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COUNCIL OF
THE EUROPEAN UNION

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LIMITE

CIREA 65

NOTE

from:	the General Secretariat
to:	CIREA
Subject:	**Compilation of replies received to the questionnaire on Accelerated Procedures (Telex No. 3548 dated 02.08.2000 – Part II)**

Delegations will find attached replies received to the above-mentioned questionnaire[1]

[1] The General Secretariat has not yet received a reply from Italy.
The reply from Belgium is in the process of being translated and has been included in this document in its original language. The English version will be circulated at a later date.

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QUESTIONNAIRE

Accelerated procedures

1. Does your legislation provide for one or more accelerated or simplified procedures for examining asylum applications ?

   ☐ no
   ☐ yes

A. Accelerated procedures - administrative phase:

2. In what cases is this procedure implemented ?

   ☐ application manifestly inadmissible for formal or procedural reasons
   specify:
   ☐ manifestly unfounded application:
   ☐ persons coming from a safe country of origin
   (covered, in particular, by the provisions of Article 1.C.5 of the Geneva Convention)
   ☐ persons from a "safe third country"
   ☐ wrongful recourse to asylum procedures
   ☐ other cases:

3. Which authority decides to implement the accelerated procedure ?

4. Are there legal remedies against this type of decision ? If so, which ?

5. What are the features of this accelerated or simplified procedure (including the applicant's situation pending a decision) ?

B. Accelerated procedures - judicial phase:

6. In which cases is this procedure implemented ?

   ☐ application manifestly inadmissible for formal or procedural reasons
   specify:
   ☐ manifestly unfounded application:
   ☐ persons coming from a safe country of origin
   (covered, in particular, by the provisions of Article 1.C.5 of the Geneva Convention)
   ☐ persons from a "safe third country"
   ☐ wrongful recourse to asylum procedures
   ☐ other cases:

7. Which authority decides to implement the accelerated procedure ?

8. Are there legal remedies against this type of decision ? If so, which ?

9. What are the features of this accelerated or simplified procedure (including the applicant's situation pending a decision - suspensory effect of the appeal) ?

10. Statistics:

    Number of applications dealt with under an accelerated or simplified procedure:
    Length of the procedure
    Normal procedure:
    Accelerated or simplified procedure:

11. General assessment of application of the legislation in force:

BELGIUM

Les procédures accélérées

1. Votre législation prévoit-elle une ou des procédure(s) accélérée(s) ou simplifiée(s) d'examen des demandes d'asile ?

   ✓ oui, mais cette procédure s'apparente plus à une procédure de présélection au premier stade de l'examen des demandes d'asile.

A. Procédure accélérée- phase administrative

2. Dans quel(s) cas cette procédure est-elle mise en œuvre ?

   ✓ demande manifestement irrecevable pour des raisons de forme ou de procédure. Préciser :

   - *demande tardive*
   - *séjour de plus de trois mois dans un ou plusieurs pays tiers*
   - *renvoi ou expulsion du Royaume depuis moins de dix ans*
   - *possession d'un titre de transport ainsi que des documents de voyage valables à destination d'un pays tiers*

   ✓ demande manifestement infondée :

   ☐ personnes originaires d'un pays d'origine sûr (relevant notamment des stipulations de l'article 1er, C, 5 de la Convention de Genève)
   ☐ personnes en provenance d'un pays tiers sûr
   ✓ recours abusif aux procédures d'asile
   ✓ autres cas : *le demande ne se rattache pas à un des critères prévus par l'article 1er, A (2) de la Convention de Genève ni à d'autres critères justifiant l'octroi de l'asile.*

3. Quelle autorité décide de la mise en œuvre de la procédure accélérée ?

   Le Ministre de l'Intérieur ou son délégué (Office des Etrangers)

4. Existe-t-il des voies de recours contre ce type de décision ? Si oui, lesquelles ?

   Un recours urgent est ouvert auprès du Commissaire général aux réfugiés et aux apatrides

5. Quels sont les éléments de cette procédure accélérée ou simplifiée (y compris la situation du demandeur dans l'attente d'une décision) ?

   - Situation du demandeur : *Lors de l'examen de la demande par le Ministre ainsi que lors de l'examen du recours urgent par le Commissariat général, le candidat peut être maintenu dans un lieu déterminé. Le demandeur bénéficie d'une aide sociale dés l'introduction de sa demande et ce, même pendant l'examen du recours urgent par le CGRA.*

- Eléments de procédure : *La décision du Ministre ou de son délégué intervient en principe dans les huit jours ouvrables à dater de la demande de reconnaissance.*
  Le recours urgent à l'encontre de la décision refusant le droit d'entrée ou de séjour au candidat doit être introduit dans le jour ouvrable ou dans les trois jours ouvrables après la notification de la décision du Ministre ou de son délégué selon que l'intéressé est maintenu ou non en un lieu déterminé.
  Le Commissariat doit se prononcer dans les trente jours ouvrables à dater de l'introduction du recours. Le délai est réduit à cinq jours ouvrables en cas de maintien de l'intéressé dans un lieu déterminé.
  Le Commissariat peut confirmer la décision du Ministre ou décider qu'un examen ultérieur est nécessaire. Dans ce dernier cas le maintien éventuel dans un lieu déterminé prend fin.

  L'introduction du recours urgent suspend la décision du Ministre ainsi que les mesures d'éloignement prises à l'égard du demandeur.

B. Procédure accélérée- phase juridictionnelle

6. Dans quel(s) cas cette procédure est-elle mise en œuvre ?

   ✓ demande manifestement irrecevable pour des raisons de forme ou de procédure.
   Préciser :

   recours hors délai

   ✓ demande manifestement infondée

   ❑ personnes originaires d'un pays d'origine sûr (relevant notamment des stipulations de l'article 1er, C, 5 de la Convention de Genève)
   ❑ personnes en provenance d'un pays tiers sûr
   ✓ recours abusif aux procédures d'asile
   ❑ autres cas :

7. Quelle autorité décide de la mise en œuvre de la procédure accélérée ?

   Le président de la Commission permanente de recours des réfugiés ou un assesseur délégué par lui.

8. Existe-t-il des voies de recours contre ce type de décision ? Si oui, lesquelles ?

   Il n'existe pas de recours séparé contre la décision de fixation en juge unique. Un recours au Conseil d'Etat est ouvert à l'encontre de la décision quant au fond.

9. Quels sont les éléments de cette procédure accélérées ou simplifiée (y compris la situation du demandeur dans l'attente d'une décision- effet suspensif de l'appel) ?

