



# EASO

## Guidance on the Dublin procedure: operational standards and indicators

*EASO Practical Guides Series*

2020





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## List of abbreviations

<b>APD</b>	Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast)
<b>CEAS</b>	Common European Asylum System
<b>CFR</b>	Charter of fundamental rights of the European Union (2000/C 364/01)
<b>CJEU</b>	Court of Justice of the European Union
<b>Dublin III Regulation</b>	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)
<b>EASO</b>	European Asylum Support Office
<b>ECtHR</b>	European Court of Human Rights
<b>EU</b>	European Union
<b>Eurodac II Regulation</b>	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
<b>Implementing Regulation</b>	Commission Regulation (EC) 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 Commission Implementing Regulation (EU) 118/2014 of 30 January 2014
<b>Member States</b>	European Union and associated states applying the Dublin III Regulation
<b>RCD</b>	Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast)
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>VIS</b>	Visa Information System as established by Council Decision (EC) No 512/2004 of 8 June 2004 establishing the Visa Information System (VIS) and defined in Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas

# Introduction

## Background

Since 1 September 1997, Member States have been working with a procedure known as the ‘Dublin’ procedure to determine which Member State is responsible for the examination of an application for international protection. This procedure has been twice overhauled culminating in the current Dublin III Regulation <sup>(1)</sup>. Over the years, the Dublin procedure has seen its fair share of challenges, resulting in the current state of play.

*The European Commission’s European Agenda on Migration stated that ‘the mechanism for allocating responsibilities to examine asylum applications (the “Dublin system”) is not working as it should.’ <sup>(2)</sup> The communication specified the key areas where Member States have to make more effort in order to implement fully the Dublin III Regulation. In particular, the communication enhances the need for Member States to increase the number of transfers and consistently apply the clauses related to family reunification procedures.*

*In the past few years, a number of reports have been published about how the Dublin III Regulation is implemented. These studies give an overview of the practices and shed light on current challenges within the system. The Evaluation of the Implementation of the Dublin III Regulation <sup>(3)</sup> was prepared for the European Commission and it provides an in-depth analysis on the practical implementation of the Dublin Regulation. A study from the United Nations High Commissioner for Refugees: Left in Limbo: UNHCR study on the implementation of the Dublin III Regulation <sup>(4)</sup> examines how the Dublin III Regulation is applied and assesses the extent to which the procedures, safeguards and guarantees under the regulation are applied. The study also analyses the objective of swiftly determining the Member State responsible for examining an application for international protection in accordance with the criteria set out in the regulation. One of the most recent regular reports of the European Council on Refugees and Exiles, the Implementation of the Dublin Regulation <sup>(5)</sup>, provides an insight into the figures of 2018.*

## Why was this guidance developed?

The Dublin system sets up clear and mainstream procedural practice. However, given the differences in national legislation and organisational setups, diverse national practices exist when applying the regulation. The implementation of the Dublin procedure varies across Member States, causing a number of challenges. It is in this context that this guidance has been developed.

This guidance therefore aims to help Member States with operationalising the existing legal provisions in applying them in a harmonised way. It is not the intention of this guidance to give an overview of the implementation of the Dublin system in the European Union and associated countries (EU+).

## How was this guidance developed?

In September 2016, EASO issued its first [guidance on standards and indicators on reception conditions](#). This guidance builds further on that methodology established in 2016. The development process of this guidance follows the established Quality Matrix methodology set up by the European Asylum Support Office (EASO). It was drafted by a working group composed of Member State experts from Germany, Ireland, the Netherlands, Romania and Sweden. It was then consulted with the European Commission, the United Nations High Commissioner for Refugees and with the European Council on Refugees and Exiles. Before publication, the guidance was consulted with the EASO Network of Dublin Units and formally adopted by the EASO Management Board.

<sup>(1)</sup> 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).

<sup>(2)</sup> Commission Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a European Agenda on Migration, Brussels, COM(2015), 13 May 2015, chapter III.3., p13.

<sup>(3)</sup> Commission final report on the Evaluation of the Implementation of the Dublin III Regulation, 18 March 2016.

<sup>(4)</sup> UNHCR, Left in Limbo: UNHCR study on the implementation of the Dublin III Regulation, August 2017.

<sup>(5)</sup> ECRE, The implementation of the Dublin Regulation in 2018, Asylum information database, March 2019.

## What is the purpose of this guidance?

The guidance has been designed to serve multiple purposes:

- at policy level, it serves as a tool **to strengthen or further improve the national procedure** related to the application of the Dublin III Regulation;
- at operational level, it can be used by managers within the relevant authorities **to ensure the correct implementation of key provisions of the Dublin III Regulation and to support process improvement** initiatives and staff training;
- the guidance can serve as a **reference for the development of monitoring frameworks and for conducting self-assessments of national procedures** on the quality of asylum procedure systems.

The overall objective of this guidance is to support Member States in the implementation of key provisions of the Dublin III Regulation to achieve streamlined application, and therefore to strengthen the Common European Asylum System (CEAS).

This document aims at giving guidance on how to operationalise the legal provisions of the Dublin III Regulation. As such, this document constitutes a tool to support the Member States authorities in the **technical operation of the Dublin Units**. This guidance also serves as a **self-assessment tool**.

## What is an operational standard?

This guidance formulates commonly acknowledged operational standards and indicators for a correct and effective implementation of the Dublin III Regulation. The standards and indicators are aimed at helping the self-evaluation procedure and do not constitute legally binding obligations.

This guidance addresses operational standards that support the implementation of legal standards or provisions. The operational standards included in this document are also built on already existing practices that can be found within the EU. The operational standards follow the legal provisions of the various applicable regulations in order to have a clear distinction between operational standards and legal standards. Where provisions of the Dublin III Regulation itself are operational, these provisions have been included as a standard at some points in this guidance. This guidance aims to formulate commonly acknowledged standards and indicators that are achievable across all Member States while also at compiling examples of good practice.

Member States may introduce or maintain more favourable guidance in the Dublin procedure than those included in this guidance. Under no circumstances should this document be understood as an invitation to lower existing standards, but rather as an encouragement to reach, as a minimum, the benchmarks developed herein.

## What is the scope of this guidance?

### Territorial scope

In line with the Dublin III Regulation, this guidance addresses the **32 EU+ countries** (Member States) applying the Dublin system.

### Personal scope

In line with the Dublin III Regulation, the scope of this guidance encompasses **applicants for international protection**. The reader must keep in mind that the Dublin III Regulation is also applicable for persons who have not lodged a new application in the Member State where they are present but previously applied for asylum in another Member State ('non-applicants').

## Aspects within the scope of this guidance

The thematic scope of the guidance includes certain key provisions of the Dublin III Regulation. The guidance was developed by following the exact workflow of a Dublin case. This guidance aims to cover all steps of the Dublin procedure from identifying a Dublin case to the point of the transfer.

Specifically, the document focuses on key general principles and procedural guarantees that need to be respected during the Dublin procedure. The provisions are set up according to the workflow, with special considerations regarding unaccompanied minors, dependent persons and non-applicants.

Where required, specific measures for unaccompanied minors have been included for certain operational standards. However, the present guidance does not offer a comprehensive set of operational standards for the respect of best interests of children in the Dublin procedure as such. For an overview of the best interests of children in the asylum procedures we refer to the *EASO Practical guide on the best interests of the child*.

Access to the **appeal procedure** is within the scope (information, counselling, accessibility) of this guidance. The organisation of the appeal procedure itself however is not covered.

Throughout the guidance, indicators have been integrated into the different sections to measure whether adequate arrangements have been made to cater for special considerations. At the same time, this guidance does not go in depth into the needs of applicants with special needs. Given the specialised nature of the topic, **medical examinations** are not included in this guidance. For further guidance on persons belonging to vulnerable groups, it is advised to consult the *EASO Tool for Identification of Persons with Special Needs*.

This guidance should be considered a further step and effort to facilitate the application of certain provisions of the Dublin III Regulation. Not all aspects falling within the scope of the regulation have been addressed in this guidance. The *EASO Practical Guide on the Dublin III Regulation: interview and evidence assessment* gives an overview about the Dublin procedure and its practical application regarding the Dublin interview, information provision and assessing the available evidence in the Dublin procedure.

This guidance does not focus on the procedures for making, registering and lodging an application for international protection. These are explained in the *EASO Guidance on asylum procedure: operational standards and indicators*

The guidance has been developed for the regular functioning of the Dublin procedure. Circumstances constituting a **crisis**, in which the application of the Dublin III Regulation may be jeopardised due to either a substantiated risk of particular pressure being placed on a Member State's asylum system and/or to problems in the functioning of the asylum system of a Member State - as described in Article 33 Dublin Regulation - fall outside the scope of this guidance.

## Who should use this guidance?

The guidance has been primarily designed for

- Policy-makers or decision-makers at policy level whose decisions can affect the national procedure
- Managers of the relevant (asylum) authority who are in charge of ensuring the correct implementation of the Dublin III Regulation and can initiate process improvement within the authority
- Staff members in charge of quality assurance within the relevant authority

This guidance is to support policy-makers, managers in the relevant authority in order for them being able to use the guidance as a monitoring framework for quality assurance, to help them making the necessary decisions for improving the process and ensure the compliance with the standards, and to assess needs for further developments within the Dublin Unit.

Policy-makers and managers might choose to provide caseworkers at national authorities with this document in order for them to acquire a general understanding of the overall organisation of the Dublin procedure.

## Structure and format of the guidance

The document opens with an introduction to explain the development process of the guidance, as well as to give an overview on its purpose and scope. It is followed by a short section entitled ‘How to read the guidance’, focusing on clarifying the concepts used, as well as examples are provided to describe the use of the guidance. Subsequently, the document is divided into twelve sections, focusing on the following topics:

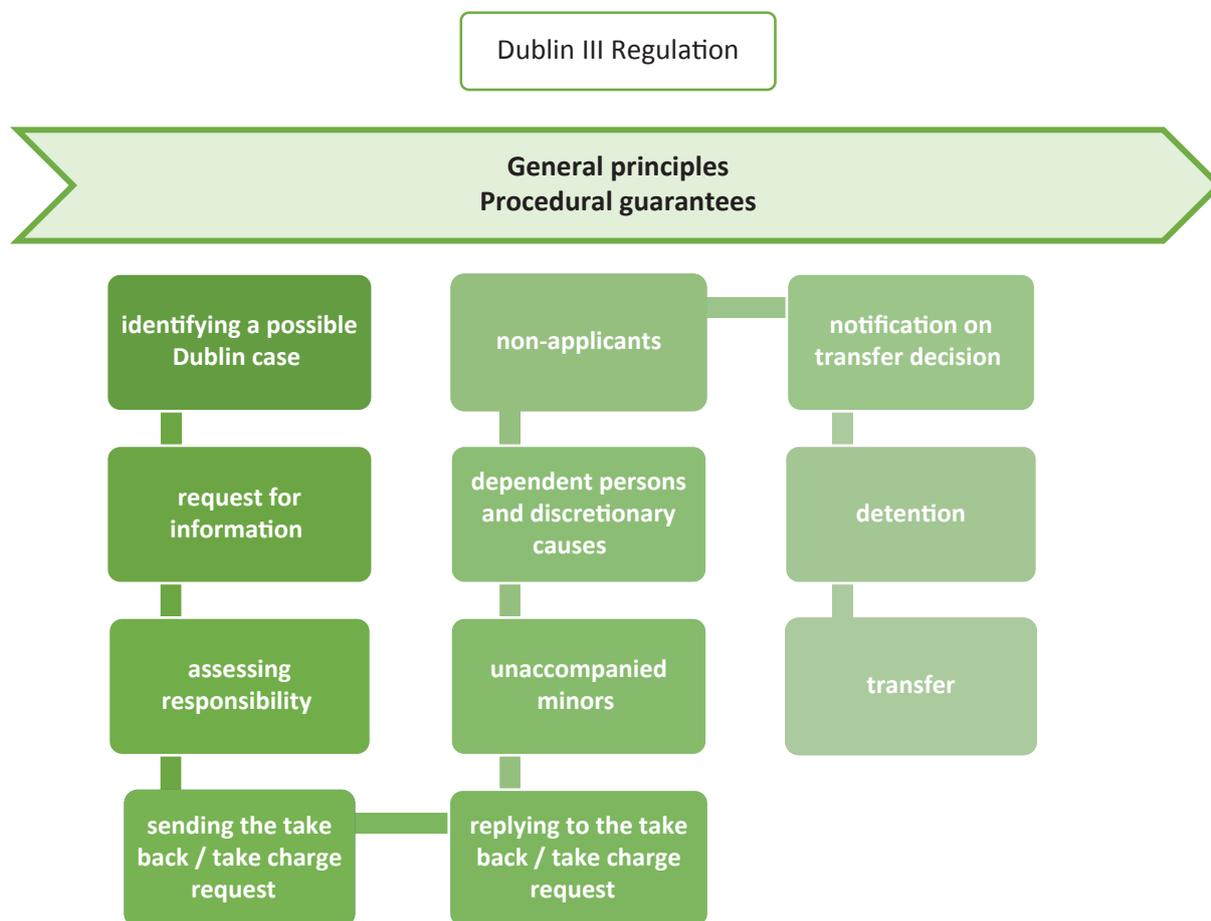


Figure 1. Representation of key aspects covered by this guidance.

Each section includes specific common standards. Each standard is paired with relevant indicators that facilitate the assessment as to whether the standard is met. Where necessary, further clarification on an indicator can be found in the ‘additional remarks’.

In addition, the annex includes a table that summarises all standards and indicators listed in this document. This table should, however, be considered in conjunction with the main document, which provides additional clarifications (introductory remarks, additional remarks, good practices) that support the interpretation of the guidance.

## Legal framework

The key legal framework of the Dublin procedure is set out in the following legal acts:

### The Dublin III Regulation

Regulation (EU) No 604/2013 of the European Parliament and the Council of 26 June on 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)

## Dublin Implementing Regulation

Commission Regulation (EC) 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 Commission Implementing Regulation (EU) 118/2014 of 30 January 2014 <sup>(6)</sup>

## 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 (recast)

## How to read this guidance

	Example	Explanation
<b>STANDARD</b>	<b>Member States should ensure that the decision is notified in reasonable time.</b>	An <b>operational standard</b> is a commonly acknowledged practice to establish a fair and efficient asylum procedure that implements the provisions of the CEAS. An operational standard does not merely reflect what has already been put in practice, but sets an aim for which to strive. Operational standards incorporate three perspectives: the perspective of the person concerned (fairness), of the responsible manager (efficiency) and of the legislator (legality).
<b>Indicator</b>	Member State authorities have a case management system or countdown calendar in place to calculate time limits and flag approaching deadlines in order to guarantee that the transfer notification is taking place within the deadline.	The <b>indicator</b> is a way through which the achievement of the standard can be measured or observed. Indicators listed under each standard should be understood as cumulative without an order of hierarchy among them.
<b>Alternative indicators</b>	Indicator 1.a: If the person concerned does not have a legal advisor, the Member State authority notifies the decision to the person in a language that the applicant understands or is reasonably supposed to understand. <b>OR</b> Indicator 1.b: If the person concerned has a legal advisor or other counsellor, the Member State authority may choose to notify the decision to the legal advisor or other counsellor representing the person in accordance with national practice.	<b>Alternative indicators</b> are used in situations where different options can be applied to measure compliance with the standard.

