



Access to protection in Europe

The registration of asylum applications



ACKNOWLEDGEMENTS

This report was written by Minos Mouzourakis at ECRE, with contributions from Amanda Taylor and Catherine Woollard at ECRE and the following national experts:

Austria	Asylkoordination Österreich
Belgium	Vluchtelingenwerk Vlaanderen
Bulgaria	Bulgarian Helsinki Committee
Cyprus	Cyprus Refugee Council
Germany	Informationsverbund Asyl und Migration
Spain	Accem
France	Forum réfugiés – Cosi
Greece	Greek Council for Refugees
Croatia	Croatian Law Centre
Hungary	Hungarian Helsinki Committee
Ireland	Irish Refugee Council
Italy	ASGI
Malta	aditus foundation and JRS Malta
Netherlands	Dutch Council for Refugees
Poland	Maja Łysienka
Portugal	Portuguese Refugee Council
Romania	Felicia Nica
Sweden	Lisa Hallstedt and FARR
Slovenia	PIC
UK	British Refugee Council
Switzerland	Swiss Refugee Council
Serbia	Belgrade Centre for Human Rights
Turkey	Sinem Hun

The information contained in this report is up-to-date as at 30 June 2018, unless otherwise stated.

THE ASYLUM INFORMATION DATABASE (AIDA)

The **Asylum Information Database** is a database managed by ECRE, containing information on asylum procedures, reception conditions, detention and content of international protection across 23 European countries. This includes 20 European Union (EU) Member States (Austria, Belgium, Bulgaria, Cyprus, Germany, Spain, France, Greece, Croatia, Hungary, Ireland, Italy, Malta, Netherlands, Poland, Portugal, Romania, Sweden, Slovenia, United Kingdom) and 3 non-EU countries (Switzerland, Serbia, Turkey).

The overall goal of the database is to contribute to the improvement of asylum policies and practices in Europe and the situation of asylum seekers by providing all relevant actors with appropriate tools and information to support their advocacy and litigation efforts, both at the national and European level. These objectives are carried out by AIDA through the following activities:

- ❖ **Country reports**

AIDA contains **national reports** documenting asylum procedures, reception conditions, detention and content of international protection in 23 countries. An overview of the country reports can be found [here](#).

- ❖ **Comparative reports**

Comparative reports provide a thorough comparative analysis of practice relating to the implementation of asylum standards across the countries covered by the database, in addition to an overview of statistical asylum trends and a discussion of key developments in asylum and migration policies in Europe. AIDA comparative reports are published in the form of thematic updates, focusing on the individual themes covered by the database. Thematic reports published so far have explored topics including **reception**, **admissibility procedures**, **content of protection**, **vulnerability** and **detention**.

- ❖ **Comparator**

The **Comparator** allows users to compare legal frameworks and practice between the countries covered by the database in relation to the core themes covered: asylum procedure, reception, detention, and content of protection. The different sections of the Comparator define key concepts of the EU asylum *acquis* and outline their implementation in practice.

- ❖ **Fact-finding visits**

AIDA includes the development of fact-finding visits to further investigate important protection gaps established through the country reports, and a methodological framework for such missions. Fact-finding visits have been conducted in **Greece**, **Hungary**, **Austria**, **Croatia** and **France**.

- ❖ **Legal briefings**

Legal briefings aim to bridge AIDA research with evidence-based legal reasoning and advocacy. **Legal briefings** so far cover: Dublin detention; asylum statistics; safe countries of origin; procedural rights in detention; age assessment of unaccompanied children; residence permits for beneficiaries of international protection; the length of asylum procedures; travel documents for beneficiaries of international protection; accelerated procedures; the expansion of detention; relocation; and withdrawal of reception conditions.

- ❖ **Statistical updates**

AIDA releases short publications with key figures and analysis on the operation of the Dublin system across selected European countries. Updates have been published for 2016, the first half of 2017, 2017 and the first half of 2018.

AIDA is funded by the European Programme for Integration and Migration (EPIM), a collaborative initiative by the Network of European Foundations, the European Union's Asylum, Migration and Integration Fund (AMIF) and Horizon 2020 research and innovation programme (grant agreement No 770037), the Calouste Gulbenkian Foundation and the Portuguese High Commission for Migration (ACM).

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Glossary

Acquis	Accumulated legislation and jurisprudence constituting the body of European Union law.
(recast) Asylum Procedures Directive	Directive 2013/32/EU on common procedures for granting and withdrawing international protection.
Asylum Procedures Regulation	European Commission proposal for a Regulation establishing a common procedure for international protection in the Union and repealing the recast Asylum Procedures Directive, tabled on 13 July 2016.
Asylum seeker(s) or applicant(s)	Person(s) seeking international protection, whether recognition as a refugee, subsidiary protection beneficiary or other protection status on humanitarian grounds.
Dublin system / Regulation	System establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application, set out in Regulation (EU) No 604/2013 .
Lodging an asylum application	Term relevant to Directive 2013/32/EU and some countries: Formal submission of an application for international protection, which marks the start of its examination.
Making an asylum application	Expression of the intention to seek asylum. This can be done either orally or in writing before a public authority.
Questura	Immigration Office of the Police (Italy)
(recast) Reception Conditions Directive	Directive 2013/33/EU laying down standards for the reception of asylum seekers.
Registration of an asylum application	Recording of a person's asylum application, certifying his or her status. According to the recast Asylum Procedures Directive and practice in some countries, registration is a distinct step from "lodging".

List of abbreviations

ACM	High Commission for Migration Alto Comissariado para as Migrações (Portugal)
AIDA	Asylum Information Database
AIU	Asylum Intake Unit (United Kingdom)
AMIF	Asylum, Migration and Integration Fund
ASAM	Association for Solidarity with Asylum Seekers and Migrants Sığınmacılar ve Göçmenlerle Dayanışma Derneği (Turkey)
ASGI	Association for Legal Studies on Immigration Associazione per gli Studi Giuridici sull'Immigrazione (Italy)
BAMF	Federal Office for Migration and Refugees Bundesamt für Migration und Flüchtlinge (Germany)
BFA	Federal Agency for Immigration and Asylum Bundesamt für Fremdenwesen und Asyl (Austria)
BÜMA	Confirmation of reporting as an asylum seeker Bescheinigung über die Meldung als Asylsuchender (Germany)
CEAS	Common European Asylum System
Ceseda	Code on the entry and residence of foreigners and the right to asylum Code de l'entrée et du séjour des étrangers et du droit d'asile (France)
CIE	Detention Centre for Foreigners Centro de Internamiento de Extranjeros (Spain)
CGRS	Commissioner-General for Refugees and Stateless Persons Commissaire général aux réfugiés et aux apatrides Commissariaat-generaal voor de vluchtelingen en de staatlozen (Belgium)
CJEU	Court of Justice of the European Union
COL	Central Reception Centre Centraal Opvanglocatie (Netherlands)
CPR	Pre-removal centre Centro di permanenza per i rimpatri (Italy)
DAC	Detained Asylum Casework (United Kingdom)
DGMM	Directorate-General for Migration Management Göç İdaresi Genel Müdürlüğü (Turkey)
EASO	European Asylum Support Office
ECRE	European Council on Refugees and Exiles
EDAL	European Database of Asylum Law
EPIM	European Programme for Integration and Migration
EU	European Union
Eurostat	European Commission Directorate-General for Statistics
FARR	Swedish Network of Refugee Support Groups Flyktinggruppernas Riksråd (Sweden)
IGI-DAI	General Inspectorate for Immigration – Directorate for Asylum and Integration Inspectoratul General pentru Imigrari – Directia Azil si Integrare (Romania)
IND	Immigration and Naturalisation Service Immigratie- en Naturalisatiedienst (Netherlands)
IRC	Initial Reception Centre (Malta)
JRS	Jesuit Refugee Service
LMA	Law on the Reception of Asylum Seekers Lagen om Mottagande av Asylsökande (Sweden)

NGO(s)	Non-governmental organisation(s)
OAR	Office of Asylum and Refuge Oficina de asilo y refugio (Spain)
OFII	French Office for Immigration and Integration Office français d'immigration et d'intégration (France)
OFPRA	French Office for the Protection of Refugees and Stateless Persons Office français de protection des réfugiés et apatrides (France)
PADA	Orientation platform for asylum seekers Plateforme d'accueil de demandeurs d'asile (France)
PDMM	Provincial Directorate for Migration Management (Turkey)
PIC	Legal-Informational Centre for non-governmental organisations Pravnoinformacijski center nevladnih organizacij (Slovenia)
RIC	Reception and Identification Centre Κέντρο Υποδοχής και Ταυτοποίησης (Greece)
RIS	Reception and Identification Service Υπηρεσία Υποδοχής και Ταυτοποίησης (Greece)
SEF	Aliens and Borders Service Serviço de Estrangeiros e Fronteiras (Portugal)
SEM	State Secretariat for Migration Secrétariat d'état aux migrations (Switzerland)
UNHCR	United Nations High Commissioner for Refugees

International protection can be sought by an individual at any point or place on a country's territory, territorial waters or borders, whether by expressly requesting asylum or by implying a need for protection. The registration of a protection claim, however, entails an elaborate administrative process, whereby authorities record the person's intention to seek protection together with his or her personal details and other relevant information. This process takes place before certain authorities, within specified deadlines, and often in specified locations. In most cases, it also results in the production of official documentation to certify the individual's status.

The European Union (EU) asylum *acquis* introduces a range of legal concepts relevant to the registration of applications. Article 6 of the recast Asylum Procedures Directive¹ refers to the terms of “making”, “registering” and “lodging” a claim, without however detailing how these notions are to be understood in practice.² The ambiguity surrounding these concepts has led to diverging application and legal and practical concerns and has been one of the areas closely regulated by the proposal for an Asylum Procedures Regulation, tabled by the European Commission in 2016 and under negotiation by the Council and the European Parliament.³ Contrary to the rudimentary provision currently in force, the proposed Regulation dedicates its Articles 25-29 to the different steps underlying access to the procedure, more rigorously distinguishing between “registration” and “lodging”, and to the documents to be granted to asylum seekers in each of those steps. At the time of writing, the fate of this proposal and in fact the entire reform of the EU asylum *acquis* is uncertain due to the political impasse on the reform of the Dublin system and the worrying shift of the asylum debate in the EU to models of externalisation and responsibility-shifting to third countries. Therefore, references in this report to European Parliament or Council positions on the issues related to the “making”, “registration” and “lodging” of asylum applications, are made with the caveat that the reform instrument may never materialise.

The complex concepts and registration stages implied by current and prospective EU law do not necessarily reflect consistent practice across the continent. For several European countries (**Sweden, Netherlands, Switzerland, Ireland, Portugal, Malta, Poland, Romania, Hungary**), the formal introduction of an asylum application entails a single procedural step: after a person has expressed the wish to seek international protection, his or her claim is formalised and its examination by the asylum authority can begin. Others (**Germany, France, Italy, Greece, Spain, Belgium, Bulgaria, Slovenia, Croatia, Serbia, Turkey**) construe “registration” and “lodging” as discrete stages with different legal effects in the procedure, thereby echoing the approach taken by the recast Asylum Procedures Directive. The act of “registration” as per the Directive may also be defined differently depending on the national context.⁴

The design of registration systems as a single- or two-step process has crucial implications for individuals, whose enjoyment of rights guaranteed by international and EU law is contingent on

¹ Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast) (“recast Asylum Procedures Directive”), OJ 2013 L180/60.

