

# Practical Guide on Access to the Asylum Procedure



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# Practical Guide on Access to the Asylum Procedure

# About the guide

## Why was this guide created?

The mission of the European Union Agency for Asylum (EUAA) is to facilitate and support the activities of EU Member States and the Schengen associated countries (EU+ countries <sup>(1)</sup>) in the implementation of the Common European Asylum System. According to its overall aim to promote a correct and effective implementation of the Common European Asylum System and to enable convergence, the EUAA develops common operational standards and indicators, guidelines and practical tools.

## How was this guide developed?

This guide was jointly developed by experts from the EU+ countries, the EUAA and the European Border and Coast Guard Agency (Frontex). Valuable input has come from the European Commission, European Union Agency for Fundamental Rights and the United Nations High Commissioner for Refugees. Before its finalisation, a consultation on the guide was carried out with all EU+ countries through the EUAA Asylum Processes Network.

## Who should use this guide?

This guide is primarily intended for first-contact officials responsible for receiving applications for international protection, including border guards, the police authority, the authorities responsible for detention facilities or reception facilities and the immigration authorities <sup>(2)</sup>.

## How to use this guide.

This guide is structured in four parts, corresponding to four chapters. Chapter 1 covers the enhanced role of first-contact officials in access to the asylum procedure. Chapter 2 provides guidance on how to be prepared in order to recognise a potential applicant for international protection. Chapter 3 provides guidance on indications that someone may wish to apply for international protection and provides guidance on the information that has to be provided to the applicant for international protection during access to the asylum procedure. Chapter 4 provides guidance on the follow-up steps.

## How does this guide relate to national legislation and practice?

This is a soft convergence tool. It is not legally binding and reflects commonly agreed standards as adopted by the EUAA Management Board in December 2025.

## How does this guide relate to other EUAA tools?

The *Practical Guide on Access to the Asylum Procedure* is based on the standards of the Common European Asylum System. It should be seen as a complement to other available EUAA tools, in particular, the *Practical Guide on Information Provision in the Asylum Procedure* <sup>(3)</sup> and the *Practical Guide on Registration: Lodging of applications for international protection* <sup>(4)</sup>. Consistency with other tools has been a primary consideration, especially in relation to the EUAA training module on

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<sup>(1)</sup> The 27 EU Member States and Iceland, Liechtenstein, Norway and Switzerland.

<sup>(2)</sup> Article 4 of the [Regulation \(EU\) 2024/1348](#) of the European Parliament and of the Council of 14 May 2024 establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU (OJ L, 2024/1348, 22.5.2024).

<sup>(3)</sup> EUAA, *Practical Guide on Information Provision in the Asylum Procedure*, December 2024.

<sup>(4)</sup> EUAA, *Practical guide on the registration and lodging of applications for international protection*, December 2025.

communication <sup>(5)</sup>. It should be used in conjunction with the other practical guides and tools that are publicly available online on the EUAA website: <https://euaa.europa.eu/practical-tools-and-guides>.

The EUAA practical guides, tools and judicial analyses to which this practical guide refers will be progressively updated between 2025 and 2027. The updates will align these publications with the legislative instruments of the Pact on Migration and Asylum. Once published, the updated publications will also be available online at the EUAA webpages listed directly above. This third edition is applicable only from June 2026. Before this date, and for any applications for international protection lodged before this date, the guide applicable is the EUAA, *Practical Guide on Access to the Asylum Procedure*, August 2023, <https://euaa.europa.eu/publications/practical-guide-access-asylum-procedure>.

## Disclaimer

This guide was prepared without prejudice to the principle that only the Court of Justice of the European Union can give an authoritative interpretation of EU law.

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<sup>(5)</sup> EUAA, 'Introduction to communication for asylum and reception practitioners' training module, 2022.

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# List of abbreviations

Abbreviation	Definition
<b>APR</b>	<b>asylum procedure regulation</b> — Regulation (EU) 2024/1348 of the European Parliament and of the Council of 14 May 2024 establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU.
<b>EUAA</b>	European Union Agency for Asylum
<b>EU</b>	European Union
<b>EU+ countries</b>	EU Member States and Iceland, Liechtenstein, Norway and Switzerland
<b>Member States</b>	EU Member States
<b>QR</b>	<b>qualification regulation</b> — Regulation (EU) 2024/1347 of the European Parliament and of the Council of 14 May 2024 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted, amending Council Directive 2003/109/EC and repealing Directive 2011/95/EU of the European Parliament and of the Council.
<b>Schengen Border Code</b>	Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (as amended by Regulation (EU) 2024/1717). Regulation (EU) 2024/1717
<b>Screening regulation</b>	Regulation (EU) 2024/1356 of the European Parliament and of the Council of 14 May 2024 introducing the screening of third-country nationals at the external borders
<b>UNHCR</b>	United Nations High Commissioner for Refugees

# Terminology

**International protection** means refugee status or subsidiary protection status.

**First-contact officials:** officials responsible for receiving applications for international protection, including border guards, the police authority, the authorities responsible for detention facilities or reception facilities and the immigration authorities.

**Special needs:** a person has special needs due to being, ‘for example, a minor, an unaccompanied minor, a person with a disability, an elderly person, a pregnant woman, a single parent with a minor or an adult dependent child, a victim of trafficking in human beings, a person with a serious illness, a person with a mental disorder or a person who has been subjected to torture, rape or other serious forms of psychological, physical or sexual violence’ <sup>(6)</sup>. The competent authorities must take these special needs into account.

“**Refugee**” means a third-country national who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country, or a stateless person who, being outside of the country of former habitual residence for the same reasons as mentioned, is unable or, owing to such fear, unwilling to return to it, and to whom Article 12 of Regulation (EU) 2024/1347 <sup>(7)</sup> does not apply’ <sup>(8)</sup>.

“**Person eligible for subsidiary protection**” means a third-country national or a stateless person who does not qualify as a refugee but in respect of whom substantial grounds have been shown for believing that that person, if returned to his or her country of origin or, in the case of a stateless person, to his or her country of former habitual residence, would face a real risk of suffering serious harm as defined in Article 15 [QR], and to whom Article 17(1) and (2) [QR] does not apply, and is unable or, owing to such risk, unwilling to avail himself or herself of the protection of that country’ <sup>(9)</sup>.

“**Applicant for international protection**” means a third-country national or a stateless person who has made an application for international protection in respect of which a final decision has not yet been taken’ <sup>(10)</sup>.

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<sup>(6)</sup> Article 20(4) QR.

<sup>(7)</sup> [Regulation \(EU\) 2024/1347](#) of the European Parliament and of the Council of 14 May 2024 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted, amending Council Directive 2003/109/EC and repealing Directive 2011/95/EU of the European Parliament and of the Council (OJ L, 2024/1347, 22.5.2024) (the QR).

<sup>(8)</sup> Article 3(1) of [Regulation \(EU\) 2024/1348](#) of the European Parliament and of the Council of 14 May 2024 establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU (OJ L, 2024/1348, 22.5.2024) (the APR) and Article 3(5) QR.

<sup>(9)</sup> Article 3(2) APR and Article 3(6) QR.

<sup>(10)</sup> Article 3(13) APR and Article 3(8) QR.

“**Right to asylum**” The right to asylum shall be guaranteed with due respect for the rules of the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees and in accordance with the Treaty on the European Union and the Treaty on the Functioning of the European Union’ <sup>(1)</sup>.

“**Application for international protection**” means a request for protection from a Member State made by a third-country national or a stateless person who can be understood to be seeking refugee status or subsidiary protection status’ <sup>(2)</sup>.

“**Applicant in need of special procedural guarantees**” means an applicant whose ability to benefit from the rights and comply with the obligations provided for in [the APR] is limited due to individual circumstances, such as specific vulnerabilities’ <sup>(3)</sup>.

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<sup>(1)</sup> Article 18 of the Charter of Fundamental Rights of the EU.

