



Ad-Hoc Query on “the Dublin procedure in relation to the asylum procedure”

Requested by NL EMN NCP on 15th July 2014

Reply requested by 15th August 2014

Responses from Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovak Republic, Slovenia, Sweden, United Kingdom and Norway (25 in Total)

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1. Background Information

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.



For that reason we want to raise the following questions:

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1. Does your country have a separate procedure for Dublin cases?
2. If so, what are the procedural differences between a 'normal' asylum procedure and a Dublin procedure (the application is lodged in your country, but another Member State is responsible)?
3. At present, at what stage in the procedure will the applicant have a personal interview as prescribed in the Dublin Regulation? Does this interview take place on a different moment in the procedure compared to the personal interview on the application for international protection in the 'normal' asylum procedure?
4. At what stage in the procedure do you notify the applicant of the transfer decision according to the Dublin Regulation (article 26)?
5. Has your country changed the Dublin procedure in light of the implementation of Directive 2013/32/EU or is it planning to do so? If so, if possible please describe the intended changes.

We would very much appreciate your responses by **15 August 2014**.


2. Responses

	Austria	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	Belgium	Yes	<p>1. No, in Belgium, there is no separate procedure for Dublin cases. The "Dublin examination" is part of the general asylum procedure, in particular the initial stage of the procedure. This initial stage is the responsibility of the Immigration Office which registers all asylum applications, takes the picture, fingerprints and X-ray of the lungs of applicants and conducts a preliminary interview to collect information on the applicant's identity, nationality, travel route etc. and determine whether Belgium or another Member State is responsible for examining the application.</p> <p>If based on the information collected and fingerprints entered in the EU asylum fingerprint database (Eurodac), the Immigration Office establishes that another Member State is responsible for examining the application and no sovereignty or humanitarian clause is applied, the said application is sent to the Dublin unit which contacts the responsible Member State with a view to transfer and take back. In the meantime, depending on the situation of the applicant, he/she may be placed in a reception centre or a return centre or a closed centre. If the Immigration Office establishes that Belgium is responsible for examining the application or decides so, the said application is sent to the Office of the Commissioner General for Refugees and Stateless Persons to continue the general asylum procedure.</p>




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			<p>The applicants whose application doesn't fall under the responsibility of Belgium under the Dublin Regulation therefore only have one personal interview (at the Immigration Office) instead of two (taking into account the second hearing which takes place in the Office of the Commissioner General for Refugees and Stateless Persons).</p> <p>2. See 1.</p> <p>3. In Belgium, the interview as prescribed in the Dublin Regulation, takes place at the stage of registration and preliminary examinations conducted by the Immigration Office. This preliminary interview takes place at the moment of registering the application or several days later (depending on the availability of interviewers and interpreters). This preliminary interview is a little bit different for Dublin cases than for other cases in that it is undertaken according to a so-called "Dublin questionnaire" including questions such as "For what reasons do you wish your application to be examined by Belgium?", "What are your links with Belgium?", "Which family members are residing in Belgium?" etc.</p> <p>4. An applicant is notified of the transfer decision according to the Dublin Regulation (article 26) at the end of the registration and preliminary (including Dublin) examination stage in the Immigration Office (that is to say after the picture, fingerprints and X-ray of lungs are taken, the application and elected place of residence are registered, the proof of filing an application is issued, the language of the procedure is determined, the preliminary interview is undertaken, the determination of the responsible State is concluded and the request to take back is sent and accepted by the responsible Member State). The Immigration Office notifies a decision for refusal of residence with order to leave the territory to the asylum applicant, with the issue of Annex 25 quater (at the border) or 26 quater (on the territory). The Immigration Office indicates the responsible State and issue a laissez-passer for this State (Annex 10bis or 10 ter) to allow the applicant to get there.</p> <p>5. Belgian authorities are still in the analysis phase of the implementation of Directive 2013/32/EU. At this stage there is no change in progress or planned regarding the Dublin procedure in the light of the implementation of the above mentioned Directive.</p> <p>Sources:</p> <ul style="list-style-type: none"> - Immigration Office – Dublin Unit - Immigration Office – Study Unit - Law of 15 December 1980 on entry, stay, settlement and removal of foreign nationals. - Belgian Law Portal
	<p>Bulgaria</p>	<p>Yes</p>	<p>1. The registration of asylum seekers in the State Agency for Refugees with the Council of Ministers (SAR) initiate proceedings for establishing the Member State responsible for examining an application for international protection (Dublin procedure). Proceedings shall be conducted in accordance with Regulation (EC) № 604/2013 of the European Parliament and the Council, Regulation (EC) № 1560/2003, Commission Regulation (EC) № 603/2013 and Council Regulation (EC) № 407/2002. The Dublin procedure initiates the proceedings for granting international protection in Republic of Bulgaria. If it is determined that the Republic of Bulgaria is the responsible Member State to examine an application for international protection, the Dublin procedure ends with the issuance of the decision to initiate proceedings for granting international protection in the Republic of Bulgaria. If there are indications that another Member State is responsible for</p>



