

EASO Practical Guide on Registration Lodging of applications

for international protection

EASO Practical Guide Series

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About the guide

Why was this guide created? The mission of the European Asylum Support Office (EASO) is to support EU Member States and associated countries (EU+ countries (¹)) by providing training, improving quality standards and gathering country-of-origin information in a consistent manner across countries, among other things. In line with its overall aim of supporting EU+ countries in achieving common standards and high-quality processes within the Common European Asylum System (CEAS), EASO develops practical tools and guidance for use across countries.

The focus of the *EASO Practical Guide on Registration: Lodging of applications for international protection* is both the making and the lodging of applications, with the aim being to present a comprehensive overview of good practices. For the purposes of this practical guide, the registration procedure is understood **as the entire process involved in an application for international protection being received – covering both the making and the lodging of applications**, as envisaged by the recast asylum procedures directive.

How was this practical guide developed? This guide was created by EU+ country experts from across the EU, with valuable input from the European Commission, the United Nations High Commissioner for Refugees (UNHCR) and the European Network on Statelessness (²). The guide's development was facilitated and coordinated by EASO. Before its finalisation, a consultation on the guide was carried out with all EU+ countries through the EASO Asylum Processes Network.

Who should use this guide? This practical guide is primarily intended for use by staff in the national competent authorities responsible for the registration (both the making and the lodging) of applications for international protection. In addition to providing structured guidance, this practical guide could also be used as a quality assessment and coaching tool by supervisors, team leaders and managers.

How does this guide relate to other EASO tools? As with all EASO support tools, the EASO Practical Guide on Registration: Lodging of applications for international protection is based on the standards of the CEAS. It should be used in conjunction with other available practical tools. In particular, for first-contact officials, the <u>Practical Tools for First-Contact Officials: Access to the asylum procedure</u> was developed jointly by EASO and Frontex. Further relevant guides include the <u>EASO Guidance on Asylum</u> <u>Procedure: Operational standards and indicators</u>, the <u>EASO Practical Guide on Age Assessment</u>, the <u>EASO Practical Guide on the Implementation of the Dublin III</u> <u>Regulation: Personal interview and evidence assessment</u> and the <u>EASO Tool for Identification of Persons</u> <u>with Special Needs</u>. All EASO practical tools are publicly available online on the <u>EASO website</u>.

Disclaimer

This guide was prepared without prejudice to the principle that only the Court of Justice of the European Union can give an authoritative interpretation of EU law.

⁽¹⁾ The EU+ countries are the 27 Member States of the EU, plus Iceland, Liechtenstein, Norway and Switzerland.

^{(&}lt;sup>2</sup>) Note that the finalised guide does not necessarily reflect the positions of the UNHCR or the European Network on Statelessness.

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List of abbreviations

CEAS Common European Asylum System	APD	asylum procedures directive
	CEAS	Common European Asylum System
EASO European Asylum Support Office	EASO	European Asylum Support Office
European Asylum Dactyloscopy Database	Eurodac	European Asylum Dactyloscopy Database
IPSN identification of persons with special needs	IPSN	identification of persons with special needs
QD qualification directive	QD	qualification directive
RCD reception conditions directive	RCD	reception conditions directive
UNHCR United Nations High Commissioner for Refugees	UNHCR	United Nations High Commissioner for Refugees
VIS visa information system	VIS	visa information system

Introduction

The registration of applications for international protection is the first step in the asylum procedure. It is a key phase in the procedure in many regards. First and foremost, registration ensures protection against *refoulement* for individuals who wish to apply for international protection. It also lays the groundwork for the examination of the application and ensures that applications are effectively placed in the correct examination procedure. Reliable data collection is possible only if applicants receive the support they need. Through the identification of applicants with potential vulnerabilities, registration also ensures that applicants receive the support that they need as soon as possible to allow them to fully participate in the asylum procedure.

The word 'registration' in the context of asylum procedures is often used in two ways: the registration of the making of an application for international protection and the registration of its lodging. This practical guide covers both steps, which in many EU+ countries are merged into one procedural step. The guide aims to assist registration officers in ensuring that their daily work of registering applications for international protection adheres to common European registration standards.

After setting out the legal framework (Chapter I '<u>Three stages of access to the asylum procedure</u>'), this practical guide first describes the main characteristics of a registration environment that allows confidential and reliable data collection (Chapter II '<u>Registration environment</u>').

The registration itself includes three core activities: providing information to the applicant (Chapter III '<u>Information provision</u>'), collecting data on the applicant (Chapter IV '<u>Collection of registration data</u>') and, finally, identifying potentially vulnerable applicants and Dublin cases and referring them to the appropriate examination procedure (Chapter V '<u>Identification and referral</u>'). These form the three core chapters of this practical guide.

After collecting data and referring applicants for support, applicants are provided with a document certifying their status as applicants for international protection (Chapter VI '<u>Document certifying</u> <u>status as applicant for international protection</u>'). The presentation of the registration procedure is complemented by a specific section describing the particular requirements for registering subsequent applications (Chapter VII '<u>Registration of subsequent applications</u>').

Furthermore, the guide looks at the different methods that can be used during the registration procedure to verify the data collected (Chapter VIII '<u>Verification of data</u>'). The guide concludes with information on how registration data are used at the beginning of the examination procedure (Chapter IX '<u>Importance of registration data for the examination stage</u>').

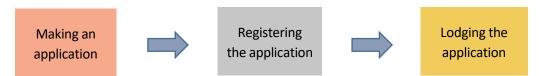
Finally, the annexes provide two user-friendly checklists. The first gives an overview of registration fields that are regularly requested from an applicant at registration, while the second contains the type of information that should be provided to an applicant, in accordance with the Common European Asylum System (CEAS).

I. Three stages of access to the asylum procedure

The EU asylum *acquis* introduces a number of legal concepts relevant to the registration process. In particular, Article 6 asylum procedures directive (APD) (³) refers to the following stages of access to asylum procedures: **making**, **registering** and **lodging** an asylum application (Figure 1).

Depending on the national set-up, the registration and the lodging of an application may be conducted concurrently or separately. When these two steps are conducted separately, basic background data will normally be collected at the registration stage, which allows, as a minimum, the practical organisation of the initial reception. Additional detailed data will be gathered during the lodging.





A. Making

The act of expressing the wish to apply for international protection to an authority constitutes making an application (recital 27 and Article 6(1) APD). Anyone who has expressed their intention to apply for international protection is considered an applicant, with all the rights and obligations attached to this status.

If the application is made to an authority not responsible for registration under national law, that authority must send the file to the competent authority for the purposes of registering the application, so that the applicant can benefit from the material reception conditions set out in Article 17 reception conditions directive (RCD) (⁵).

What rights and obligations are triggered by the making of an application for international protection?

From the moment an application is made, the applicant is:

• allowed to **remain in the territory** of the Member State, including at the border or in transit zones, for the duration of the asylum procedure (Article 9 APD) (⁶);

^{(&}lt;sup>3</sup>) <u>Directive 2013/32/EU</u> 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, 29.6.2013, p. 60–95.

⁽⁴⁾ EASO, Trainers' manual on registration of applicants for international protection in Italy (restricted document), Rome, 2020.

⁽⁵⁾ See the Court of Justice of the European Union judgment of 25 June 2020, <u>Ministerio Fiscal [Spain] v VL</u>, C-36/20, ECLI:EU:C:2020:495. A summary is available in the <u>EASO Case Law Database</u>.

^{(&}lt;sup>6</sup>) A few exceptions apply, namely when the applicant is considered a danger to the security of the state or constitutes a danger to the community of the state (Article 21(2) qualification directive), as well as for specific types of subsequent applications (Article 41 APD), in the context of extradition (Article 9(2) APD) and only in so far as the principle of *non-refoulement* is respected.

- provided with **information** in a language that the applicant understands (Article 12(1)(a) APD);
- granted access to an interpreter for submitting their case whenever necessary (Article 12(1)(b) APD);
- allowed to communicate with the United Nations High Commissioner for Refugees (UNHCR) and/ or any other organisation providing legal counselling (Article 12(1)(c) APD);
- assessed for the potential need of special procedural guarantees and/or special reception needs (Article 24(1) APD and Article 22(1) RCD (⁷));
- provided with **material reception conditions** that ensure an adequate standard of living, guarantee subsistence and protect physical and mental health (Article 17 RCD) (⁸);
- ensured that the abovementioned **standard of living** will be met in the specific situation of vulnerable people and people in detention (Articles 17 and 21 RCD);
- provided, in the case of detention, with **legal guarantees**, including specific guarantees for vulnerable people and applicants with special reception needs (Articles 8, 9, 10 and 11 RCD);
- in the case of detention, granted effective access to organisations and people providing advice and counselling (Article 8 APD);
- provided with the necessary healthcare, which includes, as a minimum, emergency care and essential treatment of illnesses and serious mental disorders; in addition, applicants with special reception needs are provided with the necessary medical or other assistance, including appropriate mental healthcare, when needed (Article 19 RCD);
- assisted, in cases of unaccompanied children, with **family tracing** as soon as possible after the making of an application, while protecting the best interests of the child (Article 24 RCD);
- ensured that the principle of **family unity** is respected, when housing is provided (Article 12 RCD);
- provided with the **possibility to appeal** decisions relating to the granting, withdrawal or reduction of reception conditions or decisions on freedom of movement and residence (Article 26 RCD);
- expected to cooperate with the authorities (Article 13(1) APD).

B. Registration

After an application for international protection is made, it must be registered. Registration means making a record of the applicant's intention to seek protection. EU+ countries must designate which authorities are responsible for registering applications for international protection under national law (Article 6(1) APD).

What rights and obligations are triggered by the registration phase?

There are no specific rights or obligations that are triggered by the registration phase beyond the rights and obligations triggered by the making of the application. The objective of this phase is to generate an official record so that the applicant can effectively benefit from these rights and is able to comply with the obligations mentioned (recital 27 APD). Therefore, the registration should be completed as soon as possible within the time limits laid down in Article 6 APD.

^{(7) &}lt;u>Directive 2013/33/EU</u> 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, p. 96–116.

^{(*) &#}x27;Material reception conditions' are defined in Article 2(g) RCD as 'the reception conditions that include housing, food and clothing provided in kind, or as financial allowances or in vouchers, or a combination of the three, and a daily expenses allowance'.

Maximum: 3 workin	g days		
Application made	Maximum: 6 working	g days	\bigwedge
to the authorities	Application made	10 working days	
responsible for registering it	to other authorities, namely one not responsible for registering it	Simultaneous large numbers of applications rendering it very difficult to respect the 3- or 6-day time limit	

C. Lodging

EU+ countries are obliged to ensure that a person who makes an application for international protection has the opportunity to lodge it as soon as possible (Article 6(2) APD). EU+ countries must designate which authorities are responsible for the lodging of asylum applications under national law (Article 6(1) APD). If, however, a person refrains from lodging their application, the determining authority may take a decision to discontinue the procedure (Articles 6(2) and 28 APD).

The lodging of the application completes the registration procedure. From this moment, the examination procedure of the application starts.

EU+ countries may set additional rules for the lodging of applications for international protection. For instance, national legislation may provide that lodging is to take place in person and/or at a designated place (Article 6(3) APD).

These three stages of access to the asylum procedure – making, registering and lodging of an application for international protection – do not necessarily reflect three segregated steps in the process. The APD allows the **integration of the registration and lodging phases into one step** as long as the general requirements are met, including the time limits for registration and an opportunity to lodge an application. Several EU+ countries combine the two phases into a single procedural step, while others consider registration and lodging as distinct stages with differing legal effects. If an applicant makes their application for the first time directly to the authorities that are responsible for registration and lodging, the three steps may even be combined into one.

When the applicant is required to lodge the application after the registration stage, the applicant should be informed about how and where to lodge the application, as well as the consequences of not lodging the application. If the application is lodged through a specific form to be filled in by the applicant, the form is handed out upon registration along with an explanation of how to submit it to the determining authority. If the application is lodged in person at a designated place after the registration, it is recommended that a system be put in place to manage appointments, which would also allow, at the time of registration, the applicant to be informed in writing about the exact place where and time

N

when the application can be lodged. To ensure that the lodging takes place as soon as possible, it is also recommended that a monitoring system be put in place to track the time lapse between the registration of the application and its lodging.

What rights and obligations are triggered by the 'lodging' phase?

The lodging of the application for international protection triggers further specific rights and obligations. These include:

- the start of the time frame for the examination procedure (Article 31(3) APD);
- the start of the time frame for the process of determining the EU+ country responsible for examining the application (⁹) (Article 20(1) Dublin III regulation) (¹⁰);
- the following rights, which are guaranteed under the RCD and, according to which, applicants are:
 - within a reasonable time frame (i.e. not exceeding 15 days after the lodging of the application), provided with information on the benefits and obligations related to reception conditions, as well as on organisations or groups of people that provide specific legal assistance and that might be able to help or inform them concerning the available reception conditions, including healthcare (Article 5 RCD) (¹¹);
 - within 3 days of the lodging, provided with a document issued in their own name certifying their status as an applicant and testifying that they are allowed to stay in the territory of the EU+ country, while the application is pending or being examined (Article 6 RCD);
 - provided with the possibility of obtaining a travel document when serious humanitarian reasons arise that require their presence in another country (Article 6 RCD);
 - granted the right to move freely within the territory of the host Member State or within an area assigned to them by the EU+ countries (Article 7 RCD);
 - in the cases of children, granted access to the education system under conditions similar to those of nationals, which shall not be postponed for more than 3 months from the date of

^(*) The Court of Justice of the European Union clarified that 'Article 20(2) of the Dublin III regulation must be interpreted as meaning that an application for international protection is deemed to have been lodged if a written document, prepared by a public authority and certifying that a third-country national has requested international protection, has reached the authority responsible for implementing the obligations arising from that regulation, and as the case may be, if only the main information contained in such a document, but not that document or a copy thereof, has reached that authority'. See the Court of Justice of the European Union judgment of 26 July 2017, *Tsegezab Mengesteab v Bundesrepublik Deutschland*, C-670/16, ECLI:EU:C:2017:587. A summary is available in the <u>EASO Case Law Database</u>.

^{(10) &}lt;u>Regulation (EU) No 604/2013</u> 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, p. 31–59).

^{(&}quot;) For more details on the provision of information and counselling on reception, see chapter 6, 'Provision of information and counselling', of the <u>EASO Guidance on Reception Conditions: Operational standards and indicators</u> of September 2016: 'In order to avoid overburdening the applicant with extensive information at the reception intake, the provision of information should take place in a time- or phase-specific manner. Member States are encouraged to establish timelines outlining the type of information to be provided to applicants at the national level, while taking into account the overall maximum of 15 days prescribed in Article 5 RCD.'

lodging (Article 14 RCD); preparatory classes, including language classes, shall be provided, when necessary, to facilitate access to and participation in the education system (Article 14 RCD);

 no later than 9 months from the date of lodging, given access to the labour market if a firstinstance decision by the competent authority has not been taken and the delay cannot be attributed to the applicant (Article 15 RCD, with the possibility to introduce or retain more favourable provisions in accordance with Article 4 RCD); EU+ countries may allow applicants access to vocational training irrespective of whether or not they have access to the labour market (Article 16 RCD).

Points to remember

- Access to asylum procedures consists of three stages: making, registering and lodging of the application for international protection.
- The making of an application triggers the rights and obligations of an applicant for international protection, including the right to remain in the country.
- The registration generates an official record of the applicant's intent to seek international protection, thus noting down that the applicant is an applicant for international protection.
- The lodging of the application completes the registration procedure and, from this moment, the examination procedure starts.
- Depending on national law, the three stages do not necessarily represent separate process steps, as they can be integrated into one or two steps.



II. Registration environment

A. Facilities and premises

The facilities established for registration and lodging play an important role in the efficiency of the procedure for both the applicants and the staff. Depending on the number of new arrivals, EU+ countries may decide to set up multiple registration offices within their territory, or even mobile registration units to address immediate needs.

When choosing a site for registration and/or lodging purposes, the competent authorities should consider the specific registration needs and the number of people who are simultaneously using the facilities. To identify the best available site for this purpose, states should take into account, among other elements, accessibility for people with disabilities, the size of the premises (i.e. its ability to accommodate a large number of people) and that there are a sufficient number of seats in the waiting area, an adequate ventilation or climate control system, easy access to separate sanitation facilities for women and men and separate child-friendly play areas.

The registration facility needs to be easily accessible by public transportation, but it can be located in the same building as other related national administration offices. EU+ countries have recently started to integrate the initial reception and the registration and/or lodging functions within arrival centres.

The site design needs to allow for a smooth registration/lodging process in terms of security, including clear signs on the areas restricted to staff and an effective queue management system. It also needs to allow confidential discussions to be conducted in private.

B. Security

Registration staff should be familiar with the security procedures that apply within the registration office. The staff should also be aware of the potential security risks that may concern themselves and others. Such security risks may include acts or threats of violence, self-harm, health hazards or fire outbreaks. The registration facility should have first aid equipment and at least one staff member with first aid skills.

Security and safety have a direct impact on the quality of the registration procedures. Inadequate or inappropriate security procedures may render applicants reluctant to approach the registration offices. Moreover, inadequate security procedures may impede registration activities.

Security is ensured not only through security procedures, but also by quality registration procedures. Fair and transparent procedures foster trust and mitigate tension. Information provision, which includes responding to an applicant's concerns, plays a key role in the security strategy, as it prevents misunderstandings and addresses issues or frustration in a timely manner.

Good practices

The security measures listed below are not exhaustive; moreover, they are intended to prevent or address security issues directly related to the registration activities in particular, not common hazards in general.

Training of staff

Staff involved in registration procedures receive training on how to apply security measures and how to react appropriately in the case of incidents. The training includes communication techniques to prevent, address and de-escalate security incidents.

Basic security measures

Entrance

- The registration office has two distinct entrances: an entrance for staff only and an entrance for applicants.
- Measures for crowd control and the orderly entry of individuals are in place at the entrance for applicants.

Inside the office

- Measures regulating the movement of applicants in the registration office are in place, clearly distinguishing between:
 - o areas to which applicants have access;
 - o areas where an escort is required;
 - o areas to which applicants do not have access.
- The waiting area is separated from the interview space.
- The movement of applicants within the registration office is organised by establishing direct routes from the entrance to the reception desk, to the waiting area, to the interview room and to the exit.
- The set-up of the reception area and the interview room should allow the staff to have an easy exit at all times. For example, in interview rooms, the registration staff will sit with the exit door behind them.

Responding to security incidents

- Measures are in place that allow registration staff to alert security staff of incidents (e.g. alert buttons in interview rooms).
- Procedures are in place for applicants and staff to report security incidents to the responsible officer, to form a basis for monitoring, analysis and proposals to improve the security set-up.

Exit

- Once applicants have completed the formality for which they came to the office, the responsible officer should ensure that they exit the office.
- The exit for the applicants is distinct from the entrance.

C. Confidentiality

The right to confidentiality needs to be guaranteed for applicants for international protection (Article 48 APD). Confidentiality is a principle applicable to all of the stages of the asylum procedure. Applicants cannot be expected to disclose details about their fear of persecution or serious harm if confidentiality cannot be ensured. The principle of confidentiality also applies to the registration procedure and to the information obtained during registration.

The registration facilities and procedures should permit applicants to provide documents and personal information to registration staff under conditions that do not undermine the right to privacy and confidentiality.

The authorities involved in the registration procedure must ensure that no information is disclosed to the alleged actors of persecution or serious harm (Article 30 APD). Registration authorities should also not obtain any information from the alleged actors of persecution or serious harm in a manner that would jeopardise the physical integrity of the applicant or that of their dependants, or the liberty and security of their relatives still living in the country of origin.

Furthermore, registration authorities are bound by the principle of confidentiality as defined in national law (Article 48 APD). If interpretation services are needed during the registration procedure, the interpreter should also be bound by the principle of confidentiality.

Applicants should be informed of their right to confidentiality in asylum procedures during the registration stage.

Good practice

The following practical measure may be appropriate for preserving confidentiality during the registration procedure.

 Avoid calling the name of the applicant in the presence of other people or posting names in waiting areas. Alternative methods can be used when communicating with or about applicants in reception/waiting areas, such as assigning ad hoc numbers and coloured tokens.

Specific issue: Requests by a family member for information about an applicant

A request made by a family member for information about an applicant should be handled with the utmost caution.

Such situations may arise in different ways during the registration procedure. For example, someone may ask the registration authority to confirm if one of their family members has registered an application for international protection. Alternatively, someone may ask the registration authority to be put in contact with a family member who is known to have applied for international protection.

In accordance with the principle of confidentiality, no information should be disclosed to anyone, unless the family member in question has given consent in writing. This includes information on whether the family member has indeed applied for international protection or not. A good practice is to ask for the requesting person's details and alleged relationship to the family member and to inform the requesting person that tracing will be conducted and that, if found, these contact details will be shared with that family member, with the requesting person's agreement. Inform the requesting person that it will be up to the family member to contact them or not.

