



EASO Asylum Report 2021

Annual Report on the
Situation of Asylum in the
European Union

EXECUTIVE SUMMARY





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SUPPORT IS OUR MISSION

Foreword

This year marks the 10th edition of the agency's flagship publication, the *EASO Asylum Report*. The report has been continuously improved over the years to capture and report on the latest trends and policy discussions centred around building a harmonised Common European Asylum System (CEAS). We are proud that the *EASO Asylum Report* has evolved into the go-to source of information on asylum in Europe and reflects the growth of the agency as a centre of expertise on asylum since its founding on 19 June 2010.

Indeed, EASO's growing role is highlighted in the European Commission's new [Pact on Migration and Asylum](#), which was published in September 2020. The pact offers a fresh start to the discussion on an effective and humane management of migration and asylum in Europe. EASO stands ready to undertake an enhanced mandate as the EU Agency for Asylum (EUAA) and to serve as an integral part of the European framework to manage a complex migratory reality, in full respect of fundamental rights.

The COVID-19 pandemic had a significant impact on every aspect of life throughout the world. With the aim of mitigating the spread of the virus and keeping people safe – both those seeking refuge in Europe and the staff who work directly with asylum seekers – emergency measures and longer-term changes to procedures were implemented across all EU+ countries. This year was the first time since CEAS was established that Member States, national asylum and reception



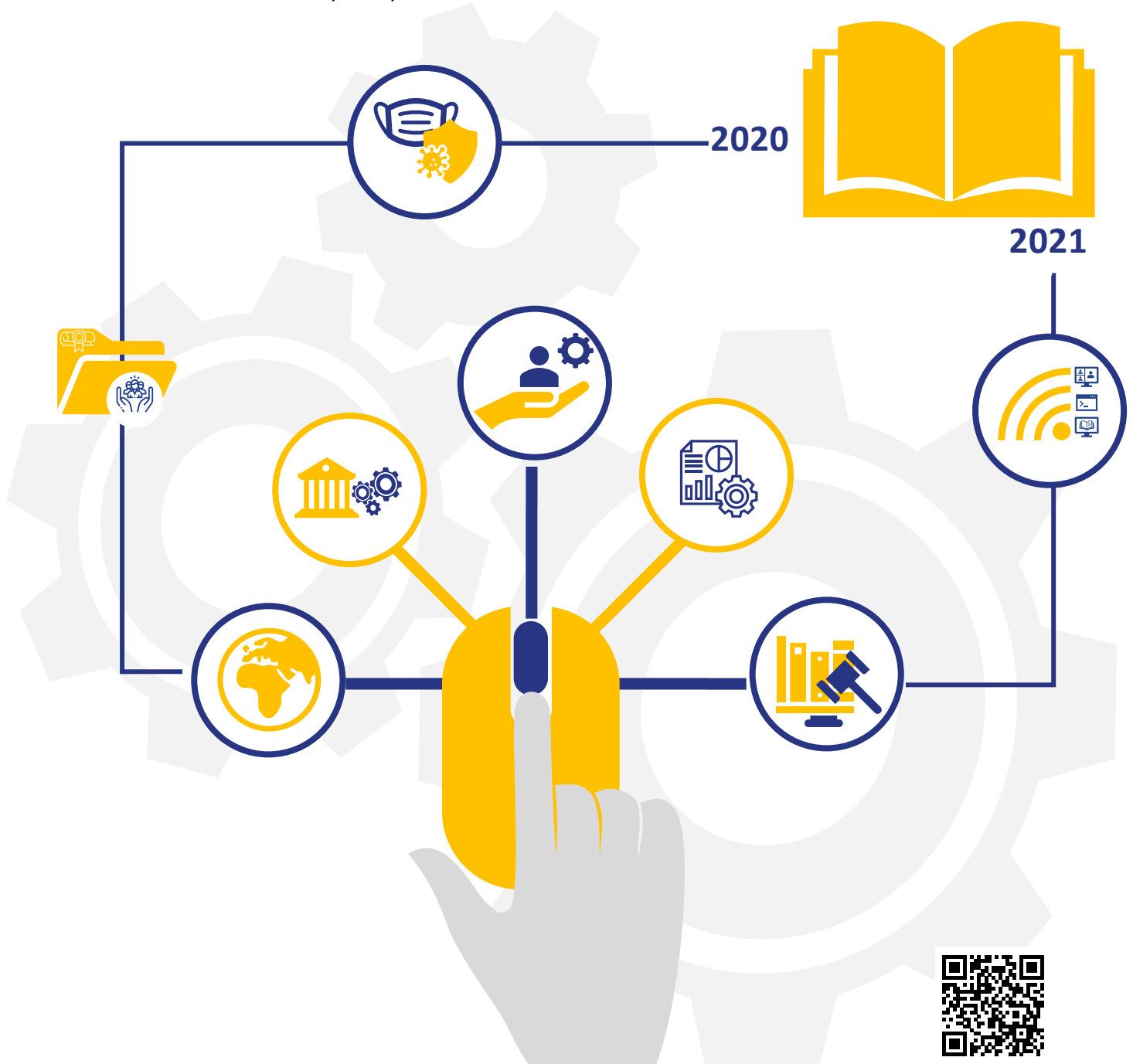
authorities, and organisations working in the field of international protection were faced with a double-barrelled challenge: respecting the basic human right of living in safety and managing a global health crisis which could expose both migrants and receiving countries to further risk.

While national administrations were tested to their limits, EASO's activities were directly aimed at supporting Member States to ensure a continuity of services and to provide emergency assistance. Throughout 2020, the agency developed tools to enhance and align procedures, published analytical reports and trained asylum professionals. A dedicated information collection initiative provided up-to-date, comprehensive and reliable information on the impact of COVID-19 on the asylum procedure. The results showed the resilience of the EU's national asylum and reception systems, which quickly adapted modalities and turned to digital solutions to provide refuge to those in need. These innovations may be the key to increase efficiency and address similar challenges in the future while maintaining a sustainable European system.

Nina Gregori
Executive Director
European Asylum Support Office

Introduction

As the go-to source of information on international protection in Europe, the *EASO Asylum Report* series provides a comprehensive overview of key developments in asylum in European Union Member States, Iceland, Liechtenstein, Norway and Switzerland (EU+ countries). Starting with a brief overview of forced displacement globally, the report narrows in on the context of Europe and summarises changes step-by-step throughout all aspects of the Common European Asylum System (CEAS). The report presents selected case law which has shaped the interpretation of European and national laws, as well as key statistical indicators for the 2020 reference year which highlight emerging trends and the effectiveness of asylum systems.



Global overview of asylum in 2020



Millions of people across the globe are affected by forced displacement due to conflict, persecution, human rights violations, natural disasters and degrading ecosystems.

Official statistics distinguish between two groups of forcibly displaced persons: a) refugees and asylum seekers who have crossed international borders; and b) internally displaced persons (IDPs) who are displaced within their own country. Refugees are persons who have fled their 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 and crossed an international border to seek safety. IDPs 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, such as 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 2020, the United Nations High Commissioner for Refugees (UNHCR) reported a total population of concern of approximately 80 million people, including 26.4 million refugees, 4.2 million asylum seekers, 45.7 million IDPs and 3.6 million Venezuelans displaced abroad.

Two-thirds of the global refugee population come from five countries of origin: Syria, Venezuela, Afghanistan, South Sudan and Myanmar (in descending order). The vast majority of displaced populations are hosted in countries and communities neighbouring the centre of a crisis, which are often developing countries. In 2020, Turkey continued to be the top hosting country, followed by Colombia, Pakistan, Uganda and Germany.

