



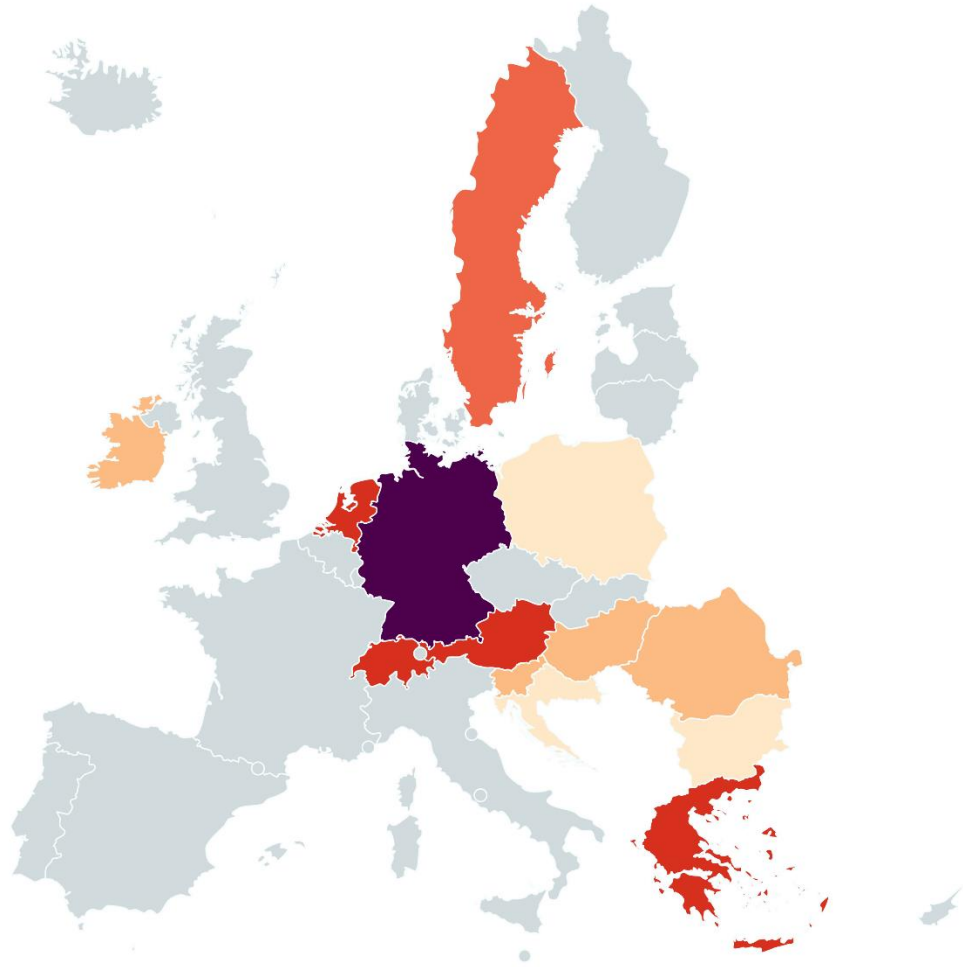
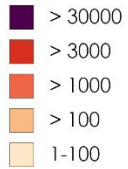
# **The Dublin system in the first half of 2018**

## **Key figures from selected European countries**

October 2018



## Outgoing Dublin requests



This statistical update provides key figures on the application of the Dublin Regulation.<sup>1</sup> Up-to-date statistics on the operation of the Dublin system continue to be a challenge in the Common European Asylum System (CEAS). The latest available figures on Eurostat date back to 2017 and do not cover all the Member States and Schengen Associated States participating in the system.<sup>2</sup> In addition, Eurostat data on the application of the “cornerstone” of the EU’s asylum policy is only provided on an annual basis, thereby preventing systematic and timely monitoring of the application of the Dublin regulation. Ongoing discussions on the European Commission proposal amending the Migration Statistics Regulation<sup>3</sup> provide an opportunity to strengthen the EU legal framework on data collection on asylum, including on the periodicity of Dublin statistics, as suggested by ECRE.<sup>4</sup>

Data for the year 2018 in this update are based on information made available by national authorities or obtained by civil society organisations in 14 European countries (**Germany, Sweden, Austria,**

<sup>1</sup> Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or stateless person (recast), OJ 2013 L180/31.

