



# 11th Consultative Forum Plenary Meeting Report



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**16 November 2021**



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## Introduction

The 11<sup>th</sup> EASO Consultative Forum annual Plenary meeting focused on “**What will the EUAA’s added value be for international protection**”. The event was organised in a hybrid format with around 50 civil society organisations attending in-person at the Hilton Hotel, Malta and more than 100 participants online.

The meeting presented an opportunity to discuss the main changes that the EUAA will bring to the Agency and included also forward-looking discussions on what the EUAA’s added-value will be for international protection.

## Opening Statement by Ms Nina Gregori, EASO’s Executive Director

EASO’s **Executive Director, Nina Gregori**, opened the meeting, emphasising the importance of the Plenary Meeting as an opportunity to connect to civil society organisations, who are key partners in the area of asylum and reception. Over the last decade, strong and solid partnership was built between the Agency and civil society, and this would now take a new dimension following the adoption of the Agency’s new mandate. Under the EUAA, the CF’s role would be reinforced to advise on asylum-related matters and the CF would also become independent. A variety of challenges were further highlighted regarding the asylum situation; migratory pressure was back to pre-pandemic levels and the situation in Afghanistan as well as Belarus were considered of grave concern. As regards the latter, the Executive Director recalled that states are under an obligation to uphold the fundamental right to seek asylum, also in difficult circumstances. She subsequently provided a short overview of the continued support provided by the Agency to help Member States address these challenges and concluded by thanking the CF members for their cooperation and interesting exchanges conducted over the last years.





## Part 1: The Asylum Situation and Update on EASO's operational activities

**Ward Lutin, the Head of the Asylum Knowledge Centre at EASO**, provided a brief overview of the asylum situation. He explained that in 2021 there had been an increase in the number of asylum applications lodged in the EU+ (an increase by around a third), returning back to pre-pandemic levels. The rise in the applications was mostly due to more applications by Afghans and Syrians. The top countries of origin were all in the Middle East and Asia, from Syria, Afghanistan, Iraq, Pakistan, Turkey and Bangladesh. The number of applications had been three times higher than irregular border crossings, likely due to undetected migrants and to secondary movements. Decision-making by EU+ asylum authorities did not keep up with the number of applications lodged. The EU+ recognition rate was around 35% in 2021, the highest since 2017. Secondary movements increased, especially since August with many Afghans having been involved in secondary movements. Conflict and political events had been the main push factors in 2021.

**Patrick Austin, Head of the Operational Centre at EASO** gave an update on the Agency's operational activities. EASO was implementing seven operating plans in Greece (largest operation), Italy, Cyprus, Malta, Spain, Lithuania and Latvia. Under these plans, EASO was present in 108 locations across the EU, implementing a budget of more than 73 million Euros. In Greece, the Agency was supporting the EU asylum acquis, reception, voluntary relocation and the EU Task Force Lesbos. In Italy, the main focus of support is on asylum, support to first and second instance, support to the national reception system, ad hoc disembarkation and relocation activities. In Cyprus, EASO was supporting the Cypriot authorities on asylum, reception and the overall digitalisation of procedures. In Malta, support was being provided on asylum and reception, in Spain support was mostly provided on implementation of a new model on reception as well as support on resettlement. And finally in Lithuania support was provided as regards registration, access to asylum at first instance as well as reception, whereas in Latvia support focused on capacity of national authorities to process applications but also to manage reception. Overall, EASO had delivered more than 220.000 workdays of operational support in 2021 with a total number of 842 persons deployed under the umbrella of EASO from the beginning of the year across all country operations. Important work had also been done post-disembarkation activities (including relocation) in relation to more than 6200 individuals. More than 500 vulnerable persons had been identified and 720 applicants for relocation had been matched. EASO had further also supported the EU voluntary scheme for relocation from Greece.