The COVID-19 pandemic which hit in 2020 has had a deep and complex impact, both in creating or amplifying protection needs worldwide and in impeding access to safety. In this challenging context, stakeholders who are involved in the provision of protection adapted their work accordingly to ensure some continuity in services, including new modalities for registering and processing applications and increased use of technology and digital solutions.

Despite the challenges presented by the pandemic, the international community worked through multilateral collaborations and progress achieved in 2020 under the Global Compact on Refugees included:

- ➔ Enhancing protection capacity worldwide;
- ➔ Increasing access to education for displaced children;
- ➔ Promoting durable solutions;
- ➔ Introducing clean energy solutions in humanitarian settings;
- ➔ Fostering human development and economic growth as structural solutions in fragile environments;
- ➔ Increasing equitable access to health services, clean water and sanitation; and
- ➔ Promoting employment opportunities for persons affected by displacement.

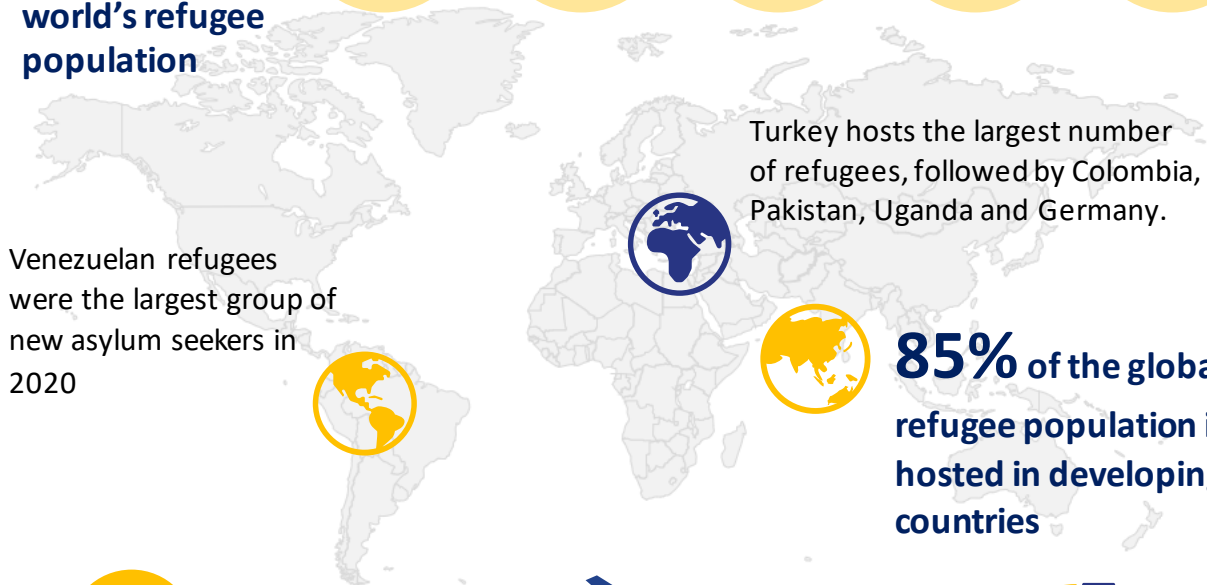
The EU plays a key role in providing protection solutions worldwide, with most of its humanitarian budget allocated to projects helping the forcibly displaced and their host communities.

As the international community continues its efforts to address complex aspects of displacement globally, the focus of development may change from year to year to target areas where progress can be made to alleviate situations of displacement or where new modalities can be developed to provide protection. In 2020, two areas were at the forefront of the discourse on international protection, each for different reasons. **Resettlement** was among the areas that were strongly impacted by the pandemic due to travel restrictions. With the risks associated with movement during the global health emergency, the need for resettlement in providing a safe legal pathway was even more accentuated. At the same time, the pandemic provided the opportunity for countries to make further advances in the area of **digitalisation** to increase efficiency in asylum procedures.



Global patterns in international protection needs, 2020

5 countries account for **2/3** of the world's refugee population



The **COVID-19 pandemic** had a complex impact in creating or amplifying protection needs worldwide and impeding access to safety



Resettlement programmes came to near standstill due to travel restrictions during the COVID-19 pandemic



The pandemic provided the opportunity for countries to make further advances in **digitalisation** to increase efficiency in the asylum procedure

Sources: EASO and data from UNCHR



2. Major developments in asylum in the European Union in 2020



Building on progress made in the negotiations over the two packages of reform proposals since 2016, in September 2020 the European Commission presented a new [Pact on Migration and Asylum](#). It proposes a fresh start on addressing migration, through improved, faster and more effective procedures and striking a balance between a fair sharing of responsibility and solidarity. The Pact on Migration and Asylum aims to set the framework for:

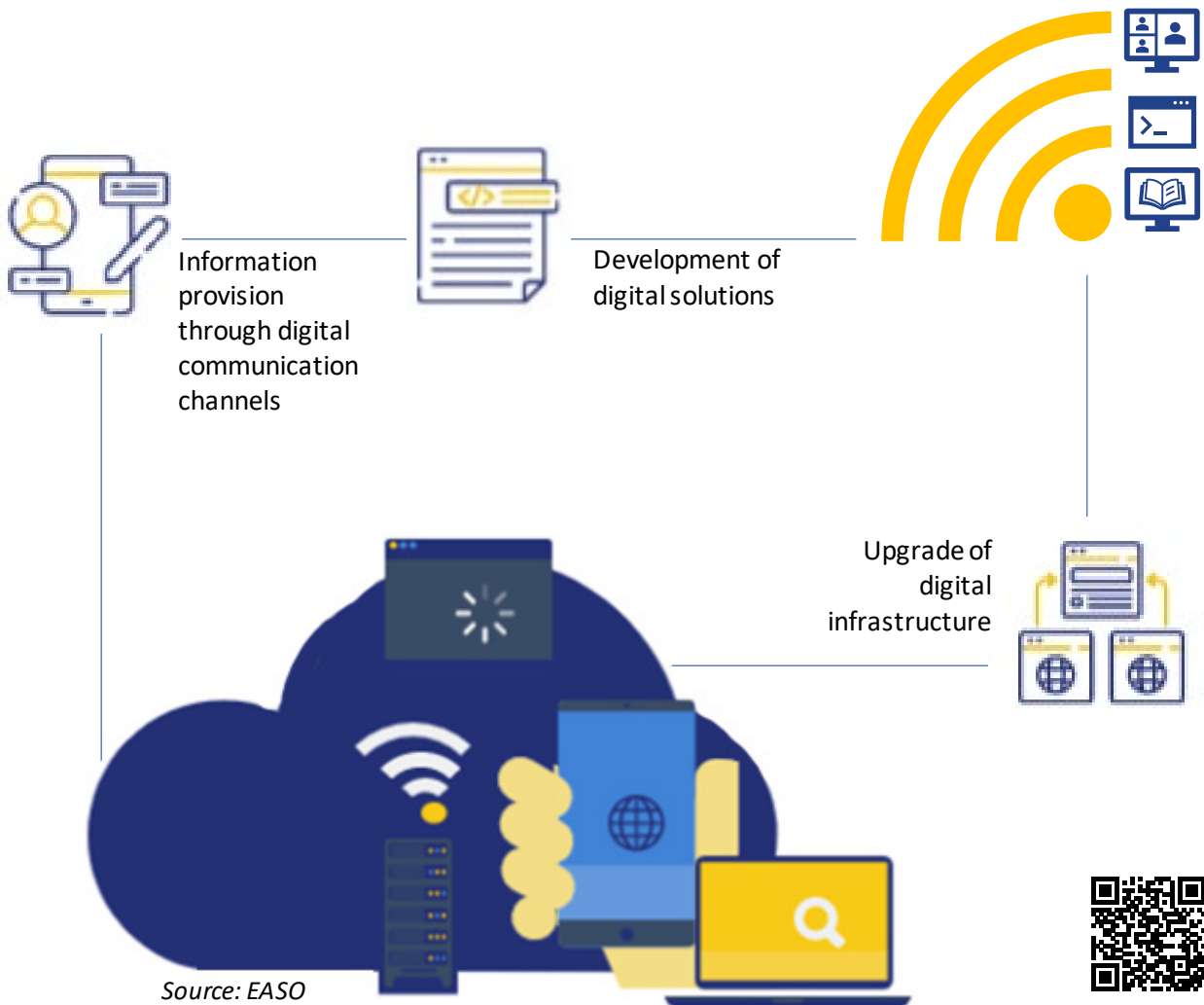
- Robust and fair management of external borders, including identity, health and security checks;
- Fair and efficient asylum systems across EU+ countries, streamlining procedures and the return of rejected applicants;
- A new solidarity mechanism for disembarkations after a search and rescue, countries under heightened pressure and situations of crisis;
- Solid foresight, crisis preparedness and response;
- An effective return policy and an EU-coordinated approach to returning third-country nationals to the country of origin;
- Comprehensive governance at the EU level to better manage and implement asylum and migration policies;
- Mutually beneficial partnerships with key third countries of origin and transit;
- Sustainable legal pathways for those in need of protection and to attract talent to the EU; and
- Effective integration policies.

