

# QIEE NEWSLETTER

Newsletter of the “Quality Initiative of Asylum Systems in Eastern Europe and South Caucasus” (QIEE)

**JANUARY – DECEMBER 2018**



QIEE participating countries

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## Highlights of the Regional Events organised under the QIEE during 2018

[Workshop on Informational Management \(WIM\)](#) was held for UNHCR Staff in early 2018 in Kyiv, Ukraine.

[Blended learning courses with ToT workshops for judges on 'Qualification for International Protection' and on 'Evidence Assessment'](#) based on the [EASO Curriculum](#) were held on 20-22 February in Borjomi, Georgia and on 6-9 November in Minsk, Belarus. In addition, EASO ToT (Train the Trainers) on Advanced Inclusion preceded by a 4-week long online learning course gathered some 20 legal representatives working on asylum cases in the QIEE region and Russia. *(More details on p.7)*

[Learning programme on Researching Country of Origin Information \(COI\)](#) administrated by ACCORD (the Austrian Centre for Country of Origin and Asylum Research and Documentation) with a study visit to ACCORD and Austrian Asylum Office and the Courts took place in April 2018 in Vienna, Austria. *(More details on p.5).*

[Study Visit and Practical Exercises for Border officials](#) in Batumi were organised on 2-4 May in Batumi, Georgia. During the visit the border officials visited the Transit Zone of Batumi International Airport and the Sarpi Checkpoint with Turkey, as well as Joint Maritime Operation Centre of the Border Police in Supsa and Poti Coast Guard Office. *(More details on p.10).*

[UNHCR Interview Learning Program \(ILP\)](#), which included an online learning phase as well as 4-days face-to-face workshop took place in Kobuleti, Georgia on 5-8 June. The course gathered together UNHCR staff, the legal representatives and government asylum staff from the QIEE region, Russia and Central Asia. The course aimed at the introduction of the PEACE Model of interviewing.

[Roundtable Addressing National Security Concerns without Undermining Refugee Protection](#) was jointly organized by UNHCR and the Council of Europe (CoE) in Tbilisi, Georgia on 25-26 September. *(More details on p.12)*

[Joint Swedish Migration Agency \(SMA\), UNHCR and State Migration Service of Ukraine \(SMS\) Workshop on Exclusion in the Asylum Procedures](#), was held in Kyiv, Ukraine on 9-10 July 2018 *(details on p.20)* and joint SMA and UNHCR workshop on exclusion procedures and National Security Concerns in the Asylum Procedures in Georgia. *(details on p.30)*

The QIEE has piloted the programme on prevention and addressing of vicarious trauma and professional burnout. The programme was launched with a selection of a cohort of psychologists, who attended a one-week long ToT on '[Prevention of Professional Burnout and Vicarious Trauma for Asylum Officials and Legal Counsellors Working in Direct Contact with Asylum-Seekers and Refugees](#)' held on 15-19 October in Kyiv, Ukraine. During the workshop the participants had an opportunity to learn the practical tools and instruments on prevention of professional burnout and vicarious trauma amongst asylum workers from all sides of the in Eastern European countries of the QIEE, which they have taken to their national context for further dissemination. *(More details on p.18)*

In continuation of the tradition of the annual workshops for the legal professionals working in the field of asylum, [the two-day Regional Conference for Legal Aid Providers on Providing Legal Assistance to Asylum-Seekers and Refugees](#) was held in Kyiv, Ukraine, in June 2008. *(More details on p.17).*

— RPSU



## Tools and other Learning Programmes

### Introduction to Refugee Status Determination (RSD) eLearning programme

The **Introduction to RSD eLearning** is an online self-study programme created as a global harmonized and efficient induction for new Eligibility Officers and other RSD decision-makers. It is equally useful to other UNHCR staff, as well as State personnel or other actors involved with or interested in RSD.

The **Introduction to RSD eLearning** consists of twelve Modules, each devoted to subject matters and practical skills necessary for working in RSD.

The eLearning makes use of two main case studies featuring throughout the duration of the course, which allows the learner to interact with the learning material in a visual and real-life manner. Besides the background information and the two main case studies, the course contains practical examples, exercises, videos as well as required and recommended reading. UNHCR is currently working on the development of the Russian version of the course, which will be available to all those interested at the beginning of 2019. We hope that the course could become an obligatory learning component for the induction of new staff into the work on RSD, as well as a refresher to those, who have been working in this field for some time already. Although the course is initially designed for UNHCR staff, the methodology of RSD it proposes is based on UNHCR policy and is relevant and applicable to all government officials working in this field.

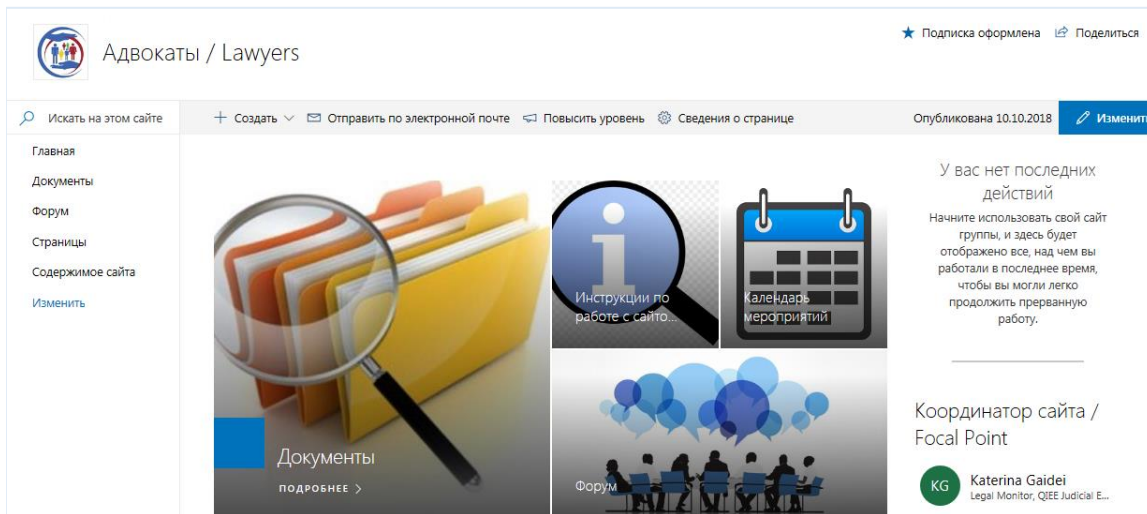
### EASO Interpreters Module

The Russian version of the EASO Module on Interpreting in the Asylum Context was translated by UNHCR and should be available in early 2019 for usage during national trainings of the asylum interpreters. The training module targets interpreters with different level of experience and professional background. The training is designed as a self-study e-learning module with eight separate sub-modules that may be finalised with a workshop on the ground using the standard available methodology.

### Collaboration Site on SharePoint for Lawyers

The collaboration site **Адвокаты / Lawyers** on Microsoft SharePoint platform was launched during the second half of 2018. The **Адвокаты / Lawyers** site was created in response to the requests of the Russian speaking legal representatives, advisors and attorneys working on asylum cases. The platform is a Russian-language platform for lawyers, attorneys and legal counsellors who provide legal assistance to refugees and asylum seekers.

The platform features most recent relevant news as well as a forum, where the participants could seek advice or discuss the latest updates with colleagues, share their experience



*The main page of the Адвокаты / Lawyers platform*

and information, ask questions. As provided in the screenshot above, the main page contains shortcuts for access to key sections: Documents, Forum, News, Instructions, as well as contact details of the platform coordinator Ms. Kateryna Gaidei.

There are 20 thematic sections on the **Адвокаты / Lawyers platform**, accessible via the Documents shortcut or the main menu from the left side of the site. The platform is maintained by UNHCR with the assistance of Ms. Kateryna Gaidei, an experience legal provider on the issues related to asylum, who is ready to respond to any questions or queries, as well as provide assistance with the preparation of legal documents and appeals for the platform participants through the platform or via direct email or telephone conversation. Requests to join the platform should be sent to Ms. Gaidei [GEOTBRPSU@unhcr.org](mailto:GEOTBRPSU@unhcr.org).



# UPDATES ON COUNTRY OF ORIGIN INFORMATION (COI)

## COI Learning programme and study visit to ACCORD and Austrian Asylum System

As follow up to 2017 QIEE Regional Country of Origin Information (COI) Roundtable held in Tbilisi, Georgia on 27 April UNHCR approached the Austrian Red Cross / ACCORD with the proposal to organise a blended learning programme on COI, based on EASO / ACCORD curriculum, culminating with a face-to-face workshop and a study visit in Vienna. As the result, a group of participants including UNHCR staff, first instance authorities, court researchers, the staff of national security Services and NGOs working in the field of asylum in the six countries of the QIEE and the Russian Federation participated in a month long online training programme, finalised with a two-day practical workshop and a study visit. The face-to-face meeting and the study visit, took place on 10-12 April 2018 in Vienna, Austria.

