

Asylum Procedure Regulation

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In the context of the [New Pact on Migration and Asylum](#) which represents a fresh start on migration, the Commission presents a targeted amendment to its 2016 proposal for a new Regulation on asylum procedures to allow for a more efficient and flexible application of procedures at the border.

The aim of this proposal is to establish, with the new proposal for a Regulation introducing [pre-entry screening](#), a close link between all stages of the migration process, from arrival to the processing of asylum applications and, where appropriate, return. The rules on asylum and return procedures at the border shall thus be merged into a single legislative instrument.

The purpose is to further prevent migrants from delaying procedures for the sole purpose of preventing their removal from the Union and misusing the asylum system.

The new procedures should be governed by the same rules, regardless of the Member State applying them, to ensure equity in the treatment of the applicants, third-country nationals or stateless persons subject to them and clarity and legal certainty for the individual.

The main modifications made by the Commission concern the following issues:

Border asylum procedure

Under the amended proposal, an asylum procedure at the border shall be applied to asylum applications which are manifestly abusive, or where the applicant represents a security threat or is unlikely to be in need of international protection due to the low rate of recognition of his/her nationality for international protection.

In addition, Member States may choose to use a border asylum procedure on the basis of the admissibility of the application or on the substance of the application, where the application is to be examined under an accelerated procedure.

In cases where, from the outset, it is unlikely that the readmission of such persons, in the event of a negative decision on their asylum application, shall be granted, Member States may decide not to apply the border asylum procedure, but rather to apply the regular asylum procedure.

The time limit for examining applications under the asylum procedure at the border shall, in principle, not exceed 12 weeks from the first registration of the application, including where a single appeal is lodged.

The Commission stipulates that unaccompanied minors and families with children below the age of 12 may only be subject to a border procedure for reasons linked to national security or public order.

A new border procedure for carrying out return

The proposal introduces a border procedure for carrying out return, which replaces the return border procedure included in the 2018 proposal for a recast Return Directive. The border procedure for carrying out return applies to applicants, third-country nationals or stateless persons whose applications have been rejected in the context of the border procedure for asylum. Persons subject to this procedure are not authorised to enter the Member State's territory and should be kept at the external borders, or in their proximity, or in transit zones.

Third-country nationals and stateless persons subject to the procedure can be granted a period for voluntary departure not exceeding 15 days, without prejudice to the possibility to voluntarily comply with the obligation to return departing from a border area or transit zone at any moment. The border procedure for carrying out return cannot exceed 12 weeks, starting from when the person concerned no longer has a right to remain and is no longer allowed to remain.

The proposal specifies that a return decision and a decision rejecting an asylum application shall be issued simultaneously, which shall speed up existing practices.