

OPINION OF ADVOCATE GENERAL
SHARPSTON
delivered on 17 March 2016 ([1](#))

Case C-155/15

George Karim
v
Migrationsverket

(Request for a preliminary ruling from the Kammarrätten i Stockholm (Administrative Court of Appeal, Stockholm (Sweden)))

(Asylum — Examination of an application for international protection — Criteria for determining the responsible Member State — Interpretation of Article 27(1) of Regulation (EU) No 604/2013 — Scope of right of appeal or review — Meaning of Article 19(2))

Introduction

1. The present request for a preliminary ruling from the Kammarrätten i Stockholm (Administrative Court, Stockholm) ('the referring court') and that in Case C-63/15 *Ghezelbash* are linked. In each an applicant for asylum seeks to challenge the decision of the competent authorities in the Member State where he is located to transfer him to another State which has agreed with the first Member State to take responsibility for examining the asylum claim. The cases raise an important question. Is Regulation No 604/2013 ('the Dublin III Regulation'), ([2](#)) like its predecessor Regulation No 343/2003 ('the Dublin II Regulation'), ([3](#)) purely an inter-State mechanism which does not enable an individual asylum seeker to challenge such a decision? Or can such a person now bring appeal or review proceedings under Article 27(1) of the Dublin III Regulation to challenge a transfer decision on the ground that the criteria to determine the responsible Member State have been wrongly applied?
2. As the factual circumstances relating to each applicant's claim are different, the specific questions that arise are not the same. I shall therefore deliver two Opinions on the same day. My Opinion in *Ghezelbash* (at points 54 to 84) sets out in detail my analysis of the interpretation of Article 27(1) of the Dublin III Regulation. I apply that reasoning to Mr Karim's case at points 20 to 35 below.
3. The Common European Asylum System ('the CEAS') encompasses a number of measures including regulations which aim swiftly to determine the Member State responsible for examining an individual's application for asylum. Those measures are known collectively as 'the Dublin system'. ([4](#)) Where a third-country national has a connection with more than one

Member State (for example, because he enters the European Union via one Member State but lodges his application for asylum in a second State), it is necessary to determine which State is responsible for examining his claim for asylum. The criteria for determining the responsible Member State are set out in a strict hierarchy ('the Chapter III criteria') in the Dublin III Regulation. If the Member State where an asylum application is lodged considers on the basis of those criteria that another Member State is responsible for determining the claim, the first State may ask the second State to take back (or to take charge of) the applicant. Once that issue is determined, the examination of the application for asylum is governed by the rules laid down in the relevant CEAS act. (5)

4. This Court ruled in *Abdullahi*, (6) when considering Article 19(2) of the Dublin II Regulation, that the grounds of appeal or review against a transfer decision are limited in a situation where a Member State agrees to take charge of an applicant for asylum. In effect, the applicant can only call such a decision into question by pleading systemic deficiencies in the asylum procedure and in the conditions for the reception of applicants for asylum in that Member State, which provide substantial grounds for believing that he would face a real risk of being subjected to inhuman or degrading treatment within the meaning of Article 4 of the Charter of Fundamental Rights of the European Union. (7)

5. The referring court considers that the following questions now arise: Does *Abdullahi* still apply in the context of the Dublin III Regulation? Is an individual in circumstances such as Mr Karim's precluded from challenging the competent authorities' application of the Chapter III criteria in appeal or review proceedings under Article 27(1) of that regulation? What are the consequences for an asylum applicant where Article 19(2) (8) of the Dublin III Regulation applies?

Legal background

6. The relevant provisions of the Charter and the legal background to the Dublin system are set out in points 6 to 8 and 9 to 25 respectively of my Opinion in *Ghezelbash*. The Dublin system applies to the Swiss Confederation by virtue of a bilateral international agreement between the (then) European Community and the Swiss Confederation. (9) In consequence and by virtue of Article 5(2) of that agreement the Swiss Confederation has lodged written observations in these proceedings before the Court.

