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Asylum, immigration and integration



The latest Eurostat figures reveal that in the 12-month period up to September 2010 around 250,000 people applied for asylum in the 27 European Union (EU) Member States. The EU asylum system allows those facing the risk of serious harm in their home country to apply for international protection. However, progress in legislative reforms leading to the creation of a Common European Asylum System by 2012 has been slow. Concurrently, Greece was confronted with unprecedented pressures on its asylum system, challenging its ability to implement human rights guarantees. Furthermore, a recent ruling by the European Court of Human Rights (ECtHR) raised questions about the operability of the Dublin II Regulation. Regarding the integration of migrants, a trend emerged of tying the granting of permanent residence for legally-residing non-EU nationals to integration requirements.

This chapter covers developments in EU and Member State policies and practices in the areas of asylum, immigration and the integration of migrants for the year 2010. It relates primarily to the fundamental rights situation of asylum-seekers and legally resident migrants in the EU. In order to gain a comprehensive overview of this area, this chapter should be read together with Chapter 2 on border control and visa policy, which focuses on the situation of fundamental rights of asylum seekers and irregular migrants at EU borders.

1.1. Asylum

Three principal challenges can be identified in relation to the area of asylum. Firstly, while the Stockholm Programme¹ commits the EU Member States to the creation of a Common European Asylum System (CEAS) by 2012, progress in revising the legislative framework has been modest. Secondly, Member States have continued to face practical challenges in the application of the existing *acquis* relating to the conditions of reception for asylum seekers. More particularly, the extraordinary pressure experienced by the **Greek** asylum system has highlighted the potential challenges to fundamental rights. Such challenges may arise in states where the present EU asylum framework is combined with a national asylum system that still requires further development and shows insufficient administrative capacity to cope with the inflow of asylum seekers. Thirdly, there is evidence to

Key developments in the area of asylum, immigration and integration:

- provisions of the Qualification Directive,² relating to eligibility for, and the granting and withdrawal of refugee status, were clarified by judgments of the Court of Justice of the European Union (CJEU);
- Member States at the EU's external borders faced difficulties in guaranteeing fundamental rights where they experienced increased inflows of migrants, in particular regarding detention conditions of irregular migrants;
- transfers of asylum seekers to Greece under the Dublin II Regulation were suspended in order not to pose risks to the fundamental rights of those transferred;³
- detention conditions for irregular migrants, including for those whose asylum claims have failed, posed issues for the protection of human rights;
- protection practices under readmission agreements raised concerns as regards the principle of *non-refoulement*;
- more Member States introduced integration requirements as a condition of granting permanent residence permits;
- a few Member States discussed granting migrants greater political rights.

1 European Council (2010).

2 Council Directive 2004/83/EC, OJ 2004 L 304.

3 Council Regulation (EC) No. 343/2003 OJ 2003 L50, p. 1.

suggest that public intolerance towards migrants and asylum seekers may be increasing.⁴

This section will consider developments in the EU legislative and institutional framework, including the interpretation of the law provided by the CJEU. It will then discuss the challenges to fundamental rights resulting from the practical implementation of the existing framework, including a focus on the problems faced by **Greece** and their implications for the European asylum system as a whole.

1.1.1. EU legislative and institutional developments

Among the six legal instruments under revision – that is, the Long-term Residents Directive,⁵ the Reception Conditions Directive,⁶ the Qualification Directive, the Asylum Procedures Directive,⁷ the Dublin II Regulation⁸ and the Eurodac Regulation⁹ – in the development of a CEAS, the Council of the European Union and the Parliament had only agreed on amendments to the Long-term Residents Directive by the end of 2010.¹⁰ This directive, as amended, will permit persons granted international protection to move freely within the EU on the same basis as other long-term residents from third countries. However, gaps in the asylum framework remain given the absence of revised legislation in relation to the regulation of asylum procedures, the reception of asylum seekers and the determination of refugee status.

Albeit with limited progress, discussions continued on proposed amendments to the four main EU asylum instruments – the Reception Conditions Directive (Recast),¹¹ the Asylum Procedures Directive (Recast),¹² the Qualification Directive (Recast)¹³ and the Dublin II Regulation (Recast)¹⁴ – which are intended to introduce higher common standards of protection through further harmonisation of Member States' legislation. The Office of the United Nations High Commissioner for Refugees (UNHCR) has broadly welcomed the European Commission's proposals since they address some of the existing gaps.¹⁵ However, the Council of the European Union did not show support for some of the provisions including proposals to strengthen the right to an effective remedy, the provision of legal assistance and the regulation of detention. To reinvigorate the negotiation process, the Belgian EU Presidency organised a Ministerial Conference on Asylum in September 2010, where the FRA presented

the results of its research on access to justice for asylum seekers.¹⁶

Despite the Belgian EU Presidency's efforts to make progress on the CEAS, there was reluctance at Council level further to develop EU standards in this area. This may be due, in part, to practical challenges in implementing the existing *acquis*. The European Commission has announced that it will submit amended proposals for the Asylum Procedures and Reception Conditions Directives before the beginning of the Polish EU Presidency in July 2011.¹⁷ Negotiations on revisions to the Dublin II Regulation and the Eurodac Regulation, which is the tool through which fingerprints are collected and compared, also continued.¹⁸ The European Commission withdrew provisions from its proposal, which afforded access to Eurodac to law enforcement agencies and Europol for law enforcement purposes; these provisions had raised fundamental rights concerns according to an opinion issued by the European Data Protection Supervisor (EDPS) in April 2010. However, in November 2010, 10 EU Member States, namely **Austria, Czech Republic, France, Germany, Hungary, Lithuania, the Netherlands, Portugal, Slovenia and Spain**, specifically requested the reinsertion into the regulation of a provision allowing access for law enforcement services to Eurodac.¹⁹

Meanwhile, progress was made with regard to the institutional framework of the EU asylum system. In February 2010, the European Parliament and the Council adopted the Regulation establishing a European Asylum Support Office (EASO).²⁰ The EASO, based in Malta, will work to improve the implementation of the CEAS by strengthening practical cooperation in the area of asylum among EU Member States. More particularly, it has the task of providing technical advice and assistance to Member States experiencing pressure on their asylum and reception systems. Such operational support includes the provision of training, gathering and disseminating information on countries of origin, and coordinating action to assist the asylum and reception systems of Member States. The EASO shall become operational by 19 June 2011.²¹

1.1.2. The role of the Court of Justice

The CJEU provided clarification of existing legislative provisions in a series of judgments in 2010. This section will focus on three cases relating to the Qualification Directive.

