



Access to territory and asylum procedure in the situation of large influx

EASO Centre for Training, Quality and
Expertise

Stockholm, 15-16 December 2015

EASO QUALITY MATRIX: DEVELOPMENT OF PRACTICAL TOOLS

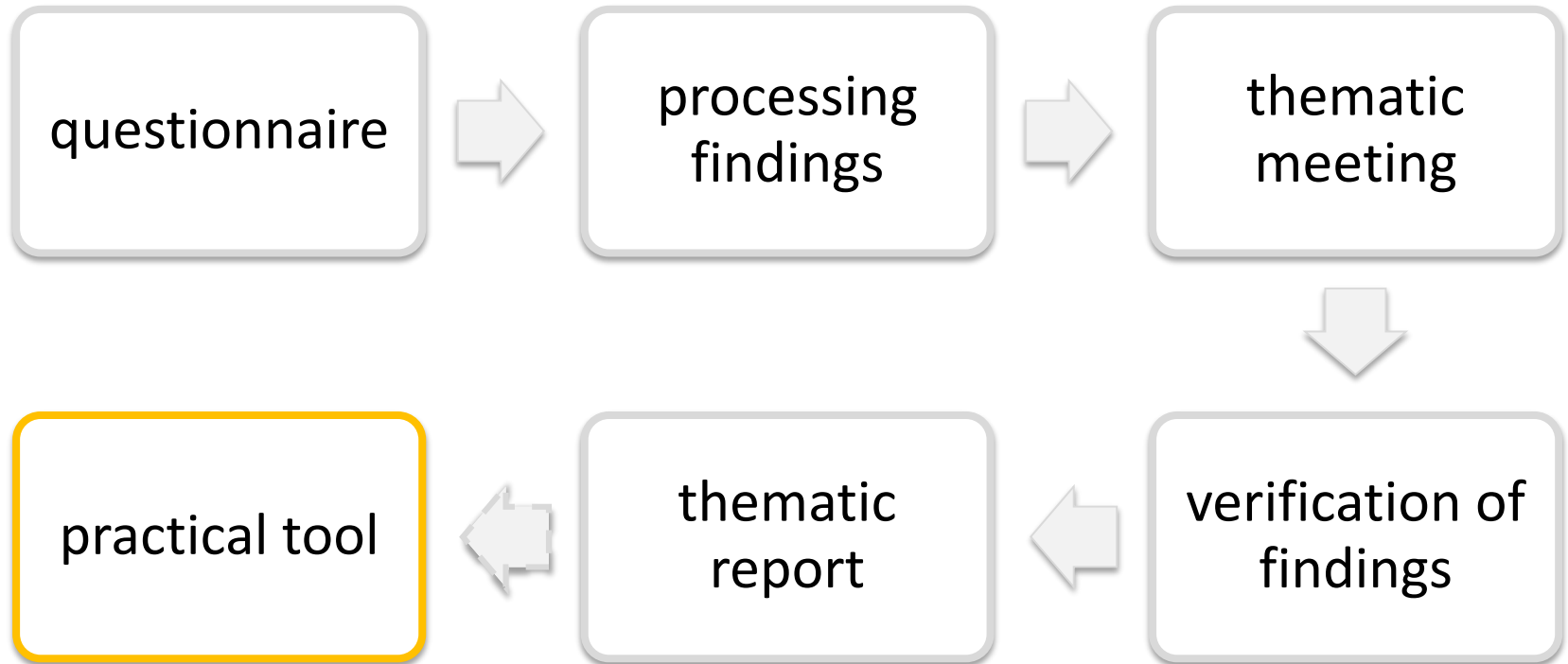


EASO Quality Matrix



- ✓ **Thematic approach:** Comprehensively covering the aspects of the CEAS in view of the implementation of the new legal instruments.
- ✓ **Practical approach:** addressing current needs, identifying good practices and developing common quality tools.
- ✓ **Collaborative approach:** Depends on Member States' input for the mapping and on expertise from the MS and the RG for the development of the quality tools.
- ✓ **Flexible approach:** brings added value.

