



Valletta Harbour, 31 January 2020
EASO/ED/2019/491

Ms. Emily O'Reilly
European Ombudsman
1, Avenue du Président Robert Schuman
CS 30403
F – 67001 Strasbourg Cedex
France

Sent by email only to: Registry@ombudsman.europa.eu;
[REDACTED]

Subject: Decision of the European Ombudsman in case 1139/2018/MDC on the conduct of experts in interviews with asylum seekers organised by the European Asylum Support Office

Dear Ms O'Reilly,

I refer to your letter dated 30 September 2019 with a decision on the case in subject. In response to your request, please find below information regarding the actions taken by EASO on your suggestions for improvements.

As a preliminary point, I would like to reiterate that the role and mandate of EASO is one of support to the Member States in the implementation of the Common European Asylum System (CEAS). As explicitly laid down in Regulation (EU) No 439/2010 establishing the European Asylum Support Office, the Agency has no direct or indirect powers in relation to decisions taken by Member States' asylum authorities on individual applications for international protection.

- 1. Suggestion for improvement – “if EASO discovers that significant errors have occurred at interview stage, it should seek to inform the national authorities, immediately and systematically”**

EASO has established *quality control procedures* in place to ensure that the necessary standards in its operations are upheld or reinforced. In the field offices where EASO Asylum Support Teams (AST) are present, the EASO team leader, being a deployed Member State expert or expert on contract coordinating a team of EASO case officers, systematically verifies every opinion prepared by the EASO case officer. The team leader takes into account the quality guidance included in the EASO practical guides and the Quality Feedback Reports (QFRs). This step takes place before the actual transmission of the file, together with the ensuing opinion, to the responsible national authorities (e.g. the Greek Asylum Service). This critical step in the procedure adheres to the *four eyes*



principle. At this stage, the EASO team leader may also establish the need for corrective action. Such actions may include, for example, the need to plan an additional interview or the redrafting of the initial opinion.

Furthermore, following receipt of the Ombudsman's decision, EASO has been gradually implementing measures to **reinforce the role of EASO team leaders** in guaranteeing quality control and assurance throughout the interview stage and opinion drafting process. **Coaching sessions for case officers** are also organised on a regular basis.

Amongst the measures introduced is the organisation of **monthly meetings of EASO team leaders**. These meetings provide a space for team leaders to discuss procedural and other substantive issues, address questions from team leaders, and share information and examples of good practices. **Dedicated training sessions** for team leaders are also being organised on a more regular basis. Whilst initially the training of EASO team leaders was organised on a quarterly basis, as of the second semester of 2019 such sessions are being organised approximately every two months. Amongst other issues, team leaders receive training on the application of Article 15(c) of the Qualification Directive¹. The Agency endeavours to continue with such regular training, and thereby continue to equip EASO team leaders with specific knowledge, skills and competences to perform their coordination tasks and in their provision of support to case officers in interviewing applicants for international protection and in the drafting of opinions with regard to protection needs.

EASO has also put in place **new Quality Feedback Reports (QFRs)** focusing on specific quality themes, such as the report on the application of the sliding scale assessment under Article 15(c), and the examination of exclusion from international protection (Articles 15 and 17 of the Qualification Directive). These reports have been shared with the Greek Asylum Service Quality Unit and presented for discussion at the team leaders meetings held in Athens.

EASO has introduced the use of a **Quality Assurance Tool** for EASO team leaders. The tool provides a framework for the quality assessment of the asylum interviews based on common standards. This allows EASO headquarters to review the consistency and thoroughness of the quality reports prepared by the team leaders in the field.

To further support EASO case officers and the role of EASO team leaders as quality assures of the interview process and the related opinion, a **Quality Guidance Note** was prepared in October 2019 with specific instructions on the quality of the asylum procedures.

Regular **coaching sessions** are also organised for members of the Asylum Support Teams with a focus on the EASO methodology on interview techniques and evidence assessment. In particular, these sessions focus on the applicable Standard Operating Procedures referring also to the cooperation with the Greek Asylum Service.

The activities of the **EASO Helpdesk in Athens**, which provides direct support to EASO team leaders in the field offices, started functioning in August 2017 and expanded in 2019. Members of the EASO helpdesk provide replies to queries related to the procedure and keep record in their daily work of

¹ Directive 2011/95/EU on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted



training/coaching needs, which is then shared with EASO headquarters. Member State deployed experts also regularly participate in the work of the Helpdesk. To ensure coherence with guidance provided by the Greek Asylum Service, responses to queries are drafted in cooperation with the Greek Asylum Service Quality Unit. All the queries are available to EASO case officers through a dedicated platform.

It should be noted that EASO continues to adapt its quality assurance system to the evolving needs in the operations in Greece. The *modus operandi* described above reflects the current situation. However, it is likely that the changes to the Greek asylum system planned this year might have an impact on EASO's operations, requiring possibly further modifications to the quality assurance system.

