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COMMISSION STAFF WORKING PAPER

EVALUATION OF THE DUBLIN CONVENTION

This document evaluates the application of the Dublin Convention. The idea of such an evaluation was adopted in the Vienna Action Plan,[i] and the Commission agreed to carry it out.

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INTRODUCTION

The Convention determining the State responsible for examining applications for asylum lodged in one of the Member States in the European Communities was signed in Dublin on 15 June 1990 and came into force on 1 September 1997.

The Convention is designed to allocate, to a single Member State and on the basis of objective criteria, the responsibility for examining an asylum application submitted in a Member State and thus to ensure that the applications of all asylum seekers will be examined and that they will not be left in prolonged uncertainty as to whether their application will be accepted or not.

The general principle underlying the criteria for allocating responsibility is that, in an area where the free movement of individuals is guaranteed under the Treaty establishing the European Community, each Member State is answerable to all the others for its actions or shortcomings as regards the entry and residence of third-country nationals. The criteria set by the Convention are therefore designed to allocate responsibility for examining an asylum application to that Member State which has played the most important part in the entry or residence of the person concerned.

Under the Convention the responsible Member State has a number of obligations, including that of seeing through the examination of the asylum application and that of taking charge of the applicant if the latter goes illegally to another Member State.

The Convention also lays down arrangements and deadlines for submitting the requests whereby Member States ask each other to take asylum seekers in charge or to take them back.

A ministerial committee set up by Article 18 of the Convention is responsible for examining any questions relating to implementation or interpretation. This committee has adopted various decisions laying down recommendations and guidelines for improving the operation of the Convention; in particular it has shortened the deadlines and clarified certain concepts contained in the Convention.

Article 63(1)(a) of the EC Treaty, as amended by the Treaty of Amsterdam, requires the Council to adopt an instrument of Community law laying down criteria and mechanisms for determining which Member State is responsible for considering an application for asylum submitted by a national of a third country in one of the Member States. This instrument will replace the Dublin Convention. Before drafting any new measures, however, the Council felt that the operation of the Convention should be evaluated, a task which the Commission agreed to take on.

At the same time as this evaluation, the Commission initiated a wide-ranging debate on the future prospects for the instrument which would determine the Member State responsible. To this end, it distributed a working paper entitled "Revisiting the Dublin Convention: developing Community legislation for determining which Member State is responsible for considering an application for asylum submitted in one of the Member States" (SEC(2000)522), which has been scrutinised and discussed within the Council and on which numerous interested bodies have submitted their observations.

I. STATISTICAL OUTLINE

An initial picture of the application of the Dublin Convention can be gained from statistical data. This provides a quantitative perspective from which some lessons can be learned.

Given the variety of methods by which the Member States' statistics are recorded and their uneven level of detail, the figures available indicate orders of magnitude only and do not claim to be scientifically precise. The data collected for this evaluation are for 1998 and 1999 (tables I and II). To "smooth" the aberrations found in the annual data (due, for example, to slippage from the first year to the second) and to obtain more reliable data from a wider statistical sample, it was thought preferable to base the evaluation, wherever possible, on the cumulative data for the two reference years (although this means that, in some cases, estimates have had to be made to compensate for missing data - see Table III).[ii] Consequently, such conclusions as it has been felt possible to draw in this report must be treated with caution – the gaps in the data and the empirical method used are both sources of uncertainty.

The crude data on the application of the Convention throughout the EU, aggregated over a period of two years, can be summarised as follows:

Table 1 : Aggregate data EU 15, 1998-99

Application of the Dublin Convention over the 24-month period	Total number of requests to take charge/take back submitted to other Member States	Proportion of the total number of applications for asylum (II/I) (%)	No. of requests to take charge/take back accepted	Acceptances as a proportion of the number of requests to take charge/take back submitted (IV/II) (%)	Acceptances as a proportion of the total number of applications for asylum (IV/I) (%)	No. of asylum seekers actually transferred	Actual transfers as a proportion of accepted requests to take charge/take back (VII/IV) (%)	Actual transfers as a proportion of total requests to take charge/take back sent to other MS (VII/II) (%)	Actual transfers as a proportion of the total number of applications for asylum (VII/I) (%)
I	II	III	IV	V	VI	VII	VIII	IX	X
EU : total number of applications for asylum: 1998-99	655 204								
EU aggregate	39 521	6.00	27 588	69.80	4.20	10 998	39.90	27.80	1.70

One is immediately struck by the small proportion of asylum applications giving rise to a request to another Member State to take charge of/take back an applicant. While, in theory, every asylum application is examined, however briefly, in the light of the responsibility criteria in the Convention, only in 6% of cases does the Member State with which the asylum application is lodged request another Member State to take charge of/take back the applicant.

The second immediate finding is the high success rate for requests addressed to other Member States under the Convention. Since the rate achieved is close to 70%, it may be concluded that, most of the time, requests are only submitted advisedly and that, generally, Member States examine the requests submitted to them by other Member States in good faith and in a positive frame of mind. However, given the relatively low number of requests submitted, the proportion of asylum applications where a Member State other than that in which the application was lodged is held to be responsible is only 4.20%. The result is that in more than 95% of cases it is the Member State in which the asylum application is lodged which assumes responsibility for examining it.

The third finding concerns the gap between the number of cases where a transfer has been agreed and the number of transfers actually carried out or recorded. The transfer of the asylum seeker is attested only in slightly less than 40% of cases; the proportion of "transferable" asylum seekers not transferred is thus 60%. There are undoubtedly a number of "voluntary" transfers which take place without being recorded, and changes in status (waiver of the asylum application, grant of residence on other grounds, etc.), transfers postponed for legal or humanitarian reasons and other situations likely to obstruct the transfer have to be taken into account, so that the scale of the problem is probably less than the statistics show. Nevertheless, a certain "evaporation" occurs, resulting in the creation of a pool of aliens, most often in an unlawful situation, who have expressed their intention to apply for asylum but whose application will not be examined either in the Member State where they lodged it, which is not responsible, or in the Member State responsible, to which they have not travelled. The above summary table shows that the number of asylum seekers actually transferred accounts for slightly less than 30% of those in respect of whom a request to take charge/take back is made, or for 1.70% of the total applications for asylum lodged in the 15 Member States.

These overall figures should not hide the variation in the results for the individual Member States (see Tables I, II and III).

It will be seen straightaway that the Member States fall into two groups, depending on whether the balance of the transfers they make and those they receive is positive or negative.

Although the data on "inward" transfers is incomplete, Germany, Austria, Italy and France are clearly the States where the balance, in absolute terms, is the most unfavourable, followed by Spain, Greece, Portugal and Ireland. Belgium's situation is more difficult to determine, since that country records only a small number of transfers, all of them under escort.

In the opposite camp, the United Kingdom, the Netherlands, Sweden and Denmark are clearly the Member States with the most favourable results as regards the balance of transfers.

These observations should be qualified, however, by taking into account (a) the proportion of a Member State's overall demand for asylum that is accounted for by transfers and (b) the influence of factors such as geographical position, which will be discussed later.

Nevertheless, despite the variation from one Member State to another, it has to be said that the Dublin Convention does not affect who takes responsibility for examining an asylum application very greatly, since it applies in less than 5% of cases. Unless one assumes that the overwhelming majority of asylum seekers lodge their applications in the State which the Convention criteria would have designated anyway as the State responsible - which hardly seems to tally with Member States' experience of the scale of unlawful movements of third-country nationals within the European Union - the Convention's role as a measure that complements freedom of movement is limited.

The causes of this situation are many. The main ones are examined below.

II. CRITERIA FOR ALLOCATING RESPONSIBILITY AND THE PRODUCTION OF EVIDENCE

There are two aspects to the Dublin Convention: 1) arrangements for determining the State responsible for examining an asylum application and for taking charge of an applicant; 2) a system whereby the State responsible takes back the asylum seekers for whom it is liable and who are unlawfully on the territory of another State.

