Dublin procedure - Czechia

Overview

Content updated and validated on: 6/08/2025

Relevant EU legislation

Czechia is bound by the Dublin III Regulation (AMMR) and applies its provisions directly.

National legislation

11/11/1999: Act No 325/1999 Coll. on Asylum | Zákon č. 325/1999 Sb., o azylu, Act No 325/1999 Coll.

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, Department for Asylum and Migration Policy| Oddělení Dublinského střediska, Odbor azylové a migrační politiky (OAMP)

Place in the institutional framework: The Dublin unit is part of the Department for Asylum and Migration Policy within the Ministry of the Interior.

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
Yes	Notifying the transfer decision

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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	Department for Asylum and Migration Policy | Odbor azylové a migrační politiky
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 Unit, Department for Asylum and Migration Policy |, Oddělení Dublinského střediska, Odbor azylové a migrační politiky Asylum Unit, Department for Asylum and Migration Policy | Azylové oddělení, Odbor azylové a migrační politiky
Referral of cases to the Dublin unit	Foreign Police Service | Služba cizinecké policie
Sending and replying to a take charge or take back request	Dublin Unit, Department for Asylum and Migration Policy | Oddělení Dublinského střediska, Odbor azylové a migrační politiky
Sending and replying to information requests to/from another Member State	Dublin Unit, Department for Asylum and Migration Policy | Oddělení Dublinského střediska, Odbor azylové a migrační politiky
Notification of the transfer decision	Ministry of the Interior of the Czech Republic | Ministerstvo vnitra České republiky

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Free legal assistance during the appeal of a transfer decision	The Administrative Chambers within the Regional Court | Krajský soud decides on the provision of free legal aid and representation services. Services are provided by attorneys from the Czech Bar Association | Česká advokátní komora who are appointed by the court or NGOs working with refugees and migrants. The Ministry of the Interior of the Czech Republic | Ministerstvo vnitra České republiky covers legal aid and representation costs for entities or professionals who have entered into a written agreement.
Representation of the asylum authority in an appeal against a transfer decision	Ministry of the Interior of the Czech Republic | Ministerstvo vnitra České republiky
Organising the transfer to the responsible Member State	Dublin Unit, Department for Asylum and Migration Policy | Oddělení Dublinského střediska, Odbor azylové a migrační politiky Foreign Police Service | Služba cizinecké policie Refugees Facilities Administration of the Ministry of the Interior | Správa uprchlických zařízení ministerstva vnitra Medical Facility of the Ministry of the Interior
Providing information on the transfer modalities to the applicant	Dublin Unit, Department for Asylum and Migration Policy | Oddělení Dublinského střediska, Odbor azylové a migrační politiky
Accompanying/escorting applicants during a Dublin transfer when necessary	Foreign Police Service | Služba cizinecké policie

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Receiving applicants transferred under the Dublin procedure (meeting applicants at the airport/border crossing)	Foreign Police Service | Služba cizinecké policie
Court/authority responsible for deciding on an appeal against a transfer decision	Administrative Chambers within Regional Court | Krajský soud

Provision of information on the Dublin procedure

General written information on the asylum procedure, including information on the Dublin procedure, is provided during registration by the Department for Asylum and Migration Policy. Applicants receive an information leaflet, which is available in 29 languages and if necessary, an interpreter is available to translate the information to other languages. The common information leaflet on the Dublin procedure – adapted with specific information on the Czech procedure - is provided separately to the applicant. There are no further specificities for applications from detention or at the border: the leaflets are available at these facilities as well. If necessary, caseworkers from the Dublin Unit or, in some cases, staff from the Asylum Unit or the police (when in detention or at the border) provide details orally in person. Unaccompanied minors usually receive information on the Dublin procedure from their guardian and are also given information leaflets designed for UAMs once the authorities are sure that the Dublin system can be applied and the UAM can be reunited with a family member legally residing in another Member State.

Right to legal counselling on the Dublin procedure

The Administrative Chambers within Regional Court | *Krajský soud* decides on the provision of free legal counselling and representation services. Services are provided by attorneys from the Czech Bar Association | *Česká advokátní komora*,

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who are appointed by the court or NGOs working with refugees and migrants. The attorneys work individually with applicants and assist them in preparing for the appeal, including preparing relevant documentation (e.g. statement of claim, statement of defence, attendance at court hearings, etc.). The Ministry of the Interior of the Czech Republic | *Ministerstvo vnitra České republiky* covers legal aid and representation costs for entities or professionals who have entered into a written agreement.

