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EMN European Migration Network

Ad-Hoc Query on 2024.4 Subsequent applications

Requested by EMN NCP Finland on 7 February 2024

Responses from EMN NCP Belgium, EMN NCP Bulgaria, EMN NCP Croatia, EMN NCP Cyprus, EMN NCP Czech Republic, EMN NCP Estonia, EMN NCP Finland, EMN NCP France, EMN NCP Germany, EMN NCP Greece, EMN NCP Hungary, EMN NCP Latvia, EMN NCP Lithuania, EMN NCP Luxembourg, EMN NCP Poland, EMN NCP Serbia, EMN NCP Slovakia, EMN NCP Slovenia, EMN NCP Sweden (19 in Total)

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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.

1. BACKGROUND INFORMATION

In Finland, it is very common that rejected asylum seekers lodge a new application after their first or second instance rejection. While the share of these subsequent applications in comparison to first time applications has decreased, the number of re-applications made by individual applicants has increased. A significant portion of subsequent applications are made by persons who arrived in Finland in 2015–2016.

In order to prevent the cycle of subsequent applications, it is necessary to examine what kind of solutions have been developed in other EU countries for the processing of subsequent applications as well as reception services provided to applicants who have submitted subsequent applications.
In Finland, the Ministry of the Interior is currently drafting a legislative proposal that includes the processing of subsequent applications. Therefore, it is important to grasp how other Member States implement the Directive 2013/32/EU on common procedures for granting and withdrawing international protection and national laws regarding subsequent applications. **Where possible, in your answers please indicate the legal provisions within your national law that cover subsequent applications**. This is what the Ministry of the Interior especially wishes to learn in the questions concerning legal provision.
As all the questions are related to the same subject and in order to not split the questionnaire in two, this ad-hoc query will count for two ad-hoc queries as discussed with the co-chair of the ad-hoc working group.

We would like to ask the following questions:

1. What regulations or legal provisions does your Member State have regarding subsequent applications?

2. To what extent has your Member State implemented Directive 2013/32/EU (on common procedures for granting and withdrawing international protection) in your national law with regards to subsequent applications (articles 28 (2), 31 (8) f), 33 (2) d), 34 (1), 40 and 41)?

3. Has your Member State faced challenges regarding subsequent applications? Yes/No. If yes, please elaborate.

4. If you answered yes to Q3, can you please explain how your Member State has handled these subsequent applications?

5. Does the number of the subsequent applications (whether the applicant has previously lodged a subsequent application or not) affect how the application is processed or the rights of the applicant? Yes/No. If yes, please elaborate (including legal provision).

6. Are subsequent applications processed differently if the application is lodged at the last minute (EUAA uses "last minute application" for applications lodged during the execution phase of a removal procedure)? Yes/No. If yes, please elaborate (including legal provision).

7. Are reception conditions limited or restricted for applicants, who have lodged a subsequent application? Yes/No. If yes, please elaborate (including legal provision).

8. If you answered yes to Q7, are certain groups (e.g. vulnerable applicants) exempt from possible limitations or restrictions? Yes/No. If you answered yes, can you please detail which (vulnerable) groups are concerned.

9. If you answered yes to Q7, how does your Member State handle the risk of absconding?

10. Does your Member State inform an applicant about the possibility to submit a subsequent application? Yes/No. If yes, please elaborate if there is a standard procedure for this.

11. If you answered yes to Q10, how is the applicant informed (e.g. verbally, in writing (e.g. leaflet) or both)?

12. If you answered yes to Q10, is the applicant informed of the likelihood of the subsequent application succeeding?

We would very much appreciate your responses by **20 March 2024**.

2. RESPONSES

		Wider Dissemination	
	EMN NCP Belgium	Yes	1. The Act of December 15, 1980 on access to the territory, residence, establishment and removal

			of foreigners (Aliens Act) contains the legal provisions concerning subsequent applications. – Article 1, 20° states that a subsequent application concerns any subsequent application for international protection submitted after a final decision has been taken on a previous application. – Article 57/6 §3, 5° stipulates that a subsequent application is examined by the Commissariat General for Refugees and Stateless Persons (CGRS) according to the admissibility procedure. – Article 51/8 states that in this matter, the applicant submits his subsequent application at the Immigration Office (IO). In this case, the IO collects a declaration concerning the new elements and the reasons why these elements could not previously be invoked. This statement is then sent to the CGRS as soon as possible. – Article 57/6/2 states that the CGRS shall examine, as a matter of priority, whether new elements or facts emerge, or are presented by the applicant, which significantly increase the likelihood that he or she will qualify for recognition as a refugee within the meaning of Article 48/3 or for subsidiary protection within the meaning of Article 48/4. If there are no new elements or if they do not increase this likelihood, the CGRS will decide inadmissibility. Otherwise, or if the present decision was a closure decision, the subsequent application will be declared admissible. – Article 57/5 ter §2, 3° states that the CGRS may take a decision based on the information provided by the IO without having to hear the applicant for international protection in a personal interview. – Articles 39/70 and 49/3/1 concern the suspensive effect of subsequent applications before the CGRS and the Council for Alien Law Litigation (CALL) respectively (the impossibility of forcibly removing or returning an applicant for international protection as soon as the application is submitted, during the examination of the application by the CGRS and during the appeal procedure before the CALL). These articles also set out the exceptions, i.e. the situations in which removal or refoulement is possible. – In order to remove or return the applicant, the CGRS must have informed the Minister or his delegate whether the removal or return of the applicant will result in a breach of the principle of non-refoulement. This obligation to provide information is set out in article 57/6/2 § 2 of the law. 2. – For Article 28(2) of the Directive: o The first paragraph of Article 28(2) is transposed into Article 57/6/2 §1 of the Aliens Act. This provision allows an applicant for international protection,

			who was the subject of a decision to close the previous application, to be declared directly admissible and therefore to be examined on its merits. The possibility of reopening the file does not appear in the law. o Paragraph 2 of Article 28(2) of the Directive: The period of at least nine months after which the new application may be processed as a subsequent application and be subject to the procedure referred to in Articles 40 and 41 is not being transposed in the Belgian legislation. o Paragraph 3 of Article 28(2) of the Directive: As for preventing expulsion in breach of the principle of non-refoulement: see Article 39/70 of the Aliens Act. o Paragraph 4 of Article 28(2) of the Directive: Possibility of resuming the examination at the stage at which it was interrupted: nothing provided on this issue in national legislation. – Article 31 (8) f) is transposed into Article 57/6/1, f) of the Aliens Act. – Article 33 (2) d) is transposed into Article 57/6/2 §1 of the Aliens Act (Article 57/6/3, 5° has been repealed). This provision states that, in case no new elements are presented by the applicant, the request for international protection will not be considered. – Article 34 (1) is transposed by Article 57/5 ter §2, 3° of the Aliens Act, which provides for the exception of a personal interview before the CGRS. This should be seen in conjunction with Article 51/8, which stipulates that the IO must record the applicant's statements concerning new information. – Article 40 (2) is transposed in Article 57/6/2, §1 of the Aliens Act, concerning the examination of the admissibility of new elements. o Article 40 (6) is transposed into article 57/6 §3, 6° of the law. – Article 41 on exceptions on the right to remain in the territory is (partly) implemented in art. 39/70 of the Aliens Act. Exceptions can be made when a person files another application in the same Member State after a final decision to consider a first subsequent application inadmissible, or after a final decision to reject that application as ungrounded. This exception only applies if the return decision does not result in direct or indirect refoulement (see: 1. b) in the Directive). 3. Yes. The main challenge is the important number of subsequent applications. In 2023 for example, the proportion of subsequent applications was significantly high. An overview of the numbers between 2019 and 2023 is provided below: 2019: Percentage of subsequent applications: 16% ; 2020: 23%; 2021: 21%; 2022: 13% ; 2023: 17% The high number of subsequent applications has a major impact on the workload of the services responsible for registering

			applications for international protection (including the processing and assessment by the CGRA of the declaration collected by the IO, containing the new elements and the reasons why these elements could not previously be invoked, see Article 51/8 of the Aliens Act). Additionally, at the level of the CGRA, several appeals were lodged alleging violation of the right to be heard in accordance with Article 41 of the Charter of Fundamental Rights of the European Union. At the preliminary examination stage (see question 1), no personal interview is required. 4. To meet the high number of requests mentioned above, efforts are made to efficiently deploy staff and resources. Furthermore, given the number of appeals against this practice, the CALL has responded in several rulings to what is now well-established case law: the applicant's comments, collected by the IO and recorded in the document entitled "Declaration of Subsequent Application", meet the conditions for respecting the right, for any applicant for international protection, to be heard in accordance with the "procedural rules" applicable to a subsequent application, and provided for in articles 34, § 1, and 42, § 2, of directive 2013/32/EU of the European Parliament and of the Council of the European Union. Thus, the applicant was heard at the IO, where he/she was told that the defendant was not obliged to summon him for a hearing and that it was "therefore essential to mention here all the new elements in support of [his] [...] new application" (...); he was then given the opportunity to put forward his arguments, which were communicated to the CGRS. The challenge was taken up by case law. 5. Yes. Depending on the number of applications and the time they are lodged, there is an impact on the suspensive effect of the application and the enforcement of a removal order. In general, no measure of removal from the territory or expulsion can be enforced against the applicant from the time of lodging an application for international protection, and during the examination of this application by the CGRA (Article 49/3/1 of the Aliens Act). Exemptions are included in Article 57/6/2 §3 of the Aliens Act: it states that, if the CGRA has determined in the context of the previous request that a removal or expulsion measure does not constitute a violation of the non-refoulement principle, removal or expulsion may only be enforced from the filing of the request and

