# The EU-Turkey Readmission Cooperation: The Incongruity of The EU’s Readmission Agreements with International and European Frameworks of International Refugee and Human Rights Law.

Victor Bernard  
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The University of Edinburgh

# **Introduction**

With the onset of the European refugee crisis, the European Union(EU) has increasingly sought to cooperate with third countries to curb inward irregular migration flows[[1]](#footnote-1). EU readmission agreements have proven successful in accelerating the readmission of rejected protection seekers and irregular migrants without a right to reside in the EU to either a “country of origin” (CO) or a “safe third country”(STC)[[2]](#footnote-2). Commentators have criticised these practices with third countries, arguing they violate or potentially violate the principle of non-refoulement enshrined in both the International and European framework of international refugee and human rights law (hereafter International and European framework)[[3]](#footnote-3). This paper seeks to assess the compatibility with the International and European framework of EU’s readmission practices with third countries, using the recent EU-Turkey Readmission Statement[[4]](#footnote-4) as a point of reference. This paper will mainly focus on readmission practices after the EU-Turkey readmission cooperation, when the EU assumed a greater role over determining STCs, usually administered by its member-states[[5]](#footnote-5).

Arguably, the expanding EU-STC policy does not amount to incongruity with International and European Framework *per se[[6]](#footnote-6)*. On the contrary, the non-affection clauses in the EU readmission agreements and secondary legislations – Asylum Procedures Directive(APD) and Returns Directive(RD) – require member-states to observe international treaties on non-refoulement. Also, readmission practices exclusively target irregular migrants and rejected asylum seekers - both of whom fall outside the non-refoulement principle’s ambit. This essay will argue that EU’s readmission practices do not take into account the non-refoulement’s progressive development through codification and judicial interpretation by, inter alia, the United Nations High Commissioner for Refugees (UNCHR) and the European Court of Human Rights (ECtHR). These constitute distinct elements of international law-making that has extended non-refoulement’s *ratione loci* to include non-refoulement violations outside the Sending State’s territorial jurisdiction, with regards to “chain refoulement” and “collective expulsion”[[7]](#footnote-7). The enhanced scope of non-refoulement’s application is not reflected in the EU-Turkey readmission deal, or in the EU’s centralised STC policy, as neither account for the risk of onward expulsion by the STC or collective expulsion conducted extraterritorially. Accordingly, EU readmission practices with third countries have become incompatible with the International and European framework.

To argue this, my strategy begins with an examination of the principle of non-refoulement and the EU’s readmission practices. Secondly, an analysis of the development of non-refoulement to apply in cases of chain refoulement is made. The final section demonstrates the application of non-refoulement extraterritorially, concerning prohibition of collective expulsion of irregular migrants.

# **EU Readmission Practices and Non-refoulement**

This section will examine the intersection between migration control and the principle of non-refoulement, both of which are protected under the International and European framework[[8]](#footnote-8). An evaluation on how EU readmission practices balance these rights and duties, and in turn are compatible with International and European framework will be given.

## **I.1. Obligation to readmit own nationals:**

General international law provides for both a universal right for a person to return to his/her country and the sovereign right for states to expel aliens[[9]](#footnote-9). These rights are also reiterated in several human rights treaties: Art.13(2) Universal Declaration of Human Rights(UDHR)[[10]](#footnote-10), Art.12(4) International Covenant of Civil and Political Rights(ICCPR)[[11]](#footnote-11), and Art.3(2) European Convention of Human Rights(ECHR)[[12]](#footnote-12), etc[[13]](#footnote-13). These rights engender a universal obligation for states to readmit their own nationals, albeit such obligation is implied[[14]](#footnote-14). The readmission duty is crucial in protecting a State’s sovereign right to regulate the entry and presence of aliens[[15]](#footnote-15). Considering the universal acceptance of this obligation, states rarely refuse readmission of their own nationals, provided that nationality can be established. However, states, especially those unwilling to readmit people from contested groups, can easily circumvent this obligation. They often cite insufficient documentation as the main reason, thereby curtailing Sending States’ sovereign right to expel illegal aliens[[16]](#footnote-16).

