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THE USE OF AI TOOLS IN ASYLUM PROCEDURES. QUO VADIS?

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Abstract

The use of Artificial Intelligence (AI) tools in asylum procedures has gradually grown across several European Union (EU) member states, aiming to improve efficiency in the management of international protection applications. AI tools are currently employed in various stages of the asylum process, including language and dialect recognition, self-registration systems, tele-interviewing, text mining, and forecasting tools. While these technologies offer certain procedural advantages, their use in the sensitive areas of asylum processing raises important legal and ethical questions. Concerns relate to fairness, bias, data protection, and the right to an effective remedy. Inaccurate or non-transparent systems may affect credibility assessment or lead to violations of the principle of non-refoulement. This policy brief aims to provide an overview of the AI tools introduced in asylum procedures across EU member states and analyses the potential implications of their use for applicants of international protection. It concludes with recommendations on how to ensure that the deployment of AI systems in asylum procedures complies with EU and international human rights standards.

Keywords: *Artificial Intelligence (AI), asylum process, automated decision-making, human rights violation, oversight.*

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Introduction

The asylum process in the EU is complex and comprises several key stages: registering the application, conducting interviews to assess the claim's grounds, assessing available evidence, and issuing a decision. At each stage, specific legal principles are designed to create a fair and thorough process, where the position of the applicant is balanced against the need for accurate decision-making. In the context of high pressure on national asylum systems and striving for efficiency, public authorities of the EU member states have been gradually integrating AI tools to enhance specific phases of the asylum process. The COVID-19 pandemic and the Ukrainian refugees accelerated this trend and became a catalyst for further digital innovation. Several member states have started using AI technologies for dialect recognition to verify information or obtain further information on asylum applicants' country or region of origin. Other member states use AI applications for name transliteration, automatic transcription of speeches, and case matching. Others have been testing an AI tool to transcribe the interviews automatically while some of them use a text mining tool that sifts through asylum applications to identify applications made on similar grounds.

Even though AI tools offer certain practical benefits in facilitating the procedures, their deployment in the sensitive phases of the asylum process raises significant concerns regarding fundamental rights, transparency, and accountability. Inaccurate algorithms can lead to the rejection of international protection applications and the return of third-country nationals with protection needs. Given the impact of AI on these delicate procedures, it is imperative to ensure that AI tools deployed in the asylum process meet the highest legal standards. This is where the EU Artificial Intelligence Act, which classifies AI systems used in asylum, migration and border management as high-risk, comes into play, offering an opportunity to regulate the use of AI in such high-stakes environments.

Focusing on the EU member states, the aim of this policy brief is to provide an overview of the digitalisation progress made so far across different member states, examine what role digital tools play in the areas of asylum procedures, and scrutinise the potential risks that the use of these technologies entail for applicants of international protection rights. To tackle these questions, the policy brief will be structured as follows: in the first part, it will give a brief overview of the digital tools that have gradually been introduced in different stages of the asylum processes; in the second part, it will give a systematic assessment of the risks incurred by digitalisation in the field of asylum, with a focus on asylum processing; the policy brief will conclude with actionable recommendations to the actors involved in the asylum processes. The brief focuses on the use of digital tools in the asylum processes. It does not cover the use of AI in the broader context of migration and border management.

Overview of the digital tools used in asylum processes across different member states and of the opportunities they provide

In the context of the high pressure on national asylum systems brought by the 2015 increased migration flows and striving for efficiency and speed, EU member states have accelerated the

implementation of digital technologies in asylum. Digital tools have been introduced to facilitate the identification, registration and decision-making process, among others. In its latest situational update, the European Union Agency for Asylum (EUAA) provided an overview of the Digital Transformation of Asylum and Reception Systems across EU+ countries. The update identified several national strategies and trends on digitalising efforts of the reception and asylum systems (EUAA, 2025). Earlier, the European Parliamentary Research Service (EPRS) published a briefing on the use of AI in asylum procedures, outlining potential benefits and risks.

Language analysis is a prominent area where AI systems have been introduced. In 2022, an EUAA Study on Language Assessment for Determination of Origin reported that seven member states (Denmark, Germany, the Netherlands, Austria, Romania, Finland, and Sweden) and Switzerland have used language analysis for the determination of origin (LADO) as a tool to establish asylum seekers' country of origin. Six other member states (Greece, Croatia, Malta, Poland, Portugal, and Slovakia) were considering introducing LADO soon. LADO is typically carried out with the help of professional linguists, and it is used when there are doubts and/or inconsistencies or lack of reliable identity documents about an applicant's claimed origin (EUAA, 2022).

