

Fair and Fast:

UNHCR Discussion Paper on Accelerated and Simplified Procedures in the European Union

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EXECUTIVE SUMMARY

This paper offers recommendations to Member States and EU institutions on accelerated and simplified procedures. It draws on existing practice of European States, and on UNHCR's experience in mandate refugee status determination, with a focus on specific models and tools that have proved efficient, flexible, and fair for processing manifestly well-founded and manifestly unfounded claims.

The paper suggests the following elements to be considered as part of ongoing discussions on the reform of the Common European Asylum System (CEAS).

1. Registration upon arrival, or at the time of the lodging of the asylum application entails the recording of all relevant data regarding the applicants, the identification of persons with specific needs or with family links in the EU and the referral of persons for which alternative legal procedures are available.
2. In situations of large numbers of arrivals, the centralization of the asylum process and related services could be considered. This could apply to cases where a high presumption of inclusion applies or with very low overall protection rates, and where the caseload or profiles are sufficiently homogenous.
3. Accelerated and simplified case processing may be applied for both manifestly well-founded and manifestly unfounded asylum applications.
4. A triaging system would be implemented following a caseload analysis based on 1) country of origin and 2) risk profiles, leading to channeling into different case processing modalities for:
 - i. Manifestly well-founded claims;
 - ii. Manifestly unfounded claims;
 - iii. Regular procedures.
5. For both manifestly well-founded and manifestly unfounded applications, elements of the assessment can be simplified, including through the use of:
 - i. Pre-populated legal analyses;
 - ii. Pre-populated country of origin analyses;
 - iii. Caseload specific assessment forms;
 - iv. Simplified interviews for manifestly well-founded claims.
6. Access to information, interpretation, and legal assistance and representation would be provided from registration to removal following a final negative decision.
7. In order to be both efficient and fair, it is essential that adequate capacity and resources be allocated to both the authorities tasked with registration and adjudication and to relevant support services (e.g. interpretation services) and legal aid providers.
8. Specific consideration is to be granted for unaccompanied and separated children and related safeguards need to be assured.
9. The prompt enforcement of returns can be achieved through the issuance of return decisions together with final decisions of rejection of the asylum application, providing rejected asylum-seekers with the option of voluntary departure and related assistance.

These proposals would not entail an extensive overhaul of the CEAS instruments currently under discussion. However, they would require the introduction of the following amendments in order to:

- Prioritize family reunion of asylum-seekers at the outset of the asylum procedure and referrals to other legal alternatives where appropriate.
- Introduce and define the concept of manifestly well-founded claims.
- Extend the application of accelerated procedures to manifestly well-founded claims in addition to manifestly unfounded claims, which are already subject to such procedures.
- Introduce a provision defining key criteria and safeguards related to the triaging process.
- Introduce provisions on simplified procedures with reference to specific tools.

1. Introduction

Since the 2015-2016 emergency, which saw the arrival of over one million asylum-seekers on European soil, there has been a growing interest to revisit existing models of asylum processing to ensure the fair and efficient treatment of international protection claims amidst capacity constraints.

Accelerated and/or simplified procedures have been part of EU law and national asylum procedures for many years. However, the significant increase in asylum applications lodged in Member States and other European countries in 2015-2016, resulted in the development of new tools to simplify the registration and adjudication of claims and the adoption of accelerated processes for manifestly well-founded as well as manifestly unfounded applications. These remain highly relevant in the current context, characterized by mixed flows of refugees and migrants, which require protection-sensitive responses that take account of the needs of refugees and migrants and of State concerns.¹

Against this context, UNHCR's *Better Protecting Refugees in Europe and Globally* recommended that the European Union adopt accelerated procedures in order to guarantee quick access to international protection for those who need it, and help facilitate return of those who do not.² Such procedures would also constitute an important alternative to meet the concerns currently addressed through mandatory admissibility procedures that have been proposed at EU level.

This paper aims to offer recommendations to Member States and EU institutions on models and tools that have proved effective yet flexible in ensuring fair and efficient processing for certain categories of applications for international protection. It draws on the existing practice of Member States, on UNHCR's experience with mandate refugee status determination procedures and on relevant EU legislation, including current proposals to reform the Common European Asylum System (CEAS). These recommendations will also help enhance the channeling of final decisions of rejection to return procedures, in accordance with relevant international and EU standards.

2. Scope

In order to be effective, accelerated and/or simplified procedures must be linked upstream to registration, identification, referral and triaging processes, as well as downstream to judicial remedies and return procedures for those found not to be in need of international protection. The present paper will include considerations and recommendations on each of these steps, which are also outlined in the annexed flowchart.³

Admissibility procedures,⁴ on the other hand, which can in certain instances also be accelerated, will not be addressed. While such procedural arrangements can be used in specific cases, UNHCR cautioned against the current EU proposal of introducing mandatory

¹ See in this regard UNHCR, *10 Point Plan of Action, Refugee Protection and Mixed Migration, 2016 Update*, <http://www.unhcr.org/the-10-point-plan-in-action.html>.

² *Better Protecting Refugees in Europe and Globally*, <http://www.refworld.org/docid/58385d4e4.html>.

³ See Annex I.

⁴ See Art. 33.2 of 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) [hereafter APD], <http://www.refworld.org/docid/51d29b224.html>; Art. 36 of the Proposal for a Regulation of the European Parliament and of the Council establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU, COM(2016) 467 final, 13 July 2016, [hereafter APR Proposal], <https://ec.europa.eu/transparency/regdoc/rep/1/2016/EN/1-2016-467-EN-F1-1.PDF>.

admissibility procedures,⁵ which raise unresolved legal, policy, and operational challenges. One of the key differences between accelerated and simplified procedures proposed herein and admissibility procedures, is that in the former instance, return would exclusively be carried out to the country of origin rather than to a third country. While there is a duty to readmit one's nationals in international law,⁶ returns to third countries continue to be legally contentious, practically challenging and have proven to be particularly difficult to enforce.⁷

3. Definitions

UNHCR has recently issued a glossary of case processing modalities, including key terms and concepts applicable to refugee status determination.⁸ The following definitions are of relevance to the present discussion:

Accelerated refugee status determination refers to a procedure which involves a substantive and individualized examination/assessment of the refugee status claim, but with an acceleration applied to all or some timelines in the process. This may mean that the timeline before an applicant is interviewed regarding the substance of his/her claim after registration is shortened, or that the time period between interview and issuance of decision is shortened (or a combination of the above). The acceleration could also occur at the appeal stage by shortening the timelines for submitting an appeal application or processing an appeal.

Accelerated procedures can be combined with **simplified RSD procedures**. Simplified procedures, entail recourse to a range of tools, presented below, with the aim of reducing the time of adjudication while maintaining an individualized RSD procedure. It includes an individual examination of the merits of the claim and affords applicants appropriate procedural safeguards. In other words, accelerated processes exclusively entail a shortening of procedural deadlines, while simplified procedures streamline the methodology and tools used to assess a claim.

The concept of **prioritization** does not affect processing timelines per se, but involves giving preference to the processing of certain types of cases over others, for example based on specific needs or an urgent protection intervention (e.g. applicants with identified heightened physical/legal protection needs). This is separate from the concept of acceleration, however, cases that have been prioritized can also be processed in an accelerated manner.

Manifestly unfounded applications include applications for refugee status 'clearly not related to the criteria for refugee status' and subsidiary forms of protection or which are 'clearly fraudulent or abusive'.⁹ The category of abusive or fraudulent claims involves those

⁵ See Art. 36 APR Proposal.

⁶ See Art. 22 of the International Law Commission Draft articles on the expulsion of aliens, with commentaries, which provide that 'an alien subject to expulsion shall be expelled to his or her State of nationality or any other State that has the obligation to receive the alien under international law [...]'. In its commentary, the International Law Commission noted that 'it is undisputed that that State [i.e. the State of nationality] has an obligation to receive the alien under international law', Report of the International Law Commission Sixty-sixth session (5 May - 6 June and 7 July - 8 August 2014), General Assembly Official Records Sixty-ninth session Supplement No. 10 (A/69/10), page 32, <http://legal.un.org/docs/?symbol=A/69/10>. The UNGA will consider the form to be given to the articles during its 75th session, see UNGA Res. 72/117, 7 December 2017.

⁷ New York Declaration for Refugees and Migrants, para. 42, http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/71/1.

⁸ UNHCR, *Aide-Memoire & Glossary of Case Processing Modalities, Terms and Concepts Applicable to RSD under UNHCR's Mandate (The Glossary)*, 2017, <http://www.refworld.org/docid/5a2657e44.html>.

⁹ UNHCR Executive Committee, *The Problem of Manifestly Unfounded or Abusive Applications for Refugee Status*

made by individuals who clearly do not need international protection, as well as claims involving deception or intent to mislead which generally denote bad faith on the part of the applicant. All of these situations give rise to a presumption of unfoundedness and expedited procedures can be put in place to test that assumption.¹⁰

Subsequent applications, which are defined as a 'further application for international protection made after a final decision has been taken on a previous application', are usually deemed inadmissible under EU law, including in cases where such applications are abusive or fraudulent, unless new elements or findings have been presented by the applicant.¹¹

Manifestly well-founded applications refer to asylum claims, which, on their face, clearly indicate that the individual meets the definition of a refugee under the 1951 Convention Relating to the Status of Refugees or subsidiary protection. This may be because the individual falls into the category of people for which a *presumption of inclusion*¹² applies or because of particular facts arising in the individual's application for international protection. This must nonetheless entail a substantive exclusion screening.

As highlighted in the introduction, this paper recommends the use of accelerated procedures for manifestly well-founded claims as well as manifestly unfounded claims. Accelerated procedures have traditionally been primarily used within the EU for manifestly unfounded claims¹³ and continue to be widely regarded as part of a broader arsenal of measures that seek to maintain the integrity of the asylum system by deterring abusive claims.¹⁴ Although the Asylum Procedures Directive and the Regulation Proposal provide that Member States may decide to prioritize an application which is 'likely to be well-founded' or an application lodged by a vulnerable person or in need of special procedural guarantees, particularly in the case of unaccompanied children,¹⁵ an analysis of current methodologies used in EU Member States established that this provision has not been as widely used as Article 31.8, which provides, *inter alia*, for the possibility to accelerate the asylum procedure in cases that are regarded as manifestly unfounded.¹⁶

The rise in applications from asylum-seekers who appeared to have clear international protection needs in 2015-2016, led a growing number of Member States to also use

or Asylum, 20 October 1983, No. 30 (XXXIV) – 1983, <http://www.refworld.org/docid/3ae68c6118.html> spec.: '(d) Considered that national procedures for the determination of refugee status may usefully include special provision for dealing in an expeditious manner with applications which are considered to be so obviously without foundation as not to merit full examination at every level of the procedure.'

¹⁰ UN High Commissioner for Refugees (UNHCR), *Global Consultations on International Protection/Third Track: Asylum Processes (Fair and Efficient Asylum Procedures)*, 31 May 2001, EC/GC/01/12, <http://www.refworld.org/docid/3b36f2fca.html>, paras. 30-31; UN High Commissioner for Refugees (UNHCR), UNHCR's Position on Manifestly Unfounded Applications for Asylum, 1 December 1992, 3 European Series 2, p. 397, <http://www.refworld.org/docid/3ae6b31d83.html>.

¹¹ See Arts. 2 (q), 40 and 42 APD.

¹² According to the UNHCR RSD Glossary, a presumption of inclusion (sometimes referred to as presumption of eligibility) may be said to exist where the objective evidence on the situation in the country of origin indicates that applicants with a particular profile will likely meet the eligibility criteria in Art. 1A(2) of the 1951 Convention or the UNHCR broader refugee criteria. It means that if it is established that a person belongs to a specified group or falls within a specified profile, s/he will benefit from a rebuttable presumption that they are in need of protection. Asylum claims for which there are indications that they are manifestly well founded would benefit from a presumption of inclusion, see note 8 above, p. 21.

¹³ See Art. 31.8 APD. The same approach prevails in the Commission's Proposal, see Art. 40 APR Proposal and p. 8 of the Explanatory Memorandum.

¹⁴ See Commission Proposal, note 4, p. 8.

¹⁵ See Art. 31.7 APD; Art. 33.5 APR Proposal.

¹⁶ See Art. 32.2 APD.

accelerated and/or simplified procedures for manifestly well-founded claims.¹⁷ This made sense given that the prior approach put applicants with well-founded claims at a clear disadvantage as their claims tended to be deprioritized over those of applicants with unfounded claims. Adopting accelerated and simplified processes for manifestly well-founded claims is an effective strategy to reduce backlogs and the overall cost of processing while contributing to the faster integration of those with recognized international protection needs. At this time, Germany, Greece, Italy, the Netherlands, Sweden and Switzerland¹⁸ have adopted distinct case processing modalities, including accelerated and/or simplified procedures, for manifestly well-founded claims.

4. Processing international protection claims: from registration to protection or return

4.1. Registration and identification

The registration and identification stage is one of the most critical steps of the whole process and consists of the recording and verification of information of the applicants for international protection.¹⁹ In terms of both efficiency and fairness, it is essential that there be an accurate and rigorous recording of relevant data and information from the outset to ensure the integrity of protection systems and to combat fraud. It is also critical for effective triaging as a basis for channeling cases into the different processing streams.

While Article 6.1 APD provides that an application must be registered within three days,²⁰ it does not provide any further details on the registration process. This has been addressed in the Commission's APR Proposal, which provides that 'the authorities responsible for receiving and registering applications for international protection shall register an application promptly, and not later than three working days from when it is made. They shall register also the following information:

- (a) the name, date of birth, gender, nationality and other personal details of the applicant;
- (b) the type and number of any identity or travel document of the applicant;
- (c) the date of the application, place where the application is made and the authority with which the application is made'.²¹

¹⁷ See in this regard, UNHCR, *Statement on the right to an effective remedy in relation to accelerated asylum procedures*, issued in the context of the preliminary ruling reference to the Court of Justice of the European Union from the Luxembourg Administrative Tribunal regarding the interpretation of Art. 39, Asylum Procedures Directive (APD); and Arts. 6 and 13 ECHR, para. 7, <http://www.refworld.org/pdfid/4bf67fa12.pdf>.

