



EUROPEAN COMMISSION
EUROSTAT

Directorate F: Social Statistics and Information Society
Unit F-2: Population statistics



Luxembourg, 17 November 2008

**TECHNICAL GUIDELINES FOR THE DATA COLLECTION
UNDER ART. 4.4 OF THE REGULATION 862/2007¹ –
'DUBLIN STATISTICS'**

¹ OJ L 199, 31.8.2007, p. 23-29

I. Guidelines

COUNTING PERSONS NOT REQUESTS:

The text of Art.4 the Statistics Regulation (asylum statistics) refers in general to statistics based on the number of persons and not on the number of applications. However, the respective Article dealing with Dublin statistics (Art.4.4) refers to statistics based on the number of requests. Commission services recommend that Art.4.4 (more precisely 4.4.a, 4.4.c and 4.4.d) is interpreted as referring to the **number of persons** concerned by the request, decision and transfer.

During the expert meeting on 6.12.2007, this approach seemed to be accepted by participants some of them pointing out that it is easier for Member States to draw statistics on persons rather than on applications. Moreover this approach has been also confirmed by the results of the written consultation procedure. It is important to highlight that this convention will also ensure compliance with other asylum statistics collected by Eurostat. Indeed, if Dublin data are to be compared with the general asylum statistics, for instance on applications, it is essential that both data sets refer to persons.

DATA COVERAGE:

All the requested statistics relate only to **third country nationals**, defined as "any person who is not a citizen of the Union within the meaning of Article 17 (1) of the Treaty, including stateless persons" (Art 2.1 (i) of the Regulation).

PERIODICITY AND REFERENCE PERIODS OF THE NEW TABLES:

The new Dublin II data collection consists of annual tables which have to be completed by national data suppliers and sent to Eurostat. Tables shall be supplied to Eurostat within three months of the end of the reference year. The first reference year is 2008.

REQUEST WHICH INVOLVES MORE THAN TWO MEMBER STATES:

In case of a request which involves more than two Member States, it is recommended that each sending Member State records the requests it sent and that the receiving Member States records only one incoming request per person.

Example: Member State X has received a request (take charge or take back) from Member State Y. Member State X accepts the request but the person absconds to Member State Z which then requests X to take back or charge. In this case, Member State X should count only one incoming request, and Member States Y and Z one outgoing each. Furthermore Member State X shall count only one incoming request irrespective of the reference period i.e. in the

case when first request (from Member State Y) was sent in December 2008 and the second request (from Member State Z) was sent in January 2009, only the first incoming request (in 2008) will be counted by the Member State X in the statistics provided to the Commission.

Justification: Although in general it is recommended that Dublin data should be counted in persons and not requests, in this case, it would be very cumbersome for Member States to fully implement this approach (e.g. in this case, Y should be informed by X about the situation of the person in order for Y to delete data previously recorded. However, for X it should not be difficult to record only one incoming request).

However, given that in practice some Member States could encounter difficulties with implementing this approach, particularly in the initial period of this data collection, Member States could exceptionally decide to follow a different approach, in which case they shall notify it to the Commission before applying this to the data provided.

DIFFERENT LEGAL GROUNDS FOR REQUESTS AND ACCEPTANCES:

Where an acceptance is granted on a different legal basis from the one on which the request was based, Member States have to fill in the Article on which the acceptance is granted.

Example: Member State X sends a take back request to Member State Y, based on Art. 16.1.c. Member State Y, after undertaking the necessary checks, concludes that the person did not apply for asylum before (therefore it cannot accept the take back request) but that he/she has a family member residing as a refugee on its territory. Therefore, Member State Y accepts to take charge of that person, based on Article 7.

Justification: What it is important to know is the real reason for which a Member State accepted responsibility. In other words, it is the end result which matters in this case.

