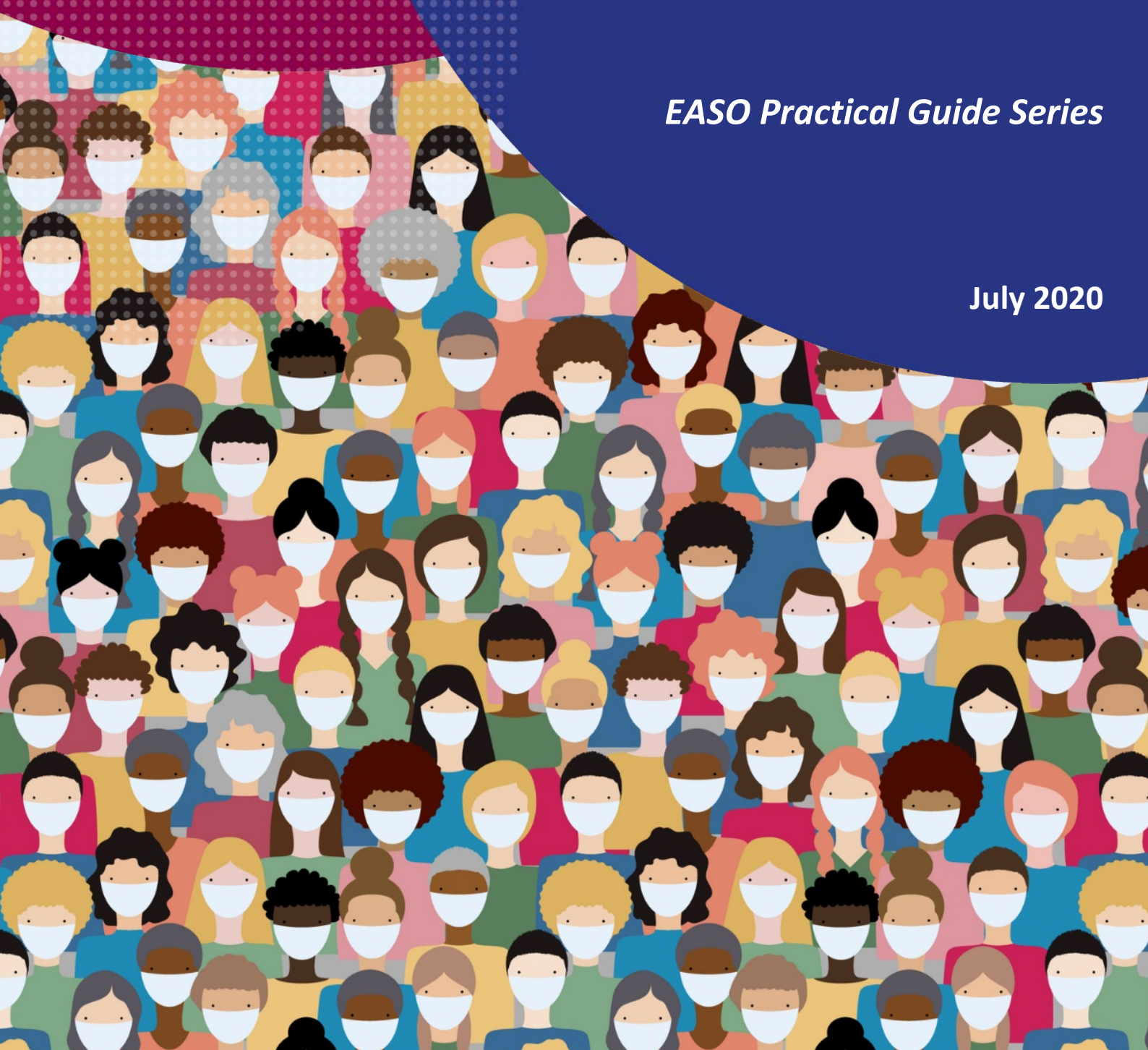




Additional Recommendations on Dublin Transfers During the COVID-19 Pandemic

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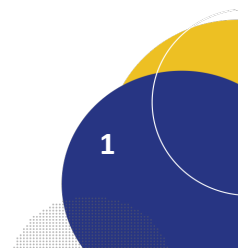
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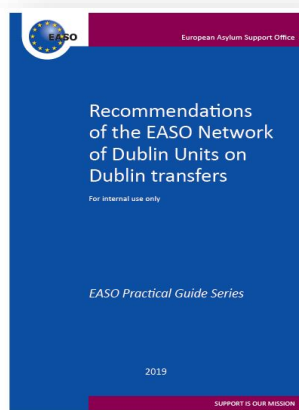
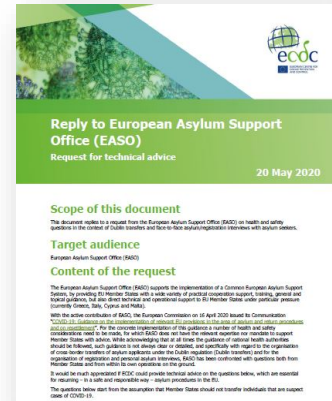
Contents

- 1. General provisions.....4**
 - Fundamental principles..... 4
 - General procedural considerations..... 5
 - Cooperation between Member States 5
 - Resources 6
- 2. Considerations before transfer7**
 - Preconditions 7
 - Place and time of arrival, means and types of transfer 8
- 3. Considerations during transfer.....9**
- 4. Considerations after arrival.....11**
- References12**



About the additional recommendations

Why was this document developed? The COVID-19 pandemic has gravely impacted the implementation of the Dublin III regulation: the number of requests has dropped significantly, and Dublin transfers have almost come to a complete halt. In a bid to support the Member States in the safe resumption of Dublin transfers during the COVID-19 pandemic, EASO held a thematic expert meeting on the subject on 15 June. The objective of this meeting was to identify, collect and draft recommendations for safely organising Dublin transfers during the COVID-19 pandemic. EASO did so together with the participating Member State experts and by using advice from the European Centre for Disease Control (ECDC).



The recommendations in this document were drawn up by the experts that participated in the online thematic meeting and EASO and elaborated on the advice found.

These additional recommendations complement the *Recommendations of the EASO Network of Dublin Units on Dublin transfers*¹. The recommendations in this document should therefore be read in conjunction with the ones set out in the original set of recommendations. For that reason, the recommendations in this document are called ‘additional recommendations’. The additional recommendations described in this document do not constitute legally

binding obligations.

