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Donation account: Bank für Sozialwirtschaft

Köln Account number: 8047300

IBAN DE62 3702 0500 0008 0473 00

BIC BFSWDE33XXX

Frankfurt/Main, 28.10.2020

The "New Pact": new border procedures, more detention, no solution to old problems

An overview of the most important aspects of the "New Pact on Migration and Asylum" from the perspective of rule of law, European law and human rights

On 23 September 2020, the European Commission presented its "New Pact on Migration and Asylum", a new proposal for a reform of the Common European Asylum System and the corresponding legislative instruments. PRO ASYL has analysed the proposals and presents the main aspects of the [Screening Regulation](#), the [Asylum Procedures Regulation](#), the [Asylum and Migration Management Regulation](#) and the [Crisis Regulation](#). In their interaction they undermine the right to asylum in Europe, which is enshrined in Article 18 of the Charter of Fundamental Rights of the European Union (CFR).

According to the Commission's proposals, all persons seeking protection would be subject to a five to ten-day screening period and would be considered "not having entered". The proposed screening is inappropriate for identifying non-obvious vulnerabilities, but everything identified in the screening process leads to the important decision on which procedure to follow: the normal asylum procedure or the asylum border procedure without entry. The asylum border procedure is compulsory in some cases, including when the recognition rate of a country of origin is less than 20%. Member States are also free to apply the border procedure to almost all asylum seekers. The asylum border procedure can last up to 12 weeks (about three months), which would be followed by a new return border procedure in case of rejection, which can also last 12 weeks. During this whole period, the persons concerned would be considered as "not having entered the country". This fiction of "non-entry" will only be enforceable by means of detention and the Commission also offers Member States explicit legal bases for this, including in the proposal for the amended Reception Conditions Directive. This would mean that the persons concerned would be detained and isolated for more than 24 weeks (about six months) in large camps at the external borders of the EU. Under these circumstances, the necessary legal and social support cannot be guaranteed. Moreover, appeals against decisions taken in the border procedure are foreseen not to have suspensive effect and to be limited to one instance. There is thus a risk that, in accelerated proceedings, persecution will not be recognised and that the person who has fled will not be able to effectively defend him- or herself against rejection and will be removed.

Furthermore, in border procedures - but also in regular asylum procedures - the admissibility of the asylum application can be examined first and whether the person seeking protection entered via a "safe third country". The criteria for "safe third countries" are lowered in the draft Asylum Procedure Regulation of 2016, which forms the basis of the "New Pact", and, among other things, transit is to be sufficient as a connection to the country in question. The application of admissibility procedures will lead to asylum in Europe being denied to those in need of protection and to the responsibility for refugees being left to the neighbouring countries of war and crisis. A lowering of the criteria increases the risk of refugees being removed in violation of international law to countries where they are without protection and where they are threatened by chain removals to their country of origin.

The Asylum and Migration Management Regulation retains the responsibility regime of the previous Dublin Regulations and, in particular by maintaining the "first entry principle", responsibility remains with external border states such as Greece and Italy. Deadlines will be significantly reduced, which will aggravate existing problems with family reunification and which would also render improvements to the definition of family ineffective. Within these shortened time limits, it will hardly be possible to submit take-charge requests and to prove kinship relationships. Legal protection against the responsibility regime will also be restricted. The proposed rules on solidarity measures, which are intended to relieve the burden on the external border states in the event of "migratory pressure" and disembarkation after search and rescue, are complicated and not realistic. The Commission intends to give Member States a wide range of possible measures. But this cannot hide the fact that there is no guarantee of effective solidarity for countries like Greece or Italy. One year more redistribution places will be offered, another year everyone wants to only commit to "return sponsorship". Every year there would be undignified negotiations about people in need of protection.

The Crisis Regulation opens up opportunities to deviate significantly from important standards. The Crisis Regulation also proposes an "immediate protection", which seems more workable than the never applied provision for "temporary protection in the event of a mass influx of displaced persons" (2001/55/EC). Yet if there is a clear persecution situation in the country of origin, full refugee protection would be appropriate and make more sense.

In the following, PRO ASYL lists and explains these critical points regarding the different regulations.

