



AD HOC QUERY ON 2019.49 Processing times first instance asylum cases (Urgent AHQ)

Requested by EMN NCP Netherland on 8 April 2019

Responses from Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, United Kingdom plus Norway (25 in Total)

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1. Background information

In preparation of a parliamentary debate on asylum and migration which will take place on 18 April, the Netherlands would like to gather information on the information available in other Member States on processing times for first instance asylum cases. The information gathered will be used to inform the parliament on the issue, to assess the NL situation regarding processing times in comparison with the situation in other Member States. The replies from the Netherlands will be based on the information in the letter to Parliament which is being drafted at this time and will be added in IES as soon as possible.

2. Questions

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1. 1. Does your member state have publicly available recent (2018/2019) information on the average processing time of first instance asylum cases?

2. 2. If so, what is, according to the most recent data, the average processing time of first instance asylum cases in your Member State? Please also provide, if available, information on the definitions used to calculate processing times.

We would very much appreciate your responses by **15 April 2019**.

3. Responses

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		Wider Dissemination ²	
	EMN NCP Austria	Yes	<p>1. No, in Austria no such data is publicly available. However, according to the information on the website of the Federal Office for Immigration and Asylum from January 2019, the average processing time of asylum applications is currently less than three months (http://www.bfa.gv.at/presse/news/detail.aspx?nwid=72735962325769334A57773D&ctrl=796C386F347944696937796A68352F47503437326B513D3D&nwo=0).</p> <p>2. n/a</p>

¹ If possible at time of making the request, the Requesting EMN NCP should add their response(s) to the query. Otherwise, this should be done at the time of making the compilation.

² A default "Yes" is given for your response to be circulated further (e.g. to other EMN NCPs and their national network members). A "No" should be added here if you do not wish your response to be disseminated beyond other EMN NCPs. In case of "No" and wider dissemination beyond other EMN NCPs, then for the Compilation for Wider Dissemination the response should be removed and the following statement should be added in the relevant response box: "This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further."

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	<p>EMN NCP Belgium</p>	<p>Yes</p>	<p>1. In Belgium it is the competence of the Immigration Office to register the application for international protection and to determine which Member State is responsible to handle the application according to the Dublin procedures. Afterwards the file is transferred to the Office of the Commissioner for Refugees and Stateless Persons (CGRS) that will assess the application and provide a first instance decision. Consequently, the average processing time of two instances determines the processing time between the registering of the application and the first instance decision. In a reply provided to a Parliamentary question on the 20th of March 2019 the following answer was provided by the Minister for Asylum and Migration Policy: "It is true that the treatment period at the Immigration Office has risen sharply in the last two years. At the start of 2017, it took the Immigration Office an average of one to one and a half months to transfer the files to the CGRS. At the start of 2018, that period had already extended to more than two months and in the course of last year it continued to rise to more than three months. At the beginning of 2019, the average processing time at the Immigration Office peaked at more than four months or 132 days, three months longer than what should normally be the case. As regards the processing time at the level of the CGRS: the following reply was provided: "It takes almost a year for the CGRS to process an asylum application. Many files are dealt with within a shorter period of time, but the backlog caused by the high asylum intake in 2015 increases the average processing time." Source: Report of the Parliamentary Commission for Home Affairs, General Affairs and Public Service of 20 March 2019, reply by the Minister for Asylum and Migration Policy Mrs. Maggie De Block to a Parliamentary question from Mrs. Monica De Coninck (nr. 28849) http://www.dekamer.be/doc/CCRI/pdf/54/ic1062.pdf (page 11).</p> <p>2. There are several ways to calculate the average processing time: based on the year the application was lodged, based on the year the first instance decision was taken, including or excluding the backlog, and referring to the date the application was lodged versus the date the application was transferred to the CGRS. Currently the processing time at the level of the Immigration Office is about four months, normally about one month. The average processing time at the level of the CGRS is about one year counting from the date application was transferred from the Immigration Office to the CGRS. The processing time for many applications is much shorter, but the average increases due to decisions taken in applications lodged in years preceding 2018 (see reply to question 1).</p>
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	<p>EMN NCP Bulgaria</p>	<p>Yes</p>	<ol style="list-style-type: none"> 1. The average processing time of first instance asylum cases is from 2 to 4 months. 2. The application for international protection is registered with the State Agency for Refugees within three days of filing it. If the application is filed with another state authority, it is obliged to forward it immediately to SAR, which registers the alien within 6 days of its initial filing. Within a period of 4 months from the commencement of proceedings, the interviewing body makes an objective and impartial opinion, which together with the personal case is submitted to the chairman of the State Agency for Refugees for a decision. The chairman of the State Agency for Refugees shall take a decision within 6 months from initiating proceedings under the general procedure, granting or refusing to grant refugee status or humanitarian status (subsidiary protection) to the applicant. In complex factual and / or substantive matters, the Chairperson of the State Agency for Refugees may extend this period for a further 9 months, with the alien being informed of this personally or with a notice with a return receipt. The maximum period for pronouncing the application for international protection is 21 months from the date of filing.
	<p>EMN NCP Croatia</p>	<p>Yes</p>	<ol style="list-style-type: none"> 1. We do not keep record of information on the average processing time of first instance asylum cases. 2. Not applicable.
	<p>EMN NCP Cyprus</p>	<p>Yes</p>	<ol style="list-style-type: none"> 1. There are no published data on the average processing time of first instance asylum cases. 2. Due to the increased pressures on the CY asylum system, the average processing time at first instance has increased from 6 months to approximately one year. Of course, priority is provided to cases of vulnerable persons, including UAMs and applicants in detention.

