**Expert Workshop
of the Eastern Partnership Panel on Migration and Asylum**

**– Country of Origin Information (COI) in the Context of Refugee Status Determination
Process –**

**10-11 September 2012
Bucharest, Romania**

EXECUTIVE SUMMARY

The Expert Workshop dedicated to the country of origin information (COI) in refugee status determination (RSD) process, organised within the framework of the Eastern Partnership Panel on Migration and Asylum, was held in Bucharest, Romania. Participants from Armenia, Azerbaijan, Belarus, Georgia and Moldova and 9 EU Member States, EASO, ECHR, Dutch Council for Refugees as well as UNHCR, IOM and ICMPD attended the meeting. The workshop was co-organized by Romania, Armenia and European Commission with the thematic focus on country of origin information (COI) in RSD process in the EU MS and EaP countries in order to look at the sources of COI and to identify gaps and best practices in the area.

The first day started with welcome addresses and opening remarks (EC, Romania, Armenia, UNHCR and Swedish Migration Board (SMB)). Basic principles of COI were discussed during the first session of the workshop starting with UNHCR's presentation on **the role and importance of COI in RSD** followed by presentations on **COI standards of European Court of Human Rights (ECHR) in assessment of claims for international protection** (ECHR) and on **general COI standards** (Switzerland). Later on representatives of the EaP countries (Armenia, Azerbaijan, Belarus, Georgia and Moldova) informed on the **nationals COI units / systems** describing recent developments and major challenges in the sphere of COI.

The second session began with group discussions based on the questionnaires sent out before the meeting. Three working groups examined 1) **procedural COI standards**, 2) **COI units and internal workflow** and 3) **collaboration between COI units** and then revealed results of the discussion to all participants. The session continued with presentation on **COI process and staff management** (Romania) and closed with **COI quality and assurance checking** presentation by Sweden. The session gave an opportunity to look at the COI units functioning in different countries in a comparative perspective.

The second day of the workshop was dedicated to the partial aspects in dealing with COI and started with EASO presentation on **COI EU Common Portal and report methodology**. **Legal relevance** and **COI as evidence in RSD** were the topics of subsequent presentation by Germany which illustrated practical use of COI at the courts. Georgia reported on **practical challenges in dealing with COI in decision making process**. The training opportunities offered by the **COI module within the European Asylum Curriculum (EAC)** were described by Romania, while the Dutch Council for Refugees presented the **role of civil society in the field of COI**.

The session went further with individual countries' presentations illustrating best COI practices in EU and third countries, as follows: Czech Republic explained the **role of COI in the national asylum procedure**, Romania introduced **COI public portal** available on the internet, Sweden explained how language analysis can be used as a COI tool, Germany presented on **European Country of Origin Sponsorship (ECS)** as an example of good practical cooperation at European level, Switzerland

shared best practices regarding **joint fact finding missions (FFM)**.

The second day was finalized by Romania providing summary of the sessions and the workshop as a whole, and anticipating creation of COI units in all countries. The workshop was closed by EC wishing smooth implementation of the best practices and ideas discussed.

10 September 2012 - Day 1

Welcome and Opening
Facilitator: **Ms. Agata Sobiech**, European Commission

In her welcome address, **Ms. Agata Sobiech** expressed gratitude to Romania and Armenia for joint organization of the 1st Panel Expert Workshop within the framework of the EaP Panel on Migration and Asylum. She marked that such cooperation has long history since the Söderkoping Process (SP) and highlighted more practical nature of the workshops as opposed to Panel meetings which serve to deal with strategic and political issues. Ms. Sobiech reminded that the topic of the workshop was chosen at previous Panel Meeting in Tbilisi in May 2012 and pointed out the overall objectives, which were to identify challenges in work with COI in RSD procedure and ways to address them in EU MS and EaP countries.

