



Home Office

# Requests made to the UK under the Dublin III Regulation prior to the end of the Transition Period

Version 1.0

Dealing with requests to transfer asylum claimants into the UK with reference to the Immigration, Nationality and Asylum (EU Exit) Regulations 2019

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# About this guidance

This guidance tells you about the operation of the provisions in relation to asylum saved by [Part 3 of Schedule 2 to the Immigration, Nationality and Asylum \(EU Exit\) Regulations 2019](#) insofar as they apply to requests made to the UK prior to the end of the Transition Period at 23h 00 on 31 December 2020 with reference to the “Dublin family provisions” in the [Dublin Regulation](#) that determine responsibility for examining an asylum claim. At the end of the Transition Period at 23h 00 on the 31 December 2020, the UK ceases to be bound by the Dublin Regulation; however, the provisions in place ‘save’ the family provisions for those take back or take charge requests which were sent to the UK prior to this date but for which no final decision had been made by that date.

## Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email the Asylum Policy team.

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email the Guidance Rules and Forms team.

## Clearance and publication

Below is information on when this version of the guidance was cleared:

- version **1.0**
- published for Home Office staff on **31 December 2020**

## Changes from last version of this guidance

This guidance replaces the following instruction:

- Dublin III Regulation 4.0

which no longer applies and has been archived.

### Related content

[Contents](#)

# Introduction

## Purpose of instruction

The UK left the European Union (EU) on 31 January 2020 but has remained subject to the Dublin Regulation during the Transition Period (TP). This guidance explains how you process cases where a Dublin Regulation responsibility request was made by a Dublin State to the UK prior to the end of the TP at 23h 00 on 31 December 2020 but either no decision has been made in relation to that request or a decision has been made but the transfer has not taken place before the end of the TP. This guidance sets out how the provisions in relation to asylum saved by Part 3 of Schedule 2 to the Immigration, Nationality and Asylum (EU Exit) Regulations 2019 will apply.

The Dublin States are the EU Member States plus Iceland, Norway, Switzerland and Liechtenstein.

## Background

The [Dublin Regulation \(EU\) No.604/2013](#) ('Dublin III') is EU legislation that establishes the criteria and mechanisms for determining which single Dublin State is responsible for examining an application for international protection (an asylum claim). It will no longer apply to the UK after the end of the Transition Period other than in the specific temporary circumstances covered in this guidance which have been provided for in UK law. Those circumstances only relate to family reunion cases.

By way of background the Dublin III Regulation aims to prevent both 'asylum shopping', where an individual moves between States to seek the most attractive regime of protection, and the phenomenon of 'refugees in orbit' where no single State permits access to an asylum procedure. It reflects the principle that those seeking international protection should seek asylum in the first safe country they reach.

Lodging an asylum claim at the earliest opportunity upon arrival in the territory of the Dublin States enables an individual to provide information to the asylum authorities in that first State on family ties to other Dublin State(s). This information may be relevant to the determination of responsibility for examining the asylum claim.

In order to identify a single State that is responsible for examining the asylum claim, the Dublin III Regulation uses a number of specific criteria listed in descending order of importance to identify the responsible State, enabling the transfer of an asylum applicant once responsibility has been agreed. Where no responsible Dublin State can be designated on the basis of the criteria in the Dublin III Regulation the first State in which the asylum claim is lodged shall be responsible.

The Dublin III Regulation is consistent with the principle of family unity in accordance with the European Convention for the Protection of Human Rights (ECHR), the EU's Charter of Fundamental Rights and the best interests of the child. The provisions on family unity and the best interests of the child are primary considerations which may result in the State responsible for examining the asylum claim being the State where an asylum claimant's family members or relatives, as defined in the Dublin III Regulation, are legally present or resident (depending on the circumstances of the case). The determination of responsibility for examining an asylum claim based on family links does not anticipate the outcome of the examination of the claim, only that the merits of that claim will be examined by the responsible Dublin State.

The Dublin III Regulation gives Dublin States discretion to derogate from the responsibility criteria. It does so through the 'discretionary clauses', which permit a Dublin State to examine an asylum claim lodged with it, or when asked to do so by another Dublin State, even if such examination is not its responsibility under the Regulation's responsibility criteria. A Dublin State may ask another Dublin State to accept responsibility for an asylum claim to bring together family relations on humanitarian grounds based in particular on family or cultural considerations in cases where the strict application of the Regulation would keep them apart.

## Policy intention

The policy intention is to deliver a temporary fair and effective process for dealing with cases to which the family unity provisions in the Dublin III Regulation ("Dublin family provisions"), which are saved by [Part 3 of Schedule 2 to the Immigration, Nationality and Asylum \(EU Exit\) Regulations 2019](#), apply by:

- applying the Dublin family provisions to requests received by the UK so that an asylum claim is examined by a single responsible State
- ensuring fair, objective criteria are applied in the determination of responsibility for examining asylum claims
- ensuring consideration of the principles of family unity in respect of determining the Dublin State responsible for examining an asylum claim
- ensuring respect for family life and the best interest of a child are a primary consideration when applying the saved provisions
- respecting the existence of a relationship of dependency between an applicant and his or her child, sibling or parent (or vice versa) on account of the applicant's pregnancy, a new born child, serious illness, severe disability or old age
- allowing for derogation from the responsibility criteria, on humanitarian grounds, in order to bring together family relations and examine a claim for international protection in a particular State, even if such examination is not that State's responsibility under the binding criteria laid down in the Dublin family provisions
- ensuring that the fundamental human rights of those who are subject to the procedures in the saved provisions are not breached
- ensuring cases are dealt with as expeditiously as possible, particularly in cases involving unaccompanied children

The Dublin family provisions are Articles 8, 9, 10, 11, 16 and 17(2) of the Dublin III Regulation. The provisions of the [Dublin Regulation \(EU\) No.604/2013](#) saved with modifications by the 2019 Regulations are Articles 2, 6(1), 22(1) to (5) and 25(1). Caseworkers must be familiar with the terms of paragraph 9 of [Part 3 of Schedule 2 to the Immigration, Nationality and Asylum \(EU Exit\) Regulations 2019](#) regarding the savings provisions and modifications.

This guidance does not apply to any family reunion transfers from the UK to EU Member States or the Associated States of Iceland, Norway, Switzerland and Liechtenstein, to returns, or any requests to take charge received after the Transition Period ends. In such cases individuals will need to seek to reunite with UK family members under UK Immigration Rules.