EASO Quality Matrix as a process



EASO Practical Tools: overview

Practical support

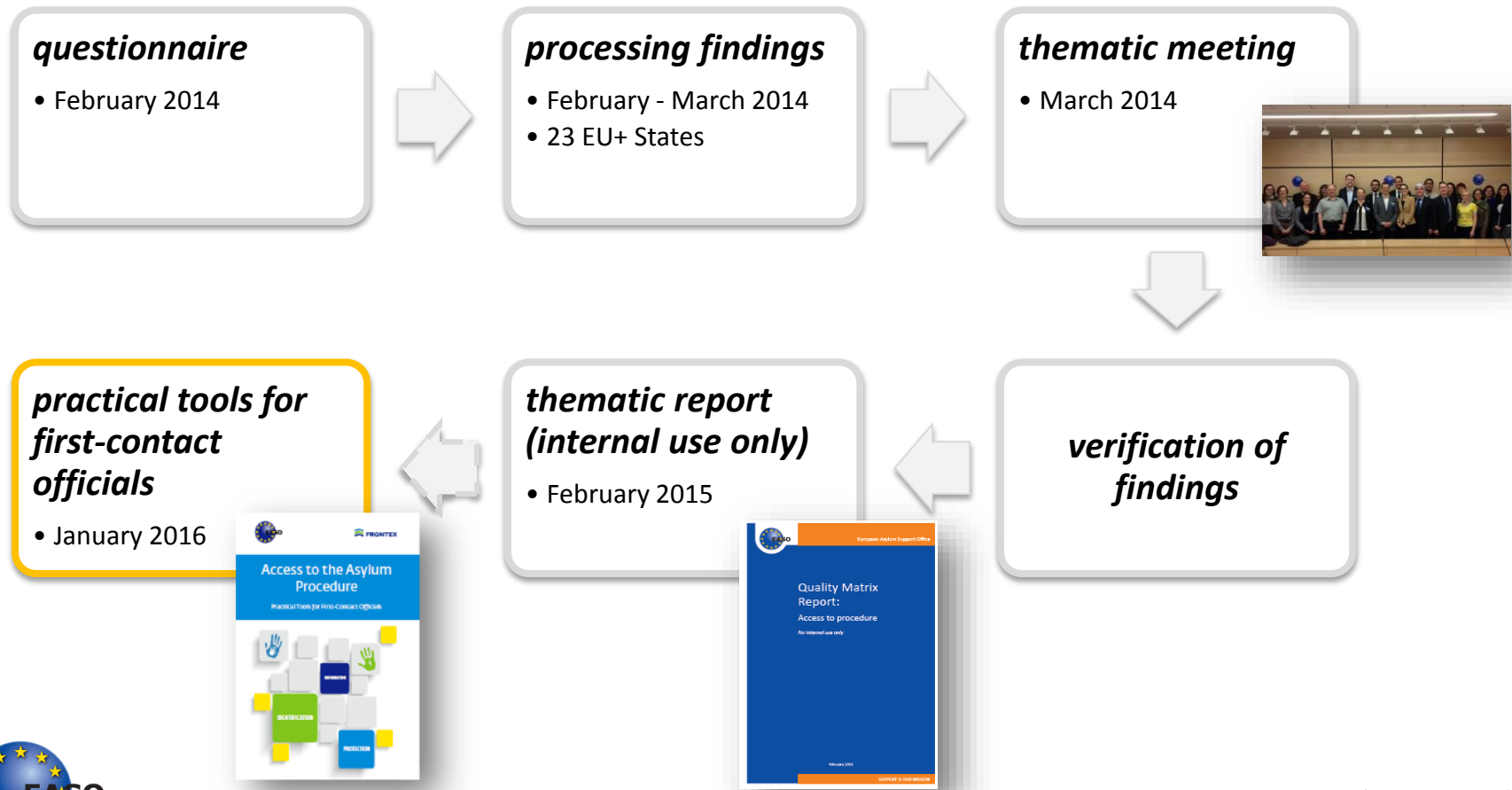
- ✓ targeting practitioners on the ground: **support in the daily work**
- ✓ promoting **commonly agreed** standards and good practices
- ✓ practical and **user friendly**
- ✓ **different forms**: checklists, brief guidance, templates, fully interactive web platform and outcome report, etc.
- ✓ in line with EASO training, but not a substitute
- ✓ **publicly accessible**