REQUESTS RECEIVED/SENT BY MISTAKE:

Requests received by Member States by mistake (i.e. when the actual country receiving a request was different from the one to which that request was intended) shall not be recorded in the statistics (incoming requests) collected according to Article 4.4. Similar applies to the Member State erroneously sending a request to a Member State, i.e. such request shall not be recorded under outgoing requests.

GENERAL CLARIFICATION:

As mentioned in the annual reports on the activities of the Eurodac Central Unit, EURODAC data on asylum applications are not comparable with those produced by Eurostat, which are based on monthly statistical data provided by the Ministries of Justice and of the Interior. There are a number of methodological reasons justifying this divergence such as the fact that the Eurostat definitions include all asylum applicants (of whatever age), with a distinction between first and repeat applications whereas EURODAC data is limited to persons above 14 years of age old. Therefore Eurodac data can only be compared with Dublin general data.

DATA TRANSMISSION AND FORMAT:

Data format will be specified by Eurostat on a latter stage and will be covered by the Commission Regulation on data transmission formats, relating to all statistics covered by Regulation 862/2007.

For all regular data transmissions including annual data collection on Article 4.4, only Singly Entry Point can be used for supplying data to Eurostat. Information concerning necessary registration to the system and describing the operational functionalities of eDAMIS will be provided to all MS by Eurostat.

QUALITY STANDARDS:

According to the Article 9.2 of the Regulation, Member States shall report to Eurostat on the data sources used, the reasons for the selection of these sources and the effects of the selected data sources on the quality of the statistics, and on the estimation methods used, and shall keep Eurostat informed of changes thereto.

Furthermore, according to Article 9.3, Eurostat may request Member States to provide all the information necessary to evaluate the quality, comparability and the completeness of the statistical information.

Quality standards will be specified by Eurostat on a latter stage and will be covered by the Commission Regulation relating to the accuracy and quality standards for all statistics covered by Regulation 862/2007.

INCOMING REQUESTS

1. Total number of requests

1.1. Re-examination request under Art. 5 of the EC Regulation 1560/2003.

- Regarding the **total number of requests** to take back or to take charge, the Commission services suggest that this number should not include **requests for re-examination**, based on Art. 5 of the EC Regulation 1560/2003. **In other words, a request for re-examination should not be counted as a separate request.**
- Example: Member State X has received 10 requests of which it has refused 2. Following these 2 refusals, Member State X has received 2 requests for re-examination. The latter **should not be counted as separate requests**; the number of requests received for that period remains 10.
- Justification: A majority of contributing Member States do not count them separately. As clarified by some, this system gives a better view of the number of cases which have actually been dealt with. This is also in line with the definitions of asylum applications: most Member States do not count subsequent applications separately. An internal subdivision in the registration enables to make a difference between first requests and requests for re-examination, so as to also have a view on the actual workload of the Dublin-unit.
Of course if the approach consisting in counting the number of persons (only once during the reference period) rather than applications will be implemented, then this issue should not be problematic any longer.

1.2. Requests regarding family members

- Regarding the **total number of requests** to take back or to take charge, the Commission services suggest that **all members (minor or adult) of a family** should be counted as separate requests.
- Example: Member State X receives a request for a family composed of a father, a mother, a child of 18 years old and two children of 17 and 12 years old respectively. In this situation, five separate requests should be counted.
- Justification: This will make statistics more comparable (e.g. with the statistics on international protection (see Article 4.1 of Statistics Regulation) which will be disaggregated by age and sex.

1.3. Positive responses to re-examination requests

- Regarding the **total number of requests for which a Member State has given a positive response**, the Commission services suggest not to count separately **acceptances for re-examination** under Art. 5 of the EC Regulation 1560/2003.
- Example: Member State X has refused a request; Member State Y makes a request for re-examination, and Member State X consequently accepts. In this situation, such a

request should be counted **only once as an acceptance**. The initial refusal should not be included in the statistic.

