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MISSION REPORT

following the mission to the European Union Agency for Asylum, from 19 to 21 June 2023

Committee on Civil Liberties, Justice and Home Affairs

Members of the mission:

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I. Introduction

The scope of this mission was to visit European Union Agency for Asylum (EUAA), former European Asylum Support Office (EASO), and to assess how this new fully-fledged Agency of the Union concretely implements its new enhanced mandate as per Regulation 2021/2303, entered into force in January 2022.

The LIBE mission to Valetta, Malta, was approved by the Bureau at its meeting of 13 December 2021. Initially planned from 2 to 4 November 2022, this mission has been postponed several times and eventually it took place in week 25 (from 19 to 21 June 2023, three days including travel time).

The mission was authorised with three Members out of quota. The delegation was composed of LIBE Members of 2 different nationalities (Maltese and French) belonging to 3 political groups.

The delegation met the EUAA Executive Director of the Agency and other members of the Agency staff. The mission covered different aspects of the new mandate of the EUAA such as: its operational support to Member States, including support after disembarkation following SAR; Country information reports and Country Guidance reports; Networks of EUAA in the context of Asylum, Dublin and Reception; Cooperation between the EUAA and other JHA Agencies; EUAA Training in the context of operational support and the EUAA role in the External Dimension.

The LIBE delegation met also with the UNHCR Country Officer and Liaison Officer to discuss respectively the situation of migrants on the Island and the relation between UNHCR and the EUAA. It also met with the Maltese Coast Guard to discuss the migratory flows towards Malta with a special focus on search and rescue operations.

II. Summary account of meetings

Meetings on Tuesday, 20 June 2023

MORNING SESSION

WELCOME MEETING WITH THE EUAA EXECUTIVE DIRECTOR, MS NINA GREGORI

The LIBE Members of the delegation listened a general presentation by the EUAA Executive Director, Ms Nina GREGORI, about the main features of the new Agency. As for the structure, the Agency now counts almost 600 staff members with a budget of 181 million euros. As for its tasks, they are built over three pillars: 1) operational and technical assistance, which entails providing temporary assistance to Member States' asylum and reception systems; 2) asylum knowledge, which entails providing guidance, tools and analysis to support asylum and reception practitioners; 3) training and professional development, which is one of the core activities of the Agency and aims at ensuring that asylum and reception officials have the skills needed to ensure fast and efficient procedures in line with the EU standards. Under the new Regulation, the EUAA enjoys enhanced capabilities, such as, to mention a few, the possibility

for a faster deployment of officials to operations, the creation of an Asylum Reserve Pool of 500 experts from MSs (to be deployed rapidly in case a Member State is under migratory pressure), the setting up of a Fundamental Rights Officer responsible for the elaboration of a Fundamental Rights Strategy, the establishment of a Monitoring Mechanism (to be started in 2024) and of a Complaints Mechanisms, the creation of liaison office in some MSs (due to the lack of resources, cluster structures trying to cover as many MSs as possible have been created) and in third countries of the Balkan area and in Turkey.

EUAA OPERATIONAL SUPPORT TO MEMBER STATES, INCLUDING SUPPORT AFTER DISEMBARKATION FOLLOWING SAR OPERATIONS, MR WARD LUTIN

The EUAA Acting Head of the Operational Support Centre (C1) and Head of the Asylum Knowledge Centre (C3), Mr Lutin, firstly introduced some preliminary remarks concerning the fact that the Agency is under-staffed. While satisfied with the total amount devoted to the Agency under the EU annual budget for 2024, he expressed some concerns about the fact that the Commission did not consider the Agency's need for more staff. The Agency calls therefore on the EP, as budgetary authority, to consider the possibility that the Agency confirms at least its contractual agents whose contract is under expiration in order for the Agency to fulfil the new tasks introduced with the new Regulation and also to face the increase in the workload following the Ukrainian crisis.

The Agency provides operational support to 13 Member States (Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Greece, Italy, Lithuania, Malta, the Netherlands, Slovenia, Spain, Romania). For 2023, 1400 personnel are expected to be deployed. In some Member States the Agency is present with big teams, in others it does a more strategic work. The content of the work also differs depending on the country: in some cases it is more focused on reception, in other on asylum.

