

# Legal and Procedural Information For Asylum Seekers in Europe

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# Comparative Report

The People for Change Foundation  
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*The views expressed in this report are those of the authors and do not reflect the views of the European Commission.*

This report is based on national reports prepared by the INFORM project partners including:

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Malmö University (Sweden)



Middlesex University (UK)



The People for Change Foundation (Malta)



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# Introduction

## Introduction

High-quality legal and procedural information is critical to ensuring access to rights for asylum seekers and beneficiaries of international protection. The requirement to adequately inform asylum seekers of their rights, obligations and procedural requirements emanates from the Common European Asylum System and the European Convention on Human Rights. However, whilst this obligation to inform is relatively clear, there is great divergence in the relevant law, policy and practice at national level between EU Member States.

This report provides a comparative analysis of the frameworks for the provision of asylum-related information in six EU nations: Cyprus, Estonia, Italy, Malta, Sweden and the United Kingdom. These six countries were selected for an instructive comparison as they reflect different legal and political traditions, as well as a diversity of migration realities. Some of these countries have processes in place to deal with large numbers of asylum seekers in a co-ordinated and systematic manner. Others address information needs on a less systematic case-by-case basis.

National reports<sup>1</sup> for each of the six countries were drafted by local partners and inform this comparative report. Partners include: Consiglio Italiano per i Rifugiati – Italian Refugee Council (CIR) (Italy); Malmo University (Sweden); Middlesex University (United Kingdom); People for Change Foundation (Malta); Tallinn University (Estonia); SYMFILIOSI (Cyprus). Reports were drafted for the first phase of the INFORM: Legal and Procedural Information for Asylum Seekers in the European Union project funded by the Asylum, Migration and Integration Fund of the European Union.<sup>2</sup> The project aims to improve the legal and procedural information provided to asylum seekers in the EU in order to enhance the quality of asylum decisions.

This comparative report covers the provision of information about eight aspects of asylum: access to the asylum procedure; finger-printing and Eurodac; the Dublin System; reception conditions; the asylum procedure; the rights and responsibilities of refugees, beneficiaries of international protection and rejected asylum seekers; resettlement and relocation; and return. Each is addressed in subsequent parts of the report.

1 These national reports are informed by relevant statistics, interviews with stakeholders, and content analysis of materials distributed to asylum seekers. See: [www.inform-asylum.eu](http://www.inform-asylum.eu).

2 The project, 'INFORM: Legal and Procedural Information for Asylum Seekers in the European Union' was funded under HOME/2014/AMIF/ASYL 7859; Award No. 30-CE-0755258/00-25.

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**Information  
about access  
to the asylum  
procedure**

## 1.1. Legal framework

The duty to provide information about seeking international protection derives from international, EU and national law. It has also been upheld by the European Court of Human Rights (ECtHR) in its decision in *Hirsi Jamaa v. Italy*<sup>3</sup> which identified an obligation on States Party to make information about access to asylum procedures available as part of the positive obligations emanating from the Prohibition of Torture, Cruel and Inhumane Treatment (under Article 3 of the European Convention on Human Rights). In *M.S.S. v. Belgium and Greece*, the same court also identified the failure of information provision as a critical barrier to accessing rights.<sup>4</sup> Guidelines by the European Asylum Support Office (EASO) for first-contact officers also prescribe proactive information duties. In particular, they specify that officers should direct individuals they identify as being in need of international protection to the appropriate procedure and should do so in a sensitive and respectful manner. However it is important to note that these guidelines are not binding.<sup>5</sup>

Such obligations also exist in the national law of the six study countries of the INFORM project, although there are inconsistencies, as an explicit legal stipulation to provide information about the possibility of seeking international protection can only be found in the national law of Estonia, Italy, and Cyprus. Most countries have laws that require special treatment of vulnerable individuals, notably minors, survivors of abuse, and trafficked persons. In Malta and Italy, for instance, there are provisions to inform vulnerable individuals<sup>6</sup> about applying for asylum, as required under the relevant EU directive.<sup>7</sup> In Italy, providing information on specific procedural guarantees for unaccompanied minors is required by law,<sup>8</sup> with the Ministry of Interior and UNHCR having drawn up Standard Operating Procedures to ensure that this is adequately implemented. In Cyprus, although the law casts specific duties on the authorities to issue a detailed leaflet in languages understood

3 *Hirsi Jamaa and Others against Italy*, No. Resolution CM/ResDH(2016)221 (European Court of Human Rights February 23, 2012).

4 *M.S.S. v. Belgium and Greece*, No. Application no. 30696/09 (European Court of Human Rights January 21, 2011).

5 European Asylum Support Office (EASO) and Frontex, "Practical Guide: Access to the Asylum Procedure" (Luxembourg: Publications Office of the European Union, 2016), 3–4, [www.easo.europa.eu/sites/default/files/public/Practical-Guide1\\_0.pdf](http://www.easo.europa.eu/sites/default/files/public/Practical-Guide1_0.pdf).

6 Victims of Crime Act," Chapter 539 Laws of Malta § (2015), [www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=12306&l=1](http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=12306&l=1).

7 European Parliament and Council of the European Union, "Directive on Preventing and Combating Trafficking in Human Beings and Protecting Its Victims, and Replacing Council Framework Decision 2002/629/JHA," 2011/36/EU § OJ L 101, 15.4.2011, p. 1–11 (2011), <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32011L0036&qid=1487943657380&from=en>.

8 ASGI, "Country Report – Italy," AIDA – Asylum Information Database (Bologna: ECRE – European Council on Refugees and Exiles, March 2017), [www.asylumineurope.org/reports/country/italy](http://www.asylumineurope.org/reports/country/italy).

by applicants upon lodging their asylum applications, in practice the leaflet remained out of date for several years and was only rarely handed to asylum seekers.<sup>9</sup>

### 1.2. Information provided

Information in each of the study countries focuses on the asylum procedure and the various categories of international protection. Information at the points of entry tends to be basic; briefly covering the next steps in the process and mostly aimed at directing asylum seekers to the relevant specialised authorities. The key information provided generally includes advice about the consequences of irregular stay, the definition of asylum and conditions to be fulfilled for recognition, and focus on referral to the relevant offices. Different information is provided at different forms of entry points.

In Italy, international organisations namely UNHCR, IOM and other actors involved (i.e. Save the Children and CIR), working in the area, rather than governmental organisations, inform third-country nationals coming by sea at unofficial borders about the various procedures. This includes information about the consequences of irregular stay without applying for asylum. In the UK, the Point of Claim leaflet covers the definition of asylum and conditions that must be met. Similar information is provided in Malta and Sweden. In Estonia and Malta there is a tendency to improvise and inform applicants on a needs-be basis often involving little more than referring the individual to the relevant offices. In Cyprus information is not systematically supplied to migrants upon entry but rather occasionally upon filing the asylum application.

### 1.3. Stage of provision of information

The timeframe when this information is provided varies across the INFORM study countries. Some limit the obligation to situations where the individual has already expressed a desire to apply for international protection. In the UK and Sweden, a right to information applies only when a person expresses a wish to apply for asylum.

By contrast, the law in Estonia requires proactivity. The Act on Granting International Protection to Aliens requires first contact point officers to provide information on the possibility of seeking asylum if “there is a reasoned ground

<sup>9</sup> Cyprus Refugee Council (2017), “Country Report – Cyprus”, AIDA – Asylum Information Database, March 2018, [www.asylumineurope.org/reports/country/cyprus](http://www.asylumineurope.org/reports/country/cyprus).



to believe” that an undocumented migrant may wish to do so.<sup>10</sup> Similarly, in Cyprus, the Law on Refugees requires relevant authorities to provide information about filing an asylum application to migrants at the border or in detention centres, should there be “indications that a third country national or a stateless person” wants to submit an asylum request; however, information about reception conditions does not need to be provided before submission of the asylum application.

In cases of disembarkation at sea, preliminary information is commonly provided after medical screening at an initial reception facility, along with the identification procedure. This is the case in Italy and appears to be the case in Malta, although Maltese police representatives declined to comment about whether and how information was supplied at this stage.

### 1.4. Format of information

For each of the six study countries information is provided both orally and in various written formats. Each country has published their asylum procedures online. Brochures are a common means of disseminating information at the points of entry. However, they are often not updated or reprinted. A leaflet about the asylum procedure in Cyprus, for instance, made available only after an application is lodged, had not been updated between 2011 – 2017 despite various changes in the relevant procedures. For Malta no information could be obtained about whether a booklet published before major policy changes in 2015 was still in use. In Italy, although leaflets are mandatory, their distribution is largely left to NGOs and international organisations at unofficial border crossings such as Lampedusa and other points of entry. In Sweden, written information is provided only at the Migration Agency. The locations at which these brochures are provided were not common across each of the study countries, nor was the accuracy of the information.

No country reported using posters to provide information at official points of entry. This format had been tried at Heathrow Airport in the UK. However, the UK Country Report notes that migrants found the posters unclear and unhelpful. Italy also tried to use posters in government centres for unaccompanied minors. However, they essentially served as aides-memoire for staff in reception centres providing information verbally, rather than as information sources directly for asylum seekers.

**10** Act on Granting International Protection to Aliens ('Välismaalase rahvusvahelise kaitse andmise seadus'), art. § 14(3<sup>1</sup>).

## Information about access to the asylum procedure

Oral information is an option in the study countries, but appears to be often underused. In Cyprus, asylum seekers interviewed said they did not receive any oral information. In the UK oral information can be provided only if requested, thus restricting its accessibility to people with limited reading skills. In Italy, however, it is common to provide oral information at points of entry, including child-friendly information with the help of NGOs such as Save the Children. In Estonia, interpreters are recruited specifically to assist with the provision of oral information on applying for asylum.

Mobile applications are also used. In Italy, for instance, a conglomerate of NGOs and INGOs has created a multilingual app to inform potential asylum seekers about services near them, asylum procedures, and national and international laws surrounding international protection. However, its usefulness, like all other online platforms and web-based material, will depend on whether it is kept up-to-date.

### 1.5. Languages of information

Printed information in each of the study countries is provided in the national language, English and the most common migrant language(s). These are mostly African languages in Cyprus and Malta, with South Asian languages added in the UK, Italy and Sweden, Farsi in Cyprus and Kurdish in Italy. Arabic is one of the few languages covered in each of the INFORM study countries. In Sweden, online information is offered in 21 languages. French was on offer in countries with substantial migrant numbers from Francophone Africa including: Malta, Italy and the UK. Tigrinya is common as well, reflecting the scale of Eritrean migration in Sweden, Italy, Malta, and the UK. Additional languages depend on migration patterns. For example, Russian is covered only in Estonia and Sweden, with other European languages such as Romani and Serbian, only being covered in Sweden, and Southern African vernacular languages only in the UK.

Concerns are raised in the country reports, however, about whether the translated material is up to date in the UK, Malta, Italy and Cyprus. Printed materials were often produced as a one-off project and not updated, despite changes in policy and procedures.

Interpretation in multiple languages is mostly provided at the stage when asylum seekers reach the status determination authority – the point when they are the most likely to receive information in their language and ask questions. Interpretation is offered on a needs-be basis and is carried out over a telephone or video call when no in-house interpreters are available. In situations where an interpreter cannot be found, Estonia calls upon interpreters in other countries. Italy, on the other hand,

relies on another beneficiary of international protection. In Italy, cultural mediators are available in some detention centres for the languages of countries whose nationals are unlikely to receive asylum, such as Russian and Albanian.

In Cyprus, interpreters are always present during the interview but there are issues about their adequacy and impartiality, as they are not professionals and there is no code or protocol as to who will be invited to interpret. NGOs have repeatedly raised issues regarding the quality of the interpretation and about the fact that the authorities will perceive an applicant who complains about the quality of the interpretation as ‘uncooperative’, leading most applicants not to report problems.<sup>11</sup> Asylum seekers who entered Cyprus on a student visa or a worker’s visa requiring some knowledge of English are expected by the Asylum Service to speak English and no interpretation is provided.

The Italian mobile Refugee Aid App produced by IOM (see section 1.4), is available in Italian, English, French, Arabic, Tigrinya and Farsi. On the other hand, the UK Home Office’s online guide to asylum is provided in English only, but this is made up for by the NGO Migrant Help with information in 15 languages. Intergovernmental organisations such as UNHCR have a crucial linguistic supporting role in Estonia, Malta, and Italy. In Estonia and Malta, UNHCR assists in locating and training interpreters.

### 1.6. Entities involved in the provision of information

Border guards are the first contact point for potential applicants in all countries except the UK. Border police provide basic information and refer asylum seekers to a centralised agency. In the UK, by contrast, only a small fraction of asylum claims are handled at the border. The majority of claims are made at the Asylum Screening Unit in South London.

