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**Nijmegen  
The Netherlands**  
[www.ru.nl/law/cmr](http://www.ru.nl/law/cmr)

Tools *for judges*

# Practice

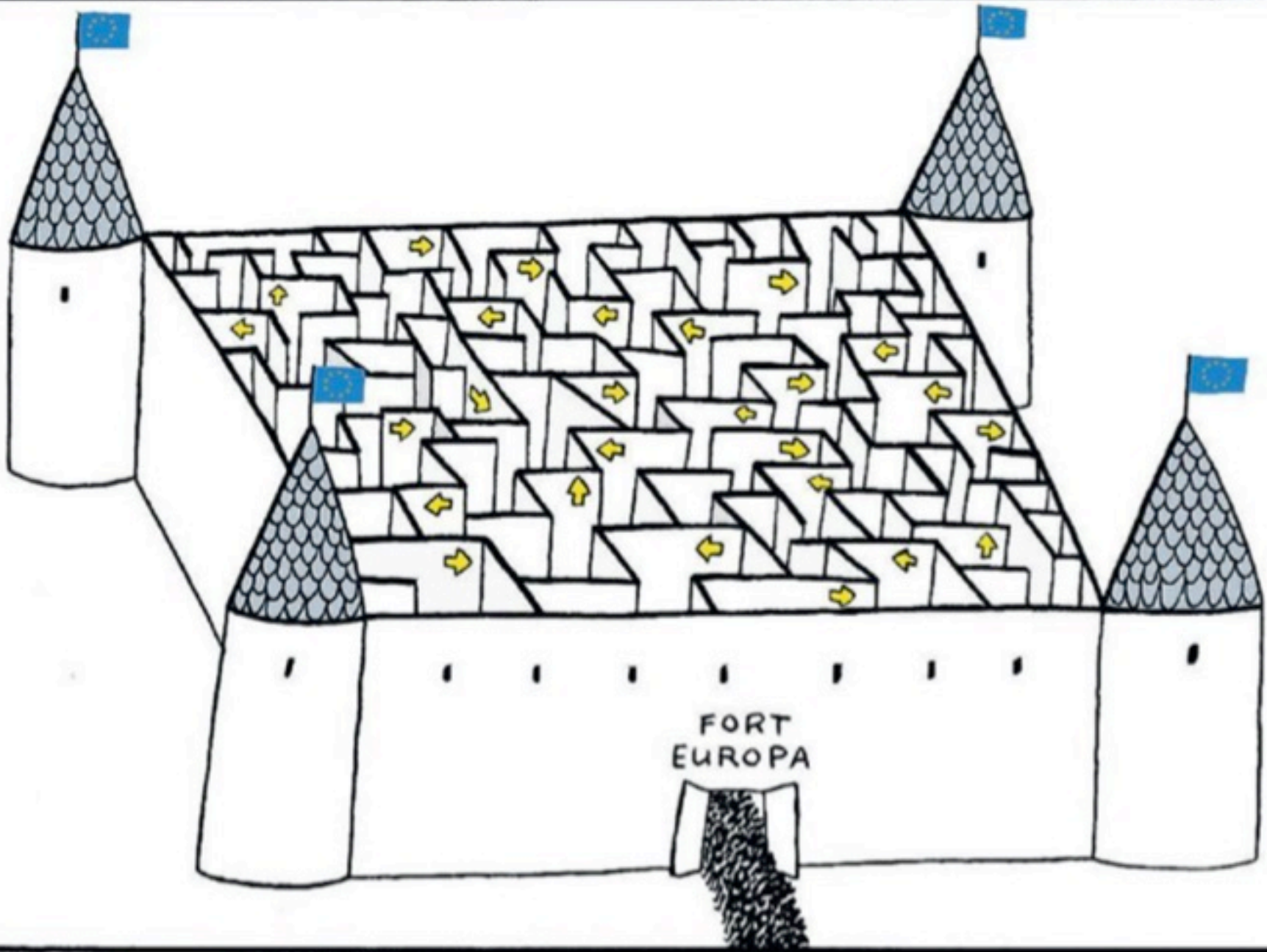


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# Tools

- Case Notes
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- Newsletters
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# Goal

- Collection
- Selection
- Comments



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# Centre for Migration Law

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**DiCTA**  
A digital case tool on asylum  
click to enter

