



VLUCHTELINGENWERK

VLAANDEREN

English



Dublin regulation

Startpunt Vluchtelingenwerk

This flyer is a publication of Vluchtelingenwerk Vlaanderen, an independent non-governmental organisation defending the rights of asylum seekers and refugees.

What is 'Dublin'?

The Dublin Regulation is an EU law establishing the criteria to determine which European Member State is responsible for examining your application for international protection. The purpose is to avoid people starting up a procedure in different EU-countries. Only one Member State can be responsible for your application for international protection. When seeking international protection in a Member State, Belgium for example, this country will investigate first whether or not it is responsible for handling your application. This first phase is called the Dublin procedure. If Belgium declares itself responsible your procedure will continue here. If another Member State is responsible you will have to go to that country to continue your application. If you don't agree with the decision you have the right to appeal.

During the Dublin procedure you will have one or more Dublin interview(s). Based on those interviews, the Immigration Office (IBZ) will decide which country is responsible for your application. During the interview you will have the chance to explain your travel route to Belgium and why you decided to come to Belgium. If another country is deemed responsible for your application for international protection, you have the chance to explain why you don't want to return to this country.

Which European countries are involved?

Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Norway, Iceland, Switzerland and Liechtenstein.



The Immigration Office (IBZ) will check:

- 1.** Do you have family in Belgium or in another EU Member State? The IBZ specifically takes into account close relatives, such as husband or wife and children under the age of 18. However, the IBZ will also take into consideration your personal situation or that of other family members, in case they are dependant on you because of health problems, old age, pregnancy or a severe handicap. It is important that you inform the IBZ immediately of the presence of family members in Belgium or in other EU Member States. Bring as many relevant documents as possible.
- 2.** Do you have a visa or residence permit in another EU Member State or did you ever have one? This will be checked in an EU visa database.
- 3.** Have your fingerprints been registered when you entered Europe? This will be checked in a fingerprint database.
- 4.** Have you applied for international protection in an EU Member State in the past? This will be checked in a fingerprint database.

IBZ will decide which Member State is responsible for your application based on the criteria mentioned above. They are listed in order; when more than one criterion applies, the first one will be the most important.

If the IBZ decides that another country is responsible for your asylum procedure, it will ask that country to take charge of your application. If that country either accepts responsibility or does not respond in time, you will have to return to that country. Your application will continue there. If you don't co-operate with your return, it is possible that you will be returned by force.

However, Belgian authorities can decide to treat your asylum application even if they are not the country responsible. The Immigration Office has the obligation to do so if conditions in the country responsible are not in accordance with human rights. This is the case when you are denied access to asylum procedure, legal assistance, the right of appeal in case of negative decision, healthcare or education for your children, or when reception conditions are very bad.



What can I do?

a) Make sure to explain as clearly as possible why, given the seriousness of your personal situation, Belgium should not send you back to that other country. If you encountered problems in the other country (for example: no shelter, beatings or injuries), try to collect proofs on this and explain your story very clearly during the interview. Even after the interview, you or your lawyer can still submit additional information or evidence to the IBZ. You should do so before any decision is made.

b) Consult a lawyer as soon as possible. Inform him/her of our Dublin guidelines for lawyers (see www.vluchtelingenwerk.be/leidraad-dublin). A lawyer can send additional information and evidence relevant to your interview to the IBZ. He/she can also make an appeal should the IBZ decide to transfer you to another Member State.

c) Explain to the IBZ why you are seeking international protection in Belgium and make sure to bring all relevant documents.

For example:

- Inform the IBZ of any family members in Belgium or other Member States if you wish to be reunited with them. If you have any documents that can prove your family connects, give them to IBZ during or after the interview.
- Inform the IBZ of any problems or mistreatment you experienced in other EU Member States. Make sure to bring any evidence (photos, medical reports...).
- In case of health problems, bring all medical documents and other evidence of your health condition. Visit a doctor and ask for a medical certificate before the interview. If you come across any extra medical documents after the interview, send them to IBZ as well.

What are my rights in the Dublin procedure?

You have the right to explain your situation to the IBZ in your mother tongue. Ask for an interpreter. You also have the right to get all the information you might need about the Dublin procedure.

For the duration of the Dublin procedure, you will have the right to stay in Belgium and receive accommodation. If it is decided that you will be sent to another EU Member State, you are entitled to stay in Belgium until the end of the term stated on the order to leave the territory. You can ask the IBZ for assistance to travel to the other country. If you disagree with the decision, consult a lawyer as soon as possible to discuss whether you can make an appeal. The appeal has to be made within thirty days after the notification of your Dublin decision.

If you cooperate with your return to the responsible member state, you will be assigned a «Dublin place» in an open reception centre. Here they will work with you to organise your return to the responsible member state.

If you don't go to the Dublin place, you will be assigned a code 'no show'. You will only receive medical aid, but you still have the right to stay in a «Dublin place». If you want to stay in a reception center you should contact Fedasil Dispatching. You will remain entitled to a shelter until the moment that your return to the responsible member state takes place.

I am a minor (aged under 18)

If as a minor you have any family members in another EU Member State, your application for international protection might be treated there. If not, your application for international protection will be treated in the country in which you lodged it, or in Belgium, depending on what is in your best interest. Inform the Immigration Office of any family members in the EU so they can try to reunite you with your family if this is what you want.

If you are in Belgium without your parents, you are entitled to a guardian. You can contact the Guardianship Services (+32 78 15 43 24, between 9am and 5pm).



How long will the procedure take?

That depends on your situation. Belgium has a maximum of three months to ask another European Member State to take charge of your case. The other Member State must respond

to the request within two months. When the Member State agrees, IBZ has 6 months to write a decision and transfer you to the responsible Member State.

When do i have to leave the territory?

If another Member State is responsible for examining your application for international protection, you will receive an 'Annex 26 quarter'. This contains an order to leave the territory within a number of days. The document will state which Member State is now responsible for your asylum application and also mention the contact details of the service 'Voluntary Return'. If you want, this service can help you to organise your return to the responsible Member State.

Consult your lawyer as soon as possible if you disagree with the decision. He/she can make an appeal against this decision.

As soon as the other Member State agrees to treat your asylum application, Belgium should transfer you to that country within six months. If Belgian authorities fail to transfer you before the deadline, they become responsible for examining your asylum application. The transfer period can, however, be extended to 18 months if the IBZ has reason to believe you are hiding, for example in case they have no information about your whereabouts. That is why it is very important to inform them of any change of address. You can inform them yourself or ask your lawyer to do so by registered letter.

Detention

During the Dublin procedure, you may be detained if the IBZ has reason to believe that you would go into hiding otherwise. For example, if you did not mention that your fingerprints had already been taken in another Member State. The IBZ does not decide on detaining people consistently. In case you are put in detention, you should consult your lawyer immediately. If you do not have a lawyer, you can request one at the detention centre. You can also request a visit by a non-governmental organisation.

Questions ?

DETENTION CONTACTPUNT (NGO VISITS IN DETENTION CENTRES)

Call Infoline 02 225 44 00

(English, Dutch, French)

or email info@vluchtelingenwerk.be

LEGAL HELPDESK VLUCHTELINGENWERK VLAANDEREN

(information on the asylum procedure, reception, support in case of detention)

Call 02 225 44 35

Wednesday and Friday 9.00 am - 12.30 pm

info@vluchtelingenwerk.be

FEDASIL VOLUNTARY RETURN INFO

Call 0800 32 745

More info?

www.vluchtelingenwerk.be/leidraad-dublin

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