## Part 2: What will the EUAA's added-value be for international protection?

The second part of the meeting followed with a high-level debate focussing on the EUAA's added value to international protection. **The panel, moderated by Mr Mark Camilleri, Head of Executive Office was composed of Ms May-Ann Ramsay, Senior Expert, Directorate General for Migration and Home Affairs at the European Commission, Ms Sofie Magennis, UNHCR's Head of Policy and Legal Unit and Ms Catherine Woollard Director of ECRE.** The panellists mainly discussed how the EUAA will contribute to the CEAS and the wider realm of international protection and also the challenges in the field of international protection which are considered a priority for the EUAA. Another aspect discussed related to the increased resources, tasks, and responsibility and what the safeguards are required to ensure the Agency's accountability.





At the outset of the debate, **Mark Camilleri, Head of the Executive Office at EASO**, explained the main changes foreseen under the EUAA mandate. These include, amongst others, more flexibility on the composition of asylum support teams, an Asylum Reserve Pool of 500 experts, increased practical guides and tools for convergence, establishment of a monitoring mechanism in the future, broader asylum curriculum and strengthened training, more robust role in the external dimension, including the possibility for the deployment of liaison officers, reinforced provisions on fundamental rights.

**Ms Sophie Magennis, the Head of Policy and Legal Support at UNHCR**, addressed the role of the Agency in enhancing quality in asylum decision-making. She explained the work of the Agency related to tools, guidance and training and mentioned that also through operational support EASO has been working with states to develop quality in decision-making (i.e. through registration, asylum interviews, draft decisions, etc.). It has remained a challenge, however, for the Agency to get all Member States to actually follow the guidance and tools in practice. Guidance has so far not been binding and the ultimate responsibility for decision-making lies with Member States, which has resulted in continued disparities. She encouraged the Agency to therefore be as robust as possible under its new mandate to ensure that Member States are taking their guidance seriously. Reference here was also made to the role that civil society can play in holding Member States accountable in this respect. Moreover, an important change under the EUAA, is that Member States would be obliged to take account of country guidance, which could facilitate more convergence in decision-making in practice.

**May Ann Ramsay from the European Commission DG HOME** commented on the monitoring of the CEAS as well as the Agency's reinforced role in the external dimension. On monitoring, she explained that a strong element of monitoring is reflected in the Pact on Migration, for example via the Migration Management Report as foreseen under the AMR proposal, as well as through the Blueprint Network. As part of these broader efforts, the EUAA would also have a monitoring role as regards the implementation of the asylum acquis. The monitoring mechanism would enter into force in two years and will give the Agency a more assertive role. It would oblige the Agency to monitor the technical and operational application to identify shortcomings and provide support, where relevant. Monitoring would consist of two strands: 1) a monitoring programme to be adopted each year by the Management Board under which each Member State would be obliged to be monitored at least once every five years; 2) monitoring performed at the initiative of the Agency or upon the request of the Commission where there would be indications of concerns regarding the functioning of a Member States' asylum and reception system. In case of shortcomings, the Agency can issue recommendations, and if not followed, the Commission can issue recommendations, or as a last resort, the Council can adopt a Council Decision recommending to the concerned Member State that measures be taken. With regard to the external dimension, the EUAA gives the Agency a stronger mandate to provide capacity building support on all matters covered in the EUAA Regulation to relevant third countries. EASO has already been providing capacity-building support and would further build on this experience. The deployment of liaison officers was highlighted as a novelty (in the internal and external dimension).