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			<p>examining an application for international protection, the determining authority refuses to initiate proceedings for granting international protection in the Republic of Bulgaria and shall send a request for taking charge or taking back to the Member State concerned.</p> <p>2. The procedural differences between the general procedure and the Dublin procedure are consisted in the fact that the Dublin procedure doesn't discuss the refugee history of the asylum seekers. The aim of the Dublin procedure is determining the Member State responsible for examining an application for international protection. The Dublin procedure should establish the following facts in order to determine the Member State responsible for examining an application for international protection, namely:</p> <ol style="list-style-type: none"> a. whether husband/wife or child of the alien are in proceedings for granting international protection or have granted international protection in another Member State. b. whether another Member State has issued a visa or residence permit. c. whether the alien entered the territory of the European Union over another Member State d. whether the alien has already applied for international protection in another Member State. <p>3. After the registration of the alien in SAR is determined a date for conducting an interview. This interview is different from the interview in the general procedure, because it is for the Dublin procedure and establish the above mentioned facts and circumstances.</p> <p>4. Once it is established that another Member State is responsible for examining the application for international protection, the transfer to the responsible Member State shall be carried out in accordance with the terms of article 29, paragraphs 1 and 2 of the Dublin III Regulation. When it is established that another Member State has issued acceptance for taking charge or taking back the applicant, this fact ia reported to the applicant immediately. The transfer decision shall be served to asylum seeker and translated to language that he/she understands. The decision could be appealed within 7 days of the serving.</p> <p>5. In view of fulfilling the obligations in implementation of the Directive 2013/32/EC is neither planed a changes in conduction of the Dublin procedure in Republic of Bulgaria.</p>
	<p>Croatia</p>	<p>Yes</p>	<p>1/2. No. In Croatia Dublin procedure is part of the General Asylum Procedure. In case when the application is lodged in Croatia, but we presume that another Member State is responsible we send request for take charge or take back. When our responsibility is determined we start applying General Asylum Procedure.</p> <p>3. for Dublin procedure we use information collected during submitting the application for the international protection (first interview). The personal interview as prescribed in the Dublin Regulation begins by lodging the application for international protection. According to Croatian legislative the application is lodged in form of first initial interview. Every applicant has personal interview at the beginning of the process. Additional second interview during Dublin and General Asylum procedure can take place if it is necessary.</p> <p>4. Soon as other MS is determined as responsible, we take decision on rejection of the application and it is also the way the applicant is notified about the transfer according to article 26.</p>


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			5. Croatia did not change the Dublin procedure in light of the implementation of Directive 2013/32/EU but there is intention to make some amendments in order to stipulate that the applicant has that status from the moment of making the application. Additionally, every new application is made or case is reopened (after rejection) will be subject of Dublin procedure.
	Cyprus	Yes	<p>1. The Dublin cases are not treated under a separate procedure but they are examined within the General Asylum Procedure. Applicants, once they apply for international protection, they also fill in a Dublin Questionnaire according to which the Dublin Regulation is activated or not.</p> <p>2. See above.</p> <p>3. As soon as the Dublin Questionnaire is filled in with positive replies (i.e. on relatives or travels within MS) an interview is arranged and conducted by the Cyprus Dublin Officer which operates under the Asylum Service. In the case there is no ground to submit a take back/charge/information request after this interview, the Asylum Service examines the claim for international protection by calling the applicant for a thorough interview on the claim.</p> <p>4. The applicant is notified of the transfer decision after a positive reply is sent by the MS which takes the responsibility and a decision is taken by the Asylum Service.</p> <p>5. The Cypriot authorities are in the process of transposing 2013/32/EU Directive in to the Refugee Laws. Currently, a draft of the amendment bill is being written. Some of the major changes will be the following: a) the operation of an Administrative Court to examine the appeals within the Dublin procedure (up until now the Dublin appeals are examined by an independent body, the Reviewing Authority of Refugees), b) incorporation of article 27.3 of the Regulation with regard to the right to remain in the Republic during an appeal and c) the incorporation of article 40.7 of the Regulation with regard to the subsequent application procedure.</p>
	Czech Republic	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	Estonia	Yes	<p>1. No. In Estonia, the Dublin procedure is part of the General Asylum Procedure. The difference is that the final decision is usually taken sooner in the Dublin cases than in other asylum cases and there is no personal interview regarding the asylum motives.</p> <p>2. See 1.</p> <p>3. In Estonia, the asylum application can be lodged either at the border or in migration service points with the assistance of the competent authority's personnel. At this stage all, the procedural acts are performed and all the relevant information for Dublin procedure is gathered. If necessary, an extra interview is carried out before the Dublin decision is made.</p> <p>4. At the end of the General Asylum Procedure.</p>