¹⁸ In the case of Switzerland, the new asylum law, which provides for a specific channel for 'manifestly well-founded claims' is, at the time of writing, still being piloted and has not yet been scaled up at the level of the whole country. In the case of Germany, one of the 'clusters' consists of cases from countries of origin with a high protection rate (50 % or higher). See Annex II for an overview of relevant State practice.

¹⁹ Note that Art. 6 APD provides for three distinct steps, i.e. the 'making', 'registration' and the 'lodging' of the asylum application.

²⁰ The APD further provides that in case the application has been made to other authorities than a competent authority, such as the police, border guards, immigration authorities and/or personnel of detention facilities, the deadline is extended to six working days.

²¹ In addition, the Eurodac Regulation provides that Member States shall promptly take the fingerprints of all fingers of every applicant for international protection of at least 14 years of age and shall, as soon as possible and no later than 72 hours after the lodging of his or her application for international protection, transmit them together with other relevant data to the Central System; see Arts. 9 (1) and 11 of Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013 on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No 1077/2011 establishing a European

Aside from the above provision, other data to be recorded for the purpose of identification include:

- Existence of specific needs which may lead to the prioritization of the claim;²²
- Existence of family links, specifically within the European Union.

This data will also be used for the purpose of determining, upon the lodging of the asylum application, whether another Member State is responsible to examine the asylum application, in accordance with the Dublin Regulation.²³

In accordance with European legislation, '[M]ember States shall take into account the specific situation of vulnerable persons such as minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation'.²⁴ The capacity to identify specific needs and to direct individuals who are not seeking international protection to alternative mechanisms can contribute to more effective and efficient asylum procedures.²⁵ Multi-stakeholder response teams may be established to facilitate this, where useful. This includes, for instance, resources and expertise for the identification and referral of children, including unaccompanied and separated children, to best interest procedures, together with appropriate care arrangements and other services, as well as the provision of counselling and medical assistance for survivors of sexual and gender-based violence, other torture, and trauma, and those with medical needs.²⁶ Furthermore, Articles 31.7 b) APD and 20 of the

Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (recast) <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R0603&from=EN>.

²² See Art. 20.1 APR Proposal.

²³ See Art. 20 of Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast) [hereafter Dublin III Regulation], <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:180:0031:0059:EN:PDF>; see also Art. 34 of the Dublin III Regulation which details the type of data that may be shared by Member States under specific conditions.

²⁴ See Art. 21 of Directive 2013/33/EU of 26 June 2013 of the European Parliament and of the Council laying down standards for the reception of applicants for international protection (recast), <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013L0033&from=EN>.

²⁵ UNHCR, *10 Point Plan of Action, Refugee Protection and Mixed Migration, 2016 Update*, Chapter 6, page 142, <http://www.unhcr.org/publications/manuals/5846d06f7/10-point-plan-action-2016-update-chapter-6-differentiated-processes-procedures.html>.

²⁶ For further details on screening and referral mechanisms, see UNHCR, *10 Point Plan of Action, Refugee Protection and Mixed Migration, 2016 Update*, Chapter 5, <http://www.unhcr.org/publications/manuals/5846d0207/10-point-plan-action-2016-update-chapter-5-mechanisms-screening-referral.html> and Chapter 6, <http://www.unhcr.org/publications/manuals/5846d06f7/10-point-plan-action-2016-update-chapter-6-differentiated-processes-procedures.html>; on identification, registration and age assessments see UN High Commissioner for Refugees (UNHCR), *The Way Forward to Strengthened Policies and Practices for Unaccompanied and Separated Children in Europe*, July 2017, <http://www.refworld.org/docid/59633afc4.html>; for unaccompanied and separated children, see para. 31 of UN Committee on the Rights of the Child (CRC), *General comment No. 6 (2005): Treatment of Unaccompanied and Separated Children Outside their Country of Origin*, 1 September 2005, CRC/GC/2005/6, <http://www.refworld.org/docid/42dd174b4.html>; see also Art. 25.1 APD; on identification of persons with special needs see <https://ipsn.easo.europa.eu/easo-tool-identification-persons-special-needs>; see also Art. 11.4 of Directive 2011/36/EU of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:101:0001:0011:EN:PDF> which provides that 'Member States shall take the necessary measures to establish appropriate mechanisms aimed at the early identification of, assistance to and support for victims, in cooperation with relevant support organizations'.

APR Proposal provide that any individual with specific needs should have his/her case prioritized.

Also, in order to address some of the obstacles to family reunion under the current Dublin III Regulation, the information gathered on the existence of 'Dublin' family links during the registration phase should be used to prioritize the reunion of applicants with their family members in another EU Member State prior to any further consideration of their case.²⁷

As a result of the tremendous increase of asylum claims in 2015-2016, many Member States have adopted new measures to streamline registration and identification processes. An increasingly common feature of registration and identification is the 'operational centralization' of the process. In Switzerland for instance, the new accelerated process entails centralization at the level of the Confederation, with all relevant institutional actors present in one 'single location'. In Germany, 'arrival centres' have been set up, where registration and identity checks, medical screening, asylum interviews as well as initial advice on accessing the labour market take place.

In some of its operations, UNHCR has merged registration with mandate refugee status determination but only for caseloads where a '*prima facie*'²⁸ approach or 'presumption of inclusion' applies.²⁹ These approaches are used in large influx situations of asylum-seekers from the same nationality group or profile and where individual refugee status determination is not feasible in view of UNHCR's limited resources compared to States. In this scenario, one single interview will capture the biodata and other relevant information usually collected at registration, including information on specific needs and vulnerabilities, as well as information to assess the eligibility of applicants for international protection. This could include considerations regarding place of origin or nationality, reasons for flight, elements relevant to possible exclusion considerations (e.g. military service, rank, affiliation with particular political parties or groups, position within government, any indications of past criminal conduct etc.). Any 'contrary indicators' due to doubts regarding nationality or possible exclusion triggers result in the case being channeled into the regular procedure.

Both the APD and the APR Proposal also address situations where a large number of persons apply for international protection and primarily provide for extended timelines for the processing of applications for international protection. Article 27(2) of the APR Proposal further provides that additional data necessary for the examination of the application may already be collected at the time of registration.

²⁷ Dublin III Regulation; Council Directive 2003/86/EC of 22 September 2003 of the European Parliament and of the Council on the right to family reunification <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32003L0086&from=EN>.

²⁸ The *prima facie* approach consists of the recognition of refugee status on the basis of readily apparent, objective circumstances in the country of origin (or, in the case of stateless asylum-seekers, their country of former habitual residence) indicating that individuals fleeing these circumstances are at risk of harm which brings them within the applicable refugee definition, rather than through an individual assessment. A *prima facie* approach through a group-based designation operates only to recognize refugee status; decisions to reject require an individual assessment. A *prima facie* approach applies to situations of large-scale arrivals of refugees but may also be appropriate in relation to groups of similarly situated individuals whose arrival is not on a large-scale, but who share a readily apparent common risk of harm. See also UNHCR, *Guidelines on International Protection No. 11: Prima Facie Recognition of Refugee Status*, 24 June 2015, HCR/GIP/15/11, <http://www.refworld.org/docid/555c335a4.html>.

²⁹ See above note 12 and UNHCR RSD Glossary, note 8 above.

4.2. Triaging

The core premise of accelerated and simplified procedures is the differentiation between caseloads for their channeling into distinct case processing modalities. The triaging process is therefore the central tenet of the process.

Triaging entails an analysis of caseloads by country of origin and of specific profiles, particularly for those countries of origin for which there is no sufficient homogeneity in 'overall protection' rates, (i.e. refugee recognition, subsidiary protection and humanitarian statuses). This will include an analysis of conditions in the country of origin as well as overall protection rates for any given country, which more accurately reflect the proportion of persons from a certain country of origin with international protection needs. In addition to UNHCR's Eligibility Guidelines, International Protection Considerations and Country of Origin Information, EASO COI and country intelligence reports as well as other reports from reliable sources provide a complementary source of information.³⁰

Depending on the results of the analysis, claims will be channeled into appropriate case processing modalities, or as is already done in several Member States (e.g. Switzerland, Sweden, or the Netherlands) into different streams or 'tracks'. Groups, as well as any specific profiles, with high and very low protection rates would be channeled into accelerated and/or simplified procedures, while other cases would be adjudicated under the regular procedure. Applicants would also be referred to the regular procedure when their claim raises elements that make it clear that they do not fit within the homogeneous caseload to which the accelerated/simplified procedures apply. This includes those whose claims appeared at first to be manifestly well-founded, but whose application raise credibility concerns and/or exclusion triggers upon closer inspection.

It is essential that clear, transparent yet sufficiently flexible criteria be established to manage the triaging, in order to avoid a large number of legal challenges, and an overloading of the accelerated/simplified procedures with complex cases, which would impair their effectiveness.

As noted above, several Member States have already implemented sophisticated triaging systems, such as the Netherlands, Switzerland, and Sweden.³¹ In Greece, for instance, simplified fast track procedures are used for both manifestly well-founded claims from Syrians, and for nationalities that have a low protection rate,³² such as Albanians, and Georgians.

4.3. Assessment

It is at the assessment stage that simplified case processing tools can be used to help improve the efficiency of the process.

³⁰ Art. 10 APD provides that for the purpose of the examination of the asylum application: '... (b) precise and up-to-date information is obtained from various sources, such as EASO and UNHCR and relevant international human rights organizations as to the general situation prevailing in the countries of origin of applications [...]'. Art. 33.2 APR Proposal incorporates similar language referring to the role of the European Asylum Agency, see in this regard Proposal for a Regulation of the European Parliament and of the Council on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010 4.5.2016 COM(2016) 271 final https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160504/easo_proposal_en.pdf.

³¹ See Annex II.

³² This includes both refugee and subsidiary protection status rates based on Eurostat data.

Based on UNHCR and existing State practice, simplified processing should be primarily used for caseloads or profiles which allow for focused interviewing and/or the use of templates and pre-populated forms, such as:

- Caseloads with **high overall protection rates** (such as caseloads/profiles where a presumption of inclusion can be applied) and a high prevalence of similar risk categories;
- Caseloads with **very low overall protection rates** and a high prevalence of similar claims.

It is important to underscore that simplified RSD procedures should not be used for caseloads which do not have a high degree of homogeneity.

Simplified tools include forms with pre-populated legal analysis and/or country of origin information, including caseload specific assessment forms. By way of example, in Italy, simplified interviewing forms, templates and country of origin factsheets have been developed for asylum-seekers from Bangladesh, Senegal and Southern Nigeria while others are being developed for countries with high recognition rates, such as Afghanistan, Eritrea, Somalia and Syria.

Another approach would be to conduct simplified interviews that focus only on the core elements of the claim such as nationality, area of origin, ethnicity or religion or other protected characteristics. The personal interview remains nonetheless crucial as it provides the applicant with an opportunity to explain comprehensively and directly to the authorities the reasons for the application and gives the determining authority the opportunity to establish, as far as possible, all the relevant facts and to assess the credibility of the oral evidence. Furthermore omitting interviews raises concern with regard to identification and exclusion considerations. It could also complicate any process of review, cancellation or cessation at a later stage, as a full record of the reasons of flight, which is relevant for these processes, may be absent.

For these reasons, UNHCR does not favor the complete omission of the interview, except in very limited cases and only where the intention is to recognize claims. In such cases, the written application may be considered as having afforded the procedural standard of the applicant's 'right to be heard' and the interview is foregone.

4.4. Deadlines

Clear processing deadlines are essential to move the process along. On this premise, the APR Proposal provides that registration should be completed within three working days, the asylum application lodged within ten working days, while decisions on applications within the accelerated procedures should be issued within two months of the lodging of the application. Applicants whose claims have been channeled into the accelerated procedure have two weeks from notification to lodge an appeal against a rejection and second instance decisions must be rendered within a two-month deadline.³³ While these deadlines are short, they do not appear, *ipso facto*, unreasonable or unfair. They will only work, however, if appropriate modalities are in place, and adequate resources allocated for case processing.

A few Member States as well as Switzerland, have already implemented reforms that provide for short deadlines. In the pilot carried out in Switzerland, the preparatory phase, before entering the accelerated procedure, lasts 21 days, while the decision at first instance must be issued within eight days of the application. The maximum length of the whole accelerated

³³ See Arts. 27.1, 28.1, 40.2, 53.6 b) and 55.1.b) APR Proposal.

procedure is 140 days. The first results from the pilot phase indicate that the system appears to work well in terms of both fairness and efficiency.

As regards deadlines to seek remedies, the Court of Justice of the EU (CJEU) has considered that 15 days for lodging an appeal in an accelerated procedure does not seem, generally, to be insufficient in practical terms.³⁴ '[T]he important point', according to the Court, 'is that the period prescribed must be sufficient in practical terms to enable the applicant to prepare and bring an effective action.'³⁵ However, the CJEU left it to the national courts to determine whether this time line is sufficient in light of *individual circumstances*. UNHCR recommends that the deadline for lodging an appeal against a decision issued within an accelerated procedure be extended to one month.

4.5. Resource implications and coordination

In order to have the intended impact, appropriate resource allocation and management are essential at all stages of the process, including with regard to staffing, training, scheduling, targets, software systems, and infrastructure.³⁶ Experience has shown that these initial investments will prove financially sound in the long run by limiting the volume of appeals.

Adequate resources are key to guaranteeing that the process is not only efficient but that its quality, particularly as regards respect for the procedural standards outlined below, is not compromised. In response to a questionnaire sent by UNHCR, Member States concurred that lowering quality will inevitably impact efficiency by generating backlogs at the second instance stage.³⁷

'Frontloading' resources to registration, triaging and first instance assessment can go a long way in improving the overall effectiveness of the process. An under-resourced and thereby inadequate registration or first instance process will likely lead to the need for repeat interviews, and re-processing.³⁸ In the Netherlands, capacity has been frontloaded in order to ensure that all relevant information is gathered prior to triaging. It is also worth noting that Article 5(4) of the APR Proposal provides that the registering authority may be assisted by the authorities of other Member States or experts deployed by the future EU Asylum Agency.

