



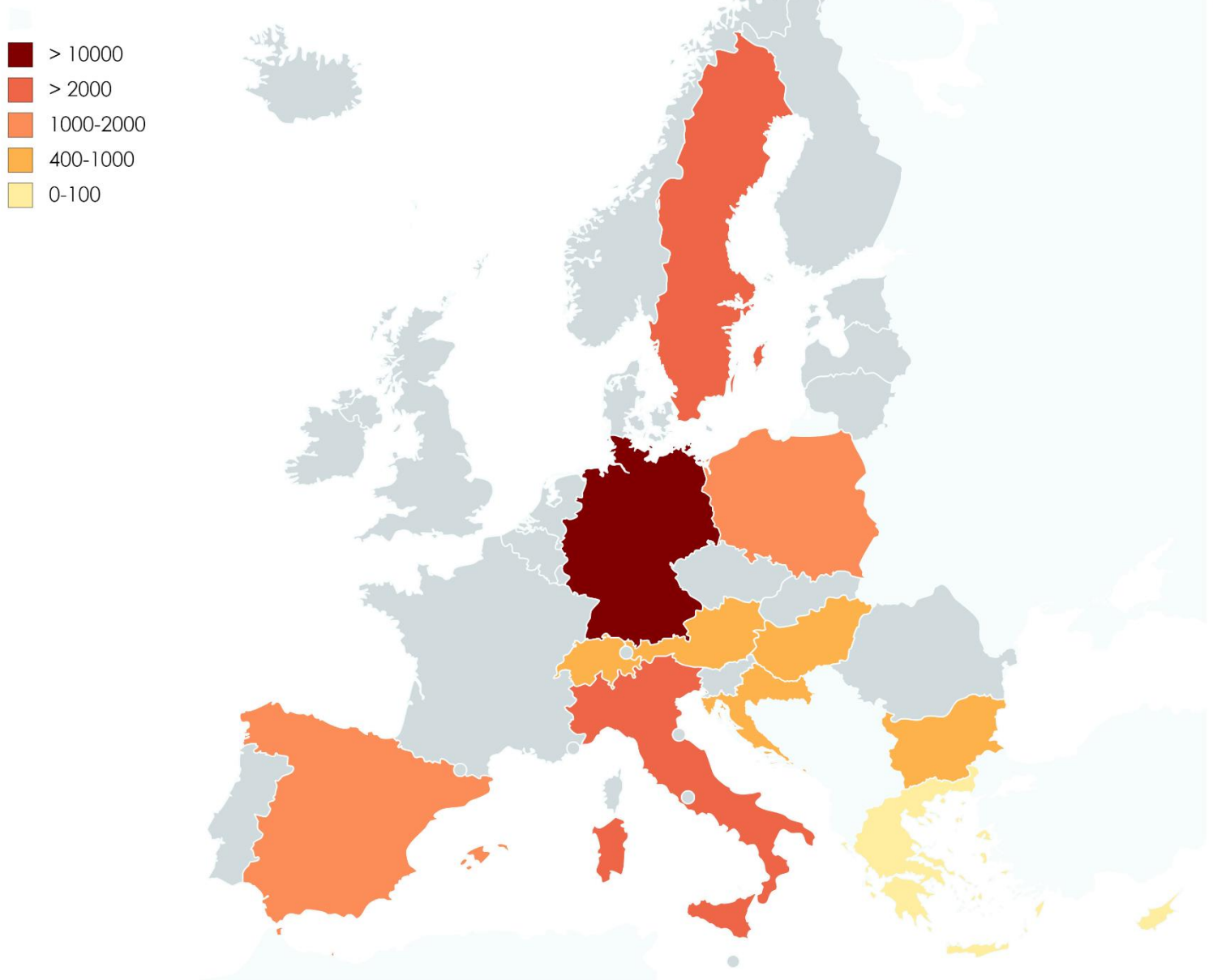
# The Dublin system in 2016

## Key figures from selected European countries

March 2017



## Incoming Dublin transfers: 2016



Figures on the application of the Dublin system are one of the most challenging aspects of data collection in the Common European Asylum System.<sup>1</sup> Despite a clear obligation under the Migration Statistics Regulation<sup>2</sup> for Member States to provide information on requests and transfers every year, Eurostat has never been able to present complete Dublin statistics for all 32 countries participating in the system. These data gaps prevent researchers, practitioners and policymakers, not least EU institutions, from conducting informed debates on the Dublin system.<sup>3</sup> Even the evaluation of the Dublin III Regulation for the European Commission had to rely on outdated, incomplete information.<sup>4</sup>

