

Workshop on the Last Minute and Subsequent Asylum Applications (LMA)

14 - 15 December 2020

MINUTES

Date & location 14 - 15 December 2020, WebEx meeting

Participants	<ul style="list-style-type: none"> MS representatives: <ul style="list-style-type: none"> From national asylum and return services following MS were present: LTV, CZE, LIE, HUN, PRT, SWE, LTU, POL, DNK, BEL. From national return services following MS were present: EST, CHE, ITA, MLT, AUT, LUX, NLD, SVN. Chair: European Centre for Returns (Frontex) Co-chair: European Asylum Support Office (EASO) European Commission (DG HOME C1 / EMN REG)
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Summary

The workshop - **Last Minute and Subsequent Asylum Applications (LMA)** aimed to explore operational solutions to improve and accelerate the return procedures, ease the interconnections between return and asylum services, as well as to put forward case studies and discuss best practices on return counselling with respect to LMA. The meeting was organized by Frontex and co-hosted by EASO in cooperation with Member States (MS) representatives who participated in the workshop. Three thematic topics were discussed in depth: (1) Cost efficiency, (2) Cooperation and communication between asylum and return services and (2) (return) counselling.

On the first day, Frontex and EASO representatives opened the meeting followed by a recap of the last workshop which took place on 7-8 October 2019 and was organized by EASO (Information and Analysis Sector), co-hosted by FRONTEX and European Migration Network Return Expert Group (EMN REG) was presented. The European Commission (COM/DG HOME C1) presented some highlights of the new Pact on Migration and Asylum, with regard to asylum and return procedures and underlined that a further collaboration on return and asylum between Frontex, EASO and the COM is a crucial element of the Pact. Afterwards, the outcomes on the Ad-Hoc Query (AHQ) on LMAs were presented by Frontex and by EASO. MS expressed their expectations of the workshop which focused on sharing best practices on LMA, on acquiring legal information on LMA in MS, receiving information on developments related to return counselling, and to gain more knowledge on Frontex supported return operations and the relation with LMA.

On the first day, the topic on cost efficiency, where best practices, challenges, opportunities and options how to improve cost efficiency was elaborated. The discussions focused on the best practices and challenges in the Member States as well as the possibility of improving cost efficiency and obtaining information on the needs and interests of the Member States in this area and the involvement of Frontex.

On the second day of the workshop an interactive sessions was organized related to topic on communication and operational cooperation between asylum and return services in regard to LMA.

In the afternoon, the topic on (return) counselling was discussed where Frontex presented the state of play of the development of the return counsellors' training curriculum and Frontex's new mandate in the field of Assisted Voluntary Return and Reintegration (AVRR). To further discuss the interlinkages between asylum and return

counselling, breakdown session were organized to discuss available tools and techniques that can be used in asylum, return and reintegration counseling.

1. Findings of the Ad-Hoc Query (AHQ)

During the workshop, general information obtained from the survey was presented. 16 MS answered for 8 questions. A detailed summary of the results obtained will be presented in a separate document which can be found as attachment to this document.

2. Discussion on (cost) efficiency

To initiate the discussion a Mentimeter was used to discuss best practices, challenges, opportunities and options to improve cost efficiency and to acquire information on the needs and interest of the MS in this field, as well as Frontex's involvement. Hereunder a summary of the outcomes per question.