<sup>(6)</sup> The consolidated text is available [here](#).

<b>Additional remarks</b>	The person concerned is informed about time limits to provide relevant documents/documents that are of relevance, provided the procedure is not yet concluded.	Additional remarks in green boxes highlight specific points of attention, particular circumstances or exceptions when applying the standards and indicators. The applicability of the 'additional remarks' might vary across Member States.
<b>Good practice</b>	<b>Good practice related to contact with the Dublin Unit</b> For Dublin-related questions, the competent authority responsible for Dublin cases has a support number that staff from the asylum authority, the police, or other relevant authorities, can call.	Good practices in blue boxes present practices that are not necessarily commonly acknowledged as a standard, but Member States are encouraged to take them into consideration when applying the operational standards and indicators in their national systems. The term 'good practice' is not the result of a formal evaluation but is based on current practice of some Member States.
<b>EASO tools</b>	<b>EASO Practical Guide on Access to the Asylum Procedure</b> This guide provides information on the core obligations of first-contact officials and the rights of persons who may be in need of international protection in the first-contact situation. This practical guide explains to first-contact officials how to deal with interpreters and how to ascertain the best possible outcome in situations where an interpreter is used.	In grey boxes, reference is made to relevant existing EASO tools such as training modules and practical guides in order to help the reader accessing additional information, relevant reading material or training.

## Terminology

### 'Competent authority' or 'Member State authority'

The main responsibility for the application of these standards lies with the Member State authorities and most of the standards in this guidance would in particular be in the competence of the national **Dublin Units or the competent authorities in charge of implementing the Dublin procedure**. In practice, however, migration authorities and border guards, amongst others, are also often involved in the Dublin procedure.

Some of the provisions in this document are not necessarily relevant for the authority conducting the Dublin procedure but rather constitute the tasks of first contact officials (such as police, border police, border guards, registration officers, etc.). In each case, the guidance will refer to the '**Member State authority**' or the '**competent authority**', without further specifying if it is the police, the reception authority, or the Dublin authority. The reader must interpret the operational standards in national context and translate the procedural aspects accordingly.

### Person concerned

The Dublin III Regulation is also applicable for persons who have not lodged a new application in the Member State where they are present but previously applied for asylum in another Member State ('non-applicants'). This is the reason the term 'person concerned' is used throughout the text.

# General principles

A number of **general principles** need to be respected when applying the Dublin III Regulation.

These overarching principles are:

- **The principle of confidentiality**

Throughout the Dublin procedure, case officers have to ensure confidentiality. When communicating with each other, Member States must always use the electronic communication system, DubliNet, to guarantee the encrypted, safe exchange of information, especially when communicating information containing personal details of the applicant.

- **Mutual trust and respect between the Member States**

The Dublin system is based on mutual trust and respect between the Member States. According to recital 3, all Member States respect the principle of *non-refoulement* and are considered as safe countries for third-country nationals.

Cooperation and mutual trust between the Member States also derives from recital 22 Dublin III Regulation, which refers to the establishment of a ‘process for early warning, preparedness and management of asylum crises.’ EASO has a key role in this early warning and preparedness system, and EASO takes measures, through its dedicated Network, to maintain trust and co-operation between the Dublin Units of the Member States.

- **Member States co-operate with each other during the Dublin procedure and provide all information that is relevant for the determination of the responsible Member State**

In order to guarantee quick access to the asylum system, Member States have to co-operate with each other to determine the responsible Member State as soon as possible. The co-operation is particularly important where family reunification possibilities are being explored in cases regarding children in order to identify family members.

- **Giving primary consideration to the best interests of the child**

Recital 13 Dublin III Regulation refers to the United Nations Convention on the Rights of the Child <sup>(?)</sup> and to the Charter of Fundamental Rights of the European Union <sup>(\*)</sup>, and Article 6 sets out that the best interests of the child must be a primary consideration when applying the Dublin III Regulation. The Dublin III Regulation provides specific procedural guarantees for the child and outlines family links as being binding responsibility criteria.

- **Seeking family reunification possibilities**

When applying the Dublin III Regulation, Member States should endeavour to reunite family members, keeping families together and process the application of family members together of all those within the territory of the Member States.

- **Prioritising cases involving children**

It is important to prioritise the cases when it comes to children and to take the necessary steps in order to guarantee for them the quickest access to the asylum system. Member States should show flexibility in family reunification cases and strive for re-uniting the child with their family member, sibling or relative.

- **Ensuring quick and fair access to the asylum system for the asylum seekers**

The strict time limits and the clear responsibility criteria set out in the Dublin III Regulation serve the purpose of ensuring quick and fair access to the asylum system for the asylum seekers. Failing to meet the time limit to send a request or to reply to a request may result in becoming the responsible Member State. Member States should strive for shorter Dublin procedures in order to ensure speedy access to the asylum procedure.

- **Individual, impartial and objective assessment of each Dublin case**

Member States should not handle cases automatically, without proper examination of the criteria. Each case is different, and every Dublin case should be examined individually, impartially and objectively.

<sup>(?)</sup> UN General Assembly, [Convention on the Rights of the Child](#), United Nations, Treaty Series, vol. 1577, 2 September 1990.

<sup>(\*)</sup> European Union, [Charter of Fundamental Rights of the European Union](#), 26 October 2012, 2012/C 326/02.

# 1. Procedural guarantees for persons falling under the Dublin procedure

The regulations and directives that together form the CEAS provide means and provisions to safeguard the vital interests of those who fall within its scope. The Dublin III Regulation provides procedural guarantees of its own to those concerned. The standards that can be derived from these guarantees are described in this section.

## Confidentiality

Dublin III Regulation
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Article 39
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**STANDARD 1: The Member State authority should ensure the confidentiality of cases under Dublin procedure.**

**Indicator 1.1:** Staff at the competent authority are aware of national laws and regulations concerning the confidentiality of the Dublin procedure.

**Indicator 1.2:** The databases and case filing systems in each Member State are secure and maintained in accordance with relevant law.

**Additional remark:** Databases in this indicator include, inter alia, the Visa Information System (VIS), Schengen Information System II (\*) and Eurodac, the DubliNet system as well as national case filing systems.

**Indicator 1.3:** All information regarding individual applicants and/or non-applicants is exchanged only through DubliNet between the competent authorities.

**Indicator 1.4:** Member States do not share information from the case with persons unauthorised to know such information.

**Indicator 1.5:** Interviews with the person concerned are conducted in sufficiently equipped separate rooms that ensure the confidentiality of what is being said during the interview.

## Information provision

Dublin III Regulation	Implementing Regulation
Article 4	Annex X–XIII

**STANDARD 2: The person concerned is provided with all relevant procedural information and, in particular, the relevant leaflet upon lodging an application in a Member State.**

**Indicator 2.1:** The Member State authority conveys the information in a clear and non-technical way and in a language the person concerned understands or is reasonably supposed to understand. The competent authority ensures that the person concerned understands the information given.

**Additional remark:** According to Article 4 Dublin III Regulation, the minimum information to be provided to the person concerned includes the following, inter alia: information about the application of the Dublin III Regulation, information about the objectives of the Dublin Regulation and the consequences of making another application in a different Member State. The person concerned is also informed about the criteria for determining the Member State responsible, the personal interview and the possibility of submitting information regarding the presence of family members, the possibility to challenge a transfer decision, the fact that the competent authorities can exchange data on them, and the right to access data relating to them.

(\*) Regulation (EC) No 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second generation Schengen Information System.

**Indicator 2.2:** Information is provided by taking into account the special needs and individual circumstances of the person concerned.

**Indicator 2.3:** The Member State authority gives the person concerned the information on the Dublin III Regulation in the relevant leaflet.

#### **Additional remark**

**Leaflet A** serves the purpose of providing information to applicants for international protection about the Dublin system, the timeframe of the Dublin procedure, fingerprinting and the relevant contact information filled in by the national authority.

**Leaflet B** provides information for persons who are already within the Dublin procedure. It explains the importance of providing information regarding family members living in another Member State, or dependency as well as health issues. The different time limits concerning the take back and the take charge procedure are also elaborated upon. Information on the appeal procedure and the relevant national time limits for filing an appeal is included in this document.

**Leaflet for unaccompanied minors** must be given to children asking for international protection. The leaflet explains in a child friendly manner what information is needed for the national authorities to seek family reuniting possibilities. The leaflet describes the best interests of the child, and the Dublin procedure is also elaborated upon. Obligations and rights, as well as possibilities of filing an appeal, are also explained in the document.



**In case of irregular crossing of an external border**, the leaflet on 'Information for third-country nationals or stateless persons apprehended in connection with the irregular crossing of an external border' must be provided to the person. This leaflet provides information about the obligations related to fingerprinting and the Eurodac system.

If a **person is found irregularly staying in a Member State**, the leaflet 'Information for third-country nationals or stateless persons found illegally staying in a Member State' must be given to the person. The leaflet explains that the person's fingerprints may be transmitted to Eurodac for search purposes and in case of a previous asylum claim, the Dublin procedure will apply. In this case, Leaflet B should also be provided to the person.



## Language

<b>Dublin III Regulation</b>
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Article 5(4)
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**STANDARD 3: *The personal Dublin interview must be conducted in a language that the person concerned understands or is reasonably supposed to understand.***

**Indicator 3.1:** The Member State authority has access to qualified interpreters for all common languages.

**Indicator 3.2:** The person concerned is asked whether they understand the interpreter during the personal interview. If the answer is negative despite all preparatory efforts, appropriate measures are taken to resolve the issue.

### Good practice related to the use of interpreters

Member States use interpreters certified under national law that are regularly trained and educated to work with applicants for international protection.

### Complementary EASO tools for relevant procedural guarantees at this stage:

#### ***EASO Training module for Interpreters***

Every year, EASO provides an online training course lasting between 20 and 25 hours for interpreters who work for national asylum authorities. The module aims to support interpreters in performing their tasks, mainly to facilitate the communication process between applicants for international protection and national authorities and other relevant stakeholders throughout the asylum procedure.

#### ***EASO Practical guide on access to the Asylum Procedure***

This guide provides information on the core obligations of first-contact officials and the rights of persons who may be in need of international protection in the first-contact situation. This Practical Guide explains to first-contact officials how to deal with interpreters and how to ascertain the best possible outcome in situations where an interpreter is used.

#### ***EASO Practical guide on the Dublin III Regulation: Interview and evidence assessment***

A substantial part of this guide focuses on the interview conducted with the applicant. The guide explains communication technics and the use of interpreters, as well as the purpose of the Dublin interview. The 'Areas to explore during the interview' annexed to this practical guide give helpful guidance for the personal Dublin interview and the various elements concerning the questions that might help the case officers in the determination of the responsible Member State. The practical guide also explains the obligations related to providing information about the Dublin procedure.

The key principles of evidence assessment, the different types of means of proof and circumstantial evidence are also explained.

## Understanding

<b>Dublin III Regulation</b>
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Article 5
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**STANDARD 4: *The Member State authority ensures that the person concerned understands the questions asked and the information given during the personal interview.***

**Indicator 4.1:** At the opening of the interview, the purpose and the context of the interview are explained to the person concerned.

**Indicator 4.2:** The person concerned is asked whether they comprehend the questions and information given during the interview.

**Good practice on verifying understanding**

The case officer documents both the question regarding the understanding of the language used and the response given.

**Indicator 4.3:** During the interview, the person concerned is given the opportunity to provide explanations for inconsistencies, contradictions and/or missing elements.

**Indicator 4.4:** After the interview, the person concerned is informed and afforded the opportunity to rectify any mistakes and to correct any statements if required. These corrections are documented.

**Indicator 4.5:** A written summary of the interview is provided to the person concerned and/or the legal representative after the interview.

## Presenting and assessing new information

<b>Dublin III Regulation</b>
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Articles 4–5
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**STANDARD 5: *The Member State authority ensures that it is possible for the person concerned to present relevant information in their case during the Dublin procedure and that they are informed about their right to do so.***

**Indicator 5.1:** The person concerned is given general information about when and where to send documents and information regarding their case.

**Additional remark:** The person concerned is informed about time limits to provide relevant documents/documents that are of relevance, provided the procedure is not yet concluded.

**Indicator 5.2:** The person concerned is able to present to the competent authority any claims and supporting evidence, including medical opinions, for consideration.

**Indicator 5.3:** The Member State authority has a procedure in place so that a case officer is notified of any new information in the case.

<b>Dublin III Regulation</b>
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Article 7(2)
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**STANDARD 6: *If new information comes to light during the Dublin procedure, this information, if relevant, should be taken into account by the Member State authority at the appropriate step in the procedure.***

**Indicator 6.1:** The Member State authority has a process in place guaranteeing that the person concerned or other person (e.g. the representative) or organisation can submit new information or changes in circumstances during the course of the case.

**Indicator 6.2:** The competent authority has, as far as is possible, a dedicated case officer assigned to the case and a process of active case management in place.

## 2. Identifying a possible Dublin case

The first step of a Dublin procedure is identifying the case as a Dublin case. Therefore, case officers need to identify possible Dublin indicators in order to ascertain whether the case at hand falls under the Dublin procedure. It is common that the unit or authority that might encounter a possible Dublin case is not the one that will eventually conduct the Dublin procedure. Therefore, some of the following standards and indicators regarding the identification of a Dublin case are directed at all competent authorities and cannot only refer to a single Dublin Unit in each Member State.

### Complementary EASO tools for identifying a potential Dublin case

#### *EASO training module on the identification of potential Dublin cases*

For Member State officials possibly coming across a potential Dublin case, an EASO training module is available to help them determine how to proceed with those cases and refer those to the Dublin Unit. This training module will be available from January 2020.

### ***STANDARD 7: The Member State authority that encounters possible Dublin cases has the appropriate means to identify a Dublin case.***

**Indicator 7.1:** The Member State authority has access to Eurodac as well as to other relevant databases <sup>(10)</sup>, and, where access is allowed, to VIS, for identifying a possible Dublin case.

**Indicator 7.2:** A dedicated unit or authority within every Member State authority is assigned as responsible for Dublin cases and the Dublin procedure, permitting that Dublin cases can be referred to this authority.

### ***STANDARD 8: Staff at the Member State authority who encounter possible Dublin cases have sufficient knowledge about the Dublin III Regulation and are able to identify a potential Dublin case and refer it on for further assessment.***

**Indicator 8.1:** Staff at the competent authority who first encounter a possible Dublin case have awareness of the Dublin III Regulation and basic level of understanding of what indications to look for when assessing whether the Dublin III Regulation is applicable.

**Indicator 8.2:** The staff at the competent authority who first encounter a possible Dublin case know who to contact for more information or in order to initiate a possible Dublin procedure, preferably the authority in charge of the Dublin procedure.

**Indicator 8.3:** Once a Dublin case is identified, an established procedure is in place for referring the case to the authority in charge of conducting the Dublin procedure.

**Indicator 8.4:** Cases falling under the Dublin III Regulation are referred to the authority in charge of conducting the Dublin procedure as quickly as possible.

### Good practice related to contact with the Dublin Unit

For Dublin-related questions, the competent authority responsible for Dublin cases has a support number that staff from the asylum authority, the police, or other relevant authorities, can call.

