

Ad-Hoc Query on evaluation of asylum systems

Requested by LT EMN NCP on 21 July 2011

Compilation produced on 28 October 2011

Responses from Austria, Belgium, Czech Republic, Estonia, Finland, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Slovak Republic, Sweden, United Kingdom (18 in Total)


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1. Background Information

A programme to evaluate the asylum system in Lithuania is currently being implemented in Lithuania. This programme aims to evaluate the asylum system by carrying out analysis of legislation, conducting interviews with asylum seekers and experts, revealing problematic issues and producing appropriate recommendations. In addition, it aims to collect information on available assessment programme of asylum systems undertaken in other EU MS. To obtain this information, we would like to ask you a few questions.





Please provide your answers until August 22nd.

2. Responses



| | Query | Wider Dissemination? ¹ | |
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| | | | <ol style="list-style-type: none">1. Has there been any comprehensive evaluation/assessment of asylum system carried out in your country?2. Which institution is/ was responsible for the implementation of such programmes? (E.g. Government, NGO's)3. What were the main problems and challenges faced during the implementation of such programmes and what were the main recommendations produced? (Please attach any relevant findings, materials, recommendations, if available) |
|  | Austria | No | This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further. |

EMN Ad-Hoc Query: duration of subsidiary protection status



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|  | Belgium | Yes | <p>1. The three asylum agencies of the Belgium government (the Office of Aliens, the Commissioner's Officer for Refugees and Stateless Persons and the Aliens Litigation Council) are currently (summer 2011) in the preparatory phase of a comprehensive evaluation project. The aim of the project is an evaluation and improvement of the productivity of the asylum agencies. The evaluation itself is expected to start in December 2011.</p> <p>2. The evaluation will be carried out by an external consultancy agency. The selection procedure is at this moment ongoing.</p> <p>3. A major challenge in the preparatory phase is to grasp the complexity and the variety of asylum cases within the process description and to quantify the working time of the sub-processes given this wide variety of the cases. Documents are at this stage not yet available.</p> |
|  | Czech Republic | Yes | <p>1) No, there is just an ongoing evaluation of the system of integration of refugees.</p> <p>2) The aforementioned evaluation is implemented by the Institute of Ethnology of the Academy of Sciences of the Czech Republic. No information available as the evaluation will only be finished in June 2012.</p> |
|  | Estonia | Yes | <p>1. Recently there has been two surveys: 2011: „Eestis rahvusvahelise kaitse saanud isikute hetkeolukord ning integreeritus Eesti ühiskonda“ (“Present situation and integration of beneficiaries of international protection in Estonia”) and 2010-2011 „Eestis erivajadustega varjupaigataotlejatele pakutavate teenuste võrdlus Euroopa Liidu õigusaktides sätestatu ning teiste liikmesriikide praktikatega“ (Services provided to asylum seekers with special needs: comparative study on Estonian practices, EU legislation and best practises from other Member States”).</p> <p>2. Abovementioned surveys were initiated by the Ministry of Interior with co-financing from European Refugee Fund and delivered by an NGO (both surveys were carried out by MTÜ Balti Uuringute Instituut(Institute of Baltic Studies)). There are also other NGO-s and European Migration Network who have prepared some research papers on different topics concerning asylum.</p> <p>Abovementioned surveys are available: http://www.siseministeerium.ee/31138/, unfortunately only in Estonian. The research papers by EMN are available: http://www.sisekaitse.ee/erv/publikatsioonid/uuringud-2/2009-2/</p> |
|  | Finland | Yes | <p>1. and 2. Latest major migration and asylum –related development project was the development project for the time period of 1.11.2007 – 30.4.2008 set up by the Ministry of the Interior. It was tasked to develop the administration of migration and the Finnish Immigration Service in order to carry out the Government's Migration Policy Programme 2006 more efficiently. On the 6th of May in 2008, the appointed Special Rapporteur, Ambassador Ole Norrback, handed in his report concerning the improvement of the actions of migration administration and the Finnish Immigration Service to the Minister of Migration and European Affairs.</p> <p>3. The basic policy definitions given in the report that concern the reformation of organisation structures are the following:</p> <ul style="list-style-type: none"> - The administration of migration should be improved and structural changes should be made to strengthen the migration of labour and to reform the working methods of the Finnish Immigration Service. The central issue in the structural development of the administration of migration is to strengthen the position of the Ministry of Interior as the Ministry of Migration and Integration. - The Finnish Immigration Service becomes the central agency which would administrate all the main fields of migration. Besides its current permit issues, it also gains the responsibility of the functional integration of immigrants, the co-ordination of the reception of asylum-seekers and refugees, the execution of visa issues and the task of promoting ethnic equality. |