In response, readmission agreements – legally binding bilateral agreements - were implemented to codify the readmission obligation, and clarify procedural rules concerning readmission of illegal aliens. The agreements include a list of means of evidence that requires the Receiving Contracting State to recognise the expelled alien’s nationality, and an obligation to issue travel documents within a certain timeframe[[17]](#footnote-17). Readmission agreements also contain punitive measures for non-compliance, such as suspending compensatory benefits and aid programs – which proved effective to curb secondary refugee movements[[18]](#footnote-18).

Readmission agreements were initially conducted between individual EU member-states and the non–EU country, but later became an explicit EU competence under the Lisbon Treaty[[19]](#footnote-19). Art.79(3) Treaty on the Functioning of the European Union (TFEU)[[20]](#footnote-20) also extended expulsion of illegal non-EU nationals to encompass all non-EU nationals originating from that state, including transiting third country nationals[[21]](#footnote-21). While there is no customary law governing the obligation to readmit non-nationals to a third country, there is no law explicitly prohibiting it, and so the policy-shift does not conflict with the international framework on readmission practices[[22]](#footnote-22).

## **II.2. Non-refoulement Principle**

**International Framework**

The sovereign right to expel is restricted by the International and European framework on non-refoulement that prohibits expulsion of “persons risking persecution based on race, religion, nationality, membership of a particular social group or political opinion”[[23]](#footnote-23). Non-refoulement is the cornerstone of international refugee and human rights law, enshrined in Art.33(1) of the Refugee Convention(RC)[[24]](#footnote-24) and a plethora of human rights treaties, including Art.14(1) UDHR[[25]](#footnote-25), Art.3 Convention Against Torture(CAT)[[26]](#footnote-26), and Art.7 ICCPR[[27]](#footnote-27), etc. Human rights treaties, especially the ICCPR, further consolidated non-refoulement to include absolute prohibition of expulsion to situations where there is a real risk of torture, inhumane or degrading treatment[[28]](#footnote-28). There is widespread state practice and *opino juris* in support of non-refoulement, and so it can be considered a customary international norm. Some have even argued that non-refoulement is a *jus cogens* norm[[29]](#footnote-29).

**European Framework: European Convention on Human Rights**

The ECtHR, which takes an even more proactive role in challenging aberrant national practices, prohibits expulsion in cases where the person will face serious harm contrary to Art.2 – right to life - and Art.3 – freedom from inhumane and degrading treatment or punishment of the ECHR[[30]](#footnote-30). While the ECHR is silent on non-refoulement, its jurisprudence shows that the Convention could apply to instances of forced removal of an alien[[31]](#footnote-31). *Soering v. UK* is a landmark example where the ECtHR prevented the extradition of a British national to the US, where he risked inhumane or degrading treatment contrary to Art.3ECHR[[32]](#footnote-32). The ECtHR contended that ECHR provisions must be interpreted with due consideration to the developing rules of international law in relation to non-refoulement[[33]](#footnote-33). The prohibition of forced removal based on Art.3 later extended to expulsion of failed asylum seekers and other aliens who are considered undesirable in *Cruz Varas v. Sweden*[[34]](#footnote-34), and subsequently in *Saadi v. Italy*[[35]](#footnote-35).

**European Framework: the EU Charter of Fundamental Rights.**

While non-refoulement is not included in the founding texts, it is safeguarded in Art.19(2) of the Charter of Fundamental Rights of the European Union (the Charter)[[36]](#footnote-36) – which has received the status of primary law in the EU legal order following the Lisbon Treaty’s entry into force[[37]](#footnote-37). Compared to the ECtHR, the EU Court of Justice(CJEU) jurisprudence on non-refoulement is nascent. Whether the CJEU will emulate the ECtHR jurisprudence on protection or extend it beyond the ECtHR minimum remains to be seen[[38]](#footnote-38). While the CJEU is not bound by the ECHR, the Charter draws on its provisions and requires the Union to accede to the ECHR, pursuant to Art.6 Treaty of the European Union(TEU)[[39]](#footnote-39).