**Catherine Woollard, Director of ECRE**, stated that for her the added value of the EUAA would be making asylum work in the EU. She encouraged the Agency to be assertive, including by being assertive on fundamental rights. She identified several main reasons why the Agency should focus on fundamental rights. For example, she stressed that the Agency should work to ensure compliance with EU law, including the Charter of Fundamental Rights. She also argued that emphasis must be placed on fundamental rights as a safeguard in view of the composition of the Agency which reports to a Management Board composed of Member States. She explained further that by addressing implementation gaps, issues related to fundamental rights could simultaneously be addressed. She encouraged the Agency to include fundamental rights compliance as part of its monitoring mechanism and finally, underlined that the need to focus on fundamental rights had increasingly become more pressing due to alleged fundamental rights violations at the EU's borders with Belarus. Concerns were

expressed of not only violations in practice, but also as regards legislation (e.g. new asylum laws in Lithuania and Poland). She expressed similar concerns regarding the Pact in relation to the border procedures. In the future, the Agency might be more exposed to situations where fundamental rights violations are more frequent, and hence she underlined the need to bolster the fundamental rights framework within the Agency including by means of the Fundamental Rights Officer, the complaints mechanism and the CF.

## Part 3: The CF and its contributions to EASO's work

The afternoon programme was dedicated to the Consultative Forum's ongoing activities and its contributions to the Agency's work. **Sheila Maas, EASO Civil Society Officer**, provided a short update on the main activities and explained the main changes foreseen to the Consultative Forum under the EUAA, as well as the process for establishing and operationalising the new and revised Forum. Whilst the CF will remain a mechanism for the exchange of information and sharing of knowledge aimed at maintaining a close dialogue between the Agency and relevant CSOs, the EUAA Regulation reinforces the CF's role and foresees changes to its composition, activities and areas of consultation. The main changes include a reinforced role to advice on asylum-related matters, making the CF independent. The composition for the new Forum is not defined, but will in accordance with the Regulation be specified in a Management Board Decision setting out its composition and conditions for transmission of information, whereas the Consultative Forum itself will decide on its working methods. Depending on the MB Decision, the revised Forum would be established accordingly. The Agency was in the process of preparing the draft MB Decision for which it was conducting internal and external consultations. A workshop was announced to take place at the start of 2022 during which CSOs would be invited to express their preferences as to what the new Forum should look like.

Subsequently, parallel break-out sessions were organised for the participants on: Training, Vulnerable applicants and Asylum processes. The workshops provided more detailed information on the Agency's activities in these areas and participants also explored how CSOs could further engage with the Agency on these topics.





## 1.1 Summary of Training Workshop:

During this workshop, Pietro Tesoriero Training Officer and Martina Fialova Training Officer, presented the Training Curriculum and the changes undergoing considering the development of the ESQF, regarding the design and development of new learning. An update was also provided on the outcomes and state of play of the consultation project with CF members on selected training modules which is currently in place and to explored areas of cooperation in the consultation on the establishment and implementation of the European Asylum Curriculum with the aim of exploring practices, methods and innovative techniques used by civil society organisations when delivering training. The participants shared their views and ideas on existing training program and activities implemented in the national or international context within their remit and proposed suggestions for potential cooperation on the consultation and review of thematic training areas according to their knowledge and expertise. The participants also shared good practices and discussed common challenging issues.



