



Jurisprudence related to the Dublin Procedure in 2025

The information presented in this fact sheet is extracted from the [EUAA Case Law Database](#) and complements [Fact Sheet No 33](#) published in June 2025. For more information on legislative, policy and practical developments related to asylum in 2025, please consult the *Asylum Report 2026* (forthcoming in June 2026) and related outputs (including the [National Asylum Developments Database](#)). Previous edition: [Asylum Report 2025](#)

This fact sheet provides an overview of jurisprudence related to the implementation of the Dublin procedure in 2025. It covers jurisprudence from the Court of Justice of the European Union (CJEU), United Nations bodies and national courts based on case law included in the EUAA's [Case Law Database](#). The examples provided are not exhaustive.

As Member States prepare for the transition to the Asylum and Migration Management Regulation (AMMR) under the EU Pact on Migration and Asylum, the Dublin III Regulation continues to govern the determination of responsibility in day-to-day practices. In 2025, judicial oversight continued to play a central role in shaping how Dublin procedures operate in practice, providing further legal clarity, constraining administrative discretion and ensuring compliance with fundamental rights.



At the EU level, the CJEU issued two preliminary rulings addressing take back obligations, the position of participatory states and the calculation of transfer time limits in the context of appeals with a suspensive effect. In parallel, national courts ruled on a broad range of aspects related to the Dublin procedure, such as the assessment of systemic deficiencies, individual guarantees, vulnerability factors including minors and medical conditions, the obligation to state reasons in the transfer decision, the use of the discretionary clause, application of time limits and access to the procedure.



Key developments

In 2025, the CJEU issued two preliminary rulings following referrals from Finland and Denmark. In the first case, [X. v Maahanmuuttovirasto \[Qassioun\]](#) (C-790/23, 30 October 2025), the CJEU clarified the scope of Article 18(1d) of the Dublin III Regulation which stipulates that, subject to certain conditions laid out in preceding articles, responsible Member States are obliged to take back a person whose application has been rejected and who made an application in another Member State or who is on the territory of another Member State without a residence document. In this case, the CJEU considered that a decision issued by Denmark not to renew a temporary residence permit for a Syrian national could not be considered as a rejection of an asylum application, under Article 18(1d) of the Dublin III Regulation and therefore did not justify a take back request from Finland to Denmark. The CJEU emphasised that the recast Qualification Directive and the recast Asylum Procedures Directive distinguish between a negative decision on an application for international protection and subsequent decisions withdrawing, revoking or not renewing protection that were previously granted. It held that only the former falls within Article 18(1d). Consequently, Article 18(1d) applies only when an application has been rejected on the merits and does not cover situations in which protection status previously granted is later withdrawn or not renewed.

Additionally, the CJEU confirmed that an application lodged in Denmark under domestic law must be treated as an application for international protection under EU law for the purposes of implementing the Dublin procedure. By doing so, the CJEU brought clarity to the position of Denmark as a non-EU participatory state and by extension other participatory states, thereby ensuring a more uniform application of Dublin rules across EU and participatory states.

In the second case, in [H v Udlændingestyrelsen \[Tang\]](#) (C-560/23, 18 December 2025) the CJEU interpreted Articles 27 and 29(1) and (2) of the Dublin III Regulation in a case concerning the transfer of an Afghan applicant from Denmark to Romania. The case addressed how the 6-month transfer time limit should be calculated when a first transfer decision is annulled by a court and remitted for re-evaluation, followed by the adoption of a second judicial transfer decision due to a decisive change in circumstances. When an appeal against a transfer decision has a suspensive effect, the CJEU held that the 6-month transfer time limit under Article 29(1) begins to run only from the date of the final judicial decision ruling on the substantive legality of the transfer. It confirmed that interim decisions and administrative reassessments following an annulment are part of a single, continuous procedure. The CJEU affirmed that such interpretation reinforces the right to an effective remedy and preserves equality of arms.

However, the CJEU made clear that Member States cannot prolong Dublin procedures indefinitely and that administrative and judicial authorities must act without undue delay. If the overall duration exceeds what is necessary, responsibility for examining the application shifts to the requesting Member State. This interpretation balances the swift processing of transfers with applicants' right to an effective remedy under Article 47 of the EU Charter.

