

Court of Justice EU judgments and pending cases
on migration and asylum of third-country nationals - on **29 April 2013**



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New cases and new judgments not mentioned in de previous list **are marked in red.**

► **Regular Migration**

Family Reunification

Directive [2003/86](#)

	Date	Case nr *	MigratieWeb	Subject
<i>judgments</i>				
Parliament/Council	27 June 2006	C-540/03	ve06000854	right to family reunification
Chakroun	4 Mar. 2010	C-578/08	ve10000350	income requirement
Imran (deleted)	10 June 2011	C-155/11 PPU	ve11001451	integration test abroad
O. and S.	6 Dec. 2012	C-356/11	ve12002415	interest of the child; EU charter
Ayalti (deleted)	25 Mar. 2013	C-513/12	ve13000126	integration test abroad

pending cases

Dogan		C-139/13	ve13000555	integration test abroad
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Long-Term Residents

Directive [2003/109](#) and [2011/51](#)

<i>judgments</i>				
Ziebell	8 Dec 2011	C-371/08	ve11003085	Art 12; expulsion = EEC-Turkey
Kamberaj	24 Apr. 2012	C-571/10	ve12001037	equal treatment; housing benefits
Commission/Netherlands	26 Apr. 2012	C-508/10	ve12001031	fees for residence permit
Singh	18 Oct. 2012	C-502/10	ve12002127	Art 3(2)(e); formally restricted residence permit
Iida	8 Nov. 2012	C-40/11	ve12002235	lodging application for LTR is essential

Students, trainees & volunteers

Directive [2004/114](#)

<i>judgments</i>				
Payir	24 Nov. 2008	C-294/06	ve08000192	working Turkish student
Sommer	21 June 2012	C-15/11	ve12001762	Art 17; standstill Accession Bulgaria

Social Security for TCN

Regulation [859/2003](#)

<i>judgments</i>				
Xhymshiti	18 Nov. 2010	C-247/09	ve11000404	child benefits; worker in Switzerland

► Asylum

Qualification

Directive [2004/83](#) and [2011/95](#)

judgments

Elgafaji	17 Feb 2009	C-465/07	ve09000233	Art 15c
Abdulla a.o.	2 March 2010	C-175/08	ve10000328	revocation; new circumstances
Bolbol	17 June 2010	C-31/09	ve10001154	Palestinian exception
B. and D.	9 Nov 2010	C-57/09	ve10001978	terrorist acts organisation
Y. and Z.	5 Sep 2012	C-71/11	ve12001870	Ahmadiyya in Pakistan
M.M.	22 Nov 2012	C-277/11	ve12002343	duty of cooperation
El Kott	19 Dec 2012	C-364/11	ve13000460	Palestinian exception

pending cases

X., Y. and Z.		C-199 ... 201/12	ve12001846	homosexual orientation a social group?
Diakite		C-285/12	ve12001502	internal armed conflict
H.N.		C-604/12	ve13000216	connectivity subsidiary protection and refugee status
A., B. and C.		C-148 ... 150/13	ve13000565	establishing homosexual orientation

Asylum Procedures

Directive [2005/85](#)

judgments

Parliament/Council	6 May 2008	C-133/06	ve08000815	list safe countries of origin
Diouf	28 July 2011	C-69/10	ve11001765	accelerated procedure; remedies
H.I.D. and B.A.	31 Jan. 2013	C-175/11	ve13000192	accelerated procedure; remedies

Dublin II

Regulation [343/2003](#)

judgments

Petrosian	29 Jan. 2009	C-19/08	ve09000283	transfer deadline; suspensive effect
N.S. and M.E.	21 Dec. 2011	C-411+493/10	ve11003203	conditions in Greece; no transfer
Kastrati	3 May 2012	C-620/10	ve12001104	withdrawal asylum application
K.	6 Nov 2012	C-245/11	ve12002218	Art. 15; sovereignty and humanitarian clause
M. a.o. (deleted)	7 Jan. 2013	C-666/11	ve12000462	timely transfer impossible; absconding

pending cases

Puid		C-4/11	ve11000708	conditions after transfer
Halaf		C-528/11	ve12000716	sovereignty clause; Art. 18 EU Charter
M.A. a.o.		C-648/11	ve12000320	transfer of unaccompanied minor
Abdullahi		C-394/12	ve12002359	meaning of First Member State
Rajaby		C-158/13	ve13000611	Art 15 dependency