In addition to the measures explained above, all existing **EASO Country Guidance reports** (i.e. Afghanistan, Iraq and Nigeria) are available to EASO team leaders in order to ensure consistency and quality when dealing with cases of applicants coming from these three countries.

In June 2019, the **Standard Operating Procedures (SOPs)** were revised with the scope of introducing a more holistic approach to interviewing vulnerable applicants, and in the drafting of the ensuing opinion. The SOPs were presented to all team leaders in the five islands where EASO operates in Greece.

Despite efforts to provide the best support to EASO case officers and reinforce quality control by the team leaders in the field, it is still possible for errors to be identified during the Quality Feedback process conducted by EASO Headquarters, or through the review of the Quality Assurance Tool reports. In such cases, EASO proceeds immediately with informing the responsible national authority (e.g. the Greek Asylum Service). In line with the requirements of protection of personal data, the Quality Feedback process by EASO Headquarters is conducted on anonymised files. If significant errors are identified during the Quality Feedback process, the EASO team leaders will be informed of this case through a dedicated template. The EASO team leaders will link the anonymised file to the original file number and inform the responsible officer at the respective Greek Asylum Service field office about the identified error. This will allow the responsible officer of the Greek Asylum Service to assess the case and take corrective measures as needed.

It should be noted that, within the context of the EASO Operating Plan to Greece for 2020, a process has been initiated to integrate the quality assurance measures of EASO with those of the Quality Unit of the Greek Asylum Service. It is envisaged to have one quality assurance procedure under the lead of the Greek Asylum Service, and supported by EASO. The procedure will be applicable to the Greek Asylum Service as a whole, including the EASO asylum support teams. This integrated approach aims to strengthen the quality of the process and the capacity of the quality unit of the Greek Asylum Service. In this context, it is also envisaged to have one common process for the drafting of QFRs, in which all observations made by EASO in relation to quality review will be shared with the Greek Asylum Service.



2. Suggestion for improvement – “EASO should follow up on its commitment to set up a complaint mechanism and do so as a matter of priority”

EASO has reviewed the existing Standard Operating Procedures (SOP) on reports of violations of EASO Code of Conduct, following consultation with relevant internal stakeholders. Whereas the scope of the procedure remains unchanged, being to address breaches against the EASO Code of Conduct for persons participating in EASO operational support activities, the SOP has been revised with regard to the admissibility and the handling of complaints, taking into consideration the new organogram of EASO which is applicable as from 1 January 2020. The revised SOP takes effect in Q1 January 2020.

In parallel, the Agency is in the process of establishing a Complaints Mechanism computerised solution for implementation following the adoption of the Regulation for establishing the European Union Agency for Asylum (‘EUAA’). The computerised solution aims to meet *inter alia* the upcoming needs of the EUAA in monitoring and ensuring the respect of fundamental rights in all activities of the Agency. The mechanism will ensure that any person who is directly affected by actions of members of the Asylum Support Teams, and who consider that his or her fundamental rights have been breached due to those actions, will be able to submit a complaint in writing to the Agency and such complaints will be properly managed via the system.

EASO is conducting a feasibility study for the establishment and implementation of the computerised solution for the reception, registration, storage, monitoring and reporting of complaints, in alignment with the applicable procedural guidelines, assisting external and internal complainants, while respecting the applicable data protection regulation.

3. Suggestion for improvement – “EASO should explain how it overcomes the challenges identified in this case in relation to the work and supervision of interpreters”

As part of EASO’s operational support to Greece, and in order to safeguard the applicants’ right to a personal interview, interpretation services are being provided via a public contract concluded between EASO and service providers.

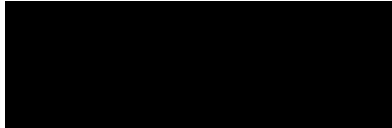
Under this contract, EASO may issue a request to the service providers for the required languages per activity, as dictated by the operational needs. As it is foreseen in the contract and in order to ensure the quality of the service requested, the service providers are to carry out a language assessment of the interpreters prior to their deployment, including the delivery of training sessions / briefings as necessary. Moreover, in order to harmonise and improve the quality of services delivered, a training on “*Interpreting in the Asylum Context*” has taken place in Q2 of 2018 for all interpreters deployed in the framework of the Greek operation.

Moreover, an incident report system has been established for unforeseen issues that may occur (i.e. behavioural, language knowledge). In such case, the respective EASO team leader would file an incident report, which would be shared with the respective service provider as to identify the appropriate corrective measures (e.g. the replacement of interpreter in case of poor language skills, or an additional language assessment is performed).



I trust that the above information sufficiently responds to the recommendations put forward. I remain at your disposal for any further information and/or clarifications required.

Yours sincerely,



Nina Gregori ✓
Executive Director