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STATISTICAL UPDATE

THE IMPLEMENTATION OF THE DUBLIN III REGULATION IN 2025

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Methodology

This briefing is based on information gathered by the European Council on Refugees and Exiles (ECRE) for its database, the Asylum Information Database (AIDA), as well as other sources where relevant. The data used is derived primarily from information made available by national authorities, civil society organisations, and Eurostat. The briefing also draws on a series of implementation assessments carried out by ECRE in recent years, including for the European Parliament.

For countries covered by the AIDA database, unless otherwise specified, this study uses the information provided in the AIDA reports. For countries not covered by the AIDA database (DK, EE, FI, IC, LI, LU, LV, LT, NO), this study uses the statistical information available on Eurostat. Unless specified otherwise, data refers to total requests and decisions,[1] i.e. both initial and re-examinations. All calculations are that of the authors. Percentages are rounded to the nearest whole number.

As of 25 September 2026, complete detailed Eurostat data on Dublin procedures in 2025 was available for the 31 states applying the Dublin Regulation, albeit with some inconsistencies[2] and some discrepancies when compared to AIDA data.

1 AIDA requests information on total requests (i.e. initial and re-examination requests) for its country reports and compares it with Eurostat data on total requests. Where large discrepancies are observed, explanations are sought through desk research and requests to the authorities. However, it is possible that in some cases, by default, authorities provide AIDA with information on initial requests rather than total requests. Efforts are made to identify such cases and ensure that information compared between countries is consistent. In any case, throughout the report, when discrepancies are observed, they are flagged to the attention of the reader with likely or confirmed explanations.

2 However, the data on unilateral decisions by Italy presents severe inconsistencies: see The discretionary clauses. Moreover, the data provided by Italy does not match the data provided by the other 30 countries concerning Italy. Regarding issues with Eurostat data on Dublin, see: EPRS/ECRE, Dublin Regulation on international protection applications: European Implementation Assessment, February 2020, available here, 28-29. Moreover, as will be illustrated throughout this report, there are frequent data inconsistencies between Eurostat datasets, or between data provided to various sources (Eurostat, EUAA, AIDA) by countries.

Key findings

The use of the Dublin system in 2025

- After a record year in 2023, Dublin requests and decisions on requests decreased for the second consecutive year in 2025, with 119,597 decisions issued throughout the year, in response to 134,454 outgoing Dublin requests, a 22% decrease compared with 2024.
- The main users of the Dublin system continue to be Germany and France, confirming the trend observed in previous years. The two countries issued 39,659 and 31,292 outgoing Dublin requests, respectively, accounting for 24% and 21% of the asylum applications lodged in each country, and jointly accounting for 64% of all outgoing requests in 2025.
- On the other hand, despite its unilateral suspension of incoming transfers, Italy received the highest number of incoming requests, followed by Germany and Croatia.
- Among the four main users, Switzerland once again issued the highest number of Dublin requests when related to the total number of asylum applications, with 40% of registered asylum applications channelled into a Dublin procedure.

Application of the hierarchy of criteria for determining responsibility

- Most outgoing requests are take back requests, concerning applicants who have already applied for asylum in another Member State. In 2025, 61% of Dublin transfer requests were take back requests and 39% were take charge requests.
- The vast majority (85%) of take charge requests are based on the issuing of a visa or residence document (Article 12) or on the irregular entry criteria (Article 13(1)).
- Very limited numbers of transfer requests – around 2.22% of all outgoing Dublin requests in 2025 - are based on the family unity and best interests of the child criteria, even though these provisions are at the top of the hierarchy of responsibility and should thus be prioritised.
- The sovereignty clause (Article 17(1)) which allows a Member State to use their discretion to take responsibility for an application is rarely used; it was invoked in around 7,470 cases in in 2025. This constitutes a significant decrease compared with 2024 (10,957), but is similar to 2019 and 2023 and higher than 2020-2022.
- The humanitarian clause whereby a request to take charge is based on humanitarian grounds is used in an even more limited number of cases, with just 864 outgoing requests based on Article 17(2) in 2025, accounting for only 0.64% of outgoing requests in 2025. Limited information is available as to the grounds for its use at the national level, although some countries such as Cyprus, Malta, and Greece notably use it for relocation purposes.
- Despite the significant issues in access to the asylum procedure and in reception conditions reported in multiple countries, the unilateral clause of Article 3(2) of the Dublin Regulation is rarely used. Presumably, the clause was only used in 346 cases in 2025, with states preferring to have applicants wait out the transfer period before acknowledging responsibility for the asylum claim, as evidenced by countries' practices regarding transfers to Italy.

Decisions and acceptance rates

- The overall acceptance rate of Dublin requests (positive decisions out of total decisions) stood at 63-64% in 2025, in line with 2024 (66%). It was higher for take charge requests (76%) than for take back requests (56%).
- Countries' acceptance rate regarding their outgoing requests varied significantly, as it ranged from 15% (Croatia) to 89% (Switzerland).
- On the other hand, countries' acceptance rate regarding incoming requests ranged even further, from 1% (Greece) to 90% (Latvia). As in previous years, Greece rejected almost all incoming requests.

Transfers

- Data shows that the vast majority of Dublin requests do not result in a transfer: in 2025, only 14% of Dublin transfer requests issued culminated in the transfer of the applicant, with 18,415 outgoing transfers reported in 2025.
- For the main users of the Dublin system, the percentage of transfers achieved is sometimes even lower: in Germany, 14% of transfer requests culminated in the transfer of the applicant; in France, 12%; in Belgium, 8%; Switzerland, the 4th main user of the Dublin system, registered a 25% transfer rate.
- Six countries transferred more than 1,000 Dublin applicants: Germany, France, Switzerland, the Netherlands, Greece, and Belgium. The top 5 countries carried out 73% of the total transfers in 2025.
- The main recipients of incoming Dublin requests to either take back or take charge of an applicant are Italy, Germany, Croatia, Spain and Greece. Most of these requests did not result in a transfer of the applicant to Italy (which received 66 incoming transfers) and Greece (33 incoming transfers).
- Only six states received more than 1,000 Dublin returnees: Germany (4,865), Spain (3,398), France (2,201), Croatia (1,364), the Netherlands (1,146), and Switzerland (1,060).
- Transfer rates also vary significantly depending on the legal ground: for example, it stood at 45% to 50% for Articles 8-10 (family grounds), but at just 10% for Articles 12(4) (expired residence document) and 13(1) (irregular entry), and 5% for Article 18(1)(d) (country of first asylum application.
- In 2025, in total, requesting EU+ countries reported ultimately becoming responsible for asylum applications in 34,307 cases of failed transfers, mainly to Italy and Croatia.

Legal challenges related to Dublin in 2025

- The Dublin Regulation remains a major source of asylum litigation in Europe, with numerous legal challenges before domestic courts, and major cases presented before the Court of Justice of the European Union (CJEU).
- For 2025, it appears that Member States generally did not request individual guarantees (either concerning reception conditions or access to the asylum procedure) for Dublin returnees as a matter of general practices, with some limited exceptions.
- Jurisprudence is inconsistent between and within the countries applying the Dublin Regulation, with some courts blocking transfers to certain countries for reasons including the risk of (chain) *refoulement*; poor reception conditions; lack of access to reception conditions for Dublin returnees; deficiencies in asylum procedures; lack of access to the asylum procedure; poor treatment of beneficiaries of international protection; and the use of detention for vulnerable applicants.
- Courts continue to have differing interpretations on whether systemic deficiencies exist in certain countries. In 2025, asylum and/or reception systems in Belgium, Bulgaria, Croatia, Greece, Italy, Hungary, Malta and Poland and have been found by some national authorities and courts to demonstrate systemic deficiencies; in other cases, courts did not find that deficiencies in these countries existed or were systemic.
- Even where systemic deficiencies are found or where there are regular and consistent court decisions blocking transfers in individual cases, states are reluctant to introduce policies that formally suspend transfers. Thus, individual cases continue to be litigated.

Introduction*

The Dublin system was established with the stated objective of 'provid[ing] all applicants for asylum with a guarantee that their applications will be examined by one of the Member States'.[3] Thus, its purpose is to identify which country is responsible for processing an international protection application, based on a hierarchy of criteria, and, where necessary, to transfer the applicant to that country.

In May 2024, following the Parliament's vote in April, the Council of the EU adopted the Pact on Migration and Asylum. Among the new legislative texts is the Regulation on Asylum and Migration Management (AMMR),[4] which repeals the 'Dublin III Regulation' (Regulation (EU) No. 604/2013), replacing it with new rules on responsibility sharing, along with a solidarity mechanism. Analysis of the new instrument before its entry into application already suggested that several of the causes of current shortcomings might not be addressed, as the new rules on allocation of responsibility – a significant source of dysfunction and of conflict between Member States – remain very close to the current Dublin system.[5]

The AMMR became applicable on 12 June 2026. Until that date, the Dublin III Regulation remained the applicable legal framework for determining which Member State is responsible for an application for international protection.

This briefing provides an update on developments in policy and practice relating to the application of the Dublin III Regulation in 2025. After a record year in 2023 and a slight decrease in 2024, the number of Dublin procedures (represented by requests) remained stable in 2025. Similar to previous years, the number and rate of transfers actually carried out remained overall low: only a small number of transfers are actually implemented, when compared to the number of requests submitted. This continuing trend demonstrates the inefficiencies and shortcomings of the Dublin system. The practice of requesting transfers that cannot be completed, the disregard that most Member States have for the prioritisation of family provisions, and other shortcomings described below, call into question the functionality not only of the Dublin III system but also that of its new iteration in place since June 2026.

Implementing the AMMR

The AMMR was not yet applicable for the period of time covered by this report in its statistical analysis. Nevertheless, during 2025, the EU institutions and national authorities prepared for the transition in mid-2026. The European Commission and the EUAA led harmonisation efforts through meetings, workshops and guidance materials for the implementation of the AMMR.[6]

On 11 November 2025, the European Commission launched the first Annual Migration Management Cycle, setting out the EU Member States that are considered to be under 'migratory pressure' (and can thus benefit from solidarity), namely Cyprus, Spain, Greece and Italy, and those 'facing a significant migratory situation' (and can therefore be granted a full or partial deduction from their

* This report was written by Charlotte Labrosse and Marie Trapet Llamas at ECRE. We would like to thank the AIDA experts as well as Member State authorities for the provision of Dublin statistics and relevant information. All errors remain our own.

3 1990 Dublin convention preamble, available here; since replaced by Dublin II, then Dublin III, then the AMMR.

4 Regulation (EU) 2024/1351 of the European Parliament and of the Council of 14 May 2024 on Asylum and Migration Management, OJ L, 2024/1351, available here.

5 ECRE, ECRE Comments on the Regulation of the European Parliament and the Council on Asylum and Migration Management, May 2024, available here.

6 See for example EUAA, *Operational standards and indicators on the Asylum and Migration Management Regulation*, March 2026, available here.

solidarity contributions).[7] Germany and France, which pledged the most relocations under the solidarity mechanism, immediately announced that these would in practice be fulfilled through responsibility offsets, i.e. by processing asylum applications that would otherwise be considered to be the responsibility of the countries benefiting from solidarity measures under the responsibility rules of the AMMR.

In July 2026, the Commission published its first evaluation on whether there existed systemic shortcomings in the Dublin systems of countries benefiting from solidarity measures under the AMMR which would justify their exclusion from the solidarity measures. While it did not have any specific concerns regarding the situations in Cyprus and Spain, the Commission expressed reservations regarding the situations in Greece and Italy, and stated they required further observation, especially in the case of Italy, notably citing non-cooperation with other EU+ countries.[8] A final assessment on the matter was delivered in November 2026 in the second Annual Asylum and Migration Report, where the Commission found: (a) with respect to Greece, "*positive indications of progress and demonstrated (…) readiness to ensure the effective and correct implementation*" of responsibility rules under the AMMR; and (b) that Italy needs to be subject to further monitoring to confirm effective compliance with responsibility rules and transfers under the AMMR.[9]

According to the EUAA, the main challenges countries faced in preparing for the transition from Dublin III and Eurodac II to the AMMR and Eurodac III centred around adapting IT systems and ensuring training of all relevant staff on the new rules, processes and timelines. Countries also expressed concerns regarding the transitional period, during which, simultaneously, some cases would come under the Dublin III Regulation, and some cases would be assessed based on the AMMR. To limit this overlap period, several Dublin units sought to clear their backlog as much as possible.[10]

7 Council Implementing Decision (EU) 2025/2642 of 19 December 2025 on the establishment of the Annual Solidarity Pool for 2026, OJ L 2025/2642, available here.

8 European Commission, Assessment pursuant to Article 4 of Commission Implementing Decision (EU) 2025/2323, 15 July 2026, COM(2026) 387 final, available here.

9 Communication from the Commission to the European Parliament and the Council, The European Annual Asylum and Migration Report (2026), COM(2026), 835 final, available here.

10 EUAA, *Annual report 2026*, June 2026, available here, 62.

Dublin in the context of international protection in the EU+

International protection applications in the EU+

In 2025, similarly to 2024,[11] the number of international protection applications in the 31 countries applying the Dublin Regulation (hereinafter, 'EU+') decreased compared to the previous year. Applications decreased by 19%, following a 12% decrease in 2024 and an 18% increase in 2023. According to Eurostat, 834,040 people applied for international protection in 2025 in the EU+, down from 1,033,275 in 2024.[12] Nevertheless, globally, high protection needs and displacement persisted in 2025, with *inter alia* ongoing conflicts in Sudan, the Democratic Republic of Congo, Ukraine, Myanmar, Iran; the genocide and crimes against humanity committed in Palestine; the continued humanitarian crisis and widespread human rights violations in Afghanistan; continued insecurity and limited livelihood prospects in Syria following the December 2024 regime change; and political repression across the globe, for instance in Venezuela.[13]

The top two countries of origin of people seeking asylum in the EU+ in 2025 were Afghanistan and Venezuela. For 9 of the last 10 years, it had been Afghanistan and Syria, but applications by Syrian nationals dropped following the fall of the Assad regime in December 2024.[14] The continued displacement caused by the full-scale invasion of Ukraine launched by Russia in February 2022 did not significantly affect asylum applications in most EU+ countries in 2025 – with the exception of Estonia, Iceland and Poland where they accounted for over 50% of total applicants – given the EU's activation and prolongation of the Temporary Protection Directive (TPD), which created a temporary protection regime for most of those fleeing Ukraine.[15] Ukrainians represented fewer than 3% of total applicants in the EU+.

Share of Dublin procedures in international protection procedures

The charts below show the four countries (ordered left to right) which sent the most outgoing Dublin requests in 2025. **Germany** and **France** continued to be, as in previous years, both the countries receiving the most asylum applications and the two main users of the Dublin system. In 2025, these two Member States recorded 168,543 and 151,665 asylum applicants, respectively, and issued 39,659 and 31,292 outgoing Dublin requests. **Belgium** was the third main user of the Dublin system, issuing a total of 12,175 outgoing requests against 34,439 asylum applicants throughout the year. **Switzerland**

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11 2024 was the first decrease since 2020, where the decrease was likely largely due to the pandemic.

12 Eurostat, 'Asylum applicants by type, citizenship, age and sex - annual aggregated data', data last updated on 3 September 2026, available here.

13 UNHCR, *Global Trends: Forced Displacement in 2025*, 11 June 2026, available here; UNHCR, *Guide note on Afghanistan – Update II*, September 2025, available here; UN Security Council, *The situation in Afghanistan and its implications for international peace and security: Report of the Secretary-General*, A/80/745-S/2026/431, 22 May 2026, available here; UN Human Rights Council, *Legal analysis of the conduct of Israel in Gaza pursuant to the Convention on the Prevention and Punishment of the Crime of Genocide*, A/HRC/60/CRP.3, September 2025, available here; Amnesty International, *The State of the World's Human Rights*, April 2026, available here.

14 After the regime change in Syria following the fall of the Assad regime, international protection applications by Syrians in the EU+ dropped in 2025 to 43,290, compared to 157,040 in 2024, 189,460 in 2023 and 138,430 in 2022. Eurostat, 'Asylum applicants by type, citizenship, age and sex - monthly data', data last updated 3 September 2026, available here.

15 The effects on asylum applications of the decision to exclude men with active military obligations from temporary protection, adopted in the latest TPD prolongation of July 2026, remain to be seen and should be closely monitored in 2026 data. Council of the EU, Council Implementing Decision (EU) 2026/1912 of 30 July 2026 extending the temporary protection introduced by Implementing Decision (EU) 2022/382, available here.

followed as the fourth country per number of requests issued with 10,396 outgoing requests, compared to 25,781 asylum applicants.[16]



Source: AIDA. Figures on outgoing Dublin requests on FR and DE, and on asylum applications from FR were extracted from Eurostat.

The charts illustrate the significant proportion of applicants for international protection channelled into Dublin procedures:[17] 24% of total applicants in **Germany**, 21% in **France** and 35% in **Belgium** were subject to a Dublin procedure in 2025. In **Switzerland**, this figure reached 40%.

Other countries – **Croatia**, **Hungary**, **Luxembourg**, **Slovenia**, **Liechtenstein**, **Lithuania**, **Denmark** – despite issuing a comparatively low number of requests in absolute numbers, had an even higher share of applicants channelled into the Dublin procedure compared to the total number of applicants (all over 40%): Croatia recorded 1,180 lodged applications but 3,327 outgoing requests, so almost three times (2.8) more Dublin outgoing requests than applicants;[18] Hungary reported 113 asylum applicants but sent 251 outgoing Dublin requests;[19] Luxembourg reported 1,210 outgoing requests and 1,840 applications lodged (66%); Slovenia reported 2,461 outgoing requests and 4,172 applicants (59%), etc. These are all countries with much fewer asylum applicants than the main operators of the system. Conversely, other countries, which reported more asylum applicants, did not have high shares of Dublin requests: **Spain** and **Italy**, two of the four countries which reported over 100,000 asylum applicants in 2025 (along with France and Germany), only reported 3,266 (2%) and 8,495 (6%) outgoing Dublin requests, respectively.

16 The following pie charts represent the share of asylum applicants channelled into a Dublin procedure as compared to the total number of asylum applicants in 2025, using the total number of outgoing requests. This method has its limitations. For instance, a Member State might send outgoing requests to all Member States it believes could be responsible for an application, disregarding the hierarchy of criteria, instead of sending a single request to the country deemed responsible. However, based on available information and the existing rules, this does not appear to be a widespread practice. The AMMR will prevent states from sending more than one simultaneous request per person.

17 These calculations are meant to present a general picture of the proportion of applicants channelled into Dublin procedures. However, they remain indicative, as the data sets represent marginally different caseloads, since Member States have two (in case of take back requests) to three (in case of take charge requests) months to send a Dublin request from the lodging of the application. Thus, Dublin requests for a person lodging their application in December 2025 may be sent in February 2026 and thus not be reported here; similarly, some of the early 2025 Dublin requests concern people who lodged their application end of 2024.

18 14,928 people expressed intentions to apply for asylum in Croatia but only 1,180 actually lodged applications, the starting point for the Dublin procedure, hence why this second number was used.

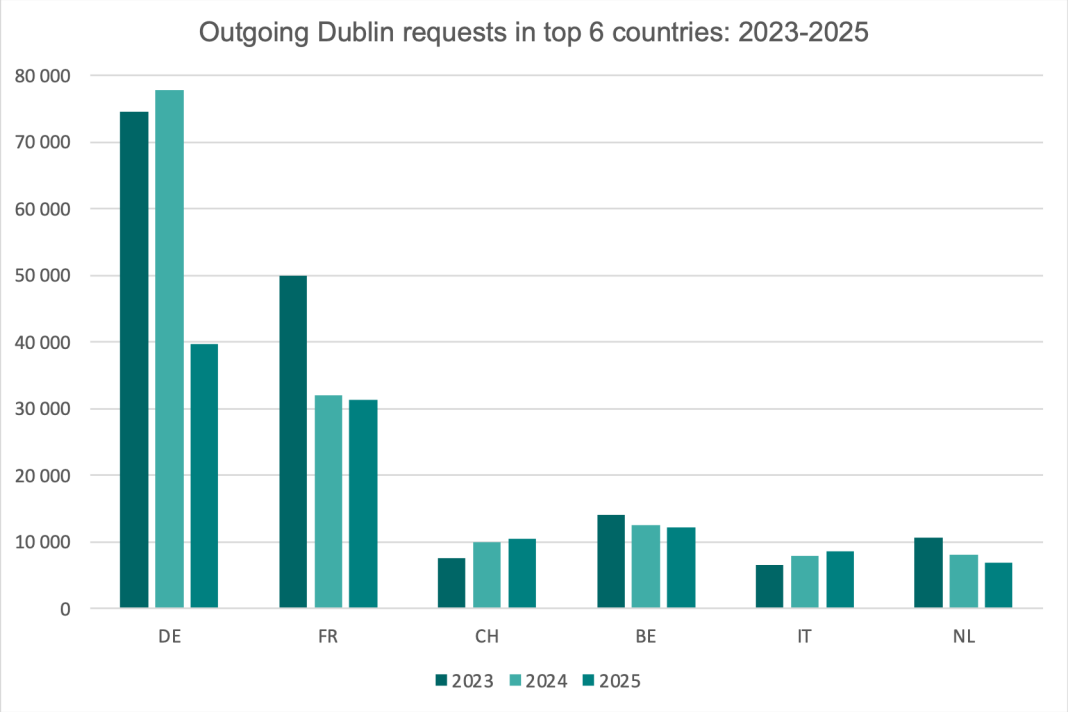
19 This discrepancy may be partially explained by the practices by the Hungarian authorities: firstly, people awaiting an outgoing Dublin transfer are not considered asylum seekers in Hungary, meaning they would not be counted towards the 113 asylum applicants for 2025; secondly, in Hungary, the apprehension of an irregular migrant can also trigger the application of the Dublin III Regulation, rather than the lodging of an asylum claim as foreseen by the Regulation; moreover, it should be noted that Hungary, despite multiple international condemnations including by the EU Court of Justice, continues to apply the embassy procedure, and the lodging of an asylum claim entails that the person was allowed to enter under the embassy procedure, otherwise they are denied the possibility to apply for asylum, save for very limited exceptions. See AIDA, *Country report: Hungary – Update on 2025, May 2026*, available here.

In most countries,[20] changes in outgoing requests did not mirror the changes in asylum applications: for example, in **Portugal**, asylum applications decreased by 33%, but Dublin outgoing requests rose by 78%; in **Bulgaria**, Dublin outgoing requests increased by 24%, but asylum applications dropped by 68%. This is not surprising as variations in use of Dublin will depend on the geographical situation of the country (since most Dublin requests in the EU+ are based on the first country of entry criterion: see infra, The responsibility criteria), migration routes of applicants in a given year, onward movement, profile of applicants, national policies regarding Dublin in general and Dublin requests to specific countries (see Suspension of transfers), among other factors.[21]

Dublin requests

Overview and changes compared to 2024

Sending a request is the first step towards a Dublin transfer. According to Eurostat, in 2025, 119,597 partner decisions were issued in response to 134,454 outgoing Dublin requests, down from 172,991 decisions and 170,699 outgoing requests in 2024. This represents a 22% decrease in outgoing requests, similar to the 19% decrease in asylum applications in the EU+.



Source: AIDA for figures on DE (2023), CH (2024), BE (2023 and 2025), and IT; Eurostat for figures on DE (2024 and 2025), FR, CH (2023 and 2025), BE (2024) and the NL. This is due to the fact that national authorities in many cases provide AIDA with data on initial requests instead of total requests. The countries represented are those with more than 5,000 outgoing requests in 2025, in decreasing order from left to right.