“The main objective of the training is to provide participants with an understanding of the essential role of COI and its limits, but also to learn about COI questions, sources, research and production. Trainees have the opportunity to explore research strategies and skills, types of sources and source assessment. Participants are also familiarised with COI quality standards and trained on how to apply these standards in COI research and production.”<sup>1</sup>

The workshop and study visit aimed at providing the participants with the practical knowledge on the tools, research methodologies and best practices in the field of COI research. During the workshop the participants practiced the acquired skills in researching quality COI, including the

methodologies on how to formulate relevant questions; conduct research resulting in relevant, reliable and balanced, accurate and up-to-date COI; and means of presenting this information in a transparent and traceable way. While doing so, the participants also discussed and shared their practical experience.

Additionally, they had an opportunity to meet with COI researchers of the Austrian Red Cross/ACCORD to observe the work of the unit and exchange of experiences. The participants were provided with the overview session on the structure and the scope of the work of the ACCORD, and had a practical discussion on the COI research, the practice, the methodology of the COI research and the challenges.

In addition to that, the participants met with the COI Research Units at the Administrative Court in Vienna and the Austrian Asylum Department. During the meeting at the Austrian Asylum Department they learned about the structure and activities of the COI department, cooperation on both national and international level, and the COI products, such as country reports, fact-finding missions, COI research papers etc. An overview of the court practice as it relates to COI usage as well as the general information on the asylum procedure at the courts in Austria and their current challenges was provided by the Judge of the in the last session of the study visit at the Federal Administrative Court of Vienna.

— RPSU

<sup>1</sup>EASO Training Curriculum, accessible at:  
[https://www.easo.europa.eu/sites/default/files/Training\\_Curriculum\\_brochure-2017-EN.pdf](https://www.easo.europa.eu/sites/default/files/Training_Curriculum_brochure-2017-EN.pdf)

## Key Updates on the Russian Refworld



**EASO Practical Guide: Exclusion**, January 2017  
<http://www.refworld.org.ru/docid/5b4326f44.html> (in RUS)  
*and*  
**EASO, Evidence and Credibility Assessment in the CEAS, Judicial Analysis**, July 2017  
<http://www.refworld.org.ru/docid/5bc8956d4.html> (in RUS)

**Aide-Memoire & Glossary of case processing modalities, terms and concepts applicable to RSD under UNHCR's Mandate (The Glossary)**, 2017  
<http://www.refworld.org/docid/5a2657e44.html>

**A guide to international refugee protection and building state asylum systems, Handbook for Parliamentarians N° 27**, 2017  
<http://www.refworld.org/docid/5a9d57554.html>

**UNHCR, "We Keep It in Our Heart" - Sexual Violence Against Men and Boys in the Syria Crisis**, October 2017,  
<http://www.refworld.org/docid/5a128e814.html>

**UNAMA, Afghanistan: Protection of Civilians in Armed Conflict - Annual Report 2017**, February 2018,  
<http://www.refworld.org/docid/5a854a614.html>

**UNHCR, Country of Origin Information on the Situation in the Gaza Strip, Including on Restrictions on Exit and Return**, 23 February 2018,  
<http://www.refworld.org/docid/5a9908ed4.html>

**UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Afghanistan**, 30 August 2018,  
<https://www.refworld.org/docid/5b8900109.html>

**UNHCR Position on Returns to Libya – Update II**, September 2018,  
<https://www.refworld.org/docid/5b8d02314.html>

**EASO, COI Report Somalia Security situation**, December 2018,  
<https://www.refworld.org/docid/5a3ba6794.html>

### RUSSIAN REFWORLD STATISTICS OVERVIEW

Over the past five years, the number of the Russian Refworld (RRW) users increased from **835** to **32,792**. It is recorded a total 50,001 sessions for the 2018. The Russian Refworld now contains 18'687 documents. Russia, Ukraine, USA, Belarus, Kazakhstan, Kyrgyzstan, Azerbaijan, Moldova, France and Georgia are the top ten countries, where the users come from.

*Analytics on RRW 1 Jan 2018-13 Dec 2018*

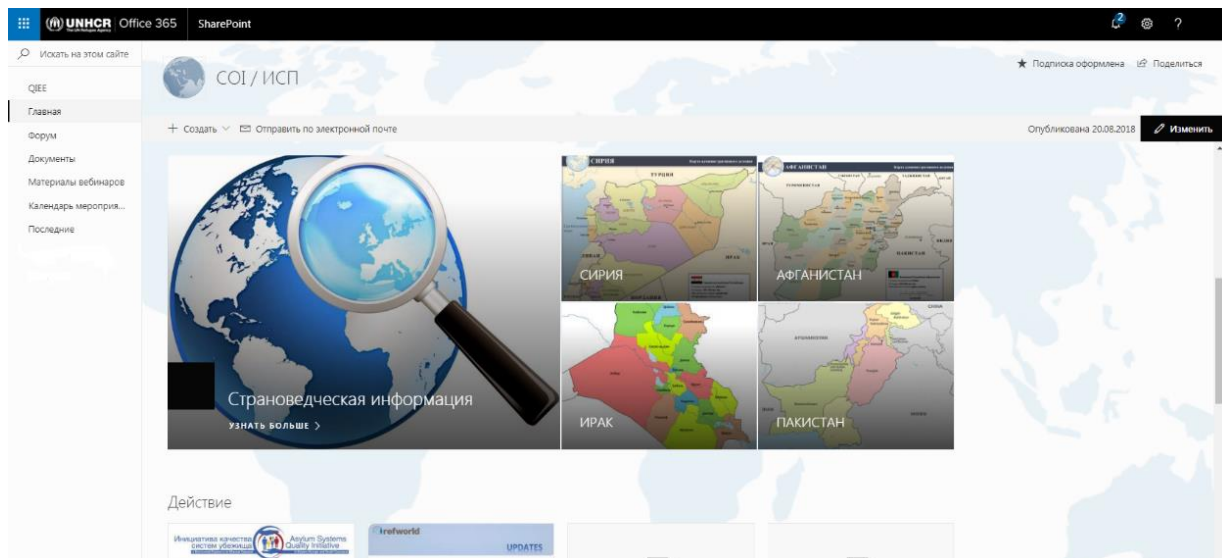


**IN BRIEF**

## Launch of the COI Collaboration Site on SharePoint

Collaboration site on Microsoft SharePoint platform was launched in early July 2018. The site was developed in response to the requests of COI specialists from authorities and partner's agencies. It is designed to bring together the COI specialists working in various branches of the asylum system of the countries of the Russian speaking region to help them share their research and questions in a confidential and safe manner, as well as to facilitate the research COI. The site is moderated by UNHCR Research and Information Officer, who is working on the Russian Refworld and regularly uploads the latest COI on the regular basis onto the collaboration site. . The site was developed with the support of the DIST unit, UNHCR Geneva.

If interested in joining the COI platform, please send the request to get an access to the site to the site's moderator: [mazur@unhcr.org](mailto:mazur@unhcr.org).



# JUDICIAL UPDATES

Important Decisions by the Courts in the QIEE Region.

## UKRAINE

UNHCR welcomes the continuous improvement in the quality of the court decisions on asylum cases and increasing rate of positive decisions taken in favour of asylum-seekers in Ukraine.

For example, the positive decision of the new Cassation Administrative Chamber of Supreme Court in the case of the Syrian asylum seeker (*decision of 23 May 2018, №820/1309/16*), which clearly provided a clarification on the use of evidence (country of origin information) in the

asylum cases. The decision stated that “the COI is an evidence to support that the fear of persecution can be considered as well-founded. COI should be considered as reliable information and does not require additional proof.”

This decision is among the precedent decisions on the use of COI in assessing future risks by the lower instance courts in Ukraine. Full text of the decision in UKR can be found at: <http://reyestr.court.gov.ua/Review/74265092> (in UKR only).

