



Recommendations of the EASO Network of Dublin Units on Dublin Transfers

EASO Practical Guide Series

March 2019



Manuscript completed in March 2019

Neither the European Asylum Support Office nor any person acting on behalf of the European Asylum Support Office is responsible for the use that might be made of the following information.

PDF ISBN: 978-92-9465-578-3 doi: 10.2847/807518 BZ-08-21-269-EN-N

© European Asylum Support Office, 2021

Cover page illustration, elenabs © iStock, 2017

Reproduction is authorised provided the source is acknowledged. For any use or reproduction of photos or other material that is not under the EASO copyright, permission must be sought directly from the copyright holders.

Contents

List of abbreviations	4
Introduction	5
Communications channels, use of forms, transmission of information	6
Recommendation 1. Use of DubliNet	6
Recommendation 2. Transmission of information prior to transfer	6
Recommendation 3. Shrinking the size of the document to be transmitted	7
Recommendation 4. List of minimum information items.....	7
Recommendation 5. Use of Annex IX to the implementing regulation.....	8
Recommendation 6. Transmission of Annex IX to the implementing regulation.....	10
Technical organisation of the transfer	11
Recommendation 7. Timeframe of notification	11
Recommendation 8. Acceptance by default.....	11
Recommendation 9. Arrival times/limitations.....	12
Recommendation 10. Voluntary transfers	12
Family considerations	14
Recommendation 11. Newborn children.....	14
Recommendation 12. Family members absconding.....	14
Recommendation 13. Personal documents.....	14
Re-organising transfers	15
Recommendation 14. Cancellation, rescheduling and erroneous transfers	15
Fit to travel.....	16
Recommendation 15. Fit to travel	16
Arrival to the receiving Member State	17
Recommendation 16. Notification upon arrival	17
Special arrangements	18
Recommendation 17. Charter flights.....	18
Recommendation 18. Cases with security considerations	18

List of abbreviations

Dublin III regulation	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)
EASO	European Asylum Support Office
EU	European Union
Eurodac II regulation	Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013 on the establishment of ‘Eurodac’ for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 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 and on requests for the comparison with Eurodac data by Member States’ law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice
Implementing regulation	Commission Implementing Regulation (EU) No 1560/2003 of 2 September 2003 laying down detailed rules for the application of Council Regulation (EC) No 343/2003 establishing criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national, as amended by Regulation 118/2014 of 30 January 2014
MS	Member State(s) of the European Union plus Norway, Switzerland, Iceland and Liechtenstein applying the Dublin III regulation

Introduction

One of the main bottlenecks in the Dublin procedure is the actual implementation of the transfer after the responsible Member State has been determined. Around a quarter to a third of the accepted take charge or take back requests lead to an actual transfer. A reason for this low implementation is the absconding of applicants. The EASO Network of Dublin Units held an expert meeting on 21 and 22 February 2018 to look more in detail at how the practical cooperation between Member States on transfers can be enhanced. A questionnaire on transfers was shared with the EASO Network of Dublin Units beforehand and the results were then presented during the meeting. In June 2018, the issue of transfers was further discussed at the Steering Group meeting of the Network in Brussels. The Member States present expressed a need to put down on paper a Recommendation on Dublin transfers in order to help the practical cooperation between Member States regarding this issue.

This document was developed by experts who work in the field of organising Dublin transfers. The objective of this document is twofold. Firstly, it compiles the rules set out in the legislative framework of the Dublin system. Secondly, it aims to provide recommendations on how to enhance practical cooperation between Member States in order to improve the implementation of Dublin transfers.

Cases where the take back or take charge request has been accepted fall within the scope of these recommendations.

This document targets Member State Dublin Unit authorities and other actors that are involved in the implementation of the transfers.

Communications channels, use of forms, transmission of information

Dublin III regulation	Implementing regulation
Article 31	Article 15, Article 19, Article 20(1) and (2)

Recommendation 1. Use of DubliNet

All the information related to the case shall be communicated between the sending and the receiving Member State through DubliNet with the use of the forms that are provided in the Implementing regulation.