Points to remember

- Registration facilities and premises need to be designed to accommodate the specific needs of the registration procedure, such as the number of new arrivals, accessibility for people with disabilities, gender-sensitive and child-friendly arrangements, and accessibility by public transportation.
- Safety and security directly affect the quality of the registration process; they can be addressed through awareness of potential security risks and standard operating procedures, and also through a fair and transparent registration procedure.
- Confidentiality needs to be ensured throughout the registration process, with both the registration facilities and premises guaranteeing confidentiality and the data collected being managed according to confidentiality standards.

III. Information provision

In accordance with Article 12(1)(a) APD, the applicants shall be informed, at least, of the following:

- (i) the procedure to be followed;
- (ii) their rights and obligations during the procedure;
- (iii) the possible consequences of not complying with obligations and not cooperating with the authorities;
- (iv) the time frame for the examination procedure;
- (v) the means at the applicant's disposal for fulfilling the obligation to submit the elements to substantiate their application for international protection;
- (vi) the consequences of an explicit or implicit withdrawal of the application.

The information shall be given in a language that they understand or are reasonably supposed to understand.

The information shall be given in enough time to enable the applicants to exercise their rights.

A. Why should information be provided to applicants?

The right to information is one of the core guarantees provided by the APD (Article 12(1)(a)).

It is essential that applicants are provided with information to ensure a fair and effective asylum procedure. Applicants should know their rights and obligations and understand the different stages of the procedure to present their claims as completely as possible and to comply with their obligations. This is in the interest of both the applicants and the national administration, particularly in EU+ countries that consider it the duty of applicants to submit all of the elements needed to substantiate their applications as soon as possible (Article 4(1) qualification directive (QD)).

Informing applicants is all the more important given that, prior to approaching the registration office, they often have little knowledge of the asylum procedure. This could mean that they receive false or conflicting information from third parties.

B. When should information be provided to applicants?

The APD stipulates that EU+ countries should deliver information to applicants in time to enable them to exercise the rights and to comply with the obligations under the APD.

As some of these rights and obligations apply from the moment an application for international protection is made, information should be given at the very beginning of the procedure.

It is recommended as a good practice to deliver information during the lodging stage at the latest and, in any case, in due time before the personal interview.

C. What information should be provided?

The applicant should, foremost, understand what international protection is and what is expected from them during the registration procedure and in preparation of the personal interview. It is important to ensure that the information is kept up to date.

To complement this detailed description of information provision safeguards in accordance with Article 12(1)(a) APD, you will find a checklist on information provision in <u>Annex 2</u> of this guide.

(i) Information on the procedure to be followed

It is essential that applicants are informed and understand the various stages of the asylum procedure. However, special attention should be paid to the amount and level of detail that is provided at each step in the asylum procedure. Providing an overly extensive description of every possible step and substep in the asylum procedure at the registration stage can be confusing for applicants. It is recommended that the information given at the registration stage be limited to a brief overview of each stage of the asylum procedure (registration, personal interview, notification and appeal), while providing a more thorough and extensive description of the registration procedure.

Information on the registration procedure should include the following points.

- **Purpose and expected outcome of the registration.** You should inform applicants of why they need to be registered, what registration means and what the consequences are of a failure to register.
- **Confidentiality in the asylum procedure.** Confidentiality as a principle underlies the whole asylum procedure (see <u>Chapter II, Section C 'Confidentiality'</u>); applicants need to understand that this is ensured and how this is done. If, under the national legislation, data are shared with other national authorities, you should inform applicants of this.
- **Registration procedure is free of charge.** This is important to avoid a situation in which certain individuals may take advantage of the lack of knowledge of applicants and try to extract money from them. Furthermore, you need to make it clear that applying for asylum is an act fully at the discretion of applicants.
- **Practical steps during registration.** You should inform applicants about all of the activities that they are expected to undergo during the registration stage. This includes data collection, the registration interview, fingerprinting and, potentially, the taking of other biometric data, such as a facial photograph and signature.
- Procedure to determine the EU+ country responsible for examining the application for international protection. You should inform applicants that an assessment will be undertaken of whether or not another EU+ country is responsible for examining the application for international protection. To this end, it is important for applicants to provide coherent, detailed and verifiable information on their family members in the territory of the EU+ countries; any visa or residence permits issued to them by an EU+ country; entry to another EU+ country; or a stay in, a transit, athrough or an earlier application for international protection lodged in an EU+ country. The

leaflet entitled *I have asked for asylum in the EU – Which country will handle my claim?* (¹²), which is common to all Member States, should be provided to applicants in a language that they understand or are reasonably supposed to understand.

- **Document certifying the status of applicants.** You should inform applicants of the rules applicable to the document issued following the registration, including the period of validity and procedures for renewal of expired or lost documents.
- How and where to lodge the application if the registration and the lodging are conducted separately. You should provide written information to applicants on how and where to lodge applications, as well as the consequences of not lodging an application. When necessary, written information is complemented with oral explanations to ensure that applicants understand.
- When there are children, the right of a child to make an application for international protection. You should inform applicants, when applicable, that a child has the right to make an application either on their own behalf, if they have the legal capacity to act in procedures according to national law, or through their parents, other family members, an adult who is responsible for them or a representative.
- Information provided to a dependent adult, if applicable. When an application is made on behalf of a dependent adult with legal capacity, you should inform the dependent adult, in private, of the consequences of the lodging of the application on their behalf and of their right to make a separate application before the application is lodged or before the personal interview. You also need to ask for the dependent adult's consent, in writing, to lodge an application that is made on their behalf, if they do not wish to make an application themselves.

(ii) Information on applicants' rights and obligations during the procedure

During the registration phase, you should inform applicants about the rights and obligations that are triggered by the making and lodging of an application for international protection.

Obligations

- Obligation to cooperate with the authorities (Article 13(1) APD). This, most importantly, includes the obligation to submit the elements needed to substantiate the application for international protection, either as soon as possible or, at the latest, during the personal interview, depending on national practice. This may also include the obligation to respond to requests for information, as stipulated in the national legislation.
- Obligation to appear before authorities in person, either without delay or at a specific time (Article 13(2)(a) APD).
- Obligation to hand over documents in the applicant's possession relevant to the examination of the application, such as their passport (Article 13(2)(b) APD).
- Obligation to respect the time limits to submit supporting elements, as set out in the national legislation (Article 4(1) QD).

⁽¹²⁾ Annex X, Part A of <u>Commission Implementing Regulation (EU) No 118/2014 of 30 January 2014</u> amending Regulation (EC) No 1560/2003 laying down detailed rules for the application of Council Regulation (EC) No 343/2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national, OJ L 39, 8.2.2014, p. 1–43.

- Obligation to communicate the applicant's address of residence and any changes thereof to the authorities (Article 13(2)(c) APD). Depending on the national legislation and the applicant's situation there may be obligations to communicate the change of residence address or contact details to the competent authorities. Other obligations may have been imposed on the applicant, such as a duty to report at regular intervals or to reside at a location decided by the authorities.
- Obligation to have fingerprints taken as soon as possible; these should be transmitted to the European Asylum Dactyloscopy Database (Eurodac) within 72 hours after the lodging of the application for international protection for applicants aged 14 years and older (Article 9(1) Eurodac regulation (¹³)).

Rights

- Right to remain in the Member State pending the examination of the application (Article 9 APD).
- Right to material reception conditions that provide an adequate standard of living (¹⁴) (Article 17 RCD). Applicants also have the right to be informed of the procedural guarantees that they are entitled to.
- Access to an interpreter (Article 12(1)(b) APD). Applicants are informed about their right to
 receive the services of an interpreter, free of charge, for submitting their case to the authority
 whenever necessary to ensure a conduct in a language that the applicant is reasonably supposed
 to understand.
- Right to legal assistance and representation in the asylum procedure (Article 22 APD). Applicants are informed of the possibility of accessing legal assistance and representation. This information includes the conditions under which legal assistance and representation is provided, the steps to be followed to make a request and the rules for the processing of requests.
- Right to communicate with the UNHCR and other organisations providing legal advice or other counselling to applicants for international protection (Article 12(1)(c) APD).
- Right to adequate support in the case of special procedural needs arising from an applicant's ability to benefit from their rights and to comply with obligations due to individual circumstances (Article 24 APD).
- Right to adequate support in the case of special reception needs arising from the specific situation of vulnerable people (Article 21 RCD).
- Guarantees in detention (Article 9(4) RCD). An applicant in detention is informed in writing of the reasons for the detention and the procedures laid down in national law for challenging the detention order. The applicant is also informed about the possibility of requesting free legal assistance and representation.

^{(&}lt;sup>13</sup>) <u>Regulation (EU) No 603/2013</u> of the European Parliament and of the Council of 26 June 2013 on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 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 and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (recast), OJ L 180, 29.6.2013, p. 1–30.

⁽¹⁴⁾ For more information on reception conditions, refer to the <u>EASO Guidance on Reception Conditions</u>: <u>Operational standards</u> <u>and indicators</u> of September 2016.

(iii) Information on the possible consequences of not complying with the obligations and not cooperating with the authorities

As non-compliance with the obligations may affect the examination procedure and reception conditions, it is important that the applicant is informed about the potential outcomes of not cooperating with the authorities, specifically the following points.

- The examination procedure may be discontinued (Article 28 APD). You should inform an applicant that if they do not respond to requests to provide information that is essential to the application, do not appear for a personal interview or otherwise abscond from the asylum procedure, the examination procedure may be discontinued.
- The assessment of the relevant elements in the asylum claim may be affected by the failure of the applicant to submit elements needed to substantiate the application for international protection (Article 4(1) QD). You should inform applicants that it is their duty to substantiate the application for international protection. Applicants' statements may not need to be supported by documentary or other evidence if they have made a genuine effort to substantiate the application and to submit all relevant elements at their disposal in cooperation with the determining authority.
- The asylum procedure may be accelerated, in line with the national legislation, when false
 information or documents on applicants' identity or nationality are presented or when information
 or documentation on their identity or nationality is being withheld to mislead the authorities
 (Article 31(8)(c) APD). If applicants refuse to have their fingerprints taken, this may, depending on
 the national legislation, also lead to the acceleration of the asylum procedure (Article 31(8)(i) APD).
- Applicants may be detained in order to establish their identity or nationality, or to determine elements that are relevant to the application that could not be obtained in the absence of detention, in particular when there is a risk of absconding (Article 8(3)(a) and (b) RCD).
- The material reception conditions may be reduced or, in exceptional cases, withdrawn if the applicant abandons the place of residence or does not comply with reporting duties or requests to provide information or to appear for the personal interview (Article 20(1)(a) and (b) RCD).

(iv) Information on the applicable time frame for the examination procedure

The applicant should be informed of the time frame for the examination procedure. Under Article 31 APD, the examination will be completed as soon as possible within 6 months after the lodging of the application. The time frame may be extended in certain circumstances (e.g. in situations in which large numbers of applications are made simultaneously or for a particularly complex case), but if this is the case, the applicant shall be informed of the delay.

(v) Means at applicants' disposal for fulfilling the obligation to submit the elements to substantiate their applications for international protection

Applicants should be informed that a personal interview will be organised in which they can present elements that are needed to substantiate the application (i.e. state why they have fled their home country and why they cannot return).

The applicant can also provide documentary and other evidence to substantiate the application. Thus, the applicant is given information on the means to submit this evidence and about the time when the evidence can be provided according to national practice. If the applicant is expected, according to the national legislation, to submit all evidence as soon as possible after making the application, this information should be provided to the applicant early in the process.

Consequences of an explicit or implicit withdrawal of the application

Applicants need to be informed of the fact that, if they withdraw their application for international protection, the examination procedure will end (Article 27 APD on explicit withdrawal of the application). The end of procedure also terminates access to rights that are provided to asylum applicants, including the right to remain in the Member State, unless there are other grounds for staying in the country.

You should also inform applicants that, if they give the authorities good reason to believe that they have abandoned their application, the examination procedure can be discontinued or the application can be rejected (Article 28 APD on implicit withdrawal of the application). Reasonable reasons that this may be considered the case include applicants not responding to requests to provide information that is essential to the application, not appearing for a personal interview or absconding, or leaving the place where they lived or were held without authorisation and without contacting the authorities. Depending on national legislation, the examination procedure may be reopened within a certain time limit, if the applicant reports back to the authorities.

D. How should the information be provided?

Information provision should take place both on an individual basis and by making the general information available in places where it can be easily accessed by applicants and other stakeholders.

Individual provision of information to applicants

The information must be provided in writing in a clear and non-technical way. Standard information material (e.g. leaflets) should be made available in a number of relevant languages.

The written information must be complemented with verbal explanations. This is particularly important given applicants' various degrees of literacy, and it allows you to adapt the information to the particular circumstances of an applicant.

The information needs to be provided in a language that the applicant understands or is reasonably supposed to understand, which can be a language other than an applicant's mother tongue.

Information should be adapted to the age / level of understanding of an applicant, taking into account an applicant's special needs and individual circumstances.

It is important to ensure that the applicant understands all of the information provided. If in doubt, it is good practice to ask applicants to repeat, or summarise, in their own words, the information that has been given.

A good practice is to provide applicants with different means to check the status of their application for international protection, including online platforms.

Dissemination of information

Information about standard registration procedures should be available at all times, taking into account the principal languages and varying degrees of literacy and education of applicants.

Methods of dissemination may include different types of medium for the provision of information, such as posters with illustrations, information leaflets, videos, mobile applications and dedicated websites.

Websites and mobile apps offer the advantage of making the information more accessible to applicants, as they can access it directly on their phones, but also the information can be directly updated in digital media format.

E. Who provides the information?

The responsibility to ensure that the provision of information is guaranteed and coordinated lies with the authorities (Article 12 APD). It is important to realise that you are not the only one who is providing information to the applicant: there are other authorities and organisations working in the field of asylum that can provide information in partnership with you. Depending on the national set-up, information can be provided by authorities responsible for the registration and lodging of applications, the determining authority, the reception authorities, legal counsellors and civil society organisations. In some countries, civil society organisations have a formal partnership with the authorities for providing information. In this context, coordination is needed to ensure that the information that is provided to the applicant is consistent.

F. Responding to questions from applicants

Following the provision of information, applicants should be allowed to ask questions about registration and, more generally, about international protection and the asylum procedure.

This is particularly important, as it allows applicants to resolve any doubts they may have and provides the opportunity for any rumours or false information that the applicant may have heard or received to be dispelled. When providing answers, it is important to provide only information about which you are certain and to refer the applicant to other colleagues and/or authorities for questions for which you are unsure about the answer.

Points to remember

- The right to information is one of the core guarantees provided to applicants for international protection, and is essential to ensure a fair and effective asylum procedure.
- Information should be delivered to applicants in enough time to enable them to exercise their rights and to comply with their obligations, which may take place both on an individual basis and through standard information materials that are available to applicants at all times.
- As a minimum, information is provided on what is meant by international protection, the procedure to be followed at registration and during the examination procedure, the applicants' rights and obligations, and the time frame for the examination procedure.
- Information is to be tailored according to the age and/or level of understanding of an applicant, taking into consideration an applicant's individual circumstances.
- Information is to be made accessible to applicants by disseminating information via different channels, formats and languages.

IV. Collection of registration data

A. Role of registration officer

Your role is to **gather and record precise and reliable data**. This key role includes the duty to assist an applicant in clarifying any discrepancies or unclear statements. You should be proactive and assist applicants to allow them to provide clear, complete and accurate data. However, the responsibilities do **not include assessing the credibility** of the data provided by an applicant. The credibility assessment is conducted at a later stage by the competent authority or unit, generally at the examination stage. Some national authorities have set up specialised units to verify the credibility or reliability of specific data, such as age assessments or the verification of identity documents.

Even when the data provided by the applicant seem very unlikely, you should nevertheless record the data as they are presented. However, you have the responsibility to flag such observation(s) in a factual and objective manner and/or to refer the concern to the competent unit or authority. For example, if an applicant has the appearance of an adult but claims to be an unaccompanied child, you should first verify if there are any misunderstandings or uncertainties with the applicant about their own age. If the applicant maintains that they are not an adult, you should record the age claimed by the applicant. However, you should also flag this doubt and/or refer the case to the unit that is responsible for unaccompanied minors. When flagging any doubts, this should be done in a neutral and objective manner by writing down what you have observed. For example, instead of saying that the applicant gives you a rather 'adult' impression, or an impression of maturity, describe the observations that gave you that impression, such as that the applicant's responses to the questions that they were asked during the registration interview were nuanced and focused on the core of each question. Depending on the national set-up, it will be up to the unit that is responsible for unaccompanied children or (specialised) case officers to assess the credibility of the applicant's claimed age.

The same recommendations apply if an applicant presents documents that seem to be fraudulent. You should register these documents and ask questions related to the documents as set out in your national registration procedure, for example by asking when and how the applicant obtained the documents. You should also flag your observations on the document and potentially refer the documents to the authority or unit in charge of examining the authenticity of documents.

Accuracy and efficiency are pivotal in the registration procedure. The data collected need to be correct and reliable, so that the case officer conducting the personal interview can build further on the basic personal data gathered at the registration stage and does not need to ask the same questions again. Correct and reliable registration data are also important for channelling the application, from the start, to the correct examination process (the Dublin procedure, accelerated and prioritised procedures, referral for vulnerability, etc.). Rushing through the registration procedure may prove to be counterproductive at a later stage. Ensuring accuracy involves taking the time to verify the correct spelling of names, writing down what the applicant says rather than what you think the applicant intended, noting down dates in the calendar used by the applicant next to the date transposed into the Gregorian (Western) calendar, and verifying the completeness of the information and your correct understanding of the applicant's statements.

The registration process can be conducted efficiently by informing applicants, in advance, of what is expected from them during the registration and what is not, and by a well-structured data collection process.

B. Aim of data collection

The data collected at registration serve different purposes. Depending on the national set-up, the data collected can be used for the following reasons:

- to help determine or verify an applicant's identity and nationality by recording personal information, biometric data and information related to identity documents;
- to help the asylum authority prepare for the personal interview to be as well prepared as
 possible for the personal interview, it is paramount to have reliable personal data available and
 to provide a good overview of the applicant's profile, background and family links, which will
 also allow the case to be allocated to the most appropriate case officer, as some officers may be
 specifically trained or specialised in examining specific types of applications;
- to inform the asylum authority about the type of asylum claim, which allows the channelling of the application to the appropriate procedure to occur at the beginning of the asylum process, such as regular, prioritised, accelerated or admissibility procedures;
- to identify potential Dublin cases in a timely manner, which enables their quick referral to the Dublin unit to determine the country responsible for the examination of the application;
- to identify applicants in need of special procedural guarantees and to refer them to specialised units and/or organisations as needed – when needs for special procedural guarantees are identified, the registration officer needs to take these into account when conducting the registration process;
- to identify, depending on the national set-up, applicants with special reception needs, which will facilitate their referral to an assessment that determines the specific support that the applicant may need in terms of reception.

C. Registration interview

A registration interview is organised to collect reliable data from an applicant at the beginning of the procedure. As you may be the first person representing the asylum procedure who the applicant meets, it is important to approach the interview with a neutral attitude to enhance cooperation, establish an atmosphere of trust and provide information that is correct.

At the beginning of the interview, you need to explain the purpose and the context of the interview to the applicant. It is recommended that the applicant be given information about the asylum procedure before the interview. This information could be complemented by clear and non-technical verbal explanations at the beginning of the interview. You should always confirm if applicants have understood the information provided and allow them to ask further questions related to the asylum procedure. If interpretation is needed, you should ensure that there is mutual understanding between the interpreter and the applicant. Remember to encourage the applicant to say if they do not understand a question you have asked or if they do not know the answer.

As the registration interview forms a basis for the personal interview, it is important to collect reliable data so that the same questions do not need to be repeated at the beginning of the personal interview. Remember to write down what the applicant says, even if it may appear inconsistent or unlikely; ask for clarification if something the applicant says appears unclear to you; keep your questions as simple as possible; offer the applicant an opportunity to comment on the interview report; and make sure that

all interpreters understand their responsibilities and role during the interview. You can also record the verbal statement of the applicant, provided that the applicant has been informed about this before the interview takes place (Article 13(2)(f) APD). Regular communication between the registration and determining authorities is good practice, as it enables the exchange of feedback on how the registration process could feed into the personal interview.

All EU+ countries collect basic personal data from applicants during the registration stage. These basic data include an applicant's name, date and place of birth, nationality, information on identification documents, sex, marital status and contact information, as well as data on ethnic origin, religion, health, education and occupation. Data on each applicant's place of origin, travel route and means of arriving in the EU+ country are also usually gathered. It is also good practice at this stage to record all of the countries in which the applicant has stayed or lived previously. Data on family composition and the asylum claim are also often recorded at the registration stage.

