

Which country is responsible for your application for asylum?

The Dublin procedure

Why are you receiving this leaflet?

You have applied for asylum in the Netherlands. However, the investigation of the Aliens Police has revealed that it is possible that another country is responsible for processing your application for asylum. This could be due to various reasons.

For example:

- You have handed in documents to the Aliens Police or the Royal Netherlands Marechaussee. These documents show that you have first visited another European country before coming to the Netherlands, or that you have a visa for another European country. Consequently, that country could be responsible for processing your application for asylum.
- The Aliens Police or the Royal Netherlands Marechaussee has collected your fingerprints and verified whether they are already on file in Eurodac or EUVIS. Eurodac and EUVIS are databases that contain the fingerprints of all persons who have applied for asylum or a visa in a European country. In this manner, the Dutch authorities investigate whether you have already applied earlier for asylum or a visa in another European country. Consequently, that country could be responsible for processing your (repeated) application for asylum.

In that case, IND will then investigate whether another country is indeed responsible for processing your application for asylum. As a result, your asylum procedure might proceed differently than described in the publication “Before you begin the asylum procedure” and in the publication “Your application for asylum”. This will depend on the outcome of IND’s investigation. This publication provides you with information about the possible differences.

What is the Dublin procedure?

The countries of the European Union have made legal agreements concerning which country is responsible for processing an application for asylum. These agreements were made in the Irish city of Dublin and are hence called the Dublin Regulation.

When there are clear indications that the Netherlands is not responsible for processing your application for asylum, the so-called Dublin procedure will begin for you. As long as this Dublin procedure is ongoing, IND will not substantively process your application for asylum. IND's investigation during the Dublin procedure will therefore not concern your reason for applying for asylum. It will only deal with the question as to which country is responsible for processing your application for asylum.

Before you begin the asylum procedure

The publication "Before you begin the asylum procedure" provides you with the detailed steps preceding your asylum procedure. Before you can begin your asylum procedure, IND must also investigate whether another country is responsible for processing your application for asylum. This Dublin investigation can take somewhere between a few weeks and a few months.

During your Dublin procedure, you will also be assisted by a lawyer. IND will inform your lawyer that the Dublin investigation has started before your asylum procedure. The lawyer will prepare you for the Dublin procedure.

Your asylum procedure, day by day

The leaflet "Your asylum procedure" explains how your asylum procedure will proceed day by day. As it is possible that another country is responsible for processing your application for asylum, your asylum procedure will be different in some regards from what is described in this leaflet. The text below explains the differences.

The Dublin interview (day 1)

You will be officially interviewed by an employee of IND about your identity, nationality, and your travel route. At that interview, the employee will tell you the outcome of the examination of your documents and fingerprints. This IND employee will also ask you a number of questions in this regard. These questions will not concern your reason for leaving your country of origin. During this interview, you can also tell why you believe the Netherlands should process your application for asylum.

An interpreter will be present at the IND interview. The employee of IND will ask the questions in Dutch. The interpreter will interpret these questions into a language that you understand. The interpreter will also interpret your answers into Dutch. The interpreter is independent and does not exert any influence on the decision on your application for asylum. If you and the interpreter have difficulties understanding each other, ask for another interpreter. It is important to avoid misunderstandings due to you not fully understanding the questions.

After this interview, IND will assess whether another country is responsible for processing your application for asylum. The outcome of this assessment determines the further course of your asylum procedure. There are two possibilities:

1. IND decides that the Netherlands is responsible for processing your application for asylum. Your asylum procedure will then proceed as described in the leaflet "Your application for asylum".
2. IND decides that another country is responsible for processing your application for asylum. IND will then ask this other country to assume the processing of your application for asylum. The text below describes the further course of your Dublin procedure in the Netherlands.

Discussion of interview (day 2)

Your lawyer will discuss the report of the interview with you. An interpreter will also assist you in this discussion by interpreting everything you and your lawyer say. If something is missing from the report or has not been recorded accurately, your lawyer will accordingly inform the IND by letter.

Intended decision (day 3)

Via your lawyer, you will receive a letter stating that IND intends (= plans) to reject your application for asylum. This means that IND will not substantively process your application for asylum, but that another country must do so. This letter will also state the reasons for this intended rejection and its consequences for you. Your lawyer will discuss this letter with you.

Opinion (day 4)

If the IND intends to reject your application for asylum, you must discuss this intent with your lawyer. Your lawyer has made arrangements in that respect with you earlier. Your lawyer can then send a written opinion to the IND. This is a letter in which you officially respond to the intent of the IND and in which you can indicate why you disagree with that intent.

IND's decision (days 5 and 6)

After reading your response to the intended decision, IND will assess whether it should change its intended decision. The outcome of this assessment determines the further course of your asylum procedure. There are three possibilities:

1. IND maintains its decision that another country is responsible for processing your application for asylum. This other country is prepared to assume the processing of your application for asylum. You will receive a letter (= decision) from IND (via your lawyer), stating that your application for asylum has been rejected. This letter will also state the reasons for this rejection and its consequences for you. Your lawyer will discuss this letter with you.
2. IND maintains its decision that another country is responsible for processing your application for asylum. However, that other country has not yet responded to the Netherlands' request for it to assume the processing of your application for asylum. IND will continue to process your Dublin procedure in the Extended Asylum Procedure. You will receive another leaflet with information about this Extended Asylum Procedure.
3. After reading your opinion, IND believes that the Netherlands is after all responsible for processing your application for asylum. IND will continue to process your application for asylum in the General or Extended Asylum Procedures. You will receive another leaflet with information about these General or Extended Asylum Procedures.

After the Dublin decision

If another country is responsible for processing your application for asylum, then IND will request that this other country assumes the processing of your application for asylum. This is called a "referral or return request". If that country agrees with the request, IND will then ask the Repatriation and Departure Service (DT&V) to organise your trip to that country. This means that you will be brought to that country. This will happen at the latest six months after that country has agreed with the referral or return request.

In consultation with your lawyer, you can lodge an appeal against IND's decision to hand over your application for asylum to another country. This means that you officially notify the court of your disagreement with the decision of IND. In principle, you are not allowed to continue to reside in the Netherlands while awaiting the court's decision. You can however ask the court whether you can continue to reside in the Netherlands during your appeal proceedings. Your lawyer will assist you in this matter. The court will then review whether IND has properly applied Dutch law and the Dublin Regulation in the decision on your application for asylum.

Frequently asked questions

Where do I stay during the Dublin procedure?

During the Dublin procedure, you will usually remain in the same reception centre where you were residing during the preparation for the procedure. You will be transported to the office of IND for the meeting with IND. If you are staying in a closed reception centre, then this meeting will take place in the building where you are residing.

Do you still have questions after reading this publication?

You can ask these questions to your lawyer or to one of the employees of COA, IND or VluchtelingenWerk.

Do you have a complaint?

All organisations involved in the asylum procedure try to work professionally and carefully. However, you can submit a complaint if you deem to have been treated improperly by an organisation. Your lawyer or an employee of VluchtelingenWerk can assist you in this matter.

This publication is a joint publication of:

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