



EUROPEAN BORDER AND COAST GUARD AGENCY

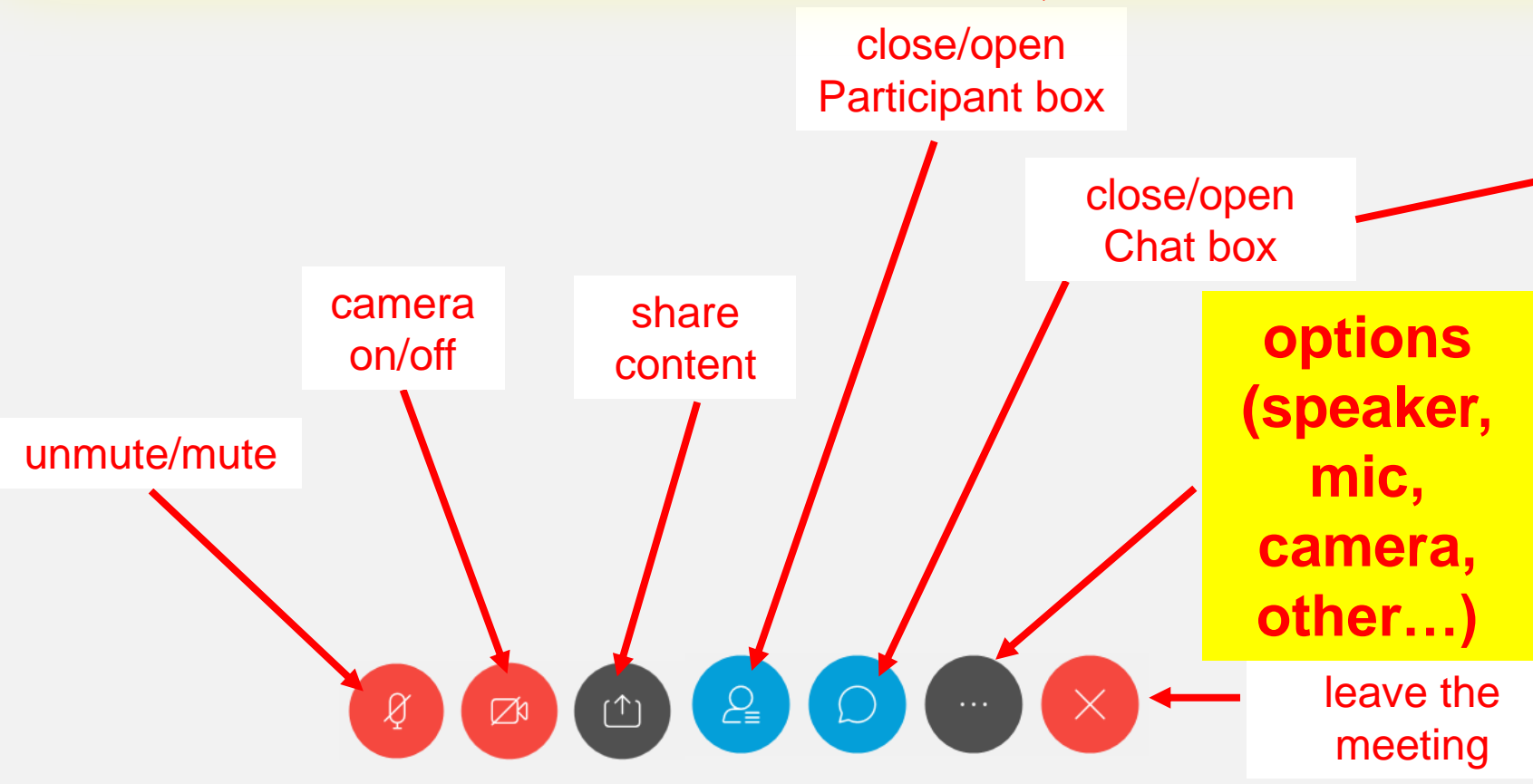
Workshop on Last Minute- and Subsequent Asylum Applications (LMA) 14-15 December 2020

Day 1 - 14 December 2020

European Centre for Returns

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Please check your microphone and camera s
You may test it now with us ;)



