lodged asylum applications was 20 % in 2019, which may imply that a high number of applicants for international protection continued with secondary movements across EU+ countries.

As in previous years, Germany and France received the most decisions in response to Dublin requests, each representing just under one-third of total decisions. The main country responding to requests remained Italy, followed by Germany, Spain, Greece and France. The overall acceptance rate for decisions on Dublin requests, measured by the proportion of decisions accepting responsibility out of all decisions issued, dropped for the second year in a row in 2019, to 62 %.

In 2019, EU+ countries implemented about 27 200 transfers, representing 3 % less than in 2018

The evocation of Article 17(1) of the Dublin Regulation, known as the discretionary or sovereignty clause, decreased significantly in 2019 to 6 900 cases. Under this clause, a Member State may decide to examine an application for international protection, even if it is not its responsibility under the criteria in the Dublin III Regulation.

EU+ countries implemented about 27 200 transfers, a 3 % decrease compared to 2018, which is in line with the small decrease in accepted requests. About 30 % of transfers were implemented by Germany, followed by France (20 %), the Netherlands (11 %), Greece (9 %), Poland and Austria (5 % each).

Relatively few legislative and policy developments related to the Dublin procedure occurred in 2019, with the exception of countries experiencing a significant rise in the number of asylum applicants placed in Dublin procedures, such as Belgium and the Netherlands. Most of these developments were related to institutional and organisational changes to reduce backlogs and increase efficiency within the Dublin system.

Pending the future reform of the Dublin system, European and national courts continued to interpret some of the regulations and directives, delivering guidance based on individual cases. Under the Dublin III Regulation, Article 3(2), Member States shall become responsible for examining an application if there are substantial grounds to believe that there are systemic flaws in the asylum process and in the reception conditions in the Member State that would be designated as responsible based on the Dublin criteria. In 2019, transfers to other countries were not systematically suspended to any Member State. However, there is a lot of variation in practices in Member States when suspending transfers to specific Dublin Member States.

Civil society organisations voiced concerns about gaps in the methodology and the functioning of the Dublin system in practice. The rights of applicants should be safeguarded, while preventing secondary movements to another Member State at the same time. There should be positive incentives for both applicants and countries to follow the procedures of the system, instead of Member States increasing restrictions.

5. Unaccompanied minors and vulnerable applicants

The EU asylum acquis includes provisions on identifying and providing support to applicants who are in need of special procedural guarantees. Overall, effective and swift identification of vulnerable applicants remains a challenge, especially with regard to non-visible vulnerabilities, such as psychological consequences of torture or trauma.

Among vulnerable applicants, one of the key groups is unaccompanied minors seeking protection without the care of a responsible adult. In 2019, approximately 17 700 applications for international protection were lodged by unaccompanied minors in EU+ countries, representing a 13 % decrease compared to 2018. Applications by unaccompanied minors accounted for 2 % of the total number of applications.

As in previous years, many initiatives were launched in 2019 to improve the situation of vulnerable applicants. Some countries introduced measures for early identification and provision of procedural safeguards. Steps were also taken to improve or adjust age assessment methodologies, while civil society and international organisations continued to observe gaps and deficiencies in the process. Legislative and policy changes were introduced for legal representation to expedite the appointment of guardians and improve the overall quality of the guardianship system.

International and civil society organisations commented on improving the appointment process, the scope of a guardian's tasks, communication between the representative and the child, and the guardian's workload and training in general. To provide information more clearly, some EU+ countries adapted communication material on asylum and reception to the specific needs of minors. However, other vulnerable groups were typically not covered in these initiatives.

In first instance procedures, only a few initiatives were reported toward improving procedures for minors and ensuring the best interest of the child. Slightly more focus seems to have been turned toward enhancing procedures for girls at risk of female genital mutilation (FGM), victims of domestic violence, victims of trafficking and lesbian, gay, bisexual, transgender and intersex (LGBTI) applicants.