## Application in respect of children

[Section 55 of the Borders, Citizenship and Immigration Act 2009](#) requires the Secretary of State for the Home Department to make arrangements for ensuring that immigration, asylum and nationality functions are discharged having regard to the need to safeguard and promote the welfare of children who are in the UK.

Although section 55 does not apply to children outside the UK the statutory guidance, [Every Child Matters: Change for Children](#), clarifies the approach to be taken by requiring staff to take into account the spirit of the duty and to abide by any international or local agreements that are in place. The application of the spirit of the duty means that when a claim or request has been received that requires a response you must be alert to any indications that the child may be in need of assistance, support or protection from harm that may be best provided by the authorities in the country where the child is present. If this is the case and wherever possible the normal providers of relevant services to children in that country should be informed where there are safeguarding or welfare needs that require attention.

The requirement to abide by any international or local agreements in place means just that. When considering a 'take charge' request the presumption must be that those making the request are doing so having taken into account the safety and welfare needs, and well-being in the form of best interests of the child who is the subject of the request. However, acting in a way that takes account of these interests is a shared responsibility at this point and you must carefully consider all of the information and evidence provided as to how a child will be affected by a decision and this must be addressed when assessing whether an applicant meets the criteria in the Dublin family provisions. In addition, you must demonstrate that all relevant information and evidence provided about the best interests of a child, such as a sibling or other relative, in the UK have been considered. This is required as a particular obligation under section 55 as well as by the more general provisions of the saved provisions. You must carefully assess the quality of any evidence provided. Original documentary evidence from official or independent sources must be given more weight in the decision-making process than unsubstantiated statements about a child's best interests.

For more information on the key principles to take into account, see:

- Section 55 Children's Duty Guidance
- [Every Child Matters: Change for Children](#)
- [United Nations Convention on the Rights of the Child](#)
- [Victims of human trafficking – guidance for frontline staff](#) (where appropriate)
- Family Tracing Guidance
- Processing children's asylum claims

## Training for Home Office staff dealing with children

The Home Office takes its responsibility towards children very seriously. All staff dealing with asylum claims from children must have completed the following training:

- tier 1 Keeping Children Safe – e-learning

### Related content

[Contents](#)

# Relevant legislation and legal framework

This page tells you about the relevant legislation and legal framework.

## Refugee Convention

The [1951 United Nations Convention relating to the Status of Refugees](#) and the [1967 Protocol](#) (the 'Refugee Convention') are the primary sources of the framework for international refugee protection.

## The Dublin III Regulation

The [Dublin Regulation \(EU\) No.604/2013](#) is an EU Regulation that determines the State responsible for deciding an asylum claim lodged in an EU Member State, Iceland, Norway, Switzerland and Liechtenstein (collectively referred to as Dublin States).

The current Dublin III Regulation was adopted in June 2013 as Regulation (EU) No.604/2013 and is known as the Dublin III Regulation or 'Dublin III'. This reflects that it is the third version of the rules to determine a single responsible State that has been agreed and implemented by European States since 1990 (when the original instrument known as the Dublin Convention was agreed). Additional rules on the practical implementation of the Dublin III Regulation are set out in [Commission Implementing Regulation \(EC\) No 1560/2003](#), as amended by [Commission Implementing Regulation \(EU\) No. 118/2014](#). Subject to transitional provisions, the Dublin III Regulation has applied to asylum claims and requests made between Dublin States from 1 January 2014.

In its application to the UK, the Dublin III Regulation is revoked by regulation 54 of, and paragraph 3(h) of Schedule 1 to, the [Immigration, Nationality and Asylum \(EU Exit\) Regulations 2019](#) at 23h 00 on 31 December 2020. However, in relation to a request made to the UK before 23h 00 on 31 December 2020 to take charge or take back a person to whom, when the request was made, the Dublin family provisions applied and a final decision on the request has not been taken, certain provisions of the Dublin III Regulation continue to apply with modifications.

The Dublin family provisions are Articles 8, 9, 10, 11, 16 and 17(2) of the [Dublin III Regulation](#). The provisions of the Dublin III Regulation saved with modifications by the 2019 Regulations are Articles 2, 6(1), 22(1) to (5) and 25(1). Caseworkers must be familiar with the terms of paragraph 9 of [Part 3 of Schedule 2 to the Immigration, Nationality and Asylum \(EU Exit\) Regulations 2019](#) regarding the savings provisions and modifications.

## The Dublin States

The Dublin III Regulation applies to the Member States of the European Union: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden.

It also applies to the 'Associated States' who have concluded agreements with the EU to apply its terms: Iceland, Norway, Switzerland and Liechtenstein.

## The United Nations Convention on the Rights of the Child

The [United Nations Convention on the Rights of the Child](#) (UNCRC) is an international treaty which sets out the rights of children. The UK signed the convention on 19 April 1990 and it came into force on 15 January 1992.

## European Convention on Human Rights

Not all Dublin State human rights obligations are explicitly covered by the responsibility criteria set out in the Dublin family provisions, but these broader human rights obligations must still be taken into account in applying the saved provisions. The [European Convention on Human Rights](#) (ECHR) provides the framework for ensuring the rights and fundamental freedoms of individuals in European signatory states.

# Dublin III process

## Definitions

Definitions within the Dublin Regulation are set out in [Article 2](#) of the Dublin III Regulation (EU) 604/2013. The important definitions which are used throughout the rest of this guidance concerning the provisions relevant to family cases can be found below:

- **‘application for international protection’** means an application for international protection as defined in Article 2(h) of [Directive 2011/95/EU](#):
  - although the UK did not opt in to this Directive, our national definition of a claim for asylum is consistent with this provision and interchangeable in the context of the definitions below. The UK did opt in to the earlier Directive 2004/83/EC where the definition is the same.
- **‘applicant’** means a third-country national or a stateless person who has made an application (a claim) for international protection in respect of which a final decision has not yet been taken
- **‘family members’** means, insofar as the family already existed in the country of origin, the following members of the applicant’s family who are present on the territory of the Dublin States (although in cases where a family member is a beneficiary of international protection, [Article 9](#) of the Dublin III Regulation negates the requirement that the family was previously formed in the country of origin):
  - the spouse of the applicant or his or her unmarried partner in a stable relationship, where the law or practice of the Dublin State concerned treats unmarried couples in a way comparable to married couples under its law relating to third-country nationals
  - the minor children of couples referred to in the first indent, or of the applicant, on condition that they are unmarried and regardless of whether they were born in or out of wedlock or adopted as defined under national law
  - when the applicant is a child (minor) and unmarried, the father, mother or another adult responsible for the applicant, whether by law or by the practice of the Dublin State where the adult is present
  - when the beneficiary of international protection is a child (minor) and unmarried, the father, mother or another adult responsible for him or her whether by law or by the practice of the Dublin State where the beneficiary is present
- **‘relative’** means the applicant’s adult aunt or uncle or grandparent who is present in the territory of a Dublin State, regardless of whether the applicant was born in or out of wedlock or adopted as defined under national law
- **‘minor’** (child) means a third-country national or a stateless person below the age of 18 years at the time of the asylum claim
- **‘unaccompanied minor’** (unaccompanied child) means a child who arrives on the territory of the Dublin States, unaccompanied by an adult responsible for him or her, whether by law or by the practice of the Dublin State concerned, and for as long as he or she is not effectively taken into the care of such an

adult; it includes a child who is left unaccompanied after he or she has entered the territory of Dublin States

## Criteria and mechanisms for determining responsibility

The Dublin process includes transfers into and out of a participating State. This guidance is concerned with the situation where prior to the end of the Transition Period the UK received a **take charge or take back request** from a Dublin Regulation participating State based on the provisions in that Regulation that concern family provisions and where no final decision on that request had been made prior to the end of the Transition Period.

There may be an exceptional case where a **take back request** has been made to the UK prior to the end of the Transition Period concerning an applicant where there are also family links to the UK as described in the Dublin Family provisions. These cases will be rare. If considering a take back request in these circumstances caseworkers should note any relevant articles within the Dublin Family provisions and the related points in this guidance, seeking advice from a senior manager (minimum SEO) before proceeding to make a final decision on the request.

A **'take charge'** request is one that relates to the premise that a **first application** (claim) has been lodged in a State to which the Dublin III Regulation applies and so the responsible Dublin State is to be determined in accordance with the criteria in the Dublin III Regulation.

The general principles and the criteria for determining responsibility are set out below:

[Article 3](#) of the Regulation sets out that where no Dublin State can be designated on the basis of the criteria listed in the Dublin III Regulation, the first Dublin State in which the claim for international protection was lodged shall be responsible for examining it.

[Article 6](#) provides **guarantees for minors (children)** that the best interests of the child should be a primary consideration. The Dublin States (including the UK for the purpose of this guidance only) shall as soon as possible take appropriate steps to identify family members and may call for the assistance of international or other relevant organisations and may facilitate the child's access to tracing services of such organisations.

## Chapter III of the Regulation

Articles 7 to 15 set out the criteria for determining the Dublin State responsible for examining the asylum claim. Article 7 introduces the Chapter; the criteria should be considered in hierarchical order from Articles 8 to 15.

This guidance is concerned only with the provisions that are relevant to requests to take charge or take back based on the "Dublin Family Provisions", which means

Article 8 (minors), 9 (family members who are beneficiaries of international protection), 10 (family members who are applicants for international protection), 11 (family procedure), 16 (dependent persons) or 17(2) (discretionary clauses), as set out below:

### **Article 8 – Minors (Children)**

As per [Article 8\(1\)](#), if the applicant is an unaccompanied child the responsible Dublin State shall be that where a qualifying family member (insofar as the family existed in the country of origin, the mother, father or another adult responsible by the law or practice of the Dublin State where the adult is present – as per [Article 2\(g\)](#)) or sibling is legally present, provided that is in the best interests of the child.

As stated under [Article 8\(2\)](#), where another relative (adult aunt, uncle or grandparent – as per [Article 2\(h\)](#)) is legally present and **where it can be established that the relative can take care** of the child and best interests are protected then the Dublin State where the relative is present shall be responsible.

Otherwise the responsible Dublin State is that where the child has lodged his or her claim for asylum, provided that this is in his or her best interests.

The term ‘legally present’ contained within [Article 8](#) is **not** defined in the Dublin III Regulation. However, it has a larger scope than ‘legally resident’. A residence document is defined in [Article 2\(l\)](#) of the Dublin III Regulation as:

‘Any authorisation issued by the authorities of a Member State authorising a third-country national or a stateless person to stay on its territory, including the documents substantiating the authorisation to remain on the territory under temporary protection arrangements or until the circumstances preventing a removal order from being carried out no longer apply, with the exception of visas and residence authorisations issued during the period required to determine the Member State responsible as established in this Regulation or during the examination of an application for international protection or an application for a residence permit’.

‘Legally present’ in the UK includes, in addition to all persons holding a residence document (as above), any other person allowed to stay in the UK as an applicant for asylum (including a person under a Dublin procedure to determine responsibility for examining his or her claim), a person holding a valid visa, leave to enter or remain or a person awaiting a decision to vary existing leave to enter or remain. It does **not** include persons without valid leave to enter or remain who are making representations against their removal, including persons who have exhausted their statutory appeal rights in the UK or persons who are in the UK on ‘temporary admission’ or immigration bail.

For the purposes of Article 8 concerning unaccompanied asylum-seeking children, a British Citizen is ‘legally present’.

### **[Article 9](#) – Family members who are beneficiaries of international protection**

If the applicant has family members who are beneficiaries of international protection in a particular Dublin State (regardless of whether they are post-flight family members), then that Dublin State is responsible for examining the asylum claim, provided that the persons concerned consent in writing. The definition of 'beneficiaries of international protection' includes British citizens who were formally individuals recognised as refugees who have since obtained citizenship.

#### **Article 10 – Family members who are applicants for international protection**

If the applicant has (pre-flight) family members who are also applicants for international protection whose asylum claims have not been subject to a first decision then the Dublin State responsible for examining those claims will be responsible, provided that the persons concerned consent in writing.

#### **Article 11 – Family procedure**

Where several family members submit asylum claims and strict application of the criteria would lead to different Dublin States being responsible for different family members, resulting in the splitting of a group, the responsible State shall be that otherwise responsible for the largest number of family members or failing that the one responsible for the oldest applicant.

