

# Strategy on Vulnerability



# **EUAA Strategy on Vulnerability**

**A harmonised approach to vulnerability in the  
framework of the Common European Asylum System**

**November 2023**

On 19 January 2022, the European Asylum Support Office (EASO) became the European Union Agency for Asylum (EUAA). All references to EASO, EASO products and bodies should be understood as references to the EUAA.



Manuscript completed in November 2023

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Luxembourg: Publications Office of the European Union, 2023

PDF ISBN 978-92-9403-288-1 doi: 10.2847/582590 BZ-07-23-197-EN-N

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## List of abbreviations

Abbreviation	Definition
<b>APD (recast)</b>	<b>asylum procedures directive</b> — 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 (recast)
<b>CEAS</b>	Common European Asylum System
<b>CSOs</b>	civil society organisations
<b>Dublin III regulation</b>	Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast)
<b>EUAA</b>	European Union Agency for Asylum
<b>EU Charter</b>	EU Charter of Fundamental Rights
<b>EU+ countries</b>	EU Member States and the Schengen associated countries
<b>FRA</b>	European Union Agency for Fundamental Rights
<b>IOM</b>	International Organization for Migration
<b>Member States</b>	EU Member States
<b>QD (recast)</b>	<b>qualification directive</b> — Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast)
<b>RCD (recast)</b>	<b>reception conditions directive</b> — 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 (recast)
<b>Refugee Convention</b>	The 1951 Convention relating to the status of refugees and its 1967 Protocol (referred to in EU asylum legislation and by the Court of Justice of the EU as ‘the Geneva Convention’)
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>VEN</b>	EUAA Vulnerability Experts Network



# 1. Introduction

The approach of EU asylum law and policy to vulnerability is rooted in the principle of equality before the law <sup>(1)</sup>. In addition to the principle of equality, the concept of vulnerability is also based on the principle of non-discrimination <sup>(2)</sup>. Therefore, applicants in a vulnerable situation should be able to benefit from their rights and comply with the obligations provided for in the instruments of the Common European Asylum System (CEAS) on an equal footing with applicants who are unhindered by such vulnerabilities.

The European Union Agency for Asylum (EUAA) is committed to supporting EU Member States and the Schengen associated countries (EU+ countries <sup>(3)</sup>) in their efforts in identifying, assessing and responding to the special needs of applicants for international protection who are in a situation of vulnerability. The increased requests for more guidance on vulnerability-related issues received from EU+ countries, as well as within the agency, and other relevant actors, revealed the need to develop a common approach in the responses ensuring convergence and high standards.

In this context, the *EUAA Strategy on Vulnerability* aims to better coordinate the agency's activities on vulnerability. It aims to do this by enhancing knowledge on vulnerability and quality of the implementation of related activities in the framework of the CEAS from a technical and operational point of view.

This strategy was developed in the context of ongoing negotiations on the [New Pact on Migration and Asylum](#), which was presented by the European Commission in September 2020. This proposal would notably enhance the importance of screening for vulnerability upon entry into the EU <sup>(4)</sup>.

## 1.1. Legal framework

In accordance with Directive 2013/33/EU (RCD (recast)) <sup>(5)</sup> and Directive 2013/32/EU (APD (recast)) <sup>(6)</sup>, the Member State must conduct an individual assessment of whether the applicant has special reception needs and/or is in need of special procedural guarantees. Identification and assessment of special needs as well as the provision of adequate support to

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<sup>(1)</sup> Article 2 of the [Treaty of the European Union](#) (OJ, C 202/1, 1.3.2020) and Article 20 European Union, [Charter of Fundamental Rights of the European Union](#), 26 October 2012, (OJ C 2012/C 326/02, 26.10.2012) (EU Charter).

<sup>(2)</sup> Article 21(1) EU Charter.

<sup>(3)</sup> The 27 EU Member States, complemented by Iceland, Liechtenstein, Norway and Switzerland.

<sup>(4)</sup> [Proposal for a Regulation](#) of the European Parliament and of the Council introducing a screening of third country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817, (COM/2020/612 final, 23.9.2020).

<sup>(5)</sup> [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 (recast), (OJ L 180, 29.6.2013).

<sup>(6)</sup> [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 (recast), (OJ L 180/60, 29.6.2013).



applicants in a vulnerable situation is an obligation for Member States. In particular, under the EU asylum *acquis*:

- the identification and the assessment of the special needs of the applicants have to be done within a reasonable period after an application for international protection is made and should be ongoing <sup>(7)</sup>;
- Member States must ensure that where applicants have been identified with special needs, they are provided adequate support <sup>(8)</sup>;
- Member States must take into account the specific situation of applicants in need of special reception support and special procedural guarantees <sup>(9)</sup>.

The CEAS instruments use different terminology: vulnerability, special needs, special reception needs and special procedural guarantees. All these terms refer to the key scope of ensuring that all applicants are able to equally access the reception system and benefit from adequate material reception conditions, to participate in the asylum procedures and to have their needs addressed on the base of their specific situation <sup>(10)</sup>.

In the RCD (recast) <sup>(11)</sup> and Directive 2011/95/EU (QD (recast)) <sup>(12)</sup> a non-exhaustive list of frequently occurring personal characteristics that give rise to situations of vulnerability is provided. The APD (recast) focuses on a non-exhaustive list of indicators.

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<sup>(7)</sup> Article 22 RCD (recast), Article 24 APD (recast).

<sup>(8)</sup> Article 22 RCD (recast), recital 29 APD and Article 24(3) APD (recast).

<sup>(9)</sup> Article 21 RCD (recast), (recital 29 APD (recast).

