

**Question for written answer E-004287/2015/rev.1  
to the Commission**  
Rule 130  
**Elena Valenciano (S&D)**

Subject: Expulsion of people at the borders of Ceuta and Melilla

The Spanish Parliament is processing a recasting of the Citizen Security Act that includes this provision:

'1. It shall be possible for any foreigners discovered at the boundary line demarcating the territory of Ceuta or Melilla attempting to traverse the border containment infrastructure to cross the border illegally to be expelled, in order to prevent their illegal entry to Spain.'

European Convention on Human Rights prohibits the expulsion at the border of at-risk people, in line with the principle of *non-refoulement*. That is laid down in Article 19 of the European Charter of Fundamental Rights.

The Geneva Convention affirms the principle of *non-refoulement*. Directive 2013/32/EU lays down that Member States must respect this principle. The Schengen code stipulates that border management must respect the principle of *non-refoulement*.

The case law of the European Court of Human Rights bars states from expelling a person at their borders when doing so would equate to *refoulement*.

The EU acquis in relation to asylum applies to an individual as soon as he or she reaches an EU border.

In the Commission's view, does the recasting being promoted by the Spanish Government respect European and international law?