NGOs also play an active role in providing information about the asylum process in each of the INFORM study countries, apart from Estonia, where the country report states that asylum seekers can request information from UNHCR. In Italy, this participation is mandated by law and facilitated through standard operating procedure agreements which allow NGOs and international organisations (such as IOM, Save the Children, UNHCR, EASO) to supply information at unofficial points of entry, with governmental entities supplying information at official border

11 Cyprus Refugee Council (2017), “Country Report – Cyprus”, AIDA – Asylum Information Database, March 2018, [www.asylumineurope.org/reports/country/cyprus](http://www.asylumineurope.org/reports/country/cyprus).

crossings (e.g. Fiumicino Airport in Rome).<sup>12</sup> The Italian Refugee Council runs a project “Minor Borders” to strengthen the protection of unaccompanied minors, arriving from or going to Austria and/or Slovenia, coming from or going to the Italian-Austrian border at Brennero or arriving on the Apulia coast.<sup>13</sup> In Cyprus, UNHCR funds an NGO to operate a long term project of informing and assisting asylum seekers and refugees; additional NGOs are, from time to time, involved in specific EU funded projects and as contractors for specific tasks. NGOs and INGOs in other countries also play an active role in the provision of information. An NGO-run helpline in the UK – Asylum Help – provides support in different languages. In Sweden, additional support is provided by the Swedish branch of the International Federation of Iranian Refugees, while unaccompanied minors have also formed their own self-help group.<sup>14</sup>

### 1.7. Evaluations

In none of the six study countries has a comprehensive evaluation been undertaken of the asylum information provided and its impact. Comparative reports by the European Union Agency for Fundamental Rights (FRA) are therefore instructive.<sup>15</sup> A 2013 FRA report,<sup>16</sup> based on desk research and fieldwork in Cyprus, Malta, Italy, Sweden and the UK, noted that migrants received little or no information during first contact with authorities on board rescue vessels, in part due to crew members not speaking the migrants’ language, and also in part due to prioritising rescue and passage to a place of safety. In none of the countries was asylum information provided during interception, rescue or transfer to the port.<sup>17</sup>

Further evaluations have been undertaken by other international bodies. A 2016 UNHCR report evaluated access to asylum information in Estonia and

12 AIDA Country Report : Italy, (Association for Legal Studies on Immigration (ASGI), 10 March 2017) <https://www.asgi.it/english/aida-country-report-italy/fi>.

13 Italian Refugee Council (CIR), “I Nostri Progetti,” 2015, [www.cir-onlus.org/it/cosafacciamo/i-nostri-progetti](http://www.cir-onlus.org/it/cosafacciamo/i-nostri-progetti).

14 FARR, “Country Report – Sweden,” AIDA – Asylum Information Database (Stockholm: ECRE – European Council on Refugees and Exiles, March 2017), [www.asylumineurope.org/reports/country/sweden](http://www.asylumineurope.org/reports/country/sweden).

15 European Union Agency for Fundamental Rights (FRA), “The Duty to Inform Applicants about Asylum Procedures: The Asylum-Seeker Perspective,” Thematic report (Luxembourg: Publications Office of the European Union, 2010), [http://fra.europa.eu/sites/default/files/report-asylum-seeker-perspective\\_en.pdf](http://fra.europa.eu/sites/default/files/report-asylum-seeker-perspective_en.pdf).

16 European Union Agency for Fundamental Rights (FRA), “Fundamental Rights at Europe’s Southern Sea Borders” (Luxembourg: Publications Office of the European Union, 2013).

17 European Union Agency for Fundamental Rights (FRA), “Fundamental Rights at Europe’s Southern Sea Borders”.

identified areas where information is insufficient.<sup>18</sup> In Cyprus, support structures for persons with special vulnerabilities to access asylum were deemed lacking by UNHCR, whilst research commissioned by the European Institute for Gender Equality (EIGE) revealed that there are no support structures for asylum seeking women who are victims of FGM.<sup>19</sup> A recent report on Italy found that when irregular migrants complete the *foglio-notizie* form at the border, they are not adequately informed of the consequences of not marking the box that says “asylum”.<sup>20</sup> Impact assessment under the Asylum, Migration and Integration Fund is envisaged, which may provide further insights.<sup>21</sup>

### 1.8. Impact

Despite the efforts to supply tailor-made information to meet individual needs, the lack of systematic information provision remains a clear impediment to effecting the right to information and the right to asylum more generally. Asylum seekers interviewed for the project in a number of countries claimed that they had not received adequate information upon arrival.<sup>22</sup> It is notable, therefore, that a number of country reports highlighted a lack of trust in the information coming from the host government, with migrants preferring to ask for information from their community in the host country. National reports from each of the study countries stress reliance on friends, other asylum seekers, and word of mouth as a source of information. This may risk diluting or distorting important information about international protection procedures. Such unofficial networks can potentially pose problems when the information shared is outdated or inaccurate.

18 UNHCR Regional Representation for Northern Europe, “Integration of Refugees in Estonia Participation and Empowerment” (Stockholm, 2016), [www.valitsus.ee/sites/default/files/content-editors/failid/unhcr-print\\_version\\_estonia-integration\\_mapping.pdf](http://www.valitsus.ee/sites/default/files/content-editors/failid/unhcr-print_version_estonia-integration_mapping.pdf).

19 “Estimation of the number of girls at risk of female genital mutilation in the EU”, Main contractor: ICF. The project was still running at the time of writing.

20 Swiss Refugee Council SFH/OSAR, “Reception Conditions in Italy,” Report on the current situation of asylum seekers and beneficiaries of protection, in particular Dublin returnees, in Italy (Berne, August 2016), [www.refugeecouncil.ch/assets/news/2016/161031-final-englisch-sfh-bericht-italien-aufnahmebedingungen.pdf](http://www.refugeecouncil.ch/assets/news/2016/161031-final-englisch-sfh-bericht-italien-aufnahmebedingungen.pdf).

21 Estonian Ministry of the Interior, “Asylum, Migration and Integration Fund National Programme (Estonia),” 2015, [www.siseministerium.ee/sites/default/files/dokumendid/VVO/amif\\_programm\\_inglise\\_keeles\\_23012015.pdf](http://www.siseministerium.ee/sites/default/files/dokumendid/VVO/amif_programm_inglise_keeles_23012015.pdf).

22 See also: Vicki Squire et al., “Crossing the Mediterranean Sea by Boat: Mapping and Documenting Migratory Journeys and Experiences,” Final project report (Coventry: University of Warwick, May 4, 2017), [www2.warwick.ac.uk/fac/soc/pais/research/researchcentres/irs/crossingthemed/ctm\\_final\\_report\\_4may2017.pdf](http://www2.warwick.ac.uk/fac/soc/pais/research/researchcentres/irs/crossingthemed/ctm_final_report_4may2017.pdf).

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**Information  
about  
fingerprinting  
and Eurodac**

## 2.1. Legal framework

Fingerprinting and Eurodac<sup>23</sup> are governed by Regulation 603/2013 of the European Parliament and the Council.<sup>24</sup> Article 29 stipulates that a person to be fingerprinted shall be informed in writing and, where necessary, orally (in an age appropriate way in the case of minors) about the process and the purpose of the procedure and their obligation to comply. They should also be advised about the mechanism for complaints and their right to access the information about it. This information should be provided at the time of fingerprint collection and before transmission of the data internationally. In addition to the direct applicability of the regulation, some of the INFORM study countries – such as Italy and Malta, for example – have gone further by incorporating the requirements into national law.

In practice, however, the provision of information about fingerprinting differs between the INFORM study countries. For instance, in Estonia, the Act on Granting International Protection to Aliens prescribes additional identification procedures, but not the duty to inform; Italian law requires that information about fingerprinting is given both orally and in writing; and in the UK, the Immigration and Asylum Act of 1999 does not oblige authorities to inform about the procedure and its consequences.

## 2.2. Information provided

Official pamphlets are used in the INFORM study countries to explain the requirement, purpose and consequences of fingerprinting. However, country reports noted inconsistencies for some of the study countries – Italy, Malta and the UK – as some key information was omitted, such as the applicant's obligation to be fingerprinted, and the consequences of applying for asylum in another country after being fingerprinted. Oral information about fingerprinting appears to be less commonly used than written materials.

Despite the provision of information about fingerprinting, interviews with asylum seekers for the INFORM study revealed that in some cases they were confused about the procedure and the rationale behind it. For example, in the UK, asylum seekers interviewed found that the oral information was inconsistent

23 Identification of Applicants. See: [https://ec.europa.eu/home-affairs/what-we-do/policies/asylum/identification-of-applicants\\_en](https://ec.europa.eu/home-affairs/what-we-do/policies/asylum/identification-of-applicants_en).

24 European Parliament and Council of the European Union, Regulation 603/2013 § (2013), <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R0603&rid=1>. and Amending Regulation (EU).

and unclear. Officials reportedly told them the fingerprints were needed for an ID card. Similar remarks were made by applicants in Cyprus and Italy.

### 2.3. Stage of provision of information

In each of the INFORM study countries information about fingerprinting is provided after a person has applied for asylum, but before the fingerprints are taken. In most cases fingerprints are taken immediately: mainly where applications are made at the border. Malta and the UK provide two exceptions to this trend. In Malta a police booklet is handed out at the point of entry. It is then typical to receive a fingerprinting appointment when lodging the application with the status determination authority. Oral and written information about a registered Eurodac record is then provided to the person concerned, as stipulated in the Regulation (see section 2.1.). In the UK, information is distributed during the screening interview and then fingerprints taken.

The procedure appears to be the smoothest for relocated migrants (where EASO is supporting national authorities with information materials and staff) and for those who arrive by regular means and then approach the status determination authority to apply for asylum.

### 2.4. Format of information

Each of the INFORM study countries provides applicants with fingerprinting information orally and in writing. However, it is evident that the tone of the written information varies from formal in the case of Cyprus, to somewhat threatening in the UK (with a focus on the consequences of non-compliance and relatively little detail about the purpose and use of the fingerprints), to an engaging tone – as in the case of a leaflet provided for children in Sweden.

Some of the study countries – Cyprus, Italy, Sweden and the UK – have specific, and in some cases child-friendly, leaflets and other methods of information provision for minors and in some instances they are available online as well as at reception centres. For instance, the Cypriot Asylum Service website contains leaflets on fingerprinting for unaccompanied migrants and adults. In the UK, authorities provide leaflets about the Refugee Council Children's Panel for unaccompanied children. In Italy the materials make use of colours and participatory activities facilitate understanding.



## 2.5. Languages of information

Fingerprinting information is commonly included with the materials provided about access to asylum: English, French and Arabic are the most commonly used languages for information across the INFORM study countries. Information is provided in further languages depending on asylum seekers' origins. Qualified interpreters are utilised when needed. When faced with excessive demand, authorities have also called upon volunteers.

It is of concern, however, that in some of the study countries it is not adequately ensured that the information is comprehensible for all asylum applicants. The country report for Cyprus, for instance, notes that although the Asylum Service reported publishing leaflets in English, Arabic, Farsi and Somali, only the English version was made available to the interviewees and posted online.

## 2.6. Entities involved in the provision of information

Information about fingerprinting is primarily provided by governmental organisations as they are responsible for taking the fingerprints. While fingerprinting information is typically published by the status determination authority, depending on the patterns of asylum migration, the information is provided by either border guards (Estonia, Italy, and Sweden), the immigration authorities (Cyprus) or the status determination authority (Malta, Sweden and the UK).

NGOs and international organisations also provide information. Notably, in Cyprus, NGOs provide information to asylum seekers before they file their official application. In Estonia, a multilingual website is also operated by the third sector. In Malta comprehensive materials are provided by IOM Malta. In the UK relevant information is provided in a leaflet by the NGO Migrant Help.

It is common for government authorities to work with other organisations – both government and non-governmental – to ensure information is disseminated. For instance, cooperation with Frontex was noted in the country report for Italy, where third country nationals are informed about the duty to be fingerprinted by police authorities. In Estonia, the border guard service and Detention and Accommodation Centres hire counsellors to make the process more understandable. In Italian hotspots, cultural mediators are present to explain the process.

## 2.7. Evaluations

No specific evaluations have been undertaken concerning the provision of fingerprinting information in the INFORM study countries.

## 2.8. Impact

Given the variety of ways in which information about fingerprinting is provided across the INFORM study countries, applicants in some countries appear to have been better informed than others. UNHCR and other INGOs and NGOs have tried to fill the gaps when information is lacking or not provided in accessible formats by government authorities.

While information is provided in multiple languages, interviews with migrants for the INFORM project revealed that many were confused and largely uninformed about Eurodac processes and purpose. Even more, interviews revealed that for many migrants, the provision of information about fingerprinting has been a cause of concern rather than help. And there is a temptation to obstruct the process for those who believe the decision about their application will be unfavourable and who do not fully comprehend the purpose of their data collection.

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**Information  
about the Dublin  
System**

### 3.1. Legal framework

Article 4 of the Dublin Regulation<sup>25</sup> prescribes how asylum applicants shall be informed about the Dublin System – the criteria and mechanisms for determining which EU Member State is responsible for examining an asylum application. It specifies that information provision should be timely – “[a]s soon as an application for international protection is lodged” – and contain key content concerning the objectives of the regulation; consequences of making another application in a different Member State; consequences of moving from and to another Member State before the case is examined; criteria for determining the Member State responsible; information about data exchange between countries; possibility of submitting information about family members or relatives; possibility to challenge a transfer decision; and how to request corrections of data held.<sup>26</sup>

Information must be provided in writing, in a language that the applicant understands or is reasonably supposed to understand, using a common leaflet, plus orally when necessary. A specific leaflet is required for unaccompanied minors; however, at the time of writing, this multilingual leaflet is still being finalised by the European Commission.<sup>27</sup> In addition, pursuant to Article 5 of the Dublin III Regulation, a personal interview can be held in the presence of a cultural mediator, at which the applicant can ask questions.

