



Jurisprudence related to asylum pronounced by the Court of Justice of the EU in 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](#)

As the guardian of EU law, the Court of Justice of the European Union (CJEU) ensures that “in the interpretation and application of the Treaties, the law is observed” (Treaty on the European Union, Article 19(1)). As part of its mission, the CJEU ensures the correct interpretation and application of primary and secondary EU laws; reviews the legality of acts of EU institutions; and decides whether Member States have fulfilled their obligations under primary and secondary laws.

The CJEU also provides interpretations of EU law when requested by national judges. The court, thus, constitutes the judicial authority of the EU and, in cooperation with the courts and tribunals of Member States, ensures the uniform application and interpretation of EU law.

In matters of international protection, the CJEU interprets the provisions of the Common European Asylum System (CEAS), guiding asylum authorities and national courts and tribunals towards a uniform interpretation and application of provisions related to asylum. Through general principles, CJEU jurisprudence will continue to guide Member States when questions arise in the implementation of the Pact on Migration and Asylum.



Contents

Key CJEU jurisprudence on asylum in 2025	4
1. Access to the asylum procedure: Accountability of Frontex for pushbacks carried out in operational activities	5
2. Dublin procedure.....	6
2.1 Rejection of an asylum application within the meaning of Article 18(1)(d) of the Dublin III Regulation	6
2.2 6-month time limit to carry out the transfer under Article 29(1) of the Dublin III Regulation	7
3. Safe country concepts	9
3.1. Safe country of origin	9
3.2. Safe third country	11
4. Assessment of applications	12
4.1. Membership of a particular social group for those involved in blood feuds	12
4.2. Subsidiary protection claimed due to an alleged breach of private life as a result of removal from the host Member State	14
4.3. The possibility to extend the time limit to process applications for international protection due to a rapid and significant increase in the number of applications	15
4.4. Exclusion from international protection due to the commission of a serious non-political crime	16
4.5. Revocation or refusal of refugee protection based on reasonable grounds of being a threat to national security.....	17
5. Material reception conditions	18
5.1 Covering basic needs in times of inflows of applicants for international protection.....	18
5.2 Withdrawal of material reception conditions when transfer to another accommodation centre is refused by the applicant.....	20
6. Detention measures.....	21
7. Mandatory civic integration programmes.....	22
8. Right to an effective remedy.....	23
8.1. A full and <i>ex nunc</i> examination includes the competence of a first instance court to order medical examinations.....	23
8.2. The applicant's obligation to appear before the court.....	24
9. Rectification of gender identity data for applicants	25
10. Temporary protection	26
10.1 Admissibility of requests for temporary protection when the person applied for or already obtained a residence permit in another Member State	26
10.2 Admissibility of requests for international protection lodged by beneficiaries of temporary protection.....	27

11. Return29

- 11.1 Examining the principle of *non-refoulement* and the best interests of the child and family life before a removal 29
- 11.2 Return decisions issued without a voluntary departure period..... 30
- 11.3 Accountability of Frontex for return operations carried out jointly with Member States31

Conclusion..... 33

Sources 34



Key CJEU jurisprudence on asylum in 2025

In 2025, the CJEU issued approximately 20 judgments interpreting various provisions of the Common European Asylum System (CEAS). Most importantly, the CJEU clarified that an inflow of persons may justify extending the time limit to decide on applications for international protection, while at the same time highlighting in another judgment that Member States also have a certain discretion to determine the form and precise level of material reception conditions for these persons. However, a failure to provide basic needs is contrary to EU law. On the same topic, the CJEU also highlighted that material reception conditions cannot be totally withdrawn for refusal of a transfer to another accommodation centre. A dignified standard of living and access to healthcare must be ensured.

The CJEU further developed its previous case law on the concept of a safe country of origin, with the Grand Chamber clarifying that a third country may not be designated as safe when it does not satisfy the required material conditions for specific categories of persons and emphasising Member States' obligations to ensure an effective judicial review. This is of particular relevance considering the amendments to the Asylum Procedure Regulation (APR) [proposed](#) by the European Commission on 16 April 2025 and [adopted](#) by the Parliament on 10 February 2026.

For the first time, the CJEU sitting in Grand Chamber ruled on the compatibility of civic integration examinations with the recast Qualification Directive (QD), holding that while Member States may require beneficiaries of international protection to take such examinations which are in the interest of integration into the host country, they may not systematically impose fines for failure.

Also in Grand Chamber formation, the CJEU delivered two rulings concerning the obligation of the European Border and Coast Guard Agency (Frontex) to respect fundamental rights in the context of alleged pushbacks and joint return operations. These judgments shed light on Frontex's responsibilities under EU law in the context of its [expanded mandate](#) and its [increasing role](#) in the management of the EU's external borders, particularly within the framework of the Pact on Migration and Asylum.

The court further clarified the requirements of an effective judicial review in several judgments, specifically looking into the competence of courts and tribunals to order medical examinations in asylum appeals and confirming the conditions governing the conduct of a full and *ex nunc* assessment of an appeal against a negative asylum decision.

New legal questions arose before the CJEU after persons provided with temporary protection engaged in secondary movements or decided to apply for international protection. The *Krasiliva* judgment was cited by the European Commission in its [Proposal for a Council Implementing Decision extending temporary protection](#) to support the rejection of residence permit applications when temporary protection has already been granted in another Member State.

1. Access to the asylum procedure: Accountability of Frontex for pushbacks carried out in operational activities

In 2025, the CJEU delivered a significant judgment concerning access to the asylum procedure in the context of alleged pushback situations, clarifying the evidentiary standards which are applicable and delineating the scope of Frontex's accountability in operational activities carried out jointly with Member States at the EU's external borders. Aligning its standard of proof to the one of the ECtHR in pushback cases, the CJEU made clear that applicants would not need to provide conclusive proof but rather *prima facie* evidence that the operation took place and that they were present there.

In Grand Chamber formation, the CJEU ruled in [Hamoudi v Frontex](#) (C-136/24 P, 18 December 2025), a case concerning a Syrian national who was among 22 people who arrived on the island of Samos by boat from Türkiye in 2020 to seek international protection. After disembarking, they were intercepted by the police, forced back onto their boat and returned to sea. The following day, the Turkish coast guard took them on board and transferred them to Türkiye. The applicant alleged that, during the pushback, a Frontex-operated private surveillance aircraft equipped with a camera flew over the area twice. The applicant brought an action before the General Court of the EU seeking compensation for the non-material damage allegedly resulting from the unlawful conduct of Frontex. The General Court held that the evidence submitted was manifestly insufficient to establish that he had been present or involved in the alleged incident and dismissed the action. The applicant subsequently lodged an appeal before the CJEU.

The court recalled that Frontex is fully responsible and accountable for its own decisions and activities under Regulation 2019/1896, which also requires the Agency to respect fundamental rights in accordance with EU and international law, including obligations relating to access to international protection and, in particular, the principle of *non-refoulement*. It also emphasised that Frontex must cooperate diligently with any administrative investigation or legal proceedings concerning suspected fundamental rights violations at the EU's external borders. In that context, the court observed that Frontex is, in principle, likely to possess information relevant to establishing the existence of pushbacks, especially in geographical areas where it conducts specific operational activities, such as the rapid border intervention in the Aegean Sea and joint operation 'Poseidon', which were ongoing at the time of the alleged incidents and in the same area.

The CJEU held that, in actions for non-contractual liability concerning alleged pushback operations involving Frontex, applicants cannot be required to provide conclusive proof that the operation took place and that they were personally present. In such situations, they are in a position of particular vulnerability and may be unable, or practically prevented, from gathering evidence. The court concurred with Advocate General Norkus' [Opinion](#) that, without adjusting the burden of proof, victims of alleged pushbacks could in practice be deprived of the possibility of bringing an effective action against Frontex. Such an approach would risk granting the Agency *de facto* immunity and undermining effective judicial protection of fundamental rights.

The CJEU therefore held that, in order to ensure full respect for the right to an effective remedy guaranteed by Article 47 of the Charter of Fundamental Rights of the European Union (EU Charter), it is sufficient for applicants to adduce *prima facie* evidence showing that the operation in which Frontex participated took place and that they were present during it. This

approach aligns with the case law of the European Court of Human Rights (ECtHR) on collective expulsions, according to which, where the absence of identification and individualised treatment lies at the core of the complaint, applicants need only to provide *prima facie* evidence, namely a detailed, specific and consistent account of the events.¹ Hence, the CJEU concluded that the General Court erred in law by applying an excessively high standard of proof.

As regards the evidence relied on by the applicant in the present case, the CJEU held that it was sufficient to establish *prima facie* evidence. In particular, the witness statement was sufficiently detailed, specific and consistent to show, on a *prima facie* basis, that he had been the victim of the alleged pushback. The General Court therefore erred in law by dismissing the evidence as having little probative value and by failing to take further procedural steps to investigate the case. According to the CJEU, the General Court should have adopted measures to obtain from Frontex all relevant information at its disposal in order to clarify the facts of the alleged incident, as was also repeatedly requested by the applicant. Therefore, since the General Court did not properly investigate the dispute for the purpose of determining whether the conditions for Frontex's non-contractual liability were satisfied, the CJEU set aside the judgment and referred the case back to the General Court.

This judgment, together with the one in [WS and Others v Frontex](#) (C-679/23 P, 18 December 2025), is particularly relevant for the evolving framework of judicial review of Frontex's activities (*see more in Section 11.3*). In these two widely awaited rulings, the Grand Chamber clarified important aspects of the Agency's accountability and the protection of fundamental rights in the context of its joint operational activities.

2. Dublin procedure

The CJEU further developed the interpretation of key procedural provisions of the Dublin III Regulation in two judgments addressing, respectively, the concept of rejection of an asylum application within the meaning of Article 18(1)(d), which is relevant for Dublin participatory states such as Denmark, and the calculation of the 6-month transfer time limit under Article 29, which has consequences for the transfer of responsibility to the requesting Member State.

2.1 Rejection of an asylum application within the meaning of Article 18(1)(d) of the Dublin III Regulation

The court clarified in [X v Maahanmuuttovirasto \[Qassioun\]](#) (C-790/23, 30 October 2025) that the term 'rejection', in the wording of Article 18(1)(d) of the Dublin III Regulation cannot be interpreted as including a non-extension or non-renewal of a residence document previously issued to a third-country national who made an application for international protection. The case arose after a Syrian national, previously granted temporary residence in Denmark, applied for asylum in Finland after Denmark decided not to renew the temporary residence document.

