



The Dublin System: Current Status and Future Directions

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Content of the presentation

- The Dublin system until today
- 2015 Emergency relocation mechanism
- Alternatives to the current Dublin system



The Dublin system up until today

- **1990 Dublin Convention** on responsibility for asylum applications
- Aim: abolishing the internal borders within the EU
- Rationale: Avoidance of multiple asylum applications in each Member State; necessity of establishing common rules to determine the Member State responsible for an application

- FIRST PHASE Common European Asylum System (CEAS):
Regulation (EC) No. 343/2003 setting up rules on responsibility for asylum applications (Dublin II Regulation)

The instrument did not apply to subsidiary protection applicants; amendments to the hierarchy of criteria for responsibility; acceleration of the procedure for transferring asylum seekers between Member States



The Dublin system up until today

- SECOND PHASE CEAS

To increase the level of harmonization of the asylum legislation within the EU; avoid wide divergence in recognition rates; avoid differences between the grant of refugee status and the grant of subsidiary protection status

Regulation (EU) No. 604/2013 (Dublin III Regulation)

Extended to cover all applications for international protection (not only asylum applications)

Amended family reunification rules

Right of information for applicants for international protection (etc.)

Controversial criterion for the allocation of responsibility,

Article 13(1): responsibility to the first Member State which an asylum seeker enters without authorisation from a third country; responsibility ceases 12 months after the irregular border crossing takes place



The Dublin system up until today

Shortcomings:

- No redistributive effect/ not a burden sharing mechanism by design
- Concentration of protection applicants only on specific Member States (also but not exclusively **Article 13(1) Dublin III**)
- Lack of correct implementation of the legislation across Member States
- High rates of absconding during the procedures
- Multiple applications/secondary movements



2015 Emergency relocation mechanism

- Council Decisions of September 2015 (applied until September 2017): relocation of 160000 protection seekers
- Provisional measures in the area of international protection for the benefits of Italy and Greece
- Emergency relocation between Member States on a voluntary basis
- Operational support to Italy and Greece through the deployment of EASO, Frontex and other Agencies for the joint processing of applications for international protection (hotspots)
- [Temporary derogation from Article 13\(1\) Dublin III](#)
- Shortcomings:
 - 17 Dec 2015: 76 asylum seekers relocated from Greece; 15 Dec 2015: 134 asylum seekers relocated from Italy
 - Capacity to register and process asylum applications to be increased (especially by Greece); Member States should reduce the response time to relocation applications submitted by the Greek and Italian authorities; Member States should increase their pledges under the relocation programme (COM(2015)679 final, COM(2015) 678 final)



Alternatives to the current Dublin system

1. Protection seekers choose in which Member State have their applications dealt with
2. The current Dublin system supplemented by a corrective fairness mechanism (COM(2016) 197 final)
3. Responsibility not with the Member State of first application, but on the basis of a distribution key reflecting the absorption capacities of the Member State; immediate relocation or return, if third-country nationals arrives from safe third country (hotspot model) (COM(2016) 197 final)



Alternatives – May 2016 Commission Proposal

- Current criteria for the allocation of responsibility under Dublin III are maintained, including the irregular entry criterion **Article 13** + corrective allocation mechanism ('streamlining the Dublin Regulation', Commission Proposal 2016/0133 (COD))
- Intended goals, according to the Proposal:
 1. More equitable distribution of the protection burden
 2. No shift of responsibility between Member States – once Member State is determined responsible, it must remain responsible
 3. Reducing the time limits for the different steps of the Dublin procedure to grant access of an applicant to the asylum procedure
 4. Preventing secondary movements by posing obligations on the applicants



Thank you

