

**Non-paper on the Asylum Capacity Support Group**

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**I. Background and rationale**

1. Under the heading “Identifying international protection needs” the current draft of the Global Compact on Refugees indicates that UNHCR will establish an Asylum Capacity Support Group (hereafter ACSG).
2. Identifying who is in need of international protection is the first step in ensuring that refugees are properly protected, and have access to an adequate standard of treatment. The determination of refugee status is in principle the task and responsibility of States, and many States have dedicated institutions responsible for deciding on claims for refugee status. The ACSG would, **if requested to do so**, support States in ensuring a proper and efficient system of identifying international protection needs. Asylum systems, and in particular refugee status determination systems, need to be well-equipped for this task. When such systems are under pressure, whether due to a large-scale influx, decision-making backlogs or for other reasons, the availability of **predictable, practical and sustainable support** to these systems will help them respond to these pressures. Asylum systems are strong when they have well-equipped, well-organized, and adequately resourced State asylum institutions behind them. The ACSG will be well-positioned to support such institutions.

**II. A quality RSD system**

3. An RSD system encompasses, amongst other elements, the laws and policies, institutions, structures and resources that, taken together, form a crucial part of a State’s response to the arrival of people seeking international protection.
4. An RSD system needs to be fair. Fairness in this context means that the outcomes of decisions on claims for international protection are in accordance with the rule of law. An RSD system needs to be efficient. Efficiency means that no process is more elaborate than required to reach a fair decision. Furthermore, an RSD system has to be adaptable. It must be possible to adapt RSD processes easily in a timely manner, in response to or in anticipation of changes in circumstances (such as a large influx or a sudden change in the composition of the group of persons seeking international protection). Finally, an RSD system needs to have integrity. That means not only that the people behind the system design and operate the system with integrity, and as a result there is no fraud in the system, but also that any fraud is detected, reported and acted upon. These four elements – **fairness, efficiency, adaptability and integrity** – form the ingredients of a **quality** RSD system.

**III. The purpose of the ACSG**

5. The purpose of the ACSG will be to support States, on their request, in strengthening (some aspects of) their asylum / refugee status determination system, with a view to ensuring that it is efficient, adaptable, has integrity, and produces fair decisions on claims for international protection.

**IV. Areas and modalities for ACSG support**

6. The ACSG’s support would be triggered by a **request from a State for support**. Possibly, the ACSG could also offer support proactively to a specific State, which is then at liberty to accept the offer of support or not.
7. The ACSG could establish **working groups**, which could be thematic, country- or situation-specific, involving States and actors with specific expertise relevant to the theme / country concerned.
8. A first method of ensuring predictable and sustainable support could be through the establishment and management of **standby rosters in different technical areas**. It would need to be considered in which technical areas such standby support would be most needed and welcomed, such as for example lawyers, registration experts, interpreters, trainers or country-of-origin information experts. Rosters of experts with expertise in different areas of refugee law, who could support asylum / RSD systems in different ways, could equally be

contemplated, as could experts on strengthening particular aspects of certain systems, such as they relate for example to addressing backlogs. Standby deployees could support the State institutions in their work (without taking over regular tasks), under the responsibility of and integrated in the State institution.

9. The ACSG could equally set up an **on-line community of practice** that allows for sharing of good practices in different technical and practical areas. Good practices do not need to be limited to technical refugee law related issues (e.g. how to decide on specific categories of claims, the application of the exclusion clauses or credibility assessments); there are many practical, logistical and other elements of asylum / RSD procedures that, altogether, contribute to the smooth functioning of asylum systems, where the sharing of good or promising practices would be of use. These could include sharing of practices on efficient scheduling of cases, on how best to organize country-of-origin information fact-finding missions, or on issues linked to human resources (e.g. the sharing of job descriptions for caseworkers or staff retention strategies).

10. The ACSG could also facilitate **State-to-State twinning**. There have been many interesting examples of successful asylum twinning projects in the past and present, including but not limited to the Americas, Europe and Africa. Past examples of twinning have focused for example on the research and use of country of origin information, or the establishment of appeal systems. Twinning can be useful in many functional areas and can involve different actors. It can relate to substantive decision-making and involve asylum institutions or members of the judiciary. But twinning may also be particularly useful in, for example, the area of IT case-management systems for registration of asylum claims or for RSD. Twinning is most successful when the request for support and the support offered are well matched, and the ACSG may be able to help facilitate this.

11. UNHCR has a long history of engagement in supporting State RSD/asylum systems, through training of and advice to different stakeholders in the RSD system. Recently, UNHCR engaged in the piloting of different methodologies when supporting States seeking support with their RSD/asylum system, by starting with a joint **institutional capacity assessment**. In this assessment, the responsible State asylum institutions and UNHCR jointly take a broad look at elements that function well in the RSD system and elements that may benefit from adaptations. The areas of focus have related to many aspects of the RSD / asylum system – refugee law and policy, but also human resource systems, IT systems, premises, scheduling of appointments, amongst others. Based on the joint findings, a next step is the joint development of a plan for **institutional capacity development**, which, depending on the priority areas, may require specific technical or broader engagement. The ACSG and States participating in the ACSG could engage in capacity development activities in such follow-up.

## V. Participation and engagement

12. States will be invited to indicate interest to engage with, participate in, and contribute to the ACSG's work. The ACSG will be convened by UNHCR. Other relevant partners (development partners, civil society, academics, members of the judiciary, private sector partners) may be invited to join ACSG working groups.