



## **EMN Ad-Hoc Query on Judicial review of appeals against international protection decisions**

Requested by Georgi SHARLANDZHIEV on 11th April 2018

### **Protection**

Responses from Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Slovak Republic, Sweden, United Kingdom, Norway (23 in total)

#### Disclaimer:

*The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.*

## **Background information:**

The State Agency for Refugees with the Council of Ministers is the responsible authority for examining applications for international protection, competent to take decisions at the first instance in such cases.


The Law on Asylum and Refugees regulates the right to an effective remedy against decisions taken in regard to the procedure for granting international protection in the Republic of Bulgaria. As per the national legislation, the decisions taken on an application for international protection are subject to judicial review in two instances. The first instance is the Administrative Court with jurisdiction over the current address indicated on the applicant's registration card. The second instance is the Supreme Administrative Court, acting in a three-member panel. The Supreme Administrative Court exercises supreme judicial oversight as to the precise and equal application of the law in the administrative justice. It acts (examines cases and pronounces on them) as a court of both first and cassation instance in many administrative cases. The excessive workload of the Supreme Court leads to a significant delay in the final closure of the proceedings with a valid decision.


According to Directive 2013/32/EU of the European Parliament and of the Council, applicants for international protection have the right to an effective remedy before a court. The Directive does not point out the number of judicial instances at which the judicial review shall be exercised. In relation to the optimization of the procedure regarding applications for international protection, as well as the courts' efficiency, we would like to receive information on the Member States' practice and regulations on the following questions:


## **Questions**



1. Does your Member State provide judicial review on decisions taken under Article 31 of Directive 2013/32/EU or the review is exercised by a tribunal, a specially created review body, or in any other way?
2. Does your Member State provide judicial review on decisions taken under Article 32 and Article 33 of Directive 2013/32/EU or the review is exercised by a tribunal, a specially created review body, or in any other way?
3. At how many judicial instances the decisions taken under Article 31 of Directive 2013/32/EU shall be appealed in your Member State?
4. At how many judicial instances the decisions taken under Article 32 and Article 33 of Directive 2013/32/EU shall be appealed in your Member State?
5. What are the time limits in which the decisions on applications for international protection shall be appealed before the relevant judicial instance?
6. What are the time limits in which the relevant judicial instance or the specially created review body shall pronounce its decision?



## **Responses**


	Country	Wider Dissemination	Response
	Austria	Yes	<p><b>1.</b> In Austria, the Federal Administrative Court is the competent court for the judicial review of decisions taken in asylum proceedings (Art. 7 Para 1 Federal Office for Immigration and Asylum Procedures Act).</p> <p><b>2.</b> In Austria, the Federal Administrative Court is the competent court for the judicial review of decisions taken in asylum proceedings (Art. 7 Para 1 Federal Office for Immigration and Asylum Procedures Act).</p> <p><b>3.</b> In Austria, decisions under Article 31 of Directive 2013/32/EU are taken by the Federal Office for Immigration and Asylum. Those decisions can be appealed before the Federal Administrative Court (ordinary appeal). Additional ordinary appeals are not provided. However, if constitutionally guaranteed rights have been violated, the Constitutional Court can be called upon (Article 144 Para 1 Federal Constitutional Act). Also, the Administrative High Court can be invoked by reason of unlawfulness (Article 130 Para 1 Subpara 1 Federal Constitutional Act). Whether the Constitutional Court or the Administrative High Court take up an appeal depends on whether there are gross defects in the proceedings or legal issues of fundamental importance. Therefore, such appeals are often declined by the aforementioned courts.</p> <p><b>4.</b> In Austria, decisions under Article 32 and Article 33 of Directive 2013/32/EU are taken by the Federal Office for Immigration and Asylum. For the possibility of appeals, see answer 3.</p> <p><b>5.</b> In Austria, the time limit for appeals to the Federal Administrative Court is - one week in airport proceedings (Article 33 Para 3 Asylum Act 2005) - otherwise four weeks (Article 7 Para 4 Proceedings of Administrative Courts Act) After filing an appeal, the Federal Office for Immigration and Asylum can repeal or modify its decision or reject or dismiss the appeal within two months. Within two weeks after notification of that ruling, the appellant can request to submit the appeal to the Federal Administrative Court (Articles 14 and 15 Proceedings of Administrative Courts Act). The time limit for appealing to the Constitutional Court or the Administrative High Court is six weeks (Article 26 Para 1 Administrative High Court Act, Article 82 Para 1 Constitutional Court Act).</p>

