

Access to the Asylum Procedure



This booklet can be carried around as a constant reminder of the core obligations of first-contact officials when dealing with persons who may wish to apply for international protection.

It will steer you through the process of identification of persons who may wish to apply for protection and the provision of relevant procedural guarantees and support.

Every human being must be valued and respected.

Emergency healthcare and basic needs should always be addressed first.

Access to the asylum procedure

1 Anyone can be a refugee

2 Everyone is entitled to protection against *refoulement*

3 Vulnerable persons must be identified and adequately supported

4 The best interests of the child take precedence in all actions concerning children

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

6 Everyone has the right to apply for international protection

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

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

9 Every application must be registered or referred for registration to the responsible authority

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

Your role in ensuring access to international protection

Be proactive in ensuring access to the asylum procedure

- Anyone has the right to seek asylum.
- International protection needs can be expressed in many ways other than just saying 'asylum'!
- When in doubt, ask the person expressly whether they wish to apply for international protection. You may need to explain the concept of international protection.

Look for indications and be open-minded

- Anyone can be a refugee.
- Pay attention to signs of special needs.

Be respectful and do not judge

- Do not discriminate.
- It is not your responsibility to decide if the person is a refugee or not.
- Applicants must not be penalised on account of their illegal entry or presence.

Pay attention to your body language and the way you communicate

Indications that someone may wish to apply for international protection

Who the person is

Where the person comes from

What the person says/fears

- Being killed or executed
- Persecution
- Torture
- War
- Return

What the person wants

- Help
- Protection
- To see a representative of the UN / UNHCR / a lawyer

What can you observe (appearance and behaviour)

- Approaching / avoiding the officer
- Fear, stress or unusual silence
- Unusual behaviour and/or attitude
- Appearance (injuries, scars, clothing, belongings)

What to do next

Provide information about the possibility to apply for international protection

- Make sure you are aware of the information you need to provide based on national practice.

Recognise the intention to apply for international protection

- If a person has expressed, in any way, a wish to apply for international protection, they have made an application.
- Be aware that every person who has expressed the wish to apply becomes an applicant with all the rights attached.

Ensure the rights of the applicant, for example, by referring them to the relevant authorities and organisations

Refer the application to the competent authorities to be registered Register the application yourself if you are competent to do so

Inform the applicant where and how to lodge an application

What to do if a person does not want to apply

Ensure the principle of *non-refoulement*

Inform again about the possibility to apply for international protection

When in doubt, consult your superior

Follow your national operating procedures for follow up

General principles

Emergency healthcare and basic needs should always be addressed first

Vulnerable persons should be identified and adequately supported

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

The online version of the tool can be found on the EUAA and Frontex webpages together with other Practical Tools for First-Contact Officials on Access to the Asylum Procedure:

<https://euaa.europa.eu/practical-tools-first-contact-officials-access-asylum-procedure>

<https://www.frontex.europa.eu/publications/>

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