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	<p>EMN NCP Czech Republic</p>	<p>Yes</p>	<p>1. The information is not public.</p> <p>2. In 2018 was the average time 8 months. To calculate the average time our analytics needs manually calculate the difference between the time when the application was launched and when it was closed. From these results they calculate the average time.</p>
	<p>EMN NCP Estonia</p>	<p>Yes</p>	<p>1. Although the information is not publicly available, according to Police and Border Guard Board information, they have capacity to provide such data.</p> <p>2. In 2018 an average processing time of first instance asylum cases (excl. resettlement cases) was 60 working days. Definition for counting is the average number of working days for all decisions made (from the day of submission of the application until the first instance decision) in 2018.</p>
	<p>EMN NCP Finland</p>	<p>Yes</p>	<p>1. Yes, please the response the Q.2.</p> <p>2. Average processing times for cases which received a first decision in 2018: 237 days; in 2019 (data for january): 173 days. Measured in the case handling system from registering the application(case initiation date) to the confirmation date of the first decision.</p>
	<p>EMN NCP France</p>	<p>Yes</p>	<p>1. The annual activity report of the French Office for the Protection of Refugees and Stateless Persons (OFPRA), the agency processing asylum applications in France, presents the main trends relating to asylum and asylum procedures in France, including the instruction process and the processing time. The last annual report published was for 2017.</p> <p>2. In 2018, the average first-instance processing time of asylum applications for normal procedure by the OFPRA was 112 days. This period encompasses the reception of the application, its evaluation, the interview</p>

