

# Dublin procedure - Netherlands | DIP

## EUAA

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### Overview

### Relevant EU legislation

The Netherlands is bound by the Dublin III Regulation and enforces it directly.

### National Legislation

The Netherlands is bound by the Dublin III Regulation (AMMR) and enforces it directly. Relevant legislative provisions implementing the Dublin Regulation can also be found in:

[Aliens Act 2000 | Vreemdelingenwet 2000](#)

[Aliens Circular 2000 \(A\) | Vreemdelingencirculaire 2000 \(A\)](#)

## Competent authorities and stakeholders

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

[Immigration and Naturalisation Service | Immigratie-en Naturalisatiedienst](#)

### Place in the institutional framework:

- Centralised.
- The Dublin team is within the [Immigration and Naturalisation Service](#), which is under the responsibility of the Ministry of Asylum and Migration.
- The unit is part of the main asylum authority.

### Competencies of the entity:

<b>Yes: The Dublin interview is a competence of the Dublin team, however it is most of the time not conducted by the Dublin team. The Dublin interview is conducted at the reception centres, by IND staff who conduct registration interviews.</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>No</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
<b>Handing over the common leaflet on the Dublin procedure</b>	<a href="#">Immigration and Naturalisation Service   Immigratie-en Naturalisatiedienst</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>	<a href="#">Immigration and Naturalisation Service   Immigratie-en Naturalisatiedienst</a>
<b>Referral of cases to the Dublin unit</b>	<a href="#">Immigration and Naturalisation Service   Immigratie-en Naturalisatiedienst</a>
<b>Sending and replying to a take charge or take back request</b>	<a href="#">Immigration and Naturalisation Service   Immigratie-en Naturalisatiedienst</a>
<b>Sending and replying to information requests to/from another Member State</b>	<a href="#">Immigration and Naturalisation Service   Immigratie-en Naturalisatiedienst</a>
<b>Notification of the transfer decision</b>	<a href="#">Immigration and Naturalisation Service   Immigratie-en Naturalisatiedienst</a>
<b>Free legal assistance during the appeal of a transfer decision</b>	<a href="#">Legal Aid Board   Raad voor Rechtsbijstand</a>

<b>Representation of the asylum authority in an appeal against a transfer decision</b>	<a href="#">Immigration and Naturalisation Service   Immigratie-en Naturalisatiedienst</a>
<b>Organising the transfer to the responsible Member State</b>	<a href="#">The Repatriation and Departure Service   Dienst Terugkeer en Vertrek</a>
<b>Providing information on the transfer modalities to the applicant</b>	<a href="#">The Repatriation and Departure Service   Dienst Terugkeer en Vertrek</a>
<b>Accompanying/escorting applicants during a Dublin transfer when necessary</b>	<a href="#">Royal Netherlands Marechaussee   Koninklijke Marechaussee</a>
<b>Receiving applicants transferred under the Dublin procedure (meeting applicants at the airport/border crossing)</b>	<a href="#">Royal Netherlands Marechaussee   Koninklijke Marechaussee</a>
<b>Court/authority responsible for deciding on an appeal against a transfer decision</b>	<a href="#">District Court of the Hague   Rechtbank Den Haag</a>

## Provision of information on the Dublin procedure

In addition to the common information leaflet, information is provided through national leaflets with specific information on the Dublin procedure. The leaflets are available in 11 languages and describe every stage of the procedure. Information is also provided orally at the meetings with the legal representative during the Dublin procedure.

Common information leaflets for unaccompanied minors are provided, as foreseen by the Commission Implementing Regulation (EU) 118/2014.

When applicable, the information leaflet is provided before the personal interview. During the personal interview applicants are explicitly asked if they understand the information which is provided.

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

Free legal assistance is offered for the Dublin procedure. A lawyer is appointed to the applicant by the Legal Aid Board as soon as possible after the IND has established that another member state may be responsible and the Dublin procedure is applicable.

Lawyers can meet with the applicant in the reception centre or their offices. Applicants residing in COA reception centres who must travel to meet with their lawyer will have the transport costs covered by COA.

For applicants who are detained in the border procedure, lawyers have access to the detention centre to provide their services. Detained applicants also have the right to make phone calls and to send and receive correspondence with their legal advisors.

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

There is a specific personal interview, the Dublin interview which takes place as part of the Dublin procedure, a few days from the registration/lodging of the application.

The interview is conducted in person by a staff member of the registration process of the IND. Interpretation is offered in person or over the phone. No other actor is required to be present during the interview. This is the only interview in the Dublin procedure.

## **Notification of the transfer decision**

After the interview, the IND issues a written intended decision, which the applicant can discuss with the legal representative in order to submit a reply, pointing out

whether anything had been overlooked in the interview report. At this stage, the applicant can submit through the legal representative a viewpoint on the reasons against the intended decision. The IND then decides whether to confirm or change its intended decision, either by establishing that another Member State is responsible for the case or by deciding to process the application.

If the Netherlands is responsible for processing the application or decides to process the application, no formal decision is taken by the IND and the applicant is channeled into the regular asylum procedure. If another Member State is found responsible for examining the application, the IND's decision encompasses the decision not to examine the application on its merits. The decision explains why another EU+ country is responsible and the decision is also a transfer decision. The applicant then receives a written transfer decision (*overdrachtsbesluit*) through the legal representative, stating the reasons why another country is responsible for the case.

## Remedies

<b>Competent authority/court</b>	<a href="#">District Court of the Hague   Rechtbank Den Haag</a>
<b>Deadline for review/appeal</b>	One week after the decision is notified to the legal representative
<b>Deadline for decision on the review/appeal</b>	Four weeks.
<b>Suspensive effect of the review/appeal</b>	No suspensive effect. The applicant can however request for suspensive effect within 24 hours after the decision is notified.

## Transfer arrangements

The Repatriation and Departure Service | *Dienst Terugkeer and Vertrek* (DT&V) is responsible for organising and providing information on arrangements for a transfer to another Member State.

The Royal Netherlands Marechaussee | *Koninklijke Marechaussee* is responsible for accompanying/escorting applicants during a Dublin transfer.

No special mechanism is in place within the Dublin procedure for the identification of applicants with special needs. Screening is carried out of all applicants at the beginning of the asylum procedure.

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

**Assessment of the best interests of the child:** There are no specific procedures or additional factors considered to assess the best interests of the child for outgoing transfers.

When an incoming request from another Member State is based on Article 8(2) of the Dublin III Regulation, the [Child Protection Board | Raad voor de Kinderbescherming](#) of the Dutch Ministry of Justice and Security investigates whether the relative can take care of the child and assesses the best interests of the child.

**Legal guardian:** Unaccompanied minors are appointed a legal guardian. The legal guardian supports the unaccompanied minor in the procedure.

**Detection of potential family reunification cases:** An unaccompanied minor will have a registration interview. In the registration interview, questions are asked on family and relatives in the country of origin and in EU+ member states.