What is the objective of this document? This document has been developed in order to support the Member State authorities in safely organising and carrying out Dublin transfers in the context of the COVID-19 pandemic, and to support the Member States in the implementation of the Dublin III regulation during the pandemic.

What is in the scope of the additional recommendations? The scope of this document is limited to the organisation of Dublin transfers during the COVID-19 pandemic. Any questions related to establishing responsibility for examining an application for international protection are beyond the scope of this document. Only cases where the responsibility has been established, and where no legal or practical obstacle hinders the implementation of the transfer fall within the scope of these recommendations. The arrival of the third-country national or stateless person (Dublin transferee) to the responsible Member State following a Dublin transfer falls within the scope, but the subsequent placement of the person concerned in reception facilities is outside of the scope of these recommendations.

¹ EASO, *Recommendations of the EASO Network of Dublin Units on Dublin transfers*, 2019.

Who is the target audience? Member State authorities are encouraged to share and promote these recommendations among:

- managers of Dublin Units;
- practical policy makers or advisors at Dublin Units in charge of writing instructions or guidelines for Dublin transfers;
- case officers of the Dublin Units in charge of organising Dublin transfers;
- case officers at other departments within the national authorities who are involved in or oversee the organisation of Dublin transfers;
- other staff involved in any stage of organising the Dublin transfer or the arrival of the applicant to the Member State;
- police officers, border guards who are involved in any other stages of the Dublin transfers, or who receive applicants.

1. General provisions

Fundamental principles

Equal treatment

- Member States agree that public health and safety measures governing border crossings during the COVID-19 pandemic shall apply equally to all i.e. both Dublin transferees and other travellers.

Non-discrimination

- Member States will not make rules on Dublin transfers that will lead to the discrimination of Dublin transferees on the basis of their nationality, race, religion, sexual orientation or gender.