**European Framework: EU Secondary Legislations**

Non-refoulement is also included in EU secondary legislations – the Qualification Directive (QD) (Art.2(a))[[40]](#footnote-40), the APD (Art.3)[[41]](#footnote-41) and the RD[[42]](#footnote-42). The APD and RD are the most pertinent instruments in regulating the transfer of irregular migrants and rejected asylum seekers. APD ascertains whether protection seekers can be returned to a STC for status determination, while the Return Directive sets out common rules concerning removal, return, detention standards, and safeguards for irregular migrants[[43]](#footnote-43).

**EU Readmission practices and Non-Refoulement: Readmission Agreements**

The EU readmission practices comprise of different institutional instruments, ranging from development aid, visa facilitation, technical cooperation for the externalisation of migration control to labour exchanges. However, this paper focuses on readmission agreements and STC procedures, given its fundamental role in granting legal effect to various expulsion, removal and repatriation policies of illegal aliens to either their CO or an STC.

The European Commission(EC) has held that the EU’s readmission agreements are compatible with the International and European framework on non-refoulement[[44]](#footnote-44). Readmissions exclusively target “illegal” immigrants, i.e. a person who “does not, or no longer, fulfil the conditions for entry to, presence in, or residence on the territories of the [EU member-states]”[[45]](#footnote-45). These include failed protection seekers and irregular migrants, who both fall outside the ambit of non-refoulement[[46]](#footnote-46). Decisions on protection claims and, sequentially, expulsion order, fall under domestic law, and so violations of non-refoulement cannot be attributed to the EU readmission agreements[[47]](#footnote-47). Moreover, each readmission agreement contains a non-affection clause(Art.18EU-Turkey Readmission Agreement)[[48]](#footnote-48), providing that readmissions shall be subject to the non-refoulement obligations as stipulated in other treaties[[49]](#footnote-49). Arguably, readmission agreements do not create a legal basis for expulsion *per se*, but only facilitate the member-states’ expulsion orders[[50]](#footnote-50).

**EU Readmission practices and Non-Refoulement: Safe Third Country Practices**

The EU-STC practice is premised on finding a state that can be deemed responsible for status determination of protection seeker. The UNHCR does not oppose STC practicesas *“a procedural tool to channel certain applications into accelerated procedures, or where its use has an evidentiary function*”, provided that the protection seeker can challenge the “*underlying presumption of safety* *in a fair procedure*”[[51]](#footnote-51)**.** However, it notes that protection claims cannot be rejected solely because asylum could be undertaken elsewhere[[52]](#footnote-52). The UNHCR also stated that STC could only assume responsibility over the protection seeker if a link or connection can be deduced between the applicant and the state that ‘appears fair and reasonable’[[53]](#footnote-53).

The categorisations of STCs are also decided by EU-member-states, and thus its incompatibility could not be attributed to the EU readmission practices. The APD merely establishes minimum standards of safety – listed in Art.38(1)APD - which emulate those in Art.33RC and Art.3ECHR[[54]](#footnote-54). Once a country is defined as an STC, Art.33(2)(c)APD stipulates that international protection requests of people originating or transiting through that country can be deemed inadmissible on that basis – referred to as ‘the STC exception’[[55]](#footnote-55). The RD also provides some safeguards, although significantly less than the APD, for expelled illegal immigrants awaiting readmission to an STC. The RD prohibits readmission if he/she risks persecution and/or serious harm, and includes fundamental rights protection provisions[[56]](#footnote-56). Thus, Coleman argues, it is the individual member-state’s national laws on STCs rather than the EU readmission practices that are incompatible with the International and European Framework, as the rejection and expulsion of protection seekers and illegal migrants are determined domestically[[57]](#footnote-57).