At the national level, one case in particular garnered significant media attention, putting the Dublin III Regulation in the spotlight. A landmark [ruling](#) was pronounced by the Regional Administrative Court in Germany challenging national border policy which automatically refuses the entry of asylum seekers at the border under Article 18(2), No 1 of the Asylum Act. The court declared this practice unlawful as the supremacy of the Dublin III Regulation over national law necessitates that persons should be admitted to the territory so that the Dublin procedure may be applied. It dismissed the justification of the Federal Police that an emergency situation under Article 72 of the Treaty on the Functioning of the EU (TFEU) existed due to mass migration. The court found insufficient evidence of a danger to public order and that Article 72 could not be justified merely by relying on statistics, such as the number of asylum applications or border crossings, without underlining the implications for the fundamental interests of the Member State's society or the functioning of its state institutions. Finally, the court ruled that the Dublin procedure may also be carried out at the border before entry is permitted.

National courts ruled in various cases which assessed systemic deficiencies in asylum procedures or reception conditions. Courts generally did not find systemic deficiencies in Croatia, Cyprus, Czechia, Denmark, France, Germany, Lithuania, Malta, Netherlands, Romania and Spain. However, Dublin transfers were prevented in exceptional circumstances due to systemic deficiencies, as identified in Belgium, Bulgaria, Greece, Hungary and Poland. In these cases, the courts identified systemic deficiencies as a lack of access to the asylum procedure or to reception, poor reception conditions, a lack of access to an effective remedy, risk of *refoulement*, lack of access to adequate healthcare and systematic detention practices.

The topic of pushbacks and ill treatment at the Croatian border continued to be the subject of court rulings in 2025, with national courts adopting the position that the alleged police misconduct during irregular border crossings did not demonstrate systemic deficiencies in Croatia's asylum system, and that it is irrelevant what the police did to an applicant prior to their application for asylum within the scope of that assessment. This position was confirmed by the United Nations Committee against Torture, which issued a [ruling](#) in April 2025 that recognised reports of ill treatment at Croatia's borders, yet ultimately found that such practices did not necessarily apply to individuals subject to a Dublin transfer.

Courts consistently stressed the need for individual guarantees, especially when systemic deficiencies were identified. However, courts have started to assume a more cautious approach. For example, the Swiss Administrative Court [held](#) that individual guarantees cannot remedy structural shortcomings and exceptions to allow a lawful transfer of an applicant to a state which has such deficiencies must be specific and concrete in nature, such as a residence permit protecting the applicant from *refoulement*. With regard to general guarantees, recent jurisprudence demonstrates that such assurances are insufficient where a country fails to follow through on its commitments. This is illustrated by case law from the Netherlands, where the Council of State [held](#) that, despite assurances from the Belgian authorities to improve reception conditions, systemic deficiencies persisted, particularly affecting non-vulnerable single male applicants who were not guaranteed shelter. Consequently, the council ruled that

transfers for this group were no longer permitted due to the risk that they would face far-reaching material deprivation.

Concerning the application of the Dublin procedure to minors, a key [ruling](#) by the Austrian Supreme Court brought further clarification to the definition of an unaccompanied minor under the Dublin III Regulation. The court ruled on a case concerning a minor who entered Austria alone, although he initially entered the territory of the EU accompanied by his family. Giving weight to the fact that the applicant left his mother in Croatia and travelled to Austria of his own volition, supported further by the Schengen-wide alert reporting him as a runaway minor and a missing person, the court ruled that the applicant could not be considered an unaccompanied minor and therefore Austria was not responsible for processing his asylum application. The court highlighted that a different interpretation may provide an incentive for family members to encourage their minor children to travel alone to other Member States in order to 'choose' for the whole family which Member State would be most desirable for their stay in the EU.

Other court decisions concerning minors centred around the reliability of age assessments. Courts found that digital copies of identity documents to prove age had limited probative value as they could be easily manipulated. Furthermore, forensic medical examinations were not deemed as useful when the applicant is in close proximity with majority age and official identity documents, such as a passport or birth certificate, should be given precedence over a bone test indicating majority age.

