

Via email

President Ursula von der Leyen, President of the European Commission
Commissioner Magnus Brunner, Commissioner for Home Affairs and Migration

Frankfurt / Vienna / Prague / Luxembourg / Bern / Amsterdam / Villeurbanne / Brussels, 12.06.2025

Protect the rule of law: Initiate infringement proceedings against Germany's unilateral action at its borders!

Dear Madam President,
Dear Commissioner Brunner,

We, the undersigned representatives of civil society organizations from Germany, Austria, Czechia, Luxemburg, Netherlands, Switzerland, France and from the European umbrella organisation ECRE are writing to you with great concern. In our daily work in support of people seeking protection, we are committed to the rule of law and human rights – fundamental values to which the European Union has committed itself and on which the European project is built. The current border controls at Germany's internal borders and the refusal of entry to asylum seekers clearly contradict these fundamental values and violate applicable EU law. In addition, there is a risk of violating the prohibition of non-refoulement enshrined in international law.

We therefore urge you to take action to ensure compliance with European law! Please initiate infringement proceedings against Germany to protect the common values and rules of the Union and to counter further unilateral national measures.

On June 2, 2025, the Berlin Administrative Court ([VG 6 L 191/25](#)) confirmed what had already become obvious: the refusal of entry to and rejections of asylum seekers at Germany's borders is unlawful as it violates the supremacy of EU law. On May 7, 2025, the first day after the new German government took office, Federal Interior Minister Alexander Dobrindt issued a directive ordering that, with immediate effect and based on German law, also asylum seekers should be turned away at internal borders. The applicable Dublin III Regulation was not mentioned at all. At the same time, the federal government intensified border controls.

At the beginning of May, three asylum seekers from Somalia were turned back at the Polish border despite having applied for asylum, including a teenage girl. In this case, the Administrative Court of Berlin ruled in summary proceedings, finding that the action was unlawful. The chamber referred to the primacy of the Dublin III Regulation. It also rejected the Federal Republic's argument that there was an emergency that would allow Article 72 TFEU to be applied and the Dublin III Regulation to be suspended.

Already in March 2025, the Higher Administrative Court of Bavaria (Az. 10 BV 23.700) had ruled that internal border controls at the German Austrian border were unlawful. The internal border controls at other borders do not stand up to legal scrutiny either given the strict requirements.

The German government's actions violate the rights of people seeking protection in the EU, protection they require after often long and dangerous journeys. After facing hardship at EU's external borders, they now face abandonment at the German border. At the same time, these actions undermine social trust in the European Union as a community based on the rule of law. Unilateral national measures that disregard applicable EU law fundamentally contradict the idea of the European rule of law. They strengthen right-wing extremist forces across Europe, fuel EU scepticism, and contribute to dangerous processes of re-nationalization within the Union.

On its 40th anniversary, free movement within the Schengen area – considered as a cornerstone of European integration – is seriously under threat. Border controls do not prevent people from seeking protection in the European Union, they will only make their flight more dangerous. They also cause great economic and social damage, are costly and cannot be maintained in the long term. This jeopardizes the entire European project and the cohesion of the Union.

The EU must demonstrate its commitment to the rule of law. Especially in times of growing international challenges and the increasing threat of authoritarianism, the European Commission, as the “guardian of the treaties,” has the duty to enforce compliance with EU law and to advocate for European solutions.

Yours sincerely,

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