

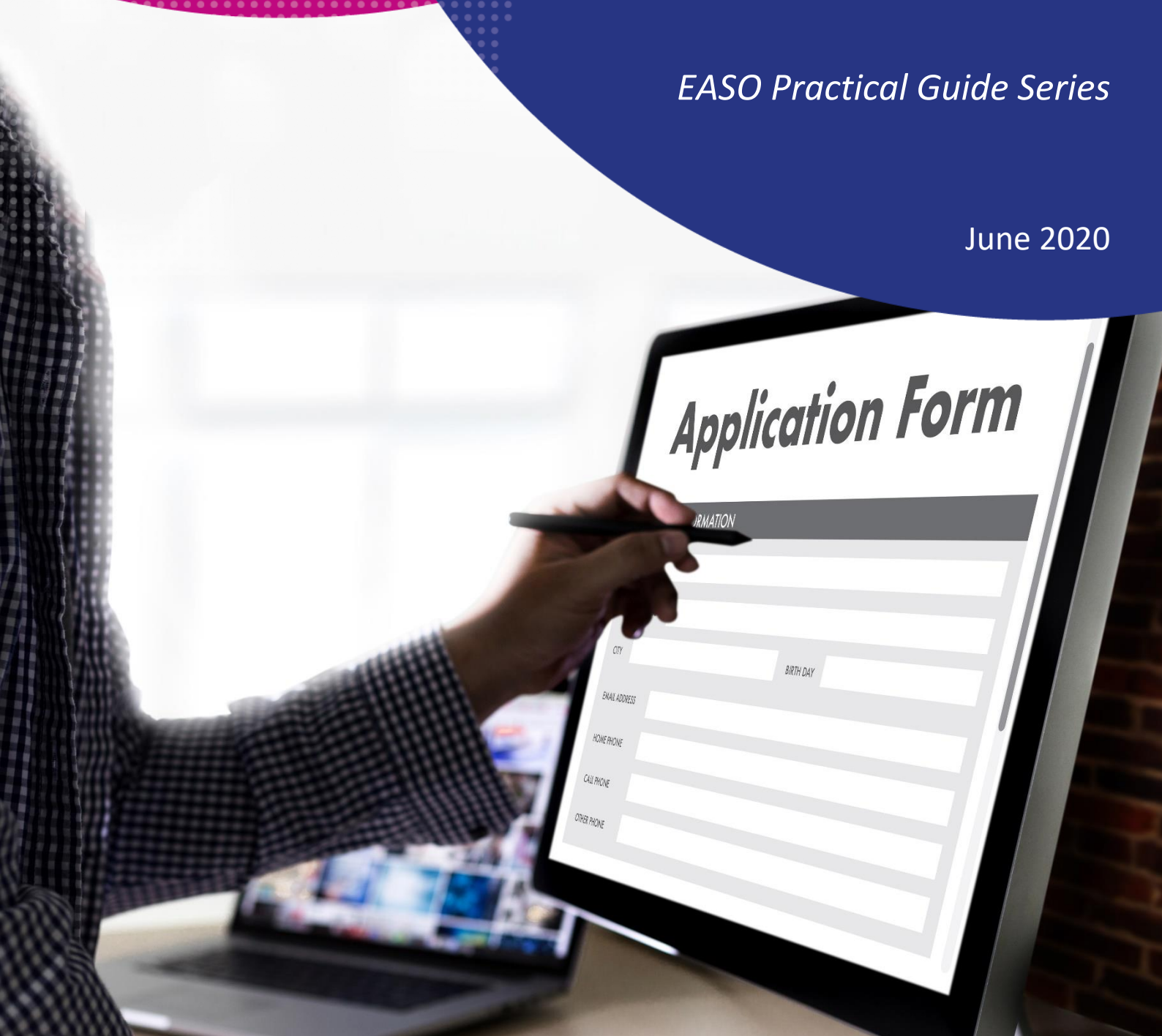


# EASO

## Practical recommendations on conducting remote/online registration (lodging)

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# Practical recommendations on conducting remote/online registration (lodging)

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## About the guidance

This brief guidance has been developed as a result of thematic meetings held by the EASO Asylum Processes Network. Its compilation is built on the following sources:

- Information provided by EU+ States on conducting remote registration;
- EASO practical tools, including:
  - [\*EASO Guidance on asylum procedure: operational standards and indicators;\*](#)
  - [\*EASO Practical guide: personal interview;\*](#)
  - [\*EASO Practical guide: evidence assessment;\*](#)
  - [\*EASO Tool for Identification of Persons with Special Needs\*](#)
  - [\*EASO Practical recommendations on remote personal interview\*](#)

This guidance was developed during a critical time dominated by social distancing measures imposed on administrations as a result of the situation created by COVID-19. The guidance is not, however, limited to this context but instead looks at good practices that can be useful beyond the COVID-19 situation.

