

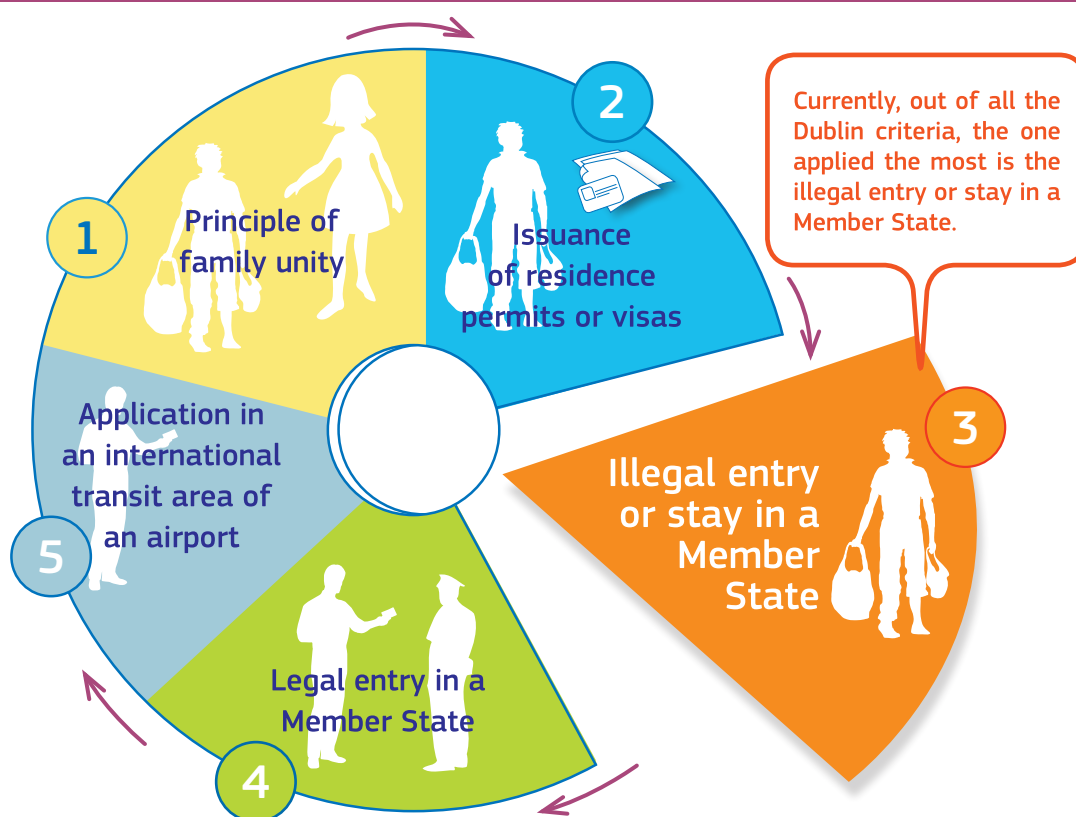
THE DUBLIN SYSTEM

The Dublin regulation establishes the criteria and mechanisms for determining which EU Member State is responsible for examining an asylum application. The rules aim to ensure quick access to asylum procedure and the examination of an application in substance by a single, clearly determined, Member State – an objective which remains valid. The Dublin system, however, was not designed to ensure a sustainable sharing of responsibilities for asylum applicants across the EU – a shortcoming that has been highlighted by the current crisis.

The core principle under the current Dublin regime is that the responsibility for examining an asylum claim lies first and foremost with the Member State which played the greatest part in the applicant's entry to the EU. In most cases this means it is the Member State of first entry. It can also be a Member State which has issued a visa or residence permit to a third country national, who then decides to stay and apply for asylum when this authorisation expires. Family unity and protection of unaccompanied minors are the main reasons to derogate from these rules.

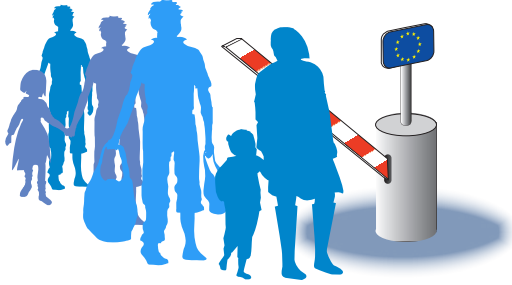
In practice, this means the responsibility for the vast majority of asylum claims is placed on a small number of Member States – a situation which would stretch the capacity of any Member State. This is unsustainable if current migration patterns continue, and is the reason the Commission has now presented new options for reform of the Dublin system.