Training has always been and remains a key part of such efforts. Triageing, for instance, requires case workers to become more specialized in certain caseloads, and may therefore require more tailored training. Likewise, the use of simplified tools requires that decision-makers have a high degree of familiarity with a particular caseload or profile and that adequate oversight mechanisms exist. In some Member States, separate units have been established to focus on a specific caseload.³⁹

To properly allocate resources, benchmarks or other metrics to determine staffing needs in relation to the projected number of applications are already used widely. Overall, while adjudication by a single official (rather than by a panel) can be a valid approach, any division

³⁴ *Brahim Samba Diouf v. Ministre du Travail, de l'Emploi et de l'Immigration*, Case C-69/10, European Union: European Court of Justice, 28 July 2011, paras. 49, and 67, <http://www.refworld.org/cases/ECJ,4e37bd2b2.html>.

³⁵ See *Samba Diouf*, note 34 above, paras. 66-68.

³⁶ See UN High Commissioner for Refugees (UNHCR), *Refugee Status Determination Backlog Prevention and Reduction*, January 2018, PPLA/2018/03, [hereafter, *Backlog Prevention and Reduction*] <http://www.refworld.org/docid/5b1a38374.html>.

³⁷ *Ibid.*

³⁸ *Ibid.*

³⁹ *Ibid.*

of labour between interviewer and adjudicator has shown to be inefficient as it increased the need for repeat interviews and the rate of successful appeals.

UNHCR and EASO have strengthened their coordination and cooperation to support Member States with regard to training. In Italy, EASO and UNHCR are jointly providing tailored training to authorities, with EASO staff deployed to support authorities involved in registration and the processing of asylum claims. EASO and UNHCR also collaborate in Greece, where UNHCR's Quality Assurance experts provide complementary training with EASO on specific thematic issues. Such collaboration could be replicated and implemented in other Member States where asylum systems face pressure and would benefit from joint EASO-UNHCR engagement. EASO-UNHCR support could also include joint development and implementation of standard operating procedures, templates and other case processing tools as well as operating plans (pooling resources and expertise) aimed at accelerating and/or simplifying procedures and gaining efficiencies in a given Member State.

The adoption of contingency planning measures and the establishment of a 'surge roster' or standby or temporary staffing arrangements in situation of a larger influx of new asylum-seekers can also help prevent backlogs.⁴⁰ That said, it is important to maintain a balance between permanent and temporary staff in order to uphold the quality and efficiency of the process.⁴¹ A realistic assessment of the capacities of Member States to effectively manage accelerated procedures should be based on a variety of sources, whereby the views of all operational actors on the ground, including UNHCR, complement those of the respective authorities. The extended role of EU Agencies in the field of early warning and preparedness, such as Frontex vulnerability assessments and the establishment of rapid reaction pools as well as the foreseen EASO/EUAA lead on contingency planning, can provide a good basis for the development of realistic and effective contingency and processing plans.

4.6. Return

In order to preserve the credibility of any asylum system, individuals found not to be in need of international protection who have been issued a final negative decision in a fair procedure, need to promptly return to their country of origin. In its 2003 Conclusion on International Protection, UNHCR's Executive Committee noted 'that the efficient and expeditious return of persons found not to be in need of international protection is key to the international protection system as a whole, as well as to the control of irregular migration and prevention of smuggling and trafficking of such persons'. It expressed concern about the difficulties experienced by many countries of asylum in effecting the return of persons found not to be in need of international protection.⁴²

An accelerated/simplified asylum process will have limited impact if it is not tied to the prompt issuance and implementation of return decisions. It is therefore advisable that to the extent possible and in accordance with relevant regional and domestic frameworks, return decisions be issued together or immediately after a final decision is rendered, as is already contemplated under Article 6.6 of the Returns Directive.⁴³

⁴⁰ See *Better Protecting Refugees in Europe and Globally*, note 2 above, pp. 8-9.

⁴¹ *Backlog Prevention and Reduction*.

⁴² Conclusion No.96 (LIV) on the return of persons found not to be in need of international protection, <http://www.unhcr.org/excom/exconc/3f93b1ca4/conclusion-return-persons-found-need-international-protection.html>; see also UNHCR, *10 Point Plan of Action, Refugee Protection and Mixed Migration*, 2016 Update, Chapter 9, Return arrangements for non-refugees and alternative migration options, <http://www.unhcr.org/publications/manuals/5846d2957/10-point-plan-action-2016-update-chapter-9-return-arrangements-non-refugees.html>.

⁴³ Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals [hereafter,

Assisted voluntary return programmes have proven valuable in this regard, as provided for under the EU Returns Directive.⁴⁴ Enhanced outreach, awareness raising, and counselling, including by the International Organization for Migration (IOM), could facilitate greater access to assisted voluntary return.

5. Due process standards

Acceleration and simplification procedures need to comply with fundamental procedural safeguards provided for under international and EU law from the outset of the process.

Relevant due process standards include:

- The right of the applicant to information on the nature of the procedure and on his/her rights and obligations, including applicable deadlines, and relevant remedies;
- The right to prepare the application and seek legal advice and representation;
- The right to an interpreter;
- The right to be heard;
- The right to receive decisions that are properly reasoned, written, and in a language that the applicant understands;
- The right to access an effective remedy, and in cases where an appeal has no automatic suspensive effect, the right to seek the suspension of the enforcement of a negative decision and remain in the country of asylum until a final decision is rendered.

Furthermore, States are required to allow UNHCR access to applicants, including those in detention at the border and in transit zones; to grant UNHCR access to information on individual applications for international protection, subject to the applicant's consent; and to allow UNHCR to present its views to competent authorities regarding individual applications for international protection at any stage of the procedure.⁴⁵

Additional safeguards also apply to persons with specific needs, including persons who suffered trauma and children, especially unaccompanied and separated children.⁴⁶

The right to information and the right to legal assistance are primordial for effectiveness and should be guaranteed at all stages of the process. The failure to provide applicants with adequate information, guidance and support will only complicate and delay the process and potentially lead to the lodging of unfounded subsequent applications.

Many State and civil society initiatives have harnessed new technology to improve access to information through mobile applications and the interoperability of data systems, while ensuring that personal data is properly protected. Some of the most popular (and sustainable) systems include *Refugee.info*, developed by the International Rescue Committee for all of Europe, which also has a Facebook and Messenger page providing direct responses to queries by asylum-seekers. The *Ankommen* application in Germany has been very successful and the German asylum office reported that they had more than 200,000

Returns Directive] <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32008L0115&from=RO>; see also Recital 31 APR Proposal.

⁴⁴ See Art. 7 Returns Directive.

⁴⁵ See Art. 29 APD; see also UNHCR Executive Committee General Conclusion on International Protection No. 108 (2008), UN Doc. A/AC.96/1063, <http://www.unhcr.org/excom/exconc/49086bfd2/general-conclusion-international-protection.html> para. (d).

⁴⁶ Art. 20 APR Proposal.

downloads of the application. UNHCR has also launched its own website to provide specific information to asylum-seekers, help.unhcr.org, which is currently available in Germany, Turkey, Greece and Cyprus and will be expanded throughout the region. Often, the biggest drawback of these tools is the information on access to relevant services, such as language courses, education, housing, work etc. Experience thus far shows that while these tools facilitate the provision of legal information, they cannot substitute tailored legal advice based on the elements of the claim.

The Commission's APR Proposal includes detailed provisions on the right to information from registration onward⁴⁷ and guarantees, - with some exceptions - access to free legal assistance at all stages of the procedure, which constitutes an important advance over the APD.⁴⁸ In Switzerland, the new asylum procedure, which is being piloted in Zurich, provides that legal assistance and representation should be made available during the entire duration of the process and is deemed by officials to be key its efficiency. It is also essential that legal aid providers be fully independent, well capacitated and resourced to provide appropriate assistance in order to preserve the integrity of the process.

An effective remedy in asylum cases includes the right to appeal a decision made in an accelerated procedure. According to relevant international and regional standards and related case law, in order to be effective, an appeal against a return decision that may entail a risk of treatment contrary to Article 3 ECHR, must either have automatic suspensive effect or it must be possible for the individual to use an urgent procedure to prevent the execution of a deportation order and await the outcome of the ordinary appeal.⁴⁹ This view was most recently confirmed by the CJEU Advocate General, who recalled that the CJEU's jurisprudence requires that an appeal should have suspensive effect when it is exercised against a return decision which, if implemented, could expose the third country national to the risk of being subject to the death penalty, torture or other inhuman or degrading treatment. Although this point relates to return decisions adopted under the Returns Directive, and not to decisions rejecting an asylum application even when they are followed by a return decision, it sets out a general principle.⁵⁰

6. Recommendations

The following key recommendations may be distilled from existing European State and UNHCR practice on accelerated and simplified procedures outlined above:

1. Registration upon arrival or at the time of the lodging of the asylum application entails the recording of all relevant data regarding the applicants, the identification of persons with specific needs or with family links in the EU and the referral of persons for which alternative legal procedures are available.
2. In situations of large numbers of arrivals, the centralization of the asylum process and related services could be considered. This could apply to cases where a high

⁴⁷ Art. 26 APR Proposal.

⁴⁸ See Art. 15 APR Proposal.

⁴⁹ *Conka v. Belgium*, 51564/99, Council of Europe: European Court of Human Rights, 5 February 2002, para.83, <http://www.refworld.org/cases/ECHR,3e71fdfb4.html>. See also UNHCR, *Statement on the right to an effective remedy in relation to accelerated asylum procedures*, issued in the context of the preliminary ruling reference to the Court of Justice of the European Union from the Luxembourg Administrative Tribunal regarding the interpretation of Art. 39, Asylum Procedures Directive (APD); and Articles 6 and 13 ECHR, para. 24, <http://www.refworld.org/pdfid/4bf67fa12.pdf>.

⁵⁰ Conclusions de l'Avocat Général, M. Yves Bot, présentées le 24 janvier 2018, Affaires C-175/17 et C-180/17, paras. 44-49, <http://curia.europa.eu/juris/document/document.jsf?text=&docid=198742&pageIndex=0&doclang=fr&mode=req&dir=&occ=first&part=1>.

- presumption of inclusion applies or with very low overall protection rates, and where the caseload or profiles are sufficiently homogenous.
3. Accelerated and simplified case processing may be applied for both manifestly unfounded and manifestly well-founded asylum applications.
 4. A triaging system would be implemented following a caseload analysis based on 1) country of origin and 2) risk profiles, leading to channeling into different case processing modalities for:
 - i. Manifestly well-founded claims;
 - ii. Manifestly unfounded claims;
 - iii. Regular procedures.
 5. For both manifestly well-founded and manifestly unfounded claims, elements of the assessment can be simplified, including through the use of:
 - i. Pre-populated legal analyses;
 - ii. Pre-populated country of origin analyses;
 - iii. Caseload specific assessment forms;
 - iv. Simplified interviews for manifestly well-founded claims.
 6. Access to information, interpretation, and legal assistance and representation would be provided from registration to removal following a final negative decision.
 7. In order to be both efficient and fair, it is essential that adequate capacity and resources be allocated to both the authorities tasked with registration and adjudication and to relevant support services (e.g. interpretation services) and legal aid providers.
 8. Specific consideration is to be granted for unaccompanied and separated children and related safeguards assured.
 9. The prompt enforcement of returns can be achieved through the issuance of return decisions together with final decisions of rejection of the asylum application, providing rejected asylum-seekers with the option of voluntary departure and related assistance.

7. Incorporation into the Common European Asylum System

The above recommendations are grounded in relevant EU law and would not necessitate a fundamental overhaul of the Common European Asylum System and of the various legislative proposals currently under discussion. Without prejudice to the recommendations that will be issued by UNHCR with regard to the APR Proposal and those already released on the reform of the Dublin Regulation,⁵¹ the recommendations would essentially entail the introduction of specific amendments in the aforementioned instruments as follows:

- Prioritize the family reunion of asylum-seekers at the outset of the asylum procedure and referrals to other legal alternatives where appropriate;
- Introduce and define the concept of manifestly well-founded claims;⁵²
- Extend the application of accelerated procedures to manifestly well-founded claims in addition to manifestly unfounded claims, which are already subject to such procedures;⁵³

⁵¹ UN High Commissioner for Refugees (UNHCR), *UNHCR comments on the European Commission proposal for a Regulation of the European Parliament and of the Council establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast)* – COM (2016) 270, December 2016, <http://www.refworld.org/pdfid/585cdb094.pdf>.

⁵² Art. 31(8) APD, and proposed Art. 40 APR Proposal provide for acceleration of, *inter alia*, 'manifestly unfounded' claims. Acceleration of manifestly well-founded claims is foreseen neither in the APD nor the APR. However, both instruments allow for 'prioritization' of such claims, see Arts. 31(7) APD and 33(5) APR.

⁵³ See Arts. 31.8 APD and 40 APR Proposal.

- Introduce a provision defining key criteria and safeguards related to the triaging process;
- Introduce provisions on simplified procedures with reference to specific tools.

