



EMN Ad-Hoc Query on EE AHQ on accelerated asylum procedures and asylum procedures at the border (part 1)

Requested by Silver STÕUN on 13th February 2017

Protection

Responses from Austria, Belgium, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom, Norway (23 in total)

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.



Background information:


Estonia has transposed into national legislation the Directive 2013/32/EU of the European Parliament and of the Council on common procedures for granting and withdrawing international protection, but the Ministry of the Interior is currently considering the possible change of national legislation concerning the accelerated and border procedures. Therefore we would be grateful for information about how other Member States have interpreted the legal provisions of accelerated and/or border procedures of the Directive and how they have implemented these provisions in their national systems. Please note that the AHQ is divided into two parts due to the amount of information asked.

Questions

1. Does your national legislation foresee border procedures and/or accelerated asylum procedures?
2. If yes, under which cases do you decide on asylum applications in accelerated procedure and under which cases at border procedure?
3. How many cases were subject to accelerated asylum procedures and how many cases were subject to border procedures out of all cases in 2015 and 2016? Please provide the total number of all asylum applications if possible.
4. What is the deadline foreseen by the law for the accelerated procedures to be completed in land and procedures completed at the border? What is the estimated time in practice?
5. What are the legal powers of the official dealing with the asylum cases at the border (e.g. is the person entitled to conduct the full asylum process)?
6. Where is the applicant accommodated during the border procedure?

Responses

	Country	Wider Dissemination	Response
 	Austria	Yes	1. The accelerated procedure for international protection is regulated in Art. 27a Asylum Act 2005. An asylum procedure at the border is not foreseen in the Austrian legal order. However, there are special provisions for airport procedures, which are contained in Art. 31-33 of the third section of the fourth part of the Asylum Act 2005. Source: Federal Ministry of the Interior.

			<p>2. In the cases under Art. 18 para 1 Federal Office for Immigration and Asylum Procedures Act and Art. 27 para 2 and 3 Asylum Act 2005, the procedure for international protection can be accelerated (e.g. safe third country, false identity). Source: Federal Ministry of the Interior.</p> <p>3. Such statistical data are not collected. Source: Federal Ministry of the Interior.</p> <p>4. Accelerated procedures have to be decided at the latest within five months. However, this deadline can be extended if this is necessary in an individual case for the correct handling of the case. In this case, according to Art. 73 para 1 General Administrative Procedures Act a decision period of 6 months applies. In airport procedures, the decision envisaged by the Federal Office for Immigration and Asylum has to be notified to the United Nations High Commissioner for Refugees within one week after presentation. Source: Federal Ministry of the Interior.</p> <p>5. No response, because no procedure at the border is foreseen. Source: Federal Ministry of the Interior.</p> <p>6. No response, because no procedure at the border is foreseen. Source: Federal Ministry of the Interior.</p>
	Belgium	Yes	<p>1. Border procedures A person without the required travel documents as specified in Article 2 of the Immigration Act will be refused entry to the Schengen territory at a border and will be notified of a decision of refusal of entry to the territory. According to Article 50 of the Immigration Act, such person may submit an asylum application to the Federal border police. The processing of asylum applications lodged at the border is accelerated. Accelerated procedures Besides, also the processing of applications from applicants staying in a detention facility (for example asylum applicants involved in public order issues) is accelerated. Furthermore also a decision ‘not to take into consideration the application’ can be issued. This can be the case for subsequent applications without new elements being presented, applications lodged by EU-citizens, applications lodged by applicants who hold a refugee status in another Member State and for applicants from safe countries of origin. In these cases, shorter time-limits apply, but the applications are to a large extent assessed on the merits.</p>



2. If the application is lodged at the border, a border procedure will apply. In other specific cases, other accelerated procedures may apply (see also reply to question 1).


3. - In 2015, 417 asylum applications were made at the border, on a total of 44760 asylum applications. - In 2016, 346 asylum applications were made at the border, on a total of 18710 asylum applications.


4. According to Article 52/2 §2 of the Immigration Act, The Office of the Commissioner General for Stateless Persons (CGRS) has to take a decision on the merits of the application for persons held in a detention centre at the border within 15 days after notification by the Immigration Office that Belgium is the responsible authority for assessing the asylum application, and within 2 working days if it concerns a subsequent application (Article 57/6/2 of the Immigration Act). For what concerns other accelerated procedures the CGRS has to take a decision: - Within 5 working days for what concerns asylum applications lodged by EU-citizens (Article 57/6 2°) - Within 8 working days for what concerns subsequent asylum applications, and within 2 working days if the person who lodged a subsequent asylum application is detained at the border or in a detention facility (57/6/2 of the Immigration Act) - Within 15 working days for what concerns applicants from safe countries of origin (Article 57/6/1 of the Immigration Act) - Within 15 working days for applications lodged by applicants who hold a refugee status in another Member State (Article 57/6/3 of the Immigration Act). In most cases this time-frame is respected in practice.

5. An asylum application at the border can be made with the Federal Police. The Federal Police will carry out a preliminary interrogation and send the report to the Border Control section of the Immigration Office who registers the application. If Belgium is responsible for examining the asylum application according to the Dublin regulation, the application will be transferred to the Office of the Commissioner General for Refugees and Stateless persons (CGRS), which is the responsible authority for assessing the asylum application.

