

Access to procedures and non-refoulement - Iceland | DIP EUAA

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Overview

Relevant EU legislation

Iceland is not bound by the recast Asylum Procedures Directive. A similar national legal framework applies.

National legislation

Main legislative acts

Foreign Nationals Act, No. 80/2016 [Lög um útlendinga No. 80/2016] and subsequent amendments.

Regulation on Foreigners, No. 540/2017 [[Reglugerð um útlendinga No. 540/2017](#)] and subsequent amendments

Regulation on the conditions for special procedures for applications for asylum – expedited procedure. No. [830/2014](#) and subsequent amendments [[Reglugerð um skilyrði fyrir sérstakri málsmeðferð umsókna um hæli - flýtimeðferð](#). No. [830/2014](#)]

Competent authority and stakeholders

Area	Competent national authority	Assistance to competent authority (if applicable)
Screening at the external border	Police Lögreglan	Not applicable
Biometric data	Police Lögreglan	Not applicable
Making an application	<p>At the border: Police Lögreglan at Keflavík Airport upon arrival in the country</p> <p>On the territory: Police Lögreglan</p> <p>In detention: n/a</p>	Not applicable
Registering an application	Police Lögreglan	Not applicable
Lodging an application	Directorate of Immigration Útlendingastofnun	Not applicable
Information provision	Directorate of Immigration Útlendingastofnun	Not applicable

Access to the territory

Official external border-crossing points

Iceland has [4 external air border crossing points](#):

1. Akureyri Airport
2. Egilsstaðir Airport
3. Keflavík International Airport
4. Reykjavík Airport

Iceland has no external land border crossing points.

Iceland has [30 external sea border crossing points \(ports\)](#).

Emergency measures in cases of mass arrivals

Article 44 of the Foreign Nationals Act provides for emergency measures in the case of mass arrivals. It grants the Minister the authority to apply collective protection provisions when mass flight situations occur. This means that foreign nationals arriving in Iceland as part of a group fleeing from a specified region may be granted collective protection. These provisions allow for the granting of a temporary residence permit and extend it for up to three years, after which the individual may apply for a permanent residence permit, subject to certain conditions.

In case emergency measures are applied, an individual can access the asylum procedure by approaching the border guards at one of the official external border-crossing points.

Protection from refoulement

The legal basis for protection from *refoulement* is stipulated under [Article 42, of the Foreign Nationals Act](#). According to the national legislation, *'a foreign national or stateless person cannot be sent back to a region where there is an imminent risk of persecution, danger of losing life, or being subjected to inhumane or degrading treatment'*. *Prohibition from refoulement, also applies to individuals who are*

excluded from the legal status of refugee (Articles 40 or 41) as well as to individuals' cases where potential return or transfer of an applicant to an area where it is not guaranteed that one's life or freedom may be in danger.

Finally, prohibition from *refoulement* applies to individuals who are excluded from international protection under Articles 40 or 41, but they may receive temporary residence permit under article 77 on humanitarian grounds for identification of the applicant, when the applicant has provided information and assistance to the authorities or when the applicant failed to comply with the rules of asylum procedure and additional investigation is required by the authorities.

Protection from *refoulement* at external air borders

Protection from *refoulement* at external air borders is not stipulated in the national legislation. In practice, pursuant to the national legislation, when a person expresses the intention to apply for international protection at an airport, Iceland shall take over and process the claim.

Protection from *refoulement* at external land borders

There are no external land borders in Iceland therefore protection from *refoulement* at external land borders is not applicable.

Protection from *refoulement* at external sea borders

Protection from *refoulement* at external sea borders is not stipulated in the national legislation. In practice, pursuant to the national legislation, when a person expresses the intention to apply for international protection at the sea crossing point, Iceland shall take over and process the claim.

Protection from *refoulement* in case of emergency measures related to mass arrivals

Information is currently not available.

Border procedure

Border procedure is not applied in Iceland.

Procedural aspects

In Iceland there is no clear distinction between registering and lodging an application for international protection.

Making an application

A person can express a claim to apply for asylum verbally anywhere within the territory of Iceland.

Applications for international protection can be made at: (1) at the country's borders (a port of entry in Iceland such as airport, land border crossing checkpoint or seaport); (2) at the reception centre for applicants for international protection, located in Egilsgata 3, in **Reykjavik** or at any [Police station](#) located outside the capital area.

