

Recommendations on Family Reunification within the Dublin Procedure



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About the recommendations

Why were these recommendations created? The mission of the European Union Agency for Asylum (EUAA) is to facilitate and support the activities of European Union Member States and associated countries (EU+ countries ⁽¹⁾) in the implementation of the Common European Asylum System (CEAS). The EUAA develops common operational standards and indicators, guidelines, practical tools, and recommendations to promote a correct and effective implementation of the CEAS and pursue convergence in the practices of the EU+ countries.

The Dublin procedure and, in particular, family reunification is a complex procedure which requires specific expertise and continuous communication, coordination, and cooperation with stakeholders. To improve family reunification procedures and harmonise practices, Dublin Units decided to develop this set of recommendations on family reunification in Dublin cases.

How were these recommendations developed? The recommendations were drafted by the EUAA with a working group of experts from Dublin Units across Europe, notably Franc Kumer, Roxana Luncasu, Konstantinos Perezous and Arune Wallin. Input from previous meetings and workshops organised by the EUAA was also taken into account. The European Commission and the United Nations High Commissioner for Refugees (UNHCR) ⁽²⁾ also contributed with valuable input. The EUAA facilitated and coordinated the development. Before its finalisation, the document was shared with all EU+ countries through the EUAA Dublin Network.

Who should use these recommendations? The document targets readers who are already familiar with the Dublin procedure. Managers, policy officers, quality officers and legal advisers who are in a position to initiate process improvement are the main target audience of this document. Additionally, any other person working or involved in any steps of the Dublin procedure, such as case officers at Dublin Units or registration officers, can use this document for inspiration on best practices.

What are recommendations? Recommendations are good practices agreed with Dublin Units. Recommendations are not legally binding standards and their application depends on policy choices and organisational structure. The recommended course of action can contribute to improve the overall quality of the process.

How to use these recommendations. This document consists of a general introduction to family reunification according to the Dublin procedure, followed by the recommendations. The recommendations are linked to a certain step or action in the overall procedure. The steps described in this document represent the general workflow of a Dublin case. It is nonetheless acknowledged that there might be differences in the way the Dublin

(1) The 27 Member States of the European Union, complemented by Iceland, Liechtenstein, Norway, and Switzerland.

(2) Note that the finalised recommendations do not necessarily reflect the position of UNHCR.





procedure is organised in each Member State. The annexes and tables aim to facilitate the practical cooperation between the stakeholders involved. The document includes boxes containing good practices and considerations for specific cases.

The recommendations included in this document concern the family reunification procedure and aspects of process improvement. Their scope covers the family reunification possibilities laid out in Chapter III of the Dublin III regulation ⁽³⁾, namely concerning unaccompanied children (Article 8) and adults (Articles 9 and 10). The situation of dependency (Article 16) is not covered in this document. Elements of the discretionary clauses (Article 17) are mentioned where relevant, but no recommendations are made concerning their use.

How do these recommendations relate to national legislation and practice? These recommendations are not binding on Member States authorities and do not constitute a legal interpretation of any provisions of the Dublin III regulation or of any judgment. They offer practical solutions to challenges identified by members of the EUAA Network of Dublin Units and propose ways to organise the workflow. Good practices that could help mitigate some challenges are also highlighted.

This is a convergence tool, aimed at promoting the further harmonisation of the practices of Member States in implementing the Dublin III regulation.

How do these recommendations relate to other EUAA tools? This document should be used in conjunction with other practical guides and recommendations related to the implementation of the Dublin III regulation.

⁽³⁾ [Regulation \(EU\) No 604/2013](#) of the European Parliament and of the Council of 26 June 2013 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) (OJ L 180, 29.6.2013).





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List of abbreviations

Abbreviation	Definition
CEAS	Common European Asylum System
CJEU	Court of Justice of the European Union
Dublin III regulation	Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 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)
DubliNet	Secure electronic network of transmission channels between the national authorities dealing with the application of the Dublin III regulation
Dublin Unit	The Member State authority in charge of conducting the Dublin procedure, in accordance with Article 35 Dublin III regulation
EUAA	European Union Agency for Asylum
Implementing regulation	Commission Regulation (EC) No 1560/2003 of 2 September 2003 laying down detailed rules for the application of Council Regulation (EC) No 343/2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national, as amended by Commission Implementing Regulation (EU) 118/2014 of 30 January 2014
Member State(s)	State(s) applying the Dublin III regulation, i.e. the Member State(s) of the European Union plus Norway, Switzerland, Iceland and Liechtenstein
SOP	standard operating procedure
UNHCR	United Nations High Commissioner for Refugees





Family reunification in the Dublin procedure

The Common European Asylum System

The Common European Asylum System (CEAS) sets out common procedures in the Member States for granting and withdrawing international protection. This is to ensure uniform status for beneficiaries and fair and humane treatment of applicants for international protection across the Member States of the European Union and the associated countries (Member States). The CEAS harmonises the asylum procedures and reception conditions through binding regulations and directives on the procedure and content of international protection, and by strengthening practical cooperation between the Member States.

Aimed at determining the Member State responsible for examining an application for international protection, the Dublin III regulation is the cornerstone of the CEAS. Its implementation is facilitated by the implementing regulation ⁽⁴⁾, which details the rules to apply the Dublin III regulation as well as the Eurodac II regulation ⁽⁵⁾ which establishes the Eurodac database containing fingerprint data on applicants for international protection. Such data can help to ascertain if a person has already applied for international protection in another Member State or entered the EU through another country irregularly.

Dublin III regulation	establishes the criteria and mechanism to determine which Member State is responsible for examining an application for international protection lodged in a Member State.
Implementing regulation	provides detailed rules for the application of the Dublin III regulation.
Eurodac II regulation	establishes the Eurodac database for the comparison of fingerprints for the effective application of the Dublin III regulation.

⁽⁴⁾ [Commission Regulation \(EC\) No 1560/2003](#) of 2 September 2003 laying down detailed rules for the application of Council Regulation (EC) No 343/2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national (as amended by Commission Implementing Regulation (EU) 118/2014 of 30 January 2014).

⁽⁵⁾ [Regulation \(EU\) No 603/2013](#) of the European Parliament and of the Council of 26 June 2013 on the establishment of Eurodac for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 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 and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (recast) (OJ L 180, 29.6.2013).





Practical Guide on the implementation of the Dublin III regulation ⁽⁶⁾

The guide is a useful read to learn about the Dublin procedure in detail and is recommended for persons working with the Dublin III regulation. Case officers at Dublin Units, registration officers, staff at reception centres or any person working with applicants under the Dublin procedure can learn about the different criteria, the hierarchy in which these are to be applied, the steps of the process, the elements to explore in an interview, the relevant evidence and how to assess a case.

The Dublin procedure

The procedure to determine which Member State is responsible for the examination of an application for international protection is called ‘Dublin procedure.’ It guarantees that an application for international protection lodged by an applicant is examined by one Member State. One of the main objectives of the Dublin procedure is to give effective access to the asylum procedure. To this end, the Dublin III regulation provides for a number of criteria to be applied in a hierarchical order, as provided in Article 7 thereof.

The table below presents a schematic overview of the different criteria while the relevant definitions are found under the section ‘[Key definitions](#)’.

⁽⁶⁾ EASO, [Practical Guide on the implementation of the Dublin III regulation: personal interview and evidence assessment](#), October 2019.



Figure 1. The criteria in Chapter III in hierarchical order

	<p>Family link of an unaccompanied child (Article 8)</p> <ul style="list-style-type: none"> - The unaccompanied child applicant has a family member or a sibling legally present in the Member States . - The unaccompanied child has a relative legally present in the Member States.
	<p>Family link of an applicant</p> <ul style="list-style-type: none"> - The applicant's family member is a beneficiary of international protection in a Member State (Article 9). - The applicant's family member is an applicant for international protection in a Member State (Article 10).
	<p>Issuance of residence documents or visas (Article 12)</p> <ul style="list-style-type: none"> - Possession of a visa issued by a Member State - Possession of a residence document issued by a Member State.
	<p>Entry or stay (Article 13)</p> <ul style="list-style-type: none"> - Irregular entry at an external border within the past 12 months - Irregular stay for more than 5 months in a Member State.
	<p>Place of application: visa waived entry (Article 14)</p> <ul style="list-style-type: none"> - Application for international protection in a country where the requirement for the applicant to have a visa for entry is waived.
	<p>Place of application: international transit area of an airport (Article 15)</p> <ul style="list-style-type: none"> - Application lodged in the international transit area of an airport of a Member State

When a person lodges an application for international protection in a Member State for the first time, the first criterion is related to the potential family links of the applicant in the Member States, seen in yellow above. These criteria are the subject of these recommendations.