<sup>2</sup> For a discussion, see ECRE, *Making asylum numbers count*, January 2018, available at: <http://bit.ly/2CYMB6R>.

<sup>3</sup> European Commission, *Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 862/2007 on Community statistics on migration and international protection*, COM(2018) 307, 16 May 2018.

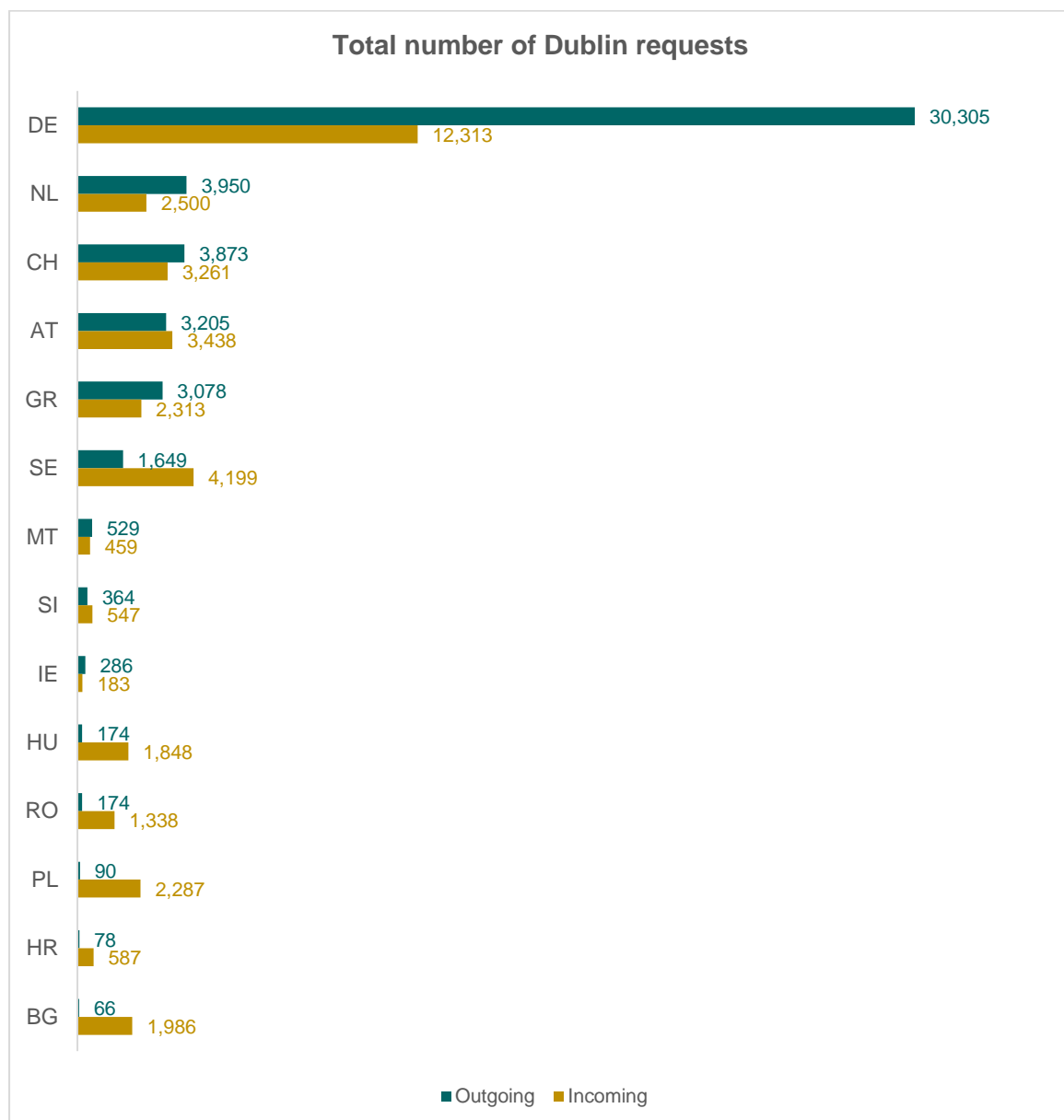
<sup>4</sup> ECRE, *Comments on the Commission proposal amending the Migration Statistics Regulation*, June 2018, available at: <https://bit.ly/2DM9ZX2>.