## The Eurodac system

The use of the Eurodac database is regulated in the Eurodac II Regulation. It is a common source of information for the identification of a Dublin case. When a person applies for international protection, the database allows the Member States to see previous applications for international protection in other Member States, transmitted to Eurodac

<sup>(10)</sup> This includes national and/or international databases.

according to Article 9 Eurodac II Regulation. The system also allows Member States to see records of an irregular border crossing into a Member State from a third country, recorded in Eurodac in line with Article 14 Eurodac II Regulation.

#### Additional remark

Information stored in the Eurodac database by the Member States includes the following:

- **The granting of international protection to the person concerned**  
In accordance with Article 18 Eurodac II Regulation, whenever international protection is granted to a person, this must be marked in Eurodac.
- **The transfer of the person concerned to another Member State**  
Depending on the legal basis of the transfer, in accordance with Article 10(a) and (b) Eurodac II Regulation, the Member State responsible has to update or send the relevant information about the transfer to Eurodac.
- **Whether the person concerned has left the territory of the Member States**  
Article 10(c) Eurodac II Regulation specifies that in the event that the person concerned left the territory of the Member States, the date the person left the territory has to be updated in the Eurodac system. If the person left the territory of the Member States in accordance with a removal order or a return decision following the withdrawal or rejection of the application for international protection, this information also has to be updated in Eurodac, in accordance with Article 10(d) Eurodac II Regulation.
- **The fact that the Member State has taken responsibility for the application by applying the discretionary clause**  
Article 10(e) Eurodac II Regulation sets out the obligation to update the data set recorded in Eurodac whenever a Member State applies the discretionary clause (Article 17(1) Dublin III Regulation).

The following standards and indicators are agreed upon concerning the use of the Eurodac database.

Dublin III Regulation	Eurodac II Regulation
Article 20(2)	Article 9(1)

***STANDARD 9: When an asylum application is lodged, the fingerprints of the applicant must be registered as category 1 as soon as possible and within 72 hours. In case of irregular entry, the fingerprint must be registered as category 2 within 72 hours of the apprehension.***

**Indicator 9.1:** A competent authority within every Member State has convenient access to sufficient devices for taking fingerprints and comparing them in the Eurodac database shortly after the lodging of the asylum application or the irregular entry. These devices should be located nearby to where the asylum application is lodged or nearby the point of detection of the irregular entry.

**Indicator 9.2:** The results from the databases should be available to the national authority in charge of conducting the Dublin procedure shortly after conducting the search.

***STANDARD 10: If the Member State authority in charge decides to conduct a Eurodac search of a non-applicant (a category 3 search) and the search result indicates that the Dublin III Regulation is applicable, the case should be referred to the Member State authority responsible for the Dublin procedure.***

**Indicator 10.1:** The staff at the national authority conducting the category 3 search have basic knowledge about the Dublin III Regulation and know where to refer the case for further Dublin procedure.

***STANDARD 11: The Eurodac search results should include all available information from Eurodac, such as previous irregular border crossing(s), previous application(s), or whether a Member State granted international protection, or the applicant was transferred to another Member State or whether the discretionary clause has been applied by another Member State.***

**Indicator 11.1:** The Member State authority uses a systematic layout of the results, enabling them to immediately read all available information from Eurodac.

**Indicator 11.2:** The information from Eurodac should be clear and easy to interpret for all Member States when included in a take back / take charge request.

**STANDARD 12:** *The Member State authority should regularly update the information in the Eurodac database in accordance with the Eurodac II Regulation. After a transfer, the Member State authority should enter the following information into the Eurodac database: any application of the discretionary clause, expulsion, granting of international protection, the issuance of a residence document, whether the person left the territory of the Member States, whether they acquired citizenship, and/or whether the international protection status was revoked or ended or the renewal of the status was refused.*

**Indicator 12.1.a:** The Member State authority has an automated system in place that allows the Member State to transfer information from the national case filing system to the Eurodac database.

OR

**Indicator 12.1.b:** If the Member State authority lacks an automated system for transferring relevant information from the national file to the Eurodac database, responsible staff at national level have knowledge about what information should be transferred to the Eurodac database and the authorities have the means to transfer the relevant information manually to the database.

#### **Good practice related to linking Eurodac to the national case management system**

In order to ease the administrative burden, improve data quality and expedite proceedings, some Member State authorities have chosen to link their national case filing system to the Eurodac database. Every time their national authority makes a decision or files an act that should be recorded in Eurodac, the information is automatically sent to Eurodac.

## The Visa Information System database

The VIS database is another relevant source of information regarding the identification of potential Dublin cases. The system performs biometric matching for identification and verification purposes. VIS connects embassies and consulates in non-EU countries and all external border-crossing points of Schengen States. VIS applies to all Schengen States (Denmark has decided to implement it), therefore not all Member States applying the Dublin III Regulation are bound by the VIS Regulation<sup>(11)</sup> and have access to VIS system.

**Additional remark:** From the VIS database, Member States can also find information regarding the person concerned's personal data and passport information.

#### **Good practice related to search in the Visa Information System**

A search in the VIS database is conducted at the same time as the mandatory search in the Eurodac database, preferably within 72 hours after the asylum application was lodged.

**STANDARD 13:** *Where access is allowed, the Member State authority should conduct a search in the VIS database to establish whether the person concerned has been granted a visa by another Member State.*

**Indicator 13.1:** The Member State authority, where access is allowed under EU law, has access to the VIS database in order to identify Dublin cases, and regards it as a source of information.

**Indicator 13.2:** The staff at the Member State authority identifying a Dublin case are aware of visas granted as a possible ground for making a take back / take charge request.

<sup>(11)</sup> Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas, OJ 2008 L 218.

## Documents belonging to the person concerned

Any document that the person has might be relevant in the responsibility determination process. These documents should be taken into consideration in accordance with the Dublin III Regulation.

**STANDARD 14:** *As part of the information gathering process, the competent authority should be aware of the importance and take into account all relevant documents submitted by the person concerned at every stage of an ongoing procedure as an identifier of a Dublin case.*

**Indicator 14.1:** The staff at the Member State authority coming across the document(s) have sufficient knowledge about the Dublin III Regulation and know where to refer the case for appropriate action under the Dublin III Regulation.

**Indicator 14.2:** The competent authority has a procedure and expertise in place for checking authenticity of documents.

**Additional remark:** Important documents that should be taken into account during the procedure are, for example, ID card, passport, driver's licence, residence permits, or any official document issued by a competent foreign authority, or any document that is able to verify the statements of the person concerned, e.g. train ticket, receipts, etc.

### Good practice related to searching for relevant documents

Where national law permits, it may be helpful that applicants and their belongings are searched in order to find relevant means of proof. Upon coming across relevant documents, these documents are temporarily seized, scanned and checked for authenticity.

**STANDARD 15:** *If a document obtained at any stage of an ongoing procedure indicates that the Dublin III Regulation is applicable, the case should be referred to the authority responsible for conducting the Dublin procedure.*

**Indicator 15.1:** The staff at the Member State authority coming across the document have sufficient knowledge about the Dublin III Regulation and are able to make a basic assessment of the relevance of the document to the Regulation.

### Complementary EASO tools for identifying potential Dublin cases

*EASO training module on the identification of potential Dublin cases*

*EASO Practical guide on the implementation of the Dublin III Regulation: personal interview and evidence assessment*

*EASO Practical Tool on Registration: Lodging of applications for international protection*

EASO is developing a practical tool for Member State staff working with registration of applicants that might also help them to assess Dublin indicators in a case.

**Indicator 15.2:** The staff at the competent authority coming across the document know where to refer the case for appropriate action under the Dublin III Regulation.

## The personal interview

Article 5 Dublin III Regulation specifies that Member States shall conduct a personal interview with the applicant in order to facilitate the process of determining the Member State responsible. This 'Dublin interview' can be omitted if the person has absconded or the person already provided the information relevant for the Dublin procedure.

The personal interview has many different functions. It is regulated by both the Dublin III Regulation and national law in each Member State. With regards to assessing the responsible Member State from the personal interview in Dublin cases, the following standards and indicators have been agreed.

<b>Dublin III Regulation</b>
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Article 5
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**STANDARD 16: *The personal interview shall be conducted before issuing a transfer decision, unless they have absconded or all relevant information was already provided by the person concerned.***

**Indicator 16.1:** The Member State authority allocates sufficient means in order to conduct the interview.

**Additional remark:** ‘Sufficient means’ include, inter alia, a suitable room for conducting the interview, having interpreters available when needed and allocating enough time for holding a proper interview with the person concerned.

**Indicator 16.2:** The Member State authority has an established procedure for scheduling interviews, allowing for prioritising Dublin interviews with regard to the given time limits.

**Good practice related to combining the interview with the registration of the application**

It is considered good practice to combine the Dublin interview with the existing national practice established for registering asylum applications and gathering information relevant to the claim. This practice enables the responsible authorities to identify Dublin cases at an early stage, and refer the cases to the authority in charge as soon as possible. Early referral will allow more time for the Dublin Unit or the authority in charge of conducting the Dublin procedure to make the necessary steps, which is vital in cases concerning children or family reunification cases.

**STANDARD 17: *The case officer undertakes a careful revision and studies the information regarding the case file before conducting the personal interview.***

**Indicator 17.1:** The case file is available to the case officer with sufficient time before the interview to allow for appropriate preparation.

**Indicator 17.2:** Preparation takes into account all the elements that could help determining the Member State responsible.

**Good practice related to the timing of the interview**

Conduct the personal interview as soon as possible after the asylum application has been lodged, enabling the applicant or the responsible authority to assess the interview and if needed complete the case with information before the time limit to make a request for transfer.

**STANDARD 18: *The personal interview should cover all aspects of the Dublin III Regulation relevant to the applicant and the Dublin procedure.***

**Indicator 18.1:** The personal interview is conducted using a standardised interview protocol to ensure that all the aspects relevant for both the applicant and the Dublin procedure are covered.

**Good practice related to development of interview protocols**

An established interview protocol developed at national level might help the case officers in covering all relevant aspects of the Dublin III Regulation. These standardised interview protocols cover both the relevant aspects of responsibility and all the aspects of the national law so that a decision of transfer can be taken without follow-up interviews, if deemed necessary.

**Indicator 18.2:** Questions relating to family or relatives on the territory of the Member States, dependants, and travel route are asked in an interview.

**Indicator 18.3:** The standardised interview protocol ensures that the Dublin indicators not available via searches in the databases (Eurodac, VIS) are covered during the interview.

**Indicator 18.4:** The staff conducting the personal interview are properly trained and have sufficient knowledge of the Dublin III Regulation in order to know when to ask follow-up questions from the standardised protocol.

#### **Complementary EASO tools for Dublin personal interview**

***EASO Practical guide on the implementation of the Dublin III Regulation: personal interview and evidence assessment***

##### ***EASO Practical Guide: Personal Interview***

This practical guide promotes a structured interview method, in line with the EASO Training Curriculum. This structured approach leads the user through the stages of preparation for the personal interview, opening the interview and providing information, conducting the interview, including guidance regarding the substance of the application that needs to be explored during the interview, and concludes with closing the interview and post-interview actions.

### 3. Request for information

The Member State authority does not always have sufficient information to send a take back / take charge request to another Member State. In cases where the available evidence is not satisfactory to establish whether the Dublin procedure can be conducted, or it is not enough to determine the responsible Member State, Member States can send a request to another Member State for further information. This information request can be sent pursuant to Article 34 Dublin III Regulation using the standard form of Annex V to the Implementing Regulation. In cases of family tracing, establishing family ties and questions of dependency, standard forms in Annex VII and VIII to the Implementing Regulation are provided.

<b>Dublin III Regulation</b>
Articles 6(5) and 16(4) and Article 34

***STANDARD 19: An information request is made only in accordance with Article 6(5), 16(4) and Article 34 Dublin III Regulation. The Member State authority should ensure that they have sufficient grounds for making the request and that the respective time limits are observed.***

**Indicator 19.1:** The competent authority uses the standard form in place in order to request the information in a timely and sufficient manner.

**Indicator 19.2:** The case officers are able to identify and apply the sufficient grounds for sending information requests.

**Indicator 19.3:** In case of sending information requests in accordance with Articles 6(5) and 16(4) Dublin III Regulation, the competent authority involves the relevant actors e.g. child, protection services etc. in family tracing.

***STANDARD 20: The Member State authority should reply to a request for information as soon as possible but at the latest within five weeks. The reply should be in accordance with Article 6(5), 16(4) and Article 34 Dublin III Regulation.***

**Indicator 20.1:** The competent authority has a template or standard form in place in order to ensure that the correct information is given in a timely and efficient manner.

**Indicator 20.2:** The Member State authority has a case management system and/or countdown calendar in place to calculate time limits and flag approaching deadlines.

**Indicator 20.3:** Staff members replying to the request of information have adequate access to all relevant databases needed for answering.

**Indicator 20.4:** The format of the reply should be sent in attachment as a closed document that cannot be edited later.

#### **Good practice related to the format of the reply to information requests**

Member States authorities use .pdf extension to submit their replies to the information requests through DubliNet in order to guarantee data protection.

#### **Good practice related to the use of templates or standard forms**

Member States use templates or standard forms developed on national level to reply to information requests under Article 34 (so that the person concerned may be easily identified by both Member State authorities). Using the same layout helps providing evidential value and set it apart for courts.

**Indicator 20.5:** The case officers are able to identify and apply the sufficient grounds for replying to information requests.

**Indicator 20.6:** In case of replying to requests in accordance with Articles 6(5) and 16(4) the national authorities involve the relevant actors e.g. child protection services, etc. regarding family tracing.

**Additional remark:** If the requested information requires the consent of the applicant, the requested Member State authority has to ensure that only the information they are entitled to provide is transmitted. Whenever consent from the applicant is needed, the requested Member State ensures that the consent is received from the requesting Member State.

***STANDARD 21: To expedite secure, fast and reliable communications between Member States, information requests must be sent via DubliNet and in a language commonly understood by the competent authorities in both Member States.***

**Indicator 21.1:** Designated officials have access to the DubliNet system in order for the requests to be sent.

**Indicator 21.2:** Designated officials are instructed on the use of said system and are able to operate it.

**Indicator 21.3:** The language of communication used between the Member States is agreed to lessen any confusion, linguistic misunderstandings or a need for translations that might delay the process.

**Indicator 21.4:** Case officers ensure a proof of delivery of all messages that are sent via DubliNet is obtained and recorded.

## 4. Assessing responsibility

In order for a thorough assessment of responsibility to be made in compliance with the Dublin III Regulation, the following standards were drafted to ensure a due procedure for assessing responsibility.

### Good practice related to facilitating the implementation of the Dublin III Regulation

On grounds of recital 28 and Article 36 Dublin III Regulation, Member States locate liaison officers in other Member States (the volume of affiliation permitting) in order to facilitate the implementation of the regulation and increase its effectiveness.

## Awareness and training

Dublin III Regulation	Implementing Regulation
Chapters III to VI	Article 11

**STANDARD 22:** *The competent authority tasked with assessing responsibility has the necessary resources, is aware of its responsibilities, and its case officers are sufficiently trained and acquainted with the hierarchy of criteria used for determining responsibility and the applicable time limits.*

**Indicator 22.1:** A work process and procedure are in place for applying the hierarchy of the Dublin responsibility assessment criteria in a sequential way.