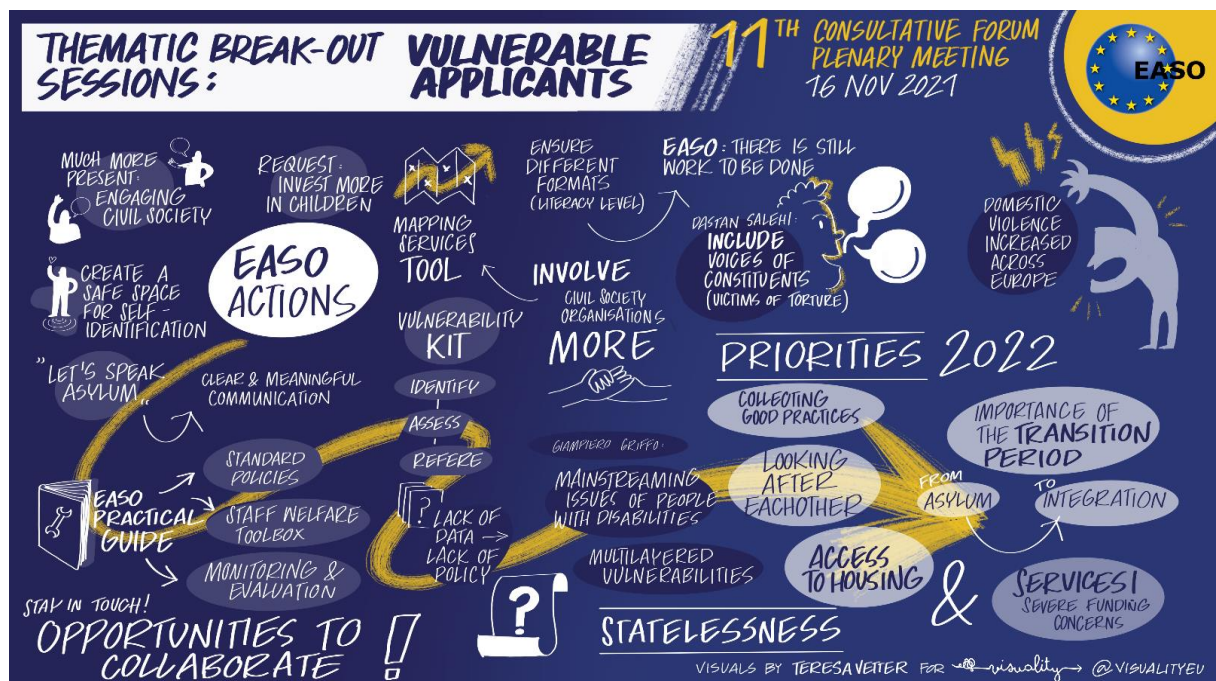




## 1.2 Summary of Vulnerable Applicants Workshop:

During the workshop session on vulnerability, the workshop leads explained in detail the role and responsibilities of the team as well as in terms of support provision to MS authorities. It was further added that the aim of the workshop was to integrate considerations on vulnerability issues in all EASO activities; enhance the practical cooperation among Member States; support authorities to adapt the international protection procedures and reception conditions to the special needs of vulnerable persons.