Denmark accepted the take back request under the Dublin procedure, and thus the Finnish authorities rejected the application for international protection as inadmissible. The applicant

¹ ECtHR, [N.D. and N.T. v Spain](#) (Nos 8675/15 and 8697/15, 13 February 2020), ECtHR, [M.H. and Others v Croatia](#) (Nos 15670/18 and 43115/18, 18 November 2021) and ECtHR, [A.R.E. v Greece](#) (No 15783/21, 7 January 2025).

lodged an appeal to the Finnish Supreme Administrative Court, which referred a question to the CJEU for a preliminary ruling:

must Article 18(1)(d) of the Dublin III Regulation be interpreted as meaning that the non-extension or non-renewal of a residence document previously issued to a third-country national may be treated in the same way as a rejection of the application for international protection made by that national, within the meaning of that provision?

The CJEU recalled that Denmark applies the Dublin III Regulation, whereas it is not bound by the recast QD. Therefore, the court noted that the definition of the concept of ‘application for international protection’ in Article 2(b) of the Dublin III Regulation, which refers to the recast QD, does not apply to Denmark. However, the court held that in order to ensure the effectiveness of the agreement between the EU and Denmark intended to enable Denmark to participate in the implementation of the Dublin III Regulation, applications made in Denmark for a form of international protection in its domestic law must, for the purposes of Article 18(1)(d) of the Dublin III Regulation, be treated in the same way as an application for a form of international protection in another Member State, provided for in the recast QD.

The court observed that, since the term ‘rejected’ in Article 18(1)(d) of the Dublin III Regulation is not accompanied by any express reference to the domestic law of Member States, it constitutes an independent concept of EU law which must be interpreted uniformly. It emphasised that, under EU asylum law, ‘rejection’ refers to refusing to provide a positive outcome to an application and therefore it must be distinguished from subsequent decisions to terminate, withdraw, revoke or not to renew protection previously granted and only the former falls under Article 18(1)(d). Consequently, Article 18(1)(d) applies only where 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.

2.2 6-month time limit to carry out the transfer under Article 29(1) of the Dublin III Regulation

The second CJEU judgment delivered in 2025 on the Dublin procedure concerned the calculation of the 6-month time limit to carry out a transfer when a judicial decision annuls the transfer and sends the case back for re-examination. In [H v Danish Immigration Service \(Udlændingestyrelsen, DIS\) \[Tang\]](#) (C-560/23, 18 December 2025), the CJEU clarifies that when a Dublin transfer decision is challenged and the appeal has a suspensive effect, the 6-month time limit under Article 29(1) of the Dublin III Regulation does not start to run until the judicial proceedings have concluded with a final decision on the lawfulness of the transfer.

These issues were examined in a case concerning an Afghan national who appealed the decision to transfer him from Denmark to Romania under the Dublin procedure. After Romania’s temporary suspension of inbound Dublin transfers due to the large influx of refugees was lifted, the transfer decision was upheld. The applicant then requested the reopening of the case, arguing that the 6-month time limit to carry out the transfer had expired by the time the Immigration Service adopted the second transfer decision. Upon request from the Danish Refugee Council, the Refugee Appeals Board reopened the case and referred questions to the CJEU for a preliminary ruling concerning the interpretation of Article 29(1) and (2) of the Dublin III Regulation about the point in time at which the 6-month transfer time limit begins to run.

The CJEU ruled that when a transfer decision is subject to an appeal with a suspensive effect, the 6-month transfer time limit runs not from the acceptance of the take charge or take back request but, by way of derogation, from the final decision on the appeal against the transfer decision. This interpretation safeguards equality of arms and ensures the practical effectiveness of the right to an effective remedy. It also prevents the transfer time limit from expiring at a moment when execution of the transfer decision is legally precluded due to the suspensive effect of the pending appeal.

In addition, the court recalled that the transfer time limit must run from the date of the judicial decision ruling on the merits of that procedure, which in some Member States may lead to the existence of two transfer decisions and two separate appeals that form part of the same procedure. It observed that in the context of a single procedure, the decision which annuls the first transfer decision due to a change in circumstances must be regarded as an interim decision which does not terminate the procedure. The CJEU clarified that each Member State must organise its national law in a way to enable applicants to exercise their right to an effective remedy, and when there are new circumstances, the judicial authority must annul the transfer decision and remit the case to the competent administrative authority for a re-examination in order for that authority to take that information into account. In such circumstances, this decision to annul the transfer and remit the case for a re-examination does not constitute a final decision on the appeal, within the meaning of the first subparagraph of Article 29(1) of the Dublin III Regulation.

The CJEU stated that applicants must have a rapid and effective remedy to rely on circumstances arising after the adoption of the transfer decision. The fact that national legislation provides, following an annulment and remittal, for the competent administrative authority to re-examine the transfer does not, in principle, preclude compliance with that obligation. However, national law must ensure that that re-examination is carried out without undue delay and that the judicial authority hearing the case rules within a short period of time. The court further noted that it is for the referring court to ascertain whether the judicial decision on the second transfer was delivered within a short period of time and whether the overall duration of the procedure relating to the applicant's transfer exceeded what was necessary. If the court finds that the take back procedures were not carried out without undue delay, responsibility for examining the application for international protection must shift to a Member State other than the one designated as responsible under the criteria set out in Chapter III of the Dublin III Regulation.

The CJEU is also set to rule in case [C-675/25](#) [Abrazov] following a referral from the District Court of the Hague seated in Roermond on the duty of national authorities and courts to consider all health consequences of a transfer decision under the Dublin III Regulation and the prohibition or suspension of a transfer when the transfer would cause serious health deterioration or violate human dignity. In addition, in case [C-511/25](#) [Prokoda], the Supreme Administrative Court of the Czech Republic referred a question to the CJEU on whether the discretionary clause may be applied when the Member State responsible was determined pursuant to Article 3(2) of the Dublin III Regulation.

For more cases related to the Dublin procedure, see the EUAA fact sheets [Analysis of Jurisprudence on the Implementation of the Dublin Procedure](#) (June 2025) and [Jurisprudence related to the Dublin Procedure in 2025](#) (February 2026).

3. Safe country concepts

In Grand Chamber formation, the CJEU clarified the application of the concept of safe country of origin in the highly anticipated judgment [LC \[Alace\] and CP \[Canpelli\] v Territorial Commission of Rome](#) (Joined cases C-758/24 and C-759/24, 1 August 2025). The court provided important guiding principles in response to several referrals made by Italian courts on the compatibility of Italian legislation with EU law on the designation of safe countries of origin² with respect to legislative competence, transparency of sources, the designation of countries as safe only for specific categories of persons and the obligations of Member States concerning an effective judicial review.

The judgment had immediate implications not only in Italy, notably in the context of the implementation of the Italy–Albania Protocol, but also in other Member States. In the Netherlands, following the judgment, on 23 September 2025 the Minister for Asylum and Migration [announced](#) the temporary suspension of the entire national list of safe countries of origin pending the entry into application of the Pact on Migration and Asylum and the adoption of an EU-wide list. The ruling may also have broader relevance for future developments in the seven EU+ countries (Denmark, Estonia, Hungary, Luxembourg, the Netherlands, Norway and Switzerland) that currently apply exceptions for specific geographical areas or categories of applicants within a country of origin.³

3.1. Safe country of origin

In its judgment [LC \[Alace\] and CP \[Canpelli\] v Territorial Commission of Rome](#) (Joined cases C-758/24 and C-759/24, 1 August 2025), the CJEU ruled that a third country can be designated as a safe country of origin by legislative act if the act is subject to an effective judicial review. It further ruled that the sources on which the designation as a safe country of origin is based must be sufficiently accessible to both the applicant and the competent judicial authority, and a third country may not be designated as safe if it does not satisfy, for certain categories of persons, the material conditions required for such a designation.

The case arose in the context of Italy’s adoption of Decree Law No 158/2024 in October 2024, which changed the legislative nature of the designation of safe countries of origin from a ministerial decree to a legislative act. Bangladesh, which had been added to the national list of safe countries of origin by decree earlier in the same year, remained included in that list under the new legislative framework. In this context, two Bangladeshi nationals were rescued at sea by the Italian authorities and transferred to the detention centre in Gjader, Albania, pursuant to the Italy-Albania Protocol, where they requested international protection.

The Territorial Commission for the Recognition of International Protection of Rome examined the applications under the accelerated border procedure and rejected them as unfounded on grounds that the applicants were nationals of a safe country of origin. The applicants challenged the rejection decision before the Tribunal of Rome, which referred questions to the CJEU to clarify whether under EU law:

- a Member State may designate safe countries of origin by means of a legislative act;

² See a list of these referrals [here](#) in the EUAA Case Law Database.

³ For more information, see the EUAA [Overview of the Implementation of Safe Country Concepts. Situational Update No 24](#) (January 2026).

- the sources of information on which the designation is based must be made accessible;
- the judicial authority may rely on information it has gathered itself to assess whether the conditions for such a designation are met; and
- a Member State may designate a third country as safe when the material conditions for such a designation are not satisfied for specific categories of persons.

On the first question, the CJEU ruled that Articles 36, 37 and 46(3) of the recast APD, read in light of Article 47 of the EU Charter, do not preclude a Member State from designating a third country as a safe country of origin by means of a legislative act, provided that that designation can be subject to an effective judicial review. The review must assess whether the material conditions for such designation, as laid down in Annex I to the recast APD, have been satisfied.

On the second and third questions, the CJEU pointed out that since the designation as safe country is only a rebuttable presumption of adequate protection in the country of origin, the reviewing court must carry out a full and *ex nunc* examination of both facts and points of law, in accordance with Article 46(3) of the recast APD.⁴ The court ruled that the sources of information on which the designation of a country as a safe country of origin is based must be sufficiently accessible, both for the applicant and the court or tribunal. The requirement is intended to ensure effective judicial protection, enabling the applicant to defend their rights effectively, and the national court or tribunal to exercise its power of review fully. Furthermore, the CJEU confirmed that the court or tribunal verifying whether the designation complies with material conditions may take into account information which it has itself gathered, from public sources or from sources that it has required one of the parties to produce in the course of the proceedings, provided that it ascertains that the information is reliable and the parties have the opportunity to submit their observations on the information.

This is in line with the ECtHR's case law, which indicates that the application of the safe country of origin concept does not relieve the removing State from conducting an individual risk assessment. For example, in [S.H. v Malta](#) (No 37241/21, 20 December 2022), the ECtHR ruled that returning an applicant to Bangladesh, designated as a safe country of origin, without a fresh assessment of the risks he may face in his country of origin would violate Articles 3 and 13 of the European Convention on Human Rights (ECHR). Furthermore, in [D.L. v Austria](#) (No 34999/16, 7 December 2017), the ECtHR held that the designation of Kosovo⁵ as a safe country of origin under national law did not relieve the authorities from carrying out an individual assessment of the risk upon a return.