Several courts considered the applicant's medical condition and the potential impact of a transfer on their health. Transfer decisions were overturned or returned for a re-assessment when the national authority failed to take into account medical evidence related to serious health issues and the lack of access to adequate healthcare in the responsible Member State. However, the Austrian Supreme Administrative Court [stressed](#) that the asylum authority could not be faulted for failing to investigate the applicant's health when the evidence only became available post-decision. Where serious health issues were indicated, courts stressed the necessity to obtain individual guarantees from the receiving Member State that adequate healthcare would be provided. It was also noted that the mere acceptance of responsibility and a request to receive a prior notification of health issues does not constitute sufficient individual guarantees that the applicant will receive adequate medical care. Transfers were also annulled where the authority failed to communicate the relevant medical information to the receiving Member State.

Annex I. Overview of jurisprudence in 2025

For more detailed information on each case in the table, the link under 'case details' directs to an English summary registered in the EUAA [Case Law Database](#), including a link to the original judgment.

National court	Case details	Topic
CJEU rulings		
EU: Court of Justice of the European Union [CJEU]	C-790/23 , 30 October 2025	<ul style="list-style-type: none"> ● Take back request ● Definition of rejection under Article 18(1)(d) <p>The CJEU clarified that the term 'rejection', in the wording of Article 18(1)(d) of the Dublin III Regulation, is an autonomous concept under EU law and does not refer to a non-extension or non-renewal of a residence document previously issued to a third-country national granted international protection.</p>
EU: Court of Justice of the European Union [CJEU]	C-560/23 , 18 December 2025	<ul style="list-style-type: none"> ● Article 29 ● Transfer time limit ● Suspensive appeal ● Calculation of 6-month time limit <p>The CJEU ruled that under Article 29(1) and (2) of the Dublin III Regulation, when a national court or tribunal hearing an annulment action with a suspensive effect issues a final decision on the substantive legality of a second transfer decision, adopted after the annulment of a first transfer decision due solely to a decisive change in circumstances and remitted to the competent administrative authority, the 6-month transfer time limit begins to run from the date of the final judicial decision.</p>
Access to the procedure when applying for international protection at the border		
DE: Regional Administrative Court [Verwaltungsgericht]	6 L 191/25 , 2 June 2025	<ul style="list-style-type: none"> ● Access to the procedure ● Access to the territory to carry out the Dublin procedure ● Article 72 of the TFEU <p>The Administrative Court of Berlin ruled that individuals who apply for international protection at the border cannot be returned without first completing the Dublin procedure to determine the responsible Member State, and must be granted access to German territory at the border to initiate that procedure.</p> <p>The court held additionally that the federal police failed to justify the existence of an</p>

		emergency situation based on mass migration which would justify the application of a derogation from the Dublin III Regulation under Article 72 of the TFEU (danger to public order or security).
Transfers to Belgium		
NL: Council of State [Raad van State]	202404274/1/V3 , 23 July 2025	<ul style="list-style-type: none"> ● Structural deficiencies in the reception system in Belgium ● Non-vulnerable single men ● Access to an effective remedy ● Transfer annulled <p>The Council of State ruled that non-vulnerable single men may no longer be transferred to Belgium due to structural shortcomings in the availability of reception places for this category of applicants, a lack of access to an effective remedy and an indifference of the Belgian authorities to improve the reception situation.</p>
Transfers to Bulgaria		
LU: Administrative Tribunal [Tribunal administratif]	No 52216 , 11 February 2025	<ul style="list-style-type: none"> ● Medical conditions ● Systemic deficiencies ● Individual guarantees ● Past episode of abuse ● Transfer decision remitted for re-examination <p>The Administrative Tribunal annulled a decision on a Dublin transfer to Bulgaria concerning a Syrian applicant, holding that his health condition, past experience of physical abuse by prison guards, and evidence of systemic deficiencies required individual guarantees and a more detailed assessment.</p>
SI: Supreme Court [Vrhovno sodišče]	VS00087201 , 1 August 2025	<ul style="list-style-type: none"> ● Medical conditions ● Availability of medical care ● Reception conditions ● Transfer confirmed <p>The Supreme Court of Slovenia dismissed the appeal of an applicant, finding that his somatic medical condition, chronic anal fissure and third-degree hemorrhoidal syndrome, did not constitute a particularly serious illness, and thus, a transfer to Bulgaria under the Dublin III Regulation would not expose him to a real risk of inhuman or degrading treatment. It upheld the principle of mutual trust with regards to reception conditions and the availability of healthcare in Bulgaria.</p>