**Indicator 22.2:** The competent authority checks for additional information relevant to the determination of responsibility.

**Additional remark:** Additional information includes application forms, other internal records, statements made or documents submitted by the applicant such as passports, ID cards, driving licences, etc.

### Good practice related to ensuring that no follow-up interview is needed

Member States have a standardised interview protocol that covers both the relevant aspects of responsibility and all the aspects of the national law so that a decision of transfer can be taken without the need for follow-up interviews, if not necessary.

### Complementary EASO tool for evidence assessment:

**EASO Practical Guide on the implementation of the Dublin III Regulation: personal interview and evidence assessment**

**Indicator 22.3:** Where information on assessing responsibility is incomplete or clarification is needed and another Member State may hold useful information, the competent authority raises an Article 34 Dublin III Regulation enquiry with the Member State(s) concerned.

## A comprehensive dossier

**STANDARD 23:** *The Member State authority ensures that the case file is complete with all the evidence required to make an assessment of responsibility in accordance with the hierarchy of criteria set out in the Dublin III Regulation.*

**Indicator 23.1:** Case officers have an overview of all the relevant information gathered in an individual case, including any representations from the applicant, and apply the determining criteria of Chapter III accordingly.

**Indicator 23.2:** The case officer uses the information at hand to identify the most probable Member State responsible.

**Indicator 23.3:** Case officers document, as far as is possible, their assessment of the case at hand.

## Allowing and assessing evidence

<b>Dublin III Regulation</b>
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Article 7(3)
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***STANDARD 24: Evidence that may lead to the application of the criteria in Articles 8, 10 or 16 should be allowed and should be considered by the requesting Member State before another Member State accepts the take back / take charge request.***

**Indicator 24.1:** The Member State authority has a process in place guaranteeing that the person concerned, or other relevant actors on behalf of the person concerned, can submit new information or changes in circumstances during the course of the case.

**Indicator 24.2:** The competent authority has, as far as is possible, a dedicated case officer assigned to the case and a process of active case management in place.

## 5. Sending the take back / take charge request

The process of determining which Member State is responsible for the examination of the application for international protection of a third-country national or responsible for taking back the person concerned, commences with the sending of a take back / take charge request to another Member State. In this provision, various operational standards for this first step in the determination process are represented.

### Timely requests

<b>Dublin III Regulation</b>
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Articles 21, 23 and 24
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**STANDARD 25:** *The Member State authority ensures that the take back / take charge request is made as quickly as possible to the Member State that is most likely to be responsible. In any event, the request is made in accordance with the time limits permitted in the relevant articles of the regulation.*

**Indicator 25.1:** The Member State authority has a case management system and/or countdown calendar in place to calculate time limits and flag approaching deadlines.

**Indicator 25.2:** Requests for urgent replies to other Member States are clearly marked as such along with the reasons why.

Dublin III Regulation	Implementing Regulation
Articles 21(3), 22(3), 23(4) and 24(5)	Articles 1 and 2

### Including proof and evidence

**STANDARD 26:** *The take back / take charge request should be made on the standard forms and include proof or circumstantial evidence <sup>(12)</sup> together with as much other relevant information as possible to allow the requested state to fully assess whether it is responsible.*

**Indicator 26.1:** The case officers have access to the different standard model forms provided.

**Indicator 26.2:** The case officers are instructed on the uniform use of said standard model forms.

**Indicator 26.3:** The case officers include in their request as much information as necessary.

**Indicator 26.4:** The case officers include, whenever available, all means of proof available or, by lack thereof, means of circumstantial evidence.

**Additional remark:** Fingerprints are a reliable means of unambiguously identifying the person concerned. Where other probative evidence (such as hits in the common information systems like Eurodac/VIS) is unavailable, fingerprints are attached to the request for identifying the person concerned in the registry of the requested Member State whenever possible.

<sup>(12)</sup> As described in the two lists mentioned in Article 22(3) Dublin II Regulation.

## Use of DubliNet for sending take back / take charge requests

Dublin III Regulation	Implementing Regulation
recital 26 and Article 38	Article 15(1), Articles 16, 18, 19 and 20 and Article 21(1)

***STANDARD 27: To expedite secure, fast and reliable communications between Member States, requests are sent via DubliNet and in a language commonly understood by the competent authorities in both Member States.***

**Indicator 27.1:** Dedicated officials have access to the DubliNet system in order for the requests to be sent.

**Indicator 27.2:** Dedicated officials are instructed on the use of said system and are able to operate it.

**Indicator 27.3:** The language of communication used between the Member States is agreed to lessen any confusion, linguistic misunderstandings or a need for translations that might delay the process.

**Indicator 27.4:** Case officers ensure a proof of delivery of all messages that are sent via DubliNet is obtained and recorded.

**Indicator 27.5:** Messages (including requests) between Member States concerning the individual application of the Dublin Regulation are always sent via the encrypted DubliNet electronic communications system.

**Indicator 27.6:** The competent authority uses the appropriate standard form, provided by the Commission, for making the request.

## 6. Replying to the take back / take charge request

The next step in the process of determining the responsible Member State, after sending the request, is the sending of a reply by the requested Member State. In this provision, various standards for this second step in the determination process are represented. Since, in some cases, the determination process is not concluded after the initial reply, standards for the process for re-examination after a rejection of the first request are included as well.

### Timely replies

Dublin III Regulation	Implementing Regulation
Articles 21(3) and 22(1), (6) and (7), Article 25 and Article 28(3)	Articles 3-6

**STANDARD 28: The requested Member State must reply to the take back / take charge request within the time limits set out.**

**Indicator 28.1:** The Member State authority has a case management system and/or countdown calendar in place to calculate time limits and flag approaching deadlines.

**Indicator 28.2:** The case management system is able to prioritise various deadlines and to flag pleas for urgency.

#### Good practice related to case management systems

Member States adopt a digital or electronic approach that allows for efficient case management of incoming requests.

### Clear and unambiguous wording

Dublin III Regulation	Implementing Regulation
Articles 22 and 25 and Article 28(3)	Articles 3-6

**STANDARD 29: The requested Member State should ensure that the reply is clear and unambiguous in respect of the person concerned and the positive or negative nature of the reply.**

**Indicator 29.1:** The competent authority has a template or standard form in place.

**Indicator 29.2:** The format of the reply is a closed document that cannot be edited later.

**Indicator 29.3:** The reply includes the personal data of the person concerned registered in the requested Member State.

#### Good practice related to including aliases in replies

For identification purposes, Member States include, as far as is possible, all relevant aliases of the person concerned in their replies.

## Use of DubliNet for replying to the take back / take charge request

Dublin III Regulation	Implementing Regulation
recital 26 and Article 38	Article 15(1), Articles 16, 18, 19 and 20 and Article 21(1)

**STANDARD 30:** *To expedite secure, fast and reliable communications between Member States, replies are sent via DubliNet and in a language commonly understood by the competent authorities in both Member States.*

**Indicator 30.1:** Dedicated officials have access to DubliNet in order for the replies to be sent.

**Indicator 30.2:** Dedicated officials are instructed on the use of said system and are able to operate it.

**Indicator 30.3:** The language of communication used between Member States is agreed to lessen any confusion, linguistic misunderstandings or a need for translations that might delay the process.

**Indicator 30.4:** Caseworkers ensure a proof of delivery of all messages that are sent via DubliNet, is obtained and recorded.

**Indicator 30.5:** Messages (including replies) between Member States concerning the individual application of the Dublin III Regulation are always sent via the encrypted DubliNet.

### Good practice related to the format of the reply to information requests

Member States authorities use .pdf extension to submit their replies through DubliNet in order to guarantee data protection.

## Positive replies

### Implementing Regulation

Article 6

**STANDARD 31:** *The Member State authority ensures that the relevant article is referred to and that the practical details regarding the transfer are included in the reply.*

**Indicator 31.1:** The competent authority has a template or standard form in place to use for sending a positive reply to a take back / take charge request.

**Indicator 31.2:** The reply includes the personal data of the applicant registered in the requested Member State.

**Indicator 31.3:** The reply contains the legal basis of the acceptance.

**Indicator 31.4:** The preferred place of arrival and the timeframe are indicated in the reply.

## Acceptance by default

If the requested Member State does not reply to the request within the given time limits, the take back / take charge request is deemed accepted by default.

### Good practice related to confirming responsibility in case of acceptance by default

If a Member State discovers that it is deemed responsible by default, a confirmation of responsibility and terms of transfer can be sent without having been requested to do so.

Dublin III Regulation	Implementing Regulation
Articles 22(7), 25(2) and 28(3)	Article 10

**STANDARD 32:** *In case of acceptance by default, the Member States involved should agree on transfer details.*

**Indicator 32.1:** The requesting Member State initiates consultation with the requested Member State regarding the organisation of the transfer.

**Indicator 32.2:** If requested by the requesting Member State, the requested Member State confirms its responsibility in writing and communicates the practical details regarding the transfer as soon as possible.

## Negative replies

Implementing Regulation
Article 5(1)

**STANDARD 33:** *The Member State authority ensures that the rejection contains full and detailed reasoning.*

**Indicator 33.1:** The competent authority has a template or standard form in place to use for sending a negative reply to a take back / take charge request.

**Indicator 33.2:** The reply includes the personal data of the applicant registered in the requested Member State.

**Indicator 33.3:** The Member State rejecting the request refers to the legal grounds and any relevant facts upon which the rejection is based.

## Re-examination procedure

Following the receipt of a rejection to an initial take back / take charge request, the requesting Member State is entitled to send a request for re-examination to the requested Member State. This re-examination request is used to ask the requested Member State to look at the request again while taking into account additional information or proof or to give weight to additional reasoning.

**Additional remark:** The requirement of proof should not exceed what is necessary, as stated in Article 22(4) Dublin III Regulation.

### Good practice related to negative replies on the grounds of ceased responsibility

In case of referring to cessation or shift of responsibility, the necessary documents (such as the acceptance or other useful information from other Member States) are attached, if possible.

Implementing Regulation
Article 5(2)

**STANDARD 34:** *If the requesting Member State disagrees with the rejection of its initial request, that Member State may decide to send a request for re-examination. This option must be exercised within three weeks after the receipt of the negative reply.*

**Indicator 34.1:** Member States have a case management system and/or count down calendar in place to calculate time limits and flag approaching deadlines.

**Indicator 34.2:** The case management system is able to prioritise various deadlines and to flag pleas for urgency.

**Indicator 34.3:** The Member State refers to the legal grounds upon which the re-examination request is based.

**Indicator 34.4:** If additional proof is available and relevant, the Member State encloses this with its re-examination request.

**Good practice related to case management system**

Member States adopt a digital or electronic approach that allows for an efficient case management of incoming requests.

**Good practice related to re-examination procedure**

Member States reply as soon as possible in order to offer the requesting Member State the opportunity to challenge the rejection once again or to lodge, within the mandatory time limits, a further take charge or take back request.

***STANDARD 35: The requested Member State must endeavour to reply to the re-examination request within two weeks <sup>(13)</sup>.***

**Indicator 35.1:** Member States have a case management system and/or countdown calendar in place to calculate time limits and flag approaching deadlines

**Indicator 35.2:** The case management system is able to prioritise various deadlines and to flag pleas for urgency.

**Indicator 35.3:** The Member State rejecting the request refers to the legal grounds upon which the rejection is based.

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<sup>(13)</sup> For relevant case-law, see CJEU, judgment of 13 November 2018, joined cases C-47/17 and C-48/17, *X and X v Staatssecretaris van Veiligheid en Justitie* (EU:C:2018:900).

## 7. Unaccompanied minors

The Dublin III Regulation provides specific rules regarding children. Member States prioritise these cases to seek family reunification possibilities when the child is unaccompanied, and at each step the greatest care should be given to the assessment of the best interests of the child. There are also specific procedural guarantees that the Member States authorities have to apply.

With regard to unaccompanied minors, the following standards and indicators are agreed upon.

### Best interests of the child

Dublin III Regulation	Implementing Regulation
recitals 13, 16 and 24 and Article 6(1)	Articles 12(1), (2) and (5) and 16a(2)

**STANDARD 36:** *For Member State authorities, the best interests of the child should be a primary consideration and should be assessed throughout the Dublin procedure.*

**Indicator 36.1:** Case officers of the Member State authority are aware of their duties and have the appropriate training to be able to ensure the best interests of the child in the context of maintaining family unity as far as possible.

**Indicator 36.2:** Case officers of the Member State authority have timely access to the relevant expertise regarding assessing the capacity of a relative or an adult to take care of a child.

**Indicator 36.3:** The Member State authority appoints a qualified representative as soon as possible who acts in the child's best interests and who can help to ensure the necessary environment of trust for a child to disclose information about their family.

**Indicator 36.4:** The competent authority has an established procedure in place to guarantee that the child's right to participate and have their views heard is respected, and that these views are considered according to their age and maturity.

#### Good practice related to standardised templates for the best interests assessment

Some Member States use a standardised template for specifically assessing the best interests of the child under Dublin procedure.

#### Complementary EASO tool regarding best interests assessment

##### *EASO Practical Guide on the best interests of the child in asylum procedures*

The EASO Practical Guide on the best interests of the child in asylum procedures is intended for practitioners and policy-makers dealing with children in the asylum context, and in particular for those involved in the assessment of the best interests of the child. The tool provides guidance on conducting best interests assessment and the necessary safeguards in different stages of the asylum procedure and with regards to reception conditions. In addition to practical guidance, it lists the available reference materials.

### Appointing a representative

Dublin III Regulation	Implementing Regulation
Article 2(k) and Article 6(2)	Articles 12(3) and 16a(2)

**STANDARD 37:** *The Member State authority should appoint a representative for the unaccompanied minor as soon as possible.*

**Indicator 37.1:** The Member State authority has an established procedure to appoint an appropriate representative for the child.

**Good practice related to appointing a representative**

Member States appoint a representative to ensure the best interests of the child as well as a legal representative to provide legal advice throughout the procedure.

**Indicator 37.2:** The pool of qualified representatives is sufficient to ensure the timely appointment of a representative for each unaccompanied child, and to ensure that representatives are not made responsible for too many cases at the same time.

**Tracing family members, siblings and/or relatives**

Dublin III Regulation	Implementing Regulation	CFR
recitals 16 and 35 Article 6(4) and Article 8	Article 11(6) and Article 12	Article 7

**STANDARD 38:** *The Member State authority must search for and take into account any information provided by the minor or by any other credible source related to presence of family members, siblings and/or relatives on the territory of the Member States, and involve representatives in the tracing. Furthermore, the Member State authority should consult other Member States to identify family members, establish family links and, in case of a relative, assess the capability of that relative to take care of the child.*

**Indicator 38.1:** The Member State authority has established practices and guidelines in place for assisting case officers in the process of identification of family members, siblings and/or relatives and tracing family links.

**Additional remark:** An established practice for the identification of family members, siblings and/or relatives is having an interview template that includes questions regarding family members staying on the territory of any of the Member States.

**Indicator 38.2:** Representatives assisting the child have quick and smooth access to the authority in charge of carrying out the Dublin procedure and are able to submit information or documents regarding family member, sibling or relative of the child in a timely manner.

**Indicator 38.3:** The Member State authority makes the appropriate measures and involve representatives to trace family members, siblings and/or relatives of the unaccompanied child on the territory of another Member State as soon as possible.

