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4.3.4 Admissibility procedures



Admissibility procedures are conducted when a Member State does not have to examine whether an applicant qualifies for international protection because of specific circumstances, for example:

- Another Member State is responsible for the application under the Dublin III Regulation;
- Another Member State has already granted protection;
- Another country is considered to be the first country of asylum or a safe third country for the applicant;
- The application is a subsequent one with no new elements; or
- A dependent lodges an application after consenting to be a part of another application.

In these special cases, a Member State conducts the admissibility procedure to verify if the application may still be admitted for examination.

In Lithuania, according to a new law, the decision on the procedure to be followed will now be communicated to the applicant during the interview. The time limit to take the decision is 2 working days, instead of 48 hours, and a decision on admissibility is issued within 3 business days from the moment the asylum application was registered.[419]

In the case of *Addis* v *Federal Republic of Germany* (C-517/17), the CJEU ruled on the importance of a personal interview prior to an inadmissibility decision *(see Section 2.5.2)*.

Besides a high number of admissibility procedures for subsequent applications in some EU+ countries
(see Section 4.3.5), over the past years, several countries have seen an increase in applications from persons who already have international protection in another Member State, making admissibility procedures more and more relevant. Courts have also been active in delivering related cases *(see Section 4.14.2.6)*.

[419] XIII-3412 Lietuvos Respublikos ?statymo „D?l užsienie?i? teisin?s pad?ties“ Nr. IX-2206 pakeitimo ?statymas [XIII-3412 Law amending the Law of the Republic of Lithuania “On the Legal Status of Aliens” No IX-2206], November 10, 2020. https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/d9581ac124e611eb8c97e01ffe050e1c

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