20 The only exceptions are Denmark (-11% outgoing Dublin requests, -14% asylum applicants), France (-2% outgoing Dublin requests, -4% asylum applicants) and Finland (-14% outgoing Dublin requests, -13% asylum applicants).

21 See among others UNHCR, *Onward movement of asylum-seekers and refugees*, 25 September 2015, available here; EPRS/ECRE, *Dublin Regulation on international protection applications: European Implementation Assessment*, February 2020, available here; EPRS, *Secondary movement of asylum-seekers in the EU asylum system*, June 2024, available here; Daniel Thym, 'Secondary Movements: Lack of Progress as the Flipside of Meagre Solidarity' (*EU Migration Law blog*, 3 September 2024), available here.

As illustrated above, the number of outgoing requests either decreased or remained stable compared with the previous year in most of the countries that have been the main users of the Dublin system in the last three years.

Across the EU+, the sharpest relative increase was registered by **Spain** (+6,181%), after it registered the sharpest relative decrease in 2024: while Spain only sent 52 outgoing requests in 2024 (858 in 2023), it sent a record number of 3,266 outgoing requests in 2025. Previously, the most requests Spain had ever sent was 1,394 in 2020, and it has sent fewer than 100 annually in 6 of the last 10 years. The European Union Asylum Agency (EUAA) and European Migration Network (EMN) both reported that Spain was able to resume sending outgoing requests in 2025 after increasing the capacity of its Dublin unit through additional staff and IT upgrades.[22]

Sharp relative increases were also recorded in **Croatia** (+340% compared with 2024 and +1,880% compared with 2023, from 173 requests in 2023 to 779 in 2024 to 3,425 in 2025) and **Lithuania** (+156%, with 72 requests in 2024 and 184 requests in 2025), but the absolute numbers remain low in the latter. **Portugal**, **Greece** and **Ireland** all registered increases of 55% to 78%. In total, 13 of the 31 countries registered relative increases, 7 of which ranged between 7% and 31% (**Hungary**,[23] **Switzerland**, **Bulgaria**, **Poland**, **Czechia**, **Luxembourg**, and **Italy**).

The remaining 17 countries submitted fewer outgoing Dublin requests in 2025 than in 2024, between -2% and -72%. This includes half of the 10 biggest users of the Dublin system: **Germany** (main user of the Dublin system, -49%, from 77,813 outgoing requests in 2024 down to 39,659 in 2025, the largest absolute decrease), **France** (2nd main user, -2%), **Belgium** (3rd user in 2025, -3%), the **Netherlands** (6th user in 2025, -14%) and **Austria** (7th user in 2025, -24%).

The sharpest relative decreases were observed in **Cyprus** and **Romania** (-72% each), albeit with relatively low absolute numbers: 248 outgoing requests in 2024 down to 70 in 2025 for Romania, and 1,155 outgoing requests in 2024 down to 318 in 2025 for Cyprus. **Estonia**, **Norway**, **Iceland**, **Latvia**, **Slovakia**, **Sweden**, **Liechtenstein**, **Malta**, **Slovenia**, **Finland**, and **Denmark** also registered decreases, between -57% and -11%.

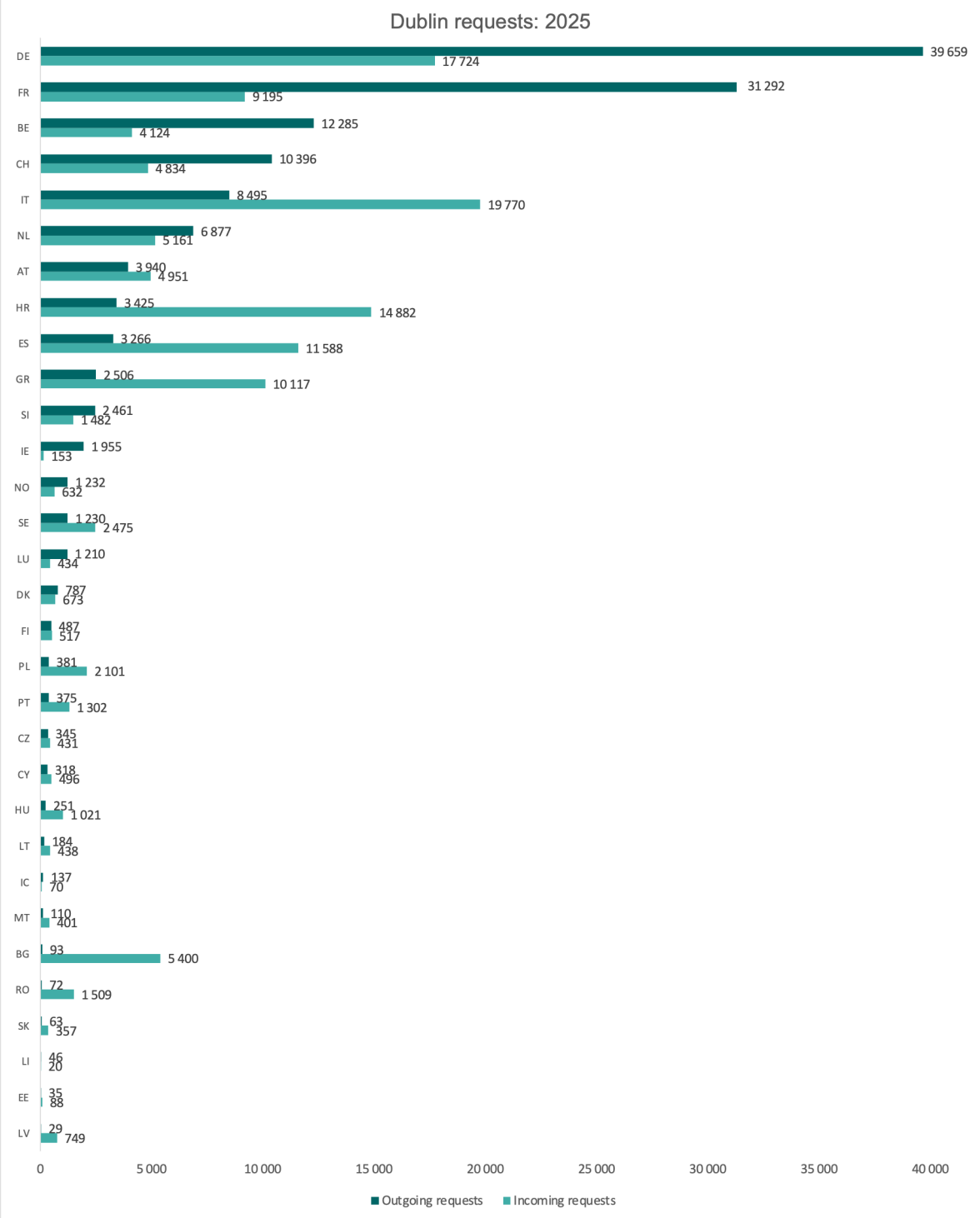
Outgoing and incoming requests

In 2025, Member states issued the following outgoing requests and received the following incoming requests:[24]

22 EUAA, *Annual report 2026*, June 2026, available here, 149 and EMN, *Asylum and migration overview 2025*, July 2026, available here, 33.

23 Hungary recorded 251 outgoing requests, a high number given that Hungary officially only reported 113 asylum applicants for 2025. See footnote on Hungary under 'Share of Dublin procedures in the top 4 operators of the Dublin system: 2025' for further context.

24 Although the number of incoming and outgoing requests should be identical, Eurostat reports 134,454 outgoing Dublin requests versus 122,579 incoming requests for all 31 countries, i.e. 11,875 fewer incoming requests reported. According to Eurostat, 'This discrepancy can be attributed to administrative differences caused by data compilation methods, as well as the timing of recording of requests' (see Eurostat, 'Statistics on countries responsible for asylum applications (Dublin Regulation)', available here).



Source: Eurostat. Figures on BG, CY, CZ, PT, SE, HR, IT, CH are based on AIDA.[25] Countries ordered by number of outgoing requests.

25 In some countries, there are disparities between the numbers provided to AIDA and Eurostat. In cases where it seems highly likely, based on analysis of AIDA and Eurostat data, that the discrepancy was due to authorities reporting only initial requests to AIDA, Eurostat data was used. However, unexplained inconsistencies remain for Bulgaria (11% difference on incoming requests, 44% difference on outgoing requests), Cyprus (11% difference on incoming requests, 23% difference on outgoing requests), Czechia (32% difference on incoming requests, 40% difference on outgoing requests), Portugal (marginal difference on incoming requests (2%), 7% difference on outgoing requests), Croatia (11% difference on incoming requests, marginal difference on outgoing requests (3%)), Italy (21% difference on incoming requests, 45% difference on outgoing requests), Switzerland (marginal difference on incoming requests (0.37%), 21% difference on outgoing requests).

As in previous years, the majority of countries (19 out of 31) received more incoming requests than they sent outgoing requests, i.e. they received more requests from others asking them to take on responsibility for an application than they made requests to other states. In contrast, twelve countries issued more outgoing requests than they received incoming requests. These include the major users of the system. Specifically, **Germany**, **France**, **Belgium**, **Switzerland**, the **Netherlands**, **Slovenia**, **Ireland**, **Norway**, **Luxembourg**, **Denmark**, **Iceland** and **Liechtenstein** issued more outgoing requests than they received incoming requests. This is not surprising, as none of these countries are at the EU's external borders. Out of the 5 countries having sent the most outgoing requests in 2025, only one, **Italy** (which is on the external border of the EU), received more incoming requests than sent outgoing requests.

Germany alone sent 30% of the total number of outgoing requests (a decrease from 46% in 2024 and 39% in 2023); when including **France**, the share rises to 64% of total outgoing requests (as in 2024); requests by the four main operators of the Dublin system, i.e. **Germany**, **France**, **Belgium** and **Switzerland** make up 72% of total outgoing requests (77% in 2024).

Overall, the top 5 countries receiving the most requests were, in order, **Italy, Germany, Croatia, Spain,** and **Greece**.

Italy received the most incoming requests in 2025, despite its statement sent to all the Dublin units in December 2022 that it would no longer accept most incoming transfers, which still applied as of April 2026 (see Italy's suspension of incoming transfers). In 2025, based on information provided to AIDA, Italy submitted 8,502 outgoing requests and received 19,889 requests from other countries. According to information Italy sent to Eurostat, Italy submitted 6,567 outgoing requests and received 20,356 incoming requests, but mirror data on Eurostat indicates it sent fewer (5,386) and received more (24,496).[26] Per Eurostat, the incoming requests received by Italy were mainly sent by France (7,561), Germany (6,336), and Switzerland (6,257).

Germany was the second country receiving the most requests in 2025 with 17,724 incoming requests per Eurostat, compared with 15,987 in 2024. Germany has consistently been receiving between 15,000 and 19,000 incoming requests since 2020. One third of Germany's incoming requests in 2025 came from France. Across all incoming requests received by Germany, the most common criterion used in was Article 18(1)(b) of the Dublin Regulation, i.e. country of first asylum application.

Croatia was the third country receiving the most requests in 2025 with 13,277 incoming requests per Eurostat,[27] a decrease from 2024 with 24,363 incoming requests and 2023 with 33,212 incoming requests. As in 2024, requests were mainly sent by **Germany** and almost all incoming requests were based on Article 18(1)(b), i.e. country of first asylum application.

The other two countries which received more than 10,000 incoming requests in 2025 were **Spain** and **Greece**, in that order. Germany accounted for 63% of Greece's incoming requests, although this was well below the level recorded in 2024: Germany sent 6,372 incoming requests to Greece in 2025, compared to 15,200 in 2024.

[26] Data provided by one country to Eurostat on the one hand, and all the other countries regarding that country to Eurostat on the other hand, often have minor discrepancies due to statistical errors, administrative differences caused by data compilation methods, timing of recording of requests. However, the differences presented above regarding Italy are quite significant. The difference between AIDA data and Eurostat data regarding Italy already existed in previous years, but no clear explanation is available as to the reason for these discrepancies.

[27] 14,882 per data reported to AIDA.

Lastly, despite extensive evidence of the deficiencies in **Hungary**'s asylum system and two judgments from the Court of Justice of the EU in late 2021 and June 2023[28] condemning Hungary for failure to fulfil its obligations under both the Asylum Procedures Directive and the Reception Conditions Directive, as well as the letter of formal notice issued by the European Commission in April 2024,[29] and the imposed fine for non-compliance with the judgments,[30] the country still received 1,021 incoming requests in 2025 according to Eurostat. This is similar to requests received in 2023 (1,002) and 2024 (924, the lowest since 2008, first year for which data is available on Eurostat),[31] and almost half of the 1,965 received in 2022.

The responsibility criteria

Take charge versus take back

Chapter III of the Dublin Regulation lays down a hierarchy of criteria for determining which country is responsible for examining the asylum application; application of the rules in the hierarchy then leads to outgoing requests to other countries to either take charge of or to take back the applicant based on the responsibility criteria. Disaggregated statistics on outgoing requests divided into take charge and take back requests was available for 31 countries as follows:

28 CJEU (Grand Chamber), C-821/19, *European Commission v. Hungary*, 16 November 2021, available here; and CJEU (Fourth Chamber), C-823/21, *European Commission v. Hungary*, 22 June 2023, available here.

29 European Commission, 'April infringement package: key decisions', 24 April 2024, available here.

30 CJEU, 'Asylum policy: Hungary is ordered to pay a lump sum of 200 million euros and a penalty payment of 1 million euros per day of delay for failure to comply with a judgment of the Court of Justice', 13 June 2024, available here.

31 It is likely the highest number ever as numbers on asylum applications pre 2010 were much smaller overall.



Source: AIDA for BG, CH, CY, HR, IT, PT, SE, and Eurostat for the other countries.[32]

32 Note that regarding figures on CH, in past years there has been a significant difference between figures provided by the State Secretariat for Migration (SEM) and those available on Eurostat. The figures presented above are that of the SEM provided to AIDA, which indicate 42% take charge and 58% take back, but when using Eurostat data, the percentages change drastically, to 58% take charge and 42% take back. There is also a significant difference in the percentages for Bulgaria between AIDA and Eurostat, because the absolute numbers are quite low, meaning the percentages are more volatile. Based on AIDA (data provided above), the distribution is 30% take charge / 70% take back; based on Eurostat, it is 50% each. There are other countries where the discrepancy was determined to stem from the fact that information provided by the authorities for the AIDA reports focuses on initial requests and does not include re-examination requests, thus Eurostat data was used to align with data from the other countries.

The graph above shows the prevalence of take back requests in most countries, including the main users of the Dublin system. In the EU+ overall, take back requests accounted for 61% of outgoing requests in 2025, while take charge requests account for 39%, proportions similar to 2024 (69% / 31%) and 2023 (68% / 32%). Take back requests are based on Articles 18 and 20(5) of the Regulation, i.e. cases where the applicant has already lodged an asylum application in one Member State and then travels on to another Member State. Take back requests (in purple) represented the majority of outgoing requests in 22 of the 31 countries and made up more than 70% of the total number of requests in 13 of the 31 countries. Over 95% of outgoing requests by **Ireland, Slovenia**, **Hungary**, and **Spain** were take back requests.

"Take charge" requests (in blue) are cases where a first application is lodged and the EU+ country then initiates the procedure to determine which EU+ country is responsible on the basis of criteria in Articles 8 to 15. These begin with criteria centred around family grounds (Articles 8-11), and dependents (Article 16), but also include the most frequently used criteria for take charge requests, the issuing of a visa or residence document by another state (Article 12) and irregular entry into another state (Article 13(1)). Indeed, in 2025, 85% of all take charge requests were based on the latter two articles, compared to just 6% based on the family criteria. Out of the seven users of the system that sent more than 1,000 take charge requests, five (**France, Germany, Belgium**, **Italy**, **the Netherlands**) based almost all their take charge requests (at least 90%) on Articles 12 and 13(1). Of the 31 countries, 19 sent over 90% of take charge requests based on Articles 12 and 13(1).

Take charge requests accounted for 71% of the requests sent by **Iceland**, 92% of those sent by **Greece**, and all requests sent by **Cyprus** and **Latvia**. Other countries where take charge requests represented the majority of outgoing requests were **Malta**, **Lithuania**, **Czechia** and **Norway**.[33] These countries are mostly located at the external borders of the EU or Europe. By contrast, **Italy** and **Spain**, despite also being external-border countries and receiving larger numbers of applicants, sent more take back than take charge requests. In **Italy**, 59% of outgoing requests were take back requests and 41% were take charge requests, while in **Spain**, only 1% were take charge requests (42 out of 3,266). The data alone does not make it possible to determine why the balance between take charge and take back requests differs so markedly between these countries.

Two countries showed notable changes in the distribution of their outgoing requests in 2025 compared with 2024: Switzerland and Italy. In **Switzerland**, take back requests accounted for the majority of outgoing requests in 2024,[34] but their share decreased substantially in 2025[35] as the number of take charge requests increased. This was largely driven by a sharp increase in requests sent to Italy, which almost doubled compared with 2024 and were almost exclusively based on take charge criteria, particularly Articles 12–14, concerning documentation, legal entry and irregular entry. Switzerland also sent a slightly higher number of requests to Spain, again almost exclusively based on take charge criteria. At the same time, requests to Croatia decreased substantially; in 2024, these had been almost exclusively take back requests. The increase in requests to Italy may partly reflect changes in the routes taken by applicants, or may be related to expectations that transfers to Italy would resume, as stated by the authorities at various points in 2025.

In **Italy**, by contrast, outgoing requests were predominantly take back requests in 2024,[36] but the distribution was more balanced in 2025. Although take back requests still accounted for the majority, the share of take charge requests increased substantially, by 20–28 percentage points depending on

33 Switzerland also recorded a majority of take charge requests according to Eurostat data, but not according to AIDA data.

34 73% according to AIDA data, 61% according to Eurostat data.

35 Down to 58% according to data reported nationally, 42% according to AIDA, so a 15-19 percentage point drop.

36 79% according to data reported to AIDA upon a FOIA request, 87% according to data reported to Eurostat; and thus 21% of take charge according to data reported to AIDA, and 13% according to Eurostat.

the data source.[37] The overall number of outgoing requests decreased slightly, but there were substantial changes in the countries to which requests were sent. Requests to Austria, which were almost exclusively take back requests, fell sharply from 2,269 in 2024 to 662 take back requests in 2025. Take back requests to Romania also decreased, from 1,280 to 108. At the same time, the number of take charge requests increased across the board, most notably to Romania and Croatia. Take charge requests to Romania increased from 270 in 2024 to 936 in 2025, despite an overall decrease in requests to that country, while those to Croatia increased from 131 to 470.

The high number of take back requests indicates that the majority of people placed in a Dublin procedure had already lodged an asylum application in another Member State. ECRE has examined in previous research the reasons for onward movement, which may occur due to personal needs and to the situation in the country of first arrival.[38] The person's individual and socio-economic situation, their family status or the shortcomings affecting national asylum systems, including poor reception conditions are all reasons why they may decide or be forced to depart from a country, especially taking into account the differences in living standards, labour-market conditions, and access to government support among Member States. Shortcomings in asylum and reception systems have been recognised by national courts and asylum authorities in countries of destination as a reason for onward movement.[39] Recent research has also highlighted how first countries' can "nudge" people on the move, including asylum applicants, towards other EU+ countries, explicitly (via policies that foster onward movement of migrants, such as issuing documents that permit onward travel) and implicitly (by making living conditions unbearable via hostile policies).[40] In addition, the limited use of and limited success of take charge requests (see below) may itself be a factor contributing to onward movement, along with other failures to implement EU and international law on family reunification.

Family unity

The Dublin III regulation lists family unity (Articles 8-11) at the top of the hierarchy of responsibility criteria, although the definition of family is narrow, being confined to the spouse/partner and children below the age of 18 (Articles 9-11). For unaccompanied children, it can be extended to other family members as listed in the regulation and when in the best interests of the child (Article 8). The chart on the left illustrates the share of family unity based take charge requests out of the total number of outgoing requests by the EU+ in 2025. The chart on the right shows the same percentage for re-examination requests only:[41]

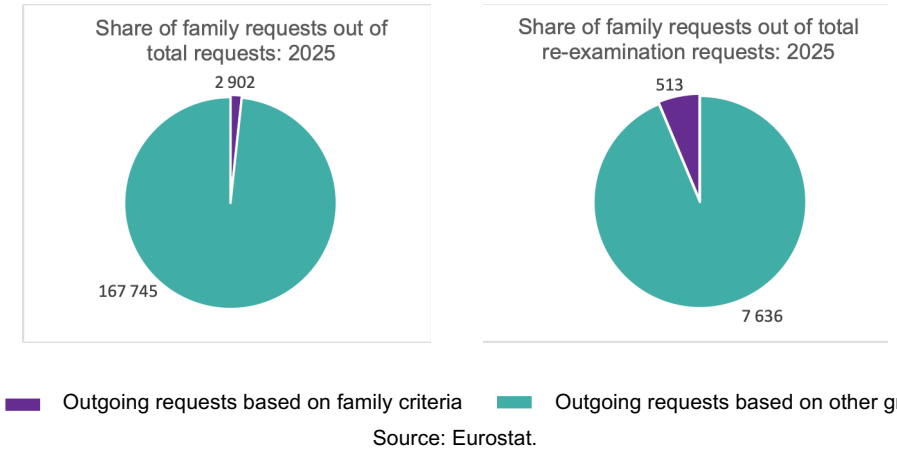
37 41% take charge requests according to data reported to AIDA via a FOIA request, 41% according to Eurostat

38 See further, EPRS/ECRE, *Dublin Regulation on international protection applications*, February 2020, available here; CEPS, E*uropean Union Policies on Onward and Secondary Movements of Asylum-seekers and Refugees: A Critical Overview of the EU's Migration Management Complex*, March 2022, available here; ECRE, *Asylum in Europe: the situation of applicants for international protection in 2021*, July 2022, available here.

39 For further information see Suspension of transfers.

40 Janina Pescinski, 'The politicization of migrants' onward movements from Italy to France' (*Territory, Politics, Governance*, 02 February 2026) available here; Kirstin Sonne, '(Im)mobile islanders: protection seekers enacting and imagining onward movements from Malta' (*Territory, Politics, Governance*, 08 May 2026) available here.

41 Data on re-examination requests only reflects the practice of 30 of the 31 countries, as data was not available for Belgium.

