

# Executive Summary



## EASO Annual Report on the Situation of Asylum in the EU 2018

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# **Executive Summary**

## **EASO Annual Report on the Situation of Asylum in the EU 2018**

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# Executive Summary Sections

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# Executive Summary

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## Introduction

The EASO Annual Report on the Situation of Asylum in the European Union 2018 provides a comprehensive overview of developments in the field of international protection at the European level and at the level of national asylum systems. Based on a wide range of sources, the Report examines main statistical trends and analyses changes in EU+ countries regarding their legislation, policies, practices, as well as national case law. While the report focuses on key areas of the Common European Asylum System, it often makes necessary references to the broader context of migration and fundamental rights.



## Developments at EU level

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Significant developments were reported in 2018 in the field of international protection in the European Union.

The inter-institutional negotiations on the asylum reform proposals continued. In December 2017, the European Council set a target to reach a position on an overall reform by June 2018. Significant progress was made on five out of seven proposals: **the EU Asylum Agency, the Eurodac Regulation, the EU Resettlement Framework Regulation, the Qualification Regulation and the Reception Conditions Directive**, for which the co-legislators reached broad political agreement by the June 2018 deadline. Still, divergences on a number of controversial issues persisted and the majority of Member States expressed reservations in adopting one or more of the asylum reform proposals before all of them were ready for adoption, despite the benefit of adopting each individual proposal separately. Since then, despite some progress at the technical level, the Council has not been able to adopt a position on the **Dublin Regulation** and the **Asylum Procedure Regulation**; thus, asylum reform has not yet been finalised. In 2018, the European Parliament adopted its position on the Asylum Procedure Regulation, which means that it has adopted positions on all the CEAS files. Throughout the negotiations on the asylum reform proposals, increased solidarity among countries and a sense of shared responsibility have been emphasised as the foundational blocks for the functioning and further calibration of the CEAS.

In alignment with its responsibility to ensure the correct application of EU law, the European Commission took steps in the framework of infringement procedures vis-à-vis Bulgaria, Hungary, Poland, and Slovenia.

The Court of Justice of the European Union issued 16 judgments on references for preliminary rulings interpreting the Dublin Regulation, the Asylum Procedures Directive and the Qualification Directive. No decision on the Reception Conditions Directive was issued, although two relevant cases are pending.

**Increased solidarity among EU+ countries and a sense of shared responsibility have been defined as the foundational blocks for the functioning and calibration of the CEAS.**

Key  
Finding

More specifically, the CJEU analysed issues with technical aspects of the implementation of take-charge and take-back requests under the Dublin III Regulation, such as applicable time limits in different stages of the Dublin procedure; evidence presented by applicants toward substantiating claims concerning their religious beliefs and the risk of persecution for

reasons related to religion; the importance of individual assessment of asylum claims, which is to be carried out in the context of the applicant's personal circumstances; assessment of the facts and circumstances relating to applicants' declared sexual orientation; eligibility for subsidiary protection of applicants who have been victims of torture, in case they may be intentionally deprived of appropriate psychological care if returned to their country of origin, even if a risk of being tortured again no longer exists; processing of applications lodged by persons registered with the United Nations Relief and Works Agency for Palestine Refugees (UNRWA); exclusion grounds in the context of subsidiary protection; social security benefits for refugees with temporary residence permits; the application of safe country concepts; further definition of procedures on second instance appeals; and family reunification of unaccompanied minors who reach the age of majority after having lodged an application.

The implementation of the European Agenda on Migration continued in 2018, summarised in the Commission's Communications on the Implementation of the European Agenda on Migration. Relevant developments in the course of 2018 reflected an orchestrated effort to transition from ad hoc responses to durable, future-proof solutions in the area of asylum. While long-term structural measures are also being developed, the Commission has identified a number of immediate measures to address pressing issues along the Western, Central, and Eastern Mediterranean routes, including providing assistance to Morocco, improving conditions for migrants in Libya with an emphasis on the most vulnerable, and further optimising operational workflows on the Greek islands.

## In Greece...

**Action focused on improving living conditions in the hotspots with an emphasis on catering to the needs of vulnerable groups.**



In **Greece**, the hotspot approach is implemented alongside the EU-Turkey Statement, which includes among its aims preventing the creation of new sea or land routes for illegal migration from Turkey to the EU. In the face of continuous migratory pressure and the low number of returns, the hotspot approach has played a key role in stabilising the situation on the islands. Action focused on improving living conditions in the hotspots with an emphasis on catering to the needs of vulnerable groups. These efforts were complemented by an increase in the reception capacity in the mainland and by new legislation on a national guardianship system for minors. At the same time, overcrowding on the islands has led to heavy pressure on infrastructure, medical service, and waste management, while tensions between migrants and parts of the population have increased. In March 2019, three years after the EU-Turkey Statement, the Commission published a report with information on the cumulative results of its three years of implementation.