7. The following additional material is pertinent.

8. Article 13(1) of the Dublin III Regulation is set out in Chapter III, which lays down the criteria for determining the Member State responsible. It states that where: '... it is established, on the basis of proof or circumstantial evidence as described in the two lists mentioned in Article 22(3) of this Regulation ... that an applicant has irregularly crossed the border into a Member State by land, sea or air having come from a third country, the Member State thus entered shall be responsible for examining the application for international protection. That responsibility shall cease 12 months after the date on which the irregular border crossing took place.

...'

9. Chapter V is entitled 'Obligations of the Member State responsible'. Article 18 provides:

'1. The Member State responsible under this Regulation shall be obliged to:

(a) take charge, under the conditions laid down in Articles 21, 22 and 29, of an applicant who has lodged an application in a different Member State;

- (b) take back, under the conditions laid down in Articles 23, 24, 25 and 29, an applicant whose application is under examination and who made an application in another Member State or who is on the territory of another Member State without a residence document;
- (c) take back, under the conditions laid down in Articles 23, 24, 25 and 29, a third-country national or a stateless person who has withdrawn the application under examination and made an application in another Member State or who is on the territory of another Member State without a residence document;
- (d) take back, under the conditions laid down in Articles 23, 24, 25 and 29, a third-country national or a stateless person whose application has been rejected and who made an application in another Member State or who is on the territory of another Member State without a residence document.

...’

10. Article 19 states:

‘1. Where a Member State issues a residence document to the applicant, the obligations specified in Article 18(1) shall be transferred to that Member State.

2. The obligations specified in Article 18(1) shall cease where the Member State responsible can establish, when requested to take charge or take back an applicant or another person as referred to in Article 18(1)(c) or (d), that the person concerned has left the territory of the Member States for at least three months, unless the person concerned is in possession of a valid residence document issued by the Member State responsible.

An application lodged after the period of absence referred to in the first subparagraph shall be regarded as a new application giving rise to a new procedure for determining the Member State responsible.

...’

11. The Eurodac database is a tool for implementing the Dublin system. It is a repository of fingerprints of, inter alia, asylum seekers. It serves to establish their identity, whether they have made previous applications in an EU Member State and to ensure effective application of the Dublin regulations. (10)

Facts, procedure and questions referred

12. Mr Karim is a Syrian national. On 3 March 2014 he submitted an application for asylum in Sweden. Checks on the Eurodac database (11) revealed that he had made an earlier application in Slovenia on 14 May 2013. The Swedish authorities then asked their Slovenian counterparts to take responsibility for Mr Karim’s request under Article 18(1) of the Dublin III Regulation on 20 March 2014. The Slovenian authorities agreed to that request on 3 April 2014. The next day Sweden informed Slovenia that it had additional information indicating that Mr Karim had left the territory of the Member States for a period of more than three months, within the meaning of Article 19(2) of the regulation. Whilst there were no relevant entry and exit stamps in his passport showing his arrival in and departure from Slovenia, he did have a stamp (dated 20 July 2013) indicating that he had entered the Lebanon. On 12 May 2014 Slovenia confirmed that it was willing to process Mr Karim’s request for asylum. The Swedish authorities then rejected his application for asylum on the following day and duly also made a transfer decision.

13. Mr Karim’s challenge to that decision brought before the Förvaltningsrätten i Stockholm,

migrationsdomstolen (Stockholm Administrative Court, Immigration Court) was dismissed for the following reasons: (i) it was not based on the single restrictive ground set out in the Court's ruling in *Abdullahi*; and (ii) Slovenia had agreed to process Mr Karim's application — in consequence, whether he had left the territory of the Member States for three months was irrelevant to the decision ordering his transfer. That decision is now under appeal before the referring court.

14. The referring court states that, in its view, Article 27(1) of the Dublin III Regulation changed the rule on legal remedies previously contained in Article 19(2) of the Dublin II Regulation. It relies in particular on the fact that recital 19 forms part of the preamble to the Dublin III Regulation, and that the wording of Article 27(1) differs significantly from that of its predecessor. The referring court also points out that other, additional provisions on, inter alia, legal assistance have been introduced into the Dublin III Regulation and that the Court has not yet clarified the scope of the right of appeal or review provided for in Article 27(1).

