



9th Consultative Forum Annual Plenary Meeting

“The initial steps in
the Asylum Procedure”

Meeting Report

12 November 2019



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12th November, 2019, Brussels

Meeting Report

1. Background to the 9th EASO Consultative Forum and objectives of the meeting

The 9th CF Plenary meeting focused on “the initial steps in the asylum procedure”. The 2018 EASO Annual Report on the Situation of Asylum signalled a trend of Member States introducing changes in the initial steps of the procedure with a view of processing applications more swiftly and comprehensively while ensuring that applicants are well informed of the different steps of the procedure. Consequently, the plenary meeting aimed to explore the following key questions:

- What new measures and tools have Member States introduced to streamline the initial steps in the asylum procedure and to what effect?
- What is the impact of the introduction of such new measures/tools on the efficiency of asylum processing and on applicants’ access to procedural safeguards?
- What role do civil society organisations (CSOs) play in guaranteeing effective access to procedural safeguards during these initial steps of the procedure?
- How is EASO involved in the initial steps of the asylum procedure?
- How can EASO support and strengthen cooperation with civil society with regard to the initial steps of the asylum procedure?



2. Format and structure

The meeting focused on three key steps in the initial phase of the asylum procedure: 1) outreach and provision of information 2) the registration procedure and 3) channelling/referral. These three steps were first examined in expert panel debates followed by parallel participatory workshops between participants.

During the workshops, participants formulated recommendations with a view of establishing more fair and efficient procedures. Following an exercise of prioritisation, a number of selected recommendations were presented and further discussed amongst Member State authorities during the National Contact Point (NCP) meeting of the EASO Asylum Processes Network, which took place the following day of the CF Plenary meeting.

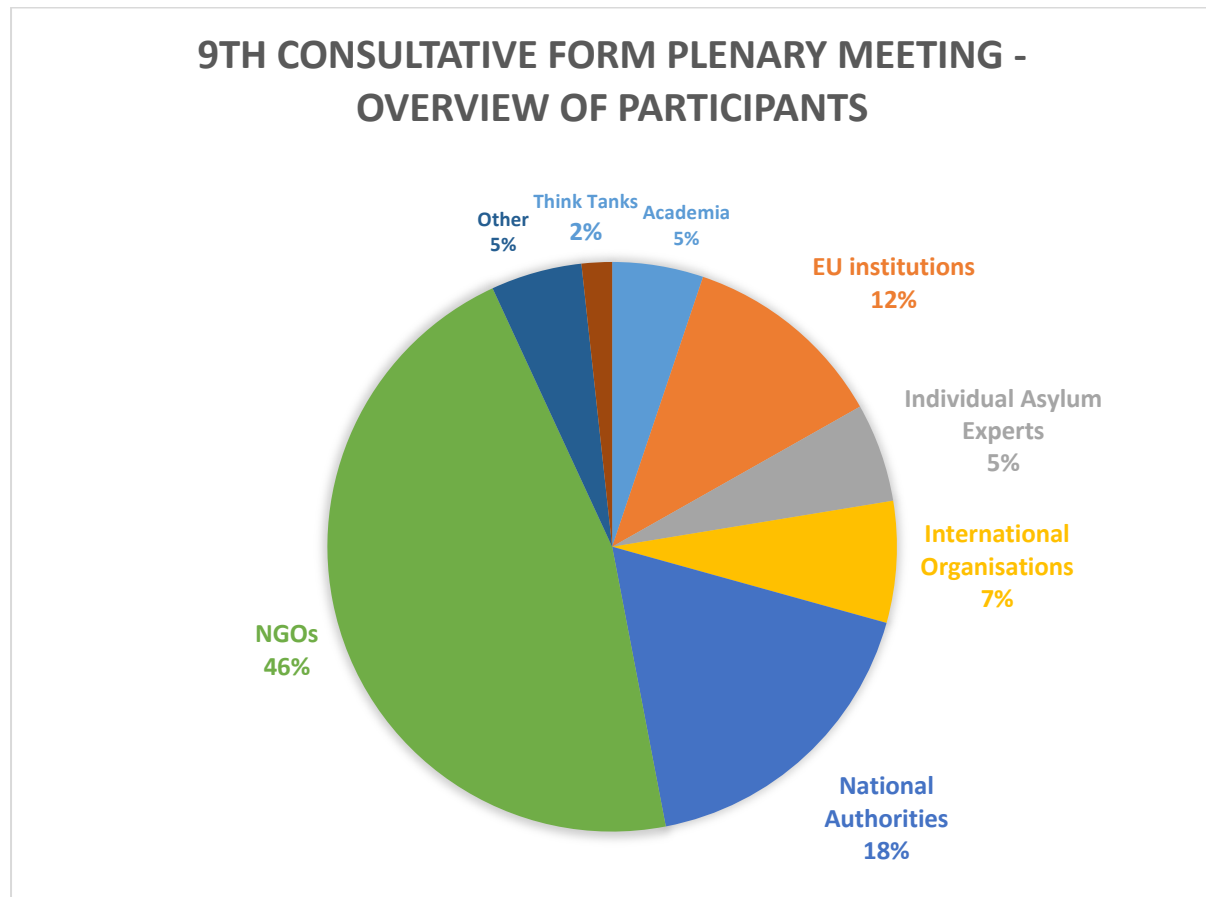
The key recommendations are presented in Annex 1, whilst the below summary (section 4) presents an overview of main issues and recommendations discussed per agenda item.