<sup>(10)</sup> References to vulnerabilities or special needs in the CEAS instruments: recital 14, Article 2(k), Article 11, Article 17(2), Article 18(3) and (5), Article 19(2) and Articles 21–25 RCD (recast); recital 13, Articles 6, 8, 16, 31 and 32 Dublin III regulation; recitals 29 and 30, Article 2(d), Article 15(3)(a), Articles 24 and 25, and Article 31(7)(b) APD (recast); recitals 19, 28 and 41, Article 4(3)(c), Article 9(2)(f), Articles 20(3) and (4), Article 30(2) and Article 31 QD (recast).

<sup>(11)</sup> Article 21 RCD (recast).

<sup>(12)</sup> [Directive 2011/95/EU](#) of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast) (OJ L 337, 20.12.2011).



Article 20(3)  
QD (recast)



*... Member States shall take into account the specific situation of vulnerable persons such as minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence.*

recital 29 APD  
(recast)



*Certain applicants may be in need of special procedural guarantees due, inter alia, to their age, gender, sexual orientation, gender identity, disability, serious illness, mental disorders or as a consequence of torture, rape or other serious forms of psychological, physical or sexual violence. ...*

Article 21 RCD  
(recast)



*Member States shall take into account the specific situation of vulnerable persons such as minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation ...*

These lists are not exhaustive. Other profiles may be considered as being at a higher risk of facing vulnerable situations or that individuals who are not part of one of the stated profiles may have special needs that need to be addressed. These lists highlight that applicants falling within these profiles are more likely to have special needs, however, an individualised approach to assess the specific circumstances of the applicant is always required <sup>(13)</sup>.

In light of this, the EUAA proposes an operational definition in this strategy derived from Article 2(k) RCD (recast) and Article 2(d) APD (recast). The proposed definition does not contradict the definitions provided in the CEAS. The definition captures the importance of considering the individual circumstances of each applicant to understand the needs they might have and the importance of needs-based and tailored support.

<sup>(13)</sup> EASO, [Vulnerability in the Context of Applications for International Protection — Judicial analysis](#), 2020.



## EUAA operational definition of vulnerability

A person in a vulnerable situation is an applicant whose ability to understand and effectively present their case or fully participate in the whole asylum process and reception pathway is limited due to their individual circumstances <sup>(14)</sup>.

## 1.2. Purpose of the strategy

The purpose of the *EUAA Strategy on Vulnerability* is to define the overarching framework within which the EUAA will continue to develop its work related to vulnerability in supporting EU+ countries. This will provide a sound understanding on how areas within the CEAS referring to vulnerability are operationalised as part of the agency's support.

While the strategy strongly focuses on EU+ countries and its internal dimension, the guiding principles, goals and working methods outlined in this strategy will also be applied, as appropriate, to the work of the EUAA in the external dimension.

This strategy should be read together with the existing EUAA strategies, including the strategies on reception, training and learning, external cooperation, and on fundamental rights (forthcoming) <sup>(15)</sup>.

## 1.3. Development process

This *EUAA Strategy on Vulnerability* has been drafted as a common effort by the EUAA centres covering operational support, training and asylum expertise and consulted with other relevant internal experts, including the Fundamental Rights Officer.

The strategy was also consulted with external actors, including the EUAA Vulnerability Experts Network (VEN), which is composed of Member State authorities, the European Commission, the EU Agency for Fundamental Rights (FRA) and the United Nations High Commissioner for Refugees (UNHCR) <sup>(16)</sup> as well as civil society organisations (CSOs) and other relevant actors. The consolidated version of the strategy was adopted by EUAA Management Board on 28 November 2023.

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<sup>(14)</sup> This definition is used in EUAA training modules and is defined considering CEAS definitions. Article 2(d) APD (recast) provides the definition of 'applicant in need of special procedural guarantees' meaning 'an applicant whose ability to benefit from the rights and comply with the obligations provided for in this Directive is limited due to individual circumstances'. Article 2 (k) RCD (recast) defines 'applicant with special reception needs' as 'a vulnerable person, in accordance with Article 21, who is in need of special guarantees in order to benefit from the rights and comply with the obligations provided for in this Directive'.

<sup>(15)</sup> EASO, [Strategy on Reception](#), March 2021; EUAA, [Training and Learning Strategy](#), March 2022; EUAA, [External Cooperation Strategy](#), March 2023.

<sup>(16)</sup> Note that the finalised strategy does not necessarily reflect the positions of UNHCR.



## 2. Guiding principles

The principles governing the *EUAA Strategy on Vulnerability* and its implementation are in line with the values at the core of the EU and the EUAA.

- **Protection-sensitive approach.** The *EUAA Strategy on Vulnerability* takes a protection-sensitive approach in line with Regulation (EU) 2021/2303 (the EUAA regulation) <sup>(17)</sup>. The EUAA in its activities and interventions should take into consideration the specific needs of the applicant for international protection by considering personal factors such as gender, age, diversity, physical and mental state, educational background and level of literacy, etc. All actions and activities undertaken in line with the strategy are in full respect of human rights and fundamental freedoms, as guaranteed by the EU Charter of Fundamental Rights. In the case of children, the best interests of the child must be given primary consideration in all actions and decisions that affect them <sup>(18)</sup>.
- **Coherence with European legislation and policies.** The *EUAA Strategy on Vulnerability* is in line with the standards set out by the CEAS. The EUAA promotes the legal standards of the CEAS and the operational standards and indicators developed by the EUAA with the purpose of supporting Member States in the full and coherent implementation of key provisions of the CEAS.
- **Sustainability, effectiveness and efficiency of support.** The EUAA is committed to ensuring the sustainability of the impact of the *EUAA Strategy on Vulnerability* through the provision of effective and efficient support. The EUAA activities on vulnerability must be planned based on needs or feasibility assessments and on a clear results framework to measure and monitor its impact.
- **Partnership, cooperation and complementarity.** The *EUAA Strategy on Vulnerability* is to be further developed and implemented in consultation and close cooperation with EU+ countries, the European Commission and EU agencies. Where relevant, this can also be done in partnership with UNHCR, International Organization for Migration (IOM) and other relevant actors, such as CSOs and local authorities, when collaboration and complementarity can improve the outcome of activities planned or carried out in the field of vulnerability.