			<p><b>6.</b> In Austria, in general, the Federal Administrative Court has to take a decision without any undue delay, but not later than six months after filing of the appeal (Article 34 Para 1 Proceedings of Administrative Courts Act). However, there exist shorter time limits for: - Airport proceedings (two weeks; Article 33 Para 4 Asylum Act 2005) - Appellants in detention pending removal (three months; Article 22 Para 6 Asylum Act 2005) - Dismissing decisions, that dismiss an application for international protection (1) that are connected with measures terminating the stay or (2) if an enforceable return decision already exists (eight weeks; Article 17 Para 2 Federal Office for Immigration and Asylum Procedures Act) - Appeals against decisions that dismiss applications in admission procedure (eight weeks, if the appeal is not granted suspensive effect; Article 21 Para 2 Federal Office for Immigration and Asylum Procedures Act). There are no time limits for decisions of the Administrative High Court or the Constitutional Court.</p>
	Belgium	Yes	<p><b>1.</b> Yes, applications for international protection are assessed by the Office of the Commissioner for Refugees and Stateless Persons (CGRS). In case the application is rejected an appeal can be lodged with the Council for Alien Law Litigation (CALL) <a href="http://www.rvv-ccce.be/fr">http://www.rvv-ccce.be/fr</a> The CALL is an administrative jurisdiction competent to handle appeals in migration matters, including international protection. Besides some exceptions the appeals in international protection procedures lodged with the CALL are suspensive.</p> <p><b>2.</b> Yes, when the CGRS considers the asylum application as unfounded or inadmissible in accordance with Article 32 or Article 33 of the APD an appeal can also be lodged with the CALL, but shorter time limits apply (see below Q4).</p> <p><b>3.</b> The appeal can be lodged with the CALL as described in question 1. In addition the judgement of the CALL can be appealed with the Council of State (Cassation – ex tunc). However, there is a ‘filter procedure’ whereby the Council of State ascertains whether the appeal is admissible and eligible for the second appeal procedure. Many appeals fail to make it through this filter procedure.</p> <p><b>4.</b> See reply to question 3</p> <p><b>5.</b> The time limit for lodging an appeal with the CALL is 30 days (or 10 days when the person is in a detention facility). Also when it concerns a decision of inadmissibility by the CGRS in accordance</p>


			<p>with Article 33 or clearly unfounded in accordance with Article 32 of the APD shorter time limits apply to lodge the appeal (10 days). In case it concerns a subsequent asylum application lodged by an applicant who is in detention the time limit to lodge an appeal is only 5 days.</p> <p><b>6.</b> The time limit for the CALL to take a decision is 3 months when it concerns a normal procedure and 2 months for an accelerated and inadmissible procedure. In case it concerns a person who is being held in a detention facility the time limit for the CALL to take a decision is 13 working days, or 8 working days when it concerns a non-admissible subsequent asylum application lodged by a person in detention.</p>
	Bulgaria	Yes	<p><b>1.</b> In the Republic of Bulgaria, only a two-instance judicial review on decisions taken under Article 31 of Directive 2013/32/EU is provided.</p> <p><b>2.</b> In the Republic of Bulgaria, only a one-instance judicial review on decisions taken under Article 32 and Article 33 of Directive 2013/32/EU is provided.</p> <p><b>3.</b> In the Republic of Bulgaria, the decisions taken under Article 31 of Directive 2013/32/EU are subject to a two-instance judicial review. The first instance is the administrative court at the current address of the applicant, acting in a one-member panel. The second instance is the Supreme Administrative Court, acting in a three-member panel.</p> <p><b>4.</b> In the Republic of Bulgaria, the decisions taken under Article 32 and Article 33 of Directive 2013/32/EU are subject to a one-instance judicial review, conducted by the administrative court at the current address of the applicant.</p> <p><b>5.</b> In the Republic of Bulgaria, a period of fourteen days for appealing decisions taken under Article 31 of Directive 2013/32/EU is provided. Respectively, decisions taken under Article 32 and Article 33 of Directive 2013/32/EU shall be appealed within a period of seven days.</p> <p><b>6.</b> In the Republic of Bulgaria, a one-month instructive period in which the relevant court shall render a decision is stipulated. This period shall run as of the date of the court hearing in which the</p>