If the family link criteria do not apply (i.e. if the applicant is not an unaccompanied child or does not have family members in a Member State), the next step is examining any potential links to a Member State (marked in grey above). In this case, the following criteria are investigated:

- whether the entry or stay of the person was regular;





- whether entry required a visa ⁽⁷⁾;
- whether the application was lodged in an international transit area of an airport of a Member State.

Where none of the above criteria links the person to a Member State, the first Member State in which the application was lodged will be responsible for the examination of the application for international protection.

In situations where the unaccompanied child has no family or relatives present in the Member States, it is of primary importance to guarantee that the child has quick access to the asylum procedure. Therefore, where a child who has no family members or relatives in the Member States has applied for international protection in more than one Member State, the responsible Member State is normally the one where the child is present and has applied for international protection. The principle whereby a child should not be transferred derives from the judgment of the Court of Justice of the EU (CJEU) in the case *MA and others v Secretary of State for the Home Department* ⁽⁸⁾.

The judgment specified that, provided that is the best interests of the minor,

where an unaccompanied minor with no member of his family legally present in the territory of a Member State has lodged asylum applications in more than one Member State, the Member State in which that minor is present after having lodged an asylum application there is to be designated the ‘Member State responsible’

The dependency clauses

In chapter IV, Article 16, the Dublin III regulation provides that in case an applicant is dependent on the care of ‘his or her child, sibling or parent legally resident in one of the Member States or the applicant’s ‘child, sibling or parent legally resident in one of the Member States is dependent on the assistance of the applicant’ for example on account of pregnancy, a new born child, serious illness, severe disability or old age, Member States should endeavour to keep or bring together the applicant with the person concerned. This clause only applies if the family ties existed in the country of origin, if the child, sibling or parent can take care of the dependent person and if they expressed their consent in writing.

The discretionary clauses

In exceptional cases, the strict application of the criteria of the Dublin III regulation could result in the separation of family members. To avoid such situations, Article 17(1) allows to deviate from such criteria and enables Member States to decide to examine an application for international protection even if another Member State would be responsible for that person’s

⁽⁷⁾ Not all Member States apply the same visa requirements for third country nationals. Consequently, a person might enter a Member State visa free but still require a visa to enter another one.

⁽⁸⁾ CJEU, judgment of 6 June 2013, *MA and Others v Secretary of State for the Home Department*, C-648/11, ECLI:EU:C:2013:367. Summary available in the [EUAA Case Law Database](#).



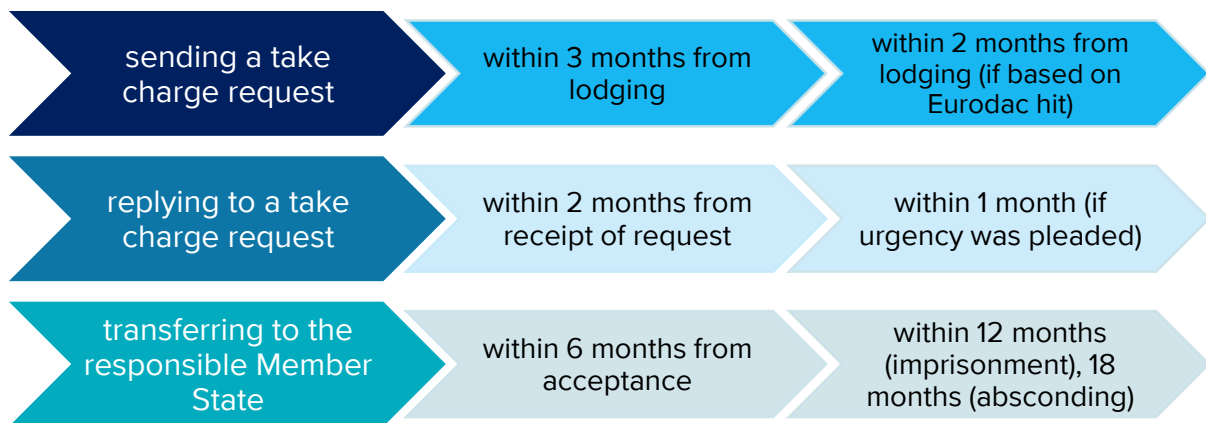


application. Article 17(1) is applicable in other cases too, always at the discretion of the Member State.

Article 17(2) also allows to deviate from the standard criteria of the regulation. This provision helps to bring together any family relations on humanitarian grounds based on family or cultural considerations. In this case, a Member State can request another Member State to examine the person's application even if the other Member State would not be the responsible one. It is possible to make such a request even after the expiry of the original time limit for sending a request, before a first decision on substance is made.

Timelines in the Dublin III regulation

To ensure quick and effective access to the asylum procedure, the Dublin III regulation sets strict time limits for applying the criteria. If a Member State fails to meet the time limit, it becomes responsible for examining the application for international protection.



Key definitions

The Dublin III regulation provides several key definitions related to the concept of family reunification, minor and unaccompanied minor. In EUAA publications, the terms 'minor(s)' or 'unaccompanied minor(s)' are used when referring directly to relevant provisions in the Dublin III regulation or other legal provisions. Otherwise the terms 'child' or 'children' are used for persons under 18 years old.



‘Minor’ and ‘unaccompanied minor’



A minor is a ‘third-country national or a stateless person below the age of 18 years’ ⁽⁹⁾.

An unaccompanied minor is

a minor who arrives on the territory of the Member States unaccompanied by an adult responsible for him or her, whether by law or by the practice of the Member State concerned, and for as long as he or she is not effectively taken into the care of such an adult; it includes a minor who is left unaccompanied after he or she has entered the territory of Member States. ⁽¹⁰⁾

Family member

Applicants can reunite with a ‘family member’ who is present in another Member State as far as the family already existed in the country of origin. Article 2(g) Dublin III regulation defines the different family members, as explained below.



Wife, husband, or partner

The spouse of the applicant or their unmarried partner in a stable relationship ‘where the law or practice of the Member State concerned treats unmarried couples in a way comparable to married couples under its law relating to third-country nationals’.



Minor children of abovementioned couples

(Unmarried) child or children of married or unmarried couples or of the applicant ‘regardless of whether they were born in or out of wedlock or adopted as defined under national law’.



Father, mother or another adult responsible for the child

When the applicant is a child and unmarried, the father, mother or another adult responsible for the child, ‘whether by law or by the practice of the Member State where the adult is present’.



Father, mother or another adult responsible for the child

When the beneficiary of international protection is a child and unmarried, the father, mother or another adult responsible for the child, ‘whether by law or by the practice of the Member State where the beneficiary is present’.

⁽⁹⁾ Article 2(i) Dublin III regulation.

⁽¹⁰⁾ Article 2(j) Dublin III regulation.



Relative

A relative is different from the persons described in the definition of family member in the Dublin III regulation. Relatives are not immediate family members but persons with whom the child may have a strong link. According to Article 8(2) Dublin III regulation, a child can be reunited with a relative if that is in the child's best interest. Article 2(h) Dublin III regulation provides a definition of 'relative', as explained below.



The relative is the 'applicant's adult aunt or uncle or grandparent who is present in the territory of a Member State, regardless of whether the applicant was born in or out of wedlock or adopted as defined under national law.'



Considerations regarding siblings

The Dublin III regulation does not contain a definition of siblings. However, as set out in Article 8, an unaccompanied child can be reunited with a sibling. As a general principle, in most countries no distinction is made between 'half-siblings' and 'siblings' but some Member States may consider half-sibling to be out of scope of Article 8.

Principles of family reunification in the Dublin procedure

Respect for family life

One of the key principles in family reunification is the respect for family life as defined in Article 7 of the Charter of Fundamental Rights of the European Union ⁽¹⁾. The right to a shared family life is also drawn from the prohibition against arbitrary interference with the family and from the special family rights accorded to children under international law.

Family unity

Family unity is an internationally recognised legal principle which acknowledges and protects the family as a 'group' unit entitled to protection from society and the state. It entails the right to marry, to family life and to live as an integral whole, keeping a family life together, and to be free from arbitrary, unlawful and discriminatory interference with family life. Family unity is an overall principle in the CEAS. In the context of asylum and migration it is implemented as

⁽¹⁾ European Union, [Charter of Fundamental Rights of the European Union](#), 26 October 2012, 2012/C 326/02.





