

Asylum Report 2022

Executive Summary





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Asylum Report 2022

Annual Report on the Situation of Asylum in the European Union

EXECUTIVE SUMMARY

Foreword

Political developments in 2021 and early 2022 had a direct impact on international protection needs, spurring waves of displacement towards EU+ countries. The Taliban surge to power in Afghanistan and the Russian invasion of Ukraine created new protection needs and contributed to the rising number of asylum applicants in Europe. In addition, the post-COVID-19 situation with the rise in the numbers of asylum seekers presented new challenges which called for dynamic solutions to maintain the integrity of the world's only multinational asylum system – the Common European Asylum System (CEAS). These events serve as a stark reminder of how quickly patterns in migration and asylum can change.

Against this backdrop, the [Asylum Report 2022](#) highlights how the preparedness and flexibility of national asylum and reception systems were tested to continue to provide protection to those in need. Many administrations faced tremendous pressure with high influxes of arrivals, while continuing to circumnavigate on-going COVID-19 restrictions. The report shows where there is convergence in implementing the CEAS, but it does not shy away from mentioning the divergences that continue and where further improvements can be made.



The resilience of asylum systems can only grow as progress is made toward adopting the legal instruments of the European Commission's Pact on Migration and Asylum. In addition, with a reinforced mandate since January 2022, the European Union Agency for Asylum (EUAA) plays a key role in further calibrating CEAS and actively supporting Member States. But it is important to listen to the voices from the field as well. This is where the Asylum Report serves as a valuable resource which cites over 1,500 reliable sources, including national authorities, international organisations, academia and civil society organisations, and provides the most comprehensive situational update in the field of asylum in Europe.

As the centre of expertise on asylum in Europe and since its foundation 11 years ago, the Agency has united EU+ countries in exchanging information, sharing best practices, improving quality and harmonising processes. It is certain that the demand for the Agency's support will keep growing and we stand ready to continue working with our partners and fulfil our reinforced mandate in the years to come.

Nina Gregori
Executive Director
European Union Agency for Asylum



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Introduction

As the go-to source of information on international protection in Europe, the annual Asylum Report by the European Union Agency for Asylum (EUAA) provides a comprehensive overview of key developments in asylum in Member States of the European Union, Iceland, Liechtenstein, Norway and Switzerland (EU+ countries).

Starting with a brief overview of trends and key topics of discussion surrounding forced displacement at a global level, the report narrows in on the context of Europe. Key developments are presented at the EU and national levels, covering all aspects of the Common European Asylum System (CEAS). Selected case law is presented to illustrate how courts shaped the interpretation of European and national laws. In addition, statistical data on key indicators highlight trends in the area of asylum in 2021.

Pressure at the EU's external borders intensified in 2021 with the number of arrivals returning to pre-pandemic levels, even amidst continued COVID-19 measures. The political landscape prompted a spike in arrivals from Afghanistan, Belarus and, in early 2022, Ukraine. In response, EU+ countries quickly adapted to the waves of arrivals by facilitating the lodging process for an asylum application, rearranging reception places and resorting to arrival centres for various steps of the asylum procedure.

1. Global developments in the field of asylum



Events in 2021 and early 2022 triggered the displacement of millions of people, intensifying existing needs for protection solutions worldwide. The Taliban surge to power in Afghanistan gave thrust to new cycles of displacement within the country and across borders, in a region where displacement had already been a common occurrence. The Russian invasion of Ukraine forced millions of people to leave their homes and seek refuge in neighbouring countries. And people continued to flee existing hotspots of displacement in the Democratic Republic of the Congo, Ethiopia, Mozambique, Myanmar, South Sudan, Syria, the Sahel region, Venezuela and Yemen.

According to estimations by the United Nations High Commissioner for Refugees (UNHCR), there were more than 84 million forcibly displaced people worldwide as of June 2021. The figure includes 26.6 million refugees under UNHCR's mandate, 4.4 million asylum seekers, 48 million internally displaced persons and 3.9 million Venezuelans displaced abroad.

In a year that marked the 70th anniversary of the 1951 Convention Relating to the Status of Refugees as a fundamental component of human rights law, the international community continued its global and regional efforts in developing solutions for people in need of protection worldwide. A key initiative based on multi-stakeholder cooperation is the Global Compact on Refugees, which aims to bring sustainable solutions to the situation of refugees. Under the umbrella of this framework, in 2021 work continued towards: i) easing the pressure on host countries; ii) enhancing refugee self-reliance; iii) expanding solutions in third countries; and iv) supporting conditions in countries of origin for safe and dignified returns of applicants who are denied protection.



The discourse and work on international protection continued to evolve to accommodate emerging needs and pressing topics of relevance. Key issues that remained at the centre of attention in the field of asylum in 2021 included:

- Shifting from measures introduced as a reaction to the COVID-19 pandemic to sustainable working methods that incorporate new practices and digital transformations;
- Scaling up efforts for sustainable solutions for people in need of protection;
- Acknowledging climate-induced displacement in its full dimensions and developing effective responses to the growing climate emergency;
- Further mainstreaming gender dimensions in understanding protection needs and providing protection solutions; and
- Taking into account issues of statelessness in the context of asylum and the interplay between statelessness and protection needs.

2. Major developments in asylum in the European Union



In 2021, progress was made and important steps were taken at technical and political levels toward the implementation of the Pact on Migration and Asylum, while further political agreement on some key elements of the pact is still to be achieved. An important milestone was Regulation (EU) 2021/2303 entering into force in January 2022 to establish the European Union Agency for Asylum (EUAA), which replaced the European Asylum Support Office (EASO) with a broadened and enhanced mandate.

Pending further legislative progress on the proposed Return Directive, the European Commission adopted in April 2021 the first EU Strategy on Voluntary Return and Reintegration, promoting these avenues as integral components of a common EU system for the return of third-country nationals.

Progress was also achieved in 2021 in other areas of asylum. In June 2021, the European Commission presented the Schengen Strategy, while efforts continued on the interoperability of large-scale IT systems in the area of freedom, security and justice. With integration being an essential element of an effective migration management system, the implementation of the Action Plan on Integration and Inclusion started in 2021.

Presenting the [Joint Declaration on legislative priorities for 2021 and the Joint Conclusions on Policy Objectives and Priorities for 2020-2024](#), in December 2020 the Council of the EU, the European Commission and the European Parliament declared their determination to achieve agreement on the Pact on Migration and Asylum, ensure migration is addressed in a comprehensive way and safeguard that external borders are effectively controlled.





In 2021, the EU's external borders experienced increased pressure, with arrivals rising over pre-pandemic levels. The number of detected illegal border-crossings in 2021 was just below 200,000, which was the highest number since 2017. Based on Frontex reporting, however, fluctuations in the number of crossings were noted across different migration routes, with some experiencing significant increases while flows remained relatively stable in others when compared to 2020.

As a result of internal political upheaval in Belarus and the organisation of state-sponsored smuggling of migrants by the Belarusian regime, detections on the eastern land borders increased more than tenfold. Irregular border crossings from Belarus posed a considerable pressure on frontline Member States, with the EU swiftly providing a combination of financial, operational and diplomatic support to address the crisis, including a Rapid Border Intervention by Frontex and the provision of operational support by the EUAA.

