



Implementing the CEAS in full

Translating legislation into action

Building a Common European Asylum System (CEAS), is a constituent part of the European Union's (EU) objective of establishing an area of freedom, security and justice open to those, who forced by circumstances, legitimately seek protection in the EU. The CEAS is best seen as a framework of rules, rights and procedures which should be applied uniformly within the EU. A framework implies an element of proportionality and subsidiarity in the implementation provided that it is coherent and compliant with the parameters that define the framework. The ultimate objective should be to obtain similar outcomes for similar situations through a similar procedure. This requires convergence on procedures and decisions. As it is a living framework, the CEAS needs to be flexible enough to respond to a constantly-evolving context both from a legislative and practical perspective. Consequently, the second phase of the CEAS is certainly not the last.

The recast legal framework underpinning the CEAS, referred to as the 'EU Asylum Package'¹, provides the legal basis for greater harmonisation and sets higher quality standards. A natural implication of this harmonisation process is interdependency of the national asylum systems in the EU. A decision by a Member State on an asylum claim could have a direct effect on another Member State. Member States must therefore build enough capacity to be able to deal with asylum claims in an fair and efficient manner, offering protection to those who qualify for it together with measures that ensure their integration into society, and a dignified return policy for those who have do not qualify for protection and thus have not right to stay in the EU.

EASO has been set up as an independent centre of expertise to support Member States and other EU institutions in the implementation of the CEAS. Since its inception, EASO has observed significant differences in the way Member States asylum and reception systems are set up, the way asylum applications are dealt with, the outcomes of decisions on similar cases, the reception facilities available, training and qualifications of staff dealing with asylum claims, resources allocated for asylum and reception, use of COI in the asylum procedure, statistics collected and definitions used, integration and return measures and so on.

In order to ensure that a genuine CEAS is achieved; coherent, comprehensive and consistent implementation of the recast EU asylum package in a cost effective and efficient manner whilst stimulating quality is essential. EASO plays a central role in supporting Member States and the EU Institutions in achieving these objectives.

The following section presents a number of considerations that according to EASO could improve the implementation of the CEAS over the years to come under the framework of the new JHA Programme covering 2015-2019.

1. Focus on implementation and consolidation

The past years have been dedicated to the elaboration and adoption of the legal instruments. Now the focus shifts to implementation of the EU asylum package in a coherent and comprehensive manner, effectively consolidating the CEAS – ensuring, with EASO's support, the effective application of all its legislative and operational instruments, including providing rapid response to extra-ordinary situations

¹ Qualification Directive (Directive 2011/95/EU), Dublin III Regulation (Regulation (EU) No 604/2013), Reception Conditions Directive (Directive 2013/33/EU), Asylum Procedure Directive (Directive 2013/32/EU) and Eurodac Regulation (Regulation (EU) No 603/2013).



in Member States as necessary. One of the many actions that EASO will undertake starting 2014 to support the implementation of the CEAS will be to publish technical documents on the implementation of the recast EU asylum package together with Member States and the European Commission.

2. Continuous monitoring and evaluation

The recast EU asylum instruments must be evaluated and their implementation constantly monitored in order to ensure that the CEAS caters for the constantly changing circumstances in the asylum and migration field. This will require data provision on all key aspects of the CEAS, requiring efforts at national level to ensure each body tasked with a part of the system is effectively communicating at national level and that Member States provide needed data at EU level to ensure reliability and comparability. Through its Early warning and Preparedness System (EPS) and the EASO mapping exercise of asylum processes in Member States, EASO will be in a position to provide a picture of the situation, which could help Member States and the EU to take the necessary steps to address weaknesses in their systems, which could include tailor made capacity building measures coordinated by EASO and also measures financed through the Asylum and Migration Fund (AMF).

Furthermore, possible additional legislative and/or non-legislative instruments could be considered following evaluation. Member States' practical experience of the current acquis and evidence based policy input from EASO should provide the basis for assessing the need for any further legislative proposals, however, where possible, improvements should be sought on the basis of the existing instruments.

3. Streamlining the organisation of national asylum systems

Member States' national asylum systems are not organised in the same way, mainly due to historical considerations. However, a "one-stop-shop" type of procedure that organises the examination of all protection needs in one approach whilst fully respecting all the provisions of the new EU asylum package might reduce the time taken to examine the request for international protection, ultimately leading to more efficiency and less costs.

4. Strengthening capacity of national asylum and reception systems

Key to the further development of the CEAS is sufficient capacity in Member States' national asylum and reception systems. Some Member States do not yet have enough capacity to fulfil all the obligations set out in the recast EU asylum acquis. This mainly refers to processing of claims, quality of the asylum procedure, reception facilities, integration measures and return of failed asylum seekers.