Because the EU regulation is directly applicable in the reporting countries, these provisions are reaffirmed in national legislation in the INFORM study countries with some exceptions.

### 3.2. Information provided

Although evidence of a specific Dublin leaflet was found in Cyprus, in other countries in the study information about the Dublin System is provided along with other procedural information and follows the same formats – leaflets, brochures, websites, etc., accompanied with interpretation into the most common languages. However, some variation is evident, particularly for the Dublin Regulation requirement that applicants

25 European Parliament and Council of the European Union, “Regulation 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),” 604/2013 § (2013), <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1490026401082&uri=CELEX:32013R0604>.

26 For information on the implementation of the Dublin system, see (UNHCR), *Left in Limbo: UNHCR Study on the Implementation of the Dublin III Regulation*, August 2017, available at: <http://www.refworld.org/docid/59d5dcb64.html>

27 Azzopardi, Principal at the Office Of The Refugee Commissioner.

should be informed about the possibility of being reunited with family members in other countries if they supply information about them. In Cyprus, for instance, online leaflets describe the procedure for adults and children with relatives in other EU countries, with a special leaflet for unaccompanied minors – although the language does not appear to be particularly accessible. In Italy, Dublin returnees are informed of the country to be sent to and modalities for appealing against the Dublin decision.<sup>28</sup> The information provided focuses on family reunification and consequences of leaving Italy during the pending procedure, but an AIDA report shows that information about the progress of one’s case is not always provided (see the next section).

Although prescribed in the Regulation, evidence of the specific leaflet for unaccompanied minors being in use was found only in Sweden.<sup>29</sup> Among other things, it anticipates specific vulnerabilities faced by children and discourages secondary movements within the EU.<sup>30</sup>

### 3.3. Stage of provision of information

The INFORM study countries are not consistent in when information about the Dublin System is provided, and when applicants are advised about the status of applications. In Cyprus, the Dublin leaflet is the only leaflet consistently handed by the authorities to persons declaring their intention to file for asylum. In other countries information about the Dublin System is provided along with other procedural information in the same leaflets, brochures, and websites. Sweden presents an exception in that asylum seekers can already be informed about the Dublin System and what it entails by consulting the Migration Agency website before arriving in the country. In Cyprus, the Dublin leaflet is also posted on the website of the Asylum Service but can only be found after several clicks.<sup>31</sup> In Malta, by contrast, Dublin-related information is passed to an applicant only through a lawyer. In Italy, it can take some months for applicants to be informed about whether their Dublin procedure has even started: asylum seekers are only notified at the end of the procedure. The information gap is usually filled by NGOs. In the UK, once the Dublin procedure has been decided upon by the authorities, asylum seekers are usually detained pending transfer to the responsible EU Member

28 ASGI, “Country Report – Italy”.

29 FARR, “Country Report – Sweden”.

30 Migrationsverket, “Children Asking for International Protection: Information for Unaccompanied Children Who Are Applying for International Protection pursuant to Article 4 of Regulation (EU) No 604/2013” (European Union, 2014), [www.migrationsverket.se/download/18.39a9cd9514a34607721449/1485556223033/Dublin-barn\\_ar.pdf](http://www.migrationsverket.se/download/18.39a9cd9514a34607721449/1485556223033/Dublin-barn_ar.pdf).

31 See the relevant webpage at: [www.moi.gov.cy/moi/asylum/asylumservice.nsf/asylumservice11\\_gr/asylumservice11\\_gr?OpenDocument](http://www.moi.gov.cy/moi/asylum/asylumservice.nsf/asylumservice11_gr/asylumservice11_gr?OpenDocument).

State or Schengen Associated State. Once in detention, further information about the Dublin procedure and its implications may be obtainable. However, by this stage it is much too late for most applicants to make use of the information or make a case for an exemption. As the UK country report for the INFORM study reports, an immigration lawyer consulted for the project noted that due to the technical and complex nature of the Dublin procedure rules, it is unlikely that lawyers would discuss details of the procedure with their clients either.

### 3.4. Format of information

Information is provided in writing and verbally. However, the extent and format of the general information provided in advance and covered in materials that deal with the asylum procedure is highly variable. In Italy, Malta and the UK, Dublin procedures are covered in booklets handed out at the status determination authority and at the border. In Italy, information in writing is foreseen but not systematic. The Estonian asylum leaflet does not cover Dublin transfers (it only mentions that determination of the member state responsible will be activated), and information is mostly provided verbally – with a focus on an individual-oriented approach with interpreters if needed. There is a similar process in Italy, where information is mainly provided individually and to groups with the possibility for beneficiaries to raise questions.<sup>32</sup> By contrast, in the UK, none of the asylum seekers interviewed for the INFORM project remembered having received oral information by officers at any stage of the asylum procedure.

There is a specific brochure for adults and for children in Sweden, and a leaflet in Cyprus<sup>33</sup> explains procedures for unaccompanied minors and for adults in a conversational language – although it uses many legal terms that may not be clear to less educated applicants. The national report found the language not to be particularly simple even when targeting unaccompanied minors.

### 3.5. Languages of information

In general, information about the Dublin System is provided in the same languages as the information discussed in Sections 1 and 2 of this report, with variations among the INFORM study countries related to the origins of the main groups of asylum seekers.

<sup>32</sup> Solidalia Consortium of reception centres, SPRAR Roma Città aperta, Badia Grande reception centre in Trapani, CARA of Gradisca di Isonzo in Gorizia, CIR port of Brindisi, etc.

<sup>33</sup> Asylum service, “Dublin’ Regulation (Regulation No. 604/2013) (Leaflet)”.

Various means are used to fill gaps in the provision of written information. For example, in Estonia, the Police and Border Control Board use interpreters in person or by telephone if necessary. In Cyprus, NGOs advising asylum seekers commonly hire interpreters. In Malta a number of African languages are covered in information provided in an audio-visual presentation and booklet by Malta's Office of the Refugee Commissioner (RefCom) – the authority responsible for registering asylum applications.

### 3.6. Entities involved in the provision of information

Dublin units in border control or status determination authorities manage the Dublin procedure, but they do not have specific information provision duties. Nevertheless, status determination authorities offer online information in Estonia, Malta, Sweden, and the UK. Dublin-related information is either provided in general asylum information materials by responsible authorities or in specific materials in the case of Cyprus and Sweden.

In some instances NGOs fill the gaps when official information is lacking. In Cyprus, it is common for applicants to consult with NGOs about the procedure, as interviews for the INFORM project indicated that the official information seems to be difficult for many to comprehend and also that NGOs are more trusted than official authorities.

### 3.7. Evaluations

Some evaluations have been undertaken about the quality of information dissemination about the Dublin System. The European Commission underlined in a 2007 evaluation that “The provision of correct information to asylum seekers about the consequences of subsequent applications could be one of the measures which could help prevent [so-called “asylum shopping”].<sup>34</sup> A 2013 comparative study led by the Jesuit Refugee Service (JRS) – which included Italy, Malta, Sweden and the UK from the INFORM study countries – found that Dublin-related information was most likely to be understood if provided verbally, and repeated, rather than just in writing. This was especially the case for comprehending discretionary provisions.<sup>35</sup> However, the evaluation also found that the majority

<sup>34</sup> European Commission, “Report from the Commission to the European Parliament and the Council on the Evaluation of the Dublin System” (Brussels, 2007), 10, <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52007DC0299&from=EN>.

<sup>35</sup> Jesuit Refugee Service Europe, “Protection Interrupted: The Dublin Regulation's Impact on Asylum Seekers' Protection,” The DIASP Project, 2013, [www.jrs.net/assets/publications/file/protection-interrupted\\_jrs-europe.pdf](http://www.jrs.net/assets/publications/file/protection-interrupted_jrs-europe.pdf).

of the applicants did not appeal against Dublin decisions because they did not feel informed about how to do this.<sup>36</sup> Furthermore, despite the one application – one decision rule of the Dublin System, some applicants tried to submit multiple applications. For Malta, a 2016 European Commission evaluation found that Dublin-related information was only provided orally, which could actually be in violation of the Regulation; even the information emanating from NGOs tended to be in oral form. In the UK, a recent report found that Dublin returnees are likely to be detained and therefore lack effective access to advice.<sup>37</sup>

### 3.8. Impact

Comprehensible, accessible and timely information is fundamental to asylum seekers attaining their rights under the Dublin System. However, interviews with asylum seekers carried out for the INFORM project found that a majority of interviewees did not know how to appeal their transfer (those who were better informed were more likely to lodge an appeal),<sup>38</sup> and nearly half knew little or nothing about the progress of their case.

The lack of access to information had a significant impact on the experiences of asylum-seekers. For example, in Italy, where asylum seekers are not asked about family or other links to a certain Member State, they are equally not informed about the rules governing family reunification under the Dublin criteria. Also, they may not be informed of the possibility in certain Member States for unmarried couples living together in a stable relationship to be considered in the same way as married couples. As a result, they may be denied opportunities for family reunification.

Detained asylum seekers were less informed about Dublin procedures than non-detainees. Asylum seekers interviewed in Estonia provided the only exception to these findings at country level, as they confirmed having understood their Dublin-related obligations and consequences well.

Despite being informed about the consequences of secondary and tertiary movements, migrants try to circumvent the Dublin System at personal risk. In Italy, most Dublin returnees abscond, and transfers are often not implemented.<sup>39</sup>

In the UK, some are unable to progress their situation when the country does not assume responsibility for their cases, even when their Dublin transfers are suspended.<sup>40</sup>

36 Ibid.

37 Refugee Council, "Country Report – United Kingdom".

38 Jesuit Refugee Service Europe, "Protection Interrupted".

39 ASGI, "Country Report – Italy".

40 Refugee Council, "Country Report – United Kingdom".



4

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**Information  
about reception  
conditions**

## 4.1. Legal framework

Article 5 of the EU Reception Standards Directive 2013<sup>41</sup> regulates the provision of information about reception conditions. The Directive requires that within 15 days from submitting their application, asylum seekers are informed about their rights and responsibilities concerning reception conditions. They should also be informed about organisations and legal assistance available to them. Information must be provided in writing in a language that applicants may reasonably be supposed to understand, as far as is possible, but also orally when appropriate.

These provisions are followed in national legislation. However, discretion is left to the Member States as to which languages to cover and which organisations applicants should be informed about. The information provided is also dependent on Member States' policies regarding detention. Detention centres offer a structured environment to provide information. In Sweden, detainees can even use computers and take advantage of legal counselling about asylum procedures.<sup>42</sup> In general, UNHCR and NGOs have access to the detention centres – although research for the INFORM project found this was not the case in the UK.<sup>43</sup> The research also found that outside of detention, some countries – Malta and the UK – did not ensure such systematic information provision. The country report for Italy noted that national law does not foresee systematic provision of information while at an open reception centre.

National laws set the time frame for the provision of information about reception services, and the format and content of the information. Good practice from EASO guidance specifies the provision of information about reception within 15 days in line with the EU Recommendation's requirement – both in writing and verbally where appropriate, with the support of a cultural mediator or an interpreter if necessary.<sup>44</sup>

41 Council of the European Union, "Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast)", available at <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013L0033&from=EN>.

42 FARR, "Country Report – Sweden".

43 Refugee Council, "Country Report – United Kingdom".

44 European Asylum Support Office (EASO), "EASO Guidance on Reception Conditions: Operational Standards and Indicators" (Luxembourg: Publications Office of the European Union, September 2016), [www.easo.europa.eu/sites/default/files/EASO%20Guidance%20on%20reception%20conditions%20-%20operational%20standards%20and%20indicators%5B3%5D.pdf](http://www.easo.europa.eu/sites/default/files/EASO%20Guidance%20on%20reception%20conditions%20-%20operational%20standards%20and%20indicators%5B3%5D.pdf).

## 4.2. Information provided

In the UK, the standard booklet explains detention rules. However, the country report for the INFORM project shows how information about detention conditions and challenging detention is often provided too late. In Estonia, officials appear to provide asylum seekers with information regarding reception conditions by following the legal provisions step by step. Information about accommodation rules, right to employment, healthcare and education for children is also provided. Additionally, in Sweden, the information given concerns approximate waiting times, ID and bank cards, financial support, work permits, and Swedish language training. In Italy, information given includes healthcare, ID documents, various types of reception centres, waiting times, and procedural guarantees for people with certain vulnerabilities. In Malta, brochures also contain information about existing employment services. In Cyprus, the asylum leaflet remained out of date from 2011 to 2017 and was finally updated in 2018. The leaflet's section on rights is however very brief and the information supplied very basic: for instance it mentions the right to work in certain industries six months after submitting the application, without specifying the industries or the procedure for taking up employment or alerting the reader to the fact that refusal to accept a job offer will result in the withdrawal of reception conditions.<sup>45</sup>

## 4.3 Stage of provision of information

In most countries, asylum seekers are provided with information about reception conditions in initial reception facilities (except in Italy and in Malta, where information is offered first at the point of entry). In Cyprus, there is no proper monitoring of the information supplied to asylum seekers and, although a leaflet was always available with information about the asylum procedure and (some) information about reception conditions, this was not always up to date and not always supplied to asylum seekers, who reported having been informed either orally by friends or by NGOs.

<sup>45</sup> The leaflet is available at the webpage of the Asylum Service at: [www.moi.gov.cy/moi/asylum/asylumservice.nsf/asylumservice10\\_gr/asylumservice10\\_gr?OpenDocument](http://www.moi.gov.cy/moi/asylum/asylumservice.nsf/asylumservice10_gr/asylumservice10_gr?OpenDocument).

