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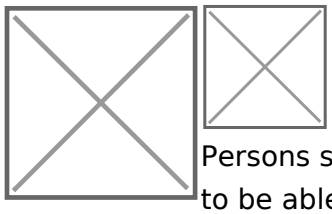
Section 4.9 Access to information



Persons seeking international protection need information on their situation in order to be able to fully communicate their protection needs and personal circumstances and to have them comprehensively and fairly assessed. Under the recast Asylum Procedures Directive, Member States need to ensure that relevant information is made available to applicants, for example where and how applications for international protection may be lodged. Obligations also include the provision of information to potential applicants who are in detention facilities and at border crossing points.
Effective access to information is a primary constituent of procedural fairness.[xlvi] Applicants have the right to be informed so that: a) they understand the different stages of the process; b) they know their rights and obligations in each of these stages; and c) they are aware of the means available to them to exercise their rights and fulfil their duties. Accordingly, having effective access to information enables them to make informed decisions throughout the process, being aware of the consequences of each decision.

During each stage, applicants are to be informed of:

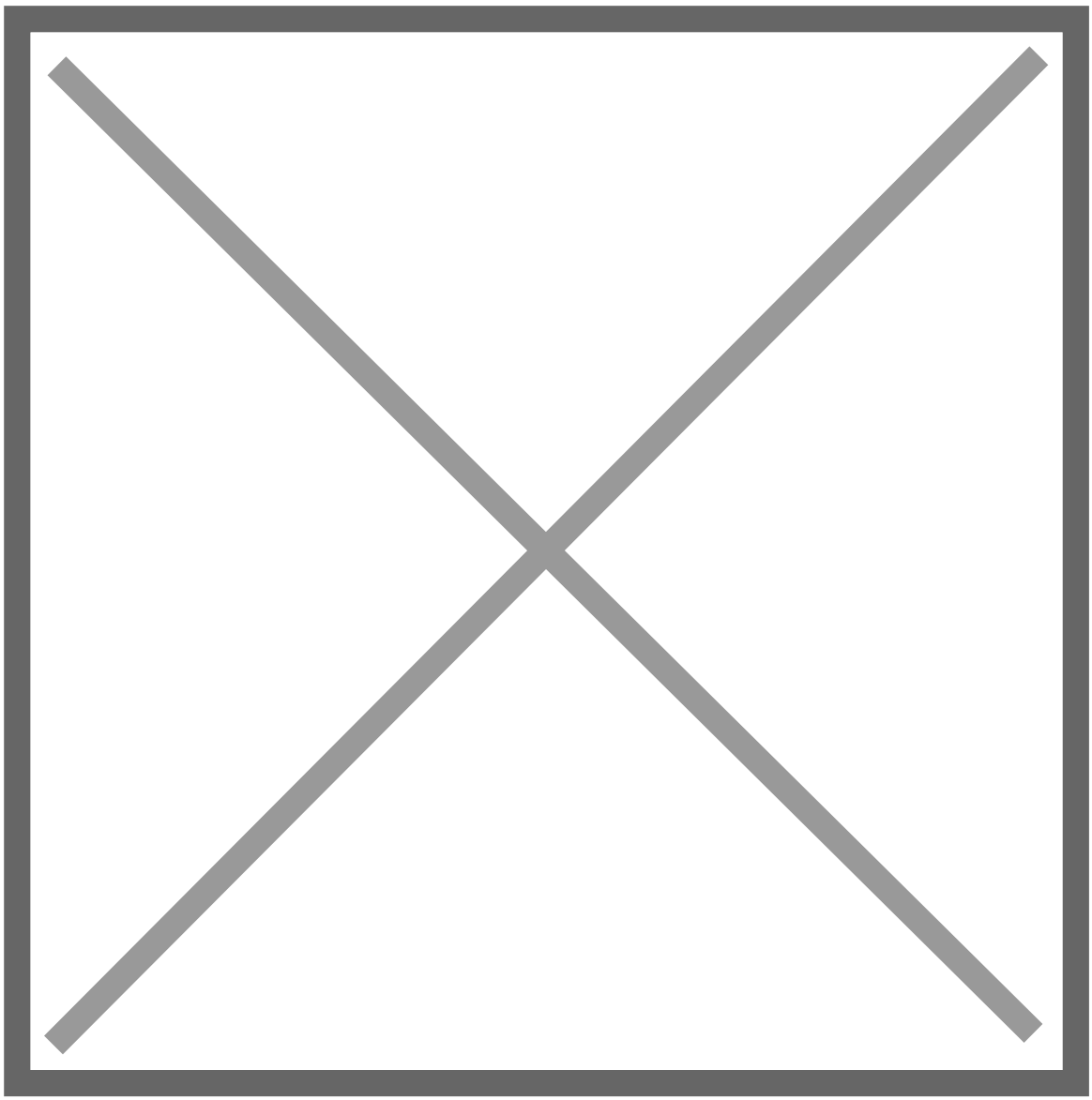
- Their rights and obligations and the possible consequences of not complying with their obligations and not cooperating with the authorities;
- The timeframe for each stage of the procedure; and
- Consequences of withdrawing an application.

