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# Dublin procedure - Sweden | DIP

## EUAA

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### Overview

### Relevant EU legislation

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

### National legislation

Sweden is bound by the Dublin III Regulation and enforces it directly. Relevant legislative provisions implementing the Dublin III Regulation can also be found in:

- [Aliens Regulation \(SFS 2006:97 with further amendments\) | Utlänningsförordning \(2006:97\)](#), (23 February 2006)

- [Aliens Act \(SFS 2005:716 with further amendments\) | Utlänningslag \(2005:716\)](#), (29 September 2005)

## Competent authorities and stakeholders

**Entity responsible for the Dublin procedure (the application of the criteria and mechanisms for determining the Member State responsible):** Dublin Unit of the Swedish Migration Agency | Dublinenheten, Migrationsverket

**Place in the institutional framework:** Dublin Unit is part of the Swedish Migration Agency

### Competencies of the entity (Dublin Unit)

<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>No</b>	Organising Dublin transfers. These transfers are organised by the Swedish Migration Agency and the Return Unit.
<b>No</b>	Notifying the transfer decision. Transfer decisions are notified by the Swedish Migration Agency and the Return Unit.
<b>No</b>	Accompanying/escorting applicants during a Dublin transfer. It is the Swedish Migration Agency, in particular the Return Unit coordinates them, but the regions are the ones who Accompany/escort.
<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). This is responsibility of the corresponding regions.
<b>Yes</b>	Sending and replying to information requests to/from other Member States through DublinNET system.

**Stakeholders involved in the procedure:**

<b>Handing over the common leaflet on the Dublin procedure</b>	Swedish Migration Agency   <a href="#">Migrationsverket</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>	Swedish Migration Agency   <a href="#">Migrationsverket</a>
<b>Referral of cases to the Dublin unit</b>	Swedish Migration Agency   <a href="#">Migrationsverket</a>
<b>Sending and replying to a take charge or take back request</b>	Dublin Unit, <a href="#">Swedish Migration Agency</a>   Dublinenheten, <a href="#">Migrationsverket</a>
<b>Sending and replying to information requests to/from another Member State</b>	Dublin Unit, <a href="#">Swedish Migration Agency</a>   Dublinenheten, <a href="#">Migrationsverket</a>
<b>Notification of the transfer decision</b>	Swedish Migration Agency   <a href="#">Migrationsverket</a>
<b>Free legal assistance during the appeal of a transfer decision</b>	The appeal court arranges <i>ex officio</i> for the provision of free legal assistance and representation (including legal advice, assistance in the preparation of the appeal, representation, etc.) for cases which had such assistance appointed in the first (administrative) instance. Legal assistance and representation are usually provided by lawyers appointed by the Swedish Migration Agency.
<b>Representation of the asylum authority in an appeal against a transfer decision</b>	Swedish Migration Agency   <a href="#">Migrationsverket</a>

<p><b>Organising the transfer to the responsible Member State</b></p>	<p>Travel Coordination Unit, Swedish Migration Agency   Enheten för samordning av resor, <a href="#">Migrationsverket</a></p> <p>Reception/Return Unit, Swedish Migration Agency   Enhet för mottagning/retur, <a href="#">Migrationsverket</a></p> <p>Police   <a href="#">Polisen</a></p>
<p><b>Providing information on the transfer modalities to the applicant</b></p>	<p>Swedish Migration Agency   <a href="#">Migrationsverket</a></p>
<p><b>Accompanying/escorting applicants during a Dublin transfer when necessary</b></p>	<p>Police   Polisen Sweden Migration Agency   <a href="#">Migrationsverket</a></p>
<p><b>Receiving applicants transferred under the Dublin procedure (meeting applicants at the airport/border crossing)</b></p>	<p>Swedish Migration Agency   <a href="#">Migrationsverket</a></p> <p>Police   <a href="#">Polisen</a></p>
<p><b>Court/authority responsible for deciding on an appeal against a transfer decision</b></p>	<p>Regional Migration Courts of <a href="#">Stockholm</a>/<a href="#">Malmö</a>/<a href="#">Gothenburg</a>/<a href="#">Luleå</a>   Förvaltningsrätten Migrationsdomstolen i <a href="#">Stockholm</a>/<a href="#">Malmö</a>/<a href="#">Göteborg</a>/<a href="#">Luleå</a></p>