Possibility to apply from outside the territory

Applications for international protection sent to Iceland from individuals abroad are not accepted for processing and must be made in person.

Formal requirements for making an application

There are no formal requirements for making an application for international protection. It is sufficient to express the wish for international protection orally.

Registering an application

Responsible authority and place

Pursuant to Article 24, of the Foreign National Act, *'an application for international protection shall be submitted to the Directorate of Immigration or the Police. If an application is submitted to the police, it shall be forwarded to the Directorate of Immigration'*.

When a foreign national applies for international protection to Directorate of Immigration, the application needs to be registered within 3 working days (usually is registered on the same day). This deadline can be prolonged up to 10 working days, when large numbers of asylum seekers arrive at the same time. In practice, registering and lodging usually overlap.

Practical steps to register the application: According to Article 24 of the Foreign Nationals Act, when applying for international protection, an applicant must submit any passport or travel document s/he possesses, along with those of his/her family members such as spouse, partner, or children, whether they arrive together or apply later.

The Directorate of Immigration is responsible for informing applicants of their duty to provide requested information and the consequences of giving false or incomplete details. Applicants must also be informed promptly about the progress of their case and their rights, including the right to a spokesperson (representative) and ensure understanding of the best interest of the child. This information must be provided in writing or through accessible communication channels in a language the applicant can reasonably understand and must be age-appropriate for unaccompanied children. In cases involving unaccompanied children, a representative from the child protection service must be present and the Children and Family Centre must be notified.

As soon as an applicant applies for asylum, an assessment is made as to whether the applicant needs assistance for his/her daily needs and if so, s/he is offered [services](#) by the Directorate of Immigration or the municipalities that have entered into agreements with the Directorate of Labour. The applicant receives consultation

and legal aid by assigned lawyers or attorneys. The services are paid by the authorities.

Data collection

After registering an application for international protection, the police must take photograph of the applicant, fingerprints as well as copies of travel or identity documents. According to [Article 111 of the Foreign National Act](#), photographs and fingerprints may be taken of a foreign national who cannot prove his/her identity or is suspected of providing false information about it, who seeks international protection or applies for a permit, who has been refused international protection or a permit, or who has been denied entry to Iceland, expelled, or is presumed to be staying in the country illegally.

To verify identity and travel routes, the police must gather personal information as soon as possible and may assess the applicant's situation and condition, using expert assistance if deems necessary, to determine any risk to themselves or others. If there is doubt about whether an applicant who claims to be an unaccompanied child is a minor, an age assessment must be carried out as soon as possible. Until the assessment proves otherwise, the applicant must be treated as a child, unless it is obvious that the person is an adult. A refusal to undergo an age assessment alone, cannot justify rejecting an application. (Article 26. Collection of information regarding an application for international protection.) Fingerprints are entered into a computerised registry and the use of this information is in line with the Act on the Protection of Privacy and the processing of personal data. (Article 17. Processing of personal data).

Documentation

According to the Foreigners National Act, Article 34, when an application for international protection is registered, the Directorate of Immigration issues an immigration registration certificate to the applicant. The registration certificate is valid up to 1 year, and it must be returned to the police or the Directorate of Immigration upon receiving a residence permit, provisional residence permit, a travel document or a passport. An immigration registration certificate for an applicant for international protection does not serve as valid confirmation that the

personal details listed are correct and it is not considered as a valid travel document.

Passport and other documents

Obligation to surrender original documents

Requirement to submit original documents

[Article 24 of the Foreign Nationals Act](#) require the applicants to submit a passport or other travel document in their possession.

Consequence of a refusal to surrender documents

If an applicant does not surrender his/her passport to the authorities, no legal consequences are foreseen by the competent authority.

Return of original documents to the applicant

Beneficiaries for international protection may submit a request to have their passport returned. In Iceland, such a request could be accepted under the conditions that the passport is valid, unforged and the person is truly the legal holder of the passport.

Other documents

Providing original identity/travel documents is not a requirement for submitting an asylum application or to process the application by the Immigration Service. Both original documents and photocopies will be taken into consideration, along with all other merits of the case, when determining the identity of the applicant. If necessary, the Immigration Service will check the authenticity of the documents with assistance from other authorities. An applicant can submit original or photocopied documents throughout the entire application process.

Requirement to read digital data

When an individual applies for international protection, the police register the case and may use the tools provided by the Foreign Nationals Act to help establish the applicant's identity. Following registration, the police may take a photograph and fingerprints, and they are also permitted to seize items that can verify identity, such as travel documents or other relevant materials, under Article 26 in conjunction with Articles 108-110. These procedures are set out in [Chapter XIII of the Act](#).