² See also European Asylum Support Office (EASO), *Judicial analysis: Asylum procedures and the principle of non-refoulement*, 2018, available at: <http://bit.ly/2xB9SqJ>, 36-38.

³ European Commission, *Proposal for a Regulation of the European Parliament and of the Council establishing a common procedure for international protection in the Union*, COM(2016) 467, 13 July 2016; European Parliament, *Report on the proposal for a Regulation of the European Parliament and of the Council establishing a common procedure for international protection in the Union*, A8-0171/2018, 22 May 2018.

⁴ For example, **Greece** refers to “pre-registration” via Skype, while **Austria** refers to a “first interrogation” (*Erstbefragung*) and **Slovenia** to a “preliminary procedure”.

asylum seeker status – even though such a status is triggered as soon as the wish to apply for asylum is expressed,⁵ proof thereof depends on the prompt completion of registration and access to official documentation.⁶ It is also important for states, to ensure that people arriving on their territory or at the border are swiftly identified and their cases processed.

For the purposes of this report, registration practice in national asylum systems is analysed through a holistic and practical lens, with registration being understood as the entire process of receiving an application for international protection – covering both notions of “registration” and “lodging” envisaged by the recast Asylum Procedures Directive. The legal distinction between the acts of “registration” and “lodging” pursuant to the recast Asylum Procedures Directive will be made where applicable in the domestic context. It should also be noted that the concepts stemming from the Directive are used to describe practice throughout the continent, including in countries (Ireland, United Kingdom, Switzerland, Serbia and Turkey) that are not bound by the Directive.

The analysis section will discuss legal and practical aspects of registration of asylum claims on the territory of European countries, with focus on: responsible authorities and content of information collected; locations of registration; time limits; and documentation. The interplay of the Dublin procedure and the specific mechanisms for registration of asylum applications made at the border and in detention centres are discussed in turn.

A final part draws conclusions and makes targeted recommendations for practice and legislative reform.

⁵ Article 2(b) and (c) recast Asylum Procedures Directive.

⁶ Recital 27 recast Asylum Procedures Directive: “...To that end, Member States should register the fact that those persons are applicants for international protection as soon as possible.”

This part examines key legal concepts and their implementation across European countries with regard to the main aspects of registration procedures in domestic asylum systems. It explores diverse national practice on: authorities responsible for registration; locations where registration takes place; time limits; content of information requested from the individual applicant; and documentation issued at the end of the process.

The following sections deal primarily with access to asylum for persons at liberty who are already present on the territory of the state. The particular situation of people applying at the border or from detention facilities will be separately examined further below.

1. Responsible authorities

The national authority with which asylum applications are lodged is in most cases the one designated as responsible for refugee status determination (“determining authority”),⁷ subject to a few exceptions:

Authorities responsible for lodging and examination of asylum applications			
*	Determining authority	Authority in charge of lodging	
AT	Federal Agency for Immigration and Asylum (BFA)	Federal Agency for Immigration and Asylum (BFA)	✓
BE	Commissioner-General for Refugees and Stateless	Aliens Office	✗
BG	State Agency for Refugees	State Agency for Refugees	✓
CY	Asylum Service	Asylum Service	✓
DE	Federal Office for Migration and Refugees (BAMF)	Federal Office for Migration and Refugees (BAMF)	✓
ES	Office of Asylum and Refuge (OAR)	Office of Asylum and Refuge (OAR), , National Police or Offices for Foreigners	✗
FR	Office of Protection of Refugees and Stateless (OFPRA)	Office of Protection of Refugees and Stateless (OFPRA)	✓
GR	Asylum Service	Asylum Service	✓
HR	Asylum Department, Ministry of Interior	Reception Centre for Asylum Seekers, Ministry of Interior	✗
HU	Immigration and Asylum Office	Immigration and Asylum Office	✓
IE	International Protection Office	International Protection Office	✓
IT	Territorial Commission for International Protection	Police (<i>Questura</i>)	✗
MT	Office of the Refugee Commissioner	Office of the Refugee Commissioner	✓
NL	Immigration and Naturalisation Service (IND)	Immigration and Naturalisation Service (IND)	✓
PL	Office for Foreigners	Border Guard	✗
PT	Aliens and Borders Service (SEF)	Aliens and Borders Service (SEF)	✓
RO	Asylum and Integration Directorate (IGI-DAI)	Asylum and Integration Directorate (IGI-DAI)	✓
SE	Migration Agency	Migration Agency	✓
SI	Migration Office, Ministry of the Interior	Migration Office, Ministry of the Interior	✓
UK	Home Office	Home Office	✓
CH	State Secretariat for Migration (SEM)	State Secretariat for Migration (SEM)	✓
SR	Asylum Office	Asylum Office	✓
TR	Directorate-General for Migration Management	Directorate-General for Migration Management	✓

⁷ Articles 2(f) and 4 recast Asylum Procedures Directive.

Four countries (**Belgium, Croatia, Italy, Poland**) entrust the lodging and examination of applications to different authorities. This means that the bodies with which claims are lodged cannot examine them, but are responsible for transferring them to the determining authority for processing. In the case of **Belgium**, as discussed below, the examination of the Dublin procedure is conducted by the Aliens Office prior to transmitting the application to the Commissioner-General for Refugees and Stateless Persons (CGRS).⁸

A more complex division of responsibilities underlies asylum systems where “registration” and “lodging” are distinct procedural steps. While a single authority carries out both steps in some countries (**Greece, Italy, Belgium, Poland**), registration and lodging lie with different entities in others:

France: Applications are registered by Prefectures, which are also responsible for carrying out the Dublin procedure. Following registration and the Dublin procedure, Prefectures transmit applications to OFPRA, where they are lodged.⁹ For that reason, France excludes the number of asylum seekers placed in Dublin procedures from the statistics provided to Eurostat,¹⁰ although Dublin cases were reportedly incorporated in the authorities’ information systems in 2017.¹¹ This derogation from Eurostat Technical Guidelines leads to an underestimation, if not misrepresentation, of figures on asylum applications in France. The 100,412 figure on applicants reported by the Ministry of Interior in 2017 excludes more than 40,000 asylum seekers who were channelled into a Dublin procedure and whose claims were thus never lodged with OFPRA.¹²

Germany: People register as asylum seekers with local or regional authorities, as soon as they reach a BAMF branch facility, which can be an initial reception centre or an “arrival centre”. The lodging of the application is carried out with the BAMF at the same place.¹³

Austria: The Aliens Police is responsible for registering asylum applications and for conducting the first interview (*Erstbefragung*) with the asylum seeker. The report of the interview is transmitted to the BFA and the application is lodged when the police receives the instructions of the BFA as to the type of procedure to be followed.¹⁴

Spain: For asylum seekers disembarking in ports, the police registers their intention to apply for asylum. The lodging of the asylum application is conducted in the region where the person is referred to for reception, i.e. by OAR in Madrid, or by Offices for Foreigners (*Oficinas de Extranjería*) in other regions.¹⁵

Slovenia: The police conducts the first interview, entitled “preliminary procedure”, and registers the asylum application. The lodging of the application is conducted by the Ministry of Interior in the Asylum Home or its branch facilities.¹⁶

⁸ Article 4(2)(a) recast Asylum Procedures Directive permits Member States to entrust the Dublin procedure to an authority other than the determining authority.

⁹ AIDA, Country Report France, 2017 Update, March 2018, available at: <http://bit.ly/2BsOFmB>, 23 et seq.

¹⁰ French Ministry of Interior, *Chiffres clés – Les demandes d’asile*, 16 January 2018, available in French at: <http://bit.ly/2DQrS3f>.

¹¹ EASO, *Annual report on the situation of asylum in the EU 2017*, June 2018, available at: <https://bit.ly/2KIQWPt>, 93.

¹² AIDA, Country Report France, 9.

¹³ AIDA, Country Report Germany, 2017 Update, March 2018, available at: <http://bit.ly/2lpbOqa>, 19-21.

¹⁴ AIDA, Country Report Austria, 2017 Update, March 2018, available at: <http://bit.ly/2tmJVfW>, 18-19.

¹⁵ Information provided by Accem, 10 September 2018.

¹⁶ AIDA, Country Report Slovenia, March 2018, available at: <http://bit.ly/2tZwe6P>, 16-17.

Turkey: Until very recently, applications for international protection by non-Syrian nationals were subject to a “parallel procedure”, whereby “joint registration” activities were undertaken by both UNHCR and the Directorate General for Migration Management (DGMM).¹⁷ UNHCR conducted the first registration of asylum claims in Ankara through its implementing partner, the Association for Solidarity with Asylum Seekers and Migrants (ASAM), following which applicants were directed to their assigned province (“satellite city”) and required to register with the competent Provincial Directorate for Migration Management (PDMM).¹⁸

UNHCR announced the end of the “parallel procedure” on 10 September 2018. From then onwards, asylum seekers are required to directly register their international protection applications with the PDMM, without prior registration with UNHCR in Ankara.¹⁹ It should be noted that temporary protection registration for Syrian nationals was already carried out by the PDMM alone.

The separation of authorities registering and lodging applications from authorities conducting refugee status determination can raise different challenges in practice. On the one hand, registration should be seen as part of the protection process.²⁰ The authorities responsible for registration are critical points of contact with the asylum seeker and collect crucial information on the applicant at that stage. Usually, the “lodging” of applications is the point in time when the applicant is requested to provide information on his or her reasons for fleeing the country of origin. Therefore the countries distinguishing “registration” from “lodging” of asylum applications avoid questions relating to the merits of the claim at the registration stage. Questions are limited to identification and travel route. In **Greece**, the Asylum Service therefore asks no questions concerning the reasons for flight during Skype registration.²¹ The same practice is followed in **Germany, Spain, Slovenia and Serbia**.²² However, the situation in **Austria** differs insofar as the police asks applicants to briefly recount the reasons for fleeing their country of origin without going into details.²³ In **Italy**, questions asked by some Questure during registration also go beyond personal details and include the reasons for fleeing. In the case of Milan, this is done through a questionnaire (*foglio notizie*).²⁴ From a protection perspective, the determining authority should be the competent entity to receive important details of the claim likely to arise at the point of registration or lodging, given that its officials must be adequately trained in this regard.²⁵

On the other hand, the delegation of registration and lodging duties to the determining authority ensures consistency and reduces the need for inter-department coordination, which may be time-consuming and resource-intensive. Appropriate levels of financial and human resource investments would be required, however, to guarantee a streamlined asylum procedure whereby an application is registered / lodged and examined by the same authority. In this respect, beyond assistance through EU funding, EASO has currently deployed staff to assist asylum authorities *inter alia* in the registration and lodging of applications in Greece,²⁶ Italy,²⁷ and more recently Cyprus.²⁸ As a result, the registration and/or lodging of applications in these countries is often carried out by EASO personnel.²⁹

¹⁷ As a non-EU country, Turkey does not use the term “lodging” in accordance with the recast Asylum Procedures Directive.