Remarque préalable

La procédure décrite ci-dessous ne constitue pas, en tant que telle, une procédure accélérée mais, dans les faits, s'y apparente en permettant un traitement rapide des demandes manifestement non fondées.

Présentation de la procédure du juge unique

L'article 57/12 alinéa 4 de la loi du 15 décembre 1980 a instauré la procédure dite du juge unique. Lorsque, à la lecture de la requête, il apparaît que le recours du candidat réfugié à l'encontre de la décision administrative qui lui refuse le statut de réfugié est soit irrecevable soit manifestement non fondé, le Président ou l'assesseur délégué par lui peut examiner ce recours lui-même. Le candidat et son conseil sont alors convoqués par ordonnance. Il leur appartient de convaincre le juge du caractère recevable de la demande ou du fait qu'elle n'est pas manifestement non fondée.

La décision d'appliquer la procédure du juge unique est une décision avant dire droit qui comme telle n'est pas susceptible d'un recours devant le Conseil d'Etat

Si après avoir entendu le candidat, le juge estime que la demande est en effet manifestement non fondée ou irrecevable, l'affaire est définitivement tranchée. Un recours à l'encontre de cette décision est ouvert auprès du Conseil d'Etat.
Si le juge, au contraire, conclut que la demande n'est pas irrecevable ou manifestement non fondée, il prend une décision de renvoi. L'affaire est alors renvoyée à une chambre à trois juges devant laquelle le requérant pourra à nouveau être entendu.

10. Eléments statistiques

ESTIMATION % DES DECISIONS AUDIENCES JU ET AUDIENCES 3J

[redacted]

[redacted]

DENMARK

Accelerated procedures

1. Does your legislation provide for one or more accelerated or simplified procedures for examining asylum applications?

   Yes. The Danish Immigration Service uses two types of accelerated procedures.

A. Accelerated procedures – administrative phase:

2. In what cases is this procedure implemented?

   Application manifestly inadmissible for formal or procedural reasons
   specify:

   In the case of an asylum application which must be regarded as manifestly unfounded, and after the application has been submitted to the Danish Refugee Council, the Danish Immigration Service can rule that the relevant decision cannot be brought before the Refugee Board (cf. § 53 (a) (3) of the Aliens Law).

   Manifestly unfounded application:
   persons coming from a safe country of origin (covered, in particular, by the provisions of article 1.C.5 of the Geneva Convention)
   persons from a 'safe third country'
   wrongful recourse to asylum procedures
   other cases:

Reply:

The "manifestly unfounded" procedure is used in cases where, according to information about the applicant's country of origin and information pertaining to the case in question, the asylum application is considered to be manifestly unfounded.

3. Which authority decides to implement the accelerated procedure?

Reply:

The Danish Immigration Service takes the decision after consulting the Danish Refugee Council.

4. Are there legal remedies against this type of decision? If so, which?

   No.

5. What are the features of this accelerated or simplified procedure (including the applicant's situation pending a decision)?

B. Accelerated procedures – judicial phase:

Reply:

There are no special accelerated procedures in Danish law in connection with the Refugee Board's handling of asylum applications.

In practice, however, the following types of applications are dealt with in accordance with a procedure whereby matters are speeded up as much as possible:

- **Applications relating to minor asylum seekers**
- **Applications relating to particularly vulnerable asylum seekers, e.g. the mentally ill, victims of torture, etc.**
- **Applications relating to asylum seekers with a criminal record**

It should be stressed that applications which are dealt with under the accelerated asylum procedure involve the same guarantees of legal certainty as applications dealt with under the normal procedure.

6. In which cases is this procedure implemented?

Application manifestly inadmissible for formal or procedural reasons
specify:

Manifestly unfounded application:
persons coming from a safe country of origin (covered, in particular, by the provisions of article 1.C.5 of the Geneva Convention)
persons from a 'safe third country'
wrongful recourse to asylum procedures
other cases:

7. Which authority decides to implement the accelerated procedure?

8. Are there legal remedies against this type of decision? If so, which?

9. What are the features of this accelerated or simplified procedure (including the applicant's situation pending a decision - suspensory effect of the appeal)?

10. Statistics:

Reply:

It should be noted that the statistics referred to below are based on information contained in the Danish Immigration Service's 1999 annual report.

Number of applications dealt with under an accelerated or simplified procedure:

Reply:

In 1999, 907 persons had their applications refused under the "manifestly unfounded" procedure.

Length of the procedure

Normal procedure:

Reply:

In 1999, it took an average of 375 days to deal with an asylum application under the normal procedure from the date of registration until the date of the final decision.

Accelerated or simplified procedure:

Reply:

In 1999, it took an average of 118 days to deal with an asylum application under the "manifestly unfounded" procedure from the date of registration until the date of the final decision.

11. General assessment of application of the legislation in force:

GERMANY

Accelerated procedures

1. Does your legislation provide for one or more accelerated or simplified procedures for examining asylum applications?

Yes.

A. Accelerated procedures – administrative phase:

2. In what cases is this procedure implemented?

Irrelevant asylum applications:

- If it is clear that the alien was already safe from political persecution in a third state and if his return to that state or to another state where he is safe from political persecution is possible (§ 29(1) of the Law on Asylum Procedure), or

- if, under an international agreement, another contracting state, which is a safe third country, is responsible for carrying out an asylum procedure or takes over such responsibility (§ 29a(1) of the Law on Asylum Procedure).

Manifestly unfounded asylum applications:

- In the case of aliens from safe third countries, unless the facts or evidence produced by the alien give reason to suppose that he faces political persecution in his country of origin in spite of the general situation there (§ 29a(1) of the Law on Asylum Procedure);

- if the prerequisites for recognition as a person entitled to asylum and the prerequisites pursuant to § 51(1) of the Aliens Law are obviously not fulfilled (§ 30(1) of the Law on Asylum Procedure), especially if it is obvious from the circumstances of the individual case that the alien is in the Federal Republic of Germany only for economic reasons or in order to evade a general emergency situation or an armed conflict (§ 30(2) of the Law on Asylum Procedure);

