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6.1 Identification of vulnerable applicants

Developments in legislation, policy and practice



Belgium stood out in 2019 for undertaking great efforts to improve its identification system. Many initiatives were piloted in the new temporary Arrival Centre set up in December 2018 in Brussels to identify more efficiently all applicants with special reception needs or in need of special procedural guarantees. There are both medical and social screenings in the arrival path, followed by a more in-depth examination for all applicants. The Federal Agency for the Reception of Asylum Seekers (Fedasil) defines the material reception conditions and recommends special procedural needs to the Commissioner General for Refugees and Stateless Persons (CGRS) based on the information gathered through appointments with the applicants. Unaccompanied minors are prioritised and separated from adult applicants within the arrival path (in addition to the Arrival Centre, there are also four specific centres dedicated to the assessment of unaccompanied minors needs). Fedasil has also been developing and testing a new early screening tool to support social workers at the Arrival Centre.

Many initiatives were ongoing in Cyprus as well. A screening system was developed in the First Reception Centre “Pournara”, where UNHCR and EASO supported the Asylum Service with the process, but the tool is still to be implemented in practice.[197] UNHCR and the Cyprus Refugee Council, a local NGO, stepped in and carried out vulnerability screening as there was no systematic mechanism in place. The Social Welfare Services developed and launched a standard referral form to improve the identification of potential victims of human trafficking, which is now also used in this reception centre.

The increasing number of arrivals in Malta triggered a review of identification processes. For example, funded through an AMIF project, a psychosocial team was set up to identify vulnerabilities related to mental health. These applicants are then referred to the care team.

In France, a national working group and three thematic working groups were set up to elaborate an action plan to draft a circular on detecting and addressing vulnerabilities of applicants and beneficiaries of international protection throughout the entire asylum and integration process. The aim is to detect vulnerabilities as soon as possible and to take them into account and adapt responses during the whole instruction process. Four main issues were targeted: physical and mental health; women victim of violence and human trafficking; lesbian, gay, bisexual, trans-gender and intersex (LGBTI) asylum seekers; and refugees and unaccompanied minors. This plan will be put into practice in 2020/2021. A new automated data processing system for unaccompanied children *(see Section 5.3)* was introduced to support the evaluation of the

situation of unaccompanied minors, and a new order requires evaluators to be attentive to any signs of trafficking and exploitation, and ensure adequate follow-up (FR LEG 03). Civil society organisations, however, found that the measures were applied differently across the country's departments, where some departmental authorities focused more on controlling applicants rather than determining a child's protection needs.[198]

Similarly, legal changes entered into force in Germany to enhance the identification and registration of children (DE LEG 01). Fingerprinting will become obligatory after April 2021 for all children older than
6 years. The local Youth Welfare Office responsible for the initial screening of unaccompanied minors is now obliged to ensure that the minor is identified and the data are transmitted to the Central Register of Foreigners *(*AZR, *Ausländerzentralregister)*.

The State Agency for Refugees in Bulgaria did not yet adopt standard operating procedures for the identification of vulnerable applicants, but the Bulgarian Helsinki Committee observed improvements in their process. However, it signalled that the documentation related to the assessment is typically not included in the applicant's file.[199]

National authorities assessed that the identification of vulnerable applicants improved in Czechia due to changes in the form used to register applications for international protection.

As a result of institutional changes in Lithuania, the Migration Department took over responsibility from the police for tasks related to the identification of unaccompanied minors, determination of the child's best interests and cooperation with the Child Rights Protection Service in family tracing.

Since 16 June 2019, every asylum applicant who is registered in the reception centre in Poland is subject to a vulnerability screening with regard to social assistance which should be provided (for example, type of accommodation, special diet, and long-term medical or psychological treatment). A new contract was signed on 4 June 2019 with a provider of medical care services for applicants.

Existing challenges reported by civil society organisations



There were diverse developments and concerns over 2019 related to the identification of vulnerable applicants. While Member States have established various mechanisms, these may not always be effective to detect vulnerabilities when the profile of applicants changes.

