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# **Dublin procedure - France | DIP EUAA**

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## **Overview**

### **Relevant EU legislation**

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

### **National Legislation**

Code of Entry and Residence of Foreigners and of the Right to Asylum (CESEDA) |  
[Code de l'entrée et du séjour des étrangers et du droit d'asile](#)

### **Competent authorities and stakeholders**

**Entity responsible for the Dublin procedure (the application of the criteria and mechanisms for determining the Member State responsible):**

For incoming activity: [Dublin unit of the asylum directorate, Ministry of the Interior | Section Dublin de la direction de l'asile, ministère de l'Intérieur](#)

For outgoing activity: [Local Dublin stations, prefecture | Pôles régionaux Dublin et services départementaux Dublin, préfecture](#)

**Place in the institutional framework:** The Dublin unit falls under the Directorate General for foreign nationals in France which is part of the Ministry of the Interior. Centralised (incoming activity) / Decentralised (outgoing activity): The Dublin unit coordinates 14 local Dublin stations that work closely with the 33 single desk for asylum seekers (*Guichets uniques pour demandeurs d'asile*, GUDA), which are under the Prefect's authority.

**Competencies of the entity:**

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

**Stakeholders involved in the procedure:**

<b>Handing over the common leaflet on the Dublin procedure</b>	Single desk for asylum seekers, prefecture   <a href="#">Guichets uniques pour les demandeurs d'asile (GUDA), préfecture</a>
<b>Conducting the Dublin interview (specifically for the Dublin procedure, as part of the registration interview or handing the form to be completed during registration)</b>	Single desk for asylum seekers prefecture   <a href="#">Guichets uniques pour les demandeurs d'asile (GUDA), préfecture</a>
<b>Referral of cases to the Dublin unit</b>	Single desk for asylum seekers, prefecture   <a href="#">Guichets uniques pour les demandeurs d'asile (GUDA)</a>
<b>Sending and replying to a take charge or take back request</b>	For incoming activity: <a href="#">Dublin unit of the asylum directorate   Section Dublin de la direction de l'asile</a>  For outgoing activity: <a href="#">Local Dublin stations, prefecture   pôles régionaux Dublin et services départementaux Dublin, préfecture</a>
<b>Sending and replying to information requests to/from another Member State</b>	For incoming activity: <a href="#">Dublin unit of the asylum directorate   Section Dublin de la direction de l'asile</a>  For outgoing activity: <a href="#">Local Dublin stations, prefecture   pôles régionaux Dublin et services départementaux Dublin, préfecture</a>
<b>Notification of the transfer decision</b>	<a href="#">Local Dublin stations, prefecture   pôles régionaux Dublin et services départementaux Dublin, préfecture</a>

<b>Free legal assistance during the appeal of a transfer decision</b>	Service providers are either pro bono lawyers chosen by the applicant or designated by the office of Legal Aid attached to the relevant territorial administrative court. NGOs also provide free legal counselling.
<b>Representation of the asylum authority in an appeal against a transfer decision</b>	<a href="#">Ministry of the Interior   Ministère de l'Intérieur</a>
<b>Organising the transfer to the responsible Member State</b>	<a href="#">Local Dublin stations, prefecture   pôles régionaux Dublin et services départementaux Dublin, préfecture</a> <a href="#">National Border Police Directorate   Direction nationale de la police aux frontières (DNPAF)</a>
<b>Providing information on the transfer modalities to the applicant</b>	<a href="#">Local Dublin stations, prefecture   pôles régionaux Dublin et services départementaux Dublin, préfecture</a>
<b>Accompanying/escorting applicants during a Dublin transfer when necessary</b>	<a href="#">National Border Police Directorate   Direction nationale de la police aux frontières (DNPAF)</a>
<b>Receiving applicants transferred under the Dublin procedure (meeting applicants at the airport/border crossing)</b>	<a href="#">National Border Police Directorate   Direction nationale de la police aux frontières (DNPAF)</a>
<b>Court/authority responsible for deciding on an appeal against a transfer decision</b>	<a href="#">First level administrative courts   Tribunaux administratifs territorialement compétents</a>

## Provision of information on the Dublin procedure

The Code of Entry and Residence of Foreigners and of the Right to Asylum (CESEDA) provides that international protection applicants receive an information brochure from the officer of the prefecture at the single desk upon registration. This brochure, [Guide du demandeur d'asile en France](#), includes brief information about the Dublin III Regulation and the Dublin procedure. Applicants receive the Leaflet A (Dublin common leaflet, part A) during registration and they receive also a brief explanation in person from the officer of the prefecture. Only applicants channelled through the Dublin procedure receive further, more detailed information and they get the Leaflet B (Dublin common leaflet, part B) from the prefecture, usually when the asylum application certificate (attestation de demande d'asile) is delivered, mentioning the fact that the applicant is in the Dublin procedure.