Hermesdorfprijs 2021

European Journal of Migration and Law

25  
CMR

## News

### **Research Contract European Parliament**

Tesseltje De Lange

22 August 2022

### **Tesseltje De Lange on Migration**

discussant at a Metropolis pre-conference webinar

10 July 2022



### **PhD for Dragos Ciulinaru**

Public defense

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## Blogs

- > Reactie Cie Meijers op Opvangcrisis



Reactie op de Kamerbrief inzake besluitvorming omtrent de opvangcrisis  
 Commentaar downloaden  
 6 September 2022

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- > 8/11/22: Wine and Discussion Meeting  
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- > 13/12/22: Wine and Discussion Meeting  
13 December 2022

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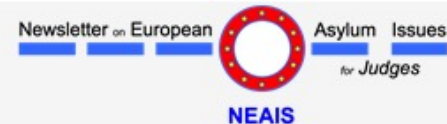


## Newsletters



NEMIS

[Newsletter on European Migration Issues](#)  
(since 2010)



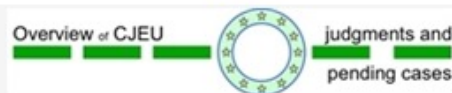
NEAIS

[Newsletter on European Asylum Issues](#) (since 2012)



NEFIS


[Newsletter on European Free Movement Issues](#) (since 2019)




CJEU Overview

[Overview of CJEU judgments and pending cases](#) (since 2012)

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Centre for Migration Law  
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# Newsletters

- CJEU Overview  
and
- NEMIS
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# Overview of CJEU



# judgments and pending cases

Overview of judgments and pending cases of the Court of Justice of the European Union on:

- 1. Regular Migration
- 2. Asylum
- 3. Borders and Visa
- 4. Irregular Migration
- 5. EEC-Turkey Association Agreement
- 6. Free Movement
- 7. Miscellaneous

June 2022  
Quarterly update

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Radboud University Nijmegen  
Tilburg University



**New** cases and new judgments, conclusions, or (H) hearings not mentioned in the previous overview are marked **in red**.

Judgments and pending cases are arranged in chronological order (oldest first).

[Blue underscored](#) references contain hyperlinks to the original documents.

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## 1. Regular Migration

### Family Reunification

#### Directive 2003/86

##### judgments

	Date	Case nr	EU:C:	Subject
<b>Parliament / Council</b>	27 Jun 2006	<a href="#">C-540/03</a>	2006:429	right to family reunification
<b>Chakroun</b>	4 Mar 2010	<a href="#">C-578/08</a>	2010:117	Art. 7(1)c income requirement
<b>Imran</b> (deleted)	10 Jun 2011	<a href="#">C-155/11 PPU</a>	2011:387	Art. 7(2) integration test abroad
<b>O., S. &amp; L.</b>	6 Dec 2012	<a href="#">C-356...357/11</a>	2012:776	Art. 5(5) interest of the child; Art. 24(2) Charter
<b>Dogan</b> (Naime)	10 Jul 2014	<a href="#">C-138/13</a>	2014:2066	Art. 7(2) integration test abroad
<b>Noorzia</b>	17 Jul 2014	<a href="#">C-338/13</a>	2014:2092	Art. 4(5) minimum age of 21 years
<b>K. &amp; A.</b>	9 Jul 2015	<a href="#">C-153/14</a>	2015:453	Art. 7(2) integration test abroad
<b>Khachab</b>	21 Apr 2016	<a href="#">C-558/14</a>	2016:285	Art. 7(1)c stable and regular resources
<b>A. &amp; S.</b>	12 Apr 2018	<a href="#">C-550/16</a>	2018:248	Art. 10 reunification of minor asylum seekers with parents
<b>C. &amp; A.</b>	7 Nov 2018	<a href="#">C-257/17</a>	2018:876	Art. 15 autonomous permit; integration condition
<b>K. &amp; B.</b>	7 Nov 2018	<a href="#">C-380/17</a>	2018:877	Art. 12(1) family reunification after 3 months
<b>K.</b>	7 Nov 2018	<a href="#">C-484/17</a>	2018:878	Art. 15 autonomous permit; integration condition
<b>E.</b>	13 Mar 2019	<a href="#">C-635/17</a>	2019:192	Art. 11(2) proof of family ties
<b>Y.Z. a.o.</b>	14 Mar 2019	<a href="#">C-557/17</a>	2019:203	Art. 16(2)(a); consequences of fraude
<b>X. / Belgische Staat</b>	20 Nov 2019	<a href="#">C-706/18</a>	2019:993	Art. 2(d)+5(4)+11(2) no automatic residence permit as a consequence of expiry of decision period
<b>G.S. &amp; V.G.</b>	12 Dec 2019	<a href="#">C-381+382/18</a>	2019:1072	Art. 6(2) public order
<b>T.B.</b>	12 Dec 2019	<a href="#">C-519/18</a>	2019:1070	Art. 10(2) family member dependent on refugee
<b>B.M.M. a.o.</b>	16 Jul 2020	<a href="#">C-133+136+137/19</a>	2020:577	Art. 4 becoming adult during procedure
<b>X. / Belgian State</b>	2 Sep 2021	<a href="#">C-930/19</a>	2021:657	Art. 15(3) victims of domestic violence