To achieve these goals, the European Commission maintained its proposals and supported the provisional agreements already reached on the Qualification Regulation, the Reception Conditions Directive, the Union Resettlement Framework Regulation, and the EU Agency for Asylum. It also called for the swift conclusion of the negotiations on the recast Return Directive. The European Commission withdrew the 2016 proposal for an amended Dublin Regulation and replaced it with a new proposal for an Asylum and Migration Management Regulation. In conjunction with the five proposals from 2016 and 2018 which were maintained, the pact comprises a package of nine additional instruments:

- ➔ A new Screening Regulation
- ➔ An amended proposal revising the Asylum Procedure Regulation
- ➔ An amended proposal revising the Eurodac Regulation
- ➔ A new Asylum and Migration Management Regulation
- ➔ A new Crisis and Force Majeure Regulation
- ➔ A new Migration Preparedness and Crisis Blueprint
- ➔ A new Recommendation on Resettlement and Complementary Pathways
- ➔ A new Recommendation on Search and Rescue Operations by Private Vessels
- ➔ A new Guidance on the Facilitators Directive.

The presentation of the Pact on Migration and Asylum and the proposals for the associated legal instruments stimulated renewed discussions on an effective and humane migration management in Europe. The holistic approach of the European Commission in coordinating an inclusive consultation process and the effort to thoroughly integrate the linkages between different migration and asylum policy areas in one coherent approach were received positively, as was the genuine effort to accommodate the diverse needs of different EU Member States and bridge past controversies. While diverging views on certain aspects of the proposed migration and asylum policy seem to persist among Member States, the proposals set forth by the European Commission provide the foundation for further constructive dialogue at a technical and political level during the legislative process. Amid the positive reactions, there were also voices – both by state and non-state actors – drawing attention to areas where more could be achieved.

Naturally the COVID-19 pandemic had a profound impact on both migration flows and the functioning of asylum systems in Europe. Fully acknowledging the difficulties faced by Member States when implementing relevant EU rules during the pandemic, the European Commission issued a [communication](#) to provide guidance on ensuring the continuity of asylum and return procedures and resettlement. EU+ countries introduced a number of measures across the different steps of the asylum procedure, as well as in reception facilities, to safeguard the physical well-being of individuals. Restrictive measures, justified on the basis of public health, may have had an impact, albeit temporary, on the observance of fundamental rights and freedoms, with stakeholders stressing that the measures must be temporary, proportionate and applied only when necessary.



Source: EASO

In an effort to continue to provide services while adhering to the new measures, EU+ countries digitalised many steps of the asylum procedure by developing and implementing new electronic systems. Many of these solutions may remain on a more permanent basis to increase the efficiency of asylum systems, while others may be used as methodological blueprints in case EU+ countries are called to address similar challenges in the future.

Despite the overall decrease in the number of arrivals at the EU's external borders in 2020, different trends emerged across migration routes into Europe. The Western and Eastern Mediterranean routes had fewer arrivals compared to 2019, while the Western African, Central Mediterranean and Western Balkan routes experienced increased arrivals. The Greek borders and the islands continued to be under significant pressure, and the European Commission worked with Greek authorities and other EU Member States to provide critical support to address the situation, including a voluntary relocation exercise from Greece to other Member States for unaccompanied children and children with vulnerabilities in families.

Relocations also continued following search and rescue missions in the Mediterranean Sea. Disembarkations and relocations were coordinated by the European Commission and took place – with the participation of relevant EU agencies, including EASO – in line with the standard operating procedures developed in 2019. These efforts demonstrated concrete European solidarity in practice, but also highlighted the need for a more predictable solidarity mechanism for disembarkation and relocation, as foreseen in the proposed new Asylum and Migration Management Regulation.

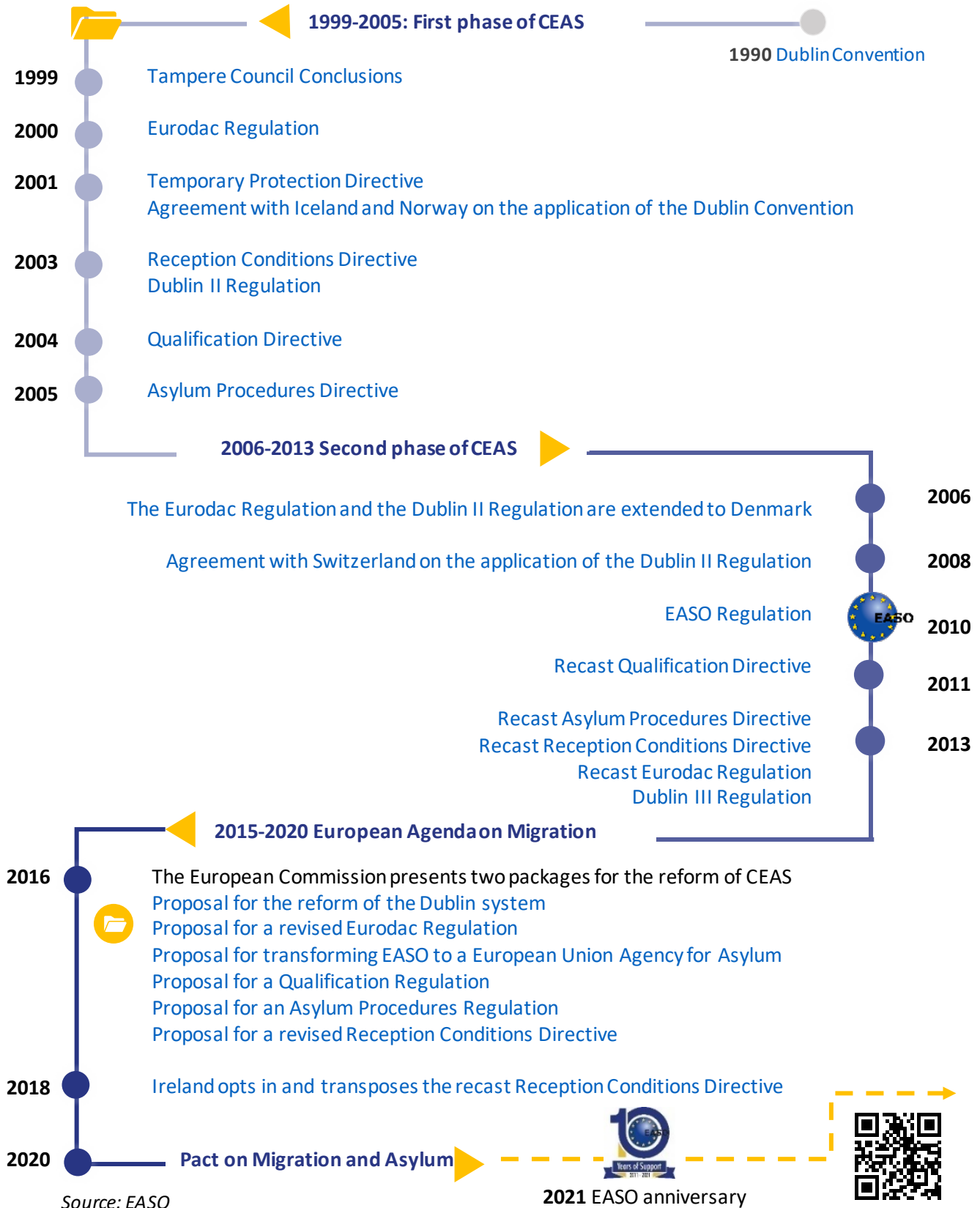
The end of 2020 also signalled the end of the transition period during which EU law still applied to and within the United Kingdom, following its withdrawal from the EU. As of 1 January 2021, EU law relevant to asylum is no longer automatically applicable, unless retained in the domestic legal system. Importantly, the Dublin III Regulation has been repealed in the UK and its provisions have ceased to apply.

