Basic information

2016/0224A(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Asylum Procedure Regulation Repealing Directive 2013/32/EU 2009/0165(COD) Amended by 2025/0101(COD) Amended by 2025/0132(COD) See also 2016/0224B(COD) **Subject** 7.10.06 Asylum, refugees, displaced persons; Asylum, Migration and Integration Fund (AMIF) **Legislative priorities** Joint Declaration 2021 Joint Declaration 2022 Joint Declaration 2023-24	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	KELLER Fabienne (Renew)	09/11/2020
	Shadow rapporteur DÜPONT Lena (EPP) GUILLAUME Sylvie (S&D) MARQUARDT Erik (Greens/EFA) KANKO Assita (ECR) FEST Nicolaus (ID) ERNST Cornelia (The Left)	

Former committee responsible	Former rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs		

Committee for opinion	Rapporteur for opinion	Appointed
AFET Foreign Affairs	The committee decided not to give an opinion.	

	EMPL Employment and Social Affairs	The committee decided not to give an opinion.	

Former committee for opinion	Former rapporteur for opinion	Appointed
AFET Foreign Affairs		
EMPL Employment and Social Affairs		

Committee for opinion on the legal basis	Rapporteur for opinion	Appointed
JURI Legal Affairs	LAGODINSKY Sergey (Greens/EFA)	01/01/2024

Council of the European Union

Council configuration	Meetings	Date
Justice and Home Affairs (JHA)	3490	2016-10-14
Justice and Home Affairs (JHA)	3508	2016-12-09
Transport, Telecommunications and Energy	3545	2017-06-09

European Commission

Commission DG	Commissioner
Migration and Home Affairs	AVRAMOPOULOS Dimitris

Key events

Date	Event	Reference	Summary
13/07/2016	Legislative proposal published	COM(2016)0467	
12/09/2016	Committee referral announced in Parliament, 1st reading		
14/10/2016	Debate in Council		
09/06/2017	Debate in Council		
25/04/2018	Vote in committee, 1st reading		
25/04/2018	Committee decision to open interinstitutional negotiations with report adopted in committee		
22/05/2018	Committee report tabled for plenary, 1st reading	A8-0171/2018	Summary
28/05/2018	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 72)		
30/05/2018	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 72)		

21/10/2019	Resumption of business from the previous parliamentary term		
14/02/2024	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	PE759.014 GEDA/A/(2024)000947	
10/04/2024	Decision by Parliament, 1st reading	T9-0177/2024	Summary
10/04/2024	Results of vote in Parliament		
10/04/2024	Debate in Parliament		
14/05/2024	Act adopted by Council after Parliament's 1st reading		
14/05/2024	Final act signed		
22/05/2024	Final act published in Official Journal		

Technical information

Procedure reference	2016/0224A(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Repealing Directive 2013/32/EU 2009/0165(COD) Amended by 2025/0101(COD) Amended by 2025/0132(COD) See also 2016/0224B(COD)
Legal basis	Rules of Procedure EP 41 Treaty on the Functioning of the European Union TFEU 078-p2
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/9/00168

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE597.506	12/05/2017	
Amendments tabled in committee		PE607.800	26/06/2017	
Amendments tabled in committee		PE607.801	26/06/2017	
Amendments tabled in committee		PE607.802	26/06/2017	
Amendments tabled in committee		PE607.803	26/06/2017	
Amendments tabled in committee		PE607.804	26/06/2017	
Committee report tabled for plenary, 1st reading/single reading		A8-0171/2018	22/05/2018	Summary
Amendments tabled in committee		PE697.689	11/10/2021	
Amendments tabled in committee		PE699.340	16/12/2021	
Amendments tabled in committee		PE702.964	16/12/2021	
Amendments tabled in committee		PE745.488	20/04/2023	

Text agreed during interinstitutional negotiations		PE759.014	08/02/2024	
Specific opinion	JURI	PE759.914	26/03/2024	
Text adopted by Parliament, 1st reading/single reading		T9-0177/2024	10/04/2024	Summary