Personal interview for determining the Member State responsible

If the initial information provided by the person applying for international protection in the Czech Republic gives any indication or presumption that the Dublin Regulation could be applied, the case is taken over by the Dublin Centre for further action. In Dublin cases, this personal interview focuses more on Dublin relevant issues in order to facilitate the process of determining the state responsible for examining the application. The applicant and his/her lawyer have access to the file at any time, including to the summary of the personal interview. The applicant can ask for an interpreter to facilitate the communication and he/she can be assisted by a lawyer at this stage as well.

Notification of the transfer decision

The Dublin Unit notifies the applicant about the transfer decision. When the transfer decision is issued, the person is requested in writing to appear on a specified date and time at a designated workplace of the OAMP, where an official of the OAMP hands over the issued decision and the person confirms by his/her signature that he/she has received the decision. An interpreter and, if the person has an attorney, his/her attorney shall also be present during the entire procedure. The decision mentions the country where the applicant will be returned, the time limits of the transfer in accordance with the Dublin III Regulation and the modalities for appealing the decision.

Remedies

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Competent authority/court	The competent regional administrative courts (based on the residence of the applicant at the time of lodging the appeal).
Deadline for review/appeal	15 days
Deadline for decision on the review/appeal	60 days
Suspensive effect of the review/appeal	The appeal has no automatic suspensive effect.

Transfer arrangements

The Dublin Unit of the Ministry of the Interior arranges the transfers. When the person concerned cooperates and he/she is willing to be transferred, the Refugees Facilities Administration of the Ministry of the Interior carries out the transfer. In other cases, the Foreign Police provides assistance and carries out the transfer according to the Ministry's requirements.

All types of transfers (voluntary, supervised and under escort) are organised. The Dublin Unit decides the type of the transfer on a case-by-case basis, depending on for example the behaviour of the person concerned, his/her willingness to be transferred and his/her willingness to cooperate. The person concerned may leave voluntarily the territory and travel to the responsible Dublin state on his/her own or request assistance with the transfer from the Dublin Unit. Applicants accommodated in reception centres must present themselves at the place and date indicated by the Ministry of Interior in order to be transferred – in this case, typically the Refugee Facilities Administration carries out the transfer. The applicants in detention centres are accompanied by the police to the border crossing point (in case of transfers to Germany, Austria, Slovakia or Poland) or to the airport from which they are transferred to the responsible country. Most often applicants are transferred under escort.

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Detention for the purpose of transfer is applied exceptionally. The criteria for detention and alternatives to detention are outlined in both the Aliens Act and the Asylum Act. An individual assessment is carried out on the situation of the applicant before placing him/her in detention. If the decision on detention is issued, the person may lodge an appeal against the decision to the regional court.

There is no specific mechanism in place for the identification of special needs in the specific context of the Dublin procedure. The Asylum Act provides for a general definition of vulnerable persons, which is applied in the Dublin context as well. The definition gives a non-exhaustive list of groups of applicants who might potentially have vulnerabilities. The applicant goes through a screening for vulnerabilities typically at the reception centre, a few days after arrival, when a social worker meets him/her to assess his/her needs. When the vulnerable applicant is easily identified and has for example visible vulnerabilities, the police or the Asylum Unit of the Ministry of the Interior takes note of this fact already at the registration stage and refers further the applicant for reception and vulnerability screening with this note.

The possibility and the conditions of the Dublin transfer are determined case-by-case on the basis of this screening. CZ is governed by the time limits laid down in the Regulations. In the case of a planned transfer of a person to the responsible MS, deadlines for cooperation with other stakeholders are set by internal regulation.

Guarantees for minors in the Dublin procedure

There is no specific procedure for assessing the best interest of the child within the Dublin procedure, but the circumstances of the child are in any case always assessed in an individual manner. The representative appointed to the UAM for the Dublin procedure is the same as the representative within the international protection procedure in general. The representative takes part in the Dublin personal interview and is involved in the assessment of the best interest of the child. Czechia does not have a particular mechanism or bilateral arrangements for identifying the family members on the territory of other Member States for the specific purposes of family reunification under the Dublin III Regulation. Family tracing is typically launched and carried out based on the child's statement.

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