QUESTIONNAIRE ON PROTECTION PROCEDURES

To implement Art 16. 3. l) and m) of the 2016/1624 Regulation.

Annex XX: Legislative framework and procedural safeguards in host MSs and cooperating third countries

The Referral Questionnaire contains five sets of questions:
1. Identification and referral for persons in need of international protection
2. Referral mechanism for vulnerable persons,
3. Terms of cooperation with third countries
4. Stateless persons,
5. Information on complaint mechanism

1. Identification and referral for persons in need of international protection

- Please provide a brief description of step-by-step procedure for referral mechanism of persons in need of international protection or those who wish to apply for asylum. What are the institutions involved in this process in the Agency’s operational areas? Please provide their contact details.
- Do border authorities participate in the provision of information on how and where to lodge applications for international protection? Kindly explain the role and content of this information provision.
- Do you register and report the number of persons referred by border authorities to the responsible asylum authorities?
- What are the tasks and responsibilities of officers/staff deployed by the Agency in the aforementioned procedure for referral of persons who are in need of international protection or wish to apply for asylum? If the procedure is different for different type of border (air, land, sea), please specify accordingly.
- Do you collect data on persons in need of international protection or those wishing to apply for asylum that border authorities refer to the competent authorities for appropriate assistance in Frontex operational areas? If yes, do you disaggregate data with regards to nationality, age and gender?
- Is this referral mechanism explained during the national pre-deployment briefing?

2. Referral mechanism for vulnerable groups

Host MSs shall provide a detailed description of procedures that aim to guarantee the protection of fundamental rights of persons in a vulnerable situation, the referral mechanisms available and the institutions involved in the areas where the Agency is operating.

a) Unaccompanied minors, separated children (without legal guardian) or other accompanied minors

- Please provide a brief description of step-by-step of the referral mechanism for unaccompanied minors, separated children (without legal guardian) or other accompanied children and the mechanism available in operational areas. What are the institutions involved
in this process in the Agency's operational areas? Please provide the institutional name and contact details.

- What are the tasks and responsibilities of officers/staff deployed by the Agency in the aforementioned procedure for referral of unaccompanied minors, separated children (without legal guardian) or other accompanied children? If the procedure is different for different type of border (air, land, sea), please specify accordingly. Please advise on how the officers should refer children of concern to the adequate authorities for assistance.
- Do you collect data on children referred by border authorities to the competent authorities for appropriate assistance in the Agency's operational areas? Do you disaggregate data by nationality, gender and age of children, and whether they are accompanied or not?
- Is this referral mechanism explained during the national pre-deployment briefing?

b) Victims of trafficking in human beings

- Provide a description on how identification of potential victims of trafficking in human beings is regulated in national procedures.
- Please provide a brief description of step-by-step procedure for detection, identification and referral of victims of trafficking in human beings. Are the victims of gender based persecution or sexual violence included in this mechanism? What is the name and role of institutions involved in the referral of victims of trafficking in human beings, in the Agency's operational areas?
- Is there a differentiated procedure for children? How does it operate?
- What are the tasks and responsibilities of officers/staff deployed by the Agency in the aforementioned procedure for identification and referral of victims of trafficking in human beings? Please provide detailed advice on how the officers deployed should refer victims of trafficking for adequate assistance.
- Do you collect data on victims of trafficking referred to the competent authorities, in the Agency's operational areas?
- Is this referral mechanism explained during the national pre-deployment briefing?

c) Other vulnerable groups:

- Which vulnerable groups are considered in national legislation? Please provide a list, for example, pregnant women, persons in need of medical assistance, single parents with small children, elderly or disabled persons, including mentally ill, or other categories of vulnerable persons in accordance to your national law.
- Please provide a brief description of step-by-step procedure for identification and referral of each of the vulnerable groups, when they have different procedures. What are the name and role of institutions involved in protection of these groups?
- What are the tasks and responsibilities of officers/staff deployed by the Agency in the aforementioned procedure for identification and referral of these groups?
- Do you collect data on other vulnerable persons referred to the competent authorities under any of these categories?
- Is these referral mechanism explained during the national pre-deployment briefing?
3. In addition to information on the aforementioned procedures, the host MS shall include the terms of cooperation with third countries, which includes the identification and modalities of such cooperation, including the foreseen involvement of the Agency in that cooperation during any of its activities.

a) Which are the third countries involved in cooperating with the host MS in the framework of the Agency’s supported activity? Which is the legal framework applicable to this cooperation? Which are the modalities of cooperation with third countries foreseen during the Agency’s operational activities? This could vary from:

- Deployment of observers and their role and powers;
- Operational activities (i.e. during surveillance, interception and apprehension, interviewing, registration, communications with TC/ consular authorities, etc.)
- Role of third country officers in readmission or related return activities and their tasks.

b) Please describe the tasks, responsibilities and powers of officers/staff deployed by the Agency in the implementation of that cooperation in Frontex operational areas.

c) As the engagement of third country observers have substantial fundamental rights implications, please describe their tasks and responsibilities in the Agency’s operational areas.

3. Stateless persons

a) What is the national legal framework for identification and registration of stateless persons? Is there any national procedure designated for stateless persons? If not, how is the protection of statelessness protection provided in the national practice?

b) What are the national authorities dealing with nationality screening? Do you have a central system tracking the changes in nationality screening? What is the administrative or other procedure to challenge potentially erroneous assessment of nationality?

c) Please describe the tasks, responsibilities and obligations of officers/staff deployed by the Agency in identification, registration and referral (in case when needed) of stateless persons.

d) Do you collect data on persons identified as stateless in the Agency’s operational areas?

4. Complaints mechanism for alleged violations of fundamental rights against all persons participating in the operational activity in your MS.

a) What are internal bodies dealing with violations of fundamental rights by law enforcement authorities? (i.e. independent police board, internal affairs, ministerial or other inspectorate, complaints unit, locally and/or centrally based). Briefly explain the procedure of application and refer to the publicly available information on bodies dealing with complaints.

b) Do you have cooperation with any external institutions dealing with violations of fundamental rights in the MS (ombudsperson, human rights institutions, etc.) either locally or centrally? Can you briefly explain the scope of this cooperation?