



EMN Ad-Hoc Query on accelerated asylum procedures and asylum procedures at the border (part 2)

Requested by EE EMN NCP on 13th February 2017

Protection

Responses from [Austria](#), [Belgium](#), [Croatia](#), [Cyprus](#), [Czech Republic](#), [Estonia](#), [Finland](#), [France](#), [Hungary](#), [Ireland](#), [Latvia](#), [Lithuania](#), [Luxembourg](#), [Malta](#), [Netherlands](#), [Poland](#), [Slovak Republic](#), [Spain](#), [Sweden](#), [United Kingdom](#), [Norway](#) (21 in total)

Disclaimer:

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

Background information:

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

Questions

1. How is information on rights and obligations provided for people in accelerated and/or border procedure? (e.g. are specific information materials provided)
2. How does judicial review work for rejected asylum applicants in accelerated and border procedures? What is the deadline for making the appeal? Does the appeal have suspensive effect?
3. Does your national legislation foresee a deadline for the judicial review during which time a court's decision has to be issued in case of accelerated asylum procedures as well as in case of border procedures?
4. At what stage and how is the legal assistance being provided to the applicant whose asylum application is examined in accelerated and/or border procedure? (e.g. during the accelerated procedure, after the negative decision etc.)
5. How does your MS's legislation define the final decision?

Responses

	Country	Wider Dissemination	Response
	Austria	Yes	<ol style="list-style-type: none">1. The Federal Office for Immigration and Asylum provides asylum seekers with several information sheets and leaflets in a language which they can understand, in order to inform them sufficiently about their rights and duties. Source: Federal Ministry of the Interior.2. The accelerated procedure does not affect the deadline for submitting an appeal or the suspensive effect of an appeal. The period for submitting a complaint against a decision of the

			<p>Federal Office for Immigration and Asylum taken in the airport procedure is one week. Source: Federal Ministry of the Interior.</p> <p>3. In general, there is no separate deadline for judicial decisions in accelerated procedures. However, in the cases listed in Art. 18 para 1 Federal Office for Immigration and Asylum Procedures Act, the suspensive effect of a complaint can be withdrawn. In this case, the decision period of three months under Art. 21 para 2a Federal Office for Immigration and Asylum Procedures Act applies. In airport procedures, the Federal Administrative Court has to decide within two weeks after having received the complaint. Source: Federal Ministry of the Interior.</p> <p>4. Legal counselling is regulated in Art. 48 ff Federal Office for Immigration and Asylum Procedures Act. According to those rules, asylum seekers in the admission procedure have to be provided with a legal counsellor free of charge and ex officio, regardless whether the procedure is accelerated or not. Source: Federal Ministry of the Interior.</p> <p>5. A decision is final if an ordinary appeal is not admissible anymore or if the period for submitting an appeal has expired without an appeal having been filed. Source: Federal Ministry of the Interior.</p>
	Belgium	Yes	<p>1. The asylum applicant is informed about the procedural steps and his/her rights and obligations. The Federal Police will carry out a preliminary interrogation and The Immigration Office conducts a short interview for the purpose of the registration of the asylum application. As is the case in the regular procedure, every asylum seeker receives a personal interview by a protection officer of the CGRS. From the moment the file is transferred to the CGRS the person is also entitled to free legal assistance (see reply to question 4). There is a brochure ‘Asylum in Belgium’ intended to inform the applicant for international protection, upon his arrival in Belgium, on the different steps of the asylum procedure, his rights and obligations during the asylum procedure. Furthermore there are also information procedures for vulnerable groups: • The CGRS recently published a new guide for unaccompanied minors who apply for asylum in Belgium. • Women and girls applying for asylum in their own name are also handed over the</p>

			<p>brochure “Information for women and girls that apply for asylum.” These 3 brochures can be found on this link: http://www.cgrs.be/en/publications</p> <p>2. For applicants in border procedures there is a full judicial review with suspensive effect (unless it concerns subsequent asylum applicants) as for regular procedures, but shorter time limits apply. The time period within which any appeal to the Council for Aliens Law Litigation (CALL) must be lodged while in border detention (including for families in an open housing unit) is only 15 calendar days, instead of 30 calendar days in the regular procedure.</p> <p>3. A final decision on the appeal must be taken by the CALL within a maximum of 14 working days in total (Article 39/77 of the Immigration Act).</p> <p>4. The Immigration Act guarantees free legal assistance (pro-deo) by a lawyer to asylum applicants, also in border procedures and accelerated procedures during the first instance procedure from the moment the file is transferred to the CGRS and during the appeal stage (Article 39/56 and 90 of the Immigration Act).</p> <p>5. If no more appeals on the substance of the case are possible, the decision is considered to be final.</p>
	Croatia	Yes	<p>1. N/A</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. N/A</p>
	Cyprus	Yes	<p>1. No specific information materials provided for applicants in accelerated procedures. Upon submission of an application for international protection, all applicants are provided with an</p>

information booklet, which gives detailed information on their rights and responsibilities provided by the Refugee Law, including the right to access healthcare, welfare assistance, education, employment, etc.