### NEW TRANSLATIONS

#### **CASE OF A.N. AND OTHERS v. RUSSIA**

(Applications nos. 61689/16, 20421/17, 23188/17 and 37702/17), Council of Europe: ECtHR, 23 October 2018, <https://www.refworld.org/cases,ECHR,5bd6ea924.html>

#### **CASE OF AMERKHANOV v. TURKEY**

(Application no. 16026/12), Council of Europe: ECtHR, 5 June 2018, <http://www.refworld.org.ru/docid/5bdc38924.html>

#### **CASE OF LJATIFI v. THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA**

(Application no. 19017/16), Council of Europe: ECtHR, 17 May 2018, <https://www.refworld.org.ru/docid/5b69ab374.html>

#### **CASE OF T.M. AND OTHERS v. RUSSIA**

(Application no. 31189/15 and 5 others), Council of Europe: ECtHR, 7 November 2017, <https://www.refworld.org.ru/docid/5ab501624.html>

#### **CASE OF K.I. v. RUSSIA** (Application no. №58182/14), Council of Europe: ECtHR, 7

November 2017, <https://www.refworld.org.ru/docid/5ab503904.html>

### Judicial Updates

**JUDICIAL ENGAGEMENT UPDATES**, issues #19-31 (in Russian) are available on the Russian Refworld in the section **Последние новости юридической практики / Judicial Updates**, <https://www.refworld.org.ru/qiee.html>





## ToT Series for Judges Based on the EASO Curriculum

Following an agreement with EASO Court and Tribunals Unit, UNHCR QIEE team organised two Train-of-Trainers Workshops for the judges of the QIEE region, based on the Judicial Analysis Series published by EASO in joint collaboration with the IARLMJ. The first workshop on Qualification for International Protection was held in Russian on 20-22 February in Borjomi, Georgia. The Train the Trainers (ToT) was facilitated by Ms. Ella Kataieva, Deputy Head of Odesa Administrative Court, Ukraine and Ms. Ani Harutyunyan, Judge of the Administrative Court of Yerevan, Armenia. This workshop was the first attempt by QIEE on using the EASO training curriculum for the judiciary within the framework of QIEE and closely replicated the methodology of judicial training developed by EASO. The Workshop followed by Didactics session on facilitation skills aimed at equipping judges to deliver similar trainings in their countries.



*Participants of the ToT in Borjomi, Georgia, February' 18*

Following the analysis of the outcomes and feedback provided by the participants, UNHCR changed the approach to the judicial training by organising a blended-learning course for the judges on another topic, selected for 2018—that of Evidence Assessment. The course this time comprised of an eight-



*Participants of the ToT in Minsk, Belarus, November' 18*

week online learning phase and a 5-day workshop in Minsk, Belarus in November 2018. During the online portion of the course the participating judges were given the theoretical overview included in the EASO standard curriculum training course on this subject, while the Workshop provided them with an opportunity to exchange their experience, closer look at the information provided within the Judicial Analysis on Evidence Assessment drafted by EASO and translated into Russian by UNHCR, as well as acquire practical skills in assessing of evidence in the asylum context. Those of the judges, who had partaken in both trainings have spoken very highly of the blended learning methodology and have indicated their preference for this type of

course. It is also noteworthy that following both trainings, the participating judges are organising the replications in their national court systems. Moreover, UNHCR has observed a substantial improvement in quality of the legal reasoning and an increase in the positive decisions by the judges, who have attended the aforementioned trainings.

## Regional Workshop and Study Visit for Border Officials



*Participants of the Study Visit, Supsa, Georgia, May 2018*

The next in the series of QIEE regional workshops and study visits on asylum for the border officials was held in Batumi, Georgia in May 2018. The training was jointly organised by UNHCR Regional Protection Support Unit (RPSU), UNHCR Regional Representation in the South Caucasus and the Border Guard Service and Border Police of Georgia.

The workshop was conducted exclusively for border officials and gathered some 30 border officials of Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine, UNHCR staff and Frontex Experts. Similarly to the conference organised in

Chisinau, Moldova in 2017, this year's event combined theoretical sessions with practical exercises and included a study visit component to the Western Border Region of Georgia.

The theoretical sessions on the role of the border guards in the asylum context, non-refoulement and working with vulnerable persons and the overview of the national practice in each country presented by the participating delegations were received with acute interest, evident in numerous questions from the audience. It may be noted, that the presentation on Moldovan experience of trainings for Border Police of Moldova, particularly the reports on the joint UNHCR and Border Police field training on mixed migration flow were of particular interest. Many participants welcomed this experience and expressed a wish to repeat similar exercises in their countries.

The sessions on Mixed Migration, Non-Refoulement, Vulnerable Persons were facilitated by the Former Commissioner with the Belgian Federal Police Mr. Dirk Calemyn, whose vast knowledge and experience are always received with high interest and appreciation by the border officials of the region. Ms. Cristina Bunea, Regional Protection Officer, UNHCR in South Caucasus challenged the audience with an Interactive session on national security concerns in the context of respect for fundamental human rights by involving a dress-up into a burka and an attempt to bring the classroom situation closer to the challenging reality of the border officials.

The theoretical and case study sessions were then followed by a more practical component of the study visit to the border crossing points of Batumi area. These included a visit to the Batumi International Airport Transit Zone during which the participants looked closely at the Georgian system of reception of asylum-seekers and referral procedures. Some participants noted similarities to the respective procedures in their countries. Then, the Study Visit continued to Sarpi Border Crossing Point (BCP) with Turkey. There, Mr. Ramaz Gabaidze, Head of Border Police Land Border Sector N2 Kirnati spoke about the daily work of border officials at the green border, their duties in the context of asylum, and also noted the positive aspects that were achieved in this area - in particular, interaction with the local residents. Then, before returning to Batumi, the participants headed off to the Joint Maritime Operation Centre (JMOC) of the Border Police in Supsa and Poti Coast Guard Office where they got a glimpse into the 24-hours of the life of JMOC.

The last day of the workshop started with the presentation of Head of MIA Patrol Police, Border Crossing Point of Tbilisi Airport Mr. Guram Davitashvili on the referral procedure from the border areas and the role of the border officials in Georgia in the context of asylum. The presentation was followed by a discussion among participants and raised new questions and tasks for the presenter. Groupwork Session and Practical Exercises productively concluded the three-day Workshop.

Using the practical exercises 'Eutopia' and groupwork discussions followed by reporting from the groups, the participants practiced on the solution of complex issues in the context of a mass influx of refugees.

As a guide for future improvements in the quality of identification and referral of persons in need of international protection the participants have agreed to the recommendations for further implementation. The Recommendations can be found here.

— RPSU

## Recommendations

- Regional trainings on identification and work/interviewing of vulnerable persons for border officials.
- Regional cultural sensitivity trainings for border officials to be later implemented in the national training curriculum for the border officials.
- Development and implementation of obligatory regular training courses on asylum and identification on the basis of national border officials training institutions.
- Development and implementation of obligatory regular psychological awareness training courses on the basis of national border officials training institutions
- Development of regional database of interpreters familiar with asylum, fluent in Russian and other most foreign languages
- Development of identification for vulnerable tool relevant for the region in Russian language

*Drafted and endorsed, May 2018*

## Joint UNHCR and CoE roundtable in Tbilisi, Georgia, September 2018.



*Participants of UNHCR and CoE Seminar, Tbilisi, Georgia, September 2018*

### **Regional Round Table Addressing National Security Concerns without Undermining Refugee Protection**

In the past few years UNHCR has noticed an increasing trend of rejections of refugee status issued by the first instance asylum authorities in the countries of the QIEE, where the National Security Services (NSS) notifications indicate that the particular individual would represent a threat to the national security or public order and should be refused international protection on this ground. In many cases these decisions do not contain a necessary exclusion assessment of the evidence that led to such NSS conclusions. Often times, the first instance authorities are not provided or have access to the classified evidence available to the National Security Services in their relevant countries. Similarly, the judges adjudicating the appeals of the first instance are not provided access to the evidence necessary to assess the validity of the NSS conclusions and subsequent rejection of international protection of the applicants in the region. Moreover, neither the rejected asylum-seekers nor their legal representatives have access to the classified information, which would be necessary to defend the rejected asylum-seekers before the courts. In view of the above,

UNHCR had approached the Council of Europe to organise a regional workshop that would gather the staff of the asylum bodies, judiciary and national security services of the region to try to come to a common understanding on the relevant procedures that build the cornerstone of fair and efficient asylum procedures for this region.

On the 25 and 26 September 2018 the Regional Roundtable “Addressing National Security Concerns Without Undermining Refugee Protection” organised by UNHCR and the Council of Europe, took place in Tbilisi, Georgia. The event brought together fifty judges (Supreme Court, Higher Administrative Court, Appeal Court judges) senior representatives of the migration and asylum departments, senior representatives of the national security services from Armenia, Azerbaijan, Belarus, Georgia, Moldova, Ukraine, Germany, Norway, Poland, Romania, Sweden, as well as representatives from the CoE and UNHCR. The speakers outlined the legal framework, notably the Convention Relating to the Status of Refugees and relevant UNHCR guidance, as well as Council of Europe instruments. In asylum and expulsion/extradition procedures – the emphasis was placed on key principles emanating from the



Welcoming Panel (left to right): Mr. Johannes van der Klaauw, Regional Representative, UNHCR in South Caucasus, Ms. Nino Javakhadze, Deputy Minister, MOI Georgia, Mr. Cristian Urse, Head, Council of Europe Office in Georgia

European Convention on Human Rights pertaining to safeguards and the quality of the review by domestic appeal courts in order to satisfy the requirements of the right to an effective remedy under Art. 13 ECHR. The discussions focussed on current state practice, ways to comply with international refugee and ECHR law, as well as on state measures taken within the framework of the supervision of the execution of ECtHR judgments by the CoE's Committee of Ministers. Key recommendations from the discussions were that asylum procedures need to allow for the examination of asylum claim in fair and efficient procedure with full consideration of the merits of the asylum claim and of possible exclusion grounds. Importantly, in expulsion and extradition procedures, full consideration to

human rights bars to an intended expulsion/extradition has to be given.

