



EN

***“I’m in the
Dublin procedure
– what does this mean?”***

B

**Information for applicants for international protection
found in a Dublin procedure, pursuant to article 4 of
Regulation (EU) No 604/2013**

You have been given this leaflet because you requested international protection (asylum) in this country or in another Dublin country and the authorities here have reasons to believe that another country might be responsible for examining your request.

We will determine which country is responsible through a process established by a European Union law known as the 'Dublin' Regulation. This process is called the 'Dublin procedure'. This leaflet seeks to answer the most frequent questions you might have about this procedure.

If there is anything written here that you do not understand, please ask the authorities.

The present leaflet is for information purposes only. Its aim is to provide applicants for international protection with the relevant information with respect to the Dublin procedure. It does not create/entail in itself rights or legal obligations. The rights and obligations of States and persons under the Dublin procedure are such as set out in Regulation (EU) 604/2013.

©European Union 2014

Reproduction is authorised. For any use or reproduction of individual photos, permission must be sought directly from the copyright holders.



The Dublin countries include the 28 European Union countries (Austria (AT), Belgium (BE), Bulgaria (BG), Croatia (HR), Cyprus (CY), Czech Republic (CZ), Denmark (DK), Estonia (ET), Finland (FI), France (FR), Germany (DE), Greece (EL), Hungary (HU), Ireland (IE), Italy (IT), Latvia (LV), Lithuania (LT), Luxembourg (LU), Malta (MT), Netherlands (NL), Poland (PL), Portugal (PT), Romania (RO), Slovakia (SK), Slovenia (SI), Spain (ES), Sweden (SE), United Kingdom (UK)) as well as 4 countries “associated” to the Dublin Regulation (Norway (NO), Iceland (IS), Switzerland (CH) and Liechtenstein (LI)).

“Why am I in the Dublin procedure?”

The Dublin Regulation applies throughout a geographical region which includes 32 countries. **The ‘Dublin countries’ are:** Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom) as well as to the 4 countries “associated” to the Dublin system (Norway, Iceland, Switzerland and Liechtenstein).

The Dublin procedure establishes which single country is responsible for examining your application for asylum. This means you may be transferred from this country to a different country that is responsible for examining your application.

The Dublin procedure has two purposes:

- to guarantee that your application for asylum will reach the authority of the country responsible for examining it;
- to ensure that you do not make multiple applications for asylum in several countries with the aim of extending your stay in the Dublin countries.

Until it has been decided which country is responsible for deciding on your application, the authorities here will not consider the detail of your application.

REMEMBER: You are not supposed to move to another Dublin country. If you move to another Dublin country, you will be transferred back here or to a country where you previously asked for asylum. Abandoning your application here will not change the responsible country. If you hide or run away, you also risk being detained.

If you were present in the past in one of the Dublin countries and since then you left the region of Dublin countries before you came to this country, you must tell us. This is important because it may influence which



country is responsible for examining your application. You may be asked to provide evidence of your time spent outside the Dublin countries, for example a stamp in your passport, a return or removal decision or official papers showing that you lived or worked outside the Dublin countries.

“What information should I make sure that the authorities know? How can I explain this information to the authorities?”

It is likely that you will be interviewed in order to be able to determine which country is responsible for examining your request for asylum. At this interview, we will explain the ‘Dublin procedure’. You should provide us all the information you have about the presence of any family members or relatives in any one of the Dublin countries, as well as any other information which you think could be relevant for establishing the responsible country (see below for a detailed indication of which information is relevant). You should also provide any documents or papers in your possession that contain relevant information.

Please tell us all relevant information to help determine which country is responsible for examining your application.

The interview will take place in a language that you understand or are supposed to reasonably understand and be able to communicate in.

You can ask for an interpreter to help you communicate if you are not able to understand the language used. The interpreter must only interpret what you and the interviewer are saying. The interpreter must not add his or her personal views. If you have difficulty understanding the interpreter, you must tell us and/or speak to your lawyer.

The interview will be confidential. This means that none of the information that you provide, including the fact that you have applied for asylum, will be sent to persons or authorities in your country of origin who may harm in any way you, or your family members who are still in your country of origin.

You can only be denied the right to an interview if you have already provided this information by other means, after you have been informed about the Dublin procedure and of its consequences for your situation. If you are not interviewed, you can ask to provide additional written information relevant for deciding the country responsible.

“How will the authorities establish the country responsible for examining my application?”

There are various reasons why a country may be responsible for examining your application. These reasons are applied in an order of importance given by the law. If one reason is not relevant, the next will be considered, and so on.