The *EUAA Strategy on Vulnerability* provides added value and is not intended to duplicate efforts by other partners and stakeholders. Appropriate information sharing and communication channels will be used to ensure complementarity and to capitalise on already developed methodologies, including by EU+ countries, the European Commission and other stakeholders. This strategy is developed in a spirit of mutual

<sup>(17)</sup> [Regulation \(EU\) 2021/2303](#) of the European Parliament and of the Council of 15 December 2021 on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010 (OJ L 468, 30.12.2021).

<sup>(18)</sup> Recitals 9 and 22 and Articles 2, 11, 23, 24 RCD referring to the best interests of the child; European Migration Network Glossary, [Definition of 'best interests of the child'](#); Article 3 of the UN General Assembly, [Convention on the Rights of the Child](#), 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3; Article 24 EU Charter.



interest with the EU+ countries and the third countries concerned to tackle common challenges, while ensuring compatibility with EU external policies.

### 3. Vision and mission

In line with its mandate, the EUAA **vision** on vulnerability is to have an efficient and equitable asylum and reception system for all applicants for international protection, including those who find themselves in a particularly vulnerable situation.

The EUAA **mission** on vulnerability is to enhance a harmonised approach to vulnerability by mainstreaming vulnerability related aspects in all its activities thus supporting the agency staff, EU+ country authorities and others working on vulnerability in addressing needs and challenges related to this area.

### 4. The EUAA goals, strategic objectives and key actions for a common approach to vulnerability

The four focus areas covering vulnerability within the CEAS and where a common approach needs to be followed are listed below. Alongside the focus areas are goals that should be accomplished to achieve the EUAA vision on vulnerability. In order to achieve the goals set in the strategy, strategic objectives and key actions are defined.



#### 4.1. Cooperation and exchange of information

**Goal 1. The practices for responding to the special needs of applicants in a vulnerable situation are harmonised through cooperation and exchange of information among EU+ countries.**

**Description.** The CEAS is a legal and policy framework developed to guarantee harmonised and uniform standards for applicants for international protection in the EU. It is based on an understanding that having a common approach to implement transparent, effective and equitable procedures would benefit EU asylum systems and applicants.

The CEAS does not clearly specify how the procedure of the identification of applicants in a vulnerable situation should be carried out or the response once the person is identified. This might contribute to certain disparities among EU+ countries in the way they respond to

the needs of applicants in a vulnerable situation. In order to ensure that the response to applicants in a vulnerable situation is aligned across EU+ countries, it is essential that EU+ countries have the possibility to exchange and share their practices, challenges and needs on vulnerability related issues.

Strengthening the cooperation and exchange of information among EU+ countries are at the core of the EUAA mandate and role in order to support Member States in establishing a coordinated approach in the application of protection standards.

Strategic objectives	Key actions
The EUAA technical support, operational support and training ...	By...
<p>1.1. ... strengthen the practical cooperation and information exchange on vulnerabilities among EU+ countries and CSOs.</p>	<ul style="list-style-type: none"> <li>a. Organising networks and thematic meetings on vulnerability-related topics based on identified needs.</li> <li>b. Organising study visits and exchange programmes on vulnerability related issues.</li> <li>c. Issuing periodic updates and newsletters on vulnerability.</li> <li>d. Keeping up-to-date information related to vulnerability on the EUAA Information and Documentation System database <sup>(19)</sup>.</li> <li>e. Keeping up-to-date information on relevant case-law for vulnerability on the EUAA Case Law Database <sup>(20)</sup>.</li> <li>f. Taking into consideration the advice provided by the members of the Consultative Forum thematic consultation group on persons in a vulnerable situation.</li> <li>g. Promoting cooperation with Western Balkan partners in line with the Conclusions of the European Council on 23 June 2022 <sup>(21)</sup> and the revised enlargement methodology, including by working towards the gradual inclusion of Western Balkan partners in the VEN <sup>(22)</sup>.</li> </ul>

<sup>(19)</sup> The EUAA Information and Documentation System database is available here: <https://ids.euaa.europa.eu/>

<sup>(20)</sup> The EUAA Case Law Database is available here (registration required): <https://caselaw.euaa.europa.eu/Pages/default.aspx>

<sup>(21)</sup> The Conclusions of the European Council on 23 June 2022 is available here: <https://www.consilium.europa.eu/media/57442/2022-06-2324-euco-conclusions-en.pdf>

<sup>(22)</sup> Nonetheless, as outlined in the EUAA, *External Cooperation Strategy*, March 2023, decisions regarding timeframe and the type of participation offered will ultimately lie with the members of the VEN network.