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			<p>5. In Estonia, the determining authority for General Asylum procedure and Dublin procedure will stay the same and Estonia is not planning to implement a separate procedure for Dublin cases.</p>
	Finland	Yes	<p>1. No. The procedure is basically the same and the applicant has the same rights during the procedure.</p> <p>2. See above.</p> <p>3. After the application for asylum is lodged, Finnish police will investigate the applicants identity, entry to Finland and travel route to Finland. This police interview is also the personal interview as prescribed in DR. Simultaneous with the police investigation, Finnish Immigration Service (FIS) determines the MS responsible for examining the application. After the police investigation is completed, decision of transfer to MS responsible can be made. In case of normal asylum procedure, the asylum interview would be arranged by FIS. In a nutshell, all applicants have the personal interview by police and if the application is examined in Finland, there will be a second interview by FIS. Dublin-cases do not have the second interview.</p> <p>4. The applicant will be notified the transfer decision after it has been made, typically within couple of weeks.</p> <p>5. No. The implementation of the directive is currently in progress, but no major changes are proposed regarding Dublin-procedure. Our Dublin-procedure was already quite compatible with the Regulation 604/2013 and Directive 2013/32.</p>
	Germany	Yes	<p>1. Yes.</p> <p>2. In the Federal Republic of Germany, the Dublin-Procedure takes place ahead of the asylum procedure. Only after the examination as to the responsibility of another Member State and, should the occasion arise, the rejection by a Member State, the procedure is referred to the German national asylum procedure. Otherwise the application is processed in accordance with Dublin procedure and after the approval of the accepting Member State removals are carried out subsequently. During the course of the Dublin procedure, a substantive examination of the reasons for the application for asylum does not take place.</p> <p>3. In the Federal Republic of Germany during the course of the Dublin procedure, a personal interview with the applicant is always conducted at the beginning of the procedure. The legal basis for this interview is article 5, section 1, of the Dublin Regulation 604/2013. Accordingly the Member State investigating the responsibility carries out the interview with the applicant to facilitate the procedure determining the Member State responsible. The Federal Republic of Germany makes use of a questionnaire that follows the pre-determined order of criteria establishing responsibility as specified in the Dublin Regulation 604/2013, please see article 7, section 1, of the Dublin Regulation. If such an interview cannot take place, the questionnaire is sent on (e.g. to people in custody or unaccompanied minors). The initial interview is important to clarify the responsibility on the one hand and to collect information about family members who might reside in the territory of a Member State.</p>


