



Margaritis Schinas
Vice-President European Commission

Ylva Johansson
Commissioner for Home Affairs European Commission

26 September 2022

Dear Vice-President, dear Commissioner, dear colleague,

Only by working together the European Union can tackle the urgent challenges in the field of migration. We - the ministers responsible for the issue of migration in Austria, Belgium, Germany, the Netherlands and Switzerland - highly welcome the recent progress made on the Migration and Asylum Pact, and support a swift adoption of the Screening and Eurodac Regulations.

However, a key matter of our concern is the impossibility to conduct Dublin transfers to an increasing number of Member States. This undermines the credibility and functioning of the Common European Asylum System (CEAS) and our Schengen area, and facilitates large scale secondary migration. We call on the European Commission - as the guardian of the Treaties - to address this issue, in order to achieve our common goal: a functioning Dublin system in the whole European Union.

In this regard, we appreciate the first steps taken within the framework of the Dublin Contact Committee. We welcome that the Commission recognizes the urgency of the challenge and takes up the Member States' initiative of establishing a Common Roadmap, which should lead to concrete operational progress in the implementation of Dublin transfers to all member states.

As an example for concrete action, we ask the European Commission to update its recommendation of December 2016 concerning the resumption of transfers to Greece. Since 2016, the situation in Greece has improved significantly. These improvements are a result of joint efforts of the Greek authorities, EASO/EUAA missions, supporting Member States and the European Union as a whole. Over 900 EASO/EUAA experts were deployed in Greece last year. New reception centres, with capacities for over 15.000 asylum seekers (of which approximately 2.700 are currently occupied), were built on the Greek islands with the assistance of EU financial support. In addition, the number of asylum applicants on Greek islands has decreased significantly.

Despite abovementioned joint efforts with the Greek authorities and achieved results, actual numbers of Dublin transfers to Greece remain extremely low.

These low numbers call for action by the Commission, especially as it happens against the background of a growing number of legal and factual obstacles

regarding Dublin transfers to other member states. In several court rulings, asylum seekers have successfully referred to reports that point out that asylum procedures, facilities or safeguards in the responsible member states do not meet the relevant standards. The most recent development concerns increasing difficulties to return beneficiaries of international protection, complicating matters even further, as the living conditions for beneficiaries have to be taken into account when assessing the legality of a Dublin transfer¹.

We therefore ask the Commission to take a leading position in finding a way forward. The updated recommendation on Greece should reflect the positive developments since 2016, include a concrete timeline and modalities for the resumption of transfers, and should in particular take into account the legal requirements of the courts (for example, guarantees of access to legal aid by international protection applicants in appeals procedures, guarantees on reception conditions, and assessment of asylum claims in the initial phase of resumption of Dublin transfers). This will help to ensure that national courts can agree to transfers taking place.

In the mid-term, the recommendation should foresee in moving away from individual guarantees, which cannot be a basis for a functioning Dublin system. Therefore, we ask the Commission, possibly with the help from the EUAA, to provide the member states with objective, reliable and specific information describing the situation in Greece with regards to the asylum system, the position of vulnerable groups and of beneficiaries of international protection. This will assist Member States in meeting more structurally the standards of the requested information by courts to carry out Dublin transfers.

With these requests in mind, we envisage an immediate but gradual restart of all Dublin transfers. Transfers should resume to all Member States simultaneously in order to avoid incentives for secondary migration. Concerned Member States could start by issuing acceptances for a clearly defined number of cases.

In conclusion, please be assured that we stand ready to work together constructively on an effective solution in order to uphold the functioning of our asylum and Schengen system. We highly value and acknowledge Member States' and especially Greece's great efforts in the area of border protection, reception and asylum. The resumption of Dublin transfers should happen with full support where needed to all affected Member States, including Greece, and without prejudice to our commitment to a structural reform of the Dublin system, based on a common legislative framework that is implemented by all Member States and Dublin associated countries.

We would be grateful to you and the European Commission for giving appropriate attention to the considerations and requests mentioned above. We have forwarded a copy of this letter to our colleague Mr. Notis Mitarachi.

¹ Court of Justice, 19 March 2019 (C-163/17)

Yours sincerely,

Gerhard Karner,
Federal Minister of the Interior
Austria

Eric van der Burg,
Minister for Migration
The Netherlands

Nicole de Moor
State Secretary for Asylum and Migration
Belgium

Karin Keller-Sutter
Federal Councillor Department of Justice and
Police
Switzerland

Nancy Faeser,
Minister of the Interior and Community
Germany