15. Accordingly, the referring court seeks a preliminary ruling under Article 267 TFEU on the following questions:

- '(1) Do the new provisions on effective legal remedies in [the Dublin III Regulation] (recital 19 in the preamble thereto and Article 27(1) and (5) thereof) mean that an applicant for asylum is also to be able to challenge the criteria in Chapter III of the regulation on the basis of which he or she is to be transferred to another Member State which has agreed to receive him or her, or can effective legal remedies be limited to mean only the right to an examination of whether there are systemic deficiencies in the asylum procedure and the reception conditions in the Member State to which the applicant is to be transferred (corresponding to the ruling of the Court in *Abdullahi*)?'
- (2) In the event that the Court should consider that it is possible to challenge the criteria in Chapter III of the regulation, an answer is also requested to the following question. Does Article 19(2) of [the Dublin III Regulation] mean that the regulation may not be applied where the applicant for asylum shows that he or she has been outside the territory of the Member States for at least three months?'

16. Written observations have been submitted to the Court by the Governments of the Czech Republic, France, Greece, the Netherlands and Switzerland, and the European Commission. At the hearing on 15 December 2015, the same parties — with the exception of the Czech Republic and the Swiss Confederation but with the addition of Mr Karim, the Migrationsverket (Immigration Board) and Sweden — presented oral argument.

Assessment

Preliminary observations

17. As I point out in my Opinion in *Ghezelbash*, the CEAS is underpinned by the assumption that all the participating States observe fundamental rights, including the rights based on the Geneva Convention relating to the status of refugees (12) and on the European Convention on Human Rights, and that Member States can and should have mutual trust in the level of protection that they guarantee. The Dublin III Regulation was adopted in the light of that principle of mutual trust in order to rationalise the treatment of asylum claims and to avoid blockages in the system arising from the obligation on authorities in different Member States to examine multiple claims by the same applicant, to increase legal certainty with regard to the determination of the State responsible for examining the asylum claim and to avoid forum shopping. In practical terms, the overarching objective of the Dublin system is thus to speed up the handling of claims in the interests both of asylum seekers and the participating States. (13)

18. The referring court states that Mr Karim's initial claim for asylum was made on 14 May 2013 in Slovenia. However, the present reference arises from the application for asylum that he made on 3 March 2014 in Sweden. That application is governed by the Dublin III Regulation. (14) Applying Article 13(1) of the Chapter III criteria, the Swedish authorities identified Slovenia as the responsible Member State and made the necessary contact with their Slovenian counterparts, who accepted responsibility for examining Mr Karim's claim.

19. Mr Karim maintains that he should not be transferred to Slovenia for two reasons. First, that country's obligation to examine his application has ceased by virtue of Article 19(2) of the Dublin III Regulation. Second, he should not be transferred there for humanitarian reasons, since the arrangements for the reception of applicants for asylum in Slovenia have such systemic deficiencies that there is a risk that his human rights would be infringed. The referring court has not sought additional guidance on the second aspect of his claim (which would appear to be covered in any event by the Court's ruling in *Abdullahi* and by the second subparagraph of Article 3(2) of the Dublin III Regulation), (15) nor has it made any findings. I shall not pursue that aspect of Mr Karim's application further in my Opinion.

Question 1

20. Question 1 raises similar issues to those raised in Question 1 in *Ghezelbash*. Essentially, the referring court here likewise seeks guidance as to the interpretation and scope of Article 27(1) read together with recital 19 of the Dublin III Regulation. It wishes to know whether, in circumstances where a Member State applies the Chapter III criteria and identifies another Member State which the applicant for asylum has previously entered as responsible for examining his claim and that State agrees to accept responsibility, the applicant can challenge the transfer decision on the grounds that those criteria were wrongly applied; or whether challenges under Article 27(1) are limited to the situation identified by this Court in *Abdullahi*.

21. Mr Karim and the Czech Republic submit that asylum applicants can challenge transfer decisions under Article 27(1) of the regulation on the basis of the Chapter III criteria. I have described this proposed interpretation in my Opinion in *Ghezelbash* as the 'third option'. However, the Czech Republic emphasises that, in its view, an applicant does not enjoy a generalised right to choose which Member State shall deal with his asylum claim.

