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4.2.1. Adapting the organisation of courts and tribunals

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Section 4.5.6. Reorganisation appeals panel

Several EU+ countries introduced institutional changes within appeals bodies in an effort to increase efficiency. Appeals bodies were decentralised in France and Lithuania,198 and panels were reduced to a single judge as a main rule in France199 and Germany,200 while maintaining collegiality for complex cases. In France, the changes aim to bring the appeal body closer to the applicant and to meet the objective of equal treatment for all applicants, regardless of where they live in France. The authorities noted that this may also allow for a diversification of available lawyers, beyond the Paris area. France terre d'asile provided comments on the changes, which are not implemented yet.201

The higher number of cases pending on an appeal prompted courts to shift staff and processing capacity. As the Directorate of Immigration in Iceland cleared its backlog of applications lodged by Venezuelan nationals, a backlog was created in appeals. The Immigration Appeals Board (IAB) hired more lawyers and case officers to reduce the case load. Belgium and Ireland also recruited staff or assigned judges and legal professionals from other areas to asylum cases. The re-assignments entailed the need for swift training, and a specific training programme was developed by CALL in Belgium for this purpose, while an online induction video was being developed in Ireland.

The competence of courts in asylum cases shifted in some countries. In Belgium, the competence of CALL was extended due to the introduction of a procedure to apply for a residence permit based on statelessness. It now covers annulment appeals without a suspensive effect which were lodged against a negative decision on requests for residence due to statelessness.202

New legislation in Italy brought changes to the competence of courts of appeals concerning border procedures and detention. A second appeal before the courts was introduced for decisions pronounced in the accelerated border procedure.203 In addition, the validation of detention measures was changed, giving courts of appeals competence for the judicial

validation of detention measures.204

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  Lietuvos Respublikos administracinių teismų reorganizavimo įstatymas, XIV-1574 [Law on the Reorganisation of Administrative Courts of the Republic of Lithuania, XIV-1574], November 24, 2022. Regional Administrative Court | Regionų Administracinis Teismas. (2024, January 2). Administracinių teismų reforma 2024 [Administrative Court Reform 2024]. Supreme Administrative Court of Lithuania | Lietuvos vyriausiasis administracinis teismas. (3 Janaury 2024). Informacija apie 2024 m. administracinių teismų reformą [Information about the 2024 administrative court reform].

- 199

  Décret n° 2024-800 du 8 juillet 2024 pris pour l'application de l'article 70 de la loi n° 2024-42 du 26 janvier 2024 pour contrôler l'immigration, améliorer l'intégration et relatif à l'organisation et à la procédure applicable devant la Cour nationale du droit [Decree No 2024-800 of 8 July 2024 issued for the application of Article 70 of Law No. 2024-42 of 26 January 2024 to control immigration, improve integration and relating to the organisation and procedure applicable before the National Court of Asylum], 8 July 2024.

- 200

  Federal Ministry of Justice | Bundesministerium der Justiz. (2024, June 13). Siebtes Gesetz zur Änderung der Verwaltungsgerichtsordnung und anderer Gesetze („VwGO-Novelle II“) - Überblick über die Eckpunkte des Gesetzgebungsvorhabens [Seventh Act to Amend the Administrative Court Act and Other Acts (“VwGO Amendment II”) - Overview of the Key Points of the Legislative Proposal].

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  France Terre d'Asile. (2024). Input to the Asylum Report 2025.

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  Loi du 10 Mars 2024 modifiant la loi du 15 décembre 1980 sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers concernant la demande d'admission au séjour pour apatridie (1) [Law of 10 March 2024 amending the law of 15 December 1980 on access to the territory, stay, establishment and removal of foreigners concerning the application for admission to stay for statelessness (1)], 10 March 2024.

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  Decreto-Legge 23 Ottobre 2024, n.158 [Decree Law No 158 of 23 October 2024], 23 October 2024.

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Legge 9 dicembre 2024, n. 187 conversione in legge, con modificazioni, del decreto-legge 11 ottobre 2024, n. 145, recante disposizioni urgenti in materia di ingresso in Italia di lavoratori stranieri, di tutela e assistenza alle vittime di caporalato, di gestione dei flussi migratori e di protezione internazionale, nonche' dei relativi procedimenti giurisdizionali [Law of 9 December 2024, No 187 converting into law, with amendments, Decree Law No 145 of 11 October 2024, laying down urgent provisions on the entry into Italy of foreign workers, the protection and assistance of victims recruited for illegal agricultural work. the management of migratory flows and international protection, as well as the related judicial proceedings], 9 December 2024.

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