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7. Identification, assessment and response to special needs

Introductory remarks

Applicants for international protection are in general in a vulnerable situation, given the uncertainty of their status in a foreign country and often their experiences in the country of origin and/or during the journey. Therefore, as indicated in Figure 1 in the introduction to this document, special needs are transversal to the provision of reception conditions as some applicants will require further special support linked to one of the sections included in this guidance in order to enable them to benefit on an equal footing from the rights and benefits under the RCD.

The reception officers in contact with applicants for international protection and everyone involved throughout the process should be aware of and able to identify special needs. Indicators and special needs should be recorded as soon as possible after they are detected and this information should be communicated to the relevant stakeholders in order to provide the necessary guarantees and support.

Chapter IV of the RCD stipulates the guarantees for applicants with special needs. A non-exhaustive list of persons who may have special reception needs includes: minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation.

Furthermore, Member States have an obligation to assess, indicate and address the special needs of those applicants in a timely manner and to ensure that identification is also possible at a later stage if vulnerabilities are not apparent earlier.

One important aspect is the need to ensure that referral mechanisms in Member States are functioning properly in order to communicate special needs in an efficient manner. Without prejudice to the principle of confidentiality, national authorities should be able and instructed to share the relevant information on identified special needs. For example, where first-contact officials, such as border guards, have noted that the person has special needs, those should be communicated to the reception authorities in order for them to ensure the necessary guarantees as soon as possible. On the other hand, reception officers would often be in a position to observe

the applicants over a longer period of time and to build trust. This would allow them to effectively identify special needs, which may not be initially apparent. To the extent that this information also concerns potential special procedural needs, it is crucial that the reception authority communicate it to the determining authority.

This section of the guidance addresses the obligation of Member States to identify, assess and record and/or communicate special reception needs and to respond to them in a timely manner. Some examples of special reception guarantees are indicated in the different sections of this document. For more comprehensive guidance and a practical tool in this regard, refer to the EASO Tool for Identification of Persons with Special Needs (IPSN).

Legal references — identification, assessment and response to special needs
Article 21 RCD: general principle Article 22 RCD: assessment of special reception needs Article 23: minors Article 24: unaccompanied minors Article 25: victims of torture and violence

Standards and indicators

STANDARD 34: Ensure a mechanism is in place to identify and assess special reception needs.

Indicator 34.1: A standardised mechanism to identify and assess special reception needs of any applicant is in place.

- ***Additional remark:*** *As stipulated in Article 22(2) RCD, this mechanism does not need to take the form of an administrative procedure but should make reference to child protection and child safeguarding standards. The EASO IPSN Tool could be integrated in such a mechanism.*

Indicator 34.2: The mechanism clearly prescribes who is responsible for the identification and assessment of special reception needs.

- ***Additional remarks:*** *Depending on the national system, different actors may be involved in the identification and assessment of special needs. The roles of the different actors should be clearly indicated in the mechanism.*

Indicator 34.3: The mechanism clearly prescribes how identification and assessment are recorded and communicated to the applicant and to relevant actors.

- ***Additional remarks:*** *Recording and effectively communicating the information regarding special needs to the relevant actors is crucial in order to ensure the necessary guarantees have been put in place. National confidentiality and data protection regulations would*

apply during the operation of the mechanism. In some cases, formal procedures would apply, such as in the case of national referral mechanisms for victims of trafficking.

STANDARD 35: Ensure the mechanism for identification and assessment of special reception needs is effectively applied.

Indicator 35.1: Sufficient resources are allocated to identify, assess and monitor special needs.

Indicator 35.2: The initial identification and assessment of special needs is conducted as soon as possible.

- ***Additional remarks:*** *Identification and assessment of special reception needs may take place at different stages. It is recommended that initial identification and assessment take place during the reception intake (1 to 3 days). Additional ongoing identification and/or assessment should take place depending on the respective special needs.*

Indicator 35.3: Special needs that become apparent at a later stage are adequately identified and assessed.

- ***Additional remarks:*** *Some special reception needs may only become apparent at a later stage. Therefore, it is important that identification and assessment are ongoing.*

Indicator 35.4: Where relevant, specialised actors are involved in the assessment of special needs.

- ***Additional remarks:*** *Specialised actors, such as psychologists or medical professionals, may be involved in the assessment of special needs depending on the nature of these needs. Their expertise should be effectively accessible to the reception authorities where necessary.*

Indicator 35.5: Communication channels and cooperation between the reception authority and the determining authority are established and used.

- ***Additional remarks:*** *Identification and assessment of special needs are more effective when information is communicated between the authorities, without prejudice to national confidentiality and data protection regulations.*

Indicator 35.6: The identification and assessment of special reception needs takes place without prejudice to the examination of the applicants' need for international protection.

- ***Additional remarks:*** *It is important to clearly separate the issues of identification and assessment of special reception (and procedural) needs and the examination of the application for international protection. While in some cases the applicants' situation of vulnerability would also have an impact on the outcome of the application, the purpose of the identification and assessment as per this guidance is solely to guarantee effective access to the rights and benefits under the RCD during the asylum procedure.*

STANDARD 36: Ensure that identified special reception needs are addressed in a timely manner.

Indicator 36.1: Adequate and prompt action is taken to respond to the identified and assessed special needs.

- ***Additional remark:*** *Sufficient resources should be allocated to the response to special needs. In addition, standard operating procedures and/or referral mechanisms should be used as appropriate.*

Indicator 36.2: If special needs have been identified, there is a mechanism in place to ensure their regular monitoring.

- ***Additional remarks:*** *Member States should also envisage the regular follow-up monitoring of identified special needs.*

> **Good practice on identification, assessment and response to special needs**
>
> It is considered good practice:
>
> - to set up a mechanism for the identification and assessment of special reception needs as part of national operating procedures. The EASO IPSN Tool could be integrated into these procedures, notably by applying the guidance on 'Reception support';
> - to consider as applicants with special needs also categories other than those listed non-exhaustively in Chapter IV of the RCD, for example LGTBI, people with other gender-related special needs and illiterate applicants.

EASO Tool for Identification of Persons with Special Needs (IPSN)

In order to support Member States in the identification and assessment of special needs in terms of procedural and reception guarantees, EASO has developed a web-based interactive tool, publicly accessible in a number of EU languages.

The IPSN Tool is an intuitive practical instrument intended to support the timely and ongoing identification of individual special needs without the requirement of specialised knowledge. It relies on an outline of indicators, linked to different categories of persons with potential special needs. The list includes all categories mentioned by the RCD, as well as LGBTI persons and persons with gender-related special needs. Selecting a category provides further information in order to assess whether the applicant has the respective special needs and generates a checklist and brief guidance on relevant support measures. Reception support is one of the aspects developed within the IPSN Tool.

Once the user has generated the relevant information, he or she can choose to print or save a report, including a selection of different elements. The report can be further individualised for the particular case at hand before it is saved and/or printed.

The integration of the IPSN Tool in a national mechanism, which is in accordance with the standards in this section, is recommended as good practice.

The tool is available at https://ipsn.easo.europa.eu

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