Prioritisation of transfers

- Member States are strongly encouraged to prioritise the transfers of unaccompanied minors under the Dublin III regulation.
- Member States are strongly encouraged to prioritise the transfers of applicants for the purpose of family reunification.

Right to be informed

- Member States will strive to fully inform Dublin transferees on their transfer to another Member State under the current COVID-19 pandemic and the public health and safety measures applicable, in a language the Dublin transferee understands or is reasonably supposed to understand.
- Where possible, and prior to a transfer, Member States will also inform the Dublin transferee on the rules and circumstances upon arrival in the other Member State.

Mutual trust

- The principle of interstate, mutual trust unequivocally applies to the exchange of transfers during the COVID-19 pandemic.
- It is therefore recommended that Member States proactively inform other Member States on facts and circumstances regarding upcoming Dublin transfers they deem relevant for the other Member State to be informed of.
- Other Member States in their turn shall rely on the information exchanged.

Reciprocity

- Member States agree that the principle of reciprocity applies to Dublin transfers under the COVID-19 pandemic.
- Therefore, rules, measures and practices related to Dublin transfers, instated by the receiving Member States, will not be unreasonably onerous and will be balanced and matched by those imposed by the sending Member State.

Flexibility

- Member States agree that they need to be flexible to allow for all Member States to be able to respect COVID-19 rules and restrictions during Dublin transfers.
- Member States are aware of travel restrictions or general limitations in means of travel and show flexibility in the used means of transfer and their schedule of arrival in order to ensure that the transfer can successfully take place on both ends.

General procedural considerations

Applicability of national health and safety rules and guidelines

- Member States are advised to take due note of public health and safety measures in place in each Member State as these are there to help combat the spread of COVID-19 pandemic.
- Since these measures apply in a non-discriminatory way to all those present on the territory of each Member State, and public health and safety considerations should come first, Member States are encouraged to liaise with neighbouring Member States and with the Member States with whom they historically exchange the largest numbers of requests and transfers. This is in order to agree on a standard protocol for conducting Dublin transfers which meets the requirements of national health and safety guidelines in both Member States.
- The above is especially encouraged for ground transfers since air transfers generally proceed via commercial airlines which are bound by the EASA protocol.

General recommendations for travel

- Member States are encouraged to take note of the EASA COVID-19 Aviation Health Safety Protocol² and to integrate it in their national plans for conducting Dublin transfers via air.
- Member States should treat Dublin transferees under the same national pandemic containment rules that apply to 'regular' travellers, irrespective of the mode of transportation.

Cooperation between Member States

Member States cooperate in order to ensure that transfers are resumed gradually

- The Member States proactively cooperate with each other in order to ensure that the transfers are conducted in a way that ensures the safety of the Dublin transferee and the personnel involved in the transfer, and the risk of infection is minimised.
- It is recommended that Member States resume the transfers gradually in order to avoid putting too much burden on the Member State authority.
- Member States are encouraged to cooperate and liaise firstly with the Member States with whom they share a border, in order to align public health measures that apply to cross-border travel and therefore to Dublin transfers as well.

Good practice related to the resumption of Dublin transfers

Member States adhere to a two-step resumption of Dublin transfers. During the first step, Member States liaise with neighbouring Member States first and conduct land transfers. This is because public health and safety measures can better be controlled and respected during a land transfer which is within the full control of the sending Member State.

During the second step, Member States liaise with the non-neighbouring Member States and involve air transfers as well, using the experience gained throughout the first step for developing practical policies and practices for use during the second step.

² EASA and ECDC, [COVID-19 Aviation Health Safety Protocol: Operational Guidelines for the management of air passengers and aviation personnel in relation to the COVID-19 pandemic](#), issue 1.1, 21 May 2020.

Information on national COVID-19 related requirements or guidelines

- Member States are recommended to inform each other about the national requirements in relation to COVID-19 prior to transferring an applicant.
- Member States may choose to inform each other about the national requirements on a case-by-case basis or decide to make the information accessible for the partner countries through other means (such as by regular email or by updating the information on a website).
- Member States inform each other about the national requirements, and any modifications of such requirements, in a clear and uniform manner, such as through DubliNet.
- In cases where changes to national requirements in the receiving Member State can affect the execution of a planned incoming transfer, the receiving Member State should promptly inform the sending Member State of these changes so that the appropriate measures can be taken.
- Member States are encouraged to provide the information referenced above also through the EASO Network of Dublin Units. If requested, EASO may compile these contributions in a consolidated table, which will be made available to Member States.