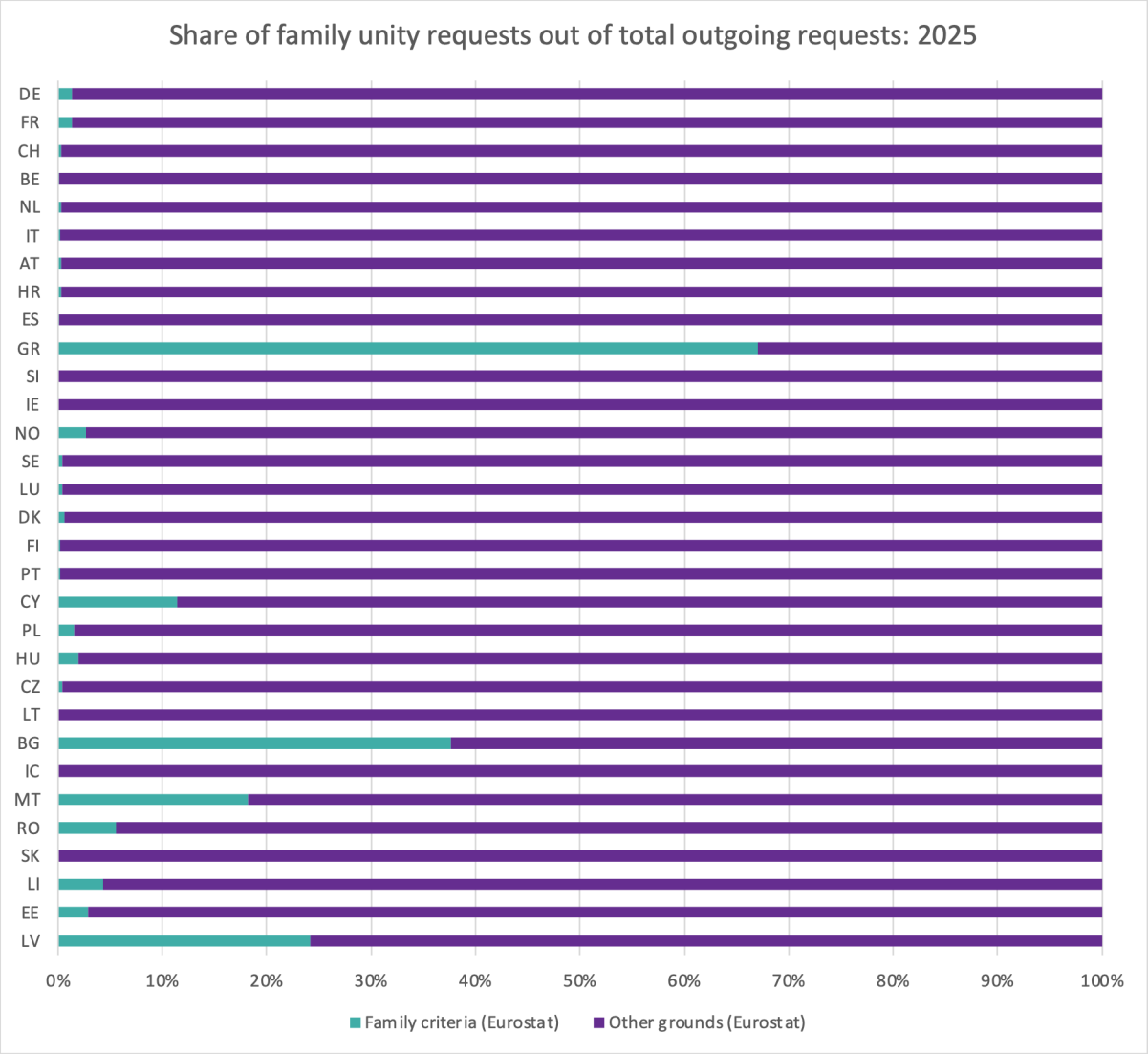


Source: Eurostat.

Of all outgoing Dublin requests in 2025, only 2.22% were based on the family unity criteria and 97.78% on other grounds, nevertheless a slight increase compared with 2024 (1.7%), 2023 (1.22%), and 2022 (2.15%), but still below the 4% (rounded) of 2021. As observed in previous studies, it appears that, for a variety of reasons – e.g. interpretations of the best interest of the child and what constitutes 'family' vary across Member State, standards of proof – criteria related to family consideration remain underused at EU level.[42] The share of family criteria requests raises to 8% (down from 11% in 2024, up from 6% in 2023) when only taking into account re-examination requests.

At national level, the share of family unity requests out of total outgoing requests in 2025 was as follows:

[42] See further, EPRS/ECRE, *Dublin Regulation on international protection applications*, February 2020, available here; ECRE, *The Dublin system in 2018*, March 2019, available here; UNHCR, *Left in Limbo: Study on the implementation of the Dublin III Regulation*, August 2017, available here, 86 et seq.



Source: Eurostat.

Of the 31 countries represented above, only **Greece** invoked the family unity criteria in more than half its outgoing Dublin requests (67%). This was the highest share of family criteria in total outgoing requests by far, followed at a distance by **Bulgaria** (38%), **Latvia** (24%), **Malta** (18%) and **Cyprus** (11%). In the other 26 countries, the share of family unity requests out of the total of outgoing Dublin requests remained below 10%, representing under 3% of requests in 24 countries and under 1% in 18 countries.

The very low number of family unity requests in the four main users of the Dublin system is worrying, as it may indicate that these criteria are not prioritised in practice. Figures are as follows: **Germany** (517 of 39,659 requests, i.e. 1.3%), **France** (431 of 31,292 requests, i.e. 1.38%), **Switzerland** (46 out of 12,885 requests per Eurostat, i.e. 0.36%),[43] and **Belgium** (17 out of 12,285 requests, i.e. 0.14%). The same can be said regarding the **Netherlands, Italy, Austria, Croatia** and **Spain**, the next main users of the Dublin system by number of outgoing requests.

Family unity is a key way for applicants to enter another member state safely and legally. However, in previous years, it was reported in **Greece** that other EU+ countries' restrictive practices may result in the rejection of take charge requests, including requirements for official translations of documents

[43] 0.47% when using data provided to AIDA (49 out of 10,341 outgoing requests).

proving family links, unnecessary DNA tests, multiple age assessments of unaccompanied children, restrictive understanding of the Dublin criteria (such as not recognising EU citizenship as a basis for legal presence of a relative). Occasional improvements were noted in 2024 regarding accepting documents translated in English and original documents in the language of the applicants, but this was not a general trend. The information could not be confirmed in 2025.[44] In 2024, the Croatian Ombudsperson highlighted that the family reunification procedure to another EU country under Dublin is often so complicated and lengthy that unaccompanied children often choose an irregular and more dangerous way of travelling.[45] In Romania, in 2025, NGOs observed that the procedure would in some cases not be applied, when the authorities deemed that the applicants did not have the necessary original documents to prove the family link.[46]

Overall, the acceptance rate of requests based on family criteria issued is lower than the acceptance rate for all transfers requests. Data is inconsistent in Eurostat between decisions on incoming and outgoing requests despite both sets being complete with 31 countries reporting, however the acceptance rate of requests based on family criteria does seem to have substantially increased compared with 2024, by 19 percentage points, to reach around 45-52%.[47]

The discretionary clauses

Article 17(1) – the sovereignty clause

According to data reported to Eurostat, the sovereignty clause of Article 17(1) of the Dublin Regulation, which allows a Member State to examine an application for asylum lodged with it even if it is not the Member State responsible under the criteria in the regulation, was used 7,470 times in 2025, a decrease from 10,957 in 2024 and 7,786 in 2023, although an increase from 4,808 in 2022. According to the available data, its use has fluctuated significantly over the past ten years.

Unilateral decisions per Article 17(1)											
2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
4,034	11,933	44,476	8,694	12,033	7,641	3,391	2,629	4,808	7,786	10,957	7,470

Source: Eurostat.

Its main users have consistently been Belgium, Germany, France, and the Netherlands. In 2025, however, **Spain** recorded the highest number of unilateral decisions under Article 17(1), 2,107. This was an exceptional increase compared with previous years: between 2016 and 2024, Spain recorded between 0 and 188 such decisions annually. Its 2025 figure accounted for 28% of all Article 17(1) decisions reported by EU+ countries. **Belgium** was the second-largest user, with 2,101 decisions, 533 fewer than in 2024, followed by the **Netherlands** (1,146), **France** (974, 436 fewer than in 2024) and **Germany** (645, 1,162 fewer than in 2024, or a 64% decrease). The largest decrease was recorded by **Croatia**, which reported only one Article 17(1) decision in 2025, following exceptionally high numbers in 2023 and 2024 (8,587 and 3,356, respectively). **Germany** recorded the second-largest decrease. 12 of the 31 EU+ countries reported no unilateral decisions under Article 17(1) in 2025 (**Bulgaria**, **Cyprus**,

44 AIDA, *Country Report: Greece – Update on the year 2025*, July 2026, available here, 101ff.
45 See AIDA, *Country Report: Croatia – Update on the year 2024*, August 2025, available here, 55.
46 AIDA, *Country Report: Romania – Update on the year 2025*, June 2026, available here, 71.
47 When looking at decisions on outgoing requests, the acceptance rate for requests based on family grounds (Article 8-11) is 45% (1,319 positive decisions, 2,942 total decisions), a significant increase when compared with 26% in 2024 and 17% in 2023, and against 64% for all Dublin outgoing requests. When looking at decisions on incoming requests, the acceptance rate for requests based on family grounds (Article 8-11) is 52% (1,399 positive decisions, 2,676 total decisions), compared with 33% in 2024 and against 63% for all Dublin incoming requests.

Czechia, **Estonia**, **Greece**, **Hungary**, **Liechtenstein**, **Lithuania**, **Romania**, **Slovenia**, **Slovakia**, and **Switzerland**). According to data provided to AIDA, the **Swiss** authorities applied the sovereignty clause in 854 cases in 2025: 475 concerned applications for which Italy would have been responsible, 274 Greece, 27 Croatia, 23 Hungary and 20 Bulgaria. As in 2024, these cases were not reported to Eurostat.

As in previous years, under Eurostat all these decisions are reported as "partner: not applicable", making it impossible to know which country was initially deemed responsible for the asylum application before the sovereignty clause was used. Moreover, the criteria for the use of the discretionary clause of Article 17(1), when they are standardised, are not usually publicly available, making it difficult to assess the grounds on which decisions are based. In the Netherlands, the criteria are laid out in the Aliens Circular and notably cover cases where: there are concrete indications of violations of international obligations by the responsible Member State, the transfer would be disproportionately harsh, due to special individual circumstances of the applicant; application of Article 17(1) "may better serve process control", especially for applicants from safe countries of origin to which a return is guaranteed in the near future.[48] In January 2025, the Belgian authorities confirmed they used Article 17(1) in cases where Hungary would be responsible for the asylum application.[49] According to stakeholders' observations, in Czechia, Article 17(1) is only applied exceptionally, for applicants with strong legal or social ties to the country.[50]

On 24 September 2026, on a preliminary reference by Czechia, the CJEU clarified that the discretion provided for in Article 17(1) can be exercised not only when the responsible Member State has been determined by Article 3(1) of the Dublin III Regulation, but also when it has been determined by Article 3(2).[51]

Article 17(2) – the humanitarian clause

According to Eurostat data, the humanitarian clause of Article 17(2) of the Dublin Regulation is rarely used by most EU+ countries.[52] Across EU+ countries, transfer requests based on the humanitarian clause accounted for 0.64% of total outgoing requests and 0.41% of incoming requests. This constitutes a decrease from 1.14% and 0.31%, respectively, for 2024 and 1.8% and 0.54%, respectively, in 2023. 10 countries sent no requests based on Article 17(2) in 2025. The share of humanitarian requests out of total outgoing requests was under 1% for 25 of the 31 countries (including those with no such requests). Conversely, humanitarian requests represented 87% of **Cyprus**'s total requests (351 out of 402); 59% of **Latvia**'s requests; 38% of **Malta**'s requests. These are states at the external border, which often publicly designate themselves under pressure. But, despite similar circumstances, requests based on Article 17(2) made up only 11% of total requests by **Greece**, and 0.08% of requests by **Italy**; **Spain** sent no such requests in 2025. Almost half of all outgoing requests based on Article 17(2) (407 out of 864) were sent to **Germany**, followed at a distance by **Romania** (110).

Contrary to previous years, the acceptance rate for outgoing requests based on humanitarian grounds was lower than the general acceptance rate for outgoing requests (64%) and stood at 60%, compared with 82% in 2024[53] and 83% in 2023. Eight countries (**Denmark**, **Malta**, **Cyprus**, the **Netherlands**, **Croatia**, **Greece**, **Luxembourg** and **Sweden**) saw at least half of their humanitarian requests accepted by the partner country. Notably, humanitarian requests based on Article 17(2) sent by **Cyprus** received 262 positive decisions out 323 decisions (71% acceptance rate); Greece received 125 positive

48 See AIDA, *Country report: the Netherlands – Update on the year 2024*, May 2025, available here, 61-62.
49 AIDA, *Country report: Belgium – Update on the year 2024*, June 2025, available here, 69.
50 AIDA, *Country report: Czechia – Update on the year 2025*, June 2026, available here, 37.
51 CJEU, C-511/25, *Prokoda*, 24 September 2026, available here.
52 For consistency, the following numbers are all based on Eurostat.
53 Or, due to discrepancies in the data, 45% when looking at incoming requests and decisions on incoming requests, compared to 42% in 2023, 45% in 2022 and 60% in 2021. See previous versions of this report available on the AIDA website here.

decisions out of 248 decisions on its humanitarian requests based on Article 17(2) (50% acceptance rate). Decisions on Article 17(2) requests by these two countries accounted for 81% of total positive decisions on this basis and 72% of total decisions on this basis.

The criteria for the use of the humanitarian clause are not usually publicly available, making it difficult to assess the grounds on which decisions are based. In **Greece**, requests under the humanitarian clause are notably sent when the family criteria are not strictly applicable (see scope of family criteria at the top of this section), or when the three-month timeframe has expired. One of the issues with the application of Article 17(2) is that, according to practice witnessed in Greece, several Member States, namely Spain, France and Germany, in some cases refuse to examine requests of unaccompanied children based on articles other than Article 8 of the Regulation, including those based on Article 17(2).[54] In Austria, the authorities make reference to this clause mostly in cases where the asylum applicant is still in another country and applies for reunification with relatives in the country.[55] In Portugal, according to information provided by the new asylum authority in 2024, both Article 17(1) and (2) may be applied for purposes of family reunion, humanitarian reasons, other family or cultural reasons depending on the interest of the parties involved.[56]

Several countries sent requests under the humanitarian clause for cases of relocations in the framework of the voluntary solidarity mechanism in 2025 (mainly Cyprus, Greece, and Malta). In **Cyprus**, per information provided to AIDA, 391 people were relocated in 2025 mainly to Germany (335). In **Greece** 259 individuals were relocated to other EU Member States under the voluntary relocation scheme in 2025, a sharp decrease from 1,304 in 2024.

ECRE considers the application of the discretionary and humanitarian clauses by certain EU+ countries and the (albeit limited) implementation of the voluntary solidarity mechanism as a good practice, and has long underlined the importance of using these provisions of the Regulation – which will be transferred into the AMMR – in order to ensure rapid processing of asylum applications, and as a way to overcome the lengthy delays and situations of limbo which characterise the Dublin regime (and which may also affect the reformed common asylum system).

Systemic deficiencies

States may also take a unilateral decision to become responsible for the asylum application under Article 3(2) second and third paragraph of the Dublin Regulation, due to “systemic flaws in the asylum procedure and in the reception conditions for applicants in that Member State, resulting in a risk of inhuman or degrading treatment”. After several years with very few decisions taken on this basis, according to Eurostat, 2,686 decisions on the basis of Article 3(2) second and third paragraph were taken in 2025, the highest number since 2016, mostly driven by Italy. However, the data presents serious inconsistencies that call into question its validity. If this data is excluded, 346 such decisions were reported by the other 30 countries, a number more in line with the trends of the last few years.

54 AIDA, *Country report: Greece – Update on the year 2025*, July 2026, available here, 104.
55 AIDA, *Country report: Austria – Update on the year 2025*, May 2026, available here, 53.
56 AIDA, *Country report: Portugal – Update on the year 2024*, September 2025, available here, 69.

Unilateral decisions per Article 3(2) paragraphs 2 and 3[57]											
2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
430	1,353	10,987	2,525	2,055	1,413	938	893	362	272	323	2,686* or 346

Source: Eurostat.
*this indicates the data as presented on Eurostat, including the data on decisions by Italy, which presents serious incoherencies.
**this indicates the data presented on Eurostat without the data on Italy, which presents serious incoherencies.

Per Eurostat, in 2025, out of the 2,686 decisions on this ground, 2,340 (i.e. 87% of all decisions on this ground) were taken by **Italy** alone, followed at a distance by 150 by **France**, 137 by **Denmark**, 34 by **Belgium**, 10 by **Sweden**, 9 by **Malta**, 5 by **Liechtenstein** and 1 by **Germany**.

However, the data on Article 3(2) decisions by Italy appears incoherent. Firstly, Italy had reported zero such decisions every year since at least 2014, the first year for which data is available, making the 2,340 decisions reported for 2025 particularly unexpected. Secondly, Eurostat data indicates that 583 of those 2,340 decisions by Italy concerned applicants that should have been transferred to Italy, which is impossible. 313 concerned transfers to Croatia, 268 transfers to Greece, 214 transfers to France, 190 transfers to Romania, 182 transfers to Germany, 181 transfers to Austria, 101 transfers to Spain, etc.

Excluding the data on decisions by Italy, out of a total of 346 decisions based on Article 3(2) second and third paragraph taken by the other 30 EU+ countries, 177 concerned applicants who should have been transferred to **Greece**, 48 to **Italy**, 33 to **Spain**, 30 to Germany, 17 to Croatia, 9 to the Netherlands, 6 to Belgium, Hungary, and Austria, respectively, 5 to Portugal, 2 to Bulgaria, Slovenia, and Sweden, respectively, and 1 to Lithuania, Malta, and Switzerland.

Overall, these numbers are extremely low given the serious issues in access to the asylum procedure (documented, for example, in Bulgaria, Greece, Hungary, Italy, Malta, Poland, Spain) and in reception conditions reported in multiple EU+ countries (Belgium, France, Greece, Ireland, Italy, the Netherlands for example).[58]

Despite these significant shortcomings, the authorities still send requests to these countries, forcing asylum applicants to "wait out" the mandatory transfer period – from 6 months to 18 months if the applicant is considered to have absconded – despite the fact that there is little prospect of the transfer taking place, before being admitted to the asylum procedure and finally having their claim examined (see Shortcomings in the implementation of Dublin transfers).

[57] Please note than in the AIDA Dublin statistical report on 2023, this table presented higher numbers of unilateral decisions based on Article 3(2) para 2 and 3. However, as of 30 September 2025, the data pertaining to Switzerland has been updated to reflect 0 such decisions every year since 2014 (whereas it had previously reported between 346 and 3,349 such decisions by Switzerland for each year between 2014 and 2023), making for a significant decrease in the total number of decisions on this ground compared to data previously available on Eurostat. The table in this report has been updated to reflect this change in Eurostat data. It is not explained on Eurostat why the data on Switzerland was changed so significantly and for data spreading across over 10 years.

[58] AIDA, *Asylum in Europe: the situation of applicants for international protection in 2025*, July 2026, available here.

Italy's suspension of incoming Dublin transfers

In December 2022, Italy informed the other Dublin countries that it would no longer accept incoming Dublin transfers, except for transfers concerning family reunification of unaccompanied children. [59] This suspension remained in place as of April 2026. It has created a significant discrepancy between the allocation of responsibility under the Dublin III Regulation and the practical implementation of transfers: Italy continues to be identified as the responsible country in numerous cases, and other EU+ countries continue to submit outgoing requests (see Outgoing and incoming requests), even though there is little prospect of a transfer taking place.

In March 2026, the CJEU clarified the legal consequences of a unilateral suspension of incoming Dublin transfers, in a case concerning transfers to Italy.[60] The court held that a Member State cannot discharge itself of its Dublin responsibilities by unilaterally halting the acceptance of incoming transfers. Therefore, the Member State in question remains responsible until the six-month Dublin transfer period expires, after which responsibility shifts to the State that requested the transfer (see a more detailed assessment under Other cases under the Dublin III Regulation).

The responses to the suspension vary across countries. Some continue to issue transfer decisions and wait for the six-month transfer period to expire before examining applications on their merits; others have limited or ceased transfer requests or have relied on judicial decisions and discretionary provisions to prevent transfers. For example (for a case law review of transfers to Italy see Suspension of individual Dublin transfer decisions):

- In 2025, as in 2023 and 2024, Austria continued to issue requests and sometimes detain applicants with a view of conducting a Dublin transfer to Italy, and only admitted applicants to the procedure once the 6 months had passed, although the detention orders were usually annulled by courts due to lack of prospect for returns to resume.[61]
- As of September 2023, the Belgium Immigration Office continued to hand out Dublin decisions for Italy, highlighting that applicants could still return to Italy voluntarily although forced transfers were not organised. This seemed to continue in 2024 and 2025 with 1,924 outgoing requests sent to Italy in 2025, but still 0 transfers, and there is no data available as to voluntary returns to Italy.[62]
- In France, despite transfers generally being overturned by courts (see Suspension of individual Dublin transfer decisions), authorities still sent 7,725 requests to Italy in 2025.[63]
- In Germany the BAMF continued to issue Dublin outgoing requests, although much fewer than in previous years, with 6,336 requests to Italy in 2025 (compared with 12,000-15,000 annually in 2023-2024), and just one transfer took place.[64]
- In the Netherlands, no transfers to Italy have taken place since April 2023 due to a lack of mutual trust *vis-à-vis* Italy due to the lack of adequate accommodation capacity recognized by Italy as a reason for the suspension. However, authorities still sent requests to Italy, forcing applicants to wait 6 months before their application is examined in substance in the Netherlands.[65]
- To the contrary, in 2025 the Polish authorities confirmed they did not send transfer requests to Italy (or Greece).[66]

59 Mentioned for example in CJEU, Joined Cases C-185/24 and C-189/24, *Tudmur*, 19 December 2024, available here.
60 CJEU, C-458/24, *Daraa*, 5 March 2026, available here.
61 AIDA, *Country report: Austria – Update on the year 2025*, May 2026, available here, 152.
62 AIDA, *Country report: Belgium – Update on the year 2025*, July 2026, available here, 63.
63 AIDA, *Country report: France – Update on the year 2025*, May 2026, available here, 77.
64 AIDA, *Country report: Germany – Update on the year 2025*, June 2026, available here, 17.
65 AIDA, *Country report: Netherlands – Update on the year 2025*, June 2026, available here, 68ff.
66 AIDA, *Country report: Poland – Update on the year 2025*, June 2026, available here, 14.

