Practical Guides and Tools

euaa
EUROPEAN UNION
AGENCY FOR ASYLUM

Practical Guide on the Accelerated Examination Procedure

June 2026

EUROPEAN UNION AGENCY FOR ASYLUM

Practical Guide on the Accelerated Examination Procedure

June 2026

On 19 January 2022, the European Asylum Support Office (EASO) became the European Union Agency for Asylum (EUAA). All references to EASO and to EASO products and bodies should be understood as references to the EUAA.

Manuscript completed in May 2026

Neither the European Union Agency for Asylum (EUAA) nor any person acting on behalf of the EUAA is responsible for the use that might be made of the following information.

Luxembourg: Publications Office of the European Union, 2026

Print	ISBN 978-92-9418-553-2	doi:10.2847/3295499	BZ-01-26-046-EN-C
PDF	ISBN 978-92-9418-552-5	doi:10.2847/8690445	BZ-01-26-046-EN-N

© European Union Agency for Asylum (EUAA), 2026

Reproduction is authorised provided the source is acknowledged.

For any use or reproduction of elements that are not owned by the EUAA, permission may need to be sought directly from the respective rightholders. The EUAA does not own the copyright in relation to the following elements:

Cover page: #1785783978, sakchai vongsasiripat, © gettyimages 2026.

About the guide

Why was this guide created? The mission of the European Union Agency for Asylum (EUAA) is to facilitate and support the activities of EU Member States and Schengen associated countries ([1]) in the implementation of the Common European Asylum System. In accordance with its overall aim of promoting the correct and effective implementation of the system and of enabling convergence, the EUAA develops common operational standards and indicators, guidelines and practical tools.

How was this guide developed? This guide was created by experts from across the EU, with valuable input from the European Commission, the United Nations High Commissioner for Refugees and the European Council on Refugees and Exiles ([2]). The development was facilitated and coordinated by the EUAA. Before its finalisation, a consultation on the guide was carried out with all EU Member States plus Iceland, Liechtenstein, Norway and Switzerland through the EUAA Asylum Processes Network. We would like to extend our thanks to the members of the working group who contributed to the drafting of this guide: Stephen Hand, Daniel Kaspar, Dag Naundorf and Maria Stutzinsky.

Who should use this guide? This guide is primarily intended for asylum case officers, interviewers and decision-makers, and also policymakers in the national determining authorities. Additionally, this tool is useful for quality officers, legal advisers and any other person working or involved in the field of international protection in the EU context.

How does this guide relate to national legislation and practice? This is a soft convergence tool. It is not legally binding and reflects commonly agreed standards as adopted by the EUAA Management Board in June 2026.

How does this guide relate to other EUAA tools? The EUAA *Practical Guide on the Accelerated Examination Procedure* should be used in conjunction with other available practical guides and tools. All EUAA practical guides and tools are publicly available on the EUAA website: https://euaa.europa.eu/practical-tools-and-guides.

Disclaimer

This guide was prepared without prejudice to the principle that only the Court of Justice of the European Union can give an authoritative interpretation of EU law.

Following an initial period of implementation of the Pact, this document may require updating, as needed.

([1]) The 27 EU Member States and Iceland, Liechtenstein, Norway and Switzerland.

([2]) Note that the finalised guide does not necessarily reflect the positions of the United Nations High Commissioner for Refugees and the European Council on Refugees and Exiles.

Contents

List of abbreviations

Abbreviation	Definition
APR	**Asylum Procedure Regulation –** 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
CJEU	Court of Justice of the European Union
COI	country of origin information
ECtHR	European Court of Human Rights
EUAA	European Union Agency for Asylum
Eurodac	European Dactyloscopy
QR	**Qualification Regulation** – Regulation (EU) 2024/1347 of the European Parliament and of the Council of 14 May 2024 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted, amending Council Directive 2003/109/EC and repealing Directive 2011/95/EU of the European Parliament and of the Council
Return Directive	Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals
SOGIESC	sexual orientations, gender identities, gender expressions and sex characteristics
VIS	visa information system

Introduction

The accelerated examination procedure is one of the special procedures provided for in the Asylum Procedure Regulation (APR) ([3]). When one of ten grounds indicated in the exhaustive list of Article 42(1), first subparagraph, APR is met ([4]), and unless an exception or limitation applies, the accelerated procedure is mandatorily applied, and the application for international protection is swiftly examined on the merits within shorter time limits. The accelerated procedure entails a full and individual examination of the application, and it is governed by the same principles and procedural guarantees as the regular procedure.

This practical guide aims to provide guidance to national determining authorities in the application of the accelerated examination procedure. It addresses the applicable principles and guarantees, the identification and assessment of the grounds for the application of the accelerated examination procedure, the limitations and exceptions to its mandatory application, and the decisions made under the procedure. It also presents considerations on the efficiency and quality assurance of the examination process as well as the well-being of case officers.

This practical guide comprises five chapters.

Chapter 1 describes the general principles and guarantees that need to be respected in the application of the accelerated examination procedure. The shorter time limits for the examination and the need for a full and individual examination are also covered.

Chapter 2 focuses on the identification and assessment of each of the ten grounds that lead to the application of the accelerated examination procedure.

Chapter 3 discusses the issues that lead to limitations and exceptions in the mandatory application of the accelerated examination procedure, including in cases of applicants in need of special procedural guarantees and unaccompanied children.

Chapter 4 covers aspects relevant to the decisions made under the accelerated examination procedure. They include the fulfilment of the conditions for making a decision under the accelerated procedure and how this should be reflected in the content of the decision. It also addresses the impact of a decision made under the accelerated examination procedure rejecting the application for international protection.

Chapter 5 highlights elements regarding process efficiency, quality assurance as well as case officers' well-being specific to the application of the accelerated examination procedure.

([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 (OJ L, 2024/1348, 22.5.2024), http://data.europa.eu/eli/reg/2024/1348/oj.

([4]) Article 42(1), first subparagraph, points (a) to (j), APR.

1. General principles

The accelerated examination procedure is a special procedure provided for in Article 42 APR ([5]). It is designed to ensure a swift and full examination on the merits of the applications to which it applies, while fulfilling the same principles, safeguards and guarantees as in the regular examination procedure. The main differences with the regular examination procedure are: reduced maximum time limit for the conclusion of the examination (three months from the lodging), non-automatic suspensive effect of appeal, and shorter time limits to lodge an appeal (five to ten days from the notification of the decision).

1.1. Application of the accelerated examination procedure

The accelerated examination procedure applies only to applications made by applicants who have been authorised to enter the territory and for which the examination is conducted on the merits (see Section 1.4 for the main differences between the accelerated examination procedure and other procedures and processes, including the asylum border procedure).

An application for international protection must be examined under the accelerated examination procedure when at least one of the grounds listed in Article 42(1), first subparagraph, points (a) to (j), APR is met, unless a limitation or exception applies.

The list of **ten grounds** in Article 42(1), first subparagraph, points (a) to (j), APR is exhaustive. An application may not be examined in the accelerated examination procedure based on any other circumstance. The list covers applications that are less likely to be founded or that are presumed to have been submitted for purposes unrelated to a need for international protection, where there is a presumption that the examination may be swifter or that the applicant may pose a threat to national security or public order.

The determining authority also needs to consider whether there is any situation or reason for which the **accelerated examination procedure should not be applied**, even if the elements set by one or more of the ten grounds to apply it are met. Relevant situations are those where the examination involves too complex issues of fact or law ([6]) and cases where it is not possible to provide adequate support to applicants in need of special procedural guarantees within the framework of an accelerated examination procedure ([7]). In addition, for unaccompanied children, the APR provides that the mandatory accelerated examination procedure may be applied only in limited circumstances and in relation to a limited number of grounds ([8]).

([5]) See also recital 55 APR.
([6]) Article 42(2) APR.
([7]) Recital 20 APR and Article 21(2) APR.
([8]) Article 42(3) APR.

The grounds for applying the accelerated examination procedure are described in Chapter 2 and the limitations and exceptions to its application are found in Chapter 3.

The application of the accelerated examination procedure must be based on **clear and objective conditions**, ensuring that it is not used arbitrarily and is applied in a consistent manner. A ground for applying the accelerated examination procedure is relevant only when all its constitutive elements are present based on the specific circumstances of the individual case. The extent to which those elements need to be met depends on national practice. However, all elements of the relevant ground need to be fully met when making the decision in the accelerated examination procedure (see further in Section 4.1).

Applying the accelerated examination procedure is not an administrative decision on its own. Therefore, no specific or dedicated **remedy** is required when the accelerated procedure is applied ([9]). This is because the decision to apply the accelerated examination procedure is a preparatory measure leading to the decision on the merits of the application under the administrative procedure. However, an applicant must have the opportunity to challenge the reasons justifying the use of the accelerated examination procedure. This must be possible within the framework of the appeal against the administrative decision on the merits of the application (see further on the content of the decision on the merits in Section 4.1). This ensures that procedural efficiency does not come at the expense of the right to an effective remedy, a fundamental principle of EU law.

All pertinent information needs to be considered to apply or to stop applying the accelerated examination procedure.

The application of the accelerated examination procedure at the early stage of the administrative procedure highly depends on the **timely collection of information**, statements, documents or other elements. Depending on the envisaged ground for applying the accelerated procedure, information that allows to check whether the elements of that ground are present may be available and/or confirmed at different stages of the asylum procedure (e.g. during registration, lodging or the personal interview). The information may also become available through the interaction of national migration authorities with applicants on other occasions, such as screening where applicable. Information may also come from other national authorities or stakeholders (e.g. reception authorities, authorities of the departments of justice).

([9]) Judgment of the Court of Justice of 28 July 2011, *Brahim Samba Diouf* v *Ministre du Travail, de l'Emploi et de l'Immigration*, C-69/10, ECLI:EU:C:2011:524, paragraphs 45, 55, 58 and 61, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A62010CJ0069. Summary available in the EUAA Case Law Database, https://caselaw.euaa.europa.eu/pages/viewcaselaw.aspx?CaseLawID=709.

Related EU publications

For further guidance on the information collected at registration and lodging, see the EUAA, *Practical Guide on the Registration and Lodging of Applications for International Protection*, December 2025, https://www.euaa.europa.eu/publications/practical-guide-registration-lodging.

On the information collected during the screening process, you may refer to the Frontex and EUAA screening toolbox.

Case officers should be **attentive to any (new) information that**, when it arises, **may affect the application** of the accelerated examination procedure. This could include information indicating the presence of elements that may trigger the application of the accelerated examination procedure or, conversely, information that disproves such elements, potentially leading to the end of its application. Upcoming information could also reveal elements of a limitation or an exception that may warrant discontinuing the accelerated examination procedure. Processes and training should therefore be in place to raise the awareness of case officers and support them in processing relevant information when it arises, to apply and cease to apply the accelerated examination procedure when appropriate. This also favours consistency and efficiency.

When the accelerated examination procedure is discontinued, the examination continues in the **regular examination procedure**.

Where **several grounds** for applying the accelerated examination procedure are present in the same application, it is recommended to start applying the accelerated examination procedure based on the ground(s) for which there are stronger indications, in the individual case, that the elements will be fully met at the time of the decision, and those for which the elements are the most objective and least prone to change or challenge. If the elements of several grounds are met at the time when the decision is made, all grounds may be mentioned in the decision to reinforce the basis for applying the accelerated examination procedure to that individual application.

1.2. A swift and complete examination procedure on the merits

1.2.1. Deadline for making a decision after a complete examination

*The determining authority shall conclude the accelerated examination procedure as soon as possible and no later than **three months** from the date on which the application is lodged. ([10])*

Member States should consider that appropriate means must be allocated to the determining authority to ensure that it may carry out its tasks ([11]). This should include the allocation of sufficient competent personnel to effectively perform their tasks ([12]) and to conclude the examination of the applications within legal deadlines ([13]). To be able to fulfil their obligations, the staff of the determining authority should have the appropriate knowledge and should receive relevant training ([14]), including on the specificities of the accelerated examination procedure.

Considering that the same basic principles, safeguards and guarantees as in the regular procedure apply to the accelerated examination procedure, the efficiency of the procedure is paramount (on process efficiency, see Chapter 5).

If the determining authority could not conclude the examination under the accelerated examination procedure within the mandatory deadline, it should consider whether the delay in the decision-making process may be explained by the presence of issues of fact or law that are too complex to be examined under the accelerated examination procedure. In such a case, the determining authority should consider applying the regular procedure, if it has not already done so when those issues arose (see further on issues of fact or law that are too complex to be examined under an accelerated examination procedure in Section 3.3).

1.2.2. Decisions that may be made in the accelerated examination procedure

Applications examined under the accelerated examination procedure are examined **on the merits**, on the applicant's need for international protection. The determining authority will thus make a decision on whether the applicant qualifies as a refugee and, if not, on whether the applicant is eligible for subsidiary protection ([15]). When the applicant does not qualify

([10]) Article 35(3) APR.

([11]) Article 4(5) APR.

([12]) Article 4(8) APR and recitals 32 and 42 APR.

([13]) See some principles related to the sufficient allocation of staff to meet legal deadlines: Judgment of the Court of Justice of 8 May 2025, *Staatssecretaris van Justitie en Veiligheid v. X*, case C-662/23, ECLI:EU:C:2025:326, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62023CJ0662. Summary available in the EUAA Case Law Database, https://caselaw.euaa.europa.eu/pages/viewcaselaw.aspx?CaseLawID=5019

([14]) Article 4(8) APR and recitals 32 and 42 APR.

([15]) Article 39(2) APR.

for international protection based on the criteria set in the Qualification Regulation (QR) ([16]), the determining authority has to make the decision to reject the application as unfounded or manifestly unfounded ([17]). These principles are applicable to all applications examined on the merits.

Applications can also be declared **explicitly or implicitly withdrawn** ([18]) while being examined in the accelerated examination procedure. This may happen when relevant conditions are fulfilled while the examination is ongoing. In such cases, the examination of the application is not concluded with a decision on the merits. If the determining authority has already found that the applicant does not qualify for international protection, it may decide to either declare the application explicitly or implicitly withdrawn or make a decision on the merits rejecting the application as unfounded or manifestly unfounded.

1.3. A procedure that must respect all basic principles and guarantees

When the accelerated examination procedure applies to an application for international protection, the determining authority must carry out a complete and individual examination on the merits of that application that complies with all **basic principles and guarantees** within expedited timelines. The applicant must be given the opportunity to present their claim adequately. Swiftness, completeness and respect of all basic principles and guarantees must therefore go hand in hand ([19]). The principle of *non-refoulement* remains paramount ([20]).

Though the accelerated examination procedure has a shorter maximum time limit, the substance of the applicant's rights remains the same. The accelerated examination procedure must align with the general principles of fairness, non-discrimination and respect for fundamental rights, as set out in the relevant provisions of international law and EU law, including the EU Charter of Fundamental Rights ([21]). It must comply with the procedural guarantees enshrined in the APR and with relevant jurisprudence of the Court of Justice of the European Union (CJEU). The authorities must ensure quality of the decision-making in the

([16]) Regulation (EU) 2024/1347 of the European Parliament and of the Council of 14 May 2024 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted, amending Council Directive 2003/109/EC and repealing Directive 2011/95/EU of the European Parliament and of the Council (OJ L, 2024/1347, 22.5.2024), http://data.europa.eu/eli/reg/2024/1347/oj.

([17]) Article 39(3) and (4) APR.

([18]) Respectively, Articles 40 and 41 APR.

([19]) On the general principle that the use of accelerated examination procedure must not deprive applicants of the basic principles and guarantees laid down in EU asylum procedural law, see: Judgment on the Court of Justice of 31 January 2013, *H.I.D. and B.A.*, case C-175/11, paragraphs 74 and 75, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62011CJ0175. Summary available in the EUAA Case Law Database, https://caselaw.euaa.europa.eu/pages/viewcaselaw.aspx?CaseLawID=5636.

([20]) Article 21 QR.

([21]) European Union, Charter of Fundamental Rights of the European Union, 26 October 2012, 2012/C 326/02, https://eur-lex.europa.eu/eli/treaty/char_2012/oj.

accelerated examination procedure with the same standards as in the regular procedure ([22]). See further on the process efficiency and quality assurance, in sections 5.1 and 5.2.

Some basic principles and guarantees provided for in the QR and APR

- Principle of *non-refoulement* ([23])
- Right to remain during the administrative procedure ([24])
- Right to information ([25])
- Right to access information in the applicant's file ([26])
- Right to confidentiality ([27])
- Right to interpretation ([28])
- Right to a personal interview ([29])
- Right to an individual, objective and impartial examination ([30])
- Right to the identification of special needs and special procedural guarantees and the provision of necessary support arising from the need of special guarantees ([31])
- Primary consideration of the best interests of the child ([32])
- Right to receive free legal counselling upon request at all stages of the administrative procedure ([33])
- Right to free legal assistance and representation in the appeal procedure ([34])
- Right to communicate with the United Nations High Commissioner for Refugees ([35])

The implementation of the accelerated examination procedure may require national authorities to adopt a more proactive and diligent approach in ensuring that procedural safeguards are effectively guaranteed within the shorter time limits. Procedural arrangements may need to be adjusted to ensure applicants can effectively exercise their rights and fulfil their obligations. This necessitates, among other things, the following.

([22]) On the general principle that the use of accelerated examination procedure must not deprive applicants of the basic principles and guarantees laid down in EU asylum procedural law, see *H.I.D. and B.A.*, paragraphs 74 and 75, footnote 19.