The assistance to MSs starts with a “Joint structured needs assessment” between EUAA and the Member State concerned to better understand the needs on the ground and the measures to be taken and to be outlined in an Operational Plan (multi-annual, or shorter). The nature of the support can be of initial first response, and preparedness (with the need for resources) which can end after a limited period, or transition into more sustainable support. In any case, it is delivered in a planned, phased and sustainable manner (with the deployment of Asylum Support Teams, which is composed of EUAA staff, MS experts, remunerated experts, working tools and equipment).

Under the new EUAA mandate an Asylum Reserve Pool can be activated when a MS is under disproportionate pressure.

Three are the main area of the operational support: ASYLUM, RECEPTION and TEMPORARY PROTECTION. Under ASYLUM, the Agency supports MSs on lodging and registration applications for international protection, in conducting interviews, in providing interpretations support, in supporting Dublin units. Under RECEPTION, the Agency supports MSs in developing and implementing reception strategies, in providing interpretations support and material support to support reception and support management facilities. Under TEMPORARY PROTECTION, the EUAA provides support to MSs for information provision, for registrations and assessment of eligibility criteria and for assessment of vulnerabilities. It

also develops and disseminates information tools and guidelines and provides for interpretations support.

As for the EUAA role in SAR operation, Mr Lutin clarified that the Agency does not intervene during a Search and Rescue Operation. It supports MSs only in the aftermath of a SAR operation. In particular, at selected disembarkation hotspots/centres, the Agency can provide information on national, Dublin and Voluntary Solidarity Mechanism procedures, help with the early identification of vulnerability, support local reception authorities in the coordination of relevant actors at first arrival points, provide support to data management, analysis and monitoring of the capacity of the reception system, help with the registration of international protection applicants.

Finally, Mr Lutin focused on VOLUNTARY SOLIDARITY MECHANISM. Based on the *Solidarity Declaration* agreed among 21 EU+ countries, the European Commission, and EU Agencies on 22 June 2022, at the moment 5 Member States (Cyprus, Greece, Italy, Malta and Spain) benefiting from this mechanism. The EUAA supports them, among the other, through the identification of eligible candidates, relocation interviews/registration, draft of redistribution lists.

COUNTRY INFORMATION REPORTS AND COUNTRY GUIDANCE REPORTS, MR EMERIC ROGIER

The Head of Country Information and Guidance Unit (C3), Mr. Rogier, explained that, under Article 9 of the EUAA Regulation, the Agency shall be a centre for gathering relevant, reliable, accurate and up-to date information on relevant third countries and for drafting reports on third countries.

In light of this provision, the Agency issues Country of Origin Information (COI) reports containing information about countries of origin, habitual residence, and transit or return countries used in procedures for the individual assessment of applications for international protection. COI aims to answer questions about countries of origin relating to, for example, the socio-economic, legal, political, human rights, conflict, and humanitarian situation at a given time. COI facilitates and supports decision-making processes as it constitutes evidence in the international protection procedure and is important to help make a fact-based assessment. COI is produced in accordance with the EUAA COI methodology and is based on a wide range of carefully assessed sources. For that purpose, the Agency established Country Specialist Networks that collaborate to avoid duplication and create synergies with national COI production. The EUAA provides also medical COI (MedCOI), a service for first instance migration authorities of EU+ countries, providing responses to requests for information about the availability and accessibility of medical interventions in countries of origin.

COI Reports are also the basis for the Agency to prepare Country Guidance, providing country-specific common analysis and guidance in relation to the assessment criteria for qualification for international protection. Foreseen in Article 11 of the EUAA Regulation, the Country guidance are issued by the Agency, with the support of a network of senior-level policy officials from EU+ countries and inputs from the Commission and UNHCR.

Countries are selected together with the Country Guidance Network and the planning is confirmed on an annual basis. On average, four processes are completed each year, resulting in the publication of new or updated country guidance documents. Elements such as the overall

significance of the caseload in Member States (and associated countries) and the need to foster further convergence are key in this assessment and prioritisation. Recent trends and early warning findings are also taken into account. To date, Country Guidance are issued on Somalia, Afghanistan, Syria, Nigeria, Iraq. There are ongoing focused developments on Russian Federation.