**Good practice related to Standard Operating Procedure on family tracing**

Member States agreed upon a Standard Operating Procedure (SOP) with relevant authorities or organisations that may assist in the tracing of and reunification with family members, siblings and/or relatives in the EU MS, designating their respective roles and tasks in the procedure.

**Indicator 38.4:** The national authorities confirm the family links if the family member, sibling or relative is found in another Member State.

**Complementary EASO tool regarding family tracing*****EASO Practical guide on family tracing***

The EASO Practical Guide on family tracing provides a set of guidance and reference materials to support EU+ States with regard to family tracing, as well as a mapping of current practices of family tracing in the EU+. The target groups of this guide are policy-makers and practitioners working with unaccompanied children and involved in different stages of the family tracing process.

Dublin III Regulation	Implementing Regulation
recitals 13, 16, 24 and 35 Article 6(3) and Article 8	Article 12 and Article 16a(2)

**STANDARD 39: Where family members, siblings and/or relatives of the minor are legally present on the territory of another Member State, and none are legally present in the Member State where the minor is currently staying, the Member State concerned should assess whether the restoration of family links is in the best interests of the child.**

**Indicator 39.1:** The Member State authority has an established procedure in place to consult the relevant authorities or organisations (e.g. child, protection services, etc.) about the possibility of family reunification.

**Indicator 39.2:** The Member State authority has the appropriate means and procedure in place to collect additional information from the child (e.g. Dublin interview)

**Indicator 39.3:** The Member State authority has access to sources to be able to collect information from other persons in a timely manner, if applicable (e.g. siblings, other persons the child travelled with, etc.)

**Indicator 39.4:** In order to facilitate the best interests assessment, the competent authority makes inquiries about family members, siblings and/or relatives staying in another Member State.

**Additional remark:** In cases where an unaccompanied minor is concerned, the best interests of the child should be guaranteed. As specified in Article 12(2) Implementing Regulation, even though ‘the duration of procedures for placing a minor may lead to a failure to observe the time limits’ of the Dublin III Regulation, this should ‘not necessarily be an obstacle to continuing the procedure for determining the Member State responsible or carrying out a transfer’ of the unaccompanied minor <sup>(14)</sup>.

**Indicator 39.5:** The Member State authority has the appropriately trained staff and relevant means for initiating the exchange information with other Member States without delay and using the relevant templates of the Implementing Regulation.

Dublin III Regulation	Implementing Regulation
recitals 13, 16, 24 and 35 Articles 6(3) and 8(4)	Article 12

**STANDARD 40: Where no family members or relatives of the minor are found to be legally present on the territory of the Member States, the Member State where the minor is currently staying assesses the best interests of the child nevertheless in order to verify whether it should process the asylum application itself.**

**Indicator 40.1:** The Member State authority has an established procedure in place to consult the relevant authorities or organisations (e.g. child, protection services etc.) about the best interests of the child.

**Additional remark:** Relevant authorities or organisations include, inter alia, child protection services and social workers tasked with the care for unaccompanied minors.

**Indicator 40.2:** The Member State authority has the appropriate means and procedure in place to collect additional information from the child.

**Additional remark:** An example of an appropriate means to collect additional information is the Dublin interview or an additional Dublin interview.

**Indicator 40.3:** The Member State authority has access to sources to be able to collect information from other persons in a timely manner, if applicable.

**Additional remark:** Other sources as mentioned here may include, for example, siblings and/or other persons the minor travelled with to the Member State the minor is currently staying.

**Indicator 40.4:** The Member State authorities have a sufficient number of trained staff and other appropriate and relevant means for initiating the exchange of information with other Member States without delay and using the relevant templates of the Implementing Regulation.

<sup>(14)</sup> An unaccompanied minor is defined in Article 2(j) Dublin III Regulation as ‘a minor who arrives on the territory of the Member States unaccompanied by an adult responsible for him or her, whether by law or by the practice of the Member State concerned, and for as long as he or she is not effectively taken into the care of such an adult; it includes a minor who is left unaccompanied after he or she has entered the territory of Member States’.

## 8. Dependent persons and discretionary clauses

The Dublin Regulation contains one provision on dependent persons and two provisions that permit the application of the Member State discretion. These are means for Member States to assume responsibility for examining an application for international protection that differ in nature from the criteria in Chapter III to such an extent that it justifies a separate section in this guidance.

### Situations of dependency

Dublin III Regulation	Implementing Regulation
Article 16	Article 11

**STANDARD 41: Member States authorities should be aware of their particular responsibilities regarding dependent or vulnerable persons.**

**Indicator 41.1:** The personnel in charge of such cases have received the necessary level of training to fulfil their tasks and responsibilities related to dependency and vulnerability.

**Indicator 41.2:** When attention is drawn to dependency or vulnerabilities, the authorities have access to relevant expertise for the purposes of consultation and advice.

Dublin III Regulation	Implementing Regulation
Article 7(3) and Article 16	Article 11

**STANDARD 42: The Member States assess in each stage of the procedure if evidence concerning dependency is produced up to a point of acceptance and apply Article 16 accordingly.**

**Indicator 42.1:** The dedicated case officer is able to recognise indications of dependency in the case at hand and undertakes appropriate action.

**Indicator 42.2:** The Member State authority has access to relevant expertise in order to assess and verify any documents (such as medical certificates) or convincing information provided.

**Indicator 42.3:** The Member State authority sees to it that the persons concerned express their consent in writing.

### Discretionary clauses

The following standards cover articles that are applied within the full discretion of the Member States involved. Therefore, there will be no mention of specific circumstances or terms under which the articles mentioned in this specific paragraph may be applied or used.

Dublin III Regulation
Article 17(1)

**STANDARD 43: The competent authority is prepared to apply the discretionary clause of Article 17(1) at any stage of the procedure at its own discretion.**

**Indicator 43.1:** The Member State authority has access to relevant expertise in order to assess and verify any documents or other information provided.

**Indicator 43.2:** The Member State authority has the means in place to access the relevant expertise for the assessment of the documents provided.

**Indicator 43.3:** Where applicable, the Member State that decides to examine an application pursuant to Article 17(1) becomes the responsible Member State and informs the Member State previously responsible by using DubliNet electronic communication network.

<b>Dublin III Regulation</b>
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Article 17(2)
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**STANDARD 44: The competent authority assesses at any time before a first decision regarding the substance is taken if Article 17(2) could be applied.**

**Indicator 44.1:** The use of Article 17(2) belongs to the discretion of both Member States.

**Indicator 44.2:** If the Member State authorities decide that Article 17(2) could be applied, the Member State authority sees to it that the person concerned expresses consent in writing.

**Additional remark:** Missing the original time limit for applying the binding criteria should not be in itself a reason for applying the Article 17(2) discretionary clause.

**Good practice related to the national guidelines on applying Article 17(2)**

Member States have national guidelines for the application of Article 17(2) in appropriate cases.

## Suspension of transfer

<b>Dublin III Regulation</b>	<b>CFR</b>
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recitals 17 and 21	Article 4
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**STANDARD 45: Member States refrain from transferring the person concerned if there are substantial grounds for believing that the transfer would result in a real risk of the person concerned suffering inhuman or degrading treatment in the requested Member State <sup>(15)</sup>.**

**Indicator 45.1:** The requesting Member State assesses the case for credible evidence of substantial grounds that the applicant would face a real risk of the person concerned suffering inhuman or degrading treatment after transfer.

**Indicator 45.2:** Where relevant, the requesting Member State takes into consideration the individual guarantees provided by the requested Member State for the purpose of assessing the likelihood of a real risk of inhuman or degrading treatment.

**Additional remark:** Case officers should always bear in mind that the responsibility criteria of the Dublin Regulation (including Article 3(2)) must be applied in accordance with the European Charter of Fundamental Rights (the Charter) as interpreted by the Court of Justice of the European Union. The Charter rights that correspond to the rights guaranteed by the European Convention on Human Rights must, in accordance with Article 52(3) Charter, be interpreted in the light of the case-law of the European Court of Human Rights, including Article 3 European Convention on Human Rights.

<sup>(15)</sup> For relevant case-law, see CJEU judgment of 21 December 2011, joined cases C-411/10 and C-493/10, *N.S. and others v Secretary of State for the Home*, EU:C:2011:865; CJEU judgment of 16 February 2017, case C-578/16, *C.K. and Others v Republika Slovenija*, EU:C:2017:127; and ECtHR judgment of 21 January 2011, no 30696/09, *M.S.S. v Belgium and Greece*, CE:ECHR:2011:0121JUD003069609.

## 9. Non-applicants

When the competent authority of a Member State apprehends a third-country national or a stateless person who is present in that Member State without a residence document, this authority is allowed to search the Eurodac system in order to identify a possible Dublin case. This search is allowed to help establish the identity of the person concerned and to check whether the person concerned has applied for international protection in another Member State.

The competent authority performing such a Eurodac search may send a take back request to the Member State that they deem responsible in order to transfer the person concerned to the territory of the responsible Member State.

The Member States should give the non-applicant the possibility to apply for international protection after their apprehension. The rights and obligations as set out in the Dublin III Regulation apply to non-applicants equally.

### Good practice related to non-applicants

When the person concerned does not wish to lodge a new application in a Member State, the competent authorities write this down in an official report.

## Comparison in Eurodac

Dublin III Regulation	Eurodac II Regulation
Article 24(1), (2) and (3)	Article 17

**STANDARD 46:** *If the Member State on whose territory a person is staying without a residence document decides to search the Eurodac system in accordance with Article 17 Eurodac II Regulation, leading to the identification of another Member State as likely responsible, a request for taking back should be sent within the set time limit.*

**Indicator 46.1:** Instructions and information are available to the police, border guards, personnel of detention facilities and other first contact officials in order to identify a possible Dublin case.

**Indicator 46.2:** The Member State authority has access to Eurodac for identifying a possible Dublin case, as well as to other relevant databases.

**Indicator 46.3:** A dedicated unit or authority is assigned as responsible for Dublin cases and the Dublin procedure, permitting that Dublin cases can be referred to this authority.

**Indicator 46.4:** The Member State has developed, where necessary, internal guidelines on how the license, first contact officials can present a case to the competent 'Dublin' authorities.

**Additional remark:** If a third-country national or stateless person returns to the requesting Member State from the requested Member State to which they had previously been transferred (following the rejection of his/her application for international protection) and the person concerned is not in possession of a residence document, the requesting Member State may send a take back request to the requested Member State. The person concerned cannot be transferred on grounds of the acceptance of the previous take back / take charge request, a new request must always be made.

The time limits for sending a request are in place from the moment the requesting Member State has become aware that the person concerned has returned to its territory.

When the take back request is not made within the given time limits, the requesting Member State becomes responsible in case the person concerned lodges an application for international protection in the requesting Member State. The requesting Member State must give the person concerned the opportunity to lodge a new application. If the person concerned is given the possibility to lodge an application and declines to do so, the requesting Member State can still make a take back request.

This practice is derived from the CJEU interpretation of Article 24 Dublin III Regulation in its judgment of 25 January 2018, Case C-360/16, *Bundesrepublik Deutschland v Aziz Hasan* (EU:C:2018:35).

## 10. Notification of transfer decision and remedies

Whenever the responsible Member State is determined, the person concerned must be notified about the transfer decision and the legal remedies available. In some Member States, filing an appeal against the transfer decision might have an automatic suspensive effect on the transfer, while in other Member States the suspension of the transfer until the final decision should be requested by the person concerned. Notwithstanding the different practices concerning the notification and the available remedies, the regulation sets out minimum requirements that have to be considered and respected by all Member States.

### Before the notification

<b>Dublin III Regulation</b>
Articles 26 and 27

**STANDARD 47:** *The Member State authority shall ensure that all conditions are met in order to issue a transfer decision.*

**Indicator 47.1:** The determination of responsibility has been correctly examined and finalised by the requesting Member State.

**Indicator 47.2:** Adoption and notification (to the applicant) of a transfer decision does not take place before the requested Member State has given its explicit or implicit agreement to the request <sup>(16)</sup>.

**Indicator 47.3:** The Member State only issues the transfer decision if all the legal requirements for the transfer decision are met.

#### Good practice related to supervision of cases

Member States make sure that the file is reviewed by a second case officer to check for errors and omissions before the decision is notified.

### Timely notification

**STANDARD 48:** *The Member State authority should ensure that the decision is notified in reasonable time.*

**Indicator 48.1.a:** If the person concerned does not have a legal advisor, the Member State authority notifies the decision to the person in a language that the applicant understands or is reasonably supposed to understand.

OR

**Indicator 48.1.b:** If the person concerned has a legal advisor or other counsellor, the Member State authority may choose to notify the decision to a legal advisor or other counsellor representing the person in accordance with national practice.

**Indicator 48.2:** The Member State authority has a case management system or countdown calendar in place to calculate time limits and flag approaching deadlines in order to guarantee that the transfer notification is taking place within the deadline.

<sup>(16)</sup> CJEU, judgment of 31 May 2018, case C-647/16, *Adil Hassan v Préfet du Pas-de-Calais*, EU:C:2018:368.

## Legal remedies

### ***STANDARD 49: The person concerned must be made aware of the legal remedies available under Article 27.***

**Indicator 49.1:** Information about the legal remedies available is provided in the transfer decision.

**Indicator 49.2:** Information is provided about the time limits applicable for seeking such remedies and for carrying out the transfer.

**Indicator 49.3:** Information is provided about how suspensive effect may be applied in the Member State.

**Indicator 49.4:** The notification also contains information on persons or entities that may provide legal assistance to the person concerned when that information has not already been communicated.

### ***STANDARD 50: Member States must provide access to legal assistance and, wherever necessary, to linguistic assistance.***

**Indicator 50.1:** The Member State authority should ensure that legal assistance is granted on request free of charge when the person concerned cannot afford the costs, except when the appeal or review is considered to have no tangible prospect of success, without arbitrarily restricting access to legal assistance.

**Indicator 50.2:** Legal assistance includes at least the preparation of the required procedural documents and representation before the court or tribunal.

**Indicator 50.3:** The Member State authority has procedures for access to legal assistance laid down in national law.

## Communication on appeals with suspensive effect

Dublin III Regulation	Implementing Regulation
Article 29(1)	Article 9

### ***STANDARD 51: All information on appeals or review procedures having suspensive effect, and the cessation of that effect, should be communicated as soon as possible to the responsible Member State.***

**Indicator 51.1:** The requesting Member State is aware of the suspensive effect, if applicable, and when it begins and ends.

**Indicator 51.2:** The requesting Member State sends information that the suspensive effect has begun within the initial transfer time limit.

**Indicator 51.3:** The requesting Member State sends the information about the end of the suspensive effect as soon as the measure has ended.

**Indicator 51.4:** The information is sent using DubliNet electronic communication network.

#### **Good practice related to notification on suspensive effect**

The requesting Member State communicates the information in a clear and unambiguous way.

# 11. Detention

The Dublin III Regulation sets out specific procedural rules in cases where a person is detained. In these cases, the following standards are agreed upon regarding the Dublin procedure.

**Additional remark:** A person cannot be detained on the sole basis of being subject to the Dublin procedure. The detention must be based on an individual assessment, it must be proportional, and applied only when other less coercive alternative measures are not applicable effectively.