([23]) Article 21 QR.

([24]) Article 10 APR.

([25]) Article 8(2) APR.

([26]) Article 8(5) APR.

([27]) Article 7 APR.

([28]) Article 8(3) APR.

([29]) Article 12 APR.

([30]) Article 34(2) APR.

([31]) Articles 20 and 21 APR.

([32]) Article 22 APR.

([33]) Articles 15, 16, 18 and 19 APR.

([34]) Articles 17, 18 and 19 APR.

([35]) Article 8(4) APR.

Effective information provision to the applicant, at the earliest possible stage, on the applicable procedure and timeline and on their rights and obligations.

When the determining authority decides to apply the accelerated examination procedure to an application, the applicant needs to be informed about the following:

- the fact that the accelerated examination procedure is applied to their case;
- the ground(s) based on which the accelerated examination procedure is applied,
- the relevant timelines and
- the consequences that would be applicable if a decision on their application were taken under the accelerated procedure.

There is, however, no obligation to inform the applicant of the underlying reasons for applying a ground before a decision is made on their application for international protection in the accelerated examination procedure (see further on the content of the decision on the merits in Section 4.1).

The way in which the information mentioned in the points above is provided to the applicant may be based on national law or practice.

Information should be provided in a manner that takes into account the need for special procedural guarantees, to ensure that it is accessible and understandable.

This right also encompasses the provision of information to the applicant on the change in the procedure, should the examination continue under the regular procedure ([36]).

Related EU publications

See further on the conditions and safeguards applicable to information provision in EUAA, *Practical Guide on Information Provision in the Asylum Procedure*, September 2026, https://www.euaa.europa.eu/publications/information-provision-asylum-procedure-practical-guide.

Timely access to free legal counselling during the administrative procedure.

This includes ensuring that applicants are aware of and can exercise their right to consult with a person entrusted with the provision of free legal counselling at all steps of the procedure to have the necessary knowledge and capacity to support their claim. Practical arrangements must ensure that this right can be exercised effectively. The shorter timeframes of the accelerated examination procedure may require providing enhanced support to applicants to enable them to effectively meet their obligations and exercise their rights.

([36]) See Article 42(2) APR which is a specific implementation of general principles of good administration.

Due to the specific time constraints that the accelerated examination procedure involves and the possible efficiency gains that this may bring, Member States may consider providing that legal counselling is made available to all applicants to whom the accelerated examination procedure applies, without the need for any explicit request. They may also provide that no request is needed for certain categories of applicants (e.g. for vulnerable applicants who may find it challenging to make a request) or that certain categories of staff may support them in making the request ([37]).

Legal counselling, particularly when provided before the lodging, can help applicants understand aspects of the procedure that may affect the application of the accelerated examination procedure. For example, legal counselling can help applicants to better understand which facts and circumstances of their own situation are relevant to the examination of their need for international protection and to present them at an early stage of the procedure, thus preventing the application of the respective ground for applying the accelerated examination procedure described in section 2.1 The issues raised are not relevant to international protection. Similarly, the early provision of legal counselling may allow applicants to understand the implications of submitting false information or documents and to avoid such behaviours, thus obviating the application of the ground described in section 2.3 The applicant has intentionally provided false information or has disposed of identity documents. Effective and timely legal counselling may therefore also allow the determining authority to not unnecessarily apply the accelerated examination procedure to cases for which the ground could easily be disproved or obviated.

Legal counselling should also include the provision of relevant information and explanations on the ground(s) on which the accelerated examination procedure is applied to allow the applicant to identify appropriate steps to take.

Related EU publications

EUAA, *Practical Guide on Free Legal Counselling: Organisation of the provision of free legal counselling*, October 2025, https://euaa.europa.eu/publications/practical-guide-free-legal-counselling.

Putting in place processes that uphold all basic principles and guarantees supports the **timely conclusion** of the examination under the accelerated examination procedure. It also reduces the risk and/or the need for the applicant to present further representations and new elements at a later stage in the procedure or in the context of a subsequent application while they could have presented them earlier.

([37]) See further on the provision of free legal counselling upon request Section 3.2 in EUAA, *Practical Guide on Free Legal Counselling: Organisation of the Provision of Free Legal Counselling*, October 2025, https://euaa.europa.eu/publications/practical-guide-free-legal-counselling.

To ensure that the determining authority has all relevant elements at its disposal for the examination, the following conditions are pivotal.

- The applicant understands what is expected of them in terms of cooperation and how to exercise their rights within the shorter timeline for the examination.
- Procedural steps are organised in such a way that they provide the applicant with a reasonable amount of time to exercise their rights and comply with their obligations ([38]).
- Measures are put in place to ensure that applicants can disclose with confidence sensitive information (e.g. applicants with diverse sexual orientations, gender identities, gender expressions and sex characteristics (SOGIESC); victims of torture or of trafficking in human beings; victims of gender-based violence).

1.4. Comparison with other procedures and procedural modalities

In addition to the accelerated examination procedure, there are other procedures or procedural modalities in which applications for international protection may be processed in a swift(er) way compared to the regular procedure. These include the asylum border procedure and the inadmissibility examination. In addition, prioritisation is a modality that can be used to frontload the examination of given categories of cases.

While some circumstances in which these swift procedures and modalities apply can overlap with the grounds for applying the accelerated procedure, the procedural frameworks and consequences are attached to the procedure that is applied to the case.

Asylum border procedure. The asylum border procedure is also a swift procedure. It must be concluded within '12 weeks from when the application is registered until the applicant no longer has a right to remain and is not allowed to remain' ([39]) (or 16 weeks if the application concerns an applicant for international protection being relocated under the solidarity mechanism).

The grounds listed in Article 42(1), first subparagraph, APR, except for points (h) and (i), are relevant to the application of the asylum border procedure if the application is made at an external border, following disembarkation after a search and rescue operation or following relocation, by an applicant who does not fulfil the conditions to enter the territory and has

([38]) See *H.I.D. and B.A.*, paragraph 75, footnote 19. Paragraph 75 of the judgment may apply *mutatis mutandis* to the organisation of the accelerated examination procedure in the context of the APR as it enounces a general principle of good administration and non-discrimination. With regard to the appeal procedure, see also Judgment of the European Court of Human Rights (ECtHR) of 20 December 2022 (final on 22 May 2023), *S.H. v. Malta*, Application no. 37241/21, ECLI:CE:ECHR:2022:1220JUD003724121, paragraph 89, https://hudoc.echr.coe.int/fre?i=001-221838. Summary available in the EUAA Case Law Database, https://caselaw.euaa.europa.eu/pages/viewcaselaw.aspx?CaseLawID=2600.

([39]) Article 51(2) APR.

not been authorised to enter the territory of the Member State. The content of the relevant grounds is the same for both the accelerated examination procedure and the asylum border procedure (see Chapter 2 for more information). Specific procedural rules apply to each of the two procedures.

Related EU publications

For further information on the specificities of the asylum border procedure, see EUAA, *Practical Guide on the Asylum Border Procedure,* March 2026, https://www.euaa.europa.eu/publications/practical-guide-asylum-border-procedure.

Admissibility examination. It is a swift examination with restricted timeframes for completion. The examination of the admissibility of an application must be conducted within two months from the date of the lodging (or within 10 working days if the ground for examining inadmissibility is that the applicant was issued with a return decision and made their application only after seven working days from the date they received the return decision) ([40]). It is focused on and limited to examining the admissibility of the application ([41]).

Prioritisation of the examination. It is not a different procedure but rather a modality to process cases within any type of asylum procedure or examination (regular, accelerated, border, admissibility). Authorities can use this modality to efficiently manage their caseload. It entails prioritising the examination of some applications over others lodged earlier ([42]), thus shortening the overall duration of the procedure in certain cases.

Prioritisation does not determine a specific timeframe for the examination or specific procedural consequences. The time limits and procedural rules to be applied are those of the procedure or examination under which the application is processed (regular, border, accelerated, admissibility) ([43]). For example, if prioritisation is used for cases to which the accelerated examination procedure is applied, the applicable time limits and procedural rules are those attached to the accelerated examination procedure.

The APR provides a non-exhaustive list of grounds based on which Member States may prioritise applications. National authorities have the discretion to determine whether to prioritise the examination of an application and which prioritisation grounds to apply ([44]). Member States should, however, prioritise the examination of applications of children and their families when their application is examined in the asylum border procedure ([45]).

([40]) Article 35(1) APR.
([41]) Article 38 APR.
([42]) Article 34(5) and recital 44 APR.
([43]) Recital 44 APR.
([44]) Article 34(5) APR.
([45]) Article 44(3) APR and recital 44 APR.

2. Grounds for applying the accelerated examination procedure

A clear and common understanding of both the grounds for applying the accelerated examination procedure and the limitations and exceptions to its use strengthens the efficiency and fairness of the asylum process. It enables authorities to correctly channel applications, streamline workflows and allocate sufficient means to the various procedures efficiently. It also promotes consistency by ensuring that all officers rely on the same criteria; it supports applicants and legal representatives by clarifying when and why acceleration may occur, and ensures full compliance with legal obligations and safeguards.

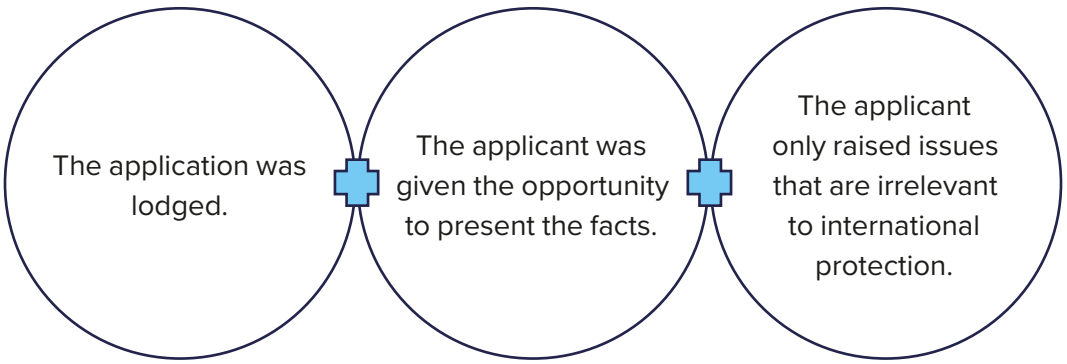
This chapter examines each of the ten grounds listed in Article 42(1), first subparagraph, points (a) to (j), APR, addressing them in the same order as in the APR. For user-friendliness, the titles of the sections do not quote the related legal provision in full. They include significant components of the grounds so that they can be easily recognised. A legal reference box opens each section, quoting in full the ground that is addressed in that section.

2.1. The issues raised are not relevant to international protection

Article 42(1), first subparagraph, point (a), APR

(a) the applicant, in lodging 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 in accordance with Regulation (EU) 2024/1347;

This ground applies where none of the matters, elements, circumstances or facts presented by the applicant relate to any of the criteria for qualifying for refugee status or subsidiary protection under the QR.



It relates to the relevance of the issues presented by the applicant to the eligibility criteria for refugee status and subsidiary protection. It does not relate to the credibility of the elements presented by the applicant.

In order to apply the accelerated examination procedure under this ground, all the following elements must be present.

1. **The applicant did not claim any circumstance or fact possibly leading to a risk amounting to persecution for any of the five reasons for persecution** (i.e. race, religion, nationality, political opinion and membership of a particular social group).

   and

2. **The applicant did not claim any circumstance or fact possibly leading to a risk amounting to serious harm** (i.e. death penalty or execution, torture or inhuman or degrading treatment or punishment in the country of origin, or a serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict).

The key element of this ground is therefore quite straightforward: only when none of the issues presented by the applicant is relevant for qualifying for international protection, can the case be examined under the accelerated examination procedure. This occurs where the applicant did not put forward any element or circumstance relevant to a fact that might be considered material in view of the examination for international protection.

Conversely, if any of the issues raised by the applicant may be relevant to international protection, even if their credibility is doubtful or not yet established, this ground cannot apply.

This means that the determining authority should have enough information to determine the relevance of the issues raised by the applicant. Therefore, the applicant must first be enabled to present relevant elements and facts in substantiation of their application (present the facts).

The main reasons for applying for international protection should become known to the asylum authorities at the time of lodging the application or shortly after that. Upon lodging their application, applicants are required to submit as soon as possible all the elements and documents at their disposal to substantiate their application ([46]). However, when the application is made, registered and lodged at the same time, the applicant must be allowed to present facts and reasons during the personal interview. In such cases, sufficient indications to apply this ground for acceleration would emerge only at that stage ([47]).

Depending on the national context, the facts in substantiation of an application may be presented, besides at lodging, soon after it or in the following stages of the examination, in particular at the personal interview.

([46]) Article 28(6) APR.

([47]) Article 28(7) APR.

The earlier in the procedure the applicant is given the opportunity to present the facts that are at the core of their application for international protection, the earlier it can be determined whether this ground applies.

Timely and effective information provision is needed to ensure that the applicant is aware of the importance of presenting relevant issues in their application. Through legal counselling the applicant may be supported to understand what is relevant to international protection. Where legal counselling is provided prior to the lodging of the application, whether at the applicant's request or *ex officio*, it necessarily encompasses assistance with the lodging itself. This implies that the legal counsellor should support the applicant in identifying elements relevant to the examination of a need for international protection, thereby enabling the applicant to better understand which issues are relevant to present. On information provision and legal counselling for the application of the accelerated examination procedure, see also Section 1.3).

Depending on the circumstances of the individual case, the issues would not be relevant to the examination of international protection when, for example, the applicant has clearly only presented facts relevant to socioeconomic matters, whose reasons have been clarified with the applicant and do not relate to any reason for persecution or serious harm (e.g. challenging circumstances to find a remunerated occupation in the country of origin merely because of the conditions of the labour market, prompting the applicant to look for a better future).

Related EU publications

On the eligibility criteria for international protection, see EUAA, *Practical Guide on Qualification for International Protection*, June 2026, https://www.euaa.europa.eu/publications/qualification-international-protection-practical-guide.

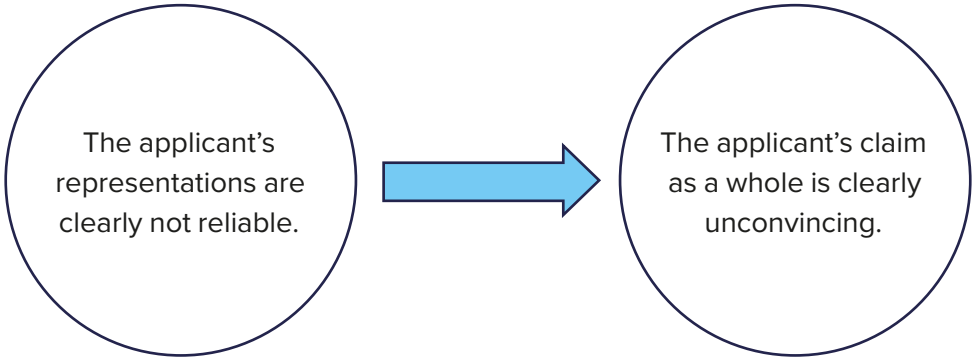
For guidance on the correct identification of material facts, including on the care to be exercised when determining that a fact is not material, see Section 1.2.1 in EUAA, *Practical Guide on Evidence and Risk Assessment*, January 2024, https://euaa.europa.eu/publications/practical-guide-evidence-and-risk-assessment.

2.2. The applicant's claim is clearly unconvincing

Article 42(1), first subparagraph, point (b), APR

(b) the applicant has made clearly inconsistent or contradictory or clearly false or obviously improbable representations or representations which contradict relevant and available country of origin information, thus making his or her claim clearly unconvincing as to whether he or she qualifies as a beneficiary of international protection in accordance with Regulation (EU) 2024/1347;

Two cumulative elements must be present to apply the accelerated examination procedure under this ground.



1. **There are indications that the applicant's representation(s)are clearly unreliable.** In particular, the representations on (one or more) relevant facts at the basis of the application either:

   - are clearly inconsistent or contradictory; or
   - are clearly false or obviously improbable; or
   - contradict available and relevant country of origin information (COI).

   The unreliable representations must concern the material facts of the claim, and not peripheral aspects (e.g. the applicant's itinerary).

   When assessing whether this element of the ground is present, the determining authority must provide the applicant with an opportunity to clarify and present their reasons for providing representation(s) that appear(s) unreliable. If the applicant submits reasonable explanations, then this element is not present. The determining authority must take into account the applicant's age, capacities and any other possible relevant factor of distortion. These include individual and contextual circumstances that may affect the extent to which an applicant is able to fulfil their obligations to substantiate their application, including factors that may affect the applicant's ability to recall or articulate relevant facts or their ability to cope with the interview situation or the asylum procedure. For example, if the applicant states that the contradictions in their statements at previous stages of the procedure are due to the fact that they were being trafficked and they feared the reaction of their traffickers should they reveal the truth to the asylum authorities, this could be considered, depending on the circumstances, as a reasonable explanation.

2. **The unreliable representation(s) make the application for international protection as a whole clearly unsubstantiated.**

   For this element to be present, it is necessary for the unreliable representation to make a claim that is clearly unconvincing as a whole.

Related EU publications

EUAA, *Practical Guide on Evidence and Risk Assessment*, January 2024, https://euaa.europa.eu/publications/practical-guide-evidence-and-risk-assessment.