Development process

- ✓ **Working Group**: 5-6 national experts from EU+ countries
- ✓ **Reference Group**: COM, UNHCR, ECRE and ad hoc members
- ✓ **Final consultation**: all EU+ countries consulted on the draft tool before it is considered final



Access to procedure in the work of the Quality Matrix



ACCESS TO THE ASYLUM PROCEDURE

PRACTICAL TOOLS FOR FIRST- CONTACT OFFICIALS



Applicability

- external land borders
- sea borders
- international airports
- detention facilities
- hotspots

Target group: police, border guards, immigration authorities and personnel of detention facilities, other possible actors in first-contact context

Information package

- ❑ Developed jointly with FRONTEX
- ❑ Working Group including national asylum and border guard experts
- ❑ Close collaboration with UNHCR and FRA
- ❑ April – November 2015
- ❑ Publication in different languages: January 2015

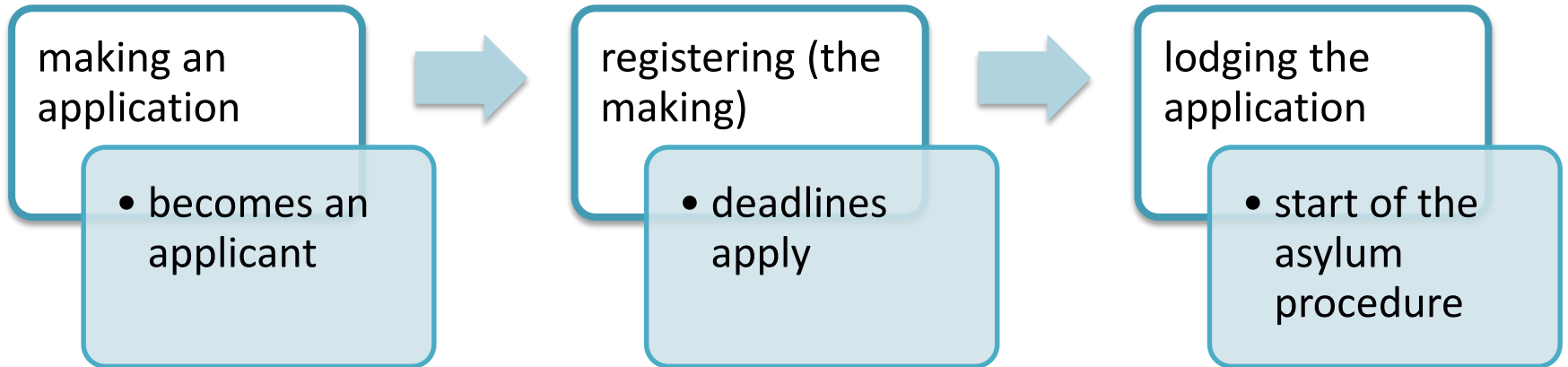
Practical Guide on Access to the Asylum Procedure

Poster on Access to the Asylum Procedure

Action cards on Access to the Asylum Procedure

Leaflet on Frequently Asked Questions

Asylum Procedures Directive (recast)



Asylum Procedures Directive (recast)

Article 6:

Access to the procedure

registering the making of an application

authorities likely to receive applications –
information and training

effective opportunity to lodge an
application as soon as possible

may require to lodge it in person and at a
designated place

lodging by form/official report

simultaneous applications by a large
number – 10 days for registration

Article 8:

Information and counselling at detention facilities and border crossing points

indications – may wish to make an
application

provision of information on possibility to
make an application

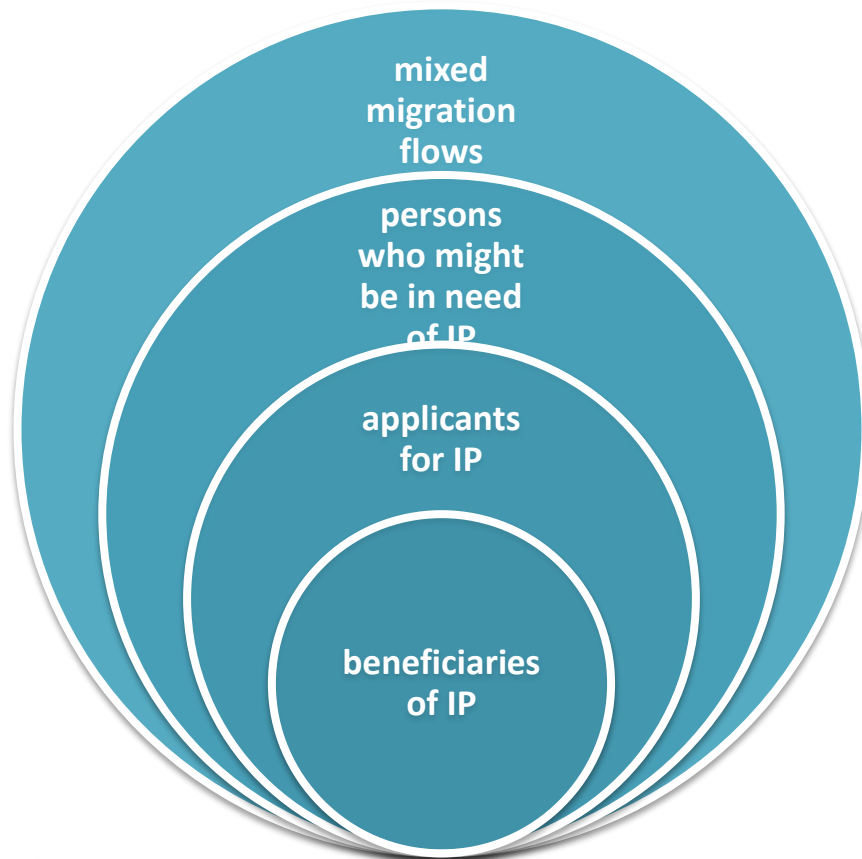
arrangements for interpretation

effective access for organisations and
persons providing advice and counselling
(objectively necessary rules)

Aim and scope of the tools

- Facilitating first-contact officials in their crucial role guaranteeing effective access to the asylum procedure.
 - information on core responsibilities
 - information on the rights of persons who may wish to apply for international protection
 - recognising potential applicants
 - what to do next when a person may wish to apply
 - what to do if a person who may have protection needs does not wish to apply

The role of first contact officials



- identification
- addressing basic needs
- guaranteeing fundamental rights
- providing information
- directing them to the competent authorities and adequate procedures

Key considerations

- non-refoulement
- right to asylum
- early identification of special needs of special needs

Recognising a potential applicant



Indications that someone may wish to apply: non-exhaustive list

Pay attention

Who the person is and where he/she comes from:

- country of origin
- ethnicity, religion, nationality
- general circumstances of arrival
- age
- gender
- family status

