

## Online Course EU Asylum Law for Judges

- Date:** Friday 18 June 2021
- Time:** 13.30 - 17.00 hrs CET
- Teachers:** Mr. dr. Evelien Brouwer, Prof. mr. Tesseltje de Lange and Mr. dr. Karin Zwaan
- Target group:** Judges from EU Member States with 2-5 years of experience in migration law cases, as well as supporting staff.
- Costs:** Participation is free of charge
- Location:** Online
- Funding:** This event is offered by the Centre for Migration Law of the Radboud University, Jean Monnet Centre of Excellence. The course is part of CIMIS (Citizenship, Migration and Security), the Centre's Jean Monnet Centre of Excellence work programme 2018-2021. CIMIS is funded by the Erasmus+ Programme of the European Union (contract number 599736-EPP-1-2018-1-NL-EPPJMO-COE).

## Programme

The course will consist of the following three parts. Each part will consist of a lecture and an interactive discussion of recent case law.

### Part 1: Public order grounds in EU migration and asylum law

If a migrant or refugee is convicted for criminal offences or is considered as a threat for public order or security, this may have consequences for his or her residence status. Migration law generally allows states to refuse entrance or to expel third-country nationals on the ground that they form a risk to public policy or national security. In addition, on the basis of public order and security grounds, states may issue return decisions, impose entry bans for the duration of five, ten or twenty years. In EU law, dependent of the status and/or nationality of the migrant, or the rights at stake, different standards may apply with regard to the definition and scope of public order grounds. In this lecture, we will first address the differences between the applicable legal framework of the EU and the ECHR with regard to this topic. Then we will examine the meaning and use of public policy order grounds in migration decisions on the basis of relevant case-law of the CJEU, focusing in particularly on the status and protection of asylum seekers and refugees. In this lecture we will discuss several case-studies, using amongst others the following case-law of the CJEU:

- *H.T. v Land Baden-Württemberg* (C-373/13);
- *J.N. v Staatssecretaris van Justitie* (C-601/15);
- *G.S. and V.G* (Joined cases C-381/18 and C-382/18);
- *E.P.* (C-380/18).

## **Part 2: Dublin**

Pursuant to Article 18 of the Charter of Fundamental Rights of the European Union, everyone has the right to seek and enjoy asylum in another country. However, this does not automatically mean that the asylum application will be examined by that country. Dublin III contains the criteria and mechanisms for determining which Member State is responsible for examining an asylum application. The Member State where the asylum seeker is located must assess which Member State is responsible for handling the asylum application (Article 20(4)). The criteria in the Dublin Regulation are binding and must be applied in the order they appear. Five of the ten criteria relate to existing family ties, and also relate to the Rights of the Child. If the asylum seeker cannot be transferred to the competent Member State because the asylum procedure and/or reception conditions reveal systemic flaws which may result in inhuman or degrading treatment, the Member State entrusted with the task of determining the responsible Member State shall examine whether another Member State may be designated as being responsible. Especially the responsibility criteria have been heavily debated, also in preliminary references before the CJEU. In the lecture/discussion the most recent case law (eg 3 December 2020, C-67/20, *Fedasil v M*; 2 April 2020, C-897/19 *I.N.*; 2 April 2019 C-582/17, *H. and R.*) will also be discussed.

## **Part 3: Access to Labour**

The lecture on "Access to labour" will guide you through recent developments of CJEU case law and discuss some specific problem issues. We will analyse the implications of the recent judgement (*K.S., M.H.K. and R.A.T, D.S.*) on access to work during the asylum procedure under the Reception Conditions Directive. Moreover, the application of the CJEU rulings in *Jawo* and *Ibrahim* is discussed. These cases concern asylum seekers who, after a status has been granted in one member state move to another member state claiming a lack of access to work and/or material deprivation in the first member state. The EU concept of human dignity will be central to these analysis.

Part I and II will start with a plenary session, after which the groups of participants will be subdivided into smaller groups to discuss recent case law. The outcome of the discussions will subsequently be discussed in the plenary session.

In order to prepare for the online sessions, participants will be asked to watch two videos of half an hour on the different topics I and II. These videos will be made accessible in the week before the course.

Furthermore, participants are asked to consult the digital reader that the lecturers will compile for the course.