As regards the fourth question, Advocate General de la Tour proposed in his [Opinion](#) of 10 April 2025 to adopt an approach whereby Member States would have discretion to designate a third country as a safe country of origin even where they have identified one or more limited but clearly identifiable categories of persons as being at risk in that country, while expressly excluding those persons from the presumption of safety arising from the designation.

⁴ The CJEU clarified that the requirement of an *ex nunc* review entails the court or tribunal's obligation to make an assessment that considers, when appropriate, new evidence that emerged after the adoption of the contested decision. It further specified that the adjective 'full' in Article 46(3) of the recast APD confirms that the court or tribunal must examine both the evidence which the determining authority took into account, or should have taken into account, as well as evidence that arose after the adoption of that decision (paras 82-83).

⁵ Kosovo mentioned without prejudice to positions on status and is in line with UNSCR 1244 and the ICJ opinion on Kosovo Declaration of Independence.

Advocate General de la Tour acknowledged that that this runs counter to the CJEU approach in its earlier judgment on the safe country of origin concept, [CV v Ministerstvo vnitra České republiky, Odbor azylové a migrační politiky](#) (C-406/22, 4 October 2025), in which the court held that Member States could not exclude parts of the territory of a third country when designating a safe country of origin. Nonetheless, he argued that this approach would represent a pragmatic solution that takes account of the pressures on national asylum systems, as well as of the Asylum Procedure Regulation (APR), which will apply from 12 June 2026 and which, in Article 61(2), expressly authorises Member States to designate third countries as safe countries of origin with exceptions for clearly identifiable categories of persons.

In its judgment, the Grand Chamber of the CJEU observed that the designation of a safe country of origin is justified only if it is demonstrated that there is “generally” and “consistently” no persecution, torture or inhuman or degrading treatment or punishment, and no threat of indiscriminate violence, indicating that the conditions set out in Annex I of the recast APD must be satisfied for the population as a whole and not only for a part of it. Therefore, the court ruled that Member States may not designate a third country as a safe country of origin when it does not satisfy, for certain categories of persons, the material conditions for such a designation. This interpretation applies until the new regulation replacing the current directive becomes applicable.

Although Article 61(2) of the APR provides that the designation of a safe country of origin, at both EU and national levels, may include exceptions for clearly identifiable categories of persons, the court noted that it is the prerogative of the EU legislature to reconsider that choice by striking a balance between the interests at issue. The CJEU also pointed out that it is for the EU legislature to determine the date from which a new provision becomes applicable, and the European Commission has [proposed](#) an amendment to bring forward the application of Article 61(2) of the APR.

After the judgment was delivered, the European Parliament and the Council of the EU [reached](#) a provisional political agreement on the amendments in December 2025, and the Parliament subsequently [adopted](#) them in February 2026. The amendments introduced several changes and they provide that prior to the application of the APR, Member States may introduce exceptions relating to specific parts of the territory or to clearly identifiable categories of persons when applying or introducing legislation on the national designation of safe countries of origin or safe third countries.

3.2. Safe third country

The CJEU did not deliver any rulings on the safe third country concept in 2025. More jurisprudence in this area may be expected, particularly in light of the above-mentioned amendments recently adopted, which also introduce new rules aimed to facilitate the application of the safe third country concept, potentially expanding its use by Member States.

As in 2024, the request for a preliminary ruling on the concept of a safe third country submitted by the Administrative Court of Sofia City, Bulgaria remained pending before the CJEU throughout 2025. The case concerned the designation of Türkiye as a safe third country in respect of a minor Syrian national who had resided in Istanbul for approximately 1 month and whose siblings were also living there. The CJEU delivered its judgment in early 2026 in [NP v Predsedatel na Darzhavna agentsia za bezhantsite](#) (C-718/24, 5 February 2026), providing guidance on the legal act by which safe third countries are designated, the sources

underpinning the designation, the required link between the applicant and the third country, and the scope of a judicial review.

For detailed information on the state of play of EU+ countries implementing safe country concepts in the processing of asylum applications, see the EUAA [Overview of the Implementation of Safe Country Concepts, Situational Update No 24](#) (January 2026).

4. Assessment of applications

In 2025, the CJEU rendered five judgments concerning the assessment of international protection applications, interpreting provisions of the recast QD and the recast APD with reference to aspects such as:

- membership of a particular social group for those involved in blood feuds;
- subsidiary protection claimed due to an alleged breach of private life as a result of removal from the host Member State;
- the possibility to extend the time limit to process applications for international protection due to a significant increase in the number of applications within a short period;
- exclusion from international protection due to the commission of a serious non-political crime; and
- revocation or refusal of refugee protection based on reasonable grounds of being a threat to national security.

The CJEU is also set to rule on several referrals made by Dutch courts on credibility assessments, the competence of a court to assess credibility⁶ and interpretation of what constitutes a ‘well-founded fear’.⁷

4.1. Membership of a particular social group for those involved in blood feuds

A new topic on which the CJEU decided in 2025 was that of claims for international protection due to involvement in a blood feud, which was considered insufficient to ascertain membership of a particular social group and obtain international protection under EU asylum law based solely on such claims.

The topic was examined in [Federal Office for Immigration and Asylum \(Bundesamt für Fremdenwesen und Asyl, BFA\) v AN \[Laghman\]](#) (C-217/23, 27 March 2025), where an Afghan national requested international protection in Austria, claiming persecution due to a blood feud related to a family property dispute. The Federal Office for Immigration and Asylum (BFA) rejected the application, finding it was solely based on economic motives and the alleged risk of persecution was unfounded. Upon an appeal, the Federal Administrative Court overturned the decision and granted the applicant refugee status. The BFA appealed to the Supreme Administrative Court, which referred the following question to the CJEU:

⁶ See a list of these referrals [here](#) in the EUAA Case Law Database.

⁷ See the [Opinion](#) of the Advocate General Cápeta in [C-440/25](#) [Erbil], delivered on 4 December 2025.

must Article 10(1)(d) of the recast QD be interpreted as meaning that an applicant for international protection targeted by a blood feud in the country of origin because of their status as a member of a family involved in a property dispute be regarded, for that reason alone, as belonging to a particular social group within the meaning of that provision?

The CJEU held that, in such circumstances, the applicant cannot, solely on that basis, be regarded as belonging to a particular social group. The court held that the mere existence of a proven risk of physical violence, including homicide, is not in itself sufficient to warrant refugee status. In assessing whether involvement in a blood feud may give rise to international protection on the basis of membership of a particular social group, the CJEU found that the fact that members of a family, in particular men and boys, are targeted as a result of their ancestry, where the blood feud is transmitted through the male line, constitutes a common background that cannot be changed. This satisfies the first condition for the recognition of a particular social group.

However, the second condition is not fulfilled, as the group does not have a distinct identity. The court emphasised that what is decisive is whether the surrounding society, taken as a whole, recognises the group as distinct, in light of prevailing social, moral and legal norms. The perception of only a limited number of individuals forming part of that society is not sufficient; rather, the group must be regarded as distinct by a significant part of the society as a whole, and not solely by the perpetrators of the acts of persecution. Likewise, the CJEU clarified that the subjective perception of the victims themselves is not determinative: the fact that family members targeted in a blood feud perceive themselves as distinct does not, in itself, demonstrate that they are regarded as such by society at large.

The CJEU concluded, subject to verification by the referring court, that it was not apparent that the applicant belonged to a group consisting of members of a family targeted by a blood feud arising from a property dispute perceived as distinct by the surrounding society as a whole. The court further affirmed that, if the competent authorities conclude that an applicant does not qualify for refugee status, they are required to examine whether they are eligible for subsidiary protection, as the concept of serious harm includes a real risk of being killed or subjected to acts of violence perpetrated by members of the applicant's own family or community, irrespective of the motives underlying such acts.

In his [Opinion](#), Advocate General de la Tour referred to the EUAA's [Country Guidance: Afghanistan](#) (May 2024) to explain blood feuds within the Pashtunwali code in Afghanistan and to distinguish them from simple land disputes. In contrast with the CJEU's conclusion, Advocate General de la Tour took the view that, depending on the specific circumstances in the country of origin, a member of a family involved in a blood feud may be considered to belong to a particular social group for the purposes of refugee status as a reason for persecution that may lead to the recognition of refugee status. The same assessment is reflected in UNHCR's [Position on Claims for Refugee Status Under the 1951 Convention relating to the Status of Refugees Based on a Fear of Persecution Due to an Individual's Membership of a Family or Clan Engaged in a Blood Feud](#) (17 March 2006), in which UNHCR affirmed that the family unit constitutes a classic example of a particular social group.

After the preliminary ruling, the Austrian Supreme Administrative Court [reassessed](#) the case in light of the CJEU's criteria and held that the Federal Administrative Court failed to establish the necessary factual findings to demonstrate that the applicant, on account of his

membership of his father's family involved in a blood feud, belonged to a particular social group with a clearly defined identity in Afghan society.

4.2. Subsidiary protection claimed due to an alleged breach of private life as a result of removal from the host Member State

The CJEU examined whether it is possible to provide subsidiary protection based on a violation of private life as a result of removal from the host Member State. The CJEU ruled that under Article 3 of the recast QD, which allows for more favourable standards to be introduced by Member States, it is not possible to grant subsidiary protection to a third-country national who, upon a removal to the country of origin, would face a real risk of suffering a breach of private life due to the severing of links with the Member State examining the application for international protection. It clarified that under EU law, recast QD limits the reasons for providing subsidiary protection to serious harm such as death penalty, torture or inhuman or degrading treatment and threats due to indiscriminate violence in situations of international or internal armed conflict.

The provision was examined in [A.B. v Ministry of the Interior \(Ministerstvo vnitra České republiky\)](#) (C-349/24, 5 June 2025), in which the Regional Court of Brno in Czechia, the referring court, noted that Czech law expands the scope of subsidiary protection to cover cases in which the removal of a foreign national would be inconsistent with Czechia's international obligations.

The CJEU held that serious harm within the meaning of Article 15 of the recast QD does not include an infringement of the right to respect for private life. It noted that the assessment of international protection relates to the applicant's situation in the country of origin in the event of a return, rather than to circumstances in the host Member State. This approach is reflected throughout the recast QD, as the CJEU observed, from the very definitions of the concepts of 'refugee' and 'person eligible for subsidiary protection' to the provisions concerning state protection, the actors of persecution or serious harm, the grounds for persecution, and the definition of serious harm. The court therefore concluded that granting a residence permit on a ground unrelated to the applicant's situation in the country of origin falls outside the rationale of international protection. Accordingly, a Member State cannot grant subsidiary protection on this basis without infringing Article 3 of the recast QD.