##### pending cases

Germany / X.C.	AG: 16 Dec 2021	<a href="#">C-279/20</a>	2021:1030	Art. 4+6(1)(b) child of refugee became of age during asylum procedure
X. / (BE)	<b>AG: 16 Jun 2022</b>	<a href="#">C-230/21</a>	<b>2022:477</b>	Art. 2(f)+10(3)(a), minor, marriage
Germany / S.W.		<a href="#">C-273/20</a>		Art. 10(3)+16(1)(a) parent of ex-minor refugee
Germany / B.L. & B.C.		<a href="#">C-355/20</a>		Art. 10(3)+16(1)(a) parent of ex-minor refugee
C.R. / Landeshauptmann		<a href="#">C-560/20</a>		Art. 2(f)+10(3)(a)+7(1) family members of ex-minor refugee

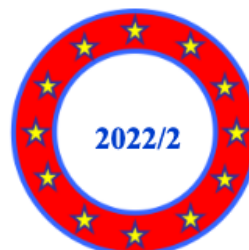
### Long-Term Residents

#### Directive 2003/109 and 2011/51

##### judgments



# Newsletter on European



NEAIS

# Asylum Issues

for Judges

Quarterly update on full overview of

- Treaties
  - Legislation and
  - Jurisprudence
- on
- European Asylum Issues

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Published by the Centre for Migration Law (CMR)  
 Radboud University Nijmegen (NL), in close co-operation with  
 the University of Essex (UK), Aarhus University (DK),  
 and the International Association of Refugee and Migration Judges (IARMJ)

## New in this Issue of NEAIS

### § 1 Qualification for Protection

§ 1.3.1	CJEU	18 May	2022	C-579/20
§ 1.3.2	CJEU	(pending)		C-222/22
§ 1.3.2	CJEU	30 June	2022	C-280/21
§ 1.3.3	ECtHR	22 Mar.	2022	55978/20
§ 1.3.3	ECtHR	29 Mar.	2022	45761/18
§ 1.3.3	ECtHR	29 Apr.	2022	28492/15
§ 1.3.3	ECtHR	21 June	2022	1557/19
§ 1.3.3	ECtHR	21 June	2022	40462/16
§ 1.3.3	ECtHR	26 Apr.	2022	29836/20
§ 1.3.4	CtAT	27 July	2021	790/2016
§ 1.3.6	CtRC	4 Feb.	2021	76/2019
§ 1.3.6	CtRC	31 May	2021	86/2019
§ 1.3.6	CtRC	22 Sep.	2021	95/2019

*X.*  
*J.F. / Bundesamt (AT)*  
*P.I. / Migracijos (LT)*  
*T.K. a.o. v LT*  
*N.K. v RU*  
*Khasanov v RU*  
*Akkad v TR*  
*M.N. a.o. v TR*  
*M.A.M. v CH*  
*D.Z. v CH*  
*R.Y.S. v ES*  
*G.R. a.o. v CH*  
*M.K.A.H. v CH*

Qualification II Art. 15(C)  
 Qualification II Art. 5(3)  
 Qualification II Art. 10  
 ECHR Art. 3 (Qual.)  
 ECHR Art. 3+5(4)+34  
 ECHR Art. 3 (Qual.)  
 ECHR Art. 3+5+13  
 ECHR Art. 3 (Qual.)  
 ECHR Art. 2+3  
 CAT Art. 3  
 CRC Art. 3+8+12+16+20+22+27  
 CRC Art. 3+6+24+37  
 CRC Art. 3+6+12+16+22+27+28