‘maintaining family unity’ (see the qualification directive ⁽¹²⁾) and as ‘reuniting family members’ (as in the Dublin III regulation and the family reunification directive ⁽¹³⁾).

In recital 14, the Dublin III regulation makes explicit reference to Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms ⁽¹⁴⁾ and to Article 7 of the Charter of Fundamental Rights of the European Union ⁽¹⁵⁾. It prescribes that the respect for family life should be a primary consideration of Member States when applying the Dublin III regulation. Family reunification through the Dublin procedure is a way to ensure family unity. In recital 16 Dublin III regulation, family unity is defined as a binding criterion of responsibility for the examination of an application for international protection. Recital 17 then allows Member States to derogate from the responsibility criteria on humanitarian or compassionate grounds, to bring together family members, relatives or any other family relations, and examine an application for international protection lodged with it or with another Member State.

Procedural safeguards for children

Article 6 Dublin III regulation describes the guarantees for children, which include: the primary consideration of the best interests of the child; a representative to represent the unaccompanied child in the procedures; cooperation between Member States to assess the best interests of the child; family tracing and training for the personnel handling cases of children.

Giving primary consideration to the best interests of the child

In accordance with Article 24(3) of the EU Charter of Fundamental Rights, Article 23(2) of the reception conditions directive (recast) ⁽¹⁶⁾, Article 23 of QD (recast), Article 6(3) and Article 8 Dublin III regulation., family unity is part of the best interest assessment, along with the child’s wellbeing and development, safety and security considerations and the views of the child in accordance with their age and maturity.

Actively seeking family reunification possibilities

The presence of family members in the same or in another Member State is a primary consideration in the application of the Dublin III regulation. In accordance with Article 6(5) Dublin III regulation, Member States should take proper actions to identify family members. Once a potential family link is found, it should be explored whether the applicant can and should be reunited with the family member through the Dublin procedure. This is to safeguard

⁽¹²⁾ [Directive 2011/95/EU](#) of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast) (OJ L 337, 20.12.2011).

⁽¹³⁾ [Council Directive 2003/86/EC](#) of 22 September 2003 on the right to family reunification.

⁽¹⁴⁾ Council of Europe, [European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols Nos. 11 and 14](#), 4 November 1950, ETS 5.

⁽¹⁵⁾ European Union, [Charter of Fundamental Rights of the European Union](#), 26 October 2012, 2012/C 326/02.

⁽¹⁶⁾ [Directive 2013/33/EU](#) of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast), (OJ L 180, 29.6.2013).





the principle of family unity and, in the case of unaccompanied children, to ensure that they do not stay unaccompanied and are reunited with a family member, sibling or relative as soon as possible.

Prioritising cases involving children

It is important to prioritise the cases of child applicants and to take the necessary steps to guarantee them quick access to the asylum procedure. Member States should show flexibility in family reunification cases and strive for reuniting the child with their family member, sibling or relative.

Ensuring quick and effective access to the asylum system for the applicants for international protection

The aim of the Dublin system is to ensure quick and effective access to the asylum procedure for applicants for international protection. To this end, the Dublin III regulation sets out strict time limits and clear and objective responsibility criteria. Not meeting the time limit to send or to reply to a request may result in becoming the responsible Member State. Member States should strive for shorter Dublin procedures to ensure rapid access to the asylum procedure.

Key considerations in family reunification cases

The implementation of the Dublin III regulation relies on the cooperation between Member States. Family reunification cases require that cooperation between the Dublin Units and other authorities or organisations is active and continuous. Below you will find key aspects to adopt in family reunification cases.



- **Prioritisation of cases of family reunification**

To avoid excessive waiting times and to ensure the best exploration of all elements of a case, family reunification cases should be prioritised in all stages of the procedure.



- **Cooperation between Dublin Units, authorities, and organisations**

Close cooperation between Member States, as well as cooperation with stakeholders within the Member States are essential for the good functioning of the Dublin system. It is important that all partners involved in the procedure cooperate with each other to explore all aspects of a case and consider all views to make an informed decision.






- **Proactiveness of case officers, representatives and the applicant**

Family reunification cases require attention, time and dedication from case officers, the applicant and/or their representative. Proactiveness and active follow-up are important to speed up the procedure, to open communication lines, and to help advancing the case.

In the next pages you will find recommendations to help organising the processes more efficiently and effectively, bearing in mind the key principles and key considerations in family reunification. These commonly agreed best practices are source of inspiration for process improvement in the Member States.



Early detection of potential family reunification cases

Dublin III regulation	
	Article 20(1)
	Article 21(1)

One of the key challenges of family reunification cases is meeting the mandatory time limits. Collecting relevant information in a brief period and conducting family tracing is challenging. It is even more so when the case is not referred to the Dublin Unit on time, as there may not be enough time to explore all aspects of the situation of the applicant. Missing the time limit to send a request results in shift of responsibility. Long procedures or delays can lead to the applicant absconding.

Early detection of a potential family reunification case allows to initiate family tracing, discover all relevant elements at an early stage and gain time for the collection of evidence. It can increase the chances of a positive outcome of the Dublin procedure. To mitigate the challenge of meeting time limits, it is important to ensure that Dublin family reunification cases are found at an early stage, before or soon after the lodging of the application for international protection. This can be achieved by detecting indicators of a potential family reunification case in the registration phase. Once a potential family reunification case is detected, it should be referred to the Dublin Unit for further action.

To identify potential family reunification cases during registration, it is important to pay special attention to the aspects below.

- The person is an unaccompanied child.
- The father, mother sibling or another adult responsible for the child of the unaccompanied child is legally present in a Member State.
- A relative of the unaccompanied child is legally present in a Member State.
- The spouse of the adult applicant is a beneficiary of international protection in a Member State.
- The spouse of the adult applicant is an applicant for international protection in a Member State.
- The person is vulnerable and is dependent on someone's care.
- Other family relations of the person.





Identifying vulnerable applicants

Identifying vulnerability is crucial. Vulnerability identification is a continuous exercise aimed to detect indicators, signs or manifestation of vulnerability/ies present in the person. To ease identification, the professionals in contact with the person should be knowledgeable of the indicators, signs or symptoms commonly present in previously identified vulnerable persons. Vulnerability indicators can be detected through:

- direct interaction with the person and observation of the external signs;
- the applicant's own declaration or that of their relatives or other persons and residents of the centre;
- information provided by other professionals (medical diagnoses, previous psychosocial reports, knowledge of an ongoing investigation, etc.);
- documentation available in the file, in the possession of the person or found in other databases at the official's disposal;
- activities such as individual interviews, group talks, briefings, etc., performed by specialised and non specialised staff.

If the person is vulnerable, ensuring their special needs requires more responsibility and more active involvement of stakeholders. Identifying vulnerabilities can also lead to identifying elements that might trigger the application of the 'dependency clause' provided in Article 16 Dublin III regulation. This clause allows for the reunification of dependent persons with the person on whose care they are dependent. Potential dependency elements include pregnancy, new-born child, serious illness, severe disability or old age in case the person is dependent on another person's support.

Recommendation 1. Organise information provision on family reunification possibilities at arrival

	Dublin III regulation
	Article 4
	Implementing regulation
	Annex X and XI

Information provision on family reunification possibilities for potential applicants at arrival can help the early identification and self-identification of applicants who have family members in the Member States. In this way, family links can be detected even before the application for international protection is lodged. To this end, you can use the common information leaflet or other information provision material on family reunification (see the good practice box below).



Applying the family criteria set out in the Dublin III regulation requires the consent of the persons involved. For this reason, it is helpful to inform the applicant about the consent requirement already at this stage, as early consent can accelerate the Dublin procedure.

When communicating the necessary information to the applicant, it should be ensured that they understand the procedure as well as their rights and obligations. For an effective collection of information, it is important to have updated contact information of the applicant to notify the date and place of an upcoming interview or what documents are needed, by when, how and where.



Practical Guide on Information Provision in the Dublin Procedure ⁽¹⁷⁾

The guide describes what information should be provided to applicants for international protection regarding the Dublin III regulation. Through the example of Mahmoud, an unaccompanied child who wishes to be reunited with his uncle in Norway, the reader can understand when, how and what information should be provided to an unaccompanied child.

Good practice: giving basic information about the case when referring it

It is important to provide basic information to potential applicants in arrival centres. To this end, it is good practice to use brief and to-the-point brochures, flyers, posters, videos and other tools that target applicants directly. Such instruments should meet accessibility requirements to make them fit for applicants with vision impairments or illiterate persons. The language used should be straightforward and easy-to-understand, so that potential applicants can easily acquire the key information on the possibility to be reunited with a family member or relative and can therefore inform the relevant authorities which will support in the procedure.