- For information on the identification of the material facts of the claim as opposed to non-material facts, see Section 1.2.1.
- For information on factors of distortion, see Section 2.3.

2.3. The applicant has intentionally provided false information or has disposed of identity documents

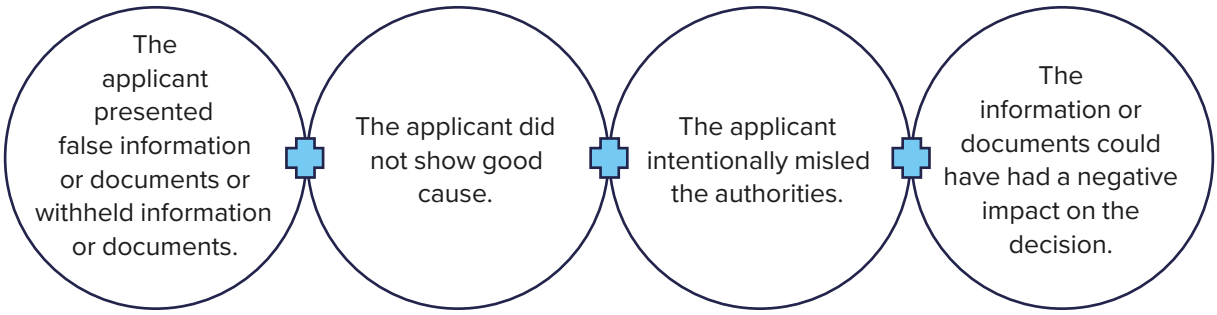
Article 42(1), first subparagraph, point (c), APR

(c) the applicant, after having been provided with the full opportunity to show good cause, is considered to have intentionally misled the authorities by presenting false information or documents or by withholding relevant information or documents, particularly with respect to his or her identity or nationality, that could have had a negative impact on the decision or there are clear grounds to consider that the applicant has, in bad faith, destroyed or disposed of an identity or travel document in order to prevent the establishment of his or her identity or nationality;

This ground covers two possible situations.

The first situation is where the applicant, after being given the opportunity to show good cause, is considered to have intentionally misled the authorities by presenting false information or documents or by withholding relevant information or documents – particularly with respect to their identity or nationality – where the information or documents could have had a negative impact on the decision.

Four cumulative elements need to be present for this ground to be relevant.



1. **The applicant presented false information or documents or withheld information or documents.**

   There are two possible situations falling under this element.

   (a) The determining authority has sufficient indications that the document or information provided by the applicant is false.

   The information provided by the applicant should therefore be clearly disproved by a fact or other objective and verified information available to the authority.

   The document should be carefully checked by the authority to verify its authenticity before coming to the conclusion that it is false. Verification is frequently done against relevant databases. The use of relevant COI assists to identify the form and content of a specific kind of document in the applicant's country or region of origin ([48]). Or,

   (b) The determining authority has sufficient indications that the applicant kept some information or documents from it. In this case, the authority needs to have sufficient, objective indications that the applicant is aware of the information, or that a document exists and is in the applicant's possession. This means that the applicant could have submitted the information or document (at the moment when the submission would have been relevant) but did not do so.

   The authority can consider that this element is present where the false or withheld information or document would be useful to establish the applicant's identity or nationality, or relate to other material elements of the applicant's claim.

   Below are some examples of possible indications that the applicant may have provided false information or documents, or withheld information or documents. It is important to note that these indications would not alone and directly point at the existence of this ground. The determination on whether the applicant provided false information or documents or withheld information or documents can only be made if, after being given the opportunity to do so, the applicant has not provided reasonable explanations ([49]).

   - The applicant refuses to provide their fingerprints (on the relation between the accelerated examination procedure and decisions of implicit withdrawal, see Section 1.4).
   - The applicant declared personal information (name, age, etc.) at screening or registration but the authorities find contradicting and verified information on the applicant's personal data in available databases.

([48]) For more information on the authentication of documents, see Section 2.1.2 in EUAA, *Practical Guide on Evidence and Risk Assessment*, January 2024, https://euaa.europa.eu/publications/practical-guide-evidence-and-risk-assessment.

([49]) See also recital 75 APR: 'As long as an applicant can show good cause, the lack of documents on entry or the use of forged documents should not per se entail an automatic recourse to an accelerated examination procedure …'.

- The applicant states to the asylum authorities that they have no identity or travel document but are subsequently stopped at a police check and they actually have an identity or travel document on them.
- The applicant has no original or copy of an identity or travel document but, based on their circumstances, they could be expected to have one (e.g. if they state that they entered the country through an official border point).
- The applicant presents a passport that is missing some pages where entry/exit stamps might have been present (e.g. possibly to prevent authorities from knowing travel routes or previous countries of residence).

2. The applicant does not show good cause.

The applicant must be given full opportunity to explain their reasons for presenting false information or documents or for failing to submit information or documents in their possession. This means that the authorities should ensure that the applicant is:

- informed, in a language and in a manner they understand, of their rights and obligations during the procedure;
- informed of the potential consequences of non-compliance or of misleading the authorities;
- given an effective opportunity to explain the reasons behind any discrepancies or omissions or the submission of false documents.

Legal counselling can support the applicant to understand the scope of their obligation to provide all elements substantiating their application as well as the guarantees that apply to them, including confidentiality. It can also be the opportunity to clarify any doubts the applicant might have on the consequences of presenting documents they know to have been forged (on information provision and legal counselling for the application of the accelerated examination procedure, see also Section 1.3).

> *As long as an applicant can show good cause, the lack of documents on entry or the use of forged documents should not per se entail an automatic recourse to an accelerated examination procedure [...]* ([50]).

The determining authority will need to assess if the explanation provided by the applicant can be considered reasonable and valid. This could be the case, for example, when the applicant failed to present their passport and, following information provision on confidentiality and the importance of providing all information at their disposal, they explain that the document is forcibly being held by someone (e.g. their trafficker). Another example is when the applicant submitted a document while declaring that it is false and that they obtained it only to be able to travel out of their country.

([50]) Recital 75 APR.

It is not, therefore, the use of false documentation alone that can trigger the application of the accelerated examination procedure, but the contextual lack of reasonable explanation or insistence that the forged document is surely genuine despite being presented with objective evidence pointing to the contrary.

Persons fleeing persecution or serious harm can be compelled to use false documents to leave their country of origin and/or gain admittance to transit countries and avoid deportation.

The determining authority should also consider possible factors of distortion that may affect the applicant. For information on factors of distortion, see Section 2.3 in EUAA, *Practical Guide on Evidence and Risk Assessment*, January 2024, https://euaa.europa.eu/publications/practical-guide-evidence-and-risk-assessment.

3. **The authorities consider that the applicant has intentionally misled them.**

An applicant may be considered to have intentionally misled the authorities if they provided false information or documentation or withheld relevant facts or documents with the aim of influencing the outcome of the asylum procedure. If false documents or information were provided, the applicant must have been (or reasonably believed to be) aware that they were false.

The intent to mislead cannot be presumed. It must clearly emerge from the applicant's actions or omissions, particularly in relation to their duty to cooperate and their obligation to provide information and documents ([51]), including their duty to explain why they are not in possession of identity documents. In order for this element to be present, therefore, the determining authority needs to have sufficient indications that the applicant was aware that the false information or document or the omission would influence the decision.

4. **The information or document(s) could have (had) a negative impact on the decision.**

The determining authority must have sufficient indications that the information or the content of the document is of such significance that it can affect the decision negatively.

The information or documents should relate to material facts or key elements of the applicant's claim, such as identity, nationality or other facts and circumstances underlying the reasons for seeking international protection.

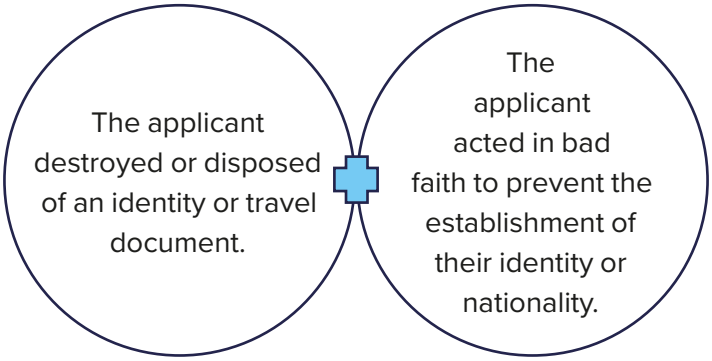
Relevant questions that authorities can consider when establishing if this element is present are, for example:

- whether the misleading information relates to a core element of the claim (e.g. identity, reason for persecution);
- whether the omission or falsehood may affect the credibility assessment or the eligibility for protection.

([51]) See Article 9 APR.

The second situation is where there are clear grounds to consider that the applicant has, in bad faith, destroyed or disposed of an identity or travel document in order to prevent the establishment of their identity or nationality.

Two cumulative elements need to be present for this ground to be relevant.



1. **The applicant destroyed or disposed of an identity or travel document.**

   In order to qualify as 'identity document', a national or international document must be issued by a public authority for the purpose of establishing or attesting the identity of a person. This does not include documents that may provide indications of the identity but that do not aim at establishing it, such as driving licenses, student cards, employment attestations, election cards, marriage certificates or procedural acts (e.g. arrest warrants, search warrants, indictments).

   The determining authority should have sufficient indications that the applicant previously possessed a document proving their identity or a travel document (e.g. passport, identity card). It should also have indications that the applicant has disposed of such document. The applicant should be given the opportunity to provide clarifications on the absence or whereabouts of such documents, and the circumstances in which they were lost or destroyed.

   The mere lack of an identity or travel document should not per se be considered an indication that the applicant disposed of them ([52]). The key consideration is whether credible and coherent explanations are provided for the lack of identity and travel documents. Additionally, this ground becomes relevant only where the applicant destroyed or disposed of the document(s) themself. Situations where the document was taken by others (e.g. smugglers or traffickers) or was lost, do not fall under this element and ground. See also the point below.

2. **The applicant acted in bad faith in order to prevent the establishment of their identity or nationality.**

   The destruction or disposal of documents must be intentional and aimed at frustrating the proper assessment of identity or nationality. The determining authority must therefore have sufficient indications to determine that the applicant acted in a voluntary

([52]) Recital 75 APR.

and deceitful manner and with the specific objective of preventing the authorities from establishing their nationality or identity.

Bad faith must be established on the basis of objective indicators and cannot be presumed simply due to the absence of documents. If the applicant had other motives to dispose of or destroy their documents, then this element would not be present and would not constitute a basis for applying the accelerated examination procedure. An example of a reasonable explanation and situation where the applicant did not destroy the document to prevent the Member State from establishing their identity or nationality, can be when the applicant disposed of an identity document during their flight, for example in a transit country, for fear of being (easily) deported back to their country of origin.

When assessing the reasonableness of the applicant's explanation, the authority should consider the applicant's overall circumstances, including journey, personal background and explanations offered, before drawing any conclusion.

The applicant should therefore be given a meaningful opportunity to explain their reasons for not presenting or for disposing of identity or travel documents. They should also receive the information necessary for them to feel safe to disclose if and why they disposed of or destroyed their identity or travel documents. In particular, they should be informed and reassured of their rights and of the respect of confidentiality.

When assessing the presence of the elements constituting the two situations described above, the following actions can be helpful.

- Ask the applicant targeted questions regarding:
  - the previous existence of documents;
  - the circumstances that led to their absence;
  - whether any copies, photos, or secondary evidence exist.
- Analyse the documents submitted by the applicant, also to verify their authenticity. This can be done by specialised services/units in the authorities in charge of the various steps of the asylum procedure or by registration or case officers. In any case, it is important to note that, depending on the strength and efficiency of the administrative structures of the country of origin, documents may not be issued following consistent processes or always be in the same or harmonised format ([53]). Formats, processes and content may differ depending on the locality, particularly in de-centralised administrations or weak, centralised ones.
- Document in the case file any admissions, contradictions or evasiveness in interviews concerning documents and statements regarding identity, nationality and other key matters relevant to the decision.

([53]) For more information on the authentication of documents, see Section 2.1.2 in EUAA, *Practical Guide on Evidence and Risk Assessment*, January 2024, https://euaa.europa.eu/publications/practical-guide-evidence-and-risk-assessment.

- Ensure that due consideration is given to possible factors of distortion before applying the accelerated examination procedure based on this ground, especially in the cases of vulnerable applicants or children. Always consider possible factors of distortion, including those that may affect the applicant's understanding of the procedure, of their obligations and the consequences of their actions/omissions, or of the factors that may generate fear and mistrust.
- Note that, where an applicant claims that documents were seized or lost during transit or due to smugglers or traffickers, the credibility of such claims must be assessed individually in the context of the applicant's narrative.
- Remember that the identity or travel documents of victims of trafficking in human beings are often kept by their traffickers. These applicants are often unable to provide an explanation regarding their documents and may be evasive due to fear of the consequences if they reveal the situation. When there are indications of potential trafficking in human being (e.g. the applicant cannot explain how they funded their journey, they appear scared or they belong to a group/profile known to be victim of trafficking to the Member State), it is important to reinforce trust, including by reassuring the applicant of confidentiality and providing information on available support and services.

Note on the possible relevance of the grounds for implicit withdrawal

Situations where the applicant withheld information or documents can also be grounds for declaring an application as implicitly withdrawn under Article 41(1)(b) and (d) APR:

'1. An application shall be declared as implicitly withdrawn where:

[...]

(b) the applicant refuses to cooperate by not providing the information referred to in Article 27(1), points (a) and (b), or by not providing his or her biometric data;

[...]

(d) the applicant has, without justified cause, not attended a personal interview although he or she was required to do so pursuant to Article 13 or, without justified cause, refused to respond to questions during the interview to the extent that the outcome of the interview was not sufficient to take a decision on the merits of the application;'

Note on the possible relevance of the grounds for implicit withdrawal

In turn, Article 27(1)(a) and (b) APR requires that the following information be registered:

> *'(a) the applicant's name, date and place of birth, gender, nationalities or the fact that the applicant is stateless, family members as defined in Article 2, point (8), of Regulation (EU) 2024/1351 and, in the case of minors, siblings or relatives as defined in Article 2, point (9), of that Regulation present in a Member State, where applicable, and other personal details of the applicant relevant for the procedure for international protection and for the determination of the Member State responsible;*
>
> *(b) where available, the type, number and period of validity of any identity or travel document of the applicant and the country that issued that document and other documents provided by the applicant which the competent authority deems relevant for the purposes of identifying him or her, for the procedure for international protection and for the determination of the Member State responsible'.*

Decisions to declare an application as implicitly withdrawn can be taken in the regular procedure, as well as in the accelerated examination procedure.

While the ground for applying the accelerated procedure of Article 42(1), first subparagraph, point (c), APR, does not perfectly overlap with the grounds for implicit withdrawal mentioned above, there are situations that may fulfil the conditions of both provisions. If the conditions under both grounds are fully met, then the determining authority must apply and make a decision under the accelerated examination procedure and declare the application implicitly withdrawn. Below are examples of such situations.

- The applicant, with the intention to mislead the authorities, does not provide information on their nationality – where this would have a negative impact on the decision of their application – and does not show good cause despite being provided the opportunity to do so (Article 42(1), first subparagraph, point (c), and Article 41(1)(b) APR).
- The applicant, with the intention to mislead the authorities, withholds identity documents, whose content is of such significance that it can affect the decision negatively, and does not show good cause despite being provided the opportunity to do so (Article 42(1), first subparagraph, point (c), and Article 41(1)(b) APR).
- The applicant, not showing justified/good cause despite being provided the opportunity to do so, and with the intention to mislead the authorities, refuses to respond to questions during the interview. As a result, the outcome of the interview is not sufficient to take a decision on the merits of the application, which would also imply that the information withheld by the applicant could have had a negative impact on the decision (Article 42(1), first subparagraph, point (c), and Article 41(1)(d) APR).

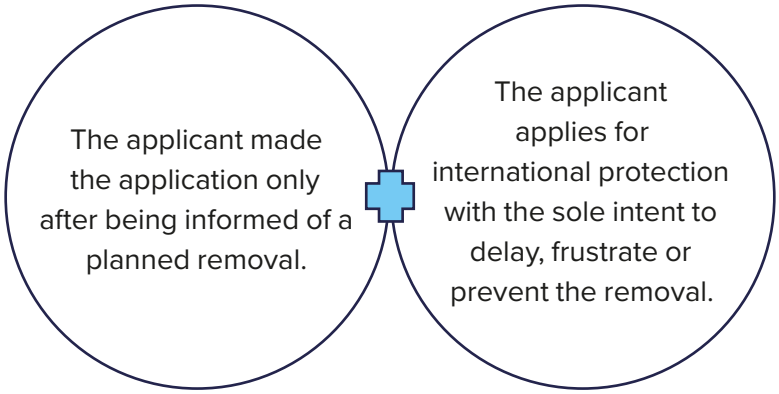
Making a decision under the accelerated examination procedure and declaring an application as implicitly withdrawn carry the same procedural consequences, including shorter time limit to lodge an appeal and the non-automatic suspensive effect of appeal.

2.4. The applicant has made the application merely to delay, frustrate or prevent removal

Article 42(1), first subparagraph, point (d), APR

(d) the applicant makes an application merely to delay, frustrate or prevent the enforcement of a decision for his or her removal from the territory of a Member State;

To determine whether this ground applies, both the following elements should be present.