- where, in the case of an unfounded asylum application, the statements made by the alien, in essential respects, unsubstantiated or contradictory, obviously do not tally with the facts or are based on forged or falsified evidence (§ 30(3)(1) of the Law on Asylum Procedure); where, in the asylum procedure, the alien provides misleading information as to his identity or nationality or refuses to state his identity or nationality (§ 30(3)(2) of the Law on Asylum Procedure); where he has given different personal data to initiate another asylum application or asylum procedure (§ 30(3)(3) of the Law on Asylum Procedure); where he has lodged an asylum application so as to avert an imminent termination of residence, although he had previously had sufficient opportunity to file an asylum application (§ 30(3)(4) of the Law on Asylum Procedure); where he has grossly failed to comply with his obligations to cooperate pursuant to § 13(3), second sentence, § 15(2)(3) to (5) or § 25(1) of the Law on Asylum Procedure, unless he cannot be held responsible for his failure to comply with those obligations or was for substantial reasons unable to comply with them (§ 30(3)(5) of the Law on Asylum Procedure), or where he is subject to an enforceable expulsion order pursuant to § 47 of the Aliens Law (§ 30(3)(6) of the Law on Asylum Procedure);

- where the requirements of § 51(3) of the Aliens Law (deportation of persons persecuted on political grounds) apply (§ 30(4) of the Law on Asylum Procedure), or

- if, in view of its content, an application filed with the Federal office does not constitute an asylum application within the meaning of §13(1) of the Law on Asylum Procedure (§30(5) of the Law on Asylum Procedure).

There is no specific legislation on **manifestly inadmissible** applications; legal commentators hold that the rules on manifestly unfounded applications can be applied mutatis mutandis, if there is clearly no basis for an administrative decision.

3. Which authority decides to implement the accelerated procedure?

The Federal Office for the Recognition of Foreign Refugees.

4. Are there legal remedies against this type of decision? If so, which?

Actions against decisions by the Federal Office must be brought in the administrative courts within one week of notification (§ 74(1) in conjunction with § 36(3) of the Law on Asylum Procedure). The action does not have suspensive effect (§ 75 of the Law on Asylum Procedure). Applications for temporary relief from the threat of deportation must also be filed within one week of notification (§ 36(3) of the Law on Asylum Procedure) or within three days under the airport procedure pursuant to § 18a of the Law on Asylum Procedure (§ 18a(1) of the Law on Asylum Procedure).

Deportation to a safe third country cannot be suspended (§ 34a(2) of the Law on Asylum Procedure). Otherwise, an order to suspend deportation may only be issued if there are serious doubts as to the legality of the contested administrative act (§ 36(4), first sentence, of the Law on Asylum Procedure).

In temporary relief proceedings a member of the chamber decides as an individual judge. The individual judge transfers the dispute to the chamber if the legal issue is of fundamental significance or if he intends to deviate from previous rulings (§ 76(3) of the Law on Asylum Procedure).

There is no appeal against decisions given by an administrative court in proceedings for temporary relief (§ 80 of the Law on Asylum Procedure). The only remaining possibility is an action for unconstitutionality in the Federal Constitutional Court, if appropriate in conjunction with an application for an interim injunction.

5. What are the features of this accelerated or simplified procedure (including the applicant's situation pending a decision)?

The applicant no longer has a constitutionally guaranteed right to temporary residence until such time as a final (negative) decision has been taken on his application. This means that his residence can be terminated early. Deportation prior to a court decision is not permissible if an application for temporary relief has been filed in due time (§ 36(3), 8th sentence, of the Law on Asylum Procedure).

B. Accelerated procedures judicial phase

6. In which cases is this procedure implemented?

If the action at least insofar as it concerns the decision on the asylum application is manifestly inadmissible or unfounded (§78(1) of the Law on Asylum Procedure); the law does not contain any further details on the subject; according to the case law, an action is to be regarded as manifestly inadmissible or unfounded if there can be no reasonable doubt as to the accuracy of the facts ascertained at the time the decision was taken and if, given these facts, it is the generally accepted opinion (according to case law and doctrine) that the action should quite obviously be rejected as inadmissible or unfounded.

7. Which authority decides to implement the accelerated procedure?

The administrative court.

8. Are there legal remedies against this type of decision? If so, which?

There is no appeal against the administrative court's decision (§ 78(1) of the Law on Asylum Procedure). Here, too, it is still possible to bring an action for unconstitutionality in the Federal Constitutional Court, if appropriate in conjunction with an application for an interim injunction.

9. What are the features of this accelerated or simplified procedure (including the applicant's situation pending a decision – suspensive effect of the appeal)?

Rejection becomes final when the court's decision is announced. There is no further review by a higher administrative court or the Federal Constitutional Court.

Please state whether the court decision is taken by a college or by an individual judge

The judicial chamber should, as a rule, transfer the dispute to one of its members to decide as an individual judge, unless the case presents particular difficulties of a factual or legal nature or is of fundamental significance (§ 76(1) of the Law on Asylum Procedure).

10. Statistics

Number of applications dealt with under an accelerated or simplified procedure

33 311 in 1998 – more recent totals are not available at present.

Length of the procedure

Normal procedure: 18,0 months in 1998.

Accelerated or simplified procedure: 1, 2 months in 1998.

11. General assessment of application of the legislation in force

These rules serve to speed up and/or shorten procedures on asylum applications which are an abuse of the law or which clearly stand no chance of success. As a rule, both the Federal Office and the administrative courts apply the rules very responsibly and err on the side of caution if they are in any doubt.

GREECE

1. Yes.

2. The accelerated procedure is used to examine asylum applications submitted by an alien: (a) upon arrival at a point of entry at a port or airport; (b) an application is manifestly unfounded where the applicant's statements about persecution are clearly unsupported or false or are inappropriate to asylum proceedings and (c) the applicant comes from a safe third country.

3. The administrative authorities are responsible for deciding whether or not to use the accelerated procedure.

4. There is a right of appeal (second instance) against negative decisions taken under the accelerated procedure.

5. The decision on whether to examine an asylum application under the accelerated procedure is taken by the Head of the Police/Security and Order Branch of the Ministry of Public Order who, if he considers that the legal conditions for examining the application under the accelerated procedure are not met, refers it for examination under the normal procedure (decision by the General Secretary of the Ministry of Public Order).

   As mentioned above, if the application is rejected the applicant has the right to appeal within (10) days to the General Secretary of the Ministry of Public Order, who will take a decision following an opinion from a special committee within (30) days.

   The above-mentioned time limits are reduced by half if the applicant is in a transit area at a port or airport.

6,7,8,9 -

10. (a) The number of applications examined under the accelerated procedure represents around 1% of the total number of asylum applications.
    (b) The average length of time for examining an asylum application under the normal procedure is 6-8 months, and 1-2 months if the accelerated procedure is applied.

