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4.2.3 Decisions on take charge and take back requests



The Dublin III Regulation distinguishes between two categories of requests: take back and take charge. A Member State may send a take back request (Articles 18(1b-d) and 20(5)) asking another Member State to take responsibility for an applicant who applied for international protection within the reporting country but had already applied in the first Member State or because the other Member State previously accepted responsibility through a take charge request.

A Member State may send a take charge request (Articles 8-16 and 17(2)) asking another Member State to take responsibility for an applicant who has not applied for international protection in the requesting Member State but Dublin criteria indicate that the other Member State should be responsible. The criteria include family reunion (in particular unaccompanied minors), documentation (visas, residence permits), entry or stay reasons (using information from Eurodac) and humanitarian reasons.

Of the cases with a reported legal basis,[xxii] the majority of decisions taken in 2020 in EU+ countries were on take back requests (67%), which was very similar to 2019 (68%). However, there were some differences at the country level. In particular, countries like Bulgaria, Greece, Malta, Norway, Slovenia and Sweden received more decisions on take charge requests. Maltese authorities noted that the majority of take charge requests were relocations conducted based on Article 17(2).

The acceptance rates for both types of requests were relatively similar, but this comparison should be interpreted with caution due to the high number of cases in which the legal basis could not be verified.

[xxii] EASO data do not contain information on the specific article of the Dublin III Regulation which is used as a basis for sending a request, but the data are disaggregated by responses to take charge and take back requests. Data for France are not disaggregated according to the type of request.

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