



The Dublin system in the first half of 2019

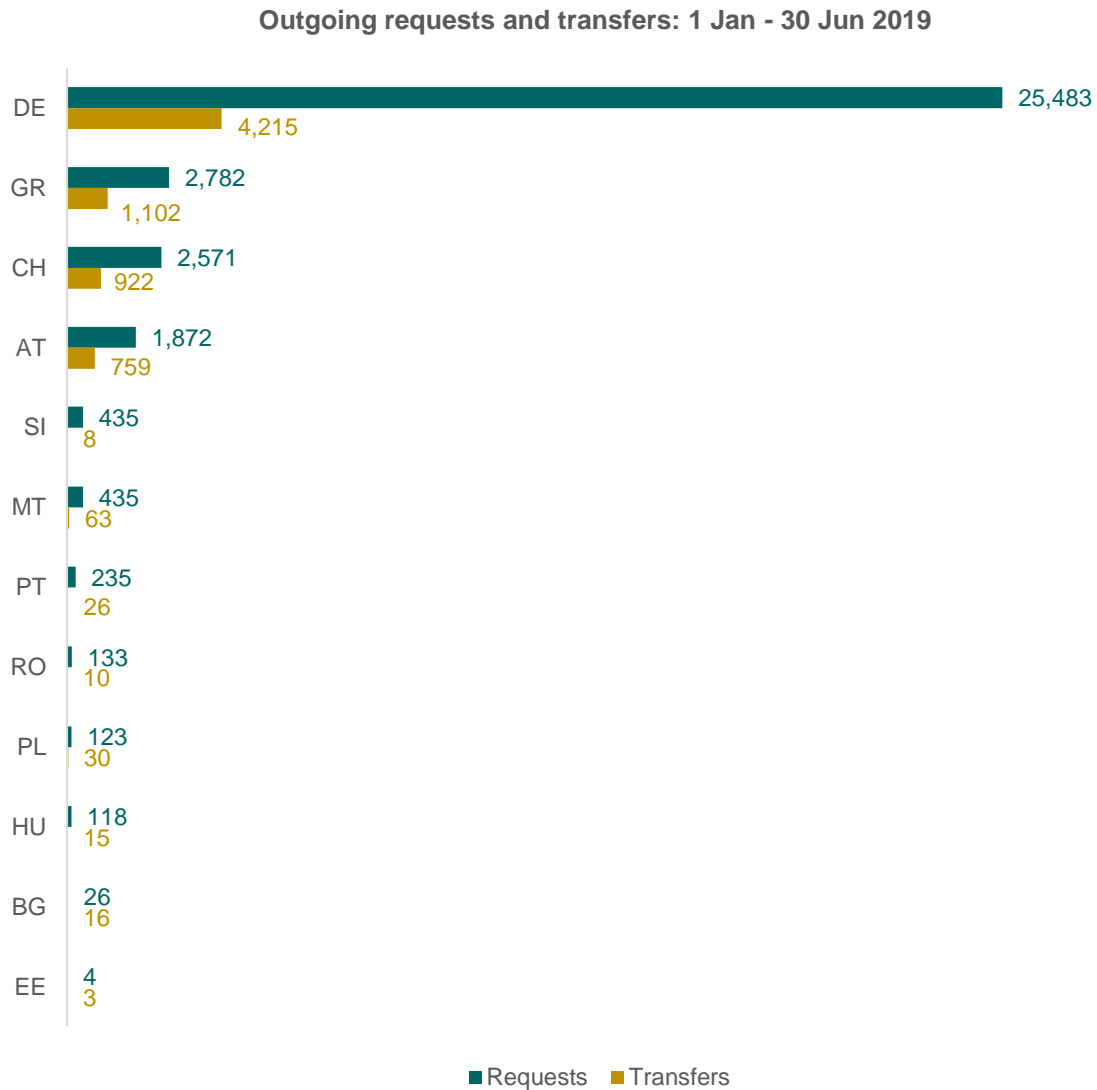
Key figures from selected European countries

August 2019



This Asylum Information Database (AIDA)* statistical update provides up-to-date figures on the application of the Dublin Regulation¹ from 1 January to 30 June 2019 from 15 European countries (Austria, Bulgaria, Germany, Denmark, Estonia, Spain, Greece, Hungary, Luxembourg, Malta, Poland, Portugal, Romania, Slovenia, Switzerland).

Outgoing Dublin procedures



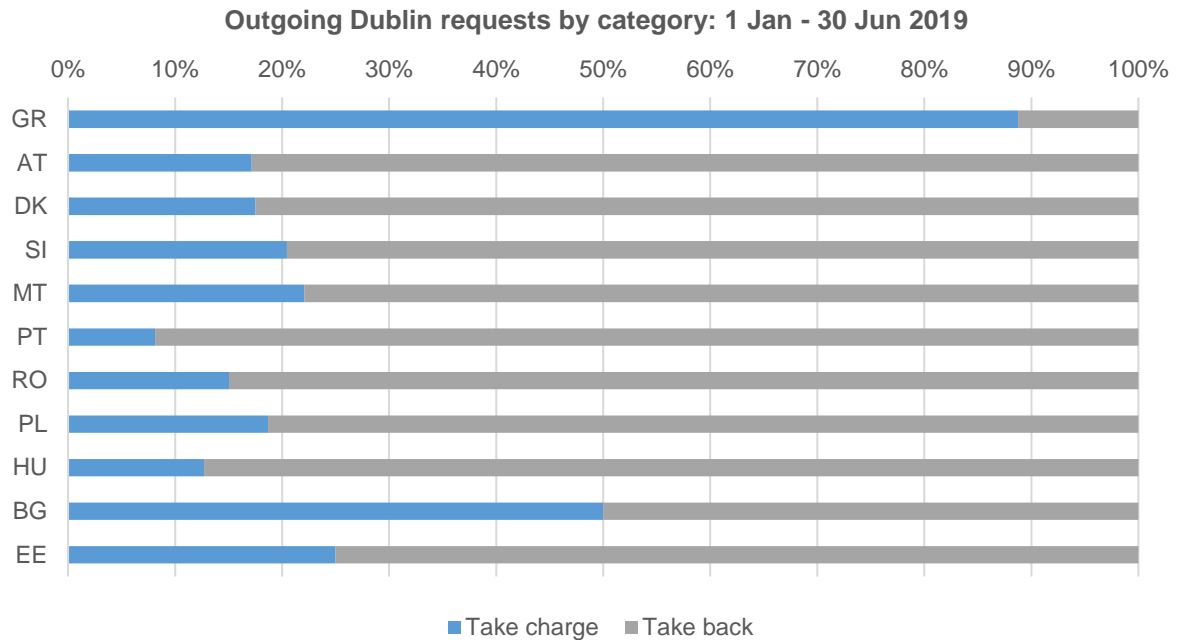
Source: AIDA.