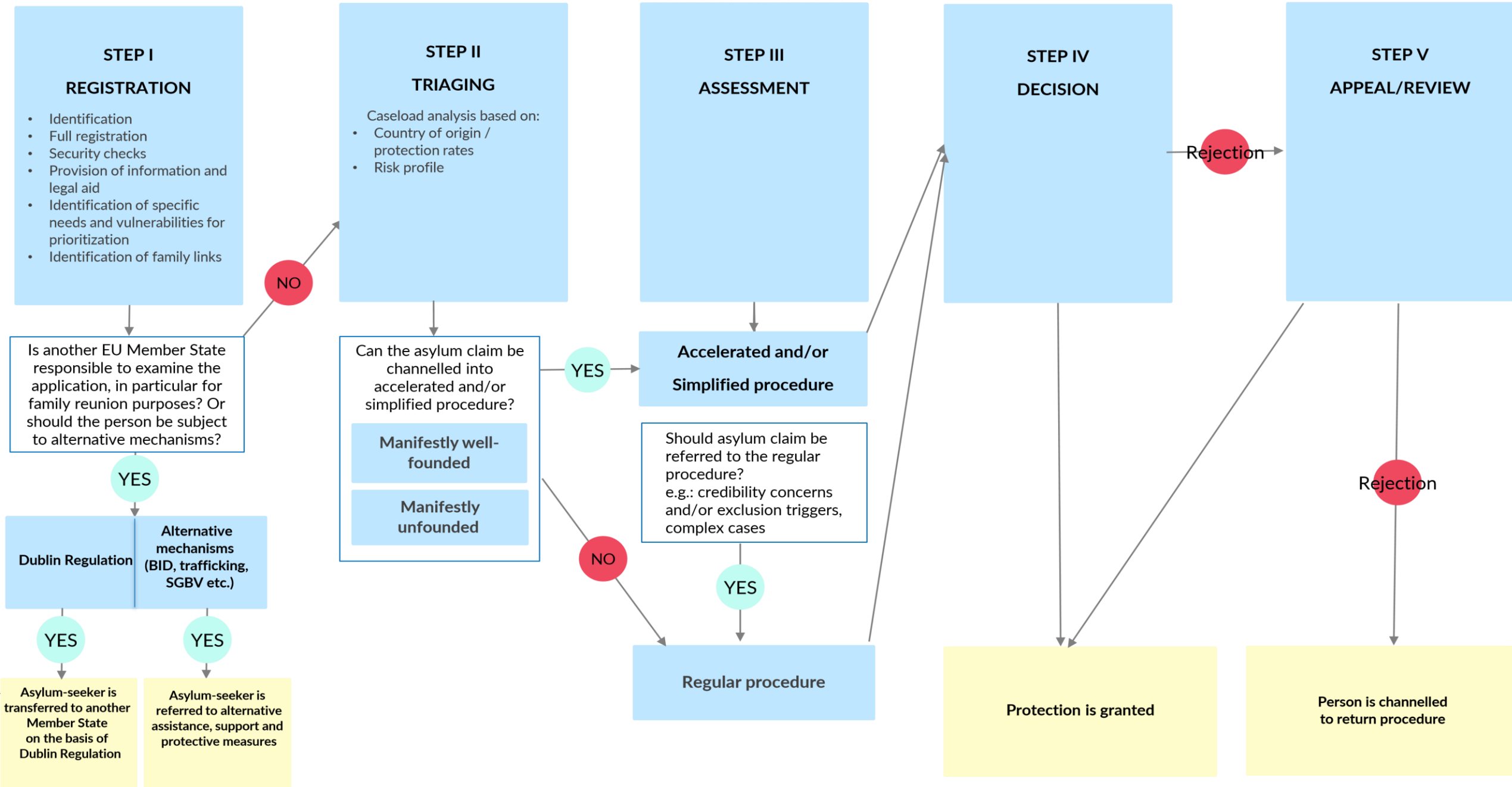
8. Conclusion

European State and UNHCR practice show that accelerated and simplified procedures for both manifestly well-founded and manifestly unfounded applications can allow for the efficient processing of asylum applications without compromising quality and fairness. They constitute a critical tool to tackle large numbers of asylum applications and have clear advantages over admissibility procedures based on the safe third country concept, which remains legally contentious, difficult to implement, and have the potential to contribute to onward movements and orbit situations.

In light of the above, UNHCR recommends that the current EC proposal for an Asylum Procedures Regulation be amended to provide for the use of accelerated and simplified procedures for manifestly well-founded and unfounded claims.

Regional Bureau for Europe
May 2018

ANNEX I - FLOWCHART



ANNEX II - STATE PRACTICE

	Accelerated / Fast-track / or Simplified Procedures	Arrival / Registration	Triaging	Case Management / Assessment	Deadlines ¹	Appeals	Return
France	<p>Accelerated procedure initiated automatically for certain cases², others referred by the Prefecture.</p> <p>'Traitement accéléré': Applications in which vulnerable persons have identified 'specific needs in terms of reception conditions' or 'specific procedural needs' are prioritized.</p>		<p>While processing an asylum claim, OFPRA has the competence to channel a claim under an accelerated procedure where:</p> <ul style="list-style-type: none"> a. The asylum seeker has provided falsified identity or travel documents, or wrong information on his/her nationality or on his/her conditions of entry on the French territory or has introduced several asylum claims under different identities; b. The asylum seeker has supported his or her claim only with irrelevant questions regarding his/ her claim; or c. The asylum seeker has given manifestly contradictory and incoherent or manifestly wrong or less likely statements that are contradictory 	<p>Video conferencing can be used for applicants in overseas departments, for asylum-seekers held in administrative detention centres, most of whom were, up to now, channelled into the accelerated procedure and in cases where an asylum-seeker cannot attend the interview for medical or family reasons.</p>	<p>First instance: asylum-seeker must lodge claim within 15 days.</p> <p>Appeal must be lodged within 30 days.</p> <p>Second instance: asylum-seeker must lodge claim within 35 days.</p> <p>'Traitement accéléré': average processing time: 98 days.</p>	<p>The procedure for appeal before the CNDA is similar to the one in the regular procedure. Persons channelled into an accelerated procedure. This appeal has suspensive effect.</p> <p>In accelerated procedure the decision has to be given by a single judge within 5 weeks.</p>	

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			<p>to country of origin information.</p> <p>If an applicant is submitted to the OFPRA, the asylum-seekers have 21 days to send their application.</p>				
Germany	<p>Accelerated procedures for certain nationalities (designated safe countries of origin) and in specific situations, for instance cases of identity fraud. Decision within one week after application, otherwise: normal procedure.³</p> <p>Airport procedure (2 days).</p> <p>Establishment of 'cluster system' A⁴, B, C, D.⁵</p> <p>Specific procedures for certain nationalities.⁶</p>	<p>Arrival centres (1-2 day decision process).⁷</p> <p>Airport procedure (2 days).</p>	<p>Airport procedures (2 days) – if case rejected as manifestly unfounded, entry is refused.</p> <p>Fast-track procedures (1 week).</p>	<p>Intelligent interview support concept (interview templates).</p> <p>Centralization of internal information request channels for interviewers and decision makers.</p> <p>Core data system.⁸</p> <p>Regional hubs for remote (video) interpretation.</p> <p>Digital communication between national asylum offices and administrative courts.</p> <p>Development of prepopulated interview templates</p>	<p>For applications that are found to be manifestly unfounded, appeal must be lodged within 7 days</p>	<p>No automatic suspensive effect for decision that found application to be manifestly unfounded.</p>	<p>Integrated return management concept.</p> <p>Manifestly unfounded cases must leave the country within 1 week.</p>

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				<p>for specific countries of origin.</p> <p>Centralized internal information channels for interviewers & decision makers.</p> <p>Agenda to digitalize the national asylum office by 2020.</p> <p>Mobile app & website for asylum-seekers with relevant information on the asylum system & integration.</p> <p>Upgrading the central aliens register to include a wider set of data with fingerprints.</p>			
Greece	<p>Accelerated procedure based on the nature of the application (3 months).⁹</p> <p>Border accelerated procedures used for transit areas (28 days).</p>	<p>Prioritisation (both for manifestly well-founded and unfounded cases).¹⁰</p> <p>Database of asylum decisions under preparation.</p>	<p>Joint registration/interview for fast-track Syria mechanisms with exclusion triggers.</p>	<p>Templates are used for different countries/claims.</p> <p>Mobile app in 8 languages for the provision of information for applicants.</p>	<p>First instance: asylum-seeker must lodge claim within 90 days (3 days for fast-track border procedure)</p>	<p>Deadline for appeals are shortened to 15 days in the accelerated procedures and 5 days in the exceptional border accelerated procedures.</p>	<p>IOM AVRR programme for voluntary returns.</p> <p>Detention is not directly linked to accelerated procedures, however it can be ordered</p>

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	<p>Exceptional border accelerated procedure.</p> <p>Accelerated procedures occasionally used for manifestly unfounded cases.</p> <p>Fast eligibility process for manifestly unfounded cases (Pakistan, Albania, Georgia).</p> <p>Simplified fast track-procedures both for manifestly well-founded and unfounded cases).</p> <p>Simplified fast-track procedure for Syrian nationals.</p>	<p>COI Reports.</p> <p>Detailed SOPs on the procedure and guidance notes on legal issues.</p>			<p>Appeal must be lodged within 15 days (5 days for fast-track border procedure)</p> <p>Second instance: asylum-seeker must lodge claim within 60 days (3 days for fast-track border procedure).</p>		under specific conditions. ¹¹
Italy	<p>Accelerated procedure for specific cases; entails reducing the duration of each procedural step.¹²</p> <p>Prioritised procedures for</p>	<p>Screening of specific needs by Hotspot SOP with a common template.¹³</p> <p>Prioritization of well-founded and/or particularly</p>	For manifestly well-founded and subsidiary protection cases ¹⁴ , omitting the interview and refugee recognition is possible.	Simplified interview forms/COI factsheets/decisions template for selected countries of origin (low recognition rates or manifestly well-founded).	<p>First instance: asylum-seeker must lodge claim within 9 days.</p> <p>Appeal must be lodged</p>	Applicants channelled into the accelerated procedures or decided as manifestly unfounded have a shorter deadline to lodge an appeal (15 days).	

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	manifestly well-founded cases or for cases with specific needs (UASCs, torture survivors, etc).	<p>vulnerable applicants is possible, based on information collected at the registration stage.</p> <p>Communication of registering authority (Police offices) and Territorial Commissions are entirely computer-based through a software application (Vestanet).</p> <p>Simplified interview forms for selected countries of origin.</p> <p>Standard assessment form.</p>		<p>Standard assessment form.</p> <p>Video-recording of first instance interview provided by law (to be implemented in 2018).</p>	within 15 days .	Moreover, suspensive effect is not automatic, and must be assessed by the Judge.	
The Netherlands	<p>Track system for manifestly unfounded cases.¹⁵</p> <p>Simplified procedure for</p>	Cases are triaged upon registration and channelled into different tracks.	Triaging of cases based on a low chance of success, which are channelled into tracks (see below) only cases in which the IND finds vulnerabilities or	In principle, applicant cannot await appeal in the Netherlands. After rejection there is no suspensive	Accelerated procedure cases are to be completed within 14 working days	In principle, applicant cannot await appeal in the Netherlands. After rejection there is no	If applicant from safe country of origin is rejected; s/he should leave the Netherlands

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	cases with a high chance of success (<i>track currently not activated</i>). ¹⁶		where they are unable to reach a decision during the general asylum procedure will the asylum-seeker be referred to the extended asylum procedure. ¹⁷	effect. In practice this is not implemented.	(4 days for registration and max. 10 days for the accelerated procedure); this process consists out of 8 procedural steps. Appeal must be lodged within 7 days.	suspensive effect. In practice this is not implemented.	immediately, right to shelter ceases, and they get an EU entry ban for two years.
Norway	<p>Accelerated procedures apply to all phases of the asylum process:</p> <p>48hr accelerated procedure for manifestly unfounded cases based on a list of countries of origin.¹⁸</p> <p>3 week accelerated procedure for specific caseloads.¹⁹</p>	Applications are triaged upon registration and channelled into different procedures.	<p>Initial interview conducted by PU who establish identity, entry/route into Norway and take photos and fingerprints.</p> <p>Applicants are given information about the asylum procedure by the civil society.²⁰</p>	<p>New technology to improve scheduling.</p> <p>Streamlined asylum system in which assessment will be made within three weeks.²¹</p> <p>Organised information gathering through Eurodac and DUF systems upon registration.²²</p> <p>Informational film available on different languages of the Norwegian asylum system and process,</p>	<p>An appeal must be lodged within three weeks from the issuance of the UDI decision.</p> <p>Where the application is considered manifestly unfounded, the applicant must lodge the appeal in within one week from the moment</p>	Applicant must submit a petition to obtain suspensive effect in within three hours of notification of the negative decision. As with all other applications, appeals pursuant to the 48-hour procedure are processed by the Norwegian Immigration Appeals Board.	Applicants whose applications have been rejected will be immediately returned to the country of nationality or residence.

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				<p>different grounds of protection.</p> <p>Private information sessions with each asylum seeker.</p> <p>In case of a positive decision, the applicant is immediately sent to an integration centre where they can access intensive qualification and language programs or settled permanently in a municipality.</p>	the decision was taken.		
Sweden	<p>Accelerated procedures for manifestly unfounded cases, Dublin cases and cases with a high probability of rejection.</p>	<p>All asylum-seekers transferred to Migration Authority who registers all applications.</p> <p>LEAN' way of organizing by Migration Agency Track system (1 – 7).²³</p> <p>Specialized training on USCA, women asylum-seekers and</p>	<p>Cases screened and sorted into tracks based on specific profile.</p>	<p>Two interviews are conducted, one regarding the personal details of the applicant and the other regarding the basis of the asylum claim.</p> <p>Legal positions issued to support assessment of cases in various tracks.</p> <p>Emphasis on the individual assessment of each case.</p>	<p>Appeal must be lodged within 21 days to the Migration Court.</p> <p>Rulings by the Migration Court must be appealed by the Migration Agency or the applicant within 21 days.</p>	<p>The procedure for appeal is similar to the one in the regular procedure but only has suspensive effect if the applicant asks for this and until the Appeal Court has ruled.</p>	<p>Availability of ID documents, early in the process.</p> <p>SMA managed accommodation, ensures better contact/dialogue with the asylum seeker and more smooth cooperation between the accommodation and</p>

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		<p>applicants with LGBTI grounds LMA card (administrative identity card) to enable asylum-seekers to access services.</p> <p>Assessment of vulnerabilities conducted to ensure necessary services/support (does not impact upon track, i.e speed of processing).</p> <p>Standardised SOP's on the procedure.</p>		<p>Templates to structure investigation</p>			<p>enforcement agencies.</p>
Switzerland	<p>During the first phase of the asylum procedure, a/s go through the accelerated phase. Both manifestly un-founded and founded decisions can be taken in the accelerated procedure. Complex cases are referred to</p>	<p>Registration takes place within "preparatory phase".²⁵</p> <p>Centralization of all the actors.</p> <p>Free legal assistance and representation in the accelerated procedure.</p>	<p>Each case examined to determine whether accelerated procedure can be applied.²⁶</p> <p>Those whose cases are subject to accelerated procedures remain in the federal centre.</p> <p>UASC cases given priority, may entail more</p>	<p>Accelerated phase comprises a second, exhaustive interview.</p> <p>Decisions taken within 8 working days.</p> <p>The preparatory phase, before entering the accelerated phase, lasts 21 days or 10</p>	<p>First instance: asylum-seeker must lodge claim within 10 working days (pilot procedure), 20 days (fast-track), 2 days (48hr procedure)</p>	<p>After a negative decision is issued, the "appeal phase" starts. The appealing deadline is 7 working days (5 working days for Dublin cases).</p> <p>The FAC then has to decide within 20 days on the</p>	

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	extended procedure. ²⁴	Limited free legal assistance and representation in the expanded procedure. Prioritization of UASC cases.	exhaustive first interview & age assessment.	days for Dublin cases. Max. Length of whole procedure when decision is taken in accelerated procedure is 140 days. Electronic case management system Skype interview (first short interview). Testing possibility to conduct interviews via Skype (first short interview) to facilitate interpretation.	Appeal must be lodged within 10 days (pilot procedure), 30 days (fast-track), 5 working days (48hr procedure)	appeal in the accelerated procedure, within 5 working days in Dublin cases and within 30 days in the extended procedure,	
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¹ https://www.ecre.org/wp-content/uploads/2017/05/AIDA-Brief_AcceleratedProcedures.pdf

² An accelerated procedure is automatically applied where: a. the foreign national seeking asylum originates from a safe country of origin; or b. the seeker's subsequent application is not manifestly unfounded.