Transfers to Croatia		
UN: Committee against Torture [CAT]	CAT/C/82/D/1107/2021 , 11 April 2025	<ul style="list-style-type: none"> ● Access to the procedure ● Risk of <i>refoulement</i> ● Medical conditions ● Availability of medical care ● Obligation to inform the authorities about the applicant's medical needs upon a transfer ● Transfer confirmed <p>The Committee against Torture found that Switzerland would not breach Article 3 of the Convention by transferring an Afghan applicant to Croatia under the Dublin III Regulation, stating that the alleged mistreatment during border pushbacks did not automatically imply a personal risk of ill treatment after a Dublin transfer. Furthermore, it dismissed the applicant's claim regarding a lack of access to the asylum procedure, a risk of <i>refoulement</i> to his home country and complaints related to healthcare in Croatia.</p>
DK: Refugee Appeals Board [Flygtningenævnet]	12 May 2025	<ul style="list-style-type: none"> ● General guarantees ● Suspension of transfers lifted <p>The Refugee Appeals Board decided to resume the processing of cases concerning transfers to Croatia after they were previously suspended pending a request for a general guarantee from Croatian authorities ensuring that applicants will have their asylum applications assessed in compliance with EU law and international obligations. The decision to resume processing cases was taken despite the absence of general guarantees from the Croatia authorities after 4 months, in light of the Dublin III Regulation's objective of rapid determination of responsibility. For cases submitted before the suspension was applied, the board decided that Denmark should assume responsibility, applying the discretionary clause under Article 17(1) of the Dublin III Regulation. Regarding cases submitted after the suspension decision, the board decided to remit them to the Immigration Office to decide if deadlines for a transfer had lapsed and if Denmark must examine those cases on their merits.</p>

<p>SI: Administrative Court [Upravno sodišče]</p>	<p>UP00085385, 11 March 2025</p>	<ul style="list-style-type: none"> ● Access to the procedure ● Alleged police misconduct during irregular border crossings ● Medical conditions ● Individual guarantees ● Transfer remitted for re-examination <p>The Administrative Court of Slovenia found that the alleged police misconduct during irregular border crossings did not demonstrate systemic deficiencies in Croatia's asylum system, emphasising that to assess the nature and seriousness of the risk of inhuman treatment, only circumstances affecting applicants after a transfer are legally relevant. However, for health reasons, the court annulled the transfer decision and order a re-examination. It ruled that his chronic mental illness and schizophrenia could be worsened because of the transfer, and ordered the Ministry of the Interior to seek individual guarantees from the Croatian authorities that he will receive adequate care in the event of his return.</p>
Transfers to Cyprus		
<p>NL: Council of State [Raad van State]</p>	<p>202403478/1/V3, 26 March 2025</p>	<ul style="list-style-type: none"> ● No systemic deficiencies ● Reception ● Placement in detention after a Dublin transfer ● Access to an effective remedy ● Transfer confirmed <p>The Council of State ruled that the Netherlands may continue to transfer asylum applicants to Cyprus, as – although Cyprus exceeds the maximum period for deciding on an asylum application – there are no structural shortcomings in the reception facilities in Cyprus that would amount to ill treatment and no evidence that asylum applicants transferred under the Dublin procedure are systematically placed in detention and would not have access to an effective remedy against a negative asylum decision.</p>
Transfers to Denmark		
<p>NL: Court of the Hague [Rechtbank Den Haag]</p>	<p>NL25.846, 20 February 2025</p>	<ul style="list-style-type: none"> ● No systemic deficiencies ● Submission of claim request ● Reasoned intention to transfer ● Article 17(1) discretionary clause ● Transfer confirmed <p>No systemic deficiencies were found in Denmark. Additionally, the District Court of the Hague seated in Roermond clarified that the Minister for Asylum and Migration is responsible to submit a complete claim</p>

