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4. The Dublin Procedure



In 2019, EU+ countries implemented about 27 200 transfers, representing 3 % less than in 2018

The Dublin III Regulation aims to define a clear and workable method to determine which Member State is responsible for the examination of each application for international protection. Its objective is to guarantee that applicants have effective access to procedures for granting international protection and that the examination of an application will be conducted by a single, clearly designated Member State. If, upon the examination of the Dublin criteria, it emerges that another Member State is responsible for processing an application, the Dublin system foresees the possibility for the physical transfer of the applicant to the designated responsible Member State.

Based on data exchanged through EASO's EPS, there was a 3 % increase in the number of decisions on outgoing Dublin requests in 2019 compared to 2018. This represented almost 145 000 decisions in total, including both requests and re-examination requests. The ratio of Dublin decisions to lodged asylum applications was 20 % in 2019, which may imply that a high number of applicants for international protection continued with secondary movements across EU+ countries.

As in previous years, Germany and France received the most decisions in response to Dublin requests, each representing just under one-third of total decisions. The main country responding to requests remained Italy, followed by Germany, Spain, Greece and France. The overall acceptance rate for decisions on Dublin requests, measured by the proportion of decisions accepting responsibility out of all decisions issued, dropped for the second year in a row in 2019, to 62 %.

The evocation of Article 17(1) of the Dublin Regulation, known as the discretionary or sovereignty clause, decreased significantly in 2019 to 6 900 cases. Under this clause, a Member State may decide to examine an application for international protection, even if it is not its responsibility under the criteria in the Dublin III Regulation.

EU+ countries implemented about 27 200 transfers, a 3 % decrease compared to 2018, which is in line with the small decrease in accepted requests. About 30 % of transfers were implemented by Germany, followed by France (20 %), the Netherlands (11 %), Greece (9 %), Poland and Austria (5 % each).

Relatively few legislative and policy developments related to the Dublin procedure occurred in 2019, with the exception of countries experiencing a significant rise in the number of asylum applicants placed in Dublin procedures, such as Belgium and the Netherlands. Most of these developments were related to institutional and organisational changes to reduce backlogs and increase efficiency within the Dublin system.

Pending the future reform of the Dublin system, European and national courts continued to interpret some of the regulations and directives, delivering guidance based on individual cases. Under the Dublin III Regulation, Article 3(2), Member States shall become responsible for examining an application if there are substantial grounds to believe that there are systemic flaws in the asylum process and in the reception conditions in the Member State that would be designated as responsible based on the Dublin criteria. In 2019, transfers to other countries were not systematically suspended to any Member State. However, there is a lot of variation in practices in Member States when suspending transfers to specific Dublin Member States.

Civil society organisations voiced concerns about gaps in the methodology and the functioning of the Dublin system in practice. The rights of applicants should be safeguarded, while preventing secondary movements to another Member State at the same time. There should be positive incentives for both applicants and countries to follow the procedures of the system, instead of Member States increasing restrictions.

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