However, the EU has gradually encroached on member-states’ competence in defining STCs. Firstly, the EU recently proposed a regulation that established a common list of “safe countries of origin” binding on all states[[58]](#footnote-58). Secondly, the EU declared - in an EC-Communication following the EU-Turkey deal - that the STC exception would apply to protection seekers originating or transiting through Turkey[[59]](#footnote-59). Consequently, the increased EU control over STC policy now renders the EU’s readmission practices explicitly liable for non-refoulement violations. Arguably, the increased liability does not translate into incongruence of EU readmission practices with European and International framework *per se*. Conversely, the EU readmission practices observe the non-refoulement principle, and provide safeguards against expulsions of persons who risk serious harm or persecution, and is, in this vein, compatible with the International and European framework[[60]](#footnote-60).

The following sections will examine the veracity of this claim, especially in conjunction with the progressive development of non-refoulement’s *ratione loci* by codification and judicial interpretation. This will be assessed in two regards; first, the liability of the Sending State for onward refoulement by the Receiving STC; second, the liability of the Sending State for collective expulsion outside its territorial jurisdiction.

# **II. Chain refoulement**

Non-refoulement has evolved, since its inception, through codification by the UNHCR and judicial interpretation by the ECtHR. These are distinct elements of international law-making and have helped extend the application of non-refoulement to prohibit “chain refoulement” [[61]](#footnote-61). This section seeks to demonstrate how this development unfolded starting from the UNHCR advisory opinion to ECtHR ruling in the *TI v. UK* case. It will then show how the EU-Turkey readmission deal fails to provide any protection against “chain refoulement”.

**International Framework**

“Chain refoulement” can be established if the person is returned to an STC where they risk onward expulsion to their CO and risk serious harm or persecution contrary to Art.33(1)RC and Art.3ECHR, respectively[[62]](#footnote-62). “Chain refoulement” is not explicitly prohibited under the RC and the responsibility for refoulement would be attributed to the third country[[63]](#footnote-63). Neither the APD nor RD expressly prohibits “chain refoulement” in readmission practices.

The UNHCR has, in its advisory opinion and interventions, argued that pursuant to the primary rule of treaty interpretation - Art.31(1) 1969 Vienna Convention on the Law of Treaties (VCLT) - it is vital to examine the ordinary meaning of non-refoulement in Art.33(1)RC, considering both the context and the treaty’s object and purpose[[64]](#footnote-64). The UNHCR argued that the interpretation of refoulement cannot be confined to refugees who have already entered a Contracting State’s territory[[65]](#footnote-65). Such interpretation would absolve the Sending State of responsibility for non-refoulement violations of returning refugees to an STC where he/she risks onward expulsion to persecution, which is antithetical to the RC’s and its 1967 Protocol’s humanitarian object and purpose[[66]](#footnote-66). Non-refoulement should, as in human rights law, be interpreted to make the Sending State liable for violations beyond its territorial boundaries, if its effective control over the returnee can be established[[67]](#footnote-67). Accordingly, the Sending State is required to investigate whether the STC will undertake status determination, and can arguably only readmit protection seekers if he/she is guaranteed protection from onward refoulement[[68]](#footnote-68).

