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Ad-Hoc Query

2025.14 Currently applicable asylum procedures at the border in view of implementing the new pact on migration and asylum

European Migration Network
Ad-hoc query

June, 2025

AD-HOC QUERY ON 2025.14 CURRENTLY APPLICABLE ASYLUM PROCEDURES AT THE BORDER IN VIEW OF IMPLEMENTING THE NEW PACT ON MIGRATION AND ASYLUM

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Responses from: EMN NCP Austria, EMN NCP Belgium, EMN NCP Bulgaria, EMN NCP Croatia, EMN NCP Cyprus, EMN NCP Czech Republic, EMN NCP Estonia, EMN NCP Finland, EMN NCP France, EMN NCP Germany, EMN NCP Greece, EMN NCP Hungary, EMN NCP Ireland, EMN NCP Italy, EMN NCP Latvia, EMN NCP Lithuania, EMN NCP Luxembourg, EMN NCP Malta, EMN NCP Netherlands, EMN NCP Poland, EMN NCP Portugal, EMN NCP Slovakia, EMN NCP Slovenia, EMN NCP Spain, EMN NCP Sweden **(25 in total)**

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BACKGROUND INFORMATION

The current asylum border procedure is designed to examine the substance of an asylum application, while still at the border or in a transit zone. As mentioned in Recital 38 of APD, ‘many applications for international protection are made at the border or in a transit zone of a Member State prior to a decision on the entry of the applicant. Member States should be able to provide for admissibility and/or substantive examination procedures which would make it possible for such applications to be decided upon at those locations in well-defined circumstances’. [1] Currently, asylum border procedure is governed by provisions laid down in the national law of each EU Member State in accordance with APD. However, in the APD, the relevant provision on border procedure (Article 43) is a “may clause”, meaning asylum border procedure is not mandatory for Member States to apply

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and thus are not transposed into national law in all EU Member States. As such, the implementation of a border procedure is not uniform across EU Member States.

Asylum border procedure varies by country, with some countries limiting it to the assessment of the admissibility of asylum applications made at such locations, while others involve a full examination of the case. Additionally, various exemptions may exist^[2]. The time allocated to process applications under these procedures, the time limits for appeals and the authorities in charge may also differ from country to country. Because asylum border procedure varies by country, reception conditions, which can include housing, accommodation for families, access to medical care, open centres, closed centres, as well as financial allowances or any other support provided by the Member State, may also vary, as can the assessment of special needs and vulnerabilities.

The Pact, adopted in May 2024, establishes a common procedure for international protection within the EU, including provisions for a mandatory asylum procedure at the border, as outlined in EU Regulation 2024/1348.^[3] This framework aims to ensure more coordinated, efficient and expedited procedures while maintaining robust borders and upholding the right to asylum. “Given that the purpose of the border procedure is, inter alia, to allow for the expeditious assessment of applications that are likely to be inadmissible or unfounded, with a view to enabling the swift return of those with no right to stay, that procedure should not be applied or should cease to apply where the determining authority considers that the grounds for rejecting an application as inadmissible or for applying the accelerated examination procedure are not applicable or no longer applicable.”^[4] These procedures will be carried out in accordance with established procedural standards and effective fundamental rights safeguards, ensuring full compliance with the principle of non-refoulement.

By June 2026, EU Member States must establish the necessary procedures and ensure sufficient capacity to process asylum claims at borders, as required. In doing so, they will need to address several key considerations including how to channel asylum seekers into and out of the procedure; the applicable processes and procedural consequences; which national authorities will be responsible at each stage of the procedure; which reception conditions will be provided to asylum seekers during the process; how specific procedural/reception needs will be met; how to ensure decisions, including appeal, are taken within the prescribed 12-week timeframe, etc. Against this backdrop, this inform aims to outline asylum border procedures currently implemented in EU Member States, offering relevant experience and good practices. It will not address the development of new procedures under Regulation 2024/1348, nor will it cover issues related to the provision of legal counselling or safeguards of fundamental rights, as these topics will be explored in separate EMN informs in 2025.

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Seen that the deadline of this inform is reduced to five weeks the value of this inform for reporting purposes is of four AHQs.

[1] Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast), <https://eur-lex.europa.eu/eli/dir/2013/32/oj/eng> , last accessed 7 February 2025.

[2] see article 25 of APD on UAMs

[3] Regulation (EU) 2024/1348 of the European Parliament and of the Council of 14 May 2024 establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU (articles 43 to 54), <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32024R1348> , last accessed 7 February 2025.

[4] Ibid., recital 64.

WE WOULD LIKE TO ASK THE FOLLOWING QUESTIONS:

We would very much appreciate your responses by **15 April 2025**.

1. Please explain the applicable process when a third-country national or stateless person applies for international protection at the external border of your country (in application of the article 43 of the APD or in application of national procedure).
2. From the moment the third-country national or stateless person applies for international protection in the framework of the border procedure applicable in your country, what are the legal processing times for registering and taking a decision on the application?
3. Which public authority is responsible for each step of the procedure related to the asylum procedure at the border (i.e. from making the application to the appeal)?
4. When required, how do you apply the Dublin procedure for asylum applications at the border? Please explain (e.g. sovereignty clause, take charge / take back requests)


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5. What is the legal basis of decisions made under your country's asylum border procedure (in application of Article 43 (1)(a), (b) or your national procedure) or both?
6. If the legal basis of the decision is based on Article 43(1)(b) (as per question 5), please explain the grounds you use according to Article 31, para 8 of the APD?
7. Regarding examination procedure of such asylum cases under Art. 31 para 8 point j of APD, how do you deal with cases where there are indications in the file that the applicant applying for asylum at the border could pose a threat to public order? (e.g. law enforcement databases, security interviews)
8. How does your country deal with the special needs / vulnerabilities of asylum applicants in the framework of the border procedure?
9. What reception conditions are provided to the applicant during the asylum border procedure? Please explain how the system works.
10. What measures has your country implemented during the asylum procedure at the border to guarantee that the person stays at the disposal of the authorities (for example detention or restriction of movement)? Please explain.
11. Please identify the main good practices related to the asylum border procedure in your country.
12. Please identify the main challenges related to the asylum border procedure in your country.

RESPONSES

		Wider Dissemination?	
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	 EMN NCP Austria	<p>Yes</p>	<p>1. Please explain the applicable process when a third-country national or stateless person applies for international protection at the external border of your country (in application of the article 43 of the APD or in application of national procedure).</p> <p>In Austria, the external border only exists at airports and ports, unless they are internal borders (airports for internal flights; ports for inland navigation; Art. 1 para. 9 and 10 Border Control Act).</p> <p>A foreign person who applies for international protection after arriving via an airport where an initial reception centre has been set up at the airport must be presented to this initial reception centre unless the Federal Office for Immigration and Asylum permits entry into Austria on the basis of the information available. Entry must be permitted if, based on the status of the investigation proceedings, rejection or refusal in the airport procedure is not or no longer likely. If entry is permitted, the foreign national must be presented to the Federal Office for Immigration and Asylum. Upon presentation, the application for international protection is deemed to have been submitted (Art. 31 Asylum Act 2005).</p> <p>There are some special aspects in the airport procedure (Art. 33 Asylum Act 2005), among others:</p> <p>An application may only be rejected at the initial reception centre at the airport if there is no substantiated indication that the asylum seeker should be granted the status of a person entitled to asylum or subsidiary protection status and the asylum seeker has attempted to mislead the Federal Office for Immigration and Asylum about their true identity, their nationality or the authenticity of their documents despite being informed of the consequences; the claim regarding their threat situation obviously does not correspond to the facts; the asylum seeker has not claimed persecution in their country of origin or they come from a safe country of origin (Art. 19 Federal Office for Immigration and Asylum Procedures Act). The Federal Office for Immigration and Asylum may only refuse an application for international protection on the above-mentioned grounds and reject the application due to the existence of protection in a safe third country with the consent of the United Nations High Commissioner for Refugees. In the airport procedure, an interview is sufficient.</p> <p>In addition, the appeal period against a decision of the Federal Office for Immigration and Asylum in the airport procedure is one week.</p> <p>---</p> <p>Source: Ministry of the Interior</p>
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2. From the moment the third-country national or stateless person applies for international protection in the framework of the border procedure applicable in your country, what are the legal processing times for registering and taking a decision on the application?

In accordance with Art. 73 General Administrative Procedures Act 1991, decisions in asylum procedures must be made without unnecessary delay, but no later than six months after receipt of the application. There is no separate decision deadline for airport procedures.

Source: Ministry of the Interior

3. Which public authority is responsible for each step of the procedure related to the asylum procedure at the border (i.e. from making the application to the appeal)?

The asylum procedure in Austria is conducted before the Federal Office for Immigration and Asylum (Art. 3 para. 2 subpara. 1 Federal Office for Immigration and Asylum Procedures Act).

Source: Ministry of the Interior

4. When required, how do you apply the Dublin procedure for asylum applications at the border? Please explain (e.g. sovereignty clause, take charge / take back requests)

If there is a Dublin case, this is brought to the attention of the organizational unit responsible for the Dublin procedure, the Dublin Office of the Federal Office for Immigration and Asylum's Initial Reception Centre

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			<p>East, together with all evidence. The Dublin Office will then initiate consultations with the other Member State and inform the Initial Reception Centre Airport of the outcome. If the Member State has given its consent, the responsible employee of the Initial Reception Centre Airport will then issue the rejection decision in accordance with Art. 5 Asylum Act 2005. If a Member State has rejected the application, the Federal Office for Immigration and Asylum must immediately allow entry, as rejection of the application in the airport procedure is no longer an option, and the admission procedure will then be continued at the Initial Reception Centre East of the Federal Office for Immigration and Asylum.</p> <p>---</p> <p>Source: Ministry of the Interior</p> <p>5. What is the legal basis of decisions made under your country's asylum border procedure (in application of Article 43 (1)(a), (b) or your national procedure) or both?</p> <p>Decisions in asylum matters in Austria are based on the Asylum Act 2005. Articles 31 - 33 of the Asylum Act 2005 contain special provisions for the airport procedure.</p> <p>---</p> <p>Source: Ministry of the Interior</p> <p>6. If the legal basis of the decision is based on Article 43(1)(b) (as per question 5), please explain the grounds you use according to Article 31, para 8 of the APD?</p> <p>n/a</p> <p>---</p> <p>Source: Ministry of the Interior</p>
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7. Regarding examination procedure of such asylum cases under Art. 31 para 8 point j of APD, how do you deal with cases where there are indications in the file that the applicant applying for asylum at the border could pose a threat to public order? (e.g. law enforcement databases, security interviews)

There are no special provisions in this regard in the airport procedure; in particular, the existence of a threat to public order is not a criterion under Art. 33 para. 1 Asylum Act 2005 that alone would lead to the applicability of the airport procedure.

Source: Ministry of the Interior

8. How does your country deal with the special needs / vulnerabilities of asylum applicants in the framework of the border procedure?

Asylum applicants can undergo a medical examination at the Initial Reception Centre Airport. In any case, applicants are guaranteed constant care by qualified staff while the rejection at the border is being secured.

Source: Ministry of the Interior


9. What reception conditions are provided to the applicant during the asylum border procedure? Please explain how the system works.

Asylum seekers in Austria are cared for within the framework of basic care if they are in need of help and protection. The basic care system in Austria follows the principle of shared responsibilities. The Federal

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			<p>State is essentially responsible for the basic care of applicants for international protection during the admission procedure, while the provinces are responsible for basic care after the admission procedure. During the admission procedure, applicants are generally accommodated and cared for in federal reception centres (e.g. federal reception centres at the initial reception centres; https://www.bfa.gv.at/201/Begriffsbestimmungen/start.aspx). From the time of admission or the decision to examine the asylum application with regard to the content of the flight claim, responsibility for the accommodation and care of applicants for international protection is transferred to the individual provinces.</p> <p>---</p> <p>Source: Ministry of the Interior</p> <p>10. What measures has your country implemented during the asylum procedure at the border to guarantee that the person stays at the disposal of the authorities (for example detention or restriction of movement)? Please explain.</p> <p>A foreign person who has been presented to an initial reception centre at the airport may, insofar and as long as entry is not permitted, be required to stay at a specific location within the border control area or in the area of this initial reception centre in order to secure rejection at the border (securing rejection at the border); they may leave the country at any time (Art. 32 Asylum Act 2005).</p> <p>---</p> <p>Source: Ministry of the Interior</p> <p>11. Please identify the main good practices related to the asylum border procedure in your country.</p> <p>n/i</p> <p>---</p>
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			<p>Source: Ministry of the Interior</p> <p>12. Please identify the main challenges related to the asylum border procedure in your country.</p> <p>n/i ---</p> <p>Source: Ministry of the Interior</p>
	<p>EMN NCP Belgium</p>	<p>Yes</p>	<p>1. Please explain the applicable process when a third-country national or stateless person applies for international protection at the external border of your country (in application of the article 43 of the APD or in application of national procedure).</p> <p>When someone does not meet the entry conditions following national regulation cfr Schengen Borders Code (2016/399/EC) and applies for international protection at the border or transit zones, the entry to the Schengen territory is refused and the person will be notified of a decision of refusal of entry and 'refoulement' by Immigration Office ("Annex 11"). The person is detained in a closed centre during the entire asylum procedure (appeal included). Appeal against the Annex 11 may be lodged with the Council of Alien Law Litigation (CALL) within 10 days, and appeal against the decision of detention may be lodged through the Belgian courts at each stage.</p> <p>Exception: Families with children are placed in "open housing units". There are more adapted but are legally considered border detention centres. Also unaccompanied minors who apply for asylum or are otherwise detected on the territory or at the border have to be referred to the Guardianship service at the Ministry of</p>

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			<p>Justice. Once identified as a minor, a guardian will be assigned to the minor applicant. The guardian represents their pupil in legal acts and is responsible for ensuring that all necessary steps are taken during the unaccompanied minor's stay in Belgium. When they arrive at the border, they are assigned to an Observation and Orientation Centre (OOC) for unaccompanied minors. Also, this OOC is legally considered to be a detention centre at the border, which means that the unaccompanied minor is not considered to have formally entered the territory yet. Within 15 calendar days, access to the territory has to be formally granted. The execution of the decision of refoulement (Annex 11) is suspended until the CGRS decides and is also suspended during the appeal procedure.</p> <p>An asylum application at the border is made at the Border Police Section of the Federal Police immediately when the person is apprehended at the border and asked about their travel intentions to Belgium. The application can also be made in closed centres or open housing units with personnel of the Immigration Office.</p> <p>In practice: Person receives an 'Annex 25' (proof of asylum application) or 'Annex 25quinquies' (proof of subsequent application at the border) A short interview is conducted by the Immigration Office The Office of the Commissioner General for Refugees and Stateless Persons (CGRS) conducts a second personal interview. Because the applicants are in a closed centre, the interview is normally conducted online (secure connection), except for families who are interviewed at the offices in Brussels. The CGRS has 4 weeks to take a decision. If the CGRS has not taken a decision within four weeks, the applicant is admitted to the territory. This does not automatically mean that the applicant will not be detained in closed centre (or open housing units for families). If a ground for detention is present, they can be detained 'on the territory' under another detention ground (following article 74/6 of the Immigration Act). The CGRS can take the following decisions at the border: granting refugee status or granting subsidiary protection status; refusing refugee status and subsidiary protection status; inadmissibility; decision of refusal in one of the situations enabling the application of an accelerated procedure;</p>
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			<p>decision to further assess the application. Following a negative decision or a decision of inadmissibility, an applicant in a border procedure (including families in an open housing unit) has 10 days to make an appeal to the the Council of Alien Law Litigation (CALL).</p> <p>For the removal of rejected applicants at the border, the Immigration Office applies the Chicago Convention, according to which rejected applicants have to be returned by the airline company that brought them to Belgium, to the place from where their journey to Belgium started or to any other country where they will be admitted entry (Article 74/4 Immigration Act). In some cases, the point of departure (and return) is not the country of origin.</p> <p>2. From the moment the third-country national or stateless person applies for international protection in the framework of the border procedure applicable in your country, what are the legal processing times for registering and taking a decision on the application?</p> <p>The CGRS has 4 weeks to take a decision. If the CGRS has not taken a decision within four weeks, the applicant is admitted to the territory. This does not automatically mean that the applicant will not be detained in closed centre (or open housing units for families). If a ground for detention is present, they can be detained 'on the territory' under another detention ground (following article 74/6 of the Immigration Act). In total, 12 weeks for the entire asylum border procedure.</p> <p>3. Which public authority is responsible for each step of the procedure related to the asylum procedure at the border (i.e. from making the application to the appeal)?</p> <p>Border procedure: Federal Police (border guards), Border control (Immigration Office)</p>
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			<p>Dublin: Immigration Office Refugee status determination: The Office of the Commissioner General for Refugees and Stateless Persons (CGRS) Appeal: The Council of Alien Law Litigation (CALL)</p> <p>4. When required, how do you apply the Dublin procedure for asylum applications at the border? Please explain (e.g. sovereignty clause, take charge / take back requests)</p> <p>The Dublin procedure is laid down in the Law of 15 December 1980 regarding the entry, residence, settlement and removal of aliens ("Immigration Act") (articles 51/5 and 51/5/1). It refers to 'the European Regulation' for further details.</p> <p>All applicants are fingerprinted and checked in the Eurodac and Visa Information System databases after making their application with the Immigration Office. Based on the fingerprints and any other relevant information, the Immigration Office then determines which EU Member State is responsible for examining the asylum application based on the criteria of the Dublin III Regulation.</p> <p>This is a preliminary procedure to decide whether the file must be transferred to the CGRS. In case Belgium is deemed the responsible state, the asylum seekers' file is transferred to the CGRS, and it is further mentioned on the registration proof of the asylum application.</p> <p>If another Member State is responsible, the Immigration Office will send a take-back or take-charge request, after a short interview with the applicant. The person also receives a brochure explaining the Dublin procedure. Under Article 28 of the Dublin Regulation 604/2013 (given that the persons are maintained in the closed centre because of the border procedure), the responsible Member State has two weeks to respond to the take-back or take-charge request. If no reply is received within two weeks, this is regarded as tacit agreement.</p> <p>A decision to transfer following an implicit or explicit agreement to take back or to take charge of an asylum</p>
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			<p>applicant is delivered in a written decision containing the reasons for the decision in person ('Annex 25quater' in case of a border procedure). A person can lodge an appeal against this decision to the CALL within 5 days.</p> <p>A transfer to the responsible Member State is then organised, taking into account the requirements of the responsible Member State (minimum delay to notify the transfer).</p> <p>5. What is the legal basis of decisions made under your country's asylum border procedure (in application of Article 43 (1)(a), (b) or your national procedure) or both?</p> <p>Law of 15 December 1980 regarding the entry, residence, settlement and removal of aliens (also called "Immigration Act) Royal Decree of 8 October 1981 regarding the entry on the territory, residence, settlement and removal of aliens See the following link for main legislative acts: https://asylumineurope.org/reports/country/belgium/overview-legal-framework/</p> <p>6. If the legal basis of the decision is based on Article 43(1)(b) (as per question 5), please explain the grounds you use according to Article 31, para 8 of the APD?</p> <p>The grounds are those highlighted below, according to Article 31, point 8 of European Regulation 2013/32/EU: 8. Member States may provide that an examination procedure in accordance with the basic principles and guarantees of Chapter II be accelerated and/or conducted at the border or in transit zones in accordance with Article 43 if:</p>
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			<p>(a) the applicant, in submitting his or her application and presenting the facts, has only raised issues that are not relevant to the examination of whether he or she qualifies as a beneficiary of international protection by virtue of Directive 2011/95/EU; or</p> <p>(b) the applicant is from a safe country of origin within the meaning of this Directive; or</p> <p>(c) the applicant has misled the authorities by presenting false information or documents or by withholding relevant information or documents with respect to his or her identity and/or nationality that could have had a negative impact on the decision; or</p> <p>(d) it is likely that, in bad faith, the applicant has destroyed or disposed of an identity or travel document that would have helped establish his or her identity or nationality; or</p> <p>(e) the applicant has made clearly inconsistent and contradictory, clearly false or obviously improbable representations which contradict sufficiently verified country-of origin information, thus making his or her claim clearly unconvincing in relation to whether he or she qualifies as a beneficiary of international protection by virtue of Directive 2011/95/EU; or (f) the applicant has introduced a subsequent application for international protection that is not inadmissible in accordance with Article 40(5); or</p> <p>(g) the applicant is making an application merely in order to delay or frustrate the enforcement of an earlier or imminent decision which would result in his or her removal; or</p> <p>(h) the applicant entered the territory of the Member State unlawfully or prolonged his or her stay unlawfully and, without good reason, has either not presented himself or herself to the authorities or not made an application for international protection as soon as possible, given the circumstances of his or her entry; or</p> <p>(i) the applicant refuses to comply with an obligation to have his or her fingerprints taken in accordance with Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013 on the establishment of Eurodac for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes (1); or</p> <p>(j) the applicant may, for serious reasons, be considered a danger to the national security or public order of the Member State, or the applicant has been forcibly expelled for serious reasons of public security or public order under national law.</p>
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			<p>7. Regarding examination procedure of such asylum cases under Art. 31 para 8 point j of APD, how do you deal with cases where there are indications in the file that the applicant applying for asylum at the border could pose a threat to public order? (e.g. law enforcement databases, security interviews)</p> <p>The border procedure described in Q1 applies and information is shared with the appropriate services for follow-up.</p> <p>8. How does your country deal with the special needs / vulnerabilities of asylum applicants in the framework of the border procedure?</p> <p>A medical consultation is carried out in a closed centre and the necessary medical follow-up is provided. Every centre has its own medical service to provide for it with independent doctors. The Immigration Office (Border control) receives, for each person, a document stating whether the person is 'FITT to stay' in the centre (or not). Information is also added, for example on pregnancy, or a person's inability to be returned for one reason or another. Files are analysed on an individual basis and according to the information provided, can a person be released and the procedure will then continue on the territory. In this case, the person receives reception on the territory.</p> <p>Families in open housing units can always seek medical advice. The same procedure then applies. Special needs / vulnerabilities can be detected with the Police since they have specific trainings on this, as well as in the closed centre where special attention is given.</p> <p>9. What reception conditions are provided to the applicant during the asylum border procedure? Please</p>
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			<p>explain how the system works.</p> <p>Closed centres: Belgium has a total of 6 detention centres (also called “closed centres”): the 127bis repatriation centre; the “Caricole” near Brussels Airport; and 4 “Centres for Illegal Aliens” located in Bruges (CIB), in Merksplas (CIM), in Vottem (CIV) and in Holsbeek (CIH). The closed centres fall under the authority of the Immigration Office.</p> <p>Most of the asylum seekers who apply for asylum at the border are held in the “Caricole” but can also be held in other closed centres since they all are assimilated by law to be considered as transit areas. On arrival at the centre, every asylum seeker is subjected to a search. The search is aimed at verifying if the asylum-seeker is in possession of objects or substances that are prohibited or dangerous to themselves, other residents, the staff or the security of the centre. The search shall not exceed the time necessary for this purpose and the asylum seeker is obliged to fully cooperate. After the security screening, the asylum seeker must use the sanitary facilities, unless this is not appropriate for medical or safety reasons. The person must cooperate in a medical examination, after which, if necessary, appropriate medical treatment will follow.</p> <p>For every new resident, an administrative record is opened. Upon arrival, every asylum seeker is entitled to one free national phone call of a minimum of 10 minutes. Upon arrival, every asylum seeker receives a brochure that provides an overview of his or her rights and obligations during his or her stay in the detention centre, as well as the possibilities in the field of medical, psycho-social, psychological or religious assistance. A more general brochure is also distributed informing them of the right to appeal against detention, the possibilities to make a complaint about the conditions of detention, the possibilities to obtain assistance from a non-governmental organisation and to seek legal advice.</p> <p>Detention facilities have separated rooms or wings for single women, including at the border. In sanitary and sleeping facilities, single women and men are separated; in sanitary installations, only staff members of the same sex are present.</p>
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			<p>Each centre has a service responsible for the psychological and social supervision of the asylum seeker during their stay in the detention centre and prepares rejected asylum seekers for their possible removal. 3 meals a day are provided, special diets can be delivered on medical prescription, pork is never to be served and alcohol is prohibited. The asylum seekers get the opportunity to wash themselves on a daily basis and toiletries are at their disposal free of charge. The asylum seeker can have clothes delivered at their own expense, but the centre is to provide free clothing in case they do not dispose of appropriate clothing. In detention centres asylum seekers have access to open air spaces. In some centres they are allowed to get out in open air during daytime whenever they want. In other centres this is strictly regulated. A minimum of two hours of exercise outside is provided. Assistance to religious services or non-confessional counselling is guaranteed in the detention centres and the provision of assistance by a minister of a non-officially recognised cult can be requested.</p> <p>The asylum seeker has an unlimited right to entertain correspondence during the day. Writing paper is provided in the centre, as is assistance with reading and writing by staff members.</p> <p>The centres are required to organise sport, cultural and recreational activities. In most centres, fitness activities are offered and sporting tournaments of volleyball, soccer and basketball are organised on a regular basis.</p> <p>Every centre has a library at the disposal of the inhabitants, which usually provides a diverse range of books in different languages. Newspapers and other publication can be purchased at their own expense. They are also entitled to follow radio and television programmes. In several detention centres, the rooms are equipped with a television.</p> <p>Return houses (also called family units or FITT):</p> <p>The family or housing units in the return homes are individual houses or apartments where families are held during the time of the border procedure required to prepare their return to the country of origin, their readmission by the EU Member State responsible for processing their asylum application, or to be authorised to stay further in the territory. When those families with children are being transferred from the border, these persons are legally speaking not considered to have entered the territory. In the strict sense,</p>
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			<p>the return homes are considered by the Immigration Office as an alternative to detention since they are considered to be open facilities. Families residing in return houses are however subject to freedom restrictions (e.g. one adult must be present in the home at all times) and are, under the control of a “return coach” (Return coaches are staff members of the Immigration Office that assist the families concerned during their stay in the family unit). Children are able to go to school and adults can go out if they obtain permission to do so. There are 5 sites over the communes of Zulte, Tielt, Tubize, Sint- Gillis-Waas and Beauvechain.</p> <p>Families can always seek medical advice or legal assistance.</p> <p>10. What measures has your country implemented during the asylum procedure at the border to guarantee that the person stays at the disposal of the authorities (for example detention or restriction of movement)? Please explain.</p> <p>Detention:</p> <p>Article 74/5 of the Immigration Act determines that a third-country national who tries to enter the country without disposing of the necessary documents and applies for asylum at the border, can be detained while waiting to receive either a denial of entry, or to be granted access to the territory.</p> <p>Article 74/6 of the Immigration Act foresees that an asylum seeker may be detained on the territory, where necessary, on the basis of an individualised assessment and where less coercive alternatives cannot effectively be applied:</p> <p>In order to determine or verify their identity or nationality;</p> <p>In order to determine the elements on which the asylum application is based, which could not be obtained without detention, in particular where there is a risk of absconding;</p> <p>When they are detained subject to a return procedure and it can be substantiated on the basis of objective criteria that they are making an asylum application for the sole purpose of delaying or frustrating the enforcement of return;</p> <p>When protection or national security or public order so requires.</p>
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			<p>Article 51/5 of the Immigration Act allows for the detention of asylum seekers during the Dublin procedure if there are indications that another EU Member State might be responsible for handling their asylum claim, awaiting agreement from the responsible EU Member State. + See information above about return houses and restriction of movement. Appeal against the decision of detention may be lodged through the Belgian courts at each stage.</p> <p>11. Please identify the main good practices related to the asylum border procedure in your country.</p> <p>Good practices identified by the Immigration Office: Persons stay at the disposal of the authorities (detention in centre or housing for families); Quick procedure at each stage; Chicago Convention – collaboration with the airlines in order to prevent illegal migration and execution of refoulement; Information about travel documents also often available by the responsible carrier. The Federal Police has also good ability to detect forged/false documents, which makes easier the identification of a person; Good follow up of the person : medical, administrative, appeals,..</p> <p>12. Please identify the main challenges related to the asylum border procedure in your country.</p> <p>Challenges identified by the Immigration Office: Number of places available in closed centres/open housing units; 'Abuse' of the border procedure; Difficulty to return persons for whom the procedure has been completed (and negative): refusal to leave; accompanied returns are difficult to arrange (date possible, staff required,...) Abuse of consecutive procedures.</p>
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	<p>EMN NCP Bulgaria</p>	<p>Yes</p>	<p>1. Please explain the applicable process when a third-country national or stateless person applies for international protection at the external border of your country (in application of the article 43 of the APD or in application of national procedure).</p> <p>Border procedure for international protection is not defined in the Bulgarian legislation and is not applied in Bulgaria.</p> <p>In compliance with the Law on Asylum and Refugees (LAR) any third-country national or stateless person may apply for international protection not only to the State Agency for Refugees (SAR) - the specialised state authority that has the competence to decide on the application, but also before any other state authority. Asylum can be requested on the territory, at the borders before the Border Police staff, or before the Migration Directorate staff of the Ministry of Interior. The Ministry of Interior employees do not have the authority to examine the application. This activity is entirely within the competence of officials of SAR. If the asylum application is made before a state authority, different from SAR, then status determination procedures cannot legally start until the asylum seeker is transferred from that public authority and accommodated in any of the premises of SAR for registration. If the asylum application is lodged before a different government authority or institution, the deadline for the registration is set at 6 working days from the initial submission of the application.</p> <p>2. From the moment the third-country national or stateless person applies for international protection in the framework of the border procedure applicable in your country, what are the legal processing times for registering and taking a decision on the application?</p>

