

Information on procedural elements and rights of applicants subject to a Dublin transfer to Liechtenstein

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About this document

The ‘Roadmap for improving the implementation of transfers under the Dublin III Regulation’ was endorsed in the meeting of the Strategic Committee on Immigration, Frontiers and Asylum (SCIFA) of the Council of the European Union on 29 November 2022. The roadmap identified a clear need for objective and neutral information on reception and detention conditions and the asylum procedure in all the Member States, which can serve as reference in transfer decisions and that can be used in national courts when the person concerned has exercised his or her right to an effective remedy.

This data collection is based on Article 5 of the regulation on the European Union Agency for Asylum ⁽¹⁾ (EUAA). Member States were requested to provide information that reflects both the relevant legal provisions and the practical implementation of these provisions. The scope of the fact sheet is limited to rules and conditions applicable to applicants for international protection as well as other persons that are subject to a transfer under the Dublin III regulation ⁽²⁾.

The European Commission and the EUAA jointly developed the template which served as the basis for this fact sheet. The EUAA gathers and stores the fact sheets and requests Member States to update the information at least one time per year. The relevant national authorities of the Member States provide all the information contained within the fact sheet and are responsible for ensuring that it is accurate and up-to-date.

(1) [Regulation \(EU\) 2021/2303](#) of the European Parliament and of the Council of 15 December 2021 on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010 (OJ L 468, 30.12.2021).

(2) [Regulation \(EU\) No 604/2013](#) of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast) (OJ L 180, 29.6.2013).

1. Access to material reception conditions

1.1 What steps should an applicant complete following a Dublin transfer in order to gain access to accommodation and other material reception conditions in your Member State?

Get in contact with the Migration and Passport Office that will refer the applicant to the NGO mandated with accommodation and care of asylum applicants. Applicants are picked up at the respective Swiss airport by the National Police and brought to Liechtenstein. Depending on the timing of the arrival, applicants are then instructed by the National Police to present themselves at the Migration and Passport Office for registration or brought/sent directly to the reception facility. The reception centre is right next to the building of the National Police. In this second case, the Migration and Passport Office will summon the applicant for an interview and registration.

How long do these steps normally take?

This usually takes place on the day of the Dublin transfer.

When and how is the applicant provided with information on how to gain access to accommodation and other material reception conditions?

After arrival in Liechtenstein, the National Police and the Migration and Passport Office inform the applicant of the access to procedure and accommodation. The Migration and Passport Office hands out information leaflets during the registration.

1.2 What material reception conditions (as per Article 2(g) Directive 2013/33/EU laying down standards for the reception of applicants for international protection (recast) (RCD) are available to applicants for international protection entitled to these in your Member State?

The RCD is not legally binding for Liechtenstein. Nevertheless, Liechtenstein fulfils the RCD standards for the reception of applicants for international protection, these applicants have access to care and accommodation provided by the NGO "Flüchtlingshilfe Liechtenstein". This NGO is mandated with the accommodation and care by the Government of Liechtenstein. Applicants are accommodated in collective reception facilities in Liechtenstein and receive daily financial support either in cash or in kind as well as pocket money, where applicable. Applicants receive medical insurance in Liechtenstein. Applicants also have access to clothing.

1.3. How does your Member State ensure that applicants for international protection in your Member State are provided with full access to the material reception conditions as defined in Article 2(g) of RCD in line with Article 17 and 18 of RCD, and, where relevant, more favourable provisions set out in your national legislation?

The RCD is not legally binding for Liechtenstein. Liechtenstein has mandated the NGO "Flüchtlingshilfe Liechtenstein" with the accommodation and care of asylum applicants, temporarily admitted persons and persons with temporary protection. The reception facilities are run by the NGO. The Asylum Act ensures necessary financial assistance, pocket money as well as medical insurance, including for dental and mental health issues.