Guarantees for applicants

Confidentiality principle

In processing applications for international protection, the Directorate of Immigration shall gather necessary and accessible information. Notwithstanding statutory provisions on confidentiality, the substance of case documents may be communicated to the United Nations High Commissioner for Refugees. The substance of case documents may also be communicated to humanitarian or human rights organisations to the extent that this is required in connection with information gathering. (Article 23 of the Foreign Nationals Act)

Information provision

[Article 11 of the Foreign Nationals Act](#) specifies that the information and guidance that must be provided to applicants for international protection by the competent authority, the Directorate of Immigration. Applicants are informed of their right to the assistance of an interpreter at the administrative level, unless they decline. Applicants are informed of their right to have an advocate appointed during the administrative procedure (Article 30).

[Article 24 of the Foreign Nationals Act](#) outlines the responsibilities of the Directorate of Immigration in relation to the information provided to foreign nationals applying for international protection.

The Directorate of Immigration must ensure that applicants are informed of their obligations to provide truthful and complete information. The consequences of failing to provide accurate information or concealing relevant details that could affect the resolution of their case must also be explained. The Directorate must inform applicants as soon as possible about the developments in their case and their rights, including the right to legal assistance (as per Article 30) and protections for minors (as per Article 31).

This information must be provided in writing, and/or in video or audio format, ensuring that it is accessible and understandable to the applicant. The language used should be one that the applicant can reasonably be expected to understand.

Links to information provided in the national context:

<p>Authority/agency: Directorate of Immigration Title: International Protection: Questions and Answers Type: Website Hyperlink: https://island.is/adstod/utlendingastofnun</p>

<p>Authority/Agency: Multicultural Information Center Title: Published material - Information brochures for refugees Type: Website Hyperlink: https://mcc.is/resources/toolbox/published-material</p>

Interpretation

[Article 11 of the Foreign Nationals Act](#) outlines the rights of applicants for international protection, including the right to have the assistance of an interpreter at the administrative level. Applicants for international protection must be informed, from the beginning of their case, about their rights and the procedure in a language they can reasonably understand. Applicants are informed of their right to the assistance of an interpreter at the administrative level, unless they decline.

In practice, interpretation is arranged as early as the first contact with the authorities and is available at all relevant locations. Needs are identified at first screening and reconfirmed at each subsequent procedural step. Interpretation is provided throughout both the registration and lodging of an application for international protection, as well as during any related information-giving, interviews, or notifications to ensure applicants fully understand their rights and obligations. Interpretation is made available in the languages required by the applicant at any given time or another language the applicant understands if necessary to move the application forward. The form of the interpretation depends on availability of onsite interpreters and services. The authorities take EUAA guidance into account when designing, procuring, and delivering interpretation services.

[According to Article 30 of the Foreign Nationals Act](#), the authority assesses in each instance whether to seek the assistance of an interpreter in Iceland or abroad by suitable means, e.g. via telephone, computer connection or other telecommunications device

Legal assistance and representation

[Article 30 on Legal Aid in Cases of International Protection](#) specifies that applicants for international protection have the right to be appointed a representative to assist them throughout the asylum procedure and the appeals procedure. The representative is appointed by the Directorate of Immigration. This representative must be a lawyer with expertise in international protection and refugee matters. A

separate representative may also be appointed for a minor applicant, even if the child is accompanied by parents or guardians.

Pursuant to the provisions of Article 13, of the Foreign Nationals Act, a foreign national has the right to legal aid in certain cases. If detention is decided (Article 115), the foreigner is entitled to a legal representative according to the Criminal Procedure Act. When a court action is initiated under Articles 109 - Detention, 110- *Search of a foreigner, his home or in his storage and in the house of a collaborator., or Article 114 - Obligation of a foreigner to report or reside in a specific place*), the judge must appoint a lawyer to represent the foreigner.

If an appeal is made against a decision on refusal of entry, expulsion, or revocation of a residence permit, a lawyer must also be appointed, except for cases related to appeals concerning international protection or certain types of expulsion.

If a judge decides to gather evidence in court under Article 16, the state covers the cost of the foreigner's legal assistance during this process. In principle, the state pays the costs of legal representation, but the foreigner may be required to repay these costs partially or fully.