



THE DUBLIN PROCEDURE

WHAT IS THE DUBLIN PROCEDURE?

This is a procedure of the European Union based on a law called the **Dublin III Regulation**. It tries to determine which European country is responsible to receive and decide on your asylum application.

The outcome of this procedure will tell you which country you should be in for your asylum application to be processed. This will be the same country you should remain in if you are granted international protection. It will also be the same country responsible for returning you to your country of origin if you are not granted international protection.

In Malta, the Dublin procedure is operated by the **Dublin Unit**, part of the Office of the Refugee Commissioner (RefCom).

WHICH COUNTRIES ARE PART OF THE DUBLIN SYSTEM?

These are countries that operate the Dublin procedure: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland and United Kingdom.

HOW DOES IT WORK?

When you submit an asylum application in one of the countries listed above, the authorities will check if they are responsible for your application or if you and your application should be in another country.

To do this, you will have a brief interview during which questions will be asked about your journey to Europe and also about your family. The authorities will then look at a list of situations and – depending on whether you fall in any of these situations or not – they will decide if you should remain where you are or if you need to move to another country.





- At the very beginning of this process, Malta's Dublin Unit or RefCom should give you information in writing about it. This information should explain the entire process, the situations that could lead to a decision to have you transferred, that your personal information could be exchanged with other countries and also the procedure for you challenge the final decision.

WHAT ARE THE
SITUATIONS
THAT DECIDE
WHERE MY
ASYLUM
APPLICATION
SHOULD BE
PROCESSED?

These are the questions the authorities will ask you in order to decide which MS is responsible for your asylum application:

- Do you have family members¹ who are beneficiaries of international protection (refugees or subsidiary protection) in a Dublin country?
- Are you an unaccompanied minor and you have family members or brothers/sisters present in another Dublin country?
- Do you have family members who also applied for asylum in another Dublin country and whose applications have not yet been decided?
- Do you depend on the assistance of your child, brother/sister or parent because of a pregnancy, a new-born child, a serious illness, a severe disability or old age and this family member resides legally in a Dublin country? Does any family member in any of these situations depend on you?
- Were you issued a residence permit or a visa in another Dublin country?
- Did you enter Europe via another Dublin country, legally or illegally?
- Have you stayed in another Dublin country?
- Have you filed an asylum application in the international transit area of an airport of a Dublin country?

¹ For the Dublin procedure, 'family member' would be the following people: (1) your husband/wife or, in some circumstances, your stable partner; (2) your unmarried children below 18 years of age; (3) if you are unmarried and below 18 years of age, your father/mother or, in some circumstances, another responsible adult.



WHAT HAPPENS IF THE DECISION IS THAT MALTA IS NOT RESPONSIBLE FOR MY APPLICATION?

If you receive a notification that Malta is not responsible for your application, you will be told to leave Malta and to go to the country responsible for your application. Until you leave or are sent away, you could be held in a detention centre.

When you reach the other country, you will be treated as an asylum-seeker and your application will be processed in full over there.

CAN I CHALLENGE A DUBLIN DECISION?

You have **2 weeks** to appeal/challenge the decision to transfer you to another country, starting from when you actually receive the decision. Throughout this appeal process, you will remain in Malta.

Your appeal will be decided by the **Refugee Appeals Board**. When you file the appeal application you may also request to be provided with a **free lawyer** to assist you, or you can contact a Supporting Organisation.²

WHAT IF I AM SENT TO MALTA FROM ANOTHER EUROPEAN COUNTRY?

If you were in another country and you were transferred to Malta for your asylum application to be processed here, you will be treated as an asylum-seeker from the moment you arrive.

Your asylum application will then go through the normal procedure.³

Need more info? Contact aditus on +356 2010 6295 | www.aditus.org.mt | info@aditus.org.mt

² See FACTSHEET NO 21: SUPPORTING ORGANISATIONS (http://aditus.org.mt/Publications/factsheet21_supportingorganisations.pdf).

³ See FACTSHEET NO 17: THE ASYLUM PROCEDURE IN PICTURES (http://aditus.org.mt/Publications/factsheet17_asylumprocedurepictures.pdf), and FACTSHEET NO 12: THE ASYLUM PROCEDURE (http://aditus.org.mt/Publications/factsheet12_asylumprocedure.pdf).



Asylum, Migration and Integration Fund
Project is part-financed by the European Union
Co-financing rate: 75% EU Funds; 25% Beneficiary Funds
Sustainable Management of Migration Flows