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| | | | <p>The report of the Special Rapporteur includes propositions of transferring tasks to the subordination of the Ministry of the Interior from the other ministries, as well as developing the functions of the Finnish Immigration Service. The report emphasizes the importance of integration measures for all migrants and proposes unifying the responsibility of the conduct of integration. One proposition of Norrback was to transfer the enforcement tasks of visa issues under the governance of the Finnish Immigration Service, but the Ministry for Foreign Affairs left a cogent dissenting opinion concerning it.</p> <p>On the 6th of March 2008, the Ministry of Interior also set up a project and a working group until the end of the year 2009, which aimed at structural development of the administrative branch of the Ministry of Interior. The aim was that the structure of the migration administration promotes the realisation of active, comprehensive and consistent migration policy. One of the tasks of this working group was to go through the report of the Special Rapporteur, and to plan the implementation of the proposals it makes.</p> <p>In order to enhance the reception system of asylum seekers the Finnish Immigration Service has been since 2010 responsible for the management, planning and monitoring of the operation of the reception centres; the management of the detention centre; and the supervision of the implementation of the system for helping victims of human trafficking. The state-run reception centres are under direct performance guidance. The centres run by municipalities and various organisations are supervised on the basis of agreements concluded between the maintaining organisations and the Finnish Immigration Service.</p> |
|  | Germany | Yes | <ol style="list-style-type: none"> 1. Yes, the UNHCR-ASQAEM project, Asylum Systems Quality Assurance and Evaluation Mechanism Project in the Central and Eastern Europe sub-region. In Germany it was focused on the area of unaccompanied minors. 2. UNHCR Budapest 3. The evaluation of the situation of unaccompanied minors included also pre-procedural conditions in the 16 Federal States, like the "clearing procedure", the appointment of guardians and the accommodation. Due to the huge number of stakeholders involved in the asylum procedure, it has been challenging to collect information in all different institutions of the 16 Federal States and to get the general idea of the pre-procedural conditions. The main issue concerning the asylum procedure, which is in the responsibility of the Federal Office for Migration and Refugees, was to examine whether the procedure takes place in a child-appropriate manner, like the interviews, whether they are conducted according to existing guidelines, the age and the cultural/social background of the minor. Concerning the decisions, there was found a lack of child-specific forms of persecution, which should also be a part, considered in the decision. <p>The main recommendations were: To create a child-specific interview atmosphere by friendly decorated rooms, by a warming-up phase, by caring for the child during the interview. It was also recommended to offer more regularly trainings for decision-makers as well as for interpreters and to consider especially child-specific forms of persecution in the decision.</p> <p>Conclusion: The findings during the project were not completely new to the Federal Office. But the necessity of improving the procedure according to the given recommendations was accepted and realized in most of the points.</p> <p>A summary of the ASQAEM Final Report is available under www.unhcr-centraleurope.org</p> |
|  | Greece | Yes | <p>Until now there has been no assessment of the asylum system from a particular institution by order of the competent Ministry.</p> |

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|  | Hungary | Yes | <p>1. The UNHCR launched the "Further Developing Asylum Quality in the EU" project (FDQ) in Budapest in June 2010, with co-funding from the European Refugee Fund, to be implemented by September 2011 in close collaboration with the asylum authorities of thirteen EU Member States. The project set the objective of examining, assessing, and further developing quality assurance systems in the asylum procedures of 10 Member States (Bulgaria, Cyprus, Greece, Poland, Hungary, Italy, Portugal, Romania, Slovakia and Slovenia), and monitoring the implementation of the progress achieved by the former quality assurance project (ASQAEM). Within the framework of the project, the asylum authorities of Austria, Germany and the United Kingdom share the good practice they obtained in the field of quality assurance with the participating Member States.</p> <p>2. The cooperation agreement providing the framework for the quality assurance project was signed by the UNHCR Regional Representation for Central Europe and the Hungarian Office of Immigration and Nationality in July 2010. Within the framework of the project, the UK Border Agency provides good practice advice for Hungary in the field of quality assurance.</p> <p>3. The FDQ project outlined its overarching objective as to improve the quality of asylum procedures by building the capacity and expertise of the asylum authorities responsible for processing, examining and taking decisions on asylum applications, and to ensure the effective and sustainable functioning of Quality Assessment Units. In this way, the project – primarily through the cooperation agreement – supports the building of effective and sustainable internal review mechanisms that will contribute to the maintenance of good quality standards in the Hungarian asylum system.</p> <p>The FDQ project intends to contribute significantly to the development of practical cooperation on asylum between the thirteen participating Member States. In Central and Eastern Europe – and thus in Hungary too – this project is built on the previous ERF-funded ASQAEM project, which constituted the first phase of quality assurance of asylum decision-making and also established assessment mechanisms. During that phase the external monitoring of the asylum procedure was carried out, compared to which the FDQ project constitutes a step forward in the sense that it involves internal self-monitoring.</p> <p>The second phase of asylum quality assurance aims at targeted monitoring of the decision-makers' preparation for asylum interviews, and of the asylum decisions closing the administrative procedure. The objectives include the consolidation of newly-established internal review mechanisms, and the development of a methodology to guide the future establishment of such quality mechanisms regarding asylum procedures in other Member States. The participating States shall produce national assessment reports and manuals on assessment methodology. There are regular opportunities throughout the project for all participating Member States to share knowledge and experience, particularly at the regional training seminars and interim evaluation conferences. The closing conference of the project will be held in Brussels in September 2011 where good practices, methods and the recommendations of the participating Member States will be presented to a significant number of national and EU experts. The aim is to establish fully independent and functional quality assurance mechanisms in the Central Eastern European region – and thus in Hungary – by the end of the project.</p> |
|  | Italy | Yes | <p>Several independent researches have been carried out in Italy on the evaluation of the national asylum system. We will report the two most recent studies that provide a comprehensive overview of the topic from a juridical and sociological perspective, as a result of an extensive field research.</p> |





