

Common procedure for asylum

The 2020 European Commission proposal for a common asylum procedure regulation seeks to establish a harmonised common EU procedure for asylum, to reduce differences in recognition rates between Member States, discourage secondary movements, and ensure the same procedural guarantees across the EU. Processing asylum claims should be faster, with shorter limits for manifestly unfounded or inadmissible asylum requests made at EU borders. During the April I plenary session, the European Parliament is due to vote its first-reading position on the December 2023 agreement resulting from interinstitutional negotiations.

Background

As one of five key acts of the [Common European Asylum System](#), the current [Asylum Procedure Directive](#) sets out minimum procedures for Member States for granting and withdrawing international protection in line with the [Qualification Directive](#). In 2016, the Commission put forward a legislative [proposal](#) to replace the Asylum Procedure Directive with a directly applicable regulation that would help harmonise the procedures further, ensuring the same steps, timeframes and safeguards across the EU.

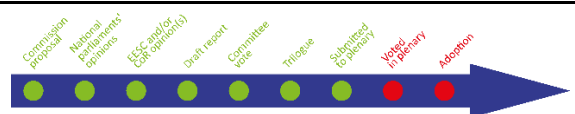
European Commission proposal

In 2020, as part of the [new pact on migration and asylum](#), the Commission presented a [revised proposal](#) for a common asylum procedure regulation. The new text keeps the 2016 proposal's overall objectives while also addressing much-disputed issues such as the border procedure and returns. In the revised proposal, the Commission clarifies the scope for the use of the border procedure, specifying that it would only apply to applicants who have not yet been authorised to enter the territory of a Member State and do not meet the entry criteria set out in the [Schengen Borders Code](#). The border procedure should last up to 12 weeks (20 weeks in times of crisis). Those who do not qualify for protection would be promptly returned in order to close procedural loopholes.

European Parliament position

Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE) adopted its [report](#) on 25 April 2018; it was [amended](#) by the new rapporteur, Fabienne Keller (Renew, France), in October 2021. The report agreed with the Commission's proposal to make the processing of applications faster for applicants who are nationals or, in the case of stateless persons, formerly habitual residents of a third country for which the share of positive asylum decisions is lower than 20 % of the total number of decisions adopted for that third country. Furthermore, the report suggested that this 20 % threshold should also apply during times of crisis or in cases of force majeure. It added a series of safeguards, including a mechanism for independent monitoring of the competent authorities' practices, to ensure that fundamental rights and procedures are respected. The report also called on the Member States and the Commission to seek alternatives to deprivation of liberty, with detention as a measure of last resort, in particular for unaccompanied minors and applicants with specific vulnerabilities. During the negotiations, Parliament added the provision of free legal aid funded from the EU budget at all administrative stages of proceedings, in addition to the aid already provided for appeals. A [compromise](#) text agreed in trilogue was endorsed in the Council and approved in the LIBE committee on 14 February 2024.

First-reading report: [2016/0224A\(COD\)](#); Committee responsible: LIBE; Rapporteur: Fabienne Keller (Renew Europe, France). For further information see our 'EU Legislation in progress' [briefing](#).



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