The aim of this guidance is to provide practical recommendations on how to introduce remote, online or IT elements into the registration process in order to render the overall process more efficient and better organised. Furthermore, based on operational standards and indicators and good practices, this document elaborates procedural safeguards and practical recommendations that asylum authorities may want to consider when facilitating the lodging of applications for international protection online/remotely.



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## I. Introduction

Across the EU+ States<sup>1</sup>, applications for international protection are generally being registered in the presence of the applicant. Remote registrations conducted outside of the premises of the responsible authorities are exceptional. In most cases, remote registrations are limited to people who are not able to present themselves at the dedicated office (e.g. detained or hospitalised applicants).

EU+ States have different responsible authorities involved in the process of registration. Personal data is collected at various steps and by different stakeholders. Some of the information can be gathered remotely in the absence of the applicant, while other aspects (e.g. collecting biometric data) require physical presence.

Following the restrictive measures introduced in March 2020 to combat the COVID-19 health emergency, most EU+ States have introduced border restrictions which caused a significant drop in the number of newly arrived applicants. While registration activities were scaling down, administrations concentrated on processing their backlogs.

When experiencing shortages of registration capacity during the 2015 influx, some countries started to develop online tools to tackle the issue of registration being the bottleneck of the asylum procedure. While these tools can limit to a certain extent the social interaction needs among the participants of the registration process, they are not aiming for a fully digital method eliminating physical contact with the applicant.

This guidance focuses on good practices and useful tools for remote or online registration in general. While it is important to ensure business continuity in case of need for social distancing in the long run, or for contingency purposes, remote registrations are also providing a way ahead for modernisation of asylum infrastructures.

EASO is currently exploring innovative solutions to address upcoming challenges in order to avoid registration bottlenecks and provide an alternative way that enables social distancing. In this process, EASO builds further on practical tools developed and successfully tested in EU+ States.

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<sup>1</sup> EU+ States are Member States of the European Union plus Norway and Switzerland.

## II. Impact of the COVID-19 situation on registration systems

In general, under the measures regulating the COVID-19 situation, the majority of EU+ States have continued the registration of applicants for international protection. Some countries reported an interruption or temporary suspension of their registration activities.

There are different paths chosen by respective EU+ States to battle the COVID-19 situation:

- using the same registration method while applying extraordinary health-related safety measures such as an initial 14-day quarantine period for applicants;
- refurbishment of dedicated office space with protective gear;
- changing the workflow of lodging to allow for less applicants present at the registration centres and shorter face-to-face context times;
- assigning a new designated authority (e.g. reception facilities).

The European Commission stated in their COVID-19 guidance related to asylum that ‘even if there are delays, **third-country nationals who apply for international protection must have their application registered by the authorities and be able to lodge them.**<sup>2</sup> In the interpretation of the Commission it should further be possible for Member States<sup>3</sup> to extend the time limit for registrations to ten working days:

... for a limited period of time where it is very difficult in practice for national authorities to respect the three-day or six-day time limit for the registration as a result of the COVID-19 situation’ in line with Article 6(5) of the Asylum Procedures Directive. However the Commission points out that ‘in any event, any further delays in the registration of applications should not affect the rights of the applicants pursuant to the Reception Conditions Directive which apply as from the making of an application<sup>4</sup>.

A detailed explanation of the different phases of the making, registration and the lodging of an application for international protection can be found in the *EASO-Frontex Practical Guide: Access to the Asylum Procedure*<sup>5</sup>.

In the context of the COVID-19 situation, most EU+ States continued conducting registration activities through the application of safety measures and alternative solutions. Due to the de facto closing of international borders, the number of new arrivals and follow-up registrations dropped to almost half<sup>6</sup>. Reception centres applied health and safety measures such as medical checks,

<sup>2</sup> [Communication from the Commission Covid-19](#): Guidance on the implementation of relevant EU provisions in the area of asylum and return procedures and on resettlement, Brussels, 16 April 2020 C(2020) 2516 final, p.3 (emphasis added).

<sup>3</sup> ‘Member State’ is a state that is a member of the European Union.