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			with the asylum-seeker, the instruction process, and the decision. In order to reduce the overall processing time of asylum applications, the Law n°2018-778 of 10 September 2018 for a managed immigration, an effective right of asylum and a successful integration provides for several measures in order to reach a - 6 months delay (with the expected objective to reach a 2-month processing time with the OFPRA and a 4-month processing for appeal procedures with the French National Court for the Right of Asylum - CNDA).
	EMN NCP Germany	Yes	1. Public available are the figures from 01.January 2018 until 30. September 2018. The average processing time of first instance asylum cases has been 8 months in that period. For detailed information see attached document(only in German). 19_7552_antwort_erganzende_infos_zur_asylstatistik_iii_quartal_2018_schwerpunktfragen_asylverfahrensduer.pdf 2. see answer 1
	EMN NCP Hungary	Yes	1. No information on average processing time is available in Hungary. 2. N/A
	EMN NCP Ireland	Yes	1. Yes. Please see question 2. 2. Processing of new cases New applicants arriving today at the International Protection Office (IPO) who complete their questionnaire, are now being scheduled for interview as follows: • for prioritised applications, within 4 months of application; • for non-prioritised applications, within 8 to 10 months The IPO target is to issue its recommendation within 8 weeks after the interview, although this is dependent on the complexity of the relevant case

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	<p>EMN NCP Italy</p>	<p>Yes</p>	<p>1. No, there is no specific data publicly available on the average processing time of first instance asylum cases. The deadlines of asylum procedure are prescribed by Law 25/2008 (national implementation of the Procedure Directive). In particular, according to Italian law, the asylum application shall be submitted to the Police Headquarters (if the applicant is already in Italy) or at the Border Police (if he has just arrived). Those who have expressed their wish to apply for international protection at the border should register their application within 8 days. The Police, once receiving the claim, completes a model for the recognition of the refugee status, called "Model C3", within (max) 10 working days from the expression of the wish to seek protection. After this preliminary phase, on the basis of model C3, the Territorial Commission (competent administrative authority of first instance) shall convene the applicant for an interview, unless the informations contained in the Model C3 can be considered sufficient to warrant a negative decision (manifestly unfounded applications).- In the regular procedure, the interview should take place within 30 days from the submission of the application and then the competent Territorial Commission has to decide about asylum claim within 3 days. However, this may be extended, where necessary to ensure an adequate and complete examination of the application, to up to 18 months. Then, within 30 days from the notification of the negative administrative decision, the applicant has the right to appeal to the judge for the recognition of the international protection.-</p> <p>Accelerated procedures: in case an application was made in detention, the police (which manages detention centres), immediately transmits the documentation to the Territorial Commission for the Recognition of International Protection which arranges the personal interview within 7 days. The decision is then taken within the following 2 days. The Commission may extend the time limits where necessary to ensure an adequate and complete examination of the application, up to 6 months. The same accelerated procedure applies when the applicant has been stopped for avoiding or attempting to avoid border controls. In case of subsequent application, the competent Questura immediately transmits the relevant documentation to the Territorial Commission, which makes a decision within 5 days. When the application is made merely to delay or frustrate the adoption or the enforcement of an earlier expulsion or rejection at the border order or in case of clearly unfounded application, the time limits double: 14 days for call for interview and 4 days for the adoption of the decision. The Commission may extend the time limits where necessary to ensure an adequate and complete examination of the application, up to 18 months. Appeal: Applicants under the accelerated procedure have only 15 days to lodge an appeal. This appeal does not have suspensive effect.</p> <p>2. Although there is no specific data publicly available on the average processing time of first instance asylum cases, the National Commission for Asylum has published a Report on the activity of Territorial Commissions</p>
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			<p>(which can be consulted at this website: https://www.csm.it/documents/21768/121438/REPORT+MINISTERO+INTERNO+FINO+AL+28.12.2018/9837d48e-bd30-59c8-884b-37dd46662a12?version=1.0).According to data contained in it, during 2018 (until 28 December):-95.476 asylum applications have been decided (17,11% more than in 2017);- 53.500 asylum applications have been submitted (58,85% fewer then in 2017);- 98.369 applications were pending (33,48% less than in 2017)Among pending applications:- 52.420: awaiting for scheduling the date of convening for the interview;- 3.246: convocation awaiting for notification to the applicant;- 1.156: applicant not found for the notification;- 7.385: awaiting for Dublin decision;- 15.166: applicants who have been interviewed or awaiting to be heard- 18.996: other states of procedureThese data confirm the decrease of migration flow and, at the same time, the strengthening of the operational units of Territorial Commissions with the aim to accelerate the asylum procedure. Currently, 20 Territorial Commissions and 30 sub-offices were operational, but the law 132/2018 provides the possibility to extend the network of these sub-offices up to a maximum of 10.</p>
<p>==</p>	<p>EMN NCP Latvia</p>	<p>Yes</p>	<p>1. Latvia does not make publicly available information regarding average processing time of first instance asylum claim. Taking into account the number of asylum seekers in Latvia, an average processing time of first instance asylum case is ensured within 5 to 6 months from the application registration date. In rare situations the examination period is prolonged and takes the maximum period, which is fifteen months from the application registration date.* In addition it is worth to mention that processing time of first instance asylum case much depends on country of origing, justification of asylum claim and each case individual circumstances. *According to the Asylum Law the application in normal procedure shall be examined and a decision to grant refugee or subsidiary protection status or to refuse to grant it shall be taken within three months from the day when the personal interview with the asylum seeker was conducted, but not later than within six months after registering the application.The time period of six months can be extended for another nine months, if assessment of the application is related to complex factual or legal issues or applications have been simultaneously submitted by a large number of third country nationals or stateless persons and it is not possible to conform to the six month deadline. Accelerated procedure foresees that decision regarding international protection shall be taken within one month time period after the personal interview.</p> <p>2. N/A</p>