For an early information provision in reception or arrival centres, you can use the EUAA's posters on family reunification available on the [Let's Speak Asylum Platform](#).



⁽¹⁷⁾ EASO, [Practical Guide on Information Provision in the Dublin Procedure](#), December 2021.



Recommendation 2. Train first line personnel on the identification of Dublin cases

Training on the identification of Dublin cases for registration officers should enable them to:

- understand the relevance of their work for the Dublin procedure;
- know which registration fields are of particular importance and how they should be recorded;
- identify potential Dublin cases and refer them to the Dublin Unit on time.



EUAA Training Module on Identification of Potential Dublin Cases

This module trains first contact officials (e.g. registration officers, border guards, border police) in understanding which indications they should look out for to identify a potential Dublin case, and how to refer these to the Dublin Unit.

Good practice: training courses at national level involving partner organisations

Some Member States organise training sessions at national level for specific categories of staff, such as border police or other staff who might come across potential Dublin cases. Partner organisations such as UNHCR are involved in the trainings.

Recommendation 3. Ensure the early identification of family reunification cases during registration

Depending on the organisational setup of a Member State, it is not always possible to hold a detailed interview with the applicant. However, it is important that questions related to family members or to the existence of a stable relationship with a person in another Member State are explored as soon as possible.

Including specific questions on family links in the registration form can be useful for early detection. Once such links are identified, follow-up can take place at a later stage during an interview focusing on family reunification aspects.



Practical guide on registration ⁽¹⁸⁾

Chapter V of the guide provides relevant information for identifying potential Dublin cases, listing the elements that can help detecting Dublin cases in the registration phase and describing the referral of the cases and the role of the registration officer.

Recommendation 4. Establish a standard operating procedure for the detection of Dublin cases

An internal standard operating procedure (SOP) can help establish the main roles, responsibilities, and tasks in the detection of Dublin cases. The SOP can describe the procedure, its different steps, the roles and responsibilities of registration officers in the detection process, and the role of the Dublin Unit. The SOP or internal guidelines can support registration officers in the registration phase to ensure that cases are detected and flagged early and then referred to the Dublin Unit. These internal guidelines can specify the methods of the referral or flagging cases.

Recommendation 5. Ensure that referral to the Dublin Unit includes all relevant information

Sharing basic information on the file that is to be referred to the Dublin Unit ensures an efficient way of working. Basic information includes reference to the type of evidence or indicator on which the referral is based (e.g. Eurodac or other evidence, or indication of unaccompanied child with a relative in a Member State).

When referring the case to the Dublin Unit, it is important to send all elements of the case that point to the family link, for example any documents of the person supporting the family link. If documents are sent during the referral, it is useful to note if the document is a copy or the original.

⁽¹⁸⁾ EASO, [Practical Guide on Registration](#), December 2021.



Good practice: supporting the referral with tools

It is important for the effectiveness of the functioning of the Dublin procedure that all cases with a potential family reunification aspect are referred to the Dublin Unit as soon as possible. It is also important that the tools assisting the referring officers clearly indicate who the applicant may be reunited with. This is to avoid referring cases which clearly fall outside of the scope of family reunification under the Dublin procedure. In case of doubt, it is good practice to consult the Dublin Unit on a potential case for family reunification. However, systematic over-referral of cases will slow down procedures both in the Dublin Unit and in the national asylum procedure.

Recommendation 6. Introduce digital solutions for referral

A digital case management system can support the early referral of a case to the Dublin Unit. It can also be useful to provide the necessary information and documents to the Dublin Unit in an efficient way. Since the Dublin procedure takes place via a secure messaging system, called DubliNet, and all information is exchanged via forms and in secure emails, having all documents and information available in electronic format makes the process more efficient.

Recommendation 7. Flag family reunification cases when referring to the Dublin Unit

As the Dublin Unit receives many types of potential Dublin cases, it is useful to flag family reunification cases in the referral. This will help the Dublin Unit to mark these cases for urgency and prioritise them over other types of potential take charge or take back requests which usually require less investigation.

Prioritisation of a family reunification case

The overall aim of the Dublin procedure is to ensure that the applicant has effective access to the asylum procedure. If the person has a family member or relative in a Member State, it is especially important to reunite them as soon as possible, especially if the person is an unaccompanied child. This is only possible if such cases are treated with priority at all stages of the procedure. Below are some recommendations on how family reunification cases can be prioritised in the Dublin caseload over other types of cases (e.g. take charge, take back, or non-family-related information requests not marked for urgency for other reasons).



Recommendation 8. Ensure that the case management system effectively supports the prioritisation

Depending on the available resources, some Dublin Units work in a digital environment, using a digital case management system which enables users to flag urgencies and approaching deadlines. This allows for an easier follow-up of cases.

The management system in use (be it paper-based, digital or mixed) could support prioritisation and efficiency through the functions described below.

- **Screening or pre-screening of referred cases.** This feature, either automated or not, would mark if a case lacks any necessary documents or crucial information. It would also identify the type of case at hand and the necessary follow-up actions. It can serve to effectively screen cases that are manifestly not Dublin cases to allow for a fast access to the asylum procedure for the applicant.
- **Marking of urgencies.** When a potential family reunification case reaches the Dublin Unit, it should be flagged to ensure prioritisation and marked according to the required action, e.g. an interview with the person concerned or collection of further information.
- **Tracking of cases.** Tracking the case can help establish what action was already taken, what the stage of the case is (e.g. a request was sent), and if it is pending for any reason. It can also help understand what steps are necessary to proceed further and when, and who the main contact person for the case is.
- **Direct access to the necessary databases.** It can contribute to a swift handling of cases and ensure prioritisation of family reunification cases.

Collection of information

Due to the complexity of family reunification cases, the collection of relevant information can be a lengthy process. [Annex I: Collecting relevant information](#) lists the types of information that could be required for a family reunification case. The recommendations below aim at maximising efforts for collecting information and ensuring completeness.



Recommendation 9. Set up cooperation agreements with civil society organisations specialised in family tracing



Several civil society organisations are active in family tracing across the Member States. They can provide valuable support to the applicant and the Dublin Unit, especially in collecting relevant information and tracing or contacting the applicant's family member or relative in another Member State. Member States facing a particularly high number of outgoing family reunification requests can benefit from setting up cooperation agreements for family tracing with civil society organisations.

Coordination meetings between the Dublin Unit, other national authorities and the different organisations working on family tracing can support the sharing of information and improve the coordination of cases. This is particularly useful when the Dublin Unit does not have access to certain databases or cannot contact non-governmental organisations or other organisations directly. These meetings can also ensure that everyone involved in the procedure understands their roles, responsibilities and tasks, and know when their involvement is necessary. Holding such meetings regularly can also help to better prioritise and follow up cases and identify any necessary actions.

Through the Member Area, Dublin Units can access the lists of organisations that can be contacted to support family tracing.


Recommendation 10. Set up cooperation agreements with other national authorities

The involvement of other national authorities could be necessary at several instances of the Dublin procedure. To work efficiently and ensure prioritisation, it is beneficial to set up cooperation agreements with social services, healthcare providers and language service providers. Such agreements can focus on enhanced cooperation for best interests assessment, DNA tests or age assessments, as well as interpretation and translation services.

Regular high-level coordination meetings between the different units involved in the procedure can help to identify ways to further improve the cooperation and address issues of a more systemic nature. In this regard it is helpful to have a mechanism to enable the actors involved in the day-to-day cooperation to raise issues or ideas for such meetings.



Recommendation 11. Assign cases to personnel with the appropriate training and experience

Dublin III regulation	
	Article 6(4)
	Article 35(3)

Family reunification cases, due to their complexity, should be assigned to case officers who are trained and have the necessary knowledge to handle them. It is beneficial to apply the four eyes principle to ensure that the case is reviewed, such as a senior case officer or advisor with greater experience with such cases then provides a second opinion.



EUAA Training Module on the Dublin III Regulation

This training module targeting personnel working in Dublin Units dwells significantly on the family reunification procedure. The module provides learners with the necessary knowledge to start working on such complex cases.

Recommendation 12. Operate a functional mailbox to ensure efficient information sharing by stakeholders

When several (internal or external) stakeholders participate in the collection of evidence, it is useful to keep the communication among the parties involved clear and efficient. It is helpful to operate a functional mailbox where relevant documents or information can be submitted by the applicant, their representative or other professionals involved. An established communication channel, such as a dedicated functional mailbox can facilitate communication.

