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Section 3.3. Special procedures to assess protection needs

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icon for special procedures

Countries may opt to use special procedures to assess an asylum application in an accelerated manner out of the regular procedure. This can be done, for example, when there are special protection needs or when an application is likely to be unfounded. Also, when an applicant presents a subsequent application without new evidence, the application may be dismissed as inadmissible without an examination on the merits, on the basis of the *res judicata* principle. In these special procedures, the duration of the procedure is shortened without undercutting procedural safeguards or a complete examination.

In the EU context, in addition to regular examination procedures, the recast APD sets the framework to examine applications for international protection at first instance under special conditions involving accelerated procedures when:

- an application is presumably unfounded;
- applications are made at border or transit zones; or
- when the admissibility of the application is in question.

In addition to special procedures, countries may also introduce policies to process specific categories of cases with priority and ahead of other pending cases (*see Section 3.4*).

Legislative changes in 2023 ranged from proposals to introduce the border procedure for the first time to changes to the conditions for applying the procedure and to the competent court for examining appeals. Once again, concerns were raised on the application of the border procedure.

Several EU+ countries amended their lists of safe countries of origin and designations as safe third countries, while others started working on the adoption of such lists. The referral made by the Greek Council of State about the designation of Türkiye as a safe third country remained undecided by the CJEU in 2023, while the ECtHR provided interim measures to applicants for whom Türkiye is deemed as a safe third country.

Applications lodged after secondary movements continued to trigger inadmissibility decisions, while the CJEU is expected to rule in 2024 on the processing of applications lodged by people who have received international protection in another Member State but cannot be transferred

back due to a risk of inhuman or degrading treatment.

New legislation and amendments were passed relating to subsequent applications, defining procedural rules and clarifying already-existing provisions. Meanwhile, national courts ruled on the designation of applications as subsequent and on the respective obligations of national authorities.

Section 4.3.1. Border procedures

3.3.1 Border procedures

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icon for safe country concept and safe countries of origin

3.3.2. Safe country concepts

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3.3.3. Admissibility procedures

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