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			<p>Border procedure for international protection is not defined in the Bulgarian legislation and is not applied in Bulgaria.</p> <p>The time limit for registration of an application submitted to a state authority other than the State Agency for Refugees, is no later than 6 working days from the initial submission of the application.</p> <p>The time limits for taking a decision on the application are laid down in the Law on Asylum and Refugees. There is no difference in the time limits for taking a decision on an application submitted to another state authority and an application submitted to the State Agency for Refugees.</p> <p>In compliance with LAR art. 75 (1) within 6 months of the initiation of the international protection procedure, the Chairperson of the State Agency for Refugees takes a decision by which:</p> <ol style="list-style-type: none">1. refugee status is granted;2. refuses refugee status;3. humanitarian status is granted;4. humanitarian status is refused. <p>3. Which public authority is responsible for each step of the procedure related to the asylum procedure at the border (i.e. from making the application to the appeal)?</p> <p>The border procedure for international protection (Article 43 of the APD) is not defined in Bulgarian legislation and is not applied in Bulgaria.</p> <p>The procedure for international protection in the Republic of Bulgaria is conducted in accordance with the Law on Asylum and Refugees by the State Agency for Refugees.</p> <p>4. When required, how do you apply the Dublin procedure for asylum applications at the border? Please explain (e.g. sovereignty clause, take charge / take back requests)</p>
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			<p>The border procedure for international protection (Article 43 of the APD) is not defined in Bulgarian legislation and is not applied in Bulgaria.</p> <p>If a third-country national applies for international protection at the border, the application is sent immediately to the State Agency for Refugees, which is the competent authority for conducting the international protection procedure, including the Dublin procedure.</p> <p>5. What is the legal basis of decisions made under your country's asylum border procedure (in application of Article 43 (1)(a), (b) or your national procedure) or both?</p> <p>N/A</p> <p>6. If the legal basis of the decision is based on Article 43(1)(b) (as per question 5), please explain the grounds you use according to Article 31, para 8 of the APD?</p> <p>N/A</p> <p>7. Regarding examination procedure of such asylum cases under Art. 31 para 8 point j of APD, how do you deal with cases where there are indications in the file that the applicant applying for asylum at the border could pose a threat to public order? (e.g. law enforcement databases, security interviews)</p> <p>N/A</p>
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			<p>8. How does your country deal with the special needs / vulnerabilities of asylum applicants in the framework of the border procedure?</p> <p>N/A</p> <p>9. What reception conditions are provided to the applicant during the asylum border procedure? Please explain how the system works.</p> <p>N/A</p> <p>10. What measures has your country implemented during the asylum procedure at the border to guarantee that the person stays at the disposal of the authorities (for example detention or restriction of movement)? Please explain.</p> <p>N/A</p> <p>11. Please identify the main good practices related to the asylum border procedure in your country.</p> <p>N/A</p>
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			<p>12. Please identify the main challenges related to the asylum border procedure in your country.</p> <p>N/A</p>
	<p>EMN NCP Croatia</p>	<p>Yes</p>	<p>1. Please explain the applicable process when a third-country national or stateless person applies for international protection at the external border of your country (in application of the article 43 of the APD or in application of national procedure).</p> <p>Article 43 of the APD has been transposed into Croatian national legislation (Act on International and Temporary protection, Article 42), but it is not implemented in practice. Currently, TCN who applies for international protection at the border is registered by police officer and referred into regular asylum procedure.</p> <p>2. From the moment the third-country national or stateless person applies for international protection in the framework of the border procedure applicable in your country, what are the legal processing times for registering and taking a decision on the application?</p> <p>Act prescribes deadline of 28 days for border procedure, but as it was answered in Q1, border procedure is not implemented in practice.</p> <p>3. Which public authority is responsible for each step of the procedure related to the asylum procedure at</p>


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			<p>the border (i.e. from making the application to the appeal)?</p> <p>According to our legislation, responsible authorities in border procedure are the same as in regular procedure, Ministry of Interior in first degree, and Administrative Court for administrative dispute.</p> <p>4. When required, how do you apply the Dublin procedure for asylum applications at the border? Please explain (e.g. sovereignty clause, take charge / take back requests)</p> <p>N/A</p> <p>5. What is the legal basis of decisions made under your country's asylum border procedure (in application of Article 43 (1)(a), (b) or your national procedure) or both?</p> <p>N/A</p> <p>6. If the legal basis of the decision is based on Article 43(1)(b) (as per question 5), please explain the grounds you use according to Article 31, para 8 of the APD?</p> <p>7. Regarding examination procedure of such asylum cases under Art. 31 para 8 point j of APD, how do you deal with cases where there are indications in the file that the applicant applying for asylum at the border</p>
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			could pose a threat to public order? (e.g. law enforcement databases, security interviews)
			N/A
			8. How does your country deal with the special needs / vulnerabilities of asylum applicants in the framework of the border procedure?
			N/A
			9. What reception conditions are provided to the applicant during the asylum border procedure? Please explain how the system works.
			N/A
			10. What measures has your country implemented during the asylum procedure at the border to guarantee that the person stays at the disposal of the authorities (for example detention or restriction of movement)? Please explain.
			N/A
			11. Please identify the main good practices related to the asylum border procedure in your country.

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			<p>N/A</p> <p>12. Please identify the main challenges related to the asylum border procedure in your country.</p> <p>N/A</p>
	EMN NCP Cyprus	Yes	<p>1. Please explain the applicable process when a third-country national or stateless person applies for international protection at the external border of your country (in application of the article 43 of the APD or in application of national procedure).</p> <p>N/A. In Cyprus, the current Refugee Law does not provide for the application of the asylum procedure at the borders.</p> <p>2. From the moment the third-country national or stateless person applies for international protection in the framework of the border procedure applicable in your country, what are the legal processing times for registering and taking a decision on the application?</p> <p>Please see answer to Q1.</p>

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3. Which public authority is responsible for each step of the procedure related to the asylum procedure at the border (i.e. from making the application to the appeal)?

Please see answer to Q1.

4. When required, how do you apply the Dublin procedure for asylum applications at the border? Please explain (e.g. sovereignty clause, take charge / take back requests)

Please see answer to Q1.

5. What is the legal basis of decisions made under your country's asylum border procedure (in application of Article 43 (1)(a), (b) or your national procedure) or both?

Please see answer to Q1.


6. If the legal basis of the decision is based on Article 43(1)(b) (as per question 5), please explain the grounds you use according to Article 31, para 8 of the APD?

Please see answer to Q1.

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			<p>7. Regarding examination procedure of such asylum cases under Art. 31 para 8 point j of APD, how do you deal with cases where there are indications in the file that the applicant applying for asylum at the border could pose a threat to public order? (e.g. law enforcement databases, security interviews)</p> <p>Please see answer to Q1.</p> <p>8. How does your country deal with the special needs / vulnerabilities of asylum applicants in the framework of the border procedure?</p> <p>Please see answer to Q1.</p> <p>9. What reception conditions are provided to the applicant during the asylum border procedure? Please explain how the system works.</p> <p>Please see answer to Q1.</p> <p>10. What measures has your country implemented during the asylum procedure at the border to guarantee that the person stays at the disposal of the authorities (for example detention or restriction of movement)? Please explain.</p> <p>Please see answer to Q1.</p>
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			<p>11. Please identify the main good practices related to the asylum border procedure in your country. Please see answer to Q1.</p> <p>12. Please identify the main challenges related to the asylum border procedure in your country. Please see answer to Q1.</p>
	<p>EMN NCP Czech Republic</p>	<p>Yes</p>	<p>1. Please explain the applicable process when a third-country national or stateless person applies for international protection at the external border of your country (in application of the article 43 of the APD or in application of national procedure).</p> <p>The article 43 of the APD is applied. If an application is made at the reception centre at the international airport, a decision must be taken not to allow entry to the territory in accordance with the Reception Directive (RCD). If the conditions are not met, entry is granted and the border procedure is no longer applied. The border procedure is also not applicable in cases of vulnerable groups (e.g. families). The only kinds of decision that can be made are inadmissibility of the application or rejection of the application as manifestly unfounded. If it is clear that a different type of decision will be issued, entry must be granted.</p>

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			<p>2. From the moment the third-country national or stateless person applies for international protection in the framework of the border procedure applicable in your country, what are the legal processing times for registering and taking a decision on the application?</p> <p>Registering of the application – within 3 working days from making the application. Decision on the application – within 4 weeks.</p> <p>3. Which public authority is responsible for each step of the procedure related to the asylum procedure at the border (i.e. from making the application to the appeal)?</p> <p>The Police is responsible for making the application. All other steps of the procedure are the responsibility of the Ministry of the Interior.</p> <p>4. When required, how do you apply the Dublin procedure for asylum applications at the border? Please explain (e.g. sovereignty clause, take charge / take back requests)</p> <p>In the case of the Czech Republic, the Dublin procedure at the border only applies to applications for international protection lodged at the Václav Havel International Airport in Prague, where entry into the territory is simultaneously denied. In the last 5 years there have been only a handful of cases per year. As a rule, we encounter cases where Article 12 or 13 of the Dublin Regulation is applied. No cases of withdrawal requests have been recorded. Similarly, the use of Article 17 has not been applied. Cases are dealt with as a matter of priority and, in accordance with national legislation, decisions on transfer to the Member State responsible are issued within 28 days of the application. If a decision is not issued within this period, the person is then admitted to the territory.</p>
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5. What is the legal basis of decisions made under your country's asylum border procedure (in application of Article 43 (1)(a), (b) or your national procedure) or both?

The article 43 of the APD is applied (see Q1).

6. If the legal basis of the decision is based on Article 43(1)(b) (as per question 5), please explain the grounds you use according to Article 31, para 8 of the APD?

All reasons according to Article 31, para 8 of the APD are transposed in the Czech legislation. Some are applied more often, some less.

7. Regarding examination procedure of such asylum cases under Art. 31 para 8 point j of APD, how do you deal with cases where there are indications in the file that the applicant applying for asylum at the border could pose a threat to public order? (e.g. law enforcement databases, security interviews)


There isn't a lot of experience with this but it would be dealt with on a case-to-case basis.

8. How does your country deal with the special needs / vulnerabilities of asylum applicants in the framework of the border procedure?

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			<p>These persons do not fall under the border procedure according to the Czech legislation (see Q1). However, vulnerable persons shall be included in the border procedure in the near future due to the planned increase of capacities at the airport.</p> <p>9. What reception conditions are provided to the applicant during the asylum border procedure? Please explain how the system works.</p> <p>The standard reception conditions are provided. The reception facility is at the airport.</p> <p>10. What measures has your country implemented during the asylum procedure at the border to guarantee that the person stays at the disposal of the authorities (for example detention or restriction of movement)? Please explain.</p> <p>See Q1 – if conditions are met, detention can be used.</p> <p>11. Please identify the main good practices related to the asylum border procedure in your country.</p> <p>N/A</p> <p>12. Please identify the main challenges related to the asylum border procedure in your country.</p>
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			<p>Providing sufficient capacities to carry out the proceedings in 12 weeks (this will newly be applicable according to the Pact).</p>
	<p>EMN NCP Estonia</p>	<p>Yes</p>	<p>1. Please explain the applicable process when a third-country national or stateless person applies for international protection at the external border of your country (in application of the article 43 of the APD or in application of national procedure).</p> <p>Estonia does not apply border procedure. Applications for international protection can be registered and lodged (one procedural act) at the border but the asylum procedure is conducted only in the centralized unit of the Police and Border Guard Board located in the capital and applicants cannot be accommodated at the border or near the border. The law provides for the accelerated procedure which can also be conducted at the border. The deadline for the accelerated procedure is 30 days. There are no other more specific rules or categories or criteria of when the accelerated procedure should be done at the border. In practice the accelerated procedure at the border has not been applied for since 2015.</p> <p>2. From the moment the third-country national or stateless person applies for international protection in the framework of the border procedure applicable in your country, what are the legal processing times for registering and taking a decision on the application?</p> <p>N/A. As there is no border procedure as such, general processing times apply unless it is the case of accelerated procedure for which the deadline is 30 days. In practice accelerated procedure is not applied at the border.</p>

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3. Which public authority is responsible for each step of the procedure related to the asylum procedure at the border (i.e. from making the application to the appeal)?

There is one single authority in Estonia responsible for citizenship, migration, police and border guarding related tasks: Police- and Border Guard Board under the Ministry of the Interior.

4. When required, how do you apply the Dublin procedure for asylum applications at the border? Please explain (e.g. sovereignty clause, take charge / take back requests)

Estonia does not apply the Dublin procedure for asylum applications at the border.

5. What is the legal basis of decisions made under your country's asylum border procedure (in application of Article 43 (1)(a), (b) or your national procedure) or both?

There is no border procedure enacted.

The grounds for the accelerated procedure (which by the provision of the law can be conducted also at the border but is not implemented in practice) are enacted as follows:

A clearly unfounded application for international protection may be reviewed under the expedited procedure, including at the border, taking account of the provisions of this section.

A clearly unfounded application shall not be reviewed under the expedited procedure or the application of the expedited procedure shall be terminated if upon the application thereof it is impossible to take account of the special needs of the applicant, primarily in the case when the applicant has become a victim of torture of

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			<p>rape or he or she has been subjected to other serious forms of psychological, physical or sexual violence. The application of an unaccompanied minor, if it is in the interests of the minor, may be reviewed under the expedited procedure only in the following cases:</p> <p>there is reason to consider the applicant's country of origin as a safe country of origin;the applicant poses a threat to national security or public order or he or she has been expelled from Estonia for the specified reasonsupon the processing of the application for international protection the applicant has knowingly provided incorrect information, given incorrect explanations, has knowingly failed to provide information or give explanations which are of essential importance to the processing of his or her application for international protection, or has knowingly submitted falsified documents and there is reason to believe that the applicant has destroyed or disposed of a document or any other evidence that would have helped to establish his or her identity or citizenship on condition that the special needs of the unaccompanied minor have been taken account of and he or she has been given an opportunity to justify his or her action, including to consult his or her representative;the applicant has submitted an application for international protection only to avoid the compliance with the obligation to leave on condition that the review of the content of the application is not refused on the basis of it has been established that there are no new facts and the applicant has failed to submit new documents or evidence which significantly add to the likelihood of the applicant qualifying as a beneficiary of international protection.the receiving state of the applicant can be considered a safe third countryUpon application of the expedited procedure the application shall be reviewed within 30 days. The specified time-limit may be extended where necessary in order to ensure an adequate and complete review of the application.</p> <p>6. If the legal basis of the decision is based on Article 43(1)(b) (as per question 5), please explain the grounds you use according to Article 31, para 8 of the APD?</p> <p>Please see the answer to the previous question.</p>
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			<p>7. Regarding examination procedure of such asylum cases under Art. 31 para 8 point j of APD, how do you deal with cases where there are indications in the file that the applicant applying for asylum at the border could pose a threat to public order? (e.g. law enforcement databases, security interviews)</p> <p>The possible threat to the security is assessed by the Security Service including during the registration of the application for international protection at the border. Security interviews are conducted at the border and can also be conducted throughout asylum procedure.</p> <p>8. How does your country deal with the special needs / vulnerabilities of asylum applicants in the framework of the border procedure?</p> <p>N/A</p> <p>9. What reception conditions are provided to the applicant during the asylum border procedure? Please explain how the system works.</p> <p>N/A</p> <p>10. What measures has your country implemented during the asylum procedure at the border to guarantee that the person stays at the disposal of the authorities (for example detention or restriction of movement)?</p>
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			<p>Please explain.</p> <p>N/A</p> <p>The measures are not specific to border procedures (which Estonia does not have) or accelerated procedure and applies in any case:</p> <ul style="list-style-type: none">. Police and Border Guard Board can detain a person for no longer than 48 hours. Within 24 hours the request to get a permission to detain for more than 48 hours must be submitted to the court. Detention is authorized by the court only when it is clearly demonstrated that surveillance measures (alternatives to detention) cannot be sufficiently applied. Those surveillance measures are: <ul style="list-style-type: none">- residing in a determined place of residence;- appearing for registration at the Police and Border Guard Board at prescribed intervals;- notifying the Police and Border Guard Board of the absence from the place of residence for a period longer than three days;- depositing the travel document issued by a foreign state at the Police and Border Guard Board;- appearing for counselling. <p>11. Please identify the main good practices related to the asylum border procedure in your country.</p> <p>N/A</p> <p>12. Please identify the main challenges related to the asylum border procedure in your country.</p> <p>N/A</p>
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+	EMN NCP Finland	Yes	<p>1. Please explain the applicable process when a third-country national or stateless person applies for international protection at the external border of your country (in application of the article 43 of the APD or in application of national procedure).</p> <p>Article 43 of the APD has been transposed to the national legislation (Section 104 a of the Aliens Act).</p> <p>According to Section 104 a of the Aliens Act, border procedure is applied to an application for international protection made at the external border or in connection with an unauthorised border crossing of the external border, when the application for international protection is inadmissible according to Section 103 of the Aliens Act (Art. 33 of the APD) or the examination procedure is accelerated according to Section 104 of the Aliens Act (Art 31, para 8 of the APD).</p> <p>2. From the moment the third-country national or stateless person applies for international protection in the framework of the border procedure applicable in your country, what are the legal processing times for registering and taking a decision on the application?</p> <p>There is no clearly specified legal processing time for registering the application. Registering all asylum applications regardless of the procedure must happen 'without delay'. (Section 95 of the Aliens Act).</p> <p>The decision on the asylum application must be taken within 4 weeks when the border procedure is applied.</p> <p>The applicant must be given notice of the decision within 7 days (5 working days) after the decision has been taken.</p>

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3. Which public authority is responsible for each step of the procedure related to the asylum procedure at the border (i.e. from making the application to the appeal)?