Council of the EU

Document type	Reference	Date	Summary
Coreper letter confirming interinstitutional agreement	GEDA/A/(2024)000947	08/02/2024	
Draft final act	00016/2024/LEX	14/05/2024	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2016)0467	13/07/2016	Summary
Supplementary legislative basic document	COM(2020)0611	23/09/2020	Summary
Commission response to text adopted in plenary	SP(2024)377	29/07/2024	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
CofR	Committee of the Regions: opinion	CDR5807/2016	08/02/2017	
EESC	Economic and Social Committee: opinion, report	CES5719/2020	24/02/2021	
CofR	Committee of the Regions: opinion	CDR4843/2020	19/03/2021	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Meetings with interest representatives published in line with the Rules of Procedure

Rapporteurs, Shadow Rapporteurs and Committee Chairs

Transparency

Name	Role	Committee	Date	Interest representatives
KELLER Fabienne	Rapporteur	LIBE	24/04/2024	Exposition "Humanité sans frontières" au Temple Neuf
KELLER Fabienne	Rapporteur	LIBE	27/03/2024	CESE
KELLER Fabienne	Rapporteur	LIBE	27/03/2024	Semaines Sociales de France

KELLER Fabienne	Rapporteur	LIBE	19/03/2024	Agence de l'Union européenne pour l'asile (EUAA)
KELLER Fabienne	Rapporteur	LIBE	19/03/2024	Institut Jacques Delors
KELLER Fabienne	Rapporteur	LIBE	15/03/2024	Conseil de l'Europe
KELLER Fabienne	Rapporteur	LIBE	12/03/2024	OFPRA
KELLER Fabienne	Rapporteur	LIBE	14/02/2024	Députée autrichienne
KELLER Fabienne	Rapporteur	LIBE	13/02/2024	ESPOL
KELLER Fabienne	Rapporteur	LIBE	12/02/2024	Personnel de la résidence FIT Woningen Cabinet de la Secrétaire d'Etat à l'Asile et la Migration
KELLER Fabienne	Rapporteur	LIBE	16/01/2024	Association Parlementaire Européenne (APE)

Final act

Corrigendum to final act 32024R1348R(01)
OJ OJ L 25.11.2025

Regulation 2024/1348
OJ OJ L 22.05.2024 Summary

Asylum Procedure Regulation

2016/0224A(COD) - 22/05/2024 - Final act

PURPOSE: to streamline, simplify and harmonise the procedural arrangements of the Member States by establishing a common procedure for international protection in the Union.

LEGISLATIVE ACT: Regulation (EU) 2024/1348 of the European Parliament and of the Council establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU.

CONTENT: this Regulation is a pillar of the Pact on Asylum and Migration. It establishes a **common procedure for granting and withdrawing international protection**. It applies to all applications for international protection lodged on the territory of the Member States, including at the external border, in the territorial sea or in transit zones, and to the withdrawal of international protection.

Basic principles and guarantees

The Regulation establishes a common procedure to be followed by Member States when persons apply for international protection. It streamlines procedural arrangements and sets standards for the rights of asylum seekers, including the right to free legal advice during the administrative procedure.

The determining authority will inform applicants, in a language which they understand or are reasonably supposed to understand, of the following: (a) the right to lodge an individual application; (b) the time limits and stages of the procedure to be followed; (c) their rights and obligations during the procedure; (d) the right to free legal counselling for the lodging of the individual application and to legal assistance and representation at all stages of the procedure.

Applicants' rights and obligations

The Regulation also sets out clear obligations for applicants to **cooperate** with the authorities throughout the procedure. Applicants will have the right to remain on the territory of the Member State where they are required to be present until the determining authority has taken a decision on the application. Applicants must be given the opportunity to have a **personal interview** on the admissibility and substance of their application before the determining authority decides on the merits of an application for international protection.

An **interpreter** who is able to ensure appropriate communication between the applicant and the person conducting the interview will be provided for the personal interviews.