1.2. ... enhance the quality of the management of cases of applicants in a vulnerable situation and enhance the efficiency of asylum and reception systems of Member States.	<ul style="list-style-type: none"> <li>a. Developing operational standards and indicators on vulnerability.</li> <li>b. Providing quality support in the EUAA's operations.</li> <li>c. Monitoring aspects on respect for fundamental rights, child protection safeguards and the special needs of persons in a vulnerable situation.</li> </ul>
1.3. ...promote the collection of unified data on special needs and vulnerabilities.	<ul style="list-style-type: none"> <li>a. Integrating indicators on vulnerability in the regular data collection mechanisms.</li> <li>b. Developing guidance and recommendations on data collection including aspects related to vulnerability.</li> </ul>
1.4. ... promote the collection of information on specific vulnerability profiles in third countries.	<ul style="list-style-type: none"> <li>a. Compiling information on specific vulnerable profiles in country of origin information and country guidance documents.</li> <li>b. Organising workshops on common analysis and guidance notes.</li> </ul>
1.5. ... promote the usage of harmonised terminology and concepts related to vulnerability.	<ul style="list-style-type: none"> <li>a. Developing, reviewing and keeping the EUAA glossary on vulnerability up to date.</li> <li>b. Increasing the understanding of vulnerability terms and concepts through the European Asylum Curriculum Training Programmes.</li> </ul>



## 4.2. Identification, prevention, and response

**GOAL 2: All applicants in a vulnerable situation are identified, their needs assessed on an ongoing basis, and adequate and timely support is provided throughout the entire reception and asylum pathways.**

**Description.** The early identification of applicants in a vulnerable situation and the provision of adequate support are key to preventing the aggravation of the applicant's pre-existing condition(s) or the emergence of new risk factors or vulnerabilities. Prevention refers to activities aiming to stop the emergence of new situations of vulnerability and the deterioration of existing ones.

The identification of vulnerabilities is a process that should begin as soon as possible and continues throughout all the stages of the asylum procedures and reception process. It is essential that when needs are identified, the appropriate response and follow-up are carried



out. Therefore, specific responsibilities and adequate response timelines should be assigned based on the resources allocated in the standard operating procedures linking the identification phase and the appropriate response.

The assessment of special needs is the systematic evaluation of the situation of the applicant. A vulnerability assessment considers the complex intersection of vulnerabilities, risks and harm factors. It also highlights protective factors and the resilience of an individual and any social and/or family network on which the applicant may be able to rely. A comprehensive and continuous assessment aims at understanding the vulnerabilities and special needs of the applicants and the ways in which they can holistically be addressed.

The response to the special needs of a person in a vulnerable situation aims to provide the adequate support. The response must be individualised and must take into account the personal circumstances and, where possible, the views of the person. This is done by implementing special procedural guarantees and/or adequate reception conditions and through referral to adequate/specialised support or services depending on the needs <sup>(23)</sup>. The response usually involves multiple actors beyond the asylum and reception authorities.

A systematic approach to record and communicate the relevant information to the competent actors taking into account confidentiality and data protection requirements will guarantee a meaningful and effective response. It is important that asylum and reception authorities are aware of the actors supporting applicants in a vulnerable situation at both local and national level. If the asylum and reception authorities are not equipped to provide direct support, they can refer the applicants to these actors. Communication and coordination mechanisms should be set up together with standard procedures to address the needs of vulnerable cases and ensure their follow-up. The follow-up also serves as a reflection on how the implementation of the response is progressing and whether adjustments are necessary by monitoring the applicant's situation and identifying any changes in the person or family's circumstances.

Information on special needs, which may include information on the applicant's physical and mental health, may also be exchanged between Member States. This concerns applicants that are transferred under Regulation (EU) No 604/2013 (Dublin III regulation <sup>(24)</sup>), in accordance with Articles 31, 32 and 34 of the regulation. In these cases, the person will be informed of the reasons and consequences of the need to exchange this information in order to obtain their consent.

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<sup>(23)</sup> In cases where an applicant is placed in a detention facility, the authorities should ensure that special needs are addressed.

<sup>(24)</sup> [Regulation \(EU\) No 604/2013](#) of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast) (OJ L 180, 29.6.2013).



Strategic objectives	Key actions
The EUAA technical support, operational support and training ...	By...
<b>2.1.</b> ... emphasise the importance of preventing the emergence of new vulnerabilities and the aggravation of the applicant's pre-existing vulnerable situation.	<ul style="list-style-type: none"> <li>a. Developing and disseminating practical tools and guidance on how to timely and effectively identify applicants in vulnerable situation and assess their needs.</li> <li>b. Providing a clear framework for the activities on vulnerability to be carried out under the operational support, which includes reference to EUAA practical tools and guidance and training developed to support the full and coherent implementation of the CEAS.</li> </ul>
<b>2.2.</b> ... promote a needs-based response to the needs of the applicant.	<ul style="list-style-type: none"> <li>a. Developing practical tools and guidance to facilitate the case management and the creation of individual response plan and follow-up actions.</li> <li>b. Providing support in referring identified and assessed cases for the provision of adequate support.</li> </ul>
<b>2.3.</b> ... promote the establishment of a coordination, referral and/or cooperation mechanism to respond to special needs.	<ul style="list-style-type: none"> <li>a. Developing practical tools and guidance to facilitate the referral of applicants with special needs to adequate support.</li> <li>b. Including reference to establishment of a coordination, referral and/or cooperation mechanism to respond to special needs in the EUAA operational plans.</li> </ul>



### 4.3. Training and capacity building

**Goal 3. Relevant practitioners working in the field of asylum and reception have the necessary knowledge, skills, responsibility and autonomy to deal with applicants in a vulnerable situation.**

**Description.** In order to ensure a fundamental rights-based approach and the efficient management of vulnerable cases, asylum and reception practitioners should have the necessary knowledge and expertise to handle such cases. This also includes the awareness of senior management of the importance of promoting and implementing vulnerability





related training and capacity building activities to enable practitioners to do their work in a professional and responsible manner.

Both in asylum and reception, it is important to know how to identify applicants in a vulnerable situation. It is important to communicate with and provide information to applicants in a vulnerable situation and consequently how to respond to special needs by implementing special procedural guarantees and reception conditions and by referring the applicant to specialised support. All persons in contact with applicants should be aware of indicators of vulnerability and risk factors that could lead to such a situation.