The application is lodged to the Finnish Border Guard, because the application is made at an external border. The Finnish Border Guard handles the early stages of the asylum procedure including registering the application and making an initial assessment as to whether the border procedure is applied on the application.

The Finnish Immigration Service makes the final decision as to whether the border procedure is applied. If the border procedure is applied, the Finnish Immigration Service takes a decision on the application within four weeks of registering the application.

The Finnish Immigration Service gives notice of the decision to the application.

An applicant may challenge the decision by making an appeal to the Administrative Court.

The Administrative Court takes a decision on both the appeal of the decision on international protection and on the application for the prohibition or suspension of enforcement.

4. When required, how do you apply the Dublin procedure for asylum applications at the border? Please explain (e.g. sovereignty clause, take charge / take back requests)

In Finland, Dublin procedure is not applied for asylum applications at the border, because Article 43

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			<p>paragraph 1 of the Directive 2013/32 does not allow it.</p> <p>5. What is the legal basis of decisions made under your country's asylum border procedure (in application of Article 43 (1)(a), (b) or your national procedure) or both?</p> <p>Both: it is primarily the Finnish national legislation that applies, but the Finnish national legislation is in accordance with the Asylum Procedures Directive.</p> <p>6. If the legal basis of the decision is based on Article 43(1)(b) (as per question 5), please explain the grounds you use according to Article 31, para 8 of the APD?</p> <p>All of the grounds stated in Article 31, para 8 are also in the national legislation, in Article 104 of the Finnish Aliens Act.</p> <p>7. Regarding examination procedure of such asylum cases under Art. 31 para 8 point j of APD, how do you deal with cases where there are indications in the file that the applicant applying for asylum at the border could pose a threat to public order? (e.g. law enforcement databases, security interviews)</p> <p>No specific procedure has been agreed in advance for such cases. There would be a case-by-case consideration in a situation like this. Most likely detention would be applied in this kind of a situation.</p>
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			<p>8. How does your country deal with the special needs / vulnerabilities of asylum applicants in the framework of the border procedure?</p> <p>Border procedure can only be applied to asylum applicants with special needs / vulnerabilities if they can be given the support they need. So far Finland does not have enough experience of applying the border procedure to vulnerable applicants to be able to explain or give concrete examples of the ways in which the special needs / vulnerabilities are protected in practice during the border procedure.</p> <p>According to Section 104 a of the Aliens Act which lays down the border procedure in Finland, border procedure cannot be applied if the applicant is in need of special procedural guarantees according to Section 96 a of the Aliens Act, and if it is not possible to provide these special procedural guarantees.</p> <p>According to Section 96 a of the Aliens Act which lays down special procedural guarantees in Finland, applicants with special needs arising from a vulnerable status are given support to ensure that they can benefit from the rights connected with the asylum procedure and comply with the related responsibilities.</p> <p>9. What reception conditions are provided to the applicant during the asylum border procedure? Please explain how the system works.</p> <p>The applicant has access to similar services as other customers of the reception centre. Upon arrival, the applicant is informed about the services offered at the reception centre, border procedure and other practical questions.</p> <p>The applicant is entitled to accommodation and meals at the reception centre. The meals include breakfast, lunch, dinner and evening snack.</p>
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			<p>The applicant has access to essential social services (they are also given preliminary information on social services they are entitled to), essential health services (a nurse's appointment within 1-3 days after arrival), information on the procedure to be followed and on their rights and obligations during the procedure, legal assistance within 1-3 days after arrival, reception allowance and spending money based on need. Because the applicant is not allowed to leave the premises of the reception centre unless in exceptional circumstances, they are able to purchase items needed for everyday-life (e.g. cigarettes, groceries, SIM-cards) from the canteen of the reception centre or else the personnel of the reception centre purchase those items from shops in town at the applicant's expense.</p> <p>10. What measures has your country implemented during the asylum procedure at the border to guarantee that the person stays at the disposal of the authorities (for example detention or restriction of movement)? Please explain.</p> <p>According to Finnish Aliens Act Section 104 b, the applicant has no right to move freely and choose their place of residence under the border procedure. During the border procedure, the applicant is obliged to remain at the external border or in a transit zone, or in a designated reception centre which is located at the proximity of the border or transit zone. The area of the reception centre is fenced off, which guarantees remaining on its territory. The area of the reception centre needs to be broad enough to guarantee immunity of private life and obtaining reception services. The applicant must be notified clearly what is the area of the reception centre.</p> <p>In Finland, applicants to whom border procedure is applied, are accommodated in the Joutseno reception centre. At Joutseno reception centre there is a specific area within which those applicants to whom border procedure is applied must remain. The area is about 3 hectares and it is fenced in order to ensure that those applicants to whom border procedure is applied remain on this area. The fence is 2,5-3 metres high.</p>
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			<p>Movement in and out from the fenced area is restricted and access to/from the area is controlled.</p> <p>11. Please identify the main good practices related to the asylum border procedure in your country.</p> <p>Applications to which border procedure is applied are prioritised throughout the process. At the Finnish Immigration Service, there are two case workers on call during working hours ready to interview applicants to whom border procedure is applied.</p> <p>12. Please identify the main challenges related to the asylum border procedure in your country.</p> <p>So far not, the number of cases has been low so far (about 30 applications).</p> <p>The time limits may prove challenging if the numbers increase.</p>
	<p>EMN NCP France</p>	<p>Yes</p>	<p>1. Please explain the applicable process when a third-country national or stateless person applies for international protection at the external border of your country (in application of the article 43 of the APD or in application of national procedure).</p>

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			<p>In France, national legislation provides for an asylum admission (authorisation of entry) procedure at the border. Foreign nationals who present themselves at the border and apply to enter the country on the grounds of asylum, after having been refused entry or following a spontaneous application on their part, are heard by the French Office for the Protection of Refugees and Stateless Persons (OFPRA), which is the determining authority. OFPRA gives its opinion only on whether the application is inadmissible or manifestly unfounded. If OFPRA considers that the application is neither inadmissible nor manifestly unfounded, it proposes an admission (authorisation of entry) decision, which it forwards to the Ministry of the Interior. Otherwise, it proposes a refusal.</p> <p>On receipt of this opinion, the dedicated department of the Ministry of the Interior (Directorate-General for Foreigners in France/Directorate for Asylum/Department for Cooperation and the External Dimension of Asylum) decides, on behalf of the Minister of the Interior, whether to admit the applicant to the country or to refuse entry. The Minister of the Interior is bound by OFPRA's opinion, unless there are serious reasons to believe that the foreign national's access to national territory would constitute a serious threat to public order. In this case, access is refused.</p> <p>This procedure is based in particular on article 4 (2) b of the Procedures Directive, which allows Member States to designate an authority other than the determining authority to authorise or refuse entry to the territory as part of the border procedure, subject to the reasoned opinion of the determining authority. When the asylum seeker is authorised to enter the country by the Minister for the Interior, his/her asylum application is then registered and examined in accordance with the ordinary national procedure.</p> <p>If the foreign national's asylum application at the border comes under the responsibility of another Member State as defined in the Dublin III Regulation, French legislation provides that the Dublin procedure may also be implemented at the border.</p> <p>2. From the moment the third-country national or stateless person applies for international protection in the framework of the border procedure applicable in your country, what are the legal processing times for registering and taking a decision on the application?</p>
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			<p>The OFPRA is required to give its opinion within 2 working days as from the date of the application for asylum at the border.</p> <p>If the Minister of the Interior is not subject to a legal time limit for rendering his decision, he will endeavour to render his decision on the day OFPRA's opinion is sent to him. In 2024, the time taken to reach a decision from the date of application was 2.1 days (calendar days).</p> <p>In addition, the time taken by the Minister of the Interior to reach a decision is constrained by the length of time the applicant is held in the waiting zone, which is subject to regular review by the judge. Placement in the waiting area is decided by an authorised officer for an initial period of 4 days. At the end of this initial period, the judge must be asked to extend the waiting zone for a further 8 days. The judge may then extend the stay a second time, for a further 8 days.</p> <p>As a result, the total duration of detention in the waiting zone may not exceed 20 days.</p> <p>However, it may be longer than 20 days in certain cases:</p> <ul style="list-style-type: none">- if the asylum application is made between the 14th and 20th day of presence in the waiting area, the detention period is extended by 6 days to allow the asylum application to be examined;- if entry into France on the grounds of asylum has been refused and an appeal for annulment has been lodged in the last 4 days of the detention order, detention in the waiting zone is extended by 4 days. <p>A foreign national who has been refused entry on the grounds of asylum (and, where applicable, the decision to transfer to another Member State) may apply to the administrative court to have the decision annulled within 48 hours of being notified of the refusal decision. The administrative court will rule within 96 hours of the expiry of the appeal period.</p> <p>3. Which public authority is responsible for each step of the procedure related to the asylum procedure at the border (i.e. from making the application to the appeal)?</p> <p>The Border Police records the application to enter France as an asylum seeker in a report and notifies the applicant of his/her rights and obligations. It forwards the report to the services of the Ministry of the Interior and to the OFPRA.</p>
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			<p>The OFPRA is responsible for interviewing the applicant and issuing an opinion on whether the asylum application at the border is inadmissible or manifestly unfounded.</p> <p>The administrative authority responsible for taking the decision to admit or refuse a foreign national entry to France on the grounds of asylum is the Minister of the Interior (Directorate-General for Foreigners in France/Directorate for Asylum /Department for Cooperation and the External Dimension of Asylum).</p> <p>If an appeal is lodged at the end of the procedure against the refusal of entry to France on the grounds of asylum, the administrative court issues a decision which may be appealed before the Administrative Court of Appeal.</p> <p>Lastly, the judge of the judicial court of first instance has jurisdiction to review the legality of the applicant's stay in the waiting zone.</p> <p>4. When required, how do you apply the Dublin procedure for asylum applications at the border? Please explain (e.g. sovereignty clause, take charge / take back requests)</p> <p>It is possible to carry out transfers in cases where the asylum application falls within the competence of another Member State as defined in the Dublin III Regulation.</p> <p>However, in practice, this procedure is rarely used because of the difficulties in identifying the responsibility of another Member State in the context of the asylum procedure at the border, and in particular because of the limited timeframe to gather the necessary information, obtain a response from the Member State identified and then, if necessary, organise the transfer.</p> <p>The last transfer decision in the context of the asylum procedure at the border was taken in 2019, following a take charge request.</p> <p>When the Dublin procedure could not be implemented, the application to enter the territory on asylum grounds is examined according to the procedure described in Q 1 to 3.</p>
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			<p>5. What is the legal basis of decisions made under your country's asylum border procedure (in application of Article 43 (1)(a), (b) or your national procedure) or both?</p> <p>The French national procedure is based on the two subparagraphs of Article 43(1) of the Procedures Directive. The opinions issued at the border relate to :</p> <ul style="list-style-type: none">- whether the claim is manifestly unfounded or not, on the basis of Articles 43(1)b, 31(8) and 32 of the Directive ;- the inadmissibility of the application in accordance with articles 43(1)a and 33 of the Directive. <p>Thus, the asylum procedure at the French border only gives rise to opinions (from the determining authority) and decisions (from the Minister of the Interior) to refuse or authorise entry on the grounds of asylum and not to decisions on the merits of the asylum application. If the foreign national is authorised to enter France, his or her asylum application will be examined by the OFPRA in France in accordance with the ordinary law procedure.</p> <p>As explained in Q1, this procedure is based in particular on Article 4(2)(b) of the Procedures Directive, which allows Member States to designate an authority other than the determining authority to authorise or refuse entry to the territory as part of the border procedure, subject to the reasoned opinion of the determining authority.</p> <p>6. If the legal basis of the decision is based on Article 43(1)(b) (as per question 5), please explain the grounds you use according to Article 31, para 8 of the APD?</p> <p>Decisions on asylum at the border are taken on the basis of Article 31(8)(a) and (e) of the Procedures Directive.</p> <p>In order to give an opinion, the determining authority analyses (where the application is not inadmissible) if the application is manifestly unfounded, which is defined in national law as: 'an application which, in the light of the statements made by the foreign national and any documents produced, is manifestly irrelevant with regard to the conditions for granting asylum or manifestly lacking in credibility regarding the risk of</p>
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			<p>persecution or serious harm’.</p> <p>This definition is based on article 31 (8) (a) and (e) of the Procedures Directive. If the application cannot be considered to be manifestly unfounded, it gives rise to an opinion and then an admission (authorisation of entry) decision, which means that the asylum application will be examined in the territory.</p> <p>7. Regarding examination procedure of such asylum cases under Art. 31 para 8 point j of APD, how do you deal with cases where there are indications in the file that the applicant applying for asylum at the border could pose a threat to public order? (e.g. law enforcement databases, security interviews)</p> <p>Each file is subject to security checks by the relevant departments, which consult the relevant national and European files. In exceptional cases, an interview may be held in the waiting area with the domestic security services.</p> <p>When these checks, or other elements of the case file, lead to the conclusion that the foreign national's access to national territory would constitute a serious threat to public order, the Minister of the Interior may refuse entry to the territory on the grounds of asylum, regardless of the opinion given by the OFPRA.</p> <p>8. How does your country deal with the special needs / vulnerabilities of asylum applicants in the framework of the border procedure?</p> <p>Anyone working in the waiting area, including authorised associations and the Office of the United Nations High Commissioner for Refugees (UNHCR), can inform the area manager of an asylum seeker's vulnerability, which may lead to adapting the arrangements for keeping them in the waiting area (for example, individual accommodation for LGBTQ+ people where necessary). With the applicant's agreement, these vulnerabilities are communicated to the OFPRA.</p> <p>In the waiting area at Roissy-Charles-de-Gaulle airport, the French Red Cross staff is on duty to welcome</p>
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			<p>and provide humanitarian assistance. It provides an active listening service 24 hours a day, 7 days a week, and pays particular attention to vulnerable people, in particular by offering them an interview in conditions that guarantee confidentiality. Any situation of particular vulnerability detected is reported to the person in charge of the waiting area via an ad hoc procedure.</p> <p>When the OFPRA considers that the asylum seeker, due to vulnerability, requires special procedural guarantees that are not compatible with being kept in the waiting area, the decision to end the stay of the asylum seeker in the waiting area is taken by the Director General of the OFPRA. The asylum seeker is then authorised to enter France to submit an asylum application under the ordinary law procedure.</p> <p>Asylum seekers at the border, like any other person kept in the waiting area, have the right to consult a doctor throughout the procedure.</p> <p>Special attention is paid to unaccompanied minors. They are assisted by an ad hoc administrator, appointed by the public prosecutor, who is responsible for representing them throughout the procedure. They are provided with dedicated and separate accommodation and facilities.</p> <p>In the area dedicated to minors, the French Red Cross mediators who accompany the children on a daily basis while they are held in the waiting area work closely with the ad hoc administrators of UAMs and keep them informed, where necessary, of their state of health. They take part in regular meetings with the ad hoc administrators in order to make them aware of any difficulties they may have in carrying out their duties and to continually monitor improvements in the support provided and the conditions under which minors are held in the waiting zone.</p> <p>In the event of an asylum application, UAMs may only be held in the waiting area for the time strictly necessary to examine their application and only in the following cases:</p> <ul style="list-style-type: none">- they come from a safe country of origin,- they submit a subsequent application,- they have presented false identity or travel documents,- their presence in France poses a serious threat to public order. <p>9. What reception conditions are provided to the applicant during the asylum border procedure? Please</p>
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			<p>explain how the system works.</p> <p>The majority of asylum applications lodged at France's external borders come from the waiting area at Roissy Charles-De-Gaulle airport, which has 151 beds in 63 rooms. They have access to toilets and showers, as well as a canteen where meals are served free of charge. Applicants also have access to telephones. A doctor is also present in the waiting area to meet their medical needs. Access to an enclosed outdoor area is also provided. OFPRA has offices adjoining the waiting area. Various associations are also present in the waiting area and the HCR has access to the waiting area. UAMs who are held in the waiting area are housed separately from adults and are supported by Red Cross staff.</p> <p>The other existing waiting areas are smaller (1 to 18 rooms). When the waiting area has no rooms, the persons are taken to a nearby hotel for the night.</p> <p>10. What measures has your country implemented during the asylum procedure at the border to guarantee that the person stays at the disposal of the authorities (for example detention or restriction of movement)? Please explain.</p> <p>In France, asylum seekers at the border are kept in closed waiting areas under the surveillance of authorised officials. They are not allowed to enter or move within the country for the duration of the procedure.</p> <p>However, they are free to leave the waiting area to go to the country of their choice where they are legally admissible.</p> <p>11. Please identify the main good practices related to the asylum border procedure in your country.</p> <p>The French procedure is implemented efficiently by the services, within tight deadlines, thanks to fluid</p>
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			<p>communication between the various competent services whose missions are interdependent. National legislation also provides for an annual meeting to be held between these departments, the UNHCR and the associations authorised to operate in the waiting area. The purpose of the meeting is to discuss the operation of the waiting zone and, in particular, to discuss aspects relating to the asylum procedure, taking account of vulnerabilities and safeguarding fundamental rights.</p> <p>12. Please identify the main challenges related to the asylum border procedure in your country.</p> <p>Meeting deadlines remains a major challenge in border procedures. When asylum seekers speak rare languages, for example, it can be difficult to find an interpreter in a short timeframe. Furthermore, the flow of arrivals and applications is not predictable. Services must be able to adapt extremely quickly in the event of an unexpected influx, by deploying additional staff and resources to process applications within the same timeframe.</p>
	<p>EMN NCP Germany</p>	<p>Yes</p>	<p>1. Please explain the applicable process when a third-country national or stateless person applies for international protection at the external border of your country (in application of the article 43 of the APD or in application of national procedure).</p> <p>Germany has no external land borders. There is no specific border procedure defined for entry by land or sea. Therefore, the following information refers only to the asylum procedures carried out within the framework of the airport procedure in accordance with Section 18a of the Asylum Act. With regard to the official procedure and the regulations to be observed by the authorities in the context of a responsibility determination procedure under the Dublin III Regulation (Dublin before entry), the Federal Police and the</p>