¹⁸ AIDA, Country Report Turkey, 2017 Update, March 2018, available at: <http://bit.ly/2I1S9fS>, 26-30.

¹⁹ AIDA, ‘Turkey: UNHCR ends registration of non-Syrian asylum seekers’, 8 September 2018, available at: <http://bit.ly/2OimtXa>.

²⁰ UNHCR, *Handbook for Registration: Procedures and Standards for Registration, Population Data Management and Documentation*, September 2003, available at: <https://bit.ly/2w1wNuC>, 6.

²¹ Information provided by the Greek Council for Refugees, 12 September 2018.

²² Information provided by Informationsverbund Asyl und Migration, 14 September 2018; Accem, 10 September 2018; PIC, 10 September 2018; Belgrade Centre for Human Rights, 9 September 2018.

²³ Information provided by Asylkoordination, 10 September 2018.

²⁴ Information provided by ASGI, 11 September 2018.

²⁵ Article 4(3) recast Asylum Procedures Directive. See also ECRE, *Information Note on the recast Asylum Procedures Directive*, December 2014, available at: <http://bit.ly/2t36e8H>, 8-9.

²⁶ EASO, *Operating plan to Greece 2018*, December 2017, available at: <https://bit.ly/2BO6EAo>.

²⁷ EASO, *Operating plan to Italy 2018*, December 2017, available at: <https://bit.ly/2Dhnl7K>.

2. Time limits

Time limit for making a claim

Whereas the recast Asylum Procedures Directive does not expressly oblige a refugee to make an application within a specified time limit,³⁰ it implies that this should be done as soon as possible and that failure to promptly apply could indicate an unmeritorious claim insofar as it allows Member States to apply the accelerated procedure to applications that have not been made “as soon as possible”.³¹

Most states have not introduced a deadline by which asylum seekers must make their application after arriving on the territory, with the exception of **Belgium, Spain, France** and **Italy**. The deadlines laid down in Belgium and Spain are 8 working days and 30 calendar days respectively; the latter applies its urgent procedure to persons failing to apply by that deadline.³² The consequences of late expressions are similar in France, where applications made later than 90 days after arrival are channelled under the accelerated procedure.³³ Belgium, on the other hand, interprets late applications as a criterion pointing to a risk of absconding on the part of the applicant, and as an indication on his or her credibility.³⁴

Time limit for registering a claim

Under the Directive, the “making” and the “registration” of an asylum application do not necessarily coincide. A claim is to be registered within 3 working days, subject to different rules for applications made with authorities other than the one responsible for registration, discussed further below.³⁵ This can be extended to 10 working days in case of large numbers of applications.³⁶

These deadlines are not consistently complied with across the continent. While registration takes place quickly after a person makes an application in several countries, in others applicants continue to encounter delays in practice. In **France**, the average delay for an appointment at the “single desk” (*guichet unique*) for the purpose of registration reaches several months in Ile-de-France, Guiana and Mayotte.³⁷ These delays have led national courts to order Prefectures to register applications within the prescribed deadlines.³⁸ In **Italy**, on the other hand, registration can be immediately done in Questure such as Trieste and Gorizia, while it may take several months in Milan.³⁹

²⁸ EASO, *Special support plan to Cyprus – Amendment No 4*, December 2017, available at: <https://bit.ly/2DWSHm9>.

²⁹ Information provided by the Cyprus Refugee Council, 13 September 2018.

³⁰ Article 6 recast Asylum Procedures Directive.

³¹ Article 31(8)(h) recast Asylum Procedures Directive. This should be read in conjunction with Article 20(2) recast Reception Conditions Directive, which permits Member States to withdraw reception conditions where the asylum seeker “has not lodged an application for international protection as soon as reasonably practicable after arrival”.

³² Article 50(1) Belgian Aliens Act and Article 17(2) Spanish Asylum Act. See also AIDA, Country Report Belgium, 2017 Update, March 2018, available at: <https://bit.ly/2Gz4w68>, 20; Country Report Spain, 2017 Update, March 2018, available at: <https://bit.ly/2plANDI>, 20.

³³ Article L.723-2(III)(3) French Ceseda, as amended by Law n. 2018-778 of 10 September 2018. Prior to the reform, the time limit was 120 days: AIDA, Country Report France, 2017 Update, February 2018, <https://bit.ly/2BsOFmB>, 23.

³⁴ AIDA, Country Report Belgium, 20.

³⁵ Article 6(1) recast Asylum Procedures Directive.

³⁶ Article 6(5) recast Asylum Procedures Directive.

³⁷ AIDA, Country Report France, 24.

³⁸ AIDA, ‘France: Authorities under court order to register asylum applications’, 25 April 2016, available at: <http://goo.gl/SzfrTg>. See e.g. Administrative Court of Paris, Decision No 1602545/9, 22 February 2016, EDAL, available at: <http://goo.gl/6M27xg>.

³⁹ Information provided by ASGI, 11 September 2018.

EU Member States seem intent to lower the safeguards for swift registration in the proposed Asylum Procedures Regulation. The text currently deliberated by the Council suggests a general deadline of one week for registering claims,⁴⁰ subject to the possibility of an extension to three weeks in case a large number of people apply for asylum simultaneously.⁴¹ The European Parliament, on the other hand, maintains a general deadline of 3 working days, subject to a prolongation to 7 working days in case of large numbers of simultaneous applications.⁴²

Time limit for lodging a claim

There is no strict time limit for lodging a claim following its registration, although Article 6(2) of the recast Asylum Procedures Directive requires Member States to “ensure that a person who has made an application for international protection has an effective opportunity to lodge it as soon as possible.”⁴³ States can deem the application implicitly withdrawn if the applicant does not lodge it.⁴⁴ This explains frequent discrepancies between the number of people expressing the intention to seek asylum and those who formally lodge an application. In the first half of 2018, **Croatia** registered 536 people willing to seek international protection but only 455 lodged a claim (85%).⁴⁵ The disparity is wider in **Serbia**: 3,694 persons expressed the intention to seek asylum but only 98 lodged an application (2.7%).⁴⁶

Although the Directive refers to an “opportunity” for the individual to lodge his or her claim, some countries have transposed it in such a way as to lay down binding deadlines for individuals to lodge it. An asylum seeker must lodge the application within 6 working days in **Cyprus**, 15 calendar days in **Croatia** and **Serbia**, 20 working days in **Ireland**, 21 working days in **France** and 30 calendar days in **Belgium**. The deadline runs from the moment of “making” the claim in **Cyprus** and **Belgium**, but from the moment of “registration” in **Croatia**, **Serbia**, **Ireland** and **France**.⁴⁷ This divergence in the interpretation of EU law stems to some extent from the ambiguity of Article 6(2). The text states: “Member States shall ensure that a person who has made an application for international protection has an effective opportunity to lodge it as soon as possible”, but fails to specify whether the – implicit – duty to lodge starts upon expressing the will to seek asylum or upon registration.

In any event, EU law imposes a clear obligation on the state to ensure that an asylum application can be lodged as soon as possible. As discussed above, lodging takes place simultaneously with registration without delay in several countries. In others, however, asylum seekers encounter significant delays before being able to lodge their claim:

Spain: While registration of asylum seekers arriving by sea is promptly carried out by the police, the timeframe of lodging of asylum applications varies across provinces and can range from one to eight months.⁴⁸ Waiting times in Madrid reached six months last year.⁴⁹

Cyprus: In 2018, registration of asylum seekers arriving by sea is promptly carried out by the police, whereas lodging can range from the same day to one month. Appointments to lodge asylum

⁴⁰ Council of the European Union, *Proposal for an Asylum Procedures Regulation*, 10973/18, 11 July 2018, Article 27(1).

⁴¹ *Ibid*, Article 27(3).

⁴² European Parliament, *Report on the proposal for an Asylum Procedures Regulation*, AM175.

⁴³ Article 6(2) recast Asylum Procedures Directive.

⁴⁴ *Ibid*, citing Article 28 recast Asylum Procedures Directive.

⁴⁵ Information provided by the Croatian Law Centre, 20 September 2018.

⁴⁶ Information provided by the Belgrade Centre for Human Rights, 9 September 2018.

⁴⁷ AIDA, Country Report Cyprus, 2017 Update, February 2018, available at: <https://bit.ly/2CPFFVt>, 19; Country Report Croatia, 2017 Update, March 2018, available at: <https://bit.ly/2Hb4hvE>, 22; Article 36 Serbian Asylum and Temporary Protection Act; Country Report Ireland, 2017 Update, March 2018, available at: <https://bit.ly/2JjOfQU>, 21; Country Report France 26; Country Report Belgium, 21.

⁴⁸ Information provided by Accem, 10 September 2018.

⁴⁹ AIDA, Country Report Spain, 21.

applications are usually given within one week in Nicosia, approximately two weeks in Paphos, and two weeks to one month in Limassol.⁵⁰

Italy: The lodging of applications following registration took a couple of days in Naples but could reach several months in Caserta, Rome and Milan in 2017.⁵¹

Greece: In 2017, the average waiting period between Skype registration and lodging at the Asylum Service was 81 days. However, there were cases of persons waiting more than six months for an appointment to lodge their application.⁵²

Turkey: The situation after 10 September 2018, following the end of the “parallel procedure” and UNHCR’s involvement in registration, is particularly worrying and contrary to national law, according to observations from civil society organisations. The PDMM are currently not registering international protection applications. While nationals of countries other than Afghanistan are instructed to appear before the PDMM in 6 to 9 months with a view to undergoing registration, the earliest registration appointments given to Afghan nationals, the largest nationality group according to UNHCR statistics,⁵³ are for 2021. Exceptions are only made for asylum seekers facing emergencies such as pregnancy or severe illness, who are registered in order to make sure that they get medical assistance.⁵⁴

3. Registration locations

EU law does not require Member States to designate a place where asylum applications can be “registered”, although it enables them to specify a designated location where they can be “lodged”.⁵⁵ Nevertheless, the requirement under Recital 27 of the recast Asylum Procedures Directive to register asylum seekers as soon as possible places the onus on the state to put in place the necessary administrative arrangements so as to allow individuals to easily and effectively enter the procedure. Setting up a convenient and accessible process of registration is important for both asylum seekers and authorities, since it enables people to rapidly come forward and submit claims for protection after arriving in the country, and thus minimises situations of irregularity.⁵⁶

To that end, most European countries have taken the necessary steps to ensure that registration of asylum applications made within the territory can be conducted in different parts of their territory. This has been done by equipping the relevant authority with the capacity to conduct registration across various regions. For example, the 10,338 applications received by **Sweden** in the first half of 2018 were lodged in 31 different locations, mainly Stockholm (5,298), Malmö (1,973) and Gothenburg (1,721).⁵⁷ Similarly, **Greece** received 30,192 applications lodged in 18 different locations, notably Lesbos (9,157), Attica (3,676), Thessaloniki (3,421) and Samos (2,974).⁵⁸

Some states, however, permit asylum seekers to register or lodge their claims only at a specified place.