Strategic objectives	Key actions
The EUAA technical support, operational support and training ...	By...
<p><b>3.1.</b> ... build knowledge and skills of staff on how to identify, assess and manage the case of an applicant in a vulnerable situation.</p>	<ul style="list-style-type: none"> <li>a. Developing and delivering training modules and other professional development content on vulnerability.</li> <li>b. Providing training sessions to a pool of certified trainers on vulnerability related topics, who could ensure the delivery of specialised training modules at national, regional and EU levels.</li> <li>c. Ensuring professional development and networking between trainers, as well as asylum and reception practitioners.</li> <li>d. Conducting capacity building activities such as thematic workshops, roundtables, on-the-job coaching, shadowing and focus groups based on already developed training modules, practical tools and guidance.</li> </ul>



## 4.4. Participation

**GOAL 4.** All applicants in a vulnerable situation are enabled to actively participate throughout the entire asylum and reception pathways.

**Description.** Participation includes the provision of information to applicants on all procedures, rights, obligations and services in the asylum procedures and reception pathway. The information is provided in a way that is tailored to their specific needs and characteristics (language, age, disabilities, etc.). At the same time, it involves the full



engagement, consultation and provision of feedback on behalf of the persons and communities themselves, both on an individual and on a group or representation basis.

The right to information is one of the core guarantees provided in the CEAS to ensure a fair and effective asylum procedure. Information provision enables applicants to enjoy their rights and comply with their obligations. In accordance with the APD (recast) <sup>(25)</sup>, an applicant for international protection has the right to be informed about the asylum procedure in a timely manner. The RCD (recast) requires that the information that should be provided to the applicant in a reasonable time, including at the least any established benefits and the obligations with which they must comply relating to reception conditions <sup>(26)</sup>.

To foster participation in reception, applicants should also be involved in managing the material resources and non-material aspects of life in the centre <sup>(27)</sup> and should have access to a complaint and response mechanism. Complaints may be related to any aspect of the applicant's daily life in the reception facility, including access to services, material conditions and treatment by staff. A complaint and its follow-up should be seen as an opportunity to improve the reception conditions. This also entails a continuous effort to identify gaps and barriers to participation, especially for people in a vulnerable situation or with special needs.

Strategic objectives	Key actions
The EUAA technical support, operational support, and training ...	By...
<b>4.1.</b> ... promote the provision of information adapted to the needs of the applicant.	<ul style="list-style-type: none"><li>a. Providing guidance and training on how to adapt the information provision to the needs of applicants.</li><li>b. Promoting the use of EUAA Let's Speak Asylum platform.</li></ul>
<b>4.2.</b> ...include considerations related to accountability and the establishment of a complaint and response mechanism.	<ul style="list-style-type: none"><li>a. Developing guidance on how to establish complaint and response mechanisms that ensure the safeguarding of the applicant.</li><li>b. Developing training sessions referencing the obligation to safeguard the fundamental rights of applicants and the importance of ethical engagement by staff.</li><li>c. Providing operational support for the establishment of complaint and response mechanisms</li></ul>

<sup>(25)</sup> Articles 12 and 19 APD (recast).

<sup>(26)</sup> Article 5 RCD (recast).

<sup>(27)</sup> Article 18 RCD (recast).



<p><b>4.3.</b> ...promote the design and implementation of activities that consider the applicants' views and needs.</p>	<ul style="list-style-type: none"> <li>a. Implementing activities which allow for active and meaningful participation of applicants.</li> <li>b. Providing guidance on how to facilitate the collection of views from applicants.</li> </ul>
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## 5. Vulnerability in the EUAA mandate and agency activities

Vulnerability is a crosscutting issue in the EUAA mandate and is covered by the various forms of support that the agency has to offer. The support provided by the EUAA is articulated through three main pillars: technical, operational and training.

In addition, the EUAA supports the external dimension of the CEAS. In the external dimension, the agency has a more limited mandate, since it cannot provide operational assistance by deploying operations as it can in EU+ countries. Nonetheless, the EUAA cooperates with the competent authorities of partner third countries to provide expertise and capacity building, and support their asylum and reception systems.

### Technical Support

The EUAA, in line with Article 13(1) EUAA regulation, provides technical support through ‘the development of operational standards, indicators, practical tools, guidelines or best practices’ to assist Member States in dealing with applicants in a vulnerable situation. Further, the EUAA must assist Member States in applying these tools ‘to their asylum and reception systems by providing the necessary expertise or operational and technical assistance.’ <sup>(28)</sup>

The operational standards, indicators, guidelines and best practices developed by the agency can be taken into account for the establishment of a monitoring mechanism, which aims to monitor the application of the CEAS <sup>(29)</sup> in close cooperation with the European Commission. The mechanism will ‘cover the operational and technical application of all aspects of the CEAS’, including ‘respect for fundamental rights, child protection safeguards and the specific needs of persons in a vulnerable situation’ <sup>(30)</sup>.

The EUAA also encourages practical cooperation and information sharing among the EU+ countries on issues relating to persons in a situation of vulnerability. Practical cooperation activities are conducted to foster convergence in line with the CEAS and EU standards. To this end, the agency has established and coordinates the VEN composed of Member States

<sup>(28)</sup> Articles 13(5) EUAA regulation.

<sup>(29)</sup> Article 13(6) EUAA regulation.

<sup>(30)</sup> Article 14(1) and Article 14(3)(a) EUAA regulation.



representatives, CSOs, international organisations, academia and representatives from the European Commission, the EU Agency for Fundamental Rights and UNHCR.

In addition:

*The Agency shall be a centre for gathering relevant, reliable, objective, accurate and up-to date information on relevant third countries in a transparent and impartial manner, making use of relevant information, including child-specific and gender-specific information, and targeted information on persons belonging to vulnerable and minority groups. <sup>(31)</sup>*

The EUAA also gathers information on specific vulnerable profiles to be compiled in country of origin information and country guidance documents. In particular, this information covers the targeting and protection needs of vulnerable profiles as well as the socioeconomic and general security situations in the countries of origin that may have an impact on the protection needs of the persons in a situation of vulnerability. Workshops on common analysis and guidance notes are also provided, presenting the assessment of the protection needs of vulnerable profile coming from specific countries.