Remarkably, irregular arrivals from Turkey to the Greek islands remain 97 % lower than the period before the Statement became operational, while the loss of human lives at sea decreased drastically. At the same time, over the course of 2018, there has been a significant

increase in the number of irregular crossings from Turkey to Greece through the land border, with approximately half of the individuals crossing the border being Turkish nationals. This indicates a need to intensify support at the border. As of March 2019, 20 292 Syrian refugees had been resettled from Turkey to EU+ countries, while a total of EUR 192 million of Asylum, Migration and Integration Fund (AMIF) funds had been allocated to support legal admission of Syrians from Turkey. In addition, for the years 2016-2019, a total of EUR 6 billion has been channelled through the Facility for Refugees in Turkey, with half of it coming from EU funds and the other half coming from individual national contributions of EU+ countries. More progress is needed in the implementation of returns to Turkey from the Greek islands.

### In Italy...



**the EU agencies continued to provide their support for the implementation of the hotspot approach, adopting their staffing levels in accordance with existing needs.**

In **Italy**, the EU agencies continued to provide their support for the implementation of the hotspot approach, adapting their staffing levels in accordance with existing needs. In 2018, the EU contribution toward the implementation of the hotspot approach in Italy included, among other activities, the performance of secondary screening, the provision of medical assistance, and intercultural

mediation. Furthermore, the EU contributed financial assistance, and the deployment of experts to support screening, registration, identification, and provision of information to migrants.

Throughout 2018, the disembarkation of migrants and refugees rescued at sea in the Mediterranean triggered discussions over solidarity, responsibility sharing and the development of a more systematic and coordinated EU approach on disembarkation, first reception, registration and relocation. To this end, the idea of putting into place temporary arrangements, which could serve as a bridge solution until the new Dublin Regulation becomes applicable, was put forth, drawing from the experience of ad hoc solutions for disembarkation implemented during summer 2018. These temporary arrangements could be developed in a transparent step-by-step work plan, based on a mutual understanding of shared interests, which would ensure the delivery of operational and effective assistance from the Commission, EU agencies, and other Member States to the Member State concerned..

Resettlement and humanitarian admissions are key mechanisms offering safe and legal path to the EU+ for people in need of international protection, while easing the pressure on countries that host large numbers of refugees.

In the years 2015-2017, through the different EU resettlement programs, a total of 27 800 persons were resettled in Europe, while under the new EU Resettlement Scheme, 20 EU Member States have pledged more than 50 000 resettlement places to be implemented by the end of October 2019, making this initiative the largest resettlement effort the EU has undertaken to date. As of March



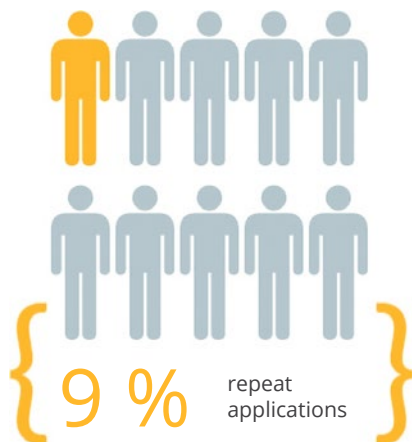
2019, over 24 000 of these resettlements have materialised. In conjunction with the EU Resettlement Scheme, national resettlement programs also play a role in providing a legal and safe path to individuals in need of protection. Finally, humanitarian admission programmes, including private sponsorship initiatives implemented in a number of EU+ countries, make a significant contribution toward the same end.

**Temporary arrangements for disembarkation, developed in a transparent step-by-step work plan, based on a mutual understanding of shared interests, could ensure the delivery of operational and effective assistance from the Commission, EU agencies, and other Member States to the Member State under pressure.**

Key  
Finding

Regarding the external dimension of the EU's migration policy, in 2018, the EU continued its cooperation with external partners toward constructively addressing the question of migration, through a comprehensive approach rooted in multilateralism. Highlights of the progress made in this area in 2018 include: allocating further resources for the implementation of programmes in the framework of the EU Emergency Trust for Africa and the External Investment Fund; combating smuggling networks through operational measures toward improving law enforcement cooperation; promoting orderly return and readmission in dialogue with partner countries, as well as providing reintegration assistance; enhancing border management through signing of agreements on joint operations on both sides of common borders, trainings, and expertise sharing; and providing assistance toward protecting refugees and migrants abroad. Future steps on the external dimension of the EU's migration policy include the conclusion of status agreements with Western Balkan countries; the development of new readmission agreements with third countries; and the extension of operational partnerships with third countries in the areas of joint investigations, capacity building, and exchange of liaison officers.