The extent of the information gathered at the registration and/or lodging stage may vary greatly from one EU+ country to another. In general, national systems that have introduced channelling and triaging systems in their asylum procedure gather more data at registration than those countries without such systems. This is because these data are needed to determine under which first-instance procedure an application is channelled, such as a regular, prioritised, accelerated, border, admissibility or Dublin procedure.

Good practice

Once the collection of data is concluded and the registration/lodging form is finalised, the data are checked and verified by the applicant with the assistance of an interpreter. This is done so that any corrections or additions can be made and any discrepancies can be clarified.

This will ensure that the output of the registration process is reliable. It will avoid unnecessary misunderstandings and confusion later in the asylum procedure, improve the efficacy of the preparation of the personal interview and reduce the need to revisit basic registration questions during the personal interview.

After the data provided are confirmed, the applicant has to sign the registration/lodging form, which should then be uploaded in the applicant's file and stored in the physical file, along with any other relevant document submitted during the procedure, depending on the national set-up.

It must be noted that, depending on national practice, a separate registration/lodging form may be required for each family member, including children, even when the application is made as a family.

At the end of the interview, you should provide information about the next steps and the potential time frame for the examination procedure. You should also provide information on how the applicant will be contacted for a personal interview and, if possible, an estimated time when the personal interview will take place.

Good practice

The self-registration system developed by the Norwegian Directorate of Immigration is a good practice that complements the registration interview and allows applicants for international protection to preregister their personal data in the national database in a controlled environment. The tool has been developed to tackle potential large-scale influxes of applications for international protection by helping authorities to register people arriving en masse without blocking significant interpretation and other human resources. This helps avoid the typical bottleneck at the initial stage of the asylum procedure.

The tool is based on a piece of software that works on computers, tablets and, potentially in the future, mobile phones. Applicants follow on-screen guidance that explains their rights and obligations with regard to the registration process; the guidance is available in 16 languages, which cover 90 % of the mother tongues spoken by applicants arriving in Norway. First, applicants fill in their personal data, travel route and family information on a virtual keyboard that is adapted to the language used. Applicants also take their own picture by using the software. Finally, applicants review the data they have provided before submitting the registration form electronically, after which a unique case number is automatically generated. After completing the self-registration form, applicants further identify themselves by submitting their identity documents and providing fingerprints to the authorities in person.

The self-registration system can be used for case profiling to effectively channel applications at the beginning of the asylum process to the appropriate examination procedures directly. This is a scalable option, which means it can function as a contingency measure to ensure that the asylum claim is lodged within the deadlines provided by legislation while saving a significant amount of human resources. Self-registration is also seen as an opportunity to make applicants more active in contributing to their application process.

<u>Annex 1 'Registration fields'</u> gives an extensive overview of the data that can be collected during the registration and/or lodging phase.

Related EASO tool

The EASO Practical Guide: Personal interview sets out a structured interview method that can also be beneficial for registration interviews, to a certain extent. The following sections are considered particularly relevant to the registration stage.

- Section 2, 'Opening the interview', provides methods for opening the interview in a way that establishes an atmosphere of trust, welcomes the applicant and provides information.
- Section 3, 'Conducting the interview', provides methods to manage the interview situation and your own attitude to enhance cooperation; it also gives advice on how to apply different types of interview questions and seize opportunities to clarify any inconsistencies.
- Section 5, 'Closing the interview', proposes ways to close the interview, provide information on the next stages of the examination procedure and allow the applicant to comment on the interview report.

Translations of the guidance are available on the EASO website.

Documentation at the disposal of applicants

You should encourage applicants to provide all of the documents in their possession to the authorities to determine or verify their identity and nationality, to establish their personal circumstances and background and to substantiate the application for international protection (¹⁵). Such documents include identity and travel documents (namely an identification card and/or passport), family documents (e.g. a family booklet, birth certificates, death certificates and/or marriage certificates), documents related to residence and travel routes and any documentary evidence that could support the asylum claim (e.g. a membership card to a claimed political or civil society organisation or a warrant of arrest).

Applicants are asked to hand in their original documents, as they provide proof of identity or background and potentially provide stronger evidence to substantiate the asylum claim than copies. If the applicant does not have the original documents, but does have copies available, you should explore the reason that the originals are not available and how the applicant was able to obtain copies.

You should take note of the documents that have not been provided by the applicant, particularly travel and identity documents. You should ask for an explanation as to why these documents are missing and explore if the applicant has ever possessed any identification documents. If the applicant holds identity documents, you should find out where the documents are located and if it would be possible to deliver them to the asylum authorities. If the applicant does not possess any form of identity documents, you should find out the reason why and how the applicant managed to travel outside the country of origin and to your EU+ country without such documents.

You should encourage the applicant to obtain any missing documents if this is feasible in the circumstances. You should, however, make it very clear that it is not expected that applicants expose themselves or any other person to risk by attempting to obtain documents, including by contacting the authorities of the country of origin if this would entail a risk.

Good practice

To encourage applicants to submit identity documents, the Swedish Migration Agency has introduced 'ID assignments' for applicants who do not manage to prove their identity during the lodging process. The assignments are specific to each applicant and set applicants the task of obtaining additional documentation that can substantiate or clarify applicants' identity or country of origin. If the applicant fails to fulfil the assignment, they may lose some financial benefits. The assignments are applied only in the context of the asylum procedure and any decision to reduce financial benefits can be appealed against in the administrative court.

All documents should be duly registered by making copies of each and noting down any technical information, including the submission date, document title, document type and if the document is an original or a copy. Other standard elements of a document that should be recorded are the date of issue, the issuing authority or the author, and the main topic.

It is common for applicants to submit scanned or digital documents that have been emailed to them. Scanned and digital documents should be considered in the same way as copies of documents.

⁽¹⁵⁾ In accordance with Article 13(2)(b) APD, it is the applicant's obligation to hand over documents in their possession that are relevant to the examination of the application, such as their passport. In accordance with Article 4(1)(2) QD, Member States may also make it the obligation of the applicant to submit these documents as soon as possible in the asylum procedure.

If an applicant wants to present a lot of documents, it is recommended that you run through them with the applicant to determine together which documents are relevant for the asylum procedure. The key question to ask of the applicant is what they intend to demonstrate with a specific document they present.

For relevant documents in a foreign language, a translation will be necessary. It is recommended that, as a minimum, translations be obtained of the most important documents, including identity documents and the most essential elements of the documents, taking into consideration what the applicant intends to demonstrate with the documents. In general, it is in the interests of the determining authority to have the documents translated to the greatest extent possible, as any element of the document can turn out to be relevant for verifying the consistency and well-foundedness of the application.

In general, it is good practice to ensure that the (essential and/or essential parts of the) documents are translated by the determining authority prior to the personal interview. This will enable the case officer to better prepare the interview and prepare any questions to pose to the applicant about any possible inconsistencies between the statements and the documents during the interview.

For more information on how the authenticity of a document can be verified and how this can be connected to the registration process, see the further explanations in <u>Chapter VIII, Section C 'Verification</u> <u>of documents'</u>.

D. Biometric data

The biometric data collected at the registration/lodging stage include photographs and fingerprints. Depending on the national set-up, additional types of biometric data can be collected, such as an iris scan or voice recording. The applicant's voice is often recorded to determine the dialect and/or region of socialisation and not to identify the applicant per se.

Given the technical nature of taking and recording fingerprints, it is conducted by specialised units or authorities in most EU+ countries.

Fingerprints are used in the context of the Eurodac system. Fingerprints are added to the Eurodac central database system to determine if the applicant has applied for asylum before or has been apprehended in another EU+ country in connection with the irregular crossing of an external border.

For more information on fingerprint collection and the Eurodac system, see <u>Chapter VIII, Section A</u> <u>'Eurodac'</u>.

Fingerprints can also be compared in the visa information system (VIS) database. VIS is a system for decisions related to applications for short-term visas to visit or transit through the Schengen area. The system includes information on short-term visa applications to Schengen countries. National asylum authorities may consult the database for the purpose of determining the EU+ country responsible for the examination of an application.

For more information on fingerprint collection and VIS, see <u>Chapter VIII, Section B 'Visa information</u> <u>system'</u>.

Good practice

To prevent fraud, but also to ensure that the applicant's facial photograph is recent and of good quality, the photograph could be taken by the registration authority, rather than requesting the applicant to submit a photograph.

As all biometric systems have their weaknesses, a good strategy can be to use a multimodel approach, based on the collection of different biometrics.

E. Registering personal details

While it is of the utmost importance that the information collected during registration is correct and reliable, in the context of the asylum procedure there are a number of hurdles that risk rendering the data collected incomplete or imprecise. These could be language barriers, cultural norms and/or the age of the applicant.

Your role will be to assist the applicant in clarifying their statements and to ensure that the data provided are complete and accurate.

This section provides guidance, examples of good practice and tips on practical issues you may encounter when collecting and recording information from the applicant. In addition to these general tips, it is also highly recommended that authorities provide national guidance to ensure consistency in the recording of personal information, taking into consideration specific practices in the country of origin.

Name of the applicant

If the applicant presents a passport or related identity document, note down the applicant's name as it is displayed in the document. In the absence of a passport and depending on the country of origin, other sources of the composition and spelling of the applicant's name could include national identity documents and birth certificates. If the applicant does not have any identity documents, record the name as it is presented by the applicant.

It is recommended that national administrations provide guidance specific to the country of origin on how to register the applicant's name to ensure consistency in name composition and spelling. The guidance can indicate, in accordance with the country of origin, a hierarchy of the different types of identity documents. Typical name compositions and spellings vary between countries of origin. In several countries in central Asia, the Middle East and parts of Africa, names traditionally consist of a first name that is given at birth and a family name that is composed of, first, the father's name and, second, the grandfather's name. For names traditionally composed of several parts, the instructions can indicate which part should be considered as the first name and which part is considered the surname in the registration form.

Applicant has more than one name

Applicants may have more than one name for several reasons. In some countries, the name recorded in a passport or other identity document may differ from the traditional name. For example, the father's name and grandfather's name is traditionally used as the family name, while in the passport the tribe

name is noted down under family name. Thus, the applicant may have two names: one used in everyday functions and one for official purposes.

Applicants may be identified under different names in official databases and registers or may themselves provide different names under which they are known in the country of origin. The applicant may have used a false name on purpose or may have illegally used someone else's identity. The additional names should, in these cases, be recorded as alias names.

In the same vein, variations of the name, that is in the way it is spelled, transposed or recorded, in different identity documents should be recorded as alias names, in order to be able to retrieve the person later in the database when only one of the identity documents is available. The applicant's views also need to be heard on the potential reasons for such discrepancies, after which you should record the explanations provided by the applicant in the registration form and flag any inconsistencies to the determining authority.

Transliteration: Applicant's name is written in an alphabet other than the Latin alphabet

Transliteration is the process of writing a name in a different alphabet from the alphabet in which it is originally spelled. Transliteration is used when an applicant's name is written in an alphabet such as the Arabic, Cyrillic or Amharic alphabets. As there are no standardised ways of transliterating words into the Latin alphabet for all languages, some letters, characters or phonetic sounds may take different forms depending on the language that is used when transliterating a word. For example, the phonetic sound /u/ would be transliterated as 'ou' in French, 'oo' in English and 'u' in German.

A good example of how transliteration can be regulated could consist of the following steps.

- 1. Record the transliterated name as it appears on the applicant's passport.
- 2. If the applicant does not hold a passport, record the transliterated name as it appears on other official documents.
- 3. If the applicant does not have any official documents stating their name in the Latin alphabet, refer to existing national transliteration guidance.
- 4. In the absence of official transliteration guidance, and only if the applicant is proficient enough in written communication in a language that uses the Latin alphabet, ask the applicant to provide a transliteration of their name.
- 5. If the applicant is unable to provide a transliteration of their name, use the services of an interpreter. In any case, keep a record of the way the name is spelled in the original language as a reference point.

Good practice

A translation tool is used by the Federal Office for Migration and Refugees of Germany to transliterate names that are written in Arabic alphabets into Latin letters. An applicant uses an Arabic keyboard to type their name into the tool and the system transliterates this name into Latin letters. The tool is used at early stages of the asylum procedure, including during the registration of an application for international protection, when the applicant's name is recorded in the individual case file. The tool also includes additional features that support the examination of an applicant's origin.

Date and place of birth of the applicant

To ensure consistency in the registering of data on the place of birth, it is good practice to systematically record the place at the same level (village, municipal, subdistrict, etc.) and that, in addition, the province, region or governorate to which the place of birth belongs is identified. Consistent spelling of locations could be introduced by providing lists specific to the country of origin of the regions, provinces, governorates and/or main locations.

Applicant does not know their date of birth

If the applicant states that they do not know their date of birth, you must explore what the applicant does know about their date of birth, including the year, time of year and/or month when they were born.

For children or for applicants who are about to reach the age of majority, it is important when recording a complete date of birth to always take the last possible date of the period in which it can be reasonably estimated that the applicant was born. For example, if the applicant knows their month of birth, the last day of that month is marked as the estimated day of birth. If the applicant knows the time of year or season of their birth, the last day of this yearly quarter is marked. If the applicant knows only the year in which they were born, the last day of this year is marked. The last possible day of the period is chosen so that a child will not be treated as an adult while they may still be a child.

In some EU+ countries, when the exact date of birth is unknown, an estimated date of birth is established that includes a day and month, because this helps in conducting essential matters with authorities and service providers. Safeguards should be in place specifying that the birth date given is only an estimated date and to ensure that it does not lead to the creation of a false identity. Documents provided by applicants may provide an indication to help in the estimation of their age or date of birth. The date or year of birth or an age range can be further estimated by conducting an interview based on temporal points of reference (e.g. asking applicants if they have any memories of certain important events that occurred in their country). You should work towards a common agreement with the applicant. Make sure that the applicant understands what date is finally noted down as the estimated birth date and explain that this can be corrected in the future when the applicant can later present identity documentation from their country of origin. When an estimated date of birth is created, you need to clearly mark in the registration form and/ or database that the date is an estimation and outline how the date was determined.

In general, it is preferable not to mark the applicant's date of birth as 'unknown', as it is important to indicate the age group to which the applicant belongs, such as child, adolescent, young adult, adult or elderly.

Applicant's country uses a different calendar to indicate date of birth

Some countries use calendars other than the Gregorian calendar, for example the Persian calendar is used in Afghanistan and Iran, the Ethiopian calendar is used in Ethiopia and Eritrea, and the Vikram Samvat calendar is used in Nepal and in several states of India. Islamic and Hebrew calendars are used for religious purposes, while Arab countries and Israel use the Gregorian calendar for civil purposes. The Chinese calendar also governs the dates of important holidays, while Chinese civil administration relies on the Gregorian calendar.

It is recommended that you ask the applicant to provide the date of birth in the calendar that is used in the country of origin. Note down the date of birth in the registration form both as the calendar date used

in the country of origin and as the Gregorian calendar date. This also applies to other dates that are used during the registration process, such as the date of departure from the country of origin.

If the applicant's exact date of birth is unknown, the estimated date of birth is determined by using the calendar used in the country of origin, for example by using months, seasons and years as they are indicated in this calendar.

There are a number of good calendar converters online, such as:

- a Persian calendar converter,
- an <u>Ethiopian calendar converter</u>,
- a Nepali calendar converter.

Applicant provides a place of birth that is difficult to locate in the country of origin

If the applicant states that they were born in a place that you have difficulty identifying or locating within the country of origin, you need to further explore this with questions about, for example, the part of the country, the province/governorate, cities, municipalities and well-known places close to the place of birth.

It is good practice to use an online map service (which has been vetted by the country-of-origin information unit) to locate the place of birth on a map during the registration, in addition to registering the place of residence in the country of origin. Sometimes the most commonly used map services, such as Google Maps, do not include specific locations in several typical countries of origin.

The following are good examples of specialised map services online.

- <u>OpenStreetMap</u> is an interactive open-source map.
- <u>WeGo</u> is a satellite image map.
- The Food Security and Nutrition Analysis Unit (<u>FSNAU</u>) provides administrative maps specific to Somalia.

Applicant does not know their place or country of birth

If the applicant knows their country of birth but not the exact place of birth, you can seek additional information by asking questions first about larger and then moving to smaller geographical areas, while exploring from where the applicant has received this information.

The country of birth is defined as the country of residence of the mother at the time of the birth or, if not known, the country in which the birth took place (Article 2(e) migration statistics regulation (¹⁶)). Thus, applicants can be asked where their mother lived at different stages of her life, if the place of birth remains unknown or uncertain.

^{(16) &}lt;u>Regulation (EC) No 862/2007</u> of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection and repealing Council Regulation (EEC) No 311/76 on the compilation of statistics on foreign workers, OJ L 199, 31.7.2007, and its amendment, <u>Regulation (EU) 2020/851</u> of the European Parliament and of the Council of 18 June 2020 amending Regulation (EC) No 862/2007 on Community statistics on migration and international protection, OJ L 198, 22.6.2020.

If uncertainties remain around the place of birth, it is good practice to explore where the applicant's parents and other family members are from and where they currently live. This will allow you to have a more complete picture of the family origins and current situation, for example related to a potential history of displacement.

If the country of birth is unknown, record it as 'unknown'. You should gather data on the reasons why the applicant does not know their country of birth and record their comments on the registration form / in the database.

Family composition

Family composition should never be taken for granted. Each of the relations needs to be verified. For example, if a couple presents themselves with one or more children, it should be verified individually if the man and woman are the biological father and mother of each child.

Applicant is polygamous

In some societies, a person can be legally married to more than one person at the same time, while the national legislation in EU+ countries allows marriage to only one person at a time. Polygamy, or being married to more than one person at a time, is also considered a crime in several EU+ countries, which does not leave room to recognise more than one spouse as legally married partners. Thus, in situations of polygamy, only one spouse can be considered the legally married partner.

EU+ countries have varying practices to determine who would be considered the legal partner in polygamous marriages under national law. Some EU+ countries consider the first married partner the legal partner, while others consider the partner who arrived first in the country as the legal partner.

Depending on the national definition of the legally married spouse, you can record either the spouse who married the applicant first or the spouse who arrived in the country first as the legal partner in the registration form. If more than one spouse arrived in the country at the same time, any spouse not determined to be the legally married partner should make a separate application for international protection. Spouses other than the legally married partner will also be recorded in a specific section in the registration form, specifying their personal details and the date of marriage.

Applicant states that they are married or divorced, but the marriage or divorce was not pronounced by an authority

Many marriages take place in accordance with traditional customs or religious practices, in the presence of a traditional or religious leader, without always being legally certified by the state. Other couples may cohabit without legal marriage or a traditional or religious marriage having taken place. The latter form of cohabitation may, in some countries, be legally certified.

Whether or not the marriage or divorce is legally certified is governed by the law of the country where the applicant has domicile or, if the applicant has no domicile, by the law of the country where the applicant has residence. Thus, rights attached to the marital status that were acquired previously by the applicant are to be respected as long as the rights are recognised and they are in compliance with the formalities required by the law of the host country (Article 12 Refugee Convention (¹⁷)).

^{(&}quot;) UN General Assembly, Convention Relating to the Status of Refugees, Treaty Series, United Nations, 1951, Vol. 189, p. 137.

You can record the applicant's statements regarding their marriage or divorce, including that the marriage or divorce was not pronounced by an authority. You can also ask what the applicant means by saying that they are married or divorced and for what reason this has not been pronounced by an authority.

Adult applicant has a foster or adopted child without any legal or customary decision

It is important to verify the connections and links between the child and adult(s) to ensure that the relationship is in the best interests of the child. You should ask the applicant for the basis of the adoption and/or foster care arrangement and the situation that resulted in them taking care of the child. You should also record in the registration form who accompanies the child, such as a family with several children, a couple, a single parent or an elderly person, as well as the gender of the child and accompanying adult(s).

If the adoption and/or foster care arrangement is based on a customary or an unofficial decision, you should refer the child to the authorities responsible for appointing a guardian. You should also refer the child to the child protection authorities responsible for conducting the assessment of the best interests of the child. This is to determine the suitability and willingness of the accompanying adult(s) as potential caregiver(s) of the child and the well-being of the child with the accompanying adult(s).

If there are no signs of abuse or neglect, the child does not need to be separated from the accompanying adult(s) while the assessment of the best interests of the child is being conducted and the decision is being made.

You should register the child separately from the accompanying adult(s), but the cases of the accompanying adult(s) and children should be linked. Depending on your national practice, consider conducting the registration interview in the presence of the appointed professional guardian.

If the child and the accompanying adult(s) indicate that family tracing would be needed or welcomed, you can refer the child to family tracing.