EFFECTIVE WEBEX MEETING GUIDELINES

 **CHECK-IN with your** Member State/Name Surname



Mute Your Mic, Camera OFF

when not presenting



Unmute Your Mic, turn on Camera

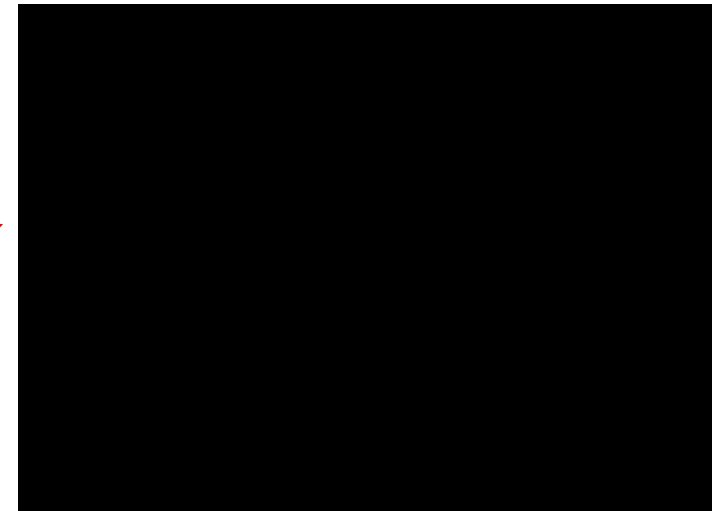
during intervention



Chat function

1. to take the floor

2. for questions and answers



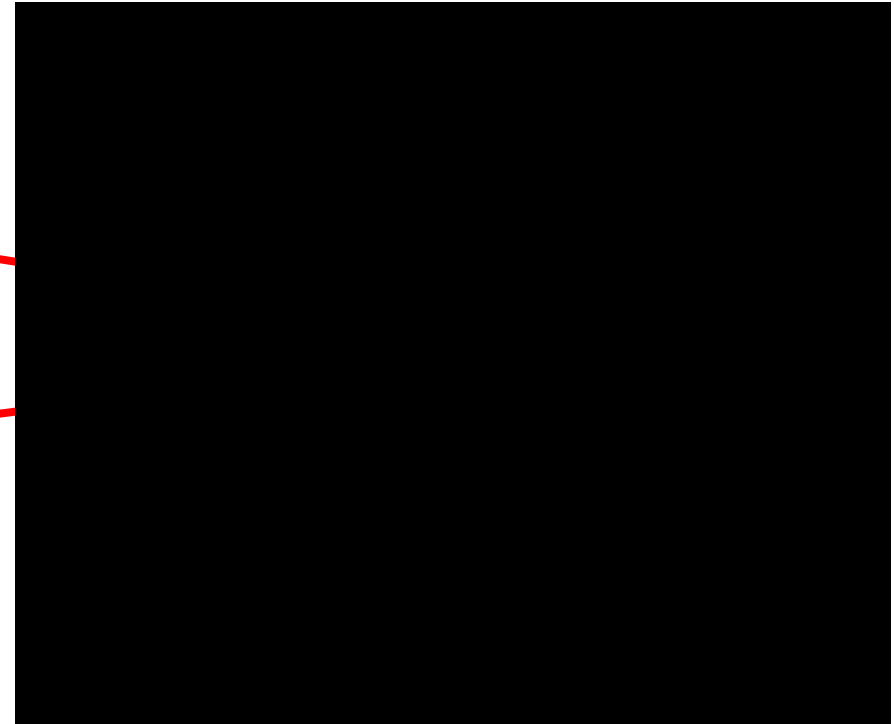
EFFECTIVE WEBEX MEETING GUIDELINES



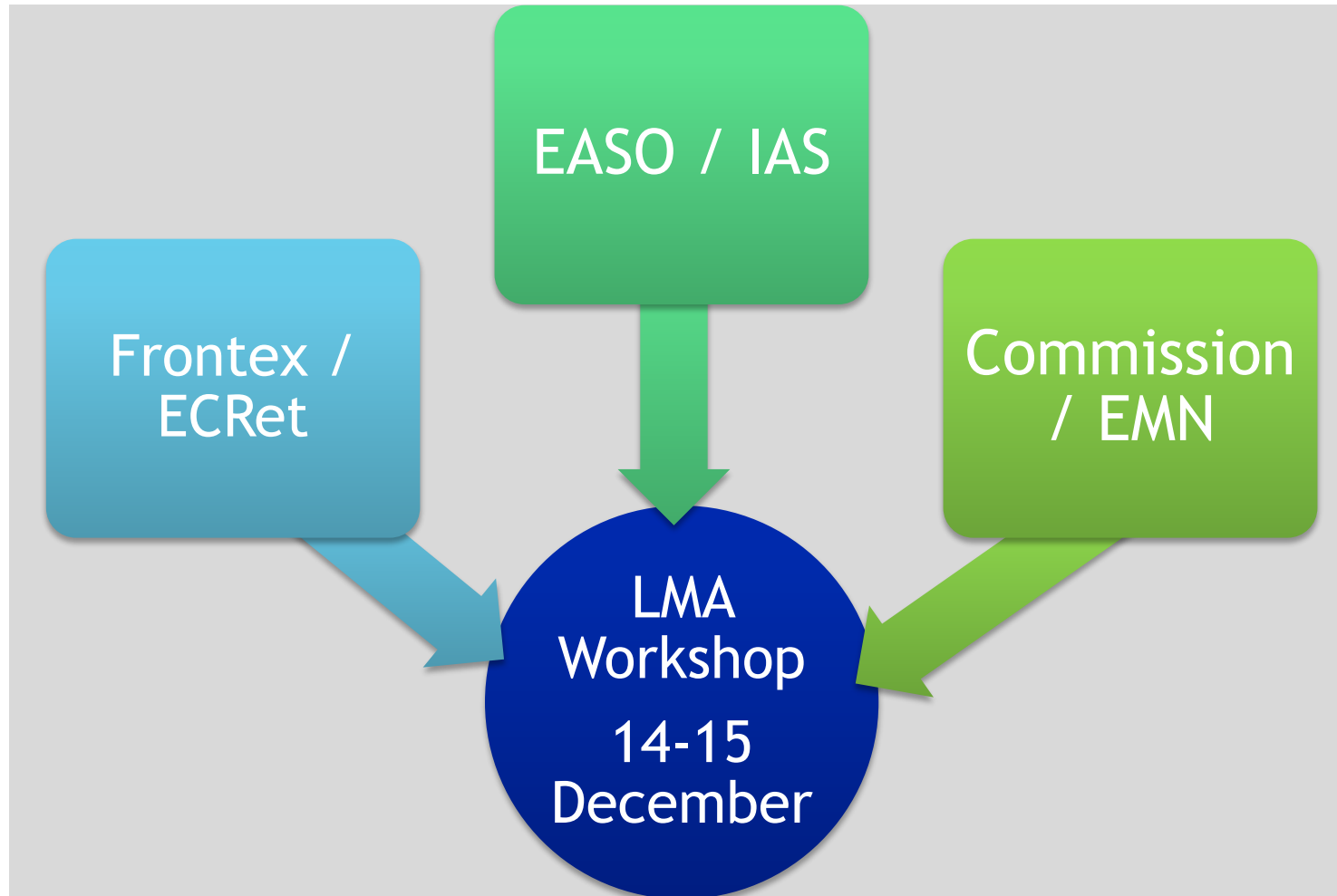
Using chat function place your **MS** and **name**
in front of your query

1. to take the floor

2. asking questions



Introduction: Welcome!



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Agenda

14 December 2020

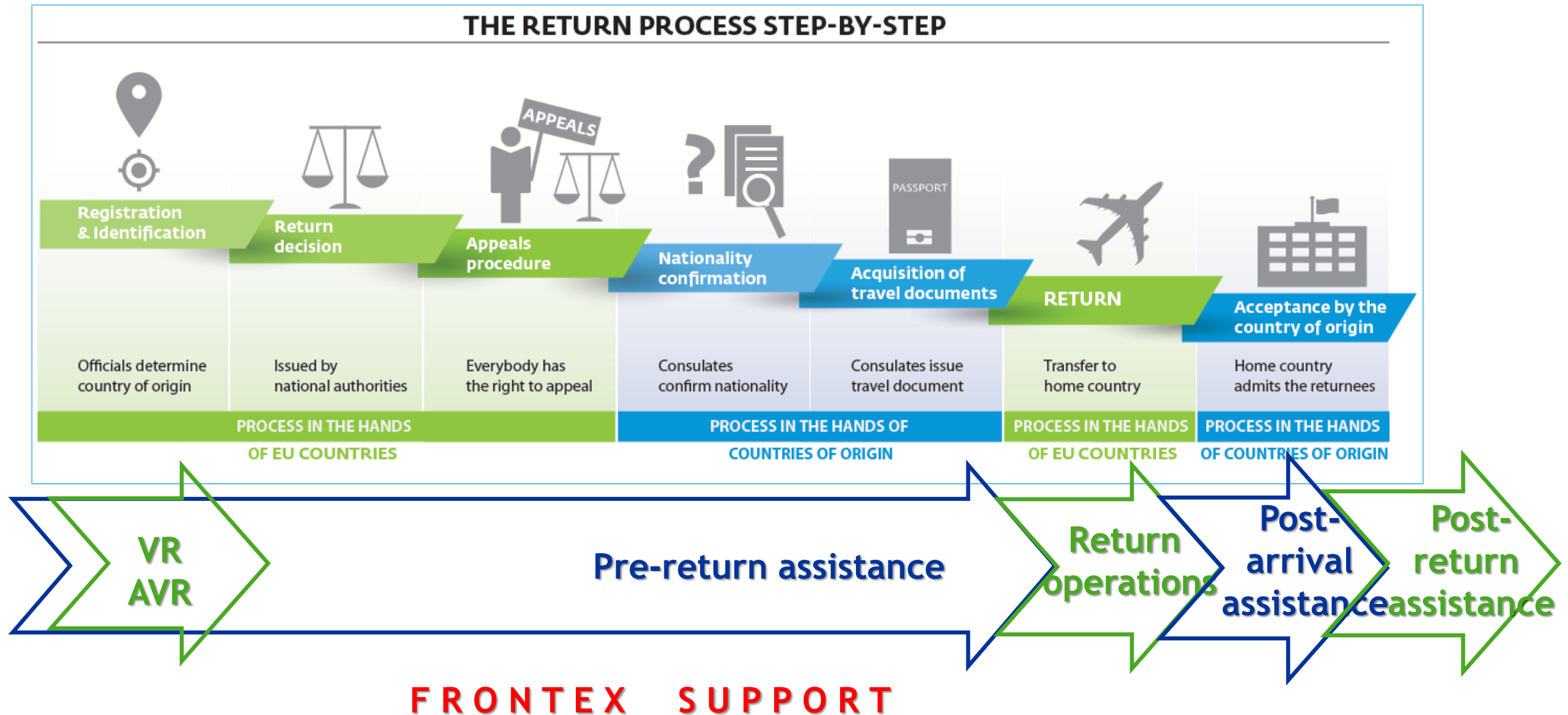
9:45 - 10:00		Technical check-in
10:00 - 10:15		Introduction by Frontex and EASO
10:15 - 10:45		Aim of the meeting Recap and summary of the LMA workshop in 2019 Expectations MS - round table
10:45 - 11:45		Results Ad Hoc Query by ECRet and EASO Discussions
11:45 - 12:00		Presentation on EASO Practical guide on subsequent applications
12:00 - 13:00		Lunch break
13:00 - 14:00		Thematic topic 1: Cost efficiency (costs) - Plenary session Discussion on best practices, challenges, opportunities and options to improve cost efficiency.

Agenda

15 December 2020

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14:15 - 14:30	Break
14:30 - 15:00	Presentation of the outcomes of the Break-out session
15:00 - 15:15	Closure and way forward

A couple of words on Frontex's mandate in return



Aim of the workshop

To build on the outcomes and discussions of the first workshop

Further exploring operational solutions to improve and accelerate the return procedures

To ease the interconnections between return and asylum services

Explore the possibility for the later establishment of a LMA Handbook or best practises upon request of the MS

Recap of the Workshop in October 2019 (1/2)

Background

- Workshop October 2019; 44 participants from 19+ countries
- Plenary and break-out sessions
- One key objective to enhance relevant information available on EASO IDS
- To advance existing knowledge base and engage return and asylum authorities

Ad-Hoc Query on LMA

- Accelerated procedures/prioritization needed
- Use of dedicated operational teams would be beneficial
- Specific procedures on enhanced cooperation between actors
- Risk assessment and (early) profiling

Recap of the Workshop in October 2019 (2/2)

Discussions

- Provisions of information
- Role of lawyers
- Assessment of developments in Col
- Profiling of returnees prior to removal
- Legislation allows abuse of asylum procedure
- Cooperation between stakeholders

