



Policies and practices regarding border procedures in EU+ countries

This document comprises information based on data shared with EASO by the EU+ countries (EU28, NO and CH) in the frames of [EASO Early Warning and Preparedness System \(EPS\)](#), as well as information available on the [EASO Information and Documentation System](#) Portal in regards to the organization of border procedures in EU+ (Overview Table 1, p. 13). In addition to information pertaining to trends and developments in 2018, the document includes summative insights on the border procedure from the [EASO Annual Reports on the situation of Asylum in the European Union](#) for the years 2014-2017. For the reader's review, the full texts of the respective sections of the EASO Annual Reports, 2014-2017, are provided as attachments at the end of this document.

Background and context

Many applications for international protection are made at the border or in a transit zone of a Member State prior to a decision on the entry of the applicant. In line with the [recast APD](#), Member States have the possibility to conduct admissibility procedures in those areas to establish whether an application is admissible and should be further determined with regard to the merits of the claim. *Member States also have the possibility to conduct substantive examination procedures at the border or in the transit zone¹.*

Overall, in addition to regular substantive examination procedures, where the merits of the application in terms of international protection are determined to establish whether a form of protection should be granted or not, the EU asylum *acquis* significantly clarifies and strengthens the different procedural modes, in which an application for international protection can be processed, as well as the procedural consequences deriving from the examination of a claim in one or another mode (i.e. lack of automatic suspensive effect). Those procedural modes are:

- ✓ *admissibility procedures* – MS may decide under certain clearly defined circumstances whether the case is admissible and only if that is the case, the application will be further examined with regard to its protection merits;
- ✓ *border procedures* – MS may decide at the border/transit zones to examine the admissibility of the claim or its substance before granting the right to enter on the territory (however, if no decision is taken within 4 weeks, the applicant must be granted the right to enter the territory and have his claim processed inland).
- ✓ *accelerated procedures* – the timelines in which the case is processed, i.e. shorter deadline for the decision to be reached at the administrative stage of the procedure and a shorter deadline to file an appeal. Conditions under which the examination of a claim may be accelerated are the same as for border procedures.
- ✓ *prioritised procedures* – applications examined before other, previously made applications, without derogating from normally applicable procedural time limits, principles and guarantees.

These processes are to be implemented without prejudice to an adequate and complete examination being carried out and to the applicant's effective access to basic principles and guarantees provided for in the APD. Accordingly, Member States may provide that an examination procedure in line with the basic principles and guarantees of APD be accelerated and/or conducted at the border or in transit zones.

It should be noted that procedures envisaged in the national legal frameworks may combine some of the abovementioned features at the same time, e.g. border procedures can be used for purposes of an admissibility

¹ Recast APD preamble recital 38.



procedure or for the purposes of a full examination procedure. In the former case, admissibility border procedure will not lead to a positive or negative decision on the merits of the case, but rather to the admission of the case to be examined or lack of such admission.

Application of border procedures in EU+, in 2018

Just four Member States (Spain, Belgium, Portugal and Slovakia) provided data on their application of the border procedure, according to the provisional data exchanged under the EPS framework and based on all first-instance decisions issued in 2018.² Most decisions after an examination under a border procedure were reported by Spain (2 185, 17 % of all finalized cases) followed by Belgium (677, 4 %). In relative terms, the most frequent application of the border procedure occurred in Portugal, where more than a third of the first-instance decisions related to this type of procedure (262, 34 %).

Decisions issued by main country (left) by type (accelerated, admissibility, border, normal) of procedure (right)

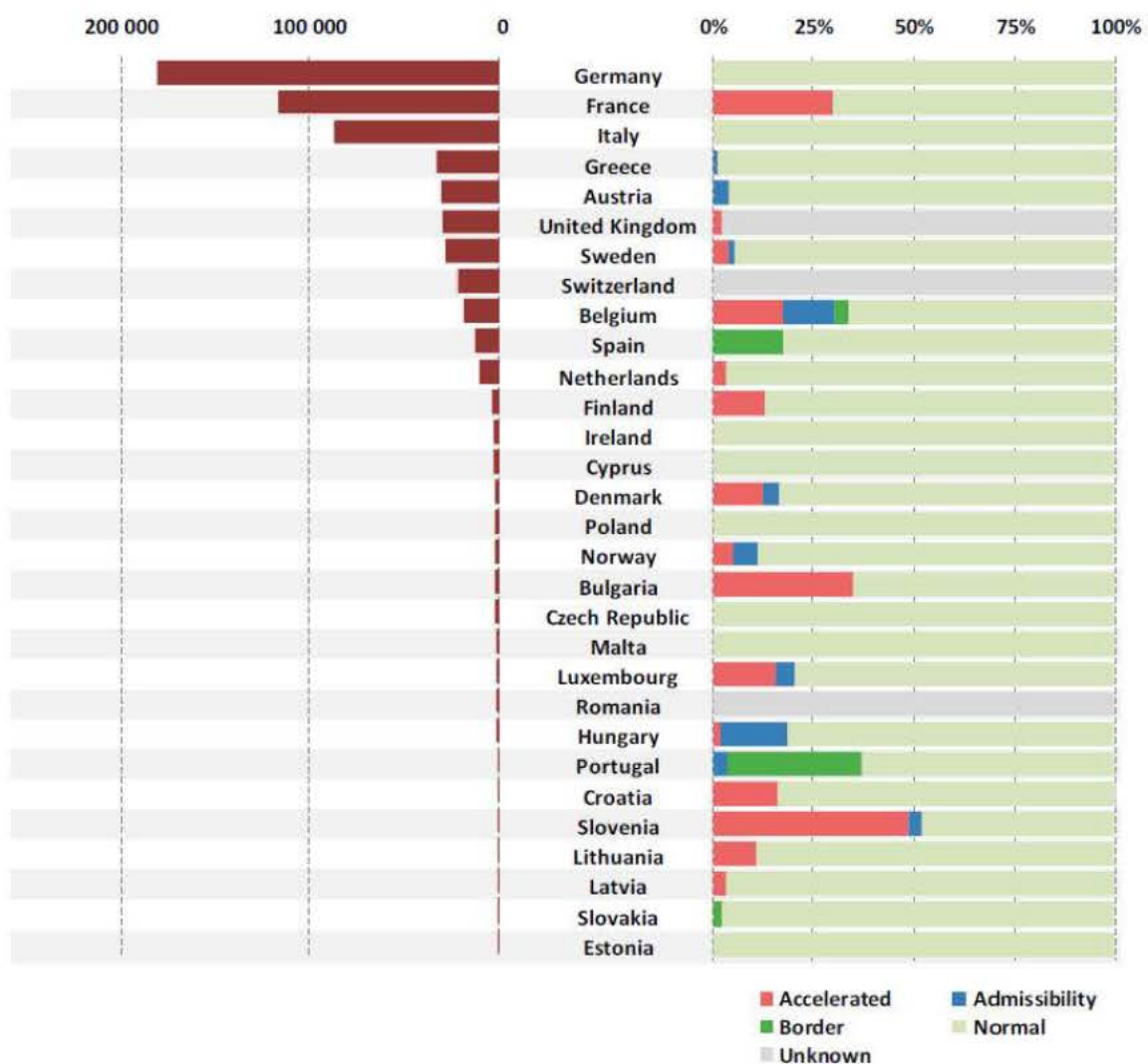


Figure 1. The numbers (left panel) and proportions (right panel) of decisions issued using special procedures varied across EU+ counties, 2018

² The data shared with EASO by the EU+ countries (EU28, NO and CH) are provisional, unvalidated data and therefore might differ from validated data submitted at a later date to Eurostat (according to Regulation (EC) No 862/2007)

Based on EASO's Information and Documentation System (IDS) other countries are also known to have border procedures or specific procedural arrangements in place. These include Austria, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, the Netherlands, Romania, Slovakia, Slovenia and Switzerland. Some of these countries may be reporting border procedures under the normal, accelerated or admissibility procedure. For example, in Greece, since 2016, a large share of asylum applications lodged in the five Greek islands with established hotspots have been examined under a special Border Procedure (Art. 60, par. 4 of Law 4375/2016) facilitating the provisions of the EU-Turkey Statement. However, under the EPS data exchange, the outcome of these cases was reported under the normal procedure (applications referred to the regular procedure mainly for vulnerability reasons or cases examined on the merits under the special border procedure) or the admissibility procedure (reflecting inadmissible decisions issued for Syrian applicants on the basis of the safe-third country concept).

According to IDS information, no border procedure is in place in Cyprus, Estonia, Finland, Lithuania, Luxembourg, Poland and Sweden. Information on the existence of a border procedure is not available for Bulgaria, Czech Republic, Denmark, Malta, Norway and the United Kingdom.

In 2018, the overall EU-regulated recognition rate at first-instance stood at **34 %** mainly driven by the recognition rate under the normal procedure (**35 %**), which was by far the most common procedure used (Fig. 2). The recognition rates for applications processed under the Border and Accelerated procedures were much lower (**12 %** and **11 %**, respectively). The vast majority of the positive decisions issued under the border procedures granted refugee status to the applicants (94 %) – however, the total number of decisions was insignificant compared to the total and reflects the relevant first-instance outcomes from just a few Member States.