6. The asylum applicant is detained at the border in a detention facility managed by the Immigration Office. Most of them are accommodated in transit Centre “Caricole” in Zaventem

			near the airport. Families with children are placed in so-called return units, which are more adapted to their specific needs.
	Croatia	Yes	<p>1. Yes. The accelerated procedure is conducted according to the provisions of Article 41 of the Law on International and Temporary Protection ("Official Gazette", No. 70/15).</p> <p>2. Although Article 42 of the Act prescribes the manner of conducting the procedure for granting international protection at the border or transit area of an airport, sea ports or inland ports, the Ministry of Interior does not yet apply the provisions which regulate the manner of implementation of that particular process.</p> <p>3. During 2015, the Ministry of Interior has received 211 requests for international protection. In 2016, Ministry of Interior received 2234 applications for international protection out of which 45 procedures have been finalized. There is no data on the number of resolved cases in an accelerated procedure.</p> <p>4. In accordance with Article 41, paragraph 1 of the Law on International and Temporary Protection ("Official Gazette", No. 70/15), accelerated procedures for the approval of international protection in the Republic of Croatia follows the statutory period of two months from the date of submission of the application.</p> <p>5. Please see answer 2.</p> <p>6. Please see answer 2.</p>
	Cyprus	Yes	<p>1. Cyprus' national legislation (Refugee Law) does not foresee border procedures. Article 12D of the Refugee Law foresees accelerated procedures.</p> <p>2. According to article 12D of the Refugee Law under the following cases an application can be examined in accelerated procedure: (a)the applicant, in submitting his or her application and presenting the facts, has only raised issues that are not relevant to the examination of whether he or she qualifies as a beneficiary of international; or (b) the applicant is from a safe country of</p>

			<p>origin; or (c) the applicant has misled the authorities by presenting false information or documents or by withholding relevant information or documents with respect to his or her identity and/or nationality that could have had a negative impact on the decision; or (d) it is likely that, in bad faith, the applicant has destroyed or disposed of an identity or travel document that would have helped establish his or her identity or nationality; or (e) the applicant has made clearly inconsistent and contradictory, clearly false or obviously improbable representations which contradict sufficiently verified country-of- origin information, thus making his or her claim clearly unconvincing in relation to whether he or she qualifies as a beneficiary of international protection; or (f) the applicant has introduced a subsequent application for international protection that is not inadmissible; or (g) the applicant is making an application merely in order to delay or frustrate the enforcement of an earlier or imminent decision which would result in his or her removal; or (h) the applicant entered the territory of the Cyprus Republic unlawfully or prolonged his or her stay unlawfully and, without good reason, has either not presented himself or herself to the authorities or not made an application for international protection as soon as possible, given the circumstances of his or her entry; or (i) the applicant refuses to comply with an obligation to have his or her fingerprints taken in accordance with Regulation (EU) No 603/2013; or (j) the applicant may, for serious reasons, be considered a danger to the national security or public order, or the applicant has been forcibly expelled for serious reasons of public security or public order.</p> <p>3. Statistical data regarding accelerated asylum procedures is not available. Cyprus' national legislation does not foresee border procedures.</p> <p>4. For accelerated procedures 30 days from the submission of the application.</p> <p>5. n/a</p> <p>6. n/a</p>
	Czech Republic	Yes	<p>1. Yes, CZ Asylum Act foresees both procedures.</p> <p>2. Accelerated procedure – the conditions and reasons fully reflect the current APD 2013/32/EU – the main pre-requisite is that the applicant does not state any relevant reasons for asylum or</p>

			<p>subsidiary protection. Then one of the reasons mentioned in the APD must exist – CZ transposed all reasons mentioned in art. 31/8 with the exception of letters f), h), j). Border procedure – if a foreigner applies for international protection at the international airport, he/she is placed in the reception centre at the airport. The Ministry of the Interior then has to decide if the applicant is allowed to enter the territory or not. The reasons are laid down in national law – fraudulent documents, public order, and Dublin transfer – risk of absconding, avoiding expulsion, no cooperation. If the entry is refused, the applicant stays detained in the centre and the asylum procedure has to be conducted here with the requirements arising from the APD – the decision has to be issued within 4 weeks and it has to be either a decision on inadmissibility or on manifestly unfounded application.</p> <p>3. 2015: Total number of asylum applications: 1,525 Cases subject to accelerated asylum procedures: 16 Cases subject to border procedures: 26 2016: Total number of asylum applications: 1,478 Cases subject to accelerated asylum procedures: 9 Cases subject to border procedures: 67</p> <p>4. 30 days in the territory 4 weeks at the airport (APD requirement) Estimated time: it reaches 30 days</p> <p>5. The person is entitled to conduct full asylum process, but according to the directive only inadmissible and manifestly unfounded cases can be decided here.</p> <p>6. In the fully equipped closed reception centre in the transit zone at the airport.</p>
	Estonia	Yes	<p>1. Yes, Estonian legislation foresees accelerated asylum procedures including at the border in case of clearly unfounded asylum applications.</p> <p>2. According to the Act on Granting International Protection to Aliens (AGIPA) an application may be decided in accelerated procedure, including at the border in case the application can be considered clearly unfounded. An application is considered clearly unfounded if the claims and reasons presented therein are not related to the circumstances under which a person would qualify as a beneficiary of international protection or the application is clearly submitted with the purpose of abusing the international protection system and one of the following bases exists: 1) there is</p>



reason to consider the applicant's country of origin as a safe country of origin; 2) upon the processing of the application for international protection the applicant has knowingly provided incorrect information, given incorrect explanations, has knowingly failed to provide information or give explanations which are of essential importance to the processing of his or her application for international protection, or has knowingly submitted falsified documents; 3) there is reason to believe that the applicant has destroyed or disposed of a document or any other evidence that would have helped to establish his or her identity or citizenship; 4) the applicant has made clearly false or clearly improbable representations which contradict sufficiently verified country-of-origin information, thus making his or her claim clearly unconvincing in relation to whether he or she qualifies to the criteria of a beneficiary of international protection; 5) the application is subsequent and subsection 24 (1) of this Act shall be applied thereto; 6) the applicant has submitted an application for international protection only to avoid the compliance with the obligation to leave; 7) the applicant has arrived in Estonia or has stayed in the territory of Estonia illegally or has failed to submit an application for international protection at the earliest opportunity; 8) the applicant has refused or refuses to be fingerprinted; 9) the applicant poses a threat to national security or public order or he or she has been expelled from Estonia for the specified reasons.