# International protection in the EU+



**The 664 480 applications for international protection in EU+, marked a decrease for the third consecutive year, this time by 10 %. While the number of applications remained remarkably stable throughout 2018, the relative stability at EU+ level conceals stark variation between Member States and between individual citizenships.**

In terms of statistical trends, in 2018, there were 664 480 applications for international protection in EU+ countries, which marked a decrease for the third consecutive year, this time by 10 %. Approximately 9 % of all applications involved repeated applicants. The number of applications lodged in EU+ was similar to 2014, when 662 165 applications were lodged. It is worth noting that, while the number of applications remained

remarkably stable throughout 2018, the relative stability at EU+ level conceals stark variation between Member States and between individual applicant citizenships. Migratory pressure at the EU external borders decreased for the third consecutive year. An upsurge in detections at the Western Mediterranean route occurred (more than doubled), equalling the number of detections at the Eastern Mediterranean route (some 57 000 each).

Syria (since 2013) (13 %), Afghanistan and Iraq (7 % each) were the three main countries of origin of applicants in the EU+, together constituting more than a quarter of all applicants in 2018 (27 %).

The top 10 citizenships of origin also included Pakistan, Nigeria, Iran, Turkey (4 % each), Venezuela, Albania and Georgia (3 % each).

In Syria's neighbouring countries - Iraq, Jordan, Lebanon, Turkey, Egypt - and other northern African countries, UNHCR indicated that the number of registered Syrian refugees amounted to approximately 5.7 million by the end of 2018.

In 2018, similar to the previous years, just over two thirds of all applicants were male and a third were female. Close to half of the applicants were aged between 18 and 35 years old, and almost a third were minors.

In 2018, approximately 20 325 UAMs applied for international protection in the EU+, indicating a sharp decrease of 37 %

compared to 2017. The share of UAMs relative to all applicants was 3 %, similar to 2017. Almost three quarters of all applications were lodged in just five EU+ countries: Germany, Italy, the United Kingdom, Greece and the Netherlands.

Regarding receiving countries, in 2018, most applications for asylum were lodged in Germany, France, Greece, Italy, and Spain. Together, these five countries accounted for almost three quarters of all applications lodged in the EU+. Germany received the most applications (184 180) for the seventh consecutive year, despite a 17 % decrease compared to 2017.

Applications in France increased for the fourth consecutive year, reaching 120 425 in 2018, the highest level recorded in France so far. Greece became the country with the third- highest number of applications lodged in the EU+ in 2018, increasing for the fifth consecutive year, to 66 965 applications. A significant change occurred in Italy, where applications decreased by 53 %. Spain remained at the fifth position, but with applications increasing from 36 605 in 2017 to 54 050 in 2018.

This highlights an important mixed trend mentioned at the beginning of this section: the overall 11 % decrease in applications between 2017 and 2018 in EU+ was reflected in just over half of all EU+ countries, while in the other half, applications

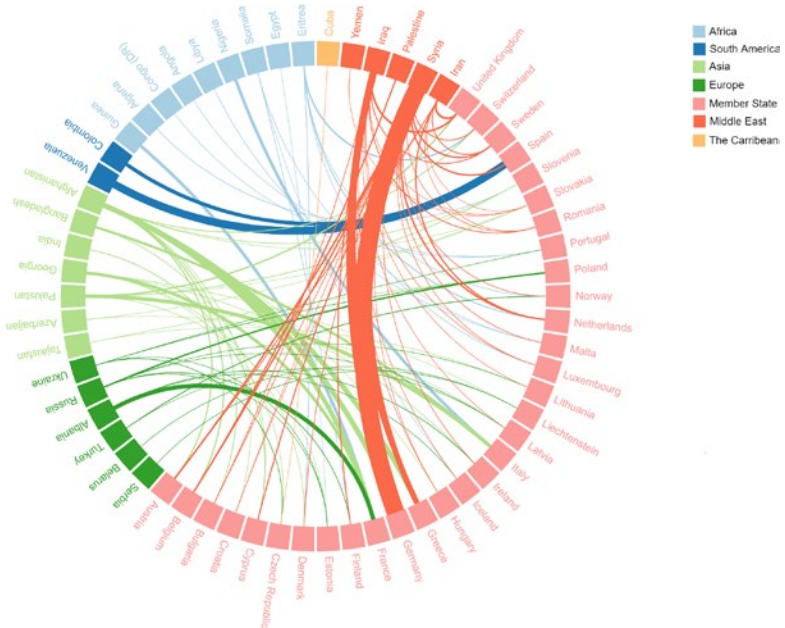
increased, in some countries substantially so. The top five receiving countries per capita included **Cyprus, Greece, Malta, Sweden, and Luxembourg.**

The main asylum flows, more specifically, dyads of citizenships in receiving countries, provide a slightly more nuanced picture than separate considerations of countries of origin and receiving countries.

