

Which country is responsible for your asylum application?

The Dublin Procedure

Why have you received this leaflet?

You have applied for asylum in the Netherlands. However, your right to asylum may have to be determined by another European country. The Dublin Regulation determines which country is responsible for processing your asylum application. This European law

states that a country is responsible for an asylum application when:

- A third-country national (a person who is not a citizen of an EU Member State or Associated State) applies for asylum in that country for the first time.
- A third-country national enters Europe illegally through that country.
- A third-country national has obtained a visa for or through that country.

The police (AVIM) and/or Koninklijke Marechaussee (KMar) will look into whether another European country might be responsible. The police and/or KMar:

- Have taken your documents to check if you were in another European country before arriving in the Netherlands and if you have a visa for another European country.
- Took your fingerprints to check if they are in the Eurodac or EU-VIS computer systems. These systems contain the fingerprints of everyone who applies for asylum or has been granted a visa in a European country.

These checks can show that another European country may be responsible for your asylum application. The IND is conducting a further investigation into whether a different European country should process your asylum application. That is why you are following the Dublin procedure. The Dublin procedure differs from that explained in the leaflets "You wish to apply for asylum. Application phase and rest and preparation period" and "Your asylum application. Information about the General Asylum Procedure". This leaflet explains the Dublin procedure.

After registering as an asylum seeker

You have applied for asylum in the Netherlands. Your identity (i.e. who you are) has been established. The government has entered your data into registration systems and the IND has determined that you will enter the Dublin procedure because another European country may be responsible for your asylum claim. The IND will ask the responsible country to take charge of or take back your asylum application.

The Dublin interview

You will have one official interview with an IND official about your identity, nationality and travel route. This is called the Dublin interview. The IND will inform you of the results of the checks of your documents and fingerprints and will ask questions, such as whether you have previously applied for asylum in Europe. These questions are not about why you left your country of origin. During the interview, you can explain why you believe that the Netherlands should process your asylum application. You can also raise any objections to a transfer to another country you may have, such as medical reasons. A transfer means being sent to the country responsible for processing your asylum application.

Interpreter

An interpreter will be available by phone during the interview with the IND. The IND will ask the questions in Dutch. The interpreter will translate the questions into a language you understand and translate your answers into Dutch. The interpreter is independent, does not work for the IND and has no influence on the decision concerning your asylum application. Please note: If you and the interpreter have trouble understanding each other, it is important to say so straight away. The IND will arrange another interpreter. It is important that there are no misunderstandings caused by not understanding the questions correctly. The IND will draw up a report of the Dublin interview.

Assessment

After the Dublin interview, the IND will assess whether another country is responsible for processing your asylum application. The outcome of that assessment determines the further course of your asylum procedure. There are 2 possibilities:

1. The IND determines that the Netherlands is responsible for processing your asylum application. Your asylum procedure will proceed as described in the leaflet "Your asylum application. Information about the General Asylum Procedure".
2. The IND determines that another country is responsible for processing your asylum application. If the IND has not yet asked the responsible country to take charge of or take back your asylum application, it will do so after the Dublin interview. This is called a "take charge or take back request". The further course of your Dublin procedure in the Netherlands in that case is outlined below.

Initial decision

You will receive a letter with an intention statement from the IND (through your lawyer). This is an initial decision. The letter states that the IND does not intend to process your asylum application because a country other than the Netherlands is responsible for deciding whether to grant you asylum. The letter will also explain the reasons for the decision and the consequences for you.

Interview report discussion and response

Your lawyer will discuss the report on the Dublin interview and the initial decision with you. An interpreter will be present to translate everything you and your lawyer say. If anything is missing from the report or has not been written down correctly, your lawyer will report it in a letter to the IND. Your lawyer can also send the IND a written response in which you officially respond to the IND's initial decision and explain why you disagree with it.

Decision

After considering your response, the IND will assess whether their decision should be amended. The outcome of that assessment determines the further course of your asylum procedure. There are 2 possibilities:

1. The IND still believes that another country is responsible for processing your asylum application. That country agrees to take over processing your asylum application. You will receive a letter from the IND (through your lawyer). This is called a decision. The letter explains that your asylum application will not be processed and why. It also explains the consequences for you, what to do if you disagree with the decision, and your options for returning to the responsible country. Your lawyer will discuss the letter with you.
2. After considering your response, the IND decides that the Netherlands is responsible for processing your asylum application. In that case, you will no longer follow the Dublin procedure and you will be transferred to the Dutch General Asylum Procedure (AA). You will receive another leaflet with information about this procedure if you have not already had it.

After the Dublin decision

If another country is responsible for your asylum application, your application will be processed there. This means you must go to that country, or must return if you have already been there. The IND will ask the Dienst Terugkeer en Vertrek (DT&V) to arrange the journey. You will be returned within 6 months after the responsible country agrees.

This period may be extended in certain situations. If you applied for asylum at the Dutch border (at an airport or seaport), or if you are in aliens detention and applying

for asylum, the transfer will take place within 6 weeks at the latest. If you wish to return to the responsible country sooner, let DT&V know that you want to cooperate a voluntary return. DT&V will organise your transfer to the responsible country as soon as possible.