In the *Abdulla* case, the CJEU ruled on the interpretation of Article 11 (1) (e) of the directive relating to the withdrawal of refugee status.²² It found that a refugee may lose his/

4 Chapter 6, 'Racism and ethnic discrimination'.

5 Council Directive 2003/109/EC, OJ 2004 L 16.

6 Council Directive 2003/9/EC, OJ 2003 L 031.

7 Council Directive 2005/85/EC, OJ 2005 L 326.

8 Council Regulation (EC) No. 343/2003, OJ 2003 L50.

9 Council Regulation (EC) No. 2725/2000, OJ 2000 L 316.

10 European Parliament (2010a).

11 European Commission (2008a).

12 European Commission (2009a); see also European Commission (2010a).

13 European Commission (2009b).

14 European Commission (2008b).

15 UNHCR (2010a), UNHCR (2010b) and UNHCR (2009a). See also European Council on Refugees and Exiles (ECRE) (2010a), ECRE (2010b), ECRE (2009a).

16 FRA (2010a), (2010b) and (2010c).

17 Council of the European Union (2010a), p. 9.

18 European Commission (2009c); see also European Commission (2008b).

19 Council of the European Union (2010a), p. 9.

20 Regulation (EU) No. 439/2010, OJ 2010 L 132, p. 11.

21 *Ibid.*, Article 54.

22 CJEU, Joined cases C-175-179/08, *Abdulla and others*, 2 March 2010. The *Elgafaji* case (C-465/07) was the first preliminary CJEU ruling on the upper case Qualification Directive in February 2009.



her status when the circumstances which had justified the person's fear of persecution no longer exist and he/she has no other reason to fear being persecuted within the meaning of Article 2 (c) of the directive. However, such a change of circumstances must be of a "significant and non-temporary nature" and the factors which formed the basis of persecution must have been "permanently eradicated".²³

In the *Bolbol* case, the CJEU ruled on the interpretation of Article 12 (1) of the Qualification Directive.²⁴ According to this provision, refugee status may not be granted to those who fall under the protection of a United Nations (UN) body, as provided for under Article 1D of the UN Convention relating to the status of refugees. However, the CJEU held that a displaced Palestinian could not be excluded from being considered a refugee just because he/she was eligible, in principle, for protection or assistance from the United Nations Agency for Palestine Refugees (UNRWA). Rather, the CJEU found that such exclusion can only occur where a person actually avails themselves of this protection or assistance, which was not the case here.

In the *B and D* case, the CJEU ruled on the interpretation of Article 12 (2) (b) and (c) of the directive.²⁵ According to this provision, refugee status may not be granted where there are serious reasons for considering that an individual has committed "a serious non-political crime" or is "guilty of acts contrary to the purposes and principles of the United Nations". The CJEU found that the fact that a person has been a member of a terrorist organisation²⁶ and "has actively supported the armed struggle waged by that organisation does not automatically constitute a serious reason for considering that that person has committed 'a serious non-political crime' or 'acts contrary to the purposes and principles of the United Nations'". Rather, the CJEU stated that such a finding "is conditional on an assessment on a case-by-case basis of the specific facts".²⁷

At the end of 2010, a number of other cases relating to the Asylum Procedures Directive and the Dublin II Regulation were pending before the CJEU.²⁸ One of the cases was referred by the Court of Appeal of the **United Kingdom** (UK). It seeks to clarify whether transfers of asylum

seekers to EU Member States, where their fundamental rights as provided for under the EU Charter are considered to be at risk or where minimum standards of the Asylum Procedures Directive are not enforced, might be in breach of EU law and other international obligations. Similarly, the High Court of **Ireland** referred a case to the CJEU regarding the legality of transferring asylum seekers to other EU Member States that have different standards of refugee protection.

1.1.3. Practical operation of the asylum *acquis*

Two main challenges to the protection of fundamental rights can be identified in the practical operation of the existing asylum *acquis*. Firstly, the implementation by Member States of the EU legal framework in relation to asylum may render the rights of asylum seekers difficult to realise in practice. Secondly, EU Member States may experience difficulties in coping with increased inflows of migrants. In response to these challenges, some measures towards increasing solidarity among Member States can be identified.

A 2010 UNHCR study on the implementation of the Asylum Procedures Directive found significant divergences in interpretation between EU Member States, suggesting that the legislation was not being applied correctly in practice.²⁹

FRA ACTIVITY

Information material on asylum procedures: great differences between EU Member States

In 2010, the FRA collected the experiences of almost 900 asylum seekers in the 27 EU Member States (EU27). Their experiences confirm the existence of considerable disparities in the provision of written information on the asylum procedure and in the opportunities available to challenge a negative decision by the asylum authorities. The FRA found that a lack of adequate or timely information in a language understood by the asylum applicant could undermine the practical application of their rights under the legal framework.

To illustrate the different approaches, Figure 1.1 outlines the number of languages in which general information leaflets about the asylum procedures were translated. In five EU Member States – **Austria, the Czech Republic, Denmark, Germany and Ireland** – information leaflets are translated into more than 20 languages. In comparison, in **France, Greece, Lithuania and Portugal**, asylum information leaflets are translated into five languages, although, for example, among those applying for asylum in 2009, **France** had more than 100 different nationalities, and **Greece** had more than 60 nationalities (Figure 1.2). While for certain asylum seekers it might be expected that applicants are able to understand the host state language (as in the case of French or Portuguese-speaking former colonies), it cannot be assumed that this would address the language needs of the whole range of diverse nationalities in these Member States.

23 *Ibid.*, paragraphs 72 ff.

24 CJEU, C-31/09, *Bolbol*, 15 June 2010.

25 CJEU, joined cases C-57/09 and C-101/09, *B and D*, 9 November 2010.

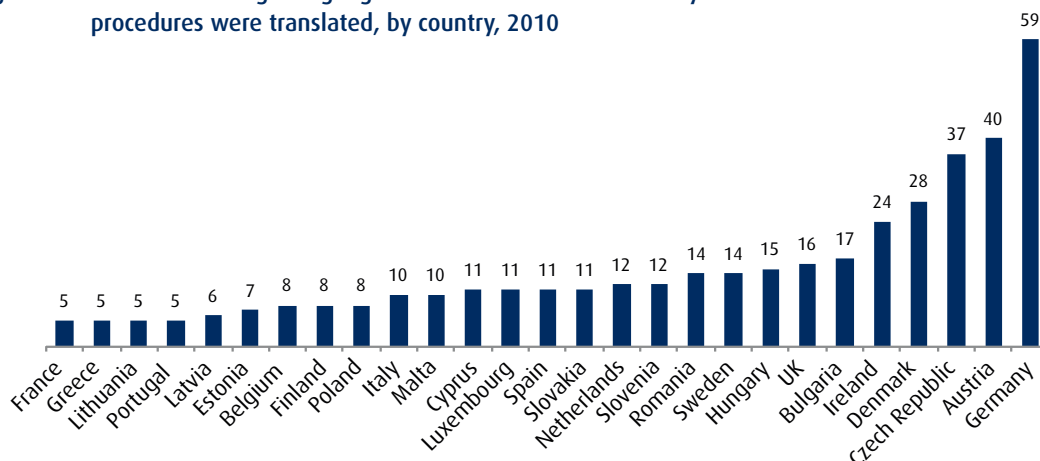
26 According to the list forming the Annex to the Council Common Position on the application of specific measures to combat terrorism, OJ 2001 L 344/93, pp. 95-96.