Questions	Answers
1. Do you have any good practices in term of cost efficiency in the scope of national return operations? If yes, what are those best practices?	<p>Most of the survey participants indicated 'no', however 3 MS indicated:</p> <ul style="list-style-type: none"> - When the return is carried out jointly by services at an early stage, the costs and efforts of cancellations, can be significantly reduced [REDACTED]; - Once the return operation has already started, LMA is not considered as an application. The exception will be very serious new circumstances that were immediately assessed by the asylum authority [REDACTED]; - Establishing a legal framework allows for a faster procedure [REDACTED].
2. Do you have experience in LMA cases during return operations (scheduled or charterer flights) organized by Frontex?	<ul style="list-style-type: none"> - Most of the survey participants indicated that they have no experience in this field; - [REDACTED] indicated that have some experience in this field; - [REDACTED] indicated that has much experience in this field.
3. When being confronted with LMA prior to return, what are/could be advantage(s) of a return operation conducted by Frontex?	<ul style="list-style-type: none"> - Less flights cancelled; - Organizational benefits, flexibility; - Less financial risks, cheaper; - No fees of last minutes cancellations; - Experience.
4. To accelerate the return process, is there any room for improvement in the organization of return operations (conducted by Frontex) in terms of LMA?	<p>Most of the survey participants indicated that there is no room for improvements in the organization of return operations in terms of LMA.</p>
5. In which areas Frontex could improve the efficiency of return process?	<ul style="list-style-type: none"> - IT solutions (FAR improvement); - Information exchange (IRMA); - Raising the awareness in scope of Frontex activities.

6. Does your MS have a mechanism like composed LMA teams or so called “speed teams” and do you see a role for Frontex herein?	<ul style="list-style-type: none"> – Most of the survey participants indicated they don’t have a mechanism like composed LMA teams and there is no need of Frontex support in this field; – From those participants who indicated that they have such mechanism, 3 of them don’t need Frontex support in this field; – SWE expressed the need of Frontex support.
7. In case of support what kind of support Frontex could provide MS with?	<ul style="list-style-type: none"> – Collaboration can be a key in complex cases [REDACTED]; – Sharing good practices and examples between MS [REDACTED];
8. What It features should/ could be included in FAR to facilitate the efficiency of handling LMA cases?	Some integrated surface for available aircraft searching option would be efficient [REDACTED].

3. Discussion on communication and operational cooperation between asylum and return services

Questions	Answers
1. How is the cooperation between asylum and return services in terms of sharing information about the negative decision on an asylum application?	<ul style="list-style-type: none"> – There are small teams involving same focal points so this can be considered as an advantage [REDACTED]; – The closest cooperation concerns applicants who remains in custody during asylum process. Asylum authorities keep a data sheet (Microsoft Excel) of pending proceedings, which is regularly updated and shared with return authorities to keep them informed at what stage those cases are [REDACTED]; – The digital systems of the return service and immigration service are linked. The negative decision is sent to the system of the departure service, so the return specialist sees it immediately [REDACTED]; – The Immigration Office receives copies of all asylum decisions almost at the same time as the returnee. In case of a return operation the authorities work with single points of contact [REDACTED]; – The competent authorities use common information system and technical means for information exchange [REDACTED].
2. Is a TCN during the asylum procedure already being (generally) informed about the return process?	<p>Most of the survey participants indicated that a Third Country National (TCN) is informed about the return process during the asylum procedure:</p> <ul style="list-style-type: none"> – The TCN is informed about the return process only if is detained [REDACTED]; – While submitting the application on granting international protection, the Border Guard informs the TCN about his rights and obligations, as well as about the general consequences of issuing a negative decision on granting international protection and not leaving the territory of Poland within 30 days, which is issuing a return decision [REDACTED]; – At the end of each asylum interview TCNs are informed about possible outcomes - what will happen in case of negative or positive decision. Return is also explained briefly (very general information on the procedure if they can appeal, free legal service etc.). The TCNs are also informed

