

Conference: Improved Migration Policy and Border Control

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The interplay of the Dublin and Schengen *acquis* at internal borders

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- The functioning of Schengen and Dublin at external borders (control but openness)
- The normal functioning of Schengen and Dublin within the Union (absence of borders but irregularity of secondary movements)
- The reintroduction of internal border controls due to a big influx of persons seeking international protection and consequences under Schengen
- Consequences for the handling of asylum applications at internal border crossing points: Article 20 paragraph 4 Dublin III:

“Where an application for international protection is lodged with the competent authorities of a Member State by an applicant who is on the territory of another Member State, the determination of the Member State responsible shall be made by the Member State in whose territory the applicant is present. The latter Member State shall be informed without delay by the Member State which received the application and shall then, for the purposes of this Regulation, be regarded as the Member State with which the application for international protection was lodged. The applicant shall be informed in writing of this change in the determining Member State and of the date on which it took place.”

- Explanation (see Commission proposal for the predecessor article 4 para 5 Dublin II, COM/2001/447 final, html document on Eur-Lex):

“The procedure for determining the Member State responsible must be conducted by the Member State on whose territory the asylum seeker is, including where the applicant contacts the authorities of another Member State, e.g. at a diplomatic or consular post or at the frontier. The rule established in this paragraph makes it possible to assign the asylum application to the State whose competence is determined by the applicant’s presence.”