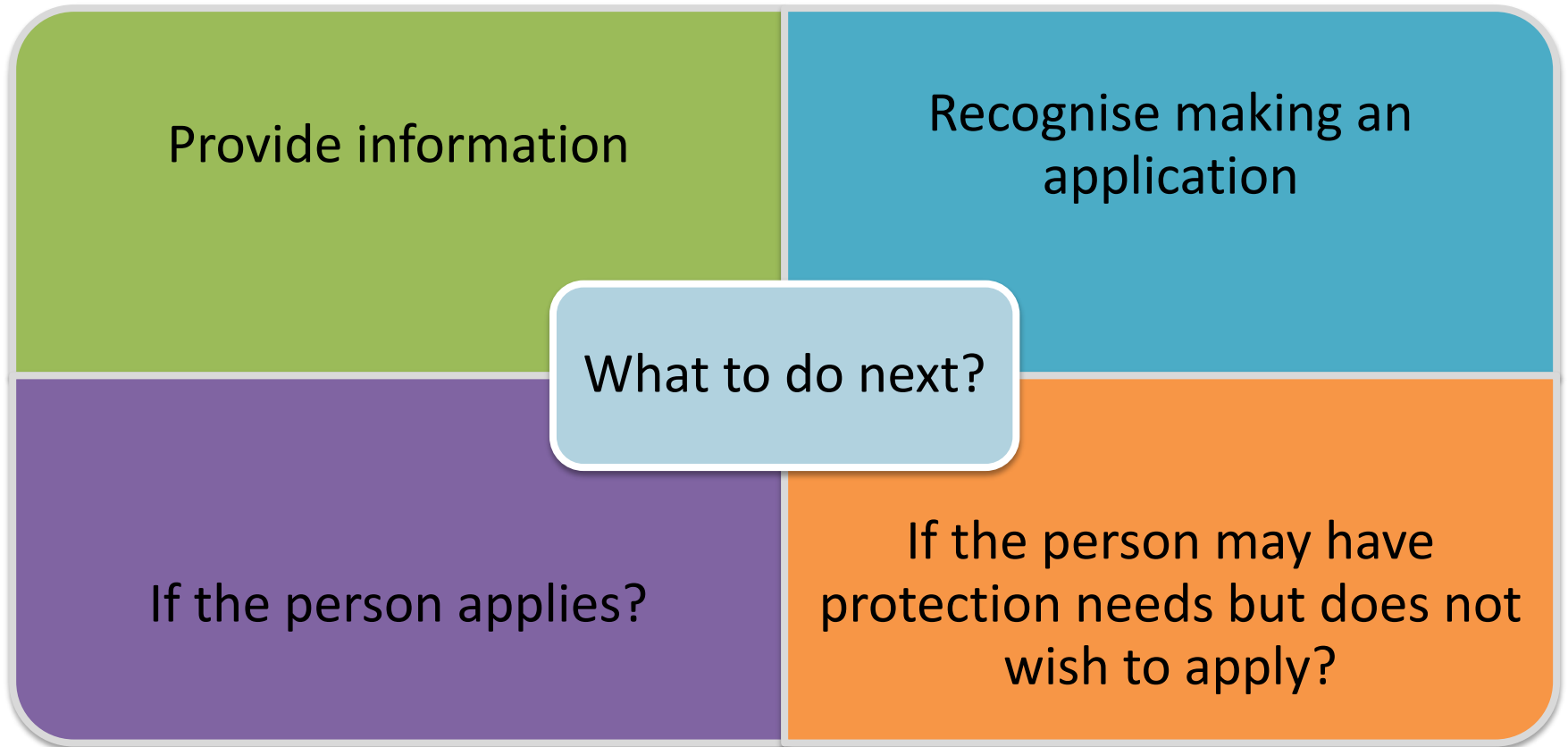
What the person says:

- *fear*
- *death*
- *persecution*
- *torture*
- *war*
- *return*
- *UNHCR (UN)*
- *lawyer*

What you can observe:

- approaching/avoiding the officer
- fear
- interaction between people
- appearance (injuries, scars, clothing, belongings, etc.)
- body language

What to do next?



Applicants for international protection

right to remain

right to basic material
reception conditions

access to an interpreter

right to be informed

right to communicate
with UNHCR or
organisations providing
legal counselling

obligation to cooperate

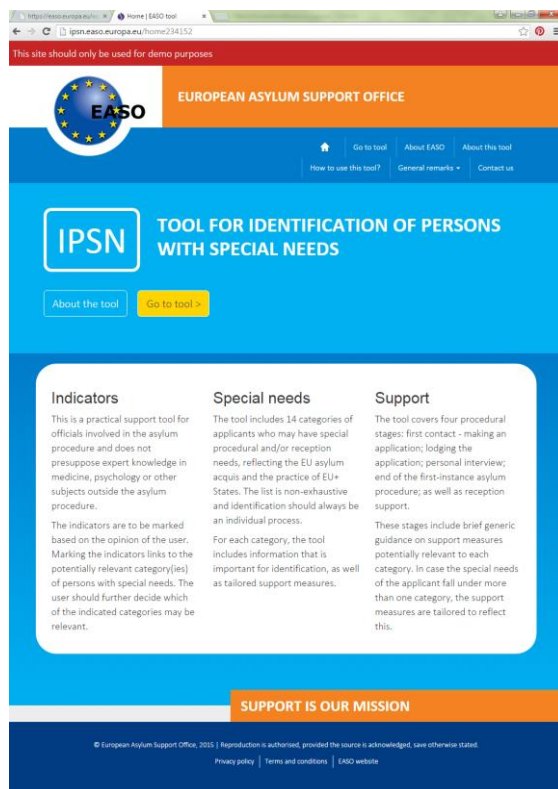
adequate support in
case of special
procedural and/or
reception needs

the issue of detention

What to do if a person who may have protection needs does not apply?