**European Framework**

The ECtHR reaffirms the necessity of interpreting non-refoulement in such a way that ensures its validity in changing social, economic and political conditions, while not asserting new rights that have not been accepted by the parties[[69]](#footnote-69). The ECtHR interpreted the *ratione loci* of non-refoulement under Art.3ECHR to include “chain refoulement” in *TI v. United Kingdom**[[70]](#footnote-70).* This case concerned a Sri Lankan asylum seeker, who the UK sought to remove to Germany under the Dublin Regulation. From these he risked onward refoulement, as Germany had officially sought to deport him. The ECtHR contended that the Sending State had a duty to protect the applicant from onward expulsion to an STC or CO where he risks treatment contrary to Art.3ECHR[[71]](#footnote-71). In effect, non-refoulement’s application was extrapolated to hold the Sending State accountable for violations conducted in the intermediate country’s jurisdiction (“chain refoulement”), notwithstanding that country being a Contracting Party to the ECHR[[72]](#footnote-72). In *M.S.S. v. Belgium and Greece*, Belgium was held responsible for derogations to Art.3 conducted by Greece to readmitted asylum seekers from Belgium. The Court also argued that the Sending State could not use blind trust in the STC concept to absolve it from responsibility for violations and established an additional duty on contracting parties to rigorously examine the risk of “onward expulsion”, regardless of being classified as an STC[[73]](#footnote-73).

The EU-STC practices– as provided in the APD - may amount to refoulement, since the APD lacks explicit substantive and procedural rules to preclude “chain refoulement”[[74]](#footnote-74). This is also evident in the EU-Turkey Statement analysed next.

**EU-Turkey Deal**

On March 18, 2016, the EU and Turkey agreed on a Joint Action Plan, the EU-Turkey Statement, to prevent irregular departures from Turkey and expedite the processing of protection claims[[75]](#footnote-75). The Statement complements the EU-Turkey readmission agreement signed in 2014 as it removes the three-year-waiting-period for non-Turkish nationals awaiting readmission[[76]](#footnote-76). Although the Joint Action Plan constitutes a Statement rather than a readmission agreement – with a dubious legal character, it holds legal authority to facilitate readmissions[[77]](#footnote-77). The Statement should be read with the EC-Communication, declaring Turkey an STC, which, pursuant to Art.33(2)(c)APD[[78]](#footnote-78), enables Greece to declare protection claims inadmissible on the procedural ground that the migrant could have its status determined in Turkey[[79]](#footnote-79).

The Statement is devoid of provisions requiring individual examination of risks of “chain refoulement” and instead promotes blind trust in the EU-STC practices. These not only contradict the substantive and procedural rules of non-refoulement laid out by the UNHCR and ECtHR jurisprudence, but, importantly, assumes Turkey as “safe” against facts on the ground. Turkey imposed geographical limitations when ratifying the RC that prevents non-Europeans from becoming fully recognised as refugees with RC non-refoulement protection[[80]](#footnote-80). Refugee status that are offered are conditional and short-term, placing refugees at constant risk of refoulement[[81]](#footnote-81). Human Rights Watch reported Turkey to have refouled, through push-backs and forced repatriation, several thousands of Syrians[[82]](#footnote-82). Amnesty International recorded a hundred Syrians being rounded-up and expelled on almost a daily basis since mid-January 2016[[83]](#footnote-83). Although there has, as of now, not been a case of refoulement of readmitted migrants from the EU, it is only a matter of time[[84]](#footnote-84). These reports showcase that the EU-Turkey deal fails to protect readmitted asylum seekers from onward refoulement. Turkey’s disregard for protections against “chain refoulement” underscores the incompatibilities between the EU’s readmission practices with third countries and both the International and European Framework on non-refoulement.

# **III. Collective Expulsion**

Collective expulsion is explicitly prohibited under the RC(Art.33), the ECHR(Art.3(1)), ECHR-Protocol 4(Art.4), and The Charter(Art.52(3) and Art.53)[[85]](#footnote-85). Collective expulsion entails the forcible return of irregular migrants, without due regard for their protection seeking status or their individual claims, which may lead to direct and indirect refoulement[[86]](#footnote-86). Despite the illegality of collective expulsion, it has occurred on several occasions, albeit outside the Sending States’ territorial jurisdiction. Both International and European framework are unclear about the rules on extraterritorial collective expulsion[[87]](#footnote-87). EU member-states have reportedly outsourced their migration control activities to border controls either in STCs or in international waters under the premise that statutory safeguards for protection seekers allow for circumvention when the state operates outside its territory[[88]](#footnote-88).