			during the consideration of a second or subsequent request. Article 39/70 stipulates that, during the period for filing the appeal and during the examination of this appeal, no measure of removal from the territory or expulsion may be enforced against the foreigner. This provision does not apply when a return decision does not result in direct or indirect refoulement, and the person concerned lodged a first subsequent application for international protection within one year of the final decision on his/her previous application (see 1°), or the person concerned lodges a new subsequent application following a final decision on a first subsequent application (see 2°).. There are also limitations or even withdrawals of material aid during the preliminary phase (see Q7). 6. Yes. Article 57/6/4 of the Aliens Act on border procedures allows the processing of a subsequent application submitted by an applicant held in a closed centre at the border with a view to repatriation. Last-minute requests are handled by the CGRA through an accelerated procedure. In this case, the applicant only files an application to postpone or avoid the implementation of a previous or imminent decision that would lead to his or her removal. Art. 57/6/1, § 1, g) of the Aliens Act elaborates on the conditions under which the CGRA is authorised to execute an accelerated procedure. These conditions also include last minute applications. Processing times are still different (4 weeks from submission of the application). 7. Yes. The Act of January 12, 2007 on the reception of asylum seekers and certain other categories of aliens (Reception Act), states with Article 6 §1 that all applicants are entitled to material assistance ("bed, bath, bread" provided by the Federal Agency for the Reception of Asylum Seekers (Fedasil)) during the asylum procedurefrom the filing of the application until the end of the procedure . However, material assistance may also be limited to medical assistance upon submission of a subsequent application, or may even be withdrawn (Article 4 §1, 3° of the Reception Act). This limitation is individually assessed (Article 4 §3 of the Reception Act, e.g. taking into account personal vulnerabilities of applicants) and applies for the period between the filing for the renewed application for international protection and the admissibility decision by the CGRS in application of article 57/6/2, §1. The right to medical assistance as referred to in articles 24 and 25

			of the Reception Act, and the right to a dignified standard of living remains guaranteed to the asylum seeker. 8. Yes. These people include minors, unaccompanied minors, single parents accompanied by minors, pregnant women, people with disabilities, victims of human trafficking, the elderly, people with serious illnesses, people suffering from mental disorders and people who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, for example victims of female genital mutilation (Article 36 of the Reception Act). 9. Article 74/6 §1 2° of the Aliens Act provides that an applicant for international protection can be detained in case of a risk of absconding. Article 1,11° of the Aliens Act defines the "risk of absconding": it refers to the fact that there are reasons to believe that an alien who is the subject of a removal procedure, a procedure for granting international protection or a procedure for determining or transferring to the Member State responsible for examining the application for international protection will abscond in view of certain criteria listed in §2 (see below).The risk of absconding referred to in Article 1, 11° must be actual and real. It shall be determined after an individual examination and on the basis of one or more of the following objective criteria, taking into account all the circumstances peculiar to each case, including the fact that the person concerned has submitted several applications for international protection and/or residence applications in Belgium or in one or more other Member States, which have given rise to a negative decision or which have not resulted in the issuing of a residence permit (see Article 1 §2, 8° of the Aliens Act). 10. Yes. When lodging the application, each applicant receives an information brochure explaining the international protection procedure in Belgium. The principle of a subsequent application is also explained. 11. Applicants are informed via an information brochure, where they can find instructions on how to

			lodge a subsequent application and details about the processing procedure. The information is also available on the websites of the IO and the CGRS, and can also be provided verbally at any stage of the procedure. 12. No, but applicants are informed that they must provide information about their “new elements " and the reason why these elements could not previously be invoked. The declaration from the IO explains how the form should be filled in, and reminds the applicant of the importance of being precise and complete regarding the new elements. But it gives no indication of the chances of success.
	EMN NCP Bulgaria	**Yes**	1. The legal provisions on subsequent applications are laid down in the Law on Asylum and Refugee. The definition of a subsequent application is in &1(6) of the Additional Provisions of the Law on Asylum and Refugee (LAR). "Subsequent application" shall mean an application for international protection in the Republic of Bulgaria which is lodged by a foreigner whose international protection has been terminated or withdrawn or the procedure for granting international protection in the Republic of Bulgaria in respect of him has been completed with a final decision rejecting his application. Chapter Six "Proceedings", Section III of the Law on Asylum and Refugees concerns the procedure for preliminary examination of a subsequent application for international protection (New - SG 101 of 2015). Art. 76a(1) of LAR provides for preliminary proceedings on the admissibility of a subsequent application. The assessment of the admissibility of a subsequent application is made by the interviewing authority on the basis of the written evidence submitted by the applicant, without conducting a personal interview (Article 76b(1) LAR - Article 34(1) and Article 42(2)(b) of Directive 2013/32/EU)). If no written evidence is indicated or submitted with the subsequent application, the application will be deemed inadmissible. The international protection procedure shall not be initiated, and the initiated procedure shall be terminated, where the applicant has submitted a subsequent application in which he does not refer to any new circumstances relevant to his personal situation or to his country of origin (Article 13(2)(4) of the LAR - Article 40 of Directive 2013/32/EU). The assessment of the admissibility of

			the subsequent application shall be carried out within 14 days (Art. 76b LAR). If no decision is taken within the time limit, the subsequent application is deemed admissible to the international protection procedure. For applications lodged through another state authority, the time limit starts to run from the receipt of the application at the State Agency for Refugees (Art. 76b, para. 2).Where no decision is taken within 14 days, and where the application has been expressly deemed admissible, the alien shall be registered (Article 76b(5) LAR). From that moment on, all the rights and obligations of an applicant for international protection arise.The right to appeal against the decision on inadmissibility of a subsequent application to international protection proceedings is set out in Article 84. The appeal must be lodged within 7 days of the service of the decision refusing to initiate international protection proceedings. The competent court is the administrative court of the foreigner's current address on the registration card. Where the negative decision has been appealed, the court shall rule on the request of the foreigner, or ex officio, with respect to the right of the person seeking protection to remain in the territory of Bulgaria until the appeal is decided. (Article 84, (6).Art. 85 para. 1 The administrative court shall hear the appeal in open court with summons to the parties and shall render a decision within one month of the case being brought. The parties must be summoned at least three days before the hearing. Article 85 (3) The decision of the administrative court shall not be subject to appeal in cassation. Art. 85 (5) Where the administrative court annuls the appealed decision and returns the case file with binding instructions for a new decision on the application for protection and has not set a time limit for issuing the new administrative act, the Chairperson of the State Agency for Refugees shall be obliged to take a new decision within three months. 2. All mentioned articles with the exception of article 31(8) f) were transposed in the national law. 3. Not at the moment. 4. N/A

			5. The number of the subsequent applications does not affect how the application is processed or the rights of the applicant. Irrespective of whether the applicant submits a first subsequent application for international protection merely in order to delay or hinder the implementation of the coercive administrative measure, or makes another subsequent application and his previous subsequent application is deemed inadmissible or is examined on its merits, and was rejected, the law revokes the right to remain on the territory of Bulgaria. 6. No. 7. During the preliminary examination procedure of the subsequent application, the foreigner is not entitled to shelter and food, social assistance, free medical and psychological assistance, to receive a registration card. 8. The specific situation of a vulnerable person and the special needs arising are taken account of in the international protection proceedings. 9. N/A 10. There is no explicit obligation to inform the applicant of the possibility to submit a subsequent application. 11. N/A 12. N/A
	EMN NCP Croatia	**Yes**	1. Provisions related to subsequent applications can be found in the Act on International and Temporary Protection (NN 70/15, 127/17, 33/23). A subsequent application for international protection means the intention to apply for international protection expressed after a final decision

			has been taken on a previous application.If the applicant submits a subsequent application, the well-founded fear of persecution or the real risk of suffering serious harm cannot be founded exclusively on the circumstances, which the applicant created in order to meet the conditions for the approval of international protection.An explanation of the subsequent application shall be submitted to the Reception Centre directly in writing or orally if the person is illiterate. The Ministry shall decide on the subsequent application no later than within 15 days from the day of receiving it. The subsequent application must be comprehensible and contain the relevant facts and evidence which arose after the finality of the decision or which the applicant for justified reasons did not present during the previous procedure relating to establishing the meeting of the conditions for approval of international protection. The admissibility of the subsequent application shall be assessed on the basis of the facts and evidence it contains, and in connection with the facts and evidence already used in the procedure. If it is established that the subsequent application is admissible, a decision shall be rendered once again on the substance of the application, and the previous decision revoked. The subsequent application shall be dismissed if it is established that it is inadmissible. A subsequent application by a under transfer shall be considered in the responsible member state of the European Economic Area, but a subsequent application lodged in the Republic of Croatia shall be dismissed as inadmissible. 2. Yes, Croatia has implemented Directive 2013/32/EU (on common procedures for granting and withdrawing international protection) in it's national law with regards to subsequent applications regarding articles 28 (2), 31 (8) f), 33 (2) d), 34 (1), 40 and 41. 3. No 4. N/A 5. Yes. According to Act on International and Temporary Protection (NN 70/15, 127/17, 33/23) applicants who lodge a new subsequent application after a decision has already been rendered on

			a previous subsequent application, shall not have the right of residence in the Republic of Croatia. In that case, the applicant may be accommodated in a closed camp. 6. No. 7. Yes. According to Act on International and Temporary Protection (NN 70/15, 127/17, 33/23) applicants who lodge a new subsequent application after a decision has already been rendered on a previous subsequent application, shall not have the right of residence in the Republic of Croatia. 8. No. 9. After lodging subsequent application applicants don't have the right of residence in the Republic of Croatia. In those cases, the applicants may be accommodated in a closed camp. 10. Yes 11. Each applicant receives a copy of "Information for seekers of international protection about their rights, obligations and the procedure for approval of international protection" during submitting his/her first, second or subsequent application for international protection. This document contains the following information:Additional information for seekers of international protection submitting a subsequent application for international protectionAn explanation of the subsequent application for international protection shall be submitted at the Reception Centre directly in writing or orally on the record if you are illiterate. You can submit the subsequent application for international protection upon the enforceability of the decision rejecting your previous application or upon the enforceability of the decision terminating the procedure of approval of international protection if you previously explicitly abandoned the application for international protection. When submitting the explanation of the subsequent application, it is necessary to state the reasons for resubmission of the application for international protection

			and/or for your previous abandonment of the application for international protection. Your explanation of the subsequent application shall be comprehensible and substantial. It shall be reviewed by officers from the Department for International Protection in relation to your statements from the previous procedure. If it is determined that another interview is required, you will be notified of the date, place and time of such interview. You must attend the interview in person, regardless of whether you have a proxy, legal representative or guardian ad litem or not.If you are not able to attend the interview for justified reasons, make sure to notify the competent officer. In case you fail to appear at the hearing and you do not justify your absence within two (2) days from the scheduled hearing, it will be assumed that you abandoned your subsequent application and the procedure will be terminated. When assessing the admissibility of the subsequent application, the hearing can be omitted, and the admissibility of the subsequent application shall be assessed based on the new facts and evidence with regard to the facts and evidence already used in the previous procedure.If you submitted the explanation of the subsequent application for international protection at the Reception Centre for Foreigners (a closed centre), you may remain accommodated at that centre based on the Ministry's decision. If you submitted the subsequent application with the intention of postponing or preventing the execution of the decision on expulsion from the Republic of Croatia, and this subsequent application is rejected as inadmissible, you can reside in the Republic of Croatia until the decision on the subsequent application becomes final. If you submit the subsequent application for a second time, after your first subsequent application was rejected as inadmissible, you do not have the right to reside in the Republic of Croatia. 12. The Document mentioned in Q11 explains that applicants should have new information.
	EMN NCP Cyprus	**Yes**	1. Cyprus is following the articles of the Directive 2013/32/EU. Whenever an applicant submits a subsequent application, it is examined thoroughly. 2. 28 (2) – Following implicit withdrawing of first application of international protection , any

