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The "Dublin" Regulation – Which EU State is responsible for examining an asylum application?

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Knowing which State is responsible for an asylum claim avoids asylum seekers being transferred from one EU State to another, with none accepting responsibility, as well as multiple or simultaneous applications by the same person in different EU States (a phenomenon known as 'asylum shopping'). The EU sets out criteria for deciding which State is responsible. These criteria are defined in the "Dublin" Regulation (so-called because it came after an international convention covering the same matters, signed in 1990 at a time when EU competence in this field was not yet established).

General principle

The general principle is that an asylum application should be examined by only one EU State, usually the one which was most central to the applicant's entry or residence in the Union. That EU State is also obliged to take in applicants who may have moved to another EU country without permission of the authorities there.

Determining responsibility for examining an asylum application

The criteria for deciding which EU State should respond must be applied in the order in which they are presented in the "Dublin" Regulation. They are:

The principle of **family unity** (the EU State responsible for examining the application is the one where the applicant has a member of his/her family legally present).

The **issuance of residence permits or visas** (the EU State responsible is the one which issued a residence document or a visa with the latest expiry date).

Illegal entry or stay (the EU State responsible is the one into which the applicant entered irregularly or irregularly stayed for a period of at least five months).

Legal entry into an EU State (if the application is lodged in an EU State where the applicant is not subject to a visa requirement, that EU State will be responsible).

Application in an **international transit area of an airport** (the EU State responsible is the one where the airport is located).

If no EU State can be designated as responsible for examining the asylum application on the basis of these criteria, responsibility falls to the first EU State with which the asylum application was lodged.

Improving current legislation

To address deficiencies identified in a [2007 report on the implementation of the Dublin system](#) – particularly in relation to the practical application and effectiveness – and to respond to EU States' concerns expressed during the [consultation on the future of the Common European Asylum System](#), the Commission [proposed amending the Dublin Regulation](#) in December 2008.

The main aim of the proposal is to increase the system's efficiency and to ensure higher standards of protection for persons subject to the Dublin procedure. Moreover, in line with the 2008 [Policy Plan on Asylum](#), the proposal aims to ease situations of particular pressure experienced by EU States' reception facilities and asylum systems during influx of refugees. For the Commission proposal to become EU law and replace the current Regulation, it must be adopted by the European Parliament and the Council.

States applying the "Dublin" Regulation

All EU States, as well as Norway, Iceland, Switzerland and Liechtenstein, apply the "Dublin" Regulation.

DIRECTORATE-
GENERAL

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