Mr. Mircea Babau, Director of the Asylum and Integration Directorate, Romanian Ministry of Interior, welcomed participants and gladly noticed that this workshop gathered almost all EaP countries along with many representatives from the EU MS. He also reminded that Bucharest had hosted the European Asylum Curriculum Seminar within the framework of SP in 2011 and added that such continuing cooperation contributes greatly to the harmonization and integration practices in EU. Mr. Babau gave a short overview of the asylum situation in Romania, indicating a doubled number of asylum applications in recent years and that a new accommodation center for asylum seekers had opened in Romania.

Mr. Gagik Yeganyan, Head of the State Migration Service, Ministry of Territorial Administration of the Republic of Armenia, underlined a demand for cooperation among the countries in the sphere of migration and asylum within the SP which continues in terms of Panel. He gave a short overview of the development of the asylum system in Armenia, mentioning that national legislation was amended more than three times since the system was established since 1993. Mr. Yeganyan marked the opening of the reception center for asylum seekers in Armenia in 2001 and the adoption of a new law in 2008 providing asylum seekers and refugees with more rights in accordance with international standards. He also mentioned fruitful cooperation between State Migration Service and UNHCR, which funds position of a COI specialist within the service. As for the challenges, Mr. Yeganyan referred to the insufficient representation of Armenian diplomatic missions in many countries of origin.

Mr. Petrus Wijninga, UNHCR Representative in Romania welcomed participants and stressed the great experience that Romania can share with the Eastern Partners in the sphere of asylum and COI. He emphasized the importance of a greater focus on COI and specified that COI is not easy to manage considering the flow of information which needs to be properly filtered and further handled. Mr. Wijninga also indicated the difficulties with finding COI in specific cases when information is not available or country of origin is going through political changes or conflicts.

Mr. Lars-Erik Fjellström, Project Officer, SMB in his welcome address informed on the role of SMB in providing support function to the Panel in line with traditions of SP. He expressed hopes for the continuation of the progress of SP within the Panel and indicated that he can be addressed in case of comments and suggestions regarding the Panel meetings and thematic workshops.

Facilitator: **Mr. Nino Hartl**, European Asylum Support Office

Mr. Oldrich Andrysek, UNHCR Representative in Kyiv delivered a presentation on the role and importance of COI in refugee status determination. It started with an overview of nature and objectives of COI stressing its absolute necessity in RSD procedure for informed decision making. COI is used at all stages of the asylum procedure, facilitating the identification process, establishing credibility of the applicant's written submission, assessing the claim, determining the facts to formulate a first instance decision and considering new reasons during an appeal. At the same time, challenges in using COI include: absence of common guidelines, over-abundance of scattered information, availability of information mostly in English, lack of professional COI researches and COI units in some countries and the lack of cooperation mechanisms. There is a problem to obtain good COI from countries of conflict. Embassy reports cannot always be considered sufficient. COI cannot always cover all necessary details, it does not employ judgmental language or opinionated assessments and should not as a rule come from anonymous sources. COI has to be treated as one element of the RSD process, though may provide crucial evidence. While identifying an information need international and national legal contexts, current situation and role of alleged persecutor should be taken into account. At the end of presentation the list of useful COI sources, as well as the examples of COI usage in court decisions were offered. *See presentation "The Role and Importance of COI in Refugee Status Determination"*

Ms. Clare Brown, Lawyer, European Court of Human Rights (ECHR), reported on the standards set by European Court of Human Rights to consider country information in the assessment of claims for international protection. She introduced general principles and used two cases, Na v. UK and Sufi and Elmi v. UK, to demonstrate the approach the ECHR takes to assess COI in applications of failed asylum seekers who claim that their expulsion would put them at risk of treatment contrary to Article 3 of the Convention. The real importance is how the state has used COI and the quality of the COI relied on by the states when examining claims for international protection. The assessment conducted by the domestic authorities is vital, cannot be underestimated and may have impact on the Court's view of the case. The Court must be satisfied with the assessment to be adequate and sufficiently supported by both domestic and international materials. In considering sources, the ECHR looks at their independence, reliability and objectivity and tends to give less weight to reports which focus on general socio-economic and humanitarian considerations rather than risk factors.