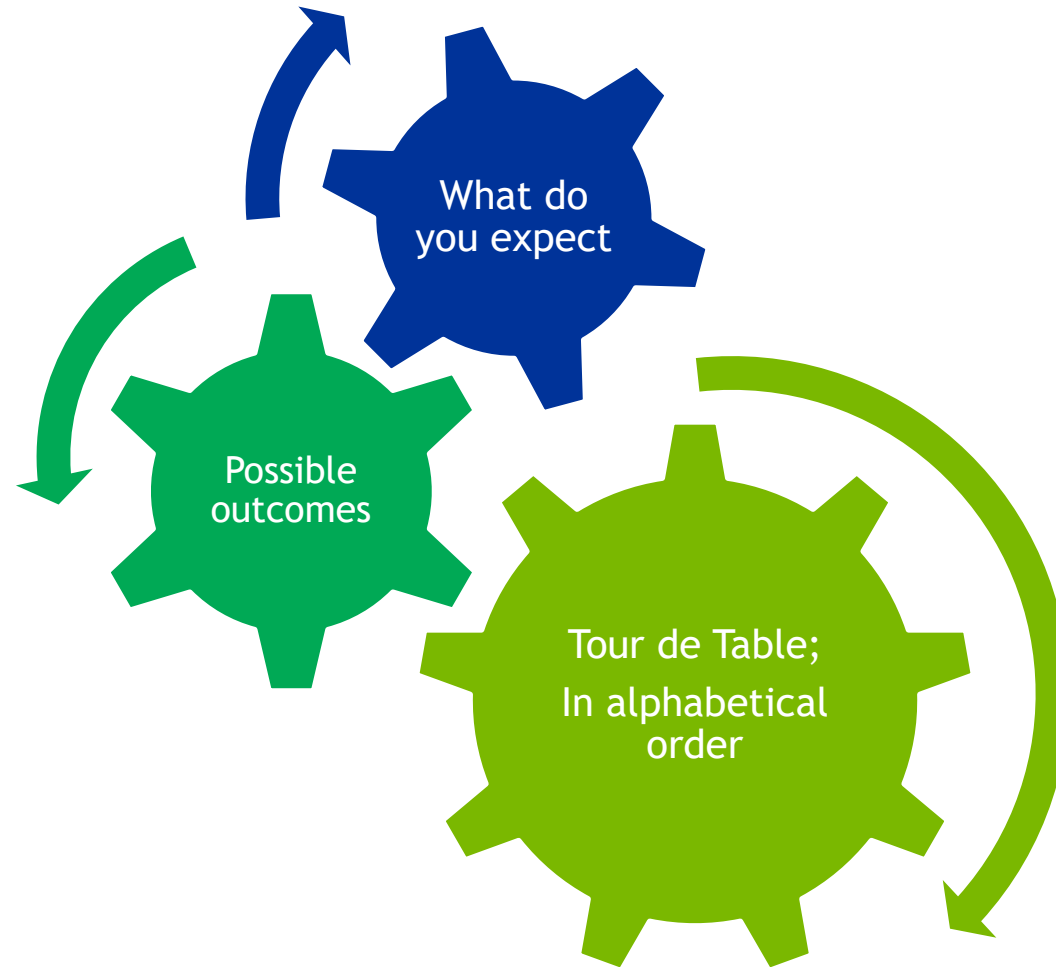
Solutions

- Importance of the case preparation
- Identification of the special needs groups is fundamental
- Provision of information adapted to the specific applicant
- Speedy procedures
- Digitization of procedure
- New legal framework with strict(er) deadlines

Recommendations

- EU Law reform (COM)
- Col support and capacity building fundamental (EASO)
- Flexible flights and enhance cooperation during return operations (Frontex)
- Deployment of mixed teams (all)

Quick roundtable

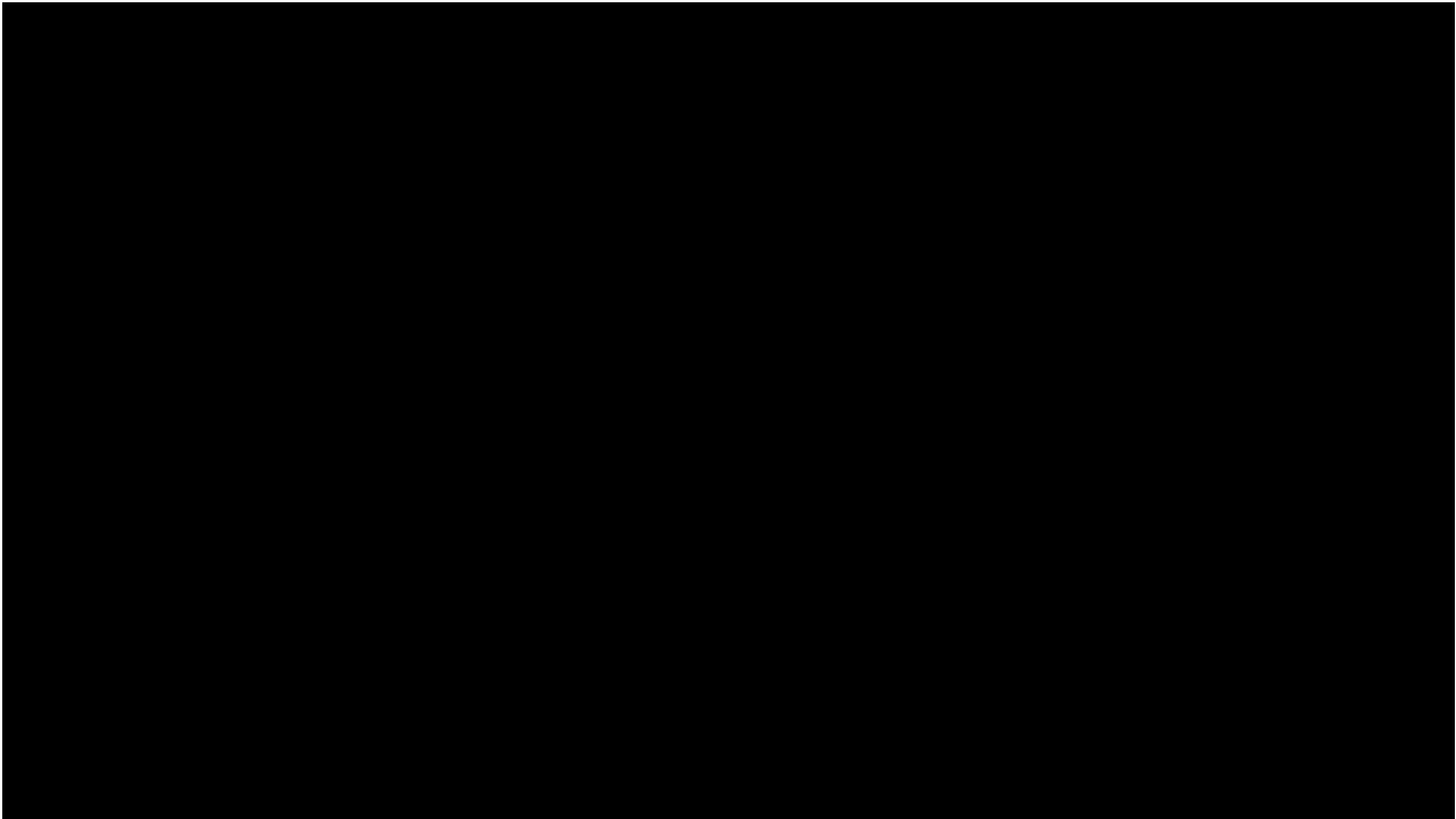




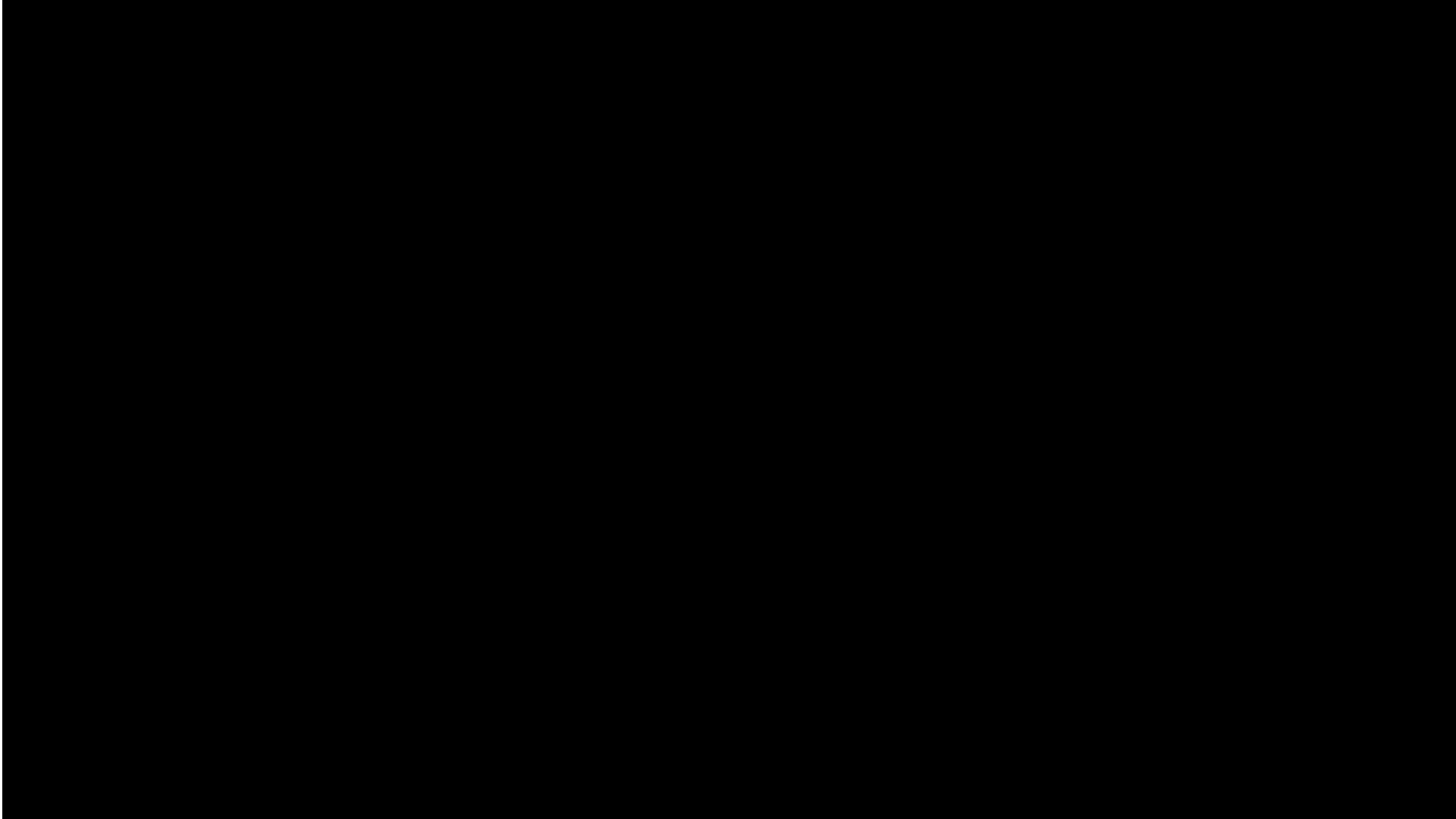
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Findings on the Ad-Hoc Query (AHQ) on LMAs

