Concise overview of the Dublin III Regulation

1. What is the Dublin III Regulation?

The Dublin III Regulation (the “Regulation”) determines which EU Member State (or associated country) must examine an application for international protection (asylum).

The Regulation establishes that any application for asylum filed within the EU is the responsibility of one Member State. It provides criteria for determining which Member State is responsible. If the Member State where the application for asylum was lodged considers that another Member State is responsible under these criteria, and that other Member State accepts responsibility, the applicant is transferred to the other Member State to have the application examined.

Responsibility is based primarily on family reunification. Secondary considerations include residence permits or visas and the applicant’s place of entry into the EU.

2. Where does the Regulation apply?

It applies to all 28 EU Member States and the four associated countries.¹

3. How does the Regulation work?

The Regulation requires Member States to acquire certain biographical information from each applicant. This information is then assessed according to sets of criteria that are applied sequentially to determine which Member State is responsible for examining an application.

4. How long does this process take?

This process is designed to work as quickly as possible, but may take up to eleven months from when the application is lodged. Shorter time limits apply to applicants in detention.

5. What criteria are used to determine the Member State responsible for an application?

1. **Family Unity:** Applicants with family members² who have been granted asylum in a Member State, or who have applied for asylum, may have their application examined in that Member State. Special rules apply in favour of unaccompanied minors (under 18).

2. **Place of Legal Residence:** Applicants with a valid or recently expired residence document or visa may have their application examined in the Member State that issued it.

3. **Place of Entry:** Applicants who entered into a Member State in an irregular manner from a third country may be the responsibility of the Member State where they first arrived.

4. **Place of Application:** If none of the other criteria apply, applicants are the responsibility of the Member State in which they filed their first application for asylum.

6. What special rules does the Regulation provide for child applicants?

Member States must always assess the “best interests of the child” by taking into account possibilities for family reunification, the minor’s well-being and social development, safety and security considerations, and the view of the minor.

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¹ The EU Member States are Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, and the United Kingdom. The associated countries are Iceland, Liechtenstein, Norway and Switzerland.

² Family members can include a spouse or unmarried partner, minor children, and parents or responsible adult.
Unaccompanied minors with a family member, sibling or relative (aunt, uncle or grandparent) legally present in a Member State may have their application examined there.

7. How is an applicant’s personal information collected?

Member States must grant each applicant a personal interview conducted in a language the applicant understands and in which the applicant is able to communicate. It must occur in a timely manner in conditions ensuring confidentiality and must be summarised in writing.

8. What are the Eurodac Database and Visa Information System?

All applicants over the age of fourteen will have fingerprint scans collected and transmitted to the Eurodac Database. These scans will be checked to ensure the applicant was not previously fingerprinted by another Member State, either upon submission of a previous application for asylum or when crossing a border into a Member State.

The fingerprint scans will also be sent to the Visa Information System database to check whether the applicant has previously held a resident document or visa in a Member State.

If either of these databases have a previous record of the applicant, the applicant may be transferred based on that information.

9. What happens if another Member State is responsible under the Regulation?

Where the Member State where the application was lodged considers that another Member State is responsible for examining an application for asylum, it may issue the other Member State with a take charge or take back request, which must be placed within a given timeframe (generally two to three months) of the application reaching the competent authorities of the Member State where the application was lodged.

A take back request is issued when the applicant has previously applied for asylum in a different Member State. A take charge request is issued when the applicant has not previously applied for asylum, but a different Member State is considered responsible based on the criteria previously described.

The Member State that receives a take charge or take back request must examine the request and reply to it within a given timeframe (generally one to two months).

If that Member State accepts responsibility for the application, or is deemed to accept responsibility, the applicant must be notified of the transfer decision and transferred to the Member State responsible for examining the application within six months.

10. Can an applicant appeal against a transfer decision?

An applicant who disagrees with a decision to transfer their application may appeal or seek review of the decision.

11. Can an applicant be detained during this process?

Applicants may only be detained when there is significant risk that they could abscond. Detention must be for as short a period as possible and is only permitted if it is proportional and if less coercive methods will not be effective.
1. **Where will my application for international protection (asylum) be examined?**

This diagram shows how the Dublin III Regulation (Regulation (EU) No 604/2013) will be applied to determine which Member State will examine your application for international protection (asylum).

**Dublin III Regulation Criteria**

**Family Unity**

- Are you under 18 and accompanied by an adult person responsible for you?
  - Yes: The Member State where your family member (not including you) is legally present.
  - No: The Member State where your family member has been granted asylum.

