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6. Provision of information and counselling

Introductory remarks

‘Provision of information’, as referred to in this document, refers to information in the framework of the RCD only. Without prejudice to the information to be provided to applicants for international protection as per other relevant instruments, such as the recast Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (hereafter: APD) and Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 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 (hereafter: Dublin III Regulation), this guidance does not include standards in relation to information regarding the asylum procedure. It is however noted that in some Member States the provision of such information may also fall under the responsibility of the reception authorities.

In order to avoid overburdening the applicant with extensive information at the reception intake, the provision of information should take place in a time- or phase-specific manner. Member States are encouraged to establish timelines outlining the type of information to be provided to applicants at the national level, while taking into account the overall maximum of 15 days prescribed in Article 5 RCD.

With regards to the duty of the Member State to guarantee the applicants’ subsistence and to protect not only the physical but also the mental health as established in Article 17(2), adequate support measures, such as social counselling, should be available to applicants. This could entail many different types of assistance, starting from orienting applicants on how to access public services, cultural mediation and orientation and conflict solving as well as guidance on how to deal with specific situations and the next steps in life. Moreover, counselling could also facilitate the identification of applicants with special needs (cf. Section 7: Identification, assessment and response to special needs).

Legal references — provision of information and counselling
Article 5 RCD: information Article 17(1) and (2): general rules on material reception conditions and health care

Standards and indicators

STANDARD 30: Ensure the applicant receives and understands phase-relevant information on benefits and obligations relating to reception conditions.

Indicator 30.1: Written information is provided in a language that the applicant understands or is reasonably supposed to understand.

- ***Additional remarks:*** *Information should be provided in clear and non-technical language.*

Indicator 30.2: Where necessary and appropriate the information is also provided orally in a language the applicant understands.

- ***Additional remarks:*** *Information should at least be provided orally in the case of illiteracy or in cases where the person does not understand the written information provided.*

Indicator 30.3: Information covers all aspects of reception conditions, including the benefits and obligations under the RCD.

- ***Additional remarks:*** *Information should include, as a minimum, the right to reception depending on legal status, the form of provision of material reception conditions (housing, food, clothing and daily expenses allowances), access to health care and specific arrangements for applicants with special needs, if relevant. The house rules should be clearly communicated to the applicant. Information could also include the availability of additional psychosocial support, information on social norms within the Member State, advice on daily life, including conflict management, etc.*

Indicator 30.4: Information is provided in a timely manner (maximum 15 days) after lodging an application for international protection.

Indicator 30.5: Information is provided according to the special needs and individual circumstances of applicants.

- ***Additional remarks:*** *For children, information is provided in a child-friendly manner (e.g. through use of pictograms, use of child friendly wording, etc.). For persons with visual impairments or intellectual disabilities, information is provided in an adapted manner. Information provision includes aspects related to gender-based violence or trafficking in human beings.*

Good practice with regard to the provision of information

It is considered good practice:

- to provide information to the applicant both in writing and orally, for example with the help of interpreters or cultural mediators;
- to ensure visualisation of the information through the use of videos or pictograms;
- to verify that the applicant has understood the information provided;
- to provide the information in a time and phase-specific manner:
- day of arrival: provision of basic information about the functionalities of the housing and the right to reception and related benefits, including the availability of the social worker (or other staff relevant for the intake procedure);.
- ideally within 3 days, no longer than 15 days: provision of additional information about the functioning of the housing, daily life, activities, school and courses. Provision of house rules in writing, including the obligations of the applicant vis-à-vis other applicants (such as women's rights, respect for sexual diversity and LGTBI rights) and those relating to reception conditions with which the applicants must comply;
- during reception: provision of additional information on the right of reception and depending on its relevance: the right of residence, voluntary return, the right to work, necessary administration-related aspects, physical and psychological well-being, rights and duties when living in the Member State society, available courses and activities, awareness raising on aspects like personal hygiene, sexually transmitted diseases and contraception, conflict management, waste sorting, cleaning, energy consummation, etc.;
- at the end of the stay: the necessary information for beneficiaries of international protection and those whose applications for international protection have been rejected (housing, access to medical care, etc.).

STANDARD 31: Ensure provision of information on organisations or groups of persons that provide specific legal assistance and organisations that might be able to help or inform applicants concerning the available reception conditions, including healthcare.

Indicator 31.1: Information on the available legal assistance and how to access it is provided to applicants.

Indicator 31.2: Information provided to applicants includes the contact details of organisations or groups of persons able to inform applicants concerning available reception conditions, including health care, and how to access them.

Indicator 31.3: Written information is provided in a language that the applicant understands or is reasonably supposed to understand.

- ***Additional remarks:*** *Information should be provided in clear and non-technical language.*

Indicator 31.4: Where necessary and appropriate the information is also provided orally in a language the applicant understands.

- ***Additional remark:*** *Information should at least be provided orally in the case of illiteracy or in cases where the person does not understand the written information provided.*

Indicator 31.5: Information should be provided in a timely manner (maximum 15 days) after lodging an application for international protection.

Indicator 31.6: Information is provided according to the special needs and personal circumstances of applicants.

- ***Additional remarks:*** *For instance, information targeting children is provided in a child-friendly manner (e.g. graphical, use of pictograms). Other information provided could include aspects related to gender-based violence or trafficking in human beings.*

STANDARD 32: Ensure adequate access of legal advisers or counsellors, persons representing the UNHCR, Red Cross, intergovernmental and relevant non-governmental organisations recognised by the Member State concerned in order to assist the applicants.

Indicator 32.1: The access of the actors above is only limited on grounds relating to the security of the premises and of the applicants, provided that it is not thereby severely restricted or rendered impossible.

Indicator 32.2: The actors listed above are able to meet and speak with the applicants in conditions ensuring adequate privacy.

STANDARD 33: Ensure access to social counselling for applicants of international protection.

Indicator 33.1: Social counselling is available to applicants inside or outside the housing facility.

Indicator 33.2: Applicants can access social counselling on a regular basis and as per their personal needs.

- ***Additional remarks:*** *Access to social counselling can take the form of a personal interview or through the phone.*

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