The deadline for submission of 2016 Dublin statistics to Eurostat by Member States is 31 March 2017, as per the Migration Statistics Regulation. At the time of writing, the 2016 update of the AIDA country reports has made available statistical information on the application of the Dublin Regulation in 12 European countries. Full information is only available for 9 countries (**Germany, Sweden, Switzerland, Greece, Hungary, Bulgaria, Poland, Cyprus and Spain**), while partial information is available for 2

<sup>1</sup> For a discussion, see ECRE, *Asylum Statistics in the European Union: A Need for Numbers*, AIDA Legal Briefing No 2, August 2015.

<sup>2</sup> Regulation (EC) No 862/2007 of 11 July 2007 on Community statistics on migration and international protection, OJ 2007 L199/23.

<sup>3</sup> See e.g. EASO, *Annual Report on the situation of asylum in the European Union 2014*, July 2015.

<sup>4</sup> ICF, *Evaluation of the Dublin III Regulation*, December 2015.

countries (**Austria, Croatia**) and available information for 1 country (**Italy**) is up-to-date as of November 2016.

### *Dublin transfers: Senders and destinations*

On the basis of available statistics in the aforementioned countries, the number of transfers carried out under the Dublin Regulation per sending and receiving country are as follows:

Transfers under the Dublin system: 2016			
Outgoing transfers		Incoming transfers	
Sweden	5,244	Germany	12,091
Germany	3,968	Sweden	3,306
Switzerland	3,750	Italy	2,086
Austria	2,582	Poland	1,420
Greece	946	Spain	1,085
Hungary	213	Bulgaria	624
Poland	82	Croatia	601
Cyprus	62	Austria	549
Italy	61	Hungary	513
Bulgaria	16	Switzerland	469
Croatia	12	Cyprus	4
Spain	2	Greece	3

Source: Annexes.

**Sweden, Germany** and **Switzerland** have remained among the main operators of the Dublin system in 2016 to transfer asylum seekers to other countries, although Sweden and Germany have also been the main recipients of actual transfers. The three countries in total accounted for nearly 13,000 outgoing Dublin transfers, targeting mainly **Germany** and **Italy**, followed by **Poland** and **Hungary**.

**Germany** received far more incoming transfers in 2016, a total 12,091, compared to 2,489 in 2015. A substantial increase was also reported in **Italy**: compared to 480 transfers in 2015, as many as 2,086 persons were effectively transferred thereto in the first eleven months of 2016.

On the other hand, a sizeable drop has occurred in the number of Dublin transfers to **Hungary**, from 1,402 in 2015 to 513 in 2016, even though the country remains among the top recipients of Dublin requests. As many as 26,698 requests were made to Hungary, namely by **Germany** (11,843), **Austria** (9,044) and **France** (2,283). The decline in Dublin transfers to Hungary could be related to increasing pronouncements by national courts and appeal bodies on risks of ill-treatment contrary to the fundamental rights of the individuals concerned. Since the enactment of restrictive amendments to the Hungarian Asylum Act in the summer of 2015, administrative authorities and courts in at least 15 countries have ruled against Dublin transfers to Hungary.<sup>5</sup>

Dublin returns to **Greece** have remained minimal in 2016, with no more than 3 incoming transfers. However, following a Commission Recommendation in favour of the resumption of Dublin returns to

<sup>5</sup> For an overview of related case law, see Hungarian Helsinki Committee, *Summary of bans on / stopping of Dublin returns to Hungary*, 14 December 2016, available at: <https://goo.gl/1FhQ5R>.