- In 2024, the Swiss authorities continued to issue Dublin decisions with return to Italy, and only started the national procedure after the foreseen six months for a transfer in the Dublin-III-Regulation had passed. At the end of 2024, during a press conference in Switzerland, the Italian Minister of the Interior announced his willingness to discuss resuming incoming Dublin transfers.[67] However, out of the 3,612 outgoing requests sent in 2025, only 7 people were transferred to Italy, and Switzerland moreover applied the sovereignty clause of Article 17(1) in 475 cases which concerned applicants for which Italy would have been the responsible country per the Dublin III Regulation.[68]

It is also worth highlighting what the European Commission commented on Italy´s Dublin obligations in its 2026 European Asylum and Migration Report.[69] In particular, the Commission first determined that (together with Cyprus, Greece and Spain) Italy remains, as was the case in 2025, under migratory pressure "*because of a large number of arrivals due to recurring disembarkations following search and rescue ('SAR') operations, that are of such a scale that they create disproportionate obligations in relation to the overall situation in the Union on even a well-prepared asylum, reception and migration system of the Member State concerned*".[70] As such, Italy shall be eligible to access the Solidarity Pool, but only provided the country properly applies the relevant responsibility rules (both under the Dublin III Regulation and its successor legislation, the Asylum and Migration Management Regulation (AMMR)[71]), including the resumption of transfers. In this sense, the Commission first noted that transfers had not yet resumed since Italy's unilateral suspension, that transfer requests continued to be rejected by Italy (with those accepted often not being effected in practice), and that in some cases Italy even returned applicants to the transferring Member State. However, the Commission also found that Italy has made significant efforts to prepare for the implementation of responsibility rules under the AMMR (e.g., having taken steps to establish bilateral contacts with the Member States with the biggest caseload under the AMMR, which resulted in a limited number of transfers; effecting actual transfers of unaccompanied minors for the purpose of family reunification; and having adopted a new administrative letter in October 2026 specifying that it resumed transfers since 12 June 2026). Despite this, the Commission concluded that it could not, at the time, determine whether the transfers of persons for whom Italy is responsible under the AMMR have effectively and sustainably been resumed. Therefore, before granting Italy access to the Solidarity Pool, its "*close and continuous monitoring*" will be necessary to determine effective compliance with responsibility rules.[72]

Decisions and acceptance rates[73]

Not all incoming requests are accepted by the receiving country. A country may issue a negative decision for various reasons, including that the request was submitted after the deadlines set by the Dublin Regulation, that the hierarchy of criteria was applied incorrectly, or that the evidence provided was considered insufficient (for example, evidence of family links). For initial requests, however, if the receiving country does not respond within the prescribed timeframe (two months for a take charge request and one month for a take back request, or two weeks if the latter is based on a Eurodac hit),

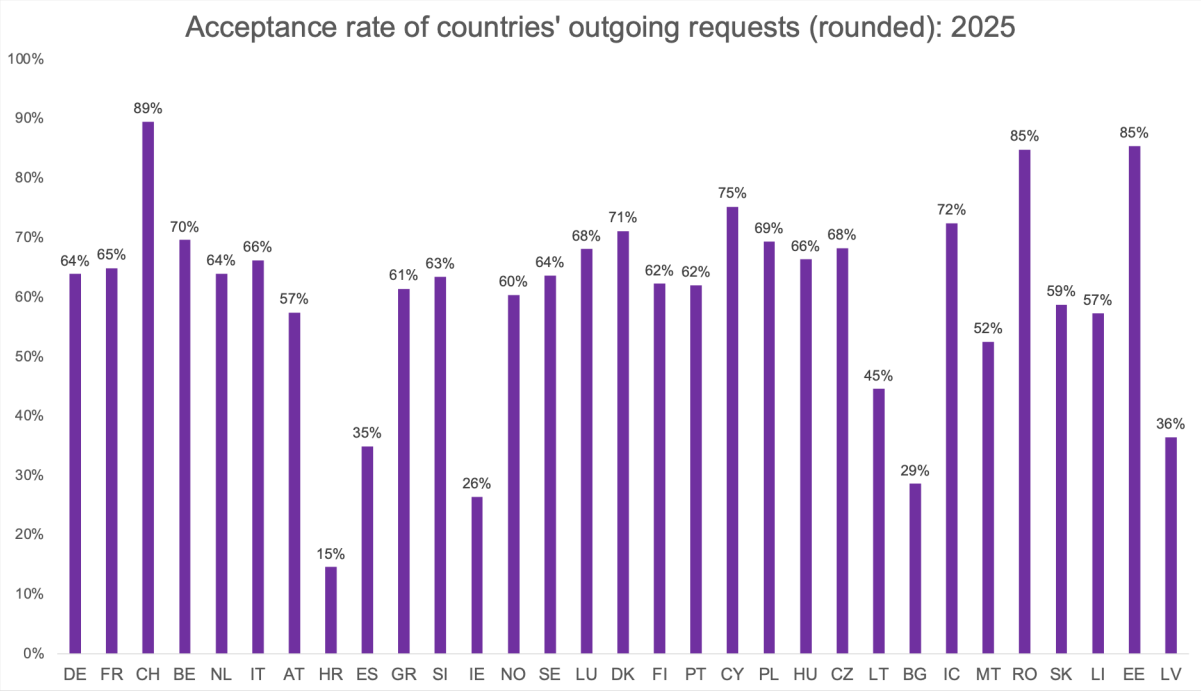
67 News Service Bund (Swiss), 'L'Italie prête à discuter de la reprise des transferts Dublin', 26 novembre 2024, available in French here.
68 AIDA, *Country report: Switzerland – Update on the year 2025*, May 2026, available here, 43, 45, 52.
69 Communication from the Commission to the European Parliament and the Council, *The European Annual Asylum and Migration Report (2026)*, COM(2026), 835 final, available here.
70 Communication from the Commission to the European Parliament and the Council, *The European Annual Asylum and Migration Report (2026)*, COM(2026), 835 final, available here, 24.
71 Regulation (EU) 2024/1351 of the European Parliament and of the Council of 14 May 2024 on asylum and migration management, amending Regulations (EU) 2021/1147 and (EU) 2021/1060 and repealing Regulation (EU) No 604/2013.
72 Communication from the Commission to the European Parliament and the Council, *The European Annual Asylum and Migration Report (2026)*, COM(2026), 835 final, available here, 26.
73 As information on total decisions is not gathered through AIDA, all data in this section is based on Eurostat.

the request is considered implicitly accepted. Such implicit positive decisions should be included in data reported to Eurostat by national authorities.[74]

According to Eurostat, in 2025, 119,597 decisions were issued in response to 134,454 outgoing Dublin requests. As every request receives a decision, including an implicit decision where applicable (see above), the countries that send the most requests also receive the most decisions. Thus, **Germany** received the most decisions with 37,481 decisions in response to 39,659 requests, followed by **France** (27,974 decisions for 31,292 requests), **Belgium** (12,181 decisions) and **Switzerland** (7,248 decisions). On the other hand, **Italy** issued the most decisions (19,636 decisions in response to 24,496 incoming requests per Eurostat), followed by **Germany** (16,610), **Croatia** (13,444), **Spain** (12,247) and **Greece** (10,100).

The overall acceptance rate (positive decisions out of total decisions) stood at 63-64% in 2025.[75] This was broadly in line with 2024 (66%) and 2022 (61%), but lower than in 2023 (73%). Since 2015, the annual acceptance rate has ranged between 51% and 75%. In 2025, the rate was higher for take charge requests (76% in 2025) than for take back requests (56%).

The acceptance rate also varies significantly country to country. In 2025, countries' success rate regarding their *outgoing* requests ranged from 15% to 89%.



Source: Eurostat data. Countries are ordered left to right based on number of outgoing requests sent (decreasing).

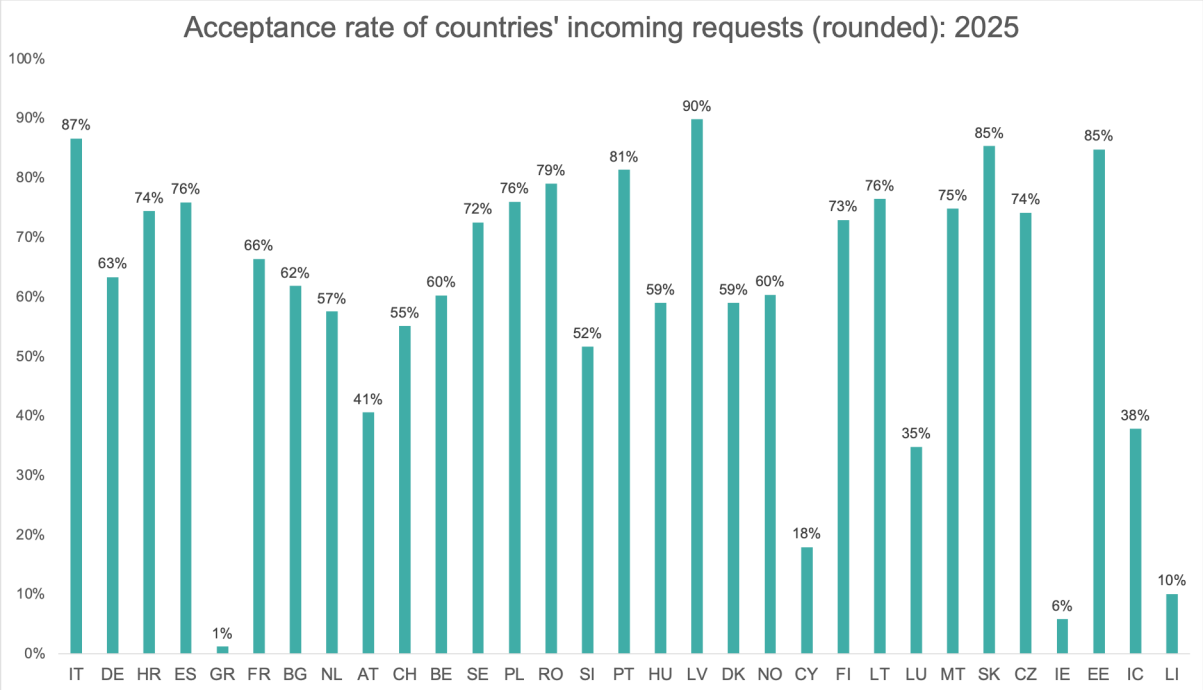
The country with the lowest acceptance rate of its outgoing requests was **Croatia**, at just 15%, largely because Greece rejected almost all requests it received, including from Croatia (see below on acceptance rate of incoming requests). All of Croatia's requests to Greece were either take back requests or take charge requests based on irregular entry under Article 13(1). **Ireland** followed, with an acceptance rate of 26%, largely due to the high number of negative decisions on its take back requests

74 European Commission and Eurostat, *Technical guidelines for the data collection under art. 4.4 of Regulation 862/20071 - 'Dublin statistics' version 3.1*, January 2022, available here, 23.

75 63.94% when looking at decisions on outgoing requests per Eurostat (76,459 positive decisions, 119,597 total decisions), 63.45% when looking at decisions on incoming requests per Eurostat (77,354 positive decisions, 121,907 total decisions).

based on Article 18(1)(d): Greece issued 316 negative decisions and no positive decisions, while France, Germany, and Austria each issued more than 100 negative decisions. The other countries with acceptance rates below 50% for their outgoing requests were **Bulgaria** (29%, notably due to negative decisions by Germany concerning family unity and take back requests), **Spain** (35%, mainly due to negative decisions by Germany concerning take back requests), **Latvia** (36%, although based on just 33 total decisions received), and **Lithuania** (45%). All other countries received more positive decisions than negative decisions. 22 countries had acceptance rates between 50 and 75%. The highest acceptance rates were recorded by **Switzerland** (89%), followed by **Estonia** and **Romania** (85%, albeit with just 34 and 72 total decisions, respectively).

Countries' acceptance rate for *incoming* requests ranged even further, from 1% to 90%.



Source: Eurostat data. Countries are ordered left to right based on number of incoming requests received (decreasing).

As in previous years, **Greece** rejected almost all incoming requests, with an acceptance rate of just 1%. It issued 118 positive decisions out of 10,100 total. These positive decisions were mainly issued to Germany (81 positive decisions and 6,314 negative decisions) and Switzerland (25 positive decisions and 49 negative decisions), and were mostly based on Article 18(1)(b) - country of first asylum application - (106 positive decisions and 7,759 negative decisions). The country with the second lowest acceptance rate for incoming requests was **Ireland** (6%, with just 6 positive decisions out of 104), followed by **Liechtenstein** (10%, although based on only 20 decisions, of which 2 were positive), and **Cyprus** (18%). **Luxembourg**, **Iceland** and **Austria** had acceptance rates between 35% and 41%. 24 of the 31 EU+ countries took a majority of positive decisions. The highest acceptance rates for incoming decisions were recorded by **Latvia** (90%, with 605 positive decisions out of 674), **Italy** (87%, with 16,994 out of 19,636), **Slovakia** (85%), **Estonia** (85%, based on fewer than 100 decisions total) and **Portugal** (81%).

Eurostat does not break down the data according to the type of positive decisions: thus, it is not possible to know how many of these decisions were implicit positive decisions rather than explicit positive decisions. Moreover, while a necessary intermediary step, a positive decision does not necessarily result in a transfer. In fact, most positive decisions do not lead to a transfer, as illustrated below.

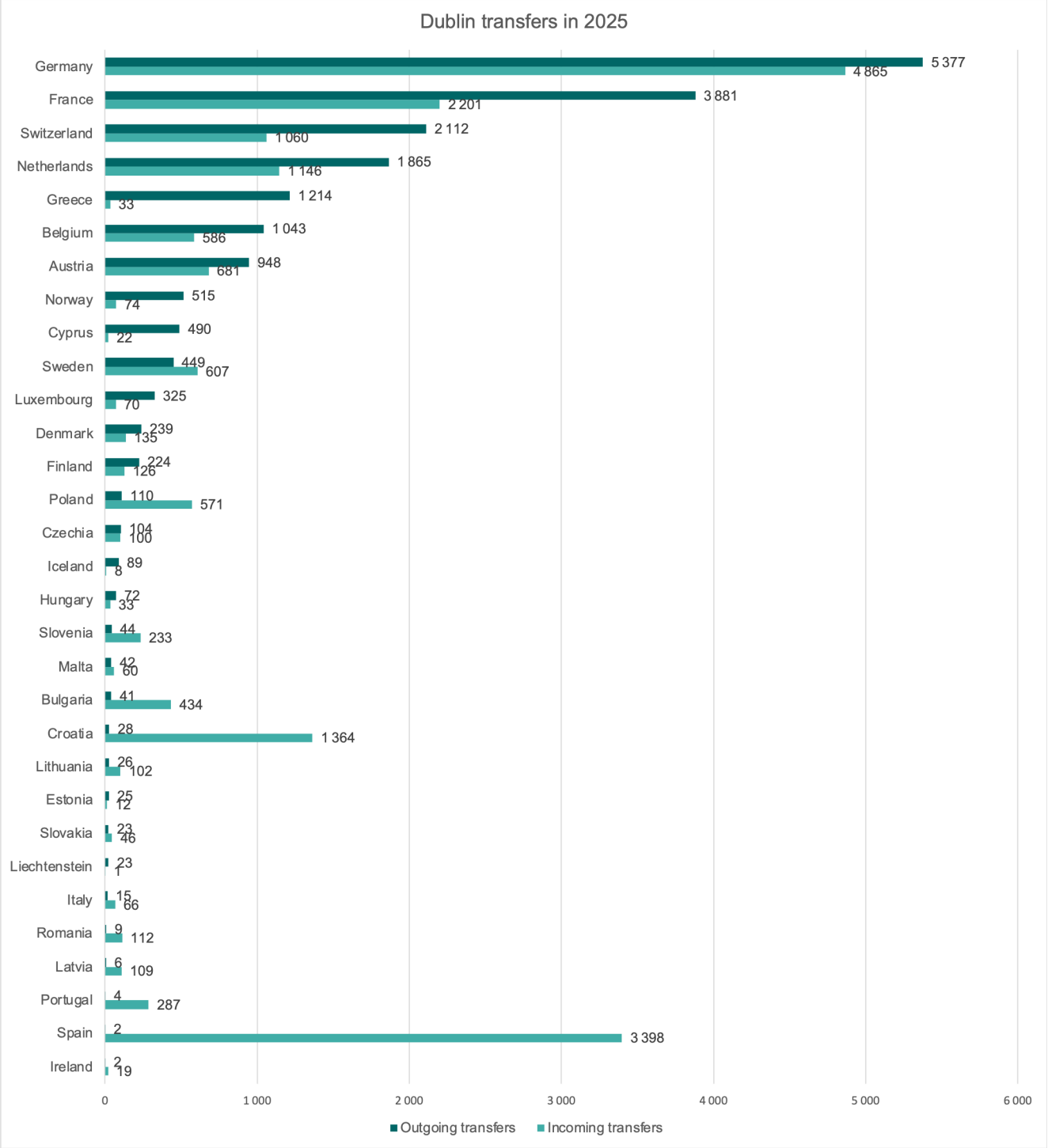
Transfers

The transfer of an applicant to the EU+ country deemed responsible under the Dublin Regulation is the final stage of the Dublin procedure. According to the Eurostat technical guidelines, 'transfers' include all successful transfers, i.e. including "self-transfers", whereby an applicant travels to the responsible country of their own volition, without the transfer being organised by the national authorities.[76] This has been explicitly put forward as a possibility in Germany since 2023, with the authorities reporting 269 self-initiated transfers in 2025.[77] However, the extent to which self-transfers occur in other countries is unknown.

Regarding transfers carried out under the Dublin Regulation, i.e. requests that actually culminate in a transfer of the applicant, 2025 data shows the following:

[76] European Commission and Eurostat, *Technical guidelines for the data collection under art. 4.4 of Regulation 862/20071 - 'Dublin statistics' version 3.1*, January 2022, available here, 10.

[77] AIDA, *Country report: Germany – Update on the year 2025*, June 2026, available here, 70.



Source: AIDA. Figures on SK, NL, FR, GR, SE, ES, RO, and non-AIDA countries are based on Eurostat.[78]

78 Statistics vary substantially between AIDA and Eurostat with no visible explanation for CH (2,112 outgoing transfers reported to AIDA as well as to the EUAA, 1,168 reported to Eurostat; 1,060 incoming transfers reported to AIDA, 747 to Eurostat) and CZ (104 outgoing transfers reported to AIDA, 81 reported to Eurostat; 100 incoming transfers reported to AIDA, 70 to Eurostat). Regarding IT, there are significant discrepancies on Eurostat between what other countries have reported regarding Italy and what Italy has reported (15 outgoing transfers in AIDA, 10 reported by Italy to Eurostat, but 57 reported by other countries to Eurostat; 66 incoming transfers in AIDA and by Italy to Eurostat, but 95 reported by other countries to Eurostat). In Romania, the discrepancy in incoming transfers appears to be because only incoming transfers based on take back grounds were reported to AIDA, rather than total incoming transfers, thus Eurostat data was used in the graph above.

Discrepancies in Eurostat data on outgoing and incoming transfers

The numbers on outgoing and incoming transfers per Eurostat do not align perfectly: 18,415 outgoing transfers were reported but only 18,246 incoming transfers. However, this is a small discrepancy in absolute (169) and relative numbers (0.92%). It is a significant improvement compared to 2024 (difference of 1,393 in absolute numbers, 7.7% variation) and 2023 (4,028 transfers reported as outgoing transfers by some countries, but not registered as incoming transfers by the responsible country under the Dublin Regulation, a 24% difference).

Outgoing transfers

Similarly to those on outgoing requests, the figures above confirm that **Germany** and **France** continue to be the two main operators of the Dublin system, as together they carried out 50% of total outgoing transfers in 2025 (45% in 2024). Together, the top 5 countries (**Germany**, **France**, **Switzerland**, the **Netherlands**, and **Greece**) carried out 73% of the total transfers in 2025.[79]

After a significant increase in 2023, partly linked to relocations carried out under the voluntary solidarity mechanism, the number of outgoing transfers remained stable in 2025 for the second consecutive year, with 18,368 outgoing transfers, a decrease of 1% compared with 2024. This nevertheless remains well below pre-pandemic levels, when between 22,000 and 27,000 transfers were recorded annually from 2016 to 2019). As in previous years, **Germany** carried out the highest number of Dublin transfers in 2025, with 5,377 transfers (including 1,024 to France and 878 to Spain, an increase of about 300 regarding Spain compared to 2022, 2023 and 2024) followed by **France** at a considerable distance with 3,881 transfers (including 1,889 to Spain, amounting to 49% of France's transfers, and compared with 758 in 2024). Other countries with over 1,000 transfers were, in order, **Switzerland**, **the Netherlands**, **Greece**, and **Belgium**. The other 25 countries carried out fewer than 1,000 transfers each and fewer than 3,900 combined.

Outgoing transfers more than doubled in **Greece** (+133%), going from 520 in 2024 to 1,214 in 2025. This was driven in particular by a significant increase in transfers to Germany (+577), which reached their highest level since 2017-2018, when more than 2,800 transfers were recorded each year. Greece's transfers to Austria also increased, from 17 to 119, the highest number since 2017-2018. Despite the sharp increase compared with 2024, the 2025 figure was broadly in line with previous years: Greece recorded at least 1,000 outgoing transfers annually from 2017 onwards, with the exception of 2024. Almost all of Greece's transfers were based on take charge grounds (1,194 out of 1,214). Most of these were based on the family unity criteria of Articles 8-11 (1,043 transfers), while a further 124 were based on the use of the humanitarian clause under Article 17(2), which Greece regularly uses as the basis for requests where the family connection does not meet the criteria of Articles 8-11 or the deadlines have expired.

In absolute terms, the largest increases in outgoing transfers were recorded by **France** (+1,257 transfers, a 48% increase), mostly to Spain based on the irregular entry and valid visa criteria, and to a lesser extent to Belgium, followed by **Greece** (+694). Of the nine countries that implemented more outgoing transfers in 2025 than in 2024, the increase was below 100 each in the other seven (**Iceland**, **Croatia**, **Liechtenstein**, **Czechia**, **Hungary**, **Luxembourg**, and **Belgium**). Spain recorded 2 outgoing transfers in 2024 and 2025.

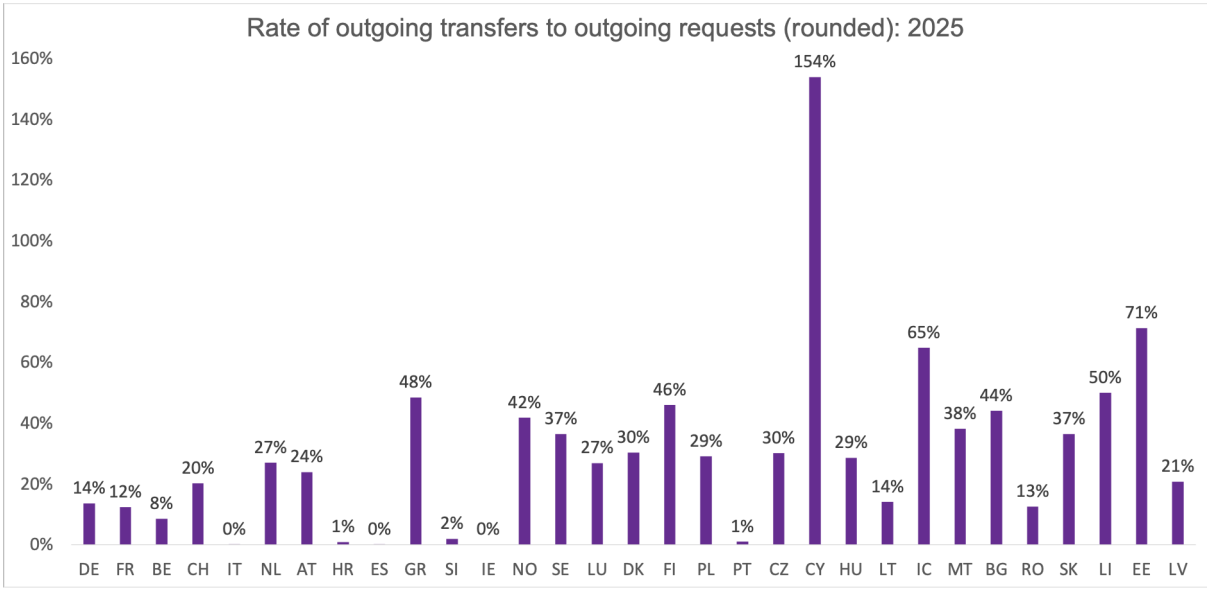
In 21 countries, outgoing transfers decreased compared with 2024. **Germany** recorded the largest decrease in absolute terms (-447), although this represents just an 8% decrease. Other notable

[79] In this calculation, for consistency purposes since the total number of transfers is taken from Eurostat, Eurostat data on Switzerland was used, which as highlighted in the previous footnote is much lower (1,168) than what Switzerland reported at the national level (2,112).

decreases were recorded by the **Netherlands** (-380, or -17%), **Switzerland** (-379, or -15%), **Austria** (-231, or -20%), and **Cyprus** (-163, or -25%). In the other 16 countries, the decrease was fewer than 100 transfers each in absolute terms, although it was sometimes significant in relative terms. For example, transfers from Portugal fell from 14 to 4 (-71%), from Latvia from 13 to 6 (-54%), and from Slovakia from 40 to 23 (-43%).