The 10 main influxes in 2018 were directed to Germany, France, Greece and Spain. Italy was not at the receiving end of the 10 main flows, despite being the fourth receiving country overall; this likely follows the decrease in specific citizenships applying in Italy and also the diversification of applications.

The ten main flows involved seven citizenships, all within the top ten citizenships of origin for 2018: Despite decreasing applications overall, Germany received no less than six of the ten largest influxes from specific citizenships: Syrians, Iraqis, Afghans, Iranians, Nigerians, and Turks. Greece received two of the main flows (Syrians to Greece and Afghans to Greece). Both Spain and France only received one of the main flows: Venezuelans to Spain (the second largest specific influx into an EU+ country in 2018) and Afghans to France. Pakistanis, Albanians and Georgians were among the top ten citizenships of origin in the EU+ overall.

### Top applications for international protection in 2018, by EU+ country and citizenships of origin



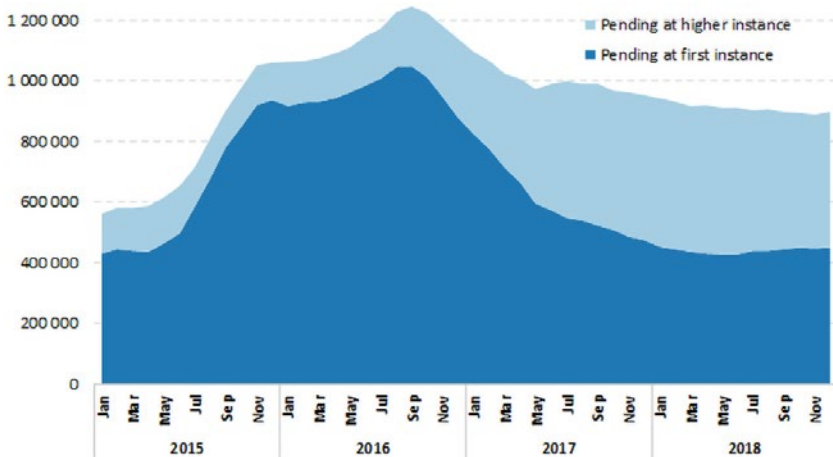
Source: Eurostat

Overall in 2018, approximately 57 390 applications were withdrawn across EU+ countries, about half as many as in 2017. The ratio of withdrawn applications to the total number of applications lodged in the EU+ was 9 %, lower than the previous year. According to EASO data, and similar to previous years, about four fifths of withdrawals in the EU+ were implicit.

In terms of pending cases, at the end of 2018, approximately 896 560 applications were awaiting a final decision in the EU+, which represented a 6 % decrease compared to 2017.

The number of pending cases at the end of 2018 was considerably higher than at the end of 2014; however, a decline was registered for the second year in a row. It is worth noting that the number of cases pending at first instance was almost equal to the number of cases pending at second and higher instances, each at about 448 000. Consequently, at the end of 2018, the pressure on national asylum systems seemed to be equally distributed between asylum authorities and judicial bodies.

## Pending cases in first (dark blue) and final (light blue) instance, 2015-2018



Source: Eurostat and EASO EPS data.

The top five nationalities awaiting a final decision remained the same as in 2017, namely **Afghans**, **Syrians**, **Iraqis**, **Nigerians** and **Pakistanis**. While for each of these nationalities that stock decreased, they still constituted more than half of the stock in EU+. At the end of 2018, **Germany** continued to be the country with the largest stock of pending cases at all instances, despite a minor reduction compared to a year earlier. **Italy** remained the second EU+ country with the highest number of pending cases, but the stock decreased by almost a third compared to the end of 2017.

**Spain** had the largest absolute increase in pending cases, doubling to almost 79 000 at the end of 2018. A considerable absolute increase also took place in Greece, where the stock went above 76 000. France also reported more pending cases than a year ago, up to almost 53 000. At the same time, in approximately half of the EU+ countries, the stock of

pending cases decreased. In six countries, the decrease was by more than a thousand cases; furthermore, in four of them (Germany, Italy, Austria and Sweden), the decrease was by more than 10 000 cases.

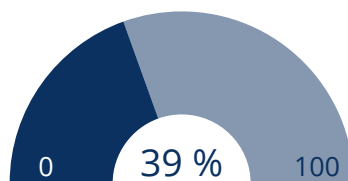
Overall, developments in the stock of pending cases seem to have been largely linked to new asylum applications. The countries with the largest reduction in their stock of pending cases were also those which experienced the largest decrease in asylum applications throughout 2018. The opposite was also true: the three countries with the most notable increases in the stock of pending cases were also subject to the most significant increases in asylum applications.