### § 2 Asylum Procedure

§ 2.3.1	CJEU	30 June	2022	C-72/22 (PPU)
§ 2.3.2	CJEU	(pending)		C-216/22
§ 2.3.2	CJEU	28 Apr.	2022	C-159/21
§ 2.3.3	ECtHR	29 Mar.	2022	25564/18
§ 2.3.3	ECtHR	5 Apr.	2022	55798/16
§ 2.3.3	ECtHR	14 June	2022	28774/22

*M.A.*  
*A.A. / Bundesrepublik (DE)*  
*G.M. / Aliens Police (HU)*  
*M.A. a.o. v LV*  
*A.A. v MK*  
*K.N. v UK*

Asylum Procedure II Art. 6+7(1)  
 Asylum Procedure II Art. 33(2)+40(2)  
 Asylum Procedure II Art. 11+12+23+45  
 ECHR Art. 3 (Proc.)  
 ECHR Prot. 4 Art. 4  
 ECHR Art. 3 (Proc.)

### § 3 Responsibility Sharing



### 1.3 Qualification for Protection: Jurisprudence

case law sorted in alphabetical order

#### 1.3.1 CJEU Judgments on Qualification for Protection

- ☞ [CJEU 2 Dec. 2014, C-148/13](#) **A., B., C.** EU:C:2014:2406  
AG 17 July 2014 EU:C:2014:2111
- \* interpr. of Dir. 2004/83 Qualification I, Art. 4
  - \* joined cases: C-148/13 + C-149/13 + C-150/13
  - \* ref. from Raad van State (Netherlands) 20 Mar. 2013
  - \* *Art 4(3)(c) must be interpreted as precluding, in the context of the assessment by the competent national authorities, acting under the supervision of the courts, of the facts and circumstances concerning the declared sexual orientation of an applicant for asylum, whose application is based on a fear of persecution on grounds of that sexual orientation, the statements of that applicant and the documentary and other evidence submitted in support of his application being subject to an assessment by those authorities, founded on questions based only on stereotyped notions concerning homosexuals. Art 4 must be interpreted as precluding, in the context of that assessment, the acceptance by those authorities of evidence such as the performance by the applicant for asylum concerned of homosexual acts, his submission to 'tests' with a view to establishing his homosexuality or, yet, the production by him of films of such acts.*
- ☞ [CJEU 18 Dec. 2014, C-562/13](#) **Abdida** EU:C:2014:2453  
AG 4 Sep. 2014 EU:C:2014:2167
- \* interpr. of Dir. 2004/83 Qualification I, Art. 15(B)
  - \* ref. from Court du Travail de Bruxelles (Belgium) 21 Oct. 2013
  - \* *Although the CJEU was asked to interpret art 15(b) of the QD, the Court ruled on another issue related to the Returns Directive. To be read in close connection with C-542/13 [M'bodj] ruled on the same day by the same composed CJEU. It is clear from par 27, 41, 45 and 46 of the judgment in M' Bodj (C-542/13) that Art. 2(c) and (e), 3 and 15 of Dir. 2004/83 are to be interpreted to the effect that applications submitted under that national legislation do not constitute applications for international protection within the meaning of Art. 2(g) of that directive. It follows that the situation of a TCN who has made such an application falls outside the scope of that directive, as defined in Art. 1 thereof.*
- ☞ [CJEU 2 Mar. 2010, C-175/08](#) **Abdulla a.o.** EU:C:2010:105  
AG 15 Sep. 2009 EU:C:2009:551
- \* interpr. of Dir. 2004/83 Qualification I, Art. 2(C)+11+14
  - \* ref. from Bundesverwaltungsgericht (Germany) 29 Apr. 2008
  - \* *When the circumstances which resulted in the granting of refugee status have ceased to exist and the competent authorities of the Member State verify that there are no other circumstances which could justify a fear of persecution on the part of the person concerned either for the same reason as that initially at issue or for one of the other reasons set out in Article 2(c) of Directive 2004/83, the standard of probability used to assess the risk stemming from those other circumstances is the same as that applied when refugee status was granted.*
- ☞ [CJEU 4 Oct. 2018, C-652/16](#) **Ahmedbekova** EU:C:2018:801  
AG 28 June 2018 EU:C:2018:514
- \* interpr. of Dir. 2011/95 Qualification II, Art. 4+3
  - \* ref. from Administrativen sad Sofia-grad (Bulgaria) 19 Dec. 2016