According to a comparative study by the Jesuit Refugee Service Europe, information is more effective when provided repeatedly, both orally and in writing.<sup>46</sup> The Swedish Migration Agency website therefore represents good practice, as it can be accessed at any stage.

### 4.4. Format of information

Leaflets and brochures, in addition to information sessions, appear to be the most common methods of providing information about reception conditions. However, despite EASO guidelines prescribing that information should be phase-relevant, clear and non-technical,<sup>47</sup> user-friendly online information from authorities is provided only in Sweden and the UK. In Estonia, a flowchart of the asylum system is posted online. In Cyprus, a leaflet is posted on the website of the Asylum Service but is only available after several clicks and provided one knows where to look for it; the language used is relatively simple but still inaccessible to persons with basic education or basic language skills; the printed leaflet is reportedly not always available or handed out. Italy, Malta and Estonia partly rely on the IOM and NGOs to draft guidance materials. In Sweden and Malta, information about reception conditions is delivered through group sessions as well. However, in the UK, the terms used and reasons for detention may not be clear, as highlighted by interviews with asylum seekers. Realising that they will effectively be imprisoned inevitably incites fear, especially among those asylum seekers who were mistreated in prisons in their home countries.

Even though most countries report applying an individual-oriented approach to vulnerable individuals, guidance materials for vulnerable situations can be found only in a few countries. In one of these, Sweden, a brochure for unaccompanied minors is available in various languages at the reception centres.

<sup>46</sup> Jesuit Refugee Service Europe, "Protection Interrupted".

<sup>47</sup> European Asylum Support Office (EASO), "EASO Guidance on Reception Conditions: Operational Standards and Indicators".

## 4.5. Languages of information

For the INFORM project study countries, information about reception conditions is generally provided in the same languages as other asylum information. In some instances, information provision in different languages is comprehensive. In Sweden, for instance, Migration Agency information is offered in 21 languages in writing and eight languages in a video format; on top of this, special brochures for minors are available in six languages: Arabic, Dari, Swedish, Somali, English and Tigrinya. In the UK, Home Office leaflets are printed in 15 languages – although oral information at reception services is given in English only. In other instances, the provision of translated information appears to be limited. An earlier report on Cyprus, for instance, found that translation into languages spoken by migrants was often of poor quality whilst asylum and migration officials could only communicate in Greek and English, with Arabic interpretation offered daily, and French and Somali once a week. Asylum applicants interviewed in Cyprus for the INFORM project reported having received translated forms, but no oral interpretation.

## 4.6. Entities involved in the provision of information

Reception centres appear to be key providers of information. However, the scope and quality of the information provided is variable. NGOs act as additional providers of information. In Sweden, NGO information provision is supported with government funds.<sup>48</sup> In Estonia, the Estonian Refugee Council offers audio-visual information materials on finding a place to live, looking for work, education, and visiting a doctor. A handbook of cultural orientation is also available online.<sup>49</sup> In the UK, beyond the seven reception centres, increasing numbers of asylum seekers are accommodated in private provision by companies subcontracted by the Home Office. NGOs have access to these facilities. As applicants from countries deemed safe are likely to be detained in the UK, UNHCR's role is important as the organisation has access to migrants in detention. At the screening stage and afterwards, those staying in reception centres can have personal advice provided by the NGO Migrant Help on many aspects of asylum, including reception conditions. The Salvation Army in the UK deals with trafficking victims.

<sup>48</sup> FARR, "Country Report – Sweden".

<sup>49</sup> Tallinn office of International Organization for Migration, "For Refugees".

## Information about reception conditions

Reception is often decentralised, with local authorities playing an important role, particularly in Sweden and Italy. Italian municipalities participate in integrated reception projects, initiated by the Ministry of Interior, on a voluntary basis. This is the so called SPRAR system.

In 2014, the ministry requested local prefectures to set up extraordinary reception centres, which are legislated on in 2015. Information provision thus depends on the initiative and competence of the management bodies of the reception centres. Some municipalities run their own information counters for legal and social aid, as well as accommodation guidance in the two biggest cities of Rome and Milan.<sup>50</sup>

Cyprus has only one reception centre in a remote location with infrequent bus service to cities. The centre's bad state of repair and unsanitary conditions have repeatedly attracted criticism from national and international monitoring bodies and the media and have also been the cause of tensions and riots at the centre. At times, the centre receives attention and services from time-limited EU funded projects, during which the needs of its residents are more closely monitored and information channels are improved. But when there are no projects running, the centre is poorly serviced and no information is provided, except by the regularly visiting NGO which provides assistance and advice to asylum seekers as UNHCR's implementing partner.

### 4.7. Evaluations

As is the case for other aspects of information provision discussed in this report, official evaluations of the provision of information about reception conditions are lacking in the INFORM study countries. Evaluations that exist have generally been carried out by international organisations and NGOs, though it is worth noting that in Italy the Ministry of Interior is responsible for monitoring information provision that is carried out through local prefectures with the assistance of the UNHCR and IOM. Among these evaluations, the Estonian Human Rights Centre reported that availability of necessary information and services to asylum seekers with special needs was not guaranteed.<sup>51</sup> Further, in Italy, the Association for Juridical Studies on Immigration highlighted barriers to accessing information in detention and in remote areas.<sup>52</sup>

50 Swiss Refugee Council SFH/OSAR, "Reception Conditions in Italy".

51 Human Rights Centre, "Situation of Refugees and Asylum Seekers," *Eesti Inimõiguste Keskus*, accessed July 28, 2017, <https://humanrights.ee/en/situation-of-refugees-and-asylum-seekers/>.

52 ASGI, "Country Report – Italy". 10 March 2017.

Significant inconsistencies have been found between different types of accommodation providers in terms of accessibility to information. In Italy, for instance, a report by the Swiss Refugee Council showed that despite the recent streamlining of the two-phase reception system in the country, places are limited and asylum seekers still live in homeless shelters or other non-specialised accommodation, where they are less likely to be informed of their rights, including access to healthcare.<sup>53</sup>

### 4.8. Impact

Most of the country reports for the INFORM project indicate that adequate information on reception conditions is not consistently provided to asylum seekers and the scope and quality of the information is highly variable. One consequence, as the UK report shows, is that lack of information about the reasons for detention leaves applicants vulnerable. In Estonia, inadequate information provision has been shown to result in problems for refugees in registering their residency, accessing medical insurance and training, as well as applying for family reunification.<sup>54</sup>

Although it is good practice for NGOs to be allowed to carry out information activities, this can lead to fragmentation when materials are created and disseminated by time-limited projects. The country report for Italy, for instance, shows that NGOs running vital services change every year. The lack of information can also be acute when under pressure of demand, facilities with little experience with asylum seekers, such as hotels, are converted to reception centres.

<sup>53</sup> Swiss Refugee Council SFH/OSAR, "Reception Conditions in Italy".

<sup>54</sup> UNHCR Regional Representation for Northern Europe, "Integration of Refugees in Estonia: Participation and Empowerment".

5

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**Information  
about the asylum  
procedure**



## 5.1. Legal framework

Depending on the volume of applications, the first decision an asylum seeker takes in a country may be which procedure to follow – regular, fast-track, Dublin, etc. The laws stipulate that information about the procedure and the consequence of non-compliance is to be provided as described in section 1.1 of this report. Decisions on the application must be communicated to the applicant in a language they can be reasonably expected to understand.

In Malta, several legal sources (regulations) outline the procedure, which requires the police to inform applicants about the right to a lawyer and contact with UNHCR, among other rights. Similarly, in Italy, once an asylum-seeker submits an application for international protection, the police office competent to receive the request has the obligation to inform the applicant about the procedure to be followed as well as the applicant’s rights, timing of the process and support available. Free legal aid is not offered in most cases. This is generally the case across the INFORM project study countries, but with some variation in practice. In the UK, consulting a legal representative can be covered by public funds, but only for unaccompanied minors and people with mental illnesses. In Cyprus, the law specifically states that interpretation is free, but the applicant bears the cost of consulting a lawyer. Authorities can restrict the applicant’s lawyer’s access to case-related information on security grounds. In Sweden, free legal assistance covers representation in interview and legal advice.<sup>55</sup> Legal aid is free at the appeals stage in the countries where information is available although in Cyprus, legal aid for challenging an asylum rejection is subject to the “means” and “merits” tests and legal aid applications nearly always fail on the ground of “merits”; applicants are unlikely to be able to convince the Court about the merits of their case without legal advice and Courts prohibit NGO legal assistants from advising legal aid applicants.

## 5.2. Information provided

Information materials on the asylum procedure generally map out the procedural steps and warn about the consequences of non-compliance. The information provided includes details about average waiting times, the rights and obligations of the asylum applicants, and legal assistance, except in Cyprus where the government leaflet does not mention the right to legal aid. Most countries

55 FARR, “Country Report – Sweden”.

also provide asylum seekers with contact details for organisations that can offer them guidance, but often do not specify which contacts are for legal aid. Even in Sweden, where legal aid is free in the first instance, it often depends on the individual lawyer how much they wish to inform the client before the status determination interview.

In Italy, the information also covers compulsory elements of the Territorial Commission's decision, and the possibility to re-lodge the application in case additional supporting elements are collected. In Cyprus the government leaflet does not provide any information on the procedure for submitting a subsequent application or new elements. In the UK, there is a policy to inform women that they may claim asylum separately from their spouse or partner if accompanied. However, the INFORM project country report for the UK noted concerns that women may not always be aware of this option. No similar policies appear to exist in the other INFORM study countries.

### 5.3. Stage of provision of information

In most of the countries, written information about the procedure is supplied in the same materials as information regarding access to asylum (see section 1.3 of this report) and procedural steps such as finger-printing and Dublin decisions (see sections 2.3. and 3.3.). But again, there is variation across the countries. In Italy, for instance, asylum seekers may receive the first information about the asylum procedure orally also at the point of entry. In other countries, such as the UK and Sweden, asylum seekers receive this information once they lodge the application. In some of the countries more detailed information is provided at later stages of the procedure. For instance, in Italy, Sweden and the UK, asylum seekers are further informed about the asylum procedure when accommodated in reception centres. In general, information is also provided verbally when in contact with relevant authorities.

### 5.4. Format of information

Leaflets and brochures, as well as information sessions, are the most common formats of information provision used in the INFORM study countries. Alternative formats are also available in some countries. In the UK, for instance, two helplines have been set up by the British NGO Asylum Help, which is also planning to develop videos where refugee women explain the Substantive Interview in various languages.

The Internet and social media are also commonly used to disseminate information, although the provisions are variable across the INFORM study countries.

Nevertheless, there are some instances of good practice. Smartphone applications, for instance, have been developed in the UK and Italy. Other instances include a mobile app with service maps in Italy, and a dedicated website in multiple languages – including a video explaining the process – in Sweden.<sup>56</sup> A mobile app offered by a network of international organisations operating in Italy is a particular case of good practice. Estonia has created an online visual representation of the asylum procedure. In the UK, the Point of Claim information is available on the Home Office website, also in Braille and audio formats. A dedicated website, Migrant Help, also offers additional information. At the end of 2017 the UNHCR Representation in Cyprus launched an online information platform for asylum seekers and refugees albeit only in English, but with plans to expand it to include additional languages.

Although implied in the legal framework, standardised information materials for persons in vulnerable situations (such as age-appropriate information materials for minors, or proactive explanation of the right to asylum for trafficked persons) are uncommon. Sweden and Italy provide an exception. In Sweden there is a special brochure for unaccompanied minors available online and at reception centres. In Italy an information brochure for asylum-seeking minors has been published (within the framework of a CIR Lead project) which is provided at the border and in reception centres.

### 5.5. Languages of information

The asylum procedure is typically explained in the same languages as other parts of the process (see section 1.5. of this report, for instance). However, official decisions are usually delivered in the national language.<sup>57</sup> In Cyprus the decision is in a language that the asylum seeker understands or may reasonably be considered to understand. In Italy, information in sign language is also possible but difficult to find in practice.

<sup>56</sup> FARR, "Country Report – Sweden".

<sup>57</sup> FARR, "Country Report – Sweden".

## 5.6. Entities involved in the provision of information

Numerous official and non-governmental entities provide information about the asylum procedure. IOM information materials are used extensively, especially in Estonia and Malta. In Cyprus, UNHCR plays a key role in providing information in detention centres and remote areas, either directly or through its implementing partner; there is no national funding to NGOs for informing or advising asylum seekers. In Estonia, the Estonian Refugee Council is crucial as a repository of online information.<sup>58</sup> It offers legal aid and consultations and formerly used to provide counsellors at reception centres – but the system was subsequently transformed with the asylum procedure brought strictly under the control of government agencies. In some instances, employees of accommodation centres for asylum seekers, especially minors, have been noted to be significant providers of information and support to applicants.<sup>59</sup>

The quality of information provided can vary greatly depending on the availability of NGOs in reception locations. The INFORM project country report for the UK, for instance, describes it as a “lottery”. In Italy, asylum services are outsourced to NGOs and social enterprises which are experienced in assisting vulnerable persons. Not all asylum seekers enter the system through these centres in Italy, but most do, and they receive legal, social and vocational guidance and information there.