	<p>about possibilities for forced/voluntary return that they can ask for help international organizations (leaflet). These information are provided in all cases (rather orally) and then if a returnee has questions, they are being answered [REDACTED].</p>
<p>3. And if so, what kind of information (on return) is being provided? (Feel free to take the floor to elaborate)</p>	<p>Most of the survey participants indicated that <u>general information</u> on return is provided:</p> <ul style="list-style-type: none"> - The competent authorities don't inform applicants about return process during the asylum procedure because it is not clear what status finally will be granted to the applicant. The reasons for that are the following: not to traumatize the person and to keep the trust during the further communication with person after negative decision in asylum procedure [REDACTED]; - The TCN will be assigned a return specialist from [REDACTED]. It means that there will be a conversation on preparing for a negative decision and further steps between [REDACTED] and the TCN pending the asylum procedure. There is also a "pilot" in the where prior to the application process there will be a check on "removability" - is the TCN of a nationality with a low grade of granted applications and are there good relations with the authorities of that country, if so, the asylum application will be dealt with in kind of a fast track procedure [REDACTED]; - Information about the ways of return is provided including the Assistance in a Voluntary Return (AVR). Usually Return Officers visit the detention facilities with interpreters [REDACTED]; - An applicant receives a leaflet with general instruction in an understandable language [REDACTED]; - IOM is involved in providing TCNs with proper information [REDACTED]; - In a detention centre there is established return adviser network. Every foreigner will be assigned a return adviser who informs individually about the return procedure and clarifies all administrative procedure [REDACTED]; - All asylum applicants are informed about possibilities to voluntary return to their country of origin during the procedure. Information is short and is provided at the end of informative movie and leaflet. Return is also mentioned as possible outcome in case of negative decision [REDACTED].
<p>4. Do you have any platform available for a returnee to inform him/her about the process?</p>	<p>Most of the survey participants indicated that there is no available platform for a returnee to inform about the process.</p> <ul style="list-style-type: none"> - There are some of Frequently Asked Questions on the national website. Furthermore, [REDACTED] is present in all reception centres (at least during non-covid-times). It has been noted that the [REDACTED] consisting of employees from the entire chain, from the police, [REDACTED], who jointly assess whether identification and registration at file level have been sufficiently completed and what may still need to be done to complete the file. It is also important that the "Regietafel" looks beyond the asylum application alone. For example, the [REDACTED] can indicate whether there are matters that can already be arranged to realize return, with a view to a possible rejection [REDACTED];

	<ul style="list-style-type: none"> - IOM is also important in this process. Since they speak to returnees about the AVRR programme [REDACTED]; - There is a website that informs about the obligation to return and the different possibilities to do so. As for now it informs about voluntary return procedure, however it is going to be relaunched at the beginning of next year [REDACTED]; - There is no such platform for now [REDACTED].
5. Do TCNs/applicants receive information on return and reintegration during every stage of return?	Three of the survey participants indicated that TCNs receive only information on return during every stage of return and three of them indicated that TCNs receive information on return and reintegration during every stage of return.
6. Do you have a common message or any comprehensive materials available to be provided to TCNs by the state authorities?	<p>Most of the survey participants indicated that they have a common message or comprehensive materials available to be provided to TCNs by the state authorities:</p> <ul style="list-style-type: none"> - The leaflet with general instruction is handled to the TCN by Border Guard during submitting the application for granting international protection. (Asylum procedure, return, and assistance. All three areas are covered by leaflet) [REDACTED]; - There is an information movie and leaflet with general information on asylum possibilities. It provides very limited information on the return options [REDACTED]; - There is an information movie regarding forced and voluntary return [REDACTED]; - There are different kinds of information materials, e.g. leaflets to be handed out during different stages of the asylum and return process. They inform about the obligations of the foreigners and always focus on voluntary return. There is also a video [REDACTED].
7. In terms of a high influx of migrants, is there a common briefing between the asylum and return services?	<p>Most of the survey participants indicated that there is a common briefing between the asylum and return services. 2 of the survey participants indicated that there is no such briefing;</p> <ul style="list-style-type: none"> - no experience on the return level with a common briefing [REDACTED]; - Twice a month there are online meetings with the most relevant stuff, however at the moment authorities don't go through case-by-case [REDACTED];
8. Are there situations possible where (return) counsellors from asylum and return services interview a TCN together during a joint interview?	<p>Most of the survey participants indicated that there are no possible situations where return counsellors from asylum and return services interview a TCN together during a joint interview.</p> <p>[REDACTED] indicated that such situation may be possible, however as an exception not a common rule.</p>
9. When LMA occurs prior to the actual return, is the return authority being timely updated by the asylum authority with status of the application?	All of the survey participants indicated that the return authority is timely updated by the asylum authority with status of the application when LMA occurs prior to the actual return.
10. In the event of LMA prior and during return operations, how is the	<p><u>Survey participants could choose the following options as an answer to the question asked:</u></p> <ul style="list-style-type: none"> - Via oral channel (phone): 1 participant;

