



**Ad-Hoc Query on the Dublin procedure in relation to the asylum procedure**  
**Additional questions**

**Requested by NL EMN NCP on 17 November 2014**

**Reply requested by 1 December 2014**

**Responses from Austria, Belgium, Finland, Germany, Netherlands, Sweden and Norway (7 in Total)**

*Disclaimer: The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.*

**1. Background Information**

On 15 July 2014 we send out an Ad-Hoc Query for the following reason: According to Regulation 604/2013/EU, member states are not required to examine whether the applicant qualifies for international protection in cases where another Member State is responsible for the application. In these cases, the Member State where the applicant is present will not process the application.

In the Netherlands the Dublin procedure is part of the General Asylum Procedure of 8 working days. For the implementation of Directive 2013/32/EU we are examining the possibility to take the Dublin procedure out of the general procedure and to implement a separate procedure for Dublin cases.

On Based on article 5 of the Dublin Regulation, the determining Member State shall conduct a personal interview with the applicant, in order to facilitate the process of determining the Member State responsible. The interview shall also allow the proper understanding of the information supplied to the applicant in accordance with article 4 of the Dublin Regulation.

*Disclaimer: The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.*





For that reason we want to raise the following additional questions with a limited number of Member States (AT, BE, DE, FI, FR, PL, SE, UK, NO).

Questions:




- In addition to the information provided to the applicant by the determining authority in accordance with article 4, are there any other persons or organisations (such as legal aid workers, NGO's or others) in your country that prepare the applicant for this interview and/or provide the applicant with information on the application of the Dublin Regulation before the interview is conducted? If so, by whom, when and how is this done?

We would very much appreciate your responses by **1 December 2014**.

## 2. Responses

	<b>Austria</b>	<b>Yes</b>	According to Art. 49 Asylum Act, every asylum-seeker is provided a legal advisor free of charge. Legal advisors have to advise asylum-seekers before every interview which follows on a notice on <i>inter alia</i> the intention to reject to asylum application in the framework of the Dublin procedure on their asylum procedure and their prospects of being granted asylum or subsidiary protection status. For this purpose, they will be provided the services of an interpreter and ( <i>information on</i> ) the entire investigation procedure, if necessary.
	<b>Belgium</b>	<b>Yes</b>	In Belgium the asylum seeker is informed on the application of the Dublin Regulation in writing during his registration as an asylum seeker. The interview is conducted as soon as possible (depending on the availability of interviewers and interpreters). During the interview further explanation is given (orally) to the applicant by the interviewer. The applicant has the opportunity to ask questions. An additional hearing can take place at the request of the applicant or the caseworker in a timely manner and in any event before a decision is taken. The applicant is entitled to free legal assistance. He can also obtain information of the social workers or legal aid workers in the open and closed centers. He can also get in touch, on his own initiative, with the staff of NGO's.
	<b>Finland</b>	<b>Yes</b>	Initial asylum interview conducted by the police corresponds to the personal interview which is required in Article 5 of the Dublin Regulation. This will be made more precise in legislation as well. Furthermore, a dvd concerning the asylum procedure is presented to the asylum seeker at the reception centre. The dvd contains a (very) short overview of the Dublin procedure as well. The asylum seeker is entitled to a legal counsel or representative who will also explain the procedure, Dublin procedure included.
	<b>Germany</b>	<b>Yes</b>	In Germany the applicant is free to choose if he wishes to receive additional information about the Dublin procedure before the Dublin interview/before the answering of the questions of the Dublin questionnaire from third parties (NGOs etc.)

*Disclaimer: The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.*

			<p>The applicant can approach NGOs in order to obtain additional information about the Dublin procedure (e.g DRK (German Red Cross), Pro Asyl).</p> <p>Applicants with legal representation can also obtain advance information about the Dublin procedure from their legal adviser.</p> <p>In fact the applicants of minor age are prepared by their guardians or also by support organizations with regards to the Dublin questionnaire and actually fill in this questionnaire together.</p> <p>Indeed, in exactly the same manner as support organizations prepare for the interviews during the asylum procedure, the same also takes place regarding the interview of the Dublin procedure.</p> <p>However, in most cases this takes place without the Federal Office having any knowledge of this.</p> <p>Within this context the brochure of the „Bundesfachverband für unbegleitete Minderjährige“ (specialist federal association for unaccompanied minors) should be mentioned. (Please see enclosure.)</p> <p>Additional Information: UNHCR/Pro Asyl etc. answered to a query of the the BAMF and assessed the official participation in the procedure as being good (according to Dublin III, NGOs may indeed participate), yet pointed out their scarce resources.</p>
	<b>Netherlands</b>	<b>Yes</b>	<p>In NL the asylum seeker is informed on the application of the Dublin Regulation (and Eurodac Regulation) in writing shortly after he has made an asylum application. The interview (in accordance with article 5 Dublin regulation) is then conducted within 1-2 days. At the start of the interview further explanation is given (orally) to the applicant by the case worker. Also, the applicant has the opportunity to ask questions.</p> <p>After this interview, the applicant enters the so called Rest and Preparation period. During this period, the applicant is informed by an NGO about the general asylum procedure (with a focus on Dublin - if applicable) and is prepared by a legal aid worker. After this period, the applicant enters the so called General Asylum Procedure. During that procedure, another interview is conducted, focusing on any objections the applicant might have against the transfer to the responsible member state. This interview is comparable with an admissibility interview (art 31 APD).</p> <p>Currently, NL is considering the option to combine these two interviews and is assessing where to position the legal aid worker in this process, thereby looking at the practise in other MSs.</p>
	<b>Sweden</b>	<b>Yes</b>	<p>Sweden does fulfill all details regarding article 5 of the Dublin Regulation.</p> <p>All activities take part in connection with the application process within the application units and are documented in a so called investigation protocol.</p> <p>When it comes to article 4, Sweden gives this information orally also within the application process (mainly day one). Written information is still under development in order adapt to standards of national conditions and in line with COM:s intentions.</p> <p>All information is given by the Swedish Migration Board.</p>
	<b>Norway</b>	<b>Yes</b>	<p>Applicants under the Dublin Regulation do not get a personal interview at the Norwegian Directorate of Immigration (UDI) because of Article 5 (2) b. However, the registration of the application conducted by the Police Immigration Services (PU) is an extended registration with individual questions and qualifies as a personal interview under Article 5.</p>

*Disclaimer: The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.*

			<p>The interview with PU is held immediately after the application is lodged and results from the Eurodac and VIS search are available. There are therefore no NGO's involved at this point as the applicant is still present at the police station. However, every applicant is offered an individual conversation with an NGO (Norwegian Organization for Asylum Seekers (NOAS)) the next day at one of the reception centres in Oslo. If the applicant is in the Dublin procedure he/she is given a second brochure about the Dublin Regulation and the national Dublin procedure. NOAS will then explain this further, ask some questions and give the applicant an opportunity to explain his/her individual situation. If NOAS receives specific information that is relevant for determining the responsible Member State, they may notify UDI on behalf of the applicant or advise the applicant to contact UDI. Translators are normally engaged.</p>
--	--	--	--

\*\*\*\*\*