			consideration of the case has ended.
	Croatia	Yes	<p><b>1.</b> In Croatia the applications for the international protection are first examined by the Ministry of the Interior, Directorate for Administrative and Inspection Affairs, Asylum Department. The decisions taken under Article 31 of Directive 2013/32/EU are reviewed by the Administrative Court.</p> <p><b>2.</b> Yes, in Croatia judicial review on decisions taken under Article 32 and Article 33 of Directive 2013/32/EU is provided by the Administrative Court.</p> <p><b>3.</b> The decisions are reviewed, first appeal by the Administrative Court and the onward appeal by the High Administrative Court.</p> <p><b>4.</b> The decisions are reviewed, first appeal by the Administrative Court and the onward appeal by the High Administrative Court.</p> <p><b>5.</b> Applications for international protection that are rejected, should be appealed within 30 days after the rejection.</p> <p><b>6.</b> In general, there is no time limit set in law for the Administrative Court to make decision in the regular procedure.</p>
	Cyprus	Yes	<p><b>1.</b> The review is made by the Reviewing Authority of Refugees (RAR) and the applicants have also the right to further appeal the decision to the Administrative Court.</p> <p><b>2.</b> The review is made by the Reviewing Authority of Refugees (RAR) and the applicants have also the right to further appeal the decision to the Administrative Court.</p> <p><b>3.</b> The first review is made by the Reviewing Authority of Refugees (RAR) and the applicants have also the right to further appeal the decision for a second review to the Administrative Court.</p> <p><b>4.</b> The first review is made by the Reviewing Authority of Refugees (RAR) and the applicants have</p>



			<p>also the right to further appeal the decision for a second review to the Administrative Court.</p> <p><b>5.</b> From the time they receive the decision, the applicants have 20 calendar days to appeal to the Reviewing Authority and 75 calendar days to appeal to the Administrative Court.</p> <p><b>6.</b> N/A</p>
	Czech Republic	Yes	<p><b>1.</b> The Czech system of review is similar to the Bulgarian one, e.g. two court instances. However, the Code on Administrative Justice established the so-called „admissibility procedure“ for cases appealed to the Supreme Administrative Court many years ago. Therefore the Supreme Administrative Court first assesses whether the case is „admissible“. This measure decreases the workload for Supreme Administrative Court. Another measure is that not all cassation complaints lodged to the Supreme Administrative Court have automatic suspensive effect. In case of those not having susp. effect, a foreigner has to ask for it and the Court has 30 days to decide on it.</p> <p><b>2.</b> No special different rules. All decisions go as described above.</p> <p><b>3.</b> See Answer 1, two court instances.</p> <p><b>4.</b> No special different rules. All decisions go as described above.</p> <p><b>5.</b> 15 days for both appeals.</p> <p><b>6.</b> Generally no fixed time limits. The courts of first instance have to decide „with priority“ on asylum matters according to the law. The time limits for both instances exist only in certain situations – dublin cases, extradition cases (+ European arrest warrant), asylum cases from detention (both territory and border) – 60 days at both instances.</p>
	Estonia	Yes	<p><b>1.</b> In Estonia rejected asylum applicants are provided with a judicial review in the Administrative Court.</p> <p><b>2.</b> In Estonia rejected asylum applicants are provided with a judicial review in the Administrative</p>