11. –

SPAIN

ACCELERATED PROCEDURES

1. Spanish legislation has no provision for accelerated or simplified procedures in the strict sense. Nevertheless, the Spanish asylum procedure contains a first phase of admission to the procedure which all asylum applications must pass through.

   There are two methods for this phase: one where the asylum application is submitted inside Spanish territory and the other for applications submitted at border posts.

   On national territory this phase takes two months. At border posts it takes four days.

A. Accelerated procedures - Administrative phase

2. Asylum applications may be refused admission to the procedure:

   (a) For formal reasons:

   – Application of the Dublin Convention;

   – Safe third country *

   * Spain does not have a list of safe third countries,

   (b) Because it is a manifestly unfounded application:

   – Application not covered by the Geneva Convention;

   – Resubmission of an asylum application already rejected if there are no new circumstances in the country of origin;

   – Unfounded application, implausible safe country of origin *

   * Spain does not have a list of safe third countries.

4. (a) Where applications are submitted on national territory appeals may be made to the National High Court (Courts of Justice) within two months, or optional administrative appeals may be made to the Minister for the Interior within one month, but both appeals cannot be made at the same time. Where an administrative appeal is chosen, if it is rejected, an appeal may be made to the National High Court.

   (b) Where applications are submitted at border posts, administrative appeals are first made to the Minister for the Interior within twenty four hours and a decision is taken within two days. Appeals against the decision may be made to the National High Court within two months.

Except in the case of administrative appeals to the Minister for the Interior for asylum applications submitted at border posts which have been refused admission to the procedure, appeals do not generally have suspensory effects except where such is decided by the authority which will rule on the appeal, on a case-by-case basis and on application by the person concerned.

5. The main features of the administrative phase of admission to the Spanish asylum procedure are as follows:

   (a) Study of the personal application form by the Asylum and Refugee Office.

   (b) UNHCR report on admissibility.

   (c) Admission of an asylum application to the procedure is decided on by the Asylum and Refugee Office. Refusal of admission to the procedure is decided by the Minister for the Interior on a proposal from the Asylum and Refugee Office.

   (d) If the reason for refusal of admission is application of the Dublin Convention, that Convention is applied.

   (e) During this phase the asylum applicant is generally free to move in Spanish territory. Where the application is made at a border post the applicant must remain at that border post.

   (f) During this phase asylum applicants do not have access to the Spanish reception system, except in vulnerable cases (single-parent families, the elderly, the disabled, etc.).

B. Accelerated procedures - Legal phase

There are no accelerated procedures in the legal phase, whatever the decision taken or reason for the appeal.

6. None.

7. None.

8. None.

9. None.

YEAR	Asylum applicants	% admitted to the procedure	% refused admission to the procedure
1996	4 730	42,4	57,6
1997	4 975	32,5	68,5
1998	6 764	42,5	57,5
1999	8 405	48,9	51,1

11. The existence in the Spanish administrative procedure of a phase of admission to the procedure which, with due guarantees, allows for the rapid rejection of manifestly unfounded asylum applications or those where specific formal circumstances are involved (Dublin Convention, safe third country), deserves a positive assessment, because it both protects the asylum system from fraudulent use and also allows better use to be made of the resources available for persons needing protection.

FRANCE

ACCELERATED PROCEDURES

1. **Does your legislation provide for one or more accelerated or simplified procedures for examining asylum applications?**

☐ **Yes.**

A. Accelerated procedures – administrative phase:

2. **In what cases is this procedure implemented?**

1. In the case of an asylum seeker at the air or rail border. The person concerned is kept in a waiting area for as long as is strictly necessary for an examination to determine whether his application for asylum is manifestly unfounded (Article 35c of the Ordinance of 2 November 1945). If the application for asylum is manifestly unfounded, entry into France is refused. An alien in this situation cannot, in principle, submit an application for recognition of refugee status to the OFPRA.

2. In the case of an asylum seeker already present on French territory

The Law of 25 July 1952 on the right of asylum distinguishes among four different situations:

1. another State is responsible for examining the application for asylum in accordance with the Dublin Convention of 15 June 1990 or of Chapter VII of Title II of the Schengen Convention of 19 June 1990;
2. the person comes from a country to which the OFPRA applies the conditions of Article 1C(5) of the Geneva Convention;
3. the presence of the person concerned in France poses a serious threat to public policy;
4. wrongful recourse to asylum proceedings.

3. **Which authority decides to implement the accelerated procedure?**

1. In the case of an asylum seeker at the air or rail border:
   Examination of whether the application is manifestly unfounded comes under the responsibility of the Minster for the Interior after consulting the Minister for Foreign Affairs (officials of the OFPRA seconded to the Ministry are responsible for hearing applicants in the waiting areas).

2. In the case of an asylum seeker already present on French territory
   The State representative in the *Département* and, in Paris, the *Préfet de Police* (Chief Constable).

4. Are there legal remedies against this type of decision? If so, which?

1. In the case of an asylum seeker at the air or rail border
   Refusal of entry into France may be challenged before the administrative court.

2. In the case of an asylum seeker already present on French territory
   - Refusal of admission to residence on the basis of asylum may be challenged before the administrative judge in matters of ordinary law.
   - Unless the application for asylum comes under the responsibility of another State, the alien may apply to OFPRA and, if his application is rejected, the Asylum Appeal Board. In the latter case the appeal does not have suspensory effect on the execution of an expulsion measure (see Q.5).

5. What are the features of this accelerated or simplified procedure (including the applicant's situation pending a decision)?

An applicant for whose application another State is responsible is not admitted to residence on the basis of asylum. He may not apply to OFPRA for recognition as a refugee.
In the other cases, admission to residence is refused but the alien may apply to OFPRA for recognition as a refugee. OFPRA rules according to priority. There are no special procedural rules requiring the Head of OFPRA to deliver decisions swiftly and there are no penalties if the Office is late in deciding. The applicant has the right to remain in France until he is notified of OFPRA's decision. Expulsion may therefore not take place before the decision (Article 12 of the Law of 1952). If the applicant has appealed to the Asylum Appeal Board, the non-suspensory character of the appeal may result in the applicant's being unable to attend the public hearing to which he is summoned.

B. Accelerated procedures – judicial phase:

6. In which cases is this procedure implemented?

☐ **application manifestly inadmissible for formal or procedural reasons**

Specify:

The inadmissibility of the appeal before the Asylum Appeal Board must be manifest and not likely to be covered in the course of the proceedings (Article 21(3) of the Decree of 2 May 1953). This is the case of appeals lodged after expiry of the one-month deadline provided for in Article 20 of the Decree. Inadmissibility for formal reasons (missing signature, lack of means) can always be put in order.