⁵⁰ Information provided by the Cyprus Refugee Council, 13 September 2018.

⁵¹ AIDA, Country Report Italy, 29-30.

⁵² AIDA, Country Report Greece, 37.

⁵³ UNHCR, *Turkey: Key facts and figures*, available at: <http://www.unhcr.org/tr/en/unhcr-turkey-stats>.

⁵⁴ Information provided by Sinem Hun, 10 October 2018.

⁵⁵ Article 6(3) recast Asylum Procedures Directive.

⁵⁶ For a recent discussion of the importance of prompt registration, see ECtHR, *A.E.A. v. Greece*, Application No 39034/12, Judgment of 15 March 2018, EDAL, available at: <https://bit.ly/2pEJUIG>.

⁵⁷ Swedish Migration Agency, *Applications for asylum received*, June 2018.

⁵⁸ Greek Asylum Service, *Statistical data*, June 2018.

Designated locations on the territory

United Kingdom: The lodging of asylum applications takes place at the Asylum Intake Unit (AIU) in Croydon, south London.⁵⁹ Travel costs are prohibitive for some people, as exemptions from this requirement are only allowed for unaccompanied children or in exceptional circumstances such as health grounds following verification from a medical practitioner.⁶⁰ Asylum seekers are also required to contact the AIU by phone prior to appearing in person, as mentioned below.

Netherlands: The lodging of asylum applications on the territory is carried out at the Central Reception Centre (COL) in Ter Apel, near Groningen.⁶¹

Belgium: A similar approach has recently been adopted by Belgium, following the government's decision to set up a registration centre in Neder-Over-Heembeek as the sole location where asylum seekers will be able to register an application as of 1 January 2019.⁶² The centre is to be located in the northern part of Brussels, further away from the city centre compared to the current premises of the Aliens Office, and will also offer first reception to new asylum seekers. It is not yet clear how people will be referred to the centre, however, and it is uncertain whether the registration centre will be operational as of January 2019.⁶³

Slovenia: Asylum applications are lodged at the Asylum Home in Ljubljana and at its branch facility in Logatec.⁶⁴ Applicants are transported there by the police after undergoing registration by the police.⁶⁵

Turkey: Under the "parallel procedure" applicable to international protection applicants until 10 September 2018, asylum seekers were required to appear in person before the UNHCR registration centre in Or-An, Ankara. This was the only location in Turkey where an international protection application could be registered, situated far from the city centre and thereby not easily accessible by potential applicants. Potential applicants did not receive any financial or practical support to access the registration centre in Ankara.⁶⁶ As was already the case for Syrians falling within the scope of the temporary protection regime in Turkey, applicants for international protection are now in principle able to register before the PDMM in any of the 81 provinces of the country.⁶⁷ In practice, as mentioned above, the PDMM are not registering international protection applications.

Hungary: Since March 2017, asylum applications can only be registered and lodged in the transit zones of Röszke and Tompa on the Hungarian-Serbian land border.⁶⁸ The 397 applications received in the first half of 2018 were exclusively lodged in Röszke (200) and Tompa (197).⁶⁹ Contrary to other countries, however, applicants are *de facto* detained in the transit zones throughout the entire asylum procedure, and are pushed back to Serbia if they irregularly enter through a point other than the transit zones.⁷⁰ Hungary has introduced extreme obstacles to access the procedure, since it only allows no more than one person to enter each transit zone per day in order to seek asylum,⁷¹ while access was halted for ten consecutive days in July 2018 due to the introduction of new inadmissibility

⁵⁹ AIDA, Country Report United Kingdom, 2017 Update, March 2018, available at: <http://bit.ly/2Fm4nTI>, 18.

⁶⁰ UK Home Office, *Asylum screening and routing*, April 2018, available at: <https://bit.ly/2NZdOfc>, 23.

⁶¹ AIDA, Country Report Netherlands, 2017 Update, March 2018, available at: <http://bit.ly/2G7z6Eo>, 17.

⁶² EASO, *Annual report on the situation of asylum in the EU 2017*, June 2018, 117.

⁶³ Information provided by Vluchtelingenwerk Vlaanderen, 10 September 2018.

⁶⁴ Information provided by PIC, 10 September 2018.

⁶⁵ AIDA, Country Report Slovenia, 16-17.

⁶⁶ AIDA, Country Report Turkey, 2017 Update, March 2018, available at: <https://bit.ly/2I1S9fS>, 27.

⁶⁷ *Ibid.*, 116.

⁶⁸ EASO, *Annual report on the situation of asylum in the EU 2017*, June 2018, 117.

⁶⁹ Information provided by the Hungarian Helsinki Committee, 14 September 2018.

⁷⁰ AIDA, Country Report Hungary, 2017 Update, February 2018, available at: <https://bit.ly/2Fnqu8V>, 21.

⁷¹ *Ibid.*, 18.

grounds in legislation.⁷² The transit zones receive asylum seekers on the basis of lists of persons staying in Serbian temporary reception centres and expressing the intention to seek asylum in Hungary, which are transmitted to the Hungarian authorities via community leaders i.e. asylum seekers; no official communication takes place between the two states' authorities. Röszke operates separate lists for families, unaccompanied children and single men, while Tompa has a single list for all applicants.⁷³

In other cases, asylum seekers can register an application in different parts of the national territory but face various barriers to registration. In **Italy**, where the registration of applications (*fotosegnalamento*) can be carried out by any Questura across the territory, different Questure have imposed arbitrary obstacles to access to the procedure in the past year.⁷⁴ These include:

- Accepting asylum seekers only a few days per week. Bari and Foggia only receive asylum seekers twice a week, while Naples only receives asylum seekers on Monday morning;
- Quotas of asylum seekers received per day. Rome has a daily quota of 20 people;
- Accepting only asylum seekers transferred by the authorities from disembarkation points or under agreements between Prefectures. Persons who spontaneously appear before the Questura of Pordenone, arriving through the land border in Friuli-Venezia Giulia or by sea in Veneto, are refused access and told to seek asylum with the border police;
- Requiring official proof of residence on the territory. This is done in Siracusa and Milan, while Cagliari and Novara also require the owner of the accommodation place to be physically present upon the asylum seeker's registration.

The undue obstacles put up by the Questure of Pordenone and Milan have been successfully challenged by ASGI and Naga before courts this year.⁷⁵

Further barriers arise after registration in Italy, as some Questure prevent asylum seekers from lodging their applications (*verbalizzazione*) by arbitrarily and unlawfully making assumptions about their protection needs, despite the fact that they are not the "determining authority" competent to examine asylum claims. The Questura of Milan uses a questionnaire (*foglio notizie*) and assesses, based on the boxes ticked, whether the persons concerned are asylum seekers or have arrived for economic reasons. Those considered economic migrants are not allowed to lodge their application. Similarly, Potenza only sets lodging appointments with those persons it deems to be in need of international protection.⁷⁶ Sassari, Sardinia also selects those it deems to be entitled to protection and does not allow lawyers or cultural mediators to accompany them in the registration process, which is done by videoconference.⁷⁷

The situation in **France** is different. Although "single desks" established in numerous Prefectures are responsible for registering asylum applications,⁷⁸ these cannot be accessed directly by individuals. An applicant is required to approach an orientation platform (*plateforme d'accueil de demandeurs d'asile*, PADA) run by a local organisation so as to obtain an appointment at the "single desk". While the "single desk" system aimed at reducing delays relating to registration and to avoid long lines of people queuing in front of Prefectures, this additional step has led to more complexity and delays in accessing the procedure in practice. Average waiting times to access PADA in 2017 ranged from two

⁷² Information provided by the Hungarian Helsinki Committee, 14 September 2018.

⁷³ *Ibid.*

⁷⁴ AIDA, Country Report Italy, March 2018, available at: <https://bit.ly/2Ga01zb>, 27; Information provided by ASGI, 11 September 2018.

⁷⁵ Italian Civil Court of Trieste, Decision 1929/18, 21 June 2018, EDAL, available at: <https://bit.ly/2xz1xnz>, confirmed by Decision 1929/18, 3 October 2018; Civil Court of Milan, Decision 32311/2017, 25 July 2018.

⁷⁶ AIDA, Country Report Italy, 29.

⁷⁷ Information provided by ASGI, 11 September 2018.

⁷⁸ For a list of "single desks", see French Ministry of Interior, Arrêté du 20 octobre 2015 désignant les préfets compétents pour enregistrer les demandes d'asile et déterminer l'Etat responsable de leur traitement (métropole), available in French at: <http://bit.ly/2Eq0pV6>.

weeks in Toulouse, to four weeks in Clermont-Ferrand, to several months in Paris, Guiana and Mayotte.⁷⁹ For Guiana specifically, a pilot accelerated procedure recently established by decree also obliges asylum seekers to lodge their application with OFPRA in person, rather than sending it by registered mail.⁸⁰

Online / telephone registration platforms

To respond to delays in registration and to manage increasing numbers of asylum seekers queuing before administrative authorities, some countries have resorted to online or telephone appointment platforms, with varying degrees of success.

In the **United Kingdom**, asylum seekers present on the territory are required to telephone the AIU of the Home Office and give some basic personal details over the phone, but not details of their asylum claim. They are then given an appointment to attend and lodge their claim.

The “Skype pre-registration system” operated in **Greece** since 2014 for persons seeking asylum on the territory is another example of online communication tools. Despite its denomination as “pre-registration” in the domestic context, this entails a process of registration of an application between the Asylum Service and the individual protection seeker via Skype call. Despite an increase in calling hours and languages in recent years,⁸¹ the availability of the Skype service remains limited. Prospective asylum seekers frequently have to try multiple times, often over a period of several months, before they manage to get through the Skype line and to obtain an appointment for the registration of their application, all the while facing the danger of a potential arrest and detention by the police.⁸² These problems persist to date and have led to official complaints against the Asylum Service for effectively precluding asylum seekers from registering their claims due to the deficiencies of the Skype system.⁸³

More recently, online or telephone platforms have been introduced by specific regional authorities in France and Italy as *ad hoc* solutions to manage workload:

Italy: The Questura of Naples introduced an online appointment system in January 2018 for the purpose of granting appointments for the lodging of applications.⁸⁴ The implementation of this procedure has been difficult, however. The online system accepts a maximum of 40 requests for appointments per week, and zero requests were granted in July and August 2018.⁸⁵ Internet access is not ensured at the Questura, meaning that asylum seekers who are not familiar with the system can only access it with the assistance of volunteers.⁸⁶ Beyond Naples, the Questura of Sassari in Sardinia conducts registration of asylum applications by videoconference.⁸⁷

France: The Office of Immigration and Integration (OFII) inaugurated a telephone appointment system for the Ile-de-France region in May 2018. The telephone appointment with OFII does not substitute the PADA stage prior to registration with the Prefecture, however. Asylum seekers contact OFII by phone and obtain an appointment date to appear before the PADA, which will then obtain for

⁷⁹ AIDA, Country Report France, 24.

⁸⁰ AIDA, ‘France: Acceleration of asylum procedure tested in Guiana’, 30 May 2018, available at: <https://bit.ly/2xBbrox>.