1. Establishment of initial responsibility

Apart from Articles 4 and 8, which are different in nature, the criteria for determining responsibility (Articles 5, 6 and 7) seek to attribute it to the Member State which originates, or takes the greatest part in, the asylum seeker's entry into or residence in the territories of the contracting States by granting him a residence permit or a visa, by inadequately policing its external borders or by authorising entry without a visa.

Only half the Member States are able to provide statistics on the frequency with which each of the criteria is applied. Furthermore, the statistics are not always directly comparable.

It is possible, however, to make the following observations on the basis of the cumulative data for the two reference years:

- The various situations covered by Article 5 (valid or expired residence permit/visa) are both those which are most often referred to in requests to take charge and those which give rise to the greatest number, or even the greatest proportion, of positive replies from the Member State approached. Thus Article 5 accounts for 85% of the requests received by Portugal, 50% of the requests sent to France in 1999, nearly 50% of the requests sent to the Netherlands in 1998-99, and 25% of the requests received by the United Kingdom. It gives rise to one third of the positive replies provided by the United Kingdom and to nearly 60% of the acceptances given by Germany.

- Article 8 is the second most frequent criterion, which is certainly surprising since it allocates responsibility, for want of other criteria, to the State receiving the application in the first place; one could therefore be faced with a request to take back, as provided for in Article 3(7) and Article 10. However, this seems to indicate an acceleration (which would appear to be confirmed by the fact that use of Article 8 is increasing from year to year) in the secondary movements of asylum seekers who very quickly leave the Member State where they made an asylum application, even before a procedure for determining the State responsible or examining the substance can begin and without formally withdrawing their application as mentioned by the text of the Convention, in order to continue their journey to the Member State where they wish to be. Article 8 accounts for more than 45% of the requests sent to Belgium, about one third of those sent to the Netherlands, and more than 25% of the requests received by the United Kingdom. It gives rise to more than one third of the positive replies given by Germany and nearly 30% of the acceptances given by the United Kingdom. In France's case, however, it accounts for less than 1%, which is probably because this Member State interprets most of the requests sent to it under Article 8 as requests falling under Articles 3 to 7 or 10.

- Generally speaking, Article 6 comes in third place as regards the number of requests to take charge received by the Member States : 30% for Belgium, 10% for France, nearly

10% for Portugal and the Netherlands. However, it accounts for a very small percentage of the acceptances given by the United Kingdom and Germany. Thus, not only is Article 6 cited proportionally less often than one might expect, given the estimates made elsewhere concerning the number of illegal entries across external frontiers, but requests based on its provisions seem to have a lower success rate than those based on other criteria.

- Article 4 is used very little: in two years it has concerned one case out of 286 in Portugal, 16 out of 961 in Belgium, 20 out of 295 in the United Kingdom and 64 out of 1 464 in the Netherlands. This seems to indicate that, if anything, the family members of refugees residing in the Member States go through the regular channels for bringing families together and that, where this is not the case, there are few who have to make out an application for asylum en route in a Member State other than that where the refugee resides.

- Lawful entry as referred to in Article 7 seems to be the criterion cited least often: 37 cases in two years in the Netherlands, 18 in Belgium, 11 in the United Kingdom, and 9 in Portugal. It accounts for 7% of the acceptances given by the United Kingdom and barely more than 1% of the positive replies from Germany.

The relative frequency with which the various responsibility criteria are applied is determined partly by the numerical importance of each of the situations referred to and partly by how easy it is to establish that an asylum seeker is in the situation described. However, it would be possible to verify whether, for each Member State, there is a proportional link between its action on asylum and the movement of persons and the frequency of use of each of the Convention criteria in that respect only by comparing a large number of associated statistical data, which would be outside the scope of this survey.

It is possible, however, to take account of the impact of the production of evidence:

- As regards Article 4, it is sufficient for the Member State presumed to be responsible to check in its records whether a particular person does in fact reside as a refugee on its territory. Provided the information supplied by the asylum seeker is correct and the family link is established, such a check does not really pose a problem; thus, if anything, the reasons why this criterion is not used very much should be sought in the remarks set out above. Nevertheless, strict requirements as regards evidence of the family link or of the matrimonial link and refusals to take account of marriages subsequent to the departure of the persons concerned from their country of origin may have helped to restrict the scope of this provision.

- As far as Article 5 is concerned, the replies from the Member States show that this criterion is relatively easy to apply. There can be hardly any dispute where a tangible object (residence permit, visa) is available, although some instances of fraud (assuming somebody else's identity, forging the document) have been interpreted differently. Where no such object is available, the criterion may, most often, be applied only if the asylum seeker himself provides the information which can guide the search: the Member State presumed to be responsible may then be questioned and carry out a check in its records. This is especially true as regards visas; however, it seems that, given the differences in organisation, Member States are not equally

effective when it comes to checking the issuance of a visa by one of their representations abroad.

- It is with regard to the application of Article 6 that the difficulty of providing evidence that the border has been crossed illegally is keenest, since, generally speaking and almost by definition, a clandestine operation leaves no official trace. The search for the State responsible can be guided only by the declarations of the asylum seeker or the presence of indicative evidence. In practice, an asylum seeker's declarations are regarded as evidence of low probative value: they are taken into account only if they are accurate and detailed and contain information which can be checked. Similarly, indicative evidence which supports the presumption that the asylum seeker has traversed the territory of a Member State is assessed differently according to whether it contains a name (invoice, plane ticket) or not (train ticket, currency, etc). After some initial hesitancy, a sort of common understanding seems to have been established regarding the standard of evidence needed to invoke Article 6 vis-à-vis another Member State: thus, the replies from several Member States show that the competent authority is often forced to forgo informing the State presumed to be responsible where, despite the conviction that that State is the one through which the asylum seeker has entered, there is insufficient evidence. However, this self-restraint, which leads to another State being informed only if there is a definite basis for doing so, is not enough to ensure the success of a request to take charge: the available statistics show that the rate of acceptance is still lower than for other criteria (the United Kingdom, for example, accepted only three requests out of the 16 submitted to it under Article 6, whereas the data supplied by Germany show that, for 1998-99, there were 226 acceptances as against 465 rejections).

- As regards Article 7, the problem of evidence arises in virtually the same terms as for Article 6. The best evidence, i.e. the stamp placed in the passport on entry, seems to be rarely available, since it depends both on a passport being submitted by the asylum seeker and on the systematic placing of an ink stamp by the authorities responsible for controlling the authorised points of entry. The use of other types of probative and initiative evidence is *mutatis mutandis* the same as for Article 6.

- In principle, all applications for asylum are registered. Thus, as soon as the declarations of the asylum seeker or any tangible item of evidence make it possible to steer inquiries in a particular direction, it is easy to contact the Member State presumed to be responsible, so that it checks in its records whether there is such an application with a view to applying the Article 8 criterion, provided the case is not one where the applicant should be taken back under Article 3(7) and Article 10. Bilateral exchanges of fingerprints are used successfully to overcome the difficulties that may result from changes in the spelling of names (a problem frequently associated with the transliteration of patronymics written in another alphabet).

This rapid review of the constraints attaching to the production of evidence shows that, <u>in most cases, the asylum seeker himself is fundamental to the ability of a Member State to determine that another Member State is responsible</u>. He may, through his silence and/or the suppression of evidence, deprive the Member State to which he is applying of any means of action under the Dublin Convention. The Member States are divided about whether the entry into force of the arrangements for determining the State responsible has brought about an increase in the proportion of asylum seekers without documents: some believe that this phenomenon already existed, others believe that the trend is rising but

cannot quantify it. The data available do not enable us to determine the extent to which the Member States' administrative organisation or the welcome they provide for asylum seekers affects their application of the Convention, in particular by facilitating, to varying degrees, complete, early access to the evidence which the asylum seeker may carry on him or in his luggage.

2. Taking back

Taking back concerns either returning to the Member State where he lodged his application an asylum seeker who has withdrawn his application and has gone to another Member State while the State responsible is being determined (Articles 3 to 7), or returning to the State responsible an asylum seeker who has gone to another Member State when his application is being examined (Article 10(1)(c)), has been withdrawn (Article 10(1)(d)) or has been rejected (Article 10(1)(e)). It can be regarded as a readmission mechanism.

