



Annual Report on the Situation of Asylum in the European Union 2016

Dublin Chapter

November 2017

2.6. Dublin

Information collected by Eurostat is the only comprehensive publicly available statistical data source that can be used to analyse and learn about the functioning of Dublin system in Europe. This data source includes information provided by Member States on the number of requests made to ‘take charge’⁽¹⁾ or ‘take back’⁽²⁾, the number of requests for information, the number of pending requests, the number of decisions taken (acceptances and refusals) on requests, the number of implemented transfers and the number of pending transfers. The data also include information pertaining to the re-examination of requests; the number of cases where the reporting country became responsible by default⁽³⁾; and use of the discretionary clause in accordance with Article 17(1)⁽⁴⁾. This section focuses mainly on the data on Dublin transfers in the EU and Associated Countries. The principles and functioning of the Dublin system are explained in EASO Annual Report in Section 4.4 **Dublin procedure**⁽⁵⁾.

At the time of writing, available data for 2016 regarding the functioning of the Dublin system were incomplete and therefore this analysis is based on information concerning only 28 EU+ countries⁽⁶⁾. The incompleteness of the data render the overall conclusions on the functioning of Dublin system in Europe rather constrained. Yet, because each country delivers reports that include information on both incoming and outgoing transfers the picture about non-reporting countries can be partly reconstructed. Between-year comparability is also limited, so year-to-year analyses have only been produced for countries that delivered their full reports in both years – 2015 and 2016.

In 2016 a total of 176 113 outgoing Dublin requests were made and for the same period, EU+ countries received 90 655 acceptances on their outgoing requests. Similarly to previous years the proportion of outgoing requests corresponded on average to about 14 % of the number of asylum applicants in the same year⁽⁷⁾. The proportion of implemented Dublin transfers to the number of applicants for international protection in the EU+⁽⁸⁾ was about 2 %⁽⁹⁾. Finally, the proportion of implemented Dublin transfers following positive decisions received on outgoing requests to ‘take back’ or ‘take charge’ was 25 %.

During the reporting period, a total of 22 759 (outgoing) and 21 173 (incoming) Dublin transfers were implemented in the EU+⁽¹⁰⁾. The majority (75 % of all outgoing transfers reported in 2016) of Dublin transfers took place after a ‘take back’ request. In the remaining 25 % of cases, the transfers followed a ‘take charge’ request.

¹ ‘Take charge’ requests include all Dublin requests to take charge of a person who applied for international protection in the reporting country and not in the partner country, in accordance with Articles 8-16 and Article 17(2) of Regulation (EU) No 604/2013.

² ‘Take back’ requests includes all Dublin requests to take back a person who applied for international protection in the partner country, in accordance with Articles 18(1)(b)-(d) and 20(5) of Regulation (EU) No 604/2013. This includes: persons who have applied for international protection in the reporting country, or have been apprehended for illegal stay in the reporting country but have not applied there.

³ Pursuant to Articles 25(2) and 22(7) of Regulation (EU) No 604/2013.

⁴ This refers to the ‘discretionary clause’ where a Member State decides to examine an application even if such examination is not its responsibility.

⁵ [Annual Report on the Situation of Asylum in the European Union 2016](#), EASO 2017.

⁶ The date of extraction from the Eurostat database was 24 October 2017. The data were not available for Cyprus, Czech Republic, Spain, and Portugal.

⁷ A Dublin procedure implies that there is an asylum application lodged in one of the states involved, so some asylum applicants are counted by more than one state. The Eurostat data collections on Dublin and Asylum under Regulation (EC) No 862/2007 are not linked making it impossible to calculate an exact percentage of accepted requests.

⁸ Dublin statistics are collected in a manner that allows for consistency between incoming and outgoing data: the outgoing transfers reported by country A to country B should therefore be in line the incoming transfers reported by country B from country A. However, for a number of reasons, including reporting latency, difference in reporting practices across EU+ countries, and missing data (typically incoming transfers), there can be discrepancies between the two sets of data. Thus, in each year there is a difference of up to as much as 42 % (29 % on average) in the number of transfers reported as having taken place by receiving countries.

⁹ These proportions on requests and transfers to the number of applicants were calculated for the historical period 2010-2014, and partial information was used to calculate this estimate for 2016.

¹⁰ Given the small number of states not providing data however, this is likely to be an underestimate of the final total.

Similarly to previous the year, the most common ‘take back’ transfers were of persons who were staying without permission in the reporting EU+ country and whose application was still under examination (77 %), followed by those who had been rejected (14 %) in another EU+ country ⁽¹¹⁾ and those who had withdrawn their application during the Dublin procedure¹² in a partner country (7 %).

