



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

**Requested by Hanna van der Linden on 8 April 2019**

**Compilation produced on 25 September 2019**

**Responses from Austria, Belgium, Estonia, Latvia, Lithuania plus Norway, Heiko HECHT (7 in Total)**

**Disclaimer:**

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

**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 <sup>2</sup>	
	EMN NCP Austria	Yes	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 ( <a href="http://www.bfa.gv.at/presse/news/detail.aspx?nwid=72735962325769334A57773D&amp;ctrl=796C386F347944696937796A68352F47503437326B513D3D&amp;nwo=0">http://www.bfa.gv.at/presse/news/detail.aspx?nwid=72735962325769334A57773D&amp;ctrl=796C386F347944696937796A68352F47503437326B513D3D&amp;nwo=0</a> ).

<sup>1</sup> 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.

<sup>2</sup> 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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			2. n/a
	EMN NCP Belgium	Yes	<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) <a href="http://www.dekamer.be/doc/CCRI/pdf/54/ic1062.pdf">http://www.dekamer.be/doc/CCRI/pdf/54/ic1062.pdf</a> (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</p>

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			question 1).
	EMN NCP Estoni a	Yes	<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>
	EMN NCP Latvia	Yes	<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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	<p>EMN NCP Lithuania</p>	<p>Yes</p>	<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>
	<p>EMN NCP Norway</p>	<p>Yes</p>	<p>1. Yes. See links below for website examples in English                  WAITING TIMES OVERVIEW <a href="https://www.udi.no/en/word-definitions/waitingtime/">https://www.udi.no/en/word-definitions/waitingtime/</a> EXAMPLE for Syrian asylum seekers: Which group do you belong to? Adults and families with children who have applied for protection (asylum) 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 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. Updated information about waiting times will be provided in April 2019. Information about waiting time for you who came in 2019 in English (pdf, 121 kB) Information about waiting time for those of you who came in 2019 in Arabic (pdf, 254 kB) 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. 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. Updated information about waiting times will be provided in April 2019. Information about waiting time for those of you who came in 2018 in English (pdf, 190 kB) Information about waiting time for you who came in 2018 in Arabic (pdf, 452 kB) Waiting time - Norwegian Directorate of Immigration <a href="http://www.udi.no">www.udi.no</a> 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: WAITING TIME ASYLUM APPLICATIONS: <a href="https://www.udi.no/en/have-applied/protection-asylum/case-processing-times--when-will-you-receive-a-reply-to-your-application/">https://www.udi.no/en/have-applied/protection-asylum/case-processing-times--when-will-you-receive-a-reply-to-your-application/</a> WAITING TIME ALL APPLICATIONS: <a href="https://www.udi.no/en/have-applied/">https://www.udi.no/en/have-applied/</a></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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	Heiko HECH T	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_asylverfahrensdauer.pdf  2. see answer 1

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