			<p>Court.</p> <p><b>3.</b> Estonia has a three-level court system. Firstly it is possible to make a claim to the court of first instance (Administrative Court). Appeals against decision of the Administrative court shall be heard by court of second instance (Circuit Court). An appeal against the decision of the Circuit Court can be filed to the Supreme Court. The latter can decide whether to process the appeal against the Circuit Court or refrain from doing so. Not all appeals go through the Supreme Court. It should be noted that not all appeals have an automatic suspensive effect. As a general rule in case of an appeal, the asylum applicant has the right to stay in the territory of Estonia until the final decision is made, e. g. until the Administrative Court dismissed the appeal against the decision of Police and Border Guard Board. In some cases (e.g. manifestly unfounded applications, subsequent applications etc.) it is up to the Administrative Court to decide whether the applicant has the right to stay in Estonia during the judicial proceedings. In case the court decides to restrict the right to stay in Estonia, the applicant retains the general right to an effective remedy.</p> <p><b>4.</b> Please see the previous answer. There are no differences due to the grounds for refusal enacted in connection to the possibilities to appeal.</p> <p><b>5.</b> The decision on rejection of an application or revocation of international protection may be contested in the administrative court within ten days as of the date of the decision was delivered to the applicant or his/her representative.</p> <p><b>6.</b> There are no set time limits in which the relevant judicial instance has to pronounce the decision, but according to the Code of Administrative Court Procedure international protection matters are heard by the court as a priority.</p>
	Finland	Yes	<p><b>1.</b> Yes</p> <p><b>2.</b> Yes, please see Q.1.</p> <p><b>3.</b> Two instances, the Administrative Court (second instance) and the Supreme Administrative Court</p>



			<p>(third instance).</p> <p><b>4.</b> Two instances, the Administrative Court (second instance) and the Supreme Administrative Court (third instance).</p> <p><b>5.</b> 21 days after having been served the first instance decision. 14 days after having been served the second instance decision.</p> <p><b>6.</b> Finland has no set time limits in the legislation.</p>
	France	Yes	<p><b>1.</b> Yes. The review is exercised by French National Court for Right of Asylum (CNDA). For information, CNDA has jurisdiction over asylum applications decisions. It is a specialized administrative court, placed under the control of cassation of the Council of State, which decides in the first and last instance on appeals against the decisions of the French Office for the Protection of Refugees and Stateless persons (OFPRA). It is chaired by a State Councilor, assisted by a Secretary General. It is organized into sections and chambers, chaired by permanent magistrates.</p> <p><b>2.</b> Same as Q°1.</p> <p><b>3.</b> If the appeal is rejected by CNDA, an appeal in cassation shall be lodged to the Council of State (Article R733-35 of the CESEDA (Code on Entry and Residence of Foreign Nationals and Right of Asylum)).</p> <p><b>4.</b> Same as Q°3.</p> <p><b>5.</b> One month for CNDA (article R733-7 of CESEDA), two months for the Council of State (article R733-36 of CESEDA). For information, a draft law for a managed migration and an effective right of asylum may reduce the time limit for CNDA from one month to 15 days. This draft law is currently under discussion within the French Parliament.</p> <p><b>6.</b> Five months for French National Court for Right of Asylum (five weeks if it is an accelerated</p>

			procedure, or if the request is inadmissible).
	Germany	Yes	<ol style="list-style-type: none"> <li>1. Decisions pursuant to Art. 31 can be appealed to the Administrative Court.</li> <li>2. Decisions pursuant to Art. 32 and 33 are also subject to appeal by the Administrative Court.</li> <li>3. There is one judicial Review. Appeal and revision only under certain conditions (§78 section 3 Asylgesetz(Asylum Act))</li> <li>4. For decisions according to Art. 32 and Art. 33 there are basically 3 instances.</li> <li>5. As a rule, a 2-week deadline, in the case of inadmissible and manifestly unfounded asylum applications 1 week period.</li> <li>6. No time limits.</li> </ol>
	Greece	Yes	<ol style="list-style-type: none"> <li>1. Judicial review on all of the final administrative decisions issued under articles 31, 32 and 33 is prescribed to take place only on legal issues brought by the applicant to form the basis of the claim or examined ex officio by the court.</li> <li>2. see question 1</li> <li>3. Two judicial instances, in this context, are prescribed by the law. The first follows the «application to annul» addressed to the competent Administrative Courts and the second follows the «appeal», against the decisions issued by the latter, addressed to the Conseil d' Etat.</li> <li>4. see question 2</li> <li>5. The «application to annul» must be filed within sixty (60) days after the administrative decision is served. Likewise, the «appeal» must be filed within sixty (60) days after the court's decision on the application to annul is served.</li> </ol>