The legal basis of the majority of ‘take charge’ transfers were related to: documentation and legal entry reasons (40 %), irregular entry (29 %) and family reasons (24 %). The remaining cases were connected to humanitarian reasons (4 %), irregular stay and dependant persons (2 % and 1 % respectively).

Outgoing transfers in the EU+ during 2016, by type of request (legal basis in the Dublin Regulation)

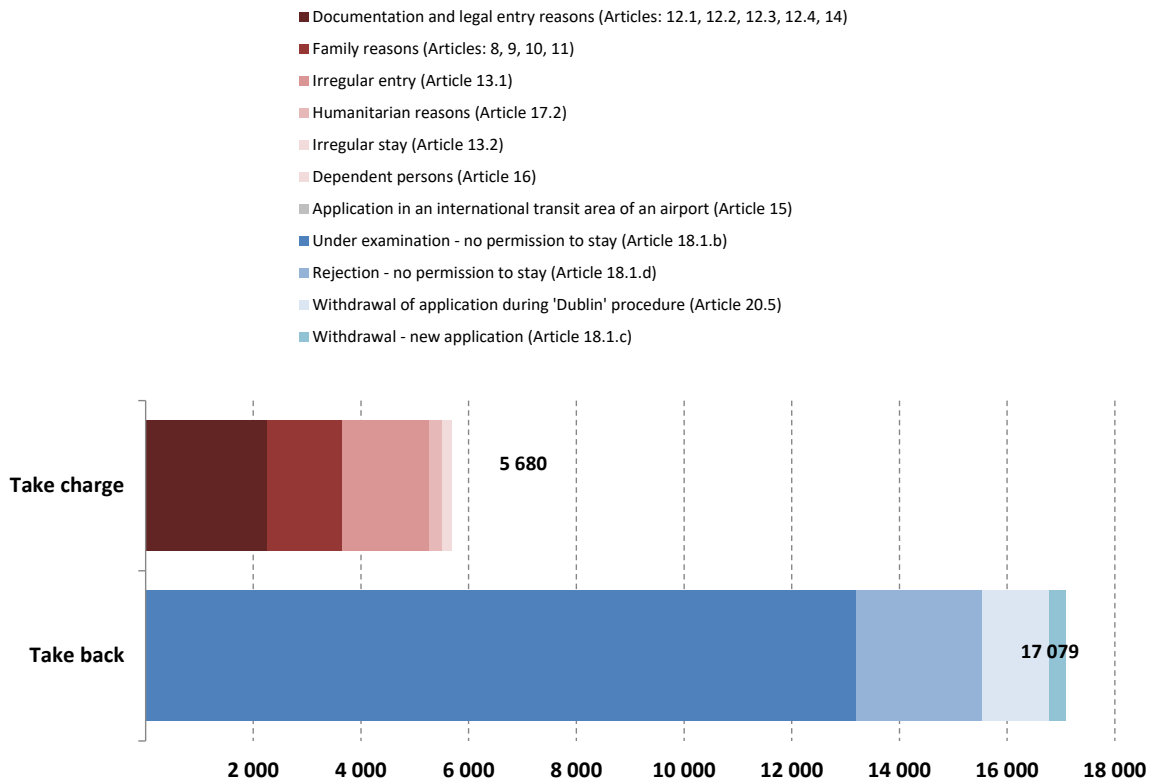


Figure 1: Most Dublin transfers were in response to ‘take back’ requests.

The information provided by EU+ countries on Dublin transfers allows also for the disaggregation by the time taken to implement the transfer (within 6, 12 or 18 months).¹³ According to available figures, in 2016 on average 79 % of all outgoing ‘take charge’ transfers and around 92 % of ‘take back’ transfers took place within the six month time-limit from the date of acceptance of the request ⁽¹⁴⁾.

¹¹ It should be noted that the information on the stage of the asylum procedure (i.e. pending, withdrawn, rejected applicants) in the partner country is limited for the reporting country and therefore there might be some quality issues for this breakdown and the numbers might not be consistent with what is reported in the asylum tables to Eurostat (i.e. pending cases, withdrawn applications, rejected applicants) by the partner country.

¹² Article 20(5) of Regulation (EU) No 604/2013

¹³ From the reporting countries this information was not provided only by Italy and Germany.

