

# VB: Research on Dublin cases - Iceland

Homan Sayah <homan.sayah@migrationsverket.se>

Wed 4/23/2014 09:58

To: Claudie Ashonie Wilson <claudie08@ru.is>;

Cc: Hans Nidsjö <hans.nidsjo@migrationsverket.se>; Therése Lindström <therese.lindstrom@migrationsverket.se>;

Hi,

My name is Homan Sayah and I work as an expert at the Swedish Migrations Board's Division for asylum. Your questions were forwarded to me from Ms Lindström. Below I will try to answer your questions regarding appeals in the Dublin System.

1. From what I understand from your correspondence with Hans Nidsjö you have already gained access to statistics regarding cases appealed to the Migration Courts. Unfortunately, we have no possibility to provide you with any further information than the actual number of cases.
2. No. No other Member States have been deemed as "unsafe" as regards to article 3 of ECHR. The decisions by the (lower) Migration Courts to change the Migration Board's decisions for transfer to another Member state are based on the circumstances in each individual case. Regarding the Migration Court of Appeal, it only gives leave to appeal in cases that are of interest for jurisprudence. As you probably are aware of, a total stop for transfers can only be made if there are systematic deficiencies in another member state as stated in the N.S.-ruling by the ECJ. The Migration Court of Appeal has not found that there are any such deficiencies in any other Member state that would be in breach of article 3 of ECHR or article 4 of the EU charter (except of course Greece).
3. No. In cases processed according to Regulation 343/2003 (Dublin II), no suspensive effect was granted. Cases processed according to Regulation 604/2013 (Dublin III) Sweden (the Migration Board) has opted for option 3 of article 27 (i.e. 27.3. c ).
4. No. However, free legal assistance is granted to unaccompanied minors whose cases are processed in accordance with Regulation 604/2013.

I hope you are satisfied with the answers provided.

Med vänlig hälsning/Best regards,  
Homan Sayah

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Expert

Migrationsverket/Swedish Migration Board

Verksamhetsområde Asylprövning /Division for Asylum

Telefon/Phone +46 (0)10 485 08 04

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**Från:** Claudie Ashonie Wilson [<mailto:claudie08@ru.is>]

**Skickat:** den 16 april 2014 17:50

**Till:** Therése Lindström

**Ämne:** FW: Research on Dublin cases - Iceland

Dear Therese,

My name is Claudie and I am a law student at the Reykjavík University of Iceland. Currently I am writing my thesis on Dublin cases and have been for the past few months in contact with Mr. Hans Nidsjo who has been so helpful to me in providing some requested information. However, as you can see below from our conversations, the information, I require to continue my research, Hans said that it is likely that you might be able to assist.

As you can see from our correspondence here below, initially I had two questions for Hans and had a few subsequent questions for the purpose of clarification. I am satisfied with the answer given for question 1 of my initial email to Hans. However, I sincerely hope that you can assist me with answering question 2 along with two additional questions. Of course if you have something you would like to add to question 1 please feel free to do so.

**First:** Would it be possible to gain access to statistics on the number of Dublin cases that have been treated by either the Migration Courts and the Migration Court of Appeal; between the periods 2010 til to date? (I believe Hans has provided all the information here)

**Second:** Aside from Greece, has there been any successful Dublin cases before the Migration Courts where the "Dublin returnee" contests his removal due to fears of a real risk of refoulement within the meaning of Article 3 ECHR in the country found by Sweden to be responsible for examining his asylum application? ( Please insert answer here)

**Third:** In the event that someone takes his case to Court, does the Swedish laws allow for automatic suspensive effect of a decision regarding (Dublin removal or a home country removal) pending ruling of the court? ( Please insert answer here)

**Fourth:** Does Swedish laws provide free legal aid for a Dublin asylum seeker who wishes to have a judicial review of a transfer decision ( to another Dublin state or to his home country)? ( Please insert answer here)

I look forward to your response.