1.4. Does your Member State apply a policy in line with Article 20.1(c) of reducing or in duly justified exceptional cases withdrawing the access to reception conditions for applicants in cases the applicant lodged a subsequent application?

Yes, in such cases, the financial assistance can be granted in-kind and not in cash. Moreover, provisions foresee the possibility to cancel the payment of pocket money after a return decision is issued in cases of subsequent applications.

If yes, what material support is provided to persons whose material reception conditions have been reduced or withdrawn in accordance with Article 20(1)(c) in your Member State to ensure a dignified standard of living and access to health care?

The reception conditions remain the same except for the pocket money. A minimum of living support is granted in any case.

1.5 What health care is an applicant for international protection entitled to in your Member State in line with Article 19 RCD?

Liechtenstein covers the premiums for the obligatory medical insurance as well as the relevant cost sharing meaning that they will have the same access to the medical services as citizens of Liechtenstein. Moreover, the cost for dental treatment is covered in cases of pain relief or where the treatment is inevitable for medical reasons.

1.6 What steps are taken to ensure that applicants for international protection in your Member State have full/effective access to health care, in line with Article 19 of RCD, and, where relevant, more favourable provisions set out in your national legislation?

Applicants are registered with the obligatory medical insurance from the first day of their stay in Liechtenstein. They have access to all necessary medical treatments. Moreover, a medical entry interview is carried out by a doctor within the first days after lodging the application.

1.7 Please describe what are the support measures available/provided to persons with special reception needs in your Member State in line with Article 21 RCD (e.g. minors, unaccompanied minors)?

Minors and unaccompanied minors over the age of 16 years are accommodated in family areas in the reception facilities. The Office of Social Affairs is notified of every unaccompanied minor and a confidante for the minor will be appointed. The Asylum Act foresees specific provisions for the asylum procedure of an unaccompanied minor and for every unaccompanied minor a legal guardian – a lawyer – will be appointed by the court. Unaccompanied minors under the age of 16 years are placed in a special facility for assisted living for minors. This placement is also possible for unaccompanied minors between 16 and 18 years if the Office of Social Affairs deems necessary. Unaccompanied minors will be informed by the Migration and Passport Office during the entry interview about their rights according to the Asylum Act and a special leaflet will be handed out.

1.8 How does your Member State ensure that applicants for international protection with special reception needs in your Member State are provided with full access to the reception conditions, which cater for their special reception needs, in line with Article 21(1) of RCD, and, where relevant, more favourable provisions set out in your national legislation?

The Asylum Act has specific provisions for the procedure and the reception conditions for unaccompanied minors as well as other vulnerable groups. Please also see the answer to question 1.7.

1.9 How can an applicant for international protection avail themselves of a legal remedy in line with Article 26 RCD, in case they consider that their rights to material reception conditions are not being met in your Member State?

The applicant would need to demand a decision by the Migration and Passport Office or the Government of Liechtenstein with regard to financial assistance, pocket money or other reception conditions governed by the Asylum Act. Against this decision an appeal to the Administrative Court would be possible.

2. Access to the asylum procedure

2.1 What are the procedural steps that an applicant for international protection transferred to your Member State needs to undertake in order to gain access to the asylum procedure following a Dublin transfer to your Member State?

The applicant needs to contact the Migration and Passport Office or outside office hours, the National Police. In cases where the asylum procedure has not been concluded yet, the Migration and Passport Office will carry out the entry interview. In most cases the applicant is summoned by the Migration and Passport Office after the transfer to Liechtenstein for an interview.

How long do these steps normally take?

This interview usually takes place on the day of the transfer or the next working day.

Are there any different steps to take for persons whose applications would be considered as subsequent applications? (Location to register, fees, admissibility procedure etc.)

The location is the same, but the application could be deemed inadmissible in cases of Article 20 paragraph 1 letter d Asylum Act, when it's a subsequent application and the person cannot provide probable cause that events have taken place in the meantime that are relevant for the recognition as a refugee.