			subsequent application submitted within 9 months, reopens the applicant's file automatically.Following explicit withdrawing of first application of international protection, any subsequent application submitted after 9 months leads to reopening of the file based on Article 16D of Cyprus Refugee law.Preliminary examination is applied, and the application is deemed to be admissible if new elements/ findings, increase the likelihood of granting international protection. When the application's result is inadmissible, the Asylum Service issues a return decision and simultaneously terminates the applicant's residence status in the Republic. 3. Yes, a. the number of the applications has significantly increased. b. The fact that the applicant is permitted to apply unidentified number of subsequent applications has permitted the applicant to abuse the system. 4. The Asylum Service receives a number of applications every day and we examine those applications on a daily basis, so the applicants receive their decision(admissible/ inadmissible) on the same day. 5. No, Based on Supreme Court Decision, whether there are cases of submission of either first, second or third application, the applicant's residence status in the Republic is considered irregular. 6. No 7. Yes, as based on the decision of the Supreme Court, people who filed subsequent application do not have residence permit in Cyprus, and they are considered illegal in the Republic. 8. Yes, unaccompanied minors, applicants with serious illness or disabilities, pregnant women. 9. N/A 10. Yes, Cyprus does officially inform an applicant about the possibility to submit a subsequent

			application. 11. Cyprus' competent authority officially informs an applicant about the possibility to submit a subsequent application, through CAS'S internet side where the procedure for the subsequent applications is thoroughly explained. 12. No, but in a short period of time an interview is scheduled to examine their case individually.
	EMN NCP Czech Republic	**Yes**	1. Several provisions of Asylum Act regulate the subsequent applications for international protection in the Czech Republic.• Definitions are in section 2(1), letters f) and g) - subsequent and another subsequent application• Section 3d (1) describes exception from the right to remain in the territory (Article 41/1/b of 2013/32/EU Directive), section 3d par. 2/a – transposition of Article 41/1/a of 2013/32/EU Directive.• Section 10a (1) letter e) describes decision on inadmissibility of the subsequent applications in case the conditions are met.•Section 11a (1) – conditions where the subsequent application may be treated as inadmissible.• Section 11a (3) – proceedings on another subsequent applications • Section 11c – exceptions related to subsequent applications. • Section 23 – the exception from the obligation to hold an interview with the applicant, the applicant is required to submit the reasons for the application in writing instead. 2. All mentioned articles with the exception of article 31(8) f) were transposed in the national law. 3. Not at the moment, but there were years when it was up to 50%. 4. N/A. 5. Yes. The first and the second application mean more or less the same rights for the applicant, the difference is in the decision, where the second application is usually stopped as a so-called repeated application, and it is found inadmissible. There is also a shorter time limit for filing a lawsuit and it does not have an automatic suspensive effect. In addition, in the latter case there is

			no mandatory interview with the applicant. However, in terms of admission conditions and other rights, both proceedings are the same. The information for an applicant for international protection on repeated applications is part of the standard information provision given to all applicants regarding the first and second application. As for the third and subsequent application, this is normally assessed as another repeated application, and the person concerned is no longer entitled to accommodation, meals and other benefits arising from the standard status of an applicant for international protection. The process involves only a response to the application written by the applicant and there are no interviews. At the end (the time limit is 10 days), either a decision is made not to accept the application or the person is allowed to enter again the proceedings and he/she is given an invitation to make an application. This happens in case new facts have come to light that did not exist before or that he/she did not know about and which could have a major impact on the proceedings. 6. No. 7. The persons who lodge another subsequent application are not entitled to receive reception conditions. 8. No. 9. The provisions regarding alternatives to detention or detention as a measure of last resort are applied in the same way, as in the case of the standard asylum proceedings. 10. Yes, the applicants are informed about this possibility. Specifically, the applicants are informed at the beginning of the procedure, not after the first or second unsuccessful procedure since that could be a way of circumventing the law and the obligation to leave the territory. 11. The applicant is informed in writing.

			12. No.
	EMN NCP Estonia	Yes	1. Legal provisions regarding subsequent applications are laid down in the Act on Granting International Protection to Aliens (AGIPA). 2. Article 28 (2) – Sections 23(4) and 23(5) of the AGIPA transposes Article 28(2) of the Directive. Section 23(4) of the AGIPA provides that the applicant has the right to request a new review of the application for international protection. Section 23(5) of the AGIPA further provides that in that case the Police and Border Guard Board shall renew the previous application procedure. This implies that the application would not be considered as a subsequent application. It is noted that the applicant does not have the right to request a new review of the application if his/her application is reviewed as a subsequent application (Section 23(4) of the AGIPA).Article 31(8)f – it is provided for that an accelerated procedure may also be conducted at the border, subsequent applications, which are handled under accelerated procedure, are not exempted. More precisely: Article 31(8) of the Directive sets out an option, which Estonia has chosen to apply. Sections 202(1) and 201 of the AGIPA transpose Article 31(8) of the Directive. Section 202 of the AGIPA provides the opportunity to review the application in the accelerated procedure. The accelerated procedure is also applicable to the procedures at the Border. The accelerated procedure may be used where the application is clearly unfounded. Section 201 of the AGIPA lists the instances where an application can be considered as clearly unfounded. The basic principles and guarantees of the AGIPA are applicable also in the accelerated procedure. According to Section 201(1) point 5 of the AGIPA an application is clearly unfounded where the applicant has made a subsequent application and Section 24(1) of the AGIPA is applied to it. Section 24(1) of the AGIPA corresponds to the cross-reference of Article 40(5) of the Directive.Article 33 (2)d – yes, an application shall not be considered in substance, in case the new facts are not presented, negative decision is made and the fact that it is not been considered in substance is indicated. In more detail:Section 21(1) of the AGIPA transposes Article 33(2), introductory wording of the Directive. Section 21(1) of the AGIPA provides an exhaustive list

			of conditional criteria on the basis of which an application for international protection may be considered as inadmissible. It shall be noted that the Estonian law does not use the term inadmissible application but uses the tern application shall not be reviewed. In practice these terms have the same meaning and refer to the situation where the application is not considered admissible.The national provision has the same meaning as the Directive. The application shall be considered as inadmissible and shall not reviewed, where the application is a subsequent application and no new elements or findings have been identified (reference to Section 24(3) of the AGIPA). Article 34(1) – yes, typically the interview is not needed and is exempted, when based on the written statements or evidentiary documents it is clear that there are no new elements to consider. In more detail:Article 34(1) last sentence of the Directive sets out an option which Estonia has chosen to apply.Section 18(4) of the AGIPA and Section 40(1-2) of the APA (Administrative Procedures Act) transpose Article 34(1) of the Directive. According to Section 18(4) of the AGIPA the Police and Border Guard Board shall conduct a personal interview with the applicant, where the applicant is allowed to provide facts and give explanations with regard to the circumstances of essential importance. Also, for subsequent applications, the personal interview is carried out. The personal interview may be derogated from only, where no new facts have been determined in the subsequent application. During the course of the interview the applicant is allowed to present views with regard to the grounds of refusal to review the application. The right of the applicant to submit his/her views is also set out in Section 40 of the APA (Administrative Procedures Act). The right to submit objections is the fundamental right of the participant in the administrative proceedings. All administrative bodies have the obligation to allow participants in the administrative proceedings to provide objections, before a negative administrative act is issued. These principles would be applicable also to the Police and Border Guard Board. Thus, Estonia has adopted rules, whereby the applicant is allowed to submit his/her views, present facts and proof prior to a negative decision being taken by the Police and Border Guard Board.Article 40 – yes as previously described, the proceeding will be then reinstated and the new application/elements will be considered taking account also the previous proceedings and findings. When new elements are presented during the court proceedings then it is up to the court to decide whether the elements are of such importance

			that the case must be sent back to the Police and Border Guard to proceed or those elements can simply be taken account of in the court proceedings. In latter case a court can consider those new elements and can stipulate Police and Border Guard to take a new decision. In detail:Section 24(1) of the AGIPA transposes Article 40(1) of the Directive. Section 24(1) of the AGIPA provides the rules for processing the subsequent applications when the applicant submits additional or new explanations in Estonia. According to Section 24(1) of the AGIPA the Police and Border Guard Board shall review the additional explanations or documents within the framework of reviewing the previous application for international protection, renewing the previous proceedings for granting international protection. This means that the Police and Border Guard Board shall examine the further explanations in the examination of the previous application or in the framework of the examination of the decision under review. Section 24(1) of the AGIPA provides for the procedure where the Police and Border Guard Board can take into account and consider all the elements underlying the further representations.Article 41- Article 41(1) of the Directive sets out an option, which Estonia has not chosen to apply. 3. Yes, Estonia faced challenges regarding subsequent applications in 2016 when subsequent applications marked 24% of all submitted applications for international protection. In 2017, the share of subsequent applications dropped to 7%. Between 2018 to 2023, the percentage of subsequent applications has remained low – approximately 3% out of all submitted applications for international protection. 4. As of September 2019, the Estonian Police and Border Guard Board started to issue 3-in-1 decisions. Together with the negative asylum decision the person receives a return decision and a decision to impose an entry ban - all with the same administrative act. In this case the return decision together with the entry ban shall be automatically suspended and take effect only after the final decision on the international protection. After the final decision on international protection is made, the court still has the right to suspend the enforcement of the return decision as an interim measure.