## 5.7. Evaluations

Reports that evaluate the provision of information on the asylum procedure have been published in some of the INFORM study countries.<sup>60</sup> In the UK, an evaluation was conducted by AIDA. In Estonia a similar evaluation was carried out by UNHCR in collaboration with the European Human Rights Centre.<sup>61</sup>

**58** UNHCR Regional Representation for Northern Europe, “Integration of Refugees in Estonia Participation and Empowerment”.

**59** Human Rights Centre, “Situation of Refugees and Asylum Seekers”.

**60** Cyprus Refugee Council (2017), “Country Report – Cyprus”, AIDA – Asylum Information Database, March 2018, [www.asylumineurope.org/reports/country/cyprus](http://www.asylumineurope.org/reports/country/cyprus); FARR, “Country Report – Sweden”; Refugee Council, “Country Report – United Kingdom”; ASGI, “Country Report – Italy”; Aditus Foundation and JRS Malta, “Country Report: Malta,” AIDA – Asylum Information Database (London: ECRE – European Council on Refugees and Exiles, November 2015), [www.asylumineurope.org/sites/default/files/report-download/aida\\_mt\\_update.iv\\_\\_0.pdf](http://www.asylumineurope.org/sites/default/files/report-download/aida_mt_update.iv__0.pdf).

**61** UNHCR Regional Representation for Northern Europe, “Integration of Refugees in Estonia: Participation and Empowerment”.

## Information about the asylum procedure

An evaluation of the accessibility and quality of procedural information was also conducted by the European Union Fundamental Rights Agency in 2010.<sup>62</sup> It noted that in a few countries, including Cyprus and Malta, asylum seekers indicated they received little or no information from either authorities or NGOs. Notably, respondents in these countries identified friends and acquaintances, fellow countrymen/women and other asylum seekers as the primary source of information.

A recent FRA report on LGBTI asylum seekers showed how not all states adequately inform LGBTI asylum seekers of their specific rights, some fail to create a safe environment for disclosure, and some still apply outdated, intrusive procedures. NGOs assisting LGBTI individuals suggest that many choose instead to state political belief as their grounds of persecution.<sup>63</sup>

Further evaluations taking account of asylum seekers' assessments of the quality of information are urgently needed. More research is needed to explain the gap between procedural requirements to provide information and the indications that in practice many asylum seekers do not receive any information or, where they do receive information, they do not always understand it.<sup>64</sup>

### 5.8. Impact

As discussed in the earlier sections of this report (see sections 1.8 and 3.8), accessibility and quality of procedural information greatly affects asylum seekers' chances of understanding their rights and therefore appealing against unfavourable decisions, being assisted for medical, trafficking reasons etc. Tellingly, a recent article in the UK newspaper the *Guardian* highlighted a case in which an illiterate asylum seeker in the UK did not open the letter rejecting his asylum application (on the grounds that Afghanistan is considered a safe country), thus missing his chance to appeal within the 14 day limit.<sup>65</sup> In general, the project's research into the provision of information about the asylum procedure found that, like the provision of the other information discussed earlier, it is inconsistent, not always accessible and in many cases misunderstood.

<sup>62</sup> European Agency for Fundamental Rights (FRA), "The Duty to Inform Applicants about Asylum Procedures: The Asylum-Seeker Perspective".

<sup>63</sup> European Agency for Fundamental Rights (FRA), "Current Migration Situation in the EU: Lesbian, Gay, Bisexual, Transgender and Intersex Asylum Seekers," March 2017, <http://fra.europa.eu/en/publication/2017/march-monthly-migration-focus-lgbti>.

<sup>64</sup> E.g. Squire et al., "Crossing the Mediterranean Sea by Boat".

<sup>65</sup> Kate Lyons, "They Left Afghanistan a Family of Nine. They Arrived in the UK a Family of Two," *The Guardian*, March 1, 2017, sec. World news, [www.theguardian.com/world/2017/mar/01/left-afghanistan-family-of-nine-arrived-uk-family-of-two](http://www.theguardian.com/world/2017/mar/01/left-afghanistan-family-of-nine-arrived-uk-family-of-two).

# 6

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## **Information about the rights and responsibilities of persons seeking international protection**

## 6.1. Legal framework

With regard to the rights and responsibilities of beneficiaries of international protection, the EU Directives (especially Directive 2011/95) leave little room for discretion for Member States. Practically, the EU Directive 2011/95 establishes the modalities through which beneficiaries of international protection should be informed about rights and responsibilities related to their status. In the INFORM study countries the requirements of the Directives are variously transposed into core legislation and immigration and asylum rules and regulations. Cyprus, for instance, has transposed almost all asylum related EU Directives by introducing amendments to existing core legislation, incorporating to a large extent, the text of the EU Directives verbatim. In Malta, provisions regarding information about the rights and responsibilities of beneficiaries of protection can be found in the Procedural Standards Regulations and the AWAS Regulations. The Procedural Standards Regulations stipulate that a beneficiary of refugee or subsidiary protection status shall have access to information on the rights and obligations relating to that status in a language which they understand or may reasonably be supposed to understand, unless the information was provided at an earlier stage. In Estonia, the Act on Granting International Protection to Aliens (with last amendments dated May 2016) regulates the admission, social rights and obligations of beneficiaries of international protection. The provision of information about the rights and responsibilities of beneficiaries of protection is by law the responsibility of the local government or an assigned legal person. In both Italy and Sweden, local authorities including the police and Territorial Commissions, also have a role to play in the provision of information.

## 6.2. Information provided

In most countries, information materials explain the different statuses and resulting rights and responsibilities. However, as is the case with the other types of information provision discussed in this report, there is considerable variation and inconsistency. In some of the INFORM study countries the information provision is lacking. In Cyprus it is limited and mostly available from NGOs. For Estonia, a UNHCR report notes the information provision to be insufficient – especially beyond the initial welcoming programme.<sup>66</sup> In the UK, applicants

66 UNHCR Regional Representation for Northern Europe, "Integration of Refugees in Estonia: Participation and Empowerment".

are sent a letter once a decision has been made on the outcome of their claim, but this may not include any information regarding the rights and responsibilities attached to their status. NGOs provide information on this in a less formal manner, and it is likely that other public service providers such as healthcare and educational professionals may provide information when approached by a refugee or refused asylum seeker as to their rights.

Information for rejected asylum seekers, arguably the most vulnerable group, is seriously lacking in the INFORM study countries. Where it is provided, in Estonia, Italy, Malta and Cyprus, for instance, it tends to be procedural and covers legal aid and the return process. Some information materials in Malta state that rejected asylum seekers retain access to the labour market, basic health services, and education. In this regard, the website of JobsPlus (the country's official employment service) offers information about obtaining employment licenses.

The lack of information provision in other countries represents a serious concern. It alienates applicants and makes their position more precarious. NGOs and international organisations try to fill the information gaps.

### 6.3. Stage of provision of information

Basic information about entitlements after receiving the status is typically provided at earlier stages – be it in a comprehensive booklet (Malta, UK), online at any time (Estonia, Sweden, UK), or in information sessions given by UNHCR and NGOs in Malta and Sweden.

In the UK, information regarding the rights and responsibilities of applicants post-decision is not generally given before the decision is made. By contrast, in Sweden, applicants can be provided with information concerning the progress of their own application and their respective rights/responsibilities at any time on the Migration Agency Website ([migrationsverket.se](http://migrationsverket.se)). Once a decision on a given application has been issued, the Migration Agency sends a letter informing of an upcoming meeting held at the reception centre to communicate the decision and what it entails.

In Italy, applicants seeking international protection receive, in principle, information about rights and duties deriving from the status during the asylum procedure. Moreover, the police headquarters notifying the person concerned of a decision to grant international protection has the duty to deliver the brochure containing information on the rights and obligations related to this status.

Information for rejected asylum seekers is mostly procedural and usually supplied with the decision, or, on an individual basis, by NGOs.



## 6.4. Format of information

Procedural information in printed form is commonly used in the INFORM study countries. Information about the next steps and procedural requirements, with translation, generally accompanies the status determination letter. In Sweden, the Migration Agency offers extensive explanations of the process, both online, and orally in a meeting after the decision is made.

Since this stage of the process covers many areas, information tends to be more dispersed and NGO-driven. In Estonia, the system relies on a support person system, which is individualised, but has potential sustainability risks due to reliance on volunteers and projects. In the UK, an asylum helpline supports rejected asylum seekers if they choose to challenge the decision.

## 6.5. Languages of information

When information about the rights and responsibilities of refugees, beneficiaries of international protection and rejected asylum seekers is covered by the same comprehensive booklet or other means as the asylum procedure, it is available in the same languages (see sections 4.5. and 5.5. of this report). However, often at this stage and especially for written content, the provision of translation is more limited compared to procedural information. In Estonia, much of the written information is only in Estonian, Russian and English, and in Italy the minimum requirement is to cover English, French, Spanish and Arabic. In Malta, the AWAS booklet is available in fewer languages than the Refugee Commissioner's or IOM booklets. Arabic and Somali interpreters are available at AWAS information sessions, and interpreters for other languages are called when needed. UNHCR sessions offer interpreters for Tigrinya, Amharic, Somali, and Arabic.<sup>67</sup> In Cyprus, information is almost solely provided in English and Greek apart from a few elements in Arabic.

Some of the INFORM study countries have far more comprehensive language coverage. The Swedish Migration Agency provides information in 21 languages on its website at this stage. The leaflets provided by the British NGO Asylum Help are available in 15 languages and they also provide a helpline available in the same languages.

67 Castillo, Durable Solutions Associate at UNHCR, September 9, 2016.

## 6.6. Entities involved in the provision of information

Information is provided by status determination authorities, international organisations (IOM, UNHCR) and NGOs. In addition, in some countries, local authorities and specialised institutions also provide information. The position in Estonia, with a variety of entities providing information, is instructive: first, institutions responsible for providing legal and procedural information to the beneficiaries of international protection are predominantly the Ministry of Social Affairs of the Republic of Estonia, local governments and NGOs. Information is also provided by counsellors at detention and accommodation centres if the beneficiary has been previously housed there. The main NGOs involved in this are the Johannes Mihkelson Centre and the Estonian Refugee Council. Through public procurements, each covers different regions in Estonia and collaborates with local governments in the process. Sweden also has a variety of entities involved in information provision at this stage. In addition to the Migration Agency, the Public Swedish Employment Agency and the Swedish Taxation Agency play a significant role. In Italy, the Territorial Commission for the recognition of international protection and the National Commission for the right of asylum represent examples of the local authorities involved in the process. In the UK, apart from the importance of NGOs, other public service providers such as healthcare and educational professionals may provide information in a less formal manner when approached by a refugee or a refused asylum seeker as to his/her rights.

## 6.7. Evaluations

Little evaluation has been undertaken of the provision of information about the rights and responsibilities of refugees or refused asylum seekers. Evaluations are conducted on a project basis and stay mostly internal (or even non-existent, as in Cyprus). Some evaluation material is provided in AIDA (Asylum Information Database) reports for some of the INFORM study countries, and in a UNHCR report in the case of Estonia. These reports suggest that beneficiaries of international protection and rejected asylum seekers often struggle to understand information, which may hinder their labour market participation and access to other benefits of integration.<sup>68</sup> Although the rights to employment, education and other areas are theoretically set out in asylum information materials, it is not always straightforward

68 Ibid.

to know how those can be accessed in practice. Furthermore, there is evidence that asylum seekers are at times given inaccurate information about their entitlement to healthcare, which can severely impact their health.<sup>69</sup> Most assessments highlight individuals' reliance on family and friends (along with other informal channels) for obtaining user-friendly information.

### 6.8. Impact

Most reports and the judgement of the national experts consulted for the INFORM project point to the fragmented nature of information provision at this stage. As noted earlier, linguistic diversity of materials is substantially reduced, perhaps reflecting the expectation that either beneficiaries will have increased their fluency in the national language by that point, or specific public services, such as employment agencies, would be able to offer interpretation on an individual basis.

Notably, the country report for Estonia points out that reliance on volunteers is a risk, given the complex and delicate nature of guidance at this stage. It is often left to NGOs to fill in the gaps in applicants' knowledge. Accordingly, this puts the burden perhaps unfairly onto NGOs and other public service providers to provide the necessary information. While the role of NGOs is vital, it also poses sustainability risks, especially when services are financed on a project basis rather than through continuous funding. Those who fail to find and access the correct help are much more likely to become destitute and suffer.

69 Feldman, Rayah. 2013. *When Maternity Doesn't Matter: Dispersing Pregnant Women Seeking Asylum*. Maternity Action and Refugee Council.

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**Information  
about  
resettlement  
and relocation**

## 7.1. Legal framework

Article 6(3) of the Council decision establishing the relocation mechanism for Italy and Greece stipulates that “Prior to the decision to relocate an applicant, Italy and Greece shall inform the applicant in a language which the applicant understands or is reasonably supposed to understand of the relocation procedure as set out in this Decision.” Further, the person is to be notified of the relocation decision and the Member State of destination in writing.<sup>70</sup> In Cyprus, this provision is interpreted liberally, allowing the authorities to use English as default language for those applicants who entered Cyprus on a visitor’s or student visa.