Good practice: operating a functional mailbox

Some Member States operate a functional mailbox where documents and additional necessary information can be submitted. For example, the applicant or their representative can send a copy of the identity document of the family member or other important documents necessary for the case.



Recommendation 13. Organise an interview with the applicant as soon as possible to explore potential family relations

	Dublin III regulation
	Article 5
	Implementing regulation
	Article 12(3)

If not done before the referral, organising an interview with the applicant as soon as possible can help identify potential family links in another Member State and to explore the nature, reality and history of the relationship. An interview with the applicant is the best way to explore their situation, even if relevant information was provided by other means.

The interview can also serve the purpose of providing information about family reunification possibilities to the applicant (if not done yet) and encourage them to come forward with any relevant information or documents, even if they become available later in the procedure.



Practices for organising the interview

Depending on internal processes, the interview can take place in various stages and ways in the Member States. Some Member States combine the registration with the Dublin interview or a Dublin questionnaire to identify Dublin indicators at an early stage. Some Member States have a built-in interview template in their case management tool focussing on questions related to the identification of family members. Other Member States organise a specific Dublin interview soon after the case is referred to the Dublin Unit.



Recommendation 14. Proactively cooperate with the other Member State's Dublin Unit in the collection of information



The requesting and the requested Member States should cooperate in the collection of evidence to seek family reunification possibilities, establish family links and reunite the family members.

Good practice: proactive cooperation between Dublin Units

Proactive cooperation can include appointing liaison officers for the Member States with which there is a considerable workload of family reunification cases. The liaison officer can support in identifying priorities, facilitate information exchange or the transfer procedure. Bilateral agreements and other forms of enhanced cooperation on family reunification cases can contribute to more efficient processes between the Member States, thus benefitting the applicant.

It is also a good practice for Dublin Units to appoint contact points within the Unit for family reunification cases, to contact when necessary for a case. The email address or phone number of the contact points can be shared with the other Member State to ensure the swift handling of urgent queries related to family reunification cases.

Recommendation 15. Use information requests to collect additional information



If the available information on the family, siblings or relatives of an unaccompanied child, or on the family members of an adult applicant is limited, a request for information sent to the other Member State can help collect additional information. Information requests between Member States can be used effectively to identify family members.





Recommendations on Information Exchanges between Dublin Units ⁽¹⁹⁾

The document promotes best practices for exchanging information between Dublin Units in an efficient and effective way. The recommendations clarify the use of information requests, provide support to understand Article 34 requests, and to facilitate cooperation by providing common ground for the Member States as a starting point for the further harmonisation of the Dublin practice. Information exchange under the Dublin III regulation can be related to the determination of responsibility by, for example, tracing, identifying and locating family members or relatives of an unaccompanied child (in accordance with Article 6(5) Dublin III regulation).

Recommendation 16. Cooperate with the other Member State and stakeholders for obtaining the consent of the persons

Dublin III regulation



Article 9

Article 10

In family reunification procedures, it is important to ensure that the applicant and the family member are willing to be reunited with each other. For this aim, the Dublin III regulation requires that both persons give their consent in writing. Without the consent, the family reunification procedure (in cases of adults) cannot go ahead. No formal consent is required for unaccompanied children but it should be guaranteed that the reunification is in their best interests.

If the Member State that is sending the request is not able to obtain the consent of the family member in the other Member State, the requested Member State can proactively facilitate the process of getting the consent.

Good practice: cooperation with organisations for obtaining the consent

It is a good practice to involve relevant stakeholders when the applicant's consent is needed. Non-governmental or other organisations working with applicants in the field might have a direct contact with the person and have already established a relationship based on mutual trust. The applicant might feel more at ease communicating and giving consent when an organisation they trust is involved. Involving these organisations early on can also help speed up the procedure.

⁽¹⁹⁾ EASO, [Recommendations on Information Exchanges between Dublin Units](#), December 2021.



It is important to establish that consent was not coerced. To this end, you can for example check the history of the relationship between the applicant and the family member and compare previous statements. If indications of coercion arise, the Member State that becomes aware of it should inform the other Member State.

Once given, consent for reunification can be considered withdrawn only if the applicant or their family member explicitly withdraw it. In this case, the Dublin Units of the countries concerned should immediately notify each other. The request for taking charge should also be withdrawn as well, if the requested Member State had not replied yet.



Considerations regarding the consent of the person

It is important to collect the consent of the person early on, to ensure that the family reunification is carried out according to the applicant's will. There is no specific consent form set out in the Dublin III regulation or in the implementing regulation. Member States follow the principle of mutual trust in relation to the content of the submitted consent form if word-to-word translation was not provided.

Member States can consider using forms or templates that contain the following elements:

- Personal data of the person concerned and the family member (to the extent which is necessary for identifying the persons).
- The relationship between the persons.
- Information on the purpose of the consent (family reunification with the specific family member/relative according to Dublin III regulation in a specific Member State).
- Signature, place, and date.
- Contact details of the applicant, such as phone number, email address (if necessary).
- Details of any interpretation used.
- The language in which the form was filled in.
- Translation of the consent where necessary.



Best interests of the child

Dublin III regulation	
	Article 6
	Article 8

The best interests of the child should always be assessed and given primary consideration when family reunification involves an unaccompanied child. Therefore, application of the conditions set out in Article 8 Dublin III regulation is subject to the prerequisite that the exercise of any of the options therein provided is in the child's best interest.

There are important procedural safeguards that must be respected at all times. These include safeguards concerning the child's safety, the representation of the child's best interests by a guardian or representative, safeguards to hear the child's views and to give it due weight according to the age and maturity of the child, confidentiality, data protection, verification of family links, applying the benefit of the doubt, providing effective remedies, seeking family tracing possibilities and cooperating with relevant authorities for this aim.

Where the child or their parent(s) do not wish to reunite with a family member, this should not exclude family reunification per se. However, the child's unwillingness must be taken into due account according to their age and maturity, and reunification must only take place when it is proven to be in the best interests of the child. Furthermore, it must be borne in mind that reunification can be difficult to achieve in practice if the child does not cooperate. In all cases, a holistic assessment of the child's needs and best interests should be applied.



Practical Guide on Family Tracing ⁽²⁰⁾

The guide provides guidance and reference materials to support EU+ countries ⁽²¹⁾ on family tracing. The guide is constructed around four interlinked pillars: introduction to the topic by outlining the circumstances of family tracing; a visual outline of the family tracing process, including applicable principles and guarantees; overview of family tracing practices across the EU+ countries; conclusions and recommendations promoting consistent standards and guarantees. Reference materials in the guide include a glossary of relevant terms, legal framework, list of relevant projects and initiatives, relevant publications, and a mapping of the practices of EU+ countries.

⁽²⁰⁾ EASO, [Practical Guide on Family Tracing](#), March 2016.

⁽²¹⁾ In the Practical Guide on Family Tracing, EU+ refers to the EU Member States plus Norway.



Practical Guide on the Best Interests of the Child ⁽²²⁾

The guide supports Member State authorities in applying the principle of the best interests of the child and enhancing the guarantees within asylum procedures for children. The guide is structured in four sections: background elements of the best interests of the child; relevant guarantees; guidance on how to assess the best interests in practice; vulnerability and risk indicators. The guidance is complemented with an overview of the terminology, a comprehensive checklist as well as relevant policy, guidance, and legal framework documents.

Recommendation 17. Set up cooperation agreements for the assessment of the best interests of the child

The assessment of the best interests of the child is a continuous process that may involve several partners such as the legal guardian or the representative of the child, social services and the asylum authority of the Member State. The scope of competence and legal rights of a representative may differ from Member State to Member State. Continuous cooperation and efficient information sharing among these partners is crucial for producing an assessment that is as thorough as possible. To set a framework for such teamwork, it is helpful to lay down an agreement specifying the details of such cooperation.

Both the requesting and the requested Member State have a role in the best interests assessment. It is their responsibility to share up-to-date and relevant information regarding the unaccompanied child. Any changes in the situation of the child or the family member that may have an impact on the overall assessment should be shared between the Dublin Units and the relevant authorities in an efficient way. Liaison officers located in Member States or special contact points within the organisations involved can play an important role in efficiently transmitting information to the relevant authorities.



Examples of aspects to consider in the best interests assessment

The assessment is a complex process which requires the examination and weighing of several elements. In each case, an individual assessment should be made taking into account the situation of the child.