Nationality

Nationality or citizenship is defined as the particular legal bond between individuals and their country, acquired by birth or naturalisation, whether by declaration, choice, marriage or other means according to national legislation (Article 2(d) migration statistics regulation). Nationality is a key notion for international protection, as it is the country or countries of nationality that the assessment of the need for international protection is directed towards. If the applicant is stateless, the assessment takes place in relation to the country of former habitual residence. Many applicants do not hold documentation proving their nationality and therefore you will need to establish nationality in other ways.

National guidance on when a nationality can be considered as 'established' (despite the absence of documentary proof) can differ, as can the methods used to establish the nationality of an applicant. Methods include a nationality interview, document authentication, verification of the background of the applicant or a language assessment. These are often carried out by specialised staff or units or by case officers responsible for the personal interview. It is the task of the registration officer to offer reliable indications on the nationality of the applicant and to flag any uncertainties and/or possible indicators of statelessness.

Applicant has or may have multiple nationalities

The applicant may have multiple nationalities and all of the nationalities claimed should be recorded. It is good practice to systematically ask all applicants if they have more than one nationality, as applicants may not spontaneously offer this information. It is recommended that a national protocol be established for cases in which an applicant holds more than one nationality to determine under which nationality the applicant will be listed for statistical purposes. In the absence of such rules, it is recommended that the most recently acquired nationality be recorded as the 'main' citizenship for statistical purposes. Information on other nationalities should also be included in the applicant's file.

Applicant does not know or is uncertain about their nationality

Applicants may be unsure about their nationality. In the absence of identity documentation that states the applicant's nationality, you should ask questions to establish the nationality claimed by the applicant or you should explore any possible indications of statelessness. The purpose of these questions is not to assess the credibility of nationality claimed, but to **identify the existence of doubts that should be flagged to the determining authority**.

If the applicant's responses do not dispel uncertainties, you should flag your observations to a relevant authority.

You should record the applicant's nationality as 'claimed/presumed nationality' in the registration form if the nationality remains uncertain. If the applicant claims to be stateless but does not have any official documentation, you should also record the information as 'claimed/presumed stateless'. If the applicant holds documents verifying that they are stateless, you should record the nationality as 'stateless'.

To avoid applications being channelled through the wrong procedure and to enable the proper preparation of the personal interview, it is important to identify uncertainties related to nationality and indications related to statelessness early in the asylum process and record them systematically during the registration phase. It is recommended that all nationalities that are recorded at any stage of the asylum procedure be kept in the version history of the applicant's file.

Modalities under which the applicant can change the data previously provided

In most EU+ countries, personal data can be changed after lodging is completed under specific conditions. Some countries require the applicant to provide an authentic personal document to change personal data, while others allow changes under other terms, including the applicant's own notification.

It is recommended that national administrations provide guidance on the conditions under which the applicant can change data provided at the lodging stage.

It is recommended that there is a differentiation between substantial changes to personal details and minor edits owing to human error. Examples of human error in the registration phase include spelling mistakes, dates of birth that were factually given as a calendar date other than a Gregorian calendar date and places of birth that hold the same name but are located in a different administrative district in the country of origin. It is considered good practice for any changes that have been made to personal details to be accessible in the database, including information on when changes were made, by whom and on what basis.

Personal details that can be considered substantially different from those that were provided by the applicant, external databases and other reliable sources can be recorded as alias details. Alias details include any names or other personal details by which the applicant is known, including maiden names or names used in unofficial functions. It is considered good practice to have a specific alias field in the database to allow the search engine to search for current names, alias names and the name history concurrently.

F. Statelessness

What is statelessness and why is it important?

The 1954 Convention Relating to the Status of Stateless Persons defines a stateless person as 'a person who is not considered as a national by any State under the operation of its law' (¹⁸). This definition is binding for all contracting countries and the notion 'under the operation of its law' should be interpreted broadly to encompass not just legislation, but also ministerial decrees, regulations, orders, case-law and, where appropriate, customary practice (¹⁹).

Statelessness arises in a variety of contexts, in either migratory or non-migratory situations, and can be caused by several factors. These include discrimination in nationality laws and practice (related, for example, to race, religion or gender), gaps in nationality laws, state succession or among expatriates and/ or their children who might lose their nationality without having acquired the nationality of the country of habitual residence.

The right to nationality is a basic human right. Beyond being deprived of a nationality, stateless people are often confronted with other forms of discrimination and human rights violations, which can be both a cause and a consequence of displacement. Although most stateless people remain in their country of birth/habitual residence, some leave and seek protection in other countries. In the latter case, a stateless person may qualify for international protection status as a refugee or a beneficiary of subsidiary protection in accordance with the QD.

When a stateless person is recognised as a person in need of international protection, it is important to address the person's statelessness. There may be instances in which refugee status or subsidiary protection ceases without the person having acquired a nationality. In such cases, the person will still be in need of protection as a stateless person. Moreover, the statelessness of beneficiaries of international protection may have consequences for them and their children. For example, the children of stateless beneficiaries of international protection, namely those who are born in a host country and who do not acquire any other nationality, are entitled under international law (and the nationality laws of many EU+ countries) to the nationality of the country in which they were born (²⁰).

^{(18) &}lt;u>Convention Relating to the Status of Refugees</u>, 189 UNTS 150, 28 July 1951 (entry into force: 22 April 1954) (1951 Refugee Convention); Protocol Relating to the Status of Refugees, 606 UNTS 267, 31 January 1967 (entry into force: 4 October 1967), referred to in EU asylum legislation as 'the Geneva Convention'.

⁽¹⁹⁾ UNHCR, Guidelines on Statelessness No 1: The definition of 'Stateless Person' in Article 1(1) of the 1954 Convention Relating to the Status of Stateless Persons, HCR/GS/12/01, 2012, paragraph 15.

^{(&}lt;sup>20</sup>) UNHCR, <u>1961 Convention on the Reduction of Statelessness</u>, HCR/GS/12/01, 2012; Council of Europe, <u>European Convention</u> <u>on Nationality</u>, Strasbourg, European Treaty Series No 166, 1997.

Indications of statelessness

Statelessness may not always be easy to identify. Stateless people seldom have proof of being stateless, might not be sure if they are stateless or might not be aware that they could be at risk of becoming stateless upon return. People at risk of statelessness may include, depending on the situation in the country of origin, people from border regions where a lack of civil registration may lead to confusion regarding whether they are nationals of one state or another; minorities and those who have perceived or actual ties with another state; nomadic populations; and populations with complex histories of displacement, for whom proving nationality of a country of origin may be difficult as a result of generations of descendants having been abroad.

In the European context, commonly encountered profiles of people claiming statelessness include:

- Palestinians from countries in the Middle East and North Africa;
- Kurdish populations from Syria and Iraq;
- the Bidoon from Kuwait and Iraq;
- the Rohingya people from Myanmar;
- Somalis from Ethiopia.

Moreover, applicants being uncertain about their own nationality during the registration process may be an indicator that they might be at risk of being stateless.

Registration of stateless people and people at risk of being stateless

It is of paramount importance to identify stateless people as early as possible to grant them the protection they need due to their statelessness. Determining if applicants are stateless is essential when assessing the need for international protection.

At registration, it is vital to collect information and detect possible cases of statelessness. For all applicants, you should collect information about their nationality or nationalities, potential lack of nationality, place of birth and country of birth. If applicants are uncertain about their nationality, this should be flagged and the countries of former habitual residence (²¹) should be recorded. When registering families, it is important to collect these data for **each family member**, both parents and children. This information will be relevant for any subsequent determination of whether or not a person is recognised as a national by any state under the operation of its law. The collection of personal data for each family member is also important, as some children can be stateless while their parents hold a nationality. For example, there are 25 states around the world in which a woman cannot pass on her nationality to her children on the same basis as men owing to gender discrimination in the law. This could mean that children are stateless if the father does not recognise the child or is unknown, deceased, not with his family or stateless himself (²²).

 ⁽²¹⁾ A stateless person being 'habitually resident' or 'residing' indicates that the person resides in a country on an ongoing and stable basis. 'Habitual residence' is to be understood as stable, factual residence. This covers those stateless people who have been granted permanent residence and also applies to individuals without a residence permit who are settled in a country, having been there for a number of years, who have an expectation of ongoing residence there (see UNHCR, <u>Handbook on Protection of Stateless Persons</u>, Geneva, 2014, paragraph 139).

^{(&}lt;sup>22</sup>) These states are the Bahamas, Bahrain, Barbados, Brunei, Burundi, Eswatini, Iran, Iraq, Jordan, Kiribati, Kuwait, Lebanon, Liberia, Libya, Malaysia, Mauritania, Nepal, Oman, Qatar, Saudi Arabia, Somalia, Sudan, Syria, Togo and the United Arab Emirates.

In some cases in which people present themselves as stateless, there may be objective information available to confirm this (e.g. they belong to a well-documented stateless minority population, hold documentation confirming their statelessness or hold proof of deprivation or loss of their nationality). When there is such objective information available that confirms the applicant as stateless, the nationality should be recorded as **stateless** (or as **claimed/presumed stateless** if in your national legislation a formal procedure by another authority or court needs to assess and confirm the statelessness first or if the applicant presents as stateless without any official documentation). Their country of habitual residence should also be noted.

In other cases, individuals may be unaware or unsure of their nationality status. In such cases, the fact that the person **may be stateless**, or is **at risk of statelessness**, should also be clearly recorded in the individual registration form as presumed stateless. The country or countries of former habitual residence should also be recorded to facilitate follow-up and referral to a dedicated statelessness determination procedure. It is not appropriate to determine a person's statelessness at the registration stage. Statelessness determination requires time, can be complex and challenging, and may require extensive enquiries with state authorities in countries with which an individual has relevant links. It should be carried out only by a competent decision-making authority at an appropriate point in time following the final assessment of an asylum claim.

The country of former habitual residence is the country where the applicant has resided, whether lawfully or unlawfully. It is usually different from countries of mere transit. The length of stay and how recent the stay was constitute important elements. An applicant may also have several countries of former habitual residence. It may not be easy to determine the country of habitual residence in the registration phase; therefore, it is recommended that all countries of previous stay, which were not merely transit countries, are listed in order, from most recent to oldest.

To help identify if a person **may be stateless** or is **at risk of statelessness** and to record the correct information, further questions can be asked at registration to support the examination procedure, especially if applicants are not sure about their nationality.

Below is a non-exhaustive list of questions and requests that, along with any relevant documentation, can help to identify stateless applicants if they are unsure about their nationality.

Nationality status

- What do you consider to be your nationality?
- Have you previously held any or another nationality?
- What are the nationalities of your parents?
- Please describe the reasons why you are unsure of your nationality.
- Have you ever had any identity documents, such as a passport, national card or registration card?
 - o Have you ever tried to gain an identity document of any country?
 - If you needed to provide a document to the authorities of who you are, what kind of document would you show or try to obtain?

Place of birth

- Where were you born?
- Was your birth registered?

- Do you have a birth certificate?
- Where were your parents born?

Country of former habitual residence

- In which countries did you live before arriving in Europe?
 - o When did you live in each of these places?
 - o What was the reason for moving to that country?
 - o Were you registered with the authorities in that country?
 - o Did you hold a residence permit?
 - o What kind of accommodation did you live in?
 - o With whom did you live in that country?
 - o What were your means of income in that country?
 - o Did you or any of your family members go to school in that country?
 - In the case of a marriage or birth in that country, were you able to register the marriage or birth in that country?
 - o Did you do any other activities in that country?

G. Case file management

After the data collection is completed, all information concerning the application is forwarded to the determining authority in a timely manner to ensure that that authority has all of the relevant information at its disposal. Thus, an electronic and/or physical case file is compiled to include the personal details of the applicant, copies of documents provided by the applicant and biometric data. The file can also include your own observations that need to be flagged to the determining authority and other authorities. Information on any referrals that have been made should also be included in the file. It is recommended that you have a case file management system in place that allows any piece of information to be correctly linked to the case file.

Each applicant is assigned an individual registration number, while each case can have a separate number assigned to it. After this, the application is linked and/or connected to other similar cases.

Individual registration number

No later than this stage, each applicant should be assigned an **individual and unique registration number**. It is recommended that, once this number is assigned, the applicant keeps the same registration number for all procedures related to international protection or applications for other residence permits. This will allow the determining authority to easily find and access all of the information that is relevant for one specific applicant, such as information on previous applications or family reunification procedures.

Cases

In addition to the individual registration number, it is good practice to give an **individual case number** to each application for international protection. Often, members of the same (nuclear) family who applied

together for asylum are attributed the same case number. This will help to ensure that their applications are assessed together. It is advisable that applications of nuclear family members who arrived later, but still prior to the decision being taken on the application of the family members who were already in the country, are merged into the same case.

Linked cases

Other members of the family, such as adult children and grandparents, are not assigned the same case number, as their cases are examined on their own individual circumstances. However, it is important for the determining authority to take into consideration the relation between these applicants, their shared background and the possible connections in their asylum claims, and thus to link such cases. It is important that, in the preparations for the personal interview, an overview of all the linked cases is available.

It is also considered good practice to connect cases that have similarities beyond family members, such as applicants who fled their country of origin together to escape the same risk of persecution or serious harm.

It is interesting to note that case numbers are often composed in such a way as to include cues on the asylum procedure, such as the year of the application, the location where the application was lodged, links between applications or the occurrence of subsequent applications.

Referral needs

If there is an indication that the applicant belongs to a vulnerable group or needs special procedural guarantees to benefit from their rights and to comply with obligations, you should include any observations arising from specific procedural and reception needs in the electronic file. Similarly, if there is an indication that another EU+ country would be responsible for the examination of the application, this should be mentioned in the file.

For more information on potential indications of referral needs and procedures, refer to <u>Chapter V</u> <u>'Identification and referral'</u>.

Compilation of statistical information

Registration and lodging are the cornerstones of the asylum procedure. These processes provide the applicant with initial protection and access to rights and benefits. They also provide the asylum administration with a unique and verifiable record of the applicant and with the basic information that is needed to, from the start, channel the application to the correct subprocedure.

The data collected can, furthermore, be used for statistical purposes to provide an overview of the asylum situation in a certain period at the level of EU+ countries, the national level or the regional level. Based on the data, the asylum procedure can be properly monitored with regard to the following areas:

- **demographics**, namely an applicant's country and region of origin, language spoken, sex, age, gender, flight patterns and travel routes, and health issues;
- asylum claims, namely asylum profiles and special procedural guarantees/vulnerabilities;

- **processing times**, namely the date of entry into the registration/lodging process, the duration of registration/lodging and the time lapse until the personal interview;
- types of procedures, including subsequent applications, Dublin cases and accelerated procedures;
- **trends or aspects**, which might not be directly related to asylum, such as the methods used by trafficking networks or types of forged documents.

The compilation of registration data allows the determining authority to gain an overview of the pending caseload at the start of the examination stage. Registration data include the number of cases awaiting a personal interview per country of origin, gender, profile of applicant, type of claim, language spoken, type of vulnerability or type of procedure. Such data also include the number of subsequent applications and cases referred to accelerated procedures.

In addition to providing a picture of the pending caseload, registration data can also be used for statistical purposes and to highlight registration trends (e.g. per country of origin, profile and type of claim). These trends may also concern aspects that are not directly related to asylum, such as the methods used by trafficking networks or types of forged documents.

Points to remember

- Your role is to gather from applicants and record precise and reliable data by assisting them in clarifying any uncertain statements. You should not assess the credibility of the data gathered.
- Data are collected for several purposes, including to help verify the applicant's identity and nationality, help the asylum authority to prepare for the personal interview, identify special procedural and/or reception needs and identify potential Dublin cases.
- Documentary evidence can verify an applicant's identity and nationality, establish their personal circumstances and substantiate their applications for international protection. You should thus encourage applicants to submit all of the evidence in their possession.
- Biometric data are often collected by specialised personnel due to their technical nature. Depending on the national set-up, you may be required to verify that biometric data have already been collected or to see to it that the applicant is directed to the relevant authorities to submit biometrics.
- The personal details of the applicant need to be registered accurately, with attention paid to collecting complete data on topics that are detailed in your national practice or guidance.
- After data collection is completed, a case file is compiled to include all of the information concerning the application and your own observations that need to be flagged to the determining authority.
- In the case file management system, a unique registration number should be assigned to each applicant, while a separate case number can be assigned to each application, after which you can link or connect applications with other, similar, cases.

V. Identification and referral

The identification of potential Dublin cases, vulnerable applicants and unaccompanied children as soon as possible in the asylum procedure is essential in order to refer them to the appropriate examination procedure and to provide applicants with the support they need. Your role as a registration officer is to identify potential Dublin cases or potentially vulnerable applicants and refer them to the appropriate authorities or stakeholders.

A. Potential Dublin cases

Overview of the Dublin procedure

The Dublin III regulation establishes the criteria and mechanisms for determining the Member State or associated country (Iceland, Liechtenstein, Norway or Switzerland) that is responsible for examining an application for international protection. The regulation provides a mechanism to ensure that an application for international protection will be examined and that it will be examined by only one EU+ country.

Competent authority for the Dublin procedure. Every EU+ country has a specific competent authority that is responsible for conducting the Dublin procedure called the Dublin Unit.

While the Dublin procedure is conducted by the Dublin Unit, all of the authorities involved in the asylum process are responsible for identifying potential Dublin cases and referring them to the Dublin Unit.

Mechanism for determining the responsible EU+ country (²³). Once the written document about the registration of an application has reached the Dublin Unit, the time limit to determine the EU+ country that is responsible for examining the application begins (in accordance with Article 20(2) Dublin III regulation). If another EU+ country is deemed responsible for examining the application, this country will be requested to take charge of the person's application or to take the person back, based on a hierarchy of criteria laid down in the Dublin III regulation. Take-back and take-charge requests are to be submitted within 1, 2 or a maximum of 3 months from the moment that the time limit began, depending on if it is a case of urgency and which criterion of the Dublin III regulation is triggered.

If the EU+ country deemed responsible accepts the request, the applicant will be transferred to that country. The Dublin procedure will be closed and the responsible EU+ country will examine the person's application for international protection.

Identification of potential Dublin cases

During the registration procedure, there is a set of elements that can indicate a potential Dublin case. These indicators are related to the different criteria of the Dublin III regulation. The timely identification of these indicators and the referral to the Dublin Unit are important, as each case requires further investigation and proceedings by the Dublin Unit to determine the responsible EU+ country.

^{(&}lt;sup>23</sup>) The mechanisms for determining the responsible EU+ country are laid down in the Dublin III regulation, the Dublin implementing regulation and the Eurodac regulation, which together form the Dublin system.

When registering an application for international protection, it is important to pay special attention to the following indicators, to be able to identify a potential Dublin case:

- the person is an unaccompanied child who has family members or relatives in other EU+ countries;
- the person (adult) has family members in EU+ countries;
- the person was issued a visa, residence document or other document by another EU+ country;
- the person travelled through other EU+ countries;
- the person applied for international protection in another EU+ country.

In some cases, indicators are not clear or evident. Even in cases of insufficient information, it might be possible that the applicant's case is a Dublin case and it may, in line with national rules, still be important to refer the case to the Dublin Unit.

You may gain relevant information through the registration of data, during the personal interview or in the recording of fingerprints, when a search in Eurodac or the VIS database is conducted. It is possible that the relevant information is found in or confirmed by documents submitted by the applicant. You should proactively take into consideration the following sources of information.

- **Statements by applicants** indicating that they have family members in another EU+ country or that they entered or stayed in another EU+ country.
- **Eurodac** search result. 'Hit 1' attests that a previous application was lodged in an EU+ country. 'Hit 2' attests that the individual has irregularly crossed the external border of the EU.
- VIS database search result. As laid out in <u>Chapter VIII 'Verification of data'</u>, the VIS database enables competent authorities to see if an applicant was issued or refused a visa or if the visa was annulled, revoked or extended in other EU+ countries. When a visa was issued by another EU+ country, this could be relevant when determining the country responsible for the application.
- **Documents.** Any documents that applicants have in their possession might be relevant in the responsibility determination process (²⁴). Important documents to be taken into consideration include the following:
 - o an identity document or passport,
 - o a birth certificate,
 - o a marriage certificate,
 - o a family booklet/register,
 - o a driver's licence,
 - o visas (issued or expired) to other EU+ countries,
 - o a residence permit in other EU+ countries,
 - o residence authorisation in other EU+ countries,
 - o entry and/or exit stamps (even if in a forged or falsified passport),
 - o other documents.

 ^{(&}lt;sup>24</sup>) EASO, <u>Practical Guide on the Implementation of the Dublin III Regulation: Personal interview and evidence assessment</u>, Publications Office of the European Union, Luxembourg, 2019, p. 21.

Related EASO tool

The <u>EASO Practical Guide on the Implementation of the Dublin III Regulation: Personal interview</u> <u>and evidence assessment</u> supports first-contact officials and staff members working in the field of asylum or reception in learning about the Dublin indicators.