5. Early warning, Preparedness and Crisis Management for effective implementation

The EASO Early warning and Preparedness System (EPS) is an essential tool for a well-functioning CEAS and will become one of the main support tools of EASO. The EPS will provide Member States, the European Commission, the Council of the European Union and the European Parliament with accurate, timely information and analyses on flows of asylum seekers to and within the EU as well as the Member States' capacity to respond to them. The resulting analyses can serve as a tool for strategic discussions and practical planning within the EU in order to better prepare for challenges and unforeseen events (including via contingency planning). The EPS will feed into Article 33 Early Warning, Preparedness and Crisis Management mechanism, of the Dublin III Regulation.



EASO intends to involve civil society in the process to ensure that it produces a comprehensive picture of the situation on the ground.

6. Advanced practical cooperation: taking practical cooperation to a new level

Practical Cooperation activities are the breeding ground for new ideas. Besides offering a forum for discussion and exchanging best practices and know-how, these activities can contribute towards the consolidation of national practices and convergence of policies in the EU; and increase cooperation and information exchange between national asylum services. Furthermore they stimulate networking and very often produce innovative ways of approaching particular situations and ultimately should lead to convergence on decisions concerning similar situations. In order to maximise the results of EASO advanced practical cooperation activities, all Member States should actively participate in them and to follow up their outcomes. EASO will propose to this end the creation of a network of Asylum Policy experts who can meet regularly and ad hoc (depending on changes in flows) to document practice, determine possible best practice and thus improve knowledge of the practical functioning of the CEAS, without which it is impossible to make assessments and therefore improvements.

7. A more central role for training in asylum

In order to ensure quality asylum procedures throughout the EU, it is inevitable that asylum officials and their managers receive common training provided by EASO. The EASO Training Curriculum, which takes the train-the-trainer approach with blended learning methodology, has spread to more Member States in particular during the past two years since it has been taken over by EASO. EASO aims to have this type of training used by all the 28 Member States in order to boost harmonisation and reduce costs. It is the aim of EASO to establish quantitative targets for training in Member States. EASO is also working on a European Certification process, using the EASO Training Curriculum to ensure that those officials that deal with asylum claims have an adequate level of knowledge that is common across the EU, in line with the provisions of the recast Asylum Procedures Directive (APD).

8. Guaranteed access to the asylum procedure

Access to asylum procedures at the borders and the length of the asylum procedure itself are an issue in a number of Member States. For a well-functioning CEAS, in line with the recast EU asylum acquis, these issues must be addressed. The practical application of asylum procedures should be harmonised across the EU and be fair, effective and efficient, especially those regarding access to the asylum procedure and particularly at borders.

9. Quality and efficiency of the asylum decision making process

Quality processes should be put in place in all Member States in cooperation with EASO. This can be done through the provision of necessary training, including the EASO Training Modules, continuous evaluation of the asylum system and assistance provided to asylum seekers, provision of adequate information for asylum seekers, translation/interpretation, including the use of the EASO list of available languages, and provision of legal assistance. Moreover, the EASO quality tools, including guides produced by EASO together with Member States, the European Commission and UNHCR and based on good practices in Member States should help improve the quality of asylum decision making and also the organisation and alignment of the national asylum systems. EASO will intensify its work in this area over the coming years.



10. Production and use of common Country of Origin Information (COI)

COI is the cornerstone of asylum decision making and an integral part of the asylum procedure. Considerable capacity in COI production already exists in the EU but it is concentrated in a limited number of Member States. EASO has therefore adopted a network approach involving interested Member States to a) accurately map needs for COI at EU level, and b) help to fill gaps and avoid duplication. More emphasis is being placed on producing common COI, in particular by EASO as laid out in its founding Regulation. Furthermore, joint fact finding missions, coordinated by EASO, should become standard. This concentrated effort would yield better results and save time and money. The choice of countries could be determined by EASO and the COI strategic network. Of course, this would not impede Member States from conducting their fact finding missions. The large resource of national COI experts should begin to be used, via EASO's specialist COI networks, to feed into early-warning and contingency planning. National country experts have deep knowledge of likely scenarios in the main source countries for asylum seekers at EU level – this knowledge should be made available to MS to facilitate their national and EU-level planning for future flows.

11. Improved access to and exchange of information amongst Member States

One way of supporting the development of the CEAS is through easy exchange of information and data amongst relevant Member States services. A lot of data and information is generated by Member States but is often only shared internally. Many Member States would benefit from creating central databases such as on COI, jurisprudence etc., at national level and to connect those databases to EU platforms, such as the EASO COI Portal and the future EASO asylum information and documentation system.

12. Better integration of beneficiaries of international protection

Integration is part and parcel of the discussion on refugees and persons enjoying protection. In spite of this, integration measures vary significantly in the EU. These persons should be able to benefit from and contribute to integration measures such as access to education, language training, employment, anywhere in the EU so that they will be able to find their place in society and contribute to its development. They should feel that they are an asset to society. Positive integration could produce a win-win situation that enhances social cohesion. There are a number of best practice examples of integration in a number of Member States that could be mainstreamed. EASO could support common actions in this field.