While LADO is generally conducted by humans, in Germany, the Federal Office for Migration and Refugees (BAMF) uses an AI tool, DIAS, to detect and recognise the languages or dialects spoken by applicants for international protection to receive indications on the country of origin. The system has been used since 2017 for certain Arabic dialects (Egyptian, Gulf, Iraqi, Levantine, Maghrebi), and since 2022 for Dari-Persian, Farsi and Pashtu (Späth, 2025). Moreover, BAMF is working together with several European countries to plan a pilot project for language and dialect recognition in which the exchange and analysis of speech recordings are to be tested. On its Strategy on Digital Innovation in Asylum Procedures and Reception Systems, EUAA states that the establishment of a large-scale central tool, such as LADO, would facilitate more efficient and smarter identification, ultimately leading to better and faster decisions (EUAA, 2022, p. 28).

Another area where digital tools are being implemented is the registration and pre-registration stage of the international protection application. Some member states have introduced self-registration systems aiming to facilitate the registration process and reduce the face-to-face time expended by registration officers and interpreters. Greece, for example, in 2020 introduced self-registration platforms, in which applicants of international protection can book an electronic appointment to undergo the full registration. Currently, the self-registration platform is available in 11 languages (Ministry of Migration and Asylum of the Hellenic Republic, n.d.). Similarly, early identification and assessment of vulnerabilities during the registration stage can result in possible shorter waiting times for applicants of international protection and special procedural guaranteed for those deemed as vulnerable. In this direction, the EUAA has developed the Identification of Persons with Special Needs (IPSN) tool, an interactive platform that allows special needs within the asylum context to be identified by detecting certain indicators that one may observe or come across based on different pieces of evidence. The tool is designed to support the asylum officers without requiring any medical or other expert knowledge. It primarily addresses the need to identify special needs based on key indicators grouped in categories including age, sex, gender identity, family status, and

physical/psychological and environmental conditions. In this line, in a 2020 report, the European Commission considered automated vulnerability assessments to analyse whether a person should access special procedural guarantees. The proposal aims to provide "faster vulnerability assessment," resulting in short waiting times for international protection seekers (European Commission, 2020).

In the same line, during the COVID-19 pandemic situation, when on-site services processes were no longer possible or restricted, some national authorities, including Greece, introduced tele-interviewing and tele-interpretation initiatives by conducting personal interviews by videoconference, using virtual platforms, such as Microsoft Teams. These initiatives allowed processing waiting time to be reduced in a period where personal interviews were put on hold, delaying the ultimate decision on international protection applications (UNHCR, 2020).

In the case processing context, AI tools have been used to assist the caseworkers in the decision-making process. In the UK, for example, the Home Office has tested AI tools to summarise asylum interview transcripts and to assist in summarising country policy information to improve efficiency and speed up decisions. According to the Home Office's evaluation analysis, the pilot tools suggested could save 23 minutes per case when reviewing interview transcripts, and caseworkers could save an average of 37 minutes per case when searching for country policy information (GOV UK, 2025). In the Netherlands, the caseworkers of the immigration authorities use a "case matcher" system, which enables them to find out about applications made on similar grounds by conducting a search among all cases. This technology is based on text analysis (text mining), a smart system for searching and filtering. The tool provides caseworkers with easier access to similar cases and ensuring that their decision-making process is easier and more consistent (Ozkul, 2023).

Finally, forecasting tools have been developed to predict future migration flows in the medium to long term by using various sources of big data. For example, EUAA launched an Early Warning and Forecasting System (EPS) to monitor the situation in third countries and to forecast the number of asylum applications EU member states can expect (Melachrinos et al., 2020). Additionally, the EU-funded ITFLOWS project aims to predict and manage migration flows via the creation of an evidence-based information and communication technology-enabled solution, the so-called EUMigraTool. The United Nations High Commissioner for Refugees (UNHCR), on the other hand, has worked on Project Jetson, which is a machine-learning experiment that provides predictions on the movements of displaced people. According to the UNHCR's Innovation Service on Somalia, as of June 2018, predictions were accurate for 11 of the country's eighteen regions. (UNHCR, 2019).