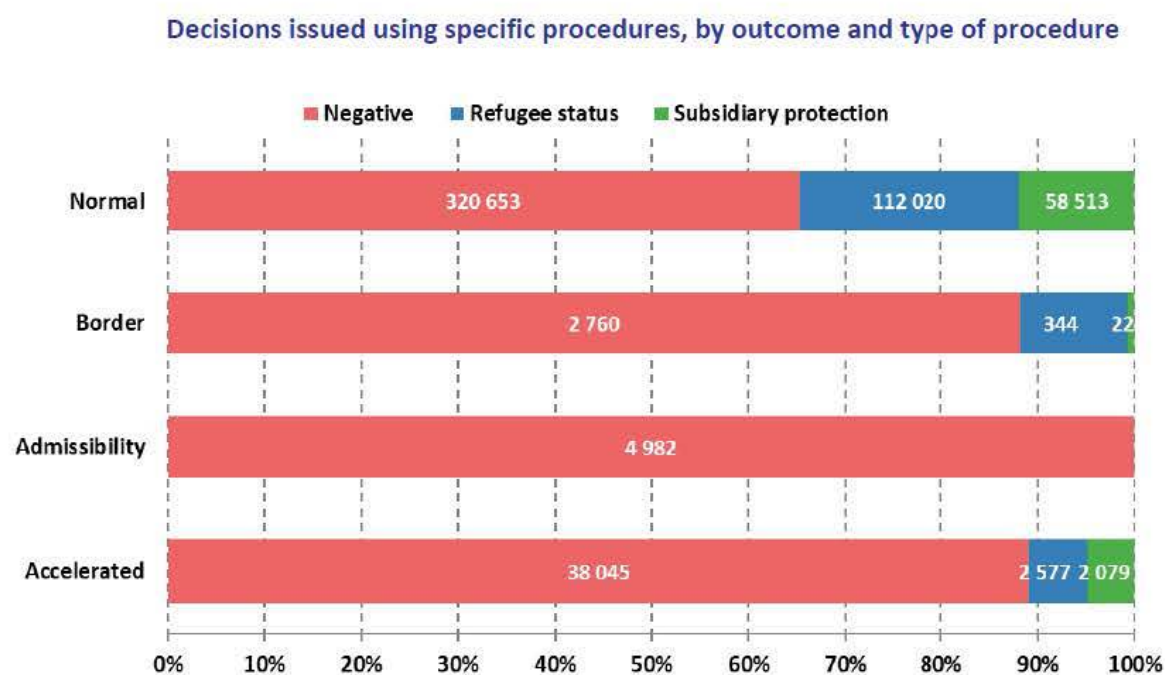


Figure 2. In 2018, majority of decisions issued using specific procedures was negative



Applications lodged at Border Control Posts (left) by type and decisions issued under border procedure (right)

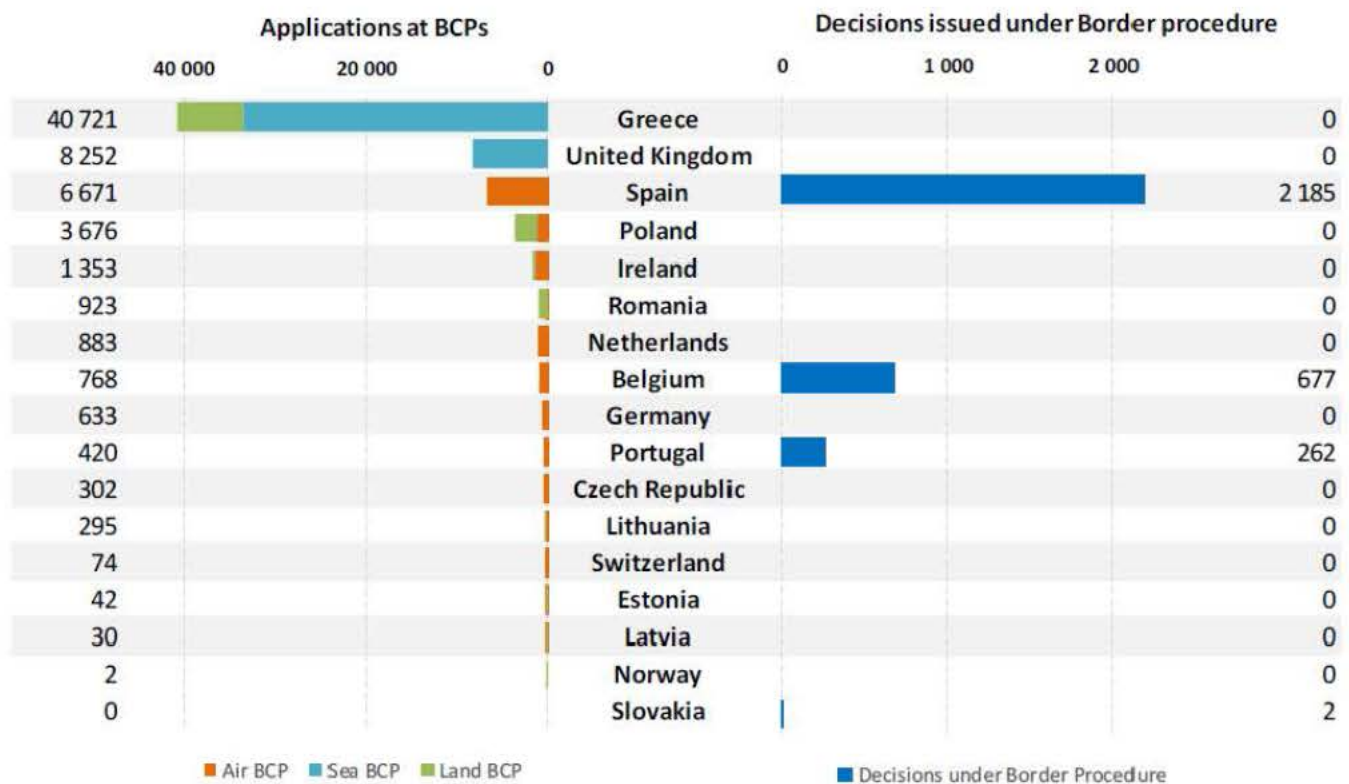


Figure 3. Most of the countries reporting asylum applications at the border do not report decisions issued under a border procedure

The EPS data exchange also includes information on the locations where applications for international protection were lodged. In 2018, a total of 17 EU+ countries reported asylum applications lodged at border locations. For all intents and purposes, these numbers provide a much better insight on how many applications were actually lodged at the border irrespective of the actual procedure used to issue a first-instance decision. For example, Greece did not report any decisions under border procedure but close to 41 000 applications were indeed lodged at land or sea border crossing points³. Evidently, some countries accept the lodging of applications at the border but report, according to the IDS, not to have a specific border procedure in place; this is the case for Poland, Lithuania and Estonia.

Of those countries who report numbers of asylum applications lodged at the borders, only four (Spain, Belgium, Portugal, Slovakia) also reported decisions issued under a border procedure.

In the following pages a review of trends and developments regarding border procedures in EU+ for the years 2014-2017 is offered, drawn from the respective sections of the EASO Annual Report on the Situation of Asylum for those 4 years. This serves to illustrate the general policy and practice changes in the years of reference.

³ Some countries report applications lodged in areas close to the border as having been lodged at BCPs.

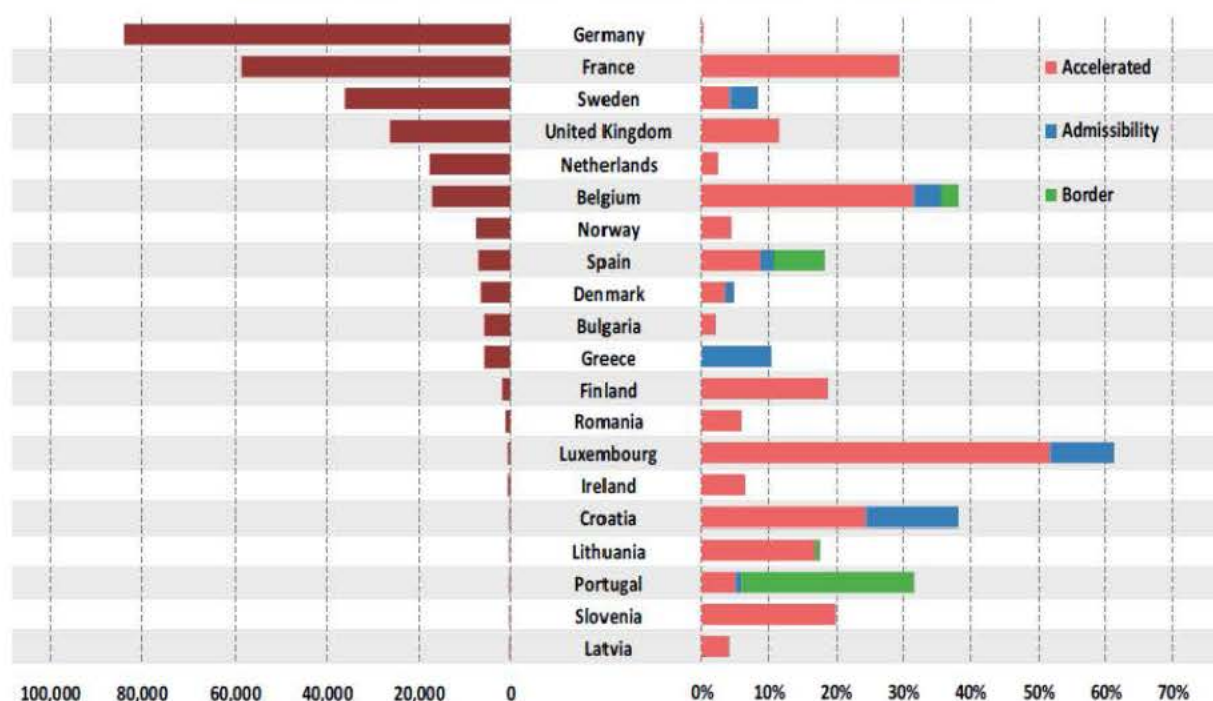
Border procedures in EU+ for the years 2014-2017

A. 2014

In 2014, developments in EU+ countries as regards procedural modes mainly concerned the issue of subsequent applications and admissibility procedures. No major developments were recorded in regards to border procedures. The use of special procedures was also closely linked to national lists of safe countries of origin and safe third countries, where Member States' practices also vary greatly.

Figure 4, shows information exchanged in the frames of the EPS data collection for the period March-December 2014, regarding the use of special procedures in decision-making. Several of the States with such procedures in law were able to provide information on the number of decisions issued at first instance since March 2014, when data collection began, disaggregated by type of procedure (normal, border, admissibility, accelerated). Only EU+ States who reported a decision issued in one of the three procedures (admissibility, accelerated or border procedure) in the reporting period are shown.