However, the CJEU further held that a Member State may, on the basis of its national law, grant a right of residence on humanitarian grounds for reasons unrelated to the country of origin, such as when the return of a third-country national would infringe that person's right to private life, in particular as a result of the severance of links with the Member State concerned. However, such a status must not be confused with refugee status or subsidiary protection within the meaning of the recast QD. The court finally highlighted that, although Article 5 of the Return Directive does not expressly refer to the right to respect for private life among the factors to be taken into account by Member States when implementing that Directive, they remain bound to respect the fundamental rights guaranteed by the EU Charter. Consequently, a return decision or removal order cannot be adopted when it would infringe the right to respect for private life.

This judgment provides insight into the interplay between the EU framework governing international protection and the discretion retained by Member States in affording national forms of protection, particularly in situations engaging fundamental rights considerations, where the ECHR encourages them to provide more favourable standards. Furthermore, when

a claim is raised at the national level that a return would result in the infringement of the right to private and family life under Article 8 of the ECHR, Member States must assess whether a serious interference with these rights would take place and the ECtHR's established case law would then be applicable.

4.3. The possibility to extend the time limit to process applications for international protection due to a rapid and significant increase in the number of applications

Ruling on whether a rapid and significant increase in the number of applications may justify an extension of the 6-month time limit to examine an application for international protection, in [State Secretary for Justice and Security \(Staatssecretaris van Justitie en Veiligheid\) v X \[Zimir\]](#) (C-662/23, 8 May 2025), the CJEU ruled that under Article 31(3)(b) of the recast APD the determining authority may extend the time limit by 9 months due to a significant increase in the number of applications within a short period, compared to the normal and foreseeable trend in the Member State. However, the time limit cannot be extended when there is a gradual increase in applications over an extended period. The court further clarified that other circumstances relating to practical difficulties in concluding the examination procedure within the prescribed time limit, such as a significant backlog of applications or insufficient personnel at the determining authority, cannot justify such an extension.

The Dutch State Secretary for Justice and Security extended by 9 months the time limit to examine the application for international protection lodged by a Turkish national in the Netherlands. The applicant served a notice of default on the State Secretary for failing to take a decision within the 6-month time limit set out in Article 31(3)(b) of the recast APD, and in the absence of a reply, the applicant brought an action before the District Court of the Hague. The latter found the extension to be unlawful and ordered the State Secretary to conduct the interview within 8 weeks and to decide within 8 weeks from the interview, subject to penalty payments.

Upon an appeal by the State Secretary, the Council of State stayed the proceedings and referred questions to the CJEU for a preliminary ruling on the interpretation of Article 31(3) of the recast APD, asking:

- whether the determining authority may extend the 6-month time limit for the examination of applications when the increase in the number of applications occurs gradually over a certain period of time, making it difficult to conclude the procedure within the prescribed time limit, and how the term “simultaneously” is to be interpreted;
- clarification on the criteria to assess what constitutes a “large number” of applications, whether there is a temporal limit within which the increase must occur and how long such a period may last; and
- whether other circumstances, such as a significant backlog of applications or insufficient personnel at the determining authority, may be taken into account in that assessment.

The CJEU clarified that an extension of the 6-month time limit for processing an asylum application is allowed if three cumulative and interdependent conditions are fulfilled:

- i) The applications for international protection must be lodged simultaneously, meaning ‘within a short period of time’, as pointed out by Advocate General Medina in her [Opinion](#). The CJEU clarified that this requirement excludes situations in which the increase in applications occurs gradually over a prolonged period.

- ii) The applications must be lodged by a large number of third-country nationals or stateless persons, meaning that there must have been a significant increase in the number of applications within a short period compared with the normal and foreseeable trend in the Member State, as also observed by Advocate General Medina. This assessment must be carried out on the basis of a comparative analysis of statistics and an examination of current and historical trends in order to determine whether the number of applicants is unusually high.
- iii) It must then be very difficult in practice to conclude the procedure within the 6-month time limit. The existence of practical difficulties must be assessed against the Member State's obligations under Article 4(1) of the recast APD.

The Dutch Ministry for Asylum and Migration [affirmed](#) that the lifting of the extension of the decision period for asylum applications affected approximately 18,250 pending cases.

More recently, the CJEU examined whether extensions to the time limit for examining applications for international protection may be granted repeatedly and consecutively in [State Secretary for Justice and Security \(Staatssecretaris van Justitie en Veiligheid\) v X \[Safita\]](#) (C-489/24, 5 March 2026). The court held that such extensions are permissible when, despite efforts to address a simultaneous inflow of applications, the Member State lacked sufficient time to equip the determining authority with adequate resources, provided that the cumulative duration does not exceed what is necessary or the overall maximum of 21 months from the lodging of the application.

4.4. Exclusion from international protection due to the commission of a serious non-political crime

The CJEU nuanced its interpretation of exclusion from international protection by considering the role of rehabilitation and the serving of the sentence applied due to the commission of a serious non-political crime. The CJEU judgment in [K. L. v Migration Department at the Ministry of the Interior of the Republic of Lithuania \[Galte\]](#) (C-63/24, 30 April 2025) concerned an applicant who requested international protection in Lithuania, alleging political persecution in Belarus. He was excluded from international protection due to committing a serious non-political crime. The Regional Administrative Court of Vilnius dismissed his appeal, and he subsequently appealed to the Supreme Administrative Court, which referred a question to the CJEU on:

whether the application of the exclusion clause under Article 12(2)(b) of the recast QD, read in conjunction with Article 18 of the EU Charter, requires consideration of whether the applicant has already served the sentence for the crime.

The CJEU held that, since the recast QD does not define the concept of a serious crime, the term must be interpreted according to its ordinary meaning, considering the context and objectives of the recast QD, as well as in light of the Refugee Convention. It confirmed that Article 12(2)(b) concerns acts committed in the past and noted that, while the concept of a crime refers to circumstances fixed at the time of its commission, the assessment of whether that crime is 'serious' involves an evaluative element that may evolve over time. Accordingly, it is not excluded that the assessment of the seriousness of an offence may differ between the time when it was committed and the time when an application for international protection is examined. The CJEU emphasised that the purpose of the article is to exclude from refugee status persons deemed unworthy of protection and in preventing that protection would enable perpetrators of certain serious crimes to escape criminal responsibility.

For applicants who served their sentence, the CJEU noted that exclusion cannot be justified by the objective of preventing the person from escaping criminal responsibility for the crime. At the same time, the commission of serious acts cannot permanently render a person unworthy of international protection without account being taken of possible rehabilitation. The CJEU highlighted that exclusion from refugee status must not be automatic and requires an individual assessment of the specific facts and circumstances of each case, considering factors such as the type and gravity of the offence, the sentence imposed and served, the time elapsed since the criminal conduct, the applicant's conduct during that period and any expressed remorse.

The court ruled that the fact that the applicant has served the sentence constitutes an element which must necessarily be taken into account by the national authority when examining the circumstances specific to the individual case. However, this does not in itself preclude the application of the exclusion clause under Article 12(2)(b) of the recast QD.

4.5. Revocation or refusal of refugee protection based on reasonable grounds of being a threat to national security

The CJEU developed its jurisprudence on national security, holding that acts committed prior to the entry into the country of refuge might be the basis to refuse or revoke refugee status, irrespective of whether such acts constitute grounds for exclusion. In [K.A.M. v Republic of Cyprus](#) (C-454/23, 27 February 2025), the CJEU interpreted Article 14(4) and (5) of the recast QD in the case of a Moroccan national whose request for international protection was rejected, as although there were serious reasons to believe that he faced persecution upon a return to Morocco on account of his opinions, he posed a danger to the community and the security of Cyprus. The decision took into consideration a letter from the Cyprus Counter Terrorism Office stating that the applicant had been identified as engaging in operational activities for a terrorist organisation.

The applicant appealed the decision to the Refugee Review Authority and, following its rejection, to the International Protection Administrative Court (IPAC). IPAC stayed the proceedings and referred questions to the CJEU asking whether:

- Article 14(4)(a) of the recast QD allows the revocation of refugee status on the basis of acts or conduct committed prior to entering the host Member State, which do not fall within the exclusion grounds;
- such an interpretation would be compatible with Article 18 of the EU Charter and Article 78(1) of the Treaty on the Functioning of the European Union (TFEU); And
- it sought clarification on the interpretation of the concept of a “danger to the security of the State” under Article 14(4)(a) of the recast QD, in particular whether it may include conduct committed outside the Member State concerned.

The CJEU held that acts or conduct committed by the applicant prior to entering the territory of the Member State can be considered when deciding whether to grant or revoke refugee status. It highlighted that it is irrelevant whether those acts and conduct constitute grounds for exclusion from being a refugee, expressly provided in Article 1(F) of the Refugee Convention and Article 12 of the recast QD. In weighing the danger posed by the refugee to the security of the host Member State and the consequences of revocation or refusal for the refugee's situation, the court clarified that it is not necessary to establish that the level of seriousness of the danger reaches the threshold required for *refoulement* under Article 33(2) of the Refugee Convention.

After noting that revocation of refugee status does not result in the person ceasing to be a refugee, the CJEU held that Article 14(4) and (5) of the recast QD cannot be interpreted as introducing new grounds for exclusion beyond those set out in Article 12(2) of the directive and Article 1(F) of the Refugee Convention. Such a conclusion does not affect the validity of Article 14(4) and (5) of the recast QD in light of Article 78(1) of the TFEU and Article 18 of the EU Charter.

The principles established in this judgment have already been relied upon by national courts: by the Austrian Supreme Administrative Court in a [case](#) concerning the assessment of exclusion from refugee status on grounds of danger to national security of an Afghan applicant suffering from a mental illness and with prior serious criminal convictions; and by the Italian Court of Cassation in a [case](#) concerning the revocation of refugee status of an Algerian national on grounds of danger to national security following a security alert concerning violent and threatening content of a political and religious nature shared on social media.

5. Material reception conditions

In the context of continued pressure on several Member States' reception systems⁸ and preparations for the implementation of the Pact on Migration and Asylum, which will require legal and practical adjustments at the national level, the CJEU delivered two judgments clarifying key provisions of the recast Reception Conditions Directive (RCD), specifically on the Member States' obligation to provide reception conditions during inflows of applicants for international protection and on whether Member States may withdraw material reception conditions when a transfer to another reception centre is refused.