The personal interview of a minor will be conducted by a person who has the necessary knowledge of the rights and special needs of minors. It will be conducted in a child-sensitive and context-appropriate manner, taking into consideration the age and maturity of the child.

Special guarantees

Competent authorities will **assess on an individual basis** whether the applicant needs special procedural guarantees that may be necessary for certain applicants because of, *inter alia*, their age, gender, sexual orientation, gender identity, disability, illness or serious physical or mental disorder. The competent authority may refer the applicant, subject to his or her prior consent, to the appropriate **medical practitioner or psychologist** or to another professional for advice on the applicant's need for special procedural guarantees, prioritising cases where there are indications that applicants might have been victims of torture, rape or another serious form of psychological, physical, sexual or gender-based violence.

To ensure that applications for international protection are processed with due respect for the **rights of the child**, specific procedural guarantees adapted to children and special reception conditions will have to be provided for minors and unaccompanied minors. In all cases, **age assessments** should be carried out in a manner that gives primary consideration to the best interests of the child throughout the procedure.

Border procedure

The Regulation introduces a mandatory border procedure, with the aim of rapidly assessing, at the EU's external borders, **whether asylum applications are unfounded or inadmissible**. This is a type of accelerated asylum procedure. Persons subject to the asylum procedure at the border will **not be authorised** to enter the territory of the Member State. They will also have to reside at or near the external border or in transit zones or other designated places on the territory of a country (in compliance with the guarantees and conditions laid down in the Reception Conditions Directive).

The border procedure will apply when an asylum seeker makes an application at an external border crossing point, following arrest in connection with an illegal border crossing and following disembarkation following search and rescue operations at sea. Member States will assess applications in a border procedure: (i) where the applicant is a **danger to national security** or public order, (ii) where the applicant is considered to have intentionally misled the authorities by presenting **false information** or documents or by withholding relevant information; (iii) where it is likely that the application is unfounded because the applicant is of a nationality for whom the proportion of decisions granting international protection is **20% or lower** of the total number of decisions for that third country.

Unaccompanied minors will be exempt from the border procedure unless they pose a security threat.

Priority should be given to applications from minors and family members.

The duration of the border procedure for examining applications for international protection may **not exceed 12 weeks**. This period may be extended to 16 weeks if the applicant is being relocated to another Member State. In the absence of a decision within this 12 to 16 week period, applicants will be redirected to the normal asylum procedure and authorised to enter the territory of the Member State.

Detention may be used in border procedures, but only where necessary and proportionate on the basis of an individual assessment, as a measure of last resort where less coercive measures are not possible, and subject to judicial scrutiny. As a general rule, minors should not be detained.

Safe third country concept

Determining authorities responsible for examining applications for international protection may reject an application as inadmissible if the safe third country concept applies. The concept of safe third country may only be applied provided that: (a) the applicant cannot provide elements justifying why the concept of safe third country is not applicable to him or her, in the framework of an individual assessment; (b) there is a **connection** between the applicant and the third country in question on the basis of which it would be reasonable for him or her to go to that country.

Adequate capacity

Member States will put in place adequate capacity, in terms of reception facilities and human resources, which will enable them, at any given time, to carry out the border procedure and enforce return decisions for a given number of applications. At EU level, this adequate capacity is **30 000**.

ENTRY INTO FORCE: 11.6.2024.

APPLICATION: from 12.6.2026.

Asylum Procedure Regulation

2016/0224A(COD) - 23/09/2020 - Supplementary legislative basic document

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.

Asylum Procedure Regulation

2016/0224A(COD) - 10/04/2024 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 301 votes to 269, with 51 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU.

The European Parliament's position adopted at first reading under the ordinary legislative procedure amends the Commission's proposal as follows:

Subject matter and scope

This Regulation should apply to all applications for international protection made in the territory of the Member States, including at the external border, on the territorial sea or in the transit zones of the Member States, and to the withdrawal of international protection. Persons seeking international protection who are present on the territorial sea of a Member State should be disembarked on land and have their applications examined in accordance with this Regulation.

