Please cite as: EUAA, '4.5.1. Organisation of second instance courts' in *Asylum Report 2022*, May 2022.

4.5.1. Organisation of second instance courts

4.5.1. Organisation of second instance courts

icon for reorganisation of second instance courts

Amendments to the organisation and structure of courts were adopted or proposed in several Member States.

In Belgium, the Council of Ministers approved in June 2021 a draft law on the organisation of CALL. The proposal aimed to increase the number of judges of CALL and simplify and optimise the appraisal procedure for staff by introducing a comprehensive system of disciplinary and policy measures for officials.591

In Finland in May 2021, the Supreme Administrative Court proposed to the government amendments to the composition of administrative courts, with the purpose of making administrative courts more efficient without compromising legal certainty. For asylum cases under the Aliens Act, the court proposed to extend the possibility of using panels of two judges for all cases lodged before the Supreme Administrative Court.592

The Supreme Administrative Court of Slovakia, a new appeals court in asylum cases, started functioning in July 2021. Previously, asylum appeals were decided by the Supreme Court.593 The NGO Human Rights League welcomed the creation of the new court, noting that this will allow judges to become specialised in asylum matters.594

In Slovenia, amendments to the International Protection Act introduced the right to appeal a decision of the Administrative Court before the Supreme Court. The Supreme Court must decide on the appeal within 30 days and the amendment applies only to applications lodged after 9 November 2021.595

Italy launched an open competition in August 2021 in the framework of the Recovery Plan to recruit more than 8,000 officers in view of the establishment of the “Ufficio del Processo” under the Ministry of Justice. The new personnel should contribute to the reduction of the number of cases pending before the 26 specialised court sections on immigration and asylum, by providing support through research, monitoring and drafting of judgments and decisions.596 Other plans for improvement of second instance processes in Italy included cooperation between the National Asylum Commission and the Ministry of Justice in different activities, communication of

the video registration of the first instance interview to the appeal authorities to avoid the need for an in-person hearing, and creating a board to address divergencies in the interpretation of legal provisions between first and second instance authorities. In addition, improvements were also planned, involving the Ministry of Foreign Affairs, to develop country of origin information to serve the needs and purposes of various institutional actors.

591-596

- 591Council of Ministers | Conseil des Ministres. (2021, June 4). Organisation du Conseil du contentieux des étrangers [The organisation of the Council for Alien Law Litigation]. https://news.belgium.be/fr/organisation-du-conseil-du-contentieux-des-etrangers; Projet de loi modifiant la loi du 6 mai 2009 portant des dispositions diverses relatives à l'asile et à l'immigration et la loi du 15 décembre 1980 sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers, concernant l'organisation du Conseil du Contentieux des étrangers [Draft law amending the Law of 6 May 2009 laying down various provisions on asylum and immigration and the Law of 15 December 1980 on access to the territory, residence, settlement and removal of foreigners, concerning the organisation of the Council for Alien Law Litigation], September 29, 2021. https://www.dekamer.be/kvvcr/showpage.cfm?section=flwb&language=fr&cfm=flwbn.cfm?lang=
- 592Supreme Administrative Court | Korkein hallinto-oikeus. (2021, May 27). KHO esittää hallintotuomioistuinten kokoonpanosäännösten ajantasaistamista [The Supreme Administrative Court is proposing to update the rules on the composition of administrative courts]. https://www.kho.fi/fi/index/ajankohtaista/tiedotteet/2021/khoesittaahallintotuomioistuintenkokoon
- 593Ministry of Justice | Ministerstvo spravodlivosti. (2021, June 29). Najvyšší správny súd už o pár dní realitou [The Supreme Administrative Court is a reality since a few days]. https://www.justice.gov.sk/sudy-a-rozhodnutia/sudy/aktuality/?eid=3449
- 594European Union Agency for Fundamental Rights. (2021). Migration: Key fundamental rights concerns: 1.7.2021-30.9.2021. Quarterly Bulletin. https://fra.europa.eu/sites/default/files/2021-12/fra-2021-migration-bulletin-3_en.pdf
- 595Zakon o spremembah in dopolnitvah Zakona o mednarodni zaščiti (ZMZ-1A) [Act amending the International Protection Act (ZMZ-1A)]. http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO8192
- 596Concorso pubblico, per titoli ed esami, su base distrettuale, per il reclutamento a tempo determinato di ottomilacentosettantuno unita' di personale non dirigenziale dell'area funzionale terza, fascia economica F1, con il profilo di addetto all'Ufficio per il processo, da inquadrare tra il personale del Ministero della giustizia [Public competition, on the basis of qualifications and tests, on a district basis, for the recruitment on a fixed-term basis of eight hundred and seventy-one non-managerial staff in functional area III, economic category F1, with the profile of a member of staff in the "Ufficio per il processo", to be placed among the staff of the Ministry of Justice]. https://www.gazzettaufficiale.it/atto/concorsi/caricaDettaglioAtto/originario?atto.dataPubblicazione 08-06&atto.codiceRedazionale=21E09052

© European Union Agency for Asylum 2026 | Email: info@euaa.europa.eu