- Justification: this is coherent with the definition of the total number of requests

1.4. Negative responses to re-examination requests

- Regarding the **total number of requests for which a Member State has given a negative response**, the Commission services suggest not to count separately **refusals for re-examination under** Art. 5 of the EC Regulation 1560/2003.
- An example: Member State X has refused a request; Member State Y makes a request for re-examination, and Member State X does not accept again. In this situation, such a request should be counted **only once as a refusal**. The second refusal (to re-examination request) should not be included in the statistic.
- Justification: this is coherent with the definition of the total number of requests

2. Transfers

2.1. Successful incoming transfers

- Regarding the **total number of transfer requests which were effectively carried out from a Member State to Member State X**, the Commission services suggest to count as successful transfers only those where Member State X has effectively received the person on its territory.
- Example: Member State Y has performed a transfer to Member State X, which is the reporting country in this case. Member State X should count this transfer as a **successful incoming transfer** only where the authorities of Member State X received a transferee physically on their territory.
- Justification: practice in most of the contributing Member States

OUTGOING REQUESTS

1. Total number of requests

1.1. Re-examination request

- Regarding the **total number of requests** to take back or to take charge, the Commission suggests that statistics should not include **requests for re-examination**, based on Art. 5 of the EC Regulation 1560/2003. In other words, a request for re-examination should not be counted as a separate request.
- Example: Member State X has sent 10 requests; 2 have been refused. Following these 2 refusals, Member State X has sent 2 requests for re-examination. The latter **should**

not be counted as separate requests: the number of requests sent for that period stays 10.

- Justification: idem as for incoming requests

1.2. Requests regarding family members

- Regarding the **total number of requests** to take back or to take charge, the Commission services suggest that **all members (minor or adult) of a family** should be counted as separate requests.
- Example: Member State X sends a request for a family composed of a father, a mother, a child of 18 years old and two children of 17 and 12 years old respectively. In this situation, five separate requests should be counted.
- Justification: idem as for incoming requests

1.3. Positive responses to re-examination requests

- Regarding the **total number of requests for which Member State X has given a positive response**, the Commission services suggest not to count separately **acceptances for re-examination under** Art. 5 of the EC Regulation 1560/2003.
- Example: Member State X sent a request, which has been refused by Member State Y. Following the refusal, the Member State X makes a request for re-examination, and Member State Y consequently accepts. In this situation, such a request should be counted **only once as an acceptance**. The initial refusal should not be included in the statistics.
- Justification: idem as for incoming requests

1.4. Negative responses to re-examination requests

- Regarding the **total number of requests for which Member State X has given a negative response**, the Commission services suggest not to count separately **refusals for re-examination under** Art. 5 of the EC Regulation 1560/2003.
- Example: Member State X sent a request, which has been refused by the Member State Y. Following the refusal, Member State X makes a request for re-examination, and Member State Y does not accept it again. In this situation, such a request should be counted **only once as a refusal**. The second refusal (to re-examination request) should not be included in the statistic.
- Justification: idem as for incoming requests

2. Transfers

2.1. Successful outgoing transfers

- Regarding the **total number of transfer requests which were effectively carried out from Member State X to other Member State**, the Commission services suggest counting and registering in the statistics, as successful outgoing transfers, those for which Member State X has undertaken all appropriate measures in order to send a transferee to another Member State. By appropriate measures, the Commission means all actions leading to a departure of the transferee (for example: boarding him on the plane, placing him in the train, handing him over to a border guard at the border with other Member State, etc.)
- An example: Member State X, which is the reporting country in this case, has performed a transfer to Member State Y. After the departure of a transferee with the necessary guarantees, Member State X should count this transfer as **a successful outgoing transfer**.