		<p>request and to reason its decision when it adopts an intention to transfer an applicant under the Dublin procedure before a claim agreement is accepted by the other Member State.</p> <p>The applicant also alleged that he left Denmark as he experienced racism while living there. However, the court ruled that the minister was not obliged to apply the discretionary clause on this basis.</p>
Transfers to France		
NL: Council of State [Raad van State]	202403570/1/V2 , 11 April 2025	<ul style="list-style-type: none"> ● Reasoning of decision ● Individual circumstances ● Reception ● Pregnant applicant ● Availability of medical care ● Transfer confirmed (not carried out due to elapsed time limit) <p>The Council of State ruled that the Minister for Asylum and Migration is not required to address every individual circumstance in the intention phase of the Dublin procedure, as long as all essential considerations are included and individual circumstances are sufficiently dealt with in the final decision. The council also found no systemic deficiencies in the reception system in France and considered that the pregnancy of one of the applicants did not preclude the Dublin transfer, as France has adequate procedures and safeguards in place for vulnerable individuals, including access to maternity care.</p>
LU: Administrative Tribunal [Tribunal administratif]	53635 , 14 November 2025	<ul style="list-style-type: none"> ● No systemic deficiencies ● Best interests of the child ● Article 17(1) discretionary clause ● Transfer confirmed <p>The Administrative Tribunal upheld the transfer of a Colombian applicant and her children to France under Article 18(1)(d) of the Dublin III Regulation, finding no systemic deficiencies in France, no violation of the children's best interests and no grounds to apply the discretionary clause.</p>
Transfers to Germany		
PT: Central Administrative Court [Tribunal Central Administrativo]	565/25.4BEPRT , 9 October 2025	<ul style="list-style-type: none"> ● LGBTIQ applicant ● No systemic deficiencies ● Medical conditions ● Transfer confirmed <p>The Central Administrative Court confirmed the transfer to Germany of an LGBTIQ Sierra Leonean applicant, whose asylum claim was</p>

		already rejected in Germany. The court noted that the applicant had not established that he would face systemic flaws in the asylum procedure or reception conditions of the receiving state. The court also noted that the applicant did not establish in which way his medical condition (epilepsy) affected his ability to exercise his rights in the asylum procedure and dismissed as unsubstantiated the argument that he risked imprisonment in Sierra Leone due to his sexual orientation.
Transfers to Greece		
CH: Federal Administrative Court [Bundesverwaltungsgericht - Tribunal administratif federal - FAC]	F-5298/2024 , 12 June 2025	<ul style="list-style-type: none"> ● Duty to investigate ● Systemic deficiencies ● Individual guarantees ● Transfer decision remitted for re-examination <p>The Federal Administrative Court ruled that SEM is required to investigate the situation of asylum seekers in Greece and to take a position on whether or not there are systemic deficiencies in the country before ordering a Dublin transfer there, especially considering previous case law identifying such deficiencies and the rarity of transfers which have been approved to Greece in recent years. Furthermore, it held that individual guarantees are not sufficient to remedy structural deficiencies, however certain specific guarantees, such as if the applicant holds a residence permit protecting them from <i>refoulement</i>, could justify a transfer exceptionally when systemic deficiencies exist.</p>
Transfers to Hungary		
LV: District Administrative Court [Administratīvā rajona tiesa]	A42-01387-25/42 , 8 April 2025	<ul style="list-style-type: none"> ● Systemic deficiencies ● Access to the asylum procedure ● 'Embassy procedure' ● Transfer annulled <p>The District Administrative Court ruled that a Dublin transfer to Hungary was not permissible due to the systemic deficiencies in its asylum system and the absence of sufficient legal guarantees that the applicant could lodge an application for international protection.</p>

