

THE REFORM OF THE DUBLIN SYSTEM

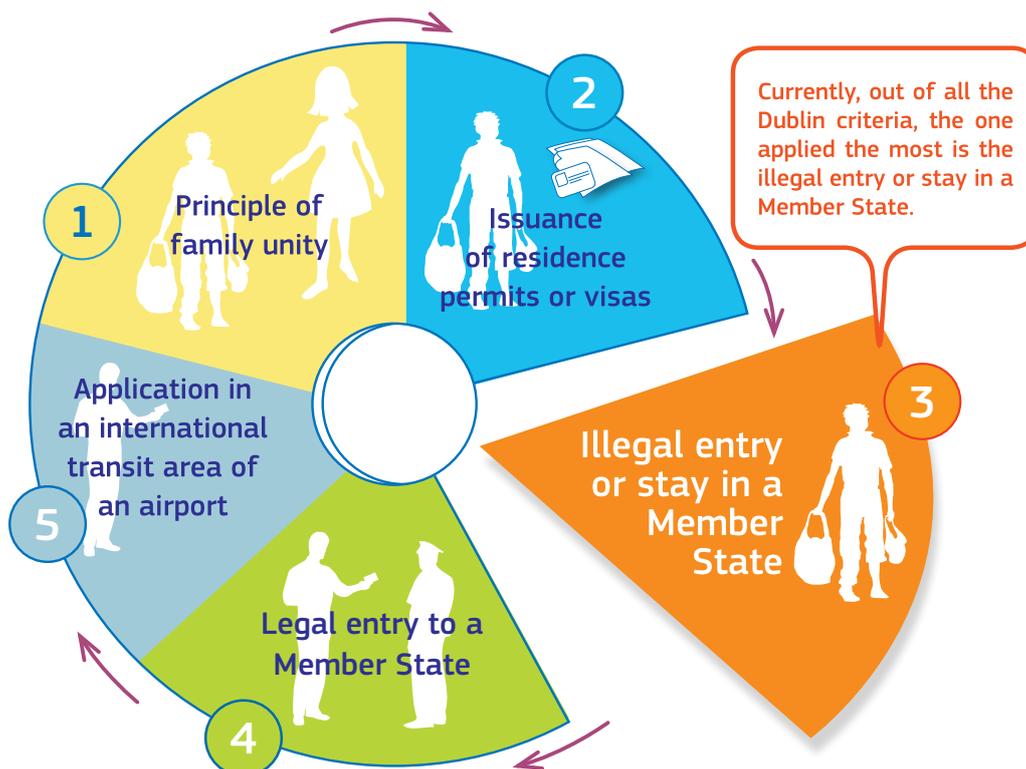


The Dublin Regulation establishes the criteria and mechanisms for determining which EU Member State is responsible for examining an asylum application. The rules aim to ensure quick access to asylum procedures and the examination of an application in substance by a single, clearly determined Member State – 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 non-EU national, who then decides to stay and apply for asylum when this authorisation expires. Family unity and the 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. If current migration patterns continue, this is unsustainable. This is why the Commission is proposing a reform of the Dublin system to establish a fair and sustainable system.

The new system will make sure that when an overwhelming number of asylum requests are filed in just one Member State, the number of asylum seekers exceeding the absorption capacity of that country will be distributed among all Member States that are not confronted with excessive pressure.