This practical guide gives an overview of the Dublin procedure and its practical application regarding the Dublin interview, information provision and assessing the available evidence in the Dublin procedure by explaining the different criteria of responsibility of the Dublin III regulation.

It focuses on, among other things, the (Dublin) interview conducted with the applicant. In particular, the annexes to the practical guide on the 'Areas to explore during the interview' give helpful guidance on the Dublin personal interview and the questions that might help the case officers in the determination of the responsible EU+ country. The guide also explains the obligations related to providing information about the Dublin procedure. Furthermore, the guide explains the principles of evidence assessment in Dublin cases, and the different types of means of proof and circumstantial evidence used in the Dublin procedure.

Translations of this practical guide are available on the EASO website.

Referral of potential Dublin cases

Once information relating to a link between a person and another EU+ country surfaces, it is important to immediately refer the case to the Dublin Unit. The Dublin Unit will proceed with investigating the person's file, carry out the necessary checks and investigate further before sending a take-charge or take-back request to the EU+ country deemed responsible. Even when there is uncertainty about the indications, the case file should, in line with national rules, be referred to the Dublin Unit as soon as possible.

Remember that your role is to look for Dublin indicators and refer the case file of the applicant to the Dublin Unit if necessary. Your role is of the utmost importance for the Dublin procedure.

National set-ups differ concerning the implementation of the Dublin procedure. It is recommended that you have an established procedure in place for the referral of cases to the authority in charge of conducting the Dublin procedure.

Role of the registration officer

In relation to the Dublin procedure, your role is to:

- **be aware of and actively look for Dublin indicators** in order to identify applicants for international protection who might fall under the Dublin procedure;
- **provide basic information to the applicant** on the criteria used to determine the EU+ country responsible for examining the application for international protection, in order

for them to understand the need to provide any information that could help to make this determination (²⁵);

• refer their cases without delay to the Dublin Unit.

For you to undertake the abovementioned tasks, you should have the following knowledge:

- a sufficient understanding of the Dublin III regulation;
- a sufficient understanding of what indications to look for when assessing if the Dublin III regulation could be applicable;
- whom to contact for more information or to initiate a possible Dublin procedure it is good
 practice for the competent authority responsible for Dublin cases to have a dedicated telephone
 number and/or help desk that staff from the asylum, migration, law enforcement or other relevant
 authorities can contact;
- how to refer the file (to the Dublin Unit) for further assessment.

Related EASO tool

The *EASO Guidance on the Dublin Procedure: Operational standards and indicators* can be used by managers to assess the quality of the Dublin procedure. Aspects of information provision related to the Dublin procedure and the identification of a possible Dublin case are covered in this guidance. Managers, senior staff and policy advisors can use this tool for conducting self-assessments to assess their unit's capacities in these areas or to implement process improvements in this area.

Translations of this guidance are available on the EASO website.

Related EASO tool

EASO has a **training module on the identification of potential Dublin cases**. During the registration or lodging of the application, registration officers might come across a potential Dublin case. In these situations, it is important to refer these cases to the Dublin Unit in a timely manner. To better identify and recognise Dublin cases, the EASO training module is available to help officers determine how to proceed with those cases and refer them to the Dublin Unit.

B. Vulnerable applicants

Legal definitions and concepts

Owing to personal circumstances, some applicants may have a limited ability to benefit from their rights or to fulfil their obligations. In such cases, safeguards need to be put in place in the form of special procedural guarantees in the asylum procedure and, depending on the nature of the vulnerability, special reception support.

^{(&}lt;sup>25</sup>) In accordance with Article 4 Dublin III regulation, there are national information provision leaflets on the Dublin procedure that can be handed out to applicants.

The APD (²⁶) lays down safeguards for applicants in need of procedural guarantees in the examination procedure. The RCD (²⁷) refers to safeguards for applicants with special needs in relation to the social, material or medical spheres. The legislation that comprises the CEAS provides lists of examples of who can be considered vulnerable people; however, none of these lists is exhaustive. The main issue to be addressed is whether an applicant, due to their vulnerability, is in need of special procedural guarantees or special reception needs. Applicants' specific situations should be taken into consideration when assessing their ability to enjoy their rights and respond to their obligations. It has to be kept in mind that vulnerability comes in many different degrees and forms, and the responses of the authorities need to be adapted to the individual circumstances of the applicant.

While special procedural and reception needs are interrelated, they are not identical. For example, an illiterate man may have special needs in the context of an asylum procedure, but may not be considered vulnerable in the same way in terms of reception needs.

Different forms of vulnerabilities

It is important that applicants with special procedural and/or reception needs are identified as early as possible to ensure that they have what they need to substantiate their applications and that all needs are properly addressed.

As one of the first officials to interact with the applicant, your role as a registration officer is crucial. Applicants with special needs can be identified at any stage of the asylum procedure, but the registration process remains a particularly important step to ensure early identification.

When identifying and assessing special procedural and reception needs, vulnerabilities listed as examples in the APD and RCD should be taken into consideration (Table 1). The type of vulnerability and the individual circumstances of the applicant determine what special guarantees need to be put in place.

⁽²⁶⁾ Article 2(d) APD states the following: "Applicant in need of special procedural guarantees" means an applicant whose ability to benefit from the rights and comply with the obligations provided for in this Asylum Procedure Directive is limited due to individual circumstances.' Recital 29 APD states '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. Member States should endeavour to identify applicants in need of special procedural guarantees before a first instance decision is taken. Those applicants should be provided with adequate support, including sufficient time, in order to create the conditions necessary for their effective access to procedures and for presenting the elements needed to substantiate their application for international protection.'

⁽²⁷⁾ Article 2(k) RCD states the following: "Applicant with special reception needs": means 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 Reception Conditions Directive.' Article 21 RCD states '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, in the national law implementing this Reception Conditions Directive.'

Table 1. Overview of examples of vulnerable people or reasons why applicantsmay be in need of special procedural guarantees listed in the APD and RCD

Article 21 RCD	Identical		Recital 29 APD	
Children				
Unaccompanied children	Unaccompanied children		Age	
Elderly				
Disability				
Serious illness				
Mental disorders				
Victims of torture, rape or other serious forms of psychological, physical or sexual violence				
Female genital mutilation, pregnant wor gender-based violence (^a)	nen,	Gender, sexual orientation, gender identity		
Single parents with minor children				
Victims of human trafficking				
Other				

(a) Measures to prevent gender-based violence are mentioned in Article 18 RCD under the modalities of reception conditions.

Some vulnerabilities may be directly visible (e.g. certain disabilities), while others are identified through supporting documents (e.g. certain health conditions). The applicant may also present underlying vulnerabilities (e.g. former traumatic experiences), which may be detected only during a more in-depth interview. If any referral is needed for a specialised assessment and/or support, this is best initiated, if possible, during the first steps in the asylum procedure.

There are several reasons why an applicant with special needs may not highlight these vulnerabilities directly themselves. These include being unaware of belonging to a vulnerable group or being unaware that relevant assistance can be provided, feeling uncomfortable in sharing specific needs or feeling generally at risk. There may also be other factors, such as age, gender, stress, physical and mental health, and environmental circumstances that can influence an applicant's ability to express themselves. In addition, you should bear in mind potential differences in language, culture and life experiences, which may create barriers to communication.

Role of the registration officer

In relation to vulnerable applicants, your role is to:

- identify applicants with special procedural and/or reception needs;
- provide immediate support, if available and accessible at this stage;
- refer the applicant for further assessment and/or support.

To undertake the abovementioned tasks, you should have knowledge of the following aspects:

- vulnerabilities and special needs;
- national mechanisms, methods, measures and steps to identify vulnerable applicants, such as internal protocols, guidelines and checklists for the screening, where applicable;

- national referral mechanisms and procedures, including specialised child protection services, the UNHCR and other organisations providing legal advice or counselling to applicants;
- communication with vulnerable applicants, including adapting language according to specific needs; allowing more time for communication; taking on a communication style that is empathetic, culturally sensitive and gender sensitive; and observing your body language to express openness and calmness.

The registration officer needs to create an environment of trust so that indications of special needs may be easier to identify. The following factors can contribute to creating such an environment:

- an appropriate and sensitive communication style, for example by addressing the applicant using the pronoun ('you') they prefer;
- sensitivity to each individual situation;
- easily understandable language;
- information provision about what is expected from the applicant;
- respecting strict confidentiality, particularly around family members who may not be aware of the vulnerability;
- encouraging the applicant to provide an account of events at their own pace without interruptions;
- appropriate and open questions.

Identify applicants with special procedural and/or reception needs

You should proactively observe and examine the applicant's statements and documents to identify potential special needs. Applicants may not, of their own accord, come forward to express their needs.

Observation is an important method for detecting potentially vulnerable applicants. Observation is not just 'looking at things', but rather involves the active reception of information that helps you to assess people and their circumstances more quickly and more precisely. It requires you to keep your eyes and ears open, to obtain as much information as possible and to take note of this information (²⁸).

Be aware that special needs may be immediately visible, but they can also manifest themselves later during the registration or examination procedure. While physical appearance may indicate certain special needs and the applicant may submit documents that lay down particular needs, you also need to be aware that special needs may become apparent indirectly when communicating with the applicant. For example, the applicant may express indications of special needs indirectly in their statements through fear or shame (e.g. experiences of serious forms of violence or gender-related special needs). Difficulties in communicating with or following the thought process of the applicant may indicate vulnerabilities (e.g. mental disorders or intellectual disabilities). The behaviour or emotions expressed by the applicant may also convey indications of special needs (e.g. experiences of serious forms of violence or serious forms of violence or mental disorders).

Identification of special needs requires knowledge of what kind of cues may indicate vulnerability. The EASO tool for the identification of persons with special needs (IPSN) provides a list of indicators to observe during the registration process that are grouped as follows:

⁽²⁸⁾ EASO and Frontex, <u>Practical Guide: Access to the Asylum Procedure</u>, Publications Office of the European Union, Luxembourg, 2016, p. 7.

- age,
- sex,
- gender identity and sexual orientation,
- family status,
- physical indicators,
- psychosocial indicators,
- environmental indicators.

Each group provides more specific indications relating, for example, to the applicant's behaviour, attitude, thought processes, relations to other people and physical appearance.

To link indications to specific special needs, the IPSN tool suggests specific needs to which each indicator can be related. The categories of special needs include the following:

- unaccompanied minors,
- accompanied minors,
- elderly people,
- people with disabilities,
- pregnant women,
- single parents with minor children,
- victims of human trafficking,
- people with serious illnesses,
- people with mental disorders,
- people who have been subject to torture, rape or other serious forms of psychological, physical or sexual violence,
- people who identify as lesbian, gay, bisexual, transgender and/or intersex,
- people with gender-related special needs.

When you are uncertain if certain indications are linked to certain special needs, you should gather further data on the potential vulnerability. Remember that your responsibility is not to identify the particular special needs that the applicant may have. Instead, your responsibility is to collect data on the potential needs so that the applicant can be referred for further identification processes and adequate assistance as early as possible in the asylum process.

Related EASO tool

The primary objective of the **EASO IPSN tool** is to facilitate the timely identification of people with special procedural and/or reception needs. The tool can be used at any stage of the asylum procedure, including during the registration and lodging of applications for international protection. The IPSN tool is a practical support tool for officials involved in the asylum procedure and reception, and it does not presuppose expert knowledge in medicine, psychology or other subjects outside the asylum procedure.

The IPSN tool is available in many EU and non-EU languages on the EASO IPSN website.

Provide immediate support

If any special need is identified during the registration phase, you should immediately change your communication style by adapting your use of language and pace appropriately. You may need to slow the pace, repeat the information provided and/or explain information using different words to ensure understanding. You should also introduce short breaks when needed.

When possible, schedule the registration interview with a specialised officer if indicators of a specific vulnerability are visible at an early stage, or change the registration officer and/or interpreter when needed.

When needed, you can make appropriate logistical arrangements to ensure that the location for the lodging of the application is accessible to the applicant according to their particular special needs. Arrange a suitable room for the registration and lodging that ensures confidentiality and is free from disturbances and, if applicable, make arrangements to accommodate the presence of additional people.

Remember to reassure the applicant during registration and lodging that all statements, supporting documents and other data collected to support the application will be treated with confidentiality. Observe the principle of confidentiality carefully in all communication related to the applicant's file, including with the applicant's potential family members who may not be aware of the applicant's special needs.

Provide information to applicants in a manner that takes into consideration their special needs, which may include considering their ability to hear, see or comprehend, as well as taking into account their age, gender and cultural background. Your communication style, information provision materials and available communication tools should be adapted to the special needs of the applicant.

Remember to ensure that dependent adults have the opportunity to lodge a separate application for international protection and that the applicant provides informed consent for the application to be lodged on their behalf in case they do not wish to lodge a separate application.

More information on providing immediate support to unaccompanied children is provided in <u>Chapter V</u>, <u>Section C 'Unaccompanied children'</u>.

Refer the applicant for further assessment and/or support

If an applicant with special procedural or reception needs has been identified, you should refer the applicant for further assessment and/or support.

The type of support that is provided can include a wide range of measures, depending on the vulnerability identified and the national set-up.

The following actions should be taken when an applicant has been identified as having special needs.

 Record the special need(s), including any signs of vulnerability, in the applicant's personal file, according to national practice. Communicate this information to the relevant stakeholders to provide the necessary guarantees and support.

It is good practice for asylum and reception authorities to share with each other any observations related to the applicant's vulnerability. This should, however, be appropriately framed to ensure that the information is objective and neutral, and that the applicant's confidentiality and privacy are respected.

2. Depending on the national set-up and the special needs of the applicant, consider the following actions related to information provision, referral to assistance and flagging relevant information to the determining authority.

To the applicant

- o Provide information on applicable assistance, including legal aid, relevant support groups, medical support, services available for people with disabilities and other specialised services.
- o Confirm that the person knows how to access services if you have referred them to such services.

To the determining authority

- Flag any special needs that you have observed by providing details on the indications of vulnerability and any supporting documentation related to these needs.
- Flag that the initiation of further vulnerability assessment might be needed so that appropriate support can be provided to the applicant during the asylum procedure.
- Flag the potential need for procedural adjustments, such as extended time limits, special arrangements for the personal interview and/or the need for expert support.
- o Flag the potential need to prioritise the examination procedure.
- Flag the potential consideration of not applying border/accelerated procedures if adequate support cannot be provided.

To the reception authorities or stakeholders

- Flag that the initiation of further vulnerability assessment might be needed so that appropriate support can be provided to the applicant regarding reception conditions.
- Flag considerations related to the family unity and/or specific needs of the applicant to relevant stakeholders to ensure appropriate accommodation, if applicable.

To the responsible authority or service provider

- o Refer the applicant to the available assistance, if needed and agreed by the applicant.
- o If applicable, make arrangements to refer the applicant to the national referral mechanism for victims of human trafficking by strictly observing the national guidelines.
- Flag the need to appoint a representative in the case of intellectual disabilities or other healthrelated conditions, such as serious mental illness, if applicable.
- 3. Applicants with serious health concerns (including serious mental health problems), pregnant/nursing women, victims of trafficking at immediate risk, and unaccompanied and separated children require special attention and need to be referred for follow-up immediately in the following scenarios.
 - **Immediate safety concerns.** Contact law enforcement authorities immediately if you have acute concerns that the applicant may harm themselves or be a danger to people around them, including to their family members.
 - **Acute medical needs.** Call an ambulance immediately if there are acute needs related to the physical or mental health of the applicant.

- Acute child protection needs. Contact law enforcement authorities immediately if you observe acute concerns related to the well-being of a child.
- Particular safety concerns of victims of human trafficking. Contact law enforcement authorities immediately if you have any concerns about the safety of the applicant to ensure they are protected and possibly to apprehend the trafficker.

Consider providing logistical support to the applicant to facilitate the immediate next steps taken after registration, including arranging a secure space for them to wait for the relevant authorities to arrive, or a private space to receive urgent medical support or transportation.

C. Unaccompanied children

Definition

An <u>unaccompanied child</u> is a minor who arrives in the territory of the EU+ country unaccompanied by an adult who is responsible for them, whether by law or by practice of the EU+ country concerned, and for as long as they are not effectively taken into the care of such a person. It also includes any minor who is left unaccompanied after they have entered the territory (Article 2(I) QD and Article 2(e) RCD).

Both the APD and the RCD lay out specific guarantees to ensure that unaccompanied children can benefit from their rights and comply with their obligations in the asylum context (Article 24 RCD and Article 25 APD).

Measures should be taken as soon as possible to ensure that a **representative** is appointed by a competent body to assist and represent the unaccompanied child in the asylum procedure to ensure the best interests of the child and to exercise legal capacity for the child, when necessary. A qualified representative is appointed to ensure that the best interests of the child are fully considered, including the legal, social, medical and psychological needs of the child, throughout the asylum procedure and until a lasting solution is found for the child. The representative (also referred to as the 'guardian') should not be confused with the providers of legal aid, the legal counsellor or the lawyer. The representative needs to be appointed by the authorities as soon as possible. This means that, ideally, the representative is already present during the registration process of the application for international protection to consider the child's best interests at the early stages of the procedure. In some EU+ countries, the presence of the representative is a prerequisite for the lodging of the application (²⁹).

Although the child arrived unaccompanied, they may have family members already present in another EU+ country. It should, therefore, be considered if the child already has family members, siblings or other relatives who can take care of the child who are legally present in another EU+ country. If this is the case, the Dublin III regulation may be applicable, provided that the transfer is in the best interests of the child. The child may also have been separated from their family members while travelling to the EU+ country and those family members may still be in the process of arriving to the territory of the EU+ countries.

As the child is inherently vulnerable, it is very important that you are particularly sensitive to any additional indicators of special needs. Such indicators could include the child's attitude towards and relations with other children and/or adults. Attention should also be paid to accompanied children, in particular when there are indicators that the reported parents may in reality not be the child's parents. Fear in the presence of adults officially reported as parents could be an indicator of being trafficked or other types of abuse. It

⁽²⁹⁾ EASO, Report on Asylum Procedures for Children, Publications Office of the European Union, Luxembourg, 2019.

is important to take into consideration the possibility that the child has been subjected to other forms of psychological, physical or sexual violence, including female genital mutilation/cutting.

Rights of unaccompanied children in the asylum context

As the registration officer, you will play a central role in the early realisation of the child's rights (listed below) by identifying minors and their special needs.

Rights governing the overall asylum context

- Primary consideration of the best interests of the child in any actions related to children, including actions by public authorities and private institutions (Article 25(6) APD, Article 20(5) QD, Article 23(1) RCD, Article 24(2) Charter of Fundamental Rights and Article 3(1) UN Convention on the Rights of the Child).
- Free expression of views and consideration of these views according to the age and maturity of the child in matters that concern them (Article 23(2)(d) RCD, Article 24(1) Charter of Fundamental Rights and Article 12 UN Convention on the Rights of the Child).

Rights related to the examination procedure

- Appointment of legal representation/a guardian as soon as possible (Article 25(1) APD).
- Provision of legal and procedural information to the unaccompanied child and their representative free of charge (Article 25(4) APD).
- Identification of all of the required special procedural guarantees for children (Article 24 APD).
- Possibility of prioritisation of the examination of applications for asylum by unaccompanied children (Article 31(7)(b) APD).
- Tracing of family members and family reunification, including consideration that family members may be present in the Member States at the time of arrival (Article 31(5) QD and Article 23(2)(a) RCD).

Rights related to reception conditions

- Assessment of special reception needs of the unaccompanied minor, including a referral to such assessment at registration (Article 22 RCD).
- Consideration of security and safety, particularly when there is a risk of any kind of abuse, including being a victim of trafficking (Article 23(2)(c) RCD).
- Access to rehabilitation services and appropriate mental health services for victims of any form of abuse (Article 23(4) RCD).
- Protection and care necessary for the well-being and social development of the child, taking into particular consideration the background of the child (recital 33 APD, Article 23(2) RCD, Article 24(1) Charter of Fundamental Rights and Article 3(2) UN Convention on the Rights of the Child).
- Access to education under conditions similar to those of nationals (Article 14 RCD).

Identification of unaccompanied children

Indicators for identifying an applicant as a child

The following elements can be relevant for identifying an applicant as a child.

Documents (e.g. identification documents) may be presented by the applicant, put forward by another person on behalf of the applicant or collected by authorities from service providers and other authorities.

The **statements** made by the applicant, self-declarations on age and family relations, and statements made by other people are also helpful in this respect. Any other person (e.g. family members, teachers, social workers and staff at the accommodation centre) may provide information about the applicant's age, other family members and additional special needs.

Your observations could be relevant in identifying children. Caution should be exercised when your observations do not correspond with potential evidence provided in the applicant's case (including the applicant's statements). The applicant may claim to be an adult (e.g. in situations of marriage or trafficking) even though they are children. If you identify such concerns, you should flag this or explore elements related to the applicant's age further according to national practice.