3. Participants

A total of 240 participants registered to attend the Forum. A high variety of different stakeholders were represented, including NGOs, academia, think tanks, international organisations as well as EU institutions. This year, there was an increase in the number of participants from governmental authorities to a total of 42 participants representing 20 Member States. Many of those included the National Contact Points of the Asylum Processes Network, underlining that the Forum also acts as a bridge between civil society and national/EU authorities. The figure below shows the different proportions of stakeholders that attended.

Figure 1: overview of participants



4. Summary of the meeting

The following sections of the report provide an account of the key topics presented and discussed during the meeting.

Opening Statements

EASO's Executive Director, Ms. Nina Gregori, opened the meeting underlining that the asylum situation remained critical. With a backlog of 890.000 open cases, the swift and fair treatment of asylum applications was considered a priority. Several Member States have introduced measures to address this challenge, for example, by the introduction of specialised processing centres, technological tools or by distributing cases and/or channelling certain categories of applicants through dedicated asylum procedures. The Plenary meeting will address these measures in depth, review their impact on applicants' access to procedural safeguards and the extent to which they contribute to efficient processing. The important role played by EASO in supporting Member States with backlog reduction was emphasised. Through both operational as well as practical support, EASO significantly contributes to realising more efficient handling of asylum cases. Finally, the need for the Agency's enhanced mandate was stressed, and the Executive Director committed to not only continue cooperation with civil society, but expressed commitment to intensify cooperation with a revised CF under the Agency's future mandate.

The **European Commission, Director-General for Visa, Migration and Protection, Mr. Michael Shotton**, explained that seven proposals had been put forward by the Commission in 2016 to reform the CEAS, including a proposal to transform EASO into a fully-fledged Asylum Agency. Though progress has been made on 5 out of the 7 instruments, negotiations had not been conclusive on the full package. Pending agreement on a long-term sustainable system, the Commission has supported temporary relocation arrangements following disembarkations, in which EASO, under the coordination of the Commission, has also provided important support. As to future policy developments, a new Pact on Asylum and Migration was expected to be published in spring 2020. The initial steps of the procedure would remain an integral part of this Pact and the objectives of the 2016 proposal for the Asylum Procedures Regulation remained as relevant as ever (which is for asylum procedures to be simple, clear and short, ensuring effective safeguards for applicants). The need to identify vulnerable persons early on in the procedure was emphasised and the Commission expressed appreciation for the comprehensive activities carried out by EASO in supporting Member States to achieve these goals, through tools, training, quality initiatives, or networking opportunities.

Expert Panel Debate on Registration

The first expert panel debate was introduced and moderated by **Hanne Beirens, Director of the Migration Policy Institute Europe**, who recalled the importance of the registration procedure. She stressed that registration not only signifies the start of the asylum procedure, but also constitutes a precondition for applicants to access services and support. The need for timely registration was underlined, as the time required for registration affects the speed whereby applicants can access the procedure. Finally, she also emphasised that data collected at registration impacts the type of services that the applicant can access and determines how the procedure unfolds.