In regard to reception conditions, efforts by EU+ countries in 2019 focused on adjusting capacity at facilities and increasing the quality of reception conditions for minors and vulnerable applicants; improving specialised reception facilities; and training staff managing vulnerable applicants, especially unaccompanied minors. Nonetheless, civil society organisations expressed concerns about poor reception conditions for vulnerable persons in a number of countries. In addition, the detention of vulnerable applicants, especially children, continued to raise fundamental questions in many EU+ countries, and became the subject of several rulings in European and national courts.

Poor reception conditions and detention of unaccompanied minor asylum applicants remained concerns in several countries

The situation of transiting unaccompanied minors was of concern for both national authorities and civil society organisations across Europe. Due to diverse and complex reasons, including the length of the asylum process and the provisions of the Dublin III Regulation, unaccompanied children frequently try to remain unidentified and transit through one or several countries to arrive in a particular Member State.

Unaccompanied minors
seeking international protection, 2019

Can become victims of human trafficking and violence

Frequently transit through one or several countries

Can be vulnerable in insufficient reception facilities

Require special procedures and a guardian through the asylum procedure

17 700 applications for international protection were lodged by unaccompanied minors in EU+ countries

86 % of unaccompanied minor applicants were boys. 90 % of them were between 14-18 years old.

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www.easo.europa.eu/asylum-report-2020
Source: EASO

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.
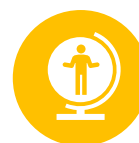
Content of protection

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.
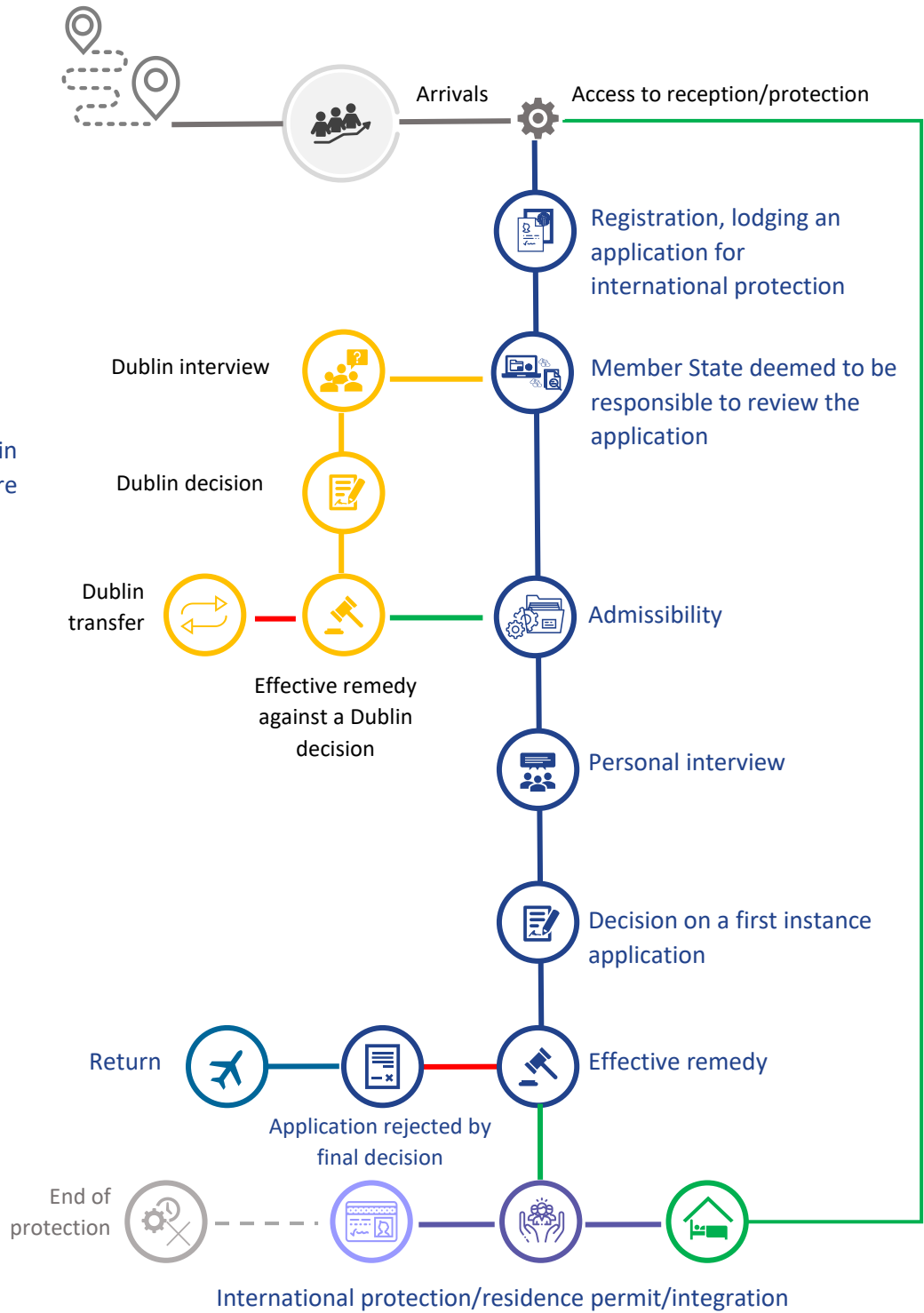
Practical measures, including new guidelines and technical arrangements, were also introduced to address specific challenges, such as abuse of financial support to return and the risk of absconding after the issuance of a negative decision. In addition, EU+ countries launched and implemented projects 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.

