



The Dublin Procedure

1. What is the Dublin procedure?

The Dublin procedure was introduced after the member states of the European Union decided amongst themselves, that the first state, in which a person applies for asylum is responsible for the execution of the asylum procedure. This means that the person must stay in the first state where they applied for asylum and await the outcome of their asylum procedure in that state.

→ Exceptions: If a person has close family members (spouse, underage children, parents of underage children, relatives in need of care) in a different EU member state it is possible to apply to be united with the rest of the family. Furthermore, minors are allowed to have their asylum procedure in whatever state they are currently in.



The Dublin procedure does not regulate IF you will get a protective status, but WHERE, so in which European state your asylum procedure will be conducted.

2. Will I have to go through a Dublin procedure?

A Dublin procedure is always initiated when the Bundesamt für Migration und Flüchtlinge, BAMF for short (Federal Agency for Migration and Refugees) determines through finger prints or other reference points that a different EU member state is possibly responsible for your asylum procedure. It is then investigated if a different member state is responsible for carrying out your asylum procedure and if you will be sent back to that state. The interview regarding your reasons for fleeing is not carried out, instead a so called Dublin interview takes place.

Even if you have already received a protective status in a different EU member state, a Dublin procedure is often at first initiated. The procedure is then discontinued, due to the fact that the Dublin procedure is only meant for people who have not yet received a protective status.

3. What is determined in the Dublin interview?

In the interview it is reviewed if there are relevant reasons that a person cannot return to the responsible Dublin EU state. In the interview one should therefore elaborate in detail how the situation in the Dublin state was, especially in regard to housing accommodation, access to education, work and social services and if discrimination and violence was experienced. Furthermore, questions will be posed in regard to personal data and the travel route.

→ Dublin interviews tend to be short and are seen as a formality by the BAMF. Do not let yourself be intimidated by this and portray in detail why it is not possible for you to return to the responsible Dublin state and carry out your asylum procedure there.

These relevant reasons can be:

-  • personal reasons, for example it is not possible for the person to be transferred due to a sickness (also mental illnesses are of importance here),
-  • or they can be due to the situation in the Dublin state, for example the lack of adequate housing accommodation, medical care or access to work or education. For some EU states the courts have recognized that so called systematic weaknesses exist, meaning that the situation for refugees in those countries is fundamentally extremely bad.

If such personal reasons exist or reasons in regard to the Dublin state it is important that this is depicted in the Dublin interview. If you are in possession of medical certificates proving existing illnesses or other documents (such as photos or records) regarding your situation in the Dublin state, it is important to bring these to the interview.

4. How will I be informed about the Dublin interview?

You will be summoned in writing to the Dublin interview. If it is not possible for you to realize the appointment due to important reasons (for example sickness) the BAMF must be notified about this in writing. Then a new appointment can be made.

Not coming to the Dublin interview without a reason can lead to your **asylum application being regarded as withdrawn**, pursuant to § 33 Abs. 1 AsylG. Therefore, it is especially important, that the BAMF always has your current postal address. Make sure that changes in your address, including a **switch to a new housing accommodation**, are conveyed to the BAMF.

The Dublin decision:

You will be informed about the decision on your Dublin interview in writing. The decision will arrive in a yellow envelope. On the envelope the date of delivery will be noted.

-  • The period during which one can take legal action against a Dublin decision is only **one week**. It is therefore best if you already take advantage of the services of a legal advice center, once you have the appointment for the Dublin interview.
-  • The appeal against a Dublin decision does not protect you from the decision of the BAMF being executed. Therefore, it is often necessary to additionally file a motion for injunction. The motion for injunction is meant to communicate to the court that a transfer in the Dublin state will impact the rights of the affected person in the meantime. Only if the motion for injunction is successful can transfer to the Dublin state be hindered, until the point where the court has made its final decision on the appeal against the Dublin decision.

Tip: Legal advice centers and lawyers are aware of the short deadlines. Ask at a legal advice center for a list of recommended lawyers specialized in asylum law and call all of them until you have an appointment. Often it is possible to receive a spontaneous one on short notice. In case you do not manage to receive an appointment you can go to the **“Rechtsantragsstelle“ (legal claim office)** of the responsible administrative court (determined in the information regarding legal remedies) and ask the office to file an appeal and motion for injunction against the decision. Then continue to look for a lawyer, a lawyer is necessary because a written statement must follow.

The transfer deadlines:

The Dublin procedure is supposed to go fast and is therefore linked to very stringent deadlines. Once the BAMF decides that it is not responsible for your asylum procedure it will notify the responsible Dublin state and ask them to consent to the transfer.

- ⇒ Germany has 3 months time for the inquiry for transfer to the Dublin state. The Dublin state has 2 months time to accept the inquiry or reject their responsibility.
- ⇒ As soon as the Dublin state has accepted the inquiry Germany has 6 months time to execute the transfer.
- ⇒ If the person hides themselves before the transfer, the deadline can be extended to 18 months. If the person is taken into custody the deadline can amount to 12 months.



If the deadline runs out without Germany transferring the person to the Dublin state, the BAMF automatically becomes responsible for the conduction of the asylum procedure.

5. How can I protect myself from a transfer?

If you are threatened by a Dublin transfer there are **specialized advice centers** you can go to. These can advise you for example on the prospect of church asylum. Within the framework of church asylum you are accepted into the community of a church for the duration of the transfer deadline, which can protect you from the transfer being executed.

Address of KommMit/BBZ e.V.

Turmstr. 21, House M, Entrance O, 2nd Floor, 10559 Berlin
 Open consultation hours for advice on the asylum procedure: Tuesday 10 a.m.-2 p.m., Wednesday 1 p.m.-5 p.m., Thursday 10 a.m.-2 p.m.
 Contact: n.essmat@kommmit.eu

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Europäische Union