* ECRE thanks the AIDA experts and the Danish Refugee Council (DRC), as well as Member State authorities for the provision of Dublin statistics. All errors remain our own.

¹ 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.

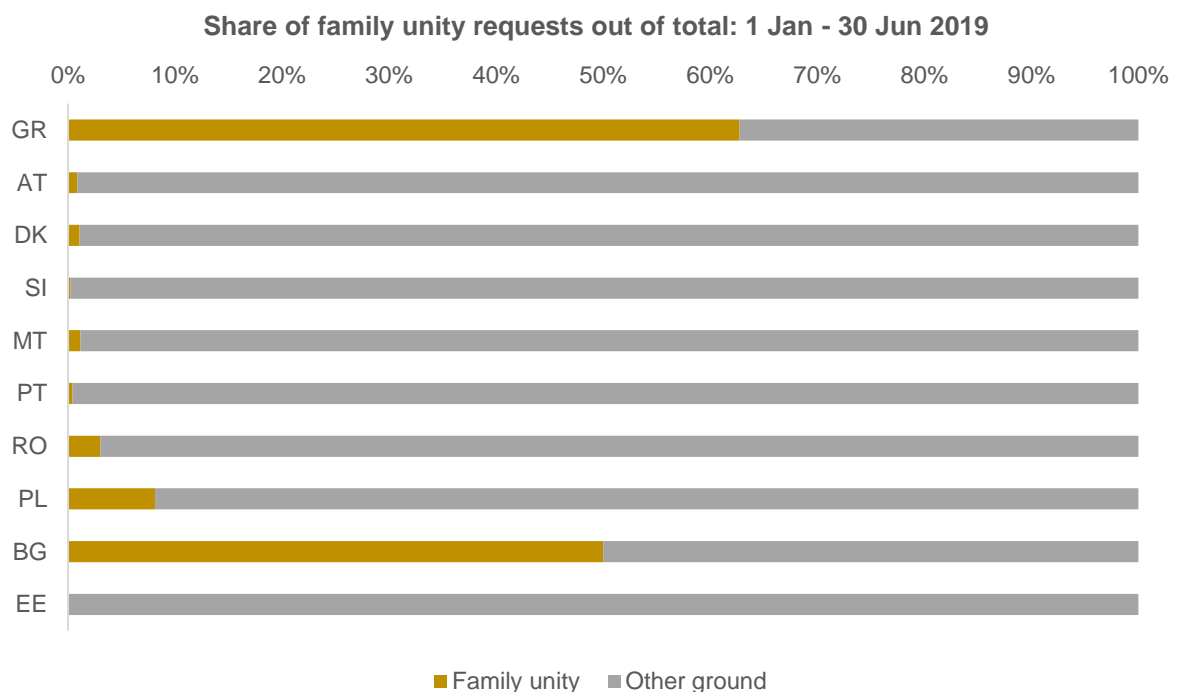
Responsibility criteria and discretionary clauses

“Take back” requests continue to be the main type of Dublin procedures initiated by European countries. With the exception of **Greece** and **Bulgaria**, the majority of requests issued in the first half of 2019 were based on the “take back” provisions of Articles 18 and 20 of the Regulation:



Source: AIDA.

The use of the family unity provisions of the Dublin Regulation remains marginal compared to the remaining “take charge” criteria and “take back” grounds for Dublin requests issued in the first half of the year. With the exception of **Greece** and **Bulgaria**, most countries issued only a handful of family reunification requests:



Source: AIDA.

Full statistics on family unity requests and transfers are not available for **Italy**. However, information from the Ministry of Labour refers to 141 unaccompanied children channelled into a Dublin family reunification procedure in the first half of 2019. Of those, 55 were transferred to other countries e.g. 13 to the Netherlands, 11 to Germany, 7 to the United Kingdom and 7 to Norway. Another 86 are still waiting to be transferred.²

The discretionary clauses set out in Article 17 of the Regulation were subject to equally limited use. While **Germany** assumed responsibility for an application in 1,951 cases in the first half of 2019, of which 1,010 concerned transfers to Italy, 386 to Greece and 286 to Hungary, it is not clear if all of those cases refer to use of the “sovereignty clause” pursuant to Article 17(1) or other impediments to transfers.³ The sovereignty clause was used in 17 cases in **Malta**,⁴ in four cases in **Romania** and **Austria**, and in one case in **Spain**.⁵ It was not used at all in **Bulgaria, Hungary, Slovenia, Poland, Portugal** and **Estonia**.⁶

The “humanitarian clause” set out in Article 17(2) of the Regulation was used in 667 cases by **Greece** but only in one case in **Austria, Denmark, Poland**, and in no cases in **Slovenia, Portugal, Romania, Bulgaria** and **Estonia**.⁷

Duration of Dublin procedures

The Dublin Regulation generally requires Member States to carry out the transfer of the person concerned within six months of the acceptance of the request by the destination country, subject to possibilities of extension in cases of imprisonment or absconding.⁸

Statistics on the duration of the Dublin procedure are not available at EU level. According to available figures for the first half of 2019, the average period between the acceptance of a request and the completion of a Dublin transfer was 7 working days in **Estonia**, 14 calendar days in **Portugal**, 26 days in **Slovenia**, 2 months in **Romania** and 6 months in **Malta**.⁹

The average duration of the entire Dublin procedure, from the issuance of a request to the actual transfer, was reported at 17 working days in **Estonia**, 40 calendar days in **Slovenia**, 2.5 months in **Portugal** and **Romania**, and 3 months in **Bulgaria**.¹⁰

² Italian Ministry of Labour and Social Policies, *Report di monitoraggio*, 30 June 2019, available in Italian at: <https://bit.ly/2YQTCh4>, 18.