Reception Conditions

Directive [2003/9](#)

judgments

CIMADE and GISTI	27 Sep 2012	C-179/11	ve12001982	reception conditions during Dublin procedure
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pending cases

Saciri		C-79/13	ve13000670	saturation of national reception structures
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► Borders and Visa

Visa Code Regulation [810/2009](#)

judgments

Vo	10 Apr. 2012	C-83/12	ve12000874	Art 21; Art 34; human trafficking
Dang (deleted)		C-39/12	ve12000874	fraud with and validity of visa

pending cases

Koushkaki		C-84/12	ve13000717	visa procedures and discretion of MS
Air Baltic		C-575/12	ve13000143	validity of visa in cancelled travel doc

Borders Code Regulation [562/2006](#)

judgments

Garcia and Cabrera	22 Oct. 2009	C-261/08	ve09001461	Art 11; no obligation to expel
Melki & Abdeli	22 June 2010	C-188 ... 189/10	ve10000918	Art 21; internal border
Gaydarov	17 Nov. 2011	C-430/10	ve11002843	Art. 27: criminal conviction in other MS
ANAFE	14 June 2012	C-606/10	ve12001343	return visa; Art 5(4); Art 13
Adil	19 July 2012	C-278/12 PPU	ve12001594	Art 21; internal border
Parliament/Council	5 Sep 2012	C-355/10	ve12001874	annulment implementing measure
Zakaria	17 Jan 2013	C-23/12	ve13000280	appeal against refusal at the border
Jaoo (deleted)	14 Sept. 2012	C-88/12	ve12001227	Art 21; internal border

pending cases

Koushkaki		C-84/12	ve12000848	visa procedures and discretion of MS
Air Baltic		C-575/12	ve13000143	validity of visa in cancelled travel doc

Transit through new Member States, Switzerland Decision [896/2006](#)

judgments

Kqiku	2 Apr. 2009	C-139/08	ve09001701	TCN with Swiss residence permit
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Border traffic Regulation [1931/2006](#)

judgments

Shomodi	21 Mar 2013	C-254/11	ve13000564	3 month period local border traffic
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Passports Regulation [2252/2004](#)

pending cases

Schwarz		C-291/12	ve12001603	right to passport without finger prints
Willems a.o.		C-446 ... 449/12	ve13000124	right to passport without finger prints
U.		C-101/13	ve13000742	family names in passport

► Irregular Migration

Returns Directive [2008/115](#)

Judgments

Kadzoev	30 Nov. 2009	C-357/09	ve09001685	maximum period of detention
El Dridi	28 Apr. 2011	C-61/11	ve11001045	prison sentence; order to return
Achughbabian	6 Dec. 2011	C-329/11	ve11003075	sanctions non-compliance return order
Ettaghi a.o.	4 July 2012	C-73 ... 75/12	ve12001883	manifestly inadmissible
Sagor	6 Dec 2012	C-430/11	ve12002416	fine, home detention, expulsion prevails
Mbaye	21 Mar 2013	C-522/11	ve13000693	fine, deportation, risk of absconding
Zhu a.o. (deleted)	6 Feb. 2013	C-51 ... 54/12	ve12000869	illegal residence be defined as crime?

pending cases

Arslan		C-534/11	ve11003229	directive and detention asylum seekers
Filev and Osmani		C-297/12	ve12001602	criminal sanctions for expulsion enforced years ago

Sources: <www.curia.europa.eu> | <cmr.jur.ru.nl/nemis> | <cmr.jur.ru.nl/neais> | <migratiweb.nl>