Simulation exercise: Key protection messages

Protection Training Manual for European Border and Entry Officials

Session 4
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.
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)