27 CJEU, joined cases C-57/09 and C-101/09, *B and D*, 9 November 2010, paragraph 99.

28 CJEU, C-69/10 *Samba Diouf*, 5 February 2010, on the interpretation of Article 39 of the Asylum Procedures Directive in the context of access to justice. CJEU, C-411/10, *NS v. Secretary of State for the Home Department*, 18 August 2010; and C-493/10, *M.E. and others v. Refugee Applications Commissioner, Minister for Justice, Equality and Law Reform*, 11 October 2010. Both cases were joined by order of the President of the CJEU on 9 November 2010. Previously, in the *Petrosian and others* case (C 19/08), the CJEU ruling of 29 January 2009 clarified a rather technical question concerning the start of the period for transfer of the asylum seeker in the meaning of Articles 20 (1) (d) and 2 of Council Regulation (EC) No. 343/2003 of 18 February 2003.

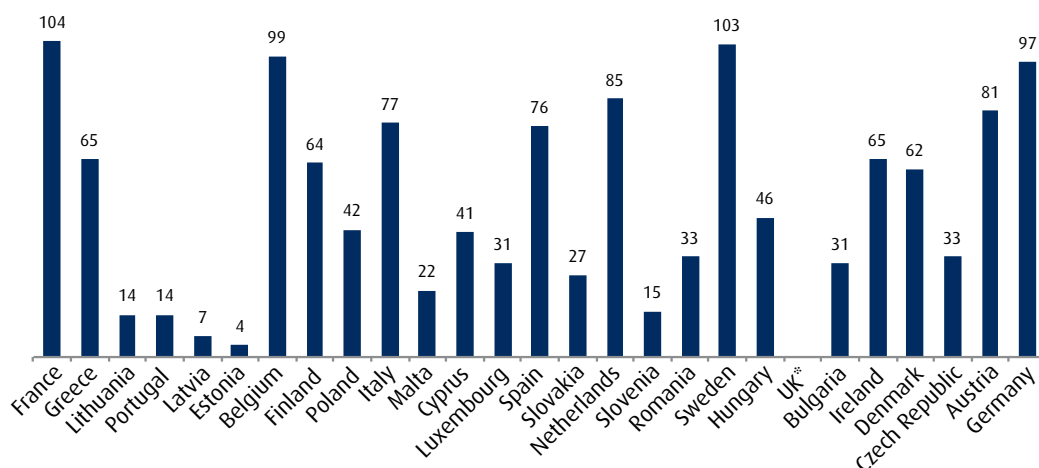
29 UNHCR (2010c).

Figure 1.1: Number of foreign languages into which leaflets about asylum procedures were translated, by country, 2010



Source: FRA (2010a). Data based on a questionnaire completed by national asylum authorities between April and July 2010.

Figure 1.2: Number of nationalities which applied for international protection in 2009, by country



Note: It should be noted that the number of nationalities does not necessarily reflect the number of languages spoken by the asylum applicants.

* No data available for 2009.

Source: FRA (2010b). Data based on Eurostat Asylum Statistics, extracted in September 2010.

1.1.4. Coping with increased numbers of arrivals

In 2010, **Greece** was subject to significant immigration pressure. Some 90% of all 2010 irregular crossings of the land, sea or air border of the EU took place in Greece. At the same time, the asylum system of Greece is in the early stages of development, with limited reception capacities.³⁰

In cases where an EU Member State receives an increased number of persons crossing the border in an irregular manner, challenges to fundamental rights protection may occur

at two levels: its asylum system may not have the capacity to deal with higher numbers, and applicants transferred back to overburdened states may risk being exposed to breaches of their rights.

Firstly, where an asylum system of an EU Member State does not have the capacity to deal with high numbers of asylum seekers, difficulties in providing adequate reception conditions may occur. Such difficulties were reported in **Belgium, Greece and Italy** in 2010.³¹ As a consequence, states often take measures to limit the overall number of asylum

30 FRA (2011).

31 For more information, see for Belgium, P. Courard (2010); for Greece, Council of Europe (2010) and for Italy, UNHCR (2009c).

seekers, which can have a negative impact on standards of protection.³² Furthermore, living conditions may become difficult and homelessness could follow as a direct result, as seen in Greece. In addition, asylum seekers may be held in inadequate detention facilities together with irregular migrants, which could include, for instance, individuals who have served sentences for criminal offences and are awaiting deportation.

Secondly, the extraordinary pressure on the Greek asylum system revealed the weaknesses of EU law when applied in this type of 'stress situation'. By the end of 2010, some 1,000 cases concerning the application of the Dublin II Regulation to asylum seekers were pending before the ECtHR.³³ They mostly concerned claims against **Belgium**, the **Netherlands**, **Finland** and **France** contesting transferral back to **Greece** and **Italy**.

In a large number of cases, the ECtHR granted interim measures under Rule 39 of its Rules of Court, instructing states not to carry out transfers of the asylum applicants to **Greece** while it examined their cases. As part of the procedure before the Court, interim measures may be taken when justified by emergency circumstances. If the Court grants the applicant such an interim measure, the applicant's expulsion is suspended. Nonetheless, it will still have to deliberate on the admissibility and merits of the cases concerned. The ECtHR later issued a letter informing those states continuing to transfer applicants to **Greece** that it would systematically grant interim relief in relation to any attempt to transfer asylum seekers to Greece pending its judgment in the case of *M.S.S. v. Belgium and Greece*.³⁴ This put further pressure on EU Member States such as **Austria**, **Belgium**, **Denmark**, **Finland**, the **Netherlands** and the **UK** to suspend all transfers. However, not all EU Member States had officially announced that they would halt all transfers to Greece by December 2010.³⁵

In January 2011, the ECtHR Grand Chamber delivered its judgment in the case of *M.S.S. v. Belgium and Greece*. The case concerned the return by **Belgium** of an Afghan asylum seeker to **Greece** in application of the Dublin II Regulation. Subsequently, the asylum seeker was detained in **Greece** and filed an application for asylum while he had to live on the street with no means of subsistence. The ECtHR found both **Greece** and **Belgium** in violation of Articles 3 (prohibition of degrading or inhuman treatment) and 13 (right to an effective remedy) of the European Convention on Human Rights (ECHR).

In addition to the case of *M.S.S. v. Belgium and Greece*, two pending cases, which were referred to the CJEU by courts

in **Ireland** and the **UK**,³⁶ may have also contributed to the decision of certain EU Member States to temporarily suspend transfers of asylum seekers to **Greece**.³⁷

Some observers see the ECtHR ruling in the *M.S.S.* case as a blow to the EU asylum system in the sense that the assumption no longer stands that all EU Member States respect fundamental rights and that it is therefore safe to automatically transfer asylum seekers between EU countries.³⁸ At the same time, the European Commissioner for Home Affairs, Cecilia Malmström, underlined the need for all EU Member States to meet their responsibilities under the asylum system in order to ensure that all those in need can avail themselves of international protection.³⁹ In this sense, one explicit objective of the further development of the CEAS is to increase solidarity and responsibility among EU Member States, as well as between the EU and third countries.