PROPOSAL FOR A SCREENING REGULATION (2020/0278 (COD))

The proposed screening aims to identify all persons entering irregularly or disembarking after rescue from distress at sea and to carry out health and safety checks. European asylum law already provides for this, so a separate regulation is not necessary. However, the design of the screening procedure entails considerable disadvantages for the persons concerned. In addition to the expected restriction of freedom, the information collected during the screening is decisive for the procedure to which the person is subsequently assigned and may be used against them in the asylum procedure. There is no provision for appeal against the decisive decision on which procedure follows.

- **Lack of information** (Article 8): The screening would be the first contact of asylum seekers with European authorities. This would be an appropriate moment to provide comprehensive

and independent information to those concerned. However, information is normally only to be provided in writing. It is known from practice that this is not sufficient.

- **Insufficient vulnerability assessment** (Article 9(2)): Only "where relevant" is there to be an assessment of whether persons are in a vulnerable situation, victims of torture or have special reception needs within the meaning of the Reception Directive. An examination of vulnerability should, however, be obligatory, especially as it could lead to exclusion from the border procedure. It can also be assumed that, within the short period of time, vulnerabilities that are not directly identifiable will not be detected at all.
- **Fiction of non-entry** (Article 4, Article 6(3)): The screening procedure is meant to normally take not more than five days and in exceptional cases not more than ten days. During this time, the persons concerned are deemed not to have entered the country. In practice, this will result in considerable restrictions on the freedom of movement and consequently the accommodation under detention conditions of all asylum seekers.
- **Passing on information via the de-briefing form** (Article 13): Information collected in the screening procedure can be passed on to the actual asylum procedure via the de-briefing form. This applies, for example, to transit through states that are considered "safe third countries", which may lead to the asylum application being declared inadmissible. In addition, information that would lead to an application being processed in the border procedure or in an accelerated procedure is to be passed on (Article 14(2)). It is known from the German airport procedure that important statements are only made to the asylum authority and not, before that, to the Federal Police. This is then often considered to be a change in the person's story and to be unreliable.
- **Weak monitoring mechanism (Article 7)**: The independent monitoring mechanism is too weak to be able to effectively investigate violations of the non-refoulement principle (e.g. "push backs"). The anchoring of a stronger mechanism in the Schengen Border Code, for example, would lend itself for this purpose, as it regulates border controls. In addition, [existing monitoring facilities should be strengthened](#) and appropriately integrated and an individual complaints procedure should be provided for in order to effectively protect fundamental rights.

AMENDED PROPOSAL FOR A REGULATION ON ASYLUM PROCEDURES (2016/0224 (COD))

With the "New Pact", the Commission amends the [2016 proposal for a Regulation on Asylum Procedures](#) (Asylum Procedures Regulation) to significantly extend the asylum border procedure and to propose a new return border procedure. Apart from these amendments, the 2016 proposal remains in place and thus continues to include the problematic lowering of the criteria for "safe third countries" and "safe countries of origin".

On the asylum border procedure and the return border procedure (Article 41, Article 41a):

- **Mandatory and optional use of the asylum border procedure** (Art. 41(1), (3)): The proposal provides for a mandatory use of border procedures, inter alia, for persons whose recognition rate of the country of origin is below [20%](#) throughout Europe (Art. 41(3), 40(1)(i)). This limit of 20% is arbitrarily drawn. The country of origin is not an indication of individual persecution. Complex cases come from countries which are below this rate, which require

precise and not accelerated consideration, as in the case of persecuted religious minorities (e.g. Christians) from Pakistan or women-specific persecution in Nigeria (e.g. forced prostitution or genital mutilation). Persons accused of failing to produce documents or giving false information must also be subjected to border proceedings (Art. 41 (3), Art. 40 (1) (c)). Member States may also decide to extend border procedures to de facto almost all asylum seekers (Article 41(1)). This creates the risks of the border procedure becoming the standard procedure in some Member States. In the border procedure a decision can be taken on the inadmissibility or in an accelerated procedure on the merits of the application (Article 41(2)).