³ Section 30a of the Asylum Act in March 2016

⁴ As the term 'well-founded cases' does not exist in German legislation, 'Cluster A' can be considered as determining 'well-founded case'.

⁵ Cluster A: Countries of origin with a high protection rate (50 % or higher); Cluster B: Countries of origin with a low protection rate (up to 20 %); Cluster C: Complex profiles or situations; Cluster D: Dublin cases. For asylum seekers in cluster A or B, the complete asylum procedure shall take place "under one roof" in a so-called arrival centre.

⁶ From end 2015 until spring 2016, a specific procedure was applied to cases of Syrian asylum seekers as well as certain asylum seekers from Iraq (pertaining to a religious minority). The interview was omitted, and decisions granting refugee protection were issued on the basis of a merely written procedure in which applicants could tick a box for stating that they are in danger of persecution for Convention reasons.

⁷ Medical examination, the recording of the personal data, identity check, the asylum application, the interview and the decision on the asylum application, as well as the initial advice on access to the labour market by the local Employment Agency. In these centres, conducting the whole procedure in practice in 1 to 2 days.

⁸ Collect, enter and access the respective data by actors at the federal as well as the Länder levels.

⁹ Applicants coming from safe countries of origin, manifestly unfounded claims and various cases of abuse of the asylum procedure. Accelerated procedures are not applied to well-founded cases.

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¹⁰ Greek Law 4375/2016.

¹¹ For example, to delay or frustrate the enforcement of a return decision.

¹² a. When the asylum-seeker is held in a pre-removal facility; b. When the application is manifestly unfounded, as it is based on elements that have no relation with the prerequisites for international protection; c. In case of inadmissible subsequent applications; d. When the applicant has lodged his or her application after being apprehended for avoiding or attempting to avoid border controls, or after being found in a situation of irregular stay, with the sole aim of delaying or preventing the issuance or the enforcement of an expulsion or refusal of entry order.

¹³ Willingness to ask for international protection and identified family links are recorded.

¹⁴ Possible to persons originating from countries or specific regions of a country, included in an ad hoc list to be elaborated and updated by the National Commission, which are deemed relevant for the purposes of Article 15C of the Asylum Qualification Directive.

¹⁵ Track 1 was introduced for Dublin cases and track 2 was introduced for asylum-seekers from safe countries of origin or asylum-seekers who possess asylum status in another EU Member State.

¹⁶ A simplified procedure was designed for asylum cases with a high chance of success in situations of high influx (track 3). The State Secretary is able to invoke this simplified procedure at his discretion, however, this has not occurred yet.

¹⁷ Unaccompanied children under the age of 12 and persons who cannot be interviewed because of medical problems are triaged into the extended asylum procedure as per Art. 3.113(5) Aliens Decree 2000. If an asylum seeker cannot be interviewed (for example due to medical issues) the IND can also extend the waiting time before the start of the asylum procedure.

¹⁸ The 48-hour procedure list consists of countries about which the UDI has sufficient information on the general security and human rights situation to assume that nationals of these countries, on a general basis, are not in need of international protection, neither under the 1951 Convention nor under other international or national obligations prohibiting refoulement. The List (land i 48-timersprosedyren) was last updated on 9 November 2017: available at: <https://udiregelverk.no/no/rettskilder/udi-rundskriv/rs-2011-030/rs-2011-030v/>. Furthermore, to ensure that every application processed according to the 48-hour procedure is genuinely and individually examined on its merits, the fundamental procedural safeguards that apply to any Norwegian asylum procedure are observed.

¹⁹ The three week-procedure is applied in cases concerning asylum-seekers with criminal records, or whose identity is in doubt. Such applicants are interviewed in the same way as asylum-seekers in the standard procedure. If there are special circumstances preventing speedy status determination, they may be transferred to the ordinary procedure.

²⁰ Norwegian Organization of Asylum Seekers

²¹ According to UDI report, 80% of the applications will be assessed during this short time. It also foreseen that the actual work that an asylum application requires will not exceed 21 days without appeal processing time.

²² The Organisation of Asylum and Migration Policies in Norway, report to the European Migration Network, available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/emn-studies/migration-policies/no_20120412_organisationasylummigrationpolicies_final_en.pdf

²³ The different tracks provide guidance on how extensive an investigation is required in an individual case and thus create an efficient flow.

²⁴ The accelerated procedure is applied for cases which can be decided within the short deadlines of the accelerated procedure. This theoretically does not only involve cases which can be quickly rejected but also those where a positive decision is possible quickly.

²⁵ "Preparatory phase" comprises registration, fingerprinting, interview with legal advisor, verification of documents, determination of origin and age, a short first interview on identity and motifs of flight, and medical examination. Dublin cases will be determined during this phase.

²⁶ Accelerated procedures applied for cases which can be quickly rejected but also those where a positive decision can be reached quickly (ie well-founded cases). If a case is deemed not to be appropriate for the accelerated procedure, the asylum-seeker will leave the federal reception centre and be assigned to a canton where the "extended procedure" will be applied.



AIDE-MEMOIRE & GLOSSARY

OF CASE PROCESSING MODALITIES,
TERMS AND CONCEPTS APPLICABLE TO
REFUGEE STATUS DETERMINATION [RSD]
UNDER UNHCR'S MANDATE

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INTRODUCTION

The variety of terms and concepts in use by UNHCR in the context of determining, individually, refugee status under its mandate (mandate RSD) has grown in recent years, commensurate with the introduction of new case processing modalities.¹ Other terms and concepts have been in use for a number of years but their use has not been uniform across operations.

In accordance with UNHCR's strategic thinking on Refugee Status Determination and in coordination with the revision of the Procedural Standards for Refugee Status Determination under UNHCR's Mandate, operations are required to consider the role RSD plays in a broader protection environment and strategy. Where mandate RSD provides the best means of achieving protection improvements or outcomes for individuals (that cannot be achieved more efficiently or successfully through other means), operations must evaluate what case processing modalities are most appropriate. Such case processing modalities must seek to achieve the best protection impact for the largest number of persons of concern, by ensuring efficiency in decision-making while maintaining high quality RSD that results in fair individual decisions, in accordance with procedural safeguards set in the Procedural Standards for Refugee Status Determination under UNHCR's Mandate (RSD Procedural Standards).² Key procedural safeguards include: the right to be heard, in a personal interview or otherwise³; the right to information regarding the asylum process; to interpretation enabling the applicant to receive information and take part in the procedure in a language that she or he understands; the right to legal aid and legal representation; and the right to an effective remedy.

This *Aide-mémoire & glossary of case processing terms and concepts applicable to RSD under UNHCR's mandate* ("the Glossary") is issued as an Annex to the RSD Procedural Standards with the intention of promoting consistent and common understanding and use of RSD-related terminology across UNHCR operations in which RSD is carried out under UNHCR's mandate, and to provide clarification and cautions on their appropriate application in any particular operational context. It is important not only that there is a common practice in reliance on specific case processing related terms to describe case processing modalities currently in use, but also a common understanding of how case processing modalities can be best deployed. A common understanding and awareness of where certain case processing modalities might not be suitable is also of importance. Care should be taken when locally developing criteria and systems for referral to any case processing modality, in order to ensure consistent and appropriate case referral practice.

¹ For the purpose of this document, a case-processing modality is defined as any individual procedure that results in a determination of whether or not the individual concerned is a refugee. Case-processing modalities are differentiated on the basis of **how** refugee status is determined, not by **who** does so (as is the case in "joint" or "parallel" or "state" RSD procedures), or **why** (as in "residual" RSD procedures, see also footnote 9).

² UNHCR, *Procedural Standards for Refugee Status Determination Under UNHCR's Mandate*, 20 November 2003, <http://www.refworld.org/docid/42d66dd84.html>. New or updated chapters available at: <http://www.refworld.org/rsdproceduralstandards.html>.

³ Note a conscious move away from the absolute requirement that the interview be the mechanism by which the applicant is afforded the "right to be heard" as reflected at section 4.3.1 of RSD Procedural Standards ("Applicant's right to an individual RSD interview") towards an acceptance that, in Simplified RSD where – and only where – based on the written application UNHCR's intention is to recognize the claim, the written application can be considered as having afforded the right to be heard. The applicant shall be informed of this intention and offered the opportunity for interview should s/he so desire.

Where operations are using case processing modalities, terms and concepts that are not listed in this Glossary which match, or are substantially similar to, the descriptions in this Glossary, they are encouraged to bring their terminology in line with the terms used herein. Where case processing modalities, terms and concepts are not otherwise defined in this Glossary, they have the meaning set out in the RSD Procedural Standards.⁴ Further, where case processing modalities, terms and concepts are covered by other UNHCR guidance materials, the latter remain the primary source of reference. In this respect, UNHCR Guidelines on International Protection remain the primary source of reference for concepts such as temporary protection⁵ and prima facie recognition.⁶ This document does not refer to the specific modalities put in place by States to process resettlement and/or humanitarian admission on a large scale, in particular in the context of the Syria crisis, such as e.g. Identification Based Methodology (IBM) and Humanitarian Admissions Program (HAP), since these methodologies do not necessarily entail / contain an element of determination of refugee status.

Scope

While acknowledging that State asylum systems are faced with similar challenges to those faced by UNHCR mandate RSD operations, this Glossary covers UNHCR processing of applications for international protection. This Glossary does not cover State asylum or RSD procedures, or UNHCR *participation in* State procedures, or situations where UNHCR implements a procedure to give effect to a prima facie declaration *on behalf of* a State.⁷

It should also be noted that there are a number of terms which are not included in this Glossary as they do not specifically refer to case processing modalities or related concepts *in the strict sense* (as defined in footnote 1). These include terms such as ‘joint’, ‘parallel’ and ‘residual RSD’.⁸

⁴ UNHCR, *Procedural Standards for Refugee Status Determination Under UNHCR’s Mandate*, 20 November 2003, <http://www.refworld.org/docid/42d66dd84.html>. New or updated chapters available at: <http://www.refworld.org/rsdproceduralstandards.html>.

⁵ UNHCR, *Guidelines on Temporary Protection or Stay Arrangements*, February 2014, <http://www.refworld.org/docid/52fba2404.html>.

⁶ UNHCR, *Guidelines on International Protection No. 11: Prima Facie Recognition of Refugee Status*, 24 June 2015, HCR/GIP/15/11, <http://www.refworld.org/docid/555c335a4.html>.

⁷ UNHCR operations advising national asylum or RSD institutions are encouraged, where possible, to adopt the terms used in this Glossary in their advice to such institutions in order to promote a consistent understanding of case processing terms globally.

⁸ In UNHCR’s statistical reports, decisions are reported based on whether they are decisions based on “G” (Government procedure), “U” (UNHCR procedure) or “J” (Joint procedure).

This Glossary contains two categories of terms which are organized according to the frequency of their usage:

- ▶ terms which describe case processing modalities; and
- ▶ related concepts (not in themselves case processing modalities in the strict sense, but relevant for the choice of a particular case processing modality).

A third category of terms included are terms which were used in the past (or may still be used at present) but the use of which is discouraged.

This Glossary should be read in conjunction with the RSD Procedural Standards and any revisions thereto.

OVERARCHING CONSIDERATIONS

- ▶ All case processing modalities listed in this Glossary represent an RSD process with a substantive determination of eligibility for refugee status to which the RSD Procedural Standards apply.
- ▶ Every RSD process, irrespective of the case processing modality applied, must be implemented with integrity and with a view to maintaining the standards of quality and fairness, as well as efficiency.
- ▶ Case processing modalities must be deployed with sufficient flexibility to adapt to changes in caseloads, profiles or operational context, but also with flexibility 'from within', so that individual cases which are deemed not suitable for a particular modality can and will be appropriately identified and channeled to regular RSD (or another more appropriate case processing modality).

I.

CASE PROCESSING MODALITIES

i. Regular RSD⁹

DESCRIPTION: Regular RSD refers to an RSD procedure where the applicant's claims are comprehensively examined on an individual basis by a trained Eligibility Officer, in accordance with the UNHCR RSD Procedural Standards. In this respect, it is RSD conducted without any forms of simplification (see [Simplified RSD](#)), acceleration (see [Accelerated RSD](#)) or merging of procedural steps (see [Merged Registration – RSD](#), and [Merged RSD – Resettlement](#)) and using the RSD Assessment Form annexed to the UNHCR RSD Procedural Standards.

USED FOR: A strategic approach to case processing requires UNHCR operations to consider implementing case processing modalities which are adapted to the needs of the operation and which maintain both efficiency and quality of RSD. Regular RSD is the reference point for assessing which case processing modality to deploy. Given the resources needed to conduct Regular RSD, the appropriateness of using any differentiated case processing modality is an important assessment for each operation to make.

Even if other case processing modalities are in use, Regular RSD should be used in all sensitive cases or cases that raise complex eligibility considerations, credibility issues or exclusion concerns; or for whom resettlement States require Regular RSD as a precursor to resettlement. For the large part, Regular RSD is used for individuals whose eligibility for refugee status cannot adequately be determined in simplified, accelerated or merged procedures.