Author: Name Surname









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EASO

1. Outcomes AHQ from asylum services
2. EASO Practical Guide on Subsequent applications



Survey on Last Minute Application

Findings based on input provided by the
EASO IDS Advisory Group Network

LIMITED



Findings based on input provided by the EASO IDS Advisory Group Network



New developments in terms of LMAs and workflows



No changes in numbers: DK, PT (no cases), RO, SE (same number), SI (same low number), (no cases)

Increase: LT (due to Covid-19) **Decrease:** NL (due to Covid-19, less enforced departures)

Workflows: no changes in reporting countries

Cooperation between asylum - return authorities



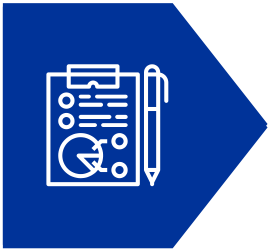
Varies based on national framework e.g.

- asylum authority informs in writing the return authority on the TCNs status;
- daily cooperation on a case-by-case basis; interconnected IT data; close cooperation not shared IT systems
- exchange of information;
- same authority with aligned IT systems;
- same authority but no access to each other's data;

Findings based on input provided by the EASO IDS Advisory Group Network



Prioritization of LMAs



- Applications in detention (RO, NL- if submitted within 8 days of departure)
- Applications by applicants subject to expulsion - accelerated procedure 10days&appeal with suspensive effect (PT)
- General rules apply e.g. Fast track procedure determined based on merits (not LMA - DK), accelerated if CEAS grounds (LT)

LMAs as subsequent:

- to be decided within 5 days&1appeal(RO);
- no fast- track, low numbers (SI);
- fast track (SE);
- subsequent pending return undergo fast track procedure- may be detained (PT);

Findings based on input provided by the EASO IDS Advisory Group Network




Quick response teams

- Not available - no plan to create/not discussed (DK, LT, RO, SI)
- Not available - Reorganization/legislative changes would be needed (SE, PT)
- Available (NL)



Role of EU agencies

- No views to be expressed given the ongoing CEAS reform or not available : 5 MSs
- JHA agencies to work on reintegration
- Clear and strong mandate needed for JHA Agencies to overcome differences on national practices
- MS which have a solid LMA mechanism in place can provide support to other MS to set up a similar mechanism.

The background of the slide features a photograph of a building with a large, blue, oval-shaped logo on its exterior wall. The logo is a stylized version of the European Union flag, with twelve yellow stars arranged in a circle around the word 'EASO' in large, blue, three-dimensional capital letters. The building's facade is made of light-colored stone or concrete, and a large glass window is visible in the upper left. A large, semi-transparent blue circle with a thin yellow border is overlaid on the right side of the image, containing the title text.

EASO PRACTICAL GUIDE ON SUBSEQUENT APPLICATIONS



EASO

Practical guide on subsequent application

Draft

EASO Practical Guide Series

Februari 2018



**Target group: case officers of the
determining authority**



**Rising numbers subsequent
applications**



Hidden complexity



Why subsequent?

Why are subsequent applications possible?

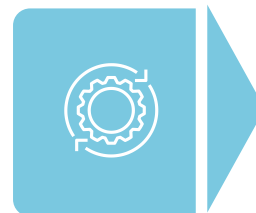
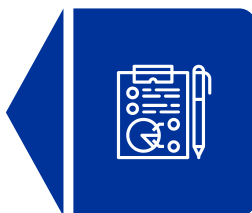
Why is a special procedure needed?

Principle of non refoulement applying as well to migrants in irregular situations.



Risk of subsequent applications without ground

New elements are always possible and need to be checked



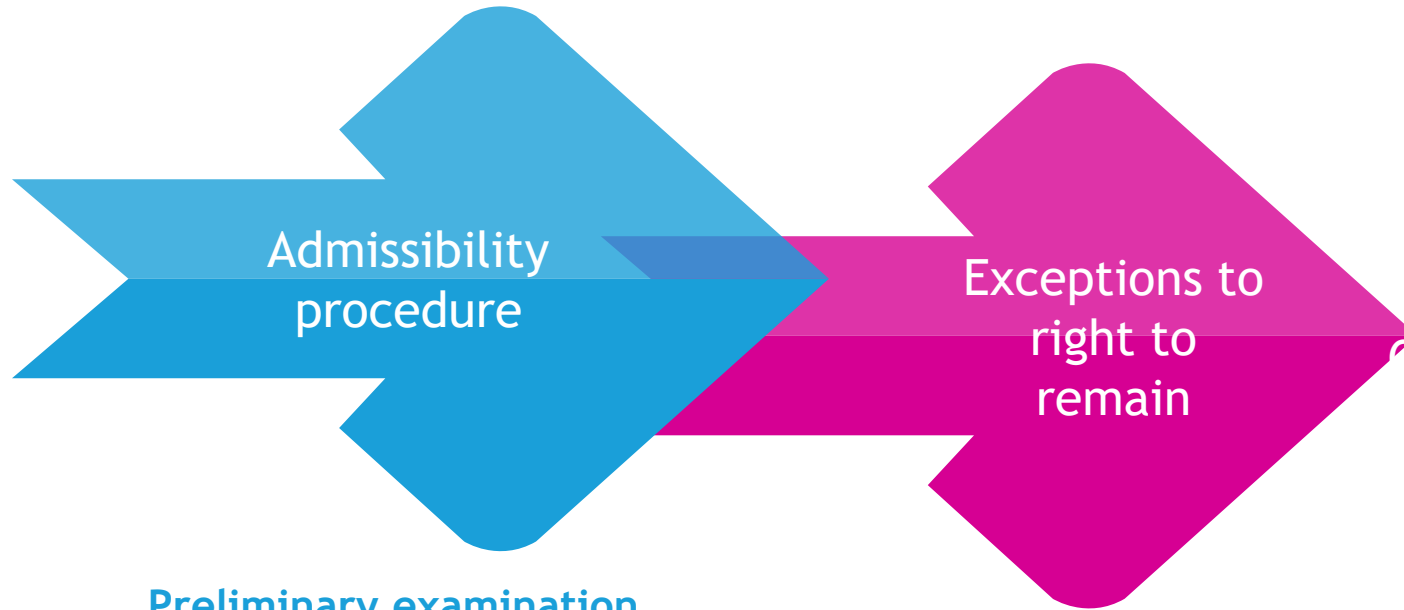
Risk of repetitive unfounded subsequent applications

