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While some common challenges persisted which hindered access to information, appeals led to courts interpreting EU and national laws and defining appropriate practices.

In February 2023 the ECtHR reiterated that asylum seekers must be provided sufficient information. In the case, the court stated that not only had a mother and her three children been unlawfully detained when transferred from Germany to Poland, they were not sufficiently informed of several extensions of the detention measure when the Border Guard only informed them orally. Thus, the legal basis and the reasons for detention were not sufficiently explained to the applicants, who then did not have a fair opportunity to challenge the legality of the detention. Likewise, the Court of Cassation in Italy annulled a detention order and stated that the Justice of Peace should have investigated if the third-country national received sufficient information on the right to apply for asylum.

In July 2023, the Tribunal of Rome condemned the illegal pushback of an Afghan minor from Italy to Greece, citing various violations such as the lack of information provision and access to the asylum procedure. In addition, in November 2023, the Court of Cessation First Civil Section stressed the requirement to provide information on the possibility to apply for asylum, with documents in the person’s language or an interpreter, in line with EU and national laws.

In May 2023, the Ghent Labour Court in Belgium annulled a decision by Fedasil to remove an asylum applicant from the reception centre due to his higher income and held that more information and assistance should have been provided to avoid homelessness. The applicant had not received adequate information on the services provided by the public social services centres (CPAS) or any assistance in the transition to private housing.

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