			5. Yes. Subsequent applications are regulated by § 24 of the AGIPA. If the applicant submits additional explanations or documents accompanying the subsequent application the previous proceedings will be renewed. The application will be further examined only if the applicant submitted new documents or evidence which he/she, for reasons beyond his/her control, was unable to submit or prove in the course of the previous proceedings. This would significantly add to the likelihood of the applicant qualifying as a beneficiary of international protection. However, if it has been established that there are no new facts and the applicant has failed to submit new documents or evidence, the application procedure will not be renewed. In addition, if an application has been dismissed for at least one of the bases provided for in § 21 (1) of AGIPA, a new application following will not be deemed as a subsequent application. The number of subsequent applications affects the duration of the right to stay in the country. According to § 24 (5) of AGIPA, an applicant has the right to stay in Estonia for the time of the proceedings of a subsequent application if that subsequent application is submitted for the first time. All following subsequent applications do not have the suspensive effect. 6. No, the law does not provide for any deviations depending of the time of the making of the subsequent application including for the situation of last minute applications. 7. No. All the specific reception conditions are on the need's bases. Applicants for international protection are entitled to reception conditions regardless of the application being subsequent when there is a need for the support. An applicant for international protection may be detained only if there are basis for detention (please see § 361 of AGIPA). 8. N/AComment: The specific situation of a vulnerable person and the special needs arising are taken account of in the international protection proceedings. An applicant with special needs is, in particular, a vulnerable person, such as a minor, an unaccompanied minor, a disabled person, an elderly person, a pregnant woman, a single parent with minor children, a victim of trafficking, a person with serious illness, a person with mental health problems and a victim of torture or rape or

			a person who has been subjected to other serious forms of psychological, physical or sexual violence (§151 of AGIPA). 9. N/A 10. Not specifically. PBGB as the authority processing applications for international protection is not obliged to specifically inform the applicant about the possibility of submitting a subsequent application. However, as the applicant is entitled to receive counselling throughout the procedure, either the counsellor, caseworker in charge of the asylum application, an NGO (such as the Estonian Human Rights Centre etc.) or a legal representatives may inform the applicant about this possibility. Furthermore, if there is any indication that the applicant has new documents or proof, he/she will be informed about the option to submit a subsequent application. The rights and obligations of applicants for international protection are also provided via a leaflet (available here in 19 languages: https://www.politsei.ee/et/juhend/rahvusvaheline-kaitse/kasulikud-materjalid) 11. N/A 12. N/A
+	EMN NCP Finland	**Yes**	1. Legal provisions regarding subsequent applications are laid down in Finland's Aliens Act (30.4.2004/301). This includes the definition, conditions and admissibility of subsequent applications as well as the processing of subsequent applications and their impact on the right to remain. 2. Paragraphs 1-4 of article 40 of directive 2013/32/EU are implemented in section 102 of Finland's Aliens Act (30.4.2004/301) where subsequent applications are defined and their admissibility requirements are outlined. The admissibility of a subsequent application requires that the application includes new elements or findings, or these have otherwise arisen in the matter,

			which significantly add to the likelihood of the applicant qualifying as a beneficiary of international protection. The admissibility of an application also requires that the applicant was, through no fault of his or her own, incapable of presenting these elements or findings in connection with the processing of the earlier application or the related request for review. The Finnish Immigration Service may examine the criteria for admissibility solely on the basis of written submissions. Article 33 (2)(d) of directive 2013/32/EU is implemented in section 103 of the Aliens Act, in that a subsequent application can be considered inadmissible if it does not include new information and meet the criteria set in section 102. Article 41 paragraph 1 of directive 2013/32/EU are included in section 201 of the Aliens Act. The Aliens Act does not specifically outline the processing of subsequent applications. In practice, the Finnish Immigration Service prioritizes the processing of subsequent applications. The processing of admissible subsequent applications usually includes an interview. 3. In 2022 subsequent applications marked almost 17% of all asylum applications in Finland. This is significantly lower than in previous years, but still only a few other EU countries have a higher percentage of subsequent applications in comparison to all asylum applications. As mentioned in the brief foreword, while the share of these subsequent applications in comparison to first time applications has decreased, the number of re-applications made by individual applicants has increased. The main issue in Finland is the cycle of subsequent applications, as the same applicant will continue to lodge subsequent applications without being granted international protection or a residence permit. 4. Finland is currently in the process of drafting a legislative proposal that attempts to address these challenges. We have only recently started on this and the content of the proposal is still open. 5. Yes. Second or further subsequent applications are processed in the same way as first subsequent applications. However, a second subsequent application does not extend the right to remain. The submission of a second subsequent application does not prevent the enforcement of a

			final decision on denial of admittance or stay concerning the previous subsequent application, unless otherwise ordered by an administrative court. The only exception to this is if applicant cancelled the first subsequent application (section 201 of the Aliens Act). 6. No 7. No. According to 14§ (1) of the reception act (746/2011) reception services are provided for persons applying for international protection. There is no differentiation between first and subsequent applications. 8. N/A 9. N/A 10. Yes. When asylum seekers enter the reception system, they are provided a leaflet that outlines the whole asylum process, including the option to submit a subsequent application. (Information for asylum seekers Adults (migri.fi)) Finland's Aliens Act also specifies in section 95 c, that an applicant must be informed of the right to submit a subsequent application if the applicant reports to the Finnish Immigration Agency after their previous application has expired, for example, because the applicant is considered to have left Finland. 11. The leaflet is provided to all asylum seekers. It is possible reception center personnel to discuss the option of submitting a subsequent application with asylum applicants, but there is no systematic or standard procedure for this. 12. The leaflet and any other communication regarding subsequent applications stress the importance of having new information. Applicants are made aware, that without new information their subsequent application will be considered inadmissible.

	EMN NCP France	Yes	1. The law no. 2015-925 of 29 July 2015 on the reform of the right of asylum and the Decree no. 2015-1166 of 21 September 2015 implementing this law transposed the Directive 2013/32/EU on common procedures for granting and withdrawing international protection. In particular, the Law of 29 July 2015 transposed Article 40 of the Directive 2013/32/EU, which defines the framework regarding subsequent applications for protection by requiring the re-examination of an application for protection based on new elements or findings that "significantly add to the likehood" of the applicant qualifying as a beneficiary of international protection, while leaving it to the discretion of the competent authority to determine on a case-by-case basis the situations in which this condition is met. 2. Article 28 (2) of the Directive no. 2013/32/EU of 26 June 2013 is implemented by Article L. 531-40 of the Code on Entry and Residence of Foreign Nationals and Right of Asylum (CESEDA), which states that "if, within less than nine months of the decision to close the file taken pursuant to Articles L. 531-37 of L. 531-38 of the CESEDA, the asylum seeker asks for their application to be reopened or submits a new application, the French Office for the Protection of Refugees and Stateless Persons shall reopen the file and resume examination of the application at the stage it was called off. The submission by the asylum seeker of a request to reopen their application is a mandatory prerequisite to bringing an action before the jurisdiction of ordinary law, failing which the action will be inadmissible. An applicant's file may only be reopened once in application of the first paragraph. Once these 9 months have passed, the closure decision is considered final and the reopening request is then considered as a request for review. Article 31 (8) of the Directive no. 2013/32/EU of 26 June 2013 is implemented by Article L. 531-24, 2° of the CESEDA, which states that "the French Office for the Protection of Refugees and Stateless Persons (OFPRA) shall examined under the accelerated procedure if the applicant has submitted a subsequent application which is not inadmissible. Article 33 (2) of the Directive no. 2013/32/EU of 26 June 2013 of the European Parliament and of the Council is implemented by Article L. 531-32, 3° of the CESEDA, which states that "the French Office for the Protection of Refugees and Stateless Persons may take a written and motivated

			decision of inadmissibility, without checking whether the conditions for granting asylum are met where, following a preliminary examination carried out in accordance with the procedure defined in Article L. 531-42, it appears that this application does not meet the conditions laid down in the same article. Article 34 (1) and Article 40 of the Directive no. 2013/32/EU of 26 June 2013 of the European Parliament and of the Council are implemented by the provisions of Article L. 531-42 of the CESEDA. This article provides that, where, following a preliminary examination of the elements or findings presented by the asylum seeker after the final decision made concerning a previous application or of which it is demonstrated that the asylum seeker could only have had knowledge after said decision, the French Office for Refugees and Stateless Persons (OFPRA) concludes that these new element or findings do not significantly increase the likehood of the asylum seeker meeting the necessary conditions for claiming protection, this Office may decide the application is inadmissible. Paragraph 1 of Article 34 and paragraph 2 of Article 40 of the Directive no. 2013/32/EU are implemented by Article L. 531-42 of the CESEDA, which establishes a right to "a preliminary examination" of an application for protection: "The French Office for the Protection for Refugees and Stateless Persons (OFPRA) shall carry out a preliminary examination of the elements or findings presented by the applicant which arose after the final decision on a previous application or of which it is demonstrated that the asylum seeker could only have had knowledge after said decision. It is during this preliminary examination that the probative value of new evidence and its impact on the merits of the application for protection are assessed. Article L. 531-42 of the CESEDA also incorporates the provisions of Article 40 (5) of the Directive no. 2013/32/EU stipulating that "during the preliminary examination, the French Office for Protection of Refugees and Stateless Persons may decide not to conduct an interview. Where, following this preliminary examination, the Office concludes that these new elements or findings do not significantly increase the likehood that the applicant qualifies as a beneficiary of international protection, it may take an inadmissibility decision. Article 41 of the Directive no. 2013/32/EU of 26 June 2013 of the European Parliament and of the

			Council is implemented by b) and c) of Article L. 542-2 of the CESEDA, which provides that the right to remain on the French territory ceases, on the one hand, when the applicant has submitted a subsequent application for examination, which has been ruled inadmissible by the French Office for Protection of Refugees and Stateless Persons (OFPRA) following a preliminary examination, new elements or findings that do not significantly increase the likehood of the asylum seeker meeting the necessary conditions for claiming protection, merely in order to delay or frustrate the enforcement of a removal decision, and on the other hand, when the applicant submits a subsequent application following the final rejection of an initial subsequent application. 3. Yes. The migratory pressure faced by France, and Europe more generally in 2015 resulted in a significant increase in asylum applications and required the development of a policy based on speeding up the asylum procedure and avoiding abuses. Most of the changes to the asylum procedure are motivated by the objective of speeding up the processing of applications, whether in the phase leading up to the decision by the French Office for protection of Refugees and Stateless Persons (OFPRA) or at the appeal stage. France has seen an increase in subsequent applications since 2016, and especially since 2018: 5,607 in 2015; 7,325 in 2016; 7,525 in 2017; 1,178 in 2018; 12,863 in 2019; 8,764 in 2020; 13,808 in 2021; 19,057 in 2022. The share of these subsequent applications in overall demand has been increasing since 2019 (13.4% in 2021; 12.3% in 2022). In addition, it is stipulated that when an asylum application is submitted by a third-country national who is in France accompagnied by their minor children, it is considered as being submitted on behalf of this third-country national and their children. Therefore, if the application is rejected, any subsequent application submitted by one or these minor children will be considered as a subsequent application. 4. In order to speed up the asylum procedure and deal with abuses in lodging asylum applications, the Law of 10 September 2018 provided for the end of the right to remain on the French territory, when the French Office for Protection of Refugees and Stateless Persons (OFPRA) takes a decision