22. The Immigration Board, France, Greece, Sweden and the Commission disagree with that view. They consider that the right of appeal or review in Article 27(1) is limited to those cases where either the *Abdullahi* criteria are invoked or an applicant's rights expressly guaranteed under the Dublin III Regulation, such as his right to family life, are at issue. I have described this proposed interpretation in my Opinion in *Ghezelbash* as the 'second option'.

23. The Netherlands argues that the right of appeal or review is restricted solely to situations where the *Abdullahi* grounds apply (this is described in my Opinion in *Ghezelbash* as the 'first option').

24. As in *Ghezelbash*, I suggest that the Court's conclusion in *Abdullahi* cannot be applied automatically to answer the first question referred along the lines of the first option.

25. First, the very specific (and very complex) facts of *Abdullahi* (16) find little echo in Mr Karim's case. Whilst it has been established that Mr Karim first applied for asylum in Slovenia and that his application in Sweden is therefore a second application, there is nothing to indicate that he had a connection with more than one EU Member State before making his application in Sweden. Rather, the question here is whether he left the EU territory for at least three months before making that second application and whether, as a result, Slovenia's responsibilities towards him ceased by virtue of Article 19(2) of the Dublin III Regulation. That issue did not arise in *Abdullahi*, which concerned a different situation involving not two but

three Member States.

26. Second, the terms of Article 27(1) of the Dublin III Regulation, which the Court is now being asked to interpret, differ significantly from the wording of Article 19(2) in the Dublin II Regulation, which the Court ruled on in *Abdullahi*. Thus, the reasoning in *Abdullahi* cannot be transposed automatically.

27. As I have explained in my Opinion in *Ghezelbash*, Article 27(1) of the Dublin III Regulation does not make express provision regarding the scope of review for the purposes of that regulation. However, it is clear that, unlike Article 19(2) of the Dublin II Regulation, the right of appeal against a transfer decision is mandatory. Before such a decision is taken, the Member State where the asylum applicant is located is to apply the Chapter III criteria and consider whether it or another Member State is the responsible State. Where the second State agrees to be the responsible Member State a transfer decision can be made by the first Member State. An applicant cannot lodge an application for appeal or review before the requesting State takes a transfer decision. Thus, any appeal or review cannot be based solely on the requested Member State's agreement to accept responsibility. (17)

28. In the absence of wording indicating whether the scope of appeal or review is sufficiently broad to encompass the application of the Dublin III Regulation in general or whether it is restricted to the ground laid down in *Abdullahi* it is necessary to look at the aim and the context of the regulation. (18)

29. Recital 19 of the Dublin III Regulation (which finds expression as a substantive provision in Article 27(1)) explicitly states that in order to guarantee effective protection of applicants' rights, legal safeguards and the right to an effective remedy in respect of decisions regarding transfers are to cover both 'the application of this Regulation' and 'the legal and factual situation in the Member State to which the applicant [might be] transferred'.

30. The second limb of that guarantee seems to me to identify what has now been codified in Article 3(2), second subparagraph, of the Dublin III Regulation. Thus, where it is impossible to transfer an applicant to the Member State designated as responsible because there are substantial grounds for believing that there are systemic flaws in the asylum procedure and in the reception conditions for applicants in that Member State, resulting in a risk of inhuman or degrading treatment within the meaning of Article 4 of the Charter, the determining Member State must continue to examine the criteria set out in Chapter III in order to establish whether another Member State can be designated as responsible. (19)

31. The natural way to construe the first limb of the guarantee is that the scope of Article 27(1) includes the manner in which the Dublin III Regulation is applied by the Member States.

32. In my Opinion in *Ghezelbash*, I embarked upon a detailed analysis of the three options canvassed before the Court as to the proper interpretation of Article 27(1) and concluded in favour of the third option, which would allow a transfer decision to be challenged under Article 27(1) of the Dublin III Regulation on the grounds that the competent authorities had misapplied the Chapter III criteria. I respectfully refer the Court to that detailed analysis (to be found at points 54 to 84 of my Opinion in that case) and reach the same recommendation as I did in *Ghezelbash*. I add only a couple of points.

