



St. Gallen, 29 October 2020

Press Release

on the first 18 months after the revised Asylum Act

Statistics on procedures under the revised Asylum Act

Eighteen months after the revised Asylum Act came into force, the percentages of cases processed at the Federal Administrative Court are almost identical to those after the first year.

In the first 18 months following the introduction of the revised Asylum Act on 1 March 2019, the Federal Administrative Court (FAC) received a total of 6,070 asylum procedures. Two-thirds of these (4,033) still concerned the previous Asylum Act, while the other 1,697 were subject to the revised Act. In addition, 31 appeals were received in the context of procedures at the airport and 309 appeals about special procedures, in particular reviews and re-examinations. During this period, the court dealt with 6,226 asylum cases, of which 4,470 were completed in accordance with the old law 1,503 with the new law, as well as 30 procedures at the airport and 223 special procedures.

Compliance with the time limits

The revision of the Act introduced new time limits for the court to process applications. The FAC has five working days to process appeals against decisions to dismiss an application (particularly under the Dublin procedure) or appeals in cases concerning asylum seekers from safe countries of origin. In accelerated procedures, the FAC may take 20 calendar days and the legislator has established that the time limit may be exceeded by a few days for valid reasons (Art. 109, Para. 4, AsylA).

The FAC largely complied with these time limits in the first 18 months. The five-day time limit was complied with in 67 per cent of cases (583 procedures) and exceeded by a few days in 19 per cent of cases (166 procedures). The court complied with the 20-day time limit in 72 per cent of cases (442 procedures) and exceeded it by a couple of days in 8 per cent of cases. Compared to the last evaluation completed by the court following the first 12 months since the new legislation came into force, the picture is almost identical. Despite the sometimes difficult work situation caused by the coronavirus pandemic, the FAC reports relatively stable asylum case processing. High-quality judgments and compliance with the short statutory time limits for processing continue to be given top priority.

Pending cases and types of completion

Although the FAC was able to further reduce the number of pending old cases,

the number of pending cases in procedures under the new law increased by 70 compared to the first 12 months. This is particularly due to a higher business volume in the extended procedures, in which 163 appeals were received and 58 cases were completed.

However, the types of completion have remained almost identical. In the period observed here (18 months), 69 per cent of cases were rejected (previous period [12 months]: 67 per cent), 6 per cent were partially or fully approved (previous period: 6 per cent), 13 per cent were referred back to the State Secretariat for Migration (previous period: 15 per cent), 4 per cent were abandoned (previous period: 4 per cent) and 8 per cent led to a decision to dismiss an application (previous period: 8 per cent).

Information on the time limits under the revised Act

In the *accelerated procedure*, simple cases are to be decided on with final effect within 140 calendar days and are to be effected in the event of rejection. The procedure is conducted in the federal centres as asylum seekers are not allocated to the cantons. A short time limit of 7 working days applies to the appeal. The FAC must decide on the appeal within 20 calendar days. In order to meet these time requirements, the pre-trial proceedings are strictly timed by law and last usually 29 days (21 calendar days for preparation + 8 working days for decision making).

The *extended procedure* deals with cases which cannot be processed within the short time limit due to their complexity. The asylum seekers are allocated to a canton. Both the time limit for the appeal and the FAC processing deadline are 30 calendar days each. The triage is conducted by the State Secretariat for Migration after the hearing of the grounds for seeking asylum.

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About the Federal Administrative Court

Located in St. Gallen, the Federal Administrative Court (FAC) was established in 2007. With its staff of 355 employees (300.8 FTE) and its 74 judges (66.25 FTE) it is the largest federal court in Switzerland. The Federal Administrative Court has jurisdiction to hear appeals against decisions rendered by Swiss federal administrative authorities. In specific matters, the FAC may grant review on decisions rendered by cantonal authorities. Recourse actions are also reviewed by the Court. The FAC is composed of six divisions. It renders an average of 7,500 judgments every year.