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			<p>Contrary to the above, the personal interview for the asylum procedure and the reasons for persecution only takes place after the initial distribution of the applicant within Germany and after the examination to determine the responsibility of another Member State.</p> <p>4. After the interview, the request to take charge of the applicant, and the receipt of the approval of the Member State to take charge, the Federal Republic of Germany issues a removal order which is then delivered to the applicant. At that moment in time, the applicant receives notification of the decision taken on his/her transfer in accordance with article 26 of the Dublin Regulation.</p> <p>5. For the implementation of directive 2013/32/EU, the Federal Republic of Germany is planning changes. In accordance with article 19, section 1, of Directive 2013/32/EU of 26 June 2013, governing common procedures for granting and withdrawing international protection, the Member States must ensure that during the course of the proceedings at first instance, applicants will be provided with information about the law and the procedures, this at their request and free of charge,. Such information should at least include information about the procedure, taking into account any special circumstances, as well as the reasons for negative decisions and an explanation on how such decisions can be contested. According to article 21, section 1, Procedure Directive, non-governmental organisations, specialists of government authorities or specialised services of the State can provide this kind of gratuitous information. The Procedure Directive came into force on 19 July 2013, the necessary legal and administrative provisions to comply with the Guideline are to be transposed into national law by 20 July 2015. Since German Law already includes the obligation of the authorities to provide information and to advise, the Federal Republic of Germany prefers the model as laid down by the authorities. The intention is for the relevant experts of the Federal Office for Migration and Refugees to inform applicants during the course of a personal conversation. Trial procedures are planned to test other potential structures and the collection of findings. A starting date has not been fixed yet. Currently, amendments of the Dublin Procedure are not planned.</p>
	<p>Hungary</p>	<p>Yes</p>	<p>1. No, the Dublin procedure is part of the general asylum procedure as laid down by Act No LXXX of 2007 on Asylum. The Hungarian asylum procedure has two phases: The first phase is the “preliminary assessment procedure” , which can be followed by the “detailed assessment procedure”.</p> <p>The preliminary assessment procedure shall be completed within thirty days. In the course of the preliminary assessment procedure, <u>the asylum authority shall examine whether the criteria of the application of the Dublin procedure prevail.</u></p> <p>If the asylum authority establishes that the Dublin procedure is to be conducted, it shall suspend the preliminary assessment procedure until the conclusion of the Dublin procedure.</p> <p>If the Dublin procedure is closed with the transfer of the applicant to another MS, the preliminary assessment procedure shall be discontinued at the time of the transfer of the applicant. If the Member State contacted does not accept the applicant and the assessment of the application, the preliminary assessment procedure shall be resumed.</p> <p>If the conditions of the application of the Dublin Regulations do not exist, the asylum authority shall decide on the question of the admissibility of the application, as well as whether conditions for ascertaining the manifestly unfounded nature of the application are in place.</p>



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			<p>These provisions shall apply if the conditions for the application of the Dublin procedure prevail in the detailed assessment procedure. If the Member State contacted does not take responsibility of the applicant, the detailed assessment procedure will be continued.</p> <p>If during the aliens policing procedure of the third-country national there is any indication that the Dublin Regulations should be applied, and the third-country national did not submit an application for asylum, the immigration authority shall move a request to the asylum authority in order to carry out the Dublin procedure, and shall suspend the aliens policing procedure until the conclusion of the Dublin procedure.</p> <p>2. See above.</p> <p>3. The asylum authority (the Office of Immigration and Nationality) conducts a personal interview with the applicant during the preliminary assessment procedure. The personal interview during the preliminary assessment procedure shall be conducted without delay after the submission of the request for international protection. The authorities shall first examine whether a Dublin procedure should start in the case. If yes, the preliminary assessment procedure is suspended until the Dublin decision.</p> <p>4. According to the Act No LXXX of 2007 on Asylum, the asylum authority shall provide for the communication of the decision within eight working days of the adoption thereof.</p> <p>5. No, we have not and we are not planning to change it either. Only the rules on the detention of Dublin transferees will be refined.</p>
	Ireland	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	Italy	Yes	<p>1. No, it does not. On January 2014, Regulation 604/2013 came into force in Italy, which left the criteria unchanged for determining the State that is responsible for examining the international protection application (situation existing when the asylum seeker lodged their application; and check if a family member or relative of the applicant or another person with a family relationship with the applicant is present on domestic soil). More specifically, the Italian State does not provide for procedural differences between Dublin cases and “normal” asylum seekers. The existing procedure consists of two phases. Generally speaking, the asylum application must be made on arrival, or at the Police Headquarters or at the Police Immigration Office if the applicant is already in Italy. The Police identifies the person (Police photographs) and then the application is formalised by filling in the C/3 Form (Form for the Recognition of the Refugee Status under the Geneva Convention) including the information on the asylum seeker (reason why they left their country and indications on the journey made) and their family members. The applicant may include an account of their personal story in their language. The applicant is given a temporary residence permit. The police then check the EURODAC system to see whether the applicant already applied in another European country.</p> <p>If the checks indicate that Italy is responsible for examining the application, the applicant will be called into the Police Headquarters for receiving the residence permit and information on when the interview with the National Commission for the Rights of Asylum is to take place.</p>