The EUAA provides overviews and presentations of the legal framework and the latest developments on policies and practices in EU+ countries during needs assessments, workshops and meetings. The EU+ countries also propose policy queries to gather information on different practices in place, including on topics related to applicants in a vulnerable situation such as unaccompanied minors.

The EUAA Case Law Database <sup>(32)</sup> contains a wide range of asylum case-law issued by national and international courts, including relevant case-law on different vulnerability aspects.

## Operational Support

The EUAA provides specialised operational support to asylum and reception authorities and to other relevant national institutions that may bear responsibility for applicants with special needs. According to the EUAA mandate where:

*the operational and technical assistance provided by the Agency concerns persons in a vulnerable situation, that assistance should be adapted to the situation of those persons in accordance with the requirements laid down by Union and national law on asylum <sup>(33)</sup>.*

In particular, ‘the Agency shall organise and coordinate the appropriate operational and technical assistance ... in a manner that fully respects fundamental rights’, including assisting:

*Member States in identifying applicants in need of special procedural guarantees or applicants with special reception needs, or other persons in a vulnerable situation, including minors, in referring those persons to the competent national authorities for*

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<sup>(31)</sup> Article 9(1) EUAA regulation.

<sup>(32)</sup> The EUAA Case Law Database is available here: <https://caselaw.euaa.europa.eu/Pages/default.aspx>

<sup>(33)</sup> Recital 42 EUAA regulation.



*appropriate assistance on the basis of national measures and in ensuring that all the necessary safeguards for those persons are in place* <sup>(34)</sup>.

When the EUAA agrees and implements an operational plan with a Member State, the plan details the framework of the activities of the agency's operational and technical support <sup>(35)</sup>. This assistance in asylum and reception also includes:

*measures for referring persons in need of international protection, victims of trafficking in human beings, minors and any other persons in a vulnerable situation ... for appropriate assistance* <sup>(36)</sup>.

The support provided by the EUAA in the context of its operational support aims to enhance and implement the EU legislative framework to manage cases of persons in a vulnerable situation. The agency will ensure that the vulnerability strategy is mainstreamed across all EUAA operations, and that methodologies and tools are harmonised throughout the EUAA's structural support to Member States.

This support can involve the design or enhancement of a national strategy on vulnerability for asylum and reception authorities, including protocols, workflows and standard operating procedures on the provision of the special procedural guarantees, identification, assessment and the referral of vulnerable persons, the allocation of adequate reception facilities, and training and other professional development activities.

The first-line operational support focuses on the implementation of vulnerability protocols, workflows and procedures in the relevant locations, such as in reception facilities or asylum processing centres. This support is provided through the deployment of the EUAA Asylum Support Teams alongside the national authorities.

The EUAA also provides operational support for the implementation of Voluntary Solidarity Mechanism (e.g. for unaccompanied minors).

The EUAA reception strategy uses a building block approach to frame specific intervention logics for the EUAA technical and operational support. The considerations on vulnerability of this strategy should therefore be integrated when implementing the relevant building block on vulnerability <sup>(37)</sup>.

## Training

The EUAA is committed to supporting Member States by providing training for members of its own staff, members of the relevant national administrations, including courts and tribunals, and of national authorities responsible for asylum and reception, and members of the Asylum

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<sup>(34)</sup> Article 16(2)(k) EUAA regulation.

<sup>(35)</sup> The EUAA, [Asylum and Reception Operational Response Catalogue](#), November 2022 compiles the operational interventions offered by the EUAA in support of the asylum and reception systems of the Member States.

<sup>(36)</sup> Article 18(2)(m) EUAA regulation.

<sup>(37)</sup> EASO, [Strategy on Reception](#), March 2021



Support Teams, including those not employed by the EUAA <sup>(38)</sup>. The *EUAA Training and Learning Strategy* <sup>(39)</sup> outlines the principles that guide the EUAA in the implementation of its mandate, as laid down in Article 8 EUAA regulation. It specifies that the training must cover:

*issues related to applicants in need of special procedural guarantees, applicants with special reception needs and other persons in a vulnerable situation, with particular attention to victims of torture, to victims of human trafficking and to related gender-sensitive issues* <sup>(40)</sup>.

On the topic of vulnerability, the EUAA has both introductory and specialised modules. The introductory modules tackle vulnerability from a horizontal and streamlined point of view and target all practitioners involved in the asylum process. The specialised training modules address more specific and complex topics. Moreover, to ensure a comprehensive approach, vulnerability is also addressed transversally in other training modules. The quality of the EUAA's training on vulnerability is ensured throughout its design, development and implementation through the involvement of different stakeholders with expertise in the field of vulnerability (e.g. Member State experts, UNHCR, civil society, external experts, etc.) at various stages of the module development <sup>(41)</sup>.

Furthermore, dedicated professional development activities are designed for members of courts and tribunals from across the EU+ countries, on the basis of specific materials developed for this purpose <sup>(42)</sup>.

At the same time, the EUAA aims to ensure that the trainers have the necessary skills and competence to deliver training at the highest standard. In view of supporting trainers in vulnerability-related modules and enhancing the quality of their work, the EUAA develops specific courses and provides regular professional development opportunities on topics that are identified as key by both trainers themselves and their administrations.

To encourage exchanges between trainers on vulnerability-related modules, the EUAA organises regular Trainers' Network Meetings on specific vulnerability topics. This creates a platform for networking and constant feedback from specialised trainers towards the EUAA, and also between trainers themselves to discuss new approaches, emerging policies and methods of improving their work.