EU+ countries issued 601 525 first-instance decisions in 2018, a large 39 % decrease compared to 2017. Therefore, overall in 2018, there were more applications lodged in EU+ than decisions

issued. The majority of decisions (367 310, or 61 %) were negative; not granting any protection. Approximately 234 220 decisions were positive; of those, the majority were granted refugee status (129 685 or 55 % of all positive decisions), and a smaller proportion were granted subsidiary protection (63 100 or 27 %) or humanitarian protection (41 430 or 18 %). Although fewer positive decisions were issued overall, compared to last year, a higher proportion of positive decisions granted refugee status. With regard to the volume of first-instance decisions issued in each country, most decisions were issued in **Germany** (30 % of all decisions), **France** (19 %) and **Italy** (16 %). Jointly, these three countries issued about two thirds of all decisions issued in the EU+.

The total EU+ recognition rate in first-instance decisions in 2018 was 39 %, decreasing by 7 percentage points from the previous year. This decrease was mainly due to a drop in recognition rates for several citizenships of origin, and particularly for those with a high number of decisions issued. Lower recognition rates compared to the previous year were recorded for applicants from Somalia, Iran, Iraq, Eritrea and Syria. In contrast, upward variation was reported for applicants from Venezuela, China, El Salvador and Turkey.

The highest EU+ recognition rates were for applicants from Yemen (89 %), Syria (88 %) and Eritrea (85 %), and the lowest recognition rates were for applicants from Moldova (1 %), North Macedonia (2 %) and Georgia (5 %).



**The total EU+ recognition rate in first instance was 39 %, decreasing by 7 % from the previous year. Although fewer positive decisions were issued overall, a higher proportion of positive decisions granted refugee status.**

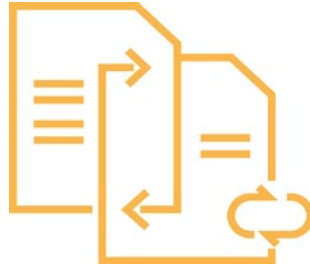
Recognition rates tended to vary between EU+ countries, at both relatively low and high values of the recognition rates, in particular for applicants from Afghanistan, Iran, Iraq and Turkey. Variation in recognition rates was more limited for applicants from Albania, Bangladesh and Nigeria, as well as Eritrean and Syrian applicants.

For individual citizenships, variation in recognition rates among EU+ countries may suggest, to some extent, a lack of harmonisation in terms of decision-making practices (due to a different assessment of the situation in a country of origin, a different interpretation of legal concepts, or due to national

jurisprudence). However, it may also indicate that even among applicants from the same country of origin, some EU+ countries may receive individuals with very different protection grounds, such as, for example, specific ethnic minorities, people from certain regions within a country, or applicants who are unaccompanied children.

Regarding examination of applications for international protection at first-instance, Member States can use special procedures, such as accelerated, border zones, or prioritised procedures, while remaining in accordance with the basic principles and guarantees envisaged in European asylum legislation. While most first-instance decisions issued in the EU+ using accelerated or border procedures lead to a rejection of the application in a significantly higher proportion than for decisions made via normal procedures, there are cases where international protection is granted using special procedures. According to data exchanged in the framework of EASO's Early Warning and Preparedness System, the recognition rate for first-instance decisions issued using accelerated procedures was 11 %, while for those using the border procedure, it was 12 %.

For decisions issued in an appeal or review, in 2018, EU+ countries issued 314 915 decisions at second or higher instance, a 9 % increase compared to 2017. Moreover, in 2018 a higher share of final decisions granted some form of protection: the recognition rate for decisions issued at final instance was 37 %, up from 33 % in 2017. Three quarters of all final decisions in 2018 were issued by three EU+ countries: Germany, France or Italy. A key development was the sharp increase in the number of final decisions issued to applicants from Western African countries, such as Gambia, Côte d'Ivoire, Nigeria and Senegal.



For the functioning of the Dublin system in 2018, a number of developments can be reported on the basis of EASO data, which indicated an overall decrease in the number of decisions in Dublin requests by 5 %. Moreover, 28 EU+ countries regularly exchanged data on the decisions they received on their outgoing Dublin requests in 2018. The United Kingdom shared data for the period August – December 2018. The 28 EU+ countries received 138 445 decisions on their outgoing Dublin requests, and if the partial reporting by the United Kingdom is considered the number increases to 139 984. In 2018, the ratio of received Dublin decisions to asylum applications was 23 %, a slight increase compared to 2017. This may imply that a high number of applicants for international protection continued to pursue secondary movements in the EU+ countries. **Germany** and **France** received most of the decisions on Dublin requests, accounting for 37 % and 29 % respectively. Other countries receiving high numbers of responses in 2018 included the **Netherlands, Belgium, Austria, Italy, Switzerland** and **Greece**. The most important changes compared to 2017 included a significant increase in the Dublin decisions issued by **Greece** and **Spain**. At the same time, there was a reduction in the number of cases in which the discretionary clause was used vis-à-vis Greece. However, this decrease was very small compared to the increase in Greek decisions.

