



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MIGRATION AND HOME AFFAIRS

The Director-General

Brussels, 22 April 2026
HOME.B.3

Subject: Reply to your petition – Ref. Ares (2025)4691599

Dear Petitioner,

Thank you for informing the Commission of your communication to the Swiss government on your concerns on the return of Pashtun Afghan refugees from Switzerland.

The EU strongly condemns the systemic violation of human rights taking place in Afghanistan, in particular of women, children, persons belonging to ethnic and religious minorities, LGBTI persons, human rights defenders, journalists and other media workers, former security forces and politicians ⁽¹⁾.

Under EU law, the assessment of whether a third country is safe for return is subject to an individual assessment. The common standards and procedures for returning illegally staying third-country nationals from the EU and the Schengen area are governed by the Return Directive (Directive 2008/115/EC). When implementing it, Member States need to respect the principle of non-refoulement. Switzerland applies the Return Directive by virtue of its participation in the Schengen area ⁽²⁾.

Switzerland is also associated to parts of the EU asylum rules ⁽³⁾. On this basis Switzerland applies the so-called Dublin III Regulation (Regulation (EU) No 604/2013) which determines the Member State responsible for examining an asylum application. Switzerland will also be bound by parts of the Asylum and Migration Management Regulation (EU) 2024/1351 which will repeal and replace the Dublin III regulation.

Thank you for bringing this to our attention. The Commission will continue to follow the matter, including in our engagement with the Swiss authorities by virtue of their association to the relevant EU asylum and return rules.

Yours faithfully,

Beate GMINDER

⁽¹⁾ Foreign Affairs Council Conclusions adopted on 15 September 2021 and 20 March 2023.

⁽²⁾ OJ L 53, pp. 52, 27 February 2008.

⁽³⁾ OJ L 53, pp. 5-17, 27 February 2008.