3. In 2015 there were 231 applications for international protection submitted in Estonia, from which 59 applications were submitted at the border and 9 applications (about 4%) were decided in accelerated procedures at the border. In 2016 there were 111 applications for international protection submitted in Estonia from which 52 were submitted at the border and 12 applications (about 11%) were decided in accelerated procedure at the border.

4. According to the AGIPA an application in accelerated asylum procedure is examined within 30 days, which may be extended in case necessary. In practice the accelerated procedures have been completed in about 30 days.

5. In Estonia the officials who can perform the international protection procedures need to have relevant competence which is given according to positions and to officials who have undergone trainings to perform international protection procedures. In case the applicant applies for international protection while already in Estonia, the procedure is carried out by the Aliens division of the Police and Border Guard Board. The officials from Police and Border Guard Board


			<p>who work at the border are trained to notice people who wish to apply for international protection. Any kind of indication about the impossibility to return to country of origin is considered enough to register the application.</p> <p>6. N/A</p>
+	Finland	Yes	<p>1. An application for international protection can be processed in an accelerated procedure, when it is considered manifestly unfounded. Finland does not implement the border procedures as described in the Directive 2013/32/EU. Inadmissible applications are considered and decided on by The Finnish Immigration Service.</p> <p>2. An application for international protection can be processed in an accelerated procedure, when it is considered manifestly unfounded. An application is manifestly unfounded if the applicant has arrived from a safe country of origin, or in the following cases: • the applicant has not motivated the application with such violations that would justify the granting of international protection, • the applicant's statements made concerning need for protection are clearly implausible, • the applicant obviously intends to abuse the asylum procedure by deliberately giving false, misleading or deficient information, by presenting forged documents, or files the application to delay removal from the country. Finland does not implement border procedures. An application for international protection may be dismissed, for instance, if a person has arrived from a safe country of asylum or from a safe third country, or has been granted protection by another Member State. The decision is made by the Finnish Immigration Service.</p> <p>3. Accelerated procedure: In 2015 of a total of 7466 decisions made, 758 were considered manifestly unfounded. In 2016 of a total of 28 208 decisions made, 552 were considered manifestly unfounded.</p> <p>4. In an accelerated procedure, the decision will be issued within five months after the submission of the application.</p> <p>5. An application for asylum is submitted to the police or the border control authorities. The police or the Border Guard register the applicants' details and take their fingerprints and photo. An</p>


			<p>official of the border guard (or the police) is not entitled to conduct the asylum process. All asylum processes are conducted by the Finnish Immigration Service.</p> <p>6. As Finland does not implement border procedures, all asylum applicants are generally accommodated at reception centres (or in a detention centre, if there are grounds to believe that the applicant will try to prevent the issue of a decision or the enforcement of a removal decision by hiding or absconding, or if in detention is necessary for establishing his/her identity).</p>
	France	No	
	Hungary	Yes	<p>1. Yes, both border procedures and accelerated procedures apply in Hungary.</p> <p>2. The examination procedure of the application may be accelerated if: a) the applicant has only raised issues that are not relevant to the examination of whether he/she qualifies for refugee status or subsidiary protection; b) the applicant is from a country that is included in the common list of safe countries of origin of the European Union or in the national list of safe countries; c) the applicant has misled the authorities: ca) by presenting false information with respect to his/her identity and/or nationality, cb) by presenting false documents with respect to his/her identity and/or nationality, or cc) by withholding relevant information or documents with respect to his/her identity and/or nationality that could have had a negative impact on the decision; d) it is likely that, in bad faith, the applicant has destroyed or disposed of an identity or travel document that would have helped establish his or her identity or nationality; e) the applicant has made clearly inconsistent and contradictory, clearly false or obviously improbable representations which contradict sufficiently verified country-of-origin information, thus making his or her claim clearly convincing that he/she does not qualify for refugee status or subsidiary protection; f) the applicant has introduced a subsequent application that is not inadmissible in accordance with Paragraph d) of Subsection (2); g) the applicant is making an application merely in order to delay or frustrate the enforcement of an earlier or imminent decision which would result in his or her expulsion ordered by the immigration authority, the refugee authority or the courts; h) the applicant entered the territory of Hungary unlawfully or prolonged his or her stay unlawfully and, without good reason, has failed without reasonable cause to make his/her application for recognition earlier,</p>

			<p>having had opportunity to do so; i) the applicant refuses to comply with an obligation to have his or her fingerprints taken; or j) the applicant may, for serious reasons, be considered a danger to the national security or public order of Hungary, or the applicant has been forcibly expelled by the immigration authority for serious reasons of public security or public order. Where an alien lodges an application: a) before admission into the territory of Hungary, or b) after being apprehended inside the 8 kilometre zone from the external border referred to in Point 2 of Article 2 of Regulation (EU) 2016/399 of the European Parliament and of the Council on a Union Code on the rules governing the movement of persons across borders, or from any frontier sings, and after being escorted through the gate installed for the protection of State borders as defined in the Act on State Borders, in a transit zone, a border procedure shall be conducted.</p> <p>3. Number of rejected applications in border-procedures in 2016: 453 Number of rejected applications in accelerated procedures in 2016: 4163 Total number of applications in Hungary in 2016: 29 432</p> <p>4. The decisions in connection with applications to be processed in accelerated procedures shall be adopted within fifteen days from the time when the grounds for using the accelerated procedure is established. In border procedure the refugee authority shall decide as to the admissibility of an application in priority proceedings, at the latest within eight days from the time of submission thereof. The refugee authority shall promptly communicate the decision adopted upon the procedure.</p> <p>5. The asylum officer is entitled to conduct the full asylum process.</p> <p>6. During the border procedure the applicant is accommodated in the transit zone.</p>
	Ireland	No	
	Italy	Yes	<p>1. BORDER PROCEDURES: NO. The Italian legislation do not foresee border procedures; at the border it is only possible to express a willingness to apply for international protection and, as a result of this, you are directed to the nearest Immigration Office of the Police for the formalization</p>