No legislative provisions specifically govern relocation and resettlement at the national level. Except for Italy with reference to the relocation program, each of the countries of the INFORM study are receiving countries in this mechanism, thus implying that they rely on the sending country/EASO to provide pre-arrival information. The general trend with these issues is therefore to closely follow the guidelines set out by the European Union. Until recently, the Maltese case represented an exception: the archipelago was a sending country for resettlement to the US. This was regulated by US legislation (more specifically the Refugee Act and the Immigration and Nationality Act) and was put under the responsibility of the US Office of Refugee Resettlement.<sup>71</sup>

## 7.2. Information provided

No evidence was found that the INFORM study countries (with the exclusion of Italy as it is a sending country) developed any structured information materials for asylum seekers to be relocated to their territory. In Italy’s hotspots, information has been provided covering the criteria for relocation, the rights and duties, and the reception conditions of receiving countries. An EASO leaflet explains procedural steps and guarantees, destination countries, eligible nationalities, and so forth. The information mainly concerns relocation rules, including criteria for determining the nationalities eligible for relocation; rights and duties of the candidate for relocation; common EU reception standards, trying to overcome stereotypes on reception conditions in other EU countries; the possibility to express a country

**70** Council of the European Union, “Council Decision Establishing Provisional Measures in the Area of International Protection for the Benefit of Italy and Greece,” (EU) 2015/1601 Council Decision § (2015), <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32015D1601>.

**71** Office of Refugee Resettlement, “The Refugee Act,” August 29, 2012, [www.acf.hhs.gov/orr/resource/the-refugee-act](http://www.acf.hhs.gov/orr/resource/the-refugee-act).

## Information about resettlement and relocation

of preference on the basis of social and family ties, and the possibility of being prioritized when considered a vulnerable person with special needs (art. 21 of the EU Directive 33/2013).

More specific information concerning living conditions in the destination countries includes national holidays, the average cost of living, rights and duties as well as pocket money.<sup>72</sup> On the basis of exchange of information between liaison officers of the relocation country appointed in Italy and IOM experts working in the destination country, relocation applicants are also informed about the EU destination country's procedures for asylum. Once relocation applicants accept the transfer to their designated country, they are also informed by IOM about the logistical aspects of departure and arrival.

Information about relocation is provided on the EASO website, which defines eligibility, lists participating countries, points out that the applicant has no choice of the country, and promises to take special needs into account. Further information is provided to applicants individually. For example, Eritreans are encouraged to apply to EASO directly using personal stories.<sup>73</sup> EASO's promotion materials include an example in Sweden where relocated asylum seekers, whose cases are prioritised, receive a folder with practical information.<sup>74</sup> In addition, EASO experts collect information on applicants' vulnerabilities and social ties to potential receiving countries. EASO has also produced two leaflets about relocations specifically for Italy<sup>75</sup> and Greece.<sup>76</sup>

Refugees selected by UNHCR to be sent to Italy under the national resettlement programme receive cultural orientation and information on the procedure they will undergo once arrived in Italy, and information about the Italian reception system, access to social services, access to work, access to the health system, possibility to travel across EU Member States, and conditions for obtaining long-term residence permits or citizenship.<sup>77</sup>

72 IOM, Legal Expert interviewed in Rome by CIR on 28 June 2016.

73 European Asylum Support Office (EASO), "Eritrean in Italy? Relocation to Another European Country Is Safe and Legal. Start Your Future Now!," May 23, 2017, [www.easo.europa.eu/news-events/eritrean-italy-relocation-another-european-country-safe-and-legal-start-your-future-now](http://www.easo.europa.eu/news-events/eritrean-italy-relocation-another-european-country-safe-and-legal-start-your-future-now).

74 See [www.youtube.com/watch?v=fqmlhzNOgHg](http://www.youtube.com/watch?v=fqmlhzNOgHg).

75 "Relocation of applicants for international protection: Information leaflet for Italy EN", at [www.moi.gov.cy/moi/asylum/asylumservice.nsf/7D239809E9CB30B7C2257FE0003582C0/\\$file/Information%20Leaflet%20Relocation%20Italy.pdf](http://www.moi.gov.cy/moi/asylum/asylumservice.nsf/7D239809E9CB30B7C2257FE0003582C0/$file/Information%20Leaflet%20Relocation%20Italy.pdf).

76 "Relocation of applicants for international protection: Information leaflet for Greece EN", at [www.moi.gov.cy/moi/asylum/asylumservice.nsf/7D239809E9CB30B7C2257FE0003582C0/\\$file/Information%20Leaflet%20Relocation%20Greece.pdf](http://www.moi.gov.cy/moi/asylum/asylumservice.nsf/7D239809E9CB30B7C2257FE0003582C0/$file/Information%20Leaflet%20Relocation%20Greece.pdf).

77 UNHCR, Legal officer interviewed by CIR on 26 September 2016.

The AIDA report for Cyprus records testimonies from relocated asylum seekers who had received no prior information about regulations or reception conditions awaiting them in Cyprus and were, in many instances, encouraged to agree to their relocation in Cyprus by false information.<sup>78</sup>

### 7.3. Stage of provision of information

Information is provided in each hotspot, and EASO mobile teams support national authorities. Online information can be accessed at any time. A recent social media campaign by EASO targets Eritreans in Italy, without specifying the stage of their asylum process.<sup>79</sup>

By virtue of Standard Operating Procedures, IOM, UNHCR and other relevant organisations support the Italian government in the implementation of the resettlement and relocation programme. In both cases, in addition to the logistics related to displacements, it deals with providing pre-departure cultural orientation, aimed at helping beneficiaries of the two measures – better defining their expectations for the future. There is a particular focus on individuals with special vulnerabilities, for whom specific support services are provided.<sup>80</sup>

UNHCR (first) and EASO (second), in the frame of their mandates, provide follow-up information on relocation with in-depth details in the Regional Hubs (or other reception centres overseen by the Ministry of Interior). Asylum seekers are sent there following identification activities carried out in the hotspot premises, or the police headquarters of non-hotspot areas.

Once the person has been informed of his or her destination country of relocation, IOM provides pre-departure information within the reception centres following the notification of the transfer decree.<sup>81</sup> After the person has accepted the designated country, IOM also informs on the logistical aspects of the departure.<sup>82</sup>

**78** Cyprus Refugee Council (2017), "Country Report – Cyprus", AIDA – Asylum Information Database, March 2018, [www.asylumineurope.org/reports/country/cyprus](http://www.asylumineurope.org/reports/country/cyprus).

**79** European Asylum Support Office (EASO), "Eritrean in Italy?".

**80** SOPs, D.7 International organisations: Role of IOM – International Organisation for Migration, p. 26.

**81** IOM, Legal expert interviewed by CIR in Rome on 28 June 2016.

**82** IOM, Legal expert interviewed by CIR in Rome on 28 June 2016.

## 7.4. Format of information

EASO offers a Q&A website that covers the main aspects of relocation in plain language.<sup>83</sup> This is then supplemented by an IOM-run group session. The availability of information online is greater than for other aspects of the asylum process, and EASO uses social networks plus an app to facilitate the process.<sup>84</sup> The EASO mobile application indicates the competent asylum offices for relocation throughout a given national territory. It also reports the content of the multilingual leaflet in the FAQ section. There is also a hotline in Italy specifically dedicated to information about relocation and family reunification.<sup>85</sup> However, the most relevant information is supplied by EASO and UNHCR through group meetings of 25 to 30 people, whose sessions are divided in two phases: the first one being more informative, and the second one participative with the support of cultural mediators.<sup>86</sup>

The possibility of relocation is mentioned in the UNHCR information sessions as a part of their information pack and power point presentation,<sup>87</sup> and also on their website. At the IOM screening stage, applicants receive information orally or from a multilingual programme leaflet.<sup>88</sup>

## 7.5. Languages of information

The EASO website on relocation is in English and Arabic, with Tigrinya in the pipeline.<sup>89</sup> EASO leaflets on relocation are written in English, Arabic, Italian, Kurmanji, Tigrinya and Sorani. There is a mobile app in English, Arabic and Tigrinya. Cultural mediators fluent in Arabic, Tigrinya and Kurdish are appointed to facilitate relocations in Italy.<sup>90</sup> In addition to the languages otherwise covered, Italy, a significant sending country for the relocation mechanism, has hired ten mediators covering Tigrinya and Arabic.

**83** European Asylum Support Office (EASO), "Questions and Answers on Relocation," accessed February 13, 2017, [www.easo.europa.eu/questions-and-answers-relocation](http://www.easo.europa.eu/questions-and-answers-relocation).

**84** E.g. this bilingual Facebook campaign targets Eritreans in Italy: [www.facebook.com/easo.eu/photos/a.1451590785064634.1073741828.1449052665318446/1953171208239920/?type=3&theater](https://www.facebook.com/easo.eu/photos/a.1451590785064634.1073741828.1449052665318446/1953171208239920/?type=3&theater).

**85** "Hotline in Italy for Asylum Seeker Relocation," *InfoMigrants*, July 24, 2017, [www.infomigrants.net/en/post/4286/hotline-in-italy-for-asylum-seeker-relocation](http://www.infomigrants.net/en/post/4286/hotline-in-italy-for-asylum-seeker-relocation).

**86** EASO, Deployed experts interviewed in Trapani by CIR on 10 May 2016.

**87** Castillo, Durable Solutions Associate at UNHCR, September 9, 2016.

**88** Fenech Khan and Maciulskaite, IOM Malta.

**89** European Asylum Support Office (EASO), "Questions and Answers on Relocation".

**90** European Commission, "Ninth Report on Relocation and Resettlement" (Brussels, February 8, 2017), [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170208\\_ninth\\_report\\_on\\_relocation\\_and\\_resettlement\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170208_ninth_report_on_relocation_and_resettlement_en.pdf).



## Information about resettlement and relocation

In Malta, UNHCR information sessions are currently undertaken in Tigrinya, Amharic, Somali, and Arabic,<sup>91</sup> and the durable solutions self-registration form has its components translated into Tigrinya, Somali and Arabic.<sup>92</sup> Meanwhile, IOM uses translators for Somali, Tigrinya, Amharic and Arabic. However, if needed they can look for translators in other languages.<sup>93</sup> Their practical handbook is available in English, Arabic, Amharic, Tigrinya and Somali.

In Malta, beneficiaries of international protection receive an orientation session at RefCom, where in-house interpreters into Arabic, Somali and Tigrinya are available. For other languages, an appointment is set when relevant interpreters are available.<sup>94</sup> There are few details about information provided to relocated asylum seekers directed to Malta, but a recent report notes that EASO appointed cultural mediators fluent in Arabic, Tigrinya and Kurdish to facilitate relocations from Italy.<sup>95</sup> EASO Q&A about relocation is translated into Arabic; Pashto and Farsi/Dari (the two main languages spoken in Afghanistan) will be added in the future.<sup>96</sup>

### 7.6. Entities involved in the provision of information

As already noted, EASO and UNHCR are the main actors providing information on the relocation scheme. IOM offers a pre-departure information session. The Italian Dublin unit appoints liaison officers to provide information on integration in the receiving country. Formally, reception is organised by the responsible authorities in each country. According to the “Hotspot Relocation Operating Plan 2018” determining the activities to be provided in support of the Italian authorities, EASO is represented by two experts from Member States in each hotspot and mobile teams. EASO also deploys an average of 30 cultural mediators. Moreover, the EU agency is present with the Asylum Support Teams in some regional hubs and police Headquarters.

<sup>91</sup> Castillo, Durable Solutions Associate at UNHCR, September 9, 2016.

<sup>92</sup> UNHCR Malta, “Durable Solutions Self-Registration Form”.

<sup>93</sup> Fenech Khan and Maciulskaitė, IOM Malta.

<sup>94</sup> Friggieri, (former) Refugee Commissioner.

<sup>95</sup> European Commission, “Ninth Report on Relocation and Resettlement”.

<sup>96</sup> European Asylum Support Office (EASO), “Questions and Answers on Relocation”.

## Information about resettlement and relocation

In Malta, the relocation of asylum seekers from Italy and Greece is not handled by RefCom but by another entity within the Ministry for Home Affairs and National Security. When relocated persons arrive in Malta to start their asylum procedure, RefCom summons them for an information session about the asylum process in Malta. After a UNHCR referral, IOM conducts the screening and organises an information session on what to expect after resettlement.<sup>97</sup>

Overall, IOM highlighted the need to improve coordination among stakeholders to make sure information is accurate and appropriate to the applicants for each durable solution.<sup>98</sup> NGOs receive questions from their clients about resettlement, but in those cases refer them to UNHCR.<sup>99</sup>

### 7.7. Evaluations

Evaluations of IOM and UNHCR activities are carried out internally. Moreover, the IOM publications department checks whether the information is consistent with IOM's strategy.<sup>100</sup> The Italian national report refers to evidence that half of the Eritrean asylum seekers interviewed said they had not received information about relocation at reception centres, even if they passed through hotspots. With respect to Malta, the ninth report on the EU relocation scheme noted the need to “improve information provision during the relocation procedure” to include information and cultural orientation sessions – although this was not a criticism levelled only at Malta. It called for updating relocation brochures and leaflets developed by EASO and then provided by countries of relocation.<sup>101</sup>

At the time of writing, none of the stakeholders mentioned the use of EASO materials in Malta, but the latter can be accessed online at any time (and in multiple languages). The Commission report suggested tailor-made information, including country leaflets and videos, to mitigate secondary movements as well as risks of absconding.<sup>102</sup>

**97** Fenech Khan and Maciulskaitė, IOM Malta.

**98** Ibid.

**99** E.g. Tratnik, Community Development Coordinator at Integra.

**100** Fenech Khan and Maciulskaitė, IOM Malta.

**101** European Commission, “Ninth Report on Relocation and Resettlement,” 11.

**102** Ibid.

## 7.8. Impact

Despite availability of various information tools, it can be said that the relocation process has proceeded at a slow pace. At the time of writing, Malta was the only country in the sample that had fulfilled its relocation quota – though not resettling from Turkey.<sup>103</sup> The UK has not opted into the relocation scheme. Most countries did not proactively offer information for potential relocation candidates, relying on pre-departure information. On the other hand, NGOs in Malta have started targeting relocated asylum seekers as a specific segment for training initiatives.