Transfers to Italy		
DE: Federal Administrative Court [Bundesverwaltungsgericht]	1 C 24.24 , 28 August 2025	<ul style="list-style-type: none"> ● Refusal to admit applicants to be transferred under the Dublin procedure ● Transfer suspended <p>Pending the outcome of a referral to the CJEU for a preliminary ruling on the legal consequences of a Member States' unwillingness to admit Dublin applicants, the court suspended the proceedings in six similar cases for the transfer of families with young children based on Italy's refusal to admit such applicants.</p>
Transfers to Lithuania		
IS: Immigration Appeals Board (Kærunefnd útlendingamála)	No 76/2025 , 30 January 2025	<ul style="list-style-type: none"> ● No systemic deficiencies ● Pushbacks ● Access to the asylum procedure and legal remedies ● <i>Non-refoulement</i> ● Transfer confirmed <p>The Immigration Appeals Board upheld a decision on a Dublin transfer to Lithuania, finding that, based on country reports, the Lithuanian legal system provides access to the asylum procedure, legal remedies and protection against discrimination.</p>
Transfers to Malta		
CH: Federal Administrative Court [Bundesverwaltungsgericht - Tribunal administratif fédéral - FAC]	F-2713/2025 , 28 April 2025	<ul style="list-style-type: none"> ● No systemic deficiencies ● Article 17(1) discretionary clause ● Access to the asylum procedure ● Shortcomings in the asylum procedure and reception conditions ● Transfer confirmed <p>The Federal Administrative Court found no systemic deficiencies in the asylum system and reception conditions in Malta and confirmed the decision on a Dublin transfer of a Sudanese applicant.</p>
Transfers to the Netherlands		
LU: Administrative Tribunal [Tribunal administratif]	53416 , 24 September 2025	<ul style="list-style-type: none"> ● No systemic deficiencies ● Medical conditions ● Risk of <i>refoulement</i> ● Best interests of the child ● Transfer confirmed <p>The Administrative Tribunal confirmed the Minister of Home Affairs' decision not to examine the asylum application of a North Macedonian national and to transfer him to the Netherlands, finding that his health claims (depression and memory problems) did not</p>

		demonstrate a real risk of inhuman or degrading treatment under Article 3 of the ECHR that would preclude a transfer to the Netherlands, and his allegations concerning <i>refoulement</i> and best interests of children were unfounded.
Transfers to Poland		
NL: Court of the Hague [Rechtbank Den Haag]	NL25.3915 , 15 May 2025	<ul style="list-style-type: none"> ● Systemic deficiencies ● Risk of <i>refoulement</i> ● Applicant returned to the Netherlands <p>While the District Court of the Hague seated in Haarlem considered that, in general, the principle of mutual trust could be relied upon with respect to Poland, it ruled that this principle could not be upheld in the applicant's specific case, as the applicant had plausibly demonstrated the existence of systemic deficiencies in his asylum procedure in Poland. The court noted that, despite a judgment by the Polish Court of Appeal prohibiting the applicant's extradition to Tajikistan, and despite a commitment by the Polish authorities to the ECtHR not to deport the applicant until a decision was taken on his new asylum application or on the ongoing complaint procedure, two attempts at deportation were nevertheless made. The second attempt occurred just 1 day after the applicant was transferred back to Poland under the Dublin procedure. Consequently, the court ordered that the applicant be returned to the Netherlands as in Poland he risked a violation of Article 3 of the ECHR and Article 4 of the EU Charter.</p>
Transfers to Romania		
LU: Administrative Tribunal [Tribunal administratif]	53681 , 18 November 2025	<ul style="list-style-type: none"> ● Article 12(1) ● No systemic deficiencies ● Transfer confirmed <p>The Administrative Tribunal upheld a Dublin transfer decision to Romania, finding that the existence of a valid Romanian residence document established responsibility under Article 12(1) of the Dublin III Regulation, irrespective of the use of false identities, and that no systemic deficiencies in Romania or individualised risk contrary to Article 3 of the ECHR or Article 4 of the EU Charter were demonstrated.</p>