**Switzerland, the Netherlands, Greece, Ireland, Poland, Slovenia, Croatia, Hungary, Romania and Bulgaria)** as part of the Asylum Information Database (AIDA).

The update provides statistics on outgoing and incoming Dublin requests and transfers, including the legal provisions on which requests are based and the countries to which they are addressed.

Given that figures for some of the main countries operating the Dublin system (e.g. **France, Italy**) are not available, the observations made in this update are indicative trends of practice rather than an exhaustive account of the system.

The overall number of Dublin requests issued and received during the first half of 2018 was as follows:



**Germany** continues to spearhead the implementation of the Dublin system as the top sender of requests relating to taking over responsibility for asylum seekers. The Federal Office for Migration and Refugees (BAMF) has submitted 30,305 outgoing requests in the first half of 2018, slightly more than

the number of requests (29,378) issued during the same period last year.<sup>5</sup> Other countries (**Austria, Switzerland, Sweden**) have marked a slight decrease, while **Greece** has recorded a substantial decrease, from 7,267 requests in the first half of 2017 to 3,078 in the first half of this year.<sup>6</sup>

**Germany** is also the top recipient of Dublin requests from other countries according to available statistics, although it is likely that **France** and **Italy** also figure among the main addressees of requests.<sup>7</sup> While **Austria, Sweden** and **Switzerland** have received slightly higher numbers of incoming requests in the first half of 2018 compared to the same period last year,<sup>8</sup> **Greece** has received 2,313 incoming requests, compared to no more than 257 in the first semester of 2017.<sup>9</sup> This dramatic increase is linked *inter alia* to the European Commission's efforts to encourage Member States to reinstate transfers to Greece following its 8 December 2016 Recommendation.<sup>10</sup> **Bulgaria** and **Hungary**, on the other hand, have noted a drop in the number of incoming requests.<sup>11</sup>

The comparison of outgoing and incoming requests by country yields further important conclusions. As indicated in the chart above, many countries (e.g. **Switzerland, Austria, Greece, Malta** and **Slovenia**) have sent and received similar volumes of outgoing and incoming requests under the Dublin Regulation. Such 'exchanges' of requests for transfer of asylum seekers may in theory be an outcome of faithful adherence to the Dublin criteria. From the perspective of administrative burden and efficiency, however, this phenomenon demonstrates the deeply bureaucratic nature and defects of the Dublin system. Administrations in fact invest considerable time and human and financial resources on procedures to transfer asylum seekers out of their territory, only to end up with approximately equal numbers of procedures to receive asylum seekers from other countries.

### The responsibility criteria in practice

The reasons for which such procedures are conducted are highly relevant against this backdrop. The Dublin system does not oblige states to transfer an individual to another country; it grants them discretion to take responsibility and process the asylum application at any time.<sup>12</sup> In this regard, extended family links, dependency or health and other humanitarian factors are relevant circumstances which may warrant a need for the asylum seeker to gain lawful access to another country with a view to having his or her claim processed there. The placement of family provisions at the top of the hierarchy of responsibility criteria in the Regulation reflects this priority.<sup>13</sup>

In reality, however, Dublin procedures in most countries are unrelated to such considerations. Observations on the functioning of the Regulation in previous years,<sup>14</sup> whereby entry criteria and previous asylum applications had a prevalent role, are confirmed by practice so far in 2018:

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<sup>5</sup> ECRE, *The Dublin system in the first half of 2017*, 2.

<sup>6</sup> *Ibid.*, 7.

<sup>7</sup> Germany's outgoing requests were sent mainly to France and Italy, as seen in Annex I.

<sup>8</sup> ECRE, *The Dublin system in the first half of 2017*, 8.