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



CURRENT EU RULES

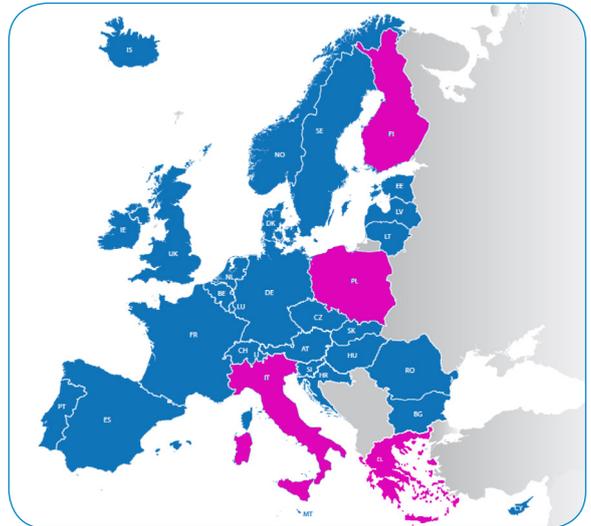
CHALLENGES AND SHORTCOMINGS

Determining the EU country responsible for the asylum claim



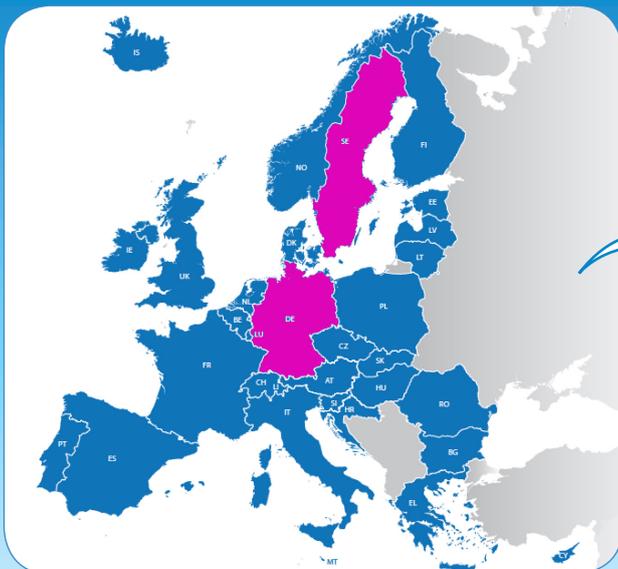
When applying the Dublin rules, the country of arrival is, in most cases, identified as the one responsible for the asylum application.

Pressure on a small number of Member States



The vast majority of arrivals are currently registered in just a few Member States, 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 a 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



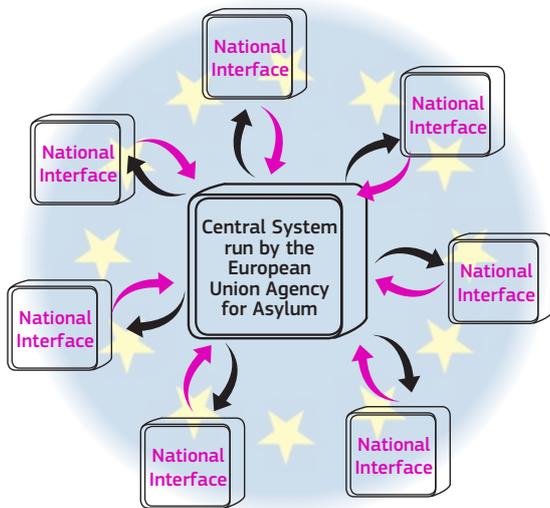
Some migrants seek to avoid registration and fingerprinting and then move on to the country where they wish to get asylum and settle. These secondary movements create imbalances in the distribution of asylum seekers and place disproportionate pressure on the favoured destination countries.

The Dublin reform: a new system to better share responsibilities

To address the inherent weaknesses of the Dublin system for the longer term, the Commission is presenting a proposal to reform it by streamlining and supplementing it with a corrective allocation mechanism (the fairness mechanism). The main elements of the new system are: a new automated system to monitor the number of asylum applications each Member State receives and the number of persons effectively resettled by each; a reference key to help determine when one Member State is under disproportionate pressure and a fairness mechanism to alleviate that pressure.

A new automated system

A new automated system will be developed. It will consist of a central system, a national interface in each Member State and the communication infrastructure between the central system and the national interface.



The automated system will record each asylum application made in the EU as well as the number of persons each Member State effectively resettles.

Determining when a Member State is under pressure

A reference key will show the indicative share of the total number of asylum applications made in the EU each Member State would receive if they were allocated according to a country's size and wealth.

Comparing the reference share to the actual distribution of claims will help determine when one Member State is responsible for a disproportionate amount of applications compared to other Member States.



Size of the population
(50% weighting)



Total Gross Domestic Product (GDP)
(50% weighting)



Resettlements will be counted under the number of asylum applications to acknowledge the importance of efforts to implement legal and safe pathways to Europe.

A fairness mechanism

The fairness mechanism will be applied when Member States are confronted with a disproportionate number of asylum applications. If the number of asylum applications made in a Member State is above 150% of the reference share, the fairness mechanism is automatically triggered. All new asylum applications made after the triggering of the mechanism will be relocated across the EU.

Example: if the number of asylum applications in Poland exceeds 150% of the reference share of all applications, all new applications in Poland will be relocated to other Member States.



If a Member State decides not to accept the allocation of applications from a Member State under pressure, a solidarity contribution of € 250,000 per applicant should be made to the Member State which takes on the responsibility in their place.

Cessation of the mechanism

New arrivals to Member States benefiting from the fairness mechanism will be relocated across the EU until the number of applications is back below 150% of the country's reference share. When the number is back below 150%, the fairness mechanism will end.