³ Information provided by Informationsverbund Asyl und Migration, 16 August 2019.

⁴ Information provided by aditus foundation, 26 August 2019.

⁵ Information provided by Felicia Nica, 12 August 2019; Asylkoordination Österreich, 22 August 2019; Accem, 2 August 2019.

⁶ Information provided by the Bulgarian Helsinki Committee, 31 July 2019; Hungarian Helsinki Committee, 14 August 2019; PIC, 13 August 2019; Helsinki Foundation for Human Rights, 7 August 2019; Portuguese Refugee Council, 13 August 2019; Estonian Border Police, 12 July 2019.

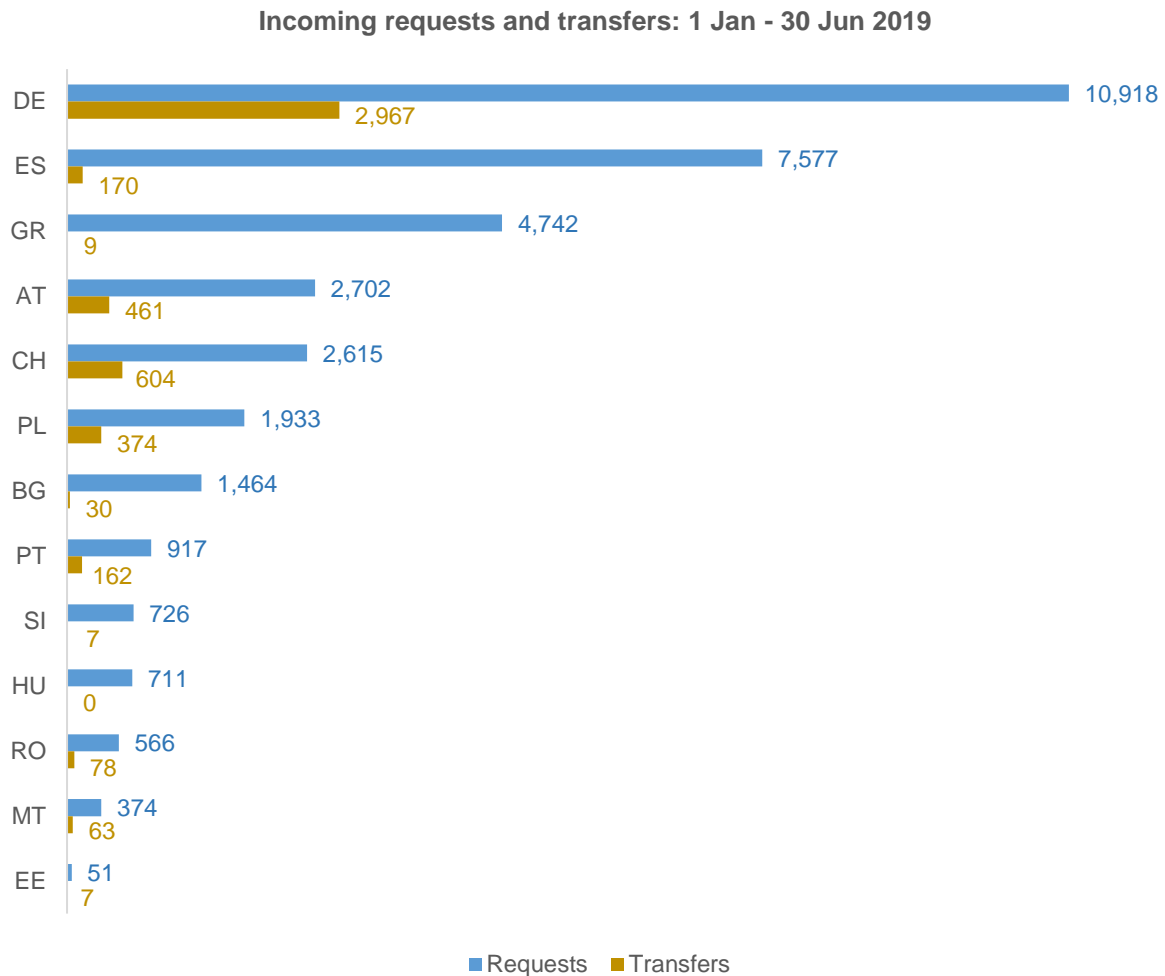
⁷ See Annex I.

⁸ Article 29(1)-(2) Dublin III Regulation.

⁹ Information provided by the Estonian Border Police, 12 July 2019; PIC, 13 August 2019; Portuguese Refugee Council, 13 August 2019; Felicia Nica, 12 August 2019; aditus foundation, 26 August 2019.

¹⁰ Information provided by the Estonian Border Police, 12 July 2019; PIC, 13 August 2019; Portuguese Refugee Council, 13 August 2019; Felicia Nica, 12 August 2019; Bulgarian Helsinki Committee, 31 July 2019. In Portugal, the average duration is 2.5 months for “take charge” requests and 4 weeks for “take back” requests.