In November 2021, the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy provided an overview of actions taken in response to the situation at the eastern borders. They addressed how the current migration framework could be adapted to provide a more permanent toolbox for addressing attempts to destabilise the EU through state-sponsored instrumentalisation of migrants and refugees, while ensuring access to territory, adequate reception conditions and the impartial review of asylum claims. The toolbox comprises a combination of actions, both outside the EU and inside the EU and at the borders.

Apart from supporting Member States at the eastern borders, the EU continued to assist other frontline Member States by facilitating and coordinating voluntary relocations to other Member States and by providing financial and operational support for reception capacity, living conditions and medical care for refugees and migrants; accelerating asylum procedures; increasing returns; and improving border protection.

Following the Russian invasion of Ukraine in February 2022, millions of displaced people sought refuge in the EU through Hungary, Poland, Romania and Slovakia. These countries showed a remarkably quick response by opening their borders and allowing entry in their territory. Reflecting the EU's commitment to show full solidarity with Ukraine, on 4 March 2022, the Justice and Home Affairs Council acted on the European Commission's proposal and adopted unanimously an implementing decision to introduce a temporary protection mechanism in response to the influx of displaced people. The decision also provided for the development of a Solidarity Platform, under the coordination of the European Commission, whereby Member States exchange information on their reception capacities and the number of persons receiving temporary protection in their territories. The EUAA worked actively in 2022 to facilitate the exchange of information on registrations for temporary protection among EU+ countries.

The EU Migration Preparedness and Crisis Management Network undertook the administrative cooperation among Member States, while the Union Civil Protection Mechanism was activated to attend to the needs of the displaced persons from Ukraine and receive co-financing for delivering such assistance. EU agencies, including Frontex, the EUAA and Europol, were quick to provide operational support to Member States that requested assistance. Many factors in the EU's response proved to be best practices which should be implemented in any future crisis.





Throughout 2021, the EU continued its comprehensive and mutually-beneficial partnerships. Activities under the external dimension of the EU's migration and asylum policy addressed root causes of irregular migration; combating smuggling networks; cooperation with third countries on returns and readmissions; working with partner countries toward border management; and providing support for protection solutions in other parts of the world.

In addition, great focus was placed on the renewed protection needs of Afghan nationals following the surge of the Taliban to power. With Afghanistan being a priority for the EU and the largest beneficiary of EU development assistance since 2002, the EU worked toward providing a uniform response to the crisis. In August 2021, EU Home Affairs Ministers, together with representatives of the European Commission, the European External Action Service, Frontex, Europol, the EUAA and the EU Counter-Terrorism Coordinator, adopted a joint statement highlighting that the evacuation of EU citizens and, to the extent possible, Afghan nationals who had cooperated with the EU and its Member States and their families was a matter of priority.

A EUR 1 billion Afghan Support Package was announced in October 2021, combined with the delivery of targeted humanitarian support for the basic needs of Afghan people, channelled to international organisations on the ground and neighbouring countries. The EU holds the chair of the Core Group of the [Solution Strategy for Afghan Refugees' Support Platform](#), strengthening the international response to the situation in Afghanistan and stimulating political, financial and material commitments.

The EU put in place a dedicated mechanism to support the evacuation of more than 17,500 people from Kabul, including an estimated 4,100 EU nationals and 13,400 Afghan nationals. Altogether EU Member States evacuated a total of 22,000 Afghans.

In its role to ensure a harmonised interpretation and application of EU law, the Court of Justice of the European Union (CJEU) issued more than 20 judgments and orders. It was called to interpret various provisions of CEAS, covering topics related to:

- effective access to the asylum procedure;
- the Dublin procedure;
- subsequent applications;
- the interpretation of the concept of state protection;
- the assessment of protection provided by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA);
- the interpretation of the concept of indiscriminate violence for the purpose of providing subsidiary protection;
- the use of detention;
- the extension of protection status as a derived right (based on the protection status of another beneficiary);
- the principle of equal treatment; and
- the return of rejected asylum applicants.



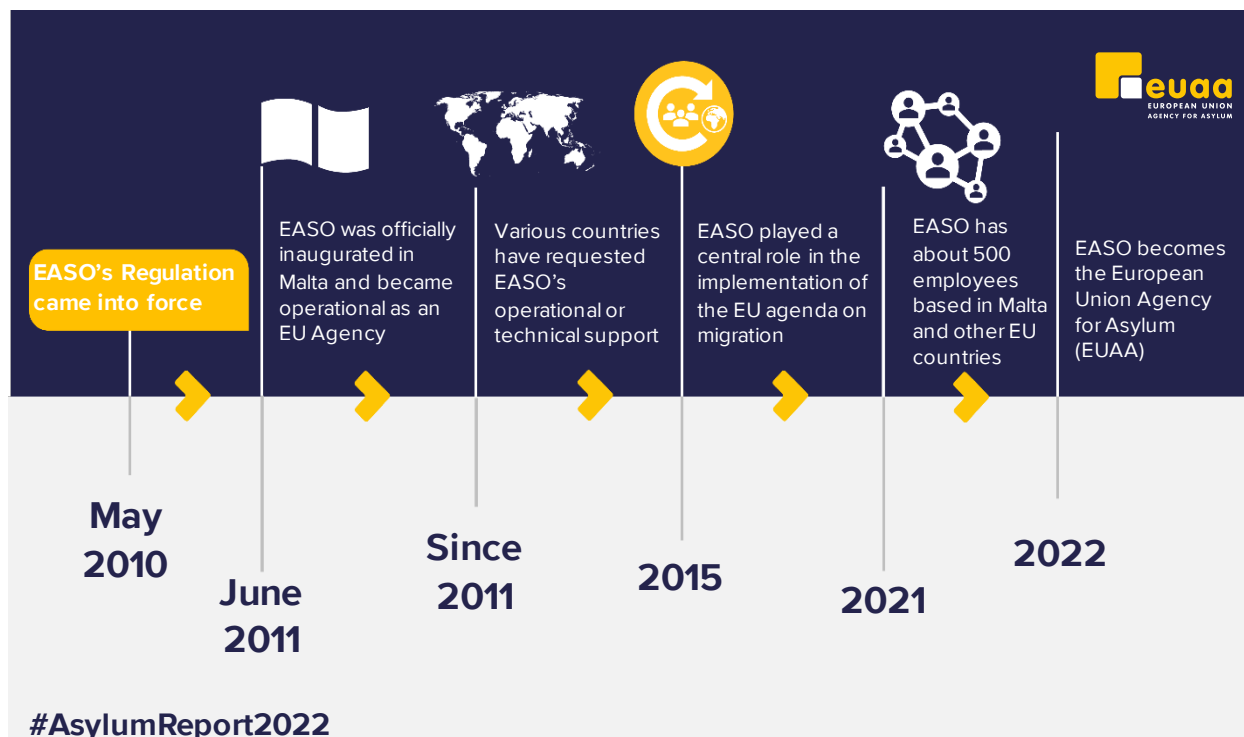
3. EASO transition to the EUAA



After 10 years of operation, EASO was transformed into the EUAA through [Regulation \(EU\) 2021/2303 on the Establishment of a European Union Agency for Asylum](#) which entered into force on 19 January 2022. The Agency can now offer greater operational and technical support to increase efficiency in asylum systems; improve and accelerate the provision of assistance at the request of Member States; further develop operational standards, indicators and practical guidelines to inform uniform, high-quality decision-making in asylum cases; better monitor and report on the functioning of national asylum and reception systems; contribute to capacity-building in non-EU countries; and support EU+ countries with resettlement schemes.