Greece, starting from 15 March 2017,<sup>6</sup> countries including **Germany**, **Austria** and **Belgium** have indicated an intention to restart transfers.<sup>7</sup>

### *Dublin requests: Figures and criteria*

Outgoing requests		Incoming requests	
Germany	55,690	Germany	31,523
Switzerland	15,203	Hungary	26,698
Italy	14,229	Italy	26,116
Sweden	12,118	Bulgaria	10,377
Hungary	5,619	Poland	9,503
Greece	4,886	Spain	5,854
Poland	180	Sweden	5,582
Cyprus	157	Greece	4,415
Bulgaria	134	Switzerland	4,115
Spain	10	Cyprus	166

Source: Annexes.

Disaggregated figures on the responsibility criteria used for outgoing requests are not available for most countries at the time of writing. Information from **Greece** indicates as many as 4,727 requests (96.7% of the total) based on family criteria and the dependency and humanitarian clauses of the Regulation.<sup>8</sup> Conversely, these grounds only made up 1.4% of requests sent by **Switzerland**.<sup>9</sup>

The majority of requests issued by **Switzerland** were “take charge” requests based on documentation and entry reasons (6,173), and “take back” requests (8,816). These requests made up 98.7% of the total number of 15,203 outgoing requests.<sup>10</sup> **Germany** also issued Dublin requests predominantly on such grounds, with 38,513 out of a total 55,690 outgoing requests (69.1%) based on a Eurodac “hit”.<sup>11</sup>

Member States have continued to make use of the discretionary clauses under Article 17 of the Dublin III Regulation, although figures on the use of the clauses remain scarce. **Switzerland** applied the “sovereignty” clause to undertake responsibility in 3,331 cases,<sup>12</sup> **Sweden** in 313 cases,<sup>13</sup> while statistics in **Germany** refer to 39,663 cases where the country became responsible either due to the sovereignty clause or due to “*de facto* impediments to transfers”.<sup>14</sup> The majority of these cases (31,488) concerned asylum seekers for whom Greece was found to be the responsible country.<sup>15</sup>

<sup>6</sup> Commission Recommendation of 8 December 2016 addressed to the Member States on the resumption of transfers to Greece under Regulation (EU) No. 604/2013, C(2016) 8525, available at: <http://bit.ly/2kLKs1L>. It should be noted that the Commission recommendation proposes to resume transfers of applicants who have arrived in Greece after 15 March 2017 or other persons for whom Greece is responsible on the basis of criteria other than Article 13 of the Dublin III Regulation gradually and excludes vulnerable applicants, including unaccompanied minors for the time being.

<sup>7</sup> See on that point AIDA, Country Report Austria, 2016 Update, February 2017, available at: <http://bit.ly/2IBT7YI>, 39; Country Report Belgium, 2016 Update, February 2017, available at: <http://bit.ly/2n0RPah>, 14; Country Report Germany, 2016 Update, available at: <http://bit.ly/2mRjN2L>, March 2017, 31.

<sup>8</sup> AIDA, Country Report Greece, 2016 Update, March 2017. See Greek Asylum Service: <http://bit.ly/2kUph23>.

<sup>9</sup> AIDA, Country Report Switzerland, 2016 Update, February 2017, available at: <http://bit.ly/2kE4LCH>, 26.

<sup>10</sup> *Ibid.*

<sup>11</sup> AIDA, Country Report Germany, 2016 Update, March 2017, 26.

<sup>12</sup> AIDA, Country Report Switzerland, 26.

<sup>13</sup> AIDA, Country Report Sweden, 2016 Update, March 2017, available at: <http://bit.ly/2IKGF9G>, 26.

<sup>14</sup> AIDA, Country Report Germany, 27.

<sup>15</sup> *Ibid.*

### The 'efficiency' question

A central question relating to the efficiency of the Dublin system concerns the number of transfers effectively conducted compared to the number of procedures initiated. Several main sending countries (**Switzerland, Sweden**) have made more efficient use of the Regulation in 2016 compared to 2015. For others such as **Germany, Hungary, Italy, Greece** or **Bulgaria**, the rate of outgoing transfers per number of requests was lower last year compared to the previous year.