Minors		
AT: Supreme Administrative Court [Verwaltungsgerichtshof - VwGH]	Ra 2025/20/0042 , 30 June 2025	<ul style="list-style-type: none"> ● Definition of unaccompanied minor ● Article 2(j) <p>The Supreme Administrative Court held that the key factor in determining whether a person qualifies as an unaccompanied minor under Article 2(j) of the Dublin III Regulation is whether the applicant entered EU territory unaccompanied by an adult responsible for them or whether the applicant is not in the actual care of an adult after being left unaccompanied following entry into the territory of a Member State. A minor asylum seeker who entered a Member State together with family members and lodged an asylum application should be treated as an accompanied minor, even if they later engage in secondary movements alone out of their own willingness.</p>
CH: Federal Administrative Court [Bundesverwaltungsgericht - Tribunal administratif fédéral - FAC]	F-7034/2025 , 25 September 2025	<ul style="list-style-type: none"> ● Age assessment ● Evidence assessment ● Transfer annulled <p>The Federal Administrative Court set aside the State Secretariat for Migration's decision to transfer an Algerian applicant to the Netherlands under the Dublin III Regulation, holding that the provisional age assessment lacked sufficient evidentiary basis. The court found the applicant's testimony and schooling chronology more credible than unverified digital identity copies provided by Dutch authorities, and concluded that he should be treated as a minor and Switzerland was responsible for processing his asylum application.</p>
BE: Council for Alien Law Litigation [Conseil du Contentieux des Étrangers - CALL]	No 325 976 , 29 April 2025	<ul style="list-style-type: none"> ● Age assessment ● Bone tests ● Evidence assessment ● Transfer decision remitted for re-examination <p>CALL suspended the transfer of a Guinean applicant to Spain, citing the failure of the CGRS to examine the passport proving his minority and referring to the ECtHR's conclusions in F.B. v Belgium concerning the reliability and safeguards of bone tests used in age assessments in Belgium.</p>

<p>BE: Council for Alien Law Litigation [Conseil du Contentieux des Étrangers - CALL]</p>	<p>No 325 448, 18 April 2025</p>	<ul style="list-style-type: none"> ● Unaccompanied minor ● Age assessment ● Bone tests ● Reception conditions in Spain for vulnerable applicants ● Transfer decision remitted for re-examination <p>CALL found that the applicant's vulnerability as an unaccompanied minor was not properly considered, especially since the decision relied on bone testing methods that the ECtHR considered generally unreliable. As a result, the risk of inhuman or degrading treatment upon a transfer could not be ruled out and the asylum authority was ordered to properly consider the vulnerability of the applicant as an unaccompanied minor and perform a thorough re-assessment of reception conditions in Spain for vulnerable applicants.</p>
<p>Medical conditions</p>		
<p>LU: Administrative Tribunal [Tribunal administratif]</p>	<p>No 53015, 25 June 2025</p>	<ul style="list-style-type: none"> ● Mental health ● Duty to provide information ● Detention due to a risk of absconding ● Transfer annulled <p>The Administrative Tribunal found that Luxembourg violated its obligations under Article 31(1) of the Dublin III Regulation by failing to inform Bulgarian authorities of the applicant's mental health conditions prior to his transfer and therefore ruled that the transfer could not lawfully proceed and that he should be released from detention.</p>
<p>NL: Court of the Hague [Rechtbank Den Haag]</p>	<p>NL23.17939 Reference, 22 October 2025</p>	<ul style="list-style-type: none"> ● Referral for a preliminary ruling ● Impact of transfer on health ● Human dignity <p>The District Court of the Hague seated in Roermond referred two questions to the CJEU for a preliminary ruling. The first one was whether Article 4 of the EU Charter requires national authorities and courts to consider all health consequences of a transfer decision under the Dublin III Regulation and not just the person's fitness to travel, when assessing the risk of inhuman or degrading treatment. The second one was whether courts must absolutely prohibit a transfer, rather than merely suspend it, when objective evidence shows that even the suspension and uncertainty surrounding the transfer would itself cause serious health deterioration or violate human dignity.</p>