A key area of work for the EUAA is to provide operational and technical assistance to Member States experiencing disproportionate pressure on their asylum and reception systems. As of May 2022, 10 Member States receive direct support from the Agency through annual or multiannual plans: Belgium, Cyprus, Czechia, Greece, Italy, Latvia, Lithuania, Malta, Romania and Spain. Operational support to national asylum and reception systems in 2021 covered a range of actions which were tailored to the specific context and needs in each country, including support to increase capacity and the quality of reception conditions, register and process applications at first and second instances, support relocations and increase the quality and standardisation of the Dublin procedure.

A cross-cutting external ex post evaluation was conducted at the beginning of 2022 to assess the implementation of the Agency's operational support to inform decision-making and enhance the overall operational support framework. Overall, the external evaluation concluded that the Agency's operational support during 2021 was highly relevant to the needs of Member States and flexible to adapt to rapidly-changing contexts.





4. Functioning of the Common European Asylum System

Key developments in 2021 shaped national legislation, policies and practices in the field of asylum in EU+ countries. Three horizontal themes with an impact across most steps of the asylum procedure were the digitalisation of asylum systems, the impact of the on-going COVID-19 pandemic and the new protection needs of Afghan nationals following developments in Afghanistan.



In focus 1: Digitalising asylum and reception systems in 2021

National asylum and reception authorities in EU+ countries continued to digitalise processes. The COVID-19 pandemic spurred the need for technological solutions to ensure business continuity amidst movement restrictions and social distancing. To varying degrees and based on national contexts, digital innovations were introduced for the self-registration of applications; remote interviews; information provision; interpretation; country of origin information (COI) collection; training; information management systems and communications across authorities; and the simplification of workflows.

Digitalised processes will likely be adapted based on guidance from international, European and national courts. While new technologies can be implemented rapidly, national authorities need to take caution as court rulings indicate that there is a continued need for strict scrutiny of the compatibility of digital innovations with fundamental rights and personal data protection guidelines.



In focus 2: The impact of the on-going COVID-19 pandemic on asylum and reception systems

Since the outbreak in 2020, the COVID-19 pandemic and related restrictions have continued to strongly affect asylum and reception systems globally. EU+ countries employed a variety of methods to ensure access to protection and efficient processing of new and pending applications amidst public health measures which aimed to curb infection. Access to COVID-19 vaccinations and the rollout of national inoculation campaigns were fundamental in limiting the number of infections.

With the gradual rollout of vaccines, COVID-19 restrictions were eased but many arrangements which were introduced to mitigate the pandemic continued throughout 2021. These practices included: the use of disinfecting products, distancing, plexiglass barriers and face masks; the provision of services at staggered hours and through remote modalities; limitations on the number of people present at authorities' premises at the same time; regular medical screenings and rapid testing; quarantine measures; and revised maximum occupancy rates in reception. Resettlement activities resumed, again with the use of mixed modalities, including remote selection missions based on dossiers, online pre-departure orientations and additional health checks in travel arrangements.





In focus 3: Responses by EU+ countries to new protection needs of Afghan nationals

The deterioration of the security and human rights situation in Afghanistan in 2021 created waves of displacement for the general population, in addition to increased risks for particular groups. An immediate consideration was to provide quick access to safety, so EU+ countries organised rapid evacuations and adapted processing of applications submitted by Afghans. Dedicated information campaigns focused on providing information to Afghan nationals on matters related to asylum.

Due to the volatility in the country of origin and the difficulty in accessing up-to-date country of origin information (COI), many EU+ countries suspended the processing of applications by Afghans at both first and second instances, with the exception of cases where protection needs were clearly evident. Efforts were also made to bring Afghan families together, while special arrangements were made for the provision of material reception conditions and the integration of Afghan evacuees. The large number of pending cases by Afghan nationals, as well as the status of those who do not qualify for protection but cannot be returned, are issues that remain to be tackled and require constructive and realistic approaches by EU+ countries.

4.1. Access to the asylum procedure

Pressure on the EU's external borders intensified in 2021 with the number of arrivals resuming to pre-pandemic levels. Illegal border-crossings escalated, and EU+ countries had to manage sudden mass arrivals and ever-increasing numbers of applications for international protection.

In 2021, EU+ countries received approximately 648,000 applications for international protection, representing an increase by one-third compared to 2020 and matching the level of 2018. In the first few months of 2021, the level of applications remained roughly stable. But about halfway through the year, applications started to increase and culminated in two monthly peaks in September and November 2021.

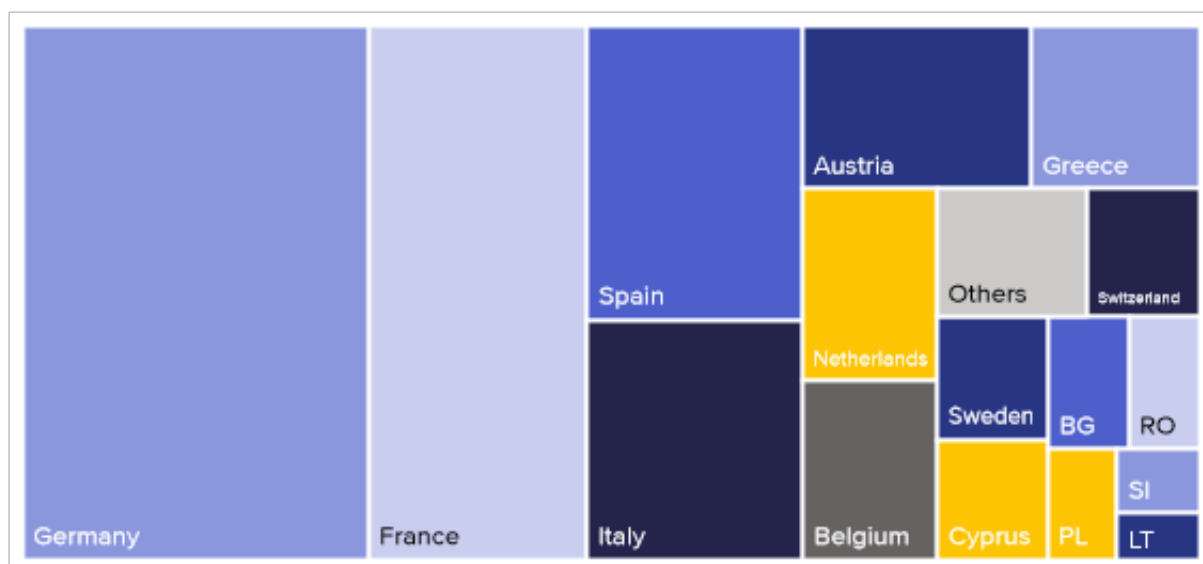
The peaks were largely the result of more applications by Afghans and Syrians, including many repeated applications by Afghans. Syrians represented the largest applicant group in 2021, lodging about 117,000 applications in EU+ countries, followed by Afghans who lodged 102,000 applications. These two citizenships were followed at a distance by nationals of Iraq (30,000 applications), Pakistan and Turkey (25,000 each) as well as Bangladesh (20,000).