Despite these changes, the rate of transfers effectively carried out compared to the number of requests issued last year remains particularly low for many countries:

Rate of outgoing Dublin requests and transfers in selected countries: 2015-2016						
	2015			2016		
Country	Requests	Transfers	Rate	Requests	Transfers	Rate
Germany	44,288	3,597	8.1%	55,690	3,968	7.1%
Switzerland	17,377	2,461	14.1%	15,203	3,750	24.6%
Italy	4,977	28	0.6%	14,229	61	0.4%
Sweden	11,254	1,964	17.4%	12,118	5,244	43.2%
Hungary	517	61	11.8%	5,619	213	3.8%
Greece	1,117	847	75.8%	4,886	946	19.3%
Poland	225	17	7.5%	180	82	45.5%
Cyprus	:	:	:	157	62	39.4%
Bulgaria	66	16	24.2%	134	16	12%
Spain	:	:	:	10	2	20%

Dublin remains an extremely inefficient responsibility-allocation mechanism, effectively regulating a very small fraction of the asylum seeker population in Europe.<sup>16</sup> In the case of **Germany**, the main operator of the system and by far the largest host of asylum seekers, only 3,968 persons (0.5%) were effectively transferred to other countries, compared to a total 745,545 applications registered last year.<sup>17</sup> In contrast, the number of applicants subject to Dublin procedures (55,690 outgoing requests) was 7.5% of the total population of asylum seekers.

Countries such as France and Belgium have indicated policies to ensure a more rigorous application of the Regulation, with a view to increasing rate of transfers. In **France**, the Ministry of Interior issued an instruction to Prefectures on 19 July 2016 to recall that “no asylum application should be registered as France’s responsibility without prior verification whether France is in fact the responsible country.”<sup>18</sup> The instruction also outlines measures for effectively proceeding to transfers, including increasing use of house arrest and detention.<sup>19</sup> A policy note of the Secretary of State for Asylum and Migration in **Belgium** also outlines a commitment to increase the number of Dublin transfers in 2017.<sup>20</sup>

<sup>16</sup> For similar findings in previous years, see European Asylum Support Office (EASO), Annual Report 2013, available at: <http://bit.ly/2mZtBwL>, 30; Annual Report 2014, available at: <http://bit.ly/2mZAIUV>, 34; Annual Report 2015, available at: <http://bit.ly/29tJKSB>, 30.

<sup>17</sup> BAMF, *Asylum statistics: December 2016*, available in German at: <http://bit.ly/2ijhKIV>.

<sup>18</sup> Note, however, that in relation to persons transferred from Calais to reception and orientation centres (CAO) until the end of October 2016, there are indications that an “exceptional derogation” from this approach would be applied: AIDA, Country Report France, 2016 Update, February 2017, available at: <http://bit.ly/2IPwbCv>, 37 et seq.; L'Express, ‘Certains migrants, déjà enregistrés en Europe, pourront demander l'asile en France’, 6 March 2017, available in French at: <http://bit.ly/2mOC98Z>.

<sup>19</sup> *Ibid.*

<sup>20</sup> AIDA, Country Report Belgium, 2016 Update, February 2017, available at: <http://bit.ly/2n0RPah>, 14.

### The solidarity / responsibility conundrum

The Relocation Decisions adopted in 2015 have sought to relieve pressure from **Italy** and **Greece** by setting a target of 160,000 asylum seekers to be transferred to other countries. However, given the parallel implementation of the relocation scheme with the Dublin system, an assisted Member State could find itself in the absurd position whereby a number of applicants leave for other countries and other applicants return from other countries to that Member State. In practical terms, this seems highly counter-intuitive to the aim of relieving an asylum system of disproportionate pressure, as the country concerned does not necessarily receive lower numbers of asylum seekers. While **Greece** received minimal transfers in 2016, the situation in **Italy** is illustrative of this paradox:

Transfers of asylum seekers to and from Italy: 1 January – 30 November 2016				
	Transfers from Italy			Transfers to Italy
	Relocation	Dublin out	Total out	Dublin in
Netherlands	331	0	331	64
Finland	322	2	324	21
Portugal	261	2	263	1
France	231	4	235	136
Germany	207	15	222	129
Switzerland	133	3	136	817
Spain	50	0	50	0
Malta	47	0	47	0
Romania	43	0	43	0
Luxembourg	40	0	40	14
Sweden	39	4	43	118
Belgium	29	3	32	96
Slovenia	23	2	25	1
Norway	20	1	21	60
Cyprus	10	0	10	0
Croatia	9	0	9	0
Latvia	8	0	8	0
Austria	0	5	5	433
UK	0	5	5	27
Hungary	0	4	4	1
Czech Rep.	0	1	1	4
Denmark	0	0	0	51
Poland	0	0	0	5
Slovakia	0	0	0	5
Iceland	0	0	0	1
<b>Total</b>	<b>1,803</b>	<b>61</b>	<b>1,864</b>	<b>2,086</b>

Source: Italian Dublin Unit; Ministry of Interior, *Cruscotto statistico giornaliero*: <http://bit.ly/2IXwvRK>. See also Repubblica, 'Il regolamento Dublino continua a non funzionare', 3 January 2017: <http://bit.ly/2hRUIXw>.

As indicated by the comparison of Dublin and relocation statistics, the parallel effect of the two procedures as of November 2016 had led to the departure of 1,864 persons from Italy, while 2,086 persons were returned. The Italian authorities were thus net recipients of 222 asylum seekers, despite substantial administrative costs incurred for the operation of the relocation system.

## Annex I – Outgoing requests and transfers *sent* in 2016

*	Total		First receiving country			Second receiving country			Third receiving country		
	Requests	Transfers		Requests	Transfers		Requests	Transfers		Requests	Transfers
AT	:	2,582	Hungary	:	:	Italy	:	:	Croatia	:	:
BG	134	16	Germany	57	8	UK	22	6	Austria	10	0
CY	157	62	UK	58	23	Germany	34	18	Sweden	18	10
DE	55,690	3,968	Italy	13,010	916	Hungary	11,998	294	Poland	6,728	884
ES	10	2	Germany	4	1	France	2	1	Sweden	2	0
GR	4,886	946	Germany	3,527	:	Sweden	345	:	Austria	218	:
HR	:	12	Germany	:	9	Bulgaria	:	9	N/A	N/A	N/A
HU	5,619	213	Greece	3,372	3	Bulgaria	1,873	99	Germany	:	37
IT	14,229	61	Hungary	935	4	Germany	746	15	Austria	406	5
PL	180	82	Germany	65	41	Hungary	17	2	Austria	16	2
SE	12,118	5,244	Germany	5,156	3,668	Hungary	1,841	111	Italy	1,106	292
CH	15,203	3,750	Italy	7,092	1,523	Germany	3,012	1,313	Croatia	919	89

## Annex II – Incoming requests and transfers *received* in 2016

*	Total		First sending country			Second sending country			Third sending country		
	Requests	Transfers		Requests	Transfers		Requests	Transfers		Requests	Transfers
AT	:	549	Germany	:	:	France	:	:	Switzerland	:	:
BG	10,377	624	Germany	3,551	147	Austria	2,094	102	Hungary	1,808	98
CY	166	4	Germany	83	1	Sweden	20	0	Austria	15	0
DE	31,523	12,091	France	5,904	695	Netherlands	5,828	1,686	Sweden	4,523	3,684
ES	5,854	1,085	Germany	1,689	172	France	1,380	90	Belgium	614	93
GR	4,415	3	Hungary	:	2	Switzerland	:	1	:	:	:
HR	:	601	Austria	:	368	Switzerland	:	87	Germany	:	68
HU	26,698	513	Germany	11,843	285	Austria	9,044	44	France	2,283	15
IT	26,116	2,086	Germany	6,385	229	Switzerland	5,300	817	France	4,357	136
PL	9,503	1,420	Germany	6,613	901	France	966	34	Austria	672	207
SE	5,582	3,306	Germany	1,911	993	Denmark	774	566	Austria	722	448
CH	4,115	469	Germany	2,040	131	France	714	36	Austria	315	62

Source: AIDA, Country Reports, 2016 Update. Figures for Italy as of November 2016.  
Information for Belgium, France, Ireland, Malta, Netherlands and the UK was not made available.