

Input by civil society to the 2021 EASO Asylum Report

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C o l l e a g u e s ,

The production of the *EASO Asylum Report 2021* is currently underway. The annual [Asylum Report series](#) present a comprehensive overview of developments in the field of asylum at the regional and national levels.

The report includes information and perspectives from various stakeholders, including experts from EU+ countries, civil society organisations, UNHCR and researchers. To this end, we invite you, our partners from civil society, academia and research institutions, to share with us your reporting on developments in asylum law, policy or practice in 2020 (and early 2021) by topic as presented in the online survey.

Please note that the EASO Asylum Report does not seek to describe national systems in detail but rather to present key developments of the past year, including improvements and challenges which remain. Your input can cover practices of a specific EU+ country or the EU as a whole. You can complete all or only some of the sections.

All submissions are publicly accessible. For transparency, 2021 contributions will be published on the EASO webpage. Contributions to the 2020 EASO Asylum Report by civil society organisations can be accessed [here](#), under 'Acknowledgements'. All contributions should be appropriately referenced. You may include links to supporting material, such as analytical studies, articles, reports, websites, press releases or position papers. If your organisation does not produce any publications, please make reference to other published materials, such as joint statements issued with other organisations. Some sources of information may be in a language other than English. In this case, please cite the original language and, if possible, provide one to two sentences describing the key messages in English.

The content of the EASO Asylum Report is subject to terms of reference and volume limitations. Contributions from civil society organisations feed into EASO's work in multiple ways and inform reports and analyses beyond the Asylum Report.

Your input matters to us and will be much appreciated!

Nina Gregori - *EASO Executive Director*

*Please complete the online survey and submit your contribution to the 2021 EASO Asylum Report by **Thursday, 25 February 2021**.*

Instructions

Before completing the survey, please review the list of topics and types of information that should be included in your submission.

For each response, only include the following type of information:

- New developments and improvements in 2020 and new or remaining challenges; and
- Changes in policies or practices, transposition of legislation or institutional changes during 2020.

Please ensure that your responses remain within the scope of each section.

Contributions by topic

1. Access to territory and access to asylum procedures (including first arrival to territory and registration, arrival at the border, application of the non-refoulement principle, the right to first response (shelter, food, medical treatment) and issues regarding border guards)

In 2020, from an EU perspective, the global COVID-19 pandemic and increasing friction between Turkey and Greece led to changes in access to the territory and in European Union asylum procedures.

Most notably, in response to the COVID-19 pandemic, several countries in the neighbourhood of the EU, as well as within the EU, unilaterally closed their borders and imposed various travel restrictions. On 15 June 2020, the European Commission launched Re-open EU, a platform to coordinate Member States' approaches to dealing with the pandemic, including when to open or close borders and impose travel restrictions, but results were mixed.

Furthermore, some European Member States suspended their search and rescue operations at sea, the registration and interviewing of new asylum seekers, the appeal hearings or the asylum process altogether.

All of this led to a drastic decrease in numbers of asylum applications in the European Union. In 2020 only "471.300 asylum seekers applied for international protection in the EU Member States, a decrease of 32.6% compared with 2019".

Moreover, the year 2020 was marked by alleged push-backs and human rights violations against asylum seekers at the European borders.

On February 13, in a controversial ruling, the European Court of Human Rights (ECtHR), legally approved so-called "hot returns" from Spain, if the push-back takes place across land borders, if asylum seekers take advantage of their large numbers, if the "operation" was planned in advance, if force was used and if existing legal pathways were not resorted to. This ruling came at a time when hundreds of push-backs were allegedly taking place at European borders, according to Border Violence Monitoring Network's "Black Book of Pushbacks".

Moreover, in March, the Greek government, with the apparent support of the Commission president ("I thank Greece for being our European 'aspida'(shield))", and other EU and Member States' officials, used force to prevent alleged asylum seekers from entering European territory. In this context and throughout the year, the European Border and Coast Guard Agency (Frontex) allegedly witnessed or was directly involved in illegal push-backs across the Greek-Turkish border.

Furthermore, there continued to be thousands of push-backs across the Hungarian borders, allegedly witnessed by Frontex. This continued even after December 17, 2020, when the Court of Justice of the European Union (CJEU) officially concluded that Hungary's 2016 legislation on push-backs of migrants and asylum seekers (the "8-km rule") was in breach with EU law.