communication between return and asylum authorities being done?	<ul style="list-style-type: none"> - By writing (report): 2 participants; - By writing (e-mail): 8 participants. <p><u>Additional answers:</u></p> <ul style="list-style-type: none"> - Systems are linked, but the officials have each other's e - mail addresses and phone numbers, so there is a lot of contact via lots of ways [REDACTED]; - There is a combination of phone calls and e - mails [REDACTED]; - The Police also uses telephone, besides emails [REDACTED]; - First info is quickly transmitted by phone, rest detailed information later via e-mail [REDACTED]; - There is a web application that can be used for such communication, however asylum and return authorities are under one roof which makes it easier [REDACTED].
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4. (Return) Counselling and LMA

During the presentation it has been emphasized that (return) counselling is an important part of the asylum and return procedure. Moreover, it has been mentioned that Regulation (EU) 2019/1896 provides Frontex with an extended mandate to support MS in all phases of the return process, including in voluntary returns and in post-arrival and post-return activities also in regard to LMA.

Furthermore, Frontex presented the scope, aim and the state of play of the development of the training curriculum. It has been indicated that return counsellors of the Standing Corps deployed by Frontex will: promote return in general, promote voluntary return over forced return, explain various modalities and procedures regarding the return process and explain post-arrival and post-return procedures and options.

After this presentation, the participants were divided into different groups where the role and impact of return counsellors with respect to LMA, best practices and challenges and the use of tools and techniques in counselling that can be used for asylum, return and reintegration counselling were discussed.

Group I	Conclusions
1. What principles should be taken into account during (return) counselling that would limit number of LMA?	<ul style="list-style-type: none"> - Details on what new application should include is needed [REDACTED]; - Communication and swift decision making with key to make the process faster [REDACTED].
2. Do you have any common training regarding counselling on national level?	<ul style="list-style-type: none"> - There is no dedicated training in this field [REDACTED]; - Interested in ICMPD training [REDACTED].
3. Is the returnee already being informed about the return process at an earlier stage, prior to the actual asylum application?	<ul style="list-style-type: none"> - State Boarder Guard uses the leaflets with general information about asylum procedure [REDACTED]; - There is a need to make a distinction between Return Counsellors and Legal Advisors who provide applicants with counselling procedure [REDACTED].
4. Is information about the possibilities of reintegration assistance provided during the asylum procedure and if so, by whom?	<ul style="list-style-type: none"> - information about the possibilities of reintegration assistance is provided during the asylum procedure by case officers from Swedish Migration Agency [REDACTED]; - The Foreigners Office in Poland doesn't have strict mandate to support returnees, only IOM in this regard [REDACTED].

5. Is there a need in your MS to make use of an IT platform, dedicated to (return) counselling where counselors can share information prior, during and after a LMA procedure?	████ and █████ indicated interest to have it in both the FAR system as in the RECAMAS model.
Group II	Conclusions
1. What principles should be taken into account during (return) counselling that would limit number of LMA?	<p>Combined counselling (return and asylum); counselling on the early stage</p> <ul style="list-style-type: none"> - Important to combine both return counselling in scope of asylum and return to have efficient process as well as to provide good information exchange between asylum and return authorities (asylum background, history of the case etc.) █████ - To provide counselling on the early stage, so possible LMA can be limited, when TCNs are aware of the possibilities (reintegration, VR, decision can be negative) █████ - In the asylum context there is info provision (not counselling). The interview is limited to the international protection claim although reference is made to the procedural consequences of a negative decision during the interview as well as at the stage of notification - Challenge indicated by █████: TCNs do not have much trust in authorities/NGOs providing counselling (or to facilitate them) (exceptionally when negative decision is received).
2. Do you have any common training regarding counselling on national level?	<ul style="list-style-type: none"> - There is no common training programme, however social workers in the closed detention centers can follow a short internship █████; - Migration Agency does educate return counsellors in a certain way, however the training is not shared with third parties █████; - No national training on RC in place. General information as being provided to TCNs █████.
3. Is the returnee already being informed about the return process at an earlier stage, prior to the actual asylum application?	Information on return process is being provided during different stages (borders controls, detention centers) █████.
4. Is information about the possibilities of reintegration assistance provided during the asylum procedure and if so, by whom?	<p>General information on this possibility is provided to the TCNs. If the TCN is interested - the direct contact with IOM is being set up.</p> <ul style="list-style-type: none"> - Reintegration is not being discussed; but to present possibilities to return with IOM and hand out leaflets. It is not counselling but information providing that it is possible. If TCNs are really interested, national authorities contact IOM to describe the procedure. There are special questionnaires if TCNs are willing to return voluntarily █████; - Unless there is different practice, in the ASYLUM procedure is general, and if migrant is willing (EASO); - Asylum authorities are not counsellors, they are just speaking about the info provision