1. **Before applying for international protection, the third-country national was informed that they are going to be removed.**

   The fact that they are going to be removed and the main information about the planned removal (e.g. date, location, means) must have been clearly announced or notified to the third country national, before the application for international protection is made.

   For an efficient identification of cases falling under this ground, the asylum authorities need to have prompt access to information on decisions and communications of planned removal. Coordinating with other relevant authorities that can share this information, and establishing protocols for the information to be transmitted as soon as possible, are therefore essential.

2. **The applicant applies for international protection with the sole intent to delay, frustrate or prevent their removal.**

   For this element to be present, the determining authority must have clear indications that the only reason why the application was made is to avoid the execution of a removal. A necessary indication of the intent to delay or impede the removal is that the timing of the asylum application is in close proximity to the scheduled removal. This means that the enforcement procedure has begun or is about to begin.

   However, the intention to delay, frustrate or prevent removal cannot be presumed based only on the moment when the application was made. The intention must be

evidenced through objective factors pointing to the absence of a genuine will to seek international protection. In addition to the timing of the application, the relevance of the reasons put forward by the applicant for applying to international protection should also be considered. The applicant must also be given the opportunity to provide explanations of their reasons for applying for international protection only once the planned removal had been communicated to them. The reasonableness of the reasons they put forward should be assessed in light of the other elements of the case and the applicant's individual circumstances. The time that the applicant had at their disposal to apply for international protection also needs to be considered. The authority needs to check if the applicant had reasonable time to submit the application earlier.

For example, the fact that the third-country national stayed on the territory for a relatively long time before applying for international protection in close proximity to the scheduled removal, could be an indication of an intent to frustrate the removal. This would anyway have to be verified, as there might be reasons for the delay (e.g. if the issue giving rise to a fear of return only arose after the third-country national's entry in the Member State).

While the intention to merely delay, frustrate or prevent the removal cannot be presumed solely on the basis of the moment when the application is made, the following may be indications that this ground may apply.

- The application was made after the removal flight had been arranged, on the way to the airport or border, when the applicant was detained for the purpose of implementing the removal or when the removal enforcement procedure had begun or was about to begin, and the stated reasons for applying are explicitly linked to avoiding return for reasons not related to international protection (e.g. economic hardship not linked to persecution, personal inconvenience).
- The applicant had ample opportunity to apply for international protection earlier but did not do so until the removal order was about to be implemented, with no reasonable explanation.
- The applicant did not cooperate with the removal procedure (e.g. they refused to take steps to obtain or present travel documents when required, obstructed identity verification, provided false or misleading information in return proceedings or refused to engage with return counselling) and the reasons they put forward for applying for international protection are evidently not relevant to international protection.

Applicants for international protection would normally not want to return to their countries, and their obstructing the removal may just be a reflection of their fear to return. Therefore, the mere attempt of the applicant to obstruct the removal procedure is not sufficient to determine that an asylum application is not based on genuine grounds.

Inadmissibility of an application made more than seven working days after the issuance of a return decision

Article 38(1)(e) APR states that:

1. The determining authority may assess the admissibility of an application, in accordance with the basic principles and guarantees provided for in Chapter II, and may be authorised under national law to reject an application as inadmissible where any of the following grounds applies:

> [...]
>
> *(e) the applicant concerned was issued with a return decision in accordance with Article 6 of Directive 2008/115/EC and made his or her application only after seven working days from the date on which the applicant received that return decision, provided that he or she had been informed of the consequences of not making an application within that time limit and that no new relevant elements have arisen since the end of that period.*

This ground for inadmissibility is optional. It is therefore only relevant for Member States that have opted to apply it under national law.

This provision, similarly to Article 42(1), first subparagraph, point (d), APR, concerns situations where the third-country national makes an application for international protection only after they received a return decision.

To apply the inadmissibility ground of Article 38(1)(e) APR to an application made seven or more working days after receiving a return decision, it is sufficient that there is a return decision, that the applicant has received it and has been informed of the consequences of not making the application within seven days after the notification of the return decision, and that no new relevant elements have arisen after those seven days.

To apply the accelerated examination procedure under Article 42(1), first subparagraph, point (d), APR, in addition to the return decision, there must be a planned removal, the applicant must have been informed of the return decision and of the planned removal, and the applicant must have applied for international protection merely in order to delay, frustrate or prevent the removal. There is no specific time limit with regard to when the application was made, for this ground to apply.

Below are examples of practical situations that might arise after a return decision has been issued.

- The third-country national makes an application for international protection within seven working days from the date of receiving a return decision and after being informed of a planned removal, with the mere intention to delay, frustrate or prevent the execution of the removal. In this situation, the application will need to be examined on the merits under the accelerated procedure. This is unless another ground for declaring the application inadmissible applies.

- The third-country national makes an application for international protection within seven working days from the date of receiving a return decision and is not yet informed of any planned removal. In this situation, the application will need to be examined on the merits under the regular procedure. This is unless another ground for declaring the application inadmissible or for applying the accelerated examination procedure (or the border procedure) applies.
- The third-country national makes the application after seven working days of receiving the return decision (regardless of whether they were also informed of a planned removal) and had received the relevant information on the consequences of not making the application within those seven days and no new relevant elements have arisen after those seven days. In this situation, the inadmissibility ground would take precedence, and the application must be declared inadmissible.

2.5. The applicant is from a safe country of origin

Article 42(1), first subparagraph, point (e), APR

(e) a third country may be considered to be a safe country of origin for the applicant within the meaning of this Regulation;

To apply the accelerated examination procedure based on this ground, the applicant's country of origin must be **designated as a safe country of origin**. Countries of origin may be designated as safe at the national level ([54]) and/or at the EU level ([55]) when, based on the legal situation, the application of the law within a democratic system, and the general political circumstances, it can be shown that there is no persecution or real risk of serious harm ([56]). The assessment of whether a country is a safe country of origin must take into account, among others, the extent of the protection provided against persecution or serious harm by: the relevant legislation of the country and the way it is applied in practice; the respect of the rights and freedoms set out in the European Convention on Human Rights ([57]), the International Covenant on Civil and Political Rights ([58]), and the UN Convention Against Torture ([59]), in particular non-derogable rights; refraining from expelling, removing or extraditing its own citizens to third countries where they would face a serious risk of the death penalty, torture or inhuman or degrading treatment, persecution, or threats to life or freedom due to race, religion,

([54]) Article 64 APR.

([55]) Article 62 APR.

([56]) Article 61(1) APR.

([57]) Council of Europe, *European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols Nos. 11 and 14*, 4 November 1950, ETS 5, https://www.refworld.org/docid/3ae6b3b04.html.

([58]) UN General Assembly, *International Covenant on Civil and Political Rights*, United Nations, Treaty Series, vol. 999, p. 171, 16 December 1966, https://www.refworld.org/legal/agreements/unga/1966/en/17703.

([59]) UN General Assembly, *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, 10 December 1984, United Nations, Treaty Series, vol. 1465, p. 85, https://www.refworld.org/docid/3ae6b3a94.htmlv.

nationality, sexual orientation, political views or membership of a particular social group, or to a third country from which there is a serious risk or expulsion, removal or extradition to another third country; providing for a system of effective remedies against violations of those rights and freedoms ([60]).

The designation may include **exceptions** for specific parts of the territory of the country or for specific, clearly identifiable categories of persons ([61]). The situation in the countries designated as safe needs to be reviewed regularly and, if significant changes have occurred and the required conditions are no longer met, the designation of a country as safe may be suspended or removed ([62]). The designation of a country as a safe country of origin does not exempt the determining authority from the obligation to carry out an individual, full and *ex nunc* examination of the application in accordance with the applicable legal framework (see further down on the individual assessment).

The key element in assessing whether **the accelerated examination procedure can be applied** based on this ground is the applicant's nationality or, for a stateless person, their country of former habitual residence.

Information relevant to the applicant's nationality may be available through their identity documents (e.g. passport, ID card). If there are no identity documents available to verify the applicant's nationality, other information should be collected in connection to their nationality. This information can include:

- the applicant's statements regarding their nationality or other relevant statements (e.g. their parents' nationalities, their place of birth);
- information available in other documents provided by the applicant (e.g. family booklets, education records);
- information available in EU, international and national databases (e.g. Eurodac and VIS);
- information available from open-source intelligence or a mobile phone search (e.g. social media, telephone SIM country code);
- information available from language analysis.

Measures used to establish the applicant's nationality or country of former habitual residence should be applied in compliance with applicable data protection requirements. If the applicant does not have a nationality or if there are indications that they are stateless, then the applicant's country of former habitual residence needs to be identified and assessed. Particular caution is needed in such cases, given the potential absence of documentary evidence and the specific vulnerabilities often associated with statelessness, when assessing whether the concept of a safe country of origin can be applied.

([60]) Article 61(4) APR.
([61]) Article 61(2) APR.
([62]) Article 63 APR.

Related EU publications

For more information on exploring and assessing an applicant's nationality or statelessness, see EUAA, *Practical Guide on Nationality: Concepts related to nationality and statelessness in the context of international protection*, March 2025, https://euaa.europa.eu/publications/practical-guide-nationality-concepts-related-nationality-and-statelessness-context-international-protection.

The identification of the applicant's nationality should start during screening, if the applicant has been subject to screening, or during the registration and/or lodging of the application.

If there are doubts or conflicting information regarding the applicant's nationality or statelessness, a nationality assessment based on the available information may be needed in order to determine whether the application should be examined under the accelerated examination procedure.

In addition to receiving information that is relevant in any asylum procedure, the applicant should be **informed** by the relevant competent authorities regarding:

- the designation of their country of origin as safe and, as a consequence, the existence of a presumption of safety in that country;
- their right to challenge that presumption by providing individual elements that would show that their country of origin is not safe in their particular circumstances.

This information should be provided in time for the applicants to exercise their rights and to comply with their obligations ([63]).

If, based on the national context, the information was not shared with the applicant before the personal interview, they should be informed at the beginning of the interview of the procedural framework in which the interview will be conducted and of the scope of the interview. It should also be explained to the applicant what is expected of them and the main steps and specificities of the procedure.

If, after assessing the credibility of the applicant's statements regarding their nationality or former habitual residence, it is found that the applicant does not come from a safe country of origin and no other ground warranting the use of the accelerated procedure is applicable, then the accelerated procedure cannot be applied and the examination must be continued in the regular procedure.

If the applicant falls under an **exception** to the designation of the country as a safe country of origin or if it has been assessed that their country cannot be considered as a safe country of origin for them, the accelerated examination procedure cannot be applied based on this ground and the examination is continued in the regular procedure.

([63]) Article 8(2) APR.

If there are initial indications that the applicant could fall under an exception to the designation of the country as a safe country of origin or that their country cannot be considered as a safe country of origin for them, the accelerated examination procedure could be initiated while assessing these indications. In this case, it is advisable to inform the applicant that any exception to the designation of the country as a safe country of origin applicable in their case or any elements justifying that the country is not safe for them will be duly considered and assessed during the examination of the application under the accelerated examination procedure. The initiation of the accelerated examination procedure should not prejudge the outcome of the assessment of the applicability of an exception, and the accelerated procedure should be discontinued without delay where it is established that the exception applies. If, after duly assessing the elements of the case, it is confirmed that the applicant falls under an exception or has provided elements justifying that their country of origin cannot be considered as safe for them, then the accelerated examination procedure cannot be applied based on this ground and the examination is continued in the regular procedure.

When the concept of a safe country of origin is applied, an **individual assessment** on the merits is still required, in which the applicant is given the opportunity to provide elements justifying why this concept is not applicable to them and substantiating their need for international protection ([64]). The examination of the applicant's need for international protection can benefit in terms of efficiency from the assessment made during the process of designating a country as a safe country of origin. During the process of designation, based on an assessment of up-to-date COI the relevant authority will have come to the conclusion that there are no persecution or forms of serious harm and that effective state protection in that country is available and accessible. The COI that was used, the assessment made based on that COI (to the extent to which it is made available) and the conclusions reached during the designation can be the basis for the individual assessment. When a country is designated as safe, important elements of the national authority's duty to investigate regarding the general situation in the country of origin are carried out, especially in relation to the absence of persecution or serious harm and the ability of its national authorities to provide protection. Therefore, when the individual assessment of the need for international protection of an applicant is initiated, the case officer is able to build on the assessment already done during the designation. This calls for a specific method that starts from the presumption that an applicant who claims to risk a threat in case of return to their country can generally be expected to be safe –hence able to obtain effective national protection against that threat. While a presumption of safety applies, the determining authority retains the duty to actively investigate the relevant facts of the case, particularly once the applicant has raised individual elements indicating that the presumption may not apply in their specific circumstances.

If there are exceptions to the designation for specific parts of the territory of the country or for specific categories of persons, heightened attention is required during the examination in case there are indications that the applicant might fall under an exception.

([64]) Article 61(5)(c) APR.

The COI to be used during the individual examination needs to be up-to-date. If up-to-date COI is not available, further COI research will be needed. In addition, any relevant information submitted by the applicant should also be considered.

A **decision** on an application for international protection lodged by an applicant from a safe country of origin should explicitly mention that the concept of safe country of origin has been applied to the examination of the application.

2.6. There are reasonable grounds to consider the applicant a danger to national security or public order

Article 42(1), first subparagraph, point (f), APR

(f) there are reasonable grounds to consider the applicant a danger to the national security or public order of the Member States or the applicant had been forcibly expelled for serious reasons of national security or public order under national law;

This ground refers to the **concepts of 'national security' and 'public order'**. There is no definition of these concepts in the APR or in other instruments of the Common European Asylum System.

Recital 67 QR states the following:

> *Member States' authorities retain a certain discretion with regard to public policy and national security, which should be interpreted in accordance with national, Union and international law. Subject to an individual assessment of the specific facts, public policy and national security considerations can cover cases in which a third-country national belongs to an association which supports international terrorism or supports such an association.*

The CJEU has interpreted the concepts of 'public order' and 'public/national security' ([65]), including with regard to national security and public order as a detention ground under

([65]) The Court held that when examining the concept of 'national security', the caselaw of the Court on 'public security' is relevant. On this, see Judgment of the Court of Justice of 27 February 2025, *K.A.M. v Cyprus*, C-454/23, ECLI:EU:C:2025:114, paragraph 49, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:62023CJ0454. Summary available in the EUAA Caselaw Database, https://caselaw.euaa.europa.eu/pages/viewcaselaw.aspx?CaseLawID=3757.

the 2013 Reception Conditions Directive ([66]), in the context of the 2008 Return Directive ([67]), and in the context of revocation of refugee status under the Qualification Directive (recast) ([68]).

In particular, the court held that:

> *the concept of 'public order' entails, in any event, the existence — in addition to the disturbance of the social order which any infringement of the law involves — of a genuine, present and sufficiently serious threat affecting one of the fundamental interests of society* ([69]).

It also held that:

> *[s]o far as the concept of 'public security' is concerned, it … covers both the internal security of a Member State and its external security and … consequently, a threat to the functioning of institutions and essential public services and the survival of the population, as well as the risk of a serious disturbance to foreign relations or to peaceful coexistence of nations, or a risk to military interests, may affect public security* ([70]).

When interpreting the concepts of 'national security' and 'public order', the jurisprudence of the European Court of Human Rights (ECtHR) may also prove helpful. Although the scope of these two concepts has not been clearly set, the ECtHR held that the concept of national security 'most definitely includes the protection of state security and constitutional democracy

([66]) Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast) (OJ L 180, 29.6.2013), http://data.europa.eu/eli/dir/2013/33/oj. See Judgment of the Court of Justice of 15 February 2016, *J. N.* v *Staatssecretaris van Justitie en Veiligheid*, C-601/15 PPU, ECLI:EU:C:2016:84, paragraph 64, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62015CJ0601. Summary available in the EUAA Case Law Database, https://caselaw.euaa.europa.eu/pages/viewcaselaw.aspx?CaseLawID=290.

([67]) Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ L 348, 24.12.2008), http://data.europa.eu/eli/dir/2008/115/oj (Return Directive). See Judgement of the Court of Justice, of 11 June 2015, *Zh. and O.* v *Staatssecretaris voor Veiligheid en Justitie*, C-554/13, ECLI:EU:C:2015:377, paragraph 60, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62013CJ0554.

([68]) Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast) (OJ L 337, 20.12.2011), http://data.europa.eu/eli/dir/2011/95/oj. Judgment of the Court of Justice of 27 February 2025, *K.A.M.* v *Cyprus*, C-454/23, ECLI:EU:C:2025:114, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:62023CJ0454. Summary available in the EUAA Caselaw Datav=base, https://caselaw.euaa.europa.eu/pages/viewcaselaw.aspx?CaseLawID=3757. See also Judgment of the Court of Justice of 24 June 2015, *H. T.* v *Land Baden-Württemberg*, C-373/13, ECLI:EU:C:2015:413, paragraphs 78–79, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62013CJ0373. Summary available in the EUAA Case Law Database, https://caselaw.euaa.europa.eu/pages/viewcaselaw.aspx?CaseLawID=1236.

([69]) *J. N.* v *Staatssecretaris van Justitie en Veiligheid*, paragraph 65. See footnote 66. See also *Zh. and O.* v *Staatssecretaris voor Veiligheid en Justitie*, paragraph 60, footnote 67.

([70]) *J. N.* v *Staatssecretaris van Justitie en Veiligheid*, paragraph 66. See footnote 66.

from espionage, terrorism, support for terrorism, separatism and incitement to breach military discipline' ([71]).