René Böcker from the **German Federal Office for Migration and Refugees (BAMF)** provided an overview of recent changes in the German registration procedure. Following the large number of arrivals in 2015-2016, Germany introduced changes to make the registration procedure more efficient and reliable. Technological support tools and a Personalised Infrastructure Component (PIC) were introduced. The PIC consists of a portable/mobile station where fingerprints and photos of applicants are taken, and identity documents collected and checked against the central database. If the applicant does not have any reliable identity documents, several additional support tools may help clarify the applicant's identity: for Arabic speakers, language analysis is carried out on a mobile device and transcripts are used from the Arab to Roman alphabet. These technological tools including the PIC have contributed significantly to accelerating the registration procedure and improving the reliability of data collected at registration. It was emphasised however that the tools constitute support tools, and in no way determine the outcome of the asylum case.

An Buys from the **EASO Department of Operations** explained how EASO provides operational support to Member States during the initial steps of the asylum procedure. Through the deployment of registration officers, EASO plays an important role in enhancing Member State's capacity to carry out timely registrations. In terms of numbers, for the first three quarters of 2019, EASO had supported the registration of 25.000 applications in Greece, 15.000 in Italy, 6.000 in Cyprus and 1.000 in Malta (where operations started on 1st July 2019). EASO further supports Member States by providing tailored information to applicants throughout all stages of the asylum procedure. This is done through the deployment of mobile teams and through a hotline. For example, in Greece, 272 visits had been conducted to reception sites and more than 60.000 questions were answered through the hotline operated in Athens.

Jeroen Jans from the **EASO Department of Asylum Support** presented EASO's permanent support to Member States to improve and harmonise asylum procedures. EASO facilitates practical cooperation and information exchange between Member States, through thematic meetings organised in the context of the Asylum Processes Network. Several relevant practical tools have been developed, including for example, the [tool on access to the procedure](#), the practical guide on [operational standards and indicators](#) and a forthcoming tool on registration (expected to be published by the beginning of 2020). The latter targets registration officers and managers and aims to strengthen and improve the registration process. In addition to several operational trainings on e.g. access to the procedure, identification of Dublin cases and the use of the [IPSN tool](#), EASO is also developing a training module on registration which is planned to be piloted in March 2020. Finally, EASO will soon start a pilot project that aims to harmonise information activities and practices across Member States.

Daniëlle Castricum from the **Dutch Council for Refugees** explained the added-value of NGO involvement in the provision of information. The Dutch Council for Refugees is contracted by the Dutch government as exclusive actor to provide information to all applicants in the Netherlands. As they are the sole actor providing information, this improves consistency in the provision of information. Moreover, applicants often trust the information as it comes from an NGO and is hence perceived as neutral and objective. The generated trust on the part of applicants constitutes an important advantage and increases the likelihood that applicants accept the final decision of their case, even if negative.

During a **Q&A session**, several questions were asked related to the establishment of the applicant's identity, statelessness, safe country of origin, pushbacks at the external borders of the EU, as well as procedural safeguards for unaccompanied minors (UAMs). Concerning the establishment of identity, it was clarified during discussions between the panellist that information and documentation of applicants can only be *verified* whilst the applicant cannot be *identified*, in view of the fact that the

country of origin may not be contacted in asylum procedures. Verification can involve e.g. language analysis, identifying any indications of fraud, or spotting internal inconsistencies on declarations of identity. The need to create positive incentives for applicants to cooperate in the establishment of their identity was underlined as well as the need for frontloading, i.e. investing in the first part of the procedure to achieve efficiency gains and reach qualitative first instance decisions. This also includes providing information to applicants early in the procedure and making sure that the information is well understood. The registration of stateless persons, including their channelling into the appropriate procedure, was considered very important. In EASO's forthcoming guide on registration, a chapter is included on statelessness providing information to national authorities on the need to follow relevant national referral mechanisms in case of indications of statelessness. Concerning safe countries of origin, it was clarified that EASO is not involved in the establishment of Member States' national list of safe countries of origin (which is a national procedure), but EASO does provide harmonised country of origin information (COI) that can help assess which third country is safe or not. The use of accelerated procedures for applicants coming from safe third countries may facilitate efficient processing, however, the need for an individualised assessment of the specific circumstances of the case was underlined. As regards pushbacks, it was explained that EASO does not have a mandate for the surveillance of the external borders. However, EASO has developed a tool and training modules on access to the procedure for border guards, in cooperation with Frontex, with the latter being responsible for the promotion of those guides. Regarding procedural safeguards for UAMs, reference was made to the IPSN tool that EASO has developed, as well as guidance on age assessment, family tracing, the best interests of the child, etc.