- Do you have a family member who has been granted asylum in a Member State?
  - Yes: The Member State where your family member is legally present.
  - No: The Member State where your family member has been granted asylum.

**Residence Document or Visa**

- Do you have a valid residence document issued by a Member State?
  - Yes: The Member State that granted you the residence document.
  - No: The Member State that granted you the visa.

- Do you have a multiple-residence document?
  - Yes: The Member State that granted you the residence document.
  - No: The Member State that granted you the visa.

- Do you have a right to reside in a Member State?
  - Yes: The Member State that granted you the residence document.
  - No: The Member State that granted you the visa.

- Have you been in a Member State for a continuous period of at least 6 months before you lodged your application?
  - Yes: The Member State where you are living.
  - No: The Member State that was the first to issue you a visa.

- Did you enter irregularly within the past 12 months?
  - Yes: The Member State where you are living.
  - No: The Member State where your first application was lodged.

- Have you been in a Member State for a continuous period of at least 6 months before you lodged your application?
  - Yes: The Member State where you are living.
  - No: The Member State that was the first to issue you a visa.

- Did you make your application while in an international transit area of an airport?
  - Yes: The Member State where you are living.
  - No: The Member State where your first application was lodged.

**Entry into a Member State**

- Are you a child,未成年人, or an unaccompanied minor?
  - Yes: The Member State where you are living.
  - No: The Member State where your first application was lodged.

**Previous Application**

- Have you previously lodged an application in another Member State?
  - Yes: The Member State where your first application was lodged.
  - No: The Member State where you are living.

**Dependent Relatives**

- If you are dependent on account of your age, your living with the member of your family who isreference to the Dublin III Regulation (Regulation (EU) No 604/2013), you are not a member of the family who is your family member.

**Observations**

A Member State may decide to examine your application for asylum even if the administrative responsibility is not with its Member State. A Member State may also decide that another Member State takes charge of your application in case of a family relationship or a family environment.

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1. Member States are European Union Member States and associated countries (Norway, Iceland, Switzerland and Liechtenstein).
2. Family member means a parent, father, mother, brother, sister or other relative responsible for you.
3. If you are a child, you are not a family member of your family member.
4. Member State means the Member State of your family member.
5. Anterior means an aunt, uncle, or grandparent.
6. Family member means a parent or unmarried partner in a stable relationship and your minor children.
7. Special rules apply if you have multiple family members who fit this description. Article 13 – Family Procedure.
8. Article 12 – Issue of residence documents or visas.
2. How will I be transferred to the Member State responsible for examining my application?

If it is determined that another Member State is responsible for examining your application for asylum, you will be transferred there under the take charge or take back procedure.

**Transfer under the Take Charge Procedure**

A Member State responsible for examining your application is obliged to take charge when you have lodged an application in a different Member State. If this is your first application, the take charge procedure is likely to which applies to you.

**Placement of the Take Charge Request**

Was the take charge request placed within the applicable deadline? (within 3 months of you lodging your application, or within 2 months of the Eurodac report recognizing your fingerprints)

- Yes → Your application is deemed to be the responsibility of the requesting Member State
- No → Consideration of the Take Charge Request and Reply

**Consideration of the Take Charge Request and Reply**

Was the reply provided within the applicable deadline? (within 2 months of the receipt of the request, or one month if urgent)

- Yes → Did the Member State receiving the take charge or take back request accept responsibility for your application?
- No → Your application may remain in conciliation between the two Member States but is otherwise the responsibility of the requesting Member State

**Transfer Decision Issued and Communicated**

- Yes → You will be notified of a transfer decision. You have the right to an appeal or review of the transfer decision. Did you file an appeal?

**Appeal**

- Yes → You have the right to legal and linguistic assistance during this process. Were you successful on appeal?
- No → You will be transferred as soon as practically possible. Did your transfer occur within the applicable deadline? (within 6 months of the acceptance of the take charge or take back request, or 6 months of the final ruling on an appeal or review)

**Transfer to Member State Responsible**

If this is your first application or, where you have made a previous application, it is still active in the Member State where it was lodged:

- Yes → Your active application must be examined on its substance
- No → Was your previous application withdrawn after the Member State responsible was determined?

**Unaccompanied Minors**

Are you under 18 years of age and unaccompanied by an adult responsible for you? If so, you have the right to representation during the application process. Member States examining your application must make your best interests a primary consideration and take into account possible for reaching you with your family, your well-being and social development, your safety and security, and your own views.