Information on means of transfers

- It is recommended that the receiving Member State communicates in advance if certain means of travel are temporarily not acceptable for carrying out the transfer and provides alternatives on how the transfer can be carried out.
- The information on restrictions needs to be updated regularly and made available for the sending Member State in time to start organising the transfer.

Use of Transfer Arrival Times table

- It is recommended that Member States communicate the information on preferred time slots and arrival places through the Transfer Arrival Times table.
- Member States are encouraged to actively update said table with COVID-19 related amendments, preferences and relevant additional information.

Resources

Testing

- It is recommended that Member States do not demand a negative COVID-19 test pre-transfer, nor include a COVID-19 test as a pre-transfer requirement.
- When using COVID-19 testing prior to executing a Dublin transfer, Member States should resort to using polymerase chain reaction tests (PCR) with clinically well-validated diagnostic molecular detection assays.
- Testing should be done at a testing facility or laboratory that performs these validated molecular diagnostic tests.
- The collection of the testing sample should ideally be performed by a healthcare worker at a dedicated facility, such as so called 'swabbing centres', where all preconditions for safe testing (e.g. correct wear of PPE, protection of sample collector, packaging supplies for transportation of swabs) can be met.
- Member States should refrain from using rapid antigen tests because of their unreliability.
- Member States are encouraged to properly inform transferees about the need and purpose of the testing.
- Informing transferees should ideally happen both in writing and in person in a language the transferee understands or is reasonably supposed to understand.

- Member States are advised to refrain from using force when conducting a pre-transfer COVID-19 test. Testing should be done on a voluntary basis. In order to ensure cooperation, commitment and participation, Member States are recommended to place a particular emphasis on the provision of information to the Dublin transferee. Member States should resort to alternative, non-intrusive measures in case the transferee refuses to be tested.

Immunity certificates

- Member States should not use immunity certificates in the Dublin transfer process while there is no reliable certification possible.

Personal protective equipment and hygiene

- Member States should ensure that all those involved in executing Dublin transfers are at least provided with a medical face mask. This concerns both the transfer officials as well as the Dublin transferee.
- To maintain proper hand hygiene, Member States should provide or make available hand sanitizer and/or hand sanitation facilities (such as soap, water and paper towels) to those involved in the transfer process.
- Member States are advised to promote proper hand hygiene and respiratory etiquette, for example using posters, flyers and individual direct instructions to all those involved in the transfer procedure.
- To maintain proper respiratory etiquette, Member States should provide or make tissues available to those involved in the transfer process.

2. Considerations before transfer

Preconditions

State of health pre-transfer

- It is recommended that symptomatic individuals, (i.e. persons who are suspected of being infected, experiencing any respiratory and/or flu-like symptoms) or confirmed to be infected with COVID-19, are not transferred.
- Member States are encouraged to actively disclose to the receiving Member State, pre-transfer, whether the transferee shows symptoms of COVID-19, or is part of a COVID-19 at risk group, or if they are or have been infected. This information is only to be communicated through the appropriate channel, e.g. through DubliNet. In general, this would be the transfer notification, for at-risk groups this would be Annex IX.

At-risk groups

- It is generally recommended that Member States pay special attention to applicants who, due to underlying health conditions or their age, are at increased risk of severe illness and death when infected with COVID-19, compared to those not at risk.
- Member States will scrutinise the need for a transfer and the (pre)conditions for that transfer if the transfer concerns an applicant who:
 - is over 65 years of age; and/or
 - has a diagnosed underlying health condition such as hypertension, diabetes, cardiovascular disease, chronic respiratory disease, immune compromised status, cancer or obesity.

- In cases where the transferee is in at-risk group category, the risks are specifically assessed before the transfer, and all information on the status of the applicant and the needs are communicated to the receiving Member State.
- Any of the aforementioned underlying health conditions as well as other COVID-19 related necessary medical information should, with the consent of the Dublin transferee, be transmitted in accordance with Article 32 Dublin III regulation and Article 15(a) Dublin implementing regulation, and by using Annex IX.

