

(English version)

**Question for written answer E-002886/25
to the Commission**

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(15 July 2025)

Subject: Violation of EU asylum law in the case of Nidal Hasan Saleh Wadi

Nidal Hasan Saleh Wadi, a Palestinian LGBTI+ asylum seeker, fled Gaza after imprisonment and persecution by Hamas. He has been detained in Bulgaria's Busmantsi detention centre since April 2024. On 16 June 2025, a Bulgarian administrative court ordered his immediate release. However, the Bulgarian state agency for refugees has refused to comply.

This is not an isolated case. Similar violations affecting Saudi, Russian, Iranian and Turkish dissidents have been documented in Bulgaria, raising serious concerns about systemic breaches of EU law and the 1951 Geneva Convention.

Mr Wadi remains in detention based on expulsion order No 3-1556/20.06.2025, despite being in an active asylum procedure. His transfer from a reception centre to a detention facility may further violate EU and international standards.

As an LGBTI+ asylum seeker, Mr Wadi falls within the definition of a refugee under Article 1(A)(2) of the 1951 Geneva Convention, which protects individuals facing persecution due to 'membership of a particular social group' — a category that includes sexual orientation.

1. Is the Commission aware of the Wadi case and Bulgaria's failure to implement final court decisions in asylum matters?
2. What steps will it take to ensure respect for EU asylum law and the Charter of Fundamental Rights of the European Union?
3. Will the Commission assess whether Bulgaria's detention practices reflect systemic violations of EU law?

Submitted: 15.7.2025

Answer given by Mr Brunner on behalf of the European Commission
(26 September 2025)

As Guardian of the treaties, the Commission oversees the effective implementation of EU law in the Member States and the respect of the Charter of Fundamental Rights of the European Union. It is for Member States' authorities to examine applications for international protection, in accordance with the rules set out in EU law, and to guarantee access to effective remedies. The Commission does not intervene in individual cases and is not in a position to assess the case of Mr Wadi referred to by the Honourable Members.

The Commission is in regular contact with the Bulgarian authorities to ensure the effective implementation of the asylum legislation, including the new Qualification Regulation⁽¹⁾, which harmonises the criteria for granting protection and the associated rights across Member States, and the recast Reception Condition Directive⁽²⁾, which establishes the grounds for detention and the applicable conditions, including judicial review.

As part of the implementation of the Pact on Migration and Asylum⁽³⁾, the Commission remains engaged in an ongoing dialogue with all Member States. This dialogue provides an opportunity to address challenges at national level, including in detention related measures, and supports Member States for a full and timely implementation of the Pact.

⁽¹⁾ <https://eur-lex.europa.eu/eli/reg/2024/1347/oj/eng>.

⁽²⁾ <https://eur-lex.europa.eu/eli/dir/2024/1346/oj/eng>.

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