## Provision of information on the Dublin procedure

Information on the Dublin procedure (together with general [information](#) on the asylum procedure) is provided to the applicant primarily orally by the Swedish Migration Agency (SMA), upon applying for international protection as well as during the Dublin interview.

Basic information about the Dublin procedure is also published on the SMA [website](#) and it is available in multiple languages.

NGOs are also involved in giving information to the applicant, for instance the Swedish Network of Refugee Support Groups (FARR), Red Cross, Save the Children and RFSU.

For unaccompanied minors, information is provided through the legal representative/guardian of the child (both orally and in writing).

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

Legal assistance is provided in Dublin cases for unaccompanied minors. For other applicants (adults), legal assistance can be provided exceptionally, for example to those who have been deemed unable to represent themselves for some reason or if it could be established that the reception conditions in the receiving country are known to be poor and the principles in the European Court of Human Rights (ECtHR)'s rulings in [M.S.S. v Belgium and Greece](#) and [Tarakhel v Switzerland](#) apply.

The Dublin Unit primarily investigates whether procedures to another Member State can be carried out. If it is assessed that the case should not be processed in the Dublin procedure, the application should be examined in Sweden. Legal assistance is therefore not provided in that part of the process unless the situation has arisen during an ongoing Dublin procedure or after an acceptance.

At the appeal stage, a request for legal assistance can be made but will not automatically be approved, especially if the court deems that the appeal has no prospects of success.

In a judgment of 19 December 2014, the Migration Court of Appeal [clarified](#) that legal assistance as enshrined in Chapter 18 of the Aliens Act is also applicable to Dublin cases, although the assumption is that the need for it is missing in such cases. However, on appeal, legal assistance can be provided if the remedy has

prospects of success.

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

**Organisation of the interview:** There is a separate Dublin interview conducted by the SMA which normally takes place within 1 week from lodging an application. Dublin interviews are held with all applicants in the Dublin procedure, and it cannot be omitted. The interview does not go into the asylum grounds in any detail, but a brief outline is requested for the reasons to flee. Questions are asked about relatives in other EU countries, previous stays in EU countries, the travel route to Sweden or exit from Dublin territory prior to entry in Sweden, the health condition of the applicant, any objections to being sent to the responsible EU Member State, and attitude towards leaving voluntarily.

Interviews are not recorded. A written summary and a full transcript of the personal interview is made. The applicant and his/her legal advisor have access to the report as soon as possible after the interview.

As of 2018, internal guidelines (available on the official SMA Intranet) are available to improve the quality of the personal interview in Dublin cases. The guidelines describe what the interviewer must have in mind when conducting a personal interview. The case officers conducting the interview can click through themed boxes that give answers and suggestions on relevant questions and explain the purpose of a specific question that they are advised to pose.

**Persons present during interview:** Interviews are conducted in the presence of an interpreter. Upon request, the interview can also be attended by the applicant's legal representative. For an unaccompanied minor, the guardian is present and a legal counsel can be appointed.

## **Notification of the transfer decision**

If Sweden is the Member State responsible, no formal decision is taken and the application for international protection is processed accordingly.

If the applicant is to be transferred to the responsible Member State, the SMA informs the applicant and their legal representative/counsellor of the decision during an appointment. The decision is written in Swedish and it is communicated to both, the applicant and to legal representative/counsellor (if applicable), in person by the SMA in the presence of an interpreter. The decision includes the country where the applicant will be returned, a final date by which the transfer should be carried out in accordance with the Dublin III Regulation and, as with any administrative decision, instructions on how to appeal the decision.

