



St. Gallen, 19 August 2026

Media Release

regarding judgment D-3386/2026 of 17 August 2026

Removal of a young Afghan upheld

In a reference judgment, the Federal Administrative Court establishes that removal to Afghanistan is generally unreasonable, except where special individual circumstances exist, for which the court defines the criteria. In doing so, the Court addresses the change in practice adopted by the State Secretariat for Migration (SEM) in the spring of 2025.

The case at hand involves a young Afghan national who filed an application for asylum in Switzerland in late 2025. The SEM rejected his application and ordered his removal, noting in particular that the asylum seeker was a young man in good health, with no family responsibilities, who possessed professional experience and could rely on the support of his family back in his home country. The asylum seeker appealed this decision before the Federal Administrative Court (FAC).

Reassessment of Afghanistan

In a reference judgment¹, the FAC updated its assessment of the situation in Afghanistan since the Taliban came to power in August 2021 and of the change in practice by the SEM in April 2025. At that time, the SEM had redefined its practice following the change in regime and considered that Afghan asylum seekers could be sent back to their country under certain conditions. The FAC holds that the security situation has improved in Afghanistan since the Taliban came to power, with a significant decline in armed violence and civilian casualties. The socio-economic and humanitarian situation remains alarming, exacerbated by the forced return of Afghans from Iran and Pakistan, by the number of internally displaced persons, as well as by adverse weather conditions and the border conflict with Pakistan. The situation in terms of human rights is especially precarious for women as well as religious and ethnic minority groups. The Court confirms that removal to Afghanistan remains, in principle, unreasonable, except in case of particularly favorable individual circumstances, and that this rule now applies to the whole Afghan territory.²

¹ This judgment was coordinated by all judges from divisions IV and V. It analyses the conditions of the existing situation in a given country and provides a legal assessment which holds not only for this case but for many other proceedings as well.

Consequences for the specific case

The Court holds that the asylum seeker does not have a profile that would expose him to a particular danger from the Taliban régime and that no specific risk of prohibited treatment can be established. Given that he is a young, healthy man of legal age, without any family responsibilities, and that he belongs to the dominant Pashtun ethnic group, possesses professional experience and can rely on the support of a solid family network in Kabul, the FAC holds that he meets the conditions for removal to his country of origin.

This judgment is final and may not be appealed to the Federal Supreme Court.

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About the Federal Administrative Court

Located in St. Gallen, the Federal Administrative Court (FAC) was established in 2007. With its staff of 395 employees (334 FTE) and its 79 judges (70 FTE) it is the largest federal court in Switzerland. The Federal Administrative Court has jurisdiction to hear appeals against decisions rendered by Swiss federal administrative authorities. In specific matters, the FAC may grant review on decisions rendered by cantonal authorities. Recourse actions are also reviewed by the Court. The FAC is composed of six divisions. It renders an average of 7,000 judgments every year.