Arrivals

Access to reception/protection

Registration, lodging an application for international protection

Dublin interview

Member State deemed to be responsible to review the application

Dublin procedure

Dublin decision

Dublin transfer

Admissibility

Effective remedy against a Dublin decision

Personal interview

Decision on a first instance application

Return

Effective remedy

Application rejected by final decision

End of protection

International protection/residence permit/integration

Status determination line

Dublin procedure line

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www.easo.europa.eu/asylum-report-2020
Source: EASO

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Conclusions

In 2019, the number of applications for international protection increased in Europe for the first time since 2015. Against this background, EU+ countries continued their efforts to further calibrate their asylum systems and enhance solutions for international protection, building on initiatives introduced in previous years.

As outlined in the report, major developments included:

- The backlog of applications for international protection still awaiting a decision remained much higher compared to the pre-2015 level, illustrating the heightened pressure under which EU+ asylum and reception systems are still operating.

- Secondary movements of applicants have attracted increasing attention among EU+ countries and added to debates about the current functioning of the Dublin procedure.

- EU+ countries continued to place an emphasis on swift registration and collection of detailed information from applicants in the early stages of the asylum procedure to distinguish more efficiently between persons in need of protection and those who will be directed to return. This has been coupled with measures to enhance border procedures.

- Efforts increased across EU+ countries to support the needs of applicants with vulnerabilities, from early identification and provision of procedural safeguards to improving specialised reception facilities and developing tailor-made information materials for unaccompanied minor applicants in particular.

- With a considerable number of cases pending at second instance, courts and tribunals continued to play an important role in shaping the practical application of the provisions of the European asylum acquis.

- Despite continued efforts by EU+ countries to identify solutions for the effective return of persons with no right to stay in the EU, including former applicants for international protection, the number of actual returns remained much lower than return decisions.

- In the absence of major legislative progress toward the adoption of the CEAS reform package, considerable work was accomplished in policy implementation and practical cooperation among EU+ countries in the area of asylum.

- Fundamental issues regarding the EU's external borders remained at the forefront of public debate, particularly in relation to search and rescue operations in the Mediterranean Sea and the safe disembarkation and relocation of rescued migrants. The increased migration flows along the Eastern Mediterranean route amplified the pre-existing pressure on the asylum systems of Member States in the region. To assist frontline Member States along the Central and Eastern Mediterranean routes, in 2019 EASO improved and, when needed, expanded its operational support to Cyprus, Greece, Italy and Malta.

The trends outlined in the *EASO Asylum Report 2020* set the background for the current year. In addition, the novel COVID-19 global outbreak will play a critical role in shaping asylum-related developments by highlighting the need for innovative approaches toward ensuring full respect for the right to asylum. With the New Pact on Migration and Asylum currently being drafted, lessons drawn from the COVID-19 pandemic may be valuable in modernising and improving asylum procedures across EU+ countries.