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			<p>If the checks in the EURODAC database suggest that the applicant's fingerprints were present in another European State, the Police will contact the Dublin Unit of the Minister of the Interior that, in turn, will contact the Dublin Unit of the applicant's State of arrival to determine which one of the two States is responsible for examining the asylum application.</p> <p>If Italy is not the State responsible for the asylum application, it may ask the country that is responsible to take charge of the applicant (if they had never submitted an asylum application), or to take back the person concerned (if they had already submitted an asylum application). The Dublin Unit will then send a transfer order to the Police Headquarters. From that moment until the actual transfer takes place, the applicant will remain in the reception centre where he/she was.</p> <p>2. See 1.</p> <p>3. Following the checks made showing that Italy is the Member State responsible for examining the asylum application, the applicant will have the personal interview as provided for in the Dublin Regulation.</p> <p>4. Current regulation in Italy complies with the provisions of Article 26 of the Regulation. The transfer decision is notified to the applicant when the State responsible accepts to take charge or take back the applicant.</p> <p>5. Directive 2013/32/EU has not been transposed in Italy yet. Bill No. 1836/2013 (not converted into law yet) enables the Government to adopt a legislative decree on a consolidated text of the legislative provisions transposing EU acts as adopted under Article 78 TFEU (that is, on the right of asylum, subsidiary protection and temporary protection).</p>
	<p>Latvia</p>	<p>Yes</p>	<p>1. No.</p> <p>2. The Dublin procedure is a part of the General Asylum procedure: if after the initial interview there is information that the Dublin Regulation could be applied the procedure for determining the responsible Member State starts. In case another country is responsible for examination of asylum application the decision on transfer is taken. If Latvia is responsible for examination of asylum application the State Border Guard carries out an interview and the Office and Citizenship and Migration Affairs (hereinafter – Office) takes a decision on admissibility or inadmissibility. If the case is accepted for procedure the asylum application is examined in “normal” procedure.</p> <p>3. When the asylum application has been lodged the State Border Guard carries out an initial interview where the general information on asylum seeker (<i>identity issues, travel route etc.</i>), as well as information for application of Dublin Regulation is collected.</p> <p>4. As soon as possible after the decision on transfer has been taken.</p> <p>5. According to the draft Law which has been worked out in order to implement the requirements of Directive 2013/32/EU and Directive 2013/33/EU we intend to define more clear rules and time limits for application of Dublin Regulation: - the State Border Guard will be responsible for personal interview regarding the Dublin Regulation and admissibility interview (<i>both can happen simultaneously</i>);</p>


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			<ul style="list-style-type: none"> - the Office carries out the interview on grounds for international protection; - Either for the Office or the Court the time limits for taking a decision on transfer will be equal with the time limits defined for decision on admissibility or inadmissibility. The Office takes a decision on transfer in 10 working days when the responsible Member State has been established due to the Dublin Regulation procedures. The Court takes a decision in 5 working days from the date of taking the decision regarding the acceptance of the application and initiation of the matter. The adjudication of the Court is final and shall not be appealed.
	Lithuania	Yes	<ol style="list-style-type: none"> 1. Yes and no. In Lithuania, the Dublin procedure is incorporated into the “normal” asylum procedure, as it concerns its beginning (first interview and examination). However, if another responsible Member State is established, the asylum seeker receives temporary territorial asylum (as in “normal” asylum procedure), but his asylum claim is not examined in substance (as it would be in case of the “normal” asylum procedure). 2. In case of Dublin procedure, the request for asylum is not examined in substance. 3. The second personal interview (the one prescribed in the Dublin Regulation) takes place on a different moment than the second personal interview in the “normal” procedure. The Dublin interview takes place earlier, before taking the decision to transfer the asylum seeker to the responsible Member State. 4. The applicant is notified of the transfer after the consultation with the responsible Member State according to the Dublin Regulation and when the decision to transfer the applicant to the responsible Member State is taken. The applicant receives a copy of the decision to transfer him to the responsible Member State and has the right of appeal to the court. 5. In light of the implementation of Directive 2013/32/EU and for the moment it is not planned to change the Dublin procedure, although deliberations are still going on.
	Luxembourg	Yes	<ol style="list-style-type: none"> 1. No. In Luxembourg the Dublin procedure is part of the general asylum procedure. 2. The only difference is that in a Dublin case the applicant can lodge an appeal 1 month after the date of the notification of the decision of not examining his/her application for international protection before the first instance administrative court but there is no appeal against the decision of this court (article 15 and 17 of the amended law of 5 May 2006 – Asylum Law). 3. Once the applicant files the application and the Judicial Police has rendered its report on the verification of identity and the travel itinerary (article 8), if there is sufficient evidence that it is a Dublin case, in accordance with article 9 (4) there is no need to do the personal interview. However, in practice, if it is performed it takes place at the same moment of the interview in the normal procedure (article 9 (1)). Additionally to the police report an interview is done systematically by an agent of the Asylum Unit according to article 5 of the Regulation 604/2013 in average 1 week after the lodgement of a demand for international protection.