It is worthwhile noting that **Greece** committed to reform its asylum system based on a national action plan including immediate and long-term measures. In particular, Greece adopted a new Presidential Decree in November 2010 to cover the transitional period until the new asylum service is established and the new law regulating this service is adopted, and until the screening centres providing initial reception for persons crossing the borders are established.⁴⁰ Moreover, during the February 2011 Management Board meeting of the EASO, Greece announced that it would ask for the deployment of the first 'asylum support teams' who will provide assistance to address current demands in its asylum system.

1.1.5. Measures based on solidarity

The European Commission and the EU Member States, together with UNHCR, EASO and Frontex, are engaged in substantial efforts to assist Greece. This support concerns both the asylum system, but also migration management more generally. It combines significant financial and practical assistance for the reform of the national asylum system, border and return management, a more efficient use of the relevant EU funds on migration management and better cooperation with neighbouring countries, in particular Turkey.

Another example of solidarity-based measures can be found in burden sharing among some Member States. In 2010, **Germany** and **France**, alongside other EU Member States, continued to alleviate the pressure on the overburdened asylum system of **Malta**, through refugee relocation

32 Chapter 2, 'Border control and visa policy'.

33 ECtHR (2010).

34 ECtHR, GC, *M.S.S. v. Belgium and Greece*, No. 30696/09, 21 January 2011.

35 For more on the situation in Greece, see FRA (2011).

36 CJEU, C-411/10, *NS v. Secretary of State for the Home Department*, 18 August 2010; and C-493/10, *M.E. and others v. Refugee Applications Commissioner, Minister for Justice, Equality and Law Reform*, 11 October 2010.

37 For more information, see, for example, the Netherlands, Decision 5671201 of the Ministry of Justice to halt transfers, 13 October 2010.

38 For more information, see, for example, ECRE (2011).

39 European Commission (2011).

40 Greece/PD 114/2010 of 22 November 2010. See also law no. 3907/2011 published on 26 January 2011.

projects. A study commissioned by the European Parliament, which was completed in January 2010, calculated that asylum spending in relation to gross domestic product (GDP) was 1,000 times higher in Malta than in Portugal in 2007. The study further confirmed that Malta experienced pressures on its asylum system disproportionate to its capacity. **Bulgaria, Cyprus and Poland** experience similar pressure due to limited capacity.⁴¹ According to information issued by the French Ministry of Immigration, Integration, Asylum and Consolidated Development (*Ministère de l'immigration, l'intégration, l'asile et le développement solidaire*), **France** accepted 92 recognised refugees from **Malta** in 2009 and 93 in 2010. **Germany** relocated 102 refugees from **Malta** in 2010. These arrivals are part of the intra EU Relocation from Malta (EUREMA) pilot project, which includes 10 participating EU Member States: **France, Germany, Hungary, Luxembourg, Poland, Portugal, Romania, Slovakia, Slovenia** and the **UK**. Apart from **France** and **Germany**, most Member States have pledged to take five to 10 refugees each. According to the European Parliament report, the pilot project is an ad hoc example of responsibility sharing, although its impact is primarily symbolic.⁴² In comparison, a total of more than 600 refugees have departed for the USA from **Malta** since 2007 and a further 250 refugees were in the process of being relocated at the end of 2010.⁴³

1.2. Rights of irregular migrants

Although irregular migrants form only a small proportion of the migrant population they are more likely to be exposed to human rights violations than other groups of migrants.⁴⁴ The term irregular migrant refers to an individual whose stay on the territory of a Member State is not authorised, including individuals who have received a negative decision on their asylum claim. Their irregular status normally prevents them from seeking redress where their rights are violated, as this would expose them to the risk of being removed. Therefore, existing safeguards, such as the obligation on Member States to provide mechanisms through which third-country nationals in illegal employment may lodge complaints either directly or through third parties under the Employer Sanctions Directive, should be fully taken into account in national implementing measures.⁴⁵

The majority of international human rights norms are generally applicable to every person, irrespective of their migration status. Only certain rights, most notably some socio-economic and political rights are limited to nation-

als or to non-nationals staying or residing lawfully. Hence, although none of the EU Member States have ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), they are nevertheless bound by other core international human rights instruments they adhere to, for instance, the ECHR, the UN Convention on the Rights of the Child or International Labour Organisation (ILO) instruments. In addition, with an increasing number of ratifications of the ICRMW,⁴⁶ the pressure on European states to ratify this human rights instrument which specifically protects migrant workers is likely to increase.

FRA ACTIVITY

Examining key aspects of the social situation of irregular migrants

In 2010, the FRA published its report on *Detention of third-country nationals in return procedures*, thereby providing a legal analysis of a number of issues covered in the Return Directive. The second project looks at the social situation of irregular migrants in the EU. For this project, in 2010, the FRA collected information through field work, including interviews with irregular migrants, analyses of secondary data, and questionnaires from national authorities, municipalities and various actors working with irregular migrants. Building on this, the FRA plans to examine in greater detail key aspects of the social situations of irregular immigrants in the EU in order to assess the extent to which their fundamental rights are respected and protected. Areas covered by the research include health, housing, education, social care, fair working conditions and access to justice.

For more information, see: http://fra.europa.eu/fraWebsite/research/projects/proj_irregularimmigrants_en.htm

1.2.1. Immigration detention

Where individuals have been unsuccessful in their claims for asylum or where they are otherwise unlawfully present in an EU Member State, they may be removed, and may also face detention pending removal. These issues are in part regulated by the Return Directive.⁴⁷

In 2010, the ECtHR found that three Member States were in breach of the ECHR due to unlawful detention and inhuman treatment of detained foreigners.⁴⁸ This indicates that detention of asylum seekers and migrants for immigration purposes remains an area where respect for fundamental rights is at risk.

41 European Parliament (2010a).

42 *Ibid.*, p. 46.

43 Figures received from UNHCR Malta on 15 December 2010.

44 Looking at the EU in particular, figures from the European research project Clandestino (2007-2009), estimated the size of the irregular population in the EU 27 at 1,900,000-3,800,000 in 2008. Whereas, according to Eurostat (2009) some 19.5 millions third-country nationals officially lived in the EU on 1 January 2008.

45 Directive 2009/52, OJ 2009 L 168, p. 24.

46 As of 13 December 2010, there were 44 States parties to the ICRMW.

47 Directive 2008/115/EC, OJ 2008 L 348, p. 98.

48 See for example, ECtHR, *Al-Agha v. Romania*, No. 40933/02, 12 January 2010; ECtHR, *A.A. v. Greece*, No. 12186/08, 22 July 2010; ECtHR, *Massoud v. Malta*, No. 24340/08, 27 July 2010.

The Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) published its report in November 2010, following its fifth periodic visit to **Greece** in September 2009. The CPT delegation found: allegations of ill treatment by detained irregular migrants; lack of access to doctors; no access to free legal aid for irregular migrants and lack of information on their detention in a language they can understand; grim conditions of detention due to overcrowding and poor material and hygienic conditions; and the detention in police or border guard stations for weeks and even months of both irregular migrants and persons facing criminal charges. In October 2010, the UN Special Rapporteur on Torture presented his preliminary findings on irregular immigration and asylum in **Greece**, including evidence of: inhuman detention conditions for immigrants due to overcrowding in prisons and detention facilities; poor health conditions; lack of an independent investigation mechanism for victims of physical abuse; and dysfunctions in the asylum system and protracted detention of irregular migrants. While acknowledging the overwhelming situation faced by **Greece**, the UN Special Rapporteur recommended that **Greece** be provided with substantial support to handle the immense inflow of irregular migrants, as well as advocating the revision of the Dublin II Regulation towards a fairer system of burden sharing for refugee protection in the EU. Similar findings were reported by the UNHCR.

The situation at the detention facilities at the Greek-Turkish border has also been described by a report by the FRA issued in early March 2011. The FRA noted that in spite of

€9.8 million emergency funding granted by the EU under the European Refugee Fund to Greece to cover immediate and urgent needs and the strengthening of the asylum system, the situation in the detention facilities remains essentially unchanged. At the beginning of March, the only visible change was the deployment of medical staff to these facilities.⁴⁹

EU Member States transferring asylum seekers under the Dublin II Regulation back to overburdened states for the processing of their applications may risk exposing the applicants to breaches of their fundamental rights. Such a situation may occur either due to reception conditions in the overburdened state (as illustrated in relation to Greece) or due to the risk that the overburdened state might return applicants to their state – where they face the threat of persecution, a real risk of torture, and arbitrary deprivation of the right to life or irreparable harm – or a state of transit where they face a risk of persecution or serious harm (the principle of *non-refoulement*). This includes the prohibition to return a person to a transit country where the person is not protected from return to persecution or serious harm (chain *refoulement*).

In 2010, the FRA issued a report on the detention of third-country nationals in return procedures.⁵⁰

In January 2010, the Parliamentary Assembly of the Council of Europe adopted a Resolution and a Recommendation on the detention of asylum seekers and irregular migrants in Europe.⁵¹ The Assembly encouraged Member States of the Council of Europe to follow 10 guiding principles governing

Promising practice

Alternatives to detention of irregular families with children

One issue examined in the 2010 FRA report relates to alternatives to detention. Although many EU Member States provide for the possibility of imposing alternatives to detention, this is often done only exceptionally and primarily for particularly vulnerable groups, such as families with children. In Belgium families may be placed in open houses. This programme is accompanied by individual counselling on the immigration options available to the migrant. So far this alternative appears quite successful, as it reduces the need for deprivation of liberty without substantially increasing absconding rates, thanks to the intense individual counselling.

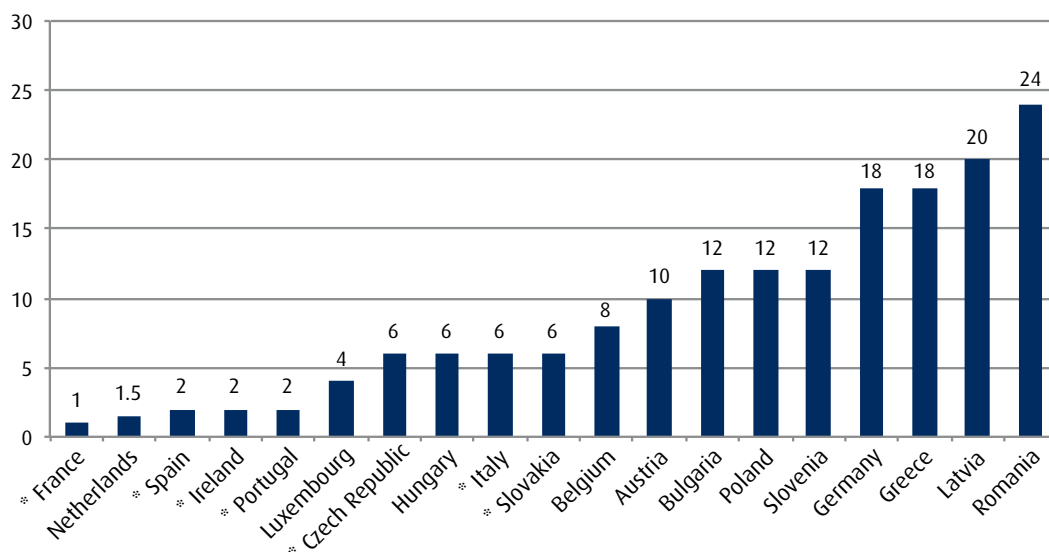
Another aspect concerns the length of pre-removal detention. The Return Directive provides for a maximum length of detention of six months, which can be prolonged under certain conditions up to 18 months in total. The directive required transposition to be completed by December 2010. As of November 2010, eight EU Member States had not laid down by law a maximum time limit for pre-removal detention or for certain types of pre-removal detention: **Cyprus, Denmark, Estonia, Finland, Lithuania, Malta, Sweden** and the **UK**.⁵² In addition, in the Netherlands no upper limit is foreseen in law for deprivation of liberty resulting from Article 59.1(a) of the Aliens Act 2000, which is by far the most common ground for the detention of foreigners. Without a maximum period of detention stipulated by law, the rights of irregular migrant detainees are protected only to the extent that they can exercise rights of judicial review. As shown in Figure 1.3, in late 2010 upper time limits in other EU Member States for the deprivation of liberty of foreigners who have been issued an expulsion order ranged from 32 days in France to 20 months in **Latvia** or two years in **Romania**.

⁴⁹ FRA (2011).

⁵⁰ *Ibid.*, p. 43.

⁵¹ Council of Europe, Parliamentary Assembly (PACE) (2010a); PACE (2010b).

Figure 1.3: Maximum length of detention, by country (month)*



Note: * Lengths of detention expressed in days or weeks in national legislation are provided in months in the graph. In countries where more than one time limit exists, the longest possible period of detention has been selected. States that have an upper time limit only for certain situations of pre-removal detention have been included in the list; this is the case in the Netherlands and Romania.

Source: FRA (2010c), Detention of third-country nationals in return procedures, Vienna, FRA

the circumstances in which the detention of asylum seekers and irregular migrants may be legally permissible.

The Assembly also recommended that the Committee of Ministers of the Council of Europe adopt rules on minimum standards of conditions of detention of irregular migrants and asylum seekers, and establish a consultation body. Such a body, it stated, should be comprised of government experts, members of civil society, and relevant representatives of international organisations, the European Commission and the Council of Europe. This body would have the task of examining in detail the 10 guiding principles on the circumstances in which the detention of asylum seekers and irregular migrants is legally permissible. This is the first time that an international body has called for the development of specific standards for immigration detention. However, in reply,⁵³ the Committee of Ministers expressed the opinion that the pre-existing 2003 Recommendation on measures of detention of asylum seekers and the 2005 'Twenty guidelines on forced return' largely corresponded to the substance of the documents put forward by the Assembly.⁵⁴ It went on to state its intention to initiate a study on the implementation of the latter two documents by the Member States.