Although taking back is not recorded separately by all Member States, the data available shows that it is a major part of the activity associated with the application of the Convention.

It accounts for more than 50% of cases in some Member States, viz. 224 of the 308 requests sent by Finland to other States in 1998-99, and 90 of the 176 requests received by that State; 89 of the 195 requests made by Luxembourg in 1999, and 16 of the 22 requests received by the Grand Duchy. In Germany, taking back accounts for more than 25% of the acceptances given to requests from other Member States (4 592 out of 16 915 in 1998-99). There was, however, a sharp drop from the first year to the second (3 409 out of 9 263 in 1998, 1 183 out of 7 652 in 1999). This was offset by an opposite trend as regards requests based on Article 8 (which went up from 1 303 to 2 990). Thus, the total number of cases in which the responsibility of the Federal Republic results from the fact that the asylum seeker started a procedure in that country remains relatively stable. In the United Kingdom, cases covered by Article 10 account for about 20% of the total, both as regards "incoming" cases (i.e. sent to the UK) and "outgoing" cases (originating in the UK). Austria is a special case, since "incoming" cases (1 107 out of 3 523) are much more numerous than "outgoing" cases (69 out of 1 536). Lastly, in Portugal, the application of Article 10 covers only one case a year.

The replies from the Member States show that it is generally easier to provide evidence of the need to take an applicant back than to demonstrate the initial responsibility of another Member State. The recording of asylum requests in reliable, centralised files and the possibility of exchanging fingerprints on a bilateral basis largely explain these results. The introduction of EURODAC, which renders the identification of multiple applications virtually infallible and facilitates the detection of applications submitted earlier by an alien who is unlawfully present in another Member State, should considerably increase the number of applicants taken back.

Although this is not objectively confirmed by statistics, the general impression obtained from the Member States' replies is that taking back results more frequently in an effective transfer of the asylum seeker than does taking charge. Applicants, it seems, are more ready to go back to the Member State where their application is being examined, or has been rejected after a procedure whose duration has allowed them to get used to the Member State responsible, than to go to the State responsible and submit their initial

application there when it is not their chosen destination. Another explanation is that, in several Member States, persons who are the subject of a request to take back are kept in detention and often transferred under escort.

3. Requests for information under Article 15

As indicative evidence (whether tangible items or declarations by the applicant) is generally insufficient, confirmation of a presumption may be sought by questioning the Member State presumed to be responsible pursuant to Article 15. The State questioned is, in principle, obliged to carry out the necessary checks as far as possible, in particular in its records, and to provide an answer in a spirit of reasonable cooperation. An affirmative answer to a question concerning the issuance of a residence permit or visa will in most cases be sufficient evidence of the responsibility of the State concerned.

Only eight Member States were able to provide complete statistics on the number of requests for information issued and received by them, and only three of these provided precise information on the success rate for those requests. Four other Member States provided partial data or estimates (see Table IV).

The following observations can be made on the basis of the data available:

- The number of requests for information increases considerably in the second year in all Member States except Spain, which issued fewer in 1999 than in 1998 (7 instead of 40). In some cases the increase is spectacular: Austria, 123 requests issued in 1998, 2 083 in 1999; Ireland, 1 468 then 8 411; Belgium and the United Kingdom, 16 000 then 25 000, and so on. A similar trend is perforce observed as regards requests received.

- The success rate for requests for information declines in the second year: for Austria it falls from 35.80% in 1998 to 19.30% in 1999, for Ireland from 29.50% to 8% and for the United Kingdom from 11.40% to 8.20%.

The replies from the Member States show that the processing of requests for information constitutes a considerable administrative burden, in particular for the State which receives them. The time it takes to reply, which is sometimes very long, has an impact on the average duration of the procedure for determining the State responsible and may in some cases adversely affect the smooth operation of the Convention. The ability of the Member States to handle the requests for information sent to them depends partly on administrative organisation (arrangements for access to various databases), but even more on the resources which they are able to devote to them. The proliferation of requests for information raises questions about the existence of non-targeted requests, i.e. "universal" requests issued more or less at random, which clog the system and impair overall efficiency.

4. Exemption clauses

The obligation on the State responsible to take charge or take back ceases under certain conditions laid down by the Convention, i.e. if the request to take charge is submitted more than six months after the asylum application was lodged; if the asylum seeker has resided for more than six months in a Member State after his unlawful entry across the external border of another Member State; if the applicant has left the territories of the Member States for more than three months or has been effectively removed.

Experience shows that, most often, such exemptions are difficult, if not impossible, to prove. In particular, it is virtually impossible, unless the applicant provides evidence himself, to verify or invalidate the declarations of an asylum seeker concerning his exit from the territories of the Member States and the duration of his absence, if the latter is not the result of a removal carried out by the Member State.

III. TIME LIMITS

One of the objectives of the Dublin Convention is to avoid leaving asylum seekers uncertain about the outcome of their application for too long. The achievement of this objective is compromised, if the time limits placed on the procedures for determining the State responsible are excessive.

1. Time limits laid down by the Convention and by decision No 1/97 of the Article 18 Committee of 9 September 1997

Article 11(1) of the Convention grants the Member State with which an asylum application has been lodged a maximum period of six months from the date of application in which to request another Member State that it should take charge. A small minority of Member States considers that this time limit is too long to be compatible with the objective of speed established in the Convention in the interest of asylum seekers. Several Member States, on the other hand, think that the time limit is appropriate, or even too short, given that the evidence of another State's responsibility may emerge only late in the procedure and that the time limits for replying to requests for information sent to other Member States under Article 15 may frequently mean that the six-month time limit is exceeded.

Article 11(4) stipulates that the State to which a request to take charge has been made should pronounce judgment within three months, failure to do which implies acceptance. Most of the Member States consider this time limit to be excessive and want the optimum time limit of one month mentioned in Article 4(1) of decision No 1/97 of the Article 18 Committee, which seems realistic and is observed in the majority of cases, to become a binding maximum. The replies from the Member States show, however, some cases where the three-month time limit is exceeded and emphasise that, in such a scenario, it is virtually impossible to force the defaulting State to assume the consequences of its implicit acceptance.

However, the time limit of one month provided for by Article 11(5) and Article 13(1)(b) for the transfer of the asylum seeker is generally perceived as too short for notifying the decision to the requester, then organising and carrying out a transfer in all cases. It should be noted, though, that the time limit has only indicative value in practice, since the Member States have agreed in Article 21 of the above-mentioned decision of the Article 18 Committee that the absence of an effective transfer does not alter the obligations of the State responsible, which is still bound at all times to take charge of/take back the applicant whose transfer has not taken place (in consultation with the requesting State and notwithstanding the provisions of Article 10(2), (3) and (4) of the Convention).

Assuming the various stages of the procedure are accomplished within the maximum time limits laid down by the Convention, the time expiring between registration of an asylum application in a Member State and transfer to the State responsible could be as much as ten months. In practice, the time required for the competent authorities to act is generally less, in particular because most transfer requests are made well before the expiry of the six-month time limit.

As regards requests that an applicant be taken back, Article 13 lays down a time limit of eight days for answering the request submitted by another Member State and, as with requests to take charge, a time limit of one month for the transfer. Many Member States consider that this time limit is too short, in particular where fingerprints have to be checked, but consider that the introduction of EURODAC should resolve this problem. Adopting a longer time limit would create problems for those Member States where the law does not allow the detention of aliens in an illegal situation to be extended.

2. Other sources of time limits

As indicated above, the time limit on replying to a request for information under Article 15, which is not regulated by the Convention, is frequently regarded as a reason why procedures are prolonged, or even why the six-month time limit in Article 11(1) is exceeded. Various suggestions have been made in this respect:

– the time limit provided for by Article 11(1) should be extended, or its operation suspended pending a reply to the request for information. Such solutions would only help to increase the duration of the procedures without guaranteeing improved efficiency and seem hardly compatible with the objective of speed stated in the Convention;

– a maximum time limit should be set, possibly coupled with a penalty, for replying to a request for information. The risk inherent in this situation - greater proliferation of requests for information and hence obstruction of the competent authorities' ability to handle them, to the detriment of the processing of requests to take charge/take back - could only be avoided, unless the resources of the departments concerned are increased, by provisions narrowly defining those cases where a request for information may be sent to another Member State.