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			<p>4. According to article 15 (1) the Minister in charge of immigration will take the decision of transfer when the requested Member State accepts to take charge of the concerned person. The decision of transfer will then be notified to the applicant.</p> <p>5. The directive has not yet been transposed. The Directorate of Immigration is elaborating a draft bill. In the context of this work, questions similar to those raised by NL are currently discussed.</p>
	Malta	Yes	<p>1. So far it is not as such a separate procedure but ultimately yes. At present, whenever a Dublin case is identified by our Office, we refer it to the Dublin Unit.</p> <p>2. First a decision on the Dublin case is achieved. Then asylum procedure follows accordingly.</p> <p>3. Generally the Dublin interview takes place prior to the asylum interview.</p> <p>4. Initial stage, i.e. as soon as the other MS accepts transfer.</p> <p>5. Yes, we intend to change according to the new procedures; however changes are still being discussed</p>
	Netherlands	Yes	<p>1. No, in the Netherlands the Dublin procedure is part of the General Asylum Procedure, in which a final decision is taken on the asylum application within 8 working days. The only difference with a 'normal' asylum case is that the applicant will only have one personal interview (instead of two, in which the second interview regards the asylum motives) during the General Asylum Procedure.</p> <p>2. See above.</p> <p>3. In the Netherlands the interview as prescribed in the Dublin Regulation, takes place at the foreign alien's arrival in an application centre to lodge the application for international protection. After signing the application and the resting and preparation period which is standard for all asylum applicants in the Netherlands, the General Asylum Procedure will start. During the interview in the General Asylum Procedure, the applicant is given the opportunity to react on the intended decision of the Immigration- and Naturalisation Service (IND) to transfer the applicant to the responsible Member State before the final decision is given.</p> <p>4. At the end of the General Asylum Procedure.</p> <p>5. The Netherlands is examining the possibility to keep the Dublin procedure out of the General Asylum procedure and to implement a separate procedure for Dublin cases.</p>
	Poland	Yes	<p>1-4. The procedure to determine which Member State is responsible for examining an application for international protection is initiated at the time of submission of an application for protection at the Head of the Office for Foreigners through the Commanding Officer of the Border Guard (pursuant to Article 20(1) of the Regulation (EU) no. 604/2013 of the European Parliament and of the Council).</p>



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			<p>Receipt of the application is among others accompanied by gathering information allowing for making a preliminary decision as to which Member State may be responsible for examination of the application ("Dublin hearing"). A foreigner submitting an applicant is also provided with information leaflets that constitute appendices to the Commission Implementing Regulation (EU) no. 118/2014.</p> <p>If the "Dublin system conditions" are met after being submitted for further processing to the Office for Foreigners, an application for protection status is passed to the Division of Dublin Procedures that operates within the structure of the Office's Department for Refugee Procedures so that a take charge or take back type of application can be sent to another Member State.</p> <p>The Dublin procedure is also initiated at the request of the Border Guard in case of lack of application for protection status in Poland on the basis of a foreign Eurodac number obtained at the stage of fingerprint taking in connection with illegal stay within the territory of Poland.</p> <p>If the need arises to obtain additional information or documents (e.g. both parties' consent to the reunion) the Office for Foreigners contacts the applicant to obtain the necessary documents/additional information.</p> <p>After obtaining the approval of another Member State to transfer the foreigner, the procedure for protection status within the territory of Poland is discontinued and the applicant is issued a decision on discontinuance of the procedure and transfer to the responsible Member State, the decision includes a final date by which the transfer should be carried out in accordance with the Dublin III Regulation and - as any administrative decision - instructions on means of appeal/challenge. When the applicant has exhausted all the means of appeal available (if the applicant submitted an appeal against the decision on the discontinuance and transfer) the foreigner is transferred to a relevant Member State.</p> <p>If the "Dublin system conditions" are not met, an application received by the Border Guard and passed to the Office for Foreigners for further processing is received by relevant Departments for Refugee Procedures which examine applications for protection status submitted in Poland; in the course of substantive proceedings an interview on the merits is conducted which provides basis for issuing a decision on the granting or refusal of protection status in Poland.</p> <p>It is important to note that the "Dublin system conditions" may be also met at a later stage of the procedure (e.g. during the status interview), because sometimes at the stage of submitting an application applicants don't for example reveal the fact of having family members in other Member States.</p> <p>5. At present works are in progress on the implementation of Directive 2013/32/EU into national law (implementation deadline - mid-2015).</p>
	Portugal	Yes	<ol style="list-style-type: none"> 1. No 2. See 1. 3. At the same moment of the general asylum procedure 4. At the end of the general asylum procedure 5. No


