



Ad-Hoc Query on Dublin II

Requested by BG EMN NCP on 02 November 2011

Compilation produced on 26 January 2012

Responses from Austria, Bulgaria, Finland, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Portugal, Slovak Republic, Slovenia, Sweden, United Kingdom plus Norway (16 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






The Director of Methodology of Procedure and Legal Service Directorate of the State Agency for Refugees with the Council of Ministers – Bulgaria is interested in finding out MS practices regarding:

- 1) Does each procedure for international protection include a proceeding under the Dublin II too?

It would be very much appreciated if we could receive our answers by **18 November 2011**.

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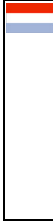
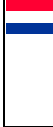





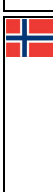
2. Responses¹

		Wider Dissemination? ²	1) Does each procedure for international protection includes a proceeding under the Dublin II too?
	Austria	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that their response is not disseminated further.
	Bulgaria	YES	In the Republic of Bulgaria the proceedings, except for subsequent applications must include a procedure on Dublin II. We are discussing the proposal to conduct a Dublin procedure only when there is an indication that the alien has resided in an EU Member State.
	Finland	Yes	Dublin II procedure is included in every application of international protection unless it is clear that it is Finland's responsibility to examine the application, or Finland has received the application under Dublin II procedure from another EU MS.
	Greece	Yes	When receiving an asylum application and during the completion of the relevant form by the competent Authorities according to the national legislation, questions are asked regarding the implementation of the Dublin Regulation. Since the content of the application or the Eurodac Search result or proof submitted by the applicant can support the transmission of an outgoing request, the Dublin Regulation implementation starts.
	Hungary	Yes	The refugee authority shall subject an application for recognition as a refugee or as a beneficiary of subsidiary protection (referred to as the "application") to a preliminary assessment following its submission. The preliminary assessment has to be completed within thirty days. The refugee authority shall designate a reception centre as a place of residence for the foreigner seeking recognition as a refugee or a beneficiary of subsidiary protection (referred to as the "applicant") until the decision closing the preliminary assessment procedure or the one on the delivery or acceptance of the foreigner become final, unless the applicant a) is subject to any forced action, action or punishment, or any action ordered in alien control proceedings for the restriction of personal freedom, or b) is staying legally in the territory of the Republic of Hungary, and does not apply for accommodation at the reception centre. In the course of the preliminary assessment procedure, the refugee authority shall examine whether the criteria of the application of Council Regulation 343/2003/EC of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national and Commission Regulation 1560/2003/EC of 2 September 2003 establishing the detailed rules of the application of Council Regulation 343/2003/EC of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national (referred to as the "Dublin Regulations") exist.

¹ If possible at time of making the request, the Requesting EMN NCP should add their response(s) to the query. Otherwise, this should be done at the time of making the compilation.

² A default "Yes" is given for your response to be circulated further (e.g. to other EMN NCPs and their national network members). A "No" should be added here if you do not wish your response to be disseminated beyond other EMN NCPs. In case of "No" and wider dissemination beyond other EMN NCPs, then for the Compilation for Wider Dissemination the response should be removed and the following statement should be added in the relevant response box: "This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further."

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	Italy	Yes	Yes, in Italy each procedure for international protection includes a proceeding under the Dublin II.
	Latvia	Yes	The first stage of any asylum examination procedure (except in the case of repeated applications) is the application of Dublin Regulation if there are any indications (information and other evidence) that the other Member State could be responsible for examining of asylum application.
	Lithuania	Yes	Yes, each procedure, even for subsequent applications, includes proceeding under the Dublin II.
	Luxembourg	Yes	In Luxembourg, the first thing that the Minister of Immigration will verify is if another Member State of the European Union is responsible for examining the international protection application in accordance with the Dublin regulation. If the authorities verify that this is the case, they will not even interview the applicant (article 9 (4) of the modified Law of 5 May 2006 on Asylum and other complementary forms of protection) The Ministry will postpone to take a decision on the application just until the responsible Member State decides if it takes or not charge of the case. (article 15 of the modified Law of 5 May 2006 on Asylum and other complementary forms of protection). The Ministry will declare himself incompetent to examine the application if the other Member State decides to take charge of the application.
	Netherlands	Yes	Yes. Each asylum procedure starts by determining if another MS is responsible under the Dublin regulation. This determination process is an integral part of the Dutch asylum procedure. If another MS is responsible, and agrees to take back or take charge of a person, the Netherlands will deny the asylum application on the ground that 'another member state is responsible'. If this is not the case, the Netherlands will handle the examination of the asylum application itself."
	Portugal	Yes	Yes. Portugal leads always a process of determination of the responsible State for examining an asylum application in each asylum application that is submitted.
	Slovak Republic	Yes	In the Slovak Republic, procedure for granting international protection includes the Dublin procedure only when there are indications or fulfilled conditions for initiating it according to Council Regulation (EC) No. 343/2003.
	Slovenia	Yes	In the Republic of Slovenia the procedure for international protection includes a procedure for the detection of the Dublin II. of indicators.
	Sweden	Yes	In accordance with the Dublin regulation, Sweden follows the procedure and compares finger prints (dactyloscopi) in Eurodac.
	United Kingdom	Yes	All people who claim asylum in the UK should have their fingerprints taken and those prints checked against records held by UKBA and against Eurodac.
	Norway	Yes	Immediately following an asylum application the results from a search in EURODAC as well as an examination of other information will determine whether the application initially will be handled according to the Dublin II procedures or immediately be considered on its merits by the Norwegian authorities. In 2010 Norway received 10 064 asylum applications, 3 782 of these were initially considered in the Dublin II procedure, while 2 298 resulted in a Dublin II request to other countries and 1 759 of these resulted in a decision to transfer the applicant to another country. 620 of the 2010 applicants for asylum were actually transported to that country.

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