Consequence; no limit to number of subsequent applications in APD



Risk of hampering return processes

Special procedure

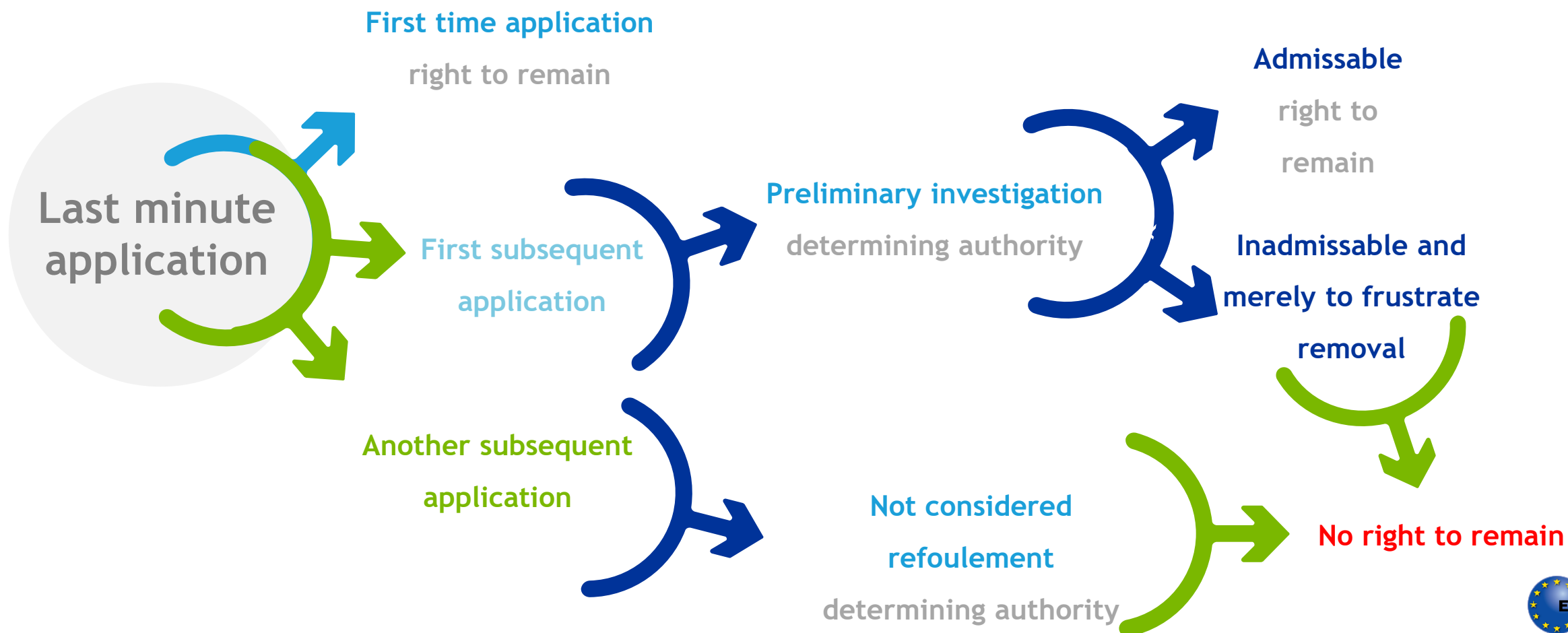


Preliminary examination

Focus on new elements
compared with previous
application

- Inadmissible subsequent applications
merely to frustrate imminent removal
- Another subsequent application

Last minute application



Procedural rules and safeguards

Enter your subhead line here

Determining authority always needs to consider that return will not lead to direct or indirect refoulement.



Stricter rules on preliminary examination should however not render access to new procedure impossible.



First subsequent application frustrating imminent removal; shorter time limits than accelerated/admissibility procedures.



As long as applicant is on territory timelines on registration/lodging to be respected and information provision continues.



Preliminary examination can take place based on written submissions or interview can be taken by other than determining authority.



When applicant has no right to remain, the appeal and/or request right to stay to court does not prevent removal.





THANK YOU



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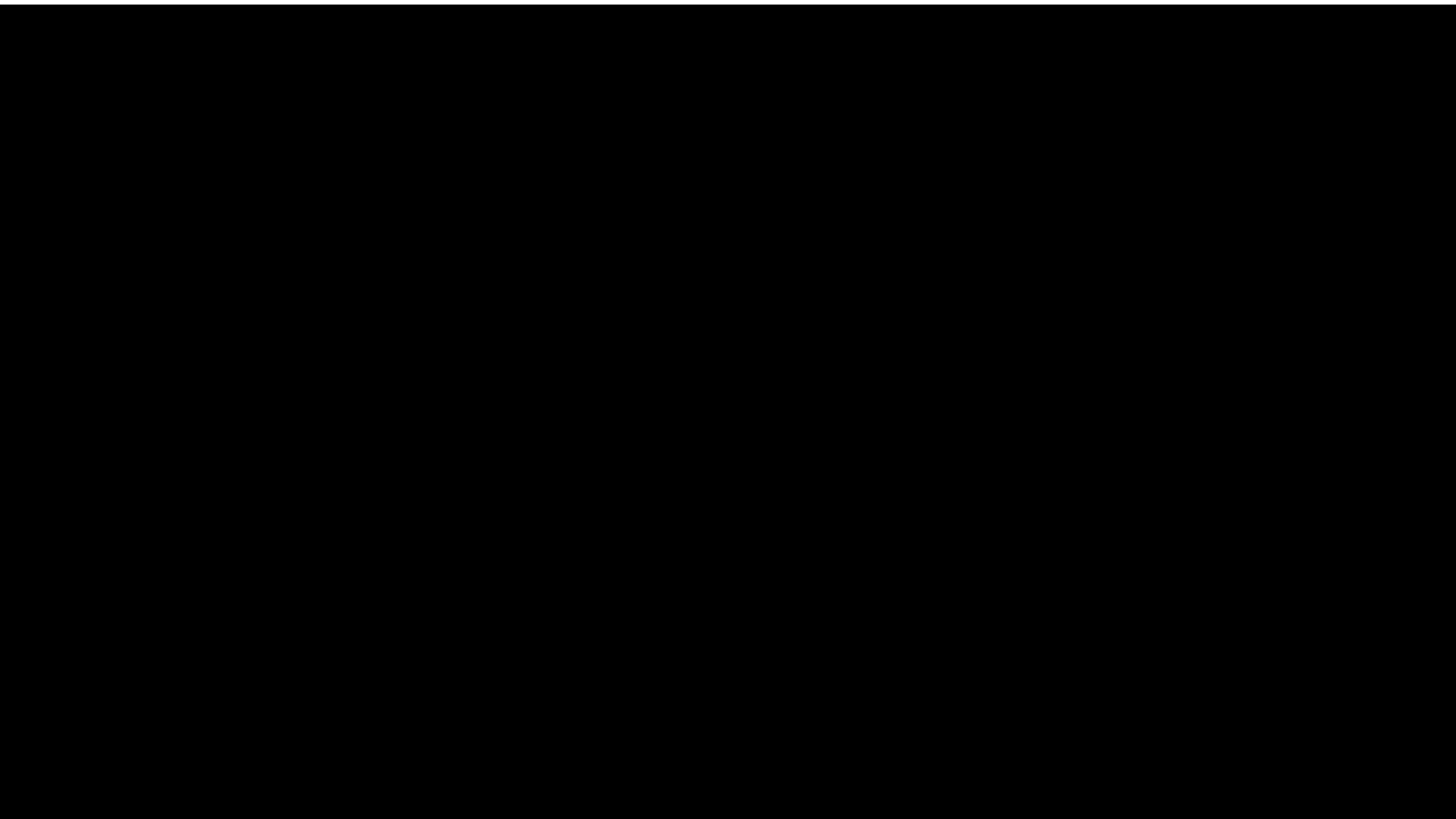
LUNCH BREAK 12:00 - 13:00



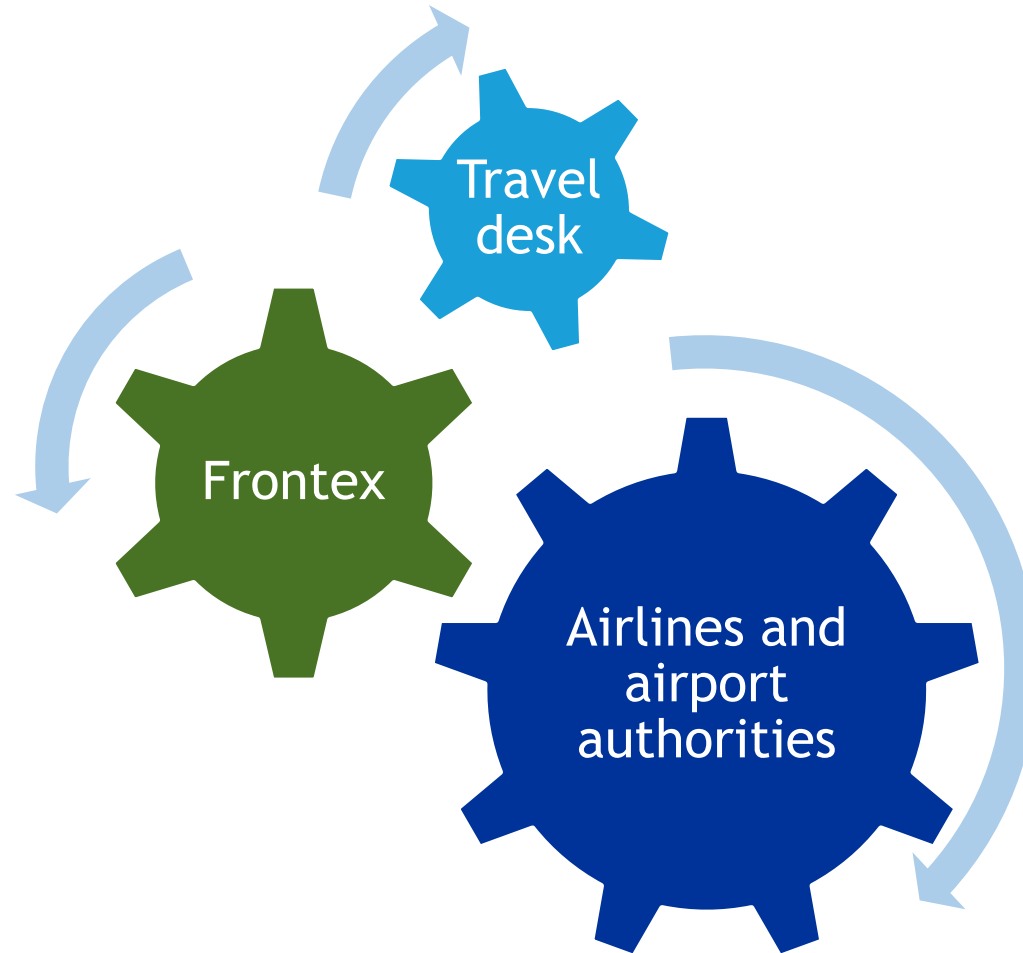
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Thematic topic 1: (Cost) efficiency