<sup>4</sup> [Communication from the Commission Covid-19](#): Guidance on the implementation of relevant EU provisions in the area of asylum and return procedures and on resettlement, Brussels, 16 April 2020 C(2020) 2516 final, p.4.

<sup>5</sup> EASO-Frontex, *Practical Guide: Access to the Asylum Procedure*, 2016.

<sup>6</sup> EASO Press Release, ‘[COVID-19: Asylum applications down by 43% in March](#)’, 30 April 2020

quarantine, triage, disinfection processes, etc. In most cases, registration procedures are conducted by Police or Border Guard authorities or within reception centres where the applicants are already physically present. Some EU+ States resort to pre-registration, which helps to organise the actual registration and/or lodging. However, the notion of 'pre-registration' does not occur in the Asylum Procedures Directive<sup>7</sup> and does not change the timeframes within which the (actual) registration takes place and the opportunity for lodging is given.

### Good practices identified regarding the management of COVID-19

- Shortened working hours and shorter procedures for registrations of applications in order to avoid queuing and to support social distancing option to submit application for international protection via post or online.
- The lodging of an application consists of sending a completed and signed application file to the asylum authority in the post, within a defined timeframe (e.g. 21 days) from the day of the registration of the application.
- Acceptance of registrations performed by border guards and/or reception authorities without duplication of these registrations by the asylum authority, therefore enhancement of registration capacities.
- Development of online forms to be completed by applicants to receive an invitation (specific day and hour) to come to the arrival centre to apply for international protection.
- Applicants must register (photographed and fingerprinted) at a reception centre, in the course of which proof of arrival is issued. Permission to remain during the asylum procedure is issued by the authorities. All the necessary information on rights and obligations are provided to the applicant in writing.
- Maintain registration point(s) for specific cases, i.e. for applicants for whom, due to their personal circumstances, lodging is conducted in-person

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<sup>7</sup> [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).

### III. Information provision

If there are any changes introduced regarding the process of lodging the application for international protection (regarding the format, location, designated authority), this information shall be made public and made available to those authorities likely to receive applications<sup>8</sup>. These changes can be related to (temporary) emergency measures introduced in relation to COVID-19 (changed working hours, restricted access for the public, possibility of remote contacts via phone) or the introduction of new registration methods or tools. The most important target group are the first contact officials of law enforcement, i.e. police, border guards, immigration authorities and personnel of detention facilities, who are the best placed to provide information directly to third-country nationals who express their wish to apply for international protection. It is also important to inform the wider public about relevant changes, through an online campaign on public government websites, and also keeping the most relevant stakeholders in the loop, such as counselling organisations and civil society organisations assisting applicants for international protection.

In case of significant changes in the structure and locations of the registration process, EU+ States should consider launching an information campaign with the use of posters, banners, audiovisual materials, infographics and other forms of visual communication. To the extent possible, these materials should be displayed in areas where third-country nationals are likely to be in need of this information.

Depending on the national set-up, **information provision is carried out within a registration office and/or a reception centre**. The situation created by the measures taken in response to COVID-19 in March 2020 have often increased the role of reception centres in the asylum procedure. Within reception centres, information is provided either by the competent authorities or by partner organisations such as NGOs or civil society organisations. The provision of information by an NGO or a civil society organisation is usually based on a formal partnership concluded between state authorities and the concerned organisation. However, it is important to emphasise that even where such partnerships exist, the responsibility to ensure that information is effectively provided lies exclusively on state authorities.

According to Article 12(1)(a) Asylum Procedure Directive, the information to be provided includes:

- the procedure to be followed;
- the applicant's rights and obligations during the procedure;
- the possible consequences of not complying with their obligations and not cooperating with the authorities;
- the applicable time-frames;
- the means at their disposal for fulfilling the obligation to submit the elements needed to substantiate the application as referred to in Article 4 Qualification Directive<sup>9</sup>;

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<sup>8</sup> Article 6(1) third sub-paragraph, Asylum Procedures Directive.

<sup>9</sup> [Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011](#) on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for



- the consequences of an explicit or implicit withdrawal of the application.

These legal requirements are operationalised in the *EASO Guidance on asylum procedure: operational standards and indicators*<sup>10</sup>.

Information provision within reception centres can be delivered orally or in writing (or both) and through a wide variety of forms, such as group or individual session.

It is important to ensure that information about the procedure and their individual case has been understood by the applicant. In this context the following should be taken into account:

- where the information is provided in writing, the message is expressed in a clear and non-technical way and where possible in a language the applicant understands.
- where necessary, the information is also provided orally in a language the applicant understands.
- when information is given orally, the authority ensures that the applicant has understood the information given.
- information is provided in a manner that takes into account the special needs and individual circumstances of applicants.