As in previous years, the proportion of outgoing requests that ultimately resulted in the transfer of the applicant remained low in 2025.[80] Transfers represented 14% of total outgoing requests in 2025,[81] a slight increase compared with 11% in 2024, 10% in 2023, 8% in 2022 and 10% in 2021. In other words, across the EU+, only 14% of outgoing Dublin requests resulted in the applicant being transferred to the country receiving the request. This is slightly higher than in previous years, and closer to the transfer rates recorded in the pre-pandemic period (2016-2019), which ranged from 13% to 16%. The increase was driven by the lower number of outgoing requests (-22%), while the number of transfers remained stable (-1%).

By country, the rate of Dublin transfers effected compared to outgoing requests was as follows:



Source: Eurostat. Figures on BG, CH, CY, CZ, HR, IT, PT are based on AIDA.[82] As there is a certain time that runs between a request being sent and the person being transferred, i.e. requests sent in a calendar year and transfers implemented in another calendar year — the figures above represent partially different groups of people.

The countries in the graph are ordered from left to right according to the number of Dublin procedures initiated, i.e., the number of outgoing Dublin requests sent in 2025. Overall, the graph shows that transfer rates were low in the countries with the highest numbers of outgoing Dublin procedures (on the left), compared with those with fewer Dublin procedures (on the right). Of the 31 countries showed, only

80 As before with requests compared to applicants, these calculations are meant to present a general picture of the proportion of transfers effectively implemented. The data sets represent partially different caseloads, since the transfer can occur up to 18 months after the acceptance of the request by the partner country. In contrast, the EUAA uses the ”ratio of implemented transfers to accepted requests” rather than sent requests, bringing it up to 25%: see EUAA, *Asylum Report 2026*, June 2026, available here, 62.

81 When using Eurostat data on incoming transfers and requests, the rate is 14.4% compared 13.82% with outgoing data, mainly due to the discrepancies in requests.

82 Figures both on outgoing requests and transfers concerning CH and IT differ significantly between AIDA and Eurostat, which impacts transfer rates: when taking Eurostat numbers, the transfer rate for Switzerland is 9% (instead of 20% when using AIDA), and 1.1% for Italy (instead of 0.3% with AIDA). Figures on outgoing requests only differ significantly for BG, CY, CZ, which impacts transfer rates: the transfer rate for BG is 28% when using Eurostat (instead of 44% using AIDA); 122% for CY (instead of 154% using AIDA); and 35% for CZ (instead of 30% using AIDA).

Cyprus, **Estonia** and **Iceland** carried out Dublin transfers in more than 50% of procedures initiated (154%, 71% and 65%, respectively). These figures should be interpreted with caution, however. In **Estonia**, the rate corresponds to just 25 transfers, while **Iceland** recorded 89 transfers. In **Cyprus,** these figures mainly reflect relocations carried out under the voluntary solidarity mechanism. This, along with the time lag between requests and transfers, explains why there were more transfers than requests in Cyprus in 2025.

Outgoing transfer rates increased in 17 of the 31 countries compared with 2024, with increases ranging from 0.87 to 83.65 percentage points.[83] Most of these countries recorded relatively few transfers in absolute terms, meaning that small changes in the number of transfers can result in large percentage-point changes. Among countries with at least 1,000 outgoing transfers, transfer rates increased in **Greece** (+16 percentage points), **Germany** (+6 percentage points), **France** (+4 percentage points) and **Belgium** (+0.87 percentage point).

Despite this, 20 out of 31 countries still registered an outgoing transfer rate of 30% or less, from 30% in **Denmark** and **Czechia**, to as low as under 1% in **Spain**, **Ireland** and **Italy**, as was already the case in the latter two in 2023 and 2024.

The low outgoing transfer rates of the three countries that initiated the most Dublin procedures in 2025, as in previous years – Germany (14%), France (12%) and Belgium (8%) – warrant particular attention. In **Germany**, 5,377 transfers were implemented out of 39,659 outgoing requests, resulting in a transfer rate of 14%. This is higher than in the previous five years (2020–2024), when the rate ranged from 5% to 9%, and broadly in line with the 11–15% recorded in 2017–2019. In **France**, the transfer rate increased for the second consecutive year, exceeding 12% for the first time since at least 2014, following a historic low of 5% in 2023. In Belgium, the transfer rate remained broadly in line with the previous two years, fluctuating between 8% and 9%. Switzerland recorded a decrease of approximately 5 percentage points in its outgoing transfer rate. However, the rate differs substantially depending on the data source: it stood at 20% when calculated using AIDA data, compared with 9% using Eurostat data.[84]

The transfer rates are similar for take charge and take back requests: 15% of take charge requests resulted in a transfer, compared with 13% of take back requests. Take charge grounds represented 39% of outgoing requests and 41% of outgoing transfers, while take back grounds accounted for 61% of outgoing requests and 59% of outgoing transfers.

Breaking the figures down by legal ground and excluding requests and transfers for which the criteria used were unknown, requests based on the humanitarian clause under Article 17(2) had the highest transfer rate among take charge grounds, at 74%. This was followed by most of the family unity criteria (Articles 8, 9 and 10), which had transfer rates ranging from 45% to 50%. By contrast, Article 11 (family procedure), the last family unity criterion, which applies where several family members submit applications in different EU+ countries simultaneously, had a transfer rate of just 4%. These grounds, however, also accounted for relatively few requests compared with Articles 12 and 13.

The two legal grounds with the highest numbers of outgoing take charge requests were Article 13(1), concerning irregular entry (19,508 requests), and Article 12(4), concerning an expired residence document (13,241 requests). Both had transfer rates of just 10%. The only other take charge ground

[83] Using AIDA data for BG, CH, CY, CZ, HR, IT, PT. However, when using Eurostat data for CY especially where there are significant variations, it is still the country with the biggest increase in percentage points but with an increase of 51.57 percentage points instead of 83.65.

[84] AIDA was unable to find or obtain an explanation for such discrepancies, which are noted regarding Dublin statistics for Switzerland every year.

with more than 10,000 requests was Article 12(2) (the valid visa criterion, with 10,057 requests), which had a transfer rate of 18%.

Transfer rates varied more widely for take back grounds, ranging from 5% to 187%. Article 18(1)(b), the country of first asylum application, was by far the most frequently used legal ground for outgoing requests overall, with 71,665 requests. However, only 3,806 of these resulted in a transfer, corresponding to a transfer rate of 5%. Article 18(1)(d), concerning applicants whose asylum application was rejected in one Member State and who subsequently lodged a new application in another, or who are present in another Member State without a residence document, had the second-highest number of take back requests (8,816) and a substantially higher transfer rate of 53%.

Legal ground	Outgoing requests	Outgoing transfers	Transfer rate
Take charge: Articles 8 to 17 - total	**52,173**	**7,619**	**15%**
Article 8 - minors with a family member legally present	611	293	48%
Article 9 - family members who are beneficiaries of international protection	1,482	740	50%
Article 10 - family members who are applicants for international protection	256	116	45%
Article 11 - family procedure	606	23	4%
Article 12(1) - valid residence document	1,743	414	24%
Article 12(2) - valid visa	10,057	1,838	18%
Article 12(3) - more than one valid residence document	55	16	29%
Article 12(4) - expired residence document	13,241	1,277	10%
Article 13(1) - irregular entry	19,508	1,961	10%
Article 13(2) - irregular stay	409	74	18%
Article 14 - visa waived entry	3,193	1	0%
Article 15 - application in an international transit area of an airport	0	0	N/A
Article 16 - dependent persons	36	7	19%
Article 17(2) - humanitarian criteria	864	641	74%
Take charge - criteria unknown	112	218	195%
Take back: Articles 18 and 20(5)	**81,908**	**10,655**	**13%**
Article 18(1)(b) - application under examination when new application lodged or present without a residence document in another Member State	71,655	3 806	5%
Article 18(1)(c) - withdrawal of application under examination and new application lodged or present without residence document in another Member State	578	873	151%
Article 18(1)(d) - rejection in another Member State and new application lodged or present without residence document	8,816	4,650	53%

Article 20(5) - present without residence document or lodged new application in another Member State after withdrawing the first application made in a different Member State during the 'Dublin' procedure	572	1,071	187%
Take back - criteria unknown	287	255	89%

Source: Eurostat.

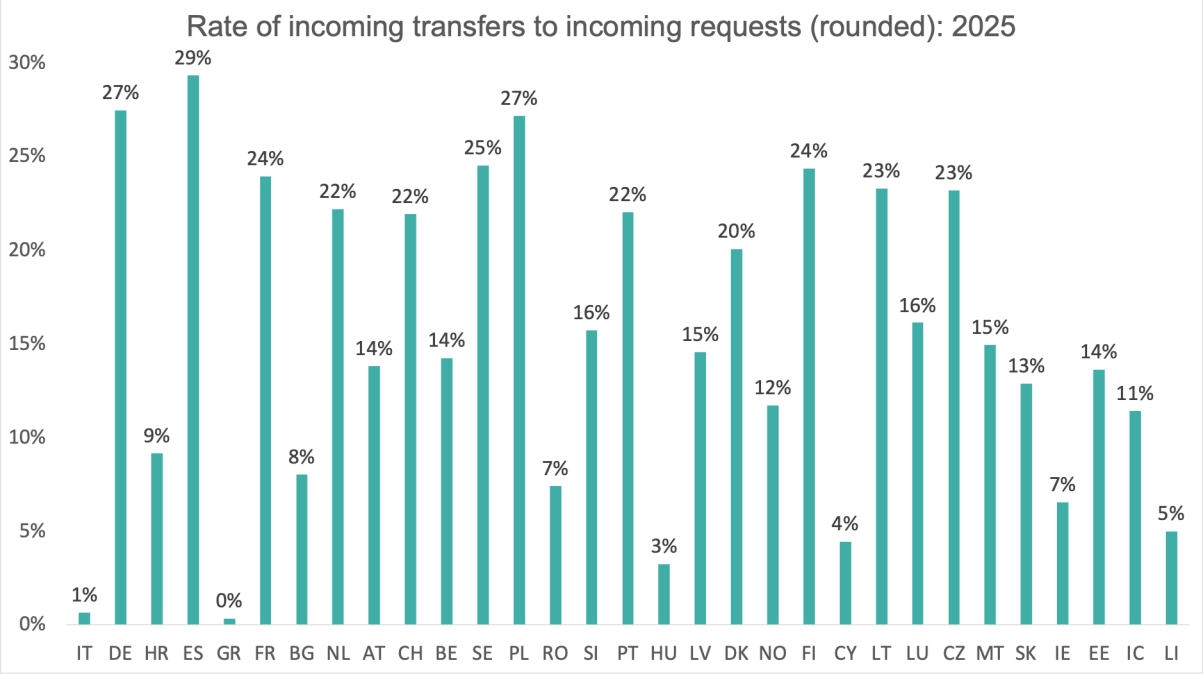
Incoming transfers

On the other hand, **Germany** continued to be the top recipient of successful incoming transfers in 2025, with 4,865 applicants transferred to the country. This is broadly in line with 2023 and 2024, when Germany received 4,269 and 4,592 transfers, respectively, but higher than in 2022 (3,700). Germany's 2025 total included 1,025 transfers from France, 806 from Greece, 727 from Switzerland and 726 from the Netherlands. Other countries that received more than 1,000 transferred applicants in 2025 include, in descending order, **Spain** (3,398), **France** (2,201), **Croatia** (1,364), **the Netherlands** (1,146) and **Switzerland** (1,060 per AIDA data).

Incoming transfers doubled or more than doubled in **Spain**, **Estonia** and **Cyprus**. In Estonia and Cyprus, however, the absolute numbers remained very low, at 12 and 22 transfers, respectively. It is however a significant increase for **Spain** with 3,398 incoming transfers, up from 1,366 incoming transfers in 2024 (+148%). This was mainly driven by an increase in transfers from France, from 678 in 2024 to 1,721 in 2025, and, to a lesser extent, from Germany, from 523 to 851. Only two other countries received at least 100 more incoming transfers than in 2024, namely **Switzerland** (1,060 total according to AIDA data), and **Germany** (4,865).

Incoming transfers decreased in 12 countries in 2025. **Austria** and **Romania** reported the largest relative decreases, -55% and -48%, respectively. In both cases, this coincided with a decrease in incoming requests: 37% fewer for Austria and 52% fewer for Romania. Other countries reporting decreases include, in order, **Finland** (-32%, or 59 fewer transfers), **Portugal** (-30%, or 121 fewer), **Bulgaria** (-26%, or 155 fewer), **Malta** (-22%, or 17 fewer), **Sweden** and **Croatia** (-20%, or 152 and 334 fewer, respectively), **Poland** (-18%, or 127 fewer), **Latvia** (-13%, or 16 fewer), **Lithuania** (-6%, or 7 fewer), and the **Netherlands** (-2%, or 26 fewer).

However, these figures on incoming transfers represented only a small proportion of the incoming requests received by each of these countries:



Source: Eurostat. Figures on HR, CH, BG, PT, IT, CZ and CY are based on AIDA.[85] As there is a certain time that runs between a request being received and the person being transferred in the country, i.e. requests sent in a calendar year and transfers implemented in another calendar year — the figures may represent partially different groups.

As shown in the chart (ordered from left to right according to the number of incoming requests received in 2025), **Italy**, **Germany**, **Croatia**, **Spain**, and **Greece** received the most incoming requests. Despite this, **Italy** and **Greece** both recorded incoming transfer rates of less than 1%. **Italy** had 132 incoming transfers after receiving 19,889 incoming requests, according to AIDA data, making for a 0.66% transfer rate.[86] This was the third consecutive year in which Italy had an incoming transfer rate below 1%, a logical consequence of its unilateral refusal of incoming transfers since December 2022. **Greece** received just 33 applicants after receiving 10,117 incoming requests, making for a 0.33% incoming transfer rate. This was nevertheless Greece's highest incoming transfer rate and number of incoming transfers since at least 2016.

The majority of countries (22 out of 31) recorded an increase in their incoming transfer rate, although in most cases the increase was small, ranging from 0.17 to 9.76 percentage points. **Spain** recorded a more substantial increase of 15 percentage points, from 15% in 2024 to 29% in 2025. This followed a marked increase in the number of incoming transfers, from 1,825 in 2024 to 3,398 in 2025. Only **Ireland**, **Portugal**, **Austria**, **Finland**, **Slovakia**, **Lithuania**, **Germany**, **Latvia** and the **Netherlands** recorded decreases in their incoming transfer rates, ranging from 0.26 to 8.68 percentage points.

Nevertheless, as in 2024, no country implemented more than 29% of incoming requests. The highest rates were recorded by **Spain**, **Germany** and **Poland**, where 27-29% of incoming requests culminated in a transfer. Nine countries had incoming transfer rates under 10% (**Greece**, **Italy**, **Hungary**, **Cyprus**, **Liechtenstein**, **Ireland**, **Romania**, **Bulgaria**, and **Croatia**). With the exception of **Liechtenstein**, which recorded just one incoming transfer, all 30 remaining countries received at least 8 incoming transfers (**Iceland**). 11 of the 31 countries received fewer than 100 incoming Dublin transfers (**Liechtenstein**, **Iceland**, **Ireland**, **Estonia**, **Cyprus**, **Hungary**, **Greece**, **Slovakia**, **Malta**, **Luxembourg**, and **Norway**).

85 Figures on incoming requests and transfers concerning CH and IT differ significantly between AIDA and Eurostat, which affects the incoming transfer rate regarding Switzerland (22% per AIDA, 16% per Eurostat). Data on incoming requests also vary by at least 10% regarding BG, CY, CZ and HR but it does not significantly affect the transfer rate (difference of maximum 1 percentage point).

86 Using Eurostat data, the figures are 95 transfers out of 24,496 requests, corresponding to a rate of 0.39%.

Despite recording the fourth-highest number of incoming transfers in absolute terms, **Croatia** had a relatively low transfer rate of 9% compared with the number of requests it received. Nevertheless, this represented an increase for the third consecutive year, largely because the number of incoming requests decreased while the number of transfers remained broadly stable. Among the six countries that received more than 1,000 incoming requests, there was a marked contrast between **Italy**, **Croatia** and **Greece**, where incoming transfer rates ranged from 0% to 9%, and **Germany**, **Spain** and **France**, where rates ranged from 24% to 29%.

Transfers not taking place within the set time limits

Under Article 29(2) of the Dublin Regulation, the country responsible is 'relieved of its obligations to take charge or to take back the person concerned' when the transfer does not take place within the set time limit of 6 months (which can be extended up to 18 months in case of absconding), and responsibility for the asylum application is then transferred to the requesting country.

According to Eurostat data, in 2025, requesting EU+ countries ultimately became responsible for examining asylum applications in 34,307 cases following failed transfers. This is a decrease from 41,185 in 2024 and 42,511 in 2023, but still above the levels of 2021-2022 (approx. 25,500-25,800 cases). The countries reporting the highest numbers of cases in which responsibility was transferred following a failed Dublin transfer in 2025 were the main users of the Dublin system: **Germany** (13,166), **France** (5,747), **Switzerland** (4,899), **Italy** (4,798) and **Belgium** (3,768). With the exception of the **Netherlands** (915), all other countries reported between 0 and 340 such cases. Fourteen countries reported no cases of responsibility being transferred under Article 29(2) to Eurostat.

17% of these cases (5,818) concerned failed transfers to Italy, which has refused to accept most incoming Dublin transfers since December 2022 (see above, see Italy's suspension of incoming transfers), with transfers mainly being attempted by Switzerland (1,522), France (1,332) and Belgium (925). This nevertheless represented a substantial decrease both in the absolute number of failed transfers to Italy – from 10,064 in 2024 to 5,818 in 2025 – and in their share of all failed transfers, from 25% to 17%. However, these figures only capture cases reported by countries that continued to send outgoing requests to Italy despite the suspension, and may, as mentioned above, force asylum applicants to "wait out" the mandatory transfer period – of 6 to 18 months – despite the fact that there is little prospect of the transfer taking place. Countries that did not send requests to Italy, or that assumed responsibility immediately after sending a request, would not be captured by these statistics (they would, however, be covered, by unilateral decisions under the sovereignty clause and by decisions to apply Article 3(2) on systemic deficiencies).

It is unclear if the decrease reflects an actual reduction in the number of cases in which Italy was responsible, or a reduction in attempts to transfer applicants to Italy due to the situation on the ground and the continued ban on incoming Dublin transfers, whether as a result of a policy decision by the authorities or court rulings in individual cases. The decrease does not appear to have resulted from a policy choice to stop attempting transfers to Italy, as countries that had registered failed transfers to Italy in 2024 continued to attempt to carry out transfers in 2025. However, countries that reported high numbers of failed transfers to Italy in 2024, particularly France, Belgium, Germany, the Netherlands and Switzerland, each reported substantially fewer such cases in 2025.

A further 22% of cases (7,619) concerned failed transfers to **Croatia**, mainly from Germany (4,430, or 58% of all failed transfers to Croatia) and Italy (1,226). The other countries to which more than 2,000 transfers failed were, in descending order, **Spain** (3,632), **France** (2,745), **Germany** (2,586) and **Bulgaria** (2,036).

Failed Dublin procedures can also create difficulties for applicants seeking to re-enter the asylum procedure in the requesting country. In France, applicants in this situation have reportedly faced lengthy delays in obtaining a new appointment to lodge their asylum application and in accessing reception conditions.[87]

In March 2026, the CJEU ruled on the consequences of a country's unilateral suspension of incoming transfers, in a case related to transfers to Italy[88] (see above, see Italy's suspension of incoming transfers).

Shortcomings in the implementation of Dublin transfers

The low proportion of requests that ultimately result in a transfer remains a consistent feature of the Dublin system. Although the transfer rate in 2025 was the highest recorded since 2019, it has remained below 20% since at least 2015. This persistent gap between the number of requests and the number of transfers continues to raise questions about the effectiveness and functioning of the Dublin system.

EU+ countries reported several obstacles to the effective implementation of the Dublin system. Portugal's asylum authority, AIMA, identified the suspension of transfers by partner countries, difficulties securing flights that meet the requirements of partner countries, and applicants absconding as the main obstacles to implementing transfers. AIMA also experienced financial constraints which temporarily forced it to pause transfers.[89] Germany identified "obstacles posed by the receiving Member State" as the most common issue, followed by "inaction by the responsible German immigration authorities" and applicants absconding.[90] According to the EUAA, both Portugal and Greece reported significant staff shortages in their Dublin units, making it more difficult to implement transfers. Similar capacity constraints have been reported by several countries in recent years.[91] More broadly, countries identified training staff on the new rules introduced by the AMMR as a key objective for 2025–2026, ahead of the AMMR becoming applicable on 12 June 2026 (see Introduction).[92]

In 2022, states agreed on a roadmap to ensure better implementation of transfers under the Dublin III Regulation.[93] According to the EUAA, Member States worked on implementing the roadmap in 2023 and 2024.[94] However, the transfer rate only increased by 4 percentage points between 2023 and 2025, mainly due to a decrease in outgoing requests rather than an increase in transfers.

