

The Immigration Appeals Board

Rules of procedure regarding deadlines for submission of reports – international protection

21 March 2019

1. General

The deadline for appealing a decision by the Directorate of Immigration to the Immigration Appeals Board is generally 15 days, effective from the date the decision is published. If the applicant comes from a safe state of origin and the Directorate of Immigration has processed and completed the case as a priority case, the deadline for appeal, however, is 5 days.

The Act on Foreigners does not stipulate the right of an appellant to receive a certain deadline for submitting a report; however, it is clear that the appellant may submit additional documentation which shall be taken into account while the case is under procedure by the Immigration Appeals Board.

The Immigration Appeals Board has allowed deadlines for appellants for submitting reports, as well as further documentation when needed. When determining the length of deadlines, the Immigration Appeals Board takes into consideration the goals on effectiveness and the appellant's right to submit his/her views.

If a report has not been submitted within the deadline, the case will generally be taken for decision on grounds of the existing data.

2. Deadlines for submitting reports

The deadlines for submission of reports are generally as follows:

- Application for international protection: 2 weeks
- Dublin and status cases: 7 regular weekdays
- Cases of safe countries of origin which the Directorate of Immigration has processed as priority cases: 1 week
- Request for suspension of legal effects: 1 week
- Request for reopening of a case: No deadline granted

Granting an extended deadline by one week is permissible under the following circumstances:

- Illness of the legal spokesperson or his/her other unavoidable absence during the deadline for preparing a report, and another spokesperson cannot be appointed to submit a report.
- Delay in the gathering of data for unavoidable reasons, provided said data is likely to affect the conclusion and are necessary for preparing the report.
- The chief solicitor deems that on the grounds of the data of the case the rights of the appellant may be lost if an additional deadline is not granted.

In exceptional instances when the interests of the appellant unavoidably demand it, the chief solicitor may grant an additional deadline in excess of the aforementioned, cf. however, Item 3 below.

A request for an additional deadline shall be argued in writing, referring to the aforementioned. A request that is not accompanied by argumentation will be denied.

Additional deadlines in cases of safe countries of origin, which the Directorate of Immigration has processed as priority cases will not be granted except with the consent of the chairman or the vice-chairman.

3. Additional deadlines of cases that are close to the deadlines of the Act on Foreigners

- Cases of general procedure and more than 15 months have passed from such time the appellant applied for international protection.
- Dublin or status cases, and more than 8 months have passed since such time the appellant applied for international protection.

In exceptional instances when the interests of the appellant unavoidably demand it, the chairman or the vice-chairman may grant an additional deadline regarding the aforementioned cases.

The Immigration Appeals Committee may grant a shorter deadline for submission of a report than stated above if there exists a risk that a case will not be completed before the deadlines set by the Act on Foreigners expire, cf., including the Act's Article 23, para 4, Article 36, para 2 and Article 74, para 2. When determining the length of such deadlines the Immigration Appeals Committee will take into consideration the applicant's pressing interests.