Moreover, the asylum seeker himself may, through his actions, contribute to prolonging the process:

– by lodging a suspensive appeal against the decision affecting him taken under the Convention (in those Member States where an appeal has, or may have, such an effect);

– by evading the enforcement of the transfer decision.

Lastly, circumstances such as illness, pregnancy and maternity may also increase the time taken.

3. Consequences of time limits

There is general agreement among the Member States that the longer the procedure, the less chance there is that the transfer will actually take place.

The existing data on average time limits is too fragmentary to allow calculation of the average duration of the procedure for determining the State responsible; the data compiled quarterly relate only to the average time elapsing between a request to take charge/take back and the reply from the Member State, and do not make it possible by any means to assess the period between registration of an asylum application and the sending of a request to take charge, nor the period between acceptance of responsibility and the transfer of the applicant to the State responsible.

While it is possible to envisage adjustments to the time limits laid down in the Convention, these can have only a marginal effect, given the importance of causes outside the Convention itself. It is clear that the excessive extension of certain procedures is due principally:

- either to physical constraints, on which legal provisions have little or no effect: difficulty in collecting and assessing evidence, ability of departments to process requests for information and requests to take charge/take back, unforeseeable circumstances such as the asylum seeker's state of health;

- or to constraints associated with the national law of the Member States, in particular the existence of suspensive appeals and the duration of court proceedings.

It is clear, moreover, that in certain Member States the time limits determined by national law for *inter alia* the duration of the detention or the maximum period for taking a decision about the admissibility of the asylum application are shorter than those stipulated by the Convention or the reply times found in practice. The result is that the Member State concerned is sometimes unable to continue the procedure begun in accordance with the Convention, either because the applicant has to be released before the transfer is carried out or because, for lack of a reply from the State requested, the requesting State is itself forced to assume responsibility for examining the application.

In any event, for the asylum seeker, the procedure for determining the State responsible, whatever its duration and outcome, is additional to the procedure for deciding eligibility for refugee status. For the Member State conducting it, a determination procedure does not replace the eligibility procedure. It renders it unnecessary, only if the State requested agrees to acknowledge responsibility; if that State does not, the first Member State will also have to carry out an eligibility procedure, which requires extra time.

4. Role of bilateral agreements

Several Member States have concluded bilateral agreements making it possible to simplify and accelerate application of the Convention in certain situations. The agreements concluded by Germany with Denmark, Sweden and Austria are intended where possible to settle within a very short time frame cases occurring during checks at entry points and in border areas. In derogation from normal procedure, cases where the responsibility of the other party for taking back/taking charge can be established immediately are processed within a time limit agreed directly between the authorities responsible for controlling the borders, or between the latter and the central authority competent for determining the State responsible.

The statistics of Germany's Federal Office for the Recognition of Foreign Refugees clearly show the numerical importance and efficiency of these procedures in 1999:

- vis-à-vis Denmark: Germany presented 19 requests under the agreement out of a total of 81; acceptance was granted in 18 cases, all of which resulted in an effective transfer. In the opposite direction, out of the 2 964 which it sent to Germany, Denmark submitted 2 109 requests under the agreement and received 475 acceptances, which resulted in 474 transfers ;

- vis-à-vis Austria, the figures were 989 requests out of 1 603, 696 acceptances and 620 effective transfers.

IV. LEGAL QUESTIONS

In applying the Convention, the Member States have been faced with unforeseen situations likely to complicate, slow down, limit or prevent the operation of the arrangements for determining the State responsible and for taking charge/taking back.

1. Vagueness of, and gaps in, the Convention

Some of the difficulties encountered are due to the Convention itself. The chief ones are examined below:

a) Scope

Given the definitions in Article 1(1)(b) and (c), the Convention provisions relating to the determination of the State responsible apply only to third-country nationals who are seeking recognition of their refugee status under the Geneva Convention of 28 July 1951 and in respect of whose applications no final decision has been taken. The provisions relating to taking back apply both to such applicants and also to persons who can no longer be described as asylum seekers following rejection of their application (Article 10(1)(e).

The result is, firstly, that the Convention does not apply to aliens who apply for protection on grounds other than the Geneva Convention.

Some aliens have sought to evade the application of the Convention and to stay in the non-responsible State where they lodged their claim, either by withdrawing their request for refugee status while maintaining or expressing a request for protection on different grounds, or by immediately drawing up their request for protection on grounds other than the Geneva Convention. Member States were asked, first, whether an asylum seeker who changes the nature of his application for protection can still be covered by the Convention and, second, whether it is advisable and feasible to extend the scope of the instrument (or its successor) to include applications for alternative, complementary or secondary forms of protection.

The answer to the first question was negative. On the second point, it seemed that the disparity of the alternative forms of protection to be found in the Member States made it difficult to conceive of this exercise as long as a degree of harmonisation had not been achieved (this was also the conclusion of the Commission's services in working paper SEC (2000) 522).

It should be noted that this "escape route" to another form of protection is possible only if the national law of the Member State allows people to apply for such protection separately from that provided for by the Geneva Convention. In Member States which have a "one-stop shop" system, i.e. where the application relates simultaneously to all forms of protection provided for in law and where it is up to the competent authorities to determine which type of protection the applicant is eligible for, this escape route is generally not possible.

In any event, the scale of this phenomenon is still limited.

The second result is that the provisions of the Convention are regarded as inapplicable to an alien who makes an application for asylum in a Member State when the status of refugee has already been granted him in another Member State. This situation, which occurs in practice but whose frequency is impossible to measure (see the provisions of the EURODAC Regulation on the "blocking" of the fingerprints of recognised refugees, for (provisionally) statistical purposes), could possibly be settled by other means. This is, however, a matter of interpretation, about which the Member States are not unanimous.

b) Definitions

"Application for asylum": despite the comments set out in Article 2 of decision No 1/97 of the Article 18 Committee, there is still a vagueness and lack of uniformity, associated with differences of procedure in the Member States, as to what formally constitutes an application for asylum within the meaning of the Convention; this may have consequences for calculating certain time limits and for the application of the provisions on taking back.

"Examination of an asylum application": also because of differences in procedures, it is not always easy to determine how far action by the competent authorities may be regarded as limited to determining the State responsible, or whether it amounts to an examination of the substance of an application, such as to involve the responsibility of the Member State and, where appropriate, preclude, pursuant to Article 3(4), the possible responsibility of another State.

"Residence permit": there is no uniform assessment of the impact on the Convention of the nature of certain types of residence/tolerance equivalent to secondary protection.

The concept of "withdrawal of the application" used in Article 3(7) and Article 10(1)(d) should be clarified; in practice there are more cases of an application being " abandoned" than formally withdrawn.

The concepts of "irregular" in Article 10(1)(c) and "illegal" in Article 10(1)(e) are not precise enough to guarantee uniform interpretation of the situations to which they refer.

c) Wording of the provisions

Several Member States say they are perplexed by the confusion caused by Articles 3, 8 and 10;

Given the uncertainty surrounding the expression "examination of an application for asylum", it may be difficult to invoke with regard to another Member State the

responsibility that arises from use of the sovereignty clause in Article 3(4) and to situate this in the hierarchy of criteria.

The provisions of Article 7 take no account of the realities resulting from application of the Agreement implementing the Schengen Agreement; the contracting States to this Agreement have had to introduce a special arrangement adopted by decision of the Executive Committee. This situation is not really compatible with the place of the Schengen acquis in the new edifice created by the Treaty of Amsterdam.