Cases can be processed in Regular RSD procedures from the outset or can flow from other case processing modalities if it is determined in the individual case that the issues raised by the case cannot be accurately determined under the case processing modality applied.

CAUTIONS: UNHCR offices should carry out an assessment of their current caseload and identify which case processing modalities would be best suited to achieving both case processing efficiency and high quality and fair decision making. Regional RSD Officers should be involved in such assessments, and the RSD Section can be consulted. All Eligibility Officers should be trained to carry out Regular RSD as it is the form of RSD from which other case processing methodologies derive.

AUTHORITY: Regular RSD does not require any form of clearance prior to implementation.

⁹ The term "Regular RSD" is preferred to "Classic" or "Full" RSD.

ii. Accelerated RSD

DESCRIPTION: Accelerated RSD refers to an RSD procedure which involves a substantive and individualized examination/assessment of the refugee status claim, but with an acceleration applied to all or some timelines in the RSD process. This may mean that the timeline before an applicant is interviewed for RSD after registration is shortened, or that the time period between interview and issuance of decision is shortened (or a combination of the above). The acceleration could also occur at the appeal stage through a shortening of timelines for submitting an appeal application or processing an appeal.

Accelerated RSD procedures can be combined with [Simplified RSD](#) procedures. However, Accelerated RSD does not, on its own, imply a simplification of any aspect of the substantive determination or the RSD procedure, nor a reduction of procedural fairness guarantees. Accelerated RSD does not, in itself, involve the merging of RSD with other possible individual case processing steps (whether registration, or resettlement processing). Accelerated RSD is not the same as [Prioritization](#) although cases which have been prioritized can be subjected to an acceleration of case processing timelines.

USED FOR: Accelerated RSD procedures are used in three main situations:

1. For individuals with specific needs or manifestly in need of a protection intervention (e.g. applicants with identified heightened physical/legal protection needs, including person who may be subject to a risk of immediate *refoulement* or arbitrary arrest or detention in the host country);¹⁰
2. Where there are indications of a claim being [Manifestly Well-founded](#) (often in conjunction with [Simplified RSD](#)) and/or a [Presumption of Inclusion](#) applies; or,
3. Where there are indications of a claim being [Manifestly Unfounded](#) (possibly in conjunction with [Simplified RSD](#)).

For cases that are manifestly in need of a protection intervention or for which there are indications that they are [Manifestly Well-founded](#), using Accelerated RSD procedures (especially in conjunction with [Simplified RSD](#) procedures) can lead to faster recognition of refugee status and faster access to associated rights / protection benefits. Equally there may be instances where the timelines for processing of cases are accelerated or shortened for other reasons, such as where recognition of refugee status is required to secure release from detention or to prevent *refoulement*. In instances where it becomes apparent during the process of determination of a claim that it presents complex factual or legal issues, including exclusion concerns, which cannot be dealt with in a shortened timeframe, the file may be referred to [Regular RSD](#) procedures. Where used appropriately, Accelerated RSD can be used for claims which present indications of being [Manifestly Unfounded](#) and in this respect can contribute to the perceived credibility and integrity of procedures and assist in the management of current and future applicants' expectations.¹¹

¹⁰ See Unit 4.6.3, UNHCR, *Procedural Standards for Refugee Status Determination Under UNHCR's Mandate*, 20 November 2003, <http://www.refworld.org/docid/42d66dd84.html>. New or updated chapters available at: <http://www.refworld.org/rsdproceduralstandards.html>.

¹¹ Unit 4.6.4 of UNHCR's *Procedural Standards* do not at present allow for referral of claims that appear to be manifestly unfounded to Accelerated RSD. This Glossary supersedes the provisions of UNHCR's *Procedural Standards* until such time as Unit 4 is updated.

CAUTIONS: As with all modalities, care should be taken when developing criteria and systems for referral to Accelerated RSD procedures to ensure consistent and appropriate case referral practice. This caution arises particularly in operations experiencing processing delays, where applicants for international protection may resort to misrepresentations and/or fraud or applicants may deliberately place themselves at risk in order to meet specific needs-based criteria (which they would not otherwise meet) in an effort to ensure that their claim is dealt with in a more expeditious manner. Particular caution should be exercised where applications likely to be [Manifestly Unfounded](#) are processed through Accelerated RSD and [Simplified RSD](#) to ensure that the key procedural safeguards in accordance with the RSD Procedural Standards remain in place.

Timeframes should not be shortened beyond what is reasonable so as not to undermine the fairness of the process and applicants and their legal representatives should be informed of the applicable timeframes in a timely and clear manner.

AUTHORITY: A decision to implement Accelerated RSD procedures for a new caseload or profile requires, in the first instance, consultation with the Regional RSD Officer (or the RSD Section in the absence thereof). Prior to implementation of Accelerated procedures, consultation with relevant HQ entities (RSD Section, PNSS, IMRS and the Regional Bureau) is required. Forms or templates used to facilitate Accelerated RSD should be reviewed and approved by Regional RSD Officers and shared with the RSD Section in DIP (and with PNSS, as appropriate) along with the relevant Standard Operating Procedures (SOPs).

iii. Simplified RSD¹²

DESCRIPTION: Simplified RSD refers to a RSD procedure where either the interviewing or assessment writing or both are simplified in comparison to [Regular RSD](#). The ways in which simplification is implemented can include *inter alia*, the development of RSD Assessment Forms with pre-populated legal analysis and/or pre-populated country of origin information (COI), or through interviews focusing only on core issues of the claim, such as area of origin, ethnicity or religion. Noting these examples of ways in which [Regular RSD](#) can be simplified, Simplified RSD is essentially a process whereby one or more aspects of [Regular RSD](#) are simplified with a view to obtaining efficiency gains in terms of case processing times. Simplified RSD remains a fully individual RSD procedure, which includes an individual examination of the merits of the claim and affords applicants all the procedural safeguards in accordance with the RSD Procedural Safeguards. (As reflected in the introduction to this glossary, where – and only where – based on the written application UNHCR’s intention is to recognise the claim, the written application may be considered as having afforded the procedural standard of the applicant’s ‘right to be heard’ and the interview may be foregone. The applicant shall be informed of this intention and offered the opportunity for interview should s/he so desire.)

¹² The term “Simplified RSD” is preferred to “Focused” RSD.

USED FOR: Simplified RSD can be used to increase the efficiency of RSD processing and is most commonly used for caseloads / profiles:

- ▶ to whom a [Prima Facie approach](#) applies;
- ▶ with high recognition rates (such as caseloads/profiles where a [Presumption of Inclusion](#) can be applied) and a high prevalence of similar claims, which allows for focused interviewing and/or the use of templates with pre-populated legal analysis and/or COI;
- ▶ with very low recognition rates and a high degree of similarity in claims, which allows for focused interviewing and/or the use of templates with pre-populated legal analysis and/or COI.

CAUTION: The adoption of Simplified RSD procedures is premised on a high degree of familiarity with a particular caseload/profile and therefore can only be implemented where an operation has experienced decision-makers with knowledge of the specific caseload, and where adequate oversight mechanisms are in place. Furthermore, Simplified RSD procedures should not be used for caseloads which do not have a high degree of homogeneity. Prior to implementing Simplified RSD procedures, operations will be required to develop focused interview guidance for the caseload or profile concerned, and/or caseload/profile-specific templates for assessing claims, in accordance with UNHCR issued country-related guidance, where applicable, which require regular updating. Review mechanisms in Simplified RSD procedures should be in accordance with the RSD Procedural Standards, in particular to ensure that the quality and fairness of decision-making is not affected by the adoption of Simplified RSD procedures. Applicants whose claims raise credibility concerns and/or [Exclusion Triggers](#), or are otherwise considered to be complex (or whose claims raise elements that make it clear that the claim does not fit within the homogeneous caseload to whom the Simplified Procedures apply), should be referred to [Regular RSD](#).

AUTHORITY: A decision to implement Simplified RSD procedures for a new caseload or profile requires, in the first instance, consultation with the Regional RSD Officer (or the RSD Section in the absence thereof). Prior to implementation of Simplified procedures, consultation with relevant HQ entities (RSD Section, PNSS and the Regional Bureau) is required. Forms or templates used to facilitate Simplified RSD should be approved by Regional RSD Officers and be shared with the RSD Section in DIP (and with PNSS, as appropriate) along with the relevant SOPs.

iv. Merged Registration – RSD¹³

Description: Merged Registration – RSD refers to an RSD procedure that aims to capture in one interview (1) bio data and other information normally collected during a registration interview (including e.g. basic information relating to the applicant's reasons for leaving his/her country), as well as (2) information relating to the eligibility of the applicant for international protection that goes beyond the usual dataset collected at registration, with the aim of recognition of refugee status. This one interview¹⁴ is conducted at, what would usually be, the registration stage.¹⁵ The registration and RSD steps of the process are effectively merged, since the (slightly expanded) registration interview serves as the basis for an RSD decision. Merged Registration – RSD procedures usually seek to record **additional information detail beyond the usual dataset collected at registration**, on (i) eligibility issues, e.g. regarding place of origin or nationality, reasons for flight, elements relevant to possible exclusion considerations (e.g. military service, rank, affiliation with particular political parties or groups, position within government, any indications of past criminal conduct etc.), and/or (ii) regarding vulnerabilities or specific needs.¹⁶

USED FOR: Merged Registration-RSD processing is generally used for:

- ▶ caseloads for which a Prima Facie approach is applied; the Merged Registration – RSD procedures serve to confirm that the individual falls within the scope of the [Prima Facie approach](#).
- ▶ caseloads for whom a [Presumption of Inclusion](#) applies but where based on eligibility considerations, it is feasible and/or advisable to conduct a form of verification of the information provided that is more stringent than the usual level of verification taking place at the registration stage, particularly with respect to place of origin, ethnicity, religion or other elements that are relevant to the [Presumption of Inclusion](#), and/or elements that may amount to [Exclusion Triggers](#).

Information gathered and recorded during merged Registration – RSD procedures, including in particular the merged interview, is generally used to recognize persons as refugees in an individual process, even if this individual process is implemented in the context of a group designation in the context of a prima facie declaration. The individual element is comparatively light in comparison to other case-processing modalities. Information is also used to identify cases presenting credibility problems and/or potential exclusion concerns with a view to referring them to [Regular RSD](#) for more in-depth examination. Depending on the context, the operation may “flag” such cases in proGres for possible future review or [Deprioritization](#). Merged Registration – RSD can also be used to facilitate referral to other forms of protection interventions, when the need for such action arises during the merged Registration – RSD interview.

¹³ This term is to be distinguished from the term “**Individual Enhanced Registration**” which will be defined by IMRS in the upcoming revision of the Registration Handbook and/or in related documents, as follows: “Collection of data in addition to individual registration data elements for the purposes of facilitating specific protection case management and/or programming interventions that does not result in an individualized recognition of refugee status.” Individual enhanced registration may include additional questions relevant for RSD processing, durable solutions or protection intervention; or additional questions to determine eligibility for targeted assistance or programming.

¹⁴ In exceptional circumstances, a short complementary interview may be required.

¹⁵ Merged Registration – RSD was formerly referred to as “Enhanced Registration”. This term is no longer in use. The purpose of what is now referred to as “Individual Enhanced Registration” is broader than Merged Registration–RSD in that it does not involve an RSD decision.

¹⁶ Although the above mentioned are the most common categories, in principle, additional information can be gathered for any protection or programme related purpose (not limited to RSD).

CAUTIONS: In comparison with [regular RSD](#), merged Registration – RSD procedures reduce the number of personal interviews with an applicant and, therefore, the time spent processing the applicant’s claim. This, in turn, may reduce the ability of UNHCR to detect and examine credibility issues or exclusion concerns or fraud, and/or cover all aspects of an applicant’s claim.

Merged Registration – RSD procedures should not be used unless there is a high [Presumption of Inclusion](#). Furthermore, merged Registration – RSD procedures should be nationality/caseload/profile specific.

Caseworkers conducting interviews and drafting recommendations in individual cases should have appropriate experience in RSD because Merged Registration – RSD procedures can lead to recognition of refugee status. When considering if a registration personnel can conduct merged Registration – RSD interviews, full consideration should be given to the person’s knowledge of and experience with the caseload concerned, training in RSD and interviewing skills. Registration staff must have received at least basic training on RSD and interview skills. Operations should put in place strong oversight, including spot-checks and shadowing of interviews. Decisions following a merged Registration – RSD interview should be reviewed/co-signed by RSD personnel (or in the absence of RSD personnel, as may be the case in prima facie contexts, by senior Registration personnel who preferably have been trained in RSD). Decisions to reject an application should not be taken in a Merged Registration – RSD procedure; cases where rejection would appear appropriate (or where exclusion triggers have been identified) should generally be referred to other appropriate case-processing modalities (such as [Simplified RSD](#), or [Regular RSD](#)).

AUTHORITY: A decision to implement Merged Registration – RSD procedures for a new caseload or profile (outside the context of implementing a prima facie declaration by a State on behalf of a State, a scenario not covered by this Glossary) requires, in the first instance, consultation with Regional RSD and Registration officers. Prior to implementation, of Merged Registration – RSD procedures, consultation with relevant HQ entities (RSD Section, PNSS, IMRS and Bureau) is required. A final decision on the introduction of Merged Registration – RSD procedures can only be taken after a thorough analysis of the key considerations (as set out above under ‘Cautions’), ensuring adequate resource allocation and inclusive consultations. The introduction of Merged Registration – RSD procedures requires prior approval by the relevant HQ entities (RSD Section, PNSS, Bureau and IMRS). SOPs for Merged Registration – RSD procedures must be reviewed by Regional RSD Officers and Regional Registration Officers.

v. Merged RSD – Resettlement

DESCRIPTION: Merged RSD – Resettlement procedures¹⁷ are a case processing modality in which the RSD and resettlement process are merged, most commonly by only conducting one, combined, RSD and resettlement interview resulting only in a completed Resettlement Registration Form (RRF) instead of both an RSD Assessment Form and an RRF. Merged RSD – Resettlement procedures eliminate the need for a separate write-up of the RSD assessment, but still involve a formal recognition of refugee status by UNHCR for cases referred for resettlement by UNHCR.¹⁸ For this reason, it is important to ensure that, before engaging in Merged RSD – Resettlement procedures, appropriate safeguards are put in place, through SOPs specifically designed for Merged RSD – Resettlement procedures, and by ensuring that all procedural safeguards including, amongst others, in relation to review of the RRF, are fully adhered to in practice.