The reasons relate to the following factors, in order of importance:

- - you have a family member (husband or wife, children under the age of 18) who has been granted international protection or who is an asylum seeker in another Dublin country;

It is therefore important that you inform us if you have family members in another Dublin country, before a first decision is made on your asylum request. If you want to be brought together in the same country, you and your family member will have to express your desire in writing.

- - you were previously issued a visa or a residence permit by another Dublin country;
- - your fingerprints were taken in another Dublin country (and stored in a European database called Eurodac¹⁾);
- - there is evidence that you have been to, or travelled through, another
- - Dublin country, even if you did not have your fingerprints taken there.



1) **More information on Eurodac is given in page 8 of the leaflet “I have asked for asylum in the EU – which country will handle my claim?”**

“What if I depend on someone’s care or somebody depends on me?”

You could be re-united in the same country as your **mother, father, child, brother or sister** if all of the following conditions apply:

- they are legally resident in one of the Dublin countries;
- one of you is pregnant, or has a new-born child, or is seriously ill, or has a severe disability or is old;
- one of you depends on the assistance of the other, who is able to take care of him or her.

The country where your child, sibling or parent is resident should normally accept responsibility for examining your application, provided that your family ties existed in your country of origin. You will also be asked to indicate in writing that you both wish to be re-united.

You can ask for this possibility if you are already present in the country where your child, sibling or parent is present, or if you are in a different country to the one where you relatives are resident. In this second case, it will mean that you will have to travel to that country, unless you have a health condition that prevents you from travelling for a long period of time.

In addition to this possibility, you can always ask during the asylum procedure to join a family relation for humanitarian, family or cultural reasons. If this is accepted, you may have to move to the country where your family relation is present. In such a case you would also be asked to give your agreement in writing. It is important that you inform us of any humanitarian reasons for having your request examined here or in a different country.

Where relationships, dependency or humanitarian issues are raised you may be asked to provide explanation or proof to support your claims.

“What if I am ill or have any special needs?”

In order to provide you with appropriate medical care or treatment, the authorities here need to know of any special need you may have, including about your health, and in particular if you:

- are a disabled person,
- are pregnant,
- have a serious illness,
- have been subject to torture, rape or other serious forms of psychological, physical and sexual violence.

If you tell us your medical details and it is decided that you will be sent to a different country, we will ask your permission to share your medical information with the country to which you are being sent. If you do not agree to this, this will prevent the medical information from being sent, but it will not prevent your transfer to the responsible country. Bear in mind that if you do not agree to let us send your medical information to the other country, the other country will not be able to take care of your special needs.

Please note that your medical information will always be handled with strict confidentiality by professionals subject to secrecy obligations.

“How long will it take to decide which country will treat my application? How long will it take before I have my application examined?”

If the authorities in this country decide that we are responsible for examining your application for asylum, this means that you may remain in this country and have your application examined here.

“What happens if another country, different from the one where I am present, is found responsible for examining my application?”

If we consider that another country is responsible for examining your application, we will request that country to accept responsibility within **3 months** of the date of the submission of your application in this country.

However, if the responsibility of another country is established based on your fingerprint data, the request to the other country will be sent within **2 months** from the moment the results are obtained from Eurodac.

- *If this is the first time that you have applied for asylum in a Dublin country but there is reason to believe that another Dublin country should examine your asylum application, we will request that other country to “**take charge**” of your case.*

The country to which we send the request must answer within **2 months** of the receipt of the request. If that country does not reply within this timeframe, this means that it has accepted responsibility for your application.

- *If you have already applied for asylum in another Dublin country different from the one where you are now present, we will request that other country to “**take you back**”*

The country to which we send the request must answer within **1 month** of the receipt of the request or within **2 weeks** if the request was based on Eurodac data. If that country does not reply within this timeframe this means that it has accepted responsibility for your application and agrees to take you back.

If, however, you did not apply for asylum in this country and your previous asylum application in another country has been rejected by a final decision, we can either choose to send a request to the responsible country to take you back, or to proceed with your return to your country of origin or of

permanent residence or to a safe third country

If another country accepts that it is responsible for examining your application, you will be informed of our decision:

- not to examine your request for asylum here in this country and,
- to transfer you to the responsible country.

Your transfer will take place within 6 months of the date when the other country accepted responsibility, or, if you decide to challenge the decision, within 6 months from the moment a court or tribunal decides that you may be sent to that country. This time limit can be extended if you run away from the authorities here or if you are imprisoned.

If you are held in detention / a closed centre in this country as part of the Dublin procedure, shorter time limits will apply (see specific section on detention for further information).