DubliNet is the source of communication. As set out in Article 19(4) Implementing regulation, the information that is shared through DubliNet shall only be shared between the National Access Points of the respective national Dublin Units and not by other actors involved in the transfer procedure.

It is recommended to set up a functional general email address of the Dublin Unit as a backup. This email address shall not, by any means, replace DubliNet, even in cases where urgent information is to be shared. This email shall be used to transmit urgent information related to the practicalities of the transfer, such as a last-minute cancellation, only in the event that DubliNet is not functioning. For the purpose of facilitating the communication, it is recommended that Member States communicate and update this generic email address through the Contact Details overview table.

Structure and Contact Information of Dublin Units						
This template is intended to facilitate communication among Member States in their application of Regulation (EU) No. 604/2013 of the European Parliament and of the Council of 26 June 2013.						
Please provide for every task details for the Contact Point. The Team leader is mentioned to further facilitate the communication between the Dublin Units. In case one contact point and/or team leader covers several task, kindly copy his/her contact details next to each relevant task. If there are several teams/sections in charge of the same task with different locations please add the different locations as well. Feel free to add other tasks in the lower part of the table (such as legal advisory team, re-examination team, appeals team, etc.) if relevant.						
1. Country:						
2. Last updated:						
3. Task	4. Name (not applicable for general e-mails/contact addresses)	5. Location / address	6. Telephone	7. Fax	8. E-mail	
Overall management	Head of Unit (if centralized)					
	Contact Point					
Preparing outgoing requests	Team leader					
	Contact Point					
Replying incoming requests	Team leader					
	Contact Point					
Decision-making	Team leader					
	Contact Point					
Organising the transfer	Team leader					
	Contact Point					
Preparing outgoing information requests	Team leader					
	Contact Point					
Replying incoming information requests	Team leader					
	Contact Point					

Figure 1 - Structure and Contact Information of Dublin Units (Contact Details table)

Recommendation 2. Transmission of information prior to transfer

Dublin III regulation	Implementing regulation
Article 31	Article 15(1), Article 15(a), Article 19, Article 20(1) and (2)

The subject (line) of the email sent through DubliNet shall be made up of the following letters: the letters used to identify the sending MS + the code DUB6 + the reference number of the case in the sending MS.

Example

In a case where Germany is the sending MS and Romania is the receiving MS, the subject shall be the following:

DE + DUB6 + Reference number of the case in Germany (+ Eurodac reference number of Romania, e.g. RO1XXXXXXXXXX, in case the request is based on data supplied by Eurodac)

Recommendation 3. Shrinking the size of the document to be transmitted

The size of the email that can be transmitted via DubliNet is limited. The standard form is available in 23 languages hence the reason the email is already quite large. If there are several attachments (e.g. a photo of the applicant, a copy of the travel document(s), other relevant documents) there is a risk of delivery failure due to the size of the email. In order to avoid unsuccessful or late delivery, it is recommended to shrink the size of the standard form.

In order to shrink the size of the standard form, Member States that are sending the transfer notification are advised to select the languages of both the sending and the receiving Member State when preparing the form. In practice, select the 'Originating State', which is the sending Member State, and the 'Destination State', which is the receiving Member State on the first page of the form, and then click 'prepare document'. This way the size of the document will be reduced.

Recommendation 4. List of minimum information items

In order to streamline the information that is required to fill in the form Annex VI, it is advised to respect the following list of minimum information items that should be included in the form:

If available, send attachments (medical files or any other relevant document).