Regarding receiving countries, Germany received by far the most asylum applications (191,000), followed by France (121,000), Spain (65,000) and Italy (53,000).

While COVID-19-related restrictions and quarantine requirements were still in place, EU+ countries responded to the increased arrivals by adapting processes to facilitate the making, registering and lodging of applications. Several countries rearranged reception places and reorganised first instance procedures. Other countries continued with initial or arrival centres where asylum and reception authorities work together.



Figure 1. Applications for international protection by receiving EU+ country, 2021



Source: Eurostat [[migr_asyappctza](#)] as at 22 April 2022.

Yet, a number of incidents were reported at the EU's external borders where EU provisions were not applied timely and effective access to the asylum procedure was delayed or denied. The CJEU, the European Court of Human Rights (ECtHR) and national courts scrutinised the policies and practices of EU+ countries, reiterating the importance of respecting the principle of *non-refoulement*.

4.2. The Dublin procedure



COVID-19 measures continued to have a direct impact on the various steps of the Dublin procedure. Although the number of applicants under the Dublin procedure increased during 2021, national authorities continued to face challenges in implementing transfers, with COVID-19 testing requirements and the lack of available flights being the most common barriers. As a result, the number of implemented transfers remained much lower than prior to the pandemic.

During the pandemic, authorities and national courts were faced with increasingly complex Dublin cases which required more guidance and clarification. The CJEU received a high number of requests for preliminary rulings on several aspects of the Dublin III Regulation: the application of the criteria for determining the Member State responsible, remedies, time limits for transfers and the link with other EU legislations which are outside of the CEAS legal instruments.

According to provisional data which are regularly exchanged between the EUAA and 29 EU+ countries, 114,300 decisions were issued in 2021 in response to outgoing Dublin requests. This represented an increase by one-fifth compared to 2020, yet the annual total remained below pre-pandemic levels. The increase in decisions was in accordance with more asylum applications being lodged in EU+ countries around the same period.

At the country level, Germany and France continued to receive the most decisions in response to their requests, jointly accounting for over three-fifths of the EU+ total. As in previous years, Italy issued the most decisions overall on Dublin requests, followed by Germany and Greece.



In 2021, the acceptance rate for decisions in response to Dublin requests, measuring the proportion of decisions accepting responsibility (explicitly or implicitly) for an application out of all decisions issued, was 54% (2 percentage points lower than in 2020), showing a continued decline for the fourth successive year at the EU+ level.

In terms of transfers that were actually implemented, as a result of COVID-19-related emergency measures, Dublin transfers dropped to very low levels for a second consecutive year: overall, about 13,500 transfers were implemented in 2021, which was similar to 2020, yet around one-half the number of 2019.

Article 17(1) of the Dublin III Regulation was invoked about 3,900 times in 2021, declining for the third consecutive year to the lowest levels since 2015. Article 17(1) is a discretionary clause, which allows a Member State to examine an application for international protection lodged by a third-country national or a stateless person, even if such an examination is not its responsibility under the criteria laid down in the regulation.

4.3. Special procedures to assess protection needs



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.

In 2021, several EU+ countries introduced new practices, legislative provisions or proposed amendments to further simplify the border procedure, adapt the time limits or digitalise the processing of cases. National courts stepped in to assess legislative provisions and changes to the border procedure, as well as the detention of asylum applicants at the border, to determine whether they are in line with fundamental rights of asylum applicants. Civil society organisations undertook research projects to explore new ways to facilitate access to protection at the border through flexible and sustainable practices.

EU+ countries also reviewed and updated their lists of safe countries of origin, while national courts assessed the application of this concept in several cases. Naturally, a common trend was the removal of Ukraine from the list of safe countries of origin. The application of the safe third country concept was also placed under scrutiny by national courts, emphasising the importance of an individual assessment prior to sending applicants back to third countries.

In 2021, EU+ countries also introduced amendments to the accelerated procedure by extending its coverage to certain categories of applicants or changing the time limits.

Through legislative and policy changes and based on court judgments, authorities in many EU+ countries clarified the criteria for and the application of admissibility procedures and repeated or subsequent applications. Overall, in 2021, about 14% or 89,000 of all applications were repeated applications lodged in the same EU+ country, which is the most since 2008. This represents an increase by more than one-half from 2020, when there were 57,000 repeated applications.

A topic that continued to gain attention in 2021 was beneficiaries of international protection resubmitting an asylum application in another EU+ country (referred to as the secondary movement of beneficiaries). Some EU+ countries have seen an increase in this kind of unauthorised movement over recent years. This includes persons who have been granted international protection in an EU+ country, obtained travel documents legally, and then



travelled to another EU+ country to apply for asylum again, adding to the caseloads of national asylum systems. While a lack of comprehensive data makes it difficult to fully understand the scope of this trend, growing jurisprudence suggests that this occurrence is becoming more significant.

One of the objectives of the European Commission's Pact on Migration and Asylum is to address this, for example, through allowing transfers of recognised beneficiaries under the proposed Asylum and Migration Management Regulation or through better tracking of this type of secondary movement under the amended proposal revising the Eurodac Regulation. Pending the adoption of these proposals, EU+ countries have taken different approaches, often by prioritising the additional applications and rejecting them swiftly, through modified, stricter reception conditions for applicants or introducing travel bans. In a few exceptional cases, national authorities grant international protection after an individual examination of the specific facts of a case.

4.4. Processing asylum applications at first instance



In the second year of the COVID-19 pandemic and related health measures, EU+ countries continued to organise remote interviews with applicants for international protection and postponed the initial interview for applicants who showed symptoms of COVID-19 infection. In general, remote procedures were no longer exceptional but rather the new normal. EU+ countries put effort into long-term policy developments, improving the quality of first instance decisions, analysing data protection and privacy considerations, and publishing guidelines for certain profiles of applicants from specific countries of origin in which the situation was continuously evolving in 2021.

Several countries started to reorganise their asylum and reception services or completed restructuring their first instance authorities with the aim of clarifying the tasks and division of competences between their offices and various other ministries. Legislative proposals were initiated and new legislation came into force in 2021 to better align national laws with the provisions of CEAS, anticipate new technological developments or improve the efficiency of the asylum procedure during emergencies.