NETWORKS OF EUAA IN THE CONTEXT OF ASYLUM, DUBLIN AND RECEPTION, MR GEERT KNOCKAERT

Mr Knockaert, Head of Asylum and Reception Cooperation and Guidance Unit, explained that, in view of achieving convergence in the implementation of the CEAS in the Member States, the Agency develops also practical tools, guidance and professional development materials in five areas (Asylum, Reception, Dublin procedures, vulnerable persons and Courts and tribunals), in the framework of dedicated thematic networks that serve as platforms for exchanging and promoting expertise and best practices.

The Networks approach helps in having a comparative overviews within all MSs, to share easily good practices, standards and experiences, in implementing rules and tools while ensuring consistency.

Under Asylum, for example, the Asylum Processes Network and Exclusion Network, which consist of national contact points specialised in the management and improvement of the asylum processes, exchange good practices and challenges and recommendations during practical cooperation meetings. Through these networks the agency facilitates and coordinates the development of practical guides and tools for the use of national asylum administrations on all key aspects of the asylum process.

In addition to the annual meetings of the Asylum Processes Network, thematic meetings are organised on a variety of topics of specific interest for Member States. So far, these thematic network meetings covered issues such as, for example, registration and lodging procedures; personal interview; and the examination of an application for international protection as well as efficiency in the asylum procedure; special procedures; litigation processes; and backlog management strategies.

Within the Asylum Processes Network, exchange programme are also organised with the aim to facilitate the exchange of knowledge, experience, and best practices between EU+ country national asylum administrations. It provides the participants with a better understanding of projects, practices and initiatives and allows interaction with key stakeholders. The main objectives include to foster the mutual learning process between the EU+ countries participating in the programme through explanation of the context, site visits, peer-to-peer discussions, interviews with local stakeholders, joint workshops. The visiting countries and the host country will both benefit from exchanging experience, identifying best practices, and providing structured feedback.

During the presentation, a special focus was on the Courts and Tribunals area, within which the Agency provides members of courts and tribunals in EU Member States and associated countries with a European understanding of the asylum acquis in light of the case law of the Court of Justice of the European Union and the European Court of Human Rights, as well as other relevant sources of law. To that end, the Agency coordinates the Courts and Tribunals

Network and supports the development of professional development materials tailor-made by and for members of courts and tribunals. In order to achieve convergence in the implementation of CEAS by judicial authorities and stimulate dialogue with and between judicial stakeholders, the Sector organises professional development workshops and conferences. It also provides expert support to EASO operations, including in the External Dimension, with regard to the measures implemented at the second instance level.

DATA COLLECTION ON THE SITUATION OF ASYLUM IN THE UNION, MR BERNHARD CHIARI

The starting point of the presentation by Mr Chiari, Head of the situation awareness Unit, was Article 5 of the EUAA Regulation that vests the Agency with the task to collect data on the asylum situation in the Union (and in third countries insofar as it might have an impact on the Union), in order to provide timely and reliable information to the Member States and to identify possible risks to the asylum and reception systems. Furthermore, its Article 6 foresees that the Agency organises, coordinates and promotes the exchange of information among Member States on the CEAS implementation. To that end, the Agency shall create databases and web portals on Union, national and international asylum instruments. These databases shall have publicly accessible parts, which shall contain statistics on applications for international protection.

The collection of harmonised data would allow for a proper descriptive analysis of the situation on the ground and then allow (via strategic analysis and surveys) to better understand the reasons why a given situation happened (diagnostic analysis). All these information will be useful to predict possible evolutions and new situation (predictive analysis) with the aim at issuing recommendations on what to do (prescriptive analysis).

The Agency continues developing an information exchange mechanism gathering data from the relevant authorities of 29 EU+ countries (EU Member States, plus Norway and Switzerland), which underpins the EUAA's Early warning and Preparedness System (EPS). Its indicators focus on all key stages of the CEAS: access to procedure, reception system, first instance determination, Dublin indicators, second instance determination, resettlement.