When assessing the best interests of the child in a Dublin procedure, the following aspects should be considered:

- family reunification possibilities;
- views and opinions of the child according to the age or maturity;

⁽²²⁾ EASO, [Practical Guide on the Best Interests of the Child in Asylum Procedures](#), 2019.



- views of the relative(s), social services, guardian or other;
- the child's wellbeing and social development;
- the child's safety and security, especially if there is a risk of the child being a victim of human trafficking;
- the relative's ability to take care of the child, bearing in mind that it is that Member States' responsibility to ensure that material reception conditions are available to all applicants for international protection (therefore reasons related solely to the material capacity of the relative should not lead to the conclusion that they are not capable of taking care of the child).
- other relevant emotional or material circumstances, e.g. willingness to be reunited, closeness of the relationship, behaviour and habits of the relative, health / overall ability of the person to take care of the child, current family circumstances.

The elements above, together with other relevant aspects, should be weighed for an overall, balanced and thorough assessment. For the sake of transparency of the assessment or of the factors considered, it is useful to share the relevant information regarding the best interests assessment when sending the request.

Recommendation 18. Avoid unnecessary use of DNA tests

DNA tests are used to verify family links. They are a complex and time consuming method which should only be used in the Dublin procedure when deemed necessary, e.g. where the evidence submitted is insufficient to determine the Member State responsible for examining the application for international protection. Besides documents on family links, the following methods should be used to determine the responsible Member State:

- detailed interviews with the child or the family member or relative;
- checks of previous statements of the applicant or family member;
- information requests and the active involvement of the applicant, relative or other supporting organisation(s);
- overall assessment of statements to establish the responsible Member State, taking into account if statements are coherent, verifiable and sufficiently detailed.

Member States should strive to request DNA tests only when doubts remain or when the documents submitted seem to be fraudulent. If the requested Member State rejects the case and asks for a DNA test, it is helpful to explain why the DNA test is deemed necessary, what information is missing and if alternatives to a DNA test can still be considered (if available to the requesting Member State).



Considerations regarding DNA tests

Conducting a DNA test can be a lengthy process. When a DNA test is deemed necessary, the following aspects should be considered to respect the principles of family life and ensure cooperation between the Member States:

- It is the responsibility of the requesting Member State to ensure that the DNA test is reliable, was issued by an accredited institution and the results are easily to comprehend.
- Where possible, the requested Member State should keep the family reunification case open until the DNA test results are submitted, as long as time limits allow, and should inform the requesting Member State accordingly.
- If a re-examination or a new request under Article 17(2) is deemed necessary to accept the DNA test results, there is no need to provide new written consents (if no consent had been provided earlier, it would be required for the new request).
- If the applicant has reached adult age during the DNA procedure, the person should still be treated as a child for the purpose of determining the responsible Member State.

Recommendation 19. Avoid unnecessary medical age assessments

When there are substantial doubts regarding the age of the child, Member States should use the least invasive methods for age assessment and apply the benefit of the doubt if the assessment is inconclusive.

There can be differences in the age assessment methods used across Member States. For this reason, clear communication on the used method is crucial. Where possible, to avoid unnecessary assessments, Member States should accept each other's age assessment method unless there is information contradicting the result of the assessment. If the requested Member State has information contradicting the results of the assessment conducted by the requesting Member State, it is recommended to communicate this information.

If the requested Member State rejects the request and asks the requesting Member State to conduct a medical age assessment, it should communicate why such assessment is necessary, what information is missing, if it has any indications that the person might be an adult and if alternatives to a medical age assessment can be considered.

If a medical age assessment was conducted, it is important that the requesting Member State transparently communicates the type of assessment that was used. A summary of the method can be provided with the age assessment report, providing information on the date of the age assessment, the method used and the margin of error, as well as any other relevant information.

Where possible, the requested Member State should keep the family reunification case open until the age assessment results are submitted, as long as time limits allow, and should inform the requesting Member State accordingly. If the age assessment results cannot be submitted within the time limits, they can be shared as part of a re-examination request or a new request.



Practical Guide on Age Assessment ⁽²³⁾

The guide and its [updated findings](#) are intended to support EU+ countries ⁽²⁴⁾ in the implementation of the principle of the best interests of the child when assessing the need for age examination and when designing and undertaking age assessment. The guide provides guidance on the application of the necessary principles and safeguards in the assessment process, as well as on implementing the assessment process using a holistic and multidisciplinary approach. It also provides an overview of age assessment methods used by EU+ countries and formulates and key recommendations to address practical challenges. It includes tools and reference documents such as a glossary of terms, an overview of the international, EU, and national legal frameworks and a checklist.



Age assessment booklet for children ⁽²⁵⁾

The EUAA has published this booklet on age assessment especially targeting children. Information is presented in a child-friendly manner to further inform the young persons arriving in Europe who might have to take part in an age assessment.

Assessing evidence in outgoing requests

When a potential family reunification case reaches the Dublin Unit and evidence is collected, the next step in the procedure is assessing the evidence and preparing the request. The aim of this assessment is to determine if, based on the evidence, it can be concluded that another Member State should be responsible for the examination of the application and therefore a request for taking charge should be sent.

⁽²³⁾ EASO, [Practical Guide on Age Assessment](#), second edition, September 2018.

⁽²⁴⁾ In the Practical Guide on Age Assessment, EU+ refers to the Member States of the EU plus Iceland, Liechtenstein, Norway and Switzerland.

⁽²⁵⁾ EUAA, [All you need to know about age assessment](#), January 2022.



Recommendation 20. Ensure that evidence is thoroughly assessed in accordance with the requirements of the Dublin III regulation

Case officers can benefit from clear internal guidelines on how to thoroughly assess evidence pertaining to a case. In accordance with the Dublin III regulation, the assessment should be impartial and individual, based on the information available and on the situation of the person.

Guidelines should cover the following aspects:

- support to case officers in the identification of elements that are relevant to the assessment of evidence in different cases;
- key steps or actions that need to be respected during the assessment.



Forms and templates to support evidence assessment

Forms and templates can be useful to provide a general overview of the evidence assessment conducted and its outcome. Such forms and templates should inform on the following elements:

- relevant information and documents considered;
- if the document presented is a copy of an original or not, and if the applicant is in possession of the original. This information can also be useful for the partner Member State to accurately assess the evidentiary value (e.g. when only a copy has been added to the file, if the original has been seen);
- documents that were translated and assessed;
- verification of elements (e.g. if document verification was conducted);
- overall coherence of the statements;
- to what extent the statements of the applicant are supported by documents;
- missing documents, if any.
- to what extent reasonable explanations for the missing documents are provided;
- if any contradictions or inconsistencies remain or any elements need to be further clarified;
- the overall conclusion;
- next step or proposed action (e.g. information request, follow-up interview, take charge request, or referral to national procedure);
- if the assessment was reviewed by another case officer (i.e. if the four eyes principle was respected).



Recommendation 21. Apply the four eyes principle for an informed assessment

Applying the four eyes principle can help verify that all elements have been duly assessed, thanks to the second opinion provided by another case officer. Applying the four eyes principle throughout the whole procedure, including when preparing and sending the request, can help make an informed decision on any case and ensure that proper reasoning was used.

Preparing and sending the request

Once evidence assessment is finalised and it is concluded that a request for taking charge should be sent to another Member State, the next step is to prepare the file and send the request to the Member State.

Recommendation 22. Set up a process to verify completeness of case files before sending the request

Implementing regulation	
	Article 15
	Annex I

Before sending the request, the requesting Member State should ensure that the file is complete. To this end, checks can be performed as part of the case management system so that officers can verify that all relevant information and the related documents that were part of the assessment are attached to the request. Performing such checks ensures not only completeness of the file but also, conversely, that only relevant information and documents are submitted to the requested Member State.



Checklist for verification of completeness

This checklist can be used to verifying completeness of the file.