➡ [CJEU 2 Dec. 2014, C-148/13](#)

*A., B., C.*

AG 17 July 2014

\* interpr. of Dir. 2004/83

Qualification I, Art. 4

\* joined cases: C-148/13 + C-149/13 + C-150/13

\* ref. from Raad van State (Netherlands) 20 Mar. 2013

\* *Art 4(3)(c) must be interpreted as precluding, in the context of the assessment, under the supervision of the courts, of the facts and circumstances concerning an applicant for asylum, whose application is based on a fear of persecution, on the statements of that applicant and the documentary and other evidence submitted to an assessment by those authorities, founded on questions based only on Art 4 must be interpreted as precluding, in the context of that assessment, the performance by the applicant for asylum concerned of homosexual acts, or the establishing his homosexuality or, yet, the production by him of films of such*

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DiCTA

# Digital Case Tool on Asylum

- [www.dicta.eu](http://www.dicta.eu)



# Virtual Library on Asylum Case Law

Not another Search Engine

# UNHCR

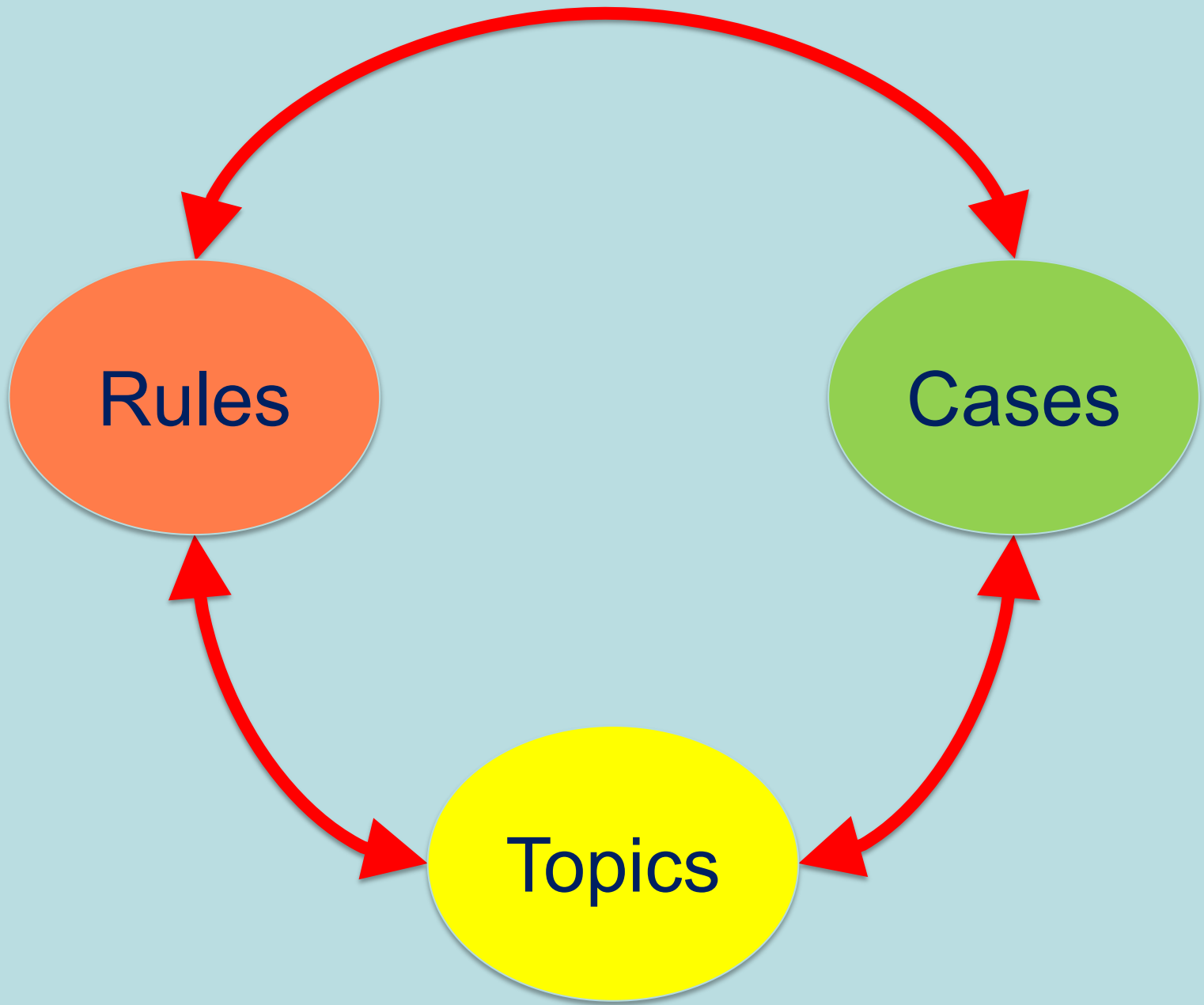
- Manual

# DiCTA

A digital case tool on asylum

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# Rules

- UN Conventions
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  - EU Directives
  - EU Regulations
- and
- General comments, Guidelines



# Cases

- ECtHR
- CJEU
  
- CtAT
- CtRC
- HRC

# Topics

## Along asylum procedure

- Access
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- Dublin
- No Protection
- Protection
- Return
  
- Treatment

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a digital case tool on asylum



rules



cases



topics



explain



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*This website  
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**Welcome to DiCTA**  
A **Digital Case Tool on Asylum** in Europe.

### Contents

This web site contains relevant data on asylum in Europe:

- \* rules: legal provisions and guidelines
- \* cases: case law and summaries of: ECtHR, CJEU, CtRC, CtAT and HRC (no national case law)
- \* topics: glossary of concepts

### Sources

Links on this site refer to the original web site of the source (i.e. EU, CoE, or UN sites).  
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And if possible, to view PDFs directly in your browser. If not, these files will be downloaded instead.

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# DiCTA

start here

a digital case tool on asylum



rules



cases



topics

select

EU Directive



acronym

name

current s

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APD I

Dir. 2005/85 Asylum Procedures I

no longer

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APD II

Dir. 2013/32 Asylum Procedures II

into force

