

## **ECRE Comments on EU plans to establish a European Asylum Support Office (EASO)**

### **Background**

The idea of establishing a European Asylum Support Office for all forms of cooperation between Member States relating to the Common European Asylum System (CEAS) was first developed in the EU's Hague Programme.<sup>1</sup> In 2005, the European Council invited the Council and the Commission to establish appropriate structures involving the national asylum services of the Member States with a view to facilitating practical and collaborative cooperation. In 2007, the European Commission's Green Paper Consultation on the CEAS asked for specific input on this idea, for instance on the operational and institutional design of such an office and what tasks it should perform. The European Commission stated then that "*it is becoming increasingly urgent to ensure adequate structural support for all relevant activities and an effective and systematic follow-up to consider the results of those activities.*"<sup>2</sup> The European Council on Refugees and Exiles (ECRE) provided the Commission with a comprehensive response to this consultation.<sup>3</sup> In June 2008, the Commission published its Policy Plan, which revealed that it had received support for an EASO and would put forward a legislative proposal for an office that would "*provide practical assistance to Member States in taking decisions on asylum claims.*"<sup>4</sup> A feasibility study was undertaken and the detailed proposal is due to be issued by the Commission in February 2009 for consideration by the Council and the European Parliament.

---

<sup>1</sup> European Commission, *The Hague Programme: Ten priorities for the next five years, a Partnership for European renewal, Section 1.5: Building on the European Asylum System*, available at [http://ec.europa.eu/justice\\_home/news/information\\_dossiers/the\\_hague\\_priorities/doc/05\\_asylum\\_en.pdf](http://ec.europa.eu/justice_home/news/information_dossiers/the_hague_priorities/doc/05_asylum_en.pdf)

<sup>2</sup> European Commission, *Green Paper on the future Common European Asylum System*, Brussels 6.6.2007, COM(2007)301 Final, p.9, at [http://ec.europa.eu/justice\\_home/news/intro/doc/com\\_2007\\_301\\_en.pdf](http://ec.europa.eu/justice_home/news/intro/doc/com_2007_301_en.pdf)

<sup>3</sup> ECRE, *Response to the European Commissions' Green Paper on the future Common European Asylum System*, October 2007, at <http://www.ecre.org/files/ECRE%20Green%20paper%20response%20final%20-%20Read%20only.pdf>

<sup>4</sup> European Commission, *Policy Plan on Asylum; an integrated approach to protection across the EU*, Brussels June 2008, COM(2008) 360 final, p.6, at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0360:FIN:EN:PDF>

The establishment of an EASO has the potential to fundamentally shape the development of a CEAS and for this reason ECRE considers it critical that such an entity is established in a way which will best allow it to reach its objective of improving asylum practices in the EU. What follows is a summary of ECRE's views with regard to an EASO, with the objective of playing a proactive and constructive role in the debate on its establishment and its future activities.

Member States should enhance their practical cooperation through the exchange and application of best practices. ECRE would welcome the establishment of a European Asylum Support Office if the EASO were well-resourced and founded strongly on principles of democratic accountability and transparency. To this end, it is important that UNHCR and other independent experts, including NGOs working in the refugee field, are regularly consulted and afforded extensive input into its work. It should be noted that in many EU member states, NGOs are formally established consultation and implementation partners of governments to provide services to refugees. Such partnerships form the basis for adequate protection and services levels and ensure that the interests of refugees are taken into account in national and European refugee policies.

### **Structure and Legal Framework of the European Asylum Support Office**

The process leading to the establishment of an EASO, regardless of its status and structure, should be transparent, democratically accountable and conducted with the support of UNHCR and civil society. ECRE supports the establishment of a body subject to democratic oversight by the European Parliament. It is essential that a support office remains flexible and can take up different tasks at various times to positively contribute to the development of a truly Common European Asylum System (CEAS).

The possible status and structure of the EASO could range from enhancing the resources of the Commission, e.g. setting up a task-force, to creating a new European agency. The objective of the feasibility study was to explore possible tasks and structures of a support office. Given the significant role the EASO is likely to have on the development of the CEAS, it is crucial that the outcome of the feasibility study is presented to the European Parliament and the wider public. Furthermore, not only the tasks of the support office but also its structure and legal framework should be discussed by the Council, Commission and Parliament with input from UNHCR, NGOs and other independent experts to ensure the EASO will enhance the effectiveness of practical cooperation in full respect of relevant human rights norms.

The structure of the EASO should also ensure that the responsibilities of the EU institutions are clear and that there are defined lines of accountability. An essential role of the Commission is to monitor the core asylum instruments. Timely and thorough information gathering on the implementation of directives and the application of regulations is vital for the Commission to effectively fulfill its monitoring role. ECRE strongly believes that lack of adequate monitoring

constitutes one of the major flaws hindering the development of a CEAS. This should be seriously considered when establishing an EASO so that adequate resources are made available to the Commission and/or an EASO to address this gap.

