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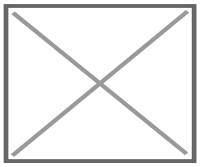
4.2 The Dublin procedure



The Dublin III Regulation aims to define a clear and workable method to determine which Member State is responsible for the examination of each asylum application. Its objective is to guarantee that applicants have an 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. The Dublin system has been one of the most discussed aspects of CEAS, particularly in relation to balancing responsibility-sharing and solidarity among Member States.

The potential future of the Dublin procedure was highlighted in 2020 with the presentation of the European Commission's new Pact on Migration and Asylum and the Proposal for a Regulation on Asylum and Migration Management. The pact aims to replace the Dublin system with a common framework that, in addition to effective mechanisms for determining the Member State responsible for an asylum application, will include a new comprehensive mechanism for continued solidarity on the basis of streamlined criteria.

Based on data exchanged through EASO's Early Warning and Preparedness System (EPS), in 2020, 95,000 decisions were issued in response to outgoing Dublin requests. This represented a decrease by one-third compared to 2019 and was in line with the scale of the decrease in the number of asylum applications lodged in 2020. Indeed, the ratio of received Dublin decisions to lodged asylum applications was 20%, which was similar to 2019.

At the country level, France and Germany continued to receive the most decisions on their requests for another country to take responsibility, jointly accounting for over three-fifths of the EU+ total. The overall acceptance rate for decisions on Dublin requests in 2020, measured by the proportion of decisions accepting responsibility out of all decisions issued, was 56%, showing a continued decrease for the third successive year at the EU+ level and in most Dublin Member States. Nonetheless, there were large differences in acceptance rates at the country level.
Among other significant developments at the European level, the discretionary clause in the Dublin III Regulation, Article 17(2) was the basis of the relocation scheme for 1,600 unaccompanied children and children with severe medical conditions and other vulnerabilities with their families from Greece to other Member States. The clause was also used in continued relocations after disembarkations from search and rescue operations in Italy and Malta.

Article 17(1) of the Dublin Regulation, another discretionary clause, was invoked just over 4,700 times in 2020, declining sharply by almost one-third compared to 2019. 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. In 2020, reasons for doing so included the number of COVID-19 cases in a particular country.

Naturally, the COVID-19 pandemic and emergency measures implemented by EU+ countries made Dublin transfers difficult. Overall, about 13,600 transfers were completed, representing one-half of the number of transfers in 2019. The number decreased in March 2020 and then dropped to even lower levels from April to June 2020. As of July 2020, the implementation of transfers gradually started to rise, but the monthly number of transfers did not return to pre-COVID-19 levels later in the year. Four countries – France, Germany, Greece and the Netherlands – implemented over three-quarters of all transfers.

National courts received many appeals related to transfer modalities and time limits, with many of them related to the calculation of transfer time limits in light of the COVID-19 pandemic.

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