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EASO Case Law Database

- Short 'history' and relation with EASO mandate
- How to find cases in the database
- Sources used
- Latest case law materials
- Submit cases to the database
- Overview of recent cases.

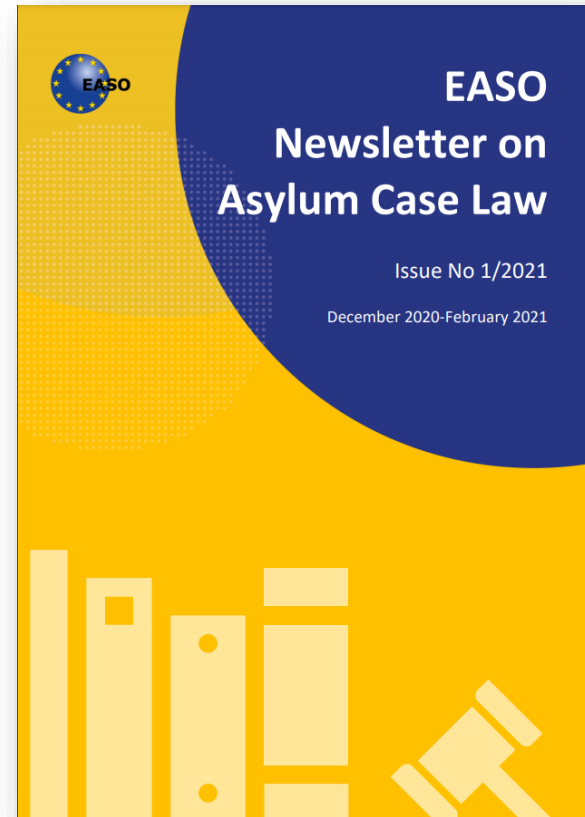
EASO Case Law Database

- Part of EASO's mandate to provide support to MS.
- Centralised platform for asylum case law from courts and tribunals of EU+ countries, focused mainly on international protection.
- Public access to summaries of judgments in English and to the original case.

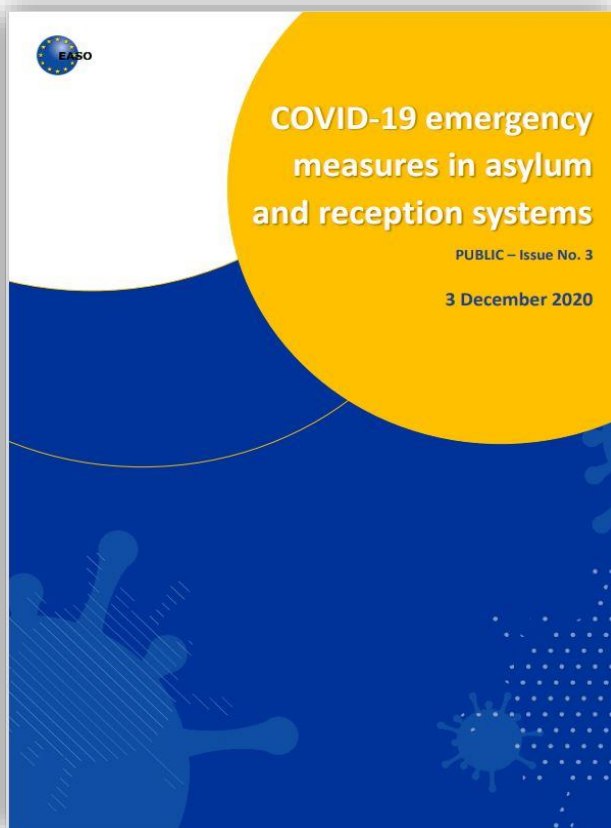
EASO Case Law Newsletter
1/2020 - December 2020