Competent authorities

Each Member State should designate in accordance with national law a determining authority to carry out the tasks, in particular: (i) receiving and examining applications for international protection; (ii) taking decisions on applications for international protection; (iii) taking decisions on the withdrawal of international protection.

Each Member State should provide the determining authority and the other competent authorities designated pursuant to this Article with appropriate means, including sufficient competent staff to carry out their tasks under this Regulation.

General guarantees for applicants

The determining authority or, where applicable, other competent authorities or organisations tasked by Member States for that purpose should inform applicants, in a **language which they understand** or are reasonably supposed to understand, of the following: (i) the right to lodge an individual application; (ii) the time limits and stages of the procedure to be followed; (iii) their rights and obligations during the procedure; (iv) the right to **free legal counselling** for the lodging of the individual application and to legal assistance and representation at all stages of the procedure.

Obligations of applicants

The applicant should fully cooperate with the competent authorities and present all elements available to him or her which substantiate the application or are relevant for the procedures in accordance with this Regulation to the competent authorities. The applicant should comply with obligations to

report to the competent authorities at a specified time or at reasonable intervals or to remain in a designated geographical area on its territory, as imposed by the Member State in which he or she is required to be present. Where it is necessary and duly justified for the examination of an application, the competent authorities may require that the applicant be searched or that his or her items be searched in accordance with national law.

Right to remain during the administrative procedure

Applicants should have the right to remain on the territory of the Member State in which they are required to be present until the determining authority has taken a decision on the application. Where, following a thorough assessment by the competent national authorities, it is concluded that the applicant constitutes a danger to national security or public order, especially in relation to serious crimes or terrorism, a Member State should have the possibility to make an exception to the right of the applicant to remain on its territory during the administrative procedure, provided that applying such an exception does not result in the applicant being removed to a third country in violation of the principle of non-refoulement.

Personal interview

The applicant should, subject to limited exceptions, enjoy **the right to be heard** through a personal interview on the admissibility or on the merits of his or her application, as appropriate. If the applicant is unfit to attend his or her personal interview, the authorities could ask for a medical certification to be provided by the applicant. For the right to a personal interview to be effective, the applicant should be assisted by an **interpreter** where necessary and should be given sufficient time to prepare and consult with his or her legal adviser or other counsellor admitted or permitted as such under national law to provide legal advice. The presence of a cultural mediator may be provided during the personal interviews.

Special guarantees

Certain applicants may be in need of special procedural guarantees due, *inter alia*, to their age, gender, sexual orientation, gender identity, disability, serious physical or mental illness or disorders. The relevant staff of the competent authorities of Member States as well as the medical practitioner or psychologist assessing the need for special procedural guarantees should be adequately trained to detect signs of vulnerability of applicants who may need special procedural guarantees and address those needs when identified.

The determining authority should organise a personal interview for a minor taking into account in particular his or her age and maturity. Where a minor is accompanied, the personal interview should be conducted in the presence of an adult responsible for him or her whether by the law or practice of the Member State concerned and, where one has been appointed, of a legal adviser. Unaccompanied minors should be represented and assisted in such a way as to enable them to benefit from the rights set out in the regulations.

In all cases, age assessments should be carried out in a manner that gives primary consideration to the **best interests of the child** throughout the procedure. Such an assessment should be carried out by professionals with expertise in age estimation and child development.

Representatives or a person suitable to provisionally act as a representative should be placed in charge of a proportionate and limited number of unaccompanied minors, and under normal circumstances of no more than **30 unaccompanied minors**, at the same time.

Border procedure

Following the screening and provided that the applicant has not yet been authorised to enter Member States' territory, a Member State may examine an application in a border procedure where that application has been made by a third-country national or stateless person who does not fulfil the conditions for entry to the territory of a Member State.

