
STATUTORY INSTRUMENTS

2017 No. 405

**The Transfer for Determination of an Application
for International Protection (Detention) (Significant
Risk of Absconding Criteria) Regulations 2017**

Persons to whom these Regulations apply

3. These Regulations apply where an asylum seeker, P, is liable to detention under Schedule 2 to the Immigration Act 1971 and—

- (a) P's fingerprint data has been processed in accordance with Regulation (EU) No. 603/2013 of the European Parliament and of the Council⁽¹⁾ and a comparison with data held by another participating State is to be undertaken;
- (b) evidence or information listed in Annex II to [Commission Regulation \(EC\) No. 1560/2003](#)⁽²⁾ has been identified which suggests that, in accordance with the Dublin III Regulation, another participating State may be responsible for examining P's application for international protection;
- (c) P is the subject of an information sharing request made by the United Kingdom to another participating State under Article 34 of the Dublin III Regulation; or
- (d) P is the subject of a take charge or take back request made by the United Kingdom to another participating State under Sections II and III of Chapter VI of the Dublin III Regulation—
 - (i) which has yet to be determined, or
 - (ii) which has been accepted and arrangements are being made for P's transfer from the United Kingdom to another participating State.

⁽¹⁾ OJ No. L 180, 29.6.2013, p. 1.

⁽²⁾ OJ No. L 222, 5.9.2003, p.3. Annex II was amended by the Annex to Commission Implementing Regulation (EU) No. 118/2014, OJ No. L 39, 8.2.2014, p.1.