Officials involved in the transfer

- It is generally recommended that officials that are symptomatic (experiencing any respiratory and/or flu-like symptoms) should not be physically involved with the transfer process until they are asymptomatic.
- It is generally recommended that the health of all officials physically involved with the transfer process is regularly monitored.
- The Member States will ensure that all officials involved in the transfer of the applicant are aware of the necessary health and safety requirements before the transfer.
- Member States can organise info sessions to staff members involved or use information brochures, billboards, etc. to ensure that the officials involved are aware of their duties and responsibilities in relation to COVID-19.

Testing before transfer

- Requiring testing before the transfer is generally not recommended. In cases where there is nevertheless such a requirement to test the Dublin transferee before transfer, this requirement is communicated well in advance, and the sending Member State ensures that the transferee is informed about:
 - why testing is necessary;
 - how and where the test will take place;
 - who will conduct the test and how long it will take;
 - the consequences of a negative and of a positive test are for the Dublin transfer.

Place and time of arrival, means and types of transfer

Preferred or feasible place and time of arrival

- It is recommended that the receiving Member State informs the sending Member State about the preferred place and time slot of the arrival well in advance, including any preventative measures in place in that location that need to be respected.
- In cases where there are restrictions in place regarding specific means of transfer, the receiving Member State communicates the information on the restrictions and on the available options so that the transfer can be carried out.

Land transfers

- It is recommended that, where applicable, for the gradual resumption of transfers, Member States resume first the transfers with neighbouring countries via land borders.
- The sending and the receiving Member States inform each other on specific requirements in place for land transfers during the COVID-19 pandemic.

Transfer by air, boat or ferry

- The sending and the receiving Member States inform each other in particular if, during the COVID-19 pandemic, specific requirements are in place for transfers by air, or by boat or ferry during the COVID-19 pandemic.

Supervised departures and escorted transfers

- The sending and the receiving Member States inform each other in particular if specific requirements are in place for supervised departures and/or escorted transfers during the COVID-19 pandemic.

Voluntary transfers

- Member States are recommended not to carry out or to limit the number of voluntary transfers during the COVID-19 pandemic as voluntary transfers lack oversight and/or pre-departure guidance and involve a greater risk to transfer symptomatic individuals and/or non-compliance with public health and safety measures in place.

Group transfers

- When group transfers will be carried out, Member States inform each other about the following (in addition to the recommendations on Charter flights³):
 - a list of the necessary information required by the receiving Member State prior to the transfer in relation to COVID-19;
 - requirements related to the preventive measures in place in the receiving Member State.

3. Considerations during transfer

Ensuring that all safety requirements are met

- The sending Member State will ensure that the necessary personal protective equipment and other equipment, such as tissues and hand sanitizer, is available for all persons involved in the transfer in adequate numbers and that [personal protective equipment and hygiene](#) are ensured.

General precautionary measures during a transfer

- The general ECDC, EASA and national recommendations for travel should be respected. This includes, inter alia, the following measures for individuals being transferred as well as any accompanying escorting officials:
 - proper hand hygiene should be observed;
 - respiratory etiquette should be observed;
 - the authorities of the Member States should provide protective equipment and sanitation products as required.

³ EASO, *Recommendations of the EASO Network of Dublin Units on Dublin transfers*, 2019, p. 16:

‘When group transfers are carried out with charter flights, a bilateral agreement between the Member States is advised. This agreement will contain special arrangements related to the following:

- the timeframe of notifications (need for extended timeframes);
- the minimum/maximum number of applicants to be transferred;
- whether people with special needs can be transferred;
- a list of the necessary information required by the receiving Member State prior to the transfer;
- a list of persons who will be transferred on the charter flight.’

- Physical distancing (1.5 – 2 metres) between people not belonging to the same household should be observed during the Dublin transfer. If this physical distance cannot be respected because of restrictions in the chosen means of transfer, the wearing of face masks is strongly advised.