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	Romania	Yes	<p>1. Romania has no separate procedure for Dublin cases. All asylum applications are registered in the same manner and after the personal interview, if there are proofs or circumstantial evidences for a supposed Dublin case, then the „normal asylum procedure” is suspended and the Dublin Regulation is applied. After the Dublin consultation the asylum applicant receives a decision by which: is rejected access to the asylum procedures in Romania and decision to transfer to another Member State or is granted access to the asylum procedure in Romania and the „normal asylum procedure” is restarted in order to decide upon the grounds for fear of persecution or reasons for granting subsidiary protection.</p> <p>2. See answers to question 1.</p> <p>3. The personal interview according with Dublin Regulation is held with the asylum applicant in the registration phase of the asylum claim. It is a different interview. It is a different interview then the interview for international protection claim, is mandatory to be done and is the pull factor that can decide if an asylum case will go on in the normal procedure (ordinary asylum procedure, manifestly unfounded procedure etc.) or will be suspended and become a Dublin case. The personal interview is like a standard form with predefined requests completed on a case by case basis with specific questions related to Dublin: family members, visas, residence permits, Eurodac hits, earlier asylum claims in different Member States etc.</p> <p>4. After the consultation in Dublin Regulation, receiving an acceptance or having an acceptance by default, the decision rejecting access to the asylum procedure in Romania and transfer to another Member State is communicated to the applicant, if present or not, in six months time limit for transfer. The communication of the decision is very much connected with the formalities arranging the transfer to the Member State responsible and with a possible taking into public custody of the person in order to secure the transfer.</p> <p>5. Directive 2013/32/EU is currently in process of transposition. However, the Dublin procedures dealt in Romania has no important changes to suffer after the transposition. The present Romanian asylum law is major part in accordance with the Directive 2013/32/EU.</p>
	Slovak Republic	Yes	<p>1. No, it is part of the general asylum procedure. However, when deciding which state is responsible for the asylum procedure, it is not part of the time needed for issuing a decision.</p> <p>2. N.A.</p> <p>3. After making a declaration, the applicant is interviewed. There are no special time periods to carry out the personal interview.</p> <p>4. The decision about transfer of the applicant to another Member State is part of the decision to reject the application for asylum as inadmissible due to the fact that another Member State is responsible for the procedure.</p> <p>5. No.</p>
	Slovenia	Yes	<p>1. Yes</p>

