

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

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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?

All applicants begin with an interview with police in the reception centre where they receive instructions and guidance to where they will receive services and accommodation.

How long do these steps normally take?

This usually happens on the day that the applicant arrives. If the applicant arrives late in the evening, there is a possibility that the interview is conducted the day after. If that is the case, the applicant has access to accommodation before the interview.

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

Applicants receive verbal and written instructions in a language they understand at first instance. They receive step by step instructions.

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?

Applicants have the right to all of those material conditions.

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?

With detailed instructions and dedicated staff that manages every housing facility. Service interviews are available where applicants can express their needs for services or material conditions. Certain municipalities do also provide services to applicants.

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?

Foreigners submitting subsequent applications are not entitled to reception conditions provided by the law on foreigners unless the application is admitted for procedure.

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?

No support is provided by the means of the foreign nationals act for those submitting subsequent applications. The law on social services of municipalities has provisions for foreigners who are unable to provide for themselves.

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

Applicants for international protection are entitled to the necessary healthcare services and the medicines they need according to a medical advice and after consultation with the Directorate of Labour's trusted physician. The Directorate of Labour will cover such costs if the applicant cannot cover them himself. Children under the age of 18 years have access to the necessary healthcare services, see article 4, paragraph 1, point 1 of the Act on Healthcare, no. 40/2007, while they are staying in Iceland. Dental care is also provided for children. Pregnant women shall have access to maternity care and children to infant and to small children's care. Applicants for international protection shall also be offered to seek social workers and, according to the Directorate of Labour's evaluation, psychiatrist and psychologist.

Other medical services, such as dental or medical procedures that are not urgently needed, as well as prescription drugs that are not considered necessary, are outside the services to which the applicant for international protection is entitled and shall not be provided unless the Directorate of Health has made an assessment.

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?

The Directorate of Labour provides services to applicants. Individuals in the care of the Directorate of Labor shall upon arrival in Iceland undergo a medical examination, based on the guidelines of the Chief Epidemiologist. Applicants can request personal service interviews where they can voice their individual needs for services.

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)?

The Directorate of Labour operates a centre which shall be the first diagnosis and reception centre for applicants for international protection. The diagnosis and reception centre shall employ people with expertise in the field of work who seek to meet the needs of individuals and ensure the minimum level of services for applicants for protection. In addition, special efforts shall be made to ensure the rights of children and disabled persons. The diagnosis and reception centre shall also carry out an assessment of whether an individual is considered to be in a particularly vulnerable situation, as well as an assessment of what services the individual needs, such as medical examination, psychological services or other necessary services. The diagnosis and reception centre shall also carry out an assessment of whether the applicant for protection is dangerous to

himself or others. The diagnosis and reception centre shall offer a child-friendly environment and facilities that suit the interests and needs of children.

The Directorate of Labour operates general services for applicants for international protection while their cases are being processed. The Directorate of Labour may enter into service agreements with municipalities and other parties on services.

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?

See 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?

Refusal of service may be appealed to the immigration appeals board.

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 to gain access to the asylum procedure following a Dublin transfer to your Member State?

Dublin transfers to Iceland are primarily conducted through Keflavik Airport where the border police receive the applicant and conducts identity check and registration of the application. The applicant is then forwarded to the immigration service reception centre for further questioning and to receive guidelines on procedure. The applicant is instructed on how to reach to the directorate of labour for services. This all happens in the same building.

How long do these steps normally take?

Usually this happens upon arrival of the applicant, depending on when he arrives. If the arrival is late in the evening or on a public holiday the interview in the reception centre may happen the day after. If that is the case, registration has already been completed by border police and the applicant has been provided with adequate housing and services meanwhile.

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

All the steps are the same but foreigners submitting subsequent applications are no longer entitled to services since article 35(a) of the foreign national's act took effect.

How long do these steps normally take?

See answer 2.1. But no service is provided for subsequent applications unless they are accepted into procedure.

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

The applicant is informed by staff in the reception centre. Detailed information is available on the directorate's website that also features an online chat.

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

Subsequent applications may be dismissed with reference to article 35(a) of the foreign national's act. However, a subsequent application shall be re-examined if the applicant is present in Iceland and new information has been presented in his case, leading to an increased likelihood of the previous application being accepted. While this is being examined, the applicant is not entitled to free legal aid or services.

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?

According to Icelandic legislation an application can be dismissed if the applicant/third country national already has international protection status in a Member State. Further, an asylum application can also be rejected, if another country is considered as first country of asylum for the applicant.

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?

The disease protection act nr. 19/1997 may apply to applicants for international protection.

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?

Iceland does not have a detention facility and does not have the ability to use detention in these cases. To facilitate the transfers, the Icelandic police may place applicants subject to transfers in police custody based on article 105 paragraph 4 in the foreign national's act.

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?

Maximum time limit for police custody is 2 weeks.

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

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

Obligation to report at a police station. Return houses. Take up an instructed residence. Assistance for voluntary return etc. Applicants are instructed to notify the authorities if they change residence.

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

The national police commissioner evaluates each case individually.

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)?

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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?

Applicants have the right to legal aid through the entire process with the directorate of Immigration and immigration appeals board. If an applicant has already received a decision, the application can be deemed a subsequent application. Applicants submitting subsequent applications are not entitled to free legal aid.

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?

Yes, the legal aid is provided free of charge. All applicants are entitled to a specific number of working hours from their appointed spokesperson, depending on type of procedure, family size, number of children etc.

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 for appeal in general procedure is 15 days. In accelerated procedure the deadline is 5 days. Decisions on inadmissibility are automatically appealed after they are published unless the applicant wishes not to make appeal.

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

In general and accelerated procedure, the applicant or his spokesperson simply has to notify the appeals board of the appeal within the given deadline. The Directorate of immigration notifies the appeals board of an appeal when a decision of inadmissibility is published.

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?

In general, an applicant has the right to remain in Iceland during the examination of the application. That also applies in cases of a request for extradition. Appeals have suspended the legal effects of almost all decisions published by the directorate of Immigration for the past few years with the exception of manifestly unfounded applications going through accelerated procedure.

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?

That has not been the case but the provision in domestic law regarding subsequent applications is rather new. Applicants submitting subsequent applications do not have the right to services or legal aid while the subsequent application is examined. In practice, these applications are handled before possible transfers take place either with dismissal or admittance into procedure based on new reasons provided.

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?

In order to dismiss a subsequent application, the conclusion must be that there are no new reasons provided in the case leading to an increased chance of the previous application being accepted. If an applicant has previously been rejected, direct and non direct refoulment issues will have already been assessed by the authorities. If that has not already been done, chances are that these issues would have to be evaluated before an applicant would be made to return to a third country.