



# EASO Professional Development Series

Overview of professional development  
materials for courts and tribunals  
published by EASO

August 2020



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# EASO

## Professional Development Series

Overview of professional development materials for  
courts and tribunals published by EASO

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The professional development materials, including available language versions, can be found at:

[www.easo.europa.eu/training-quality/courts-and-tribunals](http://www.easo.europa.eu/training-quality/courts-and-tribunals)

## EASO's activities with courts and tribunals

As the European Union's centre for expertise on international protection, EASO is focusing its efforts on contributing to the effective, coherent and consistent practical implementation of the EU's asylum *acquis*, or acquired body of law.

With the ultimate goal of achieving a genuinely Common European Asylum System (CEAS), EASO supports EU Member States in the continuous improvement of the quality standards of their asylum systems.

EASO is developing a professional development series (PDS) in conjunction with representatives of courts and tribunals from Member States and associated countries with full respect of judicial independence. The PDS comprises judicial analyses, judicial trainers' guidance notes and compilations of jurisprudence for each topic covered, apart from country of origin information, which comprises a Judicial practical guide accompanied by a Compilation of jurisprudence.

These training materials are developed by judges, for judges, and aim to provide members of courts and tribunals in all Member States and associated countries with a full overview of the asylum *acquis*. Through its network, EASO cooperates closely with national contact points from Member States and non-member countries, judicial training institutions, judicial associations, the Court of Justice of the European Union (CJEU), the European Court of Human Rights (ECtHR), the Office of the United Nations High Commissioner for Refugees (UNHCR) and other relevant actors.

The PDS is used for EASO professional development workshops that are tailor-made for members of courts and tribunals from the EU and beyond.

For more information, please see: <https://easo.europa.eu/courts-and-tribunals>

## **Existing chapters of the PDS series (2020)**

### **COMMON EUROPEAN ASYLUM SYSTEM**

- Introduction to the Common European Asylum System for courts and tribunals

### **DETENTION**

- Detention of applicants for international protection in the context of the Common European Asylum System

### **ACCESS TO THE ASYLUM PROCEDURES**

- Asylum procedures and the principle of non-refoulement

### **EXAMINATION OF THE APPLICATION FOR INTERNATIONAL PROTECTION**

- Qualification for international protection (Directive 2011/95/EU)
- Article 15(c) Qualification Directive (2011/95/EU)
- Exclusion: Articles 12 and 17 Qualification Directive (2011/95/EU)
- Ending international protection: Articles 11, 14, 16 and 19 Qualification Directive (2011/95/EU)

### **EVIDENCE AND CREDIBILITY ASSESSMENT**

- Evidence and credibility assessment in the context of the Common European Asylum System

### **COUNTRY OF ORIGIN INFORMATION**

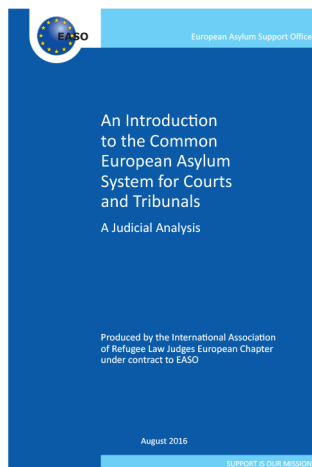
- Judicial practical guide on country of origin information

## Judicial analysis – Introduction to the Common European Asylum System

This judicial analysis is an introduction to the CEAS that assists courts and tribunals in carrying out their role and responsibilities in its implementation.

This judicial analysis provides:

- an overview of the legal basis of the CEAS, including a short background to its establishment;
- an introductory overview of the CEAS legislative instruments;
- an introduction to the correct approach as a matter of EU law to the interpretation of the legislative provisions of the CEAS, including the important topic of when and how to make a referral to the CJEU for an interpretative ruling.



A compilation of jurisprudence and appendices supports the analysis, with a specific bearing on the CEAS. They list not only relevant EU primary and secondary legislation and relevant international treaties of universal and regional scope but also essential case-law of the CJEU, the ECtHR and the courts and tribunals of EU Member States. This analysis, therefore, also constitutes a common point of reference for all of the judicial analyses comprising the PDS.