2. Access to information and legal assistance (including counselling and representation)

The Council of Bars and Law Societies in Europe (CCBE) has compiled data showing that the COVID-19 pandemic had a serious impact on access to legal aid in some Member States. In some countries lawyers were denied access to camps and centers, in others asylum seekers were moved to other facilities at short notice, while lawyers were not informed of the transfer or the new addresses and therefore mail could sometimes not be delivered.

3. Provision of interpretation services (e.g. introduction of innovative methods for interpretation, increase/decrease in the number of languages available, change in qualifications required for interpreters)

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4. Dublin procedures (including the organisational framework, practical developments, suspension of transfers to selected countries, detention in the framework of Dublin procedures)

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5. Special procedures (including border procedures, procedures in transit zones, accelerated procedures, admissibility procedures, prioritised procedures or any special procedure for selected caseloads)

In September 2020, the Commission proposed a New Pact on Migration and Asylum, which envisaged the extended use of border procedures (including for families with children aged 12 and over) and a compulsory pre-screening procedure, during which no access to legal information or legal aid would be foreseen. Critics claimed that this would most likely lead to long-term detention at the European borders.

6. Reception of applicants for international protection (including information on reception capacities – increase/decrease/stable, material reception conditions - housing, food, clothing and financial support, contingency planning in reception, access to the labour market and vocational training, medical care, schooling and education, residence and freedom of movement)

After the fire that destroyed the camp in Moria, the EU Commission and Greece agreed on a joint plan for a new reception centre on Lesbos, additional funding, and an EU taskforce to work with Greece on the development and construction of new reception centres on the islands, including closed facilities, to improve the management of arrivals, returns or integration and to ensure that reception conditions are in line with EU law. This said, even before the Moria fire, living conditions in the Greek hotspots were criticised for being “far from complying with any standard of EU secondary law”. Living conditions in the new temporary camp in Kara Tepe were also widely criticised as inadequate, as were the reception conditions in the new EU-funded “Malakasa” camp in mainland Greece.

Furthermore, the COVID-19 pandemic led to various changes across Europe regarding the reception and freedom of movement of asylum seekers and refugees. A drastic example is the introduction of so-called “quarantine ferries” in Italy with poor living conditions on board, which allegedly led to several serious incidents in 2020, including deaths and suicide attempts.

7. Detention of applicants for international protection (including detention capacity – increase /decrease/stable, practices regarding detention, grounds for detention, alternatives to detention, time limit for detention)

See answer to 5 and 6.

8. Procedures at first instance (including relevant changes in: the authority in charge, organisation of the process, interviews, evidence assessment, determination of international protection status, decisionmaking, timeframes, case management - including backlog management)

As mentioned above, due to the COVID-19 pandemic, some European Member States have suspended their search and rescue operations at sea, registration and interviewing of new asylum seekers, appeal hearings or the asylum process altogether.

See also answer to 5.

9. Procedures at second instance (including organisation of the process, hearings, written procedures, timeframes, case management - including backlog management)

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10. Availability and use of country of origin information (including organisation, methodology, products, databases, fact-finding missions, cooperation between stakeholders)

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11. Vulnerable applicants (including definitions, special reception facilities, identification mechanisms/referrals, procedural standards, provision of information, age assessment, legal guardianship and foster care for unaccompanied and separated children)

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12. Content of protection (including access to social security, social assistance, healthcare, housing and other basic services; integration into the labour market; measures to enhance language skills; measures to improve attainment in schooling and/or the education system and/or vocational training)

On November 24, 2020, the Commission presented its “Action plan on Integration and Inclusion 2021-2027”, which includes refugees and asylum seekers in its call for action in various areas of integration. For example, Member States should strengthen procedures for validating non-formal learning and offer transparent recognition practices for refugees' and asylum seekers' qualifications. They should also offer housing solutions as early as possible for refugees and asylum seekers who are likely to receive international protection.

13. Return of former applicants for international protection

In September 2020, the Commission proposed a New Pact on Migration and Asylum, which included a so-called “return sponsorship” mechanism. This would allow Member States to take responsibility for the return of individuals without the right to stay from other Member States.

With regard to the EU-Turkey Statement, numbers of returns remained relatively low.