13. Effective return of failed asylum seekers

An effective return system is an absolute necessity for the credibility of the CEAS. Where an applicant for protection has had his application rejected and he has no other right of residence, he must leave the host Member State. Otherwise the entire procedure for admission and examination of the asylum request is in jeopardy, especially when a large number of persons file repeated asylum requests. The effective implementation of this principle of return will contribute to the effectiveness of the asylum system and protect its integrity. The AMF could be used to develop programmes here with the involvement of Frontex.

Moreover, in some cases, beneficiaries of international protection originating from countries where the situation has improved would be willing to return to their countries if supporting measures are offered. Taking advantage of the experience of IOM, such support measures could consist of training, counselling, and reintegration package in the form of start-up grants and temporary accommodation



in the country of origin. Such initiatives were undertaken successfully by some Member States in the past and should be promoted in the new JHA Programme.

Return policy and the use of COI for return, mainly in terms of security updates on key countries of return should also be investigated to determine current practice, identify best practice and thus lead to further harmonisation.

14. Translating solidarity into effective support

Solidarity is one of the primary values underpinning the CEAS. The creation of EASO itself is an expression of solidarity in that all its tools involve putting Member States resources and expertise at the disposal of others. Moreover, funding has been made available through specific instruments to support Member States facing pressures on their asylum and reception systems. EASO believes that the further development of the CEAS would necessitate an operational support system that yields threefold benefit: to the beneficiary Member State, to the sending Member State, and to the CEAS in general.

EASO must be in a position to provide comprehensive operational support to requesting Member States. The implementation of the new EU asylum package poses challenges on some Member States and some of them might need EASO operational support to align to the legal requirements. Other Member States might need EASO operational support to be able to deal with significant challenges on their asylum and reception systems caused by sudden and extra-ordinary situations of arrivals on their territory. In order to do so in an efficient manner, EASO needs to have sufficient experts, including through the Asylum Intervention Pool (AIP) that can be deployed to a requesting Member State in a timely manner. Member States must make qualified experts available when required for the system to work effectively. Besides, EASO is developing tools to support future voluntary intra-EU relocation efforts that will also be supported by financial grants from the Commission through the AMF.

15. Developing mutual trust into mutual recognition

Another key value of the CEAS is mutual trust. As mentioned earlier, an implication of the harmonisation process characteristic of the CEAS is interdependency of the national asylum systems in the EU, therefore trust in each other's systems and decisions must become a way of working, as is the case in other policy areas. Through various practical cooperation measures, exchange of information, training, and engagement in EASO operational activities, mutual trust can be taken to a new level. Joint processing of asylum applications is a clear example of mutual recognition. In line with the actions foreseen within the context of the Mediterranean Task Force, EASO will coordinate a pilot joint processing project during 2014. This should be complemented by cross training of decision makers.

Moreover, once an assessment of the impact of the recast EU asylum instruments takes place, the possibility of transferring protection for beneficiaries of international protection when exercising their acquired residence rights under EU law – possibly leading to a uniform status in the EU - should be explored. To some extent, this has already taken place within the framework of intra-EU relocation measures that have been implemented from Malta. However, this dimension becomes all the more important in an increasingly borderless (internal) Europe and adequate legal and practical solutions need to be identified.



16. Boosting efforts on the External Dimension of Asylum and Migration

Boosting cooperation, partnership and solidarity with third countries through the implementation of Regional Development and Protection Programmes (RDPPs) and resettlement are key elements of the external dimension of the CEAS. EASO can support EU and MS actions on the external dimension of the CEAS through coordinating the provision of information, data and analysis that could inform policy decisions in this field and cooperating with competent authorities of third countries in technical matters in particular with a view to promoting and assisting capacity building in the third countries' own asylum and reception systems and implementing RDPPs and other actions relevant to durable solutions. Finally, improvements to the EU resettlement programme on the basis of an evaluation in 2014 should be considered to ensure that the programme reaches its intended objectives. EASO could play the role of clearing house to this effect.

17. Enhanced use of the Asylum and Migration Fund (AMF)

The AMF has become the principal instrument for allocation of EU funding in the field of asylum and migration. As mentioned earlier, Member States should use the (asylum) funds to improve the quality and compatibility of their asylum and reception systems even through transnational initiatives, as well as to improve practical cooperation of the CEAS at EU level and show solidarity with those Member States that need it most.

The full implementation of the CEAS requires active commitment by Member States and the EU in general to a common framework. Both the legal framework and the practical implementation of the CEAS must be constantly monitored and evaluated, and changes made where necessary in order to take the CEAS to a new level. The new JHA Programme 2015-2019 should encompass policy orientations within this perspective. Flexibility, quality, cost-effectiveness and evidence based policy making should be guiding principles of the programme. The EU should become a single genuine area of protection for those who need it and therefore MS should be supported to fulfil their obligations within a common framework characterised by the principles of responsibility, mutual trust and solidarity with the elements of subsidiarity and proportionality that are at the core of EU Treaties.