The interpretation of these two concepts provided by the CJEU and the ECtHR makes it clear that minor and petty crimes in themselves cannot be conceived as affecting national security or public order, as such crimes would normally 'not entail a genuine, present and sufficiently serious threat affecting one of the fundamental interests of society' ([72]).

This ground is applicable in two situations, analysed separately below.

1. **The applicant is considered, based on reasonable grounds, a danger to national security or public order of the Member States**.

   To apply this ground, there must be reasonable grounds to consider the applicant a danger to the national security or public order of a Member State, including Member States other than the one where the application is being examined, if such information is available.

   The determining authority needs to have reasonable grounds to consider that the applicant (still) constitutes a danger. This implies the existence of specific, credible and reliable information and not merely general suspicions, unverified allegations or unsubstantiated claims. The threshold is, however, lower than the 'serious reasons for considering' that the applicant 'constitutes a danger to the community or to national security' relevant to the application of the exclusion grounds of Article 17(1)(d) QR. It is also lower than the criminal standard of proof.

([71]) ECtHR, Research Division, *National Security and European Case-law*, Strasbourg, 2013, https://rm.coe.int/168067d214.

([72]) *J. N.* v *Staatssecretaris van Justitie en Veiligheid*, paragraph 65. See footnote 66. See also *Zh. and O.* v *Staatssecretaris voor Veiligheid en Justitie*, paragraph 60, footnote 67.

CJEU, 2025, K.A.M. v Cyprus ([73])

The CJEU provided some clarifications on the meaning of 'reasonable grounds for regarding [the refugee] as a danger to the security of the Member State in which [they are] present' ([74]) in the context of revocation of refugee status. The Court held that these terms:

> *'must be interpreted in accordance with their usual meaning in everyday language, while taking into consideration the context in which they are used and the objectives pursued by the rules of which they are part.* [...]
>
> *As regards, first of all, the usual meaning in everyday language of the words "reasonable grounds for regarding [the refugee] as a danger to the security of the Member State in which he or she is present", it should be noted that, having regard to their general nature, those words do not appear to refer to any limitation of such "reasonable grounds" either territorially or temporally or as to the nature of the facts on which those grounds are based* [...].
>
> *As regards, lastly, the objective of Article 14(4)(a) of Directive 2011/95, it should be noted that, by referring to "a danger to the security of the Member State in which he or she is present", that provision seeks to prevent a risk of that security being undermined which may arise due to the presence of the person concerned on the territory of that Member State, at the time when the competent authority takes its decision or at a later time.*'

These considerations by the CJEU in *K.A.M.* v *Cyprus* can be relevant also for the authority to assess whether there are reasonable grounds to consider the applicant a danger to the national security or public order of the Member States within the meaning of Article 42(1), first subparagraph, point (f), APR, with due regard to the objective of this provision that is to swiftly process applications of applicants that may constitute such a danger.

For the authorities in charge of the application, it will be essential to consult and cooperate with law enforcement, intelligence and security agencies and the judiciary in order to have access to all necessary information they may possess and to the relevant analyses conducted by those bodies.

Relevant information may be received also from other Member States or third countries ([75]). It rests on the determining authority to consider the available information, including its relevance, and determine whether it is reasonable to consider the applicant a danger to national security or public order for the purpose of applying the accelerated examination procedure ([76]).

([73]) *K.A.M.* v *Cyprus*, see footnote 65.

([74]) Article 14(4)(a) Directive 2011/95/EU, see footnote 68. Now Article 14(1)(d) QR on withdrawal of refugee status.

([75]) Recital 67 QR.

([76]) See *K.A.M.* v *Cyprus*, see footnote 65, as the case is relevant by analogy.

Related EUAA publications

For more information on security assessments and relevant databases that may be checked for the purpose of applying this ground, see Section 3.2 in EUAA, *Practical Guide on the Asylum Border Procedure*, March 2026, https://www.euaa.europa.eu/publications/practical-guide-asylum-border-procedure.

2. **The applicant has been forcibly expelled for serious reasons of national security or public order under national law.**

   This ground applies where an expulsion decision, on the basis of serious reasons of national security or public order under the Member State's national law, was previously issued and forcibly carried out by the Member State where the applicant has now applied for international protection.

   The determining authority needs confirmation of the issuance of the expulsion order. Cooperation with other relevant authorities is therefore necessary to receive relevant information, including information on previous expulsion orders concerning applicants for international protection and the motivations of such orders, in a timely manner.

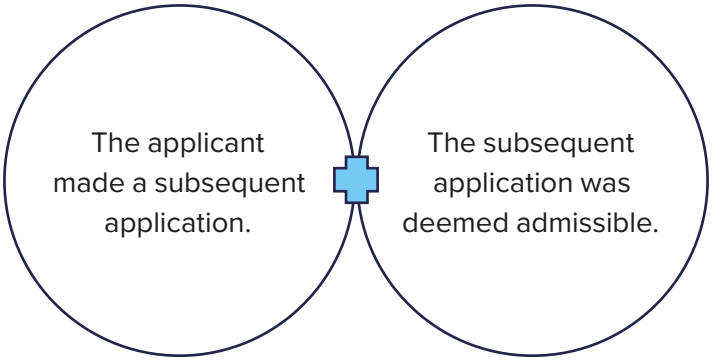
   The order should be based on serious reasons of national security and public order. It must therefore meet a high threshold of seriousness, and concern threats and matters that are of relevance to national security or public order.

2.7. The application is a subsequent application found to be admissible

Article 42(1), first subparagraph, point (g), APR

(g) the application is a subsequent application which is not inadmissible;

This acceleration ground applies when two elements are present. Both are procedural elements and therefore do not require any assessment but rather checks of the previous steps of the procedure.



1. **The applicant made a subsequent application**

   The determining authority must have established that the application made by the applicant is a subsequent application. Therefore, the authority must have checked whether the application made by the applicant is a 'further application for international protection made in any Member State after a final decision has been made on a previous application, including cases in which the application has been rejected as explicitly or implicitly withdrawn' ([77]).

2. **The subsequent application was deemed admissible and is subject to further examination on its merits**

   Therefore, the determining authority must have already deemed the application to be admissible ([78]).This is the case when the authority examining the subsequent application determined that new elements presented by the applicant or otherwise arising significantly increase the likelihood of the applicant qualifying as a beneficiary of international protection, or relate to an inadmissibility ground previously applied, if the previous application was rejected as inadmissible.

Related EUAA publications

For information on the examination of subsequent applications, see the EUAA, *Practical Guide on Subsequent Applications*, March 2026, https://www.euaa.europa.eu/publications/practical-guide-subsequent-applications-0.

2.8. The applicant has entered or stayed in the EU unlawfully and has not made an application as soon as possible

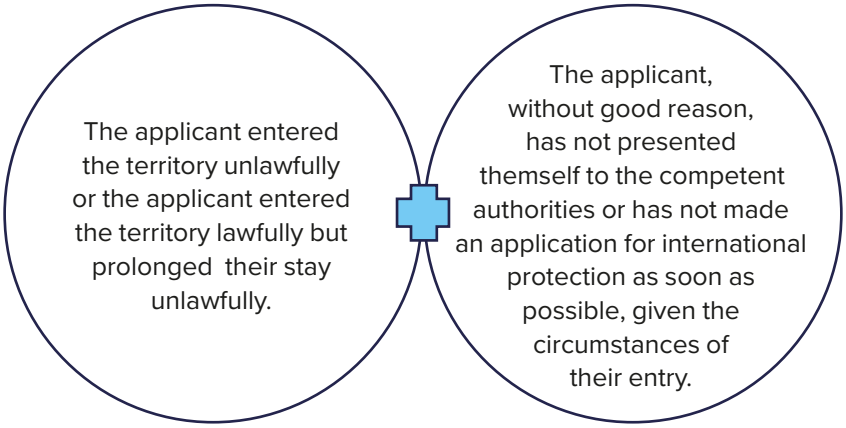
Article 42(1), first subparagraph, point (h), APR

(h) the applicant entered the territory of a Member State unlawfully or prolonged his or her stay unlawfully and, without good reason, has either not presented himself or herself to the competent authorities or has not made an application for international protection as soon as possible, given the circumstances of his or her entry;

([77]) Article 3(19) APR.

([78]) Article 38(1) and 55(6) APR.

To apply the accelerated examination procedure based on this ground, both of the following elements need to be present.



1. **Unlawful entry into the territory or unlawful prolonging of stay.**

   There are two situations that can fall under this element.

   - **The applicant entered the territory unlawfully.**

     Information regarding the applicant's entry into the territory would normally be included in the file at the time of assessing whether the application should be channelled into the accelerated examination procedure. This information would originally come from or comprise:

     - information available in national, European and international databases, such as Eurodac, VIS, the Schengen information system or police records;
     - the screening form, if the applicant was subject to screening;
     - data collected during registration and lodging processes;
     - documents submitted by the applicant, such as travel documents;
     - the applicant's statements regarding the circumstances under which they arrived in the country.

     The continuous cooperation of the determining authority with the authorities responsible for recording information regarding the applicant's entry into the territory enables the determining authority to swiftly identify indications of unlawful entry. Such responsible authorities include the police, the screening, registration and lodging authorities and other relevant authorities.

   - **The applicant entered the territory lawfully, but their stay was prolonged unlawfully.**

     In order to determine whether the applicant's stay was unlawfully prolonged, the determining authority additionally needs to examine:

     - when the applicant entered the territory;

- the duration of their right to stay after a lawful entry;
- whether the lawful stay ended and, if so, when.

2. **The applicant, without good reason, has not presented themself to the competent authorities or has not made an application for international protection as soon as possible, given the circumstances of their entry.**

   The APR does not set any specific time limits to determine whether an applicant has presented themself to the competent authorities or has made an application for international protection 'as soon as possible'. However, the applicant should act promptly and without unnecessary delay ([79]). Therefore, the authorities need to check:

   - whether the applicant had previously contacted or attempted to contact the competent authorities or had previously applied for international protection;
   - the time that has elapsed between the applicant's unlawful entry or prolongation of the stay and their presenting themself to the competent authorities or applying for international protection.

   If a delay in presenting themself or applying for international protection is identified, the applicant should be given the opportunity to explain the reasons for the delay. The determining authority then needs to assess the validity of these reasons in the context of the applicant's circumstances.

   Reasons for delay in presenting themself to the competent authorities or in applying for international protection could be linked, among other factors, to the circumstances under which the applicant entered the territory, for example: having entered the country as a victim of trafficking in human beings; health related reasons, such as serious physical health issues, mental health issues, pregnancy complications; other reasons, such as a lack of awareness of their rights and obligations as an applicant (e.g. not being aware that they could apply for international protection), *sur place* claims, serious shortcomings in access to the asylum procedure on the part of the state.

   The assessment of the reasons for the delay should be done on a case-by-case basis so that the personal circumstances of the applicant and the circumstances of their entry can be taken into account. It is recommended to coordinate with the screening, registration and lodging authorities to enquire whether, during the relevant stages, the applicant provided any reasons for not presenting themself to the authorities or not applying for international protection sooner. This enables the determining authority to swiftly assess whether the case should be channelled into the accelerated examination procedure.

([79]) See also UN High Commissioner for Refugees (UNHCR), *Guidelines on International Protection No. 14: Non-penalization of refugees on account of their irregular entry or presence and restrictions on their movements in accordance with Article 31 of the 1951 Convention relating to the Status of Refugees*, HCR/GIP/24/14, September 2024, paragraphs 21-26, https://www.refworld.org/policy/legalguidance/unhcr/2024/148632.

An example is the case of an applicant who entered the territory lawfully having obtained a student visa and, after the end of their legal stay, stayed in the country unlawfully and then applied for international protection. In this case, it needs to be explored whether the reasons presented in the application existed before the lawful stay ended. The applicant's delay in applying for international protection after their lawful stay ended, despite their reasons for applying existed before the end of their lawful stay, is an indication that the application was not made as soon as possible.

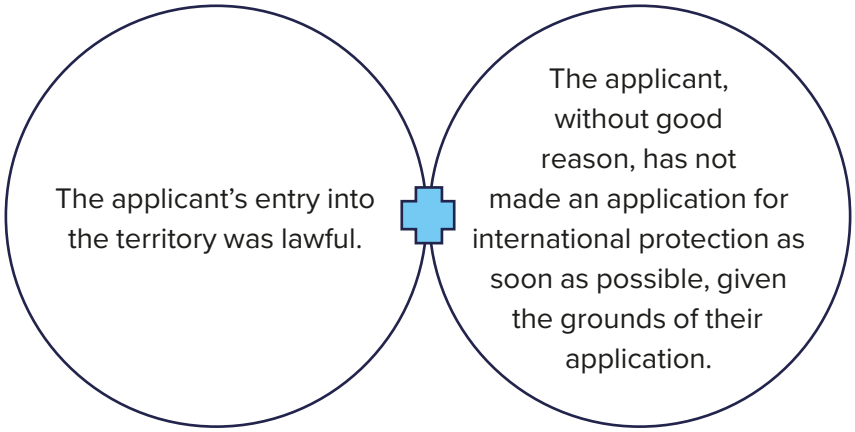
2.9. The applicant has entered the EU lawfully and has not made an application as soon as possible

Article 42(1), first subparagraph, point (i), APR

(i) the applicant entered the territory of a Member State lawfully and, without good reason, has not made an application for international protection as soon as possible, given the grounds of his or her application; this point is without prejudice to the need of international protection arising sur place;

This ground presents similarities with the ground in Section 2.8, as it concerns applications that are not made as soon as possible. However, this ground applies only if the applicant entered the Member State lawfully, and regardless of whether they are residing lawfully or unlawfully at the time when they make their application.

For the application of the accelerated examination procedure based on this ground, both of the following elements need to be present.



1. **The applicant's entry was lawful.**

   To assess whether the applicant's entry to the territory was lawful, please refer to the guidance provided in the first condition of Section 2.8.

2. **The applicant, without good reason, has not made an application for international protection as soon as possible, given the grounds of their application.**

   To assess this condition, refer to the guidance provided for the second condition of Section 2.8. However, while the previous ground referred to taking into account the circumstances of the applicant's entry into the territory, this ground refers instead to taking into account the grounds of the application, and explicitly mentions the possibility of a claim made *sur place*. Therefore, when considering this ground, if a delay in applying for international protection is identified, it should be examined what the grounds for applying for international protection are and how they are connected to delaying the application for international protection.

   The moment at which the applicant made their application should be seen in conjunction with the end date of their lawful stay in the country and it should be checked whether the grounds for applying for international protection already existed earlier in their stay. If their lawful stay is extended only because they applied for international protection, this may be an indication that the applicant did not make an application as soon as possible. However, it should be determined that the delay in applying for international protection is not due to a *sur place* claim or other valid reasons, such as serious health issues, or that the grounds of their application are not connected to the delay in applying, for example in the case of a victim of trafficking in human beings. In any case, the applicant should be given an opportunity to provide valid reasons for their behaviour.

2.10. The applicant is from a country for which the recognition rate is 20 % or lower

Article 42(1), first subparagraph, point (j), APR

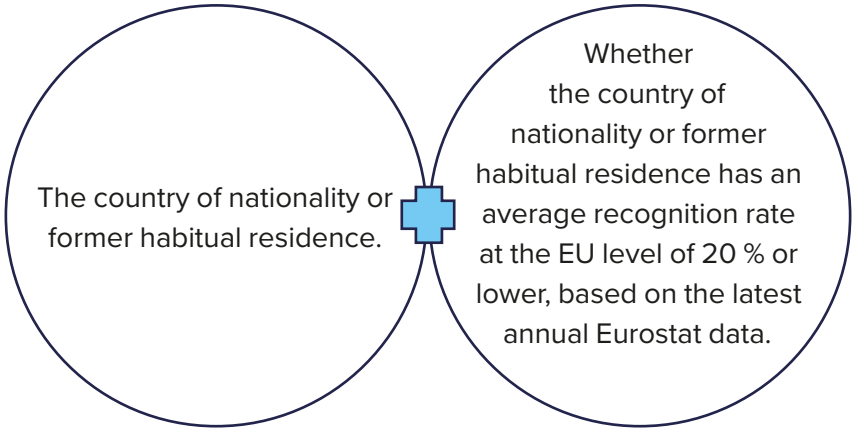
(j) the applicant is of a nationality or, in the case of stateless persons, a former habitual resident of a third country for which the proportion of decisions by the determining authority granting international protection is, according to the latest available yearly Union-wide average Eurostat data, 20 % or lower, unless the determining authority assesses that a significant change has occurred in the third country concerned since the publication of the relevant Eurostat data or that the applicant belongs to a category of persons for whom the proportion of 20 % or lower cannot be considered to be representative for their protection needs, taking into account, inter alia, the significant differences between first instance and final decisions.

The key element for the application of this ground is that the applicant is a national or former habitual resident of a third country for which the proportion of decisions by the determining authorities granting international protection is, according to the latest available yearly EU-wide average Eurostat data, 20 % or lower. When examining the application of a person coming from

a country with an average recognition rate of 20 % or lower, a thorough individual examination of the claim taking into account the applicant's individual circumstances and relevant and up-to-date COI on the general situation in the country of origin must be carried out.

The fact that the decisions granting international protection to applicants from a given country of origin is 20 % or lower is statistical data. This ground differs from the ground based on the designation of the country of origin of the applicant as a safe country of origin. Only the designation of a country as a safe country of origin creates a presumption of safety based on the previous assessment of the general situation in that country (see Section 2.5 The applicant is from a safe country of origin).