5.1 Covering basic needs in times of inflows of applicants for international protection

In [S.A.,R.J. v Minister for Children, Equality, Disability, Integration and Youth, Ireland, Attorney General](#) (C-97/24, 1 August 2025), the CJEU ruled on the obligations of Member States to cover basic needs for applicants for international protection in times of unforeseeable and unavoidable inflow of applicants for international protection, providing guidance on the interpretation of Article 18 of the recast RCD.

Two applicants from Afghanistan and India were not provided with adequate material reception conditions in Ireland. While the Irish authorities issued each of them a single voucher of EUR 25, they did not allocate them housing because the reception centres for asylum seekers were full, although individual temporary housing was available. Without the accommodation, the two applicants were not eligible for the daily expense allowance provided for by Irish law.

The applicants brought actions before the High Court against the Minister and the Attorney General, seeking compensation for the damage which they claimed had ensued for each of them as a result of a failure to provide housing, food, water and other material reception conditions meeting their basic needs. While the Minister and the Attorney General acknowledged that there had been a breach of the national rules implementing the recast RCD and Article 1 of the EU Charter as a result of a failure to provide the applicants with material reception conditions for a number of weeks, they argued that, as that breach resulted

⁸ See the EUAA [Asylum Report 2025](#).

from a situation of *force majeure*, it should not be regarded as being ‘sufficiently serious’ to be capable of giving rise to compensation. The Minister and Attorney General argued that housing capacity for applicants for international protection had been exhausted following the sudden arrival of an unprecedented number of third-country nationals seeking temporary or international protection. The High Court asked the CJEU:

whether *force majeure* may be relied upon as a defence to a claim for damages under EU law for a breach of obligations under the recast RCD that confer rights on individuals, including rights deriving from Article 1 of the EU Charter, and, if so, what the scope and limits of such a defence are.

The CJEU ruled that a Member State which has not guaranteed for a number of weeks access to the material reception conditions may not avoid liability under EU law by pleading temporary exhaustion of the housing capacity due to an influx of third-country nationals seeking temporary or international protection which, because of its significant and sudden nature, was unforeseeable and unavoidable. The court recalled that, under Articles 17 and 2(g) of the recast RCD, Member States are required to ensure that material reception conditions, which include housing, food and clothing provided in kind, or as financial allowances or in vouchers, or a combination of the three, and a daily expenses allowance, are available to applicants for international protection when they make their application. The court noted that Member States have a certain discretion to determine the form and precise level of material reception conditions, but a failure to provide an applicant who lacks sufficient means with material reception conditions, even temporarily, constitutes a manifest and grave exceedance of that discretion. Such a failure is therefore liable to constitute a sufficiently serious infringement of EU law, capable of triggering the liability of the Member State.

Regarding *force majeure*, the CJEU referred to Article 18 of the recast RCD which introduces a derogation system for material reception conditions and recalled that the derogation may be applied only exceptionally, in duly justified cases, and for a reasonable period which must be as short as possible. Thus, following the [Opinion](#) of Advocate General Medina, the CJEU noted that the derogation system applies when the temporary exhaustion of housing capacity could not be objectively avoided by a reasonably diligent Member State, including when the exhaustion results from a significant and sudden influx of third-country nationals seeking temporary or international protection, that is unforeseeable and unavoidable. However, even in this scenario, the recast RCD provides that Member States must, in any event, cover the basic needs of the applicants, in accordance with the obligation to respect human dignity enshrined in the EU Charter.

Similarly, a Member State cannot rely on the temporary exhaustion of housing capacity to argue that its failure to comply with the recast RCD was not sufficiently serious to give rise to a right to compensation. This conclusion aligns with UNHCR’s [written observations](#), which stated that *force majeure* arising from the temporary exhaustion of housing capacity cannot constitute a defence to a claim for damages for failure to ensure applicants’ basic needs under the recast RCD. In the present case, the CJEU concluded that it was not apparent that Ireland had shown that it was incapable to provide housing outside of the system normally provided for accommodating third-country nationals or granting them financial allowances or vouchers which are sufficient for dignified living conditions.

5.2 Withdrawal of material reception conditions when transfer to another accommodation centre is refused by the applicant

The CJEU further clarified the conditions governing the withdrawal of material reception conditions in [AF, BF v Ministry of the Interior \(Ministero dell'Interno\) \[Sidi Bouzid\]](#) (C-184/24, 18 December 2025). The case concerned a mother and her child who repeatedly refused a transfer from one accommodation centre to another, which was ordered for organisational reasons, and whose reception conditions were consequently withdrawn on account of that refusal. The Regional Administrative Court of Lombardia submitted a request for a preliminary ruling to the CJEU, asking:

whether, under Article 20(1)(a) of the recast RCD, a Member State may withdraw all material reception conditions from an applicant who refuses to be transferred to another accommodation centre, even if, as a result of that withdrawal, the applicant is no longer able to meet their basic needs and those of their family.

The court held that a refusal to comply with a transfer to another accommodation centre does not, in principle, fall within the notion of abandonment under Article 20(1)(a) of the recast RCD, nor can it, in itself, be regarded as an implicit withdrawal of the application for international protection. However, such conduct may, depending on the circumstances of the case, justify the adoption of a sanction, pursuant to Article 20(4) of the directive.

With regard to the concept of “serious breaches of the rules of the accommodation centres”, the court noted that the recast RCD does not define its scope. It is therefore for the Member States to determine the obligations set out in the rules. Non-compliance with the obligations may result in a sanction, provided that it attains a certain degree of seriousness. The court clarified that the concept of “rules of the accommodation centres” must be interpreted broadly as encompassing all rules applicable to centres which applicants are required to observe during their stay. Accordingly, the continued occupation of accommodation by an applicant who is the subject of a transfer decision to another centre may constitute a breach of the rules applicable to the first centre. Whether that breach is serious must be assessed in light of all the circumstances of the case, in particular the duration and persistent nature of the unlawful stay, the measures already taken to secure compliance with the transfer decision, whether the reasons relied on are legitimate, and the adverse consequences of that conduct for the national reception system.

Building on its landmark judgment in [Zubair Haqbin v Belgium](#) (C-233/18, 12 November 2019), the CJEU reiterated that, when imposing a reduction of material reception conditions (including the withdrawal or reduction of the daily expenses allowance) the competent national authority must ensure, in all circumstances, that the sanction, having regard to the applicant’s particular situation and all the circumstances of the case, complies with the principle of proportionality and does not undermine the applicant’s dignity. The requirement applies with particular force when the applicant is a single parent with a minor child, that is to say, a vulnerable person within the meaning of the recast RCD. In such cases, Member States must make the best interests of the child a primary consideration and take due account of the child’s well-being and social development, with particular regard to their background, as well as safety and security considerations.

Thus, the CJEU ruled that national authorities may not withdraw all material reception conditions from an applicant who refuses to be transferred to an accommodation centre. However, they may impose a sanction, such as a limitation of material reception conditions,

when the repeated refusal constitutes a serious breach of the rules of the accommodation centre within the meaning of Article 20(4) of the recast RCD, provided that the decision is taken individually, objectively and proportionately, with due regard to the applicant's particular situation, and that a dignified standard of living and access to healthcare are ensured in accordance with Article 20(5).

For a detailed analysis of asylum case law on material reception conditions, see the EUAA's report [Jurisprudence on Material Reception Conditions in Asylum – Sanctions, Reductions and Withdrawals](#) (November 2024).

6. Detention measures

The CJEU addressed detention in its judgment [GB v The Minister for Asylum and Migration \(de Minister van Asiel en Migratie\) \[Adrar\]](#) (C-313/25 PPU, 4 September 2025) in the context of a return.⁹ The CJEU ruled that a judicial authority called to review the lawfulness of the detention of an illegally-staying third-country national, with a view to a removal pursuant to a final return decision, is required to examine, if necessary of its own motion, whether the principle of *non-refoulement* precludes the removal and whether the best interests of the child and family life preclude such removal (Article 5(a) and (b) Return Directive).

Also in the context of return and detention, the CJEU is set to rule in [C-218/25](#) [Wompou] and [C-217/25](#) [Wajir], both referred by the District Court of The Hague seated in Amsterdam. The cases concern the interpretation of the Return Directive and raise similar questions on the meaning, standards and conditions of specialised detention facilities, specifically in relation to the Schiphol Judicial Complex (JCS), which is used simultaneously for the detention of applicants for international protection and for criminal detention.

In 2025, the Supreme Court of Cassation of Italy also submitted a preliminary reference concerning detention, which is currently pending before the CJEU under [C-414/25](#) [Sedrata]. The referring court sought clarification on whether the detention of a third-country national based on national legislation is compatible with the requirements of EU law when the detention is ordered and implemented in facilities located outside of the Italian territory, based on the Italy-Albania Protocol.

In additional preliminary references concerning the Italy–Albania Protocol, the Rome Court of Appeal requested the CJEU to clarify whether Italy had the competence to conclude an international agreement of this nature or whether such competence lies exclusively with the EU. In the event of a negative answer, the referring court asked whether the provisions of the protocol are compatible with the rules and procedural safeguards governing asylum and the detention of third-country nationals under CEAS. The cases are currently pending as [C-706/25](#) [Comeri] and [C-707/25](#) [Sidilli].

⁹ See the summary of the judgment in Section 11.1.

7. Mandatory civic integration programmes

Sitting as a Grand Chamber, the CJEU delivered its first judgment on the compatibility of mandatory civic integration examinations with the framework of CEAS in [T.G. v Minister van Sociale Zaken en Werkgelegenheid](#) (C-158/23, 4 February 2025), following a referral for a preliminary ruling from the Dutch Council of State on the compatibility of the Dutch system with the recast QD.

The case concerned an Eritrean beneficiary of international protection who did not attend several mandatory civic integration training sessions and failed multiple times. The Dutch Minister of Social Affairs and Employment imposed a fine of EUR 500 and decided that he had to repay the loan of EUR 10,000 that he had been granted to cover the costs of the civic integration programme. The applicant brought an action before the Council of State, which submitted a request for a preliminary ruling to the CJEU asking whether:

- Article 34 of the recast QD must be interpreted as precluding Member State legislation requiring beneficiaries of international protection to pass a civic integration examination on pain of a fine;
- Article 34 of the recast QD must be interpreted as precluding a national rule under which holders of asylum status themselves bear the full costs of integration programmes, and
- the fact that those beneficiaries can obtain a loan from public authorities to pay the costs and that they are granted a debt write-off in respect of the loan if they pass their civic integration examination is relevant in that regard.