			to reject a subsequent application following a preliminary examination carried out, considering that the application does not meet the legal conditions. The right to remain in the French territory also ends when the OFPRA rejects a subsequent application. In 2022, the number of inadmissibility decisions handed down by the French Office for Protection of Refugees and Stateless Persons (OFPRA) rose by almost 10 % to 14 250 decisions in 2022 (13 000 in 2020). As in previous years, the vast majority of inadmissibility decisions (84 %) were made in the absence of new information provided by the applicant, in the context of subsequent applications. 5. Yes. The number of subsequent applications has an impact on the applicant's right to remain in the French territory. From the second subsequent application onwards, the applicant does not benefit from the right to remain on the French territory, pursuant to Article L. 542-2, 2° of the CESEDA, which states that "by way of derogation from Article L. 542-1 of the CESEDA, the right to remain on the French territory ends (...) 2° when the applicant: (...) c) submits a subsequent application after the final rejection of a first subsequent application. Furthermore, when the right to remain on the French territory ends, the material reception conditions for asylum seekers also end (Article L. 551-13 of the CESEDA). 6. Yes. When a third-country national has submitted an initial subsequent application, which has been rejected by the French Office for Protection of Refugees and Stateless Persons (OFPRA), merely in order to delay the enforcement of a removal decision, the right to remain on the French territory ends (Article L. 542-2, 2, b of the CESEDA). In addition, the administrative authority may place a third-country national whose right of residence has ended under house arrest, for the purpose of rapid processing and effective monitoring of their asylum application, on the one hand as soon as the French Office for Protection of Refugees and Stateless Persons (OFPRA) has taken a decision of inadmissibility in the case of an

			application for subsequent application where, following a preliminary examination it appears that these new elements or findings do not significantly increase the likehood of the asylum seeker meeting the necessary conditions for claiming protection, and on the other hand, as soon as this Office has taken a decision to reject a subsequent application which is not inadmissible and which is the subject of a decision imposing an obligation to leave French territory (Article L. 752-1 of the CESEDA). The administrative authority may also put in detention the above-mentioned asylum seeker, when detention is necessary to determine the elements on which the asylum application is based, in particular to prevent a risk of evading enforcement of the removal decision or when the protection of national security or public order so requires (Article L. 752-2 of the CESEDA). In these circumstances, the OFPRA examines an asylum application under the accelerated procedure. It takes a decision within fifteen days of the application being submitted (Article R. 531-23 of the CESEDA). 7. Yes. Article L. 551-13, 3° of the CESEDA stipulates that material reception conditions are refused, in whole or in part, to the applicant, in compliance with Article 20 of the Directive no. 2013/32/EU of 26 June 2013 of the European Parliament and of the Council laying down standards for the reception of persons seeking international protection, when this applicant submits a subsequent application. 8. Yes. Material receptions conditions may only be withdrawn after examining the person's particular situation and giving reasons. This decision must take into account the applicant's vulnerability (Article L. 551-15, 3° of the CESEDA). This assessment of the applicant's vulnerability is carried out by the French Office for Immigration and Integration (OFII) in order to determine any specific reception needs. This Office's assessment and support system was implemented by the Decree no. 2015-1166 of 21 September 2015, which provided for appropriate support for asylum

			applicants who are “vulnerable” due to an objectively identifiable situation of weakness (pregnant women, the elderly, minors, people who are seriously ill, victims of torture or rape, disabled people). 9. Article L. 752-1 of the CESEDA provides that the administrative authority may place under house arrest, for the purpose of rapid processing and effective monitoring of their asylum application, third-country national whose right to remain in the French territory has ended following a decision of inadmissibility or rejection of a subsequent applicant and who are subject to a decision imposing an obligation to leave the French territory. In addition, Article L. 752-2 of the CESEDA states that the administrative authority may detain the third-country national referred to in the previous paragraph, provided that the detention is necessary to determine the elements on which the asylum application is based, in particular to prevent a risk of evading the enforcement of the removal decision or when the protection of national security or public order so requires. 10. Yes. When asylum seekers are received at a single-desk contact point for asylum seekers (composed of officials from the Prefecture and the French Office for Immigration and Integration (OFII)), they are informed by these services of the asylum procedure, in particular of the possibility of submitting a subsequent application, the legal framework, the procedures for accessing it, as well as their rights and obligations. If an asylum seeker wishes to submit a subsequent application, this application is drawn up on a form available from the Prefecture and must be sent to the French Office for Protection of Refugees and Stateless Persons (OFPRA) within 8 days. If the application is incomplete, this Office gives the applicant a further 4 days to complete this file. In addition, the right to asylum may be invoked by a third-country national placed in an administrative detention centre, pending enforcement of a removal order. The OFPRA may consider

			the application inadmissible if it filed more than 5 days after the third-country national has been notified of their asylum rights. However, an application may be submitted after this deadline if the third-country national has not been able to benefit from legal assistance during these five days, or if they are invoking facts that occurred after this deadline. 11. During the reception at a single-desk contact for asylum seekers , the guide for asylum seekers in France, drawn up by the General Directorate for foreigners in France, is given to the applicant. This guide can also be downloaded from the Ministry of Interior website. The purpose of this guide is to provide asylum seekers with clear and comprehensive information on the asylum procedure, its legal framework, the steps to be taken to gain access to it, and their rights and obligations, as soon as they arrive in France. In particular, it contains information on subsequent applications (procedure, right to remain in the country during the ubsequent application). In addition, Article R; 521-17 of the CESEDA states that when the Prefect responsible for registering the application finds out that an asylum seeker is one the cases of accelerated procedures provided for in Article L. 531-24 (which includes subsequent applications), he/she will inform the applicant accordingly. 12. No.
	EMN NCP Germany	**Yes**	1. Legal provisions regarding subsequent applications are laid down in Section 71 of the German Asylum Act (Asylgesetz – AsylG). This includes the definition, conditions and admissibility of subsequent applications. In addition, the processing of subsequent applications is specified in the internal guidelines. 2. Article 28 (2) of Directive 2013/32/EU is included in Section 33 (5) of the German Asylum Act which specify the procedure regarding applications considered as implicitly withdrawn or abandoned.Article 33 (2) d) of Directive 2013/32/EU is included in Section 71 (1) of the German

			Asylum Act.Article 40 is implemented in Section 71 (1) of the German Asylum Act.Article 41 (1) is implemented in Section 71 (5) of the German Asylum Act. 3. No. 4. N/A 5. Yes.At first, the general processing is the same for first, second or further subsequent applications. Nonetheless, if a first subsequent application is made merely in order to delay or frustrate the removal or in case of a second or further subsequent application, both do not extend the right to remain. In summary, these applications do not affect the enforcement of the removal order or return decision (Section 71 (5) of the Asylum Act). 6. No. 7. No. 8. N/A 9. N/A 10. No. 11. N/A 12. N/A

	EMN NCP Greece	Yes	1. Art. 40 of Directive 2013/32/EU on common procedures for granting and withdrawing international protection (recast), entitled "Subsequent application", has been transposed to national legislation by art. 94 of L.4939/2022 (G.G. A' 111). 2. Greece has fully transposed to national legislation the provisions of Directive 2013/32/EU. 3. The law sets out no time limit for lodging a subsequent application. Subsequent applications are lodged before Asylum Service, following an appointment given via an electronic platform. "Subsequent application" is an application for international protection submitted after a final decision has been taken on a previous application for international protection, including cases where the applicant has explicitly withdrawn his/her application and cases where the determining authority has rejected the application following its implicit withdrawal. The definition of "final decision", according to art. 1 sub. kd' of l.4939/2022, is a decision granting or refusing international protection: (a) taken by the Appeals Committees following an appeal, or (b) which is no longer amenable to the aforementioned appeal due to the expiry of the time limit to appeal. An application for annulment can be lodged against the final decision before the Administrative Court. Moreover, it is common to receive subsequent applications which are lodged for a second or third time, merely in order to delay of frustrate the enforcement of a decision which would result in the imminent removal of the applicant from Greece or lodge subsequent applications with similar with the previous claims. Additionally, there is always a challenge in examining subsequent applications after revocation status or a rejection that is based on exclusion grounds and after withdrawal. In order to prevent the abuse of the right to submit subsequent application, according to provisions of art. 94, par. 10 of L.4939/2022, for the submission of each subsequent application after the first one, the applicant has to pay a fee amounting to €100 per application. This amount may be revised through a Joint Ministerial decision (JMD). The JMD nr.472/21.12.2021, entered into force on 1.1.2022, determining various issues concerning the implementation of the statutory provision (definitions, payment procedure, reimbursement of unduly paid fees etc.) (GG B' 6246).

			4. Any **new identical, subsequent** application is **rejected without prior hearing** based on the principle of res judicata. Where an applicant, with regard to whom a transfer decision has to be enforced under Dublin III Regulation, makes a subsequent application, this is examined by the responsible MS, as defined in the Dublin III Regulation. The **preliminary review** on the admissibility of a subsequent application is examined within **2 days** ***(instead of 5 days),*** in case the application is lodged, merely in order to delay or frustrate the enforcement of a decision which would result in the imminent removal of the applicant or when it is a second subsequent application. As mentioned in answer 3, for **every subsequent application after the first** one (i.e., second, third etc.) **a fee of EUR 100** should be paid per application and per applicant (or per family member in case of applications of families). The lodging of a subsequent application **does not give the right to remain** to the applicant. However, during the preliminary stage of assessment on the admissibility of a subsequent application (which is 5 or 2 days from the date of lodging the application as mentioned above), any return or expulsion measures shall be suspended. This doesn't apply when it's the first subsequent application that is considered as inadmissible due to lack of new substantial elements *or* because it is identical to the initial application and it was lodged merely in order to delay or frustrate the enforcement of a decision which would result in his or her imminent removal, or when it's a second subsequent application, following a final decision considering a first subsequent application inadmissible *or* after a final decision to reject that application as unfounded. In these cases, the authority should ensure that the decision won't result directly or indirectly to refoulement, in violation of the international and European obligations of the state. 5. Any subsequent application is examined in the framework of the examination of the previous application (art. 94 par. 1, Law 4939/2022). For the purpose of taking a decision **on the admissibility** of an application for international protection a subsequent application for international protection **is subject first to a preliminary examination** as to whether new elements or findings have arisen or have been presented by the applicant which relate to the examination of whether the applicant qualifies as a beneficiary of international protection (art. 94 par. 2, Law

