

## SUMMARY

### **Ad-Hoc Query on the practical application of the provision on the accelerated procedure in the readmission agreements with third countries**

**March 2016**

Below you can find a comparative summary of an ad-hoc query launched by the Czech Republic EMN Contact Point on the **practical application of the provisions on the accelerated procedure in the readmission agreements with third countries**. 25 EU Member States provided their answers (including CZ reply).

**Member states were requested to answer the following questions with this explanation:**

Czech Republic is actually in the process of discussing the **practical application of the provision on the accelerated procedure in the readmission agreements with third countries**. Regarding the current situation in the field of migration in Europe, the topic is of high importance.

The aim of the accelerated procedure is to assure the transfer of the person concerned to the country of origin as quickly as possible. In most readmission agreements, the time limit for the submission of the readmission application is 2 days and another 2 days for the response. The transfer itself should be executed within 3 months (or in case of legal or practical reasons the time limit may be extended).

The problem can be seen in the feasibility (practicability) of the accelerated procedure. This is caused by the fact that many people use the opportunity to apply either for asylum, or they use the right to appeal, which in case of the Czech Republic means that the relevant procedure takes more time than the standard time limit for the transfer stipulated in readmission agreements. Thus, the procedure cannot be regarded as accelerated. This institute is applied very rarely.

The Czech Republic is aware of the fact that if a person is returned outside the EU territory, it is necessary to respect the obligations resulting from the Return Directive and other EU and national legislations. Despite that, the Czech Republic is trying to find the solution under which the accelerated procedure in readmission agreements would not be only a phrase on the paper. In order to find the solution, the Czech Republic posed to the EU MS the following questions:

- 1. Does your legislation lay down any rules on accelerated procedure under readmission agreements?**
- 2. If yes, could you please briefly describe the main principles of this procedure in your country?**

To sum up the **Question 1**:

**There is no legislation on the accelerated procedure in any EU Member State plus Norway. The accelerated procedure is possible in case of clearly unfounded asylum claims or – in case of readmission – on the local level between some neighbouring states.**

**In some states the accelerated procedure is possible in case of asylum claims:**

**Austria, Bulgaria, and Sweden**

**In some countries an appeal against the decision on return does not postpone its execution:**

Croatia, Finland, and Sweden

**Some countries use the provisions directly from readmission agreement, mostly in relation to their neighbours (at the local level):**

Croatia, Estonia, Latvia, Lithuania, and Slovenia

**Question 2:**

**As already apparent from the first question, there are no rules in legislation on accelerated procedure.**