II. Requested statistics - overview

A. Statistical data on the application of the Dublin II Regulation: Incoming requests

Reporting Country : Member State X

Period : 1 year, to which all columns refer

Submitted by : requests to take back or to take charge of an asylum applicant or requests for information addressed by the Member States to Member State X

1. Incoming requests

1.1 Total number of requests: Total number of requests to take back and to take charge

1.2 Total number of taking charge requests

The number of taking charge requests split in three categories based on the Dublin Regulation:

- 1.2.1** Family reasons (Art. 6, 7, 8, 14);
- 1.2.2** Documentation and entry reasons (Art. 9, 10, 11, 12)
- 1.2.3** Humanitarian reasons (Art. 15)

1.3 Total number of taking back requests

The number of taking back requests split in four categories which correspond to different legal basis in the Dublin Regulation:

- 1.3.1** Art. 4.5
- 1.3.2** Art. 16.1.c
- 1.3.3** Art. 16.1.d
- 1.3.4** Art. 16.1.e

1.4 EURODAC total: how many of the **total number of incoming requests** (category 1.1) were based on Eurodac hit

1.4.1 Taking charge requests based on Eurodac: how many of the **total number of incoming taking charge requests** (category 1.2) were based on Eurodac hit

1.4.2 Taking back requests based on Eurodac: how many of the **total number of the incoming taking back requests** (category 1.3) were based on Eurodac hit

1.5 Total number of pending incoming requests at the end of the reference period: number of requests for take charge and take back addressed by the other Member States to which a response is pending at the end of the reference period.

1.6 Requests for information

1.6.1 Total number of requests for information (Art. 21): number of requests for information submitted by the Member States to Member State X.

1.6.2 Answers to requests for information (Art.21.5)²: number of answers to requests for information provided by the Member States to the requests for information submitted by Member State X.

2. Incoming requests accepted

2.1 Total number accepted: number of requests (taking charge and taking back) for which Member State X has given a positive (explicit or implicit) response

2.2 Total number accepted - taking charge requests: number of all taking charge requests for which Member State X has given a positive (explicit or implicit) response

The number of accepted taking charge requests split in three categories based on the Dublin Regulation:

2.2.1 Family reasons (Art. 6, 7, 8, 14);

2.2.2 Documentation and entry reasons (Art. 9, 10, 11, 12)

2.2.3 Humanitarian reasons (Art. 15)

Requests accepted implicitly (Art. 18.7, 19.4) should be counted under the same category used by the requesting Member State.

2.3 Total number accepted - taking back requests: number of all taking back requests for which Member State X has given a positive (explicit or implicit) response

The number of accepted taking back requests split in four categories which correspond to different legal basis in the Dublin Regulation:

2.3.1 Art. 4.5

2.3.2 Art. 16.1.c

2.3.3 Art. 16.1.d

2.3.4 Art. 16.1.e

Requests accepted implicitly (Art. 20.1.c and Art. 20.2) should be counted under the same category used by the requesting Member State.

² The collection of these data is not compulsory given that it is not required by the Statistics Regulation. However, Member States are encouraged to communicate these data to the Commission which is needed for monitoring purposes.

2.4 EURODAC total: how many of the **total number accepted** (category 2.1) were based on Eurodac hit

2.4.1 Taking charge requests accepted based on Eurodac: how many of the **total number accepted of taking charge requests** (category 2.2) were based on Eurodac hit

2.4.2 Taking back requests accepted based on Eurodac: how many of the **total number accepted of taking back requests** (category 2.3) were based on Eurodac hit

3. Incoming requests refused

3.1 Total number refused: number of requests (taking charge and taking back) for which Member State X has given a negative response

3.2 Total number refused - taking charge requests: number of all taking charge requests for which Member State X has given a negative response

The number of refused taking charge requests split in three categories based on the Dublin Regulation³:

3.2.1 Family reasons (Art. 6, 7, 8, 14);

3.2.2 Documentation and entry reasons (Art. 9, 10, 11, 12)

3.2.3 Humanitarian reasons (Art. 15)

3.3 Total number refused - taking back requests: number of all taking back requests for which Member State X has given a negative response

The number of refused taking back requests split in four categories which correspond to different legal basis in the Dublin Regulation⁴:

3.3.1 Art. 4.5

3.3.2 Art. 16.1.c

3.3.3 Art. 16.1.d

3.3.4 Art. 16.1.e

3.4 EURODAC total: how many of the **total number refused** (category 3.1) were based on Eurodac hit

3.4.1 Taking charge requests refused based on Eurodac: how many of the **total number refused of taking charge requests** (category 3.2) were based on Eurodac hit

3.4.2 Taking back requests refused based on Eurodac: how many of the **total number refused of taking back requests** (category 3.3) were based on Eurodac hit

³ Clarification: The legal ground which has to be filled in case of rejection is the one which has been used in the request.

⁴ Idem

4. Incoming requests transferred

4.1 Total number transferred: number of transfer requests (taking charge and taking back) which have been effectively carried out by a Member State to Member State X

4.2 Total number transferred - taking charge requests: number of all transfer requests (taking charge) which have been effectively carried out by a Member State to Member State X

The number of transfer requests (taking charge) which have been effectively carried out by a Member State to Member State X split in three categories based on the Dublin Regulation⁵:

4.2.1 Family reasons (art. 6, 7, 8, 14);

4.2.2 Documentation and entry reasons (art. 9, 10, 11, 12)

4.2.3 Humanitarian reasons (art. 15)

4.3 Total number transferred - taking back requests: number of transfer requests (taking back) which have been effectively carried out by a Member State to Member State X

The number of transfer request (taking back) which have been effectively carried out by a Member State to Member State X split in four categories which correspond to different legal basis in the Dublin Regulation⁶:

4.3.1 Art. 4.5

4.3.2 Art. 16.1.c

4.3.3 Art. 16.1.d

4.3.4 Art. 16.1.e

⁵ Clarification: In case of different legal basis between the transfer request and the acceptance, Member States shall fill in the legal ground on which the acceptance has been granted.

⁶ Idem

B. Statistical data on the application of the Dublin II Regulation: Outgoing requests

Reporting Country : Member State X

Period : 1 year, to which all columns refer

Submitted by : requests to take back or to take charge of an asylum applicant or requests for information addressed by the Member State X to the other Member States

1. Outgoing requests

1.1 Total number of requests: Total number of requests to take back and to take charge

1.2 Total number of taking charge requests

The number of taking charge requests split in three categories based on the Dublin Regulation:

- 1.2.1** Family reasons (Art. 6, 7, 8, 14);
- 1.2.2** Documentation and entry reasons (Art. 9, 10, 11, 12)
- 1.2.3** Humanitarian reasons (Art. 15)

1.3 Total number of taking back requests

The number of taking back requests split in four categories which correspond to different legal basis in the Dublin Regulation:

- 1.3.1** Art. 4.5
- 1.3.2** Art. 16.1.c
- 1.3.3** Art. 16.1.d
- 1.3.4** Art. 16.1.e

1.4 EURODAC total: how many of the **total number of outgoing requests** (category 1.1) were based on Eurodac hit

- 1.4.1** Taking charge requests based on Eurodac: how many of the **total number of outgoing taking charge requests** (category 1.2) were based on Eurodac hit
- 1.4.2** Taking back requests based on Eurodac: how many of the **total number of the outgoing taking back requests** (category 1.3) were based on Eurodac hit

1.5 Total number of pending outgoing requests at the end of the reference period: number of requests for take charge and take back addressed to the other Member States to which a response is pending at the end of the reference period.

1.6 Requests for information

- 1.6.1 Total number of requests for information (Article 21):** number of requests for information submitted by the Member State X to the other Member States.

1.6.2 Answers to requests for information (Art.21.5)⁷: number of answers to requests for information provided to the Member States by the Member State X.