On 26 September, UNHCR's Regional Representative for South Caucasus, Mr. Johannes van der Klaauw, and the Head of the Council of Europe Office in Georgia, Mr. Cristian Urse, concluded the event. Mr. van der Klaauw recalled that ensuring security and protecting refugees need to be understood as complementary and not adversary goals, and how international refugee law provides a solid legal framework that addresses both security and protection concerns. Mr Urse stated that national security concerns cannot override binding obligations under the ECHR and reminded the absolute nature of the protection under Art. 3 ECHR which prohibits the extradition/expulsion of an applicant to a country where s(he) runs a real risk of being subjected to ill-treatment prohibited under Art. 3 ECHR.

As the followup to the workshop, UNHCR has committed to put together an overview of country practices on rules of evidence, access to classified information provided to the parties, application of national security vs. exclusion provisions in the asylum process with a set of concrete recommendations for the countries to apply in order to meet the requirements of fair and efficient procedures in their national context.

— RPSU



Ms. Sibylle Kapferer (UNHCR), Mr Magnus Rosenberg (SMA), Judge Michale Hoppe (Germany)



Ms Pamela McCormick (ECtHR), Ms. Dagmara Razska (Poland), Ms. Laura Ielciu-Erel (ECtHR)

## COOPERATION

## Summary of the European Asylum Support Office (EASO) Events on the Regional and National Level



*Three regional and six national EASO workshops were organised during 2018.*

EASO ToT on EASO Advanced Inclusion Module was organised on 26-28 June in Tbilisi, Georgia, facilitated by Ms. Anna Gekht Davis, Regional Project Coordinator, RPSU and Mr. Aleksander Yatsenko, National RSD Expert, UNHCR Belarus for fourteen legal representatives working on asylum cases. The workshop was focused on the more complex aspects of qualification for international protection related to acts of persecution, reasons for persecution, serious harm (subsidiary protection) and protection from persecution or serious harm. Participants also learnt how to use a method of interpretation of EU law and international protection law in the absence of CJEU guidance to solve complex interpretative issues related to qualification for international protection. The 2.5-day workshop was followed by a 1.5-day training on didactics skills to equip the participants for the delivery of this training on the national level in the future.



*EASO workshop in Chisinau, Moldova, 26 April 2018*

The national rollout of the EASO Module on Inclusion was held for 22 staff of Asylum and Integration Directorate staff, judges, public defenders, university teachers, NGO representatives on 29-30 March in **Moldova**. The Inclusion module provides knowledge on the interpretation and application of the 1951 Geneva Convention and its relation to the EU Qualification Directive. It presents, through a structured and interactive method, the legal definition for refugee status and the grounds for subsidiary protection. The participants gained knowledge of the elements of refugee definition and inclusion clauses and had the opportunity to use them through different case studies.

On 26-27 April a group of 18 persons, including Bureau for Migration and Asylum staff, public defenders and civil society participated at the EASO SOGI (Sexual Orientation and Gender Identity) workshop in **Moldova**, which followed the online phase started on 18 March 2018. This module is aimed at providing participants with awareness, skills, and knowledge to assess an international protection claim based on SOGI issues in a gender and sensitive manner. The focus has been put on the concepts and aspects that can be more challenging for decision-makers when facing a claim for international protection based on gender and/or SOGI. The event was organized by UNHCR within QIEE project.



*EASO workshop in Chisinau, Moldova, 29 March 2018*



*EASO workshop in Minsk, 10 April 2018*

On 18-19 October 2018, the national rollout of the SOGI module of EASO was also organised in Minsk, **Belarus** facilitated by the trainers from the Department on Citizenship and Migration of the Ministry of internal Affairs of the Republic of Belarus (the Department) and UNHCR. The seminar targeted first instance decision-makers from the Department and its sub detachments from all regions of Belarus-- it is fair to say, that all state migration officials involved in assessment of the applications for protection in Belarus, took part in the event. Additionally the group included legal consultants from Refugee Counselling Service (non-governmental legal partner of UNHCR, providing direct legal and social assistance to persons of UNHCR concern in Belarus).

On 10 – 11 April 2018 the national rollout of the EASO Reception module was held in Minsk, **Belarus** facilitated by the trainers from the State Border Committee of the Republic of Belarus (SBC). The seminar targeted the personnel of the SBC from all regions of Belarus dealing with the issues related to reception of applications for granting of refugee status, complementary protection or asylum in the Republic of Belarus from foreigners who are willing to apply for international protection at the border crossing point through the State Border of the Republic of Belarus.

Workshop for Judges based on the EASO Qualification for International Protection Judicial Analysis was held in **Armenia** on 2-3 March 2018, jointly organised with the Justice Academy of Armenia for judges of administrative courts and prosecutors.



*EASO workshop in Minsk, 18 October 2018*

The objective of the workshop was to provide an overview of relevant international and European standards and offer practical tools for judges working on asylum cases. Additionally, the workshop aimed at ensuring that the participating judges utilize the opportunity to exchange their experience and opinions and learn from each other.

On 23-24 May 2018, UNHCR **Armenia** jointly with the trainers from the Migration Service and Mission Armenia NGO conducted a two-day face-to-face workshop of the EASO Inclusion Module. In total, 15 participants from the SMS, UNHCR, NGO lawyers, Public Defender's Office, courts, Border Guards and National Security Service attended the workshop after completing the mandatory online distance course in April-May 2018.



*Participants of the EASO workshop in Armenia, 23 May*



*Participants of the EASO Reception workshop in Ukraine, 14 March*



*Participants of the EASO workshop in Ukraine, 14 March*

On 14-15 March 2018 UNHCR organized the national training on EASO “Reception in asylum context” Module in **Ukraine**. The training was attended by 11 staff from 3 SMS Refugee Temporary Accommodation Centres in three regions of **Ukraine** (Odesa, Zakarpattya and new centre in Yagotyń). This was the first training conducted for the staff of the state centres in EASO format. It was highly appreciated by the participants who requested continued practice of similar trainings in future.

The training was delivered by two SMS national trainers with the support of UNHCR. One of the trainers was among the SMS case reviewers, who provided detailed guidance on the Ukrainian best practices in RSD drafting. The training was also very timely because of the newly reformed

regional office in Kyiv (4 new staff of new Kyiv SMS office attended the training).

In June 2018, 2018 the two-day training on Mentoring and Facilitation in a Refugee Context was held in Kyiv, Ukraine. Through the years of the QIEE activities, SMS has developed a network of 12 national trainers under EASO curriculum, some of whom have completed up to several EASO Modules. Taking into account the significant geographical coverage by the asylum offices, the need to provide guidance and tutoring regularly to the new staff, SMS requested to conduct a special training dedicated to facilitation and mentoring in the area of RSD. UNHCR also involved three UNHCR staff involved in capacity building of the state authorities in the context of asylum to attend this training.



*EASO workshop on Mentoring and Facilitation in a Refugee Context in Kyiv, June 2018*



## Regional Conference for Legal Aid Providers on Providing Legal Assistance to Asylum-Seekers and Refugees



*Regional UNHCR QIEE Conference for Legal Aid Providers, November 2018, Kyiv, Ukraine*

In continuation of the tradition of the annual workshops for the legal professionals working in the field of asylum, organised within the auspices of UNHCR Quality Initiative for Eastern Europe (QIEE) project, UNHCR held its 5th annual workshop for the legal practitioners involved in the delivery of legal assistance to asylum-seekers and refugees in the countries of Eastern Europe.

The event held in Kyiv, Ukraine in November 2018 focused on a number of key areas of regional applicability, which the legal representatives and attorneys face, when working in the field of asylum in Eastern Europe. It offered a forum for knowledge and experience exchange on the national practices, as well as most recent trends and developments in international refugee law, and relevant national and supranational jurisprudence. The workshop also tried to assist the participants with the identification of avenues for enhanced regional cooperation amongst the legal practitioners and familiarise them with the existent online venues for collaboration currently offered by UNHCR and its partner agencies for the legal practitioners.