of applications. An exception is the air border Police Office at the Rome international airport of Fiumicino, where there is a desk of the Immigration Police Office of Rome which proceeds to the formalization of the request (Directive 2013/32 / EU of the European Parliament and of the Council of 26 June 2013, Article 8 "Where there are indications that third-country nationals or stateless persons held in detention facilities or present at border crossing points, including transit zones, at external borders, may wish to make an application for international protection, Member States shall provide them with information on the possibility to do so. In those detention facilities and crossing points, Member States shall make arrangements for interpretation to the extent necessary to facilitate access to the asylum procedure"). The Italian legislation guarantees to the applicant who has expressed a willingness to seek international protection at border crossings and transit zones of the right to information about the procedure, and its rights and duties, as well as access to the border crossing points of the UNHCR representatives, and protection bodies of international protection with long experience in the field. This access may be restricted for reasons of security, public order or for reasons relating to the administrative management, provided such access is not completely prevented. **ACCELERATED PROCEDURE: YES.** Accelerated examination procedures of the application which differ from the ordinary for the prediction of shorter terms for the call for interview, as well as for the adoption of the decision, while maintaining the essential guarantees of the ordinary procedure. **THE ITALIAN LEGISLATION ALSO FORESEES SOME CASES THAT, WHEN RECOGNIZED OR REPORTED TO THE COMMISSION THAT DECIDE ABOUT THE APPLICATIONS, COULD BE INTERVIEWED IN PRIORITY.**

2. ACCELERATED PROCEDURE WHEN: 1) the application has been filed by an applicant in a detention centre; 2) the application is manifestly unfounded; 3) in cases of repetition of identical application after receiving a negative decision; 4) in the case of applications submitted after the applicant is stopped for avoiding border controls or otherwise in conditions of irregular stay; 5) in cases where it is assumed that the application aimed exclusively to delay or prevent the execution of an expulsion. **CASES THAT, WHEN RECOGNIZED OR REPORTED TO THE COMMISSION THAT DECIDE ABOUT THE APPLICATIONS, COULD BE INTERVIEWED IN PRIORITY:** In preparing the hearings, it is also expected that the Territorial Commission examines some cases in priority: when the instance is clearly established; when it is presented by a person belonging to a category of vulnerable people or that need of special procedural guarantees;

			<p>when the applicant is from one of the countries listed by the National Commission for which it is immediately recognizable the subsidiary protection status. The latter hypothesis was added by Legislative Decree no. 142 and was consistently accompanied by the prediction that in this case it is also possible, at the discretion of the Commission, omit the hearing of the applicant.</p> <p>3. N/A</p> <p>4. Case 1 (see Question 2) the hearing to take place within seven days from the receipt of documents Cases 2-5 the hearing to take place within fourteen days questions in cases manifestly infondate82; in cases of repetition of identical questions after the adoption of the decision by the Commission; in the case of applications submitted by the applicant stopped for avoiding border controls or otherwise in conditions of irregular stay; in cases where it is assumed that the application aimed exclusively to delay or prevent the execution of an expulsion.</p> <p>5. No border procedure</p> <p>6. No border procedure</p>
	Latvia	Yes	<p>1. Yes, both of the procedures are applicable.</p> <p>2. According to the Asylum Law asylum application can be examined: - under border procedure if the application has been submitted at the border crossing point or in the border transit zone and the grounds to consider the application inadmissible exists (Article 33.2.a), b),c) and d) of the Directive 2013/32/EU); - under accelerated procedure if the applications has been accepted as admissible and at least one of the ground mentioned in Article 31.8.of the Directive 2013/32/EU exist.</p> <p>3. Total amount of asylum applicants is as follows: 2015 – 328, 2016 – 350. In 2015 and 2016 the border procedure has not been applied. 55 applications in 2015 and 23 applications in 2016 were examined in accelerated procedure.</p>

			<p>4. The Asylum Law prescribes that in a scope of border procedure only the decision on inadmissibility/admissibility is taken. The border procedure should be concluded within 4 weeks (includes appeal stage). If the positive decision on admissibility has been taken in border procedure the asylum seeker has been granted the rights to enter the territory and further the application can be examined in accelerated or normal procedure. If asylum application further is examined in accelerated procedure the final decision should be taken within 3 month period (includes appeal stage). There are no differences between time frame set up in the Asylum Law and applied in practice.</p> <p>5. During border procedure the officials of the State Boarder Guard are responsible for the initial interview with asylum seeker in order to obtain information which is necessary to take a decision on inadmissibility/admissibility and basic information regarding the motives for requesting international protection. All decisions relating asylum are taken by the Office of the Citizenship and Migration Affairs (1st instance authority in asylum procedure).</p> <p>6. During the border procedure asylum seekers could be accommodated in special premises of the State Border Guard nearby the border.</p>
	Lithuania	Yes	<p>1. Yes, the Law of the Republic of Lithuania on the Legal Status of Aliens (hereinafter: the ‘Law’) provides for the cases in which an application for asylum is examined as to substance as a matter of urgency. The Law also stipulates the length of the period during which asylum applicants may be held at border crossing points and in transit zones.</p> <p>2. Under a decision of the Migration Department, an application for asylum is examined as to substance as a matter of urgency, when an asylum applicant: 1) has entered from a safe country of origin; 2) has provided in his application for asylum only the information that is not relevant to the examination of whether the alien may be granted asylum; 3) in order to mislead the investigation, has provided misleading information or falsified documents about his identity or citizenship, or fails to provide or destroys information or documents about his identity or citizenship that could be material in taking a decision on the granting of asylum; 4) lodges an application for asylum which is based on the data, as provided by the asylum applicant, which are inconsistent, contradictory, misleading and contradict the information collected about the alien’s country of</p>