Figure 4: Special procedures vary greatly across EU+ countries, 2014
Number of decisions issued by countries and type of special procedure used



Source: EPS data, March 2014–December 2014 ⁽⁴⁾

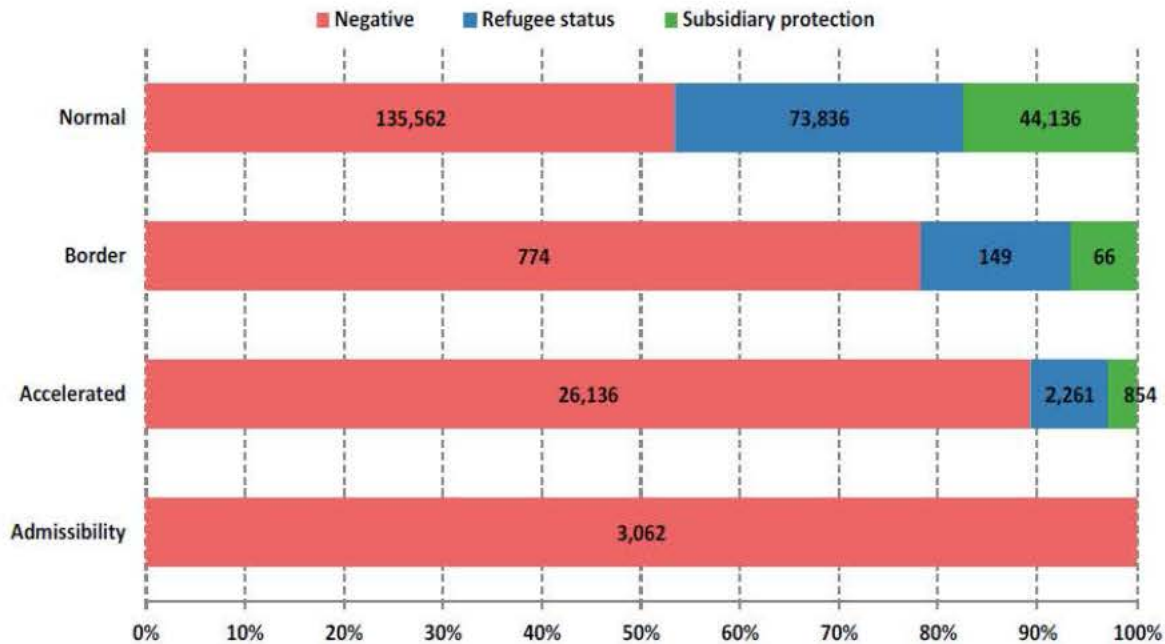
While the significant majority of decisions issued in the EU+ States using accelerated or border procedures lead to a rejection of the application in a significantly higher proportion than for decisions arrived at via normal procedures, there are cases in which international protection is indeed granted using special procedures.

⁽⁴⁾ Due to the different ways in which a border procedure can be used according to the APD, reporting States are instructed to report both admissibility and accelerated procedures used at the border as border procedures.



Figure 5 below, shows the total number of decisions, by type and outcome of procedure in EU+ countries, in 2014.

Figure 5: Total number of decisions, by type and outcome of procedure in EU+ countries, 2014



Source: EPS data, March 2014–December 2014

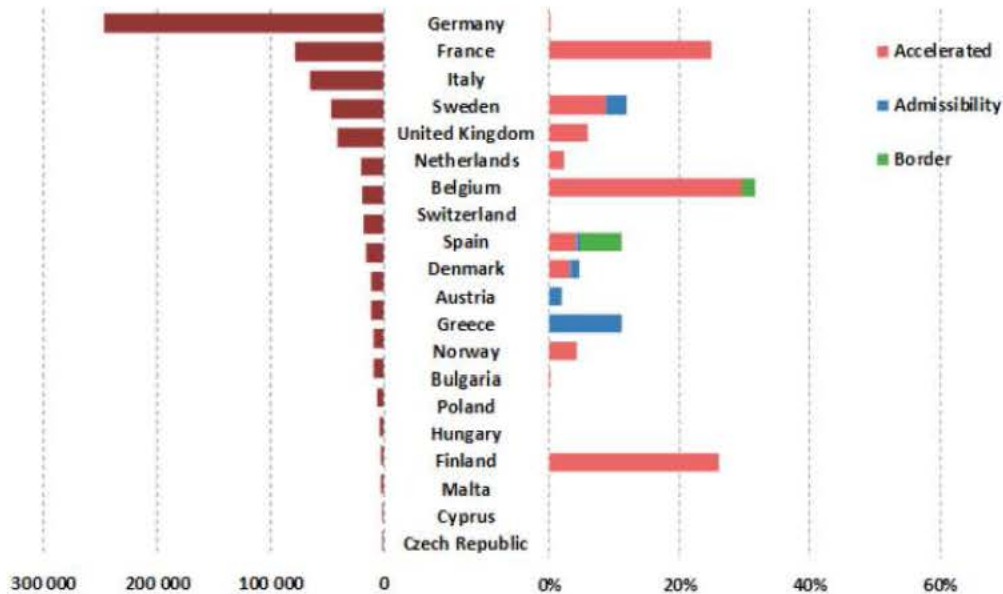
B. 2015

In 2015 a number of countries revised their practices concerning border procedure. For instance, **Hungary** introduced, along with an accelerated procedure and a list of safe third countries and safe countries of origin, a border procedure complementing the existing airport procedure, whereby if a foreigner submits his/her application before entering the country in the transit zone, the asylum authority will decide on the admissibility of the application within eight days. The **Netherlands** introduced a border procedure from 20 July 2015 for applications made at the air border (Schiphol airport). In **France**, following legislative amendments on 29 July 2015, border procedures allowed for refusing access to the territory for asylum purposes when claims were found to be inadmissible, where another Member States was responsible for examining the case according to Dublin Regulation and when the claim was found to be manifestly unfounded by OFPRA.

Figure 6, shows information exchanged in the frames of the EPS data collection for 2015 regarding the use of special procedures in decision-making.⁵ Only EU+ States that reported a decision issued in one of the three procedures (admissibility, accelerated or border procedure) in the reporting period are shown.

⁵ The reader is reminded that special procedures envisaged in the national legal frameworks may combine features pertaining to different special procedures at the same time, e.g. border procedures can be used for purposes of an admissibility procedure or for the purposes of a full examination procedure

Figure 6: Special procedures vary greatly across EU+ countries, 2015
Number of decisions issued by countries and type of special procedure used

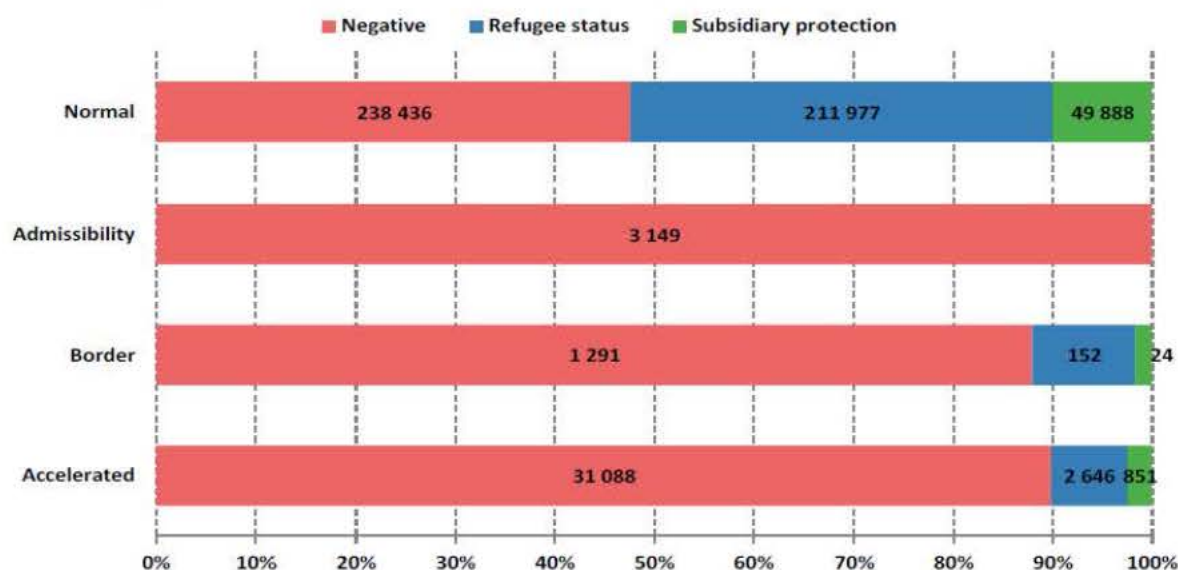


Source: EPS data, 2015

Of the 20 countries issuing most decisions, the accelerated procedure was used most often in **Belgium, Finland** and **France**, and the admissibility procedure by **Greece**. According to the EPS data collection, special procedures are used in a small proportion of all decisions issued. In 2015, the recognition rate in border procedures was 12% for the countries reporting on this indicator in the frames of the EASO EPS data exchange.

Figure 7 below, shows the total number of decisions, by type and outcome of procedure in EU+ countries, in 2015.

Figure 7: Total number of decisions, by type and outcome of procedure in EU+ countries, 2015



Source: EPS data, 2015

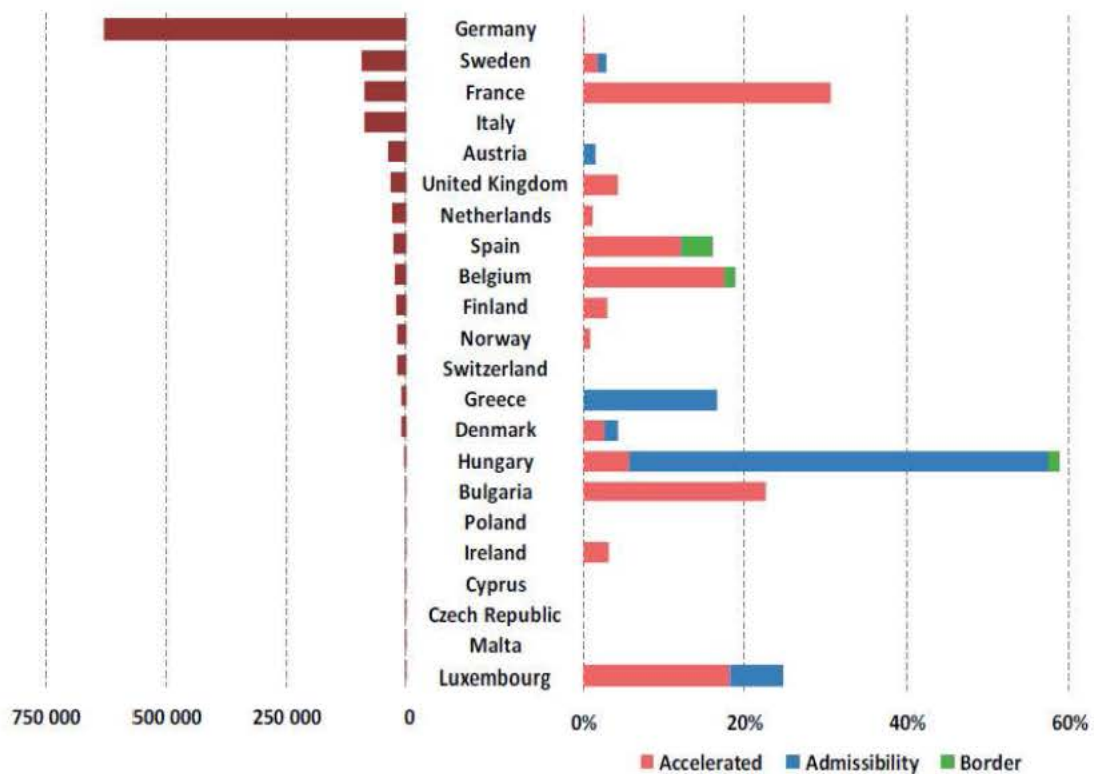
C. 2016

In 2016, highlights regarding the application of border procedures included:

- Following the EU-Turkey Statement and Law 4375/2016, new exceptional border procedures were introduced in **Greece**. Among others, if a decision on the application is not taken within 28 days from the date it was submitted, the applicant is allowed to enter and stay in the country. Where an application for international protection is rejected and an order for deportation, return or readmission is issued the execution of which is suspended by a decision of a court of law, the applicant is allowed a stay in the country until the decision on the legal remedy is taken.
- **Latvia** introduced the border procedure
- In regards to national jurisprudence, in **Spain** the Supreme Court Judgment 3571/2016 (421), of 18 July 2016, established that refusals of applications for international protection in an accelerated procedure at the border should not be assessed in a restrictive way as regards: evidence assessment, case determination and the right to appeal.

