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6.6 Procedures at first instance and vulnerable applicants



Only a few Member States reported policy and guidance updates or new quality monitoring measures for applicants with special procedural needs. The aim of new measures was usually to improve procedures for minors, but a noted development was enhancing procedures for girls at risk of FGM, victims of domestic violence, victims of trafficking and LGBTI applicants.

The Swedish Migration Agency introduced several policy changes in preparation for the entry into force of the UNCRC Act (2018:1197) on 1 January 2020. It developed guidelines on assessing the best interests of the child, in accordance with UNCRC, Article 3, as well as on the placement of minor applicants assigned to a municipality. It created a technical tool to support the determination of the best interests of the child. Since 1 January 2019, Sweden does not recognise the validity of child marriages from abroad, so the agency updated its standards for handling cases related to married child applicants and developed relevant information material in collaboration with the National Board of Health and Welfare. The Finnish Migration Agency was developing a new electronic personal interview form with child-friendly language and structure, which were not yet fully implemented in 2019.

The IND in the Netherlands launched a special project and hired additional staff to reduce the backlog in applications from unaccompanied minors and shorten the overall length of the asylum procedure. Likewise, the number of case officers managing applications from unaccompanied minors increased from two to four in Cyprus, and they were tasked to handle approximately 570 cases.

UNHCR and civil society organisations expressed concern about the new Law 4636/2019 on international protection in Greece, which allows authorities to process the application of unaccompanied minors older than 15 years in the fact-track procedure if they do not show other vulnerabilities.[251]

In Spain, the processing of applications related to SOGI was analysed and some reports indicated [252] that specialised training for interviewers should be provided and decision-making should be more standardised, especially in accelerated border procedures (at border points and detention centres). Other areas that need to be addressed are post-recognition support, guiding applicants to social protection services and development of a national integration programme for LGBTI refugees.[253] Enhanced identification mechanisms for international protection needs of unaccompanied children need to be further developed together with training programmes on

asylum aimed at professionals working with children in Spain.[254]

Another group of developments further shaped protection for women and girl applicants. For example, the amended provisions of CESEDA in France on the protection of girls at risk of FGM entered into force in 2019.[255] The Equality Council in France also stated that OFPRA remarkably improved its sensitivity and professionalism on women's applications.[256]

The Finnish Immigration Service published a guide for case workers on domestic violence in the context of asylum. Internal guidelines for case workers were also updated on reporting FGM or the risk thereof to the police and child protection services.

The Federal Council in Switzerland adopted a report on the situation of female applicants and beneficiaries of international protection, with the objective to further enhance the support available. The report specified that more training and sensitisation of staff, provision of information, support for applicants and identification of victims of sexual violence were needed.[257] UNHCR welcomed the recommendations of the report.[258]

In line with CJEU decision of October 2018, C-652/16, the CGRS in Belgium continued to give refugee status to minor girls with a well-founded fear of persecution due to FGM, but the parents were no longer granted derived refugee status automatically. The parents need to submit a request for regularisation based on the Immigration Act, Article 9bis.

In Croatia, standard operating procedures on response to sexual and gender-based violence in reception centres for seekers of international protection is being developed, through collaboration with UNHCR, the IOM, Médecins du Monde, HCK and the Ministry of the Interior. They include procedures, roles and responsibilities for service providers involved in the prevention and response to SGBV at reception centres.[259]

UNHCR provided guidance in Spain on supporting applicants who are survivors of sexual and gender-based violence.[260]

Three countries reported new developments to assess applications on SOGI grounds. The Swedish Migration Agency published instructions on handling and assessing LGBTI cases. In the Netherlands, the State Secretary for Justice and Security did not implement policy changes but rather decided to monitor the implementation of the recently-updated IND instructions,[261] based on a report from the Dutch Scientific Research and Documentation Centre (WODC) on the credibility assessment of LGBTI and conversion cases.[262] The CGRS in Belgium implemented a quality control process for gender-related cases, starting with cases which invoked sexual orientation as a ground to monitor the application of its Sexual Orientation Guideline.

The assessment of asylum applications from victims of human trafficking underwent important changes in the Netherlands. The country experienced an increase in the number of applicants through the Dublin procedure who claimed to be victims of human trafficking, resulting in an amendment to the related provisions in the Dutch Aliens Circular. This group of applicants now receives only a temporary residence permit, and as a consequence, the Netherlands only takes responsibility for their application if their presence is considered to be essential for the investigation and prosecution of the case. The prosecutor has one month to assess the case. Previously, all third country nationals who reported human trafficking received a residence

permit within a target period of 24 hours. Additionally, the police established the National Coordination Centre to provide support in processing the backlog of these cases.[263]

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