Ms. Silvia Hubschmid, Country Analyst Eastern Europe and Central Asia, Asylum and Return Unit, Federal Office for Migration of Switzerland, focused in her presentation on COI standards. The purpose of having COI standards is to reach quality, efficiency and international comparability of COI. Common approach of EU towards COI is reflected in following documents: Common EU Guidelines for Processing COI (2008), Common EU Guidelines on (Joint) Fact Finding Missions (2010) and EASO COI Report Methodology (2012). Formation of EU guidelines is a never-ending and self-regulating process on both EU and national levels ensuring cooperation as well as burden-sharing. Ms. Hubschmid also explained advantages of incorporating COI standards in everyday work of researcher by use of templates for different COI products, check-lists and other quality control tools. COI standards have to be practical and reviewed regularly. *See presentation "COI Standards"*

Presentations of COI units/responsibles in EaP countries

Armenia – Ms. Ani Ghazaryan, COI Researcher, State Migration Service, Ministry of Territorial Administration, reported on the institutional setup and legal background of the COI in Armenia. There are six units within the State Migration Service, but no separate unit on COI. The Unit of Asylum Issues has five caseworkers and one position of COI researcher established a year ago. The COI is mentioned in the Article 52.3 of the Law of Republic of Armenia on Refugees and Asylum. Case worker should consider the case based on the documents presented by the asylum seeker, interview and COI provided by the researcher. Top six countries according to the number of asylum seekers in Armenia in 2011-2012 are: Syria, Iraq, Iran, Congo/Democratic Republic of Congo, Cote d'Ivoire,

Liberia.   Top six countries according to the number of COI requests for the same period are: Iran, Congo/Democratic Republic of Congo, Cote d'Ivoire, Liberia, Syria, Iraq. *See presentation "The Role of COI in RSD in Armenia"*

Moldova – Ms. Natalia Gogu, Eligibility Counselor of Refugee Directorate, Bureau of Migration and Asylum, informed that collection and analysis of COI is the responsibility of the case-workers. This is regulated by "Law on Asylum in Moldova" which does not provide for a separate COI unit. The structure and format for specific COI answers is foreseen by internal instructions. Four persons were trained on COI within the European Asylum Curriculum (EAC) module. Moldova cooperates closely with Romania in COI research activities within the framework of the Cooperation Protocol between the MOIs of both countries.

Azerbaijan – Mr. Nazim Salmanov, Deputy Chief of the Refugee Status Determination Department (RSDD), State Migration Service, mentioned that seven officers of RSSD work within asylum procedure and deal with COI research, at the same time there is no separate COI unit. The COI sources include UNHCR reports and links, webpages of different international organizations, news agencies and data bases. The RSDD cooperates closely with the UNHCR and IOM. Some staff had preciously undergone trainings on asylum and COI in Romania. Every year RSDD receives 40-50 asylum applications mostly from the Middle East countries. Mr. Nazimov stressed interest of Azerbaijan in cooperation with European countries on COI matters.

Belarus – Ms. Tatyana Maiorova, Chief Specialist, Department of Citizenship and Migration, informed that Belarusian legislation obliges the Department to collect and analyze COI, which has to be used in the interview preparation and decision making process. A total of 14 specialists work on asylum procedure and implement COI research, though a separate COI unit does not exist. The Ministry of Foreign Affairs and the UNHCR assist the Department in COI collection. There are no special introduction trainings for the new staff, but all of them can participate in the internal seminars held annually.

Georgia – Ms. Nino Meskhi, Senior Specialist of Migration Division, Ministry of Internally Displaced Persons from Occupied Territories, Refugees and Accommodation of Georgia, talked about the position of COI specialist established jointly by the Ministry and the UNHCR based on the signed Agreement. Thus, four persons are engaged in the asylum procedure and one person works on COI. Although the asylum authority is not legally obliged to ask for COI, usually caseworkers require COI after the interview with an asylum seeker. The COI answer is received within a month after submitting a request.