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			<p>responsible Dublin units must be contacted.</p> <p>After the Federal Police have classified the asylum application made at the border as an airport procedure in accordance with Section 18a of the Asylum Act, the Federal Police file is forwarded to the branch office of the Federal Office for Migration and Refugees (BAMF) responsible for the border crossing point. The foreigner must be given the opportunity to submit the asylum application without delay and the personal interview should be held immediately (Section 18a (1) sentences 3 and 4 Asylum Act). The employees of the responsible BAMF field office examine the file of the Federal Police, check whether the asylum seeker has any kind of vulnerability and whether this vulnerability should be given special consideration in the asylum procedure. If the asylum claim submitted to the Federal Police regarding the reasons for persecution suggests that the person may be a victim of human trafficking, for example, an asylum case officer trained in such cases (Vulnerability Expert) will be appointed for the personal interview at the BAMF. Vulnerability experts for gender-specific persecution, traumatised persons and victims of torture, victims of human trafficking, security and, if necessary, unaccompanied minors are available for the personal interviews with asylum seekers.</p> <p>Before applying for asylum and subsequently attending a personal interview, asylum seekers have the opportunity to receive advice on their rights and obligations in the asylum procedure from an independent organisation - at Frankfurt Airport: Kirchlicher Flüchtlingsdienst (Church Refugee Service). After counselling has been provided by the respective independent organisation, the responsible BAMF branch office will schedule the dates for an application and a personal interview on the reasons for seeking refuge. If necessary, BAMF is required to consult with the lawyers appointed by the asylum seekers who wish to attend the interview in order to arrange an appointment.</p> <p>As part of the asylum procedure in accordance with § 18a of the Asylum Act, BAMF examines whether the requirements for granting asylum (Art. 16a Basic Law (Grundgesetz) or international protection (§ 3 and § 4 Asylum Act) or for determining a ban on removal (Section 60 (5) and (7) Residence Act) are met or whether the asylum application must be rejected as manifestly unfounded.</p> <p>If BAMF rejects the asylum application as manifestly unfounded, it threatens the foreigner with removal as a precautionary measure in accordance with Sections 34 and 36 (1) of the Asylum Act in the case of entry (Section 18a (2) Asylum Act). The foreigner must be refused entry by the Federal Police. The Federal Police will then inform the applicant of the BAMF's decision together with the Federal Police's refusal of entry.</p>
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			<p>If the conditions for the rejection of an asylum application under the airport procedure are not met, the applicant is to be granted entry into the country by the Federal Police (Section 18a (6) Asylum Act).</p> <p>2. From the moment the third-country national or stateless person applies for international protection in the framework of the border procedure applicable in your country, what are the legal processing times for registering and taking a decision on the application?</p> <p>The requirement of immediacy, which must also be considered by the BAMF in the airport procedure (Section 18a Asylum Act), is set out in Section 18a (1) sentence 3, sentence 4 and sentence 5 Asylum Act:</p> <p>(3) If the asylum application is rejected as manifestly unfounded, the foreigner shall not be allowed to enter the country. The decisions of the Federal Office together with the refusal of entry shall be delivered by the border authority. The border authority shall immediately send a copy of its decision and the administrative file of the Federal Office to the competent administrative court.</p> <p>(4) Any application for temporary relief pursuant to the Code of Administrative Court Procedure shall be filed within three days from the date the decisions of the Federal Office and of the border authority are delivered. The application may be filed with the border authority. The foreigner shall be informed of this. Section 58 of the Code of Administrative Court Procedure shall be applied accordingly. The decision should be issued in writing. Section 36 (4) shall be applied. If an application is filed on time, the refusal of entry shall not be enforced prior to the court decision (Section 36 (3), ninth sentence).</p> <p>(5) Any application pursuant to subsection 4 shall be aimed at the granting of entry and, in the case of entry, against the deportation warning. The court order allowing the foreigner to enter the country shall at the same time serve to suspend deportation.</p> <p>If BAMF has not reached a decision on the asylum application within two days of its submission, the foreigner must be permitted to enter the country (Section 18a (6) no. 4 Asylum Act). The two-day deadline, as outlined in Section 18a (6) No. 4 of the Asylum Act is subject to the suspension of the deadline in accordance with Section 193 Civil Code: if the end of the deadline for a decision by BAMF to reject an asylum application as manifestly unfounded in the airport procedure falls on a Sunday, a public holiday at</p>
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			<p>the specific place of application, or a Saturday, the deadline shall instead end the following working day. Therefore, the end of a deadline may depend on the federal state due to non-federal public holidays. The only decisive factor for compliance with the deadline in accordance with Section 18a (6) No. 2 Asylum Act is the handover of the BAMF decision to the Federal Police within two days of the asylum application. The Federal Police do not have to deliver BAMF's decisions and decisions to refuse entry to the foreigner within the period stipulated in Section 18a (6) No. 2 of the Asylum Act.</p> <p>If the foreigner is refused entry after his or her application of asylum has been rejected as manifestly unfounded, the foreigner can file an application for entry and, in the case of entry, against the threat of removal within three days of receipt of the decisions of the BAMF and the Federal Police (Section 18a (4) sentence 1 and (5) Asylum Act).</p> <p>The foreigner must be allowed to enter the country if the court - in Frankfurt Airport: Frankfurt am Main Administrative Court - has not ruled on an application in accordance with Section 18a (4) of the Asylum Act within fourteen days. The court's order to allow the foreigner to enter the country is also considered to be a suspension of removal.</p> <p>3. Which public authority is responsible for each step of the procedure related to the asylum procedure at the border (i.e. from making the application to the appeal)?</p> <p>From the time the asylum request is made and the subsequent application is submitted: Federal Police, BAMF</p> <ul style="list-style-type: none"><input type="checkbox"/> The Federal Police is and remains the lead authority for the external border procedure until the asylum procedure at the border has been completed. BAMF is responsible for registering, examining and deciding on the asylum application.<input type="checkbox"/> A distinction must be made here between the so-called Dublin procedure (before entry) in accordance with the provisions of the Dublin III Regulation and the airport procedure in accordance with Section 18a of the Asylum Act. <p>If a complaint is lodged against the decisions issued by the BAMF and the Federal Police within the</p>
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			<p>framework of the airport procedure or if an application is made in accordance with Section 18a (4) Asylum Act, BAMF and the Federal Police are generally parties to the complaint and application procedure. The administrative court assigned to the respective border location is responsible for decisions on the application in accordance with Section 18a (4) of the Asylum Act and the appeal against the decision of the BAMF.</p> <p>4. When required, how do you apply the Dublin procedure for asylum applications at the border? Please explain (e.g. sovereignty clause, take charge / take back requests)</p> <p>The Federal Police forwards the cases of persons who have been apprehended in the border area and have expressed an asylum request to the responsible Dublin centre if there are indications that another member state is responsible under Regulation (EU) No. 604/2013 (the so-called Dublin Regulation). The personal interview pursuant to Article 5 of the Dublin Regulation is conducted by the Federal Police and the associated protocol is then forwarded to the BAMF together with the documents relating to the asylum application.</p> <p>The responsible Dublin unit carries out the Dublin procedure either by issuing a request for a take charge according to Art. 21 of the Dublin Regulation or a request for a take back according to Art. 23 of the Dublin Regulation to the responsible member state. If the member state agrees, a Dublin decision is issued. This is sent to the Federal Police, who will then notify the asylum seeker of the decision.</p> <p>According to Article 17 (1) of the Dublin Regulation, the responsible Dublin Centre can also decide that an application for international protection will be examined in Germany, even if Germany is not responsible for the examination according to the criteria set out in the Dublin Regulation (sovereignty clause).</p> <p>The criteria for exercising the sovereignty clause are at the discretion of the member state and are not regulated in the Dublin Regulation. Germany generally exercises the sovereignty clause for humanitarian reasons or in cases of hardship.</p> <p>The sovereignty clause is subject to a restrictive application, as otherwise the commonly agreed responsibility system of the Dublin Regulation would be undermined.</p> <p>The sovereignty clause can be exercised at any point during the asylum procedure, i.e. before or after</p>
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			<p>requesting admission or resumption of processing, before a decision is made, during the planned transfer of the asylum seeker or while court proceedings are still pending. Exercising the sovereignty clause constitutes a decision on an individual case involving particular humanitarian hardship.</p> <p>5. What is the legal basis of decisions made under your country's asylum border procedure (in application of Article 43 (1)(a), (b) or your national procedure) or both?</p> <p>For asylum procedures categorised as Section 18a procedures: if a decision is made within the two days after the application (Section 18a (6) no. 2 Asylum Act), Section 30 Asylum Act applies if the asylum application is unfounded and at least one of the qualifying criteria listed in Section 30 (1) no. 1 to 8 Asylum Act applies. In accordance with Section 30 (2) Asylum Act, Section 30 (1) no. 1 to 6 Asylum Act does not apply to unaccompanied minors. If a decision cannot be taken at such a short notice, the asylum application may nevertheless be rejected as manifestly unfounded after entry if it is unfounded. Furthermore, recognition of asylum (Art. 16a Basic Law) and/or the granting of international protection (Sections 3 and 4 Asylum Act) or the determination of prohibition of removal pursuant to Section 60 (5) and (7) of the Residence Act may be considered, provided that the necessary requirements for the respective protection status are met.</p> <p>6. If the legal basis of the decision is based on Article 43(1)(b) (as per question 5), please explain the grounds you use according to Article 31, para 8 of the APD?</p> <p>The grounds for rejecting an asylum application as manifestly unfounded can be found in Section 30 (1) of the Asylum Act.</p> <p>For the airport procedure, the grounds in Section 30 (1) nos. 1 to 8 of the Asylum Act are relevant, according to which an unfounded asylum application is to be rejected as manifestly unfounded if the foreigner;</p>
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			<ol style="list-style-type: none">1. has only presented circumstances in the asylum procedure that are not relevant to the examination of the asylum application,2. has provided information which is clearly inconsistent and contradictory, clearly false or obviously improbable, and which contradicts sufficiently reliable information on the country of origin, so that the reasons for his or her asylum application are obviously unconvincing,3. has obviously deceived the authorities by providing false information or documents or by withholding important information or documents concerning his identity or nationality,4. has intentionally destroyed or disposed of an identity or travel document that would have made it possible to establish his or her identity or nationality, or if the circumstances clearly justify such an assumption,5. refuses to comply with the obligation to have his or her fingerprints taken in accordance with Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013 concerning the establishment of Eurodac for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (OJ L 180, 29.6.2013, p. 1),6. has submitted the asylum application only to delay or prevent the enforcement of a decision that has already been taken or is imminent and would lead to his/her removal,7. has been expelled on serious grounds of public security or public order or there are serious grounds for believing that he or she constitutes a threat to national security or public order,8. has submitted a subsequent application (Section 71 (1)) or an international subsequent application (Section 71a (1)) and the subsequent asylum procedure has been examined on the merits. <p>It should be noted that, in accordance with Section 30 (2) of the Asylum Act, Section 30 (1) nos. 1 to 6 of the Asylum Act does not apply to unaccompanied minors.</p>
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			<p>7. Regarding examination procedure of such asylum cases under Art. 31 para 8 point j of APD, how do you deal with cases where there are indications in the file that the applicant applying for asylum at the border could pose a threat to public order? (e.g. law enforcement databases, security interviews)</p> <p>The asylum seeker will be personally accompanied by the Federal Police during the application and the interview if special protection measures are required for BAMF employees (e.g. terrorism) and will be interviewed by a case officer specially trained in security relevant cases. If there are indications that the applicant may pose a threat, the BAMF will examine whether there are grounds for applying the exclusion criteria or whether the foreigner poses a serious threat to public safety and order.</p> <p>8. How does your country deal with the special needs / vulnerabilities of asylum applicants in the framework of the border procedure?</p> <p>Vulnerability experts for victims of gender-based persecution, victims of torture, trauma and human trafficking are available for the hearings. If required, vulnerability experts for unaccompanied minors may also be appointed.</p> <p>9. What reception conditions are provided to the applicant during the asylum border procedure? Please explain how the system works.</p> <p>During the airport procedure, the federal states are responsible for accommodation. The accommodation for the airport procedure is located in a designated area within the airport premises in Germany, and is generally separate from other passengers. Basic provisions and basic medical care are always provided. While access is restricted, asylum seekers always have the option to leave the restricted area by air. On top,</p>
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			<p>asylum seekers have access to legal counselling and legal representation. If further medical treatment is necessary, the asylum seeker may also receive medical treatment within the German territory while being accompanied by the Federal Police to uphold the fiction of non-entry. In the case of severe illness, entry to the German territory may be granted. While the airport procedure takes place within a short time frame (maximum 19 days), schooling and education are not provided.</p> <p>10. What measures has your country implemented during the asylum procedure at the border to guarantee that the person stays at the disposal of the authorities (for example detention or restriction of movement)? Please explain.</p> <p>As the accommodation for the airport procedure is located in a designated area within the airport premises, the access is restricted. Asylum seekers always have the option to leave the restricted area by air. Asylum seekers cannot enter or leave BAMF's offices within the compound without the required access and exit card.</p> <p>11. Please identify the main good practices related to the asylum border procedure in your country.</p> <p>Established means and practices in the external border procedure are:</p> <ul style="list-style-type: none">• specially trained and sufficient staff in the authorities for quick investigation and clarification of the material facts,• state-of-the-art IT,• quick exchange of information between the authorities,• short deadlines for BAMF and the competent administrative court for the quick completion of the external border procedure or quick certainty for the
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			<p>asylum seeker about the prospects of success of his asylum application,</p> <ul style="list-style-type: none"> • as well as the clear separation of responsibilities of the authorities involved in the external border procedure. <p>12. Please identify the main challenges related to the asylum border procedure in your country.</p> <p>The established means and practices in the external border procedure also present particular challenges: in addition to the necessary IT, specially trained and sufficient personnel must always be available to carry out their tasks within the short deadlines of the airport procedure – the Federal Police, BAMF, the Administrative Court, the State of Hesse. Furthermore, it must be ensured that the authorities inform each other quickly of (new) findings in order to ensure smooth cooperation. The observance of the individual areas of responsibility is also an important pillar of the airport procedure: the parties involved must know what they are allowed to do and not allowed to do, i.e. they may only act within their respective areas of responsibility.</p>
	EMN NCP Greece	Yes	<p>1. Please explain the applicable process when a third-country national or stateless person applies for international protection at the external border of your country (in application of the article 43 of the APD or in application of national procedure).</p> <p>According to the contribution by the Directorate of Legal Support for Asylum and Reception of the Ministry of Migration and Asylum, Article 95 of the Asylum Code (Law 4939/2022), transposing Article 43 of EU Directive 2013/32, establishes the border procedure providing two categories of border procedure.</p> <p>Regarding the first category, in par. 1 it is provided that cases where applications for international protection</p>

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			<p>are submitted at the borders and crossing zones of ports or airports in the country may be examined both as to their admissibility and substance according to border procedure, meaning in shorter processing times as they are described in the response to question 2, provided that application is listed as one of the cases of Article 88 par. 9 of the Asylum Code (transposing EU Directive 2013/32 article 31 par. 8).</p> <p>Hence, in cases where applications for international protection are submitted in transit zones of ports or airports, asylum seekers according to normal border procedure (article 95 par. 1) applicants enjoy the same rights and guarantees as those whose applications are lodged in the mainland [articles 51 (detention conditions), 74 (guarantees for the applicants), 76 (information, legal representation and assistance), 80 (applications made by unaccompanied minors) of the Asylum Code].</p> <p>The other legal basis for the border procedures is Article 95 par.3 of the Asylum Code, which applies in cases of mass arrivals of applicants at the borders or transit zones or while they are hosted in Reception and Identification Centres or Closed-Controlled Access Centres. The conditions for applying such procedures on the islands are to be regulated by a Joint Ministerial Decision (JMD). Greece, as of 01/01/2022, no longer applies the exceptional border procedure. In this case, by joint ministerial decision, the following shall apply:</p> <ul style="list-style-type: none">a) The registration of the international protection application, the issuance of decisions and other procedural documents, as well as the receipt of appeals, may be carried out by personnel of the Greek Police or by personnel of the Armed Forces.b) The interview with applicants for international protection may also be conducted by personnel from the EUAA or other authorities, and in particularly exceptional circumstances, by personnel of the Greek Police or personnel of the Armed Forces, provided that such personnel have received the necessary basic training.c) The first-instance decision shall be issued within 7 days. The appeal shall be lodged within a period of 10 days. The appeal shall be scheduled within a period of 4 days. The deadline for notifying the applicant, in the case of an oral hearing, and for submitting any memorandum after the examination of the appeal, is one 1 day. The decision shall be issued within seven 7 days from the discussion of the appeal. <p>According to article 70 of the Asylum Code, third-country nationals or stateless persons who are in border</p>
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			<p>crossing points, including crossing zones at the external borders, shall receive information about the possibility of submitting an application for international protection. Interpretation services shall be provided at these crossing points to the extent necessary to facilitate access to the asylum procedure. Certified organizations and individuals who inform and advise third-country nationals or stateless persons have access to the border crossing points, including crossing zones, at the external borders.</p> <p>The personal interview at the border procedure is conducted according to the same rules as those described under the regular procedure.</p> <p>As regards appeals against decisions rejecting applications under the border procedure, according to article 110 par. 3 of the Asylum Code the appeal may not carry out an automatic suspensive effect if the appellant benefits from the necessary assistance of an interpreter, legal assistance and at least one week to prepare the application for providing the right to remain before the Appeals Committee.</p> <p>Asylum Service of the Ministry of Migration and Asylum</p> <p>Applications of unaccompanied minors under the age of fifteen (15) years, as well as minors who are victims of human trafficking, torture, rape or other serious forms of psychological, physical or sexual violence, are always examined in accordance with the regular procedure, according to Article 80 (7) of Law 4939/2022. However, border procedures apply for unaccompanied minors only if:</p> <ul style="list-style-type: none">the unaccompanied minor comes from a country, which is included in the list of safe countries of origin;the unaccompanied minor has submitted a subsequent application;the unaccompanied minor may, for serious reasons, be considered a danger to the national security or public order of the MS, or has been forcibly deported due to serious reasons of national security or public order;there are reasonable grounds for a country to be considered a safe third country for the unaccompanied minor, if this serves the minors' best interests;when the unaccompanied minor misled the Authorities by submitting false documents, or maliciously destroyed or lost an identity document or travel document that would help determine his identity or nationality, in order to avoid issuing a negative decision against him, provided that has previously been fully
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			<p>afforded the opportunity to him and his commissioner or the person performing the act of commission to provide sufficient reasons why he took the particular act.</p> <p>Additionally, according to art. 72 par. 3 Law 4939/2022, (accelerated or) border procedure is not applicable when sufficient support cannot be provided to the applicant who needs special procedural guarantees due to serious consequences of torture, rape or other psychological, physical or sexual violence. As a result, these applicants fall under the regular procedure to ensure they are provided with special procedural guarantees.</p> <p>Regarding the lodging of international protection application and referral to the asylum procedure, it is noted that since September 2022, the Asylum Service introduced the “uniform registration” procedure which, in principle, is conducted by the Reception and Identification Service (RIS). Third-country nationals who haven't undergone reception and identification procedures, shall go through the uniform registration process of initial applications within the competent Reception and Identification Center [Art. 38 (1) Law 4939/2022]. The Asylum Service continues to proceed with the lodging of international protection applications, inter alia, for unaccompanied minors, detainees, and subsequent claims. Both Reception and Identification Service and Asylum Service have access to the same electronic database. The scheduling of the appointments for the above-mentioned categories takes place according to the capacity of the regional asylum offices and asylum units.</p> <p>During the border procedure, the lodged application is examined on admissibility and/or on the merits. The personal interviews are conducted according to the same rules applied to the regular procedure. Furthermore, in relation to time limits, a decision on the application is taken within twenty- eight (28) days of its submission (art. 95 par. 2 Law 4939/2022) while the timeframe to appeal is set to ten (10) days from [4] the notification of the first instance decision [art. 97 (1) (c) Law 4939/2022]. In case a decision on the application of international protection has not been issued (within 28 days), the restriction of freedom of movement within the Closed Controlled Access Centers, imposed according to the provisions of reception and identification procedures, is lifted, the applicants are provided with an international protection applicant card and are allowed to enter and remain within the Greek territory to have their application examined (art. 75 par. 6 Law 4939/2022 και art. 95 par. 2 Law 4939/2022).</p>
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2. From the moment the third-country national or stateless person applies for international protection in the framework of the border procedure applicable in your country, what are the legal processing times for registering and taking a decision on the application?

Directorate of Legal Support for Asylum and Reception

Deadlines in border procedure are shorter and if an asylum decision is not taken within 28 days from the date of submission of the application, according to article 95 par. 2 of the Asylum Code, the applicant is allowed to entry and stay within the country.

According to articles 42 and 88 par. 7 of the Asylum Code, applications for international protection are prioritized when the applicant submits an application under Article 95 (border procedure) while located in the crossing zones of ports or airports in the country.

As regards appeals (second instance of examination of application), Article 97 par. 1 of the Asylum Code provides that an appeal may be filed against a decision rejecting an application for international protection in cases of border procedure, within 10 days from the notification of the decision or from the time it is presumed that the appellant became aware of the decision. The hearing of the appeal must be scheduled no later than 5 days after the submission of an appeal against (Article 100 par. 2 of the Asylum Code).

3. Which public authority is responsible for each step of the procedure related to the asylum procedure at the border (i.e. from making the application to the appeal)?

Directorate of Legal Support for Asylum and Reception

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			<p>According to Articles 1 point (p) and 69 paragraph 7 of the Asylum Code for the full registration of applications for international protection submitted by third-country nationals or stateless persons while being subject to the reception and identification procedures, the application is lodged and registered by the Regional Reception and Identification Centres.</p> <p>According to Article 1, the competent Examination Authorities for international protection applications are the Regional Asylum Offices, the Autonomous Units of the Asylum Service, and the Mobile Asylum Units, as specifically defined in Presidential Decree 106/2020 and the determining Authority is the employee of the competent Regional Asylum Offices who is designated as the caseworker for the examination of the international protection application. As regards appeals, the competent decision authority is the Appeal Committees of the Appeals Authority.</p> <p>Asylum Service</p> <p>During the asylum procedure at the borders, applications for international protection are submitted to the First Reception Service or to the Police Authorities or to the Coast Guard who inform the Reception and Identification Centre to register the application. This is followed by the registration of the application and the scheduling of the interview, which is carried out by the relevant Asylum Offices/Units. The decision is issued by the Asylum Service and served on the applicant, who may lodge an appeal against the rejection decision, for which the Asylum Service is the receiving authority.</p> <p>As mentioned in answer 1, according to Article 95§3 of L.4939/22, in case of mass arrivals of third country citizens or stateless persons, who submit applications for international protection at borders or in transit zones of ports or airports of the country, or while they remain in Reception and Identification Centres or Closed Controlled Structures, with the result that it is impossible in practice to apply there the provisions of par. 1, these procedures may also be applied where and for as long as the third-country nationals or stateless persons concerned are normally accommodated, at places close to the border or transit zone. Furthermore, in this case, by joint ministerial decision, the following shall apply: The registration of the application for international protection, the service of decisions and other procedural documents, as well as the receipt of appeals may be carried out by personnel of the Hellenic Police or by</p>
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			<p>personnel of the Armed Forces, in case the personnel of the Hellenic Police are not sufficient. Interviews with applicants for international protection may also be conducted by personnel of the EUAA or other authorities, in particularly exceptional circumstances by personnel of the Hellenic Police or personnel of the Armed Forces, provided that such personnel have received in advance the necessary basic training, in particular, in international human rights law, the Union asylum acquis and interview techniques.</p> <p>4. When required, how do you apply the Dublin procedure for asylum applications at the border? Please explain (e.g. sovereignty clause, take charge / take back requests)</p> <p>Asylum Service</p> <p>In the case of an application for international protection where the applicant may be subject to the procedures of Regulation (EU) 604/2013, this is handled by priority.</p> <p>The application for international protection is rejected as inadmissible if: a) another MS of EU has granted the applicant international protection status, or b) another MS of EU or another state bound by Regulation (EU) 604/2013 has assumed responsibility for examining the relevant application.</p> <p>In the event that the responsibility of another MS is not established or where the transfer deadline has expired or where the Greek Authorities assume, under the sovereignty clause, the responsibility to examine the application for international protection, the Determining Authority examines the application for international protection depending on the procedure to which it falls (as to admissibility/substance) and according to the examination deadlines to which it falls (border procedure, accelerated procedure, normal procedure). The deadlines for the examination start from the moment Greece becomes the MS responsible for examining the application.</p>
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			<p>5. What is the legal basis of decisions made under your country's asylum border procedure (in application of Article 43 (1)(a), (b) or your national procedure) or both?</p> <p>Directorate of Legal Support for Asylum and Reception As mentioned above, according to article 95 par. 1 of the Asylum Code, decisions at the border procedure are issued both on the admissibility and the substance of an application.</p> <p>6. If the legal basis of the decision is based on Article 43(1)(b) (as per question 5), please explain the grounds you use according to Article 31, para 8 of the APD?</p> <p>Directorate of Legal Support for Asylum and Reception All grounds provided in Article 31 par. 8 of the APD are also provided by Article 88 par. 9 of the Asylum Code and may apply as a legal basis for the decision in merits.</p> <p>7. Regarding examination procedure of such asylum cases under Art. 31 para 8 point j of APD, how do you deal with cases where there are indications in the file that the applicant applying for asylum at the border could pose a threat to public order? (e.g. law enforcement databases, security interviews)</p> <p>Asylum Service Examination procedure of such asylum cases is ensured through prioritization and close collaboration among the competent asylum office, the Withdrawals and Exclusion Department of the Directorate of Returns and Withdrawals of the Asylum Service and the Hellenic Police.</p>
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			<p>8. How does your country deal with the special needs / vulnerabilities of asylum applicants in the framework of the border procedure?</p> <p>Directorate of Legal Support for Asylum and Reception According to Article 72 of the Asylum Code, the receiving Authorities assess within a reasonable time frame from the submission of the international protection application or at any point in the procedure where the relevant needs arise, whether the applicant requires special procedural guarantees due to their vulnerability. When the appropriate support cannot be provided within the framework of the border procedure, especially when it is evident that the applicant requires special procedural guarantees due to torture, rape, or other severe forms of psychological, physical, or sexual violence, the border procedure shall not apply or shall cease to apply to these individuals.</p> <p>Asylum Service Identification, assessment, and adequate support are the three pillars of vulnerability case management. The Asylum Code (Law 4939/2022) has established “reception and identification procedures” as a special institutional framework for the management of irregular arrivals in Greece under the responsibility of RIS. Following an irregular arrival of a third country national or a stateless person in the country and his/her admittance in the Reception and Identification Center, inter alia, a medical screening takes place where the state of health and the specific needs of the person are identified and assessed. In practice, different professionals are involved in identifying vulnerable persons including doctors, social workers and clinical psychologists. This means that the vulnerability of the applicant normally is identified during the reception and identification procedure which precedes the asylum procedure.</p> <p>In any case the vulnerability of the applicant may be identified at any stage of the asylum procedure (registration, personal interview) and the Asylum Service will refer the applicant to a public medical facility for an examination.</p> <p>Actions providing adequate support when necessary to vulnerable applicants are defined on an individual basis depending on their special needs, at any step of the asylum procedure. Such adequate support may</p>
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			<p>have the form of sufficient time so as applicants are able to properly substantiate their asylum application, additional breaks during the personal interview, the possibility for the applicant to move during the interview if that is necessary due to his/her health condition and clemency to minor inaccuracies of applicants if those are related to his/her health condition.</p> <p>During the interview, the case officer should take into consideration the individual circumstances of the applicant (including his/her age, gender, sexual orientation, gender identity, disability, health state, educational and professional background etc.), assess whether those circumstances can limit the applicant's ability to fully understand the procedure and present his/her case before the authority, provide him/her with the special procedural guarantees needed and refer him/her if needed for a medical examination.</p> <p>Interviews with vulnerable should be conducted by well-trained case officers and may take place in a specifically arranged place, depending on the applicant's vulnerability.</p> <p>Furthermore, the case officer when drafting the asylum decision should take into consideration the individual circumstances of the applicant both when assessing the credibility of their claims where should show clemency to minor inaccuracies related to their vulnerability and when assessing the risk upon return.</p> <p>Also, the Asylum Service has two Asylum Units for Vulnerable Groups in Thessaloniki and Attica responsible for receiving and processing applications for international protection submitted by persons belonging to vulnerable groups and within the local competence that of each respective Directorate. See also answer to Question 11.</p> <p>9. What reception conditions are provided to the applicant during the asylum border procedure? Please explain how the system works.</p>
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			<p>Directorate of Legal Support for Asylum and Reception</p> <p>Applicants subject to the asylum border procedure are entitled to the same level of reception conditions as those in the regular procedure. The Greek Asylum Code has fully transposed the recast Reception Conditions Directive (2013/33/EU) and these standards apply to all asylum seekers in the Greek territory.</p> <p>Specifically, those subject to border procedures in the Greek border islands (Lesvos, Samos, Chios, Kos and Leros) are accommodated in operational Closed-Controlled Access Centres (CCACs) and can be hosted there for as long as their applications for international protection are examined. Within these centres, applicants receive full material reception conditions, including financial assistance, food, non-food items, hygiene kits, and other essential support, including medical and psychosocial support. According to Article 59(1) of the Asylum Code, material reception conditions ensure an adequate standard of living, safeguarding applicants' subsistence and protecting their physical and mental health, in line with human dignity.</p> <p>Applicants also enjoy freedom of movement within the island, meaning they may enter and exit the CCAC – but cannot leave the island (see answer below). Specifically, upon completion of the reception and identification procedures, and for as long as they remain within the sections of the CCAC, and in designated areas thereof, third-country nationals or stateless persons are subject to a regime of freedom of movement, in accordance with Article 49 of L.4939/2022, subject to the provisions of Article 50 of the same law (detention), and with due respect for the principles of proportionality and necessity. Finally, by decision of the Director of the CCAC, specific time limits may be imposed on entry and exit from the centre (Articles 6 and 9 of Decision 553695/2023, GG B' 7533).</p> <p>10. What measures has your country implemented during the asylum procedure at the border to guarantee that the person stays at the disposal of the authorities (for example detention or restriction of movement)? Please explain.</p>
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			<p>Directorate of Legal Support for Asylum and Reception</p> <p>According to the current system, applicants for international protection who are subject to the EU-Türkiye statement and enter Greek territory via the islands of Lesbos, Samos, Kos, Leros, and Chios are subject to a restriction of movement, which limits them to the island through which they entered Greek territory [Joint Ministerial Decision No. 1140/2019, GG B' 4736]. This restriction is indicated on their applicant cards for international protection. The restriction on movement may be lifted by decision of the Director of the Reception and Identification Centers (RICs) or the Closed Controlled Access Centers in cases including, but not limited to, unaccompanied minors, family reunification cases, and vulnerable individuals (provided that adequate support cannot be provided within the geographical area where they are restricted).</p> <p>Specifically, the Joint Ministerial Decision foresees that:</p> <p>'1. A restriction of movement within the island from which they entered the Greek territory is imposed on applicants of international protection who enter the Greek territory through the islands of Lesbos, Rhodes, Samos, Kos, Leros and Chios. Said restriction is mentioned on the asylum seekers' cards.</p> <p>2. The restriction on movement shall be lifted subject to a decision of the Director of the RIC, which is issued as per the provisions of para. 7, article 39 of Law 4636/2019, in cases of (a) unaccompanied minors, (b) persons subject to the provisions of Articles 8 to 11 of Regulation (EU) No 604/2013, as long as another member state, following a request by the Greek authorities, has accepted and undertaken the obligation to receive them in their territory, (c) persons whose applications can be reasonably considered to be well founded and (d) persons belonging to vulnerable groups or who are in need of special reception conditions as per the provisions of Law 4636/2019, as long as it is not possible to provide them with appropriate support in accordance with the specific provisions of article 67 IPA ("applicants in need of special procedural guarantees").</p> <p>11. Please identify the main good practices related to the asylum border procedure in your country.</p>
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			<p>Asylum Service Greece implements a series of efficiency-enhancing measures to identify and protect vulnerable international protection applicants. In particular, the Standard Operating Procedures (SOPs) of the Asylum Service include specific provisions for vulnerable persons including persons with disabilities, and the special procedural guarantees enshrined in the law are further analyzed.</p> <p>The Asylum Service delivers regularly to their personnel trainings (both EUAA training modules and national trainings) with respect to asylum interview techniques for vulnerable persons and specific categories of vulnerable applicants. For example, the Processes and Training Department of the Asylum Service in collaboration with the EUAA organizes and delivers EUAA training modules including “Interviewing children” and “Interviewing vulnerable persons”, as well as “Gender, gender identity and sexual orientation”, “Trafficking in human beings”, “Applicants with diverse SOGIESC”, “Children in the asylum process” and “Victims of gender-based violence”.</p> <p>Apart from the thematic trainings, mentioned above, interview shadowing and peer-to-peer thematic coaching sessions on vulnerability are often organized and delivered by the Processes and Training Department of the Asylum Service in collaboration with the EUAA. Additionally, in view of assuring quality on interviews and decisions, the Processes and Training Department of the Asylum Service in collaboration [9] with the EUAA conduct thematic quality review of interviews and decisions on applications submitted by vulnerable applicants with the use of EUAA Quality Assurance Tool (QAT) and produces thematic Quality Feedback Report (QFP). Also, two tools developed by the EUAA are in place to help the personnel in their daily job, namely, the Tool for Identification of Persons with Special Needs (IPSN) and the Special needs and vulnerability assessment tool (SNVA).</p> <p>12. Please identify the main challenges related to the asylum border procedure in your country.</p> <p>Asylum Service</p>
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			<p>Greece constitutes the primary entry point for migrants and asylum seekers into the European Union (EU) due to its geographical location at the EU's southeastern external border. A state situated at the external borders of the European Union may face significant operational and structural challenges when confronted with a surge in migration flows, particularly in the context of limited human resources allocated to the asylum border procedure. When migration flows exceed the available human resources, the system is placed under severe strain.</p> <p>Given the heightened influx of individuals seeking international protection, asylum personnel may be unable to cope with the increasing caseloads as case processing becomes significantly more complex under conditions of excessive workloads and limited personnel. The fluctuating nature of arrivals places unpredictable demands on national authorities, often stretching their administrative and operational capacity beyond sustainable levels. This has direct implications for the quality and timeliness of asylum decision-making, the effectiveness of the asylum procedures, the compliance with procedural guarantees, and the overall efficiency of the asylum system.</p> <p>Also, the effective implementation of the border procedures presents significant challenges, primarily due to the need for close coordination and cooperation among multiple national authorities, each with distinct mandates and operational frameworks.</p>
	<p>EMN NCP Hungary</p>	<p>Yes</p>	<p>1. Please explain the applicable process when a third-country national or stateless person applies for international protection at the external border of your country (in application of the article 43 of the APD or in application of national procedure).</p> <p>Hungary currently does not apply an asylum border procedure (since the ordering of the state of crisis due to mass migration in Hungary in 2017)</p>