Incoming Dublin procedures

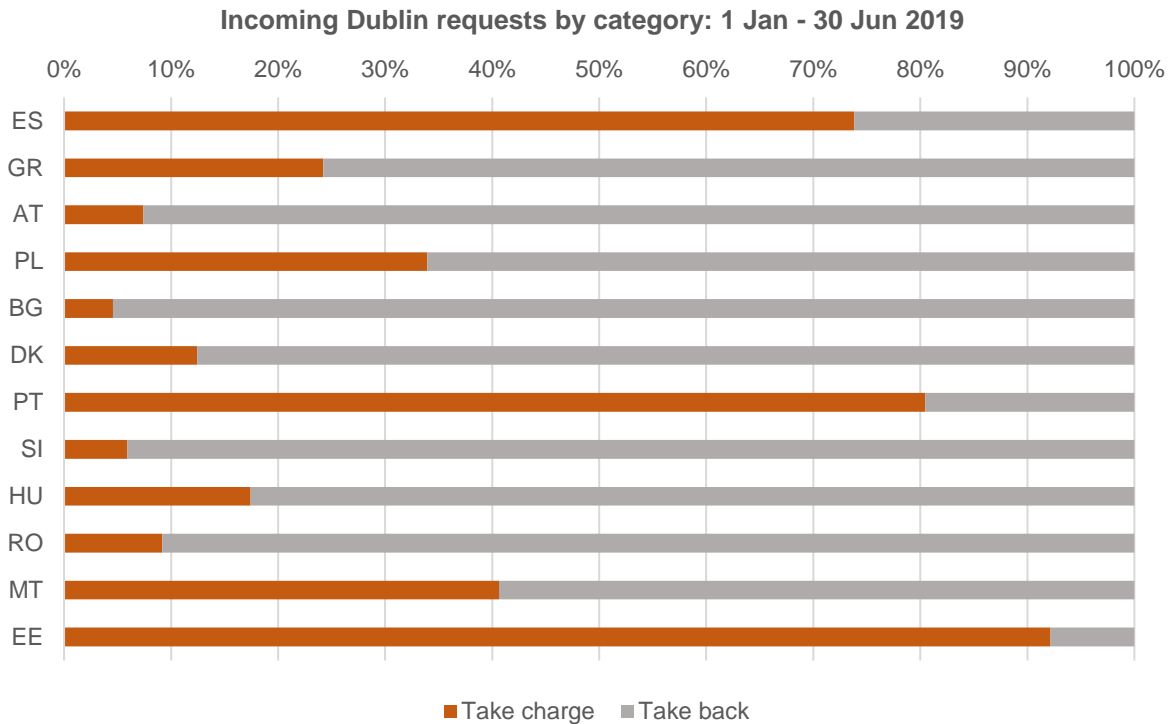


Source: AIDA.

Practice in the first semester of 2019 confirms **France** and **Germany** as the main operators of the Dublin system in Europe. The two Member States were the top two senders of Dublin requests received by Austria, Bulgaria, Denmark, Estonia, Malta, Poland, Portugal, Romania, Slovenia and Switzerland. **France** was also by far the top sender of requests to Spain and Hungary, while **Germany** issued the overwhelming majority of requests to Greece.

That said, **Germany** was also among the top addressees of incoming procedures, with 10,918 requests and 2,697 transfers in the first half of the year, far ahead of transfers received by other countries covered in this update.

As indicated above, the majority of outgoing Dublin procedures triggered so far in 2019 by the countries covered in this update concerned “take back” cases. From the viewpoint of receiving countries, “take back” cases make up the majority of incoming requests to **Greece, Bulgaria, Austria, Denmark, Slovenia, Poland, Hungary** and **Romania**:



Source: AIDA.

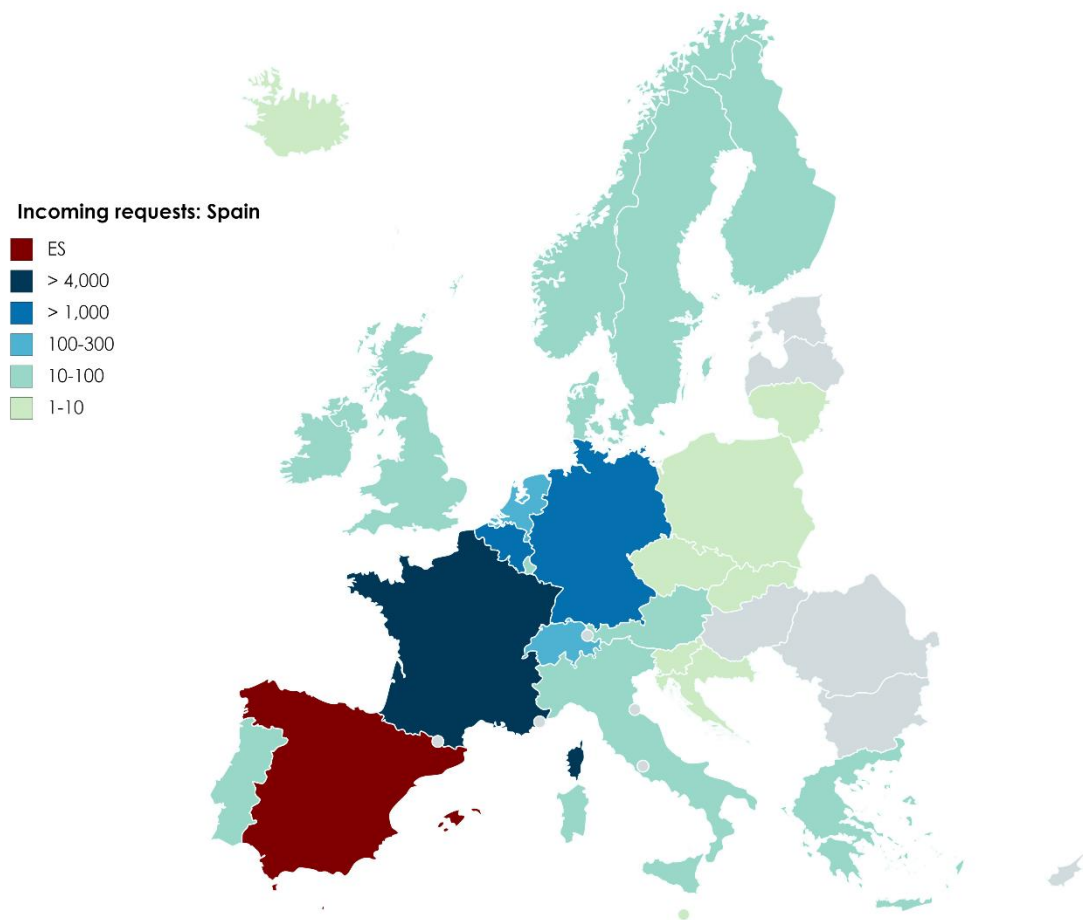
On the other hand, **Spain**, one of the main recipients of incoming Dublin requests this year (7,577), has mainly been requested by other countries to “take charge” of asylum seekers. Most incoming requests (3,616) were based on the irregular entry criterion of Article 13 of the Regulation, while another 981 were based on residence documents and visas under Article 12.¹¹ A similar trend is noted in **Portugal**, which received 917 incoming requests during that period. Of those, 725 were based on Article 12 of the Regulation.¹² **Estonia** received 51 requests, of which 46 were based on Article 12.