## Chapter IV of the Regulation

#### **Article 16 – Dependent persons**

Where an applicant is dependent on the assistance of his or her child, sibling or parent legally resident in one of the Dublin States or vice versa, States shall normally keep or bring together the parties. This must be for at least one of the following reasons:

- on account of pregnancy
- a new-born child
- serious illness
- severe disability
- old age

You must also be satisfied that the family ties existed in the country of origin, that the other person is able to take care of the dependent person, and the parties give their consent in writing. Note: the nature and extent of the illness or disability is qualified so that it is a serious illness or a severe disability.

#### **Article 17 – Discretionary clauses**

**Article 17(2)** concerns the exercise of discretion, but in different circumstances. It makes specific reference to the situation where either a Dublin State carrying out the procedure to determine responsibility or the responsible Dublin State itself may, at any time before a first decision on the substance of the protection claim is made, request another Dublin State to bring together any family relations on humanitarian grounds based in particular on family or cultural considerations. For this reason this provision is sometimes known as the 'humanitarian clause'.

Article 17(2) states:

“The requested Member State shall carry out any necessary checks to examine the humanitarian grounds cited and shall reply to the requesting Member State within two months of receipt of the request using the ‘DubliNet’ electronic communication network set up under Article 18 of Regulation (EC) No 1560/2003. A reply refusing the request shall state the reasons on which the refusal is based.

Where the requested Member State accepts the request, responsibility for examining the application shall be transferred to it.

Unlike Take Charge Requests (TCRs) lodged under other articles, requests made under Article 17(2) are not subject to the default acceptance provisions of Article 22 (7). This is due to the discretionary nature of the article which expressly recognises that the state to whom the request has been made is not otherwise responsible for examining the claim. This means that if the UK fails to respond to a request received before the end of the Transition Period that is based on Article 17(2) and does not respond to the request within two months then the UK cannot be deemed to have accepted responsibility for examining the asylum claim.

Unlike the terms ‘family member’ and ‘relative’, the term ‘relations’ is not defined in the Dublin III Regulation. The reference to family and cultural considerations in Article 17(2) allows Dublin States to exercise their discretion to bring together individuals who are part of an extended family group recognised in other cultures. The persons concerned must consent in writing.

In all Article 17(2) humanitarian clause cases the evidence submitted with the request to exercise discretion must be coherent, verifiable and detailed. Situations in which it would be appropriate to exercise discretion to examine the claim(s) in the UK when the UK is not otherwise responsible will be rare and on an exceptional basis. Any decisions to exercise discretion must be agreed by a senior manager (minimum SEO).

## **Identifying a child’s family ties and information exchange between Dublin States**

After the end of the Transition Period the UK will no longer have access to the electronic communications network ‘DubliNet’ that links the different national units responsible for implementing the Dublin III Regulation. Although requests made to the UK prior to the end of the Transition Period will have been received through DubliNet caseworkers should be aware that no further communication using DubliNet will be possible thereafter. Caseworkers should respond to the relevant State using their preferred and agreed means of communication, seeking advice from a senior manager (minimum SEO) before communicating if unsure of the expressed preference.

To ensure best interests of children and family unity are considered, the requesting Dublin State seeking to determine responsibility should have taken appropriate

action as soon as possible to identify family members, siblings or relatives of the child on the territory of other Dublin States. They should have considered information provided by the child or another credible source who is familiar with the child's situation.

Dublin States are required to use any information available to them (this may include, for example, official databases or other records) in an attempt to identify family relations and establish the existence of proven family links of a child where sufficient information is provided to enable them to be identified. Dublin States may, where reasonable and practical to do so, also involve international or other relevant organisations and may facilitate the child's access to their tracing services where the exact whereabouts of family members may be uncertain.

In order to successfully identify a child's family ties, it is essential that, at the earliest opportunity, the child should be made aware of this provision and encouraged to provide as much detail as possible of the whereabouts of any family members known to him or her so that in a case where the child believes there are family ties to the UK then the Dublin State in which he or she is present can consider making a take charge request to the UK before the end of the Transition Period. Efforts to identify and possibly unite the child with them may be undertaken quickly. Dublin States should have in place mechanisms and standard procedures for the enquiries and information exchange that may be required in order to identify the unaccompanied child's family ties, because these will need to be completed as quickly as possible. Whilst it is acknowledged that the requirement on Dublin States is to make efforts to identify the family member in question, it will not always be possible to find them.

When the unaccompanied child has family members, siblings or relatives present in another Dublin State or States, the Dublin State where the unaccompanied child is present shall cooperate with the relevant Dublin State or States, to determine the most appropriate person to whom the child is to be entrusted, and in particular to establish the:

- strength of the family links between the child and the different persons identified on the territories of the Dublin States
- capacity and availability of the persons concerned to take care of the child
- best interests of the child in each case

## Evidence

A request received from a Dublin State to acknowledge responsibility should contain one of the following:

- statements or documents suggesting that an applicant's family member (spouse or child, or in the case of an unaccompanied child his or her mother, father, another adult legally responsible for him or her, sibling, adult aunt or uncle or grandparent) may be legally resident in another Dublin State
- documentation issued by authorities in another Dublin State or an international organisation such as UNHCR.

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# Requests for transfer into the UK

This section explains the process that will apply **when an asylum claim has been lodged in another Dublin State** and where a take charge request based on the Dublin family provisions (or a take back request, as set out below) was made prior to the end of the Transition Period and where:

- a decision has not been made on the request;
- a request has been accepted prior to the end of the Transition Period, but the transfer of the applicant(s) to the UK has not taken place.

## Considering requests received by the UK from Dublin States prior to the end of the Transition Period

### A request where a decision has not been made on that request

The European Intake Unit (EIU) in UKVI considers Dublin Regulation requests made to the UK by other States. EIU will have received requests to **take charge** of applicants with reference to the Dublin family provisions that have not been decided by the end of the Transition Period. The savings provisions in the [Immigration, Nationality and Asylum \(EU Exit\) Regulations 2019](#) provide that the UK will continue to consider those requests with reference to specified provisions in the [Dublin III Regulation](#) and the [Implementing Regulation 1560/2003](#) as amended by [Implementing Regulation 118/2014](#) as if they continue to have effect, subject to some modifications set out in the savings provisions.