<sup>(2)</sup> Article 3(7) QR.

<sup>(3)</sup> Article 3(14) APR.

# Introduction

As you are often the first point of contact for third-country nationals reaching your country, and in many cases also the EU, you play a crucial role in facilitating effective access to international protection. This can be achieved by proactively identifying those who may wish to make an application for international protection, providing them with relevant information on the right to apply for international protection, referring them to the appropriate procedures and to other assistance and procedural guarantees provided to such persons.

This guide provides information on the core obligations of first-contact officials and the rights of persons in need of international protection in the first-contact situation. This information ensures unimpeded access to the asylum procedure for persons who may wish to apply for international protection. It will steer you through the process of identification of persons who may wish to apply for protection and the provision of the relevant procedural guarantees and support.

The guide is divided into the following four parts.

- 1. The enhanced role of first-contact officials in access to the asylum procedure:** comprising an introduction to the context of mixed migration flows and an overview of the relevant legal background, including on fundamental rights.
- 2. How to be prepared in order to recognise a potential applicant for international protection:** outlining the necessary preconditions regarding the behaviour and mind-set of the first-contact officials in order to be able to identify persons who may wish to apply for international protection.
- 3. Indications that someone may wish to apply for international protection:** providing guidance on which elements to take into account in order to better identify a person who may wish to apply for international protection.
- 4. What to do next:** providing guidance for situations in which a person who may wish to apply for international protection is identified and what to do if an application has been made. It also addresses the situations in which a person who may have special needs does not want to apply for international protection.

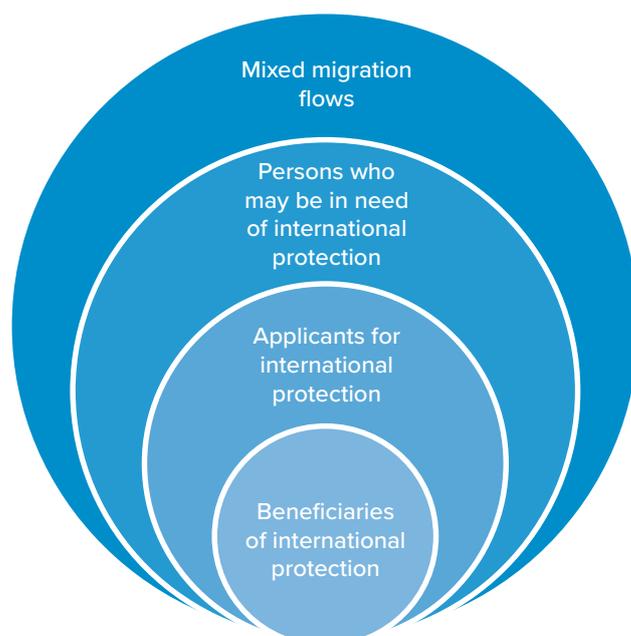
Be aware that the EU asylum *acquis* stipulates that officials who first come into contact with persons who may wish to apply for international protection, in particular officials carrying out the surveillance of land or maritime borders or conducting border checks, should receive relevant information and necessary training on how to recognise and deal with applications for international protection <sup>(14)</sup>.

First-contact officials are expected to act in a professional manner and report any actions, or failure to act, that might constitute a breach of fundamental rights, including right to asylum.

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<sup>(14)</sup> Article 4(8) APR; Article 8(9) of [Regulation \(EU\) 2024/1356](#) of the European Parliament and of the Council of 14 May 2024 introducing the screening of third-country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817 (OJ L, 2024/1356, 22.5.2024),(screening regulation).

# 1. The enhanced role of first-contact officials in access to the asylum procedure



## Key role of first-contact officials

**First-contact officials** have a **crucial role in ensuring access to the asylum procedure**, particularly as they are often the first representatives of the state that asylum seekers encounter. Their responsibilities are essential for upholding the right to seek international protection and ensuring compliance with international and EU asylum law. Their key responsibilities related to ensuring access to the asylum procedure include:

- identification of persons who may wish to apply for international protection;
- provision of information to persons who may wish to apply for international protection and who made an application for international protection;
- referring the persons who made an application to the competent authorities.

By exercising their responsibilities, the first-contact officials need to pay attention and reflect on the possible vulnerabilities and special needs of the persons.

The growing scope and complexity of migration movements creates a challenging environment at the external borders of the EU. Persons with different motives and objectives move alongside each other within **mixed migration flows** using the same routes and means of transport. Such journeys may be long, hard and life-threatening, often organised in an irregular manner. Hidden in trucks, small containers or crammed on unseaworthy boats, people often travel in harsh and unsafe conditions, exposed to danger, hunger, exploitation and abuse by smugglers and traffickers. During the journey they may lose family members or relatives. There are countless reports of persons being exploited, mistreated, raped and forced into prostitution or criminality.

Alongside people whose reasons for travelling are not to seek international protection are **those who wish to apply for international protection**. Moreover, persons who wish to apply for international protection might also be in have **special needs** that require immediate action. This could be, 'for example, a minor, an unaccompanied minor, a person with a disability,

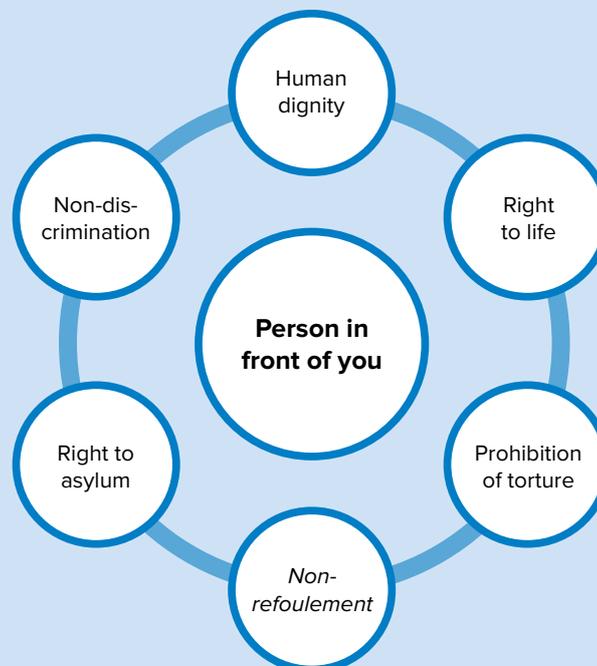
an elderly person, a pregnant woman, a single parent with a minor or an adult dependent child, a victim of trafficking in human beings, a person with a serious illness, a person with a mental disorder or a person who has been subjected to torture, rape or other serious forms of psychological, physical or sexual violence' <sup>(15)</sup>. However, some of these special needs may not be visible or obvious at first contact. Nevertheless, the competent authorities must take into account these special needs.

## Fundamental rights

Any measure taken at border-crossing points and in detention facilities should be proportionate to the objectives pursued, non-discriminatory and should **fully respect key fundamental rights**, such as the following.

- **Human dignity** stipulates that a human being has an innate right to be valued, respected and to receive ethical treatment.
- **Right to life** prohibiting the death penalty or execution and stipulating duty to take preventive measures in situations where there is a real and immediate risk to the life of an individual.
- **Prohibition of torture** stipulates that no one can be subjected to torture or to inhuman or degrading treatment or punishment.
- **Principle of non-refoulement** refers to the obligation of states to refrain from expelling or returning a person in any manner whatsoever to a situation where they may face persecution and/or torture, inhuman or degrading treatment or punishment.
- **Right to asylum (international protection)** gives everyone the right to seek and enjoy protection from persecution in other countries. Member States must ensure that each person, whether adult or child, has the right to make an application for international protection on their behalf or through their responsible family member or representative.
- **Non-discrimination** prohibits any unfair treatment or arbitrary action or distinction based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation.

**Every person is entitled to these rights, regardless of whether they have explicitly applied for international protection or not.**



Member States must ensure that the authorities respect the **confidentiality principle**, as defined in national law and imposed by EU law, in relation to any information they obtain during their work. Information regarding the fact that a person has applied for international protection cannot be disclosed to the authorities of the person's country of origin.

