

**Dutch Council of State - 202402084/1/V3 - 4 September 2024 -
ECLI:NL:RVS:2024:3455**

Inter-State trust - Regulation (EU) No 604/2013 (Dublin Regulation) - Transfer to Poland
– Fear of being the victim of 'Push backs'

(Foreigners v Minister for Asylum and Migration)

The Netherlands may continue to transfer asylum seekers to Poland. There are insufficient indications that the Polish authorities will treat asylum seekers who are transferred by the Netherlands under the European Dublin Regulation in violation of human rights.

The minister did not process the asylum application of the Syrian man, because according to the minister, Poland is responsible for processing their applications under the Dublin Regulation. The foreign national stated that he had tried to enter Poland from Belarus three times, but that he had been sent back to Belarus each time. On his fourth attempt to enter Poland, he applied for international protection there. The foreign national does not want to return to Poland because he fears that he will be the victim of a so-called "pushback" after being transferred to Poland.

On the basis of the information cited by the foreign national and the Minister on appeal, the Administrative Jurisdiction Division of the Council of State came to the conclusion that the Minister for Poland was entitled to rely on the principle of the inter-state trust, because that information does not show that Dublin claimant is at risk of being treated in violation of Article 4 of the EU Charter of fundamental rights.

The appellant loses his case.