Regards.

Claudie Ashonie Wilson

Laganemi

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**From:** GB-PoS-Statistik <[GB-POS-Statistik@migrationsverket.se](mailto:GB-POS-Statistik@migrationsverket.se)>**Sent:** Tuesday, April 15, 2014 06:08**To:** Claudie Ashonie Wilson**Subject:** SV: Research on Dublin cases - Iceland

Dear Claudie,

I have no access to Dublin-cases. You have to contact [christer.pettersson@migrationsverket.se](mailto:christer.pettersson@migrationsverket.se) at our Security unit and describe Your demands. [Therese.lindstrom@migrationsverket.se](mailto:Therese.lindstrom@migrationsverket.se) at our Dublin unit can help You with your other question.

Best regards

Hans Nidsjö

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**Från:** Claudie Ashonie Wilson [[mailto:claudie08@ru.is](mailto:mailto:claudie08@ru.is)]**Skickat:** den 4 april 2014 14:22**Till:** GB-PoS-Statistik**Ämne:** RE: Research on Dublin cases - Iceland

Dear Hans,

Sorry for my delayed response. I was not requesting personal information, I apologize if I was unclear in my last email.

**For the purpose of clarification**

You mentioned and annexed an excel chart which showed 35 successful Dublin cases, where a transfer was stopped to other Dublin states due to a risk of violation of the non-refoulement principle (Article 3 ECHR).

So in light of that information, my question to you was: is it possible to provide a summary of those 35 case-laws? Being able to see those cases and is important for me to be able to work with the information. In the alternative, if you could not provide the summary, to point me in the direction of someone who could assist me with accessing those case laws.

I have called the number you provided, and was told that he no longer works there. Further, that this was a detention facility.

**An additional Question:**

What is the general procedure for a person returned to Sweden under the Dublin Regulation? Say for example, if an asylum seeker was sent back to Sweden under the "take-back" provision DRII Article 16(1)(e) or DRIII (recast) Article 18(1)(d). What would be the general procedure for such an individual after arriving in Sweden?

Does he still have access to asylum procedures? If, you could explain how this works in practice, I

would really appreciate it.

I tried to consult website migrationsverket, however I noticed that it is currently being updated and so information on Dublin procedures in Sweden is unavailable.

I hope this email is a clearer than the previous one.

Once again, thank you so much for your assistance.

Claudie Ashonie Wilson

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**From:** GB-PoS-Statistik <[GB-POS-Statistik@migrationsverket.se](mailto:GB-POS-Statistik@migrationsverket.se)>

**Sent:** Monday, March 03, 2014 08:41

**To:** Claudie Ashonie Wilson

**Subject:** SV: Research on Dublin cases - Iceland

Dear Claudie,

We have no access to information regarding personal data. You have to contact Christer Pettersson at the unit of legal Affairs and describe Your purpose! His phone number is 010 48 52777.

Best regards

Hans Nidsjö

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**Från:** Claudie Ashonie Wilson [<mailto:claudie08@ru.is>]

**Skickat:** den 27 februari 2014 16:16

**Till:** GB-PoS-Statistik

**Ämne:** RE: Research on Dublin cases - Iceland

Dear Hans,

Thank you for your response and for the data. Your assistance has been invaluable.

The excel sheet you sent shows that there have been 35 individual Dublin cases where the individuals were not sent back to the receiving Dublin State due to a risk of breach of article 3 ECHR.

In order for me to work through this information, I was wondering if there is anyway possible for me to gain access to the names and a brief summary of these cases? I have also requested the same information from all the other Nordic Directorate of Immigration as this information matters a great deal for my research question.

However, following the information I received from you, I went on to the website of the Swedish

Migration Courts, but, I find it rather difficult to navigate and to gain access to the relevant case laws. So I was wondering if there is anyway possible that you could provide the following:

- a. Name of the 35 cases or at least information on how I could gain access to them.
- b. A brief summary of the 35 cases you mentioned or how I could gain access to them.

