



EU Turkey statement

Fact of the case

Two Pakistanis and one Afghan national asked for the annulment of the EU-Turkey Deal.

Applicants, in separate proceedings, N.F., N. G.; N.M. explain how they have run from their countries due to fear of persecution and serious harm to them.

The applicant, NF, entered Greece by boat from Turkey on 19 March 2016. On or about 11 April 2016, he submitted an application for asylum to the Greek authorities. He was then detained in a detention facility until 18 April 2016, the date on which he fled to the Island of Lesbos (Greece).

The applicant explains that he submitted his application for asylum only because of pressure put on him by the Greek authorities to submit that application. However, he claims that he never wished or had the intention to submit such an application in Greece because of the length of time for the processing of applications for asylum and systematic deficiencies in the implementation of the European Asylum System both at the level of that Member State's administration and at the level of its judicial system. Finally, the sole purpose of the applicant's presentation of his application for asylum in Greece was, he claims, to prevent him being returned to Turkey with, as the case may be, the risk of being detained there or being expelled to Pakistan.

NG entered Greece on a date later than 18 March 2016, having the intention of introducing an application for asylum in the Federal Republic of Germany. The applicant explains that he submitted his application for asylum in Greece under coercion, owing in particular to the existence of the 'challenged agreement'. However, he never wished or had the intention to submit such an application in Greece. Finally, the sole purpose of the applicant's presentation of his application for asylum in Greece was, he claims, to prevent him being returned to Turkey with, as the case may be, the risk of being detained there or being expelled to Afghanistan.

NM entered Greece on or about 10 March 2016, having the intention to reunite with members of his family, namely, his parents and two of his brothers, residing in the Federal Republic of Germany and to obtain family reunification in that Member State. The applicant explains that he reluctantly accepted having his fingerprints taken in Moria (Greece), which was necessary in the context of submitting his application for asylum in Greece. That application was rejected by the Greek authorities, he claims, in particular because he explained to them his intention to continue his journey towards Germany. However, the



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applicant never wished or had the intention to submit such an application in Greece because of the bad reception conditions in that Member State, particularly in terms of infrastructure, and the length of time for the processing of applications for asylum and systematic deficiencies in the implementation of the European Asylum System both at the level of that Member State's administration and at the level of its judicial system. The sole purpose of the applicant's presentation of his application for asylum in Greece was, he claims, to prevent him being returned to Turkey with, as the case may be, the risk of being detained there or being expelled to Pakistan.

Question

Does the Charter of Fundamental Rights apply in this case, and if yes which Articles?