



European Asylum Support Office

SUPPORT IS OUR MISSION

The Detection of Document Fraud in the Asylum Procedure

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EASO Asylum Support

- acts as a centre of expertise on asylum;
- contributes to the development of the Common European Asylum System by facilitating, coordinating and strengthening practical cooperation among Member States on the many aspects of asylum;
- helps Member States fulfill their European and international obligations to give protection to people in need;
- provides practical and technical support to Member States and the European Commission;
- provides operational support to Member States with specific needs and to Member States whose asylum and reception systems are under particular pressure;
- provides evidence-based input for EU policymaking and legislation in all areas having a direct or indirect impact on asylum.



Common European Asylum System (Secondary legislation)

- **2013 Dublin III Regulation**
- **2013 EURODAC Regulation**
- **2011 Qualification Directive**
- **2013 Asylum Procedures Directive**
- **2013 Reception Conditions Directive**
- **2001 Temporary Protection Directive**

Basic Principles of the Asylum Procedure



Aim of the Asylum Procedure

Legal and administrative procedure(s) applicable to:

- **the processing of applications for international protection**
 - **refugee status**
 - **subsidiary protection**
- **the withdrawal of international protection**
 - **cessation**
 - **revocation**
 - **ending of protection**



Definition of a Refugee

Art. 2 – d) Qualification Directive

‘refugee’ means a third-country national who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country,

or

a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned above, is unable or, owing to such fear, unwilling to return to it, and to whom Article 12 does not apply;



Definition of a Person Eligible for Subsidiary Protection

Art. 2 - f) Qualification Directive

A third- country national or a stateless person who does not qualify as a refugee but in respect of whom substantial grounds have been shown for believing that the person concerned, if returned to his or her country of origin, or in the case of a stateless person, to his or her country of former habitual residence, would face a real risk of suffering serious harm as defined in Article 15, and to whom Article 17(1) and (2) does not apply, and is unable, or, owing to such risk, unwilling to avail himself or herself of the protection of that country;

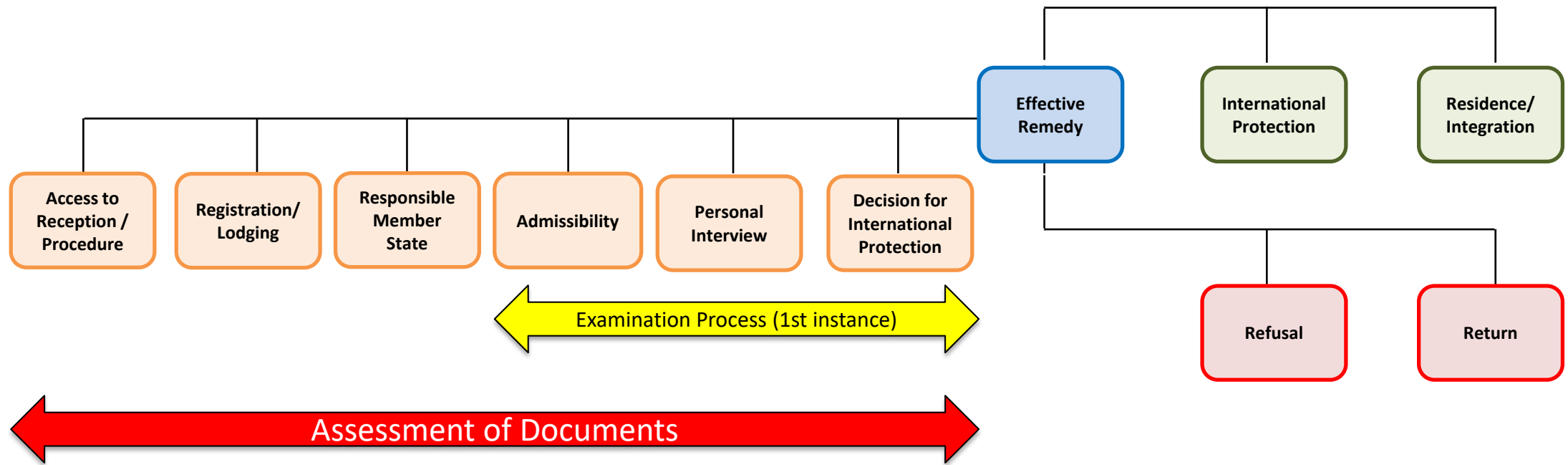


Scope of the Asylum Procedure

“all applications for international protection made in the territory, including at the border, in the territorial waters or in the transit zones of the Member States, (...)” (APD art. 3)



Asylum Procedure



The examination of asylum application by Member States

Article 10 APD

(...) 3. Member States shall ensure that decisions by the determining authority on applications for international protection are taken after an appropriate examination. To that end, Member States shall ensure that:

*(a) applications are examined and decisions are taken **individually, objectively and impartially**; (...)*

Obligations of applicants to cooperate

Article 13 APD

1. Member States shall impose upon applicants the obligation to cooperate with the competent authorities with a view to establishing their identity and other elements (...)
2. In particular, Member States may provide that: (...)
 - (b) applicants have to hand over documents in their possession relevant to the examination of the application, such as their passports;

Assessment of Applications for International Protection



Assessment of facts and circumstances

Article 4 - Qualification Directive (QD)

1. (...) In cooperation with the applicant, it is the duty of the Member State to assess the relevant elements of the application. (...)

3. The assessment of an application for international protection is to be carried out on an individual basis and includes taking into account:
 - (a) all relevant facts as they relate to the country of origin (...);
 - (b) **the relevant statements and documentation** presented by the applicant including information on whether the applicant has been or may be subject to persecution or serious harm;

Types of documents presented by asylum applicants

Article 4 - Qualification Directive (QD)

(...) 2. The elements referred to in paragraph 1 consist of the applicant's statements and all the documentation at the applicant's disposal regarding the applicant's age, background, including that of relevant relatives, identity, nationality(ies), country(ies) and place(s) of previous residence, previous asylum applications, travel routes, travel documents and the reasons for applying for international protection.

The different roles in the assessment of documents in the asylum procedure

- *Asylum registration officers and Case officers apply document verification methods and guidelines but are not experts in fraud detection*
- *ID document verification is a police task/responsibility*
- *For non-ID documents, COI unit may have a particular expertise (e.g. arrest warrants or court summons).*

Assessment of Documents in Practice



EASO Guidance on the Assessment of the documents

- ***Relevance***
- ***Existence***
- ***Content:***
 - ***Internal contradiction?***
 - ***Compatible with the applicant's statement?***
 - ***Compatible with COI?***
 - ***Precision?***
- ***Form***
- ***Nature***
- ***Author***



Inspecting the Form of Documents - Good Practices from UNHCR guidelines*

- ▶ Quality and consistency of the paper of the document
- ▶ The numbering and sequence of pages
- ▶ Photographs and signatures against those of the Applicant
- ▶ Discoloration or smearing around dates or names
- ▶ Smudged or irregular stamps
- ▶ Separation of the photograph from the page, or blistering of lamination

*(*Procedural Standards for Refugee Status Determination under UNHCR's Mandate)*

Documents and other pieces of evidence

- Opportunity must be given to the applicant to provide explanations on the document
- Documents are considered together with other pieces of evidence:
 - > *Particular case of passports*
- The consequences of misrepresentation and fraudulent document

Thank you!

