Dublin procedure - Switzerland

Overview

Content updated on: 18/06/2025

Relevant EU legislation

Switzerland is bound by the Dublin III Regulation and applies its provisions directly.

National Legislation

Reference to the Dublin III Regulation is found in the following national legislative acts:

- 26/06/1998: Asylum Act, Loi sur l'asile, 358/1999
- 11/08/1999: Asylum Ordinance No 1 on procedural aspects, Ordonnance 1 sur l’asile relative à la procédure, 359/1999

Competent authorities and stakeholders

Entity responsible for the Dublin procedure (the application of the criteria and mechanisms for determining the Member State responsible): Dublin Office and Sections | Dublin Office und Sektionen | Bureau et sections de Dublin | Ufficio e sezioni di Dublino

Place in the institutional framework:

The Dublin Office has decentralised sections under the Asylum Directorate which is part of the main migration authority. The State Secretariat for Migration has a dedicated division, Dublin, Stay and Resettlement, under which there are two Dublin sections (Dublin Office 1 and Dublin Office 2, responsible for the Policy, incoming requests and part of the outgoing. There are also decentralised Dublin sections in 6 federal asylum and reception centres are responsible for outgoing

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procedures.

Competencies of the entity:

Yes	Conducting the Dublin interview (specifically for the Dublin procedure, as part of the registration interview or handling the form to be completed during registration)
Yes	Organising Dublin transfers
No	Notifying the transfer decision
No	Accompanying/escorting applicants during a Dublin transfer
Yes	Sending and replying to take charge and take back requests to/from other Member States
No	Receiving applicants transferred under the Dublin procedure (meeting applicants at the airport/border crossing)
Yes	Sending and replying to information requests to/from other Member States

Stakeholders involved in the procedure:

Handing over the common leaflet on the Dublin procedure	State Secretariat for Migration | Staatssekretariat für Migration | Secrétariat d'État aux migrations | Segreteria di Stato della migrazione Federal Asylum Centres | Bundesasylzentren | centres fédéraux pour requérants d'asile | centri federali d'asilo

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Conducting the Dublin interview (specifically for the Dublin procedure, as part of the registration interview or handing the form to be completed during registration)	Dublin Sections, State Secretariat for Migration | Dublin Sektionen, Staatssekretariat für Migration | Sections de Dublin, Secrétariat d'État aux migrations | Sezioni di Dublino, Segreteria di Stato della migrazione
Referral of cases to the Dublin unit	State Secretariat for Migration | Staatssekretariat für Migration | Secrétariat d'État aux migrations | Segreteria di Stato della migrazione Federal Asylum Centres | Bundesasylzentren | centres fédéraux pour requérants d'asile | centri federali d'asilo
Sending and replying to a take charge or take back request	Dublin Sections, State Secretariat for Migration | Dublin Sektionen, Staatssekretariat für Migration | Sections de Dublin, Secrétariat d'État aux migrations | Sezioni di Dublino, Segreteria di Stato della migrazione
Sending and replying to information requests to/from another Member State	Dublin Sections, State Secretariat for Migration | Dublin Sektionen, Staatssekretariat für Migration | Sections de Dublin, Secrétariat d'État aux migrations | Sezioni di Dublino, Segreteria di Stato della migrazione
Notification of the transfer decision	State Secretariat for Migration | Staatssekretariat für Migration | Secrétariat d'État aux migrations | Segreteria di Stato della migrazione Federal Asylum Centres | Bundesasylzentren | centres fédéraux pour requérants d'asile | centri federali d'asilo

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Free legal assistance during the appeal of a transfer decision	Federal Administrative Court | Bundesverwaltungsgericht | Trubunal adminitratif federal | Tribunale amministrativo federale From the beginning of the asylum procedure, each asylum seeker is assigned a legal representative and has the right to free legal assistance, unless the applicant explicitly waives this right, even during the appeal of a Dublin transfer decision.
Representation of the asylum authority in an appeal against a transfer decision	State Secretariat for Migration | Staatssekretariat für Migration | Secrétariat d'État aux migrations | Segreteria di Stato della migrazione
Organising the transfer to the responsible Member State	Dublin Sections, State Secretariat for Migration | Dublin Sektionen, Staatssekretariat für Migration | Sections de Dublin, Secrétariat d'État aux migrations | Sezioni di Dublino, Segreteria di Stato della migrazione Cantons | Kantone | Cantons | Cantoni
Providing information on the transfer modalities to the applicant	State Secretariat for Migration | Staatssekretariat für Migration | Secrétariat d'État aux migrations | Segreteria di Stato della migrazione Cantons | Kantone | Cantons | Cantoni
Accompanying/escorting applicants during a Dublin transfer when necessary	Cantons | Kantone | Cantons | Cantoni
Receiving applicants transferred under the Dublin procedure (meeting applicants at the airport/border crossing)	Cantons | Kantone | Cantons | Cantoni is responsible for this task if the transfer is by plane. If the transfer is by land in Geneva or Chiasso, the Police and Customs Co-Operation Centres (PCCC) are responsible.