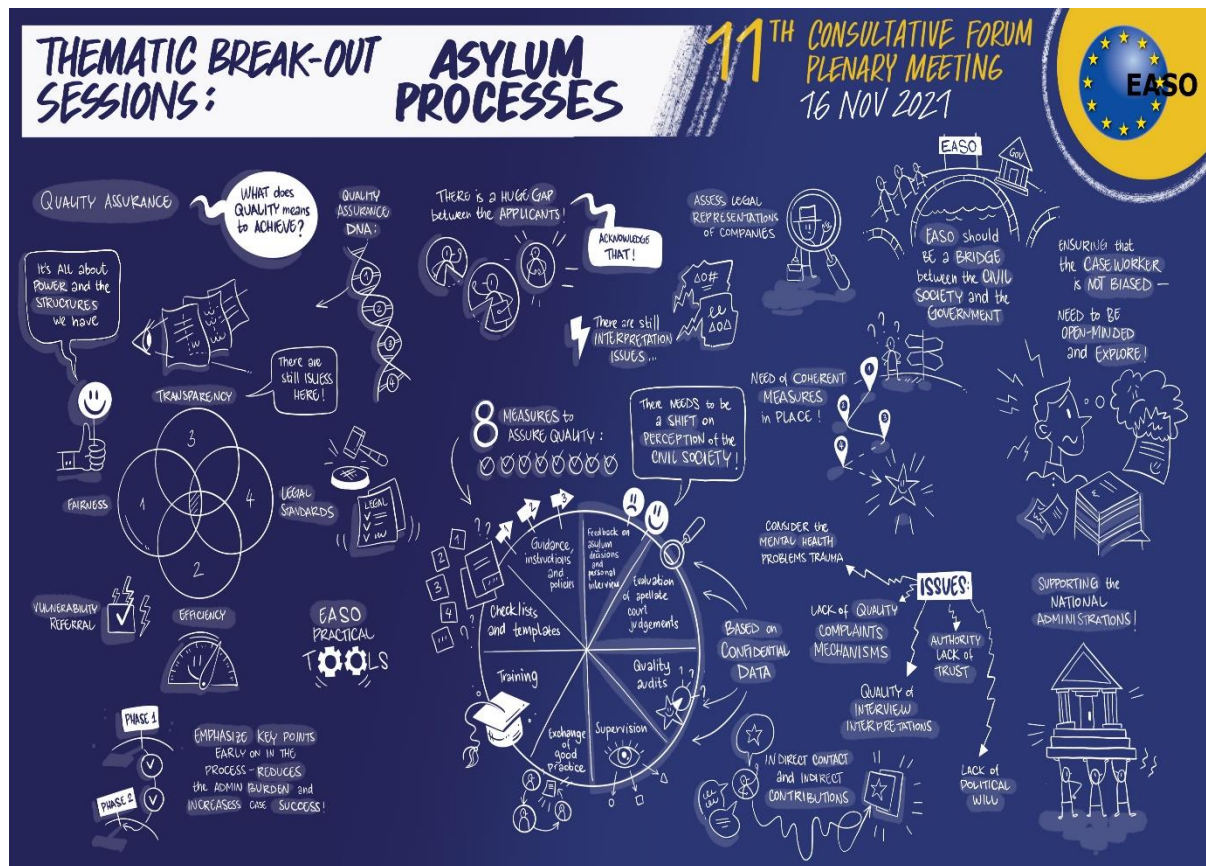
The team highlighted as a next step how EASO has taken recommendations and considerations made by CF into account when implementing activities. One area emphasised by CF members in the past for example was the point of stronger participation of the final target group: applicants. Since this recommendation was put forward EASO has engaged in several exercises supported by MS authorities and CSO to reach out to applicants and give them a voice. Their feedback was considered during tool development to ensure even more relevance. Another point put forward for EASO to look into was the topic of gender related persecution. EASO has since then organised several webinars, issued queries and is in the process of updating training modules on the topic. The participants were then presented with information on several ongoing EASO activities. Lastly, the team shared the priorities selected by the VEN looking forward to 2022 and beyond which were the basis of the discussions during the second half of the workshop. The 5 main priorities of the EASO Vulnerable Group were presented to the participants namely Mental health, Children, Trafficking in human beings, Gender based violence and Victims of torture.





### 1.3 Summary of Asylum Processes Workshop:

This workshop aimed to reflect on what is meant by quality assurance in asylum processes, how asylum administrations manage quality assurance and how civil society organisations can support quality assurance. Key questions were presented to the participants with the aim to map existing cooperation between civil society organisations and asylum administration at national level in EU+ countries and to formulate practical recommendations on how this cooperation could be enhanced. Participants were asked how civil society organisations currently contribute to the quality of asylum procedures and what are the current challenges in contributing to the quality of asylum procedures. Another key question related to how civil society organisations can be more involved in contributing to the quality of asylum procedures and how the EUAA could further support the cooperation between civil society organisations and asylum administrations.





## Summary of conclusions and closing remarks

During the end session, the meeting moderator thanked the participants for their participation and stated that it was clear that there is indeed a strong sense of willingness from civil society to cooperate with the Agency under its new mandate and that the adoption of the EUAA regulation gives a signal that the EU is still committed to its own values on international protection. This was also echoed throughout the panel debate discussions, that the Agency will be better equipped with the tools to better prevent and prepare for situations of pressure, enable more convergence and doing more capacity building in third countries. Furthermore, the workshops on training, vulnerable applicants, and asylum processes all had common elements revolving around how the Agency is already cooperating with civil society in these areas, and how cooperation can be further strengthened.