Risks on fundamental rights

The above analysis demonstrates that AI does offer certain advantages. Digital technologies could support decision-making, make processes more efficient, improve service delivery and forecast displacement trends among others, making the asylum and migration systems function more effectively. At the same time, applicants of international protection can autonomously manage

different aspects of their international protection procedure. Properly designed, AI can help organise large amounts of data, highlight relevant country evidence, increase caseworkers' productivity, and speed up the process to the advantage of public administrations and some applicants. Yet, the use of AI in asylum processes raises concerns related to fairness, discrimination, bias and data protection, and could lead to potential harm and result in vulnerabilities. Inaccurate algorithms can further lead to the rejection of asylum applications and the return of third-country nationals with protection needs, which is a violation of the right of non-refoulement (Article 19 of the Charter of Fundamental Rights of the European Union, 2000).

According to the UNHCR, fair and efficient asylum procedures are an essential condition for the effectiveness of the Convention Relating to the Status of Refugees ("Geneva Convention") and the Protocol Relating to the Status of Refugees ("Protocol"). Automating some steps in the asylum process, such as registration, information gathering or decision-making, may facilitate the process. However, the use of AI may interfere with the authorities' core refugee status determination (RSD) obligation to carry out an individualised assessment of applications for international protection, according to International and European Law, when AI systems assess individual applications based on historical data about previous applications (Stewart, 2024). Additionally, AI systems may undermine the principle of the shared burden of proof between applicants and authorities and the principle of the benefit of the doubt, as laid down in Directive 2011/95/EU, principles which allow applicants to state their claims even in the absence of hard evidence. Adopting AI assistance tools in the decision-making process may affect the applicant's credibility assessment, which is a highly important aspect of the asylum process (Dumbrava, 2025). Lastly, the use of AI tools in the asylum process can create outcomes that shift the decision-making process towards a more data-driven approach, which may ultimately result in the weakening of asylum seekers' position within the system. (Palazzi, 2025). The introduction of automated systems raises even more concerns as international protection applicants who receive a negative decision are able to seek an effective remedy before a court or a tribunal. The caseworker needs to give written reasons for any decision to deny refugee status. This is intended to give the applicant the opportunity to understand why their claim was rejected and to seek an effective remedy, meaning that particular attention should be paid to the "explainability" of AI used in the decision-making process. Applicants for international protection may lack the technical expertise to challenge automated systems (Palmiotto, 2024).

As stated, inaccurate and/or biased AI assessments on different aspects of the asylum procedure can have an impact on the right to non-discrimination. Inaccuracies or inconsistencies in automated asylum process can lead to incorrect decisions or have discriminatory effects on individuals. Data contained in an algorithm that is deliberately or unintentionally biased, of low quality or not sufficiently representative of the population can become systematic while remaining undetected. Research has shown, for example, that certain systems performed less well across different populations. Higher error rates were found in several facial recognition algorithms depending on gender, age and skin colour, with darker-skinned women being the most affected by error rates (Grother et al., 2019). Blind over-reliance on AI technologies by the authorities could even lead to deprivation of liberty of the applicants for international protection due to misidentification. AI algorithms that may accidentally misidentify an international protection applicant as a terrorist or miscalculate the risk of ill-treatment

