

Simulation exercise: Key protection messages

Protection Training Manual for European Border and Entry Officials

Session 4

The main safeguard: ACCESS

- The principle of non refoulement
- The role & responsibilities of **border guards**:
 - Identify asylum seekers
 - Identify other protection needs
 - Not undertake interviews on asylum claims
 - Ensure access to the territory to regular migrants AND to those in irregular situation who need it to:
 - Apply for asylum
 - Gain access to other kinds of protection (children, health needs, victims of trafficking, humanitarian status, etc)
- Confidentiality principle

Access to asylum procedures

- Right to seek asylum, **regardless of**:
 - Fraudulent or no documents
 - Irregular means of entry (including if there is a prohibition to enter because of past irregular migratory situation)
 - Being victim of trafficking (& activation of simultaneous protection mechanisms)
 - Being an unaccompanied child (& activation of simultaneous protection mechanisms)
- Need to have clear standard operating procedures
- Need for effective referral mechanisms to national institutions, UNHCR and NGOs.

Facilitating access to information

- Information on their situation and their rights
- Language understood by asylum-seekers
- Information given in a timely manner: to be able to exercise their rights before irreversible limitations on rights
- Information on organizations or institutions providing legal aid as well as assisting with reception conditions.
- Information needs to be complete: telephone numbers; addresses, etc.

Access to interpreters & legal assistance and representation

- Interpretation: in a language the person can understand.
- Legal Assistance:
 - Asylum-seekers have a right to legal assistance and representation
 - Migrant/refugee associations, bar associations, UNHCR & others can provide legal representation
- Legal advisers should have access to person even if in closed areas
- UNHCR must have access to all asylum-seekers
- UNHCR must have access to asylum applications.

Protection of persons with specific needs

As the first representatives of the State entering in contact with migrants border guards have the RESPONSIBILITY for:

- Identifying protection needs of vulnerable persons e.g.:
 - unaccompanied children, always lead by the best interest of the child
 - Trafficked persons
 - Female asylum-seekers (female border control officers, interpreters, legal aid)
- Ensuring access to health care
- Ensuring family unity
- Referral to national institutions, NGOs and UNHCR.

Freedom of movement of asylum-seekers

- Persons should not be detained just because they apply for asylum
- When used, detention should be for limited period of time
- Alternatives to detention should be explored
- Information on organizations or institutions providing legal aid as well as assisting with reception conditions.
- Asylum applicants must be allowed to enter territory if no decision on application within 4 weeks

(EU Asylum Procedures Directive)