## Remedies

<b>Competent authority/court</b>	The regional migration court. For an onward appeal, the Migration Court of Appeal
<b>Deadline for review/appeal</b>	The applicant has 21 days to appeal a transfer decision since its receipt
<b>Deadline for decision on the review/appeal</b>	The average processing time from the time of lodging the appeal or review until the final decision on the appeal or review is 1 week.
<b>Suspensive effect of the review/appeal</b>	The applicant may request a suspension of the implementation of the transfer decision (there is no automatic suspensive effect of an appeal).

## Transfer arrangements

An applicant must arrive at the place and date indicated by the SMA in order to be transferred. The applicant is brought by the SMA or police official (depending on the modality of the transfer) to the airport or, exceptionally, to the border-crossing point

(for transfers to Norway and Finland).

The applicant is encouraged to move to another Member State voluntarily and the majority of people do. In voluntary transfers, the Travel Coordination Unit makes the transfer arrangements (purchasing ticket, booking dates, etc.). However, the Reception/Return Unit at the SMA carries out the transfer on the practical level. If the person refuses to cooperate or they abscond, the police can be requested to get involved. The police are also responsible for handling cases of people transferred to Sweden under the Dublin procedure who hold a return decision. For an escorted transfer, at least two police officers accompany the applicant (more escorts may accompany the trip for larger families).

In general, transfers with a short time limit (e.g. when the applicant is in detention or holds a short-term travel document) and transfers of unaccompanied minors are prioritised. To a large extent, transfers of unaccompanied minors are escorted (except when they are aged 16 years old or older) and have a different processing procedure. The transfer of severely ill persons are handled separately, without direct priority (except for short time limits or short validity of travel documents) and as advanced cases with a long processing time and increased communication between different actors and may involve ambulance flights.

For transfers from other Member States, due to the work schedule of the SMA and the police, arrivals to Sweden are only possible between Monday and Thursday (in Stockholm and Gothenburg, between 8am-2pm and in Malmö, between 9am-2pm). Foreigners transferred to Sweden are referred to reception centre or placed in a detention centre.

There is no specific mechanism in place for the identification of persons with special needs within the Dublin procedure that are not present in other parts of the asylum procedure. The SMA makes a first screening at the beginning of the asylum procedure, however special needs may be raised at any stage of the procedure.

If an applicant is sick and the health conditions put the person at risk during a transfer, a doctor must approve the ability to travel. In general, medical records are translated if the person has special needs (e.g. is disabled). The Member States receiving the request from Sweden will be informed through a notification. The

transfer will be also planned to give the receiving country time to prepare.

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

**Assessment of the best interests of the child:** There is no specific procedure to assess the best interests of the child in the Dublin procedure. The best interests of the child are taken into account during the entire procedure and explicitly assessed in the transfer decision.

The factors taken into account to assess the best interests of the child are enumerated in Article 6(3). No additional factors are taken into account. The SMA's internal guidelines are followed to assess the factors.

Case officers in Dublin Units have specific training on unaccompanied minors.

**Legal representation for unaccompanied minors:** The representative appointed to the unaccompanied minor in the Dublin procedure is the same as the representative within the international protection procedure in general. The representative's views are taken into account when assessing the best interests of the child and he/she takes part in the personal interview.

**Detection of potential family reunification cases:** There is no particular mechanism to restore family links in the Dublin context beyond the process described in Article 2(7) of the Commission Implementing Regulation (EU) 118/2014. In general, during the initial part of the process, the SMA conducts a more in-depth interview with the unaccompanied minor to ascertain several facts, including information on family members in or outside Sweden, in order to start the process of family tracing and possibly family reunification. The Red Cross can assist in tracing family members but does so only upon a minor's request and never on behalf of the SMA. The SMA does not contact the Red Cross in these matters.