2. Regarding accelerated procedures, in case of a negative decision the applicant has the right to judicial review according to the article 146 of the Cyprus Constitution. An appeal can be made before the Administrative Court within 75 days for the notification of the negative decision. No suspensive effect is applied but according to the Refugee Law applicants have the right to remain until the exercise of the right to an effective remedy has expired and, when such a right has been exercised before the new Administrative Court within the time limit, pending the outcome of the remedy.

3. No

4. Regarding accelerated procedures, in case of a negative decision the applicant has the right to judicial review according to the article 146 of the Cyprus Constitution. An appeal can be made before the Administrative Court within 75 days for the notification of the negative decision. No suspensive effect is applied but according to the Refugee Law applicants have the right to remain until the exercise of the right to an effective remedy has expired and, when such a right has been exercised before the new Administrative Court within the time limit, pending the outcome of the remedy.

5. Regarding accelerated procedures, in case of a negative decision the applicant has the right to judicial review according to the article 146 of the Cyprus Constitution. An appeal can be made before the Administrative Court within 75 days for the notification of the negative decision. No suspensive effect is applied but according to the Refugee Law applicants have the right to remain until the exercise of the right to an effective remedy has expired and, when such a right has been exercised before the new Administrative Court within the time limit, pending the outcome of the remedy.

	Czech Republic	Yes	<p>1. All applicants receive special detailed written information about the procedure and their stay in the Czech Republic. This information exists in several language versions. As for accelerated procedure – there are no special provisions as the rights and benefits are the same as for standard procedure. As for border procedure - there is an additional attachment describing the border procedure.</p> <p>2. Accelerated procedure – after the decision by the determining authority, there is a possibility to lodge an appeal directly to the court. The time limit is 15 days. The law states in which cases the appeal does not have an automatic suspensive effect – it is in cases of: - stating false identity details or refusing to provide them - having more than 1 nationality - using fraudulent documents and similar situations - refuse to provide his/her fingerprints In these cases the applicant has to ask the court for granting the suspensive effect, the court has to decide on this request in 30 days. Border procedure – there are two decisions issued: 1. decision on allowing/refusing entry – it is a detention decision. The appeal is possible to the court; the court has to decide within 7 days. 2. asylum decision – but only on manifestly unfounded or inadmissible claims. As for manifestly unfounded claims, they are treated on accelerated procedure – so see above. As for inadmissible claims – the appeal is possible within 15 days to the court; the appeal does not have an automatic suspensive effect with the exception of third safe countries.</p> <p>3. No - for accelerated procedure. Yes – for border procedure, the time limit is 60 days.</p> <p>4. From the legal point of view, the state provides free legal assistance only for the court’s review. In practice, all asylum facilities are regularly visited by NGOs under the AMIF projects. So the legal aid is provided also at the administrative stage.</p> <p>5. There is no exact definition.</p>
	Estonia	Yes	<p>1. According to the Act on Granting International Protection to Aliens (AGIPA) the Police and Border Guard Board is obliged to provide information to the applicant at the earliest opportunity, but no later than within fifteen days as of the submission of the application for international protection or for residence permit, orally and in writing in a language which he or</p>

she understands concerning his or her rights and obligations, including information concerning legal assistance, assistance relating to reception conditions, organisations providing information, time-frame for proceedings for international protection and the consequences of failure to comply with obligations. The PBGB officials also provide relevant informative materials and give an explanation about the content of the materials. There is a possibility to organize translation through conference calls at the border.

2. According to Act on Granting International Protection to Aliens the decision on rejection of an application or revocation of international protection may be contested in the administrative court within ten days as of the announcement of the decision. Upon contestation of the decision made with regard to an application for international protection an applicant has the rights and obligations of the asylum seeker within the time limit for an appeal and during the judicial proceedings, including the right to stay in the territory of Estonia until the final decision is made. As an exemption from the general rule in the following cases the court conducting the proceeding of the matter shall decide on the right of the applicant to stay in Estonia during the judicial proceedings:

- In case the applicant files an appeal against a decision which is made on the grounds that the application was clearly unfounded;
- another country is considered as first country of asylum;
- another Member State has granted international protection to the application and this protection is still accessible;
- in case the application is subsequent and no new facts or evidence have been presented or the application is second subsequent application;
- In case the decision is issued on the basis of Regulation (EU) No 604/2013 of the European Parliament and of the Council, In these cases the court will make a ruling to decide on the right to stay in Estonia during the judicial proceedings.

