

REFORMING THE EU ASYLUM AND VISA APPLICATION PROCESSES: CHALLENGES AND SOLUTIONS

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Abstract

The European Union is experiencing a period of profound uncertainty, marked by global instability, armed conflicts, diverging international approaches to human rights, and growing migration flows. Current asylum and visa systems, shaped by national interests, are failing to address these challenges. Rising migration, coupled with domestic social pressure, risks undermining the EU's credibility in upholding its human rights obligations. With all EU Member States affected to varying degrees and facing rising costs for security, crime prevention, and social services, the conditions for a common solution are clear.

The functioning of the EU's asylum and visa systems highlights institutional challenges while simultaneously providing a strategic opportunity for coordinated action.

Asylum and visa procedures face significant challenges, including fragmented rules, inconsistent standards, slow processing, and poor coordination among EU Member States. This article analyzes these challenges and proposes three interrelated policy solutions for systemic reform. In this sense, their success depends on the willingness of Member States to compromise, align national interests with EU goals, and commit to genuine cooperation.

Even partial adoption of solutions would significantly improve the current state of affairs. Proposed solutions include: (1) harmonizing the legal framework through uniform legislation, (2) accelerating digital standardization through improved operational tools, and (3) strengthening cooperation through joint training and more efficient funding management.

Keywords: *Dublin Regulations, Migration, Asylum, Eurodac, Asylum Procedure Regulation, Schengen Information System, Visa Information System, Entry-Exit System, European Travel Information, Authorisation System.*

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Introduction

The EU's ability to manage migration is a key test of its political cohesion, institutional capacity, and commitment to human rights. Yet in practice, a widening gap between legislative ambition and implementation has revealed persistent weaknesses in both asylum and visa systems. The Common European Asylum System (CEAS), which forms the EU's asylum legal framework, is widely criticised for lacking solidarity and consistent enforcement across member states. The CEAS was built on three key directives qualification, procedures, and reception which were later replaced by the 2024 New Pact on Migration and Asylum, yet many core challenges remain¹. While the Schengen visa process is more harmonised, it remains partly fragmented, with ongoing digital access gaps, varied document requirements, discretionary decisions, and unequal consular access in third countries.

As Da Conceicao-Heldt (2018) observes, the EU's failure to act effectively during the refugee crisis reflected the partial empowerment of institutions and the absence of a unified response revealing structural flaws in migration governance. Although CEAS and the Schengen Visa Code were designed to ensure fairness and uniformity, their inconsistent application across member states has led to operational failures and rising political tensions.²

The 2024 New Pact on Migration and Asylum, along with digital instruments like Eurodac and the Entry/Exit System, aims to boost efficiency and solidarity.³ However, critics argue the reforms prioritize border control and returns over fundamental rights, highlighting ongoing tension between security-focused policies and the EU's human rights obligations.

This paper employs a qualitative legal-policy analysis, drawing on Moravcsik's liberal intergovernmentalism and Thielemann's burden-sharing theory, to examine how institutional fragmentation and national self-interest shape EU migration policy (Thielemann 2003; Moravcsik 1998). According to Moravcsik's theory, member states

¹ European Parliament and Council of the European Union. 2013. Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast). Official Journal of the European Union L 180, June 29, 2013, pp. 60-95. Accessed July 3, 2025. <http://data.europa.eu/eli/dir/2013/32/oj>; European Parliament and Council of the European Union. 2013. Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast). Official Journal of the European Union L 180, June 29, 2013, pp. 96-116. Accessed July 3, 2025. <http://data.europa.eu/eli/dir/2013/33/oj>; European Parliament and Council of the European Union. 2011. Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast). Official Journal of the European Union L 337, Decembner 20, 2011, pp. 9-26. Accessed July 3, 2025. <http://data.europa.eu/eli/dir/2011/95/oj>.

