Refugee Appeals Board Committee updated practice on Dublin cases, age assessments and vulnerable applicants

Update on Dublin cases and implementation of the AMMR Regulation

The Committee was provided with an overview of the situation in Dublin countries facing particular challenges, together with a note outlining the main changes introduced by Regulation (EU) 2024/1351 on Asylum and Migration Management (AM Regulation) compared with the Dublin III Regulation.

The Committee was informed that, following the adoption of the EU Pact on Migration and Asylum on 14 May 2024, Denmark, through its parallel agreement with the EU, has opted to participate in relevant parts of the AM Regulation. The Refugee Appeals Board submitted its consultation response on the implementing legislation in September 2025. However, the legislative proposal introduced in January 2026 lapsed following the announcement of the general election and has not yet been reintroduced. As a result, the AM Regulation has not been implemented in Danish law, notwithstanding its application in the other participating Member States from 12 June 2026.

During the transitional period, transfer cases will continue to be processed under section 29a of the Aliens Act in conjunction with the Dublin III Regulation. Where compatible with the Dublin framework and without adversely affecting the legal position of the applicant, relevant provisions of the AM Regulation may nevertheless be applied.

The Committee further noted that, pursuant to the transitional provisions of the AM Regulation, transfer procedures relating to asylum applications lodged before 12 June 2026 remain subject to the Dublin III Regulation. Accordingly, the Refugee Appeals Board's approximately 60 pending transfer cases will continue to be determined under the Dublin criteria, irrespective of the date of the decision. Additional transfer cases under the Dublin framework are also expected during the transitional period and will continue to be examined by both the Chairperson and the full Board, as appropriate.

It remains uncertain when the first transfer cases under the AM Regulation will be referred to the Board. It is anticipated that the initial cases will be examined by

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the full Board, in line with the approach adopted during the transition from the Dublin II to the Dublin III Regulation.

Age assessment practice update

In light of recent international case law, notably *F.B. v. Belgium (ECtHR, 6 March 2025)*, the Committee agreed to r**evise its practice on age assessments**. A three-stage assessment model will be introduced, comprising: (i) an initial interview by specially trained staff, (ii) an assessment by a child psychologist or other relevant professional, and (iii) medical examinations only where necessary.

During a transitional period, decisions of the Immigration Service concerning age assessments should, as a general rule, be remitted to the Immigration Service for reconsideration. Such reconsideration should include an initial interview, an assessment by a child psychologist or another suitably qualified professional, and the adoption of a new overall decision in accordance with the revised procedure.

Practice concerning criminal asylum applicants

The Committee was informed of the Ministry of Immigration and Integration's letter of 10 June 2026 concerning the judgment of the Court of Justice of the European Union (CJEU) of 26 March 2026 in *Case C-202/25, Tadmur*. According to the Ministry, the judgment has direct implications for the application of the Return Directive. In particular, third-country nationals covered by the Directive who cannot be returned because of the principle of non-refoulement can no longer be issued with a return decision unless a lawful country of return can be designated. The Ministry further indicated that it is assessing the implications of the judgment for Danish legislation and administrative practice and is considering whether legislative or administrative changes will be required.

The Committee recalled that the issue had previously been discussed at its meeting of 21 August 2025 in light of the CJEU judgment in Case C-663/21, AA v Austria, and the Ministry's interpretative note of 29 April 2025.

Following an exchange of views, the Committee agreed that cases in which exclusion under Section 10(1), (2) or (4)–(6) of the Aliens Act may be applicable should, as a general rule, be deferred pending clarification of the legal consequences of the Tadmur judgment. It was further agreed that, in cases already decided where the applicant has been excluded from protection under those provisions but cannot be removed due to the principle of non-refoulement under Section 31 of the Aliens Act, the time limit for voluntary departure should

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be suspended pending further clarification.

The Committee noted that the Tadmur judgment does not affect the Board's practice under Section 10(3) of the Aliens Act.

Practice concerning asylum applicants belonging to sexual minority groups

With regard to cases concerning applicants from Uganda, the Committee was informed that, where the Board concludes, on the basis of an overall assessment of the evidence, that an applicant belongs to a sexual or gender minority, the applicant will normally qualify for refugee status under Section 7(1) of the Aliens Act. This reflects the Board's country information regarding the treatment of LGBT+ persons in Uganda. The Committee clarified that this approach is based on the ordinary assessment of the evidence and should not be understood as applying a precautionary or reduced standard of proof, as may have been inferred from certain Board decisions.

Source(s)

- Refugee Appeals Board | Flygtningenævnet (3 July, 2026), Referat af møde i koordinationsudvalget den 15. juni 2026 [Minutes of the Coordination Committee meeting of 15 June 2026], https://fln.dk/media/cnjlply0/referat-af-moede-i-koordinationsudvalget-den-15-juni-2026.pdf

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