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2. From the moment the third-country national or stateless person applies for international protection in the framework of the border procedure applicable in your country, what are the legal processing times for registering and taking a decision on the application?

No border procedure is applied currently. At the same time, the possibility of using a border procedure is set out in Article 71/a of the Act LXXX of 2007 on Asylum.

No specific rule for registration or decision is set in border procedure, but after 4 weeks of examination, entry to the territory must be granted (in line with Article 43 of APD).

3. Which public authority is responsible for each step of the procedure related to the asylum procedure at the border (i.e. from making the application to the appeal)?

Asylum authority - National Directorate for Aliens Policing

4. When required, how do you apply the Dublin procedure for asylum applications at the border? Please explain (e.g. sovereignty clause, take charge / take back requests)

Currently no relevant practice.

At the same time, applying the Dublin procedure in border cases did not differ from general asylum cases.


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			<p>5. What is the legal basis of decisions made under your country's asylum border procedure (in application of Article 43 (1)(a), (b) or your national procedure) or both?</p> <p>Currently not applied. However, the Hungarian legislation on border procedures implements Article 43 (1) (a) (decision only on admissibility).</p> <p>6. If the legal basis of the decision is based on Article 43(1)(b) (as per question 5), please explain the grounds you use according to Article 31, para 8 of the APD?</p> <p>N/A</p> <p>7. Regarding examination procedure of such asylum cases under Art. 31 para 8 point j of APD, how do you deal with cases where there are indications in the file that the applicant applying for asylum at the border could pose a threat to public order? (e.g. law enforcement databases, security interviews)</p> <p>N/A</p> <p>8. How does your country deal with the special needs / vulnerabilities of asylum applicants in the framework of the border procedure?</p> <p>Currently no relevant practice.</p>
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			<p>9. What reception conditions are provided to the applicant during the asylum border procedure? Please explain how the system works.</p> <p>Currently no relevant practice.</p> <p>10. What measures has your country implemented during the asylum procedure at the border to guarantee that the person stays at the disposal of the authorities (for example detention or restriction of movement)? Please explain.</p> <p>Currently no relevant practice. Border procedures used to be implemented with the frequent use of detention (asylum detention).</p> <p>11. Please identify the main good practices related to the asylum border procedure in your country.</p> <p>Currently no relevant practice.</p> <p>12. Please identify the main challenges related to the asylum border procedure in your country.</p> <p>Currently no relevant practice.</p>
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	EMN NCP Ireland	Yes	<p>1. Please explain the applicable process when a third-country national or stateless person applies for international protection at the external border of your country (in application of the article 43 of the APD or in application of national procedure).</p> <p>Where an individual arrives into the State via a port or airport, immigration officials conduct passport or identity document checks to ensure passengers are in possession of the required documentation in line with the Immigration Act 2004. If an individual arrives at an airport or port of entry and seeks asylum, the BMU or GNIB undertake the standard border entry checks (SIS, INTERPOL SLTD, API data, other national databases). The asylum request is then registered by BMU through a preliminary interview under Section 13(2) of the International Protection Act, 2015. Individuals are not held at the border, but are requested to present at the International Protection Office in Dublin on the next working day to lodge the application. Another section 13(2) interview is conducted at the IPO, who make recommendations in relation to admissibility, for example. Where there is a Eurodac hit (i.e. somebody has already entered another European country), the individual is interviewed by the Dublin Unit in the International Protection Office. The procedure is the same whether somebody applies at the border or directly in the International Protection Office.</p> <p>A person is entitled to apply for international protection even when they are not carrying official identity documents. Existing legislation allows for the prosecution of those illegally entering the State without the correct visa or documentation.</p> <p>NB: Ireland falls outside the scope of Entry/Exit System (EES), European Travel Information and Authorisation System (ETIAS) and Visa Information System (VIS) databases.</p> <p>2. From the moment the third-country national or stateless person applies for international protection in the</p>

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			<p>framework of the border procedure applicable in your country, what are the legal processing times for registering and taking a decision on the application?</p> <p>N/A – no legally specified processing times.</p> <p>Note: Ireland is not automatically bound to participate in EU proposals in the area of freedom, security and justice, but can choose to opt in. Ireland opted into the 2005 Asylum Procedures Directive (2005/85/EC) but did not opt into the recast Directive in 2013 (2013/32/EU). Ireland opted into the new recast Regulation (2024/1348).</p> <p>3. Which public authority is responsible for each step of the procedure related to the asylum procedure at the border (i.e. from making the application to the appeal)?</p> <p>In Dublin airport, it is the Border Management Unit (a civilian unit within the Department of Justice) who conduct passport and identity checks and who register the asylum claim. This function is carried out by An Garda Síochána (the national police) at other ports of entry. The applicant is then asked to present to the International Protection Office in Dublin to lodge the claim, and goes through the ordinary procedure.</p> <p>4. When required, how do you apply the Dublin procedure for asylum applications at the border? Please explain (e.g. sovereignty clause, take charge / take back requests)</p> <p>The procedure is the same as above. Where an individual applies for asylum at the border, the Border Management Unit (or An Garda Síochána) checks their fingerprints against the Eurodac database to verify if an applicant has previously lodged an application, has been granted protection elsewhere in the EU or has been detected making an illegal border crossing from a third country into another MS; or whether an</p>
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			<p>applicant falls under the inadmissible procedure (including Dublin III). The individual is then requested to present to the International Protection Office who arrange an interview and any take back/take charge requests.</p> <p>5. What is the legal basis of decisions made under your country's asylum border procedure (in application of Article 43 (1)(a), (b) or your national procedure) or both?</p> <p>N/A – decisions are not made under a specific border procedure. Decisions are made by the International Protection Office, where individuals are asked to present after asking for asylum at the border.</p> <p>6. If the legal basis of the decision is based on Article 43(1)(b) (as per question 5), please explain the grounds you use according to Article 31, para 8 of the APD?</p> <p>N/A.</p> <p>7. Regarding examination procedure of such asylum cases under Art. 31 para 8 point j of APD, how do you deal with cases where there are indications in the file that the applicant applying for asylum at the border could pose a threat to public order? (e.g. law enforcement databases, security interviews)</p> <p>N/A</p> <p>Note: Ireland is not automatically bound to participate in EU proposals in the area of freedom, security and justice, but can choose to opt in. Ireland opted into the 2005 Asylum Procedures Directive (2005/85/EC) but</p>
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			<p>did not opt into the recast Directive in 2013 (2013/32/EU). Ireland opted into the new recast Regulation (2024/1348).</p> <p>8. How does your country deal with the special needs / vulnerabilities of asylum applicants in the framework of the border procedure?</p> <p>N/A – no specific border procedure so special needs and vulnerabilities are dealt with through the standard procedure when they present at the International Protection Office. However, unaccompanied minors are referred directly to Tusla, the Child and Family Agency.[1]</p> <p>[1] Cunniffe, E. and A. Sheridan (2021) 'Data management in the international protection procedure in Ireland' (Economic and Social Research Institute Research Series Number 125)</p> <p>9. What reception conditions are provided to the applicant during the asylum border procedure? Please explain how the system works.</p> <p>N/A – no specific border procedure so reception conditions are standard, with others.</p> <p>10. What measures has your country implemented during the asylum procedure at the border to guarantee that the person stays at the disposal of the authorities (for example detention or restriction of movement)? Please explain.</p>
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			<p>N/A</p> <p>11. Please identify the main good practices related to the asylum border procedure in your country.</p> <p>N/A</p> <p>12. Please identify the main challenges related to the asylum border procedure in your country.</p> <p>N/A</p>
	<p>EMN NCP Italy</p>	<p>Yes</p>	<p>1. Please explain the applicable process when a third-country national or stateless person applies for international protection at the external border of your country (in application of the article 43 of the APD or in application of national procedure).</p> <p>Italian legislation (Article 28-bis, paragraphs 2-bis and 4 of Legislative Decree No. 25 of 2008) provides that the determining authority (Territorial Commission for the Recognition of International Protection) may apply an accelerated procedure at the border for the examination of the merits of the application for international protection in 7 days, in the following two cases: where the application has been made by the applicant directly at the border or in the transit zones designated as such by the Ministry of the Interior, after having been apprehended for evading or attempting</p>

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			<p>to evade the relevant controls; when the application for international protection has been lodged directly at the border or in the transit zones, designated as such by the Ministry of the Interior, by an applicant coming from a designated country of safe origin. In the event of rejection of the application, the decision also includes the certification of the applicant's obligation to return and produces the effects of the refoulement measure. The applicant has 7 days to appeal against the decision and to request at the same time authorization to remain in the territory. The filing of the appeal does not in fact have automatic suspensive effect, but the suspension of the effects can be ordered by the judge.</p> <p>The law (Article 6-bis, Legislative Decree No. 142 of 2015) also provides that during the border procedure and until the decision of the application for suspension, the applicant may be detained, for the sole purpose of ascertaining the right to enter the territory of the State. Detention is subject to judicial review and may be ordered if the applicant has not surrendered a valid passport or other equivalent document or does not provide adequate financial security, or pending the completion of the procedure concerning the provision of financial security.</p> <p>2. From the moment the third-country national or stateless person applies for international protection in the framework of the border procedure applicable in your country, what are the legal processing times for registering and taking a decision on the application?</p> <p>In the Italian asylum system, the Public Security authorities (hereinafter "PS authorities") are responsible for the lodging of the application for protection. Once lodged, the application is sent to the Territorial Commission, which carries out the preliminary examination of the application establish, on a case-by-case basis which procedure should be applied to the case at hand. If the Commission determines that the conditions for applying the accelerated border procedure are met, it shall notify the applicant by means of a formal act and shall be required to adopt the decision within 7 days from the date of the lodging of the application by the competent PS authorities.</p>
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			<p>3. Which public authority is responsible for each step of the procedure related to the asylum procedure at the border (i.e. from making the application to the appeal)?</p> <p>The competent authorities are: the Public Security authorities - responsible for the making[1], registering and lodging of the application; the Territorial Commissions - responsible for the examination of the application in the first instance; the specialized sections at the Ordinary civil Tribunals - responsible for the examination of the appeal against the denial of protection.</p> <p>The competent authorities for examining applications for protection, for all types of procedure, are the Territorial Commissions for the recognition of international protection. For accelerated border procedures, the decree of the Minister of the Interior establishes which border and transit areas can be carried out and also indicates, for each area, the corresponding Territorial Commission which is responsible for the application of the border procedure in that area. The Court competent to examine the appeal is identified on the basis of the place where the Territorial Commission that adopted the contested act is located, or, if the applicant is subsequently hosted in a centre, the one where the reception centre is located.</p> <p>[1] Recently the Italian Supreme Court (corte di Cassazione) recognized that, for the making of the application, also other authorities, including the judiciary may also be deemed as competent authorities for the making of the application.</p> <p>4. When required, how do you apply the Dublin procedure for asylum applications at the border? Please explain (e.g. sovereignty clause, take charge / take back requests)</p> <p>5. What is the legal basis of decisions made under your country's asylum border procedure (in application of</p>
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			<p>Article 43 (1)(a), (b) or your national procedure) or both?</p> <p>The legal basis is art. 43, par. 1, lett. B) of APD which has been transposed by art. 28 bis of the Legislative Decree 25/2008, commonly referred to as the procedure decree.</p> <p>6. If the legal basis of the decision is based on Article 43(1)(b) (as per question 5), please explain the grounds you use according to Article 31, para 8 of the APD?</p> <p>The border procedure is applicable in two cases:</p> <ul style="list-style-type: none">a) where the application has been made by the applicant directly at the border or in the transit zones designated as such by the Ministry of the Interior, after having been apprehended for evading or attempting to evade the relevant controls;b) when the application for international protection has been lodged directly at the border or in the transit zones designated as such by the Ministry of the Interior, by an applicant coming from a designated country of safe origin. <p>7. Regarding examination procedure of such asylum cases under Art. 31 para 8 point j of APD, how do you deal with cases where there are indications in the file that the applicant applying for asylum at the border could pose a threat to public order? (e.g. law enforcement databases, security interviews)</p> <p>In implementing Article 31, paragraph 8, letter j of the APD, the domestic legislation – Article 28 bis, paragraph 1, letter b) of the procedure decree provides that if there are indications that the applicant could constitute a danger to public order and security – because he or she is subject to criminal proceedings for certain crimes listed by the law and is detained for certain reasons related to dangerousness, or has been</p>
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			<p>convicted, even non-definitively, of these crimes – the application is examined with a further accelerated procedure the Territorial Commission must decide within 5 days of the formalization of the application.</p> <p>8. How does your country deal with the special needs / vulnerabilities of asylum applicants in the framework of the border procedure?</p> <p>Italian legislation provides that accelerated procedures and accelerated border procedures cannot be applied to applicants for unaccompanied minors or those that are in need of special guarantees or vulnerable. In such cases, therefore, the Territorial Commission orders that the application be processed - or continue – using the ordinary procedure. Applications submitted by asylum seekers in need of specific guarantees or vulnerable may be treated as a priority, if the President of the Territorial Commission so decides.</p> <p>9. What reception conditions are provided to the applicant during the asylum border procedure? Please explain how the system works.</p> <p>10. What measures has your country implemented during the asylum procedure at the border to guarantee that the person stays at the disposal of the authorities (for example detention or restriction of movement)? Please explain.</p>
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			<p>11. Please identify the main good practices related to the asylum border procedure in your country.</p> <p>Asylum procedures at the border have been implemented in the Italian system in recent times. These procedures have been applied, on an experimental basis in two border areas in southern Italy over the last two years. The experience gained in this way has allowed the identification of several good practices, such as:</p> <p>the establishment of a system of continuous and effective communication between all the authorities involved in the various phases of the procedure, from the moment of disembarkation on the territory (including the authorities responsible for disembarkation, authorities dealing with screening, public security authorities, managers of reception/detention centres, the competent territorial commission, and judicial authorities);the preparation of specific operational guidelines to be used in the event that the hearing with the Territorial Commission must be carried out remotely, via remote audiovisual connection, due to the geographical distance between the headquarters of the Commission and the place where the applicant is detained. This to ensure compliance with all procedural guarantees and adherence with the EUAA and UNHCR guidelines on the subject. Italian legislation has in fact recently introduced this possibility (in general, for all types of procedure) and the implementation of border procedures has been an opportunity to deepen this method of conducting the hearing and define the structural and organizational conditions that must be respected in these cases.</p> <p>12. Please identify the main challenges related to the asylum border procedure in your country.</p> <p>The experience gained in the implementation of accelerated border procedures has also highlighted several challenges that will become decisive, especially following the implementation of the European Pact on Migration and Asylum, due to the high number of border procedures that Italy will be called upon to carry out.</p> <p>The main challenges include the need to structure the asylum system in such a way as to ensure that all procedures address by this procedure are defined within the short deadlines provided, while also ensuring</p>
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			that the person remains available to the authorities during the procedure.
	EMN NCP Latvia	Yes	<p>1. Please explain the applicable process when a third-country national or stateless person applies for international protection at the external border of your country (in application of the article 43 of the APD or in application of national procedure).</p> <p>In 2016, a new Asylum Law was drafted and entered into force, transposing aspects of Directive 2013/32/EU, Directive 2013/33/EU, Regulation 604/2013 and Regulation 603/2013. The Law on Asylum transposed the discretion provided for in Article 43(1)(a) of Directive 2013/32/EU, as the conditions contained in the legal provision comply with the applicable standards of the asylum legal framework of the Republic of Latvia in order to ensure the effectiveness of the procedure while respecting the standards of international law.</p> <p>In view of the above, a special procedure for examining an application for refugee or alternative status in the Republic of Latvia - the border procedure - was introduced. The border procedure is envisaged to be applied in cases when the application is submitted at a border crossing point or in a transit zone and at least one of the conditions referred to in the first part of Article 30 of the Asylum Law exists:</p> <ol style="list-style-type: none"> 1) another Member State has granted international protection to the asylum seeker; 2) the non-Member State is considered the asylum seeker's first country of asylum; 3) the non-Member State is considered a safe third country for the asylum seeker; 4) the asylum seeker has submitted a new application in the Republic of Latvia after the final decision on refusal to grant refugee or subsidiary status has been taken and it does not mention circumstances which have significantly changed in favour of the asylum seeker and could be grounds for granting refugee or subsidiary status. <p>The provision referred to in Article 43(1)(a) of Directive 2013/32 was transposed into the Asylum Law with the aim of ensuring the effectiveness of the asylum procedure in a situation where there has been a</p>