There is clearly an overlap in practice between Article 8 and the situations provided for in Articles 3(7) and 10(1), highlighted by the fact that Article 3(7) does not figure in the Member States' statistics on use of the criteria. The effects of these provisions are not the same: taking back under Article 3(7) does not prejudice responsibility, whereas taking charge/taking back under Article 8 means that the State which agrees to do so admits responsibility for examining the application.

d) Gaps in the Convention

Unity of families : apart from the question of scope, examined above, the entirely discretionary nature of Article 9 and the lack of explanation concerning the humanitarian reasons of a cultural or family nature are regarded by many Member States as a shortcoming which impedes the smooth operation of the Convention. The examples given, however, concern cases of family unity and do not come under Article 4. It may be concluded that the lack of clear, binding autonomous provisions making it possible to combine respect for unity of the family with the principles underlying the criteria for allocating responsibility is indeed a gap in the Convention, to which decision No 1/2000 of the Article 18 Committee formalising the principles on which the Member States were already basing their activity, provides only a partial solution.

Interpretation : many of the questions raised in the above paragraphs (but also in section II) are the result of differences of interpretation. The Article 18 mechanism has proved clumsy and the Member States have hesitated to use it for questions which do not concern a considerable number of cases. The lack of a mechanism for interpreting questions/settling disputes of a legal nature is regarded by many as a shortcoming.

2. Action by national courts

Since they may give rise to complaints, decisions to transfer an asylum seeker from one Member State to the State responsible may be appealed under the conditions laid down in national law. In States where such an appeal is not suspensive and there is, hence, little advantage to be gained from taking action, few appeals are lodged and case law on the application of the Convention is not extensive, or is even non-existent. However, in those Member States where appeal has, or may have, suspensive effect, litigation is more common and has resulted in several legal decisions which are likely to impose further constraints on the manner in which those States may apply the Convention.

The information supplied by the Member States which have data on this subject show that the number of cases referred to a review body increases in the second year, both in absolute terms and as a proportion: in Austria, the number of appeals against transfer decisions went up from 6 in 1998 to 358 in 1999; in Germany, from 83 to 200; in Denmark, from 132 to 208; and in the United Kingdom, from 376 to 484. In the Netherlands, 80% of decisions are referred to the courts with a view to obtaining a stay of

performance which will make it possible for the person to remain in the country pending the result of an appeal.

Average duration varies considerably from one Member State to the next: the Austrian law lays down a period of 10 to 20 days, while in Sweden the average duration is three weeks; in Germany it is 130 days, and in Ireland the time allowed was reduced from 16 months in 1998 to eight months in 1999; in the United Kingdom the average period is 18 months, with considerable variation depending on whether the person is detained (three months on average) or not (approximately two years).

Most of the case law focuses on the application of Article 3(4), firstly as regards its relation to certain provisions of national law (constitution, reasons for administrative decisions, information given to the applicant, the authority's duty of diligence, etc.), and secondly as regards international law - principally how it relates to Article 8 of the European Convention on the Protection of Human Rights and Fundamental Freedoms (ECHR), Article 3 of the said Convention and Articles 1 and 33 of the Geneva Convention relating to the Status of Refugees.

While it is not possible in this report to go into the details of the various court decisions,[iii] it may be noted that:

- generally speaking, the competent courts have considered that the provisions of the Convention do not create individual rights which appellants may invoke to their advantage, but

- in a good many cases they have held that the Member State was nevertheless obliged to take account of the consequences of an inadmissibility decision based on the Convention - and hence of the non-applicability of the discretionary power granted by Article 3(4) to examine the question of responsibility for an application where that State is not responsible itself - on the situation of the applicant as regards respect for family life (Article 8 ECHR) or as regards the principle of non-refoulement (Article 33 of the Geneva Convention) and the prohibition of torture and inhuman and degrading treatment and punishment (Article 3 ECHR).

The effect of these decisions is to force the Member States concerned to carry out, in addition to determining the State responsible, an assessment in each case of factors quite outside the Dublin Convention criteria and, where appropriate, to state explicitly the reasons why they are not resorting to Article 3(4).

The individual assessment is likely to make the decision-making process of the competent authorities considerably more complicated. Particularly is this so where the assessment concerns how one Member State interprets or applies the Geneva Convention or grants the benefit of other forms of protection, compared with the interpretation/prevailing practice in the requesting Member State.

In this respect, it is clear that the position of principle adopted by the courts in the United Kingdom as regards interpretation of the Geneva Convention in cases of persecution by non-governmental agents in France and Germany is likely to force the UK authorities to consider, in a number of cases, the very grounds of an asylum application in a way which is not all that different to an examination of the application's substance. Article 15B(1) of the Dutch Law on Immigration, known as the "*tenzij* (unless) clause" is likely to have the same consequences.

One cannot say, from the existing data, how many applications are affected by national case law, nor can one determine the impact of those decisions on the workload of the authorities concerned.

V. PRACTICAL ARRANGEMENTS

The practical arrangements resulting either from the provisions of the Convention or from the decision of the Article 18 Committee are broadly regarded as satisfactory; there are difficulties in some cases, mainly as regards communications between departments and the performance of transfers.

1. Communications

The standard form is widely used but is sometimes not properly completed, so that the information is not available to the requesting State; this slows down the decision-making process and sometimes makes additional correspondence necessary.

Failure to observe the language rules agreed between Member States may cause delays or misunderstandings.

Notifications between Member States concerning the performance, postponement or cancellation of a transfer and taking charge under Article 3(4), etc. are not acted upon systematically.

In practice, "official" communications (e.g. requests to take charge/take back or for information, transfer arrangements) often have to be supplemented by informal communications (e.g. requests for further information, repeat requests) by fax and phone, etc. Such informal communications vary according to the intensity and nature of the working relations between the Member States' services. Practitioners feel the need to develop this type of exchange in order to improve the operation of the Convention. In this respect, visits and seminars enabling services to better understand how their counterparts operate, and practitioners to establish personal relations, play a not-inconsiderable positive role.

Clearly, the flexibility and speed of e-mail would improve the quality of communications. Efforts should be carried out to establish under what security conditions its use could become widespread while offering the necessary guarantees as regards data protection. It would be paradoxical if EURODAC should make it possible in the near future to obtain results almost instantaneously, but the rest of the process were slowed down by transmission questions.

Lastly, it seems that the question of the transmission of the original documents, as regards both requests to take charge/take back and the transfer of responsibility, is not always resolved satisfactorily, although these documents are necessary for a complete examination of the asylum application.

2. Transfers

The chief difficulty concerns the effective implementation of transfers: unless he is detained, an asylum seeker who is notified of a decision designating another

Member State as responsible may easily evade the effect of the Convention by going into hiding.

Where a transfer is carried out under escort, various difficulties may be encountered as regards its practical organisation, in particular where the two Member States concerned have different views about the periods of notice or the time and place where the person should be handed over.

As regards voluntary transfers, it is most often impossible to ensure that the operation has been effectively carried out. As noted above, the State of departure is not systematically notified by the State of destination that the asylum seeker has arrived safely.

This state of affairs largely explains the difference between the number of acceptances given to a request to take charge/take back and the number of transfers actually recorded.

Transfers under escort seem the surest way of guaranteeing the effectiveness of decisions taken under the Convention. However, their widespread use would require a high level of constraint on asylum seekers, especially on their freedom of movement, and greater use of administrative and police resources.

VI. ROLE OF THE CONVENTION AS A MEASURE COMPLEMENTING FREEDOM OF MOVEMENT AND ITS INFLUENCE ON THE DISTRIBUTION OF ASYLUM SEEKERS IN THE EUROPEAN UNION

It is clear from the preamble to the Convention that the latter was designed as a measure complementing the gradual creation of an area without internal borders in which the free movement of persons is ensured in accordance with the Treaty establishing the European Community. The responsibility criteria are the expression of the fact that each Member State is accountable to all the others for what it does with regard to the movement of aliens and must assume the consequences of its actions.

It was stated above that it was not possible in this document to compare the activity of a given State as regards admissions to residence and the issuance of visas, etc. with the relative frequency with which that Member State applies the Convention criteria associated with each of those activities.

