



ecre
European Council
on Refugees and Exiles

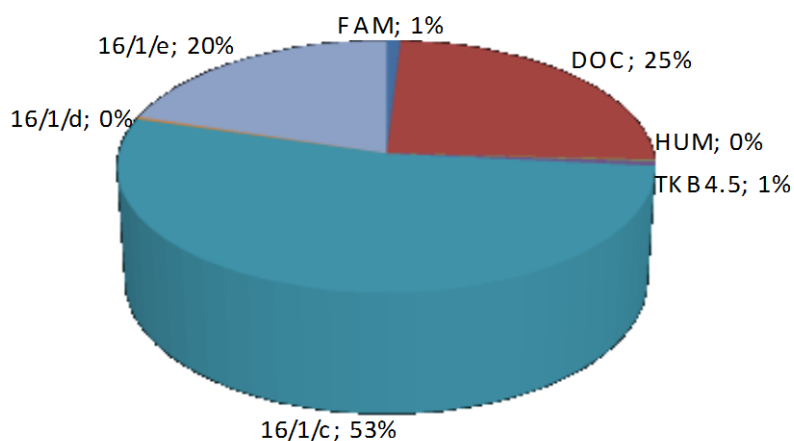


Dublin II Regulation *Lives on Hold* Comparative Report Corrigendum

Due to an unfortunate error in the interpretation of the statistical data related to the Dublin II Regulation from the Eurostat database, the Dublin Transnational Network project partners wish to draw attention to the following correction and include additional information in Chapter 3 on statistics related to the Dublin system. This error highlights the lack of clarity and inaccessibility of Eurostat statistics on this issue and in general there is a need to improve the manner in which the Dublin statistics are presented due to their inherent complexity.¹ Overall, the following pie charts illustrate the fact that the Dublin II Regulation is predominantly used on the basis of Eurodac data compared to other forms of evidence identifying the responsible Member State.

1. The statistical chart on page 22 should be replaced as follows:

- **Chart on the main legal grounds for outgoing requests in 2010²**



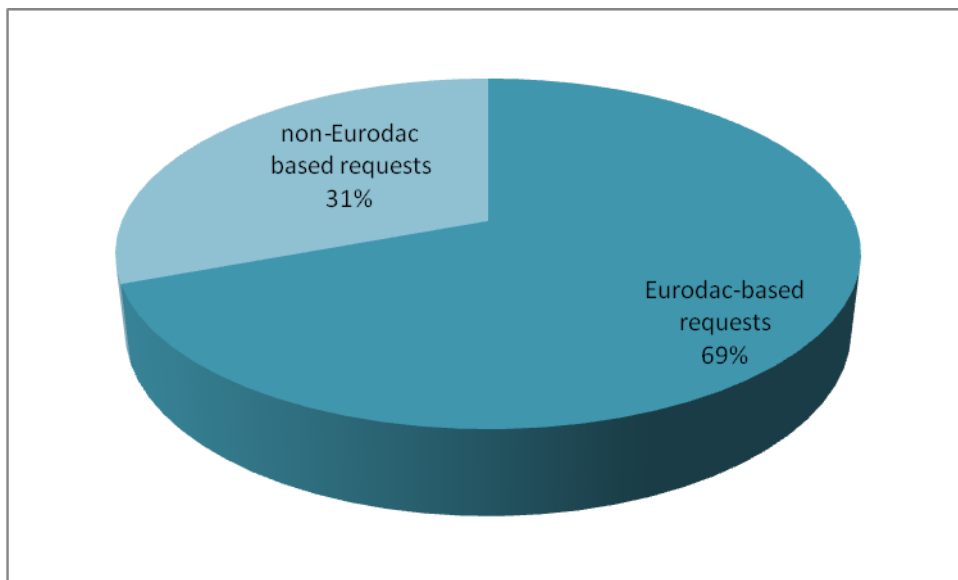
¹ In assessing Eurostat data related to the Dublin II Regulation reference can also be made to the Technical Guidelines for the Data Collection under Art. 4.4. of the Regulation 862/2007 – ‘Dublin Statistics’, Eurostat, 17 November 2008 which was recently published online as an annex to the metadata at: http://epp.eurostat.ec.europa.eu/cache/ITY_SDDS/fr/migr_dub_esms.htm.

² The pie chart rounds the data figures to the nearest percentage whilst the legend below provides a detailed overview of the exact percentages and numbers for the main legal grounds for outgoing requests in 2010.

FAM	Family (Art 6, 7, 8, 14) = 0.9% (no. =367)
DOC	Documentation & entry reasons (Art 9, 10, 11, 12) = 24.8% (no.=9806)
HUM	Humanitarian reasons (Art 15) = 0.2% (no.=93)
TKB_45	Taking back requests: Withdrawal of application during Dublin procedure (Art.4.5) = 0.6% (no.=228)
TKB_16/1/c	Taking back requests: Under examination - no permission to stay = 53% (no. 20931)
TKB_16/1/d	Taking back requests: Withdrawal - new application = 0.3% (no. = 101)
TKB_16/1/e	Taking back requests: Rejection - no permission to stay = 20.2% (no. = 7972)

The pie chart above depicts the percentage of the average number of outgoing requests for the year 2010 on the relevant grounds of the Dublin Regulation for all Member States.³