52 *Ibid.*, p. 43.

53 Council of Europe (2010).

54 See the reply adopted by the Committee of Ministers on 13 October 2010 at the 1095th meeting of the Ministers' Deputies, CM/AS(2010) Rec1900, final 15 October 2010.

1.2.2. Returns

The Return Directive sets out the conditions under which third-country nationals without a right to stay may be removed from the territory of a Member State. Application of this legislation has given rise to three challenges in terms of human rights protection: firstly, the treatment of individuals during the removal process itself; secondly, the impact of a decision to remove individuals on their right to a family life; and thirdly, the operation of readmission agreements between the EU and its Member States on the one hand and third states on the other.

In relation to the treatment of individuals, Article 8 (6) of the Return Directive creates a duty to establish "an effective return monitoring system" with the aim of reducing the risk of ill-treatment or death during return procedures, instances of which continued to occur in 2010.⁵⁵ While the directive does not set criteria for determining 'effectiveness', in order to guarantee fairness in the process it can be assumed that such monitoring would benefit from the establishment of bodies with independent and adequately trained personnel, able to report their observations to the relevant authority. From the evidence collected by the FRA, it seems that only three EU Member States, namely **Austria**, **Germany** and **Luxembourg**, involve external actors (NGOs or national human rights institutions) in this work.

55 For example, an Angolan irregular migrant died during a removal by air from the UK after having been restrained by private security guards in October 2010; for more information, see P. Lewis, M. Taylor and C. de Comarmond (2010).

FRA ACTIVITY

Monitoring returns

To gather the opinions of NGOs on the opportunities and risks for return monitoring, in December 2009 the FRA co-organised a workshop on the monitoring of forced returns with ECRE and the Churches' Commission on Migrants in Europe. Benefits of effective national return monitoring systems were highlighted and ways to mitigate the risks for civil society actors engaging in such activity identified. Three pre-conditions for effective monitoring were drawn up: a clear definition of the rules of engagement of the monitor; adequately qualified monitoring staff; and an effective reporting mechanism.

At national level, individual cases of returns continued to attract media attention and clearly raised fundamental rights issues, such as the right to family life, as illustrated in the following two examples. In **Finland** in March 2010, the Supreme Administrative Court ruled against the granting of residence permits to two elderly women staying irregularly in Finland but whose children and grandchildren lived in the country. Publicity surrounding the case sparked a political debate, with some criticising the rigidity of Finnish legislation.⁵⁶ Similarly, in **Lithuania** an elderly woman staying irregularly, who was living with her son, was refused a residence permit, which she applied for on the grounds of family reunification. The Supreme Administrative Court reversed the decision, stressing the obligation of national institutions to respect the right to private and family life guaranteed by Article 8 ECHR. The court also made reference to the Family Reunification Directive⁵⁷ and the Return Directive, stating that they obliged Member States to respect the right to family life when deciding on the expulsion of aliens.⁵⁸

A recent report by UNICEF⁵⁹ investigated the situation of Roma, Ashkali and Egyptian children who were deported from **Germany** to Kosovo with their families. Since they had lived in Germany for many years under toleration status, most of the 116 children interviewed felt distraught and disoriented in Kosovo. While they had attended school in Germany, three quarters of children interviewed had not yet attended school in Kosovo because they did not know the language, lacked school certificates from Germany or because their families were too poor. UNICEF argued that forcibly returning families with children to Kosovo could in some cases be in breach of the principle of the best interests of the child enshrined in the UN Convention on the Rights of the Child (CRC).

1.2.3. Readmission agreements

Readmission agreements involve a reciprocal agreement between a Member State and a third state to cooperate over the return of irregular migrants, including individuals whose asylum applications have been unsuccessful. These agreements may be used in the context of returning an

individual under the Return Directive, and have been used in particular to return individuals to a transit state where they have been apprehended following an attempt to cross the external borders of the EU in an irregular manner. Each Member State has a web of bilateral readmission agreements or cooperation agreements that include provisions on readmission.⁶⁰

In addition, Member States have mandated the European Commission to conclude readmission agreements for the EU as a whole. Approximately a dozen EU readmission agreements have thus far been concluded and a mandate has been given to the Commission to negotiate others, including with Morocco and Turkey.⁶¹ In 2010, the Council adopted two readmission agreements: one with Pakistan⁶² and one with Georgia.⁶³

A recent study on Readmission Policy in the European Union commissioned by the European Parliament shows that readmission policies can have serious consequences for human rights guarantees.⁶⁴ In particular, it highlights the frequency of 'premature returns' where states are considered to be safe destinations for return upon the mere cessation of hostilities, even though serious risks to human rights protection may remain. The bilateral agreements between Libya and Italy illustrate the risks that a strict application of enhanced cooperation agreements can pose to human rights, such as the *non-refoulement* principle, given the serious concerns for human rights protection of irregular migrants present in Libya. In this sense, the authors of the study criticise the fact that readmission agreements are seen by Member States and the European Commission as an effective way to address irregular flows of migrants to the EU "regardless of whether the country where migrants are to be readmitted (i.e., Libya) already possesses the capacity to fully respect the fundamental human rights and the dignity of the removed persons".⁶⁵

56 Finland, Ministry of Interior (2010) and Helsingin Sanomat (2010).

57 Council Directive 2003/86/EC, OJ 2003 L 251, 22, p. 12.

58 Lithuania/Lietuvos vyriausiasis administracinis teismas/A-822-1226-09, 22 October 2009.

59 UNICEF (2010).

60 European University Institute (2010). It shows the increasing density of the bilateral patterns of cooperation on readmission involving European countries.

61 For more information, see Statewatch: www.statewatch.org/news/2010/jan/eu-readmission-agreements.pdf.

62 OJ 2010 L 287, p. 52-67. The agreement entered into force on 1 December 2010.

63 European Commission (2010e).

64 European Parliament (2010d).

65 *Ibid.* p. 40.

The Parliamentary Assembly of the Council of Europe recently issued a resolution relating to readmission agreements. The resolution calls on Council of Europe Member States to consider the human rights situation and the availability of a well-functioning asylum system in a state prior to entering into negotiations on such agreements with that state.

“There is [...] a risk that readmission agreements pose a threat, directly or indirectly, to the human rights of irregular migrants or asylum seekers. This concerns, in particular, the risk that the sending or the readmitting country fails to honour their obligations under the Geneva Convention [...] and then uses a readmission agreement to enforce a flawed decision.”

Council of Europe, Parliamentary Assembly, Resolution 1741 on readmission agreements: a mechanism for returning irregular migrants, points 3 and 7.1, 22 June 2010

1.3. Immigration and integration

This section focuses on the fundamental rights situation of legally resident migrant workers, and measures to promote integration. The Stockholm Programme encourages the creation of flexible admission systems that are responsive to the needs of Member States and enable migrants to take full advantage of their skills and competences. It also calls for integration policies aimed at granting them rights and obligations comparable to those of EU citizens.