USED FOR: The implementation of Merged RSD – Resettlement procedures is premised on:

- ▶ The existence of a large caseload that has a high [Presumption of Inclusion](#), and a resettlement quota agreed with Resettlement States specifically for that caseload;
- ▶ The resettlement States' endorsement of the decision to submit cases for resettlement on the basis of RRFs prepared through Merged RSD – Resettlement procedures;
- ▶ The existence of identification and/or screening mechanisms to identify within the larger caseload the cases which are [i] most in need of and meeting all criteria for resettlement, and [ii] suitable (by not containing indications of e.g. complications or exclusion triggers) for processing in Merged RSD – Resettlement processing.
- ▶ The existence of referral mechanisms to facilitate referral to [Regular RSD](#), or [Deprioritization](#) where applicable, of cases that are identified for this form of processing but subsequently found not to be suitable for such processing for reasons relating to credibility concerns, complexity, unresolved family unity issues, potential [Exclusion Triggers](#) or other reasons.
- ▶ The existence of appropriate review, oversight and clearance procedures for each individual case, given that merged RSD – Resettlement processing does involve the recognition of refugee status by UNHCR.
- ▶ SOPs which are specifically designed or adjusted for the operational context; and
- ▶ Appropriate staffing profiles and staffing levels, training and competencies to ensure that all safeguards as contained in the SOPs will be fully implemented.

Merged RSD – Resettlement being primarily aimed at resettlement, where it becomes apparent that the case is not suitable for resettlement, it should be referred to [Regular RSD](#) or [Deprioritised](#). Merged RSD – Resettlement need not be the only case processing modality in use in a particular operation. It can be implemented in parallel to other forms of case processing including [Accelerated RSD](#) and [Simplified RSD](#), but these modalities should remain distinct.

¹⁷ Formerly referred to in some contexts as Collapsed RSD and Resettlement. Collapsed RSD – Resettlement has no defined meaning and therefore the use of the term is discouraged.

¹⁸ Other simplified resettlement processes which do not require a formal determination of refugee status by UNHCR before a resettlement referral is made, do not fall within the definition of merged RSD – Resettlement procedures (precisely because they do not entail a determination of refugee status).

In rare instances, for reasons relating to UNHCR's lack of geographical proximity to persons of concern or other reasons severely limiting UNHCR's access to individuals for whom resettlement is deemed the most appropriate durable solution, Merged RSD – Resettlement can be used for smaller caseloads or individual cases. The latter category would include for example, persons in detention to whom UNHCR has limited access.

CAUTIONS: Taking into account these prerequisites it is clear that Merged RSD – Resettlement processing will remain an exception, rather than the norm.

In comparison with [Regular RSD](#), Merged RSD – Resettlement procedures reduce the number of personal interviews with an applicant and, therefore, the time spent on processing the applicant's claim. This, in turn, may reduce the ability of UNHCR to detect and adequately examine credibility and/or possible exclusion concerns. It would also reduce the possibility for UNHCR to cover all aspects of an applicant's claim, including UNHCR's ability to present strongly supported credibility findings and mitigate fraud risks. Against this background, appropriate recording of interviews (preferably verbatim transcript and high quality audio-recording; one of both recording methods as a minimum) in the Merged RSD – Resettlement procedure should be ensured.

Merged RSD – Resettlement procedures should not be used in the absence of a high [Presumption of Inclusion](#) and the availability of resettlement places dedicated to that particular caseload.¹⁹ Furthermore, Merged RSD – Resettlement procedures should be nationality/caseload specific and should thus not be used to submit cases representing a mix of different nationalities and profiles for resettlement.

Even when the conditions for introducing Merged RSD – Resettlement procedures are met and when the use of such procedures has been approved for a specific nationality/caseload (see Authority below), Merged RSD – Resettlement procedures should not be used for determining complex claims for international protection, sensitive cases, claims with credibility issues or exclusion concerns. Cases in merged processing streams that are found not to be suitable for merged processing for any of these (or other) reasons should either be Deprioritized in accordance with pre-agreed criteria (as is done in the context of the merged processing for Syrians and Iraqis in the MENA region, for example), or referred for processing through Regular RSD.

AUTHORITY: Given that Merged RSD – Resettlement procedures involve merging the RSD and Resettlement interview, it should not be introduced without prior consultation, in the first instance with Regional RSD and Resettlement Officers, the RSD Section and Resettlement Service in DIP, involving PNSS and the relevant Regional Bureau. A *final* decision on the introduction of Merged RSD – Resettlement procedures can only be taken after a thorough analysis of the key considerations (as set out above in the 'Used For' and 'Cautions' Sections), including the need to ensure adequate resource allocation. The introduction of Merged RSD – Resettlement procedures requires explicit and prior approval by the relevant HQ entities (RSD Section, Resettlement Service, PNSS, Bureau). SOPs for Merged RSD – Resettlement must be reviewed by Regional RSD and Resettlement Officers.

¹⁹ Save for in the rare instances where Merged RSD – Resettlement of individual cases would be appropriate.

II. RELATED CONCEPTS

This section of the Glossary groups together terms which *inform* case processing modalities and how they are applied, but are not case processing modalities per se.

In order for differentiated case processing modalities to function effectively, cases will need to be identified and, in some instances, prioritized for case processing. Criteria for Identification and Prioritization of cases must be elaborated with the specific context and caseloads in mind. Further, cases can be identified with a view to processing them with a particular modality or, equally with a view to *not* processing them or deprioritizing them.

i. Identification

RSD-driven Admissibility Assessment

DESCRIPTION: RSD-driven Admissibility Assessments are carried out in some operations to determine whether UNHCR should register an individual who has approached UNHCR as an asylum-seeker for the purposes of conducting RSD. The term “RSD-driven Admissibility Assessment” does not cover decisions on whether or not to register an individual for reasons unrelated to RSD, for example for other forms of protection and assistance. Such assessments are to be distinguished from [Case ID for RSD](#) in that RSD-driven Admissibility Assessments concern individuals who are not yet registered with UNHCR. By carrying out an RSD-driven admissibility assessment, UNHCR is assessing whether such individuals should be registered and admitted to UNHCR RSD procedures.

USED FOR: Unlike in State RSD procedures,²⁰ UNHCR does not generally have admissibility procedures to determine whether or not to allow an individual into the RSD procedure. However, there are situations in which UNHCR may carry out an RSD-driven Admissibility Assessment resulting in a decision about whether or not a person will be registered as an asylum-seeker by UNHCR for the purposes of RSD. Such situations include, for example:

- Where there is a functioning national asylum system including State registration procedures and the asylum procedures are (generally) fair and efficient, but the national asylum system is not accessible or does not lead to fair outcomes for certain categories of asylum-seekers. In such cases, the RSD-driven Admissibility Assessment would seek to confirm if there are reasons to assess eligibility for

²⁰ Formal admissibility procedures are most often conducted in Government procedures to determine which State has the responsibility to determine the applicant's claim for international protection. Such procedures are adopted in situations where States have procedures dealing with onward movement, for example.

refugee status under UNHCR's mandate (in so-called "parallel" or "residual" RSD under UNHCR's mandate, see footnote 1 and 9);

- ▶ Where there is a strong indication that the person does not fulfil the "being outside his/her country of nationality" criteria of the refugee definition (i.e. is a national of the host State) (and this information was not available at the registration stage as it would have affected eligibility for registration with UNHCR);
- ▶ Where there are reasons to believe that the individual may be a combatant/fighter actively engaged in [or not having permanently renounced engagement in] military activities or hostilities (and this information was not available at the registration stage as it would have affected eligibility for registration with UNHCR, or there were reasons not to address this issue in full at the registration stage).

CAUTIONS: RSD-driven Admissibility Assessments should only be applied on a case-by-case basis as they may result in the individual not having access to mandate RSD procedures and, thus, may have grave consequences for the life and security of that individual. Criteria used to determine admissibility should be set out clearly in relevant SOPs (covering registration, but also SOPs for RSD) and should allow for admissibility if changes in the individual's circumstances or in the individual's country of origin so warrant. RSD-driven Admissibility Assessments should never be used to deny access to RSD for individuals whose claims for international protection appear to be [Manifestly Unfounded](#). In instances where it is determined that certain individuals will not be registered as asylum-seekers, the individual's bio data should nonetheless be recorded as well as the reasons for non-admission to UNHCR's procedures; it may be appropriate to register them in the office's proGres database in accordance with [the Registration Handbook²¹] as "other of concern" or "not of concern". Individuals should be referred to partners or Government services, as appropriate.

AUTHORITY: UNHCR operations should not carry out RSD-driven Admissibility Assessments without consulting, in the first instance, Regional RSD and Regional Registration Officers, in particular on the criteria used for such assessments. SOPs that include RSD-driven Admissibility Assessments must be reviewed by the RSD Section (in relation to access to RSD), PNSS, and IMRS (in relation to registration).

Case ID for RSD / Case Identification for RSD

DESCRIPTION: Case ID for RSD is a new term, adapted from a term currently in use in the MENA region and in that context used to triage cases for Merged RSD – Resettlement. The terms 'Case ID' and 'Case Identification' were originally developed in UNHCR operations that conduct RSD for portions of the asylum-seeker caseload only, for example for persons with certain profiles, or who have pre-defined specific protection needs, or who are likely to meet resettlement criteria. It refers to the process of identifying which cases should be processed (or prioritized). The term Case ID for RSD covers RSD specifically and does not cover Case ID for other protection interventions.

USED FOR: Identification of cases for the purposes of referral to RSD in general or to a particular RSD case processing modality. It is essentially a form of triage for RSD case processing. Some other individual operations outside MENA have similar (often highly context-specific) mechanisms in place.

²¹ The Registration Handbook is presently being updated and will include guidance on registering persons as "other of concern" or "not of concern".

CAUTIONS: Case ID for RSD must be done in a fair and transparent manner according to pre-defined, protection-based criteria. Both the selection as well as the decision not to select (or [Deprioritize](#)) for RSD (and other individual case-processing steps) may have major consequences for individuals concerned. It is an area vulnerable to fraud as individuals may attempt to influence the process so that they meet any criteria developed by an operation to triage cases for RSD. As such, it must have effective oversight including when partner organizations play a role in case identification. SOPs containing clear and verifiable criteria as well as appropriate checks and balances must be devised and implemented. Effective complaints mechanisms must be in place. Ideally, operations should use multiple different methodologies for case identification in parallel, so as to ensure there are different pathways for individual case consideration. Operations seeking to put in a place a Case ID for RSD / Case Identification for RSD process should ensure close coordination at the operations level and should have a communications and outreach strategy in place to ensure that consequences of selection and non-selection are fully understood by persons of concern.

AUTHORITY: As implementing Case ID for RSD / Case Identification for RSD is most often a precursor to the adoption of other case processing modalities, it is subject to the clearance requirements of the particular case processing modality as set out in this Glossary.

ii. Prioritization [for RSD]

The concept of Prioritization must be distinguished from acceleration or [Accelerated RSD](#) as prioritization does not affect processing timelines per se, but involves giving preference to the processing of certain types of cases over others, for example based on specific needs or persons manifestly in need of a protection intervention (e.g. applicants with identified heightened physical/legal protection needs, including person who may be subject to a risk of immediate *refoulement* or arbitrary arrest or detention in the host country).²² However, as indicated in this Glossary in relation to [Accelerated RSD](#), cases that have been prioritized can also be processed in accelerated manner.

iii. Deprioritization [for RSD]

DESCRIPTION: Although this term has come into use in relation to some caseloads that are being processed for RSD and resettlement using a [Merged RSD – Resettlement](#) procedure,²³ it is a concept that is relevant to inform an operation's case processing strategy whether resettlement is the desired outcome or not. Deprioritization of cases is not limited to [Merged RSD – Resettlement](#) and can occur in [Merged Registration – RSD](#) procedures as well as other procedures.

²² See also Unit 4.6.3, UNHCR, *Procedural Standards for Refugee Status Determination Under UNHCR's Mandate*, 20 November 2003, <http://www.refworld.org/docid/42d66dd84.html>. New or updated chapters available at: <http://www.refworld.org/rsdproceduralstandards.html>.

²³ This has meant in practice, cases that will be difficult or unsuitable or are unwilling to resettle, and/or require significant additional processing, for reasons relating to credibility concerns, complexity, unresolved family unity issues, or potential [Exclusion Triggers](#) are deprioritized for processing according to pre-defined criteria.

Deprioritizing a case means the case will not be processed until such time as the protection situation changes or the Deprioritization criteria change. In this respect, Deprioritization should not be seen as a pronouncement on or a determination of eligibility for refugee status. Deprioritization does not as such affect other protection interventions nor does it pre-empt the outcome of any decision-making process, which may or may not take place at a later stage. The consequences of Deprioritization can be that the case is no longer in line for a specific processing outcome or that the case is put on hold until such time as the situation changes or the Deprioritization criteria change.

USED FOR: Within an operational context as described above, cases which are, on the basis of pre-defined approved criteria, considered unsuitable for resettlement, or which would require in-depth examination and assessment in a Regular RSD procedure, can be Deprioritized.

CAUTIONS: It is important to note that a decision to deprioritize a particular case or an entire caseload must be taken with a particular protection objective in mind and based on a clear analysis of the consequences of Deprioritization for those persons whose cases are deprioritized. Deprioritizing of cases that would otherwise be processed should only occur in the circumstances agreed for the particular context. SOPs which have been cleared by the Regional Bureau, PNSS and the RSD Section should always be in place and set out the criteria and procedures by which Deprioritization will occur.

If a case that would otherwise be deprioritized gives rise to urgent or particularly acute protection concerns that can only/best be addressed by resettlement or that requires Regular RSD, it may nevertheless be necessary to process the case. The SOPs should set out clear procedures for the review and clearance of such cases. In such situations, the case should not be processed in a [Merged RSD – Resettlement](#) procedure, but rather in [Regular RSD](#).