⁸¹ Greek Asylum Service, *Registration Schedule*, 5 February 2018, available at: <http://bit.ly/2FstG2p>.

⁸² AIDA, Country Report Greece, 2017 Update, March 2018, available at: <https://bit.ly/2G5vKP2>, 36.

⁸³ See e.g. Efsyn, ‘Δικηγόροι κατά Υπηρεσίας Ασύλου για τη χρήση skype’, 22 August 2018, available in Greek at: <http://bit.ly/2PvsPmY>.

⁸⁴ AIDA, Country Report Italy, 27.

⁸⁵ Information provided by ASGI, 11 September 2018.

⁸⁶ *Ibid.*

⁸⁷ *Ibid.*

them an appointment with the “single desk”.⁸⁸ The telephone platform therefore constitutes an additional administrative layer in the registration process. As of 26 June 2018, OFII had received 16,360 calls, leading to 8,908 appointments.⁸⁹ The average waiting time on the phone has risen from 6.7 minutes on 26 June to 23.2 minutes on 13 September 2018.⁹⁰

The availability of registration points throughout the territory of the state and the adequacy of administrative capacity to receive asylum applications are inextricably linked to timely registration. The duty of individuals to formally lodge their applications cannot be discharged unless states fulfil their obligation to render the process workable and physically accessible. Experience in **Greece, Italy** and **France** shows that phone or online platforms can be additional technical support tools for registration or lodging purposes at best but can never substitute administrative capacity. Without it, they are liable to exacerbate backlogs and prolong delays and precariousness rather than speeding up access to protection.

4. Documentation

Though both the recast Asylum Procedures Directive and the recast Reception Conditions Directive⁹¹ clarify that a person holds the status of “applicant” from the moment he or she makes the application, i.e. expresses the intention to seek protection,⁹² said status cannot be demonstrated without appropriate official documentation. Therefore the registration of asylum claims also consists of issuing documents to individuals in order to formalise their legal status in the host country and to enable them to exercise the rights bestowed upon them by law. In this sense, documentation serves an array of purposes for the applicant, from ensuring a sense of identity, legal security and protection from arbitrary arrest, detention and deportation,⁹³ to accommodation, work, education or food and other reception conditions.⁹⁴

Documents produced upon registration also provide authorities with the means to store the necessary information collected from the applicant with a view to incorporating him or her in official records and to ensuring he or she can be identified in daily life interactions. It is therefore in the interest of national administrations to ensure that documentation issued to asylum seekers is consistent, clear and easily recognised by all actors coming into contact with them – be they border guards, police officers, medical professionals, employment agencies, educational institutions or other.

Documentation following lodging

According to EU law, Member States are required to issue a document certifying the applicant’s status within three days of the lodging of the application.⁹⁵ This obligation may be derogated from in the case of asylum seekers in detention or during a border procedure.⁹⁶

⁸⁸ Info Migrants, ‘Pour demander l’asile en Île-de-France, il faut désormais appeler un numéro spécial’, 1 May 2018, available in French at: <https://bit.ly/2N3e9u7>.

⁸⁹ OFII, Twitter post, 26 June 2018, available in French at: <https://bit.ly/2tFpMiX>.

⁹⁰ OFII, Twitter post, 13 September 2018, available in French at: <http://bit.ly/2OjoGSc>.

⁹¹ Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast), OJ 2013 L180/96.

⁹² Article 2(d) recast Asylum Procedures Directive; Article 2(b) recast Reception Conditions Directive. Article 17(1) recast Reception Conditions Directive also stresses that material reception conditions shall be made available as soon as the applicant “makes” his or her claim.

⁹³ UNHCR, *Identity Documents for Refugees*, EC/SCP/33, 20 July 1984, available at: <https://bit.ly/2Oz7Le0>, para 2.

⁹⁴ For more details, see UNHCR, *Handbook for Registration: Procedures and Standards for Registration, Population Data Management and Documentation*, September 2003, available at: <https://bit.ly/2w1wNuC>, 175 et seq.

⁹⁵ Article 6(1) recast Reception Conditions Directive.

⁹⁶ Article 6(2) recast Reception Conditions Directive.

In practice, almost all countries issue some form of documentation to asylum seekers after their application has been lodged. One notable exception is **Hungary**, which does not issue documents for asylum seekers applying at the transit zones under the “state of crisis due to mass migration”, extended five times since its introduction on 10 March 2016 and currently in effect until 7 March 2019. Since these applicants have no right to stay in Hungary according to the Asylum Act, they are only issued a “white card” for administrative matters, which does not entitle them to remain on the territory. The white card contains the name, photograph, registration number and the number of sector the person is placed in.⁹⁷ It should be highlighted that Hungary neither considers stay in the transit zones as detention, nor does it apply the border procedure.⁹⁸ Therefore failure to issue a document to asylum seekers in the transit zones contravenes the recast Reception Conditions Directive. Conversely, persons who apply for asylum while holding legal residence in Hungary are issued a humanitarian permit for asylum seekers in plastic card format.⁹⁹

Another exception concerns asylum seekers in the Friuli-Venezia Giulia region in **Italy**. Given that those falling within the scope of the Dublin Regulation are not allowed to lodge their claims, as detailed below, the Questure of Gorizia and Pordenone refrain from issuing them documentation. The Questura of Trieste issues a document in these cases, however.¹⁰⁰

Most documents issued after the lodging of claims contain the applicant’s personal details, i.e. name, country of origin, registration number. Some countries, however, indicate additional information thereon. In **Italy**, where the foreigners’ permit of stay (*permesso di soggiorno per stranieri*) includes the reason of stay, some Questure always indicate “asylum application” as the relevant reason, while others specify whether the case concerns “asylum” or “Dublin”.¹⁰¹ Other countries such as **Greece** or **Bulgaria** indicate the area within which the person’s free movement is restricted on the international protection application card (*δελτίο αιτούντος διεθνή προστασία*) and the registration card (*регистрационна карта*) respectively,¹⁰² pursuant to the recast Reception Conditions Directive.¹⁰³

The format and denomination of documents issued to asylum seekers following the lodging of their applications vary considerably across European countries, and in some cases may differ according to the type and stage of procedure. Eight countries issue such documents under a plastic card format, while the rest use paper format. This can have implications for document security and the effectiveness of the asylum seeker’s proof of status before different officials of the state who come into contact with him or her, but also officials of other countries. In addition, the denomination of these documents can differ substantially from one country to another or not explicitly refer to the person’s status as an applicant, thereby creating further challenges to their recognisability within and between countries.

The format and designation of documents issued upon lodging in each country is as follows:

⁹⁷ Information provided by the Hungarian Helsinki Committee, 14 September 2018.

⁹⁸ AIDA, Country Report Hungary, 22, 76-77.

⁹⁹ Information provided by the Hungarian Helsinki Committee, 14 September 2018.

¹⁰⁰ Information provided by ASGI, 11 September 2018.

¹⁰¹ Information provided by ASGI, 11 September 2018.

¹⁰² Information provided by the Bulgarian Helsinki Committee, 10 September 2018.

¹⁰³ Article 6(1) recast Reception Conditions Directive.

Document issued to persons having lodged an asylum application		
*	Name of document	Format
AT	Procedure card during the admissibility procedure / Green card (<i>Verfahrenskarte während des Zulassungsverfahrens / grüne Karte</i>)	Card
BE	Annex 26	Paper
BG	Registration card (<i>регистрационна карта</i>)	Paper
CY	Confirmation of submission of an application for international protection	Paper
DE	Residence permit for asylum seekers (<i>Aufenthaltsgestattung</i>)	Paper
ES	Receipt of application for international protection / white card (<i>Resguardo de solicitud de protección internacional / tarjeta blanca</i>)	Paper
FR	Certification of asylum application (<i>attestation de demande d'asile</i>)	Paper
GR	International protection applicant card (<i>δελτίο αιτούντος διεθνή προστασία</i>)	Paper
HR	International protection applicant card (<i>iskaznice tražitelja</i>)	Card
HU	-	-
IE	Temporary residence certificate	Card
IT	Residence permit for foreigners (<i>permesso di soggiorno per stranieri</i>)	Paper
MT	Asylum seeker's document	Paper
NL	Foreigner identity document (W-Document)	Card
PL	Foreigner temporary identification document (<i>Tymczasowe Zaświadczenie Tożsamości Cudzoziemca</i>)	Card
PT	Certificate of application for international protection (<i>declaração comprovativa de apresentação de pedido de protecção internacional</i>)	Paper
RO	Temporary asylum seeker identity document (<i>Document temporar de identitate solicitant de azil</i>)	Card
SE	LMA card (<i>LMA-kort</i>)	Card
SI	Asylum seeker identity card	Card
UK	Application registration card	Card
CH	Exit certificate (<i>Ausgangsschein / bon de sortie</i>)	Paper
SR	Asylum seeker identity card	Card
TR	International Protection Application Card (<i>uluslararası koruma başvuru sahibi kimlik belgesi</i>) Temporary Protection Identification Document (<i>geçici koruma yabancı kimlik belgesi</i>)	Paper Paper

The same document issued upon the lodging of the application is retained by the asylum seeker throughout the asylum procedure in most countries, subject to renewal requirements where relevant. However, in **Austria**, **Portugal** and **Spain**, that document is only valid until the admissibility procedure has been completed. Where the application has been deemed admissible, a different document is issued. This is called a “white card” (*weiße Karte*) in Austria, a “red card” (*tarjeta roja*) in Spain, and a “provisional residence permit” (*autorização de residência provisória*) in Portugal. Certain rights such as access to the labour market are conditioned on the issuance of such cards.¹⁰⁴ In **Switzerland**, on the other hand, the “exit certificate” issued to asylum seekers in federal reception and processing centres is replaced by an “N-permit” once they are transferred to a canton.¹⁰⁵

Documentation prior to lodging

The registration of an application does not coincide with its lodging in all countries, as discussed above. Therefore these two procedural stages may or may not involve the issuance of different sets of

¹⁰⁴ AIDA, Country Report Austria, 74; Country Report Spain, 57; Country Report Portugal, 2017 Update, March 2018, available at: <http://bit.ly/2IxQFtN>, 76.

¹⁰⁵ Information provided by the Swiss Refugee Council, 10 September 2018.

documents for the asylum seeker. The document, if any, issued upon registration is provisional, to be replaced by – other – official documentation when the claim is lodged.

Most countries' legislation does not regulate the issuance of documents to asylum seekers at the point of making or registration of a claim. Exceptions include **Belgium** where, as soon as an application is made, the asylum seeker receives a "certificate of notification" (*attestation de déclaration*).¹⁰⁶ There is no separate document issued upon registration.