- **Children aged over 12 in border procedures** (Article 41(5)): The proposal explicitly excludes unaccompanied minors and minors under 12 years of age, together with their families, from the asylum border procedure. However, this would mean that children over 12 years of age and their families would be assigned to the extended border procedures, although these are not appropriate for children, especially due to the expected detention conditions. This would also stand at odds with the Convention on the Rights of the Child, which regards all persons under 18 years of age as children.
- **Fiction of non-entry (Article 41(6), Article 41a(1))**: During both border procedures, the persons concerned are to be considered as 'not having entered'. According to Art. 8(3)(d) of the [proposal for an amendment of the Reception Conditions Directive of 2016](#), which is part of the entire Pact, the implementation of the asylum border procedure for examining entry is explicitly listed as a reason for detention. Anyone who has been detained during the asylum border procedure may also remain in detention during the return border procedure (Article 41a(5)). It can therefore be assumed that the people concerned will be detained for the five to ten days of the screening and the total of 24 weeks of the border procedures, i.e. about half a year. Otherwise "preventing entry" would not be enforceable. Without freedom of movement, those affected cannot independently seek necessary support and obtain information. Nor is access guaranteed for NGOs and lawyers without an existing mandate. Fair procedures are not possible in this way.
- **Restricted legal protection** (Art. 53 (9), Art. 54 (3a)): Legal protection against decisions taken in border proceedings is to be reduced to one level of appeal, and appeals are not to have suspensive effect. This increases the risk that wrong decisions - which were taken under time pressure in an accelerated procedure and during which the persons concerned were isolated at the external border - would not be rectified or that the persons concerned would be returned to the persecuting State even before a court decision has been taken.
- **Extension of border procedures** (Article 41(11), Article 41a(2)): Up to now, the Asylum Procedures Directive allows border procedures only for four weeks, which the European Commission wants to triple to 12 weeks. The return border procedure can also last 12 weeks. In case of a crisis, the new Crisis Regulation (see below) allows the extension of the duration by eight weeks each.
- **Border procedure for carrying out return** (Article 41a): There is to be a new return border procedure. The idea was first put forward with the proposals for a [new Return Directive \(COM\(2018\) 634\)](#). This new border procedure will make it possible to continue to detain all persons rejected in the asylum border procedure without having to meet the requirements of pre-removal detention. Pre-removal detention - [extended in accordance with the proposals for a new Return Directive](#) - may follow directly. Detention pending removal can then last up to 18 months (Article 18(6) of the new Return Directive), which means that in

extreme cases the person would be subject to two years of restriction and deprivation of liberty (if detention is explicitly ordered in the border procedure, this period of detention is to be counted towards the period of detention pending removal, Article 41a(7)).

On the concept of "safe third country" (Art. 45)

- **Mandatory application of the "safe third country" concept:** In contrast to Art. 38 of the currently applicable Asylum Procedures Directive, the application of the "safe third country" concept under the planned Asylum Procedures Regulation will in future no longer be optional but mandatory if the conditions are met and the country is designated "safe" at national or Union level or, if that is not the case, in individual cases in relation to a specific applicant (Art. 45(1) and (2)).
- **Lowering the level of protection:** For the classification as a safe third country - in contrast to Article 38(1)(e) of the Asylum Procedures Directive - it will no longer be mandatory that the possibility of receiving protection in accordance with the Geneva Convention on the Status of Refugees exists in that country, but e.g. "sufficient protection" would be enough (Article 45(1)(e)). It is clear that the Commission has Turkey in mind here, which ratified the Convention only with a geographical reservation. Hence refugees who are not from Europe cannot invoke it.
- **Transit through the third country is sufficient:** In future, transit (i.e. crossing) through a third country that is geographically close to the country of origin is meant to be sufficient as a connection on the basis of which "it would be reasonable for that person to "go to that country" (Article 45(3)(a)).

On the concept of "safe country of origin" (Art. 47)

- **Lowering the level of protection:** Up to now, a prerequisite for being classified as a "safe country of origin" has been that there is "generally and consistently" no threat of persecution or of dangers that would lead to the granting of subsidiary protection. According to the draft Asylum Procedures Regulation, the adverb "consistently" is to be deleted, thus eliminating the time component which is an indication of a certain degree of lasting stability (Article 47(1)).

PROPOSAL FOR A REGULATION ON ASYLUM AND MIGRATION MANAGEMENT (2020/0297 (COD))

The Regulation on Asylum and Migration Management (RAMM) is meant to replace the Dublin III Regulation. The basic principle of the Dublin Regulation is maintained, i.e. the responsibility of the first country of entry if, for example, there are no family members in another Member State. Solidarity measures are provided for in the event of "migratory pressure" and in the event of disembarkation after search and rescue. To this end, the Member States have the possibility of admitting asylum seekers or recognised beneficiaries of protection, providing assistance with human/technical resources or taking on "return sponsorship".

