

Fair and Fast: Best practices in prima facie and manifestly well-founded asylum processing

Outcome Report

21 September 2023, 15:30-17:30 CET

Online Format

Introduction

The first technical meeting of the Asylum Capacity Support Group (ACSG) Dialogue Platform was held on 21 September 2023 on the topic "Fair and Fast: Best practices in prima facie and manifestly well-founded asylum processing". The session was co-moderated by the ACSG Secretariat¹ and the Immigration and Refugee Board of Canada (IRB). The meeting brought together 180 participants, representing States (national asylum authorities and Geneva-based Permanent Missions), regional and intergovernmental entities, civil-society organizations, academics and UNHCR.

The opening remarks by UNHCR highlighted the upward trend in asylum applications and onward and mixed movements as well as the efforts States are making to promptly make decisions on asylum applications while ensuring that the necessary safeguards are in place. UNHCR also called for solidarity and burden- and responsibility-sharing in supporting the ACSG to match expertise and policy pledges for strengthening asylum systems. The discussion focused on four key thematic areas² with presentations from representatives of the National Committee for Refugees of Brazil, the United Kingdom Home Office, the National Commission for Refugees of the Democratic Republic of Congo, and the IRB. There were also questions and interventions from the floor. The following were some of the key takeaways and recommendations that emerged from the discussion:

Prima facie and manifestly well-founded approaches to refugee status determination (RSD)

- Globally, various terminologies are used to describe the processing of applications by States where a significant majority of asylum-seekers are likely to meet the refugee criteria or a complementary form of international protection, based on an assessment of country of origin information. Examples of these terminologies include manifestly well-founded processing, recognitions using a prima facie approach, cases with presumption of inclusion, high recognition or high grant rate cases and less complex claims.
- Such cases can be processed efficiently because there are fewer elements remaining to be established during the RSD process, namely an individual's identity, that they belong to a profile which, based on country of origin information, is likely to meet the refugee definition, and that there are no exclusion concerns.
- When using such modalities, a key question is, how much a process can be simplified to gain efficiency, while still implementing the necessary due diligence safeguards to address security and other concerns.
- There is increasing interest in such processing modalities as States are seeking to manage backlogs in the context of consistently high numbers of new asylum applications.
- Strengthening asylum systems in countries of transit is a key element in UNHCR's comprehensive route-based approach to addressing onward and mixed movements to identify

¹ The ACSG activities are coordinated by the ACSG Secretariat, established in UNHCR's Division of International Protection. For information on the coordination role of the Secretariat, see the [ACSG Guide to Working Modalities](#).

² See concept note available in [English](#), [French](#), [Spanish](#), [Arabic](#).

more efficiently those in need of international protection. One element that can contribute to stronger asylum systems is the implementation of differentiated approaches to RSD, such as prima facie and manifestly well-founded asylum processing. The below contains examples of how these procedures are being implemented.

Importance of strong registration and data management systems

- States emphasized the importance of strong registration and data management systems to streamline asylum processing and described how such systems are enabling asylum authorities to implement prima facie procedures.
- Digitized registration systems were highlighted for their capacity to enable self-registration by asylum-seekers, facilitate security screening by relevant authorities, and support data extraction based on risk profiles to facilitate and expand decision-making of less complex claims.
- Their role in enhancing communication with asylum-seekers was also emphasized, leading to improved efficiency and quality in processing cases from specific countries and risk profiles and providing decision-makers a comprehensive view of the backlog, enabling them to implement effective triage strategies.
- While technological innovations can help to promptly address the increasing number of applications, they also require investing in continuous adaptations to improve the user-friendliness and accessibility of such case management systems. This includes translation into various languages and addressing challenges related to interoperability with other public data systems focused on gathering information about asylum-seekers, providing training for qualified staff to proficiently utilize these systems, and ensuring that the system is updated with reliable and up-to-date information for analysis.

