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4.2.4.3. Decisions on take back and take charge requests

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icon for decisions take back take charge 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.

Conversely, 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 criteria under the Dublin III Regulation indicate that the other Member State should be responsible. The criteria include family reunion (in particular for unaccompanied minors), documentation (visas, residence permits), entry or stay reasons (using information from Eurodac) and humanitarian reasons.

About 71% of all decisions (with a reported legal basis) issued in EU+ countries in 2022 were for take back requests.xxvii This is a decline from the previous year, when decisions on take back requests accounted for more than three-quarters of the total. However, marked differences were noted at the country level. In particular, the share of decisions received on take charge requests was relatively high for Greece (95%) and Cyprus (90%).

The acceptance rate for take back requests in 2022 was 57% (8 percentage points higher than in 2021) and for take charge requests, it was 66% (up by 7 percentage points). The increase in the acceptance rate for take back requests was driven by more positive decisions issued by Bulgaria, Austria and Croatia (in descending order) and fewer negative decisions by Greece and Romania. Meanwhile, the increase in the acceptance rate for take charge requests was due to many more positive decisions by Italy and Spain.

- xxviiEUAA data do not contain information on the specific article of the Dublin III Regulation which was used as a basis for sending a request, but they do distinguish between responses to take charge and take back requests. Since the second quarter of 2022, data for France are disaggregated according to the type of request, thus the share of decisions with an unknown legal basis decreased from 30% in 2021 to 12% in 2022.

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