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			<p>significant increase in the number of asylum seekers by preventing abuse of the asylum procedure. The Asylum Law foresees that within the framework of the border procedure asylum seekers would be detained and accommodated in the accommodation premises for detained asylum seekers of the State Border Guard in Daugavpils. Detention under the border procedure is justified on the grounds that the border procedure as such would be applied in order to ensure the effectiveness of the asylum procedure in a situation where the number of asylum seekers has significantly increased and to prevent its abuse. So far Latvia has not registered any asylum application received within the framework of border procedure. The Law on Asylum does not transpose the discretion provided for in Article 43(1)(b) of Directive 2013/32/EU, as the conditions contained in the legal provisions do not comply with the basic principles and applicable standards of the asylum legal framework of Latvia.</p> <p>2. From the moment the third-country national or stateless person applies for international protection in the framework of the border procedure applicable in your country, what are the legal processing times for registering and taking a decision on the application?</p> <p>Expressing an asylum claim, submitting an application and registration in Latvia take place simultaneously. According to the Asylum Law, the following time limits are set for the border procedure: the State Border Guard shall submit the information about the asylum seeker, the information obtained during the negotiations and the initial interview and the application to the Office of Citizenship and Migration Affairs (OCMA), which is responsible for taking decisions in the asylum procedure, within two working days from the date of receipt and registration of the application. The OCMA, having received information from the State Border Guard, may, within five working days, take a decision to leave the application without examination if the circumstances referred to in Section 30(1) of the Asylum Law exist. The asylum seeker or his/her authorized person has the right to appeal the decision of the OCMA to the Administrative District Court within five working days from the date of entry into force of the decision. The court must decide on the case within five working days from the date of the decision to accept the application and hear the case. The decision of the Administrative District Court is final and cannot be</p>
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			<p>appealed.</p> <p>An asylum seeker who has been recognized as an asylum seeker in need of special procedural guarantees, in particular if the asylum seeker is an unaccompanied minor or has suffered torture, rape or other forms of serious psychological, physical or sexual violence, shall be subject to the border procedure only when he/she is a threat to national security or public order. Otherwise vulnerable asylum applicants are allowed to enter the country to examine the application in accordance with the other provisions of Directive 2013/32/EU.</p> <p>According to the requirements laid down in the Asylum Law, the border procedure, including the time for appeal and judicial review, may not exceed four weeks.</p> <p>3. Which public authority is responsible for each step of the procedure related to the asylum procedure at the border (i.e. from making the application to the appeal)?</p> <p>According to the Asylum Law, a person must submit the application in person to the State Border Guard, which is responsible for receiving and registering the application. The State Border Guard shall immediately put in writing the orally expressed wish to obtain refugee or alternative status in the presence of the asylum seeker.</p> <p>Upon receipt of an asylum application, the State Border Guard shall immediately register it in the Asylum Seekers Register, at the same time informing (by sending a notification from the Asylum Seekers Register) the authorities involved in the asylum procedure (the Office of Citizenship and Migration Affairs, national security authorities) about the receipt and registration of the application.</p> <p>The State Border Guard shall conduct an assessment interview with the asylum seeker in order to obtain the information necessary to determine which Member State will be responsible for examining the application in accordance with Regulation No 604/2013, as well as an initial interview in order to obtain information on his/her individual situation and circumstances necessary to take a decision on whether or not to examine the application and basic information on the grounds for requesting international protection.</p> <p>As it is foreseen that asylum seekers will be detained and accommodated in the accommodation facilities for</p>
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			<p>detained asylum seekers of the State Border Guard in Daugavpils within the border procedure, the State Border Guard is responsible for taking the decision on detention and accommodation of asylum seekers within the border procedure.</p> <p>The Office of Citizenship and Migration Affairs is responsible for deciding whether or not to accept the application, and for forwarding any application received for an appeal against the OCMA's decision to the Administrative District Court.</p> <p>The State Border Guard shall ensure that the asylum seeker is acquainted with the decision adopted by the OCMA and, if the asylum seeker wishes to receive state-provided legal assistance in order to appeal against the decision, he/she shall submit an application for state-provided legal assistance to the State Border Guard, which shall invite a provider of legal assistance to provide the assistance. Legal assistance is provided by the Judicial Administration.</p> <p>4. When required, how do you apply the Dublin procedure for asylum applications at the border? Please explain (e.g. sovereignty clause, take charge / take back requests)</p> <p>In case a person lodges an asylum application at a border crossing point or in a border crossing transit zone and there are grounds to believe that the person could be a subject of Regulation No 604/2013, the State Border Guard shall, upon receipt of the application, allow the person to enter the country. The State Border Guard shall submit the information on the asylum seeker in its disposal to the Office of Citizenship and Migration Affairs (OCMA).</p> <p>If the OCMA establishes that another Member State may be responsible for examining the application, the OCMA shall forward the request to that Member State and inform the State Border Guard within five working days. Upon receipt of this information, the State Border Guard shall immediately inform the asylum seeker of the initiation of the procedure for determining the Member State responsible in his/her case.</p> <p>If the request of the OCMA is accepted (positive answer), the OCMA shall, within two working days of the adoption of the decision on the transfer of the asylum seeker to the responsible Member State, forward it to the State Border Guard for the purpose of organising the transfer of the asylum seeker to the responsible</p>
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			<p>Member State.</p> <p>The State Border Guard, upon receiving information from the OCMA that the asylum seeker has not appealed against the decision on transfer to the responsible Member State within the deadlines set out in the Asylum Law and therefore the transfer of the asylum seeker must be ensured, shall inform the asylum seeker about the expected date, time and procedure of the transfer.</p> <p>If the transfer of the asylum seeker to the Member State concerned is cancelled, postponed or cannot take place within the time limit set out in Regulation No 604/2013 or in the international agreement, the State Border Guard shall immediately inform the OCMA, who shall forward the said information to the Member State responsible within the time limit set out in Regulation No 604/2013.</p> <p>If a negative response (refusal to accept responsibility) is received to a request from another Member State, the State Border Guard shall be informed within two working days of receipt of the negative response that the procedure for determining the responsible Member State has been completed and the application will be examined in accordance with the procedures and within the time limits set out in the Asylum Law.</p> <p>The State Border Guard shall, at the request of the Office, verify the facts and evidence referred to in the application received from another Member State. The results of the verification shall be forwarded to the OCMA.</p> <p>If the OCMA has taken a decision to assume responsibility for the examination of the asylum seeker's application or readmission to the Republic of Latvia, it shall inform the State Border Guard within five working days of the decision taken.</p> <p>5. What is the legal basis of decisions made under your country's asylum border procedure (in application of Article 43 (1)(a), (b) or your national procedure) or both?</p> <p>In the border procedure, decisions are taken in accordance with the requirements laid down in the Asylum Law.</p> <p>The Asylum Law does not transpose the discretion provided for in Article 43(1)(b) of Directive 2013/32/EU, as the conditions contained in the legal provisions do not comply with the basic principles and standards of</p>
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			<p>the asylum legal framework of Latvia. Please also see answer to the Q1.</p> <p>6. If the legal basis of the decision is based on Article 43(1)(b) (as per question 5), please explain the grounds you use according to Article 31, para 8 of the APD?</p> <p>The Asylum Law does not transpose the circumstances provided for in Article 43(1)(b) of Directive 2013/32/EU.</p> <p>7. Regarding examination procedure of such asylum cases under Art. 31 para 8 point j of APD, how do you deal with cases where there are indications in the file that the applicant applying for asylum at the border could pose a threat to public order? (e.g. law enforcement databases, security interviews)</p> <p>The Asylum Law does not transpose the circumstances provided for in Article 43(1)(b) of Directive 2013/32/EU.</p> <p>8. How does your country deal with the special needs / vulnerabilities of asylum applicants in the framework of the border procedure?</p> <p>An asylum seeker who has been recognized as an asylum seeker in need of special procedural guarantees, in particular if the asylum seeker is an unaccompanied minor or has suffered torture, rape or other forms of serious psychological, physical or sexual violence, shall be subject to the border procedure only when he/she is a threat to national security or public order. Otherwise vulnerable asylum applicants are allowed to enter the country to examine the application in accordance with the other provisions of Directive</p>
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			<p>2013/32/EU.</p> <p>9. What reception conditions are provided to the applicant during the asylum border procedure? Please explain how the system works.</p> <p>The reception conditions for the border procedure do not differ from the reception conditions for other asylum procedures, as the asylum seekers would be detained and accommodated in the accommodation facilities for detained asylum seekers of the State Border Guard in Daugavpils. Consequently, they would be subject to reception conditions equivalent to those of detained asylum seekers.</p> <p>10. What measures has your country implemented during the asylum procedure at the border to guarantee that the person stays at the disposal of the authorities (for example detention or restriction of movement)? Please explain.</p> <p>The Asylum Law provides for the detention of asylum seekers as part of the border procedure. Detention in the framework of the border procedure is applicable in accordance with the provision of Section 16(3) of the Asylum Law - an asylum seeker may be detained if it is necessary to decide on the right of the asylum seeker to enter the Republic of Latvia.</p> <p>11. Please identify the main good practices related to the asylum border procedure in your country.</p> <p>As there has not been a single case of border procedure in Latvia, we cannot share good practices in the application of the border procedure.</p>
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			<p>12. Please identify the main challenges related to the asylum border procedure in your country.</p> <p>No problems have been identified, as there have been no cases of border procedures being applied.</p>
	<p>EMN NCP Lithuania</p>	<p>Yes</p>	<p>1. Please explain the applicable process when a third-country national or stateless person applies for international protection at the external border of your country (in application of the article 43 of the APD or in application of national procedure).</p> <p>When a third-country national or stateless person applies for international protection at the external border of Lithuania, including in a transit zone or after irregular entry, the application is submitted directly to the State Border Guard Service (SBGS). This initial stage falls under the border procedure framework provided for in Article 43 of the Asylum Procedures Directive and implemented nationally under Article 67 of the Law on the Legal Status of Foreigners and Section III of Minister of the Interior’s Order No. 1V-131 of 24 February 2016 .</p> <p>SBGS is responsible solely for receiving the application and carrying out initial procedural actions. These include registering the applicant's identity and route of entry, taking biometric data (photographs and fingerprints), creating a personal file in the national Migration Information System (MIGRIS), digitizing and attaching all relevant travel or identity documents, and performing a preliminary interview using the standard application form. During this interview, SBGS officers also carry out a vulnerability screening and provide the applicant with written information about the asylum procedure, including their rights and duties. SBGS ensures the fingerprint data are transmitted to the Eurodac system via the national data transmission unit. If there is a need for detention or alternative measures, SBGS is responsible for submitting a request to the</p>

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			<p>court, as authorized by Article 114 of the Law.</p> <p>Following registration, the application is referred to the Migration Department, which assumes responsibility for all further procedural steps and decision-making. A designated civil servant of the Migration Department examines the information received and confirms registration of the application in MIGRIS within two working days. If the applicant presents indications of vulnerability (including those identified by SBGS or declared in the application), the officer grants special procedural guarantees in accordance with Article 71 of the Law and Section IX of the Minister's Order.</p> <p>Within two days of the application being lodged, the Migration Department must decide which procedural track to apply, based on the criteria set out in the Minister's Order, point 37. The four options are: admissibility examination, Dublin procedure, accelerated examination under Article 76(4) of the Law, or regular in-merit examination. In the border procedure context, the accelerated examination is applied if the conditions listed in Article 76(4) are met (for example, if the application is manifestly unfounded, the applicant poses a threat to public order, or has provided false information).</p> <p>If the application is deemed admissible and Lithuania is found responsible under the Dublin III Regulation, the Migration Department continues with the in-merit examination. This includes reviewing personal statements, conducting interviews (unless objectively impossible), and collecting any necessary additional information or clarification. Vulnerable applicants are provided with appropriate guarantees throughout. The decision must be adopted within four weeks under the border procedure. The possible outcomes include: granting refugee status, granting subsidiary protection, rejecting the application, discontinuing the procedure (for instance, in case of withdrawal or absconding), or issuing a transfer decision to another EU Member State if responsibility lies there under the Dublin Regulation.</p> <p>The final decision is delivered to the applicant in writing and includes information about the right to appeal. Appeals against Migration Department decisions are lodged with the regional administrative court and may suspend enforcement of the decision, in accordance with Article 139(2) of the Law. Throughout the procedure, applicants may be accommodated in reception facilities under restricted movement or, if grounds are met, detained by court order. Reception conditions, including for vulnerable persons, are ensured by the Reception and Integration Agency.</p>
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2. From the moment the third-country national or stateless person applies for international protection in the framework of the border procedure applicable in your country, what are the legal processing times for registering and taking a decision on the application?

Under Lithuania's border procedure, the legal processing times for registering and deciding on an asylum application are established in the Minister of the Interior's Order No. 1V-131 of 24 February 2016 and the Law on the Legal Status of Foreigners. Once a third-country national or stateless person applies for asylum at the border, the State Border Guard Service must promptly forward the application and accompanying information to the Migration Department. Upon receiving this information, the Migration Department must register the application in the national Migration Information System (MIGRIS) within 2 working days.

Within the same two-day period following registration, an authorized officer of the Migration Department must, based on the initial examination referred to in point 36 of the Procedure, determine which of the four procedural tracks applies: admissibility assessment, Dublin procedure, accelerated in-merit examination under Article 76(4) of the Law on the Legal Status of Foreigners, or standard in-merit examination.

If the application proceeds under the accelerated procedure, which is permitted when the grounds listed in Article 76(4) of the Law are present (such as manifestly unfounded claims or public order threats), the decision must be adopted no later than within 10 working days from the start of the in-merit examination, in line with the time limits laid down in Article 43(2) of the Asylum Procedures Directive.

If the application is processed under the regular procedure, the Migration Department must take a decision within 6 months from the date the application is lodged. This period may be extended by up to an additional 9 months in exceptional cases, including where complex legal or factual issues arise, where a large number of applications are submitted simultaneously, or where delays are clearly attributable to the applicant. In exceptional cases, the procedure may be extended further, but the total time may not exceed 21 months.

3. Which public authority is responsible for each step of the procedure related to the asylum procedure at the border (i.e. from making the application to the appeal)?

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			<p>The State Border Guard Service is responsible for receiving the asylum application when a third-country national or stateless person applies at a border crossing point, in a transit zone, or after irregular entry. SBGS officers carry out only the initial actions, including registering the applicant's identity and personal information, conducting the preliminary interview, collecting biometric data (such as fingerprints for EURODAC), performing a vulnerability screening, and entering the collected data into the Migration Information System (MIGRIS). Once these steps are completed, responsibility for the asylum procedure is fully transferred to the Migration Department under the Ministry of the Interior. The Migration Department examines and adopts all decisions related to the asylum procedure. This includes assessing admissibility, determining whether the case qualifies for the accelerated border procedure, conducting the personal interview, making decisions on granting or refusing international protection, initiating Dublin procedures when relevant, and notifying the applicant of outcomes.</p> <p>If detention is proposed, the Migration Department makes the relevant request, while SBGS implements the detention or continues it, and submits applications to the court for authorization if required. SBGS also continues to supervise the applicant when the person remains accommodated at the border. The Reception and Integration Agency is responsible for ensuring reception conditions throughout the border procedure, including accommodation, provision of food, interpretation services, and the appointment of legal representatives where necessary. In the event of a negative decision, the applicant may appeal to the regional administrative court, which reviews decisions made by the Migration Department. The Migration Department also organizes and manages state-guaranteed legal aid for asylum seekers, including appointing legal aid providers under the asylum procedure.</p> <p>4. When required, how do you apply the Dublin procedure for asylum applications at the border? Please explain (e.g. sovereignty clause, take charge / take back requests)</p> <p>When a third-country national applies for asylum at Lithuania's external border, the Migration Department determines whether another EU Member State is responsible under the Dublin III Regulation by conducting</p>
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			<p>a Dublin interview, checking Eurodac data, and assessing the criteria set out in Articles 8 to 14, 16, and 17(2) of the Regulation. If another Member State appears responsible, the Department sends a take charge or take back request using the standard forms and deadlines specified in Regulation 1560/2003. If the Member State accepts responsibility or fails to reply in time, the applicant is transferred to that state, with the transfer executed by the State Border Guard Service. If the request is refused or no criteria are met, Lithuania remains responsible. The Migration Department may also invoke the sovereignty clause under Article 17(1) to examine the application in Lithuania even when another state would otherwise be responsible. All steps are carried out in accordance with the Minister's Order No. 1V-131 and without assumptions beyond what is established in the legal framework.</p> <p>Throughout the Dublin procedure, there is close cooperation between the Migration Department. SBGS plays a crucial role at the start and end of the process. It receives and forwards the application (as required by LLSF Article 67) and relevant data (including fingerprints) to the Migration Department. SBGS may also hold the applicant in a border facility or reception center during the Dublin procedure. At the conclusion of the process, SBGS executes the transfer by escorting the asylum seeker to the responsible state, or, if Lithuania keeps the case, SBGS continues to ensure border security and may release the person to a reception center or other arrangements as appropriate. SBGS must inform the Migration Department of any impediments to transfer (such as absconding) without delay, so that the legal implications (assuming responsibility) are handled promptly.</p> <p>The Migration Department's "Dublin Unit" corresponds with other Member States' competent authorities via the EU's secure system (DubliNet) in accordance with Reg.1560/2003. It sends requests, answers queries from other states, and arranges transfers. All official communications – requests, responses, information exchanges – are logged in MIGRIS and follow EU prescribed form.</p> <p>5. What is the legal basis of decisions made under your country's asylum border procedure (in application of Article 43 (1)(a), (b) or your national procedure) or both?</p> <p>The legal basis for decisions made under Lithuania's asylum border procedure, including when applying</p>
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			<p>Article 43(1)(a) and (b) of the Asylum Procedures Directive, is established in two core national instruments: the Law on the Legal Status of Foreigners and the Order of the Minister of the Interior No. 1V-131 of 24 February 2016 on the Approval of the Procedure for Granting and Revoking Asylum in the Republic of Lithuania (consolidated version of 10 May 2023). Article 76(4) of the Law authorizes the Migration Department to examine asylum applications in substance under an accelerated procedure when specific grounds apply, such as the application being manifestly unfounded or the applicant posing a threat to national security or public order. Article 77 provides the grounds for examining admissibility, including cases where another Member State is responsible under the Dublin III Regulation. These national provisions correspond to Article 43(1)(a) and (b) of Directive 2013/32/EU, allowing Lithuania to conduct admissibility assessments or accelerated examinations at the border. The procedural implementation of these powers is detailed in Section IV and Chapter VII of the Minister's Order, which regulates the Migration Department's decision-making steps, deadlines, and the role of the State Border Guard Service.</p> <p>6. If the legal basis of the decision is based on Article 43(1)(b) (as per question 5), please explain the grounds you use according to Article 31, para 8 of the APD?</p> <p>Under Article 76(4) of the Law, the Migration Department may apply an accelerated examination when, for example, the asylum application is manifestly unfounded, the applicant comes from a safe country of origin, has provided false information or documents, has destroyed identity or travel documents with the intent to mislead, has submitted a subsequent application without new elements, or poses a threat to national security or public order. These grounds mirror those listed in Article 31(8)(a) to (h) of the Directive, thereby enabling Lithuania to apply the border procedure in full compliance with EU law. The procedural steps and safeguards for this type of examination are detailed in Chapter VII of the Minister's Order No. 1V-131.</p> <p>7. Regarding examination procedure of such asylum cases under Art. 31 para 8 point j of APD, how do you</p>
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			<p>deal with cases where there are indications in the file that the applicant applying for asylum at the border could pose a threat to public order? (e.g. law enforcement databases, security interviews)</p> <p>When an asylum application is lodged at the border and there are indications that the applicant may pose a threat to public order, Lithuania applies an accelerated examination procedure under Article 76(4) of the Law on the Legal Status of Foreigners, corresponding to Article 31(8)(j) of the Asylum Procedures Directive. In such cases, the authorized civil servant of the Migration Department who is examining the application in substance sends formal enquiries to relevant national authorities. Specifically, a request is sent to the State Security Department to assess whether the presence of the asylum applicant poses a threat to national security. Simultaneously, enquiries are sent to the Police Department and the State Border Guard Service to determine whether the presence of the applicant poses a threat to public order or society. These authorities may provide their opinions via the MIGRIS system or in writing, in accordance with the procedure set out in point 94 of the Minister's Order No. 1V-131. If the application is being examined under the accelerated border procedure, the Migration Department may issue a negative asylum decision without waiting for the responses from these institutions. This ensures that decisions can be taken swiftly when urgency is required. Additionally, detention may be applied to such applicants during the asylum procedure, in accordance with the grounds set out in Article 113 of the Law, particularly where national security or public order is at stake. All of these steps are carried out under the legal framework provided by the Law on the Legal Status of Foreigners and the Minister's Order, without assumptions beyond what is specified in those documents.</p> <p>8. How does your country deal with the special needs / vulnerabilities of asylum applicants in the framework of the border procedure?</p> <p>Lithuania addresses the special needs of vulnerable asylum applicants in the border procedure through a structured vulnerability assessment regulated by the Order of the Minister of Social Security and Labor No. A1-947 of 31 December 2024 on the Approval of the Procedure for Identifying the Vulnerability of</p>
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			<p>Foreigners. This procedure applies to all asylum applicants accommodated at temporary reception centers or held in State Border Guard Service detention facilities. During the initial interview conducted by SBGS, a preliminary vulnerability assessment is performed. The authorized civil servant of the Migration Department then evaluates the data provided in the standard asylum application form and takes into account the results of the preliminary vulnerability screening carried out by SBGS. Based on this evaluation, the official identifies whether the applicant qualifies as vulnerable and, if so, grants the applicant the corresponding special procedural guarantees. Within seven working days – and up to thirty days in the event of a mass influx – social workers, doctors, and psychologists complete a more detailed vulnerability assessment. This process is coordinated by the Reception and Integration Agency and results in a Special Needs and Vulnerability Assessment (SNVA) report. The report is entered into the MIGRIS system and shared with the Migration Department and, where relevant, SBGS. An individual assistance plan is then developed to ensure appropriate support such as medical treatment, psychological care, specialized accommodation, or adapted communication. Vulnerable applicants are accommodated by the Reception and Integration Agency in facilities suitable to their specific needs, ensuring that such individuals are promptly identified and supported throughout the asylum process, including within the framework of the border procedure.</p> <p>9. What reception conditions are provided to the applicant during the asylum border procedure? Please explain how the system works.</p> <p>During the border procedure in Lithuania, asylum applicants who are not detained are accommodated in temporary reception facilities established by the Reception and Integration Agency. The legal basis for their reception is set out in Article 79 of the Law on the Legal Status of Foreigners and detailed in the Minister of Social Security and Labor’s Order No. A1-2. These applicants are provided accommodation free of charge and retain core rights, including necessary medical care, psychological and social assistance, information in a language they understand, and contact with legal or humanitarian organizations. Reception conditions include individual accommodation, clothing, hygiene products, and meals (either provided in kind, through self-catering, or as a monetary allowance). Vulnerable applicants and their family members are prioritized</p>
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			<p>for accommodation suited to their needs. While applicants have the right to move freely within the reception premises, certain restrictions may apply under exceptional circumstances, such as a declared emergency or influx of arrivals. Even then, the right to basic material conditions and essential services, particularly for vulnerable individuals, must be preserved. The Reception and Integration Agency is also responsible for ensuring access to information, translation and interpretation services, and a range of socio-educational and cultural activities. The Migration Department remains responsible for the asylum procedure itself, while the Reception and Integration Agency manages all aspects of material reception conditions.</p> <p>If an asylum applicant is detained during the border procedure, their reception conditions differ from those housed in regular temporary reception centers. According to Articles 114 and 115¹ of the Law on the Legal Status of Foreigners, asylum seekers may be detained only under specific grounds, including the need to verify identity, prevent unlawful entry, protect national security or public order, or where there is a risk of absconding. Detention is ordered by a court at the request of the State Border Guard Service (SBGS), and it must be as short as possible and reviewed at least every three months.</p> <p>Detainees are accommodated at SBGS detention facilities, and their conditions are governed jointly by the Minister of the Interior and the Minister of Social Security and Labor. These conditions include access to food, hygiene, emergency healthcare, and essential information, as well as communication with legal representatives. Vulnerable persons in detention, including children and those with specific medical or psychological needs, are assessed under the same vulnerability procedure used in reception centers. Their individual needs must be addressed, to the extent permitted by the restriction of liberty, and a social worker monitors their condition during the entire detention period. When services such as medical care, psychological support, or food are not available within the detention facility, temporary exit may be granted with supervision. Alternatives to detention, such as regular reporting or limited freedom of movement, may be applied by court order if the person does not pose a risk to public order or national security</p> <p>10. What measures has your country implemented during the asylum procedure at the border to guarantee that the person stays at the disposal of the authorities (for example detention or restriction of movement)? Please explain.</p>
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			<p>During the asylum procedure at the border, Lithuania ensures that the applicant remains at the disposal of the authorities by applying either movement restrictions or detention, depending on the individual circumstances and legal grounds. The Migration Department adopts a decision to accommodate the asylum seeker at the Reception and Integration Agency with restrictions on freedom of movement. In such cases, the applicant must reside in the assigned facility and is not permitted to leave without authorization, thereby ensuring their availability to the authorities throughout the examination of their claim.</p> <p>Detention is applied only if there are grounds specified in the Law on the Legal Status of Foreigners, such as the need to verify identity, prevent illegal entry, ensure public order or national security, or if there is a justified risk of absconding. Detention requires a court decision and is requested by the State Border Guard Service. When a person is detained, they are held in SBGS facilities, and their detention is subject to periodic review.</p> <p>11. Please identify the main good practices related to the asylum border procedure in your country.</p> <p>N/A</p> <p>12. Please identify the main challenges related to the asylum border procedure in your country.</p> <p>According to the State Border Guard Service, one of the main challenges in Lithuania's asylum border procedure is ensuring that asylum applicants remain in their assigned place of accommodation throughout the procedure, particularly when restrictions on movement are applied instead of detention.</p>
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	<p>EMN NCP Luxembourg</p>	<p>Yes</p>	<p>1. Please explain the applicable process when a third-country national or stateless person applies for international protection at the external border of your country (in application of the article 43 of the APD or in application of national procedure).</p> <p>According to Article 4(1) of the amended Law of 18 December 2015 on International Protection and Temporary Protection (hereafter Asylum Law), if an application for international protection is made to an officer of the Airport Control Service, registration must take place at the General Department of Immigration no later than six working days after the applicant has expressed their wish to make an application. In practice, once an individual has made an application, a report is prepared by the police and submitted to the General Department of immigration. After consulting with the latter, a decision is made regarding whether the individuals are permitted to enter the territory or should be placed in detention. If the individual is permitted to enter the territory, they can leave the airport and are directed to one of the housing facilities managed by the National Reception Office (ONA).</p> <p>The application is subsequently referred to the General Department of Immigration for registration and lodging and is then processed as all the other applications that were introduced from within the country under normal circumstances.</p> <p>2. From the moment the third-country national or stateless person applies for international protection in the framework of the border procedure applicable in your country, what are the legal processing times for registering and taking a decision on the application?</p> <p>When an individual expresses their intention to apply for international protection at the airport, a report is prepared, and a decision is made in coordination with the General Department of immigration regarding their entry into the territory. If entry is granted, the application is forwarded to the General Department of</p>