Dublin III Regulation

Article 28

**STANDARD 52:** *In cases of detention in accordance with the Dublin III Regulation, Member States ensure that the time limits for keeping persons detained are strictly followed and that the shortened time limits for sending and replying to requests for transfers are applied.*

**Indicator 52.1:** Instructions and information related to the Dublin procedure are available to personnel of detention facilities in order that they understand the Dublin procedure and are able to inform detained persons to whom the Dublin III Regulation applies.

**Indicator 52.2:** The Member State authority has a case management system and/or countdown calendar in place to calculate time limits and flag approaching deadlines.

**Indicator 52.3:** The case management system is able to prioritise the deadlines and to flag urgent cases such as when the person concerned is detained.

**Indicator 52.4:** When sending a request for transfer in a case where the person concerned is detained in accordance with Article 28 Dublin III Regulation, the requesting Member State informs the requested Member State about the person concerned being detained and the urgency of the case.

## Good practice related to prioritisation of cases of detention

The shortened time limits for responding to a request for transfer in Article 28(3) Dublin III Regulation are only to be considered as the last possible date for sending a reply. It is considered good practice to prioritise these requests and to reply as soon as possible, regardless of the time limits, ensuring that the person concerned is detained as short period of time as possible.

## 12. Transfer

The last step in the Dublin procedure is the organisation and carrying out of the transfer of the person concerned to the Member State responsible. The standards based on the provisions regarding this process are reflected hereinafter.

### Arrangements

Dublin III Regulation	Implementing Regulation
Articles 29–32	Articles 7–10

**STANDARD 53:** *Before sending a transfer notification to the responsible Member State, the sending Member State shall make all necessary arrangements so that the transfer can proceed smoothly.*

**Indicator 53.1:** The Member State authority has a case management system and/or countdown calendar in place to calculate time limits and flag approaching deadlines.

**Indicator 53.2:** The Member State authority has an established procedure in place to manage transfers and checks whether all prerequisites are met.

**Additional remark:** Prerequisites include, for example, receiving an acceptance, the awareness of any special needs, and checking the presence of documents of the person to be transferred.

**Indicator 53.3:** Where special needs are identified, including special health needs, these are included in the notification to the requested Member State in a timely manner.

**Additional remark:** In case of health issues, this information is exchanged using Annex IX, given that the applicant consented to the exchange of this information. Any medical documentation exchanged should be as up-to-date and as complete as possible. In case the applicant does not consent to the exchange of said data, a description of the situation and medical needs shall be referred to in Annex VI in the ‘any other relevant information’ box.

**Indicator 53.4:** All personal documents of the applicant, where available, are transferred by the sending Member State to the responsible Member State at the time of the transfer. In case of documents that were not sent at the time of the transfer, the sending of documents is agreed between the two Member States at a later stage.

#### Good practice related to sending documents

Documents are sent 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.

#### Good practice related to group transfers

When group transfers are carried out, the Member States involved have a(n) (bilateral) agreement in place that will detail the special arrangements necessary for that transfer.

### Arrival times and places

Implementing Regulation
Article 8

**STANDARD 54:** *Member States should take into consideration the arrival times and places as well as particular dates on which transfers cannot take place for national reasons.*

**Indicator 54.1:** Member States keep information on arrival times and places up-to-date and communicate this information in the most efficient way.

**Good practice related to the use of Dublin Platform**

Member States communicate this information via both DubliNet and the EASO Dublin Platform. The EASO Dublin platform serves these purposes since it is an EASO-facilitated secure online environment used for the bilateral and multilateral exchange of this type of information. The Transfer Arrival Times table contains all communicated arrival times and is updated whenever such request is made.

**Indicator 54.2:** The sending Member State does not arrange transfers on ‘closed dates’.

**Additional remark:** Closed dates are dates on which the responsible Member State is unable to accept incoming transfers. These dates have been communicated to all Member States well in advance.

**Good practice on closed days**

Member States avoid having long periods of closed dates. Member States try to accommodate transfers during closed dates in exceptional cases, such as those close to the expiry of the deadline to transfer the applicant, or those when the person is being detained, or those where there is a high risk of absconding.

## Transfer notifications

Dublin III Regulation	Implementing Regulation
Article 29	Article 8

**STANDARD 55:** *The timeframe for sending the transfer notification should be three working days.*

**Indicator 55.1:** The Member State authority has a case management system and/or countdown calendar in place to calculate time limits and flag approaching deadlines.

**Additional remark:** In case of detention according to Article 28 Dublin III Regulation, Member States ensure that shorter time limits are applied and the procedure shall be as short as possible.

**Indicator 55.2:** The competent authority has, as far as possible, a dedicated case officer assigned to the case and a process of active case management in place.

**Indicator 55.3:** Member States can agree to amend the three-day timeframe in order to put in place the practical aspects of the transfer.

## Using DubliNet for communicating information related to transfers

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

**STANDARD 56:** *All personal information related to transfers must be sent using DubliNet, unless the correspondence concerns the practical arrangements for transfers, time and place of arrival.*

**Indicator 56.1:** The information that is shared through DubliNet is only handled by the National Access Points of the respective national Dublin Units.

**Indicator 56.2:** Dedicated officials have access to the DubliNet system in order for the replies to be sent.

**Indicator 56.3:** Dedicated officials are instructed on the use of said system and are able to operate it.

**Indicator 56.4:** Case officers ensure a proof of delivery of all messages that are sent via DubliNet is obtained and recorded.

**Indicator 56.5:** Messages (including replies) between Member States concerning the individual application of the Dublin III Regulation are always sent via the encrypted DubliNet electronic communications system.

**Indicator 56.6:** The Member State authority has other alternative secure means of communication in place, such as a functional e-mail address, for practical arrangements for transfers, time and place of arrival, to be used in the most urgent cases.

## Transferring families

<b>Dublin III Regulation</b>
recital 24

**STANDARD 57:** *According to the principles of family unity and the best interests of the child, members of a family should be transferred together as far as is possible.*

**Indicator 57.1:** In case a child is born between the acceptance and the transfer, Member States include in the form all information regarding the child along with a birth certificate or other documents providing information about the birth.

**Additional remark:** There is no need to send a new take back / take charge request for a new-born child.

### Good practice related to international birth certificates

In order to support the full understanding of the information contained therein, some Member States choose to enclose an international birth certificate with their form, if feasible.

**Indicator 57.2:** Member States are flexible in organising the transfer in the interests of keeping the family together, especially when they are at different stages in the Dublin procedure.

## Flexibility in transfers

<b>Implementing Regulation</b>
Article 9

**STANDARD 58:** *In all communication regarding cases of delays, cancellations or postponements, the Member States involved shall show flexibility to rearrange the transfer.*

**Indicator 58.1:** The sending Member State informs the receiving Member State without delay. The Member States agree on the new transfer timeframe, especially for transfers that need special arrangements (e.g. persons with special needs).

**Indicator 58.2:** The communication shall be done through the DubliNet electronic communication network.

**Indicator 58.3:** The competent authority has, as far as possible, a dedicated case officer (who has access to DubliNet) assigned to the case and a process of active case management in place.

**Additional remark:** In cases where an unaccompanied minor is concerned, the best interests of the child should be guaranteed. As specified in Article 12(2) Implementing Regulation, even though 'the duration of procedures for placing a minor may lead to a failure to observe the time limits' of the Dublin III Regulation, this should 'not necessarily be an obstacle to continuing the procedure for determining the Member State responsible or carrying out a transfer' of the unaccompanied minor.

## Erroneous transfers

<b>Dublin III Regulation</b>
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Article 29(3)
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**STANDARD 59:** *In the event of an erroneous transfer, on becoming aware of the situation the Member State must immediately notify the other Member State and arrange the transfer back by mutual agreement.*

**Indicator 59.1:** The Member States involved in an erroneous transfer exchange all relevant information about the case without delay.

**Indicator 59.2:** The communication is done through the DubliNet electronic communication network.

## Successful transfers

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

**STANDARD 60:** *The Member State authority must mark the information about a successful transfer in Eurodac as soon as possible after the arrival.*

**Indicator 60.1:** The Member State authority has a procedure in place to monitor arrivals on their territory relating to a preceding Dublin transfer request.

**Indicator 60.2:** The Member State authority has an established procedure in place designating the necessary tasks to staff authorised to fulfil the obligations arising from Article 10 Eurodac II Regulation.

## Voluntary transfers

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

**STANDARD 61:** *In case of transfers organised by the applicant or other actors without the involvement of competent authorities, Member States should endeavour to ensure that the conditions of the voluntary transfer conform to those of the national regular departure procedures.*

**Indicator 61.1:** The applicant is instructed to inform the competent authority of the sending Member State of the details of his or her travel arrangements.

**Indicator 61.2:** The responsible Member State is informed about the voluntary nature of the transfer.

**Indicator 61.3:** After the transfer has been arranged, the sending Member State provides the applicant with travel documents, if applicable.

**Indicator 61.4:** Member States use the standard form (Annex VI) to communicate details about the transfer.

**Indicator 61.5:** Member States do not apply voluntary transfers for cases that raise special considerations (e.g. security concerns).

**Additional remark:** The Member State responsible is allowed to reject a voluntary transfer and may request for a departure under escort or for a supervised departure.

**Good practice related to disruptive behaviour of the person concerned**

In case the sending Member State is aware that there is reasonable ground to believe that the person concerned might be dangerous or violent, it is important to communicate this to the receiving Member State. This information is communicated to the receiving Member State in an appropriate way and as soon as possible.

**Indicator 61.6:** The receiving Member State informs the sending Member State via DublinNet about the successful transfer or of the fact that the applicant did not appear within the set time limit.

**Good practice related to unannounced arrival**

If the person concerned appears in the responsible Member State without prior notification and is encountered by the competent authorities, these authorities inform the requesting Member States and the Dublin procedure can be finalised by mutual understanding.

***STANDARD 62: In case of voluntary transfers, the receiving Member State shall inform the sending Member State of successful transfers or of the fact that the applicant did not appear within the set time limit.***

**Indicator 62.1:** The Member State authority has a procedure in place to monitor arrivals on their territory relating to a preceding Dublin transfer request.

**Indicator 62.2:** The receiving Member State informs the sending Member State of the successful transfer through DublinNet electronic communication network.

***Additional remark:*** Upon arrival, the information about the transfer must be marked in Eurodac by the receiving Member State in accordance with Article 10 Eurodac II Regulation.

# Annex – Summary table: operational standards and indicators

## 1. Procedural guarantees for persons falling under the Dublin procedure

### Confidentiality

Standard	Indicator
<b>1. The Member State authority should ensure the confidentiality of cases under Dublin procedure.</b>	
	1.1 Staff at the competent authority are aware of national laws and regulations concerning the confidentiality of the Dublin procedure.
	1.2 The databases and case filing systems in each Member State are secure and maintained in accordance with relevant law.
	1.3 All information regarding individual applicants and/or non-applicants is exchanged only through DubliNet between the competent authorities.
	1.4 Member States do not share information from the case with persons unauthorised to know such information.
	1.5 Interviews with the person concerned are conducted in sufficiently equipped separate rooms that ensure the confidentiality of what is being said during the interview.

### Information provision

Standard	Indicator
<b>2. The person concerned is provided with all relevant procedural information and, in particular, the relevant leaflet upon lodging an application in a Member State.</b>	
	2.1 The Member State authority conveys the information in a clear and non-technical way and in a language the person concerned understands or is reasonably supposed to understand. The competent authority ensures that the person concerned understands the information given.
	2.2 Information is provided by taking into account the special needs and individual circumstances of the person concerned.
	2.3 The Member State authority gives the person concerned the information on the Dublin III Regulation in the relevant leaflet.

### Language

Standard	Indicator
<b>3. The personal Dublin interview must be conducted in a language that the person concerned understands or is reasonably supposed to understand.</b>	
	3.1 The Member State authority has access to qualified interpreters for all common languages.
	3.2 The person concerned is asked whether they understand the interpreter during the personal interview. If the answer is negative despite all preparatory efforts, appropriate measures are taken to resolve the issue.

## Understanding

Standard	Indicator
<b>4. The Member State authority ensures that the person concerned understands the questions asked and the information given during the personal interview.</b>	
	4.1 At the opening of the interview, the purpose and the context of the interview are explained to the person concerned.
	4.2 The person concerned is asked whether they comprehend the questions and information given during the interview.
	4.3 During the interview, the person concerned is given the opportunity to provide explanations for inconsistencies, contradictions and/or missing elements.
	4.4 After the interview, the person concerned is informed and afforded the opportunity to rectify any mistakes and to correct any statements if required. These corrections are documented.
	4.5 A written summary of the interview is provided to the person concerned and/or the legal representative after the interview.

## Possessing and assessing new information

Standard	Indicator
<b>5. The Member State authority ensures that it is possible for the person concerned to present relevant information in their case during the Dublin procedure and that they are informed about their right to do so.</b>	
	5.1 The person concerned is given general information about when and where to send documents and information regarding their case.
	5.2 The person concerned is able to present to the competent authority any claims and supporting evidence, including medical opinions, for consideration.
	5.3 The Member State authority has a procedure in place so that a case officer is notified of any new information in the case.
<b>6. If new information comes to light during the Dublin procedure, this information, if relevant, should be taken into account by the Member State authority at the appropriate step in the procedure.</b>	
	6.1 The Member State authority has a process in place guaranteeing that the person concerned or other person (e.g. the representative) or organisation can submit new information or changes in circumstances during the course of the case.
	6.2 The competent authority has, as far as is possible, a dedicated case officer assigned to the case and a process of active case management in place.

## 2. Identifying a possible Dublin case

Standard	Indicator
<b>7. The Member State authority that encounters possible Dublin cases has the appropriate means to identify a Dublin case.</b>	
	7.1 The Member State authority has access to Eurodac as well as to other relevant databases, and, where access is allowed, to VIS, for identifying a possible Dublin case.
	7.2 A dedicated unit or authority within every Member State authority is assigned as responsible for Dublin cases and the Dublin procedure, permitting that Dublin cases can be referred to this authority.
<b>8. Staff at the Member State authority who encounter possible Dublin cases have sufficient knowledge about the Dublin III Regulation and are able to identify a potential Dublin case and refer it on for further assessment.</b>	
	8.1 Staff at the competent authority who first encounter a possible Dublin case have awareness of the Dublin III Regulation and basic level of understanding of what indications to look for when assessing whether the Dublin III Regulation is applicable.
	8.2 The staff at the competent authority who first encounter a possible Dublin case know who to contact for more information or in order to initiate a possible Dublin procedure, preferably the authority in charge of the Dublin procedure.

Standard	Indicator
	8.3 Once a Dublin case is identified, an established procedure is in place for referring the case to the authority in charge of conducting the Dublin procedure.
	8.4 Cases falling under the Dublin III Regulation are referred to the authority in charge of conducting the Dublin procedure as quickly as possible.