The overall acceptance rate for decisions on Dublin requests in 2018 was 67 %, down by 8 percentage points from 2017, while variation in acceptance rates continued to exist across countries. Most Dublin decisions in 2018 concerned citizens of Afghanistan (9 % of the total), Nigeria (8 %), Iraq (6 %) and Syria (6 %). Moreover, Article 17(1) of the Dublin Regulation, known as the discretionary or sovereignty clause, was invoked over 12 300 times in 2018; in almost two thirds of all cases, the discretionary clause was applied in Germany.

Two fifths of the cases in which Article 17(1) was invoked identified Italy as the partner country to which a request could have been sent, 22 % identified Greece and 9 %, Hungary. In 2018, the reporting countries implemented over 28 000 transfers. Considering the 26 EU+ countries which reported regularly in both 2017 and 2018, the overall number of implemented transfers increased by approximately 5 %. Almost a third of the transfers were carried out by **Germany** in 2018, while **Greece** and

**France** also implemented high numbers of transfers. More than half of the transferees went to **Germany** and **Italy**. Other countries receiving significant numbers of transfers included **France**, **Sweden**, the **United Kingdom**, **Spain** and **Switzerland**.

In general, main developments in EU+ countries with regard to Dublin procedures reflected the volume of cases that needed to be processed; substantial organisational changes in a number of EU+ countries; the assessment of the best interest of the child in the context of Dublin procedures; the resumption of requests to Greece to take-charge/take-back applicants by a number of EU+ countries; the conclusion of bilateral agreements between several EU+ countries to expedite Dublin procedures and enhance transfer options; and measures to ensure correct and timely identification of vulnerable applicants and their special needs in the context of Dublin procedures. Like in 2016 and 2017, the suspension (either full or partial) of Dublin transfers to Hungary also continued through 2018.



# Important developments at the national level



A number of EU+ countries **amended their legislation** concerning international protection. Significant changes made, for example, by Austria, Belgium, France, Hungary, Italy, and Slovakia, while other countries also amended their legislation in diverse areas related to asylum. In an effort to calibrate the integrity of their national asylum systems, EU+ countries introduced, in 2018, policies and practices aimed at swiftly identifying unfounded applications for protection and ensuring that financial, human and time resources were not lost on such claims.



Such **measures** involved efforts to establish at the earliest possible time, applicants' identity, including their age, country of origin and travel route; assess any potential security concerns; better assess the credibility of applicants' statements; and determine whether beneficiaries of international protection are still in need of protection. Improvements in the provision of information to applicants and beneficiaries of protection regarding rights and obligations at each stage of the process were also meant to prevent unintentional misuse of the asylum procedure.



To **increase efficiency** of asylum systems, initiatives undertaken by EU+ countries focused on the reorganisation of procedures toward optimising the allocation and use of available resources; an emphasis on collecting information from applicants at the early stages of the process; the digitalisation and use of new technologies; and prioritisation or fast-tracking of applications. Finally, in 2018, efforts to maintain increased quality in the functioning of asylum systems included staff trainings depending on existing needs within EU+ countries, the revision of existing guidance materials, and putting in place quality control systems and support tools in for decision-making on applications for protection.



**In 2018, EASO continued delivering on its mandate by facilitating practical cooperation among Member States and providing support to countries, whose asylum and reception systems were under pressure.**

At the same time, EASO continued delivering on its mandate by facilitating practical cooperation among EU+ countries and providing support to countries, whose asylum and reception systems were under pressure; that is, Bulgaria, where the Special Support Plan was completed, Cyprus, Italy and Greece. This support was tailored on each country's needs and included assisting in the provision of information to applicants; handling registrations and Dublin take-charge and take-back requests; organising activities in the field of COI; enhancing reception capacity, in particular with regards to unaccompanied minors; providing support to the asylum procedure, reception, and capacity building in the implementation of CEAS; and providing support with backlog management. EASO also enhanced its dialogue with civil society, organising thematic meetings on key areas of interest.

