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otto
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mille
CHIESA VALDESE
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THE 'DUBLIN PROCEDURE'

- Are you planning to apply for international protection and want to know which European country will examine your application?
- Have you already applied for asylum and been notified of the activation of the so-called 'Dublin procedure'?

In both cases, in order to know the European country competent to examine your application for international protection, you need to know a few things about the Dublin Regulation.

What is the Dublin III Regulation?

The Dublin III Regulation is one of the main instruments of the Common European Asylum System (CEAS). But what is the Dublin Regulation for? Among the various functions of the Regulation, two are particularly important: to make it possible to know in advance the country responsible for examining the application for international protection submitted by third-country citizens, by means of special criteria, and to prevent multiple applications being submitted in different countries.

Which countries apply the Dublin III Regulation?

The 'Dublin countries' are: Austria, Belgium, Bulgaria, Cyprus, Croatia, Denmark, Estonia, Finland, France, Germany, Greece, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, United Kingdom, Czech Republic, Romania, Slovakia, Slovenia, Spain, Sweden, Hungary, plus the 4 countries 'associated' with the Dublin system (Norway, Iceland, Switzerland and Liechtenstein).

But what are the criteria for identifying the country competent to examine the application for protection?

The country responsible is:

1. The country that can allow the asylum seeker to reunite with family members;
2. The country that has previously issued the asylum seeker with a valid residence permit or entry visa;
3. The so-called 'country of first entry', i.e. the first country that applies the Dublin Regulation that the asylum seeker crossed coming from a country that does not apply it.

How are the Dublin Regulation criteria applied?

In order to identify the responsible country, criterion 1) must first be applied; if there are no family members of the applicant in other European countries, criterion 2) may be applied; only if this is also not possible, criterion 3) may be applied.

What is the Dublin procedure?

The Dublin procedure is the tool used to identify the country responsible for examining an asylum application when there are reasons to believe that it is different from the one in which it is submitted. The authority carrying out this assessment is the Dublin Unit.

What can happen if the notification of the Dublin Procedure is made?

The Dublin Unit may consider another country competent to examine your application for international protection and ask that country, within 2 months from the application, to 'take charge' or 'take back' your application.

If, however, another country is considered to be responsible because your fingerprints are found in the EURODAC database, the deadline for the request is 2 months from the EURODAC alert.

What does 'taking charge' mean?

If this is the first time you apply for asylum in a 'Dublin country' and there are reasons to believe that another country is competent to examine your application (for example, because you have reported the presence of family members in this country), Italy will ask this country to 'take charge' of your application.

The requested country must reply within 2 months and, if it does not do so, it means that it has accepted the request.

And what does 'taking back' mean?

If it turns out that you have already applied for asylum in another 'Dublin country', Italy will ask this country to 'take back' your application.

The requested country must reply within 1 month from the request, or within 2 weeks if the request is based on the EURODAC alert. If it does not reply within this deadline, it means that it has accepted responsibility for the request and agrees to take you back.

What happens after the 'take charge' or 'take back' request?

The requested country may:

- Reject the competence;
- Accept the competence;
- Not reply to the request.

If the requested country refuses responsibility, Italy will ask it to re-examine the request but, since there is no obligation to reply to the new request, your asylum request will most likely be examined in Italy. Otherwise, if the requested country does not reply to the first request for 'taking charge' or 'taking back' or accepts the request, you will be transferred to this country.

How and when does the transfer to the competent country take place?

The transfer to the country found to be competent at the end of the 'Dublin Procedure' must take place within 6 months of the end of the procedure, or within 18 months if you have fled and cannot be found.

If the transfer does not take place within these time limits, the responsibility for examining the application for international protection lies with the country that did not carry out the transfer.

Is it possible to oppose the transfer?

You or your lawyer must be notified of the transfer order to the country that did not respond to or accept the request to 'take charge' or 'take back'.

Together with your lawyer, within 30 days of the notification of the order, you may appeal to the judge to have the transfer suspended until the trial is concluded and the transfer order annulled.

If the judge considers the transfer order to be correct, you and your lawyer may submit an appeal to the *Corte di Cassazione* (Court of Cassation) within 30 days from the judgment. If the *Corte di Cassazione* also considers the decision to be correct, you will be transferred to the country identified by the Dublin Unit.

What rights are guaranteed during the 'Dublin Procedure'?

- Right to information - You will receive an information leaflet on the right to asylum in Italy
(<https://www.interno.gov.it/it/temi/immigrazione-e-asilo/protezione-internazionale/gui-da-pratica-richiedenti-protezione-internazionale-italia>);
- Right to work, after 60 days from the submission of the asylum application;
- Right to defence and free legal aid.

Is it possible to move freely in Europe after the submission of an asylum application or during the 'Dublin Procedure'?

No. Only after the recognition of international protection you can travel to another European country, but only for a period not exceeding 3 months.

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