Criteria for deciding which Member State should be responsible for an asylum application



CURRENT EU RULES

Determining the EU country responsible for the asylum claim



When applying the Dublin rules, the country of arrival is, in most cases, identified as the one responsible for the asylum application.

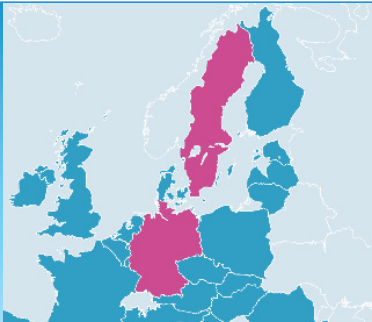
CHALLENGES AND SHORTCOMINGS

Pressure on a small number of Member States



The vast majority of arrivals are currently registered in just a few Member States (e.g. Greece and Italy), putting the asylum systems of these countries of first entry under immense pressure. This is not a fair distribution of responsibility.

Harmonised conditions of reception throughout the EU



The EU has common standards to ensure that asylum seekers are treated equally in an open and fair system – wherever their application is made. According to the Dublin system, asylum seekers cannot choose the EU country where their application will be processed. However, discretionary provisions under EU legislation and lack of full implementation have resulted in some EU countries offering more attractive reception and asylum systems than others, creating an incentive for asylum shopping.

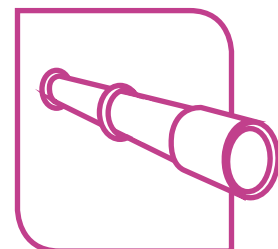
Uneven implementation of EU rules leads to imbalances and secondary movements

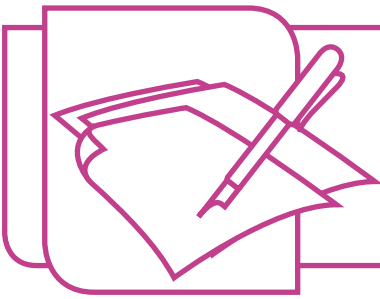


Some migrants seek to avoid registration and fingerprinting and then move on to the state where they wish to settle and where they want to get asylum. These secondary movements create unbalances in the distribution of asylum seekers and place disproportionate pressure on the favoured destination countries.

Next Steps

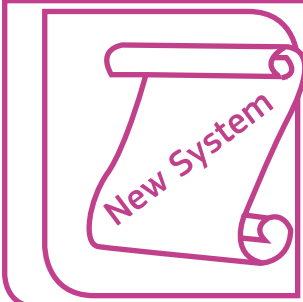
To address the inherent weaknesses of the Dublin system for the longer term, the Commission will present a proposal to reform the system, either by streamlining and supplementing it with a corrective fairness mechanism or by moving to a new system based on a distribution key.





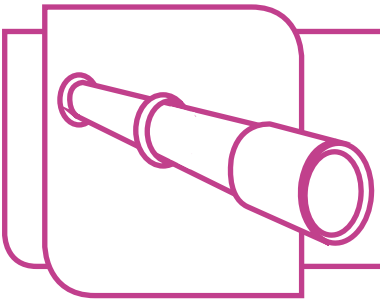
Option 1: A corrective fairness mechanism

Under this option, the current criteria for the allocation of responsibility would be preserved but would be supplemented with a structural mechanism for emergency relocation and redistribution to be triggered in specific circumstances, when disproportionate pressure is faced by one Member State.



Option 2: A new system for allocating asylum applications

Under this option, a new system for allocating asylum applicants to Member States on the basis of a permanent distribution key would be introduced, reflecting the relative size, wealth and absorption capacity of each Member State. Responsibility would no longer be linked to the point of first entry. Different variants of this option are possible – placing greater or lesser responsibility on the Member State where the application is made to verify whether the overriding criteria apply.



A Longer-term perspective

In the long term, consideration could be given to the possibility of transferring responsibility for the processing of asylum claims from the national to the EU level. This would require a major institutional transformation and substantial resources and is therefore difficult to envisage in the short or medium term.