			<p><b>6.</b> There is no time limit prescribed by the law in which the aforementioned courts must issue their decisions in either of the two instances.</p>
	Hungary	Yes	<p><b>1.</b> Hungary provides judicial review on decisions taken in an asylum procedure by the Administrative and Labor Court, which is the first and only instance in case of asylum applications.</p> <p><b>2.</b> Hungary provides judicial review on decisions taken in an asylum procedure by the Administrative and Labor Court, which is the first and only instance in case of asylum applications.</p> <p><b>3.</b> There is just one instance in the cases of asylum applications in the Hungarian judicial system. As an extraordinary option the applicants can appeal to the Hungarian Supreme Court (Kúria) but the Kúria decides only on the basis of a possible infringement by the Administrative Court, but doesn't make a decision about the application itself.</p> <p><b>4.</b> There is just one instance in the cases of asylum applications in the Hungarian judicial system. As an extraordinary option the applicants can appeal to the Hungarian Supreme Court (Kúria) but the Kúria decides only on the basis of a possible infringement by the Administrative Court, but doesn't make a decision about the application itself.</p> <p><b>5.</b> The applicants can appeal within 8 day in case of a decision in merit, and 3 days in case of and inadmissible decision or a decision taken in an accelerated procedure.</p> <p><b>6.</b> The Court has to make a decision within 60 day in case of a decision in merit, and 8 days in case of an inadmissible decision or a decision taken in an accelerated procedure.</p>
	Italy	Yes	<p><b>1.</b> The judicial review of the decisions on international protection is provided for by the implementing regulation of the Directive 2005/85/CE (D.lgs 25/2008 as modified by the Law Decree No. 13/2017). The Court of first instance is competent for the judicial review against decisions taken by National and Territorial Commissions (art. 35). Moreover, in order to ensure more efficiency, article 1 of the Law Decree No. 13/2017 (converted by Law No. 46/2017) provided for the establishment of twenty-six specialised Court sections on immigration, international protection and</p>

			<p>free movement of EU citizens that are competent to decide appeals against the decisions of the territorial committees.</p> <p><b>2.</b> The procedure on the decisions taken under art. 32 and art. 33 of Directive 2013/32/EU is the same as that provided for art. 31.</p> <p><b>3.</b> The Law Decree No. 13 of 2017 has introduced many provisions with the aim to streamline and to speed up the procedures on international protection. The Legislative Decree No. 25 of 2008 has been modified by the abovementioned Law Decree through which the second level of judgement has been abolished (while it is still possible to appeal to the Court of Cassation). Thus, there are two judicial instances: the Court of first instance is competent on appeals against Commissions decisions (art. 35 of the D.lgs 25/2008) and the Court of Cassation on appeals against Court of first instance decisions (art. 35bis, para. 13 of the D.lgs 25/2008).</p> <p><b>4.</b> See Q2.</p> <p><b>5.</b> Article 35bis, para. 2 of the D.lgs 25/2008 provides that the decisions of the National and Territorial Commissions shall be appealed within 30 days from the date of the notification or within 60 days if the applicant resides abroad. However, if the application is manifestly unfounded, repeated or if there is a detention order this period is halved. In the same way art. 35bis, para. 13 provides that the decision of the first instance Court shall be appealed the Court of Cassation within 30 days.</p> <p><b>6.</b> As stated in article 35bis, para. 13, the Court of first instance shall take the decision within 4 months and the Court of Cassation within 6 months.</p>
	Latvia	Yes	<p><b>1.</b> According to Section 48, Paragraph one of the Asylum Law, the asylum seeker or his or her representative on decisions taken under Article 31 of Directive 2013/32/EU may appeal to the Administrative District Court.</p> <p><b>2.</b> According to Section 48, Paragraph one of the Asylum Law, the asylum seeker or his or her representative on decisions taken under Article 32 and Article 33 of Directive 2013/32/EU may</p>



appeal to the Administrative District Court.