Among measures reported at the national level in 2025 aimed at improving the efficiency of Dublin procedures:

- Spain reported allocating more staff to its Dublin unit and improving IT systems, which enabled them to resume sending outgoing requests; similarly, Portugal reported creating a specific Dublin unit with additional staff within AIMA;[95]
- Germany introduced special reception centres for Dublin applicants awaiting a transfer to another EU+ country, one exclusively for applicants to be transferred to Poland and another for applicants awaiting a transfer to another EU+ country. Applicants accommodated in these centres are subject to strict residency requirements and other restrictions, which stakeholders

87 AIDA, *Country report: France – Update on the year 2025*, May 2026, available here, 74.
88 CJEU, C-458/24, *Daraa*, 5 March 2026, available here.
89 AIDA, *Country report: Portugal – Update on the year 2025*, June 2026, available here, 73.
90 AIDA, *Country report: Germany – Update on the year 2025*, June 2026, available here, 72.
91 See previous versions of this report, available on the AIDA website here.
92 EUAA, *Annual report 2026*, June 2026, available here, 62.
93 European Commission, *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the Report on Migration and Asylum*, 12 January 2023, available here, 12.
94 EUAA, *Asylum Report 2025*, June 2025, available here, 57-58.
95 EUAA, *Annual report 2026*, June 2026, available here, 62 and 149.

reported caused mental strain in some cases. In practice, a news organisation reported that few applicants had actually been returned from these centres.[96] According to the EUAA, such centres were also introduced in Finland;[97]

- Increased flexibility in accepting arrivals in Norway, Portugal and Slovakia.[98]

The EUAA also provided operational support on Dublin procedures in Belgium, Cyprus, Germany, Greece and Italy, administrative support in Bulgaria, strategic support in Romania, and relocation support in Malta.[99]

In its 2023 document reflecting "good practices" by Member States in improving Dublin implementation, the European Commission stressed that "The Asylum and Migration Management Regulation, once adopted, should rectify the most significant structural shortcomings".[100] However, although the AMMR repeals the Dublin Regulation, the responsibility rules it puts in place replicate the Dublin system, with a reinforcement of the first entry criterion. It failed to significantly expand the applicability of family provisions, and to introduce criteria that could effectively ensure "meaningful links" of the applicant with a country are taken into account in the responsibility determination procedure. More positively, the Regulation introduces the concept of "responsibility offsets", thus allowing Member States to contribute to the newly established mechanism by assuming responsibility (in lieu of the state benefitting from solidarity measures) for persons who are present on their territory. Germany and France, who by far pledged the most relocations in the first Solidarity Pool under AMMR rules established in December 2025,[101] both clarified that these pledges would be fulfilled by way of responsibility offsets, although it is meant to be a secondary form of solidarity (i.e., to meet solidarity needs when pledged relocations and financial support prove insufficient).[102] It remains to be seen whether this corrective will be sufficient to address the longstanding shortcomings of the Dublin system.[103]

Overall, the comparison between outgoing requests and actual transfers demonstrates that once again only a small fraction of Dublin procedures led to a transfer in 2025. European countries channelled many thousands of applicants into Dublin procedures that were never going to end in a transfer. This confirms ECRE's assessment that the majority of countries applying the Dublin Regulation make a conscious policy choice to subject both asylum applicants and their own administration to lengthy Dublin procedures even though they know in advance that most of these procedures will not result in a transfer. This is most evident when looking at the number of requests sent to Italy – 19,770 incoming requests reported to AIDA, 20,356 reported to Eurostat by Italy, 24,496 reported to Eurostat by the other 30 EU+ countries, instead of activating the unilateral clauses of Articles 3(2) and 17(1) (see The discretionary clauses and Systemic deficiencies), despite the country having stated in December 2022 that it would no longer accept most incoming Dublin transfers. In practice, only 66 transfers to Italy were conducted in 2025 (60 in 2024): 54 based on family unity provisions, and 12 based on the humanitarian clause,

96 AIDA, *Country report: Germany – Update on the year 2025*, June 2026, available here, 68.
97 EUAA, *Annual report 2026*, June 2026, available here, 60.
98 EUAA, *Annual report 2026*, June 2026, available here, 60.
99 EUAA, *Annual report 2026*, June 2026, available here, 62.
100 European Commission, *The Dublin roadmap in action: Enhancing the effectiveness of the Dublin III Regulation: identifying good practices in the Member States*, SWD(2023) 390 final, 23 November 2023, available here, 4.
101 Council implementing decision on the establishment of the Annual Solidarity Pool for 2026, 18 December 2025, available here.
102 AIDA, *Country report: Germany – Update on the year 2025*, June 2026, 36; InfoMigrants, 'EU migration pact: How France plans to implement the new rules', 4 May 2026, available here.
103 ECRE, *ECRE Comments on the Regulation of the European Parliament and the Council on Asylum and Migration Management*, May 2024, available here.

Article 17(2). The consequences are particularly damaging for applicants as they face a prolonged state of limbo, lengthy asylum procedures, and limited rights and guarantees.[104]

In this context, ECRE continues to emphasise that pursuing Dublin transfers is not mandatory: the Dublin Regulation – and the AMMR since 12 June 2026 – provides choices and discretion to Member States, which can decide to examine asylum claims themselves and thus avoid unnecessary human, administrative and financial costs, and situations of prolonged limbo for applicants, combined with futile burdening of their own services.[105]

Suspension of Dublin transfers and relevant case law

In 2025, the implementation of the Dublin III Regulation remained the subject of extensive litigation across the EU.[106] In accordance with well-established European case law,[107] a Dublin transfer is considered unlawful if it exposes the individual to a real risk of a serious violation of the prohibition of inhuman or degrading treatment under Article 3 ECHR and Article 4 of the Charter in the destination country. This requires asylum authorities to assess *propio motus* the situation in the destination country in terms of, inter alia, access to the asylum procedure and reception system, as well as the risk of chain *refoulement* for Dublin returnees. This briefing does not examine these lines of jurisprudence in depth but rather seeks to present recent case law developments at national and European level.

Member States continue to be reluctant to adopt formal and uniform policies on Dublin transfers, despite well-documented systemic deficiencies in asylum systems in certain countries, which may lead to courts delaying or suspending transfers. Sometimes without policy or guidance from authorities, domestic courts assess case-by-case whether and to what extent the destination country's asylum and reception systems reach the threshold of Article 3 ECHR and Article 4 of the Charter, which in turn precludes the asylum authority from carrying out the Dublin transfer. The case law in this area is also inconsistent, undermining both legal certainty for asylum seekers and a uniform implementation of the Dublin III Regulation across the EU. In this sense, this section will outline case law regarding the Dublin III Regulation issued in 2025, analysing (i) the duty to investigate and obtain guarantees; and (ii) the suspension of transfers towards selected countries; and (iii) other case law developments regarding this regulation. The examples provided are not intended as an exhaustive assessment of case law on the Dublin III Regulation in 2025.

The duty to investigate and obtain guarantees

The duty to investigate and obtain guarantees to ensure the legality of Dublin transfers[108] continues to be interpreted and applied differently across Europe. For 2025, it appears that Member States generally did not request individual guarantees (either concerning reception conditions or access to the asylum procedure) for Dublin returnees as a matter of general practices.

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104 See further, EPRS/ECRE, *Dublin Regulation on international protection applications*, February 2020, available here, 62. For an overview of procedural safeguards during the Dublin procedure in practice, see also: AIDA, *The implementation of the Dublin III Regulation in 2019 and during COVID-19*, August 2020, available here, 20-23.

105 See for example: ECRE, *The implementation of the Dublin III Regulation in 2021*, September 2022, available here; ECRE, *To Dublin or not to Dublin?*, November 2018, available here. See also CJEU, Case C-56/17 *Fathi*, Judgment of 4 October 2018, EDAL, available here, para 53.

106 The present compilation of case law refers exclusively to the Dublin III Regulation, and does not cover national case law on the application of the Asylum and Migration Management Regulation after 12 June 2026.

107 ECtHR, *M.S.S. v. Belgium and Greece*, App. No 30696/09, 21 January 2011; CJEU, Case C-578/16 PPU *C.K.*, 16 February 2017; CJEU, Case C-163/17 *Jawo*, 19 March 2019.

108 See, inter alia, ECtHR, *Tarakhel v. Switzerland*, App. No 29217/12, 4 November 2014, available here.

(i) Administrative practice

In most Member States national administrative authorities do not require to obtain and investigate individual guarantees concerning the situation in specific destination countries prior to the transfer, even in cases of vulnerable persons. However, there are some notable exceptions.

Administrative authorities in **Belgium**[109] and the **Netherlands**[110] sometimes request guarantees to ensure the continuity of an applicant's medical treatment in the country of destination.
Belgian authorities consider individual guarantees also to assess the application of the sovereignty clause when the applicant appears to be vulnerable.[111]

An internal information message of the asylum authority in the **Netherlands** states that individual guarantees should be requested for particularly vulnerable beneficiaries of protection regarding **Greece**, **Bulgaria** and **Hungary**, given that protection beneficiaries returned to these Member States are in principle assumed to be at risk of facing a situation of extreme material poverty.[112]

The **Cypriot** Dublin Unit seeks individualised guarantees that the asylum applicant will have adequate reception conditions and access to the asylum procedure upon transfer to countries facing difficulties in their asylum systems.[113]

Authorities from **Belgium**,[114] **Slovenia**,[115] and **Denmark**[116] requested individual guarantees before effecting transfers to **Croatia**.

Authorities from **Sweden**,[117] **Croatia**,[118] and **Malta**[119] also requested individual guarantees before effecting transfers to **Greece**.

Authorities from **Croatia** requested individual guarantees before effecting transfers to **Bulgaria**.[120]

(ii) Court decisions

At the same time, the substantial Dublin-related case law at the national level shows that domestic courts have sometimes required that individual guarantees are obtained and investigated prior to Dublin transfers even when this was not a matter of general administrative policy. Several domestic courts have, moreover, annulled or suspended Dublin transfers on account of the asylum authorities' failure to seek and investigate individual guarantees from destination countries despite well-documented (a) pushback allegations and deficient assessments of asylum applications, or (b) a deficient reception system. This is the case of **Switzerland**, whose courts have sometimes required individual guarantees for effecting transfers to **Greece**, **Slovenian** courts for **Croatia**, **Czech** courts for **Hungary**, or **Dutch** courts for **Belgium**. In most instances, such court decisions have, however, not led to a change in the asylum authorities' official practice nor to the creation of a consistent strand of jurisprudence, due to contradictory judgments and judgments being overturned by higher courts.

109 AIDA, *Country report: Belgium – Update on the year 2025*, July 2026, available here, 58.
110 AIDA, *Country report: Netherlands – Update on the year 2025*, June 2026, available here, 74.
111 AIDA, *Country report: Belgium – Update on the year 2025*, July 2026, available here, 58.
112 IB 2021/56 asielverzoeken van bijzonder kwetsbare statushouders, available in Dutch here.
113 AIDA, *Country report: Cyprus – Update on the year 2025*, March 2026, available here, 59.
114 AIDA, *Country report: Belgium – Update on the year 2025*, July 2026, available here, 61.
115 AIDA, *Country report: Croatia – Update on the year 2025*, May 2026, available here, 61.
116 AIDA, *Country report: Croatia – Update on the year 2025*, May 2026, available here, 61.
117 AIDA, *Country report: Sweden – Update on the year 2025*, June 2026, available here, 51.
118 AIDA, *Country report: Croatia – Update on the year 2025*, May 2026, available here, 61.
119 AIDA, *Country report: Malta – Update on the year 2025*, June 2026, available here, 57.
120 AIDA, *Country report: Croatia – Update on the year 2025*, May 2026, available here, 61.

Regarding transfers to **Greece**, in February 2025, the **Austrian** Constitutional Court dismissed an appeal against a Dublin transfer, for which Greek authorities had issued an individualised guarantee regarding accommodation even if, in practice, it did not contain any individualised elements. The Court confirmed that conditions for applicants in Greece are improving and, thus, upheld the Dublin transfer.[121] Civil society organizations have criticized the fact that the court did not conduct a detailed analysis of conditions in Greece or of the lower court's reasoning to uphold the Dublin transfer.[122] The **Swiss** Federal Administrative Court, on the other hand, held that, before ordering a Dublin transfer to **Greece**, the asylum authority is required to investigate the situation of asylum seekers there and rule on whether or not there are systemic deficiencies. This was considered necessary in light of previous case law identifying such deficiencies and the few transfers which have been approved to Greece over the last years. Relevantly, the Swiss Court also held that, while individual guarantees are not sufficient to remedy structural deficiencies, specific guarantees (e.g., if the person in question holds a residence permit protecting them from *refoulement*), could justify a transfer exceptionally when systemic deficiencies exist.[123]

In 2025, several judgments were issued by national courts concerning guarantees required to effect transfers to **Croatia**. The **Danish** Refugee Appeals Board ordered the resumption of the processing of transfers to Croatia even in the absence of general guarantees from the Croatian authorities warranting that applicants would have their asylum applications assessed in compliance with EU and international law, pending which transfers had been previously suspended.[124] However, the Administrative Court of **Slovenia** annulled a transfer decision concerning a person with chronic mental illness and schizophrenia, finding that the applicant's condition could be worsened because of the transfer, and ordered the administrative authority to seek individual guarantees from **Croatia** that the applicant would receive adequate care upon their return.[125]

In **Czechia**, the Regional Court in Brno annulled a Dublin decision because the administrative authority had failed to obtain individual guarantees from **Hungarian** authorities prior to ordering a Dublin transfer. The court had previously clearly stated that a transfer to Hungary would be compatible with Article 3(2) of the Dublin III Regulation only if specific assurances were secured in that the applicant would be allowed to lodge an application for international protection upon their transfer. However, instead of obtaining individual guarantees, the administrative authority had relied on general information provided by the Hungarian authorities to the EUAA, which the court found could not substitute individualized diplomatic assurances, particularly in light of systemic concerns regarding the Hungarian asylum legislation and practice.[126]

Recent case law by the Dutch Council of State clarifies that, in the **Netherlands**, general guarantees are to be considered insufficient when the responsible Member State fails to follow through. In a case concerning a transfer to **Belgium**, even if national authorities had committed to improve reception conditions, the Dutch court found that systemic deficiencies regarding access to accommodation

121 Austrian Constitutional Court, Decision E 4746/2024, 27 February 2025, available in German here.
122 AIDA, *Country report: Austria – Update on the year 2025*, May 2026, available here, 62.
123 Judgment of the Swiss Federal Administrative Court, of 12 June 2025. See also the summary of the case prepared by the EUAA, Fact sheet EUAA/IAS/2026/43 February 2026, *Jurisprudence related to the Dublin Procedure in 2025*, available here, and the summary of the case in the case law database of the EUAA here.
124 Judgment of the Danish Refugee Appeals Board, of 12 May 2025. See also the summary of the case prepared by the EUAA, Fact sheet EUAA/IAS/2026/43 February 2026, *Jurisprudence related to the Dublin Procedure in 2025*, available here, and the summary of the case in the case law database of the EUAA here.
125 Judgment of the Slovenian Administrative Court, of 11 March 2025. See also the summary of the case prepared by the EUAA, Fact sheet EUAA/IAS/2026/43 February 2026, *Jurisprudence related to the Dublin Procedure in 2025*, available here, and the summary of the case in the case law database of the EUAA here.
126 Regional Court in Brno, judgement No 41 Az 49/2023 – 33, 19 January 2024, available in Czech here.

persisted, especially regarding non-vulnerable single men. Therefore, transfers for this group of applicants were not to be effected.[127]

The Administrative Tribunal of **Luxembourg** annulled a Dublin transfer decision to Bulgaria of a Syrian asylum seeker, considering that their health condition, experience of physical abuse by prison guards, and evidence of systemic deficiencies in the receiving country required individual guarantees and a more detailed assessment.[128]

In 2025, the **Austrian** courts ruled that, where serious health issues are indicated in relation to an applicant subject to a Dublin transfer, authorities need to obtain individual guarantees from the Member Stated deemed responsible that suitable medical care will be provided. In this regard, the mere acceptance of responsibility and a request to obtain information regarding the applicant's health issues cannot be considered as an adequate individual guarantee.[129]

Suspension of transfers towards selected countries

In countries which are affected by longstanding, more severe and systemic deficiencies, transfers may be suspended *de jure* or *de facto*. This section analyses, first, those situations where an administrative policy has been adopted or maintained establishing the blanket suspension of Dublin transfers to a given Member State, and second, those individual cases for which Dublin transfers have been suspended by national courts.

(i) Blanket suspension of Dublin transfers to selected Member States

As in previous years, in 2025 some Member States maintained blanket (administrative) suspensions against Dublin transfers to Belgium, Hungary, Greece, Italy and Malta. The practice of different European domestic administrative authorities has, however, remained inconsistent.[130]

- **Transfers to Belgium:**

Given the worsening of the accommodation situation, without the number of accommodation places having been increased as promised by Belgian authorities, in July 2025 the Dutch Council of State ruled that single men were not to be transferred to Belgium.[131] While there were no transfers from the **Netherlands** for single men since the issuance of this judgment, in March 2026 the Dutch government decided to resume the issuance of transfer decisions for this group of applicants to Belgium. The change in policy followed information provided by the Belgian Agency for the Reception of Asylum Seekers (Fedasil) that the waiting list for reception spots was decreasing and that the Belgian government was

127 Judgment of the Dutch Council of State, 202404274/1/V3, of 23 July 2025. See also the summary of the case prepared by the EUAA, Fact sheet EUAA/IAS/2026/43 February 2026, *Jurisprudence related to the Dublin Procedure in 2025*, available here, and the summary of the case in the case law database of the EUAA here.

128 See EUAA, Fact sheet EUAA/IAS/2026/43 February 2026, *Jurisprudence related to the Dublin Procedure in 2025*, available here, and the summary of the case in the case law database of the EUAA here.

129 See EUAA, Fact sheet EUAA/IAS/2026/43 February 2026, *Jurisprudence related to the Dublin Procedure in 2025*, available here, 4.

130 It should be noted that, in August 2021, in response to the emerging humanitarian crisis in Afghanistan, the Irish Department of Justice announced that Afghan nationals facing transfers to other EU countries pursuant to the Dublin III Regulation would have their applications for international protection examined in **Ireland** on compassionate grounds (see RTÉ, Department of Justice to prioritise international protection applications from Afghan Nationals, 18 August 2021, available here). However, the extent to which this applied, or continues to apply in practice, remains unclear as of January 2026, as data regarding the nationalities of those subject to the Dublin procedure is not readily accessible (AIDA, *Country report: Ireland – Update on the year 2025*, May 2026, available here, 52).

131 Dutch Council of State, 23 July 2025, available in Dutch here.

actively trying to increase the reception capacity.[132] In any case, it is not to be expected that such transfers to Belgium will take place in practice until the Dutch courts have assessed whether the situation has actually improved.[133]

- **Transfers to Greece:**

Transfers of asylum seekers to Greece were suspended after the 2011 ECtHR and CJUE rulings in the cases of, respectively, *M.S.S. v. Belgium and Greece* and *N.S. v. Secretary of State for the Home Department*. Since then, several EU countries do not carry out transfers to Greece as a matter of policy or in practice, despite a recommendation on the resumption of transfers issued by the European Commission in 2016.[134] This is notably the case in **Spain**,[135] **Portugal**,[136] **Poland**,[137] **Hungary**,[138] **Italy**,[139] the **Netherlands**,[140] **Slovakia**,[141] **Bulgaria**,[142] **Ireland**,[143] and **Slovenia**.[144] In particular, in **Bulgaria**, **Ireland** and **Slovenia**, while take back or take charge requests are being issued to Greece, these are mostly not being effected in practice. In **Ireland** and **Slovenia** this was because none of the requests made were accepted. While in January 2026 the **Netherlands** restarted to send out transfer requests to Greece, the latter has not accepted any of these requests due to the self-assessed inadequacy of reception conditions provided. Afterwards, Dutch authorities have not issued transfer decisions to Greece.[145] In 2025, **Polish** authorities confirmed they did not send transfer requests to Greece.[146] Similarly, **Portugal** does not send requests to Greece.[147]

Moreover, **Maltese** authorities confirmed that, in practice, transfers to Greece rarely take place because Greek authorities do not provide assurances regarding reception conditions.[148] Similarly, as noted above (see The duty to investigate and obtain guarantees), although **Sweden** continues to submit requests for Dublin transfers to Greece, it does not transfer applicants unless individual guarantees have been obtained by Greek authorities. As individual guarantees from the Greek authorities are barely received, in practice Sweden does not usually transfer applicants to Greece under the Dublin III Regulation. However, two Dublin transfer decisions to Greece were enforced in 2025.[149]

To the contrary, in 2025, **Belgium** stated that it had started sending transfer requests to Greece, and one accepted take charge request resulted in a forced transfer in July 2025.[150]

- **Transfers to Hungary:**

132 See the attachment to Information Message 2026/8 'Dublin-Belgium, non-vulnerable single men', available in Dutch here.
133 AIDA, Country report: Netherlands – Update on the year 2025, June 2026, available here, page 74.
134 European Commission, Commission Recommendation (EU) 2016/2256 of 8 December 2016 addressed to the Member States on the resumption of transfers to Greece under Regulation (EU) No 604/2013 of the European Parliament and of the Council, 8 December 2016, available here.
135 AIDA, *Country report: Spain – Update on the year 2025*, April 2026, available here, 62.
136 AIDA, *Country report: Portugal – Update on the year 2025*, June 2026, available here, 76.
137 AIDA, *Country report: Poland – Update on the year 2025*, June 2026, available here, 14.
138 AIDA, *Country report: Hungary – Update on the year 2025*, May 2026, available here, 57.
139 AIDA, *Country report: Italy – Update on the year 2025*, July 2026, available here, 101.
140 AIDA, *Country report: Netherlands – Update on the year 2025*, June 2026, available here, 74.
141 AIDA, *Country report: Slovakia – Update on the year 2025*, July 2026, available here, 37.
142 AIDA, *Country report: Bulgaria – Update on the year 2025*, May 2026, available here, 56.
143 AIDA, *Country report: Ireland – Update on the year 2025*, May 2026, available here, 52.
144 AIDA, *Country report: Slovenia – Update on the year 2025*, May 2026, available here, 51.
145 Following the Decisions by the Council of State, No 201904035/1/V3, 23 October 2019, available in Dutch here; and No 201904044/1/V3, 23 October 2019, available in Dutch here. See also AIDA, Country report: Netherlands – Update on the year 2025, June 2026, available here, 74.
146 AIDA, *Country report: Poland – Update on the year 2025*, June 2026, available here, 14.
147 AIDA, *Country report: Portugal – Update on the year 2025*, June 2026, available here, 76.
148 AIDA, *Country report: Malta – Update on the year 2025*, June 2026, available here, 57.
149 AIDA, *Country report: Sweden – Update on the year 2025*, June 2025, available here, 51.
150 AIDA, *Country report: Belgium – Update on the year 2025*, July 2026, available here, 63.

The blanket suspension of Dublin transfers to Hungary continues to be applied in several Member States, including *de facto*, by not effecting transfers. This is due to the many shortcomings in the Hungarian asylum and accommodation facilities, and takes place namely in **Belgium**,[151] the **Netherlands**,[152] **Sweden**,[153] and **Switzerland**.[154] In **Sweden**, the Swedish Migration Agency makes the transfer request and takes the transfer decision but does not enforce them. In practice, this means that, after six months have passed, the asylum process of the recipients of Dublin decisions towards Hungary continues in Sweden, and they can apply for asylum in Sweden.[155]

- **Transfers to Italy:**

Dublin transfers to **Italy** continued to be the subject of questioning at domestic level in several EU Member States. On 5 December 2022, the Italian Dublin Unit announced the suspension of incoming transfers because of the saturation of its reception system. The state of emergency in Italy was extended on 10 October 2024 but was not renewed after April 2025.[156] As noted above (see Systemic deficiencies), responses to the consequences of the suspension of incoming transfers by Italy have been varied in the EU, with many countries refusing to effect transfers (even when transfer decisions have been issued). This is illustrated in transfer figures, with only 66 transfers having been effected in 2025 out of a total of over 19,000 take charge and take back requests to Italy. None of those effected transfers corresponded to a take back request.[157]

Some countries continue to issue transfer decisions to Italy and wait for the six-month transfer period to expire before examining applications on their merits; others have limited or ceased transfer requests or have relied on judicial decisions and discretionary provisions to prevent transfers.