- Ensure non-refoulement
- Inform about the possibility to apply, rights and consequences
- When in doubt, consult your superior
- Follow your national operating procedures for further follow-up

- ❑ fully interactive online tool
- ❑ publicly available
- ❑ individual identification and response in line with APD recast and RCD recast
- ❑ broad consultation
- ❑ printable/saveable results
- ❑ multilingual



- ❑ **Timely identification**
- ❑ **No specialist knowledge required**
- ❑ **14 categories of persons with special needs**
- ❑ **Guidance on special guarantees including: First contact – making an application**

How to use the IPSN tool?

mark indicators

select category(ies)

select support stage

Indicators

Mark the relevant indicators based on your opinion. This tool is designed to support you without requiring any medical or other expert knowledge.

under 18 *

Age

Sex

Gender identity and sexual orientation

Family status (in relation to the asylum procedure)

add + accompanied (child) ?

add + unaccompanied (child) ?

add + single parent accompanied by one or more children under the age of 18 years

Physical indicators

Psychosocial indicators

Environmental indicators

clear

Special needs

Select the category(ies) you would like to explore further. If you have marked any indicators, the number of the relevant ones will appear next to the respective category.

Accompanied minors 1

Unaccompanied minors 2

Disabled people

Elderly people

Pregnant women

Single parents with minor children

Victims of human trafficking

Persons with serious illnesses

Persons with mental disorders

Persons who have been subjected to torture

Persons who have been subjected to rape

Persons who have been subjected to other serious forms of psychological, physical or sexual violence

LGBTI

People with gender-related special needs

clear

Support

Here you can find general guidance on how to address the special needs of the applicant. Select the stage you would like to explore.

First Contact

Reception Support

Lodging the Application

Personal Interview

End of the Asylum Procedure

clear



Special procedural guarantees: first contact – making an application

General for applicants with special needs

- Provide information in a manner according to the special needs of the applicant.
- Refer to relevant support services.
- Refer the applicant to legal aid if provided.
- Provide information on available assistance.
- Consider providing logistical support to facilitate lodging the application.
- Refer to appropriate accommodation.
- Record and communicate detected indicators of special needs.
- Observe the principle of confidentiality.



Special procedural guarantees: first contact – making an application

Children

- Ensure that the child's right to make an application in his/her own right is observed.
- Provide information to the child in a child-friendly manner.
- Provide relevant information to the accompanying adult.
- If applicable, make arrangements for the appointment of a representative.
- Take the best interest of the child into consideration.
- Take the child's views into consideration.
- Consider conducting additional assessment of indicators of special needs.



Special procedural guarantees: first contact – making an application

Other specific guarantees

- Consideration should be given to the sex of the persons involved in the process.
- Apply the National Referral Mechanism (THB).
- If necessary, contact the law enforcement authorities immediately.
- Refer the applicant to medical support if relevant.

Main messages on access to the asylum procedure

Anyone can be a refugee.

Everyone is entitled to protection against *refoulement*.

Vulnerable persons must be identified and adequately supported.

Best interests of the child take precedence in all actions concerning children.

Anyone who may wish to apply for international protection must be informed about their right to do so.

Everyone has the right to apply for international protection.

Any sign or expression of fear if refused entry can be understood as a request for international protection.

Applicants for international protection must not be penalised due to their illegal entry or presence.

Each application must be registered or referred for registration to the responsible authority.

The principle of *non-refoulement* must be ensured, even when a person who may need protection decides not to apply for asylum.



Questions?

www.easo.europa.eu



European Asylum Support Office

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