¹⁴ According to Article 29(1) of the Dublin Regulation the transfer shall be carried out ‘within six months of acceptance of the request by another Member State to take charge or to take back the person concerned or of the final decision on an appeal or review where there is a suspensive effect in accordance with Article 27(3)’. However there are two exceptions mentioned in Article 29(2): ‘This time limit may be extended up to a maximum of one year if the transfer could not be carried out due to imprisonment of the person concerned or up to a maximum of eighteen months if the person concerned absconds.’

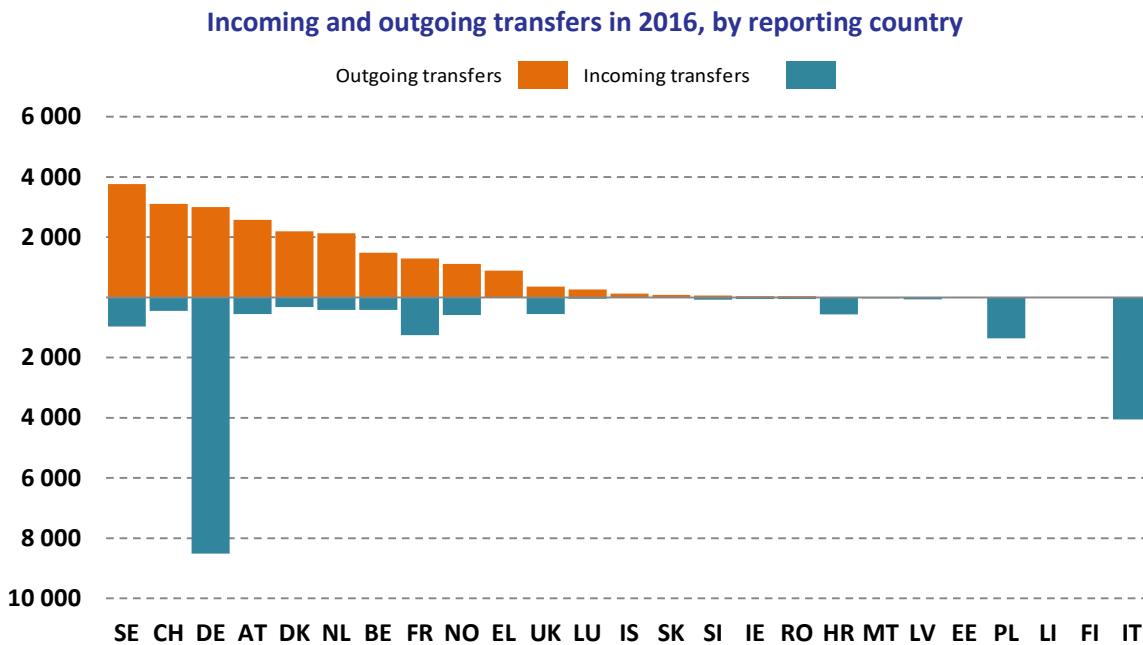


Figure 2: Sweden implemented the largest number of outgoing transfers to other EU+ countries and Germany accounted for the largest net number of transfers ⁽¹⁵⁾.

In 2016, about half of reporting countries had more outgoing than incoming transfer requests. In terms of volume of transfers (incoming and outgoing) Germany and Sweden were the EU+ countries with the largest numbers, 11 514 and 4 727 respectively, followed by Italy with 4 061 transfers.

In comparison to the previous year, the volume of outgoing transfers almost doubled¹⁶. The countries that reported the highest absolute increases were: Sweden (+ 1 799), the Netherlands (+ 1 426) and Denmark (+ 1 416). Whereas the highest relative increases were reported by Iceland, Croatia and Slovenia (+ 779 %, 638 % and 500 %, respectively). Six countries reported decreases in the number of outgoing transfers, namely: Slovakia (- 265 people), the United Kingdom (- 164), Italy (-28), Lithuania (- 10), Poland and Estonia (each - 9).

Germany reported almost three times more incoming than outgoing transfers. Germany reported incoming transfers (8 512) mainly from Sweden (26 %), the Netherlands (15 %) and Denmark (11 %). Outgoing transfers reported by Germany were implemented mainly to Poland (24 % of total transfers), Italy and Sweden (18 % and 10 %, respectively). The majority of transfers reported by Sweden were outgoing (80 % of total transfers) and followed ‘take back’ requests sent to Germany (64 % of total outgoing). Incoming transfers reported by Sweden were implemented mainly by Denmark (37 % of total transfers), Germany (20 %) and Norway (10 %). Italy reported only incoming transfers (4 061), mainly coming from three bordering countries: Switzerland, Germany and Austria (32 %, 21 % and 17 % of total

¹⁵ For reporting countries information on outgoing transfers is missing for Lithuania and Bulgaria, and as a result those values are treated as zeros when net transfers are computed. According to information from the Hungarian Immigration and Asylum Office the national reporting system currently in place does not allow for reporting of requested breakdowns for 2016. As from 1 January 2017, the new system was introduced, enabling certain further breakdowns.