Facilitator: **Mr. Nino Hartl**, European Asylum Support Office

Practical session based on the questionnaires sent previously - 3 working groups
Group I. Procedural Standards (personal data protection, equal access to COI, COI reflected by the legislation)
The working group examined whether there are separate COI units in each country and how this fact is reflected in the national legislation. Some states have only a COI unit, others have both COI unit and corresponding legislation. As a rule, if the COI unit is institutionalized it is reflected in the legislation. Equal access to COI is always available when the information is publicly shared. Personal data protection is important as one of the research procedures.
Group II. COI unit and internal workflow as means towards a high standards RSD procedure
The working group discussed to what extent COI is needed within RSD procedure. In many states there are no NGOs acting dealing with COI research, and many of them believe that NGOs should not be involved in such research. In some countries UNHCR has access to the work of state authorities, some states have an internal audit. EU MS receive support from their governments and have big COI units. States receiving a small number of applications have 1-2 COI specialists.
Group III. Collaboration between COI units – future joint solutions, projects, etc.
The working group addressed cooperation goals from short-term and long-term perspective. The short-term needs include regional workshops, seminars and trainings on COI, its usage and standards organized jointly by countries. The long-term needs involve organization of special trainings within

EAC, internships in well-functioning COI structures, addressing language issue (translation of materials and data base access). One of the greatest priorities must be creation of the COI function and its institutionalization in the EaP countries. States are encouraged to use possibilities offered by different projects and programmes.

Mr. Eleodor Privu, Head of Country of Origin Information Unit, Romanian Ministry of Interior, delivered a presentation on the COI process and staff management. Documentation management system reflects quality of work and reliability of COI unit, thus it has to be transparent, standardized and accessible to a team. Organization of documents depends on specific information needs of the unit and should correspond to a research strategy. COI researcher has to be proficient in country language (C2) and English (C1), to have ICT skills, be attentive to details, act responsibly, remain unbiased and work cooperatively with rest of the team. Introduction training activities are essential and include COI learning as well as IT instruction. COI units should be independent from political concerns or legal advocacy may cooperate with other COI units and may have regional specialization. *See presentation "COI Process and Staff Management"*

Mr. Eric Hoff, COI Analyst, SMB, reported on COI quality assurance check stressing importance of transparency in asylum examination and in the process of production, presentation and use of COI. Transparency can be achieved through revealing sources of information, maximizing accessibility and giving possibility to question. Quality assurance methods include standardization of COI publications, FFMs and quality checking, and have to be in line with EU Common Guidelines. Standards on quality checking incorporate not only quality of content, but also quality of language. External expertise, reviews and systematic feedback on COI products may increase credibility of the information. *See presentation "COI Quality Assurance Checking"*

Ms. Pauline Crichlow, Senior Country Researcher, UK Border Agency, added on external system of quality checking in UK, which has a reviewing panel involving representatives from different agencies. The panel gathers three times per year and reviews 20 reports on top COI requested countries.

Mr. Nino Hartl, European Asylum Support Office, summarized the session and closed the first day of the workshop.

11 September 2012 - Day 2

COI – Practical Aspects
Facilitator: **Mr. Oldrich Andrysek**, UNHCR and **Ms Gabriele Wecker**, Germany

Mr. Nino Hartl, European Asylum Support Office, presented the COI EU Common Portal and EASO COI report methodology. COI EU Common Portal has to be structured in order to provide permanent support (building capacity, quality and expertise), emergency support (immediate assistance in particular pressure) and specific support (addressing specific needs). Governance structure of COI system consists of the Task Force (AT, BEL, GER, NL, UK), Group of External Experts (CH, DEN, NOR) and the Reference Group (FRA, FIN, EC, UNHCR and 13 EU MS). Four working parties (WP) are engaged in implementation of the EASO ideas: WP "Methodology", WP "COI Portal", WP "EASO Practical cooperation - EURASIL", WP "Knowledge Management". WP "Methodology" deals with harmonization of existing methodologies and updating current guidelines including guidelines on COI. EASO COI Methodology Report employs a two-step approach, taking existing guidelines and further developing them. COI standards incorporate neutrality and objectivity, usability, validity, transparency, public availability and quality control. EASO COI Common Portal covers forum, upload area and repositories, and is connected to the national COI databases. The language issue remains problematic.