7. Which authority decides to implement the accelerated procedure?

The Chairman of the Asylum Appeal Board who may, by means of an ordinance, dismiss the appeal (Article 21(3) of the Decree of 2 May 1953).

8. Are there legal remedies against this type of decision? If so, which?

Appeal on points of law before the *Conseil d'Etat*.
Appeal for the rectification of an error on points of fact before the Asylum Appeal Board.

9. What are the features of this accelerated or simplified procedure (including the applicant's situation pending a decision - suspensory effect of the appeal)?

Files are forwarded to the Chairman of the Board which rules in camera. The applicant enjoys the right of residence until notification of the Board's decision, unless he was not admitted to residence (see Q.5).

Is the judicial decision taken by a panel of judges or by a single judge?

The decision is taken by the Chairman of the Board, unless he considers after examining the file that inadmissibility is not manifest. In that event, the case is then referred back to a panel of judges.

10. Statistics:

Number of applications dealt with under an accelerated or simplified procedure:

OFPRA: 2232

Asylum Appeal Board: 1914 of 13755 decisions delivered (i.e. 14%).

Length of the procedure

OFPRA:

- normal procedure: 4 months – accelerated procedure: n/a

Asylum Appeal Board:

- normal procedure: average 6 months – accelerated procedure: 1 month

IRELAND

LUXEMBOURG

Accelerated procedures

Re 1

Yes, Luxembourg's legislation does provide for accelerated procedures for examining and processing asylum applications submitted on the basis of the Geneva Convention.

Re 2

- An asylum application may be considered inadmissible if there is a host third country. A host third country means any country in which the asylum applicant has already obtained protection or had the genuine possibility to apply for protection before submitting a request to the Grand Duchy of Luxembourg.

- An asylum application may be considered manifestly unfounded when it does not meet any of the substantive criteria laid down by the Geneva Convention, if the asylum applicant's fear of persecution in his own country is manifestly unfounded, or if the application is based on deliberate fraud or constitutes an abuse of asylum procedures.

- In both of the above cases, the Minister for Justice must take a decision at the latest within two months of submission of the application, provided, however, that the asylum applicant has been heard.

Re 3

The Minister for Justice is the authority competent to decide to implement the accelerated procedure.

Re 4

There are legal remedies against this type of ministerial decision; specifically, annulment proceedings which must be brought before the administrative tribunal within one month of notification of the Minister's decision. The proceedings have a suspensory effect on the appealed decision. An appeal may also be lodged against the judgement given by the tribunal. This appeal must be brought before the Administrative Court.

Re 5

There is no difference in the examination procedure for asylum applications as between those subsequently processed as to their substance and those declared inadmissible or manifestly unfounded. Thus, upon submission of the application, and provided the applicant is at least 14 years old, he/she is issued with proof that the application has been registered. This certificate serves as an identity document and states the period of validity which will only be extended with the endorsement of the local authority of the applicant's place of residence. On the basis of this certificate the applicant is authorised to stay in Luxembourg, although it does not confer entitlement to a residence permit. The certificate confers the right to social assistance. Like the other asylum applicants, the applicant is entitled to receive free assistance from an interpreter or to choose a lawyer or to have a lawyer appointed by the Chairman of the Bar Association. He/she is also entitled to be heard by a representative of the Minister for Justice, and the judicial police service carries out an identity check.

Re 6

With regard to the judicial phase of the accelerated procedures, appeals lodged by asylum applicants against ministerial decisions must be handled by the administrative tribunal within one month of the appeal being introduced, i.e. within a shorter deadline than that within which the administrative tribunal must handle asylum applications simply declared to be unfounded. Similarly, for an appeal against the judgement given by the administrative tribunal, the Administrative Court must also decide within one month of the appeal being lodged.

Re 7

Only asylum applicants can implement the judicial phase by bringing an appeal before the administrative tribunal against the decision taken by the Minister of Justice concerning their asylum application.

Re 8

As indicated above, an appeal may be lodged against the judgement given by the administrative tribunal.

Re 9

Both the appeal brought before the administrative tribunal and the appeal lodged against the judgement given by the tribunal have a suspensory effect.

The judicial decisions taken by the administrative tribunal and the Administrative Court are taken by a college of three professional judges.

Re 10

Number of applications dealt with under an accelerated or simplified procedure: during the period from 1 January to 30 June 2000, 45 files concerning 50 persons
Length of the procedure (no figures available).

Re 11

No comments.

THE NETHERLANDS

Accelerated procedures

In our legislation is provided for these procedures. They are implemented in cases where the application is manifestly inadmissible, e.g. because another country is responsible (Dublin, Schengen), because it is a repeated application without nova or because the application is not done immediately after entry in our country.
They are also implemented in manifestly unfounded cases, as mentioned in the questionnaire and also in cases of double nationality where the second nationality is of a country in which for them there is not any fear for persecution; and additionally if there is no doubt at all that there isn't any fear for persecution;
The procedure is implemented by the administrative authority.

Legal remedies: revision by the administrative authority and in cases where the person is detained in custody: the judiciary.

AUSTRIA

Accelerated procedures

Re Q 1 National legislation does provide for accelerated procedures.

Re Q A3/B7

The distribution of responsibility is the same as for asylum proceedings (**cf Q I.1.2**).

Re Q A2

Accelerated procedures: procedures are expedited by shortening deadlines for appeals and decisions on appeal.

The accelerated procedure is applied in the following cases:

Applications inadmissible on grounds of safety in a third country

Regarding safety in a third country, it is initially to be assumed that an application for asylum is inadmissible when the alien can find protection from persecution in a safe third country. Such protection is basically considered to exist when the asylum seeker is free to initiate proceedings for recognition of refugee status pursuant to the Geneva Convention in a State (safe third country) and is entitled to stay there and enjoy protection from *refoulement* during the proceedings.

A further condition for safety in a third country is, *inter alia*, that the third country must have established its statutory measures to safeguard the right to a hearing, must have set up the necessary review body, and must fulfil the requirement that the asylum seeker is allowed to remain in the third country until the review body has reached its decision or until the authority's decision has become final.

According to the case law of the Administrative Court, it is not only the legal system of a potential safe third country but also its administrative practice which should be thoroughly investigated.

This also involves checking the appeal deadlines imposed by the potential third country's review bodies since, according to the case law of the highest courts, by definition institutions for legal protection must guarantee a minimum of real effectiveness for the person seeking legal redress. In particular in view of their short deadlines for applications and appeals, Central and Eastern European countries are not usually regarded as safe third countries at present.

