

# Complaint about alleged breach of EU law by Luxembourg

## Complaint form received

---

<b>Reference</b>	91367
<b>Received on</b>	09/03/2026
<b>Language of communication</b>	English
<b>Correspondence should be sent to</b>	Both
<b>Disclosure of personal information</b>	Yes

---

## Personal information

<b>Name</b>	mahesh jagannath
<b>Surname</b>	kamath
<b>Organisation</b>	helvilux asbl
<b>Nationality</b>	India
<b>Email</b>	shirinmk007@gmail.com
<b>Second email</b>	helvilux@gmail.com
<b>Street and number</b>	
<b>Town</b>	
<b>Postcode</b>	
<b>Country</b>	

## Alternative contact point (e.g. a representative)

<b>Name</b>	Zeinab
<b>Surname</b>	tazimi
<b>Organisation</b>	helvilux asbl
<b>Email</b>	helvilux@gmail.com
<b>Street and number</b>	
<b>Town</b>	
<b>Postcode</b>	
<b>Country</b>	

## Which EU country is your complaint about?

<b>The EU country my complaint is about is</b>	Luxemburg
<b>The national authority my complaint is about is</b>	Central administration

## What is your complaint about?

**What did the Member State and its administration do wrong?** Systematically applied EU law incorrectly in a certain sector.

**Pieces of evidence / supporting documents** SKM\_308e26030310280.pdf  
Appeal to LUXX third and last part FRENCH - Google Docs.pdf

### **Describe the problem by outlining the facts and the reasons for your complaint.**

Dear Sir or Madam, Grüezi Gott.

I respectfully submit this complaint to the European Commission regarding potential violations of European Union law by the Ministry of Home Affairs of Luxembourg in the handling of my asylum and detention case.

I believe that the authorities have failed to comply with several obligations under EU law, including the Asylum Procedures Directive 2013/32/EU, the Dublin III Regulation, and the Schengen Information System Regulation (EU) 2018/1862.

In my case, the Ministry ordered my detention and initiated a transfer procedure to Switzerland without conducting a proper individual assessment and without adequately considering evidence I submitted regarding risks to my safety and violations of my fundamental rights. I also requested that Luxembourg exercise the discretionary clause under Article 17 of the Dublin III Regulation, but this request was not properly examined.

Additionally, my detention appears to rely primarily on the absence of identity documents and a SIS alert issued by Swiss authorities. However, EU jurisprudence requires that detention be based on clearly defined and individualized criteria, and that proportionality be respected.

I also wish to raise concerns about procedural fairness before the Tribunal administratif du Luxembourg. In practice, it appears that legal representatives have significantly greater procedural control than individual appellants. As an appellant, I have faced serious difficulties presenting my own arguments and evidence directly to the Court, despite the fundamental right to be heard and the right to an effective remedy under EU law and the Charter of Fundamental Rights of the European Union.

These circumstances raise concerns regarding compliance with EU asylum law, the right to a fair

procedure, and the protection of fundamental rights within the EU legal framework.

For these reasons, I respectfully request that the European Commission examine whether Luxembourg has correctly implemented and applied the relevant EU directives and regulations in my case and whether systemic procedural deficiencies may exist in the handling of asylum detention and Dublin transfer cases.

Thank you for your attention to this matter.

Respectfully,

Mahesh Jagannath Kamath  
Appellant  
Centre de rétention – Maison Retour  
L-1751 Findel  
Luxembourg

Your complaint will be assessed on the information that you provide in this form. You should be as concise and as specific as possible.

**You must make an entry in all the data fields that have an (\*)** and fill in as many of the other fields as possible.

Before submitting your complaint, you should read about [how the Commission handles complaints](#) about EU countries' breaches of EU law.

Complaints that are insulting or fanciful and that do not require a substantive response will not be answered.

If the correspondence becomes repetitive (for example, successive letters on the same topic that does not introduce new information) or that is abusive, pointless and/or improper, we reserve the right to discontinue the correspondence.

All complaints must be submitted in one of the EU's official languages: Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish or Swedish. Complaints submitted in any other language will not be answered.

Do not include in your complaint any personal data belonging to third parties or personal data that is sensitive, unless it is strictly necessary for the handling of your complaint. By submitting any special categories of personal data in the meaning of Article 10(1) of Regulation 2018/1725, you provide your explicit consent to the processing of such personal data.

#### Privacy statement

I have read and understood all the above.