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QD I

Dir. 2004/83 Qualification I

no longer

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QD II

Dir. 2011/95 Qualification II

into force

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RCD I

Dir. 2003/9 Reception Conditions I

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RCD II

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EU Regulation

Reg. 604/2013

Dublin III

abbr.

Dublin III

Article

◀ previous

Art. 17 Dublin III

to Art. #1

next ▶

☐☐ show corresponding Arts. and Paras. from

Dublin II vs Dublin III

Art. 17 Discretionary clauses

(1) By way of derogation from Article 3(1), each Member State may decide to examine an application for international protection lodged with it by a third-country national or a stateless person, even if such examination is not its responsibility under the criteria laid down in this Regulation.

The Member State which decides to examine an application for international protection pursuant to this paragraph shall become the Member State responsible and shall assume the obligations associated with that responsibility. Where applicable, it shall inform, using the 'DubliNet' electronic communication network set up under Article 18 of Regulation (EC) No 1560/2003, the Member State previously responsible, the Member State conducting a procedure for determining the Member State responsible or the Member State which has been requested to take charge of, or to take back, the applicant.

The Member State which becomes responsible pursuant to this paragraph shall forthwith indicate it in Eurodac in accordance with Regulation (EU) No 603/2013 by adding the date when the decision to examine

## 6 related case law

- |                      |   |  |                          |
|----------------------|---|--|--------------------------|
| <a href="#">show</a> | 1 | CtRC 28 Sep. 2020, 056/2018, V.A. v. CH        | <a href="#">Key Case</a> |
| <a href="#">show</a> | 2 | CJEU 23 Jan. 2019, C-661/17, M.A. a.o. v. IRL  | <a href="#">Key Case</a> |
| <a href="#">show</a> | 3 | CJEU 5 Jul. 2018, C-213/17, X. v. NL           | <a href="#">Key Case</a> |
| <a href="#">show</a> | 4 | CJEU 16 Feb. 2017, C-578/16 (PPU), C.K. v. SVN | <a href="#">Key Case</a> |
| <a href="#">show</a> | 5 | CJEU, C-66/21, O.T.E. v. NL (pending)          | <a href="#">Key Case</a> |
| <a href="#">show</a> | 6 | CJEU, C-297/21, XXX.XX v. ITA (pending)        | <a href="#">Key Case</a> |

## related topics

- [show](#) Dublin Criteria :: family
- [show](#) Dublin Criteria :: humanitarian clause
- [show](#) Dublin Criteria :: responsible MS
- [show](#) Dublin Criteria :: sovereignty clause



committee

CtRC

Committee on the Rights of the Child (UN) of CRC

case number

C/85/D/56/2018

Key Case

party

V.A.

