

Court of Justice EU judgments and pending cases
on migration and asylum of third-country nationals - on 21 January 2013



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► Legal Migration

Family Reunification				
Directive 2003/86				
	Date	Case nr(s) (*)	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]
<i>pending cases</i>				
Ayalti		C-513/12		[integration test abroad]

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	[income, insurance, integration conditions]

Students, trainees & volunteers				
Directive 2004/114				
<i>judgments</i>				
Sommer	21 June 2012	C-15/11	ve12001762	[Art 17; standstill Accession Bulgaria]

Social Security for TCN				
Regulation 859/2003				
<i>judgments</i>				
Khymshiti	18 Nov. 2010	C-247/09	ve11000404	[child benefits; worker in Switzerland]

► Asylum

Qualification				
Directive 2004/83 and 2011/95				
<i>judgments</i>				
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	ve12000969	[Ahmadiyya in Pakistan]
MM	22 Nov 2012	C-277/11	ve12002343	[duty of cooperation]
El Kott	19 Dec 2012	C-364/11	ve12001922	[Palestinian exception]
<i>pending cases</i>				
X, Y and Z		C-199-200-201/12	ve12001846	[homosexual orientation a social group?]
Diakite		C-285/12	ve12001502	[internal armed conflict]

Asylum Procedures				
Directive 2005/85				
<i>judgments</i>				
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]
<i>pending cases</i>				
H.I.D. and B.A.		C-175/11	ve12001843	[accelerated procedure; remedies]

Dublin II				
Regulation 343/2003				
	Date	Case nr(s)	Migratiweb	Subject
<i>judgments</i>				
Petrosian	29 Jan. 2009	C-19/08	ve09000283	[transfer deadline; suspensive effect]
N.S.	21 Dec. 2011	C-411/10	ve11003203	[conditions in Greece; no transfer]
M.E.	21 Dec. 2011	C-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	ve12002542	[Art. 15; sovereignty and humanitarian clause]

<i>pending cases</i>				
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]
M. a.o.		C-666/11	ve12000462	[timely transfer impossible; absconding]
Abdullahi		C-394/12		[meaning of First Member State]

Reception Conditions Directive 2003/9				
<i>judgments</i>				
CIMADE and GISTI	27 Sep 2012	C-179/11	ve12001982	[reception conditions during Dublin procedure]

► Borders and Visa

Visa Code Regulation 810/2009				
<i>judgments</i>				
Vo	10 Apr. 2012	C-83/12	ve12000874	[Art 21; Art 34; human trafficking]
<i>pending cases</i>				
Koushkaki		C-84/12	ve12000848	[visa procedures and discretion of MS]
Dang [withdrawn]		C-39/12	ve12000874	[fraud with and validity of visa]

Borders Code Regulation 562/2006				
<i>judgments</i>				
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	ve12001845	[annulment implementing measure]
Zakaria	17 Jan 2013	C-23/12	ve12000499	[appeal against refusal at the border]
Jaoo (case removed)		C-88/12	ve12001227	[Art 21; internal border]

Transit through new Member States, Switzerland Decision 896/2006				
<i>judgments</i>				
Kqiku	2 Apr. 2009	C-139/08	ve09001701	[TCN with Swiss residence permit]

Border traffic Regulation 1931/2006				
<i>pending cases</i>				
Shomodi		C-254/11	ve12002418	[maximum residence under border traffic rules]

Passports Regulation 2252/2004				
	Date	Case nr(s)	MigratieWeb	Subject
<i>pending cases</i>				
Schwarz		C-291/12	ve12001603	[right to passport without finger prints]
Willems		C-446/12	ve-----	[right to passport without finger prints]

► Irregular Migration

Returns Directive 2008/115				
<i>Jugments</i>				
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-73-74-75/12	ve12001883	[manifestly inadmissible]
Sagor	6 Dec 2012	C-430/11	ve12002416	[fine, home detention, expulsion prevails]
<i>pending cases</i>				
Mbaye		C-522/11	ve11003205	[fine and deportation as alternatives?]
Arslan		C-534/11	ve11003229	[directive and detention asylum seekers]
Zhu a.o.		C-51-52-53-54/12	ve12000869	[illegal residence be defined as crime?]
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>