14. Resettlement and humanitarian admission programmes (including EU Joint Resettlement Programme, national resettlement programme (UNHCR), National Humanitarian Admission Programme, private sponsorship programmes/schemes and ad hoc special programmes)

“The coronavirus pandemic led to severe disruption of resettlement programmes. For several months, resettlement arrivals have not been possible. As a consequence, Member States will need more time to implement their pledges made under the 2020 pledging exercise and to absorb the EU funding made available for this purpose. By extending the implementing period by 12 months, the Commission will help Member States to fully implement their 2020 pledges.” (New Pact on Migration and Asylum: Questions and Answers)

15. Relocation (ad hoc, emergency relocation; developments in activities organised under national schemes or on a bilateral basis)

Following the fire in Moria and with the financial support from the Commission, thirteen Member States (Belgium, Bulgaria, France, Croatia, Finland, Germany, Ireland, Portugal, Luxembourg, Lithuania, Slovenia, Netherlands and Italy) and three associated countries (Norway, Switzerland and Iceland) participated in the relocation efforts from the island. In addition, Greece has relocated several vulnerable asylum seekers and refugees to the mainland.

16. National jurisprudence on international protection in 2020 (please include a link to the relevant case law and/or submit cases to the [EASO Case Law Database](#))

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17. Other important developments in 2020

In addition to the COVID-19 pandemic, 2020 was marked by the transition period to Brexit which expired on December 31. As UK law will replace European law, several changes were foreseen in the area of migration and asylum. For example, the Dublin III Regulation will no longer apply in the United Kingdom and family reunifications will become more difficult.

References and sources

18. Please provide links to references and sources and/or upload the related material in PDF format

<https://asylumineurope.org/reports/country/hungary/asylum-procedure/access-procedure-and-registration/access-territory-and-push-backs/>
<https://covidborderaccountability.org/>
<https://data2.unhcr.org/fr/documents/details/75075>
https://ec.europa.eu/commission/presscorner/detail/en/ip_20_1706
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https://www.cbce.eu/fileadmin/speciality_distribution/public/documents/covid-19/Overview-of-replies-survey-on-consequences-of-covid-19-asylum-law.pdf
<https://www.ecre.org/greece-new-camp-filling-up-conditions-are-harsh-and-covid-on-the-rise/>
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<https://www.euractiv.com/section/justice-home-affairs/news/commission-calls-for-meeting-with-frontex-over-alleged-push-back-incidents/>
<https://www.euronews.com/2020/03/03/greece-migrant-crisis-is-an-attack-by-turkey-on-the-eu-austria>

https://www.europarl.europa.eu/doceo/document/E-9-2021-000894_EN.html
<https://www.infomigrants.net/en/post/29374/brexit-what-changes-for-migrants-on-january-1>
<https://www.infomigrants.net/en/post/29944/hungary-4-903-pushbacks-after-eu-court-declared-them-illegal>
<https://www.migrationpolicy.org/news/pandemic-lessons-learned-europe-asylum-fading>
<https://www.politico.eu/article/italy-migrants-offshore-quarantine-incidents-deaths/>
<https://www.theguardian.com/politics/2020/aug/20/eu-rejects-british-plan-for-post-brexit-return-of-asylum-seekers>

19. Feedback or suggestions about the process or format for submissions to the EASO Asylum Report

Please upload your file

The maximum file size is 1 MB

9a01c7f8-d35c-41dc-82a8-dd48584ab345/FES_input_2021_EASO_Asylum_Report.pdf

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I accept the provisions of the EASO [Legal and Privacy Statements](#)

Useful links

[EASO Asylum Report 2020 \(https://easo.europa.eu/asylum-report-2020\)](https://easo.europa.eu/asylum-report-2020)

[Executive Summary -EASO Asylum Report 2020 \(https://easo.europa.eu/sites/default/files/EASO-Asylum-Report-2020-Executive-Summary.pdf\)](https://easo.europa.eu/sites/default/files/EASO-Asylum-Report-2020-Executive-Summary.pdf)

[Bibliography for the EASO Asylum Report 2020 \(https://easo.europa.eu/sites/default/files/easo-asylum-report-2020-bibliography.pdf\)](https://easo.europa.eu/sites/default/files/easo-asylum-report-2020-bibliography.pdf)

[Summary of legislative, institutional and policy developments in asylum in EU+ countries in 2019 \(https://easo.europa.eu/sites/default/files/easo-asylum-report-eu-developments.pdf\)](https://easo.europa.eu/sites/default/files/easo-asylum-report-eu-developments.pdf)

[Online database with data and latest asylum trends \(https://easo.europa.eu/asylum-trends-easo-asylum-report-2020\)](https://easo.europa.eu/asylum-trends-easo-asylum-report-2020)

[Online database for EU+ developments \(https://easo.europa.eu/eu-developments\)](https://easo.europa.eu/eu-developments)

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