In regards to statistical trends for 2016, according to the EPS data collection, special procedures were used in a small proportion (9 %) of all decisions issued in 2016. Figure 8, shows information exchanged in the frames of the EPS data collection for 2016 regarding the use of special procedures in decision-making.

Figure 8: Number of decisions issued by countries and type of special procedure used, 2016

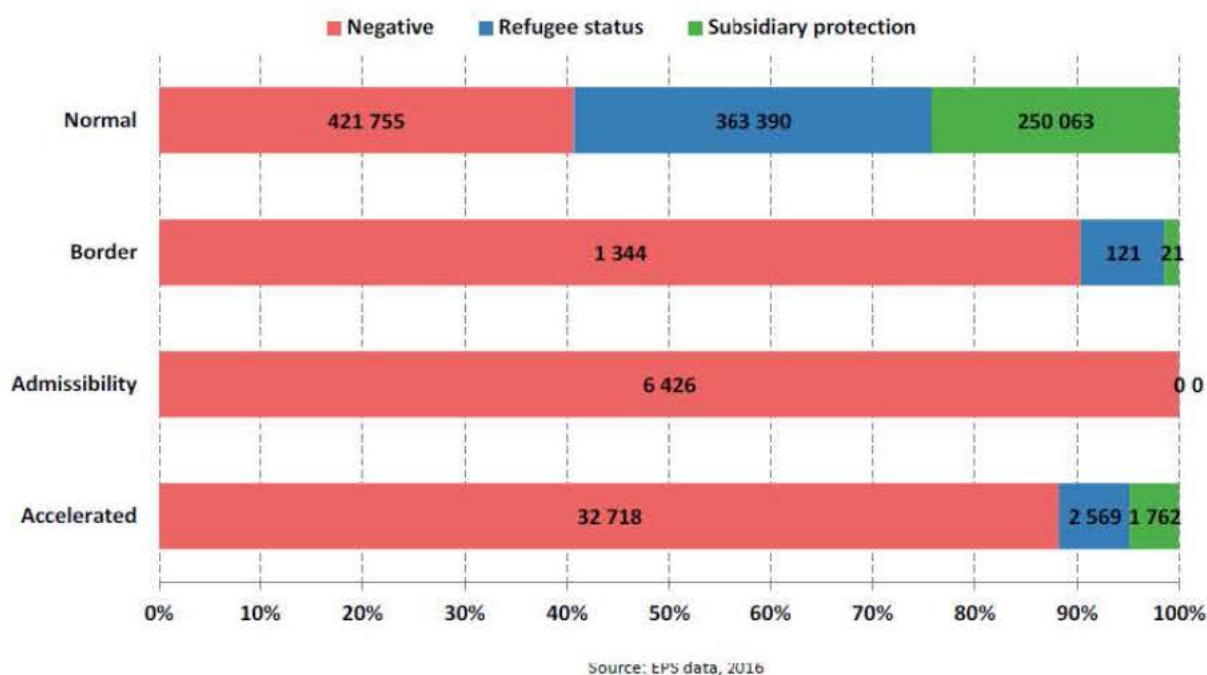


Source: EPS data, 2016

Similarly to 2014 and 2015, most decisions issued in the EU+ in 2016 using accelerated or border procedures lead to a rejection of the application in a significantly higher proportion than for decisions made via normal procedures. In 2016, the recognition rate in border procedures was 10% for the countries reporting on this indicator in the frames of the EASO EPS data exchange.

Figure 9 below, shows the total number of decisions, by type and outcome of procedure in EU+ countries, in 2016.

Figure 9: Total number of decisions, by type and outcome of procedure in EU+ countries, 2016



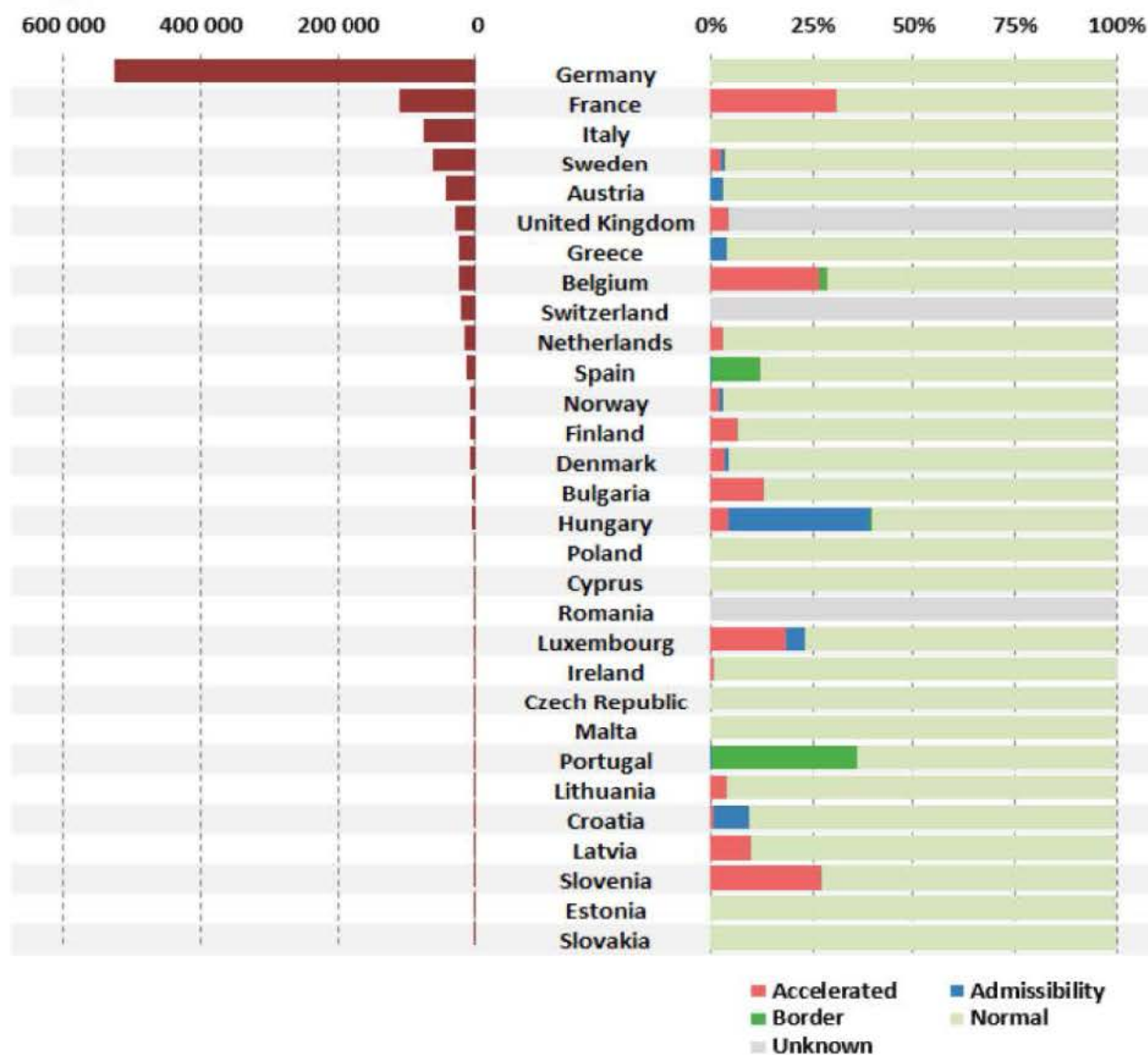
D. 2017

In 2017, highlights regarding the application of border procedures included:

- A number of EU+ countries continued transposing the APD and implementing relevant procedures with a view to addressing high numbers of applications on first instance
- A new law which was adopted in **Belgium** finetuned the accelerated procedure at the border. When the CGRA does not make a decision on the merits via an accelerated procedure or decision of inadmissibility within four weeks, the person concerned is granted access to the territory
- **Germany** established transit centres to conduct faster procedures, e.g. with regard to applicants from safe countries of origin.
- In **Spain**, the Border Procedure entailed an admissibility procedure of 72 hours, as the second phase of the process takes place regularly in the Spanish territory. The border procedure is not applicable to applications made in Migrant Temporary Stay Centres (CETI) in Ceuta and Melilla, which are considered to be made on the territory and fall under the regular procedure.
- No border procedure was introduced in **Bulgaria, Cyprus, Italy, Malta, Poland** (697) and **United Kingdom**, whereas in **Croatia, Hungary, Slovenia** the relevant procedure remained inapplicable.
- Since 28 March 2017, border procedures do not apply in **Hungary**. Instead, all applications are registered by the competent authority in the transit zones. These procedures are not considered as special once, since applications are examined according to the general rules