§ 4 Asylum Act as amended in BGBl. I No 4/1999 reads as follows:

"Asylum applications inadmissible on grounds of safety in a third country

§ 4(1) An application for asylum is inadmissible when the alien can find protection from persecution in a State with which no agreement on determining responsibility for examining applications for asylum applies (protection in a safe third country).

(2) Aliens are deemed to enjoy protection in a safe third country when proceedings for the recognition of refugee status under the Geneva Convention are available to them in a State in which they are not under threat pursuant to § 57(1) or (2), they are entitled to stay in that State during the proceedings and they enjoy protection there from deportation to their country of origin – including via other States – if they are under threat in the latter pursuant to § 57(1) or (2) of the Aliens Act. The same applies when equivalent protection is afforded from return, removal or deportation for States which have already reached a decision in proceedings for the recognition of refugee status in accordance with the Geneva Convention.

(3) The conditions of paragraph 2 are as a rule satisfied in a State which has ratified the Geneva Convention, set up a statutory asylum procedure to implement the principles of that Convention and has ratified the Convention on the Protection of Human Rights and Fundamental Freedoms, BGBl. No 210/1958, and Protocol 11 to the Convention on the Protection of Human Rights and Fundamental Freedoms Restructuring the Control Machinery Established thereby and the Annex, BGBl. III No 30/1998.

(3a) The Federal Minister for the Interior may designate by ordinance States which as a rule afford asylum seekers effective protection from persecution (paragraph 2) because

1. their authorities grant aliens returned, removed or deported from Austria and seeking protection from persecution in the third State unlimited access to the asylum procedure and do not deport such aliens to their countries of origin – including via other States – if they are under threat there pursuant to § 57(1) or (2) of the Aliens Act;
2. procedures for examining asylum applications are conducted on a case-by-case basis, in particular by hearing the asylum seeker in person, interpreters are used where necessary and the asylum seeker is informed of the decision (verdict) in a language he understands;
3. decisions of the authority responsible for examining asylum applications can be referred to a review body;
4. the asylum seeker may remain in the territory of the State until the review body has reached its decision or the decision of the authority has become final.

(3b) Should a State designated in accordance with paragraph (3a) cease as a rule to afford effective protection from persecution, the Federal Minister for the Interior must so decree by ordinance. The Federal Minister for the Interior may also designate by ordinance certain States which do not as a rule afford effective protection from persecution.

(3c) Before issuing ordinances pursuant to (3a) and (3b), the Federal Minister for the Interior must consult the Federal Minister for Foreign Affairs regarding his intention.

(3d) Asylum seekers who claim not to enjoy protection in a safe third country designated pursuant to (3a) on account of circumstances relating to their person (paragraph 2) must substantiate those circumstances.

(4) Protection in a safe third country is irrelevant when

1. the asylum seeker is a citizen of the EEA or
2. the parents of under-age, unmarried asylum seekers have been granted asylum in Austria or
3. the spouse or under-age children of the asylum seeker have been granted asylum in Austria.

(5) Where an alien whose application for asylum has been dismissed as inadmissible pursuant to paragraph 1 cannot be returned, removed or deported to a safe third country, the official ruling rejecting the asylum application shall cease to have effect on receipt of the notification pursuant to § 57(7) of the Aliens Act. Any appeal proceedings pending shall be discontinued as irrelevant.

Although the Federal Minister for the Interior has not yet issued any ordinances, the detailed conditions for issuing one (see 3a) must nevertheless also be taken into consideration as criteria when examining individual applications.

Asylum applications inadmissible on grounds of lack of jurisdiction under international agreements

§ 5 Asylum Act: (1) An application for asylum which has not been dealt with pursuant to § 4 shall be dismissed as inadmissible when another State is responsible for examining the application for asylum under an international agreement. In its dismissal ruling, the Federal Asylum Office must also determine the State responsible. The ruling must be joined with the expulsion order.

(2) Paragraph 1 should also be applied when another State is responsible for determining the State responsible for examining the application for asylum under an international agreement.

(3) An expulsion order pursuant to paragraphs 1 and 2 shall always also count as a ruling that return, removal or deportation to the State in question is admissible.

At present the above provisions only apply to the Dublin Convention.

Manifestly unfounded applications for asylum

In accelerated procedures the examination of the application is confined to whether it is *manifestly* unfounded and thus to the question of whether it really has no basis whatsoever. Otherwise, asylum proceedings are initiated and the grounds for flight thoroughly examined.

§ 6 Asylum Act: Applications for asylum are to be rejected as manifestly unfounded if they clearly have no basis whatsoever. This is the case when, without any other evidence of a threat of persecution in the country of origin,

1. the asylum seeker's account manifestly does not lead to the inference that he is under threat of persecution in his country of origin, or

2. on the basis of the asylum seeker's account the claimed threat of persecution in the country of origin is manifestly not to be accounted for by the grounds referred to in Article 1A(2) of the Geneva Convention, or

3. the asylum seeker's account of a situation in which he is under threat manifestly does not correspond to the facts, or

4. the asylum seeker does not cooperate in determining the facts of the case on which the decision is to be based, despite being called on to do so, or

5. on the basis of the general political circumstances, legal situation and administration of law in the country of origin there is as a rule no substantiated threat of persecution on the grounds referred to in Article 1A(2) of the Geneva Convention.

Re Q A.4 and 5, B.8 and 9:

The legal remedy of an appeal on points of fact and the extraordinary legal remedy of an appeal on points of law can also be exercised in accelerated procedures. The accelerated procedure merely sets shorter deadlines for appeals and decisions on appeal, and is otherwise no different from the standard procedure in respect of the status of the asylum seeker as such (appeals on points of fact also have suspensory effect in accelerated procedures and appeals on points of law can be accorded suspensory effect by the Administrative Court. In practice, suspensory effect is as a rule accorded).

§ 32 Asylum Act: (1) Appeals on points of fact against decisions rejecting asylum applications as manifestly unfounded or dismissing asylum applications for lack of jurisdiction on the grounds referred to in §§ 4 or 5 must be lodged within ten days ...

(2) An appeal on points of fact must be allowed when the authority's ruling that the application was manifestly unfounded or that there was no jurisdiction on the grounds referred to in §§ 4 or 5 is incorrect. In such cases the appeal body must refer the case back to the authority of first instance to repeat the proceedings and deliver an official ruling; rulings pursuant to § 8 (*refoulement*) shall in any event be regarded as repealed. At the same time, connected official rulings on the extension of asylum (family members) shall also be repealed as obsolete ...