The workshop focused on the following key areas of regional importance:

- The quality and effectiveness of the asylum-decision making (or lack of) including in terms of the limited judicial review/competence of the appeal level;
- The interaction of national security considerations in asylum proceedings;
- Pre-entry and pre-removal detention;
- Applicability of complementary protection and the threshold of generalised violence;

It also introduced the participants to the most relevant Country of Origin Information (COI) on Afghanistan, as based on the most recent UNHCR Guidelines for International Protection for Asylum-Seekers from this country. During the discussions and facilitated sessions, run by Mr. Flip Schuller, an experienced lawyer with a well-known track-record of positively decided cases at the ECtHR, the participants were given practical answers pertaining to the application for the Rule 39 Interim measures at ECtHR or full applications to ECtHR, reasoning of the cases and most recent caselaw of particular relevance to the selected topics.

As the result, the sessions were of practical nature, allowing the facilitators to work with the participants on identification of key areas in question and offer solutions and methodology on addressing each of them. It is hoped that the participants would be able to use the materials and knowledge acquired to disseminate it within the legal communities of their home countries upon return.

During the feedback session, the participants expressed their satisfaction and interest in participating in similar events and noted that they have formed a network via such conferences. They had also requested that such regional lawyers meetings are organised with more practical case-study groupwork approach in the future.

## Launch of the Regional QIEE Project on Prevention and Addressing Professional Burnout and Vicarious Trauma



*Kyiv, Ukraine, October 2018*

In 2018 UNHCR QIEE team have embarked upon the development of a comprehensive resource for the region on the prevention and addressing of vicarious trauma and professional burnout. The project has started with a baseline survey to assess the impact of the issue within the authorities, NGOs and legal professionals working on asylum in the region. Then a cohort of psychologists and social workers from the QIEE countries and Russia were selected based on a strict set of criteria by UNHCR and its partner on the project, Kyiv Mohyla Academy Centre for Psychological Support. The selected professionals gathered together in Kyiv, Ukraine for a ToT workshop on Prevention of Professional Burnout and Vicarious Trauma for Asylum Officials and Legal Counsellors Working in Direct Contact with Asylum-Seekers and Refugees on 15-19 October 2018.

The five-day training provided the participants with practical skills and tools, as well as theoretical knowledge on the following topics:

- Professional burnout and vicarious trauma experienced by professionals working with asylum-seekers, especially with the beneficiaries who have undergone a traumatic experience, causes and symptoms;
- burnout prevention at the individual and organizational levels;
- resilience as resistance to burnout and vicarious trauma
- Body techniques/practical exercises of self-regulation in «man - man» professions with a high risk of burnout.

UNHCR staff from the RPSU, the Staff Welfare Section and the RSD Section provided the participants with an overview of the issues that UNHCR is observing in RSD professionals working for UNHCR around the

world. They have also spoken at length about the issues and problems of burnout experienced in the Eastern European region, along with the programmes and strategies being implemented by UNHCR to prevent and address the problem through the implementation of the Duty of Care Project.

The workshop participants their expressed strong commitment to continuing the project at the national level and formed an online virtual group to assist with their daily interaction and scheduling of follow-up sessions with the main facilitators. The implementation of the training programmes and prevention events on



*Kyiv, Ukraine, October 2018*

the national level and additional training and supervision/coaching of the psychologists is the second phase of the project, the participants have started in October. To have a clear vision of the future, the World Café session on the last day of the event, allowed the participants to develop a set of recommendations for implementation of the project nationally.

It is expected, that the sessions on the national levels will help to raise awareness and improve the knowledge of the staff of the asylum agencies, courts, border officials and lawyers working on asylum on the psychological stress and burnout of asylum staff. The project will continue to 2019, with the psychologists developing and implementing the planned activities in collaboration and with close support from NAUKMA and UNHCR.

— RPSU

## National Events Moldova

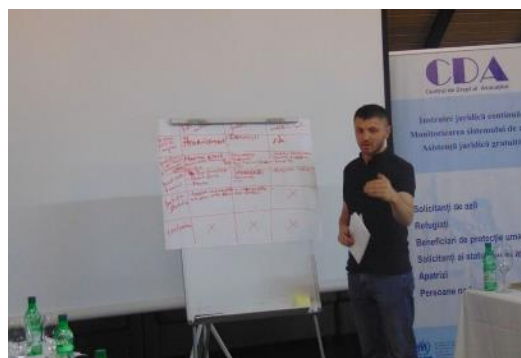
MANDATORY REFUGEE LAW COURSE FOR BORDER GUARDS, THE CENTRE OF EXCELLENCE OF GENERAL INSPECTORATE OF BORDER POLICE

On 19 March 2018 UNHCR -Moldova held a training session with students at the Centre of Excellence of the Border Police. A total of 58 students participated in the training with the goal to improve their knowledge regarding the key issues of relevance to asylum to ensure protection-sensitive entry system for asylum-seekers at the border. The GIBP Centre of Excellence has officially informed UNHCR that this Refugee Law course was made mandatory for the border officials in Moldova as of 1 September 2018. UNHCR- Moldova had provided extensive commentary to the development of the curriculum, which now includes international principles on access to the asylum procedure, 1951 Geneva Convention provisions, border guards duties in dealing with asylum-seekers and protection sensitive entry systems standards. UNHCR very much welcomes this move by the Border Police of Moldova and considers it a best practice for the region, that could be replicated in other QIEE countries.

### INTERNATIONAL FRAMEWORK IN THE AREA OF ASYLUM



*Participants of the training, Moldova, August 2018*



*Moldova, august 2018*

During a four days training on asylum and statelessness organized on 6-9 August by UNHCR Moldova and Law Centre of Advocates NGO, gathered together twenty-eight judges, staff of the asylum authority and civil society to look into the details of about the 1951 Geneva Convention, inclusion clauses, interview techniques and COI research.

The aim of the event was to familiarise the audience with international standards in the area

of asylum and statelessness. The workshop used case studies and role play exercises to add a practical component to the training. These exercises allowed the participants to understand the importance of the RSD interviews within the scope of the RSD procedure and to look closer at the methods for stimulating the applicants' memory in order to receive detailed information during the RSD interview.

— UNHCR MOLDOVA

## National Events in Ukraine

EXPERT VISIT OF THE SWEDISH MIGRATION AGENCY (SMA) TO THE STATE MIGRATION SERVICE OF UKRAINE ON 09-10 JULY 2018

In October 2016 UNHCR Regional Protection Support Unit (RPSU) jointly with the Swedish Migration Agency (SMA) organized an expert study visit for the representatives of the asylum authorities and judiciary from Azerbaijan, Georgia and Ukraine to visit the SMA in Stockholm, Sweden. As the result of the visit the participants have agreed to organise an expert mission by the staff of the SMA to some Georgia and Ukraine in particular. During the preparation for the return mission, the SMS of Ukraine identified the issue of assessing the sensitive/exclusion cases as the priority issue for this expert exchange. During the expert mission to Ukraine, held on 9 - 10 July 2018, two experts of the SMA: Ms. Anna Bengtsson and Ms. Kristina Sandesjo conducted a Workshop on Exclusion in the Asylum Procedures on the premises of the central SMS office in Kyiv. Twelve staff members of the central and Kyiv migration service offices involved with exclusion at the SMS attended the workshop.

During the workshop the SMA reminded on the international standards related to exclusion process and described the Swedish procedure in details. During the second day participants discussed examples of complex cases of six different profiles of sensitive cases dealt by the Ukrainian SMS (e.g. asylum-seekers from different countries of origin pending extradition procedures for charges related to terrorism). In addition, an event gave an opportunity for the SMS to discuss a number of questions related to other aspects of the asylum procedure of Sweden, including cooperation with the National Security in asylum cases; access to the territory; family unity; documentation of asylum-seekers and persons, granted protection; access to naturalization by persons granted protection in Sweden and other questions.

Based on the discussion of individual sample cases SMS developed a practical list of follow up actions on the consideration of the specific cases. The recommendations will be implemented in close cooperation with UNHCR in Ukraine (e.g. additional interviews with the probing questions related to exclusion triggers; requests to the State Security Service to provide additional documentation).

