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4.3.3 Accelerated procedures

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According to the recast Asylum Procedures Directive, when an application for international protection is likely to be unfounded or where there are specific grounds, such as the applicant is from a safe country of origin or presented false information, Member States may accelerate the examination of the application. This can be done by introducing shorter, but reasonable, time limits for certain procedural steps without compromising the right to a fair process or the applicant's access to basic rights and guarantees. In the circumstances when a procedure can be accelerated – which are the same circumstances to examine an application at the border or in transit zones *(see Section 4.3.1)*, the directive allows Member States to consider an application as manifestly unfounded.

In 2021, countries introduced amendments to the use of the accelerated procedure, extending its coverage to certain categories of applicants or changing the time limits, while national courts reviewed some of these changes. The quality of decisions pronounced in accelerated procedures was also examined.

Lithuania introduced amendments to the Law on the Legal Status of Aliens in December 2021, including changes for the accelerated procedure.505 An appeal against a decision in an accelerated procedure may be lodged with the regional administrative court within 7 days of notification, and a second appeal may be lodged with the Supreme Administrative Court within 14 days from publication of the appeal decision. ECRE expressed concerns about the extension of the accelerated examination to applications from asylum seekers entering from Belarus, including vulnerable applicants.506 Furthermore, UNHCR published legal observations before the adoption of the amendments, raising concerns about the safeguards applicable to the accelerated procedure.507

In the Netherlands, the legal provisions that came into force in June 2021 provided that the Track 2 simplified procedure, equivalent to the accelerated procedure, was extended to other categories of applicants besides applicants from safe countries of origin.508 The Work Instruction 2021/14, implemented as of 25 June 2021, excludes unaccompanied minors from this procedure, which was considered a good practice by ECRE.509

In Slovenia, the time limit to lodge an appeal before the Administrative Court against a decision issued in the accelerated procedure was reduced from 8 days to 3 days through the adoption of

the “Act amending the International Protection Act”.510 The suspensive effect of the appeal is automatic, and the court must take a decision within 7 days, although according to civil society organisations, in practice the court procedures were usually longer.511 The proposal also reintroduced the possibility of appealing to the Supreme Court, which was abolished in 2016.512

The Belgian Constitutional Court reviewed several legislative provisions in February 2021 and clarified that the accelerated procedure can be applied to unaccompanied minors only when the applicant comes from a safe country of origin, has made an inadmissible subsequent application or poses a threat to national security or public order.

External evaluators of the working group Egger, Dreher und Partner AG and Ecoplan AG, on behalf of the SEM in Switzerland, analysed the quality of asylum decisions in the accelerated procedure following the revision of the Asylum Act in March 2019. They concluded that the accelerated procedure took an average of 55 days and that generally the quality of asylum decisions was satisfactory. The study also looked at the rate of decisions appealed and concluded that approximately 96% of all negative, appealable asylum decisions became legally binding, either because they were not appealed or because they had been upheld by the Federal Administrative Court.513 UNHCR commented on this evaluation and noted the limited number of decisions included in the study and that the study does not offer a complete picture of the functioning of the new system.514

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