			4939/2022). The preliminary examination of subsequent applications is conducted within 5 days to assess whether new substantial elements have arisen or been submitted by the applicant.[8] According to the IPA, the examination takes place within 2 days if the applicant's right to remain on the territory has been withdrawn. During that preliminary stage all information is provided in writing by the applicant. If the preliminary examination concludes on the existence of new elements "which affect the assessment of the application for international protection", the subsequent application is considered admissible and examined on the merits. The applicant is issued a new "asylum seeker's card" in that case. If no such elements are identified, the subsequent application is deemed inadmissible (art.94, par. 4 Law 4939/2022). An appeal against the decision rejecting a subsequent application as inadmissible can be lodged before the Independent Appeals Committees under the Appeals Authority within 5 days of its notification to the applicant (art. 97, par. 1 d, Law 4939/2022). 6. There is no different procedure predicted for "last minute applications" and there are no provisions using this term in l.4939/2022. Until a final decision is taken on the preliminary examination, all pending measures of deportation or removal of applicants who have lodged a subsequent asylum application are suspended. **Exceptionally, the right to remain on Greek territory is not guaranteed to applicants who make a first subsequent application which is deemed inadmissible, solely to delay or frustrate removal, or make a second subsequent application after a final decision dismissing or rejecting the first subsequent application (art. 94, par. 9, Law 4939/2022).** 7. Article 61 of L.4939/2022 incorporates Article 20 of the recast Reception Conditions Directive (2013/33/EU). According to paragraph one, MSs may reduce or, in exceptional and duly justified cases, withdraw material reception conditions where an applicant: [...] (c) has lodged a subsequent application. This means that the competent authority, in the case of Greece, the Reception and Identification Service is responsible for deciding whether there should be a restriction or limitation

			of the material reception conditions of the applicant that has lodged a subsequent application. As soon as the subsequent application is considered as admissible, access to material reception conditions is granted. Moreover, according to article 61, decisions for reduction or withdrawal of material reception conditions or sanctions shall be taken individually, objectively and impartially and reasons shall be given. Decisions shall be based on the particular situation of the person concerned, especially with regard to vulnerable persons, taking into account the principle of proportionality. In every case, the decision on the limitation or restriction of the material reception conditions shall not affect the applicant's right to access health care and should not prevent applicants from accessing basic means that ensure a decent standard of living. 8. The personal circumstances of the applicant are always taken into account when the competent authority is deciding on the restriction or limitation of the material reception conditions on the basis of Article 61 of the Law 4939/2022. Vulnerable applicants and applicants with special reception needs as defined in the recast Reception Conditions Directive (Article 21) are always provided with the full set of material reception conditions. 9. N/A 10. When an applicant submits an application for international protection, he/she is receiving a briefing (written), in a language that he or she can understand, regarding the procedure, his/her rights and obligations while being an international protection applicant, as well as the deadlines that apply throughout the procedure (art. 74, par. 1 Law 4939/2022). In case an applicant is victim of torture, rape or any other serious act of violence, he/she must inform the authorities accordingly, so that they can provide assistance (art. 67, L.4939/2022). Any applicant may request to contact UNHCR or any Organization that provides legal, medical and psychological support (art. 71 and art. 74 par. 4 L.4939/2022). Throughout the procedure (subsequent application included), any applicant has the right to ask for the assistance of a lawyer or other counselor of his/her choice (without any mediation by the Asylum Service) (art. 76 par. 1 L.4939/2022).

			Moreover, all the information provided to the applicants are available at the website of the Ministry of Migration and Asylum. For subsequent applications see https://migration.gov.gr/en/gas/diadikasia-asyloy/i-aitisi-gia-asylo/metagenesteri-aitisi/ 11. As mentioned in answer 10, by a briefing (in writing), verbally and through the official site of the Ministry of Migration and Ayslum: https://migration.gov.gr/ 12. The applicant lodges a subsequent application after being informed on what is needed and a decision is issued following the preliminary examination. The examination of every application is made on an individual basis (art. 3 par. 1 L.4939/2022). Elements or claims related either to the applicant's personal circumstances or to the situation in the applicant's country of origin that did not exist during the examination of his/her previous application are considered new in the context of the first asylum procedure. Elements previously available to the applicant or claims that could have been submitted during the first asylum procedure are considered new, when the applicant provides valid reasoning for not presenting them at that stage. Furthermore, such new elements should be considered to be substantial if they lead to the conclusion that the application is not manifestly unfounded, that is to say, if the applicant does not invoke claims clearly not related to the criteria for refugee status or subsidiary protection (art. 94 par. 2 L.4939/2022).
	EMN NCP Hungary	**Yes**	1. Subsequent applications are regulated by the Act 80 of 2007 on Asylum (Met) 2. Article 28(2), second subparagraph of the Directive sets out an option, which Hungary chose to apply.Article 66(6) of the Met. transposes Article 28(2), second subparagraph of the Directive.Article 31(8) of the Directive sets out an option, which Hungary chose to apply. Article 51(7), point (f) of the Met. almost literally transposes Article 31(8), point (f) of the Directive.Article 33(2), point (d) of the Directive sets out an option, which Hungary chose to apply. Article 51(2), point (d) and Article 51(3) of the Met. transpose Article 33(2), point (d) of the Directive.Article 34(1), third sentence of

			the Directive sets out an option, which Hungary has not chosen to apply.Hungary only transposed the shall clauses of Articles 40 and 41, but chose not apply the optional clauses. 3. No 4. N/A 5. NoThe number of subsequent applciations was minimal during the last few years. 6. No 7. YesBased on Article 30 (c) of Met,reception conditions may be limited or cease to be provided, if the subsequent applications lack new factual basis. 8. The asylum authority has discretion on the decision on limiting the reception conditions. 9. In case of risk of absconding, the asylum authority may order asylum detention. An other alternative can be the asylum bail. 10. In its asylum decision, the authority also informs the applicant on the possibility of legal remedies, including subsequent applications. 11. In writing (may be provided also verbally) 12. yes
	EMN NCP Latvia	**Yes**	1. Legal provisions regarding subsequent (further) applications (hereinafter – subsequent application) are defined in the Asylum Law (https://likumi.lv/ta/en/en/id/278986-aylum-law). This

			includes the conditions for submission of subsequent application, the conditions of admissibility of application, as well as the procedure of examination of subsequent applications at the 1st instance of asylum procedure - the Office of Citizenship and Migration Affairs (hereinafter – OCMA) and appeal instance - the District Administrative Court (hereinafter – the Court) and their impact on the applicant's right to remain in the country. 2. All of above mentioned Articles of the Directive 2013/32/EU are transposed in The Asylum Law.Please see the information on transposition Article by Article: Article 28 (2) of the Directive is transposed by Article 34 (4) of the Asylum law determining - If the asylum seeker requests more than once to resume examination of his or her application, it shall be examined in accordance with the procedures for examination of subsequent applications (Article 35 of the Asylum Law), except the case when the Republic of Latvia, in accordance with Regulation 604/2013, is accepting back an asylum seeker who has revoked his or her application during its examination, prior to taking a decision to grant refugee or alternative status (subsidiary form of protection in accordance with the national legislation) or to refuse to grant it, and has drawn up an application in another Member State or is residing in the territory of another Member State without a residence permit. Article 31 (8) f)Article 33 (1) 6) of the Asylum Law provides that subsequent application, which has been accepted for examination, can be examined in accelerated procedure.Article 33 (2) d)Article 30 (1) 4) of the Asylum Law states that Decision to Leave the Application without Examination (inadmissible application) shall be taken if the applicant has submitted a subsequent application after a decision to refuse to grant refugee or alternative status (hereinafter - international protection) has entered into effect, and such circumstances are not referred to therein, which would have significantly changed for the benefit of the applicant and might serve as justification for granting refugee or alternative status.Article 34 (1)In accordance with national legislation, in the case of subsequent application, the person is obliged to provide evidence in writing that confirms that the circumstances on which the previous decision was made have changed significantly (personal interview is not provided), however, if the information in the applicant's file indicates that it is necessary to obtain additional information, a personal interview is conducted.Article 40 and

			41Article 40 (1) – (4) According to the Asylum Law a person in relation to whom the final decision to refuse to grant international protection has been taken is entitled to submit a subsequent application to the State Border Guard. The person has an obligation to indicate proof in the subsequent application, confirming that circumstances, on which the relevant decision was based, have changed significantly. Admissibility of a subsequent application requires that the application includes new elements or findings, which would have significantly changed for the benefit of the applicant and might serve as justification for granting refugee or alternative status. Article 40 (7) of the Directive has been introduced by Article 35 (2) of the Asylum Law determining if the person submits a subsequent application after a decision has been taken to transfer him or her to the responsible Member State, which will examine the application in accordance with Regulation No 604/2013, the application shall be assessed by the Member State responsible for examination of the application.Transposition of “may” provisions of Article 41 of the Directive to national legislation has been introduced by several Articles of the Asylum Law determining if the person has submitted a subsequent application mainly in order to hinder or prevent carrying out of decision, by which his or her removal from the Republic of Latvia would be implemented without delay, such person shall not be deemed an applicant during the appeal procedure before the Court (in accordance with Article 41(2) c of the Directive this means that applicant has a right to submit an application to the Court and after that can be removed from the country). In case of submission another (second, third) subsequent application after administrative proceedings regarding the subsequent submitted for the first time have ended, applicant may be returned to his/her country of origin, if it is not in contradiction with the international obligations of the Republic of Latvia. For examination of subsequent applications, the same time limits for taking the decision on admissibility or examination under accelerated procedure are applicable. No special time limits have been introduced. 3. Yes. In 2022 the asylum autohorities received 546 first time applications and 40 subsequent applications. In comparision 1624 first time applications have been received and 31 subsequent applications have been submitted in 2023. Thus, it can be concluded that the proportion of

			subsequent applications has decreased in comparision to first-time applications in 2023, however considering that in 2023 we received 3 times more applications as in 2022 they created an additional burden for asylum administration and the Court. 4. The procedure for examination of subsequent applications, which meets and has been implemented in accordance with the requirements of the Directive, allows that these applications to be examined quite quickly - both in the 1st instance and before the Court. Only in some cases did the Court come to the conclusion that the subsequent application needs to be examined on its merits. There are quite enough cases where the same person submits more than one subsequent application. The main challenge for the authorities is to ensure that person is returned to the country of origin or another country where he/she has a legal basis to stay. 5. The procedure for examination of subsequent applications, which meets and has been implemented in accordance with the requirements of the Directive, allows that these applications to be examined quite quickly - both in the 1st instance and before the Court. Only in some cases did the Court come to the conclusion that the subsequent application needs to be examined on its merits. There are quite enough cases where the same person submits more than one subsequent application. The main challenge for the authorities is to ensure that person is returned to the country of origin or another country where he/she has a legal basis to stay. 6. No. 7. No. 8. N/a 9. So far, no effective measures have been found to prevent secondary movement.

