



Support is our mission



GRAND-DUCHÉ DE LUXEMBOURG
Ministère des Affaires étrangères

Direction de l'Immigration

**OPERATING PLAN
FOR THE DEPLOYMENT OF ASYLUM SUPPORT TEAMS TO LUXEMBOURG**

26 January 2012

The Executive Director of the European Asylum Support Office and the Minister of Labour, Employment and Immigration of Luxembourg hereby agree on the Operating Plan of the EASO Asylum Support Teams in Luxembourg.

Copenhagen, 26 January 2012,

**The Executive Director of the
European Asylum Support Office**

**Minister of Labour, Employment
and Immigration of Luxembourg**

Signed 26/01/2012

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Dr Robert K. Visser

Nicolas Schmit

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EXECUTIVE SUMMARY

On 10 January 2012 the European Asylum Support Office (EASO) received a request for support from the Minister of Labour, Employment and Immigration of Luxembourg, Mr Nicolas Schmit. Following this request, on 11 January 2012, the Executive Director of EASO, acting in accordance with Chapter III of EU Regulation No 439/2010 establishing the EASO, has pledged Asylum Support Teams to Luxembourg to provide assistance to their asylum procedures.

During 2011 Luxembourg has faced particular pressures, where the number of asylum seekers almost tripled compared to 2010. From January 2011 to December 2011 2.164 asylum seekers claimed asylum in Luxembourg (compared to 786 in 2010). This unexpected significant influx of asylum seekers brought Luxembourg, in particular the Refugee Unit of the Immigration Directorate of the Ministry of Foreign Affairs, close to its limits. With only eight case workers in the refugee unit, four case workers, responsible for interviewing the asylum seekers and four agents, responsible for the decision-making in the asylum procedure, there was a high risk that Luxembourg would face a backlog growing to a size Luxembourg could no longer handle. Luxembourg therefore hired five new caseworkers to handle these high numbers of asylum requests.

Following Luxembourg's request for support it was identified that Luxembourg urgently needed to be offered training for newly hired staff, in a reinforced Refugee Unit. The aim of this support is to prevent a situation of non-compliance with the principles of the Common European Asylum System. At the same time, Luxembourg has committed itself to the EASO training program with own EA trainers for the future in line with the EASO and EU policy, as soon as the national situation will have changed and the number of asylum seekers will have returned to a more normal figure. Taking into account the emergency situation, and the need for Luxembourg to find a durable solution, temporary emergency support to Luxembourg is deemed to be justified.

This Operating Plan addresses the identified needs, describes the areas for action and provides a framework for the deployment of Asylum Support Teams in Luxembourg, supporting the reinforcement of Luxembourg's Refugee Unit. The Operating Plan outlines the allocation of temporary human resources in the form of EASO Asylum Support Teams, which will offer emergency EAC trainings in order to train the newly hired staff according to the EU asylum acquis, and who then can handle the asylum claims effectively.

The deployment of Asylum Support Teams on the EAC trainings will specifically concentrate on the modules "drafting and decision making" and "interview techniques".

The Operating Plan provides for short term support in Luxembourg taking into account the needs of Luxembourg's authorities. EASO measures in Luxembourg are identified as short term emergency actions.

Luxembourg's authorities are committed to the Operating Plan to be implemented efficiently and for its objectives to be delivered in a timely manner. Accordingly, Luxembourg's authorities and EASO's Asylum Support Teams will work in close collaboration to confirm and address priorities. Overall project management is essential to ensure continuity of the actions within the Operating Plan and contacts within the Luxembourg administration need to be identified and available for the duration of the plan. Nominated senior contacts within Luxembourg's administration and EASO will be accountable for monitoring the progress of the specified actions against agreed milestones, supported by the EASO project manager. It is vital that the support offered by EASO matches both the needs of Luxembourg and its capacity to make best use of that assistance.

The Operating Plan will aim at increasing the ability and resources for the reinforced Refugee Unit to deliver an overall improved and efficient asylum procedure. Luxembourg has committed itself to be involved in the EASO training program for the future, which will provide a more durable solution for Luxemburg in this field, and ensure continuity, in line with the overall objectives of EASO.

The Member States providing experts to be deployed, will be informed by EASO through their national contact points, of the number and profiles required, specifying the scheduled date of deployment. A copy of the Operating Plan will be sent to all the National Contact Points.

1 INTRODUCTION

1.1 Legal Framework of the Asylum Support Teams

The legal framework establishing the Operating Plan and the Asylum Support Teams is outlined in Regulation (EU) No 439/2010 of the European Parliament and of the Council of the European Union of 19 May 2010, establishing a European Asylum Support Office (“EASO”).

