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Section 5. The Dublin procedure

This section combines quantitative, qualitative and legal information on selected elements of the functioning of the Dublin system. In particular, it offers an overview of data on decisions issued in response to outgoing Dublin requests, the use of discretionary clauses and transfers which were implemented. In addition, it presents developments in legislation, policy and practice, as well as a selection of case law from national courts reported throughout 2019.

The Dublin III Regulation is the cornerstone of CEAS with the goal of defining 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 a person in need of protection has effective access to asylum procedures to prevent a situation where no Member State is willing to accept responsibility for examining the application. It also aspires to prevent the misuse of the asylum system so that the same person does not submit multiple applications in several Member States with the sole purpose of extending their stay in the territory of an EU+ country.

To achieve these objectives, the Dublin III Regulation establishes a set of hierarchical criteria under Chapter III to determine the one Member State responsible for the examination of the asylum application. These include:

Family considerations (protection of unaccompanied minors and family unity);
The possession of a visa or residence permit in a Member State;
Irregular entry into or stay in the EU territory;
Entry into the territory of a Member State in which the need for a visa is waived for the applicant; and
Applications made in the international transit area of an airport.

Member States may also assume responsibility based on the clause linked to dependent persons or the discretionary clauses of the regulation.

The European Commission proposed a reform to the current Regulation in 2016, but without an agreement being reached between Member States, the Dublin system continued to be at the heart of public debates in 2019 *(see Section 2.7).* Pending the future reform of the Dublin system, European and national courts continued to interpret some of the rules, delivering guidance based on each individual case. EASO estimates show that many applicants continued with secondary movements in 2019, while implemented transfers remained relatively low. Nonetheless, relatively few legislative and policy developments 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. It is relevant to note that the discretionary clause in Article 17(2) was used as the legal basis for ad hoc relocation schemes

(see Section 2.4).

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