Mr. Wolfgang Bartsch, Vice President of the Administrative Court Braunschweig, gave a presentation on legal relevance of COI as evidence in RSD. Previously judges were getting COI from the Foreign Office reports and it was not always sufficient, whereas today's challenge is to find case specific bits in the huge information flow. Judges are obliged to consult relevant up to date and reliable COI by EU

Directives, international and national legislation. COI is crucial for checking both appellant's testimony and risks of persecution or serious harm upon return. Processing of COI has to be in line with generally recognized quality standards such as ACCORD Training Manual, UNHCR paper from 2004, Common EU Guidelines, COI Checklist elaborated by the International Association of Refugee Law Judges. Country reports are not always absolutely independent and this has to be taken into consideration when evaluating COI. At the same time, case specific COI helps in assessing objectivity of information. Language remains an issue in terms of COI accessibility. *See presentation "Legal relevance and COI as evidence in refugee status determination"*

Mr. Gerhard Korts, "Support to Reintegration of Georgian Returning Migrants and the Implementation of EU-Georgia Readmission Agreement" Project Manager, Federal Office for Migration and Refugees, focused in his presentation on practical challenges in dealing with COI within the decision making process. Accessibility of information could be problematic for a decision maker especially when time is limited and workload is massive. A possibility to create personalized profiles/accounts of researches in database could facilitate the process of searching and sharing information. Language is a challenge when COI researcher and case worker speak different languages. In certain cases applicants are able to use almost the same sources of information as case workers. It is not advisable to refer to diplomatic sources as they often do not reflect real situation due to political issues. One of the new challenges is question of using YouTube as a source of information and its reliability.

Mr. Felix David, EAC national trainer, Ministry of Interior of Romania, reported on the COI module within the framework of EAC. The COI module of the EAC imparts knowledge and skills about the role of COI, its standards, scope and limits of information research. COI module employs a great extent of flexibility allowing access from a variety of devices at any convenient time and from any place. The module includes three phases: online coaching, e-learning (up to 4 weeks) and face-to-face training on case studies. Decision makers, lawyers and legal advisers, NGOs, judges, immigration staff are beneficiaries of the COI training module. In 2012 decision makers, NGO representatives and COI researches from Armenia, Belarus, Moldova and Romania went through five-week COI training within the EAC. Regular updates and quality assessments of the module are carried out relying on National Contact Points, Reference Group, different EU agencies working in similar spheres and civil society. The EAC COI module is not only a basic tool for newcomers, but also a helpful instrument for the training of the COI experts. *See presentation "European Asylum Curriculum - Country of Origin Information module presentation"*

Ms. Hiske van den Bergh, Senior COI Consultant, Dutch Council for Refugees (DCR), explained the role of civil society in the field of COI. The DCR is an independent NGO offering refugees practical support during their asylum procedure, actively lobbying for asylum policy and advising lawyers working in the sphere. The DCR is financed by subsidies and grants. Lawyers requesting information on individual cases are the main COI beneficiaries and COI is a part of ongoing national and European advocacy. The DCR cooperates with the Dutch government on COI and contributes to the terms of references for national COI reports. COI research has to follow following principles: accuracy of the source, proper use of information and cultural sensitivity. Equality of arms between asylum seeker and asylum authority is crucial, as the procedure becomes more complex and research methods are getting more sophisticated. Role of NGO of providing COI in RSD process is very important as it gives asylum seeker a chance to substantiate a claim. *See presentation "Role of Civil Society played in the field of COI"*

Representatives from all the countries presenting best COI practices from the national level

Czech Republic – Mr. Petr Hlavacek, COI expert, Department for Asylum and Migration Policy (DAMP), Ministry of Interior, described role of COI in the asylum procedure in Czech Republic. A separate COI and International Cooperation Unit has been established within the DAMP. The unit is tasked with collecting, evaluation, processing and distribution of information, COI research and report drafting, content administration of the COI database and provision of expert opinions on COI for policy-making. In terms of international cooperation the COI unit takes part in EU-EASO activities, international projects, communicates with other asylum offices and all external information

providers. The unit produces country specific thematic papers and fact sheets, provides responses to information requests and EAC trainings. All COI products and translated documents are available through the online database "eDock". *See presentation "COI in the Asylum Procedure in Czech Republic"*

