

**Question for written answer E-002510/2024/rev.1
to the Commission**
Rule 144
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Subject: Illegal border crossings within the EU in light of the new Schengen Borders Code

Germany informed the EU authorities about the introduction of controls at the internal borders on 16 September 2024. The official reasons for this measure are: Security risks related to irregular migration, threats to public order, smuggling activities, Russia's war of aggression against Ukraine and the security situation in the Middle East.

According to the German police, at least 32 instances of illegal border crossings from Luxembourg to Germany were detected within the first two weeks of border checks.

According to the recently reformed Schengen Borders Code, specifically its Article 23a, Member States shall transfer third-country nationals that are found in the border area to be staying illegally to the Member State from which they entered directly. However, it appears that the Luxembourg authorities refuse to take back those third-country nationals. According to the Luxembourg Minister for the Interior, there is no specific bilateral agreement between Luxembourg and Germany in this regard.

1. Is it the case that Germany, in the light of the new Schengen Borders Code, in particular Article 23a(1)(b) and (2) thereof, cannot lawfully return persons who have attempted to enter Germany illegally to the Member State from which they travelled?
2. Can the Commission clarify whether there are legal conditions for the return of irregular migrants to Luxembourg under the Schengen Borders Code?

Submitted: 13.11.2024