EASO Case Law Newsletter
1/2021 - March 2021

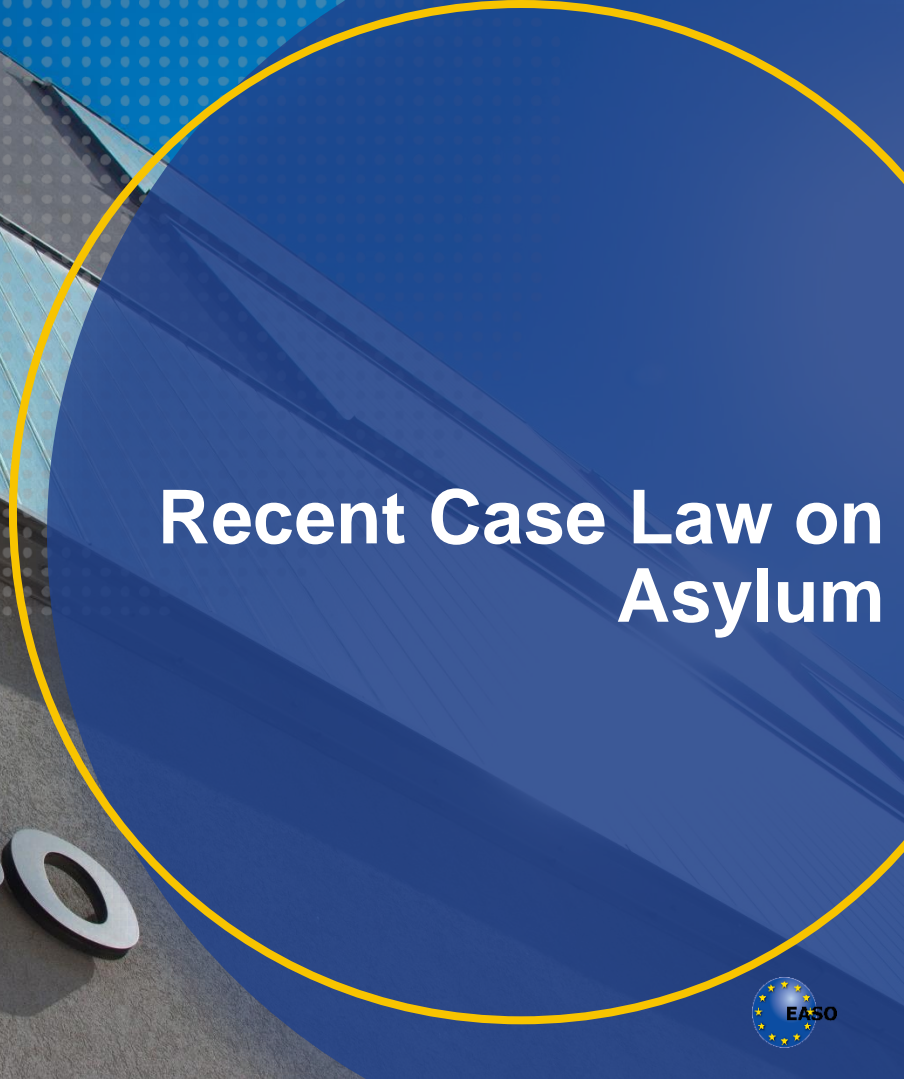


COVID-19 jurisprudential developments published in December 2020



Asylum Case Law in 2020 published in May 2021





Recent Case Law on Asylum

EASO



Access to procedure – registrations & COVID-19



Courts ordered the immediate resumption of registrations in compliance with sanitary measures:

- **France, Council of State, [La Ligue des droits de l'Homme, l'association Action des chrétiens pour l'abolition de la torture, l'association Kali, l'association Utopia 56, and others](#)**, nos. 440250, 440253, 30 April 2020.
- **France, Council of State, [Applicant \(Central African Republic\)](#)**, no. 440756, 8 July 2020 - *National legal provisions regarding the COVID-19 pandemic and the public health reasons cannot be used as a justification for refusing to register asylum applications.*



Dublin transfers

- PCR tests - France, Council of State, *Minister of the Interior v B.A.* and *Minister of the Interior v A.*, 10/04/2021.
- Germany, Federal Administrative Court, *Applicants v Federal Office for Migration and Refugees*, no. 5106/2019, 18/09/2020
- The Netherlands, Court of The Hague, *Applicant v State Secretary for Justice and Security*, NL20.6494, 21/04/2020



First instance procedure



Temporary adaptation of time limits

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

Personal interviews by videoconference

- Belgium, Council of State, [L'Ordre des barreaux francophones et germanophones and others](#), no. 249.163, 7/12/2020 – *lack of legal basis to change processes regarding personal interviews.*



Second instance procedures



Use of the written procedure, extension of time limits

- Belgium, Council for Alien Law Litigation, [*X v Office of the Commissioner General for Refugees and Stateless Persons*](#), no. 237374, 23/06/2020

The right to be heard in person before the court

- Netherlands, Council of State, [*Applicant v State Secretary for Justice and Security*](#), 7/04/2020

Suspension of public pronouncements of decisions

- Netherlands, Council of State, [*Applicant v State Secretary for Justice and Security*](#), ECLI:NL:RVS:2020:992, 7/04/2020



Assessment of applications

➤ Military conscription

- CJEU- [EZ](#), 19/11/2020 – strong presumption on refusal to perform military service
- Germany, High Administrative Court - [Applicant \(Syria\) v BAMF](#), 29/01/2021

➤ Vulnerable applicants: LGBTQ+

- Estonia, Supreme Court, [Police and Border Guard Board v X. \(Uganda\)](#)
– sexual orientation as starting point

➤ Safe third country:

Netherlands - reassessment for LGBTI+ - [Applicant \(Mongolia\)](#), 07/04/2021

➤ Syria:

- Denmark, Refugee Appeals Board – reassessment of situation in Rif Damascus – [Applicant \(Syria\)](#), 17/02/2021



Reception conditions

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

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

- **France:** material conditions in Mayotte
 - Council of State, [*C. \(Burundi\)*](#), 12/03/2021



Detention

➤ Detention in transit zones:

- CJEU, [European Commission v Hungary](#), 17/12/2020
- the conditions the transit zones of Röszke and Tompa amounted to detention;
- recent ECtHR, [R.R. and Others v Hungary](#), 02/03/2021

➤ ECtHR- [Feilazoo v Malta](#), 11/03/2021

- Detention pending removal with COVID-19 quarantined inmates

➤ Malta, Court of Magistrates, [Frank Kouadioane](#), 29/10/2020

- immediate release of an illegally-detained applicant with a medical condition



Return to the country of origin

- **CJEU:** -best interest of children in the father's return - [*M.A. v Belgium*](#), 11/03/2021
- detention and interpretation of art. 15 of the Return Directive: (Referral)
Estonia, Supreme Court [*Police and Border Guard vs I.L.*](#), 30/03/2021
- **COVID-19 related:**
 - **Belgium:** Court of Cassation, [*MY v Belgian state \(represented by the State Secretary for Asylum and Migration\)*](#), 10/03/2021 “trips” allowed under COVID-19 restrictions;
 - **Germany:** Federal Constitutional Court: [*Applicant \(Afghanistan\) v Schleswig-Holstein Administrative Court*](#), 09/02/2021 – interim measures pending decision on return to Afghanistan



EASO Case Law Database

For all relevant cases, see

<https://caselaw.easo.europa.eu>

Contact: caselawdb@easo.europa.eu