In case the decision was made at the border, it is ensured that the applicant is enabled the right to receive information, to communicate with the family members, legal adviser, relevant competent state authorities, representatives of international or non-governmental organisations and the UNHCR; get victim support service, where necessary; get legal assistance in the administrative court proceedings for contestation of the decision during the period of ten days for contestation for preparation of the appeal and presenting the arguments to the court.

			<p>3. There is no deadline foreseen, but according to law the international protection matters are heard by the court as a priority.</p> <p>4. During the asylum procedure legal assistance is provided by legal counsellors at the accommodation center and the detention center. The legal counsellors obligation is to give applicants relevant information and to explain professionally the rights and obligations of the applicants during the asylum procedures, provide information on the procedure as such and help communicating with other institutions. During the judicial review the free legal aid is offered by Estonian Bar Association. When an applicant receives a negative decision, the legal counsellors have the obligation to assist the applicants on how to receive legal aid from the Estonian Bar Association.</p> <p>5. According to the AGIPA a final decision is: 1) a decision made by the Police and Border Guard Board with regard to the dismissal of an application or revocation of international protection, which has not been contested in an administrative court during the time-limit for an appeal ; 2) a decision of the Police and Border Guard Board with regard to the dismissal of an application or revocation of international protection, the appeal against which has been dismissed by the administrative court; 3) a decision of the Police and Border Guard Board, including the decision arising from the respective guidelines of the administrative court, to recognise an applicant as a refugee or a person eligible for subsidiary protection and grant international protection to him or her. The proceedings for international protection terminate when the final decision has been made. Upon termination of the proceedings for international protection the person shall retain the right to an effective remedy.</p>
	Finland	Yes	<p>1. Information may be provided by the police/border guard, the Finnish Immigration Service, or at the reception centre. The Finnish Immigration Service has an information brochure for asylum seekers in various different languages: http://www.migri.fi/download/16435_tietoa_tphakijalle_eng.pdf</p> <p>2. An applicant may be removed from the country within seven days after the service of the decision, if the applicant has arrived from a safe country of asylum, or the application has been found to be manifestly unfounded. An applicant may be removed from the country immediately</p>

			<p>after the decision has been served, if the applicant can be sent to another country according to the Dublin Regulation, the applicant can be sent to another EU member state where they have received international protection, or the applicant has submitted a subsequent application which does not contain any new grounds that affect the matter. In all these cases the applicant can request that the Administrative Court of Helsinki prohibits the enforcement of a decision on refusal of entry. An application for a prohibition of enforcement must be submitted within seven days after the decision has been served. The Administrative Court of Helsinki makes its decision on the application concerning a prohibition of enforcement within seven days. The applicant cannot be removed from the country before the Administrative Court of Helsinki has made a decision on the application for a prohibition of enforcement.</p> <p>3. The Administrative Court makes its decision on the application concerning a prohibition of enforcement within seven days (including five working days).</p> <p>4. An asylum seeker has the right to receive legal aid when his or her application is being processed at the Finnish Immigration Service and during the appeal process. Legal aid is provided by legal aid offices, as well as other law firms and lawyers. The police or the reception centre, as well as the Finnish Immigration Service, can give advice and assist applicants in obtaining legal aid.</p> <p>5. The refusal of entry cannot be enforced until the decision of the Finnish Immigration Service becomes final. If the applicant has appealed against the decision to the Administrative Court of Helsinki, the authorities are obliged to await the decision of the Administrative Court. An application for leave to appeal to the Supreme Administrative Court will not prevent the enforcement of the decision unless expressly ordered otherwise by the Supreme Administrative Court.</p>
	France	Yes	<p>1. A lawyer or a representative of an association can attend the interview at the border with the same procedural guarantees as in the usual procedure. Thus, the list of agreed associations is displayed in all waiting areas and is also available in the website of the OFPRA (French office for the protection of refugees and stateless persons). The telephone numbers of these associations can be obtained from the Border Police agents. There is a minimum period of 4</p>

hours during the notification for the interview and the interview itself so that the foreign national has enough time to contact the person / association he would like to attend to the interview. In case of an accelerated procedure, the asylum seeker can benefit from the same procedural guarantees and thus the same access to information as during a usual procedure: he receives the guide for asylum seekers available in 21 foreign languages which contains clear and complete information on the asylum procedure, its legal regime, the various processes to undertake, as well as the rights and obligations. If the applicant does not understand or read one of the 21 foreign languages, he can ask for a translator. In parallel, several guides drafted by the European Commission related to the Eurodac and Dublin procedures are also issued to the applicant if applicable. These documents are translated in 15 languages in order to answer all possible situations.

2. Regarding the accelerated procedure, the applicant can file a suspensory appeal to the CNDA (National Court for Right of Asylum - Cour national du droit d'asile) who takes its decision in 5 weeks. There is a deadline of one month from the OFPRA rejection notification to file this appeal. If in detention, the applicant can also file an appeal to the president of the Administrative Court, within 48 hours from the decision to keep him in detention and the judge has 72 hours from the OFPRA decision to take his decision. This appeal is suspensory for the asylum seeker who has been refused entry at the border. This appeal has to be filed within 48 hours from the refusal entry decision.