The following sections provide an overview of Dublin procedures and transfers to selected countries: Spain, Greece, Hungary and Bulgaria.

¹¹ Information provided by Accem, 2 August 2019.

¹² Information provided by the Portuguese Refugee Council, 13 August 2019.

Dublin procedures in focus: Spain



Source: Accem / Spanish Office of Asylum and Refuge.

Spain received 7,577 incoming requests from 22 countries. Most requests came from France (4,187), followed by Belgium (1,355) and Germany (1,229). Nearly half of incoming requests (3,616) were based on the irregular entry or stay criterion, and 1,666 were “take back” requests concerning persons who had previously applied for asylum in Spain.

5,808 incoming requests were accepted by Spain in the first half of 2019 and 1,663 were rejected.¹³ A total of 170 transfers were implemented, mainly from France (67), Germany (29), the Netherlands (15), Belgium (11) and Norway (11).

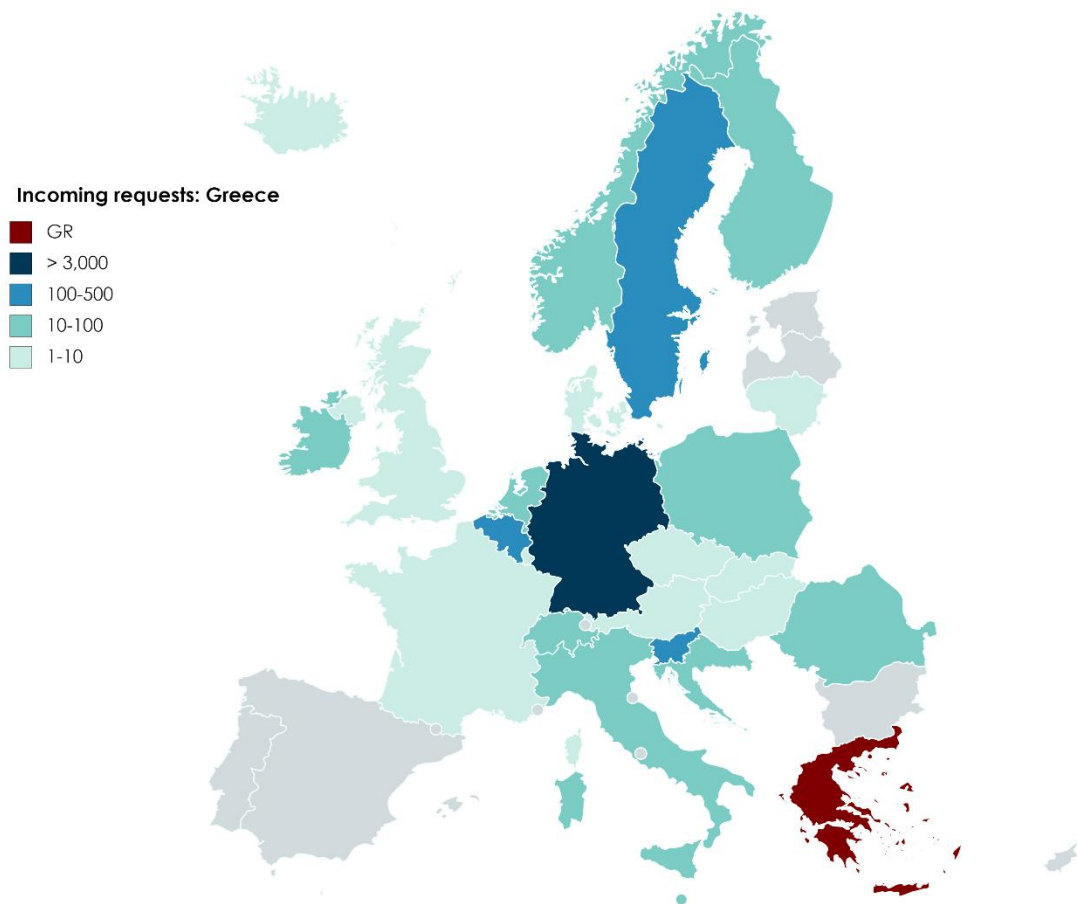
Many appeals before courts against decisions ordering transfer to Spain have been dismissed on the basis that asylum seekers do not face a risk of inhuman or degrading treatment in the country,¹⁴ although some judgments have suspended transfers.¹⁵

¹³ Spanish Office of Asylum and Refuge, *Avance de datos de protección internacional*, 30 June 2019, available in Spanish at: <https://bit.ly/2Pglbkh>.

¹⁴ See e.g. (Belgium) Council of Alien Law Litigation, Decision 218 709, 25 March 2019, 219 457, 4 April 2019, 220 673, 2 May 2019, 221 995, 28 May 2019; (Austria) Federal Administrative Court, Decision W192 2211406-1, 16 January 2019; (Germany) Administrative Court of Würzburg, Decision W 2 E 19.50143, 6 March 2019; Administrative Court of Berlin, 31 L 12.09 A, 22 March 2019; (Netherlands) Regional Court Gravenhage, Decision NL19.2022, 26 February 2019, Regional Court Middelburg, NL19.12908, 4 July 2019; (Switzerland) Federal Administrative Court, Decision D-858/2019, 26 February 2019, E-1888/2019, 1 May 2019.

¹⁵ See e.g. (Belgium) Council of Alien Law Litigation, Decision 217 637, 28 February 2019, 221 999, 28 May 2019; (Germany) Administrative Court of Berlin, Decision 31 L 828.18 A, 14 March 2019, 31 L 1015.18 A, 21 March 2019; (Netherlands) Regional Court of Middelburg, Decision NL19.10939, 13 June 2019.

Dublin procedures in focus: Greece



Source: Greek Asylum Service.