country involved

Switzerland



source

date judgment

28 Sep 2020

full reference

CtRC 28 Sep. 2020, CRC/C/85/D/56/2018, V.A. v. CH

Case summary and remarks

The complainant is an Azerbaijani national born in 1986. She submits the communication on behalf of her two sons both Azerbaijani nationals. She and her husband are journalists and owners of a newspaper. In March 2017 they fled Azerbaijan with their sons as the situation facing opposition journalists in Azerbaijan was becoming increasingly critical and the life of the author's husband was seriously in danger. The family applied for asylum in Kreuzlingen, Switzerland. They were transferred to a guesthouse in Bellinzona. In the absence of interpreters, their communication with officials was almost non-existent. However, the family received the support of three local NGOs. The accommodation conditions and the linguistic isolation had repercussions on the mental and physical well-being of the family members: depressions and domestic violence. In November 2017, following a seven-month wait for the second asylum hearing, the family reluctantly agreed to withdraw its asylum claim and to be voluntarily repatriated. Since the author's father-in-law had bribed the Azerbaijani police to ensure that his son would not be incarcerated on return. Thus the family left Switzerland.

However, the husband was arrested in 2018 and imprisoned. She was advised to leave - again - the country with her two children. The smuggler had obtained Italian visa for Switzerland. So, the mother travelled on these visa to Switzerland and immediately applied

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### Show Source



The full text of case CtRC 28 Sep. 2020, 056/2018, V.A. v. CH  
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# Convention on the Rights of the Child

Distr.: General  
30 October 2020  
English  
Original: French

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## Committee on the Rights of the Child

### **Views adopted by the Committee under the Optional Protocol to the Convention on the Rights of the Child on a communications procedure concerning communication No. 56/2018<sup>\*</sup>, <sup>\*\*</sup>, <sup>\*\*\*</sup>**

<i>Communication submitted by:</i>	V.A. (represented by counsel, Immacolata Iglio Rezzonico and Paolo Bernasconi)
<i>Alleged victims:</i>	E.A. and U.A.
<i>State party:</i>	Switzerland
<i>Date of communication:</i>	21 September 2018 (initial submission)
<i>Date of adoption of Views:</i>	28 September 2020
<i>Subject matter:</i>	Deportation to Italy

on the Rights of the Child (UN) of CRC

018

**Key Case**



p. 2020, CRC/C/85/D/56/2018, V.A. v. CH

al born in 1986. She submits the communication on behalf of her two sons both are journalists and owners of a newspaper. In March 2017 they fled Azerbaijan with their parents in Azerbaijan was becoming increasingly critical and the life of the author's husband for asylum in Kreuzlingen, Switzerland. They were transferred to a guesthouse in their communication with officials was almost non-existent. However, the family received accommodation conditions and the linguistic isolation had repercussions on the mental and depressions and domestic violence. In November 2017, following a seven-month wait for the family agreed to withdraw its asylum claim and to be voluntarily repatriated. Since the Azerbaijani police to ensure that his son would not be incarcerated on return. Thus the family left

and imprisoned. She was advised to leave - again - the country with her two children. Switzerland. So, the mother travelled on these visa to Switzerland and immediately applied for visa the Swiss authorities claimed that the family had to be transferred to Italy. This removal from Switzerland to Italy could not be carried out. The police abandoned the family with no money, and told them to "make their own way back".

the trauma experienced by the children, including twice fleeing their country of origin, the returning to their country of birth, and another attempt under very traumatic conditions, the authorities have not shown due diligence in assessing the best interests of the children. application of the Dublin Convention in the context of the best interests of the Child. In this case the party is under an obligation to reconsider the author's request to apply article 17 of the

**Related Rules**

- 1 [show](#) **Violation** Art. 3 CRC
- 2 [show](#) **Violation** Art. 12 CRC
- 3 [show](#) Interpretation Art. 17 Dublin III

**Related Topics**

- 1 [show](#) Asylum Procedure :: access to procedure
- 2 [show](#) Dublin Criteria :: minor
- 3 [show](#) Dublin Criteria :: sovereignty clause
- 4 [show](#) Treatment :: best interests of the child

**Related Key Case**

- 1 [show](#) CtAT 3 Aug. 2018, 742/2016, A.N. v. CH

# DiCTA

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# Tools *for judges*



حاني عباس

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