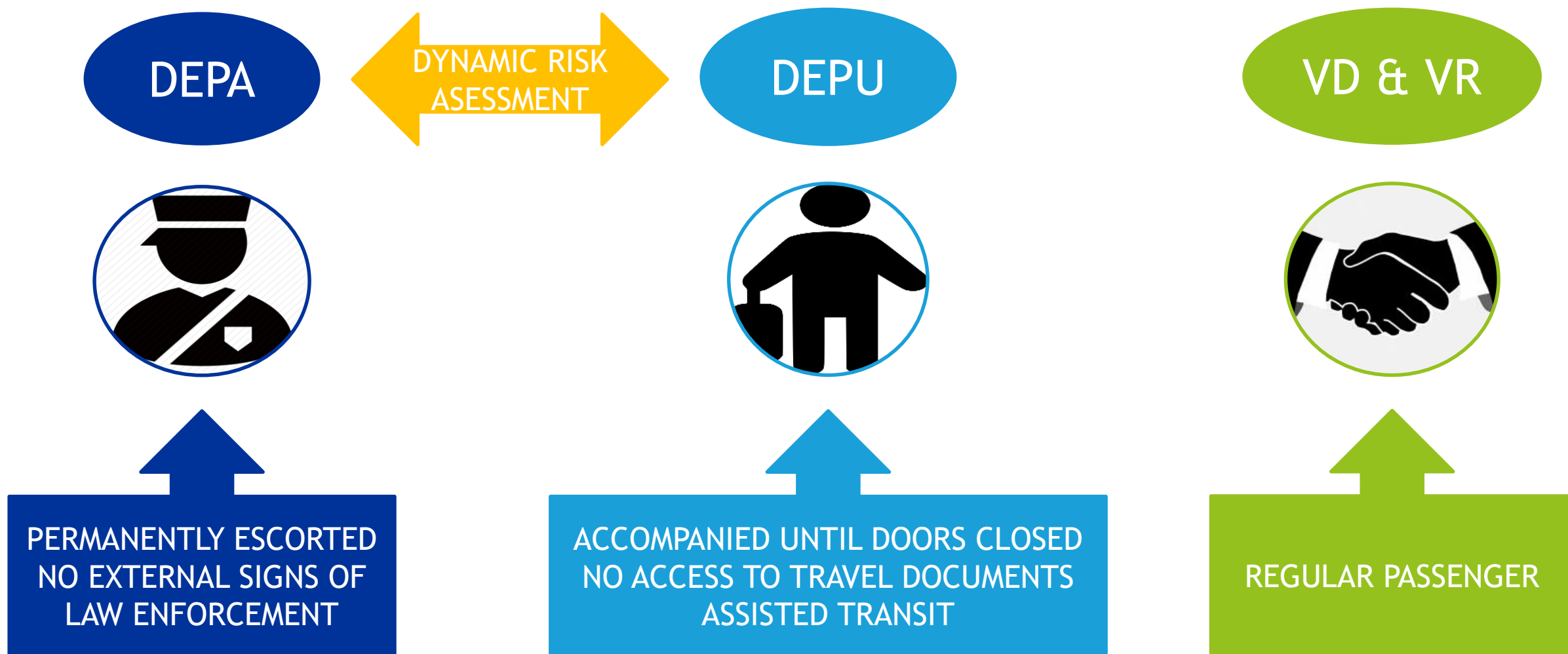
Discussion on best practices, challenges, opportunities and options to improve cost efficiency



Support to Member States



Types of returns by scheduled flights





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Last Minute Asylum Application

An explanation about the NLD approach of the use of LMA teams

Mr. Dennis Groenendijk - Senior Officer Immigration and Naturalization Service



Last Minute Asylum Application



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History

The repeated asylum application during the last moments of an expulsion resulted in a very large number of canceled expulsions.

The so-called Last Minute Application procedure was developed in 2008, which ensures that a repeated asylum request can be dealt with quickly during the return process.



definition

Last minute cases are all cases made known shortly before removal date, sometimes two weeks before removal

- Mostly Asylum cases, but also
- Objection to actual removal (medical circumstances during travel)
- Medical cases

In this presentation: focus on asylum



The Secret of our success

- 100% cooperation between the various services involved is important for a successful Last Minute Procedure
- Open communication with our partners and good protocols.
- With the immigration service: Dedicated team of all-round experienced officials: 5 in total, of which 2 are on call 24/7.
- Also a lawyer of the immigration office is always on standby to handle court cases.



Preparation

- Every possible applicant is previously notified by Departure Service
- Files screened on possibility of treatment by LMA - Hearing and decision in concept read format in our systems
- Important documents are collected (previous decisions, statements courts etc.). If necessary consultation with eg. Regular, Dublin, IF, special business or the legal representation of the applicant.



Important Conditions!

- Express request by Departure Service, (military) Police, Lawyer, agent or the applicant itself. (free of form)
- Check if the application meets the ' conditions '
- **There must be a flight booked**
- **No more time to an regular procedure**
in our case, the general asylum procedure takes 8 days
- **second or subsequent asylum request**



Actual processing of the application during the departure

- Royal Netherlands Marechaussee briefing.
The LMA team is an integral part of the escort team
- interpreter is on standby
- Interview/decision

- All applies are handled by LMA

If the application does not lend itself to the LMA procedure, the return will be canceled and the application will be further processed in the asylum procedure.

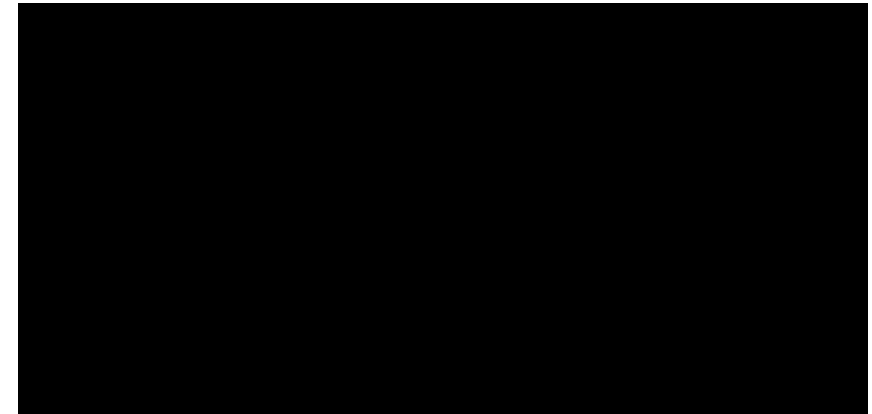
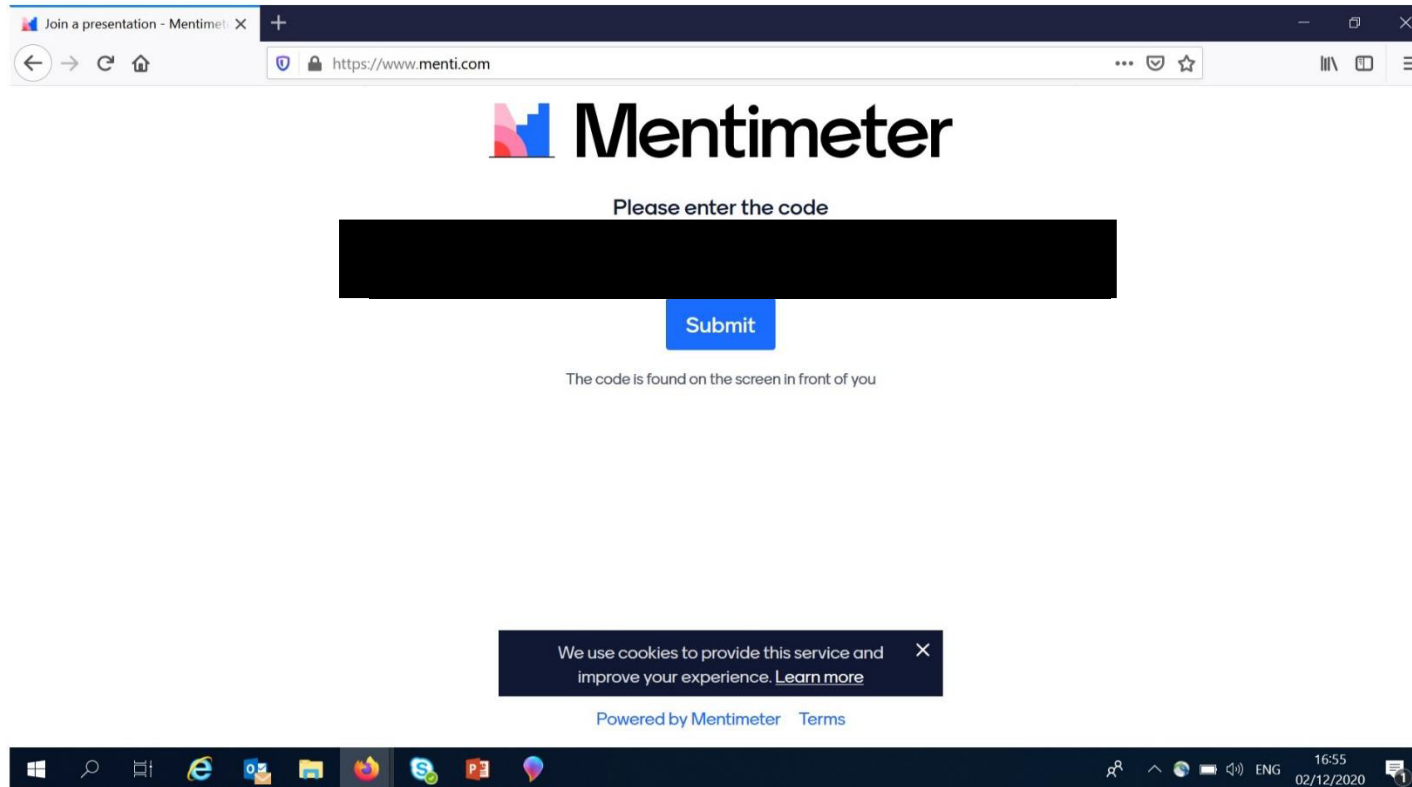