upon deportation to their country of origin could lead to serious breaches of human rights under this scenario (Beduschi, 2021). For example, if a decision on international protection fed into the algorithm contains biases based on nationality and/or race, the algorithm will replicate such biases in future automated determinations, meaning that if the data used to "train" the system is biased, or individuals are targeted based on profiling, then its application may produce significant discrimination (Memon et al., 2024). The quality of the large-scale data, based on which the AI systems are developed, is essential to guarantee those systems' accuracy and reliability. Poor training data results in poor outcomes. If the training data does not include dialects of a language from a specific region, for example, the AI tool may misrecognise the dialects from those regions. The DIAS tool on name transliteration used in Germany, already mentioned above, has a success rate of 35%. Among Arabic names that were tested, 39% of references to the country of origin were unverifiable, and 34% did not support the applicant's testimony (Ozkul, 2023). The ability of such tools to accurately determine someone's country of origin has been debated by linguists, who argue that identifying the place of origin is an extremely complex task and that analysts need to consider various factors, such as how people adapt their speech patterns according to whom they interact with. In addition, people who speak different languages and dialects and those who have been on the road for a long time may acquire varying sounds/phonemes over time whereas dialects in origin countries often change (Lanneau, 2025). Moreover, sociolinguistic research demonstrates that language use is fluid, context-dependent and socially constructed, which significantly undermines the reliability of inferring an individual's precise national or regional origin from speech alone (Ineli-Ciger & Feith Tan, 2025). In this respect, the European Union Agency for Fundamental Rights (FRA) underlined that "errors in data analysis or interpretation could result in incorrect conclusions about an applicant's origin, leading to unfair decisions with potentially life-threatening consequences for the individual concerned" (FRA, 2019). Thus, the accuracy of these tools is essential. Another potential problem is the link between the dialect recognition tools, such as DIAS, with the nationality of an applicant of international protection. The use of a language detection software to ascertain the applicants' country of origin poses fundamental questions regarding the evidence and standard of proof for assessing the credibility of asylum applicants' nationality claims. It becomes even more complicated for speakers of underrepresented linguistic communities, as uneven representation of languages and dialects in training datasets can result in incorrect country of origin assessments and potential discriminatory outcomes for certain languages and dialects (Ineli-Ciger & Feith Tan, 2025). This could be particularly problematic under the pre-screening Regulation implementation adopted with the New Pact on Migration and Asylum. Under the new Regulation, the nationality of applicants for international protection is determined and recorded for the first time during the pre-entry screening. With their asylum applications being examined at the border and under limited procedural guarantees, applicants identified as originating from certain countries based on an AI language recognition tool would face significant obstacles asserting their claim and challenging the first instance authorities' decision (Manzotti, 2025). Finally, in the case of the text mining tool used to identify commonalities in the accounts of applicants for international protection who made similar claims in the past, there are concerns that the system might influence the credibility assessment of applications, as applicants for international protection with similar narratives could be suspected of lying (Memon et al., 2024).

AI tools often process large amounts of personal data from different sources. This can easily raise questions about privacy and data protection. The rights to the protection of personal data and to

respect private life may be subject to limitations. Countries such as Austria, Denmark and Germany use cell phone data to varying degrees to gather personal data to corroborate applicants for international protection identity or parts of their asylum dossier. Extracting data from mobile devices, for example, implies a strong infringement on the right to a private life as protected by Article 8 of the European Convention on Human Rights (Bolhuis et al., 2021). An additional concern relates to the risk of personal data being transmitted to an applicant for international protection country of origin, given the situations of persecution they have fled. If such data falls into the wrong hands, this may create additional risks for the applicants or their family members in their country of origin (Beirens, 2022). Asylum procedures involve the processing of special categories of personal data, such as biometric data and data concerning health in the context of information sharing between member states. According to the European Data Protection Supervisor (EDPS) Strategy 2020-2024, data protection is one of the last lines of defence for vulnerable individuals, such as migrants and asylum seekers approaching the EU external borders (EDPS, 2020). On its Opinion on the Proposal for a Regulation establishing a common system for the return of third-country nationals staying illegally in the EU, the EDPS considers that an in-depth fundamental rights impact assessment should be carried out to better identify and mitigate potential risks in relation to the rights to privacy and to the protection of personal data (EDPS, 2025). There will often be legitimate reasons for authorities to request and verify personal information during asylum proceedings. However, data collection and analysis may unlawfully interfere with privacy if the data or collection processes are not necessary for, or proportionate to, the achievement of a legitimate aim. Determining the lawfulness of such operations requires consideration both of a tool's effectiveness and of alternative, less invasive methods to verify identity and the credibility of claims (Forster, 2022). Moreover, state authorities need to justify interferences with the right to privacy. Lastly, the principle of accuracy plays an essential role in data protection by requiring proactive steps to ensure personal data is accurate and requires a response to individuals seeking to rectify or delete any inaccurate data (Lanneau, 2025).