Cover page	Originating State (sending MS) Destination State (receiving MS)
Page 1	<u>Data identifying the person to be transferred</u> Family name First name Date and place of birth Nationality(ies) Sex
Page 2	<u>Data regarding the transfer</u> Type of transfer Date of transfer Means used to transfer Location of the transfer (place of arrival) Foreseen date and time of arrival
Page 3	<u>Data regarding the transfer</u> Travel documents <u>Other data regarding the person to be transferred</u> Family members accompanying (if applicable)
Page 4	<u>Other data regarding the person to be transferred</u> Assistance needed upon arrival, other than health-related (specify) (if applicable) Family members in the receiving MS (if applicable) Language spoken by the applicant
Page 5	<u>Health condition of the person(s) to be transferred</u> Confirmation that all persons appear fit to travel (if applicable) Any other relevant information on the persons e.g. consent not provided by the applicant, information on vulnerability, medical condition, special needs, reference to Annex IX Electronic signature

Recommendation 5. Use of Annex IX to the implementing regulation

Dublin III Regulation	Implementing Regulation
Article 31	Article 15(a), Article 19, Article 20(1) and (2)

Annex IX is used in case the applicant has health issues and has given consent for the exchange of this information. In cases where the applicant does not give consent for the exchange of medical information, a description of their situation and medical needs shall be referred to in Annex VI under 'any other relevant information', within the limits of the information essential to carrying out the transfer in a safe way for the persons and staff involved.

Fill in at a minimum the following information in form Annex IX:

Cover page

- Originating State (sending MS)
- Destination State (receiving MS)

Page 1

- **Data identifying the person transferred**
 - Family name
 - First name
 - Date and place of birth
 - Nationality(ies)
 - Sex
- **Information regarding the transfer**
 - Type of transfer
 - Means used to transfer

Page 2

I. Information provided by the transferring Member State

- General evaluation of the person's health
- Whether the evaluation was provided by medical staff
- Medical diagnosis, treatment and medication used and treatment (if applicable)

Page 3

II. Information relevant during the transfer

- The person is accompanied/assisted during the transfer

Page 4

III. Considerations to be taken into account upon arrival & IV. Consent of the person

- Medical assistance for special needs upon arrival
- Consent of the person concerned

Page 5

- Any other comments
- Electronic signature

The medical documents shall be as recent and as up-to-date as possible. In practice, this means that:

- It is recommended that medical documents are updated a maximum of 30 days before the transfer, depending on the type of illness: while an update may not be needed for chronic illnesses, for other types of acute illnesses a more recent update may be needed.
- For urgent medical needs, such as cases where immediate treatment or continuous monitoring is needed, the sending Member State shall ensure the applicant has the medication and/or medical advice that is needed during the travel and hand-over to the receiving Member State. The sending

Member State shall inform the receiving Member State of all the details of the medical treatment needed in order for the receiving Member State to prepare for the arrival of the person(s).

It is recommended that the information essential for the transfer and initial reception of the person is summarised in English in order to ensure that the correct information can be forwarded to all other relevant stakeholders involved in the transfer.

Recommendation 6. Transmission of Annex IX to the implementing regulation

Dublin III regulation	Implementing regulation
Article 31	Article 15(a), Article 19, Article 20(1) and (2)

As specified in the implementing regulation, the transmission of the common health certificate shall be identified as type 7 (DUB7).

Technical organisation of the transfer

Dublin III regulation	Implementing regulation
Article 29	Article 8

Recommendation 7. Timeframe of notification

The implementing regulation provides a timeframe of 3 days to notify the receiving Member State of the transfer. However, because of practical aspects, Member States can extend this deadline.

For regular cases, it is recommended to extend the timeframe to (at least) 5 working days before the transfer. In order for the day to be calculated as a whole day, it is recommended that the notification is sent before 12.00 (midday) (time in the receiving Member State).

Example

If the notification is sent on a Monday no later than 12.00 (midday) in the receiving MS, then the transfer can take place on Friday, five working days after. If the notification is sent on Monday after 12.00 (midday) in the receiving MS, then the transfer will (preferably) take place no sooner than the following Monday.

For cases where the receiving Member State has to make special arrangements, it is advised that the timeframe for the notification is extended to 10 working days, calculated in the same way ⁽¹⁾.