Additional precautionary measures during land transfers

- If a transfer is conducted by means of land transfer, for example by car, minibus or bus, the following measures should be considered:
 - The use of protective barriers for the driver, when the driving compartment is not physically separated from the travellers.
 - Reducing the maximum number of passengers per vehicle allowing only the use of every other seat to avoid crowding and ensuring physical distancing.
 - In buses, introduce boarding from the rear doors to ensure physical distancing from the driver if the driving compartment is not physically separated from the travellers.
 - Ensure proper ventilation in the vehicle at all times. Avoid recirculating air and encourage the use of windows, skylight panels and fans to increase replacement with fresh air. Such measures should be adapted based on local conditions, needs and type of vehicles and other equipment in use.
 - Stops at petrol stations or similar during the transfer should be avoided in order to minimise contact. If food or drinks is needed during the transfer authorities can provide them in the vehicle in order to avoid the need for stops.
 - If logistically possible, escorting officials could accompany the transfer in a separate vehicle in order to limit contact.

Symptoms developed during a Dublin transfer

- Member States should take the necessary precautions not to transfer any individuals that are not fit to travel or that experience any symptoms of COVID-19.
- If an individual being transferred or an accompanying escorting official nevertheless develops symptoms during the transfer, healthcare attention should be provided according to the severity of the symptoms, and when possible, healthcare providers should be contacted first by phone to follow the procedures according to national health authorities.
- In cases of escorted transfers, the authorities of the receiving Member State should be informed without delay so that they may take the necessary precautionary measures upon arrival.

Information about the preventive measures in place during the transfer and in the receiving Member State

- The Member State will ensure that the transferee is aware of the preventive measures in place for the transfer.
- The sending Member State can inform the Dublin transferee about the measures in place in the receiving Member State in case the receiving Member States communicates those measures to the sending Member State in advance. The information provision should be done in a language that the person concerned understands or is reasonably supposed to understand.

Good practice related to information provision on COVID-19

Member States can use various means to inform the applicants about preventative measures in place. Member States can use flyers, posters, share information during the interview, or prepare FAQs for use during interviews when questions on transfers may arise in a personal exchange with the applicant.

4. Considerations after arrival

Information on national preventive measures in place

- It is recommended that the receiving Member State informs the applicant about preventive measures in place in a language that the person concerned understands or is reasonably supposed to understand.
- The information covers the specific public health and safety measures in place in the Member State in relation to COVID-19 that apply to the person concerned.

Additional remark

The information could cover, inter alia, the obligations of the persons arriving to the territory in relation to COVID-19, the most common symptoms to monitor and how to access medical services.

Self-monitoring after arrival

- If applicable under the public health and safety measures in place, the receiving Member State informs the person concerned upon arrival about the necessity of self-monitoring their health, and inter alia, the symptoms to watch out for, and how and whom to contact in case they experience any symptoms.

Developing symptoms after arrival

- In such cases where an individual involved with the transfer, being either the officials involved or the Dublin transferee themselves, develops symptoms after the transfer has taken place, the competent authority informs the other Member State without delay.
- In these cases, all those involved with the transfer in question should be informed by the competent authorities without delay for them to take adequate action.
- The sending and the receiving Member State can set up a separate communication channel (functional email, telephone number, or other) through which such information can urgently be transmitted.

Contact tracing

- The sending and receiving Member State will ensure that they are aware of (the number of) individuals and the contact details of the persons that the Dublin transferee has been in contact with immediately before, during and immediately after the transfer in order to ensure that in cases where the Dublin transferee develops symptoms, all contacts can be reached and informed to watch for symptoms.

Individual arrangements upon arrival

- It is recommended that the receiving Member State assesses upon arrival in each individual case whether the person concerned is in need of specific arrangements that differ from those already in place, in relation to the COVID-19 pandemic.

References

- [Communication from the Commission COVID-19: Guidance on the implementation of relevant EU provisions in the area of asylum and return procedures and on resettlement](#), Brussels, 16.4.2020 C(2020) 2516 final.
- European Asylum Support Office, *Recommendations of the EASO Network of Dublin Units on Dublin transfers - for internal use only*, 2019.
- European Union Aviation Safety Agency and European Centre for Disease Control, [COVID-19 Aviation Health Safety Protocol: Operational Guidelines for the management of air passengers and aviation personnel in relation to the COVID-19 pandemic](#), issue 1.1, 21 May 2020.