In practice, with the exception of **Austria** and **Slovenia** which issue no document at this stage, a separate document is issued upon registration and until the claim is lodged:

Documents issued before upon registration and lodging of an asylum application		
*	Document issued upon registration	Document issued upon lodging
AT	-	Procedure card during the admissibility procedure / Green card (<i>Verfahrenskarte während des Zulassungsverfahrens / grüne Karte</i>)
BE	Certificate of notification (<i>attestation de déclaration</i>)	Annex 26
CY	Verification of intention to apply for international protection	Confirmation of submission of an application for international protection
DE	Arrival certificate (<i>Ankunftsnachweis</i>)	Residence permit for asylum seekers (<i>Aufenthaltsgestattung</i>)
ES	Certificate of intention to apply for asylum	Receipt of application for international protection / white card (<i>Resguardo de solicitud de protección internacional / tarjeta blanca</i>)
FR	Certification of asylum application (<i>attestation de demande d'asile</i>)	Certification of asylum application (<i>attestation de demande d'asile</i>)
GR	Pre-registration card (<i>δελτίο προκαταγραφής</i>)	International protection applicant card (<i>δελτίο αιτούντος διεθνής προστασία</i>)
HR	Registration certificate (<i>potvrda o registraciji</i>)	International protection applicant card (<i>iskaznice tražitelja</i>)
IT	Invitation (<i>invito</i>)	Residence permit for foreigners (<i>permesso di soggiorno per stranieri</i>)
SI	-	Asylum seeker identity card
SR	Certificate of intention to seek asylum (<i>пoмeпдa o пeзyчmpaцyju</i>)	Asylum seeker identity card
TR	International protection application registration document (<i>uluslararası koruma başvurusunda bulunduğunu belirten belgesi</i>)	International Protection Application Card (<i>uluslararası koruma başvuru sahibi kimlik belgesi</i>)

These documents are less prescriptive and not always harmonised countrywide. The invitation to appear before the Questura issued after registration in **Italy** bears the name, date of birth and place of origin of the applicant but not necessarily a photograph. Those who book appointments online with the Questura of Naples only obtain a printable receipt with the date of the lodging appointment.¹⁰⁷ Some Questure such as Bologna reportedly refrain from issuing any document at this stage in the process, leaving asylum seekers without any means to prove their right to remain on the territory.¹⁰⁸

More recently, organisations have observed that asylum seekers registering through Skype in **Greece** are not provided with pre-registration cards but are only informed of the date of their lodging appointment on a note.¹⁰⁹

¹⁰⁶ Article 50(2) Belgian Aliens Act.

¹⁰⁷ AIDA, Country Report Italy, 27-28.

¹⁰⁸ Information provided by ASGI, 11 September 2018.

¹⁰⁹ Information provided by the Greek Council for Refugees, 12 September 2018.

The temporary and often *ad hoc* nature of documents issued post-“registration” and pre-“lodging” has an impact on their format and recognition by different state entities and public service providers. The proliferation of forms of documentation produced during the asylum procedure runs the risk of undermining asylum seekers’ ability to effectively prove their status and thereby the provision of reception rights as soon as a protection claim is made, as envisioned by EU law.

Contrary to the current *acquis*, the proposal for an Asylum Procedures Regulation contains concrete provisions on documentation compared to the Directive. Article 29 of the proposal states that authorities must issue upon registration a “document certifying, in particular, that an application has been made and stating that the applicant may remain on the territory of that Member State for the purposes of lodging his or her application”.¹¹⁰ This is distinguished from the document issued to the applicant upon the lodging of the claim, which would state his or her identity and asylum seeker status.¹¹¹ The format of this document is to be determined by the European Commission by means of implementing act, following the adoption of the Regulation.¹¹²

On the one hand, the codification of separate sets of documents upon “registration” and “lodging” embeds administrative complexity in the process instead of simplifying it. Co-legislators have taken a more pragmatic approach: the European Parliament has advocated for a single document to be issued from the point of registration,¹¹³ while the current text debated within the Council would waive the requirement for a “registration” document if a “lodging” document can be issued directly.¹¹⁴ On the other hand, there is merit in the common template for document(s) issued to asylum seekers suggested by Article 29(5) of the Commission proposal. Harmonising the format – and potentially opting for machine-readability – of such documents would ensure easier recognition by different officials within the state so as to facilitate the enjoyment of rights and entitlements attached to asylum seeker status.¹¹⁵

5. The interplay of the Dublin Regulation

The design and implementation of registration procedures affects not only prompt access to documentation and to rights attached to asylum seeker status, but also the application of the Dublin system.

Both the Dublin III Regulation and the recast Asylum Procedures Directive refer to the notion of “lodged” applications as the starting point of the examination of claims. Article 20(2) of the Dublin Regulation provides that the “application for international protection shall be deemed to have been lodged once a form submitted by the applicant or a report prepared by the authorities has reached the competent authorities of the Member State concerned.” On its face, this provision appears to correspond to Article 6(4) of the recast Asylum Procedures Directive, according to which “an application for international protection shall be deemed to have been lodged once a form submitted by the applicant or, where provided for in national law, an official report, has reached the competent authorities of the Member State concerned.”

¹¹⁰ Article 29(1) proposal for an Asylum Procedures Regulation.

¹¹¹ Article 29(2) proposal for an Asylum Procedures Regulation.

¹¹² Article 29(5) proposal for an Asylum Procedures Regulation.

¹¹³ European Parliament, *Report on the proposal for [an Asylum Procedures Regulation]*, A8-0171/2018, 22 May 2018, AM183 and AM184.

¹¹⁴ Council of the European Union, *Proposal for an Asylum Procedures Regulation*, 10973/18, 11 July 2018, Article 29(1a).

¹¹⁵ See by analogy UNHCR, Executive Committee Conclusion on machine-readable travel documents for refugees and stateless persons, No. 114 (LXVIII) 2017, available at: <https://bit.ly/2NuEftK>.

However, the Court of Justice of the European Union (CJEU) ruled in *Mengesteab* that the notion of “lodging” has different meaning in the Dublin Regulation and the recast Asylum Procedures Directive. It reasoned that:

“[A]lthough Article 6(4) of the Procedures Directive and Article 20(2) of the Dublin III Regulation show considerable similarities, the fact remains that those provisions differ, in particular in that the first of them envisages the taking into account of a document prepared by the authorities only if it is provided for by national law. Furthermore, Article 6(4) of the Procedures Directive is an exception to the rule laid down in Article 6(3) of that directive, since that rule has no equivalent in the Dublin III Regulation.

Finally, Article 6(4) of the Procedures Directive and Article 20(2) of the Dublin III Regulation are part of two different procedures, which have their own requirements and are subject, in particular, in terms of time limits, to distinct schemes, as provided for in Article 31(3) of the Procedures Directive.

In the light of all of the foregoing considerations... Article 20(2) of the Dublin III Regulation must be interpreted as meaning that an application for international protection is deemed to have been lodged if a written document, prepared by a public authority and certifying that a third-country national has requested international protection, has reached the authority responsible for implementing the obligations arising from that regulation, and as the case may be, if only the main information contained in such a document, but not that document or a copy thereof, has reached that authority.”¹¹⁶

The interpretation of the concept of “lodging” in *Mengesteab* seems to cast uncertainty on the consistency of the CEAS, insofar as it results in two different administrative acts qualifying as “lodging” of an asylum application, depending on whether the Dublin Regulation is applicable or not. From the perspective of rapid access to the asylum procedure, this reading of EU law enables asylum seekers and Member States to proceed to a swifter application of the Dublin system, *i.e.* from the point of registration of the claim rather than its “lodging” in the eyes of the recast Asylum Procedures Directive. Hence, in *Mengesteab*, the Dublin procedure was triggered when Germany issued a confirmation of reporting as an asylum seeker (*Bescheinigung über die Meldung als Asylsuchender*, BÜMA)¹¹⁷ to the asylum seeker rather than a residence permit for asylum seekers (*Aufenthaltsgestattung*).

So far, the interpretation of the Dublin Regulation in *Mengesteab* has not had repercussions on most countries’ approach to Dublin procedures. In fact, **Belgium, the Netherlands, Switzerland, Spain, Portugal, Malta, Greece, Cyprus, Bulgaria, Romania, Hungary, the United Kingdom, Ireland, Slovenia, Croatia and Poland** only send outgoing Dublin requests after an asylum application has been “lodged” in the sense of the recast Asylum Procedures Directive.

A few countries, however, follow a different practice, which seems to find basis in *Mengesteab*:

France: Applications falling within the scope of the Dublin Regulation are channelled by Prefectures into a Dublin procedure upon registration, before being lodged with OFPRA.¹¹⁸ Following the CJEU

¹¹⁶ CJEU, Case C-670/16 *Mengesteab*, Judgment of 26 July 2017, EDAL, available at: <https://bit.ly/2ggfpP6>, paras 101-103.

¹¹⁷ This is now replaced by the “arrival certificate” (*Ankunftsnachweis*).

¹¹⁸ French practice therefore differs from other countries such as Belgium, where the Dublin procedure is handled by an authority different from the determining authority – Aliens Office rather than the CGRS – but asylum seekers falling under the Dublin procedure nevertheless have their claims lodged with the Aliens Office.

ruling, domestic courts have ruled that the time limits of the Dublin Regulation run from the moment the authorities become aware of the fact that an application has been made.¹¹⁹

Italy: Since 2018, a practice resembling the French approach is applied by Italy by Questure in the Friuli-Venezia Giulia region, on the basis that all asylum seekers arriving in this region from Nordic countries or the Balkan route fall under the Dublin Regulation. In many cases the Questure notify the transfer decision without even proceeding with the lodging (*verbalizzazione*) of the asylum application, as they set the lodging appointment at a distant date to be able to obtain replies from the Dublin State concerned beforehand. Subsequently, they cancel the lodging appointments, as a result of which people cannot lodge their claim in Italy unless they successfully appeal or the Italian Dublin Unit undertakes responsibility for the application. Asylum seekers are not informed about the procedure or given the possibility to highlight any family links or vulnerabilities.¹²⁰

Germany also seems to have applied the Dublin Regulation to persons who have not lodged asylum applications in some cases. During the first half of 2018, Germany carried out 234 Dublin transfers without having carried out an asylum procedure (*Überstellungen ohne Durchführung eines Asylverfahrens*).¹²¹ This represents a small fraction (4.8%) of the total number of transfers carried out during that period (4,922) but indicates an exception to the general rule that Dublin procedures are only initiated by the BAMF after a person has lodged an application.¹²² It is possible that this practice is related to refusals of entry at the Austrian border, although more details are not available.¹²³ While it was speculated that the recently announced bilateral agreements between Germany and other Member States (Greece, Spain, Italy, Portugal)¹²⁴ on quicker Dublin procedures would also result in more such transfers, practice so far indicates that the Border Police refuses entry on the basis of the Schengen Borders Code and bypasses the Dublin Regulation altogether when it comes to Greece.¹²⁵

The background of *Mengesteab* is important to bear in mind. The proliferation of legal concepts and steps, from “making” to “registration” to “lodging” asylum claims, was not envisioned at the outset of the CEAS.¹²⁶ It is rather a consequence of delays and dysfunctions in the process, stemming from states’ failure to invest significant administrative resources to ensure that applications can be promptly lodged. The conceptual split in the interpretation of “lodging” of asylum applications in the recast Asylum Procedures Directive and the Dublin III Regulation, crystallised by *Mengesteab*, equally results from a need to quickly activate Dublin procedures in the face of slow-paced registration systems, which ECRE and others have acknowledged. The effects thereof go beyond undermining the consistency of legal concepts in the EU *acquis*, however. They can result in states circumventing crucial procedural guarantees by ordering Dublin transfers before individuals have had the chance to disclose details on their case upon lodging their application.

