

AMNESTY INTERNATIONAL PUBLIC STATEMENT

20 August 2010
AI Index: EUR 45/014/2010

EU Court to consider whether returning asylum seekers from the UK and other EU member states to Greece is compatible with fundamental human rights

Joint statement by the AIRE Centre (Advice on Individual Rights in Europe) and Amnesty International

The Court of Appeal of England and Wales has recently decided in the case of *R (NS) v SSHD and others* (C4/2010/0943) to refer to the Court of Justice of the European Union in Luxembourg the refusal of the UK Government to accept responsibility for processing the asylum claims of those who passed through Greece, other than on an entirely discretionary and therefore arbitrary basis. The UK Court is asking the EU Court to provide a general ruling on whether the return of asylum applicants to Greece from EU member states is compatible with EU law and in particular with the EU Charter of Fundamental Rights.

The way that asylum seekers are treated and the procedures for determining claims for international protection in Greece currently fail to meet the required EU legal standards. Many of those seeking international protection in Greece are forced to live on the streets without any documentation and several have been expelled without their claims being properly processed. Just last month, the Greek Deputy Minister for Citizens' Protection Spyros Vougiatis acknowledged these failures and urged EU member states to stop returning asylum seekers to Greece for the time being.

The EU Court in Luxembourg has been asked to accelerate its consideration of this case so that a rapid solution can be found to this issue.

The AIRE Centre and Amnesty International, who have jointly intervened in the case of *NS* before the UK courts, welcome the decision. They consider that the UK and other EU member states should process the claims themselves and not return asylum seekers to Greece until the asylum system in that country operates in a manner that is in conformity with EU law and ensures respect for the fundamental rights of asylum seekers.

The AIRE Centre and Amnesty International will be the first human rights NGOs to be interveners in a case before the EU Court in Luxembourg.

The compatibility of returning asylum seekers to Greece with fundamental human rights is also being addressed by the Grand Chamber of the European Court of Human Rights. Following a hearing on 1 September 2010 in the case of *MSS v Belgium and Greece*, the Grand Chamber of the Court will rule on whether returning asylum seekers to Greece is compatible with states' obligations under the European Convention on Human Rights. The AIRE Centre and Amnesty International are also joint interveners in the proceedings pending before the European Court of Human Rights in Strasbourg.

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