## The Eurodac system

Standard	Indicator
<b>9. When an asylum application is lodged, the fingerprints of the applicant must be registered as category 1 as soon as possible and within 72 hours. In case of irregular entry, the fingerprint must be registered as category 2 within 72 hours of the apprehension.</b>	
	9.1 A competent authority within every Member State has convenient access to sufficient devices for taking fingerprints and comparing them in the Eurodac database shortly after the lodging of the asylum application or the irregular entry. These devices should be located nearby to where the asylum application is lodged or nearby to the point of detection of the irregular entry.
	9.2 The results from the databases should be available to the national authority in charge of conducting the Dublin procedure shortly after conducting the search.
<b>10. If the Member State authority in charge decides to conduct a Eurodac search of a non-applicant (a category 3 search) and the search result indicates that the Dublin III Regulation is applicable, the case should be referred to the Member State authority responsible for the Dublin procedure.</b>	
	10.1 The staff at the national authority conducting the category 3 search have basic knowledge about the Dublin III Regulation and know where to refer the case for further Dublin procedure.
<b>11. The Eurodac search results should include all available information from Eurodac, such as previous irregular border crossing(s), previous application(s), or whether a Member State granted international protection, or the applicant was transferred to another Member State or whether the discretionary clause has been applied by another Member State.</b>	
	11.1 The Member State authority uses a systematic layout of the results, enabling them to immediately read all available information from Eurodac.
	11.2 The information from Eurodac should be clear and easy to interpret for all Member States when included in a take back / take charge request.
<b>12. The Member State authority should regularly update the information in the Eurodac database in accordance with the Eurodac II Regulation. After a transfer, the Member State authority should enter the following information into the Eurodac database: any application of the discretionary clause, expulsion, granting of international protection, the issuance of a residence document, whether the person left the territory of the Member States, whether they acquired citizenship, and/or whether the international protection status was revoked or ended or the renewal of the status was refused.</b>	
	12.1.a: The Member State authority has an automated system in place that allows the Member State to transfer information from the national case filing system to the Eurodac database.  <b>OR</b> 12.1 b: If the Member State authority lacks an automated system for transferring relevant information from the national file to the Eurodac database, responsible staff at national level have knowledge about what information should be transferred to the Eurodac database and the authorities have the means to transfer the relevant information manually to the database.

## The VIS system

Standard	Indicator
<b>13. Where access is allowed, the Member State authority should conduct a search in the VIS database to establish whether the person concerned has been granted a visa by another Member State.</b>	
	13.1. The Member State authority, where access is allowed under EU law, has access to the VIS database in order to identify Dublin cases, and regards it as a source of information.
	13.2. The staff at the Member State authority identifying a Dublin case are aware of visas granted as a possible ground for making a take back / take charge request.

## Documents belonging to the person concerned

Standard	Indicator
<b>14. As part of the information gathering process, the competent authority should be aware of the importance and take into account all relevant documents submitted by the person concerned at every stage of an ongoing procedure as an identifier of a Dublin case.</b>	
	14.1. The staff at the Member State authority coming across the document(s) have sufficient knowledge about the Dublin III Regulation and know where to refer the case for appropriate action under the Dublin III Regulation.
	14.2. The competent authority has a procedure and expertise in place for checking authenticity of documents.
<b>15. If a document obtained at any stage of an ongoing procedure indicates that the Dublin III Regulation is applicable, the case should be referred to the authority responsible for conducting the Dublin procedure.</b>	
	15.1. The staff at the Member State authority coming across the document have sufficient knowledge about the Dublin III Regulation and are able to make a basic assessment of the relevance of the document to the Regulation.
	15.2. The staff at the competent authority coming across the document know where to refer the case for appropriate action under the Dublin III Regulation.

## The personal interview

Standard	Indicator
<b>16. The personal interview shall be conducted before issuing a transfer decision, unless they have absconded or all relevant information was already provided by the person concerned.</b>	
	16.1. The Member State authority allocates sufficient means in order to conduct the interview.
	16.2. The Member State authority has an established procedure for scheduling interviews, allowing for prioritising Dublin interviews with regard to the given time limits.
<b>17. The case officer undertakes a careful revision and studies the information regarding the case file before conducting the personal interview.</b>	
	17.1. The case file is available to the case officer with sufficient time before the interview to allow for appropriate preparation.
	17.2. Preparation takes into account all the elements that could help determining the Member State responsible.
<b>18. The personal interview should cover all aspects of the Dublin III Regulation relevant to the applicant and the Dublin procedure.</b>	
	18.1. The personal interview is conducted using a standardised interview protocol to ensure that all the aspects relevant for both the applicant and the Dublin procedure are covered.
	18.2. Questions relating to family or relatives on the territory of the Member States, dependants, and travel route are asked in an interview.
	18.3. The standardised interview protocol ensures that the Dublin indicators not available via searches in the databases (Eurodac, VIS) are covered during the interview.
	18.4. The staff conducting the personal interview are properly trained and have sufficient knowledge of the Dublin III Regulation in order to know when to ask follow-up questions from the standardised protocol.

## 3. Request for information

Standard	Indicator
<b>19. An information request is made only in accordance with Article 6(5), 16(4) and Article 34 Dublin III Regulation. The Member State authority should ensure that they have sufficient grounds for making the request and that the respective time limits are observed.</b>	
	19.1. The competent authority uses the standard form in place in order to request the information in a timely and sufficient manner.
	19.2. The case officers are able to identify and apply the sufficient grounds for sending information requests.
	19.3. In case of sending information requests in accordance with Articles 6(5) and 16(4) Dublin III Regulation, the competent authority involves the relevant actors e.g. child, protection services etc. in family tracing.

Standard	Indicator
<b>20. The Member State authority should reply to a request for information as soon as possible but at the latest within five weeks. The reply should be in accordance with Article 6(5), 16(4) and Article 34 Dublin III Regulation.</b>	
	20.1. The competent authority has a template or standard form in place in order to ensure that the correct information is given in a timely and efficient manner.
	20.2. The Member State authority has a case management system and/or countdown calendar in place to calculate time limits and flag approaching deadlines.
	20.3. Staff members replying to the request of information have adequate access to all relevant databases needed for answering.
	20.4. The format of the reply should be sent in attachment as a closed document that cannot be edited later.
	20.5. The case officers are able to identify and apply the sufficient grounds for replying to information requests.
	20.6. In case of replying to requests in accordance with Articles 6(5) and 16(4) the national authorities involve the relevant actors e.g. child protection services, etc. regarding family tracing.
<b>21. To expedite secure, fast and reliable communications between Member States, information requests must be sent via DubliNet and in a language commonly understood by the competent authorities in both Member States.</b>	
	21.1. Designated officials have access to the DubliNet system in order for the requests to be sent.
	21.2. Designated officials are instructed on the use of said system and are able to operate it.
	21.3. The language of communication used between the Member States is agreed to lessen any confusion, linguistic misunderstandings or a need for translations that might delay the process.
	21.4. Case officers ensure a proof of delivery of all messages that are sent via DubliNet is obtained and recorded.

## 4. Assessing responsibility

### Awareness and training

Standard	Indicator
<b>22. The competent authority tasked with assessing responsibility has the necessary resources, is aware of its responsibilities, and its case officers are sufficiently trained and acquainted with the hierarchy of criteria used for determining responsibility and the applicable time limits.</b>	
	22.1. A work process and procedure are in place for applying the hierarchy of the Dublin responsibility assessment criteria in a sequential way.
	22.2. The competent authority checks for additional information relevant to the determination of responsibility.
	22.3. Where information on assessing responsibility is incomplete or clarification is needed and another Member State may hold useful information, the competent authority raises an Article 34 Dublin III Regulation enquiry with the Member State(s) concerned.

### A comprehensive dossier

Standard	Indicator
<b>23. The Member State authority ensures that the case file is complete with all the evidence required to make an assessment of responsibility in accordance with the hierarchy of criteria set out in the Dublin III Regulation.</b>	
	23.1. Case officers have an overview of all the relevant information gathered in an individual case, including any representations from the applicant, and apply the determining criteria of Chapter III accordingly.
	23.2. The case officer uses the information at hand to identify the most probable Member State responsible.
	23.3. Case officers document, as far as is possible, their assessment of the case at hand.

## Allowing and assessing evidence

Standard	Indicator
<b>24. Evidence that may lead to the application of the criteria in Articles 8, 10 or 16, should be allowed and should be considered by the requesting Member State before another Member State accepted the take back / take charge request.</b>	
	24.1. The Member State authority has a process in place guaranteeing that the person concerned, or other relevant actors on behalf of the person concerned, can submit new information or changes in circumstances during the course of the case.
	24.2. The competent authority has, as far as is possible, a dedicated case officer assigned to the case and a process of active case management in place.

## 5. Sending the take back / take charge request

### Timely request

Standard	Indicator
<b>25. The Member State authority ensures that the take back / take charge request is made as quickly as possible to the Member State that is most likely to be responsible. In any event, the request is made in accordance with the time limits permitted in the relevant articles of the regulation.</b>	
	25.1. The Member State authority has a case management system and/or countdown calendar in place to calculate time limits and flag approaching deadlines.
	25.2. Requests for urgent replies to other Member States are clearly marked as such along with the reasons why.

### Including proof and evidence

Standard	Indicator
<b>26. The take back / take charge request should be made on the standard forms and include proof or circumstantial evidence <sup>(17)</sup> together with as much other relevant information as possible to allow the requested state to fully assess whether it is responsible.</b>	
	26.1. The case officers have access to the different standard model forms provided.
	26.2. The case officers are instructed on the uniform use of said standard model forms.
	26.3. The case officers include in their request as much information as necessary.
	26.4. The case officers include, whenever available, all means of proof available or, by lack thereof, means of circumstantial evidence.

### Use of DubliNet for sending requests

Standard	Indicator
<b>27. To expedite secure, fast and reliable communications between Member States, requests are sent via DubliNet and in a language commonly understood by the competent authorities in both Member States.</b>	
	27.1. Dedicated officials have access to the DubliNet system in order for the requests to be sent.
	27.2. Dedicated officials are instructed on the use of said system and are able to operate it.
	27.3. The language of communication used between the Member States is agreed to lessen any confusion, linguistic misunderstandings or a need for translations that might delay the process.
	27.4. Case officers ensure a proof of delivery of all messages that are sent via DubliNet is obtained and recorded.
	27.5. Messages (including requests) between Member States concerning the individual application of the Dublin Regulation are always sent via the encrypted DubliNet electronic communications system.
	27.6. The competent authority uses the appropriate standard form, provided by the Commission, for making the request.

<sup>(17)</sup> As described in the two lists mentioned in Article 22(3) Dublin II Regulation.

## 6. Replying to the take back / take charge request

### Timely replies

Standard	Indicator
<b>28. The requested Member State must reply to the take back / take charge request within the time limits set out.</b>	
	28.1. The Member State authority has a case management system and/or countdown calendar in place to calculate time limits and flag approaching deadlines.
	28.2. The case management system is able to prioritise various deadlines and to flag pleads for urgency.

### Clear and unambiguous wording

Standard	Indicator
<b>29. The requested Member State should ensure that the reply is clear and unambiguous in respect of the person concerned and the positive or negative nature of the reply.</b>	
	29.1. The competent authority has a template or standard form in place.
	29.2. The format of the reply is a closed document that cannot be edited later.
	29.3. The reply includes the personal data of the person concerned registered in the requested Member State.

### Use of DubliNet for sending replies

Standard	Indicator
<b>30. To expedite secure, fast and reliable communications between Member States, replies are sent via DubliNet and in a language commonly understood by the competent authorities in both Member States.</b>	
	30.1. Dedicated officials have access to DubliNet in order for the replies to be sent.
	30.2. Dedicated officials are instructed on the use of said system and are able to operate it.
	30.3. The language of communication used between Member States is agreed to lessen any confusion, linguistic misunderstandings or a need for translations that might delay the process.
	30.4. Caseworkers ensure a proof of delivery of all messages that are sent via DubliNet, is obtained and recorded.
	30.5. Messages (including replies) between Member States concerning the individual application of the Dublin III Regulation are always sent via the encrypted DubliNet.

### Positive replies

Standard	Indicator
<b>31. The Member State authority ensures that the relevant article is referred to and that the practical details regarding the transfer are included in the reply.</b>	
	31.1. The competent authority has a template or standard form in place to use for sending a positive reply to a take back / take charge request.
	31.2. The reply includes the personal data of the applicant registered in the requested Member State.
	31.3. The reply contains the legal basis of the acceptance.
	31.4. The preferred place of arrival and the timeframe are indicated in the reply.

### Acceptance by default

Standard	Indicator
<b>32. In case of acceptance by default, the Member States involved should agree on transfer details.</b>	
	32.1. The requesting Member State initiates consultation with the requested Member State regarding the organisation of the transfer.
	32.2. If requested by the requesting Member State, the requested Member State confirms its responsibility in writing and communicates the practical details regarding the transfer as soon as possible.

## Negative replies

Standard	Indicator
<b>33. The Member State authority ensures that the rejection contains full and detailed reasoning.</b>	
	33.1. The competent authority has a template or standard form in place to use for sending a negative reply to a take back / take charge request.
	33.2. The reply includes the personal data of the applicant registered in the requested Member State.
	33.3. The Member State rejecting the request refers to the legal grounds and any relevant facts upon which the rejection is based.

## Re-examination procedure

Standard	Indicator
<b>34. If the requesting Member State disagrees with the rejection of its initial request, that Member State may decide to send a request for re-examination. This option must be exercised within three weeks after the receipt of the negative reply.</b>	
	34.1. Member States have a case management system and/or count down calendar in place to calculate time limits and flag approaching deadlines.
	34.2. The case management system is able to prioritise various deadlines and to flag pleads for urgency.
	34.3. The Member State refers to the legal grounds upon which the re-examination request is based.
	34.4. If additional proof is available and relevant, the Member State encloses this with its re-examination request.
<b>35. The requested Member State must endeavour to reply to the re-examination request within two weeks <sup>(18)</sup>.</b>	
	35.1. Member States have a case management system and/or countdown calendar in place to calculate time limits and flag approaching deadlines
	35.2. The case management system is able to prioritise various deadlines and to flag pleads for urgency.
	35.3. The Member State rejecting the request refers to the legal grounds upon which the rejection is based.

## 7. Unaccompanied minors

### Best interests of the child

Standard	Indicator
<b>36. For Member State authorities, the best interests of the child should be a primary consideration and should be assessed throughout the Dublin procedure.</b>	
	36.1. Case officers of the Member State authority are aware of their duties and have the appropriate training to be able to ensure the best interests of the child in the context of maintaining family unity as far as possible.
	36.2. Case officers of the Member State authority have timely access to the relevant expertise regarding assessing the capacity of a relative or an adult to take care of a child.
	36.3. The Member State authority appoints a qualified representative as soon as possible who acts in the child's best interests and who can help to ensure the necessary environment of trust for a child to disclose information about their family.
	36.4. The competent authority has an established procedure in place to guarantee that the child's right to participate and have their views heard is respected, and that these views are considered according to their age and maturity.

<sup>(18)</sup> For relevant case-law, see CJEU, judgment of 13 November 2018, joined cases C-47/17 and C-48/17, *X and X v Staatssecretaris van Veiligheid en Justitie* (EU:C:2018:900).

## Appointing a representative

Standard	Indicator
<b>37. The Member State authority should appoint a representative for the unaccompanied minor as soon as possible.</b>	
	37.1. The Member State authority has an established procedure to appoint an appropriate representative for the child.
	37.2. The pool of qualified representatives is sufficient to ensure the timely appointment of a representative for each unaccompanied child, and to ensure that representatives are not made responsible for too many cases at the same time.

