Asylum procedures: reforming the Common European Asylum System

13 July 2016

The Commission is proposing to replace the Asylum Procedures Directive with a Regulation to establish a fully harmonised common EU procedure for international protection, directly applicable in Member States, to provide for a fast but high-quality determination of the international protection needs of applicants.

A fair and efficient common procedure throughout the Union means:

Simpler, clearer and shorter procedures

**Short but reasonable** time limits are provided for an applicant to accede to the procedure and for concluding the examination of applications both at administrative and judicial levels.

**New exceptions are introduced**

- **shorter time limits** in case of unfounded and inadmissible claims are introduced
  - **Accelerated procedure**
    - Max. 2 months for the examination of the merits of the claim.
    - Max. 1 month for the admissibility examination.
    - Max. 10 days for the admissibility examination where an applicant comes from a first country of asylum or a safe third country.

- **Extended time limits** in case of disproportionate increase in the number of applications or complex cases.
  - 3 months

**Introduction of time limits**

- For lodging appeals: ranging from 1 week to 1 month
- For decisions at the first appeal stage: ranging from 2 months to 6 months

Depending on the type of procedure (ex regular, accelerated, admissibility examination)

*may be prolonged by 3 months in cases involving complex issues of facts or law.*
Common guarantees for every applicant

All applicants must be fully informed of their rights, obligations and of the consequences of not complying with their obligations.

The new proposal guarantees:

• free legal assistance, representation and the right to a comprehensive personal interview (assisted by an interpreter)
• standardised information

Stricter rules to combat abuse

Obligations for applicants to cooperate with the authorities...

by providing the information necessary to establish their identity and to examine their applications.

Stricter consequences in case of non-compliance with such obligations:

For example

No fingerprints  Asylum application rejected

Asylum application Withdrawn

The current optional procedural rules for sanctioning abusive behaviour are made compulsory and further reinforced.

Clear, exhaustive and compulsory grounds for an accelerated or admissibility procedure.

Harmonised rules on safe countries

Applications from persons manifestly not in need of international protection since they come from a safe country of origin should be 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.

Full harmonisation in this area

from the entry into force of the Regulation, full replacement of national safe country lists or national designations of safe countries of origin and safe third countries with European lists or designations at Union level.