In 2025, **Austria** continued to issue requests and sometimes detain applicants with a view of conducting a Dublin transfer, and only admitted applicants to the procedure once the 6 months had passed.[158] In the **Netherlands**, since the Council of State ruling in April 2023 stating that there was no longer mutual trust *vis-à-vis* Italy due to the lack of adequate accommodation capacity recognized by Italy as a reason for the suspension (that would lead to a situation of extreme material poverty as outlined by the CJEU in the *Jawo* judgment[159]), no more transfers had taken place as of March 2026. However, authorities still sent requests to Italy, forcing applicants to wait 6 months before their application is examined in substance in the Netherlands.[160]

The **Belgian** Immigration Office continued to hand out Dublin decisions for Italy, highlighting that applicants could still return to Italy voluntarily, although forced transfers were not organised.[161] Also in **Ireland**, while transfer requests were made to Italy, no such transfers were effectively implemented in 2025.[162]

In 2025, **Polish** authorities confirmed they did not even send transfer requests to Italy.[163]

151 AIDA, *Country report: Belgium – Update on the year 2025*, July 2026, available here, page 63.
152 AIDA, *Country report: Netherlands – Update on the year 2025*, June 2026, available here, 74.
153 AIDA, *Country report: Sweden – Update on the year 2025*, June 2025, available here, 51.
154 AIDA, *Country report: Switzerland – Update on the year 2025*, May 2026, available here, 51.
155 AIDA, *Country report: Sweden – Update on the year 2025*, June 2026, available here, 51.
156 Delibera del Consiglio dei Ministri del 10 ottobre 2024 - Proroga dello stato di emergenza in conseguenza dell'eccezionale incremento dei flussi di persone migranti in ingresso sul territorio nazionale attraverso le rotte migratorie del Mediterraneo, published on 11 November 2024, available here.
157 AIDA, *Country report: Italy – Update on the year 2025*, July 2026, available here, page 90. These figures exclude the transfers based on the "family unity" criterion.
158 AIDA, *Country report: Austria – Update on the year 2025*, May 2026, available here, 152.
159 CJEU, Case C-163/17 *Jawo*, 19 March 2019.
160 AIDA, *Country report: Netherlands – Update on the year 2025*, June 2026, available here, 68ff.
161 AIDA, *Country report: Belgium – Update on the year 2025*, July 2026, available here, 63.
162 AIDA, *Country report: Ireland – Update on the year 2025*, May 2026, available here, 53.
163 AIDA, *Country report: Poland – Update on the year 2025*, June 2026, available here, 14.

In **Germany**, mixed court decisions (see Suspension of individual Dublin transfer decisions) illustrate the ongoing tension between the administrative authority's systematic issuance of Dublin transfer requests to Italy and courts' scrutiny of conditions on the ground, including reception standards and potential systemic deficiencies.[164]

At the end of 2024, during a press conference in **Switzerland**, the Italian Minister of the Interior announced his willingness to discuss resuming incoming Dublin transfers.[165] However, a negligible number (7) of transfers to Italy were actually effected from Switzerland and the country also applied the sovereignty clause of Article 17(1) in a multitude of cases which concerned applicants for which Italy would have been the responsible country.[166]

Dutch authorities indicated how, in June 2026, Italian authorities had promised that Italy would fully comply with the transfer obligations and provide adequate accommodation to returnees. Moreover, they also stated that there is no evidence as to the fact that returnees would not receive shelter in Italy, or that there is a structural overcrowding in reception centers.[167]

- **Transfers to Malta:**

Due to a lack of mutual trust *vis-à-vis* Malta, no transfer decisions were taken in the **Netherlands** in 2025 and as of May 2026.[168]

According to its own manual,[169] the **Swiss** Migration Authority does not transfer vulnerable asylum applicants to Malta if they are facing detention. For other applicants, four Dublin transfers took place to Malta from Switzerland in 2025.[170]

(ii) Suspension of individual Dublin transfer decisions

Notwithstanding European domestic courts' reluctance to recognise the existence of systemic deficiencies in some Member States' reception and wider asylum system, numerous individual transfers were suspended in 2025 based on concerns regarding, *inter alia*, the possibility for Dublin returnees to access the asylum procedure and reception conditions, and risks of *refoulement*.

- **Transfers to Belgium:**

In October 2025, the Civil Court of Rome annulled a transfer from **Italy** to Belgium considering (1) that the ECtHR has repeatedly found Belgium infringed its human rights obligations regarding the reception conditions of asylum seekers; (2) the country's refusal to comply with court orders; and (3) that there was a real risk that, if transferred, the applicant would be subjected to inhuman and degrading treatment due to the systemic deficiencies of the reception system.[171]

Similarly, the **Dutch** Council of State held that non-vulnerable single men cannot be transferred to Belgium given the structural deficiencies in the reception system for them in Belgium (and the

164 AIDA, *Country report: Germany – Update on the year 2025*, June 2026, available here, 84.
165 News Service Bund (Swiss), 'L'Italie prête à discuter de la reprise des transferts Dublin', 26 novembre 2024, available in French here.
166 AIDA, *Country report: Switzerland – Update on the year 2025*, May 2026, available here, 43, 45, 52.
167 See *Minister mag twee asielzoekers overdragen aan Italië*, 3 November 2026, available in Dutch here.
168 AIDA, *Country report: Netherlands – Update on the year 2025*, June 2026, available here, 68ff.
169 *Manuel Asile et retour*, C3 Procédure Dublin, available in French here.
170 AIDA, *Country report: Switzerland – Update on the year 2025*, May 2026, available here, 52.
171 Civil Court of Rome, decision of 8 October 2025, appeal no, 24095/2025.

indifference of the Belgian authorities to improve the situation), as well as a lack of access to an effective remedy.[172]

- **Transfers to Bulgaria:**

While transfers to Bulgaria resumed in several European countries in recent years (e.g., **Belgium**[173]), in February 2025 a court in **France** concluded that the situation of asylum applicants in Bulgaria still justified cancellation of transfers to this country.[174] In 2025, the **Czech** Supreme Administrative Court annulled a transfer to Bulgaria of a Syrian woman who survived a traumatic journey in a truck, as it held the administrative authority cannot rely on a simple statement that the applicant is healthy but must rather actively investigate potential mental health deterioration through expert medical assessments.[175] As noted above (see The duty to investigate and obtain guarantees), also the Administrative Tribunal of **Luxembourg** annulled a Dublin transfer decision to Bulgaria of a Syrian asylum seeker, considering that their health condition, experience of physical abuse by prison guards, and evidence of systemic deficiencies in the receiving country required individual guarantees and a more detailed assessment.[176]

The practice of **German** courts regarding Dublin transfers to Bulgaria varied also in 2025. Some courts annulled Dublin transfer decisions in the case of vulnerable applicants, considering that Bulgaria's asylum and reception system presented systemic deficiencies for highly vulnerable individuals, including inadequate medical care, poor living conditions, and lack of protection mechanisms, which created a real risk of inhuman or degrading treatment.[177] However, some courts upheld Dublin transfers to Bulgaria considering that there are no systematic deficiencies in the asylum procedure, including for families with children.[178] The Bavarian Refugee Council reported about a case concerning a transfer to Bulgaria in spring of 2025, where an elderly Syrian woman with cancer was transferred to Bulgaria despite her medical condition and family ties to Germany (where her two sons lived and had promised to cover all her medical costs). A court in Würzburg ruled that she should be allowed to return to Germany, but her repatriation became impossible because authorities had retained her Syrian passport during the deportation (which prevented the German embassy in Sofia from issuing the necessary visa for her return).[179]

To the contrary, the Supreme Court of **Slovenia** upheld a transfer decision to Bulgaria regarding a person with a several medical conditions that it did not consider particularly serious illnesses that would expose them to inhuman or degrading treatment upon their transfer considering the availability of healthcare in Bulgaria.[180]

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172 Dutch Council of State, 202404274/1/V3, 23 July 2025. See also the summary of the case prepared by the EUAA, Fact sheet EUAA/IAS/2026/43 February 2026, *Jurisprudence related to the Dublin Procedure in 2025*, available here, and the summary of the case in the case law database of the EUAA here.

173 AIDA, *Country report: Belgium – Update on the year 2024*, June 2025, available here, page 69.

174 Administrative Court of Nantes, 6 February 2025, n°2500780.

175 Czech Supreme Administrative Court, judgement No 2 Azs 5/2025 – 45, 4 March 2025, available in Czech here.

176 Administrative Tribunal of Luxembourg, Decision No. 52216, 11 February 2025. See EUAA, Fact sheet EUAA/IAS/2026/43 February 2026, *Jurisprudence related to the Dublin Procedure in 2025*, available here, and the summary of the case in the case law database of the EUAA here.

177 See, for example, Administrative Court Würzburg, 13 January 2025 – W 6 K 24.50451, available in German here; or Administrative Court Düsseldorf, 21.07.2025 – 29 K 1083/25, available in German here.

178 See, for example, Administrative Court Saarland, 7 November 2025, 3 L 1857/25, available in German here; Administrative Court Cologne, 15 May 2025, 23 L 1145/25.A; or Higher Administrative Court Baden-Württemberg, 12 March 2025, A 4 S 256/24,available here.

179 See Bayerischer Flüchtlingsrat, "Krebskranke Frau aus Krankenhaus nach Bulgarien abgeschoben," April 11, 2025, available here; and Bayerischer Flüchtlingsrat, "Update Abschiebung nach Bulgarien: Fataler Fehler der Ausländerbehörde," April 2025, available here.

180 Slovenian Supreme Court, VS00087201, 1 August 2025. See EUAA, Fact sheet EUAA/IAS/2026/43 February 2026, *Jurisprudence related to the Dublin Procedure in 2025*, available here, and the summary of the case in the case law database of the EUAA here.

- **Transfers to Croatia:**

Dublin transfers to Croatia have been the focus of numerous legal challenges before European domestic courts also in 2025, notably in relation to the country's well-documented pushback practices and deficient asylum system.

Judicial practice in Dublin cases concerning Croatia remained significant in **Germany** in 2025, with mixed outcomes. German courts decided 952 interim relief applications related to Croatia, granting suspensive effect in 156 cases and rejecting 796 applications.[181] Some German courts raised concerns regarding, among others a risk of chain *refoulement* to Bosnia Herzegovina and Serbia and police violence against asylum seekers.[182] Other German courts, however, dismissed appeals against Dublin transfers to Croatia considering that there were no (sufficiently serious) systemic deficiencies in the country's reception and asylum system.[183] Courts in **France** also overturned transfer decisions in view of the situation faced by asylum applicants in Croatia.[184]

The **UN Committee Against Torture** issued a ruling in April 2025 that recognised reports of ill treatment at Croatia's borders but concluded that these practices did not necessarily apply to individuals subject to a Dublin transfer and, therefore, found that **Switzerland** would not breach its human rights obligations by effecting a Dublin transfer to Croatia. Moreover, it dismissed the arguments regarding a lack of access to the asylum procedure, a risk of *refoulement* to the applicant's home country and complaints regarding access to healthcare in Croatia.[185] Similarly, the Administrative Court of **Slovenia** found that the alleged police misconduct during irregular border crossings did not demonstrate systemic deficiencies in the asylum system of Croatia, highlighting that in order to assess the existence of a risk of inhuman treatment upon transfer, only the circumstances that affect the applicants after a transfer are relevant. However, the court ultimately annulled the transfer decision for health reasons, ordering the administrative authority to obtain individual guarantees from Croatian authorities before ordering the applicant's transfer (see The duty to investigate and obtain guarantees).[186]

- **Transfers to Cyprus:**

The case law of courts in the **Netherlands** regarding Dublin transfers to Cyprus had been varied in 2024. Several Regional Courts had previously ruled that Dublin transfers cannot be effected, considering the lack of sufficient reception capacity (e.g., for Dublin transferees, only women and families were assured of receiving shelter).[187] However, in March 2025, the Dutch Council of State settled the dispute, ruling that, even though the situation regarding the asylum system in Cyprus was worrying (e.g., with the maximum period for deciding on an asylum applications being exceeded), the principle of mutual trust with Cyprus could be relied upon and Dublin transfers could be effected there. The Court noted, among others, that: (a) the situation had improved in recent years; (b) there are no structural shortcomings in the reception system that would amount to ill treatment; and (c) there was no

181 See Federal Government, *Response to parliamentary question by the Left, 21/4911*, 30 March 2026, available in German here.

182 See, for example, Administrative Court Munich, M 10 K 22.50479, judgment of 22 February 2024, available in German here.

183 See, for example, Administrative Court Munich, M 3 S 25.50045, 12 February 12, 2025, available in German here. Although noting potential systemic weaknesses in Croatia's asylum system, the court held they did not create a concrete risk of inhuman or degrading treatment.

184 Administrative court of Nantes, 21 March 2025, n°2502851.

185 UN Committee against Torture: *Decision adopted by the Committee under Article 22 of the Convention, concerning communication No. 1107/2021*.

186 Judgment of the Slovenian Administrative Court, of 11 March 2025. See also the summary of the case prepared by the EUAA, Fact sheet EUAA/IAS/2026/43 February 2026, *Jurisprudence related to the Dublin Procedure in 2025*, available here, and the summary of the case in the case law database of the EUAA here.

187 Regional Court Middelburg, Decision No NL23.18813, 12 October 2023, available in Dutch here.

evidence that Dublin transferees are systematically detained and do not have access to an effective remedy against a rejection of their asylum application.[188]

- **Transfers to Denmark:**

Dublin transfers to Denmark have generally been carried out in 2025, as no systemic deficiencies were found to exist in the country's asylum and reception systems. In a judgment confirming this matter, the **Dutch** District Court of the Hague seated in Roermond further clarified that the administrative authority: (a) must reason its intention to effect a Dublin transfer before a claim agreement is accepted by the Member State deemed responsible; and (b) is not obliged to apply the discretionary clause under Article 17 of the Dublin III Regulation on the basis of claims of racism in the receiving Member State.[189]

- **Transfers to France**

Dublin transfers to France were generally upheld by national courts in 2025, finding no systemic deficiencies in the country's asylum and reception systems. Several examples can be highlighted where national courts further assessed other elements confirming this conclusion. The Administrative Tribunal of **Luxembourg** dismissed an appeal against a transfer decision finding no violation of children's best interest.[190] The **Dutch** Council of State also upheld a Dublin transfer to France, clarifying that the administrative authority is not obliged to address every individual circumstance in the intention phase of the Dublin procedure, but all essential elements need to be sufficiently dealt with in the final transfer decision. The court also noted that pregnancy does not preclude a Dublin transfer to France, as the country does have adequate procedures and safeguards in place for vulnerable applicants.[191] The **Austrian** Supreme Administrative Court clarified that the administrative authority is not at fault for not investigating the health of an applicant if evidence thereto has become available only once the transfer decision has been taken. Moreover, new information that has been submitted during the appeal against the transfer decision will not automatically justify a reassessment unless the deficiencies are so substantial that the court of appeal could not correct them with effort and speed that is reasonable.[192]

- **Transfers to Germany:**

Dublin transfers to Germany have generally been upheld by European domestic courts, which did not find evidence of structural shortcomings in the reception system or the asylum procedure. For illustrative purposes, the **Portuguese** Central Administrative Court rejected an appeal against a Dublin transfer of an LGBTQI+ applicant from Sierra Leone who had already had their asylum application rejected in Germany. The court ruled this way after finding that the applicant had not established: (a) the existence

188 Dutch Council of State, *The Minister for Asylum and Migration v, Applicant*, No 202403478/1/V3, 26 March 2025, available in Dutch here. See also the summary of the case prepared by the EUAA, Fact sheet EUAA/IAS/2026/43 February 2026, *Jurisprudence related to the Dublin Procedure in 2025*, available here, and the summary of the case in the case law database of the EUAA here.

189 Court of The Hague, NL25.846, 20 February 2025. See also the summary of the case prepared by the EUAA, Fact sheet EUAA/IAS/2026/43 February 2026, *Jurisprudence related to the Dublin Procedure in 2025*, available here, and the summary of the case in the case law database of the EUAA here.

190 Administrative Tribunal of Luxembourg, Decision No. 53635, 14 November 2025. See also the summary of the case prepared by the EUAA, Fact sheet EUAA/IAS/2026/43 February 2026, *Jurisprudence related to the Dublin Procedure in 2025*, available here, and the summary of the case in the case law database of the EUAA here.

191 Dutch Council of State, 202403570/1/V2, 11 April 2025. See also the summary of the case prepared by the EUAA, Fact sheet EUAA/IAS/2026/43 February 2026, *Jurisprudence related to the Dublin Procedure in 2025*, available here, and the summary of the case in the case law database of the EUAA here.

192 Supreme Administrative Court of Austria, Ra 2024/18/0150, 24 April 2025. See also the summary of the case prepared by the EUAA, Fact sheet EUAA/IAS/2026/43 February 2026, *Jurisprudence related to the Dublin Procedure in 2025*, available here, and the summary of the case in the case law database of the EUAA here.

of systemic flaws in the asylum procedure or reception conditions; or (b) how their medical condition (i.e., epilepsy) would affect their rights in the asylum procedure in Germany.[193]

- **Transfers to Greece:**

In 2025, **German** administrative courts issued 46 publicly available decisions concerning Dublin transfers to Greece.[194] In 40 of these cases, the appeal against the transfer decision was successful. Most successful claims involved applicants with recognized protection status, particularly vulnerable groups such as women, minors, or individuals with serious health conditions or psychological disorders.[195] Courts repeatedly highlighted risks of inhuman or degrading treatment under Article 4 of the EU Charter, often linked to inadequate reception conditions, homelessness, or lack of access to the labour market in Greece.[196] Only a small number of appeals were unsuccessful, typically involving healthy, adult, male applicants for whom no concrete risk of ill treatment could be established.[197]

Since November 2017, in most of the cases **Switzerland** relinquished transfers to Greece and applied the sovereignty clause. This practice changed in August 2024, when the administrative authority issued several Dublin decisions regarding Turkish men. In June 2025, however, the Swiss Federal Administrative Court sent these cases back to the administrative authority for them to investigate the situation for asylum seekers in Greece in depth and to take position on whether there are systemic deficiencies in the country before ordering a Dublin transfer there.[198]

- **Transfers to Hungary:**

As noted above (see Blanket suspension of Dublin transfers to selected Member States), the blanket suspension on Dublin transfers to Hungary continues to be applied in several Member States, including *de facto*, by not effecting transfers. This is due to the many shortcomings in the Hungarian asylum and accommodation facilities, and is applied in **Belgium**,[199] the **Netherlands**,[200] **Sweden**,[201] and **Switzerland**.[202] Additionally, some national courts have also blocked individual transfers. For example, the District Administrative Court of **Latvia** annulled a Dublin transfer to Hungary considering existing systemic deficiencies in the asylum system of the country, as well as the lack of guarantees as to the possibility of the person to lodge an asylum application for international protection.[203]

- **Transfers to Italy:**

Dublin transfers to Italy were the subject of litigation before numerous national courts in Europe in 2025.

193 Central Administrative Court of Portugal, 565/25.4BEPRT, 9 October 2025. See also the summary of the case prepared by the EUAA, Fact sheet EUAA/IAS/2026/43 February 2026, *Jurisprudence related to the Dublin Procedure in 2025*, available here, and the summary of the case in the case law database of the EUAA here.

194 All 46 decisions are available on the database of the Informationsverbund Asyl und Migration here.

195 See for example, VG Frankfurt/Oder, 10 November 2025 – 1 L 650/25.A; VG Magdeburg, 7 November 2025 – 9 B 455/25 MD; or VG Oldenburg, 6 November 2025 – 12 B 7351/25.

196 See, for example, VG Gießen, 30 October 2025 – 1 L 6036/25.GI.A; VG Hannover, 17 June 2025 – 2 L 596/25.A; or VG Dresden, 6 August 2025 – 11 L 840/25.A.

197 See, for example, VG Göttingen, 27 October 2025 – 2 B 617/25; VG Augsburg, 7 October 2025 – Au 1 S 25.35775; VG Leipzig, 10 July 2025 – 6 L 445/25.A.

198 Swiss Federal Administrative Court, media release, 27 June 2026, available here.

199 AIDA, *Country report: Belgium – Update on the year 2025*, July 2026, available here, page 63.

200 AIDA, *Country report: Netherlands – Update on the year 2025*, June 2026, available here, 74.

201 AIDA, *Country report: Sweden – Update on the year 2025*, June 2025, available here, 51.

202 AIDA, *Country report: Switzerland – Update on the year 2025*, May 2026, available here, 51.

203 Administrative District Court of Latvia, A42-01387-25/42, 8 April 2025. See EUAA, Fact sheet EUAA/IAS/2026/43 February 2026, *Jurisprudence related to the Dublin Procedure in 2025*, available here, and the summary of the case in the case law database of the EUAA here.

Since 2023, **French** courts have generally annulled transfer decisions to Italy due to manifest errors in assessing the applicants' vulnerability under the discretionary clause of the Dublin III Regulation.[204] Moreover, following Italy's decision to suspend incoming transfers since 2022, Administrative Courts and then Administrative Courts of Appeal generally overturn transfer decisions to Italy, finding a systemic failure in the country's asylum system.[205] Also in **Czechia**, some courts have annulled Dublin transfers to Italy, highlighting a critical lack of reception capacity and overcrowding in Italy, which they considered may lead to homelessness and material deprivation.[206]

In **Germany**, awaiting the ruling of the CJEU in a preliminary reference question on the consequences of a Member States' unwillingness to accept incoming Dublin transfers, the court suspended the proceedings in six similar cases for the transfer of families with young children, precisely due to Italy's refusal to admit such applicants.[207] The judgment of the CJEU was delivered in March 2026 (see C-458/24 *Daraa*, described under Other cases under the Dublin III Regulation).[208] In any case, in 2025, German Administrative Courts continued to issue mixed rulings on Dublin transfers to Italy, with diverging decisions on the issue of whether problems in the Italian asylum system amount to "systemic deficiencies" or not, and on whether the situation of Dublin returnees in Italy calls for individualised guarantees or not.[209] Some courts blocked Dublin transfers, often in cases involving applicants willing to return voluntarily or cases where procedural irregularities were invoked.[210] Unsuccessful appeals against Dublin transfers to Italy generally concerned non-vulnerable applicants where no concrete risk of inhuman or degrading treatment could be established.[211] In December 2025, the German Federal Court of Justice emphasised that, in line with the principle of proportionality, detention cannot be ordered where there are known obstacles to the Dublin transfer, such as the capacity issues and suspension of transfers in Italy.[212]

In November 2026, however, a **Dutch** court upheld the transfer of two applicants to Italy, considering they had not sufficiently demonstrated that return to Italy is not possible under the Dublin III Regulation. In particular, the court noted that from the figures published by the Italian government, there is currently no shortage of reception capacity. Moreover, the court highlighted that recent reports from the EUAA, the European Migration Network and the European Commission also showed that there are sufficient reception places available in Italy. In this sense, the court held that the fact that Italy does not reserve places for transferees does not mean that there is no place for them.[213]

- **Transfers to Malta:**

Notwithstanding the application of general suspensions of Dublin transfers to Malta applied by some national administrative authorities (e.g., the **Netherlands**,[214] and **Switzerland** for vulnerable asylum applicants to Malta if they are facing detention[215] - see Blanket suspension of Dublin transfers to

204 See, most recently, Administrative court of Nantes, 21 March 2025, n°2502851.
205 See, for example, Administrative court of Paris, 21 March 2025, n°2504220.
206 Regional Court in Hradec Králové, judgement No 31 Az 5/2024 64, 30 August 2024, available in Czech here.
207 German Federal Administrative Court, 1 C 24.24, 28 August 2025. See also EUAA, Fact sheet EUAA/IAS/2026/43 February 2026, *Jurisprudence related to the Dublin Procedure in 2025*, available here, 11.
208 CJEU, C-458/24, *Daraa*, 5 March 2026, available here.
209 Informationsverbund Asyl & Migration, *Decisions Dublin Transfers to Italy 2025*, available in German here.
210 See, for example, Administrative Court Frankfurt/Oder, 1 L 597/25.A, 2 October 2025; Administrative Court Münster, 10 L 515/25.A, 20 May 2025; or Administrative Court Düsseldorf, 22 K 9129/24.A, 15 May 2025.
211 See, for example, Higher Administrative Court Hessen, 2 A 1129/25.A, 12 August 2025; Higher Administrative Court Niedersachsen, 10 LB 70/25, 4 June 2025; or Administrative Court Gera, 2 K 1169/24, 15 May 2025.
212 BGH, Decision of 17 December 2025 – XIII ZB 8/23, available in German here.
213 See Minister mag twee asielzoekers overdragen aan Italië, 3 November 2026, available in Dutch here.
214 AIDA, *Country report: Netherlands – Update on the year 2025*, June 2026, available here, 68ff.
215 AIDA, *Country report: Switzerland – Update on the year 2025*, May 2026, available here, 52.

selected Member States-). Dublin transfer decisions to Malta were generally upheld by European domestic courts in 2025. In particular, the **Swiss** Federal Administrative Court assessed the asylum procedure and reception system in Malta and found no systemic deficiencies.[216]

- **Transfers to the Netherlands:**

A recent **Czech** ruling regarding a transfer to the Netherlands concluded that the administrative authority must assess the specific risks related to a gender transition of an applicant and the receiving ability of the receiving State to protect them before effecting a Dublin transfer.[217]

However, the **Swiss** Federal Administrative Court annulled the administrative authority's decision to transfer an Algerian applicant to the Netherlands. The court considered that the applicant should have been treated as a minor, as the provisional age assessment (i.e., unverified digital identity copies provided by Dutch authorities) lacked sufficient evidentiary basis and the applicant's testimony and schooling chronology were more credible.[218]

- **Transfers to Poland:**

In 2025, as a response to new legislation in Poland suspending the right to asylum for migrants entering the country at the border with Belarus, courts in the **Netherlands** were called to assess whether transfers to Poland could continue. The Regional Court of Amsterdam ruled in May that the administrative authority had to further investigate the situation in Poland and what would happen to Dublin returnees.[219] Ultimately, the Council of State ruled in August 2025 that, although the law itself was problematic, transfers could continue as it did not concern Dublin returnees.[220] However, the District Court of the Hague, sitting in Haarlem, annulled a Dublin transfer to Poland. The court found that, while mutual trust can generally be relied upon with regard to Poland, the applicant had sufficiently demonstrated the existence of systemic deficiencies in his asylum procedure regarding a risk of *refoulement*.[221] In particular, the court considered that, despite a judgment by the Polish Court of Appeal prohibiting the applicant's extradition to Tajikistan and a commitment by the Polish authorities to the ECtHR not to deport the applicant until a decision was taken on his new asylum application, two attempts at deportation had been carried out (the second one just one day after his Dublin transfer to Poland).