For persons with pending cases, it is crucial to receive information, because a lack of clarity can be a contributing factor to absconding and secondary movement.
Following the presentation of the new Pact on Migration and Asylum and the proposal for an Asylum and Migration Management Regulation,[746] ”the scope of information provision to applicants for international protection is enlarged and a clear cut-off deadline for providing relevant information will enable a quick assessment and decision”. Special provisions on fundamental rights and better information provision to asylum seekers about their rights and obligations aim to contribute to diminishing unauthorised movements as asylum seekers will be more inclined to comply with the system.

ECRE conducted a study, “Dublin Regulation on international protection applications” on behalf of the European Parliament in February 2020.[747] The recommendations from the study were

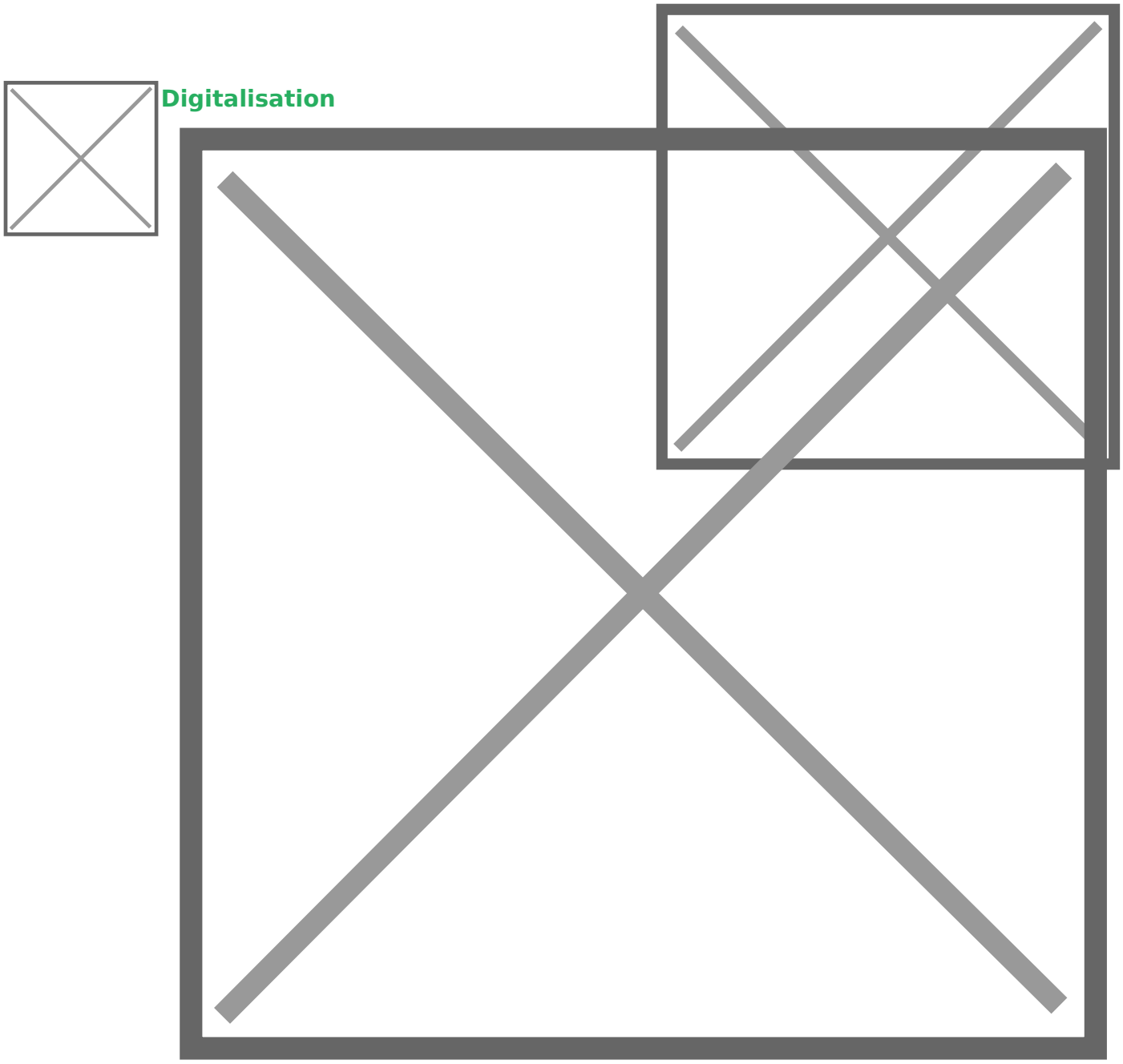
incorporated into the legislative proposal on asylum and migration management on how Member States can improve the provisions of the Dublin Regulation to ensure the full respect of the fundamental rights of applicants, such as the right to information, and to promote family unity and the best interests of the child.

