



European Asylum Support Office

SUPPORT IS OUR MISSION

Workshop on 'Last minute' asylum applications

Prague, 7-8 October 2019



Support is our mission



Information management in the context of LMAs aims at the



Workshop on 'Last minute asylum applications pending return in the context of IDS'
Concept Note

Key message

Effective return forms a part of a credible asylum system. Persons whose application for international protection have been positively assessed by the competent authority benefit from rights linked to the status which they have been granted. On the contrary, persons whose application for international protection was assessed as not founded and who were assessed not to be in need of a form of protection, in the absence of another legal title to stay in the given country are to be effectively returned to the country where they have the right to stay.

International and European standards envisage the principle of non-refoulement that prescribes that no person can be returned to a country where they will find themselves in danger. This implies that each request for protection needs to be individually assessed, with regard to protection needs a person may have. At the same time, legal mechanisms have been developed to avoid repeated assessment of the same case if another identical claim has been made before and met with negative decision.

In practice of several EU+ countries, a phenomenon has been observed, whereby persons who are to be returned to another country from the EU+ country where they are currently present make a request for international protection after arrangements for their return have been made and/or return has been initiated. Such applications are de facto understood to as 'last minute applications' reflecting the context in which they happen.

Several EU+ countries identified 'last minute applications' as a major challenge for their asylum and return systems, especially when such an application is back-dated by actual change in the applicants protection needs and only needs to another negative decision while the return process is frustrated and delayed. Importantly, unjustified 'last minute applications' may also deviate the focus and resources from legitimate claims (including subsequent applications who were made pending return but for fully legitimate reasons). This is particularly challenging in periods when the asylum and reception systems are already under pressure.

This calls for information exchange at European level to achieve precise insights into the various aspects of the phenomenon.

- Actual volume of 'last minute applications' being made in individual EU+ countries and their share in the overall number of claims for international protection
- Exact context in which a 'last minute application' is made, including the following possible scenarios:
 - 'Last minute application' made by an individual who has not claimed protection before and only submits a request once the return operation is underway
 - 'Last minute application' made by an individual who has claimed protection before, has received a negative decision, exhausted all appeal possibilities, and with the 'last minute application' is claiming new/changed circumstances of their case (either general - e.g. change in the situation in their country of origin - or personal - e.g. conversion to another religion)

- ✓ Collection of available information sources on the subject.
- ✓ Identification of existing information gaps and launch of information collection to obtain missing information.
- ✓ Creation of a comprehensive overview of gathered information in IDS to identify main characteristics in the occurrence of "last minute applications" in EU+ countries and steps undertaken in response by the EU+ countries.
- ✓ Elaboration of an initial indication of the outcomes achieved by EU+ countries' strategies and their impact in relieving the pressure created by "last minute application".



Findings on Flash Question regarding LMAs

Applications

- First time applicants: HU, BE, Sweden
- Subsequent: AT, DK, FI, NL, RO, SI
- Both: FR, IE, LV, MT, PL

Profiles

AT: Georgia, Armenia

PL: Russian (Chechens)

FR: Morocco, Algeria, Tunisia

SI: Iraq

HU, MT, LV (Vietnam, Russia, Uzbekistan, Tajikistan, Azerbaijan) :
men



Findings on Flash Question regarding LMAs

Stage of return Procedure

Majority: detention; actual removal

Measures in place

- Accelerated procedure /Prioritization (DK,MT, LV, PL,RO)
- Operational teams (FI, UK, SI)
- Specific procedures (IE-workflows to enhance coordination; BE- risk assessment and warning system; NL)



Roundtable discussion

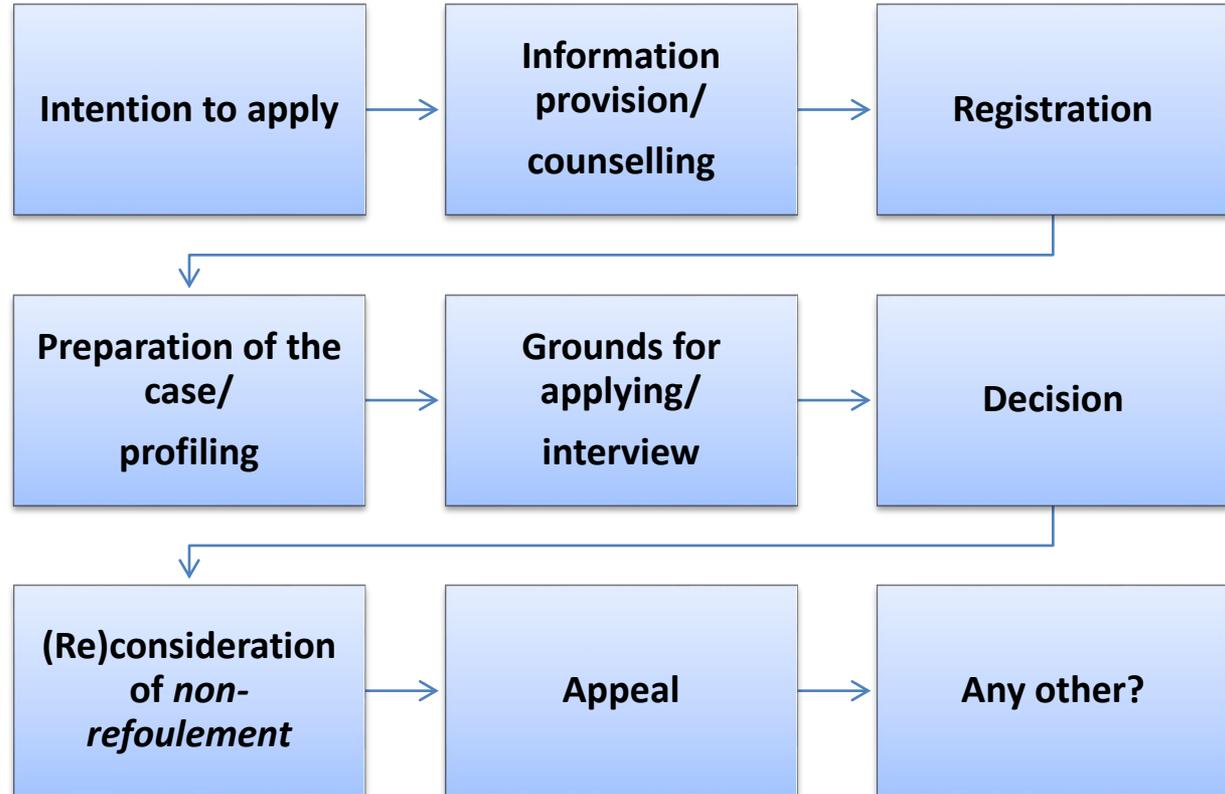
LAST MINUTE APPLICATIONS – FIRST-TIME APPLICANTS



Key elements – first-time applicants

Points to discuss:

- **Strong links** between asylum and return authorities to manage LMAs?
- **Solutions** adopted to solve challenges?
- **New challenges** emerging?
- Differences in **legal frameworks**?
- **Institutional** structure?
- Automated **case management systems**?



Roundtable discussion

LAST MINUTE APPLICATIONS – SUBSEQUENT APPLICANTS



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Points to discuss:

- **Strong links** between asylum and return authorities to manage LMAs?
- **Solutions** adopted to solve challenges?
- **New challenges** emerging?
- Differences in **legal frameworks**?
- **Institutional** structure?
- Automated **case management systems**?

Key elements – subsequent applicants