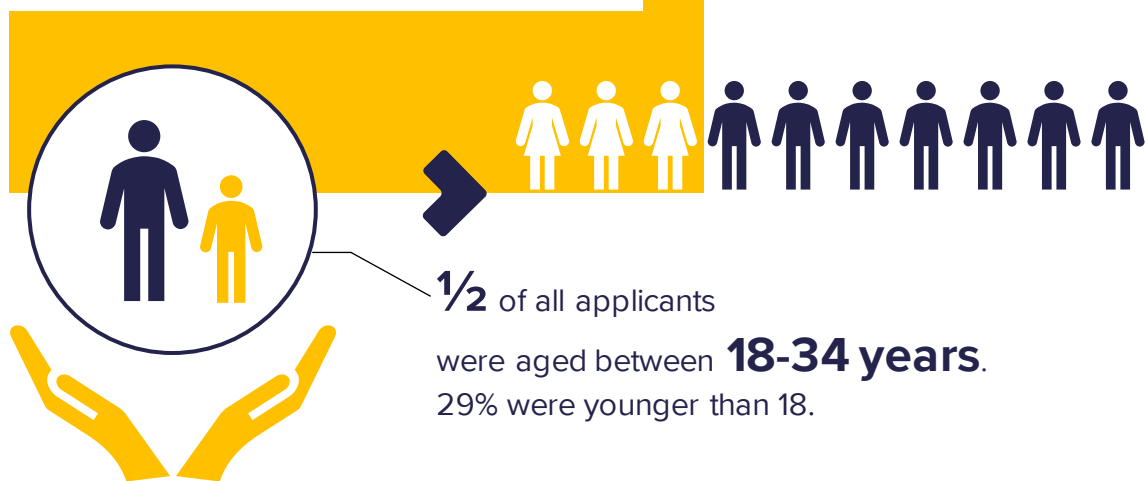
In 2021, EU+ asylum authorities issued some 535,000 first instance decisions, marginally more than in 2020 but roughly in line with pre-pandemic levels. As a result of the steady climb in applications, by the end of 2021 applications lodged in EU+ countries outnumbered first instance decisions by over 113,000. Thus, after a momentary reversal in 2020, the number of applications exceeded decisions again in 2021.

Three EU+ countries jointly issued just under two-thirds of all first instance decisions: France (26%), Germany (25%) and Spain (13%). Italy and Greece followed at a distance, issuing 8% and 7% of all decisions, respectively. Most first instance decisions in EU+ countries were issued to nationals of Syria, Afghanistan, Pakistan and Colombia.



Profile of asylum applicants arriving in EU+ countries

In 2021, the majority of asylum seekers in EU+ countries were **male**, accounting for **70%** of applicants in 2021



Nationals of **Syria** and **Afghanistan** represented the largest applicant groups, lodging the highest number of asylum applications since the refugee crisis in 2015-2016.



Over **2/3** of decisions on first instance applications were given to male applicants



31% of these men and boys were granted international protection, compared to 41% of women and girls



Source: Data by Eurostat as at 22 April 2022.

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<https://euaa.europa.eu/asylum-report-2022>



About 69,000 applications were withdrawn in EU+ countries, the most since 2017. Compared to 2020, this represented a 46% increase. The number of withdrawn applications in 2021 represented 11% of the number of applications lodged.

Over one-quarter of withdrawn applications were by Afghan nationals, accounting for over 18,000 applications in 2021 compared to 5,000 in 2020. Nationals of Syria, Pakistan, Turkey, Iraq, Bangladesh and Tunisia (in descending order) also withdrew a high number of applications.

Two-thirds of all withdrawn applications were implicit, meaning that the applicant had absconded and abandoned the procedure. Implicit withdrawals can serve as a proxy indicator of the beginning of secondary movements towards other EU+ countries. Consistent with this interpretation, figures in 2021 indicate a pattern of secondary movements from countries along the Balkan routes and at the EU's external borders.

4.5. Processing asylum applications at second or higher instance



In 2021, developments at second or higher instances centred around reorganising courts and implementing changes to the appeal procedure, for example for time limits to appeal and the automatic suspensive effect of appeals. New solutions were introduced to enable documents to be submitted remotely, organise remote court hearings and use electronic communication between first instance authorities and courts.

Special arrangements were made to process certain profiles of applicants at the appeal stage, such as for nationals from Afghanistan, the Democratic Republic of the Congo and Ethiopia. Lastly, constitutional and supreme courts in several EU+ countries clarified certain aspects affecting the right to an effective remedy.

4.6. Pending cases



At the end of 2021, over 767,000 applications were awaiting a decision in EU+ countries, similar to a year earlier with a slight 1% decrease. In the first months of 2021, the stock of pending cases gradually declined, but since August 2021 it quickly increased and in just a few months reached the level at the end of 2020.

Hence, the stock of pending cases was still higher than in the pre-crisis level in 2014, adding pressure on national reception systems.

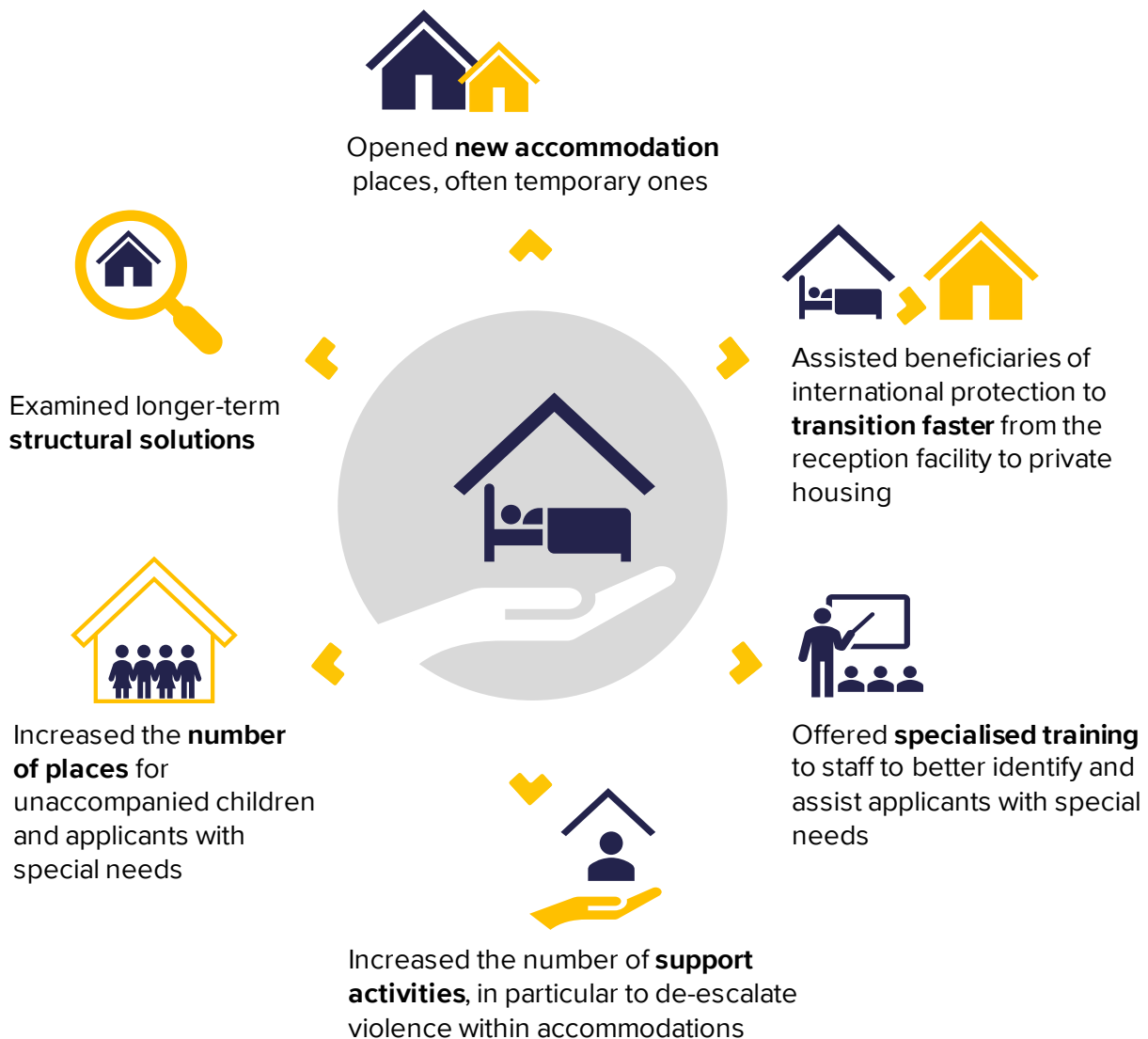
About one-third (34%) of all pending cases continued to be awaiting a decision in Germany, with a total of 264,000 open files. Other EU+ countries with a considerable number of pending cases included France (145,000), Spain (104,000), Italy (52,000) and Greece (38,000).