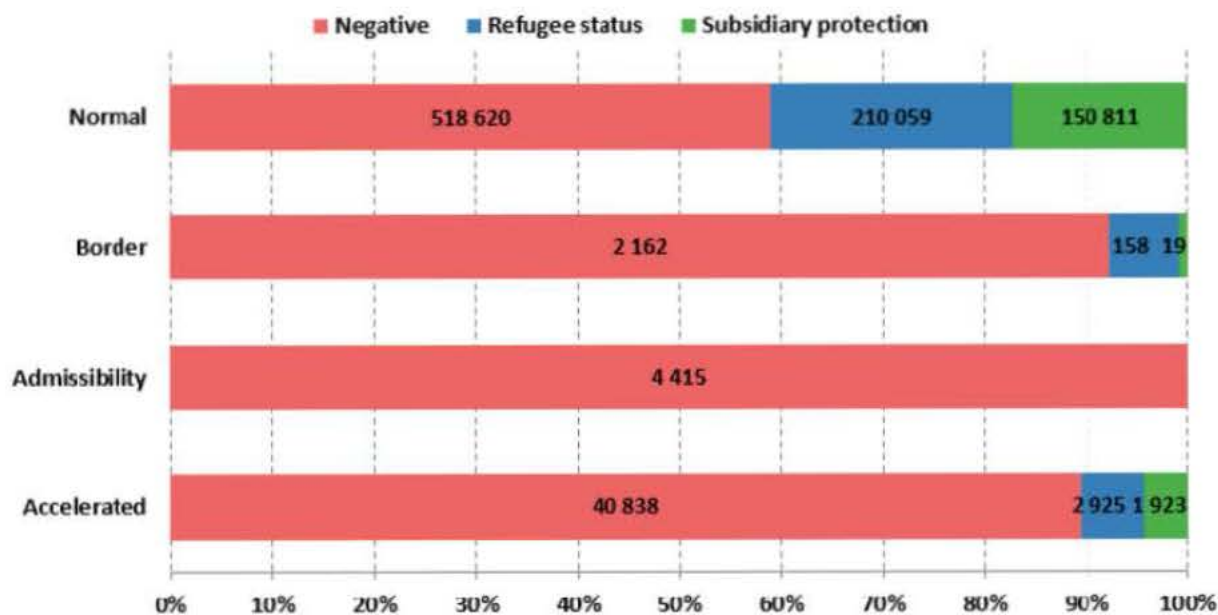
In regards to statistical trends for 2017, according to the EPS data collection, of the countries that issued more than 1,000 decisions, the border procedure was used the most in **Portugal** (36 %) and to a lesser extent in **Spain** (12 %), and **Belgium** (2 %). Figure 10, shows information exchanged in the frames of the EPS data collection for 2017 regarding the use of special procedures in decision-making.

Figure 10. Decisions issued by main country (left) by procedure (right), 2017
The proportion of decisions issued using special procedures varied across EU+ countries



Finally, in 2017, the recognition rate in border procedures was 8% for the countries reporting on this indicator in the frames of the EASO EPS data exchange. Figure 11 below, shows the total number of decisions, by type and outcome of procedure in EU+ countries, in 2017.

Figure 11: Decisions issued using specific procedures, by outcome and type of procedure in EU+, 2017
The outcome of the majority of decisions issued using specific procedures was negative



As indicated earlier in this report, the full texts of the respective sections of the EASO Annual Reports, 2014-2017, on special procedures are provided as attachments at the end of this document.

In the following pages, an overview table of the organization of border procedures in EU+ is offered, based on information available on the EASO Information and Documentation System Portal.

Overview Table 1

Border Procedures in EU+ countries

NOTE

The table below was compiled based on information available in EASO Information and Documentation System (IDS) on 25 February 2019. Sources used and dates of last update/validation of respective information are available on IDS. Please refer to IDS at <https://ids.easo.europa.eu> to access more information on policies and practices of 30 EU+ countries, including types of procedures applied, criteria of designation etc. In case of further questions, please email: ids@easo.europa.eu.

Example: <https://ids.easo.europa.eu/display/IDS/Types+of+procedures+at+first+instance+Germany>

Types of procedures at first instance Germany



Related resources

Legislation



Jurisprudence




Last Updated	Last Validated
15 May 2018	06 Aug 2011

Types of Procedures

Types	Admissibility	Accelerated	Border	Hotspots	Regular Procedure	Subsequent Application	Withdrawal of an Application
	<p>Competent Authority: n/a</p> <p>Grounds: n/a</p> <p>Procedural Aspects and Consequences: n/a</p>	<p>Competent Authority: BAMF.</p> <p>Based on section 30a of the Asylum Act the accelerated procedure can be carried out in BAMF branch offices that are assigned to reception or special reception centres (special reception centres - <i>besondere Aufnahmeeinrichtungen</i>, are set up so far only in Bavaria: in Bamberg and Manching/Ingolstadt). For more info see section on Reception.</p> <p>Grounds: When the asylum seeker:</p> <ol style="list-style-type: none"> comes from a safe country of origin has misled the authorities about his/her identity or nationality has in bad faith destroyed or 	<p>Competent Authority: BAMF</p> <p>Grounds: there is no special procedure in case of entry by land. The <i>airport procedure</i> applies in case of entry by air, and it can only be applied if: the asylum seeker can be accommodated at the airport premises and a branch office of the BAMF is assigned to the border checkpoint. This is the case in the airports of Berlin (Schoenefeld, 15 procedures in 2017), Frankfurt Main (397 procedures in 2017), Hamburg (only one procedure in 2017), Munich (31 procedure in 2017), Duesseldorf.</p> <p>Procedural Aspects and Consequences: (a) BAMF decides within two days that the application is manifestly unfounded and</p>	<p>Competent Authority: n/a</p> <p>Grounds: n/a</p> <p>Procedural Aspects and Consequences: n/a</p>	<p>Competent Authority: BAMF</p> <p>Grounds:</p> <p>(a) regular procedure;</p> <p>(b) fast-tracking procedure (<i>Direktverfahren</i>) in the arrival centres (<i>Ankunftszentren</i>): about 24 BAMF branch offices/<i>Initial Reception Centres</i> (out of 68) function as arrival centres. Some of these applicants are hosted in Transit Centres (<i>AnkerZentren</i>), where they can remain for a period of up to 24 months. Three such centres exist in Bavaria at the moment (Manching/Ingolstadt, Regensburg and Deggendorf). For more info see here in German.</p>	<p>Competent Authority: BAMF</p> <p>Grounds: a subsequent application (<i>Folgeantrag</i>) is a claim which is submitted after a previous application has been withdrawn or finally rejected.</p> <p>Procedural Aspects and Consequences: BAMF conducts a preliminary assessment of the admissibility of the application only if (according to section 51, subsection 1-3 Administrative Procedure Act, so called grounds for resumption can be applied): (a) the material or legal situation upon which the decision was based has changed in favour of the applicant; (b) or new evidence is produced; (c) or there are grounds for resumption of proceedings; and, 1. the applicant was unable to present one or</p>	<p>Competent Authority: BAMF</p> <p>Grounds:</p> <p>Implicit withdrawal</p> <p>The application for international protection is considered implicitly withdrawn if the applicant fails to provide relevant evidence or evidence without a valid reason. A formal decision to discontinue the examination will be</p>

**DRAFT****Border Procedures in EU+ countries**

- Countries, for which part of the information pertaining to the border procedure has not been validated yet, are marked with an asterisk (*)


Country	Border Procedure Specifics	Last updated
Austria* 	<p>Competent Authority: BFA</p> <p>Grounds: There is no general border procedure, but an airport procedure applies for arrivals via an airport for people asking for international protection at the airport.</p> <p>Procedural Aspects and Consequences: When a person applies for international protection after arriving at an airport where an initial reception centre (EAST) has been set up, he/she has to be transferred to this EAST, unless the BFA permits entry to the territory of Austria on the basis of the available information.</p> <p>Time-limits for decision: Applicants are refused entry to the territory and can be held at the airport EAST for maximum 6 weeks. When the BFA does not deliver its decision within this timeframe, the applicants are admitted to the territory and their case is processed according to the rules of the regular procedure.</p> <p>Personal interview: The applicant goes through a first (screening) interview according to the general rules. In the context of border procedures, Austria doesn't conduct Personal Interviews over the phone or via teleconference (Source: EASO, Conduct of asylum interviews via telephone Query, November 2018)</p> <p>Impact on the decisions: UNHCR has to be informed about the intended decision within one week - with the exception of Dublin cases, where UNHCR is not involved.</p> <p>The application may only be rejected on the following grounds:</p> <ol style="list-style-type: none"> 1. There is no substantial evidence that the person should be granted international protection and: <ul style="list-style-type: none"> • The applicant tried to mislead the BAF about his/her identity, nationality or the authenticity of his/her documents despite being informed about the consequences of such act; • The applicant has made clearly false representations regarding the reasons for persecution; • The applicant has not raised any reasons for persecution in the country of origin; • The applicant comes from a safe country of origin. 	10 December 2018





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	<p>2. The application is inadmissible as the applicant can find protection in a safe third country. The rejection on these grounds need to be confirmed by UNHCR.</p> <p><u>Impact on Dublin procedures:</u> Take back and take charge requests for Dublin cases have to be sent within one week from the decision.</p> <p><u>Impact on appeals procedure:</u> The applicant can lodge an appeal within 1 week of the BFA decision, while the Federal Administrative Court (BVwG) must decide within two weeks of the lodging of the appeal.</p>	
<p>Belgium*</p> 	<p>Competent Authority: Office of the Commissioner General for Refugees and Stateless Persons (CGRS), Border Police Section of the Federal Police and the Border Control Section of the Immigration Office.</p> <p>Grounds: The procedure is applied at the external borders or in transit zones, for persons without the required travel documents. They are refused entry to Belgium and are notified of a decision of refusal of entry and <i>refoulement</i> by the Immigration Office (so-called “Annex 11ter”). Such persons may decide to submit an asylum application, in which case the decision of <i>refoulement</i> is suspended..</p> <p>Procedural aspects and consequences The procedure itself is similar to the regular one. However, the CGRS typically treats these cases with <u>priority</u>, as applicants are <u>detained</u> in a closed centre during the examination period. Most applicants from the border are held in a specific detention centre near Brussels Airport (“Caricole”), but can also be held in a closed centre located within the national territory – but legally they are considered not to have entered the territory. Families with children are accommodated in so-called open housing units, more adapted to their specific needs, but which are legally still considered to be border detention centres.</p> <p><u>Personal interview:</u> After the Immigration Office transfers the file to the CGRS, a protection officer interviews the applicant.</p> <p><u>Time-limits to take a decision:</u> The CGRS firstly examines whether the application is admissible and whether it can be treated under the accelerated procedure. If none of these conditions apply and the CGRS decides that further investigation is necessary on the merits of the case, the applicant is allowed to enter the territory. Otherwise, the</p>	13 December 2018









