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2.5.7 Non-discrimination of naturalised beneficiaries of international protection

In the case of *I.N.*(C-897/19 PPU) , the CJEU ruled on non-discrimination between nationals and asylum beneficiaries who subsequently become nationals of an EFTA state. The case concerned extradition proceedings of a Russian national who was granted asylum in Iceland and subsequently became a national of Iceland. He was arrested in Croatia, and Russia sought his extradition, while Iceland requested a safe passage to Iceland as the Russian criminal proceedings were the basis on which Iceland had granted international protection.

The Grand Chamber of the CJEU held that the requested Member State must first verify the risk of the person being subjected to the death penalty, torture or inhuman or degrading treatment, or punishment. In this case, the extradition request constituted a particularly serious element. The Grand Chamber noted that, before considering executing the extradition, Croatia must inform the EFTA State (Iceland) to enable it to request the surrender of its national, provided that it is competent to prosecute the national for acts committed outside its national territory. The CJEU held that the TFEU, Articles 18 (non-discrimination based on nationality) and 21 (freedom of movement and residence for EU citizens) are not applicable as the case concerned a third-country national and not an EU citizen, but the situation in question does fall within the scope of EU law, specifically the EEA Agreement. The CJEU further held that the fact that the beneficiary had been granted asylum in Iceland constitutes a particularly serious factor in the assessment, and in the absence of developments in Russia, Croatia should refuse the extradition.

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