## Criteria and evidence for the UK to consider when considering a request from another Dublin State

For consideration of a request to continue after the end of the Transition Period, one of the Dublin family provisions must apply to the person in respect of whom the request is made. The Dublin family provisions are:

- [Article 8 \(minors\)](#)
- [Article 9 \(family members who are beneficiaries of international protection\)](#)
- [Article 10 \(family members who are applicants for international protection\)](#)
- [Article 11 \(family procedure\)](#)
- [Article 16 \(dependent persons\)](#)
- [Article 17\(2\) \(discretionary clauses\)](#)

**Requests made on any other basis under the Dublin III Regulation are not covered by the savings provisions.**

**The savings provisions will not apply to any new requests to take charge made to the UK after the end of the Transition Period based on the Dublin family provisions. All new cases must apply for family reunion under the Immigration Rules.**

The request already received from the other State should include a copy of all available evidence (including circumstantial evidence) to show the UK is the State responsible for examining an asylum claim.

Article 22 of the Dublin III Regulation provides that two lists shall be established to set out the relevant elements of proof and circumstantial evidence (including detailed statements) to be used when considering requests to take responsibility. The two lists can be found in Annex II of the [Implementing Regulation 118/2014](#).

**Caseworkers must be familiar with the lists on the relevant elements of proof and circumstantial evidence when considering the request.**

An asylum claim must have been formally lodged in the requesting Dublin State before the UK can consider the request under the Dublin III Regulation.

### **Mandatory checks**

Security checks must be conducted on the applicant and the family member(s) or relative(s) in the UK on receipt of all formal requests.

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### Requests involving children

As per [Article 8\(1\)](#), if the applicant is an unaccompanied child, the responsible Dublin State shall be that where a qualifying family member (insofar as the family existed in the country of origin, the mother, father or another adult responsible by the law or practice of the Dublin State where the adult is present – as per [Article 2\(g\)](#)) or sibling is legally present provided that is in the best interests of the child. For [Article 8\(1\)](#) cases, where the family member or sibling cannot accommodate the child, the UK has an obligation to accept the take charge request, provided it is in the best interests of the child and all other criteria and requirements are met.

As stated under [Article 8\(2\)](#), where another relative (adult aunt, uncle or grandparent – as per [Article 2\(h\)](#)) is legally present and **where it can be established that the relative can take care of the child and it is in the best interests of the child**, then the Dublin State where the relative is present shall be responsible. [Article 8\(2\)](#) presents an additional requirement (compared to [Article 8\(1\)](#)) on being able to demonstrate they can ‘take care’ of the child). In order to accept the take charge request, there must be evidence the UK-based qualifying relative(s) are able to accommodate and support the child. Such evidence should be provided by the UK based relative(s) to the EIU and Local Authorities.

Both [Articles 8\(1\) and \(2\)](#) require the transfer to be in the best interests of the child. The best interests of the child must always be a primary consideration when applying the Dublin III Regulation in family unity cases. When assessing a child’s best interests, Dublin States should cooperate with each other taking due account of

factors such as family reunification possibilities, the child's well-being and social development, safety and security considerations and the views of the child in accordance with their age and maturity, and background.

The European Intake Unit (EIU) will work with the local authority in which the family member, sibling or relative of the child is residing. An initial notification to the local authority should be sent as soon as possible following the receipt of the TCR. It should specify whether the application has been made under Article 8(1) or Article 8(2) and should invite the local authority to provide any information that they hold that will allow a decision to be taken on the family link. The initial notification should also relay any information held by EIU which may be relevant to any safeguarding considerations.

If the family link is established, the EIU will then ask the relevant authority to undertake a full safeguarding assessment of the family member which will inform a recommendation to the EIU as to whether the request should be accepted or rejected. The local authority should be provided with information held by the EIU which may be relevant to any safeguarding considerations.

All decisions on whether to accept a request to take charge of a child's asylum application (and so accept the transfer of a child to the UK) will be the responsibility of the Home Office. These decisions will, however, be informed by the assessment and recommendations provided by local authorities and the best interests of the child must be a primary consideration at all stages of the process.

Both Article 6(1) (as saved) and Article 8 of the Dublin III Regulation provides further information on guarantees for minors (children) in the Dublin procedure: caseworkers must be familiar with these articles.

In cases involving a take charge request based on Article 8 of Dublin III, where the 2-month period from the receipt of the TCR is drawing to an end and despite having made reasonable and timely enquiries it has not been possible to establish with sufficient confidence: (a) whether or not the family link exists and/or (b) whether it would be in the child's best interests to have the asylum claim considered in the UK, the formal rejection of TCRs before the end of the two-month period is necessary to respect the deadline in Article 22(1) of the Dublin III Regulation that is part of the savings provisions in Part 3 of Schedule 2 to the Immigration, Nationality and Asylum (EU Exit) Regulations 2019. The savings provisions explicitly exclude the provisions in Article 22(6) and (7) of the Dublin III Regulation that concern urgent time limits for replying to TCRs and the consequences of failing to meet the time limits. This means that failure to reply within the time limit is not tantamount to the UK accepting the request.

At the end of the two-month period where enquiries have not produced sufficient evidence in relation to the family link and/or best interests, and if enquiries remain ongoing at the point of rejection of the TCR, then this should be stated alongside the reasons given for rejecting the TCR.

A TCR should not be rejected solely to enable arrangements with the local authority for accommodation to be completed. In these circumstances the TCR should be accepted and these arrangements concluded as soon as possible thereafter.

All reasonable endeavours must be made to conclude necessary enquiries prior to the expiration of the two-month deadline. Accurate records should be kept detailing progress on consideration of the TCR throughout the process for audit purposes.

Correspondence may be entered into with the requesting state updating on progress or in relation to other matters requiring co-operation, however it is not possible to delay or defer deadlines under the Regulations by the issuance of 'holding' letters.

## Unaccompanied children: working with local authorities and or social services

For all cases, you must keep accurate records of what information is relayed, who is spoken to, when and by whom.

The sharing of sensitive personal data to allow the authorities responsible for the protection of children having full knowledge of the facts to consider the ability of the adult or adults concerned to take charge of the child in a way which serves their best interests must comply with the General Data Protection Regulations (Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016) (which is retained law) and [Data Protection Act 2018](#).

There may be cases where family members, siblings, or relatives stay in more than one Dublin State, in which case the State in which the child is present should cooperate with the State(s) concerned to determine:

- the strength of the family links between the child and the different persons identified across the Dublin States
- the capacity and availability of the persons concerned to take care of the child
- the best interests of the child in each case

Once the request from another Dublin State to take charge of an asylum-seeking child has been accepted by the UK, on the basis that the UK is responsible for examining the child's asylum claim under the Dublin III Regulation, the transfer shall be carried out after consultation with the Dublin state concerned.