Following the December 2016 Recommendation issued by the European Commission,¹⁶ most European countries have resumed Dublin procedures to Greece as of 2019. During the first half of the year, Greece received 4,742 incoming requests from 25 countries. Nearly 75% (3,476) of requests were sent by Germany, far ahead of Belgium (432), Sweden (248) and Slovenia (179). Most procedures were based on the “take back” provisions persons with previous applications in Greece (3,594) and on the irregular entry or stay criterion (861).

The vast majority of incoming requests were rejected by the Greek Dublin Unit, as only 118 requests were accepted during this period.¹⁷ A total of nine transfers were carried out, of which seven by Germany, one by Poland and one by Switzerland.

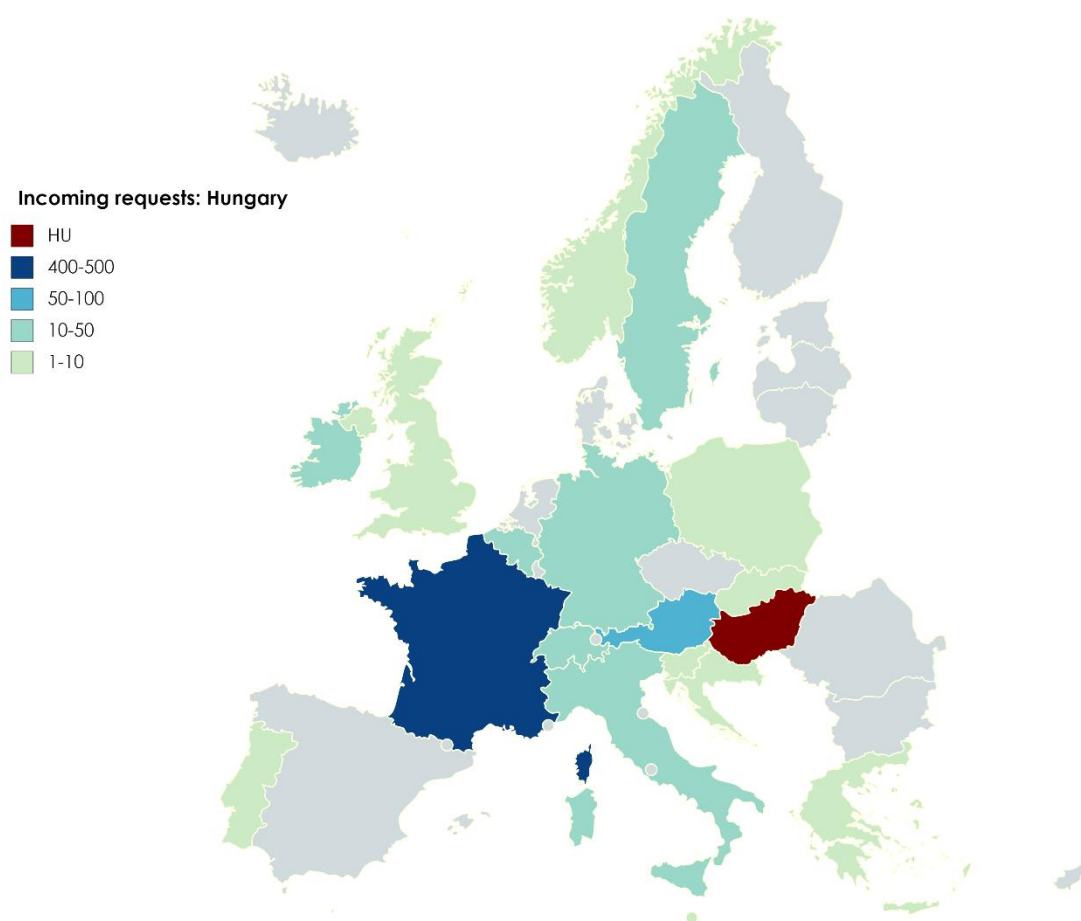
The Greek Dublin Unit also received 2,318 new information requests from other countries pursuant to Article 34 of the Regulation, and replied to 3,045 such requests. Most requests were issued by Germany.¹⁸

¹⁶ European Commission, *Recommendation of 8.12.2016 addressed to Member States on the resumption of transfers to Greece under Regulation (EU) No. 604/2013*, C(2016) 8525, 8 December 2016.

¹⁷ Greek Asylum Service, *Στατιστικά στοιχεία Εθνικής Μονάδας Δουβλίνου*, 30 June 2019, available in Greek at: <https://bit.ly/320scqZ>.

¹⁸ *Ibid.*

Dublin procedures in focus: Hungary



Source: Hungarian Helsinki Committee / Hungarian Immigration and Asylum Office.

Despite widely documented deficiencies in its asylum system¹⁹ and multiple pending infringement proceedings from the European Commission,²⁰ Hungary continues to receive Dublin requests from other countries. It received a total of 711 incoming requests in the first half of 2019. Although this figure represents a significant decrease compared to 1,848 requests in the first half of 2018, it continues to reflect a problematic application of the Dublin Regulation. France continues to be the main sender of requests (460), ahead of Austria (58) and Italy (43). France maintains a policy of applying the Dublin Regulation systematically when there are indications of previous stay or application in Hungary.²¹ Conversely, Germany seems to have reduced the number of Dublin procedures initiated vis-à-vis Hungary, with only 20 requests sent during this period.²²

Only a handful of administrations e.g. in the Netherlands, Sweden and the United Kingdom have introduced policies suspending transfers to Hungary. Despite these policies, Sweden issued 17 requests and the United Kingdom issued one request in the first half of 2019.²³

Zero transfers to Hungary have been implemented so far this year.

¹⁹ For a detailed analysis, see AIDA, Country Report Hungary, 2018 Update, March 2019, available at: <https://bit.ly/2OrO6xG>.