Recommendations

While the argument that AI technology may bring innovation, reduce costs, and build more effective asylum systems is gradually gaining traction, it is equally important that such tools are developed and deployed within legal and ethical frameworks. According to the Artificial Intelligence Act, AI systems used in asylum, migration and border management are classified as high-risk. High-risk AI systems are subject to strict regulatory requirements, including mandatory risk management processes, transparency measures, human oversight, and fundamental rights impact assessments. However, the EU Artificial Intelligence Act contains several exceptions and loopholes that could limit the effectiveness of safeguards foreseen. More specifically, Article 6, paragraph 3 of the EU Artificial Intelligence Act specifies that an AI system deemed high-risk should not be classified as such if it does not pose a significant risk of harm to the health, safety or fundamental rights of individuals, including but not materially influencing the outcome of decision-making. This means that, when deploying an AI system within the asylum sector, it will be crucial to determine whether the system falls under the high-risk classification. Additionally, Article 49, paragraph 4 of the EU Artificial Intelligence Act provides that for AI systems used in law enforcement, migration, asylum, and border control, the registration must be in a secure, non-public section, accessible only to the European Commission and relevant national authorities. Normally, providers and public authorities using high-risk systems must register them in an EU database to ensure transparency. This database is meant to be publicly accessible and easily understandable. However, by this provision, the EU Artificial Intelligence Act introduces exceptions to the strict rules for high-risk AI

systems. Lastly, according to Article 14 of the EU Artificial Intelligence Act, high-risk AI systems in asylum are subject to relaxed human oversight requirements with flexibility depending on the system's context and level of autonomy. In asylum cases, where the stakes are exceptionally high, exempting human oversight could lead to situations where AI tools operate with minimal human intervention, increasing the risk of errors or bias going unchecked. To this end, the following recommendations could guide the actors involved in asylum procedures.

To ensure that AI serves applicants for international protection lawfully, member states should ground AI governance in human rights frameworks and implement safeguards across all stages of the asylum process. Member states should adopt binding legal instruments with a clear provision that prohibits AI systems that undermine asylum rights. To do so and ensure greater independence, public authorities in charge of asylum policies may foster partnerships between asylum and digital experts who will conduct and publish detailed fundamental rights risks assessments for all high-risks technologies used in the asylum process. Human rights organisations can contribute to the development of a methodology for human rights impact assessments in the use of new technologies in asylum contexts. This will allow for continued monitoring of the human rights impact of technologies in migration throughout their design, development, testing, and practical implementation. At the same time, member states should develop appropriate governance frameworks to regulate issues such as data protection, oversight or accountability, and access to recourse in the case of potential discriminatory outcomes or wrongful decisions caused by new technologies.

Digital tools can expose applicants for international protection to risks that can even undermine their right to international protection. Because risks are high, it is crucial that authorities conduct risk assessments and weigh the tools' benefits with potential risks. Authorities can do this by developing pilot AI tools and under different scenarios, and evaluate their impact. If the evaluation uncovers relevant risks or shows that the AI tool does not deliver the expected results, developers can correct these issues before rolling the tool out, or if the risks are too high, authorities can decide to stop its development altogether. At the same time, authorities should regularly monitor existing digital tools to measure their impact on the ground. Monitoring can be either performed by the AI tool's developers or third-party independent digital experts. The evaluation should be independent and the human review mandatory.

Appeals processes are equally fundamental and must remain fully accessible to all applicants for international protection, as guaranteed under Article 47 of the Charter of Fundamental Rights of the European Union. Member states should incorporate in their national legislation judicial review mechanisms for applicants to challenge AI-generated evidence, including language analysis and/or credibility assessments, among others. Automated credibility assessments should be prohibited while automated decision-making should remain under the responsibility of human officials.

In the same breath, asylum authorities should secure that sensitive data, including biometrics, interview transcripts and country-of-origin information, is end-to-end encrypted and should not be shared with the country of origin in case of risk of persecution.

Finally, capacity-building and educational resources to understand or navigate AI systems are crucial. Asylum-related officers, caseworkers as well as non-governmental organization (NGO) staff involved in asylum processes should receive specialised training by digital experts to critically assess AI outputs. Staff using decision-making support AI tools should be aware that these tools can entrench discriminatory outcomes or produce inaccurate decisions. The authorities should ensure that staff working with these kinds of tools are able to recognise algorithmic bias and understand the limitations of AI so that they can give them the correct weight in decisions. At the same time, public interest organisations on behalf of affected people should be able to have access to these algorithms and challenge AI systems within their scope if they are non-compliant or violate fundamental rights.

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