In Italy, due to the reduced turnover in the regional hubs, many potential candidates for relocation are accommodated in C.A.S. (Centro di Accoglienza Straordinaria) facilities under the monitoring of the Ministry of Interior, and C.A.R.A reception centres, leading to dispersion of relocation applicants. How information on relocation is provided to those asylum seekers eligible for relocation scattered across the regions is not easy to determine. On top of this, around 50% of people interviewed by CIR (the Italian Refugee Council, coming from reception centres of several Italian regions, declared they were not informed at all about relocation even if they passed through the hotspots.<sup>104</sup>

Information provided immediately after disembarkation might obviously not be absorbed due to people's very high levels of stress following the sea crossing and the insufficient number of experts from international organisations and EU agencies.

**103** European Commission, "Report from the Commission to the European Parliament, the European Council and the Council. Fourteenth Report on Relocation and Resettlement," July 26, 2017, [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170726\\_fourteenth\\_report\\_on\\_relocation\\_and\\_resettlement\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170726_fourteenth_report_on_relocation_and_resettlement_en.pdf).

**104** [www.cir-onlus.org/it/comunicazione/news-cir/51-ultime-news-2016/2206-migranti-e-baobab-un-primo-minimo-passo-verso-l-accoglienza-ma-multi-indietro-sull-accesso-ai-diritti](http://www.cir-onlus.org/it/comunicazione/news-cir/51-ultime-news-2016/2206-migranti-e-baobab-un-primo-minimo-passo-verso-l-accoglienza-ma-multi-indietro-sull-accesso-ai-diritti). The Questura of Rome is able to manage from 10 to 20 appointments per day both for asylum requests and for relocation.

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# Information about return

## 8.1. Legal framework

At EU level, the Directive on common standards and procedures in Member States for returning illegally staying third-country nationals<sup>105</sup> allows the Member States to enact more favourable provisions towards rejected asylum seekers (Article 4). It states that a return decision shall provide for a period for voluntary departure, and migrants shall be informed in case such a period is only granted following an application (Article 7). The directive prescribes providing reasons for an entry ban and legal remedies available. Furthermore, “Member States shall provide, upon request, a written or oral translation of the main elements of decisions related to return, [...], including information on the available legal remedies in a language the third-country national understands or may reasonably be presumed to understand” (Article 12). Return decisions shall also be explained in information sheets, published in at least the five most common languages of migrants who enter the Member State illegally.

It is of note, however, that the UK has not transposed the Return Directive. Migrants awaiting expulsion from the UK are routinely detained, and there are no provisions that require informing them about returns. Elsewhere, for rejected asylum seekers, forced return is also often preceded by detention. In most countries the law obliges authorities to provide information about the reasons for detention and ways to challenge it. However, the provision of such information is variable across the INFORM study countries. In Cyprus, information about detention conditions is provided not by detention facilities, but by NGOs and UNHCR.<sup>106</sup> In Malta, there are additional legal guarantees for unaccompanied minors affected by returns. The legal framework regarding the provision of information on return is made up primarily of the Refugees Act and the Returns Regulations. Voluntary return is only legally defined in relation to undocumented migrants, who shall be informed of the return decision and their right to leave voluntarily.<sup>107</sup> Unaccompanied minors can only be removed if they would be received by a family, a guardian, or a competent institution in a receiving country, but there are no provisions as to how they shall be informed about this. In addition, free legal

**105** European Parliament and Council of the European Union, “Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on Common Standards and Procedures in Member States for Returning Illegally Staying Third-Country Nationals,” 2008/115/EC § (2008), <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32008L0115>.

**106** FutureWorldsCenter (FWC), “Country Report – Cyprus”.

**107** “Common Standards and Procedures for Returning Illegally Staying Third-Country Nationals Regulations,” SL 217.12 Laws of Malta Chapter 217 § (2011), para. 2, [www.justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=21843&l=1](http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=21843&l=1).

aid is offered upon issuance of the removal order, as well as information about proceedings to challenge detention.<sup>108</sup>

In Italy, the new law 47/17 makes clear that unaccompanied minors cannot be removed from Italian territory and transferred oversight of the assisted voluntary return program to the Juvenile Court. In some countries, detainees have a right to request a personal interview with police officers. In Estonia, the law requires expulsion to take place within 48 hours of detention, and authorities are obliged to provide legal and translation assistance for detainees.

Details of voluntary returns, managed by the IOM in most countries, are regulated by policy rather than legislation. The UK is the only country among the INFORM study countries that runs its own Assisted Voluntary Return programme, managed by the Home Office, which also sets the standards for informing the individuals affected. There is no UK legal requirement to give applicants information regarding return, either generally or specific to their case.

Although the EU Return Directive (115/2008 EC) provides for voluntary return, the Italian transposition foresees voluntary return (i.e. the possibility to join AVR programmes) only upon request. Nonetheless, the police shall ensure adequate information to foreigners about the right to request a time frame for voluntary return by a multilingual information sheet.<sup>109</sup> Standard Operating Procedures set return procedures within the frame of the hotspot approach. Indeed, on the basis of the results of the identification process carried out in the hotspot premises by border police (together with Frontex guest officers), those people who do not express the intention to apply for asylum may receive a rejection or an expulsion order. In these cases people notified with such measures may be transferred to CPRs (Return centres)). However, access to international protection shall be ensured also in CPRs and at any time.<sup>110</sup>

In Estonia, the provision of legal and procedural information regarding return is regulated by the Act on Granting International Protection to Aliens and the Obligation to Leave and Prohibition on Entry Act. Failed asylum seekers may appeal the decision and they are entitled to free legal aid. Currently, the Estonian Bar Association is appointed to provide the necessary aid with the appeal, but previously the Estonian Human Rights Centre did so. However, failed asylum seekers can still discuss their case with the Estonian Human Rights Centre. The Centre,

**108** Common standards and procedures for returning illegally staying third-country nationals regulations, para. 11.

**109** Art. 13(5) 13(5.1) of the Immigration Law.

**110** SOPs, section C.2.b "Transfer to CIEs", p.19.

in association with UNHCR, currently takes on primarily strategic cases that could contribute to the development of relevant case law in Estonia. Examples include the case of an Albanian family dwelling at liberty in Vao (a village located in the north-east of the country), who had unsuccessfully been applying for asylum for three years despite the fact that one of the children was born in Estonia and the other speaks fluent Estonian.<sup>111</sup>

### 8.2. Information provided

Rejected asylum seekers receive information about the decision and its consequences, legal remedies and next steps, including free legal aid at the appeals stage.

In the UK, the Point of Claim leaflet informs asylum seekers that should they find themselves in a situation where they are forced to return, they have 21 days to do so voluntarily – otherwise they would be expelled and affected by a travel ban. The leaflet informs them of assisted voluntary return, where Home Office assistance covers procurement of a travel document, travel costs, medical and reintegration needs. It is not likely that applicants are contemplating return at this early stage in their claim and information provided at this time may not be retained by applicants who later wish to return to their country of origin. It also does not address the more pertinent issues regarding personal safety which many applicants may consider to be paramount in any discussion of returning to a potentially unsafe country of origin.

In Malta, comprehensive information materials on the whole asylum process focus more on voluntary returns than on expulsion. Rejected asylum seekers are informed of the possibility of voluntary return – and detention, in case they do not comply – by RefCom, IOM and UNHCR.

In Sweden, individuals affected are informed that the police can use force should they not leave Sweden in due time. Refusal to cooperate results in a travel ban throughout the Schengen zone. In addition, they are informed of the right to appeal, but that would take place in their absence. Once a first instance decision of refusal is reached, the applicant is informed through a letter and appointed a time and date to meet at the reception centre to have the decision explained and be presented with the options. The applicant is also informed that if they do not appeal or leave the country before the decision enters into force, their case will be transferred to the police who will be in charge of their deportation.

111 Postimees, "Asylum in Estonia does not come easy" (26 November 2015).

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In Italy too, removal orders (both expulsion and rejection) contain information on the competent authority to appeal the notified measure and the time allowed to lodge the claim. Moreover, the information provided advises about the possibility of obtaining free legal aid, and also about the possible suspensive effect of the appeal presented. On the basis of the expulsion order issued by the Prefecture, the police headquarters notifies the person concerned with an order to leave Italian soil within seven days of the notification of the measure, and also informs about the consequences of breaching such an order.

In Estonia, the rights and obligations of a person to be expelled are required to be explained in a language which they understand, as well as the next steps in the process, including the possibility to appeal the decision. According to §18 of the Obligation to Leave and Prohibition on Entry Act, expulsion shall be completed within 48 hours after an alien is detained.

In Cyprus, notably, the function of providing return information is contracted out to a project with different partners. It is funded by the European Return Fund, which aims to “to promote the voluntary return of undocumented immigrants back to their home countries”.<sup>112</sup> The lead partner is the research centre CARDET, in collaboration with the University of Nicosia and Caritas International (BE). The aim of the project – called “AVRCyprus” – is to provide information, psycho-social, financial, and material support to third-country nationals who wish to return to their countries of origin. The project targets all over-stayers and not only rejected asylum seekers; there is no public record as to how many of the persons assisted were in fact rejected asylum seekers.

### 8.3. Stage of provision of information

Information about returns is communicated to asylum seekers when they receive the decision on their status. The same procedure also applies to irregular migrants who did not lodge an application for international protection: the information is supplied at the points of entry. In Italy, it is provided in a brochure at the main airports, with help from cultural mediators, and by IOM experts in hotspots. Information about return is also provided in reception centres by legal services and by NGOs (including CIR), as well as in NGO offices.

Basic facts about the option of voluntary return are listed in information materials, such as in an IOM handbook in Malta or in Point of Claim leaflets

112 See [www.cardet.org/projects/current/519-avr-cyprus](http://www.cardet.org/projects/current/519-avr-cyprus).



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in the UK, provided at the point of entry. This model is not phase-relevant for asylum seekers who have been rejected after a full procedure rather than in a fast-track procedure or upon entry. In Sweden, the use of online information is encouraged, and such information can be accessed at any time. However, when rejected asylum seekers in the UK are detained, their access to certain websites is blocked, and the ban extends to news, media, or even NGO websites.

In the case of Malta, the assisted voluntary return programme is available to rejected asylum seekers, beneficiaries of international protection whose countries' situation has changed, and other migrants who lack the means to return to their countries of origin. UNHCR and IOM information materials, distributed at the early stages of the asylum process, include references to this option. Applicants can contact IOM about assisted voluntary return at any time. IOM staff attend all reception facilities, including open centres, to provide information.

In Estonia, information regarding the return of failed asylum seekers is provided by the Police and Border Guard Board, while information about voluntary returns is primarily offered by the IOM. The nature of these procedures is very different, which necessitates different sets of information and different settings for providing the information.

In Cyprus, the EU funded program AVRCyprus in practice addresses those migrants who are considering the option of returning and not necessarily rejected asylum seekers. The policy for those who have received their second instance rejection is arrest and detention for the purpose of deportation, without the option of voluntary return being effectively offered in practice.<sup>113</sup>

**113** (2013), *Evaluation of the Implementation of the Return Directive: Cyprus Country Report*, in the framework of a project operated by Matrix Insight LTD, in cooperation with the International Centre for Migration Policy Development (ICMPD), the European Council on Refugees and Exiles (ECRE) and the Centre for European Policy Studies (CEPS), commissioned by DG Home Affairs, Directorate C: Migration and Borders; Trimikliniotis N and Demetriou C (2016) "REDIAL Project: The interpretation of the Return Directive by national courts in Cyprus", Odysseus Academic Network for Legal Studies on Immigration and Asylum in Europe, in collaboration with the Migration Policy Centre and the Centre for Judicial Cooperation (CJC), <http://odysseus-network.eu/research/redial/>.

## 8.4. Format of information

Information regarding return is available in different formats across the INFORM study countries, varying from leaflets, oral information and web resources. In Italy, most of the information is supplied orally, including in reception centres at the border. Written information extends to the removal and expulsion decision, as well as UNHCR and IOM booklets. There is also a special app on asylum in Italy – called “AsylEasy” – which can be used by rejected asylum seekers. Information on time and means for appealing the removal orders and the negative decision of tribunal courts is reported in writing by the decree, then notified to the rejected person.

In the UK, information is provided in the Point of Claim leaflet and then supplemented by authorities. The Estonian Police and Border Control Guard have leaflets available on IOM’s Assisted Return Programmes, but IOM Estonia has stated a concern that this is not sufficient: the relevant legal documents are available online in English, but no other specific material providing information on the return process to failed asylum seekers was identified. Detainees are also provided with written information concerning legislation regulating the enforcement of their expulsion, the internal rules of the detention centre, and the submission of complaints.

