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4.4.10. Length of the asylum procedure before the determining authorities

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icon presenting penalty payments in exceeding processing times

In several EU+ countries, asylum procedures exceeded the 6-month time limit, as prescribed in the recast APD.

In Luxembourg, the Minister for Immigration and Asylum provided information on the average length of the asylum procedure, which increased from 7 months in 2018 to 10 months in 2022. The minister also stated that factors which influenced the length of the procedure included the number and profile of arriving applicants, the COVID-19 pandemic, uncertain situations in specific countries of origin, and the war in Ukraine. The minister noted that the main reason for exceeding the 6-month time limit was the need to ensure an appropriate and thorough examination, in particular through more in-depth research or verification of the authenticity of documents.

In addition, secondary movements and Dublin transfers had a considerable impact on delaying processing times. In many cases Luxembourg became responsible for the examination of an application when the country responsible refused to take charge or take back the applicant, or when a Dublin transfer was not carried out. In order to reduce the length of the procedure, since 2018 the authorities have used email communication instead of post for communicating with external stakeholders such as lawyers, published internal guidelines and provided training to case officers.476

In examining a complaint by an applicant, the Lithuanian Ombudsperson decided that the requests in the Migration Department were processed in violation of the deadlines stipulated in legal acts and that the persons who submitted these requests was not properly informed about the relevant decisions made.477 In order to implement the recommendations of the Ombudsperson, the Migration Department started to inform all applicants whose applications have not been processed by the deadlines stipulated in legal acts about the relevant decisions made, including the reasons for the delay.

Several civil society organisations from Spain signalled deficiencies in the quality of the asylum procedure which led to a limitation of the applicant’s rights. Comisión Española de Ayuda al

Refugiado, Fundación Cepaim and Progestion highlighted that the length of the procedure at first instance was excessive and the authorities do not pronounce a decision within the 6-month deadline, partially due to insufficient staff. The Spanish Ombudsperson also highlighted the need to take measures to improve the efficiency of the asylum procedure.478

Fundación Cepaim further noted that the legal time limit was respected most often for nationals of Colombia, Mali and Venezuela, for whom the decisions were not detailed.479 Similarly, the Red Cross Society in Lithuania and the Association for Legal Intervention in Poland criticised that the length of the asylum procedure sometimes reached 15 months.480 The Office for Foreigners added that in these cases the delay had not led to a breach of Polish or EU law, as it could be justified with the applicant's lack of cooperation with the competent authority.

- 476Ministry of Immigration and Asylum | Ministre de l'Immigration et de l'Asile. (2023, February 9). Réponse de Monsieur le Ministre de l'Immigration et de l'Asile à la question parlementaire No 7469 du 12 janvier 2023 des honorables députées Djuna Bernard et Stéphanie Empain [Answer of the Minister of Immigration and Asylum to the parliamentary question No 7469 of January 12, 2023 of the honorable deputies Djuna Bernard and Stéphanie Empain]. https://wdocs-pub.chd.lu/docs/exped/0137/030/274304.pdf
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