Please cite as: EUAA, '4.5.1 Reorganising second instance bodies' in *EASO Asylum Report 2021*, January 2022.

4.5.1 Reorganising second instance bodies

From December 2020, the Refugee Reviewing Authority in Cyprus ceased its operations. All cases for appeal, including the cases submitted to the Refugee Reviewing Authority, are now examined by the Administrative Court for International Protection. In addition, the new government of Slovakia intends to reorganise the entire court system in 2021, including the establishment of new specialist administrative courts which also cover asylum.

Other institutional changes concerned panel formations or the number of judges serving, either as a permanent measure or as a temporary change due to COVID-19 restrictions. In Austria, since the COVID-19 pandemic started, both chambers dealt with asylum cases due to an increased case load. They also recruited more staff to tackle the backlog. Also due to the increased case load, the Act on Establishment of the Administrative Court for International Protection was amended in Cyprus, increasing the number of judges from 3 to 5 judges in 2020 and to 10 judges by mid-2021.[491]

On 7 August 2020, Malta established the International Protection Appeals Tribunal to replace the Refugee Appeals Board.[492] The Refugees Act (the International Protection Act, Article 5) was amended, introducing a full-time chairperson for each chamber of the International Protection Appeals Tribunal, along with two or more members on a part-time basis appointed by the President acting on the advice of the Prime Minister.[493]

Changes to panel formations justified by COVID-19 restrictions were reviewed by courts and tribunals. In France, the use of a single-judge formation at the CNDA, instead of a collegiate panel, for the duration of the state of health emergency was raised before the Council of State. The measure was suspended by the Council of State on 8 June 2020 due to operational difficulties, the share of members that could be considered particularly vulnerable to COVID-19, and the particular importance for asylum seekers to have their appeal examined by a collegiate panel. Amnesty International issued a statement on 4 May 2020, raising concerns about the transfer of a significant share of asylum appeals to the exceptional single-judge procedure in Greece.[494]

[491] ??????? ??? ?????????? ?????????? ??????? 1148 ?????????? ?? ?????: «? ???? ??? ??????? ??? ??????????? ??????????? ??????????? ???????? ?????????? (??????????????) (??. 2) ????? ??? 2020». ??. ???????? 90.073 ??? 15.9.2020 (??. ????????

1200/2020) ??? 4700 11-12-2020 [Decision of the Council of Ministers Number 1148 Bill entitled: "The Law on the Establishment and Functioning of an Administrative Court of International Protection (Amending) (No 2) Law of 2020". No Decision 90.073 of 15.9.2020 (Proposal No 1200/2020) Government Gazette 4700 11-12-2020. https://www.mof.gov.cy/mof/gpo/gpo.nsf/All/774CDD92D48BB6BFC225863B002DB67D/$file/4700%2011%2012%202020%20PARARTIMA%204o%20ME

[492] Act No XL of 2020 to amend the Refugees Act, Cap. 420, 7 August 2020. https://parlament.mt/media/107749/1-act-40-online.pdf

[493] Act No XL of 2020 to amend the Refugees Act, Cap. 420, 7 August 2020. https://parlament.mt/media/107749/1-act-40-online.pdf

[494] Amnesty International. (2020, May 4). *Greece: Worrying legal developments for asylum-seekers and NGOs* . https://www.amnesty.org/download/Documents/EUR2522592020ENGLISH.pdf

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