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a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast).

<sup>10</sup> See standard 22 (and the further indicators) of the EASO, [Guidance on asylum procedure: operational standards and indicators](#), 2019.

## IV. Pre-registration (and appointment systems)

The notion of ‘pre-registration’ does not occur in the Common European Asylum System. It is used by some EU+ States to facilitate the actual registration and/or lodging process. During the pre-registration, appointments are often given for the actual registration and/or lodging. Since the notion of pre-registration does not have a legal basis, the regular time limits for registration of the making of an application and for giving the opportunity to lodge an application remain unaltered.

It should be noted that the time limits of the Dublin III Regulation<sup>11</sup> start to run as soon as an application for international protection is lodged in the Member State. Lodging in the sense of the Dublin III Regulation mirrors Article 6 Asylum Procedure Directive and is defined by Article 20(2) Dublin III Regulation:

An application for international protection shall be deemed to have been lodged once a form submitted by the applicant or a report prepared by the authorities has reached the competent authorities of the Member State concerned. Where an application is not made in writing, the time elapsing between the statement of intention and the preparation of a report should be as short as possible.

Not only from this provision, but also from the CJEU judgment of 26 July 2017, case C-670/16, *Tsegezab Mengesteab v Bundesrepublik Deutschland*, it follows clearly that:

... an application for international protection is deemed to have been lodged if a written document, prepared by a public authority and certifying that a third-country national has requested international protection, has reached the authority responsible for implementing the obligations arising from that regulation, and as the case may be, if only the main information contained in such a document, but not that document or a copy thereof, has reached that authority<sup>12</sup>.

Therefore, even a pre-registration, under certain circumstances, could constitute a ‘lodging’ in the sense of the Dublin III Regulation.

Pre-registration systems can nevertheless allow the actual making or lodging of the application to be organised in a more structured and predictable way. In some EU+ States, online systems were developed in order for applicants to get an invitation to make an application in person at the arrival centre. In this way, mass and unorganised gatherings at the arrival centre are avoided. The online appointment system makes it possible to organise the making/lodging/registration process within the arrival centre in a way that respects social distancing. It can be provided that the online form is only available from the state’s territory. Applicants are asked to send their photographs and

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<sup>11</sup> [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).

<sup>12</sup> CJEU judgment of 26 July 2017, [Mengesteab v Bundesrepublik Deutschland](#), Case C-670/16, paras. 101-103.



documents scanned and submitted, thus permitting to determine the date of the invitation. The web-form also allows for indicating any specific needs. Families are usually invited together. After the lodging of the application in the arrival centre has taken place, applicants receive proof of their application.

## V. Fingerprints in Eurodac

Member States have the obligation to register the fingerprints of applicants of at least 14 years old as soon as possible, and transmit these fingerprints, together with the information as specified in Article 11 Eurodac Regulation, to the Eurodac Central system. This obligation is set out in Article 9(1) Eurodac Regulation<sup>13</sup>.

The obligation to register and transmit fingerprints, even in the midst of the COVID-19 pandemic, is also underlined by the Commission's aforementioned guidance:

Article 9(2) of the Eurodac Regulation provides, that, where it is not possible to take the fingerprints of an applicant on account of measures taken to ensure his or her health or the protection of public health, Member States shall take and send such fingerprints as soon as possible and no later than 48 hours after those health grounds no longer prevail. Fingerprints of all third country nationals that fall under the obligation to be fingerprinted should be taken, as soon as possible, while ensuring the protection of public health<sup>14</sup>.

The Eurodac Regulation allows for a delay in the registration and transmission of fingerprints to the Central System under specific conditions, such the protection of public health. In the context of the outbreak of Covid-19, a few Member States decided to maintain the registration and lodging of new applications, but to delay the taking of fingerprints. This practice is based on the derogation allowed by Article 9(2) Eurodac Regulation.

Eurodac is a common source of information for the identification of a Dublin case. When a person applies for international protection, the database allows the Member States to see previous applications for international protection in other Member States, transmitted to Eurodac in accordance with Article 9 Eurodac Regulation.