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	EMN NCP Lithuania	Yes	<p>1. Lithuania does not have publicly available information on the average processing time of first instance asylum cases.</p> <p>2. N/a</p>
	EMN NCP Luxembourg	Yes	<p>1. The information on the average processing time of first instance asylum cases is not systematically published. However, when appropriate, it is communicated on an ad hoc basis. For example, on 28 June 2018, in an answer to a parliamentary question, the government has made available the information that the average processing time of a first instance asylum case was 7,5 months for the year 2017. This information is available on the Chambre des Députés du Grand-Duché de Luxembourg. With regard to 2018, the information has been communicated to the press by the Minister of Immigration and Asylum. The average processing time for 2018 was 6,5 months. The data for 2019 is not yet available.</p> <p>2. See answer to question 1.</p>
	EMN NCP Malta	Yes	<p>1. Information on the average processing time of first instance asylum cases is not publicly available.</p> <p>2. N/A</p>
	EMN NCP Poland	Yes	<p>1. In general, the Office for Foreigners produces statistics and develops different reports on processing of asylum cases on a regular basis. Some statistics are available on website, some are regularly distributed to relevant public institutions and some of them, more specific, are available on special request.</p> <p>2. According to the most recent data delivered by the Office for Foreigners, the average processing time of first instance asylum cases in Poland in 2018 was 171 days and in 2019 it is 174 days. Calculation of processing time: the day when the applicant submits its application to the relevant authorities is considered as</p>

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			the first day of the asylum procedure. Officially, based on the Code of Administrative Procedure, first instance administrative proceedings ends when the decision issued by the Head of the Office for Foreigners is delivered to the applicant. However, for statistical purposes and internal use the last day of the procedure is the date when the decision has been issued.
	EMN NCP Portugal	Yes	<ol style="list-style-type: none"> 1. No 2. NA
	EMN NCP Slovakia	Yes	<ol style="list-style-type: none"> 1. Slovak Republic does not assess nor statistically records such data regarding the average processing time of the applications for asylum, thus there is no unified approach. Act on Asylum states the general period for issuing a decision to be 6 months with the possibility of prolongation for the maximum of 9 months. 2. N/A
	EMN NCP Slovenia	Yes	<ol style="list-style-type: none"> 1. Yes. 2. The number of resolved cases rose significantly in 2018 in comparison with previous years; more applications were resolved than filed. In 2018, over 80 per cent of all resolved applications (2,886) were suspended (60 per cent in 2016). Despite the fact that 95 per cent more applications were filed in 2018 than in 2017, the same number of cases was also processed. Due to a significant increase in the number of applications for international protection filed, the decision-making time also prolonged, meaning that procedures took approximately 200 days in 2018 (110 days in 2017). However, the decisionmaking time in all procedures in 2018 was reduced, and took 43 days on average.