<sup>9</sup> *Ibid.*

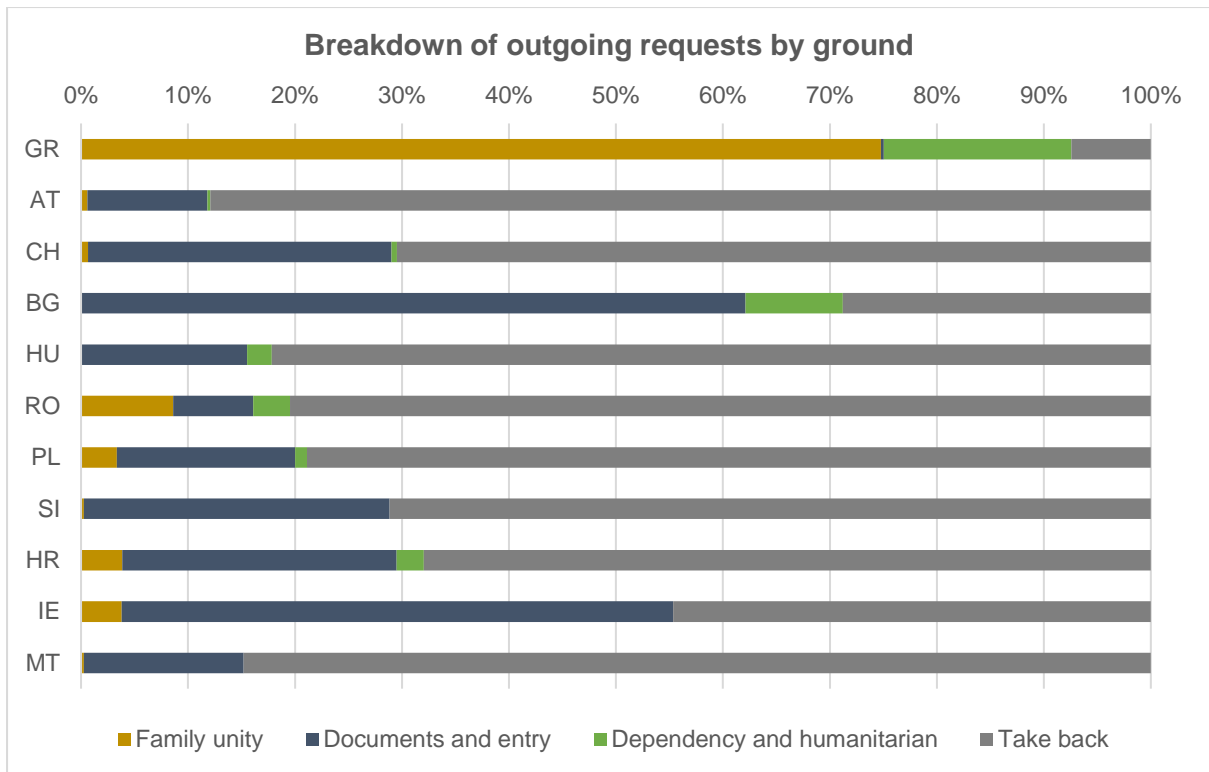
<sup>10</sup> Commission Recommendation of 8 December 2016 addressed to the Member States on the resumption of transfers to Greece under Regulation (EU) No. 604/2013, C(2016) 8525.

<sup>11</sup> ECRE, *The Dublin system in the first half of 2017*, 8.

<sup>12</sup> Article 17(1) Dublin III Regulation.

<sup>13</sup> Articles 8-11 Dublin III Regulation.

<sup>14</sup> See e.g. UNHCR, *Left in Limbo: Study on the implementation of the Dublin III Regulation*, August 2017, available at: <http://bit.ly/2kPx9SX>, 86 et seq.; ECRE, *The Dublin system in 2017: Overview of developments from selected European countries*, March 2018, available at: <http://bit.ly/2uW0M9Q>, 2-3.



Source: AIDA. Figures for HU and BG include “family unity” requests in “documents and entry” statistics.

With the exception of **Greece**, family unity considerations remain a marginal ground for issuing outgoing requests under the Dublin Regulation. The majority of European countries continue to rely on “take back” provisions under Article 18 of the Regulation, followed by provisions related to documentation and entry under Articles 12 to 14.

Similar to the family unity provisions, the use of the “dependent persons” clause<sup>15</sup> and the “humanitarian” clause,<sup>16</sup> offering complementary avenues for asylum seekers to be reunited with family members based on need or humanitarian considerations, were equally limited in the first half of 2018.