The UKVI role is to facilitate the arrival of the child into the UK with the sending Dublin State. Local authorities will provide additional information and advice on the wellbeing of the child if they are transferred to the UK.

## Best interests of the child and section 55 consideration

Section 55 of the [Borders, Citizenship and Immigration Act 2009](#) places a statutory safeguarding duty on the Home Office. It requires the Secretary of State for the Home Department to make arrangements:

‘To ensure that immigration, asylum, nationality and customs functions are discharged having regard to the need to safeguard and promote the welfare of children in the UK’

In respect of the Dublin III Regulation, the section 55 obligation applies only where a child is physically present in the UK. It is for the requesting State to be satisfied that the request they are making is in keeping with the child’s best interests.

Full guidance on the UK legislation can be found in part 1, paragraph 1.4 of the [Every Child Matters: Change for Children](#). This provides further guidance on the extent to which the spirit of the duty should be applied to children who are overseas.

When considering a request to transfer an unaccompanied child to the UK under the Dublin III Regulation, you must adhere to the spirit of the section 55 duty and careful consideration must be given to a child’s safeguarding and welfare needs in assessing their best interests. You must work with local statutory child safeguarding agencies in the UK in order to develop arrangements that protect children and reduce the risk of trafficking and exploitation.

The re-establishment of family links would normally be regarded as being in accordance with the section 55 duty, but this may not always be the case. Whilst a non-exhaustive list, the re-establishment of family links would not be in accordance with section 55, for example, if it is identified that:

- the safety of the child or their family will be jeopardised
- the child has a well-founded fear of relevant family members
- the relevant family members are the alleged actors of persecution within the claim for asylum which has not yet been finally determined
- the child is a recognised or potential victim of trafficking in which the family were knowingly complicit
- the child has shown to have been previously exploited or abused or neglected by their family, or claims to have been previously exploited or abused or neglected by their family and this has not been conclusively discounted

It is important that you demonstrate and record how you have considered a child’s best interests in line with the section 55 duty. All aspects of this consideration must always be clearly recorded both on the case file and on CID.

### Sponsorship undertaking in cases involving unaccompanied children (Article 8 of the Dublin III Regulation)

A sponsorship undertaking form must be sent to their family member or relative in the UK and representative (where notification is given) as soon as a transfer request is received. At least seven days must be given to complete and return the form. If it

is not returned within this time limit you must pursue return by telephone, if a number is available, or by sending a further letter requesting a response.

Whilst not a legal requirement of either the Dublin III Regulation or Implementing Regulation, the sponsorship undertaking form will require the family to state clearly whether they are willing and able to receive the child. It will bring to the attention of the UK family member or relative, their obligations and responsibilities, and it will provide them the opportunity to raise any issues or questions about their obligations or responsibilities prior to a child's arrival.

## Confirming the status of the family member, sibling or relative

Under [Article 8](#) of the Dublin III Regulation, you must be satisfied when considering a transfer request that the parties are related as claimed and that the claimant's family member, sibling or relative is legally present in the UK. Where the subject of the request is an unaccompanied child in addition to the family member, sibling or relative's legal status in the UK having been confirmed, the transfer must be in the child's best interests.

The term 'legally present' contained within [Article 8](#) is **not** defined in the Dublin III Regulation. However, it has a larger scope than 'legally resident'. A 'residence document' is defined in [Article 2\(l\)](#) of Dublin III as:

'Any authorisation issued by the authorities of a Member State authorising a third-country national or a stateless person to stay on its territory, including the documents substantiating the authorisation to remain on the territory under temporary protection arrangements or until the circumstances preventing a removal order from being carried out no longer apply, with the exception of visas and residence authorisations issued during the period required to determine the Member State responsible as established in this Regulation or during the examination of an application for international protection or an application for a residence permit.'

Therefore, 'legally present' in the UK is taken to include, in addition to all persons holding a residence document (as above), any other person allowed to stay in the UK as an applicant for asylum (including a person under a Dublin procedure to determine responsibility for examining his or her claim), a person holding a valid visa, leave to enter or remain or a person awaiting a decision to vary existing leave to enter or remain. It does **not** include persons without valid leave to enter or remain who are making representations against their removal, including persons who have exhausted their statutory appeal rights in the UK or persons who are in the UK on 'temporary admission' or immigration bail.

For the purposes of [Article 8](#) of the Dublin III Regulation concerning unaccompanied asylum-seeking children, a British Citizen is 'legally present'.

## Age Assessment

UK practice is not to conduct age assessment on cases before they are transferred

to the UK as the child is not within the UK's jurisdiction.

Once the child has been transferred to the UK, they are allocated to a regional asylum team who will process the case. If the child is subsequently found to be an adult, the regional asylum team will undertake action to notify relevant parties. Likewise, if an adult transferred to the UK is found to be a child the regional asylum team will take action to ensure the appropriate support is provided to that child.

## Other family cases

Whilst [Article 8](#) of the Dublin III Regulation deals specifically with unaccompanied children, a formal request to transfer an applicant may be also made on [Article 9](#) grounds by the end of the transition period if a family member has been allowed to remain in a Dublin State (for example is in the UK as a beneficiary of international protection - granted refugee status or Humanitarian Protection in the UK). A transfer request may also be made under [Article 10](#) by the end of the Transition Period if the family member is an asylum applicant whose asylum claim has not yet been the subject of a first decision on the substance of the claim. A transfer request may be made under [Article 11](#) to bring family members together where several family members submit asylum claims and strict application of the criteria would lead to different Dublin States being responsible for different family members, resulting in the splitting of a group, in this instance the responsible State shall be that otherwise responsible for the largest number of family members or failing that the one responsible for the oldest applicant.

## Dependency and Discretionary provisions

Provisions on family dependency and discretionary provisions may also apply, as set out in [Articles 16 and 17\(2\)](#) of the Dublin III Regulation.

Where it is established that a situation of **dependency** exists between an applicant, their child, sibling or parent, Dublin States shall normally keep or bring together the parties as expressed in Article 16. Article 16 explicitly states that the dependency must be on account of pregnancy, new-born child, serious illness, or old age. The person in the UK must be **legally resident** which means that they must have valid leave to enter or remain (this is in contrast to the term 'legally present' in [Article 8](#) of the Dublin III Regulation, which includes an asylum applicant awaiting a decision on his or her claim).