## **Right to legal counselling on the Dublin procedure**

Free legal counselling is mainly provided by non-governmental organisations, including at first reception centres for asylum seekers (SPADAs). Legal counselling can also be provided by lawyers at the cost of the applicant.

## **Personal interview for determining the Member State responsible**

### **Organisation of the interview:**

An applicant undergoes a specific Dublin personal interview with the officer of the prefecture when registering their application at the single desk. The interview can only be omitted when the applicant absconds, but this event is not likely given the fact that fingerprinting is immediately followed by the interview. Interpreters are available by phone for this interview. The interview is not recorded; the applicant receives a copy of the transcript upon request.

### **Persons present during interview:**

Information is currently not available.

## Notification of the transfer decision

The local Dublin stations (prefecture) decide on the responsible Member State and issue the transfer decision in writing in French, directly after the Member State responsible accepts the take back or take-charge request. They notify the applicant about the transfer decision as soon as possible, in person, typically called to the single desk of the Prefecture. The applicant is handed the written decision, which is also explained orally if necessary. When the applicant for international protection is not assisted by a lawyer, the main elements of the transfer decision have to be translated and communicated to him/her in a language that the applicant is reasonably supposed to understand (Article L. 572-1 of the CESEDA).

## Remedies

<b>Competent authority/court</b>	Administrative Court
<b>Deadline for review/appeal</b>	7 days / 48 hours if the applicant is detained
<b>Deadline for decision on the review/appeal</b>	15 days (144 hours if the applicant is detained during the proceedings) / 96 hours if the applicant was detained when the transfer decision was notified
<b>Suspensive effect of the review/appeal</b>	The appeal has suspensive effect

## Transfer arrangements

The Dublin unit (outgoing) geographically competent and the local Dublin station (incoming) organises the transfer together with the border police.

Three transfer modalities are available when a Member State agrees to take charge of or take back an international protection applicant:

**Voluntary transfer:** the applicant needs to organise his/her travel to the responsible Member State within a certain time limit. The authorities arrange for the necessary travel documents and they cover the transportation costs as well. The applicant needs to report to the border guard upon leaving the French territory.

**Supervised transfer:** This method is typically applied when the applicant is in administrative detention or under house arrest. The police escorts the applicant until boarding the plane.

**Transfer under escort:** for example, via chartered planes. The police escorts the applicant to the responsible Member State and hands him/her over to the respective authorities of the Member State.

An applicant channeled through the Dublin procedure may be put under house arrest and when a serious risk of absconding can be established, he/she may be detained.

During the in person notification of the transfer decision, the applicant may raise special needs and information on his/her special needs may be communicated to the receiving Member State if the applicant provides his/her explicit consent.

## **Guarantees for minors in the Dublin procedure**

**Assessment of the best interests of the child:** there is no specific procedure for assessing the best interests of the child in the Dublin context. It is assessed throughout the procedure and particularly by the agent from the French Office for Immigration and Integration (OFII).

**Legal guardian:** minors cannot initiate legal or administrative proceedings without having a legal representative (including the Dublin procedure) and they must be represented by a guardian or an ad-hoc administrator (Article L. 521-9 of the

CESEDA).

**Detection of potential family reunification cases:** the prefectures are required by the CESEDA to proceed with family tracing for unaccompanied minors as soon as possible after the application is made, while protecting the minor's best interests (Article L. 521-12 of the CESEDA). This applies in the overall context of the asylum procedure and it is not specific to the Dublin context. The CESEDA provides no specific guidance to assess which factors need to be taken into account in order to determine the responsible Member State when family members, siblings, relatives are present in another Member State or in other Member States.