However, the following observations can be made when the data assembled for this evaluation are compared with information from other sources:

- The data on the application of the Convention are consistent with a continuous migratory flow affecting the Member States of the European Union on a line running broadly from south-east to north-west. The statistics show that, generally speaking, States have a positive balance compared with States situated upstream of them on this line and a negative balance compared with States situated downstream. This can be illustrated by the situation of Germany, which has a positive balance vis-à-vis Italy and Austria, but a negative one vis-à-vis the Netherlands, Denmark and Sweden. Thus a certain geographic determinism comes into play, which means that, as a result of the Convention, States where the flow of migrants arrives in Europe can only be "net importers", whereas States situated at the end of the line can only be "exporters".

- The factors associated with geographical position are thrown into perspective by other factors, such as the issuance of visas and the physical location of communities of aliens:
  - Germany and France are, on the continent, the two Member States which have the largest consular network and which issue the largest number of visas; it is not surprising, therefore, that in their statistics the largest total should be cases of taking back where the applicant is in possession of a visa. For Germany, this criterion is more important even than the Article 6 criterion, despite the fact that the Federal Republic has a long external land frontier very exposed to the pressure of immigration.
  - Both these States, moreover, are, together with the United Kingdom and the Netherlands, the ones which have long accepted the largest communities of aliens, the largest flows of asylum seekers and the largest communities of refugees. This is perforce reflected in the number of cases where charge is taken under the appropriate provisions of Article 5, and of cases of taking back which they accept under Articles 8 and 10(1)(c), (d) and (e).

- However, the physical location of communities of aliens is also a factor which works against the Convention and which explains to some extent the "evaporation" observed in the statistics: it seems that many aliens prefer to be in an unlawful situation in a country where they can count on the presence of a community of the same origin, especially if relatives are involved, rather than have their asylum application examined in a responsible State where they do not have the same network of acquaintances. A study carried out in Italy of asylum seekers transferred there under the Convention shows that, for 75% of them, the choice not to make an application in that country but to try and go to another Member State was based on the presence of relatives, friends or compatriots in the country of destination.[iv]

To sum up, the Dublin Convention does play a role as a measure complementing the freedom of movement, but, for the reasons examined above, it affects only a very small proportion of the cases which could fall within its scope; it cannot alter the fact that older factors, which may change only in the very long run, such as the distribution of communities of aliens on the territories of the Member States or matters relating to language and job opportunities, determine the individual survival strategies of migrants and hence the pattern of flows and the desire of many asylum seekers to evade the application of the Convention by any means.

VII. ADMINISTRATIVE BURDEN AND COSTS

Application of the Convention generates a substantial workload and costs for the authorities in the Member States. It is desirable to form an accurate picture of these, so that they can be compared with the results obtained, since cost-effectiveness considerations are an essential part of the assessment of public policies.

The Member States do not always have the means of measuring the activity associated with the Convention, or a cost-accounting system enabling them to distinguish the costs directly associated with its application within the operating costs of the competent department(s). Moreover, given the diversity of organisational structures, when

accounting information or estimates are provided, the basis of the calculation (inclusion of the activity and expenses incurred by related services such as police, welcoming arrangements, appeal courts, legal aid) varies considerably from one Member State to the next. Coupled with the disparity in the levels of social benefits paid to asylum seekers and of pay in the public services, this makes any attempt to establish comparisons or calculate averages a hazardous exercise.

1. Workload

The replies of the Member States make it possible to measure the average time devoted to each stage of the case:
- hearing of the applicant and consideration of the standard form: about 90 minutes, ranging from 30 minutes (Germany) to 4-6 hours (Finland);
- requests for information under Article 15: about 30 minutes;
- preparation and dispatch of a request to take charge/take back: about 90 minutes, ranging from 30 minutes (United Kingdom, Luxembourg) to 3 hours (Germany).

The total time taken depends on the number of asylum applications lodged in the Member State, on how systematic the search is for information which will result in responsibility being assigned to another State, and on the dispatch of requests to take charge/take back. To these should be added, first, the handling of litigation associated with the application of the Convention (three full-time staff in the United Kingdom) and, second, the burden of preparing and carrying out transfers, especially under escort. However, very few Member States are able to provide information on this part of the process, which is generally the responsibility of the police/gendarmerie and is not distinguished from other removals.

As regards requests from the other Member States, processing times are as follows:

- requests to take charge/take back: about one hour, ranging from 30 minutes (Luxembourg) to 3 hours (Belgium);
- requests for information under Article 15: about 30 minutes, ranging from 10 minutes (Germany) to 1 hour (Belgium).

The total time taken depends on the number of requests received by the Member State.

2. Costs

The variety in the administration of procedures (specialised service/unit, processing applications in a central service which also has other functions, decentralised processing, etc.) means that some Member States are not able to provide information on the costs of implementing the Convention, while the data supplied by the other Member States is not fully comparable.

As regards administrative costs, bearing in mind that there is no uniform basis of calculation (depending on whether various operating, interpreting, etc. costs, in addition to pay, are taken into account), the unit cost of taking charge/taking back ranges from EUR 40 in Portugal (hourly pay of officials and interpreters x the time involved) to GBP 421 (EUR 704) in the United Kingdom (pay and operating costs of the unit responsible ÷ number of transfers), through DKK 590 (EUR 79) in Denmark, DEM 391 (< EUR 200) in Germany, and EUR 358 in Sweden.

In most cases, the unit cost calculated in this way is lower than the unit cost of examining an asylum application at first instance (Portugal: EUR 198; Denmark: DKK 2 812 (EUR 376); Germany: DEM 996 (< EUR 500); United Kingdom: GBP 474 (EUR 793)).

However, this information is not sufficient for an exhaustive evaluation of the costs of applying the Convention. The table would only be complete if it included the costs of: social benefits (proportional to the duration of the procedure, bearing in mind that in some Member States asylum seekers cannot receive social security benefits until the State responsible has been determined); the various appeals possible (operation of the courts, legal aid); transfers, particularly under escort.

Most Member States note that the Dublin procedure is, as a general rule, less complex, briefer and, all things considered, less expensive than a full asylum procedure. Even the United Kingdom, where the difference between the unit cost of a Dublin decision and a decision on eligibility for refugee status is relatively slight, considers that, given the shorter average duration and a lower rate of appeals, a transfer to another Member State is on the whole less expensive than a full asylum procedure, especially as regards social benefits.

However, the replies from several Member States show that it is sometimes more expedient and economic to process a manifestly unfounded asylum application through an accelerated procedure rather than initiate a procedure for determining the State responsible, where the time and the outcome are uncertain.

Although the Dublin Convention is not intended to reduce the burden of processing asylum applications, it is fair to ask what its budgetary consequences are. The above information suggests that the Convention makes it possible to achieve savings in the operation of the asylum arrangements of a Member State only if the latter has a high success rate as regards replies to its requests to other Member States and a positive balance as regards transfers of responsibility. For those Member States which are not in this situation, applying the Convention necessarily involves extra costs. In any event, in terms of the overall cost of the asylum arrangements throughout the European Union, determining the State responsible represents an additional stage and generates not inconsiderable extra costs.

On the other hand, the taking-back arrangements, which account for between 25 and 30% of activity under the Convention and which seem to work more efficiently than the initial determination of responsibility (with scope for further improvement once EURODAC becomes operational) could be well a source of savings for all the Member States, since they avoid duplication of the substantive procedures in each individual's case.

For a comprehensive evaluation of the Convention, based on complete information, it would have to be possible to measure the Convention's dissuasive effect: How far does the existence of the Convention encourage Member States to be strict about issuing visas and controlling their external frontiers? To what extent are asylum seekers dissuaded from applying to a Member State other than the State responsible? In the absence of such information, we will confine ourselves to observing that the Convention's entry into force has not had a noticeable effect on the demand for asylum in the European Union.

[1] Action Plan of the Council and the Commission on how best to implement the provisions of the Treaty of Amsterdam on an area of freedom, security and justice - adopted by the Justice and Home Affairs Council of 3 December 1998, OJ C 19, 23.1.1999, p. 1

[1] A useful comparison may be made with the data published by and commented on in Matti Heinonen "The impact of the Dublin Convention : statistical data regarding its application" in " The Dublin Convention on Asylum – Its essence, implementation and prospects", pp. 281-297, edited by Clotilde Marinho and published by the European Institute for Public Administration.