In accordance with Article 18 of the EASO, the Executive Director and the requesting Member State shall agree on an Operating Plan setting out in detail the conditions for deployment of the Asylum Support Teams. The Operating Plan includes:

- (a) description of the situation, with the modus operandi and objectives of the deployment, including the operational objective;*
- (b) the forecast duration of the teams' deployment;*
- (c) the geographical area of responsibility in the requesting Member State where the teams will be deployed;*
- (d) a description of the tasks and special instructions for members of the teams, including databases that they are authorised to consult and the equipment that they may carry in the requesting Member State; and*
- (e) the composition of the teams.*

In accordance with Article 16 of the EU EASO Regulation:

- 1. The home Member State shall retain its autonomy as regards the selection of the number and the profiles of the experts (national pool) and the duration of their deployment. Member States shall make those experts available for deployment at the Support Office's request unless they are faced with a situation substantially affecting the discharge of national duties, such as one resulting in insufficient staffing for the performing of procedures to determine the status of persons applying for international protection. Member States shall, at the request of the Support Office, as soon as*

possible communicate the number, names and profiles of experts from their national pool who can be made available as soon as possible to join an asylum support team.

- 2. When determining the composition of an asylum support team, the Executive Director shall take into account the particular circumstances confronting the requesting Member State. The asylum support team shall be constituted in accordance with the operating plan referred to in Article 18.*

In conjunction with the specifics of the Operating Plan the following Luxembourg legal framework will be taken into account as annexed at C: Revised Law on Asylum and other Forms of Protection, dated May 5th, 2006.

1.2 Confidentiality

Without prejudice to the public right of access to documents as laid down in Regulation (EC) 1049/2001 of the European Parliament and of the Council of 30 May 2001, regarding public access to European Parliament, Council and Commission documents, all versions of this document shall be made available to the authorities referred to in each EU Member State, including and where participating, Iceland, Liechtenstein, Norway and Switzerland. This document shall be made available to interested parties on a need to know basis, in accordance with national rules for the dissemination of levels of information. This will be done on a case-by-case basis.

2 MISSION

2.1 General Objective

The deployment of EASO asylum support teams has been agreed at the request of the Luxembourg authorities who will retain autonomy over their own functions and activities in Luxembourg. The Operating Plan aims to implement efficient asylum procedures and standards and increase operational capacity to tackle the current urgent situation of increased pressure in Luxembourg with respect to asylum. In particular, the Operating Plan will aim to increase expertise for interviewing and decision making in a reinforced Refugee Unit.

Luxembourg welcomes the opportunity that not only the new case-workers will be trained in their future field of work, namely “interview techniques” and “drafting and decision making”, but welcomes as well the given possibility that also the experienced co-workers may participate in the two trainings. As a result, all 8 interviewers and 6 decision makers will be trained by the EASO Asylum Support Team, which will be composed by two trainers. The two modules will each be trained by the way of e-learning and a two days face-to-face training which will be held in Luxembourg. The needed computer requirements, as well as the premises will be placed at the disposal.

In addition to the operating functions of the asylum support teams, the EASO shall designate a Project Manager for overall coordination of the asylum support teams. The Project Manager shall be available for the duration of the support team missions in Luxembourg and will oversee the support functions and activities of deployed staff and act as an interface between the EASO and the Luxembourg authorities.

The Operating Plan will seek to amplify:

Training of newly recruited as well as current personnel (case officers) of the Refugee Unit using European Asylum Curriculum (EAC). EAC is a commonly developed EU-wide training system managed by EASO targeted on asylum case officers of the asylum services of EU Member States and covering the whole asylum procedure within EU.

2.2 Specific Objectives

Support Teams will seek to increase capability in specific areas as defined by the Executive Director of EASO at the request of Luxembourg's authorities (See Annex A):

A. EAC Training in Interview Technique Module - This module provides skills on an initial level about interview techniques. Taking notes and compiling a report will be part of the training as well as how to deal with interpreters.

Objectives:

At the end of the training participants will be able to:

- Use specific interview techniques.
- Prepare an interview.
- Achieve a good balance between the form and the content in an interview (i.e. to gather specific information and to be able to conduct the interview).
- Importance of asking asylum seekers about contradictions as a way to clarify inconsistency.
- Recognize vulnerable or traumatized persons and to involve a specialist interviewer where appropriate.
- Take notes during the interview and finalize them in a report.
- Deal with interpreters and other third parties.
- Deal with cultural differences and gender aspects.

At the end of the training participants will be aware of:

- The context of the interview (i.e. the role of interpreters, interviewers and the asylum seeker's dependent position).
- Their own attitudes.
- The effect the case officer's own actions and attitudes may have on the asylum seeker as well as the interview process.
- That the primary task for case officers is to impartially gather the required information and treat the asylum seeker with respect.

B. EAC Training in Drafting and Decision Making Module - This module provides skills on an initial level to formulate and motivate the decision in accordance with the requirements of the directive.

Objectives:

At the end of the training participants will have gained knowledge in:

- The necessary components in a decision.
- The requirements of the directive.
- How to deal with special circumstances in asylum procedures (confidentiality, several family members, etc.).

At the end of the training, participants will be able to:

- Use the requirements of the directive in the specific case of the asylum seeker.
- Argue in a judiciously correct, logical and understandable manner and put them down in writing.
- Identify the characteristics of a strong decision.
- Identify the characteristics of a weak decision.