2. Outgoing requests accepted

2.1 Total number accepted: number of requests (taking charge and taking back) for which Member States have given a positive (explicit or implicit) response

2.2 Total number accepted - taking charge requests: number of all taking charge requests for which Member States have given a positive response

The number of accepted taking charge requests split in three categories based on the Dublin Regulation:

- 2.2.1** Family reasons (art. 6, 7, 8, 14);
- 2.2.2** Documentation and entry reasons (art. 9, 10, 11, 12)
- 2.2.3** Humanitarian reasons (art. 15)

2.3 Total number accepted - taking back requests: number of all taking back requests for which Member States have given a positive response

The number of accepted taking back requests split in four categories which correspond to different legal basis in the Dublin Regulation:

- 2.3.1** Art. 4.5
- 2.3.2** Art. 16.1.c
- 2.3.3** Art. 16.1.d
- 2.3.4** Art. 16.1.e

2.4 EURODAC total: how many of the **total number accepted** (category 2.1) were based on Eurodac hit

- 2.4.1** Taking charge requests accepted based on Eurodac: how many of the **total number accepted of taking charge requests** (category 2.2) were based on Eurodac hit
- 2.4.2** Taking back requests accepted based on Eurodac: how many of the **total number accepted of taking back requests** (category 2.3) were based on Eurodac hit

⁷ The collection of these data is not compulsory given that it is not required by the Statistics Regulation. However, Member States are encouraged to communicate these data to the Commission which is needed for monitoring purposes.

3. Outgoing requests refused

3.1 Total number refused: number of requests (taking charge and taking back) for which Member States have given a negative response

3.2 Total number refused - taking charge requests: number of all taking charge requests for which Member States have given a negative response

The number of refused taking charge requests split in three categories based on the Dublin Regulation⁸:

3.2.1 Family reasons (Art. 6, 7, 8, 14);

3.2.2 Documentation and entry reasons (Art. 9, 10, 11, 12)

3.2.3 Humanitarian reasons (Art. 15)

3.3 Total number refused - taking back requests: number of all taking back requests for which Member States have given a negative response

The number of refused taking back requests split in four categories which correspond to different legal basis in the Dublin Regulation⁹:

3.3.1 Art. 4.5

3.3.2 Art. 16.1.c

3.3.3 Art. 16.1.d

3.3.4 Art. 16.1.e

3.2 EURODAC total: how many of the **total number refused (category 3.1)** were based on Eurodac hit

3.2.1 Taking charge requests refused based on Eurodac: how many of the **total number refused of taking charge requests** (category 3.2) were based on Eurodac hit

3.2.2 Taking back requests refused based on Eurodac: how many of the **total number refused of taking back requests** (category 3.3) were based on Eurodac hit

4. Outgoing requests transferred

4.1 Total number transferred: number of transfer requests (**taking charge and taking back**) which have been effectively carried out by Member State X to another Member State

4.2 Total number transferred - taking charge requests: number of all transfer requests (**taking charge**) which have been effectively carried out by Member State X to another Member State

⁸ Clarification: The legal ground which has to be filled in case of rejection is the one which has been used in the request.

⁹ Idem

The number of transfer requests (taking charge) which have been effectively carried out by Member State X to another Member State split in three categories based on the Dublin Regulation¹⁰:

- 4.2.1** Family reasons (Art. 6, 7, 8, 14);
- 4.2.2** Documentation and entry reasons (Art. 9, 10, 11, 12)
- 4.2.3** Humanitarian reasons (Art. 15)

4.3 Total number transferred - taking back requests: number of transfer requests (taking back) which have been effectively carried out by Member State X to another Member State

The number of transfer request (taking back) which have been effectively carried out by Member State X to another Member State split in four categories which correspond to different legal basis in the Dublin Regulation¹¹:

- 4.3.1** Art. 4.5
- 4.3.2** Art. 16.1.c
- 4.3.3** Art. 16.1.d
- 4.3.4.** Art. 16.1.e

¹⁰ Clarification: In case of different legal basis between the transfer request and the acceptance, Member States shall fill in the legal ground on which the acceptance has been granted.

¹¹ Idem