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			<p>2. The difference is as follows: In case we found out either from Asylum application or from Eurodac hits that another Member States might be responsible to examining asylum seeker's application for international protection – then the case "fall" in to in the Dublin procedure. In case that there aren't any kind of indications that another Member States could be responsible for the application than the case "fall" in to the "normal procedure".</p> <p>A Dublin procedure: This is not a regular but the so called "accelerated" procedure. It does not involve meritor decision taking but the decision on the responsible Member States. The decision is issued and it's of a procedural nature.</p> <p>3. Applicant will be interviewed before final decision is taken. As regard the normal Asylum procedure and Dublin procedure the applicant is informed about the both procedures and their differences before he/she submits the international protection application. An applicant receives separate invitations to make interview upon Asylum and upon Dublin procedure.</p> <p>4. The applicant is notified of the transfer decision immediately after has been taken. In case that an applicant has a legal adviser he/she notified of the above decision.</p> <p>5. No</p>
	Sweden	Yes	<p>In general terms, the Asylum/Dublin process in Sweden is organised as follows: The applicant applies at one of the Application Units. At the Application Unit, a personal interview (art. 5) is conducted (also involving in short the asylum claims), and fingerprints are taken. Depending on the information gathered during the interview, results from database checks (EURODAC, VIS, SIS, national), and analysis of documents handed in by the applicant, the continued processing of the application is either conducted within a Dublin process (Dublin Units) or as a normal asylum process (Asylum Units). In the “normal process”, at least one more interview concerning the claims is conducted, and the process ends with a decision on the substance of the application. In the “Dublin process”, the determination process continues, and if responsibility is allocated to another Member State, the process ends with a transfer decision, and the applicant is notified (art. 26). Applications can “move” between the two processes; e.g. if the determination process allocates responsibility to Sweden, the application will move into a normal process, and if “Dublin indications” are revealed within the normal asylum process, the continued handling of the case is done within a Dublin process. No significant change to the processes has been done following the Dublin III Regulation.</p>
	United Kingdom	Yes	<p>1. Yes, the UK has a separate procedure for Dublin cases. If there is an indication that another State may be responsible for examining a claim for international protection under the Dublin Regulation the case is referred to the UK's Dublin Unit to consider in detail: expert consideration by the Dublin Unit allows careful consideration of the case where there is circumstantial evidence or complex evidence concerning family relationships, in addition to straightforward cases where there is strong evidence of the responsibility of another State.</p> <p>2. When an application for international protection/asylum is lodged in the UK there is a first step in the process known as “routing” that seeks to determine the pathway that the application will initially take within our procedure i.e.</p>

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			<ul style="list-style-type: none"> - whether there is evidence that application might be inadmissible to our regular procedure because of the likelihood of the application being one where the Dublin Regulation or other safe third country principles apply, in which case the application is referred to our Dublin/Third Country Unit; - the application is to be examined by the UK on its merits in the regular procedure (non-detained); - the application is to be examined by the UK on its merits in a detained fast-track procedure. <p>3. The personal interview as required by the Dublin Regulation is the first “screening interview” in our procedure. The purpose of this interview is to obtain biographical information about the applicant, which is recorded along with information about the applicant’s family members/relatives (in the UK, the Dublin States, the country of origin or elsewhere) and the applicant’s spoken languages (including any regional dialects). Information about the person’s travel route is also recorded, along with his/her fingerprint data. Basic information about the reasons for the application for international protection is recorded at this interview. Where the application is to be examined by the UK on its merits the applicant will have an additional interview to establish the detailed reasons for his or her application for international protection.</p> <p>4. The decision to transfer the applicant is notified to him as soon as an acceptance from the responsible MS is received, often on the same day and in any event within 48 hours. Notification of the actual date of transfer is given as soon as transfer arrangements have been fixed – this must be at least 5 working days before the transfer is to take place.</p> <p>5. No. The UK does not participate in the recast Procedures Directive 2013/32/EU.</p>
	<p>Norway</p>	<p>Yes</p>	<p>1. Registration of an application and the preliminary conversation at the National Police Immigration Service (PU) are the same in all procedures. After this stage, Dublin cases are separated from the ‘normal’ cases. (If circumstances dictate that the case needs further clarification before it can be categorized as a Dublin case, the applicant will follow the ‘normal’ procedure at the same time as further investigations are made by the Dublin Unit.)</p> <p>2. Applicants in the ‘normal’ procedure are offered a personal interview at the Norwegian Directorate of Immigration (UDI) shortly after registration. An applicant under the Dublin procedure will be informed about the Dublin Regulation during registration and will not be offered a personal interview at UDI. Whether an applicant is in the ‘normal’ procedure or the Dublin procedure will also affect his or her right to work, financial support and extended health care.</p> <p>3. Personal interviews for applicants under the Dublin Regulation are omitted pursuant to Article 5 (2) (b) of the Dublin III Regulation. An applicant is only offered an interview if it is necessary in order to identify the Member State responsible or circumstances dictate that the case should be exempt from the Dublin procedure.</p> <p>4. Immediately after the transfer decision is made (the decision is made as soon as possible after the other Member State has accepted responsibility for the applicant).</p>

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			5. N/A
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