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Court/authority responsible for deciding on an appeal against a transfer decision	Federal Administrative Court | Bundesverwaltungsgericht | Tribunal administratif fédéral | Tribunale amministrativo federale

Provision of information on the Dublin procedure

Applicants receive an information leaflet about the Dublin procedure after filing the application at the start of the preparatory phase, when arriving to the assigned federal asylum centre with processing facilities.

Right to legal counselling on the Dublin procedure

Applicants are entitled to free legal assistance in the Dublin procedure after lodging their application for international protection. A legal representative is assigned to each applicant from the start of the preparatory phase till the end of the procedures unless explicitly declined by the applicant. The legal representative has to inform the applicant of the prospects of his application and shall end its role if s/he assesses that an appeal has no prospects of success. The applicant must be informed as soon as possible after notification of the decision to reject asylum. Legal representation shall last, under the accelerated and the Dublin procedure, until a legally binding decision is taken, or until a decision is taken about carrying out an extended procedure.

Personal interview for determining the Member State responsible

Organisation of the interview: The SEM carries out the Dublin personal interview during the preparatory phase in a federal asylum centre with processing facilities. The Asylum Act, Article 26(3) clarifies that the SEM may ask questions related to the applicant's identity, travel route and briefly about the reasons for leaving the country of origin.

When the SEM presumes after this interview that another Dublin State is responsible for the asylum procedure, the applicant has the right to be heard

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again concerning the transfer to that Dublin State. This allows the applicant to make a statement and present the reasons against the transfer, either in written or orally. When a Eurodac hit is found or other evidence is available before the interview, the right to be heard is granted during the interview itself.

The personal interview and the right to be heard cannot be omitted as a main rule. It does not take place only when the applicant absconds.

The minutes of the interview and the applicant's statements in the framework of the right to be heard are available in a written form.

Persons present during interview: Information is currently not available

Notification of the transfer decision

The SEM takes a decision on not examining the merits of the case and notifies the decision to the applicant, after the responsible Dublin state accepts responsibility for the applicant.

When the SEM concludes after the hearing that Switzerland is the responsible state, it continues the asylum procedure accordingly (in an accelerated or extended manner).

Remedies

Competent authority/court	Federal Administrative Court
Deadline for review/appeal	Five working days from the notification of the decision
Deadline for decision on the review/appeal	The Court decides on the appeal within 5 days.
Suspensive effect of the review/appeal	The appeal against the Dublin decision does not have an automatic suspensive effect. The applicant needs to the Court separately for the suspension of the execution of the decision within 5 days. The Court decides on the suspensive effect within 5 days.

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Transfer arrangements

The central and regional (decentralised) Dublin sections of the SEM are in charge of examining the responsibility, carrying out all formalities related to the take charge or take back requests and managing the deadlines of the procedure. The cantonal authorities are responsible for implementing the transfer: they reserve the necessary flights in cooperation with swissREPAT (a special decentralised unit of SEM at the airports in Zurich and Geneva), decide whether the person concerned can travel alone without any assistance or monitoring or whether any form or control or accompanying is necessary. The transfer takes place in general under some kind of control: the authorities reserve the flight and accompany the person until boarding.

SwissREPAT informs the relevant Dublin section about the fact that a flight was reserved. The relevant Dublin section delivers the laissez-passer and informs the responsible Dublin State about the reservation. There is usually at least three days between the notification and the implementation of the transfer. This period also applies to transfers along the land border, when the notification about the transfer is delivered at the border post.

The law does not foresee any mechanism requiring authorities to systematically identify vulnerable persons for the purposes of the Dublin procedure. Applicants are obliged to state any known health issues during the preparatory phase, which might be of relevance for the procedure in general (Asylum Act, Article 26a).

Guarantees for minors in the Dublin procedure

Assessment of the best interests of the child: Information is currently not available

Legal guardian: The AO1, Article 7(3), clarifies that the tasks of the person of confidence, who is also the legal representative of the child, includes all relevant support during the Dublin procedure.

Detection of potential family reunification cases: The competent central and regional (decentralised) Dublin sections of the SEM are responsible for the detection of potential family reunification cases and family tracing in the framework of their overall task for examining responsibility.

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