Appeal

If you disagree with the IND's decision, you can submit an appeal through your lawyer. This means that you officially inform the court in writing that you disagree with the IND's decision. Your lawyer will state in the appeal why you object to a transfer to the country in question. You are normally not allowed to await the court's decision in the Netherlands. However, you can also ask the court for permission to stay in the Netherlands during the appeal procedure. Your lawyer will help you with this. The court will consider whether the IND has correctly applied the law when deciding on your asylum application.

Which organisations will you encounter?



The **Centraal Orgaan opvang asielzoekers** (COA) is responsible for the reception and support of asylum seekers in the Netherlands during the asylum procedure. The COA also makes sure you have food and health insurance, and can help you contact a doctor, if necessary. The COA is an independent organisation and does not decide on your asylum application.

www.coa.nl



GezondheidsZorg Asielzoekers (GZA) provides assistance if you are ill or have any medical questions. There is a GZA health centre at or near every COA reception centre. GZA can arrange appointments for you with a doctor's assistant, nurse, GGZ senior practice nurse or general practitioner.

www.gzasielzoekers.nl



VluchtelingenWerk Nederland (VWN) is an independent human rights organisation that promotes the interests of asylum seekers. VWN will provide information about the asylum procedure, inform and support you throughout the procedure, and mediate in the event of problems with other organisations. They work closely with your lawyer to this effect. VWN does not decide on your asylum application.

www.vluchtelingenwerk.nl

www.refugeehelp.nl

Raad voor Rechtsbijstand

The **Raad voor Rechtsbijstand** (RvR) ensures that you are assisted by a lawyer if you cannot afford one yourself. The RvR will pay the lawyer a fee for the services provided. The lawyer does not work for the RvR. The lawyer is an independent legal aid provider who assists you during your asylum procedure.

www.rvr.org



The **Immigratie- en Naturalisatiedienst** (IND) is part of the Dutch Ministry of Justice and Security. The IND investigates whether you are entitled to asylum in the Netherlands. IND officials will therefore ask you questions about who you are and why you have applied for asylum in the Netherlands. The IND will investigate your story and the situation in the country you came from to determine whether you can temporarily or permanently stay in the Netherlands.

www.ind.nl

There are **security guards** in the IND buildings and COA reception centres. You can recognise them by their uniforms. They are there for your safety. You can also ask them questions about what is and is not permitted in the IND and COA buildings and premises. The security guards have no influence on the decision about your asylum application

The **Dienst Terugkeer en Vertrek** (DT&V) is a division of the Dutch Ministry of Justice and Security responsible for Dutch return policy.

www.dienstterugkeerenvertrek.nl



The **Internationale Organisatie voor Migratie** (IOM) is an independent organisation that supports migrants worldwide. The IOM can help you if you want to leave the Netherlands independently. The IOM provides practical information about your return and reintegration and can assist you in arranging your departure from the Netherlands. You can contact IOM, the DT&V, VWN or your lawyer directly to help you with this.

www.iom-nederland.nl



The **Dienst Justitiële Inrichtingen** (DJI) is part of the Dutch Ministry of Justice and Security. You will only have dealings with the DJI if you applied for asylum at the border. In that case, you will stay at a secure reception centre: the closed border accommodation. The DJI manages the building. You have to stay here because you have been refused entry to the Netherlands. DJI employees wear a uniform. They will provide care and assistance during your stay in the border accommodation. You will not deal with the COA, GZA and security guards in the border procedure.

www.dji.nl

Personal data processing

Personal data is any kind of information about you. The organisations that collaborated on this leaflet are listed below. They process personal data while processing your application, notification or request. They will ask you for your details and will also ask other organisations or individuals if necessary. These organisations use and store your data and share it with other organisations if required to do so by law.

Privacy legislation sets out obligations for organisations that process your data. For example, they must handle your data accurately and securely. Privacy legislation also establishes your rights. For example, you have the right to the following, on request:

- The right to access your data stored by organisations.
- The right to know what organisations are doing with your data and why.
- The right to know with which organisations your details have been shared.

To find out more about your rights and how your personal data is processed, visit the respective organisation's website.

Frequently asked questions

Where will I stay during the Dublin procedure?

After the Dublin interview, you will stay at a COA reception centre. If the IND later decides to process your application in the Netherlands, you will be moved to a reception centre near an IND office – a process reception location (POL) – where you will follow the General Asylum Procedure. If you applied for asylum at the Dutch border (at an airport or seaport), you will stay in a closed reception centre at Schiphol Airport or in Zeist or Rotterdam.

Questions

If you have any questions after reading this leaflet, please talk to your lawyer or a COA, IND or VWN employee.

Complaints

All organisations involved in the asylum procedure are professional and meticulous. If, nevertheless, you feel that you have not been treated properly by an organisation, you can file a complaint. Your lawyer or VWN can help you with this.

This leaflet is a joint publication by:
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en Mensenhandel (AVIM)
Nidos
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Centraal Orgaan opvang asielzoekers (COA)
Immigratie- en Naturalisatiedienst (IND)
Koninklijke Marechaussee (KMar)
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VluchtelingenWerk Nederland (VWN)
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