² European Parliament and Council of the European Union. 2019. Regulation (EU) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation (EC) No 810/2009 establishing a Community Code on Visas (Visa Code). PE/29/2019/REV/1. Official Journal of the European Union L 188, July 12, 2019, pp. 25-54. Accessed July 3, 2025. <http://data.europa.eu/eli/reg/2019/1155/oj>.

³ European Commission: Directorate-General for Communication. 2024. Pact on migration and asylum – Fast and efficient procedures. Publications Office of the EU. Accessed July 3, 2025. <https://data.europa.eu/doi/10.2775/242027>.

prioritize national interests, often obstructing progress toward a unified asylum and visa policy. This perspective highlights their reluctance to cede sovereignty in migration governance. Against this backdrop, the central research question of this investigation is: How can the EU enhance coordination to improve asylum and visa systems while upholding human rights and maintaining operational capacity?

Methodology

This paper uses a qualitative legal-policy analysis, grounded in liberal intergovernmentalism and burden-sharing theory, to examine EU migration governance, focusing on the CEAS and the Schengen Visa Code. It addresses institutional fragmentation, national self-interest, and the tension between solidarity and state sovereignty. Drawing on legal texts, policy reports, and academic literature, it offers an in-depth evaluation of legal frameworks and their implementation to identify key challenges.

Legal and policy framework

The EU's migration framework is complex, spanning asylum, visas, border control, and return procedures. Its human rights protections are rooted in international and regional instruments such as the 1951 Refugee Convention, the European Convention on human rights, the EU Charter of Fundamental Rights, and the 2024 Pact on Migration and Asylum. Despite efforts to harmonise policies, implementation continues to vary across member states.

Asylum

Asylum framework has evolved from the foundations set by the 1997 Dublin Convention and its subsequent regulations.⁴

1) Dublin I

Dublin I, based on the 1990 Dublin Convention and implemented in 1997, assigned asylum responsibility to the first EU country of entry to prevent asylum shopping, reflecting the interests of northern and western member states.⁵ However, it was criticized for disproportionately burdening border states, lacking solidarity, and ignoring asylum seekers' preferences or family ties, leading to inefficiencies, secondary movements, and humanitarian concerns. Its implementation varied across member states, resulting in legal uncertainty and inconsistent outcomes, undermining fairness and effectiveness.

2) Dublin II

Dublin II aimed to clarify responsibility criteria, especially for asylum seekers with family ties in the EU, and introduced Eurodac to identify applicants.⁶ While it sought

⁴ European Communities. 1997. Convention determining the State responsible for examining applications for asylum lodged in one of the Member States of the European Communities - Dublin Convention. Official Journal C 254, August 19, 1997, pp. 1-12. Accessed July 3, 2025. https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=oj:JOC_1997_254_R_0001_01.

⁵ *ibid.*

⁶ Council of the European Union. 2003. Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an

to prevent asylum shopping, it still burdened border states disproportionately and failed to ensure fair responsibility-sharing, reinforcing imbalances and raising concerns about EU solidarity.

3) Dublin III

Dublin III enhanced procedural safeguards by granting asylum seekers appeal rights and access to information, and introduced an early warning mechanism for crises.⁷ However, it failed to address the core issue of unequal burden-sharing among member states.

4) New Pact on Migration and Asylum

The 2024 New Pact on Migration and Asylum builds on Dublin III to harmonise the EU's fragmented system through a mandatory but flexible solidarity mechanism involving compulsory relocation and stricter enforcement. While some member states back this, Hungary and Poland oppose it, citing sovereignty.⁸ The Pact sets out four priorities: 1) tougher border screening using tools like Eurodac, along with return procedures and crisis protocols; 2) streamlined asylum with unified refugee status, rights protections, and anti-abuse measures; 3) shared responsibility via clearer rules, financial and operational support, and limits on secondary movements; and 4) enhanced cooperation with third countries to curb irregular migration and expand legal routes. Critics say the Pact prioritizes control over protection, shortens appeals, shifts EU duties to countries with weaker rights records, and allows states to pay instead of relocating migrants undermining fair responsibility-sharing.⁹

