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Section 4.3.4. Accelerated procedures

According to the recast APD, 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. In the circumstances when a procedure can be accelerated – which are the same circumstances to examine an application at the border or in transit zones *(see Section 4.3.1)*, the directive allows Member States to consider an application as manifestly unfounded.

While several Member States undertook steps to speed up the regular asylum procedure *(see Section 4.4)*, relatively few developments were reported specifically related to accelerated procedures.

Changes to national lists of safe countries of origin *(see Section 4.3.2)* had an impact on accelerated procedures. For example, Russia was removed from the ÅGH country list in Denmark, which meant that applications from that country could not be processed in the expedited version of the manifestly unfounded procedure. However, the Danish Immigration Service underlined that applications from Russian citizens could still be processed in the manifestly unfounded procedure on other grounds, with the agreement of the Danish Refugee Council.392

The appeal timeline for an accelerated procedure was shortened in Cyprus with an amendment to the "Law on the rules of procedure for the Administrative Court for International Protection". 393

The Lithuanian Red Cross underlined that, since summer 2021, applicants from certain nationalities arriving from Belarus were automatically referred to an accelerated procedure. While the law requires the authorities to assess the cases within 10 days in this procedure, the organisation observed that applicants often had to wait 6 months or more for a decision.394

In Malta, the First Hall Civil Court ruled that there was a breach of parts of the Maltese Constitution and the applicant's rights when a rejected application is automatically reviewed by the International Protection Appeals Tribunal without hearing the applicant and without a clear

possibility of a further appeal. The case was further appealed to the Constitutional Court, which delivered its judgment in January 2023. The court concluded that there was no violation of the constitution, as it found that the rights in asylum were not part of civil rights and obligations. In 2022, concerning the case of a different applicant, the ECtHR held that the accelerated asylum procedure did not offer effective guarantees to protect the applicant from an arbitrary removal.

- 392New in Denmark | Ny i Danmark. (2023, January 19). Russia is no longer on the ÅGH country list. https://www.nyidanmark.dk/en-GB/News-Front-Page/2023/01/Russia-is-no-longer-on-the-%C3%85GH-country-list
- 393Νόμος περί τηςΛειτουργίας του Διοικητικού Δικαστηρίου Διεθνούς Προστασίας (Τροποποιητικός) (Αρ. 4) Διαδικαστικός Κανονισμός του 2022 [Law on the rules of procedure for the Administrative Court for International Protection (Amendment) (No. 5) Procedural Regulation of 2022], 16 September 2022. https://www.mof.gov.cy/mof/gpo/gazette.nsf/9F4763A598DC9C39C22588BF00258539/$file/4150%
- 394Lithuanian Red Cross Society. (2023). Input to the Asylum Report 2023. https://euaa.europa.eu/sites/default/files/2023-02/lithuanian_red_cross_society.pdf

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