	<ul style="list-style-type: none"> - Forced return part - Social workers and detention centre. No talks about reintegration, but about assistance from IOM [REDACTED].
5. What is the effect of a (return) counsellor working for an international organization (e.g. IOM) or NGO on the information of the return process towards a migrant?	<ul style="list-style-type: none"> - [REDACTED] does not use NGOs, - No effects in other MS were indicated.
6. In terms of vulnerable groups (UAMs, medical cases, families) applying for asylum on last moment while the return process is ongoing, are there any special procedures?	<ul style="list-style-type: none"> - Vulnerable groups (UAM, tortured people) - return process can be stopped or accelerated. If there is a special case there will be dealt with accordingly [REDACTED]; - In case of medical necessity, a follow-up is necessary in the Col to ensure the continuity in the treatment of the resident. The staff can apply for follow-up through the special needs-project. The administrative services will provide medical assistance in the countries of origin in cooperation with local doctors and hospitals for a maximum period of one year (special projects - housing, medication, - support) [REDACTED].
7. Is there a need in your MS to make use of an IT platform, dedicated to (return) counselling where counsellors can share information prior, during and after a LMA procedure?	If a case is handed over to the police (return) all relevant information is handed over to the police authority. The police has access (limited) to the Swedish Migration Agency database [REDACTED].
Group III	Conclusions
1. What principles should be taken into account during (return) counselling that would limit number of LMA?	Providing with information regarding the process and counselling should be distinguished. In some of the countries counselling is understood as consultation, providing leaflets and information. Counselling should be more tailor-made advice.
2. Do you have any common training regarding counselling on national level?	Centralized trainings on national level would be highly appreciated. At some MS the officials dealing with migrants provide counselling, without additional training, rely on their own experience.
3. Is the returnee already being informed about the return process at an earlier stage, prior to the actual asylum application?	<ul style="list-style-type: none"> - Common narrative is needed in this field. Right information should be provided at the right time, often too much of information is provided at the beginning of the process.
4. Is formation about the possibilities of reintegration assistance provided during the asylum procedure and if so, by whom?	<ul style="list-style-type: none"> - Key messages should be provided via different channels, especially towards vulnerable groups; - There are dedicated toolbox/good practices from [REDACTED] and [REDACTED] regarding communication with vulnerable groups.
5. Is there a need in your MS to make use of an IT platform, dedicated to (return) counselling where counsellors can share information prior, during and after a LMA procedure?	There is a need of proper coordination between all authorities related to asylum and return (reception, detention), however MS did not mentioned the need of IT platform.

<p>6. What is the effect of a (return) counsellor working for an international organization (e.g. IOM) or NGO on the information of the return process towards a migrant?</p>	<p>MS mentioned cooperation with International Organization, however no particular aspects of cooperation were mentioned.</p>
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5. Follow-up

- Further discussions on Last Minute and Subsequent Asylum Applications and topics raised during the workshop will be made between with EASO and COM.
- For now there is not enough support/base for Frontex to further engage, however there is a need to find a long term solutions (also depends on COVID - 19 pandemic situation). Frontex, together with EASO and COM will discuss possible activities or actions to be undertaken for 2021 within a short notice. All MS will be informed accordingly.

6. Attachments

- PPT LMA workshop 14-15 December 2020;
- Summary of the results on the LMA Ad-Hoc Query (AHQ) by national return authorities