Beyond the Dublin system, voluntary responsibility-sharing arrangements made by EU Member States as recent *ad hoc* responses to sea arrivals have also had effect on asylum seekers’ ability to lodge a claim. This has notably been the case in **Malta**, where several boats disembarked in the

¹¹⁹ French Administrative Court of Appeal of Bordeaux, Decision No 17BX03212, 22 December 2017, EDAL, available at: <https://bit.ly/2MRBjSK>.

¹²⁰ AIDA, Country Report Italy, 42-43.

¹²¹ German Federal Government, Reply to parliamentary request by Die Linke, 19/4152, 5 September 2018, available in German at: <http://bit.ly/2xa2SSs>, 17.

¹²² Information provided by Informationsverbund Asyl und Migration, 14 September 2018.

¹²³ *Ibid.*

¹²⁴ Info Migrants, ‘Do the Dublin rules need a boost?’, 14 September 2018, available at: <http://bit.ly/2Dh4xuK>; Deutsche Welle, ‘What you need to know: The German-Spanish migrant deal’, 13 August 2018, available at: <http://bit.ly/2O0zHLg>.

¹²⁵ AIDA, *Access to protection in Europe: Borders and entry into the territory*, October 2018, available at: <http://www.asylumineurope.org/2018-ii>.

¹²⁶ Note that only the terms “making” and “lodging” appeared in Article 6 of Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status (“Asylum Procedures Directive”), OJ 2005 L326/13.

summer of 2018 following discussions with other countries. Disembarked persons were taken to the Initial Reception Centre where they were held in a state of *de facto* detention. Those to be “relocated” to other Member States were not allowed to make an asylum application and were not given any information on how to do so, even though some Member States’ authorities have deployed officers to interview them in the Initial Reception Centre.¹²⁷ They therefore remained detained in the facility as undocumented migrants until their transfer to other countries.¹²⁸

6. Registration and referral mechanisms from the border and detention

The previous sections have dealt with the registration of asylum applications made by people present on the territory and at liberty. However, access to the asylum procedure may be subject to different procedures depending on the point and mode of the entry of the asylum seeker.

Access to the asylum procedure at the border may be pertinent in certain countries while being of relatively minor importance for others, given whether and how refugees can effectively access the territory.

Referral to the competent authorities

To ensure swift registration in cases where asylum seekers apply with authorities other than the competent bodies at the border or from detention, the recast Asylum Procedures Directive states that:

“Member States shall ensure that those other authorities which are likely to receive applications for international protection such as the police, border guards, immigration authorities and personnel of detention facilities have the relevant information and that their personnel receive the necessary level of training which is appropriate to their tasks and responsibilities and instructions to inform applicants as to where and how applications for international protection may be lodged.”¹²⁹

In practice, the administrative arrangements put in place by states to coordinate border or detention officials with the competent registration authorities can take different forms, although in countries like Austria there are no differences in procedure.¹³⁰ The following examples concern referral mechanisms for applications made at the border:

Netherlands: There are specific procedures for asylum applications made at the external border, namely Schiphol Airport. Applicants are issued a “Model M19” form ordering their detention for the purpose of the border procedure, and suspending the refusal of entry decision (“Model M18A”).¹³¹ There are no similar instructions to deal with applications made in detention centres on the territory, although there have not been reports of persons unable to lodge an application in detention.¹³²

Belgium: Asylum applications made at the border after a refusal of entry decision (“Annex 11-ter”) has been issued are registered by the Border Police and are then transmitted to the Border Control Section of the Aliens Office. If the person is already placed in the Caricole detention centre as an

¹²⁷ Le Monde, ‘Pour les 58 migrants débarqués de l’« Aquarius » à Malte, l’île est « comme une prison »’, 2 October 2018, available in French at: <https://lemde.fr/2Ovptmq>.

¹²⁸ Information provided by aditus, 17 September 2018.

¹²⁹ *Ibid.*

¹³⁰ Information provided by Asylkoordination, 10 September 2018.

¹³¹ IND, Work Instruction 2018/3 Border procedure, 15 March 2018, available in Dutch at: <http://bit.ly/2QOWxtZ>.

¹³² Information provided by the Dutch Council for Refugees, 17 August 2018.

“inadmissible” person, i.e. refused entry into the territory, when the claim is made, the claim is transmitted by the Social Service of the centre to the Aliens Office.¹³³

Switzerland: If a person seeks asylum at the border, the Border Guard does not proceed itself to the lodging of the application. It informs the nearest federal reception and processing centre of the SEM and issues a *laissez passer* to allow the applicant to reach the centre within the next working day.¹³⁴

Sweden: If the police receives an asylum application at the border, it informs the Migration Agency of the expression of the intention to apply for asylum by email. The Migration Agency is responsible for the lodging of the application.¹³⁵

Spain: Registration mechanisms depend largely on the mode of arrival. Whereas asylum seekers arriving by sea have their applications registered by the police but lodged on the territory, applications at the airports of Madrid and Barcelona are directly registered and lodged by the police. In Ceuta and Melilla, the Ministry of Interior operates asylum offices where claims can be lodged. Ceuta has never received an application to date, whereas in Melilla only Syrian and Palestinian asylum seekers have the opportunity to apply, while sub-Saharan African country nationals are not allowed to cross by the Moroccan police.¹³⁶

Portugal: Applications made at Lisbon Airport are lodged by SEF, albeit not under the division lodging claims on the territory. Applications are referred by the SEF Directorate for Borders of Lisbon to the Asylum Cabinet, a different department within SEF, by email or fax. The email or fax sent to the Asylum Cabinet includes a preliminary form filled by the applicant that contains information on the applicant’s personal details, itinerary, grounds for seeking asylum, supporting evidence and witnesses, as well as the certificate of the asylum application issued by the Directorate for Borders of Lisbon.¹³⁷

Bulgaria: Given that the Bulgarian Helsinki Committee is present in border detention facilities under the tripartite border monitoring agreement, people are assisted to register their asylum applications at the border. Out of 266 persons apprehended at the entry borders in the first half of 2018, the organisation helped 128 to make an application. 81 of those, however, were detained in pre-removal centres until their claims were lodged, while only 47 were given access to the procedure without being detained.¹³⁸

Romania: Applications received by the Border Police at the border are registered in a special register; this does not constitute “registration” in accordance with the Asylum Act. The Border Police submits the form to the territorially competent IGI-DAI branch by fax.¹³⁹ In most cases, asylum seekers are transported by the Border Police to IGI-DAI, although there have been cases when individuals travelled alone from the Hungarian border to Timișoara.¹⁴⁰

Greece: According to the law, asylum applications made in the Reception and Identification Centres (RIC) must be referred to the competent Regional Asylum Office which may or may not operate within the centre.¹⁴¹ In practice, the application is registered by the Reception and Identification Service (RIS) and is then lodged with the Asylum Service.¹⁴²

¹³³ Information provided by Vluchtelingenwerk Vlaanderen, 10 September 2018.

¹³⁴ Information provided by the Swiss Refugee Council, 10 September 2018.

¹³⁵ Information provided by Lisa Hallstedt, 11 September 2018.

¹³⁶ Information provided by Accem, 10 September 2018.

¹³⁷ Information provided by the Portuguese Refugee Council, 11 September 2018.

¹³⁸ Information provided by the Bulgarian Helsinki Committee, 10 September 2018.

¹³⁹ Information provided by the Romanian Border Police, 27 August 2018.

¹⁴⁰ Information provided by Felicia Nica, 10 September 2018.

¹⁴¹ Article 14(7) Greek Law 4375/2016.

¹⁴² Information provided by the Greek Council for Refugees, 12 September 2018.

As regards asylum applications made by persons detained in pre-removal facilities on the territory, referral in practice happens as follows:

Croatia: According to the authorities, where an application is made in the detention centre in Ježevo, called Reception Centre for Foreigners, the management of the centre registers it and informs the Asylum Department by email. Applications made in the transit reception centres in Trilj and Tovarnik are registered by the local police stations. The Asylum Department then arranges the lodging of the application on the next working day. In practice, however, several persons have reportedly not been allowed to make an asylum claim in the Reception Centre for Foreigners.¹⁴³

Slovenia: When an application is made in the detention centre in Postojna, the police conducts registration in the centre. After that stage, the police alerts the Asylum Home and transports the asylum seeker there to lodge the claim.¹⁴⁴

Switzerland: Where the person is already in detention when making the asylum application, the competent cantonal authority is responsible for lodging the application. After the claim is lodged, the SEM is informed accordingly.¹⁴⁵

United Kingdom: According to the latest Home Office guidance published in April 2018, lodging is conducted by the Detained Asylum Casework (DAC) team, unless it advises that the person must be released. In such a case, the person is referred to the AIU in Croydon to lodge the application.¹⁴⁶

Spain: Persons detained in Detention Centres for Foreigners (CIE) have their asylum applications registered and lodged with the police.¹⁴⁷ However, they face barriers to registering a claim, as well as risks of *refoulement*.¹⁴⁸ According to a recent report by the Spanish Ombudsman, persons seeking protection in the CIE of Madrid are instructed to put their written intention to apply for asylum in a mailbox and to wait until the mailbox has been opened for the asylum procedure to start. According to the Ombudsman, this has resulted in a number of asylum seekers being deported before the authorities were able to open the mailbox to find their applications.¹⁴⁹

Greece: Applications made in pre-removal detention centres are registered by the police and then transmitted to the Asylum Service with a view to being lodged.¹⁵⁰

Turkey: While the “parallel procedure” was ongoing, when a person expresses the intention to apply for international protection while being detained in a Removal Centre, the authorities of the centre transmitted the information to UNHCR and ASAM in Ankara. In order for registration to be conducted, however, UNHCR / ASAM met the applicant in person in the Removal Centre in order to hold the registration interview. Therefore, the pace of registration was affected by issues of capacity, varying distance of different Removal Centres from UNHCR / ASAM offices, as well as the requirement for UNHCR to obtain prior permission from DGMM in order to obtain access to Removal Centres.¹⁵¹ It is

¹⁴³ Information provided by the Croatian Law Centre, 20 September 2018.

¹⁴⁴ Information provided by PIC, 10 September 2018.

¹⁴⁵ Information provided by the Swiss Refugee Council, 10 September 2018.

¹⁴⁶ UK Home Office, *Asylum screening and routing*, April 2018, available at: <https://bit.ly/2NZdOfc>, 26.

¹⁴⁷ Information provided by Accem, 10 September 2018.

¹⁴⁸ AIDA, Country Report Spain, 21.

¹⁴⁹ AIDA, ‘Spain: Ombudsman calls for access to asylum in detention’, 30 May 2018, available at: <https://bit.ly/2tljnmf>; Spanish Ombudsman, ‘El Defensor del Pueblo reclama un sistema de registro de las solicitudes de asilo para los CIE que cumpla con la normativa vigente’, 22 May 2018, available in Spanish at: <https://bit.ly/2snaz4j>.