**The following best practices were noted as particularly important for Ukraine during the workshop:**

- 1)** On a number of occasions, SMA highlighted that they strictly follow UNHCR Guidelines and try to adapt their legislation and practice in line with UNHCR recommendations;
- 2)** Good practices related to organization of the work of the SMA highlighted to SMS include:
  - SMA has their internal quality control and capacity development mechanisms in a form of regular webinars/ video meetings including case conferences and there is special Legal Division responsible for quality control and provision of guidance to the staff;
  - lists with answers to “frequently asked questions” related to RSD are regularly distributed to all staff in order to maintain consistency in the approaches of case workers;
  - “one-stop shop” concept – following the asylum application, the asylum-seekers are immediately issued a temporary residence permit, which is then changed to the permanent residence status if a person is granted protection (thereby allowing an asylum and residential status simultaneously). A single asylum officer assesses all immigration and asylum grounds for the particular asylum-seeker to remain in Sweden (e.g. having a spouse in Sweden would be assessed during the asylum procedure and can be considered as the ground for regularisation of his/her stay without the necessity to apply to any other separate department);

- Refugees have the right to apply for naturalization after four years from the moment of obtaining refugee of status and five years following the issuance of Complimentary Protection;
- There is no time limit for submitting the asylum application;
- National passport is kept with SMA during the asylum procedure but if the decision on recognition is positive – all the documents are returned to the applicant (unless there are serious grounds to consider that the document was fake);
- Asylum-seeker's certificate is not an ID document, but is made in the same format as an ID, and all state agencies are aware about the scope of rights it confirms.

**3)** Good practices related to consideration of exclusion and security cases mentioned include:

- Specially trained staff involved to support case workers from the moment when triggers are being identified, including through the presence of two SMA staff at the exclusion interviews if needed;
- Organising case conferences between SMA caseworkers involved with the particular exclusion cases and the staff of the National Security Service. The final SMA's decision of SMA remains independent, but takes into account the comments from the side of the security staff.
- Asylum-seekers pending exclusion considerations are always accompanied at the interviews by their attorneys and are always informed on all the information in his/her case even if the information is classified.
- If asylum-seeker is excluded, but SMA believes that there will be a risk of violation of the ECHR Art. 3 – a person is granted a temporary residence permit, though this status entails very limited scope of rights (e.g. no right for the family reunification). Similarly, status of tolerated stay may be granted for similar reasons, in case of security considerations at the decision of the National Security Service and not the SMA.
- The cooperation between the SMA and National Security Service is regulated in detail by the bilateral agreement between these two institutions.
- Not all cases of asylum-seekers in general asylum procedures are automatically reviewed by the National Security – only those flagged by the SMA or per initiative of the NSS, if they have some information on the case.

**4)** The general rule in Sweden is that any person claiming asylum at the entry (airport) is allowed to the country. At the same time, if the Security Police has some information on the person that he/she may constitute danger to the national security but claims asylum – the SMA is contacted and the latter may take a decision on placement of the person in the immigration detention centre on the territory on exceptional basis (not longer than 3 months, detention is reconsidered every two weeks). SMA has a unit operating at the main airport in Stockholm.

*28 August 2018  
UNHCR-Ukraine, Kyiv, Ukraine*

## National Events in Belarus

### ROUND TABLE FOR JUDGES ON REFUGEE STATUS DETERMINATION (RSD) RELATED ISSUES



*Round table for judges, Minsk, 27 March 2018*

On 27 – 28 March 2018 a Judicial Round table RSD related issues was held in Minsk with the framework of the QIEE project. The event was facilitated by Mr. Christian Filzwieser (Judge and President of Chamber, Federal Administrative Court of Austrian Republic) and Mr. Boštjan Zalar (Senior High Court Judge, Administrative Court of the Republic of Slovenia). The Representatives of the Belarussian judiciary, the Department on Citizenship and Migration of the Ministry of Internal Affairs of the Republic of Belarus, attorneys and NGO legal consultants took part in the event.

During a similar workshop held in 2016 the participants in Belarus had an opportunity to cover the definition of a refugee and the role of judiciary in the asylum procedure, the applicable standard and burden of proof, the structure of the judgment in the asylum appeal procedure. Consequently, in order to avoid duplication and cover the areas of particular interest to the participants, the roundtable agenda was prepared in collaboration with the Supreme Court of the Republic of Belarus. It included such topic as, legislative concepts of “safe country of origin” and “safe third country”, sources of COI, European rules and relevant standards on evidence, internal flight alternative, national security and international protection, issues pertaining to the vulnerability of asylum-seekers.



*Round table for judges, Minsk, 27 March 2018*

The participants were provided with an overview of the national European practices and standards, which was followed by group work on two mock asylum cases and a feedback session on the results of the case studies by the European experts. As it was underlined by the participants themselves, they gained a clear understanding of the topics, which seemed quite complicated for them before the event.

### PROTECTION MONITORING MISSION TO POLOTSK ON 12- 13 SEPTEMBER 2018

On 12- 13 September 2018, UNHCR Representation in Belarus organized a protection monitoring mission to the of the Polotsk Border Unit. The representatives of the State Border Committee, Ministry of Internal Affairs, UNHCR, IOM, “Belarusian Red Cross Society” and “Belarusian Movement of Medical Workers” participated in the mission. The event encompassed a sensitization session on the core protection monitoring related issues and a visit to the detention facilities wherein foreigners detained in the region are placed. During the sensitization session the personnel of the border-crossing point were instructed on the international standards of refugees’ protection, the rights and obligations of these categories of foreigners, the competencies of the organizations directly working with them. During the visit to the temporary detention facilities, the members of the protection monitoring team had a chance to examine the conditions of detention and treatment of the detained foreigners and to ensure that the personnel are aware of their responsibilities in connection with the right of foreigners to seek asylum in Belarus.

— UNHCR BELARUS

## National Events in Armenia

WORKSHOP FOR JUDGES BASED ON THE EASO MANUAL ON QUALIFICATION FOR INTERNATIONAL PROTECTION, MARCH 2018.



*Participants of the EASO workshop in Armenia, 23 May*

The UNHCR Representation in the Republic of Armenia and the Justice Academy of Armenia organized a two day Workshop for Judges based on the EASO Judicial Analysis on Qualification for International Protection, with the participation of the Head of RPSU.

17 judges of administrative courts and 3 prosecutors, who successfully completed the distance learning course on refugee law of the Academy of Justice in 2017, attended the workshop covering the topics of refugee definition, acts and subjects of persecution, protection within the

country, state security and refugee protection, well-founded fear, reasons for persecution and exclusion from international refugee protection.

The event was facilitated by three experienced judges of the Administrative Court of Armenia, who attended the regional ToT in Borjomi, Georgia in February 2018 and co-facilitated by the Head of RPSU. UNHCR sessions concerning national security and refugee protection and introduction to exclusion considerations draw particular attention and broke out a lively discussion among the participants.

In the opening remarks, the Protection Officer of UNHCR Armenia thanked the judges for their growing interest in refugee law and underlined the important role of the judiciaries in ensuring the protection of the rights of asylum-seekers and refugees. The Vice-Rector of the Justice Academy of Armenia expressed their readiness to continue facilitating discussions on the issues relevant to the examination of asylum appeals.

Issues of addressing the national security concerns in refugee claims adjudication context were discussed by the expert who referred to the international practice of in camera examination by specialized personnel of claims involving sensitive information. Security concerns, especially when the applicants are undocumented and identity is not established, were also raised in discussions. UNHCR Representation in Armenia will continue addressing this protection gap in practice, including through introducing regular standardized training for the judges in the curriculum of the Academy of Justice.

The course was highly evaluated by the participants and they appreciated that the key facilitators were judges. Based on the comments and observations of the participants, UNHCR and the Justice Academy should enhance the course to address some technical issues and shift focus on UNHCR guidelines. A didactic training for trainers will also enhance capacity of the trainers and encourage them to use interactive teaching methods.

## TRAINING FOR SENIOR BORDER GUARDS AT THE RESEARCH-TRAINING CENTRE OF THE NATIONAL SECURITY SERVICE OF ARMENIA, JULY 2018

Following the meeting between the UNHCR Armenia and the management of the Research-Training Centre of the National Security Service (NSS) in June 2018, during which the parties discussed the possible ways for cooperation and support, UNHCR upon the invitation of the Centre conducted a half-day training on refugee protection for a group of senior staff of border guards currently undergoing a training at the Centre.

The training took place on 10 July 2018 at the premises of the Centre, and it marked a good start of cooperation between the NSS Research-Training Centre and UNHCR.

The participants of the training included ten border guards' officers from Bavra, Bagratashen and Gogavan BCPs and the green zone and five trainers of the Centre.

The training was delivered jointly by UNHCR and its partners: the Migration Service of the Ministry of Territorial Administration and Development, the Armenian Red Cross Society (ARCS) and the Office of the Human Rights Defender (HRDO).

The topics presented and discussed during the training included UNHCR's global mandate and focus of activities in Armenia, the 1951 Convention Relating to the Status of Refugee and the key principles governing the protection of refugees, the functions of the Migration Service as related to asylum-seekers and refugees and referrals from the borders. During the training the representative of the HRDO presented the role of the HRDO in the protection of rights of refugees,

asylum-seekers and other displaced persons in Armenia. ARCS's focal point for border monitoring spoke of the achievements and challenges of the border monitoring project and presented the updated version of the Information Brochure for persons seeking asylum in Armenia (Note: the Brochure was updated and printed recently following the adoption of the changes and amendments in the national refugee law in 2015). Practical exercises triggered interactive discussions on actions of BGs when potential asylum-seekers with different vulnerabilities may appear before the border guards.