How long do these steps normally take?

This usually takes a couple of working days.

Where can the applicant find this information, or be provided with this information?

The Migration and Passport Office provides the applicant with the necessary information.

2.2 What are the procedural consequences in your Member State of an application for international protection being considered a subsequent application?

Please see answer to question 2.1 above. The application might be considered inadmissible if the applicant cannot provide probable cause that events have taken place in the meantime that are relevant for the recognition as a refugee.

2.3 Does your Member State avail itself of the possibility under Article 33(2) Directive 2013/32/EU on common procedures for granting and withdrawing international protection (recast) (APD) to consider an application for international protection lodged by an applicant transferred to your country through the Dublin procedure as inadmissible? If so, under which of the grounds listed in this Article?

The APD is not legally binding for Liechtenstein. Nevertheless, Liechtenstein considers applications as inadmissible according to Article 20 of the Asylum Act of Liechtenstein in cases corresponding to Article 33 paragraph 2 letter a, c and d of the APD.

3. Detention and limitations to the freedom of movement of applicants

3.1 Are there any circumstances under which your Member State an applicant for international protection could be detained on public health grounds (e.g. quarantine), under applicable provisions of national law unrelated to Article 9 RCD?

Yes, quarantine during the covid pandemic.

If yes, please describe these different types of circumstances, the legal basis for the detention, duration, conditions (incl. type of facilities), and the legal remedies available to challenge such a decision.

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3.2 How can an applicant challenge a decision to place them in detention according to Articles 8 and 9 RCD?

Every decision to detain a person is subject to judicial examination by the Court of Justice within the first 96 hours of the detention. The decision by the Court of Justice to confirm the detention can be appealed to the Court of Appeal. The detainee will receive a free legal counsel for the duration of the detention due to the fact that he is in detention. After that the person can apply for release from detention once a month.

3.3 What are the limits set out in national law to the duration that an applicant may be placed in detention according to Article 9 RCD?

The RCD is not legally binding for Liechtenstein. According to Article 59a Foreigners Act, persons in a procedure according to the Dublin III Regulation can be detained:

- a) for up to seven weeks during the preparation of the decision on the competent Member State for the asylum application.
- b) for up to five weeks during the proceedings in cases where the requested Member State declines his responsibility.
- c) six weeks between the notification of the return decision or after the entry into force of the return decision until the enforcement of the transfer.

In line with the relevant jurisprudence of the CJEU, detention can only be applied when there is a concrete risk of absconding of the person in the specific case at hand.

At what intervals does the judicial authority needs to review a detention decision according to Article 9(5) RCD?

After the first judicial review within the first 96 hours, the person can apply for a release once every month. It is currently planned to revise the Foreigners Act that judicial reviews will take place at reasonable intervals even when the detainee does not appeal or file for release.

3.4 What types of less coercive (alternative) measure to detention are used in your Member State?

The Asylum Act in connection with the Foreigners Act that governs the topic of detention foresees the possibility to deposit travel documents with the Migration and Passport Office as well as the daily or weekly reporting to the National Police. The deposit of financial assets is not used very often because most applicants do not have the respective financial means.

Please elaborate under which conditions these are generally used and how does your Member State ensure that these less coercive alternative measure to detention are used when they can be applied effectively as per Article 8.2 RCD?

In most cases the less coercive alternative measures to detention have not proven to be effective to prevent absconding.

3.5 What conditions, set out in Article 10 RCD, are provided to applicants whilst in detention (specialised detention facilities, access to open-air space, possibility to communicate with UNHCR or an organisation working on behalf of UNHCR, possibility to communicate and receive visits from family members, legal advisers or counsellors and persons representing NGOs, information on the rules of the facility)?