- The correct form with the applicable legal ground of the request is used.
- The form is filled in with all necessary information.
- A clear and easy-to-understand summary of the evidence assessment is included (for example, in the 'Other useful information' box).
 - The summary of the case covers the following aspects:
 - › the person's identity and age (child or adult) and whether identification was based on the applicant's own statements or on any available identity documents;
 - › relevant information about the person;
 - › family link between the persons and information on their relationship, for example when they last met, whether they lived together in the past, whether the family member or relative took care of the child previously.
 - › whether any evidence is attached to prove the family link;
 - › confirmation of the willingness to be reunited;
 - › if the applicant is a child: explanation of the relative's capacity to take care of the child.
 - › family tree;
 - › summary of the assessment, any contradictions examined and clarified, etc.
- If the applicant is a child: information that the best interests assessment was performed, confirmation that the request is in line with the assessment and that the assessment is attached.
- If the applicant is an unaccompanied child and age has been assessed by the authorities: the file includes information on the age assessment and method used (ocular, medical, statements or documented) and relevant documentation is attached, if any.
- Before sending the request, it is checked once again that all necessary documents are attached, that they refer to the concerned person and that there are no doubles among the attachments.
- It is ensured that the request is sent to the Member State which is the most likely responsible for the examination of the application for international protection.
- The request is in line with the applicable time limits of the Dublin III regulation.
- Formal requirements for sending the message through DubliNet are met.
- If the applicant is an unaccompanied child, the case is flagged and it is marked that it should be prioritised, if possible.
- If any evidence or the consent of the applicant or family member is lacking, an explanation is provided on why it is not available.



Recommendation 23. Attach clear, identifiable, and relevant documents to the request

It is important to clarify the purpose of any document attached to the request, i.e. what the document proves, to what it relates, why it is submitted. This is important to understand how the different elements are to be considered/weighed.

For this aim, attachments containing argument-bearing documents should be translated and the translation should be attached. This contributes to a swifter Dublin procedure and prevents prolongation of the procedure due to misunderstandings/misinterpretations of a document.

If, for any reason, translation of relevant documents cannot be provided, this should be explained in the request. In this case, the requesting Member State should explain or summarise the content of the document and also explain how it was assessed.

Only attachments that are necessary for the proper examination of the request should be attached. Sending attachments that do not help build the case leads to unnecessary workload in the requested Member State and prolongs the procedure.

A clear naming convention should be used for the attachments, for the purpose of easy identification. The name of an attachment should clearly identify its content. Avoid using generic and non-explanatory names such as 'document 1.pdf' or similar.





Assessing the evidence in incoming cases

When receiving a request, the requested Member State assesses if it is responsible for the examination of the application for international protection. It must be kept in mind that the objective of the Dublin III regulation is only to determine the Member State responsible for the examination of the request for international protection. Family reunification under the Dublin III regulation does not result in the issuance of a residence permit. The granting of the residence permit will depend on the examination of the application. Therefore, the requirements for family reunification under the Dublin procedure should not be assimilated to the standards applicable in regular family reunification procedures and should not go beyond what is necessary for the proper application of the regulation.

At all times, a thorough examination of facts and assessment of the case is necessary. It is paramount to ensure that the wellbeing and safety of the child are a primary consideration for the Member States and that the child is not put at risk by being reunited with someone who is not adequately related to them or not able to take care of the child.

Recommendation 24. Limit evidence assessment to the requirements and purpose of the Dublin III regulation

When assessing the evidence of an incoming case, Member States should keep in mind the overall purpose of the Dublin III regulation. In family reunification cases, it should be ensured that no evidence beyond the scope of the Dublin procedure is required. The threshold in Dublin cases should be lower than in the regular family reunification procedure for beneficiaries of international protection or other third-country nationals. The requirements should be proportionate to the overall objective of the Dublin III regulation.





Checklist to assess incoming cases

In addition to elements mentioned in 'Assessing the evidence in outgoing requests,' the following can be considered for assessing the incoming case:

- The request is complete: all relevant documents related to the case are received and no crucial information is missing.
- An explanation is provided if a document that is necessary for establishing a family link was not attached.
- If a document necessary for establishing a family link was not attached to the request but is nevertheless available to the requested Member State, the latter considers that document as part of the evidence.
- The information presented in the request is compared to the information available in the requested Member State's database.
- An explanation is provided by the requesting Member State if it transmits a document that has not been translated. In this case, the requested Member State can translate the document in on its own or ask the requesting Member State to do so.
- Proportionality is applied in requesting the translation of documents: if the evidence submitted is coherent, there is no need to request translation of a document which does not have a strong weighing factor.
- Time limits are met.



Considerations regarding time limits

The Dublin III regulation sets out strict time limits to determine the responsible Member State. Failing to meet the time limits results in shifting of responsibility. Member States must meet the time limits to ensure that the applicant has quick access to the asylum procedure.

Family reunification cases are usually complex and require a lot of time to collect all information and make a due assessment. Member States should ensure that their processes allow for the timely handling of family reunification cases. However, if despite all efforts made, the time limits cannot be met on either side, Member States should still give primary consideration to the best interests of the child and to the principle of family unity. If the time limit for sending a request was not met and/or the request was rejected, the requesting Member State can send a re-examination request or a new request based on Article 17(2).

Before sending a re-examination request or a new request (based on Article 17(2)), the requesting Member State should take into consideration the applicant's right to swift access to the asylum procedure as well as their right to have their asylum application examined in the state where their family/relative resides.



Good practice: sending a follow-up message when information is missing

The requesting Member State should ensure that the request is complete. If a document is missing, the requesting Member State should explain why the document was not submitted and to what extent it is substantiated by other circumstantial evidence.

However, it can happen that documents that are essential to substantiate an element that is material to the request and that can be reasonably expected to be provided by the requesting Member State and/or the applicant, are not submitted. In this case, it is good practice for the requested Member State to send a follow-up message to the requesting Member State to inquire if the missing information can be sent. Sending a follow-up message is a good way to avoid a rejection and to ensure that the time limit is not reduced to three weeks (as part of a re-examination procedure). In the follow-up message, the requested Member State can inform the requesting Member State about the missing information or document and indicate the deadline to submit it.

Replying to requests



Implementing regulation

Article 20

Recommendation 25. Screen incoming cases by type and urgency to prioritise caseload

Screening incoming cases by type will help identify urgencies, mark the cases that need additional follow-up or action and prioritise the caseload. It is not always possible to prioritise family reunification cases over other types of take back and take charge requests, because shorter time limits apply to take back requests. Furthermore certain cases – for example those involving detention – require an urgent reply.

It is nonetheless important to screen incoming cases and identify family reunification requests, in order to reply as soon as possible especially in the cases concerning unaccompanied children. When additional information or documents are needed to establish responsibility, this should be communicated to the requesting Member State as soon as possible to avoid prolonging the procedure.





Recommendation 26. Provide explicit acceptance in writing

Failing to meet the time limit to reply to an incoming request results in acceptance by default. In family reunification cases, and especially those involving unaccompanied children, the best practice is to always provide explicit acceptance of taking charge of the examination of the application for international protection. This is important to ensure that transfer of the person to the responsible Member State can be safely organised and take place in accordance with the best interests of the child.

The written acceptance can include communicating the legal grounds of the acceptance, especially if they differ from the legal grounds of the request. The acceptance can also include information on any requirements regarding the transfer of the person.

For safety and security reasons, it is always important to confirm responsibility and provide information on the requirements regarding the transfer of the person, even if the time limit to reply to the request has passed. If the requesting Member State does not receive information on transfer details, proactive communication through other established channels can help remind the requested Member State to send such notification.

If the requested Member State missed the time limit to reply to the request, and thus became responsible by default, and finds that there are reasons to believe that the transfer would not be in the best interests of the child, it is important to inform as soon as possible the requesting Member State about such reasons, so that the Member States can decide whether to proceed with the transfer or not. Sharing such information can be extremely important for cases of unaccompanied children to ensure that their best interests are considered.

Good practice: cooperation between guardians in the Member States

If the applicant is an unaccompanied child, communication between social services or other organisations in both countries can facilitate the transfer and help the smooth transition of the case. This can be beneficial if the guardian in the requested Member State is already appointed or will be a relative of the child, so that the guardians in the two countries can contact each other to prepare for the transfer of the child.

Cooperation between relevant authorities in the requesting and requested Member States is important. Child protection authorities in the requested Member State may have a crucial role in assessing the best interests of the child (e.g. by conducting visits to family homes) or in supporting the assessment in other ways.





Recommendation 27. Provide detailed reasons if the case is rejected



Implementing regulation

Article 5(1)

The requested Member State may conclude that the presented documentary and circumstantial evidence does not substantiate the conclusion that it is responsible for taking charge of the examination of the application for international protection of the person. For clear and efficient communication in family reunification cases, it is important to communicate full and detailed reasoning and grounds of the rejection.

Details can include:

- a summary of the evidence assessment and of the factors that lead to the rejection;
- whether, despite earlier efforts to obtain missing information, elements were still missing and whether any claims can be further supported by evidence to establish responsibility;
- whether a re-examination request may result in a different conclusion if additional evidence is provided.