Removal by charter

The process for charters is basically no different than for individual releases

- The Departure Service (DT&V) and Police Service (KMar) are in charge of
- The Departure Service ensures a continuously up-to-date departure list
- The Application Center Schiphol Airport (IND-ACS) processes the departure
- LMA handles the cases from eight days before departure
- The LMA team is present at the location from which the foreign also present at the boarding process. LMA handles all requests that take or, if necessary on the aircraft, at the request of the escort commander

Please visit: <https://www.menti.com>



Questions to Mentimeter (1/2)

- Do you have any good practices in terms of cost efficiency in the scope of a national return operation?
- If yes, what are those best practices? Please elaborate
- Do you have experience in LMA cases during return operations (scheduled or charter flights)organized by Frontex?
- When being confronted with LMA prior to return, what are/could be advantage(s) of a return operation conducted by Frontex?
- To accelerate the return process, is there any room for improvement in the organisation of return operations(conducted by Frontex)in terms of a LMA Frontex)in ?

Questions to Mentimeter (2/2)

- In which area(s) Frontex could improve the efficiency of the return process?
- Does your MS have a mechanism like composed LMA teams or so called 'speed teams' and do you see a role for Frontex herein?
- In case of support needed, what kind of support Frontex could provide the MS with?
- What (IT-) features should/could be included in Frontex Application on Return (FAR), to facilitate the efficiency of handling LMA cases?

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End day 1 - 14:00



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Workshop on Last Minute- and Subsequent Asylum Applications (LMA) 14-15 December 2020

Day 2 - 15 December 2020

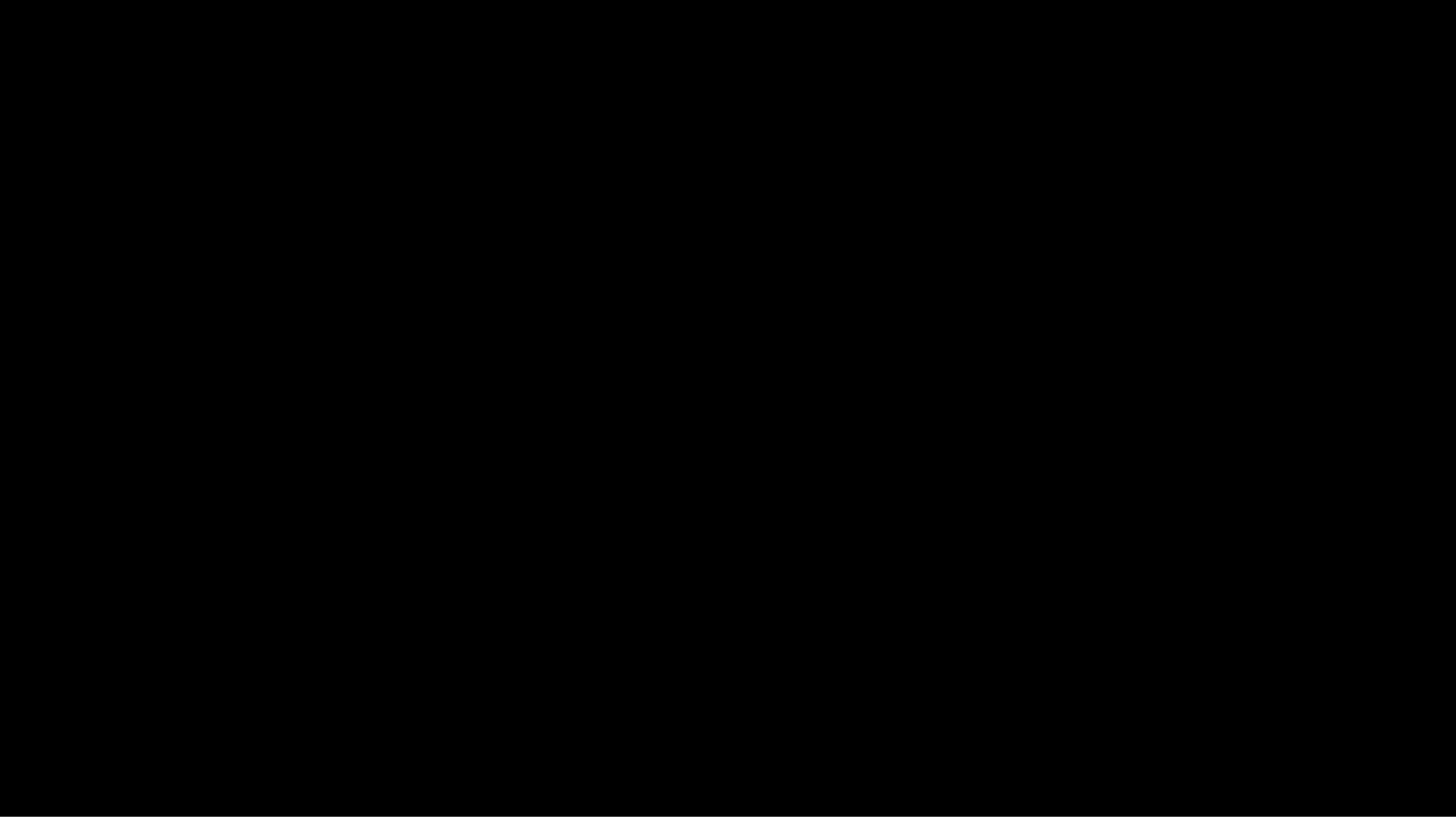
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Welcome and Agenda