Finally, participants stressed the situation on the Greek islands, stating that registration and asylum procedures remain extremely lengthy and signalling deficiencies in the provision of information. Panellists referred to the need for forecasting and early warning mechanisms to ensure sufficient reception capacity and staffing. EASO explained that it is in constant dialogue with the Greek authorities to discuss the needs.

Expert Panel Debate on Channelling and Referral

The panel debate on channelling and referral was introduced and moderated by **Jamil Addou**, EASO's Principal **Head of Department a.i.**, who explained that Member States have increasingly made use of channelling practices (understood as the distribution of asylum cases into different types of processing streams). Channelling may be helpful for preventing and reducing backlog, and in particular in situations when Member States are faced with mixed flows and high numbers of applications. By analysing the caseload and distributing cases into different processing streams, quick access may be provided to those in need of protection, return may be facilitated for those found *not* in need, and persons with special needs may be referred early to the appropriate procedures and services. Although the use of channeling has increased, practices remain diverse with differences in 1) the stage in the procedure when channelling is performed; 2) what types of procedures into which applicants are channelled; 3) the criteria for making a distinction between cases; and 4) tools and mechanisms to support channelling practices.

Johan van der Bruggen from the **Dutch Immigration and Naturalisation Service (IND)** presented channelling practices in the Netherlands. A five-track policy was introduced in response to the 2015 situation to make the procedure more flexible in terms of resources, more fair for applicants, and also to maintain societal support (by making sure that the system is used by those entitled to it and not

clogged by those who are likely to be rejected). The 5 tracks include: Dublin procedures; simplified procedures for applicants from safe countries of origin, well-founded cases with authentic ID documents available; regular procedure; well-founded cases without authentic ID documents. The two tracks for well-founded cases were not being used, but could be activated by the Minister in situations of high influx (as was the case in 2015). The main added-value of the Dutch track-system was its potential for providing more flexibility to asylum procedures in times of high influx and access to protection for persons in need, whilst facilitating effective and efficient return of rejected applicants from safe countries of origin.

Sophie Magennis from **UNHCR** explained the rationale underpinning a paper published in 2018 advocating for fair and fast procedures. The paper came in a context where there was much discourse on mandatory admissibility procedures, as proposed in the Commission's 2016 proposal for the Asylum Procedures Regulation (APR e.g. mandatory use of admissibility procedures and safe country concepts). UNHCR's paper on accelerated procedures offers an alternative to that approach, advocating for in merits decisions to be carried out within the EU rather than checking whether an applicant may be sent back to a safe first or third country as is required in admissibility procedures. Implementation of admissibility procedures proved very challenging e.g. in the context of Greece and concerns were also expressed that mandatory admissibility procedures would send a wrong message to third countries in which the EU carries out capacity-building activities. As to how to make procedures fair and fast in practice, UNHCR advocated for: adequate resources, adherence to procedural safeguards, linking accelerated procedures with the registration process and appeal processes, clear and transparent criteria for distributing cases, and effective return or integration measures. Finally, UNHCR stressed the need to use accelerated procedures not only for manifestly unfounded cases, but especially also for well-founded cases, and stressed the importance of early identification of vulnerable persons and Dublin family links.

Minos Mouzourakis from **ECRE** commented on the broader implications of the use of channelling practices. Two main effects of channelling practices were stressed: 1) increased complexity which makes asylum procedures more difficult to navigate for both applicants as well as authorities, and 2) impact on reducing procedural safeguards. ECRE further emphasised that some channelling practices by Member States are inconsistent with the APD, in particular with regard to the grounds laid out for accelerated procedures. As to the role of CSOs, ECRE stressed that NGOs can play an important role in frontloading by providing information and legal assistance to applicants with a view of rendering complex procedures more understandable. NGOs also play an important role through advocacy efforts and documenting/litigating violations of procedural guarantees.