The responsible country will treat you as an asylum seeker and you will benefit from all related rights. If you never applied for asylum before in that country, you will be given the opportunity to apply after your arrival.

You have the possibility to say that you disagree with a decision to send you to another Dublin country. This is called an 'appeal' or 'review'. You can also ask for a suspension of the transfer for the duration of the appeal or review.

You can find information on which authorities to contact in order to challenge a decision in this country at the end of this leaflet.

When you receive from authorities the eventual official resolution about your transfer to other country, you will have a month period in order to submit recourse before the Ministry of the Interior or two months period to submit an administrative-contentious appeal before the Administrative-Contentious Court. It is very important that you challenge (appeal or review) within the indicated time.

You have two months to request that your transfer is suspended while your appeal is examined. A court or tribunal will shortly decide on this request. If it denies you the suspension, you will be given the reasons for that.

During this procedure you have the right to legal assistance and, if necessary, linguistic assistance. Legal assistance means that you have the right to have a lawyer who will prepare your papers and represent you in front of a court.

You may ask to have this assistance for free if you cannot afford the costs. Information on organisations that provide legal assistance can be found at the end of this leaflet.

BERLIN

644 m.

(TEMPELHOF)

AMSTERDAM

284 m.

BRUSSELS (MELSBROEK)

288 m.

463 km

ZURICH

(KLOTZ)

938

508 m.

ROME

(CIVIL)

1025 m.

LONDON AIR

86 m.

PARIS

“Can I be detained?”

There may be other reasons why you can be detained, but, for the purposes of the Dublin procedure, you may only be detained if our authorities consider there is a significant risk that you can run away because you do not want to be sent to another Dublin country.

“What does this mean?”

If our authorities consider that there is a significant risk that you will run away from us – for example because you have already done so or because you do not comply with reporting obligations etc. – they may put you in detention at any moment during the Dublin procedure. The reasons for which you may be detained are written in law. No other reasons than those in the law can be invoked in order to detain you.

You have the right to be informed in writing of the reasons why you are being detained, as well as the possibilities to challenge the detention order. You also have the right to legal assistance if you wish to challenge the detention order.

If you are detained during the Dublin procedure, the timeframe of the procedure for you will be the following:

- We will request the other country to accept responsibility within **1 month** of the submission of your asylum application.
- The country to which we sent the request must reply within **2 weeks** of the receipt of our request.
- Your transfer should be carried out within **6 weeks** of the acceptance of the request by the responsible country. If you challenge the transfer decision, the 6 weeks will be counted from the moment the authorities, or a court or tribunal decides that it is safe for you to be sent to the responsible country while your appeal is being considered.

If we fail to comply with the deadlines for sending the request or for implementing your transfer, your detention for the purpose of transfer

under the Dublin Regulation will be ended. In that case, the normal time limits presented above will apply.

“What will happen with the personal information that I provide? How do I know that it will not be misused?”

The authorities of Dublin countries can exchange the data you are providing to them during the Dublin procedure for the sole purpose of fulfilling their obligations under the Dublin and Eurodac Regulations. Throughout the Dublin procedure you have the right for all your personal details and the information you provide about yourself, your family situation, etc. to be protected. Your data can only be used for the purposes defined by law.

You will have a right of access:

- To data relating to you. You have the right to request that such data, including Eurodac data be corrected, if they are inaccurate, or be deleted if they have been unlawfully processed;
- To the information explaining how to ask that your data, including Eurodac data, are corrected or deleted. This includes the contact details of the competent authorities responsible for your Dublin procedure, and of the national data protection authorities responsible for dealing with requests concerning the protection of personal data.

Catálogo de Publicaciones de la Administración General del Estado:
<http://publicacionesoficiales.boe.es>

Edita: MINISTERIO DEL INTERIOR. SECRETARÍA GENERAL TÉCNICA

Edición a cargo de: Dirección General de Política Interior
Subdirección General de Asilo (Oficina de Asilo y Refugio)

Fecha de edición: Marzo 2014

Teléfono: 060

NIPO (en papel): 126-14-034-8

NIPO (en línea): 126-14-033-2

Depósito Legal: M-9496-2014

Maquetación y realización: Math Printer, S.L.

Camino de Hormigueras 122 Bis - 6ª planta - Nave Q1
28031 Madrid

En esta publicación se ha utilizado papel reciclado libre de cloro de acuerdo con los criterios medioambientales de la contratación pública



GOBIERNO
DE ESPAÑA

MINISTERIO
DEL INTERIOR

DIRECCIÓN GENERAL
DE POLÍTICA INTERIOR