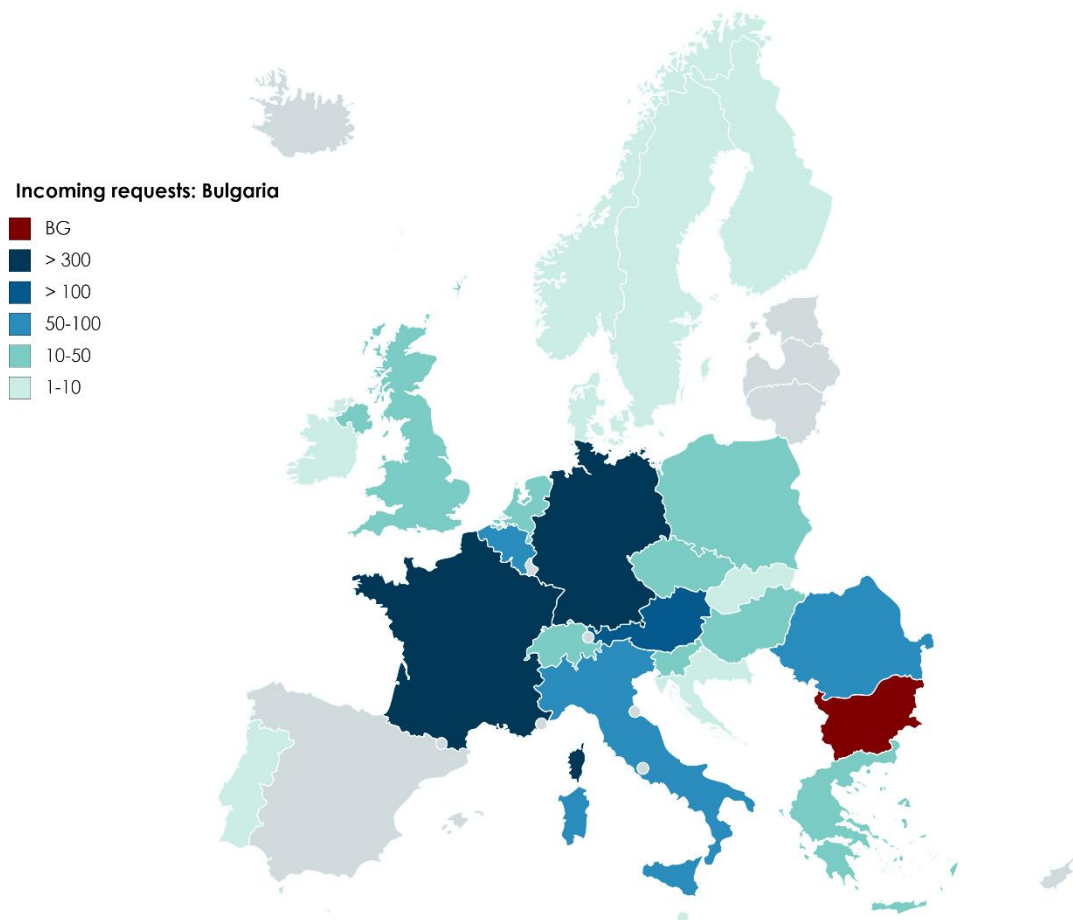
²⁰ For the latest package, see European Commission, 'Commission takes Hungary to Court for criminalising activities in support of asylum seekers and opens new infringement for non-provision of food in transit zones', IP/19/4260, 25 July 2019, available at: <https://bit.ly/31WW8Ej>.

²¹ AIDA, Country Report France, 2018 Update, March 2019, available at: <https://bit.ly/2UW1Xia>, 48.

²² Information provided by the Hungarian Helsinki Committee, 14 August 2019.

²³ *Ibid.*

Dublin procedures in focus: Bulgaria



Source: Bulgarian Helsinki Committee / Bulgarian State Agency for Refugees.

Bulgaria received a total of 1,464 incoming requests from 24 countries in the first half of 2019, representing a decrease from 1,986 requests received during the same period in 2018. The majority of requests so far in 2019 came from France (521), followed by Germany (335) and Austria (136). 1,393 incoming requests, i.e. 95% of the total, concerned persons with a pending asylum procedure in Bulgaria pursuant to Article 18(1)(b) of the Dublin Regulation.²⁴

During this period, Bulgaria received 30 transfers, of which 8 from Austria, 7 from Germany, 4 from France, 4 from Poland, 3 from Romania, 2 from the Netherlands, 1 from Sweden and 1 from Slovakia.²⁵

An infringement procedure initiated by a letter of formal notice from the European Commission in November 2018 concerning breach of the EU asylum *acquis* on accommodation and legal representation of unaccompanied children; correct identification and support of vulnerable asylum seekers; provision of adequate legal assistance; and detention of asylum seekers, as well as safeguards in detention procedures is still pending.²⁶

²⁴ Information provided by the Bulgarian Helsinki Committee, 31 July 2019.

²⁵ *Ibid.*

²⁶ European Commission, 'November infringements package: key decisions', MEMO/18/6247, 8 November 2018, available at: <https://bit.ly/2RETZfR>.

Annex I – Outgoing Dublin requests and transfers by receiving country and requests by ground: 1 January – 30 June 2019

| | Outgoing requests | | | | | | | Outgoing transfers | | | | | | |
|----|-------------------|---------------|-------|----------------|-----|---------------|-----|--------------------|---------------|-------|----------------|-----|---------------|-----|
| | Total | First country | | Second country | | Third country | | Total | First country | | Second country | | Third country | |
| AT | 1,872 | IT | 702 | DE | 415 | BG | 139 | 759 | IT | 335 | DE | 213 | FR | 37 |
| BG | 26 | DE | 8 | UK | 4 | BE | 4 | 16 | MT | 12 | DE | 2 | BE | 1 |
| DE | 25,483 | : | : | : | : | : | : | 4,215 | IT | 1,164 | FR | 538 | NL | 323 |
| DK | 468 | DE | 115 | SE | 98 | IT | 67 | : | : | : | : | : | : | : |
| EE | 4 | IT | 3 | FR | 1 | - | - | 3 | IT | 3 | - | - | - | - |
| GR | 2,782 | DE | 1,018 | UK | 597 | SE | 211 | 1,102 | DE | 421 | UK | 216 | CH | 115 |
| HU | 118 | BG | 92 | DE | 10 | AT | 6 | 15 | DE | 5 | FR | 4 | AT | 3 |
| LU | : | : | : | : | : | : | : | 201 | DE | 60 | FR | 44 | IT | 38 |
| MT | 435 | IT | 276 | FR | 47 | DE | 43 | 63 | DE | 25 | FR | 19 | PT | 10 |
| PL | 123 | DE | 32 | GR | 19 | FR | 19 | 30 | DE | 17 | BG | 4 | FR | 3 |
| PT | 234 | IT | 103 | DE | 38 | ES | 27 | 26 | IT | 7 | ES | 7 | DE | 5 |
| RO | 133 | BG | 73 | GR | 42 | NL | 5 | 10 | DE | 4 | BG | 3 | NL | 1 |
| SI | 435 | GR | 184 | HR | 102 | BG | 46 | 8 | AT | 3 | HR | 3 | DE | 1 |
| CH | 2,571 | IT | 867 | DE | 539 | FR | 309 | 922 | IT | 354 | DE | 234 | FR | 108 |