Member States should assess applications in a border procedure: (i) where the applicant is a **danger to national security or public order**, (ii) where the applicant, after having been provided with the full opportunity to show good cause, is considered to have intentionally misled the authorities by presenting false information or documents or by withholding relevant information or documents with respect to his or her identity or nationality that could have had a negative impact on the decision and (iii) where it is likely that the application is unfounded because the applicant is of a nationality for whom the proportion of decisions granting international protection is **20% or lower** of the total number of decisions for that third country.

In this context, a border procedure should not be applied, or should cease to apply, where necessary support cannot be provided to applicants in need of special procedural guarantees or where justified on health grounds, including reasons pertaining to a person's mental health. Equally, having regard to the importance of the rights of the child and the need to take into account the best interests of the child, **unaccompanied minors** should not, as a rule, be subject to the border procedure unless there are reasonable grounds to consider the minor represents a danger to the national security or public order of the Member State.

The duration of the border procedure for the examination of applications for international protection **should not exceed 12 weeks** and may be applied at or near the EU's external borders or transit zones. Asylum seekers whose applications are rejected must be returned within less than 12 weeks.

Member States should ensure that families with minors reside in **reception facilities appropriate to their needs** after assessing the best interests of the child, and should ensure a standard of living adequate for the minor's physical, mental, spiritual, moral and social development.

Safe third country concept

Members managed to include safeguards for the application of the safe third country concept, which can only be applied when the applicant cannot provide evidence to justify why the safe country of origin concept does not apply to him or her, as part of an individual assessment. The applicant must always have a **reasonable link** with a safe third country.

Effective protection in the country of first asylum should include permission to remain on the territory of the third country, access to adequate means of subsistence and access to healthcare and education. While Member States will continue to use national lists of safe countries, in the longer term there should be convergence towards a European list of safe third countries and safe countries of origin.

Adequate capacity

This is defined as the capacity required at any given moment to carry out the asylum border procedure, and the return border procedure. Under the new Regulation, the adequate capacity at EU level is considered to be **30 000**. The Commission should calculate, by means of implementing acts, the number corresponding to the adequate capacity of each Member State. The adequate capacity should be gradually increased over the three years following the entry into force of the new rules. Once the maximum capacity has been reached, asylum seekers will be directed towards the ordinary asylum procedure.

Asylum Procedure Regulation

2016/0224A(COD) - 22/05/2018 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Laura Ferrara (EFD) on the proposal for a regulation of the European Parliament and of the Council establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU.

The committee recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the Commission proposal as follows:

Purpose: the Regulation shall establish a **common procedure for granting and withdrawing international protection** provided for in the Regulation on the conditions to be fulfilled by applicants for asylum. Member States may introduce or retain more favourable standards on procedures for granting and withdrawing international protection, insofar as those standards are compatible with this Regulation.

Registration of applications: all applications shall be registered as soon as possible and, in any case, no later than **three working days from when it is made**. The applicant shall be given a document certifying that an application has been made in accordance with this Regulation. **This document shall be valid for a period of six months and should be renewed automatically** where no final decision has yet been taken on the application for international protection, ensuring that the validity of that document covers the period during which the applicant has the right to remain on the territory of the Member State responsible.

Obligations of applicants: the applicant shall apply in the Member State of first entry or in the Member State established under the revised Dublin Regulation. If the applicant refuses to cooperate by not providing his/her personal information (name, date of birth, gender, nationality, statelessness, identity or travel document) or biometric data, the application shall be rejected on the grounds that it was implicitly withdrawn.

The applicant shall be informed properly of his or her rights to legal assistance and representation, including free legal assistance and representation and obligations at the latest when the application for international protection is registered, both in written and oral form, where appropriate with the support of multimedia equipment and in a language that he or she understands in a concise and easily accessible form, using clear and plain language.

Information shall be provided to **minors** in a child-friendly manner by appropriately trained staff and with the involvement of the guardian.

The European Union Agency for Asylum shall create **specific information material** intended particularly for adult applicants, with specific attention to female and vulnerable applicants, unaccompanied minors and accompanied minors.