5) Recent Legislative Developments

Eurodac 2024, adopted on 14 May, implements the Dublin II framework for an EU-wide fingerprint database.¹⁰ Key concerns include the use of Real-Time Biometric Identification (RBI) and potential rights breaches. Though general-purpose AI is allowed, its use raises questions about safeguards. Eurodac now links with platforms

asylum application lodged in one of the Member States by a third-country national. OJ L 50, February 25, 2003, pp. 1-10. Accessed July 3, 2025. <http://data.europa.eu/eli/reg/2003/343/oj>.

⁷ European Parliament and Council of the European Union. 2013. Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast). Official Journal of the European Union L 180, June 29, 2013, pp. 31-59. Accessed July 3, 2025. <http://data.europa.eu/eli/reg/2013/604/oj>.

⁸ Liboreiro, Jorge. 2024. "EU completes reform of migration rules despite Poland and Hungary voting against." Euronews, May 14, 2024. Accessed July 2, 2025. <https://www.euronews.com/my-europe/2024/05/14/eu-completes-reform-of-migration-rules-despite-poland-and-hungary-voting-against>.

⁹ The Times. 2024. EU votes for €2bn reform of migrant laws, April 10, 2024. Accessed July 2, 2025. <https://www.thetimes.com/world/article/eu-asylum-seekers-first-country-migration-m9lk75gcq>.

¹⁰ European Parliament and Council of the European Union. 2024. Regulation (EU) 2024/1358 of the European Parliament and of the Council of 14 May 2024 on the establishment of 'Eurodac' for the comparison of biometric data in order to effectively apply Regulations (EU) 2024/1351 and (EU) 2024/1350 of the European Parliament and of the Council and Council Directive 2001/55/EC and to identify illegally staying third-country nationals and stateless persons and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, amending Regulations (EU) 2018/1240 and (EU) 2019/818 of the European Parliament and of the Council and repealing Regulation (EU) No 603/2013 of the European Parliament and of the Council. PE/15/2024/REV/1. Official Journal of the European Union L, 2024/1358, May 22, 2024. Accessed July 2, 2025. <http://data.europa.eu/eli/reg/2024/1358/oj>.

like the Eurotourist Travel Information and Authorisation System and is one of five databases in the Schengen visa system.

The EU Asylum Procedure Regulation (2024) aims to create a faster, more uniform asylum process across the EU.¹¹ However, it faces criticism for mandatory border procedures that may infringe on individual rights, uneven implementation due to differences in member states' capacities and legal frameworks, and its failure to prevent secondary movements from the country of first application.

Despite over two decades of effort, issues with implementation such as burden-sharing, efficiency, and human rights concerns still persist in the asylum procedure.

Visa

The Digital Schengen reforms, particularly Regulation (EU) 2023/2667, enhance coordination among six EU systems: the Schengen Information System (SIS), Visa Information System (VIS), Eurodac, Entry-Exit System (EES), European Travel Information and Authorisation System (ETIAS), and European Criminal Records Information System (ECRIS), with third-country consultations (ECRIS-TCN)¹². These interoperable systems aim to streamline visa processes while balancing security and fundamental rights. ETIAS, supported by AI-based RBI, is applied only in criminal cases and complies with GDPR and the AI Act. Tools like the European Search Portal (ESP) and Multiple Identity Detector (MID) enable data-sharing and analytics.

Despite digitalisation, challenges persist, such as ensuring efficiency, consistency, and fundamental rights, especially as biometric and AI usage expands. The European Council on Refugees and Exiles (ECRE) highlights that discrepancies between EU law and national practices, particularly in countries like Greece and Italy, undermine solidarity and fairness (Riemer, Rau and Schalast 2025).

