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## ROMANIAN NATIONAL COUNCIL FOR REFUGEES

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# DUBLIN PROCEDURE

INFORMATIVE LEAFLET – 2022

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ENGLZEA

## I. DUBLIN REGULATION

This Regulation sets out the rules to be followed in order to determine the State responsible for the analysis of an asylum application, rules which are applicable on the territory of European Union Member States, Norway, Iceland, Switzerland and Liechtenstein.

The purpose of the Dublin Regulation is to:

- ▶ **to ensure that the application will be analyzed by only one state**, without the possibility of successive refusals from several Member States to analyze the application;
- ▶ **to avoid situations when an asylum seeker files multiple applications for asylum** in different countries of the European Union;
- ▶ **to avoid situations when an asylum seeker chooses a specific asylum country** where he/she wishes to apply.

## II. DUBLIN PROCEDURE

The basic principle of the Dublin procedure is to identify the Member State that has the responsibility to examine the asylum application, which is the State responsible for your access to the EU territory or the State where you first applied for asylum.

### EURODAC SYSTEM

EURODAC is the Central European System for Fingerprint Automatic Identification (AFIS) for asylum seekers and foreign nationals entering or living illegally in a Member State of the European Union or in Norway, Iceland, Switzerland and Liechtenstein.

## III. DUBLIN REGULATION APPLIES TO

- ▶ **the asylum seeker;**
- ▶ **the foreigner taken in custody for illegal residence**, who has previously filed an application for asylum in another Member State;
- ▶ **the foreigner who entered illegally the Dublin territory** and then filed an application for asylum in a Member State different from the state through which he/she entered the said territory.

## IV. INITIATION OF PROCEDURE

### YOUR ASYLUM PROCEDURE IN ROMANIA HAS BEEN INITIATED:

- ▶ If you have applied for asylum or have entered legally/illegally a Member State before applying for protection in Romania, you will be identified in the EURODAC database, you will be subject to a procedure and will be sent back to the first state through which you entered the European Union.
- ▶ IT IS IMPORTANT that before the authorities make the first decision on your asylum application, you should inform them if you have family members in another Dublin country!
- ▶ If you have filed a new application for asylum in another Member State after you entered it legally/illegally or if you applied for protection in Romania and did not wait for the Romanian authorities to complete the procedure and make a decision, you shall be sent back to Romania.

Throughout the asylum procedure, until a decision is made, you may ask anytime to be reunited with a family member for humanitarian, family and cultural reasons.

## V. COMPLY WITH the stages of the administrative and judicial proceedings!

If you abandon the asylum procedure in Romania, the procedure will take place in your ABSENCE until a final decision is made.

**DO NOT LEAVE ROMANIA AND DO NOT ABANDON THE ASYLUM PROCEDURE UNTIL IT IS HAS BEEN COMPLETED!**

If you apply for asylum in another country or you are caught living illegally there, you will be returned to Romania!

Once you have been returned to Romania, you will be accommodated in a public custody

centre if the asylum procedure has already been concluded by a final decision!

As of that moment, the Romanian authorities will initiate the procedure for you to be returned to your home country!

## VI. DURATION OF THE DUBLIN PROCEDURE

### The time limit for the answer to such takeover requests is:

- ▶ 2 months if there is a fingerprint match is recorded in the EURODAC system;
- ▶ no more than 1 month if emergency is invoked.

### After an asylum application is filed, it will be solved within:

- ▶ 3 months if there is no fingerprint match in the EURODAC system;
- ▶ 2 months if there is a fingerprint match in the EURODAC system.

### The Dublin TRANSFER may be completed within:

- ▶ 6 months after the acceptance date;
- ▶ 18 months if the person disappears and is absconding from the transfer;
- ▶ 12 months if the person is serving a prison sentence.

You can challenge the IGI/DAI decision by which your access to the asylum procedure in Romania was denied and your transfer to the responsible Member State was ordered, by filing a Complaint within 5 DAYS as of the moment when such decision was made!

### A complaint filed as mentioned hereinabove shall not suspend your transfer to the responsible Member State.

**When you file the complaint, you may expressly request that the enforcement of the transfer decision be suspended.**

The complaint must be filed with the General

Inspectorate for Immigration - Asylum and Integration Directorate or directly with the competent court of law in whose jurisdiction is located the accommodation and procedures centre where you live, and you must attach thereto a copy of the decision communicated and request expressly „suspension of the transfer”.

You may ask the court to grant you a defence lawyer appointed ex officio!

The court must analyze your complaint and render a final decision within 30 days!

## VII. THE RIGHTS YOU ARE ENTITLED TO DURING THE DUBLIN PROCEDURE

You are entitled to all the rights provided for asylum seekers until the effective date of the transfer, including:

- ▶ The right to be assisted by a lawyer, a representative of UNHCR and to be being counselled and assisted by a representative of a non-governmental organization;
- ▶ The right to be assisted by an interpreter throughout the procedure;
- ▶ The right to be informed in a language you know;
- ▶ The right to protection of your personal data and information recorded in connection with your application;
- ▶ The right to be provided with a temporary identity document;
- ▶ The right to be accommodated in the reception and accommodation centres of IGI/DAI;
- ▶ The right to receive free primary and emergency hospital care.

**Tell the authorities whether you have been subjected to torture, rape, and psychological aggression, physical or sexual aggression and about any other relevant information about your health condition!**