origin and thus clearly unconvincing; 5) lodges a subsequent application for asylum in the absence of or failure to provide any new material information or data which would significantly increase the likelihood that the asylum applicant can meet criteria for the granting of refugee status or subsidiary protection; 6) lodges an application for asylum only in order to prevent the adoption or enforcement of a decision to return or expel the alien to a foreign country; 7) refuses to allow the taking of his fingerprints; 8) there are serious grounds for believing that he represents a threat to national security or public policy or he has been expelled from Lithuania due to a threat to national security or public policy represented by his stay in Lithuania. These provisions do not apply to unaccompanied minor asylum applicants and the asylum applicants who were subjected to torture, rape or other serious forms of psychological, physical or sexual violence.


3. In 2015, 291 applications for asylum were lodged (174 of them – at border crossing points or other units of the State Border Guard Service located within the territory in which the border legal regime is valid). In 2016, 425 applications for asylum were lodged (359 of them – at border crossing points or other units of the State Border Guard Service located within the territory in which the border legal regime is valid), and 21 applications were examined as to substance as a matter of urgency.

4. An application for asylum must be examined as to substance as a matter of urgency within seven working days from the adoption of a decision by the Migration Department to examine the application as to substance as a matter of urgency. This time limit may be extended by a decision of the Migration Department not longer than for three working days if it is necessary for the purpose of consideration of complex legal and/or factual circumstances. If, while examining the application for asylum as to substance as a matter of urgency, the grounds due to which the application is being examined as to substance as a matter of urgency disappear, the application is examined as to substance within regular time limits. Asylum applicants may not be held at border crossing points and in transit zones for longer than: 1) until the adoption of a decision to examine an application for asylum as to substance (the decision is to be taken within 48 hours from the lodging of the application for asylum), except for the cases when a decision is adopted to examine the application for asylum as to substance as a matter of urgency; 2) until the adoption of a decision that another European Union Member State is responsible for examining the application for asylum (the decision is to be taken within 48 hours from the lodging of the application for

asylum); 3) until the adoption of the final decision to not examine the application for asylum (the decision is to be taken within 48 hours from the lodging of the application for asylum); 4) until the adoption of the final decision regarding the application for asylum which is being examined as to substance as a matter of urgency. Asylum applicants have the right to remain at border crossing points and in transit zones during the period of filing of an appeal (an alien may file an appeal against a decision taken under the Law with a relevant regional administrative court within 14 days from the service of the decision), and if a request for interim measures is submitted during this period – until the relevant administrative court passes a ruling regarding the interim measures. If the relevant administrative court passes a ruling to apply the interim measures, the asylum applicant is admitted into the territory of the Republic of Lithuania. If a final decision is not adopted within 28 days from the lodging of an application for asylum by an asylum applicant present at a border crossing point or in a transit zone, the Migration Department takes a decision to admit the asylum applicant into the Republic of Lithuania.

5. Within 24 hours from the lodging of an application for asylum, a civil servant authorised by the institution receiving an application for asylum (the State Border Guard Service or a local police authority): 1) indicates in the application for asylum or, if the application has not been lodged in writing, in the application record the date, time and place of lodging of the application; 2) collects all the documents and travel tickets held by the asylum applicant; 3) while respecting the person's dignity, carries out an inspection of the asylum applicant and his personal belongings according to the procedure laid down in laws of the Republic of Lithuania; 4) interviews the asylum applicant and, on the basis of the documents submitted and information collected, determines whether the asylum applicant has special needs; 5) takes the fingerprints of the asylum applicant; 6) take a photograph of the asylum applicant; 7) upon performing the above actions, immediately forward by means of electronic communications the application for asylum or, if the application has not been lodged in writing, the application record, copies of the collected documents and travel tickets held by the asylum applicant, as well as the interview record to the Migration Department and the taken fingerprints – to an institution authorised by the Minister of the Interior.



6. Asylum applicants are accommodated at border crossing points or in transit zones in the premises equipped for them. If at border crossing points or in transit zones it is not possible to ensure suitable conditions for the reception of asylum applicants during the period of the

