

**Question for written answer E-001998/2026
to the Commission**
Rule 144
Pina Picierno (S&D)

Subject: Obligations under international law regarding the repatriation of irregular Afghans in the EU

On 12 May 2026, the European Commission confirmed that it is currently engaged in talks with the Taliban regarding the repatriation of undocumented Afghans.

This is despite:

– the United Nations Spokesperson for Human Rights, Ravina Shamdasani, in July 2025, calling for an immediate halt to the forcible return of all Afghan refugees and asylum seekers, stating that ‘sending people back to a country in which they are at risk of persecution, torture, cruel, inhuman or degrading treatment or punishment or other irreparable harm, violates the core international law principle of non-refoulement’¹;

– the Court of Justice of the European Union (CJEU), in its judgment C-608/22 and C-609/22², ruling that Afghan women may be granted refugee status solely on the basis of their gender and nationality, without having to demonstrate an individual risk.

The Commission is asked:

1. How does it justify an agreement that, according to the UN, would violate international law?
2. Whether it intends to provide a clear and uniform definition of the concept of ‘threat to security’ and comply with what has been established by the CJEU;
3. What procedures and safeguards does it intend to put in place to protect repatriated Afghans from the risk of torture, cruel, inhuman, or degrading treatment or punishment, or other irreparable harm?

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¹ <https://www.unognewsroom.org/story/en/2730/un-human-rights-spokesperson-ravina-shamdasani-on-returns-of-afghans-1/0>.

² Judgment of the Court (Third Chamber) of 4 October 2024. AH and FN v Bundesamt für Fremdenwesen und Asyl. Requests for a preliminary ruling from the Verwaltungsgerichtshof. References for a preliminary ruling – Area of freedom, security and justice – Common asylum policy – Directive 2011/95/EU – Conditions that must be fulfilled by third-country nationals in order to be granted refugee status – Article 2(d) and (e) – Concept of ‘act of persecution’ – Level of seriousness required – Article 9 – Sufficiently severe accumulation of measures that discriminate against women – Article 9(1)(b) – Types of acts of persecution – Article 9(2) – Assessment of applications for international protection – Article 4(3) – Obligation to carry out an individual assessment – Scope. Joined Cases C-608/22 and C-609/22, ECLI:EU:C:2024:828.