**3.** Just one judicial instance - the Administrative District Court. The decision of the District Administrative Court is final and shall not be appealed.

**4.** Just one judicial instance - the Administrative District Court. The decision of the District Administrative Court is final and shall not be appealed.

**5.** According to Section 48, Paragraph four of the Asylum Law, the asylum seeker or his or her representative shall submit to the Office of Citizenship and Migration Affairs (the Office) an application addressed to the District Administrative Court regarding: 1) a decision of an official authorised by the head of the Office to transfer the asylum seeker to the responsible Member State, which will examine the application in accordance with Regulation No 604/2013, to leave the application without examination, to refuse to grant refugee or alternative status, if the application was examined according to accelerated procedures, to discontinue examination of the application or to refuse to discontinue examination of application - within 15 working days from the day when the decision has entered into effect; 2) a decision of an official authorised by the head of the Office to grant or refuse to grant refugee or alternative status - within one month from the day when the decision has entered into effect.

**6.** According to Section 49, Paragraph one of the Asylum Law, a matter which has been initiated on the basis of an application regarding the decision of an official authorised by the head of the Office of Citizenship and Migration Affairs (the Office), shall be examined in the District Administrative Court and a decision shall be taken: 1) within five working days from the date of taking the decision to accept the application and to initiate the matter, if the decision has been taken in accordance with Article 33 of Directive 2013/32/EU; 2) within 20 working days from the date of taking the decision to accept the application and to initiate the matter, if the decision has been taken in accordance with Article 31, Paragraph eight of Directive 2013/32/EU; 3) within three months from the date of taking the decision to accept the application and to initiate the matter, if the decision of an official authorised by the head of the Office is to grant or refuse to grant refugee or alternative status.

	Lithuania	Yes	<p><b>1.</b> Yes. An appeal against a decision taken under the Law on the legal Status of Aliens may be filed with the relevant administrative court, except in cases provided for by this Law (e.g. threat to national security).</p> <p><b>2.</b> Yes. An appeal against a decision taken under the Law on the legal Status of Aliens may be filed with the relevant administrative court, except in cases provided for by this Law (e.g. threat to national security).</p> <p><b>3.</b> Two instances. First instance: an appeal against a decision may be filed with the relevant administrative court. Second instance: A decision taken by the relevant administrative court may be appealed against to the Supreme Administrative Court of Lithuania.</p> <p><b>4.</b> Two instances. First instance: an appeal against a decision may be filed with the relevant administrative court. Second instance: A decision taken by the relevant administrative court may be appealed against to the Supreme Administrative Court of Lithuania.</p> <p><b>5.</b> An alien may file an appeal against a decision taken under the Law on the legal status of aliens to a relevant regional administrative court within 14 days from the service of the decision. A decision taken by the administrative court may be appealed against to the Supreme Administrative Court of Lithuania within 14 days from the publication of the decision</p> <p><b>6.</b> The court must hear an appeal and take a decision not later than within 2 months from the day the court passes a ruling on the admissibility of the appeal or request.</p>
	Luxembourg	Yes	<p><b>1.</b> Article 31 of the Directive 2013/32/EU was transposed into national law by articles 26 and 27 of the Law of 18 December 2015 on international protection and temporary protection (Asylum Law). The decisions taken by the Minister in charge of Immigration on the basis of normal international protection procedures (refusal and withdrawal) or a fast-tracked procedure are subject to an appeal for reversal before the First instance Administrative Court in accordance with article 35 (1) and 35 (2) of the Asylum Law.</p> <p><b>2.</b> Article 35 (2) of the Asylum Law foresees the possibility of introducing an appeal for reversal</p>



before the First instance Administrative Court against the decisions taken in a fast-tracked procedure foreseen by article 32 of the Directive and article 35 (3) of the Asylum Law foresees an appeal for annulment against the decision of inadmissibility taken in the framework of article 33 of the Directive.

**3.** Two instances. The first one is the one before the First instance Administrative Court and against the decision of this instance an appeal can be filed before the Administrative Court in accordance with article 35 (1) paragraph 2 of the Asylum Law.