<sup>(15)</sup> Article 20(4) QR.

## Non-refoulement

**Non-refoulement** refers to the obligation of Member States to refrain from expelling or returning any individual in any manner to the frontiers of territories or to any place where they may face persecution as well as inhumane or degrading treatment or punishment, including torture, even if they are in an irregular migratory situation. In the asylum context, the principle of non-refoulement entails a requirement to grant individuals seeking international protection the right to remain and access to fair and efficient asylum procedures to determine if the person should be granted protection or not.

**Who is bound by this obligation?** The *non-refoulement* obligation is binding on all organs of a state as well as any other person or entity acting on its behalf, including first-contact officials.

**What does it include?** The prohibition of *refoulement* to a danger of persecution under international refugee law is applicable to any form of forcible removal, including deportation, expulsion, extradition, informal transfer or 'renditions' and non-admission at the border. This includes also indirect *refoulement*, which is the return of a person to a third country where the risk of *refoulement* exists.

A reliable assessment as to the risk of indirect *refoulement* must be undertaken in each individual case, prior to removal to a third country. No applicant should be returned to a third country for determination of the claim without sufficient guarantees in each individual case. These guarantees include that the person will be readmitted to that country, will enjoy effective protection against *refoulement*, will have the possibility to seek and enjoy asylum and will be treated according to accepted international standards.



Being often the first point of contact for third-country nationals reaching your country, and in many cases the EU, you have a crucial role in the timely identification of these persons, addressing their basic needs, guaranteeing their fundamental rights, providing them with information and directing them to the adequate procedures and to the competent authorities.

## Access to the asylum procedure

To ensure respect for the principle of *non-refoulement* and the right to asylum (international protection), every person who may wish to apply for international protection must be ensured **access to the asylum procedure**.

Many people who may wish to apply for international protection do not know their rights and obligations and do not actively seek asylum in the country they arrive in. As a first point of contact for persons present at the borders, you have a vital role in facilitating access to international protection by **proactively identifying persons who may wish to apply for international protection, providing them with relevant information** on the right to apply for asylum and **referring them to appropriate procedures**.

Measures taken at the border-crossing points and in detention facilities mark one of the primary moments where the special needs of vulnerable persons may be declared or detected. As a first-contact official, you also have the responsibility **to identify the special needs of vulnerable persons** and **refer them for further assessment and/or support** to the national authorities.



Remember that in most scenarios, people will have the chance to express their need for protection and their special needs for the first time to you.

Your role in ensuring access to the asylum procedure, stipulated in Article 3(a) of the Schengen Border Code <sup>(16)</sup>, has been further enhanced by the EU asylum *acquis*, especially by the APR, applicable as of 12 June 2026 <sup>(17)</sup>. The APR lays down, among others, the following key provisions that have direct effect on your daily work.



**Article 30 APR** requires you to **provide information about the possibility to apply for international protection** where there are **indications that a person held in detention facilities or present at external border crossing points, including transit zones, may wish to do so**. In practice it means that you have to be proactive in identifying such a person, inform them about the right to apply for asylum and advise them as to how to make the application. Furthermore, where necessary to facilitate access to the asylum procedure, you need to ensure that interpretation services are arranged.



If you do not belong to the authority responsible for registering the asylum application, **Articles 4 and 27 APR** require you to **ensure that the authority responsible for registering the application for international protection is informed promptly** and at the latest within three working days from when the application was made. In this case, you also need to **inform the applicant for international protection which authority is responsible for registering the application**. Article 4 APR also requires you to **provide information to persons who made an application for international protection about where and how to lodge an application**.



Where relevant, you need to **ensure that the authorities responsible for the reception facilities are informed** that an application has been made (**Article 26 APR**).

The APR lays down the **three separate steps of the access to procedure**, clearly distinguishing between the **making, registering and lodging of an application for international protection**.

<sup>(16)</sup> Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) (codification) (OJ L 77/1, 23.3.2016), as amended by [Regulation \(EU\) 2024/1717](#).

<sup>(17)</sup> Article 79(2) APR.



### Related EUAA publication

For a detailed description of the three stages of access to the asylum procedure, consult the EUAA, *Practical guide on the registration and lodging of applications for international protection*, December 2025.



## Making an application

Making an application for international protection means the act of expressing, in any way and to a competent authority, one's wish to obtain international protection. Anyone who has expressed their intention to apply for international protection is considered to be an applicant with all the rights and obligations attached to this status.



Be aware that people may express an intention to apply for international protection in a variety of ways. Any expression of fear of persecution or serious harm upon return to the country of origin, expressed verbally or in writing, qualifies as such a request. It is not necessary to use the exact word 'asylum' or 'refugee'. If you have doubts as to whether a certain declaration qualifies as a request for international protection, you should ask the person expressly whether they wish to receive international protection <sup>(18)</sup>. This may entail explaining the concept of international protection, if the individual does not know what it is.

## Registering an application

After an application for international protection has been made, it must be registered by the competent authorities within the given timeframe – no later than five days if the application has been made to an authority responsible for registering. If the application has been made to an authority entrusted with the task of receiving applications but not responsible for registering, the authorities competent to register the application must be informed within 3 working days and the application must be registered no later than five days after receiving the information. Under exceptional circumstances, if there is a disproportionate number of applications made within the same period, making it unfeasible in practice to respect the time limits, the application must be registered no later than 15 days from when it was made.

For applicants who are subject to screening at the external border on the ground of an unauthorised border crossing or disembarkation <sup>(19)</sup>, the above time limits apply only once the screening has ended <sup>(20)</sup> (see Section '[Access to the asylum procedure during the screening process](#)' below).

## Lodging an application

Lodging an application for international protection requires the applicant to provide information/documents to complete the file created at the time of registering the application. Lodging the application triggers the start of the first-instance examination. After an application is registered, the applicant must lodge the application no later than 21 days from when it is registered. Under exceptional circumstances, if there is a disproportionate number of applications made within the same period, making it unfeasible in practice to respect the time limits, the appointment to lodge the application should be at a date no later than two months from when the application is registered.

<sup>(18)</sup> Article 26(1) APR.

<sup>(19)</sup> Article 5(1) Screening Regulation.

<sup>(20)</sup> Article 27(7) APR.

In situations where the applicant was transferred to another responsible Member State, the applicant must lodge the application no later than 21 days from when they identify themselves to the competent authorities of the responsible Member State.



Be aware that your task is to identify persons who may wish to apply for international protection, provide them with information and refer them to the appropriate authority. You cannot deny anyone access to the asylum procedure. Prompt and efficient referral to the competent authorities is key to ensure the right to asylum is guaranteed in practice. It is not your responsibility to assess whether the person in front of you should be granted international protection or not.

## Access to the asylum procedure during the screening process

The screening regulation, applicable as of 12 June 2026, introduces mandatory screening at the external borders of those who have crossed the external border in an unauthorised manner <sup>(21)</sup>, those who have applied for international protection during border checks, or those who were disembarked after a search and rescue operation. Screening also applies within the territory, for persons illegally staying within the territory of a Member State and who crossed an external border to enter the territory of Member States in an unauthorised manner <sup>(22)</sup>.

The screening includes a preliminary health check and vulnerability check, identification or verification of identity, registration of biometric data, a security check, the filling out of a screening form and referral to the appropriate procedure.

If the authority that you work for is involved in the screening process, you have a vital role to play in **identifying persons who may wish to apply for international protection** and ensuring the principle of *non-refoulement*.

Depending on the workflow and division of tasks, you may also be responsible for **providing relevant information** in accordance with the provision below.



**Article 11 screening regulation** requires **informing** persons about the right to apply for international protection and the rules on making an application when there are indications that they may wish to do so. It also requires informing persons who made an application for international protection about their obligations and the consequences of non-compliance. All persons in the screening process should be informed about the possibility to contact and be contacted by the organisations and persons providing advice and counselling during screening.