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			<p>immigration, and the registration process must be completed within six days from the date of application. After the application is referred to the General Department of Immigration, the standard procedure applies, as if the applicant had submitted the application from within the country under normal circumstances.</p> <p>3. Which public authority is responsible for each step of the procedure related to the asylum procedure at the border (i.e. from making the application to the appeal)?</p> <p>Applications for international protection are initially received by police officers of the Airport Control Service, who then refer them to the General Department of Immigration for registration and lodging.</p> <p>4. When required, how do you apply the Dublin procedure for asylum applications at the border? Please explain (e.g. sovereignty clause, take charge / take back requests)</p> <p>The Dublin procedure is the same as for the standard procedure.</p> <p>5. What is the legal basis of decisions made under your country's asylum border procedure (in application of Article 43 (1)(a), (b) or your national procedure) or both?</p> <p>The legal basis for decisions regarding applications made at the border is the same as for applications made within the country. Therefore, the standard procedure applied in both cases is governed by the aforementioned Asylum Law.</p>
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			<p>6. If the legal basis of the decision is based on Article 43(1)(b) (as per question 5), please explain the grounds you use according to Article 31, para 8 of the APD?</p> <p>N/A.</p> <p>7. Regarding examination procedure of such asylum cases under Art. 31 para 8 point j of APD, how do you deal with cases where there are indications in the file that the applicant applying for asylum at the border could pose a threat to public order? (e.g. law enforcement databases, security interviews)</p> <p>N/A.</p> <p>8. How does your country deal with the special needs / vulnerabilities of asylum applicants in the framework of the border procedure?</p> <p>Luxembourg does not apply the border procedure, as explained in the response to Q.1. However, in cases where an applicant presents special procedural needs and adequate support cannot be provided, the application is not examined under the accelerated procedure. This is particularly relevant for applicants who are victims of torture, rape or other serious forms of psychological, physical or sexual violence, in line with Article 19 (3) of the Asylum Law.</p> <p>9. What reception conditions are provided to the applicant during the asylum border procedure? Please explain how the system works.</p>
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			<p>Luxembourg does not implement a border procedure but applies an airport procedure. Upon lodging the application with the competent police authorities, and provided the applicant is not considered a threat to national security, public security or public health, they are referred to a reception facility. During this period, applicants are entitled to material reception conditions (accommodation, food, clothing, pocket money and health care) in accordance with article 2 g) in accordance with article 8 (1) of the amended law of 18 December 2015 on the reception of applicants for international protection and temporary protection (Reception Law).</p> <p>10. What measures has your country implemented during the asylum procedure at the border to guarantee that the person stays at the disposal of the authorities (for example detention or restriction of movement)? Please explain.</p> <p>N/A.</p> <p>11. Please identify the main good practices related to the asylum border procedure in your country.</p> <p>N/A.</p> <p>12. Please identify the main challenges related to the asylum border procedure in your country.</p> <p>N/A.</p>
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♦	EMN NCP Malta	Yes	<p>1. Please explain the applicable process when a third-country national or stateless person applies for international protection at the external border of your country (in application of the article 43 of the APD or in application of national procedure).</p> <p>Currently Malta does not implement an international protection external border procedure, which means that any applications at the border are processed in accordance with the mainstream procedure applicable to the individual case.</p> <p>2. From the moment the third-country national or stateless person applies for international protection in the framework of the border procedure applicable in your country, what are the legal processing times for registering and taking a decision on the application?</p> <p>N/A. There are no processing times specific to this situation. Processing would depend on whether, in the specific case, an accelerated procedure may be applied.</p> <p>3. Which public authority is responsible for each step of the procedure related to the asylum procedure at the border (i.e. from making the application to the appeal)?</p> <p>N/A. The application would follow the mainstream procedure and be heard by the International Protection Agency and reviewed, on appeal, by the International Protection Appeals Tribunal.</p>


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			<p>4. When required, how do you apply the Dublin procedure for asylum applications at the border? Please explain (e.g. sovereignty clause, take charge / take back requests)</p> <p>N/A. Regular provisions would apply to all relevant cases.</p> <p>5. What is the legal basis of decisions made under your country's asylum border procedure (in application of Article 43 (1)(a), (b) or your national procedure) or both?</p> <p>N/A</p> <p>6. If the legal basis of the decision is based on Article 43(1)(b) (as per question 5), please explain the grounds you use according to Article 31, para 8 of the APD?</p> <p>N/A</p> <p>7. Regarding examination procedure of such asylum cases under Art. 31 para 8 point j of APD, how do you deal with cases where there are indications in the file that the applicant applying for asylum at the border could pose a threat to public order? (e.g. law enforcement databases, security interviews)</p> <p>N/A</p>
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			<p>8. How does your country deal with the special needs / vulnerabilities of asylum applicants in the framework of the border procedure?</p> <p>N/A. In the absence of such a procedure the provisions of the Reception Conditions Regulations, which transpose the Reception Conditions Directive, apply.</p> <p>9. What reception conditions are provided to the applicant during the asylum border procedure? Please explain how the system works.</p> <p>N/A. In the absence of such a procedure the provisions of the Reception Conditions Regulations, which transpose the Reception Conditions Directive, apply.</p> <p>10. What measures has your country implemented during the asylum procedure at the border to guarantee that the person stays at the disposal of the authorities (for example detention or restriction of movement)? Please explain.</p> <p>N/A. In any case, should any applicant not be detained, he or she may be required to report regularly or stay in specific premises to ensure his or her availability.</p> <p>11. Please identify the main good practices related to the asylum border procedure in your country.</p>
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			<p>N/A</p> <p>12. Please identify the main challenges related to the asylum border procedure in your country.</p> <p>N/A</p>
	<p>EMN NCP Netherlands</p>	<p>Yes</p>	<p>1. Please explain the applicable process when a third-country national or stateless person applies for international protection at the external border of your country (in application of the article 43 of the APD or in application of national procedure).</p> <p>The border procedure in the Netherlands has been active since 20 July 2015. The border procedure is based on Article 3 of the Aliens Act 2000 (Vreemdelingenwet 2000, Vw) and Article 3.109b of the Aliens Decree 2000 (vreemdelingenbesluit 2000, Vb). Article 3.109b Vb is an implementation in national law of the APD.</p> <p>When an applicant applies for asylum at the border the Reception Conditions Directive (2013/33EU) comes into effect. Article 8, sub 3, par C of this Directive states that an asylum seeker may be subject to deprivation-of-liberty measures (i.e. detention) in order to take a decision whether or not they are allowed to enter the Netherlands.</p> <p>In case the migrant applies for asylum before authorities have made a decision whether the migrant is allowed into the Netherlands, the border guard[1] issues a formal document (M18A[2]) stating that the decision whether the applicant will be granted access to the Netherlands is postponed. In conjunction, the border guard will issue a formal document (M19[3]) stating that the asylum application will be processed in the border procedure. In case the migrant applies for asylum after having been denied entry into the</p>

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			<p>Netherlands (based on formal document M17[4]), this entry ban will become void and the border guard will issue a new formal document (M18A) stating that the decision whether the applicant will be granted access to the Netherlands is postponed. The applicant will in conjunction receive document M19.</p> <p>An asylum application can only be processed in the border procedure if the application is either not to be taken into consideration (Article 30 Vw), considered inadmissible (Art. 30a Vw) or considered manifestly unfounded (Art. 30b Vw)[5].</p> <p>A registration interview will be conducted by the Immigration and Naturalisation Service (IND). In this interview, it is determined whether the application is likely to be rejected based on the above-mentioned criteria. Sometimes an additional interview is needed to gain a full understanding of the facts and circumstances in order to come to a conclusion. If there are indications that the application will not be rejected based on the above mentioned grounds, the applicant is granted access to the Netherlands and will be referred to the national asylum application centre in Ter Apel.</p> <p>Otherwise the application will be processed within the border procedure. Then it will be determined whether the 'general asylum procedure' (algemene asielprocedure, AA) applies, or if there are certain factors such as the complexity of the case, such as various asylum motives, or if there are any special procedural reasons that would require an extension of the AA procedure. In that case the asylum procedure is automatically extended with 3 days. This is referred to as the AA+ procedure. In certain cases, the AA procedure can also be extended with 12, 14 or 20 days[6].</p> <p>Before starting with the asylum procedure, applicants are granted a rest and preparation period in order for them to prepare for their asylum application. Normally the rest period is 6 days. Because deprivation-of-liberty measures are applied, national laws[7] allow for a shorter rest and preparation period. The applicant (or their lawyer) can therefore request a shorter rest period, which will then be determined in cooperation with the IND[8].</p> <p>After the rest and preparation period, the general asylum procedure (AA) starts.</p> <p>In case the asylum procedure cannot be completed within 28 days, the deprivation-of-liberty measures are lifted and the applicant is granted access into the Netherlands and will be transferred to the national asylum application centre in Ter Apel.</p> <p>There are exceptions in which the asylum applications will not be processed at the border, even though there are indications that another Member State is responsible for the application, the application will be</p>
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			<p>considered inadmissible or the application will be considered manifestly unfounded; Applications by unaccompanied minors[9] (Article 3:109b, sub 7, Aliens Decree 2000); Families with minor children unless contra-indications are flagged (such as threats to public order, or when the family relationship is deemed implausible)[10]; In case detention at the border is deemed unnecessarily harsh based on personal circumstances of the applicant[11]; In case special procedural guarantees are required, and when these procedural guarantees cannot be offered within the border procedure[12]; In case the applicant is in possession of a residence permit or long stay visa of a Schengen country. In case these exceptions apply, the applicant will be granted access to the Netherlands and will be referred to the national application centre in Ter Apel.</p> <p>[1] The Royal Netherlands Marechaussee is responsible for the protection of the national borders. [2] Government of the Netherlands, wetten.nl - Regeling - Vreemdelingen­circulaire 2000 (A) - BWBR0012287, last accessed on 9 April 2025. [3] Government of the Netherlands, wetten.nl - Regeling - Vreemdelingen­circulaire 2000 (A) - BWBR0012287 last accessed on 9 April 2025. [4] Government of the Netherlands, wetten.nl - Regeling - Vreemdelingen­circulaire 2000 (A) - BWBR0012287 last accessed on 9 April 2025. [5] Definitions: not to be taken into consideration: the application will not be processed further, declared inadmissible: the application is rejected because it does not meet for formal requirements for consideration, declared manifestly unfounded: the application is clearly without merit. [6] Article 3.115, par 6, Vb. [7] Article 3.109b, par 6, Vb. [8] IND, Work Instruction SUA 2022/15 Grensprocedure. [9] Article 3:109b, sub 7, Aliens Decree 2000 (Vreemdelingenbesluit 2000) [10] Article A1/7.3 Vc and TK 2013-2014, 19 637, nr. 1827. [11] Article 5.1a, derde lid, Vb [12] Article 3:108b Vb</p>
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2. From the moment the third-country national or stateless person applies for international protection in the framework of the border procedure applicable in your country, what are the legal processing times for registering and taking a decision on the application?

The maximum time limit for the border procedure is 28 days, and there is no possibility of extension. If 28 days elapse without a decision being taken in the border procedure, the applicant will automatically gain access into the Netherlands to continue the asylum application at the national asylum application centre.[1]

[1] IND, Work Instruction SUA 2022/15 Grensprocedure.

3. Which public authority is responsible for each step of the procedure related to the asylum procedure at the border (i.e. from making the application to the appeal)?

In the border procedure, 3 competent authorities are responsible[1]:
The Royal Netherlands Marechaussee (Koninklijke Marechaussee, Kmar) is responsible for the border control and issues the M18A document to the applicant stating that the decision whether the applicant will be granted access to the Netherlands is postponed. The Kmar will also refuse access into the Netherlands in case the applicant withdraws their asylum application (M17 document). The Kmar will refuse access into the Netherlands in case the asylum application is denied (document M17A). The Kmar is the competent authority to authorise deprivation-of-liberty measures (i.e. detention) (M19 document, in case of Dublin application document M19A). The Kmar is responsible for making the application and forwarding that application to the Immigration and Naturalisation Service for processing the application. The Immigration and Naturalisation Service (Immigratie- en Naturalisatiedienst,

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			<p>IND) The IND is responsible for registering, lodging and examining the application and takes a decision on the asylum application; Judiciary Netherlands The court is responsible for taking a decision of the possible appeal of the application.</p> <p>[1] IND, Work Instruction SUA 2022/15 Grensprocedure.</p> <p>4. When required, how do you apply the Dublin procedure for asylum applications at the border? Please explain (e.g. sovereignty clause, take charge / take back requests)</p> <p>If an applicant has requested an asylum application at the border, the application is assessed on the basis of the criteria of the Dublin Regulation.[1] The application will not be examined if the Netherlands is not the responsible Member State.[2] If the IND presumes that this is the case, the request will be processed through the Dublin procedure as referred to in Article 3.109c of the Aliens Decree 2000, which regulates the Dublin procedure at the border.[3] During this Dublin procedure, the identity, fingerprints, nationality, travel route and documents of the applicant are investigated.[4] The applicant will also be interviewed about the possibility of being transferred to the responsible Member State and about their possible objections against the transfer.[5] When the IND has determined the responsible Member State, a take back or a take charge request is sent to that Member State.[6] When the responsible Member States has accepted the request, the Repatriation and Departure Service (Dienst Terugkeer en Vertrek, 'DT&V') takes over the case to facilitate the transfer.[7]</p> <p>[1] Article 3(3)(a) Aliens Act 2000. [2] Article 30 Aliens Act 2000. [3] IND, Work Instruction SUA 2020/9 Grensprocedure, p. 9.</p>
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[4] Article 3.109c(3) Aliens Decree 2000.

[5] Article 3.109c(3) Aliens Decree 2000.

[6] Repatriation and Departure Service, 'Behandelsporen', <https://www.dienstterugkeerenvertrek.nl/over-dtv/leidraad-terugkeer-en-vertrek/de-asielprocedure/behandelsporen>, last accessed on 12 March 2025.

[7] Ibid.

5. What is the legal basis of decisions made under your country's asylum border procedure (in application of Article 43 (1)(a), (b) or your national procedure) or both?

The legal basis of decisions made under the Dutch asylum border procedure based on inadmissibility grounds is Article 43(1)(a) APD. This provision is transposed into national law in Article 3(3)(b) of the Aliens Act 2000.

The legal basis of decisions made under the Dutch asylum border procedure based on grounds for rejection as manifestly unfounded is Article 43(1)(b) APD. This provision is transposed into national law in Article 3(3)(c) of the Aliens Act 2000.

Moreover, Article 3.109b of the Aliens Decree 2000 regulates the border procedure in general and therefore serves as an implementation of both sub a and sub b Article 43(1) APD.[1]

[1] IND, Work Instruction SUA 2022/15 Grensprocedure, p. 1.

6. If the legal basis of the decision is based on Article 43(1)(b) (as per question 5), please explain the grounds you use according to Article 31, para 8 of the APD?

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			<p>The legal basis of decisions referred to in Article 43(1)(b) APD is Article 3(3)(c) of the Aliens Act 2000 (See Q5). This article refers to decisions made on the grounds of Article 30b(1) Aliens Act 2000 which states: “An application for a temporary residence permit as referred to in Article 28 may be rejected as manifestly unfounded within the meaning of Article 32, paragraph 2, of the Procedures Directive, if:” The provision then provides in sub a to k the same grounds as those listed in Article 31(8) APD. Therefore, all grounds listed in Article 31(8) APD are used for decisions based on Article 43(1)(b) APD.</p> <p>7. Regarding examination procedure of such asylum cases under Art. 31 para 8 point j of APD, how do you deal with cases where there are indications in the file that the applicant applying for asylum at the border could pose a threat to public order? (e.g. law enforcement databases, security interviews)</p> <p>Article 31(8)(j) APD is implemented in Article 30b(1) sub j and sub k Aliens Act 2000. Sub j states that an application can be rejected as manifestly unfounded if the applicant may, for serious grounds, be considered a danger to the public order or national security. Sub k regulates that an application can also be rejected as manifestly unfounded if the applicant has been forcibly expelled for serious reasons of public security or public order.</p> <p>If there are indications or signs that further investigation is required, for example, regarding the applicability of Article 1F of the Refugee Convention, the application will continue to be processed under the border procedure. However, if it becomes apparent that an asylum application from an applicant who may pose a threat to public order or national security cannot be concluded within the timeframe of the border procedure (which is 28 days), the applicant will be detained under Article 59b(1)(d) Aliens Act 2000.[1] These type of cases are handled by specialized units, namely the 1F unit and/or the Special Cases unit.[2] The detention shall in principle not exceed six months.[3] However, it may be extended by a maximum of nine months if there are complex factual and legal circumstances relating to the examination of the application and if there are compelling reasons of public order or national security.[4]</p>
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[1] IND, Work Instruction SUA 2022/15 Grensprocedure, p. 12.

[2] Information provided by the Ministry of Asylum and Migration on 29 March 2025.

[3] Article 59b(4) Aliens Act 2000.

[4] Article 59b(5) Aliens Act 2000

8. How does your country deal with the special needs / vulnerabilities of asylum applicants in the framework of the border procedure?

In the Netherlands an assessment will be made whether the application can be handled within the border procure or not due to special needs / vulnerabilities. This can happen at various moments;

At the moment of registration the Royal Netherlands Marechaussee (Koninklijke Marechaussee, Kmar), together with the Application Centre Schiphol and/or the IND border office, makes an initial assessment whether someone's application can be handled within the Asylum border procedure or whether it should be handled in the (extended) regular procedure due to apparent special needs/ vulnerabilities.[1] Later on in the procedure, the staff member conducting the registration interview (in consultation with a senior staff member) again assesses whether the case should be processed under the (extended) general asylum procedure (AA/AA+) and not the border procedure in case of special needs or vulnerabilities.[2]

Some foreign nationals may require special procedural safeguards due to factors such as their age, gender, sexual orientation, disability, serious illness, mental disorders, or as a result of torture, rape, or other severe forms of psychological, physical, or sexual violence. If a foreign national requires special procedural safeguards, appropriate support will be provided throughout the examination of their asylum application.[3]

As mentioned in Q1, certain categories are exempted from having their asylum application being processed in the border procedure, such as unaccompanied minors and families with children.

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[1] Information provided by the Immigration and Naturalisation Service (IND) on 29 March 2025.

[2] IND, Work Instruction SUA 2021/9 Bijzondere procedurele waarborgen.

[3] IND, Work Instruction SUA 2022/15 Grensprocedure.

9. What reception conditions are provided to the applicant during the asylum border procedure? Please explain how the system works.

During the asylum border procedure in the Netherlands, applicants are accommodated in a closed reception facility near Schiphol Airport. This means that they are not allowed to leave the location while their asylum application is being processed. The reception conditions include access to basic necessities such as food, medical care, and legal assistance.[1] The Application Centre at Schiphol is located within the Judicial Complex Schiphol (JCS). The Custodial Institutions Agency (Dienst Justitiële Inrichtingen, DJI) is responsible for the foreign national from the moment they are placed in its care. DJI works closely with, among others, the Royal Netherlands Marechaussee (KMar), the Immigration and Naturalisation Service (IND), and the Central Agency for the Reception of Asylum Seekers (COA). It is DJI's task to provide the best possible care for foreign nationals in detention centres.[2]

[1] IND, 'Asylum procedures in the Netherlands', <https://ind.nl/en/asylum-procedures-in-the-netherlands#border-procedure-gp->, last accessed on 18 March 2025.

[2] Dutch Government, https://www.rijksfinancien.nl/memorie-van-toelichting/2025/OWB/XX/onderdeel/3165618?utm_source=chatgpt.com, last accessed on 18 March 2025.