[Article 16](#) further states the family tie must have existed in the country of origin and exercise of the Article is subject to the condition that the child, sibling, or parent is able to take care of the dependent person or vice versa. In these cases the persons concerned must express their consent to reunion in writing. When applying Article 16, evidence of family ties and dependency must be raised before a Dublin State has accepted responsibility following a take charge or take back request and before a first instance decision has been made on the applicant's claim for international protection.

[Article 17](#) is a discretionary clause which sits outside of Chapter III of the hierarchy criteria. It allows a Dublin State to exercise discretion and examine an asylum claim even if it is not its responsibility under the criteria laid out in the Dublin III Regulation. [Article 17\(2\)](#) is relevant to family unity cases where an applicant for asylum is in another Dublin State (a formal asylum claim must have been lodged) and there are family relations in the UK.

[Article 17\(2\)](#) provides that a Dublin State may (at any time before a first decision regarding the substance is taken) request another to take charge of an applicant in order to bring together any family relations on humanitarian grounds. Written consent is required from the persons concerned in Article 17(2) as part of the request.

Where an [Article 17\(2\)](#) request is received from another Dublin State, caseworkers should consider whether there are any exceptional circumstances or compassionate factors which may justify the UK exercising discretion and accepting responsibility for the claim, notwithstanding that the UK is not bound to do so under the Dublin III Regulation. There may be exceptional circumstances raised by the evidence submitted with the request from the other Dublin State which would result in unjustifiably harsh consequences for the applicant or their family relations. It is for the requesting Dublin State to demonstrate what the exceptional circumstances or compassionate factors are in their case: the evidence submitted with the request to exercise discretion must be coherent, verifiable and detailed in line with the Dublin III Regulation's general provisions on evidence.

Each request must be decided on its individual merits. However, situations in which it would be appropriate to exercise discretion will be rare and on an exceptional basis. In considering whether or not to exercise discretion caseworkers should act consistently with the Immigration Rules and policies on family members, for example the [Immigration Rules Appendix FM – Family Members](#).

Caseworkers must discuss with a senior caseworker any case where the exercise of discretion under [Article 17\(2\)](#) may be appropriate **before** accepting a request.

## Confirming the relationship

Annex II of [Implementing Regulation 118/2014](#) specifies the elements of proof and circumstantial evidence that the requesting State should submit to support the transfer of responsibility of an asylum claim on the basis of family unity provisions contained in the Dublin III Regulation.

Proof for the purpose of determining the presence of a family member, sibling relative or relation in the UK of an unaccompanied child is defined in the Implementing Regulation as:

- written confirmation of the information by the other Dublin State
- extracts from registers
- residence permits issued to the family member
- evidence that the persons are related, if available
- failing this, and if necessary, a DNA, or blood test

As above, **it is not essential for DNA evidence to be provided** ([DNA Policy Guidance 16 March 2020](#)) as within the list annexed to the Implementing Regulation the issue of DNA evidence is mentioned in the context of it being necessary only in the absence of other satisfactory evidence to establish the existence of proven family links that are referred to elsewhere in Articles 11 and 12 of Implementing Regulation (EC) No 1560/2003 as amended by (EU) No.118/2014.

The onus is on the applicant and their qualifying family member, sibling, relative or relations in line with the relevant provisions in the Dublin III Regulation (Articles 8-11, 16 and 17(2) [Dublin Regulation \(EU\) No.604/2013](#)) in the UK to prove their relationship and satisfy you they are related as claimed. Although not expected to provide DNA evidence, an applicant and their UK family may choose to submit a DNA test at their own expense from an organisation that is International Organization for Standardisation (ISO) accredited in order for it to be accepted as having evidential weight. Please refer to the “DNA Collection Standards” section of the DNA Policy Guidance ([DNA Policy Guidance 16 March 2020](#)).

In addition to elements of proof, circumstantial evidence or indicative evidence may also be submitted with a transfer request, such as:

- verifiable information from the applicant:
  - any documents an applicant wishes to rely upon should be provided in English, or accompanied by English translations
  - the onus is on the requesting Dublin State to provide the translation,
- statements from the family members concerned
- statements or information from the authorities with responsibility for the child in the requesting Dublin State
- reports or confirmation of the information by an international organisation such as UNHCR, International Committee of the Red Cross or Save the Children

For further information on evidence required to support a formal request to transfer on family unity grounds other than Article 8, refer to Annex II of [Implementing Regulation 118/2014](#).

As above, you must be satisfied that the applicant and family member, sibling, relative or relations in the UK are related as claimed if the UK is to accept a request to acknowledge responsibility for examining an asylum claim lodged in another State. The applicant and their UK-based qualifying family member, sibling or relation should provide sufficient evidence to prove their relationship and satisfy you that they are related as claimed. You must consider whether, on the ‘balance of probabilities’ (the civil law standard), there is sufficient information to accept that the parties are related as claimed. In other words, you must decide whether, after looking at all the evidence, it is more likely than not that the applicant and the person in the UK are related as claimed.

If the person in the UK is an asylum seeker, refugee, a British citizen having previously been granted asylum, or has been granted leave in any other capacity, the Home Office file must be obtained, and you must consider any family information

it contains. This must be cross-referenced against the evidence submitted in support of the transfer request to identify and help determine whether or not you are satisfied that the relationship is as claimed.

You must, having considered the evidence submitted by the requesting State (proof or circumstantial evidence, as above, including information provided on standard forms which aim to establish the proven family link and the dependency link between the applicant and his or her child, sibling or parent, as well as to establish the capacity of the person concerned to take care of the dependent person), information contained in Home Office records and evidence submitted by the person in the UK, be satisfied that the parties are related as claimed.

You must be mindful of the difficulties that people may face in providing documentary evidence of their relationship. Those fleeing conflict zones or dangerous situations may not have time to collect supporting documents and may not realise they may be required. However, depending on the circumstances and country of origin it may well be possible for documents to be sent by post, faxed or emailed.

## Information disclosure

The sharing of sensitive personal data must comply with one of the conditions set out in Schedule 3 to the [Data Protection Act 2018](#).

## Timescales for replying to a formal request

The savings provisions in Part 3 of Schedule 2 to the Immigration, Nationality and Asylum (EU Exit) Regulations 2019 explicitly exclude the provisions in Article 22(6) and (7) of the Dublin III Regulation that concern urgent time limits for replying to TCRs and the consequences of failing to meet the time limits. This means that failure to reply within the time limit is not tantamount to the UK accepting the request.

