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4.2.10 Following an implemented transfer

The situation of applicants who were returned through the Dublin procedure raised concerns for example in Bulgaria, Hungary and Spain.

The AIDA report for Bulgaria observed that applicants who were returned to the country faced difficulties in accessing health care, even though national authorities had already implemented changes in the health care database to address the issue.[377]

The Hungarian Helsinki Committee noted that 'Dublin returnees' are not included in the list of people who can submit an asylum application in Hungary according to temporary rules which were unclear on the matter *(see Section 4.1)*.[378] The National Directorate-General for Aliens Policing clarified that, according to the authority's interpretation and the practice, applicants returned through the Dublin procedure have to declare upon arrival whether they intend to uphold their asylum application lodged in the transferring country, and if they do, the asylum procedure will commence.

In Spain, Fundación Cepaim reported again about the persistent issue that transferred applicants have difficulty in accessing the reception system, despite the fact that the Spanish Superior Court of Madrid ruled that they must have access [379] and the Ministry of Labour, Migration and Social Security issued instructions in 2019 to ensure that applicants who returned to Spain through the Dublin procedure are entitled to material reception conditions.[380] UNHCR Spain noted, however, that all potential applicants can be excluded from accessing a reception facility when the length of stay in the EU was considered, if they have previously abandoned a reception place and if they have exhausted the 18-month period of stay in the system.

[377] AIDA Bulgaria. (2021). *Country Report: Bulgaria - 2020 Update*. Edited by ECRE. Written by Bulgarian Helsinki Committee. https://asylumineurope.org/wp-content/uploads/2021/02/AIDA-BG_2020update.pdf

[378] Hungarian Helsinki Committee | Magyar Helsinki Bizottság. (2021). *Input to the EASO Asylum Report 2021*. /sites/default/files/Hungarian-Helsinki-Committee_0.pdf

[379] Foundation Cepaim | Fundación Cepaim. (2021). *Input to the EASO Asylum Report 2021*. Hungarian Helsinki Committee | Magyar Helsinki Bizottság. (2021). Input to the EASO Asylum Report 2021. /sites/default/files/Hungarian-Helsinki-Committee_0.pdf

[380] European Asylum Support Office. (June 2020). *EASO Asylum Report 2020: The Situation of Asylum in the European Union*. /asylum-report-2020

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