	<p>applicant remains in border detention until the first instance decision of CGRS. If such decision is not taken within 28 days, the applicant is admitted to the territory.</p> <p><u>Rejection:</u> If the application is rejected, the suspension on the “decision of refoulement” falls, and the persons concerned can be removed from Belgium under the responsibility of the carrier.</p> <p><u>Impact on appeals:</u> The decision can be appealed within 10 days (or within 5 days for inadmissible subsequent applications from detention). It has a suspensive effect.</p>	
Bulgaria 	No info available on IDS	-
Croatia* 	<p>Competent Authority Ministry of Interior</p> <p>Grounds The procedure is conducted at a border crossing or in the transit zone of an airport, sea port or inland water port shall be undertaken at the border crossing or in the transit zone. The procedure is regulated by the AITP, however in practice it is not applied. (AITP, article 42).</p> <p>Procedural aspects and consequences The Ministry renders a decision on the application in a procedure at the border crossing or in the transit zone no later than within 28 days from the day the application is lodged. If within the time limit no decision is rendered, the applicant is permitted to enter the Republic of Croatia.</p> <p><u>Personal interview:</u> in the context of border procedure, no interviews take place via phone or video/teleconference systems. (Source: EASO, Conduct of asylum interviews via telephone Query, November 2018)</p> <p>Decision A decision is issued, against which a claim may be brought before the Administrative Court within 5 days from the day the decision is served.</p>	11 December 2018



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Cyprus 	There is no border procedure in Cyprus.	04 February 2019
Czech Republic 	No info available on IDS	-
Denmark 	No info available on IDS	-
Estonia 	The process is not applicable in Estonia	04 October 2018
Finland 	The process is not applicable in Finland	02 July 2018
France* 	<p>Competent Authority: Ministry of the Interior</p> <p>Grounds: For persons arriving to the French territory through airports, harbours, or other arrival areas without fulfilling the necessary entry conditions.</p> <p>Procedural Aspects and Consequences:</p>	25 February 2019



Location of the procedure: The applicants are kept in a waiting zone (zone d'attente) – this is legally not considered as administrative detention (centre de rétention) and the two types of premises should strictly be separated.

Scope of the decision: The decision in the framework of the border procedure concerns only the authorisation to enter the French territory and it does not deal with the merits of the application. Three major aspects are examined:

- whether the application falls under another Member State's responsibility under the Dublin III Regulation,
- whether the application is inadmissible,
- or whether the application is manifestly unfounded.

The OFPRA delivers its independent and reasoned opinion to the Minister of the Interior on the last two aspects, while the Dublin Unit of the Ministry of the Interior delivers its opinion on the application of the Dublin III Regulation. OFPRA's positive opinion for permitting the applicant's entry to France is binding on the Minister, except when allowing the entry is considered a serious threat to the public order.

Personal interview: The OFPRA does not conduct a personal interview with applicants whose application is considered to fall under the responsibility of another Member State in the framework of the Dublin III Regulation. In all other cases, the OFPRA interviews the applicants following the modalities and safeguards of the regular procedure. The border police informs the applicant about his/her right to be assisted by a lawyer or a representative of an authorised organisation during the personal interview. He/she also receives the list of authorised organisations and the OFPRA leaves at least half day between this notification and the interview in order to guarantee that the applicant can effectively live with this right. In the context of border procedure, no interviews take place via phone or tele/video conference. (Source: EASO, [Conduct of asylum interviews via telephone Query](#), November 2018).

Time-limits to take a decision: TCNs may be held in the waiting zone for an initial period of four days and they can apply for an authorisation to enter the territory with the purpose of lodging an asylum application during this period. The Border Division of OFPRA has two days to deliver its opinion to the Minister of the Interior, starting from the moment that the Border Police takes note in writing about the applicant's request for entry to the territory. The personal interview has to take place within this time-frame as well. The legislation does not foresee a specific deadline for the Minister's decision. Overall, applicants may be kept for maximum 30 days in the waiting zone. The competent judge (juge des libertés et de la détention) may prolong with eight days the initial four-day period, and then again with eight days in exceptional circumstances or when the applicant frustrates on purpose





the return. The time-limit automatically extends to 26 days when the person concerned applies for international protection during the six last days of the 20-day period. The time-limit also automatically extends with four additional days when the applicant lodges an appeal for annulation during the last four days of the maximum 26-day period. The competent judge is informed about this fact in both cases and can determine a shorter deadline.

Special safeguards for vulnerable applicants: The applicant is released from the waiting zone when the OFPRA considers that he/she needs special procedural guarantees which are not compatible with the border procedure, due to the fact that the applicant is a minor or that he/she has been victim of torture, rape or other serious form of psychological, physical or sexual violence. UAMs can be held in the waiting zone only in exceptional circumstances for the strictly necessary period to take a decision on their entry, either in circumstances when the accelerated procedure could automatically apply (circumstances under I. of the grounds for applying the accelerated procedure) or when the UAM has presented false identity or travel documents, has provided false evidence or has withhold information or documents concerning his/her identity, nationality or circumstances of entry in the French territory or the applicant has made several applications under different identities (the circumstance described under III./1 of the grounds for applying the accelerated procedure) or when the UAM's presence in France constitutes a serious threat to public order, public safety or national security (the circumstance described under II./5 of the grounds for applying accelerated procedure).

Decision: The Minister of the Interior authorises the applicant to enter the territory, when the application falls under the responsibility of France in the framework of the Dublin III Regulation, it is neither inadmissible, nor manifestly unfounded in the opinion of OFPRA and allowing the entry is not considered to be a serious threat to the public order. The border police issues an 8-day pass regularisation visa to the applicants allowing them to enter the territory and register their application at the GUDA.

Impact on appeals: The applicant can lodge an appeal within 48 hours from the notification of the decision and ask for the annulment of the decision from the president of the competent administrative tribunal. This appeal has a suspensive effect. The administrative tribunal decides in the appeal 72 hours from its receipt. The applicant may ask assistance from an interpreter and may also ask the tribunal to appoint a legal representative. The administrative tribunal organises a hearing, which typically takes place through video-conference and the decision is typically delivered at the end of the hearing. This decision can be further appealed at the Administrative Appeals Court within 15 days. However, this appeal has no suspensive effect.



<p><u>Germany*</u></p> 	<p>Competent Authority: BAMF</p> <p>Grounds: there is no special procedure in case of entry by land. The <i>airport procedure</i> applies in case of entry by air, and it can only be applied if: the asylum seeker can be accommodated at the airport premises and a branch office of the BAMF is assigned to the border checkpoint. This is the case in the airports of Berlin (Schoenefeld, 15 procedures in 2017), Frankfurt Main (397 procedures in 2017), Hamburg (only one procedure in 2017), Munich (31 procedure in 2017), Duesseldorf.</p> <p>Procedural Aspects and Consequences: Applicants remain in the transit area for the period of the airport procedure. The BAMF carries out the personal interview within two days after receiving the application and decides whether the applicant can enter the country or the application is to be rejected as manifestly unfounded. After the approval from BAMF, the applicant can enter the country and the application is channelled through the regular procedure.</p> <p><u>Time-limit to take a decision:</u> The total duration of the airport procedure (including the decision on a request for temporary legal protection) cannot exceed 19 days.</p> <p><u>Personal interview:</u> The BAMF carries out the interview in compliance with the standards of the regular procedure. Videoconference may also be used in the specific context of the airport procedure, allowing for the verification of the applicant's identity, but generally no interviews take place via phone. Interpreters may occasionally provide support through videoconference, but this is not typical. (Source: EASO, Policy Query (88): Conduct of asylum interviews via phone, 30 November 2018.)</p> <p><u>Impact on the appeals procedure:</u> In case of rejection, applicants remain in the transit zone and can file to the competent administrative court a request for temporary legal protection. When the administrative court grants the temporary legal protection or when it does not rule within 14 days, the TCN can enter the territory of Germany, otherwise he/she is sent back to the country of origin or to the place where their flight originated.</p>	<p>21 February 2019</p>
<p><u>Greece*</u></p> 	<p>Border procedures apply when applications for international protection are submitted in transit zones of ports or airports in the country.</p> <p>Competent Authority: The Competent Decision Authority, namely the case handler.</p>	<p>11 December 2018</p>

**Procedural aspects and consequences**

A decision on the application is taken within 28 days of its submission. Otherwise, the applicant is allowed to enter and stay in the country and his/her application is examined in accordance with the other provisions of national law. When an application for international protection is rejected and an order for deportation, return or readmission is issued, and that decision is subsequently suspended by a court, the applicant is allowed a stay in the country until the decision on the legal remedy is taken.


Personal interview: in principle, legislation provides for the interview to be conducted in person. However, under exceptional circumstances, Greek Asylum Service can conduct Asylum Interviews through teleconference. (Source: EASO, [Conduct of asylum interviews via telephone Query](#), November 2018)

Exceptional procedures in case of mass influx

In case of third-country nationals or stateless persons arriving in large numbers and applying for international protection at the border or at airport/ port transit zones:

- the notification of decisions and other procedure-related documents as well as the receiving of appeals may be conducted by staff of the Hellenic Police or the Armed Forces
- the Asylum Service may be assisted in conducting interviews with applicants for international protection as well as any other procedure, by staff and interpreters deployed by the European Asylum Support Office.
- the procedural time limits are reduced as follows:
 - Before the interview, the applicant is given 1 day limit to sufficiently prepare and to consult a legal or other counsellor who assists him/her during the procedure.
 - The examination of the appeal is carried out, at the earliest, 2 days after the submission of the appeal lodged against a decision rejecting an application for international protection
 - The time limits provided regarding the invitation of the applicant to an oral hearing, as well for the submission of a memorandum after the examination of an appeal, is 1 day.
 - Decisions on applications for international protection are issued, at the latest, the day after the interview is conducted and are notified to the individuals concerned, at the latest, the day after the day of issuance.
 - Appeals are examined within 3 days after submission. Decisions on appeals are issued, at the latest, 2 days after the day of the appeal examination or the submission of a memorandum and are notified to the individuals, at the latest, the day after the day of issuance.