			10. No. The information on possibility to submit subsequent application usually is provided by social workers, legal representatives or NGO's. 11. N/a 12. N/a
	EMN NCP Lithuania	**Yes**	1. According to Article 76.4.5 of the Law on the Legal Status of Foreigners, if the asylum seeker makes a subsequent application for asylum where no substantial new information or data has emerged or has not been provided which significantly increases the likelihood that the asylum seeker may fulfil the criteria, the Migration Department examines the merits of an application for asylum on an expedited basis. Where an asylum application is dealt by examining the merits on an expedited basis, it must be dealt with within 10 working days. Moreover, according to Article 77.1.3, the Migration Department decides not to examine an application for asylum if the asylum seeker has submitted a subsequent application which does not contain new substantive grounds. 2. Article 28(2) implemented through Article 85.2 of the Law on the Legal Status of Foreigners;Article 31(8)f implemented through Article 76.4.5 of the Law on the Legal Status of Foreigners;Article 33(2)d implemented through Article 77.1.3 of the Law on the Legal Status of Foreigners; Article 34(1) implemented in Article 47 of the Procedure for Granting Asylum, approved by Order of the Minister of the Interior No. 1V-131 of 24 February 2016 Parts of Article 40 have been implemented:- Article 40(1) - there is a general rule that clarifications may be submitted in the administrative process; moreover, this article has been implemented in implemented in Article 91 of the Procedure for Granting Asylum;- Article 40(2) - implemented in Article 36.1 and 37.1 of the Procedure for Granting Asylum;- Article 40(3) - implemented in Article 49 of the Procedure for Granting Asylum;- Article 40(4) - has not been implemented;- Article 40 (5) - implemented in Article 49 of the Procedure for Granting Asylum;Article 41 - has not been implemented.

			3. Yes. There is no limit to the number of successive applications, so there are cases where applicants keep submitting successive applications. 4. Upon receipt of a subsequent request, a decision must be taken as to whether there are grounds for not examining the request in accordance with Article 77.1.3 of the Law on the Legal Status of Foreigners (absence of new substantive grounds). If the request is admitted for examination, it may be dealt with by examining its merits on an expedited basis in accordance with Article 76.4.5 of the Law. 5. No 6. No 7. There is no difference in the substance of the reception conditions, but they may be subject to detention pursuant to Article 113.4.3 of the Law on the Legal Status of Foreigners. According to this article, an asylum seeker may be detained when he has been detained in the context of a return decision, lodges an application for asylum, and there are serious grounds for believing that the application was lodged for the sole purpose of postponing or hindering the execution of a decision on the return decision, and that the foreigner has already had the possibility of accessing the asylum procedure. 8. N/A 9. N/A 10. No. There is no legal obligation to actively provide such information. However, if an applicant asked, the Migration Department would inform them that they have the right - there is a general duty to provide information to persons.

			11. N/A 12. N/A
	EMN NCP Luxembourg	**Yes**	1. The amended law of 18 December 2015 on international protection and temporary protection (Asylum Law) regulates the issue of subsequent applications in articles 9 (2) b) and c), 13 (1), 21, 23 (3), 27 (1) f), 28 (2) d), 32, 38 (3). 2. The Directive 2013/32/EU (on common procedures for granting and withdrawing international protection) was transposed into the Luxembourgish national law as follows: - Article 28 (2) of the Directive has been transposed into article 23 (2) of the Asylum Law; - Article 31 (8) f) of the Directive has been transposed into article 27 (1) f) of the Asylum Law; - Article 33 (2) d) of the Directive has been transposed into article 28 (2) d) of the Asylum Law; - Article 34 (1) of the Directive has been transposed into article 13 (1) of the Asylum Law; - Article 40 of the Directive has been transposed into article 32 of the Asylum Law; - Article 41 of the Directive has been transposed into article 9 (2) of the Asylum Law. 3. In the past four years, Luxembourg received a considerable number of subsequent applications, where the first application for international protection was rejected (either by the General Department of immigration or by the Administrative Tribunal or Court). However, one cannot identify any specific challenges regarding these subsequent applications. 4. N/A. 5. No, the number of subsequent applications as such (regardless of whether the applicant has already submitted a subsequent application or not) does not affect how the application is processed or the rights of the applicant. This means that if the application is considered to be admissible and the normal procedure (not the accelerated procedure) applies, the number of

			subsequent applications does not affect how the application is processed or the rights of the applicant. 6. If the applicant lodges their application at the last minute during the execution phase of a removal procedure this application will be reviewed on a priority basis. This means that it is checked within a very short period of time, and before the scheduled return of the applicant whether the application is admissible or not. If the application is inadmissible, a decision of inadmissibility is issued and the applicant can be deported from the time the decision is notified, as an appeal against a decision of inadmissibility has no suspensive effect (Article 35 (3)). If however, the application is considered to be admissible, the applicant reenters the normal procedure. 7. No. 8. N/A. 9. The risk of absconding could be averted by placing the applicant in detention. In that vein, Article 22 (2) sets out the circumstances under which an applicant might be placed in detention. According to paragraph 2 (b) of this article, an applicant might be placed in detention in order to determine the grounds on which the application for international protection is based, which could not be obtained without detention, particularly where there is a risk of the applicant absconding. Other circumstances justifying detention due to the risk of absconding are outlined in this article. 10. No, the applicant is not explicitly informed by the authorities about the possibility of submitting a subsequent application. 11. N/A. 12. N/A.

	EMN NCP Poland	**Yes**	1. - Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland;- Act of 12 December 2013 on foreigners;- Act of 14 June 1960 Code of Administrative Procedure 2. Ad. 28(2) – fully implementedAd. 31(8)f) – there is no border or in transit zones proceduresAd. 33(2)d) – fully implemented (art. 38 of Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland)Ad. 34(1) - the applicant is interviewed in the subsiquent application only in justified cases (new significant evidence or circumstances, no interview in the previous procedure, the need to clarify other circumstances). Polish administrative law provides for informing the applicant before a decision is issued that the material has been collected and that, if it is a subsequent application, a decision of inadmissibility may be issued. The applicant has time to submit additional explanations.Ad. 40 – 40(6)b) While the Act on granting protection to foreigners strictly defines the procedures to be followed in the case that subsequent application is submitted by a spouse previously covered by the application (art. 38 (2) 4) of Act on granting protection to foreigners), there is no such provision in relation to minor children.Ad. 4141(1)a) b) Act on foreigners – art. 303 (4), art. 330 (1) 1) and art. 330(2) , art. 348-359 (humanitarian or tolerated stay)Proceeding for issuing a return decision are not initiated, during the proceeding regarding the granting a foreigner international protection, unless the foreigner submitted subsequent application. The return decision is not executed when proceedings for granting international protection (permits for humanitarian/tolerated stay, temporary residence permits for victims of human trafficking) are pending. It is possible to execute a return decision under the following circumstances:1) a foreigner submits subsequent application for international protection that is: the first inadmissible application (for reasons: no new evidence has occurred/has been presented or no new factual/legal circumstances) and if the application was submitted only to delay the issuance or execution of return decision,2) an application for international protection is submitted after the final decision on: - inadmissibility of the application is issued (because of no new evidence has been occurred/presented or no new factual/legal circumstances),- refusal to grant international (or subsidiary) protection or decision to discontinue the proceedings for granting

			international protection issued after considering additional application for granting an international protection.Art. 41(2) a) b) c)– no implementation 3. Yes. 1. No limits of the number of subsequent applications submitted.2. Reversal of roles between the applicant and the spouse covered by the application, especially when they are from different countries. It makes the procedure longer and more complex.3. Subsequent applications lodged after withdrawal of international protection. 4. Ad. 1 Improving communication and cooperation with the border guard responsible for issuing and implementing decisions on the return obligationAd. 2 – 3 there are no specific procedures to handle it. 5. No 6. No 7. No 8. n/a 9. n/a 10. No 11. n/a 12. n/a

	EMN NCP Serbia	Yes	1. The issue of subsequent asylum requests in the Republic of Serbia is regulated by the Law on Asylum and Temporary Protection ("Official Gazette of RS", number 24/18), which was adopted on April 3, 2018. 2. The provisions of the Law on Asylum and Temporary Protection of the Republic of Serbia are largely harmonized with the aforementioned provisions of Directive 2013/32/EU regarding subsequent asylum requests. In this sense, Article 46 of the Law on Asylum and Temporary Protection stipulates that an asylum seeker can submit a subsequent asylum request if he/she can provide evidence that the circumstances relevant to recognising his/her right to asylum have changed substantially or if he/she can provide any evidence that he/she did not present in the previous procedure due to justified reasons, after the effectiveness of the decision whereby the previous procedure was discontinued for the reason that the applicant gave up his request for asylum, that is, withdrew his request in a written statement.The subsequent asylum request must be comprehensible and must contain relevant facts and evidence that arose after the effectiveness of the decision, or relevant facts that the asylum seeker did not present for justified reasons during the previous procedure, and which relate to the establishment of his/her eligibility for asylum.The admissibility of subsequent asylum request shall be assessed on the basis of new facts and evidence, and in connection with the facts and evidence already presented in the previous asylum procedure.If it has been established that a subsequent asylum request is admissible, the competent authority shall revoke the previous decision, and shall decide again on the merits of the request.A subsequent asylum request is rejected if it has been established that it is inadmissible in accordance with paragraphs 2 and 3 of this Article.Article 40, paragraph 1, point 5 of the Law on Asylum and Temporary Protection stipulates that the decision on the asylum request is made in an accelerated procedure if it is determined that the asylum seeker submitted a subsequent request for asylum, which is allowed in accordance with Article 46, paragraph 2 and 3 of this law.The decision on the asylum request in the accelerated procedure is made, at the latest, within 30 days from the date of the asylum request or the admissible subsequent asylum request, whereby the entire asylum procedure shall be conducted.Article 37, paragraph 10, point 3 of the aforementioned

