

Dimitris AVRAMOPOULOS

Member of the European Commission

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Ares(2018)

Dear Ares,

I thank you for your attention to the situation of migrants and refugees in the EU: the persistent migratory flows towards Europe, facilitated by the criminal networks that thrive by smuggling and trafficking people, and the consequent pressure on our asylum system, are major challenges facing Europe today.

We want to preserve a robust and generous asylum system that protects those in need, to dismantle the business model of traffickers and smugglers, and to create the conditions to open more legal pathways to Europe. In this effort, fair and effective return and readmission policies have a key role. An effective return of those without a right to stay is the only way Europe will be able to show solidarity with refugees in real need of protection.

You report in your letter alleged cases of arbitrary deportations of Ethiopian nationals that have not been able to claim refugee status in Germany. The EU legal framework on asylum is a robust one, providing for fair procedures as well as solid legal safeguards and remedies. The Qualification Directive sets out the criteria for the identification of persons in need of international protection and lays down their rights as regards the content of that protection, which applies as long as those persons are in need of protection. Also in case of people with no right to stay in the EU, their return must respect the standards and procedures set by EU legislation: the Return Directive - in line with the Charter of Fundamental Rights of the EU as well with the European Convention of Human Rights - requires that, during the return process Member States must respect the fundamental rights of the migrants, the Geneva Convention and therefore, the principle of non-refoulement and the right to family life. Return decisions are individual ones based on the specific circumstances of the person concerned; the respect of the non-refoulement principle must be checked on an individual basis before the return decision is enforced. We have not evidenced that Member States have returned Ethiopian citizens to their country of origin without giving them the possibility to apply for asylum or without assessing whether this would violate the principle of *non-refoulement*.

Ms Ana Gomes
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You also ask whether the EU is working on an agreement with the Ethiopian authorities to facilitate returns.

The European Commission informs regularly the Parliament on the progress in return and readmission: details have been provided through the five implementation reports on the Partnership Framework and, since November, 2017, with a comprehensive report on the implementation of the European Agenda on Migration. As already reported in this context, the EU has engaged with Ethiopia proposing a procedure for the return of Ethiopian citizens with no right to stay in the EU Member States. A mutual understanding on the procedure which the parties will follow has indeed been reached. The identified procedure was described in a non-legally binding document, expressing the political will of the parties to cooperate on return and readmission. In this context, it is to be noted that, independently from this document, the EU and Ethiopia are already legally bound to cooperate on readmission on the basis of article 13 of the ACP-EU Agreement, signed in Cotonou on 23 June 2000, of which they are parties. Further information will be provided to the LIBE committee in the framework of the regular updates provided by DG Home Affairs and Migration on readmission agreements and practical arrangements.



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