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# 3.2.5.4. Use of detention

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The German Regional Administrative Court of Karlsruhe considered at first that further clarifications were necessary to establish whether applicants transferred back to Lithuania under the Dublin procedure would be at risk of systematic deprivation of freedom of movement amounting to detention. Following updated information, the court decided that applicants can be transferred to Lithuania and there was no risk of inhuman or degrading treatment.

The Danish Refugee Appeals Board concluded in a specific case that a family with a minor child could be transferred to Poland when the Danish authorities obtain guarantees from the Polish authorities that the family has access to the asylum procedure, reception and accommodation conditions. The Polish authorities respond on an ongoing basis to requests for information from other Member States about reception and procedural conditions. Each case is assessed individually, with importance given to: if the application for international protection has already been submitted, legal status resulting from the previous procedure, and the health condition of the foreigner. It is also possible, if necessary, to submit a request for individual guarantees to ensure that the provisions of the reception and procedural directives are applied after a transfer to Poland. In the past, Poland has sent these requests for individual guarantees to Member States that the European Commission recognised as struggling with a migration crisis.

The Belgian CALL suspended the implementation of a transfer to Malta, concluding that the applicant in that specific case would be at risk of detention and removal.

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