1.3.1. Legally resident third-country nationals

As noted in section 1.1. on asylum, in December 2010 the Council and the European Parliament reached an agreement on the amended text of the Long-term Residents Directive, concerning the status of third-country nationals who are long-term residents. However, progress on other pending instruments regulating legal migration has been slow. In particular, the European Commission’s proposal for a directive to establish a single procedure and a common set of rights for all migrant workers has not progressed significantly.⁶⁶

The amended Long-term Residents Directive allows beneficiaries of international protection to be granted long-term resident status and enjoy a number of rights, including facilitating movement within the EU, and equal treatment with EU citizens in education, access to the labour market and social security benefits. Persons granted international protection become eligible for long-term resident status after a period of five years has elapsed. The point from which this period begins does not necessarily coincide with the date on which the application for international protection was lodged. Article 4 (2) stipulates that where the application

process exceeds 18 months in length, this entire period shall count towards the five-year requirement. Where the application process takes less time, EU Member States are required to put at least half of the waiting period towards the requirement.

Legislation to regulate the admission and stay of third-country national intra-corporate transferees (non-EU nationals who are personnel of multinational enterprises working outside the EU, and then transferred to posts in a Member State) and seasonal workers was proposed by the European Commission in July 2010, in the form of two draft directives.⁶⁷ Each proposed directive sets out rules governing the admission of this category of workers, and the rights that they will enjoy as regards equal treatment, procedural rights and (in relation to intra-corporate transferees) movement between Member States.

Both proposals are undeniable steps forward in ensuring common social and procedural rights for third-country nationals employed in seasonal work or posted by their employer to the EU. However, some concerns have been expressed, including by the European Trade Union Confederation.⁶⁸

1.3.2. Integration

Article 79 (4) of the Treaty on the Functioning of the European Union (TFEU) allows the EU to establish measures to provide incentives and support for Member States in promoting the integration of legally resident third-country nationals. This new legal basis was introduced by the Treaty of Lisbon. The Stockholm Programme reaffirms that granting comparable rights, responsibilities and opportunities for all is at the core of European cooperation in integration, while “taking into account the necessity of balancing migrants’ rights and duties”.

This has paved the way for a number of new developments in the area of integration, namely the exploration of the feasibility of European Integration Indicators and European Integration Modules, and the call for a renewed European agenda on integration. The European Integration Modules are intended as a source of inspiration for Member States when developing or implementing integration programmes or actions. At the same time, integration indicators are used to monitor the results of integration policies. The Commission also published its third edition of a Handbook on integration in April 2010, prepared with the help of the National Contact Points on Integration.⁶⁹

At the Zaragoza ministerial conference on integration in 2010, the Ministers in charge of migration policies agreed to stress the need to develop a new agenda on integra-

⁶⁶ European Commission (2007). The European Parliament failed to agree an amended proposal at first reading in December 2010. See European Parliament (2010b).

⁶⁷ European Commission (2010b).

⁶⁸ European Trade Union Confederation (ETUC) (2010).

⁶⁹ European Commission (2010c).

tion.⁷⁰ The Europe 2020 strategy for smart, sustainable and inclusive growth also highlighted the need to design a new agenda for migrants' integration "to enable them to take full advantage of their potential".⁷¹ This renewed EU agenda on integration is likely to reinforce existing instruments and give rise to new instruments to improve knowledge and exchange between Member States, and to facilitate mainstreaming of integration priorities in all relevant policy areas.

Efforts in the framework of the Europe 2020 strategy should be complemented by "an ambitious integration agenda [...]. This agenda should include a coordination mechanism as proposed in the Stockholm Programme in order to improve structures and tools for European knowledge exchange and facilitate mainstreaming of integration priorities in all relevant areas."

Council of the European Union, Council Conclusions on the follow-up of the European Pact on Immigration and Asylum, 3018th Justice and Home Affairs Council meeting, Luxembourg, 3 June 2010.

Despite the increasing EU momentum of integration issues, Member States' views and approaches continue to differ as regards goals and means of integration policies. Nevertheless, certain trends can be detected, for instance, some Member States seem to be moving towards linking the issuing of residence permits to integration requirements for certain categories of migrants. This is illustrated by the following examples from six Member States.

In **Denmark**, legislation on an immigration test was amended and entered into force in 2010.⁷² As of November 2010, third-country nationals must pass the test in order to be granted a residence permit on the grounds of family reunification with a spouse/partner in Denmark or, in the case of preachers, to be granted an extension of the residence permit. The immigration test has to be passed within a set period of time after entering the state or after receiving an official invitation.

Denmark also strengthened its integration requirements for permanent residence. The Danish Supreme Court ruled on the legality of the 'attachment requirement' that couples have to meet in order to benefit from family reunification. The spouse and the sponsor's combined attachment to Denmark must be greater than their combined attachment to any other state. This requirement is lifted if the sponsor has held Danish citizenship for at least 28 years, or if the sponsor was either born and raised in Denmark or has lived in Denmark since early childhood and has resided there legally for more than 28 years.⁷³ In a judgment of January

2010, the Danish Supreme Court held that the 'attachment requirement' did not violate the right to family life of Danish citizens (as guaranteed by Article 8 ECHR), either taken alone or in conjunction with the prohibition on discrimination (Article 14 ECHR).⁷⁴ The case is now pending before the ECtHR.

In **France**, a government bill seeks to make the renewal of residence permits conditional on the efforts towards integration made by individuals.⁷⁵ In the **Netherlands**, as of January 2010, the granting of permanent residence status is made conditional on passing the civic integration test.⁷⁶ In **Malta**, the legislation transposing the Long-term Residents Directive was amended to include an integration requirement. A third-country national applying for the status of long-term resident in **Malta** is now required to produce evidence that he/she attended an integration course in the 12 months prior to the application, passed the subsequent exam with a minimum score of 75%, and passed a Maltese or English exam with a minimum score of 75%.⁷⁷

In **Italy**, the Council of Ministers approved a plan to introduce a credits-based system to issue residence permits where relevant criteria may include knowledge of the language, Italian law and public services.⁷⁸ Other Member States remain committed to the principle of voluntary participation of migrants in integration programmes.⁷⁹ This includes **Sweden**, where a new law on 'introduction', providing for a 60-hour course on Swedish society for new arrivals, was submitted to the Integration Minister.

In the Stockholm Programme, the European Council invited the European Commission to support Member States' efforts in identifying "joint practices and European modules to support the integration process, including essential elements such as introductory courses and language classes, a strong commitment by the host community and the active participation of immigrants in all aspects of collective life".⁸⁰ The declaration by the European Ministerial Conference on Integration in Zaragoza puts forward 15 principles the ministers agreed upon, also reiterating the call to "strengthen local initiatives and civic participation investing in districts with a high immigrant concentration in order to create a sense of belonging as it is vital that immigrants participate in all aspects of social, economic, and cultural life".⁸¹

70 European Ministerial Conference on Integration (2010).

71 European Commission (2010d), p. 18.

72 Denmark, Bill No. 87 amending the Aliens Act, Act on Active Social Policy L 87 and Act No. 400 of 21 April 2010, adopted by Parliament on 15 April 2010.