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| | | | <p>The first study “<i>What future for international protection in Italy?</i>” (original title: La protezione internazionale in Italia. Quale futuro?) was presented in June 2011 and was carried out by a group of researchers belonging to Asgi (Association for Juridical Studies on Immigration), Aiccre (Italian Association of the Council of European Municipalities and Regions), Italian Caritas, Cespi (Study Centre on International Policies) and Communitas NGO. Over 300 interviews with representatives from public and private organisations working in this field were performed. The study portrays an overview of the asylum system and explores the reception services for asylum applicants and holders of permits of stay for international and subsidiary protection. The publication is the result of an extensive field research activity that was carried out throughout several months, in order to assess the changes due to the implementation of European legislation in the national context in terms of reception, qualifications and procedures. The research project was also implemented with the collaboration of several academic institutions (University of Milan, Boulogne, Rome and Palermo).</p> <p>The second study “<i>Refugees in Italy and in Europe: asylum procedures between control and human rights</i>” (original title: I rifugiati in Italia e in Europa: procedure di asilo fra controllo e diritti umani), that was also presented in June 2011, was edited by Tor Vergata University of Rome and, in particular, by the Centre for Economic and Juridical Research (CREG). This publication includes a thorough analysis of the asylum procedures and verifies the effectiveness of the asylum system as well as the protection of human rights for the asylum applicants. The research does not only analyse the legislative framework as it also provides a statistical overview of asylum applications and decisions and portrays the perception of refugees and asylum applicants, thanks to interviews performed on the field.</p> <p>Both studies produce recommendations on how legislation and reception conditions could be improved in order to enhance the effectiveness of the national asylum system. English translation is not available.</p> |
|  | Latvia | Yes | So far evaluation / assessment of asylum system have not been carried out. |
|  | Lithuania | Yes | <p>1. Yes, the project “Asylum system in Lithuania: legal and practical evaluation of effectiveness” is currently being implemented.</p> <p>2. IOM Vilnius.</p> <p>3. So far, analysis of legislation on asylum has been produced and sociological interviews were carried out.</p> <p>Analysis of legislation has produced recommendations on how legislation of asylum procedures can be improved in Lithuania (please find them in the file attached below). Carrying out sociological interviews, 32 migrants were interviewed (17 of them were asylum seekers, 10 persons were granted with subsidiary protection, 5 had refugee status). Interviews with representatives from various institutions were also performed: 7 experts were interviewed. (The main thoughts of the interviewees are attached in the file below).</p> <p> C:\Documents and Settings\admin\My Dc</p> |
|  | Luxembourg | Yes | 1. By motion adopted in public session April 5, 2006, the Chamber of Deputies invited the government to conduct an evaluation of the new asylum law adopted on the same day, “after two years of its implementation, taking into account the European developments in the harmonization of asylum and immigration policies, as well as the lessons learned from the implementation of the law. » The government |