(3) An appeal on points of fact must be ruled on within ten working days of receipt by the appeal body. The deadline for a decision shall be extended for as long as is necessary to determine the facts of the case on which the decision is to be based; the appeal procedure as a whole should not, however, take longer than twenty working days. If the appeal is lodged during detention pending removal, it shall be admissible for a period to be extended accordingly.

Re Q B.10

It should be borne in mind that the Independent Federal Asylum Board only keeps statistics on decisions on appeal and only began working in 1998.

Proceedings regarding applications for asylum inadmissible on grounds of safety in a third country (§ 4 Asylum Act):

Of a total of
1 284 decisions pursuant to § 4 of the Asylum Act,
in 682 cases the decision at first instance was upheld and
in 458 cases the decision at first instance was overruled on the grounds that there was no safe third country in the case in hand, and the case was referred back to the authority of first instance for proceedings to examine the facts of the application for asylum. In 144 cases proceedings were dropped as without object given the practical impossibility of return, removal or deportation to a safe third country, once again necessitating (subsequent) proceedings to examine the facts of the application for asylum.

Proceedings regarding asylum applications inadmissible on grounds of lack of jurisdiction under international agreements (§ 5 Asylum Act):

Of a total of
187 decisions during the period covered by this report,
in 15 cases the decision at first instance was overruled and
in 172 cases the decision at first instance was upheld.

Proceedings regarding manifestly unfounded asylum applications (§ 6 Asylum Act):

Of a total of
471 decisions,
in 322 cases the decision at first instance was upheld and
in 149 cases the decision at first instance was overruled and the case was consequently referred back to the authority of first instance to examine whether refugee status should be granted pursuant to § 7 of the Asylum Act.

PORTUGAL

1 – Yes

As stated above, the Portuguese Asylum Act – Act No 15/98 of 26 March 1998 – prescribes two procedural stages.

The first stage, referred to in the above Act as the "**admissibility assessment stage**", is a simplified stage and may be regarded as an accelerated procedure.

During the second stage, referred to in the above Act as the "**asylum-granting stage**", the application's merits are considered.

A

2 – Portuguese legislation requires all asylum requests to pass via the first stage (admissibility) .

3/4 – Once an asylum-seeker has lodged an application, it is always registered, automatically triggering the **admissibility assessment stage.**

5 – At the admissibility stage the administrative authority has 20 days to formulate a reasoned decision rejecting or accepting the application; failing a decision, the application will be deemed to be accepted.

The applicant will be issued a document valid for that period attesting to his situation as an asylum applicant.

Pending a decision, the applicant will be lodged in a reception centre where he will be assisted by a non-governmental organisation.

FINLAND

ACCELERATED PROCEDURES

1. DOES YOUR LEGISLATION PROVIDE FOR ONE OR MORE ACCELERATED OR SIMPLIFIED PROCEDURES FOR EXAMINING ASYLUM APPLICATIONS?

Yes.

A. ACCELERATED PROCEDURES - ADMINISTRATIVE PHASE:

2. IN WHAT CASES IS THIS PROCEDURE IMPLEMENTED?

APPLICATION MANIFESTLY INADMISSIBLE FOR FORMAL OR PROCEDURAL REASONS
SPECIFY:
MANIFESTLY UNFOUNDED APPLICATION:
PERSONS COMING FROM A SAFE COUNTRY OF ORIGIN (COVERED, IN PARTICULAR, BY THE PROVISIONS OF ARTICLE 1.C.5 OF THE GENEVA CONVENTION) PERSONS FROM A 'SAFE THIRD COUNTRY'
WRONGFUL RECOURSE TO ASYLUM PROCEDURES
OTHER CASES:

There are no admissibility procedures in Finland. All asylum applications are examined.

An asylum application is dealt with by the accelerated procedure if
(1) the applicant comes from a safe country of origin or asylum
(2) the Dublin Convention or the Nordic Passport Agreement can be applied
(3) the application is manifestly unfounded
(4) following refusal of asylum and residence permit a new application has been lodged which does not contain any grounds for remaining in the country which are likely to influence the decision.

An application is manifestly unfounded if the applicant has not claimed as grounds serious violations of human rights or other reasons related to injunctions against repatriation or fear of persecution or the applicant's intention is to abuse the asylum procedure.

3. WHICH AUTHORITY DECIDES TO IMPLEMENT THE ACCELERATED PROCEDURE?

The Immigration Directorate deals with asylum applications by the accelerated procedure in the cases referred to above. No specific decisions are taken to use the accelerated procedure.

4. ARE THERE LEGAL REMEDIES AGAINST THIS TYPE OF DECISION? IF SO, WHICH?

No specific decisions are taken.

5. WHAT ARE THE FEATURES OF THIS ACCELERATED OR SIMPLIFIED PROCEDURE (INCLUDING THE APPLICANT'S SITUATION PENDING A DECISION)?

Where the applicant comes from a safe country of origin or asylum the Immigration Directorate must take a decision within seven days of completion of the asylum hearing. Safe countries of origin are specified in the act. A country of origin regarded as safe for an individual applicant is one in which he runs no risk of persecution or serious human rights violations. Asylum and residence qualifications are always considered on an individual basis.

B. ACCELERATED PROCEDURES - JUDICIAL PHASE:

6. IN WHICH CASES IS THIS PROCEDURE IMPLEMENTED?

APPLICATION MANIFESTLY INADMISSIBLE FOR FORMAL OR PROCEDURAL REASONS
SPECIFY:
MANIFESTLY UNFOUNDED APPLICATION:
PERSONS COMING FROM A SAFE COUNTRY OF ORIGIN (COVERED, IN PARTICULAR, BY THE PROVISIONS OF ARTICLE 1.C.5 OF THE GENEVA CONVENTION)
PERSONS FROM A 'SAFE THIRD COUNTRY'
WRONGFUL RECOURSE TO ASYLUM PROCEDURES
OTHER CASES:

There is no special accelerated procedure in the courts. As stated above, appeals against all asylum decisions are made to the Helsinki Administrative Court, whose decisions can be appealed against to the Supreme Administrative Court, if leave to appeal is granted. The difference is that under the usual procedure the Administrative Court hears appeals in a three-member composition, whereas under the accelerated procedure the ruling is given by a single judge.

7. WHICH AUTHORITY DECIDES TO IMPLEMENT THE ACCELERATED PROCEDURE?

See previous reply.