Throughout 2020, 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 include addressing the root causes of migration; combating smuggling networks; enhancing cooperation with third countries on returns and readmission; working with partner countries toward border management; and providing support for protection abroad.

In its role to ensure a harmonised interpretation and application of EU law, the Court of Justice of the European Union (CJEU) issued several judgments mostly related to preliminary rulings, further interpreting various provisions of CEAS. The case law covered topics related to an effective access, the asylum procedure, the provision of personal interviews in inadmissible cases, forms of protection, detention, second instance procedures, non-discrimination of nationals and beneficiaries of international protection who subsequently acquired citizenship, family reunification and maintaining family unity, the return of third-country nationals, relocations, protection provided to stateless Palestinians by the UNRWA and refusal to perform military service. In addition, the CJEU issued a judgment on national restrictions on the funding of NGOs, affecting NGOs working in the area of international protection.



The evolution of the Common European Asylum System (CEAS)



3. EASO support to countries



The year 2020 marks the 10th anniversary of the establishment of EASO. On the basis of its founding regulation, EASO focuses on improving the implementation of CEAS, strengthening practical cooperation on asylum among Member States, and providing operational support to Member States experiencing particular pressure on their asylum and reception systems.

Against the backdrop of the COVID-19 pandemic, EASO's activities in 2020 were directly aimed at assisting Member States ensure business continuity, carrying on seamlessly with training activities and facilitating meetings online among Member States. EASO launched a dedicated information collection initiative to provide key stakeholders with updated, comprehensive and reliable information on the impact of COVID-19 on national asylum and reception systems and the roll-out plan for vaccinating asylum seekers and beneficiaries of international protection. To ensure high standards in processing asylum applications during the pandemic, EASO issued practical recommendations on conducting personal interviews remotely and on conducting remote/online registrations.

In EASO's operational work, health measures prompted the focus to shift to back-office workflows, such as working on the backlog of files; administrative duties in registration; providing support to appeals; capacity-building activities; improving policy and procedures; and remotely supporting information provision and reception through helplines. EASO also remained active on the ground and helped to relocate unaccompanied children from Greece to other Member States. Support to Spain was also agreed in late 2020 to alleviate the pressure on its reception system and develop a new reception model.



Video: EASO milestones and achievements



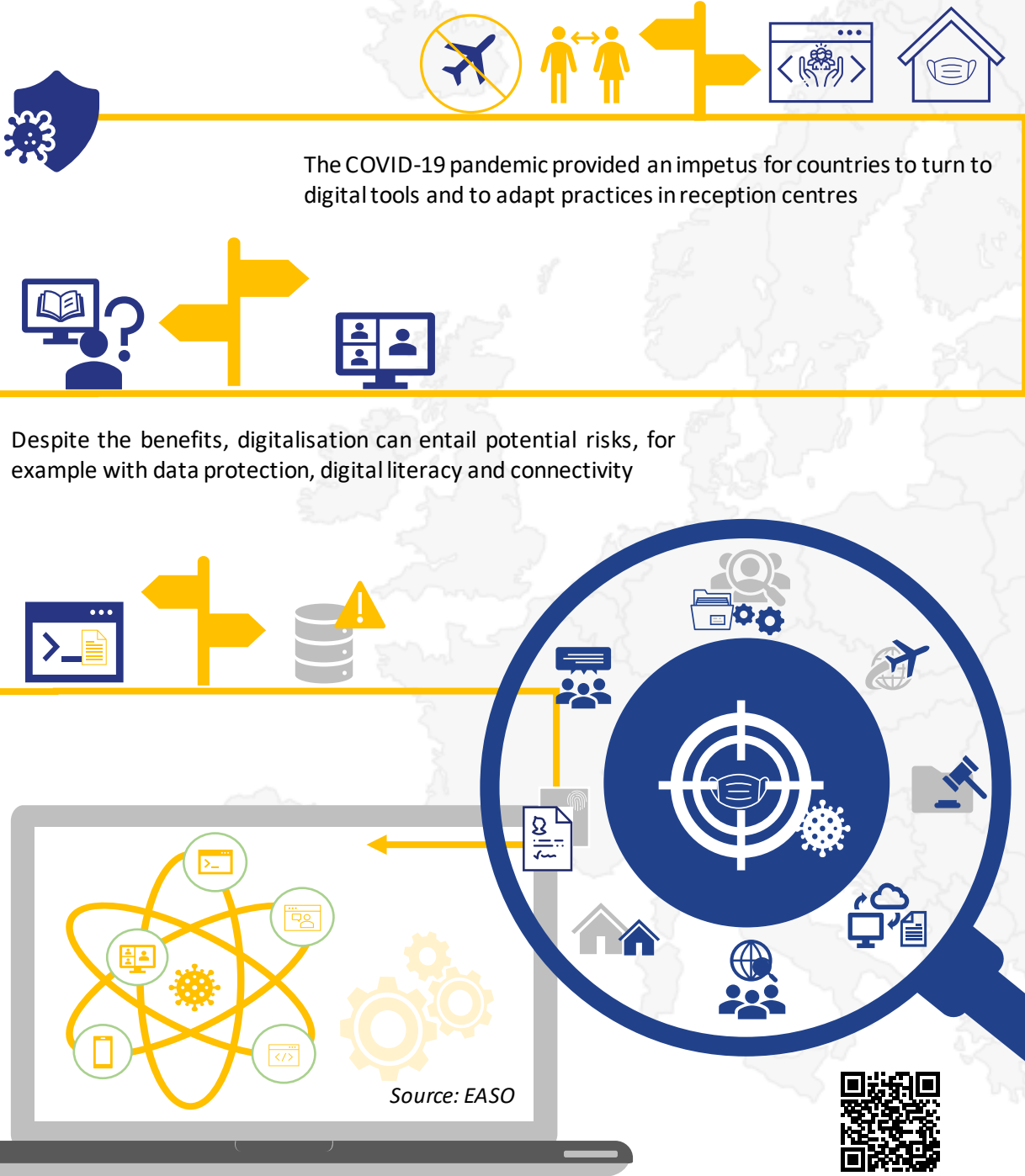
Source: EASO

4. Functioning of the Common European Asylum System

Key developments at the national level in 2020 shaped legislation, policies and practices in the field of asylum in EU+ countries. Two horizontal themes across each step of the asylum procedure were the impact of the COVID-19 pandemic and the digitalisation of asylum procedures.