Effective and swift identification of vulnerable applicants remains a challenge overall, especially with regard to non-visible vulnerabilities, such as psychological consequences of torture or trauma, human trafficking or sexual orientation and gender identity (SOGI). Civil society organisations underlined the need for standard operating procedures for the identification of vulnerabilities in Austria[200] Portugal[201] and Switzerland,[202] and to further strengthen existing practices and steps in the vulnerability assessment in Croatia.[203], [xxxiii] The Irish Refugee Council signalled that in practice it was not clear which authority is responsible for conducting a

vulnerability assessment.[204]

UNHCR urged for more protection for LGBTI refugees[205] and launched a consultation process on the issue.[206] In addition, the SOGICA project pointed to a lack of information on arrival about the possibility to claim asylum on SOGI grounds, which undoubtedly hinders identification.[207]

In its 2019 review of selected countries, the UN Committee against Torture (CAT) noted insufficiencies and the need for appropriate identification mechanisms for torture victims in several EU Member States, including Cyprus,[208] Germany,[209], [xxxiv] Greece,[210] Latvia,[211] Poland[212] and Portugal.[213] According to the Rehabilitation Centre for Stress and Trauma, such mechanisms would also bring added value in Croatia,[214] where such mechanism would accompany existing practices.[xxxv]

In regard to human trafficking, the Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA) monitored several states in 2019 and underlined the need to improve identification mechanisms for victims of human trafficking within asylum procedures, for instance in Germany,[215], [xxxiv] Hungary,[216] Italy,[217] Lithuania[218] and Switzerland.[219] The 2019 update of the AIDA report for Spain noted the government's efforts to improve the identification of trafficked persons – for example, UNHCR provided support in a referral mechanism for victims of human trafficking identified at Barajas Madrid Airport, coordinated by the General Directorate for Inclusion and Humanitarian Aid and the Government Delegation against Gender Violence, with the participation of the main NGOs specialised in trafficking of human beings – but still assessed that it remains one of the major challenges in the country.[220]

The situation of transiting unaccompanied minors was of concern for both national authorities and civil society organisations across Europe. Due to diverse and complex reasons, including the length of the asylum process and the provisions of the Dublin III Regulation, unaccompanied children frequently try to remain unidentified and transit through one or several countries to arrive in a particular Member State.[221]

[xxxiii] The Ministry of the Interior elaborated on the procedure: The identification of personal circumstances that would classify a person as a vulnerable person is an ongoing process that starts with the applicant's claim for the international protection and ends with delivering the decision on the claim. Employees in reception centres and case workers underwent national EASO training on "Interviewing Vulnerable Groups" and "Interviewing Children" for early identification of applicants in need of special procedural guarantees. Therefore, the officers may determine whether an individual falls into a vulnerable group during or after lodging the application, during the interview, based on given statements and other circumstances with regard to health and other conditions. Each applicant fills a questionnaire for early identification of asylum seekers having suffered traumatic experiences. If a vulnerability is detected, the individuals are provided with special procedural and reception guarantees. For example, if an applicant is found to have been a victim of sexual violence (usually a woman), the person is given sufficient time to prepare for the interview and is, in practice, interviewed by an official of the same sex. Furthermore, if during or after the interview the officer becomes aware that, for example, a person is a victim of trafficking in human beings, the information is relayed to the police department to take further action.

[xxxiv] For Germany, CAT did not mention that some case workers have been specially trained to interview victims of torture. The review also does not mention that the case workers receive internal instructions on how to identify applicants who have suffered trauma and victims of torture, and that there is an identification concept which states that a medical examination is provided by law in reception facilities. Physical symptoms can be identified during the initial examination. It is also legally regulated that victims of torture get medical or other help.

[xxxv] The Ministry of the Interior underlined existing mechanisms: Reception officials are staffed with social workers and employees of related professions who are educated on identification and work with victims of torture, rape or other severe forms of psychological, physical or sexual violence. They also receive EASO training on "Trafficking in Human Beings". In addition, during 2019, employees regularly participated in all available training related to psychosocial assistance for victims of torture, rape or other severe forms of psychological, physical or sexual violence. In addition, during 2019, employees regularly participated in all available training on psychosocial assistance for victims of torture, rape or other severe forms of psychological, physical or sexual violence. Examples included the Coordination Workshop "Development of guidelines for dealing with cases sexual violence against children and women refugees and migrants" organised by MDM within the PROTECT project and the IOM workshop "Prevention of sexual and gender-based violence against migrants and strengthening support to victims".

[xxxvi] For Germany, the GRETA report does not mention that all case workers of the Federal Office for Migration and Refugees are sensitised to human trafficking and that there are case workers who have been specially trained to interview victims of human trafficking. The report also does not mention that all of these employees are provided with in-house instructions on how to proceed when detecting indicators of trafficking through an identification concept.

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