On the rules of responsibility

- **Retention of the first entry criterion** (Art. 8(2), Art. 21): The proposal leaves the primary responsibility for asylum procedures in the EU with external border states such as Greece and Italy. This leaves the current structural imbalance in the responsibility for asylum seekers in Europe in place.
- **Improvement of the definition of family** (Art. 2(g): The definition of family is extended to include families that were created while fleeing (currently limited to families that already existed in the country of origin) and is also to include siblings. However, this improvement threatens to come to nought due to the shorter time limits and the limits to legal protection (see below).
- **Qualification as a new responsibility criterion** (Article 20): If an asylum seeker has obtained a diploma or other qualification in a Member State, that Member State will be responsible for the asylum procedure. This is a useful step to take into account connections of asylum seekers to certain Member States. In practice, however, it is likely to be limited to a small number of cases.
- **Shorter time limits for family reunification** (Article 29, Article 30): The time limit for submitting a take-charge request is reduced by one month to two months. Instead of two months, the requested State would in future only have one month to reply (see Annex I). Take-charge requests primarily concern family reunification. Family reunification is already being repeatedly prevented by Member States' failure to meet the current deadline for submitting a take-charge request. For unaccompanied minors, the Commission proposes an explicit exception to the required time limit (Article 29(1)). This useful provision should apply to family reunification in general.
- **Take-back notification** (Article 31): Instead of a take-back request, the proposal foresees a take-back notification. The time limit for submitting the notification is reduced from two months to two weeks. Receipt of the notification must be confirmed within one week. Failure to do so will be tantamount to a confirmation leading to the possibility of transfer to the notified State (see Annex I). These are usually first-entry countries, such as Greece or Italy, where asylum seekers and recognised refugees have been exposed to miserable conditions for years. It is more than questionable whether the risk of inhuman treatment after return because of homelessness and impoverishment is still sufficiently assessed in this rapid decision process. The new regulation would not only concern asylum seekers, but also beneficiaries of protection and resettlement refugees (Article 26(1)(c) and (d)).
- **Restricted legal protection** (Article 33): The draft significantly limits the possibilities for legal protection and fails to make the necessary improvements. According to the draft, in the case of take-charge requests, the remedy can only concern compliance with the rules on family reunification, but not the humanitarian clause (cf. Article 33 (1) (a) in conjunction with Art. 25 (2)) - although courts in Germany often use that clause to find Germany responsible, e.g. in cases of family reunification where the time limits expired. As a minimum human rights requirement the remedy against a take-back notification concerns the question whether a transfer would violate Article 4 CFR (prohibition of torture and inhuman treatment) - the review of other human rights violations, e.g. the right to a fair trial, is thus excluded by the proposal (Article 33(1)(a)). There is no provision for remedies to enter the asylum procedure once the time limit for a transfer expired. With regard to the Dublin III Regulation, the Court of Justice of the European Union (CJEU) has granted such a right with regard to the individual

time limits and based this decision on Article 47 of the CFR (right to an effective remedy) and on the smooth running of the Dublin system ([Shiri, 2017, para. 44](#)). The envisaged restrictions should be deleted. It should also be made clear that actions may be directed at the responsibility decision per se and that they are not limited to the transfer decision, to avoid restrictive interpretations.

- **Facilitation of Dublin detention** (Article 34): Instead of a "significant risk of absconding", a simple risk of absconding is supposed to suffice for detention pending transfer, to facilitate the use of detention for Dublin transfers.
- **Dublin return of unaccompanied minors** (Article 15(5)): Although the CJEU ruled in 2013 in its judgment [M.A. \(para. 55 et seq.\)](#) that the return of unaccompanied minors - as a particularly vulnerable group - to the country of first entry is contrary to the best interest of the child, the proposal provides for precisely this when there are no family members in the EU. This delays the access of minors to the asylum procedure.
- **Severe sanctions in case of secondary movement**: If someone goes to a Member State that is not responsible for them, they are – as far as possible - to be excluded from social benefits there (Article 10(1) RAMM, Article 17a [Proposal for an amendment of the Reception Conditions Directive of 2016](#)). This meets with massive constitutional objections in Germany, as the [Federal Constitutional Court](#) stated in 2012: "The human dignity guaranteed in Article 1(1) of the Basic Law cannot be relativised in favour of migration policy". The new Reception Conditions Directive also extends the residence obligation for asylum seekers who do not reside in the responsible Member State or who have been returned after a Dublin procedure. Failure to comply may result in detention (Article 7(2)(c) and (d), Article 8(3)(c)).