AUTHORITY: Criteria for Deprioritization should be developed (and updated) in consultation with regional RSD and Resettlement Officers and require explicit and prior approval by the RSD Section, PNSS and, where Deprioritization is carried out with a desired resettlement outcome, the Resettlement Service in HQ.

iv. Exclusion Trigger

DESCRIPTION: An Exclusion Trigger refers to elements in a person's profile, (past) activities, role and responsibilities etc. that give rise to concerns that he or she may fall within the application of the exclusions clauses in Article 1F(a), (b) or (c) of the 1951 Convention. The issue(s) giving rise to such concerns can be case or profile specific and may arise at any point during the examination of a claim.

USED FOR: The concept of Exclusion Trigger can be used in any case processing modality as a means of indicating that the case presents exclusion concerns that warrant further examination. Depending on the context, including the protection situation of the individual, cases which raise an Exclusion Trigger should either be referred to [Regular RSD](#), or be [Deprioritized](#).

CAUTIONS: The presence of an Exclusion Trigger does not, in itself, indicate whether or not the individual falls within the scope of an Article 1F exclusion clause and should, thus, be excluded. In other words, it does not foreshadow a particular outcome of a refugee status application in a case. Rather, an Exclusion Trigger is an indication that a particular issue related to the possible application of Article 1F

of the 1951 Convention must be looked at with more scrutiny during further RSD processing in a [Regular RSD](#) procedure. Depending on the context, it may mean that the case should be [Deprioritized](#) and/or flagged in proGres for future review.

AUTHORITY: Where processing modalities involve reliance on Exclusion Trigger lists, these should be developed in consultation with the Regional RSD and RST Officer. Prior to reliance on any such lists, explicit and approval of the RSD Section, PNSS and the RST Service in HQ is required.

v. Concepts implying a degree of foreshadowing of case outcomes

Manifestly Unfounded²⁴

DESCRIPTION: The term ‘Manifestly Unfounded’ is defined in existing UNHCR guidance as covering applications for refugee status “clearly not related to the criteria for refugee status” or which are “clearly fraudulent or abusive”.²⁵ It should be noted that only if the applicant makes what appear to be false allegations of a material or substantive nature relevant for the determination of his or her status and the claim clearly does not contain other elements which warrant further examination, could the claim be considered “clearly fraudulent”. The mere fact of having made false statements to UNHCR does not, however, mean that the criteria for refugee status may not be met, nor would it obviate the need for asylum. False statements do not in themselves make the claim “clearly fraudulent”.

A claim that is deemed likely to be Manifestly Unfounded should be distinguished from asylum claims that are likely to be unsuccessful but that are genuinely made. Claims submitted by applicants from a particular country or profile may have, in the past or at present, very low recognition rates. This does not, however necessarily imply that such claims are ‘clearly’ not related to the criteria for refugee status or that applicants from that country or profile are not acting in good faith.

The concept of Manifestly Unfounded does not refer to a procedure but rather to a concept which informs the routing of claims based on certain well defined criteria, into [Accelerated RSD](#) or [Simplified RSD](#) procedures.

USED FOR: The concept of Manifestly Unfounded can be a useful tool for case management in that on the basis of indications a case presents that it is likely to be Manifestly Unfounded it can be allocated to the appropriate case processing modality in order to improve efficiency. In practice, if properly applied, the concept of Manifestly Unfounded serves to operate a presumption that a claim is likely to be Manifestly Unfounded if it presents certain characteristics. Subject to the cautions below, and with clear

²⁴ UNHCR Executive Committee, *The Problem of Manifestly Unfounded or Abusive Applications for Refugee Status or Asylum*, 20 October 1983, No. 30 (XXXIV) – 1983, <http://www.refworld.org/docid/3ae68c6118.html>; and UN High Commissioner for Refugees (UNHCR), *Follow-up on Earlier Conclusions of the Sub-Committee of the Whole on International Protection on the Determination of Refugee Status, Inter Alia, with Reference to the Role of UNHCR in National Refugee Status Determination Procedures* No. 28 (XXXIII) – 1982, 20 October 1982, No. 28 (XXXIII) – 1982, <http://www.refworld.org/docid/3ae68c439c.html>.

²⁵ UNHCR, *UNHCR’s Position on Manifestly Unfounded Applications for Asylum*, 1 December 1992, 3 European Series 2, p. 397, <http://www.refworld.org/docid/3ae6b31d83.html>.

criteria for referral from registration, [Simplified RSD](#) and/or [Accelerated RSD](#) can be applied to claims that are deemed to be Manifestly Unfounded in order to gain efficiencies in case processing and preserve the integrity of UNHCR's procedures.²⁶ It is however recommended that such claims not be channelled through [Merged Registration – RSD](#), as the reduced time for interview may compromise the decision maker's ability to cover all aspects of the claim.

Cases which are considered likely to be Manifestly Unfounded and which, upon further examination during case processing, present indications of being well-founded, can remain in an [Accelerated RSD](#) procedure, if the criteria for applying an [Accelerated RSD](#) Procedure are otherwise met. Equally, a claim that presents complexities such that [Accelerated RSD](#) is not deemed appropriate, the case should be referred to [Regular RSD](#).

CAUTIONS: If the criteria designed to inform the routing of cases presenting indications of being Manifestly Unfounded into [Accelerated RSD](#) and/or [Simplified RSD](#) are not carefully designed, there is a risk of incorrectly foreshadowing the outcome of an assessment of the claim for international protection.

The concept of Manifestly Unfounded should not be equated with claims that simply have low recognition rates nor should claims presenting such indications be processed with any lesser degree of procedural safeguards.

AUTHORITY: Applying the Manifestly Unfounded concept to a caseload or profile requires, in the first instance, consultation with Regional RSD Officer. Prior to reliance on the concept of Manifestly Unfounded to justify the processing of such caseloads through [Accelerated RSD](#) and/or [Simplified RSD](#), consultation with relevant HQ entities (RSD Section, PNSS, IMRS and the Regional Bureau) is required. Manifestly Unfounded being a concept that *informs* the choice of case processing modalities, there are no specific forms or templates applicable.

Manifestly Well-founded

DESCRIPTION: Manifestly Well-Founded refers to an asylum claim, which, on its face, clearly indicates that the individual meets the definition of a refugee under the 1951 Convention or under UNHCR's broader refugee criteria. This may be because the individual falls into the category of people for which a [Presumption of Inclusion](#) applies, for which a [Prima Facie approach](#) applies, or because of particular facts arising in the individual's application for international protection.

USED FOR: Depending on the situation, [Simplified RSD](#) and/or [Accelerated RSD](#), group based processing, [Merged RSD – Resettlement](#) or [Merged Registration – RSD](#) procedures can be used to quickly process these claims.

AUTHORITY: A decision to process a claim that is deemed likely to be Manifestly Well-founded through [Simplified](#) and/or [Accelerated RSD](#) or through [Merged Registration – RSD](#) or [Merged RSD – Resettlement](#) procedures should be in accordance with the authorities set out for those case processing modalities. As a general rule, case processing for Manifestly Well-Founded Applications should not proceed without a review of the relevant SOPs by the Regional RSD Officer (or the RSD Section in the absence thereof), the RSD Section, PNSS as appropriate, and the Regional Bureau in HQ, as appropriate.

²⁶ Supra footnote 14.

Presumption of Inclusion

DESCRIPTION: A Presumption of Inclusion (sometimes referred to as presumption of eligibility) may be said to exist where the objective evidence on the situation in the country of origin indicates that applicants with a particular profile will likely meet the eligibility criteria in Article 1A(2) of the 1951 Convention or the UNHCR broader refugee criteria. It means that if it is established that a person belongs to a specified group or falls within a specified profile, s/he will benefit from a rebuttable presumption that they are a refugee. Asylum claims for which there are indications that they are [Manifestly Well Founded](#) would benefit from a Presumption of Inclusion.

USED FOR: A Presumption of Inclusion is used for caseloads for which there is objective evidence that suggests that applicants with a particular profile will likely be in need of international protection. A Presumption of Inclusion will generally exist if up-to-date UNHCR Eligibility Guidelines or UNHCR Protection Considerations state that persons with a specific profile “are *likely* to be in need of international protection”, but may also be applied in relation to caseloads for which UNHCR has not published country-specific guidance. A Presumption of Inclusion may be applied within individualized RSD procedures as well as within the context of a [Prima Facie approach](#).

An individualized case processing approach premised on a Presumption of Inclusion for a particular caseload can take the form of [Simplified RSD](#) which may also be [Accelerated](#) or [Merged Registration – RSD](#) procedures or [Merged RSD – Resettlement](#).

CAUTIONS: A Presumption of Inclusion is rebuttable so it does not mean that every applicant within the profile or belonging to a specified group will automatically be recognized as a refugee. If there are indications that a particular applicant does not have international protection needs, or that an [Exclusion Trigger](#) might apply, they will need to be referred to [Regular RSD](#).²⁷

As a Presumption of Inclusion can be a justification for the use of [Simplified RSD](#), [Accelerated RSD](#), [Merged Registration – RSD](#) and [Merged RSD – Resettlement](#) procedures, it is important to ensure that appropriate safeguards are in place to avoid its application to profiles that do not lend themselves to such forms of processing such as complex cases, those with credibility concerns or those with [Exclusion Triggers](#). Depending on the context, it may mean that such cases should be [Deprioritized](#), referred to [Regular RSD](#) and/or flagged in proGres for future review.

AUTHORITY: A decision to process a claim for whom a [Presumption of Inclusion](#) exists through [Simplified](#) and/or [Accelerated RSD](#) or through [Merged Registration – RSD](#) or [Merged RSD – Resettlement](#) procedures should be in accordance with the authorities set out for those case processing modalities. As a general rule, case processing for cases with a [Presumption of Inclusion](#) should not proceed without a review of the relevant SOPs by the Regional RSD Officer (or the RSD Section in the absence thereof), the RSD Section, PNSS as appropriate, and the Regional Bureau in HQ, as appropriate.

²⁷ Or the case will be ‘deprioritized’, if relevant in the operational context.

vi. Prima Facie Approach

DESCRIPTION: A Prima Facie approach means the recognition of refugee status on the basis of readily apparent, objective circumstances in the country of origin (or, in the case of stateless asylum-seekers, their country of former habitual residence) indicating that individuals fleeing these circumstances are at risk of harm which brings them within the applicable refugee definition, rather than through an individual assessment.²⁸ A Prima Facie approach through a group-based designation operates only to recognize refugee status; decisions to reject require an individual RSD assessment.

USED FOR: A Prima Facie approach is particularly suited to situations of large-scale arrivals of refugees but also may be appropriate in relation to groups of similarly situated individuals whose arrival is not on a large-scale, but who share a readily apparent common risk of harm.

In practice, once a Prima Facie policy or declaration is made to apply to a group of applicants who belong to that category of persons eligible for recognition on a Prima Facie basis, applicants will be recognised on the basis of pre-existing registration data in a group-based RSD approach, individually in a [Merged Registration – RSD](#), or, more exceptionally, after [Simplified RSD](#), depending on the circumstances.

The case processing modality should determine and record²⁹ as appropriate and/or necessary additional detail on identity, place of origin (or other readily apparent characteristic that brings them within the Prima Facie approach) and [Exclusion Triggers](#).

CAUTIONS: Procedures should be set up to identify individuals who may fall in the remit of the exclusion criteria in Article 1F or whose claims give rise to credibility problems, and referred to [Regular RSD](#) procedures.³⁰ Depending on the context, it may mean that the case should be Deprioritized and/or flagged in proGres for future review.

AUTHORITY: Irrespective of the chosen case processing approach, a Prima Facie approach should only be implemented by operations following consultation with the Regional Bureau, the RSD Section, IMRS and PNSS. The authorities relevant to the case processing modality selected will apply.

²⁸ UNHCR, *Guidelines on International Protection No. 11: Prima Facie Recognition of Refugee Status*, 24 June 2015, HCR/GIP/15/11, <http://www.refworld.org/docid/555c335a4.html>.

²⁹ In addition to the minimum registration data set as determined by the type of registration being conducted.

³⁰ UNHCR, *UNHCR Guidelines on the Application in Mass Influx Situations of the Exclusion Clauses of Article 1F of the 1951 Convention relating to the Status of Refugees*, 7 February 2006, <http://www.refworld.org/docid/43f48c0b4.html>. In situations where UNHCR conducts procedures on behalf of the State in the context of a prima facie declaration, exclusion triggers should, as a minimum, be flagged, allowing, amongst others, a close review if the case were to be considered for resettlement.



DISCOURAGED CASE PROCESSING TERMS AND CONCEPTS

i. Classic RSD

Classic RSD is a term that has been used to refer to [Regular RSD](#). Classic RSD does not have a standardized meaning and use of the term is therefore discouraged.

ii. Collapsed RSD – Resettlement

Collapsed RSD – Resettlement is a term that has been used to refer to [Merged RSD – Resettlement](#). For clarity and consistency, the term [Merged RSD – Resettlement](#) should be used.

iii. Focused RSD

Focused RSD is a term that has been used to distinguish [Regular RSD](#) from other case processing modalities in use in a particular operation. As this term does not have a standardized meaning and use of the term is therefore discouraged.

iv. Full RSD

Full RSD is a term that has been used to refer to [Regular RSD](#). Full RSD does not have a standardized meaning and use of the term is therefore discouraged.

v. Enhanced Registration

The purpose of Individual Enhanced Registration is broader than Merged Registration – RSD in that it does not involve an RSD decision. As there is a need to reflect current practices in RSD where the Registration and RSD stages of the process are merged, and an RSD decision is reached, this Glossary introduces a new term [Merged Registration – RSD](#) to describe such situations and discourages the use of Enhanced Registration where RSD registration processes lead to an RSD decision being made as part of Registration.

Presumption of Non-Eligibility / No Semblance of Claim

These terms have been used by some operations to refer to a processing approach taken to caseloads with very low recognition rates or individual cases that are not admissible to the RSD procedure or are likely to be [Manifestly Unfounded](#). These are not concepts that have an established meaning in UNHCR mandate RSD procedures and their use is strongly discouraged. The concepts of [Manifestly Unfounded](#) and [RSD-driven Admissibility Assessment](#) may be of use in contexts where these discouraged terms were in use.