These cases concern in particular:

- people with special needs who need assistance, such as medical cases and unaccompanied minors;
- cases with security considerations (see [Recommendation 18 - Cases with security considerations](#)).

Recommendation 8. Acceptance by default

Dublin III regulation	Implementing regulation
Article 22(7) and Article 25(2)	Article 10

In accordance with Article 10 implementing regulation, after an acceptance by default, the sending Member State has the obligation to initiate consultation with the receiving Member State regarding the organisation of the transfer. If requested by the sending Member State, the receiving Member State shall confirm its responsibility in writing.

In cases of acceptance by default, after the time limit to reply to the take back or take charge request has passed, the sending Member State is recommended to inform the receiving Member State that it has now become responsible. Furthermore, the sending Member State can ask the receiving Member State to communicate the information regarding the organisation of the transfer, including information such as the airport to which the transfer should take place, the preferred time slot, and how much notice is required prior to the transfer.

The receiving Member State has to react as soon as possible after the acceptance by default and provide details about the transfer. Even after the notification of the transfer, it is important to reply to the sending Member State in order for the transfer to be implemented without complication. If

⁽¹⁾ This way of calculating the notification does not apply to the legal three-day timeframe.

the receiving Member State has any reason to refuse the transfer or has any other comments on the transfer this has to be expressed as soon as possible and no later than 3 days prior to the transfer.

Recommendation 9. Arrival times/limitations

All Member States have limitations regarding the arrival times and places (airports, train stations, etc.) as well as special dates on which transfers cannot take place for national reasons. It is important to have this information kept up-to-date and communicated in the most efficient way.

Transfer details, limitations, and closures can be updated in the Transfer Arrival Times table. This table is updated every time a Member State so requires. Member States can reach the table and are notified of any modifications when an update is done. In case of changes to the arrival times and/or locations, Member States are encouraged to request an update of the table immediately.

Dublin Transfers: Arrival times											
This template is intended to facilitate the consultation with the responsible Member State on the time of arrival in line with art. 8(2), of the Commission Regulation (EC) No 1560/2003. It does in not in any way alter the meaning of or give an interpretation to this article.											
Country:						Last update:					
Contact details of Dublin Unit for all practical issues related to the transfer arrival times.				Telephone number(s):				Email address(es):			
1. Border Crossing Points for transfers List all the BCPs where transfers can take place.				2. Time schedules for arrival times A schedule can apply to one, several or all BCPs.				3. Closure days Closure dates can apply to all BCPs (like public holidays) or to specific to BCPs.		4. Notification time for transfer	
No BCP	Type BCP	Name BCP	Schedule No	Schedule No	Days	From	To	Closure date	No BCP (or indicate 'All')	File type	Number of working days
1			Schedule 1	Schedule 1	Monday						
2					Tuesday						
3					Wednesday						
4					Thursday						
5					Friday						
6					Saturday						
7					Sunday						
8											
9											
10											
11											
12											
13											
14											
15											
16											
17											
18											
19											
20											
21											
22											
23											
24											
										5. Comments	

Figure 2 - Transfer Arrival Times table

Recommendation 10. Voluntary transfers

Dublin III regulation	Eurodac II regulation	Implementing regulation
recital 24	Article 10	Article 7(1)(a)

Definition: for this recommendation, 'voluntary transfer' means the authorities are not involved in the organisation of a transfer, but that it is organised by the applicant themselves or other actors (NGOs).

Even though not organised by the Member State, it is advised nevertheless that for a voluntary transfer the Member State takes some precautions to allow for the transfer to take place in a regular way. The unannounced arrival of applicants could cause problems in the responsible Member State regarding accommodation or medical issues, for example. It needs to be ensured that the responsible Member State is informed about the voluntary transfer. It also should be ensured that the fingerprints of the person are registered in Eurodac upon arrival.