Due to the very small size of Liechtenstein (approx. 39'000 inhabitants) there is only one prison and a specific part of it functions as the detention facility. Detainees are separated from "ordinary prisoners" and have access to open-air space, the possibility communicate with UNHCR or other NGOs, the possibility to receive visits from family members, legal advisers and counsellors and persons representing NGOs. They also receive information on the rules of the facility and have health insurance during the detention. They are also informed on the rights to contact the consulate of their respective home country and are assisted if they want to get in contact with the consulates.

4. Available legal remedies and access to legal aid

4.1 At which stages of the asylum procedure does an applicant have the right to legal aid after having been transferred to your Member State?

The applicant has the right to free legal counselling (the counsel not acting as a lawyer for the applicant) during the whole asylum procedure. The applicant is informed about this right after the first contact with the Migration and Passport Office. Applicants that want full legal representation can apply for legal aid which is granted when the conditions in the Asylum Act are fulfilled. All applicants receive a leaflet during the entry interview at the Migration and Passport Office with the full information of the asylum procedure in Liechtenstein in their mother tongue, if not available, the information will be translated orally with an interpreter.

4.2 Is the legal aid provided free of charge to applicants for international protection or does your Member State apply any form of means testing? If so how is this applied in practice?

The free legal counselling is offered free of charge during the procedure. Legal representation is not free of charge but the asylum applicant can apply for legal aid and has to prove that he or she is not able to cover the costs of the legal representation and that the proceedings are not futile. Regarding the means of the applicant, he or she has to file a declaration regarding his financial means.

4.3 What are the deadlines within which your Member State requires that an applicant lodge an appeal with regards to decisions not to grant international protection or not to further examine the application on grounds of inadmissibility?

The deadline to appeal a decision by the Government of Liechtenstein (negative decision on the merits of the case) or by the respective Member of the Government (inadmissibility decision) is 14 days to the Administrative Court.

4.4 What are the formal requirements when lodging an appeal as referred to in question 4.3?

The appeal to the Administrative Court within 14 days has to be in writing and must contain the following elements:

- the name of the decision to be appealed;
- the declaration whether the decision is appealed as a whole or in parts; if only in parts it has to be mentioned which part;
- the reasons for the appeal;
- the requests;
- the evidence to support the reasons for appeal;
- the signature of the appellant.

Appeals can also be filed in the mother tongue of the applicant.

All decisions, except where the applicant is represented by a lawyer, will be read at the Migration and Passport Office in attendance of an interpreter. The decision will be

translated in summary and all possibilities of an appeal with the formal requirements will be fully translated and protocolled.

4.5 Does your Member State avail itself of the possibility under Article 9(2) APD to make an exception from the right to remain in the Member State pending the examination of the application in case of a request for extradition of the applicant to a third country? If yes, how do the competent authorities of your Member State ensure that a decision to extradite an applicant to a third country pursuant to Article 9(2) APD is taken in accordance with Article 9(3) APD, i.e. it does not result in direct or indirect refoulement, in violation of international and Union requirements?

This would only take place in exceptional cases, where the possibility of a direct or indirect refoulement is already ruled out in the procedure regarding the extradition, for instance where a person has used all possibilities to appeal the extradition decision up to the Constitutional Court of Liechtenstein and in the asylum procedure does not make additional claims, which were not already assessed in the extradition proceedings.

4.6 Does your Member State avail itself of the possibility under Article 9(2) APD to make an exception from the right to remain in the Member State where a person makes subsequent applications as referred to in Article 41 APD?

Yes, these cases could be deemed inadmissible according to Article 20 paragraph 1 letter d Asylum Act.

If yes, how do the competent authorities of your Member State ensure that a decision to return the applicant to a third country does not result in direct or indirect refoulement, in violation of international and Union requirements as per Article 41(1) APD?

Also, in inadmissibility proceedings according to Article 20 paragraph 1 letter d Asylum Act it has to be examined individually whether the return is possible, admissible and reasonable for the applicant. In this examination, direct or indirect refoulement and international and Union requirements are examined thoroughly. Against a decision on the inadmissibility the person has the right to appeal to the Administrative Court.