Afghans (103,000) and Syrians (96,000) not only continued to have the most pending cases in EU+ countries at the end of 2021, but their numbers rose, by 10% and 38%, respectively, compared to 2020.



Reception capacity to accommodate applicants for international protection

With the significant increase in asylum applicants in 2021, national strategies focused on reorganising and adapting reception systems. EU+ countries implemented various measures to alleviate the pressure on saturated systems, such as:



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<https://euaa.europa.eu/asylum-report-2022>

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AGENCY FOR ASYLUM



4.7. Reception of applicants for international protection



The reorganisation and adaptation of reception systems remained at the forefront in national strategies to ensure fast and sufficient responses to changes in migratory flows. In 2021, reception authorities reached out increasingly to local authorities to address together some of the challenges related to the reception of applicants for international protection. Digitalising reception procedures focused on simplifying workflows.

Despite these efforts and with the significant increase in the number of applicants in 2021, reception systems in many EU+ countries were under strain. In some cases, this resulted in high occupancy rates in facilities and services had to be quickly adapted to respond to the needs of all applicants.

In countries where the pressure on reception systems was building up already prior to the COVID-19 pandemic, the new arrivals led to the saturation of the system. In these cases, reception authorities responded by opening new, typically temporary, places, while examining longer-term structural solutions, such as creating more permanent accommodation places and helping recognised beneficiaries of international protection move on quicker from reception facilities.

The persisting COVID-19 context continued to add to existing and new challenges, as requirements for physical distancing, quarantine and isolation continued to demand more space. Reception staff addressed situations when infections were reported, and they were actively engaged in the COVID-19 vaccination roll-out for applicants throughout 2021. As COVID-19 restrictions began to ease, the number of support activities in reception facilities grew in 2021.

The quality of reception remained an overall concern in many EU+ countries, as UNHCR and civil society organisations continued to report on sub-standard accommodation and support. In addition, courts were called on to deliberate on the adequacy of reception conditions in some EU+ countries in the framework of the Dublin III Regulation.

4.8. Detention during the asylum procedure



In 2021, shortcomings in practices and conditions in detention, particularly for applicants with vulnerabilities, were scrutinised by international, European and national monitoring and judicial organisations, such as the UN Committee Against Torture (UN CAT), Council of Europe Committee for the Prevention of Torture (CPT), national Ombudspersons, the ECHR and national courts, in addition to UNHCR and civil society organisations. In addition, systemic deficiencies and using detention and arbitrary restrictions during a mass influx of third-country nationals continued to be reported.

Detention may have implications on the asylum procedure in terms of access to procedure, information provision, the personal interview and applicable timeframes. While several EU+ countries made efforts to address existing deficiencies in these areas, it was also highlighted that systemic limitations need to be addressed to fully respect applicants' right to liberty and security.



4.9. Access to information



EU+ countries continued to enhance the provision of information to asylum applicants through digital innovations and improvements. In 2021, national authorities worked on mobile applications, online portals, information hubs, updated websites and new features on existing information platforms to enable applicants to access information faster and more easily. The information provided through these platforms was also made available in multiple languages.

Targeted information provision was set up for specific groups in need of protection, for example for evacuees from Afghanistan and displaced persons from Ukraine. Apart from providing information on the asylum procedure, EU+ countries also informed applicants and beneficiaries of international protection about everyday life in the host country, rights and obligation, and services available to them.

4.10. Legal assistance and representation



Lockdowns due to the COVID-19 pandemic continued to affect the provision of legal assistance in asylum and other related procedures in 2021, including during the return of former applicants, family reunification and issuing residence permits after recognition. When personal contact between legal aid providers and clients was not possible, consultations were organised by email or phone. Remote provision of services, however, also entailed risks for the quality of services and confidentiality. It also made trust-building more difficult and complicated practical matters, such as the sharing of documents between aid providers.

Some EU+ countries extended the provision of legal assistance or adopted guidelines to ensure an effective legal assistance at first instance, with a focus on the role of lawyers during the personal interview. Legislative amendments clarified the scope of legal assistance, while other changes aimed to align state payments to legal representatives.

Along with difficulties in accessing the asylum procedure, some applicants lacked or had insufficient legal information and assistance at the European borders. In addition, civil society organisations raised concerns on legal aid for asylum applicants placed in detention.

4.11. Interpretation services



In 2021, EU+ countries further professionalised the provision of interpretation by introducing processes to ensure the quality of services. Building on previous experience, EU+ countries invested in the digitalisation of interpretations services.

As a result of increased arrivals, some countries deployed more interpreters to cope with the rising demand, including through agreements with civil society organisations, international organisations and private companies with relevant expertise. Nevertheless, existing capacity in some EU+ countries did not always suffice to ensure an effective provision of interpretation, especially to certain profiles of applicants with special needs and in second instance procedures.



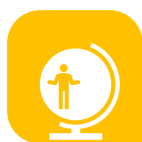
4.12. Country of origin information



Key developments in COI production in 2021 centred around improving methodologies and production flows, recruiting more COI researchers and producing information rapidly to address crisis situations. COI production continued to focus on the most common countries of origin of asylum applicants in Europe, namely Afghanistan, Iran, Iraq and Syria.

Challenges reported by civil society included the lack of COI on issues related to disabilities; statelessness and nationality rights; limited accessibility and user-friendliness of COI databases; and the lack of multilinguistic information, as COI material is mostly available in English.

4.13. Statelessness in the context of asylum



In the context of asylum, statelessness may affect the determination process for an application for international protection and procedural safeguards. Issues of statelessness were the focus of legislative and policy developments in several EU+ countries in 2021, which took steps toward addressing statelessness, including through accession to relevant international legal instruments, the establishment of dedicated statelessness determination procedures and facilitating access to naturalisation.

Nevertheless, some challenges seemed to persist, including a lack of awareness and expertise on issues related to statelessness in the asylum context. This can create uncertainty for applicants about the process and their rights and obligations, and can lead to improper identification and registration.

4.14. Content of protection



People who have obtained a form of international protection in an EU+ country are granted a range of rights and benefits. A positive decision may grant refugee or subsidiary protection status (also referred to as EU-harmonised statuses). The recognition rate refers to the number of positive outcomes as a percentage of the total number of decisions on applications for international protection.

In 2021, the overall EU+ recognition rate for first instance decisions on asylum applications was 34%. This means that out of 535,000 decisions issued, 182,000 were positive, granting the applicant either refugee status or subsidiary protection. Most positive decisions at first instance granted refugee status (118,000 or 65% of all positive decisions) and subsidiary protection was granted in the remaining 64,000 cases (35% of all positive decisions). Beyond EU-regulated statuses, if authorisations to stay for humanitarian reasons are included in the calculation, the overall EU+ recognition rate for first instance decisions in 2021 would be 40%.