Individual interviews: the applicant shall have the right to be heard in a substantive interview before the determining authority decides on the merits of an application for international protection. The presence of an interpreter as well as the applicant's legal counsel shall be ensured when the applicant has decided to seek legal assistance. The person conducting the interview shall not wear a military or law enforcement uniform. They shall take into account evidence that the person may have been subjected to torture in the past or may have been a victim of trafficking.

Where necessary and appropriate, the determining authority shall make available to the applicant the assistance of a **cultural mediator** to assist him or her during the procedure and, in particular, during the personal interview.

Specific safeguards for children: the determining authority shall ensure the right of the minor child to be heard in an individual interview unless it is clearly not in the best interests of the minor.

Border procedures shall never be applied to unaccompanied minors. Member States shall take the necessary measures to ensure that **alternatives to detention are available**. Minors shall never be detained as part of border procedures, at transit zones, external borders or at any stage during the determination of their asylum application.

Furthermore, an accelerated examination procedure may only apply to unaccompanied minors in the specific cases provided for in the Regulation, for reasons of national security or public order.

To ensure that unaccompanied minors have effective protection, the guardian should be appointed as soon as possible prior to the collection of biometric data and in any event **no later than 24 hours after the making of the application**. In any event, guardians should not be placed in charge of more than 20 unaccompanied minors.

Third country concepts: an application may be declared inadmissible if the applicant has already been recognised as a refugee in a third country (first country of asylum) or has a sufficient connection, such as previous residence, with a safe country where it is reasonably expected that the applicant may seek protection and there are reasons to believe that the applicant shall be readmitted to that country.

An applicant shall be allowed to challenge the application of the concept of safe third country in light of his or her particular circumstances at any stage of the procedure.

The concept of safe third country shall **not be applied to unaccompanied minors** unless it is determined to be clearly in their best interests.
Member States shall not apply the safe country of origin concept in the case of applicants that belong to a minority or group of persons that remains at risk in light of the situation in the country of origin concerned.

Designation of safe countries of origin at EU level: in view of the harmonisation of national lists of safe countries of origin, during the transitional three-year period, it shall be possible for the Member States to send the Commission proposals to add particular countries to the EU common list of safe countries of origin.

The Commission shall examine the proposals within six months of their submission, on the basis of a range of information sources at its disposal, in particular, reports from the European External Action Service (EEAS) and information provided by the Member States, the European Union Agency for Asylum, the United Nations High Commissioner for Refugees (UNHCR), the Council of Europe and other relevant international organisations and national or international non-governmental organisations.

Where a third country is to be added to the list, the Commission shall submit a **proposal in accordance with the ordinary legislative procedure** to extend the EU common list of safe countries of origin.

The Commission shall keep under **constant review** the situation in third countries which are on the EU common list of safe countries of origin or which have been suspended from that list. The Commission shall be empowered to adopt delegated acts to suspend the entry of a third country on the EU common list of safe countries of origin.

The Regulation shall include an annex listing safe countries of origin. Members proposed to **remove Turkey** from this list.

Asylum Procedure Regulation

2016/0224A(COD) - 13/07/2016 - Legislative proposal

PURPOSE: to establish a common procedure granting and withdrawing international protection, which replaces the various procedures in the Member States, and which is applicable to all applications for international protection made in Member States.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: the Common European Asylum System is based on rules determining the **Member State responsible for applicants for international protection**, common standards for asylum procedures, reception conditions, the recognition and protection of beneficiaries of international protection.

Notwithstanding the significant progress that has been made in the development of the Common European Asylum System (CEAS), there are still notable differences between the Member States in the types of procedures used, the reception conditions provided to applicants, the recognition rates and the type of protection granted to beneficiaries of international protection. These divergences contribute to secondary movements and asylum shopping, create pull factors, and ultimately lead to an uneven distribution among the Member States of the responsibility to offer protection to those in need.

Recent large scale arrivals have shown that Europe needs an effective and efficient asylum system able to assure a fair and sustainable sharing of responsibility between Member States and to ensure the quality of the decisions made.