Comparison

The EU asylum process is partially harmonised under the Common European Asylum System (CEAS), which includes the Asylum Procedures Directive, Reception

¹¹ European Parliament and Council of the European Union. 2024. Regulation (EU) 2024/1348 of the European Parliament and of the Council of 14 May 2024 establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU. PE/16/2024/REV/1. Official Journal of the European Union L, 2024/1348, May 22, 2024. Accessed July 2, 2025. <http://data.europa.eu/eli/reg/2024/1348/oj>.

¹² European Parliament and Council of the European Union. 2023. Regulation (EU) 2024/1348 of the European Parliament and of the Council of 14 May 2024 establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU. PE/16/2024/REV/1. Official Journal of the European Union 2024/1348, May 22, 2024. Accessed July 2, 2025. <http://data.europa.eu/eli/reg/2024/1348/oj>; European Parliament and Council of the European Union. 2018. Regulation (EU) 2018/1240 of the European Parliament and of the Council of 12 September 2018 establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 1077/2011, (EU) No 515/2014, (EU) 2016/399, (EU) 2016/1624 and (EU) 2017/2226. PE/21/2018/REV/1. Official Journal of the European Union L 236, 19.9.2018, pp. 1-71. Accessed July 2, 2025. <http://data.europa.eu/eli/reg/2018/1240/oj>, and *the six EU systems*: European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice. Accessed July 2, 2025. <https://www.eulisa.europa.eu/activities/large-scale-it-systems>.

Conditions Directive, Qualification Directive, Dublin III, and Eurodac Regulation. These laws set minimum standards, but member states have discretion in their implementation, leading to significant variation in procedures, reception conditions, and recognition rates. In contrast, the Schengen visa application process is more harmonised, regulated by the EU Visa Code and the VIS. However, national discretion remains, particularly in handling supporting documents and additional checks. While the visa process is largely harmonised, the asylum process is only partially so, with variations undermining consistency and solidarity.

Key Challenges

1) Implementation Challenges, Delays and Fragmentation

The EU's asylum and visa systems face major implementation challenges, causing delays and inefficiencies. Regarding Schengen visas, despite harmonisation, member states retain discretion: document requirements vary by applicant origin, and decisions differ due to security or diplomatic concerns. Processing times and rejection rates also vary slightly between consulates. Poor interoperability between national asylum systems hampers information sharing and coordination, complicating application tracking and consistent decision-making.¹³

Political resistance has fragmented the asylum system. Countries like Hungary and Denmark have imposed restrictive measures suspending asylum processing and lowering reception standards fuelling a “race to the bottom” and undermining EU solidarity and responsibility-sharing (Kohlenberger 2024).

The EU's fragmented migration governance results in inconsistent asylum and visa policies, encouraging “asylum shopping” as applicants seek countries with more favourable conditions, undermining solidarity and fairness (Kohlenberger 2024). Frontline states like Greece and Italy face disproportionate pressure, while others, such as Hungary, have restricted or suspended asylum procedures (Alipour and Noyan 2024). These disparities erode public trust and weaken the EU's human rights credibility. System inefficiencies, particularly in asylum processing, hinder effective migration management. In Germany, decisions average 7.6 months up to 26 months with appeals exacerbating uncertainty and administrative backlogs (Ewfrf 2025).

2) Pressures on Asylum Systems, Complexity and Inefficiency of Migration Management

The EU faces growing pressure from high asylum numbers and complex migration patterns. In 2024, Germany received the most asylum applications (237,000), followed by Spain, Italy, and France countries closer to key migration routes (Liboreiro 2024; Liboreiro 2025). By contrast, Hungary received only 45 applications, reflecting restrictive national policies.¹⁴ Hungary has recently limited housing support for Ukrainians, raising concerns over unequal treatment.¹⁵

¹³ European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice. 2024. Eurodac - Annual Report 2023 - Report, December 10, 2024. Accessed July 2, 2025. <https://www.eulisa.europa.eu/our-publications/eurodac-annual-report-2023-report>.

