EASO
Case Law Database
Liana MUNTEAN
Isabela TRIFESCU
caselawdb@easo.europa.eu
EASO Case Law Database

➢ Short ‘history’ and relation with EASO mandate
➢ How to find cases in the database
➢ Sources used
➢ Latest case law materials
➢ Submit cases to the database
➢ Overview of recent cases.
EASO Case Law Database

➢ Part of EASO’s mandate to provide support to MS.

➢ Centralised platform for asylum case law from courts and tribunals of EU+ countries, focused mainly on international protection.

➢ Public access to summaries of judgments in English and to the original case.
COVID-19 jurisprudential developments published in December 2020

Asylum Case Law in 2020 published in May 2021
Recent Case Law on Asylum
Courts ordered the immediate resumption of registrations in compliance with sanitary measures:


➢ **France, Council of State, Applicant (Central African Republic)**, no. 440756, 8 July 2020 - *National legal provisions regarding the COVID-19 pandemic and the public health reasons cannot be used as a justification for refusing to register asylum applications.*
Dublin transfers


➢ Germany, Federal Administrative Court, *Applicants v Federal Office for Migration and Refugees*, no. 5106/2019, 18/09/2020

➢ The Netherlands, Court of The Hague, *Applicant v State Secretary for Justice and Security*, NL20.6494, 21/04/2020
First instance procedure

Temporary adaptation of time limits

➢ The Netherlands, Council of State, Applicant v State Secretary for Justice and Security, 16/12/2020 – extension of time limits to take a decision is legal; notification of the applicant asap.

Personal interviews by videoconference

➢ Belgium, Council of State, L'Ordre des barreaux francophones et germanophones and others, no. 249.163, 7/12/2020 – lack of legal basis to change processes regarding personal interviews.
Second instance procedures

Use of the written procedure, extension of time limits
Ø Belgium, Council for Alien Law Litigation, X v Office of the Commissioner General for Refugees and Stateless Persons, no. 237374, 23/06/2020

The right to be heard in person before the court
Ø Netherlands, Council of State, Applicant v State Secretary for Justice and Security, 7/04/2020

Suspension of public pronouncements of decisions
Military conscription
- CJEU- EZ, 19/11/2020 – strong presumption on refusal to perform military service
- Germany, High Administrative Court - Applicant (Syria) v BAMF, 29/01/2021

Vulnerable applicants: LGBTQ+
- Estonia, Supreme Court, Police and Border Guard Board v X. (Uganda) – sexual orientation as starting point

Safe third country:
Netherlands - reassessment for LGBTI+ - Applicant (Mongolia), 07/04/2021

Syria:
- Denmark, Refugee Appeals Board – reassessment of situation in Rif Damascus – Applicant (Syria), 17/02/2021
Reception conditions

- **Continued provision of conditions due to COVID-19:**
  - Czech Republic, Supreme Administrative Court, *T.K. and others*, 20/03/2020
  - Italy, Civil Court *Applicant v. Ministry of Interior*, 31/03/2020

- **Belgium** - material reception conditions from (online) registration
  - Brussels Court of First Instance, *Order of French- and German Bars*, 05/10/2020

- **France:** material conditions in Mayotte
  - Council of State, *C. (Burundi)*, 12/03/2021
Detention in transit zones:
- CJEU, *European Commission v Hungary*, 17/12/2020
  - the conditions the transit zones of Röszke and Tompa amounted to detention;
- recent ECtHR, *R.R. and Others v Hungary*, 02/03/2021

ECtHR- *Feilazoo v Malta*, 11/03/2021
- Detention pending removal with COVID-19 quarantined inmates

Malta, Court of Magistrates, *Frank Kouadioane*, 29/10/2020
- immediate release of an illegally-detained applicant with a medical condition
Return to the country of origin

➢ CJEU: -best interest of children in the father's return - *M.A. v Belgium*, 11/03/2021
  - detention and interpretation of art. 15 of the Return Directive: (Referral)
  Estonia, Supreme Court *Police and Border Guard vs I.L.*, 30/03/2021

➢ COVID-19 related:

  ▪ Belgium: Court of Cassation, *MY v Belgian state (represented by the State Secretary for Asylum and Migration)*, 10/03/2021 “trips” allowed under COVID-19 restrictions;

  ▪ Germany: Federal Constitutional Court: *Applicant (Afghanistan) v Schleswig-Holstein Administrative Court*, 09/02/2021 – interim measures pending decision on return to Afghanistan
For all relevant cases, see https://caselaw.easo.europa.eu

Contact: caselawdb@easo.europa.eu