3. NO For the border procedure, the deadline is the same as for the maximum authorized stay in the waiting area (21 days). The Freedom and Detention Judge (juge des libertés et de la détention) decides whether the asylum seeker has to remain in detention in the waiting area 4 days after his arrival. He can decide to extend the detention in the waiting area for 8 days. Then if the foreign national is still detained in the waiting area, he is taken to the court and the judge can decide a new extension of the detention in the waiting area for 8 days.

4. The asylum seeker under the accelerated procedure benefits from the same legal support than the asylum seekers under the usual procedure. This support is provide during the whole process by the associations in charge of accompanying asylum seekers.

			<p>5. For the border procedure, the refusal of entry decision cannot be taken by the Ministry in charge of immigration before the OFPRA decision. Unless a danger to the public order, the OFPRA decision, if positive, binds the Ministry in charge of immigration. If the foreign national is authorized to enter on the French territory, he receives a safe conduct valid for 8 days in order for him to file his asylum application with the competent prefecture which will examine his application according to the usual procedure. For the accelerated procedure, as for the usual procedure, the final decision is the OFPRA decision when there is no appeal or, in case of an appeal, the CNDA decision.</p>
	<p>Hungary</p>	<p>Yes</p>	<p>1. Information on rights and obligations is provided by informative documents delivered to the applicant.</p> <p>2. The decision for refusing the application on the grounds of inadmissibility may be subject to judicial review, including decisions adopted in the accelerated procedure. In most cases the petition for judicial review shall have no suspensory effect on the execution of the decision with the exception of the following cases: 1) the application has been rejected for the applicant entered the territory of Hungary unlawfully or prolonged his or her stay unlawfully and, without good reason, has failed without reasonable cause to make his/her application for recognition earlier, having had opportunity to do so; 2) the application is inadmissible for there is a third country which is considered as a safe third country for the applicant in light of his/her particular circumstances. The petition for judicial review shall be submitted to the refugee authority within seven days following the date of delivery of the decision.</p> <p>3. The petition for judicial review shall be adjudged by the court within eight days following receipt of the petition for judicial review.</p> <p>4. During the asylum process the applicant can avail himself of legal assistance anytime.</p> <p>5. The court may not overturn the decision of the refugee authority. The court shall abolish any administrative decision it finds unlawful - with the exception of any violation of a procedural rule that does not effect the merits of the case - and, if necessary, shall order the refugee</p>

			authority to reopen the case. The court's decision adopted in conclusion of the proceedings is final, and it may not be appealed.
	Ireland	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	Latvia	Yes	<p>1. In order to ensure that the asylum seeker is able to exercise the rights laid down for him/her in the Asylum Law and to comply with the obligations provided for him/her, the State Border Guard and the Office of Citizenship and Migration Affairs (hereinafter – Office or the 1st instance authority) shall inform asylum seeker, in timely manner, regarding the asylum procedure, its time periods, his/her rights and duties during such procedure, regarding the potential consequences, if the asylum seeker does not fulfill the duties and does not co-operate with the institutions involved in the asylum procedure, regarding consequences of clear or indirect revocation of the application, regarding the competence of the institutions involved in the asylum procedure, regarding the institutions providing legal aid, and also regarding reception conditions, including the rights to receive health care services. An official of the State Border Guard and the Office shall provide the above mentioned information to the asylum seeker in writing in a language which he/she understands or is reasonably supposed to understand - information leaflets are available in the most popular languages spoken by asylum seekers. If necessary, the official of the State Border Guard and the Office shall provide the above mentioned information also in oral form.</p> <p>2. In case of application border and accelerated procedure the special (shorter) time limits for whole procedures have been defined in the Asylum Law. Please see in the attachment table on time limits for different procedures. In any case asylum seeker has a right to stay in the country from the moment he/she has expressed a wish to acquire refugee or alternative status at the border crossing point before entering the Republic of Latvia or being already in the territory of the Republic of Latvia, until the moment when administrative proceedings regarding his/her application on asylum have ended. There are two exceptions which are related to the subsequent applications: - if the person has submitted a subsequent application (for the first time) mainly in order to hinder or prevent carrying out of decision, by which his or her removal from the</p>