The information should be provided in a language they understand, in writing, and, where necessary, orally using interpretation services. In the case of minors, the information must be provided in a child-friendly and age-appropriate manner and with the involvement of a representative.

When providing information in accordance with this legal provision, besides fulfilling your vital role in facilitating access to international protection, you also play an important role in **preventing secondary movements** of third-country nationals who may wish to continue their journey and move illegally to other EU Member States or the Schengen associated countries (EU+ countries) <sup>(23)</sup> to be able to apply for international protection in the country of their preference.

It is your duty to ensure that a person who may wish to apply for international protection is informed about the rules for making an application. When an application has been made, information on the obligations and consequences of noncompliance must also be provided.

<sup>(21)</sup> Meaning without fulfilling the entry conditions set out in Article 6 Schengen Borders Code.

<sup>(22)</sup> Article 7 Screening Regulation.

<sup>(23)</sup> Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Republic of Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and Switzerland.

You should also inform the applicants about their obligation to make an application in the first EU+ country they entered, unless another country is responsible for the examination of their application. For example, if the person has a valid visa or residence permit issued by another EU+ country, they should apply for asylum in that country.

Furthermore, they are obliged to fully cooperate with the authorities, provide biometric data and all the relevant information to examine which country is responsible for their application. They are not allowed to leave the country on their own initiative.

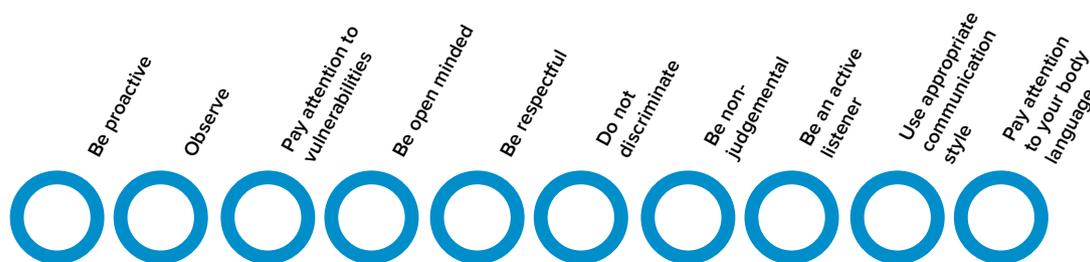
You should also inform the applicants that if they do not comply with their obligations, it will have negative consequences. In the context of the screening process, for further information, you can consult Frontex, 'Template for Information Provision', (forthcoming) as part of the Frontex Screening Toolbox. Learn more about how Frontex is supporting Member States to implement the Screening Regulation at <https://www.frontex.europa.eu/what-we-do/eu-pact-on-migration-and-asylum/how-frontex-supports-the-screening-regulation/>.

Make sure you are aware of the specific information to be provided based on national practice.

## 2. How to be prepared in order to recognise a potential applicant for international protection

Persons in need of international protection may approach a person in uniform to establish contact with them. However, many of them may have been ill-treated by officials in their country of origin or in other countries during their journey. Therefore, in many cases, they will not approach you directly and it is your role to create an atmosphere of trust and proactively identify a person who may wish to apply for international protection and refer those who can be understood to be seeking protection.

This section provides guidance on how to be prepared in order to fulfil your obligations to identify those possibly in need of protection, admit them to the EU territory, provide them with information and refer them to the national asylum procedure.



### Be proactive

Being proactive means focusing your efforts on elements you can control or that you can influence. A proactive approach will help you to fulfil your duties.

You have a **responsibility to be proactive in ensuring effective access to the asylum procedure**. You have a duty to identify persons who may wish to apply for international protection and inform them about the right to apply for asylum and provide them with the information on how to make an application. You also have to inform persons who made an application for international protection on how to register and lodge their application.

#### Are you proactive or reactive?

A **proactive person** uses proactive language (I can, I will, I prefer, etc.) and focuses efforts on their area of influence, i.e. on things they can control and influence.

A **reactive person** uses reactive language (I can't, I have to, if only, etc.) and focuses their efforts on the area of concern, i.e. on things over which they have little or no control.

### Observe

Observation is not the same as just 'looking at things'. It is the active reception of information that helps you to assess people and circumstances quicker and more precisely. It requires you to keep your eyes and ears open, to obtain as much information as possible and remember it.

- **Pay close attention to everything around you.** Force yourself to notice, as much as you can, things ranging from the routine to the unusual and try to remember them. Focus on differences, distinctions, unusual situations and circumstances. Awareness of your impressions is a key part of being a good observer.
- **Look for** indications that a person may wish to apply for international protection.
- **Pay close attention to body language** – facial expressions, gestures, eye contact, postures and the tone of voice – of the persons you observe. The ability to understand and use body language can help to connect with other people and to identify their needs. However, keep in mind that the meaning of body language and non-verbal signals can be different across countries and cultures. Therefore, it is important to avoid misinterpretation and to refrain from hasty interpretation.

## Pay attention to signs of special needs

**Be aware that the person in front of you may be vulnerable and have special needs** that require particular attention and immediate action. Be attentive to signs of possible special needs and refer those persons for further assessment and/or support.

Border crossings and detention facilities are one of the primary locations where the special needs of vulnerable persons may be declared or detected. **However, be aware that they may not be immediately visible and may only manifest at later stages.**

Make sure that any measure taken at border-crossing points or in detention facilities does not affect the specific protection afforded under international law to persons in need of international protection and to vulnerable person, such as those listed in the non-exhaustive list below, for example.

- **Children.** Children are always considered to be in a vulnerable situation due to their age and this can include persons without identification documents who declare themselves to be of minority age. In case of doubt, such persons should be treated as minors until further assessment by the competent authorities is concluded.
- **Women.** Pregnant women and women travelling alone.
- **Persons** living with disabilities, including persons with hearing or visual, impairment.
- **People suffering from mental health problems,** such as people who appear silent, depressed, anxious, frightened, confused or disoriented or cannot seem to be able to understand what they are requested to do.
- **People who suffer from chronic physical diseases** (including, for example, people that use a wheelchair, are on renal dialysis, have diabetes or multiple sclerosis, etc.).
- **People stating they cannot read or write.**
- **Persons stating they suffered a recent loss of a kin.**
- **Elderly people.**

The competent authorities must take into account these special needs <sup>(24)</sup>.

- **Record signs of** special needs as soon as possible according to your national practice. Communicate this information to the relevant stakeholders so that they provide the necessary guarantees and support.
- Make sure that you are aware of your **national referral mechanisms and procedures.** Have at hand the contact information of responsible institutions according to national practice, including specialised child protection services, the UN Refugee Agency (UNHCR) and other organisations providing legal advice or other counselling to applicants.
- **Adjust your approach, language and communication style** according to the needs of the person. Your ability to build trust and communicate with the person is essential, both to be able to identify possible indications of vulnerability and to gather accurate information.
- If needed, **ensure necessary medical and/or other adequate assistance** according to national legislation and practice.

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<sup>(24)</sup> Article 20(4) QR.



#### Related EUAA publication

For more information on ensuring access to the asylum procedure for vulnerable persons, consult the EUAA, *Practical guide on registration and lodging of applications for international protection*, December 2025.



#### Related EUAA tool

Check out the [Tool for the Identification of Persons with Special Needs](#), an interactive online EUAA tool that allows the user to identify potential special needs in the context of the asylum procedure and reception.

## Unaccompanied or separated children

In line with the relevant international and European legal standards and legislation, **a child is any human being below the age of 18 years** unless, under the law applicable to the child, the age of majority is attained earlier. Where there are doubts if the person who claims to be a child really is a child, they must be referred to the responsible authority for age assessment pursuant to national legislation and practice and according to EU law.

