



CIR
Consiglio Italiano
per i Rifugiati



European Commission
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Ministero dell'Interno
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The Italian Council for Refugees (Italy) in co-operation with:

Greek Council for Refugees (Greece), Hungarian Helsinki Committee (Hungary), Pro Asyl (Germany), Spanish Refugee Council (Spain), Swedish Caritas (Sweden)

and

Greek Dublin Unit, Italian Dublin Unit, OIN – Hungarian Dublin Unit, Spanish Dublin Unit, Swedish Migration Board

And with the financial support of the European Commission and the Italian Ministry of Interior
RESULTS of the Final Seminar

INTRODUCTION

On April 27th 2010, the Seminar “**Dubliners**”: **The Dublin II Regulation between State perspective and asylum-seekers’ needs** took place at the headquarters of the Italian local authority: “Provincia di Roma”, in Rome.

The seminar was the final event of the Project: *Dubliners – “Research and exchange of experience and practice on the implementation of the Council Regulation Dublin II establishing the criteria and the mechanism for determining the Member State responsible for examining an asylum application lodged in one of the Member States by third country nationals”*.

PARTICIPANTS

The representatives of the NGOs involved in the Project, a representative of UNHCR, EU experts, the representatives of the Dublin Units of three of the countries involved in the project - Italy, Sweden and Hungary participated in the seminar as keynote speakers.

Mr Cecchini, Councillor for the Social Policies of the local authority “Provincia di Roma”, opened the work session.

Embassy Officials from Spain and Greece attended the seminars. The attendance of Italian authorities was also considerable: representatives of the border police, the Territorial and National Commissions, the Prefectures, the Ministry of Internal Affairs, the local Italian authorities Provincia di Roma and Comune di Roma were part of the audience. The Italian Red Cross and the Protection Service for Asylum Seekers and Refugees (SPRAR) – the national system designed to provide accommodation in Italy – were also present.

For a full list of the speakers please refer to Annex 1 (Seminar Agenda).

SUMMARY OF THE WORK SESSIONS

The seminar has offered an important occasion of dialogue and exchange between different stakeholders on the European amendments to the Regulation.

Participants discussed the empirical material collected by the NGOs and the Dublin Units of the countries involved during the implementation of the project, enhancing the process of cooperation put in place already by project partners.



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Speakers invited to the seminars, including authorities, admitted that **the “Dublin System” is muddled and confused and the Regulation is more concerned about States than asylum-seekers. It does not contribute to solving the problem of the secondary movements.**

Participants highlighted the **main concerns** related to the Dublin II Regulation and its implementation in the Member States, **confirming the concerns already pointed out by the project partners in the Final Report** of the project, handed out during the seminar.

The **lack of uniformity** of the asylum procedures and of reception practices among Member States emerged as **one of the main reasons of the inefficiency of the Dublin System.**

There is **lack of uniformity also with regard to the recognition rate**, widely differing from one State to another and even the minimum standards identified by the EU directives are not always respected throughout the EU – as in the case of Greece.

The representative of UNHCR who attended the seminar, confirmed that these differences do exist.

Because of the highlighted differences, **the application of the sovereignty clause is of utmost importance.** This clause should in fact be based on specific **criteria** such as: the general level of protection, access to the territory and the procedure, procedural safeguards, quality of the procedure, detention of asylum seekers, reception conditions, attention to persons with particular needs such as unaccompanied minors, integration, rights of the “Dubliners”. UNHCR has also reaffirmed the official position regarding the suspension of transfers to Greece, until improvement of its protection system.

The Italian Dublin Unit also pointed out that the **excessive burden that the Regulation puts on those States representing the external borders** of the Union interferes with their work.

This quantitative difference is also the reason why **time limits** seem to be too short for some States and too long for others having an impact on asylum-seekers themselves.

During her speech, the expert from Hungary emphasized that **the appeals related to the Dublin procedure lodged before the European Court of Human Rights are very limited in number.** This is due to the lack of information provided to asylum seekers under the Dublin procedure and also to the **lack of expertise of lawyers and jurists on asylum issues.** For this reason, all participants agreed that operators should be duly trained.

With the exception of Sweden, the Dublin Units agreed **that the cost of transfers and more generally to keep up the system is too high** compared to the actual number of people transferred.

As far as the **secondary movements** are concerned, all participants agreed on a relevant fact: **if asylum seekers were free to reach the country of their choice, secondary movements would not occur at all.**



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Briefly, all speakers identified the **MAIN PROBLEMS** arising from the application of the Regulation in:

- o detention of asylum-seekers,
- o lack of specific treatment for vulnerable persons,
- o lack of special provision for unaccompanied minors;
- o lack of adequate information (NB: This point has been stressed out by NGOs, while the Dublin Units attending the seminar denied the existence of the problem).

(these points are discussed in detail in the Final report of the project edited by project participants. Please refer to the summary of the report (included)

With reference to the **AMENDMENTS TO THE REGULATION PROPOSED AT EU LEVEL:**

The organisations participating in the project welcomed the process. The organisations **welcomed the special attention given to children and other dependent members of the family**. UNHCR welcomed the amendment proposed by the European Commission and in particular Article 31 related to the possibility of temporary suspension of transfers.

RESULTS OF THE SEMINAR:

- o **The will of asylum-seekers should prevail.** The State responsible for an asylum application should therefore be the State where the person effectively wants to live.
- o The **levels of protection** among Member States and the **attention paid to specific and individual needs** of the persons involved should be **harmonized**.

NEXT STEPS:

- o **The cooperation** put in place thanks to the project among different stakeholders **should continue**
- o The **results of the project/conference** should **reach a wider public** in order to be effective

Four interlocutors can be addressed and **four key actions** should be undertaken in order to contribute to the amending process of the Regulation in the ways identified by the project and by the final seminar:

1. The **public opinion** should be made aware and informed through the **press** and the **media**
2. The **European Council** should be addressed by **actions of advocacy**. Specific letters reporting the Project's results should be sent to the Ministries of Home Affairs and the Ministries of Justice of the EU Member States. The European Council for Refugees and Exiles plays a key role in this context
3. The European Parliament has also **to be reached**, especially its Committee on Civil Liberties, Justice and Home Affairs (**LIBE**)
4. **Finally, national judges** should be addressed, especially regarding the importance of temporarily blocking transfers to Greece.