Demonstrate awareness of the pitfalls in their arguments.

2.3 Geographical Areas of Deployment

Asylum support teams will operate in the following areas:

The training will take place in the premises of National Institute of Public Administration in Luxembourg-city.

2.4 Authorities involved in coordination and implementation

The overall coordination of the Operating Plan belongs to:

- the Refugee Unit of the Immigration Directorate of the Ministry of Foreign Affairs, represented by Ms Anouk KIRPACH, Member of the EASO Management Board and National EAC Contact point. Alternatively, the Ministry will be represented by Mr Serge Thill, Head of the Refugee Unit, and Alternate Member of the EASO Management Board.

3 TRAINING IN INTERVIEWING AND DECISION MAKING

3.1 Description of the current situation

Compared to 2010, the number of asylum seekers has almost tripled in 2011. The applications of 2.164 persons between January und December 2011 have brought the Luxembourg Refugee Unit to its limits. In 2011, this unit was composed of four case workers, responsible for interviewing the asylum seekers and four decision makers. In order to be able to deal with this high number of asylum requests, five additional employees have been engaged by January 2012 (three decision makers and two interviewers).

3.2 Luxembourg Asylum Framework

Asylum legislation: The revised Law on Asylum and other Forms of Protection, dated May 5th, 2006.

Responsible Authority: Ministry of Foreign Affairs, Directorate of Immigration; Refugee Unit.

First instance authority: Ministry of Foreign Affairs, Directorate of Immigration, Refugee Unit.

Second instance authorities: Administrative Tribunal and Administrative Court.

3.3 Intended situation

It is foreseen that the two trainings in interview techniques and decision making will finish with the face-to-face meetings held in Luxembourg on the 7th and the 8th of February, 2012. Right after the completed trainings, the new case workers will receive an intensive training on how to apply the Luxembourg law regarding the decision making and the interviewers will be trained in the context of the countries they will be responsible for. As the national law on Asylum and other Forms of Protection, as well as the practical aspects of the national asylum procedure have already been introduced to the new co-workers, the new employed staff should be ready to work very soon after the trainings.

3.4 EASO measures

EASO support concerning the training of staff in the asylum procedure during the transitional period

EASO measure 1 EAC Training in Interview Technique Module

Place of action:	Luxembourg
Time frame:	9 working days, as soon as possible.
Target Group:	Refugee Unit of Luxembourg case officers (8 interviewers)
EASO support:	1 EASO expert, 9 days for the expert
Description / method:	<p>The measure should train the case officers in Interview Techniques using EAC Training system of on-line training followed by the face-to-face session.</p> <p>The EASO Expert will first coach the participants through the interactive on-line part of the training, which will be conceived during a period of 5 working days. Face-to-face session will follow the on-line part and will take 2 working days. 2 days of transport will be needed.</p>
Output / take over:	<p>On-line training materials and training case studies and face-to-face materials. By the end of the activity all case officers will be trained on the EAC module Interview technique. Luxembourg official should then follow the “train the trainer” seminar organized by EASO, in order to be able to take over the training activities of the personnel in Interview Technique Module in Luxembourg.</p>

EASO measure 2 EAC Training in Drafting and Decision Making Module

Place of action:	Luxembourg
Time frame:	9 working days, as soon as possible.
Target Group:	Refugee Unit of Luxembourg, case officers (6 decision makers)
EASO support:	1 EASO expert, 9 days for the expert
Description / method:	<p>The measure should train the case officers in Drafting and Decision Making using EAC Training system of on-line training followed by the face-to-face session.</p> <p>The EASO Expert will first coach the participants through the interactive on-line part of the training, which will be conceived during a period of 5 working days. Face-to-face session will follow the on-line part and will take 2 working days. 2 days of transport will be needed.</p>
Output / take over:	<p>On-line training materials and training case studies and face-to-face materials. By the end of the activity all case officers will be trained on the EAC module Drafting and decision Making. Luxembourg official should then follow the “train the trainer” seminar organized by EASO, in order to be able to take over the training activities of the personnel in Drafting and Decision Making Module in Luxembourg.</p>

4 FINAL PROVISIONS

4.1 Reporting Provisions

A reporting system will be established for monitoring the implementation of the Operating Plan and to define improvements within the Luxembourg asylum procedure so as to assess any further needs for training. Specific reporting templates can be found at Annex D and will be submitted to the Executive Director of the EASO, the EASO Project Manager and the Luxembourg authorities on a weekly basis.

Reporting may comprise of statistics, management information, and report about improvements to the asylum procedure but shall not include any personal data.

ANNEXES

- A. Letter from Minister Schmit requesting EASO support (December 21st, 2011)
- B. Letter from Dr Visser, Executive Director of EASO to the EASO Management Board dated 11 January 2012.
- C. The revised Law on Asylum and other Forms of Protection, dated May 5th, 2006.
- D. EASO Operating Plan Reporting Template
- E. EASO Operating Plan Teams Deployment Timeline