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Judgment of the Court in Case C-352/22 | Generalstaatsanwaltschaft Hamm (Request for the extradition of a refugee to Türkiye)

The granting of refugee status in a Member State precludes the extradition of the person concerned to his or her country of origin

As long as the authority that granted that status has not revoked or withdrawn it, the person concerned cannot be extradited, regardless of the underlying reasons for the extradition request

The Court of Justice states that a third-country national cannot be extradited by one Member State to his or her country of origin if that person is recognised as having refugee status in another Member State. The authority to which the extradition request was made must contact the authority that granted that status. As long as the latter authority has not revoked refugee status or withdrawn it, the person concerned cannot be extradited.

Türkiye requested that Germany extradite a Turkish national of Kurdish origin who was suspected of murder.

The German court that is to rule on that request is uncertain whether the fact that the person concerned was recognised as a refugee in Italy in 2010, on the ground that he was at risk of political persecution by the Turkish authorities because of his support for the Kurdistan Workers' Party (PKK), precludes his extradition.

Since that issue concerns the European asylum system and the Charter of Fundamental Rights of the European Union, the German court referred a question to the Court of Justice.

The Court of Justice has replied that the granting of refugee status in Italy precludes the extradition of the person concerned to his country of origin which he fled. As long as that status has not been revoked or withdrawn by the Italian authorities, extradition must be refused ¹. Extradition would, in reality, effectively end that status.

The competent German authority must, in accordance with the principle of sincere cooperation, contact the Italian authority that granted refugee status.

If, following such contact, the Italian authority revokes or withdraws refugee status, the German authority must nevertheless itself have come to the conclusion that the person concerned is not, or is no longer, a refugee ². It must also satisfy itself that there is no serious risk that, in the event of that person's extradition, he would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment in Türkiye.

NOTE: A reference for a preliminary ruling allows the courts and tribunals of the Member States, in disputes which have been brought before them, to refer questions to the Court of Justice about the interpretation of EU law or the validity of an EU act. The Court of Justice does not decide the dispute itself. It is for the national court or tribunal to dispose of the case in accordance with the Court's decision, which is similarly binding on other national courts or tribunals before which a similar issue is raised.

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

The [full text and, as the case may be, an abstract](#) of the judgment is published on the CURIA website on the day of delivery.

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

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¹ The Court points out, however, that the EU legislature has not, at this stage, established a principle that Member States are obliged to recognise automatically the decisions granting refugee status that have been adopted by another Member State. Member States are therefore free to make recognition of all of the rights relating to refugee status on their territory subject to the adoption, by their competent authorities, of a new decision granting refugee status.

² Formal recognition of refugee status by a Member State is merely declaratory. Thus, a third-country national or a stateless person who satisfies the relevant conditions is, on that basis alone, a refugee.