On the solidarity mechanism

- **Complicated solidarity mechanism**: The regulation provides for solidarity measures in the event of "migratory pressure" and disembarkation of persons rescued at sea (Article 45(1)). The Commission intends to publish an annual Migration Management Report in which it forecasts arrivals and identifies the need for assistance to the Member States concerned (Article 47 et seq.). The Member States are then to determine what solidarity measures they offer: redistribution of asylum seekers not assigned to the border procedure or of beneficiaries of international protection, return sponsorship or capacity building (Article 45(1)). The commitments will be set out in a binding implementing act by the Commission. Every year this process would lead to political negotiations about the reception and distribution of persons seeking protection. This process could time and time again be used by right-wing populists to raise their profile with their voters.
- **Return sponsorship** (Article 55): One of the solidarity measures is "return sponsorship", under which a Member State is to push forward the removal of certain persons, inter alia by providing return counselling, or by organising flights for those being removed. If this is not successful within eight months, the Member State must relocate the person on its own territory. This would mean that the persons concerned would be taken to countries whose governments refuse to accept refugees, partly for racist reasons.

On the amendment of the Permanent Residence Directive ([2003/109/EC](#))

- **Shorter stay required** (Article 4): Instead of five years, three years of legal residence are to be sufficient in future for beneficiaries of international protection to obtain permission for

permanent residence in the EU. This will facilitate freedom of movement within the EU. The rapid granting of freedom of movement is more likely to increase acceptance for remaining in the Member State responsible for the asylum procedure than the withdrawal of reception and social benefits and other sanctions can. The reduction of time until the person has gained permanent residence is therefore a good step, but it would be better to have a right to freedom of movement immediately after the recognition of international protection.

PROPOSAL FOR A REGULATION ADDRESSING SITUATIONS OF CRISIS AND *FORCE MAJEURE* (2020/0277 (COD))

The Crisis Regulation allows derogations from the provisions of other Regulations in the event of crises ("exceptional situation of mass influx of third-country nationals [...] being of such a scale, in proportion to the population and GDP of the Member State concerned, and nature, that it renders the Member State's asylum, reception or return system non-functional and can have serious consequences for the functioning of the Common European Asylum System[...] ", Article 1(2)(a)) or in the case of *force majeure*. *Force majeure* is not defined in more detail, but the explanatory part of the regulation makes a comparison with the corona pandemic (p. 4).

- **Extension of border procedures:** In the event of a crisis, Member States may, with the Commission's agreement (Article 3), massively extend border procedures. Firstly, the scope of the asylum border procedure may be extended by applying it to applicants from countries of origin with a protection rate of up to 75%; secondly, the duration of the border procedure may be extended by eight weeks to 20 weeks (Article 4). The return border procedure may also be extended by eight weeks and the explicit detention grounds are broadened (Article 5, Crisis Regulation). This allows protection seekers to be detained at the border for nine months (10 days for screening + 20 weeks asylum border procedure + 20 weeks return border procedure, see Annex II) during a "crisis". This derogation is directly valid for six months and may be extended up to one year (Article 3(4)).
- **Delay of registration:** Member States will be allowed to take up to four weeks to register asylum seekers during a crisis, by way of derogation from the proposed Asylum Procedures Regulation, which provides for registration within a maximum of ten days (Art. 6, see Annex II). This special rule applies for an initial period of four weeks and may be extended twice, i.e. for a total of 12 weeks (Article 3(5)). It is also possible to extend the registration period to four weeks in cases of *force majeure* (Art. 7). This proposal clearly stems from events in Greece in March 2020, when the Greek government, in [violation of European law](#), stopped registering asylum applications for one month and detained the people seeking protection, including highly vulnerable groups such as unaccompanied minors, inter alia on a warship and then in the Malakasa detention camp.
- **Extension of time limits concerning responsibility rules:** In the event of *force majeure* that makes it impossible for the Member State to comply with the normal time limits for take-charge requests and replies or take-back notifications, these time limits will each be doubled. The transfer period will also be doubled from six months to one year in cases where the transfer is impossible due to *force majeure*. Only after this year will responsibility be transferred to the Member State in which the asylum seeker is currently residing (Article 8). This will greatly delay access to the asylum procedure.