To assess whether this element is present, the determining authority needs to assess two main points.



1. **The country of nationality or former habitual residence**

   Information relevant to the applicant's nationality may be available through their identity documents (e.g. passport, ID card). If no identity documents are available to verify the applicant's nationality, other information should be collected in connection to their nationality. This information can include:

   - the applicant's statements regarding their nationality or other relevant statements (e.g. their parents' nationalities, their place of birth);
   - information available in other documents provided by the applicant (e.g. family booklets, education records);
   - information available in EU, international and national databases (e.g. Eurodac, VIS);
   - information available based on open-source intelligence or a mobile phone search (e.g. social media, telephone SIM country code); ([80])
   - information available from language analysis.

([80]) See also: sections 1.1.2 (g) 'Information available in social media' and 2.1.4 (c) 'Content gathered through social media' in EUAA, *Practical Guide on Evidence and Risk Assessment*, January 2024; and Section 5.1.2 'General COI sources versus specialised COI sources' in EASO, *Practical guide on the use of country of origin information by case officers for the examination of asylum applications*, December 2020, https://www.euaa.europa.eu/publications/practical-guide-use-country-origin-information-case-officers.

If there are indications that the applicant is stateless, then the applicant's country of former habitual residence needs to be identified and assessed.

The identification of the applicant's nationality should have started during screening, if the applicant has been subject to screening, or during the registration and lodging of the application. However, the assessment of the applicant's nationality or lack thereof for determining the country of reference for the examination of the application, falls under the responsibility of the determining authority. If there are doubts or conflicting information regarding an applicant's nationality, a nationality assessment may be needed, based on the available information, in order to determine whether the accelerated examination procedure can be applied. If, after assessing the credibility of the applicant's statements regarding their nationality or former habitual residence, it is found that the applicant does not come from a country for which the average recognition rate is 20 % or lower, then the accelerated procedure cannot be applied based on this ground and a decision on their application is made within the regular procedure.

Related EUAA publications

For more information on exploring and assessing an applicant's nationality or lack thereof see EUAA, *Practical Guide on Nationality: Concepts related to nationality and statelessness in the context of international protection*, March 2025, https://euaa.europa.eu/publications/practical-guide-nationality-concepts-related-nationality-and-statelessness-context-international-protection.

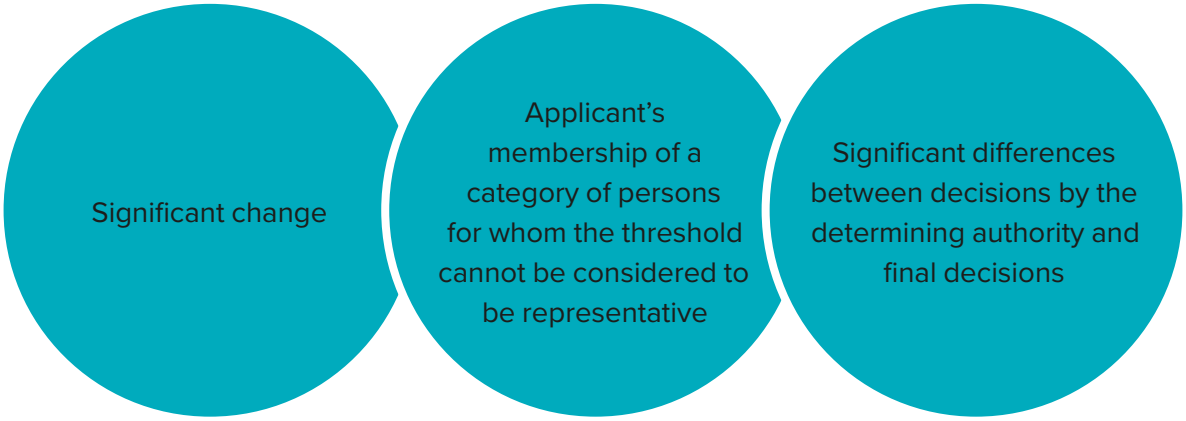
2. **Whether the country of nationality or former habitual residence has an average recognition rate at the EU level of 20 % or lower, based on the latest annual Eurostat data.**

   The relevant data by Eurostat refers to the yearly EU average proportion of decisions by the determining authorities granting international protection. International protection includes refugee status and subsidiary protection status, as defined in the QR, but not humanitarian protection or other national forms of protection. Eurostat will provide a yearly list of countries with a 20% or lower recognition rate Union-wide (Denmark excepted) based on the collected statistical data of the preceding calendar year ([81]).

   It is recommended that national administrations put in place measures to ensure that they refer to the latest relevant annual Eurostat data regarding recognition rates, including possible revisions. Alerts for possible changes in the data will allow for staying abreast of the latest updates at all times.

([81]) See https://ec.europa.eu/eurostat/web/migration-asylum/asylum/information-data#Asylum%20applications.

There are also exceptions to the application of this ground as displayed in the following visual.



- **Significant change**

  If available COI indicates that the situation in a country for which the average recognition rate according to the latest annual Eurostat data is 20 % or lower has changed since the publication of the annual Eurostat data, the determining authority needs to assess if the change is significant enough to not apply this ground to applications made by applicants from that particular country of origin. A change would be considered significant if it has a long-term effect on the human rights or security situation in a country, which in turn might increase the recognition rate. If an EUAA guidance note has been published indicating that there has been a significant change since the publication of the relevant Eurostat data, the guidance note must be used as a reference when assessing whether the accelerated procedure can be applied based on this ground ([82]).

  When assessing whether a change that occurred in a country can be considered significant, it is important to consult the most recent relevant COI, including information from UNHCR, such as recent statements, guidance notes and positions on returns.

  Examples of a significant change in a country that might increase the recognition rate:

  - the outbreak or escalation of an international or internal armed conflict in the country or parts of it;
  - the worsening of the human rights situation, for either the whole population or specific categories of persons;
  - the introduction of a new law that is discriminatory or persecutory;
  - military coups;
  - regime change ([83]);
  - suspension of constitutional order.

([82]) Article 42(1), second subparagraph, APR.

([83]) See also EUAA, *Practical Guide on Political Opinion*, December 2022, https://www.euaa.europa.eu/publications/practical-guide-political-opinion.

Additionally, an indication of a significant change can be that the influx of applications for international protection from the country has increased after the change.

This assessment concerns the period since the publication of the latest Eurostat data on average recognition rates, and needs to take into account the reference period of such data. If a change occurs in a country shortly before the publication of the relevant Eurostat data, its impact might not be reflected on the average recognition rates due to the short timeframe.

- **Applicant's membership of a category of persons for whom the threshold cannot be considered to be representative**

  Eurostat data on the average recognition rate for specific countries of origin does not include information on the type of claim or profile of the applicant, except for age and gender. Despite an average recognition rate of 20 % or lower for applications from a specific country of origin, there can be specific categories of persons, such as ethnic or religious minority groups or persons with diverse SOGIESC, for whom the recognition rate is generally higher than 20 %. The recognition rate of 20 % or lower for applications from a given country of origin cannot be considered as representative of the international protection needs for specific categories of persons. Therefore, if the assessment of the relevant COI indicates that a category of persons in a given country of origin has international protection needs that make the 20 % average not representative of the needs of those in the identified category, the accelerated procedure should not be applied to persons belonging to such a category.

  To conclude that the 20 % threshold is not representative of the international protections needs of an applicant belonging to a certain category, the following elements need to be present.

  - The applicant belongs to one or more specific categories of persons, such as minority ethnic groups, religious groups, persons with diverse SOGIESC, human rights activists or persons originating from a specific part of the country.
  - COI, national guidance, Eurostat data (when it comes to women and children), available EUAA guidance notes or other relevant information indicate that the specific category of persons is more likely to be in need of international protection than the rest of the population of that country.

- **Significant differences between decisions by the determining authority and final decisions**

  The 20 % average refers to decisions by the determining authority. However, if there are significant differences between decisions by the determining authority and final decisions at national level, this needs to be taken into account when assessing whether the accelerated procedure can be applied based on this ground. The APR does not define what constitutes a significant difference.

If, after duly assessing the elements of the case, it is found that one of the three abovementioned exceptions apply, the accelerated examination procedure cannot be applied based on this ground and the examination is made under the regular procedure. It is recommended that exceptions to the application of this ground be identified at the determining authority policy level, based on relevant COI and analysis. This will ensure a consistent application of exceptions to the accelerated examination procedure within the same authority.

This ground may partially overlap with the ground of safe country of origin. However, not all countries with an average recognition rate of 20 % or lower are designated as safe countries of origin. If there is an overlap, the accelerated examination procedure can be applied based on either ground. However, applying the accelerated examination procedure based on the ground of safe country of origin ([84]) may be more efficient. The designation of a country of origin as safe is based on an assessment regarding the general situation in that country. This assessment and the COI on which it was based will consequently be used when assessing the merits of the application in the context of the accelerated examination procedure.

This consideration does not apply in the context of the asylum border procedure (for further details see EUAA, *Practical Guide on the Asylum Border Procedure,* March 2026, https://www.euaa.europa.eu/publications/practical-guide-asylum-border-procedure).

([84]) Article 42(1), first subparagraph, point (e), APR.

3. Limitations and exceptions to the mandatory application of the accelerated examination procedure

3.1. Unaccompanied children

The mandatory accelerated examination procedure may be applied to unaccompanied children only based on the **limited grounds** set out in Article 42(3) APR ([85]). Those grounds are described in Chapter 2.

Article 42(3), first subparagraph, APR

The accelerated examination procedure may be applied to unaccompanied minors only where:

(a) the applicant comes from a third country that may be considered to be a safe country of origin within the meaning of this Regulation;

(b) there are reasonable grounds to consider the applicant as a danger to the national security or public order of the Member State or the applicant had been forcibly expelled for serious reasons of national security or public order under national law;

([85]) See also recital 55 APR.

Article 42(3), first subparagraph, APR

(c) the application is a subsequent application which is not inadmissible;

(d) the applicant, after having been provided with the full opportunity to show good cause, is considered to have intentionally misled the authorities by presenting false information or documents or by withholding relevant information or documents, particularly with respect to his or her identity or nationality, that could have had a negative impact on the decision or there are clear grounds to consider that the applicant has, in bad faith, destroyed or disposed of an identity or travel document in order to prevent the establishment of his or her identity or nationality; or

(e) the applicant is of a nationality or, in the case of stateless persons, a former habitual resident of a third country for which the proportion of decisions granting international protection by the determining authority is, according to the latest available yearly Union-wide average Eurostat data, 20 % or lower, unless the determining authority assesses a significant change has occurred in the third country concerned since the publication of the relevant Eurostat data or that the applicant belongs to a category of persons for whom the proportion of 20 % or lower cannot be considered to be representative for their protection needs, taking into account, inter alia, significant differences between first instance and final decisions.

Article 22(1) APR

The best interests of the child shall be a primary consideration for the competent authorities when applying this Regulation.

When applying the accelerated examination procedure to unaccompanied children, the best interests of the child should be a primary consideration ([86]). Safeguards must be adapted or reinforced to ensure that the compressed timelines do not negatively affect their effective participation in the asylum procedure. This is particularly important when, in addition to their status as a minor, the unaccompanied child shows signs of additional need for special procedural guarantees.

For example, the implementation of an accelerated examination procedure to an unaccompanied child should consider whether it is possible and how to expedite:

- the designation of the representative or acting representative as provided for in Article 23 APR, who will inform and assist the unaccompanied child during all relevant procedural steps;
- the possibility for the unaccompanied child to consult with a person entrusted with the provision of free legal counselling who can consider their particular situation as a child.

([86]) Article 22(1) APR and recital 23 APR.

It should also be kept in mind that children are more easily influenced than adults. Many children present false documents or destroy their documents because they fear negative consequences or are forced to do so by smugglers, traffickers or other adults. Children may also face unique challenges in making their application as soon as possible. If not interpreted in line with the best interests of the child, the grounds to apply the accelerated examination procedure could lead to vulnerable, unaccompanied or separated children having their application examined in procedures where their rights to information, counselling and time to prepare their case are restricted, potentially causing protection risks. For information on how the submission of false documents, the destruction of documents or the failure to make an application as soon as possible may lead to the application of the accelerated examination procedure, see sections 2.3, 2.8 and 2.9.

Related EUAA publications

Further information on how to consider the best interests of the child in the context of the accelerated examination procedure may be found in the EUAA, *Practical Guide on the Best Interests of the Child in the Framework of International Protection*, March 2026, https://www.euaa.europa.eu/practical-guide-best-interests-child-international-protection.

When the applicant claims to be a child and an age assessment has to be conducted because there is a doubt as to whether the applicant is a minor, it is recommended that the authorities:

- do not apply the accelerated examination procedure until the age assessment has been completed; or
- apply the accelerated examination procedure only in cases where the identified ground to apply the accelerated examination procedure in the individual case can be applied to both adults and unaccompanied children.

This recommendation is based on:

- the principle of the best interests of the child and its corollary, the principle of presumption of minority ([87]); and
- the fact that the accelerated examination procedure may be applied after the examination procedure has started in the regular procedure.

In all cases, the applicant should benefit from all guarantees applicable to unaccompanied children until the age assessment has been concluded (e.g. the appointment of a legal representative or acting representative and the presence of the (acting) representative at the personal interview). This is important to ensure the validity of all procedural steps carried out pending the age assessment and regardless of its outcome.

([87]) Judgment of the ECtHR of 6 March 2025, *F.B.* v. *Belgium,* Application no. 47836/21, , paragraph 73,.. Summary available in the EUAA Case Law Database, https://caselaw.euaa.europa.eu/pages/viewcaselaw.aspx?CaseLawID=4926. Judgment of the ECtHR of 21 July 2022, Darboe and Camara v. Italy, Application no. 5797/17, paragraphs 57-94, 138-140, 151-157, https://hudoc.echr.coe.int/eng?i=001-218424. Summary available in the EUAA Case Law Database, https://caselaw.euaa.europa.eu/pages/viewcaselaw.aspx?CaseLawID=2635.

For information on how the submission of false information or documents (e.g. in relation to age) may lead to the application of the accelerated examination procedure, see Section 2.3.

Related EUAA publications

Further information on age assessment may be found in EUAA, *Practical Guide on Age Assessment*, November 2025, https://www.euaa.europa.eu/publications/practical-guide-age-assessment-0.

3.2. Applicants in need of special procedural guarantees

Article 21 APR

1. Where applicants have been identified as being in need of special procedural guarantees, they shall be provided with the necessary support allowing them to benefit from the rights and comply with the obligations under this Regulation throughout the duration of the procedure for international protection.

2. Where the determining authority, including on the basis of the assessment of another relevant national authority, considers that the necessary support referred to in paragraph 1 of this Article cannot be provided within the framework of the accelerated examination procedure referred to in Article 42 or the border procedure referred to in Article 43, paying particular attention to victims of torture, rape or other serious forms of psychological, physical, sexual violence or gender-based violence, the determining authority shall not apply or shall cease to apply those procedures to the applicant.

Recital 20 APR

Applicants who are identified as being in need of special procedural guarantees should be provided with adequate support in order to create the conditions necessary for the genuine and effective access to procedures. Where it is not possible to provide adequate support in the framework of an accelerated examination procedure or of a border procedure, an applicant in need of special procedural guarantees should be exempted from those procedures.

Applicants subject to an accelerated examination procedure should be able to effectively exercise their rights and comply with their obligations to have a genuine, fair and effective opportunity to participate in the asylum procedure within shorter time limits. It is therefore essential that applicants in need of special procedural guarantees are:

- identified as soon as possible;
- provided with adequate support as soon as a need for special procedural guarantees has been identified;

- channelled into the regular procedure (and out of the accelerated examination procedure, if relevant) as soon as the determining authority assesses that adequate support measures cannot be taken in the individual case to accommodate the applicant's need for special procedural guarantees that would allow them to fully exercise their rights and comply with their obligations.

3.2.1. Identification

The identification of any need for special procedural guarantees is an active process that should be initiated as soon as possible after an application is made ([88]). It requires a proactive approach of the competent national authorities to look for the first indications that the applicant might require special procedural guarantees 'based on visible signs, the applicant's statements or behaviour, or any relevant documents' ([89]). For children, the statements of their parents, adults responsible for them or representatives have to be taken into account ([90]). When registering the application, competent national authorities have to include information on any such first indications in the applicant's file and make that information available to the determining authority ([91]). Relevant information may be collected at different stages and by different authorities, including screening authorities ([92]), reception authorities ([93]), registration and lodging authorities and the determining authority during the examination procedure. These authorities must ensure that the staff tasked with this detection receive appropriate training to observe, identify and record visible signs or behaviours that may indicate a need for special procedural guarantees. Where such indications are identified, appropriate support measures must be made available as soon as possible, taking into account the applicable procedural time limits of the accelerated examination procedure. Efficient communication channels between the different national authorities above enhance the chances of early identifying a need for special procedural guarantees.

Related EUAA publications

Indications of possible needs for special procedural guarantees for different categories of applicants can be found in the EUAA Tool For Identification of Persons With Special Needs, https://ipsn.euaa.europa.eu/ipsn-tool. For each need, possible support measures are described along with the possible evidence that may be considered to substantiate special needs.

([88]) Article 20(2) APR.

([89]) Article 20(2) APR.

([90]) Article 20(2) APR.

([91]) Article 20(2) APR.

