Please cite as: EUAA, 'Box 3: Focus on jurisprudence related to international protection' in *Asylum Report 2025*, June 2025.

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icon Jurisprudence of the Court of Justice of the EU

The EUAA Case Law Database contains over 3,700 judgments pronounced by European and national courts on international protection. The most recurrent topics in 2024 concerned the Dublin procedure, reception, detention and temporary protection.

The CJEU delivered various judgments on the Dublin procedure, focusing on systemic flaws in the asylum procedure in the Member States responsible, consecutive detention prior to a Dublin transfer and the application of the discretionary clause (*see Jurisprudence Related to Asylum Pronounced by the Court of Justice of the EU in 2024, Fact Sheet No 32*). Several national judgments, for example in Belgium, Croatia, Lithuania, Romania and Spain, found that the principle of mutual trust could be relied upon when analysing reception conditions and access to the asylum procedure in view of a Dublin transfer.

Reception was a key focus for the ECtHR, with several judgments finding violations of Article 3 of the European Charter of Human Rights (ECHR) due to inadequate reception conditions, especially for vulnerable applicants. The EUAA shed light on divergent practices by examining case law from 2019-2024 on the application of Article 20 of the recast RCD in Jurisprudence on Material Reception Conditions in Asylum – Sanctions, Reductions, and Withdrawals.

The ECtHR ruled extensively on detention, finding violations of Articles 3, 5(1) and 5(4) of the ECHR due to arbitrary, unlawful or prolonged detention, inadequate detention conditions and a lack of effective remedies. National courts also issued decisions on the legality of detention, most commonly addressing detention pending a return, detention on grounds of national security risks, prolonged detention, and judicial reviews of detention. In Finland, the Supreme Administrative Court referred questions to the CJEU on the lawfulness of extended detention pending a removal.

Border and accelerated procedures featured before national courts. The Belgian CALL referred questions to the CJEU on whether a procedure conducted in a location within the national territory but classified as a border area qualifies as a border procedure and on the right to an effective remedy. In Italy, significant cases arose from the implementation of the accelerated border procedure, also in application of the Italy-Albania protocol, including referrals to the CJEU on the safe country of origin concept, based on the landmark CJEU judgment in CV (C-406/22, 4 October 2024). Similarly, the concept of safe third countries was referred to the CJEU by the Greek Council of State and the Administrative Court of Sofia City.

National courts addressed the status of Syrian applicants, with a significant number of cases originating from Austria. In June 2024, the Supreme Administrative Court acknowledged Syria's catastrophic human rights situation, deeming returns to be unsafe. In October 2024, the court delivered a judgment on the necessary link between acts of persecution and the reason for persecution in the case of conscientious objection or forced recruitment.229 In March 2025, the court highlighted that there was no automatic assumption that every Syrian living abroad who has not completed his military service is assumed to have an oppositional attitude in his country of origin and would therefore face disproportionate punishment.230 The Constitutional Court assessed the feasibility of returns to Damascus, considering the security situation and individual circumstances of the applicant. At the same time, the Federal Administrative Court referred questions to the CJEU on the possibility of paying an exemption fee to avoid military service in Syria. In Denmark, the Refugee Appeals Board ruled in October 2024 that, while the security situation in the Homs province remained serious, mere presence in the area no longer posed a real risk of treatment in violation of Article 3 of the ECHR. Subsequently in December 2024, after the fall of the Assad regime and the uncertain situation, the Danish Refugee Appeals Board suspended the processing of cases by Syrian applicants.

Protection for women and girls facing gender-based violence was strengthened by the CJEU in 2024 through three landmark judgments assessing gender as a characteristic of a particular social group. A significant body of case law on the topic emerged from the International Protection Administrative Court of Cyprus, addressing various forms of gender-based violence. The EUAA's report, *Jurisprudence Related to Gender-Based Violence against Women*, outlines the legal framework on this topic and presents relevant case law from 2020 to 2024.

Case law on unaccompanied minors increased significantly in 2024. The CJEU ruled on their right to family reunification with parents or a vulnerable sibling, when the sponsoring beneficiary reaches adulthood during the procedure. In the Netherlands, the Council of State revised the national policy on age assessments, ruling that mutual trust does not apply, although age registrations from other Member States can be considered. The Supreme Court of Spain established doctrinal guidance on the qualification of third-country nationals as beneficiaries of residence permits for humanitarian reasons linked to international protection, which is a national form of protection. It also clarified the procedural requirements for their examination. The Supreme Court ruled that the determining authority must assess *ex officio* whether the applicant deserves such a permit if the person has vulnerabilities. Finally, after finding Malta in violation of Article 3 of the ECHR for inadequate conditions in detention for unaccompanied minors, the ECtHR ordered the national authority to adopt concrete measures to provide for an effective

remedy against detention conditions and ensure an independent and impartial Immigration Appeals Tribunal.

Collective expulsions continued to be addressed by the ECtHR, which found violations of Article 4 of Protocol No 4 of the ECHR in cases involving the removal of individuals without assessing their circumstances, vulnerability, safety and risk of *refoulement*, and denying access to the asylum procedure. An additional case on this topic is pending before the Grand Chamber and will be decided in 2025.

Temporary protection also featured in case law in 2024, primarily on clarifying eligibility criteria. To this end, the EUAA's report on *Jurisprudence on the Application of the Temporary Protection Directive: Analysis of Case Law from 2022-2024* examines how courts refined Member States' interpretation of eligibility, in particular for third-country nationals who were not nationals or permanent residents of Ukraine. The CJEU delivered its first rulings related to temporary protection in December 2024231 and in February 2025.232

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  Verwaltungsgerichtshof. 14.10.2024. Ra 2024/20/0491. https://www.ris.bka.gv.at/Dokumente/Vwgh/JWR_2024200491_20241014L01/JWR_2024200491_20

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  Verwaltungsgerichtshof. 06.03.2025. Ra 2024/18/0214.

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  European Union, Court of Justice of the European Union [CJEU], *P (C-244/24, Kaduna), AI, ZY, BG (C-290/24, Abkez)* v *State Secretary for Justice and Security (Staatssecretaris van Justitie en Veiligheid)*, C-244/24 and C-290/24, ECLI:EU:C:2024:1038, 19 December 2024. Link redirects to the English summary in the EUAA Case Law Database.

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  European Union, Court of Justice of the European Union [CJEU], *A.N.* v *Ministerstvo vnitra*, C-753/23, ECLI:EU:C:2025:133, 27 February 2025. Link redirects to the English summary in the EUAA Case Law Database.

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