| Dublin III Regulation criterion | GR | AT | DK | SI | MT | PT | RO | PL | HU | BG | EE |
|---------------------------------------|--------------|--------------|------------|------------|------------|------------|------------|------------|------------|-----------|----------|
| Family unity: Articles 8-11 | 1,745 | 16 | 5 | 1 | 5 | 1 | 4 | 10 | 15 | 13 | 0 |
| Regular entry: Articles 12 and 14 | 12 | 206 | 58 | 0 | 24 | 8 | 3 | 11 | | 0 | 1 |
| Irregular entry: Article 13 | 1 | 98 | 18 | 88 | 6 | 10 | 11 | 1 | | 0 | 0 |
| Dependent persons: Article 16 | 44 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | | 0 | 0 |
| Humanitarian clause: Article 17(2) | 667 | 1 | 1 | 0 | 61 | 0 | 0 | 1 | | 0 | 0 |
| “Take back” requests: Articles 18, 20 | 313 | 1,548 | 386 | 346 | 339 | 215 | 113 | 100 | 103 | 13 | 3 |
| Total outgoing requests | 2,782 | 1,872 | 468 | 435 | 435 | 234 | 133 | 123 | 118 | 26 | 4 |

Annex II – Incoming Dublin requests and transfers by sending country and requests by ground: 1 January – 30 June 2019

| | Incoming requests | | | | | | | Incoming transfers | | | | | | |
|----|-------------------|---------------|-------|----------------|-------|---------------|-------|--------------------|---------------|-----|----------------|-----|---------------|-----|
| | Total | First country | | Second country | | Third country | | Total | First country | | Second country | | Third country | |
| AT | 2,702 | FR | 1,045 | DE | 862 | IT | 180 | 461 | DE | 248 | FR | 61 | GR | 39 |
| BG | 1,464 | FR | 521 | DE | 335 | AT | 136 | 30 | AT | 8 | DE | 7 | FR | 4 |
| DE | 10,918 | : | : | : | : | : | : | 2,967 | FR | 944 | NL | 512 | GR | 431 |
| DK | 1,310 | DE | 468 | FR | 424 | SE | 117 | : | : | : | : | : | : | : |
| EE | 51 | DE | 24 | FR | 11 | SE | 6 | 7 | FI | 2 | SE | 2 | CH | 2 |
| ES | 7,577 | FR | 4,187 | BE | 1,355 | DE | 1,229 | 170 | FR | 67 | DE | 29 | NL | 15 |
| GR | 4,742 | DE | 3,476 | BE | 432 | SE | 248 | 9 | DE | 7 | CH | 1 | PL | 1 |
| HU | 711 | FR | 460 | AT | 58 | IT | 43 | 0 | - | - | - | - | - | - |
| LU | : | : | : | : | : | : | : | 44 | NL | 12 | GR | 11 | FR | 5 |
| MT | 374 | FR | 142 | DE | 110 | IT | 36 | 63 | GR | 38 | BG | 7 | DE | 6 |
| PL | 1,933 | DE | 922 | FR | 569 | BE | 117 | 374 | DE | 262 | FR | 43 | SE | 22 |
| PT | 917 | FR | 474 | DE | 283 | BE | 61 | 162 | FR | 62 | DE | 53 | AT | 11 |
| RO | 566 | DE | 257 | FR | 112 | BE | 38 | 78 | DE | 46 | CZ | 9 | CH | 5 |
| SI | 726 | FR | 244 | DE | 156 | IT | 82 | 141 | DE | 46 | FR | 36 | AT | 21 |
| CH | 2,615 | FR | 929 | DE | 722 | BE | 236 | 604 | DE | 220 | GR | 116 | FR | 82 |

| Dublin III Regulation criterion | ES | GR | AT | PL | BG | DK | PT | SI | HU | RO | MT | EE |
|---------------------------------------|--------------|--------------|--------------|--------------|--------------|--------------|------------|------------|------------|------------|------------|-----------|
| Family unity: Articles 8-11 | 73 | 25 | 56 | 35 | 7 | 26 | 8 | 3 | 124 | 10 | 13 | 0 |
| Regular entry: Articles 12 and 14 | 996 | 255 | 92 | 582 | 50 | 115 | 726 | 31 | | 28 | 89 | 46 |
| Irregular entry: Article 13 | 3,616 | 861 | 20 | 33 | 8 | 14 | 4 | 7 | | 9 | 44 | 0 |
| Dependent persons: Article 16 | 0 | 2 | 2 | 0 | 0 | 0 | 0 | 0 | | 0 | 0 | 0 |
| Humanitarian clause: Article 17(2) | 16 | 5 | 30 | 6 | 2 | 8 | 0 | 2 | | 5 | 6 | 0 |
| “Take back” requests: Articles 18, 20 | 1,666 | 3,594 | 2,501 | 1,277 | 1,397 | 1,147 | 179 | 683 | 587 | 514 | 222 | 5 |
| Total incoming requests | 7,577 | 4,742 | 2,702 | 1,933 | 1,464 | 1,310 | 917 | 726 | 711 | 566 | 374 | 51 |

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.
- ❖ **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](#), [detention](#), and [access to protection](#).
- ❖ **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](#), [France](#), Belgium and [Germany](#).
- ❖ **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, the first half of 2018, and 2018.

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