	<p>Individuals falling under Articles 8 to 11 of EU Regulation 604/2013 of the Parliament and the Council as well as vulnerable persons under Article 14 paragraph 8 of this law are exempted from the procedures described.</p> <p>Legislation Law 4375/2016, article 60 (transposing article 47 ADP).</p>	
<p>Hungary*</p> 	<p>Since 28th March 2017, extraordinary procedures apply.</p> <ul style="list-style-type: none"> The authority doesn't conduct border procedures in the territory of Hungary, the provisions of the procedure in the transit zones are not met the provisions of the border procedures. The only significant changes in the legal framework in connection with special procedures are that against decisions on inadmissibility and the decisions made in accelerated procedure judicial review may be requested only within 3 days (and not 7 days) from the communication of the decision. The procedures in the transit zones in Hungary are not special procedures, sine the authority examines the applications according to the general rules. If the applicant leaves the territory of the transit zones, the authority may terminate the procedure. <p>Regular Border Procedure There are two types of border procedures: (a) the so called "airport procedure" and (b) the procedure in transit zones. Both procedures cannot be applied in case of persons with special needs. However, given the general absence of a mechanism to properly identify vulnerability, the authorities only establish the existence of special needs for persons with clearly visible vulnerabilities, thereby leaving asylum seekers with trauma or mental health problems or victims of trafficking to be processed in the border procedure.</p> <p>Airport procedure The airport procedure is regulated in Section 72 of the Asylum Act and Section 93 of Decree 301/2007. The procedure is also handled by the OIN. Although there are approximately 100 to 200 asylum applications submitted at the airport each year, the airport procedure is rarely applied in practice. As of July 2013, applicants who have made an asylum application in the airport procedure are detained in asylum detention. However, asylum seekers may not be held in the holding facility at the Budapest international airport transit zone for more than 8 calendar days. If the application is not deemed inadmissible or manifestly unfounded in the admissibility procedure or no decision has been taken after 8 days, the asylum seeker has to be allowed entry into the country and a regular procedure will be carried out.</p>	17 April 2018





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	<p>Procedure in the transit zones</p> <p>The border procedure in transit zones was introduced in September 2015 due to high influx. The transit zones were established at Serbian and Croatian borders. The transit zone is where immigration and asylum procedures are conducted and where buildings required for conducting such procedures and housing migrants and asylum seekers are located. Asylum seekers could be held there for a maximum period of 4 weeks.</p> <p>The border procedure is a specific type of admissibility procedure; therefore the assessment of the claim is limited to a limited set of circumstances, in most cases to the sole fact whether the applicant entered Hungary from a safe third country. The applicant's actual need of international protection is not assessed at all in the border procedure. The OIN has to deliver a decision within a maximum of 8 calendar days. In the cases directly witnessed by the HHC, the OIN actually delivers an inadmissibility decision at the transit zone in less than an hour. Such speedy decision-making gives rise to evident concerns regarding the quality and the individualisation of asylum proceedings as required by EU law and the application of even the most basic due process safeguards.</p> <p>In parallel with the inadmissibility decision, the OIN also immediately expels the rejected asylum seeker and orders a ban on entry and stay for 1 or 2 years. This ban is entered into the Schengen Information System and prevents the person from entering the entire Schengen area in any lawful way.</p> <p>The law provides that the asylum seeker: "[A]fter being informed [about the application of the safe third country notion in her/his case can, without delay and in any case not later than within 3 days, make a declaration concerning why in her/his individual case the given country cannot be considered as safe."</p>	
<p>Ireland</p> 	<p>It is possible to make an application for refugee status at borders.</p> <p>The immigration officer at the border interviews the applicant in order to take the initial details of the asylum claim and then refers the application to the International Protection Office.</p> <p><u>Personal Interview:</u> in the context of border procedure, Ireland does not provide the possibility to held the interview by phone or via video/teleconference systems. (Source: EASO, Conduct of asylum interviews via telephone Query, November 2018)</p>	11 December 2018
<p>Italy*</p> 	<p>Competent Authority: in 2019 the Ministry of Interior has planned to introduce 5 new Territorial Commission for International Protection section near borders and transit zones (the position has to be decided by a Decree).</p> <p>Grounds: Border procedure applies when the applicant submits an application for international protection at the border or in transit areas after being stopped for elusion or attempt to elude border controls.</p>	05 February 2019





	<p>Procedural Aspects and Consequences: In this case applicants receive a decision within 2 days from the interview and within 7 days from the submission of the documents. (Source: Republic of Italy, Senate, Dossier on DL 113/2018, November 2018)</p>	
<p>Latvia*</p> 	<p>Procedural aspects and consequences</p> <p>The State Border Guard submits the information regarding the asylum seeker at its disposal, the information obtained in the <i>negotiation</i> and the <i>initial interview</i>, and the application to the Office of Citizenship and Migration Affairs within two working days, if the application has been submitted at the border crossing point or in the border crossing transit zone, and there are grounds for assuming that any of the conditions to leave the application without examination exist.</p> <p>A decision to accept the application for examination or to leave it without examination is taken by the Office of Citizenship and Migration Affairs. The decision is issued within five working days upon receipt of the aforementioned documents by the State Border Guard.</p> <p>If the application has been submitted at a border crossing point or in the border crossing transit zone and the issue regarding acceptance of the application for examination or leaving without examination is being decided, the State Border Guard ensures corresponding and appropriate support to the asylum seeker who has special procedural or reception needs so that he or she could exercise the rights laid down in the Asylum Law and comply with the obligations laid down in the Asylum Law during the asylum procedure.</p> <p><u>Personal interview:</u> In the context of border procedures, Latvia doesn't conduct personal interviews over the phone or using video/teleconference system (Source: EASO, Conduct of asylum interviews via telephone Query, November 2018)</p> <p>A decision to leave the application of an unaccompanied minor without examination, if a country, which is not a Member State, is regarded as the safe third country for the asylum seeker, may be taken, if it conforms to the best interests of such minor. Asylum Law, Section 30.</p>	11 December 2018
<p>Lithuania*</p> 	<p>Competent Authority: Migration Department (<i>Migracijos Departamentas</i> – 'MD')</p> <p>Procedural Aspects and Consequences: There is no special procedure in case asylum application is lodged at the border control point.</p>	11 December 2018




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	<p>As in the regular procedure, within 48 hours it would be decided which type of procedure will be applicable (to examine in substance, accelerated procedure or not to examine in substance).</p> <p>If it will be decided not to examine in substance (except Dublin cases) or review it in accelerated procedure, an applicant won't be allowed to enter territory and he/she will be accommodated at the border or transit zone.</p> <p>If a final decision is not taken within 28 days (e.g. appeal procedure at the court continues), MD issues a decision to permit an applicant's entry into the territory of the Republic of Lithuania.</p> <p><u>Personal interview:</u> In the context of border procedures, Lithuania doesn't conduct Personal Interviews over the phone or via tele/video-conference (Source: EASO, Conduct of asylum interviews via telephone Query, November 2018)</p>	
<p>Luxembourg*</p> 	<p>Competent Authority: Directorate of Immigration, Asylum Unit & Airport Control Service</p> <p>Grounds: Luxembourg International Airport is the only external border. In case an application for international protection is presented to an officer at the Airport Control Service, registration of this application takes place within six working days following the presentation of the application.</p> <p>Procedural Aspects and Consequences: The Law of 18 December 2015 on international protection and temporary protection introduces a guarantee in terms of access to the procedure by specifying that "the officers receive all relevant information from the minister as well as training required for the performance of their duties, responsibilities and instructions, so that they can provide applicants with information on where and how the application for international protection may be introduced."</p> <p>Once the application is registered and introduced, it is up to the Directorate of Immigration, Asylum Unit, to decide if the application will be treated as a normal or an accelerated procedure.</p> <p><u>Personal interview:</u> In the context of border procedures, Luxembourg doesn't conduct Personal Interviews over the phone or via tele/video-conference (Source: EASO, Conduct of asylum interviews via telephone Query, November 2018)</p>	04 December 2018
<p>Malta</p> 	No info available on IDS	-






<p>Netherlands*</p> 	<p>Competent Authority: IND</p> <p>Grounds: Entries by boat or plane from non-Schengen countries.</p> <p>Procedural Aspects and Consequences: Asylum claims at the border are taken by the KMar (<i>Koninklijke Marechaussee</i> – Royal Netherlands Marechaussee). The KMar postpones the decision on entry to the Schengen area. The asylum claim is processed in a border procedure (in accordance with the EU Asylum Procedures Directive), during which the asylum seeker is detained near Schiphol Airport. Families with minor children are not detained or refused entry in the country, and get transferred to an open Application Centre (unless there are indications that the applicant is involved in human trafficking or when there is a doubt about the family relationship between an adult and a minor). Applicants must register their application at the closed Application Centre (AC) in Schiphol airport (for more information on border detention, see section on Detention). In accordance with the Asylum Procedures Directive, the maximum duration of the border procedure is 4 weeks. After the first hearing, the IND can decide that the application cannot be handled in the border procedure, and redirects the applicant into the regular one, if the identity, nationality and origin of the applicant have been sufficiently established and: (a) the asylum seeker is likely to fall under a temporary “suspension of decisions on asylum applications and reception conditions for rejected asylum seekers” (<i>Besluit en vertrekmoratorium</i>); (b) the asylum seeker originates from an area where an exceptional situation as referred to in Article 15(c) of the recast Qualification Directive is applicable; (c) there are other reasons to grant an asylum permit. If the examination takes longer than 4 weeks, detention is lifted and the applicant is allowed into the territory and channeled into the regular procedure. In the border procedure, the IND can reject the asylum claim as: (a) Dublin case; (b) inadmissible; or (c) manifestly unfounded. An asylum seeker is allowed into the territory and channelled into the regular procedure as soon as the IND decides that the application can not be rejected on the above mentioned grounds.</p> <p>Personal Interview: in the context of border procedures Netherlands allows no interviews via telephone or tele/video-conference. (Source: EASO, Policy Query (88): Conduct of asylum interviews via telephone, 30 November 2018)</p> <p>Are exempted from the border procedure: (a) UAMs, (b) families with children, (where there are no counter-indications such as a criminal record or family ties not found real or credible), who are transferred to an open Application Centre; (c) persons for whose individual circumstances border detention is disproportionately</p>	<p>11 December 2018</p>
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	burdensome; (d) persons who are in need of special procedural guarantees on account of torture, rape or other serious forms of psychological, physical and sexual violence, for whom adequate support cannot be ensured.	
Norway 	No info available on IDS	-
Poland 	The process is not applicable in Poland	26 July 2018
Portugal* 	<p>Competent Authority: National Director of SEF</p> <p>Procedural Aspects and Consequences Asylum seekers submitting applications at border points remain in the international area of the port or airport while awaiting to be notified of the National Director of SEF's Decision on Stage I of the asylum procedure. Unaccompanied or separated minors are subject to special conditions, in accordance with internationally recommended terms, in particular by UNHCR , UNICEF and the International Committee of the Red Cross. SEF shall communicate the filing of the application for international protection to the representative of UNHCR and to the CPR as a non-governmental organization acting on behalf of applicants, which may interview the applicant if they so wish.</p> <p>The applicant is informed in writing, in a language which he understands or is reasonable to presume he understands, of his rights and obligations and provides 'declarations/claim' that are valid as a prior hearing. SEF national director issues a reasoned decision on the application within a maximum period of seven days. The decision is notified in writing to the applicant with information on the jurisdictional rights of the applicant, in a language which he understands or is reasonable to presume he understands and is communicated to the representative of UNHCR and to the CPR.</p> <p>Personal interview: In the context of border procedures, Portugal doesn't conduct Personal Interviews over the phone or via tele/video-conference.</p> <p>If the Director issues</p>	04 December 2018