During **Q&A**, the issue of how to ensure quality during accelerated procedures was discussed at length. Training of staff was considered key, as well as the need to have checks and balances in place. For example, case-workers in the Netherlands write an intended decision which is shared with the applicants' lawyer. If the case-worker made any errors in its assessment, the lawyer can inform the IND and this will be taken into consideration when issuing the final decision. UNHCR emphasised that, as a rule, procedural safeguards need to be guaranteed, and not reduced, especially in special procedures. EASO stressed that finding the right balance between efficiency and quality lies at the very core of its support. Relevant EASO activities in this regard include training and practical tools.

In addition, some clarifying questions were asked about the Dutch 5-track policy. The Dutch representative clarified that the Dutch policy remains work in progress; there was a backlog of open cases under the regular procedure (track 4), which was used most often. There was room to reflect and learn from experiences in order to further develop the track policy which had only been

established very recently (established in 2015). In an attempt to reduce the backlog, experiments are ongoing with special task forces to deal with complex legal cases.

Keynote speech by the Director of the Fundamental Rights Agency

Michael O' Flaherty, the **Director of the Fundamental Rights Agency**, identified the situation at the Greek islands as the most critical human rights situation in the EU today. The first steps in the asylum procedure were seen as essential for the successful delivery of all subsequent steps in the procedure and beyond. He stressed that, for example, errors in age assessment or in vulnerability assessment, could have lifelong consequences. Acknowledging the need for efficient procedures, he stressed that these should not come at the expense of fairness. Dignified reception conditions are equally important as swift and fair procedures would count for nothing if people were to live in sub-optimal conditions. As regards the *before* the asylum procedure, FRA expressed concerns about pushbacks, deaths at sea, and violence against migrants. Concerning the *after* of the procedure, many challenges in terms of integration remain and the need for integration to start during the asylum procedure was considered pivotal, through e.g. language training, skills development, engagement with local populations, etc. Finally, tribute was paid to the work of CSOs for their service provision and advocacy efforts.



Participatory parallel workshops

After lunch, three parallel participatory workshops took place on:

- Outreach and information provision during the initial steps of the asylum procedure;
- The registration procedure;
- Channelling based on the profile of the applicant and the identification of special needs.

All workshops followed a similar structure. After a short thematic introduction, participants split up in small working groups to discuss a specific topic with the aim of generating a recommendation. The

recommendations were subsequently pitched to the entire group and, after a walking gallery and voting exercise, some recommendations were prioritised.

The below tables present the main recommendations put forward by each workshop. The recommendations in bold represent the prioritised recommendations as voted by participants.

Table 1: Recommendations workshop 1 on outreach and information provision during the initial steps of the asylum procedure

Recommendation	Specific topic	Who is it addressed to?
Develop guidelines on information provision for vulnerable groups and stateless persons	Information provision	EASO
Coordinate the provision of information to applicants for international protection, including the streamlining of available applications, technologies, different tools and identify best practices	Information provision	EASO
Develop guidelines and training to improve interpretation and the provision of legal assistance	Interpretation and legal assistance	EASO/MS
Ensure access to the EU territory and access to the asylum procedure through the monitoring of pushbacks at the external borders of the EU	Access to the territory/procedure	MS/EU institutions/civil society
Create a safe place for migrants on the move where reception, psychological and legal assistance can be provided	Transit and Reception	MS

Table 2: Recommendations workshop 2 on the registration procedure

Recommendation	Specific topic	Who is it addressed to?
Provide adequate training to first contact authorities and all staff involved in the registration procedure	Training	MS/EASO
Provide information to applicants prior to the registration procedure on what registration entails and how it works	Early information provision	MS/EASO/CSOs
Ensure the presence of interpreters and cultural mediators throughout the registration procedure	Interpreters and cultural mediators	MS
Enable applicants to self-register through the use of digital tools	self-registration	MS
Allow NGOs access to border control for monitoring purposes, making sure that every applicant is registered	monitoring	MS
Develop guidelines on how to collect and handle personal data of applicants	handling of personal data	EASO
Provide applicants a possibility to pre-register and ensure that a document is issued with the applicants' personal details when registering (and ideally also when pre-registering)	Document to access services	MS

Table 3: Recommendations workshop 3 on channelling based on the profile of the applicant and the identification of special needs

