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3.4.10. Length of the asylum procedure before the determining authorities

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Several Member States reported that more efficient and faster asylum procedures were implemented for specific profiles of applicants or specific nationalities. For example, in Austria, nationals of Bangladesh, India and Morocco were channelled through the accelerated procedure, based on an individual assessment. The Swiss SEM initiated a pilot project in Zürich to process applications from Algerian, Libyan, Moroccan and Tunisian nationals, which are predominantly considered to be unfounded, in an accelerated manner within a 24-hour period. In 2024, it was announced that these procedures were to be expanded nationwide.445

Nonetheless, the excessive length of the asylum procedure at first instance was raised in several EU+ countries. The Lithuanian Red Cross noted that the Lithuanian Seimas Ombudsperson repeatedly found that the Migration Department failed to issue decisions within the legal time limit. On this topic, the Supreme Administrative Court ruled that an applicant's right to have a decision on her asylum application within the legal deadline was violated, resulting in non-pecuniary damage. The acknowledgement that the applicant’s rights had been violated was a sufficient form of compensation. The same court also ruled that the Migration Department’s arguments concerning the migration crisis at the border with Belarus and the mass influx of persons displaced from Ukraine were not sufficient to justify delays beyond 6 months to provide an administrative decision on asylum requests.

In a case in which the Lithuanian Migration Department had argued on appeal that it was unable to examine the asylum application within the 6-month time limit due to staff shortages, an unsuccessful search for additional employees, insufficient internal resources, the influx of migrants from Belarus and displaced persons from Ukraine, the Vilnius Regional Administrative Court ordered the Migration Department in June 2023 to issue a decision on the asylum application within 1 month of the court ruling taking effect, as the Migration Department did not provide in its decision the grounds for extending the 6-month time limit.

UNHCR noted that challenges still remained in Luxembourg concerning the reasonable length of the procedure. It recommended that the government ensures that decisions to provide or refuse protection respect reasonable time limits.446

The high number of applications also led to the extension of the 6-month time limit to pronounce a decision at first instance. To determine the conditions in which national authorities may extend

this time limit when “a large number of third-country nationals or stateless persons simultaneously apply for international protection”, the Dutch Council of State submitted questions to the CJEU for a preliminary ruling on the interpretation of point (b) of the third subparagraph of Article 31(3) of the recast APD.

Civil society organisations observed lengthy asylum procedures in several countries,447but reported that some countries had slight (for example, France, Germany and Ireland) or even significant (for example, Sweden) decreases in the waiting times for a final decision.448

- 445State Secretariat for Migration | Staatssekretariat für Migration | Secrétariat d’État aux migrations | Segreteria di Stato della migrazione. (2024, March 1). *Procédure d’asile en 24 heures [Asylum procedure in 24 hours]*.

- 446United Nations High Commissioner for Refugees. (October 2023). *Renforcer la protection des personnes déplacées de force et des apatrides [Strengthening the protection of forcibly displaced persons and stateless persons]: Mémorandum du HCR dans le contexte des élections législatives du 8 octobre 2023 au Grand-Duché de Luxembourg [HCR memorandum in the context of legislative elections of 8 October 2023 in the Grand Duchy of Luxembourg]*. https://www.unhcr.org/be/wp-content/uploads/sites/46/2023/10/UNHCR-Memorandum-Luxembourg-2023.pdf
- 447Jesuit Refugee Service Malta. (2024). Input to the Asylum Report 2024.

- 448European Council on Refugees and Exiles. (2024). Input to the Asylum Report 2024.

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