**International framework**

The UNHCR attempted in its intervention by Goodwin-Gill’s, in the *Roma Rights* case, to extend the applicability of non-refoulement extraterritorially. He emphasised legal duties in good faith and the applicability of non-refoulement at the border[[89]](#footnote-89). This interpretation was made, in conjunction with other human rights obligations, such as racial discrimination, that prohibits contracting parties from collective expulsion of people based on shared identity characteristics (ethnic, origin, religion or nationality), both territorially and extraterritorially[[90]](#footnote-90).

**European Framework**

The ECtHR played an instrumental role in extending the application of non-refoulement, concerning extraterritorial collective expulsions, in exceptional cases. The externalisation of jurisdiction did not occur in a vacuum. The contours was first established in the *Bankovic* “*effective control doctrine: the exercise of public powers over a given territory*”[[91]](#footnote-91). This was subsequently abandoned in the *Al Skeini* case, where the ECtHR adopted a “*personal or state agent authority model of jurisdiction*, *including diplomatic posts, physical custody of an individual and the exercise of public authority over a given territory short of occupation*”[[92]](#footnote-92). As such, ECHR jurisdiction could be triggered by operations of some formalised international border controls[[93]](#footnote-93). However, states often employ more covert forms of border controls and cooperation, as showcased in the *Hirsii v. Jamaa* case[[94]](#footnote-94).

*Hirsi v. Jamaa* concerned migrants who were pushed-back to Libya by the Italian coastguards, through the Italy-Libya readmission agreement, without processing or assessing their individual protection claims, resulting in collective expulsion. The applicants were at risk of both direct and chain refoulement, a clear breach of the non-refoulement principle[[95]](#footnote-95). The Italians contended that the responsible officials were engaged in a search-and-rescue mission, and ‘had neither boarded the boats nor used weapons’, and so did not constitute physical custody. This was rejected by the ECtHR based on two premises; first, ‘*de jure* jurisdiction’, since the Italian flagged vessel operated in international waters[[96]](#footnote-96). Second, ‘*de facto* control of Italy’ because the events occurred on vessels of the Italian armed forces’ composed exclusively of Italian personnel. As a result, all criteria determining personal and state agent authority were fulfilled except for “physical custody of an individual”[[97]](#footnote-97). In the same breath, the Court lowered the threshold of control by not requiring detention to determine de jure or de facto control. Thus, Italy had violated Art.3 ECHR in its collective expulsion of the applicants without due process, notwithstanding it occurring in international waters[[98]](#footnote-98)

While the ECtHR jurisprudence on extra-territorial jurisdiction is incipient and may not support a general reading, it can be applied extra-territorially if ‘*de jure’* and ‘*de facto* control’ can be effectively established, pursuant to the *Al Skeini* and *Hirsi* rulings[[99]](#footnote-99). In light of these developments in International and European law; it is crucial to assess the EU’s readmissions deal with Turkey.

**EU-Turkey Deal.**

While the EU-Turkey Readmission includes safeguards against collective expulsion and assurances of an individual assessment of asylum applications pursuant to the APD, it does not provide procedural rules to prohibit collective expulsion in international waters[[100]](#footnote-100). Firstly, the Statement stipulates that, as of 20 March 2016, all new irregular migrants originating from or transiting through Turkey will be returned[[101]](#footnote-101). The word “*all*” implies a legal ground for collective expulsion, which is dispelled by the asylum seekers’ right to effective access to procedures, pursuant to Art.25APD[[102]](#footnote-102). However, the APD does not apply outside EU territories, and so irregular migrants intercepted in Turkish waters or the high seas would not have the legal right to effective access to procedures[[103]](#footnote-103). Without legal access to procedures, protection seekers can be readmitted to Turkey as irregular migrants without due regard to their protection claims, pursuant to RD, amounting to collective expulsion[[104]](#footnote-104). As such, the dearth of procedural rules to regulate non-refoulement violations extraterritorially illustrates that this deal is in breach of International and European framework of non-refoulement that now applies in extraterritorial jurisdictions[[105]](#footnote-105).

