



Overview of judgments and pending cases of the Court of Justice of the European Union on:

5 February 2014

- 1. regular migration
- 2. asylum of third-country nationals
- 3. borders and visa
- 4. irregular migration, and
- 5. EEC-Turkey Association Agreement

quarterly update



Kees Groenendijk and Carolus Grütters
Helen Oosterom-Staples

| Centre for Migration Law
| European and International Public Law

| Radboud University Nijmegen
| Tilburg University

New cases and new judgments not mentioned in the previous list are marked in red.
Judgments and pending cases are arranged in chronological order (oldest first).

1. 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., S. and L.	6 Dec 2012	C-356 ... 357/11	ve12002415	interest of the child; EU charter
Ayalti (withdrawn)	25 Mar 2013	C-513/12	ve13000126	integration test abroad

pending cases

Dogan		C-138/13	ve13000555	integration test abroad
Noorzia		C-338/13	ve13001564	minimum age of 21 years

Long-Term Residents

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

judgments

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
Com./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
lida	8 Nov 2012	C-40/11	ve12002235	lodging application for LTR is essential
Mlalali	14 Nov 2013	C-257/13	ve13001427	equal treatment; inadmissible

pending cases

Tahir		C-469/13	ve13002022	5 years residence also for spouse?
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Students, trainees & volunteers

Directive [2004/114](#)

judgments

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

pending cases

Ben Alaya		C-491/13	ve13002066	(non-)discretionary right to a student visa?
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Social Security for TCN

Regulation [859/2003](#)

judgments

Xhymshiti	18 Nov 2010	C-247/09	ve11000404	child benefits; worker in Switzerland
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pending cases

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2. 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 ... 179/08	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
X., Y. and Z.	7 Nov 2013	C-199 ... 201/12	ve13002178	homosexual orientation forms a social group
Diakite	30 Jan 2014	C-285/12	ve14000173	internal armed conflict

pending cases

H.N.		C-604/12	ve13000216	connectivity subsidiary protection and refugee status
A., B. and C.		C-148 ... 150/13	ve13000565	establishing homosexual orientation
T.		C-373/13	ve13001803	withdrawal of refugee status
Shepherd		C-472/13	ve13001948	american soldier war in Iraq resister
M'Bodj		C-542/13	ve13002415	right to medical treatment
Abdida		C-562/13	ve13002416	medical treatment pending appeal
Qurbani		C-481/13	ve13002067	interpretation Art. 31 Refugee Convention

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

pending cases

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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
Halaf	30 May 2013	C-528/11	ve13001077	sovereignty clause; Art. 18 EU Charter
Rajaby (deleted)	10 June 2013	C-158/13	ve13000611	Art 15 dependency
M.A. a.o.	2 Sep 2013	C-648/11	ve13001157	transfer of unaccompanied minor
Puid	4 Nov 2013	C-4/11	ve13002243	responsible State in stead of Greece
Abdullahi	12 Dec 2013	C-394/12	ve13002470	Art. 19(2); meaning of First Member State

pending cases

Qurbani		C-481/13	ve13002067	
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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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3. 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)	18 June 2012	C-39/12	ve12000874	fraud with and validity of visa
Koushkaki	19 Dec 2013	C-84/12	ve13002570	limited ground refusal visa; discretion MS

pending cases

Air Baltic		C-575/12	ve13000143	validity of visa in cancelled travel doc
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Borders Code

Regulation 562/2006

judgments

Garcia and Cabrera	22 Oct 2009	C-261+348/08	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
Jaoo (deleted)	14 Sep 2012	C-88/12	ve12001227	Art 21; internal border
Zakaria	17 Jan 2013	C-23/12	ve13000280	appeal against refusal at the border

pending cases

Air Baltic		C-575/12	ve13000143	validity of visa in cancelled travel doc
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Transit through Switzerland

Decision 896/2006

judgments

Kqiku	2 Apr 2009	C-139/08	ve09001701	TCN with Swiss residence permit
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pending cases

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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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pending cases

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Passports

Regulation 2252/2004

judgments

Schwarz		C-291/12	ve13002024	use of finger prints for other purposes
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pending cases

Willems a.o.		C-446 ... 449/12	ve13000124	right to passport without finger prints
U.		C-101/13	ve13000742	family names in passport
Com./Belgium		C-139/13	ve13000764	failure to issue biometric passports

4. Irregular Migration

Returns

Directive 2008/115

Judgments

Kadzoev	30 Nov 2009	C-357/09 PPU	ve09001685	maximum period of detention
El Dridi	28 Apr 2011	C-61/11 PPU	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
Zhu a.o.(deleted)	6 Feb 2013	C-51 ... 54/12	ve12000869	illegal residence be defined as crime?
Mbaye	21 Mar 2013	C-522/11	ve13000693	fine, deportation, risk of absconding
Arslan	30 May 2013	C-534/11	ve13001082	directive and detention asylum seekers
G. and R.	10 Sep 2013	C-383/13 PPU	ve13001798	infringement rights of defence
Filev and Osmani	19 Sep 2013	C-297/12	ve13001862	old unlimited entry bans incompatible

pending cases

Mukarubega		C-166/13	ve13000975	right to be heard
Da Silva		C-189/13	ve13001028	penal sanctions on illegal entry
Boudjlida		C-249/13	ve13001402	right to be heard
Bero		C-473/13	ve13001946	absence from special detention centre
Pham		C-474/13	ve13001947	no separation of ordinary criminals
Bouzalmate		C-514/13	ve13002162	absence from special centres in Germany
Zh. and O.		C-554/13	ve13002474	risk to public policy in Art. 7(4)?

