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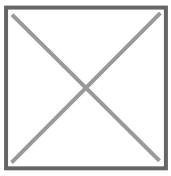
4.3.3 Accelerated procedures



According to the recast Asylum Procedures Directive, when an application for international protection is likely to be unfounded or where there are specific grounds, such as the applicant is from a safe country of origin or presented false information, Member States may accelerate the examination of the application. This can be done by introducing shorter, but reasonable, time limits for certain procedural steps without compromising the right to a fair process or the applicant's access to basic rights and guarantees. The directive allows Member States to consider an application manifestly unfounded in the circumstances that allow for the acceleration of the procedure.

In 2020, during the first stage of the COVID-19 pandemic, some countries prioritised cases under the accelerated procedure. In Belgium, cases examined this procedure and extremely urgent cases were the only ones for which hearings were not suspended by CALL.[412] In other countries, like Cyprus, the COVID-19 preventative measures and particularly the mandatory quarantine of 14 days led to delays related to the examination of applications in the accelerated procedure.

Several countries made changes to the time limits in accelerated procedures. In Cyprus, the amended Refugee Law, Article 12D, in force since 12 October 2020, specified that an application may be examined under the accelerated procedure and is prioritised within 30 days from the date of submission of an application. The time limit can be extended within the accelerated procedure for up to 2 months by a decision of the competent officer. At the same time, Article 16D specifies that an appeal against a rejected application which was examined under the accelerated procedure must be lodged within 15 days from the date of notification.[413]

To streamline the first steps of the asylum procedure and accelerate processing times, Austria managed specific cases faster than usual as of the beginning of June 2020. All essential elements of the asylum procedure are clarified and decisions are taken within 72 hours of the application being made with a focus on applicants from safe countries of origin as well as countries with a low recognition rate (manifestly unfounded applications).

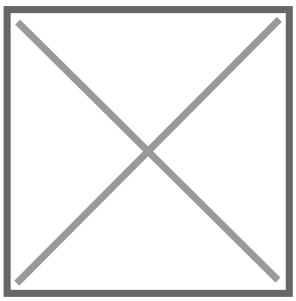
In France, the validity of the certificate which is received when requesting asylum was set at 6 months for cases in the accelerated procedure, compared to 10 months in the normal procedure.[414] The law also provides that for cases in the accelerated procedure the Office for the Protection of Refugees and Stateless Persons (OFPRA, *Office Français de Protection des Réfugiés et Apatrides*) issues a decision within 15 days from the date of submission of an application.[415] Civil society organisations and lawyers noted that the 15-day time limit to take a decision in an accelerated procedure before OFPRA was unrealistic. However, OFPRA can decide to redirect cases in the

normal procedure if necessary, unless the applicant constitutes a threat to public order.[416]

In Italy, the Legislative Decree No 130 provides that applications from centres of permanence before repatriation *(Centri di Permanenza per il Rimpatrio)* and those made by applicants from safe countries of origin are to be processed within the accelerated procedure. Specifically, applications from a safe country of origin will follow the 9-day procedure.[417]

In Lithuania, according to the new law, applications examined under the accelerated procedure are to be processed within 10 business days and the time limit for lodging an appeal is reduced to 7 days from the moment of notification of the decision.[418]

Further changes took place in Hungary in the context of COVID-19 measures. Since 1 January 2021, Decree
No 570/2020 (XII. 9), Section 5 removed the possibility to request interim measures against expulsion which take place because of a violation of COVID-19 rules or when expulsion is ordered due to a risk to national security or public order. According to the Hungarian Helsinki Committee, this can lead to an expulsion after the rejection of an asylum application in the accelerated procedure, as the appeal does not have a suspensive effect.



[412] Council for Alien Law Litigation (CALL) /Conseil du Contentieux des Etrangers | Raad voor Vreemdelingenbetwistingen. (2020, April 5). *Verlenging coronamaatregelen tot en met 18 mei 2020 [Extension of measures related to the corona virus until 18 May 2020]* . https://www.rvv-cce.be/nl/actua/verlenging-coronamaatregelen-tot-en-met-18-mei-2020
[413] N. 142(I)/2020 ????? ??? ?????????? ???? ???? ???? ???? ????????? ?????? ??? 2000 ??? 2019, ??? 4780 12-10-2020 [N. 142(I)/2020 Law amending the Refugee Laws of 2000 to 2019 Government Gazette 4780 12-10-2020].
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[414] Arrêté du 5 mai 2020 modifiant l'arrêté du 9 octobre 2015 pris en application de l'article L. 741-1 du code de l'entrée et du séjour des étrangers et du droit d'asile, INTV2011008A [Order of 5 May 2020 amending the Order of 9 October 2015 in application of article L. 741-1 of the code on the entry and stay of foreigners and the right to asylum, INTV2011008A].
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[415] Article R. 723-4, Code de l'entrée et du séjour des étrangers et du droit d'asile, CESEDA [Code on the entry and stay of foreigners and the right to asylum, CESEDA]. https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000006070158/
[416] Article L. 723-2, Code de l'entrée et du séjour des étrangers et du droit d'asile, CESEDA [Code on the entry and stay of foreigners and the right to asylum, CESEDA]. https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000006070158/
[417] Legge 18 dicembre 2020, n. 173 Conversione in legge, con modificazioni, del decreto-legge 21 ottobre 2020, n. 130, recante disposizioni urgenti in materia di immigrazione, protezione internazionale e complementare, modifiche agli articoli 131-bis, 391-bis, 391-ter e 588 del codice penale, nonche' misure in materia di divieto di accesso agli esercizi pubblici ed ai locali di pubblico trattenimento, di contrasto all'utilizzo distorto del web e di disciplina del Garante nazionale dei diritti delle persone private della liberta' personale. (20G00195) [Law No 173 of 18 December 2020, Conversion into law, with amendments, of Decree-Law No 130 of 21 October 2020 laying down urgent provisions on immigration, international protection and supplementary protection, amendments to Articles 131-bis, 391-bis, 391-ter and 588 of the Criminal Code, as well as measures concerning the prohibition of access to public establishments and premises of public detention, combating the misuse of the web and regulating the rights of persons deprived of personal freedom. (20G00195)], December 18, 2020.
https://www.gazzettaufficiale.it/eli/id/2020/12/19/20G00195/sg
[418] XIII-3412 Lietuvos Respublikos ?statymo „D?l užsienie?i? teisin?s pad?ties“ Nr. IX-2206 pakeitimo ?statymas [XIII-3412 Law amending the Law of the Republic of Lithuania “On the Legal Status of Aliens” No IX-2206]. https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/d9581ac124e611eb8c97e01ffe050e1c

  

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