Recommendation	Specific topic	Who is it addressed to?
Think through how to best organise channelling practices: frontload the provision of legal assistance at the first steps of registration; ensure flexibility between tracks; ensure all procedural safeguards during special procedures; prioritise manifestly unfounded as well as well-founded claims	Channelling	MS
Establish an EASO-civil society focal point ideally in each Member State and certainly where EASO implements operational activities; enable civil society actors to access EASO training material and tools and participate in EASO trainings, providing trainings to mixed groups of participants (e.g. MS and CSO)	Cooperation between EASO and CSOs	EASO
Ensure that Member States correctly implement existing legislation making use of all relevant tools (developed by e.g. EASO)	Compliance/implementation CEAS	MS/EASO/EU institutions
Provide sustainable solutions to guarantee adequate support for persons with special needs; develop and set standards across Member States on procedures for applicants with special needs	Vulnerable applicants	MS/EASO/CSOs
Improve coordination and cooperation between different stakeholders involved in asylum procedures at national level (e.g. by establishing a national body that unites different actors and through which information can be exchanged on a regular basis)	Coordination	MS/EASO/CSOs
Ensure adequate access and funding support for CSOs	Funding	EU institutions/MS



Closing Panel

During the closing panel, moderated by **Hanne Beirens** from Migration Policy Institute Europe, three panellists were asked to comment on the meeting's most important take-aways as well as potential next steps.

EASO's Executive Director, Nina Gregori, stressed the need to address the backlog of 900.000 open cases (of which half were pending in first instance and half in second instance) as a priority. EASO has many relevant practical support activities available to help Member States in this effort and it would be important to make sure that those tools are used, including relevant forthcoming ones, in particular

the tool on registration, a training module on registration, as well as a pilot project that aims to harmonise information activities and practices across Member States. EASO additionally provides significant operational support with regard to information provision and registration, which it committed to continue. EASO would hope to be able to step up its operational support following the adoption of the EUAA which would entail a transformation of the EASO into a fully-fledged asylum Agency.



Henrik Nielsen, Head of the Asylum Unit in the European Commission, recalled that it is the Member States' responsibility to put in place the basics for their asylum systems to work. Member States should ensure availability of adequate resources and effective implementation of EU law. Channelling practices were welcomed and the Commission would like to see these implemented by more Member States. Whilst the CEAS provides a legal framework for the implementation of these practices, the need for flexibility was stressed, whereby Member States can tailor special procedures to their own needs. Equally, the use of IT tools and applications was also welcomed and would merit further exploration. Finally, the need for better monitoring of the implementation of the asylum *acquis* was acknowledged, but details of implementation require further development.

Catherine Woollard, Secretary General of ECRE, underlined the need for CSOs to continue providing legal support and engaging in litigation, especially in a context where state-provided legal assistance is being reduced or made more difficult to access. ECRE's efforts to support NGOs with their legal work and litigation efforts would continue through the ELENA network¹. The need for Member States to maintain procedural safeguards in all types of procedures was also considered important in particular through frontloading; providing information and legal support at the early stages of the procedure and throughout all subsequent steps. Efforts should also continue to increase Member States' compliance with EU legislation, especially with regard to registration and procedural safeguards. Finally, ECRE called for support to CSOs (including the provision of funding) and welcomed EASO facilitating discussions between civil society and Member States.

¹ <https://www.ecre.org/our-work/elena/>

Annex 1: Prioritised recommendations

Workshop 1: Outreach and information provision during the initial steps of the asylum procedure

- Ensure access to the EU territory and access to the asylum procedure through the monitoring of pushbacks at the external borders of the EU
- Create a safe place for migrants on the move where reception, psychological, and legal assistance can be provided
- Coordinate the provision of information to applicants for international protection, including the streamlining of available applications, technologies, different tools, and identify best practices

Workshop 2: The Registration Procedure

- Enable applicants to self-register through the use of digital tools
- Allow NGOs access to border control for monitoring purposes, making sure that every applicant is registered
- Provide applicants a possibility to pre-register and ensure that a document is issued with the applicants' personal details when registering (and ideally also when pre-registering)

Workshop 3: Channelling based on the profile of the applicant and the identification of special needs

- Think through how to best organise channelling practices; frontload the provision of legal assistance at the first steps of registration; ensure flexibility between tracks; ensure all procedural safeguards are respected during special procedures; prioritise manifestly unfounded as well as well-founded claims
- Establish an EASO-civil society focal point, ideally in each Member State, and certainly where EASO implements operational activities; allow civil society actors to access EASO training material and tools and participate in EASO trainings, providing trainings to mixed groups of participants (e.g. MS and CSOs)