**Children are inherently vulnerable. It is very important to be particularly sensitive to their special needs, especially in cases where they are unaccompanied or separated.** Unaccompanied and separated children should be identified and referred to the responsible authorities as quickly as possible according to national legislation and practice. According to the EU law, specific guarantees should be ensured in the case of unaccompanied children. This includes, in particular, the appointment of a representative as soon as possible. Make sure that you are aware of the national referral procedures and have the contact details of specialised child protection services and other responsible stakeholders at hand. Depending on your national practice, it may be your obligation to inform an unaccompanied child that a person will be designated as soon as possible to assist the child with the registration and lodging.

Always remain observant and pay attention to possible indications of trafficking. Is there anything unusual about the person or situation in front of you? Is the child quiet, detached/distant, incoherent, scared, upset? Is a person waiting for the child or is the child looking at another adult? At any time, if there is a reasonable suspicion that the child may be at risk of trafficking, or is otherwise in need of protection, the referral mechanism and initial investigation applies immediately according to the national legislation and practice.

Remember to communicate in a child-friendly manner, considering the age and maturity of the child. Keep them informed of what is happening and what is going to happen. Ensure access to basic services.

**The best interests of the child must be a primary consideration in all actions and decisions concerning the child.** As a general rule, children should not be separated from their accompanying parents or relatives, unless there is reasonable suspicion that it is not in their best interests to stay with them. In such cases, specialised child protection services should be informed immediately according to national legislation and practice.

**The principle of non-refoulement must be applied.** If the child is subject to a return procedure, the safeguards for children stipulated in Article 10 of the return directive <sup>(25)</sup> must be observed.



#### Related EUAA publication

For more information on ensuring access to the asylum procedure for unaccompanied children, consult the EUAA, *Practical guide on registration and lodging of applications for international protection*, December 2025.

<sup>(25)</sup> [Directive 2008/115/EC](#) of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, (OJ L 348/98, 24.12.2008).

## Be open-minded

Your daily work routine can lead to the unintentional categorising of people you have just met. It is important to be aware of this and always stay open-minded, regardless of your previous personal and professional experiences. Be aware that anyone can have protection needs, no matter how they look or act.

**Be open-minded.** This means being flexible and adaptive to new and different experiences, procedures and challenges. People who are open-minded are aware of their preconceptions and are more likely to change their opinions when presented with new facts.

## Be respectful

You work in a complex and challenging environment. On a daily basis, you face stressful situations and encounter people who are scared, traumatised or mistrust the authorities as well as others who lie, cheat and exhibit aggressive behaviour.

Yet, as is often the case, you are the first point of contact for third-country nationals reaching the EU and you are representing your country as well as the EU. You should be professional, ethical and behave at all times in a manner that reflects well on you and the authority you represent.

**Remember to always be respectful.** Everybody has to be treated with respect. Respect human dignity at all times and be sensitive to cultural diversity and differences.

Be respectful to build trust and to be respected. To earn respect you must show respect in the first place. Disrespect creates tension that could turn to conflict.

## Do not discriminate

Nobody is allowed to discriminate against another person. Discriminatory behaviour, unfair treatment or any other discriminatory practices are contrary to **fundamental rights**.

To avoid discrimination and demonstrate sensitivity, it is important to communicate in a language that the person understands and in a way that makes them feel safe and secure. If needed, **adjust your approach**, language and communication according to the gender, age, physical and mental state and/or education level of the person in front of you.

## Be non-judgemental

**Do not prejudge** other people for their actions, behaviour and/or appearance. Instead of judging a person for what they have done or how they look, try to find out more about them and their background. A different procedure will follow at a different place, conducted by other officials who will assess the person's protection needs and right to international protection.

**Do not pass judgement** through verbal and non-verbal communication. If you find yourself being judgemental, stop yourself and remind yourself to observe.

## Be an active listener

**Be a good listener.** Active listening is one of the key components of communication skills. When you truly listen, you show a sincere interest in what is being said instead of just hearing it. In this way, you show respect for the person you communicate with, which consequently influences both the quality and the quantity of the information you will be able to obtain.

→ **Listen with genuine interest** and with the intention to understand. You may use brief and direct summaries, repeating main parts of the narrative in the person's own words to demonstrate active listening and understanding. You may also use reflective statements to reassure the person that you are listening.

- **Encourage the person to speak.** Use encouraging phrases such as, 'Tell me more about that' or 'What happened then?' This invites the applicant to continue talking and contributes to maintaining and expanding the narrative.
- **Ask questions to show interest** but remember that the most accurate and useful information is given in a free narrative response. If you interrupt too often to ask additional questions, it might also reduce the person's motivation or confidence and reduce the likelihood of a complete account.
- **Make sure that the person in front of you understands** what you have said. It is your responsibility to be understood. Use the opportunity to clarify understanding, for example by asking the person to repeat important parts of the information you provided in their own words.

## Use an appropriate and sensitive communication style

Differences in language, culture and experience may create barriers in communication. Many other factors, such as age, gender, stress, physical and mental health as well as environmental circumstances can influence the person's ability to express themselves. The need to communicate via interpreters also increases the risk of misunderstandings.

It is therefore important to be aware of the factors that could distort the communication process and to adjust your communication style and language accordingly. This will help to reduce feelings of anxiety and stress and secure both the quality and quantity of the information obtained.

- **Be sensitive to the personal situation of the person**, if already known, and adapt your communication style accordingly.
- **Use appropriate language that the person is able to understand.** Always try to communicate as precisely, simply and clearly as possible.
- **Give information to the person about what is expected from them**, including minor details that you often take for granted, such as who you are, where you are going, why you are closing the door to the interview room and about the process itself. You should not assume that everybody understands things the same way as you do.
- **Ensure confidentiality.** Explain that anything that is said will remain confidential, unless the information needs to be shared with other governmental bodies.
- **Let the person speak freely.** Encourage the person to provide an account of an event or situation in their own words, at their own pace and without interruptions.
- **Ask appropriate questions in an appropriate manner.** Open questions show you have the person in focus. Start the discussion with easy questions.
- **Give everyone a chance to speak.** Make sure that nobody intervenes and/or answers questions on behalf of the person apart from when acting in their best interests.

## Working with the interpreter

The EU asylum *acquis* obliges Member States to make arrangements for interpretation to the extent necessary to facilitate access to the asylum procedure where there are indications that persons held in detention facilities or present at border crossing points may wish to apply for international protection. Often there is a need to use the interpreter to bridge the language gap between the person and the official concerned. Working with the interpreter, however, requires you to adjust the way you communicate with the person concerned and/or how you lead the discussion. Here are few points to keep in mind when using the services of an interpreter.

- Pay attention to the selection of the interpreter. If possible, an interpreter of the same sex should be allocated if the applicant so requests.
- Inform the interpreter about their responsibility and role.
- Verify that the person concerned understands the interpreter and vice versa.
- Address the person concerned directly (in the first person) and not through the interpreter using third-person phrasing.
- Try to speak slowly and clearly and pause frequently to allow them to interpret short segments, especially if detailed or complicated explanations are given.

These principles are even more important when phone interpreter services are used.

## Pay attention to your body language

Body language is a kind of nonverbal communication, where thoughts, intentions or feelings are expressed by physical behaviours, such as facial expressions, body posture, gestures, the tone of the voice or use of the space. The ability to understand and use nonverbal communication is a powerful communication tool.

- **Be aware of your non-verbal communication.** Your body language is an important tool to develop trust and to establish and maintain rapport.
- **Choose appropriate gestures and postures.** Adopt open body language (avoid crossing your arms or a closed-off posture, etc.). Use an appropriate tone of voice and appropriate facial expressions to create a secure and open environment. Mirroring the applicant's body language can sometimes establish an atmosphere of understanding.
- **Respect the person's personal space** and make appropriate eye contact. Respect if some applicant does not wish to make direct eye contact with you.
- **Be aware of the cultural and gender-based differences in non-verbal communication.** The meaning of body language and non-verbal signals varies from culture to culture and between genders and these differences can cause misunderstandings. Refrain from hasty interpretation of the body language of the person in front of you.



