

(English version)

**Question for written answer E-001763/25
to the Commission
Kostas Papadakis (NI), Lefteris Nikolaou-Alavanos (NI)
(30 April 2025)**

Subject: Deportations of refugees from Germany to countries of first entry such as Greece

The unacceptable and dangerous decision by the Federal Constitutional Court of Germany to deport two refugees to Greece, claiming that the refugees had first been granted asylum there and could secure ‘bread, bed and soap’, paves the way for mass deportations of thousands of uprooted people to countries of first entry and to Greece, on the basis of reactionary EU and government guidelines. It thus promotes the perpetuation of their being trapped in them. The decision follows the reactionary package of measures in the EU’s Pact on Migration and Asylum. This Pact, *inter alia*, maintains the provision for entrapping people in their country of first entry on the basis of the Dublin regulations for recognised refugees and asylum seekers.

In view of this:

1. What is the Commission’s position on the fact that the deportation by the German authorities of two recognised refugees to Greece, which constitutes an application of the Pact on Migration and Asylum, preserving the responsibility of the first country of entry under the Dublin regulations, paves the way for dangerous mass deportations to Greece and other countries of first entry?
2. What is the Commission’s position on the fact that, on the basis of the above, conditions are being created for the perpetuation of the entrapment of refugees, contrary to their rights stemming from the Geneva Refugee Convention and their right to be able to travel to their countries of destination?

Submitted: 30.4.2025

**Answer given by Mr Brunner on behalf of the European Commission
(4 August 2025)**

The Commission takes note of the German Federal Administrative Court’s judgment⁽¹⁾ whereby the transfer of two beneficiaries of international protection in Greece was deemed permissible on the basis that they would not be at risk of inhuman or degrading treatment, within the meaning of Article 4 of the Charter of Fundamental Rights of the EU⁽²⁾, upon their return to Greece.

In its communication of 4 April 2025 on the status of migration management in mainland Greece⁽³⁾, the Commission concluded that, while improvements may continue to be necessary in certain aspects of migration management, there are no systemic deficiencies in the Greek mainland asylum and reception system resulting in a risk of inhuman or degrading treatment within the meaning of Article 4 of the Charter of Fundamental Rights of the EU.

The Dublin III Regulation⁽⁴⁾ does not apply to beneficiaries of international protection. In its judgment in case-673/19⁽⁵⁾, the Court of Justice ruled that in instances where a third-country national is present in a Member State without fulfilling the conditions for entry, stay or residence while holding a valid residence permit in another Member State, including because the third-country national was granted refugee status, the Return Directive⁽⁶⁾ is applicable, which allows for the use of existing bilateral agreements between Member States.

This is a bilateral agreement between Greece and Germany to allow for the voluntary transfer of beneficiaries of international protection who moved on from Greece to Germany where they applied for asylum again.

⁽¹⁾ <https://www.bverwg.de/de/pm/2025/30>.

⁽²⁾ Charter of Fundamental Rights of the European Union, OJ C 326, 26.10.2012, pp. 391-407.

⁽³⁾ Communication of the Commission to the Council and the European Parliament on the status of migration management in mainland Greece, COM(2025)170 final.

⁽⁴⁾ Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast), OJ L 180, 29.6.2013, p. 31-59.

⁽⁵⁾ Judgment of the Court (Fifth Chamber) of 24 February 2021, M and Others v Staatssecretaris van Justitie en Veiligheid and T, C-673/19, EU:C:2021:127, paragraph 30.

⁽⁶⁾ Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, OJ L 348, 24.12.2008, p. 98-107.