The CJEU emphasised the importance of acquiring language and societal knowledge for the integration of beneficiaries of international protection into the host Member State, particularly to access the labour market and vocational training. At the same time, it held that Member States must take into account the specific needs and personal circumstances of beneficiaries of international protection, including their age, level of education, financial situation and health. The knowledge required for integration exams should remain at an elementary level, and beneficiaries who are already effectively integrated should be exempt, subject to an individual assessment. The CJEU affirmed that failing such an examination should not automatically result in a fine, which may be imposed only in exceptional cases, for example when there is persistent unwillingness to integrate. In addition, the fine should not impose an unreasonable financial burden on the beneficiary, taking into account their personal and family situation.

The fine provided for by the Dutch legislation, which applies automatically and may reach EUR 1,250, was held by the CJEU to be manifestly disproportionate to the objective pursued by the legislation. The court also held that requiring the beneficiary, in principle, to bear the full costs of the courses and examinations of the civic integration programme undermines the objective of ensuring effective integration into the society of the host Member State and places an unreasonable burden on the beneficiary, thereby hindering effective access to the civic integration programme and the exercise of other rights derived from the recast QD.

Following this judgment, the Dutch Council of State ruled that the Civic Integration Act 2013 was incompatible with Article 34 of the recast QD. It specified that the same conclusion

applied to the Civic Integration Act 2021, which entered into force in the meantime, as it continues to impose a civic integration obligation and provides for the possibility of a fine.¹⁰

8. Right to an effective remedy

In 2025, several CJEU judgments touched upon aspects related to the right to an effective remedy in the context of asylum, reinforcing the central role of judicial protection within the framework of CEAS. [Adrar](#) concerned the review of the lawfulness of detention in the context of a return (see [Section 11.1](#)), and [Al Hoceima and Boghni](#) addressed the legal consequences of refusing to grant a period for a voluntary departure under the Return Directive (see [Section 11.2](#)), while [Krasiliva](#) addressed the right to an effective remedy for beneficiaries of temporary protection who challenge a decision to reject as inadmissible an application for a residence permit, within the meaning of Article 8 of the Temporary Protection Directive (TPD) (see [Section 10.1](#)). While these cases are analysed more in detail in the sections indicated, two cases considered below clarified the competence of a court to order medical examinations in asylum appeals and the applicants' obligation to appear before the court.

8.1. A full and *ex nunc* examination includes the competence of a first instance court to order medical examinations

The CJEU clarified for the first time that a court of first instance has the competence, under Article 46(3) of the recast APD, to order medical examinations in order to provide a full and *ex nunc* examination of the case on appeal.¹¹ In [B.F. v Kypriaki Dimokratia \[Barouk\]](#) (C-283/24, 3 April 2025), the CJEU ruled that a national court of first instance hearing an appeal against a negative asylum decision may order a medical examination of the asylum applicant if it considers the examination to be necessary or to assess the application for asylum.

The International Protection Administrative Court (IPAC) in Cyprus requested a preliminary ruling after noting that the asylum authority failed to carry out a medical or psychological examination of a Lebanese applicant who claimed that he had been a victim of torture by the Lebanese intelligence agency and military services. IPAC considered that it was impossible to assess the applicant's credibility in the absence of a medical examination. IPAC stated that, under national law, it does not have the power to order such a medical examination, as confirmed by the Supreme Court of Cyprus in its recent case law. Therefore, IPAC could only ask the asylum authority to explain why the examination had not taken place and, when appropriate, annul the contested decision if it were found to be unlawful.

The CJEU noted that national legislation that does not allow a court of first instance to order a medical examination, subject to the applicant's consent, when the court considers that the examination is necessary or relevant in order to assess the merits of the application, does not satisfy the requirement of a full and *ex nunc* examination under Article 46(3) of the recast APD. Furthermore, the CJEU noted that a law that limits the court's power to the option to annul the negative asylum decision when the authority should have referred the applicant for a medical

¹⁰ Netherlands, Council of State [Afdeling Bestuursrechtspraak van de Raad van State], [Applicant v The Minister for Asylum and Migration \(de Minister van Asiel en Migratie\)](#), 202107906/2/V6, ECLI:NL:RVS:2025:3087, 9 July 2025.

¹¹ See also a later judgment of the CJEU in 2025 on the definition of a full and *ex nunc* examination: [LC \[Alace\] and CP \[Canpelli\] v Territorial Commission of Rome](#) (Joined cases C-758/24 and C-759/24, 1 August 2025).

examination does not satisfy either the requirement of a full and *ex nunc* examination, even though it would allow a fresh examination of the application by the asylum authority.

The CJEU highlighted that it is the court itself which must ensure a complete examination, without necessarily having to return the file to the determining authority, as this would also provide an expeditious processing of applications. It also clarified that the court may either order the examination itself or instruct the determining authority to arrange it and promptly transmit the results, since in both cases the court is able to obtain the evidence necessary for its assessment. Finally, the CJEU emphasised that the referring court must, as far as possible, interpret national legislation in a manner consistent with the requirement of a full and *ex nunc* examination. If this proves impossible, the court must disapply any national provisions conflicting with EU law in order to give full effect to Article 46(3) of the recast APD.

8.2. The applicant's obligation to appear before the court

The CJEU provided guidance on whether national law may provide for implicit withdrawal of an appeal in the event of failure to appear before the court and also on whether an obligation to appear before the court solely to verify the applicant's continued presence on the territory is in line with EU law. In [FO v Ypourgos Metanastefsis kai Asyloou \[Al Nasiria\]](#) (C-610/23, 3 July 2025), the CJEU ruled that such an obligation to appear not in order to be heard before the court is contrary to EU law. It further held that establishing a presumption that an appeal has been abusively lodged when the applicant fails to appear in person at the hearing is likewise incompatible with EU law.

Greek legislation establishes a presumption that, when an applicant fails to appear before the body hearing the appeal, the appeal is deemed to have been improperly lodged. On that basis, the appeal of an Iraqi national before an Independent Appeals Committee in Greece against his negative asylum decision was rejected as he failed to appear in person. On further appeal, the Administrative Court of First Instance of Thessaloniki referred questions to the CJEU for a preliminary ruling on:

whether the procedural obligation to appear in person and the legal consequences of non-compliance with that obligation was compatible with EU law.

The CJEU acknowledged that national legislation which imposes an obligation of a personal appearance, and in the event of non-compliance, provides for a presumption comparable to withdrawal or implicit renunciation of the appeal pursues legitimate objectives to ensure that applicants demonstrate a genuine interest in pursuing their appeal and facilitate the proper and expeditious conduct of proceedings before the competent court.

However, the court found it disproportionate to dismiss the appeal as manifestly unfounded, without any examination on the merits, if the sole objective of the requirement to appear before the court is not to be heard by the court but to verify the applicant's presence on the national territory. In the CJEU's view, this imposes an unreasonable and excessive burden on applicants who do not reside in the region of Athens, who are required to travel solely to make an appearance, without necessarily being heard. The court noted that less restrictive measures could be adopted, such as allowing representation by a lawyer or another duly authorised person, and allowing the applicant to demonstrate their presence on Greek territory by appearing before a police station or another public or judicial authority located near their place of residence.

Agreeing with the [Opinion](#) of Advocate General Medina, the CJEU concluded that requiring applicants to travel to the capital merely to appear in person, incurring significant transport, residence and accommodation costs, and presuming abuse of the appeal in the absence of alternative means to prove their presence, is liable to render the right to an effective remedy excessively difficult to exercise and to undermine effective judicial protection. Accordingly, the court found that this requirement under Greek law is contrary to EU law. To implement the judgment, Greece must amend its current legislation on appeals in asylum cases.

9. Rectification of gender identity data for applicants

In a judgment of particular significance for the rights of transgender persons under EU law, the CJEU ruled on the right to rectify incorrect personal data in [VP v National Directorate-General for Aliens Policing](#) (C-247/23, 13 March 2025). VP, a national of Iran, was granted refugee status in Hungary due to persecution based on transgender identity. Despite VP's male gender identity, VP was registered as female in the Hungarian asylum register. The asylum authority rejected VP's request to amend the gender marker and forename in the register due to a lack of proof of gender reassignment surgery.

VP appealed to the Budapest High Court, which referred questions to the CJEU essentially asking whether:

- Article 16 of the General Data Protection Regulation (GDPR) requires a national authority to rectify gender data that have become inaccurate;
- an applicant may be required to provide evidence in support of such a request; and
- proof of gender reassignment surgery may lawfully be required.

The CJEU noted that under Article 16 of the GDPR a person has the right to rectify inaccurate personal data, including gender, without undue delay. It referred to Article 8(2) of the EU Charter, according to which everyone has the right of access to data which have been collected concerning them and the right to have them rectified. It clarified that the information related to gender identity may be classified as personal data since it relates to an identifiable natural person, and the data were the subject of processing, since they were collected and registered by the asylum authority in a public register. The CJEU ruled that the data controller must consider the applicant's gender identity at the time of registration, not the one assigned at birth. Hence, it ruled that the national authority responsible for keeping a public register (in this case, the asylum authority) must rectify the personal data relating to gender when the data are inaccurate.

The court noted that Article 16 of the GDPR does not specify which evidence may be required by a data controller to establish the inaccuracy of personal data to be rectified. Nonetheless, it held that Member States must not restrict this right beyond the conditions set out in Article 23 of the GDPR. Specifically, the restriction must be a legislative measure that respects fundamental rights and freedoms, and which is necessary and proportionate in a democratic society. Therefore, the court found the Hungarian administrative practice of requiring transgender individuals to provide proof of gender reassignment surgery to rectify their gender identity data not to comply with the conditions set out in Article 23 of the GDPR. This was because it was not a requirement laid down by means of a legislative measure and it undermined the essence of the fundamental rights guaranteed in the EU Charter, in particular the right to the integrity of the person and the right to respect for private life. The CJEU found

that this requirement was neither necessary nor proportionate to ensure the reliability and consistency of the asylum register, as relevant and sufficient evidence may include a medical certificate, such as a psychiatric diagnosis.

Therefore, the CJEU ruled that, while a transgender applicant may be required to provide reasonable evidence to rectify personal data on gender identity, Member States cannot impose an administrative requirement to prove gender reassignment surgery. This is in line with the case law of the ECtHR,¹² which recognises the right of transgender persons to have respect for and recognition of their gender identity as part of private life and prohibiting the conditioning of its legal recognition on surgical treatment not desired by the person. In aligning its reasoning accordingly, the CJEU emphasised that the rights guaranteed by the EU Charter have the same meaning and scope as the corresponding rights under the ECHR, which constitutes a minimum threshold of protection.

For more case law related to applicants with diverse sexual orientation, gender identity, gender expression and sex characteristics (SOGIESC), see the EUAA fact sheet [Jurisprudence on LGBTIQ Applicants in International Protection](#) (September 2025).