The EUAA also develops, plans and implements training modules addressing the emerging needs related to vulnerability in the Member States where the agency deploys operational support. In these cases, the training content is planned and delivered in a customised manner. The customised content responds to the specific knowledge requirements and practical skills required by the jobs of the different target groups and in the different national contexts.

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<sup>(38)</sup> Through the development and implementation of the European Asylum Curriculum.

<sup>(39)</sup> EUAA, [Training and Learning Strategy](#), March 2022.

<sup>(40)</sup> Article 8(l) EUAA regulation.

<sup>(41)</sup> These training modules are being developed in line with the European Sectorial Qualification Framework.

<sup>(42)</sup> EASO, [Vulnerability in the context of applications for international protection – Judicial analysis](#), 2021.



In particular, the EUAA delivers tailor-made training adapted to the national procedures in the following areas:

- the identification of situations of vulnerability;
- conducting vulnerability assessments;
- managing cases of applicants in a vulnerable situation.

The EUAA operational training and other professional development activities also support other agency efforts, such as the enhancement of the capacity of the Member States through standard operating procedures to deal with vulnerability in asylum and reception, or the implementation of EUAA tools and other products in national frameworks. On-the-job coaching linked to the identification and response to vulnerability and special needs is also made available.

In addition, training linked to vulnerability is delivered to respond to the needs of countries collaborating with the EUAA under roadmaps and other cooperation agreements. This training aims to mainstream an approach to vulnerability in asylum that is aligned to the standards laid out in the EU asylum *acquis*.

## External dimension

The EUAA facilitates and encourage operational cooperation between EU+ countries and partner third countries. The agency may cooperate with partner third countries to promote EU standards and enhance their asylum and reception systems <sup>(43)</sup>. When cooperating with partner third countries, the EUAA protects fundamental rights and promotes norms and standards that form part of EU law. It follows that support on several aspects linked to vulnerability is a central element of every roadmap for cooperation and regional project implemented by the agency.

In line with the *EUAA External Cooperation Strategy* <sup>(44)</sup>, the agency tailors the support it offers to the needs and situations of partner third countries, gauged through a joint needs assessment.

According to its ‘relation-centred approach’, the EUAA supports candidate and potential candidate countries as a priority, seeking to align their laws and practices with the norms and standards of the CEAS. They are followed by countries in the EU neighbourhood and, lastly and on an exceptional basis, by countries outside the neighbourhood that are important in achieving a ‘whole-of-route’ approach.

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<sup>(43)</sup> Article 35 EUAA regulation.

<sup>(44)</sup> EUAA, [External Cooperation Strategy](#), March 2023.



## 6. Implementation and evaluation

The *EUAA Strategy on Vulnerability* is in line with the EUAA mandate. To make the EUAA vision on vulnerability a concrete reality, targeted actions in line with EUAA focus areas and goals will be formulated and implemented in close coordination with all relevant centres in the agency, the VEN, the EUAA Management Board, the European Commission and other relevant stakeholders, as outlined in the general framework of cooperation.

### 6.1. Follow-up and implementation modalities

The implementation of the strategy will be operationalised in the framework of EUAA's multiannual and annual planning process and within the limits of the available budget and human resources. Activities carried out in the area of vulnerability will be subject to internal planning and reporting aligned to the EUAA's single programming document <sup>(45)</sup>.

**Internal overview.** The EUAA will develop an overview of all ongoing and future activities carried out by the agency on which the adoption of the strategy might have an impact. Follow-up will be ensured in line with the objectives of the strategy. This will allow the agency to ensure that its technical support, operational support and training are provided in a coherent and consistent manner.

**Internal cooperation mechanism.** The EUAA will create an internal platform bringing together the relevant EUAA sectors and units. The platform will be used to exchange information on vulnerability and to discuss and agree on a common direction when there are major changes to be implemented, new policies and other key developments linked to vulnerability areas.

**Development of tools/instruments.** Guidance, templates and support tools to implement the strategy and to achieve of its objectives will be developed.

**Sharing of information on vulnerability.** The EUAA will create and share informative documents such as periodic updates and newsletters to disseminate the relevant content on vulnerability both internally and externally.

### 6.2. Evaluation and review

Evaluations of this strategy will be conducted in line with the EUAA's evaluation framework <sup>(46)</sup>, with the first evaluation being initiated within 5 years of its adoption by the EUAA Management Board.

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<sup>(45)</sup> The Single Programming Documents of the EUAA are available here: <https://euaa.europa.eu/about-us/governance-and-internal-control>

<sup>(46)</sup> Decision of the Executive Director No 57/2023 of 26 May 2023 on the evaluation framework and the establishment of an Evaluation Advisory Group.





The evaluation will prioritise the assessment of the quality and consistency of the EUAA's vulnerability-related activities delivering on the objectives of the *EUAA Strategy on Vulnerability*. The outcome of evaluations will be taken into account, lessons learned will be identified and measures will be taken to improve future actions.

The following circumstances will trigger a revision of this strategy, either at the request of the EUAA (including the VEN) or the EUAA Management Board and in coordination with the European Commission:

- the adoption of new legislative and policy instruments that have an impact on the work of the EUAA, including the legislative proposals for a [New Pact on Migration and Asylum](#);
- significant changes in the international migration and asylum context that affect the priorities of the Member States and/or the EU's priorities in third countries, where initiatives target non-EU countries.
- the outcome of evaluations based on the reported results, conclusions drawn and recommendations made.

## 7. Cooperation and coordination with stakeholders

The effective cooperation with external stakeholders plays a vital role in the implementation of this strategy. This cooperation is built upon two main pillars:

1. external stakeholders will contribute to the implementation of this strategy where appropriate and, vice versa, the EUAA will collaborate with external stakeholders to the extent that this is relevant to this strategy, the agency's mandate and the CEAS;
2. the EUAA will implement this strategy taking into account tools, practices and activities that already exist aiming to bring added value and avoiding any duplication or overlap.