Recommendation 28. Cooperate actively to ensure the child's access to legal remedies available in cases of rejection of the Article 8(2) request



CJEU, 2022, I, S⁽²⁶⁾

The case concerns an unaccompanied child applicant in Greece who wished to be reunited with his uncle who was legally resident in the Netherlands. The request for taking charge from Greece was refused by the Dutch authorities, claiming that the family link could not be established. A re-examination request was submitted by the Greek authorities and was also refused. Following an action for annulment by the applicant and his uncle, the District Court of The Hague, sitting in Haarlem, referred questions to the CJEU for preliminary ruling. The Grand Chamber ruled that Article 27(1) Dublin III regulation, read in conjunction with Articles 7, 24 and 47 of the Charter of Fundamental Rights of the European Union, must be interpreted as meaning that:

⁽²⁶⁾ CJEU, judgment of 1 August 2022, *I, S v Staatssecretaris van Justitie en Veiligheid*, C-19/21, ECLI:EU:C:2022:605. Summary available in the [EUAA Case Law Database](#).



it requires a Member State to which a take charge request has been made, based on Article 8(2) of that regulation, to grant a right to a judicial remedy against its refusal decision to the unaccompanied minor, within the meaning of Article 2(j) of that regulation, who applies for international protection, but not to the relative of that minor, within the meaning of Article 2(h) of that regulation.

As set out in the above mentioned ruling of the CJEU, when a request for taking charge concerning an unaccompanied child who has a relative in another Member State (Article 8(2) request) is rejected, the child has the right to appeal.

In practical terms, this means that the appeal would be lodged in a country where the applicant is not present. The challenge is that the requesting Member State does not have direct access to the applicable rules governing the appeal procedure in the requested Member State. At the same time, the requested Member State cannot directly inform the unaccompanied child about the available remedies as the child is in the requesting Member State.

Consequently, both the requesting and the requested Member State should actively cooperate to ensure that the child is provided with relevant and up-to-date information on the available legal remedies and how to access them. To coordinate this procedure, cooperation between the requesting and the requested Member State is of utmost importance.

If the requested Member State rejects the take charge request under Article 8(2), both the requesting and the requested Member State have the responsibility to ensure that the child has access to an effective legal remedy.

As soon as an appeal or request for review is lodged, the requested Member State should inform the requesting Member State. This is important to avoid parallel procedures, i.e. the requesting Member State sending a re-examination request or a new request under Article 17(2).

Recommendation 29. Inform effectively on the right of the child to a judicial remedy in case of rejection

To ensure that the child is informed in an effective way about the available legal remedies, the following steps should be observed.

- The requested Member State should disclose the grounds upon which the request was rejected and inform the requesting Member State of the judicial remedies available to the child, including how to access them.

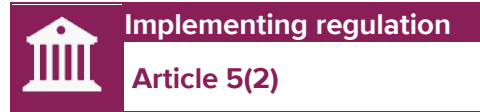
Such information can be shared in the text of the refusal or as a separate attachment to the letter sent to the requesting Member State. The requested Member State should provide information on:



- how and where an appeal or request for review should be submitted;
 - what the starting points are;
 - where possible, duration of the applicable deadlines for lodging an appeal or request for review.
- The requesting Member State should inform the child and their legal representative in writing about the decision of the requested Member State as soon as possible and in a child-friendly manner. It is important that the child and their legal representative have effective access to the information shared by the requested Member State on how, when and where an appeal against the refusal can be lodged.
 - During the information provision on the possibility to appeal or request a review, the requesting Member State's authority can instruct the applicant and their legal representative to notify the requesting Member State if they lodge an appeal or a request for review of the requested Member State's rejection. This will help avoiding parallel procedures, in case the requested Member State fails to timely inform about the lodged appeal.



Re-examination



The procedure for re-examination requests is set out in Article 5(2) Implementing Regulation. It specifies that following a rejection, the requesting Member State has three weeks to send a re-examination request and submit new elements to the case if it still deems that the requested Member State is responsible.

Recommendation 30. Assess thoroughly whether a re-examination request can be sent

If a request is rejected, it is important to assess whether the rejection is final or the case is still open for re-examination. In the latter case, it should be assessed what information was unclear or insufficient, what needs to be provided to the requested Member State, and if the required information is available to the requesting Member State. If this is not the case, it is necessary to assess if the information can be obtained within the time limit.



CJEU, 2018, *X and X* ⁽²⁷⁾

In this judgment, the Court ruled that Article 5(2) Implementing regulation must be interpreted as meaning that, in the course of the Dublin procedure, the Member State which receives a take charge or take back request, which, after making the necessary checks, refuses that request within the applicable time limits, and which, thereafter, receives a re-examination request, must endeavour, in the spirit of sincere cooperation, to reply to the re-examination request within a period of two weeks’.

If the requested Member State does not reply to the re-examination request within two weeks,

the additional re-examination procedure shall be definitively terminated, with the result that the requesting Member State must, as from the expiry of that period, be considered to be responsible for the examination of the application for international protection, unless it still has available to it the time needed to lodge, within the mandatory time limits laid down for that purpose in Article 21(1) and Article 23(2) of Regulation No 604/2013, a further take charge or take back request.

⁽²⁷⁾ CJEU, judgment of 13 November 2018, *X and X v Staatssecretaris van Veiligheid en Justitie*, joined cases C-47/17 and C-48/17, ECLI:EU:C:2018:900. Summary available in the [EUAA Case Law Database](#).



Practices for sending a new request ⁽²⁸⁾

In family reunification cases, it might happen that the requesting Member State is not able to collect the necessary additional information within the time limit. To ensure the principle of family unity and to continue the family reunification procedure, it is possible to send a new request. The most common practices in the Member States are reported below.

- If the time limit of the original request is not passed, the new request can be sent using the same legal ground of the original request. However, some Member States use a different legal ground for the new request, e.g. Article 17(2).
- If the time limit of the original request has expired, the new request can be sent based on Article 17(2).
- When a new request is sent following a previous request (as a re-examination request), some Member States ask the requested Member State to examine the request and submitted evidence according to the provisions of the original request (e.g. Article 8, 9 or 10) and that no extra or special humanitarian reasons are requested to be provided. Practices on this differ across Member States.
- If a new request is sent based on Article 17(2), the formal requirements of making a request should be met: the consent of the persons should be provided (if not done already) and the requested Member State should give its written acceptance.

Good practice: organising the work with re-examination requests

Some Member States consider it a good practice to assign the re-examination request to the same case officer who sent the original request. However, it is good practice to re-assign the case to someone else if no progress is made. Working with both incoming and outgoing cases can help case officers understand the different perspectives adopted in the assessment.

⁽²⁸⁾ The practices indicated here are inferred from the *X and X* judgment (op. cit. fn. [27](#)).

Annex I: Collecting relevant information



Elements to consider for the collection of evidence

Collection of relevant information starts before the referral of the case to the Dublin Unit. After the referral, the Dublin case officer is responsible for collecting all necessary evidence. You will find below some key elements to explore when collecting the relevant information.

Legal ground of the (potential) request



- What evidence is available and what information needs to be collected?
- What is the most likely legal ground of the take charge request?
- What are the evidentiary requirements for making such request?

Identity and personal circumstances of the applicant



- Is the applicant an unaccompanied child?
- Is the person vulnerable or has any special needs?
- Is the person dependent on someone else's care?
- Is this information supported by any documents or statements?
- Is the information on the person's identity supported by original documents, extracts from databases or statements related to personal details?
- Is the information on the person's identity verified?
- Are the statements of the applicant on personal details consistent with other documents?

Identity of family member and status in the other Member State



- Is the identity of the family member known?
- Is the information on the person's identity supported by original documents, extracts from databases or statements related to personal details?
- Is the information on the person's identity verified?
- Are the statements of the applicant on the personal details of the family member or relative consistent with other documents?
- Is the presence of the person in the other Member State confirmed by the Member State?
- Is the person's status known (e.g. beneficiary of international protection or other)?
- Is the information on the person's status confirmed by the Member State where the person is present?



Family link, history of the relationship and views



- Is the family link between the persons known? Was the family link formed in the country of origin?
- Is there any documentary evidence to support their relationship?
- Are there any details about the relationship between the persons? Are the persons willing to be reunited?
- If the applicant is a child, have the best interests of the child been assessed?
- If so, what is the result of the assessment?
- Is the relative capable to take care of the child?
- Are there any contradictions in the case?





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