¹⁵⁰ Information provided by the Greek Council for Refugees, 12 September 2018.

¹⁵¹ AIDA, Country Report Turkey, 30.

not clear how the process will change following the end of the “parallel procedure” in September 2018.

Time limits

The recast Asylum Procedures Directive makes provisions for circumstances where an application is not made before the competent body, enjoining Member States to register applications made with authorities other than those responsible for registration within 6 working days, compared to 3 working days under general rules.¹⁵²

In practice, the time limit of 6 working days is complied with in most countries, subject to exceptions. Access to the procedure from pre-removal detention centres remains highly problematic in **Greece**, even though individuals do not have to undergo Skype registration with the Asylum Service; as stated above, registration is conducted by the police in pre-removal centres or by the RIS in RIC at the border. In 2018, asylum seekers face delays of two weeks to two months for the lodging of their claims in the detention facilities of Amygdaleza and Tavros, or one month in Corinth.¹⁵³

In **Bulgaria**, delays in the registration of applications made in pre-removal centres were exacerbated in 2017, despite a substantial decrease in the number of new applications. The average timeframe between detention and registration rose from 9 days in 2016 to 19 days in 2017.¹⁵⁴ As of 2018, however, the overwhelming majority of persons applying from pre-removal detention centres were released and registered within 6 working days.¹⁵⁵

Beyond time limits for registering a claim, some countries have introduced time limits for making an application at the border or from detention. In **France**, detained persons have 5 calendar days to apply for asylum. This deadline is strictly applied, even where the asylum seeker claims that he or she did not benefit from effective linguistic or legal assistance to seek protection.¹⁵⁶ This 5-day deadline is not applicable if the person calls upon new facts occurring after the deadline has expired, unless he or she comes from a designated safe country of origin.¹⁵⁷ **Italy**, on the other hand, requires people crossing the border to appear before the Questura within 8 working days, whereas no similar deadline exists with regard to applications on the territory.¹⁵⁸

Documentation

Under the recast Reception Conditions Directive, states can dispense with the requirement to issue a document when the applicant is in detention or under a border procedure.¹⁵⁹ In **Greece**, upon registration in a pre-removal detention centre or a RIC, the applicant is given a registration number rather than a “pre-registration card”. Where the person is detained, he or she receives no international protection applicant card upon the lodging of the claim.¹⁶⁰ **Croatia** also excludes the issuance of documents to persons applying for asylum at the border.¹⁶¹ Similarly in **Turkey**, asylum seekers who have their cases processed under the accelerated procedures due to being held in Removal Centres do not receive an international protection application identification card.¹⁶²

¹⁵² Article 6(1) recast Asylum Procedures Directive.

¹⁵³ Information provided by the Greek Council for Refugees, 12 September 2018.

¹⁵⁴ AIDA, Country Report Bulgaria, 2017 Update, February 2018, available at: <https://bit.ly/2ErP7Qz>, 18.

¹⁵⁵ Information provided by the Bulgarian Helsinki Committee, 10 September 2018.

¹⁵⁶ AIDA, Country Report France, 26.

¹⁵⁷ Article L.551-3 French Ceseda.

¹⁵⁸ Article 3(2) Italian Presidential Decree 21/2015. See also AIDA, Country Report Italy, 2017 Update, 27.

¹⁵⁹ Article 6(2) recast Reception Conditions Directive.

¹⁶⁰ Information provided by the Greek Council for Refugees, 12 September 2018.

¹⁶¹ Article 62(2) Croatian Law on International and Temporary Protection.

¹⁶² AIDA, Country Report Turkey, 29 .

From the above observations, it appears that registration procedures can differ substantially at the border, in detention or at liberty on the territory depending on the country. While registration and lodging usually occur in due time, in some cases the lack of appropriate coordination and instructions results in registration happening less quickly and effectively, and thereby exacerbating deprivation of liberty, contrary to states' human rights obligations.

Concluding remarks

This report has provided an analysis of legal concepts pertaining to registration of asylum applications and their implementation across 23 European countries. Based on an examination of practice relating to the responsible authorities, time limits and locations of registration and documents issued thereafter, the interplay of the Dublin system and specific regimes applicable at the border and in detention, the following conclusions and recommendations can be drawn:

1. Registration as a core part of protection

Several countries entrust the “registration”, “lodging” and processing of asylum applications to different administrative bodies. This fragmentation of the asylum procedure is liable to separate the registration stage from the protection process.

ECRE’s preferred option is for the determining authority, responsible for refugee status determination, and adequately trained to that end, to be the competent entity for registration and lodging since important details of the claim are likely to arise at the point of registration or lodging. Registration of the application should only be entrusted to other authorities likely to come first into contact with the applicant where registration with the determining authority cannot be ensured within 3 working days because of capacity or logistical reasons. Registration by authorities other than the determining authority should always be strictly limited to noting the applicant’s name and surname, date of registration of the application, date of birth and declared nationality.

The delegation of registration duties to the determining authority also ensures consistency and reduces the need for onerous inter-department coordination. This would also require that referral mechanisms for authorities receiving applications at the border and in detention facilities are laid down in a clear manner, to ensure that access to the asylum procedure is not location-dependent.

As a rule, states should entrust the registration of asylum applications to the authorities responsible for their examination.

2. Simple, streamlined access to the procedure

A single-step registration process ensures simplicity in the process and in documentation, as well as prompt access to the procedure. Additional layers of procedure are counter-productive as they usually entail more coordination within or between authorities, more types of official acts and documents, and inevitably more time for both asylum seekers and officials to comprehend and to navigate.¹⁶³

The aim of administrations should be to conclude all necessary formalities to certify the asylum seeker’s status in a single act.

States should build infrastructural and human capacity to make multiple registration points available across their national territory so as to conduct registration and issue documentation within short timeframes.

¹⁶³ ECRE, *Comments on the Commission proposal for an Asylum Procedures Regulation*, November 2016, available at: <http://bit.ly/2ui3Rw1>, 31.

3. Consistent, recognisable documentation

The value and importance of documentation cannot be overstated. Individuals may require documents in all encounters with state and non-state entities during their stay in the host country, to prove their right to remain and to access the range of reception rights guaranteed to them by law. Given the broad range of officials and professionals an asylum seeker comes into contact with, it is imperative that the document certifying his or her status is clear and easily understandable in all aspects of public life, including those where expertise in asylum and immigration law cannot reasonably be expected.

The volume of documents issued to applicants for international protection should be minimised in the interests of legal certainty for the individual, on the one hand, and cost-efficient use of administrative resources on the other. In addition, the format of such documents should be consistent to ensure they can be recognised. Opting for a common EU template document would be a helpful way to eliminate disparate and complex formats across European countries.

Asylum seekers should be issued a single document which certifies their status and indicates personal details at the latest as of the moment of registration of their claim and until their status ceases. The format of the document should be clear and consistent, so as to be easily recognisable in applicants' interactions with different authorities.

Annex I: Document templates

Document issued upon registration / Document issued upon lodging: Cyprus

REPUBLIC OF CYPRUS
ASYLUM SERVICE

Verification of intention to apply for International Protection

Applicant Information

File Number: 1199118
Date of request: 11/9/18
Expiration Date: 11/9/19

PHOTO
Cyprian Arab
Nure Ali

Applicant Name: Surname Name
Father's name: Mother's name
Nationality: SYR ID/Passport: No 12
Date of Birth: 01/11/1983 Place of Birth:
Residence address:

The holder of this document is obliged to proceed for lodging his/her application within six working days from the date of this letter (date of making the application) for international protection to the nearest Aliens and Immigration Unit of the Police, according to Article 11(4) of the Refugees Law. The deadline for the lodging is indicated above.

Applicant Signature: Date:
Issuing Authority: Issuing Authority:
Signature: Date: 03/10/18 Stamp:

REPUBLIC OF CYPRUS
ASYLUM SERVICE

Confirmation of Submission of an Application for International Protection

File Number: 1199118
Submission Date: 03-09-2018
Arc No:

PHOTO
Cyprian Arab
Nure Ali

Applicant Information

Name: Surname:
Father's Name: Mother's Name:
Nationality: SYRIAN ARAB REPUBLIC ID/Passport No:
Date of Birth: 02-01-1991 Place of Birth:
Residence Address:

This is to confirm that the above applicant has lodged an application for International Protection in accordance with article 11 of the Refugee Law. Article 8 of the same Law provides that the applicant is entitled to stay in the areas controlled by the Government of the Republic, merely for the purpose of the examination of his/her application for international protection until a final decision is reached regarding his/her claim according to the Refugee Law. This document secures the access of its holder to the rights and benefits provided for in the above mentioned Law.

Applicant Signature: Date: 03-09-2018
Issuing Authority: EASO ELLI F. Issuing Authority:
Signature: Date: 03-09-2018 Stamp: LEFKOSIA - 008 ALIENS & IMMIGRATION OFFICE

IMPORTANT

Note 1: The holder of this confirmation letter is obliged to proceed for **MEDICAL EXAMINATIONS** to the Outpatient District Hospital of his/her place of residence. The examination is free of charge.

Note 2: At the time of lodging the application, the **FINGERPRINTS** of the applicant, as well as of his/her dependants, in case there are any, should be taken according to Article 11(4) of the Refugee Law and Article 9 of the Regulation (EU) No 609/2013 of the European Parliament and of the Council, of 26 June 2013. The fingerprints are taken by applicants who are 14 years old or older. They are transmitted to a fingerprint database "Eurodac" to identify if the applicant has ever applied before for asylum in any other member state of the European Union or has previously been fingerprinted at a border of the EU. The fingerprint data are stored by Eurodac for 10 years.

Note 3: In case of change of address, the holder of this confirmation letter is obliged to inform within three days the competent local Aliens and Immigration Departments of the Police, according to Article 8(2) of the Refugee Law.

Applicant Signature: Date: 03-09-2018
IMPORTANT NOTE
You should present yourself to at in order to proceed with all the necessary arrangements for your application for international protection.

Stamp: LEFKOSIA - 008 ALIENS & IMMIGRATION OFFICE

Document issued upon lodging: Slovenia, Hungary, Romania

REPUBLIKA SLOVENIJA
IZKAZNICA PROSILCA ZA MEDNARODNO ZAŠČITO

Serijska številka:

Podpis:
Ime:
Priimek:
Datum prijave:
Vredn. sta:

Podpis:
Ime:
Priimek:
Datum prijave:
Vredn. sta:



MINISTERUL AFACERILOR INTERNE
Inspectoratul General pentru Imigrări
DOCUMENT TEMPORAR DE IDENTITATE
SOLICITANT DE AZIL

Nr: 99999/99
Numele si prenumele: AHMED ALI MOHAMMAD
Tara de origine: ANTIGUA AND BARBUDA Data nasterii: 09.09.1999 Sex: M
Resedinta in Romania: BUCUREȘTI, Str. TUDOR, Nr. 4A, Sector 1
Locul și data eliberării: CENTRUL - BUCUREȘTI/09.09.1999 Valabil până la: 09.09.2000
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