10. Temporary protection

After previously ruling on eligibility for temporary protection provided to categories of people not included in EU law provisions ([Joined Cases C-244/24 \[Kaduna\] and C-290/24 \[Abkez\]](#)), in 2025 the CJEU delivered another two judgments in cases that arose from situations that took place after persons were granted temporary protection, such as secondary movements or the lodging of applications for asylum subsequent to applications or decisions providing residence permits based on temporary protection.

10.1 Admissibility of requests for temporary protection when the person applied for or already obtained a residence permit in another Member State

The first judgment delivered by the CJEU in 2025 on temporary protection concerned the admissibility of requests for temporary protection when the person applied for or already obtained a residence permit in another Member State. In [A.N. v Ministerstvo vnitra \[Krasiliva\]](#) (C-753/23, 27 February 2025), a Ukrainian national applied for temporary protection in Germany and later filed a similar application in Czechia. The Czech Ministry of the Interior rejected her application as inadmissible on the grounds that she had already applied for or obtained temporary protection in another Member State. On appeal, the Prague City Court annulled the decision of the ministry, which brought an appeal before the Supreme Administrative Court. The latter stayed the proceedings and asked the CJEU whether:

- Article 8 of the TPD precludes national legislation that declares inadmissible an application for a residence permit based on temporary protection if the foreign national has applied for or already obtained a residence permit in another Member State.

¹² ECtHR, [X and Y v Romania](#) (Nos 2145/16 and 20607/16, 19 January 2021) and ECtHR, [A.P., Garçon and Nicot v France](#) (Nos 79885/12, 52471/13 and 52596/13, 6 April 2017).

- such an applicant has the right to an effective judicial remedy under Article 47 of the EU Charter against a Member State's failure to grant a residence permit under Article 8(1) of the TPD.

The CJEU ruled that if a person applies for temporary protection in a Member State but has not yet obtained it and later travels to a second Member State and submits a similar application, the second Member State cannot reject the second application as inadmissible solely because an application had been submitted in the first Member State. The court stated that the second Member State must examine the merits of the application. In doing so, the authorities of the Member State may verify whether the person falls within the categories in Article 2 of the Council Implementing Decision 2022/382 and if they have already obtained a residence permit in another Member State.

The CJEU also clarified that the rule requiring a Member State to take back a beneficiary of temporary protection who enters another Member State during the temporary protection period (Article 11 of the TPD) does not apply in this context, since in the Council Implementing Decision 2022/382 Member States agreed not to apply that provision, and therefore it is not relevant to determine whether the second Member State may declare the application inadmissible. It also observed that Ukrainian nationals, as visa-free travellers, are entitled to move freely within the EU and to choose the EU Member State in which to seek protection.

On the second question, the court recalled that the recognition of the right to an effective remedy provided for in Article 47 of the EU Charter presupposes that the person invoking the right is relying on rights or freedoms guaranteed by EU law. Under Article 8(1) of the TPD, Member States are required to adopt the necessary measures to provide residence permits to beneficiaries of temporary protection for the entire duration of the protection and issue relevant documents or other equivalent evidence. This right is guaranteed by the legal order of the EU. Therefore, under Article 47 of the EU Charter, a decision to reject as inadmissible an application for a residence permit under Article 8(1) of the TPD may be the subject of an effective remedy before a tribunal.

Following the clarification provided by the CJEU in response to its preliminary reference, the Supreme Administrative Court of the Czech Republic ruled that the Czech legal provision on the inadmissibility of applications for temporary protection under Section 5(1)(d) of Act No 65/2022 Coll. was incompatible with EU law and therefore could not be applied.¹³

At the EU level, in its June 2025 [Proposal for a Council implementing Decision extending temporary protection](#), the European Commission referred to the CJEU judgment in *Krasiliva* in stating that, in order to ensure that the rights attached to temporary protection are enjoyed in only one Member State at a time and to avoid multiple registrations, Member States should reject residence permit requests made under Article 8(1) of the TPD when the person has already obtained a permit in another Member State.

10.2 Admissibility of requests for international protection lodged by beneficiaries of temporary protection

The CJEU further developed its case law on temporary protection following a reference from the Administrative Court for Immigration Matters in Gothenburg, Sweden, delivering its judgment in [AA, BA, CA, DA, EA, FA v Swedish Migration Agency \(Migrationsverket, SMA\)](#)

¹³ See a list of these cases [here](#) in the EUAA Case Law Database.

[*Framholm*] (C-195/25, 20 November 2025). This decision clarifies the relationship between the TPD and the instruments of CEAS, confirming that the recast QD and recast APD apply to international protection applications lodged by beneficiaries of temporary protection. It also draws attention to the fact that the TPD predates the subsequent development of the CEAS legislative framework, a circumstance that may require further alignment to ensure coherence and legal certainty within the current EU asylum *acquis*.

The CJEU examined the lawfulness of Sweden's practice of treating applications for subsidiary protection submitted by beneficiaries of temporary protection as inadmissible, without conducting an examination on the merits. As clarified by Advocate General Campos Sánchez-Bordona in his [Opinion](#), this practice arose from the fact that, at the time of the TPD adoption, EU law did not yet provide for subsidiary protection, and accordingly, when Sweden implemented the TPD, it did include subsidiary protection as a possibility for beneficiaries of temporary protection. Since the TPD was not subsequently aligned with the new legislative framework introduced by Directive 2004/83, which established subsidiary protection, the Swedish legislation implementing the TPD likewise remained confined to refugee protection or asylum.

The Administrative Court for Immigration Matters in Gothenburg referred questions to the CJEU for a preliminary ruling, seeking interpretation of Articles 3, 17 and 19 of the TPD, as well as clarification on the interplay of these articles with the scope of the recast APD and the recast QD, including the interpretation of Articles 3(1) and 10(2) of the recast APD. The referring court sought guidance on whether the Swedish legislation is compatible with EU law.

The CJEU ruled that a Member State may not reject an application for international protection on the sole ground that the applicant enjoys temporary protection. The court noted that Article 17 of the TPD provides that beneficiaries of temporary protection "must be able to lodge an application for asylum at any time and that the examination of any asylum application not processed before the end of the period of temporary protection must be completed after the end of that period". Furthermore, the TPD does not specify that beneficiaries of temporary protection may not be granted subsidiary protection, and the absence of any reference to that form of protection in its text simply reflects the fact that the TPD was adopted prior to the recast QD. The court observed that Article 33(2) of the recast APD sets out an exhaustive list of cases in which applications may be rejected as inadmissible without examining the merits, and being a beneficiary of temporary protection is not one of these grounds of inadmissibility.

The court further noted that it is for the referring court to assess whether national legal provisions may be interpreted in line with EU law. If such an interpretation is not possible, the provisions of a directive may, provided they are unconditional and sufficiently precise, be relied upon by individuals before national courts against the State where the latter has failed to implement the directive within the prescribed period or has implemented it incorrectly. The CJEU held that Article 18 of the recast QD and Article 33 of the recast APD are unconditional and sufficiently precise to be regarded as having direct effect.

More judgments on temporary protection are expected to be delivered by the CJEU following several referrals from national courts made in 2025. One referral, submitted by the Dutch Council of State and currently pending before the CJEU under [C-249/25](#) [Jilin], concerns the interpretation of Article 17(2) of the TPD. The question relates to the possibility of suspending the processing of an application for international protection lodged during the validity of the temporary protection status and when time limits to examine asylum applications as set under Article 31 of the recast APD must be observed.

In addition, the Voivodship Administrative Court of Wrocław, Poland referred questions to the CJEU seeking guidance on the possibility of temporarily suspending time limits for administrative proceedings concerning the granting of residence and work permits to Ukrainian nationals under temporary protection. The case is currently pending and registered before the CJEU under [C-797/25](#).

Finally, case [C-761/25](#) is pending following a referral from the Administrative Court of Varna, Bulgaria. It concerns proceedings brought by Ukrainian nationals under temporary protection in Bulgaria who challenged the refusal to grant a one-time benefit available to families of Bulgarian nationals for a child enrolled in the eighth grade of a Bulgarian school.

11. Return

The CJEU interpreted the Return Directive in two cases which highlighted the importance of examining the principle of *non-refoulement* and the best interests of the child and family life before a removal, and clarified the legal consequences of refusing to grant a period for voluntary departure and the imposition of entry bans. The topic of returns was also addressed in the context of Frontex's involvement in joint return operations, where the CJEU examined the Agency's obligation to verify the existence of return decisions and the potential liability arising from fundamental rights infringements during a return flight. The CJEU is also set to rule on several referrals made by Dutch courts in 2025 on the relation between exclusion grounds and issuing a return decision.¹⁴

11.1 Examining the principle of *non-refoulement* and the best interests of the child and family life before a removal

The CJEU ruled on the obligations of a national court to examine whether the principle of *non-refoulement* and the best interests of the child and family life preclude a removal when the court is called to review the lawfulness of the detention pending a removal for an illegally-staying third-country national. In [GB v The Minister for Asylum and Migration \[Adrar\]](#) (C-313/25 PPU, 4 September 2025), an Algerian national was issued a return decision and detained based on Article 15 of the Return Directive to prepare his return or carry out his removal to Algeria. Before being detained, the applicant stated that he feared a return to Algeria due to a risk of being subjected to inhuman or degrading treatment and that he wished to care for his child in France. He lodged an appeal against his detention before the District Court of The Hague seated in Roermond, which referred a question to the CJEU for a preliminary ruling. The court asked:

whether, when reviewing the lawfulness of detention, it must assess whether the principle of *non-refoulement* and the interests referred to in Article 5 of the Return Directive preclude the applicant's removal under the return decision, given that such considerations had not been examined at any stage of the proceedings in relation to the applicant's removal.

The CJEU recalled that the primary objective of the Return Directive is to implement an effective policy of removal and repatriation that fully respects the fundamental rights and dignity of the persons concerned. It reiterated that, given the interference with the right to

¹⁴ See a list of these referrals [here](#) in the EUAA Case Law Database.

liberty, detention ordered for the purpose of a removal must be as short as possible and may continue only as long as the removal is ongoing and is being carried out with all due diligence. When the conditions for lawful detention have not been or are no longer met, the person must be released immediately. This is also the case when there is no longer a reasonable prospect of a removal.