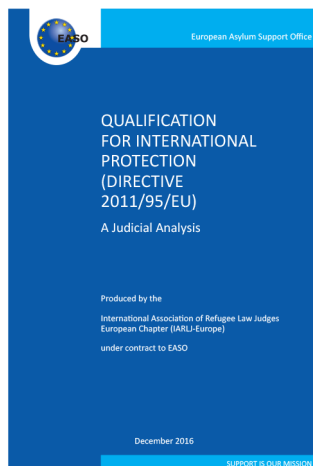
**Target group:** all members of courts and tribunals of EU Member States concerned in the hearing of cases or actions to which the CEAS applies and judicial trainers.

This judicial analysis is available online in [\[BG\]](#) [\[DE\]](#) [\[EL\]](#) [\[EN\]](#) [\[ES\]](#) [\[FR\]](#) [\[IT\]](#).

## Judicial analysis – Qualification for international protection (Directive 2011/95/EU)

This judicial analysis provides:

- a general introduction setting out the objectives and structure of the analysis, an overview of the rules of interpretation of the recast Qualification Directive (QD (recast)) and a presentation of applications for international protection and the limited scope for more favourable standards;
- a detailed analysis of qualification for refugee status and its definitional elements as laid down in the QD (recast);
- a detailed analysis of qualification for subsidiary protection and its definitional elements as laid down in the QD (recast).



A compilation of jurisprudence and appendices complements it.

**Target group:** members of courts and tribunals of EU Member States concerned with hearing appeals or conducting reviews of decisions on the qualification for international protection and judicial trainers.

This judicial analysis is available online in [BG] [DE] [EL] [EN] [ES] [FR] [IT] [RU] <sup>(1)</sup>.

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(1) Translated by UNHCR under the Quality Initiative in Eastern Europe and South Caucasus.



## Judicial analysis – Article 15(c) Qualification Directive (2011/95/EU)

The judicial analysis of Article 15(c) QD (recast) is a helpful tool for the understanding of protection issues for courts and tribunals dealing with international protection cases.

This analysis deals with just one limb of Article 15, which focuses on people in need of subsidiary protection because of a serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict.

The objective is to assist the reader towards an understanding of this provision of the QD through the case-law of the CJEU as well as that of the ECtHR and relevant decisions of the courts and tribunals of the Member States.

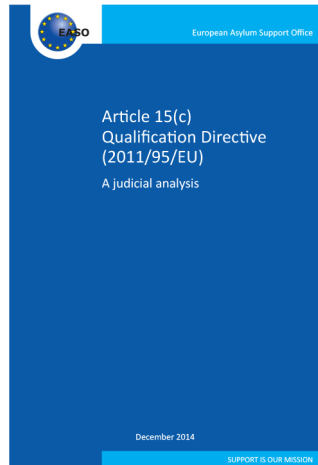
This judicial analysis is divided into two parts:

- Part I analyses the constituent elements of Article 15(c);
- Part II examines how the provision is to be applied in practice.

Appendix A is a 'decision tree', which sets out the questions courts and tribunals need to ask when applying Article 15(c).

**Target group:** members of courts and tribunals of EU Member States concerned with international protection cases and judicial trainers.

This judicial analysis is available online in [BG] [DE] [EL] [EN] [ES] [FR] [IT].



## Judicial analysis – Exclusion: Articles 12 and 17 Qualification Directive (2011/95/EU)

This judicial analysis aims to provide a comprehensive though not exhaustive overview of the application of the exclusion grounds contained in the QD (recast).

It primarily illustrates the case-law of the CJEU and decisions of the ECtHR, as well as relevant decisions of the courts and tribunals of the Member States.

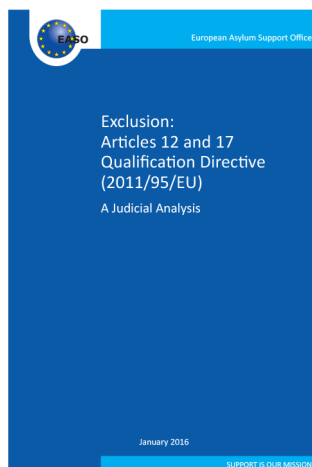
This judicial analysis is divided into four main parts:

- a general introductory overview of the exclusion clauses;
- exclusion from refugee protection;
- exclusion from eligibility for subsidiary protection;
- the relevant procedural aspects.

