



Workshop Discussion Paper

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

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1. Background and aim of the workshop

The Asylum Procedures Directive¹ foresees the use of **different types of first-instance procedures** (prioritized procedures; accelerated procedures; border procedure; admissibility procedure) and stipulates the conditions under which these procedures may be applied. The Asylum Procedures Directive describes **procedural guarantees for the applicants** under the asylum procedures. These guarantees include information provision, interpretation, communication with stakeholders, legal support, access to information of the case and notification of the decision for international protection. These safeguards for the applicants, and in particular applicants with special needs, **shall be ensured** under the different procedures that are followed.

The Asylum Procedures² and the Reception Conditions³ directives include provisions on **applicants with special needs**. They also require for a State process, where different actors come into contact with the individual applicant, to identify and assess these needs. In order to achieve the result of an **early identification, an effective assessment and a referral** to appropriate service provision, adequate systems are essential, and they have to be built on the skills of different official authorities together with the support of civil society organizations (CSO) involved in the asylum procedure.

Currently, Member States rely on diverse approaches, varying from formal identification and assessment systems to informal measures implemented with the support of CSO. When special needs are identified and assessed at an early stage of the procedure, the applicants with special needs should be provided with **adequate support**, based on their profile. This adequate support allows the applicants to benefit from the rights and comply with the obligations set in the European Union Directives, throughout the duration of the

¹ Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection.

² See article 24 of Directive 2013/32/EU.

³ Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection, see article 21 and 22.

asylum procedure. The assessment, therefore, triggers supplementary or tailored support, to ensure persons with special needs enjoy the appropriate conditions in order for them to bring forward their claim for international protection. This adequate support has to be provided, according to the Asylum Procedures Directive, **during the different procedures that are applied** for the examination of an application for international protection (regular procedure - special procedures). In response to the migratory pressure, Member States have increasingly made use of channelling practices, often by prioritizing or accelerating certain caseloads. This development has, for some MS constituted a new approach, and practices appear diverse. For this reason, the identification of the special needs is crucial for the channelling of the applicants to the appropriate procedure.

CSO can play a critical role in providing expertise and quality support to national authorities to safeguard the procedural guarantees and to identify and assess within a reasonable period of time and, after an application for international protection is made, whether the applicant is in need of special procedural and/or reception guarantees or not. The workshop discussions will enable active participation of CSO, with the aim of providing **concrete recommendations**, which will enhance the timely identification of persons with special needs, will support the channelling to the appropriate procedure within the European legal framework and will support the respect of the procedural guarantees for all the applicants.

2. Structure of the workshop

- Kick-off exercise
- Thematic introduction to the workshop by the workshop leads
- Splitting up in smaller groups for action-oriented discussions
- Discussions in smaller groups formulating recommendations
- Reporting back to workshop group
- Closing

3. Key questions to be discussed

- *How can CSO support State authorities to ensure the timely identification and effective assessment of persons with special needs?*
- *How can CSO support the authorities to ensure the procedural guarantees for all the applicants?*
- *What can be the role of CSO in the channelling of the applicants with special needs to the appropriate procedure?*
- *What are the elements to guarantee an adequate support to applicants with special needs, within the asylum procedures? Will this support be different depending on the procedure that is applied (regular procedure – special procedures)?*
- *What could be some potential pieces of evidence regarding the different categories of persons with special needs?*
- *How could the link between EASO and CSO be strengthened? How and on which topics can CSO contribute to EASO activities?*