### Be aware of your personal circumstances

Every first-contact official needs to perform their tasks under demanding circumstances, while frequently encountering people from different cultures, different social backgrounds and with different life experiences. This makes for an interesting but extremely demanding working environment that may sometimes lead to routine, stress, frustration or even symptoms of secondary trauma, such as intrusive thoughts, chronic fatigue, sadness, anger, poor concentration, detachment, emotional exhaustion, fearfulness, shame, physical illness and absenteeism.

Sometimes, our private lives can also be a source of stress and problems. This may have an impact on your attitude to professional tasks and ability to cope with stress at work.

You need to be aware of those factors and make a constant effort to minimise their impact. If needed, ask your colleagues or supervisors for support or to seek professional counselling.



#### Related EUAA publication

For further guidance on information provision, consult the EUAA, *Practical Guide on Information Provision in the Asylum Procedure*, Chapter 1. 'Basic principles and skills for information provision', December 2024, pp. 12-44 (update forthcoming), and the EUAA, *Practical guide on the registration and lodging of applications for international protection*, Section 3.2. Information provision. December 2025

# 3. Indications that someone may wish to apply for international protection

Many people who may be in need of international protection may not actively apply for asylum in the country they arrive in. Many people may not know their rights and obligations or may choose not to ask for protection because of their specific situation or because of being misinformed by others, including smugglers, about their rights and their options. It is unrealistic to expect them to understand the complex asylum procedure and procedures for determining the Member State responsible to examine their application for international protection. Similarly, it is unrealistic to expect them to have enough trust in the authorities to feel able to directly raise their fear at the borders or in detention or to know the right words and expressions that could grant them access to the procedure.

As a first point of contact for people at the borders, it is your duty to identify when a person is expressing the intention to apply for protection and to proactively identify and inform them where there are indications that they may wish to apply for international protection. If you have doubts, you should ask the person expressly whether they wish to apply for international protection.

**Remember, it is often the case that meeting you could be the first chance someone has to express their need for international protection.** Therefore, you are the first critical step to ensuring access to the procedure for international protection. An incorrect identification at the borders and failure to pass on the request for international protection to the competent authority may have serious consequences for the person seeking international protection. The person may be returned to a country where their life or freedom is threatened or faces persecution, death, cruel and inhuman degrading treatment or other serious human right violations.

This section provides helpful tips and guidance to assist first-contact officials in identifying people who may wish to apply for international protection and to ensure that no possible indications are overlooked.

## Who may wish to make an application?

→ **Be aware that you must not deny anyone access to the asylum procedure.**

Everyone has the **right to seek international** protection.

→ **Always remember that anyone can be a refugee.**

Anyone can be in need of international protection and/or have special needs no matter how they look or act. Within the mixed migration flows, persons with different motives and objectives travel alongside each other, often using the same routes and means of transport. Therefore, asylum seekers and people whose reasons for travelling are not to seek international protection may look and behave in the same way.

Remember that your task is to identify a person who may wish to apply for international protection, provide them with information and refer them to the appropriate authority. **It is not your responsibility to assess whether the person in front of you actually has international protection needs** or whether they should be granted international protection or not. A different procedure will follow elsewhere, conducted by officials responsible to determine if the person qualifies for international protection.

→ **Yes, anyone can be a refugee** regardless of their country of origin, ethnicity and/or appearance.

**Anyone can be a refugee regardless of the following.**

- **They entered the Member State or are present on its territory irregularly**, using false or fraudulent documents or without any documentation at all, including if they are prohibited from entering because of a past irregular migratory situation.

- **They are a victim of trafficking in human beings.** A victim of trafficking may have protection needs outside of the issue of trafficking. They may also apply for international protection when escaping the trafficking situation or the asylum procedure itself may be used by the traffickers as a means of facilitating the presence of the person in the host country.
- **They are an unaccompanied child.** The EU asylum *acquis* provides specific guarantees to ensure that unaccompanied children can benefit from their rights and comply with their obligations in the asylum context. Since a child is inherently vulnerable, it is very important to be particularly sensitive to any additional indicators of special needs and always act in the best interests of the child.

### Persons with multiple special needs

Remember that apart from the need for international protection, some people may have other protection needs that require urgent attention. For example, a person may be both a victim of trafficking and a refugee or both an unaccompanied child and a refugee. Identification of these **multiple needs** and referral to appropriate procedures, especially in the immediate post-arrival phase, can be very challenging.

However, categorising different groups of arrivals should not detract from the development of measures to protect the human rights of all persons without differentiation, including the right to asylum. Thus, in the case of victims of trafficking and unaccompanied children, for example, adequate protection mechanisms need to be activated as soon as possible. However, their right to asylum has to be guaranteed as well and the required steps within the asylum context have to be conducted simultaneously.

## Non-exhaustive list of indications



Be aware that the list of indications provided below is only indicative and does not, in any case, include all **possible indications** and their **variations**. Rather than a precise formula, it should be viewed as advice on which factors to focus on when assessing the possibility that someone may wish to apply for international protection.

Indications that a person may wish to apply for international protection may be revealed in different ways. You may observe them, come to realise them through direct contact with the person or with other persons, deduce them from the documents the person presents and/or come across them under other circumstances. To detect the indications quicker and more precisely, pay particular attention to following elements.

### Who the person is and where they come from

#### Country of origin

Your general knowledge about the up-to-date situation in the person's country of origin, including general political circumstances, security situation as well as respect for fundamental rights is an important source of indications for the accurate identification of persons who may wish to apply for international protection. For example, a country embroiled in (civil) war or armed conflict or a country governed by a dictatorial regime is likely to be a source country of refugees. However, be aware that no country can be considered generally safe for all its citizens, therefore even those coming from a safe country of origin may have individual protection needs.

## Ethnicity, religion, nationality

Apart from the general context of the country of origin, particular attention should be paid if the person belongs to a (national, ethnic and/or religious) minority as they often tend to be targets of persecution or violence. However, it does not mean that persons belonging to majority groups in their country of origin may not have protection needs.

## General circumstances of arrival

Large-scale arrivals of people in big groups, people arriving with their families or persons arriving individually may create different expectations regarding their profile and protection needs. However, keep in mind that refugees do not use exclusively travel one way or the other.

## Age

Children are inherently vulnerable and it is very important to be particularly sensitive to their protection needs, especially when they are unaccompanied or separated. Every officer dealing with a child should act in the best interests of the child, be able to communicate with them in a child-friendly manner and take into account their possible additional special needs.

Special protective measures should be considered when there are indications of child-smuggling and/or child-trafficking.



### Related Frontex publication

For further information on special protective measures, consult the Frontex, [\*VEGA Handbook: Children at airports – Children at risk on the move: Guidelines for border guards\*](#), 2015.

Frontex, [\*VEGA Handbook: Children at land borders – Children at risk on the move. Guidelines for border guards\*](#), May 2019.

Frontex, [\*VEGA Handbook: Children at sea borders – Children at risk on the move. Guidelines for border guards\*](#), May 2019.

## Gender

Women and girls in the migration context may find themselves in a particularly vulnerable position due to traumatic or otherwise challenging experiences in the country of origin, during their journey and/or because of social or cultural differences in the host country. Therefore, particular attention should be paid to their possible need for protection and/or additional special needs. However, not all women have the same degree of vulnerability.

Particular attention should be paid so that first-contact officials speak with women and girls in a discreet way and in a place that ensures an adequate level of privacy. It should also be ensured that women and girls act on their behalf and that nobody intervenes and/or answers questions on their behalf. Information should also be provided directly to the woman or girl so they are not deprived of vital information and the ability to take independent decisions, including to request international protection or other assistance.

If possible, the presence of a female first-contact official and interpreter should be ensured. Women should not be urged to talk about incidents or crimes related to sexual violence. If appropriate, considering their age, women should be sensitively asked if they are pregnant and, if needed, be informed of available assistance.