73 For more information, see the Danish Immigration Service and Ministry of Refugee, Immigration and Integration Affairs website: www.nyidanmark.dk/en-us/coming_to_dk/familyreunification/spouses/attachment_requirement.htm.

74 Danish Supreme Court, judgment of 13 January 2010 concerning spousal family reunification (judgment published in the Danish legal journal U2010.1035).

75 France, Ministry of Immigration, Integration, Asylum and inclusive Development (2010).

76 The Netherlands, Aliens Act 2000. For more information, see also the Netherlands Immigration and Naturalisation Department website: www.ind.nl/.

77 Malta (2010).

78 Italy (2010).

79 Sweden, Lag (2010:197) om etableringsinsatser för vissa nyanlända invandrare.

80 European Council (2010), p. 30.

81 European Ministerial Conference on Integration (2010), p. 11.

As regards active citizenship, the 2010 Zaragoza declaration refers in its Annex to the 2009 Swedish Presidency conference conclusions on indicators and the important role that monitoring of the outcome of integration policies can play in this regard. The Swedish Presidency conference conclusions, however, also highlighted that no unified view existed among Member States regarding indicators in the area of active citizenship. At the same time, the conference conclusions underlined that the participation of immigrants in the democratic process as active citizens supports their integration and enhances their sense of belonging.⁸²

As regards the political participation of third-country nationals,⁸³ it is worthwhile noting that only five EU Member States – **Denmark, Finland, Italy, the Netherlands and Sweden** – have ratified the Council of Europe 1992 Convention on the Participation of Foreigners in Public Life at Local Level. However, a great number of EU Member States grant, to some extent, third-country nationals the right to political participation at local level – in fact, more than half of the EU Member States do so. **Belgium, Denmark, Greece,⁸⁴ Ireland, the Netherlands and Sweden** provide all third-country nationals with the right to vote and the right to stand as a candidate. **Luxembourg and Estonia** provide third-country nationals with the right to vote but not to stand as a candidate. Some EU Member States, such as **Finland, Lithuania⁸⁵ or Slovakia** grant the right to vote and to stand as a candidate to all third-country nationals who have a permanent residence or who hold a long-term residence status. In **Lithuania** in 2007, for example, 25 non-Lithuanian citizens stood as candidates in local elections out of a total of 13,422 candidates; none of the non-Lithuanian candidates, however, were elected.⁸⁶ **Slovenia and Hungary** provide third-country nationals with permanent residence or with long-term residence status with the right to vote but not to stand as a candidate. Finally, several Member States provide only citizens of certain third countries with political rights: in **Portugal** and the **UK**, certain citizens of certain third countries have the right to vote and to stand as a candidate, while in **Spain⁸⁷** citizens from certain third countries have the right to vote, but not to stand as a candidate.

There was no clear move towards extending the right to vote to third-country nationals across EU Member States during 2010. In **Germany**, proposals in this direction were

discussed,⁸⁸ while in **France** the legislature rejected proposals in this vein. In **Denmark**, the number of years of legal residence required in order to be granted the right to vote was raised from three to four. It should be noted that even where political participation is legally guaranteed, awareness is often low among third-country nationals that they may enjoy a right to vote in local elections. As a result, the participation rate of third-country nationals is rather low in such elections. For instance, in Ireland, in the local elections of June 2009, the number of combined EU and non-EU citizens on the electoral register represented about 12% of the migrant population living in Ireland.⁸⁹

Outlook

With regard to asylum, two issues will stay at the forefront of the EU agenda in the coming years. Firstly, if the CEAS is to be completed by 2012 significant progress will be required in 2011. Secondly, following the *M.S.S* case Member States that have not already done so are likely to suspend transfers of asylum seekers to Greece, in application of the Dublin II Regulation, for an indefinite period of time. Whether further initiatives based on solidarity and collective responsibility will emerge remains unclear.

The fundamental rights challenges in the context of returns can be expected to crystallise as Member States continue with the transposition and implementation of the Return Directive.

In the case of legally resident third-country nationals, the European Commission is likely to table new proposals on labour migration in the years to come, in addition to the 2010 proposals on seasonal workers and third-country intra-corporate transferees. The pace of economic recovery in the EU may well have an impact on the readiness of Member States to open up new legally recognised migration routes for labour migrants.

Finally, regarding the integration of third-country nationals, it remains to be seen whether the introduction of a legal basis for cooperation on integration in Article 79 (4) TFEU will deepen the EU's impact in that area. The answer may become clearer once a renewed agenda for integration is proposed by the European Commission.

82 *Ibid.*, p. 12-13.

83 For political participation of EU citizens outside their home state, see Chapter 7 'Participation of EU citizens in the Union's democratic functioning'.

84 Greece, Law 3838/2010 on 'Modern provisions regarding Greek citizenship and political participation of aliens of ethnic origin and aliens who reside lawfully in Greece', adopted in March 2010.

85 Lithuania, Law No. IX-959, 28 June 2002.

86 For more information, see the communication from the RAXEN national focal point in Lithuania, the Centre of Ethnic Studies at the Institute for Social Research, with the Central Electoral Commission of the Republic of Lithuania, 2 October 2007.

87 The third-country nationals who will be able to vote in the May 2011 local elections are nationals from Bolivia, Cap Verde, Chile, Colombia, Ecuador, Iceland, Paraguay, Peru, New Zealand and Norway.

88 Bundestag-Drucksachen 17/1047, 17/1150 and 17/1146.

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UN & CoE

EU

28 January – CoE Parliamentary Assembly adopts a resolution and a recommendation on the detention of asylum seekers and irregular migrants

January

February

March

April

May

June

July – UN High Commissioner for Refugees comments on the European Commission's proposal for a Directive on minimum standards for the qualification and status of third-country nationals or stateless persons as beneficiaries of international protection and the content of the protection granted

July

August – UN High Commissioner for Refugees comments on the European Commission's proposal for a Directive on minimum standards on procedures in Member States for granting and withdrawing international protection

August

September

October

November

December

21 January 2011 – ECtHR Grand Chamber delivers lead judgment on the application of the Dublin II regulation (*M.S.S. v. Belgium and Greece* case)

January

January

February

2 March – CJEU interprets the Qualification Directive in the *Abdulla and others* case

4 March – CJEU interprets the Family Reunification Directive in the *Chakroun* case

March

April

19 May – EU adopts a regulation establishing a European Asylum Support Office

May

15 June – CJEU interprets the Qualification Directive in the *Bolbol* case

22 June – CJEU rules on aspects of the Schengen Borders Code in the *Melkei and Abdeli* case

June

July

18 August – CJEU interprets application of Asylum Procedures Directive in the *NS v. Secretary of State for the Home Department* case

August

September

11 October – CJEU interprets application of Asylum Procedures Directive in the *M.E. and others v. refugee Applications Commissioner, Minister for Justice and Law Reform* case

October

9 November – CJEU interprets the Qualification Directive in the *B and D* case

November

December