# Functioning of the CEAS

**In 2018, EU+ countries introduced a number of changes in the first steps of the asylum procedure with the purpose of eliciting as much information from applicants as possible and at the earliest possible stage.**

Important developments were noted in main thematic areas of the Common European Asylum System:

As regards access to procedure, in 2018, as a general trend, EU+ countries introduced a number of changes in the first steps of the procedure aimed at eliciting as much information from applicants as possible at an early stage. These changes included establishing arrival centres, introducing new technologies for better identification of applicants, and extending obligations for applicants to cooperate with authorities and provide necessary documentation at an early stage of the procedure. More information about the process was also provided to the applicants, including information on voluntary return. At the same time, the debate on the disembarkation of migrants rescued at sea in the Mediterranean raised fundamental questions about a systemic EU-wide approach to safe and effective access to procedure for persons rescued at sea. Overall, various concerns were raised by civil society actors in a number of EU+ countries with regards to effective access to territory and access to the asylum procedure, including the occurrence of pushbacks on the border and the existence of practical obstacles in

accessing the procedure effectively and within reasonable time.

Persons seeking international protection need information to understand what resources are available to address their protection needs and personal circumstances on arrival in Europe. In 2018, both EU+ countries' national administrations and civil society continued reinforcing their efforts to provide accurate and comprehensive information to persons seeking international protection. Furthermore, information provided by EU+ authorities broadened to include rights and obligations in the content of protection, as well as integration, including organisation of induction training sessions for applicants or beneficiaries of refugee status and subsidiary protection status, in the host countries. Access to information for unaccompanied minors continued to remain top priority across the EU+, while 2018 saw an increase in the use of new media tools and technologies to increase accessibility.

Legal assistance and representation is also a necessary condition for applicants' effective access to the asylum process. In 2018, changes introduced by EU+ countries in the area of legal assistance and representation concerned the extension of assistance to different stages of the asylum process and, at times, changes to the actors involved in the provision of legal services. In conjunction with initiatives carried out by authorities, civil society actors, especially organisations with operational experience, also played a role in identifying existing challenges and limitations.

Effective interpretation is a sine qua non for proper communication between the applicant and the authorities at every step of the asylum process, through accessing the procedure, to the application, examination, and appeal stages. Despite the decrease in the number of applications in 2018, language diversity among applicants remained at almost the same levels as in 2017, putting interpretation at the forefront of procedural needs.

Overall, national legal and policy frameworks remained largely stable regarding interpretation, with minor changes aimed at clarifying procedural aspects of the provision of interpretation. Identified challenges in EU+ countries in this area included, at times, deficits in human resources available at certain stages of the asylum procedure and insufficient qualifications of interpreters engaged in the process.

Regarding the examination of applications for international protection at first-instance, Member States can use special procedures, such as accelerated procedures, border zones, or prioritised procedures, while remaining in accordance with the basic principles and guarantees envisaged in European asylum legislation. In **Italy**, the so-called Immigration and Security Decree introduced simplified and accelerated procedures for the examination of applications, to avoid fraudulent applications and to reduce processing times. In 2018, the implementation of a specific fast-track border procedure continued in **Greece**, in the implementation of the EU-Turkey statement, applied to persons seeking international protection on the islands of Lesbos, Chios, Samos, Leros and Kos. In **France**, changes were introduced among others, in the applicable timeframes in the context of accelerated procedures. Regarding admissibility procedures, in a number of EU+ countries, conditions

for inadmissibility were further elaborated, while safe country concepts were regularly used, with several countries reviewing and amending their national lists of safe countries of origin.

The provisions determining regular procedures at first instance remained relatively stable at the national level in EU+ countries, in 2018. Major legislative and policy changes affecting, for example, **Access to procedure** or **Special procedures**, had an impact on this aspect as well, but overall, countries reported no substantial amendments that would have resulted in the complete revision of legislation, policies and practices for the regular procedure. The adopted changes mainly aimed at making the process more efficient overall, as similarly reported in the Annual Report for 2017.



### Interpretation as procedural need

**In 2018, language diversity among applicants remained at almost the same levels as in 2017, putting interpretation at the forefront of procedural needs.**

Changes made concerned the revising applicable time limits for the asylum procedure; introducing of new technologies for the electronic management of applications; changes in the personal scope of applications; availability of legal assistance at first- instance; broadened cooperation and communication between different authorities at first-instance; changes in the scope of exclusion grounds; and initiatives to provide

sustained support and guidance to staff involved in the first instance decision-making process.

In the area of reception, in 2018, developments in EU+ countries concerned the overall organisation of reception systems in response to trends in applications, including redistribution and placement schemes and the changing types of reception facilities. While some countries significantly decreased their reception capacity, others had to continue efforts to increase the number of available places to match the increase in the number of applications at the national level. The organisation of reception has been substantially re-shaped with the growing number of arrival centres throughout EU+ countries. Many initiatives also aimed at improving the quality of reception conditions: establishing better coordination among the various stakeholders, creating monitoring tools, ensuring maintenance of facilities.

