

Scenario 1: Person arrived regularly and is/was authorised to enter MS territory. ©ECRE

Person enters 'on territory' procedures in the following cases: Person fulfils MS entry requirements under **Art.6 SBC**; is exempt from fulfilling entry requirements under **Art.6(5) SBC**; the pre-entry screening process (in cases where an individual decision authorising entry is required) is discontinued under **Art.4(2) SR**. Applicant is otherwise sur place.
Is the applicant authorised to enter/did they arrive regularly?

No
Irregular arrival is found: Person may enter screening, regular procedures or asylum border procedure.
See Scenario 2.

Accelerated procedure shall apply (Art. 40)
 Deadline is 2 months with exception of applications "merely to delay or frustrate..." under Art(40)(1)(d) when deadline is 8 days.
 If case is complex or deadline expires: full examination follows (Art. 40(4)). Status granted or rejected (see boxes)

Yes
Do grounds for an accelerated procedure apply pursuant to Art.40(1)(a)-(i) APR? Including 20% threshold. Limited exemptions for UAC (Art. 40(5))

No
Decision on admissibility shall be taken: is a request for IP found to be inadmissible under Art.36(1)(a)-(d) APR? Safe Third Country, FCA concepts and other grounds

Yes
Rejection + Return procedure Art. 35a aAPR
 Return decision as part of or simultaneously with rejection decision, applicant channelled to return procedure. Right to an effective remedy.

Right to an effective remedy:
 The applicant may exercise right to an effective remedy under **Art. 53 aAPR** in cases listed under **Art.53(1)(a)-(e) aAPR**. Rejection and return decisions to be appealed at same time. Deadlines 1 week or 2 weeks to 2 months.

A full ex nunc examination of facts and points of law carried out Art. 53(2)
 Automatic suspensive effect (of return decision) i.e. right to remain during appeal (**Art.54 aAPR**), unless grounds under **Art.54(3)(a)-(e) aAPR** apply inc. (Art. 40(1) and (5), border procedure, Art. 36(1)(a) and (c).

Yes
 Examination prioritised and channelled into **Regular Procedure**
 Examination on the merits. **Is the claim well founded?**

No
 The application must be lodged within 10 days of registering. The MS may prioritise the application. **Are there grounds for the application to be prioritised under Art.33(5)(a) and (b)?**

Yes
Regular Procedure: Application considered on its merits pursuant to Art.37 APR. **Is the claim well founded?**

No
International protection status is granted

No
Rejection + return procedure– Art.35a aAPR applies Return decision as part of or simultaneously with rejection decision, **applicant channelled to return procedure.**
 The applicant may exercise two rights: 1) they may make a subsequent application for IP under **Art.42 APR** or; 2) they may exercise the right to an effective remedy under **Art.53 aAPR.**

Yes
 Subsequent application is assessed on its merits. Applicant granted leave to remain pending this examination.

No
Subsequent application is lodged: Do grounds under Art.42(4)(a)-(b) APR apply?

Yes
Art.42(5) APR applies: Subsequent application is rejected as inadmissible or manifestly unfounded. **Art.35a aAPR** applies.

