

Immigration Appeals Board Procedural Rules Regarding Statement Deadlines – International Protection December 2024

1. General

The period for appealing a decision by the Directorate of Immigration to the Immigration Appeals Board is generally 15 days from the date the decision is issued. If the applicant is from a safe country of origin and the Directorate of Immigration has processed the case as a priority, the appeal period is 5 days. A decision by the Directorate of Immigration to refuse substantive processing under Article 36 automatically appeals to the Immigration Appeals Board unless the applicant specifically requests not to appeal, and the statement for the appeal must be submitted to the Appeals Board within 14 days of the decision being issued.

The Foreign Nationals Act does not specify the right of the appellant to a particular deadline for submitting a statement, except for the 14-day period for automatic appeals due to the refusal of substantive processing. However, it is clear that the appellant is allowed to submit additional evidence, which should be considered while the case is being handled by the Appeals Board.

The Appeals Board has granted deadlines to appellants for submitting statements. If a statement is not submitted within the deadline, the case will generally be decided based on the available evidence.

2. Deadlines for Submitting Statements

Deadlines for submitting statements are generally as follows:

- Substantive processing under Article 37: two weeks
- Cases processed under paragraph 1 of Article 36: 14 days from the date of the decision
- Cases from safe countries of origin processed by the Directorate of Immigration as priority cases: 5 days
- Request for suspension of legal effects: no deadline granted
- Repeated application: no deadline granted
- Appeal against the rejection by the Directorate of Immigration of a repeated application: no deadline granted

Additional information and documents can be submitted during the processing of the case.

An additional deadline of up to one week can be granted for the statement due to the following circumstances:

- Illness of the representative or unavoidable absence during the statement deadline, and it is not possible to delegate the submission of the statement to another representative.
- The rights of the appellant may be forfeited if an additional deadline is not granted.

A request for an additional deadline must be substantiated in writing with reference to the above. Unsubstantiated requests for an additional deadline will be rejected.

The Appeals Board may grant a shorter deadline for submitting a statement than outlined above if there is a risk that the case will not be concluded within the time limits specified by the Foreign Nationals Act, see among others, paragraph 4 of Article 23 and paragraph 2 of Article 74 of the

Act. In determining the length of such deadlines, the urgent interests of the appellant are considered.