## Family status

It is important to take into consideration the family status of a person. Certain categories, such as unaccompanied or separated children, single women or single parents with children may be in a particularly vulnerable position and may have international protection needs in addition to special needs.

## What the person says

A person's statements are often the main indication of whether they wish to apply for international protection or can constitute the making of an application itself. Particularly if the person expresses, in any way, fear or anxiety of persecution or serious harm if refused entry, it should be considered such an indication. Some of the key words, expressions or messages that may signal that a person wishes to apply for international protection are listed below.

- **Fear.** For example, if the person is afraid to return to their home country, says they fear persecution or is afraid of being imprisoned in their home country.
- **Death.** For example, if the person is afraid of being killed upon return.
- **Persecution.** For example, if the person says they were persecuted in their home country or is in fear of being persecuted upon return.
- **Torture.** For example, if the person says that they or their family members were tortured or reveals scars or other injuries that could be the result of torture.
- **War.** For example, if the person says a (civil) war or armed conflict is taking place in their home country or they are afraid of being killed in the war.
- **Return.** For example, if the person says they cannot return to their home country, is afraid to return, has nowhere to return to or is afraid of being persecuted, imprisoned, tortured or killed if they are returned home.
- **UNHCR, the UN or a lawyer.** For example, if the person asks for the UN or UNHCR office, wants to see UNHCR or wants to see a lawyer.



Keep in mind that oral statements of the person are often received in a language that is not their first language and/or through an interpreter. This language barrier may have an impact on mutual understanding and cause inconsistencies or discrepancies in the person's statements.

## What can you observe (appearance and behaviour)

### Approaching/avoiding the officer

Nearly everywhere in the world an officer can be identified by their uniform. The uniform conveys power and authority and may have a powerful psychological impact on those who see it. Persons who wish to apply for international protection are likely to approach a uniformed person and establish contact with them. However, be aware that people may also come from countries where a uniform generates mistrust or even fear. People often avoid staff in uniform due to fear of the consequences of illegal entry, possession of forged or false documents or lack identification documents. In these cases, you should be able to interpret such signals of avoidance to appropriately react or provide assistance.

### Fear

Fear generates high levels of stress which may manifest itself in many ways, both physically and emotionally. Strong fear may completely immobilise a person and cause passivity and apathy. Alternatively, it may cause hyperactivity, aggressiveness and/or peculiar behaviour. Be aware that anyone, no matter how they act, may be in need of international protection.

Note that fear and stress can make it difficult for the person in front of you to understand your questions and stay focused. Therefore, it is important to create an atmosphere of safety and security by providing information and giving explanations.

### Interactions between people

Nearly all human groups are based on interdependence, whether the group is large or small, formally structured or loose, focused on one activity or another. Relationships of a different nature can be established within a group, both positive relationships of mutual trust and support, as well as unhealthy ones of dependency, submission, control and abuse. This is why it is very important to pay attention to the interaction between members of a group and look for unhealthy and problematic signs. Give everyone

a chance to speak with you individually, including children, women and girls. Make sure that nobody intervenes and/or answers questions on their behalf, except when acting in their best interests.

### **Appearance (injuries, scars, clothing, belongings, etc.)**

Visible wounds, injuries or scars may be a strong indication of protection needs. Other external signs, such as type and appearance of their clothing, adequacy of luggage and other belongings the person carries with them may indicate a wish to apply for international protection. Be aware that anyone can have protection needs, no matter how they look.

### **Body language**

Pay attention to the body language of a person, such as their facial expressions, body posture, gestures, the tone of voice, etc. The ability to understand and use non-verbal communication is a powerful communication tool and can be an important indication that a person may wish to apply for international protection. However, be aware of the cultural and gender-based differences in non-verbal communication. The meaning and use of body language and non-verbal signals varies from culture to culture and these differences can cause misunderstandings. Therefore, refrain from hasty interpretation.



Remember that your judgement at the point of entry has critical importance. Consult your superior whenever you have any doubts about the intentions of the person in front of you. An incorrect decision, for example refusal of entry, can have serious consequences for the person in front of you. Therefore, always think carefully before you act.

## 4. What to do next

### Provide the information

It is your duty to ensure that a person who may wish to apply for international protection is informed about the possibility to do so and advised how to do so.

In the context of the screening, third-country nationals should be informed about their right to apply for international protection and the applicable rules on making an application for international protection.

This is how access to the asylum procedure can be effective in practice.

The main purpose of providing information is to ensure that people who may wish to apply for international protection have effective access to the asylum procedure and are able to make well-informed decisions about whether to apply for international protection. Therefore, it needs to be provided in a timely manner and should be as complete as possible, given the circumstances.

**Inform the person about the possibility to apply for international protection** and advise them as to how to make the application.

Make sure you are aware of the information to be provided based on national practice and have at hand the contact information about responsible authorities, including specialised child protection services and other stakeholders, such as interpreters, non-governmental organisations, UNHCR and any other organisation providing legal advice or other assistance. If applicable, make sure you have copies of any information leaflets and brochures in the relevant languages.

It is necessary to communicate in a language understood by the person, which may require the presence of an interpreter. Communication should be adapted to the person's special needs and circumstances, including gender sensitivity and/or a child-friendly approach.

In the context of the screening process, for further information, you can consult Frontex, 'Template for Information Provision', (forthcoming) as part of the Frontex Screening Toolbox. Learn more about how Frontex is supporting Member States to implement the Screening Regulation at <https://www.frontex.europa.eu/what-we-do/eu-pact-on-migration-and-asylum/how-frontex-supports-the-screening-regulation/>.

### Recognise the making of the application for international protection

Under EU asylum law, a person is considered to make an application for international protection when they express, in whatever way or form, the wish to apply or if they can be understood to be seeking international protection.

As a first-contact official, you will often be the first representative of your country that third-country nationals reaching the EU meet, and to whom they can first express their wish to apply for international protection.

You will need to recognise when a person has expressed the wish to apply, provide them with relevant information and refer them to the competent authority responsible for the asylum procedure.



Be aware that people may express an intention to apply for international protection in a variety of ways. You should anticipate that people will describe their fears or circumstances in lay language, without using legal terms such as 'asylum', 'subsidiary protection' or 'fear of persecution'. To support identification, you could ask the following questions: 'Have you been harmed or threatened in your home country?', 'Are you afraid of returning to your home country/home?'

## What to do next if a person makes an application for international protection

### → Register the application, if applicable, or refer the application to the authorities competent for registration

If a person expresses the wish to apply for international protection to you, then they have ‘made’ an application and become an applicant for international protection. After an application has been made, it must be registered by the competent authority. The purpose of registering an application is to ensure that the rights and obligations resulting from making are effective. Therefore, registration should be completed promptly after the making.

**If you belong to an authority competent to register applications, your authority must register the application within five days from when the application was made.**

**If you belong to an authority that is not competent to register applications, your authority must refer the application to the competent authority promptly and at the latest within three working days.** The competent authority must register the application as soon as possible and no later than five days from receiving the information that the application was made.

You also need to **inform the applicant which authority is responsible for registering the application.** It is recommended to keep a written record, according to your national procedures, that you have received the application.

If there is a disproportionate number of applications made within the same period rendering it very difficult to respect previous time limits, the application must be registered no later than 15 days from when it was made.

5 days

**If the application is made to an authority competent to register it,** the competent authority have 5 days from when the application was made to **register** the application.\*

3 working days

**If the application is made to an authority that is not competent to register it,** that authority has 3 working days from when the application was made to inform the authority competent to register applications.\*

15 days

**If simultaneous disproportionate number of applications rendering it very difficult to respect previous time limits,** the application must be registered within 15 days from when the application was made.\*

\* For applicants who are subject to screening at the external border on the ground of an unauthorised border crossing or disembarkation <sup>(26)</sup>, the time limit applies only once the screening has ended <sup>(27)</sup>.