The event intended as a pilot cooperation with



*Participants of the training workshop in Armenia, 10 July*

the NSS Research-Training Centre was encouraging and set the ground for further discussions and consolidation of efforts aimed at further expanding and systematizing the trainings for border guards, including standard curriculum development and training of trainers.

## REFUGEE LAW SCHOOL FOR PUBLIC DEFENDERS

On 6-7 October 2018, UNHCR and its partner Mission Armenia NGO organized a Refugee Law School for public defenders (State free legal aid providers). 20 public defenders, including those from the border areas of Armavir and Ararat regions, actively participated in the two-day event. The agenda was focused on the role of the public defenders in refugee protection: (i) identification of asylum-seekers in detention and timely referral of their asylum requests to the Migration Service; and (ii) legal aid in the course of asylum procedure at first instance and in the court. A representative of the Migration Service co-facilitated the sessions devoted to the national refugee legislation framework and discussion on the non-penalization principle. UNHCR and Mission Armenia will continue putting efforts



into strengthening the capacity of the public defenders based on identified needs to improve the legal services for persons of concern to UNHCR. The participants, in particular, indicated a need for a follow-up session on extradition and asylum.

#### RSD STAFF DEVELOPMENT AND PERFORMANCE MONITORING / EVALUATION PLAN LAUNCHED BY THE MIGRATION SERVICE

As a follow-up to the discussions on 2018 QIEE Progress Report and the implementation of its recommendations, the Migration Service developed a plan for professional development and performance monitoring of the staff of its Asylum and Legal Divisions. The plan includes a total of thirteen training activities to be conducted by the end of 2018 and to be followed by an evaluation of the trainings and their impact. The activities include sessions on drafting decisions, interview techniques (based on UNHCR Interview Learning Programme), COI research, procedural issues, specific types of claims, and country studies. Sessions on country studies include a series of lectures on main countries of origin of asylum-seekers in Armenia, including Syria, Iraq, Iran, Yemen, Turkey and Afghanistan. The sessions on countries of origin, facilitated by experienced experts and professors, were included into the training schedule at the initiative of the Migration Service to enable the RSD staff to familiarize with the general historical, legal, political, cultural and other context in the main countries of origin considering language barriers of the staff to conducting independent research.



*Migration Service, Yerevan, Armenia*

— UNHCR ARMENIA

## National Activities in Azerbaijan

WORKSHOP FOR JUDGES ON ASYLUM PROCEDURE IN BAKU, 27-28 FEBRUARY 2018



*Speakers of the workshop for judges in Azerbaijan, 27 February*

The two-day workshop was organized within the framework of the UNHCR QIEE and in cooperation with MOBILAZE Project (Support to the Implementation of the Mobile Partnership with Azerbaijan) of the International Centre for Migration Policy Development (ICMPD) funded by the European Union (EU) under the improvement of the asylum decision-making procedure component. The objective of the workshop was to enhance the capacity of the judges on peculiarities of refugee status determination procedures aiming to improve the quality of the judicial review of asylum-related cases.

Mr. Wolfgang Bartsch, President of the Administrative Court of Braunschweig (Germany), Ms. Konul Gasimova, independent expert and Mr. Shota Getsadze, Judge from the Tbilisi Court of Appeal (Georgia) were invited to facilitate the workshop. Mr. Rashid Rzayev, Chairman of the Baku Administrative Economic Court #1 also spoke about the judicial practice and management of administrative proceedings in Azerbaijan.

Mr. Rzayev highlighted that Azerbaijan acceded to 1951 Convention and its protocol and that definition of the refugee in the national refugee law is in line with the Convention. He touched upon the rules and procedures for asylum in the country, as well as informed about statistics of judicial review in asylum cases. In his presentation he mentioned two specific cases (that of an Afghan woman asylum-seeker and of a Turkish asylum-seeker) where he highlighted the importance of UNHCR in the process of judicial review. He requested UNHCR to be involved as a third party or as an expert contributing with the identification of protection needs, as well as guide with procedural recommendations within the court procedures in the future.

Justice Bartsch, offered an overview of the applicable European standards and German practice as they relate to the asylum-related judicial procedure, rights and obligations of parties during the judicial review.

During her presentation, Ms. Konul Gasimova highlighted the international obligations of the countries under ECHR with particular emphasis on the Article 3, 13, 8 and 53. With practical examples from ECtHR case law she highlighted in details that Azerbaijan has obligations under the international

instruments it has acceded. Using the examples of Tershiyev and Chankayev cases she made it clear that ECtHR already found shortfalls in the national judicial review system which should be eliminated. She highlighted the importance of close and rigorous scrutiny and analysis of the cases by the judges to ensure that Azerbaijan meets its obligations under Article 13 of the European Convention.

The moot court exercise on an Afghan case, allowed the participants to switch roles and try themselves out as the applicants and their defendants. The moot court was concluded with the presentation by Mr. Batsch on evidence assessment in the asylum procedures. He mentioned that the threshold for standard of proof in refugee cases was much lower than in other cases and that reasonable possibility of risk would be sufficient to grant the refugee status.

Later, Justice Shota Getsadze from Georgia presented the judicial experience in Georgia, specifically about the pilot project UNHCR started in Georgia on the establishment of court-based COI researchers. The participants were also provided with their own copy of UNHCR Handbook on RSD, the key tool in assessing refugee claims.

The topic of non-refoulement was covered through the prism of Art. 3 of ECHR and the Convention Against Torture (CAT), and the European Convention on Extradition. Ms. Gasimova highlighted lack of complementary forms of protection in Azerbaijan constituted a serious gap in the protection system of the country. Currently, Azerbaijan remains the only country in the region not having effective protection mechanism for those who do not fall under the scope of 1951 Convention. An overview of the complimentary protection regime in Georgia had followed so to explain to the judges in Azerbaijan how it could be used as a best practice. Use of classified information and reference to National Security documents were touched upon during the session and experience of Georgia and Germany was shared by the facilitators.

Presentation on inclusion by Justice Batsch was of particular interest to the participants as it contained practical examples from his court proceedings. Training continued with the presentation on the use of COI in judicial review during which Mr. Batsch provided detailed information on standards to be applied for the use of COI, sources of COI that was being used by German judges in the appeals.

Skype session presentation by Ms. Iuliana Mazur, Coordinator of the Russian Refworld on UNHCR Guidelines on Afghanistan followed and was met with substantial interest by the participants.



*Participants of the workshop for judges in Azerbaijan, 27 February*

The last session of the day included a presentation by Mr. Shota Getsadze on the asylum procedure at the administrative instance in Georgia. At the end of the day Ms. Konul also had a chance to highlight the Rule 39 applications to ECtHR. She highlighted the legal ground for Rule 39 enforcement referring to Art 34 of ECHR. Mr. Batsch also highlighted the importance of holistic approach when deciding on the asylum and other cases at risk of deportation to avoid sending people to death and fulfil the states obligation under Article 3 of the ECHR. He highlighted that even if the person was not found to meet the refugee criteria, judges should be vigilant about the deportation risks of applications.

#### WORKSHOP ON CREDIBILITY ANALYSIS IN CONTEXT OF RSD

The workshop was organized in Baku on 23 May 2018 within the framework of the UNHCR QIEE project. The objective of the workshop was to build the capacity of the eligibility officers of the RSD Department (RSDD) and migration officers reviewing asylum appeals within the State Migration Service of the Republic of Azerbaijan. The workshop was facilitated by UNHCR Assistant Protection Officer with the participation of the staff of the RSD Department, members of the Refugee Status Determination Commission and officers reviewing asylum appeals within the State Migration Service (SMS). During the workshop the staff of the RSD Department of the SMS presented on the challenges faced by RSDD during adjudication of cases with credibility concerns. Relevant SMS staff directly engaged in RSD were able to discuss the duties of both parties in the procedure, the process of gathering facts, assessing behaviour of the applicant, including such aspects as late application, non-application in countries of transit; analysis of material facts, threshold for establishing credibility and applicability of the benefit of the doubt and other aspects in the national RSD procedure. Discussions on various case categories during the practical case studies were also included. The training was appreciated by the SMS as a good opportunity for the improvement of the capacity of their RSD staff and it was highlighted that the obtained practical skills would be useful in the implementation of the international standards in the national asylum system.