Sweden provides a particular example of good practice, as an individual consultation is provided for rejected asylum seekers with a lawyer and an interpreter present. The individual can decide to leave and is then consulted about the possibility for assisted voluntary return. It is also notable that the relevant websites contain audio content in addition to written materials.

By contrast, the position in Malta probably shows the greatest limitation among the INFORM study countries in terms of the format of information delivered. According to an AIDA report for forced return situations, “[i]nformation on how to challenge the [detention decision] consists of two sentences written in English on the removal order, which states that they have three days in which to challenge the said order.”<sup>114</sup>

114 Aditus Foundation and JRS Malta, “Country Report: Malta”.

## 8.5. Languages of information

The information about returns is presented in the same languages as other procedural information. In Italy, there is a clause that if translation into the applicant's language is not possible, the decision will be delivered in French, English or Spanish. Detention information has to be available at least in English, French, Spanish and Arabic. The rest depends on migration trends in the specific local authority (for instance, some have Chinese and Albanian covered). However, in most cases only English, French, Spanish and Arabic are used by the competent authorities for the removal orders, also due to the difficulties in finding sub-Saharan African translators (especially for Mandingo, Bambara and Somali).

In Estonia, written materials with full information are printed in Estonian, Russian, English and Arabic. In the UK, the Point of Claim leaflet is available in 15 languages, as mentioned in section 1.5. In Cyprus, information is supplied in leaflets produced by AVR Cyprus in a number of languages<sup>115</sup> with additional material in English being available on the project website.<sup>116</sup> IOM information on voluntary returns is available in English, Russian, Estonian, French and Arabic in Estonia. In Sweden, information is available on the Migration Agency's website in 21 languages. In Malta, the law states that return decisions, including reasons for removal and information about how to challenge it, "shall be given in at least five languages which third-country nationals may reasonably be supposed to understand."<sup>117</sup>

## 8.6. Entities involved in the provision of information

Whereas beneficiaries of international protection enter the realm of authorities responsible for social affairs, it is usually the police and, more broadly, ministries of interior that implement returns. Information is provided and/or mediated by migration authorities. In Sweden, providing information is the responsibility of the Migration Agency. However, if a person has applied for Swedish re-establishment support upon return, IOM administers it in the country of return. In Estonia, information is obtained from the Police and Border Guard Board.

In Italy, Protection System for Asylum Seekers and Refugees (SPRAR) projects are also responsible for the provision of information regarding return. The IOM,

<sup>115</sup> See the project website at <http://avrcyprus.eu/index.php/en/info-resources/leaflets>.

<sup>116</sup> See the project website at <http://avrcyprus.eu/index.php/en/>.

<sup>117</sup> Common standards and procedures for returning illegally staying third-country nationals regulations, para. 11.

through a dedicated team consisting of a legal operator and a cultural mediator, also provides information concerning Italian legislation on immigration, with particular reference to protection systems envisaged for minors and victims of human trafficking. Information sessions on assisted voluntary return are also organised at a local level, where it is up to prefectures to organise them.

For enforced returns from Malta, RefCom is the main source of procedural information. For voluntary returns, IOM is the main contact point. Additionally, the international organisation is supported by a referral network – that includes AWAS social workers – whose staff members can contact them in case of need.<sup>118</sup>

In Cyprus a voluntary returns information centre was funded by the European Return Fund: as a project, it is currently implemented by the CARDET (Centre for the Advancement of Research and Development in Educational Technology) research centre, the University of Nicosia, and Caritas International, whereas the Asylum Service and the Immigration Office are the implementing authorities. However, there is no evidence that the resources made available by this project actually reach the rejected asylum seekers, who are often arrested and detained for deportation immediately upon being served the second instance rejection.

## 8.7. Evaluations

Evaluations of assisted voluntary return projects tend to be internal and their results are not publicly available. In the UK, there have been some evaluations of the Point of Claim leaflet – the main source of information at this stage. Evaluation has found that informing detainees about the reasons for their detention was implemented rather sloppily, and access to legal aid was obstructed by constantly moving detainees between detention facilities. Furthermore, a study led by the All-Party Parliamentary Group on Refugees and Migration in 2015 found that the quality and availability of legal advice in detention centres was severely lacking.<sup>119</sup> They also found that although Internet services are provided for detainees, certain helpful sites, including those of NGOs giving information about detainees' rights, are sometimes blocked (APPG 2015, 43). For example, the APPG found “in practice, detainees are often blocked from accessing sites that appear to have no

<sup>118</sup> Fenech Khan and Maciulskaitė, IOM Malta.

<sup>119</sup> The All Party Parliamentary Group on Refugees & the All Party Parliamentary Group on Migration. 2015. *Report of the Inquiry into the Use of Immigration Detention in the United Kingdom*, London: House of Commons, p. 46.

security risk. These include the websites of Amnesty International, the BBC, IRC visitors' groups, foreign language newspapers and other NGOs.”

The difficulties encountered by detainees accessing information about bail hearings while in detention have also been documented by a study written for BID by Adeline Trude.<sup>120</sup> She found that legal representatives are only allowed ten minutes to converse with their client before the hearing; technical problems with the link can occur and video links are sometimes cut off if the hearing continues longer than one hour.

In Malta, too, NGOs have found that information on rejection orders is incomplete and legalistic. UNHCR had already noted that migrants arriving irregularly were not “given an opportunity to present information, documentation and/or other evidence in support of a request for a period of voluntary departure.”<sup>121</sup>

### 8.8. Impact

Some interviewees in the INFORM project pointed out that the prevailing systems encourage the creation of a vicious cycle, where people repeatedly appeal the decision and reapply for asylum without any significant changes in their circumstances – thus leading to the same outcome and a waste of resources for all the sides involved. This seems to indicate that the unpromising nature of their cases is either not communicated sufficiently, or that individuals refuse to accept the decision. In Cyprus, for instance, the national report for the INFORM study suggests that fragmented and unstructured provision of information effectively blocks some asylum seekers from accessing their existing rights. In Cyprus gaps were identified in challenging orders for deportation and for detention with a view to deportation, many of which are linked to lack of information, advice and restrictions in accessing legal aid.

In the UK, individuals affected were found to be under-informed, and access to legal advice was routinely obstructed. This is mainly attributed to the lack of legal compulsion to provide information regarding return. In Italy, irregular migrants from countries with readmission or bilateral agreements may be immediately transferred to police headquarters to facilitate their return without informing them. One hundred and ninety-six rejection orders issued by the police headquarters in the eastern part of Sicily from 2014 until July 2016 were analysed as part of the

<sup>120</sup> Trude, Adeline. 2012. *The Liberty Deficit: Long-Term Detention and Bail Decision-Making*. London: BID.

<sup>121</sup> UNHCR, “UNHCR’s Position on the Detention of Asylum-Seekers in Malta,” 2013, [www.refworld.org/docid/52498c424.html](http://www.refworld.org/docid/52498c424.html).

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project “Opposition to rejection Decrees in Eastern Sicily”.<sup>122</sup> The subsequent report noted that in most of the cases rejections were standardized and issued on the basis of nationality without any individual evaluation of the case.<sup>123</sup> Furthermore, removal orders were often written in English even if the person notified spoke only French or Arabic.<sup>124</sup>

In the case of Malta, an EU Fundamental Rights Agency evaluation recently found that provision of information about removals depended on successful disembarkation on Maltese territory.<sup>125</sup> When a forced return takes place after a formal rejection, individuals can refer to the materials they received in the beginning of the process, notably the IOM practical handbook. However, there is no evidence of tailor-made information for rejected asylum seekers which outlines rights and obligations specific to their status without requiring to re-read materials received in the beginning of the process. As in the other phases of the overall asylum process, informal counselling by NGOs thus becomes an important source of information.<sup>126</sup>

**122** Trombino Legal Office, “Opposition to rejection Decrees in Eastern Sicily” project, funded by the Open Society Foundation.

**123** The report has been brought to the attention of the Parliamentary Commission of inquiry on the reception system and identification and expulsion centres as well as on detention conditions and public resources invested.

**124** Trombino Legal Office, “Opposition to rejection Decrees in Eastern Sicily”.

**125** European Agency for Fundamental Rights (FRA), “Fundamental Rights at Europe’s Southern Sea Borders”.

**126** Pisani, Volunteer at PeaceLab.

# Conclusions and recommendations

## Conclusions and recommendations

The country reports for the INFORM project consistently show that despite harmonisation in some stages of the asylum process at the EU level, provision of information remains extremely diverse. EASO guidelines suggest that officers should be proactive. With the exception of Estonia, this is not established in legislation nor implemented in practice. We recommend introducing provisions, in policy and guidance documents, if not in legislation, that first-contact officers proactively offer information about access to asylum, particularly to and prioritising vulnerable groups, such as persons with disabilities, unaccompanied minors, potential victims of human trafficking and others. Additionally, legislative and policy documents should clearly state who shall implement the provisions.

Lack of user-friendly and easily understandable information is a pertinent concern, and lack of evaluations impedes understanding of the issues associated with implementing the right to information. Many information materials presume a certain level of literacy and familiarity with legal or procedural terms. As a result, the country reports indicate an alarming reliance on word of mouth, particularly in accessing rights and figuring out reception conditions. This should encourage authorities, as well as NGOs, to experiment with alternative formats for providing information, not only for asylum seekers, but also for persons who are considering a journey to Europe to claim asylum who look online for information regarding asylum procedures. The alternatives could include enlisting refugee bloggers in various languages. Authorities are advised to review information materials in cooperation with interpreters, especially if they have been recruited from the refugee community. On the basis of the most common questions, these materials should be updated and rewritten in plain language or converted into visuals when relevant. It is essential to test these materials with actual asylum seekers.

Although legislation requires taking vulnerable individuals' needs into account, which is currently undertaken on a case-by-case basis, there is a lack of structured information materials or information provision rules. When a country's asylum system is under pressure, as is arguably the case in Italy, this lack of rules and structure can result in insufficient information for this group of applicants. We recommend that countries exchange good practices on structured provision of age-appropriate information in plain language, following the principles of universal design when possible, and including online provision.

A common practice among the INFORM study countries has been to publish printed information either in English only, and then translate it orally, or in multiple languages, but on a project-limited basis. The project approach has significant



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implications for the reliability of information: the project “culture” is biased against continuous, long-term activities. Applications for repeating what has been done or updating existing materials are likely to be disadvantaged, since project applications are typically expected to demonstrate novelty. The risk is thus that stakeholders are pushed into creating projects that may not best serve asylum applicants, rather than updating and improving information materials already on offer. Another risk is that stakeholders are tempted to rely on outdated information. We recommend that more countries follow the example of Sweden and provide up-to-date textual and audio-visual materials online, then print them and disseminate them when needed.

NGOs contribute to information provision as creators and providers of information materials. However, the project-related risks are particularly pertinent when information is provided by NGOs, and governments should make every effort to ensure the continuity and consistency of the vital services they provide to migrants at every stage of the asylum process.

Rejected asylum seekers, pending return, tend to be the most vulnerable group. They have fewer rights than other groups and are often stuck in legal limbo if a lack of documentation or other factors impede their return. We recommend that countries develop policy measures to regularise their “tolerated stay” and immediately provide them not only with procedural information, but with comprehensive explanations of their rights and available options (including voluntary return). In implementing their forced returns policy, with or without detention, countries should budget for adequate information and consultation for the persons affected rather than relying solely on AMIF, IOM and UNHCR to fill any gaps.

Due to the different screening processes, relocated and resettled asylum seekers receive different treatment when it comes to information. It is recommended that countries make full use of liaison persons in sending countries and develop structured methods of information provision before relocation or resettlement, following the good practices developed by IOM. These methods could entail cultural orientation and information about the first steps of the asylum procedure in the receiving country.

While status determination authorities act as a one-stop-shop during the application stage, setting up a similar body post-application can be considered good practice. It could be especially relevant for covering interpretation needs when beneficiaries or rejected asylum seekers deal with authorities beyond the asylum system. When setting up an additional institution is not feasible, governments could consider providing a stable source of funding for NGOs

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to offer services such as interpretation and cultural mediation when dealing with authorities – in employment services or day care centres, for example – or with private entities such as rental agencies and employers. Good practices for this are seen in Italy at a regional level. In cooperation with NGOs active in the area, authorities should streamline the process and organise universal provision of stage-relevant information regardless of the type of accommodation in which the beneficiary is housed and regardless of where they lodged their asylum claim.

Further evaluations taking account of asylum seekers' assessments of the quality of information are urgently needed. More research is needed to explain the gap between procedural requirements to provide information and the indications that in practice many asylum seekers do not receive any information or understand what information they are given.<sup>127</sup>

It is clear that the INFORM study countries have started the process of information provision across the various steps of the asylum process. However, a much more streamlined process is needed across all fronts to ensure all applicants, irrespective of their background, have correct information regarding the asylum process. The foundation exists in these countries. Political will is needed, however, to ensure sustainable change happens in the future.

127 See: Squire et al., "Crossing the Mediterranean Sea by Boat."

The People for Change Foundation (PfC) is a human rights think tank based in Malta. PfC conducts evidence-based and data-driven legal, policy and social research and advocacy to collaboratively achieve improved outcomes for the populations with, and for which, it works. PfC builds capacity in areas such as migration, asylum, trafficking and anti-racism both in Malta as well as in Europe more broadly. PfC brings together different actors, methods and approaches – activism and research; policy and practice.



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