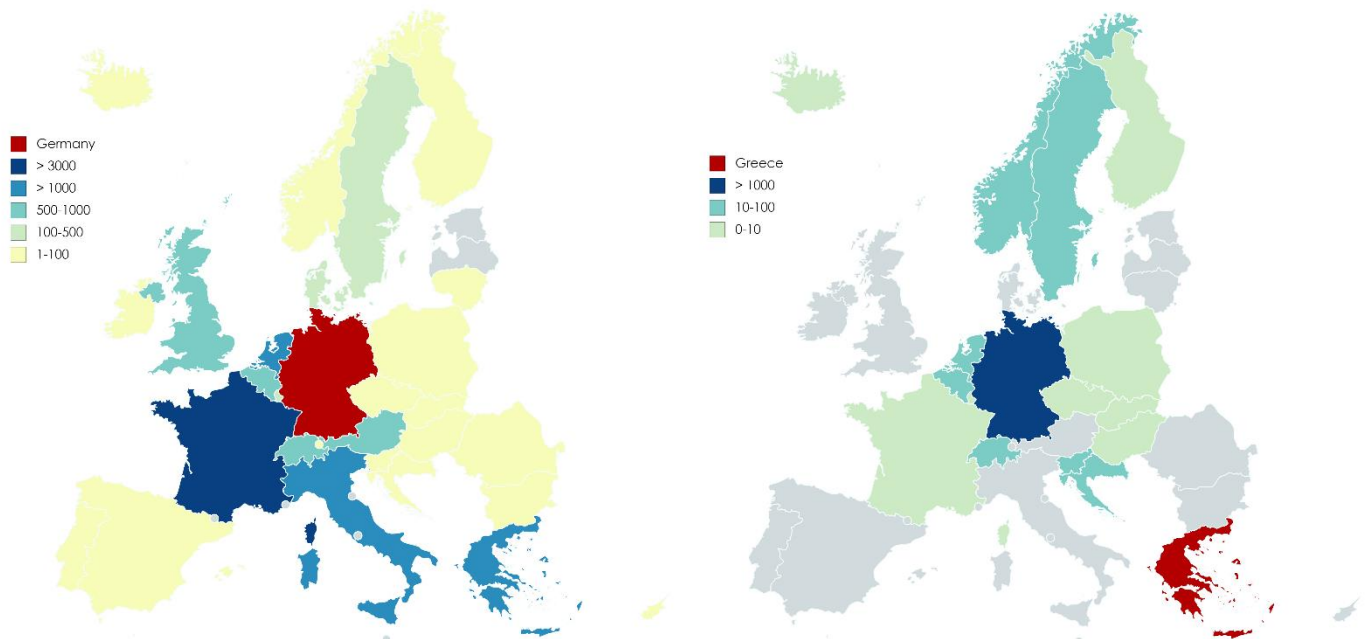
Given the resources required to process both outgoing and incoming requests, states should refrain from incurring expenses and time unless Dublin procedures are necessary for the individual or to ensure compliance with human rights obligations.

<sup>15</sup> Article 16 Dublin III Regulation.

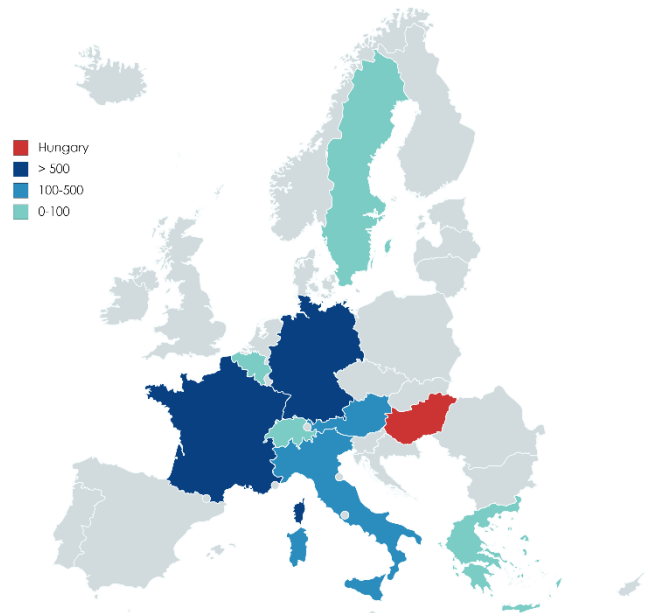
<sup>16</sup> Article 17(2) Dublin III Regulation.