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	EMN NCP Spain	Yes	<p>1. No institutional information is published by the Ministry of Home Affairs or the Spanish Asylum Office</p> <p>2. No information available</p>
	EMN NCP Sweden	Yes	<p>1. Yes they are available under "statistics" at the webpage of the Swedish Migration Agency: https://www.migrationsverket.se/English/About-the-Migration-Agency/Statistics/Asylum.html</p> <p>2. For the first three months of 2019 the average handling time is 301 Days. For March 2019 the average handling time is 309 Days. The time is counted from the day of the asylum application until the day the first instance decision is made by the Swedish Migration Agency.</p>
	EMN NCP United Kingdom	Yes	<p>1. The Home Office does not publish any statistics on the average time to process first instance asylum cases. However, we do publish statistics on pending cases, this tells you how many cases (at the end of the quarter) have been waiting for an initial decision for more /less than 6 months. This can be found in table as_01_q in our quarterly publication. https://www.gov.uk/government/statistics/immigration-statistics-year-ending-december-2018</p> <p>2. Please see Q1.</p>
	EMN NCP Norway	Yes	<p>1. Yes. See links below for website examples in English</p> <p>WAITING TIMES OVERVIEW https://www.udi.no/en/word-definitions/waitingtime/</p> <p>EXAMPLE for Syrian asylum seekers: Which group do you belong to?</p>

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			<p>Adults and families with children who have applied for protection (asylum)</p> <p>If you came to Norway in 2019 You will be informed about what will happen next in your case within 8 months after you applied for asylum. You will either</p> <ul style="list-style-type: none">· be notified that your application has been rejected or granted, or· be notified that it will take longer before you receive an answer. If you are informed that it will take longer, we cannot say exactly when you will receive an answer. <p>Updated information about waiting times will be provided in April 2019.</p> <p>Information about waiting time for you who came in 2019 in English (pdf, 121 kB)</p> <p>Information about waiting time for those of you who came in 2019 in Arabic (pdf, 254 kB)</p> <p>If you came to Norway in 2018 You will most likely receive an answer to your application sometime in 2019. If we need to carry out further investigations in your case, it may take longer.</p> <p>We regret that the waiting times are longer than previously announced. If you have to wait longer than others you know, this does not mean that anything is wrong with your application or that we have forgotten about you.</p> <p>Updated information about waiting times will be provided in April 2019.</p> <p>Information about waiting time for those of you who came in 2018 in English (pdf, 190 kB)</p> <p>Information about waiting time for you who came in 2018 in Arabic (pdf, 452 kB)</p>
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			<p>Waiting time - Norwegian Directorate of Immigration www.udi.no Expulsion decision. Most people will receive a decision within 10 months of the police or the UDI opening an expulsion case and sending an advance notice.. Applications for revocation of a prohibition on entry. EU/EEA nationals: Most people will receive an answer within 4 months of the UDI receiving the application.. Nationals of countries outside the EU/EEA area:</p> <p>WAITING TIME ASYLUM APPLICATIONS: https://www.udi.no/en/have-applied/protection-asylum/case-processing-times--when-will-you-receive-a-reply-to-your-application/</p> <p>WAITING TIME ALL APPLICATIONS: https://www.udi.no/en/have-applied/</p> <p>2. In Norway, the average case processing time for asylum cases in the first instance from day of application to the first decision was 238 days in 2018 and 257 days for January-March 2019.(Decisions according to utf § 8-8a - new case processing for certain groups of UM are not included)</p>
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