UNHCR's suggestion of creating a 'panel of experts' advising the European Commission on international protection issues should be explored.<sup>5</sup> This panel could consist of eminent figures from Member States, UNHCR, senior judges and other individuals with extensive experience in asylum-related fields and human rights, either as academics or practitioners, and operate under the auspices of the EASO.<sup>6</sup> The panel could develop guidelines on particular groups of claimants when there is a sudden or increased rise in applications from a particular group or where a difficult legal question has arisen. These guidelines could also address issues regarding significant discrepancies in recognition rates between Member States.

### **Possible tasks of the European Asylum Support Office**

The European Commission has indicated that possible tasks of an EASO could include support on all forms of practical cooperation, including providing training at all levels; development of a common approach to Country of Origin Information (COI); the coordination of asylum expert teams; sharing of best practice and information; analysing and mobilising expertise and draft reports and studies on a variety of asylum related issues. ECRE would recommend additional tasks such as linking up with existing relevant networks, monitoring and assessing the quality of decisions, producing guidelines on particular types of cases and coordinating the resettlement of refugees to the EU.

### **Exchange of Practices and Information**

In order to avoid duplication of efforts, the EASO should take into account and build on existing structures. Groups of Member States are already engaged in initiatives fostering practical cooperation. EURASIL, for example, exchanges information on countries of origin and the use of country of origin information, and the General Directors' Immigration Service Conference (GDISC) is developing a European Asylum Curriculum (EAC). Existing examples of practical cooperation should be further developed under the auspices of the EASO. To ensure transparency, agendas, documents and outcomes of meetings should be made publicly available. The views of independent experts, such as practitioners, academics, judges and NGOs should also be systematically drawn on.

---

<sup>5</sup> UNHCR, *Response to the European Commissions' Green Paper on the Future Common European Asylum System*, September 2007, p.37, at <http://www.unhcr.org/protect/PROTECTION/46e53de52.pdf>

<sup>6</sup> A comparable good example of such cooperation exists in the European Asylum Curriculum Project of GDISC whereby the steering group consists of representatives of Member States, academics, judges, NGOs such as ECRE and IGOs, such as UNHCR who assist in the development of training modules.

Lessons should be drawn from the good example set by the EAC project whereby NGOs (including ECRE); and IGOs (including UNHCR), are members of the Reference Group that assists in the development of training modules. The training modules that are developed and consequently implemented under EAC and other initiatives should however also be available to a wider audience, including practitioners, judges and NGO staff.

ECRE suggests that particular attention be paid to the exchange of information and good practices concerning training mechanisms and the need for continuous learning. Transnational training and staff exchange initiatives should be promoted and facilitated by the EASO since those initiatives can achieve a fruitful dialogue not only between Member States, but also between different stakeholders in the refugee sector.

### **Quality Assessment Teams**

One of the flaws in the current EU asylum systems are the different recognition rates for similar groups of asylum applicants across EU Member States. Therefore, an important task of the EASO would be to coordinate quality assessment teams to address the differences in the quality and capacity of asylum determination systems. Teams could be temporarily attached to state decision-making bodies and given access to a sample of randomly selected files in order to ‘audit’ the quality of decision-making. Teams could make internal recommendations to decision-making bodies on the remedial action required. These teams could follow the module of the UNHCR Quality Initiative that started in 2004 in the UK and has now been extended to several other EU countries. This initiative provides expertise to national asylum authorities to further improve the quality of first instance decisions. However, the monitoring teams should be independent and comprise representatives of UNHCR and other specialist personnel working in the field, including representatives of NGOs and other independent experts. Regular public reports would ensure transparency and accountability.

### **Country of Origin Information**

The provision of relevant, reliable, accurate, up-to-date and transparent country of origin information (COI) is a crucial component of a fair and efficient asylum determination process. Indeed, COI is often the only objective evidence available in all asylum cases, and is therefore critical for refugee status determination. Therefore, the collection and presentation of COI and the management of a portal should ensure that the country reports of different established experts are included and regarded as equally important to research and reports coming from States. The information should also be publicly accessible and kept distinct from its application by decision-makers so that it remains impartial and free from political influence. A fair balance between governmental, non-governmental and international sources should be adhered to when collecting COI. The establishment of an independent EU documentation centre attached to the EASO should be explored for these purposes. Common EU guidelines for the processing of COI

information have already been adopted by the EU<sup>7</sup> and the EASO should support States to apply these guidelines.

Training on COI should be provided to both decision-makers and practitioners. A good example of a mixed network of governmental, non-governmental and UNHCR experts and a possible model for trainings is the COI Training Network, coordinated by ACCORD in Austria. This network has significantly contributed to the standardisation of COI methodology and a training curriculum throughout Europe. The EASO should liaison with ACCORD and other relevant networks.