**4.** One instance only. The decision rendered by the First instance Administrative Court is final in accordance with article 35 (2) and (3) of the Asylum Law.


**5.** In accordance with article 35 (1) paragraph 1 of the Asylum Law, the appeal has to be filed one month after the decision has been notified to the applicant. The appeal before the Administrative Court has to be filed in a delay of one month after the notification of the decision of the First instance Administrative Court (article 35 (1) paragraph 1 of the Asylum Law). In the cases foreseen in question 2 the appeal has to be filed 15 days after the notification of the decision (article 35 (2) and (3) of the Asylum Law).



**6.** Article 35 (1) paragraph 1 establishes that the response of the appeal must be filed two month after the filing of the appeal. However, the law does not foresee any deadline for the First instance Administrative Court to decide on the appeal. The Court has the right to ask for additional information and/or request expertise that will be useful for the decision of the case. In the first case mentioned in question 2 (fast-tracked procedure) the decision of the First instance Administrative Court has to be rendered in a deadline of one month after the appeal has been filed. However, this deadline is suspended during the period of 16 July to 15 September (article 35 (2) paragraph 1). In the second case mentioned in question 2, the First instance Administrative Court has a deadline of 2 months to decide on the appeals against the decisions of inadmissibility (article 35 (3)) with the exception if the individual is placed in detention in which case the Court has to take the decision in one month.

	Malta	Yes	<ol style="list-style-type: none"> <li>1. The review is exercised by a board specifically created by law, the Refugee Appeals Board.</li> <li>2. The Review is exercised by the Refugee Appeals Board above mentioned.</li> <li>3. At one instance, before the Refugee Appeals Board.</li> <li>4. At one instance, before the Refugee Appeals Board.</li> <li>5. 15 days.</li> <li>6. No time limit.</li> </ol>
	Netherlands	Yes	<ol style="list-style-type: none"> <li>1. The applications for international protection are examined by the Immigration and Naturalization Service (IND) in the Netherlands. If an application is rejected by the IND, the decision can firstly be reviewed by the first instance court.</li> <li>2. Yes, judicial review is also provided in case of inadmissible and unfounded applications. The first appeal also takes place at the first instance court in these cases (similar to Q1).</li> <li>3. Firstly, an applicant should appeal at the first instance court (as provided in Q1) and after that, he/she can appeal at the Administrative Jurisdiction Division (which is the highest general administrative court in the Netherlands). Consequently, there are two judicial instances at which the decision can be appealed.</li> <li>4. Similar to Q3.</li> <li>5. Applications for international protection that are rejected, should be appealed within four weeks after the rejection.</li> <li>6. The first instance court should make a decision on the appeal within four weeks (provided in article 83(b)(1) of the Aliens Act). There is a possibility to extend this to 23 weeks (article 83(b)(2) of the Aliens Act), however this extension is not possible with regard to inadmissible and unfounded</li> </ol>



			appeals. The Administrative Jurisdiction Division has a time limit of 23 weeks for the appeal (provided in article 89(2) of the Aliens Act).
	Poland	Yes	<ol style="list-style-type: none"> <li>1. Refugee Board - quasi – judicial special review board.</li> <li>2. Refugee Board - quasi – judicial special review board.</li> <li>3. From all the decisions made by the Refugee Board it's possible to appeal to the Voivodship Administrative Court and later on to the Supreme Administrative Court, so we can say that there are 3 judicial instances in Poland, but we should remember that administrative courts are only a court of law.</li> <li>4. From all the decisions made by the Refugee Board it's possible to appeal to the Voivodship Administrative Court and later on to the Supreme Administrative Court, so we can say that there are 3 judicial instances in Poland, but we should remember that administrative courts are only a court of law.</li> <li>5. Refugee Board-14 days in normal procedure, 7 days in accelerated procedure (Article 32 of Directive 2013/32/EU), Voivodship Administrative Court and Supreme Administrative Court – 30 days.</li> <li>6. Refugee Board – 30 days, administrative courts – there are no any this kind of time limits.</li> </ol>
	Slovak Republic	Yes	<ol style="list-style-type: none"> <li>1. See Q2.</li> <li>2. Decision on not granting asylum, rejecting the asylum application as inadmissible or as manifestly unfounded can be appealed by filing an administrative act at the Regional Court. The decision of the Regional Court can be appealed by a cassation complaint that is to be decided upon by the Highest Court of the SR. Competent courts in the first instance are: a) Regional Court in Bratislava for the districts of Regional Court in Bratislava, Regional Court in Trnava, Regional Court in Trenčín, Regional Court in Nitra. b) Regional Court in Košice for districts of Regional Court in Košice, Regional Court in Prešov, Regional Court in Banská Bystrica and Regional Court in Žilina. In the</li> </ol>

