



UNHCR
The UN Refugee Agency

Brussels, 20 April 2006

EU urged to revise its Dublin II Regulation in order to protect the rights of refugees and asylum-seekers

The European Union's Dublin II Regulation, which identifies the Member State responsible for examining an asylum claim, needs substantial revision to ensure that the rights of asylum-seekers and refugees are respected, according to a UNHCR study published today. The UNHCR report was issued as the European Commission is preparing its own review of the Regulation.

"Both in the Regulation itself and the way it is put into practice, we see that there are gaps which not only cause hardship for asylum-seekers but can also result in a failure to examine an asylum claim at all," said the Director of UNHCR's Bureau of Europe, Pirkko Kourula, following publication of UNHCR's evaluation of the Dublin II Regulation. « These gaps must be remedied, if the aim of the Dublin II Regulation is to be met. »

The Dublin II Regulation entered into force in September 2003. It applies for example when an asylum-seeker enters the EU through one Member State but then moves on and requests asylum in another. The Regulation's purpose is to determine which State is responsible for examining an asylum application, to make sure that each claim gets a fair examination in one Member State, and to discourage persons from applying for asylum in more than one country. It applies in all EU Member States (including Denmark since April 1, 2006), as well as in Norway and Iceland.

The functioning of the Regulation presupposes that the asylum laws and practices of the participating States are all based on the same common standards. In reality, however, the harmonization of asylum policy and practice in the European Union has not yet been achieved. Both asylum legislation and practice still vary widely from country to country, causing asylum-seekers to receive different treatment across Europe. This can lead to gaps in the application of Dublin II.

UNHCR Regional
Office for the Baltic
and Nordic Countries

Ynglingagatan 14
113 47 Stockholm
Sweden

Tel +46-(0)8-457 48 80
Fax +46-(0)8-457 48 87
www.unhcr.se



.../...

UNHCR's paper makes 20 recommendations to fill these gaps. Most importantly, UNHCR recommends that the text of the Regulation clearly prohibit sending the asylum-seeker outside the Dublin space without examining his or her application.

UNHCR also stresses the need for a more consistent approach to family reunification and a broader definition of what constitutes a family member. In cases of unaccompanied minors, the principle of the best interest of the child should apply. Also, UNHCR calls on States to make sure that asylum-seekers have an effective possibility to appeal against a transfer under the Dublin system.

"We hope that our study Report will help the European Commission in its evaluation of Dublin II," said Kourula. The Commission will present its recommendations this year to the Council of EU Justice and Home Affairs Ministers and the European Parliament.

According to UNHCR estimates based on partial data, on average 15% of the asylum claims filed in the EU in 2005 were subject to determination of responsibility under Dublin II.

The full text of the study « The Dublin II Regulation. A UNHCR Discussion Paper », which includes a number of case examples, is available on the UNHCR website on <http://www.unhcr.org/cgi-bin/texis/vtx/home/opendoc.pdf?tbl=RSDLEGAL&id=4445fe344>

UNHCR Regional Office
for the Baltic and Nordic Countries
Paal Aarsaether, Regional External Affairs Officer
Tel. +46 8 457 48 86
aarsaeth@unhcr.org