### → Inform the applicant where and how to lodge the application

As an officer of the authority that is likely to receive applications for international protection you have a duty to inform the applicant where and how to lodge the application. Information should be provided about:

- what lodging means, including the consequences if the applicant does not lodge their application;
- which authority is responsible for the lodging and for the examination of the application for international protection;

<sup>(26)</sup> Article 5(1) Screening Regulation.

<sup>(27)</sup> Article 27(7) APR.

- how they can lodge the application (in person / via a form);
- where they should go to lodge the application and how they can get there, if this information is available;
- by when they and, if the information is available, the date and time they should lodge the application.

**You will also need to provide the following information, unless another authority is responsible for this:**

- what is the asylum procedure, the stages of the procedure and the time limits and the right to lodge an individual application;
- the person's rights and obligations during the procedure;
- the consequences of not complying with those obligations, in particular regarding the explicit or implicit withdrawal of an application;
- what is a voluntary return and the possibility to receive return counselling and assistance.

For more information, you can consult information leaflets developed by the EUAA, for example:

- information leaflet for adult applicants in the regular procedure;
- information leaflets for unaccompanied children.

Depending on the workflow and your national practice, you may need to provide the information leaflets developed by the EUAA and customised by the Member States with national-specific information, either physically or electronically, and, if necessary, orally. Ask your supervisor where you can find these leaflets.



#### Related EUAA publication

For further details regarding the information provision topics, consult the EUAA, [Practical Guide on Information Provision in the Asylum Procedure](#), December 2024 (update forthcoming).

#### → Identify the applicant's special needs and refer them to the appropriate procedure

Do this without delay. For applicants with multiple needs, consider which referral mechanisms need to be activated and in which order so you can respond to all the applicant's special needs. Thus, for example, in the case of victims of trafficking or unaccompanied children, adequate protection mechanisms need to be activated in parallel to the asylum procedure.



Remember that an applicant for international protection **must not be penalised** on account of their illegal entry or presence.

Anyone who has expressed the intention to apply for international protection (i.e. who made the application) is considered to be an **applicant for international protection**. During the asylum procedure, applicants have specific rights and obligations.

#### The applicant's rights

- Right to remain.
- Right to material reception conditions.
- Right to receive interpretation.
- Right to lodge an individual application.
- Right to be informed and request free legal counselling.
- Right to legal assistance and representation.
- Right to communicate with UNHCR or other organisations providing advice and counselling on the behalf of UNHCR.

- Right to receive necessary support for applicants in need of special procedural guarantees and adequate support to applicants with special reception needs.
- Guarantees in case of detention.

### The applicant's obligations

- Follow the rules on making an application (the law laying down in which Member State the application should be made and registered) <sup>(28)</sup>.
- Obligation to cooperate with the authorities.
- Obligation to remain available and accept any communication from the authorities.
- Obligation to remain where the applicant is required to be present.
- Obligation to agree with being searched.

As a first-contact official, you are responsible for helping to ensure these rights, for example by **referring** applicants to the relevant authorities and organisations.

You should be able to identify the persons with special needs and refer them to relevant national authorities, such as child protection authorities and authorities responsible for detecting and identifying victims of trafficking in human beings.

## What to do next if a person who may have international protection needs does not want to apply for international protection

You may encounter situations where a person who may have international protection needs decides not to apply for asylum. It is their right of choice and nobody can force them to do so. However, remember that in such cases you still have to fulfil some obligation conveyed upon you under international and EU law, such as these listed below.

### → Ensure the principle of *non-refoulement*

Nobody can be returned to a country where they are at risk of torture, inhuman or degrading treatment or punishment. The *non-refoulement* principle applies also to people who are at the border or at high seas. Any returns should follow established procedures (readmission, return process, etc.), including the required legal safeguards and guarantees. Collective expulsions are forbidden.

### → Inform the person about the possibility to apply for international protection

You have a duty to provide information about the possibility to apply for international protection. Remember that a key purpose of providing this information is to ensure that the person concerned is able to make well-informed decisions about whether to apply or not.

Inform the person about the right to contact UNHCR, non-governmental organisations and/or other organisations based on national legislation and practice, which may be able to provide more specialised counselling and assistance.

### → When in doubt, consult your superior

Consult your superior whenever you have doubts about the intentions of the person in front of you, especially if their return to country of origin or transit would constitute a possible breach of international law.

### → Follow your national operating procedures for further follow-up

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<sup>(28)</sup> Article 11(1)(b) Screening Regulation.

# Main messages on access to the asylum procedure

- **Every human being must be valued and respected**
- **Emergency healthcare and basic needs should always be addressed first**

## 1 Anyone can be a refugee.

Anyone can have international protection needs, regardless of their country of origin or statelessness, ethnicity, appearance or behaviour.

## 2 Everyone is entitled to protection against *refoulement*.

No one can be expelled or returned to a situation where they would face a risk of persecution, the death penalty, torture or other inhuman or degrading treatment or punishment. This rule also applies to non-admission at the border and to any form of forcible removal.

## 3 Vulnerable persons must be identified and adequately supported.

It is crucial to check for indications of vulnerabilities to identify persons with special needs, including children and victims of trafficking in human beings. At the same time, measures must be taken to ensure that they receive adequate support.

## 4 The best interests of the child take precedence in all actions concerning children.

The best interests of the child should be a primary consideration in all actions.

## 5 Anyone who may wish to apply for international protection must be informed about their right to do so.

Information on the right to asylum must be provided to all persons who may wish to apply for international protection to ensure that they have effective access to the asylum procedure.

## 6 Everyone has the right to apply for international protection.

No one can be denied access to the asylum procedure, even if that person does not fulfil all the entry conditions to enter your country.

## 7 Any sign or expression of fear if refused entry can be understood as a request for international protection.

People may express an intention to apply for international protection in a variety of ways. Any expression of fear of persecution or serious harm if refused entry – verbally or in writing – qualifies as such a request. It is not necessary to use the word ‘asylum’ or ‘refugee’.

## 8 Applicants for international protection must not be penalised due to their illegal entry or presence.

Those who present themselves without delay to the authorities and make an application for international protection must not be penalised as a result of their illegal entry or presence.

## 9 Every application must be registered or referred for registration to the responsible authority.

After an application has been made it must be registered by the responsible authority. The registration should be completed as soon as possible, within the time limits laid down in the law.

## 10 The principle of *non-refoulement* must be ensured, even when a person who may need international protection decides not to apply.

Any returns should follow established procedures, including the required legal safeguards and guarantees. Nobody can be returned to a country where they are at risk of torture, inhuman or degrading treatment or punishment, even if they are in an irregular migratory situation.



## Getting in touch with the EU

### **In person**

All over the European Union there are hundreds of Europe Direct information centres. You can find the address of the centre nearest you at: [https://europa.eu/european-union/contact\\_en](https://europa.eu/european-union/contact_en)

### **On the phone or by email**

Europe Direct is a service that answers your questions about the European Union. You can contact this service:

- by freephone: 00 800 6 7 8 9 10 11 (certain operators may charge for these calls),
- at the following standard number: +32 22999696 or
- by email via: [https://europa.eu/european-union/contact\\_en](https://europa.eu/european-union/contact_en)

## Finding information about the EU

### **Online**

Information about the European Union in all the official languages of the EU is available on the Europa website at: [https://europa.eu/european-union/index\\_en](https://europa.eu/european-union/index_en)

### **EU publications**

You can download or order free and priced EU publications at: <https://op.europa.eu/en/publications>. Multiple copies of free publications may be obtained by contacting Europe Direct or your local information centre (see [https://europa.eu/european-union/contact\\_en](https://europa.eu/european-union/contact_en)).

### **EU law and related documents**

For access to legal information from the EU, including all EU law since 1952 in all the official language versions, go to EUR-Lex at: <http://eur-lex.europa.eu>

### **Open data from the EU**

The EU Open Data Portal (<http://data.europa.eu/euodp/en>) provides access to datasets from the EU. Data can be downloaded and reused for free, for both commercial and non-commercial purposes.

