

**Question for written answer E-000902/2015
to the Commission**
Rule 130
Helga Stevens (ECR)

Subject: Pushbacks at sea, non-refoulement and the Schengen area

The Schengen Borders Code stipulates that border management activities must respect the principle of non-refoulement. In a 2012 case (ECtHR, *Hirsi Jamaa and Others v. Italy* [GC], No 27765/09, 23 February 2012), the European Court of Human Rights reiterated that the extraditing state should ascertain how the receiving authority fulfils its international obligations with respect to the protection of refugees as a condition for return. However, it seems from subsequent media reports that a high number of rescued refugees are never returned, wherever they come from, but are taken to Europe instead, after which they are free to use the Schengen area. Most of them travel to Belgium and Germany.

1. How many refugees are effectively returned and which non-EU countries from where the main maritime asylum routes depart are in general considered safe in this respect?
2. Will the Commission take action to ensure that rescued refugees can be returned to safe havens in western Asia and northern Africa, especially Turkey – that apply the 1951 Geneva Convention only with respect to refugees from Europe – with which a readmission agreement was concluded and is considered for accession to the EU? When/how will it take action?
3. What can be done to prevent illegal migration through the Schengen area because of the non-detention principle?