In **Germany,** a Dublin transfer to Poland was blocked in 2025. The Administrative Court Hannover concluded by emphasizing the systemic deficiencies in the Polish asylum system, finding that the applicant would likely be denied meaningful access to the asylum procedure, in part due to Poland's strict nine-month rule for Dublin returnees, widespread pushbacks at the Belarus border, and the denial of registration for asylum seekers arriving irregularly. The court highlighted documented reports of violence, inadequate reception conditions, and restricted access to legal assistance, concluding that

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216 Swiss Federal Administrative Court, F-2713/2025, 28 April 2025. See also the summary of the case prepared by the EUAA, Fact sheet EUAA/IAS/2026/43 February 2026, *Jurisprudence related to the Dublin Procedure in 2025*, available here, and the summary of the case in the case law database of the EUAA here.

217 Regional Court in Brno, judgement No 41 Az 5/2025-25, 9 April 2025, available in Czech here.

218 See, for example, Swiss Federal Administrative Court, F-7034/2025, 25 September 2025. See also the summary of the case prepared by the EUAA, Fact sheet EUAA/IAS/2026/43 February 2026, *Jurisprudence related to the Dublin Procedure in 2025*, available here, and the summary of the case in the case law database of the EUAA here.

219 Regional Court of Amsterdam, 6 May 2025, available in Dutch here.

220 Dutch Council of State, 14 August 2025, available in Dutch here.

221 Court of The Hague, NL25.3915, 15 May 2025. See also the summary of the case prepared by the EUAA, Fact sheet EUAA/IAS/2026/43 February 2026, *Jurisprudence related to the Dublin Procedure in 2025*, available here, and the summary of the case in the case law database of the EUAA here.

these structural shortcomings create a real risk of inhuman or degrading treatment and render the transfer incompatible with non-refoulement obligations under both the ECHR and EU law.[222]

- **Transfers to Romania:**

Appeals against Dublin transfers to Romania have generally been rejected by European domestic courts in 2025.[223] For example, the Administrative Tribunal of **Luxembourg** dismissed an appeal against a transfer decision to Romania, as it found that (a) a valid residence document in Romania implied responsibility (Article 12(1) of the Dublin III Regulation), irrespective of a false identity having been declared; and (b) no systemic deficiencies or individual risk regarding the asylum and reception systems in Romania had been demonstrated.[224]

- **Transfers to Spain:**

Dublin transfer decisions to Spain were generally upheld by European domestic courts in 2025. However, the **Belgian** Council for Alien Law Litigation (CALL) suspended one such transfer, based on the inadequate examination of the applicant's minority.[225] Relevantly, the court referred to to the conclusions of the ECtHR in *F.B. v Belgium* concerning the (un)reliability of bone tests used in age assessments in Belgium.[226] In this context, the risk of inhuman or degrading treatment if the transfer were effected could not be ruled out, so that the court ordered the asylum authority to properly consider the vulnerability of the applicant as an unaccompanied child and perform a thorough re-assessment of reception conditions in Spain for vulnerable applicants.

- **Transfers to Sweden:**

In June 2026 the Civil Court of Trieste annulled a transfer from **Italy** concerning a vulnerable Iraqi asylum applicant who had been rejected international protection in Sweden.[227] Given the impossibility of replicating the assessment carried out in Sweden, the court examined the conditions set out in the provisions on special protection and found them to be met. Therefore, taking into account the vulnerability of the applicant, the risk of persecution upon return to Iraq, and the difficulties encountered in Sweden during the international protection procedure, the court held that the conditions for invoking the discretionary clause under Article 17 of the Dublin III Regulation were met.

Other developments by European and national courts regarding the Dublin III Regulation

During 2025, courts in Europe also issued some key rulings on the interpretation of Dublin rules.

(i) Discretionary / humanitarian clause (Article 17 Dublin III Regulation)

222 Administrative Court Hannover, 15 A 5036/24, 15 October 2025, available in German here.

223 See, for example, Administrative Tribunal of Luxembourg, Decision No. 53416, 14 September 2025. See also the summary of the case prepared by the EUAA, Fact sheet EUAA/IAS/2026/43 February 2026, *Jurisprudence related to the Dublin Procedure in 2025*, available here, and the summary of the case in the case law database of the EUAA here.

224 Administrative Court of Luxembourg, Decision No. 53681, 18 November 2025. See also the summary of the case prepared by the EUAA, Fact sheet EUAA/IAS/2026/43 February 2026, *Jurisprudence related to the Dublin Procedure in 2025*, available here, and the summary of the case in the case law database of the EUAA here.

225 Belgian CALL, Decision No 325 976, 29 April 2025. See also the summary of the case prepared by the EUAA, Fact sheet EUAA/IAS/2026/43 February 2026, *Jurisprudence related to the Dublin Procedure in 2025*, available here, and the summary of the case in the case law database of the EUAA here.

226 ECtHR, *F.B. v Belgium*, Application No. 47836/21, 6 March 2025, available in French here. See also the summary of the case in the case law database of the EUAA here.

227 Civil Court of Trieste, decision of 30 June 2026.

Italian courts issued several judgments regarding the applicability of the discretionary clause under Article 17 of the Dublin III Regulation. Following the 2023 CJEU ruling in Joined Cases C-228/21, C-254/21, C-297/21, C-315/21 and C-328/21,[228] the Italian Court of Cassation held that the use of the discretionary clause under the Dublin III Regulation can only be judicially reviewed in exceptional cases involving systemic deficiencies in the Member State deemed responsible. The Court further held that the right to national protection can represent a reason for challenging a Dublin transfer decision, and it is also one of the reasons on which a judge can order the administrative authority to apply the discretionary clause under Article 17 (1) of the Dublin III Regulation.[229] In another case, the Italian Court of Cassation ruled that, if an asylum applicant has highlighted in their appeal reasons why they would be entitled to national protection, the judge can evaluate the tacit refusal by the State to exercise the sovereignty clause and whether this refusal constitutes a violation of the right to national protection. This is in particular due to the obligation to grant national protection if it has been established that, in case of expulsion, the person would be at risk of persecution or of torture or inhuman treatment.[230] The Civil Court of Florence upheld the appeal of an asylum applicant that declared Italy as responsible for examining an asylum application. In particular, the Court considered the long time spent waiting for a decision by the CJEU, during which the proceedings had been suspended, was contrary to the speed requirements established by the regulation.[231]

The **Austrian** Federal Administrative Court ruled that the discretionary clause had to be applied to an appeal against a Dublin transfer to Hungary. In particular, the court considered the applicant's psychological problems, the presence of both their parents in Austria, and their demonstrable integration steps within a short period (i.e., having learnt German and completed a full training course in Austria).[232]

In the **Netherlands**, while enjoying a large margin of discretion in applying Article 17 of the Dublin III Regulation, the asylum authority must state the reasons for refraining from applying the discretionary clause if the applicant has expressly invoked this clause. While the Dutch Council of State had previously concluded that by assessing whether an asylum applicant can be transferred to the responsible Member State, the asylum authority already takes into account the previous experiences in that Member State, and thus the administrative authority does not need to state additional reasons for not applying the discretionary clause. However, some regional courts, such as the Regional Court of Middelburg or the Regional Court of Roermond, do not agree with this interpretation, as they view the two assessments as vastly different. Preliminary questions might be submitted to the CJEU if this discrepancy in the jurisprudence persists, as the Council of State has since reiterated its position, while other Regional Courts continue to disagree with it.[233]

The **Danish** Refugee Appeals board upheld a transfer to Germany, rejecting the applicability of Article 17(1) Dublin III Regulation, despite the fact that the applicant's child resided in Denmark, as it considered that a family reunification procedure could be used to ensure their right to family life.[234]

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228 CJEU, Joined Cases C-228/21, C-254/21, C-297/21, C-315/21 and C-328/21, *Ministero dell'Interno, Dipartimento per le Libertà civili e l'Immigrazione – Unità Dublino and Others v CZA and Others*, 30 November 2023, available here.

229 Italian Court of Cassation, United Sections, decision no. 935 of 15 January 2025, available in Italian here. See the summary of the case prepared by the EUAA, Fact sheet EUAA/IAS/2026/43 February 2026, *Jurisprudence related to the Dublin Procedure in 2025*, available here, and the summary of the case in the case law database of the EUAA here.

230 Italian Court of Cassation, decision no. 11713/2025, 5 May 2025.

231 Civil Court of Florence, decision of 9 April 2025.

232 BVwG, Decision BVwG, W239 2278920-2/16E, 18 July 2025, available in German here.

233 See, for example, the judgment by the Regional Court of Middelburg of 4 November 2025.

234 Judgment of the Danish Refugee Appeals Board of 1 April 2025. See also the summary of the case prepared by the EUAA, Fact sheet EUAA/IAS/2026/43 February 2026, *Jurisprudence related to the Dublin Procedure in 2025*, available here, and the summary of the case in the case law database of the EUAA here.

In **Czechia**, the Supreme Administrative Court lodged a preliminary reference to the CJEU on the interpretation of Article 17 of the Dublin III Regulation. In particular, the court wished to ascertain whether the discretionary clause could be invoked also when the determination of the responsible Member State had been conducted pursuant to Article 3(2). This involves cases where it is impossible to transfer an applicant to the responsible Member State because there are substantial grounds for believing that there are systemic flaws in the asylum procedure and in the reception conditions resulting in a risk of inhuman or degrading treatment.[235]

(ii) Six-month time limit to effect a Dublin transfer

In December 2025, the **CJEU** ruled on the interpretation of the six-month time limit for transfers as per Article 29 of the Dublin III Regulation. The court held that, where a national court issues a final ruling on the legality of a second Dublin transfer decision following the annulment of a first one due to the existence of relevant new circumstances, the six-month time limit starts to run from the date of the final judicial decision (and not the annulment of the first), which the national court must adopt promptly.[236]

The **Slovenian** Supreme Court ruled that the 6-month period referred to in Article 29(1) of the Dublin III Regulation ceases to run when a decision an interim order temporarily suspending the Dublin transfer is served on the administrative authority (and not on the applicant).[237]

(iii) Reception conditions

In June 2026, the **CJEU** issued a judgment regarding reception conditions awarded to people awaiting a Dublin transfer.[238] In essence, the CJEU clarified that Member States cannot withdraw or reduce reception conditions to a person awaiting a Dublin transfer to a level where an adequate standard of living is not ensured. This should include the benefits in kind covering clothing, everyday items and consumables, or the financial allowance intended to cover the basic personal needs. Applicants remain entitled to reception conditions until their actual transfer to the responsible Member State, without there being a distinction under the Asylum Procedures Directive[239] for applicants awaiting a Dublin transfer decision. In fact, the exhaustive list of grounds because of which reception conditions may be reduced or withdrawn contained in Article 20 of the Reception Conditions Directive does not include that of being subject to a Dublin transfer decision. The Court also clarified the concept of "subsequent application" under the Asylum Procedures Directive, clarifying that it does not cover a situation in which a Member State has rejected an application as inadmissible because the applicant already made such an application in another Member State and has, thus, ordered the transfer of the applicant.

In **Germany**, several court decisions in 2025 regarded the exclusion of benefits for Dublin cases. A new administrative practice emerged under which travel expenses to the responsible Member State could be cut for asylum applicants whose applications were deemed inadmissible. This new situation prompted legal challenges. Some social courts already raised doubts about the compatibility of this policy with EU law, suggesting that the cuts may be unlawful. In April 2025, the Hamburg Social Court clarified in two interim proceedings that the exclusion of benefits is unlawful as long as voluntary

235 Order of the Czech Supreme Administrative Court, of 16 July 2025. See also the summary of the case prepared by the EUAA, Fact sheet EUAA/IAS/2026/43 February 2026, *Jurisprudence related to the Dublin Procedure in 2025*, available here, and the summary of the case in the case law database of the EUAA here.

236 CJEU, C-560/34, *Tang*, 18 December 2025, available here.

237 Judgment of the Slovenian Supreme Court of 24 April 2025. See also the summary of the case prepared by the EUAA, Fact sheet EUAA/IAS/2026/43 February 2026, *Jurisprudence related to the Dublin Procedure in 2025*, available here, and the summary of the case in the case law database of the EUAA here.

238 CJEU, C-621/24, *Landkreis Schweinfurt v FB*, 4 June 2026, available here.

239 Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast).

departure is not in fact realistically possible in the near future.[240] Despite this, civil society organizations denounce that affected persons in Hamburg continued to receive only significantly reduced, discretionary benefits, and the authorities do not assess in advance whether timely voluntary departure is actually feasible.[241] Following the Hamburg rulings, numerous courts issued similar decisions granting applicants full benefits.[242] In 2025, social courts also issued at least 60 interim decisions declaring unlawful the benefit exclusion for Dublin cases of beneficiaries who have been granted international protection in another Dublin State or have acquired a right of residence for other reasons in such a state, forming a consistent and established line of case law in urgent proceedings.[243] Furthermore, in October 2025, the UN Committee on Economic, Social and Cultural Rights issued interim measures requesting that Germany restore subsistence benefits to an applicant whose benefits had been fully withdrawn, highlighting concerns about access to a minimum standard of living.[244]

(iv) Other cases under the Dublin III Regulation

During 2025 and the first half of 2026, the CJEU delivered several judgments interpreting diverse points the Dublin III Regulation. In October, the Court ruled that the non-renewal of a national temporary protection status does not constitute a "rejection" of an asylum application for the purposes of the Dublin III Regulation.[245] As noted above (see Italy's suspension of incoming transfers), in March 2026, the CJEU clarified the legal consequences of a unilateral suspension of incoming Dublin transfers, in a case concerning transfers to Italy after its self-declared "state of emergency".[246] In particular, the court held that the country deemed responsible under the Dublin Regulation cannot unilaterally discharge itself of such responsibilities. Italy therefore remained responsible for examining the applications. However, the court also ruled that a unilateral suspension does not interrupt or extend the applicable transfer time limits: regardless of the reason, where the transfer does not take place within 6 months (18 in case of absconding), responsibility is transferred to the requesting country, so as to ensure effective access to the asylum procedure and safeguard the fundamental right to seek asylum protected by Article 18 of the EU Charter on fundamental rights. The court recalled that all member states, as well as the European Commission, may bring an action for failure to fulfil obligations before the court against another member state, for example when they do not cooperate with Dublin transfers and announce a unilateral suspension.

National courts were also active in the development of case law on the Dublin III Regulation in 2025.

In the **Netherlands**, the District Court of the Hague seated in Roermond lodged a preliminary reference to the CJEU in 2025. Two questions were submitted for consideration. First, whether, when assessing the risk of inhuman or degrading treatment in the receiving Member State, national administrative and judicial authorities must consider all health consequences of a Dublin transfer, and not just the person's fitness to travel. Second, whether national courts must prohibit a transfer, instead of simply suspending it, when objective evidence has shown that even the suspension and uncertainty surrounding the transfer would itself cause serious health deterioration or violate the human dignity of an applicant.[247]

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240 Hamburg Social Court, S 7 AY 196/25 ER and S 5 AY 195/25 ER.

241 AIDA, *Country report: Germany – Update on the year 2025*, June 2026, available here, 75.

242 See, for example, the Higher Social Court of Lower Saxony–Bremen, which confirmed this approach in its decision of 13 June 2025 (L 8 AY 12/25 B ER).

243 Gemeinnützige Gesellschaft zur Unterstützung Asylsuchender (GGUA), 'Mindestens 60 Sozialgerichtsbeschlüsse halten Leistungsausschluss in Dublin-Fällen für unzulässig' (06 August 2025), available here.

244 Informationsverbund Asyl & Migration, 'UN-Sozialausschuss fordert existenzsichernde Unterstützung für einen Geflüchteten nach Leistungsausschluss' (31 October 2025), available here.

245 CJEU, C-790/23, *Qassioun*, 30 October 2025, available here.

246 CJEU, C-458/24, *Daraa*, 5 March 2026, available here.

247 Court of The Hague, NL23.17939 Reference, 22 October 2025. See also the summary of the case prepared by the EUAA, Fact sheet EUAA/IAS/2026/43 February 2026, *Jurisprudence related to the Dublin Procedure in 2025*, available here, and the summary of the case in the case law database of the EUAA here.

In **Germany**, the Administrative Court of Berlin held that, to return a person who applied for asylum at the (internal) border, a Dublin procedure must first be completed. The Court further held that an "emergency situation" under Article 72 of the Treaty on the Functioning of the European Union due to "mass migration" that would justify derogating from the Dublin rules could not be invoked simply by relying on statistics (e.g., the number of asylum applications or border crossings) without highlighting the effects for the fundamental interests of the State's society or the functioning of its institutions.[248]

Austrian courts issued their rulings regarding several provisions under the Dublin III Regulation. The Supreme Court ruled that a child that had entered Austria alone but had initially entered the EU accompanied by their family could not be considered as "unaccompanied".[249] The Supreme Administrative Court dismissed an appeal against a Dublin transfer to Croatia, considering that Article 9 of the Dublin III Regulation (i.e., family unity based on a spouse's status) did not apply to a traditional marriage "via internet video" under Islamic rites with a partner living in Austria.[250]

In **Luxembourg**, the Administrative Tribunal found that, by failing to inform the Member State responsible for an asylum application of the person's mental health conditions before their Dublin transfer, Luxembourg had infringed its obligations under the Dublin III Regulation and, thus, annulled the transfer.[251]

The **Spanish** Supreme Court issued a judgment finding that the Dublin III Regulation does not apply to embassy transfer requests under the Spanish national asylum law (i.e., requests submitted at Spanish embassies in the EU seeking transfer to Spain for the purpose of lodging an asylum application).[252]

In **Slovakia**, the Administrative Court of Bratislava annulled a Dublin transfer decision given the authority's inadequate reasoning and evidentiary support regarding the determination of the responsible Member State.[253] In particular, the Court gave relevance to the failure by the administrative authority to (1) adequately address the applicant's own statements during the proceedings; and (2) confirm whether the applicant retained any lawful status in the Member State deemed responsible (e.g., temporary protection).

248 Administrative Court of Berlin, Dec. no. 6 L 191/25 of 2 June 2025, available in German here. See also the summary of the case prepared by the EUAA, Fact sheet EUAA/IAS/2026/43 February 2026, *Jurisprudence related to the Dublin Procedure in 2025*, available here, and the summary of the case in the case law database of the EUAA here.

249 Judgment of the Supreme Administrative Court of Austria of 30 June 2025. See also the summary of the case prepared by the EUAA, Fact sheet EUAA/IAS/2026/43 February 2026, *Jurisprudence related to the Dublin Procedure in 2025*, available here, and the summary of the case in the case law database of the EUAA here.

250 Austrian Supreme Administrative Court, Decision Ra 2024/20/0765, 20 January 2025, available in German here.

251 Judgment of the Administrative Tribunal of Luxembourg of 25 June 2025. See also the summary of the case prepared by the EUAA, Fact sheet EUAA/IAS/2026/43 February 2026, *Jurisprudence related to the Dublin Procedure in 2025*, available here, and the summary of the case in the case law database of the EUAA here.

252 Spanish Supreme Court, Judgment No. 160/2026, 16 February 2026, available in Spanish here.

253 Administrative Court of Bratislava, Decision 19Saz/7/2024, 18 March 2025.

THE ASYLUM INFORMATION DATABASE (AIDA)

The Asylum Information Database (AIDA) is a database managed by the European Council on Refugees and Exiles (ECRE), containing information on asylum procedures, reception conditions, detention and content of international protection across 27 countries. This includes 21 European Union (EU) Member States (Austria, Belgium, Bulgaria, Cyprus, Czechia, Germany, Spain, France, Greece, Croatia, Hungary, Ireland, Italy, Malta, Netherlands, Poland, Portugal, Romania, Sweden, Slovakia, Slovenia) and 6 non-EU countries (Egypt, Switzerland, Serbia, Türkiye, Ukraine and the United Kingdom).

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 27 countries.

- **Comparative report:** AIDA 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. Annual reports were published in 2013, 2014 and 2015. From 2016 onwards, AIDA comparative reports are published in the form of thematic updates, focusing on the individual themes covered by the database. Thematic reports have been published on reception (March 2016), asylum procedures (September 2016), content of protection (March 2017), vulnerability (September 2017), detention (March 2018), access to the territory and registration (October 2018), reception (May 2019), asylum authorities (October 2019) digitalisation of asylum procedures (January 2022), family reunification (February 2023), access to socio-economic rights for beneficiaries of temporary protection (August 2023 and January 2025), places and conditions of detention (June 2026) and the legal framework for the detention of asylum seekers in Europe (July 2026).

- **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, Germany, Poland, Romania and Spain.

- **Legal briefings:** Legal briefings aim to bridge AIDA research with evidence-based legal reasoning and advocacy. With the assistance of information gathered from country reports, these short papers identify and analyse key issues in EU asylum law and policy and identify potential protection gaps in the asylum *acquis*. Legal briefings so far cover: (1) Dublin detention; (2) asylum statistics; (3) safe countries of origin; (4) procedural rights in detention; (5) age assessment of unaccompanied children; (6) residence permits for beneficiaries of international protection; (7) the length of asylum procedures; (8) travel documents for beneficiaries of international protection; (9) accelerated procedures; (10) the expansion of detention; (11) relocation; and (12) 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, 2018, the first half of 2019, 2019 and the first half of 2020, 2020, 2021, 2022, 2023 and 2024.

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