			law stipulates that the interview of the asylum seeker can be omitted if the admissibility of the subsequent request for asylum is assessed in accordance with Article 46, paragraphs 2 and 3 of the law. 3. Since the adoption of the Law on Asylum and Temporary Protection, the Republic of Serbia has had only three or four subsequent asylum requests, on average, per year. 4. By the time of the filling out this questionnaire, all subsequent requests for asylum were assessed as inadmissible by the Ministry of Interior, Asylum Office. 5. No. 6. As we already mentioned in the answer to question number 2, where we talked about the accelerated procedure and compliance with Article 31 (8) f of Directive 2013/32/EU, Article 40, paragraph 1 of the Law on Asylum and Temporary Protection, it is provided the possibility of an accelerated procedure if the asylum seeker submitted a subsequent asylum request, which is allowed in accordance with Article 46, paragraphs 2 and 3 of this law (point 5), but also the possibility of an accelerated procedure if the asylum seeker submitted the request with the obvious intention of delaying execution of the decision that would result in his removal from the Republic of Serbia (point 6). 7. No. 8. N/A 9. N/A 10. No. The competent authority is not obliged to inform the applicant for asylum of the possibility

			of submitting a subsequent request, however, as most of them have a legal representative in the regular procedure, after the conclusion of the same, the representative also informs them about this possibility. 11. N/A 12. N/A
	EMN NCP Slovakia	**Yes**	1. The procedure for submitting a subsequent application for asylum as well as the rights and obligations of applicants in the case of subsequent application are regulated by Act No. 480/2002 Coll. on Asylum and on Amendments to Certain Acts (hereinafter referred to as the "Asylum Act"). 2. The Directive's articles on „follow-up“ applications (the term "subsequent" applications are used in the Directive) have been implemented in the Asylum Act in: - Article 11(1)(f), which provides for the rejection of an asylum application as inadmissible in case of a subsequent application for asylum while it has already been finally decided in the asylum procedure in the past that the application is rejected as manifestly unfounded, asylum is not granted, asylum is withdrawn, subsidiary protection is not extended or subsidiary protection is cancelled and there has been no substantial change in the factual situation since the decision became final. The application may also be rejected under this provision if it is decided that the application for asylum was submitted solely for the purpose of averting the imminent execution of expulsion from the Slovak Republic. - Article 12(2)(g), according to which an application for asylum shall be rejected as manifestly unfounded if it is a subsequent application for asylum and cannot be decided under Article 11(1)(f) on the ground that the facts have substantially changed.According to Article 11 par. 4 letters a) to c) the application will not be rejected as inadmissible, likewise according to Article 12 par. 5 the application will not be rejected as manifestly unfounded if a) the applicant for asylum was returned to the territory of the Slovak Republic because the Slovak Republic is competent for granting asylum, b) in the previous procedure for granting asylum, it was decided to reject the

			application for granting asylum as manifestly unfounded or not to grant asylum and this decision has been served pursuant to the first sentence of Article 20a(3) and c) no administrative action has been brought against the decision under subparagraph (b).Article 12(4) provides that an application for asylum is not to be rejected as manifestly unfounded if the applicant is an unaccompanied minor. Under Article 12(3), a decision rejecting an application for asylum as manifestly unfounded must be issued within 60 days of the beginning of the procedure. After the expiry of that period, the application for asylum may not be rejected as manifestly unfounded. 3. Yes. The Slovak Republic recorded cases of asylum applicants in which the conditions for granting asylum or subsidiary protection were not met. At the same time, in these cases, expulsion is not possible due to the refusal/non-cooperation of the countries of origin, so persons in question have repeatedly applied for asylum for several years. 4. The Slovak Republic is not able to cope with this challenge as there is not yet a legal possibility to restrict such chain of applications for international protection. The applications are repeatedly rejected by the Ministry of Interior, while the persons concerned repeatedly submit new applications and regularly appeal to the administrative court and later to the Supreme Administrative Court of the Slovak Republic. 5. The number of subsequent applications does not affect the asylum procedure itself (regulated in Part One, Title I of the Asylum Act) or the rights and obligations of asylum applicants (regulated in Part III, Title I of the Asylum Act). As regards the rights of the applicant, there is a difference between the first subsequent application and the second or any other subsequent application. The difference concerns suspensive effect, see the answer to question 6. According to Article 22(1) of the Asylum Act, an applicant is not entitled to stay in the territory of the Slovak Republic if it is a subsequent application for asylum and his/her application was previously rejected as inadmissible under Article 11(1)(f) or as manifestly unfounded under Article 12(2)(g). The applicant also does not have the right to stay in the territory of the Slovak Republic if the application was rejected as

			inadmissible pursuant to Article 11 par. 1 letter f) and at the same time it was decided that the application for asylum was submitted solely for the purpose of averting the imminent execution of expulsion from the Slovak Republic.Article 22(8) provides that in case of a subsequent application for asylum and if the previous asylum procedure has been terminated, the applicant is not entitled to pocket money. 6. Yes, in case of first subsequent application, if it is decided that it was submitted at the last minute in order to avert expulsion, appealing against the decision rejecting the application as inadmissible does not have suspensive effect. Thus, expulsion does not have to wait for a court decision, but the applicant can be expelled as soon as he or she takes over the decision. In case of the second subsequent and any other follow up subsequent applications, the fact whether it is a last-minute application no longer matters, the lodging of an appeal against the decision never has suspensive effect. 7. Article 22(8) of the Asylum Act provides that in the event of a subsequent application for asylum and if the previous asylum procedure has been terminated, the applicant is not entitled to pocket money. The other rights and obligations of the applicant shall be retained irrespective of the first or other subsequent applications. 8. NA 9. NA 10. No. The Migration Office of the Ministry of Interior of the Slovak Republic as the responsible body in asylum proceeding does not inform about the possibility to submit subsequent application. 11. NA

			12. NA
	EMN NCP Slovenia	**Yes**	1. Subsequent applications are regulated in the International Protection Act – IPA (Official Gazette of RS, No. 16/17 – official consolidated text, 54/21 and 42/23 – ZZSDT-D; available at: https://pisrs.si/pregledPredpisa?id=ZAKO7103). Articles 64 and 65 of IPA specifically address subsequent applications, while some provisions regarding other aspects of the asylum procedure, but related to subsequent applications, are covered in other articles (e.g. Art. 34(3), 50(3), 78(3)). 2. 28(2): transposed to IPA (Article 50(3)). 31(8)(f): transposed to IPA (Articles 49(1) and 52). 33(2)(d), 34(1), 40: transposed to IPA (Articles 64 and 65). 41: transposed to IPA (Article 34(3)). 3. Yes. We have seen abuse of making subsequent applications just to stay on the territory legally or to keep rights as asylum applicants. We have also had problems with returning persons who have received a final negative decision on first subsequent application but have lodged second or further subsequent application. 4. We changed national legislation in line with optional provisions on subsequent application in APD. Accordingly, only persons who file a first request to initiate subsequent procedure or lodge a first subsequent application, have rights as asylum applicants and a right to stay on the territory. We also plan on changing legislation so that in case of appeal against second and further requests to initiate procedure/rejected subsequent applications the appeal would not have a suspensive effect. 5. Yes. While the number of subsequent applications does not affect the process of examination itself (each request to initiate subsequent procedure and each subsequent application is examined on admissibility and on merits respectively), there are some limitations regarding other conditions,

			as follows. According to Article 34(3) of IPA, persons filing a **second or further request** for a subsequent procedure after being issued a final decision on the inadmissibility of the first request for a subsequent procedure, or after being issued a final decision dismissing the subsequent application as unfounded, shall be subject to the act governing the entry into, departure from and residence of foreigners in the Republic of Slovenia. According to Article 78(3) of IPA, the applicant's rights shall (also) be granted to third-country nationals or stateless persons who file a **first** request with the competent authority to initiate a subsequent procedure pending the enforceability of the order rejecting this request or the enforceability of a decision dismissing the subsequent application as unfounded. 6. No. 7. Yes. See answer to Q5. 8. Yes – insofar as examination of their applications is prioritized or if special needs are identified. 9. By being subject to the act governing the entry into, departure from and residence of foreigners in the Republic of Slovenia (see answer to Q5), different detention rules apply. 10. No. 11. N/A 12. N/A
EMN NCP Sweden	**Yes**		1. *Chapter 12, Section 18 and 19 of the* Aliens Act (2005:716)

			2. *The preliminary examination is regulated in Chapter 12 Section 19 of the Aliens Act. When a person is granted re-examination, a new asylum process is started. A negative decision on the preliminary examination can be appealed.* 3. *Yes. Challenges similar to those mentioned in the background information, to the extent that a large number of such applications have been submitted at times, and also that individuals have submitted many re-applications.* 4. *The Swedish Migration Agency has special procedures for how these applications are received and processed. This is done only at the litigation units, by litigation officers, i.e. experienced lawyers, and through an on-call procedure. In this way, time-critical matters can be taken care of quickly, and the legal assessments and challenges are handled in a coherent way.* 5. *Generally, the answer is no, with one exception regarding the first subsequent application. Chapter 12 Section 19 a of the Aliens Act: if the alien appeals a decision not to grant re-examination and the issue has not been decided before, the migration court that will hear the appeal must decide whether the expulsion should be suspended. The decision on rejection or expulsion may not be executed before this examination has been carried out.* 6. *No.* 7. *Yes. When an adult alien who does not live with his/her own child under 18 or a child under 18 for whom he or she can be considered to have taken the place of the parents, the right to assistance under the LMA* ceases, unless it is obviously unreasonable, when* • *the alien's time limit for voluntary departure (according to Chapter 8 Section 21 of the Aliens Act) expires, or* • *the decision on rejection or expulsion has taken legal effect, if the decision does not contain a time limit for voluntary departure.*

			If the decision on rejection or deportation cannot be enforced as a result of the Migration Agency or a court having decided on suspension, or if a new asylum process is granted because of a subsequent application (according to Chapter 12 Section 19 of the Aliens Act), the alien is once again entitled to assistance according to the LMA. It should be noted that there must be a decision on re-examination, an application alone is not enough to regain the aid. Lag (1994:137) om mottagande av asylsökande m.fl. | Sveriges riksdag (riksdagen.se) *(Section 11 and 11 a)* **LMA is an abbreviation of the Swedish name for the Reception of Asylum Seekers Act.* 8. *Please see answer to Q7*; *children, families with children, "obviously unreasonable".* 9. *An inquiry (Ju 2021:12) examines the possibility whether asylum seekers is going to be obligated to report to the authorities. Today there are no such tools except in cases where the applicant is a threat to order and security.* 10. *No.* 11. - 12. *No, the applicant is not informed about the likelihood of the subsequent application succeeding.*

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