8. ARE THERE LEGAL REMEDIES AGAINST THIS TYPE OF DECISION? IF SO, WHICH?

See reply to question 6.

9. WHAT ARE THE FEATURES OF THIS ACCELERATED OR SIMPLIFIED PROCEDURE (INCLUDING THE APPLICANT'S SITUATION PENDING A DECISION - SUSPENSORY EFFECT OF THE APPEAL)?

In cases decided by the usual procedure deportation is carried out when the Helsinki Administrative Court has resolved the matter and the decision has been notified to the applicant. Where the applicant comes from a safe country of origin or asylum or the application is manifestly unfounded, the deportation decision can be enforced eight days at the earliest after the applicant is notified of the Immigration Directorate's decision. In this case, before enforcement is commenced it must be ensured that the aforementioned period includes at least five working days. Where the Dublin Convention applies the deportation decision can be enforced once the Immigration Directorate's decision has been notified to the applicant. A decision on a new application which has been lodged following a refusal of asylum and residence and which does not contain any substantially new grounds for remaining in the country can also be implemented once the Immigration Directorate's decision has been notified.

The applicant has the right to apply to the Helsinki Administrative Court for enforcement of the deportation decision to be suspended; the Court must take a decision as a matter of urgency. An application for suspension does not, however, prevent enforcement; a decision by the Administrative Court is required .

10. STATISTICS:

NUMBER OF APPLICATIONS DEALT WITH UNDER AN ACCELERATED OR SIMPLIFIED PROCEDURE:

In 1999 the Immigration Directorate took 2 725 decisions, in which the asylum application was found to be manifestly unfounded in 1 099 cases. Of these, 117 concerned cases in which the Dublin Convention was applied. Up to 31 July 2000 the Immigration Directorate had taken 2 713 decisions, 1 163 of which were dealt with by the accelerated procedure.

LENGTH OF THE PROCEDURE
NORMAL PROCEDURE:

No statistics on processing times are available for the period since the amendment to the Aliens' Act came into force on 10 July 2000.

The average time for processing applications under the Immigration Directorate's normal procedure prior to the legislative change was 12 months. At present it takes the courts about 9 months to deal with appeals in cases heard under the normal procedure. Prior to the legislative change, the average length of the procedure from submission of the application up until the applicant's expulsion was between 20 and 30 months.

ACCELERATED OR SIMPLIFIED PROCEDURE:

The time taken by the Immigration Directorate to process an application under the accelerated procedure prior to entry into force of the legislative change was 3-8 months. In cases in which the Dublin Convention was applied the processing time was 2-15 months. The Administrative Court has not yet settled any appeals lodged after the law change concerning cases heard under the accelerated procedure, but these are expected to take 2-3 months.

As stated above, the Aliens' Act was amended to speed up the asylum procedure. Where the applicant comes from a safe country of origin or asylum, the Immigration Directorate must take a decision within seven days of completion of the asylum hearing. The intention is also to shorten processing periods for applications dealt with under the normal procedure, in particular by improving administrative performance.

11. GENERAL ASSESSMENT OF APPLICATION OF THE LEGISLATION IN FORCE:

As the legislative changes have only been in force for less than two months the courts have not acquired sufficient experience for an assessment of the legislation as it stands.

SWEDEN

The Swedish legislation does not provide for accelerated or simplified procedures for examining asylum applications.

However, in accordance with Chapter 8, section 8, of the Aliens act the Swedish Migration Board may ordain that a refusal-of-entry order made by the Board is to be put into effect even if it has not entered into legal force (immediate enforcement), if it is obvious that there are no grounds for asylum and that a residence permit is not to be awarded on any other grounds either.

An immediate enforcement order may not be issued more than three months after the alien's first application for a residence permit after arrival in Sweden unless there are exceptional grounds for doing so.

An appeal against the Swedish Migration Boards decision can be lodged with the Aliens Appeals Board and the immediate enforcement can be stopped.

UNITED KINGDOM

Accelerated Procedures

1. Does your legislation provide for one or more accelerated or simplified procedures for examining asylum applications?
The Immigration and Asylum Act 1999 comes into force on 2 October 2000. Under the Act, cases certified by the Secretary of State do not have a right of appeal to the Immigration Appeal Tribunal subsequent to an appeal to an adjudicator. A certificate can also be issued where there are standing arrangements with another Member State.

A. Accelerated procedures – Administrative phase:

2. In what cases is this procedure implemented?
Asylum cases are certified where: the applicant fails to produce a valid passport; fails to tell the immigration officer that his passport is invalid; does not show a fear of persecution under the Refugee Convention; his application for asylum is manifestly unfounded; or where there is a standing arrangement with another Member State.

3. Which authority decides to implement the accelerated procedure?
The Immigration and Nationality Directorate

4. Are there legal remedies against this type of decision? If so, which?
There is a right of appeal to an adjudicator, who may uphold or dismiss the certificate.

5. What are the features of this accelerated or simplified procedure (including the applicant's situation pending a decision)?
If the appeal to an adjudicator is dismissed there is no right of appeal to the Immigration Appeal Tribunal. An appeal could also be made if the applicant considered that the decision infringed his Human Rights. In cases where there is a standing arrangement the appeal is against whether the certificate was properly issued.

B. Accelerated procedures – judicial phase:

6. In which cases is this procedure implemented?
See above.

7. Which authority decides to implement the accelerated procedure?
Immigration and Nationality Directorate.

8. Are there legal remedies against this type of decision? If so, which?
There is the right of appeal to an adjudicator.

9. What are the features of this accelerated or simplified procedure (including the applicant's situation pending a decision – suspensory effect of the effect of the appeal)?
Any removal from the UK would be suspended while an appeal is pending.

10. Statistics: (there are no available statistics specifically detailing those applications dealt with under an accelerated procedure)
Number of applications dealt with under an accelerated or simplified procedure:
Length of the procedure
- **normal procedure:**
- **accelerated or simplified procedure:**

11. General assessment of application of the legislation in force:
The UK takes its international obligations to provide protection seriously. If an individual doesn't meet the criteria laid out in the 1951 UN Convention relating to the Status of Refugees then he is automatically considered for exceptional leave (e.g. under Article 3 ECHR) according to his individual circumstances. Although up until now this has been our published policy rather than a legislative obligation, and so there have been no appeal rights resulting from a human rights decision, from 2 October 2000 the Human Rights Act will come into force and will allow cases concerning the rights given under the European Convention on Human Rights and Fundamental Freedoms to be brought into the UK courts.