33. First, Mr Karim (like Mr Ghezelbash) seeks to challenge what he claims to be a misapplication of the Chapter III criteria. If he is to be able to make known his views effectively in relation to the transfer decision, he must be permitted to invoke the wrongful application of those criteria by way of appeal or review.

34. Second, I note that — (like Mr Ghezlbash) — Mr Karim is not invoking breach of a specific procedural or substantive right conferred on him by the Dublin III Regulation, such as those laid down in Articles 4 and 5, or the rights to family reunification contained in Articles 9 to 11. Under the second option, he would therefore have no right of appeal or review. He is given full and effective judicial protection only if the third option (rather than the second option) is retained as the correct interpretation of Article 27(1) of the Dublin III Regulation.

35. I therefore conclude that the Dublin III Regulation should be interpreted as meaning that an applicant in circumstances such as those in the main proceedings is entitled under Article 27(1) thereof to request a court to verify on appeal or review whether the competent authorities have applied the criteria in Chapter III correctly when making a decision to transfer him to another Member State for examination of his application for international protection.

Question 2

36. The referring court asks whether Article 19(2) of the Dublin III Regulation means that the regulation should not be applied where the applicant for asylum shows that he has left the territory of the Member States for at least three months.

37. The Immigration Board considers that Article 19(2) means that the regulation does not apply where the applicant leaves the territory of the Member States for at least three months. In such circumstances a new request should be made under the regulation.

38. The Swiss Government only proposes a reply to Question 2. It submits that it follows from the scheme of the Dublin III Regulation that applicants should not be able to challenge the application of the Chapter III criteria. If they were able to do so the entire Dublin system would be put in jeopardy. Article 19 concerning the cessation of responsibilities aims at protecting the interests of the requested Member State. That State bears the burden of proof as regards establishing that the applicant left the EU territory for at least three months. Article 19(2) does not aim to protect the individual interests of the applicant for asylum. Accordingly, it cannot be invoked before national courts or tribunals in an appeal or a review of a transfer decision.

39. It seems to me that Questions 1 and 2 are necessarily closely linked. Mr Karim claims that Slovenia's obligations as the responsible Member State ceased by virtue of Article 19(2), since he left the territory of the European Union for more than three months within the meaning of that provision. Although he did not submit written observations to the Court, I understand his position essentially to be that Article 13(1) of the regulation (the relevant Chapter III criterion) does not apply, with the result that Slovenia cannot be the responsible Member State. Responsibility accordingly lies, he says, with Sweden.

40. The express terms of Article 19(2) mean that the obligations of the requested Member State (here Slovenia) to take back an applicant in Mr Karim's position cease in circumstances where that State is able to establish that the person concerned has left the territory of the Member States for at least three months. That provision enables the requested Member State to assess whether it is indeed the responsible Member State for the purposes of the Dublin III Regulation, taking into account any elements of proof or circumstantial evidence that might be relevant as set out in Article 22(2).

41. In the present case, the Swedish authorities informed Slovenia of Mr Karim's claim that he had been outside the European Union for at least three months. The Slovenian authorities maintained their agreement to take responsibility under the Dublin III Regulation.

42. Slovenia's confirming its agreement to be the responsible Member State is *not* a transfer decision and cannot therefore of itself be the subject of an appeal or review by the Swedish courts under Article 27(1) of the regulation.

43. It is however conceivable that the probative value and the weight attached by the Swedish authorities to the information that Mr Karim gave them in deciding to transfer him to Slovenia could be amenable to appeal or review in so far as it is relevant to whether the Swedish authorities applied the Chapter III criteria correctly *when making the transfer decision itself*.

44. The intensity of any appeal or review process is not laid down in the regulation and must therefore be a matter for national procedural rules, subject to the principle of effectiveness.

45. Finally, if Mr Karim is able to establish that he left the EU territory for at least three months, any subsequent application for asylum made to the competent authorities of a Member State constitutes a new application giving rise to a fresh procedure for determining the Member State responsible for the purposes of the second subparagraph of Article 19(2). To that extent, it seems to me that the real issue is not — as the phrasing of the second question referred by the national court might be taken to suggest — whether the Dublin III Regulation ‘ceases to apply’. The regulation does apply; but the result of applying it would — on those facts — be different in as much as Sweden would remain the responsible Member State for determining Mr Karim’s asylum application.