Not taking fingerprints will severely impact the Dublin procedure, at that moment and in the future. If the fingerprints are not registered in Eurodac, Member State authorities will not be able to verify whether an application has been lodged elsewhere. Allowing an applicant to pursue an application

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<sup>13</sup> [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 Agency for the operational management of large-scale IT systems in the area of freedom, security and justice \(recast\).](#)

<sup>14</sup> [Communication from the Commission Covid-19: Guidance on the implementation of relevant EU provisions in the area of asylum and return procedures and on resettlement](#), Brussels, 16 April 2020 C(2020) 2516 final, p.15.

procedure in another country would undermine the system as is. To that end, Eurodac is used as an indication to submit take charge or take back requests, based on information on previous applications or previous irregular border crossings, and serves as a strong means of proof when submitting these requests. Without Eurodac search results, these take charge or take back requests will most likely be less successful. Furthermore, longer time limits apply to take charge or take back requests without Eurodac hits, which also results in delaying the process.

In order to avoid considerable delay in the proceedings, and to guarantee effective and quick access to the procedures for applicants for international protection, it is important to continue registering the fingerprints of applicants with Eurodac category 1, transmit the necessary information to Eurodac Central System, and compare the fingerprints in Eurodac.

Concluding this procedure as soon as possible will enable the authorities to identify potential Dublin cases at an early stage. This will enable the start of the Dublin procedure as soon as possible, contribute to a more successful Dublin procedure, and will eventually enable the applicant to have access to the asylum system earlier.

During the COVID-19 pandemic, several good practices have been identified in Member States in relation to the continued fingerprinting of applicants:

- placing more fingerprinting devices in offices where applications can be registered (such as at entry points, police stations or police offices, etc.);
- wearing personal protective equipment such as gloves and face masks in order to prevent the potential spread of the virus;
- using hand sanitiser before fingerprinting;
- cleaning and sanitising the fingerprinting device before and after each use;
- using plexiglass to avoid direct contact during the taking of fingerprints;
- keeping the recommended distance and giving instructions at a distance;
- using information boards, pictograms or other explanatory tools to instruct how the fingers should be placed on the device for a successful process;

It should be borne in mind that for the Dublin III Regulation to be applied, the indispensable condition is the lodging of the application, not the taking of fingerprints. In other words, the Dublin procedure does not start with the registering of fingerprints and the Dublin III Regulation is applicable even when fingerprints are not taken.

## VI. Self-registration

Several EU+ States have developed registration systems that allow applicants to self-register at special registration terminals or booths located within the premises of administrations. This set-up enables multiple registrations to take place simultaneously, with minimal assistance from a designated officer and in some cases without the need for an interpreter to be present.

This process can be further enhanced by making the process interactive, in order to take over part of the role of the registration officer to assist applicants to find relevant information in their language and to fill in forms.

There is ongoing research exploring Artificial Intelligence (AI) for chatbots to facilitate the registration process. Chatbots, which simulate conversations with humans, are already being used in several states in the field of migration. The use of chatbots can help to guide the applicant through the self-registration process and add a data validation layer to ensure correct data inputs from the applicant or to prompt the applicant with follow-up requests. Chatbot can be used to help the applicant to find relevant information in their own language and as a channel to automatically deal with frequently asked questions. AI can further assist the self-registration process by automatically triggering the relevant internal follow-up actions (such as booking interview slots or translators) to substitute manual work. The chatbot can lastly support the applicant by prompting for inputs (e.g. follow-up document requests) when required.

Self-registration allows applicants to self-register as much information as possible through a digital platform available in various languages and located in reception centres. It is intended to complement the registration interview and does not completely replace it. A supervisor is present while the self-registrations are being conducted. The supervisor can monitor several simultaneous registrations.

The self-registration process reduces the face-to-face time spent by registration officers and interpreters. This renders the overall process more cost-efficient, but also supports the implementation of social distancing measures, as imposed during the COVID-19 outbreak. The structured fields used by the tool allow as well for automatic translation, further reducing the time an interpreter spends on one case.

Important as well is that the self-registration enhances the applicant's responsibility and ownership over the information provided, increasing as well the trust in the procedure. Evaluations have shown that the quality of the information provided through self-registration is not less than when conducting the registration face-to-face.

## VII. Remote data collection

Data collection is a key activity of the registration process and it often takes place in-person during a registration interview. However, depending on the national set-up, an applicant's personal data can also be collected remotely, through an **online interview** or through an **online form** or **by email** or **postal mail**.

In order to ensure the completeness, accuracy and reliability of the information provided, both remote and in-person registration can be combined, one complementing the other. Moreover, some data require the applicant's physical presence, in particular regarding the biometric data. In combined systems, personal data can be collected remotely (via email or postal mail) while the biometric data are collected in person at the registration office. Remote data collection can further help to prepare and shorten the face-to-face registration interview.