			<p>examination of an application for asylum, the State Border Guard Service, in coordination with the Department of Migration, adopts a decision to admit an asylum applicant into the Republic of Lithuania. Conditions of asylum applicants' accommodation at border crossing points and in transit zones are specified by the Minister of the Interior.</p>
	<p>Luxembourg</p>	<p>Yes</p>	<p>1. Yes.</p> <p>2. Border Procedures: a) There is a border procedure for the entry of third country nationals. In case a third-country national does not fulfil the conditions established in article 34 of the amended law of 29 August 2008 on free movement of persons and immigration entry at the border can be refused (article 104 in accordance with article 99). In Luxembourg, the Luxembourg International Airport is the only external border. Article 104 (1), establishes that any refusal of entry at the border has to be taken by a police agent of the Control Service of the Airport. This decision can be executed ex-officio by the police agent. The decision that refuses entry at the border (“Inadmissibles”) and the execution of the decision has to be notified to the TCN (article 105 (1). The agent must send a report of the notification and the execution of the decision to the Minister in charge of Asylum and Immigration. The third-country national can introduce an annulment action against this decision at the First instance Administrative Court in accordance with article 105 (2). The possible period of appeal is of 3 months (article 113 in relation with article 16 of the Law of 21 June 1999). However, this annulment action does not have a suspensive effect. Nevertheless, in accordance with article 114 of the modified law of 29 August 2008 if the annulment action is accompanied by an application of stay of execution (postponement of execution) the removal from national territory cannot be carried out until a decision by the First instance Administrative Court is taken. b) However, in case the third-country national indicates that s/he wants to file an international protection application to the police agent at the airport in accordance with article 4 (1) of the Law of 18 December 2015 on international protection and temporary protection, the police agent will address the applicant to file the application at the Directorate of Immigration (the maximum delay for registering the application is of 6 days). Once the application is registered and introduced, it is up to the Minister in charge of Asylum and Immigration to decide if the application will be treated under the normal international protection procedure or under the accelerated procedure (see below). Accelerated procedures: Article 27 (1)</p>

of the Law of 18 December 2015 on international protection and temporary protection establishes 10 motives where the Minister in charge of Asylum and Immigration can decide to apply to the accelerated procedure to an international protection application. These motives are: (a)the applicant, when submitting his or her application and presenting the facts, has only raised issues that are not relevant to the examination of whether he or she qualifies as a beneficiary of international protection; or (b)the applicant is from a safe country of origin; or (c)the applicant has misled the authorities by presenting false information or documents or by withholding relevant information or documents with respect to his or her identity and/or nationality that could have had a negative impact on the decision; or (d)it is likely that, in bad faith, the applicant has destroyed or disposed of an identity or travel document that would have helped establish his or her identity or nationality; or (e)the applicant has made clearly inconsistent and contradictory, clearly false or obviously improbable statements which contradict sufficiently verified country-of-origin information, thus making his or her claim clearly unconvincing in relation to whether he or she qualifies as a beneficiary of international protection; or (f)the applicant has introduced a subsequent application for international protection that is not inadmissible; or (g)the applicant is making an application merely in order to delay or frustrate the enforcement of an earlier or imminent decision which would result in his or her removal; or (h)the applicant entered the territory of the Member State unlawfully or prolonged his or her stay unlawfully and, without good reason, has either not presented himself or herself to the authorities or not made an application for international protection as soon as possible, given the circumstances of his or her entry; or (i)the applicant refuses to comply with an obligation to have his or her fingerprints taken in accordance with article 6 paragraph (3); or (j) the applicant may, for serious reasons, be considered a danger to the national security or public order of the Member State, or the applicant has been forcibly expelled for serious reasons of public security or public order under the amended law of 29 August 2008 on free movement of persons and immigration.

3. 2015 2016 Total n° of international protection applicants 2447 (individuals concerned) 2035 (individuals concerned) Total n° of IPA treated in accelerated procedure n.i.a. n.i.a. Total n° of IPA treated in border procedures N/A N/A Source: Directorate of Immigration @LU EMN NCP


4. The decision of the Minister has to be taken within a maximum delay of two months, but if needed, this maximum duration can be extended. In regards to the border procedures the only

			<p>deadline foreseen is that the registration of the application has to be done in a maximum delay of 6 working days (article 4 (1)), or if there is major influx it may be extended to 10 working days (article 4 (1) paragraph 1).</p> <p>5. None. The applicant only files the application with the police agent at the border. The official does not have the authority to conduct the international protection procedure. That is a legal power reserved to the Minister in charge of Asylum and Immigration (See article 10 (1) 3).</p> <p>6. Once that the applicant has manifested his/her intention to file an international protection application the police agent will refer the applicant to the Directorate of Immigration to file the application. They will refer him to a reception facility where the applicant will be lodged and feed. However, if the application filed at the border occurs during the night or during the weekend the police will refer the applicant directly to the reception facility.</p>
	Malta	Yes	<p>1. as per attached.</p> <p>2. as per attached.</p> <p>3. as per attached.</p> <p>4. as per attached.</p> <p>5. as per attached.</p> <p>6. as per attached.</p>
	Netherlands	Yes	<p>1. Border procedure: Yes. The border procedure was introduced in national legislation on July 20, 2015. Accelerated procedures: In 2014 NL has implemented an accelerated procedure for subsequent applications. Since 1 March 2016, national legislation also foresees in another accelerated procedure for the following cases: - The applicant is from a safe country of origin, or - The applicant was granted international protection by another Member State.</p>


2. Border procedure All cases of aliens who apply for asylum at the border are handled in the border procedure. However, there are the following exceptions (these cases are redirected to an (open) Application Centre): - Families (with minor children); - unaccompanied minors; - cases where detention is disproportionately burdensome (e.g. because of medical issues); - Once it is clear that the application for asylum cannot be rejected on any of the grounds mentioned in article 43 (1) of the Directive 2013/32/EU, the border procedure will be halted, the detention will be lifted and the examination of the application will be continued in an open Application Centre. Accelerated procedure for subsequent applications: Since 2014 subsequent applications are handled in an accelerated procedure. Accelerated procedure for safe country nationals or those already protected in the EU: If an applicant is from a safe country of origin or was granted international protection by another Member State, his or her application will be assessed in an accelerated procedure. Minors are excluded from this accelerated procedure.