# **Conclusion**

The principle of non-refoulement has changed substantially through codification and judicial interpretation by, inter alia, UNHCR and ECtHR. This appertains to the non-refoulement’s *ratione loci*, which has metamorphosed in two ways. Responsibility for non-refoulement violations from STC can now also be attributed to the Sending State that failed to consider the risk of onward expulsion[[106]](#footnote-106). The ECtHR jurisprudence also reveals that blind trust in STC standards cannot absolve the Sending State from the breach[[107]](#footnote-107). Furthermore, the responsibility for non-refoulement violations through collective expulsion, outside the Sending State’s territory, can now be attributed to that state, provided that the Sending State’s *de jure* or *de facto* control over the migrants can be established. So, non-refoulement must now be read beyond States’ territorial boundaries[[108]](#footnote-108).

In the light of the above analysis, this paper argues that EU readmission practices, particularly under the recent EU-Turkey deal, are incongruent with the International and European framework on non-refoulement as it stands today. Firstly, the EU-Turkey deal does not provide substantive or procedural safeguards to ensure individual assessments of the risks of “onward refoulement”, and emplace blind trust in Turkey, as an STC, to undertake status determination – despite Turkey’s records of refouling protection seekers from Syria[[109]](#footnote-109). Secondly, while the EU-Turkey deal prohibits collective expulsion - pursuant to the APD[[110]](#footnote-110), it does not explicitly provide effective access to procedures for irregular migrants intercepted in international waters – where the APD does not apply[[111]](#footnote-111). As such, irregular migrants can be legally expelled without due process of their individual claims extraterritorially, amounting to collective expulsion[[112]](#footnote-112). Accordingly, to make EU readmission practices compatible with International and European Framework, the EU must observe the non-refoulement principle beyond national borders, and buttress its obligations to non-refoulement rather than circumventing them[[113]](#footnote-113).

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100. European Council, supra note 4; Peers, supra note 3 [↑](#footnote-ref-100)
101. Ibid [↑](#footnote-ref-101)
102. Asylum Procedures Directive, supra note 41, Art. 25 [↑](#footnote-ref-102)
103. Peers, supra note 3 [↑](#footnote-ref-103)
104. Peers, supra note 3; Returns Directive, supra note 42 [↑](#footnote-ref-104)
105. Peers, supra note 3 [↑](#footnote-ref-105)
106. UNHCR (Advisory Opinion), supra note 64, Para 27, pp. 13; Coleman, supra note 2, at pp. 314-315; Mink, supra note 7, at pp.136 [↑](#footnote-ref-106)
107. Sy, supra note 70, at pp. 468-472; Costello, supra note 30, at pp. 320 [↑](#footnote-ref-107)
108. Costello, supra note 30, at pp. 300 [↑](#footnote-ref-108)
109. Peers, supra note 3; Amnesty International, supra note 83; Human Rights Watch, supra note 82 [↑](#footnote-ref-109)
110. Asylum Procedures Directive, supra note 41, Art. 25 [↑](#footnote-ref-110)
111. Peers, supra note 3 [↑](#footnote-ref-111)
112. De Boer, supra note 7, at pp. 129-131; Moreno-Lax, supra note 98, at pp. 581-582; Giuffre, supra note, at pp. 733 [↑](#footnote-ref-112)
113. Leila Nasr, 'The Extraterritoriality Of The Principle Of Non-Refoulement: A Critique Of The Sale Case And Roma Case' <http://blogs.lse.ac.uk/humanrights/2016/02/09/the-extraterritoriality-of-the-principle-of-non-refoulement-a-critique-of-the-sale-case-and-roma-case/> accessed 4 April 2017. [↑](#footnote-ref-113)