



EUROPEAN COUNCIL
ON REFUGEES AND EXILES

CONSEIL EUROPEEN
SUR LES REFUGIES
ET LES EXILES

To: Mr Franco Frattini – Vice President
of the European Commission

27 June 2006

RE: Call for reform of the Dublin II Regulation

Dear Mr Frattini,

In March 2006 the European Council on Refugees and Exiles (ECRE) published its report on the application of the Dublin II Regulation. We are writing to request that you take the findings of our report into account when conducting your evaluation of the Regulation.

The ECRE report finds that:

- Some applicants transferred under Dublin are being denied access to an asylum procedure in the state they are sent back to, and thus placed at risk of *refoulement*.
- Asylum seekers, including vulnerable groups such as children and torture survivors, are increasingly being detained to enforce transfers.
- The Dublin system is having a particularly harsh impact on separated children, and on families by preventing people from joining their relatives.
- Torture survivors and other vulnerable groups are also being especially adversely affected because of the huge differences in reception conditions across EU states.
- There are technical problems with implementation of the Regulation, for example states failing to provide adequate information to individuals or to each other, thereby frustrating the correct identification of the responsible state.

In the report ECRE has made detailed recommendations for immediate action to address these serious shortcomings. But ECRE believes that in the longer term the Dublin system should be replaced altogether. As well as placing individuals at risk of *refoulement*, it is unfair, inefficient, resource-intensive and in conflict with the aim of burden-sharing as envisaged in the Amsterdam Treaty. By linking responsibility for asylum applications with entry controls, the Dublin system risks placing an unfair burden on those states with an external border, and does not provide a balanced way of sharing responsibility for those seeking asylum in the EU. In its Way Forward Paper, *Towards Fair and Efficient Asylum Systems in Europe*, ECRE has proposed an alternative system to Dublin that aims to ensure genuine responsibility-sharing and to fully respect the protection needs of refugees. This proposal is part of a package of

reforms that ECRE urges the Commission to consider in the context of its forthcoming Green Paper on the future of the Common European Asylum System.

However, ECRE members' concerns for asylum seekers including children, families, and other vulnerable affected groups cannot wait. We believe that immediate interim solutions for the problems we have identified in our report can, and must, be addressed in your report to the European Council and the European Parliament, required under article 28 of the Dublin II Regulation and expected later this year. In particular, we call on you to make recommendations for reform in order to:

1) Guarantee access to a full and fair procedure for all asylum seekers transferred under the Dublin II Regulation.

2) Better ensure the reunification of family members under Dublin II.

3) Exempt separated children from transfer under Dublin II except to secure their unification with other family members present in another Dublin state provided this is in the best interests of the child.

4) Ensure that all Dublin II applicants receive adequate reception conditions and are only ever detained as a last resort.

The ECRE report sets out more precise recommendations to achieve each of these objectives, and we would welcome the opportunity to meet with you in person to discuss matters in more detail.

These interim reforms will not resolve all the problems caused by the current operation of the Dublin system. However, they will make a real difference to those who come to seek protection in Europe. In view of the urgency attached by ECRE members to the need to change the Dublin system, the representatives of 73 member agencies have signed this letter.

We very much look forward to receiving your reply.

Yours sincerely,



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ECRE General Secretary

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