¹⁴ International Investment. 2024. Asylum in the EU in 2024: Application statistics, policy changes and forecasts, April 24, 2025. Accessed July 3, 2025. <https://internationalinvestment.biz/en/analytics/5614-asylum-in-the-eu-in-2024-application-statistics-policy-changes-and-forecasts.html>.

¹⁵ Human Rights Watch. 2024. “Hungary: Ukrainian refugees losing housing.” *September 11, 2024*. Accessed July 3, 2025. <https://www.hrw.org/news/2024/09/11/hungary-ukrainian-refugees-losing-housing>.

In addition, the European Union Agency for Asylum (EUAA), formerly EASO, faces criticism for limited resources and authority. Its budget remains far smaller than Frontex's, highlighting a stronger focus on border control over asylum support.¹⁶

3) Fairness, and Systemic Vulnerabilities

The current system is vulnerable to abuse, with ineligible individuals exploiting oversight gaps. Authorities often struggle to support vulnerable applicants, such as unaccompanied minors or trafficking victims. Allegations of fraud and misconduct within the EUAA raise concerns about the asylum process's integrity and transparency.¹⁷ These issues highlight the need for robust oversight and accountability mechanisms to ensure the protection of migrants' rights.

Data protection is another major issue. When personal data is transferred to third countries, applicants lack assurance about how their information will be handled, raising privacy and rights concerns.¹⁸

These issues undermine public trust and challenge the EU's credibility as a union committed to human rights and solidarity (Kohlenberger 2024).

Policy Recommendations

Based on the identified deficiencies, this paper recommends the implementation of the following three policy reforms:

1) Harmonization of Procedures and Standards via Uniform Law

As mentioned, the asylum and visa system is legally harmonised to a degree but unevenly implemented, resulting in fragmentation. EU laws set minimum standards, yet member states retain discretion in applying them, leading to significant differences in procedures, reception conditions, and recognition rates.

Under the principle of shared competences (Article 4(2)(j) TFEU), the EU must take stronger action to harmonize asylum procedures and reception standards. Current disparities place unequal burdens on member states, especially those with limited capacity or high exposure to migration. A common approach would promote fairness, predictability, and reinforce the Area of Freedom, Security, and Justice.

A new unified law could be based on Article 78(1) TFEU, which calls for a common asylum policy; Article 78(2), which supports a Common European Asylum System; and Articles 78(3) and 80, which allow for temporary mandatory quotas based on GDP and population. Given that member states cannot agree on all aspects, targeted harmonization could serve as a practical alternative to full standardization.

2) Accelerate Digital Integration-Unified EU asylum & visa platform

Building on existing digitalization in visa and parts of the asylum process, the EU should accelerate development of interoperable digital platforms. Enhancing the

¹⁶ EUAA. 2024. EUAA statement of revenues and expenditures 2024, February 13, 2024. Accessed July 3, 2025. <https://www.euaa.europa.eu/publications/euaa-statement-revenues-and-expenditures-2024>.

¹⁷ EUAA. 2024. Case of alleged irregularities at EUAA officially closed, March 22, 2024. Accessed July 3, 2025. <https://euaa.europa.eu/news-events/case-alleged-irregularities-euaa-officially-closed>.

¹⁸ EDPS. 2025. Migration management: data protection is one of the last lines of defence for vulnerable individuals, May 28, 2025. Accessed July 3, 2025. https://www.edps.europa.eu/press-publications/press-news/press-releases/2025/migration-management-data-protection-one-last-lines-defence-vulnerable-individuals_fr?utm_source=chatgpt.com.

European Search Portal and Central Identity Repository would enable real-time data sharing among member states, reducing delays and administrative burdens.

With Digital Schengen expected to be fully operational by 2025, progress in cross-border data management can support this goal. Currently, the EU lacks an integrated digital asylum system. Asylum processing relies on Eurodac for biometrics, fragmented national systems, and limited EUAA. These systems function in isolation and do not facilitate consistent or unified data exchange across member states.