			<p>Republic of Latvia would be implemented without delay, such person shall not be deemed an asylum seeker during examination of the application before the Court; - if the person has submitted second subsequent application after administrative proceedings regarding the first subsequent application has ended. In that case asylum seeker can be expelled if it is not in contradiction with the international obligations of the Republic of Latvia.</p> <p>3. Yes. Please see in the attachment the table on time limits for different procedures.</p> <p>4. According to the Asylum Law and the State Ensured Legal Aid Law an asylum seeker has a right to receive State ensured legal aid in the amount specified in law and regulations, appealing against 1st instance decision regarding his/her asylum application to the District Administrative Court. The Decision of the District Administrative Court is final and shall not be appealed.</p> <p>5. According to the definition in the Asylum Law final decision is a decision to grant refugee or alternative status (subsidiary form of protection) or to refuse to grant it, by which the administrative proceedings have ended.</p>
	<p>Lithuania</p>	<p>Yes</p>	<p>1. Information is provided according to the general procedure: a civil servant authorised by the institution receiving an application for asylum (the State Border Guard Service or a local police authority) provides to an adult asylum applicant the information indicated in Article 4(1) of Regulation (EU) No 604/2013 of the European Parliament and of the Council and prepared in compliance with Part A of Annex X of Commission Regulation (EC) No 1560/2003 with subsequent amendments. An unaccompanied minor asylum applicant is provided with the information referred to in Article 4(1) of Regulation (EU) No 604/2013 of the European Parliament and of the Council and prepared in compliance with Annex XI of Commission Regulation (EC) No 1560/2003 with subsequent amendments. The information indicated in this point is provided in accordance with the procedure laid down in Article 4(2) of Regulation (EU) No 604/2013 of the European Parliament and of the Council.</p> <p>2. An alien may file an appeal against a decision taken under the Law with a relevant regional administrative court within 14 days from the service of the decision. The enforcement of the decision appealed against is suspended in the cases when: an application for asylum lodged by</p>

			<p>an alien who has entered Lithuania from a safe third country is not examined, and he is returned or expelled from Lithuania to the safe third country; the alien is refused asylum, except for the case when the decision is taken upon examining the application for asylum as to substance as a matter of urgency, the examination of the application for asylum is terminated, or granted asylum is withdrawn and the alien is expelled from Lithuania or returned to a foreign country. In other cases, the enforcement of the decision appealed against may be suspended by a ruling of a relevant administrative court regarding interim measures. Asylum applicants have the right to remain at border crossing points and in transit zones during the period of filing of the mentioned appeal, and if a request for interim measures is submitted during this period – until the relevant administrative court passes a ruling regarding the interim measures. If the relevant administrative court passes a ruling to apply the interim measures, the asylum applicant is admitted into the territory of the Republic of Lithuania.</p>
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3. No, general provisions apply: the court must examine an appeal against a decision taken under the Law not later than within two months from the passing of a court ruling to allow the appeal for examination.

4. According to Article 71(1)(4) of the Law, an asylum applicant in the Republic of Lithuania has the right to make use of state-guaranteed legal aid in accordance with the procedure established by the Minister of the Interior if he does not possess means to pay for legal services. The provision of state-guaranteed legal aid to asylum applicants is organised and coordinated by the Department of Migration. State-guaranteed legal aid is provided by the legal service providers with whom the Migration Department has entered into a contract on the provision of legal services. An asylum applicant or his legal representative may, at his own expense, conclude a contract on the provision of legal services with another legal service provider. In this case, state-guaranteed legal aid is not provided. A provider of state-guaranteed legal aid provides legal services upon receiving an assignment of the Migration Department to participate in interviews of an unaccompanied minor asylum applicant; to participate in an asylum applicant's initial interview in the cases when the Migration Department receives a notice from the institution receiving an application for asylum regarding the necessity of participation of an authorised representative in the interview; to participate in an interview of the asylum applicant if the asylum applicant so requests; to prepare procedural documents and lodge them before the

			<p>court; to represent the interests of the asylum applicant at courts of first or second instance, etc. If it transpires that an asylum applicant who was provided with state-guaranteed legal aid possessed means to pay for legal services, also if it transpires that the asylum applicant's financial situation has substantially improved or that he provided misleading information or failed to declare the funds received, the asylum applicant must cover the expenditure incurred by the Migration Department in connection with the payment for the services of the provider of legal services that provided state-guaranteed legal aid to the asylum applicant.</p> <p>5. According to Article 2(64) of the Law, the final decision is a decision taken in respect of an alien in accordance with the procedure laid down in this Law and not appealed against within the time limit stipulated in this Law or a decision in respect of which all the possibilities of appeal as established by laws have been exhausted.</p>
	<p>Luxembourg</p>	<p>Yes</p>	<p>1. As we mentioned in the LU EMN NCP answer to the 2017-1140 EE AHQ on accelerated asylum procedures and asylum procedures at the border (part 1) the application at the border only triggers the international protection procedure by the filing of the application. In Luxembourg there is no specific asylum procedure at the border. In accordance with article 11 (1) of the Law of 18 December 2015 on international protection and temporary protection, the applicant shall be informed in writing and, as far as possible, in a language which he/she may reasonably be expected to understand, of the content of the procedure for international protection, of his/her rights and obligations during that procedure and of the possible consequences of failure to comply with his/her obligations and/or to cooperate with the Minister in charge of Asylum and Immigration.</p> <p>2. When an application is rejected in the accelerated procedure, the applicant can file an appeal in order to reverse the decision rejecting the application and the return order before the First instance Administrative Court (article 35 (2)). The appeal must be filed in a deadline of 15 days following the notification of the decision. The appeal has suspensive effect (article 36 (1)). Against the decision of the decision of the First instance Administrative Court there is no other possible appeal.</p>