3. Total asylum procedures: 2015: 58.880 (this is incl. family reunion and subsequent applications) 2016: 31.642 (this is incl. family reunion and subsequent applications) Border procedure July 2015 – December 2016: 280 cases January 2016 – July 2016: 250 cases (for the period July 2016 – December 2016 figures are not yet available) Accelerated procedure for subsequent applications In 2015 some 1780 subsequent applications have been made. Some 43% of these have been handled within the time limits of the accelerated procedure for subsequent applications. The figures for 2016 are not available yet. Accelerated procedure for safe country nationals or those already protected in the EU Since the introduction of this procedure (1st March 2016) 2270 cases were subject to the accelerated procedure. This numbers includes among other applications that are unfounded (because safe country), inadmissible (international protection elsewhere) and withdrawals.


4. Border procedure: The maximum period to decide on an asylum application in the border procedure is 28 days. In practice there is often a decision on the asylum application within two weeks. Accelerated procedure for subsequent applications The time limit in the accelerated procedure for subsequent applications is three working days form the lodging of the subsequent application. This procedure is preceded by a preliminary procedure, in which the applicant first makes his application by filling out a form indicating the new elements on which the new application will be based. After receiving this form the Immigration Service will schedule an


			<p>appointment, usually within two weeks, to formally lodge the subsequent application. If the case cannot be processed within the three days' time limit, the case will be forwarded to the normal procedure for further examination. Accelerated procedure for safe country nationals or those already protected in the EU: • The decision must be made no later than 8 days after the interview. This is the statutory deadline. Please note that the interview takes place a few days after the applicant has lodged his application. An evaluation has shown that on average an applicant receives his decision within 10 days after lodging the application.</p> <p>5. All IND case workers are competent to conduct the interview. The decision on the asylum application is only taken by case workers who are authorized to sign.</p> <p>6. In a detention center (Justitieel Complex Schiphol) near the border.</p>
	Poland	Yes	<p>1. Poland is going to introduce border procedures into Polish law. Currently we are using only accelerated asylum procedures.</p> <p>2. Accelerated procedure could be used only when: 1. the applicant has provided for submission of application other reasons than fear for persecution for racial, religious, national, political or belonging to particular social group, or risk of harm or he did not provide any information on circumstances related to fear of persecution or risk of harm - the applicant, in submitting his or her application and presenting the facts, has only raised issues that are not relevant to the examination of whether he or she qualifies as a beneficiary of international protection by virtue of Directive 2011/95/EU, 2. the applicant has misled the authorities by presenting false information or documents or by withholding relevant information or documents with respect to his or her identity and/or nationality that could have had a negative impact on the decision, 3. the applicant has made clearly inconsistent and contradictory, clearly false or obviously improbable representations which contradict sufficiently verified country of origin information, thus making his or her claim clearly unconvincing in relation to whether he or she qualifies as a beneficiary of international protection by virtue of Directive 2011/95/EU, 4. the applicant is making an application merely in order to delay or frustrate the enforcement of an earlier or imminent decision which would result in his or her removal, 5. the applicant may, for serious reasons, be considered a danger to the national</p>

			<p>security or public order of the Member State, or the applicant has been forcibly expelled for serious reasons of public security or public order under national law.</p> <p>3. The total number of all asylum applications / people seeking for international protection: YEAR 2015 - 4915 applications / 11 637 people YEAR 2016 - 4480 applications/ 11 274 people</p> <p>4. In accelerated procedure a decision concerning asylum should be taken within 30 days since submission of application.</p> <p>5. At border the border authority is entitled only to take an application which is transferred further to the office for Foreigners which is the authority competent in examining the application.</p> <p>6. There is no border procedure in our legislation.</p>
	Slovak Republic	Yes	<p>1. Slovak legislation foresees neither border procedure, nor any separate accelerated asylum procedure. However, as an accelerated procedure could be considered a procedure within which an asylum application is considered as manifestly unfounded (provided that the legal conditions are met). The responsible administrative authority can decide about the rejection of the asylum application as manifestly unfounded within 60 days since the beginning of the procedure.</p> <p>2. In relation to the information mentioned in 1, an asylum application is rejected as manifestly unfounded if the applicant: • does not justify the application by reasons which are defined as reasons for being granted asylum or subsidiary protection; • comes from a safe country of origin, which does not apply in his/her case this country cannot be considered as safe; • does not meet conditions for being granted international protection and: - entered the territory of Slovakia without authorization and without any serious reason did not apply for asylum immediately upon the entry; - did not undergo fingerprinting; - provided fake or forged information or documents or hid information or documents relevant for the asylum procedure in order to hinder the assessment of the asylum application; - justified the asylum application by incoherent, contradictory, fake or improbable statements which are in contrast with verifiable information about the country of origin; - it is probable that the applicant destroyed or get rid of his/her travel or other identity documents in order to hide his/her identity or hinder the assessment of the asylum application in</p>

			<p>another way; - the applicant lodged the asylum application only in order to avoid his/her administrative expulsion; - it is a subsequent asylum application and the application cannot be rejected as inadmissible because the facts of the case have changed; - the applicant poses a threat to the security of the country; - the applicant poses a danger to the society.</p> <p>3. The precise statistics about how many applications were rejected as manifestly unfounded out of all cases for certain time period is not available as some applications might be lodged in one year and then rejected in the following one. However, in 2015 there were 330 asylum applications and 16 applications were rejected as manifestly unfounded, while in 2016 there were 146 asylum applications and 37 applications were rejected as manifestly unfounded.</p> <p>4. According to the national legislation, the deadline for the decision within the accelerated procedure is 60 days since the beginning of the procedure.</p> <p>5. N/A (Slovak legislation does not foresee a border procedure.)</p> <p>6. N/A (Slovak legislation does not foresee a border procedure.)</p>
	Slovenia	Yes	<p>1. No.</p> <p>2. /</p> <p>3. /</p> <p>4. /</p> <p>5. /</p> <p>6. /</p>