## Senders and addressees of Dublin requests

As stated above, **Germany** is the main sender and a principal recipient of Dublin requests and transfers in Europe. In the first half of 2018, it received 12,313 incoming Dublin requests from 30 different countries, notably France (4,772), followed by the Netherlands (1,386), Italy (1,232) and Greece (1,225).<sup>17</sup> **Greece**, on the other hand, received 2,313 requests from 16 countries, the overwhelming majority of which (82%) came from Germany (1,899), followed by Belgium (89) and Slovenia (88). A comparison of the two countries' incoming requests can be seen below:



**Hungary**, another country of interest in the operation of the Dublin system, not least following successive suspensions of transfers by different governments on account of human rights risks,<sup>18</sup> continues to receive substantial numbers of Dublin requests. In the first half of 2018, Hungary had 1,848 incoming requests, coming mainly from France (698) and Germany (543). Germany therefore continues to initiate proceedings to transfer asylum seekers to Hungary, despite last year's announcement of a suspension of transfers due to widespread human rights violations in the country.<sup>19</sup> France has not made any such statement thus far.



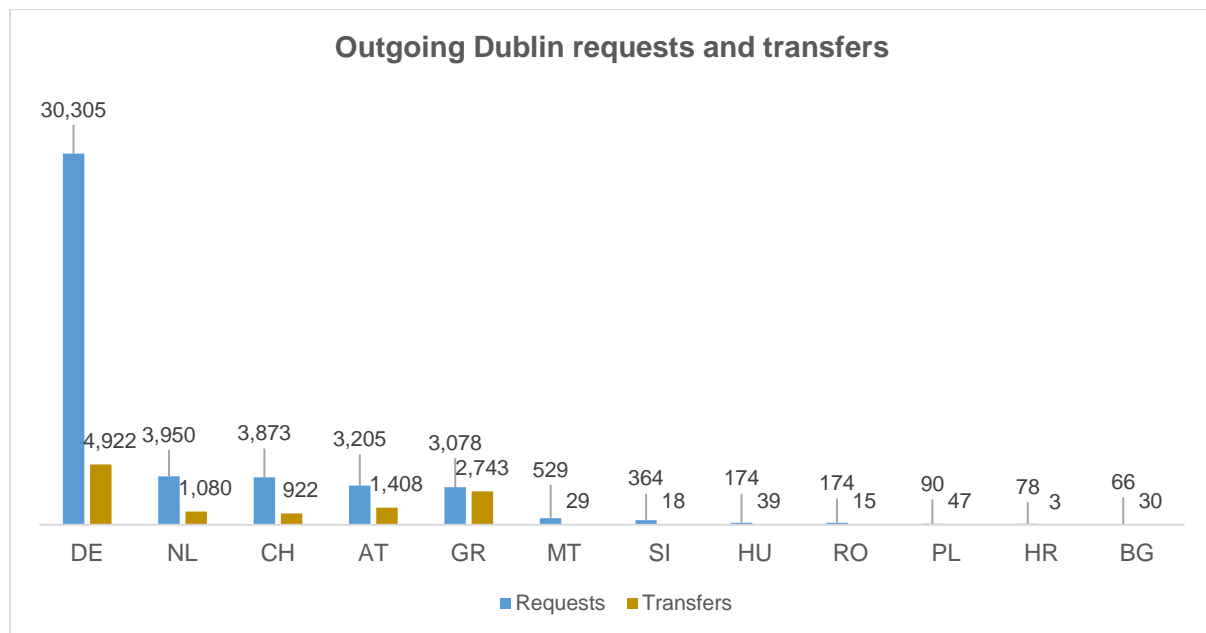
<sup>17</sup> Note that, due to the way statistics are collected at national level, figures on outgoing requests and corresponding incoming requests may differ.

<sup>18</sup> ECRE, *The Dublin system in 2017*, 7.

<sup>19</sup> AIDA, 'Hungary: Dublin transfers suspended by Germany', 29 August 2017, available at: <https://bit.ly/2wGfvp8>.

## Transfers implemented

The number of transfers effectively carried out during the first half of 2018 was as follows:



**Germany** implemented most transfers, followed by **Greece**, **Austria** and the **Netherlands**. When looking at relative figures comparing actual transfers to outgoing requests issued, the 'efficiency' of European countries' continued investment in Dublin procedures remains highly dubious. Germany has increased the number of transfers to almost 5,000 in the first semester of 2018,<sup>20</sup> yet this figure represents less than one sixth of about 30,000 requests sent to other countries during the same period. This means that almost 85% of Dublin procedures initiated by the authorities did not result in a transfer. The transfer rate was higher in **Switzerland** (23.8%), the **Netherlands** (27.3%) and **Austria** (43.9%), which had slightly less outgoing transfers but also dramatically lower numbers of outgoing requests compared to Germany. On the other hand, **Greece** which issued Dublin requests primarily for family unity reasons, had a transfer rate of 89% during this period, a sharp increase from its 25% rate during the same period in 2017.

