



European Ombudsman's further inquiry letter to the European Asylum Support Office (EASO) following its response to the Ombudsman's inquiry on the alleged misconduct of EASO staff when conducting interviews with asylum seekers in the Greek 'hotspots'

Correspondence - 08/03/2019

Case 1139/2018/MDC - **Opened on** 23/07/2018 - **Decision on** 30/09/2019 - **Institution concerned** European Asylum Support Office (Maladministration found) |

Mr Jamil Addou

Executive Director A. I.

European Asylum Support Office

Strasbourg, 08/0632019

Complaint 1139/2018/MDC

Subject : The alleged misconduct of staff of the European Asylum Support Office (EASO) when conducting interviews with asylum seekers in the Greek 'hotspots'

Dear Mr Addou,

On 23 July 2018, I asked you to reply to the complainant's correspondence of 25 April 2018 in case 1139/2018/MDC. I also informed you that once I received a copy of your reply, I would consider whether further inquiry steps into the substantive aspect of the complaint are necessary.

Having carefully examined your reply and the complainant's comments on that reply, I now have a series of questions for EASO to address my concerns about this case.

The aspect of the complaint relating to case x

EASO confirms that the case officer involved in case x " *made a severe error of judgment when*



dealing with [that] case " and " *this case should never have passed the quality control of the Team leader* ". This conclusion was based on the fact that the interviewer pursued a line of questioning that was inappropriate for the case and displayed a misunderstanding of the complainant's sexual orientation. There were also problems with the work of the interpreter. The team leader did not identify these problems at the time and when they were identified in a 'quality feedback report', it seems that EASO did not seek to take any remedial measures with regard to the asylum seeker in question (Mr X).

These errors by EASO may have contributed to the fact that Mr X was deported (this occurred in the course of the Ombudsman's inquiry). The information provided by the complainant suggests that EASO sent its (delayed) reply to the complainant in this case the very day Mr X was deported. If true, this is a cause for concern.

This is the second complaint that I have received alleging shortcomings in the conduct of experts (who carry out or facilitate interviews with asylum seekers) deployed by EASO in the Greek hotspots. In my decision on complaint 735/2017/MDC [1] , I noted that any shortcomings in the interview process (and in decisions of the Greek Asylum Service) are best addressed in the course of individual appeals, rather than in the context of an Ombudsman inquiry. Given, however, that Mr X has been deported, I find it important to follow up in this particular case to determine what lessons might be learned for the future.

I would therefore appreciate it if EASO could comment on my understanding of events as set out above and reply to the following questions:

1. Why did EASO not follow up on Mr X's case immediately upon acknowledging, in 'quality feedback report' no. 23 of 27 March 2018, that serious errors had occurred? By way of example, EASO could have informed the Greek authorities of the errors so that they/EASO could take the necessary remedial action before he was deported.

2. What action can be taken in a case such as this one, where serious errors have been identified but the asylum seeker has been deported? For example, can EASO do anything to facilitate the asylum seeker's return so that he can be interviewed anew?

The aspect of the complaint relating to alleged widespread misconduct during interviews

The cases brought to my attention through complaints signal the need for accountability mechanisms to scrutinise the compliance of EASO experts with fundamental rights. In its Report on the **proposal** for a regulation on the European Union Agency for Asylum [2] , the European Parliament has proposed to include a provision (Article 54c) obliging the new agency to take measures to set up a complaint mechanism to monitor and ensure the respect for fundamental rights in all the Agency's activities.

Could EASO therefore please reply to the following questions:

3. Given the time it is taking to adopt the legislation to introduce a new EASO complaint mechanism, how does EASO now deal with complaints about infringements



of fundamental rights in all EASO operational support activities?

4. When serious errors are identified, could EASO systematically and immediately send its quality feedback reports to the national authorities?

5. As quality feedback reports seem to be shared with case officers only, could EASO ensure that quality feedback reports identifying errors made by interpreters are also shared with interpreters? Could those reports also be shared systematically with Team Leaders?

I would be grateful to receive your reply to my questions within three months of the date of this letter. Once we have received your reply, we will send a copy of it to the complainant.

Please also find enclosed a copy of the complainant's comments on EASO's reply of 20 September 2018.

Yours sincerely,

Emily O'Reilly

European Ombudsman

[1] <https://www.ombudsman.europa.eu/en/decision/en/98711>

[2] (COM(2016)0271 – C8-0174/2016 – 2016/0131(COD)):

<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+REPORT+A8-2016-0392+0+D>