

Question for written answer E-004673/2025

to the Commission

Rule 144

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Subject: Fake asylum seekers: the EU is held hostage by a legal interpretation that opens the gates to illegal immigration and the collapse of its borders

The exaggerated interpretation of Article 46 of Directive 2013/32/EU by the Court of Justice of the European Union and by Member States' courts is undermining the authority of return decisions by imposing an automatic suspensive effect, even on applications that are manifestly unfounded. This abuse creates a perverse incentive for illegal immigration, blocks national systems and completely discredits European asylum policy. The result of such interpretation is chaos at the borders, impunity for those not entitled to protection and a total collapse of law enforcement.

1. Does the Commission acknowledge that this indiscriminate application of the suspensive effect is destroying the enforcement of returns and paralysing accelerated procedures?
2. Does it really consider that Article 46 adequately safeguards the 'non-refoulement' principle without compromising judicial effectiveness, or does it admit that urgent legal clarification is needed to stop this anarchy until new regulations are applicable?
3. With the entry into force of the Asylum Procedures Regulation, in July 2026, does the new Article 68 effectively limit the suspensive effect to cases involving a real and proven risk of persecution or serious harm, or does the Commission have any other initiatives to accelerate the processes so that the suspensive effect of appeals doesn't become yet another factor blocking returns?

Supporter¹

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