**Germany** was also the country recording the highest number of incoming transfers (3,470). **Greece** received 7 transfers and **Hungary** received none.

<sup>20</sup> Compared to 3,043 transfers in the first six months of 2017: ECRE, *The Dublin system in the first half of 2017*, 5.

## Annex I – Outgoing Dublin requests and transfers by receiving country and requests by ground: 1 January – 30 June 2018

	Outgoing requests							Outgoing transfers						
	Total	First country		Second country		Third country		Total	First country		Second country		Third country	
AT	3,205	IT	1,248	DE	821	HU	221	1,408	IT	694	DE	373	FR	52
BG	66	DE	43	UK	7	FR	3	30	DE	20	UK	6	FR	1
DE	30,305	IT	10,748	FR	2,359	GR	2,246	4,922	IT	1,686	PL	357	FR	354
GR	3,078	DE	1,441	UK	426	SE	277	2,743	DE	1,707	UK	530	CH	125
HR	78	BG	24	GR	22	CY	7	3	BG	1	IT	1	HU	1
HU	174	BG	123	DE	20	IT	5	39	DE	17	AT	10	IT	5
IE	286	UK	84	FR	32	DE	31	:	:	:	:	:	:	:
MT	529	IT	360	GR	33	BG	30	29	SE	13	IT	9	FI	2
NL	3,950	DE	1,470	IT	1,150	FR	220	1,080	DE	470	IT	180	FR	100
PL	90	DE	35	FR	13	BG	7	47	DE	25	IT	4	FR	4
RO	174	BG	124	DE	23	UK	7	15	DE	11	NL	2	BE	1
SE	1,649	IT	305	DE	204	GR	172	:	:	:	:	:	:	:
SI	364	HR	162	GR	114	BG	21	18	HR	11	IT	4	DE	1
CH	3,873	IT	1,582	DE	870	FR	248	922	IT	396	DE	262	ES	53

Dublin III Regulation criterion	CH	AT	GR	MT	SI	IE	RO	HU	PL	HR	BG
Family unity: Articles 8-11	25	19	2,301	1	1	12	15	27	3	3	41
Regular entry: Articles 12 and 14	1,099	230	2	52	0	136	13		10	11	
Irregular entry: Article 13		129	7	2	104	13	0		5	9	
Dependent persons: Article 16	20	0	67	0	0	0	0	3	0	0	3
Humanitarian clause: Article 17(2)		8	472	0	0	0	6	1	1	2	3
“Take back” requests: Articles 18, 20	2,729	2,811	229	307	259	129	140	143	71	53	19
<b>Total outgoing requests</b>	<b>3,873</b>	<b>3,205</b>	<b>3,078</b>	<b>362</b>	<b>364</b>	<b>286</b>	<b>174</b>	<b>174</b>	<b>90</b>	<b>78</b>	<b>66</b>



## Annex II – Incoming Dublin requests and transfers by sending country and requests by ground: 1 January – 30 June 2018

	Incoming requests							Incoming transfers						
	Total	First country		Second country		Third country		Total	First country		Second country		Third country	
AT	3,438	DE	1,297	FR	993	IT	402	440	DE	218	GR	69	CH	33
BG	1,986	DE	634	FR	559	UK	112	66	DE	28	UK	13	FR	2
DE	12,313	FR	4,772	NL	1,386	IT	1,232	3,470	GR	1,520	FR	415	NL	412
GR	2,313	DE	1,899	BE	89	SI	88	7	DE	5	BE	1	NO	1
HR	587	SI	166	DE	161	FR	87	76	AT	40	DE	18	SI	10
HU	1,848	FR	698	DE	543	AT	239	0	-	-	-	-	-	-
IE	183	UK	144	GR	12	FR	7	18	UK	12	AT	2	GR	2
MT	459	DE	197	FR	123	GR	31	54	GR	29	DE	11	SE	4
NL	2,500	DE	1,040	FR	640	BE	180	440	DE	240	BE	40	FR	30
PL	2,287	DE	1,141	FR	702	SE	93	482	DE	348	NL	42	AT	32
RO	1,338	DE	809	UK	137	AT	101	108	DE	65	AT	15	CZ	8
SE	4,199	DE	1,668	FR	894	IT	237	:	:	:	:	:	:	:
SI	547	DE	154	FR	133	IT	100	49	DE	21	AT	8	CH	5
CH	3,261	DE	1,327	FR	860	NL	212	600	DE	260	GR	149	NL	46