[1] For further details, see Clotilde Marinho, *op. cit.*, pp.163 *et seq.*, and Gregor Noll, *Formalism vs. Empiricism. Some Reflections on the Dublin Convention on Occasion of Recent European Case Law*, (forthcoming, in *Nordic Journal of International Law*, Vol. 70 N°. 1 (2001).

[1] Conclusions of the Odissea research programme, in Maria de Donato (ed.), *Odisseia project. A research project on the influx of asylum seekers and displaced persons at the Italian borders and within the European Union; training of operators*, Consiglio Italiano per i Rifugiati, supported by the European Commission under the Odysseus Programme, section 1.4, pp. 112-122.

Annex I

Statistics for the evaluation of the Dublin Convention

From 1 January 1998 to 31 December 1998

Application of Dublin Convention over twelve months	Total number of requests to take (resume) charge presented to other MS	Requests to take (resume) charge as a percentage of total number of asylum applications (II/I)	Number of requests to take (resume) charge accepted	Acceptances as a percentage of total number of requests to take (resume) charge (IV/II)	Acceptances as a percentage of total number of asylum applications (IV/I)	Number of asylum-seekers actually transferred	Actual transfers as a percentage of requests to take (resume) charge accepted (VII/IV)	Actual transfers as a percentage of requests to take (resume) charge presented to other MS (VII/II)	Actual transfers as a percentage of total number of asylum applications (VII/I)
I	II	III	IV	V	VI	VII	VIII	IX	X
Belgium : total number of asylum requests	21 960								
Belgium ==> other Member States	1 634	7,44	1 354	82,90	6,20	50	3,70	3,00	0,22
Member States ==> Belgium	1 028		660			250			
Denmark : total number of asylum requests	7 296								
Denmark ==> other Member States	1 902	26,06	1 514	79,60	20,75	693	45,80	33,60	9,50
Member States ==> Denmark	281		154			–			
Germany : total number of asylum requests	98 644								
Germany ==> other Member States	3 479	3,50	1 682	48,35	1,70	809	48,10	23,30	0,82
Member States ==> Germany	12 044		9 263			3 054			
Greece : total number of asylum requests	2 953								
Greece ==> other Member States	5	0,15	8	160	0,25	3	37,50	60,00	0,10
Member States ==> Greece	614		167			42			
Spain : total number of asylum requests	6 764								
Spain ==> other Member States	166	2,45	114	68,70	1,70	39	34,20	23,50	0,58
Member States ==> Spain	545		398			247			
France : total number of asylum requests	22 375								
France ==> other Member States	810	3,60	510	63,00	2,30	250	49,00	31,00	1,12
Member States ==> France	2 232		1 437			–			
Ireland : :total number of asylum requests	4 626								
Ireland ==> other Member States	141	3,05	141	100	3,05	26	18,45	18,45	0,56
Member States ==> Ireland	64		49			37			

Application of Dublin Convention over twelve months	Total number of requests to take (resume) charge presented to other MS	Requests to take (resume) charge as a percentage of total number of asylum applications (II/I)	Number of requests to take (resume) charge accepted	Acceptances as a percentage of total number of requests to take (resume) charge (IV/II)	Acceptances as a percentage of total number of asylum applications (IV/I)	Number of asylum-seekers actually transferred	Actual transfers as a percentage of requests to take (resume) charge accepted (VII/IV)	Actual transfers as a percentage of requests to take (resume) charge presented to other MS (VII/II)	Actual transfers as a percentage of total number of asylum applications (VII/I)
I	II	III	IV	V	VI	VII	VIII	IX	X
Italy : total number of asylum requests	13 000								
Italy ==> other Member States	333	2,55	41	12,30	0,30	10	24,4	3,00	0,08
Member States ==> Italy	2 880		382			153			
Luxembourg : total number of asylum requests	1 709								
Luxembourg ==> other Member States	–		–			–			
Member States ==> Luxembourg	–		–			–			
Netherlands : total number of asylum requests	45 217								
Netherlands ==> other Member States	6 145	13,50	5 174	84,20	11,44	1 713	33,10	28,00	3,80
Member States ==> Netherlands	897		638			343			
Austria : total number of asylum requests	13 793								
Austria ==> other Member States	264	1,90	76	28,80	0,55	21	27,63	8,00	0,15
Member States ==> Austria	1303		688			340			
Portugal : total number of asylum requests	338								
Portugal ==> other Member States	53	15,70	19	35,85	5,60	8	42,10	15,00	2,36
Member States ==> Portugal	137		108			36			
Finland : total number of asylum requests	1 272								
Finland ==> other Member States	139	15,70	–			–			
Member States ==> Finland	59		–			–			
Sweden : total number of asylum requests	12 844								
Sweden ==> other Member States	1 922	15,00	1 498	78,00	11,65	774	51,7	40,30	6,02
Member States ==> Sweden	147		111			–			
United Kingdom : total number of asylum requests	46 015								
United Kingdom ==> other Member States	2 485	5,40	1 824	73,40	4,00	876	48,02	35,25	1,90
Member States ==> United Kingdom	145		95			65			

Annex II

Statistics for the evaluation of the Dublin Convention

From 1 January 1999 to 31 December 1999

Application of Dublin Convention over twelve months	Total number of requests to take (resume) charge presented to other MS	Requests to take (resume) charge as a percentage of total number of asylum applications (II/I)	Number of requests to take (resume) charge accepted	Acceptances as a percentage of total number of requests to take (resume) charge (IV/II)	Acceptances as a percentage of total number of asylum applications (IV/I)	Number of asylum-seekers actually transferred	Actual transfers as a percentage of requests to take (resume) charge accepted (VII/IV)	Actual transfers as a percentage of requests to take (resume) charge presented to other MS (VII/II)	Actual transfers as a percentage of total number of asylum applications (VII/I)
I	II	III	IV	V	VI	VII	VIII	IX	X
Belgium : total number of asylum requests	35 778								
Belgium ==> other Member States	1 618	4,50	777	48,00	2,15	50	6,45	3,10	0,14
Member States ==> Belgium	944		1 372			500			
Denmark : total number of asylum requests	10 934								
Denmark ==> other Member States	1 889	17,25	1 795	95,00	16,40	623	34,70	33,00	5,70
Member States ==> Denmark	505		360			256			
Germany : total number of asylum requests	95 113								
Germany ==> other Member States	5 690	6,00	2 819	49,55	2,95	1 720	61,00	30,20	1,80
Member States ==> Germany	8 213		7 652			3 403			
Greece : total number of asylum requests	1 528								
Greece ==> other Member States	23	1,50	11	47,85	0,70	14	127,25	61,00	0,92
Member States ==> Greece	471		301			68			
Spain : total number of asylum requests	8 405								
Spain ==> other Member States	171	2,05	144	84,20	1,70	37	25,70	21,60	0,44
Member States ==> Spain	378		283			110			
France : total number of asylum requests	30 832								
France ==> other Member States	720	2,35	500	69,45	1,60	245	49,00	34,00	0,79
Member States ==> France	2 890		1 883			568			
Ireland : :total number of asylum requests	7 724								
Ireland ==> other Member States	181	2,35	49	27,05	0,63	5	10,20	2,80	0,06
Member States ==> Ireland	61		49			31			