Common **databases**, for example the Schengen information system, Eurodac, VIS or Interpol's Stolen and Lost Travel Documents, could contain information on the applicant's age.

Other evidence (e.g. photos) may provide an indication of the applicant's age. It is important to record all documents that the applicant provides to substantiate the application. Some documents (e.g. school records, vaccination cards and other medical records) may provide an indication of an estimated age of the applicant, even though they may not include any direct reference to the age.

Age assessment (if the age claimed is in doubt)

An age assessment is the process by which authorities seek to estimate the chronological age or age range of a person to establish whether an individual is a child or an adult.

Age assessments should not be conducted as routine practice. Such assessments should be carried out only in cases of substantiated doubts (e.g. when there is a lack of valid documentation or when the age claimed (in the applicant's statements) is not supported or is contradicted by several elements of evidence gathered by the authorities).

An age assessment should be conducted by taking into account the best interests of the child. It should involve a holistic and multidisciplinary approach, with due respect for human dignity. A number of procedural safeguards apply in the age assessment process, including the principle of confidentiality and the right of the applicant to receive age-appropriate information.

Age assessments should be conducted through the least invasive examination. Non-medical methods should be favoured, which including age assessment interviews.

The age assessment interview would be mainly conducted by officials of the asylum authorities who are experienced in interviewing children in the asylum procedure and familiar with country-of-origin information. Such interviews involve collecting and analysing the account given by the individual whose age is being disputed. During the interview, the interviewer attempts to reconstruct a chronological sequence of the child's life events to deduce or estimate the child's age. A local calendar of events (a customised calendar that provides dates of significant events for a specific geographical area) combined with 'before and after questions' (aimed at identifying two known events, one having occurred before and one having occurred after the child's date of birth) can be useful tools for assisting the officials, the applicant or the family members to approximate the child's birth date. Before the start of the interview, the interviewer needs to provide relevant information in simple terms (i.e. the purpose of the interview, the role of the people involved and present, and the reasons why the age claimed is in doubt). If the conclusion of the assessment is contrary to the age claimed

by the applicant, the reasons must be clearly explained through the use of an interpreter and in the presence of the child's representative/guardian/lawyer.

The benefit of the doubt (Article 25(5) APD) should be applied throughout the age assessment process and the applicant should be considered and treated as a child as long as the age remains uncertain, including during the age assessment process. Benefit of the doubt is thus a key procedural safeguard that is applied as broadly as possible in matters related to unaccompanied children who are not likely to have documentary evidence on their age.

Identifying a child as unaccompanied

A child can be identified as unaccompanied on the basis of their own statements.

However, in certain cases, and particularly in cases of human trafficking, a child may also be unaccompanied although presented as being part of a family.

If there is doubt as to the nature of the relationship between the child and the adults officially presented as the parents or caregivers, the quality and durability of the relationship should be carefully assessed. This assessment can involve separately interviewing the child and the adults on the child's living environment in the country of origin or in which the child grew up. Depending on the age of the child, the interview could include questions about, for example, the school attended by the child, the colour of their bedroom or their favourite toys.

Related EASO tool

The <u>EASO Practical Guide on Age Assessment</u> (second edition) provides guidance on the consideration of the best interests of the child when assessing the need for an age examination. It also provides guidance for officials devising and undertaking age assessments using a holistic and multidisciplinary approach, paying particular attention to the needs and circumstances of the applicant. The guide provides practical information on circumstances, procedural safeguards and methods of age assessment.

Translations of this guide are available on the EASO website.

Related EASO tool

Animations on age assessment complement the practical guide on age assessment.

The animation on **age assessment for practitioners** is intended for reception and asylum officials, migration and law enforcement officers, social workers, radiologists, paediatricians, public prosecutors and other stakeholders. It presents, in an easy-to-understand way, the key elements of the guidance and the necessary safeguards to ensure an appropriate and reliable age assessment. The video is available in various languages on the <u>EASO website</u>.

The animation on **age assessment for children** is intended to inform children and young people about what to expect when asked to undergo an age assessment. The video is available in various languages on the <u>EASO website</u>.

Lodging an application made by an unaccompanied child (³⁰)

Authorities working with unaccompanied children need to have appropriate training concerning the specific needs of children. It is good practice to have a sufficient number of specialised registration officers to conduct the lodging of applications for unaccompanied children. When lodging the application of an unaccompanied child, the following measures are to be considered.

• If it has not already been done, make arrangements to appoint a representative, in accordance with national practice, or flag the case to a competent colleague who will ensure that such arrangements are made.

Inform the child about their right to have a representative and the role of the representative. This includes ensuring the best interests of the child, including that their legal, social, medical and psychological needs are appropriately addressed throughout the asylum procedure or until a lasting solution for the child has been applied. If you identify that the child is an unaccompanied child, inform the relevant bodies in accordance with national practice so that a representative can be appointed to the applicant as soon as possible.

• Provide information to the child and representative on the asylum procedure and available support.

Information needs to be provided in a child-friendly manner, taking into consideration the maturity of the child. These methods can include using simplified language; repeating information using other words; asking the child to describe back to you the information you have provided to confirm their understanding; and using different materials, such as comic books and videos (³¹).

• Provide information on how to access available legal aid, according to the national set-up.

Inform the child that they can access legal assistance in addition to having a representative. Provide information on how to contact legal aid providers, including the UNHCR and relevant civil society organisations.

• Invite the child to provide their views on any matters that concern them.

To ensure that children can express their views freely and that their views are taken into consideration according to their age and maturity, encourage applicants to express their opinions and views in their own words. Remember to record what the applicants said without trying to interpret what they may have meant. By encouraging children to express their views freely at the beginning of the process, you help to build trust in asylum authorities that also facilitate the examination procedure.

• Flag the need for special procedural guarantees to the determining authority.

Along with the fact that the child is unaccompanied, flag any other special procedural needs that you notice, such as indications of mental health issues or traumatic events in the past. Record your observations in the registration form and flag them to the determining authority.

^{(&}lt;sup>30</sup>) For more information on indicators and support measures, consult the EASO IPSN tool.

^{(&}lt;sup>31</sup>) For more information on providing information to children, refer to the Council of Europe, <u>How to convey child-friendly</u> information to children in migration: A handbook for frontline professionals, Strasbourg, 2018.

• Refer the child for further assessment of special procedural needs.

To make the best interests of the child the primary consideration at all stages of the asylum procedure, refer the child for further assessment of procedural needs. This further assessment is conducted as a multidisciplinary exercise that involves specialists, who have received the relevant training to work with children, at the determining authority or representing other relevant authorities, depending on your national practice.

• Refer the child for the assessment of special reception needs.

Ensure that the child is accommodated in an appropriate facility. Appropriate facilities could include staying with an adult relative or foster family or staying in an accommodation centre with special provisions for minors or other accommodation suitable for minors. If you identify other vulnerabilities in addition to the child being an unaccompanied minor, for example indications of health or mental health issues or traumatic events in the past, refer the applicant for an assessment/monitoring of special reception needs (³²).

• Take note of any family members of the child present in any EU+ countries.

Consider the possibility that the unaccompanied child may have family members or relatives already present in the country or in another EU+ country. Similarly, consider the possibility that the child was separated from family members when travelling. Record these considerations in the applicant's file and flag them to the determining and reception authorities. Make sure to flag these considerations to the national Dublin Unit if the unit is not part of the determining authority.

• Refer the child to family tracing procedures, if applicable.

While you record the personal details of family members or relatives, also ask for their contact details and current address for family tracing purposes. If the child provides these details, you can flag this to the determining authority and/or reception authority, in accordance with national practice (³³).

• Observe any considerations requiring immediate referral.

Make sure to refer any acute needs, such as serious health conditions, or immediate safety considerations, such as situations of trafficking, to support that is provided directly after the registration using means of referral in accordance with national practice.

^{(&}lt;sup>32</sup>) For more information, refer to EASO, <u>Guidance on Reception Conditions for Unaccompanied Children: Operational standards</u> <u>and indicators</u>, Publications Office of the European Union, Luxembourg, 2018.

^{(&}lt;sup>33</sup>) For more information on family tracing, refer to EASO, *Practical Guide on Family Tracing*, Valleta, 2016.

Points to remember

Potential Dublin cases.

- The Dublin III regulation sets out a mechanism to ensure that an application for international protection will be examined by only one EU+ country. It establishes the criteria to assess if the applicant could fall under the Dublin procedure.
- Your role is to actively look for indications in the applicant's statements, supporting documents or information available in different databases for any elements related to the criteria presented in the Dublin III regulation.
- Your role is to provide the applicant with basic information on the Dublin criteria to help them provide you with any relevant information.
- Cases of applicants that could potentially fall under the Dublin procedure even when the
 indicators are not clear or evident should be referred to the Dublin Unit as quickly as possible.
 This is because the Dublin procedure needs to be conducted within short time limits at the
 beginning of the asylum procedure.

Vulnerable applicants.

- Your role as a registration officer is crucial in the identification of applicants with special
 procedural and/or reception needs as early as possible. This needs to be done to ensure that
 applicants are provided with adequate support so that they can benefit from their rights and
 comply with their obligations.
- You should proactively observe indications of special needs based on the statements and supporting documents provided by the applicant. Make sure to further explore indirect indications related, for example, to the applicant's behaviour, emotions or thought processes.
- Your role is also to provide immediate support to the applicant during the registration to make it easier for the applicant to present the relevant information. Methods to do this include adapting your communication style to the situation, providing reassurance on confidentiality, providing information in a manner that considers special needs, making the necessary logistical arrangements and scheduling the registration interview with a specialised officer.
- When applicable, you should record indications of special needs in the applicant's file and communicate this information to relevant stakeholders, provide information to the applicant on relevant available assistance and refer the applicant to support or further assessment of special needs.

Unaccompanied children.

- An unaccompanied child is a child who arrives in the territory of the EU+ country unaccompanied by an adult who is responsible for them, whether by law or by practice of the EU+ country concerned, and for as long as they are not effectively taken into the care of such a person. It also includes any minor who is left unaccompanied after they have entered the territory.
- Specific guarantees apply to ensure that unaccompanied minors can benefit from their rights and comply with their obligations.
- A representative should be appointed as soon as possible by a competent body to assist and represent the child in the asylum procedure to ensure the best interests of the child and to exercise legal capacity for the child.

- It is very important to be particularly sensitive to any additional indicators of special needs.
- The applicant can be identified as a child based on the analysis of available evidence (documents and statements). In the case of substantial doubts regarding the age claimed, an age assessment can be conducted.
- When lodging the application of an unaccompanied child, the following measures are to be considered:
 - o if not already done, make arrangements to appoint a representative;
 - o provide information to the child and the representative on the asylum procedure and available support;
 - o provide information on how to access the available legal aid, in accordance with the national set-up;
 - o invite the child to provide their views on any matters that concern them;
 - o flag the need for special procedural guarantees to the determining authority;
 - o refer the child for further assessment of special procedural needs;
 - o refer the child for the assessment of special reception needs;
 - o take note of any family members of the child who are present in any EU+ countries;
 - o refer the child for family tracing procedures, if applicable;
 - o observe and flag any considerations requiring immediate referral.



VI. Document certifying status as an applicant for international protection

A. Document details

Within 3 days of lodging the application, the applicant must be provided with a **document or asylum applicant's card** free of charge. This card certifies that person's status as an applicant for international protection and testifies that they are allowed to remain in the territory of the EU+ country while their application is being examined (see Article 6(1) RCD) (³⁴). The document may include a facial photograph of the applicant for identification purposes. To prevent fraud, but also to ensure that the photograph is recent and of good quality, it is recommended that the applicant's facial photograph be taken by the issuing authority, rather than requesting the applicant to submit a photograph.

The document serves as a temporary certificate for the applicant to reside in the territory of the EU+ country, as well as asserting the applicant's rights to enjoy the other rights afforded to applicants for international protection. The document does not, however, certify the identity of the applicant.

The document has to be valid for as long as the applicant is authorised to remain in the EU+ country. The period of validity indicated in the document may not cover the entire examination period. The authorities need to put in place measures to allow the applicant to easily renew the document.

Information to be included in the document

In accordance with Article 6 RCD, the document should:

- state that the applicant is an applicant for international protection;
- testify that the applicant has the right to stay in the EU+ country pending the examination procedure;
- state the applicant's name;
- refer to any restriction of movement within the state territory, if applicable.

Additional information that could be included in the document

According to national legislation and practice, the document could include:

- the individual registration number and/or case number;
- a facial photograph;
- other identification data in addition to the applicant's name, such as the date and place of birth;
- the place of residence and contact details in the host country;
- the period of validity;
- the date of arrival and/or date of registration of the application;
- a unique serial document number;
- the signature of the applicant;
- the identity documents in the applicant's possession;
- information about the family or minor children;

^{(&}lt;sup>34</sup>) Authorities can decide not to issue an applicant's card if the applicant is in detention or during the examination of an application for international protection made at the border (Article 6(2) RCD).

- the language of the procedure or the need for interpretation in a certain language;
- information on work authorisation;
- the issuing authority;
- the date and place of issue.

With the aim of preventing document forgery, it is recommended that each card **bears visible and specific security features**.

Good practice

To help applicants and service providers to be fully aware of the rights and benefits of applicants, add information to the document on the applicant's entitlements and benefits.

Good practice

Have a scheduling system in place that ensures that applicants are informed about the date of their appointment for the personal interview at the end of the lodging phase. The date, time and place of the appointment can be provided in writing, together with the document or applicant's card.

This practice makes the asylum procedure more transparent and predictable for the applicant and helps to maintain a link between the applicant and the asylum authority, in the sense that an applicant does not leave the office without knowing the date of the next stage. It will also avoid problems with the invitation for the personal interview, if this is sent at a later date.

As the registration and the examination of an application may be undertaken by different authorities, scheduling a personal interview at the lodging stage may not always be feasible. As an alternative to scheduling a precise time for the personal interview, an approximate period of time when the personal interview is expected to take place could be provided to the applicant, based on estimates provided by the determining authority. In any case, it is of the utmost importance to maintain the applicant's trust in the asylum procedure and in the fact that the information provided is reliable.

B. Validity of the document

Most EU+ countries issue the applicant's card for a certain period of time, after which it will be renewed if the applicant is, at that moment, still authorised to remain in the country. Applicants need to be informed about the importance and means of renewing the document. No disproportionate administrative requirements for the renewal should be imposed, so that any limitations in the validity of the document do not negatively affect or add additional steps to the ability to access certain rights while the asylum procedure is pending. Depending on the national set-up, the following aspects could be considered.

- If the registration and the lodging of the application are conducted separately, a similar document could be issued at the time of the registration, which is valid until the lodging date.
- The period of validity could be adapted according to the concrete circumstances of the examination process, for example to the timelines of relocation within the scope of the Dublin III regulation, accelerated examination procedures or the expected time for receiving a decision on international protection in the regular examination procedure.

- The renewal of the document offers an opportunity to be in contact with the applicant. It can offer an opportunity for applicants to update their address and contact information, submit additional documents to support their application and ask any questions related to the procedure.
- The time taken to renew the document could be used as an indicator of whether or not the applicant is likely to abscond. The renewal can also be an opportunity to rectify the information provided or provide additional information to the applicant who, for reasons beyond their own will, missed the appointment for the personal interview. This information can include the ways in which an applicant can express their continued interest in the asylum procedure.

C. Information provision on the document

When applicants are provided with a document certifying their status, they should be informed about the following:

- their obligation to keep the document with them at all times;
- the steps to be followed if the document is damaged or lost;
- the consequences of failing to renew the document, according to national practice, without justifiable reasons.

Points to remember

- Each applicant should be provided with a document or an asylum applicant's card within 3 days of their application being lodged.
- The document certifies that person's status as an applicant for international protection and testifies that they are allowed to stay in the territory of the EU+ country while their application is being examined.
- The applicant needs to be provided with a valid document for the entire examination period. Depending on national practice, the document may be provided for only a certain period of time, after which the applicant needs to renew it.
- You should provide information to applicants about their obligation to keep the document with them at all times, the validity period of the document and the consequences of potentially failing to renew the document if this is required.

VII. Registration of subsequent applications

Definition of subsequent applications (Article 2(q) APD)

'Subsequent application' means a further application for international protection made after a final decision has been taken on a previous application, including cases where the applicant has explicitly withdrawn his or her application and cases where the determining authority has rejected an application following its implicit withdrawal in accordance with Article 28(1).

When you register a new application for international protection, always consult the database to determine if the applicant has previously lodged any other applications for international protection.

If the database indicates that an application has already been lodged and that the procedure is still pending (i.e. no final decision has been made), you should not register the new application. Instead, you should inform the applicant about the possibility of submitting new facts or circumstances as part of the pending application, provided that this is possible under national legislation. These elements can be submitted to the authority that is processing the application (i.e. to either the determining authority or the court or tribunal).

If the final decision has been made on the previous application (either a negative decision or a decision granting subsidiary protection), the new application will be registered as a subsequent application.

In a subsequent application, the determining authority will carry out the preliminary examination to assess if new elements or findings have been presented or have arisen and if those elements significantly add to the likelihood that the applicant will qualify for international protection. The statements and documentary evidence provided by the applicant at registration are important factors contributing to the preliminary examination of the application. It is important that all new elements and supporting documents are recorded well during the registration phase, as it is possible that a personal interview will not organised to examine the subsequent application further (³⁵).

The preliminary examination concludes that the subsequent application is considered either admissible or inadmissible. If new elements or other findings significantly add to the likelihood of the applicant qualifying as a beneficiary of international protection, the application is considered admissible and the examination procedure will continue. If no such new elements were provided by the applicant or no such new findings arose, the application is considered inadmissible and the examination procedure ends.

Taking into consideration the specific features of the preliminary examination procedure, you should provide the applicant with the following information:

- what a subsequent application is (i.e. that it is not a chance to appeal against the previous decision, but an opportunity to present relevant new elements);
- the type of examination procedure to be followed (including the preliminary examination);
- what is meant by new elements and findings;

⁽³⁵⁾ In accordance with Article 42(2)(b) APD, 'Member States may lay down in national law rules on the preliminary examination ... Those rules may, inter alia: ... permit the preliminary examination to be conducted on the sole basis of written submissions without a personal interview'.

- how and where to submit the new elements and documents and when they have to be submitted by;
- that the applicant needs to provide detailed information on why the new elements were not submitted earlier and how, if applicable, the new elements relate to the previous application(s);
- the possibility of not having a new personal interview, depending on national law;
- if possible, the time frame for the examination procedure, in accordance with national practice.

Interpretation can be provided during the registration process and may be used to translate any forms used for the submission of new elements as part of a subsequent application if a personal interview will not be organised.

Applicants also need to be informed about the following potential limitations to their rights during the preliminary examination, which may apply in the EU+ country concerned.

- The right to remain in the EU+ country may be restricted under certain conditions (Articles 9(2), 41 and 46(6–8) APD). The right to remain in the EU+ country during the examination procedure is a general rule, which can be restricted if the applicant has already benefited from the examination of at least two applications for international protection (i.e. their first application and their first subsequent application) if these applications were rejected. If the right to remain is restricted, the determining authority also needs to ensure that the removal decision would not infringe the principle of *non-refoulement*. A decision that the applicant has no right to remain can be issued at the time of registration of the application.
- The right to material reception conditions can be reduced or withdrawn (Article 20(c) RCD). EU+ countries may reduce or withdraw material reception conditions (housing, food and clothing) if the applicant has lodged a subsequent application. This means that the applicant may not have the right to accommodation or any other material help during the examination of the subsequent application.

It is advisable to use a registration form that is specifically designed for subsequent applications, in which the applicant is asked to submit the new elements that serve as the basis of the claim and any updates with regard to personal data. Specific fields could include the information on which the preliminary examination is based, including the new elements not included in the previous application(s) and how these elements relate to the earlier asylum claim(s), if applicable, and, potentially, the reasons why these elements were not mentioned before.

For more information on questions that can be asked during lodging in relation to the asylum claim, see <u>Annex 1 'Registration fields'</u>.

Particularly challenging are those situations in which a subsequent application is made during the return process, especially when those applications are made merely to delay or frustrate an ongoing removal process. In all of these cases, the determining authority needs to be consulted. It is therefore good practice to create direct communication lines between the authorities responsible for the removal, the authorities responsible for the registration and the determining authority, to refer any subsequent applications made directly before the return decision is enforced and to allow the preliminary examination to be processed immediately.

Related EASO tool

The *EASO Practical Guide on Subsequent Applications* provides tools to examine subsequent applications, including aspects that need to be taken into consideration during the making, registering and lodging of subsequent applications. The guide explains what constitutes a subsequent application and what are meant by 'new elements' that can be submitted to support the subsequent application. It further explains the special procedural rules related to the preliminary examination of subsequent applications and explores specific situations in which a subsequent application could be submitted.