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			<p>10. What measures has your country implemented during the asylum procedure at the border to guarantee that the person stays at the disposal of the authorities (for example detention or restriction of movement)? Please explain.</p> <p>During the asylum border procedure in the Netherlands, applicants are detained in a closed reception facility near Schiphol Airport. This means that they are not allowed to leave the location while their asylum application is being processed. [1]</p> <p>[1] IND, 'Asylum procedures in the Netherlands', https://ind.nl/en/asylum-procedures-in-the-netherlands#border-procedure-gp-, last accessed on 18 March 2025.</p> <p>11. Please identify the main good practices related to the asylum border procedure in your country.</p> <p>The Immigration and Naturalisation Service (IND) mentioned that taking into account vulnerabilities in the Dutch asylum border procedure can be considered a good practice. Not every asylum application at the border is, processed under the border procedure. Exceptions are made for minors and vulnerable groups (see Q1 & Q8), taking into account their special needs.[1]</p> <p>[1] Information provided by the Immigration and Naturalisation Service (IND) on 29 March 2025.</p> <p>12. Please identify the main challenges related to the asylum border procedure in your country.</p>
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			<p>Several challenges related to the asylum border procedure in the Netherlands were identified;</p> <p>Pressure due to increasing applications resulted in challenges regarding legal assistance and the availability of interpreters; After receiving a signal regarding an increase in the number of asylum applications and delays in entry refusals at Schiphol, the Dutch Inspectorate of Justice and Security conducted an inspection visit on 21 November 2024 to the Application Centre Schiphol. According to the inspectorate, the increased pressure on the implementation of the border procedure resulted in challenges regarding legal assistance and the availability of interpreters.[1] A recent evaluation by the IND from 2023 found that, due to the short processing time of the border procedure, it is harder to schedule the extended asylum procedure (AA+ procedure) at the Schiphol location than at other locations. The AA+ procedure lasts 9 days and is used for asylum applications that require further investigation (See Q1). This means that this is 3 days longer than the regular procedure (AA procedure). Research has shown that it is more difficult to schedule this procedure at the Schiphol location since the border procedure is designed to be completed quickly.[2] Another challenge is that several Dutch courts have recently ruled that asylum applicants in the border procedure may not be detained in the Judicial Complex Schiphol (JCS), in which the Application Centre Schiphol is housed. They concluded that the border detention too closely resembles criminal detention, as asylum applicants are housed within a complex that also houses criminal detainees (even though the groups are separated). Although the Administrative Law Division of the Council of State has recently overturned these rulings in appeal cases, this remains a sensitive issue leading to judicial procedures.[3]</p> <p>[1] Letter of the Inspectorate of Justice and Security to the IND of 13 February 2025 regarding the inspection visit to the application centre Schiphol on 21 November 2024, https://www.inspectie-jenv.nl/toezichtgebieden/migratie/documenten/brieven/2025/02/25/brief-inspectiebezoek-aanmeldcentrum-schiphol-21-november-2024, last accessed on 7 April 2025.</p> <p>[2] IND, 'Evaluation changes asylum procedure', (March 2023), p. 29, https://ind.nl/nl/documenten/07-2024/rapport-evaluatie-wijzigingen-asielprocedure-maart-2023.pdf, last accessed on 7 April 2025.</p> <p>[3] Council of State, 'Administrative Law Division rules again that border detention at the Judicial Complex Schiphol is not unlawful', (News, 26 February 2025),</p>
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			<p>https://www.raadvanstate.nl/actueel/nieuws/februari/grensdetentie-schiphol-2/, last accessed on 7 April 2025.</p>
<p> EMN NCP Poland</p>		<p>Yes</p>	<p>1. Please explain the applicable process when a third-country national or stateless person applies for international protection at the external border of your country (in application of the article 43 of the APD or in application of national procedure).</p> <p>The border procedure has not been transposed into national law. At the external border, the Border Guard accepts the application and forwards it for further examination to the Head of the Office for Foreigners, who, pursuant to Article 39 of the Act of 13 June 2013 on granting protection to foreigners within the territory of the Republic of Poland, may also decide to examine the application under an accelerated procedure.</p> <p>2. From the moment the third-country national or stateless person applies for international protection in the framework of the border procedure applicable in your country, what are the legal processing times for registering and taking a decision on the application?</p> <p>N/A</p> <p>3. Which public authority is responsible for each step of the procedure related to the asylum procedure at the border (i.e. from making the application to the appeal)?</p>


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			<p>N/A</p> <p>4. When required, how do you apply the Dublin procedure for asylum applications at the border? Please explain (e.g. sovereignty clause, take charge / take back requests)</p> <p>As mentioned earlier, PL does not apply border procedure. If a TCN/ stateless person decides to lodge an application for international protection to the Border Guard, the application is forwarded within 48 hours of receiving it to the Head of the Office for Foreigners, which is the authority responsible for examining both the asylum case and possible Dublin conditions (for all types of Dublin procedure: sovereignty clause, take charge, take back).</p> <p>5. What is the legal basis of decisions made under your country's asylum border procedure (in application of Article 43 (1)(a), (b) or your national procedure) or both?</p> <p>N/A</p> <p>6. If the legal basis of the decision is based on Article 43(1)(b) (as per question 5), please explain the grounds you use according to Article 31, para 8 of the APD?</p> <p>N/A</p>
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			<p>7. Regarding examination procedure of such asylum cases under Art. 31 para 8 point j of APD, how do you deal with cases where there are indications in the file that the applicant applying for asylum at the border could pose a threat to public order? (e.g. law enforcement databases, security interviews)</p> <p>N/A</p> <p>8. How does your country deal with the special needs / vulnerabilities of asylum applicants in the framework of the border procedure?</p> <p>N/A</p> <p>9. What reception conditions are provided to the applicant during the asylum border procedure? Please explain how the system works.</p> <p>N/A</p> <p>10. What measures has your country implemented during the asylum procedure at the border to guarantee that the person stays at the disposal of the authorities (for example detention or restriction of movement)? Please explain.</p> <p>Although the asylum border procedure is not in place, in regular procedure of granting an international protection, an applicant may be subject to detention or alternative measures to detention pursuant to Article 87(1) and Article 88(1) of the Act on granting protection to foreigners within the territory of the Republic of</p>
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			<p>Poland.</p> <p>11. Please identify the main good practices related to the asylum border procedure in your country.</p> <p>N/A</p> <p>12. Please identify the main challenges related to the asylum border procedure in your country.</p> <p>N/A</p>
	<p>EMN NCP Portugal</p>	<p>Yes</p>	<p>1. Please explain the applicable process when a third-country national or stateless person applies for international protection at the external border of your country (in application of the article 43 of the APD or in application of national procedure).</p> <p>As soon as the third-country national requests international protection to the authority responsible for border control in Portugal – in this case to the Public Security Police (Polícia de Segurança Pública, PSP) –, the request is forwarded to the Agency for Integration, Migration and Asylum (AIMA) – the national authority responsible for registering and analysing the requests – which then registers and processes it.</p> <p>The asylum border procedure in Portugal is not only limited to the assessment of the admissibility of asylum applications made at the external border (article 33 of the APD), as it also entails an examination of the case done (article 31, number 8 of the APD).</p>

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			<p>AIMA has 7 working days to process these applications at the borders and to decide. The applicants have 4 calendar days to appeal to the courts, in case the decision is a negative one. From the moment the applicant requests asylum at the external borders, they remain at a temporary installation centre or at a space equivalent to a temporary installation centre. These are closed centres, as the border procedure is applicable to those to whom the entry into national territory was denied. The applicant can only remain detained in these centres for up to 60 calendar days.</p> <p>It is a mandatory procedure at Portugal's external borders, according to Article 23/1 of the Asylum Law. Whenever PSP receives an application for international protection, they check for special needs and vulnerabilities. In the case that it is considered that an applicant for international protection needs special guarantees, his/her entry into national territory is authorised, in which case the asylum procedure continues in national territory.</p> <p>2. From the moment the third-country national or stateless person applies for international protection in the framework of the border procedure applicable in your country, what are the legal processing times for registering and taking a decision on the application?</p> <p>As previously explained, PSP is the entity responsible for the border control in Portugal, so they receive the request for international protection at the border. As soon as they receive the request, they have 48 hours to forward it to AIMA (article 13/2 of the Portuguese Asylum Law). AIMA has, legally, 3 days to register the request (article 13/7 of the Portuguese Asylum Law). Then, accordingly to article 24/4 of the Portuguese Asylum Law, AIMA has 7 working days to decide.</p> <p>As there is such a short timeline to decide on the requests made at the border, in practice the processing times are shortened. So, in practice, the communication of the request by PSP to AIMA is done in a few hours, usually on the same day or the day after of the request by the applicant and then it is registered by AIMA as swiftly as possible, also usually on the same day.</p>
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3. Which public authority is responsible for each step of the procedure related to the asylum procedure at the border (i.e. from making the application to the appeal)?

As previously explained, PSP is the entity responsible for the border control in Portugal, so they receive the request for international protection at the border. AIMA is responsible for registering and analysing the requests.

If AIMA's decision is negative, applicants may appeal to the courts.

4. When required, how do you apply the Dublin procedure for asylum applications at the border? Please explain (e.g. sovereignty clause, take charge / take back requests)

The Dublin procedure is applicable at the border in the same way it is applied when the request is made on national territory.

5. What is the legal basis of decisions made under your country's asylum border procedure (in application of Article 43 (1)(a), (b) or your national procedure) or both?

This question was answered in the first question.

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6. If the legal basis of the decision is based on Article 43(1)(b) (as per question 5), please explain the grounds you use according to Article 31, para 8 of the APD?

Portugal uses all the grounds present in Article 31/8 of the APD, that were transposed into article 19 of the Portuguese Asylum Law.

7. Regarding examination procedure of such asylum cases under Art. 31 para 8 point j of APD, how do you deal with cases where there are indications in the file that the applicant applying for asylum at the border could pose a threat to public order? (e.g. law enforcement databases, security interviews)

Requests from applicants that could pose a threat to public order are examined not only through article 31/8 APD, but if the applicant is considered to have merit to benefit from international protection, through exclusion. In order to determine whether or not the applicant is a danger to public order, databases of the police authorities in Portugal are consulted and international databases are also checked. The application of this ground is made in accordance with the indications of the EUAA and the UNHCR.


8. How does your country deal with the special needs / vulnerabilities of asylum applicants in the framework of the border procedure?

This question was answered in the first question.

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			<p>9. What reception conditions are provided to the applicant during the asylum border procedure? Please explain how the system works.</p> <p>As previously explained, the applicants remain at a temporary installation centre or space equivalent to a temporary installation centre. These are closed centres. Families usually stay together and if there are minors, the border procedure is not applied to them, nor to vulnerable people, such as people with medical needs, pregnant women, etc.</p> <p>10. What measures has your country implemented during the asylum procedure at the border to guarantee that the person stays at the disposal of the authorities (for example detention or restriction of movement)? Please explain.</p> <p>This question was answered in the previous question.</p> <p>11. Please identify the main good practices related to the asylum border procedure in your country.</p> <p>The main good practices are the ones related to the identification of the situations of vulnerability of the</p>
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			<p>applicants and the non-application of the asylum border procedure in case of vulnerable people.</p> <p>12. Please identify the main challenges related to the asylum border procedure in your country.</p> <p>The mains challenges related to the asylum border procedure are related to the short timeframe for the decision and the delays in the appeal decision, which often means that the applicant has to leave the temporary installation centre before there is a final decision on his/her case and he/she may abscond.</p>
	<p>EMN NCP Slovakia</p>	<p>Yes</p>	<p>1. Please explain the applicable process when a third-country national or stateless person applies for international protection at the external border of your country (in application of the article 43 of the APD or in application of national procedure).</p> <p>The Slovak Republic currently does not apply the border procedure. It is planned to be introduced in relation to the implementation of the new Pact on Migration and Asylum.</p> <p>2. From the moment the third-country national or stateless person applies for international protection in the framework of the border procedure applicable in your country, what are the legal processing times for registering and taking a decision on the application?</p>


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			NA
			3. Which public authority is responsible for each step of the procedure related to the asylum procedure at the border (i.e. from making the application to the appeal)?
			NA
			4. When required, how do you apply the Dublin procedure for asylum applications at the border? Please explain (e.g. sovereignty clause, take charge / take back requests)
			NA
			5. What is the legal basis of decisions made under your country's asylum border procedure (in application of Article 43 (1)(a), (b) or your national procedure) or both?
			NA
			6. If the legal basis of the decision is based on Article 43(1)(b) (as per question 5), please explain the grounds you use according to Article 31, para 8 of the APD?

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			NA
			7. Regarding examination procedure of such asylum cases under Art. 31 para 8 point j of APD, how do you deal with cases where there are indications in the file that the applicant applying for asylum at the border could pose a threat to public order? (e.g. law enforcement databases, security interviews)
			NA
			8. How does your country deal with the special needs / vulnerabilities of asylum applicants in the framework of the border procedure?
			NA
			9. What reception conditions are provided to the applicant during the asylum border procedure? Please explain how the system works.
			NA
			10. What measures has your country implemented during the asylum procedure at the border to guarantee that the person stays at the disposal of the authorities (for example detention or restriction of movement)? Please explain.

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			<p>NA</p> <p>11. Please identify the main good practices related to the asylum border procedure in your country.</p> <p>NA</p> <p>12. Please identify the main challenges related to the asylum border procedure in your country.</p> <p>NA</p>
	<p>EMN NCP Slovenia</p>	<p>Yes</p>	<p>1. Please explain the applicable process when a third-country national or stateless person applies for international protection at the external border of your country (in application of the article 43 of the APD or in application of national procedure).</p> <p>Slovenia has transposed Article 43 of the APD into national legislation, but it is not implemented in practice.</p> <p>2. From the moment the third-country national or stateless person applies for international protection in the framework of the border procedure applicable in your country, what are the legal processing times for</p>


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			registering and taking a decision on the application? N/A
			3. Which public authority is responsible for each step of the procedure related to the asylum procedure at the border (i.e. from making the application to the appeal)? N/A
			4. When required, how do you apply the Dublin procedure for asylum applications at the border? Please explain (e.g. sovereignty clause, take charge / take back requests) N/A
			5. What is the legal basis of decisions made under your country's asylum border procedure (in application of Article 43 (1)(a), (b) or your national procedure) or both? N/A
			6. If the legal basis of the decision is based on Article 43(1)(b) (as per question 5), please explain the grounds you use according to Article 31, para 8 of the APD?

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			N/A
			7. Regarding examination procedure of such asylum cases under Art. 31 para 8 point j of APD, how do you deal with cases where there are indications in the file that the applicant applying for asylum at the border could pose a threat to public order? (e.g. law enforcement databases, security interviews)
			N/A
			8. How does your country deal with the special needs / vulnerabilities of asylum applicants in the framework of the border procedure?
			N/A
			9. What reception conditions are provided to the applicant during the asylum border procedure? Please explain how the system works.
			N/A
			10. What measures has your country implemented during the asylum procedure at the border to guarantee that the person stays at the disposal of the authorities (for example detention or restriction of movement)?

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			<p>Please explain.</p> <p>N/A</p> <p>11. Please identify the main good practices related to the asylum border procedure in your country.</p> <p>N/A</p> <p>12. Please identify the main challenges related to the asylum border procedure in your country.</p> <p>N/A</p>
	EMN NCP Spain	Yes	<p>1. Please explain the applicable process when a third-country national or stateless person applies for international protection at the external border of your country (in application of the article 43 of the APD or in application of national procedure).</p> <p>We apply a national procedure for such cases, compatible with the APD, regulated in article 21 of the Spanish Asylum Law 12/2009.</p> <p>It is an admissibility phase for asylum applications made at border crossing points. It lasts 8 days and allows for a quick and effective return (refusal of entry) in case of non-admission or a negative decision.</p> <p>This procedure is only applicable following an application made at an external border crossing point or in a</p>

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			<p>transit zone, the first of the cases included in the APR.</p> <p>Applications may be inadmissible if any of the circumstances set forth in Article 20 of the Asylum Law, which are consistent with those set out in the APD, are met.</p> <p>A negative decision may also be issued if, after an examination on the merits under Article 21(2) of the Asylum Law, one of the grounds is met, namely:</p> <ul style="list-style-type: none">• where the issues raised are not related to the examination of the requirements for the recognition of international or subsidiary protection.• where the applicant comes from a country that may be considered to be a safe country of origin, according to article 27 of the Directive 2005/85/CE, and of which the applicant holds the nationality or his or her habitual residence in case of being a stateless person.• where the applicant falls within one of the grounds for exclusion or refusal provided for in the Asylum Law.• where the applicant has made inconsistent, contradictory, implausible, insufficient allegations, or which contradict sufficiently substantiated information about his or her country of origin, or habitual residence if he or she is stateless, so as to show clearly that his or her claim is unfounded as regards a well-founded fear of being persecuted or of suffering serious harm. <p>A personal interview is carried out by police officers. Based on this first interview, case management officers from the Directorate General for International Protection examine the case and take a decision.</p> <p>All resolutions must be reasoned. In both cases, the decision must be notified to the applicant within four days from the lodging of the application.</p> <p>The time limit for lodging a request for re-examination of the decision at the administrative level is two days, whose decision shall be notified within a further two-day period. This decision is also subject to further administrative appeal and/or an appeal before the courts.</p> <p>The application will be admissible if the administration does not issue a decision within the stipulated timeframe for resolving the application or the request for re-examination.</p> <p>Once the person has lodged an application and during the time a decision of admissibility is issued, the applicant stays in a detention facility.</p> <p>The same procedural safeguards are provided as in the regular procedure (e.g. privacy and confidentiality during the personal interview). Interpreters are present during the personal interview (article 18 of the Asylum Law) and legal assistance is mandatory for applications lodged at the border and in detention</p>
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			<p>(article 16 of the Asylum Law). As in the regular procedure, free legal assistance is provided during the personal interview and on appeal.</p> <p>This same procedure is also applied to asylum applications made in migrant detention centers (CIE). Once the application is admitted, the applicant will receive the authorization to access the country. The rest of the asylum procedure will take place through an urgent procedure (3 months) in cases where the application has been lodged at a migrant detention center (CIE), and through the ordinary procedure (6 months) if the application has been lodged in a border post.</p> <p>2. From the moment the third-country national or stateless person applies for international protection in the framework of the border procedure applicable in your country, what are the legal processing times for registering and taking a decision on the application?</p> <p>There is no legal provision on the period between the making and the registration and formalization of the application, but the aim is to keep the period as short as possible.</p> <p>Since the lodging of the application, the deadlines are as indicated in the previous answer. In total, eight days from the lodging until the resolution of the re-examination request, in cases of inadmissibility or negative decision.</p> <p>3. Which public authority is responsible for each step of the procedure related to the asylum procedure at the border (i.e. from making the application to the appeal)?</p> <p>The National Police (Border Police) is responsible for receiving, registering and lodging applications, while the Minister of Interior is responsible for issuing a reasoned resolution on the application and on the request</p>
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			<p>for re-examination or appeal, if any, at the proposal of the Directorate General for International Protection.</p> <p>4. When required, how do you apply the Dublin procedure for asylum applications at the border? Please explain (e.g. sovereignty clause, take charge / take back requests)</p> <p>Applications with a Eurodac hit in another MS that could fall under the scope of Dublin are admissible and referred to the Dublin service of the Directorate General for International Protection to take charge or take back requests.</p> <p>5. What is the legal basis of decisions made under your country's asylum border procedure (in application of Article 43 (1)(a), (b) or your national procedure) or both?</p> <p>We apply article 21 of the Spanish Asylum Law, where grounds for inadmissibility are entirely in line with those set out in the APD. Grounds for refusal are partially in line with those of the APD.</p> <p>6. If the legal basis of the decision is based on Article 43(1)(b) (as per question 5), please explain the grounds you use according to Article 31, para 8 of the APD?</p> <p>Grounds on art. 38 (1) of the APD set out in letters c), d), f), g), h) and i) are not applicable.</p> <p>7. Regarding examination procedure of such asylum cases under Art. 31 para 8 point j of APD, how do you</p>
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			<p>deal with cases where there are indications in the file that the applicant applying for asylum at the border could pose a threat to public order? (e.g. law enforcement databases, security interviews)</p> <p>The National Police consult databases to check whether the applicant has a police or criminal record. They include this information in the file and notify the case to management officers of the Directorate General for International Protection for consideration. Once a decision has been made on the admissibility of the application, the Police are informed back for follow-up on the procedure.</p> <p>8. How does your country deal with the special needs / vulnerabilities of asylum applicants in the framework of the border procedure?</p> <p>There is a permanent special police unit to deal with trafficking cases in Madrid's airport. At all other border crossing points, they can go upon request.</p> <p>There is also a protocol of action for victims of trafficking that, in order to grant them their appropriate reception and protection, is activated after the lodging of their applications.</p> <p>In general, priority is given to applications from vulnerable people or those with special needs, so that they remain at the border crossing point for the shortest possible time. Medical reports and other information are requested for the most adequate examination of these applications.</p> <p>In the case of minors, the age determination procedure is carried out, so that those identified as minors are referred to the minors' protection service of the Autonomous Communities. From there, minors are under guardianship and can apply for international protection through the ordinary procedure.</p> <p>9. What reception conditions are provided to the applicant during the asylum border procedure? Please explain how the system works.</p>
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			<p>Applicants are accommodated in border facilities, provided with beds, toilets and showers and are offered meals.</p> <p>10. What measures has your country implemented during the asylum procedure at the border to guarantee that the person stays at the disposal of the authorities (for example detention or restriction of movement)? Please explain.</p> <p>They are deprived of freedom of movement until the procedure has ended.</p> <p>11. Please identify the main good practices related to the asylum border procedure in your country.</p> <p>Some of the most advantageous aspects of this procedure are its speed and its effectiveness in terms of return. In addition, the good functioning of the protocol of action for victims of trafficking should be emphasized, since it has improved the identification and protection of such cases. Permanent contact with the National Police and NGOs helps to obtain additional information that is very useful for a better examination of applications, especially in cases of vulnerable people.</p> <p>12. Please identify the main challenges related to the asylum border procedure in your country.</p> <p>The main challenges are:</p>
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			<ul style="list-style-type: none"> • Age determination when age minority is alleged. • Lack of proper interpretation services in minority languages. • Difficulties in providing applicants with proper accommodation facilities if there is a high influx of applicants.
	<p>EMN NCP Sweden</p>	<p>Yes</p>	<p>1. Please explain the applicable process when a third-country national or stateless person applies for international protection at the external border of your country (in application of the article 43 of the APD or in application of national procedure).</p> <p>The person will be referred to the Swedish Migration Agency who is responsible for handling the asylum application. For the time being Sweden does not have a border procedure related to asylum application in place.</p> <p>2. From the moment the third-country national or stateless person applies for international protection in the framework of the border procedure applicable in your country, what are the legal processing times for registering and taking a decision on the application?</p> <p>Since we do not have a specific border procedure in the asylum process, the time frames will be the same for all asylum applicants, no matter where the application is made.</p> <p>3. Which public authority is responsible for each step of the procedure related to the asylum procedure at</p>

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			<p>the border (i.e. from making the application to the appeal)?</p> <p>The Swedish Migration Agency is responsible for the asylum procedure. Generally speaking; if someone makes an application at the border, this will be done to the National Police Authority, since the Migration Agency does not operate in the border areas. The Police will then refer the applicant to the nearest Migration Agency office that processes asylum applications.</p> <p>4. When required, how do you apply the Dublin procedure for asylum applications at the border? Please explain (e.g. sovereignty clause, take charge / take back requests)</p> <p>As we do in the general asylum procedure, see above.</p> <p>5. What is the legal basis of decisions made under your country's asylum border procedure (in application of Article 43 (1)(a), (b) or your national procedure) or both?</p> <p>The legal basis is the same for all types of asylum applications.</p> <p>6. If the legal basis of the decision is based on Article 43(1)(b) (as per question 5), please explain the grounds you use according to Article 31, para 8 of the APD?</p> <p>See above.</p>
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7. Regarding examination procedure of such asylum cases under Art. 31 para 8 point j of APD, how do you deal with cases where there are indications in the file that the applicant applying for asylum at the border could pose a threat to public order? (e.g. law enforcement databases, security interviews)

In those cases the case worker will establish contact with either the Swedish Police or the Swedish Security Police who are responsible for matters related to public order and they will decide on these matters. However; the asylum application will still be processed by the Migration Agency, who is the sole responsible authority in this field. The case can, however, be dealt with as a security case within the asylum process.

8. How does your country deal with the special needs / vulnerabilities of asylum applicants in the framework of the border procedure?

Since there are no border procedure, those asylum applicants will be dealt with in the same manner as any other applicant. Special needs/or vulnerability will always be considered and there are thorough internal guidelines on these matters.

9. What reception conditions are provided to the applicant during the asylum border procedure? Please explain how the system works.

Since there are no border procedure, those asylum applicants will be dealt with in the same manner as any other applicant. When a person is in the asylum procedure he/she will be provided with housing, daily allowance etc throughout the process. There will be dedicated case workers who are responsible for making sure that everyday matters concerning the applicant will be taken care of.

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			<p>10. What measures has your country implemented during the asylum procedure at the border to guarantee that the person stays at the disposal of the authorities (for example detention or restriction of movement)? Please explain.</p> <p>The measures in order to mitigate the risk of asylum applicants absconding is the same for all applicants since there are no specific border procedure. In Sweden it is possible to use reporting and confiscation of travel documents and other identity documents as alternatives to detention.</p> <p>11. Please identify the main good practices related to the asylum border procedure in your country.</p> <p>N/A</p> <p>12. Please identify the main challenges related to the asylum border procedure in your country.</p> <p>N/A</p>
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