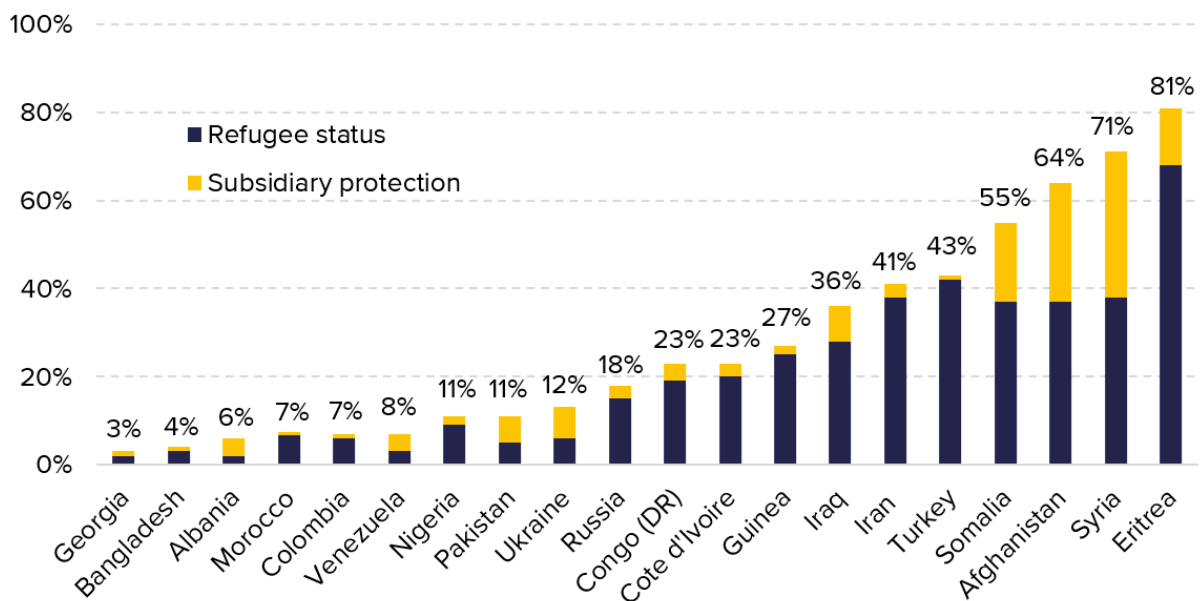
The extent and quality of rights and services that beneficiaries of protection receive shape the prospects of their effective integration into the host society. 2021 marked the first year of implementation of the EU Action Plan on Integration and Inclusion 2021-2027. Several Member States updated their integration strategies to match the EU Action Plan, so efforts in 2021 focused on implementing these new strategies. As a result, many legislative changes related to integration entered into force in 2021 or the beginning of 2022.



Discussions on national forms of protection and regularisation measures came to the forefront, due in part to COVID-19 travel restrictions and the reduced possibility of implementing returns. Countries also addressed the increased use of status reviews of cessation and revocation grounds in previous years. Cases were referred to the courts frequently throughout 2021 to provide guidance on family reunification.

The number of studies from various stakeholders – national authorities, research institutes, think tanks, academia and civil society organisations – evaluating the efficiency and impact of national integration strategies continued to grow, and the reports provided useful insights to further improve integration approaches. While practical barriers persisted in many aspects of everyday life for beneficiaries of international protection, national authorities – often together with local authorities and civil society organisations – undertook initiatives to overcome these challenges, especially in the field of children’s education.

Figure 2. First instance recognition rates in EU+ countries by nationality and status granted, 2021



Note: These 20 nationalities received the highest number of first instance decisions issued in 2021 in EU+ countries.

Source: Eurostat [[migr_asydqfstq](#)] as of 22 April 2022.

4.15. Return of former applicants



After being significantly impacted by COVID-19 restrictions in 2020, the implementation of returns of rejected asylum applicants resumed in 2021. Nonetheless, many countries did not reach the level of operations as before the pandemic. To increase efficiency in the area of returns, many countries introduced legal and procedural changes to create interlinks between asylum and return procedures. These included, for example, return counselling in connection with a negative asylum decision and incorporating a return order in a negative asylum decision.



EU+ countries continued their efforts to enhance voluntary returns through partnerships, reintegration programmes and personalised counselling to third-country nationals. Countries also used tools supported by Frontex, such as the Frontex Application for Return (FAR), to improve the implementation of returns.

The CJEU, the ECtHR and national courts examined a number of return-related cases in 2021 to ensure adherence to procedural guarantees and human rights standards, including cases related to the proper assessment of individual risks in the event of a person's return; due account of the best interests of the child before adopting a return decision, even when the person to whom that decision is addressed is not a minor but the parent; payment of compensation for damages suffered by rejected asylum applicants who have been subjected to inhuman and degrading treatment after deportation; and the suspension of detention in the absence of a viable prospect for a return.

4.16. Resettlement and humanitarian admissions



On-going COVID-19 measures during 2021 prompted national administrations to use digital tools in order to continue with their activities in the field of resettlement, including remote selection interviews and pre-departure and cultural orientation programmes. With severely scaled down resettlement operations in 2020, most countries were not able to fulfil their pledges for the year, resulting in a carry-over to 2021.

Developments in Afghanistan triggered rapid evacuations, which in some cases were implemented through resettlement programmes. Multiple national initiatives were also undertaken to receive Afghan nationals through humanitarian admission schemes.

To provide alternative safe and legal pathways to protection, some EU+ countries continued developing their existing community sponsorship programmes and offering complementary education pathways.

5. Children and people with special needs in the asylum procedure



Policies and practices for applicants with special needs were shaped by existing national legislative frameworks and by the specific profiles of applicants with special needs arriving in a country.

Some EU+ countries focused on improving the identification of and support to applicants with special needs by developing national strategies, coordinating mechanisms, improving vulnerability assessment processes and continuing to provide a wide range of specialised training. Other countries launched new initiatives or continued with existing ones, focusing on specific groups of applicants. For example, guidelines to assess cases were updated and finetuned to ensure that claims related to gender-based violence, female genital mutilation and cutting (FGM/C), sexual orientation and gender identity, and trafficking in human beings are adequately taken into account by asylum officials. In addition, specialised trainings for staff continued to equip case officers with the knowledge to identify and address specific needs in a swift and appropriate manner.



Some reception systems were once again faced with the challenge of adequately supporting applicants with special needs when specialised reception places were limited. Finding a place for applicants with vulnerabilities was a priority in many EU+ countries, but available places were not necessarily the best fit for the purpose of accommodating specialised reception needs.

The new EU Strategy for the Rights of Persons with Disabilities was adopted for 2021-2030, and the European Commission called on Member States to work closely with the EUAA in the area of asylum. In particular, it called to facilitate the training of protection officers and interpreters who are in contact with applicants with special needs, including persons with disabilities. In addition, the new comprehensive EU Strategy on the Rights of the Child was adopted in 2021, with specific considerations on refugee children's access to education and adequate health care, as well as their need for age-appropriate information and guidance during the asylum procedure.