Translations of this guide are available on the EASO website.

Points to remember

- Always consult the database to determine if an earlier application has been made by the applicant before lodging a new application.
- The main focus of a subsequent application is the new elements. You should collect data from the applicant on the new elements that were not included in the previous application(s) and the reasons why these elements were not presented before.
- You should provide information to the applicant on what a subsequent application is and on new elements, the procedure to follow, how to submit new elements to support the application during the preliminary examination and potential limitations to their rights during the procedure.



VIII. Verification of data

<u>Chapter IV 'Collection of registration data'</u> presented the type of data that should be collected through the statements (verbal and written) and documents provided by the applicant during the registration procedure.

This chapter focuses on the different databases and tools that can be consulted and used during the registration procedure to verify the data collected. As the registration officer, you can carry out some types of verification, while, for others, you will have to refer the file to a specialised unit or authority. Depending on your access rights to different databases, you can consult the results of Eurodac and police records prior to the registration interview. This can determine if the applicant has previously applied for international protection or irregularly entered another EU+ country. It can also determine if the applicant has a criminal record or is subject to outstanding international/European arrest warrants. You may also consult VIS to see if any visa applications to the Schengen area have been made by the applicant. Other means of verifying data during the registration process include the verification of identity documents, language analysis, the verification of family links and conducting searches of social media content.

A. European Asylum Dactyloscopy Database

Eurodac is an EU asylum fingerprint database established by the Eurodac regulation. This database makes it easier for EU+ countries to determine which country is responsible for examining an application for international protection.

When a person applies for international protection in any EU+ country, that person's fingerprints are taken and transmitted to the Eurodac central system within 72 hours. The system includes fingerprint data of every applicant for international protection who is at least 14 years old. The fingerprint data are stored for a maximum of 10 years. The central system also includes data on people who are at least 14 years old whose fingerprints were taken in relation to an irregular crossing of EU external borders; these data are stored for 18 months.

The system makes it possible to determine if the applicant has applied for international protection or has been apprehended in another EU+ country in connection with the irregular crossing of an external border. If a person's fingerprints are found in the system, it is also possible to access the following data:

- the EU+ country that the applicant has previously entered or in which the applicant has previously resided;
- the place and date of the apprehension;
- the applicant's sex;
- the reference number used by the EU+ country;
- the date on which the fingerprints were taken.

Regarding applicants for international protection, additional data may include:

- the place and date of application for international protection;
- if applicable, information on a transfer from one country to another under the Dublin III regulation and, more precisely, the date of arrival after this transfer;

- if applicable, information on the departure from the territory of the EU+ countries, either on the applicant's own initiative or following a removal order, and, more precisely, the date of this departure;
- if an EU+ country decided to take responsibility for examining the application by applying the discretionary clause in Article 17(1) Dublin III regulation, the date when the decision to examine the application was taken.

The EU+ country designates the competent authorities authorised to request the comparison of Eurodac data and that have access to the fingerprint data stored in the system. The list of competent authorities is published by the European Commission (³⁶). If you are not authorised to request the data, a referral mechanism could be put in place to allow you to see if an applicant has made a previous application or has been apprehended in another EU+ country.

B. Visa information system

VIS was established by a Council decision in 2004 (³⁷); this created a central information system for decisions related to applications for short-term visas to visit or transit through the Schengen area. The system thus includes information on short-term visa applications to Schengen countries. Data on long-term visas or on any visas to the non-Schengen EU countries of Bulgaria, Croatia, Cyprus, Ireland and Romania are not available. The VIS regulation (³⁸) further defines the responsibilities and the rules for the exchange of visa data.

Objectives of the visa information system

VIS serves the following purposes:

- to facilitate faster and more accurate checks of visas by border guards and the identification of people found without documents within the Schengen territory;
- to facilitate the fight against fraud and prevent 'visa shopping';
- to facilitate the determination of the EU+ country that is responsible for the examination of an application for international protection and the examination process of the application itself;
- to contribute to the prevention of threats to EU+ countries' internal security.

^{(&}lt;sup>36</sup>) List of competent authorities notified to the Commission in accordance with Article 43 of Regulation (EU) No 603/2013 on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 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 and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice, OJ C 45/1, 8.2.2021.

^{(&}lt;sup>37</sup>) Council Decision of 8 June 2004 establishing the visa information system (VIS), 2004/512/EC, OJ L 213/5, 15.6.2004.

^{(&}lt;sup>38</sup>) <u>Regulation (EC) No 767/2008</u> of the European Parliament and of the Council of 9 July 2008 concerning the visa information system (VIS) and the exchange of data between Member States on short-stay visas (VIS regulation), OJ L 218/60, 13.8.2008.

Data available in the visa information system

The system contains data and decisions relating to applications for short-stay visas in the Schengen area.

VIS contains the following categories of data:

- alphanumeric data on the applicant and on visas that have been requested, issued, refused, annulled, revoked or extended;
- photographs;
- fingerprint data;
- links to previous applications registered and links to the application files of those people with whom the applicant was travelling (if the applicant was travelling in a group).

The determining authority can consult specific data stored in VIS. The type of data that can be consulted differs depending on whether the authority's purpose is to determine the EU+ country responsible for examining an application or whether it is responsible itself for examining the application.

Consulting data in VIS to determine the EU+ country responsible for examining an application (³⁹)

If the search indicates that a visa was issued with an expiry date of no more than 6 months before the date of the application and/or a visa was extended to an expiry date of no more than 6 months before the date of the application, the following data can be consulted:

- the application number;
- the authority that issued or extended the visa and if the authority issued it on behalf of another EU+ country;
- the applicant's basic biodata (surname, first name, date of birth, sex, place of birth, current nationality and nationality at birth);
- the type and number of the travel document(s) and the three-letter code of the issuing country of the travel document(s);
- the type of visa;
- the period of validity of the visa;
- the duration of the intended stay;
- photographs;
- the basic biodata of the linked application files on the spouse and children.

Consulting data in VIS to examine an application (40)

If the search indicates that a visa issued is recorded in VIS, the following data can be consulted:

- the application number;
- the applicant's basic biodata (surname, first name, date of birth, sex, place of birth, current nationality and nationality at birth);

^{(&}lt;sup>39</sup>) Article 21 VIS regulation.

⁽⁴⁰⁾ Article 22 VIS regulation.

- the type and number of the travel document(s) and the three-letter code of the issuing country of the travel document(s);
- the date of expiry of the validity of the travel document(s), the authority that issued the travel document(s) and the date of issue of the document(s);
- photographs;
- the data entered in respect of any visa issued, annulled or revoked, or whose validity is extended;
- the basic biodata of the linked application files on the spouse and children.

How could information available in the database be used during the registration procedure?

VIS serves the purposes of, inter alia, examining an application for international protection and determining the EU+ country responsible for examining the application. Competent asylum authorities have access to the VIS fingerprint data for these two purposes.

The search is primarily carried out by comparing the fingerprint data that are collected from a person who has applied for international protection with the fingerprint data of those people who have applied for a visa. Thus, it is possible to match fingerprint data for identification and verification purposes. If the applicant's fingerprints cannot be used or the search using fingerprint data fails, the search can also be carried out with the following data:

- the applicant's surname or surname at birth; first name(s); sex; or date, place and/or country of birth;
- the applicant's current nationality or nationality at birth;
- the type and number of the travel document, issuing authority, issuing date and/or expiry date.

In addition to the identification of the person, VIS can help to establish potential previous travel to Schengen countries, to gather information on the visa obtained (the issuing authority, visa type, period of validity, duration of intended stay, etc.), to identify documents used to request the visa or to identify potential accompanying family members. It is, therefore, considered good practice to carry out a VIS search before the lodging of the application is finalised in order to access data related to potential visa applications.

In the context of determining the EU+ country responsible for the examination of the application, data recorded in VIS may indicate that another EU+ country could be responsible for the examination of the application if the visa was issued or extended by a certain Schengen country. If the visa application was refused, annulled or revoked by a certain Schengen country, this may also indicate potential ties to this EU+ country that could be explored further in the context of the Dublin III regulation.

A travel document or passport is required when applying for a visa and travelling to the Schengen area with a visa. The VIS database includes information on applicants' passport numbers and the validity and expiry dates of passports. If the applicant states at registration that they were never in possession of a passport, but information in the VIS database indicates that they handed over a passport during a visa application, you should ask further questions for clarification.

The VIS database links the fingerprint data collected for visa applications to personal details that are verified by an identity document. It may happen that an applicant obtains a visa and travels legally

to a certain country, but then applies for international protection in the same, or another, country under another name. If personal information included in the VIS database does not match the data the applicant gave during the lodging and registration of the application, the applicant's reasons for the discrepancies need to be heard.

The VIS database may provide information on previous travel to the Schengen area or indicate a stay in the area before an application for international protection was made. This information, together with passport entry and potential exit stamps, help to determine if an applicant has applied for international protection as soon as possible after arriving in the country. Information on previous stays in the Schengen area may also be relevant to the examination of the application.

A digital photograph is also collected when applying for a visa. Attention could be paid to the applicant's appearance in the photograph, because, in certain circumstances, for example in potential situations of human trafficking, registration data may be falsified. It can also happen that a child tries to register as an adult during the visa application in order to be able to travel as an adult to the Schengen territory.

C. Verification of documents

During the registration procedure, applicants are asked to hand over documents in their possession, such as identity and nationality documentation, but also other types of documents that can be relevant to the asylum claim. These could include professional documents, court or arrest warrants, membership cards of a political party and military booklets.

Your role is to collect and record (⁴¹) the information submitted by the applicant and not, unless the national legislation or practice provide otherwise, to assess the credibility or authenticity of the documents submitted by the applicant. However, if you notice any issues with the authenticity of the documents provided, it is good to flag this in the file.

It may be relevant for you to gain the conclusions of the assessment of a document's authenticity before the start of the examination phase. It is good practice to put in place a referral mechanism at the registration stage through which you can send the submitted documents to the specialised unit or authority (e.g. the police) in charge of examining the authenticity of the documents. Depending on the national set-up, the referral mechanism could be applied systematically to all of the documents submitted or limited to certain types of documents (e.g. identity and nationality documents or documents with safety characteristics) or to documents for which, at first sight, doubts arise as regards their authenticity.

Documents are assessed by specialised personnel through a technical investigation to see if the documents are genuine. This type of investigation can consist of, for example, a comparison with reference documents in a document database or a forensic document examination.

When the conclusion is that the applicant handed over a false or falsified document, the applicant's perspective on the results will have to be heard. Depending on the conditions laid down in the national legislation, it may not be possible to give a false or falsified document back to the applicant. The presentation of falsified documents does not always in itself mean that the applicant is trying to abuse the asylum procedure. Applicants may have used falsified documents to flee their country of origin through

^{(&}lt;sup>41</sup>) For more detailed information on how to collect and record documents submitted by the applicant, refer to Chapter IV, <u>'Collection of registration data'</u>.

the use of a people smuggler or otherwise, or they may be misinformed about the need to present certain documents to the asylum authorities. Hearing the applicant's perspective on the outcome of the document verification, which can take place during the personal interview, is therefore essential.

D. Police records

In the context of the asylum procedure, both national police and Interpol records can be important sources of information on a number of counts. Indeed, if an applicant's name is present in a police record, the police file may provide useful information not only regarding the applicant's criminal record, but potentially also on different aspects of the applicant's identity and previous residence. In the context of the asylum procedure, police records can be a source of information on the travel route, the entry point into the EU and the applicant's presence in a certain country at a certain moment.

It is good practice to compare newly registered applications against national, European (e.g. Schengen information system) or international police records (e.g. Interpol).

The consultation of police records is highly regulated, and only competent national authorities have access to them. If the police authority is involved in the registration procedure, the security check could be done during the stage of their involvement. If, by contrast, the police authority is not involved in the registration procedure, a referral mechanism could be put in place allowing the registration authority to refer applications. This will also allow the registration authority to check if the applicant is present in the police records.

Depending on the national set-up, the security check could be applied to all newly registered applications or only to specifically defined applications, based on a set of criteria (e.g. applications of individuals from certain countries of origin or with certain types of claims).

E. Verifying family links

At the registration stage, it may be necessary to verify the applicant's claimed family composition. This verification may concern family members accompanying the applicant during the registration or may concern people not with the applicant at the time of the registration.

The latter case could arise in a situation in which a newly registered applicant invokes a family link with a person who has applied for international protection in the past and/or with a person who was granted international protection.

Family links can be verified using different methods.

- Collecting detailed data on the applicant's family members. This includes collecting from the
 applicant the essential personal details of each family member, such as their name, date and
 place of birth, current occupation, marital status, date and place of marriage, names of parents
 and siblings, as well as their current whereabouts and the context of their separation from the
 applicant. This information can later be cross-checked with the information provided by the family
 members concerned in their applications. This once again shows the importance of reliable and
 complete data collection at the time of registration.
- Obtaining and examining all documents related to family composition, including birth and marriage certificates and potential family booklets.

- Collecting data on previous cohabitation with each family member and when the family members lived together.
- Depending on the context and in situations of substantial doubt, setting up a DNA test. In certain countries, a DNA test may be used to verify family links, for example in situations in which there are uncertainties related to the family link. Uncertainties can arise from divergent statements or evidence provided by third parties, a lack of documentary or other evidence that supports the existence of the family link or indications related to human trafficking in the context of claimed family links.
 EU+ countries may verify family links by conducting DNA tests in addition to collecting data through interviews and documentary evidence. DNA testing can be considered proportional if there are no less restrictive means available to establish family links, such as documentary evidence. It is also recommended that the authorities bear the costs of DNA tests or do not set disproportionate fees for DNA testing that would create obstacles to applicants accessing their rights.

F. Social media

Through social media, users create online communities to share information, ideas, personal messages and other content online. This communication often takes place through websites for social networking or microblogging, such as Facebook, Twitter, Instagram and platforms dedicated to blogs.

Social media are widely used across the world. Depending on the social media network and individual use, the posted information can be available to only a small group of selected people or can be publicly accessible. An applicant may have posted information on social media on a wide variety of topics. Such information may be relevant and useful for verifying information about the applicant.

It is good practice is to ask applicants during the lodging phase if they use social media and/or have personal websites or blogs. However, access to social media is also limited to the extent that such disclosures do not infringe the applicant's right to privacy. For example, unless the national law provides otherwise for specific purposes and under defined conditions, an applicant should not be obliged, or be made to feel obliged, to provide their social media account password or to give access to information that is secured by a password.

Information found on social media should be used with the utmost caution, as it is particularly difficult, if it is ever possible, to assess the reliability of such information.

The authenticity of different aspects of the information found on social media can be difficult to establish. This includes the source or identity of the author (as people can use nicknames or falsely use the identity of somebody else), the date of the information (which is different from the date of posting of the information) or the content itself, as content on social media is often unregulated and less likely to have involved editorial control than 'conventional' media sources.

G. Language analysis and indication

The analysis of the language spoken, but also written, by the applicant is a method for helping to establish the applicant's nationality, region of origin or ethnic origin (⁴²). In most cases, the analysis of the

^{(&}lt;sup>42</sup>) Here, the definition of language analysis for the determination of origin of the European Migration Network (EMN) is used (see the <u>EMN glossary</u>, version 7.0, July 2020).

applicant's speech is conducted to determine if it shows the characteristics expected of a person who grew up or socialised in a particular place of origin.

Language analysis should be conducted by a trained and qualified linguist (i.e. a professional who has received training and possesses expertise in language analysis) and not just by someone who is a native speaker of the language in question (⁴³). The linguist's role in the asylum procedure is governed by the principles of confidentiality and impartiality.

Language analysis requires reliable data such as an audio recording of sufficient length and quality. The language analysis consists of an examination of the accent, grammar, vocabulary and loanwords in the speech of the applicant.

Language analysis is a cost- and resource-intensive process. The decision on whether or not to conduct a language analysis can be made based on individual elements, for example if there are doubts regarding elements of the applicant's claimed identity (e.g. their country of origin or place of habitual residence), or more systematically based on a predefined set of criteria (e.g. for applicants who claim to be from a particular country of origin).

Caution should be exercised when drawing conclusions from the language analysis. Indeed, citizenship and nationality (⁴⁴) are legal titles, which are not necessarily connected with the language(s) spoken by a national. For example, an applicant who lived all of their life outside their country of nationality may not have any knowledge of the language of that country or may have a foreign accent when speaking the language of their country of nationality.

Therefore, the outcome of a language analysis should always be used in conjunction with other indicators and in the light of the applicant's statements. The language analysis report can be used as a further way of verifying the information provided by the applicant (e.g. their country of origin, background, places they claim to have lived and place of schooling).

Apart from the fully fledged language analysis, there are other methods that are more limited in scope that are often referred to as providing a 'language indication'. The language indication is a short verification conducted by a linguist and/or native speaker to determine if there are any doubts or contraindications that the applicant may not be speaking the language from the region that they say they come from. Recently, methods have been developed to use artificial intelligence, whereby a computer can indicate, with a certain level of certainty, where the spoken language may originate from.

When the outcome of the language indication states that there are doubts about the origin of the applicant, initiating a full language analysis can be considered. A language indication can be useful when an applicant has no document or comes from a country in which fraudulent identity documents can be easily obtained on the black market. A language indication takes less time than a language analysis because the analyst does not have to write a full report but can simply indicate that the applicant either is or is most likely not from the country of origin stated. The language indication is, therefore, no more

^{(&}lt;sup>43</sup>) Language and National Origin Group, '<u>Guidelines for the use of language analysis in relation to questions of national origin in</u> refugee cases', International Journal of Speech Language and the Law, Vol. 11, No 2, 2004, p. 2.

⁽⁴⁴⁾ Article 2(d) migration statistics regulation defines nationality as 'the particular legal bond between an individual and their State, acquired by birth or naturalisation, whether by declaration, choice, marriage or other means according to national legislation'.

than the name suggests, that is, it is an 'indication' and cannot serve as the sole basis for questioning the credibility of the applicant's statement on the country of origin. However, the applicant could be asked questions regarding any inconsistencies between the statements and the language indication, during which the applicant's background is further explored. While language indication is used mainly as a referral tool, language analysis reports are considered as evidence by authorities and courts.

Points to remember

- Eurodac is an EU-wide database containing fingerprints from third-country nationals who have applied for international protection in other EU+ countries or who have been apprehended owing to the irregular crossing of EU external borders. This information may help in determining the country responsible for the examination of the application.
- VIS is a central information system for decisions related to applications for short-term visas to visit or transit through the Schengen area, which can be used for verifying previous stays in the Schengen countries, determining what country is responsible for the examination of the application and supporting the examination of the claim itself.
- Social media may provide openly accessible information that could help in verifying statements provided by the applicant. This information should be treated with caution owing to the difficulty in determining its reliability.
- Language analysis or language indication is conducted based on audio recordings and can help to establish the nationality, region of origin or ethnic origin of the applicant.

IX. Importance of registration data for the examination stage

Registration data can be used for organisational and planning purposes (see <u>Section A 'Organisation and planning'</u>), to channel the application to the most appropriate asylum process or workflow (see <u>Section B</u> <u>'Channelling cases'</u>) and to identify and anticipate resource needs (see <u>Section C 'Identifying resource needs'</u>).

A. Organisation and planning

The registration data guide the planning process for the personal interview. The registration data indicate the time that needs to be allotted for the personal interview, if an interpreter needs to be arranged, if any special guarantees need to be provided or put in place ahead of the interview and which case officers would be the most appropriate to handle the case. The assignment to a specific case officer and/or interpreter is based on a variety of factors, such as:

- the experience of the case officer in handling applications of a certain complexity;
- the expertise of the case officer in relation to a particular country or region of origin, type of claim or particular topic (e.g. exclusion);
- the specialisation of the case officer (and/or interpreter) as regards interviewing applicants with certain special needs;
- the gender of the case officer and/or interpreter, as the case officer and the interpreter would
 preferably be of the same sex as the applicant, if possible and if requested by the applicant
 (unless the determining authority believes that the request is based on reasons not related to the
 applicant's difficulties in presenting their application);
- the connection between family members and linked cases;
- the availability of the case officer and interpreter (in particular if the interview is to be carried out in a rare language);
- any possible conflicts of interest, in particular if the case officer and/or interpreter knows the applicant from another context.

B. Channelling cases

EU+ countries may introduce a channelling system, also known as a triaging system, through which newly registered cases are differentiated and channelled to different tracks at the examination stage. This channelling takes place based on the information gathered during the registration phase. The aim of a channelling system is to streamline and enhance the efficiency of the examination process.

The tracks in a channelling system can be designed in various ways, depending on the caseload that is to be processed, the available resources and the strategic choices of the determining authority. A channelling system can comprise, for example, the following tracks.