	Spain	Yes	<ol style="list-style-type: none"> 1. The Spanish legislation foresees a border procedure (admissibility procedure ex art. 33 Directive 2013/32/UE) 2. Every application lodged in border crossing points (land and sea borders, international airports) or in detention centers for aliens is examined in a border procedure (admissibility procedure). 3. N/A 4. The decision on an application lodged in a border crossing point or detention center for aliens must be adopted and notified within 4 days (96 hours). The applicant has 2 days to file an appeal. The decision on the appeal shall be notified within 2 days (48 hours). 5. The border procedure is an admissibility procedure. 6. When the application is lodged on a border crossing point, the law foresees that the asylum seeker should be accommodated in adequate lodgings in the border crossing point. There are such accommodation in the international airports (basically, Madrid and Barcelona). Some sea ports also have places where the applicant can stay during the admissibility procedure.
	Sweden	Yes	<ol style="list-style-type: none"> 1. The Swedish national legislation foresee accelerated asylum procedures but not border procedures in accordance with Article 43 APD. However, the Swedish accelerated procedure is not defined in the strict meaning of 31.8 Asylum Procedure Directive (APD). Swedish legislation, when it comes to accelerated procedure, is more set on the residence permit compared to the APD, where the focus is on the protection status. 2. The Swedish Migration Agency (SMA) may decide that a decision on deportation order regarding asylum cases may be enforced even if it has not gained legal force (expulsion with immediate enforcement), if the data an asylum seeker invokes is irrelevant to the examination of the application or lacks reliability and therefore obvious that there are no grounds for asylum. In addition it should also be obvious that a residence permit should not be granted for other reasons (manifestly unfounded application). SMA may also decide to dismiss, with immediate enforcement, an asylum application that is rejected on the basis of Dublin regulation or that a

			<p>person is sufficiently protected in a country which is deemed to be a first country of asylum. This will be in line with Article 32.2 APD.</p> <p>3. 2015: 162 836 asylum applications whereof 4 207 (3 %) was subject to accelerated procedure. 2016: 28 939 asylum applications whereof 1 800 (6 %) was subject to accelerated procedure.</p> <p>4. A decision within the accelerated procedure may not be decide upon later than three months after an application for a residence permit has been made following arrival in Sweden. The median time from launching the asylum application to the decision in the first instance within the accelerated procedure was 19 days for 2016.</p> <p>5. The Swedish Police are responsible for regulating the entry of persons at airports, seaports and border posts in Sweden. A foreign national arriving in Sweden may state his or her intent to make an asylum application with the Police, either at border control or upon being refused entry. Information about such intent is transferred to SMA, where the applicant must lodge his or her asylum application in person. SMA is an independent body responsible for examining all asylum applications made in Sweden and also for the reception of asylum seekers.</p> <p>6. Persons requesting asylum at Swedish border crossing does not remain at the border or in a transit zone, they are instead allowed to enter Sweden. The asylum seekers may then choose to arrange their own private accommodation or to stay in housing arrangements provided by SMA.</p>
	<p>United Kingdom</p>	<p>Yes</p>	<p>1. There is not a separate border procedure. Although not necessarily accelerated in the decision-making stage, processes by which appropriate claims may be refused and certified as clearly unfounded, thereby making the appeal right accessible only from abroad, were introduced in Section 94 of the Nationality, Immigration and Asylum Act 2002. National legislation does not set out specific rules enabling an accelerated asylum process insofar as an accelerated asylum procedure is concerned. However, to the extent that the law allows, accelerated processes may be operated or introduced. The detained fast track process was considered to be an accelerated asylum procedure which operated from 2003 to July 2015.</p>

			<p>2. There is not presently an accelerated procedure in terms of a detained fast track process or border procedure. The majority of cases certified under section 94 of the Nationality, Immigration and Asylum Act 2002 are targeted as cases possible suitable for certification as they come from a designated country listed in section 94. Section 94 contains a list of designated countries that the decision maker will be required to certify the claim unless he or she is satisfied that (the claim) it is not clearly unfounded. Additional cases can be certified as clearly unfounded on an individual basis once the claim is known.</p> <p>3. The number of cases certified clearly unfounded under section 94 of the Nationality, Immigration and Asylum Act 2002 in 2015 was 2280, in 2016 it was 2337. There were additional 3001 decisions where the applicant was from a designated country but the claim was not certified as clearly unfounded. (https://www.gov.uk/government/statistics/immigration-statistics-october-to-december-2016-data-tables see table as_13_q) The Detained Fast Track intake from 1 January until 2 July 2015 (when we suspended the process) was 1884. For further information please see Asylum data tables immigration statistics October to December 2016 volume 3 in our published statistics (https://www.gov.uk/government/statistics/immigration-statistics-october-to-december-2016-data-tables see table as_11 and as_12)</p> <p>4. Not applicable.</p> <p>5. The law does not distinguish between officials at the border or in country in terms of responsibility for the asylum process. It is however our policy that everyone responsible for conducting asylum interviews, decisions and other aspects of asylum casework are trained and competent for the task. In practice, the asylum process seldom takes place at the border, other than for initial registration of the claim.</p> <p>6. Not applicable. There is no border procedure.</p>
	Norway	Yes	<p>1. NO EMN NCP will not respond to this query, as Norway is not bound by the Directive 2013/32/EU of the European Parliament and of the Council on common procedures for granting</p>

			<p>and withdrawing international protection, including those concerning the accelerated and border procedures.</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. N/A</p> <p>6. N/A</p>
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