



PRESS RELEASE No 133/23

Luxembourg, 6 September 2023

Judgment of the General Court in Case T-600/21 | WS and Others v Frontex

Return operations: the action for damages brought by a number of Syrian refugees against Frontex after they were returned from Greece to Türkiye is dismissed

Since Frontex does not have the power to assess the merits of return decisions or applications for international protection, that EU agency cannot be held liable for any damage related to the return of those refugees to Türkiye

In 2016, a number of Syrian refugees arrived on the Greek island of Milos. After having been transferred to the island of Leros, they expressed their desire to lodge an application for international protection. However, following a joint return operation carried out by the European Border and Coast Guard Agency (Frontex) and Greece, they were transferred to Türkiye. From there, they went to Iraq, where they have resided ever since.

As their complaints to Frontex's Fundamental Rights Officer concerning their return to Türkiye were not successful, those refugees brought a claim for compensation before the General Court of the European Union. They are seeking an amount of over € 96 000 in respect of material damage and an amount of € 40 000 in respect of non-material damage, on account of Frontex's alleged unlawful conduct before, during and after the return operation.

In their view, if Frontex had not infringed its obligations relating to the protection of fundamental rights in the context of the return operation, they would not have been unlawfully returned to Türkiye and they would have obtained the international protection to which they were entitled, given their nationality and the situation in Syria at the material time. In particular, Frontex infringed the principle of *non-refoulement*, the right to asylum, the prohibition of collective expulsion, the rights of the child, the prohibition of degrading treatment, the right to good administration and to an effective remedy.

By today's judgment, the General Court dismisses their action.

Frontex's alleged conduct cannot have directly caused the damage allegedly suffered, namely the expenses incurred by those Syrian refugees in Türkiye and Iraq, nor their feelings of anguish connected with, inter alia, the return flight to Türkiye.

As regards return operations, Frontex's task is only **to provide technical and operational support to the Member States**. However, **it is the Member States alone that are competent to assess the merits of return decisions and to examine applications for international protection**.

The refugees in question are therefore incorrect in so far as they claim that, but for Frontex's alleged failures, they would not have been unlawfully returned to Türkiye and would not have suffered the material and non-material damage invoked, since they would have obtained the international protection they desired, given the situation in Syria.

Furthermore, the material and non-material damage alleged, relating, first, to the costs of renting and furnishing accommodation in Türkiye, the smugglers' fees incurred in order to travel to Iraq and the costs associated with daily life there, and, second, the feelings of fear and suffering connected with their extremely difficult and risky journey to Iraq, cannot be regarded as resulting directly from Frontex's alleged conduct. Consequently, the Court concludes that the refugees in question have not adduced evidence of a sufficiently direct causal link between the alleged damage and the conduct of which Frontex is accused.

NOTE: An appeal, limited to points of law only, may be brought before the Court of Justice against the decision of the General Court within two months and ten days of notification of the decision.

Unofficial document for media use, not binding on the General Court.

The [full text](#) of the judgment is published on the CURIA website on the day of delivery.

Press contact: Jacques René Zammit ☎(+352) 4303 3355.

Images of the delivery of the judgment are available on '[Europe by Satellite](#)' ☎(+32) 2 2964106.

Stay Connected!

