Please cite as: EUAA, '4.2.4 National efforts to amend the overall process' in *EASO Asylum Report 2021*, Ιανουάριος 2022.

4.2.4 National efforts to amend the overall process

Member States did not implement any major institutional, legislative or policy changes related to the Dublin procedure in 2020. The beginning of the year suggested the continuation of 2019 trends, when relatively few legislative and policy changes happened, with the exception of countries that received a high number of applicants who would need to be transferred back to another Member State under the Dublin III Regulation or applicants who had already obtained international protection in another Member State.[358] Even then, for example in Belgium or the Netherlands, most of these developments were related to restricting access to material reception conditions *(see Section 4.6)* and did not introduce changes in the organisation of the Dublin procedure itself.

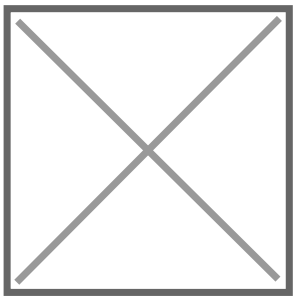
A notable institutional change happened in Denmark, where the Danish Return Agency – a new governmental agency under the Ministry of Immigration and Integration – took over the handling of Dublin transfers. This was previously the responsibility of the Danish police.[359]

Significant amendments to the Law on Asylum and Refugees in Bulgaria had impacts on the organisation of the Dublin procedure in the country. Some processes related to decisions on Dublin cases were clarified, with the aim to have a more efficient and timely procedure. In the Netherlands, the Aliens Circular was amended to reflect CJEU jurisprudence in Jawo and clarified when an applicant can be considered to have absconded.[360] Internal guidelines were amended in Germany as well in order to clarify the definition of abscondence.

Some developments touched upon remedies within the Dublin procedure. A draft law was put forward in Luxembourg, which would modify the remedy system available for decisions within the Dublin procedure and align the time limits and methods of appeal across the asylum procedure.[361] The Swedish Migration Court of Appeal confirmed that the Dublin III Regulation provides a remedy against a transfer decision, and Sweden's decision not to take responsibility for the examination of an application cannot be appealed.

With the formalisation of Brexit, clarifications were needed for the functioning of the Dublin procedure. For example, the Swedish Migration Agency published a legal position on the applicability of the Dublin III Regulation regarding the United Kingdom after 31 December 2020, noting that the regulation as a whole will no longer apply between Sweden and the UK,[362] while the Irish High Court rejected the appeal of an Iraqi applicant against his transfer to the UK, basing its reasoning on CJEU jurisprudence from 2019 on the impact of Brexit on the implementation of

the Dublin III Regulation in C-661/17.[363] In addition, the court also noted that the applicant's relationship with a cousin was not covered under the definition of family members, thus a cousin residing in Ireland does not oblige the authorities to take this into consideration when applying different criteria to determine the Member which is responsible.



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