In circumstances where there is a lack of substantial information on a certain situation in a State the EASO should have the power and resources to coordinate and facilitate transnational fact-finding missions. This can constitute a key step in accessing high quality, first-hand information otherwise not available, as well as promoting joint quality standards in collecting and processing COI. Members of these fact-finding missions should ensure that information collected comes from all relevant stakeholders in that State.

### **Asylum Expert Teams**

Divergent national policies and practices continue to undermine the process of developing a CEAS. In this regard, attention needs to be paid to the situation of Member States experiencing particular or extreme pressures as a result of their geographical location at the external borders of the EU. So far, solidarity and responsibility-sharing mechanisms between EU Member States have not materialised to a satisfactory level. The EASO could take a lead in ensuring more responsibility-sharing and harmonisation in the EU and developing a credible human rights approach to the challenge of mixed flows by deploying asylum expert teams. These teams could provide assistance to States that are experiencing backlogs or significant increases in the number of asylum seekers. Participation of UNHCR and independent experts, such as NGOs, in such teams is essential in maintaining a focus on identifying and protecting refugees. Expert teams would only respond in cases of extraordinary circumstances.

To ensure a more permanent structure dealing with the issue of identification of people in need of international protection and providing them with the necessary assistance, the EASO should support tripartite border monitoring agreements involving national border authorities, UNHCR and NGOs. Such agreements, already in place in a few Member States such as Hungary, provide UNHCR and NGO partners the right to visit border areas and detention centres to monitor access of asylum seekers to the territory of a country and its asylum procedure. Such initiatives are significantly improving cooperation between relevant stakeholders.

---

<sup>7</sup> EU Common Guidelines for processing Country of Origin Information (COI), April 2008, ARGO project JLS/2005/ARGO/GC/03, at [www.gdisc.org/uploads/tx\\_gdiscdb/Final\\_COI\\_guidelines\\_April\\_2008.pdf](http://www.gdisc.org/uploads/tx_gdiscdb/Final_COI_guidelines_April_2008.pdf) -

Both structures, asylum expert teams and tripartite border monitoring agreements, would need to ensure access to the EU territory for those in need of protection. The European Commission has acknowledged that more measures to ensure access are needed to support the objectives of the CEAS.<sup>8</sup>

## **Resettlement**

The EASO could also incorporate an EU resettlement office that would support the development of new resettlement programmes in Member States, ensure closer cooperation between European resettlement countries and facilitate the development of a European resettlement programme. There is an obvious role for UNHCR to play with regard to resettlement but also several European NGOs have extensive expertise on resettlement, both with regard to the process before refugees' arrival as well as to the reception and integration of resettled refugees. There are several good examples where EU Member States formally cooperate with NGOs at different stages of the resettlement process.

Staff secondment arrangements and rosters of NGO expertise can be a useful tool to ensure adequate, cost efficient and quick responses in countries of origin to enable the preparation of resettlement caseloads.

---

<sup>8</sup> European Commission, *Policy Plan on Asylum: An integrated approach to protection across the EU*, Brussels 17.6.2008, COM(2008) 360 final, available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0360:FIN:EN:PDF>.

**ECRE urges the EU institutions to take the following key recommendations into account when developing and setting up the European Asylum Support Office:**

- *An EASO should ultimately lead to better and fairer asylum systems in the EU.*
- *The European Parliament and independent asylum experts, such as NGOs, should be involved in the process leading to the establishment of the EASO and the structure must be transparent and democratically accountable to ensure it engenders the support of all relevant stakeholders. ECRE supports a body that is subject to democratic oversight by the European Parliament.*
- *The EASO should have a permanent and flexible structure and be able to assist the European Commission in monitoring compliance with the EU asylum acquis in the Member States.*
- *The EASO must operate with the full participation of and cooperation from UNHCR and other independent asylum experts, such as NGOs, judges, lawyers and academics. This cooperation should be formalised in the structures of the EASO.*
- *The EASO should link up with networks of relevant stakeholders collaborating to support asylum systems, including innovative training schemes.*
- *The quality of asylum decisions should be monitored through quality assessment teams and via research/surveys identifying the gaps and providing clear guidelines for improvement.*
- *The EASO should improve the collection and availability of accurate and up-to-date COI from a range of credible sources.*
- *The EASO should be able to deploy asylum expert teams to a Member State in extraordinary circumstances so as to assist in the identification of people with protection needs.*

**For further information contact:**

European Council on Refugees and Exiles (ECRE)  
Rue Royale 146, 1000 Brussels  
Anne Peeters (Advocacy Officer)  
+32 2 234 3800  
[apeeters@ecre.org](mailto:apeeters@ecre.org)