Against this backdrop, the Commission presented a first set of proposals to **reform the Common European Asylum System** delivering on three priorities identified in its Communication:

- establishing a sustainable and fair Dublin system for determining the Member State responsible for examining asylum applications,
- reinforcing the Eurodac system to better monitor secondary movements and facilitate the fight against irregular migration,
- establishing a genuine European Union Agency for Asylum to ensure the well-functioning of the European asylum system.

With the second package, the Commission is completing the reform of the Common European Asylum System by adopting four additional proposals:

1. this proposal replacing the Asylum Procedures Directive with a Regulation, harmonising the current disparate procedural arrangements in all Member States and creating a genuine common procedure;
2. a proposal replacing the Qualification Directive with a Regulation, setting uniform standards for the recognition of persons in need of protection and the rights granted to beneficiaries of international protection;
3. a proposal revising the Reception Conditions Directive;
4. a structured Union resettlement framework, moving towards a more managed approach to international protection within the EU.

CONTENT: the aim of this proposal is to ensure fast and efficient treatment of applications for international protection by establishing a common procedure for granting and withdrawing international protection, which replaces the various procedures in the Member States, and which is applicable to all applications for international protection made in Member States.

By choosing the form of a Regulation, which is directly applicable in all Member States, and by removing elements of discretion as well as simplifying, streamlining and consolidating procedural arrangements, the proposal aims at achieving a **higher degree of harmonisation and greater uniformity** in the outcome of asylum procedures across all Member States, thereby removing incentives for asylum shopping and secondary movements between Member States.

The proposal promotes the objective of ensuring fast but high quality decision making at all stages of the procedure

Main aims of the proposal:

1. Simpler, clearer and shorter procedures which replace the current disparate procedural arrangements in the Member States.

- time-limits: this proposal provides for short but reasonable time-limits for an applicant to accede to the procedure and for concluding the examination of applications both at the administrative and the appeal stages. The **six-month benchmark** for a first decision is maintained, while significantly shorter time-limits are foreseen for dealing with manifestly unfounded and inadmissible claims.

Member States also have possibility to prioritise and examine quickly any application. Time-limits for registering, lodging and examining applications are set up but may be exceptionally extended when Member States receive a disproportionate number of **simultaneous applications**. To plan for such eventualities, Member States should rather regularly review and anticipate their needs to ensure that they have adequate resources in place to manage their asylum system efficiently. Where necessary, Member States may also rely on the assistance of the European Union Agency for Asylum. In addition, **the use of the admissibility procedure and the accelerated examination procedure becomes mandatory** and the provisions on subsequent applications are clarified allowing for exceptions from the right to remain at the end of or during the administrative procedure.

These procedures should be expedient and for this reason the time-limit proposed for an accelerated examination procedure is of two months whereas that for inadmissibility cases is of one month.

In cases where the ground for inadmissibility is the fact that an applicant comes from a first country of asylum or a safe-third country, the time-limit for the admissibility check is set at ten working days.

Border procedures, which normally imply the use of detention throughout the procedure, remain optional and can be applied for examining admissibility or the merits of applications on the same grounds as under an accelerated examination procedure. If no decision is taken within four weeks, the applicant gains the right to enter and remain on the territory.

- **additional elements**: following the lodging of their application, applicants shall be authorised to submit any additional elements relevant for its examination until a decision under the administrative procedure is taken on the application.

2. Procedural guarantees safeguarding the rights of the applicants to ensure that asylum claims are adequately assessed within the framework of a streamlined and shorter procedure.

This is ensured by **informing all applicants**, at the start of the procedure, of their rights, obligations and consequences of not complying with their obligations. The applicants need to be given an effective opportunity to cooperate and **properly communicate with the responsible authorities** so as to present all facts at their disposal to substantiate their claim. Applicants are required to **cooperate with the responsible authorities** for them to be able to establish their identity, including by providing their fingerprints and facial image. The applicant needs to inform the responsible authorities of his or place of residence and telephone number so that he or she can be reached for the purposes of the procedure.