5. EEC-Turkey Association Agreement

Workers and Family Members Decision 2/76 and 1/80

Judgments

Demirel	30 Sept 1987	C-12/86	ve07002117	
Sevince	20 Sept 1990	C-192/89	ve06001442	
Kus	16 Dec 1992	C-237/91	ve07002116	
Eroglu	5 Oct 1994	C-355/93	ve06001432	
Bozkurt (Ahmet)	6 June 1995	C-434/93	ve05000207	
Tetik	23 Jan 1997	C-171/95	ve99000087	
Kadiman	17 Apr 1997	C-351/95	ve06001418	
Eker	29 May 1997	C-386/95	ve07002119	
Kol	5 June 1997	C-285/95	ve06001419	
Ertanir	30 Sept 1997	C-98/96	ve06001417	
Günaydin	30 Sept 1997	C-36/96	ve06001422	
Akman	19 Nov 1998	C-210/97	ve06001423	
Birden	26 Nov 1998	C-1/97	ve06000779	
Nazli	10 Feb 2000	C-340/97	ve02001146	
Ergat	16 Mar 2000	C-329/97	ve00000037	
Eyüp	22 June 2000	C-65/98	ve00000050	
Bicakci	19 Sept 2000	C-89/00	ve06001424	
Kurz (Yuce)	19 Nov 2002	C-188/00	ve03000107	
Birlikte	8 May 2003	C-171/01	ve06001420	
Abatay & Sahin	21 Oct 2003	C-317/01+369/01	ve03001582	
Com./Austria	16 Sept 2004	C-465/01	ve06001421	
Ayaz	30 Sept 2004	C-275/02	ve04001671	
Cetinkaya	11 Nov 2004	C-467/02	ve04001883	
Dörr en Ünal	2 June 2005	C-136/03	ve05001076	
Aydinli	7 July 2005	C-373/03	ve05001232	
Dogan (Ergül)	7 July 2005	C-383/03	ve05001233	
Gürol	7 July 2005	C-374/03	ve05001235	
Sedef	10 Jan 2006	C-230/03	ve06000248	
Torun	16 Feb 2006	C-502/04	ve06000249	
Güzeli	26 Oct 2006	C-4/05	ve06001416	
Derin	18 July 2007	C-325/05	ve07001408	
Polat	4 Oct 2007	C-349/06	ve07001973	
Payir a.o.	24 Jan 2008	C-294/06	ve08000192	
Nihat Kahveci	25 July 2008	C-152/08	ve12000504	
Er	25 Sept 2008	C-453/07	ve08001673	
Altun	18 Dec 2008	C-337/07	ve08002110	
Sahin	17 Sept 2009	C-242/06	ve09001278	
Bekleyen	21 Jan 2010	C-462/08	ve10000153	
Genc	4 Feb 2010	C-14/09	ve10000204	
Com./Netherlands	29 Apr 2010	C-92/07	ve10000639	
Toprak & Oguz	2 Dec 2010	C-300...301/09	ve10002230	
Bozkurt (Metin)	22 Dec 2010	C-303/08	ve11000022	
Pehlivan	16 June 2011	C-484/07	ve11001350	
Baris Ünal	29 Sept 2011	C-187/10	ve11002311	
Ziebell	8 Dec 2011	C-371/08	ve11003085	
Kahveci & Inan	29 Mar 2012	C-7...9/10	ve12000785	
Dülger	19 July 2012	C-451/11	ve12001597	
Gülbahce	8 Nov 2012	C-268/11	ve12002236	
Demir	7 Nov 2013	C-225/12	ve13002177	standstill in Art. 13 of Dec. 1/80

pending cases

Essent		C-91/13	ve13000359	standstill - subcontractors
Dogan (Naime)		C-138/13	ve13000555	language requirement abroad

Establishment and Provision of Services Additional Protocol

Judgments

Savas	11 May 2000	C-37/98	ve00000031
Abatay & Sahin	21 Oct 2003	C-317/01	ve03001582
Yedas Tarim/Council	5 July 2007	C-255/06 P	ve07002122
Tum & Dari	20 Sept 2007	C-16/05	ve07001703
Soysal & Savatli	19 Feb 2009	C-228/06	ve09000248
Com./Netherlands	29 Apr 2010	C-92/07	ve10000639
Tural Oguz	21 July 2011	C-186/10	ve11001753

5. EEC-Turkey Association Agreement

Workers and Family Members Decision 2/76 and 1/80

Dereci a.o.	15 Nov 2011	C-256/11	ve11002794
Demirkan	24 Sep 2013	C-221/11	ve13001900

(5. EEC-Turkey
Association Agreement -
continued)

pending cases

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Social Security Decision 3/80

Judgments

Taflan-Met	10. Sept 1996	C-277/94	ve07002120
Sürül	04 May 1999	C-262/96	ve99000035
Kocak	14 Mar 2000	C-102/98	ve02001014
Öztürk	28 Apr 2004	C-373/02	ve04000791
Akdas	26 May 2011	C-485/07	ve11001241

pending cases

Demirci a.o.		C-171/13	ve13000669
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Sources: <<http://www.curia.europa.eu>> | <<http://cmr.jur.ru.nl/nemis>> | <<http://cmr.jur.ru.nl/neais>> | <<http://www.migratieweb.nl>>