Digitalising the asylum procedure





COVID-19

Travel restrictions during the COVID-19 pandemic significantly affected the chances of asylum seekers reaching the EU's territory. National authorities were compelled to swiftly adjust to the new circumstances by suspending or limiting registrations for a short period during the first wave of the pandemic. During this time, EU+ countries re-organised processes and the working environment.

Fewer asylum seekers were channelled into the Dublin procedure, while the process for transfers had to be adjusted to adhere to strict health requirements. Case law in 2020 suggested that pressure on health systems became an additional factor to consider when determining the Member State responsible for an asylum application.

Physical distancing, the closure of facilities, remote working and health protocols had an impact on all steps involved in processing applications both at first instance and at second, including personal interviews, provision of interpretation, the notification of decisions, case load management, training and quality assessments. When possible, these tasks were performed remotely with the help of digital technologies, such as videoconferencing. Internal working arrangements in first and second instance administrations were adjusted to minimise the disruption of services, while adhering to public health measures. In consequence, procedural time limits were extended accordingly.

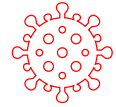
The format for information provision shifted into small group sessions, by phone or through online sessions or video tutorials, while additional efforts focused especially on protection, hygiene measures, protocols to be followed, medical support and instructions to avoid contagion. Legal assistance and representation were provided remotely or with limited face-to-face interactions. As a direct result of restrictive COVID-19-related measures, limitation in access to legal assistance at the borders and in reception and detention facilities were reported in several countries. In view of the curtailed ability to conduct fact-finding missions in countries of origin, EU+ countries focused on other methods to collect country of origin information (COI) and maintain contact with their sources.

In the area of reception, EU+ countries adapted both the organisation and the infrastructure of reception to the circumstances of the COVID-19 pandemic, introducing measures such as an initial period of quarantine after arrival, physical distancing within and limited mobility across reception facilities, restrictions in visitations, and additional hygiene measures and protective equipment. Requirements for additional space put a further strain on reception authorities, management and reception staff, while support services were often reduced to maintain physical distancing or moved online. This had a particularly adverse impact on applicants with special needs, who were at times devoid of the full range of needed support services. In the majority of EU+ countries, detention centres became less occupied due to COVID-19 restrictions as the removal of rejected applicants was suspended and third-country nationals were released.

One of the areas heavily affected by the pandemic was the content of protection and integration of beneficiaries of protection. Delays in the extension of residence permits due to disrupted services often led to legal uncertainty and impeded access to other rights, such as housing, employment and health care. Family reunification procedures were halted or severely delayed, and employment opportunities shrank. Adequate support through online schooling for children was often a challenge due to a lack of computers, Internet connection or the precarious housing situation, which did not provide for a separate quiet place for studying. Support programmes and individual integration plans for beneficiaries were extended or adapted to the new circumstances. Nevertheless, the impacts of the pandemic may have long-term effects on integration, from health to accommodation and employment opportunities.

Travel restrictions naturally affected the implementation of returns. The number of forced returns dropped significantly, while voluntary returns continued under the required health protocols and precautions. Many countries suspended not only return procedures but also the issuance of return decisions, thus extending the period of voluntary departure.

Overall, EU+ countries made remarkable efforts to ensure a continuity of services, demonstrating the resilience and flexibility of national asylum and reception systems in the face of the unexpected. In parallel, judicial authorities reviewed the new measures to ensure they held up to legal standards and guarantees.



Digitalisation

The COVID-19 pandemic provided a new impetus to continue or accelerate the use of digital technologies in the field of asylum. In 2020, EU+ countries developed and implemented new electronic systems throughout the stages of the asylum procedure. Digital solutions were used for the registration of applications online; verification of an applicant's identity; document submission; remote interviewing; provision of information, legal assistance and interpretation services; linguistic analysis; notification of decisions and information on the status of a case; submission of appeals and digital signatures to issue decisions; and provision of integration support, including language learning, social orientation and employment coaching. A number of countries also enhanced their electronic reception management systems and IT infrastructure and invested in more IT equipment in reception facilities.

In the area of return, EU+ countries turned to remote communication procedures and reintegration counselling, while online tools facilitated communication with third countries on the identification procedures of returnees and the issuance of travel documents. Digital technologies were also used in the context of resettlement, such as remote interviews and virtual pre-departure orientation, in an effort to ensure a continuity of services.

While there are many benefits to digitalisation, attention has been drawn to potential risks as well, including consent to use personal data; accessibility issues for certain profiles of applicants who may not have digital literacy skills or may not have access to equipment and connectivity; the lack of human interaction in the provision of services (for example in catering to individuals with special needs); and increasing trust among targeted groups to encourage meaningful use. As work toward digitalisation progresses, these concerns must be taken into consideration and addressed accordingly.



4.1 Access to territory and the asylum procedure

The recast Asylum Procedures Directive guides EU countries in providing effective access to the procedure for those in need and to safeguard the right to apply for protection. Still, throughout 2020, a number of incidents were reported at the EU's external borders related to preventing or delaying the application of the recast Asylum Procedures Directive and, consequently, the provision of effective access to the asylum procedure

Main legislative and policy developments in access to the asylum procedure in 2020 continued on the same path of previous years. Procedures continued to be finetuned so that authorities obtain as much information as possible at the beginning of the asylum process in an efficient manner and coordinated across different stakeholders. The overarching goal has been to better channel cases through the system and speed up the overall process.

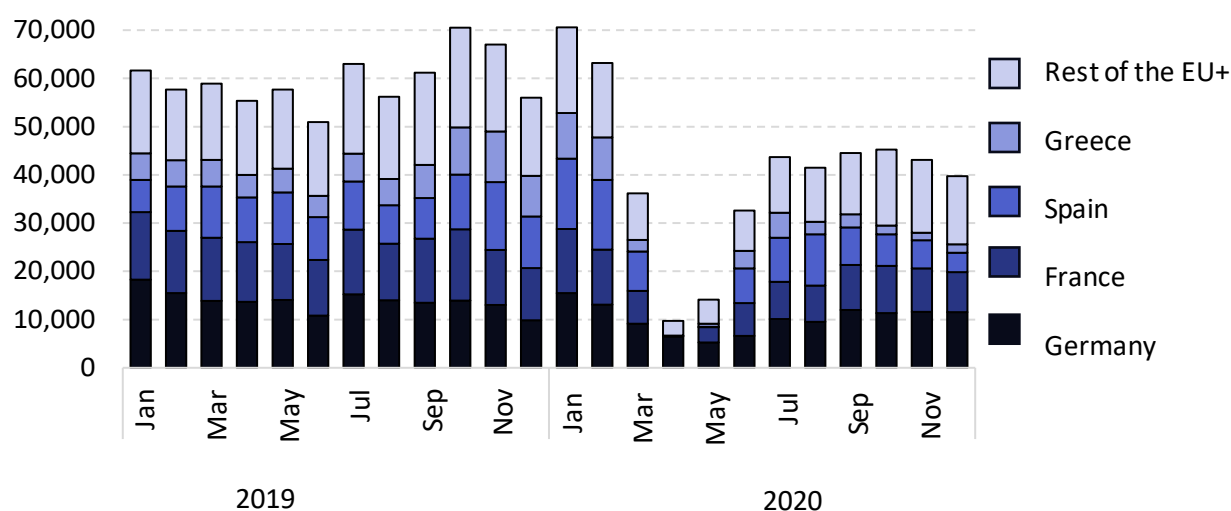
In 2020, approximately 485,000 applications for international protection were lodged in EU+ countries, a sharp 32% drop compared to the number of applications in 2019. The decline, which resulted in the lowest number of yearly applications since 2013, can be attributed to COVID-19 restrictions which were implemented in EU+ and third countries, limiting movements across borders and within countries.

