

THE DUBLIN PROCEDURE

- **What is the Dublin III Regulation?**

It is an agreement between the countries of the European Union that establishes specific criteria for determining which state is responsible for processing an application for international protection.

- **Why is there only one State responsible for my application for international protection?**

The Dublin Regulation aims to avoid multiple applications and to ensure a clear division of responsibilities between Member States.

- **Why am I subject to the Dublin procedure?**

Three possible reasons, in hierarchical order:

- Family members applying for or benefiting from international protection in another State
- Issue of residence permits or visas in another State
- Bordercrossing into another State from a third State (= fingerprints)

- **How does Luxembourg determine which State is responsible?**

The Luxembourg authorities examine the above criteria. If necessary, a "Eurodac" check is carried out to compare the applicant's fingerprints with those registered in the European database called "Eurodac". If a "Eurodac Match" is found, this means that the applicant's fingerprints match those already registered in Eurodac, indicating a previous passage or application in another State.

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- **Taking charge or taking back: what's the difference?**

Eurodac distinguishes between people who have lodged an asylum application in a country (category "1") and those who have been stopped during irregular border crossings (category "2").

"Take back" is requested when fingerprints are recorded in category "1", indicating a pre-existing asylum application in a European State.

"Take charge" is requested when fingerprints are recorded in category "2", indicating that the person has been apprehended during an irregular crossing of a European State, even without a prior asylum application.

- **Is there a specific deadline for Luxembourg to notify the State responsible?**

Three assumptions:

1. Take charge without Eurodac: 3 months
2. Take charge with Eurodac: 2 months
3. Take back with Eurodac: 2 months

If the deadline is exceeded, the responsibility for examining the application goes to Luxembourg.

- **Is there a specific deadline for the State responsible to respond to Luxembourg's request?**

Three assumptions:

1. Take charge without Eurodac: 2 months
2. Take charge with Eurodac: 2 months
3. Take back with Eurodac: 15 days

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- **What are the possible responses from the state responsible?**

- Acceptation
- ≠ Response: tacit acceptance
- Refusal

- **What happens if the State responsible explicitly or implicitly accepts my transfer?**

Once a Member State accepts the request for taking charge or taking back, a transfer must normally take place within 6 months. If the transfer is not carried out within 6 months, the State responsible is released from its obligation to take charge of or take back the person concerned and responsibility is transferred to Luxembourg.

- **What happens if the state responsible refuses my transfer?**

If Luxembourg considers that the refusal is based on an error of assessment, or if it has additional information to present, it may request a re-examination of its application.

If, despite this, the State responsible maintains its refusal to transfer and does not take charge of the application for international protection, responsibility for processing the application ultimately falls to Luxembourg.

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- **How can I contest a transfer decision?**

Your lawyer may lodge an appeal with the Administrative Court of Luxembourg within 15 days of notification of the decision. The lodging of an appeal will suspend the execution of your transfer. The judge is required to give a ruling within one month. However, if the decision is rejected, a new period of 6 months begins to run.

- **What happens if I refuse to be transferred to another state?**

If you object to the transfer, the Luxembourg authorities may detain you in order to prevent attempted absconding and to guarantee the transfer.

- **Can the Luxembourgish authorities refuse to transfer me to another country?**

If there are serious grounds for believing that there are systemic failings in the asylum procedure and reception conditions in the only State responsible for your application for international protection, leading to a risk of ill-treatment, then Luxembourg becomes the State responsible.

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- **How does the transfer work?**

Before the transfer, the States will exchange relevant information, particularly regarding your state of health. Once you arrive in the State responsible, you will have the opportunity to lodge an application for international protection, and you may be assisted in this process by a local association or a lawyer.

- **What about the material reception conditions?**

The law makes no distinction on whether or not you are the subject of a transfer procedure. As long as you are in Luxembourg, in theory, you have the right to decent accommodation, enrolment in language courses, food vouchers, free medical consultations and free legal assistance.

- **Am I allowed to work in Luxembourg until the transfer?**

Applicants of international protection are authorized to apply for a work permit 6 months after submitting an application for international protection.