([92]) Article 17(1)(d) and (e) of Regulation (EU) 2024/1356 of the Council of 14 May 2024 introducing the screening of third-country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817 (OJ L, 2024/1356, 22.5.20240), http://data.europa.eu/eli/reg/2024/1356/oj. See also the Screening toolbox developed by Frontex and the EUAA (forthcoming).

([93]) See Article 24 of Directive (EU) 2024/1346 of the European Parliament and of the Council of 14 May 2024 laying down standards for the reception of applicants for international protection (OJ L, 2024/1346, 22.5.2024), http://data.europa.eu/eli/dir/2024/1346/oj.

Identification after several key procedural steps have already taken place

Where the need for special procedural guarantees has been identified after several key procedural steps have already taken place, the determining authority should assess how the lack of adequate support during those steps may have affected the applicant's ability to effectively exercise their rights and comply with their obligations in relation to those procedural steps. It should then assess whether and what complementary procedural measures should be taken to compensate for any shortcomings to allow the applicant to exercise their rights and comply with their obligations, this time with adequate support.

Depending on the individual situation and national rules, these measures may include:

- taking additional steps (e.g. an additional personal interview);
- extending procedural deadlines to accommodate the applicant's needs;
- considering the previous steps void and conducting them again, with adequate support measures;
- reviewing the applicability of the accelerated examination procedure to the applicant and apply, where relevant, the regular examination procedure.

3.2.2. Assessment of the existence of a need for special procedural guarantees

The assessment must be carried out individually and be initiated as soon as possible after an application is made, with the identification of indicators of vulnerabilities. It will then be continued after the lodging of the application ([94]). The assessment must be completed within 30 days from the making. If relevant changes in the applicant's circumstances take place or should the need for special procedural guarantees appear later on, the initial assessment has to be reviewed ([95]). It is for national rules to establish the authority(ies) responsible for that assessment.

In addition to being compulsory, the speedy finalisation of the assessment is particularly important when the accelerated examination procedure is applied or its application considered because of the following.

- The assessment may reveal a need for special procedural guarantees only after some procedural steps have been taken. In this case, it would need to be assessed if the applicant's ability to participate in the procedure has been negatively impacted. Depending on the national rules, this may lead to having to repeat previous steps or take additional ones to enable the applicant to exercise their rights and comply with their obligations, this time with adequate support. Alternatively, and depending on the national rules, key procedural steps (e.g. the personal interview) may be delayed until the assessment is concluded to ensure that the applicant benefits from the special

([94]) Article 20(1), (2) and (3) APR.

([95]) Article 20(3) APR.

procedural guarantees they need to go through those steps. However, delaying the examination by 30 days may not allow for the conclusion of the accelerated examination procedure within the three-month deadline.

- When the outcome of the assessment indicates a need for special procedural guarantees for which adequate support may not be provided in the context of the accelerated examination procedure, the application has to be examined in the regular procedure.

3.2.3. Applying the accelerated examination procedure in the presence of a need for special procedural guarantees

Although the (re)assessment of the need for special procedural guarantees may be conducted by another authority, it is the responsibility of the determining authority to decide whether the accelerated examination procedure or the regular procedure should apply depending on the availability of adequate support measures to meet the applicant's need for special procedural guarantees in the context of the accelerated examination procedure. It is recommended that the determining authority makes that assessment as soon as the file is referred to them and that it monitors the applicant's needs to ensure that they (continue to) receive adequate support during the examination procedure. If adequate support is no longer available, the determining authority should stop applying the accelerated examination procedure as swiftly as possible.

Some special procedural guarantees may not be compatible with an examination under the accelerated procedure. This is the case especially when the support measures that have been identified to address the applicant's special procedural needs include the allocation of additional time to prepare for the lodging or the personal interview or when medical or psychological support is needed prior to conducting those procedural steps. When adequate support measures require the postponement of procedural steps, their implementation may become incompatible with an accelerated examination procedure. Hence, despite the national authorities' efforts and the availability of sufficient resources and support services (as appropriate means should be allocated to the determining authority to ensure that it may carry out its tasks ([96])), it would not be objectively possible to provide the needed support within the reduced timeframe of the accelerated examination procedure due to the individual needs of the applicant.

Victims of torture, rape or other serious forms of psychological, physical, sexual violence or gender-based violence

Specific attention should be provided to applicants who have been identified as victims of torture, rape or other serious forms of psychological, physical, sexual violence or gender-based violence ([97]). Their particular situation of vulnerability may not allow for the provision of the support needed in the context of the accelerated examination procedure.

([96]) Article 4(5) APR.

([97]) Article 21(2) APR.

3.3. Issues of fact or law that are too complex to be examined under an accelerated examination procedure

Article 42(2) APR

Where the determining authority considers that the examination of the application involves issues of fact or law that are too complex to be examined under an accelerated examination procedure, it may continue the examination on the merits in accordance with Article 35(4) and Article 39. In that case, the applicant concerned shall be informed of the change in the procedure.

The accelerated examination procedure must allow for a complete examination on the merits of the need for international protection of the applicant and comply with all basic principles and guarantees (see further in Section 1.3). The determining authority may consider that the examination of an application involves issues of fact or law that are too complex to be examined on the merits under the accelerated examination procedure, and it may decide to initiate or continue the examination under the regular procedure.

Below are examples of **issues of fact** that may present complexities.

- Challenges related to the gathering of relevant and up-to-date COI, in particular in relation to uncommon profiles or emerging groups in possible need of protection, changing situations in the country or unclear, inconsistent or incomplete evidence and/or COI calling for further research and assessment.
- Elements of the profile of the applicant or of the reasons for their application for international protection that require additional investigation or procedural steps (e.g. additional personal interviews) that may not be concluded in time to make a decision by the deadline. This may occur, for example, in situations where:
    - the applicant has several (possibly overlapping) reasons for applying for international protection;
    - the applicant has substantiated having experienced (direct threats of) past persecution or serious harm, and the examination of the risk in case of return needs further investigation;
    - family members apply for international protection together with partially different asylum claims or grounds and the assessment of facts needs further investigation;
    - the assessment of relevant facts requires specific expertise (e.g. language analysis, authentication of documents) or medical evidence (e.g. medical report, psychological assessment);
    - the assessment requires that further information be gathered in collaboration with another authority or another Member State;

- possible grounds for exclusion need to be investigated;
- the nationality, multiple nationalities or statelessness of the applicant remain unclear despite the applicant's fulfilment of their duty to cooperate and require(s) further investigation to assess the country of reference for the examination of the need for international protection ([98]). This situation may also be considered as an aspect of law, depending on the issues to be investigated.

Issues of law presenting complexities generally involve changing legal standards, the absence of a clear legal definition or the absence of clear scopes of concepts that may require legal interpretation (e.g. by national legal services, courts, tribunals or other relevant bodies) on aspects that may affect the examination process or the outcome of the examination of the application. Depending on the individual situation and on national rules in this regard, the resolution of those legal aspects may require the delay of the examination process.

Complex aspects of law may occur, for example, when:

- a recent judgment of the CJEU, ECtHR or national court provides an interpretation that requires the adjustment of the policies at the national level for the assessment of the concept at hand;
- the elements provided by the applicant raise (new) questions on the interpretation of one or several legal provisions of the Common European Asylum System or of a third country (e.g. to determine how the legislation of that country applies to the applicant, for instance when it comes to the interpretation of nationality law).

When **assessing whether complex issues of fact or law are 'too complex' to examine an application under the accelerated examination procedure**, the following points should be considered.

- The accelerated examination procedure entails a **complete and well-grounded** examination on the substance. Decisions that are not well reasoned, especially on complex cases, are more likely to face appeals or litigation. Therefore, if the assessment of the application under the accelerated examination procedure could lead to an incorrect or incomplete assessment of the need for international protection, the issues at hand should be considered as too complex to be examined under the accelerated examination procedure and the application should be examined in the regular procedure.
- To assess whether the factual or legal issues are too complex, the determining authority may consider how likely it is for those issues to be **resolved in time for a decision to be made within the time limit** of three months from the lodging of the application. As soon as such complex issues become known to the determining authority, the latter may

([98]) For further information on the challenges related to the identification of the country of reference in cases of dual nationality and statelessness, you may refer to the EUAA, *Practical Guide on Nationality: Concepts related to nationality and statelessness in the context of international protection*, March 2025, https://www.euaa.europa.eu/publications/practical-guide-nationality-concepts-related-nationality-and-statelessness-context-international-protection.

consider continuing the examination of the application under the regular procedure. This stems from the objective of the accelerated examination procedure, i.e. to process within shorter time limits applications that are less likely to be founded, that were submitted for purposes unrelated to a need for international protection, that it should be possible to examine swiftly, or where the applicant may pose a threat to national security or public order. When issues that are too complex arise, it may be less clear if the application is ill-founded or made for purposes other than obtaining international protection, or if the applicant poses a threat to national security and public order. Examining the application in the regular procedure may additionally allow for an efficient use of resources, as applications whose examination need not be accelerated are not kept in the special procedure unnecessarily.

The high complexity of a case may be due to a single element or the combination of various factors considered together.

The issues of fact or law need to be related to the examination of a specific application for international protection. Several applications may, however, be affected by similar issues of fact or law, for example when the issue is transversal and affects the assessment of different applications in a similar way. In such circumstances, there may be a decision made at the policy level by the determining authority to apply the regular procedure for the examination of those applications. It is for national policies to set out the circumstances in which complex issues call for applying the regular procedure instead of the accelerated examination procedure and who is responsible for that determination.

Where the determining authority decides to apply the regular procedure when relevant and too complex issues arise, the applicant has to be informed on an individual basis ([99]).

It is recommended that the administrative file include the elements that led to the conclusion that the issues are too complex. This is to ensure that any further assessments may take those elements into account, to have a record of the basis of the information provided to the applicant and to document at administrative level the reasons a certain procedure was applied.

The assessment of the complexity of the issues of fact or law needs to take into account the applicable procedural framework

Issues of fact or law that are too complex to be examined under the accelerated examination procedure may or may not be too complex to be examined under the regular procedure too, within its applicable time limits. Although it is possible for the determining authority to extend the time limit to conclude the examination under the regular procedure if ‘complex issues of fact or law are involved’ ([100]), prior to doing so there should be a new assessment of whether that complexity also supports the extension of the time limit to make the decision under the regular procedure.

([99]) Article 42(2) APR.

([100]) Article 35(5) APR.

4. Decisions made under the accelerated examination procedure

4.1. Fulfilment of the conditions for making a decision under the accelerated examination procedure and related content in the decision

At the time of making the decision, all elements related to the application of the accelerated examination procedure must be completely met. This entails that all elements of the applied ground(s) must be fully present and no limitation or exception applies. An applicant must have the opportunity to challenge the reasons justifying the use of the accelerated examination procedure in the framework of the appeal against the decision on the merits on their application. There is no need for a separate formal decision of the determining authority, and therefore for a separate appeal, when the accelerated examination procedure is applied to the application. Hence, the elements considered when concluding that the conditions for applying the accelerated examination procedure are fulfilled in the specific situation of the applicant, should be explicitly mentioned in or emerge from the content of the decision on the merits ([101]), which should cover at least the aspects below.

- The decision should mention or reflect the situation of the applicant showing that the elements of one (or more) of the grounds for applying the accelerated examination procedure to the application are met (see Chapter 1 General principles and Chapter 2 Grounds for applying the accelerated examination procedure). It should be noted, however, that if the accelerated examination was based on the fact that there were reasonable grounds to consider the applicant a danger to national security or public order, the determining authority may decide to limit the information that is provided based on relevant confidentiality considerations ([102]).
- Where relevant, for example when an exception was invoked, the decision should cover how the individual circumstances of the applicant were considered when concluding that a limitation or an exception to the accelerated examination procedure should not apply to them. This may include, as applicable:
    - how the applicant's need for special procedural guarantees has been addressed and relevant support measures were taken to allow the applicant to exercise their rights and comply with their obligations in the accelerated examination procedure;

([101]) *Brahim Samba Diouf* v *Ministre du Travail, de l'Emploi et de l'Immigration* paragraphs 44, 45, 55, 58 and 61, see footnote 9.

([102]) See Article 18(2) APR on the situations that may lead to the denial of the access to certain information or sources. On the conditions under which the right to defence may be upheld when the access to information is restricted based on grounds of national security, see also Judgment of the Court of Justice of 22 September 2022, *GM* v *Országos Idegenrendézeti Főigazgatóság and Others*, C-159/21, ECLI:EU:C:2022:708, paragraphs 30 to 60 and particularly paragraphs 50 to 60, https://eur-lex.europa.eu/legal-content/EN/SUM/?uri=CELEX:62021CJ0159_RES. Summary available in the EUAA Case Law Database, https://caselaw.euaa.europa.eu/pages/viewcaselaw.aspx?CaseLawID=709.

- the outcome of the age assessment of an applicant who claimed to be underage and, where applicable, how it was ensured that the child has benefited from relevant procedural guarantees during the accelerated examination procedure;
- how any relevant medical condition of the applicant was considered and addressed;
- how the fact that the applicant was a victim of torture, rape or other serious forms of psychological, physical, sexual violence or gender-based violence was addressed (see further in Section 3.2.3).

These elements may also be included when the accelerated examination procedure has been applied during a certain period, but the decision is not made in the accelerated examination procedure. Including the above elements in the decision ensures that the applicant has an effective remedy against the application of the accelerated examination procedure and that the court or tribunal has the necessary information to assess whether the procedure applied to the applicant conforms with all relevant legal and procedural standards and guarantees.

The applicant must be informed of the procedural implications attached to the procedure under which the decision is made, namely: possible shortened deadlines for appeal, a lack of automatic suspensive effect, the right to request to be allowed to remain, and access to legal assistance and representation free of charge but within shorter time limits (see section immediately below). If the unfounded application is rejected as manifestly unfounded, the applicant must also be informed of the consequences this has on the period for voluntary return and of the possibility of an entry ban (see further in Section 4.2.3). The information should include the applicable time limits and cover how and where to access free legal assistance or representation, lodge an appeal and request the right to remain based on national law. That information may be part of the decision or provided otherwise in writing to the applicant at the time of the decision ([103]) (e.g. as an annex to the decision).

4.2. Impact of a rejection decision made under the accelerated examination procedure

4.2.1. Shorter time limits for appeals

Member States have to define the time limit for lodging an appeal against a decision rejecting an application as unfounded or manifestly unfounded, made under the accelerated examination procedure. That time limit must be between 5 days and 10 days ([104]).

For a shorter time-limit to apply, it is sufficient that a circumstance that could have led to the application of the accelerated examination procedure be present ([105]). There is no requirement for the accelerated examination procedure to have been applied to the examination or that

([103]) Article 36(3) APR.

([104]) Article 67(7)(a) APR.

([105]) One of the circumstances in Article 42(1) or Article 42(3) APR. Article 67(7)(a) APR.

the decision be made in the accelerated examination procedure. This could be relevant in situations where the accelerated examination procedure was discontinued because there were issues of fact or law that were too complex to be examined in the accelerated examination procedure. In those circumstances, shorter time limits to appeal the rejection decision also apply to applications that have been examined in the regular procedure and for which the decision has been made in the regular procedure (e. g. the applicant is from a safe country of origin but issues of fact or law arose that are too complex to be examined under the accelerated examination procedure).

While there are shorter time limits for the determining authority to conclude the accelerated examination procedure and for the applicant to lodge an appeal in this procedure, the right to an effective remedy must be fully upheld. This includes ensuring that applicants have genuine access to the appeal procedure. An effective remedy includes the possibility of challenging the fact that the accelerated examination procedure was applied when challenging the decision on the merits, and effective access to free legal representation within the shortened timeframes. It also includes ensuring that the applicant can effectively make their views known and that authorities give due consideration to the observations submitted by the applicant, carefully and impartially examining the relevant aspects of each individual case ([106]). Procedural time constraints must not undermine the effectiveness of the appeal ([107]). National systems should therefore ensure that the guarantees and support structures (e.g. timely notification, access to free legal representation, interpretation) are robust and compliant with rights.

4.2.2. No automatic right to remain during the appeal procedure

When a 'decision rejects an application as unfounded or manifestly unfounded' and 'at the time of the decision, the applicant is subject to an accelerated examination procedure (...)', the applicant has no right to remain during the appeal procedure and does not benefit from the automatic suspensive effect of appeal ([108]).

The absence of an automatic suspensive effect of appeal means, in effect, that the return decision that is paired with the rejection decision ([109]) may be executed (if all other relevant conditions are also fulfilled) and the applicant may be removed during the appeal procedure against the decision rejecting the asylum application. To be noted, however that, even when the appeal is not automatically suspensive, the applicant cannot be removed until the time limit for requesting a court or tribunal to be allowed to remain has elapsed (see below). Also, the principle of *non-refoulement* should always be respected ([110]).

([106]) Judgment of the Court of Justice of 22 November 2012, *M. M.* v *Minster for Justice, Equality and Law Reform and Others*, C-277/11, ECLI:EU:C:2012:744, paragraphs 78 to 89, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62011CJ0277.

([107]) See: Judgment of the ECtHR of 2 February 2012, *I.M. v. France*, paragraphs 144 and following, ECLI:CE:ECHR:2012:0202JUD000915209, https://hudoc.echr.coe.int/fre?i=001-108934; Judgment of the ECtHR of 2 July 2021, *E.H. v. France*, paragraph 204, ECLI:CE:ECHR:2021:0722JUD003912618, https://hudoc.echr.coe.int/fre?i=001-211119; and Judgment of the ECtHR of 16 June 2016, *R.D. v. France*, paragraphs 55–64, ECLI:CE:ECHR:2016:0616JUD003464814, https://hudoc.echr.coe.int/fre?i=001-163615.

