

## The duty to inform applicants about the asylum procedure

Article 18 of the [Charter of Fundamental Rights of the European Union](#) guarantees the right to asylum.

The [Asylum Procedures Directive](#) stipulates that applicants must be informed of the procedure to be followed and of their rights and obligations during the procedure.

However, FRA research findings have shown that although Member States provide certain information to applicants, often it does not lead to them understanding their rights and obligations.

**Information provided should cover all elements required for applicants to be able to handle the different stages of the asylum procedure.**

Once established, the [European Asylum Support Office](#) could identify which information should be provided as an EU standard.

This should include **gender-relevant** information, namely information:

- ❓ *about the possibility to be interviewed by someone of the same sex*
- ❓ *about gender-based claims*
- ❓ *about the right of spouses to submit separate claims*

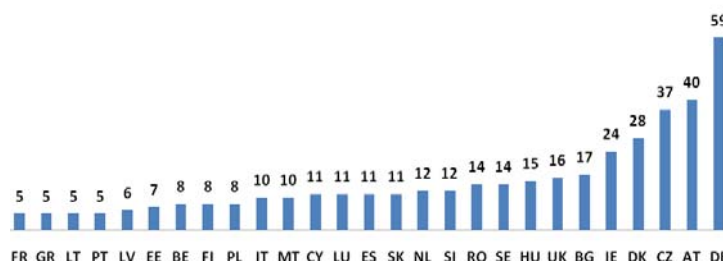
**Information should be provided in different ways.**

EU law requires that information be presented to the applicant in writing. However, FRA research found that in countries where information was also delivered orally or in an interactive way, levels of understanding were increased.

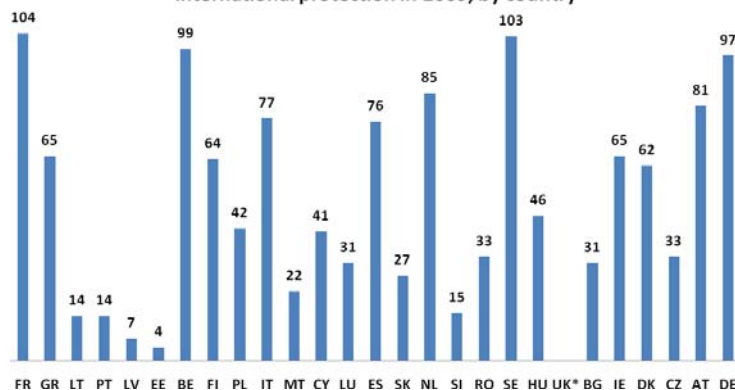
**Information should be provided in a language that the applicant de facto understands.**

The [Asylum Procedures Directive](#) currently requires that information is translated into a language that the applicant “*may reasonably be supposed to understand*”. However, information should be translated into a language that the applicant *de facto* understands.

Number of foreign languages into which leaflets about the asylum procedures have been translated, by country



Number of nationalities which applied for international protection in 2009, by country



Note: It should be noted that the number of nationalities does not necessarily reflect the number of languages spoken by the applicants.

\* No data available.

**The duty to inform should be introduced into the [Dublin Regulation](#) as proposed by the European Commission.**

Asylum applicants should be made aware of the timeline for their transfer to another EU Member State when applicable.

## The right to an effective remedy

Article 47 of the [Charter of Fundamental Rights of the European Union](#) guarantees the right to an effective remedy.

This means providing information to allow applicants to submit a well-substantiated appeal challenging a negative decision, allowing sufficient time to submit the appeal, and granting effective access to free legal assistance.

### Informing applicants about the decision made against them

Applicants should be informed about the decision made against them and equipped with the necessary information to make a well-substantiated appeal. Applicants should also be informed about how to appeal and how to access legal assistance.

This information should be delivered in a language the applicant *de facto* understands and, where possible, orally, as well as in writing (as per the suggestions overleaf).

### Allowing time to submit an appeal

Time limits for submitting an appeal should be reasonable. They should not make the possibility of appealing impossible or extremely difficult.

### Simplifying the procedure for submitting an appeal

Given the often tight deadlines for lodging an appeal and providing supporting documents, procedures should be as simple as possible.

### Providing free legal assistance to appeal against a decision

The right to be assisted by a lawyer, free of charge, should be subject to no limitation, other than means-testing.

Many applicants reported difficulties in communicating with their lawyer. Funding for legal aid programmes should therefore take into account funds for interpretation.

### Hearing applicants when the facts of a case are disputed

Many applicants are not invited to attend their appeal hearing and so cannot give evidence in person about their situation. When the facts of a case are disputed, applicants should be heard.

### Background

The [Treaty of Lisbon](#) requires that the European Union frame a common policy on asylum, including common asylum procedures, in accordance with the [Geneva Convention](#). The [European Commission](#) has proposed amendments to four of the five existing pieces of EU law relating to asylum procedures:

- [The Dublin Regulation](#)
- [The Receptions Conditions Directive](#)
- [The Qualification Directive](#)
- [The Asylum Procedures Directive](#)

The European Union Agency for Fundamental Rights has published two reports relating to asylum procedures in the EU Member States (September 2010):

- [Access to effective remedies: the asylum-seeker perspective](#)
- [The duty to inform applicants about the asylum procedure: the asylum-seeker perspective](#)

The [Fundamental Rights Agency](#) has conducted research on these two issues based on consultation with interested parties, and in accordance with its [Annual Work Programmes](#).

The Fundamental Rights Agency interviewed 877 asylum applicants of 65 different nationalities across the 27 EU Member States. They were asked about their experiences of the asylum procedure in their country of residence.

The reports, as well as background information on asylum statistics and legal issues for each Member State, are available at [www.fra.europa.eu](http://www.fra.europa.eu)