The collected data showed that between April 2022 and March 2023, the EU+ States have been receiving many more asylum applications (with a peak in autumn 2022) since the 2015 migration crisis. In March 2023, an augmentation of 10% of asylum application could be registered in comparison to the year before (lodged especially in Germany, France, Spain and Italy), while the top five nationalities lodging the highest number of applications are Syrians, Afghans, Venezuelans, Colombians and Turks.

The speaker referred also to the new Surveys of Arriving Migrants from Ukraine (SAM - UKR) launched in April 2022, in partnership with OECD. The goal of this project is to collect data directly from displaced people fleeing the war in Ukraine into the EU, on their journey, vulnerability, needs, future aspirations, registration process, family situation and current situation and therefore to provide situational updates to European policymakers and will enable services to be better tailored for refugees from Ukraine.

MEETING WITH REPRESENTATIVES OF UNHCR COUNTRY OFFICER AND UNHCR LIAISON OFFICER

The LIBE delegation briefly met Ms Sophie Magennis, Head of the UNHCR Liaison Office to the EUAA, and Mr Vidjea Barathy Ramamurthy, Protection Officer from the UNCHR Representation to Malta. MEPs heard about the migratory situation in Malta and the role that UNHCR Country office plays in monitoring access to territory and reception conditions and advocate for an efficient and protection-sensitive asylum system and related policies. Reference was also made to the close co-operation existing between the UNHCR and the EUAA. The EUAA Regulation makes numerous references to cooperation with UNHCR and the two agencies have a bilateral Working Arrangement which outlines specific areas of cooperation and coordination. UNHCR is also a member of the EUAA Management Board and participates in the EUAA's thematic Network meetings and events. The UNHCR Liaison Office to EUAA coordinates UNHCR-EUAA cooperation, including the internal and external dimensions of EU asylum policy and practice and input to and review of EUAA products.

Meetings on Wednesday, 22 June 2023

EUAA TRAINING CURRICULUM, MS RACHELLE CORTIS AND MS TANJA CONTINO

During this session, the LIBE Members heard about the EUAA's centre of expertise dedicated to training and professional development. The objectives of the EUAA Training and Learning Strategy is to develop the knowledge, skills, responsibility and autonomy of asylum and reception officials, increase the capacity and preparedness, promote active learning and continuing professional development, implement an assessment strategy.

The EUAA training is delivered in three main contexts: European asylum curriculum; in the context of operational and technical assistance; and in the context of working arrangements with third countries.

As for the European Asylum Curriculum (EAC), it has a comprehensive range of modules covering the entire area of international protection. The curriculum includes, for example, **essential knowledge** required by asylum officials; a range of **modules for reception** officials; **foundation and introductory modules** aimed at persons starting to work in the area of international protection. The modules have been developed within the framework of the 1951 Refugee Convention, its Protocol and other relevant international and European law. The Agency incorporates expertise from its Asylum Knowledge Centre and Operational Support Centre, and works in close collaboration with experts from Member States and external experts with extensive knowledge and experience on the specific topics. Training modules are reviewed by the EUAA Reference Group, whose members include experts from the European Council on Refugees and Exiles, the Office of the United Nations High Commissioner for Refugees and the European Commission. Apart from standardised training and modules, ad hoc modules on specific topic identified by Member States are also possible. Specific trainings has been organised for example in the context of the Ukrainian war, with foundation module on introduction to fundamental rights and international protection, modules on temporary protection and information-communication mechanisms, and modules on specific topics such as trafficking of human beings and reception of vulnerable people.

Under Article 8(4) of the EUAA Regulation, the agency has to ensure that the training it delivers is of high quality. The EUAA is therefore fully committed to upholding the highest standards of quality, efficiency and transparency through its training quality assurance

framework. This framework aligns the EUAA's training activities with European standards and guidelines for quality assurance in the field of education and vocational training. The agency works closely with Member States to ensure that these standards are maintained wherever training is delivered. Training modules are usually developed in English, with the possibility to translate them into other languages, through face-to-face sessions facilitated by a trainer; some just have an online component, while others are delivered through webinar.