Once again, thank you very much for all your help.

I anticipate your response.

Regards,

Claudie Ashonie Wilson

Laganemi

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**From:** GB-PoS-Statistik <[GB-POS-Statistik@migrationsverket.se](mailto:GB-POS-Statistik@migrationsverket.se)>

**Sent:** Tuesday, February 25, 2014 12:26

**To:** Claudie Ashonie Wilson

**Subject:** SV: Research on Dublin cases - Iceland

Dear Claudie,

I have specified the cases for Dublin returnee who have received international protection in Sweden during 2010-2014. No one of the appeals have been treated by the Migration Court of Appeal in 2014.

Best regards

Hans Nidsjö

Statistical officer

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**Från:** Claudie Ashonie Wilson [<mailto:claudie08@ru.is>]

**Skickat:** den 24 februari 2014 16:11

**Till:** GB-PoS-Statistik

**Ämne:** RE: Research on Dublin cases - Iceland

Dear Hans,

Thank you so much for your response. I am truly grateful. I do have a few questions just for the purpose of clarification which I hope will not inconvenience you much.

1. Is there any way possible to provide me with the name of the cases that have been successful before the Courts?
2. If it will not be possible to see from the case names, is it possible to provide information as to which countries were considered not "safe" within the meaning of article 3 in the individual cases?
3. You mentioned that the Migration Court of Appeal has treated 4 appeals in 2014, were any of these appeals successful? To which countries were the appellants being removed to?
4. I would also like to request your permission to I include your name in my "note of gratitude" that will be attached to my thesis? If granted, could you please send your full name which I assume to be (Hans Nidsjö) and formal title.

Thank you in advance.

Claudie Ashonie Wilson

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**From:** GB-PoS-Statistik <[GB-POS-Statistik@migrationsverket.se](mailto:GB-POS-Statistik@migrationsverket.se)>

**Sent:** Monday, February 24, 2014 14:25

**To:** Claudie Ashonie Wilson

**Cc:** GB-Migrationsverket

**Subject:** VB: Research on Dublin cases - Iceland

Dear Claudie,

I send You a table with the number of Dublin cases that have been treated by the Migration Courts 2010-2014 (until 19/2). Migration Court of Appeal have treated 4 appeals in 2014. For the other years there are no figures. I send You another table with Dublin returnee who have got international protection in Sweden after applied for impediments to enforcements.

Best regards

Hans Nidsjö

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**Från:** GB-Migrationsverket

**Skickat:** den 12 februari 2014 11:09

**Till:** GB-PoS-Statistik

**Ämne:** VB: Research on Dublin cases - Iceland

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**Från:** Claudie Ashonie Wilson [<mailto:claudie08@ru.is>]

**Skickat:** den 12 februari 2014 01:55

**Till:** GB-Migrationsverket

**Ämne:** Research on Dublin cases - Iceland

Dear Sir/Madam,

My name is Claudie Ashonie Wilson and I am a 5th year law student at the Reykjavík University in Iceland.

I am currently working on my thesis regarding asylum issues, more specifically Dublin cases. For the purpose of a comparative analysis, I am hoping that you'll be willing to provide me with information that I was unable to acquire from your website. I only have two questions:

**First:** Would it be possible to gain access to statistics on the number of Dublin cases that have been treated by either the Migration Courts and the Migration Court of Appeal; between the periods 2010 til to date?

**Second:** Aside from Greece, has there been any Dublin case before the Migration Courts where the "Dublin returnee" contests his removal due to fears of a real risk of refoulement within the meaning of Article 3 ECHR in the country found by Sweden to be responsible for examining his application? If so, what were the outcome?

Thank you in advance. I anticipate your response.

Respectfully,

Claudie Ashonie Wilson

Laganemi

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