**EU+ countries.** These countries play a significant role in the successful implementation of this strategy, including through the deployment of experts from national authorities for the EUAA's technical and operational support as well as through their involvement in the **EUAA VEN**. The VEN will play a key role in the follow-up and the concrete implementation of this strategy.

This will be done notably through its involvement in defining priorities for the development of practical tools and nominating experts to working groups for the development of these tools. The network will also play a key role through its facilitation of the deployment of vulnerability national experts in the EUAA operations and through the nomination of national experts for the development of training modules. The network will also actively disseminate and promote the strategy at the national level across the EU+ countries.



**European Commission.** The EUAA maintains a close partnership with the Directorate-General for Migration and Home Affairs (DG HOME) and the other EU directorates-general<sup>(47)</sup> relevant to its mandate, including the Directorate-General for Justice and Consumers (DG JUST). The agency fosters an environment of mutual support and exchange of information.

DG HOME is a member of the EUAA Management Board, while both DG HOME and DG JUST are both members of the steering group of the VEN. The European Commission also ensures the coherence and complementarity of the actions implemented under the Asylum, Migration and Integration Fund and the support provided by the EUAA in the area of vulnerability. The relevant directorates are also actively involved, as appropriate, when providing operational support in the area of vulnerability as well as in participating in thematic meetings on vulnerability within the framework of the VEN.

**Other EU agencies.** The EU Agency for Fundamental Rights, which is also part of the steering group of the VEN, and the European Border and Coast Guard Agency (Frontex) will be engaged in the implementation of this strategy where relevant to their respective mandates and in accordance with the working arrangements signed between the agencies<sup>(48)</sup>.

### International organisations

- **UNHCR** is a key partner for the EUAA in its work supporting EU+ countries in fulfilling their obligations in the area of asylum under EU and international law. UNHCR has a mandate under Article 35 of the 1951 Refugee Convention<sup>(49)</sup> to supervise the implementation of the convention. This is underpinned by Article 78 TFEU<sup>(50)</sup> and each of the legislative instruments of the CEAS. The exact framework for cooperation between UNHCR and EUAA is laid down in their working arrangement, which also includes the exchange of information, trends, know-how and best practices<sup>(51)</sup>. UNHCR is a member of the steering group of the VEN as well as of the reference group of other EUAA networks and it is also part of the EUAA Management Board. It is therefore consulted when developing guidance documents and practical tools.
- **IOM** is also a key stakeholder of the EUAA both at technical and operational levels. The EUAA has signed a working arrangement with the IOM, which identifies special needs and vulnerabilities as one of the areas of cooperation and mutual support<sup>(52)</sup>. The IOM is also a member of the advisory group of the VEN and it is an active

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<sup>(47)</sup> Such as the Directorate-General for International Cooperation and Development (DEVCO), the Directorate-General European Civil Protection and Humanitarian Aid Operations (ECHO), the European External Action Service (EEAS) and the Directorate-General Neighbourhood and Enlargement Negotiations (NEAR).

<sup>(48)</sup> The working arrangement between EUAA and other EU agencies are available here: <https://euaa.europa.eu/partners/eu-stakeholders>

<sup>(49)</sup> UN General Assembly, [Convention relating to the status of refugees](#), Geneva, 28 July 1951, United Nations, Treaty Series, vol. 189, p. 137, and [Protocol Relating to the Status of Refugees](#), 31 January 1967, United Nations, Treaty Series, vol. 606, p. 267 (referred to in EU asylum legislation and by the EU Court of Justice as 'the Geneva Convention').

<sup>(50)</sup> Official Journal of the European Union, [Consolidated Versions of the Treaty On European Union and the Treaty on the Functioning of the European Union](#) (2016/C 202/01, 7.6.2016).

<sup>(51)</sup> EASO and UNHCR, [Working Arrangement between the European Asylum Support Office \(Easo\) and the Office of the United Nations High Commissioner for Refugees \(UNHCR\)](#), 21 July 2021.

<sup>(52)</sup> EASO and IOM, [Between the European Asylum Support Office \(Easo\) and the International Organization for Migration \(IOM\)](#), 22 July 2019.



contributor to the development of practical guidance and tools on vulnerability and other support areas.

- The **United Nations Children's Fund** (UNICEF) is another key stakeholder for the EUAA, especially regarding the rights of children.

**Civil society organisations.** The EUAA closely collaborates with CSOs in the framework of Advisory Group of the EUAA VEN, the EUAA Consultative Forum and in reviewing the EUAA training modules. The contribution of CSOs is particularly crucial in the VEN, which brings together the diverse experiences and multi-disciplinary capacities of these organisations.

The nature and scope of this network is particularly conducive to the implementation of this strategy. The work of the network is based on the continual and practical cooperation of its members on vulnerability related issues and procedures. The network holds regular thematic meetings on vulnerability and develops practical tools and guidance on various vulnerability related areas.

Within the EUAA Consultative Forum, the thematic consultation group on persons in a vulnerable situation facilitates the exchange of information between the agency and the members of the group. This group contributes, at the request of the agency, to the development of relevant tools and guidance on vulnerability and provides advice to the Executive Director and the EUAA Management Board in accordance with the Consultative Forum's working methods on, amongst others, the priority topics or challenges to be addressed related to vulnerability.

**Partner third countries.** Partner countries benefit greatly from peer-to-peer practical exchanges, including on vulnerability-related topics, organised and moderated by the EUAA. The EUAA Third Country Cooperation Network and the EUAA Resettlement and Humanitarian Admission Network, as well as their geographic and thematic working groups, are the primary vessels to enhance coordination among EU+ countries, partner third countries, and relevant organisations.





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