Application of Dublin Convention over twelve months	Total number of requests to take (resume) charge presented to other MS	Requests to take (resume) charge as a percentage of total number of asylum applications (II/I)	Number of requests to take (resume) charge accepted	Acceptances as a percentage of total number of requests to take (resume) charge (IV/II)	Acceptances as a percentage of total number of asylum applications (IV/I)	Number of asylum-seekers actually transferred	Actual transfers as a percentage of requests to take (resume) charge accepted (VII/IV)	Actual transfers as a percentage of requests to take (resume) charge presented to other MS (VII/II)	Actual transfers as a percentage of total number of asylum applications (VII/I)
I	II	III	IV	V	VI	VII	VIII	IX	X
Italy : total number of asylum requests	18 000								
Italy ==> other Member States	91	0,50	47	51,65	0,25	9	19,15	8,20	0,05
Member States ==> Italy	2 549		1 190			719			
Luxembourg : total number of asylum requests	2 921								
Luxembourg ==> other Member States	185	6,35	111	60,00	3,80	56 (familles, soit ~73 pers.)	65,60	39,30	2,50
Member States ==> Luxembourg	22		16			–			
Netherlands : total number of asylum requests	39 299								
Netherlands ==> other Member States	3 331	8,50	2 870	86,15	7,30	1 074	37,40	32,25	2,73
Member States ==> Netherlands	1 197		587			457			
Austria : total number of asylum requests	20 096								
Austria ==> other Member States	1 272	6,35	912	71,70	4,55	64	7,00	5,00	0,32
Member States ==> Austria	2 220		1 317			955			
Portugal : total number of asylum requests	271								
Portugal ==> other Member States	54	19,90	27	50,00	10,00	9	33,30	16,70	3,33
Member States ==> Portugal	168		127			48			
Finland : total number of asylum requests	3 106								
Finland ==> other Member States	170	5,45	60	35,30	1,95	–			
Member States ==> Finland	117		88			–			
Sweden : total number of asylum requests	11 231								
Sweden ==> other Member States	2 337	20,80	1 604	68,65	14,30	835	52,00	35,70	7,16
Member States ==> Sweden	272		161			–			
United Kingdom : total number of asylum requests	71 160								
United Kingdom ==> other Member States	2 205	3,10	1 792	81,25	2,50	883	49,25	37,80	1,25
Member States ==> United Kingdom	164		82			38			

Annex III

Statistics for the evaluation of the Dublin Convention

From 1 January 1998 to 31 December 1999

Application of Dublin Convention over 24 months	Total number of requests to take (resume) charge presented to other MS	Requests to take (resume) charge as a percentage of total number of asylum applications (II/I)	Number of requests to take (resume) charge accepted	Acceptances as a percentage of total number of requests to take (resume) charge (IV/II)	Acceptances as a percentage of total number of asylum applications (IV/I)	Number of asylum-seekers actually transferred	Actual transfers as a percentage of requests to take (resume) charge accepted (VII/IV)	Actual transfers as a percentage of requests to take (resume) charge presented to other MS (VII/II)	Actual transfers as a percentage of total number of asylum applications (VII/I)
I	II	III	IV	V	VI	VII	VIII	IX	X
Belgium : total number of asylum requests	57 738								
Belgium ==> other Member States	3 252	5,65	2 131	65,50	3,70	100	4,70	3,00	0,17
Member States ==> Belgium	1 972		2 032			750			
Denmark : total number of asylum requests	18 230								
Denmark ==> other Member States	3 791	20,80	3 309	87,30	18,15	1 316	39,80	34,70	7,22
Member States ==> Denmark	786		514			–			
Germany : total number of asylum requests	193 757								
Germany ==> other Member States	9 169	4,75	4 501	49,10	2,30	2 529	56,20	27,60	1,30
Member States ==> Germany	20 257		16 915			6 457			
Greece : total number of asylum requests	4 481								
Greece ==> other Member States	31	0,70	19	61,30	0,40	17	89,50	54,80	0,38
Member States ==> Greece	1 085		468			110			
Spain : total number of asylum requests	15 169								
Spain ==> other Member States	331	2,20	258	78,00	1,70	76	29,45	23,00	0,50
Member States ==> Spain	923		681			357			
France : total number of asylum requests	53 207								
France ==> other Member States	1 530	2,85	1 010	66,00	1,90	495	49,00	32,40	0,93
Member States ==> France	5 122		3 320			–			
Ireland : :total number of asylum requests	12 350								
Ireland ==> other Member States	322	2,60	190	59,00	1,53	31	16,30	9,60	0,25
Member States ==> Ireland	125		98			68			

Application of Dublin Convention over 24 months	Total number of requests to take (resume) charge presented to other MS	Requests to take (resume) charge as a percentage of total number of asylum applications (II/I)	Number of requests to take (resume) charge accepted	Acceptances as a percentage of total number of requests to take (resume) charge (IV/II)	Acceptances as a percentage of total number of asylum applications (IV/I)	Number of asylum-seekers actually transferred	Actual transfers as a percentage of requests to take (resume) charge accepted (VII/IV)	Actual transfers as a percentage of requests to take (resume) charge presented to other MS (VII/II)	Actual transfers as a percentage of total number of asylum applications (VII/I)
I	II	III	IV	V	VI	VII	VIII	IX	X
Italy : total number of asylum requests	31 000								
Italy ==> other Member States	424	1,35	89	21,00	0,30	19	21,35	4,50	0,06
Member States ==> Italy	5 429		1 572			872			
Luxembourg : total number of asylum requests	4 NB: Luxembourg has data only for 1999. The figures below were calculated by applying the 1999 percentages to the total number of asylum applications.								630
Luxembourg ==> other Member States	*294*	*6,35*	*176*	*60,00*	*3,80*	*115*	*65,60*	*39,10*	*2,5*
Member States ==> Luxembourg	–		–			–			
Netherlands : total number of asylum requests	84 516								
Netherlands ==> other Member States	9 476	11,20	8 044	85,00	9,50	2 787	34,65	29,40	3,30
Member States ==> Netherlands	2 094		1 225			800			
Austria : total number of asylum requests	33 889								
Austria ==> other Member States	1 536	4,55	988	64,30	2,90	85	8,60	5,50	0,25
Member States ==> Austria	3 523		2 005			1 295			
Portugal : total number of asylum requests	609								
Portugal ==> other Member States	107	17,60	46	43,00	7,55	17	37,00	15,90	2,80
Member States ==> Portugal	305		235			84			
Finland : total number of asylum requests	4 378 The data for Finland are incomplete. The following figures in italics were obtained by applying the 1999 percentages or, where the latter were unavailable, the average percentages for the 15 MS.								
Finland ==> other Member States	309	7,05	*109*	*35,30*	*2,50*	*37*	*33,85*	*12,00*	*0,85*
Member States ==> Finland	176		–			–			
Sweden : total number of asylum requests	24 075								
Sweden ==> other Member States	4 259	17,70	3 102	73,00	13,00	1 609	52,00	37,75	6,7
Member States ==> Sweden	419		272			–			
United Kingdom : total number of asylum requests	117 175								
United Kingdom ==> other Member States	4 690	4,00	3 616	77,10	3,10	1 759	48,65	37,50	1,5
Member States ==> United Kingdom	309		177			103			

Annex IV

Member State			Number of requests	Results	Percentage
Belgium	issued	1998	~16 000		
		1999	~25 000		
	received	1998	~4 000		
		1999	~5 000		
Germany	issued	1998			
		1999			
	received	1998	58 987		20%
		1999	53 516		17%
Spain	issued	1998	40		
		1999	7		
	received	1998	381		
		1999	607		
France	issued	1998	357		
		1999	396		
	received	1998	~2 000	40	2,00%
		1999	4 375	150	3,50%
Greece	issued	1998	2		
		1999	3		
	received	1998	1 153		
		1999	1 480		
Ireland	issued	1998	1 468	432	29,50%
		1999	8 411	673	8,00%
	received	1998	15		
		1999	26		
Italy	issued	1998	2 178		
		1999	3 315		
	received	1998	2 908		
		1999	3 245		
Netherlands	issued	1998			
		1999			
	received	1998	~10 000		~10%
		1999	~10 000		~10%
Austria	issued	1998	123	44	35,80%
		1999	2 083	402	19,30%
	received	1998	1 531	76	5,00%
		1999	3 029	174	5,75%
Portugal	issued	1998			
		1999			
	received	1998			
		1999	~850		
Finland	issued	1998	330		
		1999	1 114		
	received	1998	82		
		1999	292		
Sweden	issued	1998	~6 000		~28%
		1999	~8 000		~15 à 20%
	received	1998			
		1999			
United Kingdom	issued	1998	15 890	1 812	11,40%
		1999	24 956	2 074	8,20%
	received	1998	831	112	13,50%
		1999	3 806	225	5,90%

Table IV - Requests for information under Article 15