

(English version)

**Question for written answer E-002900/24
to the Commission
Christine Anderson (ESN), Mary Khan (ESN), René Aust (ESN)
(12 December 2024)**

Subject: Foreseeable overburdening of the German asylum administration owing to the return of Syrians in view of the implementation of EU law and compliance with the rule of law

German asylum legislation is largely based on EU law and its implementation. Under Section 73(1) of the Law on Asylum (AsylG), protection status is to be revoked if the conditions for granting it are no longer met. In view of the hundreds of thousands of cases involving Syrian nationals that this could potentially generate in the Federal Office for Migration and Refugees (BAMF) and be subsequently brought before the administrative courts, there is a serious risk of overburdening the asylum system, possibly bringing it to the point of collapse,

This raises fundamental questions as regards the correct and complete implementation of EU law and respect for the principles of the rule of law, particularly the administration's duty to act in accordance with the law and justice.

1. What is the Commission's assessment of the impact of such an overburdening of the German administration on the Member States' obligation to fully and correctly implement EU law?
2. In the Commission's view, would it be compatible with the Union's principles regarding the rule of law, in particular access to an effective remedy under Article 47 of the Charter of Fundamental Rights of the European Union, for the revocation or granting of protection status (e.g. asylum, subsidiary protection or right of residence for family reasons) to be executed in a blanket manner?
3. What specific measures or support is the Commission planning to ensure that Member States such as Germany can guarantee compliance with the requirements of EU law, in particular in the field of asylum policy, despite the high procedural burden?

Submitted: 12.12.2024

**Answer given by Mr Brunner on behalf of the European Commission
(19 March 2025)**

The rules for the revocation of a refugee or subsidiary protection status are laid down in the Qualification Directive ⁽¹⁾, in particular in Article 14 (for the revocation of a refugee status) and Article 19 (for the revocation of a subsidiary protection status).

These provisions require that the Member States that have granted international protection demonstrate on an individual basis that the person concerned has ceased to be or has never been entitled to such protection. Procedural rules are laid down in Articles 44 and 45 of the Asylum Procedure Directive ⁽²⁾.

The revocation of the refugee or subsidiary protection status should be based on an individual assessment pursuant to the aforementioned provisions of EU law.

Likewise, the granting of refugee or subsidiary protection status should be based on an individual assessment as set out in Article 4(3) of the Qualification Directive.

The Commission is in constant exchange with the Member States in the context of the implementation of the Pact on Migration and Asylum ⁽³⁾ and provides support as needed.

⁽¹⁾ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011L0095>

⁽²⁾ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013L0032>

⁽³⁾ https://home-affairs.ec.europa.eu/policies/migration-and-asylum/pact-migration-and-asylum_en