In addition, ‘decision trees’ are provided in Appendix B, which provides a schematic approach that can be employed by courts and tribunals when applying either Article 12 or Article 17 QD (recast).

**Target group:** members of courts and tribunals of EU Member States concerned with hearing appeals or conducting reviews of decisions on international protection cases and judicial trainers.

This judicial analysis is available online in [BG] [DE] [EL] [EN] [ES] [FR] [IT] [RU] <sup>(2)</sup>.



<sup>(2)</sup> Translated by UNHCR under the Quality Initiative in Eastern Europe and South Caucasus.

## Judicial analysis – Ending international protection: Articles 11, 14, 16 and 19 Qualification Directive (2011/95/EU)

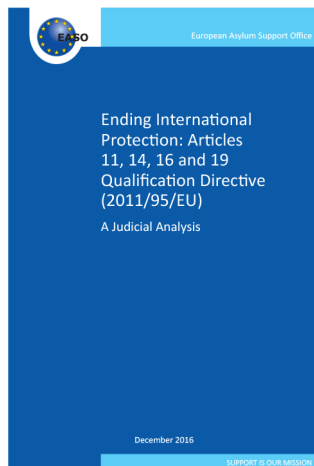
The scope of this judicial analysis extends to the law on ending protection in relation to refugee status and subsidiary protection, in the context of Articles 11, 14, 16 and 19 of the QD (recast).

It focuses primarily on case-law from the CJEU with respect to the CEAS along with national law from the EU Member States.

The analysis is divided into seven main parts:

- a general overview on ending protection;
- procedural aspects and matters pertaining to the burden and standard of proof;
- cessation of refugee protection in circumstances where cessation is caused by the actions of the individual;
- changed circumstances in the refugee's country of origin;
- ending protection for refugee status by way of exclusion and misrepresentation;
- ending refugee protection due to a conviction for a serious crime or being a danger to the security of a state;
- ending subsidiary protection.

**Target group:** members of courts and tribunals of EU Member States concerned with hearing appeals or conducting reviews of decisions on ending international protection and judicial trainers.



This judicial analysis is available online in [BG] [DE] [EL] [EN] [ES] [FR] [IT].

## Judicial practical guide on country of origin information

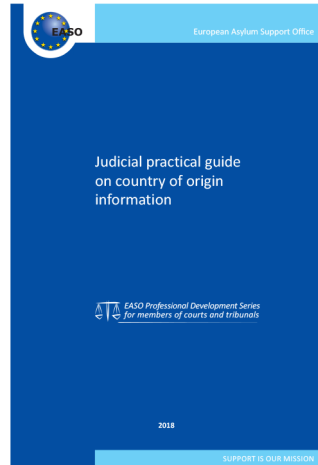
Members of courts and tribunals are now faced with an almost overwhelming amount of information. The judicial practical guide provides an introduction to the use of country of origin information (COI) in international protection decision-making in Member States.

The judicial practical guide on COI assists judges and decision-makers in ensuring that their use of COI in decision-making complies with the common criteria for qualification for international protection in the QD (recast) and the requirements for fairness and effectiveness in the recast Asylum Procedures Directive (APD (recast)).

This judicial practical guide is to be read in conjunction with its accompanying compilation of jurisprudence, which contains the relevant jurisprudence of the CJEU and the ECtHR.

**Target group:** members of courts and tribunals of EU Member States that use COI in international protection decision-making and judicial trainers.

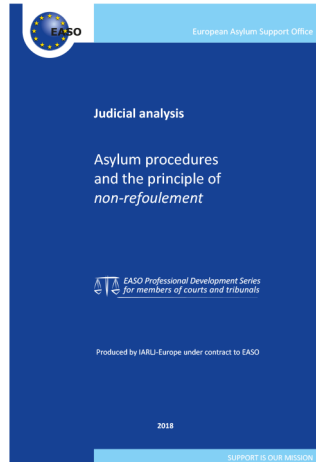
This judicial practical guide is available online in [\[DE\]](#) [\[EN\]](#) [\[ES\]](#) [\[FR\]](#) [\[IT\]](#).