- **New "immediate protection"** (Article 10): In the event of a crisis as defined in the regulation, Member States will be able to grant "immediate protection" and interrupt the asylum procedure during this period. This would be possible for asylum seekers from countries of origin where there is a high risk of indiscriminate violence or in special cases of armed conflict. The Commission will determine whether this is the case and for how long this status can be granted. Persons enjoying "immediate protection" will be granted the same rights as those enjoying subsidiary protection. However, they continue to be regarded as asylum seekers in the sense of the RAMM (cf. Article 2(c) RAMM). The asylum procedure is to be continued after one year at the latest. The proposal seems more practicable than the "temporary protection" of the current "Mass Influx Directive" (2001/55/EC), which has never been applied in practice and which would be repealed by Article 14 of the Crisis Regulation. However, since asylum procedures are to be resumed after one year at the latest, it is questionable whether this provision will actually ease the burden on the asylum system. Germany's procedure of granting refugee status directly to e.g. Syrian asylum seekers in 2015/2016 by written procedure was more effective. In the course of withdrawal examinations, 98% of these decisions were [confirmed in 2019, 95% in the first half of 2020](#), which clearly refutes rumours of alleged mass abuse of this procedure. In case of "mass displacement", it is appropriate to recognise all members of a group as refugees. As prima facie refugees, where legitimate reasons for fleeing can be assumed, they would have all the rights under the Refugee Convention. This includes the right to family reunification, which beneficiaries of subsidiary protection are denied in most EU Member States.

ANNEX I: Overview of the amended time limits in the responsibility regime

Time limits	Dublin III Regulation (604/2013)	Proposal for an Asylum and Migration Management Regulation	Proposal for a Crisis Regulation
Take-charge request	3 Monate (Article 21) Eurodac hit: 2 months	2 months (Article 29) Eurodac hit: 1 month Take-charge request can be made for unaccompanied minors despite expiry of time limit	4 months (Article 8(1) (a))
Reply to take-charge request	2 months (Article 22) no reply = consent	1 month (Article 30) no reply = consent	2 months (Article 8(1)(b))
Take-back request	Eurodac hit: 2 months Other evidence: 3 months (Article 23) Concerns person with ongoing asylum procedure, withdrawn application, rejected application (Article 18)	Take-back notification Eurodac hit: 2 weeks (Article 31) Concerns applicants, beneficiaries of international protection, resettled persons (Article 26)	1 month (Article 8(1) (c))
Reply to take-back request	Eurodac hit: 2 weeks Otherwise: 1 month (Article 25) No reply = consent	1 week to confirm receipt of notification No reply = consent	1 month (Article 8(1)(c))
Transfer time limit	6 months (Article 29) Detention: 12 months When “absconded”: 18 months	6 months (Article 35) Detention: 12 months When “absconded”: Transfer time limit continues after the person reappears	1 year (Article 8(3))

ANNEX II: Overview of the amended deadlines for screening, registration and border procedures

Time limits	Asylum Procedures Directive (2013/32/EU)	Proposal for a Screening Regulation	Proposal for a Crisis Regulation
Screening	/	5 days (Article 6(3)) In case of a disproportionate number of third-country nationals: 10 days (Article 6(3)) Within the territory of a Member State: 3 days (Article 6(5))	/

Time limits	Asylum Procedures Directive (2013/32/EU)	Proposal for an Asylum Procedures Regulation	Proposal for a Crisis Regulation
Registering the asylum application	3 working days (Article 6(1)) In case of a large number of third-country nationals 10 working days (Article 6(5))	3 working days (Article 27(1)) In case of a large number of third-country nations: 10 working days (Article 27(3))	4 weeks (Article 6, Article 7(1))
Filing of asylum application	/	10 working days (Article 28(1)) Border procedure: 5 days (Article 41(10)) In case of a large number of third-state nationals: 1 month (Article 28(3))	/
Border procedure for the examination of applications for international protection	4 weeks , otherwise entry (Article 43(2))	12 weeks , otherwise entry (Article 41(11))	20 weeks , otherwise entry (Article 4(1)(b))
Border procedure for carrying out return	/	12 weeks (Article 41a(2))	20 weeks (Article 5(1)(a))