## Implementing the decision

### Refusing the formal request

If, having carried out the necessary checks and considered the evidence, it is not established that the UK is the State responsible for examining the asylum claim a negative reply must be sent to the requesting State explaining the full reasons for refusal.

After the end of the Transition Period the UK will no longer have access to the electronic communications network 'DubliNet' that links the different national units responsible for implementing the Dublin III Regulation. Caseworkers should respond to the relevant State using their preferred and agreed means of communication, seeking advice from a senior manager (minimum SEO) before communicating if unsure of the expressed preference.

The Dublin III Regulation is intended to enable responsibility for an asylum claim to be determined swiftly within set timeframes. The deadline for responding to a request to take charge (TCR) in Article 22(1) of the Dublin III Regulation is included in the savings provisions in Part 3 of Schedule 2 to the Immigration, Nationality and asylum (EU Exit) Regulations 2019, therefore caseworkers should respect this deadline.

In some cases, where a caseworker forms a preliminary view that the TCR should be refused they may, depending on the nature of the proposed reasons for refusal and the time remaining within the Dublin III timeframes, consider it appropriate to notify the claimed family member(s) of the proposed reasons for refusal so as to give them an opportunity to respond. Caseworkers are encouraged to provide this opportunity, if time allows and it is reasonable to do so. In deciding whether to afford such an opportunity, it may be relevant to consider the extent to which family member(s) have already been given the opportunity to be involved in the process and the cause for any delay in the decision-making process. Due to the strict Dublin III timeframe for a response in Article 22(1), which is included in the savings provisions in Part 3 of Schedule 2 to the Immigration, Nationality and Asylum (EU Exit) Regulations 2019, caseworkers should require a response within a maximum of 7 days. It should also be made clear that only new evidence not already submitted should be provided. Caseworkers should also keep a record of any consideration given to notifying the claimed family member(s) in this way.

If the requesting State believes the refusal is based on a misappraisal, or has additional evidence to put forward, it may ask for the request to be re-examined under Article 5 of [Implementing Regulation 1560/2003](#).

Where a TCR (or take back request) to which this guidance applies has been rejected before the end of the Transition Period and where a reconsideration request has been received before the end of the Transition Period caseworkers should consider that request in a manner consistent with the rules and case law in [X and X \(see below\)](#) that applied before the end of the Transition Period.

The reconsideration must be made within three weeks of receipt of the refusal to accept the request to transfer. A request to reconsider the earlier refusal must be responded to within two weeks of receipt. As above caseworkers should be familiar with the terms of the ruling from the Court of Justice of the European Union in [X and X C-47/17, C-48/17](#). The expiry of the two-week period (above) will close the reconsideration procedure. It is not possible for repeated requests for reconsideration to follow a decision to refuse a formal request to take charge of (or take back) an applicant.

A new take charge request or reconsideration request under the Dublin Regulation cannot be made to the UK by a Dublin State after the end of the Transition Period. **All new cases must apply for family reunion under the Immigration Rules.**

Caseworkers should seek advice from a senior manager (minimum SEO) if they receive representations from a Dublin State in such cases after the end of the Transition Period.

## Accepting the formal request

If having carried out the necessary checks and considered the supporting evidence, including an assessment of the best interests of a child in [Article 8](#) of Dublin III Regulation cases, it is accepted that the UK is the responsible State for examining the asylum claim caseworkers must formally notify the requesting State.

As noted above, after the end of the Transition Period the UK will no longer have access to the electronic communications network 'DubliNet' that links the different national units responsible for implementing the Dublin III Regulation. Caseworkers should respond to the relevant State using their preferred and agreed means of communication, seeking advice from a senior manager (minimum SEO) before communicating if unsure of the expressed preference.

You must specify the article under which the request has been accepted.

## Implementing the transfer

After the end of the Transition Period EIU may have cases where it has previously notified an acceptance to another Dublin State, but the transfer has not taken place. Alternatively, a decision on the request may not have been made prior to the end of the Transition Period, but made to accept the request after it, as above.

In both cases where the request has been accepted the transfer should be arranged in cooperation with the other State. If a transfer has not been enacted prior to the end of the Transition Period or is agreed after it then the transfer should take place within six months of the acceptance of the request or in accordance with arrangements subsequently agreed with the transferring State.

After the end of the Transition Period the other State concerned will not be using the Dublin III Regulation to transfer the applicant(s) to the UK because as an EU legal instrument it will not govern relationships with the UK.

For States that are bound by the Dublin III Regulation, Article 29 sets out that, if necessary, the applicant shall be supplied with a laissez passer by the sending (requesting) State to facilitate travel. The laissez passer is a temporary travel document used for the purpose of the Dublin III Regulation which means that if the individual does not hold travel documents the transfer can take place quickly without the need to obtain other forms of travel documentation.

A copy of the standard laissez passer is annexed to [Implementing Regulation 118/2014](#). Caseworkers should be aware that a transferring State may wish to use a Dublin Regulation laissez passer to make the transfer or alternatively may have agreed an alternative temporary travel document to affect the transfer to the UK. If

unsure caseworkers should clarify the preferred alternative with the State concerned, seeking advice from a senior manager (minimum SEO) if unsure.

Once the requesting State has been formally notified of the decision to accept their request and the transfer details have been agreed, you must notify Border Force of the date, time and location of arrival to ensure that the transfer can be smoothly implemented.

Once the applicant arrives in the UK, Border Force and in-country processes, such as fingerprinting, will commence and the case must be routed into the asylum process in accordance with normal procedures for examining asylum claims in the UK. Where a substantive decision has been previously taken on the asylum claim in the UK, or the claim was withdrawn after a substantive decision was made in the UK, the case will be subject to the further submission process.

For further guidance please see the instruction on further submissions.

**In cases involving the transfer of unaccompanied children into the UK** you must also inform the claimant's UK representative, if they have one, or the applicant's UK family and social services about the arrival and confirm with the applicant's UK family that they will meet the child on arrival. The child's asylum claim should be registered at the first available opportunity at the port of entry. This should include a welfare interview on arrival (or screening interview if the claimant has turned 18 during the Dublin process) and the recording of biometric information. If it is not possible to register the asylum claim at the port of entry you must arrange an appointment with the Asylum Intake Unit (AIU) immediately. The case must be reviewed to ensure the claimant has attended the welfare interview. If they have not, enquiries must be made into why they have not attended.

#### **Related content**

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