Remote data collection should take into account the following considerations:

- Information provision should be given prior to the remote data collection, in a language the applicant understands or with the services of an interpreter. In addition to the information that is to be provided pursuant to Article 12 1)(a) Asylum Procedures Directive, the applicant should also be informed of the specificities of the remote data collection process, e.g. the reason for using this process and the relevant safeguards put in place.
- The suitability of using remote data collection should be assessed, taking into account the individual circumstances of the applicant. In this respect, special consideration should be given to vulnerable applicants or applicants with special procedural needs.

Based on EU+ States' practices, the remote data collection could present the following features:

- Asylum administrations make use to the largest extent possible of data that is already within their reach, e.g. within reception centres, to reduce the amount of information that needs to be collected remotely.
- For data sent by applicants via postal mail, the registration/lodging form can be downloaded online in several languages. It can be required that the personal data should be sent using a registered letter with a return receipt.
- For data submitted by applicants online, the data is inserted in a secured webpage (or a web form), accessible only in the concerned Member State. Once the web form is completed, the applicant receives an email or a document confirming the submission of their personal data.
- Interactive support tools available (e.g. an online chat or a chatbot) to assist applicants with completing the form.
- In set-ups combining remote and face-to-face data collection, once the personal data has been submitted (by post mail or online), the confirmation of receipt sent to the applicant will indicate a date and time for an appointment at the registration office, in order for the applicant to undergo the second step of the data collection.

When collecting data remotely, the following minimum safeguards should be kept in mind:

- An opportunity is granted for the applicant to submit relevant documents (ID, certificates) both electronically and, if needed, physically to the authorities.
- The established way of communication needs to be fit for data protection/confidentiality purposes according to General Data Protection Regulation. This means ensuring physical integrity of mailboxes and ensuring proper cyber-protection of electronic communication (mailboxes, chats, online applications, etc.).
- In case the remote data collection constitutes the formal lodging of an application, there should be a clear way of registering the date of lodging to establish procedural deadlines. It is also important to provide a (preferably) automatic confirmation/certificate for the applicant on the submission of the application in order to prove their entitlement to being an applicant for international protection towards national authorities. This is important in cases where applicants did not receive a prior confirmation of the registration of the making of the application. The authorities need to have a proper electronic document management system in place, to ensure that no applications are overlooked and that applications are processed in a transparent manner (e.g. dedicated mailbox for applications sent online, tracking/distribution system for online applications, in-built alerts flagging approaching deadlines).
- Cases need to be assessed on an individual basis to ensure that remote data collection is only applied for adequate cases. Special consideration should be given to applicants who have special procedural needs.

In some situations, it may be advisable to hold the registration interview itself remotely. For assistance with organising remote interviews, please consult the [EASO Recommendations on Conducting the personal interview remotely](#), which was published in May 2020 and which, to a large extent, can be applied as well to the context of a registration interview.



## VIII. Increased role of reception centres in the registration process

Reception centres may support the registration procedure in the form of **assistance and counselling applicants**. This support may come in the form of providing assistance to complete the registration form, sending the form to the competent registration authority, gathering the relevant and available documents, making photocopies, etc. Assistance and counselling are provided along with the services of an interpreter or a cultural mediator.

The role of reception centres may go beyond assistance to applicants and consist of the **reception centre conducting the registration procedure**. The extent of the reception centre's role in the registration procedure may vary, depending on the national set-up.

Several EU+ States provide that most, if not all, registration activities are carried out by the reception authority. The reception authority undertakes the collection of personal data, the filing of the application, taking the photograph, collecting fingerprints and other biometrics, and issuing the official documentation/enrolment certificate. The reception authorities then forward the application to the national asylum authority.

The measures surrounding the COVID-19 situation have urged some EU+ States to increase the role of reception centres in the registration process and to reduce any duplication of information collected by reception centres and asylum authorities. The closer cooperation between reception centres and asylum authorities in a number of states has led to an increased trust in each other's procedures. This may form the basis to further streamline registration processes in the future.

Finally, where the national set-up provides for the possibility to conduct the registration interview remotely, the remote interview would preferably take place in reception centres. Indeed, reception centres are most likely to be able to secure a dedicated room for the videoconference that ensures confidentiality as well as compliance with basic quality standards for the interview. Moreover, reception staff can control who attends the videoconference, verify the identity of the applicant and provide the requested IT equipment and assistance.