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| | | | <p>has responded to the motion by reporting twice on the implementation of the amended law of 5 May 2006 (Asylum law and other complementary forms of protection) to the competent parliamentary commission.</p> <p>Reports written by non-governmental organizations have also been discussed with the competent Minister (Minister of Labour, Employment and Immigration)..</p> <p>2. No institution has been mandated by the government to make an assessment.</p> <p>3. Since the entry into force of the Law of May 5, 2006, four major legislative changes have taken place (Law of 17 July 2007, Law of 29 August 2008, Law of 19 May 2011 and the Law of 1 July 2011). (see joint files), so it has been very difficult to evaluate the evaluation of the asylum system because of these modifications (see attached files).</p> |
|  | Malta | No | This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further. |
|  | Netherlands | Yes | <p>1. Yes. The new Aliens Act 2000, which went into effect in 2001, was evaluated in 2004. This Act contained, amongst others, substantial changes to the asylum system. The latest changes in the Asylum System, the Improved Asylum Procedure that entered into force on 1 July 2010, will be evaluated after three years and on the request of Parliament, some preliminary findings will be shared after one year.</p> <p>2. The evaluation was carried out by the Research and Documentation Centre (WODC) of the Ministry of Justice (now Ministry of Security and Justice). The WODC outsourced parts of the research. The research was guided by an independent commission (Commissie Scheltema), appointed by the Minister of Aliens Affairs and Integration. The Commission consisted of prominent members of the research community, the judiciary and local government. This Commission also had the task to give advice on the basis of the evaluation.</p> <p>3. Because of the limited availability of data, no research design was possible which could establish a causal link between changes in laws and policies and quantitative results.</p> <p>The recommendations of the Commission were incorporated in the plans for the Improved Asylum Procedure, which came into effect last year.</p> <p>http://english.wodc.nl/onderzoeksdatabase/kwaliteit-van-asielbeslissingen-in-eerste-aanleg-vreemdelingenwet-2000-deelproject-2.aspx</p> <p>http://english.wodc.nl/onderzoeksdatabase/02.067e-doorlooptijden-vreemdelingenwet-2000-deelproject-5.aspx</p> <p>http://english.wodc.nl/onderzoeksdatabase/02.067e-doorlooptijden-vreemdelingenwet-2000-deelproject-5.aspx</p> <p>http://english.wodc.nl/onderzoeksdatabase/02.067c-evaluatie-operationeel-toezicht-vreemdelingendiensten-vreemdelingenwet-2000-deelproject-3.aspx</p> <p></p> <p>Volledig%20rapport _tcm44-58566...</p> |
|  | Portugal | Yes | 1. Yes, the Further Developing Quality Project (FDQ Project) is currently being implemented in Portugal. |

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| | | | <p>2. This Project is being implemented by Immigration and Borders Service (SEF) and UNHCR (National Project Officer under the Coordination of UNHCR).</p> <p>3. The FDQ Project in Portugal is focus on objective evaluation of how the authorities process and assess claims for international protection and based on which a number of target actions to address the priority challenges are be agreed, developed and implemented. The aim of these activities will be to improve asylum procedures and the quality, fairness and efficiency of asylum decision-making – at both administrative and judicial level – and establish an operational Quality Assessment Unit that will operate as a sustainable internal review mechanism that will regularly and objectively maintain and promote good quality standards in decision- making. So far, several activities have been conducted: Pre- interview analysis, interview analysis, administrative decision analysis and training. Reports and recommendations will be presented.</p> |
|  | Slovak Republic | Yes | <p>Evaluation of asylum system in the Slovak Republic has been carried out by the UNHCR. Over the last years UNHCR has been implementing a series of projects aimed at ensuring high standards of the refugee status determination procedures - e.g. the 2007-2009 ASQAEM (Asylum Systems Quality Evaluation and Assurance Monitoring) project implemented by the UNHCR in AT, BG, DE, HU, PL, RO, SK a SI; the 2010 APD (Improving Asylum Procedures: Comparative Analysis and Recommendations for Law and Practice) project and the 2010-2011 FDQ (Further Developing Asylum Quality in the EU) project implemented in the Central European Countries and CY, EL, PT and IT. UNHCR performs its supervisory role by closely monitoring the state practice in conducting refugee status determination procedures and in the application of key concepts of asylum law in practice.</p> |
|  | Sweden | Yes | <ol style="list-style-type: none"> 1. There was an evaluation of the asylum process, especially the new rules for appeal, carried out in 2009. 2. The government appointed a special evaluator and financed the evaluation. 3. The evaluation was published but unfortunately just in Swedish. The main findings were that the new rules for appeal in asylum cases had fulfilled the intended goals of more transparency and to make it easier for the applicant to be heard. |
|  | United Kingdom | Yes | <p>In 2009 the National Audit Office (NAO) published the report 'Management of Asylum Applications by the UK Border Agency' which is available here: http://www.nao.org.uk/publications/0809/management_of_asylum_appl.aspx .</p> |
