Report from the Commission on the evaluation of the Dublin system

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The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Jean **LAMBERT** (Greens/EFA, UK) studying the Commission's evaluation of the Dublin system and stressing that this system remains largely inadequate from both the technical and the human viewpoints.

Efficiency of the system and responsibility sharing: given that the Dublin system will not produce the desired results, MEPs consider that asylum seekers will continue to have valid reasons for wishing to lodge their application in another Member State. Furthermore, they consider that, in the absence of a genuine common European asylum system and a single procedure, the Dublin system will continue to be unfair both to asylum seekers and to certain Member States. The quality and the consistency of the decision-making process must therefore be improved. In this respect, MEPs consider that a European Asylum Support Office could play a valuable role by providing expert support teams. In this context, MEPs call on the Commission to:

- consider ways of providing UNHCR with direct financing in order to enable it to enhance its monitoring and advisory work in the EU;
- bring forward proposals for burden-sharing mechanisms which could be put in place in order to help alleviate the disproportionate load which could fall on certain Member States, in particular the border Member States, but do not fit into the Dublin system; for the others, MEPs call for the provision of mechanisms other than financial to correct the adverse effects of the implementation of this system for the smaller Member States at the Union's external borders;
- provide for a binding mechanism to stop transfers of asylum applicants to Member States that do not guarantee full and fair treatment of their claims;
- eablish meaningful bilateral working relations with third countries such as Libya, in order to facilitate cooperation.

Rights of the claimants: reaffirming the principle of non-refoulement, MEPs call for additional provisions concerning the means by which the persons seeking protection are informed of the implications of the Dublin Regulation. In this context, they suggest drafting a standard leaflet which could be translated into a certain number of languages and be distributed to all Member States. Among the other measures proposed, MEPs ask the Commission to amend Articles 19 and 20 of the Dublin Regulation on 'taking charge and taking back', so as to provide applicants with an automatic suspensory right of appeal against a decision to transfer responsibility to another Member State. They also call on the Commission to assess the possibility for individuals concerned by a transfer to another Member State to be able to be transferred to their country of origin, solely at their express request.

Family reunification and the principle of the best interest of the child: once again, MEPs reaffirm the principle of the best interest of the child and recommend that a set of common guidelines on age-assessment be adopted so that the benefit of the doubt is always given to the child. Unaccompanied minors should never be detained or transferred to another Member State , except for the sake of family reunification. Overall, MEPs welcome the Commission's intention to extend the scope of the Dublin Regulation to include subsidiary protection, as this should enable applicants for subsidiary protection to be reunited with family members.

Detention: in terms of detention, MEPs call on the Commission to add a provision restricting the detention of Dublin claimants to a measure of last resort. Furthermore, MEPs consider that Dublin

claimants should be entitled to the same reception conditions as other asylum seekers, particularly regarding material reception conditions, health care, freedom of movement and the schooling of minors.

Humanitarian and Sovereignty Clauses: overall, MEPs are satisfied with the humanitarian clause contained in the Dublin Regulation but consider that it should be applied more widely. They specify that in cases where an asylum seeker is in a particularly vulnerable state owing to a serious illness, a severe disability, etc.,...and they are dependent on the assistance of a relative present in the territory of a Member State other than the one in charge of the examination of the application, they should be reunited with that relative. MEPs therefore call for the relevant provisions of the humanitarian clause to be revised in order to make it more flexible. They also welcome the Commission’s intention to better specify the circumstances and procedures for applying the Sovereignty clause (which enables any Member State to examine an application for asylum even if this examination is the responsibility of another Member State).

Data-collection and Eurodac: MEPs express their concern at the deficiencies in the collection of data sent to the Eurodac Central Unit, as well as regarding non-compliance with the obligation to delete certain data and with the rules relating to the protection of personal data. These failings call into question the reliability of Eurodac and must be addressed. Lastly, they stress that extending access to the Eurodac database to Member States' police and law-enforcement authorities as well as Europol entails the risk that information may pass to third countries, which could have negative repercussions for asylum seekers.