- **Chart depicting the use of Eurodac data and the Dublin Regulation**

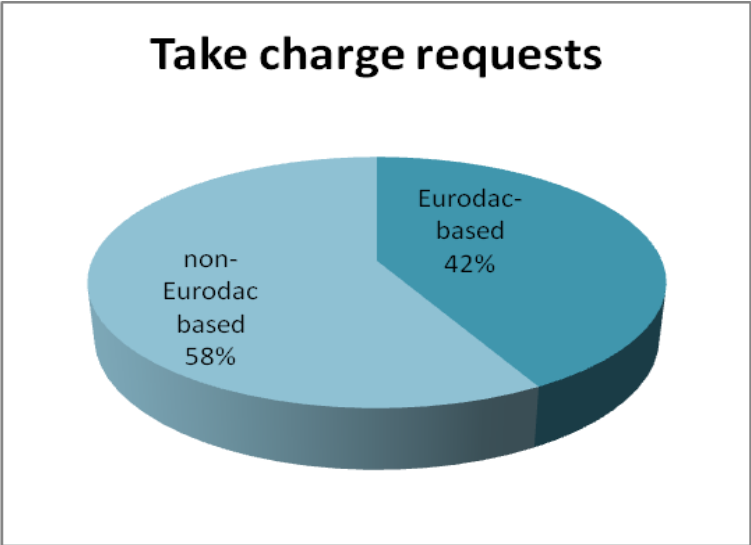


The pie chart above illustrates the percentage of both incoming and outgoing requests based on Eurodac data in 2010.⁴

- **Chart depicting the use of Eurodac in take charge requests**

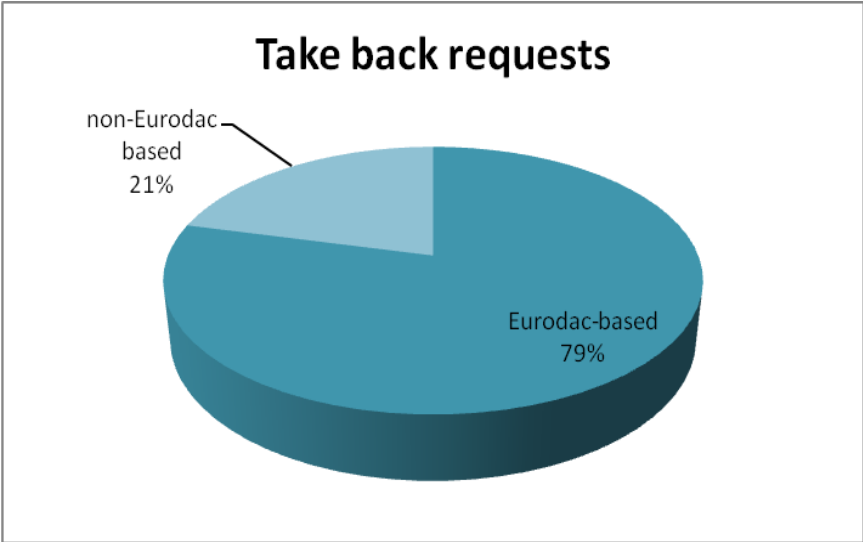
³ This pie chart was produced on the basis of calculating the average number of outgoing requests from each Member State and the according legal basis for that request as provided in Eurostat data. This is only an approximation of data determined by the fact that one Member State has not provided detailed information on the basis of its outgoing requests.

⁴ The number of Eurodac based requests in 2010 was 27385 whilst the number of non-Eurodac based requests was 12113.



The pie chart above illustrates the percentage of take charge requests based on Eurodac data compared to non-Eurodac data.⁵ 'Take charge' means the procedure under which a Member State takes responsibility for an applicant on the basis of the objective and hierarchical criteria laid down in the Regulation (such as family reasons, legal or illegal entry, etc) and consequently has to examine the application.⁶

- **Chart depicting the use of Eurodac in take back requests**



⁵ This is an approximation of data determined by the fact that one Member State, Denmark has not provided detailed information specifying the use of Eurodac in take charge requests. The number of Eurodac based take charge requests was 4,313 whilst the number of non-Eurodac based take charge requests was 5,953 resulting in 42% and 58% respectively.

⁶ See Annex 4 Asylum Glossary to the Commission [EC] Staff working document accompanying the proposal for a Regulation of the European Parliament and of the Council establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast), Impact Assessment, SEC (2008) 2962, Brussels, 3.12.2008

The pie chart above illustrates the percentage of take back requests based on Eurodac data compared to non-Eurodac data.⁷ 'Take back' refers to the situation where the applicant leaves the territory of the responsible Member State and enters another Member State where he or she might apply again for international protection or might stay without permission, in which case the responsible Member State must at the latter's request take him/her back.⁸

2. Page 22 paragraph 1 line 3-5 should read:

For example, in 2010 only 0.9% of outgoing requests to another Member State under the Dublin Regulation were on the basis of family reasons. Even fewer outgoing requests were sent to other Member States for humanitarian reasons under Art. 15 i.e. 0.2% of requests in 2010 were on this basis.

⁷ This is an approximation of data determined by the fact that one Member State, Denmark has not provided detailed information specifying the use of Eurodac in take back requests. In 2010 the number of Eurodac based take back requests was 23,072 whilst the number of non-Eurodac based take back requests was 6,160.

⁸ See Annex 4 Asylum Glossary to the Commission [EC] Staff working document accompanying the proposal for a Regulation of the European Parliament and of the Council establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast), Impact Assessment, SEC (2008) 2962, Brussels, 3.12.2008