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Through judicial reviews, courts provided guidance to determining authorities on various complex issues that may arise when assessing exclusion from international protection. In July 2023, the CJEU clarified in three cases the conditions for refusal and revocation of international protection for third-country nationals who were convicted of a crime (*see Section 2.5*).437

In Finland, the Supreme Administrative Court held that, although the acts of an applicant amounted to an aggravated non-political crime, he should not be excluded from international protection considering his young age, uneducated background and the environment in which he had grown.

Courts also provided clarification on the right to an oral hearing in exclusion cases. The Supreme Administrative Court of Finland ruled in December 2023 that the lower court should have organised an oral hearing in which the applicant would be given the opportunity to provide additional explanations about the serious non-political crime he had committed. The Supreme Court of Slovenia rejected an appeal in March 2023 in a case concerning exclusion due to involvement in terrorism, holding that the first instance court, during the oral hearing, fully disclosed classified information to the plaintiff and gave him the opportunity to oppose. The court noted that the applicant could read the version of the judgment which contained classified information, although he was only served a version of the judgment without classified information.

In Lithuania, the Migration Department, in consultation with the State Security Department, the SBGS and the police, used a questionnaire to screen citizens of Belarus and Russia on their attitudes on the war in Ukraine and information on former employers and services to identify possible threats to state security and cases in which exclusion clauses would be applicable.

In Italy, the Tribunal of Bologna referred questions to the CJEU for a preliminary ruling in July 2023 in the context of criminal proceedings initiated against a Congolese applicant for international protection for assisting in the entry and stay of third-country nationals in an irregular situation and the use of forged documents.

In Norway, the Supreme Court annulled the decision of the Court of Appeal in December 2023, agreeing with the arguments of the government that for active acts of participation, unlike for omissions, to reach the threshold of participation liability it cannot be required that participation

had “resulted in a difference in the main act”, as the Court of Appeal had assumed.

- 437European Union, Court of Justice of the European Union [CJEU]. *Staatssecretaris van Justitie en Veiligheid* v *M.A.*, C-402/22, ECLI:EU:C:2023:543, 6 July 2023. https://caselaw.euaa.europa.eu/pages/viewcaselaw.aspx?CaseLawID=3500

  European Union, Court of Justice of the European Union [CJEU]. *Bundesamt für Fremdenwesen und Asyl* v *AA*, C-663/21, ECLI:EU:C:2023:540, 6 July 2023.

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