Romania – Mr. Felix David, EAC national trainer, Ministry of Interior of Romania, introduced the Romanian COI public portal created three years ago in partnership with local NGOs and with financial support of the EU. Users can send COI request to the documentation center and receive responses directly. COI responses are uploaded and made publicly available; those in different languages are translated into Romanian, which makes them available for courts to use. The portal demonstrates an example of fruitful cooperation of civil society and a state working together on COI. This collaboration facilitates the process of COI provision and is beneficial for all actors involved.

Sweden – Mr. Erik Hoff, COI Analyst, SMB, explained the way language analysis is used as a COI tool in Sweden for more than twenty years and serves both caseworker and asylum seeker. As a rule, language analysis is employed in case a decision maker has doubts about the identity after the interview with an asylum seeker. Language analysis can never be used as the only evidence of an asylum seeker's country of origin and has to be complemented by other facts. The procedure involves speech recording, the analysis by linguists and provision of the written report with a conclusion. Limitations of the language analysis method include difficulties linked to the analysis of some languages and influences that speech might experience due to variety of reasons which leads to uncertainty in the final conclusion.

Germany – Ms. Gabriele Wecker, Federal Office for Migration and Refugees, delivered a presentation on European Country of Origin Sponsorship (ECS) as an example of good practical cooperation at European level. The ECS has introduced an information and cooperation network of COI experts in specific countries of origin providing factual COI for all European countries in need (15 countries of origin captured, 20 EU MS involved in the sponsorship). The ECS provides specific factual COI, answering individual requests, contributing to the EURASIL COI workshops, promotes further standardization by drawing up common guidelines for (joint) FFMs. The ECS has developed efficient COI sharing system, intensified communication and cooperation of experts on a formal and professional basis avoiding duplication of efforts and products, drafted guidelines on (joint) FFMs and made contribution to the COI EU Common Portal through MILo. The funding for the project ended in December 2011, though sponsor countries keep the system in place answering specific questions on COI. *See presentation "European Countries of Origin Sponsorship (ECS)"*

Switzerland – Ms. Silvia Hubschmid, Country Analyst Eastern Europe and Central Asia, Asylum and Return Unit, Federal Office for Migration of Switzerland, shared best practices regarding joint fact finding missions (FFM). Switzerland actively participates in joint FFMs with other EU MS highlighting clear advantages of this collective action. Joint FFMs allow sharing resources in expertise, human resources and logistics. Joint FFMs can be the starting point for other ways of COI cooperation. At the same time, participating states have to consider different national requirements in reporting and legislation, as well as different expectations from the same COI FFM. Greater number of FFM participants requires higher coordination efforts. The most efficient way to address this issue is to define the goals of joint FFM clearly and find common ground before the actual mission takes place. Possibility of joint FFMs to the countries that are visited very rarely has to be taken into account.

Closure of the workshop
Facilitator: **Ms. Agata Sobiech**, European Commission

Mr. Silviu Turza, Head of International Protection and Asylum Procedures, Romanian Ministry of Interior, gave a summary of the second day and outlook of the whole workshop. He expressed hopes for COI units to be developed in all countries and emphasized the idea of COI research being a never-ending process due to permanent changes of situation in countries of origin. Mr. Turza reiterated that proper training is beneficial for any COI researcher, especially for newcomers. He also underlined the importance of quality standards in COI products and highlighted the concept of COI being a basis for

credibility assessment. Mr. Turza thanked all participants and organizers for the productive workshop and wished for further Panel events be held in Bucharest.

Ms. Agata Sobiech, European Commission, marked the efficiency of the workshop which gave an opportunity to bring together different perspectives, experts, practitioners and representatives of civil society. She expressed gratitude to the workshop hosting state – Romania, to speakers, participants and all people involved in the organization of the workshop. Ms. Sobiech expressed hope that many of the ideas discussed will be implemented in practice and encouraged the participants to consider initiatives which could be implemented under the Panel's framework.