Linking asylum systems with Visa Schengen would advance a coherent digital infrastructure. While Eurodac and VIS allow limited cross-checking, VIS neither manages nor processes asylum claims.

This paper proposes creating a centralised digital asylum platform, interoperable with Visa Schengen, to streamline case management, increase transparency, and harmonise procedures EU-wide.

3) Strengthen Technical Cooperation and Funding Utilization

The Asylum, Migration and Integration Fund (AMIF) should be used more effectively to support technical cooperation among member states. This includes investing in shared infrastructure such as joint reception centres and interoperable data systems and allocating funds based on needs assessments to address disparities in capacity. However, considering legislative developments since the 1990s and theoretical frameworks like Moravcsik's liberal intergovernmentalism and Thielemann's burden-sharing theory, a drastic shift in member states' willingness to cede core competences remains unlikely (Thielemann 2003; Moravcsik 1998).

While a unified digital system could improve efficiency and coordination, it will not eliminate the disproportionate burden on border states.

Nonetheless, this recommendation remains the most realistic path forward. Building on existing Digital Schengen initiatives, efforts should focus on expanding AMIF funding particularly to support operational needs in border states. AMIF has faced criticism for inefficiency and limited operability. A practical first step is to boost its effectiveness through greater investment, better staffing, and stronger cooperation mechanisms.

This includes boosting the authority, training, and local implementation capacity of frontline states, as well as supporting integration efforts at municipal and regional levels. Prioritising these achievable reforms will help the EU optimise current resources and lay the foundation for a future common digital asylum system and harmonised legal framework.

Table 1. Comparison of Policy Recommendations: Pros and Cons

Recommendation	Pros	Cons
1. Harmonization of Procedures and Standards via Uniform Law	<ul style="list-style-type: none"> - Promotes consistency in asylum decisions across member states. - Enhances legal certainty for both applicants and authorities. - Reduces asylum shopping and irregular secondary movements. 	<ul style="list-style-type: none"> - Low political feasibility due to member states' reluctance to cede sovereignty (Moravcsik, 1998). - Risk of lowest-common-denominator outcomes. - Slow and complex legal implementation process. - May not address short-term

	- Strengthens EU solidarity and credibility in upholding asylum rights.	operational issues.
2. Accelerate Digital Integration – Unified EU Asylum and Visa Platform	<ul style="list-style-type: none"> - Improves data sharing and interoperability across systems. - Increases efficiency, transparency, and processing speed. - Reduces duplication, fraud, and delays. - Supports long-term development of the Common European Asylum System. 	<ul style="list-style-type: none"> - Requires significant initial financial and technical investment. - Raises data privacy and security concerns. - Risk of technical inequality among member states. - Depends on political trust and willingness to integrate systems.
3. Strengthen Technical Cooperation and Funding Utilization	<ul style="list-style-type: none"> - Most realistic and actionable in the short term. - Enhances capacity of border states via AMIF and EUAA support. - Builds trust through shared training and best practices. - Supports gradual convergence without legal overhaul. 	<ul style="list-style-type: none"> - May not result in full legal harmonization. - Risk of inefficient or uneven fund allocation. - Long-term dependency on external technical support. - Uneven improvements if not consistently monitored.

Conclusion and discussion

Considering the pros and cons, this paper recommends increasing technical support and funding, with the precondition of improving AMIF's operational capacity. Secondly, it proposes the development of a digital asylum platform interoperable with the Schengen Visa system. These steps aim to optimize the use of EU resources and, in the long term, promote a unified asylum and legal framework.

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Ethics Statement

The author confirms that this study was conducted in accordance with the Journal's Research Ethics and Integrity Statement and that all ethical requirements applicable to the study have been fulfilled.

Conflict of Interest Statement

The author declares no conflict of interest.

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