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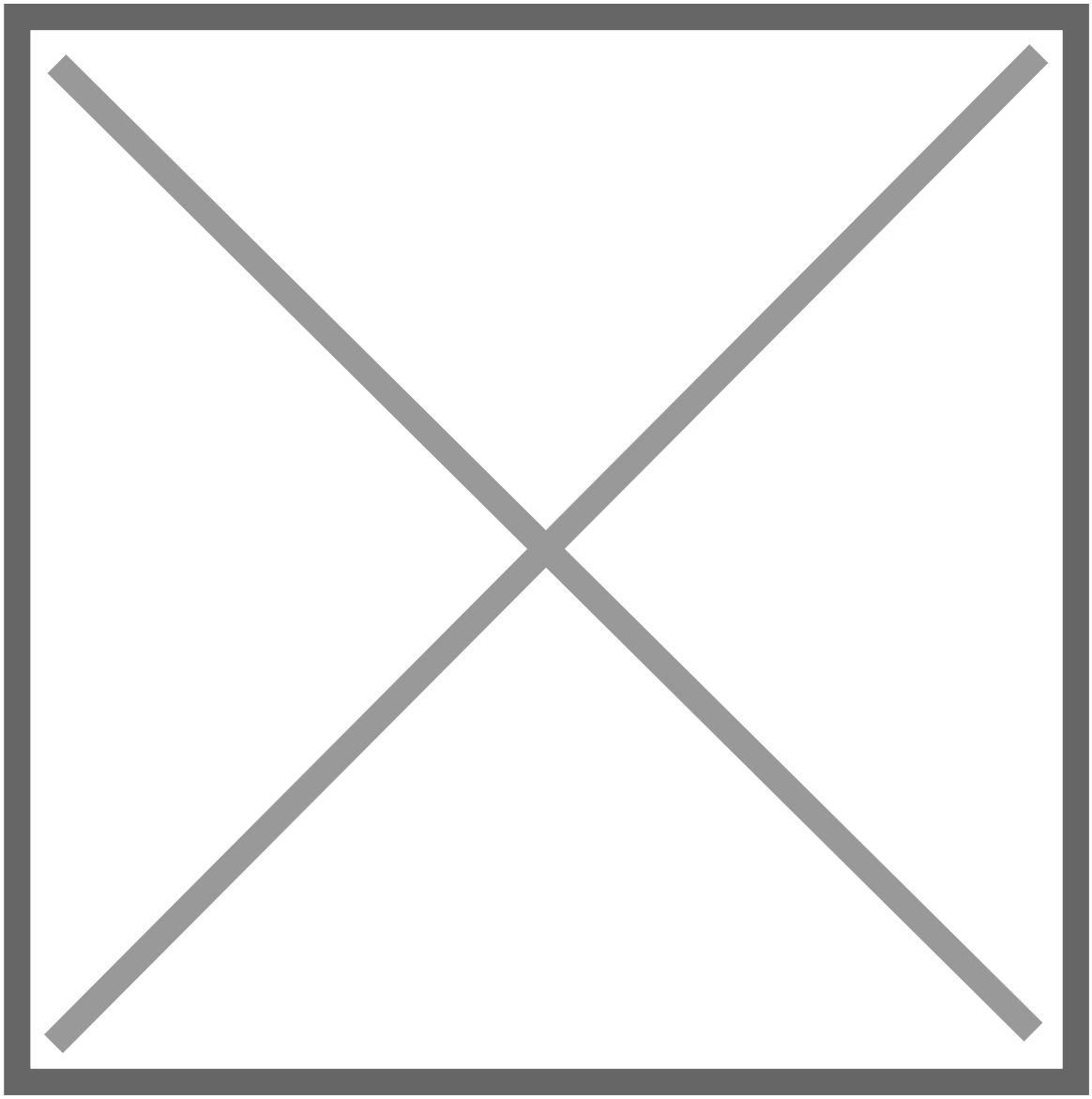
4.4.6 Managing time limits and notifications



Time limits in first instance procedures

Over 2020, time limits were extended in several EU+ countries due to the disruption of services.

The Danish Immigration Service extended the time limit for recording biometric data by 2 months since at the height of the pandemic it was not possible to take fingerprints and facial photos when a person submitted an application.[466]

In line with the guidelines from the European Commission from 16 April 2020, the Netherlands prolonged the time limit by 6 months to render a decision on an application which was lodged before 20 May 2020 and not yet exceeded the original time limit of 6 months. The measure was confirmed by the Council of State on 16 December 2020, which held that the pandemic led to a *force majeure* in asylum procedures, making it impossible to conduct personal interviews and leading to the extension of time limits, an aspect on which applicants must be notified in a timely manner.

On a case-by-case basis, Romania also used existing legislative provisions to extend time limits, when justified.

The NGO Human Rights League expressed concern about the disproportionate length of proceedings in Slovakia after courts overturned first instance decisions and returned the cases to the Migration Office.

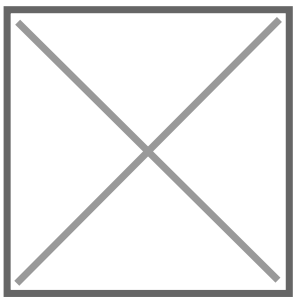
Notification of the first instance decision

Authorities in France started to issue the notification of decisions electronically in two regions (Bretagne and Nouvelle Aquitaine). Austria started to implement this practice, but the Supreme Administrative Court ruled that notifications could not be given remotely or through video. The Immigration Service in Finland gave notifications by videoconference or phone. Decisions were also sent by post if the notification did not need to be translated.[467]

In Cyprus, the amended Refugee Law 2020 gave the Senior Immigration Officer (the Minister of the Interior) the power to issue a decision of a return, removal or deportation order at the same time as issuing a rejection decision on an asylum application. The order has a suspensive effect until a final decision by the court is issued.[468]

In Estonia, the Act on Granting International Protection to Aliens, amended on 27 June 2020, stipulates that when a foreigner's location is not known to the PBGB and there is an emergency situation the administrative authority may publish the application number and the title of the decision on its website without another form of notification.[469] UNHCR recommended to use existing channels of notification and to publish on the website only as an additional means of communication.[470] The amendments to the Estonian act also clarified that a rejection decision includes a return decision and an entry ban of 3 years.

In Greece, decisions may be notified by email and the decision is considered to be notified 48 hours after it was sent to the applicant. Civil society organisations raised the issue that this 'fictitious service' (πλασματική επίδοση) of first instance decisions, introduced by Law No 4636/2019 which entered into force on 1 January 2020, poses the risk of missing the time limit for appeal if the applicant was not actually informed about the issuance of the decision.[471]



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