Under the framework of Operational Plans (OPs), the EUAA offers also trainings related to the operational and technical assistance provided. Those trainings cover all areas of asylum, reception and temporary protection and are addressed to EUAA deployed staff, as well as national asylum and reception officials. While figures on trainings provided under OPs for 2022 were provided, the speaker, Ms Tanja Contino, Head of Asylum and Reception Training Unit, focused especially on the training for Asylum Support Teams, as enshrined in Article 8(6) of the EUAA Regulation. Under this provision, indeed, experts deployed under the conditions of an Operating plan to provide operational and technical support to a Member State under particular pressure and requesting support from EUAA, need to be specially trained in order to fulfil their tasks and duties. Different types of trainings are possible. They range from general training on EUAA's mission, the broad legal framework and thematic issues applicable for international protection to trainings based on selected modules from the EAC according to the experts' profiles, to technical and operational trainings specific to each operations context upon deployment.

PROFESSIONAL DEVELOPMENT FOR COURTS AND TRIBUNALS, MR NICHOLAS JACOBS

An important part of this session on training was devoted to the EUAA support to courts and tribunals. Provided for in several provisions of the EUAA Regulation (Articles 2.1, 8.2, 8.4 and 13.3), the Agency support aims at promoting the effective and consistent implementation of the Common European Asylum System and is the result of a close working collaboration between the EUAA and a dedicated network. This support is entirely intended for the benefit of the members of courts and tribunals across Europe who are working in this highly specialised area of the law.

The EUAA coordinates the Courts and Tribunals Network and produces high-quality materials designed to support judicial practitioners in their daily tasks. The Network is composed by representatives of courts and tribunals from all EU+ countries as well as representatives of the CJEU and ECHR, of the International Association of Refugee and Migration Judges and the Association of European Administrative Judges, of the Academy of European Law, the European Union Agency for Fundamental Rights, and the United Nations High Commissioner for Refugees.

One important tool of the Agency support to Courts and tribunals are the EUAA Judicial Publications. Initially developed to serve as a support for the judicial workshops that the EUAA Courts and Tribunals Sector organises on a regular basis, over the years, this series has become specifically tailored to the needs of members of courts and tribunals competent in asylum matters. This series is primarily intended for use by members of courts and tribunals of EU Member States who are concerned with hearing appeals or conducting reviews of decisions on applications for international protection.

The EUAA judicial publications comprise judicial analyses, judicial trainers' guidance notes and compilations of jurisprudence, apart from country of origin information, which comprises a judicial practical guide accompanied by a compilation of jurisprudence. All materials are developed in English and are translated in several languages.

EUAA AND ITS SUPPORT IN THE EXTERNAL DIMENSION, MR MARK CAMILLERI

Mr Camilleri, Acting Head of the Institutional and Horizontal Affairs Center, covered the external dimension of the EUAA mandate, as laid down in Article 35 (and Recital 38) of its Regulation. He firstly clarified that the “core” mandate of the EUAA lies in the internal dimension. The mandate of the Agency in the external dimension is considerably more limited and does not include the provision of “operational assistance”.

The EUAA supports the external dimension of the Common European Asylum System within the framework of the EU external relations policy and in line with the External Cooperation Strategy, endorsed by the Management Board in 2023, in line with Article 41 of the EUAA Regulation. Unlike the previous Strategy, which was based on a purely-geographic approach and defined only geographical priorities (Western Balkans, Türkiye and the Middle East and North Africa (MENA) region), the new Strategy sets priorities through an EU relation-centred approach. Thus, in the external dimension, priority for third-country support is given to candidate and potential candidate countries. Subsequently, the Agency will give priority to other European Neighbourhood countries, and finally, to countries outside the Neighbourhood.