Unaccompanied minor applicants



In 2021, about 23,600 applications for international protection were lodged by unaccompanied minors in EU+ countries,¹ the most since 2017. The share of unaccompanied minors within all applicants for international protection remained relatively stable at around 4%, so the increase in their absolute number is a reflection of more asylum applications being lodged in general, rather than of a disproportional influx of unaccompanied minors.

The absolute number of applications by unaccompanied minors from Afghanistan (12,600) and Syria (3,900) was the highest since 2016 and considerably higher than in each of the previous 4 years. In relative terms, more than one-half of all applications by unaccompanied children were lodged by Afghans (53%), followed at some distance by Syrians (16%), Bangladeshis (6%) and Somalis (5%), all with increasing trends compared to recent years.

About two-thirds of all unaccompanied minor applicants were 16- to 17-year-olds, and girls represented just 6% of all unaccompanied minors in EU+ countries.

The higher inflow of unaccompanied minors highlighted pre-existing gaps in national asylum systems, including the appointment of guardians, assessing the age of self-proclaimed minors, and having a clear legal framework to effectively ensure that a child's best interests are taken into account in the context of asylum. The rapid inclusion of children into mainstream education remained a challenge in several countries. This may have a negative impact on their future perspectives as recognised beneficiaries of international protection and on the possibility to obtain other types of permits related to study or work, if their asylum application is rejected.

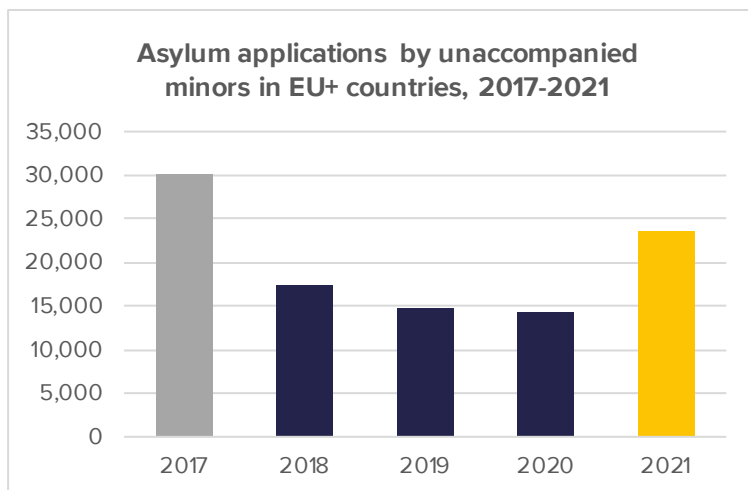
¹ Data were missing for France, Lithuania and Portugal.



Unaccompanied minors seeking protection

4 in every **100** asylum applicants in EU+ countries are children travelling without a parent. They have made the journey alone in search of protection.

With **23,600 applications**, 2021 had the highest number of unaccompanied minors seeking refuge in EU+ countries since 2017.



2/3 of all unaccompanied minor applicants were **16 to 17** years old

Source: Data by Eurostat as at 22 April 2022.

#AsylumReport2022

There was a sharp increase in the number of applications by children from Afghanistan and Syria. Young Afghans represented 53% of all unaccompanied minors, while Syrian children accounted for 16%.

<https://euaa.europa.eu/asylum-report-2022>



Concluding remarks

In 2021, existing hotspots and new trends continued to add pressure on asylum systems in EU+ countries. Outward mobility from existing displacement zones and new circumstances presented in the report, such as the instrumentalisation of migration, factored in to add strain on national administrations. EU+ countries needed to manage mass arrivals and an ever-increasing number of applications for international protection, which rose to pre-pandemic levels. In the face of such developments, EU+ countries continued to adapt their asylum and reception systems, using a mix of temporary and long-term solutions.

As the COVID-19 pandemic entered into its second year, the functioning of asylum and reception systems continued to meet challenges. However, EU+ countries were better prepared in 2021 and mainstreamed solutions to overcome the barriers set by the pandemic and ensure business continuity. This was made possible, for example, with the continued digitalisation of asylum procedures – a trend that slowly took pace over the past few years, gained increased momentum during the pandemic and persisted in 2021.

Following the Russian invasion of Ukraine at the beginning of 2022, within a very short timeframe EU+ countries were called to find quick and comprehensive protection solutions for approximately 5 million people fleeing the war – a task of unprecedented magnitude in recent years. The Temporary Protection Directive, an already-existing EU legislative tool, provided the framework for a systemic solution and its activation paved the way for addressing the needs of persons fleeing Ukraine in a uniform and predictable manner.

Overall, developments in 2021 and early 2022 illustrated the paramount importance of having a functional, multinational European protection architecture in place – a system that provides effective protection to those in need, while treating those not in need in a respectful and dignified manner. These developments also highlighted a core premise at the heart of asylum: the need for protection is generated and amplified by crises. Therefore, crisis situations and associated pressures are not to be viewed as exceptional but as the reality that a functional asylum system is designed to address.

Armed conflict, systematic human rights violations, political instability and continuously-degrading ecosystems have triggered and will continue to trigger major displacements worldwide. Flexible systems and sound policymaking based on reliable facts are needed to identify creative solutions to increased pressure. In addition, comprehensive legislative and policy frameworks are essential to provide the foundation to address the needs of displaced persons arriving in Europe, while respecting the fundamental rights of people and the principle of *non-refoulement*.

Over the past two decades, with the establishment and evolution of CEAS, Europe has made remarkable progress toward developing a common framework for managing asylum. The swift European response to the crisis in Ukraine and the provision of protection solutions were made possible because a legislative instrument, the Temporary Protection Directive, was readily available for use, despite never being activated before.

There is undoubtedly room for improvement in a number of areas in the field of asylum, including effective access to the territory and the asylum procedure, equitable sharing of



responsibility among European countries, reception conditions and implementing the return of persons not in need of protection efficiently.

As discussions continue on the legislative instruments of the European Commission's Pact on Migration and Asylum, and with growing jurisprudence from CJEU and national judicial authorities to ensure the correct interpretation and application of the European asylum law, CEAS will be further calibrated and modernised to respond to evolving migratory patterns and associated protection needs.

Consult all the additional resources related to the Asylum Report 2022:
<https://euaa.europa.eu/asylum-knowledge/asylum-report>



Asylum Report 2022: Executive Summary

As the go-to source of information on international protection in Europe, the *Asylum Report 2022* provides a comprehensive overview of key developments in asylum in 2021. The Executive Summary presents an abridged version of the main report.

The European Union Agency for Asylum (EUAA) collates information on all aspects of the Common European Asylum System. To this end, the report outlines changes to policies, practices and legislation. It presents trends in asylum, key indicators for the reference year 2021, an overview of the Dublin system which determines the Member State responsible for a case and a dedicated section on applicants with special needs, including unaccompanied minors. Examples of case law are featured to interpret European and national laws in the context of the EU asylum *acquis*.

The *Asylum Report 2022* draws on information from a wide range of sources – including perspectives from national authorities, EU institutions, international organisations, civil society organisations and academia – to present a complete picture and diverse perspectives. The report, covering 1 January to 31 December 2021, serves as a reference for the latest developments in international protection in Europe.