Indeed, the number of asylum applications fluctuated considerably during the year. They continued to rise at the beginning of the year, with more applications lodged in January and February 2020 than in the same months in 2019 (increases of 15% and 10%, respectively). However, after the first COVID-19 outbreak in March 2020, applications dropped significantly. When confinement measures were gradually lifted across countries, the pace of applications began to resume (see Figure 1).

The impact of COVID-19 measures on asylum applications was unevenly distributed across EU+ countries. In countries where the asylum procedure was mostly suspended during the first wave of the pandemic, there was a notable drop in the number of asylum applications, while countries which kept their asylum procedure open had smaller decreases.

Overall, almost two-thirds (63%) of all asylum applications in 2020 were lodged in just three countries: Germany (122,000), France (93,000) and Spain (89,000), followed at some distance by Greece (41,000) and Italy (27,000). The top countries of origin were unchanged from 2019 consisting of Syria (70,000), Afghanistan (50,000), Venezuela (31,000), Colombia (30,000) and Iraq (20,000) – all lodging fewer applications in 2020. Together, the five top nationalities accounted for over two-fifths of all applications in EU+ countries.

Figure 1: Asylum applications by top receiving countries, by month, 2019-2020



Source: Eurostat [[migr_asyappctzm](#)] as of 28 April 2021.



4.2 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 asylum application. Its objective is to guarantee that applicants have an 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. The Dublin system has been one of the most discussed aspects of CEAS, particularly in relation to balancing responsibility-sharing and solidarity among Member States.

The potential future of the Dublin procedure was highlighted in 2020 with the presentation of the European Commission's new [Pact on Migration and Asylum](#) and the [Proposal for a Regulation on Asylum and Migration Management](#). The pact aims to replace the Dublin system with a common framework that, in addition to effective mechanisms for determining the Member State responsible for an asylum application, will include a new comprehensive mechanism for continued solidarity on the basis of streamlined criteria.

Based on data exchanged through EASO's Early Warning and Preparedness System (EPS), in 2020, 95,000 decisions were issued in response to outgoing Dublin requests. This represented a decrease by one-third compared to 2019 and was in line with the scale of the decrease in the number of asylum applications lodged in 2020. Indeed, the ratio of received Dublin decisions to lodged asylum applications was 20%, which was similar to 2019.

At the country level, France and Germany continued to receive the most decisions on their requests for another country to take responsibility, jointly accounting for over three-fifths of the EU+ total. The overall acceptance rate for decisions on Dublin requests in 2020, measured by the proportion of decisions accepting responsibility out of all decisions issued, was 56%, showing a continued decrease for the third successive year at the EU+ level and in most Dublin Member States. Nonetheless, there were large differences in acceptance rates at the country level.

Among other significant developments at the European level, the discretionary clause in the Dublin III Regulation, Article 17(2) was the basis of the relocation scheme for 1,600 unaccompanied children and children with severe medical conditions and other vulnerabilities with their families from Greece to other Member States. The clause was also used in continued relocations after disembarkations from search and rescue operations in Italy and Malta.

Article 17(1) of the Dublin Regulation, another discretionary clause, was invoked just over 4,700 times in 2020, declining sharply by almost one-third compared to 2019. 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. In 2020, reasons for doing so included the number of COVID-19 cases in a particular country.

Naturally, the COVID-19 pandemic and emergency measures implemented by EU+ countries made Dublin transfers difficult. Overall, about 13,600 transfers were completed, representing one-half of the number of transfers in 2019. The number decreased in March 2020 and then dropped to even lower levels from April to June 2020. As of July 2020, the implementation of transfers gradually started to rise, but the monthly number of transfers did not return to pre-COVID-19 levels later in the year. Four countries – France, Germany, Greece and the Netherlands – implemented over three-quarters of all transfers.

National courts received many appeals related to transfer modalities and time limits, with many of them related to the calculation of transfer time limits in light of the COVID-19 pandemic.



4.3 Special procedures

During the examination of applications for international protection at first instance, Member States under certain conditions can use special procedures – such as accelerated procedures, border procedures or prioritised procedures – while adhering to the basic principles and guarantees set out in EU law. Various types of border procedures were introduced or extended in 2020, typically focusing on swift processing. At times, concerns were raised in some Member States about the condition of accommodation at the border, resorting to detention and protecting the guarantees for applicants with special needs.

EU+ countries focused on periodically reviewing their lists of safe countries of origin, resulting in several changes to these lists in 2020. The lists serve as background information on asylum applications which are directed to the accelerated procedure, and a trend noted across EU+ countries in 2020 was the prioritisation of cases under the accelerated procedure during the first stage of the COVID-19 pandemic.

Through legislative and policy changes, many EU+ countries also defined the criteria for repeated or subsequent applications for international protection to prevent misuse of the asylum system by filing repeated applications with no merit. Overall, in 2020 EU+ countries received about 56,000 repeated applications, representing a 19% decrease in absolute numbers compared to 2019 but a 2 percentage point increase in the share of repeated applications within the total number of applications.



4.4 Processing asylum applications at first instance

Efforts in 2020 focused on fast and efficient processing while ensuring guarantees for applicants in EU+ countries. The drop in asylum applications in 2020 provided an opportunity to review current practices; introduce more efficient methods, including through digitalisation; issue new guidelines for the assessment of applications; and tackle the backlog of pending cases.

In conjunction with the significant decrease in the number of applications lodged, such changes may have contributed to the number of decisions issued in EU+ countries outnumbering applications lodged for the first time since 2017. Overall, asylum authorities in EU+ countries issued about 534,500 first instance decisions in 2020, with just five countries accounting for more than four-fifths of all first instance decisions: Germany (24%), Spain (23%), France (16%), Greece (12%) and Italy (8%). Most first instance decisions were issued to nationals of Syria, Venezuela, Afghanistan and Colombia (in descending order).

In addition, about 47,200 applications were withdrawn, the lowest number since 2013 and more than one-quarter less than in 2019. The decline in both the number of applications and the number of withdrawn applications resulted in a ratio of 1 withdrawal for every 10 applications lodged in 2020, similar to 2019. While Eurostat data do not indicate the type of withdrawal, EPS data suggest that most withdrawn applications in 2020 were withdrawn implicitly, as in previous years. Withdrawals, especially implicit ones, can serve as a proxy indicator of absconding and the beginning of secondary movements towards other EU+ countries. Consistent with this interpretation, most withdrawals took place in frontline Member States, such as Greece and Italy, which together accounted for more than one-third of all withdrawals.



4.5 Processing asylum applications at second or higher instances

While the volume of decisions on applications at first instance remained relatively stable in 2020, the number of decisions issued at second or higher instances decreased by almost one-fifth: from around 300,000 in 2018 and 2019 to about 237,000 in 2020. Similar to previous years, three EU+ countries accounted for more than two-thirds of all decisions which were issued in appeals or review: Germany (42% of total decisions at second or higher instances), France (18%) and Italy (10%). In 2020, more than two in every five decisions at second or higher instances were issued to Afghans, Iraqis, Pakistanis, Syrians and Nigerians, the same pattern which was seen in 2019.

Legislative and policy changes at second instance in EU+ countries centred around the reorganisation of second instance bodies to enhance specialisation; the suspension of a return during an appeal; and temporary adaptations of written and oral procedures, as well as time limits, due to COVID-19 restrictions.