	<ul style="list-style-type: none"> A positive decision on stage I of the asylum procedure, the asylum seeker is allowed to enter the country and passes to inquiry stage. SEF issues a temporary residence permit, valid for a period of six months from the date of decision of admission of the same, renewable until final decision, or until the period established therein has expired. Applicants must return to point of departure, or, if this is impossible to the country where the travel documents used for the journey was issued or to a safe third country. <p>Decision <i>may be challenged in the administrative courts</i> within 72 hours with suspensive effect. The interested party enjoys the benefit of legal protection by applying, with due adaptations, the legal regime established for the appointment of defendant for urgent proceedings, and may also request the expedited appointment of an agent, under conditions established by a cooperation protocol concluded between the member of the Government responsible for the area of internal administration and the Bar Association</p>	
Romania* 	<p>Competent Authority The General Inspectorate for Immigration Border procedures are applicable to airports, sea and land borders and decisions within the border procedure concern both permission to enter and the substance of the application.</p> <p>Exemptions UAMs</p> <p>Procedural Aspects and Consequences A decision on the application is taken within 3 days of its submission.</p> <p><u>Personal Interview:</u> In the context of border procedures, Romania doesn't conduct personal interviews over the phone or via teleconference Appeals against decisions made within the border procedures can be lodged within 2 days, while decisions on appeals are to be made within 5 days. In addition to reduced time limits, it is only possible to lodge a single appeal against a decision made within border procedures.</p>	11 December 2018
Slovakia* 	<p>Slovak Republic does not have specific border procedures (applied at the border or in transit zone) as prescribed in APD directive.</p> <p>However, a specific procedural arrangements will be applied if a person who enters the territory of the Slovak Republic by air, fails to comply with the conditions of entry but applies for asylum shall be placed in a transit</p>	22 April 2018




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	<p>centre. The transit centre is located in the transit area of an international airport or in a delimited area at another asylum facility (in Humene) where the applicant is placed if he/she cannot be placed in the transit area of an international airport. The placement at the transit centre is not considered to be an entry and permission to stay in the Slovak Republic.</p> <p>The Migration Office of the Ministry will terminate the placement of an applicant in the transit centre and transfer him/her to the reception centre if: it does not issue a decision on (non)granting the asylum within seven days since filling in a set form = annex II (i.e. execution of the interview), or the Court issues a decision in the asylum procedure within 30 days since lodging an appeal against the decision of the Migration Office of the Ministry. It may also be terminated because of humanitarian reasons, i.e. due to medical conditions (in those cases applicants are placed in reception centres).</p>	
<p>Slovenia*</p> 	<p>Competent Authority MOI - International Protection Procedures Division</p> <p>Grounds This procedure applies to persons expressing the intention to file the application while staying in a transit area of an airport or aboard a ship anchored in a harbor or seaport.</p> <p>Procedural Aspects and Consequences <i>Preliminary Procedure:</i></p> <ul style="list-style-type: none"> • The applicant expresses his intention to any state body or body of a self-governing local community in the Republic of Slovenia, who informs the police. • The person is referred to the police, which shall determine its identity and the way in which it came to the Republic of Slovenia, and complete the registration document. • Upon completion of this procedure, the competent authority shall, upon arrival at the asylum home, inform him/her on the asylum procedure, including information on the consequences of the arbitrary departure of the reception areas in an understandable language. The applicant signs the relevant form that information was provided. • Before carrying out a further procedure, the person performs a sanitary-disinfection and preventive medical examination. • In order to identify and verify the identity and implementation of Regulation 767/2008 / EC and Regulation 603/2013 / EU, an official takes photographs and fingerprints 	11 December 2018




	<p>Personal interview: In the context of border procedures, Slovenia doesn't conduct Personal Interviews over the phone or via tele/video-conference. (Source: EASO, Policy Query (88): Conduct of asylum interviews via telephone, 30 November 2018)</p> <p>The competent authority after the preliminary procedure receives the application and decides on it in the shortest time possible, but <u>no later than within 14 days</u>.</p> <p>Until a decision is taken in the accelerated procedure or the decision issued as part of the procedure pursuant to Regulation 604/2013/EU for determining the responsible Member State, the procedure of a safe third country or a safe European third country or the country of first asylum, the person remains at the border or in a transit area of the airport or seaport. If the decision referred above is not taken within 14 days or if the application is examined in the regular procedure, the applicant is accommodated in the asylum center.</p> <p>If it is not possible to make a decision on the procedures on the border <u>due to the arrival of a large number of people</u> who express the intention to file an application, these persons may be accommodated in the vicinity of the border, if they are provided there with the material care.</p>	
<p>Spain*</p> 	<p>Competent Authority Ministry of the Interior Border guards are only responsible for receiving the application.</p> <p>Grounds Decision is made on the admissibility or inadmissibility of the application. When a foreigner who does not meet the requirements to enter Spanish territory submits a request for international protection at a border post, the Minister of the Interior may not admit the request by means of a reasoned resolution due to lack of competence for the examination of applications (see analytically ground on admissibility). In any case, the resolution must be notified to the interested party within a maximum period of four days from its presentation. The Minister of the Interior may deny the request by means of a reasoned resolution, which must be notified to the interested party within a maximum period of four days from its presentation, when:</p> <ul style="list-style-type: none"> the applicant exclusively raises questions that are not related to the examination of the requirements for recognition of refugee status or the granting of subsidiary protection; 	11 December 2018




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	<ul style="list-style-type: none"> the applicant comes from a country of origin considered safe, or if he is a stateless person, in which he had his habitual residence; the applicant falls within the exclusion or denial clauses the applicant has made incoherent, contradictory, improbable, insufficient, or contradicts sufficiently contrasted information about their country of origin, or habitual residence if they were stateless, in a way that clearly show that their request is unfounded by as regards the fact of harboring a well-founded fear of persecution or serious harm. <p>Procedural Aspects and Consequences</p> <p>The resolution must be notified to the applicant within a maximum period of four days from its presentation. This time-frame may be extended to a maximum of ten days by resolution of the Minister of the Interior, if UNHCR, in a reasoned manner, requests so with regard to exclusion clauses.</p> <p>Against the decision of inadmissibility to process or of refusal of the request, the applicant may, within two days counted from its notification, submit a request for reconsideration. The request is addressed to the Minister of the Interior. The resolution must be notified to the interested person within two days from the moment in which it was presented.</p> <p>The expiration of the deadline without notifying a resolution determines its processing by the ordinary procedure, as well as the authorization of entry and provisional stay of the applicant, without prejudice to what may be agreed in the final resolution of the file.</p> <p><u>Personal interview</u>: in the context of border procedure, personal interviews are not held by telephone.</p> <p>Additional information</p> <p>This procedure is applied at sea and land borders. Unaccompanied minors (UAMs) are exempted from this option.</p>	
Sweden* 	Sweden does not have specific border procedures (applied at the border or in transit zone).	-
Switzerland	Competent Authority: SEM, Airport Police, Cantonal Police, Border Guard	10 December 2018



	<p>Grounds:</p> <ul style="list-style-type: none"> • <i>Airport Procedure:</i> for people who ask for asylum at the airport in Zurich or Geneva (from other airports people are transferred to a reception and processing centre (RPC) and enter the regular procedure). • <i>Border procedure:</i> an application for asylum can be filed at an open border crossing. <p>Procedural Aspects and Consequences:</p> <ul style="list-style-type: none"> • <i>Airport procedure:</i> the airport police informs immediately the SEM; applicants are identified, photographed, and fingerprinted; accommodation is provided at the airport; asylum seekers may be held here for a maximum period of 60 days. The SEM authorises entry into the territory if: a) Switzerland is responsible according to the Dublin III Regulation; b) if the asylum seeker appears to be at risk under any of the grounds stated in the refugee definition (Article 3(1) Asylum Act); c) refusal of entry would imply return to a country where the applicant would be at risk in breach of the principle of <i>non refoulement</i>. If entry is denied the asylum seeker is accommodated in the same accommodation facility in the transit zone. The SEM has 20 days, from the time the application was made, to take a decision, which can be: allowing entry to the country, negative decision, or inadmissibility decision. If the procedure takes longer, the SEM has to allocate the asylum seeker to a canton. In Zurich, the airport police conducts the first interview; in Geneva it is the SEM. The second interview on the grounds for asylum takes place if the SEM decides to examine the application in substance, or if the application is based solely on economic or medical grounds. Nevertheless, entry can be granted at any time after the first or the second interview on the grounds. If entry to the country is granted the application is handled according to the regular procedure. If not, it takes place in the transit zone of the airport (always conducted by SEM) with the second interview. A decision taken within the airport procedure can be appealed within 5 working days before the Federal Administrative Court. • <i>Border procedure:</i> persons who request asylum at the border shall normally be assigned by the competent authorities to a reception and processing centre (RPC) to follow the regular procedure. <p><u>Personal interview:</u> Personal interviews in the context of the border procedure may be conducted remotely. They consist in only very short interviews with asylum applicants of less than 45 minutes conducted over the phone, mostly concerning registration of applications, Dublin questions and exit from Switzerland after a negative decision. (Source: EASO, Conduct of asylum interviews via telephone Query, November 2018)</p>	
United Kingdom*	<p>The UK border procedure follows the regular procedure. It is applicable at airports and sea borders. There are no decisions made within the border procedure.</p>	<p>10 January 2019</p>



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Border guards are responsible for border procedure.
No categories of applicants are exempted from border procedures.

NB: The UK has not yet validated this information. This is therefore just based on public/published information pulled together by EASO. It should be considered for general information only and does not constitute a policy position from the UK

Attachments:

1. Special Procedures: Admissibility, Border, and Accelerated Procedures, 2014 Annual Report on the Situation of Asylum in the European Union



EASO-Annua-Report
-2014 Special procedu

2. Special Procedures: Admissibility, Border, and Accelerated Procedures, 2015 Annual Report on the Situation of Asylum in the European Union



EASO-Annua-Report
-2015 Special procedu

3. Special Procedures: Admissibility, Border, and Accelerated Procedures, 2016 Annual Report on the Situation of Asylum in the European Union



EASO-Annua-Report
-2016 Special procedu

4. Special Procedures: Admissibility, Border, and Accelerated Procedures, 2016 Annual Report on the Situation of Asylum in the European Union



EASO-Annua-Report
-2017 Special procedu