			<p>asylum matters single-judges are competent at the Regional Courts.</p> <p><b>3.</b> See Q4.</p> <p><b>4.</b> In this case regional courts (Bratislava or Košice) are the first instance courts. The Highest Court of the SR examines the lawful decisions of the Regional Court (in case of the cassation complaint this is an extraordinary remedy).</p> <p><b>5.</b> Administrative act against the decision on not granting asylum must be submitted within 30 days from the delivery date of the decision. Administrative act against the decision on rejection of the asylum application as inadmissible or as manifestly unfounded must be submitted within 20 days from the delivery date of the decision. Cassation complaint against the decision of the Regional Court must be submitted within 1 month from the delivery date of the decision of the Regional Court to the lawful subject.</p> <p><b>6.</b> Regional Court decides on the administrative act within 90 days from its delivery. On cassation complaint against the decision of the Regional Court that is related to the administrative act against the decision or measure in the matter of asylum will be decided within 60 days from the submission of the matter to the regional court. These are however only procedural time limits.</p>
	Sweden	Yes	<p><b>1.</b> SE provide judicial review on decisions taken under Article 31 of Directive 2013/32/EU.</p> <p><b>2.</b> Yes we apply both articles and we also provide judicial review.</p> <p><b>3.</b> SE have two judicial instances, Migration Court (second instance) and the Migration Court of Appeal (third instance). You need to have a leave to appeal to have a case reviewed at the Migration Court of Appeal.</p> <p><b>4.</b> One, Migration court.</p> <p><b>5.</b> The alien must appeal within three weeks of the date he or she received the decision.</p>

			6. There are no time limits for the moment in Swedish Migration legislation.
	United Kingdom	Yes	<p>1. The United Kingdom do not take part in this Directive.</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. N/A</p> <p>6. N/A</p>
	Norway	Yes	<p>1. Even though Norway is not bound by Directive 2013/32/EU, we will give a brief description of the appeals system regarding decisions on applications for international protection. The main point is that we have an appeals board which is the second instance, and applicants have free legal counsel to try their cases in front of the board, but not for the courts. For more detail, see the answers below. Decisions made at the first instance (Directorate of Immigration) can be appealed to the Immigration Appeals Board (UNE). The next instance of appeal will be the court system, starting with the Oslo District Court (venue), then Borgarting High Court (venue) and finally the Supreme Court.</p> <p>2. Yes. The procedure is mainly the same as described under question number 1.</p> <p>3. Four. See answer under question number 1.</p> <p>4. Four. See answer under question number 1.</p> <p>5. The applicants have a time limit of three weeks from the time when the decision was made known to them, to appeal to the Immigration Appeals Board. In cases that are manifestly unfounded, the time limit is one week from the time when the decision was made known to them. In certain cases which follow a 48 hour procedure, the time limit is three hours from when the decision was made</p>

			<p>known to the applicant.</p> <p><b>6.</b> There are no expressed time limits for the Immigration Appeals Board to pronounce its decisions. However, decisions shall be made without undue delay, cf. The Public Administration Act Section 11a. The Board publishes their case processing times online. The case processing time for asylum/protection applications is currently 9 months. As for the courts, they have a time limit of six months from the time the writ of summons was submitted to the Court, to arrange the main hearing, after which they have a four week time limit to deliver their judgment cf. The Act relating to mediation and procedure in civil disputes (the Dispute Act) Section 9-4 (2) letter h) cf. Section 19-4 (5).</p>
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