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4.5.7. Length of the procedure

4.5.7. Length of the procedure

icon showing length of the appeals procedure

In Germany, the government approved in July 2022 the first migration package presented by the Federal Minister of the Interior, including a bill to accelerate the appeals procedure. The draft law was subsequently adopted by the German parliament on 2 December 2022.509

In Cyprus, IPAC amended its rules of procedure on 16 September 2022, including the time limit for IPAC to issue a decision on an appeal which should be 7 days from the registration of the appeal with the court. In addition, any appeal against the decision of IPAC must be lodged within 10 days from the notification of the decision. When a detention order is challenged, the decision must be issued within 2 days.510

In 2022, IPAC also initiated accelerated procedures for negative first instance decisions issued based on an inadmissible subsequent application or safe country of origin. Upon the submission of an appeal in such cases, the Asylum Service must, within 10 days, file a memorandum at the IPAC Registry with the administrative file of the claim. The case is then scheduled directly for a hearing, during which the presence of the Legal Service is not required, unless this is otherwise ordered by IPAC. No written submissions by either the applicant or the Legal Service are foreseen in the accelerated procedure.511

In Greece, the Asylum Code, which entered into force in the second half of 2022, provides that decisions must be issued as soon as possible and in any case:

- Within 30 days of the hearing of the case in a regular procedure case;
- Within 20 days of the hearing in an accelerated procedure case;
- Within 10 days of the hearing when the appellant is under administrative detention; and
- Within 20 days of the hearing when the application is rejected as inadmissible in accordance with Article 89.

An exception was introduced for cases heard in priority, as the decision must be issued within 15 days of the hearing.512

The length of asylum appeals was an area of concern for national authorities and criticised by some civil society organisations and national evaluations of appeal procedures. For example, Progestion and Convive-Fundación Cepaim highlighted that the duration of the appeals

procedure was excessively lengthy in Spain.513

In Sweden, the National Audit Office published a report on the processing times of asylum cases in migration courts and found that they were long and had increased since 2016. Notable regional differences were also found, with a lack of resources being the main reason for delays. The report noted that about one-half of the processing time did not include any active processing of cases.514 In a letter of 26 July 2022, the Ministry of Justice welcomed the report and highlighted that a series of measures were taken to shorten the processing time, including constitutional amendments to transfer cases between courts.515

- 509Federal Ministry for the Interior | Bundesministerium für Inneres. (2022, December 2). Gute Chancen für gut integrierte Menschen [Good chances for well-integrated persons]. https://www.bmi.bund.de/SharedDocs/kurzmeldungen/DE/2022/12/chancenaufenthaltsrecht.html
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- 514National Audit Office | Riksrevisionen (2022, March). I väntan på dom – migrationsdomstolarnas handläggningstider i asylmål (RIR 2022:5) [Waiting for judgment - the processing times of migration courts in asylum cases (RIR 2022:5)].
- 515Swedish Government | Regeringskansliet. (2022, July 26). Riksrevisionens rapport om migrationsdomstolarnas handläggningstider i asylmål [The National Audit Office's report on the migration courts' processing times in asylum cases]. https://www.regeringen.se/rattsliga-dokument/skrivelse/2022/07/skr.-202122282/

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