			<p>3. The president of the respective chamber of the First instance Administrative Court (or the judge who replaces him/her) must decide the case a month after the filing of the appeal (article 35 (2)). Nevertheless, the deadline for the rendering the decision will be suspended between 16th July and 15 September.</p> <p>4. The applicant can be assisted by a lawyer since the first interview with the agent of the Directorate of Immigration (article 13 (2) paragraph 2). The lawyer is entitled at the end of the interview to question the applicant and make observations. However, the absence of a lawyer does not halt the possibility to proceed with the interview (article 13 (2) paragraph 3). Article 17 (1) and (2) grants the applicant access to free legal assistance during all the accelerated procedure and the appeal process. However, article 17 (2) establishes that the legal aid can be withdrawn during the appeal procedure if it is considered as not having tangible perspectives of being successful (i.e. unfounded appeal).</p> <p>5. The decision rendered by the First instance Administrative Court is final. The applicant cannot file any kind of appeal against this decision (article 35 (2)).</p>
	Malta	Yes	<p>1. Since the Office of the Refugee Commissioner has not made use of the accelerated procedure, no specific information material is currently being provided to applicants whose application would normally be examined under such a procedure. All applicants are provided information on their rights and obligations as per national legislation.</p> <p>2. If the application was processed under the accelerated procedure and is deemed to be manifestly unfounded, the decision is immediately sent to the Refugee Appeals Board who will then review the decision according to the stipulated deadlines. Until a final decision is taken by the Refugee Appeals Board there is a suspensive effect of the decision taken by the Office of the Refugee Commissioner.</p> <p>3. According to national legislation if an application was processed under the accelerated procedure and is deemed to be manifestly unfounded, the Refugee Appeals Board shall examine</p>

			<p>and review the decision taken by the Office of the Refugee Commissioner within three working days.</p> <p>4. Free legal assistance is only provided at appeals stage. However, throughout the asylum procedure the applicant is entitled to consult the UNHCR and to have legal assistance.</p> <p>5. According to national legislation only cases considered to be manifestly unfounded can be processed under the accelerated procedure.</p>
	<p>Netherlands</p>	<p>Yes</p>	<p>1. Border procedure The Royal Netherlands Marechaussee (border police) informs an applicant at the border via a brochure about the border procedure. The border procedure starts with a rest and preparation period (6 days). During this period the Dutch Council for Refugees (NGO) will inform the applicant further about de border procedure, rights and obligations Accelerated procedure for subsequent applications Unlike the border procedure (and general asylum procedure), the applicant will not receive a rest and preparation period. The form to make a subsequent application contains information about the procedure. The form is usually filled out with the help of a lawyer/legal aid worker that can give information. Also at the start of the procedure, during the interview, the applicant receives (oral) information about the procedure. Accelerated procedure for safe country nationals or those already protected in the EU: Unlike the border procedure (and general asylum procedure), the applicant will not receive a rest and preparation period. However, he will receive information from the Dutch Council for refugees regarding the accelerated procedure.</p> <p>2. Border procedure The deadline for lodging an appeal is 1 week. The court shall rule within 4 weeks. The appeal has no suspensive effect. All accelerated procedures The time limit for the accelerated procedure is 1 week for lodging an appeal. The courts need to rule within 28 days. The appeal in itself has no suspensive effect. However, if a provisional measure is filed than suspensive effect can be granted.</p> <p>3. Borderprocedure see answer question 8.</p>

			<p>4. Borderprocedure During the rest and preparation period (the first days of the border procedure) the Council for Legal Aid will assign legal assistance for the applicant. The lawyer prepares the applicant for the asylum procedure/interviews and will provide legal aid tot the applicant during the procedure. All accelerated procedures An applicant can get legal aid from a lawyer if he does not have the financial means. A lawyer will be appointed to the applicant by Legal Aid Board and will provide legal aid to the applicant during the procedure.</p> <p>5. There is no specific definition in the Dutch legislation on the concept of ‘the final decision’ We use the definition of article 2 under e of the Directive 2013/32/EU.</p>
	<p>Poland</p>	<p>Yes</p>	<p>1. People in accelerated procedure get all those information which are available in the normal procedure. There is also provided information on the possibility of appeal and its deadline.</p> <p>2. Judicial review are available in accelerated procedures. The deadline for appeal to the second instance is 7 days. Deadline for appeal to the court is 30 days. The appeal against a decision of the instance suspend the decision until the decision of the authority of II instance. After a decision on refusal of the authority of second instance a foreigner is obliged to leave the territory within 30 days. However, when the foreigner is appealing against a decision of the authority of second instance to the court he/she may also submit a request on suspension of execution of the decision. The authority issuing decision or the court may decide on suspension of the decision.</p> <p>3. Such case should be examined within 1 month.</p> <p>4. The free of charge legal assistance covers all applicants as well as people under the procedure on withdrawal of the international protection. Some people subjected to the decision on withdrawal of the international protection or supplementary protection are excluded from the free of charge legal assistance on the basis of the income criteria. The free of charge legal assistance covers: - The preparation of the appeal against the decision - The legal representation</p> <p>5. In case of the decision issued by the I instance authority the decision becomes final after 14 days since delivery of the decision unless person appealed against the decision to the authority</p>