Developing appropriate tools and systems to accelerate case processing

- The importance of implementing effective tools to efficiently gather critical information from asylum-seekers early in the process was emphasised, (e.g., interview forms, questionnaires relating to establishing identity and reasons to claim asylum etc.). This is especially relevant where the requirement of an asylum interview is removed entirely or reduced to a targeted and/or short interview to raise specific enquiries.
- States shared various criteria used in determining the appropriate processing modality. The criteria can include high-grant nationalities, risk-profiles, and level of complexity of a case etc. based on initial information gathered. Through this analysis, States can determine whether a streamlined and targeted interview suffices, or if no interview is necessary, and in some cases, whether the regular asylum process should be applied.
- Considerations and appropriate safeguards in the implementation of streamlined procedures to maintain the efficiency, fairness and integrity were highlighted, such as maintaining individual interviews before negative decisions are made, application of tailored processes for individuals with specific needs (e.g. children or conducting a full procedure where there is a concern regarding an individual's vulnerability) as well as when security or credibility concerns arise.
- States also shared the challenges encountered in the implementation of such procedures, e.g., difficulty in confirming nationality due a to lack of documentation, documents that raise credibility concerns, other complex legal issues and/or security concerns which require an interview, thereby increasing the decision-making timelines. Additionally, lack of translations of critical tools due to limitations on resources can affect the quality of information gathered.
- The importance of implementing feedback to improve efficiency when piloting such procedures was highlighted e.g., adapting information gathering tools based on lessons learned.

Reliable country of origin information (COI to identify profiles suitable for streamlined processing

- States emphasised the importance of reliable COI regarding the security and humanitarian conditions in the individual's country of origin for identifying nationalities or profiles for prima facie/manifestly well-founded processing.
- Such COI, when combined with information in the case management system, could negate the need for an individual asylum interview entirely or allow for a focused interview. Alternatively, it can streamline the interview process, allowing for more relevant aspects of the asylum claim to be assessed.
- States also highlighted the use of COI to identify specific risk profiles and vulnerable groups for simplified processing, e.g., individuals at risk of Female Genital Mutilation (FGM), or those belonging to the LGBTQI community etc. This approach not only helped to respond to the unique needs and circumstances of individuals seeking asylum but also contributed to the efficient processing of claims.
- In situations of large-scale arrivals, having access to reliable COI also enables asylum authorities to identify individuals with international protection needs and process their asylum claims in a limited period, while also managing security needs and identifying armed combatants and individuals with exclusion considerations.

Balancing protection needs while maintaining efficiency and security consideration

- States outlined their approach to RSD for specific nationalities in the context of large-scale arrivals and mixed movements, aiming to balance the need for implementing a protection sensitive procedure while effectively addressing security considerations.
- This approach can involve a screening process at arrival to identify people with international protection needs (with input from different stakeholders, including security agencies and UNHCR), leading to the creation of a list of individuals recommended for recognition to decision-makers.
- Setting up a robust security screening and pre-registration system, including a biometric registration process, can facilitate early information gathering and assist asylum authorities in identifying individuals in need of international protection from those found not to be in need, e.g., identifying civilians from armed combatants entering the country of asylum as well as identifying different nationality groups in need of international protection from other migrant groups.

Collaborating with external partners and stakeholders

- States observed that creating a less complex or simplified process requires collaboration and engagement with diverse stakeholders, both internal and external. This collaborative effort not only enhances the effectiveness of such procedures but also addresses capacity limitations effectively.
- States emphasize the critical role of legal aid providers in gathering evidence, documents, and supporting asylum processing and highlighted the importance of a publicly funded legal aid system. This approach is particularly significant where the requirement for an interview is removed or significantly reduced.
- UNHCR's role as an observer and partner in developing case processing modalities was also highlighted.
- Collaboration with academia, research institutions and other partners to produce joint data on migration within the country and profile of asylum-seekers was also highlighted, underscoring the importance of a comprehensive approach to address the challenges facing asylum systems.

Conclusions

- The discussion provided a comprehensive overview of prima facie and manifestly founded procedures highlighting similar challenges faced by national asylum authorities.

- There were different approaches adopted to manage increasing asylum applications and backlogs, although there were similarities: the importance of data and gathering information from asylum-seekers, adapting technology to meet the needs, as well as upgrading technology when required.
- Designing a simplified process does not negate the need for safeguards; asylum authorities must be confident that the individuals recognized through such processes are refugees. The key is finding a balance between ensuring due diligence and implementing the most streamlined procedure possible. Such processes must include an opportunity to refer a case from a simplified process to a more robust process if there are concerns or if initial information suggests that a case may be rejected.
- Given the rise in applications and backlogs, it would seem that all States would want to implement such processing modalities, but they are not consistently applied at a global level, clearly indicating that not all systems are set up to work in this manner.
- It will be important for States not yet implementing such procedures to learn from the examples of others and see how they can adapt their systems to include these efficient approaches in the future.

Asylum Capacity Support Group Secretariat, October 2023