#### WORKSHOP ON ASYLUM PROCEDURES AND COMPLEMENTARY PROTECTION ORGANIZED IN BAKU ON 29 OCTOBER 2018

The workshop was organized within the framework of the UNHCR QIEE project, as well as MOBILAZE Project (Support to the Implementation of the Mobile Partnership with Azerbaijan) of the International Centre for Migration Policy Development (ICMPD) funded by the European Union (EU) within the improvement of the asylum procedure component. The objective of the workshop was to build the capacity of the local authorities through experience sharing and dialogue. Mr Silviu Turza, Head of International Protection Department of the General Inspectorate for Immigration of Rumania facilitated the workshop and shared the Romanian experience in this context. A presentation on the asylum system and the existent protection mechanisms under the 1951 Convention and extended refugee definition were also delivered by the SMS and UNHCR staff. The staff of the Refugee Status Determination Department, Migration Control Department, International Cooperation Department, Legal Department of the SMS,



*Participants of the workshop for judges in Azerbaijan, 27 February*

staff members from Baku Migrant Detention Centre, as well as members of the Refugee Status Determination Commission were present during the workshop.

As the result of the workshop, the participants were familiarised with the asylum system in Romania and forms of protection in EU countries. They assessed the event as highly effective and expressed an interest in future sessions focusing on experiences of EU countries. The workshop was appreciated by the management of the State Migration Service as a good opportunity for the improvement of the capacity of their relevant staff and it was highlighted that the obtained practical skills would be useful in the implementation of the international standards in the national asylum system when amendments to the national refugee law on complementary protection would be adopted.

#### WORKSHOP ON STANDARD OPERATING PROCEDURES FOR NATIONAL RSD IN AZERBAIJAN ORGANIZED IN BAKU ON 05-06 DECEMBER 2018

A two-day workshop on the presentation of draft Standard Operating Procedures (SOPs) for national Refugee Status Determination was jointly held by ICMPD and UNHCR in Baku on 5-6 December. At the event, Mr. Silviu Turza, EU expert contracted under ICMPD's MOBILAZE Project, presented the draft SOPs he had developed, to the relevant staff of the State Migration Service. The main purpose of the document is to support the State Migration Service of Azerbaijan in the implementation of key provisions of the refugee law. The SOPs were drafted in direct consultation with UNHCR and State Migration Service and include key safeguards and procedures in the areas of registration and documentation, in-merits interviews and decisions on asylum applications. Following translation, the package will be formally presented to the State Migration Service for endorsement.



*Participants of the workshop on SOP for National RSD in Baku, Azerbaijan*

#### TRAINING ON COUNTRY OF ORIGIN INFORMATION AND UNHCR GUIDELINES ON AFGHANISTAN ORGANIZED IN BAKU ON 07 DECEMBER 2018.



*Participants of the COI Workshop on Afghanistan, Baku, Azerbaijan*

On 07 December 2018, UNHCR organized a one-day training on Country of Origin Information (COI) for relevant staff of the State Migration Service. The interactive training combined a refresher on the role, standards and principles of COI and was facilitated by Mr. Octavian Mohorea, Protection Officer. Ms. Cristina Bunea, Regional Protection Officer shared a presentation on the 2018 UNHCR Eligibility Guidelines on Assessing the International Protection Needs of Asylum-Seekers from Afghanistan which she combined with her real life experience and photos from Afghanistan. The training concluded with a practical case study which

led to a lively debate among the participants.

— UNHCR AZERBAIJAN

## National Activities in Georgia

LAUNCH MEETING OF THE PILOT PROJECT “ENHANCING QUALITY OF JUDICIAL REVIEW OF ASYLUM CASES THROUGH PROVISION OF QUALITY COUNTRY OF ORIGIN INFORMATION (COI) TO THE JUDICIARY OF GEORGIA”



*Participants of the event in Georgia, 16 February*

UNHCR Regional Representation in the South Caucasus, launched the Pilot Project “Enhancing quality of judicial review of asylum cases through provision of quality Country of Origin Information (COI) to the judiciary of Georgia” on

16 February 2018. The pilot project aims to build capacity of the judiciary by creating an internal COI structure. Considering the increased number of appeals in asylum cases over the past years the creation of a trained and well-resourced COI service within the judiciary that will help judges to adhere to certain due process standards for the use of COI in judicial procedures was of key importance. For these purposes UNHCR had provided two COI Specialists started to work for Tbilisi City Court and Court of Appeals respectively to provide the judges with COI reports and answer to COI requests. The feedback from and High Council of Justice judges about the project implementation was very positive throughout the year. Therefore, it was decided that the project will continue in 2019 with the aim to regularize the position of the COI Specialists into the court regular staffing structure by 2020.

### TRAINING FOR JUDGES ON REFUGEE LAW

On April 21-22 2018, the High School of Justice in cooperation with UNHCR Regional Representation in the South Caucasus organized a training for judges on refugee law on in Borjomi, Georgia.

The main goal of the training was to increase the knowledge of the Georgian judges about the principles of International Refugee Law and the novelties introduced by the new legal framework of the Law of Georgia on International Protection and the relevant by-laws. The judges from Tbilisi City Court, Tbilisi Court of Appeals, as well as the Regional Courts attended the training (total of 12 judges).

### TRAINING FOR THE COURT INTERPRETERS

The training for fourteen court interpreters in Asylum Procedure took place on 1 June, 2018 in Tbilisi. The workshop was conducted by the Representatives of UNHCR and the Ministry of the Internally Displaced Persons from the Occupied Territories of Georgia, Accommodation and Refugees of Georgia. The general principles and procedural guarantees of international

refugee law, role of the interpreter in asylum cases, challenges of interpretation and ethical issues were the main topics of the discussion of the training. The evaluation of the workshop has shown that the participants had found the event interesting and relevant for them. The majority of them expressed their wish to continue this practice in the future. It was also a good

opportunity for UNHCR to obtain the first-hand information about the needs of the court interpreters and means on UNHCR can further

contribute to the quality improvement of interpretation.

#### JOINT SMA AND UNHCR WORKSHOP ON EXCLUSION PROCEDURES AND NATIONAL SECURITY CONCERNS IN THE ASYLUM PROCEDURES

On 12-13 July, 2018 joint Swedish Migration Agency (SMA) and UNHCR Workshop on Exclusion Procedures and National Security Concerns took place in Tbilisi, Georgia. Staff of the Asylum Issues Division of the former Ministry of Internally Displaced Persons from the Occupied Territories of Georgia, Accommodation and Refugees and Judges took part in the workshop. Ms. Anna Bengtsson, Expert from SMA's Department of International Affairs and Ms. Kristina Sandesjo, Expert from SMA's Department of Asylum were participating in the workshop.

The idea of the workshop was to look into the practical means of the exclusion procedure and to

find the balance between national security concerns and international protection needs. During the workshop the SMA shared their practice of the new case screening and application of exclusion clauses in Sweden. Legal concept of individual responsibility and consequences of exclusion were also discussed during the workshop.

On the last day of the workshop relevant ECHR case law on exclusion and national security concerns in asylum procedures was presented by Ms. Fabiane Baxewanos, Legal Officer of UNHCR PLUS Unit in Brussels.

#### TRAINING FOR LEGAL AID SERVICE (LAS) LAWYERS

On 19-21 July, 2018 UNHCR in Georgia had carried out the Training for Legal Aid Service of Georgia. The training was attended by 20 LAS lawyers. During the three days the participants had a chance to get a better understanding on the issues of asylum, internal displacement and statelessness. During the workshop the lawyers discussed the problems that they face in the process of court adjudication and discussed most pertinent issues that arise in their practice. The summary of the key challenges raised by the participants were then utilised for the planning of the further UNHCR activities on the capacity building of the LAS to work with UNHCR persons of concern in Georgia. UNHCR Georgia continues close cooperation with the LAS to ensure the high quality of court representation for asylum-seekers and IDPs in the country.

#### WORKSHOP FOR THE MANAGEMENT OF THE PATROL AND BORDER POLICE OF THE MINISTRY OF INTERNAL AFFAIRS OF GEORGIA



On 11 and 12 December 2018, UNHCR Regional Representation in South Caucasus organized a workshop for the management of the Patrol and Border Police of the Ministry of Internal Affairs of Georgia (MIA) on "International protection at the Georgian Borders". 20 Patrol Police and 23 Border Police staff participated in the workshop, as well as two trainers of Refugee Law of the MIA Academy.

The workshop benefitted of the presence of a Frontex certified expert, Refugee Issues Division of the MIA Migration Department, Public Defender's Office of Georgia and UNHCR. Topics covered were related to the international protection standards and practices, as well as the national procedures and challenges related to the access to the asylum procedures and the territory of Georgia.

The workshop was interactive and highly appreciated by the MIA Patrol and Border Police management, who highlighted its importance for their daily work to better comply with the international requirements and address the needs of persons in need of international protection approaching the Georgian borders. Similar workshops are planned to be organized on an annual basis as refresher capacity building sessions.

— UNHCR GEORGIA