Ensuring that there are no safety or conflict concerns at the reception facilities have been of primary focus for many states. This has been addressed in various ways, including the amendment of internal rules and the establishment of specific reception facilities for applicants not respecting existing rules in reception systems. Courts were particularly active in shaping applicants' reception rights, for example, on the length of entitlement to material reception conditions or on the freedom of movement. Steps were taken toward further facilitating access to the labour market for applicants with with good chances to be granted protection, while language-learning and social orientation courses have become obligatory, in some cases, for applicants as well.

In the area of detention, new laws, amendments, or governmental instructions were

introduced in a number of EU+ countries to further define or elaborate on grounds for detention and alternatives to detention in the context of both asylum and return procedures, for instance, by further clarifying what constitutes a potential danger to public order or risk for absconding. In addition, steps were taken toward strengthening support for vulnerable detainees and increasing transparency around detention. Similarly, to 2017, in several EU+ countries, new legal provisions entered into force in the course of 2018 limiting freedom of movement or restricting the residence of people staying in reception centres. Further changes in the area of detention focused on applicable time limits and increases in detention capacity. Concerns were expressed by civil society actors in a number of countries concerning the incorrect implementation of EU asylum legislation in relation to the detention of asylum seekers and safeguards within the detention procedure.

Regarding procedures at second instance, legislative, policy and practice frameworks in EU+ countries remained relatively stable in the course of 2018, largely involving minor amendments. However, courts and tribunals involved in the asylum procedures at second instance seem to have an increasing impact. As many applications moved to second instance in the last year, courts and tribunals had more opportunities to deliver clarifying decisions, further shaping other areas of the asylum procedure.

Notably, several EU+ countries reported changes in law, policy and practice following on European or national court decisions. Developments in this area included changes in applicable time limits, the provision of legal aid, and the 'right to remain' pending a decision at second instance.

**As many applications moved to second instance in 2018, courts and tribunals had more opportunities to deliver clarifying decisions, further shaping other areas of the asylum procedure needs.**



Country of Origin Information production in 2018 saw EU+ countries further heighten standards and enhance quality assurance of their COI products. EU+ countries produced and shared a wide range of regular publications and new publications, many of which are available through the EASO COI Portal. Often, these COI publications are based on fact-finding missions EU+ countries conducted in third countries. As a general trend, many national COI Units continued their collaboration with EASO and their counterparts in other countries, including in the framework of EASO COI Networks.

The EU asylum *acquis* includes rules on the identification of and provision of support to applicants, who are in need of special procedural guarantees (in particular as a result of torture, rape, or any other forms of psychological, physical, or sexual violence). One of the key groups is unaccompanied minors seeking protection without care of a responsible adult. The presence of unaccompanied minors drove a number of developments in EU+ countries. Those included, in particular, including, adjustments in the reception capacity for unaccompanied

minors depending on relevant flows, and improvement of specialised reception facilities; improvement of care through , among others, cooperation between national authorities and actors of the non-profit sector; further investment in the quality and quantity of family-based care; introduction of measures toward early identification and procedural safeguards aimed at ensuring the well-being and social development of minors; employment of new technologies for age assessment; and efforts to improve expertise of staff dealing with unaccompanied minors. Similarly, specialised reception facilities and services were at the core of developments concerning other vulnerable groups with many countries creating specialised facilities, as well as mechanisms for identification and referral. In a number of countries, civil society actors expressed concerns about the adequacy of reception conditions for vulnerable persons and deficits in the provision of systematic and tailor-made assistance.

Persons who have been granted a form of international protection in an EU+ country can benefit from a range of rights and benefits linked to this status. Specific rights granted to beneficiaries of international protection are usually laid down in national legislation and policies. Legislative, policy and practice changes to the content of protection in EU+ countries, throughout 2018, typically targeted beneficiaries of international protection, but also larger groups of third-country nationals or persons with a migrant background, depending on the specific country context.

Overall EU+ trends are difficult to identify, as the developments were driven by beneficiaries' specific profiles and the overall characteristics of migration within the national context. Two areas emerged, around which a number of

changes seemed to be clustered: the regular review of protection statuses and language and socio-cultural courses linked to the area of employment.

In relation to returns, EU+ countries continued in 2018 to struggle to effectively return those whose asylum application was rejected; a reality reflected in the overall relatively low ratio of effective returns. In its Annual Risk Analysis for 2019, Frontex indicated that the number of effective returns in 2018 once again fell

short of the decisions issued by Member States to return migrants. In this context, legislative changes introduced in EU+ focused on easing the return of former applicants, either by putting an end to the automatic suspensive effect of appeals for certain profiles of applicants placed under fast-track or special procedures, or by minimising the risk of absconding, or by taking steps to ensure that the necessary travel documents are in place in case they are needed for the purposes of return.

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