¹⁶ Only countries that reported in both years were taken into account: Austria, Belgium, Switzerland, Germany, Denmark, Estonia, Greece, France, Croatia, Ireland, Iceland, Italy, Liechtenstein, Luxembourg, Malta, the Netherlands, Norway, Poland, Romania, Sweden, Slovenia, Slovakia and the United Kingdom.

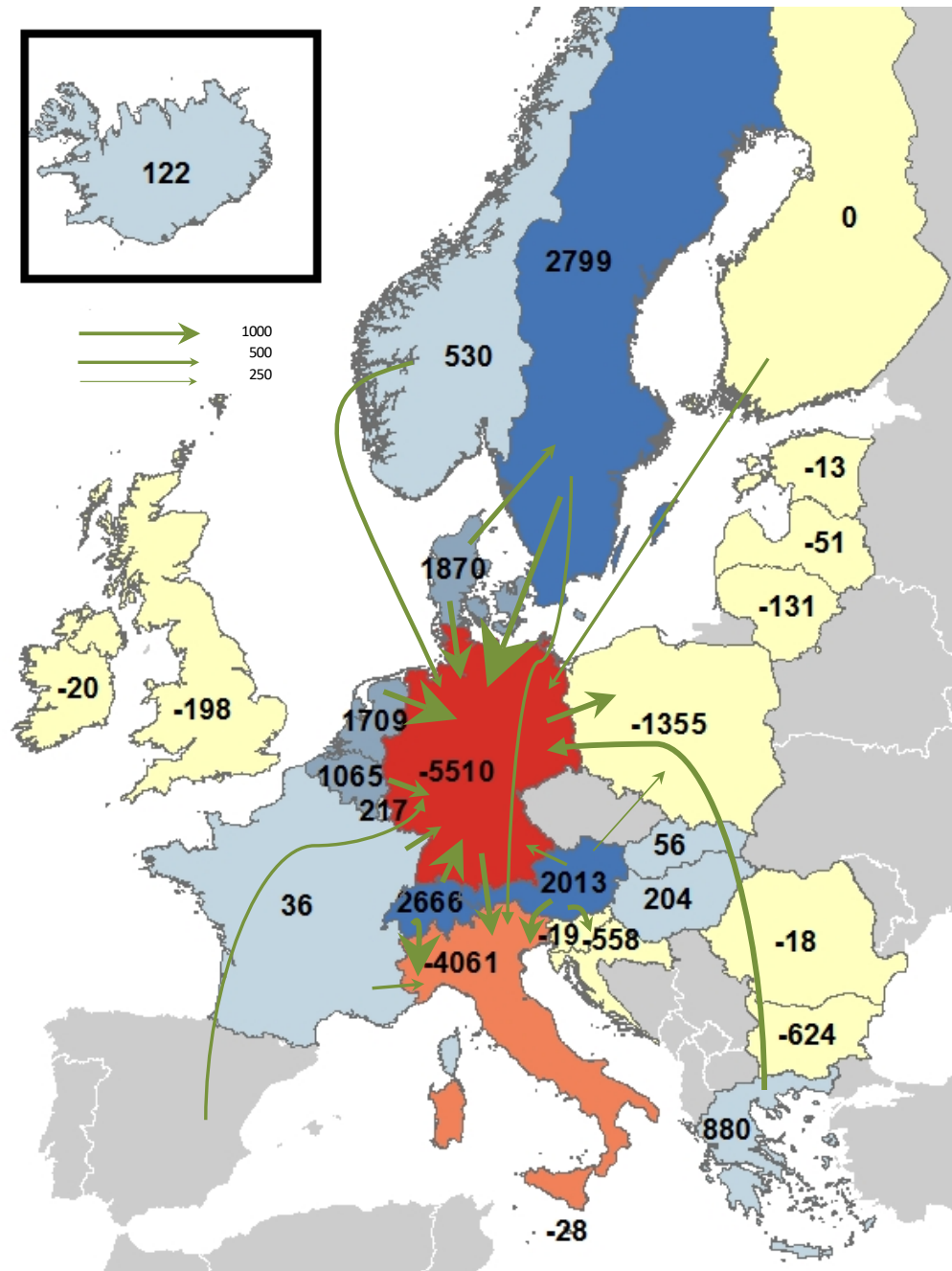
transfers, respectively).