			of II instance. In case of the decision issued by the authority of II instance the decision becomes final since delivery of the decision.
	Slovak Republic	Yes	<p>1. Every person (including those whom the accelerated procedure is applied to) is immediately after the submission of an application for asylum or subsidiary protection informed of his/her rights and duties. This information is handed over in written in the language s/he supposedly understands. In case this information in such language is not available in written, it will be orally interpreted to him/her before the first act in asylum procedure is carried out. Slovak legislation also provides a 15-day time limit for such information since the application submission. Within this time limit a person has to be informed at the latest.</p> <p>2. Against such a decision an administrative appeal can be made at the regional court up to 20 days from the deliverance of decision. Submission of an administrative appeal does not have a suspensive effect, if the court does not decide otherwise. This means the court can grant the decision a suspensive effect. A proposal for granting a suspensive effect needs to be submitted to the administrative court together with the administrative appeal.</p> <p>3. Yes- regional courts have a time limit of 90 days since lodging of the administrative appeal for making a decision on this appeal. Against such decision it is possible to submit a cassation complaint to the Supreme Court of the Slovak Republic (SR) within a one-month time limit since the notification about the decision of the regional court of the subject. A cassation complaint does not have a suspensive effect. However, on the proposal of the complainant or the omitted complainant, the Supreme Court of the SR can grant, by its resolution, a suspensive effect to the cassation complaint, if the legal consequences of the contested decision of the regional court would cause a serious harm and granting of the suspensive effect is not in conflict with the public interest. The time limit for the decision on cassation complaint is up to 60 days since the submission of the matter to the regional court.</p> <p>4. With regards to the accelerated procedure, according to the Slovak legislation, the applicant is entitled to free legal counselling since s/he has been notified about the decision of the first instance administrative body. From this moment s/he is entitled to free legal counselling during</p>

			<p>the whole subsequent procedure. In practice, however, applicants can get free legal counselling during the whole procedure. This is provided by NGOs which have access to reception centers.</p> <p>5. The Slovak legislation does not define the term “final decision“. However it works with “the enforceability of the decision”. The decision is enforceable when it is no more possible to appeal the decision or when the decision has no suspensive effect. In practice, however, final decisions in the asylum procedure are those decisions that are no more appealable at the court by any ordinary appeal.</p>
	<p>Spain</p>	<p>Yes</p>	<p>1. The information about the rights and obligations is provided as in territory procedures (ordinary procedures): the asylum seeker is read his or her rights by the interviewer and translated by the interpreter. After, the applicant is asked to sign a piece of paper to acknowledge that he or she is aware of their rights as asylum seekers.</p> <p>2. The asylum seeker whose application is rejected can lodge a judicial appeal. This appeal must be lodged within two months since the notification of the decision of the competent authority. It is possible to ask for precautionary measures to avoid being expelled. If the asylum seeker requests for this measure, the court must decide within five days since the appeal is lodged. This is an extremely urgent procedure in which it is not compulsory to hear the other part of the procedure (the Administration). Thus, the court decides hearing exclusively the arguments of the asylum seeker.</p> <p>3. If the asylum seeker requests precautionary measures, the court must decide whether the applicant should be expelled within a deadline of five days.</p> <p>4. Legal assistance is compulsory throughout the whole border procedure.</p> <p>5. In a border procedure, the Administration only decides on the admissibility or inadmissibility of the application.</p>



Sweden

Yes

1. As mentioned under previous question, a person requesting asylum at the Swedish border crossing does not remain at the border or in a transit zone, but is referred to contact the SMA. SMA then informs the applicant orally, but also provide he/she with information leaflets on the asylum procedure and other relevant topics (such as the Dublin procedure, accommodation and detention). Information is also available in various languages and accessible through the SMA's web portal.