## Tracing family members, siblings and/or relatives

Standard	Indicator
<b>38. The Member State authority must search for and take into account any information provided by the minor or by any other credible source related to presence of family members, siblings and/or relatives on the territory of the Member States, and involve representatives in the tracing. Furthermore, the Member State authority should consult other Member States to identify family members, establish family links and, in case of a relative, assess the capability of that relative to take care of the child.</b>	
	38.1. The Member State authority has established practices and guidelines in place for assisting case officers in the process of identification of family members, siblings and/or relatives and tracing family links.
	38.2. Representatives assisting the child have quick and smooth access to the authority in charge of carrying out the Dublin procedure and are able to submit information or documents regarding family member, sibling or relative of the child in a timely manner.
	38.3. The Member State authority makes the appropriate measures and involve representatives to trace family members, siblings and/or relatives of the unaccompanied child on the territory of another Member State as soon as possible.
	38.4. The national authorities confirm the family links if the family member, sibling or relative is found in another Member State.
<b>39. Where family members, siblings and/or relatives of the minor are legally present on the territory of another Member State, and none are legally present in the Member State where the minor is currently staying, the Member State concerned should assess whether the restoration of family links is in the best interests of the child.</b>	
	39.1. The Member State authority has an established procedure in place to consult the relevant authorities or organisations (e.g. child, protection services, etc.) about the possibility of family reunification
	39.2. The Member State authority has the appropriate means and procedure in place to collect additional information from the child (e.g. Dublin interview)
	39.3. The Member State authority has access to sources to be able to collect information from other persons in a timely manner, if applicable (e.g. siblings, other persons the child travelled with, etc.)
	39.4. In order to facilitate the best interests assessment, the competent authority makes inquiries about family members, siblings and/or relatives staying in another Member State.
	39.5. The Member State authority has the appropriately trained staff and relevant means for initiating the exchange information with other Member States without delay and using the relevant templates of the Implementing Regulation
<b>40. Where no family members or relatives of the minor are found to be legally present on the territory of the Member States, the Member State where the minor is currently staying assesses the best interests of the child nevertheless in order to verify whether it should process the asylum application itself.</b>	
	40.1. The Member State authority has an established procedure in place to consult the relevant actors (e.g. child, protection services etc.) about the best interests of the child.
	40.2. The Member State authority has the appropriate means and procedure in place to collect additional information from the child.
	40.3. The Member State authority has access to sources to be able to collect information from other persons in a timely manner, if applicable.
	40.4. The Member State authorities have a sufficient number of trained staff and other appropriate and relevant means for initiating the exchange of information with other Member States without delay and using the relevant templates of the Implementing Regulation.

## 8. Dependent persons and discretionary clauses

### Situations of dependency

Standard	Indicator
<b>41. Member States authorities should be aware of their particular responsibilities regarding dependent or vulnerable persons.</b>	
	41.1. The personnel in charge of such cases have received the necessary level of training to fulfil their tasks and responsibilities related to dependency and vulnerability.
	41.2. When attention is drawn to dependency or vulnerabilities, the authorities have access to relevant expertise for the purposes of consultation and advice.
<b>42. The Member States assess in each stage of the procedure if evidence concerning dependency is produced up to a point of acceptance and apply Article 16 accordingly.</b>	
	42.1. The dedicated case officer is able to recognise indications of dependency in the case at hand and undertakes appropriate action.
	42.2. The Member State authority has access to relevant expertise in order to assess and verify any documents (such as medical certificates) or convincing information provided.
	42.3. The Member State authority sees to it that the persons concerned express their consent in writing.

### Discretionary clauses

Standard	Indicator
<b>43. The competent authority is prepared to apply the discretionary clause of Article 17(1) at any stage of the procedure at its own discretion.</b>	
	43.1. The Member State authority has access to relevant expertise in order to assess and verify any documents or other information provided.
	43.2. The Member State authority has the means in place to access the relevant expertise for the assessment of the documents provided.
	43.3. Where applicable, the Member State that decides to examine an application pursuant to Article 17(1) becomes the responsible Member State and informs the Member State previously responsible by using DubliNet electronic communication network.
<b>44. The competent authority assesses at any time before a first decision regarding the substance is taken if Article 17(2) could be applied.</b>	
	44.1. The use of Article 17(2) belongs to the discretion of both Member States.
	44.2. If the Member State authorities decide that Article 17(2) could be applied, the Member State authority sees to it that the person concerned expresses consent in writing.

### Suspension of transfer

Standard	Indicator
<b>45. Member States refrain from transferring the person concerned if there are substantial grounds for believing that the transfer would result in a real risk of the person concerned suffering inhuman or degrading treatment in the requested Member State. <sup>(19)</sup></b>	
	45.1. The requesting Member State assesses the case for credible evidence of substantial grounds that the applicant would face a real risk of the person concerned suffering inhuman or degrading treatment after transfer.
	45.2. Where relevant, the requesting Member State takes into consideration the individual guarantees provided by the requested Member State for the purpose of assessing the likelihood of a real risk of inhuman or degrading treatment.

<sup>(19)</sup> For relevant case-law, see CJEU judgment of 21 December 2011, joined cases C-411/10 and C-493/10, *N.S. and others v Secretary of State for the Home*, EU:C:2011:865; CJEU judgment of 16 February 2017, case C-578/16, *C.K. and Others v Republika Slovenija*, EU:C:2017:127; and ECtHR judgment of 21 January 2011, no 30696/09, *M.S.S. v Belgium and Greece*, CE:ECHR:2011:0121JUD003069609.

## 9. Non-applicants

### Comparison in Eurodac

Standard	Indicator
<b>46. If the Member State on whose territory a person is staying without a residence document decides to search the Eurodac system in accordance with Article 17 Eurodac II Regulation, leading to the identification of another Member State as likely responsible, a request for taking back should be sent within the set time limit.</b>	
	46.1. Instructions and information are available to the police, border guards, personnel of detention facilities and other first contact officials in order to identify a possible Dublin case.
	46.2. The Member State authority has access to Eurodac for identifying a possible Dublin case, as well as to other relevant databases.
	46.3. A dedicated unit or authority is assigned as responsible for Dublin cases and the Dublin procedure, permitting that Dublin cases can be referred to this authority.
	46.4. The Member State has developed, where necessary, internal guidelines on how the first contact officials can present a case to the competent 'Dublin' authorities.

## 10. Notification on transfer decision and remedies

### Before the notification

Standard	Indicator
<b>47. The Member State authority shall ensure that all conditions are met in order to issue a transfer decision.</b>	
	47.1. The determination of responsibility has been correctly examined and finalised by the requesting Member State.
	47.2. Adoption and notification (to the applicant) of a transfer decision does not take place before the requested Member State has given its explicit or implicit agreement to the request <sup>(29)</sup> .
	47.3. The Member State only issues the transfer decision if all the legal requirements for the transfer decision are met.

### Timely notification

Standard	Indicator
<b>48. The Member State authority should ensure that the decision is notified in reasonable time.</b>	
	48.1. a. If the person concerned does not have a legal advisor, the Member State authority notifies the decision to the person in a language that the applicant understands or is reasonably supposed to understand.  <b>OR</b>
	48.1. b. If the person concerned has a legal advisor or other counsellor, the Member State authority may choose to notify the decision to a legal advisor or other counsellor representing the person in accordance with national practice.
	48.2. The Member State authority has a case management system or countdown calendar in place to calculate time limits and flag approaching deadlines in order to guarantee that the transfer notification is taking place within the deadline.

<sup>(29)</sup> CJEU, judgment of 31 May 2018, case C-647/16, *Adil Hassan v Préfet du Pas-de-Calais*, EU:C:2018:368.

## Legal remedies

Standard	Indicator
<b>49. The person concerned must be made aware of the legal remedies available under Article 27.</b>	
	49.1. Information about the legal remedies available is provided in the transfer decision.
	49.2. Information is provided about the time limits applicable for seeking such remedies and for carrying out the transfer.
	49.3. Information is provided about how suspensive effect may be applied in the Member State.
	49.4. The notification also contains information on persons or entities that may provide legal assistance to the person concerned when that information has not already been communicated.
<b>50. Member States must provide access to legal assistance and, wherever necessary, to linguistic assistance.</b>	
	50.1. The Member State authority should ensure that legal assistance is granted on request free of charge when the person concerned cannot afford the costs, except when the appeal or review is considered to have no tangible prospect of success, without arbitrarily restricting access to legal assistance.
	50.2. Legal assistance includes at least the preparation of the required procedural documents and representation before the court or tribunal.
	50.3. The Member State authority has procedures for access to legal assistance laid down in national law.

## Communication on appeals with suspensive effect

Standard	Indicator
<b>51. All information on appeals or review procedures having suspensive effect, and the cessation of that effect, should be communicated as soon as possible to the responsible Member State.</b>	
	51.1. The requesting Member State is aware of the suspensive effect, if applicable, and when it begins and ends.
	51.2. The requesting Member State sends information that the suspensive effect has begun within the initial transfer time limit.
	51.3. The requesting Member State sends the information about the end of the suspensive effect as soon as the measure has ended.
	51.4. The information is sent using DubliNet electronic communication network.

## 11. Detention

Standard	Indicator
<b>52. In cases of detention in accordance with the Dublin III Regulation, Member States ensure that the time limits for keeping persons detained are strictly followed and that the shortened time limits for sending and replying to requests for transfers are applied.</b>	
	52.1. Instructions and information related to the Dublin procedure are available to personnel of detention facilities in order that they understand the Dublin procedure and are able to inform detained persons to whom the Dublin III regulation applies.
	52.2. The Member State authority has a case management system and/or countdown calendar in place to calculate time limits and flag approaching deadlines.
	52.3. The case management system is able to prioritise the deadlines and to flag urgent cases such as when the person concerned is detained.
	52.4. When sending a request for transfer in a case where the person concerned is detained in accordance with Article 28 Dublin III Regulation, the requesting Member State informs the requested Member State about the person concerned being detained and the urgency of the case.

## 12. Transfer

### Arrangements

Standard	Indicator
<b>53. Before sending a transfer notification to the responsible Member State, the sending Member State shall make all necessary arrangements so that the transfer can proceed smoothly.</b>	
	53.1. The Member State authority has a case management system and/or countdown calendar in place to calculate time limits and flag approaching deadlines.
	53.2. The Member State authority has an established procedure in place to manage transfers and checks whether all prerequisites are met.
	53.3. Where special needs are identified, including special health needs, these are included in the notification to the requested Member State in a timely manner.
	53.4. All personal documents of the applicant, where available, are transferred by the sending Member State to the responsible Member State at the time of the transfer. In case of documents that were not sent at the time of the transfer, the sending of documents is agreed between the two Member States at a later stage.

### Arrival times and places

Standard	Indicator
<b>54. Member States should take into consideration the arrival times and places as well as particular dates on which transfers cannot take place for national reasons.</b>	
	54.1. Member States keep information on arrival times and places up-to-date and communicate this information in the most efficient way.
	54.2. The sending Member State does not arrange transfers on 'closed dates'.

### Transfer notifications

Standard	Indicator
<b>55. The timeframe for sending the transfer notification should be three working days.</b>	
	55.1. The Member State authority has a case management system and/or countdown calendar in place to calculate time limits and flag approaching deadlines.
	55.2. The competent authority has, as far as possible, a dedicated case officer assigned to the case and a process of active case management in place.
	55.3. Member States can agree to amend the three-day timeframe in order to put in place the practical aspects of the transfer.

### Use of DubliNet for communicating information related to transfers

Standard	Indicator
<b>56. All personal information related to transfers must be sent using DubliNet, unless the correspondence concerns the practical arrangements for transfers, time and place of arrival.</b>	
	56.1. The information that is shared through DubliNet is only handled by the National Access Points of the respective national Dublin Units.
	56.2. Dedicated officials have access to the DubliNet system in order for the replies to be sent.
	56.3. Dedicated officials are instructed on the use of said system and are able to operate it.
	56.4. Case officers ensure a proof of delivery of all messages that are sent via DubliNet is obtained and recorded.
	56.5. Messages (including replies) between Member States concerning the individual application of the Dublin III Regulation are always sent via the encrypted DubliNet electronic communications system.
	56.6. The Member State authority has other alternative secure means of communication in place, such as a functional e-mail address, for practical arrangements for transfers, time and place of arrival, to be used in the most urgent cases.

## Transferring families

Standard	Indicator
<b>57. According to the principles of family unity and the best interests of the child, members of a family should be transferred together as far as is possible.</b>	
	57.1. In case a child is born between the acceptance and the transfer, Member States include in the form all information regarding the child along with a birth certificate or other documents providing information about the birth.
	57.2. Member States are flexible in organising the transfer in the interests of keeping the family together, especially when they are at different stages in the Dublin procedure.

## Flexibility in transfers

Standard	Indicator
<b>58. In all communication regarding cases of delays, cancellations or postponements, the Member States involved shall show flexibility to rearrange the transfer.</b>	
	58.1. The sending Member State informs the receiving Member State without delay. The Member States agree on the new transfer timeframe, especially for transfers that need special arrangements (e.g. persons with special needs).
	58.2. The communication shall be done through the DubliNet electronic communication network.
	58.3. The competent authority has, as far as possible, a dedicated case officer (who has access to DubliNet) assigned to the case and a process of active case management in place.

## Erroneous transfers

Standard	Indicator
<b>59. In the event of an erroneous transfer, on becoming aware of the situation the Member State must immediately notify the other Member State and arrange the transfer back by mutual agreement.</b>	
	59.1. The Member States involved in an erroneous transfer exchange all relevant information about the case without delay.
	59.2. The communication is done through the DubliNet electronic communication network.

## Successful transfers

Standard	Indicator
<b>60. The Member State authority must mark the information about a successful transfer in Eurodac as soon as possible after the arrival.</b>	
	60.1. The Member State authority has a procedure in place to monitor arrivals on their territory relating to a preceding Dublin transfer request.
	60.2. The Member State authority has an established procedure in place designating the necessary tasks to staff authorised to fulfil the obligations arising from Article 10 Eurodac II Regulation.

## Voluntary transfers

Standard	Indicator
<b>61. In case of transfers organised by the applicant or other actors without the involvement of competent authorities, Member States should endeavour to ensure that the conditions of the voluntary transfer conform to those of the national regular departure procedures.</b>	
	61.1. The applicant is instructed to inform the competent authority of the sending Member State of the details of his or her travel arrangements.
	61.2. The responsible Member State is informed about the voluntary nature of the transfer.
	61.3. After the transfer has been arranged, the sending Member State provides the applicant with travel documents, if applicable.

Standard	Indicator
	61.4. Member States use the standard form (Annex VI) to communicate details about the transfer.
	61.5. Member States do not apply voluntary transfers for cases that raise special considerations (e.g. security concerns).
	61.6. The receiving Member State informs the sending Member State via DubliNet about the successful transfer or of the fact that the applicant did not appear within the set time limit.
<b>62. In case of voluntary transfers, the receiving Member State shall inform the sending Member State of successful transfers or of the fact that the applicant did not appear within the set time limit.</b>	
	62.1. The Member State authority has a procedure in place to monitor arrivals on their territory relating to a preceding Dublin transfer request.
	62.2. The receiving Member State informs the sending Member State of the successful transfer through DubliNet electronic communication network.



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