

Margaritis Schinas
Vice-President of the European Commission
Ruede la Loi 200
1049 Brussels

Ylva Johansson
European Commissioner for Home Affairs
Ruede la Loi 200
1049 Brussels

CC:
Notis Mitarachi
Minister for Migration and Asylum Policy
Thivon Street 198
Athens 18233

Horst Seehofer
Federal Minister of the
Interior, Building and
Community

Gérald Darmanin
Minister of Home Affairs

Sammy Mahdi
State Secretary for Asylum
and Migration

Jean Asselborn
Minister for Foreign and
European Affairs and
Minister for Immigration
and Asylum

Anke Broekers-Knol
Minister for Migration

Karin Keller-Sutter
Head of the Federal
Department of Justice and
Police

Berlin, 1 June 2021

Dear Vice-President, dear Commissioner, dear colleague,

We have seen in recent years that global migratory pressure is one of the greatest challenges facing the European Union. We can only face this challenge by working together. We therefore support the European Commission in its approach of striking an even balance between solidarity and responsibility in the New Pact on Migration and Asylum.

However, a matter that is causing us great concern as the ministers responsible for the issue of migration in Germany, France, Belgium, Luxembourg, the Netherlands and Switzerland is the current trend in irregular secondary movements of migrants, asylum applicants and persons recognised as beneficiaries of international protection.

We have observed for quite some time a trend of irregular secondary movements of migrants and asylum applicants within Europe, and in particular from Greece to other member states in

western and central Europe. This phenomenon poses a serious problem for the functioning of the Common European Asylum System, which has been exacerbated over the last decade by the fact that transfers of asylum seekers to Greece pursuant to the Dublin Regulation are almost impossible to conduct due to legal obstacles (European Court of Justice Judgement of 21.12.2011, C-411/10). In addition, since last year we have observed a rapid increase in the hitherto limited phenomenon whereby persons who have been granted international protection in Greece are travelling with their Greek travel documents for refugees and using the pretext of travelling for family or tourism purposes to enter the above-mentioned member states. They then lodge an additional application for asylum there. The numbers involved have grown to considerable levels. In the Federal Republic of Germany alone, more than 17,000 persons granted international protection in Greece have lodged additional asylum applications since July 2020. Our border guard agencies have gathered information showing that an illegal infrastructure has been established and used specifically to enable these secondary movements. We must work together to combat this.

We acknowledge the efforts that Greece has made, with support from the European Commission, to establish a rapid and effective procedure for examining applications for protection. But we are concerned that, as in the case of asylum seekers under the Dublin Regulation, the forced return to Greece of beneficiaries of international protection cannot take place due to substandard circumstances in Greece. Some national courts, in reference to previous decisions made by the European Court of Justice (Judgment of 13.11.2019 – C-540/17 and C-541/17), consider that Greece is not ensuring that these persons are given suitable accommodation and provided with a minimum level of physical subsistence in accordance with Article 4 of the Charter of Fundamental Rights of the European Union and Article 3 of the European Convention on Human Rights.

These secondary movements and the apparent impossibility to address them weakens the trust in a functioning Common European Asylum System and discredits the very essence of our shared goal of achieving an orderly shared European migration and asylum policy. With this in mind, we are approaching the European Commission in its role as guardian of the Treaties with three specific concerns.

Firstly, we ask the European Commission to examine compliance with the Charter of Fundamental Rights of the European Union and other relevant European legal standards regarding the (asylum) procedural guarantees and the accommodation and living conditions of asylum applicants and persons granted international protection in Greece. In case of non-compliance, we ask the Commission to redress this situation together with the responsible Greek authorities within a reasonable timespan and provide all necessary support. This includes offering Greece rapid, effective and substantial financial support for the integration of

persons who have been granted international protection. It is of utmost importance to us all, that the situation in Greece improves.

Secondly, we would ask for a decisive step to be taken to put an immediate end to the flagrant abuse of refugee travel documents. Persons who have been granted international protection should have freedom to travel throughout the Schengen area for 90 days if they meet the necessary criteria, including having the means of subsistence to provide for their stay. However, if this freedom to travel is abused in order to apply for asylum in other Member States, we must respond resolutely to prevent those who do not meet the requirements to stay in another Member State.

Thirdly, we would ask the European Commission to work towards Greece issuing individual assurances that returnees will be provided with the procedural guarantees and minimum level of physical subsistence in accordance with Article 4 of the Charter of Fundamental Rights of the European Union. This is the only way to ensure that national courts will reliably agree to returns. The Greek government has not yet agreed to issue such assurances.

We would like to point out that each of us have had various and in some cases frequent, close and intensive contacts with our Greek partners to discuss this matter and would be very pleased to support measures taken by the European Commission in this regard and to complement them with our own efforts. We assure you that we remain open to any effective solution to this challenge in a spirit of European solidarity and are willing to continue and - if needed - intensify our support to Greece in its difficult situation regarding migratory pressure.

We have forwarded a copy of this letter to our friend and colleague Notis Mitarachi.

Yours sincerely,



Federal Minister of the Interior,
Building and Community,
Germany



Minister of Home Affairs,
France



Belgian State Secretary for Asylum and Migration,
in charge of the National Lottery,
attached to the Minister of the Interior,
Institutional Reform and Democratic Renewal



Minister for Migration,
The Netherlands



Minister for Foreign and
European Affairs and
Minister for Immigration
and Asylum, Luxembourg



Head of the Federal Department
of Justice and Police,
Swiss Confederation