## Judicial analysis – Asylum procedures and the principle of non-refoulement

This analysis provides:

- a general introduction setting out the legal framework of this judicial analysis, an overview of the rules of interpretation of the APD (recast), the objective and structure of the analysis and a presentation of the concepts of procedures and non-refoulement;
- an examination of the general provisions relating to definitions within the APD (recast), its scope and the rules governing how the asylum procedure is initiated;
- a detailed analysis of the rules governing asylum procedures and appeals against transfer decisions in the framework of the determination of the Member State responsible for examining an application for international protection under Dublin III Regulation No 604/2013;
- a detailed analysis of the basic principles, safeguards and procedural guarantees for applicants for international protection laid down in the APD (recast), including the right to remain (non-refoulement);
- a detailed analysis of the rules of the APD (recast) governing the examination of applications for international protection at first instance and the right to an effective remedy;
- an examination of the scope of the Returns Directive 2008/115/EC of relevance to asylum procedures.



**Target group:** members of courts and tribunals concerned with issues related to asylum procedures and non-refoulement and judicial trainers.

This judicial practical guide is available online in [DE] [EN] [ES] [FR] [IT].

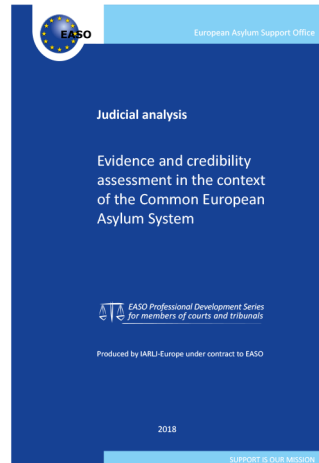
## Judicial analysis – Evidence and credibility assessment in the context of the Common European Asylum System

The objective of this judicial analysis is to scrutinise how, in the context of the CEAS, members of courts and tribunals should either review the evidence and credibility assessment undertaken by the determining authority (or court or tribunal of lower instance) or carry out evidence and credibility assessment themselves.

This judicial analysis provides:

- a general introduction to evidence and credibility assessment in the asylum context, including the structure and scope of this analysis and the use of terminology;
- an overview of the relevant EU legal framework;
- an overview of the judicial context, defining the varying tasks of members of courts and tribunals and outlining relevant challenges;
- an analysis of the specific principles and standards on evidence and credibility assessment in the light of EU law and relevant jurisprudence;
- an analysis of specific aspects of evidence and credibility assessment;
- an outline of the multidisciplinary factors that need to be taken into account in assessing evidence and credibility (Part 6).

**Target group:** members of courts and tribunals of EU Member States concerned with hearing appeals or conducting reviews of decisions on applications for international protection and judicial trainers.



This judicial practical guide is available online in [\[DE\]](#) [\[EN\]](#) [\[ES\]](#) [\[FR\]](#) [\[IT\]](#).

## Judicial analysis – Detention of applicants for international protection in the context of the Common European Asylum System

The objective of this judicial analysis is to act as a tool for judges hearing detention cases. It is an aid to those familiar with detention cases, as well as an informative, comprehensive and user-friendly analysis for those with little or no experience of hearing detention cases where detention falls within the jurisdiction of other courts.

The analysis was developed in light of the fact that legal provisions militate against the use of administrative detention at first instance. It sets out the legal grounds for the use of administrative detention within the CEAS and the varying forms of detention, as well as the alternatives to detention, the duration, conditions, detention facilities for people belonging to vulnerable groups and the burden of proof.

The analysis is complemented by appendices including the relevant legal provisions and a ‘decision tree’. The accompanying compilation of jurisprudence brings to the fore relevant cases from the CJEU and the ECtHR.

**Target group:** all members of courts and tribunals hearing detention cases.

This judicial analysis is available online in [\[DE\]](#) [\[EN\]](#) [\[ES\]](#) [\[FR\]](#) [\[IT\]](#).



## Contact

For more information about EASO and its activities:

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