



The Dublin III Regulation enters into force

Brussels, 19 July 2013 – Today, the [Dublin III Regulation](#) enters into force.¹ For the European Union and its member states, this is a pivotal moment because it heralds the arrival of what they consider to be the *Common European Asylum System*.² It is also a pivotal moment for asylum seekers: the way in which EU member states implement Dublin III will undoubtedly impact their ability to seek protection in Europe.

This year, both the Jesuit Refugee Service (JRS) and the European Council on Refugees and Exiles (ECRE) published in-depth research studies revealing how the Dublin II Regulation impedes asylum seekers' access to protection in Europe. Though both were produced separately, the findings of the studies are strikingly similar.³

We found vast differences in the way member states apply the Dublin Regulation. There are no common standards of information provision and reception conditions, and no common ways to assess people's vulnerabilities and special needs. In some countries, people are told about a Dublin transfer just before it actually happens, leaving no time to appeal it before a court and access their right to an effective remedy. Member states implement the humanitarian and sovereignty clauses in a restrictive way with the result that some governments never apply these provisions for the benefit of the asylum seekers concerned.

The consequences of these divergent practices have been enormously detrimental to asylum seekers. Many people seeking asylum are transferred from one country to the next without ever having the chance to have their asylum application fully examined. Families are torn apart by the Dublin transfer process because governments are too focused on removing asylum seekers to the EU country that they first entered, rather than working to keep families together. Asylum seekers spend months in detention centres, and even when they are not detained there is no guarantee that they can have access to decent housing and welfare support.

We acknowledge that the newly adopted Dublin III Regulation has the potential to remedy some of the serious gaps in protection identified by both of our research studies. The new right to information, a personal interview and the European Commission's obligation to produce a common information leaflet may leave asylum seekers better informed of what is happening to them. The new provision on judicial remedies may better enable asylum seekers to challenge Dublin decisions where transfers would not be in compliance with their fundamental rights.

But all of this depends on how the Dublin III Regulation is applied at a national level. If Europe is to have a common asylum system that is truly based on common standards with a high level of protection, dignity and human rights, then governments will need to interpret and apply the Dublin III Regulation correctly. Improvements on paper will not lead to improvements in practice as long as there is not a level playing field. Asylum seekers must have access to fair asylum procedures and decent reception conditions wherever they are in Europe.

Above all, our research studies show that if the *Common European Asylum System* as a whole is to be sustainable, then it must seriously consider and address any protection gaps that may undermine the right to asylum. Asylum seekers do not always choose to be in a particular country, but only in a place that offers them protection. In the end, the Dublin III Regulation's success or failure will be based on how well governments adhere to this standard.

¹ See Art.49 Regulation (EU) No. 604/2013 of the European Parliament and of the European Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast) OJ 29.6.2013. The Regulation shall apply to applications for international protection lodged as from the first day of the sixth month following its entry into force and, from that date, it will apply to any request to take charge of or take back applicants, irrespective of the date on which the application was made.

² See *The Stockholm Programme – an open and secure Europe serving and protecting citizens* (2010/C 115/01)

³ ECRE is co-author with Forum Refugees-Cosi and the Hungarian Helsinki Committee of the Dublin Transnational Network publication (2013) *Lives on Hold: The Dublin II Regulation*, available at www.ecre.org and www.dublin-project.eu; JRS Europe (2013). *Protection Interrupted: The Dublin Regulation's Impact on Asylum Seekers' Protection*, available at www.jrseurope.org.