- **personal interview**: the proposal contains important guarantees for the applicant to ensure that, subject to limited exceptions and at all stages of the procedure, an applicant enjoys the right to be heard through a personal interview, is assisted with the necessary interpretation and is provided with **free legal assistance and representation.** However, Member States may decide not to provide free legal assistance and representation when the applicant has sufficient resources and where the application or appeal are considered as having no tangible prospect of success;

- **right to remain on the territory**: within three working days from lodging an application, the applicant must be provided with a document certifying that the individual is an applicant, stating that he or she has a right to remain on the territory of the Member State and stating that **it is not a valid travel document**. The proposal sets out the type of information that should be included in that document and foresees the possibility of having a uniform format for those documents to be established by means of an implementing act so as to ensure that **all applicants receive the same document across all Member States**;

- **right to an effective remedy**: the applicants have the right to appropriate notification of a decision, the reasons for that decision in fact and in law and, in the case of a negative decision, they have the right to an effective **remedy before a court or a tribunal**;

- **unaccompanied minors**: the proposal upholds a high level of special procedural guarantees for vulnerable categories of applicants, and in particular for unaccompanied minors. To ensure a fair procedure for these applicants, it is necessary to identify their needs as early as possible in the procedure and to provide them with adequate support and guidance throughout all stages of the procedure.

As regards children in general, the best interests of the child as a primary consideration is the prevailing principle when applying the common procedure. All children, irrespective of their age and of whether they are accompanied or not, shall also have the right to a personal interview unless it is manifestly not in the child's best interests.

As regards unaccompanied minors, they should be **assigned a guardian as soon as possible and not later than five working days** from the moment an unaccompanied minor makes an application. The role of the guardian is to assist and represent an unaccompanied minor with a view to safeguarding the best interests of the child and his or her general well-being in the procedure for international protection. The proposal provides that a guardian should not be made responsible for a disproportionate number of minors

3. Stricter rules to prevent abuse of the system, sanction manifestly abusive claims and remove incentives for secondary movements by setting out clear obligations for applicants to cooperate with the authorities throughout the procedure and by attaching strict consequences to non-compliance with obligations.

In this respect, the examination of an application for international protection is made conditional upon lodging an application, fingerprinting, providing the necessary details for the examination of the application as well as presence and stay in the Member State responsible.

Failure to comply with any of these obligations may lead to an application being rejected as abandoned in accordance with the procedure for implicit withdrawal.

The current optional procedural instruments for sanctioning abusive behaviour of applicants, secondary movements and manifestly unfounded claims are made compulsory and further reinforced. In particular, the proposal provides for **clear, exhaustive and compulsory lists of grounds where an examination must be accelerated** and where applications must be rejected as manifestly unfounded or as abandoned. Moreover, the ability to respond to subsequent applications abusing the asylum procedure has been reinforced, in particular by enabling the removal of such applicants from Member States' territories before and after an administrative decision is taken on their applications.

At the same time, all guarantees are in place, including the **right to an effective remedy**, to ensure that the rights of applicants are always guaranteed.

4. Harmonised rules on safe countries: where applicants are manifestly not in need of international protection because they come from a safe country of origin, **their applications must be quickly rejected and a swift return organised**. Where applicants have already found a first country of asylum where they enjoy protection or where their applications can be examined by a safe third country, applications must be declared inadmissible. The Commission proposes to progressively move towards full harmonisation in this area, and to **replace national safe country lists** with European lists or designations at Union level within five years of entry into force of the Regulation ('sunset' clause).

The proposed EU common list of safe countries of origin includes Albania, Bosnia and Herzegovina, former Yugoslav Republic of Macedonia, Kosovo, Montenegro, Serbia and Turkey.

Monitoring, evaluation and reporting arrangements: the Commission shall report on the application of this Regulation to the European Parliament and to the Council within two years from its entry into force and every five years after that.