4.6 Pending cases

Given that there were more decisions issued than applications lodged in 2020, the stock of pending cases dropped in EU+ countries. Approximately 773,600 asylum applications were awaiting a decision at the end of 2020, representing an 18% decrease compared to 2019. Nonetheless, pending cases were still higher than in the pre-crisis level in 2014.



4.7 Reception of applicants for international protection

In 2020, trends identified in earlier years continued, with some countries embarking on significant reforms within their reception systems, including institutional reorganisation and adjustments to reception capacity. The increased centralisation and coordination of the initial reception phase continued, and more countries moved towards the establishment of arrival centres, gathering all stakeholders of the asylum and reception process in one place to facilitate the initial steps of the procedure.

The phenomenon of recognised beneficiaries of international protection or former applicants remaining in reception structures beyond the end of the asylum procedure persisted in several EU Member States. In previous years, there was a focus on the rapid inclusion of applicants into employment-related training and skills assessments and development. While this seemed to remain the main guiding principle for Member States, reduced services – including education and training – due to the COVID-19 pandemic risked that these programmes would be less effective, despite efforts by national authorities.

Some of the concerns about the conditions of reception facilities expressed by UNHCR and civil society organisations for specific countries and situations, for example in hotspots, seemed to have intensified over the year. The tragic events in the Moria camp in Lesbos sparked renewed, multilateral collaboration to improve reception conditions.



4.8 Detention during the asylum procedure

In 2020, a number of EU+ countries amended their legislation on detention in the context of mass arrivals of third-country nationals and return procedures. An effort in some countries to shift policies toward alternatives to detention was noted, while in others such alternatives remained limited. Main challenges continued to be recourse to detention, conditions in detention and the placement of minors in detention, while alternatives remained limited. During the year, courts at the European and national levels were active in analysing detention policies and practices, interpreting the law in practice and setting standards.



4.9 Access to information

EU+ countries strengthened and adapted their practices to ensure that asylum applicants have effective access to information and procedural fairness. Efforts focused on using new technologies; establishing alternative channels for the dissemination of information; and raising awareness through electronic communication tools, such as online platforms and hubs, mobile applications and social media channels. Many countries developed dedicated hotlines and revamped existing websites to ensure that information was available in many languages. The information made available includes aspects of the asylum procedure, everyday life in the host country, integration, return and updates on COVID-19-related measures.



4.10 Legal assistance and representation

To mitigate the restrictive COVID-19 measures and to continue access to legal assistance, many countries organised information sessions on legal aid, either individually, in smaller groups or by replacing face-to-face interaction with phone and video calls. A number of countries also adopted new legislation or policies on accessing legal assistance and representation, with some of them extending for the first time access to legal assistance and representation at first instance.

Existing projects were expanded and cooperation with other stakeholders was strengthened, while measures were introduced to enhance the quality of services by increasing the hourly rate for lawyers and enhancing qualification requirements. Nonetheless, civil society organisations raised concerns over the course of 2020 about the hindered or insufficient access to legal assistance and representation – in part due to COVID-19 restrictions – at the border, in detention centres and in reception facilities.



4.11 Interpretation services

The focus in 2020 was on increasing quality standards for interpretation, for example by training interpreters, by increasing monitoring and enhancing quality assessment mechanisms. In cases where interpretation services were procured, new requirements were added to the contracts to ensure interpretation of higher standards. The need to enhance interpretation services at the borders was noted, as well as a shortage of interpreters for certain languages in some EU+ countries.



4.12 Country of origin information

In 2020, EU+ countries continued their efforts to enhance both the range and quality of country of origin information (COI). In the absence of fact-finding missions, countries focused on other methods to collect information, while some COI units took advantage of the confinement to carry out in-depth work, improve and update the information available, and cover a wider range of topics.

Countries with smaller asylum administrations took steps toward establishing COI units or creating a methodology to assign certain countries of origin to case workers who update them regularly. Research and reporting focused on updating information on countries for which COI was already available, mainly on common countries of origin of asylum applicants, such as Afghanistan, Iran, Iraq and Syria, but efforts were also made to gather information on less common countries of origin for which limited or no COI existed, for example Colombia and Sri Lanka.



4.13 Statelessness in the asylum context

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 international protection and the procedural safeguards. A number of EU+ countries took steps toward addressing statelessness in 2020, including acceding to relevant international legal instruments, establishing dedicated statelessness determination procedures, providing access to citizenship at birth, facilitating access to naturalisation, speeding up the statelessness determination process and updating guidance on processing applications by stateless persons.

Nevertheless, challenges faced by stateless persons in different stages of the asylum procedure seemed to persist, including a lack of awareness of issues related to statelessness in the asylum procedure, the absence of statelessness determination processes in some EU+ countries and the increased risk of arbitrary, immigration-related detention of stateless persons.



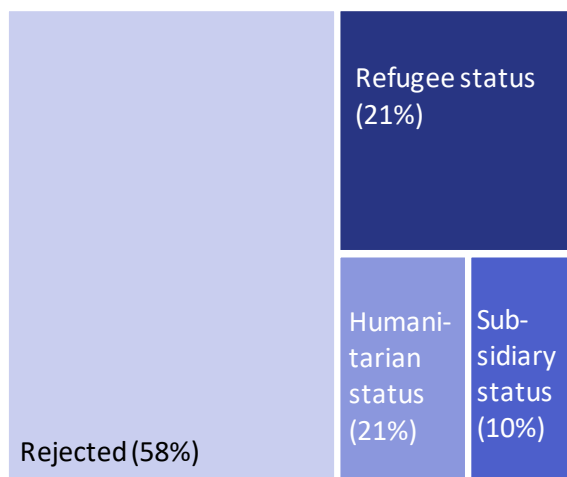
4.14 Content of protection

Persons issued a positive decision are granted a form of protection in EU+ countries which entails a set of rights and obligations and access to a number of services. A positive decision is a decision that grants refugee status, subsidiary protection (both regulated in the EU law) or humanitarian protection (granted under national law). The recognition rate refers to the number of positive decisions as a percentage of the total number of decisions on applications for international protection.

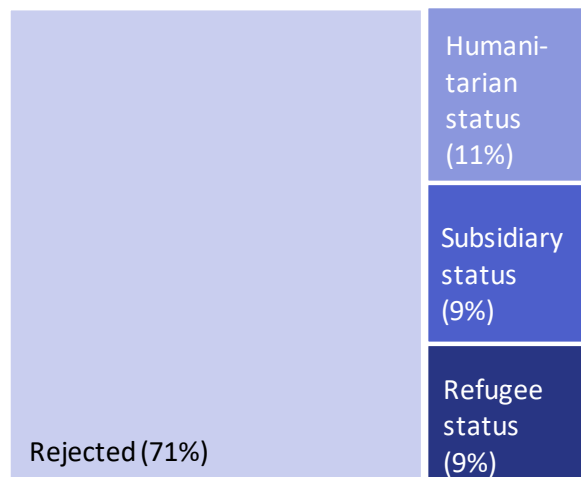
In 2020, the EU+ recognition rate for first instance decisions on asylum applications was 42%: out of 534,500 decisions issued, 224,000 were positive and the applicant was granted a form of protection. Most positive decisions at first instance granted refugee status (113,000 or one-half of all positive decisions). Subsidiary protection was granted in about 52,000 cases (23% of all positive decisions), while humanitarian status was granted in 59,000 cases (27% of all positive decisions) (*see Figure 2*).

Figure 2. Outcome of decisions on asylum applications at first instance and second or higher instances in EU+ countries, 2020

A. Decisions at first instance



B. Decisions at second or higher instances



Source: Eurostat [[miqr_asyappctzm](#)] as of 28 April 2021.