The Strategy, in particular, determines the overall direction, objectives, and scope of EUAA actions in the external dimension along two pillars: Third-Country Support and Resettlement, and Humanitarian Admission. Its intervention is, however, based on a need-basis approach. This means that the Agency intervenes in third Countries following a needs and/or feasibility assessments in cooperation with EU+ countries, the European Commission, the EU Delegations, and relevant international organisations as appropriate. The EUAA will use the most appropriate instrument to plan, structure and deliver its support. Those instruments include: ad hoc interventions, capacity building support, Projects, Roadmaps for bilateral cooperation, liaison officers and Working Arrangements. Where possible, the Agency will intervene by joining existing processes of other actors and working under wider frameworks rather than starting small-scale capacity development initiatives on its own (e.g., Team Europe Initiatives, Migration Dialogues/Processes, UNHCR Asylum Capacity Support Group support initiatives).

Currently, the EUAA provides capacity building support to the Western Balkans region and Turkey and also to some countries of the EU Southern Neighbourhood, within the frameworks of bilateral ‘Roadmaps’ for cooperation and EU-funded regional programmes, including the Instrument for pre-accession and Regional Development and Protection Programme for North Africa. In addition, the EUAA fosters cooperation among Member States and with International Organisations in relation to resettlement and also operates a Resettlement Support Facility (RSF) in Istanbul facilitating resettlement by Member States from Turkey.

EUAA AND COOPERATION WITH OTHER JHA AGENCIES, MS ALISON GATT

During this last session, the LIBE delegation heard about the cooperation between the Agency and the other JHA Agencies.

The Head of the European Affairs Sector, European and International Cooperation Unit, Ms Gatt, explained that as a decentralised EU Agency with its own governance structure, the EUAA has strong relations with the EU Institutions, other EU Agencies and particularly those in the field of Justice and Home Affairs, as well as Member States and Schengen Associated Countries.

The EUAA is one of nine EU agencies working in the field of Justice and Home Affairs (JHA). These nine agencies work together on topics of common interest in the Justice and Home Affairs Agencies' Network (JHAAN). This Network was established in 2010 to facilitate and increase inter-agency cooperation among the agencies in the JHA field, and to explore synergies in areas of common interest. Together, the JHA agencies contribute to the implementation of EU's objectives in the fields of migration, asylum and external border management, the fight against organised crime, drug trafficking and terrorism, gender equality and respect for fundamental rights. They also facilitate the functioning of relevant EU IT systems, contribute to EU activities on illicit drugs and drugs addiction and facilitate law-enforcement training.

The EUAA participates also in two networks which aim to strive for inter-agency cooperation: the EU Agencies Network (EUAN) and the Justice and Home Affairs Agencies Network (JHAAN). Both networks have established several subgroups and subnetworks to allow for thematic discussions at expert level. Each year, both networks organise an annual meeting of the Heads of Agencies.

Cooperation with other EU Agencies constitutes an important complementary element of the EUAA's work and activities. Inter-agency cooperation based on exchange of information, sharing good practices, carrying out mutual consultations and conducting coordinated and/or joint activities (where relevant) in the common areas of interest, brings a high added value and contributes to the increased efficiency of our actions.

MEETING WITH MALTESE COASTAL GUARD

The LIBE delegation met with representatives of Malta's Armed Forces and the Commander Brigadier Clinton J O'Neill that carry out SAR missions and Malta's International Protection Agency, and discussed Malta's cooperation with the EUAA, with the current operational plan set to end in 2025, as well as Frontex and neighbour Member States, especially Italy.

The Head of the delegation, Mrs Keller, raised the point of the falling numbers of migrants arrivals and of SAR operations in Malta. The replies received by Commander Brigadier O'Neill were, however, in her view not satisfactory as he simply stated that Malta respects international conventions, in particular the SAR of vessels reporting a problem in the international waters under the responsibility of the Maltese authorities. Following to further questions from the Head of the delegation and discussion between the members of the delegation themselves, he indicated that the Maltese coastguards systematically respond and that rescued migrants are disembarked in the nearest port of call according to international conventions. He underlined that, given the configuration of the international waters territory under its responsibilities, the nearest port of call is not always in Malta itself. He also mentioned that migration corridors

across the Mediterranean have moved, and as a result there are more departures from Tunisia, and as a consequence, diminishing departures in the direction of Malta but increased arrivals for example in Italy.