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This factsheet does not bind the Court and is not exhaustive

“Dublin” cases

“Dublin” Community law

The “Dublin” system (Dublin Convention and Dublin II Regulation) serves to determine which Member State is responsible for examining an asylum application lodged by a third-country national on the territory of one of the Member States of the European Union¹.

See the page on the [Dublin II Regulation](#) on the “Europa” summaries of European Union legislation Internet site, from which the following text is taken:

In accordance with the Dublin Regulation, Member States have to assess which Member State is responsible for examining an asylum application lodged on their territory on the basis of objective and hierarchical criteria. The system is designed to prevent “asylum shopping” and, at the same time, to ensure that each asylum applicant’s case is processed by only one Member State.

Where another Member State is designated responsible under the criteria in the Regulation, that State is approached to take charge of the asylum seeker and consequently to examine his/her application. If the Member State thus approached accepts its responsibility, the first Member State must transfer the asylum seeker to that Member State.

Risk of ill-treatment² in the event of *refoulement* under the “Dublin” legislation

- [T.I. v. the United Kingdom](#): the applicant, a Sri-Lankan national, left Germany and applied for asylum in the United Kingdom. The United Kingdom Government requested that Germany accept responsibility for the applicant’s asylum request pursuant to the Dublin Convention. The applicant feared that the German authorities would simply send him back to Sri Lanka, where he claimed there was a real risk of him being subjected to treatment contrary to Article 3 at the hands of the security forces, the LTTE³ and Tamil pro-Government activist organisations. He alleged that he had been subjected to ill-treatment by the LTTE in Sri-Lanka and had had to leave his home. He also claimed that he had been held prisoner in Colombo for three months and tortured by the security forces, who suspected him of being a Tamil Tiger. Application **inadmissible** (decision of 07/03/2000): The Court considered that the existence of a real risk that Germany would return the applicant to Sri Lanka in violation of Article 3 had not been established⁴.
- [K.R.S v. the United Kingdom](#): an Iranian national made his way to the United Kingdom after passing through Greece. In compliance with the Dublin II

¹ The system has been extended to include Norway, Iceland and Switzerland.

² Article 3 of the European Convention on Human Rights.

³ A Tamil organisation engaged in an armed struggle for independence.

⁴ In its decision the Court said that removing the applicant to a third country did not absolve the United Kingdom of the responsibility to ensure that the deportation would not expose him to treatment contrary to Article 3.

Regulation, the British authorities requested that Greece accept responsibility for his asylum request and Greece accepted. The applicant alleged that his expulsion from the United Kingdom to Greece would be contrary to Article 3, because of the situation of asylum seekers in Greece. Application **inadmissible** (decision of 02/12/2008): “In the absence of any proof to the contrary, it must be presumed that Greece will comply with [its] obligations in respect of returnees”. The Court also noted that Greece did not remove people to Iran.

- [M.S.S. v. Belgium and Greece](#)

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The case concerned the expulsion of an asylum seeker to Greece by the Belgian authorities in application of the EU Dublin II Regulation. On 2 July 2009 the Court decided to apply Rule 39 against Greece, to the effect that he would not be deported to Afghanistan pending the outcome of the proceedings before the Court.

[Violation of Article 3](#) (prohibition of inhuman or degrading treatment or punishment) [by Greece](#) both because of the applicant’s detention conditions and because of his living conditions in Greece;

[Violation of Article 13](#) (right to an effective remedy) [taken together with Article 3 by Greece](#) because of the deficiencies in the asylum procedure followed in the applicant’s case;

[Violation of Article 3 by Belgium](#) both because of having exposed the applicant to risks linked to the deficiencies in the asylum procedure in Greece and because of having exposed him to detention and living conditions in Greece that were in breach of Article 3;

[Violation of Article 13 taken together with Article 3 by Belgium](#) because of the lack of an effective remedy against the applicant’s expulsion order.

[Article 46](#) (Binding force and execution of judgments): It was incumbent on Greece, without delay, to proceed with an examination of the merits of the applicant’s asylum request that met the requirements of the European Convention on Human Rights and, pending the outcome of that examination, to refrain from deporting the applicant.

“Dublin” cases pending before the ECHR

There are currently about **960 cases pending** before the Court concerning the application of the “Dublin” Community law system to asylum seekers. They are mostly applications lodged against the Netherlands, Finland, Belgium, the UK and France.

(for the cases that have been communicated to the respondent Governments, the facts and complaints may be found on the [“Communicated cases”](#) page in the Hudoc data base. To find examples, do a search using the keyword “Dublin”).

These figures are not official statistics but merely indications given by the Court’s Press Unit.

Interim Measures

In a majority of these cases the applicants have requested **interim measures** (Rule 39 of the Rules of Court).

These are measures taken as **part of the procedure before the Court**. They do not prejudice the Court’s subsequent decisions on the admissibility or merits of the cases concerned. If the Court allows the request for an interim measure the applicant’s expulsion is suspended while the Court examines the application (however, the Court follows the applicant’s situation, and can lift the measure during its examination of the case).

More information about interim measures on [the Court’s internet site](#).

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