<p>AT: Supreme Administrative Court [Verwaltungsgerichtshof - VwGH]</p>	<p>Ra 2024/18/0150, 24 April 2025</p>	<ul style="list-style-type: none"> ● Judicial fact-finding limits ● Medical evidence submitted on appeal ● Transfer confirmed <p>The Supreme Administrative Court (SAC) confirmed the Dublin transfer of an Afghan national to France, clarifying the limits of judicial fact-finding in the Dublin procedure. SAC emphasised that the Federal Office for Immigration and Asylum could not be faulted for failing to investigate the applicant's health when the evidence only became available post-decision. Moreover, the court held that new information provided during appeal proceedings does not automatically justify a remittal unless the deficiencies are so substantial that the appellate court cannot correct them with reasonable effort and speed.</p>
<p>Use of discretionary clauses</p>		
<p>CZ: Supreme Administrative Court [Nejvyšší správní soud]</p>	<p>2 Azs 87/2025 - 1, 16 July 2025</p>	<ul style="list-style-type: none"> ● Referral for a preliminary ruling on Article 17 <p>The Supreme Administrative Court referred a question to the CJEU for a preliminary ruling on whether the discretionary clause under Article 17 of the Dublin III Regulation can be applied when the determination of the responsible Member State was conducted pursuant to Article 3(2) of that Regulation and not under Article 3(1).</p>
<p>IT: Supreme Court of Cassation [Corte Suprema di Cassazione]</p>	<p>935, 15 January 2025</p>	<ul style="list-style-type: none"> ● Judicial review of the use of the discretionary clause ● Systemic deficiencies ● Complementary protection <p>Following the CJEU ruling in Joined Cases C-228/21, C-254/21, C-297/21, C-315/21, C-328/21, the Court of Cassation affirmed that the use of the discretionary clause under the Dublin III Regulation can only be judicially reviewed in exceptional cases involving systemic deficiencies in the responsible Member State. The court clarified that applicants may challenge Dublin transfers on the grounds of an alleged violation of their right to complementary protection under national law, provided the issue is specifically raised.</p>
<p>DK: Refugee Appeals Board [Flygtningenævnet]</p>	<p>Dub-Tysk/2025/11/Ink, 1 April 2025</p>	<ul style="list-style-type: none"> ● Article 17(1) ● Family ties ● Transfer confirmed

		<p>The Refugee Appeals Board rejected a request to process an asylum application in Denmark under the Dublin III Regulation, Article 17(1) and upheld a transfer to Germany despite the fact that the applicant's child had residence in Denmark. It considered that the applicant could use family reunification procedures to ensure respect for their right to private and family life.</p>
Adequate reasoning of decisions on Dublin transfers		
<p>SK: Administrative Court in Bratislava [Správny súd v Bratislave]</p>	<p>19Saz/7/2024, 18 March 2025</p>	<ul style="list-style-type: none"> ● Duty to reason the decision ● Transfer decision remitted for re-examination <p>The Administrative Court of Bratislava annulled a decision on a Dublin transfer to Czechia, which was issued by the Slovak Migration Office, finding that the decision was insufficiently reasoned. The court noted that the Migration Office failed to clarify whether the applicant still held permanent residence in Czechia or whether his temporary protection in Slovakia had been extended. It further held that the mere statement that Czechia had accepted responsibility for the applicant was insufficient to satisfy the requirement of adequate reasoning. Additionally, the decision lacked an explanation of how the responsibility criteria were assessed and applied in practice, and the court emphasised that sufficient documentation must be obtained to support the determination of the responsible Member State under Article 12(4) of the Dublin III Regulation.</p>
Time limits		
<p>SI: Supreme Court [Vrhovno sodišče]</p>	<p>VS00085318, 24 April 2025</p>	<ul style="list-style-type: none"> ● Transfer time limit ● Interim order ● Transfer suspended <p>The Supreme Court clarified that the moment when the 6-month period referred to in Article 29(1) of the Dublin III Regulation ceased to run due to an interim order temporarily suspending the Dublin transfer is the moment when the decision on the interim order was served on the ministry and not on the applicant for international protection.</p>