• A 'prioritisation' track. Depending on the national practice, prioritisation can be used, inter alia, in the following situations:

- o if the applicant is a vulnerable person or in need of special procedural guarantees;
- o if, based on the individual registration data, the case is likely to be well founded or, alternatively, is likely to be manifestly unfounded (if this concept exists in the national practice), for example based on recognition rates.
- A track for accelerated procedures. To respect the shorter timelines in accelerated procedures, a dedicated track can be used to avoid the accelerated cases being slowed down by other 'regular' cases. Accelerated tracks are often used for safe countries of origin or when, in the claim, no issues are raised that are relevant for international protection.
- A track dedicated to a specific caseload of a certain country of origin. This practice can be implemented when, for example, that caseload is important in terms of number of cases and/or the office has specialised staff for that caseload.
- A track dedicated to the admissibility procedure. This can be implemented, for example, for applicants who have already received international protection in another Member State or for subsequent applications.

Registration data are key for the development and implementation of a channelling system.

The analysis of compiled registration data is a starting point from which the decision can be made about whether or not, in the light of the current and forecast caseload, the introduction of a channelling system would improve the efficiency of the examination stage.

Moreover, the continuous monitoring of registration data allows any potential need to update or adapt the channelling system, in order to respond to the newly registered caseloads, to be identified.

C. Identifying resource needs

Country-of-origin information

Trends in registration data may reveal the emergence of a new (or a sudden or rapid increase in an existing) country of origin in the asylum caseload. This observation may trigger the need for the country-of-origin information unit to conduct research on this country of origin.

Legal and policy guidance

Similarly, trends in registration data may show the emergence of a new type of claim or a new legal issue, which would trigger the need to develop specific country guidance or doctrinal and legal guidance on the matter.

Interpretation

The appearance of or a rise in a particular caseload can also trigger the need for additional interpretation services for a particular language.

Human resources

An increase in the number of registered cases or an increase in the number of complex cases may call for the additional recruitment of case officers.

Points to remember

- The analysis and breakdown of registration data allow the determining authority to efficiently prepare its short- and mid-term activities, such as scheduling interviews.
- To improve and streamline their processing capacity, EU+ countries may introduce a channelling system according to which, upon registration, cases are channelled into different tracks. Registration data are key for the development and implementation of a channelling system.
- Registration data can highlight potential resource needs in terms of, for example, country-oforigin information, legal guidance, interpretation and human resources.

Annexes

Annex 1: Registration fields

Disclaimer. This annex provides an overview of the registration fields for which data are regularly requested from applicants at the registration stage. The overview includes the data that this practical guide recommends collecting at the registration stage, information that needs to be provided and indications of when registration officers should flag certain information for the attention of specialised colleagues, units or other authorities and/or refer the case. The overview does not intend to offer a standard registration form, particularly because any registration form would need to be adapted to the national context, depending on who collects what information and when and for which procedures the data will be used. The overview can be used as a reference document to evaluate the registration forms used at the national level.

The data that are required, by the directives and regulations of the CEAS, to be recorded at the early stages of the asylum procedure are in bold, with footnotes that cite the specific articles of the directives and regulations in question. Similarly, the information that needs to be provided to applicants, as required by the directives and regulations of the CEAS, are highlighted in blue, with the appropriate references cited in footnotes.

Registration data: First application for international protection

REGISTRATION DETAILS

- Registration number
- Case number
- **Lodging date** (45)
- **Lodging place** (⁴⁶)
- **Type of applicant (adult, unaccompanied minor or dependent)** (47)
- **Type of application (first application, subsequent application or reopened application)** (⁴⁸)

Interpretation

- Interpretation used (when necessary) (49)
 - Language for interpretation
 - Identification number of the interpreter
 - The applicant confirms that they understand the interpreter

(49) See Article 12(1)(b) APD.

⁽⁴⁵⁾ See Article 34(2)(g) Dublin III regulation.

⁽⁴⁶⁾ See Article 34(2)(f) Dublin III regulation.

^{(&}lt;sup>47</sup>) See Article 3(1)(a) migration statistics regulation.

⁽⁴⁸⁾ See Article 34(2)(g) Dublin III regulation.

Information provided to applicants

Information is provided to the applicant on the registration procedure and the procedure to follow after registration (⁵⁰)
Information is provided to the applicant on their rights and obligations during the asylum procedure (⁵¹)
The applicant confirms that they understand the information that is provided to them
Contact details
Address (⁵²)
Phone number
Information is provided to the applicant on how to register changes to their contact details (53)
Biometric data
Photograph
Fingerprints (⁵⁴)
Signature
Other details
The applicant's presence on social media
ocial media platform(s)
Additional information, such as username(s), personal websites or blogs (if applicable)
Dependent adult
The dependent adult is informed about the consequences of the lodging of the application on their behalf (⁵⁵)
The dependent adult is informed about their right to make a separate application (56)
Consent is requested from the dependent adult to lodge an application that is made on their behalf (⁵⁷)

The request for consent has to be made in writing by the dependent adult and added to the applicant's file.

- (⁵²) See Article 13(2)(c) APD.
- (⁵³) See Article 12(1)(a) APD.
- (⁵⁴) See Article 11(a) Eurodac regulation.
- (55) See Article 7(2) APD.
- (56) See Article 7(2) APD.
- (⁵⁷) See Article 7(2) APD.

^{(&}lt;sup>50</sup>) See Article 12(1)(a) APD.

^{(&}lt;sup>51</sup>) See Article 12(1)(a) APD.

PERSONAL DETAILS
Name and gender
Full name (⁵⁸)
First name(s)
Last name(s)
Maiden name (if applicable)
Sex (⁵⁹)
Preferred gender pronouns
Name of father
Name of mother
Date of birth
Date of birth (60)
Date of birth based on the calendar used in the applicant's country of origin (if applicable)
Indication that the date of birth is an estimate or precise
An explanation of how the estimated date of birth was determined (if applicable)
Place of birth
Country of birth (⁶¹)
Place of birth (⁶²)
Province/region/governorate
Village/municipality/subdistrict (63)
Reasons the applicant does not know the place of birth (if applicable)
Nationality
Nationality (⁶⁴)
Indication that the nationality is established or claimed/presumed
Indications of the reasons the nationality is uncertain (if applicable)
Other nationalities (65)
Statelessness
Indication that the statelessness is established or claimed/presumed
Indications of the reasons that the applicant is considered stateless (if applicable)
(⁵⁸) See Article 34(2)(a) Dublin III regulation and Article 6(1) RCD.
(59) See Article 4(1) migration statistics regulation and Article 11(c) Eurodac regulation.
(60) See Article 4(1) migration statistics regulation and Article 34(2)(a) Dublin III regulation.
(⁵¹) See Article 3(1)(a)(ii) migration statistics regulation and Article 34(2)(a) Dublin III regulation.

- (62) See Article 34(2)(a) Dublin III regulation.
- (63) See Article 4(1) to (2) QD and Article 13(1) APD.
- (64) See Article 4(1) migration statistics regulation and Article 34(2)(a) Dublin III regulation.
- (65) See Article 34(2)(a) Dublin III regulation.

Alias details

The term 'alias' refers to personal details that are substantially different from other personal details, such as maiden name(s), names used in unofficial functions or personal details registered in databases.

First	name(s)
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Last name(s)

Date of birth

Place of birth

Nationality

Additional information, such as the source of information for alias details and for what purpose the alias was used

COUNTRIES OF PREVIOUS RESIDENCE

Previous residence refers to all countries outside the country of origin where the applicant has intended to avail themselves of the protection or to lay down roots (⁶⁶).

	Country of previous residence (67)
	Place of previous residence (68)
	Province/region/governorate
	Village/municipality/subdistrict
	Period of stay
	Reason(s) for the stay
	Residence permit in the country of previous residence
	Residence permit type
	Period of validity
DO	CUMENTS

Identity documents

Passport (69)

Indication that the applicant currently holds a passport or that the applicant possesses a passport that they do not currently hold

- Passport number
- Period of validity
- Issuing date
- Issuing authority
- Issuing place

The passport has been withheld by the authorities for the verification of its authenticity or the applicant will try to submit the passport to the determining authority

^(**) The previous residence does not refer to occasional visits to or transits through a country other than the applicant's country of origin.

^{(&}lt;sup>67</sup>) See Article 3(1)(a)(iii) migration statistics regulation and Article 34(2)(d) Dublin III regulation.

⁽⁶⁸⁾ See Article 34(2)(d) Dublin III regulation.

⁽⁶⁹⁾ See Article 13(2)(b) APD and Article 34(2)(b) Dublin III regulation.

	Other identity documents (⁷⁰)		
		ner identity documents are documents other than the passport that may establish the identity of applicant, such as national identity cards, identity booklets or birth certificates.	
		Indication that the applicant holds other identity documents or that the applicant possesses documents that they do not currently hold	
		Document type	
		Document number	
		The identity document has been withheld by the authorities for the verification of its authenticity or the applicant will try to submit other identity documents to the determining authority	
	No	identity documents	
		Indication that the applicant has never possessed a passport and/or other identity documents	
		Additional information, such as the reasons for not having a passport or other identity documents	
Sup	por	ting documents	
Sup	por	ting documents are any documents that the applicant submits to substantiate the application for	

supporting documents are any documents that the applicant submits to substantiate the application for international protection, including marriage certificates, military service booklets or any other documents to substantiate the asylum claim.

Document type (⁷¹)

- Indication that the document held by the applicant is the original or a copy
- Additional information, such as the main topic of the document, the issuing authority, the issuing date and what the applicant wishes to demonstrate by submitting the document

BACKGROUND INFORMATION

	Ethnicity
--	-----------

Religion

- Languages that the applicant understands (⁷²)
 - Mother tongue
 - Knowledge of other languages
 - Level of knowledge
- Education, including years of attending school and/or types of schools attended
- Profession, including information on former employment

⁽ 70) See Article 13(2)(b) APD and Article 34(2)(b) Dublin III regulation.

^{(&}lt;sup>71</sup>) See Article 13(2)(b) APD.

⁽⁷²⁾ See Article 12(1)(a) APD and Article 5(2) RCD.

FAMILY

Marital status (single/married/divorced/widowed)

Family members

- Spouse/legal partner
 - First name(s)
 - Last name(s)
 - Date of birth/age
 - Place of birth
 - Nationality
 - Current location
 - Date of marriage
 - Additional information, such as details on a marriage that is not legally certified
- Former spouse(s)/legal partner(s)
 - First name(s)
 - Last name(s)
 - Date of birth/age
 - Place of birth
 - Nationality
 - Current location/date of death

If the applicant is divorced from the spouse or is married to more than one spouse:

Date of marriage/divorce

Additional information, such as details on a marriage/divorce that is not legally certified

Children

- First name(s)
- Last name(s)
- Date of birth
- Place of birth
- Nationality
- Current location
- Mother of the child
 - First name(s)
 - Last name(s)
 - Nationality
- Father of the child
 - First name(s)
 - Last name(s)
 - Nationality



Other family members

Other family members include the following relatives who reside in different countries or who may be deceased.

Parent(s)	
First r	name(s)
Last r	name(s)
Date	of birth/age
Natio	nality
Curre	ent location/date of death
Sibling(s)	
🗌 First r	name(s)
Last r	name(s)
Date	of birth/age
Natio	nality
Curre	ent location/date of death
Other rele	evant family member(s)
🗌 First r	name(s)
Last r	name(s)
Date	of birth/age
Natio	nality
Curre	ent location/date of death
	ers who are present in other EU+ countries
	amily members mentioned above are present in another EU+ country, the following
information si	hould be collected regarding each family member.
Personal of	details of the family member (as listed above) (73)
Relati	ionship with the family member
Coun	try of residence
Resid	ence status
Conta	act details
Indica	ation that the applicant is dependent on the family member
	Additional details on this dependency, such as being a child or in old age or having a
C	disability or serious illness
Indica	ation that the family member is dependent on the applicant

Additional details on this dependency, such as being a child or in old age or having a disability or serious illness

⁽⁷³⁾ See Article 34(2)(a) Dublin III regulation.

Family tracing

If the applicant is an unaccompanied child, the contact details of the parents are to be recorded. If the child has (additional) primary caretakers, the contact details of these caretakers and information on their relationship to the child should also be recorded (⁷⁴).

- Relationship to the child
- First name(s)
- Last name(s)
- Address
- Phone number

LINKED CASES

- Indication of the file numbers of relatives registered in the country of asylum
- Indication of the file numbers of applications that are otherwise linked to the case of the applicant (e.g. applicants who fled together for the same reason)

TRAVEL ROUTE

Travel route (75)

- Transportation used for travel
- Date of leaving the country of origin
- Date of arrival in the host state

VULNERABILITIES

Vulnerabilities refer to special procedural and/or reception needs that the applicant may have. Your role is to identify signs of vulnerability and flag them to the asylum authority, provide immediate support that is available at the registration stage and refer the applicant for further assessment or support.

Signs of vulnerability that indicate special needs (76)

- Additional remarks on these signs of vulnerability, such as a description of concrete indications
- The applicant is informed about available assistance that is relevant to their situation, including legal aid and psychosocial and medical support (77)
- The applicant has been referred to the following assistance (with the consent of the applicant)
- Remarks on the need for further referral(s), such as the assessment of special needs, the assessment of the best interests of the child, the appointment of a representative (if there is an indication that the applicant is an unaccompanied minor, has intellectual disabilities or has a serious mental illness)

^{(&}lt;sup>74</sup>) Please note that the best interests of the child will need to be assessed before the tracing of family members can start, in accordance with Article 31(5) QD.

^{(&}lt;sup>75</sup>) See Article 34(2)(d) Dublin III regulation.

^{(&}lt;sup>76</sup>) See Article 24(1) APD and Article 22(1) RCD.

^{(&}lt;sup>77</sup>) See Article 24(3) APD.

DUBLIN PROCEDURE

- The applicant is provided with basic information on the Dublin procedure, including the criteria to determine which EU+ country is responsible for the examination of the application for international protection (⁷⁸)
- The applicant is provided with basic information on fingerprint comparison in the Eurodac system (⁷⁹)
- The Eurodac result (if available)
- The Schengen information system result (if available)
- The VIS result (if available)

Indication of ties to another EU+ country

- Indication of residence/stay in another EU+ country (⁸⁰)
 - Additional information on the residence permit, visa or other documents issued by another
 EU+ country, including the issuing country, document type, potential date of issue and expiry (if applicable)

Indication of an application for international protection in another EU+ country (81)

- Additional details on the application, such as the country where the application was made and the outcome (if applicable)
- The applicant is (to be) referred to the Dublin Unit (taking into consideration any indications of family members' residence, the applicant's residency/stay and/or an application for international protection in another EU+ country or countries)

ASYLUM CLAIM

Short description of the reasons for applying for international protection (82)

Subsequent application

If the applicant submits a subsequent application, the following data should also be collected.

- New elements or findings that were not submitted to the asylum authority previously (detailed description) (⁸³)
 - Reasons for not submitting the new elements or findings to the asylum authority earlier
 - How the new elements or findings potentially relate to asylum claim(s) presented in previous application(s)
- Any other reasons to apply for international protection

(83) See Article 40(2) APD.

⁽⁷⁸⁾ See Article 4(1) Dublin III regulation.

⁽⁷⁹⁾ See Article 29(1) Eurodac regulation.

^(**) See Article 34(2)(d) and (e) Dublin III regulation.

^{(&}lt;sup>81</sup>) See Article 34(2)(g) Dublin III regulation.

^{(&}lt;sup>82</sup>) See Article 4(2) QD.

ADDITIONAL INFORMATION

Additional information relevant to the application that is not mentioned above, such as information to flag to the asylum authority, additional referrals made or an indication of needs regarding the asylum procedure

CLOSING REMARKS

- Information recorded in the registration form is read back to the applicant
- The applicant confirms that the contents of the registration form correctly reflect the registration interview
- Information is provided to the applicant about the next steps in the asylum procedure (84)
- Information is provided to the applicant about how they will be invited for the personal interview and about the (estimated) time/date of the personal interview (if available) (⁸⁵)

Details on people present during lodging

- Registration officer
- Interpreter
- Legal advisor/counsellor
- Representative/guardian

Signatures

- Applicant
- Registration officer
- Interpreter
- Representative/guardian/legal advisor (if applicable)

^{(&}lt;sup>84</sup>) See Article 12(1)(a) APD.

^{(&}lt;sup>85</sup>) See Article 12(1)(a) APD.

Annex 2: Information provision checklist

In accordance with Article 12(1)(a) APD, the applicant for international protection must be provided with information on at least the topics listed below. A more detailed description of the kind of information that is provided to the applicant under each item can be found in <u>Chapter III 'Information provision'</u>.

Procedure to be followed

Purpose of registration

- Practical steps taken during the registration process
- Procedure to determine which EU+ country is responsible for the examination of the application
- Confidentiality during the asylum procedure
- Registration is conducted free of charge
- Information about the document certifying the person's status as an applicant for international protection

If registration and lodging are conducted separately:

- How and where to lodge the application
- Consequences of not lodging the application

If the applicant is a child:

- Right to make an application on their own behalf (if the child has such legal capacity according to national law)
- Right to make an application through their parents, other family members, an adult who is responsible for them or a representative

If the applicant is a dependent adult:

- Right to make an application on their own behalf
- Consequences of not lodging an application on their own behalf

Rights and obligations during the procedure

Rights

- Remain in the state pending the examination of the application
- Material reception conditions that provide an adequate standard of living
- Access to an interpreter
- Legal assistance and representation during the asylum procedure
- Communicate with the UNHCR and other organisations providing legal advice or other counselling

If the applicant is vulnerable:

- Adequate support to benefit from their rights and to comply with obligations during the asylum procedure
- Adequate support regarding needs related to reception conditions

If the applicant is in detention:

- Reasons for detention
- Procedure to follow to challenge the detention order
- Possibility to request free legal assistance and representation

Obligations

- Cooperate with the authorities
- Appear before authorities in person
- Hand over documents in the applicant's possession that are relevant to the examination procedure
- Respect the time limits to submit supporting elements
- Communicate the contact address and any changes to the address to the authorities
- Have fingerprints taken

Possible consequences of not complying with obligations or cooperating with the authorities

- Examination procedure may be discontinued
- Assessment of relevant elements in the asylum claim may be affected
- Asylum procedure may be accelerated
- Detention may be applied to establish the identity, nationality or other elements relevant to the application
- Material reception conditions may be reduced or, in exceptional cases, withdrawn

Time frames for the examination procedure

- Examination will be concluded as soon as possible within 6 months (other time frames may apply depending on the national set-up)
- Examination period may be extended on specific grounds to 21 months

Means at the applicant's disposal to fulfil the obligation to submit the elements to substantiate the application

- Possibility to submit documentary and other evidence to support the application
- Means to submit documentary evidence
- Time when documentary evidence can be provided

Consequences of an explicit or implicit withdrawal of the application

Explicit withdrawal

- Examination procedure ends
- Access to rights of the applicant for international protection ends

Implicit withdrawal

- Examination procedure can be discontinued or the application can be rejected
- Examination procedure may be reopened within a certain time limit, depending on the national practice

Legal references

This section contains the full details of references to legislation and relevant case-law.

This overview of legal references is not intended to be an exhaustive reference tool. It aims only to provide practical direction to case officers by referring to some of the most relevant provisions.

Legal reference	Торіс	Relevant article(s)
Asylum procedures directive	Access to the procedure	Article 6
(Directive 2013/32/EU)	Applications made on behalf of dependants or minors	Article 7
	Guarantees for applicants	Article 12
	Obligations of applicants	Article 13
	Applicants in need of special procedural guarantees	Article 24
	Guarantees for unaccompanied minors	Article 25
	Collection of information in individual cases	Article 30
	Confidentiality	Article 48
Qualification directive (Directive 2011/95/EU)	Assessment of facts and circumstances	Article 4
Reception conditions directive	Information	Article 5
(Directive 2013/33/EU)	Documentation	Article 6
	Assessment of the special reception needs of vulnerable people	Article 22
	Unaccompanied minors	Article 24
Dublin III regulation	Right to information	Article 4
(Regulation (EU) No 604/2013)	Start of the procedure	Article 20
	Information-sharing	Article 34
Eurodac regulation (Regulation (EU) No 603/2013)	Comparison and transmission of fingerprints	Article 9
	Recording data	Article 11
	Rights of the data subject	Article 29
Migration statistics regulation (Regulation (EU) No 862/2007 and amending Regulation (EU) 2020/851)	Statistics on international protection	Article 4
Visa information system (Regulation (EC) No 767/2008)	Consulting data in VIS to determine the EU+ country responsible for examining an application	Article 21
	Consulting data in VIS to examine an application (Article 22)	Article 22

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EU law and related documents

For access to legal information from the EU, including all EU law since 1952 in all the official language versions, go to EUR-Lex at: <u>http://eur-lex.europa.eu</u>

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