



Media relations
P.O. Box, 9023 St. Gallen

St. Gallen, 5 June 2024

Press Release

regarding judgment F-2210/2024 of 24.05.2024

Dublin procedure: Switzerland not responsible

Pursuant to the Dublin III Regulation, the application for asylum lodged by a Turkish national who entered Switzerland from Germany must be processed in Germany.

A Turkish national who had been living in Germany since 2006 was sentenced to imprisonment for her membership of a foreign terrorist organisation, expelled from Germany, and barred from entering and residing in the country for a period of 20 years. In January 2024, she travelled directly from Germany into Switzerland and applied for asylum.

If a person from a third country such as Turkey applies for asylum in Switzerland, the State Secretariat for Migration (SEM) is required to verify whether another Dublin State is responsible for processing the application. As part of its verifications, the SEM asked the German authorities to take charge of the applicant. These authorities confirmed that they were responsible and agreed to take charge. As a result, the SEM dismissed the Turkish national's asylum application and ordered her transfer to Germany. The Turkish national appealed this decision to the Federal Administrative Court (FAC).

In its judgment of 24 May 2024, the FAC upheld the decision of the SEM. Pursuant to the Dublin III Regulation, Germany is responsible for examining this application for asylum. Neither an obligation under international law nor any humanitarian grounds require the transfer of that responsibility to Switzerland. The ban on entry and residence issued against the appellant in Germany does not prevent her transfer to Germany as part of a Dublin procedure. The ban does not affect Germany's responsibility for processing the asylum application.

This judgment is final and may not be appealed to the Federal Supreme Court.

Contact

Rocco R. Maglio

Press secretary

+41 (0)58 465 29 86

+41 (0)79 619 04 83

medien@bvger.admin.ch

Lukas Würmli

Communication Officer

+41 (0)58 462 91 53

+41 (0)78 870 52 94

medien@bvger.admin.ch

About the Federal Administrative Court

Located in St. Gallen, the Federal Administrative Court (FAC) was established in 2007. With its staff of 375 employees (314.7 FTE) and its 73 judges (65 FTE) it is the largest federal court in Switzerland. The Federal Administrative Court has jurisdiction to hear appeals against decisions rendered by Swiss federal administrative authorities. In specific matters, the FAC may grant review on decisions rendered by cantonal authorities. Recourse actions are also reviewed by the Court. The FAC is composed of six divisions. It renders an average of 6,500 judgments every year.