([108]) Article 68(3)(a)(i) APR.

([109]) Article 37 APR.

([110]) Article 68(3) APR. See also Article 68(7) APR.

In order for the removal to be suspended during the appeal procedure against the rejection decision related to an application for international protection made in the accelerated examination procedure, the following conditions must be met.

- An appeal must have been lodged by the applicant against the rejection decision within the time limit set in national law (which must be between 5 and 10 days).
- An appeal must have been lodged by the applicant against the return decision within the time limit set in national law (which must be between 5 and 10 days).
- A request must have been filed by the applicant to be allowed to remain during that appeal procedure against the decision rejecting their asylum application and against the return decision within the national time limit to make that request (of at least 5 days ([111])), unless this is examined *ex officio* by a court or tribunal ([112]).

The court or tribunal will then assess the applicant's right to remain during the examination by a court or tribunal of the appeal lodged against the rejection and return decision. If one of the abovementioned appeals or requests has not been lodged by the applicant (or not in due time) or the court or tribunal has decided that the applicant is not allowed to remain, the applicant has no right to remain during the appeal procedure.

In all cases, the applicant must be informed of the time limits and modalities of the request to be allowed to remain, including their right to free legal assistance and representation ([113]). The applicant has to be provided with at least 5 days from the date on which the decision was notified to them to request to be allowed to remain on the territory pending the outcome of the remedy ([114]).

Even when the suspensive effect of the appeal is not automatic, the applicant cannot be removed until the time limit for requesting a court or tribunal to be allowed to remain has elapsed. The applicant cannot be removed either if the judicial decision on whether they will be allowed to remain on the territory is pending, provided that they have requested to be allowed to remain within the set time limit ([115]).

A specific situation applies to subsequent applications. When a subsequent application is rejected as unfounded or manifestly unfounded, there is no automatic suspensive effect of the appeal ([116]). Therefore, even when the subsequent application was examined entirely or partly in the regular examination procedure (e.g. because of the presence of exceptions to the application of the accelerated examination procedure), the applicant has no automatic right to remain during the appeal procedure.

([111]) Article 68(5)(a) APR.
([112]) Article 67(1)(e) APR and Article 68(4) APR.
([113]) Article 68(5)(e) and (c) APR.
([114]) Article 68(5)(a) APR.
([115]) Article 68(5)(d) APR.
([116]) Article 68(3)(d) APR.

The applicant who made a subsequent application benefits from the same right to remain during the time limit for lodging a request to be allowed to remain and may not be removed while a court or tribunal examines that request, if the request was lodged within the time limit.

However, depending on national law, an applicant who made a subsequent application may not have the right to remain (and can thus be removed) during the time limit for requesting the right to remain or pending such decision 'if the appeal is considered to have been lodged merely in order to delay or frustrate the enforcement of a return decision which would result in the applicant's imminent removal from the Member State' ([117]). In any case, the removal may only be carried out if there is no risk of violating the principle of *non-refoulement*.

Related EUAA publications

EUAA, *Practical Guide on Subsequent Applications*, March 2026, https://www.euaa.europa.eu/publications/practical-guide-subsequent-applications-0.

4.2.3. Declaration of an application as 'manifestly unfounded'

When the determining authority concludes that an application is unfounded and a ground to apply the accelerated procedure is present at the time of the conclusion of the examination, it may decide to declare the application 'manifestly unfounded' ([118]). It is important to underline that this is an option that the determining authority can decide to exercise only if this is possible under national law ([119]).

For an unfounded application to be considered as manifestly unfounded, it is enough for any of the circumstances that could lead to the application of an accelerated examination procedure to be present at the time of conclusion of the examination ([120]). There is no requirement for the accelerated examination procedure to have been applied to the examination.

In practice, declaring an unfounded application as manifestly unfounded has, within the APR, no procedural consequences in relation to the appeal procedure, as all the principles, guarantees and consequences linked to applications declared as manifestly unfounded also apply to applications that were rejected solely as unfounded ([121]).

The only consequence of declaring an application as manifestly unfounded is related to the return procedure, as national authorities may decide not to provide the applicant with a period for voluntary return ([122]). If no period is granted for voluntary return, the return decision also includes an entry ban ([123]).

([117]) Article 68(6) APR.
([118]) Article 39(4) APR.
([119]) Article 39(4) APR.
([120]) Article 39(4) APR.
([121]) See Article 36(2) and (3), Article 37, Articles 39(4) and 56(b), Articles 67(1)(b), 67(7)(a) and 68(3)(a)(i) APR.
([122]) Article 7(4) Return Directive.
([123]) Article 11(1)(a) Return Directive.

5. Processing applications under the accelerated examination procedure

5.1. Process efficiency

When the application for international protection is subject to the accelerated examination procedure, the determining authority has to conclude the examination as soon as possible and no later than three months from the date on which the application was lodged ([124]). The shorter time limit is a key difference between the accelerated examination procedure and the regular procedure.

A shortened overall deadline by which to conclude the examination implies shortened timeframes between procedural steps. This requires the determining authority to ensure that all procedural steps be conducted as efficiently as possible to make a complete examination of the need for international protection. At the same time, process efficiency has to go hand in hand with the compliance of the procedure with all basic principles and guarantees set out in Chapter II APR. This is a fundamental and explicit condition of the application of all asylum procedures, including the accelerated examination procedure ([125]) (on the respect of basic principles and guarantees, see also Section 1.3).

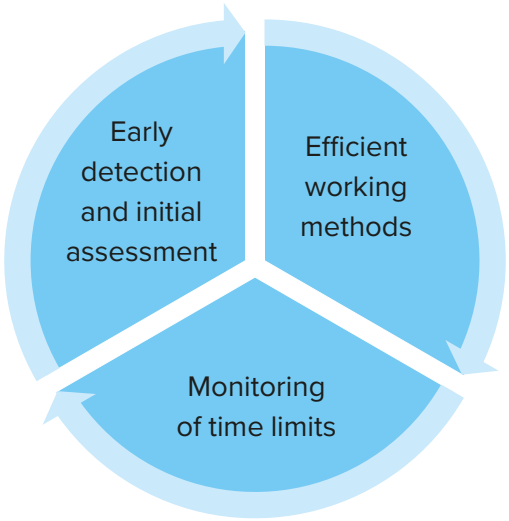
The shortened timeframes between procedural steps put additional pressure on the applicants concerned, as they have less time to prepare for each step, to gather evidence, to consult with a legal adviser, etc. Therefore, the timeframes between the procedural steps of the accelerated examination procedure may be shorter than in the regular procedure, but they should still be organised in a way so as to provide the applicant with a reasonable amount of time to exercise their rights and comply with their obligations ([126]).

([124]) Article 35(3) APR.

([125]) Article 34(1) APR.

([126]) In this regard, see H.I.D. and B.A., paragraphs 74 and 75, footnote 19. See also the principles outlined in *Brahim Samba Diouf v Ministre du Travail, de l'Emploi et de l'Immigration,* paragraph 61, footnote 9.

Using integrated case file management and digital solutions is important to enhance the efficiency of the process and the seamless and possibly real-time communication of relevant information among different asylum authorities and actors. This favours a swift identification of the procedural track that the application should follow and supports the respect of time limits.



5.1.1. Early detection and initial assessment process

The early detection of a ground for applying the accelerated examination procedure is an important factor in ensuring that relevant and efficient processes can be applied in the examination. This increases the likelihood that the timeframes of the accelerated examination procedure will be respected and that a decision will be made within the legal deadline of three months from the lodging of the application. The elements needed for this identification are described in Chapter 2 Grounds for applying the accelerated examination procedure.

This may be achieved by putting in place relevant tools enabling the officers responsible for screening and the early stages of the asylum procedure as well as other personnel (e.g. of the reception centre) to detect the presence of some elements of a ground for applying the accelerated examination procedure. These could include tools such as standardised checklists based on the conditions and indications described in Chapter 2, which are to be applied early in the workflow and are possibly already included in or annexed to the template for the referral process after screening, when the applicant has been subject to screening ([127]). Training relevant staff to flag specific indicators (e.g. nationality, language spoken, behaviour, travel history) is also key to ensure swift detection and appropriate procedural track.

Filtering or triaging systems may be used in a broader system aiming to ensure that each application is directed to the right procedure or examination process (regular, accelerated, border procedure, admissibility examination) or is prioritised based on predefined criteria and indicators as early as possible in the process and as accurately as possible.

([127]) The screening that is referred to here is the screening carried out in application of Regulation (EU) 2024/1356, see footnote 92.

5.1.2. Efficient working methods

Practices related to the organisation of work and to staff allocation can enhance the efficiency of the procedure.

- **Work processes** may include, for example, the following practices.
  - Having efficient case-routing systems.
  - Batching similar cases to send to specialised teams.
  - Having COI or legal experts' help desks readily available for urgent queries from case officers.
  - Making it possible to delegate administrative or specialised tasks such as document verification to other staff.
  - Having tools available to make the process swifter, such as pre-formatted templates for the personal interview and the decision-drafting process with an embedded structure, legal references and COI references.
  - Promoting training to improve organisational skills.
  - Putting in place systems that enhance the organisation of tasks, such as checklists embedded in case files, automatic scheduling systems and planning tools.
- **Staff allocation** may involve, for example, the following approaches.
  - Resorting to specialised and/or specifically trained case officers, including registration and lodging officers, for the early identification of grounds for applying the accelerated examination procedure and indicators that special procedural guarantees may be needed.
  - Resorting to specialised and/or specifically trained case officers to make a swift examination of the application based on their expertise or seniority (e.g. country-related and/or technical knowledge, expertise on interview techniques, drafting skills).
  - Resorting to a flexible and scalable system of allocation of staff in preparation for variations in caseloads, while ensuring staff well-being; resorting to a system with automated task allocation.
  - Batching the planning of interviews by profile, language or vulnerability to streamline interpreter and staff allocation.

5.1.3. Monitoring of time limits

Defining timelines for each procedural step may support compliance with the three-month time limit applicable to the accelerated examination procedure. For example, defining the number of days from the lodging of an application to the assignment of the case to a case officer, from the lodging of the application to the personal interview, etc. The time allocated to each

procedural step should be reasonable and allow for a complete examination and the respect of all basic principles and guarantees (see Sections 1.2 and 1.3), also considering practical and administrative constraints (e.g. the time needed for the notification of the invitation to the personal interview, of the decision, allocation of interview rooms). It is recommended that the workflow is sufficiently detailed to identify bottlenecks when monitoring those workflows, including at administrative level. Keeping track of time limits at the individual and/or team level through deadline management tools may also help prevent delays. Similarly, data analytics dashboards may be implemented to monitor key metrics, such as the average processing time per (intermediate) procedural step or case type (e.g. average time per interview type, to prepare for the interview or to conduct the interview), case backlog (e.g. number of cases per procedural step) and cases nearing legal deadlines (e.g. seven-day alerts). Monitoring of time limits embedded in internal working methods (e.g. in a case file management system), supported by regular, possibly automatic, reporting structures may enable periodic review at the appropriate level, support the timely information of corrective action and feed into the broader quality assurance framework.

5.2. Quality assurance

It is essential that robust quality assurance mechanisms be applied to the accelerated examination procedure, as there is a higher risk that shorter deadlines and processing times could have a negative impact on the quality of the examination process. In particular, the quality of personal interviews and decisions should be closely monitored.

From an efficiency perspective, embedding quality assurance mechanisms into every phase of the process, not only the personal interview or final decision-making stages, may support the early identification of systemic errors and procedural gaps, mitigating downstream inefficiencies and risks of missing deadlines. For example, periodic reviews of cases to which the accelerated examination procedure was initially applied and that were later examined in the regular procedure may highlight delays in the identification of exceptions to the mandatory application of the accelerated examination procedure or misinterpretation of grounds for applying the accelerated examination procedure. These reviews could include analysis of root causes of inappropriate application of the procedure and identify systemic gaps or needs in training, tools or triage logic.

Similarly, the quality assurance of other aspects of the process, such as the organisation of the personal interview, including the logistical and administrative aspects related to it and those related to the decision-making process, may allow for the identification of room for improvement (e.g. a need for additional tools, training, allocation of interview rooms or allocation of interpreters).

A regular audit of the performance of the system may highlight systemic shortcomings and delays and allow for the implementation of corrective actions.

Related EUAA publications and tools

For a complete overview of quality assurance in the asylum procedure, see EUAA, *Practical Guide on Quality Assurance in Asylum Procedures*, May 2024, https://euaa.europa.eu/publications/practical-guide-quality-assurance-asylum-procedures.

You may also refer to EUAA, *Quality Assurance Tool: Examining the application for international protection*, May 2024, https://euaa.europa.eu/publications/quality-assurance-tool and use EUAA, *Self-Assessment Tool on the Quality of the Asylum Procedure - Implementation of the Guidance on Asylum Procedure: Operational standards and indicators*, July 2025, https://www.euaa.europa.eu/publications/self-assessment-tool-quality-asylum-procedure ([128]).

5.3. Well-being of case officers

The accelerated examination procedure requires faster processing of applications, under tight deadlines and with limited time for interviews and examination. This context can increase the cognitive and emotional pressure on case officers. It may also reduce the time available for reflection and individualised assessment, which may create additional stress. There is a higher risk of case officers experiencing a higher level of credibility fatigue due to the exposure to possibly repetitive narratives and a higher risk of them being influenced by bias, especially as, in this procedural context, there is a higher likelihood that applications are unfounded.

It is therefore key to create appropriate operational safeguards to prevent these risks from having an impact on the well-being of the case officer. As a ripple effect, this may also affect the quality of the examination and applicants themselves (e.g. asking biased questions to the applicant during the personal interview not allowing them to substantiate their claim).

The following are some examples of measures that may be considered.

- **Balanced caseload distribution.** It is advisable to distribute cases to be examined under the accelerated examination procedure among case officers, and avoid overconcentration for individual case officers. This may be achieved by allowing case officers to alternate between cases under special procedures or examination processes (accelerated, border and admissibility) and the regular procedure. Case officers could also be assigned to cases under the special procedures only for a particular maximum period of time (e.g. 50 % of their working time). When distributing caseloads, including both well-documented and less complicated cases periodically may reduce stress levels and bias.
- **Task variation.** Where possible, case officers may be allowed to change tasks (e.g. interviewing, decision drafting, legal analysis, information provision, registration/lodging

([128]) The IT tool is currently under development.

and training) or be assigned different profiles or countries of origin over time to maintain engagement and objectivity.

- **Clear standard operating procedures, availability of support (e.g. COI, legal advice, guidance, tools) and reliability of the upstream steps (e.g. correct initial application of the accelerated examination procedure).** These will reduce the decision-making burden, as the case officers have information, support and tools on which they may rely when carrying out their tasks.
- **Access to institutional support.** This can be provided through regular supervision or coaching or peer debriefing sessions that allow staff to discuss their challenges in case processing and its impact on them. For example, weekly sessions can be arranged for case officers to attend without the need to book in advance.
- **Access to psychological support.** This can include on-demand or mandatory individual counselling or support, training to develop coping strategies, group counselling or supervision.
- **Training.** Providing case officers with continuous training is also a way to support their well-being by keeping them well informed. This could include, for example, training on technical or thematic aspects related to the determination of the need for international protection; training on legal, policy and country developments; training on working at cases to which special procedural guarantees apply. Training could also cover tools for working under pressure or to identify and remedy cognitive bias.
- **Structural measures and measures at the policy level**. This covers aspects such as ensuring sufficient staff are available and that the time allocated to the case officer to examine the application is adequate to be able to prepare for and conduct the personal interview, as well as to reflect afterwards before making a decision. Key performance indicators should be realistic and consider the complexity of the case, and the level of experience of the case officer. They should consider not only the efficiency of case officers in case processing but also the quality of their work. Setting team-based key performance indicators can help to alleviate the time pressure felt by the case officers working on cases under the accelerated examination procedure.

  Structural measures may be put in place to prevent, detect and respond to signs of burnout, compassion fatigue and secondary trauma.

  Quality assurance systems may allow for the detection of signs of mechanical assessments, disproportionate rejection rates and inconsistencies in reasoning that may trigger supportive intervention (e.g. rotation, further task variation, support measures as described above).

Related EUAA publications and products

See further on how to promote the well-being of asylum and reception staff in:

- EUAA, *Practical Guide on the Welfare of Asylum and Reception Staff*, 2021, https://euaa.europa.eu/publications/practical-guide-welfare-asylum-and-reception-staff and related tools available from the EUAA web page 'Practical tools and guides', https://euaa.europa.eu/practical-tools-and-guides#section4603-7;
- EUAA, 'Professional well-being' in *Training Catalogue*, August 2022, https://www.euaa.europa.eu/training-catalogue/professional-well-being.
- EUAA, *The Job of the Case Officer*, August 2024, https://www.euaa.europa.eu/publications/job-case-officer.

On the consequences of 'credibility fatigue' on the credibility assessment, see further in:

- EUAA *Practical Guide on Evidence and Risk Assessment*, January 2024, https://euaa.europa.eu/publications/practical-guide-evidence-and-risk-assessment.

Publications Office
of the European Union

euaa
EUROPEAN UNION
AGENCY FOR ASYLUM