Conclusion

46. In the light of all the foregoing considerations, I am of the opinion that the Court should answer the questions raised by the Kammarrätten i Stockholm (Administrative Court of Appeal, Stockholm (Sweden)) as follows:

- Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person should be interpreted as meaning that an applicant in circumstances such as those in the main proceedings is entitled under Article 27(1) thereof to request a court to verify on appeal or review whether the competent authorities have applied the criteria in Chapter III correctly when making a decision to transfer him to another Member State for examination of his application for international protection.
- Where an applicant for asylum is able to demonstrate that he meets the conditions in the first subparagraph of Article 19(2) because he has left the territory of the Member States for at least three months, any subsequent application for asylum made to the competent authorities of a Member State constitutes a new application giving rise to a fresh procedure for determining the Member State responsible for the purposes of the second subparagraph of Article 19(2) of Regulation No 604/2013.

[1](#) – Original language: English.

[2](#) – Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast) (OJ 2013 L 180, p. 31).

[3](#) – Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national (OJ 2003 L 50, p. 1).

[4](#) – The relevant acts are now: (i) the Dublin III Regulation, replacing the Dublin II Regulation; (ii) Commission Regulation (EC) No 1560/2003 of 2 September 2003 laying down detailed rules for the application of Council Regulation (EC) No 343/2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national (OJ 2003 L 222, p. 3) — that regulation was partially repealed by the Dublin III Regulation and substantially amended by Commission Implementing Regulation (EU) No 118/2014 of 30 January 2014 amending Regulation (EC) No 1560/2003 (OJ 2014 L 39, p. 1) (‘the implementing regulation’); and (iii) the Eurodac Regulation. As to the last-named measure, see further point 11 and footnotes 10 and 11 below.

[5](#) – Those acts include Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast) (OJ 2013 L 180, p. 60) (‘the Procedures Directive’) and Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast) (OJ 2011 L 337, p. 9) (‘the Qualification Directive’). That directive repealed and replaced Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted (OJ 2004 L 304, p. 12) from 21 December 2013.

[6](#) – Judgment in *Abdullahi*, C-394/12, EU:C:2013:813, paragraphs 60 and 62. In that case the Court interpreted Article 19(2) of the Dublin II Regulation.

[7](#) – OJ 2010 C 83, p. 389 (‘the Charter’).

[8](#) – Set out in full at point 10 below.

[9](#) – The Agreement between the European Community and the Swiss Confederation concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Switzerland came into effect on 1 March 2008 (OJ 2008 L 53, p. 5).

[10](#) – Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013 on the establishment of ‘Eurodac’ for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States’ law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (recast) (OJ 2013 L 180, p. 1). That regulation applies with effect from 19 July 2015 and is currently in force. However, it did not apply at the material time.

[11](#) – At the material time the legal basis of the Eurodac database was Council Regulation (EC) No 2725/2000 of 11 December 2000 concerning the establishment of ‘Eurodac’ for the comparison of fingerprints for the effective application of the Dublin Convention (OJ 2000 L 316, p. 1).

[12](#) – Signed at Geneva on 28 July 1951 and which entered into force on 22 April 1954 (*United Nations Treaty Series*, Vol. 189, p. 150, No 2545 1954), as supplemented by the Protocol relating to the Status of Refugees, concluded in New York on 31 January 1967, which entered into force on 4 October 1967.

[13](#) – Judgment in *NS*, C-411/10 and C-493/10, EU:C:2011:865, paragraphs 78 and 79.

[14](#) – The regulation came into effect on 1 January 2014.

[15](#) – See further point 30 below.

[16](#) – *Abdullahi* is summarised and discussed at points 48 to 53 of my Opinion in *Ghezelbash*.

[17](#) – See my Opinion in *Ghezelbash*, points 57 to 59.

[18](#) – Judgment in *Petrosian and Others*, C-19/08, EU:C:2009:41, paragraph 34.

[19](#) – See footnote 49 and point 60 of my Opinion in *Ghezelbash*.