



## Dublin is dead - long live Dublin!

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With its new published asylum and migration law package, the EU Commission could effectively perpetuate the situation on the Greek islands. Those experts who thought that the Dublin criteria were unsuitable are now rubbing their eyes in disbelief, because the country of first entry is supposed to remain responsible for the asylum procedure in principle. The access to justice threatens to be dangerously curtailed by the Pact.

The question is whether the new border procedures will be able to respect the fundamental rights of persons seeking protection. These border procedures will have to be regularly applied to those persons seeking protection who are not particularly vulnerable, such as children and young people, and who come from countries whose citizens have had low recognition rates in the past. Within a utopian short period of 12 weeks, a decision is to be taken on whether they are worthy of protection. It is also highly doubtful whether lawyers will be available in sufficient numbers to give applicants the legal advice they are entitled to within this short period and - where necessary - to lodge the necessary appeals. There is a risk of unacceptable restrictions on access to justice. There is also the threat of a long period of imprisonment, because those who are deemed to be "in danger of absconding" can be arrested. Since the twelve-week border procedure is followed by a deportation procedure lasting up to twelve weeks, and since in crisis situations, i.e. in particular at times of increased arrivals of persons seeking protection, border and deportation procedures may be extended by two months each, an imprisonment of ten months may be the result.

When one bears in the mind the conditions in the Moria camp on the island of Lesbos, the European Commission's plans are a cause for concern. In the past, people seeking protection on this Greek island waited years rather than months for their trial and legal advice was mainly provided by non-governmental organisations such as the European Lawyers in Lesvos (ELIL).

Speeding up asylum procedures is a meaningful endeavour in itself. For example, the insecurity with regard to the outcome of one's claim for asylum that sometimes lasts for years is a great burden for those concerned. However, access to justice is indispensable. The migrants must have the effective possibility to appeal against negative decisions with the help of a lawyer - also to better accept a final refusal, as the experience of ELIL shows.

For this reason alone, migration commissioner Ylva Johansson's statement that border procedures give the person seeking protection the same rights for proper and fair processing does not hold water. Moreover, border procedures would have only one appeal instance. The suspensive effect of the appeal or the period within which an appeal can be lodged and the associated temporary right to stay would be abolished altogether. This is not a constitutional procedure worthy of the EU. It is to be hoped that the EU Parliament in particular will make adjustments in this respect.