Dublin III Regulation criterion	CH	AT	GR	MT	SI	IE	RO	HU	PL	HR	BG
Family unity: Articles 8-11	142	118	27	32	1	7	17	208	28	3	50
Regular entry: Articles 12 and 14	204	107	2,363	143	32	3	21		788	3	
Irregular entry: Article 13		14	658	5	3	4	30		25	164	
Dependent persons: Article 16	112	5	0	0	0	0	0	0	0	0	1
Humanitarian clause: Article 17(2)		24	2	3	0	2	6	0	1	1	2
“Take back” requests: Articles 18, 20	2,803	3,170	1,263	185	511	153	1,264	1,622	1,445	416	1,933
<b>Total incoming requests</b>	<b>3,261</b>	<b>3,438</b>	<b>2,313</b>	<b>368</b>	<b>547</b>	<b>183</b>	<b>1,338</b>	<b>1,848</b>	<b>2,287</b>	<b>587</b>	<b>1,986</b>

## THE ASYLUM INFORMATION DATABASE (AIDA)

The [Asylum Information Database](#) is a database managed by ECRE, containing information on asylum procedures, reception conditions, detention and content of international protection across 23 European countries. This includes 20 European Union (EU) Member States (Austria, Belgium, Bulgaria, Cyprus, Germany, Spain, France, Greece, Croatia, Hungary, Ireland, Italy, Malta, Netherlands, Poland, Portugal, Romania, Sweden, Slovenia, United Kingdom) and 3 non-EU countries (Switzerland, Serbia, Turkey).

The overall goal of the database is to contribute to the improvement of asylum policies and practices in Europe and the situation of asylum seekers by providing all relevant actors with appropriate tools and information to support their advocacy and litigation efforts, both at the national and European level. These objectives are carried out by AIDA through the following activities:

### ❖ **Country reports**

AIDA contains [national reports](#) documenting asylum procedures, reception conditions, detention and content of international protection in 23 countries. An overview of the country reports can be found [here](#).

### ❖ **Comparative reports**

Comparative reports provide a thorough comparative analysis of practice relating to the implementation of asylum standards across the countries covered by the database, in addition to an overview of statistical asylum trends and a discussion of key developments in asylum and migration policies in Europe. AIDA comparative reports are published in the form of thematic updates, focusing on the individual themes covered by the database. Thematic reports published so far have explored topics including [reception](#), [admissibility procedures](#), [content of protection](#), [vulnerability](#) and [detention](#).

### ❖ **Comparator**

The [Comparator](#) allows users to compare legal frameworks and practice between the countries covered by the database in relation to the core themes covered: asylum procedure, reception, detention, and content of protection. The different sections of the Comparator define key concepts of the EU asylum *acquis* and outline their implementation in practice.

### ❖ **Fact-finding visits**

AIDA includes the development of fact-finding visits to further investigate important protection gaps established through the country reports, and a methodological framework for such missions. Fact-finding visits have been conducted in [Greece](#), [Hungary](#), [Austria](#), [Croatia](#) and [France](#).

### ❖ **Legal briefings**

Legal briefings aim to bridge AIDA research with evidence-based legal reasoning and advocacy. [Legal briefings](#) so far cover: Dublin detention; asylum statistics; safe countries of origin; procedural rights in detention; age assessment of unaccompanied children; residence permits for beneficiaries of international protection; the length of asylum procedures; travel documents for beneficiaries of international protection; accelerated procedures; the expansion of detention; relocation; and withdrawal of reception conditions.

### ❖ **Statistical updates**

AIDA releases short publications with key figures and analysis on the operation of the Dublin system across selected European countries. Updates have been published for 2016, the first half of 2017, 2017 and the first half of 2018.

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