At second or higher instances, the 237,000 decisions issued in EU+ countries included 70,000 positive decisions, resulting in a recognition rate of 29%. Positive decisions at second or higher instances most often granted humanitarian status (26,000), while refugee status and subsidiary protection represented somewhat fewer cases (22,000 each).

The extent and quality of rights and services that beneficiaries of protection receive shape the prospects of their effective integration in the new societies. In 2020, some countries introduced measures to regularise the situation of specific groups of foreigners. Some initiated changes to facilitate family reunification for beneficiaries of international protection and provided clarifications on the process through more detailed guidance, while courts remained active in shaping policies and practices on family reunification. At the same time, trends from previous years continued pointing towards an increased use of status reviews and more rigorous use of cessation and revocation grounds.

The drafting and launching of the new EU Action Plan on Integration and Inclusion provided further guidance for integration strategies at the national level. EU+ countries continued their efforts to support beneficiaries through language learning, access to education and vocational training, employment opportunities, and socio-cultural orientation, with a recent shift toward personalising integration plans tailored to the needs of individual beneficiaries. Efforts have intensified in recent years to evaluate integration plans through interdisciplinary research in order to assess the effect of existing policies and offer recommendations for the future. An area of concern in 2020 was the disruptions caused by the COVID-19 pandemic in the effective access to education for refugee children, with a number of stakeholders calling for swift remedies to avoid long-term consequences.

An ongoing concern is the situation of persons who have been granted international protection in one Member State but then moved and applied for asylum again in another one. The occurrences are of increasing importance for some Member States and were highlighted in the political debates of the 2016 reform proposals and the Pact in Migration and Asylum.



4.15 Return of former applicants

While the rate of implemented returns of third-country nationals remained relatively low in many EU+ countries, a number of new legislative and policy initiatives were adopted in 2020 to improve the enforcement of returns and the cost-effectiveness of the return process. Some countries introduced more stringent rules on the obligation to cooperate, on the identification of people to be returned and on the timelines for announcing departures.

Countries also promoted voluntary returns and assistance and worked in greater cooperation with Frontex. Many developments concerned the implementation of returns with due consideration to the principle of *non-refoulement* and humanitarian aspects, including the dignified return of unaccompanied minors.



4.16 Resettlement and humanitarian admissions

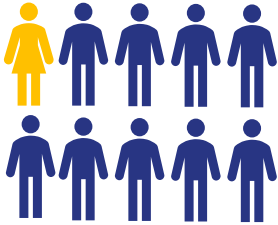
Resettlement and humanitarian admissions play a key role in offering legal and safe pathways to protection for people in need. Since the introduction of the first European Resettlement Scheme in July 2015, the process has remained high on the policy agenda. Due to COVID-19-related restrictions, the number of refugees effectively resettled in EU+ countries during 2020 was inevitably reduced.

In line with the European Commission's guidance on the implementation of relevant EU provisions in the area of asylum, return procedure and resettlement, EU+ countries adapted their modalities to ensure where possible the continuity of resettlement processes, for example by processing urgent cases on a dossier basis and undertaking remote interviews. By the end of 2020, most countries had not met their national quotas and had to request a transfer to the following year, expressing their commitment to offering safe pathways to protection.



Focus on asylum applicants with vulnerabilities

In 2020, about **14,200** applications for international protection were lodged by **unaccompanied minors** in EU+ countries



representing **3%** of the total **485,000** asylum applications in 2020

Almost **9 out of 10** unaccompanied minors applying for international protection were boys



More efforts are needed to protect **women and girls** in the asylum procedure from violence, human trafficking and FGM/C



41% of unaccompanied minors originate from **Afghanistan**



Safeguards are needed to protect children in the asylum procedure from falling into the hands of **human traffickers**



LGBTI persons are subject to human rights abuses in many parts of the world. And they may be afraid to talk openly during the asylum procedure



Source: EASO

5. Children and applicants with special needs

The EU asylum *acquis* includes provisions on identifying and providing support to applicants who are in need of special procedural guarantees. Among vulnerable applicants, one of the key groups is unaccompanied minors seeking protection without the care of a responsible adult. The new Pact on Migration and Asylum includes several provisions to ensure that the best interests of the child are considered, for example by strengthening family reunification and fostering a stronger solidarity mechanism for the relocation of unaccompanied children and applicants with vulnerabilities.

In 2020, about 14,200 applications for international protection were lodged by unaccompanied minors in EU+ countries, representing 3% of the total 485,000 applications. Compared to 2019, the absolute number of unaccompanied minors remained relatively stable (-3%). However, given the strong overall decrease in asylum applications, this resulted in an increase in the share of unaccompanied minors from 2019 by one percentage point.

A large share of unaccompanied minors originated from Afghanistan, representing 41% of applications by minors in EU+ countries in 2020 (up by 11 percentage points from 2019), followed by Syria, with 16% (up by 6 percentage points). As in previous years, the overwhelming majority of unaccompanied minors applying for international protection in EU+ countries were male (almost 9 out of 10). Most unaccompanied minor applicants were in the older age cohort, with about two-thirds aged between 16 and 17 years, and only about one-tenth younger than 14 years.

Highlighting the importance of early identification and referral, a number of EU+ countries updated their legislation, policies and guidance in 2020, implementing quality monitoring measures or developing new vulnerability assessments for applicants with special procedural needs. Legislative changes were also made to expedite the appointment of a legal guardian for an unaccompanied minor, yet despite these efforts delays were often reported in the appointment of guardians. Overall, limitations in the effective and swift identification of vulnerable applicants, including minors, remained a challenge in 2020, increasing the risk of detention or placement within reception facilities that do not properly cater to their needs.

In the area of reception, considerable efforts were made by authorities in EU+ countries to create specialised facilities to guarantee vulnerable applicants a safe place where their special needs can be addressed. Yet, it was often reported that the creation of a physically and psychologically safe environment with access to support services, including access to education for minors, was not always possible.

Further efforts continued to be needed in protecting women and girls in the asylum procedure from risks, such as domestic violence or female genital mutilation/cutting (FGM/C). New initiatives were undertaken by EU+ countries to create safe facilities for this profile of applicants, and courts stepped in to protect woman and girls who were at risk of violence if returned to their home country.

A common concern relates to the alarming increase in the trafficking of minors, especially undocumented migrants – with children accounting for nearly one-quarter of all victims. The risk is imminent for migrant women and children, not only during dangerous travel routes but also once they arrive in Europe. Children can disappear from reception centres and fall victim to human traffickers.

Lesbian, gay, bisexual, transgender and intersex (LGBTI) persons are subject to human rights abuses and face threats in many parts of the world. A sensitive approach is required with this profile of applicants as they may be afraid to talk about their sexual orientation, gender identity and expression, and sex characteristics (SOGIESC) during the asylum procedure. Developments in 2020 centred around the provision of information and the definition of a safe country for applicants with gender-related special needs.



Asylum and reception systems in Europe: The way forward

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



Further investment needed to transition from reactive responses to long-term solutions



Digitalisation has the potential to enhance efficiency and accessibility in the asylum procedure



EASO's guidance and contributions are needed ever more to develop a coordinated European system



EU and national courts play a key role in interpreting the EU asylum *acquis* and guiding its practical application



Resettlement programmes and complementary pathways are crucial in providing predictable, safe and legal access to safety with growing migration flows



New Pact on Migration and Asylum proposes a comprehensive framework to provide protection solutions in a safe and predictable way, accommodating diverse needs



Sustainable frameworks require improved reception conditions, timely provision of health care and education, integration efforts and dignified processes to return third-country nationals not in need of protection



Fundamental human rights and EU values must serve as a compass to lead the way forward



Source: EASO

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

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.

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 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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