The map below (Map 1) illustrates the main net Dublin transfer flows according to the information available ⁽¹⁷⁾ calculated as outgoing transfers from the reporting country minus incoming transfers.

¹⁷ Some countries reported only one category of either incoming or outgoing transfers.

Map 1: Net Dublin transfers in EU+ countries and main net transfer flows in 2016

(Green arrows represent the net transfers between EU+ countries with net flows of more than 200 persons and the colours show the net number of transfers in the reporting country. When the net value is positive i.e. when the number of outgoing transfers was higher than the incoming, the country is marked in one of the shades of blue colour e.g. Sweden or Denmark. The country is marked in one of the shades of red colour when the net value was negative, meaning that the incoming transfers were higher than outgoing e.g. Germany or Italy. The non-reporting countries are marked in grey).



Apart from Sweden (described above) also Switzerland, Austria, Denmark and the Netherlands reported more outgoing than incoming requests. Outgoing transfers reported by Switzerland (3 111) mainly concerned two countries: Germany (41 %) and Italy (39 %). Austria reported more outgoing (2 572) than incoming (559) transfers. The majority of outgoing transfers were to Italy (32 %), Croatia (18 %) and Germany (15 %) as partner countries. Most of the outgoing transfers (2 189) reported by Denmark were to Germany (49 % of total) Sweden (22 %) and United Kingdom (7 %). Also majority of the persons transferred (2 131) by the Netherlands were transferred to Germany (72 %). The main countries that reported more incoming than outgoing requests were Germany and Italy (described above), Poland, Bulgaria and Croatia. In Poland the majority of incoming transfers were implemented by Germany (63 %), Austria (15 %) and Sweden (5 %). However, transfer requests received by Poland from Austria could indicate some non-detected irregular movements of asylum seekers via more than one country. Persons transferred back from Austria to Poland had either already withdrawn their application (66 % of total requests) or had applications still pending (27 %). Bulgaria only reported incoming requests, with the majority coming from non-bordering countries Austria and Germany (24 % and 17 %, respectively), and bordering Hungary (16 %). Transfers from Germany and Austria to Bulgaria related mainly to persons who withdrew their applications during Dublin procedures (60 % and 42 %, respectively), whilst the majority of persons transferred from Hungary had no permission to stay (83 % of total incoming transfers). The majority of incoming transfers reported by Croatia were from bordering Austria (65 % of total), followed by transfers from two non-bordering countries namely: Switzerland (13 %) and Germany (11 %).

For **Greece**, the Greek Asylum Service provided the following additional background on Dublin procedures conducted in 2016. The implementation of the EU-Turkey Joint Statement since 20 March 2016 had a direct impact on the number of international protection applications for whom the responsibility of the examination on the merits should be transferred to other member states in accordance with the Dublin Regulation 604/2013. An increase of 366% was observed on asylum applications concerning family reunification thus falling into the provision of art. 8-11 of the Dublin Regulation. A significant number of them were asylum applications registered according to the border procedure. The Dublin Unit dealt as well with a number of asylum applications that were registered as relocation cases while on the course of the procedure came out to be cases falling within the Dublin Regulation provisions.

Another reason for the significant increase in the so-called “Dublin cases” was the overall dramatic increase in the number of asylum applications lodged in Greece. During 2016, the Dublin Unit more than doubled the outgoing requests sent to MSs with 5,591 outgoing requests sent in comparison to 1 244 outgoing requests sent during 2015. 4 890 of these requests were based on art. 8, 9 and 10 of the Dublin Regulation. 3 106 were accepted by Member States while 998 were rejected. 951 transfers of applicants to the Member States were concluded.

Regarding incoming requests, the Dublin Unit received 4,123 requests of which 2,443 were accepted (by default), 97% of which were based on the country of first entry criterion. These figures illustrate a dramatic increase, reaching a 3 000% rate, of the incoming take back and take charge requests based on art. 13.1 (illegal entry-first country of entry) and art. 18.1.b (illegal entry and application for asylum) of the Dublin Regulation since May 2016. During 2015 only 131 incoming transfer requests had been made to the Greek Dublin Unit of which 39 had been accepted resulting in 13 concluded transfers. Three transfers to Greece were concluded. The vast majority of the transfer requests were made by Hungary while a small number of requests from Belgium, Switzerland, Iceland, and Croatia. The daily average of transfer requests made to the Greek Dublin Unit was 60 requests.