15 December 2020

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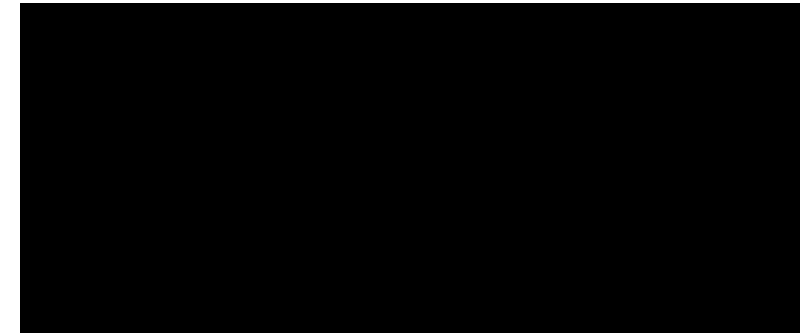
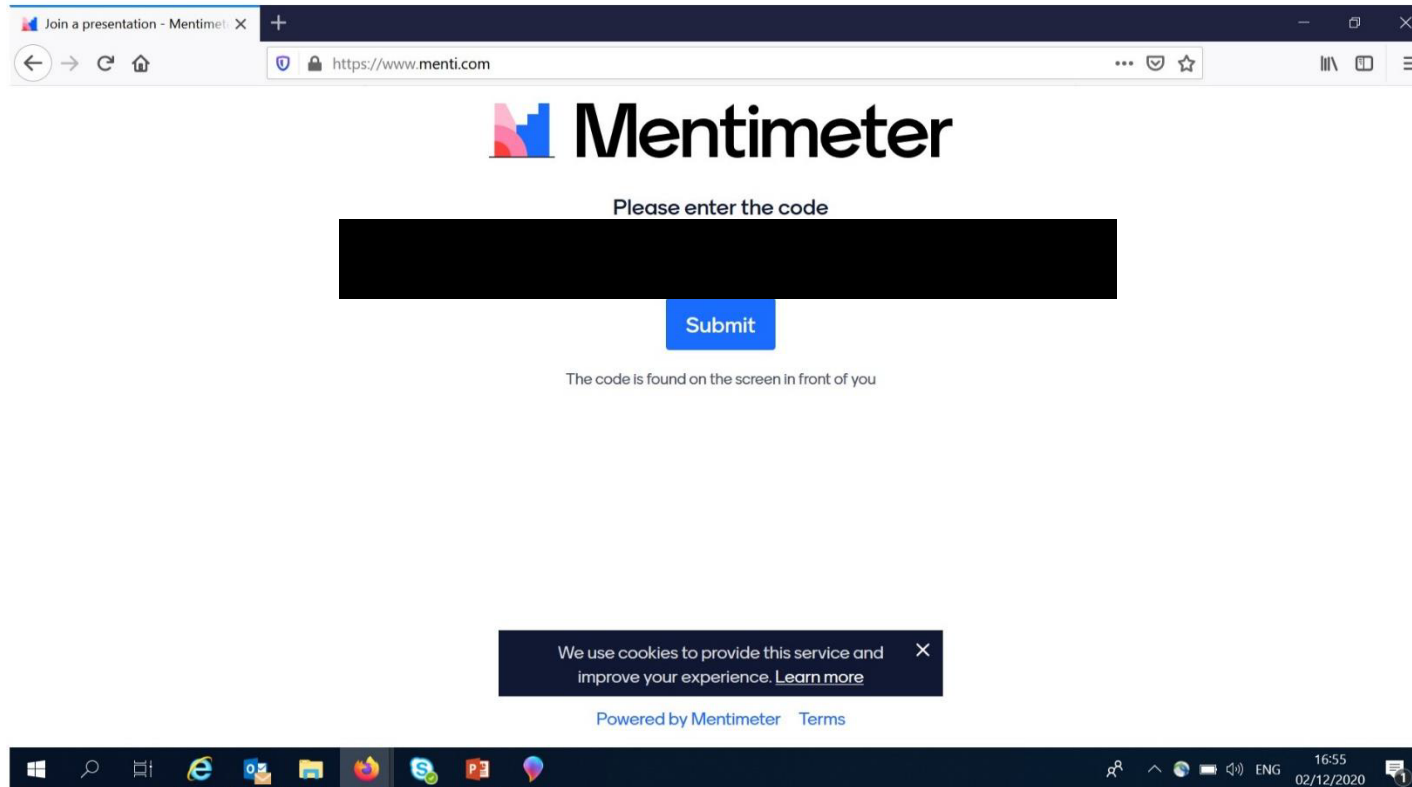


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Thematic topic 2: Communication and operational cooperation between asylum and return services

Identifying good practices/gaps in the cooperation between national asylum and return authorities in terms of sharing information

Please visit: <https://www.menti.com>



Questions to Mentimeter 1/2

- How is the cooperation between asylum and return services in terms of sharing information about the negative decision on an asylum application?
- Is a TCN during the asylum procedure already being (generally) informed about the return process?
- And if so, what kind of information (on return) is being provided? (Feel free to take the floor to elaborate)
- Do you have any platform available for a returnee to inform him/her about the process?
- Do TCNs/applicants receive information on return and reintegration during every stage of return?
- Do you have a common message or any comprehensive materials available to be provided to TCNs by the state authorities?

Questions to Mentimeter 2/2

- In terms of a high influx of migrants, is there a common briefing between the asylum and return services?
- Are there situations possible where (return)counsellors from asylum and return services interview a TCN together during a joint interview?
- When LMA occurs prior to the actual return, is the return authority being timely updated by the asylum authority with status of the application?
- In the event of LMA prior and during return operations, how is the communication between return and asylum authorities being done?



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Thematic topic 3: (Return) Counselling

Tools, techniques in counselling that can be used for asylum,
return and reintegration counselling

Aim of return counselling



Voluntary return

- Voluntary return preferable
- Guiding and autonomy



Awareness

- Well informed decision
- Information about return programmes



Plan do check act

- Focus on return
- Small steps forward
- Clear and right information



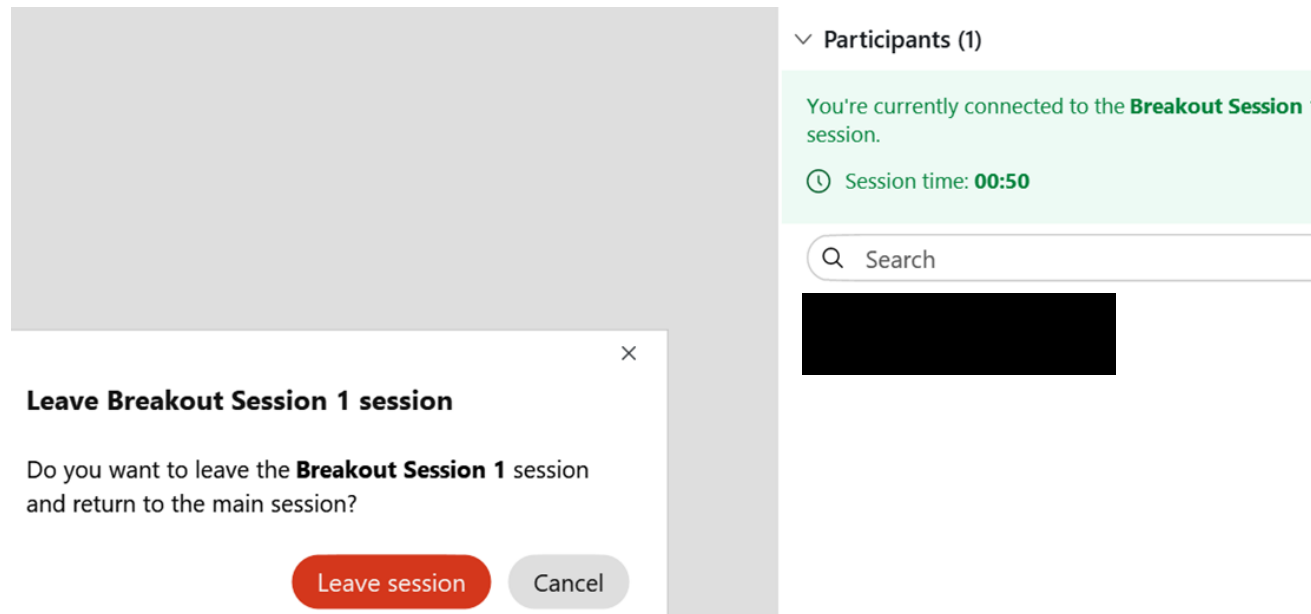
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Break - out sessions

Tools, techniques in counselling that can be used for asylum,
return and reintegration counselling

45 minutes max

Login instruction





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Break - 14:00-14:15



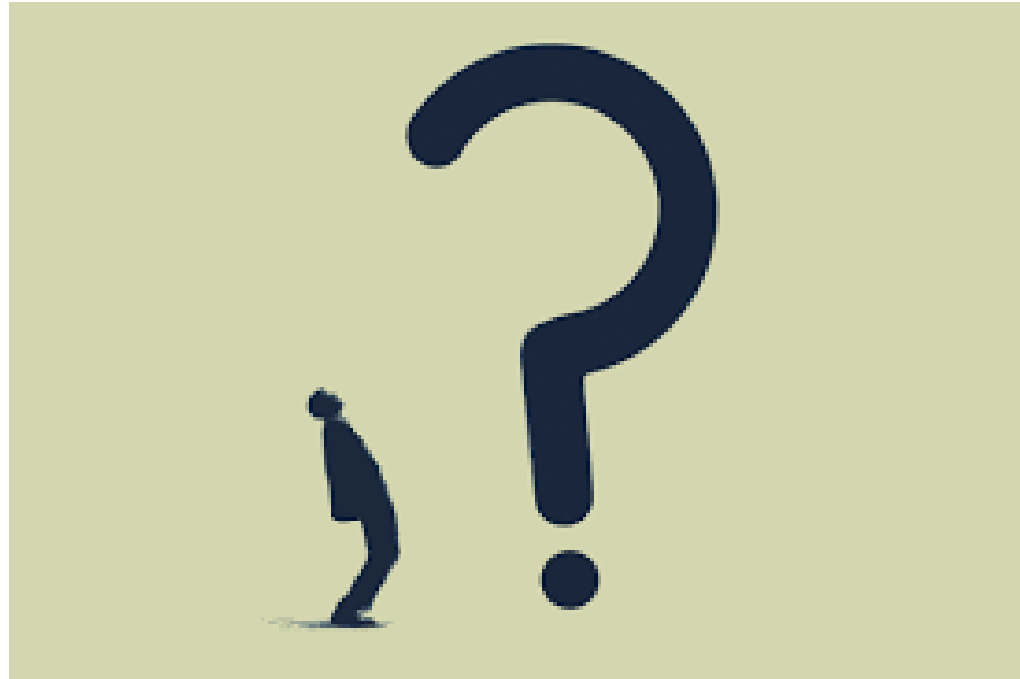
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Outcomes of the Break - out sessions



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Final conclusions & Next steps and the way forward



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