The following recommendations are put forward regarding voluntary transfers:

- the applicant is instructed to inform the Dublin Unit of the sending Member State about all arrangements (travel time, arrival times, place of arrival and the fact that the transfer is voluntary);
- the Dublin Unit notifies the accepting Member State of this voluntary transfer;
- if applicable, the sending Member State provides the applicant with travel documents only after the transfer has been arranged;
- the standard transfer notification form (Annex VI) shall be used to communicate details about the transfer.

Member States shall not apply voluntary transfers for cases that raise special considerations e.g. security concerns. When the responsible Member State detects security concerns it can reject the voluntary transfer and request for a departure under escort/supervised departure.

Family considerations

Recommendation 11. Newborn children

When a child is born between the acceptance and the transfer, there is no need to send a new request. However, the sending Member State shall provide the receiving Member State with an official birth certificate or any other official document that provides information about the birth.

Recommendation 12. Family members absconding

The members of a family should be transferred together according to the principles of family unity and the best interests of the child. In the event that a child has absconded before the transfer, the Member State will decide only after a case-by-case assessment and in consultation with the receiving Member State, whether or not the transfer will go ahead. In the event that an adult member of the family has absconded, the transfer can still be carried out with the rest of the members of the family, at the discretion of the sending Member State.

Recommendation 13. Personal documents

The sending Member State shall check if the person has personal documents in their possession. These documents shall also be transferred by the sending Member State to the responsible Member State at the time of the transfer. In case there are documents that have not been sent at the time of transfer, the sending of documents in each individual case should be agreed between the two Member States before the documents are sent. It is advisable to send these documents using recorded delivery, after consultation with the responsible Member State to ensure that the documents are sent to the right authority using a valid and up-to-date address.

Re-organising transfers

Recommendation 14. Cancellation, rescheduling and erroneous transfers

Dublin III regulation	Implementing regulation
Article 29(3)	Article 9(1), Article 9(1)(a) and Article 9(2)

In cases of delays, cancellations or postponements, the receiving Member State shall show flexibility and try to enable the sending Member State to carry out the transfer without further ado. The sending Member State has to inform the receiving Member State without delay, and agree on the new transfer time/date. This is especially the case for transfers that need special arrangements such as persons with special needs in order that the receiving Member State shall have the necessary time to prepare.

In exceptional cases where an erroneous transfer has been carried out, the Member State that becomes aware of the situation shall immediately notify the other Member State. The receiving Member State shall proceed with the return as soon as possible.

In the cases mentioned above (cancellations, postponements, erroneous transfers), the communication shall be done through DubliNet. However, due to the urgent character of the situation, the direct communication (email, telephone, fax, etc.) between the Dublin Units is highly recommended.

Fit to travel

Recommendation 15. Fit to travel

All the applicants have to appear fit to travel before the transfer. Adding fit-to-travel confirmation documents in all files can be good practice, but as such not a requirement. In cases, however, where there are indicators in the file that the person might have medical issues, a medical examination shall take place close to the travel date (maximum 5 days before the transfer) in order to confirm that the person is fit to travel.

Arrival to the receiving Member State

Recommendation 16. Notification upon arrival

Dublin III regulation	Eurodac II regulation
Article 29(1)	Article 10

When the transfer is carried out with escorts, no notification from the receiving Member State is needed.

When the transfer is carried out without escort (supervised departure or voluntary transfers), the receiving Member State shall inform the sending Member State about the successful transfer, or about the fact that the applicant did not appear within the set time limit.

It is the obligation of the receiving Member State to mark the transfer in Eurodac upon the arrival of the applicant.

Special arrangements

Recommendation 17. Charter flights

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.

Recommendation 18. Cases with security considerations

Description of 'cases with security considerations': There might be cases where the sending Member State is in possession of information based on which there is a reasonable ground to believe that the Dublin returnee might represent a danger or threat to national security or public order. In case the Dublin Unit of the sending Member State is aware of this information, it is important to clearly identify and communicate it to the receiving Member State in an appropriate way. These transfers shall always be carried out with escorts.