COVID-19



During the pandemic, access to reliable and up-to-date information on the SARS-CoV-2 virus and its spread were primordial for citizens across the world. Official information was key in ensuring that people follow the proper protocol and health measures. As such, information dissemination for asylum seekers during the COVID-19 pandemic focused especially on protection, hygiene measures, protocols to be followed, medical support and instructions to avoid contagion. The format to provide information was amended into small group sessions, by phone or virtually through online sessions or video tutorials. Guidelines were published in cooperation with health authorities in most EU+ countries, and booklets and posters were distributed across reception and accommodation centres. Information-sharing was supported by interpreters and NGOs, with translations of the new material on COVID-19 being made available in several languages *(see Sections 4.9 and 4.10)*.

Civil society and international organisations provided information to asylum applicants through online platforms and hotlines to ensure the continuity of business during restrictions. UNCHR issued recommendations which highlighted the importance of providing information to asylum seekers, refugees and stateless persons about the COVID-19 pandemic and related measures.[748] In particular, it specified that language barriers, cultural preferences and online tools may impede access to this information. According to UNHCR recommendations, “the provision of information is life-saving, crucial to ensure equal and non-discriminatory access to information, health and other basic services and proposed the use for data privacy friendly solutions such as, platforms online tools and digital applications for the engagement applicants for international protection”. UNHCR also called for monitoring and responding to misinformation about the virus.

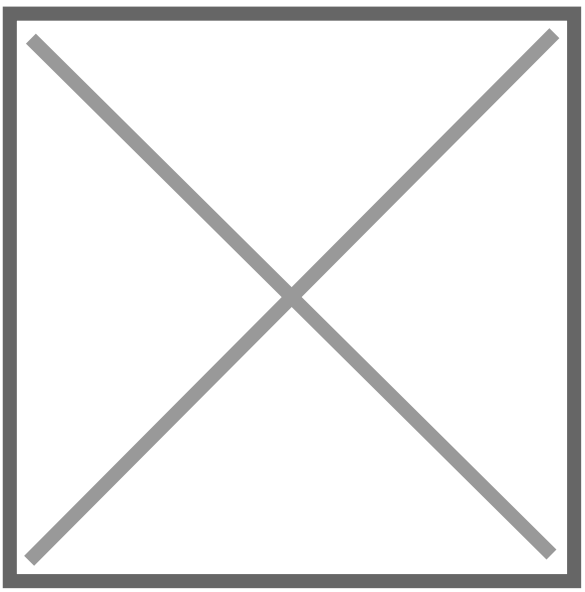


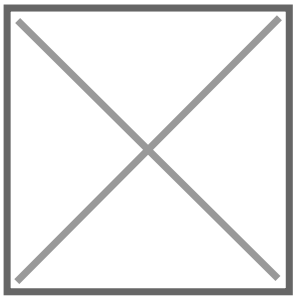
Digitalisation

EU+ countries strengthened and adapted their practices to ensure effective access to information for asylum applicants and procedural fairness by: making use of new technologies, establishing alternative channels for the dissemination of information and raising awareness through electronic

communication tools, such as online platforms and hubs, mobile applications and social media channels. Indeed, digitalisation not only helped during social distancing, but it also enabled information to reach more people in more languages, with ease and speed. Many countries developed dedicated hotlines and built on existing websites to ensure that information was available in many languages. Some platforms were equipped with interactive nodes where questions and replies could be posted.

While the use of electronic tools is powerful in relaying information, some profiles of asylum applicants are not accustomed to digital tools. The importance of face-to-face interaction should not be overlooked.





[xlvi] The right of access to information for applicants for international protection is well established in EU legislation. The recast Asylum Procedures Directive stipulates that all applicants must be informed of their rights and obligations in a language which they understand or are reasonably supposed to understand. They should be informed of the timeframe, the means at their disposal for fulfilling the obligation to submit the elements as referred to in the recast Qualification Directive, Article 4, and the consequences of an explicit or implicit withdrawal of the application. Similar stipulations are also made in the Eurodac Regulation, Article 29 and the Dublin III Regulation, Article 4.

[746] Proposal for a Regulation of the European Parliament and of the Council on asylum and migration management and amending Council Directive (EC) 2003/109 and the proposed Regulation (EU) XXX/XXX [Asylum and Migration Fund] COM/2020/610 final, September 23, 2020. https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1601291110635&uri=COM:2020:610:FIN

[747] European Parliamentary Research Service. (February 2020). *Dublin Regulation on international protection applications: European Implementation Assessment*. https://www.europarl.europa.eu/RegData/etudes/STUD/2020/642813/EPRS_STU(2020)642813_EN.pdf

[748] United Nations High Commissioner for Refugees. (April 2020). *Practical Recommendations and Good Practice to Address Protection Concerns in the Context of the COVID-19 Pandemic*. https://www.unhcr.org/cy/wp-content/uploads/sites/41/2020/04/Practical-Recommendations-and-Good-Practice-to-Address-Protection-Concerns-in-the-COVID-19-Context-April-2020.pdf

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