Regarding the principle of *non-refoulement*, the CJEU stressed that it must be taken into account at every stage of the procedure, from the adoption of the return decision until the judicial review of the enforcement of the decision. When the competent national authority orders, reviews or extends a detention measure for the purpose of removing an illegally-staying, third-country national, it must verify that the principle of *non-refoulement* does not preclude the removal of the person. The court further noted that, when there are substantial grounds to believe that an illegally-staying, third-country national would face a genuine risk, in the country of destination, of being subjected to treatment prohibited by Articles 18 and 19(2) of the EU Charter, the person may not be removed for as long as the risk persists. It clarified that the examination of compliance with the principle of *non-refoulement* cannot be limited to asylum procedures, and a person cannot be required to apply for international protection to secure such safeguards, since the Return Directive applies to all illegally-staying, third-country nationals.

The court also held that under Article 5 of the Return Directive, Member States must take due account of family life, the best interests of the child and the state of health of the third-country national at all stages of the return procedure. Unlike the absolute prohibition of torture and inhuman or degrading treatment or punishment, the right to respect for private and family life and the best interest of the child are not absolute and may be restricted under the conditions set out in Article 52(1) of the EU Charter.

The CJEU also recalled that an illegally-staying, third-country national is under a duty of sincere cooperation, in accordance with which that person must inform the competent national authority as soon as possible of all relevant developments concerning their family life. The court concluded that national courts which review the lawfulness of detention must, when necessary of their own motion, assess whether the principle of *non-refoulement*, respect for family life or the best interests of the child preclude a removal, in accordance with Articles 5 and 15 of the Return Directive and Articles 6, 7, 24(2) and 47 of the EU Charter.

11.2 Return decisions issued without a voluntary departure period

The CJEU decided on the validity of return decisions which do not include a voluntary departure period in two cases referred for a preliminary ruling by two Belgian courts. In [W \[Al Hoceima\], X \[Boghni\] v Belgian State](#) (Joined Cases C-636/23 and C-637/23, 1 August 2025), a Moroccan and an Algerian national were issued return decisions without a voluntary departure period, on grounds of a risk of absconding and, in the case of the Moroccan national, a threat to public policy and national security. The CJEU held that a refusal to grant a period for voluntary departure is not a mere enforcement measure but one that directly alters the legal position of the individual, carries immediate consequences, including the obligation to impose an entry ban, and must be open to challenge in legal proceedings.

The court recalled that Member States must, as a rule, allow between 7-30 days for a voluntary departure and exceptions are permitted only in cases of a risk of absconding, fraudulent or manifestly unfounded applications or threats to public policy, public security or national security. The CJEU emphasised that a voluntary departure is a crucial element of the

return procedure, ensuring a gradual escalation of enforcement measures and protecting fundamental rights such as dignity, family unity, healthcare access, education for minors, and support for vulnerable persons with special needs. Additionally, the court held that an effective remedy must be available in respect of both the decision whether to grant a period for a voluntary departure and the determination of its duration. It ruled that a third-country national must be able to challenge a decision refusing to grant a period for a voluntary departure before a court, tribunal or similar impartial body, pursuant to Article 13 of the Return Directive, read in light of Article 47 of the EU Charter.

For entry bans, the CJEU ruled that they do not have to be imposed at the same time as the return decision. It recalled that an entry ban supplements a return decision by prohibiting re-entry into the EU once the person has left the territory, and it takes effect only from the moment of departure. The court held that the terms “accompanying” and “accompanied” in the Return Directive must be understood as meaning “supplementary”, thereby establishing a material link with the return decision rather than a strict temporal requirement. The CJEU concluded that Articles 3(6) and 11(1) of the Return Directive must be interpreted as allowing national authorities to impose an entry ban even after a considerable lapse of time, provided it is based on a return decision that does not grant a period for voluntary departure.

Finally, the CJEU examined whether an unlawful voluntary departure provision affects the validity of the entire return decision. It held that under Articles 3(4) and 7 of the Return Directive, the voluntary departure period is an integral part of the obligation to return, which encompasses both voluntary and enforced returns. Since an effective remedy must be available both against the decision on voluntary departure and in respect of its duration, any unlawfulness affecting those elements also affects the validity of the return decision as a whole, which must then be annulled. The court further held that this does not undermine the objective of the effectiveness of the EU’s return policy, as the competent authorities may issue a new return decision remedying the irregularity without restarting the entire procedure.

11.3 Accountability of Frontex for return operations carried out jointly with Member States

Sitting as a Grand Chamber, the CJEU ruled that Frontex must respect fundamental rights and especially the principle of *non-refoulement* in its joint return operations, and more specifically that it is required to verify that enforceable return decisions exist for all persons whom a Member State intends to include in a joint return operation. [WS and Others v Frontex](#) (C-679/23 P, 18 December 2025), was the second judgment concerning Frontex delivered on that same day (see Section 1 on the accountability of Frontex for pushbacks carried out in operational activities). A family of Syrian nationals of Kurdish ethnicity arrived on the Greek island of Milos, where they expressed their wish to request international protection. A few days later, they were transferred to Türkiye, following a joint return operation carried out by Greece and Frontex. They then moved to Iraq, fearing that they would be sent back to Syria by the Turkish authorities. The applicants filed a complaint with the Frontex Fundamental Rights Office, which dismissed it.

They then applied to the General Court seeking compensation for the material and non-material damage allegedly caused by Frontex’s unlawful conduct before, during and after the return operation. The General Court dismissed the action, finding no direct causal link between the conduct of which Frontex was accused and the damage alleged. It found that Frontex had no competence to assess the merits of the return decisions or the applications for international protection, which lies only within the Member States. For this reason, according

to the General Court, Frontex could not be held liable for any damage connected with the return of the family to Türkiye. The applicants subsequently filed an appeal before the CJEU.

The CJEU recalled Frontex's obligations under EU law and specifically Regulation 2016/1624 to ensure the protection of fundamental rights in the performance of its tasks, and in particular the principle of *non-refoulement*. The court referred to the [Opinion](#) of Advocate General Ćapeta, confirming that joint return operations coordinated by Frontex may concern only those who have been the subject of enforceable individual return decisions, which must be issued in writing in accordance with Article 12(1) of the Return Directive. Thus, Frontex is required to verify that enforceable return decisions exist for all persons whom a Member State intends to include in a joint return operation, in order to ensure compliance with Regulation 2016/1624 and with fundamental rights, especially the principle of *non-refoulement*. This obligation is reinforced by the duty of sincere cooperation. The CJEU clarified that this verification concerns only the existence of the decisions and does not involve an assessment of their merits, and therefore does not interfere with the exclusive competence of the Member States in that regard.

The court confirmed that, under Article 42(1) of Regulation 2016/1624, the host Member State is liable for damage caused by members of Frontex teams operating on its territory, since they act under its instructions. However, the provision does not, in principle, exclude any liability on the part of Frontex for possible breaches of fundamental rights during a return operation. In light of the Agency's obligations to ensure respect for fundamental rights, the court held that it cannot be excluded *a priori* that a breach of the obligations by its staff in the context of a particular operation may have contributed to infringements occurring during a return flight. Likewise, since Frontex staff participate, or may participate, in joint return operations, it cannot be ruled out in advance that wrongful acts or omissions on their part may have a causal link with such infringements.

As regards the causal link between the conduct alleged against Frontex and the damage claimed, the CJEU found that the General Court erred in treating the applicants' decision to travel to Erbil, motivated by a fear of being returned to Syria, as a mere "choice", without assessing whether the decision was reasonable, in light of their family situation, vulnerability and the alleged risk of a removal to Syria. This is particularly relevant when they have been transferred to a country presenting a concrete risk of *refoulement*. The General Court therefore erred in concluding that the damage could not be regarded as a direct consequence of the conduct alleged against Frontex, without specifically examining whether the applicants' decisions were reasonable in the circumstances. Conclusively, the CJEU found that the General Court had erred in law in its assessment of the causal link and in its interpretation of Frontex's obligations in the context of joint return operations, and therefore set aside the judgment under appeal and referred the case back to the General Court for further examination.

This judgment provided further clarification on the scope of Frontex's obligations and potential liability in the context of joint return operations conducted with Member States. Together with [Hamoudi v Frontex](#) (C-136/24 P, 18 December 2025), it was delivered at a time that coincides with the preparations for the implementation of the Pact on Migration and Asylum, under which Frontex is to [support](#) Member States in the new screening and in return activities.

Conclusion

In 2025, the CJEU rendered 20 judgments which interpreted various provisions of CEAS, including 4 judgments rendered by the Grand Chamber. The cases covered access to the asylum procedure, the Dublin procedure, safe country concepts, assessment of applications, detention, material reception conditions, content of protection, effective remedy, data protection, temporary protection and returns. Across these components of CEAS, the court reaffirmed the central importance of an effective judicial review, proportionality in the application of measures, and compliance with the fundamental rights enshrined in the EU Charter.

Four judgments delivered in Grand Chamber formation addressed significant aspects of the application of EU law by both Member States and EU bodies. The Grand Chamber confirmed that, under certain conditions, Member States may require beneficiaries of international protection to pass a civic integration examination, but fines should only be issued in exceptional cases. It further clarified the conditions under which a third country may be designated as a safe country of origin, holding that where the designation is made by legislative act, it must be subject to an effective judicial review and based on sources which are accessible to both the applicant and the competent court, and the designation is precluded when specific categories of persons cannot be considered safe. Two additional Grand Chamber judgments concerning Frontex clarified the Agency's obligations and responsibilities under EU law, particularly with regard to safeguarding fundamental rights in the context of its operational activities.

A significant share of the case law in 2025 concerned the assessment of applications for international protection. The court addressed procedural aspects, such as extending examination time limits, alongside substantive matters, including interpreting the concept of a particular social group in relation to blood feuds, the scope of subsidiary protection under EU law when Member States provide higher more favourable standards of protection in their national law and the conditions governing exclusion and revocation.

The right to an effective remedy also featured prominently. Across different areas of CEAS, the court interpreted the relevant provisions in light of Article 47 of the EU Charter and assessed whether an effective judicial review was ensured. This included clarifying the level of judicial scrutiny required in relation to safe country designations, the scope of a full and *ex nunc* examination, the competence of national courts to obtain and assess evidence, and the availability of remedies in the context of temporary protection and return.

Some CJEU judgments in 2025 demonstrated continued alignment with the jurisprudence of the ECtHR, particularly related to evidentiary standards in alleged pushback cases, the requirement of an individualised assessment despite safe country designations, and standards concerning the legal recognition of gender identity.

The jurisprudence related to asylum pronounced by the CJEU in 2025 is particularly significant in view of the forthcoming application of the Pact on Migration and Asylum, with most provisions entering into application in June 2026. By clarifying the scope of Member States' obligations under the existing *acquis*, the court has provided interpretative guidance that will inform the implementation of the new framework.



To read more case law from the CJEU, consult the [EUAA Case Law Database](#).

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