2. A decision regarding expulsion within the accelerated procedure may be enforced immediately when the application for a residence permit has been refused or rejected by the SMA. If an appeal is lodged against the decision, the second instance, the migration court should examine whether the enforcement of the deportation order temporarily should be suspended or not. The decision on expulsion may not be enforced before that examination has been done by the Migration court. A deportation order concerning an unaccompanied minor may never be enforced before one week has passed after the day the child has been notified about the decision. An appeal must be filed within three weeks from the date on which the appellant received the decision. The appeal has suspensive effect during the time a migration court examines whether the enforcement of the deportation order temporarily should be suspended or not. If the court rules that there should be no suspension should the expulsion order be carried out. If there is no appeal lodged against the decision there is no suspensive effect.

3. No

4. A public counsel payed by the state should be appointed in connection with the launching of the asylum application if it is likely that applicant will face an expulsion order. However, if it could be assumed that the need for assistance is missing, a public counsel will not be appointed. In the accelerated procedure there is normally no need for assistance from a public counsel. Unaccompanied children should always, during the entire accelerated procedure, be entitled to a public counsel.

5. A decision that no longer can be appealed against (gained legal force).

	United Kingdom	Yes	<p>1. All asylum claimants are provided with a Home Office leaflet explaining their rights and responsibilities at the point of claim. During the asylum process, all claimants are entitled to legal representation. Subject to a means and merits test, publicly funded legal representation is made available for those who need it in all asylum cases.</p> <p>2. The UK does not currently operate statutory accelerated asylum procedures or border asylum procedures. In principle, legislation provides a right of appeal against the refusal of asylum in all cases (under section 82 of the Nationality, Immigration and Asylum Act 2002). Notice of the appeal must be given to the First-tier Tribunal (Immigration and Asylum Chamber) not later than 14 days after the appellant is sent notice of the decision against which it is brought. Either party may appeal against the First-tier decision to the Upper Tribunal, subject to obtaining permission from either. There are 2 tiers of onward appeal rights, with permission from the courts. The appeal is suspensive of removal until it is finally determined, withdrawn or abandoned. The state may restrict or remove the right of appeal in certain cases. • If the state considers that the claim is bound to fail on appeal, it may certify that the claim is clearly unfounded. If the claim is certified in this way, the claimant may not appeal in the UK (section 94 of the 2002 Act). There is a statutory assumption that asylum claims from nationals of certain specified countries are clearly unfounded unless the claimant can demonstrate the contrary in the individual case. The time limit for appealing is 28 days after departure. • In the case of a repeat claim, the state must consider the new material but may then decide that there is no fresh claim, either because the substance of the new material was previously considered or because the new material did not create a realistic prospect of success on appeal. In such a case there is no claim, no decision to refuse a claim and consequently no right of appeal. Paragraph 353 of the Immigration Rules. • Where a claim is late – that is, where it could reasonably have been raised in the context of a previous appeal or in response to a statutory request from the state to provide all reasons for remaining in the UK – the state has discretion to certify to this effect under section 96 of the 2002 Act. In such a case there is no right of appeal. The statutory appeals framework is complemented by the common law principle of judicial review. All administrative decisions by public officials are subject to the supervision of the courts, whether or not there is a statutory right of appeal, and anyone with a sufficiently close interest in such a decision may apply for judicial review. By law such an application does not suspend removal but the state has undertaken that it will not usually attempt removal where an application for judicial review</p>
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			<p>has been made and is not yet decided. The policy retains the non-suspensive effect of judicial review in certain cases, however, including in England and Wales cases in which an appeal or judicial review claim on the same grounds was determined less than 6 months previously, and cases in which a removal by charter flight has already been arranged. The court can also order that removal must not take place in a particular case. Such an order will always suspend removal. An application for judicial review should be brought within 3 months of the decision under challenge. To proceed with an application, the applicant will require judicial permission. In practice, the courts will rarely grant permission for judicial review of a decision against which there is or was a statutory right of appeal. Where permission is granted, removal is suspended until judgment is given.</p> <p>3. The courts and tribunals are not subject to time limits for decision making. It is open to either party to make an application to the court for the case to be expedited.</p> <p>4. All asylum claimants are provided with a Home Office leaflet explaining their rights and responsibilities at the point of claim. During the asylum process, all claimants are entitled to legal representation. Subject to a means and merits test, publicly funded legal representation is made available for those who need it in all asylum cases.</p> <p>5. A decision maker on behalf of the Secretary of State will make a finding on fact and make a decision on the asylum application. The applicant if their claim is not certified they will have 14 days to submit an appeal to the independent First-tier Tribunal (Immigration and Asylum Chamber), see point 8. Additionally, at any stage whilst the applicant is in the UK they may provide additional information in support of their claim for protection which will be considered before any removal.</p>
	<p>Norway</p>	<p>Yes</p>	<p>1. NO EMN NCP will not respond to this query, as Norway is not bound by the Directive 2013/32/EU of the European Parliament and of the Council on common procedures for granting and withdrawing international protection, including those concerning the accelerated and border procedures.</p>

			<p>2. See above</p> <p>3. See above</p> <p>4. See above</p> <p>5. See above</p>
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